

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2167

Wednesday, July 15, 1998, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Boyle	Ledford	Beach	Romig, Legal
Carnes	Pace	Dunlap	Counsel
Gray	Westervelt	Huntsinger	
Harmon		Stump	
Horner			
Jackson			
Midget			
Selph			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, June 13, 1998 at 11:15 a.m., posted in the Office of the City Clerk at 11:12 a.m., as well as in the office of the County Clerk at 11:06 a.m.

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

Minutes:

Approval of the minutes of July 15, 1998, Meeting No. 2167:

On **MOTION** of **HORNER** the TMAPC voted **7-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Jackson, Midget, Selph, "aye"; no "nays"; Boyle "abstaining"; Ledford, Pace, Westervelt "absent") to **APPROVE** the minutes of the meeting of July 15, 1998 Meeting No. 2167.

Reports:

Chairman's Report:

Mr. Boyle stated he will report on Mr. Westervelt's behalf that the Special Residential Facilities Task Force recommendation will be submitted in draft form to the Rules and Regulations Committee work session on July 22, 1998 and the full Planning Commission on August 5, 1998.

Director's Report:

Mr. Stump reported that the third meeting of the Infill Task Force will be on Monday, July 20, 1998 at 4:00 p.m. He indicated that the Infill Task Force will divide into work groups and be looking at specific areas. He stated that the Infill Task Force meeting will be held at City Hall, Room 1101.

Mr. Stump stated that there are two matters before the City Council meeting and Dane Matthews will attend for staff.

Mr. Boyle stated that Mr. Jackson will be attending the City Council meeting to represent the Planning Commission.

Mr. Stump reported that the TAMPC receipts for June 1998 are average for this time of the year, which is a higher-volume time.

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-18652 – Peter Walter (1993)
3161 South Rockford Place

(PD-6) (CD-9)

Mr. Midget in at 1:35 p.m.

TMAPC Comments:

Mr. Boyle informed the Planning Commissioners that there is a letter that references this application.

Staff Recommendation:

This is a request to take a part or all of four lots and split them into two lots. Because of the configuration of the lots, Tract 2 will have more than three side lot lines and the applicant is requesting a waiver of this requirement. Both tracts meet the average lot width requirement.

Approval of the waiver request is necessary before this lot-split can be approved. This lot-split would not have an adverse effect on the surrounding properties.

Staff Comments:

Mr. Stump stated staff recently received a letter from Paul Zachary and Cathy Voight regarding this lot-split. He commented that the concerns of Mr. Zachary are that there may be some overland flow problems across these lots. He indicated that Mr. Zachary would like to reserve the right to ask for some stormwater easements if necessary prior to development of these lots.

Mr. Stump stated that staff requests that the Planning Commission approve the lot-split and waiver, subject to any conditions that Public Works may have concerning floodplains and stormwater control.

TMAPC Comments:

Mr. Boyle stated that Ms. Voight's letter questions whether there is really 60 feet of frontage on each of the two lots. In response, Mr. Stump stated that there is no requirement for 60 feet of frontage. Mr. Stump informed the Planning Commission that the average lot width has to be 60 feet and 30 feet is the minimum frontage requirement.

Mr. Boyle asked staff if their recommendation is to approve this application subject to Public Works concerns. In response, Mr. Stump answered affirmatively.

Interested Parties:

Sandra Holden, 3171 South Rockford Drive, stated that her property is adjacent to the subject property and prefers that the subject property not be split. She expressed concerns of maintaining the integrity of her neighborhood and how the lot-split may affect her neighborhood.

Ms. Holden stated that there is a drainage ditch that runs in front of the subject property for stormwater. She indicated that the drainage ditch backs up with regularity when it rains. Water pools in the front yard of the existing house of the subject property. She stated that floodwater pools and runs down the property line of the subject property. She explained that her property backs up to Crow Creek and there is existing concerns with storm drainage.

Ms. Holden stated that she is concerned about the subject property being altered and the house being built on the lot that will be adjacent to her property. She explained that the proposed home will perhaps redirect the existing water onto her property. She indicated that there is existing erosion on Crow Creek in this particular area.

TMAPC Comments:

Mr. Boyle asked Ms. Holden whether, if the Planning Commission were to approve this application subject to Mr. Zachary's letter as staff recommended, she would find this an acceptable compromise. In response, Ms. Holden stated she would feel better about the application, but she would still want some assurance that if storm drainage comes onto her property the buyers will be responsible and acknowledge responsibility.

Mr. Boyle informed Ms. Holden that it is not the Planning Commission's position to tell her who will be responsible for stormwater problems. In response, Ms. Holden stated she understands, but this is her concern.

Applicant's Presentation:

Peter Walter stated he is the real estate agent for the owners of the property. He commented that he has nothing to add to the discussion.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES** the TMAPC voted **8-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Jackson, Midget, Selph, "aye"; no "nays"; none "abstaining"; Ledford, Pace,

Westervelt "absent") to **APPROVE** the Lot-Split for Waiver of Subdivision Regulations for L-18652, subject to Public Works approving the drainage system and possible drainage easement, as staff recommended.

TMAPC Comments:

Mr. Selph requested that Ms. Holden's comments be reflected in the record and sent to Mr. Zachary. There are some serious flood problems in this area and he would like the comments to be passed on to Public Works.

Mr. Boyle directed staff to send the minutes reflecting Ms. Holden's comments and a copy of her letter.

L-18667 – Karen Boyd (3392)

(PD-14) (County)

3701 West 61st Street North

Staff Recommendation:

This is a request to split the attached property into two tracts. Because of the configuration of the lots, Tract A will have more than three side-lot lines and the applicant is requesting a waiver of this requirement. Tract B will have an average lot width of 200' and Tract A will have an average lot width of 171.5'. Both tracts meet the lot width requirement.

Approval of the waiver request is necessary before this lot-split can be approved. This lot-split would not have an adverse effect on the surrounding properties.

TMAPC Comments:

Mr. Boyle commented that if the recommendations were clearer on the lot-splits it would help the Planning Commission. He stated that it appears there is a sentence missing on whether staff recommends approval or denial.

Applicant's Presentation:

Ms. Boyd was present and indicated her agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES** the TMAPC voted **8-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Jackson, Midget, Selph "aye"; no "nays"; none "abstaining"; Ledford, Pace, Westervelt "absent") to **APPROVE** the Lot-Splits for Waiver of Subdivision Regulations as recommended by staff.

L-18681 – Marguerite Ganet
2452 East 61st Street South

(PD-24) (County)

Staff Recommendation:

In an attempt to sell Tract 1, it was discovered that the Tract 2 dwelling was constructed over the common property line. The applicant is seeking to split Tract 1 to convey the required footage to Tract 2 to meet the building code setback requirements. The requested split will increase the side-lot lines from four to eight for each lot.

Approval of the waiver request is necessary before this lot-split can be approved.

The applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER** the TMAPC voted **8-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Jackson, Midget, Selph “aye”; no “nays”; none “abstaining”; Ledford, Pace, Westervelt “absent”) to **APPROVE** the Lot-Splits for Waiver of Subdivision Regulations as recommended by staff.

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-18677 – Mack Pennington (123)
17825 North 93rd East Avenue

(PD-14) (County)

L-18678 – Carolyn Armstrong (1613)
10317 North New Haven

(PD-12) (County)

L-18679 – W. E. Roberts (1824)
15727 North 104th East Avenue

(PD-14) (County)

Staff Recommendation:

Mr. Beach stated that everything is in order for these lot-splits and staff recommends approval.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET** the TMAPC voted **8-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Jackson, Midget, Selph “aye”; no “nays”; none “abstaining”; Ledford, Westervelt, Pace “absent”) to **RATIFY** these lot-splits given Prior Approval, finding them in accordance with Subdivision Regulations, as recommended by staff.

FINAL PLAT:

Albertson's (893)

(PD-6) (CD-4)

Northeast corner East 15th Street and South Lewis Avenue

Staff Recommendation:

Mr. Beach stated that this is a final plat and staff recommends approval. He explained that all of the release letters have been received and everything is in order.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES** the TMAPC voted **8-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Jackson, Midget, Selph "aye"; no "nays"; none "abstaining"; Ledford, Pace, Westervelt "absent") to **APPROVE** the Final Plat for Albertson's as recommended by staff.

PRELIMINARY PLAT:

Creekside Mini-Storage (PUD-575) (748)

(PD-18c) (CD-8)

½ mile north of the northeast corner East 81st Street and South Mingo

Staff Recommendation:

This is a one-lot, one-block subdivision with one reserve area on 5.4 acres. It is Development Area B of PUD 575, which permits mini-storage use. The reserve is dedicated for floodplain.

The Technical Advisory Committee had the following comments:

1. All floodplain areas need to be in the Reserve Area.
2. Compensatory storage will be needed for any fill in the floodplain.
3. A Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) will be needed for this development. The CLOMR will need to be approved by FEMA prior to any building or PFPI permits being issued.
4. A PFPI will be required for this site.

Staff recommends approval of the preliminary plat subject to the following:

1. All conditions of PUD-575 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.

2. 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 shall be tied to or related to property line and/or lot lines.
3. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
4. 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).
5. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
6. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
7. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
8. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
9. Street names shall be approved by the Department of Public Works and shown on plat.
10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
12. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
13. All adjacent streets, intersections, and/or widths thereof shall be shown on plat.
14. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
15. 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 plat release.)

16. 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.
17. The method of sewage disposal and plans therefore shall be approved by the City/County Health Department. (Percolation tests required prior to preliminary approval of plat.)
18. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size, and general location. (This information to be included in restrictive covenants on plat.)
19. The method of water supply and plans therefor shall be approved by the City/County Health Department.
20. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
21. The key or location map shall be complete.
22. 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.)
23. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
24. This plat has been referred to Broken Arrow and Bixby 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.
25. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
26. Applicant is advised to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
27. If the owner is a Limited Liability Corporation (L.L.C.) a letter from an attorney stating that the L.L.C. is properly established to do business in Oklahoma is required.

28. All other Subdivision Regulations shall be met prior to release of final plat.

Applicant indicated his agreement with staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET** the TMAPC voted **8-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Jackson, Midget, Selph "aye"; no "nays"; none "abstaining"; Ledford, Pace, Westervelt "absent") to **APPROVE** the Preliminary Plat for Creekside Mini-Storage, subject to staff's recommendation.

* * * * *

Maple Ridge Village (PUD-590) (2783)
East of South Yale Avenue at East 104th Place

(PD-26) (CD-8)

Staff Recommendation:

This subdivision contains 14 lots and four reserve areas in one block on 4.087 acres. It will be developed as single-family residences with a private street.

The Planning Commission denied this preliminary plat May 20, for reasons related to the hammerhead turn-around at the end of the proposed private street. In response to the TAC recommendation and the Planning Commission's comments, the applicant has revised the geometry of the hammerhead to accommodate large trucks and trailers.

The Technical Advisory Committee has the following comments:

- 5. Pierce, PSO, wants five-foot utility easements on each side of the lot line between Lots 3 and 4 and 6 and 7. He also stated that new easements will be needed to serve the surrounding existing houses.
- 6. Lee, Water, wants a loop main extension and language pertaining to it in the restrictive covenants.
- 7. McCormick, Stormwater, stated that the detention facility must have an approved point of discharge.
- 8. Miller, ONG wants separate street maintenance and utility easements.
- 9. The hammerhead at the end of the private street needs to be larger to give adequate room to maneuver vehicles.
- 10. Limits of access need to be shown along Yale.
- 11. Right-of-way dedication along Yale needs book and page number.

Staff recommends approval of the preliminary plat subject to the following:

1. Waiver of the Subdivision Regulations to allow the plat to be drawn at a scale of 1" = 40'.
2. Waiver of the Subdivision Regulations to allow a cul-de-sac longer than 500 feet.
3. The remaining portions of lots abutting this subdivision that have been reduced shall meet the Subdivision regulations
4. All conditions of PUD-590 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 shall be tied to or related to property line and/or lot lines.
6. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water and Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
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 & Sewer) prior to release of final plat.
9. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
10. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
11. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
12. Street names shall be approved by the Department of Public Works and shown on plat.
13. All curve data, including corner radii, shall be shown on final plat as applicable.

14. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
15. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
16. All adjacent streets, intersections, and/or widths thereof shall be shown on plat.
17. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
18. 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 plat release.)
19. 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.
20. The method of sewage disposal and plans therefore shall be approved by the City/County Health Department. (Percolation tests required prior to preliminary approval of plat.)
21. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size, and general location. (This information to be included in restrictive covenants on plat.)
22. The method of water supply and plans therefor shall be approved by the City/County Health Department.
23. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
24. The key or location map shall be complete.
25. 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.)
26. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)

27. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)

28. All other Subdivision Regulations shall be met prior to release of final plat.

Applicant's Presentation:

Mr. Jeff Levinson, 35 East 18th Street, stated he is representing Greg Wise, the Developer for the subject project. Mr. Levinson requested the Planning Commission to approve the staff's recommendation for the preliminary plat.

Mr. Levinson explained that there is one item that TAC raised before and one additional item that the Planning Commission raised at the May 20 hearing. He stated that he believes Mr. Wise has adequately addressed both items. He commented that Mr. Wise visited with Jon Eshelman, Traffic Engineering, about both items.

Mr. Levinson submitted a redesign of the gate and the redesign of the hammerhead.

TMAPC Comments:

Mr. Carnes asked the applicant how a vehicle with a trailer is able to turn around in the hammerhead. In response, Mr. Wise stated that he visited with Mr. Eshelman about this issue, as well as the entrance. Mr. Wise indicated that Mr. Eshelman did not have specific dimensions on what traffic considers appropriate for a hammerhead. Mr. Wise stated that Mr. Eshelman advised the applicant to set up the new dimensions in a field and use a truck with trailer to see if he can make the same maneuver. Mr. Wise indicated that he did do as Mr. Eshelman suggested, and as a result of their test he made revisions of the hammerhead. The width of the right-of-way for the private street was increased from 17' to 20' feet. The radius leading into the hammerhead was increased from 10' to 20', which helped considerably with a three-point turn that is made with a trailer.

Mr. Boyle asked the applicant how much stacking distance is left after the revision of the gate. In response, Mr. Wise stated that Mr. Eshelman's goal is to have two vehicles or a pick-up with a trailer be able to stop at the keypad and not extend into the outside lane of Yale. Mr. Wise indicated that he has moved the island with the keypad 20' east to where there is now 42 ½'. He explained that behind the first vehicle there is about 10' and with a 20' trailer it will extend approximately 30' with 12 ½' left.

Mr. Boyle asked staff had a problem with the length of the cul-de-sac. In response, Mr. Stump stated that staff does not have a problem with the length of the cul-de-sac for this density of development.

Applicant's Rebuttal:

Mr. Levinson stated that he believes that the concerns have been adequately addressed. He indicated that the new submittal exceeds many of the other hammerheads in similar developments in the subject area.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER** the TMAPC voted **7-1-0** (Boyle, Gray, Harmon, Horner, Jackson, Midget, Selph "aye"; Carnes "nay"; none "abstaining"; Ledford, Pace, Westervelt "absent") to **APPROVE** the Preliminary Plat for Maple Ridge Village with the waiver of subdivision regulations and conditions as recommended by staff.

PLAT WAIVER:

BOA 18080 (1703)
2910 Mohawk Boulevard

(PD-25) (CD-3)

Approval by the Board of Adjustment of a Special Exception to permit the SPCA facility on this property triggers the "Platting Requirement" of Section 213 of the Zoning Code. The facility has been in operation for many years at this location but a recent request for a building permit to expand caused the BOA application to be filed.

In addition to the checklist below, the Technical Advisory Committee has the following comments:

- 1. *A 25-foot radius curve dedication of right-of-way will be needed at the southeast corner of the site at the intersection of College Ave. and E. 38th St. N.*

It shall be the policy of the Tulsa Metropolitan Area Planning Commission that all requests for plat waivers shall be evaluated by the staff and by the Technical Advisory Committee based on the following list. After such evaluation, TMAPC Staff shall make a recommendation to the TMAPC as to the merits of the plat waiver request accompanied by the answers to these questions:

A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:

- | | YES | NO |
|--|-----|--------------------------|
| 1) Has property previously been platted? | ✓ | <input type="checkbox"/> |
| 2) Are there restrictive covenants contained in a previously filed plat? | ✓ | <input type="checkbox"/> |
| 3) Is property adequately described by surrounding platted properties or street R/W? | ✓ | <input type="checkbox"/> |

A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:

- | | | |
|--|--------------------------|--------------------------|
| 4) Is right-of-way dedication required to comply with major street and highway plan? | <input type="checkbox"/> | ✓ |
| 5) Will restrictive covenants be filed by separate instrument? | ✓ | <input type="checkbox"/> |
| 6) Infrastructure requirements | | |
| a) Water | | |
| i) Is a main line water extension required? | <input type="checkbox"/> | ✓ |
| ii) Is an internal system or fire line required? | <input type="checkbox"/> | ✓ |
| iii) Are additional easements required? | <input type="checkbox"/> | ✓ |
| b) Sanitary Sewer | | |
| i) Is a main line extension required? | <input type="checkbox"/> | ✓ |
| ii) Is an internal system required? | <input type="checkbox"/> | ✓ |
| iii) Are additional easements required? | <input type="checkbox"/> | ✓ |
| c) Storm Sewer | | |
| i) Is a P.F.P.I. required? | <input type="checkbox"/> | ✓ |
| ii) Is an Overland Drainage Easement required? | <input type="checkbox"/> | ✓ |
| iii) Is on-site detention required? | <input type="checkbox"/> | ✓ |
| iv) Are additional easements required? | <input type="checkbox"/> | ✓ |
| 7) Floodplain | | |
| a) Does the property contain a City of Tulsa (Regulatory) Floodplain? | <input type="checkbox"/> | ✓ |
| b) Does the property contain a F.E.M.A. (Federal) Floodplain? | <input type="checkbox"/> | ✓ |
| 8) Change of Access | | |
| a) Are revisions to existing access locations necessary? | <input type="checkbox"/> | ✓ |
| 9) Is the property in a P.U.D.? | <input type="checkbox"/> | ✓ |
| a) If yes, was plat recorded for the original P.U.D.? | N/A | |
| 10) Is this a Major Amendment to a P.U.D.? | <input type="checkbox"/> | ✓ |
| a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? | N/A | |

If, after consideration of the above criteria, a plat waiver is granted on unplatted properties, a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) shall be required. Said survey shall be prepared in a recordable format and filed at the County Clerk's office.

Staff recommends **APPROVAL** of the plat waiver subject to dedication of additional right-of-way at the southeast corner of the site to create a 25' radius curve at the intersection of North College Avenue and East 38th Street North.

TMAPC Comments:

Mr. Midget asked staff what the applicant is creating. In response, Mr. Beach stated that the SPCA is expanding their facility. Mr. Beach explained that the SPCA was adding a vet clinic for use of the SPCA and not for the public.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **SELPH** the TMAPC voted **8-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Jackson, Midget, Selph, "aye"; no "nays"; none "abstaining"; Ledford, Pace, Westervelt "absent") to **APPROVE** the Plat Waiver for BOA 18080, subject to a current ALTA/ACSM/NSPS Land Title Survey being filed and subject to dedication of additional right-of-way at the southeast corner of the site to create a 25' radius curve at the intersection of N. College Ave. and E. 38th St. North as recommended by staff.

Zoning Public Hearings:

PUD-510-1 – David Cannon

(PD-4) (CD-4)

South of southwest corner East 11th Street and South Yale
(Minor Amendment)

Staff Recommendation:

The applicant is requesting Minor Amendment approval to modify the Yale Avenue building setback to allow a four-foot canopy on a 49.91-foot portion of a commercial building wall within PUD 510. The canopy section that lies within the PUD is part of a 175 foot canopy being proposed along the entire South Yale frontage. Underlying zoning is CH with no required minimum building setbacks. The proposed canopy would protrude into the Yale Avenue right-of-way. The applicant has also submitted a Board of Adjustment application requesting approval for that portion of the proposed canopy outside the PUD boundaries.

Photos and exhibits provided by the applicant indicate there are seven store frontages along South Yale extending south from East 11th Street. The southernmost building is within PUD 510 and has 15 feet of sidewalk from the face of the structure to the curb.

Staff has reviewed the application and finds the canopy will not visually obstruct traffic and will leave 11 feet of sidewalk free from the overhead canopy structure. Further, the canopy would appear to serve to replace a variety of projecting overhanging structures mounted on the building facades along Yale Avenue and would also serve to provide a standardized surface on which to mount business identification signs.

Staff is of the opinion that the request is minor in nature, being primarily a cosmetic alteration to the buildings along Yale. The request does not alter the intent or character of the original PUD approval. Staff, therefore, recommends **APPROVAL** of the Minor Amendment request subject to the following condition:

Board of Adjustment approval of the four-foot-protruding canopy into the Yale Avenue right-of-way for the balance of the commercial building frontages along S. Yale Avenue that is outside the PUD 510 boundary.

There were no interested parties wishing to speak.

The applicant indicated his agreement with the staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES** the TMAPC voted **8-0-0** (Boyle, Carnes, Gray, Horner, Harmon, Jackson, Midget, Selph "aye"; no "nays"; none "abstaining"; Ledford, Pace, Westervelt, "absent") to recommend **APPROVAL** of the Minor Amendment for PUD-510-1 subject to conditions as recommended by staff.

PUD-268B – David Flint

(PD-18) (CD-8)

Northwest corner East 93rd Street and South Mingo Road
(Detail Site Plan)

Staff Recommendation:

The applicant is requesting detail site plan approval for a 40,616-square-foot two-story medical office and laboratory facility on 4.08 acres (net).

Staff has reviewed the request and finds the site plan conforms to the PUD development standards and meets all bulk, area, setback, access, parking, site screening and minimum landscaped area requirements for Development Area A.

The standards for parking lot lighting call for all light standards to be hooded and directed downward with light standards west of the building limited to maximum height of ten feet. The site plan calls for all light standards east of the building to be 30 feet in height with the exception of two standards containing four lights west of the office building, which are to be 20 feet in height.

The parking lot elevation where the two 20-foot standards are located is approximately ten feet lower in elevation than the rear of the abutting residential lots to the west. If the Commission, in its original approval, intended for all light standards west of the office building to be no higher than ten feet above the rear of the abutting residential lots, then the difference in grade could be interpreted as meeting the standard. The applicant has provided light standard details for *Sedona Model 22* lights that will illuminate the western parking area. The applicant claims that additional lights will be required if the two subject standards are limited to ten feet above the parking lot surface.

Staff also notes that during the initial approval residents of abutting residential properties expressed an interest in the site screen fencing required along the west property boundary and the two-story height of the building in Development Area A.

The site plan submitted indicates a six-foot cedar "board-on-board" fence along the entire west property boundary with the smooth side facing the rear of the single-family lots to the west. The landscape plan indicates 32 evergreen and deciduous trees on the western portion of the tract. Staff is of the opinion that the building setback, fencing and landscaping provide an adequate buffer between residential and medical office uses including parking lot lighting.

Staff, therefore, recommends **APPROVAL** of the detail site plan for PUD 268-B, Area A subject to Commission interpretation of the maximum height of the two light standards west of the office building.

NOTE: Detail Site Plan approval does not constitute Sign or Landscape Plan approval.

There were no interested parties wishing to speak.

Applicant was not present at the meeting.

TMAPC Comments:

Mr. Boyle asked staff what their recommendation on what the Planning Commission's interpretation should be. In response, Mr. Stump stated that the application meets the intent of the PUD, which was ten feet above ground level at the residential property.

Mr. Boyle asked staff if the Planning Commission were inclined to agree with staff's recommendation, would they simply approve the detail site plan submitted. Mr. Stump answered affirmatively.

Mr. Harmon stated that if the applicant indicates a ten-foot height, that they would be talking from the parking lot surface. He commented that it should be from the surface on which the standards are to be located. Mr. Harmon stated he is not against a 20' standard, but if the proposal is ten-foot standards or 20' standards, it should be from the parking lot surface up.

Mr. Boyle asked if it is possible to approve the application without making a generalized interpretation about where the height of the standards is measured. He commented that it makes a lot of sense to not measure from some point other than where the standard is going to hit the ground, but in this situation it makes sense. In response, Mr. Stump stated that if the motion indicated that the application was measured this way for this particular case or that only in this case, it met the intent of the PUD.

Mr. Dunlap stated that in this situation there could be 20' lights with less lighting or 10' lights with more lighting. In response, Mr. Boyle agreed.

There were no interested parties wishing to speak.

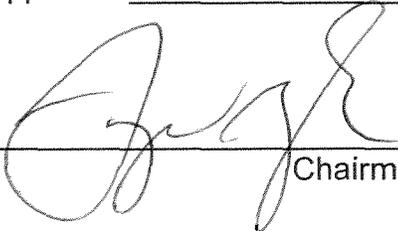
The applicant was not present.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER** the TMAPC voted **8-0-0** (Boyle, Carnes, Gray, Harmon, Horner, Jackson, Midget, Selph "aye"; no "nays"; none "abstaining"; Ledford, Pace, Westervelt "absent") to **APPROVE** the Detail Site Plan for PUD-268B, Area A, with the interpretation that in this case only the detail site plan meets the intent of the PUD as recommended by staff.

There being no further business, the Chairman declared the meeting adjourned at 2:00 p.m.

Date approved: 8-5-98



Chairman

ATTEST: 
Secretary