

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2540

Wednesday, February 25, 2009, 1:30 p.m.

City Council Chambers

One Technology Center – 175 E. 2<sup>nd</sup> Street, 2<sup>nd</sup> Floor

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Cantrell	Keith	Alberty	Boulden, Legal
Carnes	Midget	Feddis	
Leighty		Fernandez	
Marshall		Huntsinger	
McArtor		Matthews	
Shivel		Sansone	
Sparks			
Walker			
Wright			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, February 20, 2009 at 9:45 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

### **REPORTS:**

#### **Chairman's Report:**

Ms. Cantrell reported that there will be a worksession immediately following the TMAPC meeting today.

#### **Comprehensive Plan Report:**

Mr. Warlick, City of Tulsa Planning Department, reported on the Planitulsa workshops. Mr. Warlick thanked the Planning Commissioners and staff for volunteering during the workshops.

**Director's Report:**

Mr. Alberty reported on the TMAPC receipts for the month of January 2009. The receipts are ahead of the January 2008 reports.

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

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**Minutes:**

**Approval of the minutes of February 4, 2009 Meeting No. 2538**

On **MOTION** of **CARNES** the TMAPC voted 9-0-0 (Cantrell, Carnes, Leighty, Marshall, McArtor, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Keith, Midget "absent") to **APPROVE** the minutes of the meeting of February 4, 2009, Meeting No. 2538.

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Ms. Cantrell stated that the following items have been withdrawn or requested a continuance:

- 2. **PUD-694-B-1 – Whistler Sign Company, LLC** (PD-8) (CD-2)  
 Northeast corner of the northeast corner of West 91<sup>st</sup> Street and Union Avenue (Minor Amendment to add digital technology to a previously approved outdoor advertising sign.) (Continued from 2/4/09)

**Withdrawn by the applicant.**

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- 7. **Z-5412-SP-2 - Whistler Sign Company, LLC** (PD-6) (CD-9)  
 West of northwest corner East Skelly Drive and South Harvard Avenue (Corridor Plan to add digital outdoor advertising within Use Unit 21 – Business and Outdoor Advertising Signs as a permitted use within the Corridor District.) (Continued from 2/18/09)

**Withdrawn by the applicant.**

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8. **Z-6503-SP-2a – Whistler Sign Company, LLC** (PD-18) (CD-8)

Southeast of the southeast corner of 91<sup>st</sup> Street South and South 101<sup>st</sup> East Avenue (Corridor Plan Minor Amendment to add digital technology to a previously approved outdoor advertising sign.)  
(Continued from 2/18/09)

**Withdrawn by the applicant.**

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5. **LS-20096** Joseph Wells (9404)/Lot-Split (PD 17) (CD 6)

Southwest corner of East Admiral Place and South 145<sup>th</sup> Avenue, 420 South 145<sup>th</sup> East Avenue

**STAFF RECOMMENDATION:**

Ms. Feddis stated that the applicant is requesting a continuance to March 4, 2009 to meet with Public Works and work on some issues.

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **SPARKS**, TMAPC voted **9-0-0** (Cantrell, Carnes, Leighty, Marshall, McArtor, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Keith, Midget "absent") to **CONTINUE** the lot-split for LS-20096 to March 4, 2009.

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

## CONSENT AGENDA

3. PUD-260-B-7 – Jim & Gwen Wilburn Dough Co., LLC (PD-18) (CD-7)

East of the northeast corner of South Yale Avenue and East 71<sup>st</sup> Street South (Minor Amendment to increase the permitted display surface area for wall signs from 1 SF of display surface area per lineal foot of wall to 1.66 display surface area per lineal foot of wall to which the sign is affixed.)

### STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to increase the permitted display surface area for wall signs from one (1) square foot (SF) of display surface area per lineal foot of wall to which the sign is affixed, to 1.66 display surface area per lineal foot of wall (from 59.5 SF permitted to 99 SF of display surface area permitted for this tenant space only). The request is being made for the eastern most tenant space on the south elevation of the building addressed as 4929 E. 71<sup>st</sup> Street only (see Exhibit A). All other sign requirements of PUD-260-B would remain effective.

The tenant space in question is located east of the northeast corner of 71<sup>st</sup> Street and Yale Avenue, both classified as arterial streets (see PUD case map). Please refer to Exhibit B. Exhibit B shows that the tenant is currently limited to: one small tenant ID panel facing 71<sup>st</sup> Street on a large tenant ID sign containing an electronic message center for “the Diamond Center”, no tenant ID on the monument style tenant ID sign (also along 71<sup>st</sup> Street), and one 20 SF wall sign on the south elevation of the strip. Staff site visit confirms the applicant’s contention that identifying the business is difficult given the newer brand name and limited signage permitted. Installation of the sign depicted in Exhibit D will help identify the product being offered by the applicant.

Staff recommends **APPROVAL** of minor amendment PUD-260-B-7 increasing the permitted display surface area for wall signs from 1 SF of display surface area per lineal foot of wall to 1.66 SF of display surface area per lineal foot of wall for the tenant space identified as being located in the eastern 1/3 of the south elevation of the building addressed as 4929 E. 71<sup>st</sup> Street South only. Approval of the minor amendment would require the applicant to remove the projection sign on the south elevation. Should the “Cosi” restaurant move or close, original sign standards of PUD-260-B would again become effective.

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

**The Planning Commission considered the consent agenda.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **8-1-0** (Cantrell, Carnes, Leighty, Marshall, McArtor, Shivel, Sparks, Walker, "aye"; Wright "nay"; none "abstaining"; Keith, Midget "absent") to **APPROVE** the consent agenda Item 3 per staff recommendation.

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**PUBLIC HEARING**

- 6. **PUD 636-3** – (8318) Authorization for Accelerated Release (PD-8) (CD-2) of Building Permit

Northwest corner of West 81<sup>st</sup> Street South and U.S. Highway 75

**STAFF RECOMMENDATION:**

The property is zoned PUD-636-3. Full permits are requested. A preliminary plat has been approved for the site on September 17, 2008.

Review of this application must focus on the extraordinary or exceptional circumstances that serve as a basis for the request and must comply in all respects with the requirements of the approved preliminary plats per Section 2.5 of the Subdivision Regulations.

The applicant offers the following explanation of the extraordinary and exceptional circumstances that serve as the basis for this request: See attached explanation.

**The following information was provided by the Technical Advisory Committee in its meeting December 4, 2008.**

**ZONING:**

TMAPC Staff: Full permits are requested. Foundation permits are acceptable to the applicant per the request of the Development Services staff.

**STREETS:**

Public Works, Transportation: No comments.  
Public Works, Traffic: No comments.

**SEWER:**

Public Works, Waste Water: The property does not have access to sanitary sewer service. If this request is approved, the building permit will not allow either

water or sanitary sewer connections until the required sanitary sewer mainline extension has been constructed and accepted by the City of Tulsa.

**WATER:**

Public Works, Water: A water main line extension will be required.

**STORM DRAIN:**

Public Works, Storm Water: No objection with the understanding that working fire hydrants and all weather roads will be in place prior to construction with combustible materials or them being delivered to the site.

**FIRE:**

Public Works, Fire: No comments.

**UTILITIES:**

Franchise Utilities: No comments.

**The accelerated building permits were originally designed to accommodate large campus style type of developments and should concentrate upon “the benefits and protections to the City that may be forfeited by releasing the building permit prior to the filing of the plat”. These requested permits adhere to this ideal. Staff recommends approval of the authorization to release the accelerated permits for foundation permits only as there are still infrastructure issues that have not yet been adequately addressed to recommend release of full building permits. Water and sanitary designs have been submitted for review but streets and stormwater have not been submitted.**

Mrs. Fernandez explained that the original request for a continuance is no longer needed. She indicated that staff is in agreement with the accelerated building permit.

**TMAPC COMMENTS:**

Ms. Wright stated that she is a little confused because there are slabs that have been poured. Mrs. Fernandez stated that they are being poured. Ms. Wright asked if today’s request was for the pouring of the foundation or if it had been approved previously. Mrs. Fernandez stated that the foundation permits are only released with an approved accelerated building permit, which was approved by the TMAPC on December 17, 2008. At that time Public Works had some concerns with drains and didn’t release all permits as requested, but now they do feel comfortable and can recommend approval of the accelerated building permit for full accelerated building permits for the apartments. Ms. Wright asked why it needs to be accelerated. Mrs. Fernandez stated that she believes in their application they were concerned about construction costs and this process is set up so that campus-type developments that will not impose a big risk to the City of Tulsa could be approved to allow them to proceed with their earth work and

building permits on particular projects, as long as they have a preliminary plat approved.

Ms. Wright read the staff report regarding accelerated permits and questioned what the extraordinary and exceptional circumstances were to lead to an accelerated release. She commented that if she understands what staff has just stated, everything is in order and they are now agreeing to go forward with regular building permits.

Mrs. Fernandez stated that this is an accelerated building permit because typically in the process, there would have to be a final plat approved by the Planning Commission and then filed of record before receiving such permits. The Planning Commission staff and the Development Services staff all feel that at this time everything is in shape to allow this to be accelerated.

Ms. Wright asked what the hardship would be. In response, Mrs. Fernandez stated that it is not a hardship. What the Planning Commission should be considering is how much risk the City of Tulsa would have for this development. Mrs. Fernandez cited examples of large type campuses that have received accelerated building permits.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **7-1-1** (Cantrell, Carnes, Leighty, Marshall, McArtor, Shivel, Sparks "aye"; Wright "nay"; Walker "abstaining"; Keith, Midget "absent") to **APPROVE** the authorization for accelerated release of building permit for PUD-636-3 per staff recommendation.

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There being no further business, the Chair declared the meeting adjourned at 1:50 p.m.

Date Approved: 3-18-09

Michelle Cartmel

Chairman

ATTEST: Joshua A. Wade  
Secretary