

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2040

Wednesday, October 11, 1995, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present

Ballard
Boyle, 2nd Vice
Chairman
Carnes,
Chairman
Doherty, 1st Vice
Chairman
Gray, Secretary
Horner
Ledford
Midget, Mayor's
Designee
Pace

Members Absent

Selph
Taylor

Staff Present

Gardner
Hester
Jones
Stump

Others Present

Linker, Legal
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, October 6, 1995 at 3:46 p.m., in the office of the County Clerk at 3:46 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Vice Chairman Doherty called the meeting to order at 1:35 p.m.

Minutes:

Approval of the minutes of September 27, 1995, Meeting No. 2038:

On **MOTION** of **CARNES**, the TMAPC voted **6-0-1** (Ballard, Boyle Carnes, Horner, Ledford, Midget "aye"; no "nays"; Doherty "abstaining"; Gray, Pace, Selph, Taylor "absent") to **APPROVE** the minutes of the meeting of September 27, 1995 Meeting No. 2038.

REPORTS:

Rules and Regulations Committee

Mr. Doherty announced that the Rules and Regulations Committee will meet Wednesday, October 18, 1995 to discuss outdoor advertising regulations.

SUBDIVISIONS:

FINAL APPROVAL:

Colefax Hill (PUD 518) (1583)

(PD-18)(CD-8)

West of the northwest corner of East 91st Street and South Sheridan Road.

Staff Comments

Mr. Jones informed that Colefax Hill is a residential single-family and office subdivision plat containing 17.79 acres. He advised that all release letters have been received and Staff recommends **APPROVAL** of the final plat as submitted.

Interested Parties

Wayne Saterbak

9019 South Lakewood Ct. 74137

Mr. Saterbak, whose property abuts Colefax Hill, wanted to ensure that concerns noted at the preliminary plat were addressed, private streets having public access and that barrier curbs will be required.

Mr. Jones assured him that such wording has been incorporated in the PUD conditions.

Mr. Saterbak conveyed concerns of Woodhill Hollow residents regarding the project. Mr. Ledford, who advised that he would be abstaining from the vote, was able to inform him that the developer of Colfax Hill would be extending paving to connect with existing pavement on 90th Street South and an exposed water pipe reported by Mr. Saterbak was only temporary.

TMAPC Action; 7 members present:

On **MOTION** of **BOYLE**, the TMAPC **6-0-1** (Ballard, Boyle, Doherty, Gray, Horner, Pace "aye"; no "nays"; Ledford "abstaining"; Carnes, Midget, Selph, Taylor "absent") to **APPROVE** the FINAL PLAT of Colefax Hill as recommended by Staff.

CONTINUED LOT-SPLIT FOR WAIVER OF SUBDIVISION REGULATIONS:

L-18127 Howard Remodeling, Inc. (W. Howard)(1893) RS-2

(PD-6)(CD-9)

Jones presented the request with no representative present at the TAC meeting.

Matthews stated that a sanitary sewer main extension would not be necessary since only one lot would be served. The proposed configuration is acceptable.

Somdecerrf requested a minimum of 40' total right-of-way on South Lewis Avenue. In addition, he requested a dedication of the final amount.

It is proposed to split a 115' x 130' lot into two lots as configured. An earlier application, L-17808, on the same property proposed to divide the lot into equal lots measuring 57.5' x 130'. Board of Adjustment cases 16537, 16656 and 17079 provided necessary relief from the Bulk and Area Requirements for the RS-2 District. L-17808 was approved by TMAPC on 01/19/94 subject to BOA approval and verification by Public Works of a sewer line extension to the eastern proposed tract (Tract "B"). TMAPC also waived Subdivision Regulations requiring conformance with the Street Plan allowing only 35' of right-of-way on South Lewis Avenue.

The applicant for L-17808 has since sold the entire undivided property and the sewer line was never extended. The new owner now wishes to configure the two lots so that a panhandle extends from the eastern lot (Tract "B") across the southern portion of the western lot (Tract "A") so as to abut the public sewer line thus eliminating the need to extend the line. Because of this panhandle extension across Tract "A", the applicant has also filed BOA-17139 for a variance of the rear yard and a variance of the current Board-approved average lot width of 57.5' to 53.8'.

Since the proposed Tract "A" and Tract "B" each have more than three side lot lines, they do not comply with Tulsa Subdivision Regulations requiring that residential lots have no more than three side lot lines. Applicant is requesting waiver of this requirement.

It is Staff's opinion that a reduction of lot width, size and rear yard of Tract "A" caused by the creation of the panhandle in order to avoid extending sewer is inconsistent with good planning practices. Staff would therefore recommend **DENIAL** of the waiver and would recommend extension of the sewer to Tract "B" as configured by L-17808

On the **MOTION** of **MATTHEWS**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the **LOT-SPLIT** with **WAIVER** of the Subdivision Regulations, subject to all conditions listed above.

TMAPC Comments

Chairman Doherty reminded the Planning Commission that this item was originally continued from August 23, 1995 and that the Planning Commission transmitted a letter to the Utility Authority asking that they waive their requirement for a lot to abut a City sewer. He informed that he attended the Utility Authority meeting of October 11, 1995 where they were insistent that public sewer be connected to each of the lots.

Responding to comments from Mr. Jones regarding right-of-way, Mr. Doherty recalled that at the August 23rd meeting, the Planning Commission decided to waive that requirement since none of the other properties on Lewis have dedicated right-of-way.

TMAPC Action; 7 members present:

On **MOTION** of **BOYLE**, the TMAPC 7-0-0 (Ballard, Boyle, Doherty, Gray, Horner, Ledford, Pace "aye"; no "nays"; none "abstaining"; Carnes, Midget, Selph, Taylor "absent") to **APPROVE** LOT-SPLIT L-18127 as recommended by TAC and **WAIVE** Subdivision Regulations requiring additional right-of-way on Lewis Avenue and the requirement that a residential lot not have more than 3 side lot lines.

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CONTINUED ZONING PUBLIC HEARING

Application No.: CZ-222

Applicant: L.C. Neel

Location: Southwest corner of East 131st Street South & South 193rd East Avenue.

Date of Hearing: October 11, 1995

Present Zoning: AG

Proposed Zoning: RE & CG

Chairman Doherty announced that the applicant has requested a continuance of this item due to the possibility of the City of Broken Arrow annexing the property.

Interested Parties

Ted Barron

19222 East 141st Street South, Broken Arrow 74011

Mr. Barron, whose property is at the southeast corner of the subject tract, had no objection to the request for continuance.

TMAPC Action; 7 members present:

On **MOTION** of **BOYLE**, the TMAPC 7-0-0 (Ballard, Boyle, Carnes Doherty, , Horner, Ledford, Midget "aye"; no "nays"; none "abstaining"; Gray, Pace, Selph, Taylor "absent") to **CONTINUE** CZ-222 to December 13, 1995.

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Application No.: **Z-6507**
Applicant: Charles E. Norman
Location: Northwest corner East 6th Street & South Peoria
Date of Hearing: October 11, 1995
Presentation to TMAPC: Charles E. Norman

Present Zoning: RM-2
Proposed Zoning: CS

Relationship to the Comprehensive Plan:

The District 4 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property as Low Intensity - Public.

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

Staff Comments:

Site Analysis: The subject property is approximately 3.3 acres in size and is located on the northwest corner of East 6th Street and South Peoria Avenue. The property is flat, non-wooded, contains a vacant school and is zoned RM-2.

Surrounding Area Analysis: The tract is bounded on the north by commercial buildings zoned CH and three single-family dwellings, zoned RM-2; to the west across Owasso Avenue by single-family dwellings, zoned RM-2; to the east, across Peoria Avenue, by commercial and industrial uses, zoned IM and CH; and to the south by a public park, zoned RM-2.

Zoning and BOA Historical Summary: The subject tract was zoned RM-2 in 1970 and was a public school for many years.

Conclusion: According to the Surplus Public Schools/Alternatives for Reuse Study, the Longfellow School area would be considered a "Medium Intensity Non-Residential or Transitioning Neighborhood". School sites in these types of neighborhoods when abutting an arterial street and a commercial collector street were considered potentially appropriate for such uses as retail shops, offices, multifamily housing and clean industrial firms. The abutting property to the north and west is designated Medium Intensity and the area to the east is designated an Industrial Special District. Based on the Surplus Schools Study and surrounding zoning and uses in the area staff recommends **APPROVAL** of CS zoning for Z-6507 and amendment of the District 4 Plan Map to show the subject tract as Medium Intensity - No Specific Land Use.

Applicant's Comments

Charles Norman, attorney for the applicant, which is the Indian Health Care Resource Center of Tulsa, noted that Longfellow School has been closed since 1972 and is in a condition of severe deterioration. He informed that the school site is under contract to be purchased by the Indian Health Care Resource Center. He informed that the building is outdated and cannot be renovated, noting that the property has been the subject of a number of reuse studies. Mr. Norman declared that the proposed use is appropriate and compatible with existing land use patterns of zoning in the area, which he reviewed. He presented photographs of the school and properties surrounding the site pointing out that the property is surrounded by nonresidential uses except for multifamily use to the north and west. Mr.

Norman advised that the rezoning request is for the lightest of the commercial uses consistent with existent zoning on all sides of the neighborhood.

Responding to Mr. Boyle's request for more information of the proposed use of the property, Mr. Norman informed that the Indian Health Care Resource Center of Tulsa is a nonprofit organization, governed by a citizen volunteer board consisting of 15 trustees, and is the federally-recognized medical and clinical facility for all federally-recognized tribes of Native Americans. He explained that the Indian Health Care Resource Center of Tulsa has been in operation for more than 20 years and for more than 15 years has been located at 10th and Cincinnati, across the street from the east side of the downtown campus of Tulsa Junior College. Mr. Norman informed that the facility will be used as an out-patient medical offices and clinical facility, providing dental, pharmacy, counseling services, women and children's health services along with the entire variety of medical and clinical services. He pointed out that CS zoning would not permit a hospital with in-patient care.

In reply to Ms. Gray, Mr. Norman stated that the clinic will operate during usual medical clinic hours, with no 24-hour services.

Interested Parties

Carmelita Skeeter

915 South Cincinnati 74119

Ms. Skeeter, Executive Director of Indian Health Care Resource Center of Tulsa, gave a detailed description of services provided by the center. She informed of locations of the various facilities and disclosed that no complaints have been received from landlords or other businesses near their facilities regarding loitering or disturbances created by patients who frequent the facility. Ms. Skeeter explained that services provided by Indian Health Care Resource Center of Tulsa are similar to those provided by Morton Health Center. She stated that medical service hours are 8:00 a.m. to 5:00 p.m. and on Thursdays hours are 10:00 a.m. to 7:00 p.m. with evening sessions provided for some mental health counseling and education groups which are usually completed by 8:00 p.m.

Farrell Thrasher

1319 East Street 74120

Mr. Thrasher, president of the 6th Street Merchants Association, declared the 11th Street Corridor Plan and Tax Increment Financing Plan (TIF) would be ignored if the requested zoning is approved. He declared that the proposed use is inconsistent with the conclusions of the above-mentioned plans. Mr. Thrasher stated that the 11th Street Plan calls for a specific use of the site which is inconsistent with the proposed use. He disclosed plans for acquisition of properties south of the park for redevelopment into a residential community which will not be compatible with a social service organization in the vicinity. He declared that the proposal will be detrimental to the neighborhood and not appropriate land use. Mr. Thrasher perceives that there is confusion over the plans and urged the Planning Commissioners to contact Tulsa Development Authority to review them. He urged that the application be tabled until the plans are thoroughly understood. Mr. Thrasher revealed that plans reveal a restricted use for the site which is not unusual, and he cited other examples where similar restricted uses were imposed; i.e. Union Depot, Williams Towers acquisition, Fire Alarm Building and University of Tulsa acquisition. Mr. Thrasher urged that the Planning Commission require a PUD for the site rather than rezoning. He expressed concern that service provided to the indigent will negatively affect the surrounding area.

Dave Strader**812 South Quincy 74120**

Mr. Strader was concerned over placing a social service agency with individuals being treated for alcoholism, drug problems, mental problems and AIDS so near a City park where children play. He questioned the wisdom of placing a nontaxable or low-taxed entity in such an important district. Mr. Strader was concerned that the health center would destroy the plan for revitalization of the area. He disclosed that the area is saturated with social service agencies in the area, having counted 30 such social service agencies. Mr. Strader was also concerned with density in the area. He urged recommendation of a PUD for the site.

Responding to inquiry from Ms. Ballard, Mr. Strader informed that current plans call for commercial retail development at this site. He commented on the countless hours of work that citizens spent on developing the plans for the area.

Ann Thrasher**1319 East 6th Street 74120**

Ms. Thrasher, president of the Central Park Neighborhood Association and representative for senior citizens who use Central Park Recreation Center and Veterans of Foreign Wars, presented a diagram depicting the area considered for the 11th Street Corridor and TIF plan. She presented a history of working toward development in this area by the neighborhood association and declared that retail growth in the area is essential. She informed that Longfellow School was included in the TIF area because substantial sales-tax-generating business are needed in the area. Ms. Thrasher stated that residents assumed that retail shops and restaurants would be developed. She revealed that although area residents desire commercial development, specific plans for commercial development must be considered. Ms. Thrasher stated that citizens want stability and security and want to see the area redevelop. She urged consideration of specific uses that would enhance the plan. Ms. Thrasher conveyed that residents prefer shops and restaurants that will bring consumers into the area such as has been developed at Lincoln Plaza. She urged the Planning Commission to uphold the plan that has already been projected, and implored the Planning Commission to consider a PUD for the site.

Mr. Boyle asked if there is zoning sufficiently restrictive to accommodate residents' concerns.

Ms. Thrasher deemed that development should be considered on what is the best land use, and a PUD would be a specific plan without broad approval. She does not believe a medical facility that is non-sales-tax-generating on this site, which is highly visible, is most desirable for this site. Ms. Thrasher stated that she does not oppose CS zoning, but wants development that is sales-tax-generating.

Mr. Doherty revealed ex parte communication with Allan Stewart. Ms. Pace also revealed ex parte communication on this item.

Allan Stewart**2244 East 7th Street 74104**

Mr. Stewart, Planning Team Chair for District 4, declared that approval of this application would be a severe blow to central Tulsa, to downtown and to the credibility of the planning process. He pointed out that the TIF plan is in place and he commented on the work citizens have contributed to revitalize the area. Mr. Stewart noted that the TIF plan provides for specific use of the site and the proposed use is contrary to the plan and would be detrimental to the area. He declared that for redevelopment of retail and residential user near downtown, this area must be revitalized. Mr. Stewart urged support of a PUD on this site since it is

critical for redevelopment. He deemed that problems are always present when services are provided such as those proposed by the Indian Health Care Resource Center of Tulsa, especially near a residential area. Mr. Stewart expressed concern that patients will congregate at the park, and he does not deem that the park should be set aside for use by alcoholics, drug addicts and AIDS patients for the benefit of one agency. He disclosed that there are retail developers interested in developing on this site simultaneously with the redevelopment of housing surrounding the area.

Milford Carter

514 South Peoria 74120

Mr. Carter, pastor of the Sanctuary Evangelistic Church located at 5th and Peoria and also a resident of the area, deemed the issue to be consideration of the highest and best use for the area. He stated that this site has the opportunity to affect change in an area that has been dormant for over 30 years. Mr. Carter noted that the Indian Health Care Resource Center of Tulsa will not contribute tax monies for the overall better economic development of the area.

Ken Underwood

525 South Main, #680 74103

Mr. Underwood, president of the Board of Indian Health Care Resource Center of Tulsa, announced that he has been president of the board for two years and a member of the board for six years. He informed that it is the intent of the Indian Health Care Resource Center of Tulsa to finance a new facility of approximately three and one-half million dollars and to own that facility with no intention of leasing the property. Mr. Underwood stated that it is regretful that the quality of patients served has come into question. He reported on AIDS prevention, care, treatment and education provided by the facility. He detailed programs available to help patients recover from substance abuse. Mr. Underwood voiced concern that Indian patients have been spoken of as indigent, implying that this quality of patient would not be appropriate at the area of 6th and Peoria. He deemed that calling this facility a social service facility is a misnomer since it is a first class health care clinic, as it will continue to be. Mr. Underwood believes the facility will rejuvenate the area more than what it has been for the last twenty years. He declared that the quality of life for families, children and health care and wellness and preventive medication will increase if Indian Health Care Resource Center of Tulsa is allowed to develop on this site.

Responding to inquiry from Ms. Gray, Mr. Underwood informed that approximately 2,500 patients are served per month.

Applicant's Rebuttal

Mr. Norman noted that the Comprehensive Plan and Zoning Code deals in a range of acceptable and compatible uses, and in dealing with rezoning, the Planning Commission is charged with considering the appropriate relationships of land uses and not a specific proposal. He determined that from comments made, the focus is on a specific user. Mr. Norman pointed out that none of the protestants has argued that the commercial zoning request is inappropriate. He noted that to achieve the type of retail uses they believe would be best for the neighborhood would require rezoning. He informed that CS zoning is in accord with the Surplus Schools Plan and the TIF plan, which contemplates commercial use of the site. Regarding comments made that developers are anxious to develop property in the area, Mr. Norman pointed out that there are many parcels along this corridor already zoned CH and industrial, yet no new redevelopment has occurred. He challenged statements that this type of facility would be detrimental to any neighborhood, noting that no complaints have been lodged against existing facilities or that they have experienced those concerns alluded to by protestants. Mr. Norman noted that patients requiring care for alcoholism,

substance abuse, AIDS, etc., are treated at other area hospitals and clinics throughout the community. Mr. Norman discerned that having a health care facility on this site will not prevent other retail or commercial activities from coming into the neighborhood. Mr. Norman declared that this request is appropriate considering existing and planned uses and zoning classifications in the area. He urged support of Staff recommendation.

Mr. Boyle asked why Mr. Norman objected to a PUD.

Mr. Norman informed that a specific development plan was presented to the Board of Adjustment (BOA) with development standards, site plan, landscaping plan, screening plan and circulation plan. He informed that the same objections were made regarding specific land use. Mr. Norman stated that it is not an appropriate function of zoning to compel through PUD a mandated use. He pointed out that there was no criticism of the three and one-half million dollar project or of the architectural plans presented to the BOA.

Ms. Pace inquired why the Planning Commission was hearing this case since it is under litigation in District Court.

Mr. Norman explained that he would prefer that the Planning Commission and/or City Council make determination on land use and not the courts. He informed that rezoning of this property is an alternative to court proceedings in this case.

TMAPC Review

Responding to inquiry from Mr. Doherty, Mr. Linker advised that Board of Adjustment action on this property has no bearing on the application of zoning and is not a matter the Planning Commission should consider.

Mr. Doherty noted that area residents are not opposed to commercial use in this area, but the question before the Planning Commission seems to be whether it should be restricted to sales-tax-generating use. He noted that provision of the TIF district and the school reuse plan for the subject site appear to be in conflict and the Comprehensive Plan map does not call for commercial on the site. Mr. Doherty questioned whether the Planning Commission should restrict the use of this property to sales-tax-generating uses.

Mr. Boyle deemed that a request to rezone for CS does not raise the tax incentive issue, and given surrounding uses, he declared that CS zoning is appropriate on this site.

Ms. Pace asked Mr. Linker why development could not require a PUD.

Mr. Linker advised that objections to use appears to be the issue. He stated that PUDs have never been mandated. Mr. Linker advised that physical facts, zoning and surrounding uses should be considered in making a decision.

Mr. Ledford declared that use of the property appears to be of concern and not the zoning. He expressed disagreement that a PUD on a three and one-half million dollar project will make it more acceptable to the neighborhood.

TMAPC Action; 7 members present:

On **MOTION** of **BALLARD**, the TMAPC 6-1-0 (Ballard, Boyle, Doherty, Horner, Ledford, Pace "aye"; Gray "nay"; none "abstaining"; Carnes, Midget, Selph, Taylor "absent") to recommend **APPROVAL** of CS zoning for Z-6507 as recommended by Staff.

LEGAL DESCRIPTION

All of Block 9, Central Park Place, an Addition to the City of Tulsa, Tulsa County.

ZONING PUBLIC HEARING

Application No.: **PUD 306-D MAJOR AMENDMENT**

Applicant: John Moody

Location: East of the northeast corner of 101st Street South and Delaware.

Date of Hearing: October 11, 1995

Chairman Doherty announced receipt of a request for continuance on this item to October 18, 1995.

There were no interested parties in attendance.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, the TMAPC 7-0-0 (Ballard, Boyle, Carnes, Doherty, Horner, Ledford, Midget "aye"; no "nays"; none "abstaining"; Gray, Pace, Selph, Taylor "absent") to **CONTINUE** PUD 360-D to October 18, 1995.

Application No.: **Z-5444-SP-4** Corridor Site Plan

Applicant:

Location: South of Southwest corner of 41st Street South and Garnett Road.

Date of Hearing: October 11, 1995

The applicant is requesting site plan approval for "The Gardens", a 200-unit multifamily complex. The proposed site plan is a revision to a previously approved site plan (10/26/94, PC and 11/17/94 CC).

Staff review of the project indicates that the number of units as well as the mix of units (i.e., numbers of 1 and 2 bedroom units) has remained the same. Parking has been reduced by one space, leaving the project with one space over the required. The amount of landscaped space has remained nearly the same, with the major difference being that the open space is now concentrated on the interior rather than the exterior of the project. As with the previously-approved plan, the new proposal takes its access directly from Garnett Road, a violation of the Corridor District standards from which the Board of Adjustment has granted variance.

The project as now proposed includes three story buildings and proposes to increase the maximum height from 35' to 45'. The building setback from the centerline of Garnett remains 135'; the setback from the north and south boundaries increases from 25' to 45' and the setback from the west boundary increases from 25' to 75'.

As the Commission may remember, the project site is bounded on the north by a vacant parcel, on the east by Garnett Road, on the south and west by multifamily development.

Staff opinion is that the new site plan as proposed conforms to the Zoning Code and to previously-approved standards for this area and does not increase development-related impacts on the surrounding area. The potential impact of the proposed increase to three stories has been to a large extent mitigated by the increased building setback and the orientation of structures which allows pass-through views.

Staff recommends **APPROVAL** subject to the following:

- a) Traffic Engineering approval of the new location(s) for access to the site from Garnett Road, particularly the northerly access which creates a four-way intersection at Garnett Road and 43rd Street.

Applicant's Comments

Ted Sack, representative for the applicant, was present and indicated agreement with Staff recommendation.

There were no interested parties in attendance.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, the TMAPC **6-0-0** (Ballard, Boyle, Doherty, Gray, Horner, Ledford "aye"; no "nays"; none "abstaining"; Carnes, Midget, Pace, Selph, Taylor "absent") to recommend **APPROVAL** of **Z-5444-SP-4 CORRIDOR SITE PLAN** as recommended by Staff.

Application No.: **Z-6508/PUD 386-A**

Present Zoning: RM-1/AG

Applicant: Roy D. Johnsen

Proposed Zoning: CS

Location: North of the northeast corner of East 91st Street and South Memorial

Date of Hearing: October 11, 1995

Chairman Doherty announced that the applicant has requested a one-week continuance on this item, which is not timely.

There were no interested parties in attendance.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, the TMAPC **7-0-0** (Ballard, Boyle, Carnes Doherty, Horner, Ledford, Midget "aye"; no "nays"; "abstaining"; Gray, Pace, Selph, Taylor "absent") to **CONTINUE** Z-6508 and PUD 386-A to October 18, 1995.

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Application No.: **PUD 127-5** Minor Amendment

Applicant: Amy L. Osborn

Location: Southeast Corner of 67th Street and South Utica Ave. - Southwest portion of Lot 1 Block 1 of the Collegiate Square Addition.

Date of Hearing: October 11, 1995

The applicant is requesting approval of a minor amendment to allow duplex use on this portion of Lot 1. Staff has reviewed the request and finds that the following clarification of the entitlement process regarding this parcel may be helpful.

Zone change Z-2436 and PUD 127 were approved in September of 1972. The approvals allowed RS-3, RD and RM-1 uses. The total unit count for the PUD was 726 units.

The Collegiate Square Plat was approved in January of 1978. The restrictions associated with this plat allowed 302 units in Block 1, made up of single-family detached residences, single-family attached residences, townhouses and/or garden apartment residences.

A minor amendment was granted in June of 1979 which reduced the number of units in Block 1 from 302 to 297.

Phase I of the Willows Condominiums was granted site plan approval in July of 1981 with 100 units, leaving a maximum of 197 available.

Phase II of the Willows Condominiums was approved in June of 1983 with 120 units, leaving a maximum of 77 available.

The January 1995 aerial photo of this area shows Phases I and II to be built.

Staff research indicates that as of this date, there are 77 units available in Block 1. The remaining area in this block is approximately 2.8 AC net or 3.2 AC gross.

Based on the above, Staff recommends **APPROVAL** of the request to include duplexes as a permitted use in Lot 1 of Block 1, subject to the following.

- a) A maximum of 34 duplex units will be allowed in the unbuilt remainder of lot 1. This will complete the development of Lot 1 with a maximum unit count of 254 units.
- b) Duplex development will conform to the RD standards of the Zoning Code.
- c) Multifamily development compatible with existing development in Lot 1 shall continue as an approved use, to a maximum of 77 units. Multifamily development shall conform to the RM-1 standards of the Zoning Code.

Applicant's Comments

The applicant was present and was in agreement with the conditions.

There were no interested parties in attendance.

TMAPC Action; 6 members present:

On **MOTION** of **HORNER**, the TMAPC **6-0-0** (Ballard, Boyle, Doherty, Gray, Horner, Ledford "aye"; no "nays"; none "abstaining"; Carnes, Midget, Pace, Selph, Taylor "absent") to **APPROVE** PUD 127-5 MINOR AMENDMENT as recommended by Staff.

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PUD 498-1: Minor Amendment - East of the Southeast Corner of 71st Street and Mingo Road - an unplatted portion of the Home Depot Addition, adjacent to and east of the existing plat and development.

The applicant is requesting approval of a minor amendment to allow the following for "Baby Superstore":

- a) Combination of development areas 2 and 3 of Block 1;
- b) Increase in floor area allowed in the new development area - from 40,350 SF to 45,000 SF;
- c) Decrease of floor area allowed in development area 1 Block 2 from 26,650 SF to 22,000 SF, transferring that area to the subject site;
- d) Increase in height from 26' (Lot 2) and 25' (Lot 3) to 40 ' in a single story; and
- e) Reduction of setbacks - west boundary: from 50' to 24' (Lot 2) and from 30' to 24' (Lot 3); and east boundary: from 20' to 17.5' (Lots 2 and 3).

Staff has reviewed the request and finds the following.

The project site is bounded on the north by 71st Street, on the west by a mutual access easement shared with the Home Depot site, on the south by a public street and on the east by PUD 521. The development configuration as shown on the preliminary plat indicates parking in the north portion of the site (development area 2) with the structure in the south portion of the site (development area 3).

Floor Area -

The underlying CS zone comprises 9.74 AC and allows 212,650 SF of CS uses. The Home Depot site (Lot 1 of Block 1) utilizes 145,000 SF; future Lots 2 and 3 of Block 1 are allocated 40,350 SF and future Lot 1 of Block 2 is allocated 26,650 SF. Therefore, existing allocations total 212,000 SF.

The applicant has requested a transfer of 4,650 SF of development area from the future Lot 1 Block 2 to the project site. Lot 1 is currently zoned OM and therefore is unable to generate retail floor space of its own accord. Staff understanding is that the mini-storage floor space granted to Lot 1 was a granting of use-specific space and cannot be transferred to another site to be used in a higher intensity use.

Staff concern is that the transfer of floor space from a specifically permitted use to another more intense use will set precedent for a process of less than desirable changes to the approved character of existing and future PUD's. Staff would suggest a deletion of the 4,650 SF from Lot 1, a review of the impact created by increasing the project site's floor area dedicated to retail use, and a determination of the appropriateness of the impact. After such review, Staff is of the opinion that the potential impact is in keeping with the approved character of the PUD.

Setbacks and Height -

The westerly boundary of the site is located at the centerline of the access easement which is shared between this site and the Home Depot site. The reduction in setback from the west boundary would place the building and parking edge at 11' from the edge of the paved access easement. The reduction in the setback on the east side would set the building at 11' from the property line.

The maximum height on the adjacent Home Depot site is 41 feet. The proposed 40' height is compatible.

Staff is concerned with the cumulative visual impact to the PUD of setback reduction and height increase in the western portion of the project site. As proposed by the applicant, the western setback would be reduced by 6' feet and the allowable height would be increased by 15'. As a frame of reference, the paved width of the access easement is same as that of a residential street. The standard residential section is 50' in width with the right-of-way set at 12' from the edge of pavement. The proposed changes to setback/height would potentially set a 40' high wall 11' from pavement edge or 1' inside the residential section right-of-way. Staff's opinion is that this sort of physical density was not the original intent of this PUD.

Although the adjacent travel-way is a mutual access easement rather than a right-of-way, its potential for intensity of use (through connection from 71st Street to the extension of 73rd

Street) warrants a landscape treatment equivalent to that of a public right-of-way. Tree placement and type will be impacted by the proposed amendment.

Therefore, Staff recommends the following:

- a) Combination of Development Areas 2 and 3 of Block 1 - **APPROVAL**, subject to the following:

The project site shall be allowed one ground sign of a maximum 25' in height and 150 SF of display area on the 71st frontage; and one ground sign of 6' in height and 40 SF of display area along the public street to the south.

- b) Increase in floor area from 40,350 SF to 45,000 SF - **APPROVAL**, subject to reduction in the mini storage square footage allowed in Development Area 1 of Block 2 from 26,650 to 22,000.
- c) *Transfer of floor area to the project site from Development Area 1 of Block 2 - **DENIAL**
- d) Increase in structure height to 40' in one story - **APPROVAL**
- e) Reduction in east and west setbacks - east, **APPROVAL**; west, **DENIAL**. Staff could support approval with a limitation on height within a set distance from the access easement.

- * If the City Council approves the proposed change of the zoning text which allows mini-storage in the OM district Staff would recommend approval of a requested transfer of density from Development Area 1 Block 2 to the project site.

Staff Comments

Mr. Stump summarized the above recommendation by stating that the net effect is to allow the applicant to transfer floor area from one development area to another to allow the increase requested by the applicant.

Mr. Doherty recommended transferring the entire floor area with the 4,600' conditioned upon City Council approval on TMAPC recommendation on mini-storage.

Mr. Stump informed that Staff differs on setback on the west side of the development tract; however, Staff agrees with reduction of setbacks on the east side to the utility easement.

Mr. Johnsen explained that reduction of setback is necessary due to location of an existing storm sewer.

Mr. Doherty asked if there would be traffic circulation on the private drive.

Mr. Johnsen acknowledged that there would be some traffic and will connect to the street to the south.

Mr. Doherty informed of having no problem with the narrow street, which will function more as an alley than a street.

TMAPC Action; 6 members present:

On **MOTION** of **GRAY**, the TMAPC voted **6-0-0** (Ballard, Boyle, Doherty, Gray, Horner, Pace "aye"; no "nays"; "abstaining"; Carnes, Ledford, Midget, Selph, Taylor "absent") to **APPROVE** Minor Amendment PUD 498-1 as follows:

1. Permit to combining of Development Areas 1 and 2 Block 1.
2. Transfer 4650 SF of building floor area to Development Areas 1 and 2 Block 1 from Development Area 1 Block 2.
3. Reduce minimum building setbacks in Development Areas 1 and 2 Block 1 to 24' from their western boundaries, and 17.5' from their eastern boundaries.
4. Increase permitted building height to 40' in Development Areas 1 and 2 Block 1, but no more than one-story.
5. If Zoning Code amendments are adopted which allow mini-storage in an OM District, the maximum permitted building floor area in Development Area 1 Block 2 would be returned to 26,650 SF.

* * * * *

OTHER BUSINESS:

Request of TMAPC to initiate rezoning from underlying CS to OL and OM for two properties located at 89th and South Memorial Drive (PUD 529/Z-6475 and South Evanston Avenue and 51st Street (PUD 513/Z-6448) respectively.

Mr. Doherty announced that the above-listed properties were rezoned to accommodate only mini-storage; however, since the City Council will be reviewing amendments to allow mini-storage in other districts, i.e. RM and O) the Planning Commission needs to take action to remove the CS from these PUD's so this will not be used as precedent.

TMAPC Action; 6 members present:

On **MOTION** of **BOYLE**, the TMAPC **6-0-0** (Ballard, Boyle, Doherty, Gray, Horner, Pace "aye"; no "nays"; "abstaining"; Carnes, Ledford, Midget, Selph, Taylor "absent") to **INITIATE** rezoning from underlying CS to OL and OM for two properties located at 89th and South Memorial Drive (PUD 529/Z-6475 and South Evanston Avenue and 51st Street (PUD 513/Z-6448) respectively.

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Discussion of and possible lifting of the lot-split moratorium in the Forest Hills Addition.
Mr. Doherty announced that Staff has received application for two lot-splits in this area. He informed that both meet RE requirements. Mr. Doherty suggested modifying that moratorium and directing Staff to begin processing these two lot-splits and process any other lot-splits which conform to RE zoning.

TMAPC Action; 6 members present:

On **MOTION** of **BOYLE**, the TMAPC **6-0-0** (Ballard, Boyle, Doherty, Gray, Horner, Pace "aye"; no "nays"; "abstaining"; Carnes, Ledford, Midget, Selph, Taylor "absent") to **MODIFY** the lot-split moratorium in the Forest Hills Addition to allow Staff to process lot-splits which conform to RE standards.

There being no further business, the Chairman declared the meeting adjourned at 3:50 p.m.

Date Approved: 10/25/95


Chairman

ATTEST:


Secretary

