

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1827
Wednesday, March 6, 1991, 1:30 p.m.
City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Carnes, 1st Vice Chairman	Harris	Gardner	Linker, Legal Counsel
Coutant		Russell	
Doherty, Secretary		Stump	
Draughon, 2nd Vice Chairman		Wilmoth	
Horner		Peters	
Midget, Mayor's Designee			
Neely			
Parmeale, Chairman			
Wilson			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, March 5, 1991 at 11:21 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmeale called the meeting to order at 1:31 p.m.

Minutes:

Approval of the minutes of February 20, 1991, Meeting No. 1825:

On MOTION of CARNES, the TMAPC voted **8-0-1** (Carnes, Coutant, Doherty, Draughon, Neely, Parmeale, Wilson, Woodard, "aye"; no "nays"; Horner "abstaining"; Midget, Harris, "absent") to **APPROVE** the minutes of the meeting of February 20, 1991 Meeting No. 1825.

REPORTS:

Chairman's Report:

Chairman Parmeale advised that the first committee meeting of the City Council on the amendments to the zoning code as it pertains to signs was held Tuesday, March 5. Councilor Polishuk had advised those who opposed the changes to submit their comments in writing to the office of the City Council.

Committee Reports:

Mr. Coutant advised that the **Comprehensive Plan Committee** met just prior to the TMAPC meeting to consider amendments to the Comprehensive Plan for the Kendall-Whittier area. The Committee requested the TMAPC to set the matter for public hearing on

March 20, 1991. Chairman Parmele directed staff to set for public hearing on March 20, 1991 the Kendall-Whittier Master Plan.

Mr. Doherty commented that the **Rules and Regulations Committee** met on February 27, 1991 to continue their discussion of amendment to the zoning code in regard to satellite antennae. It was the consensus of the members of the committee that while there is a problem with the regulations, it is not a pressing problem, and will be considered next year. Staff also reported to the committee regarding the home occupations study. He advised the Planning Commission that the Committee felt the study was very thorough and suggested it be set for public hearing. Chairman Parmele directed staff to set the Home Occupations Study for public hearing on April 10, 1991.

Ms. Wilson advised that the **Budget and Work Program Committee** met on February 27, 1991 to discuss the Second Quarter Report and to begin working on the work program for FY92. She advised that the Committee would meet again on March 27, 1991 to discuss input received from city departments, home owners associations, Realtors, and District Planning Team chairs.

She asked that the Planning Commission consider approving a subscription service to provide agendas of TMAPC and Board of Adjustment to interested parties. Mr. Stump advised that staff now sends out approximately 150 agendas weekly. The charge for the subscription would be \$50.00 annually. Free agendas would continue to be sent to District Planning Team Chairs and Co-Chairs, homeowners and neighborhood associations registered with INCOG, the press, media, and other public interest groups. Mr. Coutant clarified that the mailing would only include the agenda cover sheet.

TMAPC ACTION; 9 members present:

On **MOTION** of **WILSON**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Horner, Neely, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Midget, "absent") to **APPROVE** a \$50.00 annual subscription fee for those persons wishing to receive TMAPC agendas, excluding District Planning Teams Chairs and Co-Chairs, homeowners and neighborhood associations registered with INCOG, the press, media, and other public interest groups, who would continue to receive free agendas.

Director's Report:

Ms. Donna Peters, INCOG, was present to brief the Planning Commission regarding neighborhood support for rezoning of the West Tulsa neighborhood identified in the "Rezoning of Blanket Zoned Areas Study." She presented a memo to the Planning Commission summarizing the results of the survey for neighborhood support. Ms. Peters commented that staff met with several residents of the

neighborhood and explained the proposed rezoning initiative. A few of the residents at the meeting volunteered to distribute a petition and canvass the neighborhood to determine the support of the residents. The results of the survey showed that 62 percent of the residents supported the rezoning initiative. She stressed that she was not inferring that the remaining 38 percent were not in support. Those circulating the petitions had not talked with any residents who were not supportive. This number reflects those who were unable to be contacted.

Ms. Peters stated that the residents have expressed an interest in rezoning this area and asked the TMAPC to direct staff to proceed with the process to hold a public hearing regarding a rezoning from RM-1 to RS-3 designation.

Mr. Coutant questioned staff regarding the procedure that would be taken to initiate the application. Mr. Gardner replied that TMAPC would need to direct staff to initiate an application. At that time, all of the property owners in that area and within 300' would be notified of the public hearing and it would be considered just as any other rezoning application.

Chairman Parmele commented that he was against initiation of a rezoning request without the owner's consent. Mr. Carnes stated that TMAPC has a policy not to initiate rezoning. Chairman Parmele commented that staff felt this would be an exception to that general rule because of the Tulsa Development Authority redevelopment area. Mr. Carnes said he would like for TMAPC to stand behind their policy and let either the City Council or the County Commission be the initiator.

Mr. Doherty commented that the missing 38 percent need to be heard from and the only way to do that is to proceed to a public hearing. He stated that staff has brought sufficient information, in this particular case, to make an exception to the TMAPC general policy. He further stated that there has been no opposition to this rezoning and it was his understanding that the City Councilor for the area was in favor of correcting the error.

Councilor Darla Hall was present and stated that she felt the rezoning was good for the area.

Ms. Wilson stated that the only time TMAPC would have to approve or disapprove the rezoning would be at a public hearing. She felt it was important to "bring it to the table" to allow the Commission to either show approval or disapproval.

Chairman Parmele again stated his objection to the TMAPC initiating the rezoning application. He felt it was appropriate to forward the request to the City Council and let them review and decide what their policy is.

Councilor Hall stated that the residents in this neighborhood thought this had been zoned single family thirty years ago. They

are all under the impression that they are in a single family area, all that was being asked was to correct the error.

TMAPC ACTION; 10 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **5-5-0** (Coutant, Doherty, Draughon, Wilson, Woodard, "aye"; Carnes, Horner, Midget, Neely, Parmele "nay"; no "abstentions"; Harris, "absent") to **Direct Staff to initiate a rezoning application** for the area.

MOTION FAILED.

Ms. Wilson moved that the request be forwarded to the City Council for them to direct the Planning Commission to conduct a public hearing on the matter. Mr. Doherty commented that he felt this was a poor way to handle the situation and that it was a abdication of the responsibility of the Planning Commission for planning.

TMAPC ACTION; 10 members present:

On **MOTION** of **WILSON**, the TMAPC voted **8-2-0** (Carnes, Coutant, Horner, Midget, Neely, Parmele, Wilson, Woodard, "aye"; Doherty, Draughon, "nay"; no "abstentions"; Harris, "absent") to **submit the rezoning request to the City Council for their direction.**

PUBLIC HEARING

TO CONSIDER AMENDMENT TO THE DISTRICT 8 PLAN MAP & TEXT TO DESIGNATE THE FRONTAGE ALONG 33RD WEST AVENUE BETWEEN WEST 51ST STREET SOUTH AND WEST 61ST STREET SOUTH AS MEDIUM INTENSITY--NO SPECIFIC LAND USE

Mr. Gardner advised that TMAPC had requested staff to make a special study of the area between 51st and 61st Streets along 33rd West Avenue. Staff conducted the study with the basis being that there was a change occurring in the land use. Staff researched to see whether supporting a change from strictly single family to other types of land use, which would include a variety of uses, would be advisable. The study concluded that the area did not qualify under the Development Guidelines nor from the physical facts for Medium Intensity--Linear Development Area nor Medium Intensity--No Specific Land Use. Although this does not preclude the Planning Commission and City Council from changing the plan to Medium Intensity on either side of the street. Secondly, the area does qualify for Low Intensity Subdistrict with Medium Intensity limited to the intersections as is presently designated in the District Plan.

Applicant's Comments:

Jon Ferris, District 8 Planning Team Chair P.O. Box 3245
Mr. Ferris presented the Commission with a memorandum dated March 6, 1991 addressed to Robert Parmele, Chairman of TMAPC, stating that it was his opinion and that of members of the area that the area was in transition and they needed a reasonable vehicle to get them away from a "dead-end situation". A change in zoning is needed to allow for change and development within stringent controls. He stated that through his open meetings with the planning district and discussions with all the parties involved at the meetings, his count was 26 persons in favor of the amendment and 3 persons opposed. This demonstrates clear and substantial official support by District 8 of this amendment.

Mr. Ferris stated that every effort has been made to make the district aware of the change in the Comprehensive Plan, although people cannot be forced to come to the meetings.

Ms. Wilson commented that properties that face 33rd West Avenue are residential homes and are being effected by the widening of the street and utility relocation. Mr. Ferris felt that for these reasons consideration should be given for something other than residential use. Ms. Wilson asked Mr. Ferris if he felt this area wanted and supported commercialization. He replied that he did not see the whole street going commercial.

Interested Parties:

Arthur Haggard 5728 South 33rd West Avenue
Mr. Haggard has lived at his residence since 1954. He has operated an automotive repair service since 1955. He would like to operate a self storage facility because of its neutral and unoffensive nature. He was advised that a self storage facility could not be put on his property because it did not comply with the Comprehensive Plan. He stated that the residential area has deteriorated and homes are not worth what they once were. The rezoning is needed to provide some relief for those who own property in this area.

David Breed 1740 West 41st Street
Mr. Breed was present representing Western Neighbors, Inc. of which he is the director. The institution has functioned as the information clearing house for matters relating to zoning and planning in District 9. He stated he was neutral in the particulars of the planned land use allotment, but he is against amending the Comprehensive Plan to accomplish it.

Judy Calvert 2901 West 61st Place
Councilor Darla Hall stated that Ms. Calvert is co-chair of the Page Belcher Area Residents and was present but had to return to work. She asked Councilor Hall to express her opposition to the amendments.

Evelyn Penington

5321 South 33rd West Avenue

Ms. Penington presented a petition objecting to the proposed change. She commented that she was opposed to the amendments. She felt that if the rezoning were granted, there would be no possibility for them to sell their residences as residential homes. She further stated that she, along with many of her neighbors, was not aware there was a District Planning Team for the area. Therefore, Mr. Ferris' figures regarding persons in favor and against the change were not correct. She commented that the area was flooded with commercial areas that are not fully utilized. She empathized with Mr. Haggard and the fact he was in a no win situation, but felt overall the area needs to kept the way it is.

Ms. Wilson commented that a previous speaker had stated that 33rd West Avenue had been widened to four lanes and therefore commercialization should follow. She asked Ms. Penington how she felt about the situation. Ms. Penington commented that they hadn't asked for the widening and that it was something they would deal with. She further stated that she felt the Planning Commission should not add to the problem.

Mrs. Gray

5348 South 33rd West Avenue

Mrs. Gray commented that she would like to see Mr. Haggard have what he wants. But, she commented that they would like to see their area left as it is.

Mary Schmitt

3501 West 61st Street

Ms. Schmitt commented that she had never heard of the District 8 Planning Team and stated opposition to the proposed amendments.

Monna Gwartney

3316 West 59th Street

Ms. Gwartney did not feel this was fair to the residents of the area and she was opposed to the changes.

A. E. Bohannon

5358 South 33rd West Avenue

Mr. Bohannon would like to have their community back like it once was. He stated that they did not wish to have anymore commercial areas.

Avis Bohannon

5358 South 33rd West Avenue

Mrs. Bohannon stated that she was opposed to any changes along 33rd West Avenue. She commented that the residents did not want any businesses added, etc.

Robert Allee

6005 South 33rd West Avenue

Mr. Allee was in favor of the proposed changes. He stated he lives next door to a shopping center and his property connects to commercial property. He advised that he has had no problems with

it at all. The only way he would be able to sell his property is for it to be commercial.

Delpha Jenkins

602 East Apache, Jenks

Ms. Jenkins advised that she owns property at 3019 West 61st which she rents out to subsidize her social security. She operates a bar at that location. The property was not zoned for business until she had it re-zoned in 1974 or 1975. She advised that she followed the proper procedures for re-zoning and no one objected. It was her opinion that you can't stop progress and she stated she was in favor of the proposed change in zoning.

Marilyn McGee

5331 South 32nd West Avenue

Ms. McGee stated she, like many others, was not aware of what had been happening until just recently. She has discussed this with several of her neighbors and has not seen any support for the changes. She stated that the four lane street could be an advantage for their area, but that did not mean that it should therefore be re-zoned. The area has always been a family neighborhood. She is totally against the change and is willing to take whatever action is necessary to prevent it.

Vernon Dye

5198 South 33rd West Avenue

Mr. Dye advised that from what he has heard during the public hearing it appeared that only a handful of people commenting lived along 33rd West Avenue. Most of the protestants were from the adjoining neighborhoods. He commented that property values are suffering. People do not want to live where there are four lanes of cars only 13' from your front door. He stressed that people who were present today did not live facing 33rd West Avenue.

Dennis Hall

1617 West 120th

Mr. Hall advised that he owned property at 6003 South 33rd West Avenue. He commented that this area of town has been deficient in the areas of growth. He commented that residents in the area must drive approximately 2 miles to a grocery store. Growth in this area of town necessitates some commercialization. He is not in favor of imposing upon residences along 33rd West Avenue. On a case by case basis, TMAPC could hear requests for zoning changes that make sense.

Darla Hall, City Councilor District 2

4224 South 24th West Avenue

Councilor Hall advised that she does not own any property along 33rd West Avenue therefore she does not have a conflict of interest on this matter. She stated she was very concerned about this issue. She has no objections to Mr. Haggard wanting a mini storage next to his auto repair. She did not feel this would be a detriment to the neighborhood. She was concerned with what would be opened up if the zoning were changed. Councilor Hall advised that it has been traumatic for many of the residents for the street

to be widened and the utilities relocated. She advised that some people have the street close to their home. She stated that if there were some way to restrict and limit the use for someone like Mr. Haggard she would not object. But she was against designating the area Medium Intensity.

Ms. Wilson clarified that Councilor Hall was in support of staff's recommendation against any changes in the area.

TMAPC Review Session:

Chairman Parmele stated he had a great deal of sympathy for Mr. Haggard. Mr. Doherty commented that this area is going to be an area in transition, but he did not feel the process should be accelerated and made to happen before it needs to. He advised that the commercial nodes do exist in the area and they should be allowed to expand gradually.

Mr. Carnes stated that he did not feel anyone was objecting to Mr. Haggard and to his use. There are places near the nodes that may need to be changed. He felt the public hearing has opened up the concerns and needs of the area. He commended Mr. Ferris in his planning effort and asked that future zoning be carefully considered and planned.

Ms. Wilson commented that she believed the area to be stable and not in transition. When several applications begin coming before the Commission requesting development proposals that would be evidence that a transition is occurring. It is stable as residential and the transition does not need to be accelerated.

Mr. Coutant stated that commercial development is not always better than letting neighborhoods remain intact and retain their integrity. He felt that point was brought out very strongly during the hearing.

TMAPC ACTION; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Carnes, Coutant, Doherty, Draughon, Midget, Neely, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Horner, "absent") to **DENY the amendments to the Comprehensive Plan for District 8 as recommended by staff.**

* * * * *

SUBDIVISIONS

Preliminary Plat:

Pecan Chase East 101st St. and South Maplewood Avenue RS-3

This plat received sketch plat approval by TAC on 9/28/89 subject to a number of conditions. A copy of the minutes of that approval was provided, with staff comments in the margin.

This plat includes parts of Areas "F" and "G" of PUD 431. The density permitted in Area "F" was 31 dwelling units, but the plat shows a total of 13 lots ranging from one-half to one acre in size on a private street. The PUD file indicates that Area "G" was to be a common open space between the single-family and the commercial and for storm water detention. An amendment to the PUD is necessary to redefine the open space, since none is shown on this plat. The previous PUD 415 was reviewed by the TAC, but the City Commission denied it, so a new PUD was filed and assigned #431. An amendment is pending March 6, 1991 along with this plat.

The Staff presented the plat noting the applicant was not represented.

On MOTION of HEMPHILL, the Technical Advisory Committee voted unanimously to recommend **approval** of the PRELIMINARY plat of Pecan Chase, subject to the following conditions:

1. Waiver of cul-de-sac length recommended by TAC on 9-28-89.
2. All conditions of PUD 431 applicable to a plat and to this phase of the PUD shall be met prior to release of final plat, including any amendments necessary in the process. Include 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.
3. Landscape easement (U/E) on face of plat should agree with the description in the covenants. Identify utility easement on the east side of the street and show width. 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 should be tied to or related to property lines and/or lot lines. The easement on the west side should extend all the way to the property line and not leave a gap in between. (If applicant wants utilities in the easterly portion of this easement, then coordinate with utilities, but don't leave a gap.) Show the easement between Lots 7 and 8 as a "Restricted Waterline Easement". Increase the easement along 101st Street to total 27-1/2' if 10' is to be used for

landscaping and fencing. Utilities must have 17-1/2' clear. Show sanitary sewer easement between Lots 6 and 7.

4. Access point shall meet the approval of the Department of Public Works (Traffic). Show "60' access/median" or as directed.
5. Water plans shall be approved by the Department of Public Works (Water and Sewer Division) prior to release of final plat. Include language for Water and Sewer facilities in covenants.
6. 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 owners(s) of the lot(s).
7. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water and Sewer Division) prior to release of final plat.
8. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater Management Division) and/or Engineering, including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by the City of Tulsa. On-site detention required. Covenants must provide for maintenance of the storm water facilities as instructed by the Department of Public Works. Show detention area on face of plat.
9. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering Division). (PFPI #302 in progress)
10. Bearings, or true north-south, etc., shall be shown on perimeter of land being platted or other bearings as directed by Department of Public Works (Engineering Division).
11. All adjacent streets, intersections, and/or widths thereof shall be shown on plat. Show tie dimension to Section corner.
12. It is recommended that the developer coordinate with 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 release of plat.)
13. 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.

14. The key or location map shall be complete. (Change name: "Forest Pointe")
15. Covenants: Section I F. - Change "Engineer" to "of Tulsa"
Section II - See Staff for dates
Section II C-2 - Omit references to "side streets" since there are none.
Section IV - Revise -- See Staff

Provide language for maintenance of storm water facilities. (See #8 above)

16. Fire Department recommends, and TAC concurs, that paving radius at the end of the cul-de-sac be 45' so property line radius should be the same. Building lines around the cul-de-sac can be reduced or changed if needed. TAC has no objection to moving the building line.*
17. A "Letter of Assurance" regarding installation of improvements shall be submitted prior to release of final plat, including documents required under Section 3.6-5 of Subdivision Regulations.
18. All other Subdivision Regulations shall be met prior to release of final plat.

*Deleted during the meeting, per Fire Department withdrawal of requirement.

Staff Recommendation:

Mr. Wilmoth advised that item number 16 under the recommendations was a recommendation made by the fire department which requires a 45' paving radius. This is new standard that has not yet been adopted and the engineer has gone ahead on the basis of the 40' paving radius as shown. The fire department has withdrawn the condition. Mr. Wilmoth advised that item 16 should be deleted as a condition of approval.

PUD 431-1: Minor Amendment to reallocate common open space to single-family area. Located west of the southwest corner of East 101st Street South and South Sheridan Road.

PUD 431 is a 23.4 acre development that has approved commercial, office, residential single-family and common open space to the single-family residential area on the west side of the PUD and reduce the number of dwelling units from 31 to 13. The request is

a result of the Department of Public Works requiring less area for stormwater detention and a change to larger lots.

After review of the applicant's submitted preliminary plat, Staff finds the request to be minor in nature and consistent with the original PUD. Therefore, Staff recommends **APPROVAL** of minor amendment PUD 431-1 subject to the applicant's submitted text and plans.

Staff Recommendation:

Mr. Stump advised that some of the land that was proposed for common open space was being converted in single family lots. It is the result of the Public Works Department not needing as much of the open space for storm drainage purposes as originally planned. The number of dwelling units is also being reduced from 31 to 13.

Comments & Discussion:

Mr. Linker, legal counsel, stated objections to this being considered a minor amendment. Mr. Doherty commented that the matter at hand was use of property and allocation of open space. It was always intended as residential with open space for drainage easement. It is his opinion that all that is being done is shuffling the lots and moving the open space around. He did not feel this was a change of use. Mr. Linker commented that the open space was being cut down from what was approved by the governing body. He felt this should be a major amendment. Mr. Doherty argued that in reducing the number of dwelling units, the open space was being increased. Mr. Stump commented that the open space would increase, but that parts of it would be privately owned rather than common open space. Mr. Linker reiterated that it was making a substantial change and that should be a major amendment.

Ms. Wilson clarified that the Department of Public Works was requiring less area for stormwater detention. Mr. Gardner commented that the drainage line area was determined by the City. Now they have decided they do not need as much area.

Applicant's Comments:

Mr. Bill Lewis **3601 East 51st Street**
Mr. Lewis, the engineer for the development, stated that when a master plan is developed, the developer tries to leave enough room so that when you get to the detail design the facilities and requirements for detention ponds are not squeezed in. In this case, when the master plan was gone over, it did not require as much land as was first contemplated. In addition the number of dwelling units was reduced.

Mr. Linker felt the land that was once common was now being made private and could not be used by everyone in the subdivision. In his opinion that is a major change. He stated that if the area had only be intended to be used as a detention pond and not as open

space for recreation, etc., then it might be considered as a minor amendment. He continued stating that if it was to be used as common open space for the residents of the area, then a major change is being made. Ms. Wilson confirmed that the PUD stated the area was intended to be a detention facility.

Interested Parties:

Susan Monson

6014 East 101st

Ms. Monson is the owner of the property adjacent on the east side. She commented that water stands knee deep in the street and she felt that the reduction of dwelling units to 13 would be acceptable to anyone in the area.

Jane Freeman, District 26 Co-Chair

5842 East 98th Street

Ms. Freeman commented about the drainage problems in this area, stating the problems are numerous. She asked that the Planning Commission strongly consider anything that may add to the problems.

TMAPC ACTION; 10 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-2** (Carnes, Coutant, Doherty, Horner, Midget, Parmele, Wilson, Woodard, "aye"; no "nays"; Draughon, Neely, "abstaining"; Harris, "absent") to **APPROVE** the **Preliminary Plat for Pecan Chase** and to **APPROVE** the **Minor Amendment to PUD 431-1 to reallocate common open space to single-family area per staff conditions.**

* * * * *

EXTENSION OF APPROVAL:

South Tulsa Baptist Church (2783)

10310 South Sheridan Road

Staff Recommendation:

This is the second request for extension of approval and staff recommends a one year extension.

TMAPC ACTION; 10 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-1** (Carnes, Coutant, Doherty, Horner, Midget, Neely, Parmele, Wilson, Woodard, "aye"; no "nays"; Draughon, "abstaining"; Harris, "absent") to **APPROVE** the **one year extension of approval for South Tulsa Baptist Church as recommended by staff.**

* * * * *

LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-17391 Johnsen 1283
L-17392 ONG 3483

TMAPC ACTION; 10 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Carnes, Coutant, Doherty, Draughon, Horner, Midget, Neely, Parmele, Wilson, Woodard, "aye"; no "nays"; "abstentions"; Harris, "absent") to **RATIFY** the above listed lot splits as having received prior approval.

OTHER BUSINESS:

PUD 166-1: Minor Amendment to convert Reserve "A" to four single-family lots in Development Area "B". Located at the southeast corner of East 93rd Street South and South 65th East Place.

Staff Recommendation:

PUD 166 is a +/- 96 acre development which was approved in 1976 and permitted commercial, multifamily and single-family uses. Development Area "B" of the PUD (now platted as Heatherridge Third) originally permitted 168 multifamily dwelling units and was approved for a minor change in 1978 to permit 49 single-family detached dwelling units. The single-family units were developed with a common open area which was required by the PUD conditions to be reserved for recreation purposes. This Reserve "A" presently contains tennis courts. It is the request of the owner, with the consent of over 30 of the property owners within Heatherridge Third, to remove the tennis courts and develop the area with four single-family lots. The applicant has filed lot split number LS-17390 which is being processed concurrently as a prior approval. The proposed lots are consistent in size with those existing in the neighborhood.

Since the recreational area was originally provided at the suggestion of the applicant and not as a requirement of the TMAPC, Staff finds the request to be minor in nature and consistent with the original PUD. The increased number of lots remains substantially less than the 168 which was originally approved. Therefore, Staff recommends **APPROVAL** of the following minor amendments to Development Area "B" in PUD 166:

1. Increase the number of single-family detached dwelling units allowed from 49 to 53;
2. Change the uses allowed in Reserve "A" from recreational to single-family dwellings, and;
3. Impose the same development standards on the lots in Reserve "A" as exist for lots in the remainder of Heatherridge Third.

Comments & Discussion:

Mr. Linker objected to the PUD being amended as a minor amendment rather than a major amendment, stating the reasons are the same as those previously given in PUD 431-1.

TMAPC ACTION; 10 members present:

On MOTION of DOHERTY, the TMAPC voted 5-2-3 (Carnes, Doherty, Horner, Parmele, Woodard, "aye"; Draughon, Midget "nay"; Neely, Coutant, Wilson, "abstaining"; Harris, "absent") to APPROVE the Minor Amendment to PUD 166-1 to convert Reserve "A" to four single-family lots in Development Area "B" per staff conditions.

There being no further business, the Chairman declared the meeting adjourned at 3:42 p.m.

Date Approved: _____

3-20-91



Chairman

ATTEST:


Secretary

