

TULSA METROPOLITAN AREA PLANNING COMMISSION
MINUTES of Meeting No. 1545
Wednesday, March 6, 1985, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Carnes Connery Draughon Harris Higgins, 2nd Vice- Chairman Kempe, Chairman Paddock VanFossen Wilson, 1st Vice- Chairman Woodard Young	None	Frank Gardner Holwell Lasker	Linker, Legal Department Jackere, Legal Department

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, March 6, 1985, at 11:59 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Cherry Kempe called the meeting to order at 1:34 p.m.

Minutes:

On MOTION of YOUNG, the Planning Commission voted 9-0-1 (Carnes, Connery, Draughon, Harris, Kempe, Paddock, Wilson, Woodard, Young, "aye"; no "nays"; VanFossen "abstaining"; Higgins, "absent") to APPROVE the Minutes of February 20, 1985 (No. 1543).

Committee Reports:

Comprehensive Plan Committee:

Mr. VanFossen informed that a Comprehensive Plan Committee Meeting had been held prior to this hearing to discuss the initial drafts of the Commission's two Special Study hearings: West 51st Street between Union and 33rd West Avenue and the area of Memorial Drive between 71st Street and 121st Street. He advised that no further meetings have been scheduled for consideration of these two studies.

Rules and Regulations Committee:

Mr. Paddock informed that the Rules and Regulations Committee met on Monday afternoon of this week to receive and discuss the Ad Hoc Ordinance Sign Committee's proposal. The meeting was attended by

3.06.85:1545(1)

members of the Committee, Staff, City Attorneys, representatives of the sign industry and members of the media. After much review and discussion, the Committee decided to forward the proposal to the full Commission for its consideration without making recommendation.

SUBDIVISIONS:

For Preliminary Approval:

David Ingles Ministries (3384) (E/side S. 129th E. Ave., north of East
121st St.) (AG)

The Staff presented the plat to the Technical Advisory Committee, with the applicant represented by Mr. Barrett. Staff advised that all release letters had already been received and Staff is recommending preliminary and final approval and release of the plat.

On MOTION of YOUNG, the Planning Commission voted 9-1-0 (Carnes, Draughon, Harris, Kempe, Paddock, VanFossen, Wilson, Woodard, Young, "aye"; Connery, "nay"; no "abstentions"; Higgins, "absent") to **APPROVE** the preliminary and final plat of David Ingles Ministries (3384) and release same as having met all conditions.

WAIVER OF PLAT:

Z-5918 (Unplatted) (383) NW/corner 71st & S. Irvington Avenue (OL)

This is a request to waive plat on a 1.25-acre tract at the above location. An office building will be constructed as per site plan submitted. Since this is less than 2 1/2 acres and falls within the guidelines for a "plat waiver" the Staff had no objections. However, after discussion and noting all of the requirements, the TAC would prefer a plat. All of the documentation would be on the face of the plat, instead of having to describe all easements and conditions separately.

The TAC and Staff recommended that a plat be filed on Z-5918. Should the Planning Commission waive this requirement, it would be subject to some conditions.

The applicant was represented by Mike Taylor, who stated the developer hoped to save some time by a plat waiver, and would be agreeable to the conditions by separate instruments.

PSO advised they had "blanket easements" on the property and would not release them until the specific easements requested were granted.

Applicant requested 2 access points, but in the absence of the Traffic Engineer, the condition "as approved by Traffic Engineer" shall apply and applicant and Traffic Engineer will have to agree on the number and location.

Applicant Comments:

Mike Taylor, representing Sisemore, Sack, Sisemore, was present and informed the Commission that his client, Crockett Allison, understood and was in agreement with the TAC recommendation except for the plat requirement. He advised it was felt that a subdivision plat would not be beneficial since the utilities and streets are already in place and there would be no lot or street design. Due to the time factor and cost, it was felt that a subdivision plat, as far as the drawing itself, could be handled through the PFPI process. Under these circumstances, the City Engineer has several occasions in which to review the plans and deny a building permit up to the time of construction. Mr. Taylor informed he felt the concern was valid; however, it was felt that a drawing would not be beneficial.

On MOTION of VANFOSSEN, the Planning Commission voted 11-0-0 (Carnes, Connery, Draughon, Harris, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, Young, "aye"; no "nays"; no "abstentions") to **APPROVE** the waiver of plat on Z-5918, subject to the following conditions:

- (a) Dedication of additional right-of-way on 71st to meet the requirements of the Major Street and Highway Plan (60' from the centerline).
- (b) Grading and drainage plan approval by City Engineer, including PFPI and on-site detention as recommended.
- (c) Access control limitation and location as approved by Traffic Engineer.
- (d) Utility easements as needed by utilities, including water and sewer. (Easements needed on the east 11' and 17 1/2' on the north and west sides.)
- (e) Sanitary sewer extension required.

Z-5429 Cherokee Heights (3103) NW/corner Haskell Pl. & N. Zunis (IL)

This is a request to waive plat on Lots 1-7, Block 3, of the above-named plat. The property is already platted, the alley to the west has been closed and strict controls on screening, setbacks and access have been imposed by the Board of Adjustment. No access is permitted to North Zunis (BOA Case #13432). Since development conditions have been set by the Board of Adjustment, the Staff and TAC had no objection to the waiver of plat and have recommended approval.

On MOTION of YOUNG, the Planning Commission voted 11-0-0 (Carnes, Connery, Draughon, Harris, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, Young, "aye"; no "nays"; no "abstentions") to **APPROVE** the waiver of plat on Z-5429 Cherokee Heights.

Z-4355 & BOA #13456 Mingo Addition (1203) 9315 E. 46th Street North (IL, RS-3)

This is a request to waive plat on Lots 12, 13 and 14 of the above-named plat. It is owned by the Mingo School District and has been approved by the Board of Adjustment for a classroom building (2/21/85). Since it is already platted, Staff sees no objection to a waiver, subject to dedication of the South 30' of Lot 12 in order to meet the Major Street and Highway Plan requirement on 46th Street North. (Dedications have already been made on the other two lots and Staff has received the required dedication on Lot 12.)

On MOTION of WILSON, the Planning Commission voted 11-0-0 (Carnes, Connery, Draughon, Harris, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, Young, "aye"; no "nays"; no "abstentions") to **APPROVE** the waiver of plat on Z-4355 & BOA #13456 Mingo Addition.

LOT SPLITS:

For Ratification of Prior Approval:

L-16382 (1483) Sotucum Inc.
L-16384 (183) Frank Murphy Jr.
L-16385 (3603) TURA
L-16386 (2283) Grayson Rice
L-16387 (883) CJB Inv.

On MOTION of YOUNG, the Planning Commission voted 11-0-0 (Carnes, Connery, Draughon, Harris, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, Young, "aye"; no "nays"; no "abstentions") to **RATIFY** the approved lot-splits listed above.

LOTS SPLITS FOR DISCUSSION:

L-16383 Roy Johnsen (183) NE/c of 71st & S. Memorial (CG, OL, P, AG)

In the opinion of the Staff, this lot-split does not require a waiver of any of the regulations, but since it is irregular in shape, it was brought to the attention of the TAC and Planning Commission in order to show what is being done.

Several other lot-splits have been done, mainly to separate the major stores in the Mall into individual ownership. The "Mall Owner's" parcel is being split to convey title to "Homart Development Co." Since this is only a shifting of ownership within the overall development, the Staff had no objection and recommended approval. (The tracts being conveyed to Homart are vacant and it is realized that some main and/or utility extensions might be required when a building permit is sought on those tracts.)

Henry Daubert represented the owners and the TAC and Staff had no objection to an approval of the split.

L-16383 Roy Johnsen (183)

On MOTION of YOUNG, the Planning Commission voted 11-0-0 (Carnes, Connery, Draughon, Harris, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, Young, "aye"; no "nays"; no "abstentions") to APPROVE L-16383.

LOT SPLITS FOR WAIVER:

L-16366 Ted Griffin (1894) West of SW/corner 21st & S. Garnett (CS)

This is a request to split Lot 3, Block 1, of Garnett Acres Amended. The east 100' will be conveyed and attached to the lot to the east to align all buildings on one lot. (Lot 2) A 125' x 175' lot will be created and the remainder of Lot 3 will have 80' of frontage on 21st Street. All parcels made out of this split will utilize existing access points. No change of access will be required. Based on the fact that no change in access will be necessary and that there are other lots in the area that do not meet the 150' minimum lot width, the Staff had no objection to the split. (Subject to any easements and/or extensions required for utility services and any grading and/or drainage plans required.)

On MOTION of HIGGINS, the Planning Commission voted 11-0-0 (Carnes, Connery, Draughon, Harris, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, Young, "aye"; no "nays"; no "abstentions") to APPROVE L-16366, subject to the conditions listed below:

- (a) Board of Adjustment approval of lot frontage.
- (b) Sewer main extension required (including easement).
- (c) Drainage plan may be required for development. PFPI may be required.

L-16373 David Blankenship (2792) 4842 S. 25th West Avenue (RS-3)

This is a request to create two tracts in an RS-3 District. The smaller tract will be 50' x 140' (7,000 sq. ft.) and the larger will be 180' x 160' with a 30' "flag" to South 25th West Avenue. Staff had no objection, since a number of lots in the area have 50' frontages and lot-splits with the "flag lot" concept have been approved abutting this tract to the north.

The applicant was informed of the Staff Recommendation and TAC requirements.

The exact location of PSO and sewer facilities was somewhat vague, but it appears that the property is served adequately by both. The Water and Sewer Department will research its records for sewer location. PSO was satisfied an existing pole line provided service. Some easements may be required if none presently exist. There was no objection to the concept of the split, and utility services could be worked out in detail when the remainder develops.

L-16373 David Blankenship (2792) (cont'd)

The TAC and Staff recommended approval subject to two conditions.

On MOTION of VANFOSSSEN, the Planning Commission voted 11-0-0 (Carnes, Connery, Draughon, Harris, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, Young, "aye"; no "nays"; no "abstentions") to **APPROVE** L-16373, subject to the conditions listed below:

- (a) Board of Adjustment approval of lot width.
- (b) Utility easements and/or extensions if required for development.

CONTINUED ZONING PUBLIC HEARING:

Application No. Z-6027 & PUD #388

Present Zoning: OM

Applicant: Moody (Holliday)

Proposed Zoning: CS

Location: NW/c 71st and South Trenton

Date of Application: January 3, 1985

Date of Hearing: March 6, 1985 (cont'd from February 20, 1985)

Size of Tract: 6.27 acres

Presentation to TMAPC by: John Moody, Attorney

Address: 4100 Bank of Oklahoma Tower

Phone: 588-2651

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity Office (OM).

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested CS District is not in accordance with the Plan Map.

Staff Recommendation: Z-6027

Site Analysis -- The subject tract is approximately 6.27 acres in size and located at the northwest corner of Trenton Avenue and East 71st Street. It is non-wooded, flat and contains one single-family residence and is zoned OL on the north 100 feet and OM on the balance.

Surrounding Area Analysis -- The tract is abutted on the north by single-family residences zoned RS-3, on the east by Trenton Avenue and the Lift Apartments zoned RM-1, on the south by East 71st Street and PUD #128-A and C with RM-1 underlying zoning, on the southwest by a savings and loan building zoned CS, and on the west by PUD #261-A with underlying zoning of OL, OM and CS.

Zoning and Board of Adjustment Historical Summary: Rezoning and BOA cases approved by the TMAPC and City Commission have supported Medium Intensity uses and CS zoning of abutting and adjacent properties to the subject area.

Conclusion: Staff is supportive of the CS rezoning request for the south 361.5 feet of the subject tract (as measured from the centerline of East 71st Street) in conjunction with the recommended conditioned safeguards as discussed with PUD #388. A 100-foot buffer of OL zoning will remain on the north and the middle portion of the tract will remain in the OM District. Staff is also supportive of recommending approval of an amendment to the Comprehensive Plan as discussed with PUD #388.

3.06.84:1545(7)

Z-6027 & PUD #388 (cont'd)

Staff Recommendation: PUD #388

The applicant has met with the neighborhood twice since the TMAPC meeting of February 20, 1985, to discuss site design, access and landscaping requirements. The development standards presented below represent a compilation of agreements between the neighborhood and applicant, and include some recommended conditions from the Staff.

If the TMAPC concurs with these alternative development standards, PUD #388 could be approved with the south 361.5 feet of the subject tract rezoned to CS, with OM and OL zoning on the balance, and as follows:

- (1) That the applicant's revised Outline Development Plan and Text (dated March 6, 1985) be made a condition of approval unless modified herein and that the submitted "Restrictive Covenant Agreement" also be made a condition of approval, unless modified herein.

- (2) Development Standards:

Land Area (Gross):	7.0237 acres
(Net):	6.2707 acres

Permitted Uses: Use Units 11, 12, 13 and 14, excluding bars, taverns nightclubs, pool halls and dance halls.

Maximum Floor Area:

Office	8,000 square feet
Commercial Shopping	52,000 square feet

Minimum Building Setbacks:

From North Boundary	75 feet
From Centerline of Trenton	75 feet
From Centerline of E. 71st.	100 feet
From Adjacent CS on South	10 feet
From West Boundary	10 feet

Maximum Building Height: 1 story (16 ft.)

Off-Street Parking: 386 spaces and as required by the Zoning Ordinance

Minimum Landscaped Open Space: 15% of net area

- * Landscaped open space included interior landscaping buffer, landscaped yard and plazas, and pedestrian areas and park areas, but excludes arterial and other street landscaped areas.

Z-6027 & PUD #388 (cont'd)

- (3) Signs: Signs accessory to the uses within the development shall comply with restrictions of the PUD Ordinance. All signs shall be internally lighted by constant light.
- (4) That the north boundary shall be screened by a 6-foot privacy fence.
- (5) That the material of the rear building facades shall be the same as those materials used on the building fronts, and that concrete block or similar materials shall not be considered as a satisfactory exterior finish.
- (6) That the north drive shall be limited to service and employee parking and no public entrances shall be permitted on the rear of the north building.
- (7) Trash and utility areas shall be screened from public view per the approved Outline Development Plan.
- (8) That a Detail Landscape Plan shall be submitted to, and approved by, the TMAPC prior to granting an occupancy permit and that a minimum 20-foot landscape buffer and planting strip be provided along the north boundary.
- (9) That a Sign Plan be submitted to, and approved by, the TMAPC prior to granting of an occupancy permit.
- (10) That the north drive be eliminated from Trenton and ingress and egress be prohibited from Trenton within the north 120 feet of the subject tract. That curb cuts on Trenton be limited to a maximum of two locations.
- (11) That the proposed curb cut on East 71st Street be granted only with approval of the Traffic Engineer.
- (12) That all exterior lighting of the parking lot and buildings be constructed to direct light downward and away from adjacent residential areas.
- (13) That no ingress or egress be allowed from adjacent areas to the west and south of the subject tract to discourage through traffic from the development.
- (14) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval, and "Restrictive Covenant Agreement" dated March 6, 1985, making the City of Tulsa beneficiary to said Covenants.

Staff Presentation:

Mr. Gardner reiterated Staff's Recommendation of February 20 and informed that there were now two significant differences between the Staff's Recommendation and the revised proposal. He informed that the applicant had met with the neighborhood, had developed landscape plans for the northern boundary of the property and had closed the north access point on South Trenton. He also advised that the applicant was concerned about the Staff's definition of nightclub, since the proposal called for a restaurant to be included in the northernmost building and also with Staff's Recommendation to limit the height of the buildings to one-story, specifically the northernmost building.

Applicant Comments:

Mr. Moody informed that a Restrictive Covenant Agreement had been prepared, representing the agreement between the developer and the neighborhood. He also informed that the original building area had been reduced by 60%, that the access point onto Trenton Avenue had been deleted and that one of the neighbors is a landscaper and had suggested landscape materials. He further informed that the homeowners had requested that the trash receptacles be located on landscape islands and the developer would plant landscape materials to obstruct the view of the receptacles. There will be no food stuffs or food waste disposed of in the trash receptacles. Under the Restrictive Covenant Agreement, there will be no entrance or exits on the north side of the building and the physical aspects of this side of the building would be compatible with the front.

Mr. Moody informed that his client would like to erect a two-story building south of the north 200' of the property. It would be a single-story on the back and would graduate to two-story on the front.

Mr. Moody informed he needed clarification of the definition of "nightclub" as it would pertain to a restaurant that provides alcoholic beverages and he informed that under Item 13 of the Staff Recommendation, it was the developer's intent to discuss ingress and egress to American Savings and Loan nextdoor to the proposed site. He also requested that the Staff's condition opposing access on the south and southwest from American Savings and Loan be removed.

Mr. VanFossen asked if it would be acceptable that there be no windows overlooking the property to the north if the two-story building was permitted and Mr. Moody informed it would be.

Z-6027 & PUD #388 (cont'd)

Interested Party:

William Hastings

1540 E. 68th Place

Mr. Hastings informed he lives on the corner of the property and had been concerned regarding the egress and ingress, but these concerns had been appeased. He also noted that the Covenants had been changed to limit the hours of trash pickup from 7:00 a.m. to 7:00 p.m. and this would result in fewer problems.

Other Comments and Discussion:

Ms. Wilson asked for a clarification of the definition of "nightclubs" and Mr. Gardner informed Staff was mainly concerned with establishments that would primarily provide liquor and dancing as opposed to restaurant facilities.

Mr. VanFossen asked if Staff had a problem with the exclusion of windows overlooking the adjacent property and Mr. Gardner informed he did not have a problem with that, per se. He informed the maximum building space was recommended at 60,000 square feet and if the design was for a two-story building, that would increase the maximum floor area. He further informed that Staff would have no problem with limiting the design to one-story and allow the applicant to return later with a request that would still live within the 60,000 sq. ft. and Mr. Moody informed this would be acceptable.

TMAPC Action: 11 members present. Z-6027

On MOTION of CONNERY, the Planning Commission voted 11-0-0 (Carnes, Connery, Draughon, Harris, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, Young, "aye"; no "nays"; no "abstentions") to recommend to the Board of City Commissioners that the following described property be zoned CS:

Legal Description:

A tract of land, containing 2.4786 acres, that is part of the SW/4 of the SE/4 of the SW/4 of Section 6, T-18-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma, said tract of land being described as follows, to wit: "Beginning at a Point that is the southeast corner of said SW/4 of the SE/4 of the SW/4 of Section 6; thence S 89°51'35" W along the southerly line of Section 6 for 298.67' to a point that is 361.50' easterly of the southwest corner of the SW/4 of the SE/4 of the SW/4; thence N 0°00'50" E and parallel to the westerly line of the SW/4 of the SE/4 of the SW/4 for 361.50'; thence N 89°51'35" E and parallel to the southerly line of Section 6 for 298.66' to a point on the easterly line of the SW/4 of the SE/4 of the SW/4; thence S 0°00'42" W along said easterly line for 361.50' to the "Point of Beginning" of said tract of land.

Z-6027 & PUD #388 (cont'd)

TMAPC Action: 11 members present. PUD #388

On MOTION of CONNERY, the Planning Commission voted 11-0-0 (Carnes, Connery, Draughon, Harris, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, Young, "aye"; no "nays"; no "abstentions") to APPROVE PUD #388, subject to the amended conditions of Staff and a note that the applicant agreed to no windows on the north of the possible two-story building as per the legal description below:

Legal Description:

A tract of land, containing 6.2707 acres, that is part of the Southwest Quarter (SW/4) of the Southeast Quarter (SE/4) of the Southwest Quarter (SW/4) of Section Six (6), Township 18 North, Range 13 East, Tulsa County, State of Oklahoma, said tract of land being described as follows, to wit:

Starting at the Southeast corner of the SW/4 of the SE/4 of the SW/4 of said Section 6; THENCE S 89°51'35" W along the southerly line of Section 6 a distance of 25.00 feet; THENCE N 0°00'42" E and parallel to the easterly line of the SW/4 of the SE/4 of the SW/4 a distance of 80.00-feet to the "POINT OF BEGINNING" of said tract of land; THENCE continuing N 0°00'42" E a distance of 581.77 feet to a point on the northerly line of the SW/4 of the SE/4 of the SW/4, said point being 25.00 feet westerly of the northeast corner thereof; THENCE S 89°52'03" W along said northerly line a distance of 635.14 feet to the northwest corner of the SW/4 of the SE/4 of the SW/4; THENCE S 0°00'50" W along the westerly line of the SW/4 of the SE/4 of the SW/4 a distance of 300.35 feet to a point that is 361.50 feet northerly of the southwest corner of the SW/4 of the SE/4 of the SW/4; THENCE N 89°31'35" E and parallel to the southerly line of Section 6 a distance of 361.50 feet; THENCE S 0°00'50" W and parallel to the westerly line of the SW/4 of the SE/4 of the SW/4 a distance of 301.50 feet; THENCE N 89°51'35" E, parallel to and 60.00 feet northerly of the southerly line of Section 6, a distance of 263.67 feet; THENCE N 26°32'46" E a distance of 22.38 feet to the "POINT OF BEGINNING" of said tract of land.

3.06.8⁵:1545(12)

OTHER BUSINESS:

PUD #306-A Larkin (Grupe) South of SW/corner 91st and Harvard

Staff Recommendation: Detail Site Plan Review — Block 1, Crescent Drive

The subject property has an area of approximately 5.87 acres and is located south of the southwest corner of East 91st Street and Harvard Avenue. The northern boundary of the tract is generally Vensel Creek and the south boundary coincides with the north boundary of Block 1 of the Sycamore Hills Addition. The area is presently zoned RS-2 with an allocation of 13 dwelling units. The Preliminary Plat of Block 1 of Crescent Drive was approved by the TMAPC on February 20, 1985. PUD #306-A was previously approved by the TMAPC and City Commission during December 1984. The proposed number of dwelling units is consistent with the approved PUD for this particular area and a 14th "lot" is designated on the plat for a mutual access easement and private street system to be called East 93rd Street. The width of the paved private roadway is 22 feet. A required condition of approval of the Detail Site plan will be creation of a homeowners association for maintenance of the private streets and other common areas. Although Harvard continues to be shown on the Major Street and Highway Plan as a Secondary Arterial in this area, the segment of this roadway south of 91st Street has been required to be 50 feet in width for the dedicated roadway section. Setbacks from the dedicated roadway have also been approved as 25 feet, as is the case in the proposed development, and Sycamore Hills to the south. The front building line from Crescent Drive is proposed to be 25 feet rather than the normal 30 feet, which would be consistent with RS-2 standards. This request is justified based on the relatively shallow depth of many of the lots.

Given the above review, the Staff finds the Detail Site Plan for Block 1, Crescent Drive to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Ordinance.

Therefore, the Staff recommends APPROVAL of the Detail Site Plan subject to the following conditions:

- (1) That the applicant's Detail Site Plan be made a condition of approval, unless modified herein.
- (2) Development Standards:

Land Area (Gross):	254,295 sq. ft.	5.8378 acres
(Net):	242,552 sq. ft.	5.5682 acres

Permitted Uses: Single-family residences per Use Unit 5.

PUD #306-A Larkin (Grupe) (cont'd)

	<u>Submitted</u>	<u>Recommended*</u>
Minimum Lot Width:	Varies	75' and as submitted
Minimum Lot Area:	9,000 sq. ft.	9,000 sq. ft.
Minimum Land Area Per Dwelling Unit:	19,561 sq. ft.	10,875 sq. ft.
Structure Height:	35 feet	35 feet
Livability Space per Dwelling Unit:	Not Specified	5,000 sq. ft.
Minimum Front Yard Setbacks:	25 feet	25 feet
Minimum Rear Yard Setbacks:	25 feet	25 feet
Minimum Side Yard Setbacks:		
One Side Yard	Not Specified	10 feet
Other Side Yard	Not Specified	5 feet

*"Recommended" corresponds to conditions as approved under RS-2 zoning standards per PUDs #306 and #306-A.

- (3) That a homeowners association be created to maintain all private streets and common facilities.
- (4) A single ground sign, identifying the project may be located at the entrance to the project. Said sign shall not exceed the requirements as set forth in the Zoning Code, and shall be reviewed and approved by the TMAPC prior to installation.
- (5) That a Detail Landscape Plan shall be submitted to, and approved by, the TMAPC prior to occupancy of the first structure, which shall include any berms, fencing and other open space as outlined in the Development Text.
- (6) That no Building Permit shall be issued until the property has been included within a subdivision plat, submitted to, and approved by the TMAPC, and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants of the PUD conditions of approval, making the City of Tulsa beneficiary to said Covenants.

5
3.06.8~~4~~:1545(14)

PUD #306-A Larkin (Grupe) (cont'd)

Comments and Discussion:

The Applicant was asked if he was in agreement with the conditions and he informed he was.

TMAPC Action: 11 members present

On MOTION of VANFOSSEN, the Planning Commission voted 11-0-0 (Carnes, Connery, Draughon, Harris, Higgins, Kempe, Paddock, VanFossen, Wilson, Woodard, Young, "aye"; no "nays"; no "abstentions") to **APPROVE** the Detail Site Plan Review on PUD #306-A, as recommended by Staff, subject to above stated conditions.

CONTINUED PUBLIC HEARING:

NOTICE TO THE PUBLIC OF A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO
TITLE 42, TULSA REVISED ORDINANCES (TULSA ZONING CODE) AS RELATES TO THE
REGULATION OF SIGNS IN THE CITY OF TULSA

This public hearing was continued from the Planning Commission meeting of February 20, to enable the Sign Ordinance Ad Hoc Committee to prepare its recommendations.

Presentation by Sign Ordinance Ad Hoc Committee Chairman:

George Kaiser, a Tulsa businessman, informed he had volunteered to serve as Chairman of the "Sign Ordinance Ad Hoc Committee" because he felt the physical environment had deteriorated, in part, from the visual clutter along the roadways. He advised that the Committee had been instructed to examine the current situation in Tulsa in regard to off-premise and on-premise signage and make recommendations for appropriate changes in City ordinances which regulate signs. He also advised that the Committee was composed of people connected with the sign industry, real estate industry, architectural profession, businessmen and homeowners. He further advised that the individuals on the Committee had entered into this process with no specific preconceived ideas or biases.

He informed he and other members of the Committee had visited at length with companies and industry representatives who had contacted them. He further informed the purposes which would be served by regulation of these types of signs were: avoiding proliferation of signs, limiting visual distraction and obstruction, and improving the physical appearance of the community.

Discussion:

Ms. Wilson asked how the research for the study was derived and Mr. Kaiser informed copies of ordinances had been obtained from other municipalities and the Committee had received input from various City departments, including Protective Inspections Dept., Legal Counsel and Staff of INCOG. He also informed he had obtained data from a "sign body clearinghouse" in Washington, D.C.

Mayor Young asked Mr. Kaiser what the significance was of the distance of 300' from residential zoning and Mr. Kaiser informed the current rule was 50' and advised that the Committee had considered distances of 50' to 500'. It was felt that 500' was excessive, thus the Committee made the determination for the 300' standard.

Mayor Young asked how the determination of the date of January 1, 1991, was made and Mr. Kaiser informed that the Committee had reviewed similar proposals and the proposals were generally for three to seven years and the Committee made the determination for about 5 1/2 years. Mr. Kaiser further informed that depreciation is technically based on a five-year span and it was felt this would allow the industry to depreciate the signs in an equitable manner.

Public Hearing (cont'd)

Commissioner Harris asked if the recommendations from the Committee had been reviewed by the City Legal Counsel to determine if they are within the regulatory powers of the City and he was informed the Committee had extensive input from the City Legal Department.

Mr. Paddock asked if the Committee had made a distinction between the different types of portable signs and Mr. Kaiser informed they had considered this question, but it was ultimately determined the Committee would be unable to make a distinction.

Chairman Kempe asked Mr. Gardner if Staff had a recommendation and he informed they did not have one, per se, but he advised the Commission of a couple of areas which might cause problems. He informed that under the 300' setback from residential, only three signs would be permitted from Yale to the Inner Dispersal Loop along the Broken Arrow Freeway. He noted that the Broken Arrow Freeway had been built after the residential land use was established, as is also the case with the Crosstown Expressway and this restriction would reduce the total number of signs permitted.

Mr. Paddock asked if there are any PUDs which fall within the Freeway Corridor that would allow outdoor advertising signs and Mr. Gardner informed there are some industrial and commercial PUDs. He also advised this would not have to be added as one of the zoning districts, but the Zoning Code language in the PUD Chapter would have to be changed to allow such signs.

Mr. Linker informed that it is recommended that the language be amended to permit outdoor advertising signs in PUDs and CO zoning in the Freeway Corridor. He also advised that Legal Counsel had a question about the provision that the fees go into the Beautification Fund and advised that this question should be closely reviewed.

Mr. Linker informed that Legal Counsel also had a problem with the Land Lease provision which would terminate the use of a nonconforming sign.

Ms. Wilson asked where the fees from the sign permits go and was informed the money is deposited into the City General Fund for the enforcement and administration of inspections.

Mayor Young asked if the remainder of the proposals are consistent throughout the recommendation and Mr. Linker informed they are.

Public Hearing (cont'd)

Interested Parties:

	Address:
Art Fisher	N/A
David Abraham	817 N. Marion
Major John Tolan	Salvation Army, Tulsa
Tom Quinn	7419 S. Jackson
Don Bolt, Jr.	3720 E. 99th Pl.
Jim Vernon	705 W. Landsing, B.A.
Mike Merrick	Chimney Hills Estate
Ken Langston	1609 E. 61st St.
Woody Curtis	1326 E. 4th St.
Genave Rogers	308 W. Woodrow Pl.
Pat McGuire	6012 S. 163rd W. Ave.
David Stancliffe	3637 S. 106th E. Ave.
Jerry Muratore	6724 S. Lewis, #1306
Louise Bogdanoff	8098 S. Lewis
Richard Craig	4307 S. Hickory Pl., B.A.
Leroy Borden	Borden's Cafeteria
Richard Studenny	Tulsa Airport Authority
Ken Bailey	1825 E. 15th
Bill Gray	4857 S. Braden
Gary Sherrill	6911 E. 71st Pl.
Howard Barnes	5119 E. Haskell Pl.
Jim Tidwell	7777 E. 38th
Richard Drane	9 West 9th
Don Burris	Donrey Outdoor
Roger Lister	600 S. Elder
Johnny Parris	11308 E. 23rd
Larry Thompson	10008 S. 68th E. Ave.
Curtis Lawson	3730 N. Landsing Pl.
Lawrence Heiliger	6425 S. Oswego
Jim Allen	12315 E. 25th Pl.
Leroy Melrose	Okla. Sign Assn.
Bert McElroy	1712 E. 31st St.
Camden Coffman	8266 E. 41st St.
Bill Stokely	10111 E. 46th St.
Henry McNulty	3368 S. 137th E. Ave.
Ed Brett	1557 S. Yorktown Pl.
Steve Pharris	3814 S. 94th E. Ave.
Pat Quinn	3338 S. 142nd E. Ave.
Harold Nixon	7236 E. 65th St.
Bob Richards	8307 E. 75th
Ken Adams	12315 E. 25th Pl.

Mr. Fisher presented a "Statement of Protest" (Exhibit A-1) and informed he was speaking in behalf of the citizens and sign industry. He protested that the three-minute time limit imposed on the speakers was a violation of their liberties and he advised that he felt the ad hoc committee was unfair and not unbiased. He also advised that he felt there was no effort made to consult with those persons who would be affected by the Committee.

Public Hearing (cont'd)

Mr. Abraham informed he is employed by Donrey Advertising and is concerned about the environment, but challenged Mr. Kaiser to show how a billboard or outdoor display could harm the environment. He further informed he was in favor of strict enforcement of the Codes which were established in 1984, but he was opposed to the proposed ordinance changes.

Major Tolan of the Salvation Army, informed he wanted to express his appreciation to the outdoor advertising industry for giving him free advertising space which helped the Salvation Army's endeavors.

Mr. Quinn informed he owns CSL Advertising Company and presented a petition (Exhibit B-1) which calls for an end to the moratorium on signs. He further informed the City had adopted a new Sign Code in 1984 and the sign industry had agreed to a fee increase which tripled the former fee charges and would provide a larger sign inspection department. He also advised that the moratorium has crippled the sign industry and would also cripple Tulsa because it would result in the closing of numerous businesses.

Mr. Bolt informed he was representing the Chevy Chase Homeowners Association and advised he supports the recommended proposal.

Mr. Vernon informed he had no vested interest but he was a friend of the outdoor advertising industry. He advised that he is active with non-profit organizations and Donrey Advertising Co. provides him a means to attain his goals for the organizations with which he works.

Mr. Merrick informed he supports the Committee proposal. He noted that he had selected Tulsa as his home because it was, and is, an attractive community. He advised that several cities — San Diego, Seattle and Portland had banned signs. He suggested that the City not fight about the signs, but work together to come up with a viable solution that everyone could live with.

Mr. Langston informed he is a small businessman and he advised that he derives about 20% of his monthly gross sales from portable signs. He also agreed that signs are located in the wrong places and there needed to be some regulation.

Mr. Curtis informed he works for Winston Network and has 29 junior signs within the City. He also advised he felt the proposal was unconstitutional.

Ms. Rogers informed she had seen nothing that would require a change in the billboard situation. She advised that she has a billboard on her property and feels that it enhances the neighborhood.

Mr. McGuire informed he has lived in Tulsa 47 years and the sign business benefits his family.

Public Hearing (cont'd)

Mr. Stancliff informed he is associated with Stokely Advertising and his main opposition to the proposal was that the City had made an agreement in 1984 and he felt once an agreement had been made, it should be abided by.

Mr. Muratore informed he works for Donrey Advertising and he was perplexed by the proposal. He questioned the authenticity of the poll of citizens and advised he feels the citizens are confused about the definition of signs. He noted that the Tulsa Advertising Federation is composed of 200 people and none were consulted.

Ms. Bogdanoff informed she owns property at 91st and Delaware and informed she has two signs on her property which have been used by Jenks merchants to encourage business.

Mr. Craig informed he feels the cause of the problem is being covered up instead of being solved.

Leroy Borden, owner of Borden's Cafeteria, informed he was representing the Board of Directors of the Oklahoma Restaurant Association who felt the rights of the advertiser were not addressed in the proposal. He further informed he felt this would be disastrous for the restaurant industry.

Mr. Studenny informed he was representing the Tulsa Airport Authority and was in agreement with the proposal.

Mr. Bailey informed he had been approached by Mr. Lister and presented a survey (Exhibit C-1) which indicated that 65% of the people polled felt that billboards were an acceptable use of property. Mayor Young asked how the survey had been obtained and paid for and Mr. Bailey informed that Donrey Advertising had requested and paid for the survey. Mayor Young asked Mr. Bailey if the persons polled knew what a business area is and he said he did not ask them since he did not think it would be relevant. Mayor Young asked Mr. Bailey if he had attempted to define reasonable regulations and Mr. Bailey informed he had asked about reasonable regulation, but not elimination.

Mr. Gray informed he has a portable sign business and he provided a list of possible solutions (Exhibit D-1) to the problem. He advised that he felt some type of control is necessary and suggested there should be a simplified code; i.e., the number of signs per city block, the amount of distance between each sign, limit the size of the sign and if signs do not meet the Code, a tag should be put on them.

Mr. Sherrill informed the current Code is good; it just needs to be enforced. He further informed that none of his signs are on a business highway and he would be out of business under the new ordinance.

Public Hearing (cont'd)

Mr. Barnes informed he owns a business at Tecumseh and Oxford Streets and uses bench signs for advertisement. He advised he did not feel a bench sign should be considered to be a portable sign.

Mr. Tidwell informed he represents Donrey Advertising and after two meetings with the ad hoc committee, he asked Mr. Lister to remove himself from the committee because of statements made by the committee members. He also informed that Donrey Advertising had submitted a proposal to the committee but it had not been favorably received. He advised that the committee proposal prohibits signs at 75% of the locations in Tulsa.

Mayor Young noted that the current ordinance also prohibits billboards in 50-75% of the City since more than 50% of the City is zoned residential.

Mr. Drane informed he was representing Mother Tucker Industries and he was in favor of free enterprise (Exhibit E-1) and he felt the best way to allow for free enterprise would be to regulate the sign industry and give them fair representation.

Mr. Burris informed he is employed by Donrey Advertising and reiterated that the proposed ordinance would eliminate about 75% of the billboards. He advised that Mr. Lister had been requested to resign from the committee because he was unable to provide input to the committee.

Mr. Lister informed he felt the proposals were neither reasonable nor balanced and advised that the industry was allowed only two, 10-minute presentations. He further advised that no questions were asked of him and he requested that the recommendations of the committee be rejected and that Staff be allowed to work with industry personnel on the proposal.

Mr. Parris informed he was employed by a sign business and he could make a living under the current ordinance, but if the proposal was passed, he would have to move elsewhere to make a living.

Mr. Thompson informed he is a pastor of a church and he needed the use of the portable sign to advertise his church at its temporary location.

Mr. Lawson informed he has two Donrey signs on his property and he is opposed to the ban. He also informed he felt only one side of the issue was being dealt with and informed the proposal would drive a \$10 million industry out of town. Ms. Kempe informed that the presentation of the report from the ad hoc committee and the TMAPC public hearing was for the purpose of hearing both sides of the issue.

Public Hearing (cont'd)

Mr. Heiliger informed he is a past president of the Board of Realtors of Tulsa and noted that billboards did not affect the value of real estate. He requested consideration of the freedoms which the proposal would take away from the sign industry.

Mr. Allen informed he owns MAC Advertising Company, a portable sign company and he felt the intent of the proposal was to put him out of business. He informed that he could derive only a small portion of return on his investment because he couldn't rent his signs out because of the moratorium. He noted that his signs cost \$1,500 each, are better constructed and are safer than the other, cheaper signs which cost only \$500 and are owned by the business they advertise. He presented a proposal to benefit the portable sign industry (Exhibit E-1), pictures of his signs (Exhibit E-2) and pictures of the unacceptable portable signs (Exhibit E-3). Commissioner Harris asked if this ordinance would ban portable signs and Mr. Linker informed they would be banned after the one-year period. Mr. Paddock asked Mr. Allen for his definition of portable signs and Mr. Allen informed his signs weigh 500 pounds, are not easily moved since the wheels are taken off and the hitch detached when the signs are set in place. Mr. Paddock asked if the portable sign industry has a standard and Mr. Allen informed they were working on it.

Mr. Melrose informed he is president of the Oklahoma Sign Association and he felt this proposal to be unreasonable. He further advised that this proposal would put many companies out of business within six months.

Mr. Bert McElroy informed he is an attorney and represents Donrey Advertising. He advised he felt the plan to be confiscatory and would eliminate 75% of his client's business. He further advised that he felt the Commission was stepping beyond its bounds of responsibility in adopting the proposed ordinance. He recommended that the proposal be rejected.

Mr. Coffman informed he represents Tyler Outdoor Advertising and he was opposed to the ordinance since his signs are designed to be used on the arterial streets because of their small size (72 square feet).

Mr. Stokely informed he was only allowed 10 minutes of input into the committee proposal and he was opposed to it. Commissioner Harris asked if the people in the advertising business would write an ordinance and Mr. Stokely informed they would write a proposal which would give everyone an equal business opportunity.

Ms. McNulty informed her business would be hurting because she did not subscribe to the newspaper or other methods of advertisement. The portable sign was an economic way of advertising her business.

Public Hearing (cont'd)

Mr. Brett informed he was representing the Tulsa Chapter of the Institute of Architects and it was the consensus of 89% of the 100 persons polled, that they were in favor of the proposed ordinance.

Mr. Pharris informed he owns Arrow Sign Company and advised that there were several representatives from the portable sign industry present at the meetings, but they were not allowed any input. He recommended an extension of 30 days on the moratorium in order that the portable sign industry could develop guidelines on portable signs.

Mr. Quinn informed he is employed by a small billboard construction company and the proposal would result in a financial hardship to his family.

Mr. Nixon informed he was not an employee of a sign company and felt the ad hoc committee was against property owners, advertisers and selected types of companies. He advised he has had signs on his property for 30-40 years and suggested that regulations be imposed, which would not destroy the industry.

Mr. Richards informed he owns A-Sign Rental and advised this ban on portable signs would put him out of business and would result in financial problems. He agreed with the need for regulations, but was opposed to a ban on the portable signs.

Mr. Adams informed he is on the board of the Southeast Tulsa Homeowners Association and this group had made numerous complaints to the City regarding portable signs on rights-of-way. Even though Code Enforcement Division has helped, there is still an overabundance of portable signs and he recommended a total ban on portable signs.

Chairman Kempe read a letter from Ms. Augusta E. Mann which she had received and advised that Ms. Mann was protesting the proposed ordinance.

Other Discussion:

Mayor Young suggested that further consideration of the proposal be moved from the Planning Commission to the City Commission and recommended some amendments be made to the proposal.

Chairman Kempe informed that the Rules and Regulations Committee was uncertain of the intent of the display surfaces (item #4, page 4 of the proposal). Mr. Kaiser clarified that the display surfaces could include two signs totaling 320' facing one direction and one sign totaling 672' in the opposite direction, but neither side would exceed 672'.

Mr. Kaiser clarified that the intent of the committee was that a portable sign would be allowed to be repermited during the one-year period prior to the ban, but only to a licensed sign contractor. Mr. Kaiser informed that the 300' setback from residential was somewhat arbitrary and he had no problem with reducing it to 150'.

Public Hearing (cont'd)

Mr. Linker asked if the 50' in height above the established grade was the grade of the freeway or the ground and Mr. Kaiser informed the intent was the grade of the freeway.

Mr. Kaiser clarified that the intent of embellishments was not to eliminate them but to restrict the amount proportionally to 15%.

TMAPC Action: 10 members present

On MOTION of YOUNG, the Planning Commission voted 9-0-1 (Carnes, Connery, Harris, Kempe, Paddock, VanFossen, Wilson, Woodard, Young, "aye"; no "nays"; Higgins, "abstaining"; Draughon, "absent") to recommend **APPROVAL** to the City Commission of the content of the Sign Ordinance Ad Hoc Committee's recommendations with the following amendments to the report:

On page 3, item III. NEW PERMITS FOR PORTABLE SIGNS — change the time of removal of the sign from one year to two years and clarify that the portable sign companies may be allowed to obtain permits within the two-year period.

On page 4, item V. NEW CONFORMANCE STANDARDS — should read "Signs which are located in districts zoned IH, IL, IM, CH, CG, CS and CBD within a Freeway Sign Corridor and signs in CO districts as provided in adopted Site Plans." Also delete language in the PUD section of the Zoning Ordinance which presently prohibits outdoor advertising in said district.

On page 4, NEW CONFORMANCE STANDARDS; item 1 — the verbiage "of the freeway" should be inserted after "the established grade". Also, on item 3 of this section — this section should be changed to indicate that signs could be located within "150 feet of a residentially-zoned district or public park" instead of "300 feet" as listed in the report. Item 5 — the language "except in CO districts" should be added to the end of the sentence.

On page 5, item 9. EMBELLISHMENTS/EXTENSIONS — add the verbiage "not exceeding 15% on other than those sign areas noted" should be added to the end of the sentence.

On page 5, VI. PERMIT EXPIRATION AND FEES — EXPIRATION — delete item 4. "Land Lease Expiration".

On page 5, VII. NON-CONFORMING SIGNS: — the date January 1, 1991 should be changed to January 1, 1995.

On page 5, VII. CONDEMNATION: — should read "The City Commission, on its own initiative, may use its condemnation powers to condemn a sign which is non-conforming under the new ordinance, in pursuit of any of the public purposes set forth in Section I above."

Public Hearing (cont'd)

On page 6, delete the paragraph pertaining to "PETITION" and also the paragraph pertaining to "HEARING".

On page 6, REMOVAL BOND — change effective date of increase of the \$25,000 bond to January 1, 1993.

There being no further business, Chairman Kempe declared the meeting adjourned at 8:05 p.m.

Date Approved March 20, 1985

Maureen L. Wilson
1st Vice-Chairman

ATTEST:

RBF addock
Secretary

