

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2028

Wednesday, July 12, 1995, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present

Carnes,
Chairman
Doherty, 1st Vice
Chairman
Gray, Secretary
Horner
Ledford
Midget, Mayor's
Designee
Pace

Members Absent

Ballard
Boyle
Selph
Taylor

Staff Present

Gardner
Hester
Stump

Others Present

Linker, Legal
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, July 10, 1995 at 11:13 a.m., in the office of the County Clerk at 11:20 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Carnes called the meeting to order at 1:40 p.m.

Minutes:

Approval of the minutes of June 28, 1995, Meeting No. 2026:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Carnes Doherty, Gray, Horner, Ledford, Midget, Pace, "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Selph, Taylor "absent") to **APPROVE** the minutes of the meeting of June 28, 1995, 1995 Meeting No. 2026.

REPORTS:

Committee Reports:

Rules and Regulations Committee

Mr. Doherty reminded the Planning Commission of the regularly scheduled work session to be held July 19, 1995 in Room 1101 of City Hall.

Director's Report:

TMAPC and Board of Adjustment receipts for the month of June, 1995.

Mr. Gardner presented the report of receipts and deposits for the month of June, 1995, noting that this is the largest total since 1989.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Horner, Carnes, Doherty, Gray, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Selph, Taylor "absent") to **ACCEPT** the **REPORT OF RECEIPTS AND DEPOSITS** for the month of June, 1995.

* * * * *

SUBDIVISIONS:

PRELIMINARY PLAT:

Wingo's on Mingo (3094)

(PD-18-C)(CD-5)

North of the northeast corner of East 51st Street South and South Mingo Road.

Jones presented the plat with Rick Kosman in attendance at the TAC meeting.

Jones noted several changes on the face of the plat.

Wingo's on Mingo is a one-lot subdivision which contains 0.82 acres and is pending for *IL* rezoning. The tract contains an existing children's nursery and the applicant is planning to expand the use.

Staff would offer the following comments and/or recommendations:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
4. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.

5. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
7. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Department of Public Works and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
11. Bearings, or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
12. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
13. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
14. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
15. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
16. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
17. The key or location map shall be complete.
18. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
19. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)

20. The zoning application Z-6486 shall be approved and the ordinance or resolution therefore published before preliminary plat approval. (Plat shall conform to the applicable zoning approved.)
21. This plat has been referred to Broken Arrow because of its location near or inside a "fence line" of that municipality. Additional requirements may be made by the applicable municipality. Otherwise only the conditions listed apply.
22. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
23. All other Subdivision Regulations shall be met prior to release of final plat.

On the **MOTION** of **SOMDECERFF**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the **PRELIMINARY PLAT** of **WINGO'S ON MINGO**, subject to all conditions listed above.

There were no interested parties in attendance.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Horner, Carnes, Doherty, Gray, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Selph, Taylor "absent") to **APPROVE** the **PRELIMINARY PLAT** for Wingo's on Mingo as recommended by Staff.

Billings Fell Addition (3194)

(PD-18-A)(CD-5)

Northeast corner of East 61st Street South and South Mingo Road.

Jones presented the plat with Dan Tanner in attendance at the TAC meeting.

Tanner stated he would like the help of the TAC with all the intersection improvements occurring.

Miller recommended a 17.5' utility easement along Mingo and Tanner stated he would work with the utility companies in regards to sign location.

French recommended that Tanner obtain a site plan that Traffic Engineering can approve as to access.

Billings Fell Addition is a two-lot subdivision which contains 1.15 acres and is presently zoned *IL* and *RS-3*. Rezoning application Z-6488 has been approved by the TMAPC and is waiting to be transmitted to the City Council.

Staff would offer the following comments and/or recommendations:

1. Add location of subdivision under title (SW/4, SW/4).
2. Show abutting lots and GUY COOK addition to the east.
3. Show appropriate building line on Lot 2.
4. 25' building line shown on Lot 1 is incorrect, a Board of Adjustment variance must be approved for that distance.
5. Show book/page information for existing street dedication.
6. Show number of lots under "TOTAL AREA."
7. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
8. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
9. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
10. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
11. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
12. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
13. Street names shall be approved by the Department of Public Works and shown on plat.
14. All curve data, including corner radii, shall be shown on final plat as applicable.
15. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
16. Bearings, or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
17. All adjacent streets, intersections and/or widths thereof shall be shown on plat.

18. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
19. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
20. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
21. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
22. The key or location map shall be complete.
23. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
24. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
25. The zoning application Z-6488 shall be approved and the ordinance or resolution therefore published before final plat is released. (Plat shall conform to the applicable zoning approved.)
26. This plat has been referred to Broken Arrow because of its location near or inside a "fence line" of that municipality. Additional requirements may be made by the applicable municipality. Otherwise only the conditions listed apply.
27. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
28. All other Subdivision Regulations shall be met prior to release of final plat.

The applicant should coordinate the expected date the rezoning ordinance will be published with Staff to meet the 15 day notice requirement and have the preliminary plat set before the TMAPC.

On the **MOTION** of **MILLER**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the **PRELIMINARY PLAT** of **BILLINGS FELL ADDITION**, subject to all conditions listed above.

There were no interested parties in attendance.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Horner, Carnes, Doherty, Gray, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Selph, Taylor "absent") to **APPROVE** the **PRELIMINARY PLAT** for Billings Fell Addition as recommended by Staff.

AMENDMENT TO CERTIFICATE OF DEDICATION:

9100 Memorial (PUD-405)(2683)

(PD-18-C)(CD-8)

Southwest corner of East 91st Street & South Memorial Drive.

Staff Comments

Mr. Stump announced that this item is for amendments to the Restrictive Covenants of 9100 Memorial Addition, to reflect a minor amendment that was approved by the Planning Commission. Staff and the Legal Department has reviewed the amendments and find them to be in conformance; therefore, Staff recommends **APPROVAL**.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Horner, Carnes, Doherty, Gray, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Selph, Taylor "absent") to **APPROVE** the **AMENDMENT TO CERTIFICATE OF DEDICATION** for 9100 Memorial as recommended by Staff.

9700 Memorial Addition (PUD 411-D)(2483)

(PD-26)(CD-8)

Northeast corner of East 98th Street & South Memorial Drive.

Staff Comments

Mr. Stump announced that this item is for amendments to the Restrictive Covenants of 9700 Memorial Addition, which incorporates the provision of major amendment PUD 411-D into the approved subdivision plat. Staff and the Legal Department has reviewed the amendments and find them to be in conformance; therefore, Staff recommends **APPROVAL**.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Horner, Carnes, Doherty, Gray, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Selph, Taylor "absent") to **APPROVE** the **AMENDMENT TO CERTIFICATE OF DEDICATION** for 9700 Memorial Addition as recommended by Staff.

ZONING PUBLIC HEARING

Application No.: **Z-6495**

Applicant: Ted Sack

Location: East of the southeast corner of 108th East Avenue & 31st Street South.
10832 East 31st Street South

Date of Hearing: July 12, 1995

Present Zoning: *OL*

Proposed Zoning: *CS*

Relationship to the Comprehensive Plan:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Medium Intensity - Consideration Area 2.

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

Staff Comments:

Site Analysis: The subject property is 1.04 acres in size it is flat, non-wooded, contains a restaurant, and is zoned OL.

Surrounding Area Analysis: The tract is abutted on the north by E. 31st Street South with commercial businesses on the north side of E. 31st Street South, zoned CS; to the east by a restaurant, zoned CS; to the south and west by a drainage canal, zoned OL; with apartments south of the drainage canal, zoned RM-1.

Zoning and BOA Historical Summary: The subject tract has been zoned OL since 1970. CS zoning was approved for that portion of the subject property not in the floodplain in 1983. No ordinance was published at that time because the applicant never provided a legal description of the area in the floodplain; however the property abutting the subject tract on the south and east were rezoned CS.

Conclusion: Based on the Comprehensive Plan, the surrounding land uses and existing zoning patterns, Staff can support the CS zoning. Therefore, Staff recommends **APPROVAL** of CS zoning for Z-6495.

There were no interested parties in attendance.

TMAPC Action; 7 members present:

On **MOTION** of **PACE**, the TMAPC voted **7-0-0** (Horner, Carnes, Doherty, Gray, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Selph, Taylor "absent") to recommend **APPROVAL** of CS zoning for Z-6495 as recommend by Staff.

LEGAL DESCRIPTION Z-6495

That part of Lot 2, Block 2, Valley Glen South, an Addition in the City of Tulsa, Tulsa County, State of Oklahoma described as follows, to-wit: starting at the northwest corner of said Lot 2, thence Easterly along the North line of said Lot 2 a distance of 142.18' to the point of beginning, thence continuing Easterly along the North line of said Lot 2 a distance of 116.00', thence Southerly and parallel with the West line of said Lot 2 a distance of 300.00', thence Westerly and parallel with the North line of said Lot 2 a distance of 161.18', thence Northerly and parallel with the West line of said Lot 2 a distance of 150.00', thence Northeasterly a distance of 156.74' to the Point of Beginning, less the North 20' thereof, and located at 10832 East 31st Street South, Tulsa, Oklahoma.

* * * * *

Application No.: **Z-6496** Present Zoning: *CS and RS-2*
Applicant: Barry Holcombe Proposed Zoning: *CS*
Location: West of the southwest corner of East 16th Street South and South 101st East Avenue - 10,000 Block of East 16th Street South.
Date of Hearing: July 12, 1995

Relationship to the Comprehensive Plan:

The District 5 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the west 30' of the subject tract as Low Intensity - No Specific Land Use and the remainder of the lot to the east is designated Medium Intensity - No Specific Land Use.

According to the Zoning Matrix the requested CS zoning on the western 30' of the subject tract is **not in** accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is 0.86 acres in size. It is non-wooded, gently sloping, vacant, and zoned CS and RS-2.

Surrounding Area Analysis: The tract is abutted on the north by a parking lot and office building, zoned CS; to the south and east by vacant property, zoned CS; and to the west by vacant property, zoned RS-2.

Zoning and BOA Historical Summary: The eastern portion of the subject tract was zoned CS in 1978 and later platted in 1982. The west 30' of the tract was considered to be within the FD or floodway at that time. The property across 16th Street to the northwest of the subject property was rezoned in 1994 to PK.

Conclusion: The west 30' of the subject tract was included in the rezoning of the floodway which extended the FD zoning to the east from Mingo Creek Channel in 1978. In 1992 the TMAPC and City Council eliminated the FD zoning designation which reverted the 30' strip back to the original zoning of RS-2. The Stormwater Management Department, under the restrictions of FEMA, and construction by the City on the Mingo Creek Channel, have amended the floodway maps, placing the subject tract within Flood Zone C on the floodplain maps.

Based on the surrounding land uses and existing zoning patterns of CS zoning in this area, along with the new floodplain designations, Staff recommends **APPROVAL** of CS zoning for Z-6496.

There were no interested parties in attendance.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **7-0-0** (Horner, Carnes, Doherty, Gray, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Selph, Taylor "absent") to recommend **APPROVAL** of CS zoning for Z-6496 as recommended by Staff.

LEGAL DESCRIPTION

Lot 1, Block 2, Professional Office Park Addition, and located west of the southwest corner of E. 16th Street South and South 101st East Avenue, Tulsa, Oklahoma.

Application No.: **PUD 432-D Major Amendment**

Applicant: Charles Norman

Location: Generally between Utica and Xanthus Avenues and 11th and 13th Streets. South.

Date of Hearing: July 12, 1995

Presentation to TMAPC: Charles Norman

The applicant is proposing to expand the existing PUD to the east and allow additional medical office and hospital buildings to be built on the area currently covered by PUD-432-C. The Hillcrest Medical Center has now acquired all the property bounded by 12th and 13th Streets and Utica and Wheeling Avenues. They are now proposing to close Victor Avenue and to construct two new medical buildings and two parking garages in the area east of the Utica Park Clinic and west of Wheeling Avenue. Two new surface parking lots are proposed between Wheeling and Xanthus Avenues and 12th and 13th Streets. Staff can support all of the changes proposed except the signage standards, parking lot setbacks and the increase in the height of the southern office building in Development Area A. This building has single-family residences facing directly into it, and an increase in height would, in Staff's opinion, adversely affect these residences.

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-432-D 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-432-D 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:**

DEVELOPMENT AREA A:

Land Area (Gross):	130,240 SF
Permitted Uses:	Use Unit 11 and customary accessory uses
Maximum Building Floor Area:	144,936 SF
<i>(Includes existing buildings plus 16,104 SF approved for a one-story addition to the north building.)</i>	

Maximum Building Height	
Between 85' and 110' from centerline of 13th Street:	42'
Greater than 110' from centerline of 13th Street:	60'
Minimum Building Setback	
From centerline of South Utica Avenue:	50'
From centerline of East 12th Street South	
Northwest corner of existing building:	45'
Northeast corner of existing building:	90'
From centerline of East 13th Street South:	85'
Off-Street Parking:	As required for the applicable Use Unit in the Tulsa Zoning Code. Required Off-Street Parking for Area A uses may be provided in Areas B and D.
Minimum Landscaped Open Space:	15% of the Development Area exclusive of street right-of-way.
Maximum Signage:	
1) Two ground signs are permitted not to exceed 8' in height nor 48 SF each in display surface area and shall be consistent in design with other medical center signage.	
2) Two wall signs are permitted not to exceed 40 SF each of display surface area. No more than one wall sign is permitted on the southern building and it shall not be on the south or east facing walls.	

DEVELOPMENT AREA B:

Development Standards as proposed in the applicant's outline development plan with the following exceptions:

Maximum Permitted Signage:

- 1) Two ground signs are permitted not to exceed 12' in height nor 96 SF each in display surface area and shall be consistent in design with other medical center signage. These ground signs are not permitted in front of the building setback line from 13th Street.
- 2) Two wall signs are permitted not to exceed 50 SF each in display surface area. No wall signs are permitted on the parking structures, and no signs are permitted on the south facing walls of buildings if visible from the residential area on 13th Street.

DEVELOPMENT AREA C:

Development standards as proposed in the applicant's outline development plan except as follows:

Maximum Building Floor Area

Existing physicians office buildings:	173,693 SF
Available for future construction:	80,000 SF
<i>(NOTE: 32,208 SF of floor area previously transferred to Area F from Area C is now being transferred to Area B.)</i>	

DEVELOPMENT AREA D:

Development Standards as proposed in the applicant's outline development plan.

DEVELOPMENT AREA G:

Area (Gross):	127,050 SF
Permitted Uses:	Use Units 10*, 6, 7, 7a and 8
Minimum Bulk and Area Requirements	
For Use Units 6, 7, 7a and 8 uses:	As required in the RM-2 district.
Minimum Off-Street Parking Setbacks	
From the centerline of Wheeling Avenue:	30'
From the centerline of 13th Street or Xanthus Avenue:	50'
From abutting residential properties:	10'
Minimum Landscaped Open Space:	10%
A landscaped strip to a depth of 50' from the centerline of 13th Street and Xanthus Avenue and 30' from the centerline of Wheeling Avenue shall be provided.	

* *Only off-street parking serving uses within the PUD or Hillcrest Medical Center are permitted*

3. The design of the parking garages shall be such that vehicle headlights do not shine into residential areas when in the garage. Also, the facade of these garages shall be compatible with the design of the other medical buildings in Development Areas A and B. The TMAPC approval of the design of these garages shall be required as part of Detail Site Plan approval.
4. No Zoning Clearance Permit shall be issued for a development area within the PUD until a Detail Site Plan for the development area, 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.
5. A Detail Landscape Plan for each development area shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for that development area 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.
6. No sign permits shall be issued for erection of a sign within a development area of the PUD until a Detail Sign Plan for that development area has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
7. All trash, mechanical and equipment areas shall be screened from public view by persons standing at ground level.
8. All parking lot lighting shall be directed downward and away from adjacent residential areas. Light standards shall be limited to a maximum height of 16 feet on surface parking lots.

9. 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 serving a development area have been installed in accordance with the approved plans prior to issuance of an Occupancy Permit.
10. No Building Permit shall be issued until the requirements of Section 1107E 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 and making the City beneficiary to said covenants.
11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

Staff Comment's

Mr. Stump informed of areas of difference between the applicant's request and Staff recommendation. He answered questions from the Planning Commission as to reasons for opposition to the applicant's request.

Applicant's Comments

Charles Norman, representative for Hillcrest Medical Center, explained that the purpose of this application is to combine the former Development Areas "B", "E", and "F" and include the additional properties acquired in that block. Mr. Norman informed of making application to the City for the closing of South Victor Avenue. He then made a detailed presentation of the proposed construction, screening and landscaping. He noted that on Xanthus south of 12th Street, the applicant proposes landscaping rather than a wooden fence to avoid security problems. Mr. Norman also requested that setback be modified in Area "G" to 40' on the exterior boundaries to avoid losing one row of parking, and on the interior boundaries from 10' to 5'. He informed that the applicant is also requesting to add a floor to the Bell Heart & Lung Institute, adding 13' in height to the existing structure. Mr. Norman noted that all access to the project is internal, with no driveways that serve the project from 13th Street, and that access from 12th Street is directly across from the existing parking facility.

Mr. Norman answered questions from the Planning Commission regarding slope, access to parking from Xanthus, traffic circulation, and screening.

Interested Parties

V.J. Furr	2008 East 12th Place 74104
Jim Sicking	1724 East 13th Street 74104
Elaine Black	1804 East 13th Street 74104
Kristin MacArthur	1904 East 13th Street 74104
Don Barnum	1910 East 13th Street 74104
Vice President of the Neighborhood Association	
Bill Satterfield	1 West 81st Street 74037
Beverly & Troy McDaniel	1907 East 13th Place 74104
Sophia and Larry Kerby	1816 East 13th Street 74104
DeeAnne Short	1720 East 13th Street 74104

The above-listed individuals voiced the following:

Concerns were expressed over the proposed street closing causing increased traffic through a quiet residential neighborhood.

Residents informed that the original PUD projected that the subject project would be for office use from 8:00 a.m. to 5:00 p.m. They reported that in actuality, an entire floor is devoted to fitness and that this is not solely an office park. Opposition was expressed to adding an additional floor to the Bell Heart & Lung Institute, which is across the street from residential properties.

Residents expressed that they would like the proposed top level of the parking garage moved to the northernmost garage. They feel that the southernmost parking garage would be detrimental to the neighborhood.

Residents expressed support of existing signage, 32 SF with no lights. They also want access signage only rather than advertising signs; they requested that signage be similar to that which currently exists and not as large as the applicant is requesting.

Residents declared that this development has isolated their neighborhood. They suggested that alternative locations be considered for the proposed development. Residents also suggested that Hillcrest buy their properties.

Incidents were related where Hillcrest employees park in front of area homes creating problems for the residents.

Residents reported increased traffic flow in the neighborhood.

Residents feel that the integrity of the neighborhood has been compromised.

Concern was expressed for the safety of area children with the anticipated increase of traffic in the area.

Residents commented on the decline of property values in the area.

Residents requested that Hillcrest work with them in solving the problem of their employees parking on neighborhood streets.

Residents cited instances of many accidents in the area involving Hillcrest employees and expressed concern that the proposed development will increase traffic accidents.

A suggestion was made for a four-way stop sign at the intersections in an effort to slow traffic.

Applicant's Rebuttal

Mr. Norman informed that a copy of the text was provided to Mr. Sicking and to Councilor Gary Watts. He offered to meet with area residents. Regarding residents' concerns over speeding vehicles along 13th Street, Mr. Norman informed that Hillcrest will cooperate with the neighborhood in seeking stop signs to alleviate the problem. He assured the Planning Commission that the applicant will work with area residents in providing better access controls and for safety. Regarding residents' request that their property be acquired by Hillcrest, he informed that the properties are outside of the Hillcrest special district.

Mr. Norman answered questions from the Planning Commission regarding exact structure heights from grade, landscaping and screening details in Area "G", shielding the residential area from the Bell Heart & Lung Institute fitness center, signage, and parking structures. Mr. Norman informed that he would have no objection to a limitation of 32 SF of signage on the 13th Street side and that there would be no objection to the signs not being lighted.

TMAPC Review

There was lengthy discussion among the Planning Commission, with the consensus being that an additional floor on the Bell Heart & Lung Institute would adversely impact the neighborhood to the south. It was suggested that a four-way stop at 13th and Wheeling would help reduce excessive speeds in the area, and that Hillcrest management address the problem of employee parking on the street in front of residents' homes.

Ms. Gray suggested that a thirty-day continuance on this item would be appropriate to allow the Planning Commissioners to review the proposal in depth and to allow area residents to meet with representatives from Hillcrest to work out the issues mentioned today. Ms. Pace seconded the motion.

Mr. Midget expressed support of the continuance, stating that he believes this project to be a serious intrusion into the neighborhood.

Mr. Doherty perceived the motion to be premature since the Planning Commission had not thoroughly discussed the issues presented, and no recommendations were made to give guidance to the applicant and interested parties.

There was discussion as to the appropriateness of the motion for continuance and to changing the motion to a two-week continuance.

Chairman Carnes summarized that the consensus of the Planning Commission is that an additional floor on the Bell Heart & Lung Institute would not be acceptable and the setbacks for parking as requested by the applicant would be acceptable.

After discussion of an appropriate length of time for continuance, Ms. Gray withdrew her original motion and made a motion for a three-week continuance. Ms. Pace seconded the motion.

TMAPC Action; 7 members present:

On **MOTION** of **GRAY**, the TMAPC voted **5-2-0** (Horner, Gray, Ledford, Midget, Pace "aye"; no Carnes, Doherty "nays"; none "abstaining"; Ballard, Boyle, Selph, Taylor "absent") to **CONTINUE** PUD-432-D for three weeks to August 2, 1995.

Mr. Norman informed that he will be out of town on August 2, 1995 and asked for either a two-week continuance or four-week continuance, preferring two weeks.

TMAPC Action; 7 members present:

On **MOTION** of **PACE**, the TMAPC voted **6-1-0** (Carnes, Gray, Horner, Ledford, Midget, Pace "aye"; Doherty "nay"; none "abstaining"; Ballard, Boyle, Selph, Taylor "absent") to **CONTINUE** PUD-432-D to August 9, 1995.

PUD-447-2: Minor Amendment - Lot 10, Block 9 of Hunters Bend - 10934 South Canton Avenue

The applicant is requesting approval of a request for reduction to a side yard setback from 7.5 feet to 5.5 feet.

Staff has reviewed the request and finds that the reduction as proposed will leave a side yard remaining which conforms to the standards of the underlying *RS-2* zoning.

Staff recommends **APPROVAL**.

The applicant expressed agreement with Staff recommendation.

Interested Parties

Herb Brestle & In Sun Rude-Brestle 10930 South Canton Avenue 74137

Mr. Brestle, whose house is next door to the subject lot, was concerned that the smaller side yard will adversely affect property values. He also expressed concern that this will set a precedent in the neighborhood, and he informed that the other houses in the addition are all 10' from the property line.

Steve Mahan 10926 South Canton 74137

Mr. Mahan, who resides in the second house north of the subject property, expressed concern that the PUD requirements are not being adhered to. He also expressed concern over setting a precedent. Mr. Mahan informed that when the error was discovered construction did not cease, and he feels that some of the inconvenience and expense of correction could have been avoided. He also expressed concern over the impact on the value of the development if this request is approved.

Responding to questions from the Planning Commission, Mr. Mahan estimated that more than half of the lots have been built on, with approximately ten to fifteen lots still being vacant.

Mr. Doherty noted that the side yard setback being requested is allowed throughout town, and he foresees no harmful effect on property values throughout the addition.

Mr. Gardner explained that under the present PUD 7.5' setback is allowed on either side, and in trying to make the PUD less restrictive a 10' side yard was not imperative; 7.5' on both sides was allowable. He acknowledged that RS-2 requires 10' on one side and 5' on the other with no exception. Mr. Gardner noted that if all the houses are constructed with 7.5' between them, there would still be 15' between houses.

Ken Finch

5018 East 109th Place 74137

Mr. Finch informed that when his home was constructed he made modifications to meet requirements. He informed that the builder of the subject tract has constructed other houses in the area and questioned how such an error could be made. Mr. Finch was opposed to the application and felt that it would set a precedent.

Applicant's Comments

Mr. White, 2514 West 68th Street, explained that the subcontractor measured incorrectly and missed the footing measurement by 1' 8". He informed that this is the first time this has happened to him and explained the steps he has taken in an attempt to remedy the situation. Mr. White informed of removing a 2' fireplace from that side of the house, which is an architectural improvement and can be over the building line, to the inside of the house in an attempt to make the situation more aesthetically pleasing and by extending the fence. Mr. White informed that the error was discovered when the first floor was completely framed, and upon discovering the error, he closed the job for two days while discovering how to remedy the error and make this application.

Mr. Midget declared that developers do need to be held accountable; however, since this affects the side yard, he does not believe that it will have the adverse effects as have been stated. He does not believe that the error was intentional.


TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **5-1-0** (Carnes, Doherty, Ledford, Midget, Pace "aye"; Gray "nays"; none "abstaining"; Ballard, Boyle, Horner, Selph, Taylor "absent") to **APPROVE** PUD-447 MINOR AMENDMENT as recommended by Staff.

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There being no further business, the Chairman declared the meeting adjourned at 4:05 p.m.

Date Approved: 7-26-95



Chairman

ATTEST:



Secretary

