

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2046

Wednesday, November 29, 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
Jones
Stump

Others Present

Linker, Legal
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, November 28, 1995 at 12:55 p.m., in the office of the County Clerk at 12:49 p.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 1:35 p.m.

Minutes:

Approval of the minutes of November 8, 1995, Meeting No. 2044 and November 15, 1995, Meeting No. 2045:

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Carnes Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Midget, Selph, Taylor "absent") to **APPROVE** the minutes of the meeting of November 8, 1995 Meeting No. 2044 and November 15, 1995, Meeting No. 2045.

REPORTS:

Rules and Regulations Committee

Mr. Doherty announced that the Rules and Regulations Committee will meet December 6, 1995 to review possible amendments to outdoor advertising regulations.

SUBDIVISIONS:

PRELIMINARY PLAT:

Valley Crossing (PUD 521) (784) (PD-18) (CD-8)
Southwest corner of East 71st Street South and the Mingo Valley Expressway.

Jones presented the plat with Ted Sack in attendance at the TAC meeting.

Considerable discussion was given in regard to access when South 103rd East Avenue is closed.

Miller requested that an existing gas line along E. 71st Street be shown and identified.

Valley Crossing is a 26-acre subdivision plat which is PUD 521. An earlier version with a different lot configuration was approved by the TMAPC on February 22, 1995. The proposal is to vacate the underlying plats and a portion of South 103rd East Avenue, since access to the remaining property to the south will be provided via a mutual access easement. A waiver of the Subdivision Regulations, 4.2.1(a) is required.

Staff would offer the following comments and/or recommendations:

1. Waiver of Subdivision Regulations, Section 4.2.1 (a).
2. Temporary mutual access does not correspond with detail site plan.
3. Underlying plats shall be vacated in accordance with the accepted legal practices.
4. All conditions of PUD-521 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1107 of the Zoning Code in the covenants.
5. 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.
6. 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.)
7. 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).
8. 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.
9. 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.
10. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).

11. Street names shall be approved by the Department of Public Works and shown on plat.
12. All curve data, including corner radii, shall be shown on final plat as applicable.
13. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
14. 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.
15. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
16. 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.
17. 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.)
18. 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.
19. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
20. The key or location map shall be complete.
21. 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.)
22. 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.)
23. This plat has been referred to Bixby and 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.
24. 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.)
25. All other Subdivision Regulations shall be met prior to release of final plat.

On the Motion of McGill, the Technical Advisory Committee voted unanimously to recommend APPROVAL of the Preliminary Plat for Village Crossing, subject to all conditions listed above.

*After the meeting, French requested that East 101st Street South intersection on the north side of E. 71st Street be shown. In addition, a PFPI for a west bound left turn bay, signal modification and striping is required.

Staff Comments

Mr. Jones announced that Ted Sack was present representing the plat. Mr. Jones pointed out that South 103rd East Avenue will eventually be dedicated, constructed and relocated on the west side of the tract with a temporary paved mutual access easement connecting it to 101st Street along the south boundary of the subdivision. He informed that property owners south of the subject property, which will be landlocked, are sellers of the northern property and concur with the mutual access which will be provided by the mutual access easement. Mr. Jones advised that Staff recommends **APPROVAL** subject to conditions.

Fred Dell
Tracy Chiles

7531 South 85th East Avenue 74133
901 South Elgin 74120

The above-listed interested parties indicated agreement with Staff recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **PACE**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Midget, Taylor, Selph "absent") to **APPROVE** the **PRELIMINARY PLAT** for Valley Crossing as recommended by Staff.

* * * * *

FINAL APPROVAL:

Lincoln on Memorial (PUD 456-A) (1283)

(PD-18) (CD-8)

North of the northeast corner of East 81st Street & S. Memorial.

Staff Comments

Mr. Jones informed that Dan Tanner, engineer, and David Cameron, attorney, were present representing the plat. Mr. Jones informed that release letters have been received on the final plat; however, the Certificate of Nondevelopment from the Corporation Commission indicates three unplugged wells in the area east of the subject tract. He noted that Subdivision Regulations require 200' building setback from any unplugged well; however, it is indeterminable where the unplugged wells are located. Mr. Jones reported on discrepancies in Corporation Commission records. In 1977 they informed that there were no oil wells on the abutting property to the east, which was why the plat was originally released. However, upon recent research for the Certificate of Nondevelopment, it was discovered that three unplugged wells exist on this abutting tract.

This is a proposed development for an apartment complex, and proposed dwelling could be less than 200' from an unplugged well if that well is near the east boundary of the subject subdivision. He expressed Staff concern for the possible injury from an unplugged well that might be within 200' of a new apartment building. Mr. Jones informed that the final plat does not meet Subdivision Regulations because Staff has not received a clean Corporation Commission Certificate of Nondevelopment; however, he noted that an inspector is expected to conduct a field investigation to provide a Certificate of Nondevelopment that states there

is no active oil well in the area. Mr. Jones reported that the Corporation Commission has no regulations regarding setbacks from oil wells.

Applicant's Comments

Dan Tanner, 2202 East 49th Street, consulting engineer representing Lincoln Properties, announced that he has contacted the State Corporation Commission and a field inspector has inspected the site. He reported that it will take approximately one week to be provided with a Certificate of Nondevelopment. Mr. Tanner asked for approval of the final plat subject to a clean Certificate of Nondevelopment before transmitting to City Council.

Responding to inquiry from Chairman Carnes, Mr. Linker emphasized that the Planning Commission is to determine whether this is a safe situation before the final plat is approved.

There was discussion among the Planning Commissioners regarding the issue of an unplugged oil well and how a field inspector would determine the location of the well.

Mr. Ledford stated that he has often found the records to be inadequate and asked if a drilling log was supplied.

Mr. Jones informed that he was not given a drilling record; however, he was told that microfilm files were available to research for drilling logs. The files give dimensions from property lines, depth and additional information.

Mr. Ledford declared that this is not an unusual occurrence because in many parts of the City no drilling occurred, or if an area was drilled, perhaps no gas or oil was ever produced and no records were kept.

It was pointed out that the referenced wells are not on the subject tract, but on the adjacent property.

David Cameron, 6 East 5th Street, attorney for Lincoln Properties, cited methods of obtaining a clean Certificate of Nondevelopment and informed that because of inaccurate records, this is not an unusual situation. Mr. Cameron declared that the applicant expects to receive a clean Certificate of Nondevelopment next week based on a current field audit, which will place the property in compliance with Subdivision Regulations.

TMAPC Action; 6 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Midget, Taylor, Selph "absent") to **APPROVE** the FINAL PLAT of Lincoln on Memorial as recommended by Staff and subject to receipt by Staff of a clean Certificate of Nondevelopment and final approval from the Legal Department of the Deed of Dedication and Restrictive Covenants.

* * * * *

9600 Memorial (2383)

(PD-26) (CD-8)

Southwest corner of South Memorial Drive & Creek Turnpike.

Staff Comments

Mr. Jones announced that 9600 Memorial meets Subdivision Regulations and all release letters have been received. Therefore, Staff recommends approval.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Midget, Taylor, Selph "absent") to **APPROVE** the FINAL PLAT for 9600 Memorial as recommended by Staff subject to approval from the Legal Department for the Deed of Dedication and Restrictive Covenants.

Metro Plaza (3194)

(PD-18) (CD-5)

South of the southeast corner of East 51st Street & South Mingo Road.

Staff Comments

Mr. Jones announced that Metro Plaza is a one lot subdivision plat and all release letters have been received. Therefore, Staff recommends approval.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Midget, Taylor, Selph "absent") to **APPROVE** the FINAL PLAT for Metro Plaza as recommended by Staff and subject to approval from the Legal Department for the Deed of Dedication and Restrictive Covenants.

ACCESS CONTROL AGREEMENT:

Limitation of Access (3693) - 9119 East 61st Street South

(PD-18) (CD-7)

Staff Comments

Mr. Jones referred to an access control agreement for a church as presented in the agenda packets. He informed that Staff recommends **APPROVAL** of limits of no access as shown on the site plan.

TMAPC Action; 6 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Midget, Taylor, Selph "absent") to **APPROVE** the LIMITS OF NO ACCESS for 9119 East 61st Street South per site plan as recommended by Staff.

ZONING PUBLIC HEARING:

Application No.: **Z-6514**

Applicant: Michael White

Location: South of Southeast corner East 91st Street South & South Sheridan.

Date of Hearing: November 29, 1995

Present Zoning: RM-1

Proposed Zoning: CS

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Low Intensity - No Specific Land Use.

According to the Zoning Matrix the requested CS is **not in** accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is 20' x 200' in size and is located on the east side of S. Sheridan Road, south of E. 91st Street South. It is gently sloping, nonwooded and contains a paved drive-way or parking area for the existing Kwik Lube business located north of this strip of land.

Surrounding Area Analysis: The tract is abutted on the north by a Kwik Lube business and office, zoned CS; to the east by a mini-storage, zoned CS/PUD-166; to the south by a car wash, zoned RM-1/PUD-166; and to the west by vacant property zoned RM-1/PUD-206-A.

Conclusion: The extension of the existing CS node south 20' is not in accordance with the Comprehensive Plan. It is being requested in order to allow 1,500 square feet of additional commercial floor area on the tract contained in the proposed PUD-166-H. If approved, a newly-constructed Kwik Lube building which was built with 1,400 square feet more floor area than permitted by the current PUD standards, could be made conforming. Staff therefore recommends rezoning the north 15' of the requested area to CS which would permit an additional 1,500 square feet of commercial floor area to be added to the PUD.

AND

Application No.: **PUD-166-H** Major Amendment

Applicant: Michael White

Location: South of the southeast corner of 91st Street South and Sheridan Road.

Date of Hearing: November 29, 1995

The applicant is requesting to increase the permitted building floor area in Development Area 2-2 of PUD 166-G, from 4,000 sf to 5,500 sf. This major amendment is accompanied by a rezoning request (Z-6514) for additional CS zoning in the PUD. The reason for the increase is that the Kwik Kar Lube and Tune business built a building with 5,400 sf of floor area rather than the 4,000 sf approved. The footprint of the building contains 4,000 sf, but a second floor was constructed in part of the building.

Staff recommends that the maximum building floor area for Development Area 2-2 be increased to 5,500 sf and that all other requirements of PUD 166 G remain in effect, subject to approval of Z-6514 as recommended by Staff.

TMAPC Comments

Mr. Doherty questioned how the building permit was issued for the structure when it exceeded floor area permitted by the PUD.

Staff was unable to answer his inquiry.

TMAPC Action; 7 members present:

On MOTION of LEDFORD, the TMAPC voted 5-1-1 (Carnes, Gray, Horner, Ledford, Pace "aye"; Doherty "nay"; Midget "abstaining"; Ballard, Boyle, Taylor, Selph "absent") to recommend APPROVAL of CS zoning of the north 15' of Z-6514 and PUD 166-H Major Amendment as recommended by Staff.

LEGAL DESCRIPTIONS

PUD Description

Part of Lot 2, Block 1, Sheridan Square to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded Plat thereof, more particularly described as follows: Commencing at the southwest corner of said Lot 2; thence N 00°09'03" W along the West line thereof a distance of 485.00' to the Point of Beginning; thence N 89°50'57" E a distance of 200.00' to a point; thence N 00°09'03" W a distance of 105.00' to a point; thence S 89°50'57" W a distance of 200.00' to a point on the said West line; thence S 00°09'03" E along the west line a distance of 105.00' to the Point of Beginning, and located south of the southeast corner of E. 91st Street S. and S. Sheridan Road, Tulsa, Oklahoma.

Z-6514 Description

A tract of land lying in the NW/4 Section 23, T-18-N, R-13-E of the IBM, Tulsa County, Oklahoma being more particularly described as follows: commencing at the northwest corner of said NW/4, Section 23; thence S 00°09'03" E along the west line thereof a distance of 511.24' to the Point of Beginning; thence N 89°49'58" E a distance of 200.00' to a point; thence S 00°09'03" E a distance of 15.00' to a point; thence S 89°49'58" W a distance of 200.00' to a point on the west line of said Section 23; thence N 00°09'03 W" a distance of 15.00' along the west line of Section 23 to the Point of Beginning, and located, south of the southeast corner of E. 91st Street S. and S. Sheridan Road, Tulsa, Oklahoma.

* * * * *

Application No.: **Z-6515**

Applicant: Roy D. Johnsen

Location: East of the southeast corner of I-44 & South Yale Avenue.

Date of Hearing: November 29, 1995

Present Zoning: RS-3

Proposed Zoning: CS

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the east 50' of the subject property as Medium Intensity - Residential and the balance of the property to the west as Medium Intensity - Commercial.

According to the Zoning Matrix the requested CS is **not in** accordance with the Plan Map on the east 50' but is in accordance with the Plan Map on the remainder of the property.

Staff Comments:

Site Analysis: The subject property is approximately 1.9 acres in size and is located on the east side of I-244, Skelly Drive and east of South Yale Avenue. It is flat, nonwooded, contains a hotel and is zoned CS and RS-3.

Surrounding Area Analysis: The tract is abutted on the north by I-44, zoned RS-2; to the east by apartments and a small strip shopping center, zoned CS and RM-2; to the south by commercial businesses, zoned CS; and to the west by an automobile sales and two restaurants, zoned CH.

Zoning and BOA Historical Summary: The property has been zoned RS-3 for several years. In 1968 the Board of Adjustment granted approval for use as a hotel and accessory parking and also granted variances of the setback and access from the east side.

Conclusion: Although the Comprehensive Plan does not support the eastern portion of the property to be rezoned to CS, the request is to bring the existing use into compliance. Therefore, Staff recommends **APPROVAL** of Z-6515.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Taylor, Selph "absent") to recommend **APPROVAL** of CS zoning of Z-6515 as recommended by Staff.

LEGAL DESCRIPTION

The East 65' of Lots 1 through 27, Block 1, Staiger Addition, a subdivision in the City of Tulsa, County of Tulsa, Oklahoma, and located east of the southeast corner of Interstate 44 and South Yale Avenue, Tulsa, Oklahoma.

Application No.: **Z-6516**

Applicant: TMAPC

Location: North of northwest corner East 91st Street & South Memorial.

Date of Hearing: November 29, 1995

Present Zoning: CS
Proposed Zoning: OL

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Low Intensity - Linear Development Area.

According to the Zoning Matrix the requested OL **may be found in** accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately 4.17 acres in size and is located on the west side of S. Memorial Drive, north of E. 91st Street S. It is nonwooded, sloping, has a mini-storage facility on it and is zoned CS/PUD-529.

Surrounding Area Analysis: It is abutted on the north by a vacant drainage way, zoned RS-3/PUD-215; to the west by an oil pumping station, zoned AG; to the south is a Homeland grocery and shopping area, zoned RM-0/CS/PUD-360-A; to the east across S. Memorial Drive is a shopping center, zoned RM-1/CS/PUD-448 and PUD-386.

Zoning and BOA Historical Summary: The subject tract was zoned AG/CS/PUD-529 in 1994 and a mini-storage facility was approved and constructed. The adjoining property to the south and also the property to the southeast at the intersection of E. 91st Street S. and S. Memorial Drive has been developed for commercial use.

Conclusion: This is a TMAPC-sponsored request to bring the underlying zoning in PUD-529 into compliance with the Comprehensive Plan now that OL zoning will permit the mini-storage development allowed in PUD-529. Therefore, Staff recommends **APPROVAL** of Z-6516 for OL zoning.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Taylor, Selph "absent") to recommend **APPROVAL** of OL zoning for Z-6516 as recommended by Staff.

LEGAL DESCRIPTION

A tract of land that is part of the SE/4, SE/4, Section 14, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma, being described as follows, to-wit: commencing at the southeast corner of the SE/4 of said Section 14; thence N 0°04'10" E along the Easterly line of said Section 14 a distance of 933.90' to the Point of Beginning of said tract of land; thence due West along the North line of Lot 1, Block 1 Homeland, an Addition to the City of Tulsa, Tulsa County, Oklahoma, a distance of 525.00'; thence N 0°04'10" E and parallel with the easterly line of Section 14 a distance of 346.17'; thence N 89°59'58" E, parallel to as measured 40.00' perpendicularly from the Northerly line of the SE/4, SE/4, of Section 14 a distance of 525.00' to a point on the Easterly line of Section 14; thence S 0°04'10" W along said Easterly line of the SE/4, of the SE/4, a distance of 346.17' to the Point of Beginning, and located north of the northwest corner of East 91st Street S. and S. Memorial Drive, east of the southeast corner of East 51st Street S. and S. Delaware Place, Tulsa, Oklahoma.

Application No.: Z6517

Applicant: TMAPC

Location: East of the southeast corner of 51st Street & South Delaware Place

Date of Hearing: November 29, 1995

Present Zoning: CS

Proposed Zoning: OM

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the north 150' of the property as Medium Intensity Office and the South 300' of the North 450' as Medium Intensity - Residential.

According to the Zoning Matrix the requested OM is in accordance with the Plan Map on the North 150' but is not in accordance with the Plan Map on the southern portion of the property.

Staff Comments:

Site Analysis: The subject property is approximately 2.77 acres in size and is located on the south side of East 51st Street South and east of S. Delaware Place. It is flat, nonwooded, vacant, and is zoned CS.

Surrounding Area Analysis: The tract is abutted on the north by an apartment complex and a drive-in bank, zoned RM-2 and OL; to the northeast by an office, zoned OM; to the east by vacant property and a drainage canal, zoned RM-2; to the south by vacant property, zoned RM-1 and PUD-513; and to the west by single-family dwellings zoned RS-2, with apartments west of the dwellings that are zoned RM-2.

Zoning and BOA Historical Summary: Past zoning actions in this area have established multifamily and office uses along 51st Street.

Conclusion: The Comprehensive Plan supports OM zoning in this area more than the existing CS zoning and which now permits the mini-storage development in the PUD-513. Therefore, Staff recommends **APPROVAL** of OM zoning for Z-6517.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Taylor, Selph "absent") to recommend **APPROVAL** of OM zoning for Z-6517 as recommended by Staff.

LEGAL DESCRIPTION

The North 450' of part of the NW/4, NE/4, Section 32, T-19-N, R-13-E, beginning 700' East of the northwest corner of the NW/4, NE/4, thence South 656.5'; thence East 195'; thence North 659.5'; thence West 195.5' to POB, less the East 5' of the North 264', and located east of the southeast corner of East 51st Street S. and S. Delaware Place, Tulsa, Oklahoma.

Application No.: **Z-6518**

Applicant: Bruce Bolzle

Location: North of northwest and the northeast corner E. 15th Street S. & S. Cincinnati Ave.

Date of Hearing: November 29, 1995

Presentation to TMAPC: Bruce Bolzle

Present Zoning: RM-2

Proposed Zoning: CS

Relationship to the Comprehensive Plan:

The District 7 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Special District A - Southeast Business Area - High Intensity.

According to the Zoning Matrix the requested CS may be found in accordance with the Plan Map.

Staff Comments:

Site Analysis: The subject property is approximately 1.368 acres in size and is located on the east and west side of S. Cincinnati Avenue, north of E. 15th Street. It is gently sloping, nonwooded, contains a vacant bank drive-in facility and is zoned RM-2.

Surrounding Area Analysis: The tract is abutted on the north I-444, Inner Dispersal Loop, zoned RS-3 and RM-2; to the east by vacant property, zoned RM-2; to the south by vacant property, zoned CH; and to the west by vacant property, zoned CH.

Zoning and BOA Historical Summary: High intensity commercial uses have been established in this area for several years.

Conclusion: The Comprehensive Plan indicates this area to be within high intensity use and recommends maximizing compatible relationship between other commercial facilities, land uses and thoroughfares. Based on the surrounding zoning and development, Staff recommends **APPROVAL** of CS zoning for Z-6518 contingent upon all owners of these tracts agreeing to the rezoning.

Applicant's Comments

Bruce Bolzle, 400 South Boston, Suite 500, representative for the applicant, informed that this application is to allow the applicant to sell the properties for commercial uses and allow parking in the area. He informed that an application has been filed with the City of Tulsa through Public Works for a regional detention facility. These negotiations are ongoing and will allow minimal private use of the edge of the City property, and in return will grant a large portion to be used for regional detention facility which will be constructed with private funds. He declared that there will be no harm to City property by rezoning the property; it merely allows the applicant not to have to return to the Planning Commission for rezoning when the stormwater detention facility is being negotiated.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-1** (Carnes, Doherty, Gray, Horner, Midget, Pace "aye"; no "nays"; Ledford "abstaining"; Ballard, Boyle, Taylor, Selph "absent") to recommend **APPROVAL** of CS zoning for Z-6518 as recommended by Staff.

LEGAL DESCRIPTION

Lot 1, Block 3, Oak Grove II; Lots 1, 2, 3, & 4, Block 3, Oak Grove III and Lot 4, Block 3, less part beginning NE/c Lot 4; thence S 11.74, NW 20.87, E 17.33 to POB, Oak Grove V, and Lots 2, 7, & 8, Block 2, Oak Grove II, Lots 3 thru 8, Block 2, Oak Grove II, and Lots 5 & 6 Oak Grove V less and except the right-of-way of I-444, and located north of the northwest corner and the northeast corner of E. 15th Street S. and S. Cincinnati Avenue, Tulsa, Oklahoma.

Application No.: **PUD 523-A** Major Amendment
Applicant: Charles Norman
Location: South & East of 81st Street & South Memorial Drive.
Date of Hearing: November 28, 1995
Presentation to TMAPC: Charles Norman

The applicant is requesting office uses on the west 300' of Development Area B. Development Area B is currently approved for multifamily dwellings. The area requested to be converted to office use is directly across Memorial Drive from PUD 270 which is developed as a multi-story office building. The intensity of use proposed is similar to OL zoning except 2 story offices are proposed.

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 523-A 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 523-A subject to the following conditions:

1. The development standards of PUD 523 shall apply unless modified below.
2. **Development Standards:**

Development Area B-1

(That portion of Development Area B in PUD 523 which is within 280' of the centerline of Memorial Drive.)

Land Area (Gross) 152,883 sf
Permitted Uses Use Unit 11 and customary accessory uses

Maximum Floor Area Ratio: 0.35
Maximum Building Height: 2 stories not to exceed 35'

Minimum Buildings Setbacks:
As required within the OM District, but not less than 20' from the east or south boundaries of Development Area B-1

Access Drive or Street Setbacks:
From south or east boundary of Development Area B-1 25'

Parking Spaces Setbacks:
From east and south boundary Development Area B-1 5'
From right-of-way to Memorial Drive 10'

Minimum Landscaped Area: 15% of lot

Signs:
As permitted in the OL District, except no ground sign is permitted within 100' of south boundary of Development Area B-1 nor shall any ground sign exceed 8' in height. No wall sign shall be located on an east or south facing wall if it is within 150' of the south or east boundaries of Development Area B-1.

Screening:
A 6' screening fence shall be provided along the east and south boundaries of Development Area B-1.

Development Area B-2

(The remainder of Development Area B in PUD 523 that is not included within Development Area B-1.)

Land Area (Gross) 898,238 sf
Maximum Dwelling Units 478

Access Drive or Street Setbacks:
From east and south boundaries of Development Area B-2 25'

3. In development Area B-1 residential uses, other than mobile homes, may be permitted by minor amendment to this PUD.

Applicant's Comments

Mr. Norman expressed agreement with Staff recommendation, except for the portion of Development Area B which he requests to be within the west 300' of the centerline of Memorial Drive. He asked that the Planning Commission recommend that the portion of Development Area B not exceed 300' of the centerline of Memorial Drive as shown on the preliminary plat submitted.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **6-0-1** (Carnes, Doherty, Gray, Horner, Midget, Pace "aye"; no "nays"; Ledford "abstaining"; Ballard, Boyle, Taylor, Selph "absent") to recommend **APPROVAL** of PUD 523-A MAJOR AMENDMENT as recommended by Staff.

LEGAL DESCRIPTION

A tract of land that is part of the N/2, NW/4, Section 13, T-18-N, R-13-E, Tulsa County, Oklahoma, being more particularly described as follows, to-wit: starting at the NW corner of Section 13; thence N 89°46'30" E along the northerly line of Section 13 for 840.00' to the POB; thence continuing N 89°46'30" E along said northerly line for 430.07'; thence S 00°04'20" W parallel with the westerly line of said Section 13 for 1,320.14' to a point on the southerly line of said N/2, NW/4; thence S 89°46'36" W along said southerly line for 1,130.07' to a point on the easterly r-o-w line of S. Memorial Dr.; thence N 00°04'20" E along said easterly r-o-w line for 288.17'; thence N 89°55'40" W for 20.00'; thence N 00°04'20" E along said easterly r-o-w line for 257.84'; thence N 89°46'30" E parallel with the northerly line of Section 13 for 500.00'; thence N 44°24'37" E for 314.78'; thence N 00°04'20" E parallel with the Westerly line of Section 13 for 550.00' to the POB, and located S. & E of E. 81st St. S. and S. Memorial Drive, Tulsa, Oklahoma.

Application No.: **PUD 521-1** Minor Amendment and Site Plan
Applicant: Charles Norman
Location: South side East 71st Street at 103rd Street East.
Date of Hearing: December 4, 1995
Presentation to TMAPC: Charles Norman

The applicant is requesting minor amendment approval to allow additional signage, increased building height and adjustment of the development area boundaries.

SIGNAGE -

The PUD allows signage as follows:

- Development Area A - 1 sign 25' high with 160 sf of display area
- Development Area B - 1 sign 35' feet high (10' off property line), 280 sf
1 sign 6' high with 64 sf of display area
- Development Area C - Signage per section 1103 B.2 (allows approx. 1230 sf with 1 sign and 615 sf with more than 1).
- Development Area D - 1 sign 35' high with 280 sf of display area

The amendment proposes:

Development area A - No change

Development Area B - Increase the area of the allowed sign to 400 sf, to be located in West 50' of Area B.

Add 1 sign 25' high with 160 sf of area, to be located in East 50' of Area B.

Development Area C - Allow the existing billboards to remain and add ground signs, total area not to exceed 940 sf.

Development Area D - Increase sign height to 50' (set back 25' from East property line) and add 120.

If approved, the amendment would allow:

Area A - 1 sign 25' high with 160 sf of display area

Area B - 1 sign 35' high set back 10' with 400 sf of display area

1 sign 25' high with 160 sf of display area

1 sign 6' high with 64 sf of display area

Area C - 2 existing billboards (320 sf ea) and additional ground signs - total area not to exceed 940 sf

Area D - 1 sign, 50' high with a display area of 400 sf.

BUILDING HEIGHT -

The amendment proposes to increase the maximum building height from 26' to 35' and to increase the height of the parapet wall from 38' to 50'.

DEVELOPMENT AREA ADJUSTMENTS -

The requested adjustments in development area boundaries do not significantly alter the original intent of the PUD and a plat of the PUD has yet to be approved; therefore, Staff has no objection to the new development area boundaries.

Staff has reviewed the requests and finds them in conformance to the previously approved standards of PUDs to the north and to the west in regards to both signage and height. Staff would note that the original approval for this PUD was approximately one year ago and that the proposed changes represent significant increases from the original request. However, based on standards similar to those of adjacent approved PUDs (revised in similar fashion) Staff recommends **APPROVAL**.

AND

PUD 521 : Detail Site Plan - Southwest corner of Mingo Valley Expressway and 71st Street South - Western portion of Lot 2 Block 1 of Valley Crossing.

The applicant is requesting site plan approval for "Lowe's".

Staff has reviewed the request and notes that it requires the vacation of South 103rd East Avenue. The proposed plan complies with the setback, floor area, landscaped area, access and parking requirements of the PUD.

Staff does not have information on the height of the structures.

Staff recommends **APPROVAL** of the site plan for Lowe's, Lot 2 Block 1 as submitted, subject to the following:

- a) Building heights will be per approved PUD standards or as revised per Minor Amendment 512-1;

- b) The central parking lot access to the site from South 101st Street East shall be as approved by Traffic Engineering. The horizontal separation from East 73rd Street is shown at approximately 90’;
- c) Vacation of South 103rd East Avenue.

TMAPC Action; 7 members present:

On **MOTION of MIDGET**, the TMAPC voted **7-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace “aye”; no “nays”; none “abstaining”; Ballard, Boyle, Taylor, Selph “absent”) to **APPROVE** PUD 521-1 MINOR AMENDMENT and **DETAIL SITE PLAN** as recommended by Staff.

AND

TMAPC Action; 7 members present:

On **MOTION of MIDGET**, the TMAPC voted **7-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace “aye”; no “nays”; none “abstaining”; Ballard, Boyle, Taylor, Selph “absent”) to **APPROVE** PUD 521 **DETAIL SITE PLAN** as recommended by Staff.

Application No.: Z-5620-SP-3a Corridor Site Plan Minor Amendment

Applicant: James Adair

Location: Southwest corner of 91st Street and South Memorial Drive - Lot 1, Block 1 of Star Center 9101 S. Memorial.

Date of Hearing: November 29, 1995

The applicant is requesting minor amendment approval for increase of display area for the two existing signs. Each sign would be increased by 16 sf - a 2’ x 8’ “Bank IV ATM” sign.

Staff has reviewed the request and finds that the approved signage for this site allows one ground sign per frontage with maximum height of 30’ and maximum display area of 80 sf. Existing information indicates that the signs as installed each 160 sf of display area.

Each frontage of this site is allowed 175 sf per the Corridor District standards. The request, if approved, would allow 176 sf per frontage.

Staff recommends **APPROVAL** of an additional 15 sf per sign, bringing the total area approved per frontage to the maximum allowed by the code.

TMAPC Action; 7 members present:

On **MOTION of MIDGET**, the TMAPC voted **7-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace “aye”; no “nays”; none “abstaining”; Ballard, Boyle, Taylor, Selph “absent”) to **APPROVE** Z--5620SP-3a Corridor Site Plan MINOR AMENDMENT as recommended by Staff.

Application No.: PUD 306-10
Applicant: Edward Leinbach
Location: North & West 95th Street South & College Place.
Date of Hearing: November 28, 1995

Staff Comments

Chairman Carnes announced that this item has been withdrawn at the applicant's request.

* * * * *

LOT-SPLIT FOR WAIVER:

L-18144 Charles & Edith Morrow (J. Ledford, Jr.) (3383) (PD-26) (CD-8)
4208 E. 111th Street South. AG

It is proposed to split an approximate 4.3 acre tract into two lots as presented. Both lots will have access to public water and each will be served by a septic system. Staff has determined both lots will meet the standards for the AG district. Applicant is configuring the lots in this way so that both lots will meet frontage requirements. Since one of the proposed lots will have more than three side lot lines, it does not comply with Tulsa Subdivision Regulations requiring that residential lots have no more than three side lot lines. Applicant is requesting waiver of this requirement.

On the Motion of Garrison, the Technical Advisory Committee voted unanimously to recommend APPROVAL of the lot split with no conditions.

TMAPC Action; 6 members present:

On MOTION of DOHERTY, the TMAPC voted 5-0-1 (Carnes, Doherty, Gray, Horner, Pace "aye"; no "nays"; Ledford "abstaining"; Ballard, Boyle, Midget, Taylor, Selph "absent") to APPROVE L-18144 and WAIVE Subdivision Regulations requiring that residential lots have no more than three side lot lines, as recommended by Staff.

After the vote, Mr. Doherty pointed out that a lot-split for waiver of Subdivision Regulations requires six affirmative votes, and he asked if Mr. Ledford's abstention would compromise the vote.

Mr. Linker determined that if the Planning Commission adheres to past procedure then six affirmative votes would be required according to Subdivision Regulations.

Mr. Ledford abstained from the vote with the remaining votes being unanimous for approval; however, because of limited quorum, Mr. Doherty called for a second vote.

TMAPC Action; 6 members present:

On MOTION of DOHERTY, the TMAPC voted 6-0-0 (Carnes, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Midget, Taylor, Selph "absent") to APPROVE L-18144 and WAIVE Subdivision Regulations requiring that residential lots have no more than three side lot lines, as recommended by Staff.

* * * * *

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-18167 Randall Wasson (1413) (PD-15) (County)
West of the Northwest corner of East 100th Street North & North Memorial AG

L-18172 Darold Skaggs, Sr. (D. Skaggs, Jr.) (592) (PD-10) (County)
6000 Block of West Edison AG

Staff Comments

Mr. Jones announced that Staff has found the above-listed lot-splits to be in conformance with the lot-split requirements.

TMAPC Action; 6 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **5-0-1** (Carnes, Doherty, Gray, Horner, Pace "aye"; no "nays"; Ledford "abstaining"; Ballard, Boyle, Midget, Taylor, Selph "absent") to **RATIFY** the above-listed lot-splits having received prior approval and finding them to be in accordance with subdivision regulations.

OTHER BUSINESS:

PUD 498: **Detail Site Plan** - East of the Southeast Corner of 71st Street and Mingo Road - an unplatted portion of the Home Depot Addition, adjacent to and east of the existing plat and development, currently being platted as the Baby Superstore Addition.

The applicant is requesting site plan approval for the "Baby Superstore". The site is bounded by the Home Depot development on the west; 71st Street on the north; a commercial PUD on the east and 73rd Street South on the south.

Staff has reviewed the request and finds it to conform to parking, access, setback, height, floor area and landscaped area requirements of the PUD.

Therefore, Staff recommends **APPROVAL** subject to a revised site plan showing the proposed structure shifted 4' to the east. The setback from the west property line will now be 25.58' and from the east property line 14.5'.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Taylor, Selph "absent") to **APPROVE** PUD 498 **DETAIL SITE PLAN** for "BABY SUPERSTORE" as recommended by Staff.

Resolution 2046:774 to adopt the North Peoria Corridor Study as part of the Comprehensive Plan for the Tulsa Metropolitan Area.

RESOLUTION NO. 2046:774

**A RESOLUTION ADOPTING
THE NORTH PEORIA CORRIDOR STUDY,
A PART OF THE DETAIL PLANS FOR PLANNING DISTRICTS 2 AND 25, PARTS
OF THE COMPREHENSIVE PLAN
FOR THE TULSA METROPOLITAN AREA**

WHEREAS, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

WHEREAS, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

WHEREAS, a public hearing was held on the 15th day of November, 1995, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to adopt the North Peoria Corridor Study as a part of the Comprehensive Plan of the Tulsa Metropolitan Area.

NOW, THEREFORE, BE IT RESOLVED by the TMAPC, that the North Peoria Corridor Study, as set out and attached herein as Exhibit A, be and are hereby adopted as part of the Districts 2 and 25 Plans, parts of the Comprehensive Plan for the Tulsa Metropolitan Area.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Taylor, Selph "absent") to **APPROVE** Resolution 2046:774 to adopt the North Peoria Corridor Study as part of the Comprehensive Plan for the Tulsa Metropolitan Area.

* * * * *

Resolutions 2046:776 and 2046:775 amending the Districts 2 & 25 Plans, parts of the Comprehensive Plan for the Tulsa Metropolitan Area, to reflect the North Peoria Corridor Study.

RESOLUTION NO. 2046:775

**A RESOLUTION AMENDING
THE DISTRICT 25 PLAN MAP AND TEXT,
A PART OF THE COMPREHENSIVE PLAN
FOR THE TULSA METROPOLITAN AREA**

WHEREAS, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

WHEREAS, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

WHEREAS, on the 18th day of August, 1976, this Commission, by Resolution No. 1125:437, did adopt the District 25 Plan Map and Text as a part of the Comprehensive Plan of the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma; and

WHEREAS, a Public Hearing was held on the 15th day of November, 1995, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to modify its previously adopted District 25 Plan Map and Text according to the following.

Plan Map: Show boundaries of North Peoria Corridor study area.

Plan Text: Revise 3. Specific Areas to read, "Specific areas within Planning District 25 include the North Peoria Corridor and five Development Incentive Areas."

Revise 3.1.1 to read, "The North Peoria Corridor boundaries in Planning District 25 extend along North Peoria through the District from the railroad tracks on the west to approximately one-quarter mile on the east of Peoria. Development Incentive Area 1 is also included within the North Peoria Corridor, and the provisions of the North Peoria Corridor Study apply here."

NOW, THEREFORE, BE IT RESOLVED by the TMAPC, that the amendments to the District 25 Plan Map and Text, as above set out, be and are hereby adopted as part of the District 25 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

AND

**A RESOLUTION AMENDING
THE DISTRICT TWO PLAN MAP AND TEXT,
A PART OF THE COMPREHENSIVE PLAN
FOR THE TULSA METROPOLITAN AREA**

WHEREAS, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

WHEREAS, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

WHEREAS, on the 14th day of April, 1976 this Commission, by Resolution No. 1108:423, did adopt the District Two Plan Map and Text as a part of the Comprehensive Plan of the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma; and

WHEREAS, a Public Hearing was held on the 15th day of November, 1995, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to modify its previously adopted District Two Plan Map and Text by adding the following.

Plan Map: Show boundaries of North Peoria Corridor study area.

Plan Text: Add the following.

Add to 3.1.2 following the last sentence, "A portion of the area also lies within the boundaries of the North Peoria Corridor Study and the provisions of that redevelopment plan apply."

Add new "3.1.3 North Peoria Corridor

The boundaries for the North Peoria Corridor Study area in District 2 are from Pine to Mohawk Boulevard, the railroad tracks on the west, Utica and approximately St. Louis Avenue on the east. The provisions of that plan apply here."

NOW, THEREFORE, BE IT RESOLVED by the TMAPC, that the amendments to the District Two Plan Map and Text, as above set out, be and are hereby adopted as part of the District Two Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Taylor, Selph "absent") to **APPROVE** Resolutions 2046:776 and 2046:775 amending the Districts 2 & 25 Plans, parts of the Comprehensive Plan for the Tulsa Metropolitan Area to reflect the North Peoria Corridor Study.

PUD 535 Request for interpretation of PUD conditions - Southwest corner of 39th Street South and Peoria Avenue.

Staff is requesting guidance concerning the development standards for the Hollywood Video development in PUD 535.

The developer is proposing to place two strips of neon lighting along the entire length of the side of the building facing 39th Street. The city sign inspector has said these neon lights are not a sign, and therefore, their use is not restricted by the development standards of the PUD. Staff believes that neon was not allowed on portions of the north face of the building. The planning commissioners' input as to what their intent was is requested.

Also the applicant made statements during the PUD public hearing that he had met with the neighbors and had agreed to their request that a sidewalk be built along the south side of 39th Street between Owasso and Peoria Avenues. The developer has not done that and input as to whether this is a PUD condition is requested.

Relevant minutes, site and building plans were part of the agenda packet.

Staff Comments

Mr. Stump informed that restrictive covenants incorporating the conditions of the PUD were to be recorded with the County Clerk's office prior to issuance of any building permits in the PUD. To date no evidence of the recording of these restrictions has been provided.

The applicant was not present.

Mr. Doherty expressed agreement with Ms. Apgar's position. He stated that negotiations were made in good faith and he recalled that the intent of the Planning Commission was to include the sidewalk. He also recalled that the applicant agreed to its installation. However, he concluded that it appears the business has occupied the building illegally without meeting PUD conditions. Mr. Doherty suggested that the Planning Commission request that the Mayor's Office review whether or not the occupancy of the building is legal and if a certificate of occupancy has been appropriately issued, since the Planning Commission never reviewed detail landscape plans and covenants have never been filed.

Interested Parties

Nancy Apgar

3914 South Norfolk 74105

Ms. Apgar, representative for the Neighborhood Association, was concerned that parking lot lighting which is expected to be installed will be taller than the 12' limitation and will not meet PUD conditions. There is also concern that a base for parking lot lighting is of a size to accommodate a much taller light standard than the approved 12' limitation. Ms. Apgar informed that the hours of operation are 10:00 a.m. to midnight and weekends 10:00 a.m. to

2:00 a.m., which also violates PUD conditions which limited hours of operation to 7:30 a.m. to midnight.

Mr. Doherty deemed that Protective Inspections, through the Mayor's Office, needs to be notified of the PUD violations. He assured Ms. Apgar that Staff will notify the Mayor's Office.

TMAPC Action; 7 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Carnes, Doherty, Gray, Horner, Ledford, Midget, Pace "aye"; no "nays"; none "abstaining"; Ballard, Boyle, Taylor, Selph "absent") to **INSTRUCT** Staff to request the Mayor's office to instruct protective inspections to investigate PUD 535 and take swift and appropriate action to bring it into compliance.

PUD 455 A: Detail Site Plan - North of Northeast corner of 71st Street South and South Yale Avenue - Lot 3, Block 1 of Hyde Park North (Development Area 5).

The applicant is requesting site plan approval for a parking lot which is intended to serve the medical building located directly east of the project.

Staff has reviewed the request as proposed and finds that it conforms to the standards of the PUD. The proposed lot will have adequate vehicular and pedestrian access to the adjacent medical site and shows adequate area for landscaping. Off-street parking is an allowed principal use in this development area per the PUD.

Staff notes that Board of Adjustment approval is required should this area include required parking which would accommodate future medical office expansion.

Staff recommends **APPROVAL**.

Note: Site Plan approval does not constitute Landscape Plan approval.

TMAPC Action; 7 members present:

On **MOTION** of **HORNER**, the TMAPC voted **6-0-1** (Carnes, Doherty, Gray, Horner, Midget, Pace "aye"; no "nays"; Ledford "abstaining"; Ballard, Boyle, Taylor, Selph "absent") to **APPROVE** the **DETAIL SITE PLAN** of Lot 3, Block 1 in PUD 455-A as recommended by Staff.

Request by Dale Carson, president of College Parke Homeowners Association to void a Detail Site Plan approval given to Crown Chase Apartments in PUD 306.

Staff Comments

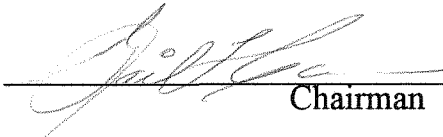
Mr. Stump announced receipt of a letter from Dale Carson regarding Staff approval of the site plan for Crown Chase apartment complex. He stated that the agenda packet contains the site plan which was approved by the Planning Commission and the revised site plan approved by Staff which depicts the second point of access for the existing apartment complex to the north of the subject tract as well as other minor changes to the plan.

James Spinks, 9337 South College Court, who is a member of the Board, officer of the Homeowner's Association and spokesmen for the neighborhood, distributed a booklet containing information regarding the PUD. Mr. Spinks presented a detailed review of the originally-approved site plan and compared it to the site plan which was approved by Staff. He declared that there are several factors in the approved site plan that he believes violates the Zoning Code. They should have been reviewed by the Planning Commission as a minor amendment and should require a public hearing subject to notice. Mr. Spinks called attention to the location of a combined trash compactor and dumpster, which he anticipates will create substantial traffic congestion when the garbage truck loads the trash. He declared that changing the access point for garbage collection from standard entrances to the development to a dedicated exterior will result in the potential for traffic congestion and accidents. Mr. Spinks informed that the approved site plans misrepresents the location of the right-of-way relative to paving in place. He declared that because of changes in the setback lines, the dumpster unit is allowed to occupy the full depth of the area between right-of-way and the building setback line, and allows six of the seven garages in the front yard to encroach over the building setback line.


Chairman Carnes declared that Staff approval of the site plan was well within purview of Staff duties and hearing no objection from the Planning Commission reiterated support of Staff review of the site plan.

There being no further business, the Chairman declared the meeting adjourned at 2:45 p.m.

Date Approved: Dec. 13 1995


Chairman

ATTEST:


Secretary

