

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1917  
Wednesday, February 24, 1993, 1:30 p.m.  
City Council Room, Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Ballard	Buerge	Gardner	Linker, Legal
Broussard	Neely	Hester	Counsel
Secretary		Stump	
Carnes			
Dick			
Doherty, Chairman			
Horner			
Midget, Mayor's			
Designee			
Parmeale, 1st Vice			
Chairman			
Wilson			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, February 23, 1993 at 10:55 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 1:33 p.m.

Mr. Broussard advised that on page 14 of the minutes of February 10, 1993 the vote in paragraph 1 indicates that Mr. Broussard voted "aye" and Mr. Parmele voted "nay". Mr. Broussard advised that he voted "nay", and Mr. Parmele advised that he voted "aye".

Paragraph 2 indicating a 6-3-0 vote, should show 9-0-0. With these corrections Mr. Parmele moved approval.

**Minutes:**

Approval of the minutes of February 10, 1993, Meeting No. 1915:

On **MOTION** of **PARMELE**, the TMAPC voted **8-0-1** (Broussard, Carnes, Dick, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; Ballard "abstaining"; Buerge, Neely "absent") to **APPROVE** the minutes of the meeting of February 10, 1993 Meeting No. 1915 as corrected.

**REPORTS:**

**Chairman's Report:**

Chairman Doherty advised that the Planning Commission had earlier discussed holding a reception to commemorate 40 years of planning in Tulsa. Chairman Doherty requested that Ms. Wilson take charge of making the arrangements.

Committee Reports:

Budget and Work Program Committee

Ms. Wilson announced that there will be a Budget and Work Program Committee meeting March 3, at 11:30 a.m., in the INCOG conference room. She reported that May 8 has been selected for the Citizen Training Session at the Helmerich Conference Center, 8:00 a.m. to 12 noon. Ms. Wilson urged all the Planning Commissioners to attend.

Ms. Wilson reported that the 1993 APA National Planning Conference is to be held in Chicago, May 1-5. She requested that those wishing to attend to contact her or Bob Gardner.

Comprehensive Plan Committee

Mr. Carnes, reporting in Mr. Neely's absence, advised that the Comprehensive Plan Committee met today to review CIPs, and found all to be in accordance with the Master Plan. Mr. Carnes reported that the Comprehensive Plan Committee voted unanimously to recommend to the Planning Commission that a public hearing be set to consider amendments to the Comprehensive Plan, as needed, to accommodate the Riverside Parkway Project. The date recommended is March 17.

Chairman Doherty instructed Staff to set this item for public hearing on March 17 or the earliest date at which Public Works would be prepared for presentation.

Ms. Wilson added that the Comprehensive Plan Committee will review the proposal as it affects the Comprehensive Plan districts, and also the Major Street and Highway Plan.

ZONING PUBLIC HEARING

Application No.: **Z-6392** Present Zoning: RS-3 & IL  
Applicant: Charles Norman Proposed Zoning: OL  
Location: Southeast corner of Newton Place and Garnett Road  
Date of Hearing: February 24, 1993  
Presentation to TMAPC: Charles Norman

Relationship to the Comprehensive Plan:

The District 16 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District 2 (Industrial).

According to the Zoning Matrix the requested OL District may be found in accordance with the Plan map. All zoning districts are considered **may be found** in accordance with Special Districts guidelines.

Staff Recommendation

**Site Analysis:** The subject tract is approximately 0.8 acres in size and is located at the southeast corner of Newton Place and Garnett Road. It is partially wooded, flat, contains a partially constructed non-residential building and is zoned RS-3 on the north and IL on the south.

**Surrounding Area Analysis:** The tract is abutted on the north by vacant land zoned RS-3; on the east by a single-family dwelling zoned RS-3; on the south by vacant land zoned IL; and on the west by vacant land zoned IL.

**Zoning and BOA Historical Summary:** The south subject tract in the request was zoned IL and the tract between these two tracts was subsequently zoned OL for the same owner as the subject tracts.

**Conclusion:** OL appears to be appropriate zoning for the northern tract and OL zoning on the southern tract would be compatible with surrounding zoning.

Therefore, Staff recommends **APPROVAL** of Z-6392 for OL zoning.

Applicant's Comments

Mr. Norman, attorney representing Cramer Construction Company, owner of the subject property, gave a description of the property and surrounding area. He reported that Cramer Construction Company obtained a building permit to construct a 40 x 100 SF building on the OL portion of the tract. Mr. Norman explained that, in error, the company constructed the building approximately 50' south into the IL portion of the property and this has triggered a series of applications, the first of which was to the Board of Adjustment (BOA) for a waiver of the building setback in the IL district, which was denied. He explained that the applicant is requesting to downzone the IL property to OL, which will cause them to relinquish any opportunity of using that property for industrial uses and restrict its use for office use only, to permit completion of the building in its present location. He noted that this will cause a carport that was part of the building to be removed to the extent so no part of the building is within 10' of the RS-3 zoning. Mr. Norman advised that the rezoning application triggers an application for waiver of the replat and may require a modification of screening requirements for a screening fence to be built for 1,000' to the east. He declared that this application will require dedication of additional right-of-way for Garnett.

In response to a question from Chairman Doherty, Mr. Norman advised that there are no plans for use of the T-1 tract to the north. He noted the waiver of the replat application triggers a review of drainage, sanitary sewer connections, etc., which would not have been required had the building been in the OL portion, but became a requirement when it was moved the 50'.

Interested Parties

**Rob Kerby**

11316 E. Newton Pl. 74116

Mr. Kerby, representing his parents, expressed opposition to the proposed rezoning. He presented a petition signed by twenty area residents opposing the rezoning. Mr. Kerby asked that the lot at the corner of Garnett Road and East Newton Place, Tract 1, remain zoned residential to protect property values and integrity of the neighborhood. He advised that a house had been on this lot, but had burned down. Mr. Kerby distributed photographs of the building. He advised that it looks like an industrial metal warehouse with no windows. Mr. Kerby asked that the lots in the Cooley's Lake addition remain zoned light industry, to protect area residences, privacy and property values with the 75' setback. Mr. Kerby cited current drainage problems and announced that Cramer Construction has moved in tons of dirt, causing additional drainage problems. Mr. Kerby asked that no light office zoning be granted due to existing drainage problems, which would be aggravated by concrete parking lots and buildings within 10' of neighboring properties. Mr. Kerby added that neighborhood resident, Charles Allen, demonstrates that this is a viable neighborhood since he is in the process of constructing a \$100,000 home east of Mr. Kerby's parents' home.

Mr. Carnes asked whether there would be objections to allowing T-1 contain an office constructed in a residential nature, thereby creating a buffer.

Mr. Kerby indicated that if efforts are made for the building to fit in with the neighborhood, it will be less objectionable.

Chairman Doherty questioned why industrial zoning would be preferred over the lighter intensity office zoning.

Mr. Kerby replied that area residents preferred the 75' setback required of industrial zoning.

In response to a question from Chairman Doherty, Mr. Kerby acknowledged that he believes a house could be built on Tract 1.

Ms. Wilson asked if landscaping or a visual buffer would help the situation.

Mr. Kerby acknowledged that buffering or landscaping would be acceptable if such condition were enforceable.

**Charles Allen**

11350 E. Newton Pl. 74116

Mr. Allen advised having no objections to a building being constructed on the subject lot, but expressed concern over increased drainage problems. Mr. Allen advised that his home was destroyed by fire recently and has decided to rebuild on this property. He stated that he would not like to see the remainder of the property zoned OL since it would back it up to his house. Mr. Allen declared that the existing building is too close to residential properties. Mr. Allen advised that if the drainage

problem is taken care of and the building facade changed to complement the neighborhood, the residents can accept the proposal so long as it remains office and not commercial.

**Phil Frohlich**

**1924 S. Utica, Suite 1120 74114**

Mr. Frohlich voiced concern over continued access to Garnett Road and is in attendance to keep informed on what is happening in the area.

**Joe Wells**

**11356 E. Newton Pl. 74116**

Mr. Wells voiced support of the 75' setback.

#### Applicant's Rebuttal

Mr. Norman advised that windows will be installed in the front of the building and two windows each in the north and south sides. The building will have a stone face across the entire front and along the sides, which will give it an appearance appropriate for the use being requested. Mr. Norman advised that Cramer Construction Company has received an Earth Change permit for this location and declared the drainage problems that were referred to have been in existence for many years. Mr. Norman noted that the 75' setback requirement for any use in the IL area would remain in effect. He noted the issue is whether to require Cramer to tear up the slab that has been put in place 10' from the side of the Kerby home or move it 60' to the south.

#### TMAPC Review Session

Mr. Broussard noted that if the structure is moved back to the OL lot it can be 10' within Mr. Kerby's property. He questioned whether this would resolve the situation. Mr. Broussard noted that if the building is placed on the lot on which it should have been built, it will still be within 10' of the Kerby lot line. He asked for input from Mr. Kerby.

Mr. Kerby expressed support of leaving the structure at its present location with landscaping complementing the neighborhood. Mr. Kerby urged that the drainage issue also be addressed. It is his contention that the dirt brought in on the sections shown T-1 and OL have contributed to the drainage problem.

There was discussion among the Planning Commission about whether OL is an appropriate land use. It was noted that uses allowed under IL zoning are more intense than what is allowed under OL zoning.

There was discussion over neighbors' concerns for landscaping, compatibility with the neighborhood, and preservation of the integrity of the neighborhood.

Mr. Stump offered an alternative to zoning to the depth requested. He suggested zoning to the depth that exists on the OL lot to the north and the one requested to the north of that. He noted this would require the applicant to build approximately the same size building as he originally proposed on the lot to the north. It would mean the removal of most of the carport, and there would be a

screening requirement. This would be 217' from centerline of Garnett.

Mr. Parmele made the motion to approve Staff recommendation, which is modified to continue the zoning line straight south from RS-3 lot, which is 217' from the centerline of Garnett, a depth of 167.3' from planned right-of-way.

Motion died for lack of a second.

Mr. Gardner advised that the Planning Commission can address drainage at the plat waiver. He noted that since this is a 1,300' lot, the applicant must get Board of Adjustment (BOA) waiver for 1,000' of fencing which they do not want to install. BOA would then have jurisdiction to review landscaping and this may accomplish what the Planning Commission wishes.

Chairman Doherty asked what would trigger the 1,000' of fencing requirement if OL is approved.

Mr. Gardner advised that for the occupancy of the building, the screening and all other requirements must be met, which would be triggered since it is all one unplatted lot.

Mr. Parmele moved for Staff recommendation as modified. He discerns the less intense uses of OL is more beneficial to the area.

Mr. Doherty advised that he will support the motion because the triggering of the fence requirement will require the applicant appear before the Board of Adjustment (BOA) and because a plat waiver will be needed. This will allow the Planning Commission to review drainage, in-take structures, etc. He discerns that some drainage alteration has occurred due to dirt hauled in, and the Planning Commission will view this under the plat process or waiver and then address the drainage concerns.

Mr. Midget advised that OL zoning is a better land use because it lessens the level of intensity of development permitted. He noted that by approving this motion, it will in effect be triggering an opportunity for the BOA to review screening and landscaping requirements with regard to this tract.

Ms. Wilson requested the record to note comments concerning the drainage problems discussed. She asked that a memo be sent to Public Works regarding this problem and ask that it be closely monitored. She noted that, in relation to screening, she is supportive of lots of landscaping rather than just screening. Ms. Wilson advised that this is not within the purview of the Planning Commission, but would like it transmitted to the BOA so they can know of the Planning Commission's comments.

Mr. Broussard expressed that he could not support the motion as it now stands because he cannot agree to Tract 1 being zoned OL. He

stated that he would like for Tract 1 to be excluded from the motion. Mr. Broussard made an amended motion to delete Tract 1 from the motion to approve.

Chairman Doherty advised that he does not feel a residential use for Tract 1 is viable and cannot support the amendment.

Mr. Broussard expressed concern over the Construction Company's handling of this and is cautious about going beyond OL for the two tracts.

Mr. Midget asked if Tract 1 is critical for what the applicant wants to accomplish.

Mr. Norman responded that it is not, and noted it has been acquired since the earlier applications which have received earlier approval, and he suggested that it be added to establish a zoning pattern along the frontage. He noted that it is consistent with what the Planning Commission has done before and what Staff has recommended before.

Commissioner Dick echoed Mr. Broussard's sentiments about this tract. He noted that, had everything else been done correctly, then he would have no problem with it, but he would like the option of reviewing this later to see if that is truly the best land use a few months from now.

**TMAPC Action; 9 members present:**

On MOTION of BROUSSARD, the TMAPC voted 5-3-1 (Broussard, Carnes, Dick, Horner, Midget, "aye"; Ballard, Doherty, Parmele "nay"; Wilson "abstaining"; Buerge, Neely "absent") to EXCLUDE Tract 1 from the motion to approve Z-6392 for OL zoning.

\* \* \* \* \*

Ms. Wilson added that this is a predicament for the applicant to be in. She advised having a philosophical problem in approving something at this location because it was done wrong to start with. Ms. Wilson acknowledged that the motion on the floor is probably the best the Planning Commission can do with it and feels the Board of Adjustment will need to insist on stringent landscaping requirements. She sees this as the only fix to the situation.

**TMAPC Action; 9 members present:**

On MOTION of PARMELE, the TMAPC voted 9-0-0 (Ballard, Broussard, Carnes, Dick, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge, Neely "absent") to APPROVE Z-6392 as recommended by Staff and amended.

**LEGAL DESCRIPTION**

The West 184.3' of the North 120' of Lot 1, Cooley's Subdivision to the City of Tulsa, Tulsa County, Oklahoma.

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**ZONING PUBLIC HEARING**

ZONING PUBLIC HEARING

Application No.: Z-6387 Present Zoning: OL  
Applicant: James M. Zyskowski Proposed Zoning: CS  
Location: Southwest corner of East 31st Street South and South 126th E. Avenue  
Date of Hearing: February 24, 1993

**Relationship to the Comprehensive Plan:**

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity -- No Specific Land Use.

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

**Staff Recommendation:**

**Site Analysis:** The subject tract is approximately .42 acres in size and is located at the southwest corner of East 31st Street South and South 126th East Avenue. It is nonwooded, flat, vacant, and is zoned OL.

**Surrounding Area Analysis:** The tract is abutted on the north by a church zoned AG; on the east by convenience store and strip commercial center zoned CS; on the south by a single-family dwelling and subdivision zoned RM-1; and on the west by a church zoned RS-3.

**Zoning and BOA Historical Summary:** CS zoning was denied on the subject tract in 1973. The current request is now accompanied by PUD 497.

**Conclusion:** In review of the minutes from Z-4580, it was determined that the primary reason for denial was to stop the stripping of commercial along 31st and to avoid any negative impact to abutting residences. Staff finds no change in the physical character of the area and would have the same concerns. The proposed zoning would extend farther west than the existing commercial zoning on both the north and south sides of East 31st Street. A significant difference between the subject tract and existing CS zoning to the east is that the subject tract is not located at the rear of residences but rather the side. With the addition of the design requirements



of PUD 497, Staff feels the possible negative impacts of rezoning the property CS have been eliminated.

Therefore, Staff recommends **APPROVAL** of the requested CS zoning, if PUD 497 IS ALSO APPROVED.

**AND**

**PUD 497** Southwest corner of 126th E. Ave. and 31st Street South

OL to PUD & CS

This PUD request is accompanied by rezoning request Z-6387 which is for CS zoning. The PUD is approximately one-half acre in size and is at the southwest corner of 126th East Avenue and 31st Street South. The Comprehensive Plan designates the property Medium Intensity-No Specific Land Use. The requested CS District is in accordance with the Plan Map.

The PUD proposes to use the subject tract as a veterinary hospital consisting of the care, treatment, hospitalization and indoor boarding of dogs and cats. No care of large or farm animals is proposed. In addition to the veterinary hospital use, Use Unit 11 uses are also to be permitted.

After review of the proposed PUD conditions, Staff feels that with some modification of the conditions the residential area to the south will not be significantly affected by the proposed development.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, Staff finds PUD 497 to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, Staff recommends **APPROVAL** of PUD 497 subject to the following conditions:

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

2. **Development Standards:**

Land Area (Gross)	35,000 SF
(Net)	22,366 SF

<b>Permitted Uses</b>	Use Unit 11 and veterinary hospital limited to care, treatment, hospitalization and indoor boarding of cats and dogs and customary accessory uses.
<b>Maximum Building Floor Area</b>	4,600 - 1st Floor (including garage) 1,000 - 2nd Floor (storage only)
<b>Maximum Building Height</b>	35'
<b>Minimum Building Setbacks</b>	
From south property line	
Indoor boarding and dog run areas	35'
All other indoor uses	10'
From centerline of 31st Street	100'
From west property line	15'
From centerline of 126th E. Ave.	50'
<b>Minimum Landscaped Open Space (net)</b>	20%
<b>Maximum Signage</b>	
One ground sign on 31st Street frontage with a maximum display surface area of 32 SF and a maximum height of 8'.	
One wall sign on the north side of the building not to exceed 32 SF.	
<b>Minimum Off-street Parking</b>	As required for the applicable Use Unit in the Tulsa Zoning Code.
<b>Setbacks for Outdoor Parking</b>	
From south property line	75'
From west property line	15'
<b>Trash Container Setback from South Property Line</b>	50'
<b>Outside Animal Exercise Area Setbacks</b>	
From south property line	35'
From west property line	15'
From centerline of 126th E. Ave.	135'
3. A 6' high screening fence shall be erected along:	
a) the west 125' of the south property line; and	
b) the south 75' of the west property line. Adding the proviso that if the property is ever redeveloped to the west from a church to residential that the screening would extend further to the north as required for the applicable Use Unit.	

4. A 4' masonry wall shall be constructed along the south end of the outside exercise area to reduce noise.
5. All buildings shall be of a typical residential style and there shall be no second story windows facing south. All south facing windows in the boarding and dog run areas shall be at least double glazed and shall not open.
6. No Zoning Clearance Permit shall be issued within the PUD until a Detail Site Plan, which includes all buildings and required parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
7. No sign permits shall be issued for erection of a sign within the PUD until a Detail Sign Plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
8. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
9. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 22 feet with no free standing lights in the south 75' of the tract.
10. The Department of Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning officer that all required stormwater drainage structures and detention areas have been installed in accordance with the approved plans prior to issuance of an occupancy permit.
11. No Building Permit shall be issued until the requirements of Section 1107E of the Zoning Code has 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 the City beneficiary to said Covenants.
12. Subject to review and approval of conditions as recommended by the Technical Advisory Committee.

The applicant expressed agreement of Staff recommendation.

Interested Parties

**Reverend Jeffrey Schallert** 12425 E. 31st Street 74146  
Reverend Schallert expressed support of the rezoning request.

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Ballard, Broussard, Carnes, Dick, Doherty, Horner, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge, Midget, Neely "absent") to recommend **APPROVAL** of PUD 497 and **APPROVAL** of Z-6387 for CS zoning.

**LEGAL DESCRIPTION**

Lot 1, Block 3, Briarglen Meadows.

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**OTHER BUSINESS**

**PUD 497** Detail Site Plan - southwest corner of 31st Street south and 126th East Avenue.

If the TMAPC recommends approval of PUD 497 with the conditions suggested by Staff, then Staff could recommend **APPROVAL** of the Detail Site Plan subject to the following additions or revisions:

1. The concrete slab for the dog exercise area and trash container storage be reduced so that it is not within the 15' easement along the west side of the tract. Also erect a 4' high masonry wall on the south end of this slab.
2. The six parking spaces on the northeast portion of the tract must be a minimum of 9' wide and all spaces must be a minimum of 20' long.
3. The trash container shall be screened from public view.
4. All south facing windows in the boarding and dog run areas shall be at least double glazed and shall not open.

**TMAPC Action; 8 members present:**

On **MOTION** of **DICK**, the TMAPC voted **8-0-0** (Ballard, Broussard, Carnes, Dick, Doherty, Horner, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge, Midget, Neely "absent") to **APPROVE** PUD 497 Detail Site Plan subject to Staff conditions and approval of PUD 497 by City Council without changes.

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**PUD 243-11** Minor amendment to required side yard - west of the southwest corner of Knoxville Avenue and 58th Place South.

The applicant is requesting a reduction of the required side yard on the east side of Lot 27, Glenoak from 7.5' to 4'. Since the east side of this lot abuts common open space and not another dwelling, Staff is supportive of the request. Therefore, Staff recommends **APPROVAL** of PUD 243-11 as requested.

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**Detail Site Plan**

If PUD 243-11 is approved by TMAPC the site plan submitted will comply with the PUD conditions and Staff, therefore, recommends **APPROVAL**.

Interested Parties

**Jack Moore** 3418 E. 59th St. 74135  
Mr. Moore, member of the Board of Directors of Glenoak advised that the Board has reviewed the drawings and layout and have no objections. However, he expressed concern that it be understood that the reduction is for the east side of the property only. Mr. Moore advised that they wish to maintain the minimum 7.5' on the west side.

For the record, Chairman Doherty clarified that this minor amendment is for reducing the setback on the east side only of the property abutting the drainageway.

**Jacqueline Allen** 5808 S. Knoxville 74135  
Ms. Allen stated that she recently had a home constructed in Glenoak based upon requirements and on the fact that the lot across from her will also be required to adhere to the same specifications. Ms. Allen voiced opposition to the request. She noted that her gazebo is on the property line, and the proposed structure, should this request be approved, will not provide much separation between the two properties.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Ballard, Broussard, Carnes, Dick, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Buerge, Neely "absent") to **APPROVE** PUD 243-11 Minor Amendment and Detail Site Plan.

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Mr. Parmele announced that he has a conflict of interest regarding the following item and will be abstaining from both the discussion and the vote.

**PUD 405-6** Minor Amendment - northwest and southwest corners of 93rd Street South and Memorial Drive.

The applicant is requesting to split two existing lots into six lots, allocate floor area to each lot and reduce building setbacks. No change in use or total floor area is proposed. The lots involved are Lot 2, Block 3, and Lot 2, Block 4, 9100 Memorial Addition. Both lots are zoned Corridor (CO) with PUD 405 as an overlay. Currently Lot 2, Block 3 is not allowed any points of access directly onto Memorial Drive. Access to Memorial is from 92nd and 93rd Streets, as required in the CO district. Lot 2, Block 4 has its primary access provided by 93rd Street with one direct access allowed onto Memorial Drive.

The lot split proposed for Lot 2, Block 3 would divide it into Tract "A" and Tract "B". Tract "A" would have its access from 92nd Street and Tract "B" from 93rd Street. Staff would recommend that direct access to Memorial Drive continue to be prohibited from these two lots. The building floor area allocation for Block 3 would be as follows:

<u>Block 3</u>	<u>Land Area</u>	<u>Max. Building Floor Area</u>
Lot 1	127,102 SF	38,031 SF
Lot 2 Tract "A"	47,930 SF	14,341 SF
Lot 2 Tract "B"	81,974 SF	24,528 SF

Building setbacks are to be reduced as follows in Block 3:

	<u>Original</u>	<u>Amended</u>
From 92nd St. R/W	75'	60'
From 93rd St. R/W	70'	60'
From Memorial Dr. R/W	100'	90'

These setback changes would still comply with the setback requirements of the CO district.

The building floor area allocation for Lot 2, Block 4 area as follows:

<u>Lot 2, Block 4</u>	<u>Land Area</u>	<u>Max. Building Floor Area</u>
Tract "A"	57,308 SF	34,385 SF
Tract "B"	197,117 SF	245,379 SF
Tract "C"	43,560 SF	26,136 SF
Tract "D"	111,501 SF	66,900 SF

The building setback revisions proposed for Block 4 are as follows:

	<u>Original</u>	<u>Amended</u>
From 92nd St. R/W	70'	60'
From 93rd St. R/W	70'	60'
From Memorial Dr. R/W	70'	70'

The setback changes would still comply with the CO district requirements.

Staff can support all of the setback amendments and generally all of the building floor area allocations. Staff cannot, however, recommend approval of the lot split configuration of Lot 2, Block 4 without conditions, because it does not comply with the Zoning Code requirements. The Zoning Code requires that all development in a Corridor District obtain its principal access from internal collector service streets. The principal access for Tract "A" will be from Memorial Drive. There is a mutual access easement on the western portion of Tract "A" which connects Lot 4 (a storm water detention area) with 93rd Street, but it is currently limited to the exclusive use of Lot 4. If this accessway was made available to the proposed office development on Tract "A", it would somewhat reduce the amount of traffic accessing Memorial Drive directly.

Staff recommends **APPROVAL** of the lot splits, amended setbacks, and building floor area allocations subject to the following conditions:

1. All other requirements of PUD 405 remain unchanged.
2. No direct access to Memorial Drive is permitted from Block 3.
3. Lot 2, Block 4 Tract "A" and Lot 3, Block 4 be provided a mutual access easement to East 93rd Street South.
4. Only one point of access onto Memorial Drive be permitted from Lot 2, Block 4.
5. Board of Adjustment granting of a variance from the requirements of Section 804 for Tract "A" of Lot 2, Block 4.
6. Any development on Tract "D" of Lot 2, Block 4 be designed to have its principal access from 93rd Street.

Mr. Carnes opposed sending this item to the Board of Adjustment.

Applicant's Comments

**Ted Sack**

**110 S. Hartford**

Mr. Sack expressed disagreement with conditions #2 and #5. He cited examples of several lots in the northern part of this PUD which face 93rd Street and have no access onto the collector street. He interpreted the intention of Section 804 is for the

corridor's development, not that each lot must have access onto the corridor street. Mr. Sack cited examples of area business which only have access off of Memorial. He declared that the majority of the development will have access off the internal corridor streets. Mr. Sack requested that in Block 3, Tract "A" and "B" permit one direct access onto Memorial. He pointed out that Memorial has a raised median limiting access onto Memorial by a right-hand turn. By allowing one point of access between Tracts "A" and "B" or onto Memorial from Block 3 would help in reducing some of the congestion that will occur in accessing Memorial.

There was a lengthy discussion over determining if the applicant's proposal would provide principal access to the tracts from Memorial if it is a secondary access and the principal access still is off the collector streets.

Mr. Linker expressed agreement with Staff and expressed concern over the way this item is listed on the agenda for lot split approval.

Mr. Gardner explained that the applicant wants a lot split, but if this is approved, notwithstanding the access question, then any lot split that comes before the TMAPC is a prior approval.

Chairman Doherty clarified that, should this be approved today, the lot split will not be approved, but will subsequently receive a ratification of prior approval. They are instructing Staff, should this be approved, to process it as a prior approval lot split.

Mr. Gardner advised that the question over whether the BOA does or does not have jurisdiction will come up at the building permit process. If the building inspector determines that it does not meet the corridor requirement, she can withhold the building permit.

It was the consensus of the Planning Commission that since a left turn would be prohibited, this would not be the principal entry and that it should not go to BOA.

**TMAPC Action; 8 members present:**

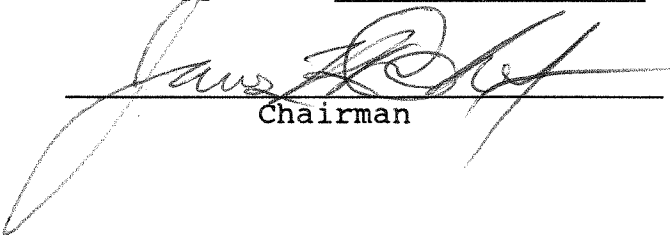
On **MOTION** of **MIDGET**, the TMAPC voted **8-0-1** (Ballard, Broussard, Carnes, Dick, Doherty, Horner, Midget, Wilson "aye"; no "nays"; Parmele "abstaining"; Buerge, Neely "absent") to recommend **APPROVAL** of PUD 405-6 Minor Amendment eliminating conditions #2 and #5 and adding condition that one mutual access easement be added to the northern two lots on the east boundary (Tracts A and B of Block 3).


\* \* \* \* \*



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

Date Approved: 3-10-93

  
\_\_\_\_\_  
Chairman

ATTEST   
\_\_\_\_\_  
Secretary

