

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1758
Wednesday, **August 23, 1989**, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Carnes, 2nd Vice Chairman	Coutant Kempe	Gardner Matthews	Linker, Legal Counsel
Doherty, Chairman	Randle	Setters	
Draughon, Secretary		Stump	
Paddock		Wilmoth	
Parmeale			
Selph			
Wilson, 1st Vice Chairman			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, August 22, 1989 at 11:10 a.m., as well as in the Reception Area of the INCOG offices.

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

MINUTES:

Approval of the Minutes of August 9, 1989, Meeting #1756:

On **MOTION** of **CARNES**, the TMAPC voted **6-0-2** (Carnes, Doherty, Paddock, Selph, Wilson, Woodard, "aye"; no "nays"; Draughon, Parmele, "abstaining"; Coutant, Kempe, Randle, "absent") to **APPROVE** the **Minutes of August 9, 1989, Meeting #1756**.

REPORTS:

Report of Receipts & Deposits for the Month Ended July 31, 1989:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Kempe, Randle, "absent") to **APPROVE** the Report of Receipts & Deposits for the Month Ended July 31, 1989, as confirmed by Staff to be in order.

Committee Reports:

Comprehensive Plan Committee

In the absence of the Committee chairman, Mr. Doherty advised this Committee will be meeting on September 6, 1989 regarding proposed amendments to the District 2 and 18 Plans.

Rules & Regulations Committee

- a) Consider adopting as TMAPC interim policy the 8/23/89 Staff recommendation for PUD minor amendments.

Hearing no objection from the Commission, Chairman Doherty asked that Staff begin using the suggested recommendations as guidelines for notice on minor amendments.

- b) Consider calling a public hearing for September 13, 1989 for the purpose of amending the Tulsa Zoning Code, Chapter 11, Planned Unit Developments, Section 1170.7 Amendments.

Mr. Paddock stated the Committee had numerous meetings in regard to the major/minor amendments language revision. He advised the Committee members voted unanimously to recommend that the Staff's draft of the amendments to Section 1170.7 of the Zoning Code, and the language for interim policy, be approved. Further, the Committee voted to recommend that the Mayor's suggested alternative also be considered at the public hearing on this issue, in addition to the alternative suggested by Staff.

Hearing no objection from the Commission members, Chairman Doherty requested notice be issued in regard to the requested September 13th public hearing for amendments to Chapter 11 Planned Unit Developments, specifically Section 1170.7 Amendments.

Mr. Paddock advised the Rules & Regulations Committee had met this date concerning the continued review of amendments to the Sign Code, and they would be meeting on August 30th to continue the amendment review process.

Director's Report:

- a) Ms. Dane Matthews requested a public hearing be set for September 20th to consider amendments to the District 2 Plan. Ms. Matthews reminded the Commission that a tentative Comprehensive Plan Committee meeting was scheduled for September 9th to review the proposed amendments to the District 2 Plan and the District 18 Plan.
- b) Mr. Gardner announced the 9th Annual Zoning Institute would be held in Long Beach, CA, October 29th - 31st. Information regarding the conference would be distributed when received by Staff.

SUBDIVISIONS:

LOT SPLIT FOR DISCUSSION:

L-17210 Brocksmith (Marshall)(2993)

3110 East 44th Place

(RS-1)

This application was scheduled for review on 8/2/89, but a continuance was requested by the applicant to allow time to redesign the lot configuration. At the 8/2/89 hearing, the protestants and applicant agreed to the continuance to 8/23/89.

The only significant change is in the actual front property line footages which have been increase from 40' on the two middle lots to 67' and 70', respectively. The areas of the lots runs from a minimum of 13,540.99 square feet to 20,157.01 square feet. In the absence of a standard method of determining "average lot width", the question of compatibility with the neighborhood may be more important in this particular case. Although there is no question whatsoever about meeting the minimum 13,500 square feet area, the site may be more suitable for three lots with frontages similar to other lots on this street.

Applicant's Comments:

Mr. Charles Norman advised that, although not involved in the previous presentation of this case, he was representing the applicant for this presentation of the redesign. In regard to drainage concerns, Mr. Norman reviewed the regulatory floodplain maps, advising that the Department of Stormwater Management (DSM) indicated fees-in-lieu-of would be acceptable, considering the tract was only 1.5 acres. He commented that there were a number of lots approved throughout the City with similar frontages (67' - 70') where the lot area equalled or exceeded the minimum requirements.

Interested Parties:

Ms. Marjorie Dougherty (2947 East 45th Place) commented she has been a resident in this area for several years, and she felt this proposal was an infringement on the resident's privacy rights. Ms. Dougherty expressed concern that 16 new homes (12 in Annandale and four on this tract) would add to existing water run-off in the area. She added that he felt this development, if approved, would be unfair to the neighborhood residents.

Mr. Ira B. Powell, Jr. (3107 East 44th Place) stated his objection to the request was based directly on the Code requirements, in that he did not see how the 100' average width could be met on this triangular corner for the proposed four lot configuration. In reply to Mr. Draughton, Mr. Powell advised he did not experience flood problems. Mr. Parmele commented that the opposition appeared to be the number of lots, and he asked Mr. Powell if he would object to the project if it met all the Code requirements. Mr. Powell repeated his problem with the proposal was that, if approved, it would be an exception to the Code.

Legal Counsel commented that the practice with odd shaped lots was to take an average lot width. Mr. Linker agreed that on some of these lots a waiver before the BOA might be made, if the 100' average could not be met.

Mr. Bob Wood (3101 East 45th Street) agreed with Mr. Powell's statements as to meeting the Code requirements. Mr. Wood commented the 17 residents in attendance at this and the previous hearing were appearing to protest the application as they desired to keep their spacious lots and the character of the neighborhood. He added that the three houses across the street from the subject tract each had lots approximately 300' long.

Chairman Doherty advised the Commission was in receipt of a letter from **Mr. & Mrs. Kenneth Mark** protesting the lot split due to the proposed lot widths.

Mr. Gardner stated the record should be clear that the applicant's proposal met the Code requirement with respect to width and area. However, it is up to the TMAPC to determine if the average width was, in fact, correct. He commented the practice by the Building Inspector has been to take the rear and front lot dimensions and divide by two, and if that equalled 100', they used that as the average. Mr. Gardner added that he felt this was not the best method to determine average width, and he reiterated it remained with the TMAPC as to the final decision on this case. Discussion followed among Staff and Commission on the issue of determining average lot width.

Applicant's Comments:

Mr. Norman commented that 30' of frontage on a public street was a basic frontage, and he distributed copies of the plat for the Annandale Subdivision, located at East 44th Place South, comparing this development with the applicant's proposal. Mr. Norman pointed out that the Annandale Subdivision lots all had a minimum of 13,500 square feet and 30' minimum frontages. He added there were similar applications throughout the City that have been approved.

Mr. Norman introduced Dan Tanner, engineer for the project, advising they determined the lots did meet the average lot width by calculating the altitude of the triangular lots, measuring the width at the centroid (1/3 of the altitude).

TMAPC Review Session:

Chairman Doherty commented his problem was with the two interior lots, not with the two triangular corner lots. Mr. Paddock remarked the Code specifically stated average horizontal distances, so he did not feel the approach suggested by the engineer would apply.

Chairman Doherty referred to the area map, commenting that the two lots at 45th and Gary appeared to meet the 100' width, and he asked Legal Counsel if there might be an equal treatment problem should the TMAPC deny this case. Mr. Linker advised the Commission did not know if those lots one

block away involved a waiver situation or not. He added that Mr. Norman's approach would address the two interior lots, but he still had a problem with the two corner triangular lots.

Commissioner Selph commented he was very familiar with this property and he acknowledged the amount of thought and work going into these infill type projects. He added that, from a practical and realistic standpoint, he could not be supportive of this application. Commissioner Selph asked if the applicant could come back to the TMAPC with an application for a three lot configuration, should this case be denied. Mr. Wilmoth advised that, with a three lot configuration, there would be no need for a waiver as it would then meet all the requirements.

Mr. Parmele commented it appeared the Commission was wrestling with the definition of average lot width, and he was not sure if these four lots met this. Therefore, he moved for denial.

TMAPC ACTION: 8 members present

On **MOTION** of **PARMELE**, the TMAPC voted **8-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Kempe, Randle, "absent") to **DENY** L-17210 Brocksmith.

ACCESS CHANGE:

City Plaza Addition (2293) SW/c of East 31st Street & South Hudson (CS)

Mr. Wilmoth advised the purpose for the request was to relocate access points as platted to those actually in place after street improvements were made. He noted this item was on today's TMAPC zoning agenda in order to meet a real estate closing date. The Traffic Engineer and Staff recommend **APPROVAL** as requested.

TMAPC ACTION: 6 members present

On **MOTION** of **CARNES**, the TMAPC voted **6-0-0** (Carnes, Doherty, Draughon, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Kempe, Parmele, Randle, Selph, "absent") to **APPROVE** the Access Change for City Plaza Addition, as recommended by Staff.

Staff feels even 27 units is too high for this tract and would recommend a maximum of 22 units be allowed in the PUD. Because of this, Staff recommends DENIAL of PUD 452 unless modified significantly to reduce the overall density.

Applicant's Comments:

Mr. Gary Harkreader, president of Pennant Development Company, reviewed the zoning patterns and development in the areas surrounding the subject tract. Mr. Harkreader commented he felt an increase in density on the subject tract to be the best solution to remain compatible with the level of development in the area. He reviewed the concept and development plans for the proposed PUD, stating he felt the requested zoning and PUD would enhance the marketability of the development. Mr. Harkreader pointed out the RS-3 zoning already established in the area, as well as other high density developments. He stated that RS-3 zoning was in compliance with the Comprehensive Plan, and he reviewed the PUD text as to fencing, security, seclusion of the project, etc.

In reply to Mr. Paddock, Mr. Harkreader stated the requested zoning pattern was done for simplicity and alignment, as the requested area for zoning was more than actually needed for the project. He added that the RS-2 and RS-3 zoning as presented, would allow up to 42 units, but he only needed 31 units.

In regard to the density issue, Mr. Parmele pointed out that the applicant wanted 31 units, and Staff felt 27 units to be high, even though the present zoning would allow it, and they had recommended a 22 unit maximum. He asked the applicant to comment on a proposal for 27 or 22 units. Mr. Harkreader commented he felt it came down to an economic consideration. In reply to Mr. Doherty, Mr. Harkreader reviewed the two principal access points to the subject tract.

Interested Parties:

Mr. Tom Poss	2526 East 55th Place	74105
Ms. Barbara Hoffme	4442 South Delaware Place	"
Ms. Billie Knight	5329 South Delaware Avenue	"
Mr. Gary Lahman	5507 South Columbia Avenue	"
Mr. J.C. Brown	5341 South Delaware Avenue	"
Mr. George Postun	5347 South Delaware Avenue	"
Mr. Jerry Vierra	5621 South Columbia Place	"
Mr. Harry Szemkowski	5506 South Delaware Place	"
Mr. Gary Gill	2620 East 55th Street	"

All of the above listed parties appeared in protest to the zoning and PUD proposal. In regard to access to the development, each pointed out existing problems along 55th Street which was a very narrow asphalt road, and not totally developed to a full street between Columbia and Delaware Avenues. They advised this one-lane street had pedestrian traffic comprised of students, as well as residents in the neighborhood, and

concerns for safety were expressed if additional traffic was added since two vehicles currently could not pass each other on part of 55th Street. It was also pointed out that, with no straight access to the subject tract, additional traffic would be forced to travel throughout the other neighborhood streets.

The main concern expressed to the TMAPC involved the severe flooding history in this area which, in the past, had involved deaths as well as very high property damages. All of the protestants advised of instances of being flooded, commenting they were still experiencing flooding and/or drainage problems, even though the Corps of Engineers had supposedly improved the Joe Creek drainage channel which went through this neighborhood; i.e. instead of 12" of water, they now just get 6" - 8" of flood waters.

The protestants also submitted comments that the area currently had more than enough multi-family dwellings, and they were opposed to even 22 units. For the reasons stated, the interested parties requested denial of the zoning and the PUD.

Applicant's Rebuttal:

Mr. Harkreader stated he felt the traffic situation was a transitional problem in areas such as this; and his project had nothing to do with the lack of traffic signs or speeding in this area. Therefore, he did not feel his project should be penalized. In regard to the flooding issues, he stated this development was adjacent to the Joe Creek channel and tributary creek, and he had incurred a great expense in this regard since the city would not spend the dollars. He commented that one of the solutions to the present condition of the subject property (dilapidated structure, etc.) would be to develop the tract per the standards of the PUD. Mr. Harkreader remarked he would be going to Stormwater Management and the TAC during the development of the property.

In regard to questions relating to access, and the fact that 55th Street was only 12' wide, Mr. Harkreader stated that, for some reason the City did not pave and widen 55th to Columbia. He confirmed that, when the sewer was installed, 55th Street was widened from Delaware to his property, but not past that point.

TMAPC Review Session:

Mr. Carnes moved for denial of the zoning request, and approval of the PUD for only 22 units. Chairman Doherty confirmed the existing underlying zoning would support 22 dwelling units. Mr. Stump suggested that, if the Commission was favorable to considering 22 units, the PUD review be continued to allow Staff time to work on the development standards. Therefore, Mr. Carnes amended his motion to deny the zoning, and continue the PUD to September 6th to allow Staff consideration of the PUD as to the number of units.

Mr. Parmeie commented he basically agreed with the motion, as he felt the PUD, as proposed, would be an improvement over the existing situation on this tract. He added he preferred the single-family detached housing, but he felt 31 units was too much, and perhaps a number between 22 and 27 units might be an appropriate density.

Mr. Draughon commented for the record: "in my 20 years in Tulsa in the 31st Street and Mingo Road area, I have been seriously flooded twice up to 3' in a one story house. I am very sympathetic to flooding problems. It is my observation during those 20 years that the City and County and the Corps of Engineers have consistently underestimated the amounts of water run-off and the design controls required to prevent flooding throughout our City. I am aware that the federal government and the city ordinances do not require the engineers to control flooding if it's over the 100 year flooding, yet I have been under two 300 year floods. Therefore, I think everyone in this city should be very concerned that Stormwater Management does its job when we (TMAPC) turn these cases over to them to set up adequate drainage standards and requirements for detention; and sufficient fees if they do not require detention."

Mr. Paddock stated, as far as the streets were concerned, this was something the city departments should address, as the zoning case report indicated the necessary right-of-way width (50') on 55th Street. Further, stormwater management flooding was a factor in the TMAPC planning, but not in the zoning. Therefore, the TMAPC was suggesting implementation of the planning which called for a certain density, and the question remained with the number of units preferred to address density issues.

Ms. Wilson requested current information from the Traffic Engineer regarding the streets, and current information from Stormwater Management be provided at the next hearing, if the PUD was continued.

TMAPC ACTION: 8 members present

On **MOTION** of **CARNES**, the TMAPC voted **7-1-0** (Carnes, Doherty, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; Draughon, "nay"; no "abstentions"; Coutant, Kempe, Randle, "absent") to **DENY** the zoning request for **Z-6259**, and to **CONTINUE** Consideration of **PUD 452 Harkreader (Pennant Development Company)** until Wednesday, **September 6, 1989** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

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Application No.: Z-6261 Present Zoning: RS-3
Applicant: Weiss Proposed Zoning: OL
Location: SW/c of 71st Street & South Jackson Avenue
Date of Hearing: August 23, 1989
Presentation to TMAPC by: John F. Weiss, 1580 Swan Drive (742-1433)

Relationship to the Comprehensive Plan:

The District 8 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity - Linear Development Area 1 (commercial).

According to the Zoning Matrix, the requested OL District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 1 acres in size and located at the southwest corner of 71st Street South and South Jackson Avenue. It is nonwooded, gently sloping, contains a single-family dwelling and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north by mostly vacant property zoned AG; on the east and west by single-family residences on large lots zoned RS-3; on the south by a single-family dwelling with agricultural uses zoned AG.

Zoning and BOA Historical Summary: The tract south of the subject tract was recently rezoned to AG.

Conclusion: According to the Development Guidelines, for the tract to fully develop to medium intensity, a companion PUD must be filed to insure compatibility. Since a lesser intensity, OL zoning, is proposed, which is in accordance with the Comprehensive Plan, staff can support the request without a PUD. However, since the applicant is proposing to utilize the existing structure, staff would recommend approval of the north 200' measured from the centerline of 71st Street. This would place the office zoning to a depth north of the existing single-family dwelling to the east and reduce any potential negative impact.

Therefore, staff recommends **APPROVAL** of zoning on the north 200' measured from the centerline of 71st Street South and **DENIAL** of the balance.

Comments & Discussion:

Mr. John Weiss, applicant, stated agreement to the Staff's recommendation for approval of OL on the north 200' only.

TMAPC ACTION: 8 members present

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Doherty, Draughton, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Kempe, Randle, "absent") to **APPROVE Z-6261 Weiss** for OL zoning on the north 200', and **DENIAL** of OL zoning on the balance of the tract, as recommended by Staff.

Z-6262 & PUD 453 Sack (Wilkerson)

Staff Recommendation: PUD 453

The subject tract is .52 (gross) acres in size and is located at the southwest corner of East 21st Street South and South Jamestown Avenue. The tract has an underlying zoning of RS-3 with a companion rezoning application, Z-6262 for RM-1 zoning also filed. Staff is not supportive of the rezoning application, and is, therefore, not supportive of the PUD.

Staff recommends **DENIAL** of PUD 453 as requested.

Applicant's Comments:

Mr. Ted Sack, representing the owner of the property, reviewed the proposed development as to access, landscaping, screening, etc. Mr. Sack stated the project would be an improvement to the area and would be compatible with the neighborhood as the structure would maintain a residential appearance.

In reply to Mr. Draughon, Mr. Sack advised that he had contacted five or six of the residents, but they were unable to set a meeting to review the proposed development, and they had, in fact, appeared to be totally opposed to office use.

Mr. Paddock asked Mr. Sack if he knew the basis for the granting of access to 21st Street by the Traffic Engineer. Mr. Sack replied he did not. Mr. Parmele then inquired as to the possibility of restricting access only to 21st Street and not to the residential area. Mr. Sack commented this was a possibility, but internal movement of vehicles would be more difficult if this occurred. Mr. Carnes agreed with Mr. Parmele's suggestion to closing access onto Jamestown, and stated he would be supportive of the request only if this was accomplished.

Interested Parties:

Mr. James O. Lewis (2110 South Jamestown), representing approximately 30 people in attendance, submitted a petition with 119 signatures strongly protesting the request for RM-1 zoning. Mr. Lewis commented their opposition was the applicant's approach to establish a use which has been denied in the past by the TMAPC. Mr. Lewis also submitted a letter of protest from **Mr. J. Earl Sallee** (1646 East 15th), a realtor, stating this application, if approved, would "cause deterioration of the neighborhood." Therefore, Mr. Lewis requested denial of the request in order to preserve the character and integrity of the neighborhood.

Mr. Laird McDonald (3504 East 22nd Place) submitted photos of homes in this neighborhood. Mr. McDonald commented that any increase in the vehicular circulation and traffic would greatly impede those in the neighborhood who walk to the commercial uses at the 21st and Harvard intersection. He also reviewed County Assessor records to indicate how the reconstructed dwelling relates to the existing neighborhood structures. Mr. McDonald expressed concerns that existing landscaping and trees would have to be removed to accommodate the PUD proposal. Therefore, he also requested denial of the application.

Z-6262 & PUD 453 Sack (Wilkerson)

Mr. Dave Verbonitz (3526 East 21st Place) remarked that he and other young families feel the safety of their children will be threatened if this project was approved. Since this was a main concern, Mr. Verbonitz stated they were opposed to any use that would increase traffic into the residential area. He, too, requested the TMAPC deny the application.

Ms. Nina Miller (3516 East 21st Place) joined the other speakers who expressed a desire to preserve the integrity and character of the single-family neighborhood. Ms. Miller added that this was not one of the older neighborhoods in a state of decline or transition, but was a well established and total single-family subdivision, which she wanted to see remain intact.

Applicant's Rebuttal:

Mr. Sack commented the office building to the west of the subject tract was now vacant, for sale, and was being rezoned for commercial use. He stated he felt this application would be a buffer between the commercial and residential uses. In regard to the suggestion for closing access onto Jamestown, Mr. Sack agreed this would help isolate the office uses from the residential area. He added the applicant would extend the landscaping to further isolate the office use. Mr. Sack pointed out that the residential structures all backed up to 21st Street, and the structure on subject tract fronted on 21st Street. Therefore, he did not feel approval of this request could create a domino effect. He added that the owner of the tract has been approached previously by parties interested in using this tract for office use.

Mr. Sack reiterated that the PUD proposal, submitted in conjunction with the zoning request, was done to offer additional safeguards and controls. He felt this project would be an asset to the area as it would remain residential in appearance.

In reply to Commissioner Selph, Mr. Sack advised the large tree in the front yard would have to be eliminated with this proposal, as it was too far into the lot and would obstruct the entrance.

Chairman Doherty obtained clarification as to location and dimension of the rear yard for the existing structure, and commented it appears "something" leaked through during the Building Permit process. He added that original dwelling fronted on Jamestown and during reconstruction the frontage was shifted to 21st Street. Mr. Stump remarked that, although a Protective Inspection issue, it was his understanding an applicant is given a choice, when two frontages are involved, as to which one is to be considered the front yard, regardless of the configuration of the house. Chairman Doherty stated he had a problem with the applicant choosing to front on 21st Street for purposes of office, zoning and/or PUD, and to front onto Jamestown for purposes of rear yard setback, as it just didn't seem fair.

TMAPC Review Session:

Mr. Paddock complimented the protestants for the information furnished to the Commissioners, as not all of the TMAPC members were able to physically inspect the subject property. Further, he felt the applicant was "trying to have it both ways". The applicant knew commercial uses had been denied by the TMAPC, with comments made at that hearing that OL would most likely be opposed. Nevertheless, the property owner then constructed a new two story building facing 21st Street, and on the basis of the residential structure, he obtained a second access to the property from Traffic Engineering. Mr. Paddock commented that he felt the history of this case indicated some deviousness, and he personally felt this application was "merely subterfuge and an attempt to get around the Zoning Code in the guise of a PUD on less than 1/2 acre net, and this was a perversion of the PUD process." Therefore, he could not support the rezoning or the PUD. He pointed out that, if approved by the TMAPC but denied by the City Commission, with the underlying zoning, the applicant could seek OL use by going to the BOA. Mr. Paddock stated he felt the TMAPC members and interested parties should be aware of all the possibilities.

Chairman Doherty stated he felt the PUD was appropriate; however, since there was now a two story structure on the tract, which does not conform with an OL district, he had some hesitation. He agreed the physical facts on this tract sufficiently differed from those across the street and to the south, but he still had some questions with the way this case developed.

Commissioner Selph commented that he felt the engineer, through the PUD, has tried his best to lessen the impact on the residential area. He added that, regardless of these efforts, he did not feel it could be done to his satisfaction, as he still had some problems with the application. Commissioner Selph agreed this was one of the City's most well-preserved neighborhoods. Therefore, in order to protect the integrity of this neighborhood, he could not be supportive of the request.

Ms. Wilson agreed with Mr. Paddock's and Commissioner Selph's comments, and the Staff recommendation, and therefore, she moved for denial of the zoning and PUD request. Mr. Carnes commented the two story aspect with the OL zoning request did present a unique situation, especially with the other physical facts of frontage and nearby commercial uses. However, this was a case he may abstain on.

Mr. Parmele stated this was a problem piece of property since it abutted 21st Street and was adjacent to commercial with OL across the street. He added that, regardless of what the applicant has done in the past, he felt this application was an attempt to better the situation. Mr. Parmele admitted he had mixed emotions about the case, but he felt the developer had equal rights, under the zoning laws, to those of the abutting residents.

Z-6262 & PUD 453 Sack (Wilkerson)

TMAPC ACTION: 8 members present

On **MOTION** of **WILSON**, the TMAPC voted **6-1-1** (Doherty, Draughon, Paddock, Selph, Wilson, Woodard, "aye"; Parmele, "nay"; Carnes, "abstaining"; Coutant, Kempe, Randie, "absent") to **DENY Z-6262 & PUD 453 Sack (Wilkerson)**, as recommended by Staff.

* * * * *

Application No.: **PUD 351-A (Major Amendment)** Present Zoning: OL
Applicant: **Jones (Local America Bank)** Proposed Zoning: Unchanged
Location: North of East 45th Street & South Harvard Avenue
Date of Hearing: August 23, 1989
Presentation to TMAPC by: Bill Jones, 3800 First National Tower (581-8200)

Staff Recommendation:

The subject tract is 125' x 300' (0.86 acres) located on the east side of Harvard Avenue approximately 200' north of 45th Street. It is vacant, zoned OL and PUD 351 with the permitted uses being those allowed by right in the Unit 11. The applicant is proposing a major amendment to the PUD requirements which includes the following modifications:

- a) The required setback from the centerline of Harvard Avenue from 165' to 115'.
- b) The permitted uses to add a drive-in bank facility.
- c) Ground sign standards to permit location of a ground sign 50' from an R District rather than the 150' required by the zoning ordinance.

After review of the proposed amendments staff finds them, with certain modifications, to be in keeping with the original purposes of PUD 351. If the following standards and conditions are imposed, Staff finds the proposal to be: 1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of the area; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, the Staff recommends **APPROVAL** of PUD #351-A, subject to the following conditions:

- 1) That the applicant's Outline Development Plan be made a condition of approval, except as modified herein.

2) Development Standards:

Land Area (Gross): 1.0 acre
(Net): 0.86 acres

Permitted Uses: As permitted by right within an OL District and a drive-in bank facility

PUD 351-A Major Amendment - Cont

Maximum Floor Area:	12,000 sf [Amended by applicant]
Maximum Building Height:	42' (2 stories)
Minimum Building Setbacks:	
from Harvard Avenue C/L:	115'
from North Boundary:	12'
from East Boundary:	85'
from South Boundary:	12'
Minimum Setback For Drive-In Bank Structure:	
from Harvard Avenue C/L:	115'
from North Boundary:	12'
from East Boundary:	50'
from South Boundary:	40'
Off-Street Parking:	1 Space/300 sf of floor area
Setback	5' from all property lines
Minimum Landscape Open Space:	10% of net area
Other Bulk & Area Requirements:	As required within an OL District

Accessory Business Signs:

Ground Signs: Only one ground sign, a monument sign, shall be allowed on the tract which is limited to a maximum height of 12' and display surface area of 32 sq.ft. and illumination, if any, shall be by constant light. The monument sign shall be setback a minimum of 120' from any residential district if a variance from the provisions of Section 1130.2.B.2 is granted by the Board of Adjustment.

Other Signs: Shall comply with the requirements of Section 1130.2.B of the Tulsa Zoning Code, provided that no illuminated sign shall be placed on the east or south side of the building or drive-in structure.

Screening and Buffering:

- a) An 8' high decorative screening fence shall be constructed on the east and south boundaries of the tract.
- b) No windows shall be allowed on the south and east side of the building above the first story. [Amended by the TMAPC]
- c) All trash and mechanical equipment areas shall be screened from public view.

Lighting:

- a) Light standards shall be a maximum of 12' tall and be equipped with deflectors which direct the light down and away from adjacent residential areas.
- b) Building mounted lights shall be directed downward and be hooded to prevent spill-over lighting of residential areas.

Vehicular Circulation: The drive-in banking bays shall be entered from the north with all vehicular queuing on the north side of the tract. [NOTE: This condition was discussed and deleted per TMAPC action; see TMAPC Review Session.]

- 3) That particular attention be given to solving the run-off problem in the area and that the hydrology plans be approved by the Department of Stormwater Management.
- 4) That a Detail Landscape Plan shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify that all landscaping and screening fences have been installed in accordance with the approved landscape plan prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
- 5) That no Building Permits shall be issued within the Planned Unit Development until a Detail Site Plan which includes all buildings and required parking has been submitted to the TMAPC and approved as being in compliance with the approved PUD requirements.
- 6) No building permits shall be issued for erection or installation of a sign in the PUD until a Detail Sign Plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
- 7) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval, making City of Tulsa beneficiary to said Covenants.

Applicant's Comments:

Mr. Bill Jones, representing the applicant, commented there were a few areas he was not in agreement with the Staff recommendation:

- Amend the maximum floor area to 12,000 square feet (from 15,000), as the initial building will only be 6,000 square feet, and they do not anticipate a second level at this point, but would like to keep some area for future growth.
- The recommended 8' decorative fence for screening be an alternative and not mandatory at this point, in order to have an opportunity to visit with the abutting residents as to their preference. Mr. Jones suggested the residents might prefer plantings on the applicant's side of the existing fence in lieu of a decorative fence.
- Does not want a north entrance on the drive-in bays, as the applicant specified the south entrance so the teller and client will be able to directly view each other during the banking transaction. He added they do not anticipate a problem with a back up of the lanes.

PUD 351-A Major Amendment - Cont

- The TAC had previously granted a plat waiver, and this should still be adhered to, in order to obtain Building Permits.

Mr. Jones remarked he has met with Stormwater Management, who advised the applicant had the alternative to install a drain line to the existing storm sewer which will detain run-off, as the lot was too small for a detention pond. He assured the TMAPC the applicant would meet any stormwater requirements for the tract.

Interested Parties:

Ms. Kathy Borchardt (3331 East 45th) advised her residence abuts the subject tract and she was appearing to oppose the application request. Ms. Borchardt spoke on the existing run-off and waterflow problems she experiences. She stated that, until the last ten years, this was a strictly residential subdivision, but office developments have progressively occurred along this portion of Harvard Avenue. Further, she was confused by Staff's recommendation for a drive-in bank facility as this type of operation did not seem to be consistent with the existing developments along Harvard. Ms. Borchardt commented that it seemed unrealistic to think that there would be not "queuing" of traffic for the bank facility.

Due to past and present drainage concerns, Ms. Borchardt stated that she "had very serious reservations that the Department of Stormwater Management would be the ones to determine the retention/detention, especially after hearing of the continued water, flooding and run-off problems in the City of Tulsa, even though we have an agency who is supposed to handle or address these issues."

Ms. Borchardt reiterated that she felt the request was incompatible with existing development, and she requested denial of the application until there was a way to solve the current water problems in this area.

Applicant's Rebuttal:

Mr. Jones advised that the proposal would reduce what could be built on this tract at the present time. He reiterated the applicant would meet any requirements imposed by Stormwater Management.

TMAPC Review Session:

Mr. Draughon stated that "as long as Stormwater Management is not doing their job, and until he is convinced they will adequately address the existing problem", he would be voting against the request.

Mr. Carnes moved for approval of the Staff recommendation, with the following amendments: reduce the floor area to 12,000 square feet as requested by the applicant; and stipulate the screening/buffering to be worked out with the residents, and the engineer to work with Stormwater Management and the residents regarding drainage concerns. Mr. Carnes included in this motion that the vehicular circulation proposal be deleted the recommendation.

PUD 351-A Major Amendment - Cont

In response to Mr. Paddock, Mr. Jones confirmed he had no problem restricting windows from the south and east sides of the structure. Mr. Carnes amended his motion accordingly.

TMAPC ACTION: 7 members present

On **MOTION** of **CARNES**, the TMAPC voted **6-1-0** (Carnes, Doherty, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; Draughon, "nay"; no "abstentions"; Coutant, Kempe, Randle, "absent") to **APPROVE** the Major Amendment to PUD 351-A Jones (Local America Bank), as recommended by Staff, with the following amendments:

- Reduce the floor area to 12,000 square feet as requested by the applicant.
- Stipulate the screening/buffering to be worked out with the residents, and the engineer to work with Stormwater Management and the residents regarding drainage concerns.
- Reference to vehicular circulation be deleted.
- No windows on the south and east sides of the building.

Legal Description:

Lot 10, Block 1, Villa Grove Heights No. 1, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

OTHER BUSINESS:

Z-5773-SP-1 Detail Sign Plan
South of East 62nd Street & South Mingo Road

Staff Recommendation:

The tract is zoned Corridor (CO) and is controlled by an approved Corridor Site Plan. The proposal is for a 4' x 4' ground sign to advertise "Aerobically Yours" which is occupying some of the space formally constructed for "Soccer for Fun", an indoor soccer facility that is no longer in operation. Staff cannot support the request because an aerobic exercise facility is not one of the uses allowed under the development standards in the approved Corridor Site Plan.

Therefore, Staff recommends **DENIAL** of the Detail Sign Plan. If a new Corridor Site Plan is approved which allows the use and the old ground sign is removed, Staff could support a new monument style ground sign to replace the existing one.

Z-5773-SP-1 Detail Sign Plan - Cont

Applicant's Comments:

Mr. Ed Milberg (5460 South Garnett) advised he was the sign contractor only, and his client was a tenant in the building, which was being leased out of Dallas where the owner officed. Mr. Milberg commented he is quite surprised to learn of the situation requiring an amended Corridor Site Plan in order to permit the new signage.

Ms. Kathy Johnsen (6217 South Mingo) owner of the aerobics studio admitted that she, too, was unaware of the mechanics involved with a site plan, as she has been operating her studio at this location for approximately four months. Therefore, in order to continue her business she was needing the sign.

Comments & Discussion:

After discussion among the TMAPC members, it was the consensus that something should be done to assist the applicant rather than have an outright denial of the request. Therefore, in order to allow time for the applicant to contact the building owner and work with Staff, a continuance was suggested. Staff advised that it appears the owner intends to lease out other portions of the building to different uses, and other requests for signage may be submitted.

Staff and Commission also discussed the necessity of an amended Corridor Site Plan application. It was the consensus that the aerobics use would fall within the same use unit as the approved indoor recreation use. Chairman Doherty commented that perhaps the previous Site Plan was too specific in limiting it to just one use within the permitted use unit. He added that he did not view this as a change in the principal use, since they were both along the lines of indoor recreation.

TMAPC ACTION: 7 members present

On **MOTION** of **PARMELE**, the TMAPC voted **7-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Selph, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Kempe, Randle, Wilson, "absent") to **CONTINUE** Consideration of **Z-5773-SP-1** until Wednesday, **September 6, 1989** at 1:30 p.m. In the City Commission Room, City Hall, Tulsa Civic Center.

* * * * *

PUD 379-A-4 Minor Amendment to Transfer Unused Floor Area
North of East 71st Street & South Memorial Drive

Staff Recommendation:

The tract is presently developed as a commercial shopping center, The Village at Woodland Hills and divided into six development areas. The applicant proposes to amend PUD 379-A to transfer unused floor area from one development area to another. Specifically, 7,500 square feet from Block 2 to Lot 1, Block 1 to increase the maximum floor area in Lot 1, Block 1 to 228,850 square feet and reduce the total permitted floor area in Block 2 to 38,500 square feet. This would still more than accommodate the 18,000 square feet of existing commercial buildings in Block 2. Staff finds the request to be minor in nature and in keeping with the intent and purposes of the original Outline Development Plan for PUD 379-A.

Therefore, Staff recommends **APPROVAL** of the Minor Amendment as requested.

Comments & Discussion:

Mr. Charles Norman, representing the applicant, stated agreement to the Staff recommendation. In reply to Mr. Paddock, Mr. Norman stated that he did not think an amendment to the subdivision plat was needed, as it could be accomplished by lot split approval within the PUD.

TMAPC ACTION: 7 members present

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Selph, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Kempe, Randle, Wilson, "absent") to **APPROVE** the Minor Amendment to PUD 379-A-4, as recommended by Staff.

* * * * *

PUD 306-6: Minor Amendment for Bulk and Area and Street Requirements
Southeast of South College Place & East 91st Street South

Staff Recommendation:

The applicant wishes to amend the bulk and area requirements for Development Area "C" of PUD 306 and change the type of street system from public to private. The southern portion of Development Area "C" was thought to potentially be needed for right-of-way for Creek Expressway, but recently prepared functional plans for the Creek Turnpike show the right-of-way to be south of this development.

Staff finds the proposal to generally be compatible with the originally approved Outline Development Plan which had designated Development Area "C" for single-family dwelling on private streets. A subsequent minor amendment changed to public streets. If the following conditions are imposed on Development Area "C", staff finds the request to be minor in nature and in keeping with the purposes and intent of the original Development Plan for PUD 306.

PUD 306-6 Minor Amendment - Cont

Therefore Staff recommends **APPROVAL** of Minor Amendment PUD 306-6 as revised by the staff conditions.

1) New Standards for Development Area C:

Land Area (Gross) 16.66 acres

Permitted Uses: Detached Single-Family Dwelling Units and Customary Accessory Uses

	<u>Recommended</u>	<u>Existing</u>
Maximum No. of DU's	66	79
Minimum Lot Width	50'	45'
Maximum Building Height	35'	same
Minimum Landscaped Open Space per Lot	2,100 sf	2,000 sf
Minimum Landscaped Common Open Space	15% of gross area	none
Minimum Parking Spaces per DU	4*	2
Minimum Lot Area	5,500 sf	6,900 sf
Minimum Building Setbacks:		
Front yard from lot line	15'	20'
Rear yard from lot line	10'	15'
Side yard from lot line	5'	10' & 5'
from the north, south & east boundaries	11'	15' & 11'
from College Place R/W	15'	15'

- 2) All private roadways shall be a minimum of 20' in width for two-way roads and 18' on one-way loop roads, measured face of curb to face of curb and have curbs, gutters, base and paving materials of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. All communal access driveways and private driveways to garages shall be a minimum of 16' in width.
- 3) One monument sign no greater than 5' in height with a maximum display surface area of 32 sq. ft. with no illumination shall be permitted at each of the two entrances from College Place.
- 4) That a Detail Landscape Plan of the common open space shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify that all landscaping and screening fences have been installed in accordance with the approved landscape plan prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continued condition of the granting of an Occupancy Permit.

* 2 vehicles in two-car garage and 2 vehicles in driveway

PUD 306-6 Minor Amendment - Cont

- 5) That no Building Permits shall be issued within the Planned Unit Development until a Detail Site Plan which includes all buildings and required parking has been submitted to the TMAPC and approved as being in compliance with the approved PUD requirements.
- 6) No building permits shall be issued for erection or installation of a sign in the PUD until a Detail Sign Plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
- 7) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval, making City of Tulsa beneficiary to said Covenants.
- 8) The 13 dwelling units not used in Development Area "C" should be transferred to Development Area "H".

Comments & Discussion:

Mr. Paddock asked why this was not considered a major amendment since there were a number of changes, which presented together, appeared to comprise a major amendment. Mr. Stump advised the City Commission originally approved a PUD with private streets and a higher number of dwelling units. Therefore, Staff felt that the lower density proposed would not adversely impact the neighborhood and submitted this as a minor amendment.

Mr. Clayton Morris (7935 East 57th) stated he has a few exceptions to the Staff recommendation. As Mr. Morris proceeded with the different areas of contention between the applicant's proposal and Staff's recommendation, Mr. Carnes noted that it appeared there were enough issues that a continuance might be in order. Mr. Draughon agreed and Mr. Carnes, therefore, moved for a continuance to September 6th.

TMAPC ACTION: 7 members present

On **MOTION** of **PARMELE**, the TMAPC voted **7-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Selph, Woodard, "aye"; no "nays"; no "abstentions"; Coutant, Kempe, Randle, Wilson, "absent") to **CONTINUE** Consideration of the **Minor Amendment to PUD 306-6** until Wednesday, **September 6, 1989** at 1:30 p.m. In the City Commission Room, City Hall, Tulsa Civic Center.

There being no further business, the Chairman declared the meeting adjourned at 6:07 p.m.

Date Approved 9/13/89
James R. [Signature]
Chairman

ATTEST:

Art Braughon
Secretary

August 23, 1989

EXISTING LANGUAGE:

TMAPC GENERAL POLICIES:

MAJOR AMENDMENT TO A PUD AND CORRIDOR (CO) SITE PLAN

Major amendments are considered those changes which represent a significant departure from the originally approved PUD/CO outline development plan or site plan. Major amendments shall include:

- 1) Request for increased intensity in floor area and/or dwelling units of 10% or greater from the original PUD/CO.
- 2) Changes in the principal uses permitted in the original PUD/CO.
- 3) Increases in building heights of 20% or greater from the original PUD/CO .
- 4) The term "original PUD/CO" refers to the PUD/CO as originally approved or modified by subsequent amendments. Accumulative (or aggregate) minor amendments which exceed the above mentioned percentages shall be treated as a major amendment.
- 5) Such other changes as determined by the TMAPC, after review, to be major in nature.

Increases in floor area ratios and/or densities beyond the maximum prescribed by the underlying zoning, reduction in livability space to below the minimums established in the underlying zoning, reduction in the requirement for off-street parking, signs which do not meet the requirements of Chapters 8 and 11 of the Tulsa Zoning Code, and similar matters which are not in accordance with the underlying zoning, although initially subject to the TMAPC and City/County Commission review, constitutes a variance under the terms of the Tulsa Zoning Code and, therefore, also requires approval by the Board of Adjustment.

Home occupations and building setback variances 20% or less from yards which do not abut a public street are considered minor amendments. However, home occupations require publication and written notice to property owners within 300 feet, and minor setback variances require only notice to the abutting property owners.

PROPOSED REVISION TO THE ABOVE LANGUAGE:

MINOR AMENDMENT TO A PUD AND CORRIDOR (CO) SITE PLAN:

Minor changes to the PUD and Corridor (CO) Site Plan may be authorized by the Planning Commission, which may direct the processing of an amended subdivision plat, incorporating such changes, so long as a substantial compliance is maintained with the approved Outline Development Plan and Corridor Site Plan and the purposes and standards of the PUD and CO provisions hereof. A change

In the uses permitted on any lot or development area, other than a home occupation, shall not be considered as a minor change to the PUD. However, a minor adjustment of development area boundaries, internal to the approved PUD or CO Site Plan will not be considered a change in use, provided said change meets the criteria for a minor amendment as listed below. Amendments which would change the exterior boundaries of the PUD or other types of amendments which would represent a significant departure from the Outline Development Plan or CO Site Plan shall require compliance with the notice and procedural requirements of **Section 1730, ZONING MAP AMENDMENTS.**

For minor changes, ten days notice of public hearing shall be given by mailing written notice to all owners of property within a 300 foot radius of the exterior boundary of the subject property. In instances where the municipal legislative body has specifically imposed PUD condition(s) more restrictive than recommended by the Planning Commission, a minor change to said condition(s) must additionally be approved by the municipal legislative body.

No change shall be approved as a minor amendment unless the same meets the following criteria:

- 1) Adjustment of internal development area boundaries, provided the allocation of land to particular uses and the relationship of uses within the project are not substantially altered. Further provided that the land area for each does not increase or decrease by more than 10%.
- 2) Reduction and/or elimination of approved uses as long as the character of the project or development is not substantially altered.
- 3) An increase in housing density, provided the change is permitted by the underlying zoning and does not increase the density for a given development area more than 10%.
- 4) An increase in floor area for a nonresidential development provided the change is permitted by the underlying zoning and does not result in an increase of more than 10%.
- 5) Modification of the internal circulation system, provided the system is not substantially altered in design, configuration or location.
- 6) Changes in points of access, provided the traffic design and capacity are not substantially altered.
- 7) Addition of customary accessory buildings and uses within the delineated common open space of the residential PUD, including but not limited to, a swimming pool, cabana, security building, club house and tennis court.
- 8) Location of residential customary accessory buildings and uses on an adjoining single-family residential lot within the PUD, including but not limited to, a swimming pool, cabana, garage and tennis court. The lot containing the accessory use shall be tied together with the lot containing the principal use by a recorded written agreement.
- 9) Changes in structure height, building setback, yards, open space and lot width or frontage, provided the approved Outline Development Plan and related PUD standards are not substantially altered and the spirit and intent of the PUD is maintained.

- 10) Lot splits which have been reviewed and approved by the Technical Advisory Committee (TAC).
- 11) Home occupations which meet the requirements of **Section 440.2, Home Occupations**, of the Zoning Code.

The TMAPC shall determine if a proposed change to a PUD complies with the above criteria. If the TMAPC determines that these criteria have not been met, or the cumulative effect of a number of minor changes substantially alters the PUD Outline Development Plan or Corridor Site Plan, the amended Plan shall require compliance with the notice and procedural requirements of **Section 1730, ZONING MAP AMENDMENTS**.

Provided however, nothing herein shall preclude the TMAPC from requiring compliance with **Section 1730, ZONING MAP AMENDMENTS**, if the Commission determines that the proposed changes, even though they meet the criteria above, will result in a significant departure from the Outline Development Plan or Corridor Site Plan.

1170.5 Planned Unit Development Subdivision Plat

A PUD subdivision plat shall be filed with the Planning Commission and shall be processed in accordance with the Subdivision Regulations, and, in addition to the requirements of the Subdivision Regulations, shall include:

- A. Details as to the location of uses and street arrangement.
- B. Provisions for the ownership and maintenance of the common open space as will reasonably insure its continuity and conservation. Open space may be dedicated to a private association or to the public, provided that a dedication to the public shall not be accepted without the approval of the Board of City Commissioners.
- C. Such covenants as will reasonably insure the continued compliance with the approved outline development plan. The Planning Commission may require covenants which provide for detailed site plan review and approval by said Commission prior to the issuance of any building permits within the PUD. In order that the public interest may be protected, the City of Tulsa shall be made beneficiary of covenants pertaining to such matters as location of uses, height of structures, setbacks, screening, landscaping, signs and access. Such covenants shall provide that the City of Tulsa may enforce compliance therewith, and shall further provide that amendment of such covenants shall require the approval of the Planning Commission and the filing of record of a written amendment to the covenants, endorsed by the Planning Commission and the Board of City Commissioners.

1170.6 Issuance of Building Permits

After the filing of an approved PUD subdivision plat and notice thereof to the Building Inspector, no building permits shall be issued on lands within the PUD except in accordance with the approved plat.

1170.7 Amendments

A. Minor Amendments:

Minor changes in the PUD may be authorized by the Planning Commission, which may direct the processing of an amended subdivision plat, incorporating such changes, so long as a substantial compliance is maintained with the Outline Development Plan and the purposes and standards of the PUD provisions hereof. Minor changes may be approved if the Planning Commission determines that the proposed changes meet the following criteria:

- 1) Adjustment of internal development area boundaries, provided the allocation of land to particular uses and the relationship of uses within the project are not substantially altered. Further provided that the land area for each does not increase or decrease by more than 10%.
- 2) Reduction and/or elimination of approved uses as long as the character of the project or development is not substantially altered.
- 3) An increase in housing density, provided the change is permitted by the underlying zoning and does not increase the density for a given development area more than 10%.

- 4) An increase in floor area for a nonresidential development, provided the change is permitted by the underlying zoning and does not result in an increase of more than 10%.
- 5) Modification of the internal circulation system, provided the system is not substantially altered in design, configuration or location.
- 6) Changes in points of access, provided the traffic design and capacity are not substantially altered.
- 7) Addition of customary accessory buildings and uses within the delineated common open space of the residential PUD, including but not limited to, a swimming pool, cabana, security building, club house and tennis court.
- 8) Location of residential customary accessory buildings and uses on an adjoining single-family residential lot within the PUD, including but not limited to, a swimming pool, cabana, garage and tennis court. The lot containing the accessory use shall be tied together with the lot containing the principal use by a recorded written agreement.
- 9) Changes in structure height, building setback, yards, open space and lot width or frontage, provided the approved Outline Development Plan and related PUD standards are not substantially altered and the spirit and intent of the PUD is maintained.
- 10) Lot splits which have been reviewed and approved by the Technical Advisory Committee (TAC).
- 11) Home occupations which meet the requirements of **Section 440.2, Home Occupations**, of the Zoning Code.

For minor changes, ten days notice of public hearing shall be given by mailing written notice to all owners of property within a 300 foot radius of the exterior boundary of the subject property. In instances where the municipal legislative body has specifically imposed PUD condition(s) more restrictive than recommended by the Planning Commission, a minor change to said condition(s) must additionally be approved by the municipal legislative body.

Provided however, nothing herein shall preclude the TMAPC from requiring compliance with **Section 1730, ZONING MAP AMENDMENTS**, if the Commission determines that the proposed changes, even though they meet the criteria above, will result in a significant departure from the Outline Development Plan.

B. Major Amendment:

If the TMAPC determines that a proposed change does not meet the criteria of **Section 1170.7A, Minor Amendment**, or the cumulative effect of a number of minor changes substantially alters the Outline Development Plan, then such change(s) shall be considered a major amendment to the Outline Development Plan. Major amendments shall comply with the notice and procedural requirements of **Section 1730, ZONING MAP AMENDMENTS**.

1170.8 Abandonment

Abandonment of a PUD shall require the approval of the municipal legislative body, after recommendation by the Planning Commission, of an application for amendment to the zoning map repealing the supplemental designation of PUD. The Planning Commission and municipal legislative body reserve the right to amend the general zoning districts within said PUD if these zoning districts were rezoned simultaneously with the PUD and were contingent upon the regulations and controls of the PUD. Upon final action authorizing the abandonment of the PUD, no building permit shall be issued except in accordance with the restrictions and limitations of the general zoning district or districts.