

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2073

Wednesday, July 3, 1996, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present

Ballard
Carnes, Chairman
Dick
Doherty, 1st Vice Chairman
Gray
Horner
Ledford
Pace, Secretary

Members Absent

Boyle
Edwards
Midget

Staff Present

Almy
Stump

Others Present

Linker, Legal
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, June 28, 1996 at 3:33 p.m, in the office of the County Clerk at 2:28 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 1:34 p.m.

Minutes:

Approval of the minutes of June 19, 1996, Meeting No. 2071:

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Ballard, Carnes, Dick, Doherty, Gray, Horner "aye"; no "nays"; none "abstaining"; Boyle, Edwards, Ledford, Midget, Pace "absent") to **APPROVE** the minutes of the meeting of June 19, 1996 Meeting No. 2071.

REPORTS:

Committee Reports:

Rules and Regulations Committee

Mr. Doherty informed the Commission that the Rules and next week in Room 1102 following the regularly sched outdoor advertising signs.

Director's Report:

Mr. Stump reminded the Commission that due to the h Council meeting this week.

SUBDIVISIONS:

Lot Split for Ratification of Prior Approval:

- L-18296 Crow-Lippe #2 (3294)
SE corner S. 122nd E. Avenue. & East 55th Street South
- L-18303 Williams Family Rev. Trust 6/20/89 (594)
430 S. 127th E. Avenue
- L-18307 31st & Memorial LLC (2393)
SW corner 31st & Memorial
- L-18315 Darwin C. Smith Jr. (382)
S. 27th West Avenue at 64th Place
- L-18316 City of Tulsa (2094)
12802 East 31st Street
- L-18318 Sack & Assoc. (983)
East 72nd & South Jamestown

Staff Comments:

Mr. Stump informed the Commission that these lot-splits for in order and meet Subdivision Regulations.

TMAPC Action; 6 members present:

On **MOTION** of **DICK**, the TMAPC voted **6-0-0** (Ball Horner, "aye"; no "nays"; none "abstaining"; Boyle, "absent ") to **APPROVE** the Lot-splits for Ratification accordance with Subdivision Regulations.

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Change of Access on Recorded Plat:

The Interchange (3104) South of the southwest corner of North Garnett Road. & E. Newton Street (PD-16) (CD-6)

Staff Comments:

Mr. Stump stated this is a request to move an existing access point ten feet to the south in order to line up with a proposed lot-split to allow access to both lots. Traffic Engineering and Staff have no objection to the request. Therefore, Staff recommends approval.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Ballard, Carnes, Dick, Doherty, Gray, Horner "aye"; no "nays"; none "abstaining"; Boyle, Edwards, Ledford, Midget, Pace "absent ") to **APPROVE** the Change of Access on Recorded Plat for The Interchange as recommended by Staff.

CONTINUED ZONING PUBLIC HEARING:

Application No.: Z-6542

Applicant: Curtis G. Holsted

Location: East of southeast corner of I-244 and Garnett Road

Presented to TMAPC: Curtis G. Holsted

**RM-1 to IL
(PD-5)(CD-6)**

Staff Recommendation:

Relationship to the Comprehensive Plan:

The District 5 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Medium Intensity, No Specific Land Use, Corridor and Development Sensitive.

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

Staff Comments:

Site Analysis: The subject property is approximately 14.2 acres in size and located on the south side of I-244 approximately one-quarter mile east of North Garnett Road. It is partially wooded, flat, vacant and zoned RM-1.

Surrounding Area Analysis: The subject tract is abutted on the north by I-244, zoned RS-3; to the south and west by vacant property, zoned RM-1; and to the east by a mobile home sales and storage and a single-family dwelling, zoned IL.

Zoning and BOA Historical Summary: The property abutting the subject tract on the east was rezoned from RMH to IL in 1993.

Conclusion: The applicant is proposing to attach the subject tract to the property on the east as an extension of the manufactured home sales and storage. The only access to the subject tract will be through the adjoining residential development and then by a private gravel driveway from a residential street located south and east of the adjoining property. This access is not sufficient for commercial or industrial use. The existing IL zoned tract to the east was rezoned with the condition that no expansion of the existing mobile home storage be allowed until the property was platted and a new access was provided to 129th East Avenue. This has not occurred; therefore, Staff cannot support additional commercial or industrial uses with access through a residential area. Staff recommends **DENIAL** of IL zoning for Z-6542.

Applicant's Comments:

Curtis Holsted, 1221 East Admiral Place, indicated on the map that he has lived on the adjacent property for 29 years. He currently stores and sells used mobile homes on this property. In regard to a roadway off of 129th East Avenue, Mr. Holsted indicated that one area is located in a floodplain, another area will be a retention pond and that the remainder is not located within a floodplain. Mr. Holsted stated that due to part of his property being located within the floodplain, he cannot obtain financing to further develop his property or a roadway. Mr. Holsted stated that he does not propose to store mobile homes or anything else on the subject property. Mr. Holsted informed the Commission that the purpose for having the property zoned IL is to allow him to use this property to obtain financing to acquire the necessary easements and construct a roadway. Mr. Holsted stated that he had previously donated land to the City of Tulsa for a retention pond that is to be constructed later this year. Mr. Holsted indicated that the subject property may also be used for outdoor advertising sign. Mr. Holsted stated that the subject property has been in bankruptcy and has had several owners over the years. Mr. Holsted has been trying to obtain IL zoning to be able to construct the necessary roadways into this area.

There were no interested parties wishing to speak.

TMAPC Comments:

Mr. Carnes clarified that when traveling to the subject tract, one would travel through IL and beside RM zoning, not through RM.

Mr. Doherty questioned Mr. Holsted as to how many mobile homes are transported in and out on a daily basis. Mr. Holsted replied that there are days that he does not move any mobile homes. Mr. Holsted stated that he has a bridge for accessing the mobile homes.

Mr. Doherty stated that Staff is correct in that before full development, some provisions must be made to provide access to the subject property. However, access is usually handled at the platting stage and not at the zoning stage. Ultimately, Mr. Doherty feels IL zoning is the best use considering the property is located against the expressway, with IL to the east and a floodplain to the south. Mr. Doherty feels that the use for storage of mobile homes is a temporary and not a long-term use of the land. Mr. Doherty stated he could support IL zoning, however, he could not support approval of a plat without adequate access.

TMAPC Action; 8 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Ballard, Carnes, Dick, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Boyle, Edwards, Midget "absent ") to recommend **APPROVAL** of the IL zoning for Z-6542.

Legal Description for Z-6542:

Beginning from a point located 980' North of the Southeast corner of the SE/4, SW/4, Section 32, T-20-N, R-14-E, Tulsa County, Oklahoma, thence North to the Southerly right-of-way line of I-244 Highway, thence Westerly along said Southerly right-of-way line a distance of 1,327.11', thence South Southeast 517.62', thence East 740.75', thence North 83.66', thence East 250', thence North 60', thence East 300' to the point of beginning, containing 14.02 acres, and located at on the south side of I-244 and east of North Garnett Road, Tulsa, Oklahoma.

Application No.: PUD-221E

(PD-17)(CD-6)

(Major Amendment to allow a cellular phone tower)

Applicant: Robert A. Hinton

Location: East of 121st East Avenue on 41st Street

Presented to TMAPC: Robert A. Hinton

Staff Recommendation:

The proposed major amendment is to add a Use Unit 4, 100' high monopole cellular telephone antenna tower to the permitted uses on a tract approximately 100' x 100' in size immediately east of an existing apartment complex. The surrounding area to the south and west is undeveloped but planned for residential uses and the area to the north across 41st Street contains duplexes and single family homes.

The proposed location does not meet the zoning ordinance requirement that such towers be set back at least 1' from an R district boundary for every foot of height of the tower.

The area proposed for the antenna tower is the site where two tennis courts were required to be constructed as part of the apartment development to the west. Even though the site plan approved for this area showed two tennis courts, they appear to have never been built.

Because this area is currently required to be a recreational area for the apartment complex, and the site is also too close to a residential area, Staff recommends **DENIAL** of PUD 221-E.

Applicant's Comments:

Kevin Coutant, 320 South Boston, Suite 500, is representing United States Cellular. Mr. Coutant provided the Commissioners with an exhibit packet. Mr. Coutant stated that the tower in question is a monopole tower. It is not a guide tower with lattice-work structure. It is more like a very large light pole. The tower will have a total height of 100 feet. Mr. Coutant called attention to the site plan, on page 5 of the exhibits, and pointed out the location of the tower and equipment building. Mr. Coutant described the equipment building which will contain the equipment necessary to operate the tower. Mr. Coutant stated that this is the use proposed.

Mr. Coutant reviewed Staff's recommendation as well as the history of the case. Mr. Coutant stated that the PUD was approved in 1981 and PUD-221A was approved with a site plan showing a tennis court. Mr. Coutant conveyed that due to the tennis court, that is why this request is classified as a major amendment. Mr. Coutant called attention to photographs on page 6 of the exhibits to give perspective on the distance involved between the proposed tower and residences in the area. Mr. Coutant stated that 15 years ago this site was used for disposal of heavy rocks that were generated in the construction of a major water line through the area. Due to the disposal, the subject property is above-grade, grading upwards, with plateaus at the top.

Mr. Coutant could not say why the tennis court has not been constructed. He has made inquiries of the apartment owners. Mr. Coutant indicated the apartment owners were not aware of the requirement for any tennis courts. He also indicated that the PUD was approved in 1981 when the PUD's procedures were new and this PUD was considered as a whole. The process for a PUD in 1981 did not require the separate steps for the PUD review, subsequent site plan review and landscape review. Mr. Coutant feels that PUD-221A appears to have been approved as a whole. Mr. Coutant reaffirmed that the tennis courts are not there and he has made an effort to search the records for complaints or enforcement actions that might evidence interest in their construction. Mr. Coutant feels the property is not suitable for tennis courts due to the elevation and the rocks. It would be structurally unstable and a maintenance problem.

Mr. Coutant referred to page 5 regarding the dimensions of the tower. The tower is 175 feet from the centerline of 41st Street, with another 50 feet of right-of-way north of that and then the residences are beyond that. Mr. Coutant stated that the distance to the lot-line of

the single-family residential lots from the tower is in excess of 225 feet. Mr. Coutant pointed out the 150 feet east/west to the building. The 150 feet is measured from the center of the tower, as currently planned, over to the building that is shown in the pictures. There is a parking lot that has a center aisle with perpendicular parking on either side located between the site and the building.

Mr. Coutant stated that there were two concerns that have been expressed. In regards to the tennis courts, the apartment project is 15 years old and the tennis court are not there and Mr. Coutant feels that the tennis court will not be constructed. The property is a vacant field full of weeds and the proposed tower would make this property useful. The project will be nicely landscaped. The budget for landscaping will allow perimeter planting around the entire fenced-in area of the site and sodding the area outside of the fence. This will clean up the property and put it to use in a way that Mr. Coutant feels is appropriate and for the benefit of the neighborhood and the people who benefit from telephone service in our community.

In regards to the one-to-one setback requirement, Mr. Coutant referred to Subsection 1204-C of the Zoning Code provisions. In AG-Residential or an Office District, the setbacks will be specified by the Board of Adjustment. Mr. Coutant stated that this case, since it is a PUD, is a matter which is within the judgment of the Commission. Mr. Coutant stated that the one-to-one setback is based on the zoning line because it is a known line. However, Mr. Coutant feels that the one-to-one setback, in this case, should be based on the building line since there is not a zoning line. Based on the building line, it would allow for a 150-foot setback. Mr. Coutant feels this would not violate the policy of setbacks.

Interested Parties Comments:

Don White, 13402 East 40th Place, is President of the Park Plaza 3 and 4 Homeowners Association. Mr. White presented a petition in opposition to the proposed tower. Mr. White stated that the neighborhood association has worked countless hours to improve this property. The property has bedrock and garbage; however, the association is continually trying to keep the property clean. Mr. White stated that Councilor Art Justis has been working with the homeowners association on the problem of dumping in a flood zone. Mr. White questioned if the property is unstable to construct a tennis court, then how it could support an antenna and maintenance building.

Mr. White expressed concerns as to possible interference with home security systems and remote telephones. Mr. White stated the association has not been able to receive enough information to clarify their concerns. Mr. White feels that cosmetically, the neighborhood association does not want the proposed tower in their backyard. The association is working on improving the easements along the roadway and to increase property value. Mr. White feels the improvements to Battle Creek will also assist in increasing property values in the area. However, he feels the proposed tower will decrease the property value.

Mr. White also feels that some consideration should be given to the Gateway Foundation and the hot air balloonfest in this area. The balloonfest rallies the community. Mr. White expressed that the homeowners association is very much opposed to having a big cellular telephone antenna tower in the area. The pad on which the tower will be located is at a higher elevation than the parking lot of the apartment complex. Mr. White pointed out that the notification sign was positioned where the homeowners could not see it. Fortunately, the homeowners association had a meeting on another item and someone mentioned this item.

TMAPC Comments:

Mr. Horner asked the distance between Mr. White's property line and the proposed site of the tower. Mr. White replied that his home is approximately one-quarter mile away. However, if one looks out the back window of his home, the tower will be in line of view. Mr. White stated this observation point is due to the fact that one can see the City of Tulsa skyline and he feels the proposed tower will obscure the view.

Ms. Gray stated that when she was Planning Chair for this district, the district fought very hard against illegal dumping. Ms. Gray feels that this property needs to be investigated due to the unstable ground and she has spoken to Councilor Justis in that regard. Mr. White stated that permits have again been issued to clean up the illegal dumping here.

Ms. Pace questioned if the remainder of the PUD located south and west of the creek is floodplain. Mr. Stump stated he does not have that information available.

Mr. Carnes asked Mr. White whether, if the developer would clean up the site and provide sufficient landscaping, that would be acceptable to the homeowners association. Mr. White replied that the location of the tower is not the area in which the recent dumping has occurred. Due to extreme elevations of the proposed site, no one can access this particular area for dumping. Mr. White expressed appreciation for the efforts the developer has put forth to hide the tower, but questioned how can one hide a 100-foot tower. Mr. White stated that if one drove east on 41st Street and looked out the side window, the only thing one would see is the side pad.

Ms. Gray stated there have been several requests for towers before the Commission and she feels the towers have no effect on security system and telephone or radio transmissions. Ms. Gray feels that the homeowners association and the developer should work together because there is a need in the area. Ms. Gray stated she has driven past a tower and feels that the towers do not affect the property value due to the new design. Ms. Gray presented a "worst case scenario" and feels the tower, with adequate landscaping would be acceptable. Ms. Gray also feels the tower will not affect the balloonfest. Ms. Gray recommended that the homeowners association and the developer meet to work out a compromise.

Ms. Pace stated she would like to see the landscaping from the roadway to the top of the pad so that it may be viewed by people at road level. Mr. Carnes agrees that this amount of landscaping would be a benefit to the neighborhood. Mr. Coutant stated that landscaping is not a problem and he wants the neighborhood to be happy and to be a good corporate neighbor. Mr. Doherty feels that the landscaping at the pad site will not benefit anyone. However, he feels that landscaping at the street level would be more beneficial and a better streetscape. Mr. Coutant stated he was in agreement. After further discussion, Ms. Ballard made a motion to approve the request subject to the landscaping being approved by Staff. Mr. Carnes suggested that Mr. White or the homeowners association be contacted upon receipt of the landscape plan for input purposes.

Mr. Stump reminded the Commission that approval should be subject to the standard conditions, such as site plan and landscape plan approval, defining the size of the fixture to be placed on top of the monopole and specifying the minimum setback of 150 feet from the apartment buildings. Mr. Coutant requested an early transmission be made to the City Council. Mr. Stump replied that all transmissions are early now.

TMAPC Action; 8 members present:

On **MOTION** of **BALLARD**, the TMAPC voted **8-0-0** (Ballard, Carnes, Dick, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Boyle, Edwards, Midget "absent ") to recommend **APPROVAL** of the Major Amendment PUD 221-E to allow additional use in a portion of Development Area A of PUD-221-A with that a new use subject to the standard conditions of site plan and landscape plan approval with a minimum setback of the tower of 150 feet from the apartment buildings.

Legal Description for PUD-221-E:

A part Lot 1, Block 1, Observation Point, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, commencing at the most northerly northeast corner of Lot 1, Block 1, Observation Point, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, thence N 89°59'47" W along the northerly line of Lot 1, Block 1, Observation Point, a distance of 349.00' to the easterly line of an 11' utility easement by Plat Number 4170; thence S 00°00'13" W along the easterly line of said 11' utility easement a distance of 55.00' to the Point of Beginning; thence S 89°59'47" E a distance of 100.00'; thence S 00°00'13" W a distance of 73.41'; thence S 29°20'50" W a distance of 30.51'; thence N 89°59'47" W a distance of 85.05' to the easterly line of said 11 utility easement; thence N 00°01'3 "E along the easterly line of said 11' utility easement, a distance of 100.00' to the point of beginning, and located east of the southeast corner of East 41st Street S. and S. 129th East Avenue, Tulsa, Oklahoma.

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OTHER BUSINESS:

AC-002 Alternative Landscape Compliance

(PD-6)(CD-7)

Southeast corner of 35th Street South and Indianapolis (*Church parking lot*)
Applicant: Larry Johnston (Christ United Methodist Church)

Staff Recommendation:

The applicant is requesting approval of alternative landscape compliance for a new parking area for Christ United Methodist Church, located on the east side of Indianapolis Avenue on the south side of 35th Street. The church has recently purchased lots 16-20 and has removed the existing houses.

The purpose of the request is to allow the church to reduce the required parking setback along Indianapolis Avenue from 5' to 2'. Setbacks from the residential district to the east and setbacks/planting along 35th Street are in conformance with the code.

Staff has reviewed the request and finds that the applicant is proposing to preserve three existing trees and add eight new trees along the Indianapolis right-of-way. The new trees are proposed to be located in the right-of-way. Two trees are required along the Indianapolis right-of-way. The church has presented the concept to the Public Works Department and has learned that there are no easements or utilities in the area. It is Staff's understanding that the chances of Indianapolis being expanded are small.

Based on the above Staff recommends **APPROVAL** of alternative landscape compliance.

Applicant's Comments:

Larry Johnston, 4906 East 26th Street, is in agreement with Staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Ballard, Carnes, Dick, Doherty, Gray, Horner, Pace "aye"; no "nays"; none "abstaining"; Boyle, Edwards, Ledford, Midget "absent ") to **APPROVE** Alternative Landscape Compliance AC-002 as recommended by Staff.

AC-003 Alternative Landscape Compliance

(PD-18)(CD-8)

7214 South Garnett Road (PUD-512, Development Area C)

Applicant: Wayne Alberty

Staff Recommendation:

Alternative Landscape Compliance:

The applicant is requesting approval of alternative landscape compliance for Lot 3 which is immediately east of the existing Albertson's store (Lot 2) of this development.

Staff review indicates that the alternative compliance has been requested as a means to gain approval for a substandard landscaped area condition which occurred as a part of the Albertson's construction.

Previous approvals include site plan and landscape approval for Lot 2. There have been no previous approvals for Lot 3 although parking with curbs has been constructed on that lot. The existing condition provides approximately 1748 sf of landscaped area in the street yard with 1908 sf required, a deficiency of 160 sf.

Further Staff review indicates that the PUD requires 10% of the lot to be in landscaped area (2437 sf). The applicant indicates that 2437 sf is in landscaped area. The applicant has indicated that two additional trees will be placed in the street yard and that additional plant material will be placed on the south side of the building to compensate for the 160 sf of missing street yard area.

Staff opinion is that street yards are an important part of the intent of the landscape ordinance and that additional landscaped area is available by removing one or two parking spaces in the area in question. The Albertson's lot (Lot 2) has sufficient parking to provide the two required spaces with the proper written authorization. Staff again notes that the area in question was constructed without site plan or landscaped plan approval.

Based on the above and on the amount of information currently received, Staff does not consider the proposal to be equivalent to or better than the requirements of the landscape chapter and recommends **DENIAL** of the request for alternative landscape compliance.

Applicant's Comments:

The applicant was not present at the time this item was heard by the Commission.

TMAPC Comments:

Mr. Carnes questioned if there would be sufficient parking to meet the requirements if one space was removed. Mr. Stump replied in the affirmative.

Mr. Doherty feels that street yard is important and the Commission has upheld this requirement in other parts of the City for good reasons.

Mr. Carnes stated if the removal of one parking space would allow the applicant to meet the requirements, then he feels the request could be approved.

Mr. Doherty questioned whether the request could be approved with modifications or would the applicant have to submit a new plan. Mr. Stump stated that the applicant has approximately 160 square feet of area, therefore the applicant could remove one parking space and still meet the requirements. Mr. Doherty stated that if the applicant removed the parking space it could be approved by Staff. Mr. Stump expressed that the parking lot is already constructed, therefore the space would have to be cut out.

Mr. Stump suggested that the Commission should consider approving the Site Plan subject to the removal of one parking space.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Ballard, Carnes, Dick, Doherty, Gray, Horner, Pace "aye"; no "nays"; none "abstaining"; Boyle, Edwards, Ledford, Midget "absent ") to **APPROVE** the Alternative Landscape Compliance for PUD-512 subject to the removal of one parking space.

Staff Recommendation:

Detailed Site Plan:

The applicant is requesting detail site plan approval for 5995 sf of retail space on lot 3 which is immediately east of the existing Albertson's store (Lot 2) of this development.

Staff review indicates that construction occurred on Lot 3 (parking spaces and curbs) during the time of the Albertson's construction. Previous site and landscape approvals were specifically limited to Lot 2. Staff review also indicates that the landscaped area in the street yard is 160 sf less than that required (1748 vs 1908 sf).

Parking, setback, height, floor area and interior landscaping requirements conform to the standards of the PUD.

Based on nonconformance with required street yard area Staff recommends **DENIAL**.

Should the Commission choose to approve the accompanying request for alternative landscape compliance Staff would recommend approval subject to the following:

6' high opaque gates at the trash enclosure in place of the proposed 4' high gates.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Ballard, Carnes, Dick, Doherty, Gray, Horner, Pace "aye"; no "nays"; none "abstaining"; Boyle, Edwards, Ledford, Midget "absent ") to **APPROVE** the Detail Site Plan for PUD-512 as presented, modified by the removal of one parking space subject to Staff's approval in the location of the space.

Applicant's Comments:

The applicant, Wayne Alberty, appeared prior to adjournment of the meeting and was notified of the action taken on his case. Mr. Alberty asked the Commission to reconsider his case.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Ballard, Carnes, Dick, Doherty, Gray, Horner, Pace "aye"; no "nays"; none "abstaining"; Boyle, Edwards, Ledford, Midget "absent ") to **RECONSIDER** the motions to approve the Alternative Landscape Compliance and the Detail Site Plan for PUD-512 Development Area C.

Applicant's Comments:

Chairman Carnes called on Mr. Alberty to present his case. Mr. Alberty stated that there was a misunderstanding in regard to the approved landscape plan. The site plan that Albertson's submitted was stamped approved. However, it was only approved for one area and not the entire area. As a result, the parking lot was constructed, the irrigation system installed and the landscaped provided. Mr. Alberty stated that final construction was less than the approved PUD. According to his calculations, twenty-seven parking spaces are required on the particular site. Mr. Alberty's client is concerned that if any parking spaces are lost, there would possibly be a problem with leasing the facility. Mr. Alberty stated that he could meet the landscape requirements with the exception of 160 square feet. Mr. Alberty proposed an alternative compliance which he feels exceeds the street yard requirement. Mr. Alberty asked the Commission to consider his request as submitted under the alternative compliance. Mr. Alberty stated that additional landscaping has been provided.

TMAPC Comments:

Mr. Carnes questioned whether Staff was aware of the additional space. Mr. Stump stated that the original submittal had twenty-nine spaces which would allow for the loss of one or two spaces. Mr. Alberty stated that the survey, which was performed after the site plan had been prepared, showed there was not enough area for twenty-nine spaces. The requirement is for twenty-seven.

Mr. Doherty stated he was confused to the number of parking spaces available. Mr. Doherty questioned whether there were twenty-nine or twenty-seven, and asked for clarification. Mr. Carnes recommended that Mr. Alberty and Staff review the case and bring it back before the Commission next week.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Ballard, Carnes, Dick, Doherty, Gray, Horner, Pace "aye"; no "nays"; none "abstaining"; Boyle, Edwards, Ledford, Midget "absent ") to **CONTINUE** the Alternative Landscape Compliance and Detail Site Plan for PUD-512 to the July 10, 1996 meeting.

PUD-481 William Hayes

(PD-18)(CD-8)

Northwest corner of 71st Street South & Mingo Valley Expressway
(Site Plan for book store in Development Area D2)

Staff Recommendation:

The applicant is requesting detail site plan approval for 7,000 sf of retail space for the "Baptist Book Store".

Staff has reviewed the request and finds that it conforms to the height, parking, setback and landscaped area requirements of the PUD.

Based on the above Staff recommends **APPROVAL**.

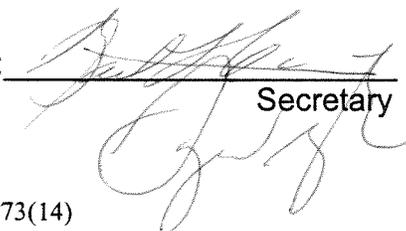
TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Ballard, Carnes, Dick, Doherty, Gray, Horner, Pace "aye"; no "nays"; none "abstaining"; Boyle, Edwards, Ledford, Midget "absent ") to **APPROVE** the Site Plan for a book store in Development Area D2 of PUD-481 as recommended by Staff. (NOTE: subsequent to the meeting, staff discovered that due to a previous minor amendment there was not sufficient building floor area allocated to this development area to permit the proposed store.)

There being no further business, the Chairman declared the meeting adjourned at 2:35 p.m.

Date Approved: _____

*  _____
Chairman

ATTEST:  _____
Secretary