

# TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2276

Wednesday, June 6, 2001, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Boyle	Jackson	Beach	Boulden, Legal
Carnes	Ledford	Bruce	
Harmon	Midget	Dunlap	
Hill	Selph	Huntsinger	
Horner	Westervelt	Matthews	
Pace		Stump	

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, June 4 20, 2001 at 11:15 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Vice Chair Boyle called the meeting to order at 1:35 p.m.

## **Minutes:**

### **Approval of the minutes of May 16, 2001, Meeting No. 2274**

On **MOTION** of **HARMON** the TMAPC voted 6-0-0 (Boyle, Carnes, Harmon, Hill, Horner, Pace "aye"; no "nays"; none "abstaining"; Jackson, Ledford, Midget, Selph, Westervelt "absent") to **APPROVE** the minutes of the meeting of May 16, 2001, Meeting No. 2274.

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## **REPORTS:**

### **Committee Reports:**

#### **Comprehensive Plan Committee**

Mr. Boyle reported that the Comprehensive Plan Committee met today prior to the TMAPC meeting. There will be a call for a public hearing regarding two amendments to the Comprehensive Plan.

## **Rules and Regulations Committee**

Mr. Boyle reported that the Rules and Regulations Committee met today prior to the TMAPC meeting and reviewed proposed amendments to the Subdivision Regulations.

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## **Director's Report:**

Mr. Stump reported that there are several cases to be heard at the City Council on Thursday, June 07, 2001.

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## **SUBDIVISIONS**

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

<b><u>L-19214 – Mike Kerr (1274)</u></b>	(PD-19) (County)
13924 South 188 <sup>th</sup> East Avenue	
<b><u>L-19224 – James David Hunter (3092)</u></b>	(PD-23) (County)
6621 West Skyline Drive	
<b><u>L-19225 – Stuart Arnold (2992)</u></b>	(PD-9) (County)
4403 South 61 <sup>st</sup> West Avenue	
<b><u>L-19226 – Anna Sexton (1773)</u></b>	(PD-21) (County)
14600 South Harvard	
<b><u>L-19231 – Benny D. Kellner (2874)</u></b>	(PD-20) (County)
13716 East 161 <sup>st</sup> Street	
<b><u>L-19233 – Jim Level (3294)</u></b>	(PD-17) (CD-5)
5802 South 118 <sup>th</sup> East Avenue	
<b><u>L-19238 – City of Tulsa (1194)</u></b>	(PD-17) (CD-6)
16910 East 11 <sup>th</sup> Street	
<b><u>L-19239 – City of Tulsa (2402)</u></b>	(PD-25) (CD-1)
3019 North Garrison	

## **Staff Recommendation:**

Mr. Beach stated that all of these lot-splits are in order and staff recommends **APPROVAL**.

**There were no interested parties wishing to speak.**

**TMAPC Action; 6 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Pace "aye"; no "nays"; none "abstaining"; Jackson, Ledford, Midget, Selph, Westervelt "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

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**FINAL PLAT:**

**Cooley Creek Center I (494)** (PD 17) (CD 6)  
Northeast Corner of South 129<sup>th</sup> East Avenue and East 4<sup>th</sup> Street South

**Staff Recommendation:**

This plat consists of three lots in one block on 6.9 acres. The three lots will be accessed via the extension of 130<sup>th</sup> East Avenue and a mutual access easement tying to an access point on 129<sup>th</sup> East Avenue. The proposed lots will be used for commercial purposes. The interior collector (130<sup>th</sup> East Avenue) will be extended across Cooley Creek in the future to serve additional development.

Releases have been received and the plat is substantially in order. Staff recommends **APPROVAL** of the final plat.

**There were no interested parties wishing to speak.**

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 6 members present:**

On **MOTION** of **HILL**, TMAPC voted **6-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Pace "aye"; no "nays"; none "abstaining"; Jackson, Ledford, Midget, Selph, Westervelt "absent") to **APPROVE** the final plat for Cooley Creek Center, subject to Legal approval of language as recommended by staff.

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**PRELIMINARY PLAT:**

**Osage Center - (3402, 3502)** (PD-11) (CD-1)  
Country Club Drive/Osage Drive from Latimer to Haskell Streets

**Staff Recommendation:**

Mr. Beach stated that this item needs to be continued due to a flaw in the notice. Staff recommends a continuation to June 27, 2001.

**There were no interested parties wishing to speak.**

**TMAPC Action; 6 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Pace "aye"; no "nays"; none "abstaining"; Jackson, Ledford, Midget, Selph, Westervelt "absent") to **CONTINUE** the preliminary plat for Osage Center to June 27, 2001 at 1:30 p.m. as recommended by staff.

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**Osage Duplexes – (3402, 3502)** (PD 11)(CD 1)  
North Osage Drive between Fairview and Jasper Streets

**Staff Recommendation:**

Mr. Beach stated that this item needs to be continued due to a flaw in the notice. Staff recommends a continuation to June 27, 2001.

**There were no interested parties wishing to speak.**

**TMAPC Action; 6 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Pace "aye"; no "nays"; none "abstaining"; Jackson, Ledford, Midget, Selph, Westervelt "absent") to **CONTINUE** the preliminary plat for Osage Duplexes to June 27, 2001 at 1:30 p.m. as recommended by staff.

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**Southern Woods Park II – (PUD 355-C) (1683)** (PD 18-B) (CD 8)  
West of the SW/C of E 89<sup>th</sup> St. S and S. Yale Avenue

**Staff Recommendation:**

Staff recommends continuance of the preliminary plat to June 20, 2001 pending approval of the PUD by the City Council.

**There were no interested parties wishing to speak.**

**TMAPC Action; 6 members present:**

On **MOTION** of **HARMON**, the TMAPC voted **6-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Pace "aye"; no "nays"; none "abstaining"; Jackson, Ledford, Midget, Selph, Westervelt "absent") to **CONTINUE** the preliminary plat for Southern Woods Park II to June 20, 2001 at 1:30 p.m.

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**Greater Grace Apostolic Temple of Tulsa-** (PUD 644) (1202) (PD 25) (CD 1)  
1019 East 54<sup>th</sup> Street North Tulsa

**Staff Recommendation:**

This plat consists of one lot in one block. The plat doesn't indicate the land area and the PUD has conflicting information. In one place it says 13+/- acres and in another it says 11.511 acres. It is approved for a maximum of 100,000 SF of church uses under the PUD.

The following were discussed **May 17, 2001** at the Technical Advisory Committee (TAC) meeting:

**1. Zoning:**

*Staff:* The PUD was approved earlier this year. It is approved for a maximum of 100,000 SF of church uses. The covenants do not adequately include the PUD conditions as required by the Zoning Code.

**2. Streets/access:**

*Staff:* No new streets or right-of-way. The PUD allows one access point to each of the abutting streets except Peoria.

*Public Works Traffic & Transportation:* Add limits of no access on face of plat, subject to approval by Traffic Engineering. Add standard language for limits of no access in the covenants. Add 25' radius at southwest corner and 30' radius at southeast corner. Include Peoria right-of-way on face of plat.

*Applicant:* Consent.

**3. Sewer:**

*Staff:* No comments.

*Public Works Waste Water:* Add standard sanitary sewer language in covenants.

*Applicant:* Consent.

**4. Water:**

*Staff:* No comments.

*Public Works Water:* Add standard water language in covenants.

*Applicant:* Consent.

## 5. Storm Drainage:

*Staff:* Drainage easements are shown throughout the property and in some cases are combined with utility easements.

*Public Works Stormwater:* No storm drainage plans were submitted. Impossible to determine if easements shown are adequate to serve. Standard language needs to be included in covenants for detention and overland drainage to be maintained by the church.

*Applicant:* Stated that the drainage easements have been completely redesigned and he will arrange a meeting to review and discuss.

*Public Works Stormwater and other TAC members:* Based on the current information regarding changes to stormwater design and the incompleteness of the submittal, this plat is not ready to review.

## 6. Utilities:

*Staff:* See comment under drainage.

No comments from any franchise utilities.

## 7. Other:

*Staff and Public Works, Development Services:* Although not a requirement in the subdivision regulations, the graphics on this plat need to be improved for clarity of communication. Include bearings and dimensions, carried to two decimal places, on all property lines. The Point of Beginning must be shown graphically. The location map must be complete and should be larger for readability. Numerous misspellings in the covenants need to be corrected. The PUD number needs to be included. Change obsolete term "Stormwater Management Department". Change "Wagoner County" to "Tulsa County" where applicable. Change form of certificates to standard signature block.

Based on the forthcoming changes regarding stormwater design and the graphic and substantive changes needed in the entire plat, **TAC voted to table the item.** Staff would recommend this plat be modified and resubmitted for TAC review at a future date.

**NOTE:** Subsequent to the TAC meeting the applicant met with representatives of Stormwater, Development Services, and TMAPC staff. He submitted a revised plat showing stormwater-related easements and considerable changes in response to TAC comments regarding graphics and basic required information. The result of the meeting was that staff and Public Works agree to allow the preliminary plat to move forward to the TMAPC for approval.

Staff recommends **APPROVAL** of the preliminary plat subject to the special and standard conditions identified below.

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. Add limits of no access to face of plat, subject to approval by Traffic Engineering. Include standard language in covenants.
2. Dedicate additional right-of-way at corners as required by the Subdivision Regulations and City policies.
3. Add standard sanitary sewer language in the covenants.
4. Add standard water language in covenants.
5. Meet all design and easement requirements of Public Works, Stormwater prior to release of final plat. Include all standard language in covenants.
6. Include all basic information required by the subdivision regulations ~~and work to improve graphic clarity of final plat.~~
7. Modify covenants to include PUD conditions as required by the Zoning Code.

**Standard Conditions:**

1. All conditions of PUD 644 shall be met prior to release of the final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to applicable sections 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 Public Works Department 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. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
6. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
7. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
8. A topo map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
9. Street names shall be approved by the Public Works Department and shown on plat.
10. All curve data, including corner radii, shall be shown on final plat as applicable.
11. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
12. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
13. It is recommended that the developer coordinate with the Public Works Department 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. 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.
15. The method of sewage disposal and plans therefore shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
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 therefore 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. 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. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
23. All other Subdivision Regulations shall be met prior to release of final plat.

**Applicant's Comments:**

**Dr. Donald Tyler**, 6205 West Orlando, Broken Arrow, Oklahoma 74012, stated that he is in agreement with the staff recommendation.

**There were no interested parties wishing to speak.**

**TMAPC Action; 6 members present:**

On **MOTION** of **HORNER**, TMAPC voted **6-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Pace "aye"; no "nays"; none "abstaining"; Jackson, Ledford, Midget, Selph, Westervelt "absent") to **APPROVE** the preliminary plat for Greater Grace Apostolic Temple of Tulsa subject to special conditions and standard conditions as recommended by staff. (Language in the staff recommendation that was deleted by TMAPC is shown as ~~strikeout~~; language added or substituted by TMAPC is underlined.)

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**PLAT WAIVER:**

**PUD 557-A** (2483) (PD-18) (CD-8)  
1/8 Mile east of Memorial, south side East 93<sup>rd</sup> Street

**Staff Recommendation:**

The PUD Major amendment was approved 11/30/00 and added public libraries to the list of permitted uses in the original PUD. This triggered the platting requirement.

The following information was provided at the TAC meeting of May 17, 2001.

**STREETS:**

Public Works, Transportation: No comments.

Public Works, Traffic: No comments.

**SEWER:**

Public Works, Wastewater: No comments.

**WATER:**

Public Works, Water: No comments

**STORM DRAIN:**

Public Works, Stormwater: No comments

**FIRE:**

Public Works, Fire: No comments

**UTILITIES:**

Franchise Utilities: No comments.

Based on discussion with the individuals who will review and approve the changes and the following checklist, which reflects the policies of TMAPC, staff recommends **APPROVAL** of the request for plat waiver with the following conditions:

1. Prepare and file of record restrictive covenants detailing the amended PUD conditions.

*A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:*

- |   | Yes | NO |
|---|-----|----|
| 1. Has property previously been platted?  | X   |    |
| 2. Are there restrictive covenants contained in a previously filed plat?                    | X   |    |
| 3. Is property adequately described by surrounding platted propertie X<br>or street<br>R/W? |     |    |

*A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:*

- |   |   |   |
|---|---|---|
| 4. Is right-of-way dedication required to comply with major street<br>and highway plan? |   | X |
| 5. Will restrictive covenants be filed by separate instrument?                          | X |   |
| 6. Infrastructure requirements:   |   |   |
| a) Water  |   |   |

- |  |   |
|--|---|
| i. Is a main line water extension required?  | X |
| ii. Is an internal system or fire line required?   | X |
| iii. Are additional easements required?  | X |
| b) Sanitary Sewer  |   |
| i. Is a main line extension required?  | X |
| ii. Is an internal system required?  | X |
| iii. Are additional easements required?  | X |
| c) Storm Sewer   |   |
| i. Is a P.F.P.I. required?   | X |
| ii. Is an Overland Drainage Easement required?   | X |
| iii. Is onsite detention required?   | X |
| iv. Are additional easements required?   | X |
| 7. Floodplain  |   |
| a) Does the property contain a City of Tulsa (Regulatory) Floodplain?                          | X |
| b) Does the property contain a F.E.M.A. (Federal) Floodplain?                                  | X |
| 8. Change of Access  |   |
| a) Are revisions to existing access locations necessary?                                       | X |
| 9. Is the property in a P.U.D.?  | X |
| a) If yes, was plat recorded for the original P.U.D.   | X |
| 10. Is this a Major Amendment to a P.U.D.?   | X |
| a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? | X |

If, after consideration of the above criteria, a plat waiver is granted on *unplatted* properties, a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) shall be required. Said survey shall be prepared in a recordable format and filed at the County Clerk's office.

**There were no interested parties wishing to speak.**

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 6 members present:**

On **MOTION** of **HORNER**, TMAPC voted **6-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Pace "aye"; no "nays"; none "abstaining"; Jackson, Ledford, Midget, Selph, Westervelt "absent") to **APPROVE** the plat waiver for PUD-557-A, subject to conditions as recommended by staff.

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**Z-6697** (3193)  
5121 South Wheeling

(PD-18) (CD-9)

**Staff Recommendation:**

The property was rezoned to OM on 6/29/99. This triggered the platting requirement.

**The following information was provided at the TAC meeting of May 17, 2001.**

**STREETS:**

Public Works, Transportation: No comments.  
Public Works, Traffic: No comments.

**SEWER:**

Public Works, Wastewater: No comments.

**WATER:**

Public Works, Water: No comments.

**STORM DRAIN:**

Public Works, Stormwater: No comments.

**FIRE:**

Public Works, Fire: No comments.

**UTILITIES:**

Franchise Utilities: No comments.

Based on discussion with the individuals who will review and approve the changes and the following checklist, which reflects the policies of TMAPC. Staff recommends **APPROVAL** of the request for plat waiver with the following conditions:

1. Prepare and file of record, easements as required by Public Works for compensatory storage and regulatory floodplain.

**A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:**

	Yes	NO
1. Has property previously been platted?	X	
2. Are there restrictive covenants contained in a previously filed plat?		X
3. Is property adequately described by surrounding platted properties or street R/W?	X	

**A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:**

4. Is right-of-way dedication required to comply with major street and highway plan?		X
5. Will restrictive covenants be filed by separate instrument?	X	
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is onsite detention required?		X
iv. Are additional easements required?	X	
7. Floodplain		
a) Does the property contain a City of Tulsa (Regulatory) Floodplain?	X	
b) Does the property contain a F.E.M.A. (Federal) Floodplain?		X
8. Change of Access		
a) Are revisions to existing access locations necessary?		X
9. Is the property in a P.U.D.?		X
a) If yes, was plat recorded for the original P.U.D.		NA

10. Is this a Major Amendment to a P.U.D.? X  
a) If yes, does the amendment make changes to the proposed NA  
physical development of the P.U.D.?

If, after consideration of the above criteria, a plat waiver is granted on *unplatted* properties, a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) shall be required. Said survey shall be prepared in a recordable format and filed at the County Clerk's office.

**There were no interested parties wishing to speak.**

**The applicant indicated his agreement with staff's recommendation.**

**TMAPC Action; 6 members present:**

On **MOTION** of **HORNER**, TMAPC voted **6-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Pace "aye"; no "nays"; none "abstaining"; Jackson, Ledford, Midget, Selph, Westervelt "absent") to **APPROVE** the plat waiver for Z-6697, subject to conditions as recommended by staff.

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**CONTINUED ZONING PUBLIC HEARING**

**APPLICATION NO.:** Z-6813

**OL TO CS**

**Applicant:** Robert Elliott

(PD-18) (CD-9)

**Location:** Northeast corner of 55<sup>th</sup> Place and South Peoria

**Staff Recommendation:**

Staff explained that the applicant has submitted a PUD for the subject property and it cannot be heard until June 20, 2001. Staff would prefer that the zoning request be heard on the same day.

**There were no interested parties wishing to speak.**

**TMAPC Action; 6 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Pace "aye"; no "nays"; none "abstaining"; Jackson, Ledford, Midget, Selph, Westervelt "absent") to **CONTINUE** Z-6813 to June 20, 2001 at 1:30 a.m.

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**APPLICATION NO.: PUD-357-A-6****MINOR AMENDMENT****Applicant:** Roy D. Johnsen

(PD-18) (CD-2)

**Location:** East and south of southeast corner of East 71<sup>st</sup> Street and South Quincy**Staff Recommendation:**

The applicant is requesting new sign standards for office uses located in PUD-357 in Area 1-A. There have been several minor amendments for sign standards along 71<sup>st</sup> Street in this Planned Unit Development for Areas 1-A and 1-B since the original approval in 1984. A request to amend the sign standards for Area 1-B to allow a 127-square-foot display area and a 20-foot height maximum was denied in July of 1992.

Currently the standards for Area 1-A allow one monument ground sign fronting 71<sup>st</sup> Street with a maximum height of 7 ½ feet and display surface area of 184 square feet and maximum copy area of 60 square feet. The standards for Area 1-B allow one ground sign on 71<sup>st</sup> Street not exceeding 18 feet in height nor 75 square feet of display surface area.

There is already an existing sign for the subject office park along South Quincy Avenue. Staff is favorable to an 18-foot height maximum for the new requested sign standards. The 18-foot height maximum is much higher than the approved 7.5-foot height maximum existing for a ground sign on the site, and is in conformance with the sign height approved for abutting Area 1-B. The requested 160 square feet of display surface area with 140 square feet of copy area is less than the existing approved sign display area. Staff can recommend **APPROVAL** of the amendment for the new ground sign with the following conditions:

1. The sign not exceed 18 feet in height.
2. The sign be located in the center (between east and west edges) of the existing landscaped area along 71<sup>st</sup> Street, and be setback a minimum of 70 feet from the centerline of 71<sup>st</sup> Street.

**Applicant's Comments:**

**Roy D. Johnsen**, 201 West 5<sup>th</sup> Street, Suite 501, Tulsa, Oklahoma 74103, stated that his clients have purchased the subject office complex. Mr. Johnsen cited the history of the subject PUD and developments on nearby properties. He indicated that the subject tract is developing for office purposes.

Mr. Johnsen stated that his clients are in agreement with staff's recommendation except for the limit of the height. Mr. Johnsen submitted photographs (Exhibit A-1) of various signs existing in the subject area. Mr. Johnsen cited the various heights of the existing signs in the subject area that are over 18 feet in height.

Mr. Johnsen stated that his clients' overall signage is excellent and substantially better than any of the existing signage nearby. He requested 25 feet in height for the proposed signage. He commented that 25 feet is not unreasonable compared to the existing signage in the subject area.

**TMAPC Comments:**

Ms. Pace asked staff when the 50-foot sign was allowed along 71<sup>st</sup> Street. In response, Mr. Stump stated that the mentioned 50-foot sign was developed outside a PUD and there will always be this type of difference between signage outside a PUD and signage inside a PUD. Mr. Stump indicated that Mr. Johnsen didn't mention that the closest sign to the east of subject property is 18 feet in height and it is inside the same PUD that Mr. Johnsen is proposing his signage. Mr. Stump explained that staff felt that even though there are larger signs outside of the PUD, the 18-foot should be the maximum in order to protect to the other sign within the subject PUD.

**TMAPC Action; 6 members present:**

On **MOTION** of **PACE**, TMAPC voted **6-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Pace "aye"; no "nays"; none "abstaining"; Jackson, Ledford, Midget, Selph, Westervelt "absent") to **APPROVE** the minor amendment for PUD-357-A-6, subject to conditions as recommended by staff.

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**APPLICATION NO.: PUD-405-16**

**Applicant:** Glenda Nelson

**Location:** 7320 East 91<sup>st</sup> Place

**MINOR AMENDMENT**

(PD-18) (CD-8)

**Staff Recommendation:**

The applicant is requesting a minor amendment to allow a change in the rear yard setback from 20 feet to 15 feet for a residential addition.

Staff can recommend **APPROVAL** of the application per the submitted site plan and per the elevations received on June 5, 2001. The design is compatible with the existing dwelling and should be aesthetically pleasing to surrounding neighbors. The infringement will include only a small part of the room addition for this pie shape lot and does not interfere with an existing 11-foot utility easement along the rear property line.

**There were no interested parties wishing to speak.**

**The applicant indicated his agreement with staff's recommendation.**



**TMAPC Action; 6 members present:**

On **MOTION** of **HORNER**, TMAPC voted **6-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Pace "aye"; no "nays"; none "abstaining"; Jackson, Ledford, Midget, Selph, Westervelt "absent") to **APPROVE** the minor amendment for PUD-405-16 as recommended by staff.

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**ZONING PUBLIC HEARING**

**APPLICATION NO.: PUD-405-J/Z-5722-SP-14**

**MAJOR AMENDMENT & CORRIDOR SITE PLAN**

**Applicant:** William B. Jones

(PD-18) (CD-8)

**Location:** South and southwest corner of East 93<sup>rd</sup> Street and South Memorial Drive

**Staff Recommendation:**

PUD-405-G was approved by the City Council in May 1997. The subject tract was Tract D1 of PUD-405-G. The tract contains approximately 55,635 SF and was approved for uses included within Use Units 11, 12, 13 and 14 and automobile tire and wheel stores and suspension and muffler repair. The tract has approximately 146.30 feet of frontage on Memorial and is approximately 380.25 feet deep. The tract is abutted on the north by a tire store zoned PUD-405-E; on the south by an animal hospital zoned PUD-405-G; and to the west by vacant property zoned PUD-405-G that has been approved for uses included within Use Units 11, 12, 13, 14, 16, 19 and automobile and light truck sales as included within Use Unit 17. To the east of the tract across South Memorial Drive is an automobile dealership zoned PUD-557. This major amendment proposes to add as a permitted use an auto wash facility as included within Use Unit 17 and also to delete a requirement that internal automobile service and work areas shall not be visible from South Memorial Drive. The Planning Commission approved a minor amendment to allow garage/services bay doors to face Memorial Drive on a tract (PUD-405-F) that is located to the south of the subject tract. Because of existing uses and previous approvals, staff can support the requested auto wash use and the bay doors facing Memorial.

Staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-405-J/Z-5722-SP-14, as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-405-J/Z-5722-SP-14 subject to the following conditions:

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.
2. Requirements of PUD-405-G apply unless modified below.
3. **Development Standards:**

Land Area (Net) 55,634.24 SF

Permitted Uses: Those uses included within Use Units 11, 12, 13 and 14; and Automobile Tire and Wheel Stores, Suspension and Muffler Repair, and Auto Wash as included within Use Unit 17.

Maximum Land Coverage: 30%

Maximum Building Floor Area: 15,000 SF

Minimum Lot Frontage on South Memorial Drive: 140 FT

Maximum Building Height: 35 FT

Minimum Building Setbacks:

From South Memorial Drive right-of-way 70 FT

From Other Development Area Boundaries 10 FT

Minimum Off-Street Parking: As required by the applicable Use Unit of the Tulsa Zoning Code.

Minimum  
Landscaped Area:

Use Unit 11 Uses 15% of Net Lot Areas.

All other Uses 10% of Net Lot Areas.

Signage: Wall signs shall comply with Section 1103.B.2 of the Tulsa Zoning Code. One ground sign shall be permitted with a maximum display surface area of 160 SF and a maximum height of 25 FT.

Access: Two mutual access ways shall be provided. One shall be located near the west boundary and one shall be located near the east boundary of the development area. These mutual access ways shall align with existing access ways to the north and to the south of the development area so as to provide access to 93<sup>rd</sup> Street or any of the lots south of 93<sup>rd</sup> Street without entering Memorial Drive.

4. Internal automobile service and work areas may be visible from South Memorial Drive.
5. All building exteriors shall be concrete, masonry or have stucco-like appearance.
6. The use of banners and streamers shall not be permitted.
7. No Zoning Clearance Permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
8. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
9. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
10. All trash, mechanical and equipment areas, including building-mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
11. Lighting used to illuminate the subject tract shall be so arranged as to shield and direct the light away from residential areas. Shielding of such light shall be designed so as to prevent the light-producing element of the light fixture from being visible to a person standing in a residential area. No light standard nor building-mounted light shall exceed 35 feet in height.

12. The Department Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
13. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
14. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process, which are approved by TMAPC.
15. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
16. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers shall not be used for storage.

**The applicant indicated his agreement with staff's recommendation.  
There were no interested parties wishing to speak.**

**TMAPC Action; 6 members present:**

On **MOTION** of **HORNER**, the TMAPC voted **6-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Pace "aye"; no "nays"; none "abstaining"; Jackson, Ledford, Midget Horner, Selph, Westervelt "absent") to recommend **APPROVAL** of the major amendment and corridor site plan for PUD-405-J/Z-5722-SP-14 subject to conditions as recommended by staff.

**Legal Description for PUD-405-J/Z-5722-SP-14:**

A tract of land that is part of Lot 2, Block 4, 9100 Memorial, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, being more particularly described as follows, to wit: starting at the most Easterly Southeast corner of said Lot 2, thence N 00°01'14" W along the Easterly line of said Lot 2 for 150.00' to the Point of Beginning; thence due West for 380.30'; thence due North for 146.60'; thence due East for 380.25' to a point on the East line of Lot 2; thence S 00°01'14" E along said Easterly line for 146.60' to the Point of Beginning. **From CO/PUD-405-G (Corridor District/Planned Unit Development 405-G) To CO/PUD-405-J (Corridor District/Planned Unit Development 405-J).**

**APPLICATION NO.:** PUD-179-I-4  
**Applicant:** Michael Stumps  
**Location:** 9530 East 76<sup>th</sup> Street South

**MINOR AMENDMENT**  
(PD-18) (CD-8)

**Staff Recommendation:**

The applicant is requesting a minor amendment to allow a five-foot rear yard to facilitate the construction of a new garden room addition. The existing rear yard requirement is 20 feet.

The area behind the lot in question is designated for a detention area. South of the detention area is an open space reserve area for PUD-460.

Staff cannot support the proposed residential room addition five feet from the property line. There is an eleven-foot utility easement shown along the rear property line of the subject site on The Woodlands plat. Any structure would not be permitted to be located in a utility easement on the property. Staff recommends **DENIAL** of the minor amendment as submitted.

**Applicant's Comments:**

**Dan Horner**, 9530 East 76<sup>th</sup> Street, stated that he currently has a storage building (16' x 10') that runs along the same property line as the proposal. He asked why this application couldn't be approved.

**TMAPC Comments:**

Mr. Boyle requested staff to explain the denial recommendation to the applicant. Mr. Stump explained that the Zoning Code allows detached accessory buildings to be placed within three feet of a property line if it is outside of a utility easement. Mr. Stump asked Mr. Horner if his accessory building is on a permanent foundation. In response, Mr. Horner answered affirmatively. Mr. Stump explained to Mr. Horner that he is encroaching upon an easement and the owners of the easement (utilities and the City) could tear down the accessory building if it is in their way when trying to prepare utilities. Mr. Stump stated that there is a different setback for a principal building (the home) from that for accessory buildings; however, in either case they are to stay out of the utility easements.

Mr. Boyle explained to the applicant that the easement setbacks are for the applicant's own protection.

Mr. Horner stated that he doesn't understand why this didn't come up when he obtained the permit for the accessory building. Mr. Boyle stated that he could not explain the permit issue because TMAPC does not issue the permits.

Mr. Horner stated that the forms and fill are ready for the concrete to be poured. Mr. Horner acknowledged that the work shouldn't have been done. Mr. Stump stated that if there is no use being made of the utility easement then the applicant could request the easement be vacated. Mr. Stump warned Mr. Horner that this is not an easy process. Mr. Stump commented that staff could support the setback from 20' to 11'. Mr. Horner stated that it wouldn't allow him to build a large enough garden room. Mr. Stump explained to Mr. Horner that if he built the garden room where he has proposed it could cloud his title.

**There were no interested parties wishing to speak.**

**TMAPC Action; 6 members present:**

On **MOTION** of **HARMON**, TMAPC voted **6-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Pace "aye"; no "nays"; none "abstaining"; Jackson, Ledford, Midget, Selph, Westervelt "absent") to **DENY** the minor amendment for PUD-179-I-4 as recommended by staff.

\* \* \* \* \*

**APPLICATION NO.: PUD-306-G-3**

**MINOR AMENDMENT**

**Applicant:** William LaFortune

(PD-18/26) (CD-2)

**Location:** Northeast corner of East 95<sup>th</sup> Street and South Delaware

**Staff Recommendation:**

A request for a minor amendment to allow a gas station use on Lot 1, Block 1, was heard by TMAPC at the February 28, 2001 meeting and was denied 4-3-0. An appeal to City Council on this request was denied on March 22, 2001.

The applicant is requesting a minor amendment to allow a gas station use on Lot 1, Block 1, Riverside Market (Development Area A). A grocery store has received detail site plan approval on the same site and is under construction.

The Planned Unit Development for this area was approved for certain uses including Use Units 11 (offices, studios, and support services), 12 (eating establishments other than drive-ins), 13 (convenience goods and services) and 14 (shopping goods and services). Certain specific uses were included as being possible with the approval of a minor PUD amendment, including the gasoline service station use.

The use proposed includes four gas pump islands with a canopy and a building with a maximum of 150 SF.

The existing platted, permitted access points will be used for the gas service use, in the same way that they will be used for the neighborhood market. The gas service use proposed is less intense than a full service gas station and would be located near the west edge of the site, closest to South Delaware Avenue.

The Comprehensive Plan designates the parcel to the north of the subject site as Low Intensity, No Specific Land Use. The parcel is currently zoned AG (agricultural) and is vacant. Property west of Delaware Avenue is mostly vacant and also designated as Low Intensity, No Specific Land Use under the Comprehensive Plan. Land use to the east includes the grocery store under construction as approved under PUD-306 G, and multifamily residential units. To the south is the Riverside Market commercial center including a new Kohl's store and other retail uses.

Staff can recommend **APPROVAL** of the minor amendment on this commercial site with the following conditions applying to any gasoline service station use:

1. The color scheme match the colors of the Neighborhood Market as proposed by the developer;
2. Down-lighting mounted on the ceiling of the canopy, only, provide lighting for the use as proposed by the developer. This lighting must be recessed under the canopy so as not to affect area uses with bright glare;
3. The site plan as submitted be resubmitted for detail site plan review with the trash enclosure and proposed parking spaces relocated to prevent trees and landscaped area from being changed or affected in accordance with the approved landscape plans for the site;
4. No new access points to Lot 1, Block 1 are permitted;
5. Wall signs shall not exceed an aggregate display surface area of one 1/2 square foot for each lineal foot of building wall or canopy to which the sign or signs are affixed.
6. Maximum of four gasoline pump islands with a maximum of two dispensing stations per island;
7. Maximum building floor area of 150 square feet.
8. Minimum building and canopy setbacks from development area boundaries:

North	75 FT
West	50 FT

South 35 FT

East 550 FT

9. All other development standards for Development Area A of PUD-306-G shall continue to apply.
10. There shall be no flying banners or flags.
11. The faces of the canopy shall be masonry or stucco finish.

Note: The minor amendment does not negate the need for separate detail site plan and sign plan approval.

**Applicant's Comments:**

**William LaFortune**, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, submitted exhibit booklets (Exhibit B-1), stated that he represents Murphy Oil USA and his client is in agreement with staff's recommendation. He explained that his client is resubmitting this application for two primary reasons. The first reason is because it is not the same request that the Planning Commission considered on March 2, 2001. The application has been revised to address concerns of the nearby homeowners and to assure complete compliance with existing development standards, plus any prior agreements between the developers and nearby residents.

Mr. LaFortune stated that the original application that Mr. Johnsen submitted to the Planning Commission included all Use Units 13 and 14 uses as permitted uses for both Development Areas A and B. This would have included gas service stations as a Use Unit 14 use permitted by right. There were other uses that were allowed only by minor amendment that were not within those Use Units. After a number of hearings and negotiations, the final consolidated development standards were the final standards for the major amendment PUD-306-G. Some of the Use Units 13 and 14 uses were conditioned upon a minor amendment process (in other words, the uses were still allowed in the PUD, but only subject to the minor amendment process). He commented that he understands that there could be a gas service station on the subject PUD in Development Area A if there was a minor amendment submitted and reviewed on site-by-site basis. The minor amendment was not intended to change the PUD, but to allow the Planning Commission a site-by-site basis.

Mr. LaFortune stated that once the zoning was in place, then the developers turned to a Quiet Title action and it was settled with three primary components:



- 1) A declaration of restrictive covenants; note that there is nothing in the restrictive covenants that prohibits a gas service station use. However, there is a requirement that any building that is built within the PUD requires that the building exterior finish be of stucco or masonry and the exterior finish of the side and rear walls be consistent with the exterior finish of the front building walls;
- 2) An order granting summary judgment and there is nothing in this order prohibiting gas service stations either, (there were certain covenants in the Homeowners Associations' covenants and deed of dedication that required any issue regarding building, additions, renovations, remodeling, color changes or other work had to go through approval of the homeowners.) This is why the developer brought the lawsuit because he did not believe that this covenant was reasonable or enforceable and the Court agreed in the subject order.
- 3) The Riverside Market plat includes the deed of dedication and covenants and they are identical to the restrictive covenants. During the March hearing there was some misinterpretation by the interested parties and some of the misunderstandings were what is truly allowed by the PUD. A gas service station is allowed on Development Area A by a minor amendment if approved by the Planning Commission. There is no record that the Planning Commission has ever denied the gas service station use except on the March 2001 hearing. He explained that there was a gas service station on a detail site plan back in April 2000 for the Wal-Mart Neighborhood Market. He stated that the gas service station was removed prior the hearing because it was not appropriate to have it on the detail site plan at that time, as it had not gone through the minor amendment process. He explained that development of the gas service station was delayed until a minor amendment could be submitted. There is nothing in the records that states that the gas service station is prohibited.

Mr. LaFortune stated that the reality is that a gas service station is permitted in Development Area A or B as a minor amendment and its appropriate location on a site-by-site analysis by staff and the Planning Commission. All of the PUD history, development standards, court orders, settlement agreements, and restrictive covenants provide for one simple truth that a gas service station use is allowed at the proposed site pursuant to minor amendment, the exterior walls have stucco or masonry finish and the rear and side wall finishes must be consistent with the front wall exterior finish. This is what is presented to the Planning Commission today and what staff is recommending for approval, subject to stringent conditions. Mr. LaFortune cited the conditions recommended by staff. He indicated that his client has agreed to eliminate all banners and flags that other Murphy Gas Stations have at the subject location. He stated that the rendering indicates that the top boundary of the gas service station is metal and

he would like to amend his application to show that it would be a Dryvit finish in accordance with the restrictive covenants.

**TMAPC Comments:**

Mr. Carnes stated that the red and white pricing sign is not acceptable and is not in compliance with the color scheme. Mr. Carnes further stated that he would vote against this application if the sign were left as it is. In response, Mr. LaFortune asked Mr. Carnes if a green and white sign would be acceptable. In response, Mr. Carnes stated that there are no signs of pricing on anything else in the PUD and the service station should not either.

Ms. Pace stated that she would consider the canopy to be a part of the building rather than signage. Ms. Pace stated that the canopy should have a stucco or masonry finish. In response, Mr. LaFortune stated that the canopy would have a masonry finish.

Mr. Boyle questioned if the price signage and the logo is in compliance. In response, Mr. Stump stated that it is all in accordance. Mr. Boyle stated that he does not have a problem with this application if it is all in accordance.

Ms. Hill stated that she would prefer not to see the red pricing sign on the backside of the canopy, but the applicant is entitled to the signage on the front.

**Interested Parties Comments:**

**Max Albertson**, 2927 East 95<sup>th</sup> Place, Tulsa, Oklahoma 74137, stated that he hasn't changed his opinion and still opposes a gas service station. He commented that the neighborhood has always been against a service station and still do. He stated that he cannot afford the representation that Murphy Oil has and his objection would not be as eloquent as Mr. LaFortune's.

Mr. Albertson stated that the neighborhood has had a long siege with the whole development. He commented that there have been agreements made and now they are set aside. This is one issue that the neighborhood would not agree to willingly. He requested the Planning Commission to respect their position as a neighborhood trying to protect the looks and activity that develops in their neighborhood.

**TMAPC Comments:**

Mr. Harmon asked Mr. Albertson why he opposes a service station. In response, Mr. Albertson stated that it is the activity that is around a service station, the looks of one, signage that is necessary, and increased traffic.

Mr. Boyle asked Mr. Albertson if he believed the gas service station would bring more or different traffic than the Wal-Mart would. In response, Mr. Albertson stated that he could and Murphy Oil is known for being price cutters, which would bring more traffic into the neighborhood.

Mr. Harmon asked Mr. Albertson whether if the proposal were a drive-in bank he would be opposed to that because the proposal looks like a drive-in bank facility. In response, Mr. Albertson stated that a drive-in bank doesn't have all of the activity that a service station would have. Mr. Harmon stated that a drive-in bank would have advertising and automobiles driving in and out. In response, Mr. Albertson stated that drive-in banks discretely advertise their services.

Mr. Boulden pointed out that the Planning Commission recently approved a final plat for a QuikTrip center that is directly across the street and to the west from the subject property.

**Interested Parties Comments:**

**Barry Kinsey**, 2936 East 95<sup>th</sup> Place, Tulsa, Oklahoma 74137, representing College Park II Homeowners Association, stated that College Park II was one of the four associations that were involved in the lawsuit. The homeowners are concerned with minor amendments and the impact on the neighborhoods.

Mr. Kinsey stated that the opposition to the subject application is because it is another step in a gradual erosion of an agreement that was between the neighborhood and the developers. The agreement was to limit and restrict the types of uses and the architecture and appearance. He indicated that the neighborhood was promised that there would be no drive-in restaurants, but he suspects that some day he will have to defend a minor amendment that would like to have a drive-in restaurant.

Mr. Kinsey stated that the new developer was clearly aware that a gas service station would not be allowed in the subject PUD. The new developer has never intended to live up to the agreements reached between the developer and the neighborhood. The plan submitted is superior to the initial proposal.

Mr. Kinsey questioned whether or not the minor amendment had proper notice. He stated that the settlement agreement requires that any changes or proposed amendments shall notify owners of the land affected within three days of such proposal. A copy of the submittal shall be sent to the associations within five days before any hearing. He indicated that he was never notified, as the settlement requires. This hearing is illegal and it violates the court agreement.

**Applicant's Rebuttal:**

Mr. LaFortune stated that the concept of the Murphy gas station and the Wal-Mart stores is that the traffic that is already going to the Wal-Mart to shop uses the Murphy service station to purchase their gas coming and going. He

commented that he does not believe that there is any valid proposition that there would be a traffic increase because of the gas pumps.

Mr. LaFortune commented that this is not a gradual erosion of any settlement agreement, order or judgment. The gas service station use, as originally submitted, was going to be a use by right. It was after all of the court settlements that it was then agreed by the parties that the gas service station use would only be permitted by minor amendment. Both sides realized that there would be sites within the PUD that would not be appropriate for a gas service station (one being near the neighborhood), but there would be others that "may be appropriate" for a gas service station. Mr. LaFortune stated that when this application went before the City Council in April, the Council did not have this type of information.

Mr. LaFortune stated that there was adequate notice and the interested parties would not have been present today if there had not been. If there is an issue regarding the notice, then it is enforceable by the parties in a court of law. There is no attempt to circumvent any notice requirement in the restrictive covenants.

**TMAPC Comments:**

Mr. Boyle stated that the combination of special condition numbers one and five address the issue. The Planning Commission is not approving the picture, but are approving conditions numbers one and five. He indicated that he is convinced that these two provisions provide the neighborhood enough for the sign questions.

Mr. Harmon stated that he believes that this is a good application; however, he would add the provision that there be no banners or flags.

Mr. Harmon made a motion to approve the minor amendment for PUD-306-G-3, subject to conditions as recommended by staff and there shall be no flying of banners or flags.

Mr. Boyle asked if the staff proposal include the masonry on all surfaces including the canopy. In response, Mr. Stump stated that it would be clearer if that were a separate item.

Mr. Harmon agreed to amend his motion to include that the canopy be of masonry or stucco finish.

Mr. Harmon agreed to amend his motion to include that the canopy be of masonry or stucco finish.

**Motion by HARMON to APPROVE** the minor amendment for PUD-306-G-3, subject to the canopy being of masonry or stucco finish to match the building, subject that there be no flying banners or flags and subject to conditions as recommended by staff.

The Planning Commission expressed concerns regarding the size of the signage that would be allowed on the canopy.

Ms. Pace stated that she would like to see the signage reduced in size.

Mr. Stump stated that the fascia is four feet high and one-fourth of the fascia could have signage.

Mr. Boyle asked if the Planning Commission would be amenable to cutting the signage in half. In response, Ms. Pace agreed.

Mr. Harmon stated that he would amend his motion to .5 SF per lineal foot. Mr. Boyle asked Mr. LaFortune if that would be acceptable to his client.

Mr. Harmon asked Mr. LaFortune if he agreed that condition number one addresses the lettering issue regarding the color scheme. In response, Mr. LaFortune stated that he understands that condition number one includes signage.

Ms. Hill stated that she believes it would cause more traffic if there were no signage and people had to pull off of the street to see what the price is. She suggested that maybe there shouldn't be any signage on the back of the canopy to appease the neighborhood behind the Wal-Mart.

Mr. Boyle stated that he would find it hard to imagine that the neighborhood would be able to see the back of the canopy from their homes because the Wal-Mart is between the neighborhood and the service station.

Mr. Carnes stated that with a reduction of cutting the signage in half and the color scheme, this application should work out.

Mr. LaFortune stated that the actual price signage was figured to be 39.5 SF each and for the Murphy USA portion it would be 37.5 SF each. Each side would have 77 SF of signage. Mr. Stump stated that .5 SF per lineal foot on the canopy would work because it would prevent the applicant from having a contrasting color around the price. Mr. Stump explained that if the surrounding color is the same as the canopy, then it doesn't count as display surface area. It is the small rectangle containing the contrasting color that would be the price.

Mr. Boyle asked Mr. LaFortune if he would accept the restriction of no signage on the backside of the canopy. In response, Mr. LaFortune stated that his client would prefer to have signage on the back of the canopy if possible. Mr. Harmon commented that the applicant should be able to have signage on the back of the canopy in order for customers leaving the parking lot to see the price of the product. Mr. Harmon contends that this would get the traffic out of the neighborhood sooner if they can read the price from the car.

Mr. Boyle stated that he is comfortable with allowing signage on the back of the canopy.

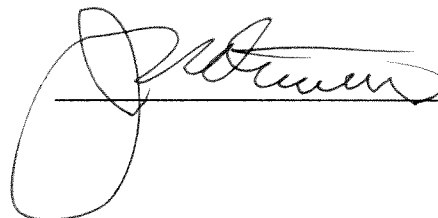
**TMAPC Action; 6 members present:**

On **MOTION** of **HARMON**, TMAPC voted **6-0-0** (Boyle, Carnes, Harmon, Hill, Horner, Pace "aye"; no "nays"; none "abstaining"; Jackson, Ledford, Midget, Selph, Westervelt "absent") to **APPROVE** the minor amendment for PUD-306-G-3, subject to masonry or stucco finish on the faces of the canopy; subject to there being no flying banners or flags wall signs shall not exceed an aggregate display surface area of .5 square feet for each lineal foot of building wall or canopy to which the sign or signs are affixed; and subject to conditions as recommended by staff. (Language in the staff recommendation that was deleted by TMAPC is shown as ~~strikeout~~; language added or substituted by TMAPC is underlined.)

\* \* \* \* \*

There being no further business, the Vice Chair declared the meeting adjourned at 3:00 p.m.

Date Approved: 06-20-01



Chairman

ATTEST: Brenda L. Johnson  
Secretary