

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2586

Wednesday, September 15, 2010, 1:30 p.m.

City Council Chamber

One Technology Center – 175 E. 2nd Street, 2nd Floor

Members Present	Members Absent	Staff Present	Others Present
Cantrell	Edwards	Alberty	Boulden, Legal
Carnes	McArtor	Bates	Steele, Sr. Eng.
Dix		Fernandez	
Leighty		Huntsinger	
Liotta		Matthews	
Midget		Sansone	
Shivel			
Walker			
Wright			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, September 9, 2010 at 12:29 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, Chair Cantrell called the meeting to order at 1:32 p.m.

REPORTS:

Work Session Report:

Ms. Cantrell reported that there is a work session immediately following the TMAPC regular meeting today.

CONSENT AGENDA

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

1. **LC-280**– William & Claudia Abernathy (8305) Lot-Combination (CD-2)
Northwest of the Northeast Corner of East 71st Street
South and South Harvard Avenue, 6751 South Evanston
Avenue
2. **LC-281**– Matthew L. Christensen (9202) Lot-Combination (CD-4)
Northeast corner of North Denver Avenue and West
Easton Street
3. **PUD-636 – Russell McDaris/Tuscany Hills at Nickel Creek** CO/PUD
North of the northeast corner of West 81st Street South and
South Union Avenue (Detail Site Plan for a 312 unit apartment
complex and accessory amenities.) (CD-2)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a 312 unit apartment complex and accessory amenities. The proposed use, Use Unit 8 – Multi-family and Similar Uses is a permitted use in PUD-636.

The submitted site plan meets all applicable density limits, open space, building height and setback limitations. Access to the site will be provided from 78th Street South as required by the PUD. Parking is provided per the applicable Use Unit of the Zoning Code. Parking area dimensioning meets the applicable requirements of Chapter 13 of the Code. All sight lighting including building mounted will be limited to 18' in height. Lighting will be directed down and away from adjoining residential properties in a manner that the light producing element and/or reflector are not visible to a person standing at ground level within any residential district or surrounding residentially used property. Trash enclosures will be provided as required by the PUD. Sidewalks will be provided along 78th Street South as required by Subdivision Regulations and internal pedestrian circulation is provided through parking lots and between buildings. A club house and pool is also provided.

Staff recommends **APPROVAL** of the detail site plan for the proposed Tuscany Hills apartments at Nickel Creek in Development Area B and C of PUD-636.

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

Consent Agenda (cont'd.)

4. **PUD-197-A – Darin Ackerman/OK Methodist Manor** RM-2/RS-3/OL/PUD

West of the southwest corner of 31st Street South and South Yale Avenue (Detail Site Plan for the addition of a 204,391 SF four-story residential care/independent living facility and a 49,077 SF wellness/community center and associated accessory structures to the existing Oklahoma Methodist Manor Campus.) (CD-9)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for the addition of a 204,391 square foot (SF), four (4) story residential care/independent living facility and a 49,077 SF wellness center/community center and associated accessory structures to the existing Oklahoma Methodist Manor Campus. The proposed uses, Use Unit 5 – Community Services and Similar Uses and Use Unit 8 – Multi-family & Similar Uses are permitted uses in PUD-197-A.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Access to the site will be provided from 31st Street South and a limited gated entry off 31st Place South provided for staff and residents only. Parking is provided per the applicable Use Units of the Zoning Code. Parking area dimensioning meets the applicable requirements of Chapter 13 of the Code. All sight lighting including building mounted will be limited to 30' in height. New site lighting located within 100' of any existing off-site residential area is limited to 16' in height. Lighting will be directed down and away from adjacent residential areas in a manner that the light producing element and/or reflector are not visible to a person standing at ground level within said adjacent residential area. A 6' masonry screening wall is provided along the entire west boundary as required. A trash enclosure will be provided as required by the PUD. Sidewalks are provided along 31st Street South and interior pedestrian circulation is provided as required by PUD Development Standards and Subdivision Regulations.

Staff recommends **APPROVAL** of the detail site plan for PUD-197-A.

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

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **7-1-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Shivel, Walker "aye"; Wright "nay"; none "abstaining"; Edwards, McArtor, Midget "absent") to **APPROVE** the consent agenda Items 2 through 4 per staff recommendation.

Ms. Cantrell read the opening statement and rules of conduct for the TMAPC meeting.

Mr. Liotta out at 1:34 p.m.

PUBLIC HEARING

5. **BOA-21134** – (9408) Plat Waiver **RS-2**
11932 East 14th Street, South of East 14th Street South, (CD 6)
West of South 121st East Avenue

STAFF RECOMMENDATION:

The platting requirement is being triggered by a variance to reduce a setback for a church use and extension.

Staff provides the following information from TAC at their September 2, 2010 meeting:

ZONING:

TMAPC Staff: The property has been previously platted.

STREETS:

Right-of-way dedication required for 25 foot radius at intersection of 14th Street and 121st East Avenue. Sidewalks required on 14th Street and 121st East Avenue.

SEWER:

No comment.

WATER:

No comment.

STORM DRAIN:

No comment.

FIRE:

No comment.

UTILITIES:

No comment.

Staff recommends **APPROVAL** of the plat waiver for the previously platted property.

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

	Yes	NO
1. Has Property previously been platted?	X	
2. Are there restrictive covenants contained in a previously filed plat?	X	
3. Is property adequately described by surrounding platted properties or street right-of-way?	X	

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

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?	X	
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?		X

- 7. Floodplain
 - a) Does the property contain a City of Tulsa (Regulatory) Floodplain? X
 - b) Does the property contain a F.E.M.A. (Federal) Floodplain? X
- 8. Change of Access
 - a) Are revisions to existing access locations necessary? X
- 9. Is the property in a P.U.D.? X
 - a) If yes, was plat recorded for the original P.U.D.
- 10. Is this a Major Amendment to a P.U.D.? X
 - a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?
- 11. Are mutual access easements needed to assure adequate access to the site? X
- 12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? X

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 **CARNES**, TMAPC voted **7-0-0** (Cantrell, Carnes, Dix, Leighty, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Edwards, Liotta, McArtor, Midget, "absent") to **APPROVE** the plat waiver for BOA-21134 per staff recommendation.

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

- 6. 101 Yale Village Office Park – (8327) Minor **OL/CS/RS-4/PUD-516**
 Subdivision Plat
 East of the Southeast corner of East 101st Street South (CD 8)
 and South Yale Avenue

STAFF RECOMMENDATION:

This plat consists of two lots, one block, on 5.44 acres.

The following issues were discussed September 2, 2010, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned Planned Unit Development 516 C. All PUD standards must be shown correctly in the covenants. Building lines must reflect easements and PUD standards.
2. **Streets:** West access should be less than 21.71 feet. This distance appears to include radius of driveway curve and tangent Access should include only throat opening.
3. **Sewer:** No comment.
4. **Water:** Under "Notes" remove "All water and sanitary sewer services will be supplied and maintained by the City of Tulsa". Provide standard restrictive waterline easement language.
5. **Storm Drainage:** No comment.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** No comment.

GIS: Tie the plat from a Section corner using bearings and distances from a labeled point of commencement to a labeled point of beginning. Add POC and POB to legend. Please provide a closer Basis of Bearings. Show location map with subdivisions within the mile. Show "Life Christian Center". Show the date of preparation for the plat in lower right hand corner. Submit subdivision data control sheet. Please include in the legal description a metes and bounds description around the whole property matching the bearings and distances shown on the face of the plat. Then describe lots individually if necessary replacing phrases like "Due West" with actual bearings (degrees, minutes and seconds) and distances. The blanks for addresses and the vacated mutual access easement document number must be filled in with the correct information. The 20-foot building line and utility easement along the east side cannot be allowed in the 20-foot restrictive waterline easement. Change the building line to 30 feet and the utility easement to 10 feet. This will still be in compliance with Section I.A.4 of the covenants. Infrastructure Development Process (IDP) #5333 plans have been approved.

Staff recommends **APPROVAL** of the Minor Subdivision plat subject to the TAC comments and the special and standard conditions below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. The concerns of the Public Works Department and Development Services 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.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **8-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Edwards, McArtor, Midget "absent") to **APPROVE** the minor subdivision plat for 101 Yale Village Office Park per staff recommendation, subject to special conditions and standard conditions.

7. **Wingate Addition** – (9332) Preliminary Plat **RM-2/OMH/RM-1/PUD-513**
West of Southwest corner of East 51st Street and South Harvard Avenue (CD 9)

STAFF RECOMMENDATION:

This plat consists of two lots, one block, on 4.4 acres.

The following issues were discussed September 2, 2010, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned Planned Unit Development 513 B. Building lines must comply with PUD standards. Check sign standards per PUD. PUD standards must be shown in the covenants.
2. **Streets:** For 51st Street right-of-way reference plat number or book and page number.
3. **Sewer:** You can not abandon the existing sanitary sewer line and its associated easement by re-platting the property. Before the existing sanitary sewer line can be abandoned and the easement closed, the proposed relocation, as shown on the conceptual plan, must be constructed, accepted by the City of Tulsa, and placed in service. Then the easement closure must go through the utility coordinator to be processed. Show the existing 11-foot utility easement, along the east boundary of lot 1, as platted in the Storage Station Amended plat. The sun deck (per site plan) encroaches into the utility easement, and it will not be allowed to interfere with the use of the easement.

4. **Water:** Use standard language for Section C.2. Label 50-foot building line, utility easement, and mutual access easement along the eastside of property. The building line on the west side of Lot 1 should be moved to the edge of the utility easement (20 feet). Label the utility easement of the west side of Lot 2 as utility easement and building line. Add an inline gate valve south of fire hydrant. An IDP (infrastructure development plan) water main extension will be required to serve this property. A 36 diameter meter is allowed if a Double Detector Check Assembly is installed inside the building. The western proposed water mainline needs four feet of separation between gas and telephone lines.
5. **Storm Drainage:** Drainage crossing lot lines becomes public drainage and must be conveyed in an easement, either storm sewer or overland drainage or both. Buildings cannot be constructed on these easements. Section I.C.2: Sanitary sewer easements and drainage easements must be added to the first sentence. Add standard language for roof drainage and overland drainage easement if the drainage is to be conveyed on the surface. How is the drainage from Lot 1 conveyed around or through the existing buildings on Lot 2 to get to the existing inlets?
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** Fire department connection shall be located on the address side of the building within 100 feet of a fire hydrant.

GIS: Provide the e-mail address for the surveyor. Provide the e-mail address for the engineer. Provide a written scale under the graphic scale. Tie the plat from a Section corner using bearings and distances from a labeled point of commencement to a labeled point of beginning. Add POC and POB to the legend. For the basis of bearing, state the bearing in degrees, minutes and seconds, along with the description of it. On the face of the plat where a "d" is shown in the bearing description replace with a degree symbol. Please make note on the face of the plat the size, location, description and identification of all monuments to be set or found in making the survey, shown to assure the reestablishment of any point or line of the survey. Submit a subdivision control data form, last page of the subdivision regulations. The legal description should describe the whole property being platted first. Then describe Lot 1 and Lot 2 individually if necessary. Please remove the contours from the face of plat and place them on the conceptual plan. Do not show the previous lot lines on the final plat since they will not exist once this plat is filed.

Staff recommends **APPROVAL** of the Preliminary Subdivision plat subject to the TAC comments and the special and standard conditions below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. The concerns of the Public Works Department and Development Services 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.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **8-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Edwards, McArtor, Midget, "absent") to **APPROVE** the preliminary plat for Wingate Addition per staff recommendation, subject to special conditions and standard conditions.

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8. **PUD-773-1 – Lou Reynolds/NPG Business Park** **RS-3/CS/OL/PUD**

North of the northwest corner of 101st Street South and South Memorial Drive (Minor Amendment to reduce the required parking on Lot 5 of the NPG Business Complex from 53 to 43 spaces.) (CD-8)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to reduce the required parking on Lot 5 of the NPG Business Complex from 53 to 43 spaces. There is a parking variance request pending for the Board of Adjustment (BOA) which will be heard September 14, 2010.

Referring to Exhibit A the NPG Business Complex is a six lot commercial mixed-use development. The conceptual site plan for the building on Lot 5 is attached as Exhibit B. Lot 5 is an odd shaped lot which puts some strain on the ability to provide the requisite parking, as well as provide adequate retail floor area and open space as required. There is cross access available between all lots and there are no direct vehicular connections to any adjoining residential area where potential overflow parking could have an adverse effect.

Provided the aforementioned, staff recommends **APPROVAL** of minor amendment PUD-773-1, reducing the required parking on Lot 5 from 53 to 43 spaces pending the BOA approval of case 21133 on September 14, 2010.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **8-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Edwards, McArtor, Midget, "absent") to **APPROVE** the minor amendment for PUD-773-1 per staff recommendation.

Mr. Midget in at 1:40 p.m.

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| <p>9. <u>PUD-559-A-7 – Andrew A. Shank/South Crest Hospital</u></p> <p>Northwest corner of East 91st Street South and US 169/interchange with Creek Turnpike (Minor Amendment to digitize the existing South Crest Hospital business sign located on 91st Street South and US 169.)</p> | <p>CO/PUD</p> <p>(CD-8)</p> |
|--|------------------------------------|

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to digitize the existing SouthCrest Hospital business sign located on 91st Street South at US 169. The existing sign is 300 square feet (SF) in display area, 25' in height and is located 77.5' from the drive surface of 91st Street South (see Exhibit A). The display area and height of the proposed digitized sign would remain the same (see attached photographs).

PUD sign standards for this lot are as follows:

1. Business signs shall be subject to the general use conditions set forth in Section 1221, C and D;
2. Ground signs adjacent to 91st Street shall not exceed an aggregate display surface area of one square foot for each lineal foot of arterial street frontage nor more than 25' in height;
3. Per the plat of this lot (Lot 1, Block 1 – Southcreek Medical Plaza) there are two ground signs permitted on this lot (see Exhibit B).

This lot has 447 lineal feet of frontage per the attached plat. Staff believes when the sign standards for this PUD were adopted in 1997 and amended in 1999 to allow the 300 SF sign, there was no consideration given to the digitization of the sign in relationship to the proximity to the drive surface of 91st Street and the

signalized intersection to the west since digital technology was not yet common place.

Also, there is a posted 40 mile per hour (mph) speed limit within the limits of the site. Site visits by staff find that cars traveling west on 91st Street South approaching the signalized intersection (a slight downhill stretch of road), frequently exceed the posted speed limit. This seems especially true of drivers exiting US 169 traveling from the north, where exiting cars can merge with 91st Street traffic without stopping at the traffic signal.

Staff has concerns about the distraction the sign may create for drivers approaching the sign. Drivers would be attempting to read a 10' x 30' digital sign with no limit to the "story-boarding" effect, while concurrently approaching a signalized intersection.

Per Section 1102 of the code, the TMAPC may impose restrictions as conditions of approval in addition to those imposed by the underlying zoning and the PUD chapter. While the digitization of this sign may be permitted by the underlying CO zoning, staff believes the digitization of this sign will adversely impact the character of the area and recommends **DENIAL** of minor amendment request PUD-559-A-7.

TMAPC COMMENTS:

Ms. Cantrell asked staff if what they are recommending for denial is what the applicant had originally requested, which is to have the entire sign a digital sign in essence the size of a billboard. In response, Mr. Sansone answered affirmatively, but stated there is no standard size of a billboard. The size of a billboard is based on the size of frontage one has. The maximum one can get out of a billboard is 672 SF (14' x 48'), but there are billboards that are smaller around town.

Applicant's Comments:

Andrew Shank, 2727 East 21st Street, 74114, stated that his proposal complies with all of the sign regulations of the underlying zoning and also with the overlay of the PUD. His client is seeking digitalization of the proposed sign to get up to speed with technology, for public education and to welcome new physicians to staff. This is not used to peddle goods and services like a business might do.

Mr. Shank reiterated everything does comply with Code, but his client is willing to work with staff to come up with a size that might be more comfortable. Staff had mentioned that they were concerned with the story-board effect, but his client is not interested in story-boarding and would be willing to incorporate an additional restriction to from Section 1221.G.2 of the outdoor advertising to give staff more comfort with the request.

TMAPC COMMENTS:

Ms. Cantrell asked Mr. Shank if he would considered of changing the proposal to only have a portion of the sign digital. In response, Mr. Shank stated that his client has assessed the cost of conversion and he believes if it is too small it might bust their break-even cost analysis. Mr. Shank further stated that his client would probably be looking for 200 SF range, but he is open for discussion.

Mr. Walker asked staff if they are in favor of no digitalization or a smaller sign. In response, Mr. Sansone stated that he talked with the applicant yesterday and staff's comfort level is around 100 SF (10' x 10'), but after discussing this, he understood that the original structure will remain to reduce cost and the sign would have to remain at 30-foot width. Mr. Sansone stated that if half the sign were digitized (150 SF) and it was the lower-half of the sign, staff might be a little more comfortable with that.

In response to Mr. Leighty, Mr. Sansone stated that the reason this application is before the Planning Commission today is because the Code calls the digitalization of the sign a change in use. The PUD is what is driving the need for this amendment. Mr. Sansone reminded the Planning Commission that this is an on-premise business sign and it is not a billboard.

Mr. Sansone stated that there is no concept plan before the Planning Commission today because the applicant would have to return with a detail sign plan, but the minor amendment would allow them to digitize the sign.

Ms. Cantrell asked Mr. Sansone if the Planning Commission approved 150 SF for digitalization would staff want the inclusion of the non-story boarding. In response, Mr. Sansone stated that the applicant is amenable to limiting the full animation, Section 1221.G.2.

In response to Mr. Leighty, Mr. Sansone stated that staff is recommending denial of a 300 square foot digital sign, but if the Planning Commission is inclined to change the size of that, it can be done and the case report would be modified. The applicant would be then required to come back with a detail site plan that should reflect accurately what is being approved. Mr. Sansone reiterated that staff is recommending denial of a 300 square foot digital sign and when he was asked where staff's comfort level would be, he responded that 100 square feet to 150 square feet on the lower half of the signage would be better. If the Planning Commission is inclined to give the applicant 100 to 150 square feet, it can be specified in the motion that 300 square feet is denied, but would allow 50% of the 300 square foot sign be digitized and it needs to be located in the lower 50% of the structure. This would create a sign that is static on top and digital on the bottom. Mr. Sansone stated that he believes the brightness goes down, at night specifically, as one decreases the size of the sign.

Mr. Boulden questioned the restrictions discussed for the proposed sign. Mr. Sansone stated that business signs allow the full animation. Section 1221 addresses billboards and adds the dwell time language. There are certain aspects of brightness of the sign that are currently controlled by 1221.C. for general business signs. The applicant is willing to add the extra condition of 1221.G.2 that would prohibit them from having the story-board effect. Mr. Boulden stated that if the proposal is going to be close to an outdoor advertising sign, but is actually a business sign, maybe there are other certain restrictions in place for consideration to prevent it from becoming an egregious business sign. Mr. Sansone stated that he is of the opinion that if the Planning Commission approved it and put the restrictions of 1221.G.2 on the sign and combined with the restrictions as outlined in 1221.C would prevent story-boarding. Mr. Boulden stated that he doesn't believe that would prevent animation. Mr. Sansone stated that story boarding is another word for full animation. The Planning Commission could specify that the messages have to be static in their motion.

Ms. Wright stated that she noticed that the Sign Advisory Board representative is present and requested her to come forward.

Margo Heyne-Bell, Chief Sign Inspector for the City of Tulsa, stated that she is not on the Sign Advisory Board. Ms. Bell stated that they inspect once a permit is issued and most of their complaints for digital signs are the brightness and not the size of the sign. Ms. Bell stated that one would get more picture if the sign is bigger, but the brightness coming off of the surface is what is measured to see if it is excessive.

Mr. Albery stated that in the matter of Board of Adjustment versus Planning Commission PUD or corridor site plan, the Planning Commission has the final word. In the previous case that Ms. Wright cited earlier, the reason it was before the BOA was because it required a variance, but because the BOA approved the variance, it doesn't mandate the Planning Commission's approval. All the BOA did was open up the opportunity for them to come back under the PUD to request a change. The BOA only has final authority in cases that are not PUDs. In a PUD, ultimately it is the City Council that has the final word if it is a new PUD or major amendment; the Planning Commission has the final word on PUD minor amendments. In response to Ms. Wright, Mr. Albery stated that it was the City Council that overturned a Planning Commission recommendation regarding a sign several weeks ago. Mr. Albery reminded the Planning Commission that they are a recommending body on PUDs and zonings and the City Council has the final word. If it is not a PUD and someone applies for a variance, then it would go before the BOA and they would have the final word.

In response to Mr. Shivel, Mr. Sansone stated that the digitalization of the sign is not necessarily in compliance with the PUD. If there was no PUD present over the corridor zoning, the corridor zoning would allow this sign at 300 square feet to be digitized if it was the only sign on the lot. The PUD has restrictions and

because the PUD Chapter of the Code allows the Planning Commission to place further restrictions on development standards to ensure compatibility with the surrounding area is why it was brought to the Planning Commission. Staff viewed this application to be a significantly departure from the approved sign plan as approved in the concept of the PUD.

Applicant's Rebuttal:

Mr. Shank stated that he wanted to reiterate that this application complies with every aspect of the Zoning Code and the underlying zoning. He is offering to compromise with a smaller sign and anti-story-boarding effect to give a level of comfort to staff and the Planning Commission. He wanted it crystal clear that this proposal is in compliance with every layer of zoning and he is offering to go above and beyond that.

TMAPC COMMENTS:

Mr. Dix stated that currently there is a 300 square foot sign that gives one message and he doesn't see where a digitized sign without story-boarding changes that. He doesn't see anything wrong with the 300 square foot sign being digitized provided that it can be no bigger than 300 square feet and that it can have no story-boarding less than eight seconds. Mr. Dix stated that he would make that motion.

Mr. Shivel seconded the motion.

Mr. Leighty stated that he would vote against this proposal because he doesn't feel comfortable with it. The current sign is okay, but he doesn't see how digitization would add anything other than a distraction.

Mr. Midget stated that it is too much, but he could go with the compromise that has been proposed with the 150 square feet at the bottom portion of the sign with anti story boarding. This is a reasonable compromise, but he has some concerns about the whole board being digitized. Mr. Midget stated that he would be voting against the motion for the entire sign being digitized.

Ms. Wright would like to see a continuance and have the applicant bring back a visual plan that would make the comfort level of this board higher. She doesn't want to see it as a full digital sign because it would be too hazardous at that location. She is willing to consider half and half as proposed, but she would like to see a visual concept plan.

Ms. Cantrell stated that she agrees with Mr. Midget. This is an office area and not too far from a residential area. She would be okay with the compromise of half the board being digital to provide important information to the public. She doesn't see any need for the applicant to come back to the Planning Commission, she knows that staff would review any sign request and make sure that it meets the approval of the Planning Commission. She would like to put

restrictions G.1 and G.2 so that there are no questions about it. Ms. Cantrell concluded that she would oppose the motion that is on the floor at this time.

Mr. Carnes asked Mr. Dix if he would be willing to amend his motion to 150 square feet. In response, Mr. Dix stated that he would if he thought there was some benefit to it, because it will make two signs out of one. Mr. Carnes stated that the benefit would be to help make it pass.

Mr. Dix stated that he would like the motion to stand and then if it fails, someone else can make a motion.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **3-6-0** (Dix, Liotta, Shivel "aye"; Cantrell, Carnes, Leighty, Midget, Walker, Wright "nays"; none "abstaining"; Edwards, McArtor "absent") to **APPROVE** the minor amendment for PUD-559-A-7 as presented, subject to the 300 square foot digital sign, subject to Outdoor Advertising Sign Provisions 1221 G.1 and G.2.

MOTION FAILED.

TMAPC Action; 9 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **8-1-0** (Cantrell, Carnes, Dix, Liotta, Midget, Shivel, Walker, Wright "aye"; Leighty "nay"; none "abstaining"; Edwards, McArtor "absent") to **APPROVE** the minor amendment for PUD-599-A-7, subject there being no more than 150 square feet of digital on the sign with the restrictions 1221.G.1 and 1221.G.2 from the Outdoor Advertising Sign provisions.

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Commissioners' Comments

Mr. Carnes stated that he doesn't believe that the Planning Commission has to stay a full six months meeting on Tuesday evenings. He would like to bring back the motion to have the meetings on Wednesday at 1:30 p.m. Mr. Carnes requested that this item be on the next agenda.

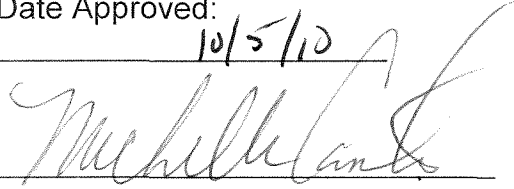
Mr. Midget stated that he would vote against it, but we can bring it back on the next agenda to discuss it.

* * * * *

There being no further business, the Chair declared the meeting adjourned at 2:30 p.m.

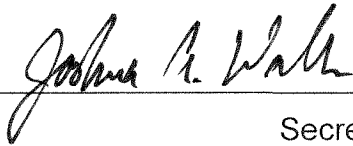
Date Approved:

10/5/10



Chairman

ATTEST:



Secretary

