

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1950
Wednesday, November 3, 1993, 1:30 p.m.
City Council Room, Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Broussard	Ballard	Gardner	Linker, Legal
Carnes, 2nd Vice Chairman	Dick	Hester	Counsel
Doherty, Chairman	Parmele	Jones	
Horner		Stump	
Midget, Mayor's Designee			
Neely			
Secretary			
Pace			
Wilson			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, November 2, 1993 at 1:00 p.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 1:32 p.m.

Minutes:

Approval of the minutes of October 20, 1993, Meeting No. 1948:

On **MOTION** of **CARNES**, the TMAPC voted **6-0-1** (Carnes, Doherty, Horner, Neely, Pace, Wilson "aye"; no "nays"; Broussard "abstaining"; Ballard, Dick, Midget, Parmele "absent") to **APPROVE** the minutes of the meeting of October 20, 1993 Meeting No. 1948.

REPORTS:

Chairman's Report

Chairman Doherty reported on meeting with the City Council Committee of November 3 regarding Riverside Drive. He noted that the City Council intends to bring this matter to a vote on November 9.

Comprehensive Plan Committee

Review the proposed Tax Increment District No. 1, City of Tulsa, OK Project Plan as approved by the Local Development Act Review Committee for recommendation to the City Council.

Mr. Neely announced that the Comprehensive Plan Committee found the Tax Increment District No. 1, City of Tulsa, OK Project Plan in accordance with the Comprehensive Plan and recommends approval subject to the Tax Increment Finance Review Committee's action of October 31, 1993 which amended those boundaries.

TMAPC Action; 7 members present:

On MOTION of NEELY, the TMAPC voted 7-0-0 (Broussard, Carnes, Doherty, Horner, Neely, Pace, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Dick, Midget, Parmele "absent") to APPROVE the proposed Tax Increment District No. 1, City of Tulsa, OK Project Plan as approved by the Local Development Act Review Committee for recommendation to the City Council.

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SUBDIVISIONS:

PRELIMINARY PLAT:

Memorial 101 (2383) Donelson (PD-26) (CD-8)
NW/c of East 101st Street South & South Memorial Drive.

Jones presented the Preliminary Plat with Joe Donelson in attendance at the TAC meeting.

Jones again read the letter of concern regarding drainage from the City of Bixby.

Donelson discussed with Cotner a proposed solution regarding the Corps of Engineers and stated he would further check into the drainage.

Hill stated a 17.5' or 11' utility easement will be required along the north and west property lines.

Penquite stated that all new construction must be within 400' of an existing hydrant or a new hydrant will be required. Donelson explained how a new hydrant was being considered on the south side of 101st Street, across from the subject tract.

This 1.2-acre, Lot 1, Block 1 plat is located at the northwest corner of East 101st Street South and South Memorial Drive. The Technical Advisory Committee reviewed the Sketch Plat on August 19, 1993 and recommended approval subject to the conditions listed below:

- DONE: 1. Change South Memorial Avenue to South Memorial Drive on face of plat.
- CORR: 2. Tax maps show corner dimension as 86.15': verify and correct as needed.
- S.A.: 3. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements should be tied to or related to property lines and/or lot lines.

- S.A.:** 4. 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.
- S.A.:** 5. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures, shall be borne by the owners(s) of the lot(s).
- S.A.:** 6. 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.
- S.A.:** 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.
- S.A.:** 8. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering Division).
- DONE:** 9. A topo map shall be submitted for review by the Technical Advisory Committee (Subdivision Regulations). Submit with drainage plans as directed.
- S.A.:** 10. Street names shall be approved by the Department of Public Works and shown on plat.
- S.A.:** 11. All curve data, including corner radii, shall be shown on final plat as applicable.
- S.A.:** 12. Bearings, or true north-south, etc., shall be shown on perimeter of land being platted or other bearings as directed by Department of Public Works (Engineering).
- S.A.:** 13. All adjacent streets, intersections, and/or widths thereof shall be shown on plat.
- S.A.:** 14. Limits of Access or (LNA) as applicable shall be shown on the plat as approved by the Department of Public Works (Traffic)/County Engineer. Include applicable language in covenants.
- S.A.:** 15. 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.)

- S.A.:** 16. 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.
- S.A.:** 17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
- NTBC:** 18. The key or location map shall be complete.
- S.A.:** 19. 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.
- S.A.:** 20. The restrictive covenants and deed of dedication shall be submitted for review with preliminary plat. Include subsurface provisions, dedications for storm water facilities and PUD information, as applicable.
- DONE:** 21. The sketch plat has been referred to Bixby, Jenks 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.
- S.A.:** 22. 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.
- S.A.:** 23. All (other) Subdivision Regulations shall be met prior to release of final plat.

DONE=Done CORR=Corrected S.A.=Still Applicable
NTBC=Needs To Be Corrected

On MOTION of Miller, the Technical Advisory Committee voted unanimously to **APPROVE** the PRELIMINARY PLAT of MEMORIAL 101 subject to all the above conditions.

The applicant was in attendance and indicated agreement with Staff conditions.

There were no interested parties in attendance.

TMAPC Action; 7 members present:

On MOTION of NEELY, the TMAPC voted 7-0-0 (Broussard, Carnes, Doherty, Horner, Neely, Pace, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Dick, Midget, Parmele "absent") to APPROVE the Preliminary Plat of Memorial 101 as recommended by Staff.

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WAIVER REQUEST: SECTION 213:

BOA-16146 (Unplatted) (2393) (PD-18) (CD-5)
West of the NW/c of South Memorial Drive & East 41st Street South.

Jones presented the Plat Waiver with no representative in attendance at the TAC meeting.

Jones stated the requirement of Traffic Engineering for an access control agreement to the subject tract.

This five-acre tract which contains an existing building and parking lot was approved by the Board of Adjustment on October 27, 1992 for church use. The church will utilize the one-story metal building which is attached to the concrete block building and no new construction is planned. In addition, the Board of Adjustment made the site plan a condition of approval and any change would require review by the Board.

Staff recommends APPROVAL to waive the platting requirements subject to the following conditions:

1. Grading and/or drainage plan approval by the Department of Public Works in the permit process.
2. Access control agreement, if required by the Department of Public Works (Traffic Engineering).
3. Utility extensions and/or easements if needed.

On MOTION of Hill, the Technical Advisory Committee voted unanimously to recommend APPROVAL of the PLAT WAIVER for BOA-16146 subject to the above conditions.

TMAPC Action; 7 members present:

On MOTION of NEELY, the TMAPC voted 7-0-0 (Broussard, Carnes, Doherty, Horner, Neely, Pace, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Dick, Midget, Parmele "absent") to APPROVE the Waiver of Plat for BOA #16146 subject to approval of access points and as recommended by Staff.

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BOA-16434 Crestview Estates 3rd (293) (PD-5) (CD-3)

South of the southwest corner of Admiral Place and South 73rd East Avenue.

Jones presented the plat with several in attendance at the TAC meeting.

These two lots were approved for off-street parking for an existing church which abuts the property to the north by the Board of Adjustment on September 14, 1993. The Board approved the request subject to the plot plan submitted.

Staff recommends **APPROVAL** to waive the platting requirements subject to the following conditions:

1. Grading and/or drainage plan approval by the Department of Public Works in the permit process.
2. Access control agreement, if required by the Department of Public Works (Traffic Engineering).
3. Utility extensions and/or easements if needed.

On the MOTION of Hill, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the PLAT WAIVER for BOA-16434 subject to the above conditions.

A representative of the applicant was present at the TMAPC meeting and indicated agreement with Staff recommendation.

TMAPC Action; 7 members present:

On MOTION of CARNES, the TMAPC voted 7-0-0 (Broussard, Carnes, Doherty, Horner, Neely, Pace, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Dick, Midget, Parmele "absent") to **APPROVE** the Waiver of Plat for BOA #16434 as recommended by Staff.

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Z-6426 Ranch Acres (2093) (PD-6) (CD-9)

South of the southeast corner of East 31st Street and South Gary Place.

Staff Comments

Mr. Stump reported that the zoning case on this item has not been heard and advised that the Planning Commission not take action until the zoning case is finalized.

The Chairman declared the item stricken from the agenda.

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LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-17788 Goodall (883) 7516 S. Gary Pl.	(PD-18) (CD-2) RS-2
L-17790 Western National Bank (192) 1010 E. Second St.	(PD-4) (CD-4) IM
L-17792 FDIC (1392) 4 E. 24th St.	(PD-7) (CD-9) RS-3
L-17793 Henley (1093) SW/c of E. 11th St. S. & S. Hudson	(PD-4) (CD-5) CH
L-17794 TDA (2502) 556 E. Reading St.	(PD-2) (CD-1) RM-1
L-17796 Miles (494) 14001 E. Admiral Pl.	(PD-17) (CD-6) IL
L-17797 Chapman Revocable Trust (784) 7600 Block S. 103rd E. Ave.	(PD-18) (CD-8) CO
L-17798 Dear (583) 6967 S. Birmingham Pl.	(PD-18) (CD-8) RS-1
L-17799 Canyon Creek Estates, Inc. (1683) 4721 E. 87th St. S.	(PD-18) (CD-8) RS-3
L-17800 Lakewood Addition HOA (1793) NE/c of E. 31st St. S. & S. Florence Ave.	(PD-6) (CD-9) RS-2

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; 7 members present:

On **MOTION** of **CARNES**, the TMAPC voted 7-0-0 (Broussard, Carnes, Doherty, Horner, Neely, Pace, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Dick, Midget, Parmele "absent") to **RATIFY** the above-listed lot-splits having received prior approval.

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LOT-SPLITS FOR DISCUSSION:

L-17775 Dickey (1783)
8960 S. College Pl.

(PD-18) (CD-2)
RS-3

Staff Comments

Mr. Jones informed that the applicant is requesting to split an oversized corner lot in order to construct two houses on the property. He gave background information of the property noting that the applicant appeared before the Board of Adjustment (BOA) to request a variance of the required 30' of frontage which was denied due to failure to show a hardship. Mr. Jones related that the lot frontage had been mistakenly calculated at the street right-of-way; however, when frontage is measured at the building setback line, which can be done for lots on a cul-de-sac, both lots substantially exceed the 30' of required frontage. Mr. Jones distributed material to the Planning Commission identifying lot-splits which have occurred in the vicinity indicating a precedent for lot-splits in this area. He disclosed that this item is before the Planning Commission because there are more than three side yards. Mr. Jones declared that the lot meets all of the bulk and area requirements and that Staff recommends **APPROVAL**.

Interested Parties

Stephen McGuire

8951 South College Place 74137

Mr. McGuire, president of the Homeowners Association (HOA), resides directly across the street from the subject property. He recognized that there have been lot-splits in the area, but noted the differences between previous lot-splits and the one being requested. Mr. McGuire presented photographs depicting frontage which is in question and is currently occupied by a storm drain. He also presented petitions from residents of Cedar Crest and Cedar Crest III stating that as of January 1, 1993, those residents no longer wish to have the remaining lots in the neighborhood split. He explained that residents are concerned that 16' of the street frontage of the subject property is occupied by a storm drain. Mr. McGuire voiced concern that the proposed development may cause problems with water flow in the area. He also expressed concern that by splitting the lot, the symmetry of the cul-de-sac will be adversely affected. Mr. McGuire requested that the request be denied.

There was discussion over the Zoning Code definition for frontage of property located on a cul-de-sac and method of measurement. He pointed out if the applicant were to straighten one of the side lot lines, this application would be considered a prior approval lot-split. Mr. Jones reiterated that the only reason this application is before the Planning Commission is because it has more than three side yards.

In response to a question from Chairman Doherty, Mr. Linker disclosed that if the lot-split meets Subdivision Regulations, the Planning Commission does not have the authority to deny the request.

Mr. Jones declared that in Staff's opinion the lot-split meets both the Subdivision Regulations and the Tulsa Zoning Code.

There was discussion over possible drainage problems which may be created from the lot-split, since a significant portion of the frontage is occupied by an inlet grate to a storm sewer. There was also discussion over the possibility of developing this lot without disturbing the drainage.

Mr. Jones advised that the drain would have to be preserved and that Department of Public Works' approval would be required should any changes be made to the drainage.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, the TMAPC voted **7-0-1** (Broussard, Carnes, Doherty, Horner, Neely, Pace, Wilson "aye"; no "nays"; Midget "abstaining"; Ballard, Dick, Parmele "absent") to **FIND** that L-17775 meets the Subdivision Regulations and **APPROVE** L-17775 for lot-split subject to review of drainage by Stormwater Management.

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L-17801 Point South HOA (483) (PD-18) (CD-7)
3811 E. 66th St.

RS-2

Staff Comments

Mr. Jones referred to a map and surveys revealing where the house was constructed over the property line into a common area owned by the HOA. The applicant is requesting to split off a portion, 4' X 19', segment of the HOA's common area. The HOA has agreed to sell this segment to the property owner and this segment will then be attached to the lot containing the house, allowing for all of the structure to be contained on the lot of record. Mr. Jones pointed out that the plat of survey does not show all of the side or rear yards. He noted that the structure is built over a utility easement and asked the Planning Commission to recognize that the lot-split will in no way affect, have a detrimental impact on or release that easement. Mr. Jones advised that Staff recommends **APPROVAL** of the lot-split tying that 4' X 9' segment of the common area to the full lot which contains the existing structure.

Applicant's Comments

Genra Sorem

2400 First National Tower 74103

Ms. Sorem, representative for the owners, reported that Okie Dig was asked to identify existing lines. She advised that the sewer lines are in the common area. Ms. Sorem stated that the structure does not appear to lie over any lines, and if they do, the owner recognizes the risks involved.

Chairman Doherty asked Mr. Linker if there is any liability on the part of any government body by such action, should the Planning Commission approve this lot-split and the house should be over existing utilities.

Mr. Linker advised that it would not create liability, but the Planning Commission should make clear in approval that they are not in any way affecting the easement that is encroached onto by the structure.

Ms. Sorem noted that the City has filed a notice of encroachment in the public records in 1988.

Interested Parties

Peter M. Walter 1319 East 35th Street 74105

Ms. Wilson asked about the feasibility of a foundation survey to avoid these types of problems in the future, as discussed during Subdivision Regulations update meetings.

Mr. Jones advised that the possibility of a foundation survey will be explored.

Mr. Gardner advised that Staff favors a foundation survey, but it met with resistance from the development community because it delays the process. He noted that situations such as this are avoided when such a survey is made.

TMAPC Action; 8 members present:

On MOTION of MIDGET, the TMAPC voted 8-0-0 (Broussard, Carnes, Doherty, Horner, Midget, Neely, Pace, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Dick, Parmele "absent") to APPROVE L-17801 for lot-split as recommended by Staff and subject to this action not affecting the existing easement on this property.

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ZONING PUBLIC HEARING:

Zoning Text Amendment to the City of Tulsa Zoning Code relating to the measurement of antenna height.

Chairman Doherty announced that this request originated from Vickie Cleveland as a request for clarification.

Staff Comments

Mr. Gardner informed that this amendment pertains to antennae accessory to residential uses either in the agricultural district or within the residential district. Mr. Gardner reviewed the following:

B. Accessory Use Conditions

1. General Conditions:

- a. An accessory building erected as an integral part of the principal building shall be made structurally a part thereof, and shall comply with the requirements applicable to the principal building.
- b. A detached accessory building shall not be located in the front yard.
- c. Within the rear yard, a detached accessory building shall be located at least three feet from any lot line; provided, however, where said lot line abuts a public street, the detached accessory building shall be setback from the centerline of the street 20 feet plus one-half of the right-of-way designated on the Major Street and Highway Plan, or 45 feet from the centerline of the street if said street is not designated on the Major Street and Highway Plan.
- d. Detached accessory buildings in the aggregate shall not exceed 750 square feet of floor area or 40% of the floor area of the principal residential structure, whichever is greater.
- e. Antennas and their supporting structures which are accessory to a residential use are permitted to be mounted on a residential dwelling or customary accessory building; provided that:

- (1) the antenna supporting structure is considered part of the residential building and shall comply with the building height restrictions of the district; and

The surface area of all such mounted antennas shall not exceed ten (10) square feet. Only one (1) side having the largest surface area is to be calculated.

~~This~~ **These** provisions does not apply to principal use antennas or to antennas which are accessory to uses requiring Board of Adjustment approval.

- f. Structures other than a dwelling or customary accessory building which are used to support accessory antennas (including guy lines) shall:
 - (1) be located in the rear yard only, and shall be limited to one such structure;
 - (2) not exceed 65 feet in height, **measured from the average ground elevation at the rear principal building wall to the highest horizontal point of the antenna supporting structure;**
 - (3) not encroach upon the land or airspace of any abutting property, and
 - (4) not exceed 24 inches in width above 25 feet in height, exclusive of guy lines.

SECTION 302. ACCESSORY USES IN THE AGRICULTURE DISTRICT

11-3-93

A. Accessory Uses Permitted

Accessory uses customarily incident to a principal use permitted in an Agriculture District are permitted in such district. In addition, the uses set forth in Table 2 are permitted as accessory uses.

Table 2
Accessory Uses Permitted In the Agriculture District

Uses	District
1. Bulletin Boards	AG
2. Home Occupation*	AG
3. Identification Signs	AG
4. Real Estate Signs	AG
5. Parking/Storage of Recreational Vehicles	AG
6. Antennas	AG

*By Special Exception requiring Board of Adjustment approval subject to the requirements set forth in Section 404.B.

B. Accessory Use Conditions

1. General Conditions

- a. An accessory building erected as an integral part of the principal building shall be made structurally a part thereof, and shall comply with the requirements applicable to the principal building.
- b. Accessory buildings shall meet the minimum yard or building setback requirements.
- c. Antennas and their supporting structures which are accessory to a residential use are permitted to be mounted on a residential dwelling or customary accessory building; provided that it does not exceed sixty-five (65) feet in height measured **at-grade from the average ground elevation at the principal building wall to the highest horizontal point of the antenna supporting structure** and that the surface area of all such mounted antennas shall not exceed ten (10) square feet. Only one (1) side having the largest surface area is to be calculated.

~~This~~ **These** provisions does not apply to principal use antennas or to antennas which are accessory to uses requiring Board of Adjustment approval.

- d. Structures other than a dwelling or customary accessory building which are used to support accessory antennas (including guy lines) shall:
 - (1) be located in the rear yard only, and limited to one such structure,
 - (2) not exceed 65 feet in height; **measured from the average ground elevation at the principal building wall to the highest horizontal point of the antenna supporting structure.**
 - (3) not encroach upon the land or airspace of any abutting property, and
 - (4) not exceed 24 inches in width above 25 feet in height, exclusive of guy lines.

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

Ms. Wilson reported, in the absence of Mr. Parmele, that the Rules and Regulations Committee recommended approval of the amendment as presented.

TMAPC Action; 8 members present:

On MOTION of MIDGET, the TMAPC voted 8-0-0 (Broussard, Carnes, Doherty, Horner, Midget Neely, Pace, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Dick, Parmele "absent") to recommend ADOPTION of the above-stated changes to the City of Tulsa Zoning Code.

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OTHER BUSINESS:

PUD-468: Revised Site Plan - Development Area 5 - west of northwest corner of East 71st Street South and South Mingo Road.

McDonald's Restaurant is proposing to amend their Site Plan to provide an access directly onto East 71st Street. The proposed access point is 13' east of the one allowed on the plat. Staff has no objection to the new location so long as Traffic Engineering concurs. Therefore, Staff recommends APPROVAL of the Revised Site Plan subject to approval of the relocation of the access point by Traffic Engineering and TMAPC.

The applicant indicated approval of Staff recommendation.

TMAPC Action; 8 members present:

On MOTION of HORNER, the TMAPC voted 8-0-0 (Broussard, Carnes, Doherty, Horner, Midget Neely, Pace, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Dick, Parmele "absent") to APPROVE PUD 468 Amended Site Plan as recommended by Staff.

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A resolution finding that the amendments to the Urban Renewal Plan for the Neighborhood Development Program area in connection with the nineteenth year Community Development Block Grant program are in conformance with the Comprehensive Plan of the Tulsa Metropolitan Area.

Mr. Neely announced that the Comprehensive Plan Committee recommends approval.

TMAPC Action; 7 members present:

On **MOTION** of **NEELY**, the TMAPC voted **7-0-0** (Broussard, Carnes, Doherty, Horner, Neely, Pace, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Dick, Midget, Parmele "absent") to **FIND** that the amendments to the urban renewal plan for the Neighborhood Development Program area in connection with the nineteenth year Community Development Block Grant program are in conformance with the Comprehensive Plan of the City of Tulsa.

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PUD-282: Revised Detail Site Plan - southwest corner of East 71st Street South and South Lewis Avenue.

The applicant is requesting to cover existing parking spaces on the east side of the Kensington Complex. No parking spaces or landscaped areas will be changed. Staff recommends **APPROVAL**.

Chairman Doherty asked for an elevation sketch identifying the materials which will be used in construction.

Mr. Stump replied that the materials are not identified; however, he understands that they will be of metal construction.

Mr. Neely questioned whether there were any PUD conditions which state the quality or design of structures other than for the principal structure.

Mr. Stump replied that there were not.

The Chairman instructed Staff to obtain more information as to the construction material, elevation sketch, and general appearance of the parking structure.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Broussard, Carnes, Doherty, Horner, Midget Neely, Pace, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Dick, Parmele "absent") to **CONTINUE** PUD 282 Site Plan Review to November 17, 1993.

The applicant arrived at the close of the agenda and Chairman Doherty explained that the item was continued since there was no description of how the covered parking will appear. He explained that the Planning Commission was concerned that it not be a tin parking structure, and that the appearance be in harmony with the development.

Mr. Butler advised that there is a great deal invested in the property and he intends for the structure to be complementary to the existing structure.

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PUD-282: Revised Sign Plan - west of the southwest corner of East 71st Street South and South Lewis Avenue.

The applicant is requesting approval of additional wall signs for the Marriott Hotel which replace Sheraton Hotel signs. A 6' logo is proposed on the top of the hotel on its west side, a 5' X 25' "Marriott" sign would be near the top of the hotel on the east side and a 3' X 17' "Marriott" sign would be placed on the north face of the car canopy at the entrance to the hotel. These are in addition to a previously approved 5' X 25' "Marriott" sign and 6' logo on the top of the north side of the hotel. Staff finds the new wall signs comply with the PUD conditions and recommends **APPROVAL**.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Broussard, Carnes, Doherty, Horner, Midget, Neely, Pace, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Dick, Parmele "absent") to **APPROVE** PUD 282 Sign Plan as recommended by Staff.

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PUD-202: Detail Site, Sign and Landscape Plans - Development Area H - southeast corner of East 61st Street South and South 76th East Avenue.

The applicant, Quik Trip, is proposing a convenience store containing 3,200 SF at the northwest corner of the PUD. Access will be from South 76th East Avenue, the private ring road inside the PUD, and a new access onto East 61st Street South. Currently, the 61st Street access point is in an area where the plat does not allow access onto 61st Street. Since the site has over 380' of frontage on 61st Street, Staff could support an additional access point if the tract to the east can also use it. The plans meet the requirements of the PUD and the landscape ordinance. Therefore, Staff recommends **APPROVAL** of all three plans, conditioned upon subsequent approval of the new access point by Traffic Engineering and TMAPC.

Mr. Stump noted that earlier activity in Development Area "H" was high-rise office buildings with original site plans showing this parcel being developed with a high-rise office building as well. Mr. Stump advised that Staff has reviewed the proposal and finds that the landscaping, site plan, and signage comply with PUD

conditions. Mr. Stump disclosed that some owners of the office building parcels have concerns that the restrictive covenants limit this use to office buildings. He referred to a letter in the agenda packets expressing those concerns. Mr. Stump reminded the Planning Commission that private restrictions which are more restrictive than the Zoning Code restrictions are a private matter.

Chairman Doherty asked Mr. Stump if the City is party to the covenants of the PUD.

Mr. Stump advised that the City is party to some, but in the past it has been interpreted that even if the City is listed as a party to things such as roofing materials, minimum square footage of buildings, etc., anything above and beyond the conditions of the PUD is not considered the City's job to enforce. Mr. Stump advised having reviewed this application on what the PUD conditions and restrictions are and concluded that it complies.

Applicant's Comments

Joe Westervelt

1250 East 26th Street

Mr. Westervelt, representing the Quik-Trip Corporation, expressed agreement with Staff recommendation; however, he would like to add additional landscaping to the landscaped portion of the site plan in an effort to make adjacent property owners more comfortable with the site plan. He advised that adjacent property owners are especially interested in screening at the rear of the proposed structure. Mr. Westervelt then gave a detailed review of the landscape plan. At the request of Mr. Charney's client two pine trees will be added behind the dumpster area and one locust shade master on the southeast corner of the property. Mr. Westervelt advised that his client would like to use courses of brick around the bottom of the sign and around the top of the concrete trash enclosure area. Mr. Westervelt asked that he be given leeway to add additional trees. Mr. Charney's client has asked that the trees at the rear of the building be compressed further to approximately 10' to 15' centers, at the rear and sides of the proposed structure, without his having to appear before the Planning Commission for another landscape review. Mr. Westervelt noted that Staff cautioned about planting materials too close together so that survival might be better ensured.

Interested Parties

David Charney

1249 East 29th Street

Mr. Charney, representing Granite Properties, expressed concern that the rear of the building be sufficiently shaded and buffered. He advised that, given the office-park nature of the tracts behind the proposed Quik-Trip, it is the desire of existing tenants to have a greenbelt screening around the rear of the structure and the dumpster.

Chairman Doherty suggested that the Planning Commission approve the application as presented with the stipulation that additional buffering material may be added behind the store upon agreement between the applicant and interested parties.

Mr. Charney agreed with this and noted that the applicant has expressed a willingness to do so.

Mr. Westervelt also asked for latitude to add barberries to certain areas.

Chairman Doherty noted that landscaping is usually a minimum requirement, and asked if there is anything to preclude the addition of other material beyond that specified in the landscape plan.

Mr. Stump advised that there is no maximum and cautioned that the only concern would be if landscape material were planted too close together for growth. He noted that if applicants meet the minimum landscaping required and want to install more, that Staff has never insisted on additional appearances before the Planning Commission.

Mr. Westervelt informed that plantings will be on the same center and spacing as is consistent with the site plan presented, and the only difference will be the numbers of plants installed.

Mr. Carnes moved for approval to the Landscape Plan as modified, with the stipulation that additional landscaping may be added as agreed upon by the applicant and interested parties.

Mr. Charney informed that all the interested parties concerns have been addressed; however, he wants to ensure that Quik-Trip does follow up with the agreed-upon additional landscaping. He noted that if the additional landscaping is not installed, interested parties will be disappointed. The core of his concern is the desire to screen the rear of the structure from the office buildings by whatever means necessary to soften its impact.

Mr. Stump advised that this will also require a change of access on the plat.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Broussard, Carnes, Doherty, Horner, Midget Neely, Pace, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Dick, Parmele "absent") to **APPROVE** PUD 202 Site Plan, Sign Plan subject to approval of a change of access and to **APPROVE** the Landscape Plan as submitted and modified by the applicant with the stipulation that additional landscaping may be added as agreed upon by the applicant and interested parties.

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There being no further business, the Chairman declared the meeting adjourned at 2:40 p.m.

Date Approved: 11/17/93

James R. [Signature]
Chairman

ATTEST:

Jack H. Neary
Secretary