

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2100

Wednesday, February 12, 1997, 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>
Ballard	Carnes	Almy	Linker, Legal
Boyle	Midget	Gardner	Counsel
Dick		Jones	
Doherty, 1st Vice Chairman		Stump	
Gray			
Horner			
Ledford			
Pace			
Westervelt, Secretary			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Friday, February 7, 1997 at 2:09 p.m., in the office of the County Clerk at 2:03 p.m., as well as in the Reception Area of the INCOG offices at 2:16 p.m.

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

### **Minutes:**

#### **Approval of the minutes of January 29, 1997, Meeting No. 2098:**

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-1** (Ballard, Boyle, Dick, Doherty, Horner, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Carnes, Gray, Midget "absent") to **APPROVE** the minutes of the meeting of January 29, 1997 Meeting No. 2098.

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## **REPORTS:**

### **Chairman's Report:**

1st Vice Chairman Doherty addressed the memorandum from City Legal containing proposed revisions to the Zoning Code in regards to wireless communication towers. The proposed revisions will be heard by the City Council at their February 13, 1997 meeting.

1st Vice Chairman Doherty stated due to the concerns expressed and possible moratorium placed on communication towers, a public hearing should be scheduled as soon as possible. The Commission directed staff to schedule a public hearing for March 5, 1997.

Mr. Boyle stressed the need to contact representatives of the communication tower industry. Chairman Doherty stated all five industry representatives have been contacted.

### **Committee Reports:**

#### **Rules and Regulations Committee**

Mr. Doherty stated the Rules and Regulations Committee scheduled for February 19, 1997 will include discussion of wireless communication towers.

#### **Community Participation Committee**

Ms. Pace stated a TMAPC Workshop for Neighborhood Representatives has been scheduled for March 4, 1997 at 6:30 p.m. Mr. Doherty reminded the Commission it is extremely important for all Commissioners to attend and participate in the workshop.

### **Director's Report:**

Mr. Gardner stated the receipts and deposits for the month of January 1997 are in order.

#### **TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Ballard, Boyle, Dick, Doherty, Gray, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Midget "absent ") to **ACCEPT** the receipts and deposits for the month of January 1997 as presented.

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Mr. Stump stated the City of Tulsa Parks Department and River Parks Authority has requested TMAPC to initiate a zoning text amendment to allow parking on unpaved areas for special events. Mr. Stump requested a public hearing be scheduled for March 5, 1997.

Mr. Doherty stated parking for special events should also be included on the February 19, 1997 Rules and Regulations Committee for discussion. The Commission directed staff to schedule a public hearing for March 5, 1997 in regards to special events parking.

Mr. Horner asked who will stipulate whether it is an event or something else. Mr. Doherty replied that is one of the items to be addressed at the committee meeting.

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**SUBDIVISIONS:**

**Lot-Splits for Ratification of Prior Approval:**

<b><u>L-18399 Char-Trac</u></b> (3592) 900 blk West 51st Street South	(PD-8) (CD-2)
<b><u>L-18407 Theissen</u></b> (414) 11836 North 145th East Avenue	(PD-15) (County)
<b><u>L-18410 Tulsa Development Authority</u></b> (2502) 548 East Seminole	(PD-2) (CD-1)
<b><u>L-18411 Tulsa Development Authority</u></b> (2502) 558 East Seminole	(PD-2) (CD-1)
<b><u>L-18312 Sisbro LLC</u></b> (2993) 2747 East 51st Street	(PD-6) (CD-9)
<b><u>L-18413 Susa Partnership</u></b> (1783) 8905 South Lewis	(PD-18b) (CD-2)

**Staff Comments:**

Mr. Jones stated these lot-splits are in order and meet the Subdivision Regulations; therefore, staff recommends approval.

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Ballard, Boyle, Dick, Doherty, Gray, Horner, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Ledford, Midget "absent ") to **RATIFY** these Lot-splits given Prior Approval, finding them in accordance with Subdivision Regulations.

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## **Lot-Splits for Waiver of Subdivision Regulations:**

**L-18390 Zeligson** (293) North 67th East Avenue and Admiral Place (PD-5) (CD-3)

### **Staff Comments:**

The applicant requests waiver of the subdivision regulation which requires a dedication of street right-of-way in fee versus an easement. The applicant is willing to give an easement along Admiral of the extra 20' required by the Major Street and Highway Plan.

Precedent has been set for 60' right-of-way on both sides of Admiral, except for this one block. Also, applicant cannot prove ownership of the southeast 72.25 feet of Tract 2, requiring Lot 7 receive Board of Adjustment approval for a lot not having the required 150' of street frontage in an IL-zoned district.

Therefore, staff recommends denial of the request for waiver of street right-of-way dedication.

### **Applicant's Comments:**

**Eric P. Nelson**, 525 South Main, Suite 700, 74103, stated he is attempting to combine Lots 7, 8 and 9 of Polston 3rd Addition into two lots. He feels this combining of the three lots and then splitting to two lots will reduce the density on Admiral Place.

Mr. Nelson stated the resulting lots would combine Lot 9 and the west 54.25 feet of Lot 8 and the remaining 50 feet of Lot 8 would be combined with Lot 7. He indicated a section of Lot 7 was condemned by the State of Oklahoma for highway purposes since the section was not dedicated. He pointed out a 25-foot highway easement. He stated easements were also granted on Lots 5, 6, 8 and 9 for highway purposes. He feels these easements are sufficient for the right-of-way.

Mr. Nelson stated he obtained a copy of the Condemnation Case No. 70952, dated July 8, 1942. He stated he also has copies of the easements that were granted in 1942 on Lots 5, 6, 8 and 9.

Mr. Nelson feels the consolidation of the property will reduce density and feels sufficient easements already exist. He stated the sale of subject property is pending. In regards to TAC review, Mr. Nelson was under the impression the request was scheduled to be heard by TAC, but due to inadequate notice, it was not. Due to the pending sale and time constraints, Mr. Nelson requested a waiver of subdivision regulations to the extent of requiring additional dedication of land on East Admiral, permitting consolidation of three lots to two lots, with the understanding that sufficient right-of-way, in excess of that required for secondary arterial streets, exists.

### **TMAPC Comments:**

Mr. Doherty questioned the purpose and benefit of granting an easement as opposed to right-of-way. Mr. Nelson replied he does not see any benefit for his client, but the buyer will not accept title to the property if the property is subject to an additional dedication.

Mr. Linker stated the Planning Commission has the authority to waive the Subdivision Regulations. He stated, from a practical point of view, he does not see any difference between the applicant giving an easement and a dedication.

Mr. Stump stated he is under the impression that the applicant is not proposing to give any additional easement over and above the 20-foot Highway Department easement. He reminded the Commission the Highway Department easement could be abandoned without the City having any recourse. Mr. Linker stated he would recommend the granting of an easement to the City comparable to the Highway Department easement.

Mr. Jones expressed concern that approval of this request as an easement would set a precedent in waiving the dedication requirement of the Subdivision Regulations in the plat process.

Mr. Nelson stated he has not received the City's interpretation of an easement and a dedication. He stated his own understanding of a dedication is simply a method by which a right in real estate accrues to a public entity. A dedication does not distinguish between fee ownership and an easement. He stated an easement may be dedicated to the public. He feels, if the Subdivision Regulations require a dedication of fee simple ownership, there is a problem in establishing a nexus between the consolidation of the split, as proposed, and the City's need for ownership of the property.

Mr. Boyle feels he can recognize the difference between an easement and a dedication. He stated he understands the buyer's difficulty with the concept of a dedication and feels the City is protected by an easement. However, he is concerned that the easement currently in place is not sufficient. Mr. Nelson feels the Highway Department will not release the easement, but would assign the easement to the City. Mr. Nelson stated he is willing to extend the easement to the City to the extent that it currently exists without changing the quality of the grant.

Mr. Doherty feels since the applicant is consolidating the properties there will not be an increase in densities; therefore, additional dedication should not be required.

Mr. Ledford stated an easement is a subservient right which allows the owner of the property the right to utilize the property. He feels if the owner utilizes the property for parking or landscaping to meet the requirements of the development and then the roadway is built, taking a 20-foot section of the property, the applicant will not be able to meet the requirements.

Mr. Nelson feels an existing ordinance stated the owner can utilize the surface as long as the use does not interfere with the easement. Mr. Nelson feels the easement could be utilized as overflow parking, but not as parking to meet the minimum parking requirements under the zoning code.

Mr. Stump stated he does not agree, due to the overflow parking being located in the planned right-of-way. Whether it's dedicated or easement, structures are not allowed in the planned right-of-way. Mr. Stump stated a parking lot is considered a structure.

Mr. Jones reminded the Commission that staff will need a recorded document with book and page number indicating the applicant has assigned an easement to the property.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Ballard, Boyle, Dick, Doherty, Gray, Horner, Ledford, Pace, Westervelt “aye”; no “nays”; none “abstaining”; Carnes, Midget “absent”) to **APPROVE** the Lot-split for L-18390, Waive Subdivision Regulations requiring a dedication of street right-of-way, subject to extending the existing Highway Department easement to the City of Tulsa.

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**Plat Waiver, Section 213:**

**Z-4741 South Haven** (3392) 3810 West Skelly Drive

(PD-8) (CD-2)

**Staff Comments:**

Z-4741 rezoned the subject tract from residential to industrial in 1974 which triggered the platting requirement. The applicant is now requesting an administrative plat waiver (without Technical Advisory Committee review) in order to construct a 40' x 100' industrial building.

Since the property is platted and under 2.5 acres in size, the request fits the TMAPC criteria for a plat waiver. All necessary right-of-way appears to be present and staff can see no benefit to the City in a replat. Staff would recommend **APPROVAL** of the plat waiver for Z-4741, subject to the following conditions:

1. Paving and/or drainage plan approval by the Department of Public Works in the permit process.
2. Utility extensions or easements if required.

**TMAPC Action; 9 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Ballard, Boyle, Dick, Doherty, Gray, Horner, Ledford, Pace, Westervelt “aye”; no “nays”; none “abstaining”; Carnes, Midget “absent”) to **APPROVE** the plat waiver for Z-4741, subject to paving and/or drainage plan approval by the Department of Public Works in the permit process and utility extensions or easements if required as recommended by staff.

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## **ZONING PUBLIC HEARING:**

**Application No.:** Z-6585/PUD-556

**AG to IL, CS and PUD**

**Applicant:** Charles Norman

**Location:** West of southwest corner East Admiral Place and South 161st East Avenue

**Presented to TMAPC:** Charles Norman  
(PUD for RV and other vehicle storage.)

### **Staff Recommendation:**

#### Z-6585:

Relationship to the Comprehensive Plan:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the north 350' of the subject property as Medium Intensity Linear Development and the balance as Low Intensity - No Specific Land Use.

According to the Zoning Matrix the requested CS and IL zoning **are** in accordance with the Plan Map when accompanied by an acceptable PUD for the north 350' but **is not** in accordance with the Plan Map on the remainder.

Staff Comments:

**Site Analysis:** The subject property is located west of the southwest corner of East Admiral Place and South 161st East Avenue and is approximately 4.5 acres in size. It is gently sloping, non-wooded, vacant and zoned SR.

**Surrounding Area Analysis:** The subject tract is abutted on the north by industrial uses, zoned IL; to the northeast by a trucking business, zoned IL; to the southeast by vacant land, zoned SR; to the south by vacant land, zoned SR; and to the west by vacant land, zoned AG.

**Zoning and BOA Historical Summary:** The tracts located between I-244 and East Admiral Place have been in transition to IL zoning. The property abutting the subject tract was rezoned IL to a depth of 350' on the north in 1983.

**Conclusion:** Based on the existing zoning and development in this area and the accompanying PUD-556, staff recommends **APPROVAL** of IL zoning on the north 350' and **DENIAL** of CS or IL zoning on the balance.

#### PUD-556:

The PUD is accompanied by a request for IL/CS Zoning on the same tract (Z-6585). The proposed uses include enclosed, covered and open storage; repair and maintenance of recreational vehicles, travel trailers, mobile homes and boats, including the dispensing and sale of propane fuel and the disposal of waste; and office and residence for an on-site manager.

Staff can support the proposed development because of existing physical facts and the recommendations of the Comprehensive Plan.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-556 to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends APPROVAL of PUD-556 subject to the following conditions:

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.

2. **Development Standards:**

Land Area (Gross)	4.93 acres
(Net)	4.55 acres

Permitted Uses:

1. Enclosed, covered and open storage and maintenance of recreational vehicles, travel trailers, mobile homes and boats and uses customarily accessory thereto, including the dispensing and sale of propane fuel and the disposal of waste water from vehicle tanks:

Maximum Building Floor Area:	65,000 SF
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2. Repairs, tune-ups, retail parts and accessory sales and maintenance of stored vehicles and boats:

Maximum Building Floor Area:	3,000 SF
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3. Business Office:

Maximum Building Floor Area:	1,000 SF
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4. Residence for on-site manager:

Maximum Building Floor Area:	1,500 SF
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Minimum Building Setbacks\*:

From centerline of East Admiral Place	100'
From the south boundary	75'
From the east boundary	5'
From the west boundary	
Within 350' of centerline of Admiral Place	5'
Remainder of west boundary	75'

\*No buildings are permitted within a regulatory floodplain.

Minimum Setback for Outside Storage or Trash Area:

From centerline of East Admiral Place	250'
From the south boundary	50'
From east boundary	0'
From west boundary	
Within 300' of centerline of Admiral Place	5'
Remainder of west boundary	75'

Maximum Signage Permitted:

Ground Signs - one sign on the East Admiral Place frontage with a maximum of 300 SF of display surface area and a maximum height of 40' if set back from all property lines one foot for every foot of building height above 25'.

Wall signs are only permitted within 200' of the centerline of East Admiral Place and shall not exceed 200 SF on any wall face nor 2 SF per lineal foot of building wall to which attached.

Minimum Landscaped Areas:

As required by the Tulsa Zoning Code; in addition the trees in the regulatory floodplain shall remain to provide a buffer to the southern and western areas.

Lighting:

Light standards within the south 200 feet of the property shall not exceed 25 feet in height.

Screening:

A 6-foot high screening fence shall be constructed along the west boundary of the property at such time as the property to the west is developed and used for residential purposes.

3. No Zoning Clearance Permit shall be issued within the PUD until a Detail Site Plan, which includes all buildings and required parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
4. A Detail Landscape Plan shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
5. No sign permits shall be issued for erection of a sign within the PUD until a Detail Sign Plan has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.
6. All parking lot lighting shall be directed downward and away from adjacent residential areas.

7. The Department of Public Works or a Professional Engineer registered in the State of Oklahoma shall certify to the zoning office that all required stormwater drainage structures and detention areas have been installed in accordance with the approved plans prior to issuance of an Occupancy Permits.

8. No Building Permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants.

9. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.

**Applicant's Comments:**

**Charles Norman**, 2900 Mid-Continent Tower, 74103, pointed out the area to the west is within the Cooley Creek floodplain area. This area will provide an effective buffer to the west. This area will also provide an effective screen or separation for this new use/market for storage of travel trailers. This use does not fall under mini-storage uses.

Mr. Norman stated he is in agreement with staff's recommendation.

**There were no interested parties wishing to speak.**

**TMAPC Comments:**

Mr. Boyle clarified the request for IL zoning.

Mr. Doherty asked whether the proposed screening is adequate. Mr. Stump replied that if residences are built to the west of the proposed site, then a 6-foot high screening fence will be required at such time as the property to the west is developed and used for residential purposes.

**TMAPC Action; 9 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **8-0-1** (Ballard, Boyle, Dick, Doherty, Gray, Horner, Pace, Westervelt "aye"; no "nays"; Ledford "abstaining"; Carnes, Midget "absent ") to recommend **APPROVAL** of the IL zoning on the north 350' and **DENIAL** of CS or IL zoning on the balance and **APPROVAL** of PUD-556, subject to the conditions as recommended by staff.

**Legal Description for Z-6585:**

Part of the E/2, E/2, of Lot 7, of Section 3, T-19-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, also being a portion of Lot 1, Block 1, Labarge Addition to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded Plat thereof, and being more particularly described as follows, to-wit: Beginning at the Northwest corner of the E/2, E/2, of Lot 7 of said Section 3; thence N 89°31'57" E 329.98' to a point; thence South parallel to the West line of said Lot 7 a distance of 350.00' to a point; thence S 89°45'29" W a

distance of 329.98' to a point on the West line of the E/2, E/2, of said Lot 7; thence N 0°18'19" W a distance of 350.00' to the Point of Beginning and located west of the southwest corner of East Admiral Place and South 161st East Avenue, Tulsa, Oklahoma.

**Legal Description for PUD-556:**

Part of the E/2, E/2, of Lot 7, of Section 3, T-19-N, R-14-E of the IBM, Tulsa County, State of Oklahoma, according to the U. S. Government survey thereof, also being a portion of Lot 1, Block 1, Labarge Addition to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded Plat thereof, and being more particularly described as follows, to-wit: Beginning at the Northwest corner of the E/2, E/2, of Lot 7 of said Section 3; thence N 89°31'57" E 329.98' to a point; thence South parallel to the West line of said Lot 7 a distance of 652.54' to a point; thence S 89°45'29" W a distance of 329.98' to a point on the West line of the E/2, E/2, of said Lot 7; thence N 0°18'19" W a distance of 652.54' to the Point of Beginning and located west of the southwest corner of East Admiral Place and South 161st East Avenue, Tulsa, Oklahoma.

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**Application No.:** PUD-405F

(PD-18) (CD-8)

**Applicant:** John W. Moody

**Location:** 9344 South Memorial Drive

**Presented to TMAPC:** John W. Moody

*(Major Amendment to allow outdoor advertising sign.)*

**Staff Recommendation:**

The applicant is proposing a major amendment to PUD-405D to add outdoor advertising signs as a permitted use a lot at the northwest corner of Memorial Drive and the Creek Turnpike. The lot currently has a tire store on the site which would remain. The site for the outdoor advertising sign as shown on the applicant's submittal is at the southwest corner of the lot. Immediately west of this location is a stormwater detention area. The sign would be over 500' from any anticipated residences.

Staff recommends **APPROVAL** of PUD-405F subject to the following conditions:

1. All the requirements of PUD-405D continue to apply, except one outdoor advertising sign is permitted not to exceed 672 SF of display surface area.
2. Any outdoor advertising sign shall be not more than 50' from the west property line and 80' from the south property line of PUD-405F.
3. Any outdoor advertising sign shall comply with the requirements of Section 1221F of the Tulsa Zoning Code.

**Applicant's Comments:**

John Moody indicated he was in agreement with staff's recommendation.

There were no interested parties wishing to speak.

**TMAPC Action; 9 members present:**

On **MOTION** of **WESTERVELT**, the TMAPC voted **9-0-0** (Ballard, Boyle, Dick, Doherty, Gray, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Midget "absent ") to recommend **APPROVAL** of PUD-405F to add outdoor advertising signs as a permitted use on a lot at the northwest corner of Memorial Drive and the Creek Turnpike, subject to the conditions as recommended by staff.

**Legal Description for PUD-405F:**

Lot 3, Block 4, 9100 Memorial, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, less and except a portion or part thereof described as beginning at a point in the West line of Lot 3 which is 219.20' South of the Northwest corner thereof, thence N 88°03'37" East a distance of 0.00' to a point of curve, thence along said curve to the right (said curve having a radius of 11,759.16') a distance of 304.23' to a point in the South line of Lot 3 which is 32.32' from the Southeast corner thereof, thence South 74°02'50" West along the South line of Lot 3 a distance of 316.35' to the Southwest corner thereof, thence due North along the West line of Lot 3 a distance of 80.58' to the point of beginning and located at 9344 South Memorial Drive, Tulsa, Oklahoma.

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**Application No.:** PUD-148-5

(PD-17) (CD-6)

**Applicant:** Larry C. Kester

**Location:** South 129th East Avenue and East 31st Court South

**Presented to TMAPC:** Larry C. Kester

*(Minor Amendment to reduce building setbacks.)*

**Staff Recommendation:**

The applicant is requesting Minor Amendment approval to revise the garage setback from 20' to 15' and the rear yard setback from 15' to 14' on Lots 4, 5, 6 & 7, Block 2. Lots 4 - 7 are at the end of a cul-de-sac and because of their irregular shape, provide limited building area. Underlying Zoning is RM-1 with a CS District to the north and an RS-3 District to the south.

Staff has reviewed the request and finds the following with regard to revising the garage setback from 20' to 15'. The development standards and private covenants of the subdivision plat require a minimum 20' garage setback and a 15' front yard or building line setback. Staff recommends that, in order to provide two 18' parking areas for each dwelling unit while maintaining adequate lines of sight along the street, 18' garage setbacks be required where driveways abut the straight portion of the street and 15' garage setbacks where their driveways abut the turn-around portion of the street.

The request to allow a reduction in the rear yard requirements from 15' to 14' for lots 4, 5, 6 and 7 is supported, in part, by a Minor Amendment approved in 1995 allowing a reduction of the required rear yard of Lot 1 to 14'. Planning Commission discussion and site plan review in 1977 also indicated that rear yards to Lots 1-5, which abut a CS District, were allowed at 10' to accommodate the difficulty in design of the development. The current request, therefore, would permit 14' rear yards for Lots 4 and 5.

The southern property lines of Lots 6 and 7 are abutted by single-family dwellings with 60' rear yards. Planning Commission discussion and site plan review in 1977 indicated that rear yards of Lots 6-10 were allowed at 15'. Lots 6 and 7, however, present unusual building area limitations. Staff recommends that in order to provide sufficient building area, reduction be allowed in rear yards to 14' on Lots 6 and 7.

The eastern property lines of Lots 5 and 6 abut duplex development which has 20' rear yard setbacks. The development plan requires a 15' rear yard. The applicant's request for a 14' yard could be supported due to the size limitations on these lots.

Based on review of the information submitted and the history of the PUD, staff recommends **APPROVAL** of a Minor Amendment revising front and rear yards as follows:

1. The minimum required yards on the north, south and east boundaries of Block 2 as it relates to Lots 4 - 7 shall be 14'.
2. If the driveway fronts on a cul-de-sac turn-around, the garage it serves shall be set back at least 15'. All other front-loaded garages on Lots 4 - 7 shall be set back at least 18'.
3. That each dwelling unit on Lots 4 - 7 shall have a two-car garage.
4. Revisions and adjustments to the front and rear yard requirements for Lots 4 - 7 in no way release the applicant from the private requirements under the covenants of the subdivision plat.

**Applicant's Comments:**

**Larry C. Kester** stated he is in agreement with staff's recommendation.

There were no interested parties wishing to speak.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Ballard, Boyle, Dick, Doherty, Gray, Horner, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Carnes, Midget "absent ") to **APPROVE** the Minor Amendment for PUD-148-5 revising front and rear yards as recommended by staff.

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There being no further business, the Chairman declared the meeting adjourned at 2:05 p.m.

Date Approved: Jan 26, 1997

[Signature]  
Chairman

ATTEST: [Signature]  
Secretary