

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2576

Wednesday, April 21, 2010, 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	McArtor	Alberty	Boulden, Legal
Carnes		Bates	Steele, Sr. Eng.
Dix		Fernandez	
Leighty		Huntsinger	
Liotta		Matthews	
Marshall		Sansone	
Midget			
Shivel			
Walker			
Wright			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, April 15, 2010 at 1:43 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 1:30 p.m.

### **REPORTS:**

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

Ms. Cantrell reported that the TMAPC public hearing for PLANITULSA that was scheduled for April 28, 2010 at 1:30 p.m. will be continued and a date will be determined at that time. The Planning Commission will then adjourn and move to the City Council Committee Meeting Room on the 4<sup>th</sup> Floor of City Hall to have a special meeting at 1:45 p.m.

#### **Work Session Report:**

Ms. Cantrell reported that there will be a work session immediately following today's TMAPC meeting.

**Director's Report:**

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

Mr. Alberty reported on the TMAPC receipts for the Month of March 2010.

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**Minutes:**

**Approval of the minutes of March 17, 2010 Meeting No. 2574**

On **MOTION** of **LEIGHTY**, the TMAPC voted 8-0-2 (Cantrell, Carnes, Dix, Leighty, Marshall, Midget, Walker, Wright "aye"; no "nays"; Liotta, Shivel "abstaining"; McArtor "absent") to **APPROVE** the minutes of the meeting of March 17, 2010, Meeting No. 2574.

**Minutes:**

**Approval of the minutes of March 31, 2010 Special Meeting - PLANiTULSA**

On **MOTION** of **WRIGHT**, the TMAPC voted 8-0-2 (Cantrell, Carnes, Dix, Leighty, Marshall, Midget, Walker, Wright "aye"; no "nays"; Liotta, Shivel "abstaining"; McArtor "absent") to **APPROVE** the minutes of the meeting of March 31, 2010, Special Meeting - PLANiTULSA.

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Ms. Cantrell announced that Items 3 and 4 will be removed from the consent agenda to be continued to May 4, 2010. Items 7 and 8 are to be stricken from the agenda.

**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.

- 5. **LC-237** – Daniel Ziegler (9306) (PD4) (CD4)  
Northwest corner of East Admiral Boulevard and South Lewis Avenue,  
6 North Lewis Avenue (Related to Item 6.)
- 6. **LC-238** – Daniel Ziegler (9306) (PD4) (CD4)  
Northwest corner of East Admiral Boulevard and South Lewis Avenue,  
6 North Lewis Avenue (Related to Item 5.)

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

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

**TMAPC Action; 10 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; McArtor "absent") to **APPROVE** the consent agenda Items 5 and 6 per staff recommendation.

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**CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA**

3. **LS-20367** – HRAOK (Dwayne Wilkerson) (0431) (PD16) (CD6)  
Southwest corner of East Independence Street and North Garnett Road (Related to Item 4.)

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

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Midget, Liotta, Marshall, McArtor, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; none "absent") to **CONTINUE** LS-20367 to May 4, 2010.

4. **LC-236** – HRAOK (Dwayne Wilkerson) (0431) (PD16) (CD6)  
Southwest corner of East Independence Street and North Garnett Road (Related to Item 3.)

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

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Midget, Liotta, Marshall, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; McArtor "absent") to **CONTINUE** LC- 236 to May 4, 2010.

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7. **CBOA-2365-** (0919) Cell Tower Plat Waiver (County)  
North of West 41st Street, east of South 265th West Avenue

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

This item is stricken from the agenda.

8. 7000 Riverside – (8201) Final Plat (PD 18) (CD 2)  
Northeast corner of Riverside Drive and Peoria Avenue

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

This item is stricken from the agenda.

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

## **PUBLIC HEARING**

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

### **STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on 1.75 acres.

The following issues were discussed January 7, 2010 and February 4, 2010 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned OM (office medium). There was a lot split and combination done on the underlying plat previously.
2. **Streets:** It appears that the private drive is an access for the area to the north. It should be identified as a mutual access easement. Remove reference to Limits of Access on East 75<sup>th</sup> Place. Limits are identified only on arterials/parkways etc. Include standard sidewalk language. Include Mutual Access Easement language, if possible. Private drive cannot be 66 feet wide. Maximum allowed is 36 feet.
3. **Sewer:** Section 1F still has language that is unacceptable. The City of Tulsa is **not** responsible for the repair and replacement of any landscaping and paving within the utility easement.
4. **Water:** No comment.

5. **Storm Drainage:** No comment.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** No comment.

**GIS:** Update the date of preparation on the plat. Fix the inconsistencies between the metes and bounds legal description and what is shown on the face of the plat.

Staff recommends **APPROVAL** of the Minor Subdivision plat subject to the TAC comments and the special and standard conditions below. Since the TAC meeting was held, the appropriate changes have been made and 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.

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

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

**TMAPC Action; 10 members present:**

On **MOTION** of **LEIGHTY**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; McArtor "absent") to **APPROVE** the minor subdivision plat for River Oaks Park, subject to special and standard conditions per staff recommendation.

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10. **Groggs Landing** – (9431) Minor Subdivision Plat (PD 18 C) (CD 6)  
Northeast corner of East 61<sup>st</sup> Street South and South 100 East Avenue

**STAFF RECOMMENDATION:**

This plat consists of one lot, one block, on .96 acres.

The following issues were discussed April 1, 2010, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned IL (industrial light).
2. **Streets:** Access from East 61<sup>st</sup> Street cannot exceed 36 feet. Show sidewalk and access ramp along 61<sup>st</sup> Street.
3. **Sewer:** Your proposed lamp hole must extend ten feet past the property line so the service line connection can be made on your property, not under the street.
4. **Water:** Fire hydrant coverage of the proposed building will require approval. A section of the existing six-inch water main line along 100<sup>th</sup> East Avenue under the north entrance pavement may need to be replaced with ductile iron pipe through an IDP (Infrastructure Development Plan) process.
5. **Storm Drainage:** Separate instrument easement may be required for conveying storm water to the northeast.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** Provide fire hydrant in the front of the property along the existing water main.

**GIS:** Site area table does not agree with area shown on the face of plat.

Staff recommends **APPROVAL** of the Minor Subdivision plat subject to the TAC comments and the special and standard conditions below. 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.

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

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

**TMAPC Action; 10 members present:**

On **MOTION** of **LEIGHTY**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; McArtor "absent") to **APPROVE** the minor subdivision plat for Groggs Landing subject to special and standard conditions per staff recommendation.

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11. **BOA-21043** - (9306) Plat Waiver (PD 4) (CD 4)  
2002 East 6<sup>th</sup> Street, south of East 6<sup>th</sup> Street, east of South Xanthus Avenue

**STAFF RECOMMENDATION:**

The platting requirement is being triggered by Board of Adjustment case 21043 to allow a single-family or duplex dwelling in a CS (commercial shopping) zoning district.

**Staff provides the following information from TAC at their April 1, 2010 meeting:**

**ZONING:**

TMAPC Staff: The property has been previously platted and a lot combination request has been received.

**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 on the previously platted property.

**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 X  
properties or street right-of-way?

**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		X
i. Is a P.F.P.I. required?		
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?		X
7. Floodplain		X
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; 10 members present:**

On **MOTION** of **LEIGHTY**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; McArtor "absent") to **APPROVE** the plat waiver for BOA-20143 per staff recommendation.

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12. **PUD-370-B-3 – A Max Sign Co./The Market at Avalon** (PD-26) (CD-8)

Southeast corner of 106<sup>th</sup> Street South and South Memorial Drive (Minor Amendment to permit an LED/electronic message center to be added to a tenant ID sign along Memorial Drive.) (Continued from 4/6/10)

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to permit an LED/electronic message center to be added to a tenant ID sign along Memorial Drive.

PUD-370-B currently allows signs per the PUD chapter of the Code (Section 1103, B-2a and b) which allows LED/electronic message centers. However, adopted PUD development standards for PUD-370-B have a limitation excluding, "flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement". With reference to the attached zoning maps and aerial photographs there are no residentially zoned properties in the immediate vicinity of the subject property. Review of the minutes from when the PUD was approved there was no discussion about the permitted signage or limiting message centers, bet it electronic or otherwise.

Staff contends that allowing an LED message center as permitted by right in the PUD chapter of the code along a major arterial street will not substantially alter the size, location, number and character of the signs allowed within the PUD.

Therefore, staff recommends **APPROVAL** of minor amendment PUD-370-B-3.

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

**TMAPC COMMENTS:**

Ms. Cantrell asked staff if there was any discussion about waiving the screening fence in 2005. Mr. Sansone stated that there wasn't much discussion.

Ms. Cantrell asked if the screening fence can be waived during the detail site plan if it was a condition of the PUD. Mr. Leighty stated that he doesn't see the

point in this discussion since it has already been established that a screening fence will not give any relief from the sign. Mr. Alberty stated that the abutting property is zoned AG and the Zoning Code doesn't require a screening fence unless it was imposed through a PUD. There is no requirement for a screening fence to the north or south and he believes it was probably more of a clarity issue than a waiver. Mr. Leighty stated that if a site plan came forward and someone is asking for relief from something in the PUD the Planning Commission has the authority. Ms. Cantrell stated that she believes if it is specifically required in a PUD, then that is an ordinance in itself and can't be waived during a detail site plan. Ms. Cantrell suggested that Mr. Solow get in touch with his City Councilor to look at this a little further. Ms. Cantrell explained that the screening fence issue is separate from addressing the sign that is before the Planning Commission today.

#### **INTERESTED PARTIES COMMENTS:**

**Tony Solow**, 10400 South Memorial, 74133, stated that the LED signs are a problem and shine into his home in the evening. Mr. Solow further stated that he doesn't have a problem with the commercial development or the subject restaurant, but the LED signage is a nuisance. He indicated that neon lighting isn't a problem.

#### **TMAPC COMMENTS:**

Mr. Marshall stated that he visited the site and looked over to Mr. Solow's property and his house is set back from the road, and with the trees around the house, he couldn't see Mr. Solow's home. Mr. Solow stated that there are two maple trees and a pecan tree near his home, but he can still see the lights from the signs on his walls of his home. Mr. Solow stated that if he had a B-B gun he could shoot the sign out since there is no obstruction from his home. Mr. Marshall asked if there is another lot between the subject site and Mr. Solow's property to put up another commercial building. Mr. Solow stated that there are several lots. Mr. Marshall asked if the future development would block the proposed sign. Mr. Solow stated that he doesn't know. Mr. Marshall asked Mr. Solow if he plans to sell his property. In response, Mr. Solow stated that he plans and hopes to develop his property as a cemetery with one residence, which would be owned by his daughter.

Mr. Liotta asked if the applicant has discussed the proposal with him and attempted to come up with a compromise. Mr. Solow stated that they have not.

Mr. Walker stated that he understands that Mr. Solow is the last residential and agricultural person on the subject corridor. Staff recommendation is within the right of the major arterial. Mr. Solow stated that he understands what Mr. Walker is saying, but he doesn't know when the plan changed. He understands the Planning Commission can't deny one side of the road and approve the other side of the road. Mr. Solow indicated that he knows the plan has been altered.

**Applicant's Comments:**

**Dennis Sanders**, 5114 South Joplin Avenue, 74135, Construction Manager, stated that he understands that there is an issue about the sign from the last meeting. He explained that it is not that his clients wouldn't talk with Mr. Solow or wouldn't like to, but they didn't know who to speak to and that is why he is present today. Mr. Sanders indicated that he wasn't aware that he needed to attend the first meeting. The owners are both Korean and there is a language barrier sometimes.

Mr. Sanders pointed out similar signs along the corridor. His clients purchased the commercial property with the understanding that they would develop commercially. If a restaurant is not allowed to put a sign up, then they will go out of business. His clients should be allowed to have the same type of signage that is all around them. To exclude his client would harm them financially.

**TMAPC COMMENTS:**

Ms. Wright asked Mr. Solow if he is requesting screening of the sign and/or the removal of the flashing digital proposal. Mr. Solow stated that he has no problem with commercial development, lighted sign or neon sign. Mr. Solow indicated that he is opposed to signage that flashes or has movement. Screening and/or change of the type of signage is being requested. Mr. Solow clarified that when he sold the subject property it was to a church and not for commercial use. He further indicated that he had no objection to it becoming commercial later. Whatever it takes to eliminate the nuisance is what he is requesting.

Mr. Sanders indicated that it would be difficult to screen the signage unless the screening was erected around Mr. Solow's house. Mr. Sanders stated that the owners of the subject restaurant have considered purchasing the property on the north side of the and building something similar to what they have and it would be a two-story type building, but he can't stated that this will happen. He commented that if he were to block the signage, it would only block one sign and there are two more in the subject area that Mr. Solow can see and would still be a nuisance to him. If Mr. Solow develops his property as a cemetery he doesn't think the signage will be a problem.

Mr. Liotta recommended that the two parties discuss the issue. Mr. Sanders stated that Mr. Solow indicated that he only has a problem with the LED and he doesn't have a problem with the neon. Unfortunately, his clients have already spent \$40,000.00 on their digital sign and it is not refundable. He realizes that his clients ordered their sign prior to approval, but there are similar signs across the road and one adjacent to the proposed site. Mr. Sanders stated that he isn't sure how the proposed sign could be screened from Mr. Solow. Mr. Sanders explained that he is only involved with the Japanese restaurant and is not involved with the actual PUD.

Ms. Cantrell requested the applicant to indicate the location of the sign. Mr. Sanders stated that the sign has to be away from the signal lights and there are easements in the subject area as well. Ms. Cantrell asked Mr. Sanders if he would be willing to plant two pine trees. Mr. Sanders indicated that he could possibly put some trees on the adjacent property line. Ms. Cantrell stated that she doesn't believe the Planning Commission can condition that because it is separate parcel of land. Mr. Sanders stated that he is willing to work with his clients and Mr. Solow to try some type of screening, but he can't state how this will be done.

Ms. Huntsinger reminded Ms. Cantrell that the recorder isn't able to pick up the discussion when the applicant steps away from the microphone.

Ms. Cantrell encouraged Mr. Sanders and Mr. Solow to continue discussion between them to work out a solution.

Mr. Leighty stated that he is somewhat sympathetic towards Mr. Solow's issues, but he is in the middle of the largely growing part of the City of Tulsa. Mr. Solow's property is zoned AG and he is certainly entitled to remain on the land, but he can't deny this application. He hopes that the applicant's representative will hold true to his word and try to provide some kind of relief for Mr. Solow. Mr. Leighty stated that he doesn't believe the Planning Commission can require any type of screening and he doesn't believe the Planning Commission can deny this application.

Ms. Cantrell recognized Mr. Steele.

**David Steele**, Senior Engineer for the City of Tulsa stated that he feels he should mention that there are utility easements in the subject area. The City's general policy is no signs in easements; especially if there are utilities in the easement. There would have to be clearance from the private utilities and the public utilities. Mr. Steele wanted the applicant to realize that there is a high probability that they will not be allowed to put a sign in the easement.

Ms. Cantrell stated that she will support this application. She explained that she personally doesn't like digital signs and believes that they are distracting. The Zoning Code allows these signs and she doesn't see any argument to say that it can't be allowed on the subject property. She strongly encouraged that trees be planted and that would be cheaper than a screening fence.

Mr. Carnes stated that he would like to support this application, but he is going to stay on his behavior of voting against digital signs.

Mr. Marshall stated that he would second Mr. Leighty's motion.



**TMAPC Action; 10 members present:**

On **MOTION** of **LEIGHTY**, TMAPC voted **7-3-0** (Cantrell, Dix, Leighty, Marshall, Midget, Shivel, Walker "aye"; Carnes, Liotta, Wright "nays"; none "abstaining"; McArtor "absent") to **APPROVE** the minor amendment for PUD-370-B-3 per staff recommendation.

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**OTHER BUSINESS:**

- 13. **Urban Renewal Plan Updates Extensions for the Neighborhood Development Program Area, finding them accord with the Comprehensive Plan.**

**STAFF RECOMMENDATION:**

Mr. Alberty stated that the Planning Commission is being asked to extend the expiration date from 2010 to 2012. This is a situation where the plans have not changed and it is only for the ones that are expiring in addition to Kendall Whittier. Mr. Alberty explained that this will have to go before the City Council as well.

**TMAPC COMMENTS:**

Ms. Cantrell asked if the plans have been previously found to be in accord with the current Comprehensive Plan. In response, Mr. Alberty answered affirmatively.

Ms. Matthews stated that the Kendall Whittier Task Force is aware that this is coming through and in support of it.

Mr. Midget stated that this is, as Mr. Alberty pointed out, to extend the expiration date. This will allow the plans to be updated with whatever decision is made with PLANiTULSA and there is also a consolidated five-year planning process required by HUD for the CDBG funded programs.

**TMAPC Action; 10 members present:**

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; McArtor "absent") to recommend **APPROVAL** of the Urban Renewal Plan Updates Extensions for the Neighborhood Development Program Area, finding them accord with the Comprehensive Plan, per staff recommendation.

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**Commissioners' Comments**

Ms. Wright reminded the Planning Commission that Yorktown and Swan Lake Neighborhood Associations have invited all of the Planning Commissioners to a meeting to listen to the neighborhoods' concerns.

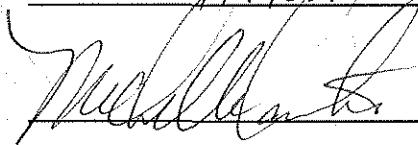
Mr. Boulden reminded the Planning Commissioners that they can't attend a meeting with four or more members because that constitutes a quorum.

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There being no further business, the Chair declared the meeting adjourned at 2:20 p.m.

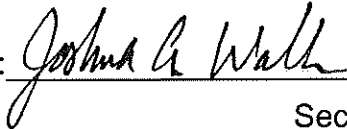
Date Approved:

5/19/2010



Chairman

ATTEST:



Secretary