

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2572

Wednesday, February 17, 2010, 1:30 p.m.

City Council Chambers

One Technology Center – 175 E. 2nd Street, 2nd Floor

Members Present	Members Absent	Staff Present	Others Present
Cantrell	Shivel	Alberty	Boulden, Legal
Carnes		Bates	Steele, Sr. Eng.
Dix		Fernandez	Benge, COT
Leighty		Huntsinger	
Liotta		Matthews	
Marshall		Sansone	
McArtor		Cuthbertson	
Midget			
Walker			
Wright			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Wednesday, February 10, 2010 at 4:14 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 Cantrell called the meeting to order at 1:34 p.m.

REPORTS:

Director's Report:

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

Mr. Alberty reported on the TMAPC receipts for the month of January 2010. Mr. Alberty indicated that the receipts are down 53% compared to 2009.

Minutes:

Approval of the minutes of February 2, 2010 Meeting No. 2571

On **MOTION** of **MARSHALL**, the TMAPC voted 7-0-1 (Cantrell, Dix, Liotta, Marshall, McArtor, Walker, Wright "aye"; no "nays"; Leighty "abstaining"; Carnes, Midget, Shivel "absent") to **APPROVE** the minutes of the meeting of February 2, 2010, Meeting No. 2571.

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. **LS-20354** – Lou Reynolds (0429) (PD 16) (CD 6)
South of the southwest corner of East Apache Street and North 129th East Avenue, 2112 North 129th East Avenue
3. **LS-20355** – Calvin Mitchell (0329) (PD 3) (CD 3)
West of the southwest corner of East Woodrow Street and North Harvard Avenue, 3232 East Woodrow Street
4. **LS-20358** – Chou Lo and Dria Vang (2430) (County)
East of the southwest corner of North 97th East Avenue and East 139th Street North, 2112 North 129th East Avenue
5. **LC-228** – Calvin Mitchell (9305) (PD 4) (CD 4)
East of the southeast corner of South Atlanta Avenue and East 6th Street, 2520 East 6th Street
6. **51 Yale** – (9328) Final Plat (PD 18 B) (CD 7)
Southwest of the intersection of East Skelly Drive and South Yale Avenue

STAFF RECOMMENDATION:

This plat consists of seven lots, in one block, on 17 acres.

Staff recommends **APPROVAL** of the final plat. All release letters have been received.

7. **Tulsa Medical Properties (formerly known as Tulsa Bone and Joint)** - (9430) Final Plat (PD 18) (CD 6)

North of East 51st Street and East of U.S. Highway 169

STAFF RECOMMENDATION:

This plat consists of one lot, in one block, on 5.3 acres.

Staff recommends **APPROVAL** of the final plat. All release letters have been received.

9. **Z-7008-SP-1-I – Chris Evertz** (PD-8) (CD-2)

North of the northeast corner West 81st Street South and South Olympia Avenue (Corridor Plan Minor Amendment to clarify the allocated floor area on both Lot 7/Tract C and the remainder of Lot 8, Block 1 – Tulsa Hills.)

STAFF RECOMMENDATION:

Approved on August 19, 2009 Corridor District minor amendment Z-7008-SP-1-I reflected a combination of the southern ½ of Lot 7, Block 1 – Tulsa Hills with the northern ½ of Lot 8, Block 1 – Tulsa Hills. Lot combination LC-200 joining these two tracts was also approved 8/19/09. The action created new Lot 7/Tract C and re-allocated floor area to the new tract Lot 7/Tract C and the remainder of Lot 8 (see Exhibit A).

Due to a scrivener's error in the approved case report the minor amendment is being brought back to the Planning Commission to clarify the allocated floor area on both Lot 7/Tract C and the remainder of Lot 8, Block 1 – Tulsa Hills.

The lot area and floor area allocation from the 8/19/09 case report read:

Lot	New Lot Area	New allocation of floor area per lot split/combination @ .25 FAR
Lot 7/ Tract C, Block 1	598, 085 SF	149,521 SF
Remainder Lot 8, Block 1	401,245 SF	145,072 SF

The amended lot area and floor area allocation should read:

Lot	New Lot Area	New allocation of floor area per this amendment @ .25 FAR
Lot 7/ Tract C, Block 1	58,838 SF	14,709 SF
Remainder Lot 8, Block 1	27,156 SF	6,789 SF

Staff views this clarification as minor in nature since there was no increase in floor area requested. Staff therefore recommends **APPROVAL** of amended minor amendment Z-7008-SP-1-l.

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

10. **AC-096 – Jack In The Box** (PD-17) (CD-5)

East of the northeast corner of 41st Street South and Highway 169 (Alternative Compliance Landscape Plan to relocate a portion of the street yard landscape area and four required street yard trees to the interior of the lot.)

STAFF RECOMMENDATION:

The applicant is requesting approval of an alternative compliance landscape plan for the redevelopment of a site for a Jack-in-the-Box restaurant. The site was previously used by a gas station (see case aerial photograph).

Specifically, the applicant is requesting to relocate a portion of the street yard landscape area and four required street yard trees to the interior of the lot.

Referring to the attached site landscape plan, there is a 30-foot mutual access easement (MAE) extending along the 41st Street boundary of the lot. This MAE also contains a 17-foot utility easement. These easements were required per the existing plat. The MAE in combination with the two existing access points makes it impossible to meet the street yard landscape requirement.

Since the easements limit the street yard area that can be landscaped, the applicant proposes to relocate 6.4% of the required street yard landscaping and four street yard trees to the interior of the lot. The applicant is proposing to landscape 23%, or 9,364 SF of the lot. Also, the applicant will plant 14 trees on the lot; five more trees than required. Additionally, by using shrubs and flowers the applicant proposes extensive accent landscaping above what is required by Chapter 10 of the Code (See Exhibit L1.0).

While not meeting the technical requirements of Chapter 10 of the Code, staff contends the proposed plan meets or exceeds the requirements of Chapter 10 and therefore recommends **APPROVAL** of alternative compliance landscape plan AC-096.

Ms. Cantrell stated that there is a request to remove Item 8 from the consent agenda.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **8-0-0** (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes, Midget, Shivel "absent") to **APPROVE** the consent agenda Items 2 through 7 and 9 and 10 per staff recommendation.

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

8. **PUD-770 – DeShazo, Tang & Associates/Fiesta Car Wash** (PD-4) (CD-4)

Southeast corner of 15th Street South and South Harvard Avenue (Detail Site Plan for the addition of a 1,500 square foot accessory use car wash to an existing gas station/convenient store.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for the addition of a 1,500 square foot (SF) accessory use car wash to an existing gas station/convenient store. The proposed use is a permitted use in PUD-770.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Access to the site is provided from 15th Street and Harvard Avenue. Parking has been provided per the applicable Use Unit of the Zoning Code. An eight-foot masonry screening wall will be constructed along the east boundary and the eastern most 33.5' of the southern boundary of the PUD. Landscaping is provided per the conceptual landscape plan as approved with the PUD, with a 5.75-foot landscape buffer along the east boundary line with six-foot evergreen trees planted every 20-feet on center as required. There is no new site lighting planned at this time. A trash enclosure has been provided as required by the PUD. There are existing sidewalks along 15th Street and Harvard Avenue.

Staff recommends **APPROVAL** of the detail site plan for PUD-770.

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

TMAPC COMMENTS:

Mr. Leighty stated that this has been before the Planning Commission a couple of times. He asked if there had been any opposition to the plans so far. Mr. Sansone stated there were none that he is aware of. He is a little confused about the statement "this has been in front of the Planning Commission a couple times". Mr. Leighty stated that the Planning Commission heard this case for the PUD several times. Mr. Sansone stated that it may have been continued once, but the PUD was approved and adopted and the detail site plan meets the requirements of that adoption.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **7-0-1** (Cantrell, Leighty, Liotta, Marshall, McArtor, Walker, Wright "aye"; no "nays"; Dix "abstaining"; Carnes, Midget, Shivel "absent") to **APPROVE** the detail site plan for PUD-770 per staff recommendation.

Ms. Cantrell stated that there has been a request for continuance for Item 13, River Oaks Park, Minor Subdivision Plat.

13. **River Oaks Park** – (8307) Minor Subdivision Plat (PD 18A) (CD 2)
East of South Riverside Drive at northeast corner of South Quincy and East 75th Place South

STAFF RECOMMENDATION:

The applicant has requested a continuance to March 2, 2010 in order to discuss more issues.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **8-0-0** (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes, Shivel, Midget "absent") to **CONTINUE** the minor subdivision plat for River Oaks Park to March 2, 2010.

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

PUBLIC HEARING

11. **Z-7149** – (0213) Plat Waiver (PD 2) (CD 1)
East 37th Street North between Garrison and Hartford

STAFF RECOMMENDATION:

The platting requirement is being triggered by a pending rezoning to PK (for additional parking).

Staff provides the following information from TAC at their February 4, 2010 meeting:

ZONING:

TMAPC Staff: The parcel is a vacated right-of-way to be used as part of the parking for the site to the south.

STREETS:

No comment.

SEWER:

No comment.

WATER:

No comment.

STORM DRAIN:

No comment.

FIRE:

No comment.

UTILITIES:

No comment.

Staff recommends **APPROVAL** of the plat waiver conditioned on the pending zoning approval.

A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:

	Yes	NO
1. Has Property previously been platted?	X	
2. Are there restrictive covenants contained in a previously filed plat?	X	
3. Is property adequately described by surrounding platted properties or street right-of-way?	X	

A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?		X
7. Floodplain		
a) Does the property contain a City of Tulsa (Regulatory) Floodplain?		X
b) Does the property contain a F.E.M.A. (Federal) Floodplain?		X
8. Change of Access		
a) Are revisions to existing access locations necessary?		X
9. Is the property in a P.U.D.?		X
a) If yes, was plat recorded for the original P.U.D.		

- 10. Is this a Major Amendment to a P.U.D.? X
 a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?
- 11. Are mutual access easements needed to assure adequate access to the site? X
- 12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? X

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **8-0-0** (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes, Midget, Shivel "absent") to **APPROVE** the plat waiver for Z-7149 per staff recommendation.

- 12. **QuikTrip 59R** – (0928) Minor Subdivision Plat (PD 10) (CD 1)
 Northwest corner of West Brady and Gilcrease Museum Road

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 3.07 acres.

The following issues were discussed February 4, 2010 at the Technical Advisory Committee (TAC) meeting:

- 1. **Zoning:** The property is zoned PUD-776 (pending) and RS-3 (existing). PUD restrictions and standards must be put in covenants.
- 2. **Streets:** Radius of driveway cannot encroach into adjacent property without official agreement between the owners.
- 3. **Sewer:** The existing utility easement that bisects the property must be closed by ordinance before a building permit can be issued.
- 4. **Water:** Prior to the construction of the proposed retaining wall along Cameron Street; the six-inch waterline must be field verified for its' location.
- 5. **Storm Drainage:** No comment.

6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Releases have been received from AEP/PSO, ONG, AT&T, Cox Cable.

7. **Other: Fire:** No comment.

GIS: Submit subdivision control data form. Address should be 220 North Gilcrease Museum Road.

Staff recommends **APPROVAL** of the Minor Subdivision plat subject to the TAC comments and the special and standard conditions below. All release letters have been received.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. The concerns of the Public Works Department staff must be taken care of to their satisfaction.

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.

7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)

20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

Mr. Dix out at 1:43 p.m.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **7-0-0** (Cantrell, Leighty, Liotta, Marshall, McArtor, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes, Dix, Midget, Shivel "absent") to **APPROVE** the minor subdivision plat for QuikTrip 59R, subject to special conditions and standard conditions per staff recommendation.

Mr. Dix in at 1:44 p.m.

PROPOSED ZONING CODE AMENDMENTS PUBLIC HEARING

14. **Proposed an Ordinance Amending Title 42, Tulsa Revised Ordinances, Chapter 12, Section 1221, Regarding Roof Top Signs and other related Sections of the Zoning Code of the City of Tulsa.**

STAFF RECOMMENDATION:

AN ORDINANCE AMENDING TITLE 42, TULSA REVISED ORDINANCES, TITLED "THE TULSA ZONING CODE", RELATED TO RESTRICTIONS ON LAND USES WITHIN THE CITY OF TULSA; AMENDING CHAPTER 12, TITLED "USE UNITS"; AMENDING SECTION 1221 TITLED "USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING"; AMENDING PARAGRAPH 1221.C.10 TO PERMIT ROOF SIGNS WITHIN THE DOWNTOWN ENTERTAINMENT DISTRICT, PROVIDED THE ILLUMINATION OF SUCH SIGNS IS RESTRICTED TO NEON LIGHT; AMENDING SECTION 1800, TITLED "DEFINITIONS", BY ADDING DEFINITIONS FOR "DOWNTOWN ENTERTAINMENT DISTRICT" AND "NEON LIGHT"; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. That Title 42, Chapter 12, Subsection 1221, Tulsa Revised Ordinances, be and the same is hereby amended to read as follows:

"SECTION 1221. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING

- A. **Description.** Business signs and outdoor advertising.
- B. **Included Uses.**
- Business Signs
 - Digital Signs
 - Digital Outdoor Advertising Signs
 - Outdoor Advertising Signs
- C. **General Use Conditions for Business Signs.**
1. **Sign Set backs.**

- a. Signs, if visible from an R district other than street, highway or freeway right-of-way, or if visible from a designated residential development area, shall not be located within fifty (50) feet from such a district or area.
 - b. Signs with a display surface area larger than three hundred (300) square feet which are visible from an R district other than street, highway or freeway right-of-way, or if visible from a designated residential development area, shall not be located within two hundred (200) feet from such a district or area.
 - c. Signs shall be setback a minimum distance of ten (10) feet from a freeway right-of-way.
 - d. The sign setbacks prescribed in this paragraph 1221.C.1 shall be measured in a straight line from the nearest point on a sign structure to the nearest point of an R district, residential development area, or freeway right-of-way boundary line.
2. Flashing signs, digital signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be subject to the following limitations.
- a. No such sign shall be located within fifty (50) feet of the driving surface of a signalized intersection. The fifty (50) feet shall be measured in a straight line from the nearest point on a sign structure to the nearest point of the signalized intersection.
 - b. No such sign shall be located within twenty (20) feet of the driving surface of a street. The twenty (20) feet shall be measured in a straight line from the nearest point on a sign structure to the nearest point of the street curb, or edge of the traveled roadway marked or understood as such.
 - c. No such sign, if visible from an R district other than street, highway or freeway right-of-way, or if visible from a designated residential development area, shall be located within two hundred (200) feet of such a district or area. The two hundred (200) feet shall be measured in a straight line from the nearest point on a sign structure to the nearest point of an R district or residential development area boundary line.

- d. No such sign shall exceed an illumination of seventy (70) foot candles measured at a two (2) foot distance.
 - e. No such digital sign shall display an illuminative brightness exceeding five hundred (500) NITs at any time between one-half ($\frac{1}{2}$) hour after sunset until one-half ($\frac{1}{2}$) hour before sunrise or six thousand five hundred (6,500) NITs between one-half ($\frac{1}{2}$) hour before sunrise until one-half ($\frac{1}{2}$) hour after sunset.
 - f. No such digital sign shall display an illuminative brightness of such intensity or brilliance that it impairs the vision or endangers the safety and welfare of any pedestrian, cyclist, or person operating a motor vehicle.
 - g. No such digital sign shall resemble or simulate any warning or danger signal, or any official traffic control device, sign, signal or light.
 - h. No such digital sign shall be permitted to operate unless it is equipped with:
 - (1) a default mechanism that shall freeze the sign in one position or static message if a malfunction occurs; and
 - (2) notwithstanding paragraph 1221.C.2.e, a mechanism able to automatically adjust the display's illuminative brightness according to natural ambient light conditions by means of a light detector/photo cell by which the sign's brightness shall be dimmed.
3. Only one side of a double-faced sign shall be included in the computation of display surface area.
4. In the computation of permitted display surface area for business signs and outdoor advertising, the lineal footage of an abutting minor street shall not be combined with the lineal footage of any abutting major street which is included in the computation of permitted display surface area.
5. Signs and all parts of signs shall be set back from the centerline of an abutting street one-half ($\frac{1}{2}$) the right-of-way width designated on the Major Street and Highway Plan, except as provided in paragraph 1221.C.14.

6. Signs that have not been issued a sign permit shall not be located in any district.
7. Promotional business signs shall be permitted only as provided in this paragraph. Promotional business sign permits shall be limited to four (4) per year for each business. Such permits shall authorize the use of the sign for a period of ten (10) days. Any or all of the four (4) permitted time periods may run consecutively. Promotional business signs shall be further regulated as follows:
 - a. The maximum height of a promotional business sign shall not exceed the height of any ground sign permitted by the Zoning Code on the lot. Further, inflatable promotional business signs shall be set back from the property line(s) one (1) foot for every foot of height as measured from the base of the sign; and
 - b. Promotional business signs, except inflatable or other non-rigid promotional business signs, shall not be permitted to be installed on the roof.
8. Except for wall and promotional business signs, the maximum number of business and outdoor advertising signs per lot of record shall be as follows:
 - a. Permitted Number of Business and Outdoor Advertising Signs (if permitted in the district and by subsection 1221.F.):

b CS & IL	CG, CH & CBD	SR, IM & IH
1 per 150 ft. of major street frontage or fraction thereof a	1 per 100 ft. of major street frontage or fraction thereof	1 per 200 ft. of major street frontage or fraction thereof

lot of record in a CS, CG, CH, CBD, IL, IM or IH district has no frontage on a major street, then one (1) ground or projection business sign per street frontage is permitted which shall not exceed two-tenths (2/10) of a square foot of display surface area per lineal foot of street frontage; provided that in no event shall the

sign be restricted to less than thirty-two (32) square feet nor be permitted to exceed one hundred fifty (150) square feet of display, surface area. If the sign is a ground sign, it shall not exceed the height of the building in which the principal use is located, or twenty (20) feet, whichever is lower. Wall signs shall be permitted in accordance with paragraph 1221.E.2.

9. Projecting or ground signs, shall maintain a minimum separation of thirty (30) feet from any roof, projecting, ground or outdoor advertising sign. The thirty (30) feet shall be measured in a straight line from the nearest point on the structure of the outdoor advertising sign to the nearest point of any roof, or the structure of any projecting sign or ground sign.
10. Roof signs shall be prohibited, except within the Downtown Entertainment District or as otherwise permitted in paragraph 1221.C.7.b. Illumination of roof signs within the Downtown Entertainment District shall be restricted to neon light. Roof signs lawfully existing on the effective date of this code, or amendments to this code, shall be regulated by Chapter 14 of this code.
11. A wall or projecting sign shall not extend above the top of the parapet or building wall on which it is located; provided that in instances where the height of the parapet or building wall, or where construction or architectural features will not permit a wall sign three (3) feet in height, the sign may extend above the parapet or building wall a distance which will permit a sign of three (3) feet in height.
12. No sign shall be permitted to be located upon or constructed within a required parking space or loading berth, or to otherwise obstruct vehicular or pedestrian access or circulation, or to pose any other hazard to motor vehicle traffic exiting, entering or traveling within the site on which the sign is located.
13. A sign permitted as a business sign shall not thereafter be changed to an outdoor advertising sign without a permit for such use; nor shall a sign permitted as an outdoor advertising sign be changed to a business sign without a permit for such use.
14. No sign shall be permitted in the right-of-way or planned right-of-way as designated on the Major Street and Highway Plan of a public street, unless a license and removal agreement has been entered into by the sign owner and the City, and approval is given by the Board of Adjustment.

15. Signs shall not be permitted to exceed an illumination of seventy (70) foot candles measured at a two (2) foot distance.

D. CS District Use Conditions for Business Signs.

1. A ground sign, projecting sign or a promotional business sign abutting a major street shall not exceed twenty-five (25) feet in height measured from the mean curb level of the lot upon which it is erected unless, in addition to the minimum setback prescribed in 1221.C.5, the sign is set back one (1) foot for each foot of height exceeding twenty-five (25) feet. In no event shall the sign exceed forty (40) feet unless the abutting street is a designated freeway on the Major Street and Highway Plan. In those cases where the abutting street is a designated freeway, the maximum permitted height shall be fifty (50) feet. The maximum height of ground and projecting signs where permitted abutting a minor street shall be as prescribed in paragraph 1221.C.8.b.
2. Wall signs shall not exceed an aggregate display surface area of three (3) square feet per lineal foot of the building wall to which the sign or signs are affixed.
3. Roof, projecting, ground and outdoor advertising signs, whether permitted as provided in this section or nonconforming, shall not exceed an aggregate display surface area of two (2) square feet per lineal foot of major street frontage if only one (1) such sign is erected and shall not exceed one (1) square foot per lineal foot of major street frontage, if more than one (1) such sign is erected. When a lot has no frontage on a major street, no roof or outdoor advertising signs shall be permitted. Projecting and ground signs shall comply with the provisions of paragraph 1221.C.8.b.
4. No roof, projecting or ground sign shall contain more than two (2) sides, nor shall the total display surface area for each side exceed five hundred (500) square feet. The two (2) sides shall face in opposite directions. "Opposite" shall, in addition to its ordinary meaning, include V-shaped signs when the angle of separation of the display surfaces does not exceed thirty degrees (30°).

E. CG, CH, CBD, IL, IM and IH Use Conditions for Business Signs.

1. A ground sign, projecting sign or a promotional business sign abutting a major street shall not exceed twenty-five (25) feet in height measured from the mean curb level of the lot upon which it is erected unless, in addition to the minimum setback prescribed in paragraph 1221.C.5, the sign is set back one (1) foot for each foot

of height exceeding twenty-five (25) feet. In no event shall the sign exceed forty (40) feet unless the abutting street is a designated freeway on the Major Street and Highway Plan. In those cases where the abutting street is a designated freeway, the maximum permitted height shall be fifty (50) feet. The maximum height of ground and projecting signs where permitted abutting a minor street shall be as prescribed in paragraph 1221.C.8.b.

2. Wall signs shall not exceed an aggregate display surface area of three (3) square feet per lineal foot of the building wall to which the sign or signs are affixed.
3. Aggregate display surface area of roof, projecting, ground and outdoor advertising signs shall be regulated as follows:
 - a. Within a freeway sign corridor, roof, projecting, ground and outdoor advertising signs, whether permitted as provided in this section or nonconforming, shall not exceed an aggregate display surface area of three (3) square feet per lineal foot of major street frontage if only one (1) such sign is erected, and shall not exceed two (2) square feet per lineal foot of major street frontage if more than one (1) such sign is erected; or
 - b. Outside a freeway sign corridor, roof, projecting, ground and outdoor advertising signs, whether permitted as provided in this section or nonconforming, shall not exceed an aggregate display surface area of two (2) square feet per lineal foot of major street frontage if only one (1) such sign is erected and shall not exceed one (1) square foot per lineal foot of major street frontage, if more than one (1) such sign is erected.
 - c. Within or outside a freeway sign corridor, when a lot has no frontage on a major street, no roof or outdoor advertising signs shall be permitted. Projecting and ground signs shall comply with the provisions of paragraph 1221.C.8.b.
4. No roof, projecting or ground sign shall contain more than two (2) sides nor shall the total display surface area for each side exceed five hundred (500) square feet. The two (2) sides shall face in opposite directions. "Opposite" shall, in addition to its ordinary meaning, include V-shaped signs when the angle of separation of the display surfaces does not exceed thirty degrees (30°).

F. Use Conditions for Outdoor Advertising Signs.

1. Outdoor advertising signs shall be permitted in CS, CG, CH, CBD, IL, IM and IH zoning districts only when located within a freeway sign corridor. Outdoor advertising signs may be permitted in the CO zoning district, subject to the site plan review as provided in Chapter 8 of this code and provided it is located within a freeway sign corridor. Outdoor advertising signs may be permitted in Planned Unit Developments, in accordance with Chapter 11 of this code, so long as the same is zoned CS, CG, CH, CBD, IL, IM or IH and is within a freeway sign corridor.
2. An outdoor advertising sign shall be separated a minimum distance of one thousand two hundred (1,200) feet from any other outdoor advertising sign. Spacing limitations shall not apply between signs separated by the freeway. The one thousand two hundred (1,200) feet shall be measured in a straight line from the center of an outdoor advertising sign's structure, as located on the ground, to the center of any other outdoor advertising sign's structure, as located on the ground.
3. No outdoor advertising sign shall be located within one hundred fifty (150) feet of a public park. The one hundred fifty (150) feet shall be measured in a straight line from the nearest point on a sign structure to the nearest point on the property of the park.
4. Outdoor advertising signs, if visible from an R district other than street, highway or freeway right-of-way, or if visible from a designated residential development area, shall be set back from such district or area a minimum distance as follows:
 - a. One hundred fifty (150) feet if the display surface area is three hundred (300) square feet or less; or
 - b. Two hundred (200) feet if the display surface area is greater than three hundred (300) square feet.
 - c. The setback requirement imposed by this paragraph 1221.F.4 shall be measured in a straight line from the nearest point on a sign structure to the nearest point of an R district or residential development area boundary line.
5. No portion of an outdoor advertising sign shall be located within ten (10) feet of a freeway right-of-way. The ten (10) feet shall be measured in a straight line from the nearest point on a sign structure to the nearest point of the freeway right-of-way boundary line.

6. No outdoor advertising sign shall contain more than two (2) sides and only one (1) side shall be included in the computation of display surface area. The two (2) sides shall face in opposite directions. "Opposite" shall, in addition to its ordinary meaning, include V-shaped signs when the angle of separation of the display surfaces does not exceed thirty degrees (30°).
7. An outdoor advertising sign shall be oriented to be primarily visible from the freeway.
8. No outdoor advertising sign shall contain flashing, blinking or traveling lights or reflective glitter.
9. Cutouts or extensions shall be permitted, in addition to the display surface area permitted in this section, so long as the cutouts or extensions do not exceed fifteen percent (15%) of the display surface area.
10. No outdoor advertising sign shall be supported by more than one (1) post or column unless required by site engineering considerations and is certified as such by a registered professional engineer.
11. Outdoor advertising signs which have animation, revolving or rotating components or movement shall be subject to the following limitations:
 - a. No such sign shall be located within fifty (50) feet of the driving surface of a signalized intersection. The fifty (50) feet shall be measured in a straight line from the nearest point on a sign structure to the nearest point of the signalized intersection;
 - b. No such sign shall be located within twenty (20) feet of the driving surface of a street. The twenty (20) feet shall be measured in a straight line from the nearest point on a sign structure to the nearest point of the street curb, or edge of the traveled roadway marked or understood as such; and
 - c. No such sign, if visible from an R district other than street, highway or freeway right-of-way, or if visible from a designated residential development area, shall be located within two hundred (200) feet of such district or area. The two hundred (200) feet shall be measured in a straight line from the nearest point on a sign structure to the nearest

point of an R district or residential development area boundary line.

12. Illumination on the face of outdoor advertising signs shall not be permitted to exceed seventy (70) foot candles measured at a two (2) foot distance.
13. Outdoor advertising signs shall maintain a minimum separation of thirty (30) feet from any roof, projecting or ground sign. The thirty (30) feet shall be measured in a straight line from the nearest point on the structure of the outdoor advertising sign to the nearest point of any roof, or the structure of any projecting sign or ground sign.
14. Any illumination shall be by constant light.
15. No outdoor advertising sign height shall exceed fifty (50) feet; except when the freeway is elevated ten (10) feet or more above the grade where the sign is to be located, then in that event no outdoor advertising sign height shall exceed sixty (60) feet.
16. The maximum number of signs on a lot of record, including outdoor advertising signs, but exclusive of business wall signs and promotional business signs, shall be as provided in paragraph 1221.C.8.
17. The aggregate display surface area for all ground, roof or projecting signs, whether business or outdoor advertising, shall comply with the provisions of paragraphs 1221.C.4, 1221.D.3 and 1221.E.3, as applicable; provided that in no event shall an outdoor advertising sign exceed six hundred seventy-two (672) square feet of display surface area.
18. No outdoor advertising sign shall be permitted to be located upon or constructed within a required parking space or loading berth, nor to otherwise obstruct vehicular or pedestrian access or circulation, or pose any other hazard to motor vehicle traffic exiting, entering or traveling within the site on which the sign is located.
19. A sign permitted as a business sign shall not thereafter be changed to an outdoor advertising sign without a permit for such use; nor shall a sign permitted as an outdoor advertising sign be changed to a business sign without a permit for such use.
20. Signs that have not been issued a sign permit shall not be located in any district.

G. Additional Use Conditions for Digital Outdoor Advertising Signs

In addition to the use conditions prescribed for outdoor advertising signs in subsection 1221.F, digital outdoor advertising signs shall also comply with the following use conditions:

1. Digital outdoor advertising signs shall only display a static message or messages.
2. Digital outdoor advertising signs which display more than one static message shall do so sequentially, with each static message having a dwell time of no less than eight (8) seconds and a transition time between static messages of no more than one (1) second.
3. Digital outdoor advertising signs shall not display an illuminative brightness exceeding five hundred (500) NITs at any time between one half (½) hour after sunset until one half (½) hour before sunrise or six thousand five hundred (6,500) NITs between one-half (½) hour before sunrise until one-half (½) hour after sunset.
4. Use conditions establishing the minimum dwell time and maximum illuminative brightness levels for digital outdoor advertising signs codified in subsection 1221.G shall be subject to future modification and regulation in the exercise of the City's police powers and no vested right shall ever be created in these use conditions.
5. Digital outdoor advertising signs shall not display an illuminative brightness of such intensity or brilliance that they impair the vision or endanger the safety and welfare of any pedestrian, cyclist, or person operating a motor vehicle.
6. Digital outdoor advertising signs shall not resemble or simulate any warning or danger signal, or any official traffic control device, sign, signal or light.
7. Digital outdoor advertising signs shall not be permitted to operate unless they are equipped with:
 - a. a default mechanism that shall freeze the sign in one position or static message if a malfunction occurs; and
 - b. notwithstanding paragraph 1221.G.3, a mechanism able to automatically adjust the display's illuminative brightness according to natural ambient light conditions by means of a

light detector/photo cell by which the sign's brightness shall be dimmed.

8. Digital outdoor advertising signs shall not display consecutive messages facing the same traveled way, which constitute a substantially similar theme or story and is a continuation of any immediately preceding message, thereby creating a storyboarding effect when viewed by persons operating a motor vehicle. Nothing contained in this paragraph shall prohibit the display of identical consecutive messages.
9. Any digital outdoor advertising sign for which a permit has been applied for prior to January 1, 2009, and the sign has been permitted and completely constructed prior to January 1, 2010, shall be separated by a minimum distance of one thousand two hundred (1,200) feet from any other digital outdoor advertising sign. This spacing limitation shall not apply between signs separated by the freeway. The one thousand two hundred (1,200) feet shall be measured in a straight line from the center of an outdoor advertising sign's structure, as located on the ground, to the center of any other outdoor advertising sign's structure, as located on the ground.
10. Except as provided in paragraph 1221.G.9, any digital outdoor advertising sign having a permit issued on or after January 1, 2009, shall be separated by a minimum distance of one thousand two hundred (1,200) feet from any other digital outdoor advertising sign facing the same traveled way. The one thousand two hundred (1,200) feet shall be measured in a straight line from the center of a digital outdoor advertising sign's structure, as located on the ground, to the center of any other digital outdoor advertising sign's structure, as located on the ground.
11. Digital outdoor advertising signs, if visible from an R district other than street, highway or freeway right-of-way, or if visible from a designated residential development area, shall be set back from such district or area a minimum distance of two hundred (200) feet. The two hundred (200) feet shall be measured in a straight line from the nearest point on a sign structure to the nearest point of an R district or residential development area boundary line.
12. Prior to the issuance of any permit for the installation, testing, maintenance or use of any digital outdoor advertising sign, the operator shall provide written certification that the illuminative brightness of the display shall not exceed five hundred (500) NITs

at any time between one half (½) hour after sunset until one half (½) hour before sunrise.

13. No lawfully existing outdoor advertising sign, whether conforming or lawfully nonconforming, which incorporates any digital sign, electronically generated display or light emitting diode (LED) on its display surface, or attached to the sign structure, shall be deemed a lawfully existing digital outdoor advertising sign pursuant to this subsection 1221.G and no such sign shall be modified, extended, or enlarged unless and until its installation or use has been permitted as a digital outdoor advertising sign on or after May 1, 2008, in compliance with this Section 1221.
14. No outdoor advertising sign which is lawfully nonconforming as to any requirement imposed by this Zoning Code shall be modified, changed or converted into a digital outdoor advertising sign unless it shall conform to all requirements imposed by this Code and all spacing requirements have been verified as required by this Code. For purposes of this Code, no digital outdoor advertising sign shall be considered lawfully nonconforming and the conversion of an outdoor advertising sign into a digital outdoor advertising sign shall be considered a change of use."

Ord. Nos. 17830, 19217, 21100, 21542, 21813

Section 2. That Title 42, Chapter 18, Section 1800, Tulsa Revised Ordinances, be and the same is hereby amended by adding definitions for "Downtown Entertainment District" and "Neon Light, to read as follows:

"Downtown Entertainment District: That area of land zoned with a Central Business District (CBD) classification, within the following boundaries: The southern Burlington Northern Railroad right-of-way boundary line on the north; the eastern South Detroit Avenue right-of-way boundary line on the west; the western South Greenwood Avenue right-of-way boundary line on the east; and the northern East Third Street right-of-way boundary line on the south."

"Neon Light: A lamp which is customarily tube-shaped, containing neon, argon, krypton or other inert gas, which glows when an electric current is passed through it."

Section 3. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

Section 4. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith be and the same are now expressly repealed.

Section 5. EMERGENCY CLAUSE. That an emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof this ordinance shall take effect immediately from and after its passage, approval and publication.

STAFF RECOMMENDATION:

Mr. Alberty stated that the City Council 2010-1 requests that the Planning Commission make a recommendation back to the City Council regarding their request on whether roof top signs should be permitted in the City of Tulsa and the special area to be considered at this point is the Blue Dome District. The City Council has requested that the recommendation be submitted by March 1, 2010. Mr. Alberty reminded the Planning Commission that they held one work session in January regarding roof top signs and instructed staff to advertise for a public hearing for this date in order to expedite a response back to the City Council by March 1, 2010.

Mr. Alberty stated that the Sign Advisory Board reacted very quickly and discussed this issue at their January 21st meeting. An email has been distributed with their findings.

Mr. Alberty reviewed the quick study of other cities regarding roof top signs and made it clear that the language included is the conditions that the four cities allow roof tops has placed within their Zoning Code and it is not a suggestion for the TMAPC to adopt the same.

TMAPC COMMENTS:

Ms. Cantrell stated that it appears that at one time roof top signs were allowed and she is curious when it became prohibited and what was the thought behind it at that time. Mr. Alberty stated that it was during the 1980's, but he doesn't know the reason why it was prohibited.

Mr. Boulden reviewed the proposed amendments to the ordinance draft. He reminded the Planning Commission that the draft is for their consideration and it is important for the Planning Commission and the City Council when they consider this amendment to look at it in context of the whole section of the ordinance, but ultimately the length of this could be pared down to a smaller two- or three-page ordinance.

Mr. Boulden and staff outlined the Blue Dome District and the current zonings. Mr. Boulden stated that Central Business Districts has certain characteristics that justify these roof top signs.

Mr. Boulden requested any assistance available to describe the neon definition correctly.

Mr. Leighty asked what exactly the Planning Commission is doing today with this proposal. Ms. Cantrell stated that this is the public hearing and at the end of this meeting the Planning Commission needs to decide on a recommendation to give to the City Council because they need the response by March 1, 2010. This is advertised and can be voted up or down today.

Mr. Marshall stated that the City Council consensus mentions the Blue Dome District and the ordinance does not indicate it. He would like to see the Blue Dome District incorporated into the ordinance because people recognize that area. Ms. Cantrell stated that she believes that the Blue Dome District was renamed as the Down Town Entertainment District. Mr. Boulden stated that from his point of view, in case this is to be amended in the future, it may not be only for the Blue Dome District and it is possible for the Planning Commission to expand this beyond the Blue Dome District. This allows for a more generic term in the Code and could be changed later. Mr. Alberty stated that if this proposal is allowed in a certain area called the Arts and Entertainment District it would allow the City Council to expand that area without having to amend the Zoning Code. However, in his opinion it should be contained it within the Central Business District. Mr. Alberty reminded the Planning Commission that the City Council has the final say on how the ordinance is going to be written. What the City Council is asking of the Planning Commission is for a recommendation and input.

Mr. Midget and Mr. Carnes in at 1:47 p.m.

Ms. Marshall stated that in the definition of Downtown Entertainment District it should say "currently known as the Blue Dome District".

Ms. Wright indicated that she believes it is unfair to restrict this from other TIF Districts. She asked if off-site advertising should be allowed or strictly name-only advertising. Mr. Alberty stated that this doesn't have any relationship to the TIF District, if only by definition. Everyone understands that there is a Blue Dome District and they use the TIF District for a manner to describe it.

Ms. Wright asked if the Planning Commission is supposed to reply to the consensus, which clearly states Blue Dome TIF District or should it be stricken. Mr. Alberty stated that the minutes from today's meeting will be transmitted to the City Council and he would assume that would be sufficient. The Planning Commission can change the proposed language if they wish and it would be transmitted as well.

Ms. Wright asked Mr. Alberty if he knew how many TIF Districts are within the CBD area. In response, Mr. Alberty stated he doesn't know the number, but there certainly is more than one. Mr. Alberty reiterated that the request had no relationship to the TIF; it was more geographical.

Mr. Midget stated that he believes that there are two TIF Districts in the CBD area.

Mr. McArtor asked if the City Council consensus limits the Planning Commission to consider the propriety of roof top signs only in the Blue Dome Tax Increment Financing District. Mr. Alberty stated that it is what the City Council is requesting. Mr. McArtor asked that this shouldn't allowed nowhere beyond that district. In response, Mr. Alberty stated that he believes that this gives the Planning Commission that opportunity because they are asking for comments and recommendations.

Ms. Cantrell stated that she wants to make sure that there is no way that this proposal could be read to actually include outdoor advertising signs, since this is not limited to business signs. Mr. Boulden stated that the area that is to be amended references only business signs. Ms. Cantrell stated that one of the things that has become problematic in this section is that there are references to outdoor advertising signs dealing with business signs. She would like to clarify that there are no amendments to allow outdoor advertising signs on roofs. Mr. Leighty suggested that the language read that it is limited to business signs. Mr. Boulden stated that the proposed amendment states: "roof signs are prohibited unless/except as allowed in this provision" and he believes that covers any outdoor advertising signs not being included in this.

Ms. Cantrell asked Mr. Boulden if he considered putting a height limitation in the proposed amendments. Mr. Boulden stated that he did not presume to suggest any kind of height limitation because he did have any input on that. Looking at the material that Mr. Alberty and staff have provided, that may be a consideration.

Mr. Leighty stated that he would like to accommodate the downtown business owners who are making this request and to support them because they have pioneered the revitalization of the Central Business District. The Planning Commission wants to make sure that we are a city that is friendly to do business in and want to accommodate them and reward them for the great work they have done. On the other hand, trying to rush this proposal through puts a burden on the Planning Commission to try to make a responsible decision because there could far-reaching ideas about what could be done typically here and will need to be revisited. He would like to have the opportunity to have the Sign Advisory Board actually work with Pat Boulden to come up with the very things the Chairman is asking about. Mr. Leighty asked Mr. Boulden how easy would it be to come back and impose additional restrictions if needed alter on or to loosen restrictions. He would be in favor of restricting it to neon signs only. Mr. Boulden stated that we are talking about an amendment to the Zoning Code and there are two ways to approach it: 1) the Planning Commission on its own can make recommendations to the City Council on amendments to it; 2) or the Council to ask the Planning Commission to initiate that process and make a

recommendation, which is the process we are in right now. It is always up to the City Council to whether or not the changes will actually go forward.

Mr. Carnes asked if there is a way to make each sign request go before the City Council rather than the Planning Commission. Mr. Boulden stated that there is no provision right now that would require it to go to the Planning Commission at all. Mr. Carnes stated that he thinks his comments, since they do have to go before the Board of Adjustment, will be sufficient because each sign on each building is going to advertise a different tenant and he doesn't think the Planning Commission can make a rule for all of these. Ms. Cantrell asked Mr. Carnes if he is saying that each sign should be done by variance before the BOA. In response, Mr. Carnes stated that he would agree that each sign should go before either the BOA or the Planning Commission.

Mr. Boulden stated that just as a point of clarification, right now it is drafted that the signs would be allowed by right within the CBD area within the Entertainment District. Ms. Cantrell made a reference to a variance and Mr. Boulden believes probably she was suggesting a special exception and not a variance. Mr. Boulden stated that what Mr. Carnes and Ms. Cantrell were discussing would be considered a "use variance" and it would be prohibited by Statutes as well as City ordinance.

Ms. Cantrell announced that there are eight people wishing to speak on this item and requested that they keep their comments to about three minutes. She asked that they state their name and address when speaking.

INTERESTED PARTIES COMMENTS:

Blake Ewing, 523 S. Marion Avenue, 74112, owner of Joe Mamma's Restaurant in the Blue Dome District and property owner in the blue Dome District, stated that the existing sign ordinance does have restrictions on all of the things pertaining to esthetics that will be the hot button. His request has always been to simply to move the placement of the sign from the front of the building to the top of the building (roof).

Mr. Ewing stated that the neon element statement was pertaining more to a type or style of sign than to even materials to make the sign. He requested that the neon statement be revisited because he doesn't believe that it was specifically requested that it be a neon-only sign. Mr. Ewing cited the various signs that are available today that look like neon, but are actually made with LED and saves on energy. He reiterated that he would request that this not be an ordinance that allows neon only.

Mr. Ewing stated that he has a recommendation from the Historic Preservation Commission that recommends that roof top signs be allowed (Exhibit A-1).

Mr. Ewing explained that he currently could put a sign of the same vertical height that he is asking for on the roof top by extending the parapet with brick or hard construction material and attach the sign to it. He believes that would be uglier than what he is asking to do. He believes that a back-braced roof top sign is more esthetically pleasing than raising a parapet for a sign.

Mr. Ewing stated that restrictions on the size and height are welcomed. He is adamant that the Blue Dome District continue to be inviting and visually appealing place. He doesn't want an ugly neighborhood with billboards advertising other businesses.

Mr. Ewing addressed the Sign Advisory Board's concerns as follows: Traffic signals are all street level and roof top signs wouldn't interfere with them; the sign would already have to meet structural design requirements and have an engineering seal; the Blue Dome District is largely made of one- and two-story buildings with zero lot lines and are not able to put up a pole sign. He doesn't feel that is unfair to other areas not being allowed to have roof top signs. He would be supportive of having restrictions of roof top signs on buildings above a certain height. The signage he is requesting is necessary because his building is too short. He would be willing to restrict roof top signs to one story buildings. The last concern was for interference to residents of the Blue Dome District. Currently there are no residents in the Blue Dome District.

TMAPC COMMENTS:

In response to Mr. Marshall, Mr. Ewing cited the Zoning Code provisions for allowable signage. Mr. Ewing stated that he is not requesting anything too large and is satisfied with the provision allowed in the Zoning Code. Mr. Ewing indicated that he is opening a new retail shop on Elgin and he was thinking a six-foot in height sign or a sign that is 1/3rd higher than the building.

Ms. Cantrell stated that she is concerned about the height and right now there is no limitation of how far up the roof the sign can go. She believes that there should be some sort of restriction on how far above the roof line one can actually place the sign. Mr. Ewing stated that it is important that there are engineering structure requirements today and it would be difficult to engineer a sign (according to the current Sign Code) at 20 feet tall.

Mr. Marshall suggested a uniform sign for each building. Mr. Ewing expressed concerns regarding the signs being uniform due to some buildings having more frontage than others and the sign not looking wide enough. It seems appropriate to do this in relationship to the size of the frontage.

Mr. Carnes stated that in the Blue Dome District he believes these signs should be limited. If one building puts up a roof top sign and then the next building comes in a puts up a larger sign, then everything is for naught. These signs will be seen from a distance and there has to be a limitation. This is a unique area

and he doesn't think there is anyone here smart enough to say what each building needs. This will have to be on a per-building basis.

Mr. Liotta asked if this will lead to sight-line issues. Will one property owner have an advantage over someone else regarding visibility or will the Planning Commission need to require separation? Mr. Liotta expressed concerns with a blanket rule. Mr. Ewing believes that there is already a blanket rule with the existing Sign Code. He suggested they simply make one provision to move the signs from the front of the building to the top of the building. He would be concerned with the Planning Commission trying to address fairness as it pertains to signage or esthetics.

Mr. Leighty asked Mr. Ewing if he is going to move his signage from the front of his building to the roof. In response, Mr. Ewing answered negatively. Mr. Ewing stated that he has another project that he would request a roof top sign for. Mr. Ewing stated that he would like to have this done by the time the baseball park opens. Mr. Ewing stated that there are some moving neon retro signs being proposed if this ordinance is approved.

Ms. Cantrell asked Mr. Ewing if he planned to have movement on his signage. She is concerned with the "Las Vegas" style signs being proposed along roof tops. She understands that some will have motion on them and she asked if Mr. Ewing was opposed to being limited to the amount of blinking, flashing, etc. Mr. Ewing stated that the Zoning Code already limits that type of signage and he would prefer to leave it as it is.

INTERESTED PARTIES COMMENTS:

Michael Sager, P.O. Box 521064, 74152-1064, cited his resume and property ownership, stated that he is an advocate for the proposed ordinance. He requested that the ordinance should not be required to advertise only the existing tenant, because the proposed signage is art. He encouraged the Planning Commission to not limit the proposed ordinance to a certain type or bulb. Mr. Sager requested that this be approved under the same sign size components in place today, but to allow it on the roof.

TMAPC COMMENTS:

In response to Ms. Wright, Mr. Sager stated that blade signs should be a portion of this ordinance. He believes that they are allowed today, but only with a special exception. Mr. Sager agreed that perhaps there should be some historic restrictions or reasonable historic accuracy to eliminate the concerns of the Las Vegas type of signs. He believes any sign pre 1970 would fit the criteria.

Mr. McArtor asked Mr. Sager if he would recommend a height requirement or limitation. In response, Mr. Sager stated that he doesn't believe there will be requests for anything over 20 feet in height.

Mr. McArtor asked Mr. Sager how anyone could enforce historical accuracy for signage and if written into the Code, who would determine it. Mr. Sager agreed it would be problematic, but he was referring to the fact that there are many examples to judge from. Mr. McArtor asked Mr. Sager if he believes that the Tulsa Preservation Commission would have to validate that the sign is a historically accurate sign. Mr. Sager stated that he would prefer to keep politics out of it.

Mr. Leighty asked Mr. Sager if he wanted to allow someone to have a sign on their building advertising an off-premise business. Mr. Sager stated that he would like to be allowed to have a sign for someone who occupied the premise in the past; example the previous occupant of 1st Street Lofts "Finales". This would eliminate history if he is forced to only have signage for the current occupant.

Mr. Sager commented that he doesn't believe the current Code needs to be more or less restrictive, but to add that roof top signs that are allowed. Mr. Sager suggested that the initial project should be within the IDL, which is very specific and a physical barrier.

Mr. Dix stated that one of the reasons he heard about this proposal was to attract people coming from the ball field. If the Planning Commission allowed a sign to advertise the Blue Dome District itself, would Mr. Sager, as a property owner of that property, allow such a sign? In response, Mr. Sager answered affirmatively.

Mr. Carnes stated that the Planning Commission doesn't have any control over movement on a sign, but he advised not letting them go on top of a roof. Right now these signs are kept on front of the building. This is Tulsa Oklahoma, not Las Vegas.

Mr. Sager stated that the type of movement signage that is being discussed would be the progressive neon of the person moving or making a motion and not the LED sign like the Hard Rock Hotel, etc. He would encourage the Planning Commission to limit the movement on a neon or bulb sign and not an LED type sign. There are many historic signs that had movement on them. Mr. Carnes stated that if it is stopped now, then it isn't allowed to get out of hand.

INTERESTED PARTIES COMMENTS:

Josh Miller, 7030 South Yale, Suite 600, 74136, representing the George Kaiser Foundation, stated that the Foundation is fully supportive of the rooftop signage. The Foundation is concerned about the "slippery slope" issue and fully supports that this be limited to the Blue Dome District.

TMAPC COMMENTS:

Mr. Midget asked Mr. Miller to explain his concerns regarding "a slippery slope". Mr. Miller stated that he is concerned about granting one hardship and it continues to proliferate with signs being across the board. It becomes a fairness

issue and he believes it should be limited to the Blue Dome District for one- and two-story buildings. He would like some assurances that it would be limited to this one district.

Mr. Midget stated that he would like to thank the Foundation for their support. He asked Mr. Miller if the Foundation is concerned this would be extended to the Central Business District. Mr. Miller stated that his concern is that this will extend outside of the Blue Dome District. Buildings outside the Blue Dome District are much taller and it starts to mess with the skyline of downtown. He requested that it be specifically limited to the Blue Dome District.

Ms. Cantrell stated that she had misspoken regarding this requiring a variance. She stated that if they limited it to the Blue Dome District, it would require another ordinance to extend it outside of it. She asked Mr. Miller if he would feel more comfortable if the Planning Commission limited it to two- or three-story buildings and at the present time keep it in the Blue Dome District. Mr. Miller stated that due to height, he thinks part of why Blue Dome is attractive for the rooftop signs is because of the height restrictions and size of the buildings.

Ms. Wright agreed that this could be a "slippery slope" and should be restricted.

INTERESTED PARTIES COMMENTS:

James Adair, 7508 East 77th Street, 74133, stated that he would like to speak for the Sign Advisory Board. He explained that the Sign Advisory Board met regarding this issue. He thanked Shannon Bengé for helping the Board with this issue in such a short time. Mr. Adair listed the concerns that the Sign Advisory Board had in their reasoning for not recommending rooftop signs and stated that they are not against roof-mounted signs. They are basically are for roof-mounted signs.

Sign Advisory Board's Recommendation:

At the January 21st Meeting, the Sign Advisory Board discussed the proposal for allowing roof mounted signs at the Blue Dome district. The board unanimously passed two motions.

The board discussed the importance of adequate structural support for roof mounted signs. The buildings with existing roof-mounted signs were designed from the start to support those signs. The roof structures of existing buildings are generally not adequate to support the addition of a roof-mounted sign without extensive structural modifications. Therefore the board passed the following motion:

Roof signs, if approved, shall require a licensed structural engineer's design prior to issuing a permit.

Also, the board discussed the appropriateness of roof mounted sign proposal in general, and based on the discussion, the board passed the following motion:

The Sign Advisory Board does not recommend roof mounted signs for the following reasons:

- 1) Structural design requirements.**
- 2) Concerns for adjacent residences.**
- 3) Limited to only a small area that is unfair to other districts.**
- 4) Concerns over conflict with traffic signals.**

If approved, the Sign Advisory Board would recommend language be added to address these concerns.

Mr. Adair stated that he personally represents the sign industry and doesn't think neon is the only way to go for he rooftop signs. The LED illumination, which substitutes for neon, burns 95% less fuel than electricity and has fever maintenance requirements. Neon is very expensive and difficult to keep it illuminated. Hail, rain and electrical shorts damage neon.

Mr. Adair commented that the Zoning Code is already equipped to handle the rooftop signage issues by simply putting the words "rooftop signs" back into the Code.

TMAPC COMMENTS:

In response to Ms. Wright, Mr. Adair stated that if historical appropriateness is a requirement for the rooftop signs it would take several people and their input to phrase it correctly in the ordinance.

Mr. Marshall stated that he doesn't think the Planning Commission would want to impose the historical appropriateness condition because then all applications would have to go through the Tulsa Preservation Commission. Mr. Adair stated that there will be some buildings in the Blue Dome District that are not 50 or 60 years old and shouldn't be required to have a historical appropriate sign.

Mr. Midget asked if there is an issue with limiting the signage to the height of the building. Mr. Adair stated that he doesn't have an answer for that because it would take several people to think this through.

In response to Mr. McArtor, Mr. Adair stated that he doesn't believe that there are any free-standing signs in the subject area. If the existing buildings already have a projecting sign that would be one sign and if they want a rooftop sign, they have probably already exceeded the Sign Code. Mr. Adair stated that the buildings with existing projecting signs would have to seek some sort of relief to also have a rooftop sign. Ms. Cantrell stated that it was her understanding that they wanted the rooftop signs because they are unable to place them in other

locations. There shouldn't be any relief made and if they want a rooftop sign, they shouldn't put up any other signs. Mr. Adair stated that the requests will have to be individually scrutinized before determining whether they qualify for a rooftop sign.

Mr. Leighty asked Mr. Adair what he thought the Planning Commission should do today. Everyone wants to support the businesses and do the right thing, but not have this come back and bite us. Mr. Leighty asked Mr. Adair if the Planning Commission continued this until the next meeting could the Sign Advisory Board come up with some language and work with Patrick Boulden on the ordinance. Mr. Leighty stated that he agrees with Mr. Adair that this request should be expanded to all of the tax assessment district to help pay them back for the pain they're going through with the assessment increase. Mr. Adair stated that the Sign Advisory Board meets once a month and has other things to do. This is a large issue to solve. This issue requires thumbing through the Sign Code, Building Code, etc. and it is complicated. The Sign Board would commit to work on this and Ms. Bengé has already spent many hours on this.

Mr. Midget stated that he would support this and he believes Mr. Adair made some good points. Three of the four concerns can be addressed immediately. He suggested that this be approved for the Blue Dome District only and then get with the Sign Advisory Board and Legal to see how this can be applied to other areas that are being assessed for the ball field. Mr. Adair stated that it is a Sign Advisory Board (SAB) and they are supposed to advise. He indicated that the SAB will commit to work with the Planning Commission on this issue.

Ms. Wright asked Mr. Adair if the Sign Advisory Board could also work with the Preservation Commission for direction. In response, Mr. Adair stated that any input that the Sign Advisory Board can receive would be welcomed.

Carnes out at 3:20 p.m.

Mr. Boulden stated that provision Sections 208 and 208.b. of the Zoning Code could be a provision to insert rooftop signs.

Ms. Cantrell reminded the Planning Commission that there are four people waiting to speak and requested that discussion be held until the review time.

INTERESTED PARTIES COMMENTS:

Ted Reeds, 2872 East 35th Place, 74105, stated that he is a member of the Sign Advisory Board and he is the President of the Tulsa Foundation for Architecture. The TFA is a resource and have made an analysis, sponsored by the National Historic Preservation, of neon signs in Tulsa Oklahoma. This could be used as reference for signs from a historic aspect.

Mr. Reeds stated that the request for this type of signage is for two things: 1) seeing at pedestrian level; 2) see it from a vehicle. No one would be looking for a rooftop sign on a 16- or 20-story building. The rooftop signs would be better for one- and two-story buildings. Mr. Reeds indicated that he supports that the entire IDL be allowed rooftop signs. Only the shorter buildings will do rooftop signs because a taller building can install a blade sign to be seen.

Mr. Reeds suggested that in order to speed this up, the TMAPC should go back to the original request for rooftop signs in the Blue Dome District with the idea that it can be expanded.

INTERESTED PARTIES COMMENTS:

Ed Horkey, 1225 N. Lansing, 74106, Claude Neon Federal Signs, stated that he objects to the light source being neon only. Mr. Horkey demonstrated how LED mimics neon lights (Mr. Horkey plugged in a LED border tubing). The LED border tubing can be used for border on signs, mimic neon tubing, etc. Neon has a 120 volt system and boosts the voltage to 12,000 to 15,000 volts, which is a high energy use. LED type illumination has 120 volt input and reduces down to 9.6 volts, which would use a tenth of the energy.

Mr. Horkey requested that there be some type of language where the area can be expanded in the future easily without having a public hearing. For a formula to use for deciding size and height the three square foot per lineal foot of wall, frontage is not a bad figure.

Mr. Horkey stated that the expense of going through the process should be considered if Tulsa is to remain business-friendly. It should be made economical to do these types of signs. The City of Tulsa charges approximately \$145.00 for a sign permit. If he has to go to INCOG for a sign plan review, he then has to pay \$100.00 more, and if he has to go through the Board of Adjustment, the filing fee is going to be between \$600.00 to \$1,000.00 dollars. If part of the project cost is to have engineer approved framework with an engineer stamp, then it could cost an additional \$500.00 to \$1,500.00 dollars. A \$10,000 dollar sign could easily incur an additional \$3,000 to \$4,000 dollars in permitting, reviews, etc. This doesn't account for the additional cost that the customer will have to provide to build the framework for the sign on the building.

Mr. Horkey stated that typically a sign permit review runs between three and seven days. If he has to go to INCOG for a sign plan review, it takes approximately one week. After the review he has to take it to the City of Tulsa and it takes three to ten days to be approved to build the sign for the customer. If he has to go through the BOA to get a variance, then it takes an additional 30 to 60 days. If we are trying to do this in a timely and business-friendly way, then he would suggest that there be guidelines in place so that one could receive a simple INCOG sign plan review and have an approval through that process rather than going before the BOA.

INTERESTED PARTIES COMMENTS:

Mary Beth Babcock, 119 South Detroit, 74120, owner of Dwelling Spaces, stated that she would like to put something on top of her building that would be considered an attraction. She demonstrated that she would like to put a robot on top of her building, much like things one would see along Route 66.

TMAPC COMMENTS:

Ms. Wright asked Ms. Babcock if she is promoting historic and odd. In response, Ms. Babcock stated that she is promoting Route 66.

INTERESTED PARTIES COMMENTS:

Patrick Fox, 624 South Boston, 74119, submitted a pamphlet (Exhibit A-2) demonstrating historic neon signs that existed throughout Tulsa. The signs are different shapes and sizes and it seems to be appropriate to dictate the size according to the ratio and not according to a limited width and height. The ordinance should be broad enough to allow variation in the design.

Mr. Fox stated that he is a former staff planner for the Tulsa Preservation Commission and he feels that he has a small amount of authority to comment on the appropriateness of the spirit of what they are trying to do in the context of Route 66 and downtown. He encouraged the Planning Commission to use the language that has been proposed, which allows to expand outside of the Blue Dome District. There are developers outside of the district, but near the ballpark who will want to have the same opportunity on a new structure.

Mr. Fox stated that he is not sure that the Preservation Commission has the preview to be the determining body of what is appropriate in downtown. They do have preview for historically-zoned districts, but not districts that are on the National Register only.

TMAPC COMMENTS:

Mr. Fox stated that the "slippery slope" that people were referring to earlier has somewhat to do with when one starts to judging esthetics. That is a very difficult thing to do and that is why the Preservation Commission has very specific guidelines of what is and isn't allowed in the districts. The Office of the Secretary of Interior has its standards on rehabilitation, which specifically dictate that new construction or structures should be distinct to their own time. This should be thought of in what somebody might think of in the future, which might be a symbol, bowling pins or a robot.

Mr. Walker asked Mr. Fox to supply more pamphlets if possible.

Ms. Cantrell recognized Mr. Ewing.

Mr. Ewing recommended that if this is approved, to approve it for the Blue Dome District as a test. He commented that he found it interesting that a large portion of today's discussion was about esthetics. There hasn't been any concern about esthetics on the front of buildings and it seems odd to him to care about it now, when there is a request to move it six feet higher into the air. It is an interesting time to start policing esthetics. He reiterated that he is not asking for the existing Sign Code to be changed as it pertains to esthetics. Mr. Ewing encouraged the Planning Commission to avoid the esthetic conversation altogether. The only request is to place the sign on the roof tops.

Mr. Boulden stated that he believes this is where the Planning Commission is right now on this issue and what he would draft based on what he has heard up to this point: 1) insert in the page 4 provision that roof signs shall be prohibited except business signs within the Downtown Entertainment District; 2) limit the ordinance to the Downtown Entertainment District and not expand it because that is what the City Council requested: Downtown Entertainment District, aka Blue Dome District; he doesn't care what it is called but it seems it should be generally generic; 3) if the Planning Commission feels it should be expanded, then it should probably be a suggestion; 4) eliminate the reference to neon signs and the definition to neon lights and let the businesses in the subject area dictate what goes on there; 5) regarding height, the Planning Commission might cue off of Section 208, but he doesn't believe any height restriction should be inserted in Section 208; however, he would take the language of Section 208.b and simply utilize it where the neon light language is being deleted and state that roof signs in the district shall not extend more than 20 feet above the roof or parapet of the principle structure.

Mr. Leighty asked if the wording "business signs" would prevent the applicants from advertising a previous business that was in the building. Mr. Boulden stated that the term "business signs" is pretty broad. Business signs are anything intended to attract someone to the location.

Mr. McArtor stated that he thought a business sign was defined solely by the business that is in operation at that time and advertising that particular business. Mr. Boulden stated that he thinks that is generally right, but he believes a business sign is primarily to attract attention. Mr. Boulden read the following from the Zoning Code: "Business sign is any sign which directs attention to the business commodity, service or entertainment conducted on the premises."

Mr. Leighty asked Mr. Boulden about the four concerns from the Sign Advisory Board. Could these four items be incorporated into the ordinance language? Mr. Boulden stated that he believes that it could, but he wouldn't recommend the structural concerns because it belongs in the Building Code and not the Zoning Code. Mr. Boulden stated that Mr. Sager answered the residential concerns for the downtown area.

Mr. Marshall stated that he would like it to be limited to one roof sign per building. Mr. Sager asked Mr. Marshall to rethink that, since more than one business would be in the same building although there is a firewall between the businesses. He suggested one roof sign per business located in the building.

In response to Ms. Wright, Mr. Sager stated that the Sign Code defines the frontage of the building that is identified with the business. There wouldn't be roof top signs all across the frontage of the buildings. He suggested that there be no more than one roof top sign per business footage. Ms. Wright stated that this will cause a "slippery slope" really quickly with this issue. There could easily be a row of billboards all along the top of the roof.

Ms. Cantrell stated that she can support this as long as it is only for the Blue Dome District. The esthetics is not something that concerns her, but she doesn't like flashing signs such as the Sonic signs. She would have preferred to see this without any movement, but she understands the idea of the bowling alley sign. If this is to be expanded she would like to find some language that tightens that up. There is a difference between having a flashing sign on the wall versus on a roof, which could be more distracting. Ms. Cantrell concluded that she favors the height restriction that Mr. Boulden mentioned.

Mr. McArtor asked if the Zoning Code already addresses blinking and flashing lights. Ms. Cantrell stated that the Sonic Drive-In signs are legal and she wouldn't want to see that type of signage on roof tops.

Mr. Leighty suggested that the Sign Advisory Board proceed with recommendations for a broader district so that the Planning Commission won't have to start from ground zero when the expected requests come in. Ms. Cantrell stated that she would recommend that be part of the motion. Mr. Leighty expressed concerns that the Blue Dome District would go ahead with the language that is being proposed today and then later when the Sign Advisory Board, Legal and the Planning Commission have more time to work on the language, and now they do not meet the requirements. Mr. Leighty asked if they would then be grandfathered in. In response, Mr. Boulden stated that as a general rule they would be grandfathered in. Mr. Midget stated that this is why it is a good thing to limit this to the Blue Dome District right now. The Planning Commission needs more time to evaluate how rooftop signs will impact the City.

Mr. Dix stated that he had been making several notes throughout the hearing. Mr. Ewing is asking the Planning Commission to not concern themselves with esthetics and he can't do that. The Planning Commission is being forced to make a decision and transmit it to the City Council within 13 days. Mr. Dix reminded the Planning Commission that whatever is done today will pertain to the present owner and any subsequent owners. Mr. Dix reiterated that he feels the Planning Commission is being rushed. He would like to see pictures of each building within the Blue Dome District and what type of signage they have today.

He doesn't want these signs blowing off of the roofs in high winds and falling on pedestrians. Perhaps it would be best to look into one sign announcing the Blue Dome District, which Mr. Sager offered to do on his property. He would recommend that this be turned down and not approve putting roof top signs up. Blade signs would be best and add greatly to the downtown esthetics and historical significance. He would not be willing to support expanding that portion of it to the rest of the Central Business District because it takes away from the historical value of the existing blade signs. Not every building downtown should have a blade sign. Mr. Dix stated that the esthetics have to be dealt with because we might get a robot on top of a building if we don't. He apologized but said the robot is "butt ugly". He would not be in favor of expanding this to the IDL area because the City Council asked only for the Blue Dome District and he is not in support of changing the ordinance for them, unless putting one sign on the Blue Dome building itself supporting the whole district.

Ms. Wright agreed that the Planning Commission is being rushed. There are so many resources that could guide this process, but there hasn't been enough time to do so. The TMAPC hasn't discussed signs that the City would put up showing the way to a specific district. Once the Blue Dome District is approved for this, there will be other areas coming to the Planning Commission for the same thing. This is not a short-term ordinance and we have to think about the future and not the needs of the business owners today. This needs more time and more study and it would be inappropriate to rush it.

Mr. Walker stated that he is supportive of this and hopes that the businesses can take advantage of the baseball field opening. Mr. Walker questioned Mr. Boulden if this could be legally limited to the Blue Dome District. In response, Mr. Boulden stated that it can and the same is done with outdoor advertising signs by allowing them in only freeway corridors.

TMAPC Action; 9 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **7-2-0** (Cantrell, Leighty, Liotta, Marshall, McArtor, Midget, Walker "aye"; Dix, Wright "nays"; none "abstaining"; Carnes, Shivel "absent") to recommend **APPROVAL** to permit business signs on roof tops in the Blue Dome District, otherwise defined as the Downtown Entertainment District; delete neon sign definition and limitation; impose a height requirement that a sign shall not go past 20 feet measured from the roof line; permit one sign per business on the roof tops and be restricted to business signs; direct Mr. Boulder to prepare an ordinance consistent with this motion for transmittal to the City Council; and recommend City Council to instruct the Sign Advisory Board to study this further before any expansion to any other areas.

OTHER BUSINESS:

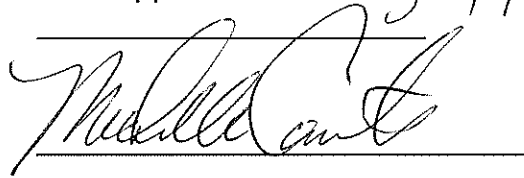
Commissioners' Comments

None.

There being no further business, the Chair declared the meeting adjourned at 4:21 p.m.

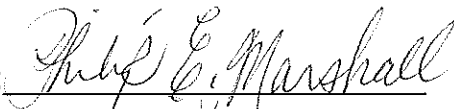
Date Approved:

3-17-10



Chairman

ATTEST:


Acting Secretary

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