

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2383

Wednesday, July 7, 2004, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Bayles	Harmon	Alberty	Romig, Legal
Carnes	Ledford	Chronister	
Coutant	Westervelt	Fernandez	
Hill		Huntsinger	
Horner		Matthews	
Jackson			
Midget			
Miller			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, July 1, 2004 at 3:15 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, 1st Vice Chair Jackson called the meeting to order at 1:35 p.m.

Minutes:

Approval of the minutes of June 16, 2004, Meeting No. 2381

On **MOTION** of **CARNES** the TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Hill, Horner, Jackson, Miller "aye"; no "nays"; none "abstaining"; Harmon, Ledford, Midget, Westervelt "absent") to **APPROVE** the minutes of the meeting of June 16, 2004, Meeting No. 2381.

Approval of the minutes of June 23, 2004, Meeting No. 2382

On **MOTION** of **HILL** the TMAPC voted 7-0-0 (Bayles, Carnes, Coutant, Hill, Horner, Jackson, Miller "aye"; no "nays"; none "abstaining"; Harmon, Ledford, Midget, Westervelt "absent") to **APPROVE** the minutes of the meeting of June 23, 2004, Meeting No. 2382.

Mr. Midget in at 1:36 p.m.

REPORTS:

Director's Report:

Mr. Alberty reported that there would be three items on the City Council agenda July 8, 2004.

SUBDIVISIONS:

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-19700 – Robert Dunkle (1306) (PD 12) (County)

12250 North Lewis

L-19701 – Misty Dorsey (6407) (PD 20) (County)

Approximately ½ mile north of northwest corner of East 201st Street and Garnett Road

L-19702 – Patricia Benton (7408) (PD 19) (County)

Approximately 600' east of southeast corner of 132nd Street and 121st East Avenue

L-19704 – Patrick Fox (9319) (PD 6) (CD 9)

1712 East 31st Street

L-19706 – Hunters Hollow LLC (8334) (PD 26) (CD 8)

5015 East 118th Place

L-19710 – Sisemore Weisz & Associates (8306) (PD 18) (CD 9)

Southeast corner of East 67th Street and Utica Avenue

L-19715 – Mike Wood (9326) (PD 18) (CD 5)

7220 East 44th Street

STAFF RECOMMENDATION:

Staff stated that these lot-splits are all in order and can recommend approval.

TMAPC Action; 8-0-0 members present:

On **MOTION** of **HORNER**, the TMAPC voted **8-0-0** (Bayles, Carnes, Coutant, Hill, Horner, Jackson, Midget, Miller "aye"; no "nays"; none "abstaining"; Harmon, Ledford, Westervelt "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

FINAL PLAT:

Memorial Trade Center Addition (9326)

(PD-18) (CD-5)

South of East 41st Street, west of South Memorial Drive

STAFF RECOMMENDATION:

This plat consists of one lot in one block on four acres.

All the release letters have been received at this time and staff recommends **APPROVAL** of the final plat.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Hill, Horner, Jackson, Midget, Miller "aye"; no "nays"; none "abstaining"; Harmon, Ledford, Westervelt "absent") to **APPROVE** the final plat for Memorial Trade Center Addition per staff recommendation.

PRELIMINARY PLAT:

Stonegate – (9425)

(PD-17) (CD-6)

Northeast corner of East 51st Street and Lynn Lane

STAFF RECOMMENDATION:

This plat consists of 124 lots, eight blocks, on 29.2 acres.

The following issues were discussed June 17, 2004 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned AG with RS-3 zoning pending. Show how access lines up to existing subdivisions. Make sure reserves are clearly defined on the plat and the fence easement is clearly defined. Covenants must show how these reserves and easements will be maintained.

Sidewalks are required on collectors.

2. **Streets:** Reserve areas A and B boundaries at entrances need to be clearly defined. Show 17.5-foot utility easement along arterial frontage. Remove "general" from utility easements in covenants. Provide graphic scale. Show limits of no access along the arterial. Show all street names and change the arterial to Lynn Lane Road. Provide for 30-foot intersection radius at both arterial intersections. Locate existing intersection in Oxford Park and evaluate its offset with proposed south entry subject to approval of Traffic Engineer. Show and dimension Reserves A and B. Transition curb from 36 to 26 feet as well as its matching right-of-way with a gradual slope of 20:1. Provide for five-foot minimum sidewalk on both sides of the collector street.
3. **Sewer:** Add a 15-foot easement (15 feet each side of the pipe) between Lots 9 and 10, Block 2, and between Lots 6 and 7, Block 3. Add a 15-foot easement along the east property line of Lot 11, Block 3. Change the off-site easement located east of Lot 3, Block 7 to a 15-foot easement. Reserve Areas A and B must include language allowing the sanitary sewer to encroach on it, or add a 15-foot easement across the reserves onto the face of the plat. Several runs of pipe exceed the maximum of 300 feet that is allowed in a residential subdivision. Manholes must be added in order to shorten these lengths. All sanitary sewer lines in residential side lots must have at least 15-foot easements and be in ductile iron pipes. A \$700/acre Broken Arrow system development fee will be collected, as well as a \$772/acre excess capacity fee.
4. **Water:** Label rural water line easement and utility easement. In Section 1 B.1, replace the word "maintenance" with "mains". Water main design layout should be on the east and south sides of all roadways in the street right-of-way or dedicated waterline easement eight feet off of property line.
5. **Storm Drainage:** Note that offsite overland drainage easements will convey the drainage from this platted area to an offsite stormwater detention facility. Offsite easements for the overland drainage and stormwater detention will be provided by separate instrument. Add an overland drainage easement and/or storm sewer easement along the north property line to intercept and convey offsite water flowing onto the site from the north. Add a note stating that all roof drainage will be conveyed to acceptable public drainage system. The reserve symbols shown in the legend do not match the way they are shown on the plat, and all reserves are not shown on the plat. Please correct this. All information listed prior to Section V could be included in Section I. Section II B. should be "water, sanitary sewer, and storm sewer services". Storm sewers are placed in easements, not reserves. Add standard language for overland drainage easements. On-site overland drainage easements should be shown as such and a note should be added stating that the offsite overland drainage easements will be provided by separate instrument. These overland drainage easements are not for

floodplains and should not be in reserves. Likewise, the offsite stormwater detention easement will be provided by separate instrument, not by a reserve area. Add a roof drain note to the covenants to match the note shown on the final plat. Need to address individual lot drainage, and off-site channels and detention facilities. Also, need to show their locations and easements. Off-site drainage flows onto the site from the north, and must be conveyed in an overland drainage easement or in inlets and storm sewer pipes in the utility easements.

6. **Utilities: Valor:** Additional easements are needed. **Cox:** Additional easements are needed. **ONG:** A 17.5-foot easement is needed.
7. **Other: Fire:** No comment. **GIS:** Add acreage or square foot areas per lot and addresses. Provide a written scale. Location map needs to show platting status of all adjacent property. Certification of authorization shows an expiration of 6/30/04.

Staff recommends **APPROVAL** of the preliminary plat subject to the special and standard conditions below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. The concerns of the Public Works Department staff must be taken care of to their satisfaction.

Standard Conditions:

1. 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.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. 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).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.

5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. 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.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.

19. 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.)
20. 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.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Hill, Horner, Jackson, Midget, Miller "aye"; no "nays"; none "abstaining"; Harmon, Ledford, Westervelt "absent") to **APPROVE** the preliminary plat for Stonegate, subject to special conditions and standard conditions as recommended by staff.

Glendale Acres II – (7226)

(PD-21) (County)

West 171st Street, west of Elwood Avenue (**Staff requests continuance until 7/21/04 meeting for further TAC review.**)

STAFF RECOMMENDATION:

Staff requests a continuance to July 21, 2004 for further technical review.

Applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Hill, Horner, Jackson, Midget, Miller "aye"; no "nays"; none "abstaining"; Harmon, Ledford, Westervelt "absent") to **CONTINUE** the preliminary plat for Glendale Acres II to July 21, 2004 at 1:30 p.m.

PLAT WAIVER:

BOA - 19719- (9321)

(PD-6) (CD-9)

3605 South Indianapolis Avenue

STAFF RECOMMENDATION:

The platting requirement was triggered by BOA-19719, which allowed an incidental cell tower building for fiber optic equipment in an RS-3 district.

It is the policy of TMAPC to waive the platting requirement for cell tower and related types of uses. Therefore, staff can recommend **APPROVAL** of the requested plat waiver for BOA-19719.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Hill, Horner, Jackson, Midget, Miller "aye"; no "nays"; none "abstaining"; Harmon, Ledford, Westervelt "absent") to **APPROVE** the plat waiver for BOA-19719 per staff recommendation.

Z-6899 - (9431)

(PD-18) (CD-6)

Northwest corner of East 58th Street and Garnett Road

STAFF RECOMMENDATION:

The platting requirement was triggered by rezoning.

Staff provides the following information from TAC at their June 17, 2004 meeting:

ZONING:

TMAPC staff: The plat waiver was heard at the March 18, 2004 TAC meeting and it was determined that a lot-split or replat was in order. Part of the property was rezoned to CS in 2003.

STREETS:

Okay.

SEWER:

Sewer is available.

WATER:

An existing 12-inch waterline is on the east side of Garnett.

STORM DRAIN:

No comments.

FIRE:

No comment.

UTILITIES:

No comment.

Staff can recommend **APPROVAL** of the plat waiver. The appropriate access easements are existing and a lot-split has been processed.

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

	Yes	NO
1. Has property previously been platted?	X	
2. Are there restrictive covenants contained in a previously-filed plat?	X	
3. Is property adequately described by surrounding platted properties or street right-of-way?	X	

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?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X

6. Infrastructure requirements:
 - a) Water
 - i. Is a main line water extension required? X
 - ii. Is an internal system or fire line required? X
 - iii. Are additional easements required? X
 - b) Sanitary Sewer
 - i. Is a main line extension required? X
 - ii. Is an internal system required? X
 - iii. Are additional easements required? X
 - c) Storm Sewer
 - i. Is a P.F.P.I. required? X
 - ii. Is an overland drainage easement required? X
 - iii. Is on-site detention required? X
 - iv. Are additional easements required? X
7. Floodplain
 - a) Does the property contain a City of Tulsa (Regulatory) Floodplain? X
 - b) Does the property contain a F.E.M.A. (Federal) Floodplain? X
8. Change of Access
 - a) Are revisions to existing access locations necessary? X
9. Is the property in a P.U.D.? X
 - a) If yes, was plat recorded for the original P.U.D.?
10. Is this a major amendment to a P.U.D.? X
 - a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? X
11. Are mutual access easements needed to assure adequate access to the site? X
12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? X

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Hill, Horner, Jackson, Midget, Miller "aye"; no "nays"; none "abstaining"; Harmon, Ledford, Westervelt "absent") to **APPROVE** the plat waiver for Z-6899 per staff recommendation.

COMPREHENSIVE PLAN PUBLIC HEARING

**Review Urban Renewal Plan Amendments for Districts 1, 2, 3 and 4.
Resolution 2383:863.**

Review and consider the eleven Urban Renewal sector plan updates and find them in conformance with the District Plans for Planning Districts 1, 2, 3 and 4.

STAFF RECOMMENDATION:

Ms. Matthews stated that the amendments involve four of the Planning Districts, which is an update of the urban renewal plans that were first started in the 1970's. These amendments involve expansion of three or four of the districts.

Staff finds these amendments in accord with the Comprehensive Plan and they have been reviewed with Planning Commission during worksession. Staff recommends **APPROVAL**.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **COUTANT**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Hill, Horner, Jackson, Midget, Miller "aye"; no "nays"; none "abstaining"; Harmon, Ledford, Westervelt "absent") to recommend **APPROVAL** of the Urban Renewal Plan Amendments for Districts 1, 2, 3 and 4, Resolution 2383:863 per staff recommendation.

ZONING PUBLIC HEARING

Application No.: Z-6948

CS to IL

Applicant: Richie Cox

(PD-2) (CD-3)

Location: 1810 East Pine Street

STAFF RECOMMENDATION:

No zoning activities have occurred in this area in the recent past.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is slightly less than one-half acre in size. It is located east of the southeast corner of East Pine Street and North Utica Avenue. The property is gently sloping, non-wooded, contains a vacant building, and is zoned CS.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
East Pine Street	Urban arterial	80'	4 lanes

UTILITIES: The site is served by municipal water and sewer.

SURROUNDING AREA:

The subject property is abutted on the north by vacant land and an apparently vacant single-family residence zoned CS; on the west by a fast food restaurant and a tire sales lot, zoned CS; on the south by single-family residential uses, zoned RM-2; and on the east by automotive/industrial type uses, zoned CS.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 2 Plan, a part of the Comprehensive Plan for the City of Tulsa, designates the subject property as Medium Intensity – No Specific land use and Special District 2 – Industrial. Plan policies call for future industrial development to locate here.

According to the Zoning Matrix the requested IL **may be found** to be in accord with the Comprehensive Plan due to its location within a special district.

STAFF RECOMMENDATION:

This area along both sides of Pine Street has many automotive and related uses (conforming and nonconforming). Staff can support the requested IL zoning and therefore recommends **APPROVAL** of IL zoning for Z-6948.

The applicant indicated his agreement with staff's recommendation.

INTERESTED PARTIES:

Esther Ogans, 2202 North Owasso, Tulsa, Oklahoma 74106, Lacy Park Task Force, stated that the neighborhood doesn't see any point in adding to the existing problems of auto parts and body work facilities. The subject area needs

goods and services, not more used tires and car lots. The neighborhood has been trying to rebuild and clean up their area.

Ms. Ogans stated that the tax base needs to be brought up and junk cars and used tire sales will not achieve this goal. She requested that the Planning Commission deny this application.

TMAPC COMMENTS:

Ms. Bayles asked Ms. Ogans if she had the opportunity to speak with Mr. Cox regarding this application. In response, Ms. Ogans stated that she wasn't aware of this application until today.

INTERESTED PARTIES:

Patty McGill, 1517 North Wheeling, Tulsa, Oklahoma 74110, requested the Planning Commission to deny this application. She explained that the neighborhood would like a "Cherry Street" in their neighborhood, but they cannot do that with what is being allowed. She explained that Mr. Cox went before the Board of Adjustment for the car lot and was denied. The location is too small for car sales and there is no room for turnaround. The tire store has tires up next to the fence and blocks the view for cars to pull out.

Ms. McGill stated that previously there were two illegal paint booths on the subject property and Mr. Cox stated at the BOA meeting that he is not responsible because his tenants put the paint booths in. She commented that numerous properties in the subject area are owned by absentee landlords.

Ms. McGill stated that Mr. Cox had three different tenants on the subject property, with each doing a different car service. She explained that the cars are not new cars, but cars purchased at an auction, which require repairs and paint and body work. The neighbors have lived with the smells and junk cars.

TMAPC COMMENTS:

Ms. Hill asked Ms. McGill if she has talked with Neighborhood Inspections regarding the subject property. In response, Ms. McGill stated that Neighborhood Inspections doesn't care for the neighborhood. She commented that there are four lots in the neighborhood with ten-foot high grass and Neighborhood Inspections wouldn't call the land owners in Arkansas. The Neighborhood Inspections seems to only cite the neighbors they do not like and not the people who actually need to be cited.

Ms. Bayles asked Ms. McGill to site the BOA case and date of meeting. In response, Ms. McGill stated that it was BOA-19777, March 23, 2004 and it was denied for lack of hardship.

Ms. McGill stated that Mr. Cox has improved the site, but the neighborhood doesn't want spot zoning.

INTERESTED PARTIES:

April Boerstler, 1532 North Wheeling Avenue, Tulsa, Oklahoma 74110, stated that the subject property was under application at the Board of Adjustment on March 23, and it was denied due to the lack of a hardship.

Ms. Boerstler stated that there were three tenants on the subject property and they were painting cars. The neighbors started complaining about the smell and the painting stopped. The tenants were doing auto repairs and car sales.

Ms. Boerstler expressed concerns with traffic if this application were approved. She indicated that she has two children with terminal lung disease and the paint shops create problems for her children. She requested that the subject property remain CS.

B.J. Bullock, 1301 North Cheyenne Avenue, Tulsa, Oklahoma 74106, Cheyenne Homeowners Association, stated that the subject area is where she shops and drives. Pine is an arterial street and the residents would like to make it the best it could be. There are many types of businesses along Pine similar to the type of business Mr. Cox would like to have. It is not conducive to what the residents are trying to build in their sector of the city. The Tulsa Development Authority plans do not include these types of businesses. She asked if Mr. Cox lived in the subject area and if he had to look at the property every day.

Applicant's Rebuttal:

Richie Cox, 8180 Overlook Trail, Claremore, Oklahoma 74017, stated that he purchased the subject property in 2001. Mr. Cox submitted photographs of the subject property before and after cleanup and various improvements (Exhibit A-1). He indicated that the subject property was S & S Starter and Generator for at least 30 years and they did auto repair work. Mr. Cox listed the various auto-related uses along Pine Street. He commented that he does not believe that auto repair and sales of automobiles will be a hindrance to the neighborhood.

Mr. Cox stated that he is not personally trying to open a car lot or do auto repair. However, everyone who contacts him regarding leasing the subject property is interested in auto repair or auto sales. He reminded the Planning Commission that there is an IL-zoned property across the street from the subject property, as well as CH. He explained that he has spent thousands of dollars cleaning and improving the site and he believes he has one of the nicest places in the area and it would be to the city's advantage to grant the zoning requested.

TMAPC Comments:

Ms. Hill asked Mr. Cox what would be different with his property being used for automotive repair that would be different from all of the rest of the auto repair facilities in the subject area. In response, Mr. Cox stated that he has installed a wood fence to separate his property from the residential property. It has all been

asphalted and all fenced. There is a large space in front of the building allowing for cars to pull out. The sidewalk is cobbled and is dangerous to walk on. Mr. Cox submitted photos depicting the view that the neighbors see from their front yards (Exhibit A-1). He commented that the neighbors are not complaining about the properties that are in their view and are rundown.

Ms. Hill asked Mr. Cox if he would have the controls over a tenant to keep the property clean and looking better than the other properties along Pine Street. In response, Mr. Cox stated that he is not the subject property every day doing business. Ms. Hill asked Mr. Cox what would prevent his next tenant from having the property looking badly in the future. In response, Mr. Cox stated that he could only have it stated in the lease regarding expectations for keeping the property clean.

Mr. Midget asked Mr. Cox what his original intent was when he purchased the property, since he knew it was zoned CS. In response, Mr. Cox stated that he intended for this to be an investment.

Ms. Bayles asked staff what time the District 2 Plan indicated that this would be industrially zoned and what type of industrial development was anticipated. In response, Ms. Matthews stated that this was a part of the District 2 Plan when it was adopted in 1975 and 1976. Several of the industrial-type uses are nonconforming at this time. The belief was that this would eventually convert into an industrial area. There are several industrial uses along Pine Street. When the property is located in a Special District it becomes a "maybe found" to be in accord.

Ms. Coutant asked staff what type of uses could be allowed in IL. In response, Mr. Cox stated that there is existing IL zoning in the subject area across the street from the subject property, as well as CH.

Ms. Matthews read the types of uses that would be allowed in an IL zoned district from the Zoning Code.

Mr. Midget asked staff if a salvage yard would be allowed in an IL district. In response, Ms. Matthews stated that salvage yards are not allowed in an IL district.

Mr. Midget stated that he is familiar with the subject area and he agrees with the interested parties. He commended Mr. Cox for the improvements to the subject property. There is a proliferation of the types of businesses Mr. Cox is proposing. This is in the Crutchfield Neighborhood and it would be best to deny this request and Mr. Cox could either come in with another zoning classification.

Ms. Hill stated that she agrees with Mr. Midget. She stated that Mr. Cox has done a great job cleaning the subject property, but she doesn't believe she can

support IL zoning because there is no control of what it would look like when it is leased.

County Commissioner Miller stated that there is a lot to be said about there being more than one homeowner's organization being represented today. That states a lot about the neighborhood and it is difficult for neighborhoods to pitch in and cleaning up their areas. She supports the neighborhood and commends the owner for cleaning the subject property but there area better uses that the neighborhood would accept.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Hill, Horner, Jackson, Midget, Miller "aye"; no "nays"; none "abstaining"; Harmon, Ledford, Westervelt "absent") to recommend **DENIAL** of the IL zoning for Z-6948.

TMAPC Comments:

Mr. Midget stated that the applicant may find it helpful to meet with the neighbors before applying for a new zoning classification. Mr. Midget further stated that the applicant purchased the property knowing that it was zoned CS.

Application No.: Z-6344-SP-2-b

**CORRIDOR SITE PLAN
MINOR AMENDMENT**

Applicant: Steven Ryan

(PD-18) (CD-7)

Location: 6307 South 107th East Avenue

STAFF RECOMMENDATION:

The applicant is requesting approval for the addition of a 25' x 30' storage area and 15' x 25' trailer pad to the existing dog training facility. The addition of 750 SF to the existing 12,000 SF building is within the 15,000 SF discussed in the original corridor site plan approval and well within the 26,109.8 SF maximum land coverage permitted by the Zoning Code.

The proposed addition will be attached to the building's southeast corner, with the trailer pad immediately adjacent to the south and will be setback approximately 37.5' from the south boundary, which is the north boundary of an apartment complex. The boundary is screened and apartment parking abuts the screening.

Staff recommends **APPROVAL** of Z-6344-SP-2b corridor site plan minor amendment as proposed.

The applicant indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HILL**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Hill, Horner, Jackson, Midget, Miller "aye"; no "nays"; none "abstaining"; Harmon, Ledford, Westervelt "absent") to **APPROVE** the Corridor Site Plan Minor Amendment for Z-6344-SP-2-b per staff recommendation.

Application No.: PUD-127-6

MINOR AMENDMENT

Applicant: Darin Akerman

(PD-18-A) (CD-9)

Location: Southeast corner of East 67th Street South and South Utica Avenue

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to change the building height, setbacks and screening requirements on this portion of PUD-127 for the approval of a lot-split to facilitate the construction of a multifamily development. The existing standards permit a maximum building height of 35 feet the applicant is requesting 40 feet. The subject tract is abutted on the east by multifamily uses and on the south by a drainage facility and the properties are zoned RS-3/PUD-127. The applicant is requesting a 25-foot setback from the southerly and easterly boundaries and also that there be no screening requirements along these boundaries.

Because the existing uses and development, staff finds the request to be minor in nature. Therefore, staff recommends **APPROVAL** of the request.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HORNER**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Hill, Horner, Jackson, Midget, Miller "aye"; no "nays"; none "abstaining"; Harmon, Ledford, Westervelt "absent") to **APPROVE** minor amendment for PUD-127-6 per staff recommendation.

OTHER BUSINESS:

Application No.: PUD-585

DETAIL SITE PLAN

Applicant: Cecil Cotner

(PD-18) (CD-7)

Location: South of southwest corner of 61st Street South and Memorial

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a restaurant. The proposed use, Use Unit 12, Eating Establishments Other Than Drive-Ins, is in conformance with development standards.

The site plan complies with maximum floor area and height permitted and complies with building setbacks and parking and requirements. The three-foot landscape strip provided along Memorial (as opposed to five feet required by the Zoning Code) was approved by TMAPC on August 19, 1998, through a previous alternative compliance request. Total landscaped area meets the minimum ten percent required by development standards. No outdoor trash receptacle is indicated on the site plan. Lighting plans do not provide Kennebunkport calculations for proposed fixtures. Pole height proposed is 30 feet.

On May 19, 2004, TMAPC approved a minor amendment allowing access onto Memorial subject to Public Works Department approval. Verification of this approval will be necessary for site plan approval.

Staff recommends **APPROVAL** of PUD-585 detail site plan as proposed contingent upon Public Works Department approval of the Memorial Street access and complete lighting plans in compliance with development standards and the Zoning Code.

(Note: Detail site plan approval does not constitute landscape and sign plan approval.)

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Hill, Horner, Jackson, Midget, Miller "aye"; no "nays"; none "abstaining"; Harmon, Ledford, Westervelt "absent") to **APPROVE** the detail site plan for PUD-585,

subject to Public Works Department approval of the Memorial Street access and complete lighting plans in compliance with development standards and the Zoning Code per staff recommendation.

Application No.: PUD-306-H

DETAIL SITE PLAN

Applicant: Mark Capron

(PD-18) (CD-2)

Location: Northwest corner of South Garnett Road and East 48th Street

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a veterinary clinic. The proposed use, Use Unit 14, Shopping Goods and Services, is in conformance with development standards.

The site plan complies with maximum floor area and height permitted and complies with building setbacks and minimum parking and landscape area requirements. The lighting plan is in compliance with development standards and the zoning code and the outdoor trash receptacle is screened as required.

Per the site plan, access to the lot is by a series of mutual access easements (MAE). The east/west MAE is per the plat and provides access to Riverside Drive. The north/south MAE provides access to Tract B2, and, although indicated on the site plan, must include Book and Page to verify its filing.

Staff recommends **APPROVAL** of PUD 306-H detail site plan as proposed, contingent upon documentation that the north/south MAE providing access to Tract B2 has been appropriately filed.

(Note: Detail site plan approval does not constitute landscape and sign plan approval.)

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HILL**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Hill, Horner, Jackson, Midget, Miller "aye"; no "nays"; none "abstaining"; Harmon, Ledford, Westervelt "absent") to **APPROVE** the detail site plan for PUD-306-H, subject to documentation that the north/south MAE providing access to Tract 'B2' has been appropriately filed per staff recommendation.

Application No.: PUD-312-A

DETAIL SITE PLAN

Applicant: Sisemore, Weisz & Associates (PD-18) (CD-5)

Location: Northeast corner of South Garnett Road and East 48th Street

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a new office building. The proposed use, Use Unit 11, Offices, Studios and Support Services, is in conformance with development standards.

The site plan complies with maximum floor area and height permitted and complies with building setbacks and parking requirements. The lighting plan is in compliance with the Zoning Code.

Although the proposed internal landscaped open area meets the minimum 15% required per the Zoning Code and development standards, conflicting information is given regarding the width of the landscaped strip along South Garnett. Per Section 1002.A.2 of the Zoning Code, a minimum five-foot landscaped strip is required along public streets. The dimension cited on the site plan is 6.45 feet, but the dimension per the scaled drawing is three feet. In addition, the southwest portion of the site abutting East 48th Street South does not meet Section 1002.A.2 as the parking extends nearly to the property line.

A secure entry gate is proposed at the 48th Street entrance. The gate will require approval of both the Fire Marshal and Traffic Engineering.

Staff recommends **APPROVAL** of PUD-312-A detail site plan contingent upon the site and landscape plan being in compliance with the Zoning Code, particularly Section 1002.A.2, and contingent upon Fire Marshal and Traffic Engineering approval of the proposed gated entry from East 48th Street South.

(Note: Detail site plan approval does not constitute landscape and sign plan approval.)

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **COUTANT**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Hill, Horner, Jackson, Midget, Miller "aye"; no "nays"; none "abstaining"; Harmon, Ledford, Westervelt "absent") to **APPROVE** detail site plan for PUD-312-A, subject to the site and landscape plan being in compliance with the Zoning Code, particularly Section 1002.A.2, and Fire Marshal and Traffic Engineering approval of the proposed gated entry from East 48th Street South per staff recommendation.

Application No.: L-19703

REQUEST FOR REFUND

Applicant: Jeff Stephens

(PD-13) (County)

Location: 18401 North Lewis

STAFF RECOMMENDATION:

The applicant applied to split a five-acre tract into two 2½-acre tracts. During the review, however, it was determined that Washington County Rural Water District #3 could not provide water service to the proposed tract. The applicant then decided to withdraw his application.

Staff recommends **APPROVAL** of a \$40 partial refund of the \$50 lot-split application fee.

There were no interested parties wishing to speak.

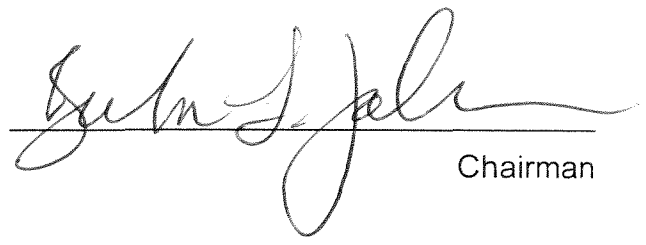
TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted 8-0-0 (Bayles, Carnes, Coutant, Hill, Horner, Jackson, Midget, Miller "aye"; no "nays"; none "abstaining"; Harmon, Ledford, Westervelt "absent") to **APPROVE** the request for refund for L-19703 in the amount of \$40.00 per staff recommendation.

There being no further business, the Chair declared the meeting adjourned at 2:23 p.m.

Date Approved:

8.04.04


Chairman

ATTEST: 
Secretary