

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1697
Wednesday, **May 18, 1988**, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Carnes	Draughon	Frank	Linker, Legal
Coutant, Secretary	Harris	Gardner	Counsel
Doherty	Randle	Lasker	Connelly, City
Kempe, Chairman		Setters	Development
Paddock, 2nd Vice-Chairman		Wilmoth	
Parmeale, 1st Vice-Chairman			
Wilson			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, May 17, 1988 at 9:15 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Kempe called the meeting to order at 1:33 p.m.

MINUTES:

Approval of the Minutes of May 4, 1988, Meeting #1695:

On **MOTION** of **WOODARD**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Harris, Randle, "absent") to **APPROVE** the **Minutes of May 4, 1988, Meeting #1695**.

REPORTS:

Report of Receipts & Deposits for the Month Ended April 30, 1988:

On **MOTION** of **PARMELE**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Harris, Randle, "absent") to **APPROVE** the **Report of Receipts & Deposits for the Month Ended April 30, 1988**.

Chairman's Report:

Chairman Kempe advised Mr. Kevin Coutant had agreed to serve as the TMAPC appointment to the Tulsa Preservation Commission, and she would serve as an alternate in his absence.

Committee Reports:

Mr. Paddock announced a **Rules & Regulations Committee (R&R)** meeting had been scheduled for May 25th; agenda pending. He also advised the R&R had met this date to review Senate Bill 602, amending Title 16, §27.a of the Oklahoma Statutes relating to instruments recorded for a certain term of years. A briefing on SB 602 was presented to the Committee by Mr. Richard Cleverdon, a member of the Oklahoma and Tulsa County Bar Associations and an authority on property laws in the State. Mr. Paddock stated the amended bill considered a five year limitation, and the Committee had a great deal of discussion as to a ten year limitation, as originally presented. Mr. Linker added the Committee's also discussed and suggested modifications to the bill to offer protection by amending the wording that would exclude subdivision plats from references to "such instrument".

Mr. Paddock advised that Mr. Cleverdon requested a position from the TMAPC so as to advise the Ad Hoc Committee on this bill. Discussions followed among the TMAPC Commissioners as to their preference for a five or ten year limitation. Mr. Doherty moved that Mr. Paddock, as Chairman of the Rules & Regulations Committee, convey to the appropriate body that it was the sense of the TMAPC that the aim of SB 602 was noteworthy, that the Commission agrees in principle with its aims, and asks that the time period be increased to ten years with the suggested modification to references of "such instrument" by adding "other than a subdivision plat".

On **MOTION** of **DOHERTY**, the TMAPC voted **5-3-0** (Carnes, Doherty, Kempe, Parmele, Woodard, "aye"; Coutant, Paddock, Wilson, "nay"; no "abstentions"; Draughon, Harris, Randle, "absent") to **REQUEST** Mr. Paddock, as Chairman of the Rules & Regulations Committee, to convey to the appropriate body that it was the sense of the TMAPC that the aim of SB 602 was noteworthy and the Commission agrees in principle with its aims, but asks that the time period be increased to ten years with the suggested modification to references of "such instrument" by adding "other than a subdivision plat".

Discussion continued on the issue of the five or ten year limitation, with Staff noting they would also convey to Representative Russ Roach the consensus of the Commission on the time limitation.

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Mr. Parmele advised the **Budget & Work Program Committee** had met last week and would meeting in a Joint TMAPC Committees work session this date, upon adjournment of the regular TMAPC meeting.

REPORTS - Cont'd

Director's Report:

A briefing by Mr. Pat Connelly of the Department of City Development was presented on the status of the Capital Improvements Program (CIP), project rankings and related matters. Mr. Connelly reviewed the FY 88-89 CIP project rankings and answered questions from the Commission members. No TMAPC action was required.

SUBDIVISIONS:

PRELIMINARY PLAT APPROVAL:

Chartwell Place (PUD 388)(683) NW/c of East 71st & South Trenton (CS, OM, OL)

On MOTION of DOHERTY, the TMAPC voted 8-0-0 (Carnes, Coutant, Doherty, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Harris, Randle, "absent") to CONTINUE Consideration of the Preliminary Plat for Chartwell Place until Wednesday, June 1, 1988 at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

FINAL PLAT APPROVAL & RELEASE:

Forest Park South 2nd (2783) East 104th Street & South Sheridan Road (RS-2)

On MOTION of PARMELE, the TMAPC voted 8-0-0 (Carnes, Coutant, Doherty, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Harris, Randle, "absent") to APPROVE the Final Plat of Forest Park South 2nd and release same as having met all conditions of approval.

EXTENSION OF APPROVAL:

Autumn Woods (PUD 159A)(382) North of the NW/c of West 71st & South Union
(2nd extension; recommend extend one year) (RM-1, RS-3)

On MOTION of PADDOCK, the TMAPC voted 8-0-0 (Carnes, Coutant, Doherty, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Harris, Randle, "absent") to APPROVE a One Year Extension for Autumn Woods, as recommended by Staff.

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University Center at Tulsa North Greenwood & East Haskell (RM-1, RM-2, OM,
(1st extension; recommend extend one year) CH, IL, IM)

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Harris, Randle, "absent") to **APPROVE** a **One Year Extension for the University Center at Tulsa**, as recommended by Staff.

REQUEST FOR WAIVER (Section 260):

BOA 14822 Springlake Addition (594) 11391 East Admiral Place (RS-3)

This is a request to waive plat on the above addition for an after-school care program already existing in a school facility. The Board approved the application on 5/5/88. Since all facilities are existing and nothing will change in the layout, Staff recommends approval as submitted.

TMAPC ACTION: 8 members present

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Harris, Randle, "absent") to **APPROVE** the **Waiver Request for BOA 14822 Springlake Addition**, as recommended by Staff.

LOT SPLITS FOR WAIVER:

L-17035 Harris (2093) 3100 Block of South Birmingham Avenue (RS-1)

This is a request to split the north 160' of Lot 3 and the south 35' of vacated 31st Place in Rothhammer Heights into two lots 97.5' x 184.5' (17,933 square feet each). Since the property is zoned RS-1, a 100' lot width is required so the applicant is requesting waiver, subject to the Board of Adjustment. Since the tract far exceeds the minimum 13,500 square feet requirement, and there are other smaller lots in the area, **APPROVAL** is recommended, subject to:

- a) Board of Adjustment approval of the lot width
- b) Utility easement, if required, for any extensions
- c) Grading plan approval by the Department of Stormwater Management in the permit process, if required.

The applicant was not represented.

L-17035 Harris - Cont'd

The TAC voted unanimously to recommend APPROVAL of L-17035, subject to the conditions outlined by Staff.

TMAPC ACTION: 8 members present

On **MOTION** of **CARNES**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Harris, Randle, "absent") to **APPROVE** the **Lot Split Waiver for L-17035 Harris**, subject to the conditions as recommended by the TAC and Staff.

LOT SPLITS FOR DISCUSSION:

L-17046 Bank of Oklahoma (2093) N & W of South Atlanta Pl. & South Birmingham

This is a District Court ordered lot split to clear title on five out of nine lots in this block. Original lot widths were established in platting by an amended plat of OAKVIEW ESTATES filed November 18, 1948. Nothing is physically changing in the block and no new building sites are being created. Additional information and a copy of the court order will be available at the TMAPC meeting.

Mr. Wilmoth advised this item should be stricken from the TMAPC agenda. Hearing no objection from the Commission, Chairman Kempe advised this item be stricken.

LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-17039 (2213) Johnson	L-17041 (3602) TDA	L-17043 (1083) Ford
L-17040 (2483) Thomas	L-17042 (1973) Girod	L-17044 (1692) Justus

On **MOTION** of **PARMELE**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Harris, Randle, "absent") to **APPROVE** the Above Listed Lot Splits for Ratification of Prior Approval, as recommended by Staff.

CONTINUANCE(S):

Z-6180 Jones SE/c of the proposed Riverside Pkwy & East 91st St. (OL to CS)

Z-6178 & PUD 306-B Jones (Grupe Development) NE/c & SE/c of East 95th Street
and South Delaware (RS-3 to CS)

Z-6185 Norman (Elson Oil Co.) NW/c of South Delaware & East 95th Street
(Jenks Bridge) AG to CS

TMAPC ACTION: 8 members present

On MOTION of PARMELE, the TMAPC voted 8-0-0 (Carnes, Coutant, Doherty, Kempe, Parmele, Paddock, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Harris, Randle, "absent") to **CONTINUE Consideration of the Above Listed Zoning/PUD Applications** until Wednesday, **June 15, 1988** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

OTHER BUSINESS:

Z-5498-SP-1-E (Stokely): Amended Corridor Sign Plan
N & W of the NW/c of East 81st Street & South Lewis

Staff Recommendation:

The subject tract is located north and west of the northwest corner of East 81st Street and South Lewis and is the site of an existing hotel. The letters on the locational drawing indicate the location of signs approved by the TMAPC on a previous application. Stokely Outdoor Advertising is requesting approval to allow their bus to locate on the hotel property several times per year.

Discussions with the Protective Inspections Department indicate that this sign must meet all requirements of the applicable zoning district as to display surface area, spacing from other existing signs, sign placement, and related matters. It is also noted that each time the sign is displayed on the site, a separate permit would be required, although, Staff would recommend TMAPC approval of this application being the only such approval necessary.

Further TMAPC approval of Z-5498-SP-1-E is recommended subject to the following conditions:

- 1) The proposed sign (bus) is considered to be subject to all other conditions of the Zoning Code and applicable City Codes.
- 2) That the sign not be placed in a required parking space or drive and no portion of the sign be permitted to extend over or be placed upon any public right-of-way.

- 3) TMAPC approval will satisfy the requirement of the Zoning Code for Corridor Sign Plan approval; however, each placement of the sign on this site will be subject to the applicable permitting requirements of the Protective Inspections Department.

Comments & Discussion:

Mr. Doherty referred to "several times a year" and inquired as to the duration implied. Mr. Frank stated there was no time limit in the ordinance and this would be treated as any other sign. He added that, due to the expense of the daily rental on this sign, it offered its own control as to time limit. Staff confirmed that notice had been given on this request.

Mr. Steve Nelson, Stokely Sign Company, confirmed his agreement to the listed conditions in the Staff recommendation.

TMAPC ACTION: 8 members present

On **MOTION** of **PARMELE**, the TMAPC voted **7-0-1** (Carnes, Doherty, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; Coutant, "abstaining"; Draughon, Harris, Randle, "absent") to **APPROVE** the **Amended Corridor Sign Plan for Z-5498-SP-1-E**, as recommended by Staff.

Mr. Doherty commented that cases such as this pointed out the need to proceed as quickly as possible with Zoning Code amendments relating to signs. Discussion followed among the Commission and Staff as to status of the Sign Advisory Board, with a consensus of the Commission being to instruct Staff to contact the author of the book on **Street Graphics**, and to check with the American Planning Association regarding any other books that might be available on signs, street graphics/accessories, etc.

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PUD 267-3 (Tweet): Minor Amendment

S & E of the SE/c of East 101st Street & South Sheridan

Staff Recommendation:

The subject tract is located south and east of the southeast corner of East 101st Street and South Sheridan Road, is ten acres in size and has an underlying zoning of CS and RM-1. The TMAPC approved a Detail Sign Plan permitting one ground sign on each arterial frontage to be 16' in height with a maximum display surface area of 180 square feet. The applicant is now requesting a minor amendment to remove the East 101st Street sign and relocate it closer to the intersection with an animated (message center) sign. Notice of the application was given to abutting property owners south of East 101st Street. The sign location is abutted on the north across East 101st Street by the Galleria Apartments.

Review of the applicant's submitted sign elevation and plot plan shows the sign to be 16'2" tall with 33 watt lamps. The sign includes time and temperature messages (which would be permitted in a PUD), however, also includes animated messages which would not be permitted in a PUD. The maximum wattage for lights on this type of sign is 25 watts per the Zoning Code.

In BOA 14470, the Board had a concern with the request to permit a similar sign in PUD 429 located at the northwest corner of South Canton Avenue and East 71st Street for a convenience store. The Board approved the sign to permit display of the price of gasoline subject to one full second or longer between the lights indicating gasoline type and prices.

Therefore, Staff supports PUD 267-3 in part, for a time and temperature sign only, based on the following conditions:

1. The applicant's submitted plot plan and sign elevation be made a condition of approval unless modified herein.
2. The height be amended to be 16'2" tall per the submitted plans.
3. The lamp wattage of the sign be reduced from 33 watts to 25 watts maximum.
4. TMAPC approval of features of the sign, other than time and temperature, is subject to approval of a variance from the Board of Adjustment as determined by the Zoning Officer.

Comments & Discussion:

In reply to Ms. Wilson, Mr. Frank stated that the condition for reduction to 25 watt lamps was based on the Zoning Code. Mr. Paddock commented that he thought there had been restrictions placed in the Sign Code regarding "animated messages". Mr. Frank reiterated that the PUD would permit the time and temperature, but would not permit any other "message" than that, i.e. cars, interest rates, etc.

Mr. Al Tweet, representing the Village South National Bank, reviewed an illustration of the proposed display. Mr. Tweet commented that this was not really an "animation" display, but was properly designated an "alternating display sequence", much like the time and temperature message. He pointed out that the Sign Ordinance, under General Use Conditions for business signs, stipulates that "no sign containing flashing lights shall use incandescent bulbs with greater than 25 watts illumination, nor use strobe lights of any kind". However, Section 5 states that "the limitations contained herein shall not be applicable to time and temperature signs". Mr. Tweet advised that the proposed sign, whether used for time and temperature only, or used as a message board, had bulbs of 33 watts, but had an electronic dimming process that would illuminate at only 22 watts. He added that this was less costly than buying 25 watt bulbs, and the actual illumination would be 22 watts. Mr. Tweet clarified that this display would not be a "traveling message sequence", but the message would come on in the same way as the time and temperature, much like a Venetian blind effect.

In regard to safety concerns, Mr. Tweet stated he was not aware of any instances where this type of sign had been proven to be a traffic hazard. He requested clarification as to the message center being classified as a flashing sign and, therefore, not allowed. Mr. Gardner compared this to the message center sign at 31st & Yale, which would not be permitted. He stated that time and temperature signs were accepted as they did not change rapidly and did not present that much of a potential for distraction. Therefore, in regard to safety, he felt that a consideration was how often the "messages" changed. Ms. Kempe commented she had some of the same concerns and inquired if the proposed sign would appear to have a moving car dragging a loan sign after it. Mr. Tweet reiterated there would be repeating sequences with a Venetian blind effect. He pointed out that the sign at 31st & Yale was off-premise advertising, while the proposed sign would be restricted to on-premise for the bank and the surrounding community. He added that this particular intersection was a four-way stop, and there would not be any high speed traffic. Therefore, he could not see how the sign movements could be interpreted as a distraction or safety hazard.

In response to Chairman Kempe, Mr. Tweet commented that it was his understanding that the prohibition was due to the "flashing", and he reiterated that this was not a "flashing" sign, and he would like to have the capability to put up other messages, without having to meet condition #4 which requires BOA review for a variance. Mr. Gardner clarified that the BOA had the proper authority, not the TMAPC, for anything other than time and temperature, and he felt that the applicant should be making his arguments before the BOA. Mr. Doherty confirmed that, should the TMAPC limit the sign to time and temperature, then the BOA review would be precluded for acting as this was in a PUD. Mr. Gardner added that, should the TMAPC agree to a periodic changing of the message, then the BOA could address this issue. However, if the TMAPC did not agree to this, the applicant need not go on to the BOA. Mr. Tweet reiterated that the General Use standards of the ordinance stating, "the limitations contained herein shall not be applicable to time and temperature signs", and the PUD Chapter which states, "does not include time and temperature signs". He compared the movement effect of the time and temperature to be the same as for the proposed message center.

In reply to Ms. Wilson, Mr. Tweet confirmed that he had voluntarily given notice to the abutting property owners. Mr. Linker advised that the TMAPC was unduly concerning themselves, as the Commission did not have the jurisdiction to determine anything beyond a time and temperature sign. He confirmed that, with the PUD, the TMAPC approval was needed for the time and temperature sign. Mr. Parmele moved for approval of the Staff recommendation. Mr. Doherty inquired if this motion would preclude any use other than time/temperature, or would the applicant be allowed to go to the BOA for further approval beyond time/temperature. Mr. Linker clarified that the PUD evidently had a provision prohibiting this type of sign; therefore, the applicant would need both TMAPC and BOA approval. Mr. Parmele amended his motion to approve Staff recommendation for the sign with time and temperature only, which would prohibit BOA review.

Mr. Carnes expressed concern that, should the Commission approve this, it would set a precedent and the Commission would be flooded with similar requests. Further, he felt the requirements of the PUD should be upheld. Ms. Wilson commented that, with the PUD process an applicant sometimes does not have signage in order to present as part of the whole package of the PUD, and maybe earlier consideration of their signage would help the applicants.

Mr. Frank clarified that Staff did not intend to indicate that they were suggesting the applicant not be allowed the latitude to go before the BOA. Mr. Tweet requested the applicant be given a chance for BOA review, as the message center had the same technology and function as time/temperature, but with the use of words.

Mr. Paddock stated concern as to the TMAPC voting to preclude the applicant from making a separate application to the BOA. Mr. Doherty commented that the Commission, in effect, did that at the time of voting on the PUD, as the PUD text stipulates time and temperature only, and the TMAPC would merely be voting to stand by the original decision on the PUD. Therefore, the applicant's request today was to amend the original vote on the PUD conditions when first presented.

TMAPC ACTION: 8 members present

On **MOTION** of **PARMELE**, the TMAPC voted **8-0-0** (Carnes, Coutant, Doherty, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Harris, Randle, "absent") to **APPROVE** the **Minor Amendment for PUD 267-3**, as recommended by Staff, for a sign containing time and temperature only.

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PUD 420-A-1 (Johnsen): Minor Amendment - Side Yards & Amd Deeds of Dedication
East of the SE/c of South Yale and East 101st Street,
being the Camelot Park Addition

Staff Recommendation:

The subject tract has an area of 40 acres, underlying RS-2 zoning, and is located east of the southeast corner of South Yale and East 101st Street. PUD 420-A has been approved for 120 single-family detached homes and construction has started in the addition. The applicant is requesting that the language of the PUD as it pertains to side yard setbacks be modified to allow greater flexibility in the siting of homes on the lots and also to preserve existing trees. The required setbacks and separation between structures on abutting lots will be maintained in accordance with the Code. This amendment would permit combined side yards of 15' and permit on cul-de-sacs and pie-shaped lots (per exhibit) combined side yards of 10'; provided, however, in no event shall a side yard be less than 5'.

PUD 420-A-1 Johnsen - Cont'd

Notice by the applicant is requested to be waived as this action is presented as an internal matter impacting only builders within this addition.

Staff review of PUD 420-A-1 finds it to be in substantial compliance with PUD 420-A and the PUD Chapter of the Zoning Code. Therefore, Staff recommends approval of PUD 420-A-1 as submitted, and approval of the Amended Deeds of Dedication subject to approval by the City Legal Department.

Comments & Discussion:

In reply to Chairman Kempe, the applicant stated agreement to the Staff recommendation.

TMAPC ACTION: 8 members present

On MOTION of CARNES, the TMAPC voted 8-0-0 (Carnes, Coutant, Doherty, Kempe, Paddock, Parmele, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Draughon, Harris, Randle, "absent") to APPROVE the **Minor Amendment and Amended Deeds of Dedication for PUD 420-A-1**, as recommended by Staff.

There being no further business, the Chairman declared the meeting adjourned at 2:55 p.m.

Date Approved

June 1, 1988

Cherry Kempe
Chairman

ATTEST:

Kevin C. Coutant

Secretary

