

TULSA METROPOLITAN AREA PLANNING COMMISSION

For Meeting No. 2521

July 23, 2008

1:30 PM

Francis Campbell City Council Room
Plaza Level, Tulsa Civic Center

CONSIDER, DISCUSS AND/OR TAKE ACTION ON

Call to Order:

REPORTS

Chairman's Report:

Worksession Report:

Comprehensive Plan Report:

Report on the update of the Comprehensive Plan

Director's Report:

1. Minutes of June 25, 2008 Meeting No. 2518

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. LC-111 – Gary Feters-CFH Architects (PD 18C) (CD 5)
Northeast corner of South 83rd East Avenue and East 48th Street,
4747 South 83rd East Avenue
3. Z-7008-SP-1 – Chris Evertz (PD-8) (CD-2)
South of the southwest corner of Olympia Avenue and West 71st
Street (Corridor Detail Site Plan for a 7,200 SF restaurant.)
4. **CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA**

PUBLIC HEARINGS

5. Z-7102 – Roy Johnsen OL/RM-2 to OH
Southwest corner of Broken Arrow Expressway and Utica (PD-6) (CD-4)
6. Z-5636-SP-2a – Whistler Sign Company, LLC (PD-18) (CD-5)
Located along the northbound exit ramp of U.S. 51 to U.S. 169
(Corridor Minor Amendment for relocating the previously approved
outdoor advertising sign 237 feet to the west and to add LED
Technology per the conditions of Section 1221-G of the Zoning
Code.)

7. **PUD-559-B/Z-5888-SP-5 – John W. Moody**

(PD-18) (CD-8)

North and east of the northeast corner of East 91st Street and South 101st East Avenue (Major Amendment to allow a second outdoor advertising sign within the southern half of Development Area A.) (Continued from 6/18/08, 6/25/08 and 7/16/08.)

OTHER BUSINESS

8. **Commissioners' Comments**

ADJOURN

PD = Planning District/CD = Council District

NOTICE: If you require special accommodation pursuant to the Americans with Disabilities Act, please notify INCOG (918) 584-7526

Exhibits, Petitions, Pictures, etc., presented to the Planning Commission may be received and deposited in case files to be maintained at Land Development Services, INCOG.

Ringling/sound on all cell phones and paggers must be turned off during the Planning Commission.

Visit our website @ www.tmapc.org

The mission of the Tulsa Metropolitan Area Planning Commission (TMAPC) is to provide comprehensive planning, zoning and land division services for the City of Tulsa and Tulsa County through a joint city-county cooperative planning commission resulting in the orderly development of the Tulsa Metropolitan Area and enhancing and preserving the quality of life for the region's current and future residents.

TMAPC Mission Statement

A G E N D A

TULSA METROPOLITAN AREA PLANNING COMMISSION

TRAINING SESSION

INCOG

**201 West 5th, Suite 550
5th Floor Conference Room**

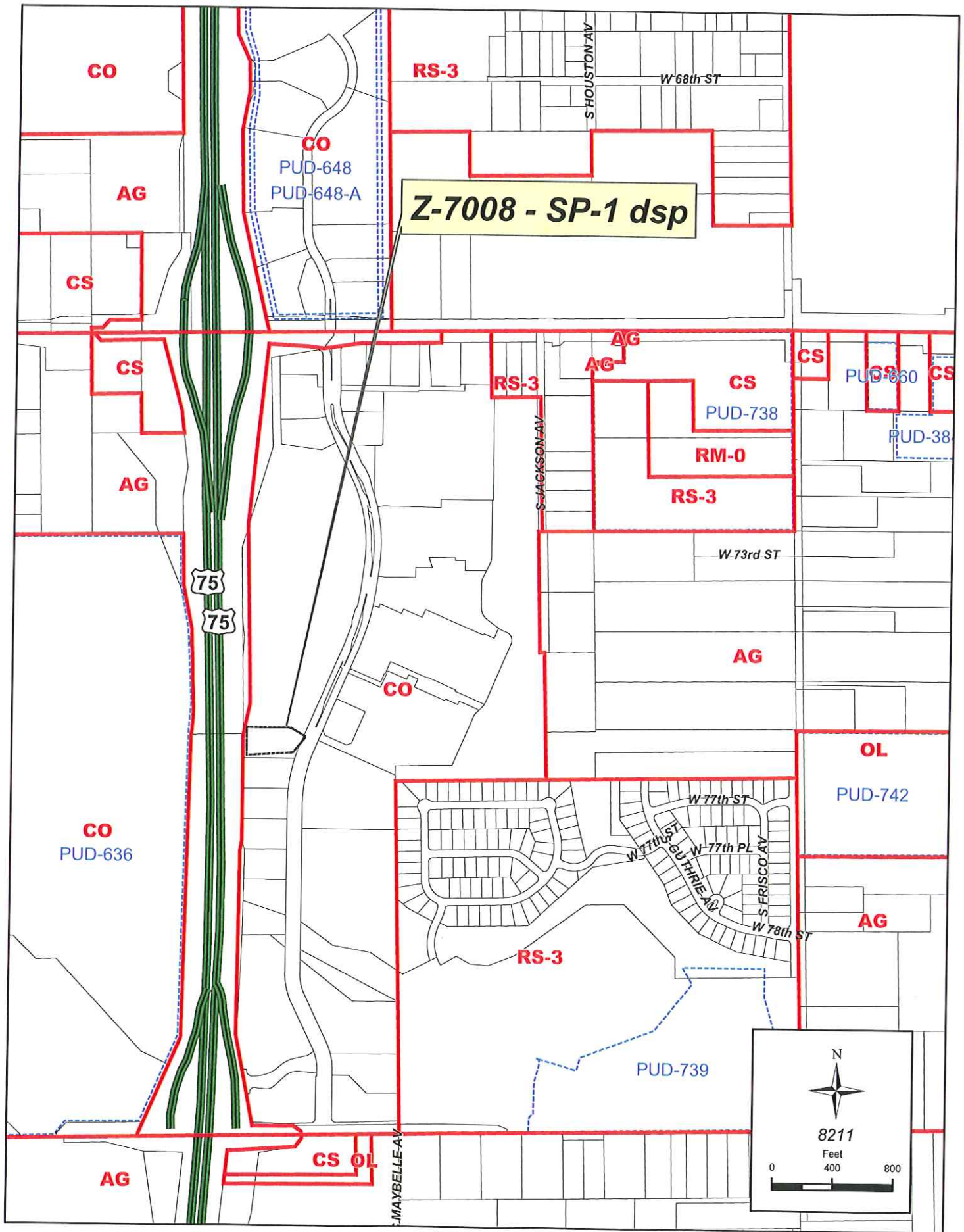
**Wednesday, July 23, 2008
11:00 a.m.**

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Introduction to the Planning Commission/APA CD Training.

Adjourn

www.tmapc.org







July 23, 2008

STAFF RECOMMENDATION

Z-7008-SP-1: Detail Site Plan for Buffalo Wild Wings – South of the southwest corner of Olympia Avenue and West 71st Street; Lot 5, Block 1 – Tulsa Hills (Development Area D); TRS 8211; CZM 51; PD 8; CD 2; CO.

The applicant is requesting approval of a detail site plan for a 7,200 square foot (sf) Buffalo Wild Wings Restaurant. The proposed use, Use Unit 12 – Eating Establishments, other than Drive-ins is a permitted use within the development area of the Corridor District.

The proposed site plan meets all building floor area, lot coverage, building height and setback requirements. Access to the site is provided from one access point to Olympia Avenue. Parking is provided in excess of the Zoning Code and a trash enclosure is provided per Corridor Plan Development Standards. Site Landscaping exceeds applicable Corridor Landscape and Zoning Code Standards. Site lighting is limited to 35' in height and is directed down and away from adjoining properties through the application of the Kennebunkport Formula. An interior sidewalk is provided for pedestrian circulation and a sidewalk will be constructed along Olympia Avenue.

Therefore, staff recommends **APPROVAL** of detail site plan for Buffalo Wild Wings, Lot 5, Block 1 (Development Area D) – Tulsa Hills.

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



1. 2004 - 2005

SIDEWALK

517.05 807.15

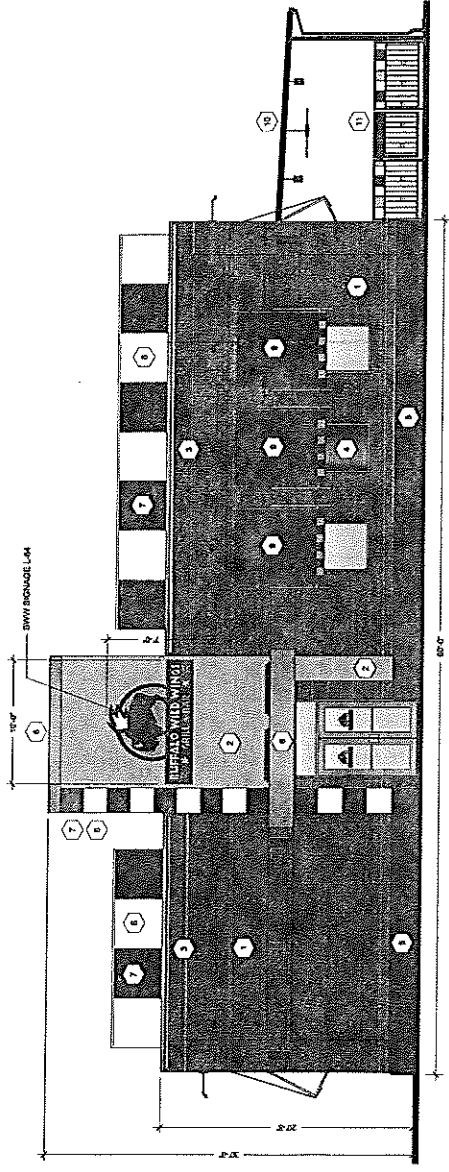
NOTES:

1. ALL HEADS ADJACENT TO PAVED AREAS SHALL BE INSTALLED 2' FROM BACK OF PAVING WITH POP-UP BODY.
2. ALL HEADS LOCATED AT TOE OF SLOPE TO BE INSTALLED WITH POP UP BODY.
3. ALL SLEEVING SHALL BE SCH 40 AND (2) TWO TIMES PIPE DIAMETER, 24" MIN. COVER.
4. THE IRRIGATION CONTRACTOR SHALL FLUSH AND ADJUST ALL SPRINKLER HEADS AND VALVES FOR OPTIMUM COVERAGE WITH MINIMAL OVERSPRAY ONTO WALKS, STREETS, WALLS, ETC.
5. ALL IRRIGATION EQUIPMENT SHALL BE AS SPECIFIED OR EQUAL.
6. INSTALL PRESSURE REGULATOR IF PRESSURE RESIDUAL EXCEEDS 25 PSI.
7. ALL LINE LOCATIONS ARE DIAGRAMMATIC AND ARE SHOWN FOR CLARITY. CONTRACTOR IS RESPONSIBLE FOR FIELD LOCATION OF ALL MAINS & LATERALS.

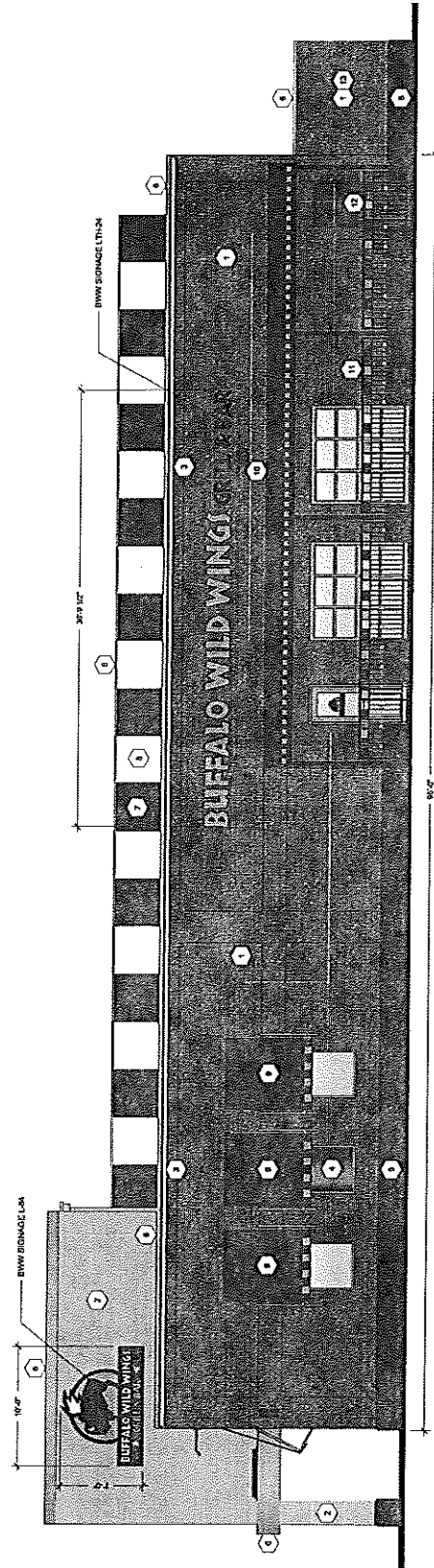
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MATERIAL LEGEND

- BRICK - SOLID CITY BRICK "DARTED FINE ART-MODULAR VELOUR"
- EYES - COLOR TO MATCH SHERWIN WILLIAMS SW666S "SOCIAL BUTTERFLY" FINISH TO BE SANDPAPERABLE
- LED STRIP LIGHTING - COLOR TO BE YELLOW (1) ONE INCH STRIP
- BLACK SPANREL GLAZING
- SPLIT FACED CHU BLOCK - ANCHOR BLOCK - BROWN CUSTOM METALLIC
- PREPARED METAL COPPER/SHAPES - JUNGLE SILVER METALLIC
- DRYVT - #118 LONCE SANDPAPERABLE FINISH
- DRYVT - #118 CHINA WHITE SANDPAPERABLE FINISH
- AWNING - LET BLACK AEROSOL BUMBRELLA FABRIC WITH PAINTING #118 DARTED YELLOW SQUARES
- STANDING TEAM METAL ROOF - COLOR TO BE FLAT BLACK
- PATIO FENCE - BLACK METAL FENCE WITH #118 YELLOW ACCENT PANELS
- PANT TO BE SHERWIN WILLIAMS "SMOKEY TOPAZ" (SW6117) WITH EXTERIOR SATIN FINISH
- DUMPSTER AREA ENCLOSURE WALL



EAST ELEVATION



NORTH ELEVATION



Intertech Design Services, Inc.
Architecture and Engineering
9203 Center Point Blvd. #100
Tulsa, Oklahoma 74114
Phone: (918) 741-5555 Fax: (918) 742-7922
Email: info@intertechdesign.com

BUFFALO WILD WINGS
GRILL & BAR
TULSA HILLS DEVELOPMENT
OLYMPIA AVE + W. 71st ST. S.
TULSA, OK

Date	07-16-08
Drawn	JAW
Job No.	08-0208
Checked	REP
Sheet Number	ELEV1

3.10

ELEV2

Date	07-18-08
Drawn	JAW
Job No.	08-0201
Checked	REP
Sheet Number	

BUFFALO WILD WINGS
GRILL & BAR
TULSA HILLS DEVELOPMENT
OLYMPIA AVE. + W. 71st ST. S.
TULSA, OK

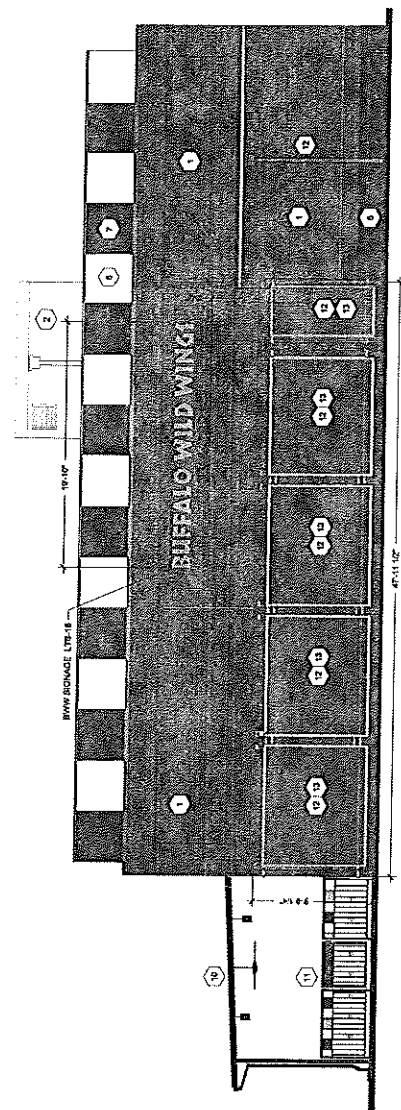


Intertech Design Services, Inc.
Architects and Engineers
5520 Grove Road, Suite 100, Oklahoma City, OK 73122
Telephone: (405) 731-5555 Fax: (405) 731-7222
www.intertechdesign.com

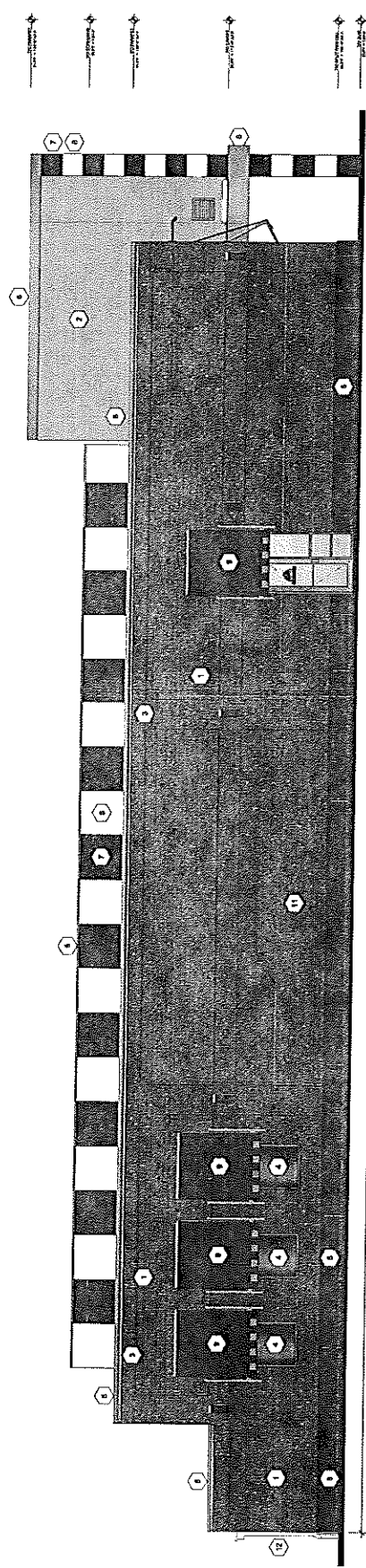
INTERTECH DESIGN SERVICES, INC. HAS PREPARED THIS ELEVATION FOR THE PROJECT DESCRIBED HEREIN. IT IS THE PROPERTY OF INTERTECH DESIGN SERVICES, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF INTERTECH DESIGN SERVICES, INC.

MATERIAL LEGEND

1. BRICK - SOLA CITY BRICK - TOASTED PINE ANT-MODULAR VELOUR
2. EPS - COLOR TO MATCH SHERWIN WILLIAMS SWISS "SOCAL" BUTTERFLY - FINISH TO BE SANDPAPER.
3. LED STRIP LIGHTING - COLOR TO BE YELLOW. (1) ONE (1) INCH STRIP.
4. BLACK SPANDEK GLAZING.
5. BRILLIANT FACED CHALK BLOCK - ANCHOR BLOCK - BROWN CUSTOM.
6. PREHUNG METAL CORNER PANELS - LAMINATED "SLIVER METAL".
7. DRYVIT - #115 LORRICE SANDPAPER FINISH.
8. DRYVIT - #115 CHINA WHITE SANDPAPER FINISH.
9. AWNING - JET BLACK ALUMINUM SHUTTERELLA FABRIC WITH PANTONE #115 COATED YELLOW SQUARE.
10. STANDING SEAM METAL ROOF - COLOR TO BE FLAT BLACK.
11. PATIO FENCE - BLACK METAL FENCE WITH INSET YELLOW ACCENT PANELS.
12. PAINT - SHERWIN WILLIAMS SWISS BUTTERFLY TOPAZ.
13. CHAMFER AREA.



WEST ELEVATION



SOUTH ELEVATION

FOR BID AND PERMIT

E111

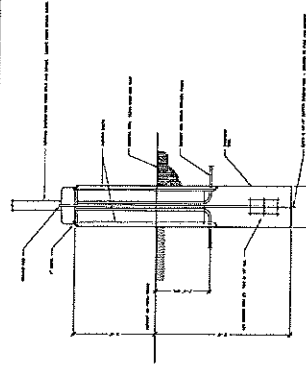
BITE LAMING AND PHOTOGRAPHY PLAN
SCALE: 1" = 4'-0"
DATE: 11/11/11
DRAWN BY: [Signature]
CHECKED BY: [Signature]
APPROVED BY: [Signature]

BUFFALO WILD WING
GRILL & BAR
TULSA HILLS DEVELOPMENT
OLMSTAD AVE + W 74th ST. S.
TULSA, OK

GENERAL NOTES

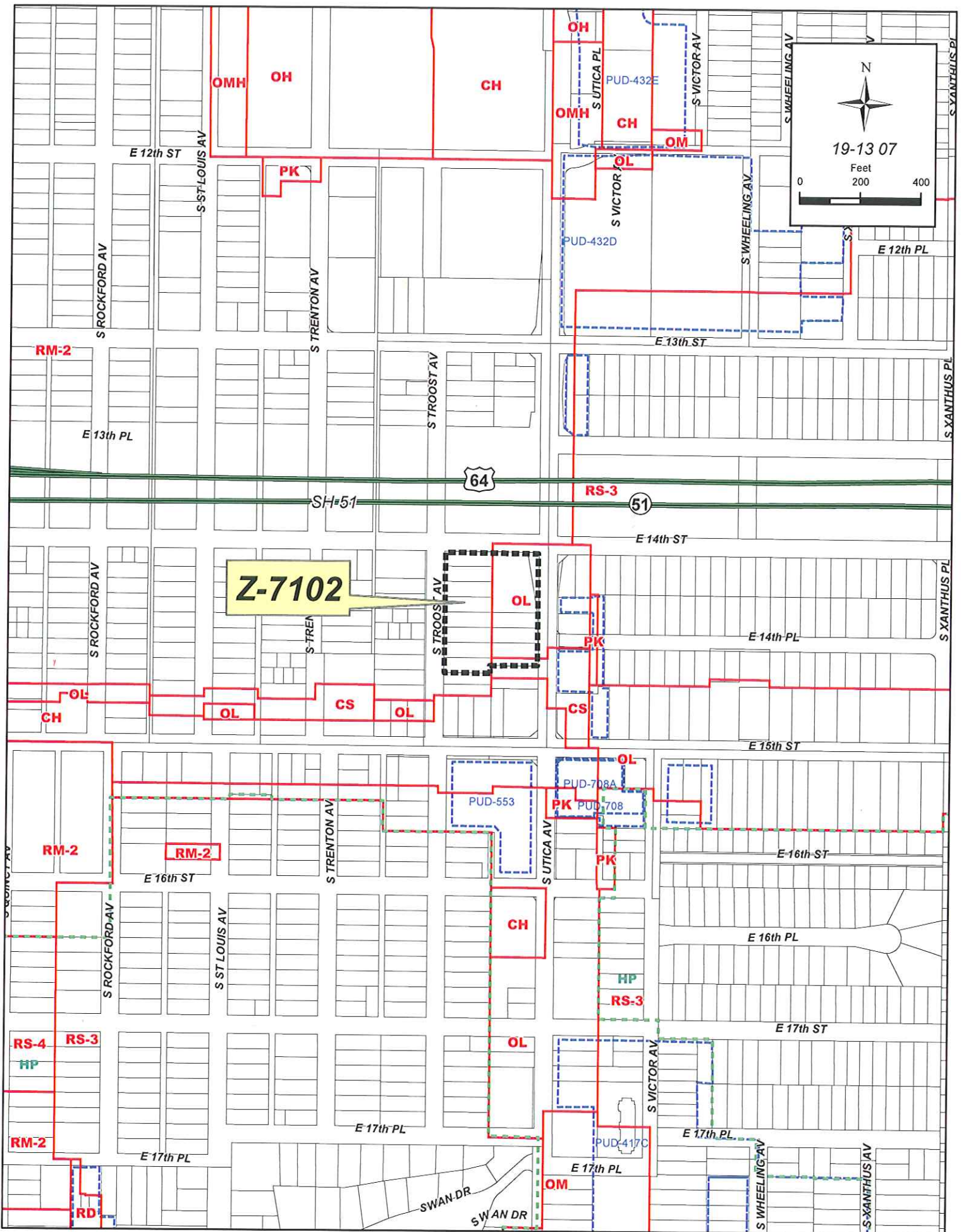
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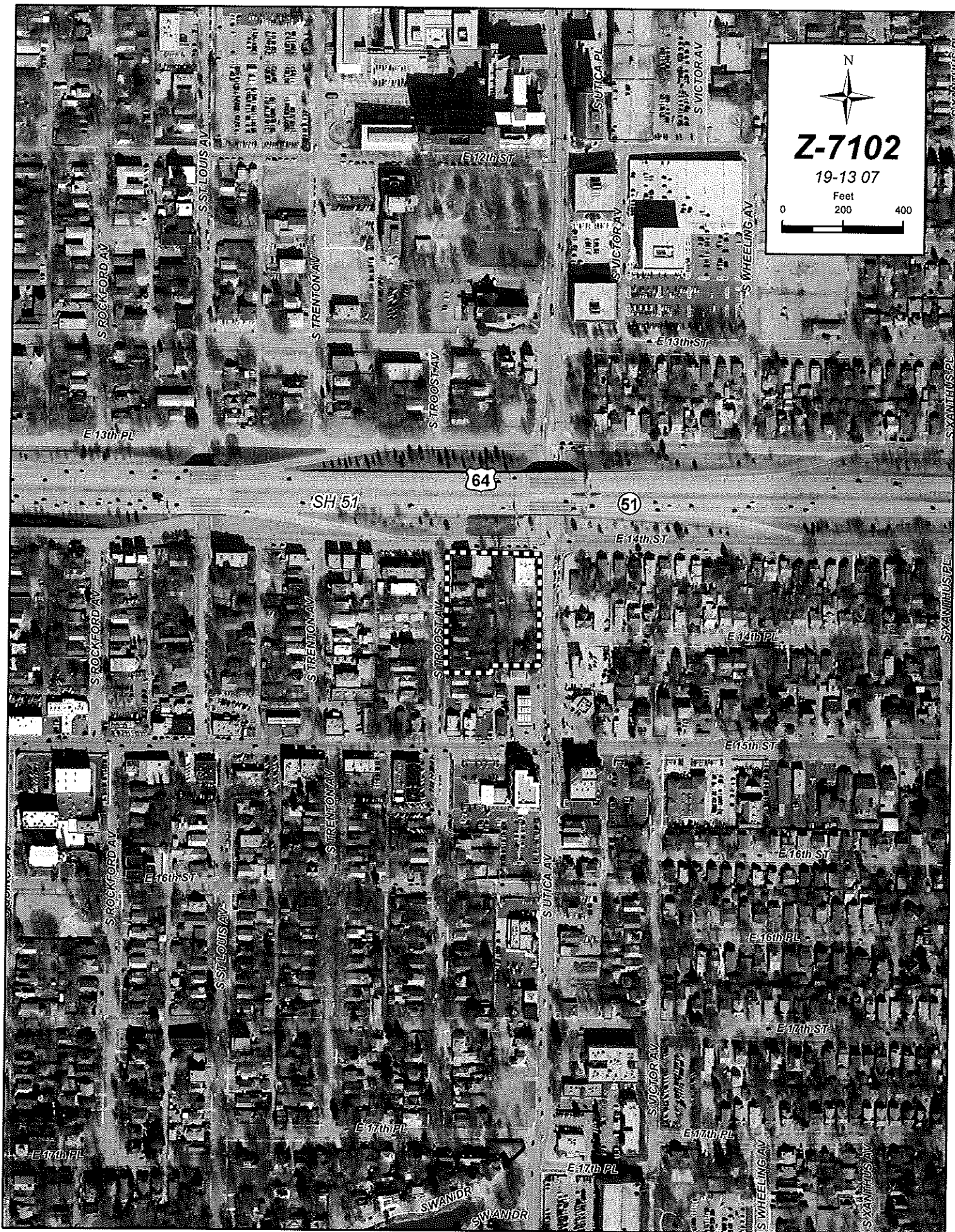


BITE LAMING AND PHOTOGRAPHY PLAN





5.1

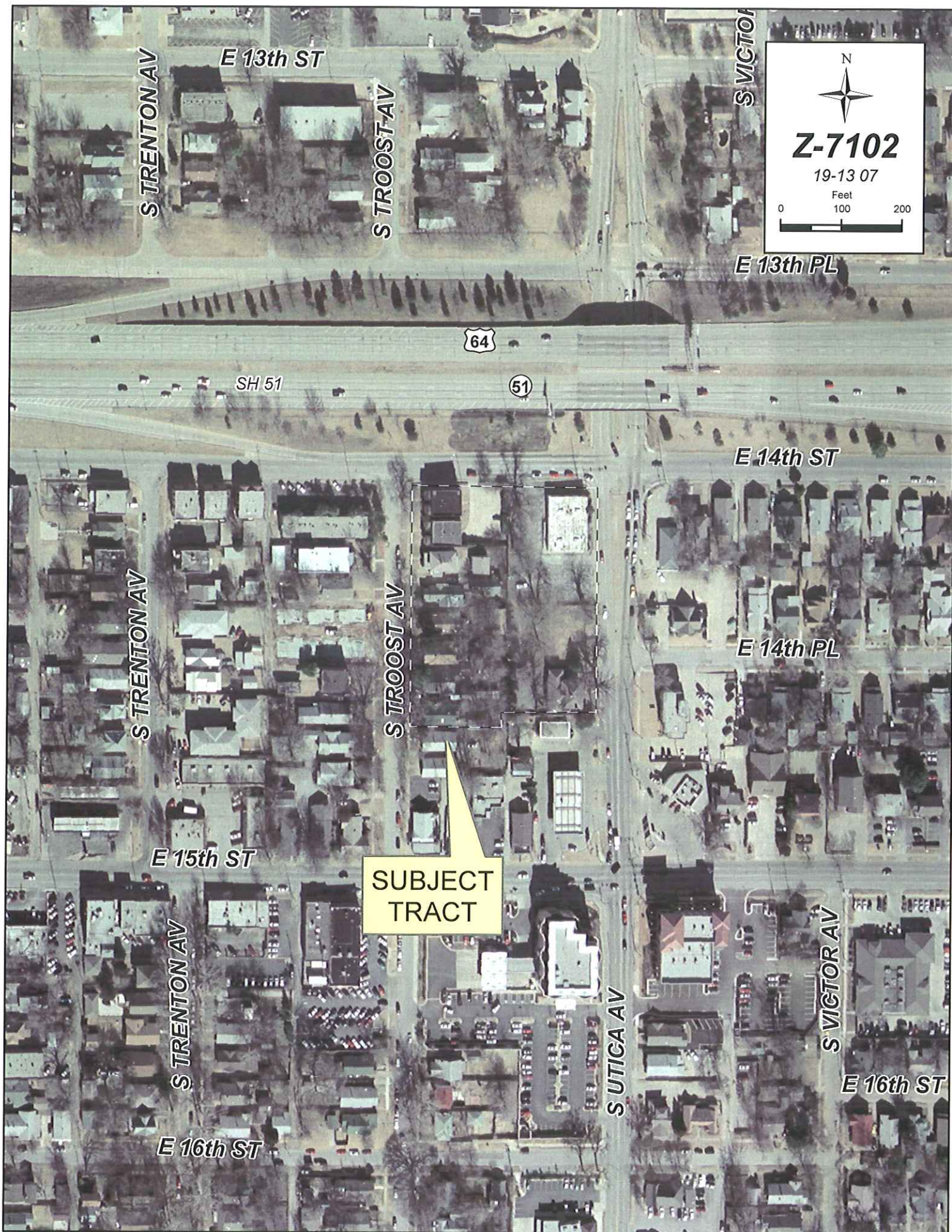


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Z-7102

19-13 07

Feet
0 200 400



N

Z-7102

19-13 07

Feet
0 100 200

**TULSA METROPOLITAN AREA PLANNING COMMISSION
CASE REPORT**

APPLICATION: Z-7102

TRS 9307

Atlas 3/14

CZM 37

PD-6 CD-4

TMAPC Hearing Date: July 23, 2008

(Continued from July 16, 2008)

Applicant: Roy D Johnsen

Tract Size: 2.7± acres

ADDRESS/GENERAL LOCATION: Southwest corner of the Broken Arrow Expressway and South Utica Avenue.

EXISTING ZONING: OL/RM-2 /CS

EXISTING USE: formerly office and residential; now cleared and vacant

ZONING ORDINANCE: Ordinance number 16678 dated September 24, 1986, and 11815 dated June 26, 1970, established zoning for the subject property.

PROPOSED ZONING: OH

PROPOSED USE: Offices

RELEVANT ZONING HISTORY:

Z-7038 October 2006: A request for rezoning a 2± acre tract of land from RM-2 to CH for new commercial development and parking, on property located north of the northeast corner of South Troost Avenue and East 15th Street and abutting south of subject property was withdrawn by applicant.

Z-6977/PUD-708-A July 2005: All concurred in approval of a proposed Major Amendment to a PUD on a 1.34± acre tract of land on property and to allow on property located on the southeast corner East 15th Street and South Utica Avenue. Staff and TMAPC recommended approval to remove HP zoning subject to the removal of the Victor access. The City Council motioned to retain the three lots in HP overlay zoning, and approve the curb-cut onto Victor but not allow to open until the scheduled improvements at 15th and Utica intersection are made; and to approve a landscaping addition to the project at the southeast corner of parking lot providing a buffer and transition into the remaining single-family residential uses to the south.

PUD-708 August 2004: All concurred in approval of a proposed Planned Unit Development on a 1.34± acre tract of land, to permit the consolidation of several parcels with various zoning, CH, OL, PK, RS-3 and HP to allow for a bank, including drive-thru facility, and office use subject to staff recommendations and eliminating access to Victor Avenue, and to specific traffic flow requirements on property located on the southeast corner of East 15th Street South and South Utica Avenue and southeast of subject property.

PUD-614 August 1999: All concurred in approval of a proposed Planned Unit Development a 1.2± acre tract for a one-story medical office (KMO Cancer Care Facility) on property located on the southeast corner of East 15th Street and South Victor Avenue.

PUD 553 April 1997: All concurred in approval of a proposed Planned Unit Development on a 2.14± acre tract of land to permit a bank, including drive-in facility, and office use per

5.4

conditions on property located on the southwest corner of East 15th Street and South Utica Avenue and south of subject property.

PUD-437 August 1988: All concurred in approval of a proposed Planned Unit Development a 1.35+ acre tract of land for uses as permitted by right in an OL district excluding drive-in banks and funeral homes and allowing 2 stories on property located on the southeast corner of East 14th Place and South Utica Avenue.

Z-6111 September 1986: A request to rezone a .2 acre tract from OL to CS on property located north of the northwest corner of East 15th Street and Utica Avenue and a portion of the subject property was recommended for approval by staff if the property continues with the commercial lot to the south and if TMAPC amends the Comprehensive plan to include this area otherwise staff recommended denial. The TMAPC recommended denial, however the City Council approved the CS zoning.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 2.7± acres in size and is located southwest corner of East 14th Street South and South Utica Avenue. The property appears to be vacant, cleared land and is zoned RM-2/OL.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 14 th Street	N/A	N/A	4 (one-way exit road from the Broken Arrow Expressway; two outer lanes must turn either north or south)
South Utica Avenue	Urban arterial	70'	4
South Troost Avenue	N/A	N/A	2

UTILITIES: The subject tract has municipal water and sewer available.

SURROUNDING AREA: The subject tract is abutted on the east by office and commercial uses, zoned PUD/CS/PK/RM-2/OL; on the north by the expressway, zoned RS-3; on the south by office/commercial uses, zoned RM-2/CH; and on the west by office/commercial/residential uses, zoned RM-2. It lies midway between the Hillcrest Health Care Center and St. John's Medical Center, both very high intensity uses.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 6 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being within the Cherry Street Special Consideration Area. According to the Zoning Matrix, the requested OH zoning **may be found** in accord with the Plan by virtue of its location within a Special District. Policies in the Cherry Street refer to area F as the Bellview Special Development Sub-area and cite the area east of Peoria for Medium Intensity Residential or Office use, and encourage use of the PUD in redevelopment. Area G is designated as a Low Intensity Sub-area, with uses limited to off-street parking, Low Intensity Office or Low Intensity Residential. But for its location in a Special District, the proposed rezoning would not be in accord with the Plan.

STAFF RECOMMENDATION:

The site's location adjacent to a very busy expressway and its eastbound off-ramp argues for its development as a high intensity office use. The surrounding area is clearly in transition and has been in mixed uses for some time. North and south of this site, the Utica Avenue corridor has developed in high intensity, highrise uses and continues to do so. To the north, the Hillcrest Medical Center complex includes highrise buildings and OH zoning. The St. John Medical Center does the same on the south. The requested use is of the same nature. Therefore, staff can recommend **APPROVAL** of the requested OH zoning for Z-7102.

Staff further recommends that the District 6 Plan map and text be amended to reflect the appropriateness of high intensity uses on this site. Staff also believes that the Cherry Street Special District study should be reevaluated for relevance during the Comprehensive Plan update process.

07/23/08

Yorktown Neighborhood Association Tulsa, Oklahoma

July 16, 2008

Dane Matthews
and Tulsa Metropolitan Area Planning Commission (TMAPC)
INCOG
201 West 5th Street, Suite 600
Tulsa, OK 74103-4236
Phone (918) 584-7526
Fax (918) 583-1024

RE: TMAPC Case Z-7102, 14th and S. Utica Ave zoning change.

Dear Ms. Matthews and TMAPC:

The Yorktown Neighborhood Association is concerned with the proposed rezoning, from OL/RM-2 to OH, at 14th and S. Utica Ave, and is requesting a continuance for the following reasons.

- We are not within the 300' notification area so we did not get notice of the zoning change although we are within the Tulsa Redux Study Area.
- The developer has not tried to contact us and has not given any information about the proposed uses. This is not in the spirit of the Midtown Redux Study which recommended that proposed developments be communicated by the developers to the neighborhoods in a good-faith effort to include the neighborhoods in the development process.
- According to the current Comprehensive plan the property lies in an area that is recommended to be low intensity (Area G.)

In the Comp Plan it says:

"The Cherry Street area...was designated due to the unique neighborhood pedestrian scale commercial and office development and the close interrelationship between them and the residential neighborhoods that border Cherry Street. The policies regarding this area are to alleviate potentially conflicting land uses, increased through traffic encroachments upon residential neighborhoods and to ensure that future development and redevelopment maintains and enhances the delicate balance needed to maintain the unique mix of uses."

This is what is written about Area G.

Uses for Low Intensity Subarea (Area G)

3.5.7.1 Uses within this area should be limited to off-street parking, low intensity-office or low intensity-residential land uses.

3.5.7.2 New Parking lots should be adjacent to existing commercial zoning and/or exiting parking lots. Residences should not be isolated between parking lots or commercial establishments.

How do you expect the support of the neighborhoods when the only description of the proposed development use is "office". Therefore the Yorktown Neighborhood Association cannot support the rezoning of this property until the use is detailed and the neighborhoods are part of the process.

Cherry Street area neighborhoods spent a considerable amount of time and effort working with the development industry, city leaders, and governmental planning departments to develop the Midtown Redux Study. It is time to take it off the shelf and put it into action.

If you have any questions please contact me at 744-5209 or 232-6853.

Sincerely,



Mark Radzinski
President, YNA
1552 S. Yorktown Ave
Tulsa, Oklahoma 74104

July 15, 2008

TMAPC

Attn: Planning Commissioners

Re: Case #Z-7102

Property located at 14th Street and Utica Avenue

Dear Planning Commissioners:

I own a piece of property adjacent to the property located at 14th Street and Utica which is making a request to change their current zoning from OL/RM-2 to OH also know as Case # Z-7102.

I have grave concern about this type of re- zoning for the following reasons:

1. Traffic on Troost Avenue is already a huge problem with illegal parking and excessive amounts of traffic common. The placement of a large commercial building would only serve to increase this problem on a residential street which was not intended to handle this volume of traffic.
2. The developer is not required to disclose to fellow neighbors any of his plans for how he intends to develop this property. I am concerned that this will turn into a similar project he just completed....Utica Place. He told the neighborhoods that this building would be eight stories and it now stands at thirteen. This building is not within the scale of other structures in the area and more importantly is not what he said he would build. Re-zoning this property OH would give him open reins to do what he pleases. I am certain this would mean a much higher density than currently exists in the neighborhood.
3. Cherry Street is a very important part of Tulsa. We must strive to maintain the integrity of the area. The buildings are an integral part of the neighborhood and once they are gone ,they are gone forever. They are the reason that Cherry Street is considered charming and highly visited by tourists. New infill development must fit in with the neighborhood's architecture, scale and usability.
4. We must maintain a buffer between commercial buildings and residential homes. This proposal takes property that once held single family homes and two multi -family apartments and turns it into high density commercial property. Commercial development must be carefully planned in order to avoid the loss of the neighborhood to large buildings and their parking lots that must be equally large to handle the volume of cars they will attract.

In closing, I request that you strongly oppose the re-zoning of this land...for the sake of our neighborhood!

Sincerely,

Kimberly A. Norman
OFallon LP Owner

5.9

Huntsinger, Barbara

From: Sheri Mayer Williams [sheri@smwinteriors.com]
Sent: Wednesday, July 16, 2008 11:06 AM
To: Huntsinger, Barbara
Subject: Cherry Street



Hello,

I am a merchant on Cherry Street. I own Frenchy's and Sheri Mayer Williams Interiors Inc. I have been notified that a meeting is taking place with INCOG regarding re-zoning for an area just adjacent to my business location. I am not aware that there has been any information regarding this new construction or re-zoning request brought before the Cherry Street Association and to my knowledge the developer has not made any efforts to discuss the plan with the area business that will require a zone change.

I am not against the re-zoning but ask that you postpone the meeting until the other merchants have an opportunity to find out what is being proposed. It may be too late and it may be that I am just "out of the loop". There is a lot of construction and change going on and it would be good to know how it can affect our businesses.

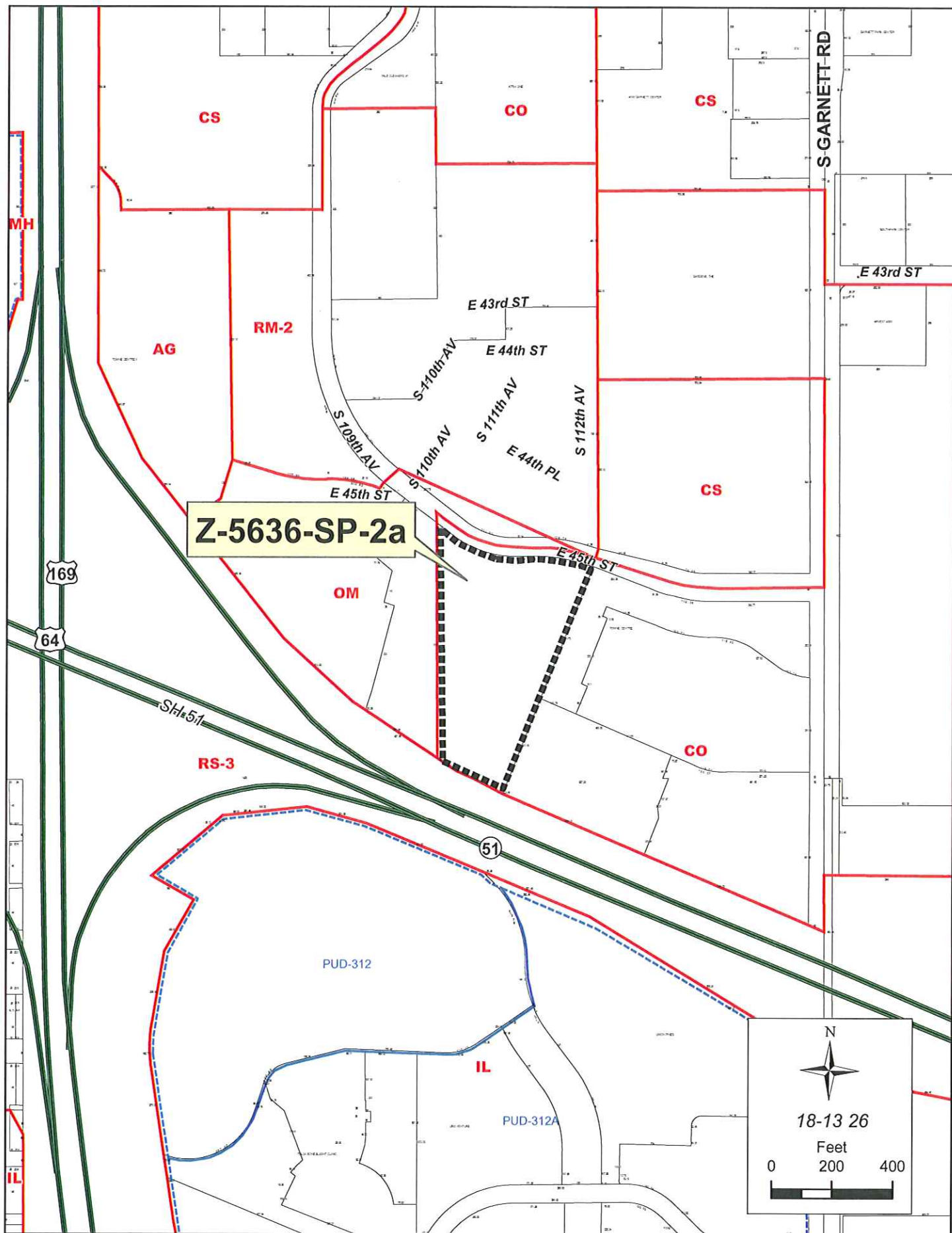
Thank you for your consideration.

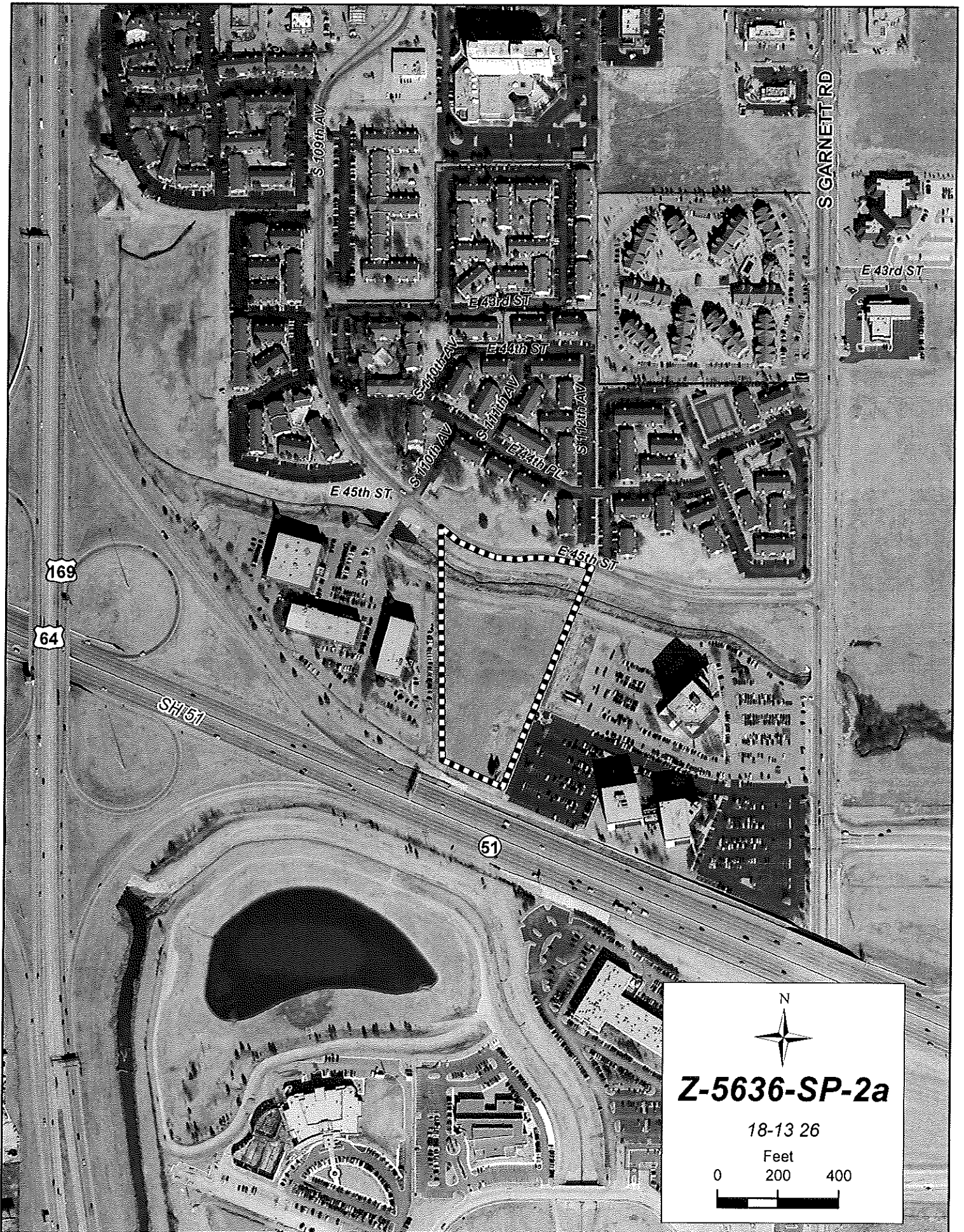
Sheri Mayer Williams

Case was continued to 7/23/08.

7/16/2008

S.10





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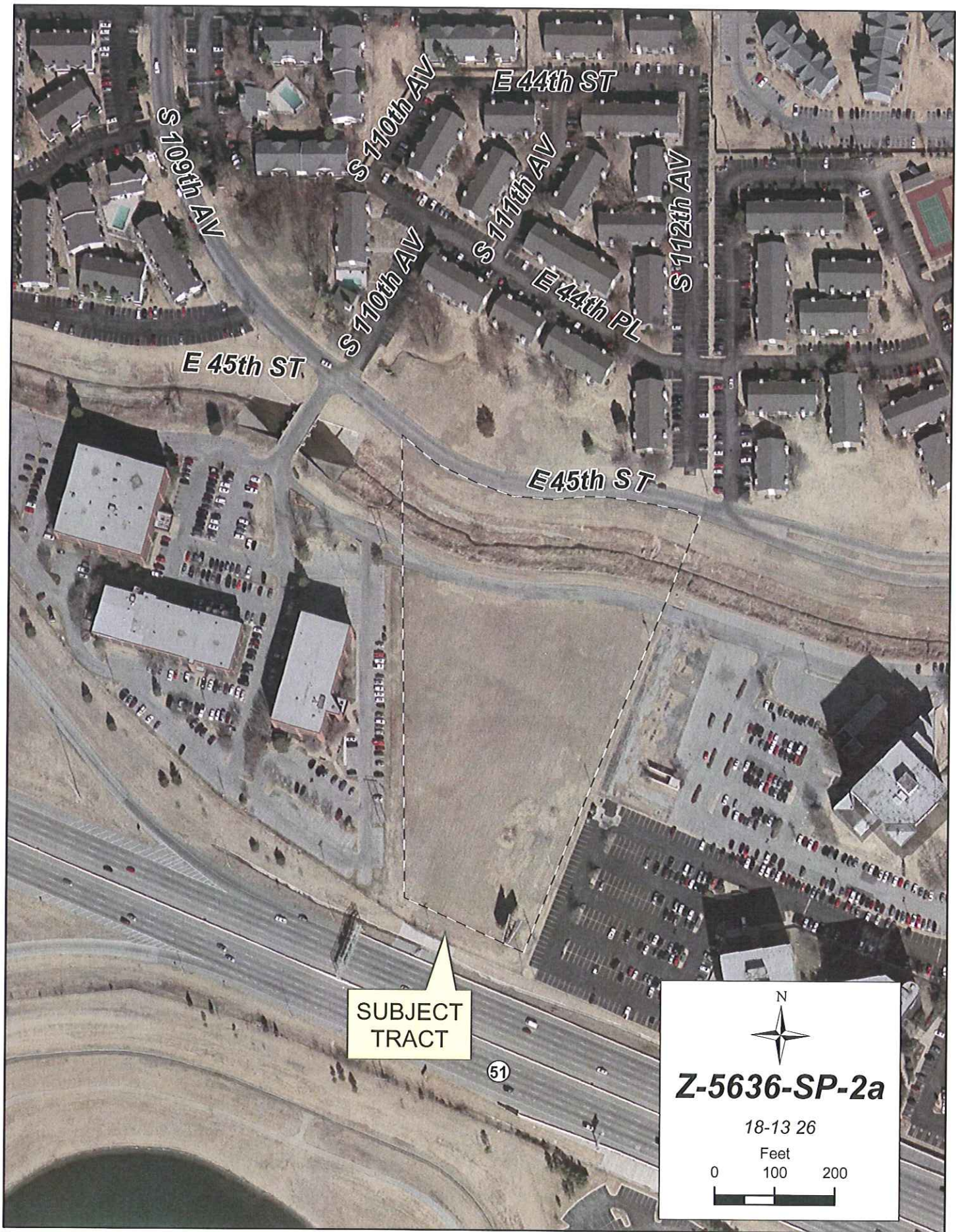
Z-5636-SP-2a

18-13 26

Feet

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6.2



SUBJECT
TRACT



Z-5636-SP-2a

18-13 26

Feet

0 100 200

6.3

July 23, 2008

STAFF RECOMMENDATION

Z-5636-SP-2a: Corridor Plan Minor Amendment – Located along the northbound exit ramp of U.S. 51 (B.A. Expressway) to U.S. 169; Lot 1, Block 2 – Town Center II; 10909 E. Broken Arrow Expressway; TRS 9430; CZM 49; Atlas 753; PD-18 CD-5; CO.

The applicant is requesting a minor amendment to Z-5636-SP-2 for the purpose of relocating the previously approved Outdoor Advertising (O/A) sign 237-feet to the west of a previously approved outdoor advertising sign location (see Exhibit A) and to add LED technology per the conditions of section 1221-G of the Zoning Code. The outdoor advertising sign was approved as a permitted use in its existing location through the detail sign plan process in 1994.

Spacing verification for the proposed location was approved by the City of Tulsa Board of Adjustment (BOA) in case #20702 on 6/24/08. The outdoor advertising sign:

- Is an existing permitted use;
- Is permitted since the addition of the LED technology is permitted by section 1221-G of the Code and by meeting the requirements of 1221-G, the LED technology does not meet the definition of flashing illumination; and
- The new location has had the spacing verified by the BOA.

Therefore, staff recommends **APPROVAL** of minor amendment Z-5636-SP-2a with the condition that the overall height of the sign does not increase, and the permitted display surface area (672 sf) of the sign as approved by Z-5636-SP-2 will remain effective. Certification of compliance with section 1221-G of the Zoning Code (see Exhibit B) must be supplied to the City of Tulsa Zoning Official prior to the release of sign permits.

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

6.4

N00°05'29"E
774.40'

20' EASEMENT - D.C. No. 2033

"TOWNE CENTRE II"
LOT 1
BLOCK 2

← 10' set back

NEW Proposed
LOCATION

← 10' set back

86.93'
N56°39'54"W

BROKEN

170.90'
N66°50'

10+13.59

10+63.39

10' SEWER EASEMENT

171.00'
R=430.13' Δ=20°

8+92.50

473.81'

UTILITY EASEMENT

796.86'

323.05'
S21°25'30"W

5636

10-12-94

2

013

Approximate
old o/a SIGN
LOCATION

EXHIBIT A-1

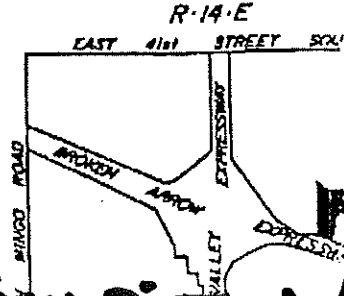
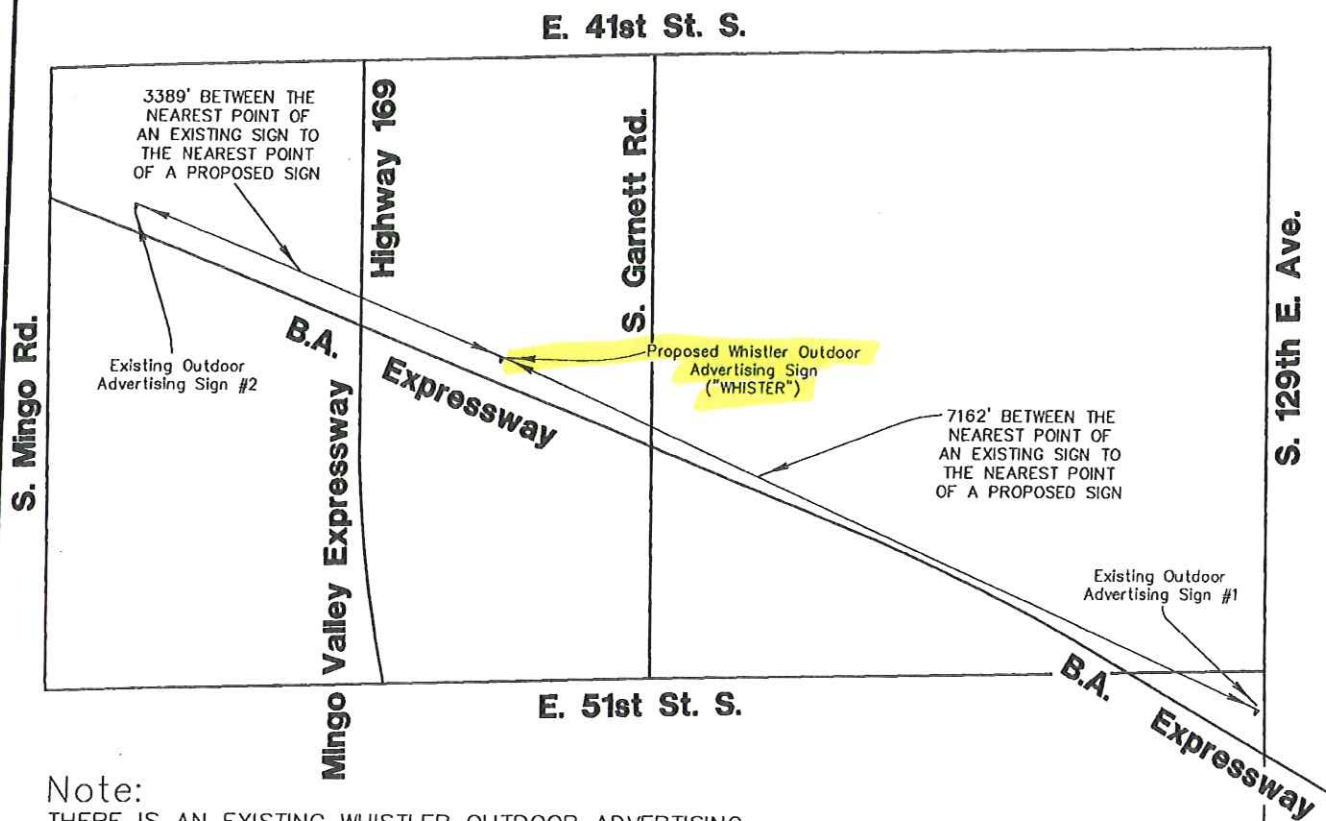


EXHIBIT A-6.5



Note:

THERE IS AN EXISTING WHISTLER OUTDOOR ADVERTISING SIGN LOCATED 237' SOUTHEASTERLY OF THE PROPOSED WHISTLER OUTDOOR ADVERTISING SIGN LOCATION. SAID EXISTING WHISTLER OUTDOOR ADVERTISING SIGN IS TO BE MOVED TO THE PROPOSED LOCATION.

Surveyor's Certification



NOT TO SCALE

WE, SISEMORE WEISZ & ASSOCIATES, INC., CERTIFY THAT THE EXISTING OUTDOOR ADVERTISING SIGN #1 LOCATION MEASURES 7162 FEET FROM THE NEAREST POINT ON SAID SIGN #1 TO THE NEAREST POINT ON A PROPOSED WHISTLER OUTDOOR ADVERTISING SIGN ("WHISTLER") LOCATION. AND FURTHER, 3389 FEET FROM THE NEAREST POINT ON THE PROPOSED WHISTLER OUTDOOR ADVERTISING SIGN ("WHISTLER") LOCATION TO THE NEAREST POINT ON THE OUTDOOR ADVERTISING SIGN #2 LOCATION.

WITNESS MY HAND AND SEAL THIS 23RD DAY OF JUNE, 2008.



SISEMORE WEISZ & ASSOCIATES, INC.

BY:

Dean Robinson

DEAN ROBINSON
REGISTERED PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1146



Sisemore Weisz & Associates, Inc.

6111 EAST 32nd PLACE
TULSA, OKLAHOMA 74135
C.A. NO. 2421

PHONE: (918) 665-3800
FAX: (918) 665-8668
EXP. DATE 6/30/09

ORDER: 15953
DATE: 06/23/08
FILE: 1914.3000

K: 15953\15953-EXHIBIT-REV.Dwg

EXHIBIT A6.6

G. ADDITIONAL USE CONDITIONS FOR DIGITAL OUTDOOR ADVERTISING SIGNS

In addition to the use conditions prescribed for outdoor advertising signs in subsections 1103-B-2 and 1221-F, digital outdoor advertising signs shall comply with the following 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 (1/2) hour after sunset until one half (1/2) hour before sunrise or six thousand five hundred (6,500) NITs between one-half (1/2) hour before sunrise until one-half (1/2) 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.

SECTION 1221

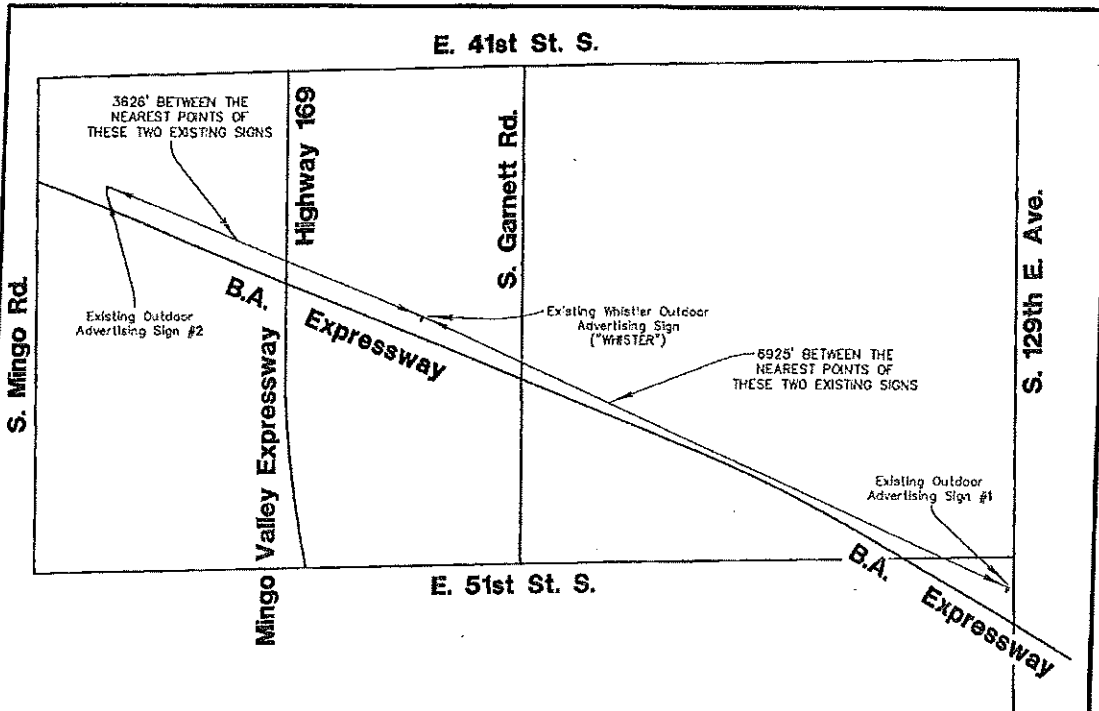
8. Digital outdoor advertising signs shall not display consecutive messages facing the same traveled way, which constitute a substantially similar theme or story and is a continuation of any immediately preceding message, thereby creating a storyboarding effect when viewed by persons operating a motor 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 completed constructed prior to January 1, 2010, shall be separated by a minimum distance of one thousand two (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 setback 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 (1/2) hour after sunset until one-half (1/2) 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.

BOA 20702

Exchange

Spring
verification
BOA CASE
20702
APPL
04/00

Exhibit B



Surveyor's Certification

WE, SISEMORE WEISZ & ASSOCIATES, INC., CERTIFY THAT THE EXISTING OUTDOOR ADVERTISING SIGN #1 LOCATION MEASURES 6925 FEET FROM THE NEAREST POINT ON SAID SIGN #1 TO THE NEAREST POINT ON THE EXISTING WHISTLER OUTDOOR ADVERTISING SIGN ("WHISTLER") LOCATION. AND FURTHER, 3626 FEET FROM THE NEAREST POINT ON THE WHISTLER OUTDOOR ADVERTISING SIGN ("WHISTLER") LOCATION TO THE NEAREST POINT ON THE OUTDOOR ADVERTISING SIGN #2 LOCATION.

WITNESS MY HAND AND SEAL THIS 2ND DAY OF MAY, 2008.



NOT TO SCALE



SISEMORE WEISZ & ASSOCIATES, INC.

BY: Dean Robinson
DEAN ROBINSON
REGISTERED PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1146



Sisemore Weisz & Associates, Inc.

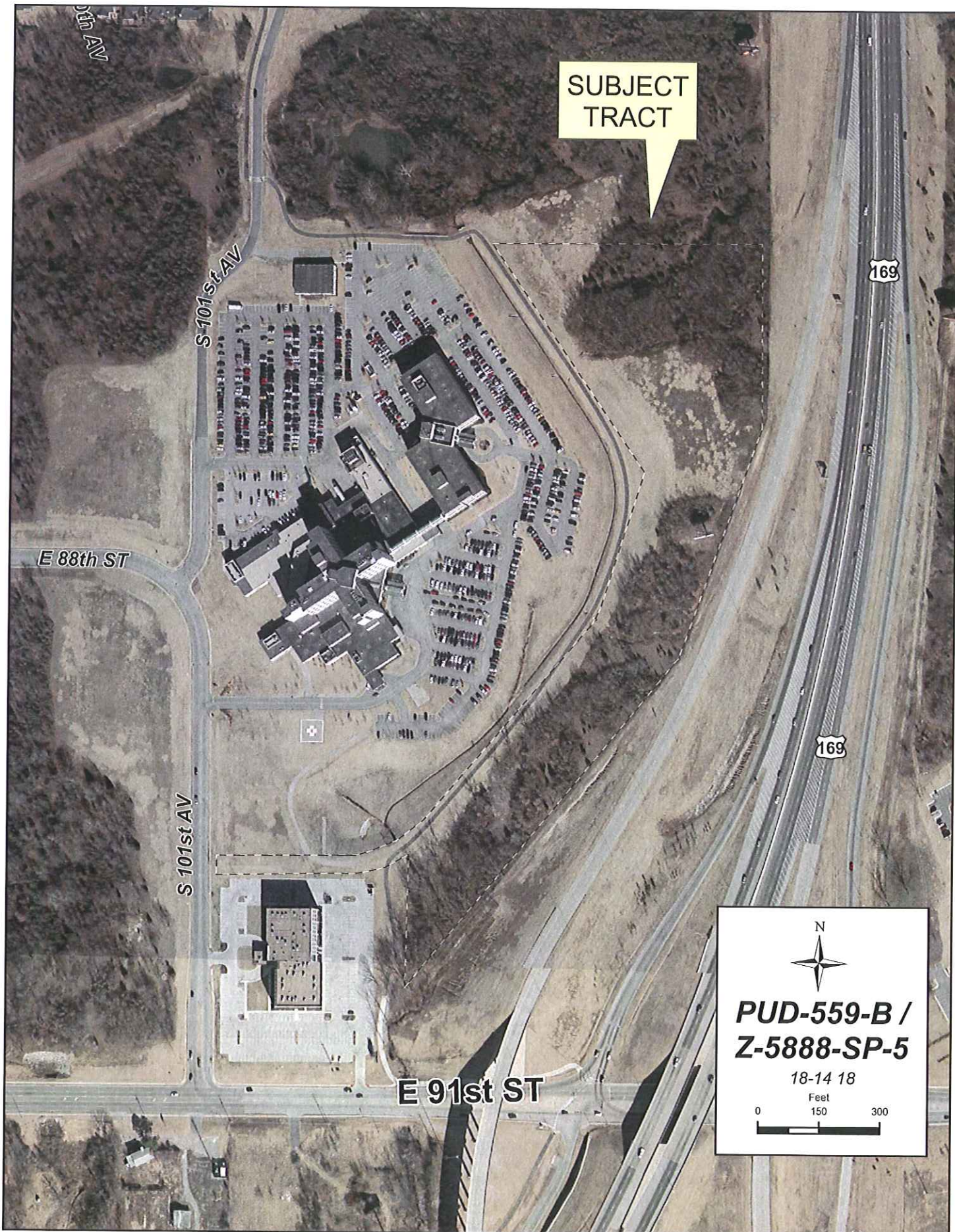
6111 EAST 32nd PLACE
TULSA, OKLAHOMA 74135
C.A. NO. 2421

PHONE: (918) 686-3500
FAX: (918) 686-2668
EXP. DATE 6/30/09

ORDER: 15953
DATE: 05/02/08
FILE: 1914.3000

K:\15953\15953-EXHIBIT.Dwg





N

**PUD-559-B /
Z-5888-SP-5**

18-14 18

Feet
0 150 300

**TULSA METROPOLITAN AREA PLANNING COMMISSION
CASE REPORT**

APPLICATION: PUD-559-B/Z-5888-SP-5

TRS 8418

Atlas 1902

CZM 54

PD-18 CD-8

TMAPC Hearing Date: July 23, 2008

(continued from 6/18/08, 6/25/08 and
7/16/08)

Applicant: John W. Moody

Tract Size: 5.03± acres

ADDRESS/GENERAL LOCATION: North and east of the northeast corner of East 91st Street and South 101st East Avenue

EXISTING ZONING: CO/PUD

EXISTING USE: Vacant

ZONING ORDINANCE: Ordinance number 19538 dated May 17, 1999, established zoning for the subject property.

PROPOSED ZONING: CO/PUD

PROPOSED USE: Use Unit 21, to add a second outdoor advertising sign

RELEVANT ZONING HISTORY:

Z-6503-SP-2 October 19, 2007: Staff approved a proposed sign application in a Corridor Site Plan on a tract of land to replacing a previously approved outdoor sign, on property located east of the southeast corner of East 91st Street South and South Mingo Road, abutting west of the Mingo Valley Expressway and located south of subject property across East 91st Street South.

Z-6503-SP-2 May 2007: All concurred in approval of a proposed Corridor Site Plan on an 8.67± acre tract of land for new commercial and office development, on property located east of the southeast corner of East 91st Street South and South Mingo Road, abutting west of the Mingo Valley Expressway and located south of subject property across East 91st Street South.

Z-7003/PUD-721 January 2006: All concurred in approval of a request for rezoning and a proposed Planned Unit Development on a 40± acre tract of land from AG to RS-3/OL/CS/PUD for mixed use development with four development areas on property located northeast corner of East 91st Street South and South Mingo Road.

Z-5888-SP-4/PUD-586-A January 2002: All concurred in approval of a proposed Corridor Site Plan and Major Amendment to a PUD on a 23.4± acre tract of land to allow Use Unit 21 for two outdoor advertising signs in Development Area A, along the Mingo Valley Expressway with 1,300 feet distance between signs on property located on the northeast corner of East 91st Street South and Mingo Valley Expressway.

Z-6910-SP-2 April 2006: All concurred in approval of a proposed Corridor Site Plan on a 4.45± acre tract of land for commercial and medical office use and to establish the aggregate floor area of 27,380 square feet for office development on property located east of southeast corner of East 91st Street South and South Mingo Road.

Z-6910-SP-1 December 2003: All concurred in approval of a proposed Corridor Site Plan for a four-story medical office building on property located east of southeast corner of East 91st Street South and South Mingo Road.

Z-6910 November 2003: All concurred in approval of a request for rezoning from AG to CO on property located east of southeast corner of East 91st Street South and South Mingo Road.

BOA-19101 June 12, 2001: The Board of Adjustment approved a Special Exception to construct an 80 foot monopole cellular transmission tower on property zoned AG, per plan submitted on property located east of southeast corner of East 91st Street South and South Mingo Road.

BOA-18760 June 13, 2000: The Board of Adjustment approved a Variance of allowable height for existing outdoor advertising sign from 60' to 125', subject to meeting the spacing requirement between outdoor advertising signs finding the hardship to be the elevation of the Broken Arrow South Loop interchange on property located east of the southeast corner of East 91st Street South and South Mingo Road, abutting west of the Mingo Valley Expressway and located south of subject property across East 91st Street South.

BOA-18480 August 1999: The Board of Adjustment denied a request for a variance of the required 1,200' spacing between outdoor advertising signs to 940' to relocate an existing outdoor advertising sign, finding that there is no hardship to support the variance, on property located east of the southeast corner of East 91st Street South and South Mingo Road, abutting west of the Mingo Valley Expressway and located south of subject property across East 91st Street South.

Z-6503-SP-1a June 16, 1999: All concurred in approval of a proposed minor amendment to a Corridor Site Plan to remove an existing outdoor advertising sign, (located in the Mingo Valley Expressway Right-of-way) and erect a new sign that is within 940' of another outdoor advertising sign to the south, subject to applicant applying and receiving approval for a variance from the Board of Adjustment or applicant finding another location that will meet the spacing requirement, on property located east of the southeast corner of East 91st Street South and South Mingo Road, abutting west of the Mingo Valley Expressway and located south of subject property across East 91st Street South.

Z-6503-SP-1 March 1996: All concurred in approval of a proposed Corridor Site Plan on a 10.6± acre tract of land for an outdoor advertising sign subject to the requirements of Section 1221.F of the Tulsa Zoning Code, on property located south of southwest corner of East 91st Street South and South Highway 169.

Z-6503 October 1995: All concurred in approval of a request for rezoning a 10.6± acre tract of land from AG to CO on property located east of southeast corner of East 91st Street South and South Mingo Road and the subject property.

PUD-559-A/Z-5888-SP-3 May 1999: All concurred in approval of a proposed Major Amendment to Planned Unit Development and a Corridor Site Plan on a 58.4± acre tract of land for outdoor advertising sign on property located on the northwest corner of East 91st Street and South Mingo Valley Expressway and a part of the subject property.

PUD-559-A May 1999: Approval was granted for a major amendment to allow two outdoor advertising signs on property located east of the northeast corner of East 91st Street and South 101st East Avenue and within Development Area A of the original PUD-559 that was approved for South Crest Hospital facilities.

PUD-586 June 1998: All concurred in approval of a request for a proposed Planned Unit Development and Detail Corridor Site Plan on a 29± acre tract for a mixed-use development. The development proposed a medical complex, related offices, residential facilities and retail shopping area, located on the northwest corner of East 91st Street South and South Garnett Road.

PUD-559 November 1997: All concurred in approval of a proposed Planned Unit Development on a 60.9± acre tract of land for multi-use development including apartments, offices, colleges and universities was approved on property located on the northwest corner of East 91st Street and South Mingo Valley Expressway and a part of subject property.

Z-6523 March 1996: All concurred in approval of a request for rezoning a .87± acre tract of land from AG to CO on property located east of southeast corner of East 91st Street South and South Mingo Road and south of the subject property.

Z-6503-SP-1 March 1996: All concurred in approval of a proposed Corridor Site Plan on a 10.6± acre tract of land for an outdoor advertising sign subject to the requirements of Section 1221.F of the Tulsa Zoning Code, on property located south of southwest corner of East 91st Street South and South Highway 169.

Z-6503 October 1995: All concurred in approval of a request for rezoning a 10.6± acre tract of land from AG to CO on property located east of southeast corner of East 91st Street South and South Mingo Road.

Z-6194 July 1988: All concurred in approval of a request for rezoning a 4± acre tract located east of the southeast corner of East 91st Street and South Mingo Road from CS to CO.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 5.03± acres in size and is located north and east of the northeast corner of East 91st Street and South 101st East Avenue. The property is vacant and is zoned CO/PUD.

STREETS:

Exist. Access	MSHP Design.	MSHP R/W	Exist. # Lanes
91 st Street South	Secondary Arterial	100'	5
South 101 st East Avenue	Commercial Collector	80'	2

UTILITIES: The subject tract has municipal water and sewer available.

SURROUNDING AREA: The subject tract is abutted on the east by Highways 169 and 64 zoned RS-3; on the north by Tulsa Community College-Southeast campus, zoned AG; on the south by St. Francis Medical facility, zoned CO; and on the west by Southcrest, zoned CO.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 18 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Corridor/Development Sensitive (in conjunction with a floodplain) and Low Intensity-No Specific land use. This means that development to Corridor standards is encouraged; however, if not developed at that higher intensity, then development should be at the Low Intensity-No Specific land use designation. According to the Zoning Matrix the requested zoning is the same as is currently in place. The issue in question is an additional outdoor advertising sign. The Plan does not address this level of detail.

STAFF RECOMMENDATION:

PUD-559-B is an undeveloped 14.86 acre (637,864 sf) tract located east of Southcrest Hospital and west of the southbound inter-dispersal loop of US Highway 169 and the Creek Turnpike. The major amendment request is to allow a second outdoor advertising (OA) sign within the southern ½ of Development Area A, of PUD-559-A.

This case was continued from 6/25/08 to allow for further legal investigation to verify if a variance for the height of an outdoor advertising sign granted to the property owner to the south is a variance that goes in perpetuity with the land, or is applicable to the permitted sign and therefore a specific assign owner only. Also under consideration was whether the 1,200 foot spacing requirement for O/A signs was a 1,200 foot requirement between existing signs (in the ground), or should the spacing verification consider signs that are not constructed and in the permitting/spacing verification process, but also have an approved detail sign plan.

As approved PUD-559 and PUD-559-A permits two Outdoor Advertising signs. One permitted OA sign location is within the east 100' of Development Area B and one Outdoor Advertising sign within the limits of Development Area A (see Exhibit A). There is one existing Outdoor Advertising sign in the northern ½ of Development Area A along the US 169 right-of-way (ROW) as depicted on attached Exhibits A and B. It appears that this sign is greater than 1,200 feet from any other OA sign.

The proposed new Outdoor Advertising sign location is also depicted on Exhibits A and B, and appears to be located greater than 1,200 feet south of the existing Outdoor Advertising sign within Development Area A.

The new location is less than 1,200 feet from an approved Corridor Site Plan (Corridor site plan # Z-6503-SP-2, located south of the subject property) which has been approved for OA signs as a permitted use, and has historically had an OA sign on site per Z-6503-SP-1. Staff understands that the property owner of Z-6503-SP-2 currently has an application pending with ODOT for a billboard at this location. Incidentally, an application to ODOT was rejected in August 2007 for Z-6503-SP-2.

Since this proposed location is within 1,200 feet of an existing approved Outdoor Advertising sign location and there are already two billboards permitted in PUD-559, staff recommends **DENIAL** of PUD-559-B.





7.9

PROPOSED BILLBOARD

EAST 97

7.9

SSI
Sack and Associates, Inc.
257005307 MEDICAL CAMPUS
DRAIN: KDD
Drawn: 2/2/08
File: 101A12
Drawn: 2/2/08
Scale: 1" = 100'
North Arrow
Sack and Associates, Inc.
115 South 11th Street, Suite 100
Phoenix, AZ 85003
Tel: (602) 592-4111 Fax: (602) 592-4225 E-mail: info@sackandassociates.com
P.O. Box 1325 Phoenix, AZ 85003
Tel: (602) 592-4111 Fax: (602) 592-4225 E-mail: info@sackandassociates.com
Project: 257005307 MEDICAL CAMPUS
Drawn: KDD
File: 101A12
Drawn: 2/2/08
Scale: 1" = 100'
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115 South 11th Street, Suite 100
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Tel: (602) 592-4111 Fax: (602) 592-4225 E-mail: info@sackandassociates.com
P.O. Box 1325 Phoenix, AZ 85003
Tel: (602) 592-4111 Fax: (602) 592-4225 E-mail: info@sackandassociates.com

SACK AND ASSOCIATES, INC.
 Santa Fe Dept., 11 South Eighth Avenue, Suite 200, 80502-1810
 Tel: 303.952.4111 Fax: 303.952.4112 E-mail: info@sackassociates.com
 CA Number 1395 (P/C-A/S) and 1402 (A/L), Exp. June 30, 2009

Project: SOUTHWEST MEDICAL CAMPUS 11-Dwelling 1X010701 1-5412
 Drawn: 23 APR 2009
 Rev: 18-A-13
 Designer: JRM

A horizontal scale bar with markings at 0, 150, and 300 feet. The text "SCALE IN FEET" is written vertically below the bar.

7.10

John W. Moody
Attorney at Law

5610 East 76th Street
Tulsa, Oklahoma 74136

Email: johnw.moody@gmail.com

Telephone: 918.728.7528
Facsimile: 918.728.7528

June 24, 2008

VIA FACSIMILE AND EMAIL

Wayne Alberty
Manager of Land Development Services
INCOG
201 W. 5TH St.
Suite 600
Tulsa, Oklahoma 74103-4236

Chris Sansone
Land Development Services
INCOG
201 W. 5th St.
Suite 600
Tulsa, Oklahoma 74103-4236

Re: PUD 559-B/Z-5888-SP-5

Dear Wayne and Chris:

I am transmitting herewith a copy of the Application for Sign Registration & Permit filed with the Oklahoma Department of Transportation ("ODOT") by the owner of the property on the south side of East 91st Street referenced in the Staff's recommendation. As shown on the Application, the Application was REJECTED.

Accordingly, it is our position that since there is no actual sign within 1,200 feet of my client's proposed sign and since the application for a sign within 1,200 feet of my client's sign location has been rejected by ODOT, the proposed location does meet the 1,200 spacing requirement of the Zoning Code.

We respectfully request that Staff review its recommendation of denial in light of this new information and (hopefully) recommend approval of the amendment.

Thank you for your consideration of this request.

Very truly yours,

John W. Moody

Attachment

Cc: Dane Matthews via fax and email
W/attachment
Bill Stokely via fax
W/attachment

7.11

EXHIBIT C

OKLAHOMA DEPARTMENT OF TRANSPORTATION
APPLICATION FOR SIGN REGISTRATION & PERMIT
(See back of form for instructions.)

Handwritten: *MS T.C. Used Business for Co.*
9/4/07

FOR OFFICIAL USE ONLY		
DATE 8-31-07	OWNER NO. 2794	REG. NO.
FEE AMOUNT 100	APPLICATION NO. 6023	SIGN FILE NO.

Part I - SIGN OWNER INFORMATION

101 Applicant's Name: DFI-Crossroads Village, LLC 102 Address: c/o Wheeler Investments
580 E. Main Street, Suite 300
103 City: Norfolk 104 State: VA 105 Zip Code: 23510
106 Telephone No. (972) 980-9587 107 Fax No. (757) 627-9081 108 Email Address: randywheeler@sbcglobal.net

Part II - LOCATION OF SIGN SITE

201 Located on Hwy.: US Hwy 169 202 Side of Hwy.: W 203 County Name: Tulsa 204 City Name: Tulsa
205 Nearest Intersecting Hwy.: Broken Arrow 206 Direction from Intersection: S 207 Distance from Intersection: 4.2 Miles & Tenths
208 Distance from Right-of-Way: 40 Feet

Part III - LAND OWNER INFORMATION

301 Land Owner's Name: DFI-Crossroads Village, LLC 302 Address: c/o Wheeler Investments
580 E. Main Street, Suite 300
303 City: Norfolk 304 State: VA 305 Zip Code: 23510
306 Telephone No. (972) 980-9587 307 * Owner of sign and land are the same
Have you enclosed proof of land use consent? ☒ YES ☐ NO

Part IV - PHYSICAL DESCRIPTION OF SIGN

401 DIMENSIONS: Height of Facing: 14' ft. Width of Facing: 48' ft. Overall Height Above Ground: 125' ft.
(Can not exceed 25 ft.) (Can not exceed 60 ft.) (No limit by state)
402 TYPE OF SIGN: ☐ Single ☐ Side-by-Side ☐ Double Decked (Stacked) ☒ V-Type ☐ Back-to-Back ☒ Tri-Vision
(Can not exceed 30 ft.)
403 NO. OF PANELS: 2 404 WILL SIGN BE ILLUMINATED? ☒ YES ☐ NO If yes, will it be an LED display? ☒ YES ☐ NO
(Advertising Displays)

Part V - ZONING AND COMMERCIAL/INDUSTRIAL QUALIFICATIONS

ZONED AREA
501 - Is proposed location zoned? ☒ YES ☐ NO
(If answer is no, then go directly to item 505.)
502 - What is the zoning designation? Cocodan District
(Must be some type of commercial, industrial or business designation.)
503 - Who is the zoning authority? TMA-PC
504 - If area is zoned, a Zoning Confirmation form must be completed and attached. (Form OAC 7-504) see attached

UNZONED AREA
505 - Is proposed location within 600 ft. of a business? ☐ YES ☐ NO
506 - What is the name of the business? PROPOSED: ECONOMIC PHARMACY, FARMER WAY
SIGLERS PR MARKET - EXISTING: SOUTHERN BAPT.

Part VI - ACKNOWLEDGMENT

Have you read all of the statutes and regulations of the Oklahoma Department of Transportation? ☒ YES ☐ NO
REMARKS: REJECTED DIV. 8 1109-72-83

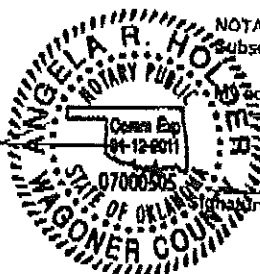
STATE OF: OKLAHOMA
County of: TULSA

Michael A. Joyce

being of lawful age and first duly sworn upon oath deposes and states the following:

I, on behalf of myself (or) ☒ as authorized representation of the organization listed above as "Applicant", so attest that I have read the foregoing information and that the facts set out therein are true and correct to the best of my knowledge and belief.

Signature of Applicant or Representative



NOTARY PUBLIC:

Subscribed and sworn to me this 31st day of August, 2007

My commission expires: 01-12-2011

Angela R. Holder

Signature of Notary

FORM ACP 301 6/05

7.12

EXHIBIT D

JOYCE & PAUL
ATTORNEYS ~ COUNSELORS

June 17, 2008

VIA FACSIMILE & ELECTRONIC MAILING

Mindy Bass
INCOG
201 W. 5th St., Ste. 600
Tulsa, OK 74103

Re: PUD599 – Location Northeast corner of East 91st Street South of 101st East Avenue, Zoning Application of John Moody.

Dear Ms. Bass:

This firm represents DFI Crossroads, the owners of the property located immediately West of Highway 169 and south of East 91st Street in Tulsa, Oklahoma. DFI Crossroad's property is the subject of Z-6503-SP-2 relating to the redevelopment of this particular property.

Per your phone message this afternoon, in response to my phone message of this morning, this letter serves as the official objection of DFI Crossroads to the referenced application filed by Mr. John Moody.

As you are aware, and as referenced in the staff report recommending denial of the Moody application, the plans for the DFI property include the redevelopment of a billboard structure that was recently removed from this property. The application for this redevelopment is currently pending before the Oklahoma Department of Transportation (ODOT).

As correctly noted in the staff recommendations, the current zoning for the subject property allows only two billboards, both of which are already in existence. Moreover, the proposed site of rezoning is within 300 feet plus/minus of the DFI site which is already zoned for billboards and which is the subject of the pending ODOT permit. This alone would require denial. However, and notwithstanding DFI's zoning and pending ODOT permit action, ODOT as well as the Federal Highway Administration do not allow spot zoning for the sole purpose of constructing outdoor advertising signs. Clearly, the pending Moody application is solely intended for this purpose. If you are not familiar with the Federal Highway Administration and ODOT policies in this regard, you will no doubt want to contact Ms. Monti Smith at ODOT for clarification on the issue.

Based on the above, and in complete concurrence with staff recommendation, DFI respectfully requests denial of the pending Moody application. In the alternative and due to the fact that I am traveling this week, I request that this matter be continued to allow opportunity for DFI to make a full presentation before TMAPC in objection to the pending application.