

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1900  
Wednesday, September 16, 1992, 1:30 p.m.  
City Council Room, Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Broussard	Ballard	Gardner	Jackere, Legal
Secretary	Doherty	Hester	Counsel
Buerge	Neely	Stump	
2nd Vice	Selph	Wilmoth	
Chairman			
Carnes			
Horner			
Midget, Mayor's			
Designee			
Parmeale, 1st Vice			
Chairman			
Wilson			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, September 16, 1992 at 10:48 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Vice Chairman Parmele called the meeting to order at 1:34 p.m.

**Minutes:**

Approval of the minutes of September 2, 1992, Meeting No. 1898:

On **MOTION** of **WILSON**, the TMAPC voted 7-0-0 (Broussard, Buerge, Carnes, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Doherty, Neely, Selph, "absent") to **APPROVE** the minutes of the meeting of September 2, 1992 Meeting No. 1898.

**REPORTS:**

Report of Receipts and Deposits

Mr. Gardner advised that all items were in order.

**TMAPC Action; 7 members present:**

On **MOTION** of **BUERGE**, the TMAPC voted 7-0-0 (Broussard, Buerge, Carnes, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Doherty, Neely, Selph, "absent") to **APPROVE** the Report of Receipts and Deposits.

\* \* \* \* \*

**CONTINUED ZONING PUBLIC HEARING**

**ZONING PUBLIC HEARING**

Application No.: **Z-6369** Present Zoning: AG  
Applicant: Wexford Development Group Proposed Zoning: RS-2  
Location: West side of Yale Avenue at 113th Street South  
Date of Hearing: September 16, 1992

**Relationship to the Comprehensive Plan:**

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity--Residential

According to the Zoning Matrix, the requested RS-2 District is in accordance with the Plan Map.

**Staff Recommendation:**

**Site Analysis:** The subject tract is approximately 30 acres in size and is located on the west side of Yale Avenue at 113th Street South. It is partially wooded, gently sloping, vacant, and is zoned AG.

**Surrounding Area Analysis:** The tract is abutted on the north by vacant property and a single-family dwelling zoned AG; on the east across Yale Avenue by vacant property and single-family dwellings zoned AG; on the south by single-family dwellings zoned RS-1.

**Zoning and BOA Historical Summary:** RS-1 zoning has been approved to the north, south and west of the tract. RS-2 zoning was approved to the northwest, but the subdivision was platted exceeding RS-1 standards.

**Conclusion:** Since all the subdivisions surrounding the subject tract were developed at RS-1 or lower densities, the RS-2 zoning does not appear to be consistent with the surrounding development.

Therefore, Staff recommends **DENIAL** of RS-2 zoning and **APPROVAL** of RS-1 for Z-6369.

**Applicant's Comments**

**Lindsey Perkins** 4735 South Atlanta Place, 74105  
Mr. Perkins, the developer, gave a detailed description and history of the tract. Mr. Perkins declared the plat will meet RS-1 requirements with regard to area; however, developers feel it is important that the building line be reduced to 30'. This is due to additional requirements utility companies are coming forward with in regard to rear lot lines creating more encroachment into the rear yard. Mr. Perkins believes it to be in everyone's best interest to have as much space as possible in the back yard and also provide more separation between existing houses and those residences backing up to the homes in the proposed development. Mr. Perkins advised that it would be possible to make do with RS-1

from the standpoint of area requirements; however, they prefer RS-2 because of the 30' front yard requirement. Mr. Perkins pointed out a tract at the northeast corner of the intersection, two blocks away, where there is an RS-2 zoned tract already existing.

Interested Parties

**Toby Armellini**

**11151 South Sandusky 74137**

Mr. Armellini, resident to the west side of the plat, expressed support of RS-1 zoning. Mr. Armellini also expressed concern over possible drainage problems this development may cause.

Mr. Parmele advised the report from Stormwater Management indicates a watershed development permit will be required for development and on-site detention/retention will be required on the subject property.

Ms. Wilson suggested that Mr. Armellini contact Jack Page, Public Works, to voice his concerns over drainage.

**Doug Vincent, District 26 Chair**

**10530 S. Urbana 74137**

Mr. Vincent voiced support of the larger lots and larger homes in this area. Mr. Vincent advised he supports RS-2 zoning in this area, but cautioned against setting a precedent in the area by allowing smaller lots.

**Harley Mangels**

**11390 S. Winston 74137**

Mr. Mangels, resident to the south of the subject area, pointed out that the lots to the south are 1 1/3 to 5 acre tracts. Mr. Mangels noted that setbacks on most of these houses are farther back than 35' since the lots are so large, and he feels this should be taken into consideration.

TMAPC Review Session

There was much discussion over how the Planning Commission can ensure lots zoned RS-2 will comply with RS-1 standards except for the 30' front yard setback.

Mr. Gardner stated the Ordinance needs to be changed to address this rather than have the TMAPC continue zoning RS-1 land to RS-2.

There was discussion among the Planning Commissioners over reasons why the developer needs RS-2 zoning.

Ms. Wilson stated that the proposal for RS-2 zoning is to change setbacks to modify the front and rear yards. She advised that usually these requests are handled in the PUD, where the integrity of the zoning is maintained, but there are slight modifications under the control of the PUD. She expressed hesitation to supporting this proposal since there is no way to ensure compliance. To zone RS-2 would enable any owner to develop it to RS-2 standards. Ms. Wilson declared that it was difficult to try to do something in the plat in a voluntary method where the Planning Commission has no control over it.

Mr. Parmele pointed out the time and expense involved in the PUD process for just a 5' reduction in front yard setbacks seems excessive. He feels the Planning Commission can ensure compliance in the platting process and expressed respect for the integrity of the developers.

Mr. Broussard asked Legal Council if the Planning Commission can ensure compliance with RS-1 standards if the property is zoned RS-2.

Mr. Jackere advised that it could not in the manner it is being presented to the Planning Commission; only through the PUD process can it be ensured. The developer cannot be required to set back differently from the zoning code requirements during the platting process.

Mr. Gardner advised that in approximately 30 days the ordinance could be amended. This issue has come up many times and Staff has been considering amending the ordinance to delete the 35' setback and have a 30' setback, but it affects other areas, not just new development.

An interested party urged the Planning Commission to impose at least a 35' setback so these homes will be somewhat compatible with existing homes in the areas south and east of the proposed development.

Mr. Midget echoed Mr. Parmele's confidence in the developer's commitment to build to the standards the Planning Commission is requiring; however, the Planning Commission needs to instruct staff to proceed with revising the Ordinance.

Mr. Broussard acknowledged believing the developer is sincere in his efforts, but voiced concern over having the proper mechanism to ensure compliance with the Planning Commission's wishes. Mr. Broussard advised that he will oppose the motion.

Mr. Buerge echoed Mr. Broussard's comments, but noted that procedurally the Planning Commission has a responsibility to control the process, and will be giving away that control for this interim period. He expressed concern that should the property change hands, the Planning Commission would have no control to ensure today's agreed upon requirements were enforced.

Mr. Parmele instructed staff to proceed with the recommendation to make a provision to grant relief of front yard requirements.

Mr. Carnes advised that he will be voting against the motion because it gives the Planning Commission no means of control to ensure RS-1 requirements are adhered to.

**TMAPC Action; 7 members present:**

On MOTION of HORNER, the TMAPC voted 2-5-0 (Horner, Parmele "aye"; Broussard, Buerge, Carnes, Midget, Wilson "nays"; no "abstentions"; Ballard, Doherty, Neely, Selph, "absent") to recommend APPROVAL of RS-2 zoning for Z-6369.

MOTION FAILED.

**TMAPC Action; 7 members present:**

On MOTION of WILSON, the TMAPC voted 6-0-1 (Broussard, Buerge, Carnes, Midget, Parmele, Wilson "aye"; no "nays"; Horner "abstaining"; Ballard, Doherty, Neely, Selph, "absent") to recommend APPROVAL of RS-1 zoning for Z-6369.

Ms. Wilson suggested instructing staff to expedite a provision to grant relief on this process through the Zoning Code.

**Legal Description Z-6369**

South Half of the North Half of the Northeast Quarter of the Northeast Quarter (S/2 N/2 NE/4 NE/4) and South Half of the Northeast Quarter of the Northeast Quarter (S/2 NE/4 NE/4) of Section 33, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, containing 30 acres, more or less.

\* \* \* \* \*

**SUBDIVISIONS**

**PRELIMINARY APPROVAL**

Albertsons No. 2233 (PUD 480)(1993) (PD-6)(CD-9) (CH, CS, RM-2)  
Southeast of E. 39th Street and S. Peoria Avenue

\*1 The PUD in process on this tract will be heard by TMAPC on 12/18/91. It is expected that City Council should have reviewed this early in January. Therefore, it will be reviewed by TAC this date (12/10/91) but not transmitted to the Planning Commission until after City Council approval of the PUD. Tentative date for plat review would be 1/22/92.

The Staff presented the plat with the applicant represented by Jerry Ledford, Jr.

Interested party present was Phil Allen, representing the adjacent shopping center.

The Department of Public Works (Traffic) advised the following regarding the site plan:

- 2\* (a) East access point to 39th Street should be at 90 degrees.
  - (b) All access points from 41st and Peoria should be standard 36' commercial driveways.
  - (c) Main aisle in front of store appears too narrow (20'?) Consider some redesign and expansion.
- 3\* In further discussion, it was also felt that a cross-connection to the shopping center to the east would be very desirable. This would prevent having to exit to 41st then back into the adjacent shopping center or stores.

On MOTION of HILL, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the PRELIMINARY plat of Jewel Osko No. 4446, subject to the following conditions:

1. The Major Street Plan intersection standards of Appendix F-2 of the Subdivision Regulations show that 58' of right-of-way is required on 41st Street for a right-turn lane. This should be shown on plat. (Although not a part of this plat and not "subject to platting", the Git-N-Go site on the corner will also be affected by this setback, as one corner of their canopy will encroach into the turn lane right-of-way .
2. Waiver of the Subdivision Regulations requiring a 1"=100' scale is recommended to permit the 1"=40' as shown.
3. Covenants: Section II; require that the minimum building setbacks also be shown as:

From center line S. Peoria:	350'
From center line E. 39th Street:	80'
From center line E. 41st Street	290'
- \*4
- \*5 Measured from centerline there will be no question of what the setback is. When measured from "property line" this could vary, depending on dedications. (Also check language in Paragraph C, 3rd page from end. Utilities will require revision or omission.) (Show building lines for restaurant parcel.)
4. All conditions of PUD 480 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat.
5. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. (PSO and other utilities request perimeter easements.)

6. Water plans shall be approved by the Department of Public Works (Water and Sewer). Required prior to release of final plat.
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 and Sewer) prior to release of final plat. (If required)
9. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater Management and/or Engineering), including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by the City of Tulsa. (Minimum floor elevation of 637.30 required.)
10. Limits of Access or (LNA) as applicable shall be shown on the plat as approved by the Department of Public Works (Traffic Engineer) including comments relative to the site plan.
11. 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.
12. A Corporation Commission letter (or Certificate of Nondevelopment) shall be submitted 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.
13. A "Letter of Assurance" regarding installation of improvements shall be submitted prior to release of final plat, including document required under Section 3.6-5 of Subdivision Regulations.
14. All other Subdivision Regulations shall be met prior to release of final plat.

\*STAFF NOTES AND UP-DATE: ALBERTSONS NO. 2233 (PUD-480) 9/16/92

TAC reviewed this plat prior to the PUD hearings, but it is essentially in compliance with the PUD as noted below. The name has been changed from JEWEL OSCO No. 4446 to ALBERTSONS No. 2233 to

reflect the new owners and revised site plan approved by TMAPC and City Council in the PUD process.

Note references to TAC minutes 12/10/91:

- \*1. PUD was approved by TMAPC 3/25/92 (5-3-0) and City Council on 4/30/92 (5-4-0).
- \*2. Plat revised to reflect no access to 39th Street and revised driveways and access as per DPW (Traffic Engineering).
- \*3. Amended site plan shows cross-connection as recommended. Provide mutual access agreements as needed between the two property owners. (Albertsons & Olde Village Shopping Center)
- \*4. Building lines to meet or exceed PUD requirements.
- \*5. Staff has no objection to the restaurant parcel being a separate lot provided parking, square footage allowances and mutual access easements/agreements are included in the development restrictions within the subdivision plat.

Notices of this meeting (9/16/92) were mailed to abutting owners in accordance with the Subdivision Regulations and to all interested parties as listed in the TMAPC minutes of the PUD hearings as per policy of the TMAPC.

Staff Comments

Mr. Wilmoth reviewed \*Staff notes and update. Mr. Wilmoth advised that in the event a restaurant is placed on the southerly portion, Staff has no objection to that being a separate lot on the final plat, provided the parking and square footage is available and everything fits on a per lot basis with mutual access easements. Mr. Wilmoth noted this has not been asked for, but is a possibility.

The applicant expressed agreement with Staff recommendation.

TMAPC Action; 7 members present:

On MOTION of WILSON, the TMAPC voted 7-0-0 (Broussard, Buerge, Carnes, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Doherty, Neely, Selph, "absent") to APPROVE the Preliminary Plat for Albertsons No. 2233 subject to conditions as recommended by Staff.

\* \* \* \* \*

The Harmon Foundation Science Center (PUD276-A) (2293) (PD-6) (CD-7)  
Northeast corner of E. 41st Street and S. Hudson Avenue (CS, OM)

Since the PUD amendment is not scheduled for TMAPC hearing until 7/22/92 and City Council will be heard sometime after that date, Staff recommends the plat be reviewed by TAC, but not transmitted to TMAPC until the City Council has approved the amended PUD. (TMAPC policy.) This plat is a resubdivision of Lot 1, Block 1 Mid-America Office Park Amended, plat #4225 and does not affect Lot 2.

The Staff presented the plat with the applicant represented by E. C. Summers.

Not a condition on the plat, but a comment on the site plan by Traffic Engineer was a recommendation that the sidewalk be extended east from the sidewalk on Hudson up to the proposed building.

There were no objections to the concept by TAC.

On MOTION of HILL, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the PRELIMINARY plat of The Harmon Foundation Science Center, subject to the following conditions:

1. Not a condition for approval of this plat, but applicant should assure himself that the underlying plat is vacated or does not create a title problem by replatting Lot 1. (Advisory only. See Legal.)
2. Covenants:
  - Page 2, line 18: After the word "plat.", add: "No building, structure, or other above or below ground obstruction that will interfere with the purposes aforesaid, will be placed, erected, installed or permitted upon the easements or rights-of-way as shown on the accompanying plat."
  - lines 21-22: Change "Traffic Engineer" to "City of Tulsa".
  - line 23; #1: Detention area is not shown on plat. Omit this paragraph if none to be shown, or show on face of plat as directed by D.P.W.
  - Page 4, after paragraph 2-C: Substitute the language provided by staff.
  - ..... last paragraph This appears to be duplicated in item 6, page 7. Check
  - Page 5: make changes in PUD dates and references as shown by Staff.
  - Page 6: Make changes in PUD references as shown by Staff.
  - Paragraph 2: Access easements not shown on plat. Omit this paragraph or show easements on plat.
  - Page 7: Paragraph 4: refer to PUD-276-A

**NOTE:** Written portion of plat also subject to review by City Legal Department. The above notations may be changed or modified after review by Legal. Recommend that applicant's attorney work directly with City Legal prior to submission of draft final plat.

3. On face of plat show number of lots and acres near the location map. Show a lot and block number. Identify pages as "sheet 1 or 2" etc.
4. All conditions of PUD 276-A 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 should be tied to or related to property lines and/or lot lines or as recommended by utilities.
- \*6. Water plans shall be approved by the Department of Public Works (Water and Sewer) prior to release of final plat.
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 owners(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 and Sewer) prior to release of final plat.
9. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater Management and/or Engineering), including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by the City of Tulsa. Show storm water detention area on plat.
- \*10. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering Division).
11. Limits of Access or (LNA) as applicable shall be by the Department of Public Works (Traffic).
12. 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.

\*\*13. 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.

14. All (other) Subdivision Regulations shall be met prior to release of final plat.

\*If required.

\*\*Received already. (Still need other documents.)

The applicant expressed agreement with staff conditions.

**TMAPC Action; 7 members present:**

On MOTION of BUERGE, the TMAPC voted 7-0-0 (Broussard, Buerge, Carnes, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Doherty, Neely, Selph, "absent") to APPROVE the Preliminary Plat of The Harmon Foundation Science Center subject to staff recommendations.

\* \* \* \* \*

**OWASSO FREEWILL BAPTIST CHURCH (914) (PD-15) (County)**

NW/corner E. 106th Street North & U.S. Highway 169 (AG)

This plat is the result of two County Board of Adjustment cases (#679 and #1097) which by approval created the plat requirement. The County BOA also approved a conceptual site plan of the church and parking areas. The following shall apply to the plat.

The Staff presented the plat with the applicant represented by Alan Hall.

On MOTION of RAINS, the Technical Advisory Committee voted unanimously to recommend APPROVAL of the PRELIMINARY plat of Owasso Freewill Baptist Church, subject to the following conditions:

1. On face of plat under title omit "Owasso, Okla." and substitute : "A subdivision in the SE4, SW4 of Section 9, T-21-N, R-14-E, Tulsa, County, Oklahoma." Show a lot & block number. Show under location map: "1 Lot, 5.001 acres".
2. Show LNA around the east and south boundaries except at the driveway. Show a 40' access point, or as recommended by County Engineer. (Permit may also be required from the DOT, State of Okla.) Omit LNA on west and north sides of the tract.
3. On location map, identify the other perimeter streets and the Tulsa/Rogers county line.

4. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements if required.
5. Water plans shall be approved by Washington County Rural Water District #3 prior to release of final plat. (If required)
6. Paving and drainage plans shall be approved by the County Engineer, including storm drainage and detention design (and other permits where applicable) subject to criteria approved by the County Commission.
7. 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.
8. The method of sewage disposal and plans therefor, shall be approved by the City/County Health Department . (Percolation tests required prior to preliminary approval of plat.) [Test # 86-291]
9. The owner shall provide the following information on sewage disposal system if it is to be privately operated on each lot; type, size, and general location. Show the septic system lateral field as an "Easement for septic system" or "Reserve for septic system" and identify on face of plat. This information is also to be included in restrictive covenants.
10. The method of water supply and plans therefor shall be approved by the City/County Health Department.
11. 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.)
12. This plat has been referred to Owasso 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.
12. Changes and/or corrections need to be made to the deed of dedication and covenants. See Staff for details.
13. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Sub. Regs.)
14. All (other) Subdivision Regulations shall be met prior to release of final plat.

The applicant expressed approval of conditions as recommended by Staff.

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Broussard, Buerge, Carnes, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Doherty, Neely, Selph, "absent") to **APPROVE** the Preliminary Plat for Owasso Freewill Baptist Church.

\* \* \* \* \*

**FINAL APPROVAL AND RELEASE**

**Blue Stem Acres II (1990) (PD-23) (County)** AG  
West 41st Street & South 262nd West Avenue

**Staff Comments**

Mr. Wilmoth advised that all releases have been received and staff recommends approval.

**TMAPC Action; 7 members present:**

On **MOTION** of **BUERGE**, the TMAPC voted **7-0-0** (Broussard, Buerge, Carnes, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Doherty, Neely, Selph, "absent") to **APPROVE** the Final Plat of Blue Stem Acres II and **RELEASE** same as having met all conditions of approval as recommended by Staff.

\* \* \* \* \*

**WAIVER REQUEST; Section 213**

**BOA-16132 Union Gardens (684) (PD-18) (CD-8)** RS-3  
6235 South 101st East Avenue

This is a request to waive plat on the W. 304.5' of Lot 6, Blk. 5 of the above named Subdivision. The Board of Adjustment has approved an exception for a day care center in the existing houses on this tract, owned by the Union School district. (There are actually two tracts, separated by a lot-split, but both are owned by the School Dist.) Since the property is already platted and controls have been established by the Board of Adjustment, Staff recommends **APPROVAL** of the request, noting that the provisions of Section 213 are met by the existing plat.

**Staff Comments**

Mr. Wilmoth advised the BOA continued this item, since they needed a variance. Mr. Wilmoth advised that staff has no conditions since

that will be put on by the BOA. The BOA approved the exception which creates the plat requirement.

**TMAPC Action; 7 members present:**

On MOTION of BUERGE, the TMAPC voted 7-0-0 (Broussard, Buerge, Carnes, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Doherty, Neely, Selph, "absent") to APPROVE the Waiver of Plat for BOA-16132 Union Gardens as recommended by Staff.

\* \* \* \* \*

**LOT SPLITS FOR DISCUSSION**

L-17591 Koontz et al (Johnsen) (2092) (PD-9) (County) (RS)  
5900 Blk West 33rd Street South

This lot split has not been submitted for any variances or waivers but is simply to clear title on a conveyance that was made in May, 1992. Although negotiations to purchase probably began before April 8, 1992, the date of the increase in minimum lot size for lot-splits, the sale did not close until after that date and the deed was filed of record in May. Applicant is seeking to clear title since this property is approximately 3½ acres. It would not have required a lot split prior to April 8, 1992 since it was over 2½ acres.

It should be noted that this property is "subject to a plat" under the zoning application Z-4437 and applicant is not seeking a waiver of the requirement at this time. This tract is part of a larger 40 acre tract that was re-zoned from AG to RS-1. In re-mapping under County Zoning it was mapped as an "RS" area. A lot split application and waiver of plat was processed for four lots at the southeast corner of W. 33rd St. & S. 61st W. Avenue (L-13102, 10/17/73). At that time applicant (F.B. Koontz and P.K. Teale) were advised that no more lot splits would be approved and the remainder of the tract within Z-4437 would have to be platted. An additional split to the south was approved, but the plat requirement was not waived, so it too is subject to a plat. (L-15927) An additional tract has been processed and approved as a subdivision plat. (DIEHL ADDITION) No overall plan was ever submitted for a subdivision of this 40 acre tract under Z-4437. An east/west street (W. 34th St.) dedication was required on L-13102 for access in to the interior of the 40 acre tract. (See map). Since the current request for lot split approval on a deed to clear title is NOT a waiver of plat, and that request would have to be made through the TAC and Planning Commission, Staff has no objection to approval on this additional tract, with the stipulation that applicant is aware that requirements for street dedications, easements, and platting would be made either through a waiver process (which was not recommended for any additional tracts) or a new subdivision plat. Applicant is advised that the

platting requirement must be satisfied prior to seeking a building permit.

Two conditions would apply to this current request:

1. Approval of City/County Health Dept. percolation tests for septic system.
2. Verification of right-of-way along W. 33rd St. (If not already provided, this would be a requirement before the deed is approved. Maps indicate that R/W is shown.)

Staff Comments

Mr. Wilmoth noted the entire 40 acre tract was rezoned when it was in the county. It was zoned under the 5-mile perimeter as an RS-1; the county remapped it as RS when they took over the zoning. Mr. Wilmoth mention this may not be subject to a plat under that zoning code.

TMAPC Action; 7 members present:

On MOTION of BUERGE, the TMAPC voted 7-0-0 (Broussard, Buerge, Carnes, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Doherty, Neely, Selph, "absent") to APPROVE the lot split for L-17591 subject to conditions as recommended by Staff.

\* \* \* \* \*

LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL

L-17519	Kornegay (404) (PD-15) (County)		AG-R
	132nd E. Ave. south of 66th St. North		
L-17582	Lahita/Gudgel (2383) (PD-18) (CD-8)	6704 E. 93rd St.	RS-3
L-17585	Davis (3090) (PD-23) (County)	4214 S. 265th W. Ave.	AG
L-17588	Davis/Lower (383) (PD-18) (CD-7)		RS-3
	5812 E. 62nd St.		
L-17589	Alexander/Lawson (2393) (PD-18) (CD-5)		IL
	6800 Block E. 38th St.		
L-17590	Rosander (1392) (PD-7) (CD-9)	2114 S. Norfolk	RS-2
L-17592	Birmingham (2093) (PD-6) (CD-9)	2611 E. 33rd St.	RS-1
L-17593	Wilkerson (2093) (PD-6) (CD-9)	2619 E. 33rd St.	RS-1
L-17595	VanCamp (2272) (PD-21) (County)	15719 S. 26th W. Ave.	AG

Staff Comments

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

There were no interested parties present.

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Broussard, Buerge, Carnes, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Doherty, Neely, Selph, "absent") to **RATIFY** the above-listed lot splits having received prior approval.

\* \* \* \* \*

**OTHER BUSINESS**

**PUD 474-1**            Minor Amendment --- East of the northeast corner of  
35th Place south and Peoria Avenue

The applicant is requesting a minor amendment to PUD 474 to permit off-street parking to be 3' from the south property line in the west 70' of the PUD. Presently it is required to be 20' from the south property line. Staff can support this change if the landscaping includes plantings that would form a 3' high hedge in front of and to the east of this parking area which would be 3' from the front property line. The applicant is also requesting a reduction in the length of the screening fence on the east side of the property from the north 120' to the north 65'. This reduction would eliminate screening of the front parking lot, but would provide a screening fence between the rear yards of this building and the residence to the east. Staff believes this is a reasonable request so long as the existing structure remains. If it was removed the north 120 should again be screened.

Therefore, Staff recommends **APPROVAL** of PUD 474-1 with the above stated conditions.

**Applicant's Comments**

**Jim Glass**

**1902 E. 30th Place**

Mr. Glass asked the to Planning Commission to consider the objectives are to maintain residential character, but still maintain the office use. In support of reducing the length of the screening fence, Mr. Glass cited instances of vandalism and crime in the area that are taking place behind screening fences. Mr. Glass asked that the property not be isolated completely by such fencing, since it would encourage crime.

Mr. Glass expressed approval of Staff conditions.

Ms. Wilson reported receipt of a letter from Pam Deatherage, District 6 Planning Team Chair. In the letter is a suggestion from residents of the area recommending to allow the extension of parking but require, as was the intent of the original PUD recommendations, that the screening fence be extended to shield the parking. If the parking extends to within 3' of the property line, the fence, with its masonry pillars at 12' centers, also should

extend to within 3' of the property line, with a masonry pillar at the south end of the fence.

Mr. Glass advised the only objection to the fence is that it would encourage crime. He cited examples of vandalism which have already occurred and stated that they prefer to provide screening with landscaping.

Mr. Gardner noted that the 3' hedge along the fence also extends to the east side where the screening fence would have been. It would cover the east and southern boundaries in front of the house and would partially screen cars in the parking lot and turn-around area in front.

**Pam Deatherage, District 6 Chair**

**1924 S Utica 74104**

Ms. Deatherage reported that she has met with all of the adjacent residents in this area. She mentioned that many people do not understand what input they may have when receiving zoning notices in the mail. As a result, many residents regret the zoning change that allowed this structure to house something other than residential use. Ms. Deatherage would like to see a separation of residential from a business commercial usage, which can be handled with a fence and was originally required for that area. She feels that in regard to the crime issues, the zoning code does not call for specific requirements. She suggested the developer use landscape lighting, security systems, or other solutions to deter crime. Residents of the area have expressed concern that criminals will climb their fence and would like to see a 6' high fence on the subject property. Ms. Deatherage stated opponents are willing to concede parking setbacks if the applicant will help residents by screening that usage that is not residential.

Mr. Carnes advised having experienced the crime situation Mr. Glass referred to and believes some sort of prickly hedge will serve the desired effect, whereas a fence will create a shield for the criminal element.

Ms. Deatherage noted that part of the crime problem is that, at present, the applicant is in the midst of renovations and the house appears to be vacant. She feels this invites vandalism, and once development is complete the crime problem will abate. Ms. Deatherage advised that she lives within three blocks of this area and has not observed high crime in the area, other than littering and the usual Saturday night milling around.

Mr. Parmele advised receipt of a letter from Tom and Lynda Bennett, 2024 E. 37th Street, 74105, owners of the property at 1403 E. 35th Place, 74105 voicing opposition to this request.

**Jill Tarbel**

**3111 S. Madison**

Ms. Tarbel voiced support of installing the fence and with proper plantings of sticky-type bushes, and believes people will not hide behind these bushes. Ms. Tarbel advised Mr. Glass that ADA is not being met with much of this development.

TMAPC Review Session

Mr. Buerge moved approval of the minor amendment based on Staff recommendation. He believes, as the applicant stated, that tasteful landscaping can accomplish the same screening that fencing can and is particularly sensitive to the crime issue that has been expressed.

Ms. Wilson advised that she would instead favor having the fence maintained on the eastern boundary in keeping with the original PUD. She advised that in order for the applicant to obtain parking and in order to maintain the residential character on the houses to the east it should be screened. She offered to amend the motion to include screening the eastern boundary with a fence as per the original PUD.

Mr. Glass explained he is not objecting to the original PUD, which brought the fence to the north 120'; the crime issue is very real in the area and the applicant has been working to deter crime. Crime is one of the motivating factors; it is not to avoid screening automobiles. Should the fence be brought to within 20' of the curb, Mr. Glass pointed out there is not a residence anywhere in that entire area that has its front yard fenced all the way across the front. This will introduce a very atypical condition to the neighborhood, and is not something that maintains residential flavor.

Ms. Deatherage presented photographs to the Planning Commission depicting residences in the area with fencing across the front.

Mr. Parmele remembered the original PUD discussion and recalled one of the main points of concern was the screening fence along the east side. Some of the interested parties indicated that they were not opposed to it if there was a distinct separation between single-family and office use. Because of this he is in favor of the amended motion to keep the screening fence in place.

TMAPC Action; 7 members present:

On MOTION of WILSON, the TMAPC voted 6-0-1 (Broussard, Buerge, Horner, Midget, Parmele, Wilson "aye"; Carnes "nay"; no "abstentions"; Ballard, Doherty, Neely, Selph, "absent") to AMEND is to grant the parking setback relief requested, but to require the screening fence along the east side of the development.

\* \* \* \* \*

**TMAPC Action; 7 members present:**

On **MOTION** of **BUERGE**, the TMAPC voted 7-0-0 (Broussard, Buerge, Carnes, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Doherty, Neely, Selph, "absent") to **APPROVE** the reduction in parking setback requested per Staff's recommendation of a 3' hedge along the south and east sides of the parking area and **DENY** the reduction in the screening fence.

Mr. Carnes commented that at such time as the area becomes a haven for crime, which he is positive it will, he feels the applicant has the right to return to the Planning Commission for an amendment to remove the fence and he will be favorable.

\* \* \* \* \*

**PUD 468:** Detail Site, Sign and Landscape Plans for the east 160' of Lot 7, Sam's Center --- West of the northwest corner of 71st Street South and Mingo Road.

The applicant is requesting Detail Plan approvals for a Hardee's restaurant. The restaurant contains 3,222 SF of building floor area which means the undeveloped portions of Lots 2 through 9 would have 23,878 SF of commercial building floor area remaining. Staff review finds the Site Plan, the Landscape Plan and the Sign Plan for both wall and ground signs to be in conformance with the PUD Development Standards.

Therefore, Staff recommends **APPROVAL** of all three Detail Plans.

The applicant expressed agreement with Staff recommendation.

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted 7-0-0 (Broussard, Buerge, Carnes, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Doherty, Neely, Selph, "absent") to **APPROVE** Detail Site Plan, Sign Plan and Landscape Plan for the east 160' of Lot 7, Sam's Center.

\* \* \* \* \*

**PUD 327-A** Detail Site Plan for Lot 1 Wood Niche II --- East of the northeast corner of 81st Street South and 77th East Avenue

The applicant is proposing a one-story dental office with 3088 SF of building floor area and 7325 SF of landscaped open space. Staff has reviewed the plan and finds it to be in conformance with the PUD Development Standards.

Therefore Staff recommends **APPROVAL** of the Detail Site Plan.

There were no interested parties present.

**TMAPC Action; 7 members present:**

On **MOTION** of **WILSON**, the TMAPC voted **7-0-0** (Broussard, Buerge, Carnes, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Doherty, Neely, Selph, "absent") to **APPROVE** the Detail Site Plan for Lot 1, Wood Niche II.

\* \* \* \* \*

**PUD 357-A**      Detail Sign Plan for wall signs on Lot 1-A ----  
East of the southeast corner of Quincy Avenue and  
71st Street South

The applicant is requesting approval of 6 wall signs for the Tulsa Regional Medical Center - South Campus. Staff has reviewed the proposal and finds that it complies with the PUD Development Standards. Therefore, Staff recommends the Detail Sign Plan.

The applicant expressed agreement with Staff recommendation.

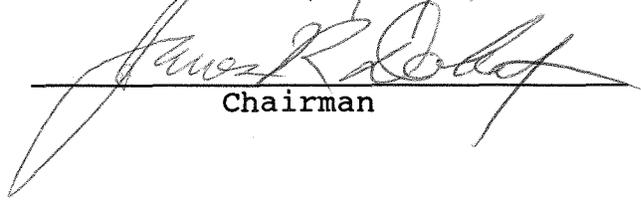
**TMAPC Action; 7 members present:**

On **MOTION** of **BUERGE**, the TMAPC voted **7-0-0** (Broussard, Buerge, Carnes, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Doherty, Neely, Selph, "absent") to **APPROVE** the Detail Sign Plan for wall signs on Lot 1-A.

\* \* \* \* \*

There being no further business, the Chairman declared the meeting adjourned at 2:40 p.m.

Date Approved: 10/7/92

  
Chairman

ATTEST:  
  
Secretary

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1899  
Wednesday, September 9, 1992, 1:30 p.m.  
City Council Room, Plaza Level, Tulsa Civic Center

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

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, September 8, 1992 at 10:09 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Doherty called the meeting to order at 1:34 p.m.

**Minutes:**

Approval of the minutes of August 26, 1992, Meeting No. 1897:  
On **MOTION** of **HORNER**, the TMAPC voted 7-0-0 (Broussard, Carnes, Doherty, Horner, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Buerge, Midget, Selph "absent") to **APPROVE** the minutes of the meeting of August 26, 1992 Meeting No. 1897.

**REPORTS:**

Chairman's Report

Chairman Doherty announced the sign tour is set for Tuesday, September 29, 1992, 6:30 P.M. and requested any Planning Commissioner wishing to attend to advise him so reservations can be made.

**ZONING PUBLIC HEARING**

ZONING PUBLIC HEARING

Application No.: Z-6369 Present Zoning: AG  
Applicant: Wexford Development Group Proposed Zoning: RS-2  
Location: West side of Yale Avenue at 113th Street South  
Date of Hearing: September 9, 1992

Chairman Doherty announced a request for continuance to September 16, 1992 to allow for proper notification of this item.

**TMAPC Action; 7 members present:**

On MOTION of PARMELE, the TMAPC voted 7-0-0 (Broussard, Carnes, Doherty, Horner, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Buerge, Midget, Selph "absent") to CONTINUE Z-6369 to September 16, 1992.

\* \* \* \* \*

**CONTINUED SUBDIVISIONS**

Trinity Addition Amended (PUD-370-2)(2683) (PD-26)(CD-8)  
10600 S. Memorial Drive (RM-1,RS-2)

This plat is being filed in connection with an amendment to the PUD to permit expansion of the existing church and its parking lot. The storm water detention pond is being moved west so the "Reserve" area moves with it. It should be noted that 106th Street is dedicated, but previous agreements for improvement thereof were made with the City when the first plat was filed.

The Staff presented the plat with the applicant represented by Adrian Smith.

On MOTION of MATTHEWS, the Technical Advisory Committee voted unanimously to recommend APPROVAL of the PRELIMINARY plat of Trinity Addition Amended, subject to the following conditions:

1. Waiver of Subdivision Regulations Sect. 4.2.6 requiring conformance with Street Plan recommended, to permit 50' of right-of-way on E. 106th St. S., consistent with previous actions by TMAPC on TRINITY ADDITION.
- 1a. Final plat shall not be approved or released until agreements have been made and approved by the Department of Public Works permitting the delay of construction of improvements relating to East 106th Street South. It is further recommended that this agreement contain a specific time period, subject to approval of the

Department of Public Works and City Attorney as to format.

2. Show the existing septic system lateral field within an easement as directed by City/County Health Department. (Approval of Health Department is required for this plat.) Verify that the existing system will support the expanded church. Add or modify as directed by Health Department.
3. The underlying plat should be vacated in accordance with current legal practices. (Not a function of TMAPC nor a condition of approval of this plat. Applicant advised to consult their attorney as to proper procedure.)
4. All conditions of PUD 370-2 applicable to the plat 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 if required.
6. Water plans shall be approved by the Department of Public Works (Water and Sewer) prior to release of final plat. (If required) [Temporary 5 year service connection agreement valid until 1995, then a water main extension is required.]
7. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater Management and/or Engineering), including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
8. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering Division).
9. 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 release of plat.)
10. 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.

11. All (other) Subdivision Regulations shall be met prior to release of final plat.

AND

**PUD 370-2** Minor Amendment to reduce building setbacks -- Southwest corner of 106th Street South and Memorial Drive

The applicant is requesting that the minimum building setback requirement for Trinity Presbyterian Church be reduced as follows:

	<u>Existing</u>	<u>Proposed</u>
From centerline of 106th Street	115'	60'
From west boundary for church area	190'	130'

Staff finds the proposed setbacks are still sufficient for compatibility with surrounding anticipated development and, therefore, recommends **APPROVAL** of PUD 370-2 as requested.

\* \* \* \* \*

**PUD 370** Detail Site Plan for expansion of Trinity Presbyterian Church

Staff has reviewed the site plan and finds it to be in conformance with the PUD Development Standards if minor amendment PUD 370-2 above is approved. With that condition, Staff recommends **APPROVAL** of the Detail Site Plan.

Staff Comments

Mr. Wilmoth advised that Staff is trying to arrange an agreement to ensure a collector street is eventually constructed from Memorial Drive to Bridle Trail Estates. Mr. Wilmoth advised presently there is no need for the collector street since it only serves the church. In regard to the timeframe for street construction, Mr. Wilmoth advised this is an area that can be worked out with the Department of Public Works, City Legal, and Staff.

Mr. Stump declared that Staff would recommend adding to the Detail Site Plan approval a condition that no building permit be issued until agreement has been reached between Public Works and the applicant as to a specific time period and responsibility for construction of 106th Street. Mr. Stump advised the area encompassed by the site plan is already platted and noted there was a previous commitment to construct 106th Street within two years. This was not done. Mr. Stump concurred there is no need for the construction at present, but feels it needs to be clarified that it is still the applicant's responsibility and at their cost for construction of the portion already platted.

### TMAPC Discussion

Chairman Doherty reported on meeting with Councilor Cleveland and the church congregation, at Councilor Cleveland's request for discussion of this issue. Chairman Doherty noted that at the time this church was constructed (1984) it was believed the western part of the tract would develop within the next year or so. There were references made in the minutes to financing problems, which was why the church was coming in first. Due to economic conditions the area was not developed and the street was not needed. It still is not needed at present. Rather than specifying a timeframe Chairman Doherty suggested making it dependent on the development of the western portion of the tract.

Mr. Parmele suggested stating that the development of the western portion of the land would initiate improvements of the street.

Mr. Stump advised concerns were over the eastern portion of the tract, where the church is located, to ensure the church is still obligated to construct the street at a specific time or at a time at which development of the western portion begins.

Chairman Doherty explained that the concerns are that when the western portion is developed and access is needed to Memorial, the church or another responsible party will build it. It is still the responsibility of the church to see that it is done. He advised that there is a relationship between the owners of the tract to the west and the church. TMAPC wants to ensure an agreement is drafted that reflects the church is committed to constructing the street when needed.

Mr. Parmele pointed out the church may sell the property, and it could be a condition of the sale that the street be constructed in its entirety.

There was discussion over maintaining the church's liability in constructing the street. Mr. Parmele suggested stating the platting of the western half would initiate the development or construction of those improvements. It was the consensus of the Planning Commission to make the street construction contingent upon platting.

### TMAPC Action; 8 members present:

On MOTION of PARMELE, the TMAPC voted 8-0-0 (Broussard, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Buerge, Selph "absent") to APPROVE the PRELIMINARY PLAT of Trinity Addition Amended subject to conditions as recommended by Staff with a waiver of Subdivision Regulations Section 4.2.4 to permit a 50' right-of-way on 106th Street; and APPROVE PUD 370-2 Minor Amendment and PUD 370 Detail Site Plan subject to Staff recommendations including that no building permit will be issued until there is an agreement with the applicant and Public Works Department to construct 106th Street.

\* \* \* \* \*

PUD 166-7: Minor amendment to increase the number of dwelling units in Development area "D" -- southeast corner of 93rd Street South and 67th East Ave.

The applicant is requesting to increase from 117 to 118 the number of dwelling units allowed in Development Area "D" in order to lot split Lot 13, Block 7, Heatherridge Addition. Development Area "D" is the entire Heatherridge Addition and was actually platted and under construction prior to approval of PUD 166. The 117 dwelling units allowed by the PUD reflects the number of lots in the Heatherridge Addition. The lot to be split if this amendment is approved is approximately 87' x 221'. It would be split such that the depth of at least one of the lots would only be 87'. The typical minimum depth of lots in the subdivision is 115'.

Staff has had concern that the resultant lots would be too shallow to accommodate a dwelling. The tentative site plan submitted by the applicant does, however, show that two dwellings could be placed on these lots and comply with the RS-3 required yards. Therefore, staff recommends **APPROVAL** of Minor Amendment PUD 166-7.

Applicant's Comments

**Mr. Troy Gudgel** 230 Waverly Drive 74104  
Mr. Gudgel made a presentation depicting plans for two homes on the lot in question. He explained the northernmost house would face 93rd Street, and the southernmost house would face 67th East Avenue. Mr. Gudgel advised the proposed homes comply with the 5,000 SF minimum requirement for RS-3 zoning and meet all setback requirements. Mr. Gudgel advised that he plans to develop these homes in a manner that complies with all the restrictive covenants of this neighborhood. Mr. Gudgel expressed agreement with Staff recommendation.

In response to a question from Mr. Parmele, Mr. Stump advised this meets the Zoning Ordinance as to bulk and area requirements and setbacks for RS-3.

Interested Parties

**Vivian Preston** 6712 E. 93rd Street  
Ms. Preston, owner of the property abutting the lot in question, purchased her lot because of its spaciousness. At the time of purchase she believed that only one house could be constructed on the lot in question. Ms. Preston is opposed to the minor amendment because she feels two houses will cause overcrowding on the lot.

**Gloria Shaffer** 6691 E. 93rd Street

Ms. Shaffer lives across the street from the lot in question, and expressed opposition to two houses being built on this property due to concerns over the small-sized lots which will result. Ms.

Shaffer also voiced concern over the effect these smaller lots may have on property values.

Chairman Doherty noted that Ms. Shaffer's lot appears to be smaller than either of the two resulting lots. Ms. Shaffer pointed out that her home, at time of purchase, had 1,975 SF; she now has approximately 2,200 SF, and is more concerned over the size of the homes being proposed.

#### Applicant's Rebuttal

Mr. Gudgel advised that there is a PSO easement to the south, and from the centerline there is a 50' easement required on both sides which, in effect, allows a setback of 100' on either side creating a greenbelt effect.

In response to a question from Mr. Parmele, Mr. Gudgel advised the covenants call for a minimum structure of 1,600 SF for a single-story and he plans to construct homes of 1,800 SF.

#### TMAPC Review Session

In response to a question from Chairman Doherty, Mr. Stump explained that if this were not a PUD, the applicant would receive a lot split by right.

Mr. Neely asked Legal Counsel if the applicant would need to obtain 100% approval from all residents since the covenants call for only one house per lot.

Mr. Linker replied that it would depend on today's ruling and the wording of the covenants; however, he advised this should not affect the Planning Commission's decision and is a matter the applicant must deal with.

Mr. Carnes noted this plat was created as a PUD indicating a specified number of lots and, therefore, feels he will be unable to support the Staff recommendation.

Ms. Wilson expressed concern over the typical minimum depth of existing lots being 115' and the lots being proposed will be significantly less and expressed support of Mr. Carnes' motion for denial.

Mr. Carnes expressed concern over the stability of the Planning Commission when a PUD layout is approved and the public, purchasing homes, believing that is how it will remain.

Mr. Parmele noted that the plat indicates the area has mixed-sized lot development and pointed out existing lots that are even smaller than what is being proposed. Mr. Parmele discerns that this lot split will not have a detrimental effect on the existing homes and voiced opposition to the motion of denial.

Chairman Doherty advised if these resulting lots were not larger than the lots on the north side of 93rd, then he could agree with

the motion; however, these would not be the smallest lots in the neighborhood and expressed difficulty restricting an owner more than existing lots which were purchased as smaller lots.

Mr. Carnes advised that the owner is not being restricted more. The plat was presented and approved by the Planning Commission at its original conception.

Mr. Wilmoth advised the original plat was filed before the PUD was filed. The PUD came after the plat was filed of record.

**TMAPC Action; 8 members present:**

On MOTION of CARNES, the TMAPC voted 2-5-1 (Carnes, Wilson "aye"; Doherty, Horner, Midget, Neely, Parmele, "nay"; Broussard "abstaining"; Ballard, Buerge, Selph "absent") to DENY Minor Amendment PUD 166-7.

**MOTION FAILED.**

**TMAPC Action; 8 members present:**

On MOTION of MIDGET, the TMAPC voted 6-1-1 (Carnes, Doherty, Horner, Midget, Neely, Parmele, "aye"; Wilson "nay"; Broussard "abstaining"; Ballard, Buerge, Selph "absent") to APPROVE Minor Amendment PUD 166-7 as recommended by Staff.

\* \* \* \* \*

**PUD 179-N-4** Minor Amendment to Increase Size of Ground Sign -- Southwest Corner of 85th East Avenue and 71st Street South

The applicant is requesting to increase the permitted display surface area on the one ground sign permitted, from 173 SF to 228 SF for the existing Firestone store. The lot has 130' of frontage, and therefore, up to a 260 SF sign potentially could be allowed on this lot. Staff recommends APPROVAL of the increase to 228 SF.

\* \* \* \* \*

**Detail Sign Plan**

If the TMAPC approves PUD 179-N-4, then Staff recommends APPROVAL of the submitted Detail Sign Plan.

**TMAPC Action; 8 members present:**

On MOTION of PARMELE, the TMAPC voted 8-0-0 (Broussard, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Buerge, Selph "absent") to APPROVE PUD 179-N-4 Minor Amendment and Detail Sign Plan as recommended by Staff.

\* \* \* \* \*

**PUD 481:** Detail Sign Plan Petsmart -- Northwest corner of 71st Street South and the Mingo Valley Expressway

Staff has reviewed the applicant's request for a wall sign on the east side of the Petsmart store and finds it to be in conformance with the PUD standards.

Therefore, Staff recommends APPROVAL of the Detail Sign Plan.

**TMAPC Action; 8 members present:**

On MOTION of CARNES, the TMAPC voted 8-0-0 (Broussard, Carnes, Doherty, Horner, Midget, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Buerge, Selph "absent") to APPROVE PUD 481 Detail Sign Plan as recommended by Staff.

\* \* \* \* \*

There being no further business, the Chairman declared the meeting adjourned at 2:06 p.m.

Date Approved: 9/23/92

[Signature]  
Chairman

ATTEST:

[Signature]  
Secretary Vice-Chair

