

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1739
Wednesday, April 5, 1989, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Carnes	Kempe	Gardner	Linker, Legal
Coutant, Secretary	Randle	Setters	Counsel
Doherty	Selph	Stump	
Draughon	Wilson	Wilmoth	
Paddock, 2nd Vice Chairman			
Parmeale, 1st Vice Chairman			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, April 4, 1989 at 9:50 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Vice Chairman Parmele called the meeting to order at 1:36 p.m.

MINUTES:

Approval of Minutes for:
March 15, 1989, Meeting #1737 & March 22, 1989, Meeting #1738:

On **MOTION** of **CARNES**, the TMAPC voted 7-0-0 (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, Selph, Wilson, "absent") to **APPROVE** the **Minutes of March 15, 1989, Meeting #1737 and the Minutes of March 22, 1989, Meeting #1738.**

REPORTS:

Committee Reports:

Mr. Paddock advised of a meeting this date of the **Rules & Regulations Committee** to review proposed Sign Code amendments relating to backlighted awning signs.

Mr. Paddock also advised of a joint meeting of the TMAPC and BOA members to continue discussions on the Infill Development Study, which would convene upon adjournment of the TMAPC meeting this date.

Director's Report:

Mr. Gardner presented a letter drafted, at the TMAPC's request, as a response from the TMAPC to those citizens writing in regard to the Creek Bypass. Hearing no objection from the TMAPC, the Chairman stated the consensus of the TMAPC was to approve the following letter as drafted:

"Thank you for your recent correspondence regarding the Creek Bypass.

The Tulsa Metropolitan Area Planning Commission (TMAPC) is a City-County planning and advisory agency. However, as the Creek Bypass is under the jurisdiction of the Oklahoma Turnpike Authority (OTA), a State agency, the TMAPC has no legal authority in this matter and can only offer suggestions or comments as relates to planning concerns. Our staff has participated on the Mayor's Creek Bypass Advisory Committee and, hopefully, the issues and concerns identified by the committee will be positively addressed by the OTA.

The Planning Commissioners are aware of your concerns regarding the toll road, and will forward these concerns to the proper authorities for consideration.

Thank you again for your interest in this matter. We hope the outcome of this issue will benefit all Tulsans."

SUBDIVISIONS:

PRELIMINARY PLAT:

Laureate Extended (PUD 435-A-1)(383)

N/side of East 68th Street, east of
South Canton Avenue (OL, RS-3)

This plat contains the remaining portion of the above numbered PUD as well as being a resubdivision of Lot 1, Block 1, Laureate. By combining the unplatted area with the platted lot, this will conform with the development areas specified within the PUD.

The Staff presented the plat with the applicant represented by Roger Taylor.

Laureate Extended - Cont

The TAC voted unanimously to recommend **approval** of the PRELIMINARY plat of Laureate Extended, subject to the following conditions:

1. On face show or correct a follows:
 - a) Make sure acres on face of plat agree with legal and vice versa.
 - b) The 270' building line is from 66th Street, not 68th Street.
 - c) Show bearings and/or dimensions for the 15' sanitary sewer easement and the 10' storm sewer easement sufficient to plot same.
 - d) Omit extensions of the heavy lines at the southeast corner of the property.
2. All conditions of PUD 435-A-1 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 1100-1170 of the Zoning Code, in the covenants.
3. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property lines and/or lot lines. Show PSO easement 50' parallel to centerline of 68th Street.)
4. Water plans shall be approved by the Water & Sewer Department prior to release of final plat. Include language for Water and Sewer facilities in covenants.
5. 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).
6. A request for creation of a Sewer Improvement District shall be submitted to the Water and Sewer Department prior to release of final plat.
7. Paving and/or drainage plans shall be approved by Stormwater Management and/or City Engineer, including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by City Commission. (Overland drainage easement required along north side of plat.)
8. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer (36' paving on 68th Street).
9. It is recommended that the developer coordinate with Traffic Engineer during the early stages of street construction concerning the ordering, purchase, and installation of street marker signs. (Advisory, not a condition for release of plat.)
10. 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.

Laureate Extended - Cont

11. A Corporation Commission letter (or Certificate of Nondevelopment) shall be submitted concerning any oil and/or gas wells before plat is released. A building line shall be shown on plat on any wells not officially plugged.
12. A "Letter of Assurance" regarding installation of improvements shall be submitted prior to release of final plat, including documents required under Section 3.6-5 of Subdivision Regulations.
13. All (other) Subdivision Regulations shall be met prior to release of final plat.

TMAPC ACTION: 7 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, Selph, Wilson, "absent") to **APPROVE the Preliminary Plat for Laureate Extended**, subject to the conditions as recommended by the TAC and Staff.

* * * * *

Woodland Hills Annex (PUD 179-0)(1283) 8900 Blk of East 71st Street (CS, OL)

Comments & Discussion:

Mr. Wilmoth noted this was originally placed on the agenda for Sketch Plat approval. The applicant requested a two week continuance in order to prepare the Site Plan that would accompany the Preliminary Plat.

Mr. Paddock commented this was the property that caused a great deal of discussion in the past, where he felt the Commission was pressured to make a quick decision so the development could move quickly. He added that this was also the case prompting amendments to the Development Guidelines with regard to the linear development area concept. Mr. Paddock stated that now, one and half years later, the Commission had the preliminary plat before them, and had a continuance not been requested, he would have moved for denial. Mr. Parmele advised that Tom Wenrick, the previous applicant, did lose the sale of the land due to lack of zoning on the first application. He added that, with the Tulsa real estate market and economy, it has taken a year and half to obtain the first potential client to buy even a portion of this tract.

TMAPC ACTION: 7 members present

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, Selph, Wilson, "absent") to **CONTINUE Consideration of the Preliminary Plat for Woodland Hills Annex** until Wednesday, **April 19, 1989** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

* * * * *

All-Star Sports Complex (3194)

10309 East 61st Street

(1L)

This plat represents all of Ron-Jon Addition and two unplatted tracts on either side that are being combined into one plat. A Board of Adjustment application for recreational use has been approved (Case #15089). Most specific controls of the land use on this tract have been made a part of the Board of Adjustment approval. A site plan was not available when staff reviewed this plat (3/13/89), but one was available for TAC review prior to Planning Commission approval of preliminary plat.

The Staff presented the plat with the applicant represented by Wayne Alberty and Clayton Morris.

The TAC voted unanimously to recommend **approval** of the PRELIMINARY plat of All Star Sports Complex, subject to the following conditions:

1. All conditions of BOA case #15089 applicable to a plat shall be met prior to release of final plat.
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 should be tied to or related to property lines and/or lot lines. Show 17.5' along north line and 15' parallel to and north of water line easement.
3. Include language for water and sewer 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. Paving and/or drainage plans shall be approved by Stormwater Management and/or City Engineer, including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by City Commission. (Original Ron-Jon plat paid fee-in-lieu. Applicant has option to pay fee-in-lieu of on-site detention for differences in plat sizes. Capacity of downstream storm sewer not to be exceeded. Check existing Drainage Easement on Southeast Tulsa Industrial District plat for availability.
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer (if required).
7. Limits of Access or (LNA) as applicable shall be approved by Traffic Engineer. See Traffic Engineer and provide design for west access point. Others are right-turn-only. Show mutual access easement between lots at access point.
8. 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.

All-Star Sports Complex - Cont

9. The key or location map shall be complete. (Update with new subdivisions) Also show South 104th East Avenue on the south side of 61st Street for reference.
10. A "Letter of Assurance" regarding installation of improvements shall be submitted prior to release of final plat, including documents required under Section 3.6-5 of Subdivision Regulations.
11. All (other) Subdivision Regulations shall be met prior to release of final plat.

Comments & Discussion:

Mr. Doherty stated this appeared to be a temporary or transient use and he was curious why a waiver of the plat was not considered. Mr. Wilmoth commented that the underlying zoning on one of the tracts was subject to a plat, and the lots had different owners. Therefore, both owners would sign off on the plat at the time of platting. No further platting would be necessary for a future use.

TMAPC ACTION: 7 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, Selph, Wilson, "absent") to **APPROVE** the **Preliminary Plat for All-Star Sports Complex**, subject to the conditions as recommended by the TAC and Staff.

* * * * *

Cedar Ridge Village (2483) NW/c of 101st St. & So. Mingo Rd. (CS, RMO, RS-3)

This plat was reviewed by the TAC on 12/1/83 and by the Planning Commission on 12/7/83 when a preliminary approval was made, subject to the conditions recommended by TAC and Staff, which included recommendations for certain variances and/or exceptions from the Board of Adjustment). The project was tabled by the developer due to the downturn in the economy and the plat expired 12/7/84. The plat submitted for review again is essentially the same plat as previously reviewed with some very minor changes.

The Staff presented the plat with the applicant represented by Clayton Morris. An updated plat was provided with some of the changes Staff had recommended prior to the meeting.

The TAC voted unanimously to recommend **approval** of the **PRELIMINARY** plat of Cedar Ridge Village, subject to the following conditions:

Cedar Ridge Village - Cont

1. This tract has a combination of zonings, but can be used as submitted with a Board of Adjustment application for certain lots as detailed below. It should be noted that the plat as submitted meets all the requirements for lot sizes, but to develop and use it all for single-family it is in the developer's interest to provide safeguards for its continued residential use. A PUD would be more time consuming and accomplish no more than the variances from the Board of Adjustment, so it is recommended that the developer note the following exceptions and/or variances required. (This was the method approved by TMAPC in its previous review.)
 - a) Lots 20-23, Block 2: Exception to allow single family in CS District.
 - b) Lots 36-49, Block 1 and Lots 12-26, Block 2: Variance to allow side yards from 10 + 10 to 5 + 5 feet. (Same as RS-3) *
 - c) Lot 1, Block 1, and Lots 1, 14, & 15, Block 2: Variance to reduce rear or side yard abutting arterial from 35' to 25'. (No access to arterial.)
 - d) Lot 27, Block 2: Variance to move fencing requirement to actual property line between residential and commercial use at the northwest corner of lot.

* This may not pose a problem on some lots, but for uniformity it is recommended that all side yards be the same.
2. Covenants: Although most of the required information is furnished, it is recommended that the private restrictions be in a separate section and the public dedications for easements, utilities, etc., be in another.

Other specific recommendations for Covenants:

- 2nd page, #4: Note conflict with zoning side-yard requirement. See 1(b) above.
 - 3rd page, #15; 1st line: Add after ... any lot "except Lots 27 and 28, Block 2".
 - 4th page, #20D: This paragraph should include the standard landscape repair language and could be shown as a separate item.
 - 5th page; #23: This notation should be included with the setback restrictions listed on page 2, under item #4.
 - Add additional language and/or paragraph if information is needed for drainage and/or stormwater facilities. (See Department of Stormwater Management)
3. If the entry streets are to have a median or landscaped island, additional requirements may be necessary from Traffic and City Engineering.

Cedar Ridge Village - Cont

4. Access points as shown shall meet the approval of the Traffic Engineer. (Lot 28, Block 2 will be "right-turn-only") Check with Traffic Engineer for access to Lot 27, Block 2, Left-turn access to Lot 27 at least 400' from the section corner.
5. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property lines and/or lot lines.
6. Water plans shall be approved by the Water and Sewer Department prior to release of final plat. Include language for Water and Sewer 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 Water and Sewer Department prior to release of final plat.
9. Paving and/or drainage plans shall be approved by Stormwater Management and/or City Engineer, including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by City Commission. Including provision of Department of Stormwater Management letter to City of Bixby 11/16/87 and City of Bixby letter to Department of Stormwater Management dated 12/1/87. City of Bixby has been notified of plat filing as requested.
10. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the City Engineer.
11. Street names shall be approved by City Engineer.
12. It is recommended that the developer coordinate with Traffic Engineer during the early stages of street construction concerning the ordering, purchase, and installation of street marker signs. (Advisory, not a condition for release of plat.)
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. For the record, it is noted that the combination of the short cul-de-sac on East 98th Street South along with a portion of South 95th East Avenue creates an "over length cul-de-sac". There were no comments and/or objections as shown, but a waiver of the Subdivision Regulations is required. Approval recommended as submitted.

Cedar Ridge Village - Cont

15. A "Letter of Assurance" regarding installation of improvements shall be submitted prior to release of final plat, including documents required under Section 3.6-5 of Subdivision Regulations.
16. All (other) Subdivision Regulations shall be met prior to release of final plat.

Comments & Discussion:

In reply to Mr. Paddock, Mr. Wilmoth clarified item #14 regarding the "overlength cul-de-sac". Mr. Draughon inquired as to what might happen should the applicant not obtain BOA approval. Mr. Wilmoth stated that the applicant could use all of these lots in the RM-0 district, as the only lots that would be affected would be the three or four in the commercial area. Mr. Gardner added that, should the the BOA not approve this, the applicant would more than likely seek rezoning on that CS portion to RS.

TMAPC ACTION: 7 members present

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, Selph, Wilson, "absent") to **APPROVE** the **Preliminary Plat for Cedar Ridge Village**, subject to the conditions as recommended by the TAC and Staff.

FINAL PLAT APPROVAL & RELEASE:

Lansing Industrial Park II (3602) SW/c of E. Pine & N. Lansing (CH, CS, IL)

Lansing Industrial Park III (3602) SE/c of E. Pine & N. Lansing (CH, CS, IL)

On **MOTION** of **PADDOCK**, the TMAPC voted **7-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, Selph, Wilson, "absent") to **APPROVE** the Final Plat of Lansing Industrial Park II & III and release same as having met all conditions of approval.

VACATION OF PLAT:

71st Street Ltd. (Now platted as "The Argyle") (PUD 263-A) (383) (OL)
East 71st Street & South Joplin Avenue

This request has been forwarded to the TMAPC by the City Legal Department for approval and execution. The tract was first platted as SEVENTY-FIRST STREET, LTD. under PUD 263-A, but was replatted as THE ARGYLE and developed as an apartment complex under the PUD provisions. The underlying plat is no longer valid or needed, so it is being vacated. Staff provided copies of both plats and a copy of the document to be signed.

Staff recommends the request be APPROVED as submitted since it would not affect the provisions of PUD 263-A, subject to approval of the format by the City Attorney.

TMAPC ACTION: 7 members present

On MOTION of COUTANT, the TMAPC voted 7-0-0 (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, Selph, Wilson, "absent") to APPROVE the Vacation of Plat for Seventy-First Street Ltd., as recommended by Staff.

REQUEST FOR WAIVER (Section 260):

Z-5369 North Toledo Ind Park (2103) NE of 33rd St N & N Pittsburg (IL, RS-3)

This is a request to waive plat on the west 150' of Block 1 of the above plat. When this plat was filed of record, the west 150' was still zoned RS-3. A 225' building line was shown on the plat, representing 150' of RS-3 and a 75' building setback from the zoning line. Subsequently, the remainder of the block was rezoned to IL, except for the west 10' remaining RS-3 to prevent any access to North Pittsburg. The plat already prohibits access to Pittsburg by imposing Limits of No Access (LNA) thereon. The 225' building line is no longer applicable and will be vacated by the owners in a separate process.

Since the the property is already platted, and access control and setbacks are assured, Staff recommends APPROVAL of the request, noting that the provision of Section 260 have been met by the existing plat.

Z-5369 North Toledo Industrial Park - Cont

It should be noted that Z-5369 also included additional land to the south of this plat that is presently unplatted. This waiver does NOT include any of the unplatted land and only applies to the west 150' of North Toledo Industrial Park. The unplatted land to the south (and east, under another ordinance) is still "subject to platting".

TMAPC ACTION: 7 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **7-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, Selph, Wilson, "absent") to **APPROVE** the **Waiver Request for Z-5369 North Toledo Industrial Park**, as recommended by Staff.

LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

17152 (1283) QuikTrip	17155 (1792) Converse
17153 (3194) Manley	17157 (1793) Walker/1st Amer Fed Sav
17154 (2683) 101 Joint Venture	17158 (894) Lamb

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-1** (Carnes, Doherty, Draughon, Paddock, Parmele, Woodard, "aye"; no "nays"; Coutant, "abstaining"; Kempe, Randle, Selph, Wilson, "absent") to **APPROVE** the Above Listed Lot Splits for Ratification of Prior Approval, as recommended by Staff.

PUBLIC HEARING:

TO CONSIDER AMENDMENTS TO THE
DISTRICT 18 COMPREHENSIVE PLAN

Comments & Discussion:

Staff suggested a continuance of this matter until May 10, 1989 due to the alignment of that portion of the Mingo Valley Expressway in District 18 not being presented until April 15th. This would allow Staff time to review the final alignment for any needed modifications to the District 18 Plan.

TMAPC ACTION: 7 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, Selph, Wilson, "absent") to **CONTINUE** the Public Hearing to Consider Amendments to the District 18 Plan until Wednesday, **May 10, 1989** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

OTHER BUSINESS:

PUD 179-C-6: Minor Amendment to the Canopy Sign Display Surface Area SE/c of Memorial Drive & East 71st Street

Staff Recommendation:

The applicant is requesting approval of a 5'4" high and 27'7" wide backlighted awning sign for the west face of the old Mid-American Bank building which fronts the south side of 71st Street approximately 260' east of the centerline of Memorial. The awning is an extension of an existing canopy on the west side of the building that provides protection from the weather for patrons using the drive-in window of the new bank (Local America Bank). The sign has already been constructed as a non-backlighted canopy sign and complies with the PUD and zoning requirements. Both the PUD 179-C provisions and the zoning ordinance limit canopy signs to 2 square feet of display surface area per linear foot of wall. The sign, if backlighted, would have a display surface area of approximately 2.8 square feet per linear foot of wall. If the awning is not backlighted, only the copy area counts as display surface area. Since this sign is on a side of the bank and does not face directly into a street, but rather the side of the convenience store to the west, not lighting this sign appears to be the best solution to complying with the zoning requirements. If lighting of the awning was allowed, the bright white background color used would not be appropriate in staff's opinion.

Therefore, Staff recommends **DENIAL** of minor amendment request to PUD 179-C-6.

NOTE: Future proposed Zoning Code amendments may address this question.

Comments & Discussion:

Mr. Parmele commented that this issue was exactly what was being discussed by the Rules & Regulations Committee today, in that if the awning was not backlighted, it was legal; if lighted, it became an illegal sign. He stated he really had a problem with this situation. Mr. Doherty agreed, and commented that the Rules & Regulations Committee was leaning toward dealing with these on an intensity basis, but they were still a long way from a final determination. He suggested the best alternative for this application might be to neither approve or deny, but continue it until the Committee has made a recommendation for the Sign Code. Mr. Parmele commented that it might be six months before the amendments were made.

Mr. John Owen, Craig Neon Sign Company, submitted photos of the structure showing the awning from different angles around the site. He agreed there was a "Catch-22" situation regarding signage today; i.e., if an awning sign with small lettering was not backlighted, it would meet the standards, but if the same sign was backlighted, then the entire awning became the sign. Mr. Owen stated that the primary reason for installing the awning was to provide additional light and protection over the drive-thru area, as this particular site had already been robbed twice.

Mr. Parmele inquired as to the degree of illumination of the awning. Mr. Owen stated he could not answer this, but gave the dimensions of the sign (5'4" tall with two double rows of fluorescent lamps). He pointed out the sign was not on the front of the building, and this entire 71st and Memorial area was already illuminated by a proliferation of existing commercial businesses. Mr. Doherty inquired as to the distance of the structure from the nearest residential area. Mr. Owen stated the site was 1/4 to 1/2 mile away from any residential dwelling.

Mr. Owen answered questions regarding the materials of the sign, color, illumination as to foot candle, etc. Mr. Linker asked where the sign was actually located in order to verify what was being protected from the light; i.e. residences. Mr. Gardner commented that Staff's position, until the Code was amended, was that a backlighted awning was a sign and was recognized as such by the industry. Mr. Linker voiced a difference of opinion that an awning, with or without lettering, if lit was a sign. Discussion continued among the Commission on this issue.

Mr. Doherty agreed with comments made by Mr. Parmele that it was wrong to judge an awning, with just one letter, as a sign. He pointed out that this case involved a PUD which offered slightly different procedures, and testimony from the Building Inspector as to the effect of various intensities of illumination had been submitted at the Rules & Regulations Committee meeting today. Therefore, he felt it would be appropriate in this particular case to move for approval, subject to limiting the maximum intensity of illumination to 30 foot candles, measured at a distance of one foot from the awning. Mr. Doherty advised that this degree of intensity had also been discussed at the Committee meeting on proposed Sign Code amendments. Further, with this motion the Commission would not be unduly penalizing the applicant for the time it will take to amend the Sign Code.

In reply to Mr. Draughon regarding the motion, Mr. Linker commented that he was not so sure that an awning was defined as a sign under the ordinance. Mr. Gardner advised of a BOA case at 38th and Memorial where the Board took the position that, by regulating the intensity of illumination of the sign, it no longer became a sign. Comments were made that this ruling only added to the confusion regarding awnings. As Chairman of the Rules & Regulations Committee reviewing the sign issue, Mr. Paddock stated agreement with Mr. Doherty's comments as to why the TMAPC should rule at this time, adding he would be voting in favor of the motion.

Mr. Stump pointed out that, if approved, in order to get the 2.8 square feet requested, the applicant would need to go before the BOA regarding a waiver of the PUD requirement which limits a canopy sign to two square feet of display surface per linear foot of building wall on which the sign is placed.

TMAPC ACTION: 7 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-1** (Carnes, Doherty, Draughon, Paddock, Parmele, Woodard, "aye"; no "nays"; Coutant, "abstaining"; Kempe, Randle, Selph, Wilson, "absent") to **APPROVE** the **Minor Amendment to PUD 179-C-6 (Craig Neon)**, subject to an intensity limitation of 30 foot candles at a distance of one foot.

* * * * *

Z-5752 (Alberty): Reconsideration of a Previous Case
West of the SW/c of 30th Street North & Sheridan Road

Staff Recommendation:

Z-5752 is a 31.3 acre tract located 1,300' west of the southwest corner of East 30th Street North and North Sheridan Road, and has an existing zoning of IL and FD. The original rezoning application was approved for RMH zoning, less and except that portion to be determined to be subject to flooding (TMAPC action of 9/22/82). The same approval was given by the City Commission on 11/2/82, with the responsibility being given to the applicant to determine the appropriate legal descriptions, subject to approval by the City Engineering for execution of the ordinance. The rezoning ordinance was never published and Cavalier Park I Subdivision plat was filed of record with underlying zoning of IL and FD.

The applicant is now requesting only that portion of the subject tract encompassing Cavalier Park I be rezoned RMH so that a rezoning ordinance can be published. The balance of the tract would retain the existing zoning.

Staff is supportive of this request based on the release letter by Stormwater Management dated 3/27/89 in regard to Cavalier Park I (Z-5752), and would recommend amending the TMAPC's previous recommendation to only include the area contained in Cavalier Park I for rezoning to RMH.

Comments & Discussion:

Mr. Wayne Alberty, representing the applicant, reiterated this was simply a "clean up" matter in order to get the ordinance published.

Discussion followed among Staff and Commission members regarding the FD designation. Mr. Doherty commented this case points out, in the absence of FD zoning in the Code, the need for a green space/open space or a "no building" classification for conservation purposes. Mr. Gardner stated that, under today's practices, appropriate zoning would be recommended, and then in the platting process, Stormwater Management would make sure they obtained a satisfactory drainage easement covering that part in the floodplain.

Z-5752 Albery - Cont

Mr. Linker advised that, in this particular case, the TMAPC technically had jurisdiction as the ordinance had never been published.

TMAPC ACTION: 7 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **7-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Parmele, Woodard, "aye"; no "nays"; no "abstentions"; Kempe, Randle, Selph, Wilson, "absent") to **APPROVE Z-5752 (Albery) for RMH zoning only on that portion of the subject tract encompassing Cavalier Park I Subdivision, as recommended by Staff.**

There being no further business, the Chairman declared the meeting adjourned at 2:25 p.m.

Date Approved

4/24-89

Rabert J. Delf

Vice-Chairman

ATTEST:

Sherry Lettess
Recording Secretary

