TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 1626
Wednesday, November 5, 1986, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Carnes	Crawford	Frank	Linker, Legal Counsel
Doherty, 2nd Vice-Chairman	Draughon	Jones	Bolding, DSM
Parmele, Chairman	Kempe	Setters	
Selph	Paddock		
Wilson, 1st Vice-Chairman	VanFossen		
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, November 4, 1986 at 10:20 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

Approval of Minutes of October 15, 1986, Meeting #1624:

On **MOTION** of **CARNES**, the Planning Commission voted **6-0-0** (Carnes, Doherty, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Draughon, Kempe, Paddock, VanFossen, Crawford, "absent") to **APPROVE** the **Minutes of October 15, 1986,** Meeting No. 1624.

Approval of Minutes of October 22, 1986, Meeting #1625:

On **MOTION** of **CARNES**, the Planning Commission voted **6-0-0** (Carnes, Doherty, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Draughon, Kempe, Paddock, VanFossen, Crawford, "absent") to **APPROVE** the **Minutes of October 22, 1986,** Meeting No. 1625.

REPORTS:

Chairman's Report:

Chairman Parmele advised receipt of a letter from Mr. Jim Rand requesting an amendment to the Tulsa Zoning Code, and referred the matter to the Rules & Regulations Committee for their November 19, 1986 meeting agenda.

Director's Report:

Mr. Frank reminded the Commission there would be no TMAPC meeting on November 12, 1986, and there would only be two TMAPC meetings in December as the Commission voted to cancel the December 24th and 31st meetings due to the holidays.

SUBDIVISIONS:

PRELIMINARY PLAT APPROVAL:

Country Acres (2572) 167th Street & South Peoria Avenue (AG)

On **MOTION** of **CARNES,** the Planning Commission voted **6-0-0** (Carnes, Doherty, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Draughon, Kempe, Paddock, VanFossen, Crawford, "absent") to **CONTINUE Consideration of the Preliminary Plat for Country Acres** until Wednesday, **November 19, 1986,** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

FINAL PLAT APPROVAL & RELEASE:

Erie Industrial Park (2203) 3030 North Erie Avenue (IL)

On **MOTION** of **WOODARD,** the Planning Commission voted **6-0-0** (Carnes, Doherty, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Draughon, Kempe, Paddock, VanFossen, Crawford, "absent") to **APPROVE** the **Final Plat of Erie Industrial Park** and release same as having met all conditions of approval.

REQUEST FOR WAIVER (Section 260):

BOA 693 Unplatted (502) Walker NE/c of East 56th Street North & North Lewis

This request covered an existing day care center that had not been previously approved by the Board of Adjustment. It will continue in the existing single-family house. No exterior changes are to be made. Since this is and has been an existing situation with no changes, Staff recommends APPROVAL, as requested.

TMAPC ACTION: 6 members present

On **MOTION** of **WOODARD,** the Planning Commission voted **6-0-0** (Carnes, Doherty, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Draughon, Kempe, Paddock, VanFossen, Crawford, "absent") to **APPROVE** the **Waiver Request for BOA 693 Unplatted (Walker),** as recommended by Staff.

LOT SPLITS FOR RATIFICATION:

L-16771 (2073) West **L-16772 (2903) Fulton**

TMAPC ACTION: 6 members present

On **MOTION** of **CARNES,** the Planning Commission voted **6-0-0** (Carnes, Doherty, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Draughon, Kempe, Paddock, VanFossen, Crawford, "absent") to **APPROVE** the **Above Listed Lot Splits for Ratification,** as recommended by Staff.

LOT SPLITS FOR DISCUSSION:

L-16766 Gray (2114) S & W of East 96th Street North & North 145th East Avenue

In the opinion of the Staff, the lot split meets the Subdivision and Zoning Regulations, but since the lot is irregular in shape, notice has been given to the abutting owner(s). Approval is recommended.

TMAPC ACTION: 6 members present

On **MOTION** of **CARNES,** the Planning Commission voted **6-0-0** (Carnes, Doherty, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Draughon, Kempe, Paddock, VanFossen, Crawford, "absent") to **APPROVE** the **Lot Split for L-16766 Gray,** as recommended by Staff.

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L-16769 Frye (3693) E of the NE/c of East 61st Street & South 92nd East Ave.

Mr. Wilmoth recommended this lot split be tabled due to a problem on the application that may involve a foreclosure. Chairman Parmele, having no objection from the Commission, tabled this item until a future date. Upon request from Staff, Legal concurred with this process.

ZONING PUBLIC HEARING:

Application No.: **Z-6129** Present Zoning: RS-3
Applicant: **Sublett (Williams)** Proposed Zoning: RM-0
Location: North side of 37th Street & East of Peoria
Size of Tract: .2 acres, approximately

Date of Hearing: November 5, 1986
Presentation to TMAPC by: Mr. John Sublett, 320 South Boston, #805 (582-8815)

Relationship to the Comprehensive Plan:

The District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity - No Specific Land Use.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the requested RM-0 District may be found, in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately .2 acres in size and located east of the Northeast corner of South Peoria Avenue and East 37th Street South. It is partially wooded, flat, contains a vacant single-family dwelling that appears to have been used for duplex use and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north by multi-family dwellings (four-plexes) zoned RS-3, on the east by single-family dwellings zoned RS-3, on the south by a parking facility zoned OL, and on the west by an electrical wholesale business zoned CH, OL and PUD.

Zoning and BOA Historical Summary: Commercial zoning has been held within a district boundary along Peoria with a buffer of OL in some areas.

Conclusion: Peoria Avenue is strip zoned CH and a buffer of less intense zoning is necessary to protect the residential character of the abutting single-family residences. This pattern has started to develop as can be seen on the case map. The typical buffer has been OL zoning prior to "P" Parking District being added to the Code. RD zoning was also used west of the northwest corner of South Peoria Avenue and East 35th Place South in 1972. Staff cannot support an increase in intensity of use for the subject tract, but would support RD zoning because the existing use is a duplex, and there is multi-family use on the abutting tracts to the north. RM-0 zoning would permit development of a triplex as opposed to the existing duplex use. (Staff feels any increase in intensity is inappropriate due to existing parking problems and Brookside Special Study regarding parking).

Therefore, **STAFF** recommends **DENIAL** of the requested RM-0 zoning and **APPROVAL** OF RD zoning in the alternative.

Comments & Discussion:

Ms. Wilson, referencing the Brookside Special Study on parking needs, inquired if this Study included the areas (residential) outside the boundary of Peoria. Mr. Frank stated the report generally addressed questions as to increased intensity beyond the properties that fronted Peoria and were already developed. Ms. Wilson then questioned if Staff would support this application if the property were to remain residential in use, or if RD would be the maximum Staff would allow (not RM-0). Mr. Frank pointed out RD zoning in the area and stated this was a much more appropriate zoning than would be any RM category. Chairman Parmele confirmed this was a triplex versus a duplex situation, and inquired what the zoning was on the fourplexes to the north of this tract. Mr. Frank advised the zoning was RS-3, but Staff could offer no explanation as to how this came about. Mr. Frank added that should these fourplexes somehow be destroyed, they could not be rebuilt; new construction would have to be in compliance with RS-3 standards.

Applicant's Comments:

Mr. John Sublett, representing the owner (Roger Williams), advised there was a duplex immediately to the east of the subject tract. He submitted photos of the area and the architect's drawing as to what was planned for the property, which is a Tudor style design for a triplex. Mr. Sublett advised there were six parking spaces available, although the Code only requires five spaces, and they are proposing three units, not four. Considering the circumstances, with the hardware store abutting on the west, the KJRH TV Station parking lot on the south, and the duplexes on the north, Mr. Sublett requested approval of this application for RM-0.

Commissioner Selph asked the applicant, if this was approved, would there still be six parking spaces provided. Mr. Sublett confirmed this to be correct and reviewed the parking layout on the drawings. Ms. Wilson inquired if the house was currently occupied. Mr. Sublett stated the applicant uses this as a second house when in Tulsa on business, although the it was only in "passible" condition.

Mr. Frank commented that some of the items the applicant was indicating as justification for RM zoning were things that were not in compliance with the current Code and could not be built today. Further, a plot plan such as submitted could carry no weight in approving the zoning, as the applicant, or a future owner, would not be bound to a plot plan under RM-0 zoning.

Mr. Roger F. Williams (179 Seldon Hill Drive, West Hartford, CT), owner of the property, stated he spends half his time in Tulsa and the other half in Connecticut. Ms. Wilson inquired as to the interior of the building and the amount of remodeling anticipated. Mr. Williams commented that he purchased the house in 1978 with the expectation to make it into a light office, but the zoning would not permit this. Mr. Williams stated they would completely renovate the first and second floors. Ms. Wilson asked if an RD category was unsatisfactory. Mr. Williams remarked he would like the RM zoning to add on and use the additional room on the east side.

Mr. Sublett pointed out there was a bookstore in the area (to the east), and stated that regardless of how these things got there, they have to be dealt with.

Mr. Carnes stated he would not have a problem approving this with the triplex as indicated on the drawings, and asked Mr. Sublett if his client would be willing to submit a PUD which would tie him to this plan. Mr. Sublett explained a PUD to Mr. Williams, and they were agreeable to this suggestion. Mr. Carnes then inquired of Staff as to the procedure of resubmitting this as a PUD. Mr. Carnes then moved for a continuance to allow time for the PUD to be drawn and advertised for presentation at a later date.

TMAPC ACTION: 6 members present

On **MOTION** of **CARNES**, the Planning Commission voted **6-0-0** (Carnes, Doherty, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Draughon, Kempe, Paddock, VanFossen, Crawford, "absent") to **CONTINUE Consideration of Z-6129 Sublett (Williams)** until Wednesday, **December 10, 1986** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

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Application No.: **PUD 297-A** Present Zoning: RM-T
Applicant: **Dupree** Proposed Zoning: Unchanged
Location: 1623 East 66th Street South
Size of Tract: .04+ acres (30' x 63')

Date of Hearing: November 5, 1986
Continuances Requested to: November 19, 1986

TMAPC ACTION: 6 members present

On **MOTION** of **CARNES**, the Planning Commission voted **6-0-0** (Carnes, Doherty, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Draughon, Kempe, Paddock, VanFossen, Crawford, "absent") to **CONTINUE Consideration of PUD 297-A Dupree** until Wednesday, **November 19, 1986** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

OTHER BUSINESS:

PUD 261-A-2: North of the NE/c of East 71st Street South & South Peoria

Staff Recommendation: **Minor Amendment to Allow an Accessory Garage and Amendment to Deed of Dedication**

PUD 261-A is approximately 18 acres in size and is located north and east of the northeast corner of East 71st Street South and Riverside Drive/South Peoria Avenue. The PUD has been approved for three development areas consisting of a multi-story office use, shopping use and office/restaurant use. The applicant is now requesting a minor amendment to allow an accessory garage in the northwest corner of the PUD. If approved, an amendment to the Deed of Dedication would be needed.

MINOR AMENDMENT: Review of the applicant's submitted plans and information indicate two alternate locations. The first alternative would locate the single-story structure three feet from both the north and west property lines and would encroach into an existing 17.5 feet utility easement along these property lines. This proposal could only be approved after the vacation or abandonment of the easement, or by issuance of a license from the City Commission. The maximum size would be 468 square feet. The second alternative is proposed if the easement cannot be constructed upon. This plan would locate the structure 17.5 feet from the north and west property lines, just off the easements. Although this alternative (Site Plan #2) shows the building to be 20' X 20', it could also be a length and width for which the floor area did not exceed 468 square feet.

The submitted drawings show the structure's exterior finish (metal/painted) to be consistent with the existing office building (gray in color with a red stripe) and it would not take any required parking spaces. A similar accessory garage was approved by the TMAPC at the northwest corner of East 91st Street South and South Yale Avenue in PUD #355. The garage proposed under this amendment will be of a more interior location abutting commercially developed and zoned property on the north and commercially zoned property on the west.

Staff finds the request to be minor in nature and consistent with the original PUD, as well as Chapter 11 of the Tulsa Zoning Code. Staff recommends **APPROVAL** of either alternative, subject to the following conditions:

Site #1 (structure located three feet from property lines)

a) The proper vacation or abandonment of the existing easements, or issuance of a license by the City of Tulsa to occupy said easement(s).

b) The submitted plot plan and drawings as to location and appearance.

c) The continued maintenance of an existing six foot screening fence along the north and west property lines.

d) The accessory garage not exceeding ~~400~~ 468 sq. ft. square feet in floor area.

e) Approval by the City Legal Staff of an amendment of the Deed of Dedication and the document being filed of record.

Site #2 (structure located 17.5 feet from property lines)

a) The submitted plot plan and drawings as to the location and appearance.

b) Continued maintenance of a screening fence along the north and west property lines.

c) The location of the trash receptacle being between the accessory building and fence.

d) The removal of the north portion of an existing parking lot island allowing a minimum of 21 feet for vehicle circulation between the island and garage.

e) The accessory garage not exceeding ~~400~~ 468 sq. ft. square feet in floor area.

f) The amendment of the Deed of Dedication and the document being filed of record.

Note: Although the artists rendering shows trees and other landscaping materials at this location, Staff would note that none presently exist.

AMENDMENT TO THE DEED OF DEDICATION: Staff has also reviewed the applicant's submitted language for Amendment of the Deed of Dedication and recommends **APPROVAL** of the new language as submitted subject to approval conditions by the City Legal Staff.

Comments & Discussion:

Mr. Carnes inquired if there was any language in the original PUD 261 that excluded metal buildings. Staff commented that, to their knowledge, there was not.

Applicant's Comments:

Mr. Roy Johnsen (324 Main Mall) pointed out that the northwest corner was the area proposed for the accessory garage, and indicated the location of the existing four-story office building. In reference to statements made that there were no existing trees, Mr. Johnsen submitted photos of the area which indicated the trees/landscaping on the northern boundary of the subject tract. Mr. Johnsen advised the desire was to locate the structure as close as possible into the corner. However, under the Subdivision Regulations there was a requirement that the applicant dedicate a perimeter easement at the time of platting (17.5'). Mr. Johnsen commented they had made preliminary inquiries of the various departments concerned and were advised that all of the utilities serving the nearby properties were located in easements off of the subject tract, i.e. there are no existing utilities in the 17.5' perimeter. Mr. Johnsen, stated the way the recommendation was structured and presented (asking for approval in the alternative) if the applicant was able to do that, then they would be able to locate the building in the northwest corner; if unable to do this then they would locate the building in the alternative location. Mr. Johnsen pointed out that Staff was supportive of either location, but the application would like to leave an option open.

TMAPC ACTION: 6 members present

On **MOTION** of **CARNES**, the Planning Commission voted **5-0-1** (Carnes, Doherty, Parmele, Selph, Woodard, "aye"; no "nays"; Wilson, "abstaining"; (Draughon, Kempe, Paddock, VanFossen, Crawford, "absent") to **APPROVE** the **Minor Amendment and Amendment to Deed of Dedication for PUD 261-A-2**, as recommended by Staff.

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PUD 385-3: NW/c of East 71st Street South & South Utica Avenue
Minor Amendment for Setback

TMAPC ACTION: 6 members present

On **MOTION** of **CARNES,** the Planning Commission voted **6-0-0** (Carnes, Doherty, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Draughon, Kempe, Paddock, VanFossen, Crawford, "absent") to **CONTINUE Consideration of PUD 385-3 Minor Amendment for Setback** until Wednesday, **November 19, 1986** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

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PUD 414-1: West of the NW/c of 36th & Zunis, Lots 1, 2, 3 & 7, Kennebunkport

Staff Recommendation: **Minor Amendment to Rear Yard Setback**

PUD 414 is a 2.73 acre tract located north of the northwest corner of Zunis and East 36th Street, which is platted as "Kennebunkport". The internal street, named Yorktown Place, is a private street. At the time of plat approval, it was noted that minor amendments could be necessary to the 20' rear yard setbacks along the east boundary due to the narrowness of the tract. These amendments would be considered on a case-by-case basis as plot plans become available. No rear yard along the east boundary can be less than 10' as this is the width of the utility easement. The TMAPC approved Detail Landscape, Fence and Sign Plans as submitted on October 22, 1986.

The applicant is requesting that the 20' minimum rear yard setback on Lot 1 be amended to 10' which Staff considers minor and a reasonable request as the south boundary of this lot is only 55.86' in depth. All other building setbacks will be met.

The driveway for the house is at the north end of the lot and provides for adequate vehicle parking and storage on the lot and a circle drive will also be built.

Therefore, Staff recommends **APPROVAL** of amending the 20' rear yard setback on Lot 1 to 10' subject to the submitted plot plans. No plot plans have been reviewed on Lots 2, 3 and 7; therefore, Staff recommends TMAPC continue action on these items to a date mutually acceptable to the TMAPC and the applicant. A problem with such a procedure could be that plot plans may become available on these lots prior to the date of continuance and cause the applicant to be delayed and notice to abutting owners and interested parties would be confusing.

Note: The developer is "fast-tracking" this project and construction of streets, utilities, fences and landscaped entry areas will be going on simultaneously. Installation of the decorative fence and landscaping at the entry cannot be expected to proceed until street paving, grading and utilities are in place.

Comments & Discussion:

Mr. Jones commented that notice was given to all abutting property owners, as provided by the applicant; as well as the interested parties that spoke at the initial TMAPC meeting. Mr. Jones stated that it had been brought to his attention that one of the abutting property owners did not receive notice.

Applicant's Comments:

Mr. David Center (2100 North 26th Street, Broken Arrow) representing the applicant, stated intent of the original PUD was to develop this property keeping as many of the existing trees, and winding the private road through the trees to do this. Lot 1, the lot in question, therefore is very narrow. Mr. Center stated that without the 10' setback for this lot, there was only a 20' buildable depth, which was not feasible or practical for even very narrow homes. Therefore, Mr. Center requested approval of the 10' variance of the original 20' setback requirement.

Ms. Wilson inquired as to the number of lots in the development and was informed there were 13. Ms. Wilson recalled that at the previous hearing, there was some concern as to retention/detention and that the number of lots might be reduced. Mr. Center advised he was not present at the previous TMAPC hearing on this, but it was his understanding that the Department of Stormwater Management (DSM) had approved the original PUD. Chairman Parmele confirmed with Staff that there were only 10 lots on which houses could be built.

Mr. Carnes pointed out that the plot plan indicated 10' on the building line with the eave line extending into this easement. Mr. Center stated he was not aware of this as his office did not do these plans. Staff confirmed that a two foot overhang was allowed by the Zoning Code.

Additional Comments and Discussion:

Mr. Stan Bolding of DSM advised that the applicant should be aware that the natural drainage in this area runs from the south of this property to the north to the detention area. Decreasing the rear yard setback from 20' to 10' would give less conveyance area for overland drainage and the applicant should be aware that, if approved, special attention should be given to the drainage. Mr. Bolding was impressing that drainage should be dealt with on a lot-by-lot basis to avoid blocking or damming of waterflow.

Mr. Frank asked Mr. Bolding to comment as to the process of approving final plans (including drainage) and if the applicant has appropriately addressed the DSM concerns. Mr. Bolding stated that when the PFPI was done an internal lot grading plan was not done, which raises the question of how the lot drainage was going to be handled. Mr. Bolding stated that DSM had already approved a Watershed Development Permit for the development of Kennebunkport and, theoretically, as each Building Permit was applied for on each lot, DSM would not see this again. DSM's intention was to get the aid of the Protective Inspections Division to allow DSM to review these permit applications and make a drainage recommendation. Mr. Frank suggested making this a condition for approval.

Interested Parties:	Address:	
Mr. James Smith	3470 South Zunis Avenue	74105
Ms. Nadine Park	3414 South Zunis Avenue	"
Mr. Steven K. Iverson	3454 South Zunis Avenue	"
Ms. Helen Jones	3462 South Zunis Avenue	"
Mr. Glen Storey	3408 South Zunis Avenue	"

Mr. Smith advised the subject lot was directly behind his home, and he had concerns as to the drainage. Mr. Smith stated he felt the 20' setback should be maintained as the house would be located too close to his home. He commented that the neighborhood had not been notified of the actions that had preceded with this PUD as to drainage, number of houses permitted, etc.

Chairman Parmele recalled that, when the PUD was approved for a maximum of ten lots, there was some discussion as to a maximum of seven due to the drainage and setback requirements, and asked Staff to clarify this. Mr. Frank stated the applicant had asked for ten and Staff had recommended ten as a maximum due to the RS-2 requirements. Referring to the minutes of that previous TMAPC meeting, Mr. Frank commented there was a considerable amount of discussion on this matter. Mr. Frank remarked that it appears there was also some off-the-record discussion among the developer and neighborhood as to seven lots (or less than ten lots); however, the maximum approved was ten lots.

Mr. Iverson addressed the current problems with water and drainage and stated he was opposed to the request for a decrease of the 20' setback.

Ms. Helen Jones was also opposed to a reduction of the setback, and was also concerned as to the additional drainage problems.

Mr. Storey voiced concerns as to the developer putting a trench in his backyard and the removal of more trees. Ms. Wilson asked Legal to comment on the trench being dug on Mr. Storey's property. Mr. Storey clarified for Mr. Linker, it was his understanding that since this was a private development with private streets that they would not be using the easement (that he shares with his abutting neighbor), and they would have to get an easement granted to go inside of his back yard and remove trees. Mr. Linker advised that if the trees were not in an easement area (i.e. private property) and the developers does dig them up, then the property owner could, more than likely, recover damages for the loss of the trees. He also stated a citizen can grant an easement along the side of their property to allow a developer to cross it. Mr. Bolding confirmed for Mr. Storey that the applicant has obtained DSM approval.

Mr. Frank commented that he had discussed with the applicant the possibility of shifting the house to the west about five feet as there would still be room for the circular drive and vehicle storage. However, as the developer thought he had the house sold, he did not want to start adjusting the setbacks and moving the house around too much. Therefore, Mr. Frank suggested a 15' front and rear setback, if that would be acceptable with the Commission. Chairman Parmele stated he recalled a great deal of discussion on the matter of density when this was first presented and a lot of the concerns expressed were to the ten unit maximum, and if they would fit on this particular piece of land. Mr. Carnes agreed with Chairman Parmele that the Commission also devoted a lot of time and discussion to the setback requirement when the PUD was presented.

Applicant's Rebuttal:

Mr. Center stated the drainage issue was basically solved by DSM and they have met all the requirements issued by DSM and the City, and he felt the setback should be allowed on Lot 1. Mr. Center remarked it was his understanding that they would be allowed to come back, on a lot-by-lot basis, to request a variance as the 20' setback which would make some of the lots unbuildable. Mr. Center commented he would be willing to relocate the house four or five feet to the west, if agreeable with the Commission.

Additional Comments and Discussion:

Mr. Carnes stated that when the PUD was presented, the Commission already gave the applicant five feet (from 25' to 20') and there was lengthy discussion as to the difficulty of placing ten lots. Therefore, while sympathetic with the applicant's problem, he would not in favor of granting this setback request. Mr. Frank read condition #4 of the April 9, 1986 TMAPC minutes addressing the possible setback variances.

Ms. Wilson, in reference to the distances between the homes, commented that should the setback be allowed, she felt it was taking good faith advantage of the neighborhood and she recalled that the previous discussions did not offer any guarantees. Therefore, she would not vote in favor of the request.

TMAPC ACTION: 6 members present

On **MOTION** of **CARNES,** the Planning Commission voted **6-0-0** (Carnes, Doherty, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Draughon, Kempe, Paddock, VanFossen, Crawford, "absent") to **DENY** the **Minor Amendment for a 10' Setback on Lot 1 for PUD 414-1.**

Mr. Frank inquired if the Commission would be agreeable to a 15' rear yard setback. Chairman Parmele stated that the denial of the 10' setback request should be taken as an indication that the TMAPC wishes the 20' setback be maintained.

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PUD 407: NW/c of East 66th Street South and South Yale

Staff Recommendation: **Detail Parking Plan, Mutual Access Use and Easement Agreement and Phasing for the Detail Landscape Plan**

The subject tract is the site of the Resource Sciences Center building and office complex which is located at the northwest corner of East 66th Street and South Yale. The PUD received final approval from the City Commission on January 28, 1986. In accordance with the conditions of approval, the applicant submitted and received TMAPC approval for a phased Detail Landscape Plan on September 10, 1986 which addresses requirements for landscaping at the main entrance from Yale, increased landscape treatment and grade stabilization along the south PUD boundary which is East 66th Street and Toledo, and improved landscape treatment of the main east/west corridor within the project. Phasing was not addressed at the time of Detail Landscape Plan approval and should be addressed at this time.

A requirement of PUD approval (condition #5) was that prior to conveyance of any lots within the PUD, a Detail Parking Plan would be submitted which demonstrated that parking would be provided as required within the PUD, or mutual access use and easement agreements would be approved to require shared parking as needed. The applicant has now submitted the required Detail Parking Plan and Mutual Access Use and Easement Agreements which are in compliance with PUD 407.

Therefore, Staff recommends APPROVAL of the Detail Parking Plan and Mutual Access Use and Easement Agreement subject to the following conditions:

1) That the applicant's submitted Plan and Mutual Access Use and Easement Agreement be made conditions of approval.

2) Off-Street Parking shall be provided as follows:
   Existing buildings 1 space/400 square feet of floor space
   New buildings 1 space/300 square feet of floor space

3) That the landscaping required under the Detail Landscape Plan be phased and installed as follows:

   a) That the internal landscape east/west corridor be installed prior to granting of an Occupancy Permit on any new building on Lot 12, Block 1, Resource Sciences Office Park (condition #1 of the Detail Landscape Plan).

   b) Landscaping at the main entrance be installed at the time of modification to this entrance to South Yale (condition #2 of the Detail Landscape Plan).

   c) That landscaping be installed on the south boundary of PUD 407 along 66th Street and South Toledo prior to granting an Occupancy Permit on any building built on Lot 3, Block 1, Resource Sciences Office Park (conditions #3, 4 and 5 of the Detail Landscape Plan).

4) That the TMAPC stamp of approval be affixed to the deeds of Lots 1 and 2 prior to recording attesting that TMAPC and City conditions of approval for PUD 407 have been met.

5) That the Mutual Access Use and Easement Agreement be approved subject to approval by the City Legal Staff.

TMAPC ACTION: 6 members present

On **MOTION** of **CARNES**, the Planning Commission voted **5-0-1** (Carnes, Doherty, Parmele, Selph, Woodard, "aye"; no "nays"; Wilson, "abstaining"; (Draughon, Kempe, Paddock, VanFossen, Crawford, "absent") to **APPROVE** the Detail Parking Plan, Mutual Access and Use Easement Agreement and Phasing for the Detail Landscape Plan for **PUD 407**, as recommended by Staff.

There being no further business, the Chairman declared the meeting adjourned at 2:55 p.m.

Date Approved 11-19-86

Chairman

ATTEST:

R B Paddock

Secretary