

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2005

Wednesday, April 26, 1995, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present

Ballard
Boyle
Carnes,
Chairman
Doherty, 1st Vice
Chairman
Gray, Secretary
Ledford
Midget, Mayor's
Designee
Pace
Selph
Taylor

Members Absent

Horner

Staff Present

Gardner
Hester
Jones
Stump

Others Present

Linker, Legal
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, April 24, 1995 at 12:36 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Carnes called the meeting to order at 1:35 p.m.

REPORTS:

Director's Report:

Mr. Gardner informed of items on the City Council agenda for April 27, 1995.

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SUBDIVISIONS:

PRELIMINARY PLAT

Riverbridge West (PUD-261-C)(683)

(PD-18)(CD-2)

East of the northeast corner of East 71st Street South & South Peoria Avenue.

The TAC reviewed the submitted preliminary plat for Riverbridge West on January 5 and approved the sketch plat only. It was requested that the applicant return to the TAC with a revised preliminary plat when a site plan had been developed. The applicant has submitted the site plan and revised plat for preliminary approval.

Staff would offer the following comments and/or recommendations:

1. A PUD major amendment, PUD-261-C, has been filed to permit commercial use and will be heard by the TMAPC on February 14, 1995. The preliminary plat will not be transmitted to the TMAPC until the rezoning ordinance has been published.
2. The applicant should take proper legal steps to vacate the existing detention area.
3. Remove utility structure information from the face of the plat.
4. All conditions of PUD-261-A shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1107 of the Zoning Code in the covenants.

5. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
6. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
7. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
8. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
9. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
10. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).

11. Street names shall be approved by the Department of Public Works and shown on plat.
12. All curve data, including corner radii, shall be shown on final plat as applicable.
13. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
14. Bearings, or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
15. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
16. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
17. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
18. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
19. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
20. The key or location map shall be complete.
21. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
22. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
23. This plat has been referred to Jenks because of its location near or inside a "fence line" of that municipality. Additional requirements may be made by the applicable municipality. Otherwise only the conditions listed apply.
24. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
25. All other Subdivision Regulations shall be met prior to release of final plat.

Staff Comments

Mr. Jones informed that the preliminary plat was originally filed in December 1994, and during review it was determined that a major amendment was needed and processed before the preliminary plat could be considered. He advised that the applicant filed the major amendment and the ordinance has been published. Mr. Jones stated that a waiver of Subdivision Regulations is needed to permit a nine-day notice to abutting property owners, rather than fifteen. He advised that one property owner, Robin Lacy, contacted Staff and voiced opposition to the waiver of notice, although he was not opposed to the preliminary plat. Mr. Jones informed that Staff recommends approval of waiving fifteen-day notice.

TMAPC Action; 10 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Ledford, Midget, Pace, Selph, Taylor "aye"; no "nays"; none "abstaining"; Horner "absent") to **APPROVE** the **WAIVER** of Subdivision Regulations to allow a nine-day notice as recommended by Staff.

TMAPC Action; 10 members present:

On **MOTION** of **BALLARD**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Ledford, Midget, Pace, Selph, Taylor "aye"; no "nays"; none "abstaining"; Horner "absent") to **APPROVE** the **PRELIMINARY PLAT** for Riverbridge West as recommended by Staff.

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PLAT WAIVER, SECTION 213:

PUD-179-T (Woodland Hills Annex)(1283) **(PD-18)(CD-7)**
East of the southeast corner of East 71st Street South and South Memorial Drive.

PUD-179-T was a major amendment to permit Use Unit 19 use (hotel/motel) which was approved by the City Council on March 22, 1995. The amendment is located in an existing subdivision plat which was filed of record in July 1989.

After review of the applicant's site plan, Staff can see no advantage in a replat of the subject tract. Staff would recommend **APPROVAL** of the plat waiver for PUD-179-T subject to the following conditions:

1. Grading and/or drainage plan approval by the Department of Public Works in the permit process.
2. Utility extensions and/or easements if needed.
3. Sewer availability to the El Paseo lift station.

Staff Comments

Mr. Jones informed that Ted Sack was present representing the plat. He advised that TAC was concerned over this property being sewered to the El Paseo lift station and whether that station has the capacity to handle the additional load.

TMAPC Action; 10 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Ledford, Midget, Pace, Selph, Taylor "aye"; no "nays"; none "abstaining"; Horner "absent") to **APPROVE** the PLAT WAIVER for PUD 179-T as recommended by Staff.

PUD-179-U (El Paseo)(1283)
8522 East 71st Street South.

(PD-18)(CD-7)

PUD-179-U was a major amendment to permit the expansion of an existing car wash on East 71st Street South.

After review of the applicant's submitted plot plan, Staff can see no benefit to the City in requiring a replat of the subject tract. Staff is processing this request as an "Administrative Plat Waiver" in which no Technical Advisory Committee review was made. Staff recommends **APPROVAL** of the plat waiver for PUD-179-U, subject to the following conditions:

1. Grading and/or drainage plan approval by the Department of Public Works in the permit process.
2. Utility extensions and/or easements if needed.

TMAPC Action; 10 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Ledford, Midget, Pace, Selph, Taylor "aye"; no "nays"; none "abstaining"; Horner "absent") to **APPROVE** the PLAT WAIVER for PUD 179-U as recommended by Staff.

FINAL APPROVAL AND RELEASE:

College Parke Second (PUD-306)(2083)
East 95th Street South at South College Place.

(PD-18)(CD-2)

Staff Comments

Mr. Jones informed that all release letters have been received and Staff recommends approval.

TMAPC Action; 10 members present:

On **MOTION** of **BALLARD**, the TMAPC voted **9-0-1** (Ballard, Boyle, Carnes, Doherty, Gray, Ledford, Midget, Pace, Taylor "aye"; no "nays"; Selph "abstaining"; Horner "absent") to **APPROVE** the FINAL PLAT of College Parke Second and **RELEASE** same as having met all conditions of approval as recommended by Staff.

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CHANGE OF ACCESS ON RECORDED PLAT:

101 Yale Village (PUD-516)(2783)
Southeast corner of East 101st Street South and South Yale Avenue.

(PD-26)(CD-8)

Mr. Jones informed of the need to change the access points on South Yale Avenue. He advised that the Traffic Engineering Department has approved the proposed change; therefore, Staff recommends approval as presented.

TMAPC Action; 10 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Ledford, Midget, Pace, Selph, Taylor "aye"; no "nays"; none "abstaining"; Horner "absent") to **APPROVE** the CHANGE OF ACCESS ON RECORDED PLAT for 101 Yale Village as recommended by Staff.

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Dickens Commons (2893)
East of the northeast corner of East 51st Street South and South Harvard Avenue.

(PD-18)(CD-7)

Mr. Jones called attention to a location map in the agenda packet depicting existing limits of access, noting that the request is to shift one access point approximately 40' to the east. He advised that Traffic Engineering has signed off on the proposal; therefore, Staff recommends approval subject to the proposal as presented.

TMAPC Action; 10 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Ledford, Midget, Pace, Selph, Taylor "aye"; no "nays"; none "abstaining"; Horner "absent") to **APPROVE** the CHANGE OF ACCESS ON RECORDED PLAT for Dickens Commons as recommended by Staff.

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ZONING PUBLIC HEARING:

Application No.: **PUD-533**

Present Zoning: CS/OM

Applicant: Ted Sack

Proposed Zoning: CS/OM/PUD

Location: Northwest corner of East 27th Street South and South Skelly Drive (I-44).

Date of Hearing: April 26, 1995

Presentation to TMAPC: Ted Sack

The applicant is proposing a commercial PUD on a tract with frontage on 27th Street South, the I-44 frontage road, South 85th East Avenue, and 26th Street South. The PUD contains three residential lots on 85th East Avenue and completely surrounds two others on 85th East Avenue which are not part of the PUD. The PUD is designated Medium Intensity - Residential, but the western 75% of the PUD is zoned *CS* and the remainder is zoned *OM*. The entire northern boundary of the PUD abuts apartment developments while the west and southwest boundaries abut retail commercial and motels. The southeast side, which is over 1,000' long, abuts the I-44 frontage road.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, Staff finds PUD-533 to be: (1) consistent with the Comprehensive Plan if amended to reflect the current zoning; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, Staff recommends **APPROVAL** of PUD-533 subject to the following conditions:

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.

2. **Development Standards:**

Land Area (Gross): 419,033 SF
(Net): 375,688 SF

Permitted Uses: Use Units 1, 4, 10, 11, 12, 13, 14, 16, 19, 21 and Printing, Publishing and Reproduction Services and existing multifamily dwellings

Maximum Building Floor Area:	130,000 SF & existing multifamily dwellings	
Maximum Building Height:		25'
Minimum Building Setbacks (new construction)		
From north boundary of PUD:		30'
From west boundary of PUD:		0'
From centerlines of E. 27th St. S. & S. 85th E. Ave.:		50'
From right-of-way of I-44 frontage road:		50'
(if residential uses of lots 1-5 exists, the following shall apply)		
From any lot line of lots 1-5:		30'
Minimum Parking Lot Setbacks		
From north boundary:		10'
From I-44 frontage road and right-of-way:		5*
From other street rights-of-way:		5'
From lots 1-5 if they contain residential uses:		10'
Minimum Landscaped Open Space:		10%

*Amended by TMAPC.

Signage:

Three ground signs are permitted along the I-44 frontage road and one ground sign along 27th Street South. The ground signs along the frontage road shall not exceed 30' in height nor 150 SF of display surface area each. The ground sign on 27th Street South shall not exceed 12' in height nor 45 SF of display surface area. All ground signs shall be at least 100' from a residential district boundary or residentially used lot.

Wall signs shall not exceed 2 SF per linear foot of building wall to which it is attached. Wall signs are only permitted on walls which face the I-44 frontage road or 27th Street South. Wall signs which face 27th Street South are only permitted if the existing residential uses on lots 1-5 on 85th Street are discontinued.

No other ground (including monument signs) or wall signs are permitted.

3. A minimum of a 10' wide landscaped buffer strip and a screening fence shall be provided along the entire northern boundary of the PUD. Additional screening fences may be required around the residential lots (lots 1-5) depending upon the configuration of non-residential development. These screening requirements will be determined by the TMAPC when they review the detail site plan.
4. No access for non-residential development shall be permitted directly onto 85th East Avenue so long as residential use continues on that street. No access for non-residential development shall be permitted onto South 87th East Avenue nor East 26th Street South.

5. No Zoning Clearance Permit shall be issued within the PUD until a Detail Site Plan, which includes all buildings and required parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
6. A Detail Landscape Plan shall be submitted to the TMAPC for review and approval. A Landscape Architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
7. No sign permits shall be issued for erection of a sign within the PUD until a Detail Sign Plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
8. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
9. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 16 feet within 50' of a residential lot.
10. The Department of Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit.
11. No Building Permit shall be issued until the requirements of Section 1107E of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants.
12. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

Applicant's Comments

Ted Sack, representative for the owner of the tract, expressed agreement with Staff recommendation, except for setback from parking abutting I-44 right-of-way. He explained that because of the triangular shape of the tract, it necessitates a large landscaped area on the area south of the street from the multifamily development to the north. Mr. Sack questioned the need for an additional 5' setback.

Responding to inquiry from Mr. Boyle, Mr. Stump informed that Staff recommended the additional 5' setback due to it being a highly visible area, and the additional setback might give trees a better chance of surviving.

Interested Parties

Don Ringeisen

Good Shepherd Lutheran Church 74136

Mr. Ringeisen conveyed concerns over additional stormwater runoff caused by new development. He called attention to future plans for realignment and the widening of I-44. Mr. Ringeisen suggested coordinating with the Oklahoma Department of Transportation (ODOT) regarding drainage. Mr. Ringeisen stressed that he is not protesting the development, but is attending this meeting to ask questions regarding plans to address stormwater runoff and how this may be addressed.

Mr. Doherty explained that public works reviewed stormwater issues and explained their procedure.

Mr. Ringeisen expressed concern for the safety of children who play in the area.

Jim Southern

3512 East 4th Place 74112

Mr. Southern informed that his property is completely surrounded by the proposed PUD. He revealed that there is often standing water on the property. He also expressed concern that adequate drainage be provided. Mr. Southern requested that lighting be directed away from existing apartments.

The below-listed individuals declined comment, stating that the Mr. Ringeisen expressed their concerns.

Bob Saubert

5541 East 35th 744135

Glenda Allison

2645 East 66th Street 74136

Applicant's Comments

Mr. Sack informed that drainage will be addressed when the Public Works Departments reviews the PUD, and the requirements Public Works imposes must be met prior to issuance of a building permit. He deemed that with the PUD restrictions the existing structures are given additional buffers which do not exist under current zoning.

There was discussion surrounding future plans for widening I-44 and whether or not it can be accomplished within the existing right-of-way. Mr. Sack informed that he was unaware of any additional taking in the area.

Mr. Doherty expressed being comfortable with allowing the applicant 5' setback and noted Staff's concern that there be sufficient room for plantings to survive, especially with the unpaved area on the right-of-way which most likely will not be used. He moved approval per Staff recommendation noting that the only difference was on setback.

TMAPC Action; 10 members present:

On **MOTION** of , the TMAPC voted **9-0-1** (Ballard, Boyle, Carnes, Doherty, Gray, Ledford, Midget, Pace, Selph "aye"; no "nays"; Taylor "abstaining"; Horner "absent") to recommend **APPROVAL** of Staff recommendation with the exception of the parking lot setback on I-44 frontage road be reduced to 5'.

LEGAL DESCRIPTION

All of Lots 1, 2, 3, & 6 of Tri-Center Village, an Addition to the City of Tulsa, Tulsa County, Oklahoma, in the Southwest Quarter of Section 13, Township 19 North, Range 13 East, and located on the northeast corner of East 27th Street South and Skelly Drive (I-44 Skelly By-pass), Tulsa, Oklahoma.

Application No.: **Z-6486**
Applicant: Richard Kosman
Location: : 4849 South Mingo Road.
Date of Hearing: April 26, 1995
Presentation to TMAPC:

Present Zoning: RS-3
Proposed Zoning: IL

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Special District 1, Industrial Area.

According to the Zoning Matrix, the requested IL **may be found** in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property contains approximately .826 acres. The property is flat, non-wooded, contains four structures used as a children’s day care, and is zoned RS-3.

Surrounding Area Analysis: The subject tract is abutted on the north by vacant property zoned RS-3, to the south by a commercial business zoned IL, to the east by a detention area/public park with soccer fields zoned IL; and to the west by apartments zoned RM-2.

Zoning and BOA Historical Summary: Past zoning requests have allowed industrial zoning on surrounding property.

Conclusion: Based on the Comprehensive Plan, future industrial development is encouraged within this Special District and commercial uses are considered not appropriate. Staff, therefore, recommends **APPROVAL** of IL zoning for this area.

Interested Parties

Frank M. Rowell, Jr.

2919 East 47th 74109

Mr. Rowell, owner of property to the north of the subject tract, expressed no objection to the proposed zoning. However, he suggested that the more appropriate zoning would be for commercial use. Mr. Rowell gave a detailed history of the area.

Applicant's Comments

Mr. Kosman, representative for the owners of the property, explained that the applicant intends to add on to one of the existing structures and eventually raze the remaining three structures. He explained that the property owners decided to request IL zoning since the Comprehensive Plan will not support commercial zoning.

TMAPC Action; 10 members present:

On **MOTION** of **BOYLE**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Ledford, Midget, Pace, Selph, Taylor "aye"; no "nays"; none "abstaining"; Horner "absent") to recommend **APPROVAL** of Z-6486 for IL zoning as recommended by Staff.

LEGAL DESCRIPTION

Beginning 358' South of the Northwest corner of the SW, SW, thence East 158', South 75', West 208', North 75', to POB, less the West 50' for street, and beginning 885.81' North of the Southwest corner of the SW/4, thence 158.71', South 48.81', West 208.71', North 48.81' to POB, less the West 50' for street, and beginning 733' North of the Southwest corner of the SW/4, thence North 104', East 158', South 104', West 208' to POB, less the West 50' for street, Section 30, T-19-N, R-14-E, and located at 4849 South Mingo Road, Tulsa, Oklahoma.

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OTHER BUSINESS

PUD-179-U: Detail Site Plan - Lot 9, Block 2 of El Paseo Addition

The applicant is requesting site plan approval for "Spot-Not" car wash.

Staff has reviewed the request and finds that the circulation, setbacks, landscaped area and building coverage conform to the requirements of the PUD.

Therefore, Staff recommends **APPROVAL**.

TMAPC Action; 10 members present:

On **MOTION** of **BALLARD**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Ledford, Midget, Pace, Selph, Taylor "aye"; no "nays"; none "abstaining"; Horner "absent") to **APPROVE** PUD 179-U DETAIL SITE PLAN as recommended by Staff.

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PUD-360-A: Detail Amended Site Plan - Lot 1, Block 1, Homeland 0102 - north of the northwest corner of East 91st Street South and South Memorial Drive.

The applicant is requesting approval of an amended site plan to allow the annual location of a temporary snow cone stand. The dates of requested operation are from April 1 to September 30, annually.

Staff has reviewed the request and finds it to be compatible with the purpose and intent of the PUD. Staff also finds that the scale and type of proposed use will have little or no negative impact to the existing development for the foreseeable future.

Therefore, Staff recommends **APPROVAL** of the request as proposed, subject to the following:

1. The request shall be limited to the years 1996 - 2000 and thereafter may be renewed at Staff's discretion.
2. Expansion of the types of use or size of structure shall invalidate this approval.
3. Failure to remove the structure by September 10 of each calendar year shall invalidate this approval.

TMAPC Action; 10 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Ledford, Midget, Pace, Selph, Taylor "aye"; no "nays"; none "abstaining"; Horner "absent") to **APPROVE** PUD 360-A AMENDED DETAIL SITE PLAN as recommended by Staff.

PUD-261-C-1: Reconsideration of a Minor Amendment - Northeast corner of East 71st Street South and South Peoria Avenue - Development Area B, Riverbridge.

The applicant requests reconsideration of the previously-approved ground sign display area increase for Lot 3.

The previous approval granted 95 SF. The new request is for 110 SF. The reason for the request is the applicant's inadvertent miscalculation of required area.

Staff recommends **APPROVAL**.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Ledford, Midget, Pace, Selph, Taylor "aye"; no "nays"; none "abstaining"; Horner "absent") to **RECONSIDER** PUD 261-C-1 MINOR AMENDMENT.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Ledford, Midget, Pace, Selph, Taylor "aye"; no "nays"; none "abstaining"; Horner "absent") to **APPROVE** PUD 261-C-1 MINOR AMENDMENT as recommended by Staff.

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Street Closing: TMAPC to consider the merits of closing East 57th Place South at a point approximately 1,000 feet west of South Peoria Avenue.

TMAPC Comments

Mr. Doherty reported that a representative for John Piercey was in attendance at the beginning of the April 19 Planning Commission meeting. Due to a bomb threat, the representative was mistakenly told that the meeting was postponed to April 26. Mr. Piercey asked for reconsideration to allow his representative to make a presentation and be part of the record.

TMAPC Action; 10 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Ledford, Midget, Pace, Selph, Taylor "aye"; no "nays"; none "abstaining"; Horner "absent") to **RECONSIDER** the merits of closing East 57th Place South at a point approximately 1,000 feet west of South Peoria Avenue.

Interested Parties

Carey Piercey

8 East Woodward Boulevard 74114

Mr. Piercey asked if there was a Staff recommendation for this item. Mr. Doherty told him that there was none and that there is no precedent for this type of item. Responding to questions from Mr. Piercey, Mr. Doherty explained the action taken by the Planning Commission at the April 19 meeting. Mr. Piercey asked if the City Attorney has taken a position on the street closing.

Mr. Gardner informed of receipt of a memo from Alan Jackere to David Pauling informing that there is no legal reason, if the City decides to close the street, that it could not be closed.

Mr. Carey informed that he was representing the owner of 160 multifamily units on 57th Place, Riverwalk Apartments and Forest Park Patio Apartments; he advised that he is also representing the tenants of those properties. Mr. Carey presented letters from the tenants listing reasons for opposition to the street closing. The objections of the tenants center

around safety and convenience. Residents fear that, should the street be closed, the criminal element will congregate in the area, emergency vehicle access to the area will be impeded and there will be increased traffic congestion accessing Peoria. Mr. Piercey informed that the concern of the property owner is economic. He reported that some of the tenants have advised that if access to 57th Place is denied, they may have to relocate. Mr. Piercey revealed that the owners deem the potential is present for a detrimental effect on the property regarding occupancy and rental rates.

Mr. Piercey disclosed that the apartment residents feel that the Planning Commission is recommending a course of action that is discriminatory, pitting single-family residents against the multifamily residents. He questioned how it could be justified to allow Brunswick, which is a multifamily condominium 50% leased, can be singled out to have access to the street with the apartments, predominately minority multifamily residents, denied access. Mr. Piercey was concerned over the effect the proposed street closing would have on potential buyers of the apartments.


It was the consensus of the Planning Commission that the street closing will increase the livability of the area for both the single-family and multifamily residents.

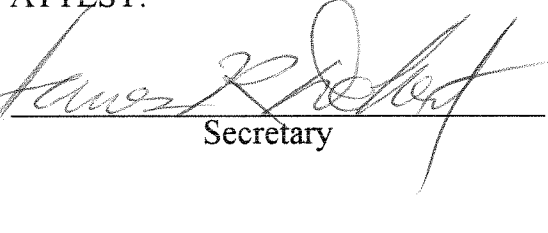
TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Ballard, Boyle, Carnes, Doherty, Gray, Ledford, Pace, Taylor "aye"; no "nays"; none "abstaining"; Horner, Midget, Selph "absent") to **REAFFIRM** the previous action to **RECOMMEND** closing 57th Place, provided that the Brunswick Condominiums continue to have access to Madison Avenue.

It was the consensus of the Planning Commission to withhold transmittal of the minutes of April 19, 1995 to the City Council until today's minutes are ready for transmittal.

There being no further business, the Chairman declared the meeting adjourned at 3:00 p.m.

Date Approved: May 10, 1995

Chairman

ATTEST:

Secretary

