TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 1888
Wednesday, June 17, 1992, 1:30 p.m.
City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ballard	Broussard	Gardner	Jackere, Legal Counsel
Buerge 2nd Vice Chairman	Midget	Hester	
Carnes		Stump	
Doherty, Chairman		Wilmoth	
Horner			
Neely			
Parmele, 1st Vice Chairman			
Selph			
Wilson			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, June 16, 1992 at 11:12 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 1:35 p.m.

Chairman Doherty announced items #9, Wolf Point Business Center; #10, Reunion; #11 Fred C. Langenkamp Addition; and under Lot Splits for Ratification of Prior Approval items #L-17550 Manke, and #L-17552 Francis will be struck from the agenda due to a posting problem.

Minutes:

Approval of the minutes of June 3, 1992, Meeting No. 1886:

On **MOTION** of **WILSON**, the TMAPC voted **8-0-0** (Ballard, Buerge, Carnes, Doherty, Horner, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Midget, Selph "absent") to **APPROVE** the minutes of the meeting of June 3, 1992 Meeting No. 1886.

REPORTS:

Chairman's Report

Chairman Doherty disclosed that he would be transmitting a letter, on behalf of the Planning Commission, to the leadership in Broken Arrow congratulating them on their successful presentation to the public of the outer loop and subsequent approval.

Committee Reports

Comprehensive Plan Committee
Mr. Neely announced the Comprehensive Plan Committee will meet in work session for a briefing on the status of the public hearing to amend the Major Street and Highway Plan and the status of the Peoria Corridor Study.

Rules and Regulations Committee
Mr. Parmele reported the Rules and Regulations Committee will meet in work session for presentation of the Adult Entertainment Study, PUD Revisions - minor amendments, briefing on Residential Collector Streets Study, and discussion of tent sales.

Budget and Work Program Committee
Ms. Wilson announced the Budget and Work Program Committee will meet in work session for discussion of the upcoming zoning workshop agenda for July 7, 1992.

SUBDIVISIONS:
PRELIMINARY PLAT:

Wood Niche II (PUD 327-A) (1183) **(PD-18)(CD-8)** (RM-1)
7705-7711 E. 81st Street S.

This is a resubdivision of a small area that was originally designated for townhouse development. The PUD amendment and zoning application (Z-6356) will allow construction of two small office buildings with one access drive to 81st Street.

The Staff presented the plat with the applicant not represented.

On MOTION of FRENCH, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the PRELIMINARY plat of Wood Niche II, subject to the following conditions:

1. On face of plat show the "Mutual Access Easement" described in Section I-1.6. Also dimension the 20' utility easement. Include in title that this is also a resubdivision of Reserves A & B.
2. Covenants/Deed of Dedication:

   Section II: 1st Paragraph: 2nd line; Code reference is 1100-1107.
   4th & 5th lines; date is 4/22/92

   Amend remainder to show approval of the City Council of the City of Tulsa on 5/14/92, Ordinance #_____.

   Section II, 2.1 (a), line 3, date is 4/22/92
   (b), 2nd line, add:... "excluding the following uses: (see list)"

   2.2 Maximum floor area of entire PUD is 8000 sq. ft. (4000 per bldg?) Also add

paragraph #6 and #7 from Planning Commission minutes of 4/22/92.

3. All conditions of PUD 327-A 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.

4. 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.

5. Sewer plans shall be approved by the Department of Public Works (Water and Sewer) prior to release of final plat if required for crossing 81st Street.

6. 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 owners(s) of the lot(s).

7. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater Management and/or Engineering), including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by the City of Tulsa.

8. Limits of Access or (LNA) as applicable shall be shown on the plat as approved by the Department of Public Works (Traffic).

9. 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.

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.

Staff Comments

Mr. Wilmoth advised that staff recommends approval.

TMAPC Action; 9 members present:

On **MOTION** of **PARMELE**, the TMAPC voted **9-0-0** (Ballard, Buerge, Carnes, Doherty, Horner, Neely, Parmele, Selph, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Midget "absent") to recommend **APPROVAL** of the Preliminary Plat for Wood Niche II subject to conditions as recommended by staff.

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Oak Leaf Second (PUD-316-1)(2483) **(PD-18)(CD-8)** (RS-3, CO)
East 93rd Street and South 86th East Avenue

This plat has a sketch plat approval by TAC on 3/24/92 subject to a number of conditions as listed in the minutes of that date. The TMAPC has also approved the minor amendment to the PUD to permit all single-family development rather than a combination of apartments and single family. In its review of the PUD the street layout as presented was found acceptable and included as an exhibit with the PUD file. The plat as submitted for TAC review reflects the approvals made in the PUD amendment process approved 4/15/92. A copy of the TAC minutes and conditions was provided with staff comments in the margin.

The Staff presented the plat with the applicant represented by Joe Donelson and Phil Roland.

Traffic Engineer stated for the record, it was understood there would be no phasing of the improvements and all the streets would be built at the same time.

On MOTION of CANAHL, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the PRELIMINARY plat of Oak Leaf Second, subject to the following conditions:

1. All conditions of PUD 316 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 should be tied to or related to property lines and/or lot lines.
3. Water plans shall be approved by the Department of Public Works (Water and Sewer) prior to release of final plat. 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 owners(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 and Sewer) prior to release of final plat.

6. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater Management and/or Engineering), including storm drainage, detention design and Watershed Development Permit application subject to criteria approved by the City of Tulsa. (Detention provided in existing pond publicly maintained.)

7. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering Division).

8. Street names shall be approved by the Department of Public Works (Engineering) and shown on plat.

9. Limits of Access or (LNA) as applicable shall be shown on the plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants.

10. 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 release of plat.)

11. 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.

12. Covenants, Deed of Dedication:

    (1) Make sure title on Plat and written part agree (Is it "Second or II?)

    (2) Correct miscellaneous typos

    (3) Section II:
        (a) Omit land area (on face of plat and description already)

        (b) Under "Setbacks" add ... "nor encroach into any easement".

        (c) Under "Minimum Lot Area" revise: "Lots on the northerly boundary of the PUD, if they abut 85, 86, 87 or 88th E. Avenue shall have a required minimum square feet of ... 7500 square feet"

        (d) Add:, under "Setbacks" ... "Garage setback shall be 20' when abutting a side street"

13. Check dimension on east boundary of plat? (Too short?)

14. 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.

15. All (other) Subdivision Regulations shall be met prior to release of final plat.

Staff Comment's
Mr. Wilmoth advised the applicant was not present, but is aware of the conditions. He explained this application is a follow-up on the amendment to the PUD. Mr. Wilmoth stated that staff recommends approval.

TMAPC Action; 9 members present:

On **MOTION** of **WILSON**, the TMAPC voted **9-0-0** (Ballard, Buerge, Carnes, Doherty, Horner, Neely, Parmele, Selph, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Midget "absent") to recommend **APPROVAL** of the Preliminary Plat of Oak Leaf Second, subject to conditions as recommended by staff.

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71 Mingo Center (PUD 489)(684) **(PD-18)(CD-8)** (CS, CO)
NE/corner of East 71st Street and South Mingo Road

This plat is submitted in conjunction with PUD-489 and is adjacent to Mingo Marketplace to the east. Since the PUD conditions are not available at this review, condition #1 will cover any special requirements in connection with the PUD that the Planning Commission may impose. Plat will be scheduled for Planning Commission review after the zoning and PUD have been approved. The following general conditions shall apply. (Also see #13 regarding the CO District)

The Staff presented the plat with the applicant represented by Ted Sack.

There was discussion between ONG and Mr. Sack concerning the need for various easements to serve the lots.

The Department of Public Works (Traffic) requested additional right-of-way at the corner of Mingo and 71st Street, and a change of the access points on 71st Street. The western most access point was to be eliminated and others were to be combined to reduce the number. Also, the location of these access points are to be coordinated with the existing median break, or the median should be redesigned and constructed at the developers expense.

Fire Department advises fire hydrants are needed.

On MOTION of HILL, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the PRELIMINARY PLAT of 71 Mingo Center, subject to the following conditions:

1. All conditions of PUD 489 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 should be tied to or related to property lines and/or lot lines.

3. Water plans shall be approved by the Department of Public Works (Water and Sewer) prior to release of final plat. (Access easement should also be a utility easement. Provide easements to Lots 3-5.)

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 owners(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 and Sewer) prior to release of final plat.

6. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater Management 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 Division). (If required)

8. Limits of Access or (LNA) as applicable shall be approved by the Department of Public Works (Traffic).

9. 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.

10. 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. If plugged provide plugging records.

11. The zoning application Z-6357 shall be approved and the ordinance or resolution therefore published before final plat is released. Plat shall conform to the applicable zoning approved. (Also see #13 below)

12. On face of plat show Mingo Marketplace and S. 101st E. Avenue if that plat is filed of record before 71 Mingo Center has final approval. Otherwise leave plat as is, showing "unplatted" to the east.

13. As of 3/26/92 the zoning application (Z-6357) re-zones a portion of this tract to CS, but the remaining land is still zoned CO, which will require a Corridor Site Plan process. If this is the case, then the covenants on the plat are in the proper format for a Corridor District Site Plan/Plat, except for adding the PUD number and Corridor Site Plan number on the face of the plat. If an alternate process is used that eliminates all the CO zoning, then omit the references to Corridor District in the covenants and only refer to the PUD conditions. In either case, show the PUD number on the face of plat.

14. 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.

15. All (other) Subdivision Regulations shall be met prior to release of final plat.

Staff Comments
Mr. Wilmoth reminded the Planning Commission that Mingo Marketplace and 71 Mingo Center will share the collector street. He noted that this is a preliminary plat and there will be a number of lots within it that will fit the PUD development areas. Mr. Wilmoth advised that staff recommends approval and that Z-6357 had been approved by City Council and the Ordinance published.

TMAPC Action; 9 members present:

On **MOTION** of **WILSON**, the TMAPC voted **9-0-0** (Ballard, Buerge, Carnes, Doherty, Horner, Neely, Parmele, Selph, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Midget "absent") to recommend **APPROVAL** of the Preliminary Plat of 71 Mingo Center, subject to conditions recommended by staff.

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WAIVER REQUEST; Section 213: and Lotsplit **(L-17543)**

Z-5705 Unplatted (594) **(PD-17)(CD-6)** (CS)
1040 South 127th East Avenue

This is a dual application for a waiver of plat and a lot-split on the SE, SW, SE, SE of Section 5-19-14, Less the S. 24.75' and East 20'. The property was zoned CS by this application on 6-29-82, Ordinance #15422 and is "Subject to platting" under Section 213 of the Code.

Applicant is proposing creation of four lots, which includes an existing non-conforming residence on the 3rd tract. Applicant has also been advised that right-of-way requirements will be made on this application in accordance with the Major Street Plan. Since this property is zoned CS and commercial uses can be permitted in its development, a number of essential controls are needed, which include dedication of right-of-way, access control, sewer main extensions and provision of utility easements.

Therefor, Staff recommends that the request for waiver be DENIED, including the lot-split. These requirements and controls can be made through the platting process at the time of development in a much more efficient and expedient manner by compliance with the platting requirements. Applicant/owner was advised by copy of this recommendation that it may be wise to permit a buyer and/or developer to provide the plat, since the party or parties that will eventually use the property will have a better idea of how it is to be utilized and what facilities and utilities will be extended to serve the tract. This current application for waiver and/or a split may be premature at this time.

The applicant was represented by Mr. Goswick and his attorney.

Mr. Goswick provided the TAC with an amended lot split drawing and proposed sewer extension document. There would only be 3 lots instead of four. Mr. Goswick objected to the requirement for dedications in accordance with the Street Plan. There was considerable discussion regarding the reasons for right-of-way.

Staff advised that those were requirements of the Subdivision Regulations, Section 4.6, page 3. After further discussion, the TAC and Staff advised that they can only recommend to TMAPC and cannot waive any regulations. The general consensus was that the property should be platted to provide the necessary development controls.

On MOTION of FRENCH, the Technical Advisory Committee voted unanimously to recommend **DENIAL** of the waiver of plat on Z-5705 and Lot split 17543, for the reasons outlined in the staff summary.

NOTE: In the event that the Planning Commission should consider a waiver of the platting requirements, the following conditions shall apply to either a plat or a plat waiver/lot-split process:

1. Grading and/or drainage plan approval by the Department of Public Works is required for any construction. (Storm water detention and/or fees)
2. Provide a minimum of 50' of right-of-way from center line of 11th Street and a minimum of 25' from center line of 127th E. Avenue, in accordance with the Subdivision Regulations and Major Street Plan.

3. Provide utility easements around the perimeter and "back-to-back" along proposed lot lines.

4. Provide utility line extensions as required by the utilities.

5. Sanitary sewer extension will be required to serve all the lots, subject to approval of plans by the Department of Public Works.

6. Since this is commercial property, provide fire protection, hydrants, etc. as required by the Fire Department for development.

7. Access points to 11th Street subject to approval of the The Department of Public Works, Traffic Engineering.

Staff Comments

Mr. Wilmoth highlighted staff's recommendation. He explained TAC's recommendation was due to the fact that this is commercial property. Mr. Wilmoth reviewed the requirement for dedication of right-of-way. Mr. Wilmoth indicated that staff perceives access control, sewer main extension, paving and grading plans could be provided better in the platting process. He noted that both TAC and staff recommend denial of the waiver.

Applicant's Comments

Gene Griffin, Attorney

Mr. Griffin, attorney for the applicant Mr. George Goswick, advised that his client has attempted, unsuccessfully, to sell this tract as one piece of property, and Mr. Goswick wishes to split this lot into three smaller sections in hopes that it will be more marketable. Mr. Griffin stated his client is requesting a waiver of plat because of the cost involved and the unknown application that will be made of the land by future buyers he is also requesting a lot split. He noted the applicant is willing to comply with all the conditions staff recommends except for #2 which provides for right-of-way. Mr. Griffin cited instances to support his client's contention that the regulation requiring dedication of right-of-way is contrary to Oklahoma Constitutional Law and Oklahoma Statutory Law. In conclusion, Mr. Griffin stated the applicant, therefore, makes application to the Planning Commission for approval of the lot split subject to all of the conditions recommended except for item #2.

TMAPC Discussion

In response to a question from Mr. Parmele, Mr. Gardner explained the applicant sought to rezone his property from residential to commercial. He explained that if the tract were still residential the applicant would be able to split this property through the lot split process and right-of-way would not be required. However, because of the commercial rezoning, under the terms of the Zoning Code, this makes the tract subject to platting requirements.

In response to the confiscatory nature of the Zoning Code Mr. Jackere believes that since a zoning application is involved the citations by the applicant's counsel do not apply.

Mr. Parmele expressed concerns over whether right-of-way can be extracted through the lot split process. He disclosed that if the Planning Commission was in favor of granting the plat waiver then he would be in favor of also waiving the requirements for street right-of-way.

Mr. Doherty pointed out this is not a simple lot split, but rather a rezoning.

There was much discussion over extraction of right-of-way.

Mr. Griffin asked that, should the Planning Commission reject the applicant's petition for lot split and waiver of plat, it be made a matter of record that he is unwilling to conform to item #2.

Mr. Doherty pointed out the staff recommendation was for denial of the waiver because all of the items mentioned would be better shown on plat, per TAC recommendation.

Mr. Wilmoth disclosed the City did purchase right-of-way around the intersection, but pointed out there are 7 subdivision plats within this mile section that provided right-of-way by the platting process and the majority of the mile has been by platting.

In response to inquiry from Chairman Doherty, Mr. Wilmoth responded that the lot split meets regulations if the conditions as listed are met.

Mr. Gardner declared the regulation states the applicant must plat the tract. The Planning Commission can approve or deny this. They also allow an applicant, if they are willing to meet the same conditions under the platting requirements, to do this via the lot split because it is less expensive. However, they are not allowed to circumvent the platting requirement. This is a platting requirement. If the applicant were not asking for a waiver of the platting requirement, and in lieu of that asking for a lot split, then the question of right-of-way would not be an issue.

Mr. Parmele deemed the major issue to be the dedication of additional right-of-way. If the applicant is willing to do this, then it meets all requirements that have been imposed. The major question is whether the City wants that right-of-way via the plat or via the lot split process. This is the decision the applicant must make.

In response to a question from Mr. Parmele, Mr. Wilmoth advised that currently there is a two-lane street in place at that location.

Chairman Doherty advised 50' from centerline for secondary arterial has been a standard.

Mr. Parmele explained if it was already four-lane within existing right-of-way there would be no need for it, but that is not the case.

Ms. Wilson pointed out there are developmental policies in place, and in order to have uniform type of development and equal treatment, the TMAPC should not impose personal opinions about whether or not you like something or not. She perceives staff recommendation for denial is the proper decision.

TMAPC Action; 9 members present:

On **MOTION** of **WILSON**, the TMAPC voted **9-0-0** (Ballard, Buerge, Carnes, Doherty, Horner, Neely, Parmele, Selph, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Midget "absent") to recommend **DENIAL of** the Waiver of Plat on Z-5705 and Lot Split 17543 as recommended by staff.

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LOTSPLIT FOR WAIVER:

L-17541 & L-17542 G. Chaloupek (404) **(PD15)** County AG-R
6500 and 6540 N. 137th E. Avenue

Staff Comments
Mr. Wilmoth advised the applicant did not appear at the County Board of Adjustment meeting June 16, 1992. It was then continued to the July meeting. Mr. Wilmoth advised staff recommends this be continued to July 15, 1992

TMAPC Action; 9 members present:

On **MOTION** of **WILSON**, the TMAPC voted **9-0-0** (Ballard, Buerge, Carnes, Doherty, Horner, Neely, Parmele, Selph, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Midget "absent") to **CONTINUE** L-17541 and L-17542 to July 15, 1992.

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LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-17532 Thames (892) **(PD-23)**(County) 2202 S. 65th W. Ave. (RS)
L-17554 Eden (1793) **(PD-6)(CD-9)** 2553 E. 22nd St. (RS-2)
L-17555 J. Calvin Presby. Ch. **(PD-5)(CD 5)** 8145 E. 17th St. (RS-2)

TMAPC Action; 9 members present:

On **MOTION** of **BUERGE**, the TMAPC voted **9-0-0** (Ballard, Buerge, Carnes, Doherty, Horner, Neely, Parmele, Selph, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Midget "absent") to **RATIFY** the above listed lot splits having received prior approval.

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L-17548 McCullough (2993) **(PD-6)(CD-9)** 2951 E. 44th Pl. S. (RS-1)

Chairman Doherty advised the applicant and interested parties that the Planning Commission is to evaluate a determination of whether or not this lot split meets subdivision regulations. If it does, legal counsel has advised that the Planning Commission has no choice but to grant that lot split. Staff has determined that, in their opinion, it does meet the subdivision regulations. Chairman Doherty welcomed any input that will assist the Planning Commission in that area.

Mr. Wilmoth mentioned that the applicant was present with a conceptual development plan, which those present may be interested in viewing.

Chairman Doherty suggested the applicant review this plan with the interested parties,

Interested Parties

Clay Roberts	**2956 East 44th Place, Tulsa, OK 74105**
Jack Trinder	**2948 East 44th Place, Tulsa, OK 74105**

After review of the plan, the interested parties acknowledged a reluctant acceptance of the lot split.

TMAPC Action; 9 members present:

On **MOTION** of **PARMELE** the TMAPC voted **9-0-0** (Ballard, Buerge, Carnes, Doherty, Horner, Neely, Parmele, Selph, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Midget "absent") to **RATIFY** the above listed lot split having received prior approval.

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PUBLIC HEARING:

Review and Consideration of Parking Design and Requirements Study, proposed amendments to City of Tulsa Zoning Ordinance.

Chairman Doherty announced staff is continuing to work on this Study and is requesting a continuance to July 8, 1992.

TMAPC Action; 9 members present:

On **MOTION** of **WILSON**, the TMAPC voted **9-0-0** (Ballard, Buerge, Carnes, Doherty, Horner, Neely, Parmele, Selph, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Midget "absent") to **CONTINUE** the Public Hearing of the Parking Design and Requirements Study to July 8, 1992.

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OTHER BUSINESS:

PUD 379-A-6 Minor amendment to permit additional signage for a backlit awning on Lot 4, Block 2 Village at Woodland Hills, north of the northwest corner of 71st Street South and Memorial Drive.

The applicant is requesting an increase of display surface area for wall signs on the Blockbuster Video store to allow installation of a 5' high backlit awning on the south and east sides of the buildings. The table below presents the amount of increase in display surface area requested:

Building face	Permitted Under PUD 379	Permitted by PUD Chapter	Existing	Proposed
South	159 SF	211 SF	73 SF	500 SF
East	97 SF	128 SF	73 SF	350 SF

There are awnings in place where the new awnings are proposed, but they are not backlit. By changing to backlit awnings the awnings become signs and are counted as part of the wall signage.

If the sign code amendments recommended by TMAPC had been passed and the brightness of the backlit awnings was less than 25foot-candles measured at a distance of 2', they would not be considered as signs.

Since the City Council has still chosen not to amend the Zoning Code as recommended by TMAPC almost 18 months ago, staff feels the Zoning Code as it exists should be our guide in evaluating the appropriateness of this amendment. Since the applicant is proposing approximately 2½ times the amount of signage that is

allowed in the PUD chapter, a variance by the Board of Adjustment would also be necessary to change to a backlit awning. Staff can see no uniqueness in this tract when compared with others in the same zoning category, and the magnitude of the request would impart a significant privilege that others in the district are not permitted. Therefore, staff recommends **DENIAL** of PUD 379-A-6.

Staff Comments

Mr. Stump stated the Planning Commission forwarded recommendations to the City Council 1½ years ago to amend the Zoning Code to exempt backlit awnings, such as these, from being considered as signage if below a certain illumination, as these are. Since no action has been taken, staff must assume this awning should be considered as signage.

Mr. Parmele asked if under the proposed amendments to the sign code this would be in conformance.

Mr. Stump responded that if the amendments had been approved this application would not even be before the Planning Commission because it would not be considered a sign.

Mr. Parmele suggested that the Planning Commission send this application to the City Council with no recommendation.

Mr. Carnes commented that other signs, such as the one being requested, are brighter than any similar businesses and he cannot support this request. He then made a motion to deny this application, which was seconded.

Chairman Doherty asked that the applicant be heard from before any action is taken.

Applicant's Comments

Walter Finniger

Mr. Finniger, representing the applicant, advised this request for illuminated awnings is the applicant's attempt to standardize their appearance and added this standardization is on a national basis.

Ms. Wilson inquired as to the need for this type of signage and asked if the applicant feels this type is needed to attract attention in an advertising effort.

Mr. Finniger replied there are many effects created by this type of signage, enhancement of the building to attract customers and also to provide security. He acknowledged this is an advertising medium for the applicant.

In response to a question from Mr. Parmele, Mr. Finniger replied that he believes the foot-candle measurement would be less than an illuminated sign.

Mr. Parmele recounted that the Planning Commission spent in excess of 3½ years reviewing the sign code and submitted recommended

changes to the City Council. The Planning Commission unanimously voted to recommend to the City Council a new sign code with certain changes incorporated; part of that recommendation was that backlit awnings were not signs if they did not exceed the 25 foot-candle limit. Mr. Parmele expressed hesitancy in denying an application if under the transmitted suggested changes it would not be considered a sign. He suggested transmitting this to the City Council for their recommendation.

Mr. Carnes asked that the record show he made the motion to deny this request and that it was seconded. Mr. Carnes then withdrew his motion.

Mr. Stump reminded the Planning Commission that City Council has no jurisdiction over minor amendments and should this application be approved it will return to the Planning Commission for approval.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Ballard, Buerge, Carnes, Doherty, Horner, Neely, Parmele, Selph, Wilson "aye"; no "nays"; no "abstentions"; Broussard, Midget "absent") to **TRANSMIT** to the City Council the minor amendment for their input and recommendation, but make no recommendation..

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

Date Approved: 7-1-92

Chairman

ATTEST:

Secretary