

TULSA METROPOLITAN AREA PLANNING COMMISSION

For Meeting No. 2540

February 25, 2009, 1:30 PM

175 East 2nd Street, 2nd Level, One Technology Center

Tulsa City Council Chambers

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:

Review TMAPC Receipts for the Month of January 2009

1. Minutes of February 4, 2009, Meeting No. 2538

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. **PUD-694-B-1 – Whistler Sign Company, LLC** (PD-8) (CD-2)

Northeast corner of the northeast corner of West 91st Street and Union Avenue (Minor Amendment to add digital technology to a previously approved outdoor advertising sign.) (Continued from 2/4/09)

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

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

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

PUBLIC HEARINGS

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

Southwest corner of East Admiral Place and South 145th Avenue, 420 South 145th East Avenue

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

Northwest corner of West 81st Street South and U.S. Highway 75
(Continuance requested to 3/4/09 for further Development Services review.)

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

OTHER BUSINESS

8. **Z-6503-SP-2a – Whistler Sign Company, LLC** (PD-18) (CD-8)
Southeast of the southeast corner of 91st Street South and South 101st
East Avenue (Corridor Plan Minor Amendment to add digital technology
to a previously approved outdoor advertising sign.) (Continued from
2/18/09)
9. **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, February 25, 2009
11:00 a.m.**

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Presentation of Downtown Planning by Dr. Jack Crowley

Adjourn

www.tmapc.org

A G E N D A

TULSA METROPOLITAN AREA PLANNING COMMISSION

WORK SESSION

**Francis Campbell City Council Room
Plaza Level**

Wednesday, February 25, 2009– 1:45 p.m.*

(*Or immediately following adjournment of the TMAPC Meeting)

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Review and discuss Capital Improvement Projects for FY 2010
2. Review and discuss Southwest Tulsa Neighborhood Plan/David Simmons
3. Review request from Sign Advisory Board to amend Zoning Code with regard to temporary signs.
4. Review and discuss proposed Zoning Code amendments regarding business signs and outdoor advertising with regard to flashing signs.
5. Review resolution imposing a duty upon the TMAPC to analyze and recommend to the City Council any ordinance amendments and regulations they deem necessary to protect the public peace, health, welfare, order, morals, and safety governing the minimum spacing requirements established between properties used for the purpose of blood banks, plasma centers, day labor hiring centers, liquor stores, or pawn shops as set forth in Title 42, Section 1214 of the Tulsa Revised Ordinances.

Adjourn.

Visit our website at www.tmapc.org

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

TMAPC RECEIPTS
Month of January 2009

----- Current Period -----				----- Year To Date -----			
ITEM	CITY	COUNTY	TOTAL RECEIVED	ITEM	CITY	COUNTY	TOTAL RECEIVED
ZONING							
Zoning Letters	\$105.00	\$105.00	\$210.00	97	\$490.00	\$490.00	\$980.00
Zoning	1,612.50	1,612.50	3,225.00	66	18,695.00	18,695.00	37,390.00
PUDs & Plan Reviews	3,657.50	3,657.50	7,315.00	253	22,253.60	22,253.60	44,507.20
Refunds	0.00	0.00	0.00	0	0.00	0.00	0.00
Fees Waived	0.00	0.00	0.00	2	205.00	205.00	410.00
	<u>\$5,375.00</u>	<u>\$5,375.00</u>	<u>\$10,750.00</u>		<u>\$41,438.60</u>	<u>\$41,438.60</u>	<u>\$82,877.20</u>
LAND DIVISION							
Minor Subdivisions	0	\$0.00	\$0.00	5	\$1,812.85	\$1,812.85	\$3,625.70
Preliminary Plats	1	615.00	1,230.00	11	6,134.75	6,134.75	12,269.50
Final Plats	0	0.00	0.00	16	6,818.48	6,818.47	13,636.94
Plat Waivers	4	500.00	1,000.00	13	1,625.00	1,625.00	3,250.00
Lot Splits	7	332.50	665.00	49	2,687.50	2,687.50	5,375.00
Lot Combinations	11	550.00	1,100.00	40	2,050.00	2,050.00	4,100.00
Access Changes	0	0.00	0.00	6	150.00	150.00	300.00
Other	0	0.00	0.00	0	0.00	0.00	0.00
Refunds	0	0.00	0.00	1	(125.00)	(125.00)	(250.00)
Fees Waived	0	0.00	0.00	0	0.00	0.00	0.00
	<u>\$1,997.50</u>	<u>\$1,997.50</u>	<u>\$3,995.00</u>		<u>\$21,153.58</u>	<u>\$21,153.57</u>	<u>\$42,307.14</u>
BOARDS OF ADJUSTMENT							
Fees	34	\$8,950.00	\$8,950.00	159	\$43,825.00	\$4,700.00	\$48,525.00
Refunds	0	0.00	0.00	2	(650.00)	0.00	(650.00)
Fees Waived	1	500.00	500.00	5	1,400.00	350.00	1,750.00
	<u>\$8,950.00</u>	<u>\$0.00</u>	<u>\$8,950.00</u>		<u>\$43,175.00</u>	<u>\$4,700.00</u>	<u>\$47,875.00</u>
TOTAL	\$16,322.50	\$7,372.50	\$23,695.00		\$105,767.18	\$67,292.17	\$173,059.34



21

N

18-12 14

PUD-694-B-1

Feet
0 150 300

PHOTO DATE: MARCH 2008

SUNION AV

W 89th ST

W 91st ST

75

75

N FRANKLIN ST

N EMERSON ST

W H ST

W G ST

N DOUGLAS ST

2.2



W 89th ST

S UNION AV

75

75

W 91st ST



18-12 14

PUD-694-B-1



PHOTO DATE: MARCH 2008

2.3

February 25, 2009

STAFF RECOMMENDATION

PUD-694-B-1: Minor Amendment – Northeast of the northeast corner of West 91st Street and Union Avenue; Lot 2, Block 1 – South Tulsa Mini Storage; 9001 S. Union Avenue; TRS 8214; CZM 51; PD 8; CD 2; CO/PUD.

The applicant is requesting a minor amendment to add digital technology to a previously approved outdoor advertising (O/A) sign. Outdoor Advertising under Use Unit 21 is a permitted use within PUD-694-B. This request seeks a minor amendment to allow the use of digital technology on the previously approved use – Outdoor Advertising as permitted within Use Unit 21. Approval of the aforementioned minor amendment does not constitute approval of a detail sign plan which would be needed in addition to spacing re-verification from the Board of Adjustment (BOA), prior to construction of any sign.

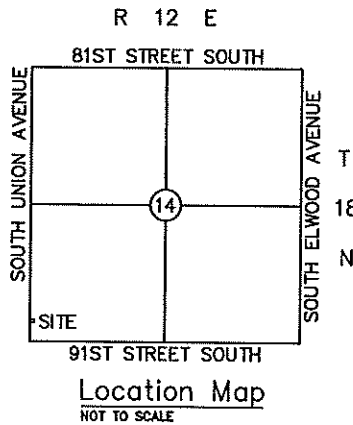
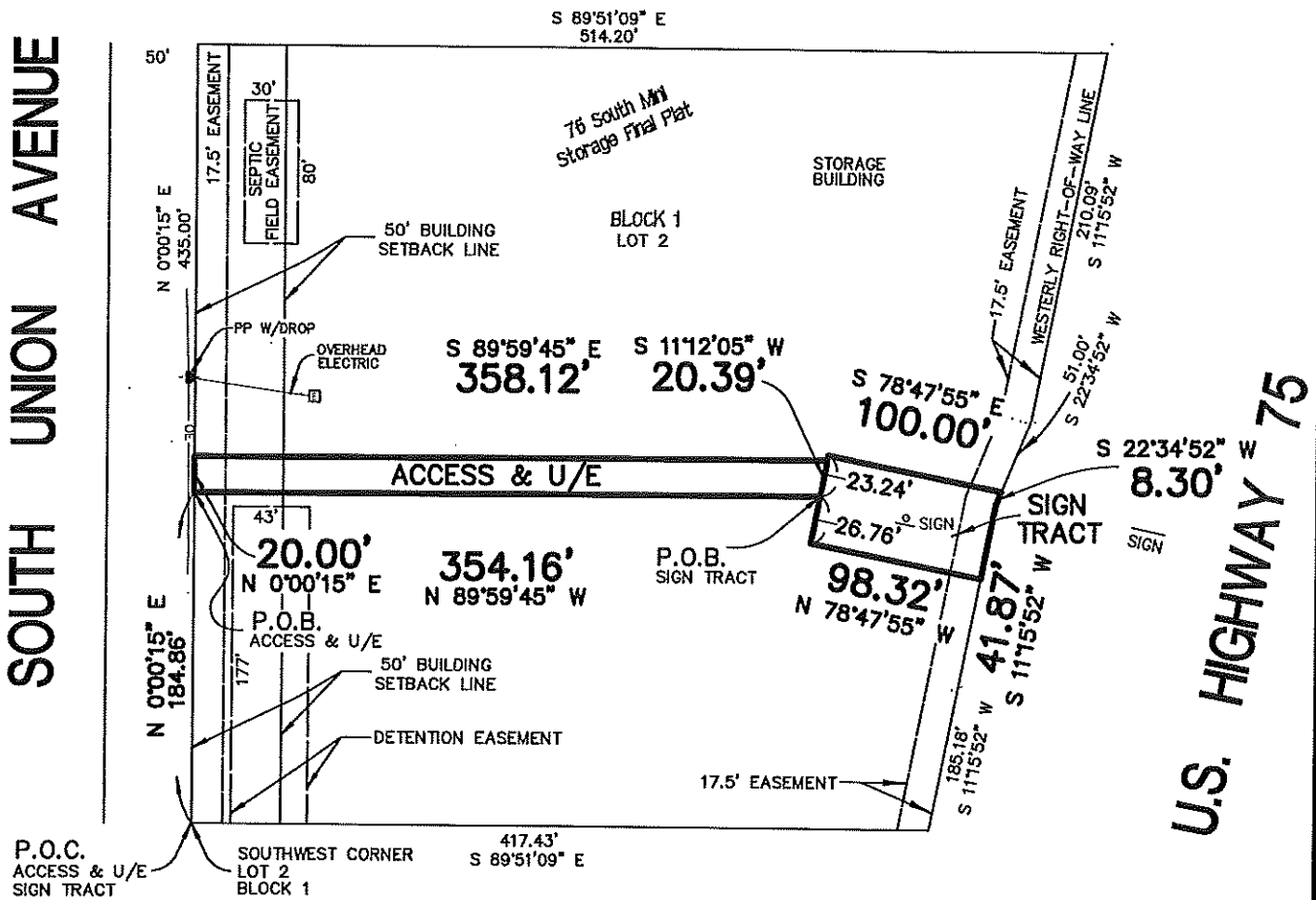
On February 24, 2009 the City of Tulsa Board of Adjustment (BOA) in case #20839 considered the spacing re-verification for the approved O/A sign at this location (see Exhibit D). Original spacing verification was approved by the BOA on May 22, 2007 in case #20485. Also in case #20485, the BOA determined that the O/A sign located 942' to the north, which is on tribal/sovereign land, is not subject to either local or state statutes and therefore could not affect the outcome of that spacing verification.

Staff recommends **APPROVAL** of minor amendment PUD-694-B-1 allowing the use of digital technology on a previously approved outdoor advertising sign subject to the conditions of sections 1103, B-2; 1221-C, 2; 1221-F and 1221-G attached hereto as Exhibit E, and approval of a PUD Detail Sign Plan.

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

Exhibit A

of Part of the Lot 2, Block 1, 75 South Mini Storage Final Plat Tulsa County, Oklahoma



Legend

- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING
- R/W = RIGHT-OF-WAY
- PP = POWER POLE
- U/E = UTILITY EASEMENT

Scale: 1"=100'



Sisemore Welsz & Associates, Inc.

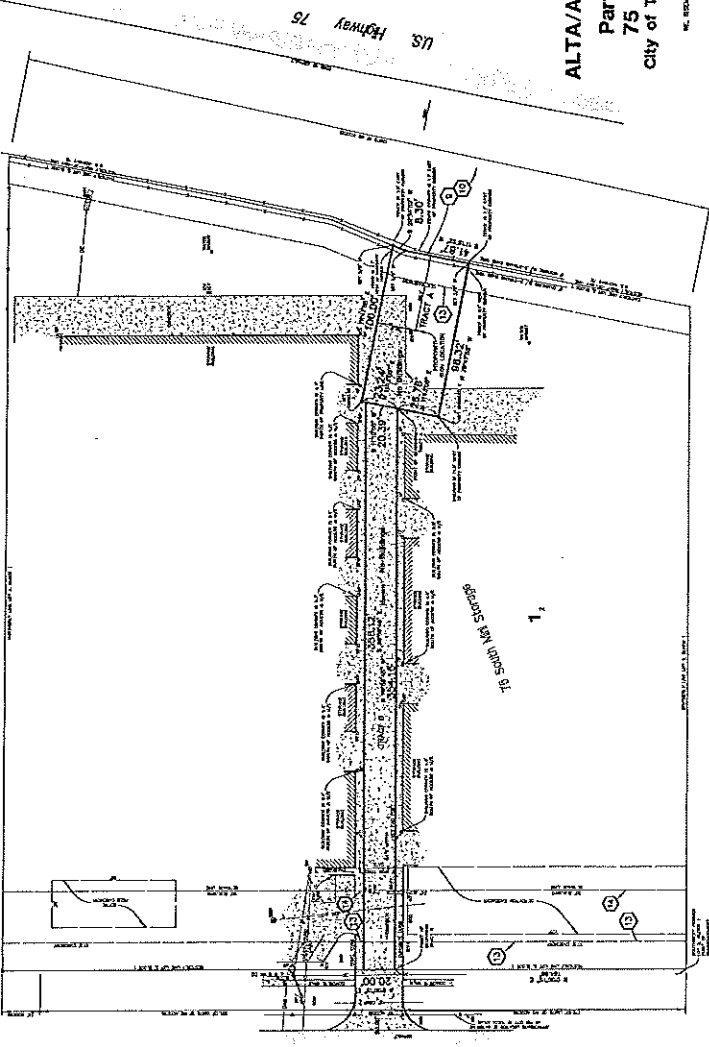
8111 EAST 32nd PLACE
TULSA, OKLAHOMA 74135
C.A. NO. 2421

PHONE (918) 665-3600
FAX (918) 665-8668
EXP. DATE 6/30/09

K:\15764\15764EX.dwg

FILE: 1812.1400 WO# 15764 DATE:10/08/07

2.5



**ALTA/ACSM Land Title Survey
of
Part of Lot 2, Block 1
75 South Main Storage
City of Tulsa, Tulsa County, Oklahoma**

Surveyor's Certification
WE, RESUME WETZ & ASSOCIATES, INC. DO HEREBY CERTIFY TO:

UNEMPLOYMENT RATES FOR THE MONTH OF JULY 1976

Country	Unemployment Rate (%)
United States	7.2
Canada	7.1
France	6.5
Germany	6.4
Italy	6.3
Japan	5.8
Sweden	5.7
Switzerland	5.6
Belgium	5.5
Netherlands	5.4
Australia	5.3
Spain	5.2
Portugal	5.1
Greece	5.0
United Kingdom	4.9
South Korea	4.8
India	4.7
China	4.6
Soviet Union	4.5
USSR	4.4
Poland	4.3
Czech Republic	4.2
Slovakia	4.1
Hungary	4.0
Romania	3.9
Bulgaria	3.8
Yugoslavia	3.7
Croatia	3.6
Slovenia	3.5
Serbia	3.4
Montenegro	3.3
Bosnia and Herzegovina	3.2
Herzegovina	3.1
Albania	3.0
Ghana	2.9
Sierra Leone	2.8
Liberia	2.7
Ivory Coast	2.6
Upper Volta	2.5
Niger	2.4
Chad	2.3
Cameroon	2.2
Cote d'Ivoire	2.1
Senegal	2.0
Gambia	1.9
Guinea	1.8
Sierra Leone	1.7
Liberia	1.6
Ivory Coast	1.5
Upper Volta	1.4
Niger	1.3
Chad	1.2
Cameroon	1.1
Cote d'Ivoire	1.0
Senegal	0.9
Gambia	0.8
Guinea	0.7
Sierra Leone	0.6
Liberia	0.5
Ivory Coast	0.4
Upper Volta	0.3
Niger	0.2
Chad	0.1
Cameroon	0.0
Cote d'Ivoire	0.0
Senegal	0.0
Gambia	0.0
Guinea	0.0
Sierra Leone	0.0
Liberia	0.0
Ivory Coast	0.0
Upper Volta	0.0
Niger	0.0
Chad	0.0
Cameroon	0.0
Cote d'Ivoire	0.0
Senegal	0.0
Gambia	0.0
Guinea	0.0
Sierra Leone	0.0
Liberia	0.0
Ivory Coast	0.0
Upper Volta	0.0
Niger	0.0
Chad	0.0
Cameroon	0.0
Cote d'Ivoire	0.0
Senegal	0.0
Gambia	0.0
Guinea	0.0
Sierra Leone	0.0
Liberia	0.0
Ivory Coast	0.0
Upper Volta	0.0
Niger	0.0
Chad	0.0
Cameroon	0.0
Cote d'Ivoire	0.0
Senegal	0.0
Gambia	0.0
Guinea	0.0
Sierra Leone	0.0
Liberia	0.0
Ivory Coast	0.0
Upper Volta	0.0
Niger	0.0
Chad	0.0
Cameroon	0.0
Cote d'Ivoire	0.0
Senegal	0.0
Gambia	0.0
Guinea	0.0
Sierra Leone	0.0
Liberia	0.0
Ivory Coast	0.0
Upper Volta	0.0
Niger	0.0
Chad	0.0
Cameroon	0.0
Cote d'Ivoire	0.0
Senegal	0.0
Gambia	0.0
Guinea	0.0
Sierra Leone	0.0
Liberia	0.0
Ivory Coast	0.0
Upper Volta	0.0
Niger	0.0
Chad	0.0
Cameroon	0.0
Cote d'Ivoire	0.0
Senegal	0.0
Gambia	0.0
Guinea	0.0
Sierra Leone	0.0
Liberia	0.0
Ivory Coast	0.0
Upper Volta	0.0
Niger	0.0
Chad	0.0
Cameroon	0.0
Cote d'Ivoire	0.0
Senegal	0.0
Gambia	0.0
Guinea	0.0
Sierra Leone	0.0
Liberia	0.0
Ivory Coast	0.0
Upper Volta	0.0
Niger	0.0
Chad	0.0
Cameroon	0.0
Cote d'Ivoire	0.0
Senegal	0.0
Gambia	0.0
Guinea	0.0
Sierra Leone	0.0
Liberia	0.0
Ivory Coast	0.0
Upper Volta	0.0
Niger	0.0
Chad	0.0
Cameroon	0.0
Cote d'Ivoire	0.0
Senegal	0.0
Gambia	0.0
Guinea	0.0
Sierra Leone	0.0
Liberia	0.0
Ivory Coast	0.0
Upper Volta	0.0
Niger	0.0
Chad	0.0
Cameroon	0.0
Cote d'Ivoire	0.0
Senegal	0.0
Gambia	0.0
Guinea	0.0
Sierra Leone	0.0
Liberia	0.0
Ivory Coast	0.0
Upper Volta	0.0
Niger	0.0
Chad	0.0
Cameroon	0.0
Cote d'Ivoire	0.0
Senegal	0.0
Gambia	0.0
Guinea	0.0
Sierra Leone	0.0
Liberia	0.0
Ivory Coast	0.0
Upper Volta	0.0
Niger	0.0
Chad	0.0
Cameroon	0.0
Cote d'Ivoire	0.0
Senegal	0.0
Gambia	0.0
Guinea	0.0
Sierra Leone	0.0
Liberia	0.0
Ivory Coast	0.0
Upper Volta	0.0
Niger	0.0
Chad	0.0
Cameroon	0.0
Cote d'Ivoire	0.0
Senegal	0.0
Gambia	0.0
Guinea	0.0
Si	

BOUGHT WITH A ASSOCIATES, INC.

[illegible]

FILE: 19211408D	SUBMIT BY: 67	DATE: 11/27/07
OSPM: 19944	DRINK BY: 04/10/08	SCALE: 1'-30"
DATE: 12/04/07		

Exhibit B

Schedule B - II
Exemptions

- THE FOLLOWING LISTING OF REAL ESTATE TRANSACTIONS WAS OBTAINED FROM THE PUBLIC RECORDS OF THE CLERK OF SUPERIOR COURT, DISTRICT OF COLUMBIA, FOR THE MONTH OF APRIL, 1964. THE LISTING IS PREPARED BY THE DISTRICT OF COLUMBIA OFFICE OF THE CLERK OF SUPERIOR COURT, AND IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED THEREIN. THE LISTING IS FOR INFORMATIONAL PURPOSES ONLY. THE LISTING IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED THEREIN. THE LISTING IS FOR INFORMATIONAL PURPOSES ONLY.

puber-

- | ACCT | DATE | DESCRIPTION | AMOUNT | DEBIT | CREDIT | BALANCE |
|------|------|-------------|--------|-------|--------|---------|
| 100 | 1/1 | BALANCE | | | | 100.00 |
| 100 | 1/2 | SALES | 100.00 | | | 200.00 |
| 100 | 1/3 | SALES | 100.00 | | | 300.00 |
| 100 | 1/4 | SALES | 100.00 | | | 400.00 |
| 100 | 1/5 | SALES | 100.00 | | | 500.00 |
| 100 | 1/6 | SALES | 100.00 | | | 600.00 |
| 100 | 1/7 | SALES | 100.00 | | | 700.00 |
| 100 | 1/8 | SALES | 100.00 | | | 800.00 |
| 100 | 1/9 | SALES | 100.00 | | | 900.00 |
| 100 | 1/10 | SALES | 100.00 | | | 1000.00 |
| 100 | 1/11 | SALES | 100.00 | | | 1100.00 |
| 100 | 1/12 | SALES | 100.00 | | | 1200.00 |
| 100 | 1/13 | SALES | 100.00 | | | 1300.00 |
| 100 | 1/14 | SALES | 100.00 | | | 1400.00 |
| 100 | 1/15 | SALES | 100.00 | | | 1500.00 |
| 100 | 1/16 | SALES | 100.00 | | | 1600.00 |
| 100 | 1/17 | SALES | 100.00 | | | 1700.00 |
| 100 | 1/18 | SALES | 100.00 | | | 1800.00 |
| 100 | 1/19 | SALES | 100.00 | | | 1900.00 |
| 100 | 1/20 | SALES | 100.00 | | | 2000.00 |
| 100 | 1/21 | SALES | 100.00 | | | 2100.00 |
| 100 | 1/22 | SALES | 100.00 | | | 2200.00 |
| 100 | 1/23 | SALES | 100.00 | | | 2300.00 |
| 100 | 1/24 | SALES | 100.00 | | | 2400.00 |
| 100 | 1/25 | SALES | 100.00 | | | 2500.00 |
| 100 | 1/26 | SALES | 100.00 | | | 2600.00 |
| 100 | 1/27 | SALES | 100.00 | | | 2700.00 |
| 100 | 1/28 | SALES | 100.00 | | | 2800.00 |
| 100 | 1/29 | SALES | 100.00 | | | 2900.00 |
| 100 | 1/30 | SALES | 100.00 | | | 3000.00 |
| 100 | 1/31 | SALES | 100.00 | | | 3100.00 |
| 100 | 1/32 | SALES | 100.00 | | | 3200.00 |
| 100 | 1/33 | SALES | 100.00 | | | 3300.00 |
| 100 | 1/34 | SALES | 100.00 | | | 3400.00 |
| 100 | 1/35 | SALES | 100.00 | | | 3500.00 |
| 100 | 1/36 | SALES | 100.00 | | | 3600.00 |
| 100 | 1/37 | SALES | 100.00 | | | 3700.00 |
| 100 | 1/38 | SALES | 100.00 | | | 3800.00 |
| 100 | 1/39 | SALES | 100.00 | | | 3900.00 |
| 100 | 1/40 | SALES | 100.00 | | | 4000.00 |
| 100 | 1/41 | SALES | 100.00 | | | 4100.00 |
| 100 | 1/42 | SALES | 100.00 | | | 4200.00 |
| 100 | 1/43 | SALES | 100.00 | | | 4300.00 |
| 100 | 1/44 | SALES | 100.00 | | | 4400.00 |
| 100 | 1/45 | SALES | 100.00 | | | 4500.00 |
| 100 | 1/46 | SALES | 100.00 | | | 4600.00 |
| 100 | 1/47 | SALES | 100.00 | | | 4700.00 |
| 100 | 1/48 | SALES | 100.00 | | | 4800.00 |
| 100 | 1/49 | SALES | 100.00 | | | 4900.00 |
| 100 | 1/50 | SALES | 100.00 | | | 5000.00 |
| 100 | 1/51 | SALES | 100.00 | | | 5100.00 |
| 100 | 1/52 | SALES | 100.00 | | | 5200.00 |
| 100 | 1/53 | SALES | 100.00 | | | 5300.00 |
| 100 | 1/54 | SALES | 100.00 | | | 5400.00 |
| 100 | 1/55 | SALES | 100.00 | | | 5500.00 |
| 100 | 1/56 | SALES | 100.00 | | | 5600.00 |
| 100 | 1/57 | SALES | 100.00 | | | 5700.00 |
| 100 | 1/58 | SALES | 100.00 | | | 5800.00 |
| 100 | 1/59 | SALES | 100.00 | | | 5900.00 |
| 100 | 1/60 | SALES | 100.00 | | | 6000.00 |
| 100 | 1/61 | SALES | 100.00 | | | 6100.00 |
| 100 | 1/62 | SALES | 100.00 | | | 6200.00 |
| 100 | 1/63 | SALES | 100.00 | | | 6300.00 |
| 100 | 1/64 | SALES | 100.00 | | | 6400.00 |
| 100 | 1/65 | SALES | 100.00 | | | 6500.00 |
| 100 | 1/66 | SALES | 100.00 | | | 6600.00 |
| 100 | 1/67 | SALES | | | | |

Legal Description Tract A

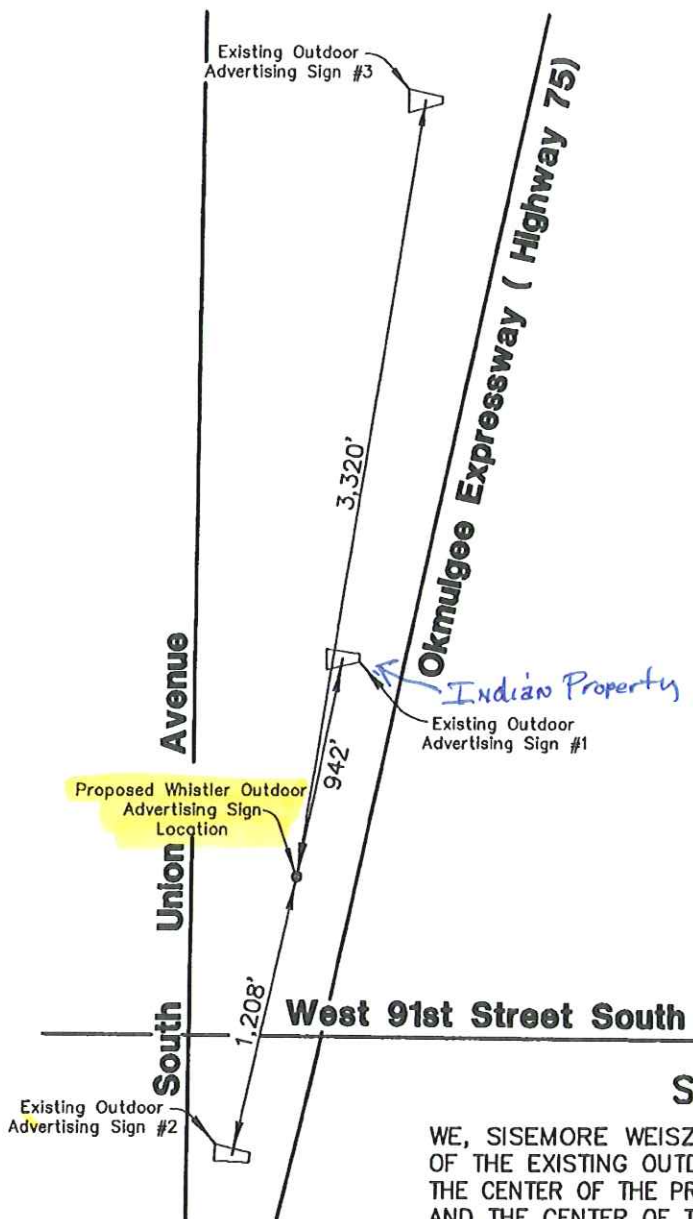
[illegible]

Legal Description: Tract B

[illegible]

Miscellaneous Notes

- [illegible]



NOT TO SCALE

Surveyor's Certification

WE, SISEMORE WEISZ & ASSOCIATES, INC., CERTIFY THAT THE CENTER OF THE EXISTING OUTDOOR ADVERTISING SIGN #1 MEASURES 942 FEET FROM THE CENTER OF THE PROPOSED WHISTLER OUTDOOR ADVERTISING SIGN LOCATION, AND THE CENTER OF THE EXISTING OUTDOOR ADVERTISING SIGN #2 MEASURES 1,208 FEET FROM THE CENTER OF THE PROPOSED WHISTLER OUTDOOR ADVERTISING SIGN LOCATION, AND FURTHER, THE CENTER OF THE EXISTING OUTDOOR ADVERTISING SIGN #3 MEASURES 3,320 FEET FROM THE CENTER OF THE PROPOSED WHISTLER OUTDOOR ADVERTISING SIGN LOCATION.

WITNESS MY HAND AND SEAL THIS 8TH DAY OF DECEMBER, 2008.



SISEMORE WEISZ & ASSOCIATES, INC.

BY: Charles D. Cahill 12-9-08
 CHARLES D. CAHILL
 REGISTERED PROFESSIONAL LAND SURVEYOR
 OKLAHOMA NO. 1470



Sisemore Weisz & Associates, Inc.

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

PHONE: (918) 665-3600
 FAX: (918) 665-8668
 EXP. DATE 6/30/09

ORDER: 15764.01
 DATE: 12/08/2008
 FILE: 1812.1400

EXHIBIT C 2.7

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 957
Tuesday, May 22, 2007, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

**MEMBERS
PRESENT**

White
Henke, Chair
Stead, Vice Chair
Tidwell, Secretary

**MEMBERS
ABSENT**

Stephens

**STAFF
PRESENT**

Alberty
Butler
Cuthbertson

**OTHERS
PRESENT**

Ackermann, Legal

The notice and agenda of said meeting were posted in the City Clerk's office, City Hall, on Thursday, May 17, 2007, at 2:46 p.m., as well as at the Office of INCOG, 201 W. 5th St., Suite 600.

After declaring a quorum present, Chair Henke called the meeting to order at 1:00 p.m.

Mr. Cuthbertson read the rules and procedures for the Board of Adjustment Public Hearing.

REQUEST TO CONTINUE AND CASES TO WITHDRAW

Case No. 20496

Action Requested:

Variance of the frontage requirement in a CS district (Section 703); a Variance of the required parking for a commercial use from 16 to 10; and a Variance of the required setback for a parking area within 50 ft. of an R district from the centerline of an abutting street (Section 1302.B); to permit a commercial redevelopment, located: Southwest corner of 53rd Street and South Peoria Avenue.

Presentation:

Mr. Henke noted the case was withdrawn regarding the above request.

LT 1 LESS N150 THEREOF BLK 2, N150 LT 1 BLK 2, RIVERVIEW VILLAGE
2ND ADDN, City of Tulsa, Tulsa County, State of Oklahoma

concerned about water runoff from this property. Mr. Henke informed him that the Board could not address water drainage issues.

Applicant's Rebuttal:

Ms. Clark declined to give a rebuttal.

Board Action:

On **Motion of Stead**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **DENY** Case No. 20495, finding not only is it oversized for the existing house but there is no hardship stated, regarding the following described property:

LT 4 BLK 3, MITCHELL-CROSBIE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

UNFINISHED BUSINESS

Case No. 20485

Action Requested:

Verification of spacing requirements for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway; and a variance of the spacing requirement for an outdoor advertising sign, located: 9001 South Union Avenue.

Presentation:

John Moody, stated he previously asked for a continuance to this meeting to allow time for advertising a variance for spacing from a sign 941 ft. north of the proposed sign. He reviewed the history of the case, stating the state department of transportation does not apply the spacing requirement to signs on tribal property because they are not regulated by state statute. He added that staff goes by the city zoning code requirements for spacing from any outdoor advertising sign. The sign was already approved in the PUD. They cannot move it to the south because of the spacing needed for another sign to the south. Mr. Moody stated this is not self-imposed because the sign was already approved. He added that the distance is substantial enough from the sign to the north that it would not add to clutter or other obstruction. He noted the surveyor's certificate is a verification of spacing to the sign on the south.

Interested Parties:

Greg Jennings, 2260 South Troost, stated the fact is this location does not meet the spacing requirements. The spacing requirement is to avoid sign clutter. He was opposed to the application.

Comments and Questions:

Mr. White recognized the sovereign Indian nation. He remembered history of cases with similar issues and expected the court would turn the case over if the Board denied this application. He thought the case came before this Board more as a courtesy.

Applicant's Rebuttal:

Mr. Moody replied that they asked for the variance to avoid legal issues. He felt they had grounds for a hardship because the grounds are that the literal enforcement of the zoning code works an unnecessary hardship on the applicant. He stated this is a reasonable and an appropriate case for a variance.

Board Action:

On **Motion of Stead**, the Board voted 4-0-0 (White, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; Stephens "absent") to **APPROVE** a Verification of spacing requirements for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the south; and **DENY** Verification of spacing requirements for an outdoor advertising sign to the north, involving tribal lands; and to **APPROVE** a Variance of the spacing requirement from an outdoor advertising sign on the north, which is less than 1,200 ft. from the sign on tribal lands; finding the billboard to the north is located on tribal lands, which circumstance is not specifically defined in the zoning code; finding that in granting the variance, the extraordinary or exceptional conditions or circumstances which are peculiar to the land, specifically involving tribal lands, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan, on the following described property:

A tract of land in the southwest quarter of the southwest quarter (sw/4 sw/4); of Section 14, T-18-N, R-12-E of the IB&M, Tulsa County, Oklahoma, described as follows: commencing at the southwest corner of said SW/4 SW/4; TH N 0°00'15" E along the W ln of said SW/4 SW/4 927.95 ft; TH S 89°51'09" E 50 ft. to the POB; TH S 89°51'09" E 514.20 ft. to a pt on the W ROW of US Hwy 75; TH S 11°15'52" W along the W ROW ln of US Hwy 75 210.09 ft; TH S 22°34'52" W along the W ROW ln of US Hwy 75 51 ft; TH S 11°15'52"W along the W ROW ln of US Hwy 75 185.18 ft; TH N 89°51'09"W 417.43 ft; TH N 00°00'15" E 435.00 ft. to the POB.

*****.

Section 1221, C-2, F and G:

Use Conditions for Outdoor Advertising Signs

- 1221, C-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 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 (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.
 - 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.

2.11
EXHIBIT E

1221-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 setback 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.
14. Any illumination shall be by constant light.
15. No outdoor advertising sign shall exceed fifty (50) feet in height; except when the freeway is elevated ten (10) feet or more above grade where the sign is to be located then, in that event no outdoor advertising sign height shall exceed sixty (60) feet in height.
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 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.

1221-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 (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 devise, 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 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.

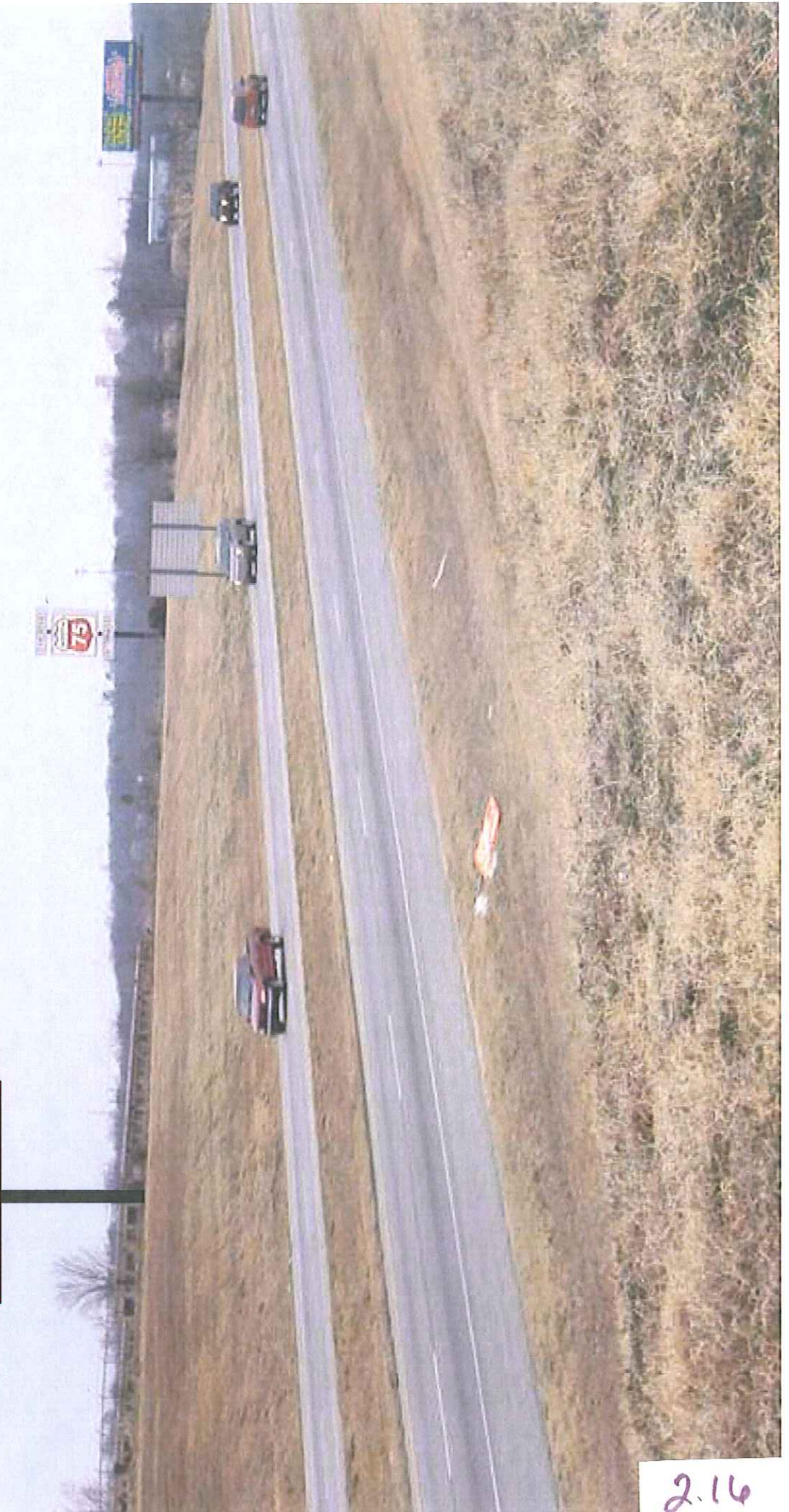
11. Digital outdoor advertising signs, if visible from an R district other than street, highway or freeway right-of-way, or if visible from a designated residential development area, shall be setback from such district or area a minimum distance of two hundred (200) feet. The two hundred (200) feet shall 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.

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.

Approximate Proposed O/A
Sign location



RS-3

RS-3

PUD-435C

E 68th ST

OM

PUD-455A

PUD-254

CS

OL

PUD-260G

PUD-260B

S ZURICH AV

PUD-260C

PUD-576
OM

PUD-260-B-7

E 69th PL

PUD-429

E 71st ST

OL

PUD-289

PUD-208

E 71st PL

OM

RD

RS-3

PUD-134

S YALE AV

S BRADEN AV

S CANTON AV

S DARLINGTON AV

RS-3

PUD-136



18-13 03

Feet

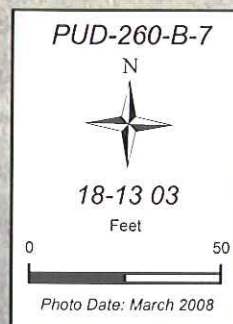


3.1





E 71st ST



February 25, 2009

STAFF RECOMMENDATION

PUD-260-B: Minor Amendment – East of the northeast corner of Yale Avenue and 71st Street South; Lot 3, Block 1 – Hyde Park; 4929 E. 71st Street; TRS 8303; CZM 53; Atlas 1002; PD 18; CD 7; CS/PUD.

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

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

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

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



Cosi tenant space from across 71st Street



Cosi tenant space from parking lot

Exhibit A 3.5



Tenant ID sign along 71st Street

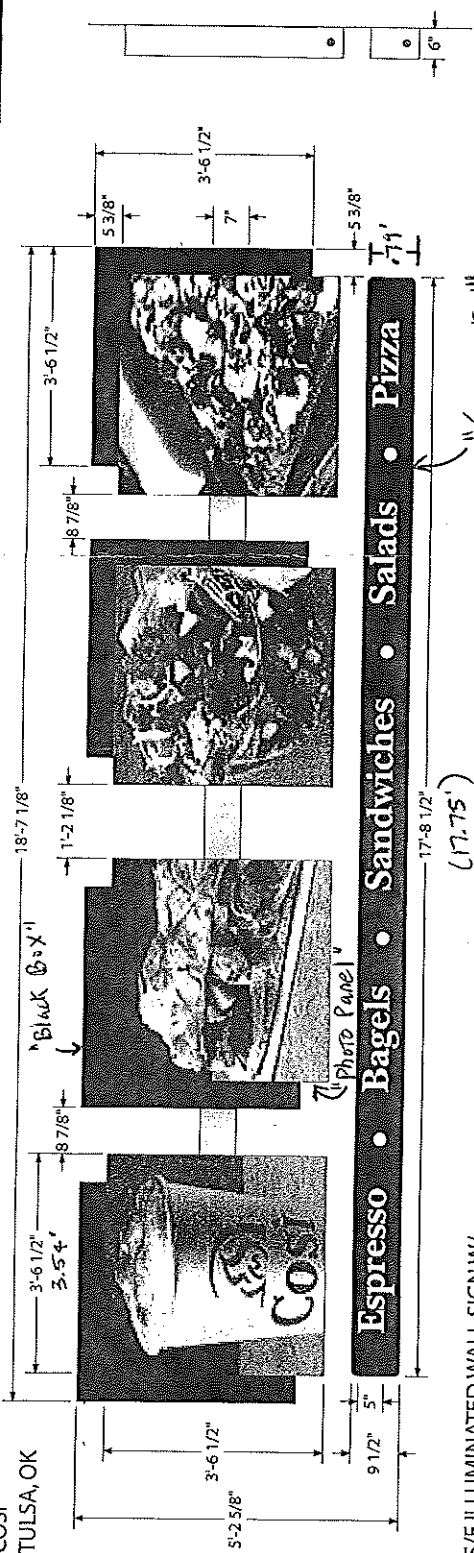


Monument ID sign along 71st Street

Exhibit 3.6 B

COSI

TULSA, OK



S/F ILLUMINATED WALL SIGN W/
SIMULATED RACEWAY & FCO DROP SHADOWS
SCALE: 1/2" = 1'-0"

- 59.5' TEN. space = 59.5 # display area allowed per PDD-260-B

- 3.54' x 3.54' = 12.5 # display area for each "photo panel"

- (4) each @ 12.5 # = 50 # for (4) photo panels

- .79' x 17.75' (Espresso, et al.) = 14 # display area

- "Black Box" = .5' x 3.54'

= 1.77 #

8 @ 1.77 # = 15 #

= 79 # digital

+ 20 # existing "COSI"

99 # Total

59.5' storefront

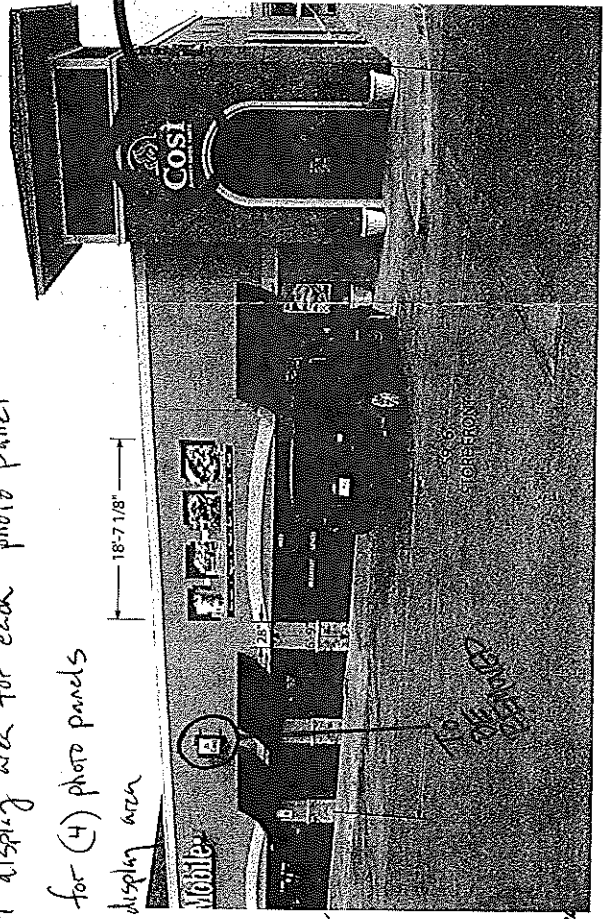
= 99 # Total

1.66 # dsa per linear foot of

PHOTO storefront requested

SCALE: 1/8" = 1'-0"

SIDE VIEW



4.5' x 4.42' = 20 #

JAN 28 2009

JPM

Exhibit C

TOTAL SQFT = 97.04'

THOMAS SIGN & AWNING COMPANY INC. 4590 118TH AVENUE NORTH • CLEARWATER, FL • 33762 800-526-3325 • 727-573-7757 • FAX 727-573-0328		CLIENT: COSI DESIGN: 45853 A SWS PERSPECTIVE #2 OPT 1 DRAWN: 1/20/09 CHECKED: 1/20/09 DATE: 01/20/09
REGION: A CITY: TULSA ADDRESS: 4929 EAST 71ST STREET INSTALLATION: 1/20/09	REGION: A CITY: TULSA ADDRESS: 4929 EAST 71ST STREET INSTALLATION: 1/20/09	APPROVED AS NOTED: _____ APPROVED: _____ DATE: _____ DATE: _____ DATE: _____



This is an original unpublished drawing, created by General Thuring Contractors. It is submitted for your proposed use in connection with the project being planned for you by General Thuring Contractors. It is not to be shown, copied, reproduced, or otherwise used in any form without the written consent of General Thuring Contractors. All or any part of this design, except registered trademarks, remain the property of General Thuring Contractors.

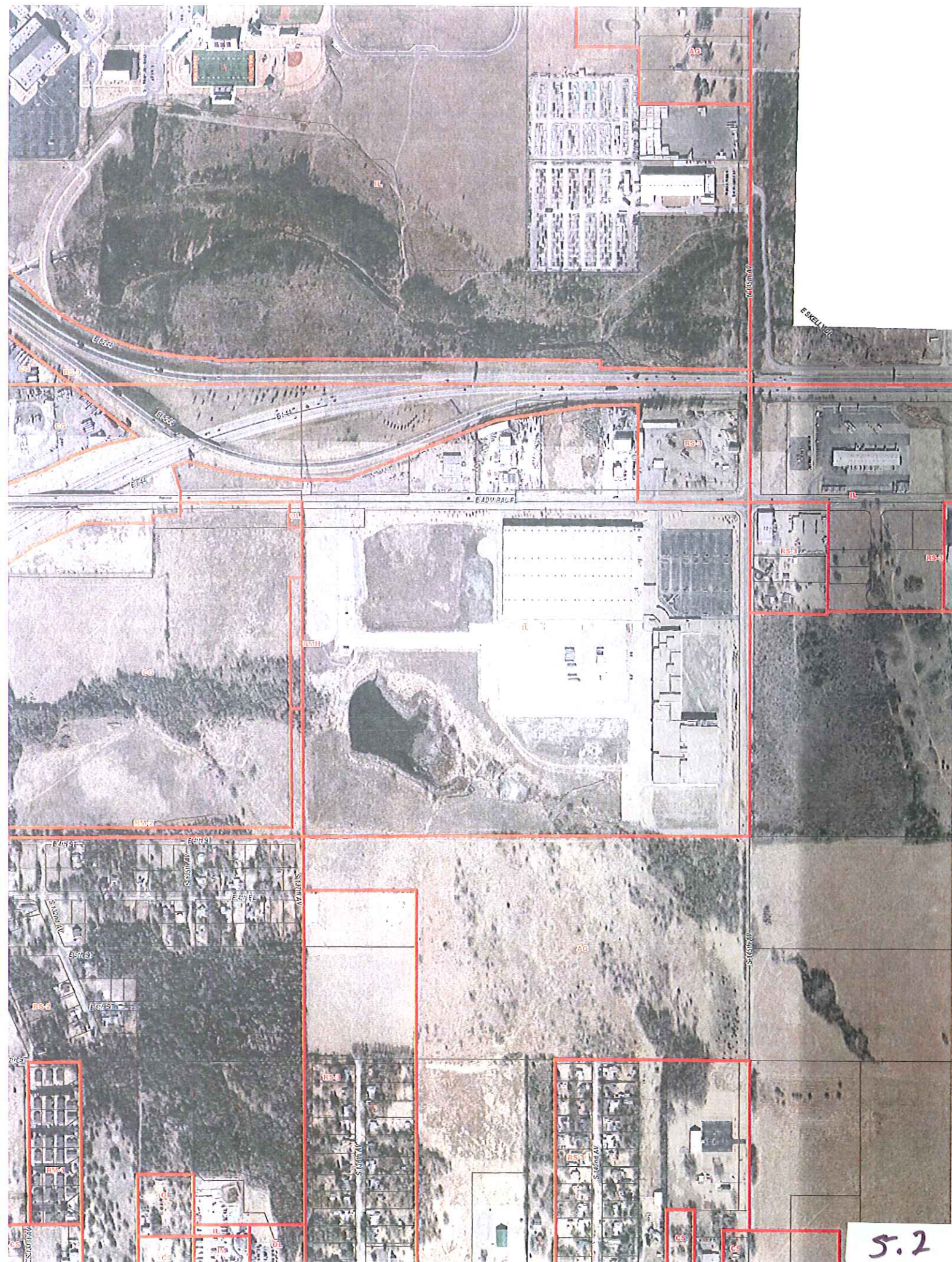
PROJECT General Thuring Contractors, Inc. 1824 East Main Street Columbus, Ohio 43206 P: 614.252.6242 T: 800.256.4774 F: 614.252.6797	PROJECT LOCATION Tulsa	DATE PRESENTED 12.5.08	DRAWING Cosi Tulsa Proposal 3	
			FILE NAME AD	SCALE AD

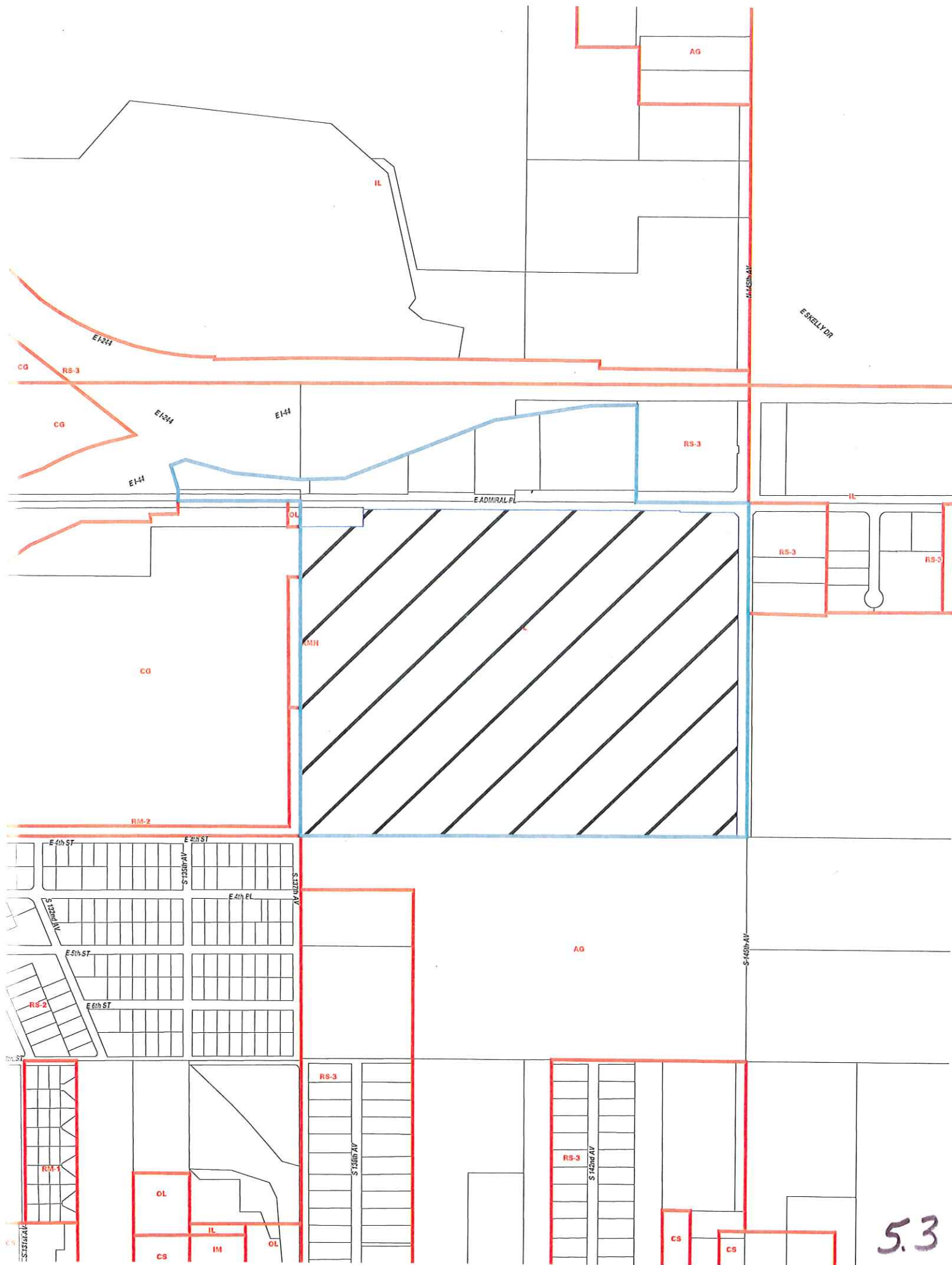
Exmet
D

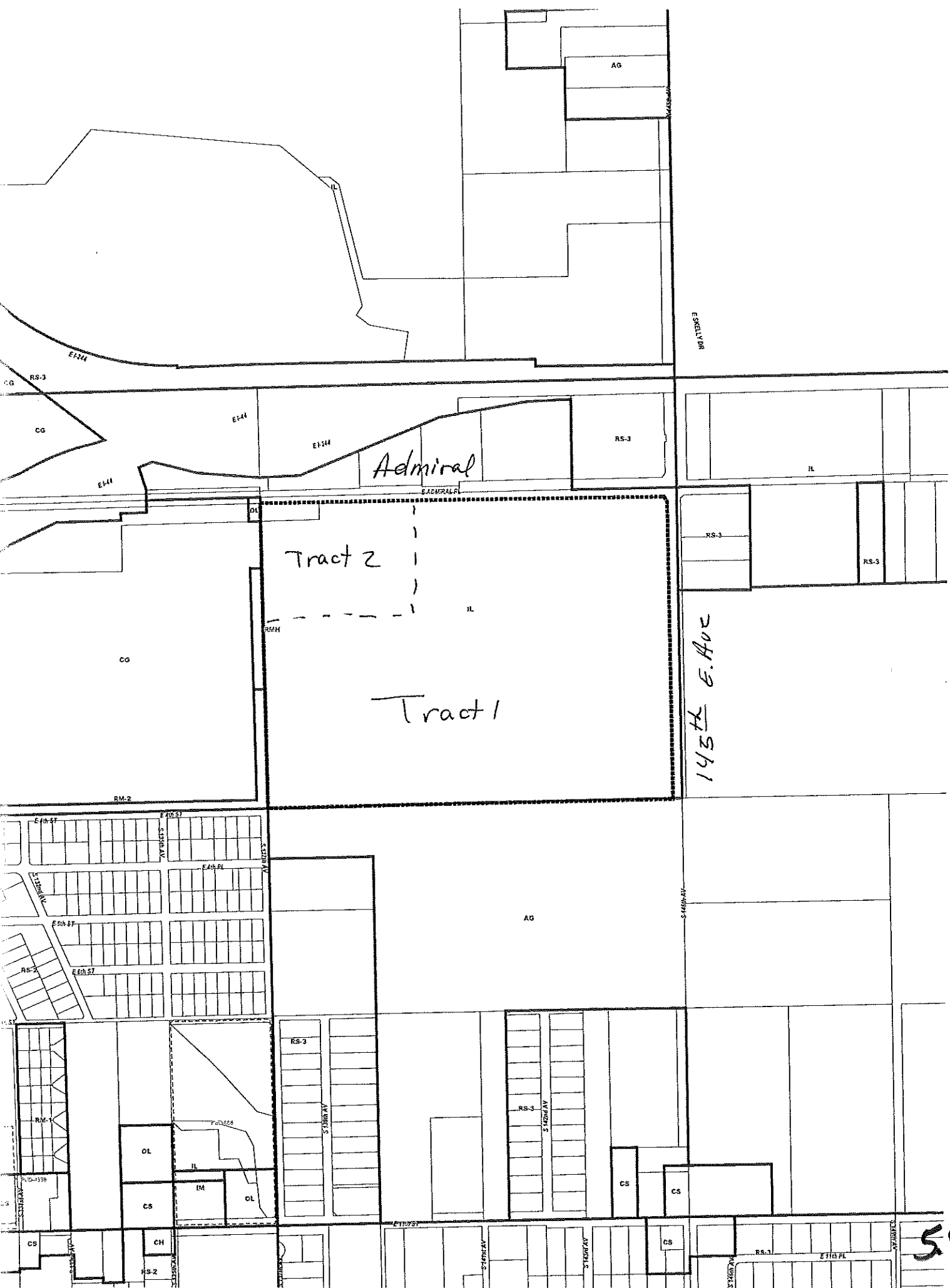
STAFF RECOMMENDATION

LS-20096 Joseph Wells (9404)/Lot-Split
Southwest corner of East Admiral Place and South 145th Avenue, 420
South 145th East Avenue

This parcel (Albertson Tulsa Distribution) is located at the corner of East Admiral Place and South 145th Avenue. The applicant is requested a lot-split of the property on April 20, 2007 however; due to unresolved concerns (dated 5/8/07) from the Fire Department, Storm water and Traffic Engineering staff recommends **DENIAL** until a full TAC (Technical Advisory Committee) review is completed. Staff also recommends that all conditions be included as a part of the Warranty Deed to ensure that they are filed of record on the property.







145th E. Ave

INCOG

FAX

Date: 5-01-07

No. of pages including cover sheet: 1

To:

Jodee Fish

Phone: 596-2514

Fax: 699-3726

From:

Janet Chronister

Land Regulation Analyst

Phone: 584-7526

Fax phone: 579-9574

REMARKS: ☐ Urgent ☒ For your review ☐ Reply ASAP ☒ Please comment

Please review Lot Split Number L- 5091 / Lot Combination LC-

Address 420 S. 145th E. Ave.☒ Water OK. A. Holdman 5/4/07☒ Sanitary Sewer A SANITARY SEWER mainline Extension to provide Service to Tract 2 must be completed before the Lot split can be approved. L. Payne 05/08/07.☒ Stormwater Both Tracts Contain Cooley Creek City of Tulsa NSP39 Regulatory Floodplain. D. Spear 5/7/07☒ FIRE THE CUL-DE-SAC TO EAST SIDE OF TRACT 2 MUST REMAIN TO PROVIDE FIRE DEPARTMENT ACCESS FOR THE WEST SIDE OF THE TRACT 1 BUILDING. THE DRIVE COULD BE EXTENDED TO EADMIRAL PL AND DO AWAY WITH THE LOOP. THERE ALSO NEEDS TO BE A DRIVE TO GET TO THE TWINBURY 5/8/07
REAR OF THE BUILDING.Faxed to Janet
5/8/07

A.P. 297

5.5

Chronister, Janet

From: Darryl French [DFRENCH@ci.tulsa.ok.us]
Sent: Wednesday, May 02, 2007 10:07 AM
To: Chronister, Janet
Subject: L-20096 - Teng

Traffic Engineering has NO objection to the Lot-Split on Admiral PL at 145 E AV subject to a mutual Access Easement for the major drive to the industrial parking lot on T-1 and perhaps a Emergency access esmt. (satisfactory to the Fire Marshall) along the east side for what appears to be a fire access road with turnaround adjacent to the existing building.

Darryl D. French P.E.
Traffic Control Engineer

dfrench@ci.tulsa.ok.us
918-596-9753
918-596-9713 Fax

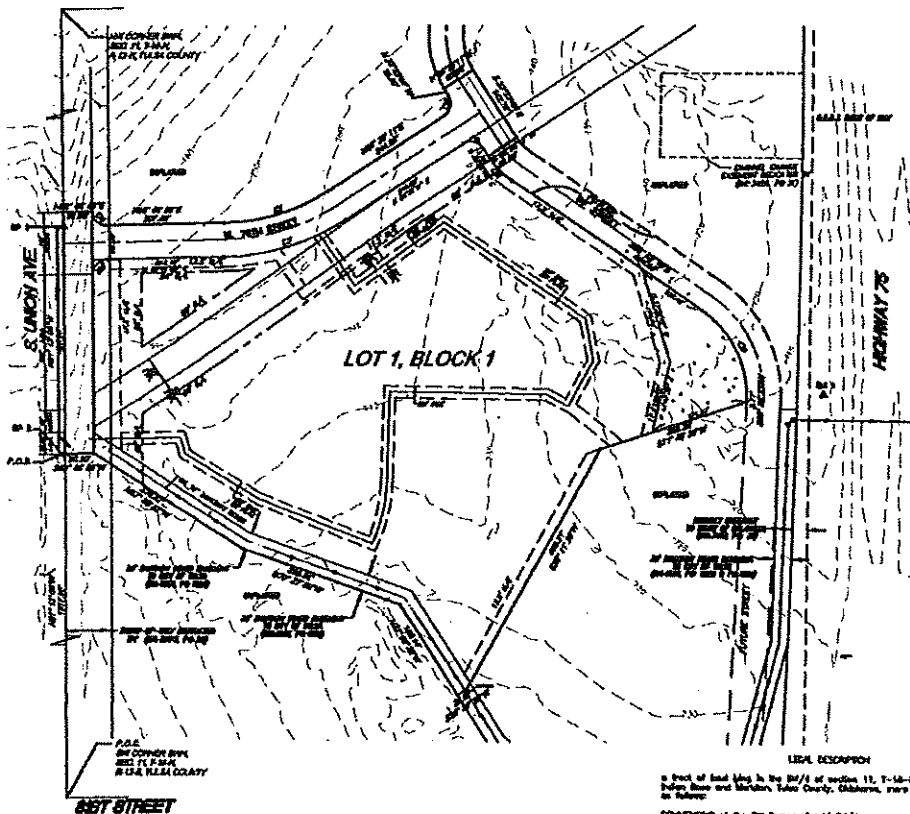
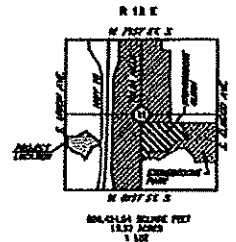
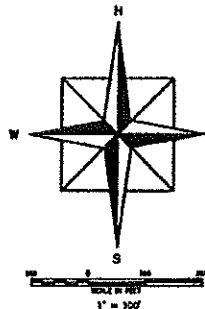
Plot No.
[]

PRELIMINARY PLAT NICKEL CREEK

A PART OF THE SW/4 OF SECTION 11, TOWNSHIP 18 NORTH,
RANGE 12 EAST, TULSA COUNTY, OKLAHOMA
A PART OF P.U.D. 636-3

DEVELOPER
CASE VENTURES, INC
4200 E. BOULEVARD
TULSA, OKLAHOMA 74133
PHONE: (918) 492-1883

ENGINEER/SURVEYOR
TUTTLE & ASSOCIATES, INC.
8714 E. 55TH PL.
TULSA, OKLAHOMA 74146
PHONE: (918) 843-5587
EMAIL: t&a-associates@tuttlet.com
CERTIFICATE OF AUTHORITY CA 445
EXPIRATION 8-30-08



APPROVED
Council of the City of Tulsa,
Oklahoma.
Mayor _____
Attest: City Clerk _____

STATE OF OKLAHOMA
County of Tulsa
I, John Battison, Tulsa County Clerk, do hereby certify that the foregoing is a true and correct copy of a plat of land as the same may appear in the books of the County Clerk.
John Battison, Tulsa County Clerk

DEEDS
I hereby certify that all of said lands have been included in this plat and have been paid as indicated by the record for sale. Should any unpaid taxes be levied on the land in the amount of \$_____, the same shall be paid to the City of Tulsa, Oklahoma, by the owner of the land. This certificate is not to be construed as payment of \$_____. If the land is sold to a third party, the plat may be filed in the name of the third party. The same shall be paid to the City of Tulsa, Oklahoma, by the owner of the land.
Tulsa County Treasurer
by _____ Deputy

CURVE	RADIUS	CHORD	ARC	BEARING	CHORD
1	100.00	100.00	0.00	N 0°00'00" E	100.00
2	100.00	100.00	0.00	N 0°00'00" E	100.00
3	100.00	100.00	0.00	N 0°00'00" E	100.00
4	100.00	100.00	0.00	N 0°00'00" E	100.00
5	100.00	100.00	0.00	N 0°00'00" E	100.00
6	100.00	100.00	0.00	N 0°00'00" E	100.00
7	100.00	100.00	0.00	N 0°00'00" E	100.00
8	100.00	100.00	0.00	N 0°00'00" E	100.00
9	100.00	100.00	0.00	N 0°00'00" E	100.00
10	100.00	100.00	0.00	N 0°00'00" E	100.00

Monument Notes

All corners shown between years and dates a 5/8" x 12" steel pin with a plastic cap stamped "T&A (918)" at all corners.

Lot Addresses

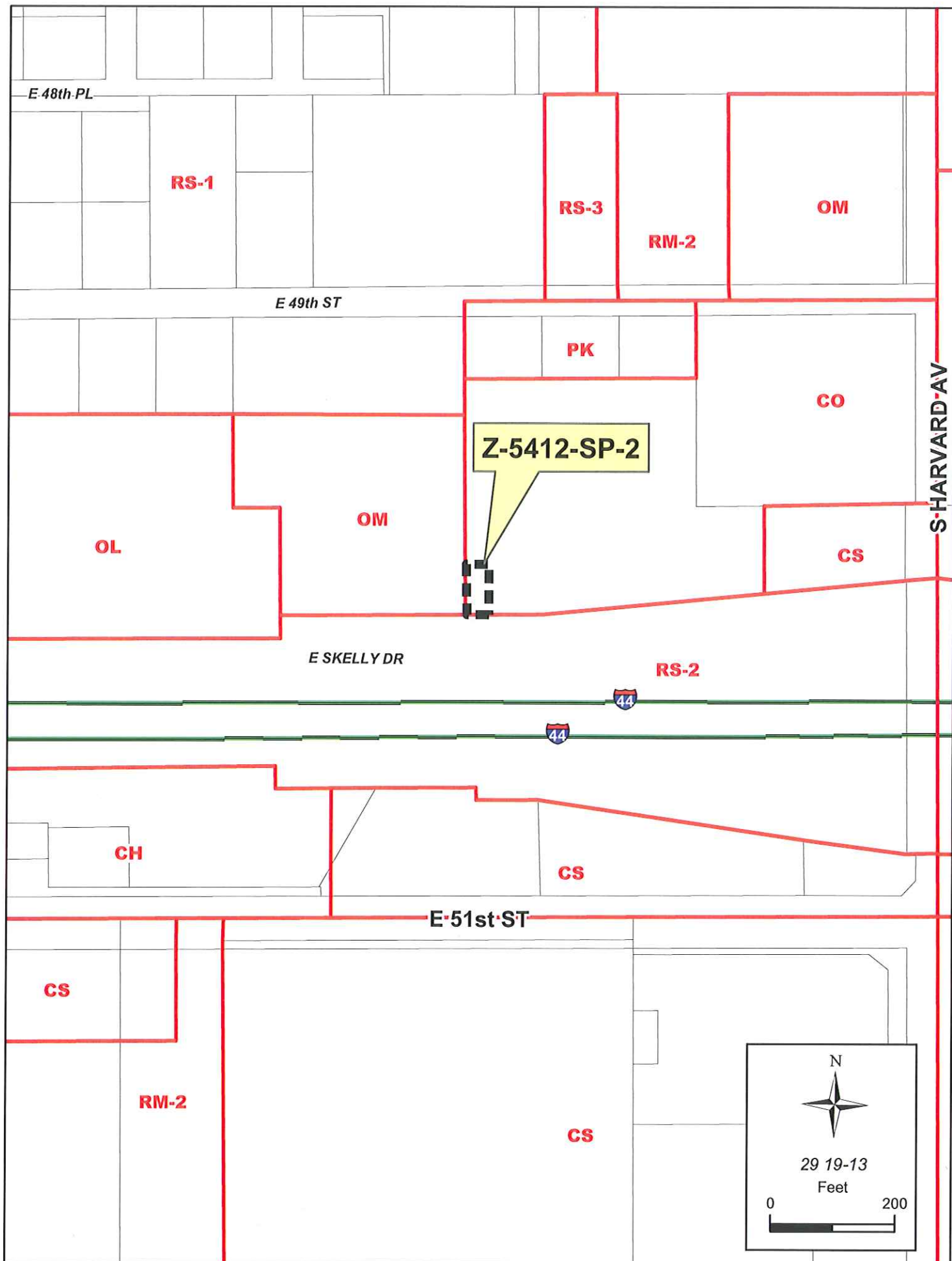
Addresses shown on this Plat provided by the City of Tulsa Planning Department are considered as the true lot addresses. The addresses are subject to change and should not be relied on in place of the legal description.

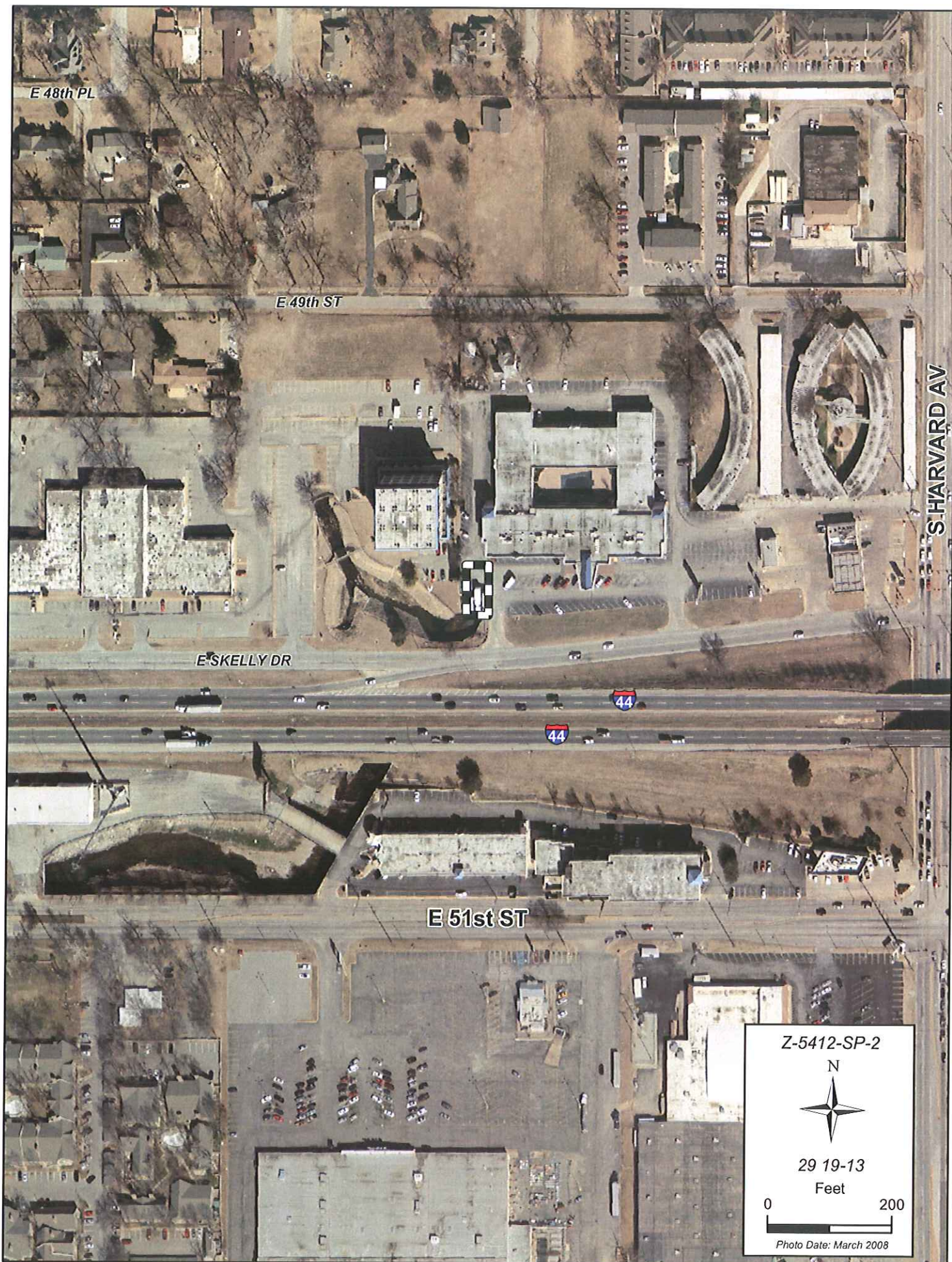
Basis of Bearings

The non-magnetic bearings for said tract are based on a bearing of N 87°37'00" W along the West line of Section 11, T-18-N, R-12-E, Tulsa County, Oklahoma.

NICKEL CREEK
PREPARED: 08-12-2008
Sheet 1 of 1

6.1





Z-5412-SP-2

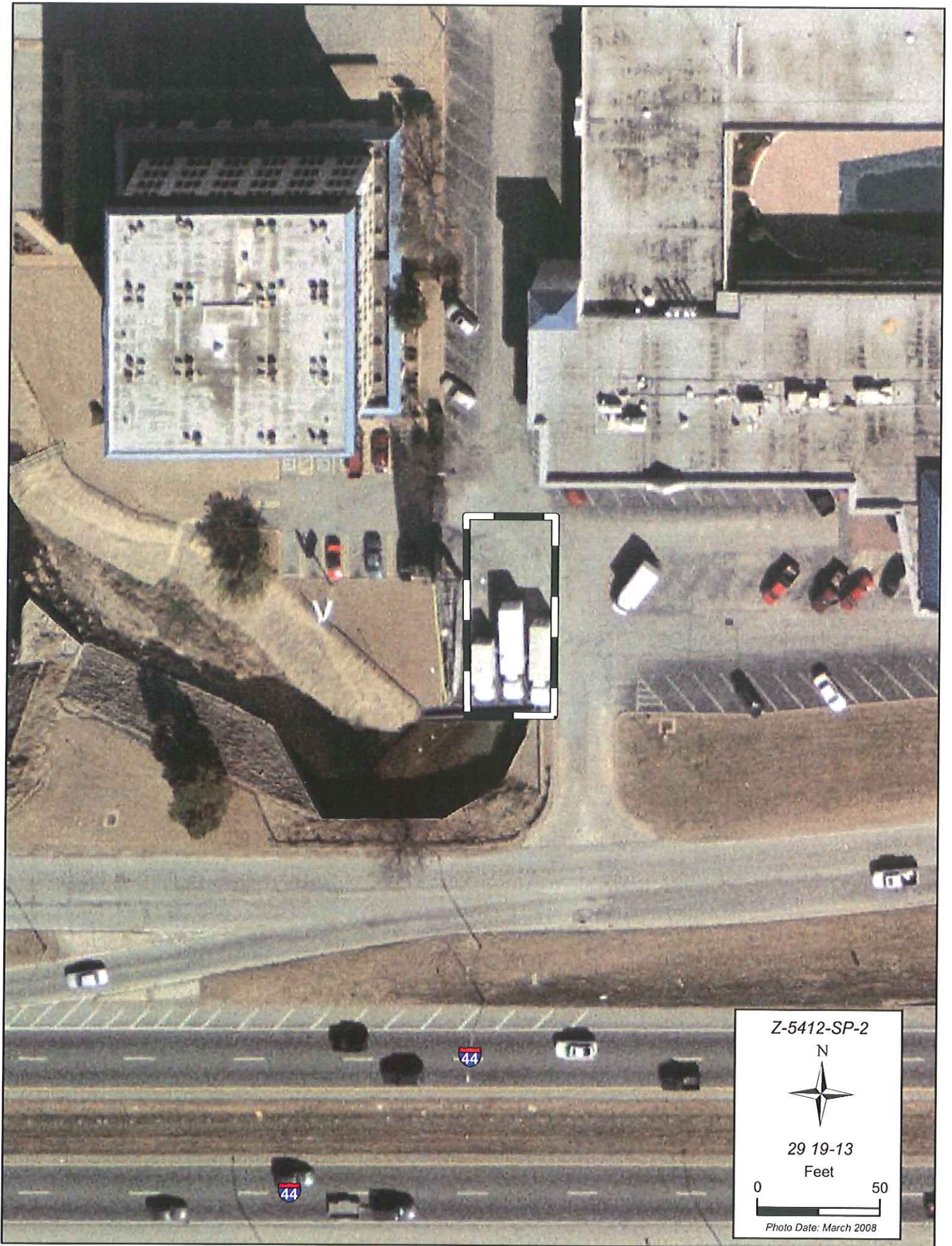
N

29 19-13

Feet

0 200

Photo Date: March 2008



Z-5412-SP-2

N



29 19-13
Feet

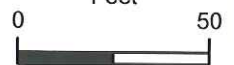


Photo Date: March 2008

7.3

**TULSA METROPOLITAN AREA PLANNING COMMISSION
CASE REPORT**

APPLICATION: Z-5412-SP-2

TRS 9329

Atlas 470

CZM 47

PD-6 CD-7

TMAPC Hearing Date: February 25, 2009

Applicant: Whistler Sign Company LLC

Tract Size: 2000± square feet

ADDRESS/GENERAL LOCATION: West of northwest corner of East Skelly Drive and South Harvard Avenue.

EXISTING ZONING: CO

EXISTING USE: Hotel

ZONING ORDINANCE: Ordinance number 15130 dated August 31, 1981, established zoning for the subject property.

PROPOSED ZONING: CO

PROPOSED USE: To add Digital O/A Sign within Use Unit 21 as a permitted use within the Corridor District.

RELEVANT ZONING HISTORY:

Z-5412-SP-1 November 1987: All concurred in approval of a proposed Detail Sign Plan to allow for replacement of existing ground identification sign on property located west of northwest corner of East Skelly Drive and South Harvard Avenue.

Z-5412 February 1981: A request for rezoning a 7.5+ acre tract of land from RS-3/RM-1/CS to CG, CH with a PUD (PUD-238) or CO with the intent to expand the existing motel, on property located and a part of the subject property. Staff recommended that Corridor was the best zoning for the area and all others concurred and approved for CO zoning less the north 10 feet and PK zoning on Lots 1, 2, and 3 Block 1, Trade Winds; less the north 10 feet.

PUD-238 August 1980: A request for a Proposed Planned Unit Development (that accompanied Z-5412 if CG or CH were approved) on a 7.5+ acre tract of land to remove the existing apartment project and to construct a 6-story motor hotel having shared parking and access with existing motel, was withdrawn on property located and a part of the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 2000± square feet in size and is located west of northwest East Skelly Drive and South Harvard Avenue. The property appears to be -- and is zoned CO.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East Skelly Drive	Freeway Service Road	60'	2

7.4

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

SURROUNDING AREA: The subject tract is abutted on the east by vacant property, zoned CS and the Patrick Henry Apartments, zoned CO; on the north by vacant land and what appears to be one single-family residence, zoned PK and then 49th Street abutted by RS-1 and RS-3 zoned property on the north side; on the south by Skelly Drive and I-44, zoned RS-2; and on the west by Weir 5th Addition, zoned OM.

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 medium intensity – no specific land use. According to the Zoning Matrix, the requested use is in accord with the Plan.

STAFF RECOMMENDATION:

Corridor District site plan, Z-5412-SP-2 is a 3.54 +/- acre (154,202 sf) tract located along Skelly Drive/I-44, west of Harvard Avenue on the south side of 49th Street. As noted above, the tract is abutted by CS and CO zoned property on the east, by PK zoned property and then 49th Street on the north, on the west by OM zoned property and Skelly Drive and I-44 on the south. The property is fully developed and is the location of the Best Western, Trade Winds Central Inn (see case map aerial photographs and Exhibit A and A-1).

This proposal seeks to add Digital Outdoor Advertising (O/A) within Use Unit 21 – Business and Outdoor Advertising Signs, as a permitted use within the Corridor District.

In August 1980 a request was made for a PUD that accompanied rezone application Z-5412 if CG or CH zoning were approved. The proposal was to remove the existing apartment project and to construct a 6-story motor hotel having shared parking and access with existing motel. This application was withdrawn.

In February 1981, a request was made for rezoning the tract from RS-3/RM-1/CS to CG/CH with a PUD (PUD-238) or to rezone to CO (see Exhibit B). The intent was to expand the existing motel into the Patrick Henry Apartment Complex. Staff recommended that Corridor was the best zoning for the area and the TMAPC approved CO zoning less the north 10 feet of the tract and approved PK zoning on Lots 1, 2, and 3 - Block 1, Trade Winds; less the north 10 feet. In 1981, Outdoor Advertising within Use Unit 21 was a permitted accessory use by right in the CO district subject to a detail site plan review and approval by the Planning Commission.

As evidenced by Exhibit C, the existing sign was constructed in approximately May 1982 by Briford Enterprises, after the rezone of the property to CO zoning that would have required a detail site plan approval from the Planning Commission. Exhaustive research finds no record on file of the approval of a detail site plan for the existing O/A sign structure. The sign is now controlled and managed by the Whistler Sign Company, LLC pending acquisition closing (see Exhibit D). On 10/14/08 in case #20785 the BOA verified the spacing for this digital O/A sign (see Exhibit E). Note: The existing sign will not be affected by the widening of I-44 (see Exhibit F).

Since this applicant did not construct the sign, is seeking to bring the Corridor Plan into conformance and there does not appear to be significant zoning related or land use issues, staff can support this application.

Staff finds the existing uses and intensities of development, as well as the proposed use to be in harmony with the spirit and intent of the Code. Staff finds Z-5412-SP-2 to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected

development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the CO Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of Z-5412-SP-2 subject to:

1. The conditions recommended by the Technical Advisory Committee which are approved by TMAPC;
2. Approval of a Corridor District detail sign plan; and
3. Compliance with the terms and conditions of §802, B-3, §1221-F and §1221-G of the Tulsa Zoning Code attached hereto as adopted development standards.

TAC Comments:

General: No objection to the placement of the sign as long as it does not encroach into any existing, or proposed Sanitary Sewer or Utility Easements. Placement of the sign should be coordinated with the ODOT plans for widening I-44 and its associated access roads.

Water: The sign location does not interfere with any existing water main lines.

Fire: No comments.

Stormwater: No comments.

Wastewater: No comments.

Transportation: No comments.

INCOG Transportation:

- MSHP: No comments.
- LRTP: East Skelly Drive expansion planned to 6 lanes.
- TMP: Planned on-street bikeway along north (westbound) frontage road should be taken into consideration.
- Transit: No comments.

GIS: No comments.

Street Addressing: No comments.

02/25/09

1221-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 setback 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.

14. Any illumination shall be by constant light.

15. No outdoor advertising sign shall exceed fifty (50) feet in height; except when the freeway is elevated ten (10) feet or more above grade where the sign is to be located then, in that event no outdoor advertising sign height shall exceed sixty (60) feet in height.

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 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. 1221, C-4, D-3, and E-3 are attached below.

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.

1221-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 (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 devise, 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 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.

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.

§1221, C-4 – General Conditions: 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.

§1221, D-3 - O/A signs in a CS District: 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 each 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 Section 1221.C.8.b.

§1221, E -3 – CG, CH, CBD, IL, IM, and IH Use Conditions for Business

Signs: 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 Section 1221.C.8.b.



BOTH VIEWS FROM THE EAST



EXHIBIT A
7.12

Z- 5412 CZM 77
STR 2993 Alt AB 470
PD 6

EXHIBIT B 7.14



STATE OF OKLAHOMA

CLASS
PERMITFOR
HIGHWAY OUTDOOR ADVERTISING SIGN

DATE: 3/17/2006

EXPIRES: 03/31/2008

THIS PERMIT is hereby issued for the outdoor advertising sign, display or device hereinafter identified, for the Class of Permit designated subject to the limitations specified for the class, and subject to the applicable statutes, laws, regulations and subject to the qualifications in the Issuance Statement set forth below.

Registration No.:

009149

Sign File No.:

08490-01

Owner of RecordBRIFORD ENTERPRISES
3141 EAST SKELLY DRIVE

Sign Registration Location Description:

Owner No:

001585

01/05/1982

CITY/TOWN: TULSA

STREET: 3141 E SKELLY DR

Department of Transportation Date

Control Section:

I044 -72-0780
05/10/1982

Legal Description of Sign Site:

SW SE SE S29 T19N R13E

PERMIT CLASS

THIS PERMIT is issued as a Class A Permit, a Class B Permit, or a Class C Permit, with the permit class for this particular sign denoted by and "X" in the appropriate box, following.

- ☒ CLASS A Unqualified Permit, See discussion on the reverse side.
- ☐ CLASS B Qualified Permit, This permit is for the "non-conforming use" of the above identified sign, display or device structure. See discussion of this class of permit as applying to "Grandfather Signs" on the reverse side hereof. The sign is deemed non-conforming to size, lighting, and spacing standards in at least the particulars denoted by the following two-digit code number for non-conforming reasons from the code table for same set forth on the reverse side hereof:
- ☐ CLASS C Informational Signs

ISSUANCE STATEMENT

Pursuant to the Highway Advertising Control Act, 68 O.S. 1991 §1271, et seq., as amended, and the regulations promulgated by the Oklahoma Transportation Commission, this permit is issued as effective for the continued existence of the specific outdoor advertising, display or device above identified, as its location as of the field inspection date. The permit relates to the combined site and structure and shall be deemed transferred with change of ownership of the sign structure at its present location. The issuance of this permit shall not be construed to supersede or override and ordinance, act or rule of a city, town, county, zoning authority or other duly constituted regulatory body, which may forbid or otherwise restrict the sign, the signal structure, and message displayed, or any other incident of control of the sign or its use. Unless sooner revoked this permit shall continue in force through the expiration date above specified.

DEPARTMENT OF TRANSPORTATION

EXHIBIT C

7.15

Sansone, Christopher

From: Michael Joyce [mjoyce@joycepaul.com]
Sent: Thursday, February 05, 2009 4:08 PM
To: Sansone, Christopher; john@whistlersign.com
Cc: john@whistlersign.com; sherri@whistlersign.com
Subject: RE: Trade Winds O/A sign

Chris,

Whistler (in the name of one of his entities) has contracted to purchase the sign from Briford Enterprises. It is on an easement from Trade Winds East Motor Hotel, Inc. (I believe Briford and Trade Winds have the same family ownership). Briford owns the board and I think it was actually built by the Mitchell family prior to the formation of Briford (which the Mitchell family owns) – just my understanding. Whistler had nothing to do with the actual construction of the billboard and just currently manages the same for Briford – pending acquisition closing.

Let me know if this answers your question. Thank you.

Mike Joyce
Attorney for Whistler Outdoor Advertising, Inc.
671-9561

From: Sansone, Christopher [mailto:CSansone@incog.org]
Sent: Thursday, February 05, 2009 9:53 AM
To: john@whistlersign.com
Cc: Michael Joyce
Subject: Trade Winds O/A sign

John,

Quick question about the Trade Winds O/A sign and your application for Corridor District Detail Site Plan Review (major amendment to corridor district site plan) Z-5412-SP-2, west of the northwest corner of Skelly Drive and Harvard –

Did you guys buy that sign from someone after it was constructed, or did Whistler put it up. If it was purchased from another O/A sign company, who was it?

Thanks John.

Chris

This e-mail and any attachments may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal. Unless otherwise stated, opinions expressed in this email are those of the author and are not endorsed by the author's employer.

2/5/2009

7.16
EXHIBIT D

CITY BOARD OF ADJUSTMENT
MINUTES of Meeting No. 989
Tuesday, October 14, 2008, 1:00 p.m.
Francis F. Campbell City Council Room
Plaza Level of City Hall
Tulsa Civic Center

**MEMBERS
PRESENT**

Henke, Chair
Stead, Vice Chair
Stephens
Tidwell, Secretary
White

**MEMBERS
ABSENT**

**STAFF
PRESENT**

Alberty
Butler
Cuthbertson

**OTHERS
PRESENT**

Ackermann, Legal

The notice and agenda of said meeting was posted in the City Clerk's office, City Hall, on Wednesday, October 8, 2008, at 3:35 p.m., as well as at the Office of INCOG, 201 W. 5th St., Suite 600.

After declaring a quorum present, Chair Henke called the meeting to order at 1:00 p.m.

Mr. Cuthbertson read the rules and procedures for the Board of Adjustment Public Hearing.

MINUTES

On **MOTION** of **Tidwell**, the Board voted 5-0-0 (White, Henke, Stead, Tidwell, Stephens "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE** the Minutes of September 30, 2008 (No. 988sm).

REQUEST TO CONTINUE AND CASES TO WITHDRAW

Case No. 20786

Action Requested:

Appeal the determination of a neighborhood inspector that a vehicle used in conjunction with a home occupation is of a type customarily found in a residential area (Section 402.B.6), located: 5307 East 33rd Street.

10:14:08:989 (1)

7.17

EXHIBIT E

NEW APPLICATIONS

Case No. 20785

Action Requested:

Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.G.9), located: 3141 East Skelly Drive.

Presentation:

Mike Joyce, stated that Briford Sign Company, LLC owns a billboard located on Skelly Drive just west of Harvard. It is one of the few that will survive the I-44 widening project. The nearest billboard to the east is almost to the intersection of 41st Street in front of Bishop Kelly. The nearest one to the west is 6,000 to 7,000 ft. away near Peoria.

Interested Parties:

There were no interested parties who wished to speak.

Board Action:

On Motion of White, the Board voted 5-0-0 (White, Stephens, Henke, Stead, Tidwell "aye"; no "nays"; no "abstentions"; no "absences") to **ACCEPT** a Verification of the spacing requirement for a digital outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.G.9), based upon the facts in this matter as they presently exist, subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign, on the following described property:

SW SE SE Sec 29 T19N R13E, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 20787

Action Requested:

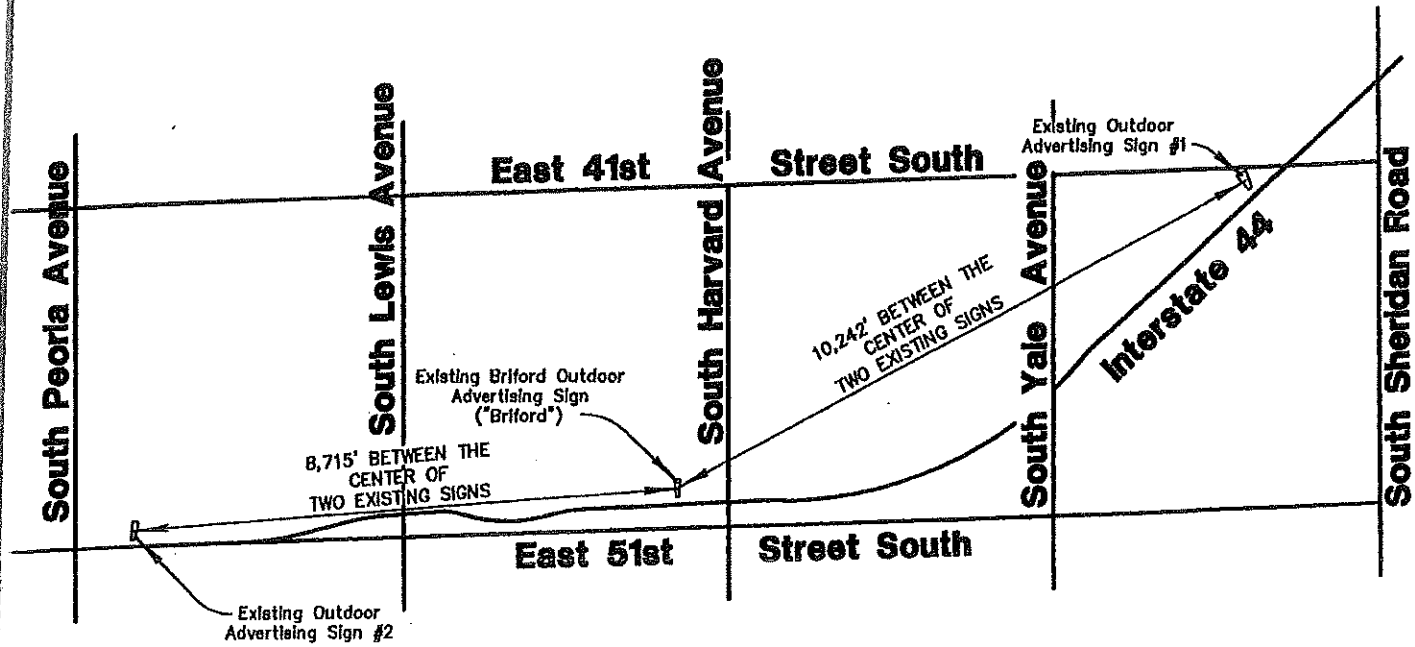
Verification of the spacing requirement for a digital or conventional outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway (Section 1221.F.2 and G.9), located: 5555 South 129th East Avenue.

Presentation:

Lorenda Elizando, 7777 East 38th Street, Tulsa, Oklahoma, 74145, provided a certificate of survey (Exhibit D-1).

Comments and Questions:

Ms. Stead asked if the previous proposed boards were abandoned, to which she responded that is correct and there are no permits on this location. Ms. Elizando added that she is in the process of obtaining the state permits.



Surveyor's Certification

WE, SISEMORE WEISZ & ASSOCIATES, INC., CERTIFY THAT THE EXISTING OUTDOOR ADVERTISING SIGN #1 LOCATION MEASURES 10242 FEET FROM THE CENTER OF SAID SIGN #1 TO THE CENTER OF THE EXISTING BRIFORD OUTDOOR ADVERTISING SIGN ("BRIFORD") LOCATION. AND FURTHER, 8715 FEET FROM THE CENTER OF THE BRIFORD OUTDOOR ADVERTISING SIGN ("BRIFORD") LOCATION TO THE CENTER OF THE OUTDOOR ADVERTISING SIGN #2 LOCATION.

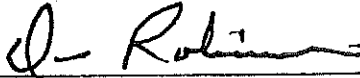
WITNESS MY HAND AND SEAL THIS 7TH DAY OF JULY, 2008.



NOT TO SCALE



SISEMORE WEISZ & ASSOCIATES, INC.

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

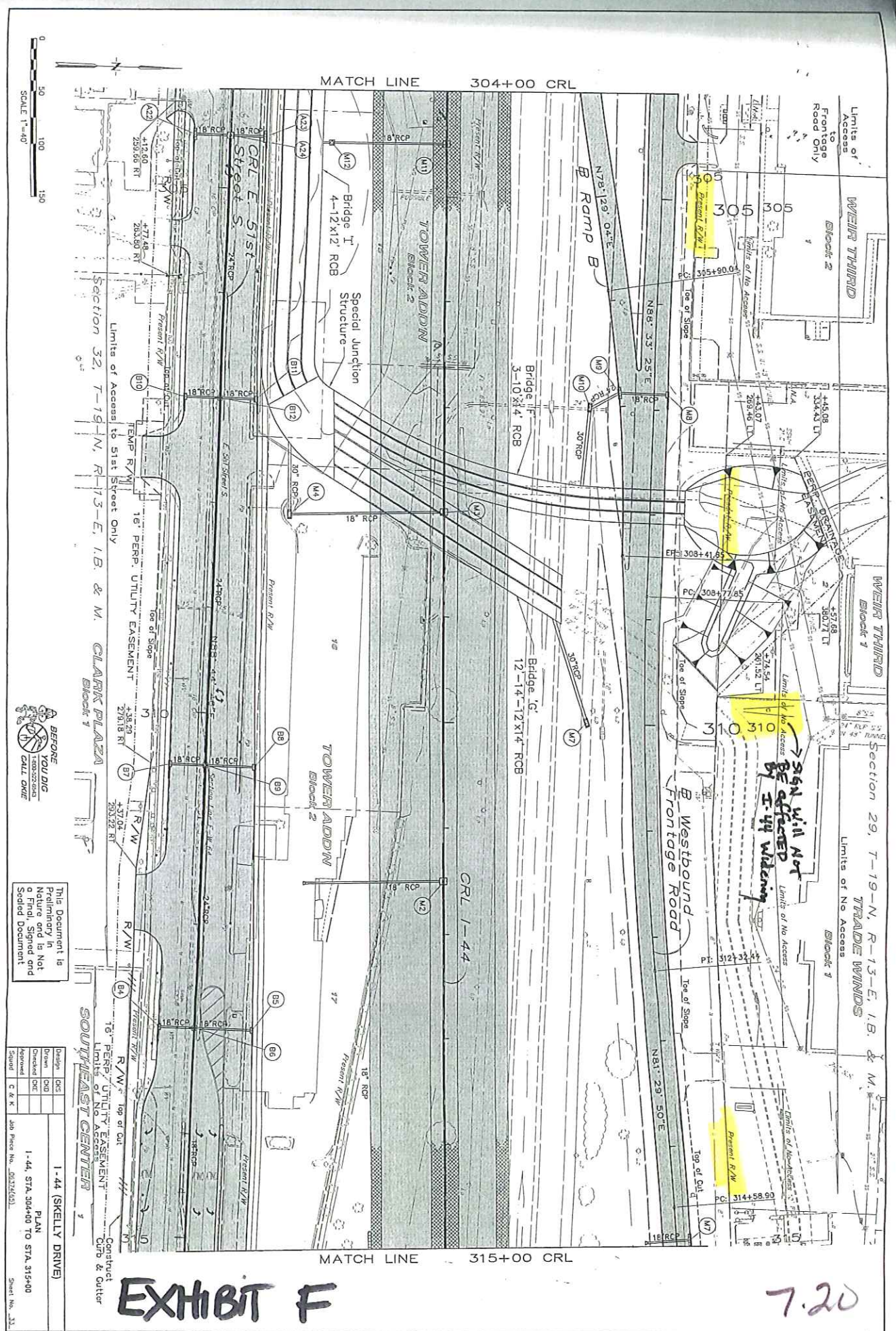
ORDER: 16005
DATE: 7/02/08
FILE: 1913.2900



Sisemore Weisz & Associates, Inc.

8111 EAST 32nd PLACE
TULSA, OKLAHOMA 74135
CA. NO. 2421

PHONE (918) 665-3600
FAX (918) 665-8668
EXP. DATE 6/30/09



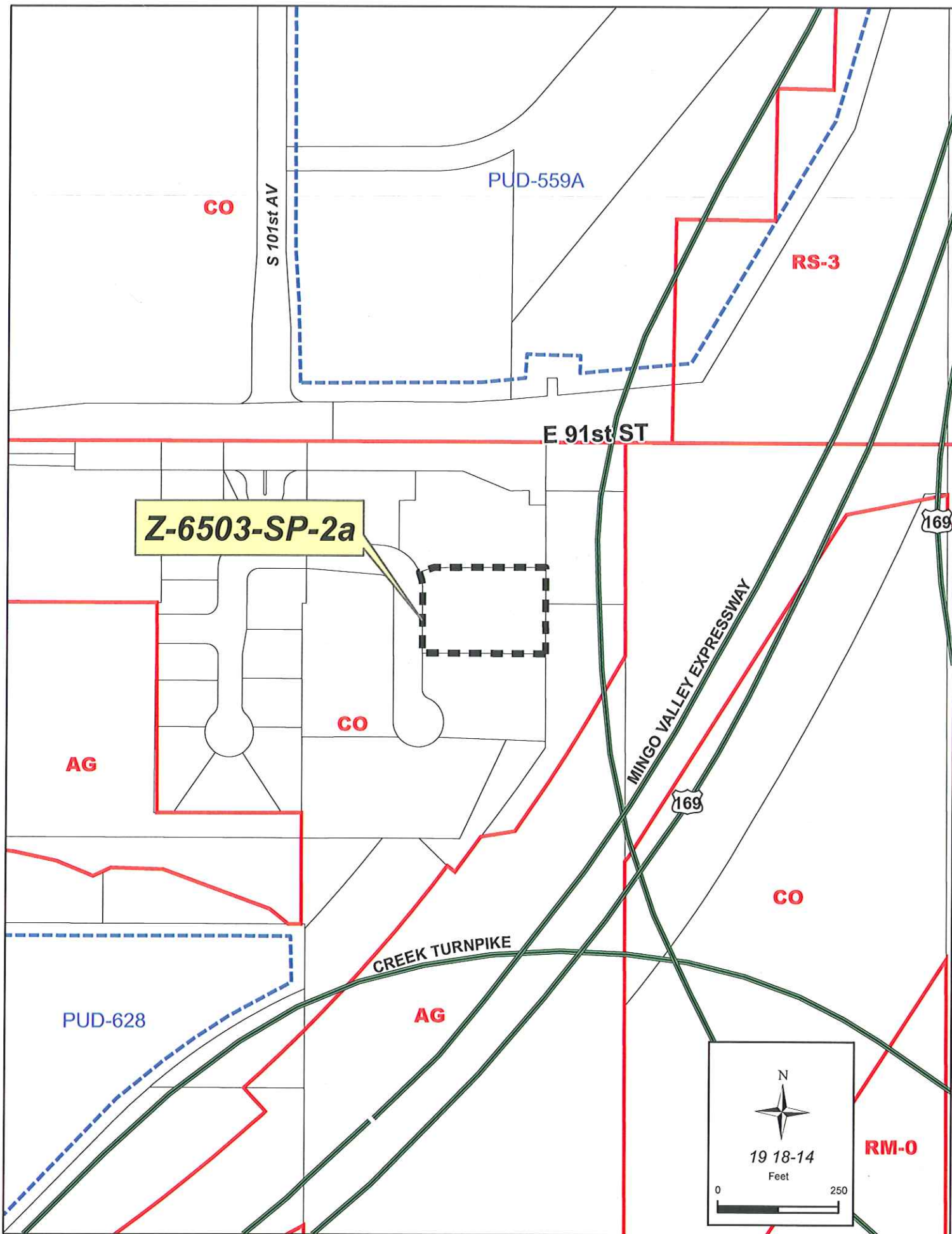
BEFORE
YOU DIG
1-800-325-5343
CALL ONE

This Document is
Preliminary in
Nature and is Not
To Be Used for
Said Document

Design	DCS	1-44 (SKELLY DRIVE)
Drawn	DD	
Checked	DC	
Approved	DC	
1-44, STA. 304+00 TO STA. 315+00		PLAN
SOUTH EAST CENTER		
Said Piece No. 00334503		Construct
Sheet No. 33		Curb & Gutter

EXHIBIT F

7.20




8-1



Z-6503-SP-2a

N

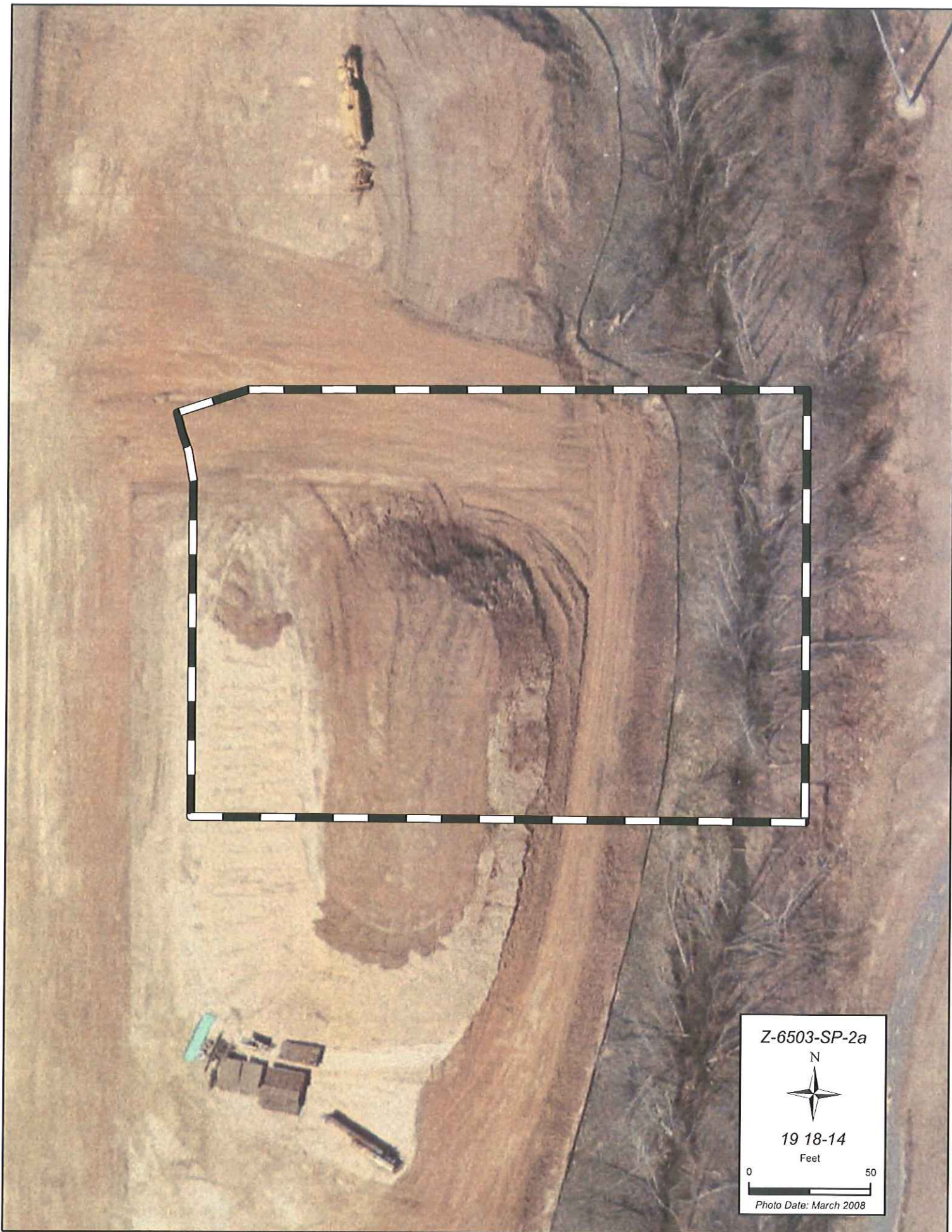


19 18-14

Feet

0 250

Photo Date: March 2008



Z-6503-SP-2a

N

19 18-14

Feet

0 50

Photo Date: March 2008

February 25, 2009

STAFF RECOMMENDATION

Z-6503-SP-2a : Corridor Plan Minor Amendment – Southeast of the southeast corner of 91st Street South and South 101st East Avenue; Plat #6168 - Crossroads Village; TRS 8419; CZM 57; Atlas 1902; PD 18; CD 8; CO.

The applicant is requesting a minor amendment to add digital technology to a previously approved outdoor advertising (O/A) sign. The use – Outdoor Advertising within Use Unit 21 – Business and Outdoor Advertising Signs is a permitted use per the approval of Corridor District Site Plan Z-6503-SP-2 (see Exhibit A).

The need for the minor amendment is triggered by §1221, G-14 of the Code which states that a conversion of a lawfully existing O/A sign to a digital O/A sign shall be considered a change in use.

Since the O/A sign use has been approved by the TMAPC as well as, the Tulsa City Council in approval of Corridor Site Plan #Z-6503-SP-2 staff can support the request to add the digital technology use to the O/A sign use and recommends **APPROVAL** of minor amendment Z-6503-SP-2a.

Note: Approval of a minor amendment does not constitute detail sign plan approval

8.4

UTILITIES:

Franchise Utilities: No comments.

The accelerated building permits were originally designed to accommodate large campus style type of developments and should concentrate upon "the benefits and protections to the City that may be forfeited by releasing the building permit prior to the filing of the plat". These requested permits adhere to this ideal. Staff recommends approval of the authorization to release the accelerated permits with the conditions as commented by the Technical Advisory Committee.

Mrs. Fernandez stated that staff recommends **APPROVAL** of the accelerated building permit.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Cantrell, Harmon, Marshall, McArtor, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Ard, Cantees, Carnes, Miller "absent") to recommend **APPROVAL** of the authorization for accelerated release of building permit for FedEx Ground-Westmoreland per staff recommendation.

Z-6503-SP-2 – Khoury Engineering, Inc.

(PD-18) (CD-8)

East of southeast corner of East 91st Street South and South Mingo Road
(Corridor Site Plan for new commercial and office development.)

STAFF RECOMMENDATION:

Z-6910-AP-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 on property located east of southeast corner of East 91st Street South and South Mingo Road and abutting the subject property on the west.

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 and abutting the subject property on the west.

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 and abutting the subject property on the west.

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 and abutting the subject property to the west.

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 on the subject property.

PUD-628/Z-6467-SP-4 March 2000: All concurred in approval of a proposed Planned Unit Development and a Corridor Site Plan on a 15.86± acre tract of land for medium density office park with assisted living facilities and elderly/retirement housing on property located on the northeast corner of Mingo Valley Expressway and South Mingo Road.

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 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.

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 abutting the subject property to the north.

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 abutting the subject property to the north.

Z-6538/Z-6538-SP-1 July 1996: All concurred in approval of a request to rezone the property abutting the subject tract on the north from AG to CO and a Corridor Site Plan for an in-line hockey facility.

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 abutting east 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 and a part of the subject property.

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.

Z-6467/Z-6467-SP-1 January 1995: All concurred in approval of a request to rezone the subject property from AG and CO to CO. Approval was also granted for a Detail Corridor Site Plan to allow a golf center with driving range, practice and instruction facilities.

Z-6194 July 1988: All concurred in approval of a request to rezone a four-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 8.67 acres in size and is located on the south side of East 91st Street South immediately west and adjacent to Highway 169/ Creek Turnpike. The property is vacant, generally slopes from the north and west to the south and east and is zoned CO.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 91 st Street South	Secondary Arterial	100'	four

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

SURROUNDING AREA: The subject tract is abutted on the east by U.S. Highway 169/ Creek Turnpike; on the north by East 91st Street South, adjacent to the north of which is a medical office building zoned CO/PUD; on the west by vacant property zoned CO for which a corridor site plan has been approved for an office park; and on the south by U.S. Highway 169/ Creek Turnpike and the Mingo Valley Trail, zoned CO and AG.

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/ Low-Intensity/ Development Sensitive. According to the Zoning Matrix, the requested Corridor Site Plan Uses are in **accord** with the District 18 Plan.

STAFF RECOMMENDATION:

The applicant is proposing a new commercial and office development (Crossroad Village) on approximately 8.67 acres located on the south side of East 91st Street South, with U.S. Highway 169/ Creek Turnpike and the Mingo Valley Trail along the east and south boundaries. Adjacent to the west is an approved corridor site plan (Z-6910 SP-2) for a multi-lot office development, South Medical Properties. An approved final plat corresponding to Z-6910 SP-2 has yet to be filed at the courthouse. The existing plat for South Medical Properties, plat # 5942, corresponds with the previous (now superseded) corridor site plan, Z-6910 SP-1, which anticipated an office tower on one lot, one block.

The proposed development has 511.0 feet of frontage and one proposed secondary access on East 91st Street South. Primary access will be obtained from connection to the signalized intersection at East 91st Street South and South 101st East Avenue via access through the adjacent South Medical Properties. It is not known at this time when South Medical Properties will be developed or when the related access will be installed/ improved; however, connection from the proposed development (Crossroad Village) through South Medical Properties is ensured per either the existing South Medical Properties Plat, #5942, or through the new plat once it is filed. Access from East 91st Street South to the proposed collector within the corridor site plan (Crossroad Village) will be provided through a blanket mutual access easement. However, specific location and configuration of such access between East 91st Street South and the collector, whether through a parking lot or by a drive, shall be subject to approval of the Traffic Engineer and TMAPC at detail site plan review so as to discourage making such access a "straight shot" and thus causing it to function as a street.

Staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds Z-6503-SP-2 to be: (1) consistent with Corridor Zoning; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the Corridor Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** Z-6503-SP-2 subject to the following conditions:

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.

2. Development Standards:

PERMITTED USES:

Use Units 11, 12, 13, 14, 19 and 21 and those uses customary and accessory thereto

NET DEVELOPMENT AREA: 8.67 AC 377,782 SF

MINIMUM LOT AREA: 0.5 AC 21,780 SF

MAXIMUM LAND COVERAGE OF BUILDINGS: 30%

MAXIMUM FLOOR AREA RATIO PER LOT: 65%

MINIMUM LOT FRONTAGE:

East 91 st Street South	150 FT
Collector Street	100 FT

MINIMUM BUILDING SETBACK:

From East 91 st Street South R-O-W	50 FT
From South 102 nd East Avenue R-O-W	25 FT
From East 91 st Place South	25 FT
From South Boundary of Corridor Site Plan	10 FT
From West Boundary of Corridor Site Plan	10 FT
From East Boundary of Corridor Site Plan	50 FT

Internal Lot boundaries to be determined at detail site plan review.

MAXIMUM BUILDING HEIGHT: None

PARKING:

As required per the applicable use unit of the City of Tulsa Zoning Code.

MINIMUM NET LOT LANDSCAPED OPEN SPACE: 10 %

LANDSCAPING REQUIREMENTS:

Landscaped areas shall be provided in accord with the Landscape Chapter of the City of Tulsa Zoning Code.

LIGHTING:

Exterior light standards for Development Area A shall not exceed 25 feet in height and shall be hooded and directed downward and away from the boundaries of the planned unit development. Shielding of outdoor lighting shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to a person standing at ground level in

adjacent residential areas. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography must be included in the calculations.

TRASH, MECHANICAL AND EQUIPMENT AREAS:

All trash, mechanical and equipment areas excluding utility service transformers, pedestals, or equipment provided by franchise utility providers), including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.

VEHICULAR AND PEDESTRIAN ACCESS:

A public collector street shall be provided with a stub to the west in anticipation of connection through South Medical Properties to the signalized intersection of East 91st Street South and South 101st East Avenue. This collector is intended to provide primary access to the corridor development (Crossroad Village). One secondary access with a maximum width of 36 feet shall be provided on East 91st Street South in substantial conformance with the concept illustration, Exhibit 'A'. Access from East 91st Street South to the proposed collector within the corridor site plan (Crossroad Village) shall be provided through a blanket mutual access easement. However, specific location and configuration of such access between East 91st Street South and the collector, whether through a parking lot or by a drive, shall be subject to approval of the Traffic Engineer and TMAPC at detail site plan review so as to discourage making such access a "straight shot" and thus causing it to function as a street.

Sidewalks shall be maintained along East 91st Street South and shall be provided on both sides of the collector street.

Access from the southeast corner (future hotel site) of the corridor site plan to the Mingo Valley Trail shall be provided.

TRANSIT:

A bus pad shall be provided along East 91st Street South, west of the vehicular access point and east of the west property line.

SIGNAGE:

One ground sign not to exceed 160 square feet of display surface area and 25 feet in height shall be permitted per lot fronting East 91st Street South. Lots with frontage on East 91st Street South shall not be permitted ground signs along the collector street frontage.

In addition, one center identification/ tenant directory sign not to exceed 250 square feet of display surface area and 25 feet in height shall be permitted along the East 91st Street frontage.

One ground sign not to exceed 40 square feet of display surface area and eight feet in height shall be permitted per lot fronting the collector street (excluding those with frontage on East 91st Street South).

One outdoor advertising sign (existing) along the U.S. 169 Highway/ Creek Turnpike right-of-way shall be permitted.

} Previous
Approval

Wall signs shall be permitted not to exceed an aggregate of two square feet of display surface area per lineal foot of building wall to which attached.

3. No zoning clearance permit shall be issued for a lot within the Corridor Site Plan until a detail site plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved Corridor Site Plan development standards.
4. A detail landscape plan for each lot shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed or will be installed within 30 days in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the Corridor Site Plan until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved Corridor Site Plan development standards.
6. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
7. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.

8. An owners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, security gates, guard houses or other commonly owned structures within the Corridor Site Plan.
9. The collector street shall have a minimum right-of-way of 60' with minimum pavement width of 36 feet; in addition 12 feet of right-of-way shall be provided behind the curb of the "eyebrow". All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a collector street.
10. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the Corridor Site Plan conditions of approval and making the City beneficiary to said covenants that relate to Corridor Site Plan conditions.
11. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
12. Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, Traffic Engineering and Tulsa Fire Department, prior to issuance of a building permit for the gates or guard houses.
13. Approval of the Corridor Site Plan is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
14. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the Corridor Site Plan except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the Corridor Site Plan.

TAC COMMENTS from 4-19-07:

General: Coordination meeting was held on 4/9/07 with Development Services, owner and engineer of this project, and owner and engineer for the neighboring South Tulsa Medical Properties. Amendment of South Tulsa Medical Properties Amended Plat would be required, as well as a revision of that project's approved PFPI plans, to meet engineering needs arising from developers' interest in seeking compatibility of their projects' designs for mutual benefit. (Transportation)

Water: Existing 12" waterline on south side of East 91st Street. Provide waterline easement along east side of Lot 1.

Fire: No comments.

Stormwater: The Overland Drainage Easement for the Floodplain must be placed in a Reserve Area, and not on lots within the addition. See Exhibit B.

Wastewater: Sanitary sewer service must be provided to all lots. The mainline extension must tie in to the existing system with not less than a 12-inch line downstream.

Transportation: Drive area at easternmost access on 91st St. S. should include a Mutual Access Easement.

Traffic: Align 91st Place to the west with the existing or proposed, relocated stub in South Tulsa Medical Properties. Provide a min. 60 ft R/W for the Corridor Collector Street with 12ft R/W behind the curb of the "eyebrow". Any proposed bank drive-in shall be designed to provide adequate separation between its queue and the arterial driveway or any Mutual Access Easement (i.e. relocating the drive-in aisles to the east side of the building.).

GIS: No comments.

Street Addressing: No comments.

County Engineer: No comments.

MSHP: 91st St. South designated secondary arterial. Sidewalks should be included in the development per subdivision regulations.

LRTP: 91st Street South, between South Mingo Road and South Garnett Rd., existing four lanes. US-169 and 91st Street South, existing six lanes. Creek Turnpike, between Mingo Road and US-169, planned six lanes. Sidewalks should be constructed if non-existing or maintained if existing.

TMP: Access to the Mingo Valley Trail should be provided to from the development on the East side of the property, adjacent to the hotel location.

Transit: Currently, Tulsa Transit operates an existing route at this location. According to MTTA future plans, this location will continue to be served by a transit route. Therefore, consideration for access to public transportation should be included in the development through provision of a Bus Pad west of the 91st Street South Street driveway and east of 101st.

TMAPC COMMENTS:

Mr. Harmon asked if the only access would be off of 91st Street. In response, Ms. Tomlinson stated that at this time the primary access will be from the signalized intersection once the property to the west is developed. That area is

already busy with SouthCrest to the north and another office project underway, as well as U.S. 169 being close by with several ramps. The applicant is interested in doing everything possible to make sure that the connection is opened as soon as possible. However, for the time being, the only access will be off of 91st Street.

Mr. Harmon asked if there is any timeframe on when 101st will be opened. In response, Ms. Tomlinson cited the various plats that have been filed and plats that haven't been filed that would open up the 101st access in the future.

The applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Cantrell, Harmon, Marshall, McArtor, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Ard, Cantees, Carnes, Miller "absent") to recommend **APPROVAL** of the Corridor Site Plan for Z-6503-SP-2 per staff recommendation.

Legal Description for Z-6503-SP-2:

All that Part of the West half of the Northeast Quarter of the Northwest Quarter (W/2 NE/4 NW/4) of Section Nineteen (19), Township Eighteen (18) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof being more particularly described as follows, to-wit: Starting at the Northwest Corner of the W/2 NE/4 NW/4 of said Section 19; thence South 00°11'54" East along the Westerly line of the NE/4 NW/4 of Section 19 for 60.00 feet to the Point of Beginning of said tract of land, said point also being the Southerly Right-of-Way line of East 91st Street South; thence South 89°52'18" East parallel with the Northerly line of Section 19 and along said Right-of-Way line for 318.68 feet; thence continuing along said Right-of-Way line as follows: South 68°04'08" East for 107.69 feet; thence South 89°52'18" East for 40.00 feet; Thence South 00°07'42" West for 30.00 feet; thence South 89°52'18" East for 35.73 feet to a point on the Westerly line of the E/2 NE/4 NW/4 NE/4 NW/4 of Section 19; thence South 00°12'02" East along the said Westerly line for 485.76 feet; thence South 32°29'10" West for 0.00 feet to a point of curve; thence Southwesterly on a curve to the right with a central angle of 5°13'06" and a radius of 3,569.72 feet for 325.11 feet to a point on the Westerly Right-of-Way line of the Mingo Valley Expressway; thence North 52°17'45" West for 20.00 feet; thence North 45°59'37" West for 81.08 feet; thence North 89°52'18" West for 75.21 feet; thence South 38°19'31" West for 0.00 feet to a point of curve; thence Southwesterly on a curve to the right with a central angle of 04°03'42" and a radius of 3,409.72 feet for 241.71 feet to a point on the Westerly line of the NE/4 NW/4 of Section 19; thence North 00°11'54" West along said Westerly

Final Plat

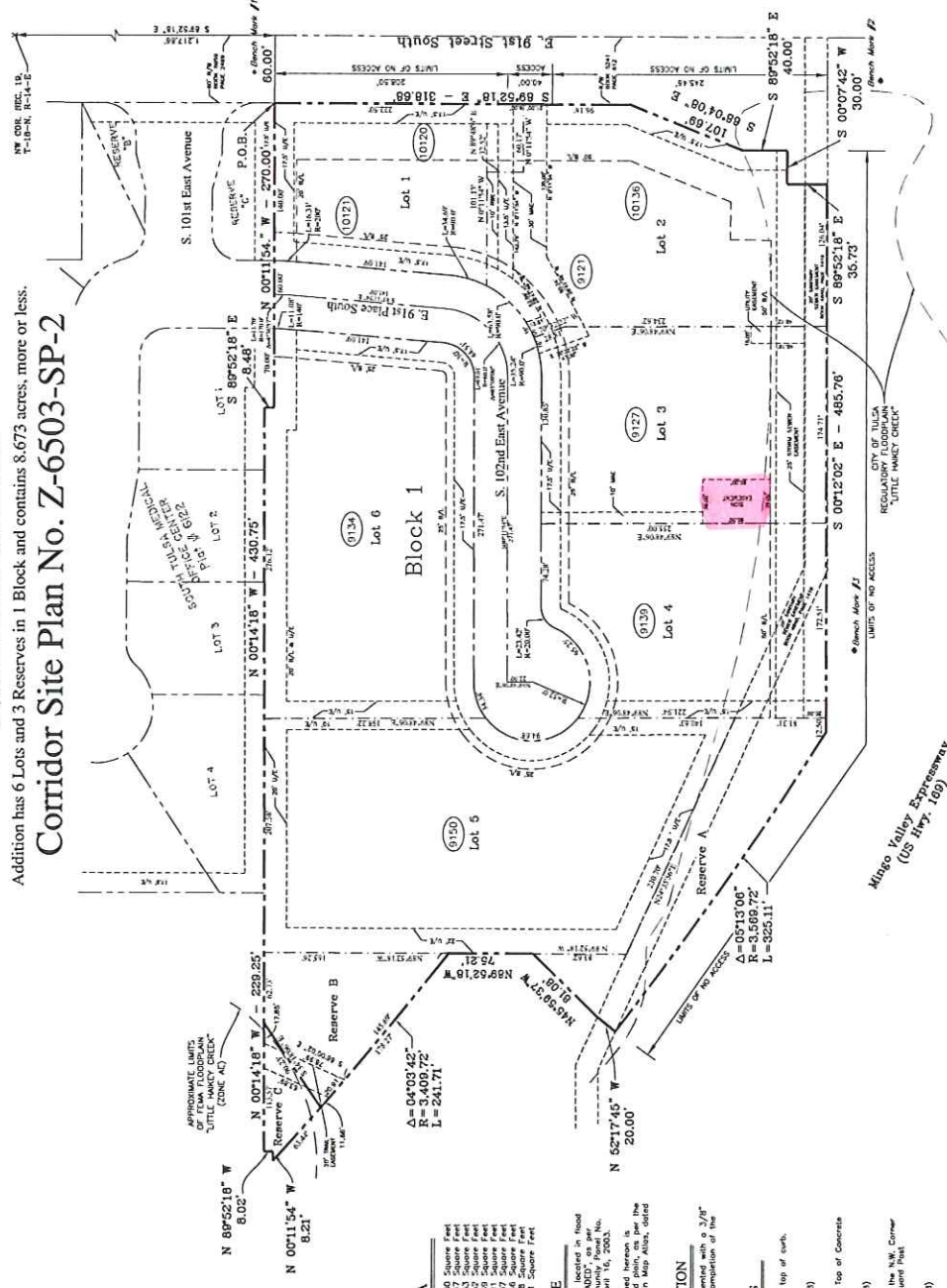
CROSSROADS VILLAGE

An Addition to the City of Tulsa, Tulsa County, State of Oklahoma being a part of the West half of the Northeast Quarter of the Northwest Quarter (W/2 NE/4 NW/4) & Part of Government Lot 1 of Section Nineteen (19), Township Eighteen (18) North, Range Fourteen (14) East of the Indian Base and Meridian

Addition has 6 Lots and 3 Reserves in 1 Block and contains 8.673 acres, more or less.

Corridor Site Plan No. Z-6503-SP-2

PLAT NO.	
FINAL PLAT	
CERTIFICATE OF APPROVAL	
APPROVED FOR THE CITY OF TULSA	
APPROVED FOR THE STATE OF OKLAHOMA	
APPROVED FOR THE COUNTY OF TULSA	
APPROVED FOR THE TOWNSHIP OF EIGHTEEN NORTH	
APPROVED FOR THE RANGE OF FOURTEEN EAST	
APPROVED FOR THE SECTION OF NINETEEN	
APPROVED FOR THE QUARTER SECTION OF WEST HALF NORTHWEST QUARTER	
APPROVED FOR THE LOT OF ONE	
APPROVED FOR THE LOT OF TWO	
APPROVED FOR THE LOT OF THREE	
APPROVED FOR THE LOT OF FOUR	
APPROVED FOR THE LOT OF FIVE	
APPROVED FOR THE LOT OF SIX	
APPROVED FOR THE LOT OF SEVEN	
APPROVED FOR THE LOT OF EIGHT	
APPROVED FOR THE LOT OF NINE	
APPROVED FOR THE LOT OF TEN	
APPROVED FOR THE LOT OF ELEVEN	
APPROVED FOR THE LOT OF TWELVE	
APPROVED FOR THE LOT OF THIRTEEN	
APPROVED FOR THE LOT OF FOURTEEN	
APPROVED FOR THE LOT OF FIFTEEN	
APPROVED FOR THE LOT OF SIXTEEN	
APPROVED FOR THE LOT OF SEVENTEEN	
APPROVED FOR THE LOT OF EIGHTEEN	
APPROVED FOR THE LOT OF NINETEEN	
APPROVED FOR THE LOT OF TWENTY	
APPROVED FOR THE LOT OF TWENTY ONE	
APPROVED FOR THE LOT OF TWENTY TWO	
APPROVED FOR THE LOT OF TWENTY THREE	
APPROVED FOR THE LOT OF TWENTY FOUR	
APPROVED FOR THE LOT OF TWENTY FIVE	
APPROVED FOR THE LOT OF TWENTY SIX	
APPROVED FOR THE LOT OF TWENTY SEVEN	
APPROVED FOR THE LOT OF TWENTY EIGHT	
APPROVED FOR THE LOT OF TWENTY NINE	
APPROVED FOR THE LOT OF THIRTY	



LOT AREA

Lot 1	29,889 Square Feet
Lot 2	21,147 Square Feet
Lot 3	44,550 Square Feet
Lot 4	26,589 Square Feet
Lot 5	18,507 Square Feet
Lot 6	3,508 Square Feet
Reserve A	3,508 Square Feet
Reserve B	3,508 Square Feet
Reserve C	3,508 Square Feet
R.O.W.	34,911 Square Feet

FLOOD ZONE

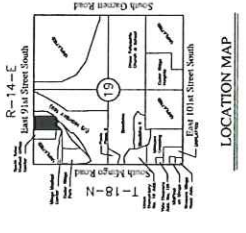
The property described herein is located in Flood Zone 1. The Flood Zone is shown on the Flood Insurance Rate Map, Community Panel No. 450381 0300, effective date: April 16, 2003. A portion of the property described herein is in the City of Tulsa Regulatory Floodplain Map Area, dated April 2001.

MONUMENTATION

All lot corners are monumented with a 3/4" iron pin with 'Tulsa, Ok' and 'City of Tulsa' inscribed thereon.

BENCHMARKS

Bench Mark #1 Set on top of curb.
 N=4978.327
 E=4978.327
 Elevation 100.00 (NAD 1983)
 Bench Mark #2 Set on top of concrete foundation.
 N=4978.327
 E=4978.327
 Elevation 100.00 (NAD 1983)
 Bench Mark #3 Set on top of concrete foundation.
 N=4978.327
 E=4978.327
 Elevation 100.00 (NAD 1983)
 Bench Mark #4 Set on top of concrete foundation.
 N=4978.327
 E=4978.327
 Elevation 100.00 (NAD 1983)



OWNER

DF I - CROSSROADS VILLAGE, LLC
 2329 Virginia Beach Blvd., Suite 200
 Tulsa, Oklahoma 74122
 (918) 505-8282
 E-MAIL: rony@wheelerdev.com

ENGINEER

Khoury Engineering, Inc.
 1435 East 41st Street
 Tulsa, Oklahoma 74105
 (918) 712-8768
 E-MAIL: kenginc@khouryeng.com
 Certified Professional Engineer, No. 3751
 Expires June 30, 2009

SURVEYOR

Harden & Associates
 Surveying and Mapping, PC
 2001 South 14th East Avenue
 Tulsa, Oklahoma 74123
 (918) 234-4859
 E-MAIL: mike@hardenandassociates.com
 Certificate of Authorization No. 4656
 Expires June 30, 2009

BASIS OF BEARING

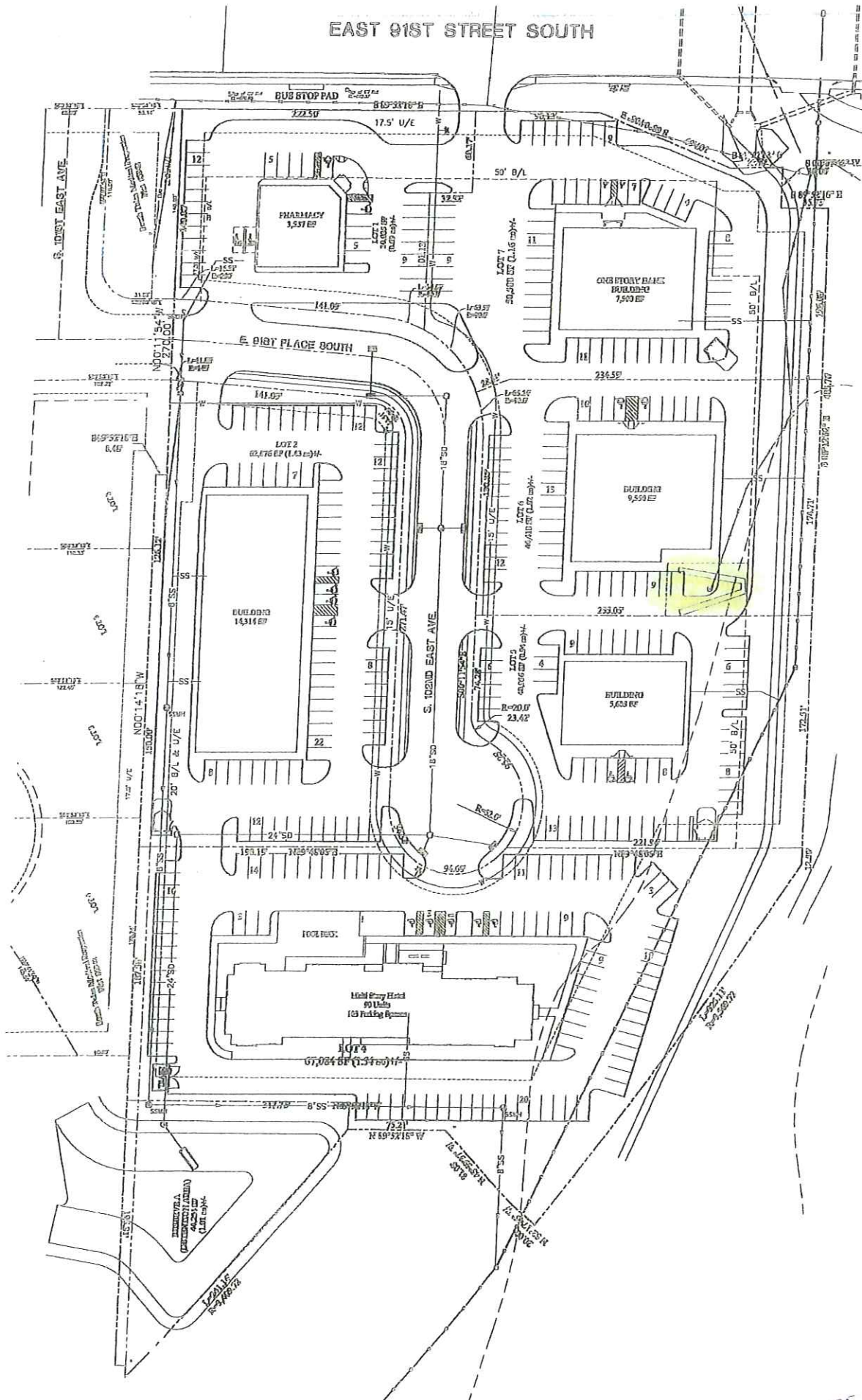
The bearings shown herein are based on the North line of the NW/4 of Section 19, Township 18N, Range 14E, being assumed S 89°52'18" E.

LEGEND

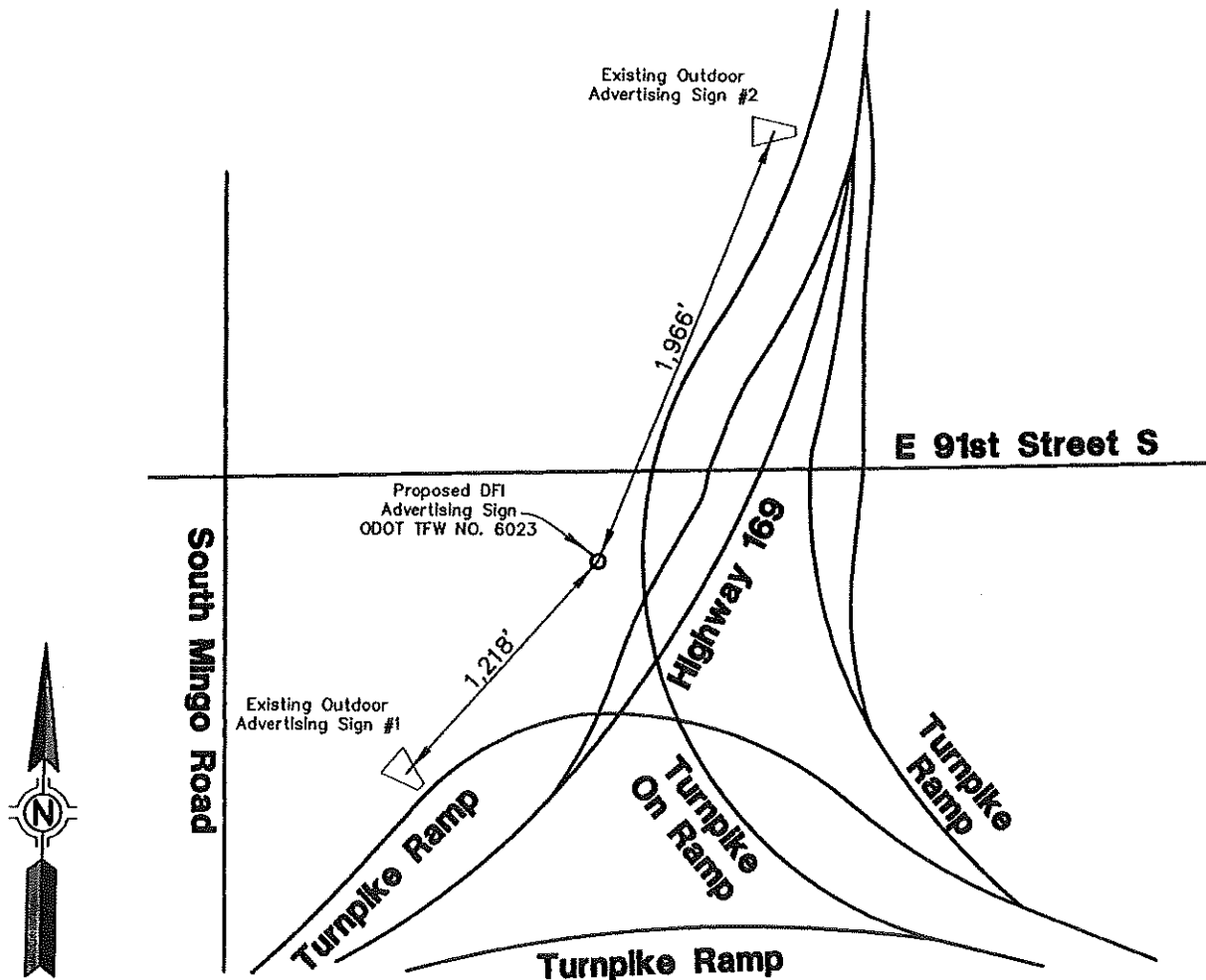
- U/E = UTILITY EASEMENT
- MAE = MUTUAL ACCESS EASEMENT
- LNA = LIMITS OF NO ACCESS
- RWE = RESTRICTED WATERLINE EASEMENT
- (9121) = STREET ADDRESS NUMBER

Crossroads Village, Tulsa County
 Final Plat
 Date of Preparation, October 24, 2007
 SHEET 1 OF 2

-8.15



8.16



NOT TO SCALE

Surveyor's Certification

WE, SISEMORE WEISZ & ASSOCIATES, INC., CERTIFY THAT THE EXISTING OUTDOOR ADVERTISING SIGN #1 LOCATION MEASURES 1,218 FEET FROM THE CENTER OF SAID SIGN #1 TO THE TO THE CENTER OF THE PROPOSED DFI ADVERTISING SIGN LOCATION. AND FURTHER, 1,966 FEET FROM THE CENTER OF THE PROPOSED DFI ADVERTISING SIGN LOCATION TO THE CENTER OF THE OUTDOOR ADVERTISING SIGN #2 LOCATION.

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



SISEMORE WEISZ & ASSOCIATES, INC.

BY: *Dean Robinson*

DEAN ROBINSON
REGISTERED PROFESSIONAL LAND SURVEYOR
OKLAHOMA NO. 1146



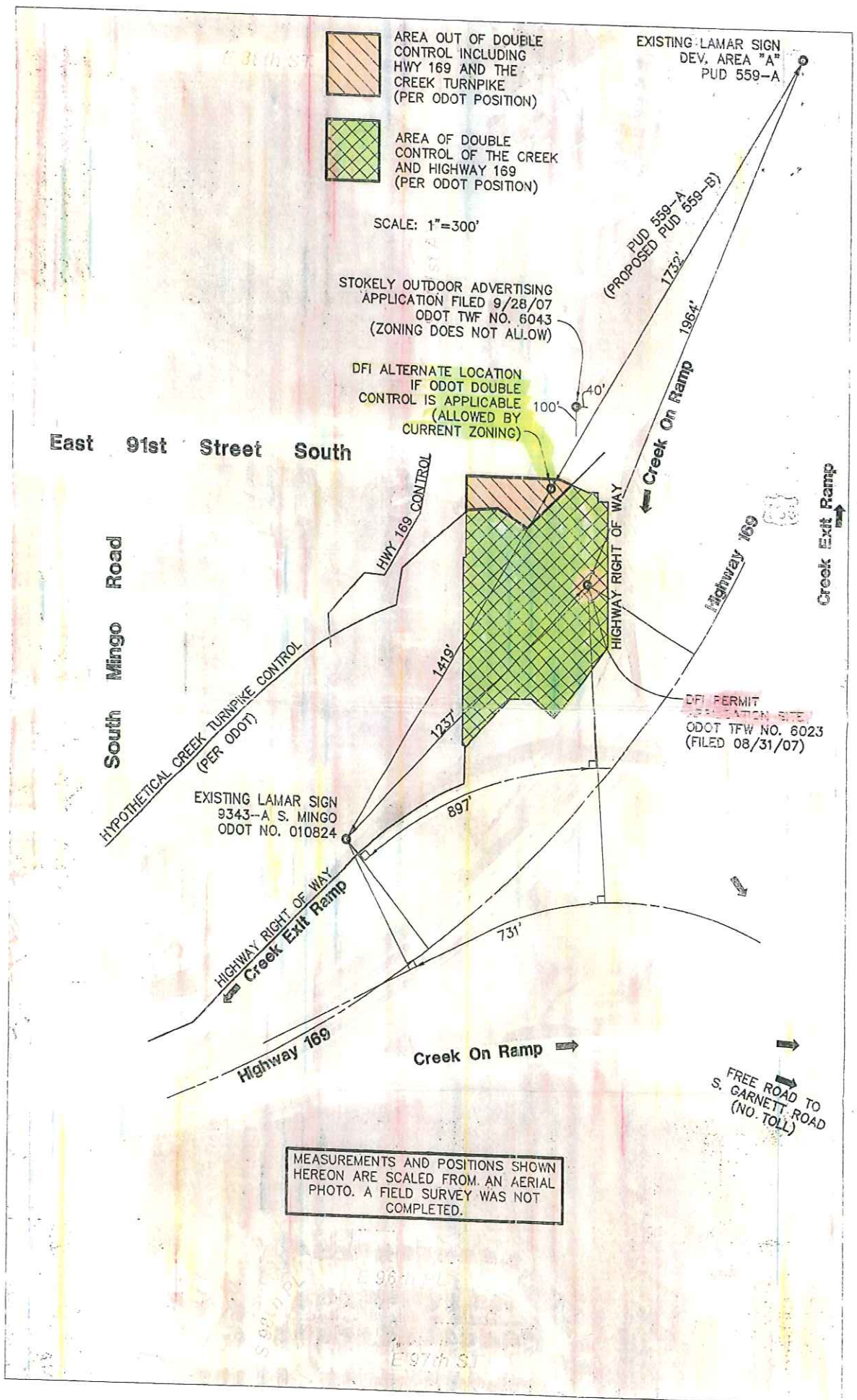
Sisemore Weisz & Associates, Inc.

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

PHONE: (918) 665-3600
FAX: (918) 665-8668
EXP. DATE 6/30/09

ORDER: 16111
DATE: 12/24/2008
FILE: 1914.1900

8.17



John W. Moody
Attorney at Law

3723 East 64th Place
Tulsa, Oklahoma 74136

Email: johnw.moody@gmail.com

Telephone: 918.728.7528

Facsimile: 918.728.7528

Z-6503-SP-2a

February 18, 2009

HAND DELIVERED

OFFICIAL RECORD EXHIBIT "A-1"
ENTERED IN THE Z-18-09 JAW
MINUTES OF THE TULSA METROPOLITAN
AREA PLANNING COMMISSION.

Tulsa Metropolitan Area Planning Commission
201 West 5th Street
Tulsa, Oklahoma 74103

Re: Minor Amendment Z-6503-SP-2a - Whistler Sign Company, LLC
("Whistler") to Allow Digital Sign at East 91st South and the Creek
Turnpike

Dear Commissioners:

I represent Stokely Outdoor Advertising, Inc. ("Stokely") in protest to the application for a minor amendment filed by Whistler to change the outdoor advertising sign previously located at the southwest corner of E. 91st St. and the Creek Turnpike (the "Stokely Sign") from a non-digital sign to a digital sign. It is our position that neither the Staff nor the TMAPC have the legal authority under Title 42, Tulsa Revised Ordinances, Section 1221, G 14 (the Zoning Code") to approve a digital sign at this location as a minor amendment to the approved Corridor Site Plan.

The history of the applications for an outdoor advertising sign is critically important in deciding this applications because the approvals granted to Stokely for its Sign, have always been cited and used by the applicant and Staff as the legal basis for the approval of each of the Corridor Site Plans and Sign Plans filed by the applicant. Accordingly, this application for a Minor Amendment stands exclusively on the approvals granted to Stokely for its Sign. Having voluntarily chosen to rely by the applicant's own words-on the approvals granted to Stokely, it must now "live or die" by those approvals.

We therefore respectfully ask the Planning Commission to review the prior Corridor Site Plan applications that were approved for this property and the variance of the 60 feet height limitation imposed by the Zoning Code that was approved by the Board of Adjustment in March of 1997, to allow the Stokely Sign to be 125 feet high.

It is also important to review the prior approvals because the Stokely Sign was on the property pursuant to its lease with the owner of the property at the time Z-6503-SP-2 was approved by the Planning Commission on June 13, 2007. The corridor site plan approved on June 13, 2007, specifically included Stokely's sign,

8.19

which was on the property until October 1, 2007, and is the basis for the Staff's recommendation of approval the application today.

HISTORY:

1. The Stokely Sign was originally approved on the subject property in March 1996 by Z-6503-SP-1 and Z-6503-1a upon which Z-6503-SP-2 is based. I filed that application for Stokely and I also filed the original corridor zoning application, Z-6503 that zoned the property C. O. in October 1995.

2. I also filed and represented Stokely for its application before the Board of Adjustment, BOA-18760, approved on June 13, 2000, for a variance to increase the height of the Stokely Sign from 60 feet to 125 feet. The Board never considered a digital sign. I believe that the Board of Adjustment would have had an entirely different position on a variance to permit a digital outdoor advertising sign to be 125 feet high at this location because the Board expressed its concern about approving a normal billboard that high adjacent to the expressway because it might pose a traffic hazard. In addition, a digital sign at that height could be seen for a great distance. A copy of the minutes of the approval of the variance by the Board of Adjustment is attached hereto.

3. As shown by Staff's Exhibit A attached to the Staff's recommendation, the owner of the property, DF1, applied for and received approval of its Corridor Site Plan Z-6503-2 on May 16, 2007. On May 16, 2007 and for some months thereafter, the Stokely Sign was located on the property pursuant to its lease with the owner, was owned by and was the property of Stokely as stated in the lease.

Corridor Site Plan, Z-6503-2, specifically showed and included the Stokely Sign and Use Unit 21 as an approved use, which the owner was obligated to do because the property was subject to the Stokely Lease and the Stokely Sign was on the property at that time. To do otherwise would have breached the terms of Stokely's lease with the owner.

4. On September 19, 2007, Michael Joyce filed an application for approval of a Detail Sign Plan, approved by Staff on October 19, 2007, to permit DF 1-Crossroads Village, LLC ("DF1") to replace the Stokely Sign with its own sign in the exact same location and with the same height as the original Stokely Sign. A copy of the Detail Sign Plan application filed by Mr. Joyce is attached hereto. As shown by the application, Mr. Joyce relied on the previous approvals granted to Stokely as the sole basis for approval of the DF1 Sign. Staff also relied on the previous approvals granted to Stokely as the basis for approving the Detail Sign Plan Application without a hearing.

The variance granted by the Board of Adjustment and the approvals granted for an outdoor advertising sign by the TMAPC and Staff were never for a digital sign

8.20

Each subsequent application and approval that has been granted to DF1 were based entirely on the previous approvals been granted to Stokely for its Sign.

The Staff has now taken the position that only a minor amendment is required to convert the Sign to a digital sign. That is contrary to the provisions of Title 42, Section 1221, G¹⁴, which states:

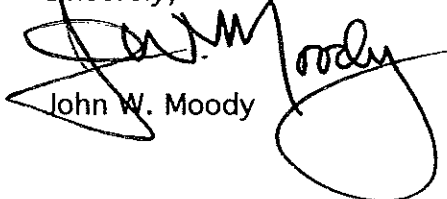
"14. No outdoor advertising sign which is lawfully nonconforming as to any requirement imposed by this Zoning Code shall be modified, changed or converted into a digital outdoor advertising sign unless it shall conform to all requirements imposed by this Code and all spacing requirements have been verified 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." Emphasis added.

Chapter 8, Corridor District, Section 805, of the Tulsa Zoning Code provides that "...Changes which would represent a significant departure from the site plan shall require compliance with the notice and procedural requirements of an initial site plan review and approval."

Given the clear legislative intention of the City Council stated in Section 1221, G. 14, and given the fact that the Board of Adjustment of the City never approved a variance of the height for a digital sign and would, in my opinion would not have approved a variance for a digital sign, the application for a minor amendment should be filed and processed as a major amendment requiring full notice and hearing as provided in the Code.

I also take the position that any approval by the TMAPC cannot be for a 125 feet high digital sign and that the TMAPC should require the applicant to file and receive approval of a new application for a variance of the 60 feet height restriction for a digital sign before any action is taken by the TMAPC on this application. We appreciate your consideration of our requests and the time you have given us.

Sincerely,


John W. Moody

Attachments

Height Variance Approval

Case No. 18743 (continued)

Presentation:

The applicant, Jeff Levinson, 35 E. 18th St., stating he is applying for allowance of a range of general commercial retail uses in an IL district. He stated the property is currently vacant.

Interested Parties/Protestants:

None.

Board Action:

On **MOTION** of Dunham, the Board voted 5-0-0 (White, Dunham, Turnbo, Perkins, Cooper "aye"; no "nays"; no "abstentions"; no "absences") to **APPROVE Special Exception** to allow Use Unit 12, 13, and 14 in an IL district, subject to a site plan approval, finding that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on the following described property:

Lot 1, Block 1, Garnett Center, City of Tulsa, Tulsa County, State of Oklahoma

Case No. 18760

Action Requested:

Variance of allowable height for existing outdoor advertising sign from 60' to 125'. SECTION 1221.15. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING. Use Conditions for Outdoor Advertising Signs, located South of SW/c E. 91st St. & US-169.

Presentation:

The applicant, John Moody, stated he was representing Stokley Outdoor Advertising Company, and YMCA of Greater Tulsa on this application. He explained that due to the increased elevation of the South Broken Arrow Loop interchange they need to elevate the existing outdoor sign. The sign is already at the maximum height of 60'. Mr. Moody submitted a photo of the site (Exhibit A-1), the site plan (Exhibit A-2), and a letter from the CEO of the YMCA of Greater Tulsa (Exhibit A-3). He stated that the hardship is the topography, and the necessity of the Oklahoma Highway Department to increase the elevation of the structure at this location.

Comments and Questions:

Mr. Cooper mentioned his concern for safety hazard. Mr. White asked for distance measurements from the bridge to the sign. Mr. Moody did not have that information. Mr. Moody submitted another photograph (Exhibit A-1). Mr. Cooper asked if staff were aware of any signs in the general area that were of this height or bigger. Mr. Stump did not know of any near this height, stating that there has

06:13:00(797)2

8.22

Case No. 18760 (continued)

not been this type of bridge structure there. Mr. Moody stated that the tallest structure of this type, that he is aware of is 108' on I-244 near Sheridan or Yale.

Protestants:

None.

Board Action:

On MOTION of Dunham, the Board voted 4-1-0 (White, Dunham, Turnbo, Perkins "aye"; Cooper "nays"; no "abstentions"; no "absences") to **APPROVE** a **Variance** of allowable height for existing outdoor advertising sign from 60' to 125', subject to meeting the spacing requirement, finding the hardship to be the elevation of the Broken Arrow South Loop interchange, on the following described property:

The W/2 of the E/2 of the NW/4 lying N of the N right-of-way of US-169, less the E/2 of the NE/4 of the NW/4 of the NE/4 of the NW/4, Section 19, T-18-N, R-14-E, City of Tulsa, Tulsa County, State of Oklahoma.

*****.

Case No. 18762

Action Requested:

Variance to allow a detached accessory building in the front yard. SECTION 402.B.1.b. ACCESSORY USES IN RESIDENTIAL DISTRICTS, Accessory Use Conditions – Use Unit 6; a Variance of the required side yard from 5' to 2'. SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS; and a Variance of the required front yard from 50' to 35'5". SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS, located at 263 E. 45th Pl.

Presentation:

The applicant, Glen Lafarlette, 263 E. 45th Pl., stated he would like to build a detached garage, because the houses are old and built small, and there is no room to add on. He stated that there are five carports in the 200 block of 45th Place, and in the 200 block of 45th Court there are five carports.

Comments and Questions:

Ms. Perkins asked if the applicant had a photograph of the type of carport he planned to build. Mr. Lafarlette provided a photograph (Exhibit B-1). Mr. Cooper asked about the basis and reasoning for recent decisions made regarding detached versus attached garages. Mr. Beach covered the considerations of the ordinances in light of this request and the setback requirements. Mr. Cooper questioned the applicant about the request for a variance from 5' to 2' on the side yard. Mr. Lafarlette explained he wanted to construct the carport to fit the existing

TULSA METROPOLITAN ARE. PLANNING COMMISSION

INCOG - 201 West 5th Street, Suite 600 - Tulsa, Oklahoma 74103 - (918) 584-7526 - FAX (918) 583-1024

www.incog.org

☐ PUD MINOR AMENDMENT☐ PUD SITE PLAN☐ MINOR REVISION TO PUD SITE PLAN☐ LANDSCAPE PLAN☒ SIGN PLAN**APPLICATION INFORMATION**RECEIVED BY: 113 DATE FILED: 9-19-07 HEARING DATE: N/A Related Case No.: _____ CASE NUMBER: Z-6503-SP-2

BLDG. PERMIT APP. NO.: _____ NEIGHBORHOOD ASSOCIATIONS: _____

FINAL PLAT HAS BEEN RECORDED OR PLAT WAIVER APPROVED - ☐ N ☐ Y - PLAT NUMBER _____ WAIVER DATE: _____**SUBJECT PROPERTY INFORMATION**ADDRESS OR DESCRIPTIVE LOCATION: 10102 E 91stLEGAL DESCRIPTION: (email to saubert@incog.org) See AttachedPRESENT ZONING: CO T-R-S 18-14-19 CZM 58 ATLAS 113 PD 18 CD 8**INFORMATION ABOUT YOUR PROPOSAL**DEVELOPMENT AREAS AFFECTED: _____ NATURE OF AMENDMENT/DESCRIPTION OF PROPOSAL: Outdoor advertising sign to replace previously approved outdoor advertising sign. The sign will be the same height of 125ft / size of 14 x 48 = 672 Sq. Ft. and same location- See Case #Z-6503-SP-1a Approved Minor Amendment to Corridor Site Plan & Case #18760 Approval of Height variance**APPLICANT INFORMATION**NAME DFI-Crossroads Village LLC c/o Mike JoyceADDRESS 1717 S Boulder Suite 200CITY, ST, ZIP Tulsa, OK 74119DAYTIME PHONE 918-599-0700EMAIL mjoyce@joycepaul.comFAX 918-743-5370**PROPERTY OWNER INFORMATION**NAME DFI-CROSSROADS VILLAGE LLCADDRESS 580 E Main Suite 300CITY, ST, ZIP Norfolk, Virginia 23510

DAYTIME PHONE _____

EMAIL _____

FAX 757-627-9081

I, THE UNDERSIGNED APPLICANT, CERTIFY THAT THE INFORMATION ON THIS APPLICATION IS TRUE AND CORRECT.

SIGNATURE & DATE: Michael A. Joyce 9-19-07DOES OWNER CONSENT TO THIS APPLICATION ☒ YES ☐ NO. WHAT IS APPLICANT'S RELATIONSHIP TO OWNER? Lessee**APPLICATION FEES**

BASE MINOR AMENDMENT FEE (Residential \$200) (Non Residential \$400) PLUS additional amendments			\$
ADDITIONAL AMENDMENTS (\$100 x _____)			\$
300' PROPERTY OWNERS MAILING & POSTAGE	No. owners _____ \$40 + \$ _____ =	NOTICE SUBTOTAL	\$
Sign Plan, Landscape Plan \$100 Each	Detail Site Plan \$200	Minor Revision to Site Plan \$25	150
RECEIPT NUMBER: <u>216506</u>			TOTAL AMOUNT DUE \$100.00

DISPOSITIONSTAFF RECOMMENDATION / ACTION: APPROVEDDATE: 10/19/07

TMAPC ACTION: (APPLICABLE ON DETAIL PLANS; MINOR AMENDMENT REQUESTS ONLY, OR WHEN STAFF DECISION IS APPEALED)

8.24

Exhibit "A"

Legal description of Billboard Easement

DESCRIPTION FOR A PROPOSED SIGN EASEMENT LYING IN THE W/2 NE/4 NW/4 OF SECTION 19, T-18-N, R-14-E, OF THE I.B. & M., IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID W/2 NE/4 NW/4; THENCE S 00°11'54" E A DISTANCE OF 60.00 FEET; THENCE ALONG THE RIGHT-OF-WAY LINE OF EAST 91ST STREET SOUTH, S 89°52'18" E A DISTANCE OF 318.68 FEET; THENCE S 68°04'08" E A DISTANCE OF 107.69 FEET; THENCE S 89°52'18" E A DISTANCE OF 40.00 FEET; THENCE S 00°07'42" W A DISTANCE OF 30.00 FEET; THENCE S 89°52'18" E A DISTANCE OF 35.73 FEET; THENCE S 00°12'02" E A DISTANCE OF 261.79 FEET; THENCE S 89°47'58" W A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING OF SAID EASEMENT; THENCE S 00°12'02" E A DISTANCE OF 39.00 FEET; THENCE S 89°47'58" W A DISTANCE OF 60.00 FEET; THENCE N 00°12'02" W A DISTANCE OF 39.00 FEET; THENCE N 89°47'58" E A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

**[THE FOREGOING DESCRIPTION IS TO BE CONFIRMED AND FINALIZED
PRIOR TO EXECUTION OF THE PERPETUAL EASEMENT AT CLOSING]**

