

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1803  
Wednesday, August 15, 1990, 1:30 p.m.  
City Commission Room, Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Doherty, Secretary	Carnes	Frank	Linker, Legal
Draughon, 2nd Vice Chairman	Coutant	Gardner	Counsel
Horner		Russell	Jackere, Legal
Midget, Mayor's Designee		Setters	Counsel
Paddock		Stump	
Parmeale, Chairman		Wilmoth	
Rice			
Wilson			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, August 14, 1990 at 10:43 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmeale called the meeting to order at 1:35 p.m.

**MINUTES:**

**Approval of the Minutes of August 1, 1990, Meeting #1801:**

On **MOTION** of **DOHERTY**, the TMAPC voted **8-0-1** (Doherty, Horner, Midget, Neely, Parmeale, Rice, Wilson, Woodard, "aye"; no "nays"; Draughon, "abstaining"; Carnes, Coutant, "absent") to **APPROVE** the **Zoning Public Hearing portion only of the Minutes of August 1, 1990, Meeting #1801**; and withhold approval of the minutes regarding discussion on the Blanket Zoning (Downzoning) until August 22, 1990.

**REPORTS:**

**Chairman's Report:**

Chairman Parmeale introduced and welcomed Mr. Dwain Midget, the Mayor's designee, who will attend the TMAPC meetings on the Mayor's behalf.

Based on Staff advising that there was only one item of business for the August 22nd agenda, Chairman Parmeale announced the TMAPC meeting for that date would be held in the INCOG conference room, followed by the scheduled Comprehensive Plan Committee meeting.

REPORTS - Cont

Committee Reports:

Mr. Doherty advised receipt of a request from the Home Builders Association for the **Rules & Regulations Committee** to review portions of the Zoning Code dealing with sales offices in subdivisions to possibly clarify existing language. He commented this matter would be reviewed at the earliest practical time.

Ms. Wilson advised the Budget & Work Program Committee had met last week to review the FY90 fourth quarter report.

Director's Report:

Mr. Gardner briefed the Commission members on recent City Council action relating to zoning. He also introduced Lori Russell who will be replacing Sherry Setters as TMAPC Recording Secretary. Mr. Gardner reminded the Commissioners to register for the BOA/zoning workshop scheduled for September 14th - 15th.

CONTINUANCE(S):

Application No.: **Z-6298** Present Zoning: RS-3  
Applicant: **Hall (Fuller, Hall Ailee)** Proposed Zoning: CG  
Location: North of the NE/c of 61st Street & 33rd West Avenue  
Date of Hearing: August 15, 1990  
Continuance Requested to: September 12, 1990

Comments & Discussion:

Chairman Parmele noted that, although the request was not timely, there were no interested parties in attendance.

TMAPC ACTION: 9 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Doherty, Draughon, Horner, Midget, Neely, Parmele, Rice, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Coutant, "absent") to **CONTINUE Consideration of Z-6298 Hall (Fuller, Hall Ailee)** until Wednesday, **September 12, 1990** at 1:30 p.m. in the City Council Room, City Hall, Tulsa Civic Center.

**SUBDIVISIONS:**

**REQUEST FOR WAIVER (Section 260):**

BOA 15487 Apache Manor (2803)                      2402 North Marlon                      (RM-1)  
BOA 15488 Vernon Manor (2402)                      564 East 32nd Street North                      (RM-1, RS-3)

**TMAPC ACTION: 9 members present**

On **MOTION** of **WOODARD**, the TMAPC voted **9-0-0** (Doherty, Draughon, Horner, Midget, Neely, Parmele, Rice, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Coutant, "absent") to **APPROVE** the above listed **Waiver Requests**, as recommended by Staff.

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

L-17341 ( 483) Continental Federal	L-17346 (1082) Billings
L-17342 (1292) C & R Investment	L-17292 ( 514) Wedel *
L-17343 (3692) Hanna	L-17347 (3104) Tulsa Hills Inv.
L-17344 (2004) Sanditen	L-17348 ( 492) Lemco/SSRR
L-17345 (2183) 1st Wisconsin Trust	L-17349 (1903) Farley

\* CBOA approved variance of minimum lot size on 6/19/90.

**TMAPC ACTION: 9 members present**

On **MOTION** of **WILSON**, the TMAPC voted **9-0-0** (Doherty, Draughon, Horner, Midget, Neely, Parmele, Rice, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Coutant, "absent") to **RATIFY** the above listed Lot Splits which have received Prior Approval, as recommended by Staff.

ZONING PUBLIC HEARING:

Application No.: Z-6294  
Applicant: Sullivan (Trans Voc Inc)  
Location: NE/c of North Atlanta Place & East Easton  
Date of Hearing: August 15, 1990  
Presented to TMAPC by: Mr. Wayne Sullivan, PO Box 921, Jenks (299-0931)

Present Zoning: RM-1  
Proposed Zoning: CG

Relationship to the Comprehensive Plan:

The District 3 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity - Residential.

According to the Zoning Matrix, the requested CG District is not in accordance with the Plan Map.

Staff Recommendation:

**Site Analysis:** The subject tract is approximately .58 acres in size and is located on the north side of East Easton Street between North Atlanta Place and North Birmingham Avenue. It is nonwooded, flat, contains a handicapped opportunity workshop, and is zoned RM-1.

**Surrounding Area Analysis:** The tract is abutted on all sides by a mixture of primarily single-family dwellings with some duplexes zoned RM-1.

**Zoning and BOA Historical Summary:** The subject tract is located within the Grover Cleveland Middle School study area for recommended rezoning to RS-3, according to the draft of the Blanket Zoned Area Special Study.

**Conclusion:** Although the subject tract contains a nonresidential building, Staff is not supportive of any commercial zoning. Staff views the request as spot zoning, which would produce only a detrimental affect on the primarily single-family neighborhood which is trying to stabilize.

Therefore, Staff recommends **DENIAL** of CG zoning and any less intense designation in the alternative.

Applicant's Comments:

Mr. Wayne Sullivan, attorney for the applicant, advised the workshop located on the subject tract has been in operation for 16+ years. Mr. Sullivan commented the rezoning was requested in order to improve and renovate the existing facility. In response to Ms. Wilson, he reviewed architectural drawings to indicate the types of improvements proposed. It was stressed that this was to a renovation and modernization of the current facility and not construction of a new facility.

Ms. Connie Kritsburg, director the facility, explained this was a sheltered workshop offering complete vocational training for the handicapped. She added that they also did subcontract assembly and packaging, but stressed there was no manufacturing done on the premises.

Ms. Kritsburg stated they also offered job placement assistance with ten people placed so far. She advised they received a federal grant to teach reading, social skills, etc. In reply to a question raised about their loading dock, Ms. Kritsburg explained this was used to load assembled fishing reels. She also confirmed this was a non-profit organization working with the Department of Human Services.

Mr. Draughon commented that it would seem unreasonable to deny a project such as this, and he questioned if there was some way this could be approved. Mr. Gardner explained this would have been a routine request before the Board of Adjustment (BOA) prior to the statute amendment which did away with principle use variances. He asked Legal Counsel if this might be one of those situations where, if the BOA were asked to vary that section of the Code expanding a legal nonconforming use, would it be the same as a use variance. Mr. Linker responded this was a good question and Legal would need some time to review and answer such a question. He inquired if there was a change of use involved. The applicant clarified that there was no expansion of use as the number of clientele remained the same; it was only a modernization of the building. Mr. Jackere, Legal Counsel for the BOA, stated that he did not think the Code would disallow renovation but would disallow an increase in floor area.

Mr. Parmele commented the interested parties had not yet been heard, but if the TMAPC was inclined to pursue the BOA approach since it appeared the TMAPC might be the improper place for review, then a continuance might be in order. He added that he would have a real problem granting CG zoning in the middle of an established residential neighborhood. Mr. Parmele noted the fees of this application could be refunded for BOA review. Mr. Sullivan advised that he had no objections to a BOA review; however, in discussions with city planning, it appeared "that the BOA probably was not the proper place to go due to the length of time" required. [See "TMAPC Review Session" for comments from Legal Counsel regarding BOA review.]

Interested Parties:

Ms. Sherry Hoort (123 North Atlanta Place) stated that she was under the impression from talking to the TMAPC Staff that the current use was a nonconforming use and has been for the past 16 years. Mr. Gardner explained that the applicant, from discussions prior to submitting the application, determined that relief was not available under a nonconforming status. Mr. Gardner noted that zoning controls have been in this area since the 1920's and, technically, the building would have had to have been built before becoming a part of the city. To offer another aspect, Mr. Gardner explained that the building would have to have been continually used for uses within the same Use Unit for that period of time, as well.

Ms. Hoort presented photographs to show the existing residential uses around the subject tract. She also submitted a petition with 54 signatures opposing the rezoning, commenting their opposition was "based entirely on the issue of zoning and the effects CG zoning would have on the quality of life in the neighborhood and on our property values." Ms. Hoort stated concerns with increased traffic to the area should the facility expand.

Applicant's Rebuttal:

Mr. Sullivan remarked that, due to the time involved, pursuing a BOA variance did not seem practical. He confirmed that over the past few years there had been an increase in the population of the client base, but this had reached its maximum so traffic should not increase in the area.

Mr. Doherty inquired if the applicant had considered submitting a PUD which could limit the uses to the existing use even with commercial zoning. Mr. Sullivan responded that the expense involved with a PUD was an important factor with this non-profit agency, which has very limited funds.

TMAPC Review Session:

In regard to the BOA possibly being the proper avenue for this case, Mr. Jackere clarified there were two Code provisions involved, depending upon whether the site was in a residential or nonresidential district. He explained that in a residential district a nonconforming use could not be changed at all unless it changes to comply with the "R" district provisions. Mr. Jackere commented that he was previously mistaken, as the subject property had apparently received a variance in the 1930's for an auto shop which grew into a warehousing situation. Mr. Parmele inquired if there was any recourse available to the applicant other than a change in zoning. Mr. Jackere stated he did not see any recourse available through the BOA.

Mr. Draughon inquired if this case could have been grandfathered in considering the number of years involved. Mr. Jackere commented that Tulsa zoning began in 1924, adding that he felt this was nonconforming because the BOA had previously granted a variance for a different specific use.

Mr. Doherty remarked that the Commission was "caught between a rock and a hard place" on this case. He advised he had no problem with the existing use or renovation for that use. His concerns were twofold: 1) that the current owners may not always be there, and CG zoning would then be "dynamite" in this residential area; and 2) this was very obviously spot zoning, which the Commission has traditionally avoided. He stated the only way he could support any nonresidential zoning was with a related PUD with stringent controls.

In reply to Mr. Parmele, Staff advised that with a PUD application, CS zoning would be the minimum commercial zoning that would permit the existing use. Mr. Linker confirmed that, with a PUD, the use could definitely be limited.

Mr. Doherty reminded that, in the past, the TMAPC has recommended approval of rezoning, and withheld transmittal of the minutes until such time as a related PUD was reviewed and approved. Therefore, Mr. Doherty moved for approval of CS zoning on the tract and withhold transmittal of the minutes. Legal Counsel suggested the better (legal) procedure would be to continue the matter and give the applicant the opportunity to come forward with a PUD. Otherwise, it places the TMAPC in a precarious position should the applicant not submit a PUD.

Discussion followed on the best procedure to follow, with the consensus among the Commission not opposed to the current use, but concern was with spot zoning commercial. The applicant interjected that their board was leery of investing in the cost for a PUD until the rezoning aspect was settled. Personally, he felt that they would be willing to work with Staff on a PUD on the basis of commercial zoning. Mr. Doherty withdrew his previous motion and moved for a continuance to September 5th to allow the applicant time to examine his options.

**TMAPC ACTION: 9 members present**

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Doherty, Draughon, Horner, Midget, Neely, Parmele, Rice, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Coutant, "absent") to **CONTINUE Consideration of Z-6294 Sullivan (Trans Voc Inc)** until Wednesday, **September 5, 1990** at 1:30 p.m. in the City Council Room, City Hall, Tulsa Civic Center.

\* \* \* \* \*

Application No.:	<b>PUD 417-C/417-B-1</b>	Present Zoning:	OM
	<b>Major/Minor Amendment</b>	Proposed Zoning:	Unchanged
Applicant:	<b>Norman (SJMC)</b>		
Location:	North of the NE/c of East 21st Street & South Wheeling		
Date of Hearing:	August 15, 1990		
Presented to TMAPC by:	Charles Norman, 2900 Mid-Continent Tower	(583-7571)	

**Staff Recommendation:**

The TMAPC and City Commission approved PUD 417-B which created Development Area L and established a maximum building floor area of 140,000 square feet in this development area. This floor area was transferred from Development Area A, which left the "superblock" with a maximum permitted floor area of 1,584,122 square feet.

The applicant originally applied for a major amendment to PUD 417-B to transfer an additional 30,000 square feet of building floor area into Area L from Area A. He also requested that the maximum building height be increased from 96' to 112' to accommodate a large mechanical penthouse on the roof of the proposed office building.

The increase in floor area in Area L is to allow the addition of a basement to the planned medical office building. The building's exterior appearance would not change and there is sufficient parking planned in Area C to serve the additional floor area. Because the proposed increase in floor area in Area L is greater than 10%, the applicant applied for a major amendment.

After the architect completed the Detail Site Plan for Area L, it was determined that a transfer of only 18,500 square feet of floor area was necessary. This is an increase of 13.2%. Also, since penthouses and cooling towers are exempt from the calculation of a building's height in other zoning districts, the applicant wishes to amend the footnote concerning maximum height to the following, as noted in bold:

<sup>1</sup> Measured to the top of the parapet. Does not apply to elevator pit houses, **mechanical penthouses or cooling towers.**

This would eliminate any need for amending the maximum allowable building height.

Because of these changes, the applicant would like the amendments to be considered minor in nature, even though the increase in floor area exceeds the limit of 10% as established by the TMAPC's adopted policies.

Staff supports classifying the changes as minor since the increased floor area will be the addition of a basement floor with no change in the exterior of the building, and since there is already sufficient off-street parking to serve this additional floor area. Notice was, however, given for a major amendment; therefore, either a major or minor could be considered by the TMAPC.

Staff would, therefore, recommend APPROVAL of the following amendments to PUD 417:

1. The maximum permitted building floor area in Area L be increased from 140,000 square feet to 158,500 square feet.
2. The maximum permitted building floor area in Area A be decreased from 1,584,122 square feet to 1,565,622 square feet.
3. The footnote on Maximum Building Height in Area L be amended to read:  
"<sup>1</sup> Measured to the top of the parapet. Does not apply to elevator pit houses, **mechanical penthouses or cooling towers.**"



**PUD 417-B-1 Norman (SJMc) - Cont**

In addition, the applicant has requested Detail Site Plan approval for Area L. Staff has reviewed the Site Plan and finds it to be in conformance with the PUD development standards if they are amended as recommended by Staff. Therefore, Staff recommends APPROVAL of the Site Plan for Area L in PUD 417-B if the requested amendments are also approved.

Comments & Discussion:

Mr. Charles Norman, attorney for St. John Medical Center (SJMC), advised that SJMC has determined it more feasible to build this project in one phase and not two. Mr. Norman reviewed specifics of the project, noting that if determined to be a minor amendment, it will save the applicant six to seven weeks. He advised that notice, by publication and mailing, had been sent to meet the requirements for a major amendment. It was pointed out the request also included the Detail Site Plan for Area L, as well as the Declaration of Covenants & Restrictions for Area L.

Chairman Parmele noted there were interested parties in attendance, but not in opposition to the request. Mr. Rice moved to waive policy and approve the request as a minor amendment, as well as approval of the Detail Site Plan and Declaration of Covenants & Restrictions for Area L, all subject to the conditions as recommended by Staff.

TMAPC ACTION: 9 members present

On **MOTION** of RICE, the TMAPC voted **9-0-0** (Doherty, Draughon, Horner, Midget, Neely, Parmele, Rice, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Coutant, "absent") to **APPROVE PUD 417-B-1 Norman (SJMc) as a Minor Amendment and APPROVE the Detail Site Plan and Declaration of Covenants & Restrictions for Area L in PUD 417-B-1, as recommended by Staff.**

\* \* \* \* \*

Application No.:	<b>Z-6297</b>	Present Zoning:	RS-3
Applicant:	<b>Enlow (I-44 Auto Auction)</b>	Proposed Zoning:	IL
Location:	15937 East Admiral Place		
Date of Hearing:	August 15, 1990		
Presented to TMAPC by:	Dub Enlow, 16015 East Admiral Place		(437-9044)

Relationship to the Comprehensive Plan:

The District 17 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Special District - Industrial.

According to the Zoning Matrix, the requested IL District is in accordance with the Plan Map.

**Z-6297 Enlow (I-44 Auto Auction) - Cont**

Staff Recommendation:

**Site Analysis:** The subject tract is approximately 2.5 acres in size and is located west of the northwest corner of East Admiral Place and 161st East Avenue. It is nonwooded, flat and vacant and is zoned RS-3.

**Surrounding Area Analysis:** The tract is abutted on the north by I-244 Highway zoned RS-3; on the east by an automobile auction zoned IL; on the south by vacant property zoned CS, IL and SR; and to the west by a school bus sales business zoned IL.

**Zoning and BOA Historical Summary:** IL zoning has been approved on several tracts along East Admiral Place.

**Conclusion:** Based on the Comprehensive Plan and existing zoning patterns for the area, Staff supports the rezoning request and views the request as an orderly transition to a higher land use.

Therefore, Staff recommends **APPROVAL** of IL zoning for Z-6297 as requested.

TMAPC ACTION: 9 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Doherty, Draughon, Horner, Midget, Neely, Parmele, Rice, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Coutant, "absent") to **APPROVE Z-6297 Enlow (I-44 Auto Auction)** for **IL Zoning**, as recommended by Staff.

Legal Description:

IL Zoning: The east 165.5' of Lot 2, LESS the north 112.7' for highway, FOSTER SUBDIVISION to Tulsa County, Oklahoma, according to the recorded plat thereof.

OTHER BUSINESS:

**PUD 393-4: Minor Amendment of the Required 30' setback**  
3616 East 97th Street South - Lot 23, Block 3 Crown Point

Staff Recommendation:

PUD 393 is a 60 acre, large lot residential development with private streets. The PUD was approved by the TMAPC and City Commission in 1985. The applicant is requesting a minor amendment of the required 30' setback from South Louisville Avenue to 25' to permit an addition to an existing single-family dwelling.

**PUD 393-4 Center - Cont**

After review of the applicant's submitted plans, Staff notes the subject lot is an irregularly shaped corner lot. The proposed encroachment varies from 0' to 5' at it's maximum and is where the lot fronts a cul-de-sac. Staff finds the request to be minor in nature and consistent with the original PUD.

Therefore, Staff recommends **APPROVAL** of minor amendment PUD 393-4 as submitted.

**TMAPC ACTION: 9 members present**

On **MOTION** of **WILSON**, the TMAPC voted **9-0-0** (Doherty, Draughon, Horner, Midget, Neely, Parmele, Rice, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Coutant, "absent") to **APPROVE** the **Minor Amendment to PUD 393-4 Center**, as recommended by Staff.

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**PUD 298-8: Minor Amendment to Permit a Change in Residential Unit Type  
East of the NE/c of East 91st Street & South Memorial Drive**

**Staff Recommendation:**

PUD 298 is a 120 <sup>±</sup> acre development located on the north side of East 91st Street South at approximately South 92nd East Avenue. The PUD, approved in 1982, proposed four separate development areas, three of which were attached single-family dwelling units and one detached single-family area. The northern two development areas are completed, and the southern two areas remain vacant at this time. The minor amendments request, which deals with Tract I contains 17.87 acres and has been approved for 388 attached dwelling units. The applicant is requesting a minor amendment to develop the northern 9.6 acres for 33 detached single-family lots, and either attached or detached single-family dwelling units on the remaining south 8.2961 acres.

After review of the applicant's submitted plans, Staff finds the request to be minor in nature and consistent with the original PUD. Staff feels it important to define development standards for the multifamily area on the east side of South 92nd East Avenue (Tract II) to insure an adequate buffer is established between the newly proposed single-family and the remaining multifamily areas. Therefore, Staff recommends **APPROVAL** subject to the following conditions:

1. The applicant' Outline Development Plan and Text be made a condition of approval, unless modified herein.
2. **Development Standards:**

**TRACT I-A (northern tract)**  
West side of South 92nd East Avenue

Site Area (net):	9.572 acres
Permitted Uses:	Detached single-family dwelling units and customary accessory uses
Maximum Number of DUs:	33
Minimum Lot Size:	6,900 sf
Minimum Lot Width:	60'
Minimum Land Area per DU:	8,400 sf
Maximum Building Height:	35'
Minimum Off-Street Parking:	2 spaces/DU
Minimum Building Setbacks:	
Front yard abutting street	25' (except lots fronting a cul-de-sac where the required yard is 20')
Side yard abutting street:	15' *
Side yard abutting adjacent lot:	5'
Rear yard	20'

**TRACT I-B (southern tract)**  
West side of South 92nd East Avenue

Site Area (net):	8.296 acres
Permitted Uses:	<u>Use A:</u> Attached residential dwelling units and customary accessory uses. OR <u>Use B:</u> Detached single-family dwelling units and customary accessory uses.

[NOTE: A mixture of Uses A & B is prohibited.]

Use A Standards:

Maximum Number of DUs:	150
Perimeter Yards:	As required in the RM-0 District, but all buildings shall set back at least 35' from Tract I-A.
Minimum Livability Space/DU:	600 sf
Maximum Building Height:	35'
Minimum Off-Street Parking:	As required by Use Unit 8

\* Except garage to be set back 20' when facing a street and all buildings shall be set back at least 25' from South 92nd East Avenue.

Use B Standards:

Maximum Number of DUs:	40
Minimum Lot Size:	6,900 sf
Minimum Lot Width:	60
Minimum Land Area per DU:	8,400 sf
Maximum Building Height:	35'
Minimum Off-Street Parking:	2 spaces/DU
Minimum Building Setbacks:	
Front yard abutting street	25' (except lots fronting a cul-de-sac where the required yard is 20')
Side yard abutting street:	15' *
Side yard abutting adj. lot:	5'
Rear yard	20'

- \* Except garage to be set back 20' when facing a street and all buildings shall be set back at least 25' from South 92nd East Avenue.

**TRACT II**

East side of South 92nd East Avenue

Site Area (net):	18.5 acres
Permitted Uses:	Attached residential dwelling units and customary accessory uses
Maximum Number of DUs:	218
Perimeter Yards:	As required in the RM-0 District
Maximum Building Height:	35'
Minimum Building Setback from C/L of So 92nd E Ave:	65'
Minimum Off-Street Parking:	As required by Use Unit 8
Minimum Livability Space/DU:	1,200 sf

Screening: A 6' solid screening fence with brick pilasters shall be erected along South 92nd East Avenue except for ingress points.

Landscaping: A 10' or wider landscape buffer shall be constructed and maintained along South 92nd East Avenue located between the front property line and the required screening fence.

3. No Zoning Clearance Permit shall be issued for Tracts I or II within the PUD until a Detail Site Plan for Tracts I or II, which includes all buildings and requiring parking, has been submitted to the TMAPC and approved as being in compliance with the approved PUD Development Standards.

**PUD 298-8 Cox (RC&H Realty) - Cont**

4. A Detail Landscape Plan for Tract I-B/Use A and Tract II shall be submitted to the TMAPC for review and approval. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved Landscape Plan for Tract I-B/Use A and Tract II prior to issuance of an Occupancy Permit. The landscaping materials required under the approved Plan shall be maintained and replaced as needed, as a continuing condition of the granting of an Occupancy Permit.
5. The Department of Stormwater Management or a Professional Engineer registered in the State of Oklahoma shall certify that all required stormwater drainage structures and detention areas have been installed in accordance with the approved plans prior to issuance of an occupancy permit.
6. No dwellings shall be allowed driveways accessing to South 92nd East Avenue.
7. No Building Permit shall be issued until the requirements of Section 213 of the Zoning Code has 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, making the City beneficiary to said Covenants.

**Comments & Discussion:**

Mr. Keith Desposito (8919 East 87th Place South) stated he felt that there should be no new residential dwellings constructed at this time until the streets in this area were improved. It was explained to Mr. Desposito that the Commission could not withhold zoning/planning development requests based on the city's actions relating to street improvements.

Mr. Doherty further explained that the request resulted in a net decrease in the number of dwelling units planned for this area and there was nothing the TMAPC could do to keep the applicant from building on the site right now to the previously approved development standards.

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

**TMAPC ACTION: 9 members present**

On **MOTION** of **WOODARD**, the TMAPC voted **9-0-0** (Doherty, Draughon, Horner, Midget, Neely, Parmele, Rice, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Carnes, Coutant, "absent") to **APPROVE** the **Minor Amendment to PUD 298-8 Cox (RC&H Realty)**, as recommended by Staff.

**PUBLIC HEARING:**

**TO CONSIDER AMENDMENTS  
TO THE TULSA ZONING CODE  
AS RELATES TO SIGNS**

**Comments & Discussion:**

Mr. Irving Frank, INCOG, reviewed the previous hearings on this matter leading to this hearing with amended language for certain provisions. Mr. Frank pointed out that, after discussion with Legal Counsel, changes were made for proposals to the PUD and Corridor Chapters regarding outdoor advertising signs.

**Mr. Larry Wald, representing the Sign Advisory Board (SAB)** read a statement indicating their comments or recommendations, as follows:

- 1) Leaving sign height in zones other than PUDs at 30' and 50'.
- 2) The 500 square foot limit on business signs should include a clause for lots that allow larger signs with computation of square footage based on lineal lot frontage.
- 3) Any proposed changes that will cause signs in other zones to comply to PUD zone restrictions.
- 4) To change the allowable square footage of wall or building signage from three to two square feet to match CS zones.
- 5) More study on window signs, particularly the 15" setback for signs.
- 6) One item not previously studied, Section 620.2 - Signs in Office Districts. The limit of one sign per each street frontage of a lot is creating a hardship on businesses located in office buildings and office complexes who cannot identify themselves without going to the BOA for a variance.

**Mr. Ken Miles, representing the Greater Tulsa Sign Association (GTSA),** commented on several subsections in Chapter 1221 where minor language revisions were needed. The TMAPC agreed with his suggestion to remain consistent with using "allowed" versus "permitted". In regard to Chapter 14, Mr. Miles expressed concern that the proposed revisions might create more illegal outdoor advertising signs in 1995.

**Mr. Roger Lister, Donrey Outdoor Advertising,** stated that, in regard to flashing, blinking, running, etc. light on outdoor advertising signs, the proposal would be in violation of the State Highway Act if approved as proposed. He explained that expressway corridors were subject to state control and licensing. As the Broken Arrow Expressway would be the only area to remain unaffected, Mr. Lister stated he did not feel these types of lighting should be applicable to any outdoor advertising.

**PUBLIC HEARING: Signs - Cont**

**Mr. Frank Fellers, president of American Banner Company,** stated support of many of the proposed amendments. Mr. Fellers suggested that, in regard to 1221.3.D, another exception be added that "all nonstructural wall or window signs such as paper, painted window signs, painted walls and fabric signs and banners not be prohibited by this ordinance and not included in computation of the display surface area, as well as not required to have a permit." He added this would eliminate a very difficult job for the sign inspectors, and allow them more time to concentrate on problems with dangerously installed signs, oversized signs prohibiting other businesses' advertising, signs unsafe to the public and other sign code abuses such as poor maintenance.

A statement was read into the record from **Ms. Fran Pace, District 4 Planning Team Chairman,** suggesting that any existing signs overhanging sidewalks or sticking out on struts should not be grandfathered in. Mr. Doherty commented that he was not aware of any item during the work up of the proposed sign code amendments that would treat these signs any differently, as the proposed ordinance did not specifically deal with these types of signs.

TMAPC Review Session:

Chairman Parmele closed the public hearing portion and opened the TMAPC review session. He asked Mr. Linker and Mr. Jackere, Legal Counsel, if the proposed amendments were consistent with their thinking from a legal point of view. Mr. Jackere stated he felt "the provisions were consistent and we have something we can work with." Mr. Jackere added, in response to Mr. Doherty's concern that the TMAPC was proposing to treat the maximum size of outdoor advertising signs differently than business signs, in terms of flashing, blinking, etc. He commented that possibly a way of handling this would be to have the same size limitation on outdoor signs as a business sign in the same location. This would be the most consistent, but he was aware this might not be the approach most desired by the TMAPC. In reply to Mr. Draughon, Mr. Jackere clarified the state and the city/county jurisdiction on outdoor advertising.

As chairman of the Rules & Regulations Committee, Mr. Doherty advised that the consensus of the Committee was to recommend to the TMAPC that the amendments, as presented, be approved. He noted that the Committee differed slightly on the issue of flashing signs in general, and flashing signs on billboards or outdoor advertising. Mr. Doherty remarked that this has been a 2+ year project and he commended the Rules & Regulations Committee members, TMAPC members and all of the interested parties for their participation in this process.

Mr. Parmele asked if the TMAPC members had any issues, other than the flashing signs, that needed to be raised before forwarding this matter on to the City Council; none were raised. Ms. Wilson suggested leaving the section on flashing signs as is. In an attempt to meet the Committee's recommendation and the industry's request, Mr. Doherty offered a motion to



**PUBLIC HEARING: Signs - Cont**

amend the wording to limit outdoor advertising signs to constant illumination; i.e., delete changing and/or blinking. Mr. Parmele stated he felt the Commission should recognize the fact that the billboard industry was changing to accommodate new trends, which should be addressed at this time in order to prevent having to handle this later. Further, he felt there could be some discrimination. Discussion followed on the motion.

**TMAPC ACTION: 7 members present**

On **MOTION** of **DOHERTY**, the TMAPC voted **4-2-1** (Doherty, Draughon, Wilson, Woodard, "aye"; Horner, Parmele, "nay"; Neely, "abstentions"; Carnes, Coutant, Midget, Rice, "absent") to **AMEND** the wording so as to limit outdoor advertising signs to constant illumination only; i.e. delete changing and/or blinking.

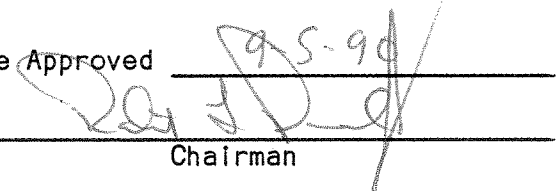
**PUBLIC HEARING: Signs - Cont**

Mr. Doherty moved to approve the proposed revisions to the Zoning Code relating to signs as recommended by the Rules & Regulations Committee and the TMAPC, including the minor changes discussed at this hearing, in order to forward on to the City Council. Mr. Parmele stated that, if this motion was approved, he would ask Legal Counsel and Staff to prepare, by September 26th, a final draft document for TMAPC review and submittal to the City Council for their consideration.


**TMAPC ACTION: 7 members present**

On **MOTION** of **DOHERTY**, the TMAPC voted **6-0-1** (Doherty, Draughon, Horner, Parmele, Rice, Woodard, "aye"; no "nays"; Neely, "abstaining"; Carnes, Coutant, Midget, Wilson, "absent") to **APPROVE** the proposed revisions to the Zoning Code relating to signs as recommended by the Rules & Regulations Committee and Staff.

There being no further business, the Chairman declared the meeting adjourned at 3:44 p.m.

Date Approved 9-5-90  
  
\_\_\_\_\_  
Chairman

ATTEST:

  
\_\_\_\_\_  
Secretary