

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2228

Wednesday, January 26, 2000 1:30 p.m.

Tulsa County Administration Building, Room 119

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, January 24, 2000 at 10:25 a.m., posted in the Office of the City Clerk at 10:16 a.m., as well as in the office of the County Clerk at 10:13 a.m.

After declaring a quorum present, Chair Westervelt called the meeting to order at 1:30 p.m.

### **REPORTS:**

#### **Chairman's Reports:**

Mr. Westervelt temporarily appointed Mr. Boyle as Chairman for the Rules and Regulations Committee meeting immediately following the TMAPC meeting. He indicated that the appointments of Committee Chairs would be reviewed at a later date.

#### **Committee Reports:**

##### **Rules and Regulations Committee**

Mr. Boyle reported that there would be a work session today in Room 1102, City Hall immediately following today's meeting.

##### **Director's Report:**

Mr. Stump stated that there are several items on the City Council meeting. Mr. Boyle indicated that he would be attending the City Council meeting.

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**SUBDIVISIONS**

**LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:**

**L-18989 – Jonathan Smith Jarboe (2492)**

(PD-6) (CD-9)

146 East 31<sup>st</sup> Street

**Staff Recommendation:**

Mr. Beach stated that the applicant has applied to split off a concrete driveway that is encroaching on the neighbor's property (Tract B) and tie that driveway to his property (Tract A). This property will result in both tracts having five side lot lines, but will place the entire driveway on one tract. He explained that the applicant is seeking a Waiver of Subdivision Regulations that each tract have no more than three side lot lines.

Mr. Beach indicated that staff believes this lot-split would not have an adverse effect on the surrounding properties and would therefore recommend **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split.

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

**Applicant was not present.**

**TMAPC Action; 7 members present:**

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Boyle, Carnes, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins Harmon, Horner Midget "absent") to **APPROVE** the Lot-Split for Waiver of Subdivision Regulations for L-18989 as recommended by staff.

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**FINAL PLAT:**

**Oak Tree Village (1884)**

(PD-18) (CD-8)

8400 South Garnett

**Staff Recommendation:**

Mr. Beach stated that this plat is the latest revision and the Technical Advisory Committee (TAC) has reviewed this plat. He indicated that all interested TAC members have submitted release letters. Mr. Beach stated that staff recommends approval for this final plat.

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **7-0-0** (Boyle, Carnes, Hill, Jackson, Ledford, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Harmon, Horner, Midget "absent") to **APPROVE** the final plat for Oak Tree Village as recommended by staff.

**TMAPC Comments:**

Mr. Westervelt requested staff to provide a context map with preliminary and final plats in the future.

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**CONTINUED ZONING PUBLIC HEARING**

**APPLICATION NO.:** Z-6748

**RS-3 TO CS**

**Applicant:** Kenney Russell

(PD-8) (CD-2)

**Location:** Southwest corner of West Skelly Drive (I-44) and South 34<sup>th</sup> West Avenue

**Staff Recommendation:**

Relationship to the Comprehensive Plan:

The District 8 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject tract as Skelly Drive Frontage Area Special District Subarea B – Medium Intensity – Commercial Land Use. Plan text policies call for its development in highway-related commercial uses.

According to the Zoning Matrix the requested CS zoning **may be found** in accordance with the Plan Map by virtue of its location within a special district.

Staff Comments:

**Site Analysis:** The subject property is approximately one acre in size and is located on the southwest corner of West Skelly By-pass (I-44) and South 34<sup>th</sup> West Avenue. The property is sloping, partially wooded, contains a residential dwelling and is zoned RS-3.

**Surrounding Area Analysis:** The subject property is abutted by single-family dwellings on the south, west and east that are all zoned RS-3; and to the north is the Skelly By-pass access road, zoned RS-3.

**Zoning and BOA Historical Summary:** The most recent rezoning activity near the subject property approved CS zoning on the southwest corner of I-44 and South 33<sup>rd</sup> West Avenue but denied CS zoning on the south 25' and the west 50', which was granted PK zoning to provide a buffer for the residential uses to the south and west.

**Conclusion:** The Comprehensive Plan text calls for development in this area that would be highway-related commercial uses. The site in question appears to be surrounded on three sides by relatively stable single-family residential uses, most of which appear to be in very good condition. Except for the commercial use on the southwest corner of the Skelly By-pass and South 33<sup>rd</sup> West Avenue, this neighborhood does not appear to have experienced commercial intrusion or otherwise be in transition at this time. Although the plans for the area may support the requested CS zoning at some time in the future, staff cannot support this zoning at the present time.

Approval of CS zoning as proposed would represent a significant intrusion into the neighborhood and may result in de-stabilizing an otherwise viable area. Therefore, staff recommends **DENIAL** of Z-6748.

**Applicant's Comments:**

**Kenney Russell**, 10305 South 76<sup>th</sup> East Avenue, Tulsa, Oklahoma 74133-6828, submitted a map (Exhibit A-1) stated that he is requesting that the subject property be rezoned. He explained that the subject property fronts along Skelly Drive on the south side and is in Special District "B". Mr. Russell stated that the map shows that the subject area is a special district and that commercial properties are one block from the subject area. He indicated that the same neighborhood backs up to the commercial properties one and two blocks away.

Mr. Russell stated that his proposal will have access onto Skelly itself and will not go onto 34<sup>th</sup> West Avenue. He commented that the proposal would not be detrimental to the neighborhood.

**Mr. Harmon in at 1:45 p.m.**

**TMAPC Comments:**

Mr. Boyle asked the applicant if the proposed site is surrounded on all three sides by residential uses. Mr. Russell indicated that there is a property behind him to the west that is for sale and to the south and east there are residential uses. Mr. Boyle asked Mr. Russell if the surrounding property is indeed used for residential uses. Mr. Russell answered affirmatively.

**Interested Parties Comments Opposing Z-6748:**

**Monte and Sue McGuire**, 5198 South 34<sup>th</sup> West Avenue, Tulsa, Oklahoma 74107; **Zoe Able**, 5157 South 34<sup>th</sup> West Avenue, Tulsa, Oklahoma 74107; **Jan Megee**, City Council; **Larry Foster**, 5191 South 34<sup>th</sup> West Avenue, Tulsa, Oklahoma 74107; **Jim and Maurine Hutchings**, 5192 South 34<sup>th</sup> West Avenue, Tulsa, Oklahoma 74107; **Richard Nelson**, 5197 South 34<sup>th</sup> West Avenue, Tulsa, Oklahoma 74107.

**The Above Referenced Interested Parties Expressed the Following Concerns:**

The surrounding neighborhood is a stable neighborhood; several empty spaces in surrounding commercial shopping centers; increased traffic concerns; vehicles would utilize 34<sup>th</sup> West Avenue to avoid traffic backup on Skelly Drive; proposal would be detrimental to the property; concerns with children in the neighborhood and the traffic.

**Jan Megee**, Administrative Aide for Councilor Hall, stated that Councilor Hall could not be present today, but wanted the TMAPC to know that her opinion and opposition to this proposal has not changed.

**Mr. Midget** in at 1:55 p.m.

**TMAPC Comments:**

Mr. Jackson asked Mr. Hutchings what type of businesses he felt would be detrimental to the surrounding neighborhood. In response, Mr. Hutchings stated that bars, gentlemen's club, a body shop and similar uses would be detrimental.

**Applicant's Rebuttal:**

Mr. Russell stated that he understands what the interested parties have expressed concerns about. He indicated that the empty shopping centers that the interested parties suggested he use are several miles away and do not front the Skelly Drive (I-44). He explained that location is very imperative and the proposed location is fronting the I-44.

Mr. Russell stated that he would meet all of the requirements in order to protect the neighborhood, such as a privacy-screening fence. He indicated that there would not be an increase of traffic on 34<sup>th</sup> West Avenue. He suggested that the businesses that move into his proposal would help the neighbors by supplying services closer to their homes.

Mr. Russell stated that the proposed site is 3 ½ lots or approximately one-acre. He indicated that there is a house on the subject property and he presently owns that home.

**TMAPC Comments:**

Mr. Jackson asked the applicant what he intends to build on the subject property. In response, Mr. Russell stated that he plans to build a small strip center, which would house an optometry shop or a Java Dave's. Mr. Russell indicated that he is in the construction business and it has been his experience that when something new is built it revitalizes the neighborhood. Mr. Russell commented that he does not see how a new business would be detrimental to the neighborhood.

Mr. Boyle stated that the proposal is a case of spot zoning. The subject property is surrounded by residential uses on three sides and it would be detrimental to approve CS at this time.

Ms. Pace asked staff how long it had been since the subject area had been studied. In response, Ms. Matthews stated that the district plan for this particular area, has not needed to be updated recently; however, the district plan is always looked at and considered. Ms. Matthews stated that in the future this proposal may be appropriate, but not at the present time because the neighborhood is a stable neighborhood.

Mr. Westervelt informed Ms. Pace that staff stated in their recommendation that the primary reason for the recommendation of denial is because the neighborhood is very stable and there has been no apparent transition through this corridor.

Mr. Boyle stated that it would be inappropriate to strip the subject area out from the middle of a neighborhood. If the area is going to be stripped out, it should start at the edges and go from there, not from the middle.

**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Horner "absent") to recommend **DENIAL** of the CS zoning for Z-6748 as recommended by staff.

**Legal Description for Z-6748:**

South 36' of Lot 10, all of Lots 11, 12, & 13, Block 2, Anderson Resub of the W 155' of Block 1 and all of Block 2, Richmond Acres Addition, an addition to the City of Tulsa, Tulsa County, State of Oklahoma.

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## ZONING TEXT PUBLIC HEARING

### **Proposed Amendments to City of Tulsa Zoning Code Relating to Signs as recommended by the Sign Advisory Board.**

#### **Staff Recommendation:**

Mr. Stump stated that the following represents the work of the Sign Advisory Board. He explained that the reasons for the amendments were to correct any inconsistencies and interpretation problems. He commented that the proposal is merely an attempt to make the Sign Code easier to understand.

Mr. Stump pointed out the following changes:

### **PROPOSED AMENDMENTS TO TULSA ZONING CODE RELATING TO SIGNS AS RECOMMENDED BY THE SIGN ADVISORY BOARD**

**Add the following Section to Chapter 2.**

#### **SECTION 225. - SIGN EXCEPTIONS**

A. The following signs shall not be subject to the sign limitations of the district in which they are located or the sign limitations in Section 1221 of this code.

1. A temporary real estate sign advertising the sale, rental or lease of the premises may be erected on each street frontage of the premises. The signs shall not exceed the following standards:

<b>Zoning District</b>	<b>AG, RE, RS, RD, RT RM, RMH, PK, O, SR</b>	<b><u>C, CBD, CO AND I</u></b>
<b>Max Display Surface Area:</b>		
Fronting Major Street	32 SF	80 SF
Fronting Minor Street	8 SF	8 SF
<b>Maximum Sign Height:</b>		
Fronting Major Street	15 SF	25 SF
Fronting Minor Street	8 SF	8 SF

2. During the period of construction, but in no event exceeding 18 months, a sign advertising the construction of improvements on the premises, may be erected on each perimeter street frontage of the development; provided, however, said sign shall not exceed ½ of a square foot of display surface area per lineal foot of street frontage; provided, further, that in no event shall the sign be restricted to less than 32 square feet nor be permitted to exceed 400 square feet of display surface area. The sign shall not exceed 15 feet in height, an

illumination, if any, shall be by constant light. After the initial 18-month period of construction of improvements on the premises, a construction sign shall be reduced to not exceed eight feet in height and eight square feet in display surface area.

3. Signs which are not visible from a public street.
  4. Tablets built into the wall of a building or other structure and used for inscriptions, or as memorial tablets or for similar purposes.
  5. Signs of warning, directive, or instructional nature erected by a public utility, franchised transportation company or governmental agency.
  6. Legal notices and street numbers.
  7. Election campaign signs, if erected not more than 45 days prior to an election and removed within seven days following election.
  8. Signs which are attached as labels of a commodity offered for sale.
  9. Signs on accessory equipment or structures, including but not limited to satellite dishes, air conditioners and fences, and identifying the manufacturer, make and model, limited to 14.4 square inches for each piece of equipment or structure.
- B. The following signs shall not be subject to the sign limitations of the district in which they are located or the sign limitations in Section 1221 of this code if the signs are in an O, SR, C, CBD, C0 or I district.
1. One nameplate attached to the face of the wall and not exceeding four square feet in surface area.
  2. Signs within a building and located more than fifteen inches from any window; signs within a building and located less than fifteen inches from any window and oriented to be primarily visible from inside the building; signs on a window when the display surface area of the sign does not cover more than fifty percent of the window.
  3. Signs, not exceeding three square feet of display surface area, of a warning, directive, or instructional nature, including entrance, exit and restroom signs.
  4. A banner attached to the wall of a building and not exceeding thirty-two square feet so long as the same is maintained in good appearance and condition.



**Amend Section 852.B.3. to read as follows:**

**3. Business signs**

- a. Business signs in the scientific research districts shall comply with the requirements of this section and, in addition, shall comply with the general use conditions for business signs as provided in 1221.C.3. Where the requirements of this section are greater or more restrictive than the requirements in 1221.C, the requirements of this section shall apply.
- b. Ground and projecting signs shall not exceed one-half of one square foot of display surface area per lineal foot of street frontage; provided, however, that in no event shall the sign be permitted to exceed 300 square feet in display surface area.
- c. Signs, if visible from an R district other than street, highway or freeway right-of-way, or if visible from a designated residential development area, shall be set back from such district or area a minimum distance of 50 feet.
- d. Ground signs shall not exceed 30 feet in height.
- e. Illumination, if any, shall be by constant light.
- f. Any ground sign shall maintain a minimum separation of 100 feet from any other ground sign.
- g. Wall signs shall not exceed an aggregate display surface area of one square foot per each lineal foot of the building wall to which the sign or signs are affixed.
- h. Roof signs are prohibited.

**Amend Section 1221.C.5. to read as follows:**

5. In computing permitted display surface area for business signs and outdoor advertising, the lineal footage of an abutting minor street shall not be combined with the lineal footage of any abutting major street which is included in the computation of permitted display surface area.

**Amend Section 1221.C.6. to read as follows:**

6. Signs and all parts thereof shall be set back from the centerline of an abutting street one-half the right-of-way width designated on the Major Street and Highway Plan.

**Amend Section 1221.C.9 to read as follows:**

9. Except for wall and promotional business signs, the maximum number of business and outdoor advertising signs per lot of record shall be as follows:

a. Permitted Number of Business and Outdoor Advertising Signs (if permitted in the district and by Section 1221.F.):

<u>CS &amp; IL</u>	<u>CG, CH &amp; CBD</u>	<u>SR, IM &amp; IH</u>
1 per 150' of major street frontage or fraction thereof	1 per 100' of major street frontage or fraction thereof	1 per 200' of major street frontage or fraction thereof

b. If a lot of record in a CS, CG, CH, CBD, IL, IM or IH district has no frontage on a major street, then one business sign per street frontage is permitted which shall not exceed two-tenths of a square foot of display surface area per lineal foot of street frontage; provided; however, that in no event shall the sign be restricted to less than 32 square feet nor be permitted to exceed 150 square feet of display, surface area. If the sign is a ground sign it shall not exceed the height of the building in which the principal use is located or 20 feet, whichever is lower.

**Amend Section 1221.C.15 to read as follows:**

15. No sign shall be permitted in the right-of-way or planned right-of-way as designated on the Major Street and Highway Plan of a public street, unless a license and removal agreement has been entered into by the sign owner and the City, and approval is given by the Board of Adjustment.

**Amend Sections 1221.D.1. and 1221.E.1 to read as follows:**

1. A ground sign, projecting sign or a promotional business sign abutting a major street shall not exceed 25 feet in height measured from the mean curb level to the lot upon which it is erected unless, in addition to the minimum setback prescribed in 1221.C.6, the sign is set back one foot for each foot of height exceeding 25 feet. In no event shall the sign exceed 40 feet unless the abutting street is a designated freeway on the Major Street and Highway Plan. In those cases where the abutting street is a designated freeway, the maximum permitted height is 50 feet. The maximum height of ground and projecting signs where permitted abutting a minor street is stated in Section 1221.C.9.b.



**Amend Section 1221.D.3. to read as follows:**

3. Roof, projecting, ground, and outdoor advertising signs, whether permitted as provided herein or nonconforming, shall not exceed an aggregate display surface area of two square feet per each lineal foot of major street frontage if only one such sign is erected and shall not exceed one square foot per each lineal foot of major street frontage if more than one such sign is erected. When a lot has no frontage on a major street, no roof or outdoor advertising signs are permitted. Projecting and ground signs shall comply with the provisions of Section 1221.C.9.b.

**Amend Section 1221.E.2. to read as follows:**

2. Wall signs shall not exceed an aggregate display surface area of three square feet per each lineal foot of the building wall to which the sign or signs are affixed.

**Amend Section 1221.E.3.a. and b. and add a new Section 1221.E.3.c. to read as follows:**

3. Aggregate display surface area of roof, projecting, ground and outdoor advertising signs shall be regulated as follows:
  - a. Within a freeway sign corridor, roof, projecting, ground and outdoor advertising signs, whether permitted as provided herein or nonconforming, shall not exceed an aggregate display surface area of three square feet per each lineal foot of major street frontage if only one such sign is erected, and shall not exceed two square feet per each lineal foot of major street frontage if more than one such sign is erected; or
  - b. Outside a freeway sign corridor, roof, projecting, ground, and outdoor advertising signs, whether permitted as provided herein or nonconforming, shall not exceed an aggregate display surface area of two square feet per each lineal foot of major street frontage if only one such sign is erected and shall not exceed one square foot per each lineal foot of major street frontage if more than one such sign is erected.
  - c. Within or outside a freeway sign corridor, when a lot has no frontage on a major street, no roof or outdoor advertising signs are permitted. Projecting and ground signs shall comply with the provisions of Section 1221.C.9.b.

**Amend Chapter 18; the second and third paragraphs of the definition of *Display Surface Area* to read as follows:**

The display surface area for *wall* signs shall mean the sum of the areas of the minimum imaginary rectangle enclosing each word attached to any particular façade.

The display surface area for *window* signs shall mean the sum of the areas of the minimum imaginary rectangle enclosing each word, figure, design and symbol if the window or other transparent material forms the background, or the entire area of the background material when such material is translucent or opaque.

(See the City of Tulsa Sign Manual for additional details)

**Add or amend the following definitions to Chapter 18:**

Street, Minor: All classifications of public streets not defined as major streets.

Street, Major: Includes all classifications of streets shown and defined by the Major Street Plan, except residential collector streets. It also includes freeways and freeway service roads.

Frontage: The lineal measurement of a lot boundary which abuts an open public street. For the purpose of determining compliance with Section 206. STREET FRONTAGE REQUIRED, frontage may also be the lineal measurement of the building setback line when the boundary of the lot abuts a curved nonarterial open public street or cul-de-sac. Lot boundaries which abut a limited access freeway, shall not be considered lot frontage for the purposes of complying with Section 206.

Street Frontage: See Frontage.

Street, Perimeter: A public street, which abuts the exterior boundary of a residential or non-residential development.

**Delete the following Sections:**

- 302.B.2.c. and d.
- 402.B.4.c., d. and e.
- 502.B.2.
- 602.B.5. and 6.
- 852.B.4. and 5.
- 1103.B.2.b(7)
- 1221.C.4

**TMAPC Comments:**

Mr. Boyle asked staff if the proposal is attempting to solve the billboard issue that has been addressed for many years. Mr. Stump stated that the proposal is not attempting to solve billboard issues. Mr. Stump informed the TMAPC that the Sign Advisory Board are finishing up their work on the billboard issues and will be reporting the changes to the City Council. Mr. Stump stated that since there are changes there will have to be a public hearing and it will be heard before the Planning Commission.

Mr. Westervelt stated that the Rules and Regulations Committee was to accept these changes.

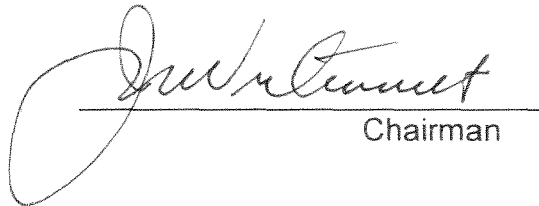
**TMAPC Action; 9 members present:**

On **MOTION** of **BOYLE**, the TMAPC voted **9-0-0** (Boyle, Carnes, Harmon, Hill, Jackson, Ledford, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Collins, Horner "absent") to **APPROVE** the proposed amendments to City of Tulsa Zoning Code relating to signs as recommended by the Sign Advisory Board.

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There being no further business, the Chairman declared the meeting adjourned at 2:24 p.m.

Date approved: 02/16/08

  
Chairman

ATTEST:   
Secretary

