

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2370

Wednesday, February 25, 2004, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Bayles	Coutant	Alberty	Romig, Legal
Carnes	Horner	Dunlap	
Harmon		Huntsinger	
Hill		Matthews	
Jackson			
Ledford			
Midget			
Miller			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, February 20, 2004 at 10:00 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Westervelt called the meeting to order at 1:30 p.m.

REPORTS:

Chairman's Report:

Mr. Westervelt reported that Item No. 2 (Amendments to Chapter 17, Section 1703.E of the City Zoning Code Text) of today's agenda will be stricken from the agenda, which is under Comprehensive Plan Public Hearing. It is very clear that this is an item that is going take careful deliberation and hard work. He doesn't believe that there is any public benefit served by trying to have this dialogue at this particular time.

Mr. Westervelt recognized that there were a large number of interested parties in attendance and recessed the meeting at 1:34 to allow the interested parties to exit the meeting room.

Recess at 1:34 p.m.

Chairman Westervelt called the meeting back to order at 1:40 p.m.

Mr. Westervelt announced that interested parties for Item No. 2 would receive notice before deliberations begin on this action. He indicated that there would probably more worksessions on this item. If the interested parties' names are on the sign-in sheet then they will be notified.

Director's Report:

Mr. Alberty reported on the TMAPC receipts for December 2003.

Mr. Alberty reported that there are several items on the City Council agenda for Thursday, February 26, 2004 and staff would be attending.

ZONING PUBLIC HEARING

Application No.: Z-6932

RS-3 to CH

Applicant: Jay Sylvan

(PD-4) (CD-4)

Location: 1301 South Owasso Avenue

STAFF RECOMMENDATION:

Z-6738/PUD-626 December 1999: A request to rezone two lots located on the southeast corner of East 15th Street and South Owasso Avenue from OL and RS-3 to CS for a restaurant and accessory parking was withdrawn by the applicant.

Z-6378 April 1993: All concurred in a request for HP overlay zoning on an area located between East 15th Street and East 21st Street and from Cincinnati Avenue to South Peoria Avenue.

Z-6360/PUD-478-A June 1992: Approval was granted for a major amendment to PUD-478 to remove a .36-acre lot from the PUD. This amendment reduced the number of allowable dwelling units from 24 to 23 within the PUD. A request to rezone the small tract from RS-4 to PK was approved, the lot was located in the northeast corner of the PUD and abutted the Broken Arrow expressway.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is flat, non-wooded, vacant, and zoned RS-3.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East 13 th Street South	Collector	60'	4 lanes
South Owasso Avenue	Residential	50'	2 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA:

The property is abutted on the north by Tracy Park and the historic Tracy Park neighborhood, zoned RS-3; on the south by two single-family residential uses (one of which is in poor condition), zoned RS-3; on the east by a commercial strip, zoned CH; and on the west by part of the Inner Dispersal Loop, zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 4 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Low Intensity-Residential land use. According to the Zoning Matrix, the requested CH zoning is **not** in accord with the Comprehensive Plan.

STAFF RECOMMENDATION:

Neither staff nor the District Plan support this proposed intrusion into a single-family residential area. The CH zoning designation adjacent to residential areas has been a problem in many past cases and continues to be an issue here. If the application included the remaining two residential lots on that block, perhaps under a PUD, staff might be more favorable to a lesser commercial designation (the applicant could have storage subject to a special exception from the Board of Adjustment with CG zoning). However, with the current application, staff recommends **DENIAL** of CH for Z-6932.

TMAPC COMMENTS:

Mr. Harmon asked staff if there were any indication of redevelopment or infill development in the subject area that would keep it residential. In response, Ms. Matthews stated that Tracy Park has been viable since 1970. This area is a pocket with commercial on the east side (printing company and storefront uses), and there are three homes on this side. There is a chance for infill development, but it is unlikely that it would be residential due to the CH zoning on the east side. At this point, staff feels this would negatively impact the two residential properties to create the subject property as a CH property or any other type of commercial use, unless all three properties were to be rezoned.

Mr. Harmon asked staff if they felt a denial would be best rather than looking for alternative zoning. In response, Ms. Matthews stated that she believes a denial would be best, unless the applicant submitted a PUD and requested lesser commercial zoning.

Mr. Jackson asked staff if they knew why the applicant requested CH zoning. In response, Ms. Matthews stated that the applicant would like to have a warehouse and if the CH zoning were granted, he wouldn't have to go before the Board of Adjustment.

Applicant's Comments:

Steve Hjelm, 1503 South Denver Avenue, Tulsa, Oklahoma 74119, representing Mr. Sylvan, stated that he understood the reason for requesting CH zoning is to have a single-story structure to warehouse paper adjacent to his business. He indicated that it is a two-mile round trip to where he is currently storing his property.

Mr. Hjelm stated that the zoning change request was done without expert help and he requested Tom Birbilis to speak on this application.

Tom Birbilis, 4109 East 54th Street, Tulsa, Oklahoma 74135, stated that he is the engineer for Mr. Sylvan. He indicated that he may have made a mistake on this application by requesting too high a density. He explained that he would like to request the lightest zoning possible to build a storage facility to store paper goods.

Mr. Westervelt stated that he doesn't want staff to have to do a stand-up zoning opinion. It would be appropriate to have a continuance in order to allow the applicant to meet with staff and find out what zoning classification and whether a PUD is necessary in order to protect the neighborhood.

MOTION of CARNES, and seconded by Miller to **CONTINUE** to March 17, 2004 at 1:30 p.m.

Mr. Westervelt recognized the interested parties and reminded them that the topic is whether to continue this application.

INTERESTED PARTIES OPPOSING A CONTINUANCE:

Elizabeth Hunt, 1144 South Newport, Tulsa, Oklahoma 74120; **Andrew Turner**, 1225 South Owasso Avenue, Tulsa, Oklahoma 74120; **Fred Low**, 1245 South Newport Avenue, Tulsa, Oklahoma 74120; **Terry Shackelford**, 1123 South Norfolk, Tulsa, Oklahoma 74120; **Kelli Blohm**, 1239 South Owasso, Tulsa, Oklahoma 74120; **Michael Callahan**, 1244 South Owasso, Tulsa, Oklahoma 74120; **Carla J. Lund**, 1220 South Owasso, Tulsa, Oklahoma 74120; **Jo Crow**, 1236 South Owasso, Tulsa, Oklahoma 74120.

COMMENTS OF INTERESTED PARTIES OPPOSING A CONTINUANCE:

Difficult to get off of work and come to another meeting; the applicant had ample time to research this application and be prepared today; the applicant has been denied rezoning before; the neighborhood met with Mrs. Sylvan regarding this application and were unable to come to an agreement; the drawing for the proposed building was done 17 years ago and the applicant should be very well prepared to present his case today.

Councilor Tom Baker, 1323 East 19th Street, Tulsa, Oklahoma 74120, stated that he personally doesn't have an objection to a continuance. He explained that the neighborhood does have a sincere concern about taking off from their jobs to be present today and possibly having to return another day; however, the TMAPC does know how best to handle this issue.

Councilor Baker stated that the neighborhood association and the Sylvans did meet Monday evening, February 23, 2004. The issue seems to be the change from residential to any type of commercial zoning and not just a different type of commercial zoning.

Mr. Westervelt explained that if the zoning case were to be denied today, it could still come back and require the neighborhood's attendance.

Applicant's Rebuttal:

Steve Hjelm stated that he wasn't present at the neighborhood meeting and he hasn't been significantly involved in this matter until today. He indicated that he is in position to pursue this matter in order to get some type of accommodations made for the Sylvan's business. He requested that the additional time be given in order to amend the request.

TMAPC COMMENTS:

Mr. Harmon asked Mr. Hjelm if he attended the neighborhood meeting. In response, Mr. Hjelm stated that he did not, but he believes Mrs. Sylvan did attend and Mr. Tom Birbilis.

Mr. Harmon requested Mr. Sylvan to come to the podium. In response, Mr. Kirk Sylvan stated that he is the applicant's son and he did not attend the neighborhood meeting, but his mother did.

Mr. Westervelt recognized Ms. Hunt.

Ms. Hunt stated that she is the president of the Tracy Park Neighborhood Association. She explained that it is important to share with the Planning Commission the process that the neighborhood went through and whom they engaged in this process.

Ms. Hunt stated that when she received the notice she visited the Sylvan Printing Store and met with Jay and Marilyn Sylvan. She expressed admiration for family-owned businesses. She discussed the application with Mr. and Mrs. Sylvan and explained to them the process in which the neighborhood association would discuss this application. She indicated that there was a meeting with the association with several people in attendance, including Councilor Baker, Pat Treadway, and Erin Patrick. The purpose of the meeting was to understand what the zoning change meant to Tracy Park and, in addition, to develop a go-for strategy. The day after the meeting it was her understanding that Marilyn Sylvan was her point of contact and she called her to let her know that the meeting had occurred and described what occurred during the meeting. She requested a forum for Sylvan Printing representatives to articulate what they were trying to accomplish with the subject property and share it prior to the meeting. The meeting was set for Monday and it was her understanding that Mr. and Mrs. Sylvan would be present, as well as whomever was responsible for the drawings. Two hours before the meeting she received a voicemail message from Mrs. Sylvan stating that she would not be in attendance because it was a moot point since appeared that the neighborhood had their minds already made. After Ms. Hunt's encouraging Mrs. Sylvan to attend, she did come to the meeting alone. Councilor Tom Baker, Pat Treadway and many members of the association were present. She indicated Mrs. Sylvan was not equipped to answer the questions and did not have the proper plans; therefore, there was no effective dialogue. The neighborhood tried to bridge a relationship with the business in a positive way and tackle this issue in a respectful way. Ms. Hunt concluded that she was shocked and disappointed that Mr. Sylvan and his representative did not attend the meeting.

Marilyn Sylvan, 1308 South Peoria, Tulsa, Oklahoma 74120, representing Sylvan Printing and Office Supply, stated that she did meet with the neighborhood along with Tom Birbilis.

TMAPC COMMENTS:

Mr. Harmon asked Mrs. Sylvan if the Planning Commission granted a three-week extension there would be effective negotiation between the owner and the neighborhood. In response, Mrs. Sylvan answered affirmatively.

Mr. Harmon asked Mrs. Sylvan if there could be negotiation in good faith on both sides. In response, Mrs. Sylvan stated that she could certainly try. Mrs. Sylvan further stated that she believes her problem was that she wasn't aware of the different zoning types. She indicated that she doesn't want high intensity zoning and it is her desire to have strictly a warehouse for almost individual use for her business.

Mr. Harmon asked Mrs. Sylvan if she understood that compromise is necessary during negotiations. In response, Mrs. Sylvan stated that she understands.

County Commissioner Miller stated that she would like to withdraw her second to continue this case.

Mr. Carnes stated that it has proven in the past to continue cases to allow the two parties to get together and work out their differences. Possibly they are unable to work this out.

MOTION of CARNES and second by Ledford to **CONTINUE** Z-6932 to March 17, 2004.

Mr. Midget stated that he would agree to hear this case today. He explained that it is apparent that they are miles apart and he doesn't see where it would hurt to hear the case. The Planning Commission is flexible and the attorney stated that they are going to pursue this proposal.

Mr. Carnes withdrew his motion to continue.
Mr. Ledford withdrew his second to continue.

Applicant's Comments:

Tom Birbilis, 4109 East 54th, Tulsa, Oklahoma 74135, submitted photographs of the surrounding properties and existing businesses (Exhibit A-1), stated that Mr. and Mrs. Sylvan are good neighbors and have a nice facility. Mr. Birbilis cited the history of the business and their locations. He indicated that the business is environmentally friendly. He concluded that the Sylvan Printing Shop would like to stay where they are currently located, but they do need more room.

Mr. Birbilis submitted an architectural drawing of the proposed building for the Planning Commissioners to view, but did not wish to make it a part of the record.

INTERESTED PARTIES:

Elizabeth Hunt, 1144 South Newport, Tulsa, Oklahoma 74120, President of Tracy Park Neighborhood Association, stated that the two properties directly behind Sylvan Printing are a part of Tracy Park, which is a Historic District. Tracy Park is one of Tulsa's oldest neighborhoods and is unique. The neighborhood association wanted to approach this issue in a strategic, positive and professional manner. One of her concerns is that the Sylvans have an opportunity for storage close to their facility (Peoria is zoned for commercial). It is more convenient for Mr. Sylvan to convert residential property into commercial property for his storage.

Ms. Hunt stated that Mr. Sylvan purchased the subject property knowing that it was zoned for residential use. When it was discovered by the City that he was using the residential portion of the subject property for commercial use, he then destroyed the building and laid gravel on the subject property. She indicated that Mr. Sylvan has been cited by the City for not mowing the subject property.

Ms. Hunt stated that the neighborhood is not against Mr. and Mrs. Sylvan nor their business. It is her observation is that the challenges he is facing have been brought on of his own accord. She commented that she doesn't care what the subject property looks like as it is zoned today. She further commented that Mr. Sylvan's printing company doesn't reflect the totality of the neighborhood.

Ms. Hunt stated that Tracy Park is currently working with the City to develop their own vision, which includes the two homes near Mr. Sylvan's property.

TMAPC COMMENTS:

Mr. Jackson asked Ms. Hunt if the two homes mentioned are occupied. In response, Ms. Hunt stated that they are occupied by owners.

Mr. Jackson asked if there has been any move by the association to help the two homes clean up their property. In response, Ms. Hunt stated that one of the agenda items of their next meeting is to discuss helping some of the older folks in the neighborhood. Volunteers are getting ready to make the homes more appealing and more livable. The current states of the two homes mentioned are blighted, but they are the residents' homes and they live there. The association is stepping in to do the right thing by these two neighbors.

INTERESTED PARTIES OPPOSING Z-6932:

Fred Low, 1245 South Newport Avenue, Tulsa, Oklahoma 74120 (Submitted photographs Exhibit A-1); **Terry Shackelford**, 1123 South Norfolk, Tulsa, Oklahoma 74120; **Kelly Blohm**, 1239 South Owasso, Tulsa, Oklahoma 74120; **Andrew Turner**, 1225 South Owasso Avenue, Tulsa, Oklahoma 74120; **Carla Lund**, 1220 South Owasso, Tulsa, Oklahoma 74120; **Michael Callahan**, 1244 South Owasso, Tulsa, Oklahoma 74120; **Jo Crow**, 1236 South Owasso, Oklahoma 74120.

COMMENTS OF INTERESTED PARTIES OPPOSING Z-6932:

Zoning is to separate incompatible uses and the proposal would be inconsistent with the residential properties; there have been many opportunities for Mr. Sylvan to acquire properties along Peoria with the proper zoning and there are plenty of alternate sites available today; the proposal would be in conflict with the City's actions taken in the subject property; the City has closed streets in the neighborhood to direct traffic patterns away from the neighborhood and cut down on noise; this proposal would create traffic and noise; there would be trucks and vans delivering large loads of paper; this would start a domino effect and more CH and CS uses would be allowed on the adjacent properties; the proposed warehouse is for 4,000 to 4500 SF, which would be larger than the homes in the subject area; the warehouse wouldn't blend in with the subject area; the Sylvan's existing facility is painted red and does not blend in with the residential neighborhood; the applicant has been cited for failure to mow the subject property and there is no reason to believe he would in the future; residents have spent approximately \$120,000 on the homes to revitalize the neighborhood; they

are currently working with the Mayor's office to revitalize the entrance to Tracy Park; Tracy Park has already given up a tremendous amount to commercial growth; Tracy Park is registered on the State, City and National Historical Registries; streets are in poor repair and the added commercial traffic from the proposal would hinder the neighborhood more; there should be a buffer from the commercial; can see the subject property from the front yards of several homes in Tracy Park; the proposal would create an L-shaped commercial shaped zoning, which is not compatible with the zoning in the subject area; there would be no buffer to soften noise from a commercial use; the houses that needed repair have been repaired and the architecture of the neighborhood reflects the ones that were originally built; Mr. Sylvan doesn't have any idea of how the residents feel about their neighborhood and is simply looking for what is easiest for his business; this is a straight zoning request change and what would happen if the Sylvans every decided to sell their property; homes that face the subject property would be looking into commercial operations and building; early morning and late evening deliveries disrupt the neighborhood; trucks use the residents' driveways, grass and lawn to maneuver their trucks around; most of the older homes have been renovated and neighbors are proud of their homes.

TMAPC COMMENTS:

Ms. Bayles asked Ms. Lund how she would describe the relationship between the neighborhood residents and the commercial property owners on Peoria, including Mr. Sylvan. In response, Ms. Lund stated that from 13th Street to the park there is an eight-foot fence that buffers everything across there. Recently, the access was closed one block in and that street was closed. Now there is no entry off of Peoria until 13th Street. It would be nice if the fence were extended to the properties that are south of 13th Street. One of the homes needs painting badly and two generations have lived in this home. The husband recently died and there are school-aged children in the home. The wife recently found work and the neighborhood is getting ready to paint the house for the family. This family has had a hard time and this is a neighborhood kind of thing that exists. The fence should have been extended from the empty lot to the expressway.

Mr. Bayles asked Ms. Lund if the neighborhood is helping the resident in the lot next to the subject property. In response, Ms. Lund stated that the neighborhood is ready to paint this home.

Councilor Baker, 1323 East 19th, Tulsa, Oklahoma 74120, thanked everyone for coming to the meeting to express their concerns. He expressed his appreciation for the staff, with INCOG and for the Planning Commission, for the work that they do and often on short notice of getting the public information. They have always been diligent and patient and supportive with anything they have been involved in.

Councilor Baker stated that he is in support of the staff recommendation for denial. One of the significant elements that the Council has defined to measure

quality of life in the City is the neighborhood vitality. This is a historic district and the process began in 1977 for the first local inventory. The Oklahoma landmarks inventory was done in 1978 and the National Registry of Historic Places was adopted into the registry in 1982. There are several historic registry entries in District 4. Tracy Park was placed on the National Registry under Criteria A and C. Criterion A is associated with events that have made a significant contribution to the broad patterns of our past. There is a contributing property, the Robinson House, which was designed by a well-known designer, Ada Robinson. Criterion C states that it embodies the distinctive characteristics of a type, period or method of construction or represents a significant and distinguished entity whose components which lacks individual distinction. This means that residents have agreed to a certain degree to forfeit some of their individual property rights in favor of preserving an area for the greater good of our community and future.

Councilor Baker stated that 13th Street is a very busy street and the first question that should be asked is what is the potential for residential development along 13th Street. There is a residential area along 15th Street and he would consider 15th Street having a higher level of traffic. The subject area is a smaller piece of property, but it does have the potential, with the view of Tulsa skyline, to be returned to residential development. The City of Tulsa has devoted economic development funds to the development and redevelopment of residential property in or around the downtown area. The City has been derelict in maintaining its part of the infrastructure in the subject neighborhood. The streets are of the lowest quality in the measurement of those in the City of Tulsa. In the next funding package, these streets are on the plan to be rehabilitated, but it does have to go through the process to keep it on the plan. The neighborhood is working with University of Oklahoma Urban Design Institute to develop a vision and a revitalization plan that is consistent with the value of this historic resource.

Councilor Baker concluded that in 1977, it was agreed that the subject neighborhood was of historic significance to the City of Tulsa. He urged that retaining the residential integrity of the subject neighborhood is the right thing to do.

TMAPC COMMENTS:

Mr. Westervelt thanked Councilor Baker for his compliments of staff and those who participate in the Planning Commission. Mr. Westervelt informed the interested parties that they were fortunate to have Councilor Baker as their councilor.

Applicant's Rebuttal:

Steve Hjelm stated that it is evident to him, from the comments that were made by the homeowners association; they are concerned about noise and traffic, which could be addressed to be inconsequential for a local storehouse. There have been emotional knee-jerk reactions. The comments ranged from the color of the existing business, the participation by the Sylvans in the neighborhood

association. This has become a personal issue and has nothing to do with actual land use. If the Planning Commission would review the notes of what has been said today about the neighborhood, there is one gentleman buying crack houses in the neighborhood, pictures of the property adjacent to the subject property that is collapsing, this property has been like this for years and it is convenient now that the neighborhood is going to show up now and start painting it. Evidently there has not been any effort in the past to paint the home by the association members, except for today for the benefit of the Planning Commission. It is his opinion that the best use of the subject property is to approve is CH and landscape it appropriately to fit in with the neighborhood to be in position to help this community to grow. By making this storefront a warehouse for their paper products, it will not degrade the neighborhood. It would help the neighborhood by keeping another crack house from going up in the neighborhood. It would help the neighborhood by building profitable businesses instead of having the noise that they associated with the auto repair businesses that have been mentioned.

MOTION of **MIDGET** and second of Miller to recommend **DENIAL** of CH zoning for Z-6932 per staff recommendation.

TMAPC COMMENTS:

Commissioner Miller stated that as a representative from the City and the County, one thing that never changes is the support of quality of life for the neighborhood. She commended the neighborhood for stepping up to assist the people who are unable for several different reasons to paint their homes and clean up their yards. She hopes that this is contagious and will continue in the future. The citizens spoke very clearly September 9, 2003 that they wanted revitalization of downtown Tulsa. We will make sure that this happens, as well as the protection of the neighborhoods in the downtown area. Quality of life is very important and she supports the efforts of the neighborhood.

Mr. Harmon stated that he supports the motion because he feels that the owner and the owner's representatives were not very adept at meeting with the neighborhood and they didn't present a very strong case. In any event, there has to be the interface, talk with people and be responsive, and this didn't happen in this case.

Ms. Bayles stated that the issue at hand for her is not the state of the adjacent home, but the land use requested before the Planning Commission today. It does not appear to be compatible within the historic district or fabric of Tracy Park. She feels that Councilor Baker reflects that they have seen several homes in their own neighborhood in similar condition that have been revived, restored and now are part of what is considered to be among the best housing stock within the neighborhood. Tracy Park has seen good days and bad days, but it clearly it represents an integral part of Tulsa's history.

Mr. Westervelt thanked everyone for their patience in allowing the Planning Commission work through their process.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted 9-0-0 (Bayles, Carnes, Harmon, Hill, Jackson, Ledford, Midget, Miller, Westervelt "aye"; no "nays"; none "abstaining"; Coutant, Horner "absent") to recommend **DENIAL** of CH zoning for Z-6932 per staff recommendation.

COMPREHENSIVE PLAN PUBLIC HEARING:

Review Capital Improvement Project Requests for conformance with the Comprehensive Plan.

STAFF RECOMMENDATION:

Ms. Matthews stated that the Planning Commission has reviewed the Capital Improvement Project Requests for conformance with the Comprehensive Plan and staff has reviewed them as well.

INTERESTED PARTIES:

Patrick Johnstone, 2511 East 25th Street, Tulsa, Oklahoma 74114, stated that the description that caught his eye was the decorative lighting. He expressed concern with the old gaslight type of lighting used for decorative lighting, but with a light bulb too large. It is painful for people over 40 years of age. He recommended that they look beyond what is available in the PSO warehouse. He stated that Atoka, Oklahoma has better lighting than Tulsa and it is disgraceful that a small town can mop up the street with us. Street lighting should be chosen for visual performance at night and not simply how they look in the daytime.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted 9-0-0 (Bayles, Carnes, Harmon, Hill, Jackson, Ledford, Midget, Miller, Westervelt "aye"; no "nays"; none "abstaining"; Coutant, Horner "absent") to recommend **APPROVAL** of the Capital Improvement Project Requests for conformance with the Comprehensive Plan.

OTHER BUSINESS:

Application No.: PUD-197

DETAIL SITE PLAN

Applicant: Joel Slaughter

(PD-6) (CD-7)

Location: 4134 East 31st Street

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site and landscape plan for four attached garden apartment units that comprise the last phase of this particular part of the development. The proposed use, Use Unit 8, Multifamily Dwelling and Similar Uses, is in conformance with development standards.

The proposed buildings comply with all development standards regarding maximum floor area and height permitted, building setbacks and minimum landscaped area requirements as set forth by PUD-197-1. The proposed landscaping is similar in treatment to the other phases of the garden apartment development.

No parking lot lighting is proposed. Parking proposed is in compliance with development standards and the Zoning Code.

The proposed asphalt drive is 20 feet in width. The original PUD-197 development standards require a minimum width of 25 feet. The applicant has measured the adjacent drives and they are also 20 feet in width. Staff recommends that the proposed 20-foot wide drive be approved contingent upon the review and approval of the Fire Marshal.

Staff recommends **APPROVAL** of PUD-197 detail site and landscape plan contingent upon the Fire Marshal's approval of the proposed 20-foot wide drive.

(Note: Detail site and landscape plan approval does not constitute sign plan approval.)

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES** TMAPC voted 9-0-0 (Bayles, Carnes, Harmon, Hill, Jackson, Ledford, Midget, Miller, Westervelt "aye"; no "nays"; none "abstaining"; Coutant, Horner "absent") to **APPROVE** the detail site and landscape plan for PUD-197, subject to the Fire Marshal's approval of the proposed 20-foot wide drive.

Commissioners' Comments:

Mr. Alberty stated that at the last committee meeting, the City Councilors who were present requested and directed staff to place on public hearing a change in the ordinance that would require all Sexually-Oriented Businesses to go before a public hearing before being approved.

Mr. Alberty stated that this issue needs further study and consideration. He would like to get some direction from the Planning Commission on how this should be treated and how he should respond to the Council Committee.

Commissioner Miller and Mr. Romig's comments were inaudible.

Mr. Westervelt asked if this should be advertised and heard at the public hearing to move it along expeditiously.

Mr. Midget stated that calling for a public hearing would be good and then it could be continued if needed for further review.

Mr. Westervelt directed staff to set this for public hearing and to notify Councilor Sullivan.

After a lengthy discussion, it was determined to discuss this issue with Councilor Sullivan and discuss how to best advertise this issue to handle it as an amendment.

Mr. Carnes suggested that this item be on the end of the agenda when it is scheduled.

There being no further business, the Chair declared the meeting adjourned at 3:20 p.m.

Date Approved:

3/17/04

Mary E. Hill
2nd Vice Chair Chairman

ATTEST: Stacy M. Bayles
Secretary

