

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2496

Wednesday, October 24, 2007, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ard	Cantees	Alberty	Boulden, Legal
Cantrell	Miller	Butler	
Carnes	McArtor	Chronister	
Harmon		Fernandez	
Marshall		Matthews	
Midget			
Shivel			
Sparks			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, October 18, 2007 at 4:10 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

REPORTS:

Chairman's Report:

Mr. Ard reminded the Planning Commission of the TMAPC retreat to be held on November 2, 2007 at the Centennial Building from 1:00 p.m. to 5:00 p.m.

Worksession Report:

Mr. Ard reported that there will be a worksession meeting immediately following this meeting to discuss the County sidewalk policy.

Director's Report:

Mr. Alberty reported on the BOCC and City Council agendas.

Mr. Alberty reported that INCOG has filled the position for the advertised position of Senior Land Development Planner, which will be primarily responsible for PUDs. The new employee will be starting on November 1, 2007.

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

Mr. Ard read the opening statement and rules of conduct for the TMAPC meeting.

COMPREHENSIVE PLAN PUBLIC HEARING

Resolution amending the District 6 Plan Map and Text, a part of the Comprehensive Plan for the Tulsa Metropolitan Area by adopting the Lewis Study, East 15th Street South to East 21st Street South (Resolution No. 2496:888).

STAFF RECOMMENDATION:

PROPOSED PLAN AMENDMENTS AS A RESULT OF THE LEWIS STUDY October 24, 2007

District 6 Plan

Plan map: Show boundaries of the Lewis Study on the District 6 Plan map – properties fronting onto or siding onto South Lewis Avenue between East 15th Street South and East 21st Street South – and identify as a Special District.

Plan text: Renumber policies under Specific Areas as follows.

Adopt as Policy 3.5 Lewis Study Area:

The Lewis Study, as adopted and amended by the City of Tulsa Council, is hereby adopted as part of the District 6 Detail Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area. Its boundaries are as set forth on the Planning District 6 Plan Map.

Renumber existing Policy 3.5 and following text accordingly.

RESOLUTION NO.: 2496:888

A RESOLUTION AMENDING THE DISTRICT 6 PLAN MAP AND TEXT, A PART OF THE COMPREHENSIVE PLAN FOR THE TULSA METROPOLITAN AREA BY ADOPTING THE LEWIS STUDY, EAST 15TH STREET SOUTH TO EAST 21ST STREET SOUTH

WHEREAS, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June

1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

WHEREAS, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

WHEREAS, on the 25th day of August, 1976 this Commission, by Resolution No. 1126:438, did adopt the District 6 Plan Map and Text as a part of the Comprehensive Plan of the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma; and

WHEREAS, a Public Hearing was held on the 24th day of October, 2007, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to modify its previously adopted District 6 Plan Map by the following:

Indicating the boundaries of the Lewis Study as lots fronting or siding onto South Lewis Avenue between East 15th Street and East 21st Street as being the Lewis Avenue Special District.

And to modify the District 6 Plan Text by the following:

Add as Policy 3.5 Lewis Study Area

The Lewis Study, as adopted and amended by the City of Tulsa Council, is hereby adopted as part of the District 6 Detail Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area. Its boundaries are as set forth on the Planning District 6 Plan Map.

Renumber existing Policy 3.5 and the following text accordingly.

NOW, THEREFORE, BE IT RESOLVED by the TMAPC, that the amendments to the District 6 Plan Map and Text, as set out herein, be and are hereby adopted as part of the District 6 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

Interested Parties Comments:

Susan McKee, 1616 South Victor, 74104, Vice President of Yorktown Historic District, stated that she worked hard on this plan and requests that the Planning Commission approve it.

Jim Lane, 2717 East 23rd Street, 74114, stated that he is in support of the resolution and Lewis Study.

Councilor Maria Barnes, District 4, stated that she would like to see this passed and implemented. This is a great study and the neighborhood has worked very hard on this study.

TMAPC COMMENTS:

Mr. Shivel stated that under findings on page 4, there are several sentences referring to owner-occupied properties. The numbers conflict each other and it is confusing if there are six or five owner-occupied properties. In response, Ms. Matthews stated that she doesn't have an answer for that question, but she will look into it.

Mr. Ard stated that he doesn't believe that would prevent the Planning Commission from moving forward since it would be a clarification issue.

TMAPC Action; 8 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **8-0-0** (Ard, Cantrell, Carnes, Harmon, Marshall, Midget, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Cantees, McArtor, Miller "absent") to **APPROVE** the adoption of Resolution No 2496:888 to amend District 6 Plan Map and Text, a part of the Comprehensive Plan for the Tulsa Metropolitan Area by adopting the Lewis Study, East 15th Street South to East 21st Street South per staff recommendation.

CONSENT AGENDA

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

- 2. **Crossroad Village** – (8419) Final Plat (PD 18) (CD 8)
West of U.S. 169, South of East 91st Street

STAFF RECOMMENDATION:

This plat consists of six lots in one block on 8.67 acres.

All release letters have been received and staff recommends **APPROVAL**.

3. **Metro Place – (9405) Final Plat** (PD 17) (CD 6)
North of East 11th Street South, West of South 129th
East Avenue

STAFF RECOMMENDATION:

This plat consists of one lot in one block on 1.056 acres.

All release letters have been received and staff recommends **APPROVAL**.

4. **PUD-274-A-1 – Roy D. Johnsen** (PD-18) (CD-9)
North of northeast corner of 61st Street and Lewis
Avenue (Minor Amendment to permit an increased floor
area and the adjustment of internal development
boundaries.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a minor amendment to permit an increased floor area and the adjustment of internal development boundaries. PUD-274-A, a major amendment to PUD-274 permitted a Senior Care Center with a permitted floor area of 95,000 square feet on the 8.16 acre tract. The request is to increase the floor area of the Center to 105,000 square feet, an increase of 10,000 square feet or 10.5%. The adjustment of the internal development area boundaries would reduce Development Area A and increase Development Area E by approximately 1,225 square feet. This would have a negligible affect on the approved office development to the west, while increasing the Center development area.

Adjustments in the residential density and the non-residential intensity are permitted as minor amendments if the underlying zoning permits it and the increase does not exceed 15%. The underlying zoning would permit 153,113 square feet of floor area far more than the proposed 105,000 square feet. The boundary adjustment is to permit a more effective realignment of an interior access drive.

Therefore, staff recommends **APPROVAL** of the requested minor amendment finding that it is consistent with the approval guidelines for PUD minor amendments.

6. **Z-7008-SP-1 – Sack & Associates** (PD-8) (CD-2)

South of the southeast corner of West 71st Street South and South Olympia Avenue/Lots 13 & 14, Block 2 (Corridor Detail Site Plan/Landscape Plan for Tulsa Hills Development.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a corridor detail site plan and landscape plan for Lots 13 and 14, Block 2, Tulsa Hills. The proposed use's, Use Unit 11, Offices and Studios , including Drive-thru Banking Facilities, Use Unit 12, Entertainment Establishments and Eating Establishments Other than Drive-ins, Use Unit 13, Convenience goods and Services, Use Unit 14, Shopping Goods and Services, and uses customarily accessory to the permitted uses are in conformance with Development Standards of Z-7008-SP-1, Corridor Plan.

The proposed building floor area (Lot 13 – 8,964 sq. ft.; Lot 14 – 1,750 sq. ft.) is less than the permitted 11,500 sq. ft. for the combined lots. The proposed building height of 26.5 feet is less than the permitted 35 feet. The proposed parking spaces of 104 spaces for the combined two lots exceed the required 95 spaces. The proposed setbacks exceed the minimum required setbacks. The site lighting complies with the pole height of 35 feet and the Kennebunkport standards.

The landscape plans for Lots 13 and 14 meet or exceed the minimum requirements for percentage of landscape area per lot and number of trees.

Therefore, staff recommends **APPROVAL** of the detail site and landscape plans for Lots 13 and 14, Block 2, Tulsa Hills.

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

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Cantrell, Carnes, Harmon, Marshall, Midget, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Cantees, McArtor, Miller "absent") to **APPROVE** the consent agenda Items 2, 3, 4, and 6 per staff recommendation.

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA

5. PUD-364-5 – Architects Collective (PD-26) (CD-8)

Northeast corner of East 101st Street South and South Mingo Road (Minor Amendment to permit the increased building height within 100 feet of the residential area, an increase in building height for buildings beyond the 100 feet and an increased height for the parking lot light poles.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a minor amendment to the approved conditions of PUD-364-3 to permit the increased building height within 100 feet of the residential area, an increase in building height for buildings beyond the 100 feet and an increased height for the parking lot light poles. The current requirement for one-story buildings within 100 feet of the residential area is 14 feet and the request is to increase it to 17 feet. The current height requirement for two-story buildings is 28 feet and the request is to allow a 40-foot height for towers as architectural features. The current height requirement for light poles is 12 feet and the applicant is requesting an increase to 25 feet subject to the "Kennebunkport" standards.

The request to increase the height from 14 feet to 17 feet within 100 feet of residential areas is minor and is acceptable based on the proposed elevations. The requested increase building height from 28 feet to 40 feet is to accommodate architectural design features not to add additional habitable floor area. The shopping center will be all single-story and the increase height to accommodate design features will not adversely impact the adjacent properties. The original height limitation on the parking lot light poles was an attempt to control light spill-over by reducing the pole height. That is now controlled by applying the "Kennebunkport" standards.

Therefore, staff recommends **APPROVAL** of the requested minor amendment for PUD-364-5 as reflected on the accompanying exhibits.

Mr. Alberty explained the intent of height restrictions. In this instance the height restriction is going to be for architectural features and not habitable space, which is the justification staff had in making this a minor amendment. The other request is for the height increase for the light poles. When this PUD was originally approved it was prior to implementation of the Kennebunkport Formula. The objective in the past was to prevent spill-over lighting, ambient light onto adjacent properties. The best control at that time was to limit the height of the

light standards. Now there is a more complicated formula that accomplishes the same thing and thereby staff can approve raising light pole standards, providing all of the features are controlled. Staff is recommending approval of the minor amendment.

Mr. Alberty pointed out that when the PUD was originally approved in 1984, there was an RM-0, multifamily category, adjacent to the commercial. There was an anticipation of a transition from the commercial to the multifamily then to the single-family, but what happened was single-family homes were developed in multifamily-zoned areas. Staff believes that there is a reasonable transition and reasonable restrictions.

Applicant's Comments:

Doug Collins, 10025 South Braden Avenue, 74136, stated that the requested changes are required for development of the type of structure and commercial building that has been planned for the subject property. He wasn't aware that there was a height restriction on the lighting until it was discovered during the analysis of developing the subject property. He is satisfied that what he is offering will be effective for his development and the neighboring single-family homeowners.

TMAPC COMMENTS:

Ms. Cantrell asked the applicant if the lights in the back of the property would be at 25 feet in height. In response, Mr. Collins stated that the lighting will be in the parking field itself and the lights in the back will be totally different.

Mr. Alberty stated that the site plan is not before the Planning Commission today, but it has been submitted and it will be reviewed for the next meeting. Mr. Alberty displayed the detail site plan.

Mr. Marshall asked the applicant if there is any way that the 40 foot architectural feature can be reduced. In response, Mr. Mark Thomas, Architects Collective, 3508 East 75th Street, 74136, stated that a site plan has been submitted that shows the designated area for the 40-foot towers, which are the highest elements. There are only four areas with the 40-foot towers and they are all on the front of the project. The architectural features are in the range of 160 feet from the residential area. The building wasn't designed knowing that there were height restrictions on the subject property any higher than to accomplish the architectural features wanted. The height was established due to the gables and the signage for the tenants and how they work together to create a mission-style design.

Mr. Thomas explained what would be visible and wouldn't be visible to the adjacent neighborhood viewing from the back of the proposed building.

Mr. Marshall commented that this proposal will decrease the value of the existing houses. In response, Mr. Thomas reminded Mr. Marshall that there is a detention area that is between the subject property and the homes, which is an additional buffer, as well as a landscaped buffer that will wrap around the subject property. Mr. Marshall stated that he believes that there will 100 feet between the homes and the proposed building. In response, Mr. Thomas stated that the back of the center from the property line is 100 feet and at the back corner it will be a larger area.

In response to Mr. Marshall, Mr. Thomas stated that the detention area will be a grassy area and it runs down the right property line to the east. This detention facility will discharge into the system and the lower-right hand corner of the subject property.

Mr. Marshall asked Mr. Thomas if he would consider planting three-inch circumference trees every 15 feet, so that in about three years they would completely hide the back. In response, Mr. Collins stated that there is already a plan to do this. He understands Mr. Marshall's concerns because he lives in a neighborhood that backs up to a retail center. Mr. Collins further stated that he has not seen any decrease in home values and seems to be an advantage that it does back up to a shopping center. Mr. Marshall referenced Yale Cleaners as example of how to plant the trees and install a fence in order to hide the view from the homes.

Interested Parties Opposing PUD-364-5:

Renee Ibrahim, 10024 S. 99th East Avenue, 74133 (submitted a petition (A-1), **Jason Westmeyer, D.C.**, 9944 South 99th East Avenue, 74133; **John Cotter**, 10012 South 99th East Avenue, 74133.

Interested Parties Opposing PUD-364-5 Comments:

Do not want lights or structure at the height proposed; already have light spillage from the Quik-Trip at 101st and Mingo; trees are a good idea except in the winter when they lose their leaves, then lights spillage comes through; keep the current restrictions and do not allow the requested heights; drainage concerns; concerned with the height of the structures; detention pond needs to be developed due to water runoff into his backyard; concerned that the detention pond will attract mosquitoes; prefer a wall rather than a wood fence; concerned with noise from dumpster trucks and deliveries; concerned with the values of houses diminishing; concerned with the height of the buildings and lights; knew there was commercial property adjacent to neighborhood, but have concerns with this development; prefer that large trees are planted and not saplings.

TMAPC COMMENTS:

Mr. Ard stated that stormwater issues are handled by the City and as the property goes through the development stages, the applicant will have to show

that he will not create additional water runoff over what exists. Stormwater issues are out of the Planning Commission's purview.

Ms. Cantrell asked Ms. Ibrahim if the discussion today regarding the lights and trees have alleviated some of her concerns. In response, Ms. Ibrahim stated that is possible, but she isn't sure because it is hard to tell from the plans. Ms. Cantrell stated that the Kennebunkport Formula is supposed to ensure that the lights do not come into neighbor's yards and that it is directed downward. The applicant is asking for this increase because this formula didn't apply earlier. Ms. Cantrell commented that perhaps when Quik-Trip was developed, they didn't have the Kennebunkport Formula in place. Ms. Cantrell stated that she believes that the proposal will give more protection than the lower poles without the Kennebunkport Formula.

Mr. Collins stated that when he recognized the opportunity for the subject property, he anticipated that the homeowners would be customers of the tenants. Therefore, he doesn't want to do anything that would make that unpleasant. He sent invitations to everyone in Millicent Crossing to review the plans and go over issues. Everything that runs across the property does end up at the back door of the homeowners who live along the fence line. Stormwater detention plan will actually absorb and collect all of the water and direct it away from Millicent Crossing. The drainage of the land will actually be improved. The meeting will be held November 6, 2007 at Cedar Ridge Country Club from 4:00 p.m. to 6:00 p.m.

In response to Mr. Ard, Mr. Alberty stated that the Planning Commission has adopted a policy that when retail abuts single-family, it requires a six-foot masonry fence and wall. The most recent case is Tulsa Hills.

Mr. Carnes stated that he would agree with staff regarding the height of the architectural structures. This looks like it will be a beautiful shopping center and this is not for use, but strictly architecture.

Mr. Carnes moved to approve the minor amendment per staff recommendation. Mr. Midget seconded.

Mr. Marshall stated that he doesn't agree with Mr. Carnes and what they are doing is asking for a 42% increase in the height and 108% increase on the lighting. He doesn't think the lighting has that much to do with it and it can be controlled. Mr. Marshall expressed concerns with the abutting neighbors being able to see the 40-foot structure. Mr. Marshall cited the requests that he is in agreement with and the requests that is against.

Mr. Midget stated that it was his understanding that the proposed trees in the back were to serve two purposes, lighting and to camouflage the structure. He explained that he seconded Mr. Carnes motion, believing that it was part of this

application, but perhaps that is for detail site plan review. Perhaps this could be included in this motion.

Ms. Cantrell stated that the 40 feet request is only five feet higher than a house would be allowed and she doesn't believe that the 40-foot increase is significant. The highest point is 160 feet from the nearest property line. With the trees, the masonry wall and control of the light spillage, this will be an appropriate amendment.

Mr. Collins stated that the lights will be on the back of the building and not on poles. The lights will be in a fashion where they will not shine into the residential areas. He commented that he doesn't need the minor amendment to have the 40-foot architectural feature because he can do that now. The minor amendment is to cover an area that is adjacent to the lots on the north side of the subject property because in the PUD there is a 14-foot height restriction and he is asking for another three feet for a distance of 150 feet. Three feet are needed for the roof line at that point.

Mr. Alberty stated that the current PUD restricts heights to 28 feet and it is two-story. Even though the applicant is asking for 40 feet, he believes everyone understands that it is not the building itself, but an architectural feature in four different areas. The proposed building is all one story in height. There is a provision in the Code to allow the applicant to do 150% of the height if it is not habitable. Since the architectural features are not habitable, then it is true that with straight zoning the applicant can do this without an amendment.

Mr. Sparks stated that he understood the same thing Mr. Alberty just mentioned regarding the structure not being habitable and one can increase it 150%.

Mr. Ard stated that if some language about the trees could be added regarding the buffer area, then he believes these structures are far enough away from the neighbors. There will not be any windows looking out over the neighbor's back yards and the lighting can be a better plan than the previous plan before the Kennebunkport Formula was put in place.

Mr. Marshall suggested that the neighbors start planting trees in their own yards to help block the view because it looks like this is going to pass.

Mr. Alberty stated that the Zoning Code has a list of acceptable trees and that is why it is required that a licensed professional specify a landscape plan. The landscape plan is required before an occupancy permit is issued. Mr. Alberty reminded the Planning Commission that the applicant will have to submit a detail site plan, lighting plan, landscape plan and sign plan before receiving his occupancy permit. Mr. Alberty cited the Zoning Code regarding height restrictions and allowances for architectural features, Section 208.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-1-0** (Ard, Carnes, Cantrell, Harmon, Midget, Shivel, Sparks "aye"; Marshall "nay"; none "abstaining"; Cantees, McArtor, Miller "absent") to **APPROVE** the minor amendment for PUD-364-5 per staff recommendation.

PUBLIC HEARING

Application No.: PUD-533-B-2

MINOR AMENDMENT

Applicant: Sack & Associates

(PD-5) (CD-5)

Location: Northeast corner of 27th Street South and Skelly Drive (I-44) service road.

STAFF RECOMMENDATION:

Ms. Matthews stated that the applicant has requested a continuance for this item to November 7, 2007.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted **8-0-0** (Ard, Cantrell, Carnes, Harmon, Marshall, Midget, Shivel, Sparks "aye"; no "nays"; none "abstaining"; Cantees, McArtor, Miller "absent") to **CONTINUE** the minor amendment for PUD-533-B-2 to November 7, 2007.

Application No.: PUD-397-A-1

MINOR AMENDMENT

Applicant: Claude Neon Federal/ONB Bank

(PD-18) (CD-7)

Location: Southeast corner of 61st Street and 90th East Avenue

STAFF RECOMMENDATION:

The applicant is requesting approval of a minor amendment to permit the increase of the permitted square footage of the existing ground sign to 86.5 square feet. The approved sign plan for the property was for 48 square feet and 20 feet in height approved on March 31, 1998. The applicant states that the

existing sign is 80 square feet which exceeds the approved PUD sign plan. An application before the Board of Adjustment to increase the square footage was approved on Case No. 20571 to 75.5 square feet on October 9, 2007. However that approval only gives the applicant the right to request an additional square footage, through a PUD minor amendment, beyond what the Zoning Code permits by right. The requested increase in sign square footage exceeds the permitted 50 square feet based on 2/10 times 250' of frontage. The requested 86.5 square feet is not in conformance with Development Standards of PUD-397.

Therefore, staff recommends **DENIAL** of the requested minor amendment to PUD-397.

Applicant's Comments:

James Adair, 7508 East 77th Street, 74133, stated that he doesn't know how, but about ten years ago a sign permit application was applied for Community Bank and the City of Tulsa issued a permit for 80 square foot of signage, including a time and temperature unit. After reviewing the PUD file it was discovered that it is a 50-foot maximum. This wasn't done on purpose nor done without a permit. After finding out the 50-foot maximum, he discussed this with the owners of the bank and determined that there wasn't a hardship and the request for the electronic message center is being withdrawn. Mr. Adair proposed more than 50 square feet, but the sign cabinet matches the requirement of 50 square feet. The brick cover is an existing cover and the Sign Inspector stated that if "East Tulsa" and "ATM" were removed then the green ornament design would not be counted as square footage. He is requesting to comply with the PUD of the sign on top of the brick cover and to allow the additional identification of the existing pylon to put the stylized symbol in green and the letters to identify East Tulsa and that there is an ATM. Mr. Adair submitted a picture of the existing sign (Exhibit B-1).

TMAPC COMMENTS:

Mr. Ard asked what for the total square footage of the green sign and the identification information. In response, Mr. Adair stated that it would be 74 square feet. The sign on top is a constant light and the lettering on the pylon cover is aluminum and will not be lighted. There will not be any lighting in place to light the pylon and there is landscaping around the pylon that wouldn't allow the lighting. He would have no problem that there would be a restriction that the pylon would never be ground lighted.

Mr. Sparks asked what the square footage for the existing sign. In response, Mr. Adair stated that the existing sign is 80 square feet including the time and temperature unit. The Transfund sign is approximately a 2 x 5 sign, which is an additional ten square feet. There is approximately 90 square feet of signage presently on the Community Bank sign.

Mr. Ard asked staff if the brick pylon is considered or just the actual sign face. In response, Ms. Matthews stated that she doesn't believe the sign stand is considered.

Ms. Cantrell asked if there are wall signs and how much is permitted. In response, Mr. Adair stated that there are no wall signs at this location. The permit application states that one can either have a wall sign or a free standing sign, but not both.

Mr. Sparks asked if staff has had a chance to look at the sign that is being proposed today. In response, Mr. Alberty stated that staff reviewed it for the BOA application and he believes that Mr. Adair has done a good job of trying to comply with the Code requirements.

Mr. Alberty stated that his is a dilemma that the City of Tulsa has found itself in due to the fact that they did not staff Sign Inspectors. Staff had a difficult period of time between the time that the Planning Commission approved a sign and from the time it was permitted. There was an individual at the City that was overworked and giving permits and doing sign inspections, which made this very difficult. There is really no one to blame here other than the fact that what was actually permitted did not meet what the Planning Commission had approved. Mr. Adair is trying to work on a compromise and the BOA approved it.

Mr. Sparks stated that the proposal looks better than what is there now and it is an attractive sign.

Mr. Carnes stated that this sign will be an improvement over the existing signage. He would be in favor of this proposal.

Ms. Cantrell stated that she doesn't believe something should be voted for simply because it looks better than the existing signage. It is important to do it right and not just a little bit better than the existing signage. Ms. Cantrell stated that she doesn't have a problem with the subject proposal because the face of the signage is smaller.

Mr. Ard agreed with Ms. Cantrell.

Mr. Adair stated that the owners want to do what is right and request relief.

Mr. Harmon stated that he will be abstaining because he is under consulting contract with this bank.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-1** (Ard, Cantrell, Marshall, Midget, Shivel, Sparks "aye"; no "nays"; Harmon "abstaining"; Cantees, Carnes, McArtor, Miller "absent") to **APPROVE** the minor amendment for PUD-397-A-1 subject to submitted sign plans, subject to there being no time or temperature unit.

OTHER BUSINESS:

Commissioners' Comments

Mr. Ard stated that he hopes everyone has given Ms. Cantrell his/her responses to the questionnaire.


There being no further business, the Chair declared the meeting adjourned at 2:38 p.m.

Date Approved:

4/23/07

Chairman

ATTEST:



Secretary

