

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1637
Wednesday, February 11, 1987, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Doherty, 2nd Vice-Chairman	Carnes	Frank	Linker, Legal Counsel
Draughon	Crawford	Gardner	
Kempe	Wilson	Setters	
Paddock, 1st Vice-Chairman			
Parmeale, Chairman			
Rice			
VanFossen, Secretary			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, February 10, 1987 at 9:55 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmele called the meeting to order at 1:30 p.m.

MINUTES:

Approval of Minutes of January 28, 1987, Meeting #1635:

On **MOTION** of **DOHERTY**, the Planning Commission voted **8-0-0** (Doherty, Draughon, Kempe, Paddock, Parmele, Rice, VanFossen, Woodard, "aye"; no "nays"; no "abstentions"; (Carnes, Wilson, Crawford, "absent") to **APPROVE** the **Minutes of January 28, 1987, Meeting No. 1635.**

REPORTS:

Committee Reports:

Mr. Paddock advised the **Rules & Regulations Committee** (R & R) had met this date, with the principal item under review being an amendment to the Subdivision Regulations, Section 2.4, Final Construction Plans. The Committee will make their recommendation to the full Commission next week and request a public hearing be set on this topic.

REPORTS - Cont'd

Director's Report:

- a) Request for TMAPC input on the FY 88 INCOG Work Program.

Mr. Gardner commented that this would be discussed at the joint committee work session scheduled for next week, and asked the TMAPC Commissioners to bring their suggestions/comments for incorporation of the projects into the budget for FY 88.

- b) Additional project(s) for the Capital Improvements Program (CIP).

Mr. Gardner advised there were some additional CIP items submitted for TMAPC review and these would also be discussed and reviewed at the joint work session next week.

In regard to the Citizen Planning Teams, Mr. Gardner advised that District 18 would be holding a special election to replace their Chairman and Co-Chairman on February 18th. Mr. Gardner also reminded the Commission of the Annual Meeting of the Citizen Planning Team Officers, TMAPC and BOA members, scheduled for Tuesday, February 24th at 6:30 p.m.

ZONING PUBLIC HEARING:

Application No.: Z-6137

Applicant: Holmes (Grabel)

Location: North of the NE/c of Xenophon & SW Blvd

Size of Tract: .25 acres, approximately

Present Zoning: RS-3

Proposed Zoning: CH/IL

Date of Hearing: February 11, 1987

Presentation to TMAPC by: Mr. Larry Holmes, 3818 South Yukon (446-2332)

NOTE: The TMAPC continued this application from January 7th until February 11, 1987 to allow the applicant to advertise for CH/IL zoning on the two abutting lots to the east. The most southerly portion of the two easterly lots is presently zoned CH; although, the present use would be permitted in the CG District (an electrical services business - Use Unit 15).

Relationship to the Comprehensive Plan:

The District 9 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property High Intensity - No Specific Land Use and Corridor.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the proposed CH or IL District **may be found** in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately .5 acres in size and located north and east of the northeast corner of Southwest Boulevard and Xenophon Avenue. It is partially wooded, sloping, partially vacant; however, partially developed for commercial uses along Southwest Boulevard and is zoned a mixture of RS-3 on the north and CH along Southwest Boulevard.

Surrounding Area Analysis: The tract is abutted on the north by the Red Fork Expressway which is zoned RS-3, on the east by a motel and commercial use zoned CH, on the south by a residential development zoned CH, and on the west by vacant property zoned RS-3.

Zoning and BOA Historical Summary: The TMAPC and City Commission have approved CG zoning in one instance, denying CH zoning in this general area.

Conclusion: CH zoning was originally approved in this area when the City had only one commercial classification; however, existing development in this area is not at maximum CH intensities. CG zoning would permit the existing commercial use on the subject tract and be more consistent with other established uses along Southwest Boulevard. The proposed use, automobile body shop and repair, would be a use permitted by right in either CG or CH Districts. Automobile painting (Use Unit 25) is a use permitted only by Special Exception from the BOA in CG/CH and by right in IL.

Therefore, based on existing development, physical facts, and recent zoning patterns in this immediate area, Staff recommends **DENIAL** of the requested CH or IL zoning and **APPROVAL** of CG zoning in the alternative.

Comments & Discussion:

Chairman Parmele confirmed the applicant had no comments in regard to the Staff recommendation for CG zoning.

TMAPC ACTION: 8 members present

On **MOTION** of **DOHERTY**, the Planning Commission voted **8-0-0** (Doherty, Draughon, Kempe, Paddock, Parmele, Rice, VanFossen, Woodard, "aye"; no "nays"; no "abstentions"; (Carnes, Wilson, Crawford, "absent") to **APPROVE** Z-6137 Holmes (Grabel) for **CG zoning**, as recommended by Staff.

Legal Description:

Lot 4, Block 10, Interurban Addition to the City of Tulsa, EXCEPT a tract 10' in width lying southeast of the line parallel to 10' northwest from the southeast line of Block 10; and,

Lot 5, Block 10 Interurban Addition to the City of Tulsa, EXCEPT: beginning at the southwest corner of said Lot 5, thence in a northeasterly direction 22' to a point on the south line of Lot 5, thence 43.7' in a northwesterly direction to a point on the west line of Lot 5, thence south to the POB; and

Legal Description - cont'd

Part of Lots 6 and 7, Block 10, Interurban Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, more particularly described as follows, to-wit: beginning 77.37' south of the northeast corner of Lot 6 to the POB, thence southwesterly 122.45', thence continuing southwesterly a distance of 19.40' to a point, thence southeasterly for a distance of 90.0' to the southeast corner of Lot 7, thence east a distance of 100.0' to the southeast corner of Lot 6, thence north a distance of 172.63' to the POB.

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Application No.: CZ-155 & PUD 424 Present Zoning: AG
Applicant: Burris (Kaiser) Proposed Zoning: RS
Location: North of the NE/c of South 129th East Avenue and 76th Street North
Size of Tract: 40 acres, approximately
Date of Hearing: February 11, 1987
Presentation to TMAPC by: Mr. Adrian Smith, 5157 East 51st Street (627-5861)

Relationship to the Comprehensive Plan:

The Owasso Comprehensive Plan designates the subject tract as Low Intensity - Residential.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the requested RS District is in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 40 acres in size and located north and east of the northeast corner of North 129th East Avenue and East 76th Street North. It is nonwooded, gently sloping, vacant and zoned AG.

Surrounding Area Analysis: The tract is abutted on the north, east, and south by vacant land zoned AG, and on the west by vacant land located within the Owasso City Limits zoned RS-3. The west boundary of the subject tract and approximately the west half of the southern boundary is the City limits line for Owasso.

Zoning and BOA Historical Summary: The existing single-family detached subdivision to the south was established prior to the date that RE zoning was assigned by Tulsa County. Although the subject tract is in Tulsa County, it is located within the City of Owasso fence-line.

Conclusion: The request to rezone the subject tract from AG to RS is in accordance with the Comprehensive Plan and is consistent with the physical facts characterized by existing development in this general area. Therefore, Staff recommends APPROVAL of RS zoning as requested.

NOTE: The City of Owasso Planning Staff declined the opportunity to review this application when contacted by the INCOG Staff.

Staff Recommendation: PUD 424

The subject tract has an area of approximately 40 acres and is located north and east of the northeast corner of South 129th East Avenue and East 76th Street North. A creek and drainage way divides the tract in approximately two equal parcels on a north/south axis. The applicant's proposal is to develop 165 homesites on the west 20 acres of the tract, which would be a "developed density" of 8.25 units per acre, and this would approach the maximum density permitted in an RS Duplex (Special Exception) development which is 8.7 units per acre. The estimated "developed density" of the subdivision to the south (110 acres) would be 2.8 acres per unit.

A sketch plat for PUD 424 was reviewed by the Technical Advisory Committee (TAC) on December 11, 1986. The Planning Staff concurs with the TAC that the plat as submitted has no open space provided within or easily accessible to the developed area, and therefore, does not meet a major criteria of a PUD which is to provide meaningful open space. The typical platted lot for PUD 424 is shown as 35' wide by 100' deep; although, the Text indicates that the minimum lot width is 75'.

Staff review of PUD 424 indicates that as proposed, it fails to meet the "Purposes" section of the PUD Chapter of the Tulsa County Zoning Code which is to:

- (a) Permit innovative land development while maintaining appropriate limitation on the character and intensity of use and assuring compatibility with adjoining and proximate properties;
- (b) Permit flexibility within the development to best utilize the unique physical features of the particular site;
- (c) Provide and preserve meaningful open space;
- (d) Achieve a continuity of function and design within the development.

Therefore, Staff recommends **DENIAL** of PUD 424 as submitted.

NOTE: The City of Owasso Planning Staff declined the opportunity to review this application when contacted by the INCOG Staff.

Comments & Discussion:

Mr. Gardner advised the applicant redesigned the PUD portion and Staff had not had a chance to review the amended PUD for a recommendation. Therefore, Mr. Gardner suggested continuing the PUD portion of the presentation, but proceed with the zoning application.

CZ-155 & PUD 424 Burris (Kaiser) - Cont'd

Mr. VanFossen inquired as to why the applicant was going for a PUD on this property. Mr. Gardner stated it was due to the density and the narrow lots.

Applicant's Comments:

Mr. Adrian Smith, representing the applicant, stated agreement to Staff's suggestion for a continuance of the PUD as they had not yet appeared before the Technical Advisory Committee. He suggested March 4th as a continuance date.

Therefore, Mr. VanFossen moved for approval of the requested RS zoning, and continuance of the PUD to March 4th. In reply to Mr. Paddock, Mr. Gardner advised it would not be necessary to withhold transmittal of the minutes to the City Commission for the zoning application, even with the PUD presentation being continued.

TMAPC ACTION: 8 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **8-0-0** (Doherty, Draughon, Kempe, Paddock, Parmele, Rice, VanFossen, Woodard, "aye"; no "nays"; no "abstentions"; (Carnes, Wilson, Crawford, "absent") to **APPROVE** the **CZ-155 Burris (Kaiser)** for **RS**, as recommended by Staff, and **CONTINUE Consideration of PUD 424 Burris (Kaiser)** until Wednesday, **March 4, 1987** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

Legal Description:

CZ-155: The S/2 of the SW/4 of the NW/4 and the S/2 of the SE/4 of the NW/4, Section 28, T-21-N, R-14-E of Tulsa County, State of Oklahoma.

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Application No.: **Z-6145** Present Zoning: **OM**
Applicant: **Grooms (Quik Trip Corp.)** Proposed Zoning: **CS**
Location: **NW/c of East 71st Street and South Canton**
Size of Tract: **3.53 acres, approximately**
Date of Hearing: **February 11, 1987**
Presentation to TMAPC by: **Mr. Ed Posten, QT Corp., 901 North Mingo (836-8551)**

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District 2 - Development Complex - Hospital - Medical and Related Activities, Office Activities, Commercial Shopping Activities, Residential Activities and Cultural Activities, and Development Sensitive.

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

Staff Recommendation:

Site Analysis: The subject tract is 3.53 acres in size and located at the northwest corner of East 71st Street South and South Canton Avenue. It is nonwooded, gently sloping, vacant, and zoned OM.

Surrounding Area Analysis: The tract is abutted on the north by an office building zoned OM, on the east across Canton by office buildings zoned OL, on the south across East 71st by residential duplexes zoned RD, and on the west by approved office development zoned OM and PUD 260-A.

Zoning and BOA Historical Summary: The southeast corner of East 71st and Yale was denied commercial zoning by the City and permitted commercial uses by the District Court. Commercial zoning at the northeast corner of East 71st and Yale (PUD 260-A) was reduced to allow only the amount of commercial floor area approved for the southeast corner. All other corners of the intersection are vacant and zoned office, or zoned/developed for office uses.

Conclusion: Although the requested CS zoning is a "may be found" in accordance with the Comprehensive Plan, Staff would note that all zoning classifications are similarly designated because the subject tract is located within a Special District. Special District 2 Development Complex extends both east and west of Yale between East 61st and 71st to a depth of one-fourth mile on the east and one-half mile on the west. Staff notes that no freestanding commercial uses have been permitted within the "Complex" as it is referred to in the District 18 Comprehensive Plan except at the intersection nodes. The subject tract could have been considered as partially located (west 148 feet) in a Type III Node (808.5' x 808.5' or 15 acres); except for the fact that the area was already zoned and committed to high intensity office and therefore assigned Special District. It should be noted that the CS underlying zoning at the northeast corner of East 71st and Yale is restricted to 3.6 acres and is buffered by OM zoning and planned office uses within PUD 260-A. Staff finds that the CS zoning as requested could not be considered consistent with the Comprehensive Plan or the Development Guidelines since the office intensity approved under the Special District already exceeds the Node/Subdistrict concept. The requested CS zoning would jump the OM buffer within PUD 260-A and not be compatible to residential duplex use to the south across East 71st Street. The Staff is also concerned about the precedent that would be established for commercial usage on vacant properties in all four directions from the intersection. Therefore, Staff recommends **DENIAL** of the requested CS zoning.

NOTE: The District 18 Comprehensive Plan states that the form, design, and functions of uses within the Special District 2 Development Complex shall be reviewed by the District 18 Planning Team, "...to insure to the maximum extent possible compatibility, linkage, and internal conditions, such that full development will be totally integrated" (Section 3.2.4). Such a process would not be possible under conventional zoning and no response from District 18 has been received to date.

Comments & Discussion:

Mr. Paddock inquired as to the notation "precedent for commercial" indicated on the Plan Map for the area across from the subject tract (south). Mr. Frank stated that, although these two tracts were used for duplexes, Staff felt the chances for these being zoned commercial was high, if the subject application was approved for CS. Mr. VanFossen pointed out the subject tract was in a Special District and the two tracts across 71st Street were not in the Special District. Referencing the map, Mr. Gardner clarified the Special District area and pointed out that a part of the subject tract would fall within the 15 acre node of the Special District east of Yale Avenue. Mr. Gardner cautioned the Commission that, should they approve this for CS, they must be prepared to do so for the other similar tracts indicated for commercial purposes on the agenda exhibit.

Chairman Parmele inquired if the Special District 2 allowed commercial uses. Mr. Gardner confirmed this to be correct, but stated the Guidelines call for a square configuration, and approval of this tract would stretch that configuration somewhat.

Applicant's Comments:

Mr. Ed Posten, representing The Quik Trip Corporation, stated the application needed to be amended to a depth of 200'. Mr. Posten reviewed the background of the Quik Trip Corporation, which was founded in Tulsa. He stressed the existing physical facts of the area which could not be shown on a map, i.e. terrain, and pointed out other office and shopping areas. Mr. Posten stated this was the last tract available for development as the land east and west of Yale on 71st was already developed for office or residential uses. Therefore, encroachment of commercial into residential would not be possible, and he did not feel this would be strip zoning. He commented there was no other commercial development similar to their proposal within a mile, except restaurants. Mr. Posten indicated the office uses in the area, and stated that to preserve this tract for further office development would not be practical due to the economy and the current high vacancy rate in office developments.

Mr. Posten submitted a site plan showing the proposed store design, which was the design used in most all of the Quik Trip stores. He indicated the landscaping proposed and stated the site would be landscaped in the rear as well as in the front of the store. He reviewed the signage, lighting and canopy design, and advised there would be a setback of 130' from the centerline of East 71st. Mr. Posten stated disagreement with the Staff as he felt they were in compliance with the Plan. He commented that this development would not change the intensity as they (QT) were already located at the southeast corner of 71st and Yale.

Z-6145 Grooms (Quik Trip Corp.) - Cont'd

Mr. Chester Cadieux, President of Quik Trip Corporation, commented Quik Trip was a good corporate citizen and did not abuse the law (zoning), as this was only the second request for rezoning in 28 years. Mr. Cadieux, as a resident in the area of the proposed site, stated he felt the request was very justified.

Mr. Posten commented they had made attempts to talk with the officers of the District 18 Planning Team, but due to the current vacancies (District 18 officers) they were not able to get a contact name. Mr. Posten requested approval of the application for rezoning.

In reply to Mr. Draughon, Mr. Posten clarified the amended request for the south 200' only. Mr. Draughon inquired as to the pond or reservoir indicated on the subject tract. Mr. Posten stated he thought that property had been graded and the pond no longer existed. Mr. Posten, to address DSM concerns, explained that their proposed detention would accommodate 8,820 cubic feet and would be handled through underground concrete laterals. Chairman Parmele commented that the Commission had not seen undergrounds laterals used very much in Tulsa, and the applicant remarked it was rather expensive.

Review Session:

Chairman Parmele called for protestants and/or interested parties; there were none in attendance. Ms. Kempe, to Staff, inquired if the reduction from 576' to 200' depth would place the entire tract in the Special District. Mr. Gardner explained the entire site was already within the Special District and clarified the boundaries.

Mr. VanFossen stated he felt that, with the consideration of this being in a Special District, it differentiated the application from those across the street or out of the Special District 2. Mr. VanFossen and Staff discussed the possibility of the requested zoning being granted on a portion of the tract and then allowing a PUD to spread it across the entire tract. Mr. VanFossen commented he felt the request was appropriate on this tract, as this site was more tolerant of this type development than other areas of the City, due to the physical facts. Mr. Gardner stated concerns as to establishing a precedent with this case.

Chairman Parmele commented he thought the nodes were meant to be flexible and not limited to the 808' square, and expansion on one boundary would still meet the concept of the guidelines. Mr. Doherty stated he was not comfortable with changing the configuration to meet the boundary of the Special District to avoid setting a precedent, as the essential question appeared to be if the tract was suitable for commercial. Mr. Doherty commented that after reviewing the site, he felt commercial was probably the best use and CS being the lowest intensity, he moved for approval of the applicant's amended application for CS zoning.

TMAPC ACTION: 8 members present

On **MOTION** of **DOHERTY**, the Planning Commission voted **8-0-0** (Doherty, Draughon, Kempe, Paddock, Parmele, Rice, VanFossen, Woodard, "aye"; no "nays"; no "abstentions"; (Carnes, Wilson, Crawford, "absent") to **APPROVE Z-6145 Grooms for CS zoning to a depth of 200'**, as amended.

Legal Description:

The south 200.0' of Lot 1, Block 2, BURNING HILLS, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, being more particularly described as follows, to-wit: Beginning at the SW corner of said Lot 1, Block 2; thence N 0°00'17" E a distance of 200.0' to a point; thence S 89°49'53" E a distance of 300.01' to a point on the east line of said Lot 1, Block 2; thence S 0°00'22" W a distance of 200.0' to the SE corner of said Lot 1, Block 2; thence N 89°49'38" W a distance of 300.0' to the POB.

OTHER BUSINESS:

Z-5859-SP-2: SE/c of East 71st Street & South Mingo, East Pointe, L 1, Blk 1

Staff Recommendation: Amended Detail Sign Plan

East Pointe Center is a suburban shopping center consisting of 47,113 square feet. The subject tract is zoned CO corridor and received Detail Sign Plan approval on May 15, 1985 for a ground monument sign and two lease signs; a portable sign request was denied at the time. The subject tract also received an amendment to allow a 4 foot by 10 foot, internally lighted marquee sign (reader board) on all four sides of the monument sign on January 7, 1987. The applicant is now requesting an amendment to allow one additional shopping center identification sign with reader board on the subject tract.

The proposed sign is 24 feet in height and contains 132 square feet of display surface area on each of the two sides. The proposed sign is located on Mingo Road, approximately 530 feet south of the centerline of East 71st Street South. Review of the applicant's submitted plot plan and sign elevations show the sign to be consistent with the existing signage for the shopping center, as well as, signage for the abutting commercial project to the west. With the addition of the proposed sign, the applicant is still below the permitted signage allowed by the underlying zoning.

Z-5859-SP-2, Amended Detail Sign Plan - Cont'd

Therefore, Staff recommends **APPROVAL** of the Amended Detail Sign Plan, subject to the plans and elevations submitted and subject to the approval of traffic engineering due to the bottom of the proposed sign being only 4 feet above the ground and the location of an access point immediately to the north. Staff does not want to restrict visibility with the proposed sign.

TMAPC ACTION: 8 members present

On **MOTION** of **KEMPE**, the Planning Commission voted **8-0-0** (Doherty, Draughon, Kempe, Paddock, Parmele, Rice, VanFossen, Woodard, "aye"; no "nays"; no "abstentions"; (Carnes, Wilson, Crawford, "absent") to **APPROVE** the **Amended Detail Sign Plan for Z-5859-SP-2**, as recommended by Staff.

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PUD 179-L: South of the SE/c of East 71st Street & South Memorial

Staff Recommendation: **Amended Deeds of Dedication, Amended Restrictive Covenants and Waiver of Plat**

The subject tract is located at 7121 South Memorial and is presently the site of a Ken's Pizza restaurant. PUD 179-L was approved by the TMAPC and the City Commission to permit an addition to the eating area on the west side of the restaurant. The TMAPC approved the Detail Site Plan at the time PUD 179-L was approved.

Staff has reviewed the Amended Deeds of Dedication and recommends **APPROVAL**, subject to approval by the City Legal Staff.

Comments & Discussion:

Mr. Paddock confirmed with Mr. Linker that Legal has reviewed the draft of the amended deeds of dedication.

TMAPC ACTION: 8 members present

On **MOTION** of **RICE**, the Planning Commission voted **8-0-0** (Doherty, Draughon, Kempe, Paddock, Parmele, Rice, VanFossen, Woodard, "aye"; no "nays"; no "abstentions"; (Carnes, Wilson, Crawford, "absent") to **APPROVE** the **Amended Deeds of Dedication, Amended Restrictive Covenants and Waiver of Plat for PUD 179-L**, subject to approval by the City Legal Staff

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PUD 354-4: Lots 6 and 14, Block 4, Fox Pointe Addition

Staff Recommendation: Minor Amendment and Amended Deeds of Dedication

The Fox Pointe Addition is located east of the northeast corner of East 91st Street and South Yale. PUD 354 has RM-1 underlying zoning and has been approved for office uses in the southwest portion and the balance for zero lot line patio home type development. Lots 6 and 14 of Block 4 are located along the east boundary of the subject tract.

The applicant is requesting approval of a minor amendment to delete the zero lot line requirement on the south boundary of each lot and establish a 4' setback line from said boundary on Lot 6 and a 10' setback from the south boundary on Lot 14. Plot plans submitted with PUD 354-4 indicate all other setback lines will be met. The minor amendment also requests that windows be allowed to penetrate the south wall of the proposed residences which is presently prohibited by the "Development Restrictions."

Review of PUD 354-4 indicates that it is minor in nature; therefore, Staff recommends **APPROVAL** as follows:

- (1) Subject to the submitted plot plans.
- (2) Subject to approval of the submitted Amended Deeds of Dedication by the City Legal Staff, TMAPC and filing of said documents of record in the County Clerk's office.
- (3) That the proposed changes be in compliance with all other applicable codes of the City of Tulsa, including, but not limited to the Building Code.
- (4) That a solid 6' screening fence be installed along the common boundary between Lots 5 and 6 and Lots 13 and 14 as a requirement and condition of issuance of a Building Permit on Lots 6 and 14 respectively. The fence shall commence at the front building setback lines on each of the referred lots and extend to the east to the rear lot line and be connected along the front to the southeast corner of each structure.

NOTE: Notice of this request has been given.

Comments & Discussion:

Mr. Paddock inquired as to how many more of these the Commission might expect if the request to allow windows was approved. Mr. Frank referred this question to the applicant. Mr. Doherty inquired if any of the houses were currently occupied. Mr. Frank stated there had been development on several of the adjacent tracts, and notice was given to the property owners.

Mr. Linker advised the applicant had submitted the Deeds of Dedication and Legal has reviewed and approved the draft.

Applicant's Comments:

Mr. Roy Johnsen, representing the applicant, commented as to the covenants and the history of this development. He pointed out that the two lots under consideration were wider than the typical lots in Fox Pointe. Referring to condition #4 regarding a screening fence, Mr. Johnsen advised they had a contract for sale, and the buyer did not want to build a fence. Considering the housing market today, Mr. Johnsen requested condition #4 not be required on the two lots in question.

Mr. Doherty inquired if Staff had any problems with removing the condition for screening fences. Mr. Frank stated that, from the standpoint of consistency, it should remain. Mr. Frank read from the covenants and stated he interpreted it to mean screening fences, as recommended, were required on all such lots. Mr. Doherty and Chairman Parmele agreed that they interpreted the covenants to indicate screening the side yard from the street was required, which would be different than screening one building from another. Mr. Johnsen stated that, as an attorney, he had interpreted the covenants the same as Mr. Doherty and Chairman Parmele. Discussion continued as to the screening requirements of the covenants. Mr. Paddock commented he felt the screening was more for aesthetics. Mr. Draughon requested clarification as to the length of the lots to get an idea of the amount of screening/fencing involved.

TMAPC ACTION: 8 members present

On **MOTION** of **VANFOSSEN**, the Planning Commission voted **8-0-0** (Doherty, Draughon, Kempe, Paddock, Parmele, Rice, VanFossen, Woodard, "aye"; no "nays"; no "abstentions"; (Carnes, Wilson, Crawford, "absent")) to **APPROVE** the **Minor Amendment and Amended Deeds of Dedication for PUD 354-4**, subject to the conditions as recommended by Staff, **EXCEPT condition #4** which is to be deleted.

There being no further business, the Chairman declared the meeting adjourned at 2:46 p.m.

Date Approved 2-25-87
Rent J. Huel
Chairman

ATTEST:
[Signature]
Secretary

