

**TULSA METROPOLITAN AREA PLANNING COMMISSION**

Minutes of Meeting No. 1997

Wednesday, November 2, 1994, 1:30 p.m.

City Council Room, Plaza Level, Tulsa Civic Center

**Members Present**

Ballard  
Carnes, 2nd Vice  
Chairman  
Doherty  
Gray  
Horner  
Midget, Mayor's  
Designee  
Neely, 1st Vice  
Chairman  
Pace  
Parmele  
Chairman  
Wilson

**Members Absent**

Harris

**Staff Present**

Gardner  
Hester  
Jones  
Matthews  
Stump

**Others Present**

Linker, Legal  
Counsel

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, November 1, 1994 at 12:41 p.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmele called the meeting to order at 1:35 p.m.

**Minutes:**

Approval of the minutes of October 19, 1994, Meeting No. 1995:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-1** (Ballard, Carnes Doherty, Gray, Neely, Pace, Parmele, Wilson "aye"; no "nays"; Horner "abstaining"; Harris, Midget "absent") to **APPROVE** the minutes of the meeting of October 19, 1994, Meeting No. 1995.

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## REPORTS:

### Chairman's Report

Chairman Parmele announced that the City Council meeting for November 2, 1994 has been canceled due to the death of Councilor Robert Nelson.

Chairman Parmele reported on the workshop for newly elected District Planning Team Chairs and Vice Chairs and informed that it was well attended.

### Committee Reports:

#### Comprehensive Plan Committee

Mr. Neely informed that the Comprehensive Plan Committee met at 11:30 today for final review of the St. John proposed expansion. He deferred his report to the public hearing portion of the agenda.

#### Rules and Regulations Committee

Mr. Doherty informed that the sign ad hoc committee has reached a consensus regarding billboards on arterial streets and will be proposing their compromise to the City Council. Mr. Doherty anticipates that the City Council will then refer the item to TMAPC for adoption into the Zoning Code, which he expects to take approximately one year for processing.

Chairman Parmele acknowledged receipt of a letter from Suzann Stewart, Vice President, Metropolitan Tulsa Chamber of Commerce, requesting that the Planning Commission prioritize review of Bed and Breakfast businesses. He instructed Staff to place this item on the work session agenda for November 16, 1994.

## PUBLIC HEARING:

### Proposed amendment of District 6 Plan Map & Text to reflect request to expand boundaries of St. John's Medical Center.

Ms. Matthews reported on the proposed Plan Amendments and Plan Map Amendments as discussed in the Comprehensive Plan Committee as follows:

#### **EXHIBIT A**

### **DISTRICT SIX-ST. JOHN MEDICAL CENTER AREA**

November 2, 1994

Plan Text amendments: add the following.

- 3.1.11 The 21 single-family lots which front on South Xanthus Avenue, the five lots that front on 17th Place and the two lots that front on Wheeling in the area bounded by 17th Place and 20th Street, South Xanthus Avenue and the rear lot line between that street and Yorktown Avenue are within the St. John Medical Center Acquisition Area but not within the expansion area for medical and related uses. St. John Medical Center will offer to purchase properties within

this area at fair market value from any willing sellers; however, property owners who so desire are encouraged to remain.

3.1.12 The single-family residential area east of Xanthus Avenue delineated above should continue to buffer the eastern boundary of the St. John Medical Center complex located within Special District 1. Every effort should be made to retain and maintain the existing single-family houses on these lots in keeping with the architectural integrity of the balance of single-family neighborhood. The use of a PUD is encouraged for any residential redevelopment in this area in order to ensure architectural compatibility.

3.1.13 Likewise, the residential lots on either side of 17th Place between Wheeling Avenue and Yorktown Avenue should remain in single-family residential use. These lots either back or side onto the northern boundary of Special District 1. Every effort should be made to retain and maintain the existing single-family houses on these lots in keeping with the architectural integrity of the balance of single-family neighborhood. The use of a PUD is encouraged for any residential redevelopment in this area in order to ensure architectural compatibility.

St. John Medical Center will offer to purchase properties within this area at fair market value from any willing sellers; however, property owners who so desire are encouraged to remain.

3.1.14 It is the intent that 20th Street be the southern boundary for hospital-related acquisitions east of Xanthus Avenue, and that no hospital uses be developed east of Xanthus Avenue south of 20th Street on the west 200 feet (approximately) of this block. Redevelopment in non-residential uses in this area should not involve full blocks. Appropriate non-residential uses may include those in Commercial/Office in the south 135 feet (approximately) of the west 200 feet of this block, and Office use in the north 135 feet (approximately) of the west 200 feet of this block. Intensities in the northern portion should not exceed those of OL, in any case. Use of a PUD is encouraged in any redevelopment in this area.

3.1.15 At such time as specific plans are presented for additional hospital development within Special District 1, a study shall be requested from Traffic Engineering on the impact of that development and recommended street closings or other traffic management techniques in the area.

Plan Map amendments: Show amended boundaries of Special District and single-family residential area noted in text amendments.

Show the first three lots (approximately 135 feet) north of E. 21st St. and east of Xanthus Medium Intensity-No Specific Land Use.

Show the first four lots (approximately 135 feet) south of 20th St. and east of Xanthus Avenue Low Intensity-No Specific Land Use.

Show the three lots which are to be taken out of the Special District at the southeast corner of Wheeling Avenue and 17th Place Low Intensity-Residential.

Show the eight lots which are to be taken out of the Special District on the east side of Xanthus Avenue between 19th and 20th Streets Low Intensity-Residential.

Interested Parties

**Charles Norman**

**2900 Mid-Continent Tower 74103**

Mr. Norman reminded the Planning Commission that this matter was presented to them as a result of a request from St. John Medical Center that consideration be given to expanding the boundaries of the St. John Medical Center Special District. He expressed acceptance of the changes made at the Comprehensive Plan Committee meeting and requested that the Planning Commission approve the recommendation of that committee.

**Dewey F. Bartlett, Jr.**

**320 South Boston 74103**

Mr. Bartlett expressed concern that St. John Medical Center may be intruding into the neighborhood. He suggested that the Planning Commission defer decision on the proposal to allow St. John representatives to meet with area residents to reach consensus regarding HP zoning.

Chairman Parmele informed that at the Comprehensive Plan Committee, a basis of agreement was reached to proceed with the Special District and in the future to proceed with the application for HP zoning.

Interested Parties

**Martin Steinmetz**

**1763 South Xanthus 74101**

**President, Yorktown Neighborhood Association**

Mr. Steinmetz expressed concern over the expansion of the St. John facility into the abutting neighborhood and the degree to which a neighborhood will be left between 15th and 21st Streets and Lewis and Utica Avenues. He requested that the Planning Commission approve the amendment as presented. Mr. Steinmetz desired assurance that the HP zoning initiative will be considered by the Planning Commission perhaps around the end of November. Regarding the validity of maps and the documentation on how votes are tracked, he assured the Planning Commission that proponents of HP zoning are being extremely cautious in documenting their procedure.

**Nell Bradshaw**

**1628 South Victor 74104**

Ms. Bradshaw declined comment.

There were no other interested parties wishing to address the Planning Commission.

Mr. Neely informed that the Comprehensive Plan Committee voted unanimously to recommend approval to the Planning Commission of the amended Staff recommendation as presented, subject to review of wording of the resolution.

**TMAPC Action; 10 members present:**

On **MOTION** of **NEELY**, the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty Gray, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions" Harris "absent") to **APPROVE** the District 6 Plan Map and Text as amended.

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**SUBDIVISIONS:**

**PRELIMINARY PLAT:**

**Cherokee Expressway Industrial District 2nd Amended(3413)** (PD-15)(County)  
Southeast corner of East 76th Street North and North Whirlpool Drive

Jones presented the plat with Jack Hubbard and Jim Doherty in attendance at the TAC meeting.

Jones noted that no deed of dedication had been submitted; however, the TAC could review the plat and have the TMAPC grant a waiver of the Subdivision Regulations so not to delay the plat.

French requested that the dedication for Whirlpool Drive be shown differently on the face of the plat. He suggested the standard language, "Right-of-Way Dedicated by this plat."

This one-lot, one-block industrial subdivision plat which contains 136 acres was reviewed by the TAC as a sketch plat on August 18, 1994. The Deed of Dedication and Restrictive Covenants will be submitted at the TAC meeting and any approval shall be subject to their review and approval.

Staff would offer the following comments and/or recommendations:

1. Since the proposed plat is a replat, the applicant should be aware of 110S.5. 42-106 dealing with replatting of property. It is advised that the applicant vacate the underlying plat in accordance with legal procedures.
2. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
3. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
4. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).

5. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
6. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
7. Paving and drainage plans shall be approved by the County Engineer, including storm drainage and detention design (and other permits where applicable) subject to criteria approved by the County Commission.
8. Street names shall be approved by the County Engineer 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 County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of County Engineer. Include applicable language in covenants.
13. It is recommended that the Developer coordinate with the County Engineer during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
14. Street lighting in this subdivision shall be subject to the approval of the County Engineer and adopted policies as specified in Appendix C of the Subdivision Regulations.
15. 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.
16. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
17. The key or location map shall be complete.
18. 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.)
19. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
20. This plat has been referred to Owasso because of its location near or inside a "fence line" of that municipality. Additional requirements may be made by the applicable

municipality. Otherwise only the conditions listed apply.

21. 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.)
22. All other Subdivision Regulations shall be met prior to release of final plat.

On the **MOTION** of **MILLER**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the preliminary plat of Cherokee Expressway Industrial District 2nd Amended and **WAIVER** of the Subdivision Regulations requiring the Deed of Dedication at this time.

Mr. Jones informed that the Restrictive Covenants have not been received for review. He informed that when these documents are received, they will be disseminated and comments by the Legal Department and the utility companies will be incorporated into the final plat.

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES**, the TMAPC voted 7-0-1 (Ballard, Carnes, Gray, Horner, Pace, Parmele, Wilson "aye"; no "nays"; Doherty "abstaining" Harris, Midget, Neely "absent") to **APPROVE** the PRELIMINARY PLAT of Cherokee Expressway Industrial District 2nd Amended and **WAIVE** Subdivision Regulations requiring the Deed of Dedication to accompany the preliminary plat as recommended by Staff.

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**The Orchard (PUD-431)(2783)** (PD-26)(CD-8)  
West of the southwest corner of East 101st Street South and South Sheridan Road

Jones presented the plat with Bill Lewis and Troy Gudgel in attendance at the TAC meeting.

Jones asked if a 17.5' utility easement was needed along the north property line and it was determined to be needed.

Lewis asked if the 17.5' utility easement along the south property line could be eliminated. After discussion, it was determined not to be needed.

The Orchard subdivision plat is a one-lot, one-block office subdivision plat that is development parcel "E" of PUD-431. The tract is 1.24 acres in size and, at this time, no site plan has been submitted.

Staff would offer the following comments and/or recommendations:

1. All conditions of PUD-431 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1107 of the Zoning Code in the covenants.
2. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
3. Water and sanitary sewer plans shall be approved by the Department of Public Works (Water & Sewer) prior to release of final plat. (Include language for W/S facilities in covenants.)
4. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owner(s) of the lot(s).
5. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water & Sewer) prior to release of final plat.
6. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater and/or Engineering) including storm drainage, detention design, and Watershed Development Permit application subject to criteria approved by the City of Tulsa.
7. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering).
8. Street names shall be approved by the Department of Public Works and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. City of Tulsa Floodplain determinations shall be valid for a period of one year from the date of issuance and shall not be transferred.
11. Bearings, or true N/S etc., shall be shown on perimeter of land being platted or other bearings as directed by the Department of Public Works.
12. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
13. Limits of Access or LNA as applicable shall be shown on plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.
14. It is recommended that the Developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)



15. 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.
16. 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.)
17. The method of water supply and plans therefor shall be approved by the City/County Health Department.
18. All lots, streets, building lines, easements, etc. shall be completely dimensioned.
19. The key or location map shall be complete.
20. 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.)
21. The restrictive covenants and/or deed of dedication shall be submitted for review with the preliminary plat. (Include subsurface provisions, dedications for storm water facilities, and PUD information as applicable.)
22. This plat has been referred to Jenks, Bixby and Broken Arrow because of its location near or inside a "fence line" of that municipality. Additional requirements may be made by the applicable municipality. Otherwise only the conditions listed apply.
23. 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.)
24. All other Subdivision Regulations shall be met prior to release of final plat.

On the **MOTION** of **MATTHEWS**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the preliminary plat of The Orchard, subject to all conditions listed above.

**TMAPC Action; 8 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Ballard, Carnes, Doherty Gray, Horner, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions" Harris, Midget, Neely "absent") to **APPROVE** the **PRELIMINARY PLAT** of The Orchard as recommended by Staff.

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Colefax Hill (PUD-518)(1583)

(PD-18)(CD-8)

West of the northwest corner of E. 91st St. S. & S. Sheridan Rd.

Chairman Parmele informed of receipt of a request for continuance to November 16, 1994.

There were no interested parties in attendance.

**TMAPC Action; 9 members present:**

On **MOTION** of **NEELY**, the TMAPC voted **9-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions" Harris, Midget "absent") to **CONTINUE** the **PRELIMINARY PLAT** for Colefax Hill to November 16, 1994.

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**PLAT WAIVER, SECTION 213 & SECTION 260:**

**CZ-217 (Cherokee Expressway Industrial District)(3413)**

(PD-15)(County)

South side of East 76th Street North and North Yale Avenue

Jones presented the application with Jim Doherty in attendance at the TAC meeting.

CZ-217 was a request by the Metropolitan Area Chamber of Commerce to rezone 988 acres of both platted and unplatted property from *IL* to *IM*. The request was approved, less and except a strip along both 76th Street North and North Yale Avenue. This request is to waive the platting requirement for only that portion which has been platted (Cherokee Expressway Industrial District) except the tract currently being replatted for the Whirlpool tract.

Since the property is currently platted, Staff would recommend **APPROVAL** of the plat waiver for CZ-217 subject to the following conditions.

1. The plat waiver be limited to Cherokee Expressway Industrial District, less the existing Lot 5, Block 2 and Lot 1, Block 3.
2. Utility extensions and/or easements if needed.
3. Grading and/or drainage plan approval by the County Engineer in the permit process.

On the **MOTION** of **FRENCH**, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the plat waiver for CZ-217, subject to all conditions listed above.

Having filed the application on this plat, Mr. Doherty removed himself from the proceedings.

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Ballard, Carnes, Gray, Horner, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions" Doherty, Harris, Midget, Neely "absent") to **APPROVE** the PLAT WAIVER for CZ-217 as recommended by Staff.

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**FINAL APPROVAL AND RELEASE:**

Twin Oaks, Phase Two (PUD-452-A)(3293) (PD-18)(CD-9)  
South side of East 55th Street South at South Delaware Avenue.

Staff Comments

Mr. Jones announced that all releases have been received and Staff recommends **APPROVAL**.

Gary Harkreader was present as the applicant should there be questions.

**TMAPC Action; 10 members present:**

On **MOTION** of **WILSON**, the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions" Harris "absent") to **APPROVE** the FINAL PLAT of Twin Oaks, Phase Two and **RELEASE** same as having met all conditions of approval as recommended by Staff.

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**LOT-SPLITS FOR RATIFICATION OF FINAL APPROVAL:**

<u>L-17953 Dillard Gardner (1102)</u> 326 W. 56th St. N.	(PD-11)(County) RS
<u>L-17975 Thurman Traveland (R. Sanders)(194)</u> 19101 E. Admiral Pl.	(PD-17)(CD-6) IL
<u>L-17976 Tulsa Federal Employees C.U. (G. Phillips)(1293)</u> Northeast corner of E. 21st St. S. & S. 89th E. Ave.	(PD-5)(CD-5) OL/CS
<u>L-17979 Pioneer Cleaners, Inc. (R. Tiernan)(993)</u> 1145 S. Harvard Ave.	(PD-4)(CD-4) CH

Staff Comments

Mr. Jones announced that Staff has found the above-listed lot-splits to be in conformance with the lot-split requirements.

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Midget Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions" "Harris, "absent") to **RATIFY** the above-listed lot-splits having received prior approval and finding them to be in accordance with subdivision regulations.

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**LOT-SPLIT FOR WAIVER:**

L-17868 G. Halbrook/J. Way (R. Clinton)  
4147 South 26th West Avenue.

**(PD-9)(CD-2)**  
*RS-3/OL*

It is proposed to split a 36' x 120' tract from this 125' x 120' tract. The proposed lot does not meet current zoning standards. Board of Adjustment case #16730 granted a variance of lot width. There is a duplex on the proposed tract which will be utilized for residential purposes. The Major Street Plan indicated that West 42nd Street between 25th West Avenue and 26th West Avenue requires an additional 20' of right-of-way. The applicant's survey indicates that the property is located 25' from the centerline of West 42nd Street. According to our maps, this portion of West 42nd Street is 30' wide total. The Major Street Plan for this location requires 50' total. Because the duplex is situated approximately 8' from the street, applicant is requesting waiver of the entire 20' right-of-way requirements on West 42nd Street.

Therefore, Staff recommends approval of the waiver.

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions" "Harris "absent") to **APPROVE LOT-SPLIT FOR WAIVER L-17868** as recommended by Staff.

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**CONTINUED ZONING PUBLIC HEARING:**

Application No.: **PUD-306-C**

Applicant: Roy Johnsen

Location: East of the northeast corner of East 101st Street South & South Delaware Avenue.

Date of Hearing: November 2, 1994

Chairman Parmele informed that the applicant has requested a 30-day continuance on this item.

There were no interested parties in attendance.

**TMAPC Action; 9 members present:**

On **MOTION** of **WILSON**, the TMAPC voted **9-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions" Harris, Midget "absent") to **CONTINUE** PUD 306-C to December 7, 1994.

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Application No.: **PUD-179-O-4**

Applicant: John W. Moody

Location: Lots 1 and 2 of Block 1 of the Woodland Hills Annex - South of 71st Street and approximately ¼ mile west of Mingo Road, 9006 E. 71st Street South.

Date of Hearing: November 2, 1994

Presentation to TMAPC: John Moody

**Minor Amendment**

The applicant is requesting approval of a Minor Amendment to permit one additional ground sign in Development Area "C" to serve Development Area "B" (this increases the number of allowed signs on the street frontage from two to three); increase total display surface area allowed in the PUD from 250 SF to 390 SF; decrease parking in Area "C" by one space, and decrease the minimum spacing requirement for this sign from 200' to 115'.

Staff has reviewed the original PUD approval and finds that one sign was allowed along the Memorial frontage for a maximum of 250 SF. If two signs were provided, the maximum display area would be 112 SF each or 224 SF. Minor Amendment 179-3 increased the maximum area of the proposed sign in Area "C" to 126 SF.

Staff also notes that the requested increase will require Board of Adjustment approval. Sections 1221 D of the Zoning Code states, "that if more than one sign is erected the maximum display area shall not exceed one square foot per linear foot of street frontage." Street frontage of Area "C" is 160', 126 SF of display area is being utilized by the existing sign, leaving 34 SF.

Staff finds that the request, as presented, does not conform to the spirit and intent of the original PUD approval. It far exceeds the original anticipated visual impact along the Memorial frontage. Therefore, Staff recommends **DENIAL**.

Staff Comments

Mr. Stump informed of having received the new sign plan proposal at the beginning of this meeting. He informed that Staff can support the proposed location of the Wenrick sign; however the Tia's sign is too close to the residential area immediately to the east. Mr. Stump informed that the PUD requires 150' of setback between the nearest ground sign and the residential area to the east. He advised that Staff could support a 140' setback from the east boundary which would give the applicant 100' spacing between the Wenrick shopping center sign and the Tia's sign. Mr. Stump noted that the total square footage is being significantly increased from 260 SF to 450 SF and the two signs on the Luby's Cafeteria site should not total more than 1 SF per lineal foot of frontage for that lot which would be 290 SF. Presently they are over by 35 SF.

Mr. Doherty noted that the Outback lot is 126' which is less than permitted. He suggested treating the frontage as a whole and signage requirements would then be met. Mr. Doherty suggested accepting the applicant's proposal for sign spacing.

Applicant's Comments

Mr. Moody informed that he is not representing Tia's and noted that in negotiating this agreement it was apparent that Tia's wanted their sign located closer to the east boundary.

Ted Sack, representative for Tia's, informed that Tia's would like their sign as close to the west entrance as possible because that is the location of the median cut and would give an equal separation of the signs across the frontage. He informed that he is currently working on a site plan for Tia's.

Chairman Parmele suggested to allow reasonable spacing between the three signs, with the Tia's sign 100' west of the eastern boundary, with the Wenrick sign remaining as depicted on the site plan, which leaves 165' between the Wenrick and Outback signs and 140' between the Wenrick and Tia's signs.

Mr. Stump informed that the apartment unit windows immediately east of where the sign would be face primarily north and south.

**TMAPC Action; 10 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **9-1-0** (Ballard, Doherty Gray, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; Carnes "nay"; no "abstentions" "Harris "absent") to **APPROVE** PUD 179-O-4 **MINOR AMENDMENT** to allow 450 SF total display surface area and three signs (198', 126', and 126') and with the easternmost sign being 100' west of the eastern boundary and reducing the minimum spacing between ground signs to 100'.

Mr. Stump requested a written statement from Tia's expressing agreement with the spacing condition.

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**ZONING PUBLIC HEARING:**

**PUD-190-E-2:** Minor Amendment - Lot 19, Block 4, Charter Oak Amended - 7509 South Joplin Avenue

The applicant is requesting approval of a minor amendment to reduce a portion of the required rear yard from 15 feet to 8 feet. The purpose of the amendment is to allow the construction of a covered deck in the rear yard setback.

Staff has reviewed the request and finds that the subject property backs up to a private drive, East 75th Place South. This particular drive has a right-of-way of 30 feet and a paved width of 26 feet. The subject property slopes from southwest to northeast and drops approximately 28 feet from front to rear. Two lots directly across East 75th Place South face the rear of this subject parcel and will be impacted by development on it. The parcel is abutted on the northwest by common open area.

Based on the review of the proposed project, Staff finds that construction of the covered patio area as shown will have significant impact to the East 75th Place South street scene, particularly when approaching from the northwest. The reduced width of the street, increase in elevation, exposure created by proximity to open space, and reduced rear yard setback combine to create impacts that are not, in Staff's opinion, in conformity with the intent of the original PUD development standards. Staff can find no substantial hardship in this proposal.

Therefore, Staff recommends **DENIAL**.

The applicant was not in attendance.

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty Gray, Horner, Midget Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions" "Harris "absent") to **DENY** PUD 190-E-2 as recommended by Staff.

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Application No.: **PUD-282-4**  
Applicant: Carl G. Vincent  
Location: Southwest corner of East 71st Street South & South Lewis Avenue.  
Date of Hearing: November 2, 1994

Chairman Parmele announced that the applicant has requested a continuance to November 9, 1994.

There were no interested parties in attendance.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions" Harris, Midget "absent") to **CONTINUE** PUD 282-4 to November 9, 1994.

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**OTHER BUSINESS:**

**PUD-235-A:** Detail Site Plan Review - Lot 4, Flynn Plaza - East 71st Street South and South 92nd East Avenue

The applicant is requesting approval of a site plan for the China Coast Restaurant.

Staff has reviewed the request and finds that parking, access, landscaped area, setbacks, and building height and floor area as proposed comply with the standards of the PUD.

Staff recommends **APPROVAL** and notes the following:

1. Installation of a 50' wide landscaped buffer strip at the north boundary of the PUD must be completed prior to issuance of any occupancy permit in Flynn Plaza. Prior to installation, the design of the landscaped strip must be approved by the TMAPC. The Planning Commission requirements may impact the location and design of the storm water detention facility. Consequently, design of the detention facility should not be finalized until the Planning Commission has approved the design of the landscaped buffer strip.

Staff also notes that this review does not constitute landscaping or signage approval.

**TMAPC Action; 10 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Midget Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions" "Harris "absent") to **APPROVE** the **DETAIL SITE PLAN** of PUD 235-A as recommended by Staff.

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**PUD-235-A** Detail Sign Plan review - Flynn Plaza - 9121 East 71st Street South.

The applicant requests approval of two wall signs for Media Play.

Staff has reviewed the request and finds that the signs as proposed conform to the 1½ SF per linear foot standard of the PUD.

Staff recommends **APPROVAL**.

**TMAPC Action; 10 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty Gray, Horner, Midget Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions" "Harris, "absent") to **APPROVE** PUD 235-A **DETAIL SIGN PLAN** as recommended by Staff.

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**PUD-179-C:** Detail Sign Plan Review - Gram's, portion of Lot 3, Block 1, Centre 71 - southeast corner of East 71st Street South and South Memorial Drive

The applicant is requesting approval of a wall sign on the east side of the building. The sign complies with PUD standards. Staff recommends **APPROVAL**.

**TMAPC Action; 10 members present:**

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Ballard, Carnes, Doherty, Gray, Horner, Midget, Neely, Pace, Parmele, Wilson "aye"; no "nays"; no "abstentions" "Harris "absent") to **APPROVE** PUD-179-C **DETAIL SIGN PLAN** as recommended by Staff.

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There being no further business, the Chairman declared the meeting adjourned at 2:20 p.m.

Date Approved: November 16, 1994

Jack H. Neely  
Vice-Chairman

ATTEST:

James R. DeWitt  
Secretary