

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2395

Wednesday, November 3, 2004, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Carnes	Bayles	Alberty	Romig, Legal
Coutant	Jackson	Chronister	
Harmon	Miller	Fernandez	
Hill		Huntsinger	
Horner		Matthews	
Ledford			
Midget			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, October 29, 2004 at 2:10 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, 2<sup>nd</sup> Vice Chair Hill called the meeting to order at 1:30 p.m.

### Minutes:

#### **Approval of the minutes of October 6, 2004, Meeting No. 2392**

On **MOTION** of **CARNES** the TMAPC voted 6-0-1 (Carnes, Coutant, Harmon, Hill, Horner, Ledford "aye"; no "nays"; Westervelt "abstaining"; Bayles, Jackson, Midget, Miller "absent") to **APPROVE** the minutes of the meeting of October 6, 2004, Meeting No. 2392.

### Minutes:

#### **Approval of the minutes of October 20, 2004, Meeting No. 2393**

On **MOTION** of **HORNER** the TMAPC voted 6-0-1 (Carnes, Coutant, Harmon, Hill, Horner, Ledford "aye"; no "nays"; Westervelt "abstaining"; Bayles, Jackson, Midget, Miller "absent") to **APPROVE** the minutes of the meeting of October 20, 2004, Meeting No. 2393.

### Minutes:

#### **Approval of the minutes of October 27, 2004, Meeting No. 2394**

On **MOTION** of **HARMON** the TMAPC voted 4-0-3 (Carnes, Coutant, Harmon, Hill "aye"; no "nays"; Horner, Ledford, Westervelt "abstaining"; Bayles, Jackson,

Midget, Miller "absent") to **APPROVE** the minutes of the meeting of October 27, 2004, Meeting No. 2394.

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**REPORTS:**

**Director's Report:**

Mr. Alberty reported on the upcoming City Council agenda and the TMAPC items that will be heard on Thursday, November 04, 2004.

Mr. Alberty reported that the City Council considered the definitions for the modular homes and the mobile homes splitting out from manufactured homes. There was some clarification requested by the City Council and that will be coming back to the TMAPC for a worksession in November.

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Ms. Hill stated that there is a request for a continuance for the minor subdivision plat for Arvest Midtown to November 17, 2004.

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

**TMAPC Action; 7 members present:**

On **MOTION** of **WESTERVELT**, TMAPC voted 7-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Jackson, Midget, Miller "absent") to **CONTINUE** the minor subdivision plat for Arvest Midtown to November 17, 2004.

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Ms. Hill stated that there is a request for a continuance for the preliminary plat for Ravens Crossing to November 17, 2004.

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

**TMAPC Action; 7 members present:**

On **MOTION** of **WESTERVELT**, TMAPC voted 7-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Jackson, Midget, Miller "absent") to **CONTINUE** the preliminary plat for Ravens Crossing to November 17, 2004.

Mr. Midget in at 1:35 p.m.

**SUBDIVISIONS:**

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

**L-19752 – Shelby Oakley** (9231)

(PD 23) (County)

5102 South 65<sup>th</sup> West Avenue

**STAFF RECOMMENDATION:**

The applicant has applied to split a 195' x 470' parcel out of a 16-acre tract. Both resulting tracts will meet the RS bulk and area requirements; however, Tract B will have six side lot lines. Therefore, the applicant is requesting a waiver of the Subdivision Regulations because the tract has more than three side lot lines.

Also, both West 51<sup>st</sup> Street and 65<sup>th</sup> West Avenue are designated as Secondary Arterials on the Major Street and Highway Plan, requiring 100' right-of-way, 50' on either side of the centerline of the street. Due to an existing barn located near the required right-of-way along West 51<sup>st</sup> Street and an existing electric gate along 65<sup>th</sup> West Avenue, the applicant is requesting a waiver of Subdivision Regulations Section 6.5.1.(c)(3) requiring right-of-way be given to the City of Tulsa/Tulsa County in accordance with the Major Street and Highway Plan.

The Technical Advisory Committee reviewed this application at their October 21, 2004, meeting and requested the applicant to provide the distance of the existing barn to the centerline of West 51<sup>st</sup> Street. That distance has not yet been provided to staff. The Tulsa County Engineering Department met with the applicants and their comments are attached.

Staff recommends **DENIAL** of the waiver of Subdivision Regulations for 50' of required right-of-way along West 51<sup>st</sup> Street and 65<sup>th</sup> West Avenue; **APPROVAL** of the waiver of the Subdivision Regulations to allow Tract B to have more than three side lot lines, and **APPROVAL** of the lot-split on condition that the required right-of-way be given to Tulsa County.

**TMAPC COMMENTS:**

Mr. Westervelt asked staff if they would be agreement with the County requiring 30 feet of right-of-way. In response, Mr. Alberty stated that the Major Street and Highway Plan requires 50 feet and staff is holding to the 50 feet. However, he believes that the County is willing to accept 30 feet at a minimum of complete dedication on both sides.

**Applicant's Comments:**

**Shelby Oakley**, 4235 South 33<sup>rd</sup> West Avenue, Tulsa, Oklahoma 74107, stated that he met with the County Engineers and they stated what they really need for

the upcoming project. He indicated that they need an area that is 10' x 85' for drainage and he is willing to dedicate that amount.

Mr. Oakley submitted photographs (Exhibit A-1) indicating where the buildings are located and the electric gate is located. He explained that the slab and overhang would be six inches over the 25 feet that is recommended for dedication. There are two electric gates that would come inside and he is requesting that the right-of-way dedication be waived because it will take away the value of the property and he would lose his buyers. He requested that the lot-split be approved and allow him to dedicate the land that Ray Jordan has stated that they would need, which is 10 x 85 feet.

**TMAPC COMMENTS:**

Mr. Westervelt stated that the letter from the County Engineers requests 30 feet of right-of-way on the applicant's side of the property. Mr. Westervelt asked Mr. Oakley if he had a different letter. In response, Mr. Oakley read the same letter that the Planning Commission received in their packets. Mr. Westervelt indicated that Mr. Oakley is not reading the entire letter. After discussion of the entire letter, Mr. Oakley indicated that he would have to discuss this with his buyer to see if he could live with it.

Mr. Ledford stated that possibly a continuance would be in order since the applicant's understanding of what the County Engineer stated in his letter is confusing. He commented that he would be opposed to reducing the right-of-way to anything less than 50 feet because a lot-split is still a subdivision. Subdivision Regulations require that the Major Street and Highway Plan standards be met. Possibly the applicant could work out some type of agreement with the County in order to allow the existing buildings to encroach into the right-of-way until such time that the right-of-way is actually needed for construction.

Mr. Ledford stated that he would recommend that the Planning Commission approve the staff recommendation.

Mr. Oakley stated that a license agreement would not work. He commented that he would like the Planning Commission to do what is right and he would go along with whatever is recommended.

**TMAPC Action; 8 members present:**

On **MOTION** of **LEDFORD**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Jackson, Miller "absent") to **DENY** the waiver of Subdivision Regulations for 50' of required right-of-way along West 51<sup>st</sup> Street and 65<sup>th</sup> West Avenue; **APPROVE** the waiver of the Subdivision Regulations to allow Tract B to have more than three side lot lines, and **APPROVE** the lot-split on condition that the required right-of-way be given to Tulsa County for L-19752 per staff recommendation.

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

**L-19742 – TF Properties** (9318) (PD 6) (CD 9)

1503 East 26<sup>th</sup> Place

**L-19747 – Steve Bengé** (9321) (PD 6) (CD 7)

3416 South New Haven

**STAFF RECOMMENDATION:**

These lot-splits are all in order and staff recommends **APPROVAL**.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CARNES** the TMAPC voted **8-0-0** (Carnes, Coutant, Harmon, Hill, Horner, Ledford, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Jackson, Miller "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

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**Waterford Plaza –** (PUD 206C) (PD18) (CD 8)

West of the southwest corner of East 91<sup>st</sup> Street and  
Sheridan Road

**Mr. Ledford announced that he would be abstaining from this item.**

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on 2.68 acres.

The following issues were discussed October 21, 2004 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD 206C (CS). PUD conditions must be followed and put in the restrictive covenants. Setbacks must meet with the PUD requirements. Mutual access easements must be shown on the face of the plat.
2. **Streets:** A mutual access easement or an emergency access easement may be necessary at the south end of the service alley subject to the adjacent property owner. Include Deed of Dedication language for public street right-of-way in Section IA. Provide for an adequate design of the

service alley including width and turning radius. Engineer should have a copy of the City's intersection improvement drawings for 91<sup>st</sup> and South Sheridan. Right-of-way dedication on plat appears to match that shown on City's improvement plans. Intersection improvement calls for fill slope on 91<sup>st</sup> east of access drive, and may interfere with construction in platted area to east and then north of driveway; should not be a problem if no work is planned for that area; since fill slope is outside of City right-of-way, City work will require temporary construction easement to perform the work. Needs paragraph in covenants with standard language for Limits of No Access and Limits of Access. Recommend dedicating temporary construction easement for future intersection improvement work by City, funds are presently not scheduled for the project, but early dedication would ensure the easement is already in place when construction begins. Show parking lot, mutual access easement, landscaping, building and service road on site plan carefully.

3. **Sewer:** Add an eleven-foot utility easement along the south property line and move the building line to match the easement. Continue the 17.5-foot utility easement along the north property line all the way to the east property line. Add an eleven-foot utility easement along the east property line.
4. **Water:** No comment.
5. **Storm Drainage:** The covenants say there is an overland drainage easement. If there is drainage from this development that is being conveyed overland in a specific area, then please designate that area as an overland drainage easement. Please revisit Section 1C to be inclusive of "Water, Storm Sewer, and Sanitary Sewer Services", and add the appropriate language to 1-5 of that Section. In Section 1 F 3, please delete "or single trunk trees having a caliper of not less than two and one half (2 1/2) inches". If there are no overland drainage easements on this site, then remove Section 1F in its entirety. Remove Section 1G in its entirety. Need to bring drainage to the southwest corner of property to tie into the overland drainage easement. The Plan must show the conceptual stormwater drainage system for this development.
6. **Utilities:** Okay. Work with design engineers for utilities.
7. **Other: Fire:** No comment. Show the point of beginning on face of the plat.

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

#### **Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. The concerns of the Public Works Department staff must be taken care of to their satisfaction.

**Standard Conditions:**

1. 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.
2. 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.)
3. 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).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.

12. 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.)
13. 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.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. 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.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. 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.)
20. 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.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.

24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, TMAPC voted 7-0-1 (Carnes, Coutant, Harmon, Hill, Horner, Midget, Westervelt "aye"; no "nays"; Ledford "abstaining"; Bayles, Jackson, Miller "absent") to **APPROVE** the preliminary plat for Waterford Plaza per staff recommendation.

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**Mr. Carnes out at 1:45 p.m.**

Ms. Hill announced that PUD-179-O will be taken out of order due to the applicant needing to catch a flight.

**Application No.: PUD-179-O**

**DETAIL SITE PLAN**

**Applicant:** Design Engineering

(PD-18) (CD-7)

**Location:** 9026 East 71<sup>st</sup> Street

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a new restaurant. The proposed use, Use Unit 12, Eating Establishments Other Than Drive-Ins, is permitted by PUD Development Standards.

The proposed new building will replace the currently vacated Tia's Restaurant, which will be demolished. The new 7,231 square foot building is within permitted floor area restrictions and meets building setbacks. Proposed parking, internal landscaped open space and landscaped street yard meet minimum requirements. The existing required 20-foot landscaped buffer on the site's east boundary will remain, as will the required six-foot screening fence. Proposed new parking lot lighting (replacing current lighting) complies with Development Standards and the Zoning Code.

Staff recommends **APPROVAL** of **PUD 179-O** detail site plan as proposed.

(Note: Detail site plan approval does not constitute landscape plan or sign plan approval.)

**The applicant was not present.**

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

**TMAPC Action; 7 members present:**

On **MOTION** of **HARMON**, TMAPC voted 7-0-0 (Coutant, Harmon, Hill, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Jackson, Miller "absent") to **APPROVE** the detail site plan for PUD-179-O

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**Mr. Carnes in at 1:46 p.m.**

**CONTINUED ZONING PUBLIC HEARING:**

**Application No.: PUD-667-2**

**MINOR AMENDMENT**

**Applicant:** Ricky Jones

(PD-26) (CD-8)

**Location:** 3308 East 115<sup>th</sup> Street South

**STAFF RECOMMENDATION:**

The applicant requests a Minor Amendment to allow reduction in a side yard setback from 25' (an external boundary) to 17.5' for Lot 8 Block 3, Waterstone. A similar request involving Lot 1 Block 3 was denied in April 2004. It is staff's opinion that with new development such as this, structures can be designed to meet the PUD requirements and avoid Minor Amendments. The requirements were approved for good reasons and after much discussion. Therefore, staff recommends **DENIAL** of PUD-667-2.

**Applicant's Comments:**

**Ricky Jones**, Tanner Consulting, 5323 South Lewis Avenue, Tulsa, Oklahoma 74105, stated that he met with staff and try to work out any problems prior to the Planning Commission meeting. He indicated that he explained to the staff how this situation happened. There has been a little bit of a change in the PUD concepts. In the years past, the Planning Commission and staff has liked to see a perimeter setback from a PUD and the reason for this is to protect the surrounding properties. He has always placed a 25-foot perimeter setback from the PUD. After submitting the conceptual plan, the preliminary plat changed some of the lots dimensions.

Mr. Jones explained that Bob David is the owner of the subject lot and the owner of the development, as well as the development adjacent to the east (Waterstone Estates). His client also owns the PUD to the east.

Mr. Jones stated that he applied for a minor amendment because there is a 17.5-foot perimeter setback as required in the Subdivision Regulations and then there is the 25-foot PUD perimeter setback. The problem is that with the five-foot side yard, it makes the lot too narrow for the custom home that is planned to be developed on the lot. He indicated that he could design a home to fit on the subject property, but the difference is that there is a 17.5-foot setback and the client owns the property to the east where there is an additional easement setback and he believes that there is plenty of space between the two houses. When the original PUD was drawn, he thought he could meet the setback, because it would have been the rear yard rather than a side yard. The side yard is still far and above what the RS-2 zoning would require (17.5-foot building setback) and that is the reason for this minor amendment.

Mr. Jones stated that the case that was denied in April was different from the one before the Planning Commission today. The case denied in April was requesting to reduce the minimum depth of the required yard from the street right-of-way from 25 feet to 17.5 feet. He can see the difference between the April case and the subject application. The existing application is not for reduction in setting back from a street, but from a perimeter.

Mr. Jones indicated that staff is realizing that minor amendments are becoming a problem and burdensome. He commented that had he known how the lots would be oriented at the type of conception he would have changed that. In two weeks there will be another minor amendment for the same request for a couple of lots in Waterstone. He indicated that on the next PUD he will not write it with a 25-foot perimeter setback requirement. He reiterated that the subject application is different from the past cases. He meets more than RS-2 side yard requirements and he is disturbed by staff's position. He stated that he meets the requirements and it was his mistake by placing the 25-foot perimeter in the PUD in the first place. He requested that the Planning Commission approve this minor amendment.

**TMAPC COMMENTS:**

Mr. Harmon stated that the applicant indicated that a house could be designed to fit on this lot and meet the setback requirements, but he prefers not to do so. Mr. Harmon asked Mr. Jones why he wouldn't want to build a home that meets the requirements. In response, Mr. Jones stated that in the size of homes in this price range, all of these are custom-built houses. The owners know exactly what they want and they know the floor plan they prefer. To deviate from the custom home, he would have to modify the floor plan. Mr. Jones stated that he could design a house on anything. Mr. Jones further stated that on this particular lot,

there is a reduced amount of setback on the east side and the custom house can't fit inside the footprint. They can fit the 17.5-foot setback, but they can't design their custom house and build it with the 25-foot perimeter setback requirement.

Mr. Harmon asked Mr. Jones what the setback requirement is for the PUD to the east. In response, Mr. Jones stated that it had the same PUD requirements. He indicated that in the other PUD all the lots were rear yards except for one or two lots where the actual perimeter is a side yard. In the future, he will specify a 25-foot perimeter setback, unless it is a side yard and then it would be 17.5-foot perimeter easement setback requirement, which is more than the RS-1 zoning. With the easement of 17.5-foot and the easement on the other property, there would be approximately 35 feet of separation between houses.

Mr. Ledford stated that it would have been helpful if the applicant had brought an exhibit of the adjacent subdivision in order to see problem that has been created by the 25-foot perimeter setback. Mr. Ledford asked Mr. Jones to explain the layout for the adjoining property. Mr. Jones described the adjoining PUD-681 subdivision. Mr. Jones stated that the 25 feet was not required by staff, but a condition he voluntarily placed in the PUD; however, he will never do that again.

Mr. Ledford stated that what should have been done is that when Mr. Jones revised his plat, he should have realized that he had a side yard condition that created a problem for the subject lot and he could have done a minor amendment prior to the filing of the plat. This type of situation has become a nightmare for the staff and the Planning Commission. He commented that he understands staff's reluctance to allow several minor amendments.

Mr. Westervelt asked staff if they feel any different about this application after listening to the applicant. He further asked staff how to prevent setting a precedent if this is approved. In response, Mr. Alberty stated that this is a unique situation because the owner who is requesting the relief is also the developer of the property that staff was trying to protect. The 25-foot perimeter setback was to protect the development of the adjacent property, and in this case this has been resolved. Staff realized this after the recommendation had been prepared and the staff explained to the applicant that they would keep the staff recommendation as is, but realize that there is a change in conditions since the recommendation was written. Mr. Alberty stated that he doesn't believe, in this situation, that staff would hold to the recommendation due to the uniqueness. Staff is trying to send a message that minor amendments are not going to be looked at casually and they will be scrutinized with great detail. The staff does have an administrative problem because some of these files are absolutely replete with minor amendments.

Mr. Ledford stated that there are ways to place the setback requirements in the PUD if the development changes. These flexibilities would have to be written into the PUD to eliminate the minor amendments.

**TMAPC Action; 8 members present:**

On **MOTION** of **LEDFORD**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Jackson, Miller "absent") to **APPROVE** the minor amendment for PUD-667-2.

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**Application No.: PUD-567-8**

**MINOR AMENDMENT**

**Applicant:** Ronald Journagan

(PD-18) (CD-8)

**Location:** 10624 East 71<sup>st</sup> Street

**STAFF RECOMMENDATION:**

The applicant is requesting an increase in sign height from 25' to 35' for a Cheddars or affiliated restaurant at 10624 East 71<sup>st</sup> Street, Lot 1 Block 1, Woodland Park Center. When originally adopted in 1997, signage conditions for PUD-567 included as a provision:

- "1. Ground signs shall be limited to one sign for each lot along the East 71<sup>st</sup> Street frontage with a maximum of 160 square feet of display surface area for each sign and 25 feet in height."

Since its approval, several requests for amendments to the signage restrictions of the PUD have been filed. While approvals for additional ground signs and projecting signs have been granted (albeit with conditions), the TMAPC has consistently held to the 25' height limitation in this PUD and in this area. Conditions of the PUD were known to the owners/applicants at the time of development. Staff cannot support the request for an increase in sign height from 25' to 35' and therefore recommends **DENIAL** of PUD-567-8.

**Applicant's Comments:**

**Ronald Journagan**, 3201 Manorway, Dallas, Texas 75235, representing the Cheddars restaurant group, specifically Fish Daddy's, stated that he does not propose to place the sign on 71<sup>st</sup> Street, but on the southwest corner in order to have the visibility on the freeway. The reason for the extended height is to have visibility to the north on the freeway because there is a 25-foot drop from the freeway and the placement of the sign. The visibility to the south is not great, but with a 35-foot high sign there would be some visibility.

Mr. Journagan submitted photographs (Exhibit B-1) and drawing of the proposed sign (Exhibit B-2). He stated that Fish Daddy's is a unique organization because they do not do any advertising. They rely totally on word-of-mouth and visibility. The traffic count along US 169 is enormous and his client feels that they need something more than the 25 feet, which he believes staff agrees that there is approval for the 25-foot in height sign.

**TMAPC COMMENTS:**

Mr. Midget asked if there is a sign presently on the subject property. In response, Mr. Journagan stated that presently there is a building sign only. He further stated that his client has been approved for a 25-foot sign, but he would like to extend it ten feet for better visibility. He explained that the previous application was for the sign to be placed on 71<sup>st</sup> Street and not on the back corner of the lot. He indicated that he would abide by the additional requirement for the setback to go to the 35-foot in height.

Mr. Carnes stated that he would have to agree with the staff recommendation. He suggested that the applicant redesign their proposal in order to stay within the staff recommendation. In response, Mr. Journagan stated that the proposed sign is 153 SF, but he would like to have it 35 feet in height rather than 25 feet in height.

Mr. Westervelt stated that the applicant is not aware of the residential neighborhood that sits behind the PUD and their sensitivity to restrict the signage, particularly at the rear of the lots that would be visible to the subdivision. It took a great deal of work to obtain a PUD that would be satisfactory to the neighborhood and this type of proposal is exactly what was feared. Mr. Westervelt indicated that he could not support this proposal.

Mr. Ledford stated that the extra ten feet may not seem like an obstacle to the applicant, but it would be to the neighborhood.

Mr. Westervelt stated that it would open up an opportunity for the next lot owner along US 169 to request the same type of signage.

Mr. Journagan asked if staff received any objections to the signage proposal.

Mr. Carnes stated that the neighbors are dependent upon the Planning Commission to take care of this issue.

Mr. Westervelt stated that a sound reason for approval is not that no one happened to show up, but rather deal with precedents and all other issues with public policies.

Mr. Ledford explained that it would be difficult to put forth a compelling case why the Planning Commission made this change within this total PUD. Regardless of



There were no interested parties wishing to speak.

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Jackson, Miller "absent") to **APPROVE** the corridor plan minor amendment for Z-5636-SP-1a per staff recommendation.

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**Application No.: PUD-450-A-9**

**MINOR AMENDMENT**

**Applicant:** Jerry Hall

(PD-26) (CD-8)

**Location:** 6330 East 111<sup>th</sup> Place South

**STAFF RECOMMENDATION:**

The applicant requests a minor amendment of PUD-450-A to reduce the required setback of 20' for a garage to 15', the required 20' setback on the front to 10', and the required 20' setback from the south boundary of the PUD to 17'5".

Chronology of previous actions on PUD-450-A:

PUD-450-A was approved in March 2000.

PUD-450-A-1 was approved in June 2000 that in part amended the 25' garage setback to 23' (20' setback had been requested by the applicant). Setbacks for the corner lots (Lots 1, 8, 15 and 18, Block 1) were to be determined during the platting process.

PUD-450-A-2 was approved in March 2001 that amended the minimum required yards from street rights-of-way for residences on Lots 1, 4, 9, 14, 19, and 20 and established a garage setback for all garages at 20'.

PUD-450-A-3 was approved in March 2003 that affected Lot 5, Block 1 (6331 East 111<sup>th</sup> Place South) of the development to allow a reduction in required yards for garages from 20' to 15'.

PUD-450-A-4 was approved in August 2004 to allow a reduction in setback from the south boundary from 20' to 17' on the subject property.

Staff voiced concerns regarding a reduction in garage setback in recommendations on PUD-450-A-3. At that time, staff noted that a 15' setback only allows a parking length of 17' from the curb, which is insufficient for many of

the newer SUVs and other sport vehicles. The TMAPC and City Council chose to approve PUD-450-A-3 despite this concern. Nevertheless, staff continues to have serious reservations about the relatively short parking length. Therefore, staff cannot support Minor Amendment PUD-450-A-9 and recommends its **DENIAL**.

**Applicant's Comments:**

**Jerry Hall**, 8242 South Harvard, Tulsa, Oklahoma 74137, stated that this is a small subdivision with 20 lots. The subdivision is a rectangle with four hammer-head lots. The garages all approach the end of the hammer-head so that the length of the driveway in every situation is inconsequential to any adjoining property. The lot owner has designed a home that would be impossible to get on the subject lot with adequate depth to walk around the car with the garage door down. He explained that his client would like to be able to walk around her car once it is in the garage with the door closed. The current paving plan for the residence allows for another drive pull-up in front of the house, which is about 19 feet. He is requesting an additional 2.5 feet inside of the garage for his client to be able to close the door and walk around her car. He indicated that he doesn't need the full 15 feet. He explained that the house is at the end of the hammer-head and it doesn't affect anyone else in the neighborhood. The turnaround at the end of his client's home would accommodate a 20-foot vehicle.

The subject property is the next-to-the-last lot in the subdivision and he has learned a lot from this process. He commented that he would never be before the Council again with a PUD.

Mr. Hall stated that a large car would not bother anyone in the neighborhood if it hangs over.

**TMAPC COMMENTS:**

Mr. Westervelt asked Mr. Hall if the distance from the face of the garage to the curb is 20 feet. In response, Mr. Hall stated that the way the plans are drawn today, it would be 16.7 feet from the face of the garage to the street. He indicated that the subject property is one foot off of the curb and therefore the actual distance is 17.7 feet. He agreed that a Suburban would hang over the curb. He commented that there are subdivisions in south Tulsa with 15-foot and 16-foot driveways. Lot 5 in the same subdivision was approved for a 15-foot driveway.

Mr. Westervelt asked staff if they see anything unique about the layout for the subject corner lot and its impact on the adjacent structures. In response, Ms. Matthews stated that staff stands by their original recommendation. She reminded the Planning Commission that this proposal is starting from the ground up. A new construction could be designed to fit this lot since it is not an existing home trying to be retrofit onto the lot. In response, Mr. Hall stated that there is no other way to get a house on the subject lot without the garage being in front of

the hammerhead. He indicated that earlier in the project, he discussed his options with Mr. Stump and this was the only available opportunity he has at this point. Mr. Hall stated that he could get a house with a garage on the lot, but the garage would only be 19.6 feet. One can't put a Suburban in a garage and get around the back side of it at 19.6 feet. He indicated that his client would like to be able to walk around her vehicle when the garage door is closed.

Mr. Carnes reminded Mr. Hall that he indicated that his client would never own a Suburban and asked why this is a question.

Mr. Ledford asked staff what the recommendation for the March 2003 amended allowing for a garage from 20 feet to 15 feet, which the Planning Commission approved. In response, Ms. Matthews stated that staff recommended denial.

Mr. Ledford asked Mr. Hall how many lots are left in this development. In response, Mr. Hall stated that this is the last lot. Mr. Hall indicated that there is no way to get sidewalks in this subdivision because it is too small. The lots are 50 feet to 60 feet wide and it would be nice to have a 20-foot driveway, but is it not possible. Mr. Hall concluded that all he is requesting is 2.5 feet inside the garage.

Mr. Westervelt stated that he doesn't like to go against staff recommendation. However, this is the last lot of the subdivision and with the geographic features of the adjacent house, he believes that it would be difficult to create any public safety or nuisance issue.

Mr. Ledford agreed with Mr. Westervelt's comments and stated that it is consistent with the past approvals in this subdivision. This is the last lot in the subdivision and he doesn't think there is a compelling case. He agrees with staff that these minor amendments need to be reviewed closely. It is important to note that Mr. Carnes pointed out that subdivisions with hammerheads do cause problems in the future.

Ms. Matthews asked for clarification of the motion. She pointed out that the applicant is requesting three types of relief. In response, Mr. Westervelt stated that his motion will include all of the requests for relief.

Mr. Horner stated that when there is a requirement made, he believes an extended effort should be made to be within the boundaries of the requirement. He expressed concerns about this happening in the next subdivision.

Mr. Westervelt stated that he believes that the next subdivision the Planning Commission would see wouldn't have another hammerhead. He commented that Mr. Carnes has convinced everyone that these will create problems in the future.

**TMAPC Action; 8 members present:**

On **MOTION** of **WESTERVELT**, TMAPC voted 7-1-0 (Carnes, Coutant, Harmon, Hill, Ledford, Midget, Westervelt "aye"; Horner "nay"; none "abstaining"; Bayles, Jackson, Miller "absent") to **APPROVE** the minor amendment for PUD-450-A-9 to reduce the required setback of 20 feet for a garage to 15 feet; the required 20-foot setback on the front to ten feet and the required 20-foot setback from the south boundary of the PUD to 17.5 feet as recommended by the Planning Commission.

**Applicant's Comments:**

Mr. Hall reported that Brandon Jackson would be having his foot operated on Friday.

Ms. Hill thanked Mr. Hall for the update on Mr. Jackson.

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**ZONING PUBLIC HEARING**

**Application No.: CZ-349**

**AG-R to RS**

**Applicant:** Janet Gann

(PD-14) (County)

**Location:** North and east of northeast corner of East 136<sup>th</sup> Street North and North Sheridan

**STAFF RECOMMENDATION:**

**CZ-302 April 2002:** All concurred in approving AG-R zoning on the subject property to allow the development of one-acre lots.

**CZ-267 June 2000:** All concurred in approval of a request to rezone an eighty-acre tract located east of the northeast corner of East 146<sup>th</sup> Street North and North Sheridan Road and north of the subject tract from AG to RE for residential development.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property contains approximately twenty acres. It is located north and east of the northeast corner of East 136<sup>th</sup> Street North and North Sheridan Road. The property is flat, non-wooded, vacant and zoned AG.

**STREETS:**

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
North Sheridan Road	Secondary arterial	100'	2 lanes

**UTILITIES:** Washington County Rural Water District 3 serves water in this area and sewer would be by septic systems or lagoons.

**SURROUNDING AREA:**

The subject property is surrounded by scattered single-family homes on large lots and agricultural uses, zoned AG.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 14 Plan, a part of the Collinsville Comprehensive Plan, designates the property as Residential. The requested RS zoning is in accord with the Comprehensive Plan. Comments (attached) from the Collinsville Planning Department indicate their recommendation for approval of this rezoning.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan and the Collinsville Planning Department's recommendation, staff recommends **APPROVAL** of RS for CZ-349.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Jackson, Miller "absent") to recommend **APPROVAL** of RS zoning for CZ-349 per staff recommendation.

**Legal Description for CZ-349:**

A tract of land in the NW/4, SW/4, and the W/2 NE/4, SW/4 of Section 26, T-22-N, R-13-E, IBM, Tulsa County, State of Oklahoma, more particularly described as follows, to-wit: commencing at the Northwest corner of SW of Section 26, T-22-N, R-13-E, thence S 00°04'10" W along the West line of the SW/4 a distance of 630.71' to the Point of Beginning, thence S 89°59'36" E a distance of 1,387.00', thence N 00°04'10" E a distance of 630.82' to a point on the north line of said SW/4, that is 1,387.00' East of the Northwest corner thereof, thence S 89°59'53" E along said North line a distance of 601.10' to the Northeast corner of the W/2, NE/4, SW/4, thence S 00°04'02" W along the East line of said W/2, NE/4, SW/4 a distance of 660.88', thence N 89°59'36" W a distance of 1,988.13' to a point on the West line of the SW/4, thence N 00°04'10" E along said West line a distance of 30.00' to the Point of Beginning, containing 10.1 acres more or less, and a

tract of land in the NW/4, SW/4 and the W/2, NE/4, SW/4 of Section 26, T-22-N, R-13-E of the IBM, Tulsa County, State of Oklahoma, more particularly described as follows, to-wit: Commencing at the Northwest corner of SW/4 of Section 26, T-22-N, R-13-E, thence S 00°04'10" W along the West line of the SW/4 a distance of 660.71' to the Point of Beginning, thence S 89°59'36" E a distance of 1,988.13' to a point on the East line of the W/2, NE/4, SW/4 thence S 00°04'02" W along said East line a distance of 660.87' to the Southeast corner of said W/2, NE/4 SW/4, thence N 89°59'19" W along the South line of said W/2, NE/4, SW/4 a distance of 601.15' to a point that is 1,387.00' East of the Southwest corner of the NW/4, SW/4, thence N 00°04'10" E a distance of 630.82', thence N 89°59'36" W a distance of 1,387.00' to a point on the West line of said SW/4, thence N 00°04'10" E along said West line a distance of 30.00' to the Point of Beginning, containing 10.1 acres, more or less, and located north and east of the northeast corner East 136<sup>th</sup> Street North and North Sheridan Road, Collinsville, Oklahoma  
**From AG (Agriculture District) To RS (Residential Single-Family District).**

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**Application No.: PUD-405-K-3**

**MINOR AMENDMENT**

**Applicant:** Bryan Wiesman

(PD-18) (CD-8)

**Location:** 9301 South 76<sup>th</sup> East Avenue

**STAFF RECOMMENDATION:**

The applicant requests a Minor Amendment to reduce the back yard setback requirement from 20' to 13' to provide for a covered patio. It appears that an uncovered patio is part of the design of the dwelling and it is likely this amendment is to allow that to be covered. Staff believes that, because this is a new development, any proposed structure can be designed to meet the required setbacks. The design can be reconfigured so as to make this Minor Amendment unnecessary. The addition of a covered patio to the existing design results in a structure that will lie within only a short distance of the utility easement.

Staff recommends **DENIAL** of PUD-405-K-3.

**Applicant's Comments:**

**Bryan Wiesman**, 11831 East 121<sup>st</sup> Street, Broken Arrow, Oklahoma 74011, submitted a plot plan (Exhibit C-1) stated that the subject property is within a private-gated subdivision. The exit gate to the neighborhood swings to the open position toward the neighborhood and the gate provides limited access to the subject lot. By reorienting the property he gains several advantages. It moves the subject property away from the nearest adjacent neighbor by an additional ten feet from the required five-foot setback. There is also better protection

provided for the existing home from external viewing down the side of the subject property. There will not be any negatively impacted properties in regard to the subject subdivision. Lot 27 is the subject property under application and the areas north and east of the subject property are reserve areas that are the responsibility of the neighborhood association. There will not be anyone negatively impacted by reducing the backyard requirement.

Mr. Wiesman stated that from a functional standpoint, he sees this as an interpretation in the way a backyard is written. The way the backyard line requirement is written, it would be considered that the 120 feet on the far east side is the backyard. However, from a practical application he considers it to be a side yard. If the backyard requirement is changed, it makes it a non-factor.

**TMAPC COMMENTS:**

Ms. Hill stated that she may have a conflict of interest. She indicated that she has a business affiliation with the applicant's sister-in-law.

Mr. Romig asked Ms. Hill if she would gain anything as a result of this application or does she feel compelled to vote one way or the other. In response, Ms. Hill stated that given comments made publicly by certain people, she doesn't feel she would gain anything but she would feel more comfortable in abstaining. Ms. Hill further stated that she doesn't want to jeopardize the integrity of the Planning Commission or the applicant's application.

Mr. Carnes asked staff if they feel the same, knowing that the property is adjacent to public property. In response, Ms. Matthews stated that she would stay with the staff recommendation.

Mr. Wiesman stated that if the north property line is used, it is a backyard. In his opinion this does meet the backyard requirement. This house has limited access due to the wrought iron fence between the stone column and going toward the northeast. The neighbor to the south will benefit by the subject home being farther away.

Mr. Ledford asked the applicant if the rear yard is moved from the east boundary to the south boundary, the required rear yard setback will be met along the south boundary. In response, Mr. Wiesman stated that he is looking at the rear yard being the north end of the house and it meets in excess of 20 feet.

Mr. Ledford asked Mr. Wiesman how he figures the rear yard. In response, Mr. Wiesman stated that the front door is where the walk area is and the rear of the house is the opposite side of the front. The back of the house would meet the 20-foot rear yard requirement.

Mr. Wiesman explained that his client requested that the house be placed in this direction and his client's sister will be living directly south of the subject property. They are both in agreement with the layout.

Mr. Harmon stated that it would be better to redesign the house to prevent the patio being so close to the line. In response, Mr. Wiesman stated that his client saw this plan and asked if it could be placed on this property. In response, Mr. Harmon stated that the answer would be no.

Mr. Romig stated that the front yard versus the rear yard is not determined by where the front door is located, but by the lay of the lot itself, not the house.

Mr. Westervelt stated that based on the fact that there is a reserve area to the north and east, he would consider that a reason for possibly approving this application rather than determining front yard versus back yard orientation.

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET**, TMAPC voted 5-2-1 (Carnes, Coutant, Ledford, Midget, Westervelt "aye"; Harmon, Horner "nays"; Hill "abstaining"; Bayles, Jackson, Miller "absent") to recommend **APPROVAL** the minor amendment for PUD-405-K-3 to reduce the requirement of the backyard from 20 feet to 13 feet per Planning Commission.

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**Application No.: Z-6962**

**RS-3 to IL**

**Applicant:** Charles Norman

(PD-9) (CD-2)

**Location:** Northeast corner of West 39<sup>th</sup> Street and South Tacoma Avenue

**STAFF RECOMMENDATION:**

There have been no recent zoning activities in this area.

**AREA DESCRIPTION:**

**SITE ANALYSIS:** The subject property is approximately four acres in size. It is located at the northeast corner of West 39<sup>th</sup> Street South and South Tacoma Avenue. The property is gently sloping, partially wooded and contains a dwelling on two lots. The property is zoned RS-3. It lies in the Garden City neighborhood, an older mixed industrial/commercial/residential development.

**STREETS:**

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
West 39 <sup>th</sup> Street South	Residential	50'	2 lanes

**UTILITIES:** Municipal water and sewer are available.

**SURROUNDING AREA:**

The subject property is abutted on the northwest by single-family residential uses, zoned RS-3 and on the north by industrial uses, zoned IL; on the west by U. S. Highway 75 South, zoned RS-3; and to the south and east by vacant land and single-family dwellings, zoned RS-3.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The District 9 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the property as Special District 5. Plan policies (Section 3.5) recognize past flooding issues in this area and the need for orderly and sensitive transition of uses.

According to the Zoning Matrix the requested IL zoning **may be found** in accord with the Plan due to the property's location within a Special District.

**STAFF RECOMMENDATION:**

Based on the Comprehensive Plan and surrounding land uses/zoning, staff recommends **APPROVAL** of IL zoning for Z-6962.

**Applicant's Comments:**

**Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that the subject area is isolated by IL zoning to the north and IH zoning to the northeast and IM to the south. The subject property will have to be replatted and will be come back before the Planning Commission at the appropriate time.

**INTERESTED PARTIES:**

**Janet Riggs**, 1335 West 39<sup>th</sup>, Tulsa, Oklahoma 74107, stated that she lives on Lot 19. She asked why the entire neighborhood couldn't be rezoned IL. She explained that the subject neighborhood is isolated on a dead-end street. The back-half of her lot adjoins IL property and there has been some build-up, which causes flooding onto her property. No one would be willing to purchase her property to live on it. She commented that she has nothing against the subject property being rezoned to IL, but she would like to rezone the entire neighborhood that is left.

Ms. Riggs stated that Lot 20 has heavy machinery and a storage building and is utilizing it as light industrial. There is no residential on Lot 20. She explained that she is surrounded by industrial uses.

**TMAPC COMMENTS:**

Mr. Westervelt stated that the Planning Commission can't start zoning other people's property. It would have to be instigated by the owner. He further stated that when Mr. Norman's client replats the subject property, he will not be able to add to the existing flooding conditions. He explained to Ms. Riggs that if she or her neighbors were interested in rezoning their property to IL, then the Planning Commission would look at that favorably, which would allow them to sell their properties with the IL zoning that may be more valuable than residential.

**Applicant's Rebuttal:**

Mr. Norman stated that the consent of the property owner must be available before filing for an application for rezoning. He suggested that Ms. Riggs get as many of the neighbors together to rezone their properties in order to save on the filing fees. The neighborhood could join together and bring one application of all of the properties that remain or as many as are agreeable to the change and it would be done less expensively and more efficiently than having to rezone properties one at a time.

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Jackson, Miller "absent") to recommend **APPROVAL** the IL zoning for Z-6962 per staff recommendation.

**Legal Description for Z-6962:**

The East 15' of Lot 16, and all of Lot 17, and the West Half of Lot 18, Block 4, Interurban Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof, less and except: Beginning at the Southeast corner of said Lot 16, thence West along the South line of said Lot 16, a distance of 15'; thence North along a line parallel to and 15' West of the East line of said Lot 16, a distance of 150.56'; thence South 27°19'40" East a distance of 146.07'; thence South along a line parallel to and 50.00' East of the West line of said Lot 17 a distance of 20.00' to a point on the South line of said Lot 17; thence West along the South line of said Lot 17 a distance of 50.00' to the Point of Beginning, and located on the northeast corner of West 39<sup>th</sup> Street South and South Tacoma Avenue, Tulsa, Oklahoma, **From RS-3 (Residential Single-family High Density District) To IL (Industrial Light District).**

\*\*\*\*\*

**Application No.:** PUD-667-3

**MINOR AMENDMENT**

**Applicant:** Mark Nelson

(PD-26) (CD-8)

**Location:** 11125 South Harvard

**STAFF RECOMMENDATION:**

The applicant requests a reduction in rear yard setback from 25' to 20', having discovered after the house was already designed that the Harvard section-line easement had not been and could not be abandoned. Applicant cites major time and expense involved to redesign the house. Staff submits that questions regarding existing easements should have been addressed prior to design of the house and do not constitute justification for amending the PUD. Therefore staff recommends **DENIAL** of PUD-667-3.

**Applicant's Comments:**

**Mark Nelson**, 1645 South Boston, Tulsa, Oklahoma 74119, stated that the subject property backs up to a steeply wooded hillside, which he doesn't believe will ever be developed.

**TMAPC COMMENTS:**

Mr. Harmon asked Mr. Nelson why he didn't move the house five feet in order meet the requirement. In response, Mr. Nelson stated that there is a section line easement that runs through the middle of the subject property and there is no room with the way the house is designed. He explained that he could rotate the house, but his client doesn't like it oriented that way. His client purchased the property and was told that the section line easement had been abandoned, but a section line can't be abandoned.

Mr. Ledford stated that unfortunately Mr. Nelson is correct regarding the section line easements. Congress is the only entity who can abandon or vacate the right-of-way. Mr. Ledford further stated that this was shown on the final plat and he doesn't see any relief for this particular lot.

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

**TMAPC Action; 8 members present:**

On **MOTION** of **LEDFORD**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Jackson, Miller "absent") to **DENY** the minor amendment for PUD-667-3 per staff recommendation.

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**OTHER BUSINESS:**

**Application No.:** PUD-591-A

**DETAIL SITE PLAN**

**Applicant:** Darin Akerman

(PD-6) (CD-9)

**Location:** South Gary Avenue at East 48<sup>th</sup> Street

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for an entry gate to the Gary Terrace Subdivision. The proposed use is permitted by PUD development standards.

Development standards require that "...entry gates or guardhouses must receive detail site plan approval from TMAPC and Traffic Engineering prior to issuance of a building permit." Both the Fire Marshal and Traffic Engineer have approved the proposed gated entry.

Staff recommends **APPROVAL** of **PUD 591-A** detail site plan as proposed.

(Note: Detail site plan approval does not constitute landscape plan or sign plan approval.)

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HORNER**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Jackson, Miller "absent") to **APPROVE** the detail site plan for PUD-591-A per staff recommendation.

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**Application No.: PUD-355-C**

**DETAIL SITE PLAN**

**Applicant:** Doug Huber

(PD-18) (CD-8)

**Location:** 4735 East 91<sup>st</sup> Street South

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a new two-story medical office building. The proposed use, Use Unit 11, Offices and Studios, is permitted by PUD Development Standards.

The proposed office building meets setback, floor area, building height and minimum landscape requirements. Proposed parking is in compliance with the Zoning Code and Development Standards. No parking lot lighting is planned.

Staff recommends **APPROVAL** of **PUD 355-C** detail site plan as proposed.

(Note: Detail site plan approval does not constitute landscape plan or sign plan approval.)

**Applicant was not present.**

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

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, TMAPC voted 8-0-0 (Carnes, Coutant, Harmon, Hill, Horner, Ledford, Midget, Westervelt "aye"; no "nays"; none "abstaining"; Bayles, Jackson, Miller "absent") to **APPROVE** the detail site plan for PUD-355-C per staff recommendation.

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**Discussion to consider amending the Zoning Code to eliminate flashing, changeable copy and running light or twinkle signs from Use Unit 21, Business Signs and Outdoor Advertising**

**STAFF RECOMMENDATION:**

Mr. Alberty stated that this was placed on the agenda based on some discussion regarding a proliferation of this type of sign that has been occurring. There is a restriction for this type of sign on outdoor advertising signs. There is an opinion of some that perhaps this should be embraced on business signs. Staff placed this on the agenda as a matter of discussion and if there is any indication by the

Planning Commission, then staff would prepare some amended language and bring it to our next scheduled worksession.

**TMAPC COMMENTS:**

Ms. Hill stated that this morning there was an accident on I-44 and the driver claimed that the accident was due to the flashing sign at the casino.

Mr. Harmon agreed that these signs are a distraction and a hazard.

Mr. Carnes stated that the Planning Commission has worked in the past to eliminate the flashing signs and to have the signs in unison. There are several signs along I-44 that are a distraction. The Planning Commission should do whatever is necessary to make these signs come into compliance with all of the other companies that are abiding by the rules.

Mr. Westervelt stated that the problem is that currently our ordinance doesn't preclude this from occurring except in PUD's and within intersections. There is a proliferation of these and it is a trend. Some of these marquees are busy and distracting and would be worthwhile to look at in a worksession.

Mr. Midget asked if this would impact some of the signs located at the City/County Libraries.

Mr. Horner stated that he thought blinking signs and running message signs were excluded from sign language. He asked how this crept back into the area.

Mr. Alberty stated that he had the same sentiment until he read the Zoning Code. Apparently it is in the business sign section, but it is excluded from outdoor advertising.

Mr. Horner asked that there be some tough language in the Zoning Code to prevent this from happening again.

**INTERESTED PARTIES:**

**Charles Norman**, 2900 Mid-Continent Tower, Tulsa, Oklahoma 74103, stated that he doesn't object to eliminating flashing and running signs that are distracting. He is concerned about the wording "changeable copy". This language would prohibit time and temperature signage and possibly filling station signs where the copy is changed for the prices. Those types of signs are not destructive or hazardous in the sense of the other type of signage discussed today. He requested that the Planning Commission be cautious and not prevent the changeable copy for time and temp, filling stations' gas prices, etc.

Mr. Carnes stated that he remembers that when time and temperature and changing signs were permitted, it was with restrictions on the timing and intervals to prevent them from flashing and being a distraction.

Ms. Coutant asked if there was any enforcement available at this time. She commented that it was her understanding that the Sign Enforcement Officer position was eliminated due to lack of funds. She asked staff if there would be a new Sign Enforcement Officer to enforce whatever the Planning Commission determines. In response, Mr. Alberty stated that he doesn't know if there will be a Sign Enforcement Officer available any time soon.

Mr. Midget stated that there is a shortage in personnel due to the manpower cuts from the drop in revenues, but this is an issue that would be examined again as the City moves back into their budget cycle.

Ms. Coutant stated that it is meaningful to our City that we do have a sign enforcement officer because the Planning Commission put years of work into getting a proper sign law and now there are signs going up illegally. Even at the downtown public library there is a flashing sign at the corner and she suspects that it is not within the allowed footage.

\*\*\*\*\*

**Commissioners' Comments:**

Mr. Horner suggested that the staff recommendations be worded differently to preclude arbitrary interpretation.

Mr. Alberty stated that staff could provide for some flexibility in the language and staff will have to look at that.

Mr. Horner asked staff if a requirement is a requirement or a maybe. In response, Mr. Alberty stated that a requirement is a requirement when it is placed in a PUD as a standard for approval. The only relief for a requirement is through a minor or major amendment.

Mr. Romig stated that the Planning Commission is going beyond what the Open Meetings Act allows for discussion.

Mr. Ledford stated that he commends the staff on the PUD amendments and he understands today that there were a couple that were difficult. He would like staff to consider sending out a letter to the Home Builders Association in order to communicate that the minor amendments are a problem within the single-family neighborhoods and there is a proliferation of these, which the Planning Commission was warned would happen if they were not careful. It would be good to alert the development community that the staff and Planning Commission will be looking at these with a great deal more sensitive eye and sensitivity to the fact that they could change their building plans rather than granting a minor amendment on the lot. This would help the community to

understand that the Planning Commission is not going to be a rubber stamp with minor amendments on every lot in a single-family neighborhood that has a PUD overlay.

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There being no further business, the Chair declared the meeting adjourned at 3:15 p.m.

Date Approved:

12/1/04

Mary E. Hill and Vice Chair  
Acting Chair Chairman

ATTEST:

Amy M. Boyle

Secretary

