

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1924  
Wednesday, April 21, 1993, 1:30 p.m.  
City Council Room, Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Ballard	Horner	Gardner	Linker, Legal
Broussard	Midget	Hester	Counsel
Secretary		Stump	
Buerge		Wilmoth	
2nd Vice			
Chairman			
Carnes			
Dick			
Doherty, Chairman			
Neely			
Parmeale, 1st Vice			
Chairman			
Wilson			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Tuesday, April 20, 1993 at 1:29 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Doherty called the meeting to order at 1:37 p.m.

**Minutes:**

Approval of the minutes of April 7, 1993, Meeting No. 1922:

On MOTION of DICK, the TMAPC voted 8-0-0 (Broussard, Buerge, Carnes, Dick, Doherty, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Horner, Neely "absent") to APPROVE the minutes of the meeting of April 7, 1993 Meeting No. 1922.

**REPORTS:**

Chairman's Report:

Chairman Doherty reported on a City Council Committee meeting on April 20 in which the Landscape Ordinance and Parking Requirements was discussed.

Budget and Work Program Committee

Ms. Wilson reminded the Planning Commission that there would be a Budget and Work Program Committee meeting at the conclusion of today's TMAPC meeting.

Director's Report

Mr. Gardner reported on the items to be heard by the City Council on April 22.

**SUBDIVISIONS:**

**PRELIMINARY PLAT:**

Champions Athletic Training Center, Inc.(PUD-485)(2683)

**(PD-26) (CD-8)**

10800 S. Memorial Drive

(CS, AG)

**Staff Comments**

This plat was reviewed by the TAC on 3/18/93. There were a number of items TAC required to be done or on the plat, so there was no action on that date and the plat was continued to the 4/8/93 meeting. A copy of the minutes of the 3/18/93 meeting was provided, with Staff comments in the margin.

The Staff presented the plat with the applicant present and represented by Jack Ramsey, Surveyor and John Moody, Attorney at the TAC meeting.

On MOTION of HILL, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the PRELIMINARY plat of Champions Athletic Training Center, Inc., subject to the following conditions:

1. The applicant should coordinate with ODOT, access points to Memorial.
2. A left turn lane from Memorial requiring a PFPI should be coordinated with engineering, or relocate access subject to approval of the Department of Public Works, Traffic Engineering.
3. Public water supply will be a condition of platting.
4. Change private streets to public street of Section B.1. of the restrictive covenants.
5. Show existing 10' PSO easement with Book and Page along the south property line.
6. It was discussed that the 17.5' easement along Memorial being located in the Reserve (drainage) areas could be a problem and the applicants advised to contact Lee Miller, ONG, to work out concerns. Make sure there is no conflict between the storm water reserve and utility easement.
7. All conditions of PUD 485 shall be met prior to release of final plat, including any applicable provisions in the covenants or on the face of the plat. Include PUD approval date and references to Section 1100-1107 of the Zoning Code, in the covenants.
8. 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.

9. 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. Water main extension and fire hydrants will be required for fire protection.
10. 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).
11. 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.
12. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering Division).
13. A topo map shall be submitted for review by the Technical Advisory Committee (Subdivision Regulations). Submit with drainage plans as directed.
14. Limits of Access or (LNA) as applicable shall be shown on the plat as approved by the Department of Public Works, (Traffic). (Also see # 2 above.)
15. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City-County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
16. The method of sewage disposal and plans therefore, shall be approved by the City-County Health Department. Percolation tests required prior to preliminary approval.
17. 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 is to be included in the restrictive covenants on plat.
18. The method of water supply and plans therefore, shall be approved by City-County Health Department.
19. All lots, streets, building lines, easements, etc., shall be completely dimensioned.

20. 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.
21. 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.
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.
23. All (other) Subdivision Regulations shall be met prior to release of final plat.

Comments

Mr. John Moody, attorney for the applicant, advised that the applicant is working on the condition that a water supply agreement be worked out either with Bixby or through the City of Tulsa Water Department.

TMAPC Action; 8 members present:

On MOTION of CARNES, the TMAPC voted 8-0-0 (Broussard, Buerge, Carnes, Dick, Doherty, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Horner, Midget "absent") to APPROVE the Preliminary Plat of Champions Athletic Training Center, Inc. as recommended by Staff.

\* \* \* \* \*

Home Depot North Tulsa (192) (PD-1) (CD-4)

Northeast corner East 11th Street and S. Elgin Avenue (CBD, IL)

Staff Comments

This plat is submitted to consolidate a number of small parcels of land into one tract. The CBD and IL zoning on the tract is NOT an application that required a plat. A recent Board of Adjustment application (16290) permitted a building materials business (Use Unit 14) on the IL portion.

Since the legal description furnished on the plat is "metes and bounds" it is assumed that the applicant is vacating all the underlying streets, easements, and lot and block lines. That process should be accomplished through the usual departments and/or agencies and is not a TMAPC function.

The Staff presented the plat with the applicant represented by Dan Tanner at TAC.

Mr. Tanner provided proposed site plan utility plan, and grading plans for the TAC. A detailed review of the project was made and there was discussion and input provided from both TAC and Mr. Tanner. There were no objections to the concept plan as presented.

On MOTION of French, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the PRELIMINARY plat of Home Depot North Tulsa, subject to the following conditions:

1. Applicant should assure that the underlying plat(s) are vacated through the proper legal procedures. (Not a condition for approval of this plat. Advisory)
2. Some of the lots in Block 11, Burnett Addition still show up on the Assessor's maps as being owned by the State of Oklahoma. Be sure that the plat covers exactly what will be owned by the Home Depot.
3. Show or retain any easements and/or utility lines that will remain after the new plat is filed. Any re-location expense involved will be as agreed between the applicable utility (or City) and the applicant.
4. No building lines are required in the CBD zone. (None shown on Plat.) OK
5. On face of plat show lot/block number. Up-date the location map. Show the existing right-of-way on 8th Street and Elgin Avenue as 80', not 60'. (scale 80')
6. Show access points on 11th Street up through the intersection with 10th Street as recommended by Traffic Engineering. Show LNA along the I-44 (IDL) right-of-way. Also align driveway with the 9th Street intersection. Move driveway access to the west along 8th Street, or as recommended by Traffic Engineering.
7. Drawing is 1"-60' scale. Subdivision Regulations required either 1" = 100' or 1" = 50'. However, Staff has no objection to the scale, but it will require a waiver of the Subdivision Regulations.
8. Covenants:  
SECTION I., 2nd paragraph, lines 1 & 2,  
Omit "or Reserve Areas" since none show on the face of the plat.  
SECTION I. D. add: "2. The foregoing covenants and restrictions concerning access shall be enforceable by the City of Tulsa, and the owners of each lot agrees to be bound hereby."

9. Omit SECTION II since this is NOT a PUD and no PUD has been filed to process. (The CBD zoning permits the use, so it is not clear why a PUD would be considered.) IF a PUD is filed, then this plat is pre-mature and the PUD documentation should be submitted for review, including the site plan. The plat was not submitted as PUD and the fees were not paid for a PUD.
10. 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.
11. 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.
12. 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).
13. Revision and abandonment of sanitary sewer lines within plat subject to approval of the The Department of Public Works (Water & Sewer) prior to release of final plat.
14. 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.
15. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering Division).
16. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
17. The key or location map shall be complete.
18. A Corporation Commission letter (or Certificate of Nondevelopment) shall be submitted concerning any oil and/or gas wells before plat is released. A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.
19. 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.

20. 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.
21. All other Subdivision Regulations shall be met prior to release of final plat.

There were no interested parties.

**TMAPC Action; 8 members present:**

On MOTION of CARNES, the TMAPC voted 8-0-0 (Broussard, Buerge, Carnes, Dick, Doherty, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Horner, Midget "absent") to **APPROVE** the Preliminary Plat of Home Depot North Tulsa and **APPROVE** waiving the subdivision regulation to permit a 1" = 60' scale as recommended by Staff.

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**WAIVER REQUEST; Section 213:**

Z-6388 (Unplatted) (3304) (PD-16) (CD-6)  
13102 East Pine Street

(IL)

**Staff Comments**

This is a request to waive the platting requirement on a 3.2 acre tract which was approved for IL zoning 2/4/93 (Ordinance #17822) After research, Staff could find no other right-of-way dedications except the 16.5' statutory right-of-way for E. Pine Street. In addition, according to the applicant, another building is planned for this tract. Applicant does not show the septic system on his plot plan since there is no sewer available at this time. (W/S Atlas #295)

As of the date of submittal of this application, the lack of dedicated right-of-way, planned new construction, lack of information on septic system(s), and overall tract size, Staff is not supportive of the plat waiver and would recommend denial of the request.

There also appeared to be a problem with access and possibly title, since a strip of land under another ownership is shown running parallel to Pine across the front of this tract. There were numerous unanswered questions.

The applicant was not represented at TAC.

On MOTION of COTNER, the Technical Advisory Committee voted unanimously to recommend **DENIAL** of the waiver of plat for the reasons outlined by Staff.

There were no interested parties present.

Staff Comments

Staff advised the Planning Commission that the applicant had been notified in writing of the TAC recommendation and the time and place of today's hearing.

TMAPC Action; 8 members present:

On MOTION of CARNES, the TMAPC voted 8-0-0 (Broussard, Buerge, Carnes, Dick, Doherty, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Horner, Midget "absent") to DENY the waiver of plat for Z-6388.

\* \* \* \* \*

Z-6392 Modern Acres/Cooley's Subdivision (3204) (PD-16) (CD-6)  
1303 North Garnett Road (IL OL)

This is a request to waive plat on Lot 1, Block 2 of Modern Acres and a portion of Lot 1, Cooley's subdivision described as the west 190' of the north 120' of Lot 1. Applicant applied for and received a plat waiver on Lot 2, Block 2, Modern Acres and provided a plot plan for a proposed office building. Since the property was already platted with right-of-way and easements dedicated by plat, the TMAPC waived the plat requirement on 2/19/92. (Z-6325)

Subsequently, applicant built the slab for the building on the wrong tract which was supposed to have been on Lot 2, Block 2 Modern Acres, but in fact was put on Lot 1, Cooley's. Applicant then applied to the Board of Adjustment for variances of setbacks required in an IL District abutting an R District. There were protestants and the Board DENIED the variances. (BOA-16134) That case was appealed, pending the outcome of the current zoning application for OL zoning (which has now been approved).

TAC advised applicant to provide a more accurate site plan, so no action was taken at the 2-18-93 meeting.

Applicant has submitted a revised site plan that answers most of the questions that Staff and TAC had when this was first reviewed 2/18/93. Staff would recommend approval subject to #2, 3, 4, & 5 as outlined in the TAC meeting 2/18/93. Lot 1, Block 2 of Modern Acres was dropped from the zoning approval and is not included in this up-date.

The applicant was represented by Jake Floyd at TAC. Staff advised that this recommendation only applies to the OL tract approved on Z-6392 and that the remainder of the ownership is still subject to platting under the IL zoning. Staff further advised



this was not a lot-split and applicant was aware of the fencing requirements along the north property line next to the R District.

On MOTION of HILL, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the WAIVER OF PLAT on Z-6392, subject to the following conditions:

1. Approval of Health Department for septic system if sanitary sewer is not extended.
2. Grading and/or drainage plan approval by the Department of Public Works through the permit process.
3. Provide any additional utility easements and/or extensions if required by the utilities. Show any existing utility easements on plot plan.
4. An access agreement for driveways is required.
5. This waiver is limited only to the OL portion of Lot 1, Cooley's Subdivision covered by Z-6392.

\* \* \* \* \*  
STAFF UPDATE 4/14/93

Applicant's site plan covered an area outside the boundaries of Z-6392 being a total tract of approximately 199.5' x 395.5'. That coincides with a lot-split approved by TMAPC on 6/17/59, #8073. The area outside the area contained in Z-6392 is still "subject to a plat" under an IL application, Z-6837. That portion of the tract is being referred back to the TAC on 4/22/93 so that the total area being in plat waiver application fits the total area within lot-split #8073. That part of the waiver request will be scheduled for the 5/5/93 Planning Commission meeting. Staff has no objection to approval of the current request on Z-6392 as outlined above. This will allow applicant to proceed on the building site at this time then proceed with the remainder at the next meeting.

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There were no interested parties in attendance.

**TMAPC Action; 9 members present:**

On MOTION of PARMELE, the TMAPC voted 8-0-1 (Broussard, Buerge, Carnes, Dick, Doherty, Neely, Parmele, Wilson "aye"; no "nays"; Ballard "abstaining"; Horner, Midget "absent") to **APPROVE** the OL portion only of Lot 1 Cooley's Subdivision covered by Z-6392 as recommended by Staff.

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ACCESS CHANGE ON RECORDED PLAT:

Howerton Acres (PUD-179-S-2) (1283) (PD-18)(CD-7) (CS)  
South side of E. 71st Street, East of S. 92nd E. Ave.

Staff Comments

Mr. Wilmoth advised that the purpose or reason for the change is as a follow-up to an amendment to a PUD which permitted a lot-split and an additional access point. Both the Department of Public Works (Traffic) and Staff recommends **APPROVAL**.

There were no interested parties present.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Ballard, Broussard, Buerge, Carnes, Dick, Doherty, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Horner, Midget "absent") to recommend **APPROVAL** of the access change on Howerton Acres as recommended by Staff.

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LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

- \*L-17682 ( 883) (PD-18)(CD-2) Goleski 7401 S. Atlanta RS-3
- \*L-17689 (1283) (PD-18)(CD-8) Chognard 9310 E. 71st St. CS
- L-17693 ( 683) (PD-18)(CD-2) Summit Prop.
- N. of NW/c 71st St. S. & Trenton OM, OL
- L-17694 ( 193) (PD- 5)(CD-3) Ward 576 S. 89th E. Ave. RS-1
- L-17695 (1793) (PD- 6)(CD-9) Johnsen 2436 E. 30th St. S. RS-2
- L-17696 (1193) (PD- 5)(CD-5) Myers 7138 E. 11th St. CH
- L-17698 ( 683) (PD-18)(CD-9) Gray
- Rockford Ave. N. of 66th Pl. RM-1, RS-2
- L-17699 (2003) (PD- 2)(CD-3) Wilco Pro.
- North of NE/c Apache & N. Lewis Ave. CH
- L-17700 (2890) (PD-23)(County) Carter 23418 W. Coyote Trail AG
- L-17702 (1292) (PD- 6)(CD-4) Ferrell 1203 E. 19th St. RS-3
- L-17704 (383) (PD-18)(CD-5) Conklin W. Side of Mingo, N. of 91st AG

\*PUD Minor Amendments approved 4-7-93

Staff Comments

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

TMAPC Action; 9 members present:

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

\* \* \* \* \*

**OTHER BUSINESS:**

PUD 179-S Crosby (Floors-A-Plenty) (PD-18) (CD-7)  
East of the SE/c of 92nd E. Ave. and 71st St. South  
Detail Landscape Plan (Tract B)

Chairman Doherty announced that the applicant's attorney has requested a two week continuance.

There were no interested parties present.

**TMAPC Action; 8 members present:**

On **MOTION** of **PARMELE**, the TMAPC voted **8-0-0** (Broussard, Buerge, Carnes, Dick, Doherty, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Horner, Midget "absent") to **CONTINUE** PUD 179-S to May 5, 1993.

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**PUD 300-6:** Minor Amendment to increase permitted ground sign display surface area --- northeast corner of Sheridan Road and 81st Street South

The applicant is requesting an increase in allowable display surface area of ground signs from 287 SF to 380 SF. The increase would allow the addition of a 10' x 10' changeable tenant identification sign on two sides of the existing ground sign at the 81st Street entrance to the shopping center. Staff cannot support such a large sign for two reasons. First, it is a 35% increase in allowable signage. Secondly, the existing brick structure is only 8' wide and a new 10' wide sign would not be compatible with this structure, and on the west side of the sign structure the new sign would extend almost to the ground. All the existing shrubs would need to be removed to be able to read the lower portion of the sign.

Therefore, Staff recommends increase to only 350 SF and **APPROVAL** of a Detail Sign Plan for a 8' wide by 7-1/2' high sign.

**Applicant's Comments**

**Scot Sanford**

**7940 E 41st St.**

Mr. Sanford stated that he would prefer an 8' x 8' sign but conceded that an 8' x 7-1/2' sign would be adequate.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **9-0-0** (Ballard, Broussard, Buerge, Carnes, Dick, Doherty, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Horner, Midget "absent") to **APPROVE** PUD 300-6 Minor Amendment and Detail Sign Plan for an 8' x 7-1/2' high sign as recommended by Staff.

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**PUD 468-1**            Minor Amendment to parking setback - Applebee's Restaurant - west of the northwest corner of 71st Street South and Mingo Road.

The applicant is requesting a reduction in the required parking setback on 71st Street from 10' to 8'. The parking setback shown on their site plan averages 11' over the entire 71st Street frontage, but is as close as 8' rather than the required 10'. There does not appear to be a way of redesigning the restaurant's site plan to provide the 10' setback and still have the number of parking spaces they require. Staff can support this amendment as complying with the spirit of the PUD requirement, and therefore, recommends **APPROVAL**.

The applicant also requests waiver of the notice requirement for minor amendments. Staff has not sent out any notice since application for the minor amendment was made April 19.

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**Detail Site Plan**

If minor amendment PUD 468-1 is approved, Staff recommends **APPROVAL** of the Site Plan.

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**DETAIL SIGN PLAN**

Staff has reviewed the proposed sign plan and recommends **APPROVAL**.

TMAPC Comments

Mr. Stump answered questions from the Planning Commission regarding the standard size of parking spaces and the manner in which the applicant meets the 10% landscaping requirement.

The Planning Commissioners questioned whether Sam's has complied with the required landscaping replacement as required by the PUD. Mr. Stump advised that, as yet, Sam's has not made the necessary landscaping replacements. He noted that Sam's is also required to screen all of the trash areas from public view; at the time of the field check, there was a trash container and approximately a 15' high stack of pallets, etc. at the rear of the store. Mr. Stump reported on conversations with Wal-Mart representatives in which they expressed interest in resolving the problem and that the

landscaper, who had performed the original work, had been contacted about replacement of the damaged landscaping. Mr. Stump contacted the landscaper, who confirmed that the work would be performed, but as of April 19, there was no activity on the site.

Mr. Parmele made a motion for approval of PUD 468-1 request for the Minor Amendment to parking setback and waiver of notice requirement, and Detail Sign Plan and Detail Site Plan as per Staff recommendation.

Motion died for lack of a second.

There was lengthy discussion among the Planning Commission over the lack of action by Sam's to replace the damaged landscaping and what authority the Planning Commission has to resolve the problem.

In response to questions from the Planning Commission, Mr. Linker advised that Code Enforcement would be the department responsible for ensuring enforcement of the PUD conditions.

Applicant's Comments

**John Ward**

**5424 E. 111th**

**Dave Sanders**

**1205 S. Redbud Ave., Broken Arrow, OK**

**Representatives of the applicant**

Mr. Ward pointed out that his only relationship with Sam's is for purchase of the subject property from Sam's. Mr. Ward requested that the Planning Commission consider separating Sam's actions from what his plans for the property are. Mr. Ward assured the Planning Commission that when he becomes owner of the property his landscaping will always be beautiful and invited the Planning Commissioners to see his store in Broken Arrow as an example. Mr. Ward declared that his business would enhance the area.

Chairman Doherty explained that the problem is not with Mr. Ward, but rather the current owner who has not fulfilled obligations made under the PUD.

TMAPC Discussion

Mr. Parmele stated that Sam's has been notified of the landscaping problem and they have failed to follow through with landscaping replacement. He declared that the Planning Commission will be penalizing another party which is separate from Sam's. He agrees that the Planning Commission should take all the necessary actions possible against Sam's, but feels that Applebee's should not be penalized for Sam's failure to comply.

Chairman Doherty noted that at an earlier meeting it was requested that McDonald's not be penalized because they had already bought the lot and now another parcel is being sold. He deemed that the only solution is to let Sam's know that the Planning Commission will not grant any more PUD actions until the zoning violations on site are corrected.

The Planning Commission expressed displeasure with Sam's lack of action and deemed that Code Enforcement needs to cite them. They also conceded that Applebee's should not be penalized for Sam's lack of compliance.

Mr. Carnes stated that because the PUD conditions have not been met, he would like to see this item continued for one week.

Mr. Ward pointed out that the Planning Commission has the right to deny him his occupancy permit should he not meet landscaping requirements.

Mr. Sanders noted that the Planning Commission can use Code Enforcement to cite Applebee's should they not comply.

Chairman Doherty expressed his belief that Applebee's will fulfill every PUD condition, be attractive, and be a good viable business, but once ownership closes on the property, then the ownership is Applebee's and not Sam's. The problem is with Sam's, the current owner, and the PUD as it now is not having conditions met.

The Planning Commission noted that there are four remaining outparcels within the PUD and expressed concern that the next tract that comes before the Planning Commission will be in the same position as this applicant.

Ms. Wilson asked that a copy of the minutes on this case be mailed with a cover letter to Code Enforcement advising that TMAPC requests that Code Enforcement initiate investigative action on this parcel and respond to TMAPC on the action they plan to take, and to keep the Planning Commission informed of the situation.

It was the consensus of the Planning Commission to initiate action both verbally and by letter.

Mr. Gardner suggested writing a letter to Sam's, regarding the remaining four parcels on this tract, that as of this time the Planning Commission will not entertain applications for approvals on those remaining tracts.

Mr. Linker advised that, legally, the way to proceed is to notify Code Enforcement and Sam's, and follow the procedure established by ordinance.

**TMAPC Action; 9 members present:**

On MOTION of PARMELE, the TMAPC voted 7-2-0 (Ballard, Broussard, Buerge, Dick, Neely, Parmele, Wilson "aye"; Carnes, Doherty no "nays"; no "abstentions"; Horner, Midget "absent") to APPROVE Minor Amendment PUD 468-1 Detail Sign Plan and Detail Site Plan as recommended by Staff.

Chairman Doherty instructed Staff to contact Code Enforcement and Sam's, both by telephone and written correspondence, to inform Wal-Mart that the Planning Commission will not approve any future requests on the remaining outparcels.

Mr. Carnes expressed little faith in Sam's to comply with the PUD conditions.

Ms. Wilson noted that the Planning Commission needs interaction from Code Enforcement back to the TMAPC. She stated that part of initiating investigative action requires that the Planning Commission receive a report of the contact. This will give the Planning Commission current information should additional applications be filed.

Chairman Doherty advised that he will contact Code Enforcement, report the action taken by the Planning Commission, the discussion and their perception of the situation. He further directed Staff to follow with a letter summarizing the proceedings, requesting investigation of code violations at this PUD location and requesting that the Planning Commission be notified of action taken.

Chairman Doherty stated that he would draft the letter and have it reviewed by the Legal Department.

\* \* \* \* \*

Request by the Mayor for TMAPC to budget funds for the production of a new sign manual.

Chairman Doherty announced that this item has been reviewed by the Budget and Work Program Committee.

Mr. Gardner noted that when the figure of \$5000 was estimated to produce the sign manual it did not include printing costs. He advised that the work would begin this fiscal year and probably carry over into the first quarter of next year.

TMAPC Action; 9 members present:

On MOTION of CARNES, the TMAPC voted 9-0-0 (Ballard, Broussard, Buerge, Carnes, Dick, Doherty, Neely, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Horner, Midget "absent") to APPROVE the request by the Mayor for TMAPC to budget funds for the production of a sign manual, not to include printing.

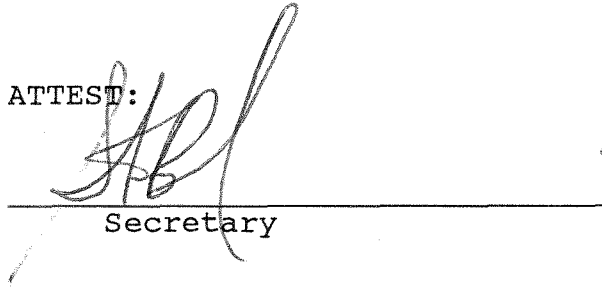
\* \* \* \* \*

There being no further business, the Chairman declared the meeting adjourned at 2:28 p.m.

Date Approved: 5-5-93

  
Chairman

ATTEST:

  
Secretary