

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1745  
Wednesday, **May 17, 1989**, 1:30 p.m.  
Room 1116, City Hall Building, Tulsa Civic Center

**MEMBERS PRESENT**

Carnes, 2nd Vice  
Chairman  
Coutant  
Doherty, Chairman  
Draughon, Secretary  
Paddock  
Selph  
Wilson, 1st Vice  
Chairman

**MEMBERS ABSENT**

Kempe  
Parmele  
Randle  
Woodard

**STAFF PRESENT**

Gardner  
Matthews  
Setters  
Stump  
Wilmoth

**OTHERS PRESENT**

Linker, Legal  
Counsel

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, May 16, 1989 at 10:31 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Doherty called the meeting to order at 1:40 p.m.

**MINUTES:**

**Approval of the Minutes of May 3, 1989, Meeting #1743:**

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, "aye"; no "nays"; no "abstentions"; Coutant, Kempe, Randle, Woodard, "absent") to **APPROVE** the **Minutes of May 3, 1989, Meeting #1743**.

**REPORTS:**

**Report of Receipts & Deposits for the Month Ended April 30, 1989:**

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Carnes, Doherty, Draughon, Paddock, Parmele, Selph, Wilson, "aye"; no "nays"; no "abstentions"; Coutant, Kempe, Randle, Woodard, "absent") to **APPROVE** the Report of Receipts & Deposits for the Month Ended April 30, 1989.

Chairman's Report:

- a) The TMAPC members reviewed the draft response to Commissioner Watts' Information Survey, submitting suggestions/comments. After review of all items was complete, Chairman Doherty asked Staff to incorporate the suggested modifications and transmit the final document to Commissioner Watts.
- b) TMAPC Committee appointments, as announced by Chairman Doherty:

**Comprehensive Plan Committee:**

Kevin Coutant, Chairman  
Gail Carnes  
Art Draughon  
Luther Woodard

**Rules & Regulations Committee:**

Bob Paddock, Chairman  
Cherry Kempe  
Bob Parmele  
Marilyn Wilson

**Budget & Work Program Committee:**

Bob Parmele, Chairman  
Kevin Coutant  
Bob Paddock  
Marilyn Wilson

NOTE: The TMAPC Chairman is an as ex officio member on all Committees.

Committee Reports:

Mr. Paddock reviewed his memo to the TMAPC members regarding the Infill Development Study with the recommendations as voted on by the **Rules & Regulations Committee**. He commented on the number of meetings and criteria discussed to arrive at the final recommendations to be presented to the TMAPC and BOA for action. After discussion, Chairman Doherty requested the items suggested for the TMAPC Work Program be forwarded to the Budget & Work Program Committee for review. He further asked Staff to place this item on the May 24th agenda for TMAPC action, and forward those recommendations concerning the BOA to that group with the TMAPC endorsement.

A meeting of the **Budget & Work Program Committee** was announced for May 24th at 11:30 to continue review of the FY 89-90 work program items, particularly as to priority.

Director's Report:

RESOLUTION NO. 1743:680

Amending the District 1 Plan Map and Text.

On **MOTION** of **COUTANT**, the TMAPC voted **7-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Selph, Wilson, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, Randle, Woodard, "absent") to **ADOPT Resolution No. 1743:680, Amending the District 1 Plan Map & Text**, as discussed and approved in public hearing on May 3, 1989.

PUBLIC HEARING:

TO CONSIDER AMENDMENTS TO CHAPTER 11 OF  
THE CITY OF TULSA ZONING CODE,  
SPECIFICALLY SECTIONS 1140.5 & 1160

Comments & Discussion:

Mr. Gardner reviewed the proposed amendments, which were suggested by Staff as part of a continuing effort to clear ambiguous areas of the Zoning Code to assure the various Chapters and Sections conform to each other as necessary. Mr. Paddock advised these amendments were reviewed and endorsed by the Rules and Regulations Committee.

TMAPC ACTION: 7 members present

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Selph, Wilson, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, Randle, Woodard, "absent") to **APPROVE** the Amendments to Chapter 11 of the City of Tulsa Zoning Code, specifically Section 1140.5 and Section 1160, as follows:

**Section 1140.5:** Within a PUD, every structure shall be set back from the centerline of an abutting public street a horizontal distance of not less than 1/2 of the right-of-way designated on the Major Street and Highway Plan, or 25' if said street is not designated on the Major Street and Highway Plan.

**Section 1160:** Off-street parking and loading spaces shall be provided as specified in the applicable use units and in conformance with the requirements of Chapter 13, "Off-Street Parking and Loading", EXCEPT Sections 1320.B and 1330. Required spaces may be provided on the lot containing the uses for which it is intended to serve or in common areas. Common parking area shall be designed and located so as to be accessible to the uses it is intended to serve. Provisions for the ownership and maintenance of common parking space as will insure its continuity and conservation shall be incorporated in the subdivision plat, in compliance with the provisions of Section 1170.5.

SUBDIVISIONS:

FINAL APPROVAL AND RELEASE:

FMP (2203)            NW/c of East 30th Street North & North Sheridan Road            (IL)

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

FINAL PLAT & DETAIL SITE PLAN REVIEW:

Oklahoma Junior College (PUD 446)(1183)            7370 East 71st Street            (OL, RS-3)

TAC Minutes of 5/11/89 for Final Plat & Release:

This plat has a preliminary approval by TMAPC (3/1/89) subject to the conditions listed in the minutes of that date. A "draft final plat" and a site plan are circulating for final approval and release. In order to comply with the condition that the TAC review the site plan prior to the final approval, this item has been placed on the agenda for formal TAC review. The site plan is scheduled for review by the TMAPC on 5/17/89 and the final plat is also scheduled for review the same date pending release letters from the various departments and/or agencies. Interested parties have been notified of the Planning Commission meeting date of 5/17/89. This TAC review will satisfy the requirement of a formal review prior to final approval.

Staff noted that all of the conditions on the plat have been met and release letters have been received. The site plan complies with the PUD and plat as submitted except that only 60 parking spaces are allowed in the south lot and 66 are shown. (This will be covered in the detail site plan review by others.)

The TAC had no objections to the plan as submitted, noting that most release letters had been received and the conditions on the plat were being met. Since TAC had already recommended preliminary approval and had no further comments on the site plan, receipt of the release letter would indicate the final approval by the various agencies and departments.

The applicant was represented by Ted Sack.

There were no further comments and/or requirements and the plat has been posted on the agenda for a 5/17/89 final approval and release along with the site plan review.

Oklahoma Junior College - Cont

Staff Recommendation: PUD 446 - Detail Site Plan for Lot 1

Staff has reviewed the proposed Detail Site Plan for PUD 446, Lot 1, which is to accommodate the new campus of Oklahoma Junior College, and finds it to be in compliance with the approved PUD Development Standards, if modified as specified in the Staff conditions.

Therefore, Staff recommends APPROVAL of the Detail Site Plan for PUD 446, Lot 1, subject to the following conditions:

- 1) Reduce the number of parking spaces in the parking area accessed from East 71st Court South to 60 spaces, and separate it from other parking areas by concrete curbs or other permanent vehicular obstructions.
- 2) Eliminate the nine parking spaces on the driveway which provides and exit to South 73rd East Avenue to facilitate traffic movement.
- 3) Provide an adequate number of parking spaces for the handicapped.

Comments & Discussion:

City Commissioner J.D. Metcalfe obtained confirmation from Staff that the recommendation forwarded to the City Commission would be the "plat as shown", which included Limits of No Access (LNA) on the boundary of the tract. He also reviewed the Staff recommendations regarding the arrangement of access, parking, etc.

Ms. Wilson confirmed the existing drive behind and on the east side of the building would remain open for deliveries only, and would not access the other parking areas.

Ms. Wilson inquired as to parking/access restrictions on East 71st Court South. Commissioner Metcalfe advised that the Traffic Engineer would be reviewing this and had the authority to place "No Parking" signs along the north side of the street. Commissioner Metcalfe confirmed that the fencing requirements on the southern boundary (as recommended by the TMAPC) had been eliminated at the City Commission hearing, but not heavy landscaping.

In response to Mr. Coutant, Mr. Gardner advised that the applicant's site plan indicated more parking spaces than allowed by the PUD in the lot accessed from East 71st Court, and this change would need to be made in the Detail Site Plan.

In response to questions regarding a turn lane on East 71st Street South into the subject tract, Commissioner Metcalfe reminded that the proposed widening of 71st Street was defeated in yesterday's bond election. Therefore, the City had no plans to accommodate this additional lane, but a PFPI could be considered.

Oklahoma Junior College - Cont

Applicant's Comments:

Mr. Ted Sack, representing the applicant, agreed with the Staff's recommendation. He pointed out that the 66 parking spaces west of the building was the existing parking as utilized by the previous tenant of the tract, and the applicant was just trying to utilize the existing parking; they were not creating six new spaces.

Mr. Sack reviewed the proposal for the one way street for outgoing traffic onto South 73rd East Avenue, and answered questions from the Commissioners as to width, signage, etc.

TMAPC ACTION: 6 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **6-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Wilson, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, Randle, Selph, Woodard, "absent") to **APPROVE** the Final Plat for Oklahoma Junior College (PUD 446), and the Detail Site Plan for Lot 1 of PUD 446, subject to the conditions as recommended by the TAC and Staff.

REQUEST FOR WAIVER (Section 260):

Z-4526 East Eleventh Park (694)

11106 East 7th Street

(RD, RM-T)

This is a request to waive plat on Lot 1, less the east 162', and on Lot 2 less the east 15', Block 2 of the above subdivision. This is part of a tract that was rezoned from RS-3 to RM-1 and RD in 1973 (Ordinance #13030); thereby imposing the platting requirement. Subsequently, the Board of Adjustment approved a request to allow construction of a Moose Lodge on the property on 7/5/79 (Case #10561). This predated a plat requirement for Use Unit 5.

On 6/29/79 the attorney for the Moose Lodge requested a plat waiver, but submitted nothing in support of the application. Staff did not receive any supporting documentation and/or plot plans, so a written reply was made by Staff on 7/2/79 outlining the necessary information required to process a plat waiver. That information was never received. A building permit was issued and the Lodge was constructed sometime in 1979, and later an addition was constructed in 1984. A second addition building is working currently and a permit has been refused because the property is still "subject to platting." Under the terms of the Board of Adjustment, a parking plan and other information is also required. The current application to waive the plat is supported by the necessary plot plan and other information. The Major Street Plan requirement on South Garnett Road has been met by dedication of an additional 15' of land.

Z-4526 East Eleventh Park - Cont

Since the property is already platted, the necessary controls have been placed by the Board of Adjustment, and the right-of-way requirements have been met, Staff has no objection to the waiver request, noting that the provisions of Section 260 of the Zoning Code have been met. APPROVAL is recommended.

TMAPC ACTION: 6 members present

On MOTION of PADDOCK, the TMAPC voted 6-0-0 (Carnes, Coutant, Doherty, Draughon, Paddock, Wilson, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, Randle, Selph, Woodard, "absent") to APPROVE the Waiver Request for Z-4526 East Eleventh Park, as recommended by the TAC and Staff.

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BOA-15133 Exchange Acres Addition (3403) 1342 North Sheridan Road (RS-3)

This is a request to waive plat on Lots 4 & 5, Block 2 of the above captioned subdivision. The property contains an existing structure at the northwest corner of the intersection with the rest of the tract vacant. The proposal is to use it in conjunction with the church already existing across the street to the south. Since the property is already platted, approval of this request would be subject to:

- a) Grading and drainage plan approval by Department of Stormwater Management through the permit processes for development. (On-site detention required. This may be an easement by separate instrument.
- b) Dedication of 20' of right-of-way on North Sheridan Road to meet the Major Street Plan of 50' from center line. (30' by plat + 20' to be dedicated = 50')
- c) Provide a 17.5' utility easement parallel to North Sheridan Road for future utility purposes.
- d) A sanitary sewer extension will be required for any new building within 250' of an existing sewer. (See Water and Sewer Department Atlas #50) Subject to approval of Water and Sewer Department.
- e) Access control agreement on North Sheridan is required by Traffic Engineering.

The applicant was not represented.

The TAC voted unanimously to recommend approval of the waiver of plat on BOA-15133, subject to the conditions outlined by Staff and TAC.

**BOA-15133 Exchange Acres Addition - Cont**

Comments & Discussion:

Mr. Wilmoth clarified that the owners would build and maintain the detention pond and the easement would be restricted to that use only. Discussion followed on condition "e" as to the mentioned access control agreement. The consensus was to amend to read, "access control as approved by Traffic Engineering".

TMAPC ACTION: 6 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **6-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Wilson, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, Randle, Selph, Woodard, "absent") to **APPROVE** the Waiver Request for BOA-15133 Exchange Acres Addition, subject to the conditions as recommended, by the TAC and Staff, with the amendment to condition "e" as follows: "Access control as approved by Traffic Engineering".

LOT SPLITS FOR WAIVER:

L-17165 51st & Yale Joint Venture (2893) West of 51st St. & Yale Ave. (CS)

This is a request to split Lot 10, Interstate Central Extend into three tracts, plus a small remainder to be attached to Lot 9. A previous lot split was made (15802) roughly fitting Tract "C", but was never utilized, so this application will amend any previous application. Also, a waiver of plat was processed on Z-6191 and approved on 7/6/88. Recommendations had been made concerning additional right-of-way for a turn lane on Yale plus some additional easements. The Planning Commission waived the right-of-way requirement for the turn lane, noting that 60' already existed in accordance with the Street Plan. Other requirements included 17.5' easements parallel to South 51st Street and Yale Avenue, grading and drainage plan approval and approval of access points.

The only reason this current application is before the TAC as a waiver is the lot frontage being created by tract "A-2" or "11" is 80 feet. (A minimum of 150' is required in the CS District.) Staff would have no objection to the 80' of frontage, provided that no new access points are created and that the existing approved access points be used (subject to approval of Traffic Engineering) and a mutual access easement be included if needed. (Parallel to 51st Street.)

No specific proposal was submitted in the form of a plot plan. This is not a PUD so a plot plan is not a requirement of the Zoning Code until time of a building permit application. Note that Lot 9 is NOT being split, but the remainder of Lot 10 will be attached to 9. To summarize, the following shall apply:



**L-17165 51st & Yale Joint Venture - Cont**

1. Board of Adjustment approval is required for the 80' lot frontage. (Case #15146, pending 5/18/89)
2. Access points shall meet the approval of Traffic Engineering. Traffic Engineering had no objection to the 80' lot, subject to only one additional access, to total no more than three on 51st Street.
3. Grading and drainage plan approval required by Department of Stormwater Management through the permit process. PFPI required to drain both internal and off-site drainage. This will require off-site storm sewer to the nearest storm sewer, 200' to the west, on-site detention required for any increase in imperviousness.

Staff further noted that a 17.5' utility easement was granted and recorded 7/8/88 in Book 5113, Page 492. This easement was inaccurately described from the centerline of the street, but actually should have been described off the platted property line. A corrected easement form will be furnished by Staff.

The applicant was represented by Ted Sack. Mr. Sack advised the internal mutual access easement would be relocated from the middle of Tract A-2 to the eastern portion of A-1 and north part of A-2.

The TAC voted unanimously to recommend **approval** of L-17165, subject to the conditions outlined by Staff and TAC.

Comments & Discussion:

Mr. Ted Sack, representing the applicant, clarified that the previous application for the Phillips Station included all of Lot 9 plus 35' of Lot 10. He further clarified there was currently five curb cuts along 51st Street which would be reduced to three.

Discussion followed on the 35' taken from Lot 10 for the Phillips application, with the question raised as to a tie agreement and correct legal description for the tracts in question. Mr. Sack indicated he would have no problem with an additional condition requiring tie language.

**TMAPC ACTION: 6 members present**

On **MOTION** of **COUTANT**, the TMAPC voted **6-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Wilson, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, Randle, Selph, Woodard, "absent") to **APPROVE** L-17165 51st & Yale Joint Venture, subject to the conditions as recommended by the TAC and Staff, with an added condition requiring a tie agreement to tie that portion of Lot 10 to the appropriate parcel of Lot 9 as shown on the plat to the TAC and TMAPC.

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L-17168 Goldthorpe (2883) NE/c of E. 111th St. & S. Louisville Ave. (AG)

This is a request to split a 3.5 acre tract into two tracts, one being 264' x 300' containing 79,200 sq. ft. (net) and an existing residence. The second tract will be a net 166' x 300' containing 49,800 sq. ft. and provide a new building site. These sizes are very similar to others in the area, particularly across the street in Philcrest Addition, which is zoned RS-1. Property 330' to the east is also zoned RS-1 and contains lots smaller than those being created by this split. The Major Street Plan was amended to eliminate 111th Street as an arterial and it is only a collector street as is South Louisville Avenue. Right-of-way sufficient to meet the collector street requirement of 30' from centerline shall be provided if not already of record. These lots will be on septic systems and the new construction shall comply with Section 6.5.4 and 4.11.3 as it pertains to lot splits. (See Health Department and Water and Sewer Department for actual design requirements of the septic system). Staff has no objection to this request and recommended approval, subject to the following:

- a) Board of Adjustment approval of the lot sizes as submitted. (Case #15151)
- b) Provide 30' of right-of-way measured from centerline on both 111th and South Louisville. Some right-of-way may already exist. If so furnish Book/Page information) Include corner radius.
- c) City-County Health Department approval required for septic system in accordance with the Subdivision Regulations. (OK/received #89-73)
- d) Utility easement along east 17.5' of the tract.
- e) Grading and drainage plan approval for new construction by Department of Stormwater Management through the permit process.

The applicant was not represented.

PSO and SWB noted that their buried service lines will cross diagonally across the new south tract. These may be relocated at owners expense to provide more buildable area on the lot. The new easement along the east property line will provide a place for relocated lines.

The TAC voted unanimously to recommend **approval** of L-17168 subject to the conditions outlined by Staff and TAC.

**TMAPC ACTION: 6 members present**

On **MOTION** of **COUTANT**, the TMAPC voted **6-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Wilson, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, Randle, Selph, Woodard, "absent") to **APPROVE** L-17168 Goldthorpe, subject to the conditions as recommended by TAC and Staff.

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L-17172 Spenco, Inc. (2392)

1115 West 41st Street

(IM)

This is a request to create a tract with 145' of frontage on West 41st Street containing approximately one acre. This is being split from a larger tract which will still be over 2.5 acres (approximately 2.7) and not subject to lot split regulations. Therefore, all of the recommendations and data apply only to the tract being created by this split. The IM District requires 200' of frontage on an arterial street so this request will require Board of Adjustment approval of the 145' frontage. There are many other tracts fronting West 41st with far less frontage, there being at least eight with 102' or less of frontage. The lot split contains a 75' front lot of record that is being combined with 70' from a larger tract to create the 145' frontage in the new parcel.

The tract being created contains a pre-fab office that has been moved in and the remaining 2.7 acres has industrial buildings on it. The smaller tract in this application has been graveled. The Staff recommended approval subject to the following conditions:

- a) Board of Adjustment approval of the 145' frontage in the IM District.
- b) Grading and drainage plan approval required by Department of Stormwater Management for new construction, including a watershed development permit. Pay fees-in-lieu of detention. (Watershed Development Permit #2942.) (This requirement applies to building permit process.)
- c) Verify right-of-way dedication on W. 41st Street. If not dedicated for full 50' half-street distance, provide deed of dedication to meet Street Plan requirements.
- d) Verify availability of sewer to new tract created. (See Water & Sewer Department Reference Atlas 140.) NOTE: Water & Sewer advises 5' exists, 11' total needed.)
- e) Provide 17.5' utility easement parallel to 50' right-of-way or property line on 41st Street and any other easements required for service. (Subject to utility company approvals.)
- f) Extension of any utilities and/or easements required to serve the tract.
- g) Access control as required by Traffic Engineering. (Wording per TMAPC amendment 5/17/89.) Provide information showing proposed and/or existing driveways.

The applicant was represented by Tony Spencer.

In connection with (e) above, PSO and SWB will need easements to cover existing facilities in place. If these facilities are moved at owners expense, new easements will be required. Applicant was advised of the necessary easements or provisions to relocate.

Not part of the conditions for approval of this lot split, but applicant was advised to contact Protective Inspections regarding the gravel surfacing already laid down on the smaller tract. The Zoning Code requires an "all-weather surface" so it may require Board of Adjustment approval for a gravel parking lot.

The TAC voted unanimously to recommend **approval** of L-17172, subject to the conditions outlined by Staff and TAC including the additional comments on item (e).

**TMAPC ACTION: 6 members present**

On **MOTION** of **CARNES**, the TMAPC voted **6-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Wilson, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, Randle, Selph, Woodard, "absent") to **APPROVE** L-17172 Spenco, Inc., subject to the conditions as recommended by the TAC and Staff.

**LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:**

L-17174 (2083) El Capitan	L-17176 (1283) FDIC
L-17175 (394) Tower Ind.	L-17177 (1292) Haggard

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

**OTHER BUSINESS:**

**PUD 405-4: Minor Amendment to Permit a Wall Sign**  
SW/c of South Memorial & East 91st Street (Joe Marina Ford)

**Staff Recommendation:**

The applicant is requesting to exceed the wall sign size requirements for PUD 405 which are 1.5 square feet per linear foot of wall, in order to install a sign which contains a 2.1 square feet per linear foot of wall to which it is attached. The proposed sign would be inconsistent with all the other car dealer wall signs in the PUD. All the other dealerships have only the name of the automobile make on the wall; i.e., BMW, Volvo, Honda, etc. If this proposed wall sign followed that precedent and said only Ford it would be well within the size limitations of the PUD.

**PUD 405-4 Minor Amendment - Cont**

Another alternative which is also desirable is to make the new Ford dealerships sign have the same size letters as the other signs, that is two feet in height rather than the proposed three feet. This alone would bring it into compliance with the PUD requirements.

Therefore, Staff recommends **DENIAL** of minor amendment PUD 405-4.

Comments & Discussion:

Mr. Stan Livingston (9146 South Memorial), representing Joe Marina Ford, advised the lettering for the sign was only two feet, not three feet. It indicated on the sign plan as three feet, then this was an error, as he had ordered the lettering at two feet.

Staff confirmed that, if the lettering ordered was two feet, then this amendment was not needed. Therefore, the Chairman declared this application be stricken from the agenda due to the mentioned clerical error.

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**PUD 190-29: Minor Amendment to Allow an Awning Sign**  
SW/c of South Sheridan & East 71st Street (Travel Plus)

Staff Recommendation:

The applicant wishes to backlight a newly installed awning sign over the entrance to their travel agency office in Summit Square Shopping Center. PUD 190 limits sign's display surface area to 1.5 square feet per linear foot of wall and if not backlit it complies with the requirement. The covering of the awning is royal blue with white lettering. If backlit the blue color should not be obtrusive. Also the awning does not appear incompatible with existing signs in the shopping center due to its size and location.

Therefore, Staff recommends **APPROVAL** of minor amendment PUD 190-29 to allow surface area of three square feet per linear foot of wall. Approval should be subject to the granting of a variance on sign size in a PUD by the Board of Adjustment.

Comments & Discussion:

In reply to Mr. Paddock, Staff clarified that, under the current Code the awning met requirements as long as it was not backlit. When the backlighting is added, then the entire awning became a sign, and not just the lettering. Mr. Stump stated that this application involved a dark blue awning, and Staff followed what they interpreted to be a past precedent of recommending approval if the amount of light emanating from the awning was at a low level. Mr. Doherty commented on a recent case where the TMAPC did approve a backlit awning, placing a limitation of illumination of 30 footcandles at a distance of one foot.

Mr. Ted Vogt (2001 NE Justice Rd, Claremore) explained that the awning would be backlit with four 6' horizontal tubes behind a dark blue covering. He added the backlighting was desired due to the location of the travel agency in the shopping center.

Mr. Gardner stated that Staff viewed the sign and did not have a problem with it, but the problem arose when trying to write approval in such a way to meet the Code, especially while the Code was in the stages of being amended.

Mr. Carnes complimented Staff as it appeared the spirit of the PUD and sign ordinance was being adhered to, and he felt this was an example of Staff and TMAPC exercising good judgement. Mr. Doherty agreed, stating that due to the color and fairly subdued light, the awning did not become a sign. Ms. Wilson asked, if the entire center uniformly installed a blue backlit awning, would Staff feel differently. Mr. Stump replied this would probably present a more difficult recommendation, as the applicant's location was in an alcove by itself, and the proposed awning fit well in this space. However, if the center presented a proposal compatible in architectural styling with the dark blue color, it would not be too obtrusive and Staff would probably not object.

Mr. Carnes submitted a motion for approval of Staff recommendation, noting that the Commission would be approving the dark blue color with the mentioned four tubes of lighting. To help clarify the motion, Mr. Paddock suggested a light intensity be imposed of 30 footcandles at a distance of one foot. Mr. Carnes amended his motion accordingly.

Mr. Vogt stated he had no objection to the suggested motion as amended. Mr. Coutant stated concern as to setting a precedent. Mr. Linker commented that he disagreed with the interruption of the Code by the Protective Inspection Department staff as he did not feel that placing letters on an awning made the entire awning a sign. Mr. Coutant suggested a further amendment to the motion limiting the approval to the exact location of this sign within the PUD; Mr. Carnes amended his motion accordingly.

**TMAPC ACTION: 6 members present**

On **MOTION** of **CARNES**, the TMAPC voted **6-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Wilson, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, Randle, Selph, Woodard, "absent") to **APPROVE** the Minor Amendment to PUD 190-29 (Vogt) as recommended by Staff, and as amended to limit light intensity to 30 footcandles at a distance of one foot, with the location of the sign in the PUD to be as shown on the applicant's submitted drawing.

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**PUD 179-P-1: Minor Amendment to Permit Use Unit 12**  
NE/c of East 74th Street & South Memorial Drive,  
being Lot 1, Block 1, Randall Plaza

Staff Recommendation:

PUD 179-P is an "L" shaped 5.4 acre tract with underlying zoning of CS, OL and RM-T. PUD 179-P is located at the northeast corner of East 74th Street South and South Memorial Drive and has been approved for a variety of commercial and office uses on a lot-by-lot basis. Lot 1, Block 1 has been approved for 12,000 square feet of floor area (.36 FAR) with Use Units 13 and 14, and only vehicle repair and service from Use Unit 17 uses. The applicant is now requesting a minor amendment to permit Use Unit 12 (entertainment establishments and eating establishments, other than drive-ins). Notice of the request was given to abutting property owners.

After review of the applicant's proposal and PUD 179-P, Staff finds the request to be minor in nature and consistent with the original PUD. Use Unit 12 has been permitted on Lot 1, Block 2 of the PUD.

Therefore, Staff recommends **APPROVAL** of minor amendment PUD 179-P-1 to permit Use Unit 12 uses on Lot 1, Block 1 only, excluding bars, night clubs and dance halls.

Comments & Discussion:

Mr. Linker advised that Legal Counsel felt this application to be a major, not minor, amendment. Mr. Stump commented that Staff referred to the TMAPC's policy which indicates an amendment will be considered major if the use is not currently allowed within the PUD. He pointed out that Use Unit 12 is allowed within the PUD on the abutting lot to the south of the subject tract. Therefore, Staff felt this to be minor as Use Unit 12 was allowed in the PUD and would be compatible with the original intent of the PUD, even though not previously allowed on this particular lot. Mr. Stump also indicated the other compatible uses in the area, and added Staff felt the major amendment process may not be necessary for this minor change in the PUD. However, the final determination as to whether this was a major or minor amendment rested with the TMAPC.

Mr. Gardner commented that if this application was not in a PUD, it would be permitted by right as the underlying zoning was CS. Mr. Linker stated that this was why he has previously felt it unreasonable to limit one use to one lot. Therefore, if the TMAPC changed that use, it should be a major amendment. Mr. Linker also commented that such changes should be considered a legislative process involving the City Commission's approval of rezoning, and the TMAPC would be circumventing this process by not declaring this to be a major amendment.

**PUD 179-P-1: Minor Amendment**

Lengthy discussion followed among the Commission members with differences of opinion as to the major/minor amendment issue. Some felt this to be a downzoning issue, and the requested uses were already within and surrounding the PUD; others felt that Legal Counsel's advise must be followed.

Mr. Carnes moved for approval of Staff recommendation which considered the requested change to be a minor amendment. Mr. Paddock suggested adding to the excluded uses in the Staff recommendation, motion picture theatres and taverns; Mr. Carnes consented to amend his motion.

Chairman Doherty noted there were no interested parties in attendance on this case. Mr. Draughon confirmed that notice was given to the abutting property owners.

Mr. Carnes commented that he felt the Commissioners had the right to use their judgement, the uses requested were already within the PUD and would be of lesser intensity than the previously approved uses.

Mr. Linker, in response to Mr. Draughon, advised that a major amendment required notice to those property owners within 300' of the subject tract, plus publication of the notice, and a hearing before the City Commission. He stated that from the City's point of view, this time it might not make a difference, but what about a commercial application changing from one use to another that would make a difference. For example, adult entertainment where a restaurant had once been. Mr. Carnes commented, if that had been the case, then he would not have made the motion. He stated that he felt he had the right as a Commissioner to use judgement, and there has been less objection raised by the public to this restaurant use than the originally proposed Goodyear Tire Store. Therefore, he felt obligated to assist the neighborhood.

Mr. Linker remarked he felt Mr. Carnes was making a good argument for approval of the application when it was properly before them, and he didn't have an argument with that. He continued by stating that he wanted the Commission to be consistent; i.e. do one thing for one person, and then something else for somebody else. He commented the Commission had to be consistent to have credibility with the courts. Mr. Carnes stated that when it was a downzoning situation, he did not think the TMAPC was losing credibility.

Mr. Paddock commented that in all likelihood, if notice were published, it would not bring in anyone other than those with a direct interest in what was taking place at this location. Mr. Doherty added that the people most interested would be competitors to a food service establishment on either side of this property, and they did receive notice.

Mr. Paddock continued by remarking that, since the underlying zoning permitted this type of request, he was going to resolve his doubts in favor of the motion to consider it as a minor amendment.



**PUD 179-P-1: Minor Amendment**

Mr. Coutant stated he felt it was important that the TMAPC take their policies seriously so they can be consistently applied, regardless of seemingly important factual merits from week to week, month to month. He did not think there was any uncertainty as to what the policies said, and he agreed with Legal Counsel. Further, he felt this was a change in use and the TMAPC should be beyond reproach, not only on legal grounds but on public service grounds. Therefore, he could not support the motion.

Ms. Wilson commented she shared the sentiment expressed by Mr. Coutant on this issue in that the policy was clear and understandable. She stated she could understand Mr. Carnes' argument that, "wait and see what is out there and in the end maybe it would all wash out and be the same." But she felt the critical thing was procedure and process, and either way, "if it's going to fly, it will fly". Ms. Wilson commented that the important issue was the process, the procedure and the perception to the public on this particular case, whether or not there were protestants.

Mr. Paddock commented that he sometimes felt like a Supreme Court Justice, and many, many times the Supreme Court, when it wants to arrive at a particular result, is able to distinguish between cases on the facts without actually overturning the law. He stated that he felt, since this Commission made the judgment on every application of its own policies, they had the right in this case to decide, one way or the other, whether they would consider this as a major or minor amendment. And in his mind the pluses were a little bit more in favor of the minor amendment than the minuses. For these reasons, he would be supporting the motion.

Mr. Draughon declined comment at this time.

Mr. Doherty stated that he did not interpret the General Policies the same way as Mr. Coutant, as he did not see this application as a "change in the original uses permitted in the PUD" due to the same uses on either side of the subject tract. Mr. Doherty remarked further that he felt the Commission could, in this particular case, deal with the application as a minor amendment. He agreed the question of notice was important and commented that whether adequate notice had been given in the interest of the people concerned would have to be decided in each case, and in this case, he felt adequate notice had been given. He reiterated that, the way he read Item 2 of the General Policies, the TMAPC was not changing the principal uses permitted in this PUD. Therefore, he would support the motion.

**TMAPC ACTION: 6 members present**

On **MOTION** of **CARNES**, the TMAPC voted **3-3-0** (Carnes, Doherty, Paddock, "aye"; Coutant, Draughon, Wilson, "nay"; no "abstentions"; Kempe, Parmele, Randle, Selph, Woodard, "absent") to **APPROVE** the Minor Amendment to PUD 179-P-1 (Parmele), as recommended by Staff and amended to exclude motion picture theatres and taverns from the permitted uses.

Chairman Doherty stated the motion failed 3-3-0, and there was no further discussion on this case.

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**PUD 439-2: Minor Amendment to Relocate Screening Fence**  
NE/c corner of East 21st Street & South 89th East Avenue

Staff Recommendation:

PUD 439 is a 2.4 acre tract located at the northeast corner of East 21st Street South and South 89th East Avenue and has an underlying zoning of CS. The tract contains a 17,805 square foot building and has been approved for Use Unit 11 and Use Unit 15 to include only produce storage and distribution of watches, clocks and related items including incidental fabricating, processing and repair. The applicant is requesting a minor amendment to relocate the required screening fence on the north property line out of an easement and drainage ditch south approximately 20 feet. Notice of the request has been given to abutting property owners.

After review of the applicant's submitted plan and site check, Staff finds the request to be minor in nature and consistent with the original PUD.

Therefore, Staff recommends **APPROVAL** of minor amendment PUD 439-2 to relocate the north screening fence subject to the applicant's submitted plans and subject to the applicant's continued maintenance and replacement if necessary.

Comments & Discussion:

In reply to Chairman Doherty, the applicant stated agreement to the Staff recommendation.

**TMAPC ACTION: 6 members present**

On **MOTION** of **WILSON**, the TMAPC voted **6-0-0** (Carnes, Coutant, Doherty, Draughon, Paddock, Wilson, "aye"; no "nays"; no "abstentions"; Kempe, Parmele, Randle, Selph, Woodard, "absent") to **APPROVE** the Minor Amendment to PUD 439-2 (Selco), as recommended by Staff.

**NEW BUSINESS:**

Mr. Carnes mentioned a brochure received by the TMAPC members regarding an upcoming workshop for non-engineering personnel on stormwater management, and suggested the TMAPC considering sending Mr. Draughon due to his interest in this topic. The Chairman asked Staff to confirm the status of TMAPC funds available for travel and training in order to consider this request.

There being no further business, the Chairman declared the meeting adjourned at 3:52 p.m.

Date Approved

6/7/89

*James Robert*  
Chairman

ATTEST:

*Art Braughon*  
Secretary

