

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2530

Wednesday, October 22, 2008, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ard	Carnes	Alberty	Boulden, Legal
Cantrell	Wright	Feddis	
Marshall		Huntsinger	
McArtor		Matthews	
Midget		Sansone	
Shivel			
Smaligo			
Sparks			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, October 16, 2008 at 4:07 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

REPORTS:

Worksession Report:

Mr. Ard reported that there will be a worksession immediately following today's TMAPC.

Comprehensive Plan Report:

Ms. Cantrell reminded the Planning Commission that there will be workshop held October 28th.

Director's Report:

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

Mr. Alberty reported that the November 5th TMAPC meeting will be held at the Aaronson Auditorium, Central Library at 1:30 p.m.

Mr. Alberty reported that at this time it appears that the Planning Commission will begin meeting at the One Technology Center, 2nd Level, Tulsa City Council Chambers at 1:30 p.m.

TMAPC COMMENTS:

In response to Ms. Cantrell, Mr. Alberty stated that there would be signage and a person posted at the old meeting room to direct people to the correct location for the November 5th meeting.

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.

1. **LC-128** – Tulsa Habitat For Humanity (9233)/Lot- (PD-8) (CD-2)
Combination
North of West 54th Street and West of South 37th Avenue, 3723 West
54th Street

3. **PUD-533-B-4 – William D. LaFortune** (PD-5) (CD-5)
Northeast corner of Skelly Drive and East 27th Street South (Minor
Amendment to add LED digital technology to an existing and
previously approved outdoor advertising sign/billboard.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to add LED digital technology to an existing and previously approved outdoor advertising sign/billboard. The existing use, Outdoor Advertising Sign, under Use Unit 21 is a permitted use within Development B-1 of PUD-533-B (see exhibit A). PUD-533-B, Development Area B-1 states:

“One outdoor advertising sign as presently located along the Interstate 44 service road right-of-way, which may be relocated to another location along interstate 44, subject to review and approval of a sign plan”.

On June 24, 2008 the City of Tulsa Board of Adjustment (BOA) in case number 20730 approved spacing verification for this outdoor advertising sign at this location (See Exhibit B).

Staff recommends **APPROVAL** of minor amendment PUD-533-B-4 allowing LED digital technology to be added to an existing outdoor advertising sign subject to

the conditions of sections 1103, B-2; 1221-C, 2; 1221-F and 1221-G attached hereto as Exhibit C.

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

TMAPC COMMENTS:

Ms. Cantrell stated that she would like to request that Item 2 be removed from the consent agenda.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **8-0-0** (Ard, Cantrell, Marshall, McArtor, Shivel, Smaligo, Sparks, Walker "aye"; no "nays"; none "abstaining"; Carnes, Midget, Wright "absent") to **APPROVE** the consent agenda Items 1 and 3 be approved per staff recommendation.

Mr. Midget in at 1:40 p.m.

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA

2. **Z-6277-SP-3b – William D. LaFortune** (PD-18) (CD-8)
Southeast corner of the southeast corner of 63rd Street South and South 101st Avenue East (Corridor Minor Amendment to add LED digital technology to an existing outdoor advertising sign/billboard.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to add LED digital technology to an existing Outdoor Advertising Sign/Billboard at the above referenced location. The existing use, Outdoor Advertising Sign, under Use Unit 21 is a permitted use within major amendment #Z-6277-SP-3 on Lot 3, Block 1 - 169 Business Park (see exhibit A-1). #Z-6277-SP-3a states:

"Sign standards to remain as approved per Z-6277-SP-3 with the added provision that the existing outdoor advertising sign (672 SF) be allowed to remain in the sign easement on Lot 3, Block 1, 169 Business Park and further providing that should the outdoor advertising sign be removed, another outdoor advertising sign shall not be installed to replace it".

On June 24, 2008 the City of Tulsa Board of Adjustment (BOA) in case number 20729 approved spacing verification for the outdoor advertising sign at this location (See Exhibit B, C and D).

Staff recommends **APPROVAL** of minor amendment Z-6277-SP3b allowing LED digital technology to be added to an existing 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 Development Standard #9 of the approval of Z-6277-SP-3 which states, "No permit shall be issued until the requirements of Section 1107-F 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 the Corridor Site Plan conditions".

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

TMAPC COMMENTS:

Ms. Cantrell stated that there is an outdoor advertising sign; although it is not classified as one, the TMAPC decided to classify it as business sign that is close to the subject proposal, which doesn't seem like it is 1,200 feet in distance. In response, Mr. Sansone stated that it wasn't measured, but he can confidently state that it would not be 1,200 feet from the proposed outdoor advertising sign. Ms. Cantrell asked staff if the Mathis Brothers' business sign advertises for their business only. In response, Mr. Sansone stated that the Planning Commission granted a minor amendment to allow other businesses within PUD-595 to advertise on the business sign. This is a one-block, nine-lot subdivision with the PUD-595 overlay. Lots 2 through 9 were allowed to advertise on the Mathis Brothers' business sign.

Ms. Cantrell questioned if the Mathis Brothers' business sign is technically an outdoor advertising sign. Ms. Cantrell read the Zoning Code definition of an outdoor advertising sign. In response, Mr. Sansone stated that the businesses that are allowed to advertise on the Mathis Brothers' business sign are limited to the businesses within the subject development. The minor amendment approved and allowed the other businesses to advertise on the business sign. In theory it isn't an outdoor advertising sign. Within PUDs, certain restrictions are allowed to be relaxed and spread over the entire development area. Staff supported the minor amendment to allow the businesses within the PUD to advertise on the Mathis Brothers' business sign, given the overall strict requirements that are placed on these eight lots with respect to the their ground signs. The ground signs for PUD-595 are quite restrictive: 1) not allowed to be over eight feet in height, and 2) they have to be monument style. In exchange for keeping the nine business signs that could be within PUD-595, a minor amendment was approved to allow them to advertise on the Mathis Brothers' sign.

Ms. Cantrell asked if the Mathis Brothers' sign was considered an outdoor advertising sign, would staff recommend the proposal? In response, Mr. Sansone stated that staff wouldn't be able to recommend approval for the proposed sign if the Mathis Brothers' sign was considered an outdoor advertising sign. There would have to be a spacing requirement ahead of time.

Ms. Cantrell asked if the spacing requirement was approved by the Board of Adjustment. In response, Mr. Sansone answered affirmatively. Ms. Cantrell asked if anyone pointed out the business sign on the Mathis Brothers' lot. In response, Mr. Sansone stated that he can't say because he was not at the hearing and didn't read the BOA case. He further stated that his perception would be that it was not brought up because it is not an outdoor advertising sign and verification of spacing is not something that the Board of Adjustment can approve or deny. It is either they have the spacing or they don't. When the BOA heard this case, he is sure that they were presented the survey of that side of the highway and showing that there is no other outdoor advertising sign within 1,200 feet. The reason staff is explaining their support of the minor amendment for the Mathis Brothers' business sign is because staff felt that, rather than have seven or eight pylon signs that reach somewhere between 25 and 40 feet in the air, it would be better to allow one sign to be 50 feet in the air. In response, Ms. Cantrell stated that she agrees with that and that is fine. Ms. Cantrell further stated that now her question is whether this is an outdoor advertising sign or business sign.

In response to Ms. Cantrell, Mr. Boulden stated that he remembers when the Mathis Brothers' sign was applied for as a minor amendment because the staff and Planning Commission was in the middle of hearing the LED digital outdoor advertising signs. He knew that it looked a lot like an outdoor advertising sign, but that hadn't been addressed as far as digital signs. At the time it came before the Planning Commission, he doesn't recall any discussion as to what lot it was on or how many lots were there, but he knew that it was this one Mathis Brothers' site and other businesses were anticipated to go in there. He would be curious to look at the record to see when the sign was approved.

Mr. Boulden reviewed the Zoning Code definitions of outdoor advertising signs and business signs and found that the word "lot" isn't used, but rather the word "premises" for business signs. Mr. Boulden read the definition for business signs. It doesn't say a business sign has to be on a particular lot. Mr. Boulden compared the business sign to monument signs that show all of the businesses that are within one development. This seems to meet the definition of an outdoor advertising sign, but it also seems to meet the definition of a business sign. He assumes that the Planning Commission, in its wisdom, determined that it was a business sign and at that time he didn't have any reason to question it.

Ms. Cantrell asked if the Mathis Brothers' sign could be both, and whether the spacing requirement still applies. In response, Mr. Boulden stated that he

believes he would default to the fact that it was permitted as a business sign and the spacing requirement does not apply here.

Mr. McArtor stated that the Planning Commission has already determined the Mathis Brothers' sign to be a business sign, and that before this Commission that is kind of like an adjudicated fact in the record. The business sign may have evolved into something else, but the Planning Commission has never found that and the Planning Commission can rely upon the fact that this has been determined to be a business sign and go from there.

Ms. Cantrell stated that she doesn't feel terribly strong about this, but she would feel more comfortable if this was continued and research done as to how this came up and what did the Planning Commission decide or specifically say regarding this being a business sign. She believes it would be helpful to look at the record for the Mathis Brothers' sign.

Mr. Marshall stated that the intent was that this would be a business sign and that was the way the Planning Commission approved it. He remembers all of this and the intent was to make it a business sign and Mr. Norman convinced the Planning Commission of that.

Applicant's Comments:

Bill LaFortune, 100 Mid-Continent Tower, 74103, stated that he would echo comments of Commissioner McArtor. If this Planning Commission had found and has found through a minor amendment approval that the Mathis Brothers' sign is a business sign, then it is a business sign. The theory that it could be considered both outdoor advertising and a business sign doesn't change the fact that it has been adjudicated as a business sign. The definition that was read by Mr. Boulden is very significant when it says "premises" because we usually look at business signs as a sign advertising that business on that lot. When one talks about premises it is clear here, given the approval and limitations of the approval, they are really only advertising business that are on the premises, which makes all the sense in the world to him. The outdoor advertising sign that is before the Planning Commission today can advertise for businesses downtown or businesses in other cities, which can't be done on the Mathis Brothers' sign.

Mr. LaFortune stated that a continuance would cause a problem because of the tremendous financial investment that his client has made into digitizing the proposed sign. Personnel and equipment are coming to town the first of November and it would be a tremendous burden if it were delayed in order to reinterpret the Code as to what a "sign" means. Mr. LaFortune requested that the Planning Commission approve the minor amendment.

TMAPC COMMENTS:

Ms. Cantrell stated that to the best of her recollection, she doesn't know if the Planning Commission has adjudicated that as a business sign. She recalls that it

was there and they wanted to use it as a business sign. There were never any facts gathered and then voted on to make it a business sign. She would like to have that record before her before making a decision.

Ms. Cantrell moved to continue the minor amendment for Z-6277-SP-3b to November 5, 2008 in order to have the opportunity to look at the record for the Mathis Brothers' business sign.

No Second. Motion failed.

TMAPC Action; 9 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **8-1-0** (Ard, Marshall, McArtor, Midget, Shivel, Smaligo, Sparks, Walker, "aye"; Cantrell "nay"; none "abstaining"; Carnes, Wright "absent") to **APPROVE** the minor amendment Z-6277-SP3b allowing LED digital technology to be added to an existing 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 Development Standard #9 of the approval of Z-6277-SP-3 which states, "No permit shall be issued until the requirements of Section 1107-F 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 the Corridor Site Plan conditions", per staff recommendation.

PUBLIC HEARING

5. **Consider Adopting the Riverwood Neighborhood Plan as an element of the District 18 Plan, an element of the Comprehensive Plan for the Tulsa Metropolitan Area (Resolution No. 2530:894)**

STAFF RECOMMENDATION:

Staff has reviewed the proposed Riverwood Neighborhood Plan Update, as submitted by the neighborhood association and the City Planning Department. The proposed update builds on the previously adopted Riverwood Neighborhood Plan, developed in the 1990s by a team from the University of Georgia, and adds more design detail and facilities.

Specifically, the update includes design details for streetscaping, trail extensions and improvements in accordance with the plans for the Joe Creek Trail and linkage to River Parks, entryways into the neighborhood, traffic calming devices, landscaping and street furniture. Street improvements include a new stoplight at Yorktown Avenue and 61st Street and an improved school crossing and a new

intersection at Trenton Avenue and 61st Street to improve traffic flow at Metro Christian School. Stormwater improvements include facilities to alleviate the current street flooding. Wastewater facilities are also proposed to be extended into the currently-unserved portions of the neighborhood.

An economic development/marketing component addresses assistance to the businesses in the area and others that may be attracted to the area. The proposed plan envisions creation of the new community center as a replacement for the Heller Park facility.

The attached proposed amendments to the District 18 Plan reflect these improvements to the extent of the Planning Commission's responsibilities. Staff recommends that these amendments be adopted and that the Riverwood Neighborhood Plan Update be adopted as part of the Comprehensive Plan.

RESOLUTION NO.: 2530:893

**A RESOLUTION AMENDING
THE DISTRICT 18 PLAN TEXT
A PART OF THE COMPREHENSIVE PLAN FOR THE TULSA
METROPOLITAN AREA**

WHEREAS, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

WHEREAS, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

WHEREAS, on the 27th day of August, 1975, this Commission, by Resolution No. 1078:403 did adopt the District 18 Plan Map and Text, a part of the Comprehensive Plan for the Tulsa Metropolitan Area; and

WHEREAS, a public hearing was held on the 22nd day of October, 2008 and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to amend the District 18 Plan, a part of the Comprehensive Plan of the Tulsa Metropolitan Area, by the following revisions.

Item 3.1.7.11, change to: "Work with the City of Tulsa Public Works Department to improve South Peoria and the surrounding Riverwood Neighborhood by

implementing roadway enhancements as contained in the Riverwood Neighborhood Plan Update.”

Item 3.1.7.12, change to: “Support the efforts of the Neighborhood Inspection staff in identifying and eliminating blighting influences in this area.”

Item 3.1.7.20, change to: “Coordinate with ongoing planning for Riverside Drive and the extension of River Parks, including improvements to the Joe Creek Trail system and linkages to River Parks.”

Item 3.1.7.21, change to: “Coordinate land use planning efforts here with development of annual housing plans for the City.”

Item 3.1.7.22, change to “The provisions of the Riverwood Neighborhood Master Plan Update, adopted as part of this Detail Plan for Planning District 18, apply to development and redevelopment in this Consideration Area.”

NOW, THEREFORE, BE IT RESOLVED by the TMAPC, that these amendments to the District 18 Plan as described above and attached hereto, be hereby adopted as part of the Comprehensive Plan for the Tulsa Metropolitan Area.

Applicant’s Comments:

Lanny Endicott, 5611 South St. Louis, 74105, stated that the neighbors have been working on this for a long time and request that the Planning Commission accept this plan.

There were no interested parties wishing to speak.

TMAPC COMMENTS:

Mr. Ard stated that this is a well thought-out and well-detailed plan with a lot of progressive needed necessary improvements to that area. This will be a real benefit for the entire community for long term as it is implemented.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Ard, Cantrell, Marshall, McArtor, Midget, Shivel, Smaligo, Sparks, Walker "aye"; no "nays"; none "abstaining"; Carnes, Wright "absent") to recommend **APPROVAL** of the Riverwood Neighborhood Plan as an element of District 18 Plan Text, an element of the Comprehensive Plan for the Tulsa Metropolitan Area (Resolution No. 2530:893) per staff recommendation.

6. **Consider amending District 18 Plan to reflect the adoption of the Riverwood Neighborhood Plan as an element of the Comprehensive Plan for the Tulsa Metropolitan Area (Resolution No. 2530:893)**

STAFF RECOMMENDATION:

RESOLUTION NO.: 2530:894

**A RESOLUTION AMENDING
THE DISTRICT 18 PLAN,
A PART OF THE COMPREHENSIVE PLAN FOR THE TULSA
METROPOLITAN AREA**

WHEREAS, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

WHEREAS, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

WHEREAS, on the 27th day of August, 1975, this Commission, by Resolution No. 1078:403 did adopt the District 18 Plan Map and Text, a part of the Comprehensive Plan for the Tulsa Metropolitan Area; and

WHEREAS, a public hearing was held on the 22nd day of October, 2008 and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to amend the District 18 Plan, a part of the Comprehensive Plan of the Tulsa Metropolitan Area, by adopting the Riverwood Neighborhood Plan Update.

NOW, THEREFORE, BE IT RESOLVED by the TMAPC, that the amendment of the District 18 Plan by including the Riverwood Neighborhood Plan Update is hereby adopted as part of the Comprehensive Plan for the Tulsa Metropolitan Area.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Ard, Cantrell, Marshall, McArtor, Midget, Shivel, Smaligo, Sparks, Walker "aye"; no "nays"; none "abstaining"; Carnes, Wright "absent") to recommend **APPROVAL** of amending District 18 Plan to reflect the adoption of the Riverwood Neighborhood Plan as an element of the Comprehensive Plan for the Tulsa Metropolitan Area (Resolution No. 2530:894) per staff recommendation.


OTHER BUSINESS:

Commissioners' Comments

Ms. Cantrell reminded the Planning Commission that the National Trust opening ceremony is today at 4:00 p.m. at the Boston Avenue Church, which is free and opened to the public. Wilma Mankiller and the Mayor will be speaking today at the ceremony.

There being no further business, the Chair declared the meeting adjourned at 1:58 p.m.

Date Approved:

11/5/08


Chairman

ATTEST: 
Secretary

Handwritten scribbles and marks, possibly including the number '10' and some illegible characters.