

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2597

Wednesday, March 2, 2011, 1:30 p.m.

City Council Chamber

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

Members Present	Members Absent	Staff Present	Others Present
Cantrell	Carnes	Alberty	Boulden, Legal
Dix	Edwards	Bates	Steele, Sr. Eng.
Leighty	McArtor	Fernandez	Swiney, Legal
Liotta	Shivel	Huntsinger	Hamer, COT
Midget		Matthews	Carr, COT
Stirling		Sansone	
Walker		Cuthbertson	

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, February 24, 2011 at 2:05 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 Leighty called the meeting to order at 1:31 p.m.

REPORTS:

Director’s Report:

Mr. Alberty reported on the BOCC and City Council agendas. Mr. Alberty reported on upcoming ULI program and informed the Planning Commissioners that they are invited to attend.

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Minutes:

1. Approval of the minutes of February 16, 2011 Meeting No. 2596

On **MOTION** of **CANTRELL**, the TMAPC voted 5-0-1 (Cantrell, Dix, Leighty, Stirling, Walker “aye”; no “nays”; Liotta “abstaining”; Carnes, Edwards, McArtor, Midget, Shivel “absent”) to **APPROVE** the minutes of the meeting of February 16, 2011, Meeting No. 2596.

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Mr. Dix read the opening statement and rules of conduct for the TMAPC meeting.

* * * * *

Mr. Midget in at 1:35 p.m.

CONSENT AGENDA

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

2. **LS-20418 – Phil Marshall Properties, Inc.**, Location: East of the southeast corner of South Rockford Avenue and East 35th Street South (Lot-Split) (CD-9)
3. **Vacation of Penn Office Park Plat and Termination of Covenants**, Location: North of northeast corner of South Yale Avenue and East 91st Street South, (CD-8)
4. **Saint Francis South - Final Plat**, Location: Northeast corner of East 91st Street and South Highway 169, (CD-8)

Removed from the Consent Agenda.

5. **PUD-586-A-11 – Andrew Shank/St. Francis Hospital, Inc.**, Location: North of the northeast corner of 91st Street South and US 169 (Minor Amendment to add digital technology to an existing outdoor advertising sign.) (CD-8)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to add digital technology to an existing outdoor advertising sign (O/A sign) located on the St. Francis Hospital South property at the above referenced location. The existing outdoor advertising sign is a permitted use in this PUD per approval of major amendment PUD-586-A.

On January 25, 2011 the City of Tulsa Board of Adjustment (BOA) in case number 21211 accepted the 1,200-foot spacing verification from any other digital outdoor advertising sign along the same traveled way as required by Section 1221, G-9 and G-10 of the Code.

Site visits indicate that the nearest residential development is approximately 1,400 feet from the sign location. There is an expansive, heavily wooded area between the sign location and the nearest residential structure (see Exhibit A).

With approximately 2,600 lineal feet of freeway frontage and approximately 1,400 feet to the nearest residential development with an intervening heavily wooded area, staff contends the digitization of this existing sign will have little to no impact on the surrounding properties.

Staff recommends APPROVAL of minor amendment PUD-586-A-11.

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

6. **Z-5537-SP-2a – William D. LaFortune/Lamar Outdoor Advertising**, Location: North of the northeast corner of 81st Street South and US 169 (Corridor Minor Amendment to add digital technology to an existing outdoor advertising sign.) (CD-7)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to add digital technology to an existing outdoor advertising sign (O/A sign) located on the Union School property at the above referenced location. The existing outdoor advertising sign is a permitted use in this Corridor District per approval number Z-5537-SP-2.

On January 25, 2011 the City of Tulsa Board of Adjustment (BOA) in case number 21214 accepted the 1,200 foot spacing verification from any other digital outdoor advertising sign along the same traveled way as required by Section 1221, G-9 and G-10 of the Code.

Site visits indicate that the nearest residential development is approximately 825 feet from the sign location.

With 2,588 lineal feet of freeway frontage and approximately 825 feet to the nearest residential development, staff contends the digitization of this existing sign will have little to no impact on the surrounding properties.

Staff recommends **APPROVAL** of minor amendment Z-5537-SP-2a.

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

7. **PUD-693-6 – Leadership Properties, LLC/Southern Woods Park III**, Location: West of the northwest corner of 91st Street South and South Yale Avenue (Minor Amendment to increase the permitted floor area in Development Area A from 28,000 square feet to 29,019 square feet.) (CD-8)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to increase the permitted floor area in Development Area A of PUD-693 from 28,000 square feet (SF) to 29,019 SF. The floor area increase would affect Lot 6 only because Lots 1 through 5 have been built out (see Exhibit A).

The 1,019 SF of requested floor area represents a 3% increase in overall floor area for Development Area A and a 1% increase for the overall PUD. The requested increase would allow for a maximum of a 6,900 SF office to be constructed on Lot 6.

Section 1107, H-4 of the Code states that the TMAPC may grant, through the minor amendment process, increases in permitted non-residential floor area; provided the requested increase is permitted by the underlying zoning and the increase does not represent a 15% increase over what is currently permitted.

The underlying OL zoning in Development Area A would allow for 35,955 SF of floor area.

Since the requested increase is a 3% increase and the underlying zoning would allow for 35,955 SF staff can support the application and recommends **APPROVAL** of minor amendment PUD-693-6.

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

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Cantrell, Dix, Leighty, Liotta, Midget, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards, McArtor, Shivel "absent") to **APPROVE** the consent agenda Items 2, 3, 5, 6 and 7 per staff recommendation.

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CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

- 4. Saint Francis South - Final Plat, Location: Northeast corner of East 91st Street and South Highway 169, (CD-8)**

STAFF RECOMMENDATION:

Applicant has requested a continuance to March 16, 2011.

TMAPC Action; 7 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **7-0-0** (Cantrell, Dix, Leighty, Liotta, Midget, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards, McArtor, Shivel, "absent") to **CONTINUE** the final plat for Saint Francis South to March 16, 2011.

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COMPREHENSIVE PLAN PUBLIC HEARING:

8. FY 12-16 Capital Improvement Project Amendments – ADA Improvements, Equipment Management, Rehab Fire Station 20, Flood Control, and PAC marquee upgrade.

STAFF RECOMMENDATION:

The City of Tulsa has submitted its list of proposed capital improvement projects for FY 12-16 for the Planning Commission's review to determine if the projects will affect the City's Comprehensive Plan and if they are in accord with that Plan. According to State statutes, this must be done before the projects are presented to the City Council for inclusion in the City's overall CIP list. Staff has reviewed the project descriptions and has the following comments.

Many of the projects support the Plan's emphasis on promoting health, safety and well-being. These include the Facilities and Parks Departments' requests to make ADA mandated improvements throughout the City on City-owned facilities, the Fire Department's proposal to rehab Fire Station 20 (9827 East 59th Street) and expand the apparatus room (for storage of hazardous materials equipment) on land it currently owns, and the Public Works Department's request to fund design elements of the rehab of the Oologah pump station. Other health/safety/well-being related projects are the proposed flood control improvements, which include one storm sewer extension needed at 47th and Delaware due to much infill development; one inlet addition on Gary Avenue at 13th and 15th Streets due to street flooding during heavy rainfall (no reported homes flooded); and three lift station upgrades, two of which are because the City was forced to assume the upgrade and maintenance function of private detention facilities and the third due to the age of the facility.

The Plan also emphasizes sustainability and the PAC requests include a marquee upgrade to feature sustainable lighting measures, replacement of the HVAC system for more efficient and economical energy, and to upgrade the exterior door to make it ADA compliant. The Equipment Management Department's request to upgrade its fuel management system and install radio frequency devices on some 2500 of its fleet will allow these devices to monitor fuel efficiency and maintenance needs of the vehicles.

Staff believes these requests are in accord with the spirit and intent of the Comprehensive Plan and will be critical in its implementation. The TMAPC is encouraged to find likewise.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Cantrell, Dix, Leighty, Liotta, Midget, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards, McArtor, Shivel, "absent") to recommend **APPROVAL** of the FY 12-16 Capital Improvement Project Amendments – ADA Improvements, Equipment Management, Rehab Fire Station 20, Flood Control, and PAC marquee upgrade per staff recommendation.

PUBLIC HEARINGS ZONING CODE AMENDMENTS:

- 9. Proposed amendments of the Zoning Code, City of Tulsa, Oklahoma to Section 601, Table 1; Section 603, Table 3; Section 701, Table 1; Section 703, Table 2; Chapter 8; Section 902.A.1 and 2; Section 1106; Section 1212.C.1.a.; and Section 1212a.C.4.a. to attempt to provide Code amendments responsive to the new Comprehensive Plan. These are proposed “bridge” amendments until the Zoning Code will receive a thorough study and update.

STAFF RECOMMENDATION:

PROPOSED ZONING CODE AMENDMENTS

The following proposed amendments are an attempt to provide Code amendments responsive to the new Comprehensive Plan. These are “bridge” amendments until the Zoning Code will receive a thorough study and update.

SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS

The principal uses permitted in the Office Districts are designated by use units. The use units are groupings of individual uses and are fully described, including their respective off-street parking, loading, and screening requirements and other use conditions in Chapter 12. The use units permitted in Office Districts are set forth below in Table 1.

**Table 1
Use Units Permitted in Office Districts***

Use Unit		Districts			
No.	Name	OL	OM	OMH	OH
1.	Area-Wide Uses	X	X	X	X
2.	Area-Wide Special Exception Uses	E	E #	E#	E#
4.	Public Protection & Utility Facilities	E	E	E	E
5.	Community Services & Similar Uses	E	X	X	X
6.	Single-Family Dwelling	E X	E X##	E X##	E X##
7.	Duplex Dwelling	E X	E X##	E X##	E X#
7a.	Townhouse Dwelling	E X	E X	E X	X
8.	Multifamily Dwelling and Similar Uses	E	E X	E X	X
10.	Off-Street Parking Areas	X	X	X	X
11.	Offices, Studios & Support Services	X**	X	X	X

12.	Eating Establishments Other than Drive-Ins				X
13.	Convenience Goods and Services	E****	E****	E****	E
16.	Mini-Storage	E	E	E	E
19.	Hotel, Motel and Recreational Facilities			E***	E***

*X =Use by Right

E =Special Exception

** =Drive-in bank facilities whether a principal or accessory use, require Board of Adjustment approval of special exception in OL Districts.

*** =Limited to hotel and motel.

**** =Limited to barber and beauty shops.

=Residential treatment and transitional living centers are allowed by right in OM, OMH, and OH Districts.

=Must be within a mixed-use building.

5. Private Clubs - OH Districts

Within the OH District a private club shall be located entirely within the principal building and shall not occupy more than five percent (5%) of the gross floor area of the building in which located.

Within the OH District the principal office structure may include an eating place occupying a maximum of five percent (5%) of the gross floor area, a private club occupying a maximum of five percent (5%) of the gross floor area and facilities for convenience goods and services and shopping goods and services occupying a maximum of fifteen percent (15%) of the gross floor area with a total of not more than twenty-five percent (25%) of the principal structure being devoted to uses other than offices and studios.

SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS

**Table 3
Bulk and Area Requirements in the Office Districts**

	OL	Districts		
		OM*	OMH*	OH**
LOT AREA (Minimum Sq. Ft.)	NA	NA	NA	10,000
FRONTAGE (Minimum Feet)				
Arterial or Freeway Service Road	75	100	100	NA
Not an Arterial or Freeway Service Road	50	50	50	NA
FLOOR AREA RATIO (Maximum)	.30****	.50	2.0	8.0
BUILDING SETBACK FROM CENTERLINE OF ABUTTING STREET				
MEASURED FROM CENTERLINE of abutting street; add, to the distance designated in the column to the right, 1/2 of the right-of-way designated on the Major Street Plan or 25 feet if the street is not designated on the Major Street Plan. (Minimum Feet)				
Arterial or Freeway Service Road	50	50	50	10
Not an Arterial or Freeway Service Road	25	25	25	10
BUILDING SETBACK FROM ABUTTING AG OR R DISTRICT BOUNDARY LINES (Minimum Feet)	10	10***	10***	10
BUILDING HEIGHT (Maximum Feet)	1-Story	NA	NA	NA

*In the OM and OMH Districts, residential buildings and the residential portions of mixed buildings shall be subject to the minimum land area per dwelling unit requirement of the RM-2 District.

**In the OH District, residential buildings and the residential portions of mixed buildings shall be subject to the minimum land area per dwelling unit requirement of the RM-3 District.

***Plus 2 feet of setback for each 1-foot of building height exceeding 15 feet, if the abutting property is within an RE, RS or RD District.

****The Board of Adjustment may allow by special exception a floor area ratio (maximum) of .40.

SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS

The principal uses permitted in the Commercial Districts are designated by use units. The use units are groupings of individual uses and are fully described, including their respective off-street parking, loading and screening requirements and other use conditions in Chapter 12. The use units permitted in Commercial Districts are set forth below in Table 1.

Table 1

Use Units		Districts			
No.	Name	CS	CG	CH	CBD
1.	Area-Wide Uses	X	X	X	X
2.	Area-Wide Special Exception Uses	E	E	E	E***
4.	Public Protection and Utility Facilities	X	X	X	X
5.	Community Services & Similar Uses	X	X	X	X
6.	Single-Family Dwelling	E X#	E X#	E X#	E X#
7.	Duplex Dwelling	E X#	E X#	E X#	E X#
7a.	Townhouse Dwelling	E X	E X	X	X
8.	Multifamily Dwelling and Similar Uses	E X	E X	X	X
9.	Manufactured Home Dwelling		E	E	
10.	Off-Street Parking Areas	X	X	X	X
11.	Offices, Studios & Support Services	X	X	X	X
12.	Eating Establishments Other than Drive-Ins	X	X	X	X
12a.	Adult Entertainment Establishments	X**	X**	X**	X**
13.	Convenience Goods and Services	X	X	X	X
14.	Shopping Goods and Services	X	X	X	X
15.	Other Trades and Services	E	X	X	X
16.	Mini-Storage	E	X	X	X
17.	Automobile and Allied Activities	E	X**	X**	X**
18.	Drive-In Restaurants	E	X	X	X

19.	Hotel, Motel and Recreational Facilities	X	X	X	X
20.	Commercial Recreation, Intensive	E	E	E	E
21.	Business Signs and Outdoor Advertising	X†	X†	X†	X†
22.	Scientific Research and Development		E	X	X
23.	Warehousing and Wholesaling		E	X	X
25.	Light Manufacturing and Industry		E	E	E

Use Units Permitted in Commercial Districts*

*X =Use by Right

**X =Use Unit 12a. and auto body painting within Use Unit 17 uses require Board of Adjustment approval of a special exception if the lot containing either of these uses is within 150 feet of R zoned land, other than streets or freeways which are in R Districts.

†X =Use Unit 21 outdoor advertising signs shall only be permitted in a CS, CG, CH, or CBD zoning district when located within a freeway sign corridor.

E =Special Exception

***E =Except that tents used for special events are allowed by right on any non-right-of-way properties zoned CBD

=Must be located within a mixed-use building

SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS

**Table 2
Bulk and Area Requirements in the Commercial Districts**

	CS*	CG*	Districts	
			CH	CBD
FRONTAGE (Minimum Feet)				
Arterial or Freeway Service Road	150	100	NA	NA
Not an Arterial or Freeway Service Road	50	50	NA	NA
FLOOR AREA RATIO (Maximum)	.50	.75	NA	NA
BUILDING SETBACK FROM CENTERLINE OF ABUTTING STREET (Minimum Feet)				
MEASURED FROM CENTERLINE of abutting street; add to the distance designated in the			column to the right,	
1/2 of the right-of-way width designated on the Major Street Plan, or 25 feet if the street is not designated on the Major Street Plan:				
Arterial or Freeway Service Road	50	50	0	0
Not an Arterial or Freeway Service Road	25	25	0	0
BUILDING SETBACK FROM ABUTTING R DISTRICT BOUNDARY LINES (Min. Ft.)	10*	10*	0	0

BUILDING HEIGHT (Maximum Feet)	NA	NA	NA	NA
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- Plus 2 feet of setback for each 1-foot building height exceeding 15 feet, if the abutting property is within an RE, RS or RD District.

*In the CS and CG Districts residential buildings and the residential portions of mixed buildings shall be subject to the minimum land area per dwelling unit requirements of the RM-2 District.

CHAPTER 8

CORRIDOR DISTRICT PROVISIONS

(Language with a strike-through has been deleted and language with an underline has been added.)

- 800. Purposes
- 801. Principal Uses
- 802. Accessory Uses
- 803. Bulk and Area Requirements
- 804. ~~Access Requirements~~ Corridor Development Plan
- 805. Site Plan Review

SECTION 800. PURPOSES

The Corridor District is established to allow and encourage high intensity ~~multifunctional~~ multiuse development, in compliance with an approved development plan and detail site plan, within appropriate freeway corridors, in order to:

- A. Allow for the development of a diversity of intense uses which benefit from mutual proximity and from the immediate service of high capacity thoroughfares.
- B. Allow for a wide range of lifestyles and housing types close to employment, recreational, shopping, and cultural facilities.
- C. Maximize the interrelationship between land use and transportation and in particular encourage development patterns compatible with the evolution of transit systems.
- D. Maximize the utilization of the higher capacity segments of the transportation systems.

- E. Encourage a more productive use of land consistent with the public objectives and standards of accessibility and land use compatibility.

SECTION 801. PRINCIPAL USES PERMITTED IN CORRIDOR DISTRICTS

The principal uses permitted in the Corridor District are designated by use units as set forth in Table 1. The use units are groupings of individual uses and are fully described, including their respective off-street parking and loading requirements in Chapter 12. Selection of specific uses and their locations are subject to the requirements as set forth in Subsections 805.B, 805.C and 805.D of this chapter.

**Table 1
Use Units Permitted in Corridor Districts**

No.	Name
1.	Area-Wide Uses
2.	Area-Wide Special Exception Uses
4.	Public Protection and Utility Facilities
5.	Community Services & Similar Uses
6.	Single-Family Dwelling
7.	Duplex Dwelling
7a.	Townhouse Dwelling
8.	Multifamily Dwelling and Similar Uses
9.	Manufactured Home Dwelling
10.	Off-Street Parking Areas
11.	Offices, Studios, and Support Services
12.	Eating Establishments Other than Drive-Ins
12a.	Adult Entertainment Establishments
13.	Convenience Goods and Services
14.	Shopping Goods and Services
15.	Other Trades and Services
16.	Mini-Storage
17.	Automotive and Allied Activities
18.	Drive-In Restaurants
19.	Hotel, Motel and Recreation Facilities
20.	Commercial Recreation: Intensive
21.	Business Signs and Outdoor Advertising
22.	Scientific Research and Development
23.	Warehousing and Wholesaling
	<u>25. Light Manufacturing and Industry</u>

SECTION 804. ACCESS REQUIREMENTS CORRIDOR DEVELOPMENT PLAN

~~In order that the traffic carrying capacity of the transportation system may be maintained, any corridor development's access shall be principally from internal collector service streets.~~

A. General

~~In order to specify and determine the appropriate land uses and relationship to adjacent uses, both proposed and existing, an application for a development plan for all Corridor District zoned properties shall be filed and approved. Following the approval of a development plan a detailed site plan shall be filed and approved for any portion of the approved development plan.~~

B. Corridor Development Plan Application

~~An application for a Corridor Development Plan shall be filed with the Planning Commission. The applicant shall pay an application fee in accordance with the established fee schedule. The application shall be in such form and content as required by the Planning Commission. Three (3) copies of the development shall accompany the application and shall consist of maps and text which contain:~~

- ~~1. Proposed development areas and requested land uses;~~
- ~~2. Proposed number of off-street parking and loading spaces, amount of open space and number and size of business signs;~~
- ~~3. Proposed maximum building heights and minimum building setbacks;~~
- ~~4. Proposed public and private vehicular and pedestrian circulation systems;~~
- ~~5. Proposed landscaping areas and screening;~~
- ~~6. Proposed intensity of residential uses expressed in number of dwelling units and proposed intensity of nonresidential uses expressed in floor area, allocated to the proposed development areas;~~
- ~~7. Sufficient surrounding area to demonstrate the relationship to the proposed development to adjoining uses, both existing and proposed;~~
- ~~8. Existing topographic character of the land including identification of any floodplain areas and treed areas. In instances of probable development constraints due to slope and/or soil conditions, the planning staff may require the submittal of slope and/or soil analysis;~~
- ~~9. An explanation of the character of development; and~~
- ~~10. the expected schedule of development.~~

C. Access

~~In order that the traffic carrying capacity of the external transportation system may be maintained principal vehicular access for the development should be to internal collector system whether private or public.~~

SECTION 805. SITE PLAN REVIEW

C. Public Hearing and Planning Commission Action

The Planning Commission, upon the filing of an application for a corridor development plan or site plan review shall set the matter for public hearing and give 20 days notice thereof by publication in a newspaper of general circulation, 20 days notice of a public hearing by mailing written notice to all owners of property within a 300 foot radius of the exterior of the boundary of the property and 20 days notice of public hearing by posting a sign or signs on the property. (See Section 1703.C for contents of notice.) Within 60 days after the filing of an application, the Planning Commission shall conduct the public hearing and shall determine:

1. Whether the proposed corridor development is consistent with the Comprehensive Plan.
2. Whether the proposed corridor development harmonizes with the existing and expected development of surrounding areas.
3. Whether the proposed corridor development is a unified treatment of the development possibilities of the project site.
4. Whether provision has been made for proper accessibility, circulation, and functional relationships of uses.
5. Whether the proposed corridor development is consistent with the stated purposes and standards of this Chapter.

The Planning Commission shall forward its recommendations, the application, and the site plan to the City Council for further hearings as provided in Section 805.D.

D. City Council Action on Corridor Development Plan Site Plan Review

Upon receipt of the application, for corridor development plan and/or site plan, and Planning Commission recommendation, the City Council shall hold a hearing, review the corridor development plan and/or site plan, approve, disapprove, modify, or return the site plan application to the Planning Commission for further consideration. Approval of the corridor development plan shall authorize the further processing of an application for site plan approval of the of the site plan by the City Council shall be authorization for the processing of a subdivision plat incorporating the provisions of the site plan.

G. Amendments

Minor changes in the proposed corridor development plan may be authorized by the Planning Commission, which ~~may will~~ direct the processing of an amended site plan and subdivision plat, incorporating such changes, so long as substantial compliance is maintained with the approved site plan and the purposes and standards of this Chapter. 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.

SECTION 902. ACCESSORY USES PERMITTED IN INDUSTRIAL DISTRICTS

A. Accessory Uses Permitted. ~~Accessory uses customarily incident to a principal use permitted in an Industrial District or permitted in such district.~~

1. Accessory uses customarily incident to a principal use permitted in an Industrial District are permitted in such district.
2. An accessory dwelling for the purposes of security or owner/management is permitted in all Industrial Districts.

B. Accessory Use Conditions

1. Accessory buildings shall meet the minimum building setback lines of the applicable district.
2. An accessory building erected as an integral part of the principal building shall be structurally a part thereof, shall have a common wall therewith, and shall comply with the requirements applicable to the principal building.
3. Accessory storage of materials, equipment, or products, within 200 feet of an abutting R District, shall be screened by the erection of a screening wall or fence along the lot line or lines in common with the abutting R District.
4. Accessory Signs in the IL, IM and IH District are subject to the use conditions of Use Unit 21.

SECTION 1106. OFF-STREET PARKING AND LOADING

Within a PUD, ~~off-street parking and loading spaces shall be provided as specified in the applicable use units and in conformance with the requirements of Chapter 13, Off-Street Parking and Loading; provided, however, no modification of off-street parking and loading requirements of any applicable use units and Chapter 13 of this title shall be permitted unless a subdivision plat incorporating the provisions and requirements is submitted to and approved by the Planning Commission and the City Council and filed of record in the office of the County~~

Clerk of the county in which the property is located, except that Subsection 1301.B and Subsection 1302 shall not apply. Required spaces may be provided on the lot containing the uses for which it is intended to serve or in common areas. Common parking area shall be designed and located so as to be accessible to the uses it is intended to serve. Provisions for the ownership and maintenance of common parking space as will insure its continuity and conservation shall be incorporated in the subdivision plat, in compliance with the provisions of Subsection 1107.F.

* * * * *

USE UNIT 12.EATING ESTABLISHMENTS OTHER THAN DRIVE-INS

A. Description. Eating establishments, including carry out eating establishments, except drive-in restaurants permitting in car consumption of food or drink.

B. Included Uses:

- Cafeteria
- Coffee shop
- Delicatessen
- Restaurant, and other similar eating establishments*

* An accessory use bar which is customarily incidental and subordinate to a principal use restaurant is included in this use unit.

C. Use Conditions

1. The uses included in Use Unit 12 shall take place within a completely enclosed building, except outdoor customer seating (includes rooftop seating) is permitted, whether uncovered or covered by a tent or canopy, provided:
 - a. The outdoor customer seating area shall abut the building wall of the business, except for rooftop seating, but extend no closer to the street than the building setback requirements;
 - b. the outdoor customer seating area shall not occupy or use required parking spaces or access aisles;
 - c. the outdoor customer seating area exceeding 10% of the indoor building floor area of the principal use shall be considered floor area for purposes of determining off-street parking and loading requirements as set forth herein; and
 - d. noise from any outdoor entertainment activity shall not be audible from any abutting R District.

2. The uses included in Use Unit 12, when located within a district other than an R District and located on a lot which is abutting an R District, shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.

D. Off-Street Parking and Loading Requirements

<u>Uses</u>	<u>Parking Spaces</u>	<u>Loading Berths</u>
Eating Establishment	1 per 100 SF of floor area	1 per 5,000 to 10,000 SF plus 1 per each add'l 15,000 SF of floor area

E. Other Requirements

1. Only vehicles which are accessory to permitted principal uses on the lot shall be permitted to be parked on the lot. Such vehicles shall include customer's vehicles, repair or service vehicles, and those vehicles driven in the ordinary course of the principal user's business.
2. Except for the purpose of immediate loading or unloading, accessory vehicles or trailers in excess of 1-1/2 tons capacity, or accessory vehicles or trailers with signs that exceed 32 square feet that direct attention to a business, service, commodity, or entertainment offered or sold on the premises shall not be parked closer to the street than the nearest building wall unless granted a special exception from the Board of Adjustment.

SECTION 1212a.USE UNIT 12A. ADULT ENTERTAINMENT ESTABLISHMENTS

A. Description. Businesses which cater primarily to adults 21 years of age and above and which sell and serve intoxicating beverages and/or low-point beer (as defined by Oklahoma Statutes) on the premises and all sexually oriented businesses.

B. Included Uses:

- Bar/Tavern
- Beer Bar
- Billiard Parlor/Pool Hall
- Night Club
- Private Club
- Sexually Oriented Business

C. Use Conditions:

1. The uses included in Use Unit 12a, when located on a lot which is abutting an R District shall be screened from the abutting R District by the erection and maintenance of a screening wall or fence along the lot line or lines in common with the R District.
2. Sexually Oriented Businesses shall meet the conditions set forth in Section 705 of this Code.
3. Adult Entertainment Establishments, other than Sexually Oriented Businesses, shall meet the following spacing standards: provided, however, that the spacing standards shall not apply to accessory use bars as defined in this Code:
 - a. Public entrance doors shall be located at least 50 feet from an R District, which shall be measured in a straight line from the nearest point on a residential zoning district boundary line (not including residentially zoned expressway right-of-way) to the nearest public entrance door of the Adult Entertainment Establishment; and
 - b. Shall be located a minimum of 300 feet from a public park, school or church, which shall be measured from the nearest point on the property line of a park, school or church to the nearest public entrance door of the Adult Entertainment Establishment measured along the street right-of-way line providing the nearest direct route usually traveled by pedestrians between such points; for purposes of determining measured distance, property situated on the opposite side of the street from such park, school or church shall be considered as if it were located on the same side of the street with the park, school or church; and
 - c. Shall be spaced 300 feet from any other Adult Entertainment Establishment listed in Use Unit 1212a., except in the Central Business District (CBD), which 300 feet shall be measured in a straight line from the nearest point of the wall of the portion of the building in which said business is conducted, to the nearest point of the wall of the portion of the building in which another adult entertainment business is conducted.

Church, as used herein, shall mean all contiguous property owned or leased by a church upon which is located the principal church building or structure, irrespective of any interior lot lines.

School, of the type which offers a compulsory education curriculum, as used herein, shall mean all contiguous property owned or leased by a school upon which is located the principal school buildings(s) irrespective of any interior lot lines.

4. The uses included in Use Unit 12a. shall take place within a completely enclosed building, except outdoor customer seating (includes rooftop seating) is permitted, whether uncovered or covered by a tent or canopy, provided:
 - a. The outdoor customer seating area shall abut the building wall of the business, except for rooftop seating, but extend no closer to the street than the building setback requirements;
 - b. The outdoor customer seating area shall not occupy or use required parking spaces or access aisles;
 - c. The outdoor customer seating area exceeding 10% of the indoor building floor area of the principal use shall be considered floor area for purposes of determining off-street parking and loading requirements as set forth herein; and
 - d. Noise from any outdoor entertainment activity shall not be audible from any abutting R. District.
5. All uses included within Use Unit 1212a shall be reviewed by the Board of Adjustment at a public hearing to determine if they comply with all applicable spacing requirements. Notice of the public hearing shall be given as provided in Section 1603 of this code.

Mr. Alberty presented the proposed amendments that the Planning Commission conducted two work sessions for. These amendments reflect allowing residential uses as a matter of right in office and commercial districts and there is a change to the corridor district to make it more consistent with the processing of the Planned Unit Development (PUD). There was an amendment to the industrial district to allow a residential use located within an industrial building as a matter of right, along with a management office and security offices. There is an amendment to the PUD Chapter to allow the Planning Commission the same right as the Board of Adjustment to prescribe parking less than what the Code would prescribe. The City Council requested that the Planning Commission to amend the portion about outside seating with regards to ground level and allow on roof tops. These amendments are considered to be necessary and somewhat be responsive to the new Comprehensive Plan until the Zoning Code is rewritten.

TMAPC COMMENTS:

Ms. Cantrell stated that Chapter 2 will probably need to be amended as well for the changes in the corridor district. Ms. Cantrell further stated that without defining "mixed-use" she fears that it might be vague. She proposed some alternative language to Mr. Boulden. In response to Ms. Cantrell, Mr. Alberty stated that if it needs to be defined in the definition section of the Code that would be fine. Mr. Boulden stated that it could be easily defined and connected to the tables in the Code.

After discussion it was recommended to close the public hearing and continue this item to the March 16th meeting for voting with the newest version and corrected language.

TMAPC Action; 7 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **7-0-0** (Cantrell, Dix, Leighty, Liotta, Midget, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards, McArtor, Shivel "absent") to **CLOSE** the public hearing and **CONTINUE** the proposed amendments of the Zoning Code, City of Tulsa, Oklahoma to Section 601, Table 1; Section 603, Table 3; Section 701, Table 1; Section 703, Table 2; Chapter 8; Section 902.A.1 and 2; Section 1106; Section 1212.C.1.a.; and Section 1212a.C.4.a. to March 16, 2011 with the finalized version.

* * * * *

10. Proposed amendments to the Tulsa Revised Ordinance, including but not limited to Title 42, the Zoning Code of the City of Tulsa, Oklahoma by adding provisions for the form-based land use and development code applicable to a pilot area near East 6th Street and South Peoria Avenue, commonly referred to as the Pearl District.

Mr. Leighty reminded the Planning Commission that the public hearing is closed and this item is for review.

STAFF RECOMMENDATION:

Duane Cuthbertson, INCOG staff, presented the Form-Based Codes with the changes recommended from the February 16th meeting.

TMAPC COMMENTS:

Ms. Cantrell recommended two amendments on page 24, F.2. "...as defined in Sections 407 through 411." Ms. Cantrell further recommended an amendment to page 34, Fenestration, add "4. Urban general store frontages must meet the fenestration requirements provided in 402.H."

Mr. Boulden stated that there is one other change that is needed: Appendix, page 63, Section 504 reference should be stricken.

Mr. Boulden explained that he has a draft of the Form-Based Codes with or without the name Pearl District. In response to Mr. Boulden, Mr. Dix stated that originally he thought it should be called the Pearl District, but after hearing Mr. Alberty's comments he would withdraw his suggestion that this be named the Pearl District Form-Based Codes. Mr. Leighty indicated that he would support this being named the Form-Based Codes as well.

Ms. Cantrell stated that she is very excited about this and she hopes that it is expanded throughout the City of Tulsa.

TMAPC Action; 7 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **7-0-0** (Cantrell, Dix, Leighty, Liotta, Midget, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards, Shivel, McArtor "absent") to recommend **APPROVAL** of the Form-Based Codes presented today with the changes recommended on Page 24, 34 and 63 and with respect to the Zoning Ordinance only any references to the Pearl District will now be Form-Based Code District.

TMAPC COMMENTS:

Mr. Leighty recognized the passing of the Form-Based Codes as a historic date for the City of Tulsa. Mr. Leighty explained that this will now have to go to the City Council for approval and he explained all of the steps that will be necessary before this Code will be applicable. Mr. Leighty recognized the various groups, individuals and consulting firm who worked on this project.

* * * * *

PUBLIC HEARING

11. LS-20413 – Richard Rakes, Location: North of East 156th Street North and west of North 145th East Avenue (Lot-Split) (County)

STAFF RECOMMENDATION:

The lot-split proposal is to split 2.27 acres +/- from an existing five-acre +/- tract creating a 2.73-acre +/- remainder tract. The proposed tracts meet the AG (Agricultural) bulk and area requirements of the Tulsa County Zoning Code.

According to the Major Street and Highway Plan, North 145th East Avenue is deemed a secondary arterial requiring 50 feet of right-of-way from the center line. The applicant is asking to waive the requirement of 50 feet to 30 feet of right-of-way instead. The County Engineer agrees with the waiver and is in support of the application. There is a recommendation for the County to review this portion of North 145th East Avenue and its designation on the Major Street and Highway Plan.

Staff believes this lot-split would not have an adverse effect on the surrounding properties and recommends **APPROVAL** of the waiver of the *Major Street and Highway Plan* and of the lot-split.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Cantrell, Dix, Leighty, Liotta, Midget, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards, McArtor, Shivel "absent") to **APPROVE** the lot-split for LS-20413 and the waiver of the Major Street and Highway Plan per staff recommendation.

* * * * *

12. Maple Terrace Townhomes – (9212) Preliminary Plat, Location: West of South Norfolk Avenue, north of East 15th Street, (CD-4)

STAFF RECOMMENDATION:

This plat consists of four lots, one block on .42 acres.

The following issues were discussed January 20, 2011, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned PUD-757 with RT zoning underlying. PUD restrictions must be shown in the covenants.
2. **Streets:** Show right-of-way with dimension lines. Plat for Broadmoor shows existing right-of-way. If right-of-way is existing provide reference with plat number or book and page number. If Reserve A is a private street, then clearly define right-of-way of 30 feet. Sidewalk easement must be provided on both sides of the street. Is alley going to be vacated? If not, then call it out as a public alley. Section H.4.A.1 Surfacing width for private streets is 26 feet. Section H.5. 1.2: Sidewalks will be required along private street. Define clearly the limits of private street and show sidewalks.
3. **Sewer:** The proposed sanitary sewer extension should be located seven feet south of the north boundary line instead of the 7.5 feet shown on the plan. Extend the manhole a minimum of 15 feet beyond the west property line of Lot 4.
4. **Water:** The ten-foot restricted waterline easement should be adjacent to an eleven-foot utility easement line along the south boundary line of the Reserve A. An infrastructure development plan will be required to extend the proposed six-inch water line. A looped line may be required.
5. **Storm Drainage:** Please remove the contours on the face of the plat. Additional storm sewer and /or overland drainage easements may be required. Add a conceptual storm drainage system. Roof drainage will not be allowed to flow to the residential lots in the Broadmoor Addition.

6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Additional easements may be necessary depending upon ONG, Cable, and PSO designs for service.
7. **Other: Fire:** Fire hydrant needs to be located within 600 feet of the furthest point of any structure. If the structures are over 30 feet in height from the level of Fire Department access aerial access will be needed and it will need to meet IFC 2006 section D105.

GIS: Label all subdivisions and expressways within the mile section of the location map. Change "East 7th Street South" to "11th Street South" and change "East 21st Street South" to "21st Street South" on the location map since east changes to west past Main Street in this area. Tie the plat from a section corner using bearings and distances from a labeled point of commencement to the labeled point of beginning. Add a leading zero to all single digit degree descriptions on the face of the plat to match what is shown in the legal description (i.e. 01" instead of 1°). Submit a subdivision control data form. The eastern edge of the property on the plat does not match with the eastern edge of the property according to land records. There is an arc on the land records that juts in to a peak of roughly 50 feet of parcel number 05175921219165.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)

3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)

16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Cantrell, Dix, Leighty, Liotta, Midget, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards, McArtor, Shivel "absent") to **APPROVE** the preliminary plat for Maple Terrace Townhomes subject to special conditions and standard conditions per staff recommendation.

* * * * *

13. **Hudson Villa** – (9303) Preliminary Plat, Location: North of East 11th Street, between South Joplin Avenue and South Hudson (CD-4)

STAFF RECOMMENDATION:

This plat consists of one lot, one block on 6.1 acres.

The following issues were discussed January 20, 2011, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned RM-2/CH. Make sure the use is conforming to the zoning with the City zoning officer. Make sure site plan is also in conformance. Check to make sure building setbacks are as required. Access is to be on Hudson Avenue only per consulting engineer.
2. **Streets:** Show right-of-way with dimension lines and reference plat number or book and page number. Section 1.2: Sidewalks. Reword as follows "...along abutting street right-of-way on Hudson Avenue and on Joplin Avenue along existing pavement." Show sidewalk on Joplin Avenue along existing pavement.
3. **Sewer:** Identify the width of the new utility easement proposed along the east boundary line of the existing Lot 7. Increase the easement width for the existing sanitary sewer line between existing Lots 53 and 8 to a minimum of 15 feet. All sanitary sewer pipe that will be placed under a paved driving surface must be replaced with ductile iron pipe. If ductile iron pipe is required at a manhole location, then the entire run from manhole to manhole must be ductile iron pipe. All other existing pipe that is within the development area must be video inspected, and any deficiencies must be brought up to current City of Tulsa standards at the developer's expense. Contact Tony Patete in Engineering Wastewater Design (596-9505) to view the video of the existing pipe.
4. **Water:** Show easement for the 16-inch existing water line along the vacated roadway. Include the book and page of document vacating the roadway of 9th Street. The extension of a six-inch water main line may be required to be extended along the east side of Joplin Avenue 300 feet from the existing 16-inch water main line along the vacated roadway.
5. **Storm Drainage:** Drainage flowing onto the property, from both the north and the south, must be either placed in an overland drainage easement for conveyance across the property, or be collected at the property line in inlets and thence be piped across the property in a storm sewer easement.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** Fire hydrant needs to be located within 600 feet of the furthest

point of any structure.

GIS: Label all subdivisions, railroads and expressways within the mile section of the location map. The basis of bearing should be clearly described and stated in degrees, minutes and seconds. Tie the plat from a section corner using bearings and distances from a labeled point of commencement to a labeled point of beginning. Add the phrase "Date of Preparation" before the date at the bottom of the sheet. Submit a subdivision control data form, last page of the subdivision regulations. Using bearings and distances, give a metes and bounds legal description of the property, starting from a labeled point of commencement at a section corner, to a point of beginning on the corner of the property, with a traverse around the perimeter back to the point of beginning.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

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

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

wells not officially plugged. If plugged, provide plugging records.)

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

Applicant's Comments:

Dwayne Wilkerson, HRAOK, stated that the project has been through a pre-development meeting with the City of Tulsa and met with the building permit office as well. He indicated that he has confirmed with both entities that this project conforms with the Zoning Code, with regard to the use being recommended.

INTERESTED PARTIES COMMENTS:

John Stuart, Attorney representing Mr. and Mrs. Hendrick, 2121 South Columbia, Suite 306, 74119, stated that his clients are concerned about the placement of the proposed use. Mr. Stuart submitted a map (Exhibit A-1) and indicated that his clients have lived in White City for more than 25 years. He explained that his clients are concerned about asking one neighborhood in the community to bear the weight of the additional units that are being placed around the perimeter of White City.

TMAPC COMMENTS:

Mr. Leighty explained that the TMAPC is considering a plat and not the use and its location. In response, Mr. Stuart stated that he is requesting that the Planning Commission take another look at other viable options and a different location.

Mr. Boulden reminded the Planning Commission that this presentation from Mr. Stuart is off topic. The use is not subject to this particular preliminary plat.

Mr. Stuart stated that the objection is to the placement and the zoning for a facility such as this. Mr. Stuart proceeded to explain the locations of the various developments and if the zoning approves this it will saturate White City with

approximately 120 additional family-type units, which would increase the overall population by 33 percent.

Mr. Leighty explained to Mr. Stuart that today's application is not about the zoning for the subject property and the zoning is already in effect. The Planning Commission can only consider the plat today.

Mr. Stuart requested that the Planning Commission consider another location. His clients are concerned why their community is asked to bear the weight of three different units.

INTERESTED PARTIES COMMENTS:

Warren Jagers, 5710 East 7th Street, 74119, expressed concerns regarding stormwater drainage and traffic during construction.

TMAPC COMMENTS:

Mr. Leighty thanked Mr. Jagers and reminded him that the Planning Commission is considering the plat today and not engineering issues.

INTERESTED PARTIES COMMENTS:

Jane Mullenax, 5515 East 5th Place, 74112, stated that she would like to thank the Planning Commission for helping the Pearl District to grow and that they are getting sidewalks and walkways to make the neighborhood safer. Sadly White City gets an apartment complex for drug abusers and abusive victims. She would appreciate if this would be thrown out.

TMAPC COMMENTS:

Ms. Cantrell stated that she appreciates the concerns of the interested parties and she believes that people come to the meetings not fully understanding what the Subdivision Plat is. The Planning Commission cannot control what goes in when considering a plat. The Planning Commission is looking at the streets, sewer lines, etc. This is not the time to consider the use and the Planning Commission cannot consider the use at this time.

Mr. Midget stated that he knows that White City has an active neighborhood association and he would encourage the association to get with the owners and work with them to be good partners.

Mr. Leighty informed an interested party that the public hearing portion of this case is closed. She continued to speak with no name given or address given. Mr. Leighty explained that he can't recognize her. Ms. Cantrell informed the interested party that she should speak with Mr. Steele regarding stormwater management.

Mr. Alberty stated that he feels it should be stated that any Subdivision Plat goes to the Technical Advisory Committee (TAC) and all of these concerns that Mr.

Jaggers raised are being considered by the City of Tulsa. Before the applicant can have final plat approval, they will have to satisfy all of the requirements that are in the staff recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **6-0-0** (Cantrell, Dix, Leighty, Midget, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards, McArtor, Liotta, Shivel "absent") to **APPROVE** the preliminary plat for Hudson Villa subject to special conditions and standard conditions per staff recommendation.

* * * * *

Mr. Liotta in at 2:25 p.m.

14. **Riverbend Gardens** – (9211) Preliminary Plat, Location: South and west of southwest corner of West 7th Street and South Elwood Avenue (CD 4)

STAFF RECOMMENDATION:

This plat consists of 41 lots, seven blocks on 2.62 acres.

The following issues were discussed for the cancelled February 3, 2011, Technical Advisory Committee (TAC) meeting and at the February 17, 2011 TAC meeting:

1. **Zoning:** The property is zoned CBD (Central Business District). Townhouse developments have been approved using Section 206 of the Zoning Code in the past with private streets.
2. **Streets:** A 72-foot access is not allowed. Access width should be 36 feet plus width of island. Internal circulation, identified as Reserve A Access, must be designated as street, with street names shown on the face of plat. Streets must be labeled as public or private. The minimum width for private streets is 30 feet with 26 feet pavement. Sidewalks must be provided on all streets, public or private. Sidewalks along private streets must be placed in a sidewalk easement. Show current right-of-way available from the center of 11th Street. Label "Center line of 11th Street". Minimum right-of-way required from center line of street is 50 feet. Additional right-of-way may be required along the western edge of the south property line. Provide reference for right-of-way with plat number or book and page number. Include section on sidewalks. Covenants state right-of-way is being dedicated while no dedication has been identified on the face of the plat. Section 1 refers to public streets and appears to be inappropriate for this plat. Rewrite. Show sidewalks on all streets. No gates are planned to be used per consulting engineer.

3. **Sewer:** Provide the book and page number for the existing 15-foot sanitary sewer easement. The north line of the existing easement must continue across Lot 2, Block 1, until it intersects the plat boundary line. Identify the area between the existing lots in Block 7, 2nd Lindsey Addition. The 11-foot perimeter easement along the west boundary line needs to be increased to a 17.5-foot easement. Include the different line types in the legend with a definition of what each means. Where the existing sanitary sewer line will be under pavement, the line must be replaced with ductile iron pipe with type A aggregate backfill. Where your perimeter easement does not abut another easement, we may require a 17.5-foot easement instead of the 11 foot easement.
4. **Water:** Add to the legend Restrictive Waterline Easement (R/W/E). Add bearings and length for waterline easements. Minimum size of easements for the waterlines; adjacent to the utilities or reserve is 15 feet. Include reserve language giving access to utilities. An Infrastructure Development Plan will be required. Center all waterlines inside a restrictive waterline easement. Water lines installed under pavement will be ductile iron pipe. Service meter cans installed in traffic pavement areas are required to be traffic loaded rated. The boring of 11th Street is required for one of the water main connections.
5. **Storm Drainage:** Storm sewer easements and overland drainage easements must be added to the plat to convey off-site drainage flowing onto the site from the north, and to relocate existing public storm sewers which must be relocated to accommodate the conceptual locations of the new buildings. Add standard language for overland drainage easement in a Reserve Area and Roof Drainage to the street/reserve area.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** If units are not sprinkled a second remote exit will need to be provided. Also a fire hydrant will need to be added. Any access road over 150 feet (if all buildings are not sprinkled) or 200 feet (if all buildings are sprinkled) will require a turn around. (access road to club house) If buildings are not sprinkled a second remote means of access will be required. If gated, the gate shall be 20-foot wide minimum and have Knox access. Turning radius on all access roads need to be 28 feet inside radius based on 20-foot wide road.

GIS: Tie the plat from a section corner using bearings and distances from a labeled point of commencement to the labeled point of beginning. Please provide a basis of bearing stating the bearing in degree, minutes and seconds, along with the description of it. Please show benchmarks. Correct 11th Street description. Correct name of subdivision. Submit subdivision control data form. The point of commencement to the point of beginning will

need to be described in the legal description using bearings and distances.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

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

9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.

22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

Applicant's Comments:

Dan Tanner, Danner Consulting, 5323 South Lewis Avenue, 74105, stated that he is in agreement with the staff recommendation.

INTERESTED PARTIES COMMENTS:

Jason Ting, 410 West 7th Street, #1628, 74119, representing residents of Central Park Condominiums, stated that everyone is concerned about this being a low-income housing development. He understands that this may not be the right place to bring up this issue, but he is looking for advice.

TMAPC COMMENTS:

Mr. Midget recommended that the residents meet with the owners and manager of the complex so that they will remain responsible. The phrase "low-income apartment" irks him because the low-income people that everyone keeps referring to are people who work in the downtown areas. They would like a place that is affordable.

INTERESTED PARTIES COMMENTS:

Lou West, 450 West 7th Street, #1403, 74119, stated that she lives in Central Park Condominiums and expressed concerns about the townhouses going in and there are already two low-income apartment buildings next door to her property. Like most low-income apartments they are ill-kempt and are an eyesore for Tulsa. She understands that everyone is concerned about the beautification of Downtown Tulsa and to bring more people to downtown. Another low-income apartment complex or townhouses will be a detriment to the community. Ms. West concluded that she fears that her home value would be depleted due to the apartments. There are a lot of nice people living Central Park: lawyers, dentists, CPAs, etc.

TMAPC COMMENTS:

Mr. Leighty reminded everyone that the Planning Commission is considering a preliminary plat and not the use today.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Cantrell, Dix, Leighty, Liotta, Midget, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards, McArtor, Shivel "absent") to **APPROVE** the preliminary plat for Riverbend Gardens subject to special conditions and standards conditions per staff recommendation.

TMAPC COMMENTS:

Mr. Liotta stated that for clarity, on Item 13, Hudson Villa, he misunderstood the location and he owns a home within one mile of the subject property and he felt that it was inappropriate for him to be involved in the proceeding and that is why he recused himself and will in the future if Hudson Villa comes before the Planning Commission again.

* * * * *

- 15. **PUD-399-2 – HRAOK/Dwayne Wilkerson**, (Minor Amendment to increase the permitted height of a perimeter wall.), Location: North of the northwest corner of South Yale Avenue and 121st Street South, (RS-1/PUD) (CD-8) (Related to Item 16)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to increase the permitted height of a perimeter wall. Specifically the applicant seeks to allow the columns of the wall to reach a maximum height of 12 feet and the panel sections of the wall to reach a maximum height of 10 feet. The request is being made for portions of the wall only.

Please refer to the attached case photographs and Exhibits W-1 through W-4, which are elevation views of the proposed wall. The applicant cites the uneven terrain along Yale Avenue as necessitating the need for the increase in height of portions of the wall.

The length of the wall will be 693 feet along Yale Avenue. The minimum height of the wall would be six feet. Approximately 335 feet of the wall, or 48%, would exceed the eight-foot height limitation. The columns of the wall are approximately 18 inches above the height of the wall panels, which accounts for the request to allow the columns up to 12 feet tall as shown on the attached wall profile.

Given the location of the property and the fact that the request is not being made for the entire wall, staff contends approval of the minor amendment will not substantially alter the approved Development Plan, the approved PUD standards or the character of the development.

Therefore, staff recommends **APPROVAL** of minor amendment PUD-399-2.

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

Applicant's Comments:

Dwayne Wilkerson, HRAOK, 1913 W Tacoma, Ste A, 74012, stated that the idea is to provide a security fence and gated entry into this lot project. The minimum wall height is six feet in height. Working with the terrain of the subject project, he wanted to break the wall up and not have a giant concrete wall along the hillside. There will be columns in the wall and it will step down the hill to accomplish that goal, so there will be places where relief will be needed for the height.

TMAPC COMMENTS:

Mr. Leighty asked why there is a need for a solid masonry wall. In response, Mr. Wilkerson stated that it will be a significant structure and this is a rural area. As Yale is widened, there will be more traffic and more noise. His client would like to preserve the rural nature once entering the property. The closest dwelling to the fence will be roughly 50 feet.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **7-0-0** (Cantrell, Dix, Leighty, Liotta, Midget, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards, McArtor, Shivel "absent") to **APPROVE** the minor amendment for PUD-399-2 per staff recommendation.

* * * * *

- 16. **PUD-399 – HRAOK/Dwayne Wilkerson**, (Detail Site Plan for a perimeter wall.), Location: North of the northwest corner of South Yale Avenue and 121st Street South, (RS-1/PUD) (CD-8) (Related to Item 15)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a perimeter wall. Associated with this detail site plan is minor amendment request PUD-399-2 also appearing on the March 3rd agenda of the TMAPC. Approval of this detail site plan would be dependant on the approval of the aforementioned minor amendment.

The gated entry associated with this perimeter wall was approved by the TMAPC on January 19, 2011. The submitted site plan meets all applicable structure height and setback limitations.

Staff recommends **APPROVAL** of the detail site plan for the perimeter wall for PUD-399.

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

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **7-0-0** (Cantrell, Dix, Leighty, Liotta, Midget, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards, McArtor, Shivel "absent") to **APPROVE** the detail site plan for PUD-399 per staff recommendation.

- 17. **PUD-768-A – Roy D. Johnsen/Sunny Investments, LLC**, Requesting **OL/CS/PUD-768 to OL/CS/PUD-768-A Abandonment of PUD-768**, Location: East of the northeast corner U.S. Highway 75 South and West 71st Street, (Major Amendment to abandon PUD-768 in favor of the proposed PUD-783.) (CD-2) (Related to Item 18)

STAFF RECOMMENDATION:

The applicant has requested a continuance to March 16, 2011 in order to review grading and access issues.

INTERESTED PARTIES COMMENTS:

Kaye Price, 5815 South 31st West Avenue, 74107, stated that she has discussed this with Mr. Johnsen and she is okay with the continuance.

TMAPC Action; 7 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **7-0-0** (Cantrell, Dix, Leighty, Liotta, Midget, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards, McArtor, Shivel "absent") to **CONTINUE** the major amendment for PUD-768-A to March 16, 2011.

18. **PUD-783 – Roy D. Johnsen/Sunny Investments, LLC**, Requesting **CS/OL/PUD-768 to CS/OL/PUD-783**, Location: East of the northeast corner of U.S. Highway 75 South and West 71st Street, (PUD proposes a QuikTrip store for the 2.18 acres fronting 71st Street and the interior 2.24 acres is planned for mixed-use commercial development) (CD-2) Related to Item 17)

STAFF RECOMMENDATION:

The applicant has requested a continuance to March 16, 2011.

TMAPC Action; 7 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **7-0-0** (Cantrell, Dix, Leighty, Liotta, Midget, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards, McArtor, Shivel "absent") to **CONTINUE** PUD-783 to March 16, 2011.

* * * * *

19. **Z-7165 – Jones, Gotcher & Bogan, P.C./Robert Christie**, Requesting **RS-3 to PK**, Location: South of southwest corner of East 11th Street and South Vandalia Avenue, (CD-4)

STAFF RECOMMENDATION:

Ms. Matthews stated that a request from Councilor Barnes has been submitted for continuance of this case to March 16, 2011 in order to allow the neighbors and property owner to meet.

Applicant’s Comments:

Sarah Smith, representing the applicant, Mr. Robert Christie, stated that she is opposed to a continuance. There is a bank loan on hold and a potential tenant is contingent on today’s decision.

TMAPC COMMENTS:

Ms. Cantrell asked Ms. Smith if she has met with the neighborhood. Ms. Smith stated that her client has met with several members of the neighborhood. There isn’t an active neighborhood association for them to meet with.

Mr. Dix read Councilor Barnes’s letter (Exhibit B-1) requesting a continuance to allow for a neighborhood meeting with the subject property owner.

Mr. Midget stated that he understands the objection of the applicant, but in all honesty even if the Planning Commission sends this to the City Council with an approval, the applicant has a real interest in the outcome and the City Council has the final say. The applicant should be considerate and give the neighbors an opportunity to meet with him. Councilor Barnes didn’t state that she is opposed to the application, but simply would like to give the neighbors a chance to meet. Councilor Barnes is offering to facilitate the meeting. Ms. Smith stated that she

hadn't seen the letter and was just made aware of it. Ms. Smith asked if it could be moved to the March 16th meeting.

INTERESTED PARTIES COMMENTS:

Penny Smallwood, 1122 South Vandalia, 74112, stated that she agrees to the continuance. She further stated that Mr. Christie did speak to her about the rezoning approximately one month before the signs were posted. Ms. Smallwood indicated that Mr. Christie did speak to other neighbors, but it was an informal meeting.

Arlis Barham, 1118 South Urbana, 74112, stated that he is against the continuance and the proposal.

Councilor Barnes, District 4, stated that she sent the letter for a continuance after receiving phone calls from neighbors who are opposed to this application. She understood that the applicant hadn't met with the neighborhood and she thought it would be good to at least to meet with them and explain his plan. If the neighborhood is still against it that is fine or the Planning Commission can just vote it down now. There is not an active neighborhood association, but it is a close group of neighbors.

Mr. Midget stated that notices were sent for this application and that may be something that the developer could use to send out an invitation for a neighborhood meeting.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Cantrell, Dix, Leighty, Liotta, Midget, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards, McArtor, Shivel "absent") to **CONTINUE** the PK zoning for Z-7165 to March 16, 2011.

* * * * *

Mr. Boulden stated that he will be excusing himself and ask Mr. Mark Swiney to sit in for him.

20. **Z-7164/Z-7164-SP-1 – Lou Reyonlds/81 BeeVest, LLC**, Requesting **AG/OL/CS to CO**, Location: Southeast corner of U.S. Highway 75 and West 81st Street, (A 30-acre tract proposed as a neighborhood and pedestrian oriented office and commercial mixed-use development.) (CD-2)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11827 dated June 26, 1970, and 13115 dated March 26, 1974, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-7148 March 2010: All concurred in approval of a request for rezoning a 13± acre tract of land from RMH to CO for future sale and development on property located south of southeast corner of South Union Avenue and West 81st Street and southwest of subject property.

Z-7140/ Z-7140-SP-1 December 2009: All concurred in approval of a request for rezoning a 41± acre tract of land from AG to CO and a Corridor Site Plan for residential use, garden and patio homes, on property located south of southwest corner of South Maybelle Avenue and West 81st Street and abutting south of subject property. The TMAPC recommended approval per staff recommendation and subject to adding Use Unit 1, to impose the additional buffer along the north end across to the detention pond. City Council approved the applications per TMAPC recommendation with condition of Maybelle getting upgraded in accordance with the Major Street and Highway Plan and per City of Tulsa design standards within the project limits, and resurfaced to 22' wide with improved borrow ditch from the northern boundary of the subdivision to West 81st Street.

Z-7116/ PUD-765 February 2009: All concurred in approval of request for rezoning a 4.64± acre tract of land from AG to CS/PUD and a proposed Planned Unit Development a for four commercial pad sites with a total of 50, 295 square feet, on property located southwest corner of Highway 75 South and West 81st Street South and abutting west of subject property across Highway 75.

Z-7115/ Z-7115-SP-1 February 2009: All concurred in approval of a request for rezoning a 25.97± acre tract of land from AG to CO and a proposed Corridor Site Plan for mixed use development with 122, 512 square feet of retail and office, 152.40 square feet of hotel and 320 multifamily dwelling units on property located on the southwest corner of Highway 75 South and West 81st Street South and west of subject property across Highway 75.

BOA-20857 February 10, 2009: The Board of Adjustment accepted a verification of spacing requirement between outdoor advertising signs subject to the action of the Board being void should another outdoor advertising sign be constructed prior to this sign per surveyor's certificate on page 10.6, on property located at the southeast corner of West 81st Street and Highway 75 and the subject property.

Z-7008-SP-1/ Z-6966-SP-1/ Z-6967-SP-1 March 2006: All concurred in approval of a Corridor Site Plan on 176± acres to permit a regional shopping center known as the Tulsa Hills site with a total of 1,554,194 square feet of maximum building floor area approved at a .25 floor area ratio. On property located east of US Highway 75 between West 71st and West 81st Streets and abutting north of subject property across West 81st Street.

Z-4948-SP-3 March 2000: All concurred in approval of a proposed Corridor Site Plan on a 7.26± acre tract of land to allow Use Unit 9 to place a 14'x70' mobile home on the site for residence for an employee/security/additional office and storage space, on property located south of the southeast corner of West 81st Street South and South Union Avenue and southwest of subject property across Highway 75.

Z-4948-SP-2 January 1999: Staff recommended denial of a proposed Corridor Site Plan on a 4.7± acre tract of land allowing Use Unit 21 for an outdoor advertising sign, on property located south of the southeast corner of West 81st Street South and South Union Avenue and southwest of subject property across Highway 75. The TMAPC and City Council concurred in approval of the application.

Z-4948-SP-1 October 1985: All concurred in approval of a proposed Corridor Site Plan on a 14.94± acre tract of land allowing Use Units 11 and 15 for an x-ray company, on property located south of the southeast corner of West 81st Street South and South Union Avenue and southwest of subject property across Highway 75.

Z-5638 November 1981: A request for rezoning a 35± acre tract of land to CS/OL/RS-1 for a mixed-use development was *withdrawn*, on property located on the southeast corner of West 81st Street and Highway 75 South and the subject property.

Z-4595 March 1974: All concurred in denial of a request for rezoning a 35± acre tract of land from AG to CS and approval of a net 5 acres of CS and OL for retail commercial, on property located on the southeast corner of West 81st Street and Highway 75 South and the subject property and a part of the subject property. Ultimately, 5 acres along West 81st Street was rezoned to OL/CS.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 30± acres in size and is located at the southeast corner of U.S. Highway 75 and West 81st Street. The property appears to be vacant and is zoned AG/OL/CS.

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

SURROUNDING AREA: The subject tract is abutted on the east by unplatted large-lot single-family residential/agricultural/mixed uses, zoned AG; on the north by West 81st Street and Tulsa Hills Regional Shopping Center, a commercial/mixed use development, zoned CO; on the south by Hyde Park, a small lot single-family subdivision, zoned CO; and on the west by U.S. Highway 75, zoned AG. To the northeast is the Stonebrooke Glen, the Reserve at

Stonebrooke, Stonebrooke Park and Stonebrooke Estates single-family subdivisions, zoned RS-3.

A large version of the graphic below is attached as Exhibit A-2.

TRANSPORTATION VISION:

The Tulsa Comprehensive Plan does not designate West 81st Street South or Maybelle Avenue.

TULSA CITY-COUNTY MAJOR STREET AND HIGHWAY PLAN:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West 81st Street	Secondary arterial	100'	3 (with left-turn lane)
South Maybelle Avenue	To be improved to collector street standards	N/A	2

RELATIONSHIP TO THE TULSA COMPREHENSIVE PLAN:

The Tulsa Comprehensive Plan identifies the subject property as an Area of Growth with the land use classification Neighborhood Center along West 81st Street and along a portion of Maybelle Avenue. The balance of the property is designated as a New Neighborhood (see below).

Neighborhood Centers are described by the Plan as small-scale; one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services. They can include apartments, condominiums, and townhouses, with small lot single-family homes at the edges. These are pedestrian-oriented places served by transit, and visitors who drive can park once and walk to number of destinations.

Staff recognizes this entire area as an area that can truly be defined as an area in transition (see Exhibit A-2). The development of the Tulsa Hills Regional Shopping Center; the four Stonebrooke single-family subdivisions; the residential and commercial mixed use Westridge Plaza at the southwest corner of West 81st Street and I-75; and the Nickel Creek mixed use residential single-family, multifamily and commercial development at the northwest corner of West 81st Street and I-75 are all contributing factors in the shift of this area from a basically large-lot, rural area to a center of mixed residential and commercial uses.

The Neighborhood Center land use classification on the property follows an antiquated zoning line which was established in 1974 when a request was made to rezone the entire subject tract from AG to OL/CS. At that time the West 81st

Street interchange with I-75 was a half diamond, limiting access to northbound on and off traffic only. Citing the limited highway access to West 81st Street, the TMAPC voted to limit the OL and CS zoning to five acres along West 81st Street. Since the full interchange has been constructed, West 81st Street improved and Maybelle Avenue scheduled for improvement, it seems the Neighborhood Center Classification could be extended to the remainder of the site.

Also, given the location of the property within the context of recent corridor development in the area, as well as, the location along a major highway staff further believes the Neighborhood Center land use classification could be supported on the bulk of the property. The development concept proposes buildings pushed closer to the collector street with one- to two-story buildings designed to serve the newly-forming nearby neighborhoods with retail, dining, and services as defined in the Plan, including a much-needed grocery store. The development is designed to be pedestrian-friendly and will be served by bus, the only form of mass transit available in Tulsa today. The development will provide pedestrian and golf cart connectivity to the small-lot single-family homes on the southern edge and via a collector street with sidewalks to the large-lot single-family homes to the east as desired by the Plan.

Provided the aforementioned, staff contends the proposed concept plan **may be found** in accord with the Plan.

STAFF RECOMMENDATION FOR ZONING:

The CO zoning category was designed to encourage higher intensity mixed use developments. All proposed development within a CO zone is subject to Corridor Site Plan review. The subject property is abutted on the north and south by CO-zoned properties and across U.S. 75 by CO-zoned properties. Rezoning of this property in order to develop a commercial mixed-use center is in keeping with adjacent development and with the intent of the CO description as set forth in the Zoning Code. Therefore, staff recommends **APPROVAL** of the requested CO zoning for Z-7164.

STAFF RECOMMENDATION FOR CORRIDOR SITE PLAN:

Corridor District Site Plan Z-7164-SP-1 is an approximately 30-acre tract located at the southwest corner of West 81st Street South and US Highway 75. Known as "The Walk", the site has a very gradual slope from east to west with elevations starting at approximately 675-feet on the east side of the tract to 700-feet on the west along Highway 75. The property is currently vacant and is immediately north of the recently-approved Hyde Park, a small-lot single-family subdivision designed for senior living.

The Walk is proposed as a neighborhood- and pedestrian-oriented office and commercial mixed-use development. The proposal is to create an attractive and effective transition between the 170-acre Tulsa Hills Regional Shopping Center and Hyde Park (see Exhibits A and A-1). The current development of Tulsa Hills

and the approval of Hyde Park have established the proposed location of The Walk as an ideal location for a neighborhood-orientated transition between the two developments. The Walk will be designed around tenants such as a much-needed grocery store and a health club which will primarily serve the needs of the immediate area. A movie theater is also proposed for another entertainment option for the area.

The primary point of access for the project will be at South Olympia Avenue from West 81st Street and the secondary point of access for the project will be on South Maybelle Avenue. Internal access will be provided by private collector streets and a service road. Throughout the project, there will be shared, cross-parking and mutual access for pedestrians and vehicles. There will be at least three (4) access points between the project and Hyde Park at Tulsa Hills, including three pedestrian access points and one restricted vehicular access point per Exhibit A-1. Golf cart parking throughout the development will be provided to facilitate use by the residents of the adjacent senior community.

Referring to Exhibit A, another feature of the Walk will be excessive landscaping with tree-lined streets and parking areas much in the fashion of Utica Square. Pedestrian access and circulation is a primary focus with sidewalks to be extended along the west side of Maybelle Avenue to West 81st Street and along the south side of West 81st Street within the project limits. Sidewalks will also be provided on both sides of the interior collector street(s) within the project. Pedestrian circulation from collector street sidewalks, through and within individual lots will be provided by distinct pedestrian walkways clearly identifiable through parking areas to the nearest point of building access. Sidewalks which cut through "street yards" will not affect street yard landscaping calculations.

In an effort to further ensure a compatible relationship with the residential uses to the east and south, the applicant is proposing to restrict the permitted uses in The Walk. Multifamily uses, automobile sales and repair services, sexually-oriented businesses or billboards will not be permitted within The Walk at Tulsa Hills. Also, sixty (60) feet of right-of-way will be dedicated from the east boundary of the project for the improvement of South Maybelle Avenue.

Lot owners will enroll in a mandatory property owners' association which will be responsible for maintaining the reserve areas. Reserve areas will be utilized as private streets, parking, sidewalks, landscaped entryways, stormwater detention facilities, water features and treatments, water cisterns, and limited wind turbines. Wind turbines will not exceed a height of 55' and will provide electrical power to the development, which will be one of the first for a commercial development in Tulsa (see attached Exhibit F) .

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds Corridor District Site plan Z-7164-SP-1 to be: (1) in harmony with the existing and expected development of

surrounding areas; (2) a unified treatment of the development possibilities of the site; and (3) consistent with the stated purposes and standards of the Corridor Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of Corridor District Site Plan Z-7164-SP-1 subject to the following conditions as amended by staff and the TMAPC (items with strikethrough have been removed, underlined items added in). **Note:** Should the Corridor Plan be approved by the Tulsa City Council, the Council will need to request an amendment to the Land Use Plan Map within the Tulsa Comprehensive Plan to extend the Neighborhood Center classification to the entire property:

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

Gross Area: 31.1 acres

Net Area: 28.7 acres

Permitted Uses:

Uses permitted as a matter of right in Use Unit 1, Area-Wide Uses by Right; Use Unit 10, Off Street Parking; Use Unit 11, Offices and Studios, Including Drive-Thru Banking Facilities; Use Unit 12, Entertainment Establishments and Eating Establishments, Other Than Drive-Ins; Use Unit 13, Convenience Goods and Services; Use Unit 14, Shopping Goods and Services; Use Unit 15, Other Trade and Services, Limited to Dry Cleaning, Computer Repair, Data Processing Machine Repair and Electrical Repair Service; Use Unit 18, Drive-In Restaurants; Use Unit 19, Hotel, Motel, and Recreational Facilities, Limited to Gymnasium, Motion Picture Theatre (Enclosed) Health Club/Spa, and Swimming Pool (Enclosed); Use Unit 21, Business Signs and Outdoor Advertising Signs Limited to, Business Signs Identifying the Project and Businesses and Tenants Within the Project and Directional Signs, and Uses Customarily Accessory to the Permitted Uses Including, But Not Limited to, Private Streets, Services Roads, Storm Water Drainage, Storm Detention Facilities, Water Cisterns, Water Features, Wind Turbines and Open Spaces.

Maximum Building Floor Area: 280,000 SF

Maximum Land Coverage of Buildings: 30%

Maximum Building Height: 35 FT

Architectural elements and business logos may exceed the maximum building height with detailed site plan approval. Wall signs or business logos may not exceed the height of any parapet wall.

**Maximum Unoccupied Structure Height
Such as Wind Turbines:** 55 FT

Off-Street Parking:

As required by the applicable Use Unit of the Tulsa Zoning Code; unless otherwise modified by the Board of Adjustment. Shared parking will be encouraged and approved per Corridor District Detail Site Plan Review and filing of shared parking agreements and/or parking easements as necessary.

Minimum Building Setbacks:

From the southerly right-of-way line of West 81st Street: 100 FT
From the westerly boundary: 25 FT
From the south boundary: 70 FT
From the right-of-way line of South Maybelle Avenue: 40 FT
Internal lot side yards to be established by plat or detailed site plan.

Signs:

1. Ground Signs - Ground signs shall be permitted as follows:
 - a. One ground sign for each lot fronting on West 81st Street. Each such sign shall not exceed 12 FT in height and 80 SF of surface display area.
 - b. Two center identification signs along U. S. Highway 75 frontage shall be permitted and separated by a minimum of 500 FT. Each center identification sign shall not exceed 50 FT in height and 500 SF of display surface area.
 - c. One ground sign for each lot fronting on the corridor collector street. Each such sign shall not exceed 6 FT in height and 64 FT of display surface area.
 - d. Three center tenant directional signs along the frontage of the corridor collector street. Each tenant directional sign shall not exceed 8 FT in height and 80 SF of display surface area.
2. Wall Signs - Wall signs shall be permitted not to exceed 2.0 SF of display surface area per lineal foot of building wall to which attached.

The length of the wall sign shall not exceed 80% of the frontage of the building.

- a. Wall signs shall be prohibited on south facing building walls within one hundred (100) feet of the southerly boundary of the project.
- b. Wall signs are permitted on east facing building walls within 590 feet of the northern boundary of the project.
- c. Wall signs are prohibited on east facing building walls that are:
(1) more than 590 feet from the northerly boundary of the project; and (2) within 100 feet of the east boundary of the project.

Lighting:

All site lighting, including building mounted within 75' of the south boundary of the development shall not exceed 18-feet in height. All other lighting ~~Light standards, including building mounted,~~ shall not exceed 35 FT in height. All site lighting and shall be hooded and directed downward and away from the east and south boundaries of the project to the extent that light producing elements and reflectors will not be visible to a person standing at ground level within abutting residential districts or residentially-used property. Verification of such shall be through the submittal of a photometric plan and manufacturer's cut-sheets showing full cut-off capability for all site lighting.

Landscaping and Screening:

A minimum of 10% of the net land area shall be improved as internal landscaped open space.

Landscaping provided at The Walk will promote the beautification of the development and the surrounding community. Long-life trees and other landscape materials of native and other environmentally appropriate species will be provided to aid water recharge and water runoff retardation and provide a meaningful urban forest. Rainwater cisterns will be utilized to aid in irrigation and to further limit water run-off. Landscape material will also be utilized to screen parking and service areas. The tree lined collector will have an excessive landscaped median creating a meaningful streetscape.

Screening along the south boundary of the property will be provided by the construction of a 6' masonry style wall, ~~and wood wall approved as part of the Hyde Park development~~ excepting at pedestrian and restricted vehicular access points.

Street yard and parking area landscaping will substantially conform to the conceptual landscape plan as shown in attached Exhibit A.

Access and Circulation:

A private street called South Olympia Drive will be constructed from West 81st Street South and proceed south into the development. This street will dead end in a round-about with parking access along its entire length and a cut-out for a bus stop. A minor street will connect South Olympia Drive with the existing Maybelle Avenue to the east.

Pedestrian Access and Circulation:

Pedestrian circulation will be provided with the installation of sidewalks along the south side of west 81st Street, the west side of Maybelle Avenue, and on both sides of the corridor collector streets. Separate pedestrian access from the collector street sidewalks through individual lots to the nearest building access will be provided and verified through the Corridor District Detail Site Plan Review process and approved by the TMAPC. For the purposes of landscaping, walkways that traverse street yards will not count against open space requirements.

Three pedestrian access points will be provided along the southern boundary of the development per attached Exhibit A-1. A 26' wide restricted vehicular access will also be provided on the southwest corner of the site to allow residents of Hyde Park easy access to the development.

Site and Sign Plan Review:

No building permits shall be issued for any building within The Walk of Tulsa Hills until a corridor district detailed site plan and detailed landscaping plan have been submitted to the Tulsa Metropolitan Area Planning Commission and approved as being in compliance with The Walk at Tulsa Hills corridor district site plan, provided partial detailed site and landscape plans may be submitted for the development of a particular building. Construction of buildings may proceed separately after the approval of a partial detailed site and landscape plan.

3. No zoning clearance permit shall be issued for a lot within the Corridor District until a detail site plan for any lot, which includes all buildings, parking, pedestrian access, and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD 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, architect or engineer registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences will be installed by a specific

date 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 District until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved Corridor District development standards.
6. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
7. 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.
8. 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.
9. All private roadways shall have a minimum right-of-way of 30' and be a minimum of 26' in width. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor commercial collector street. The maximum vertical grade of private streets shall be ten percent.
10. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.
11. No building permit shall be issued until the requirements of Section 805-E and 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 District conditions of approval and making the City beneficiary to said covenants that relate to Corridor District Site Plan conditions.
12. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
13. Approval of the Corridor District Site Plan is a basic endorsement of the conceptual layout. Final details, which may include slight variations of the concept plan including but not limited to minor shifts in the location of

building footprints to align closer to the Corridor Collector Street will be done during detail site plan review and the subdivision platting process.

14. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle. Trucks or truck trailers may not be parked in the Corridor District except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the Corridor District.

TAC Comments:

General: The description of Exhibit "B" given on page 1 of the narrative incorrectly describes the information shown on the exhibit. Exhibits "A-G" only show 1 point of access between the Project and Hyde Park at Tulsa Hills, not the "at least 3" presented on page 1 of the narrative. Add Dimensions to the Exhibits to show the distances between the buildings and the south boundary of the project.

Water: An IDP looped waterline extension is required; inside a 20' restrictive waterline easement.

Fire: Fire hydrant locations will have to be per the fire code. The spacing is determined by building size and type. The Fire Marshall's office is willing to assist with the layout. Any building over 30' will need a 26' wide drive access on along one side of the structure. Drive radiuses will need to be 28' inside. 13-6" vertical clearance will need to be maintained. The access on the southwest corner will be required to be a minimum of 20 feet wide and if gated will require Knox access.

Stormwater: Page 8 of the narrative: If Fill Materials are placed in the Floodplain, and then Compensatory Storage must be provided in that same Floodplain on the property. All Additional Drainage, generated by the additional impervious areas constructed by this Development, must be piped to the On-site, Stormwater Detention Facilities. What is meant by the statement "...the southeastern corner of the site within." found in line 5 of the Drainage paragraph? Detention is actually shown over a larger area in the east central area of the site, than it is in the southeast corner of the site. Both Detention sites should be documented in the narrative. Offsite Drainage which flows onto the site must be conveyed across the site in a Public Drainage System, which must be located in the appropriate easement for that type of conveyance, either Overland Drainage Easement or Storm Sewer Easement or both. An IDP will be required for Public Drainage System construction on this site.

Wastewater: Sanitary Sewer Service must be provided to the proposed development area through a mainline extension.

Transportation: Ensure that adequate ROW currently available along W. 81st St. COT Atlas and County maps show only 24.75' of ROW. 50' is required. How wide is South Olympia Ave and the connecting street to South Maybelle Avenue? The south west connection to Hyde Park is not shown as a street. There is a 30' wide private street with 26' wide pavement that connects to this access.

INCOG Transportation:

- **MSHP:** West 81st Street is a designated secondary arterial. US-75 is a designated freeway. South Maybelle Avenue is a designated residential collector.
- **LRTP:** W. 81st Street S., between US-75 and S. Elwood Ave, existing 2 lanes. US-75, between W. 81st St. N. and W. 91st St. N., planned 6 lanes. Per TMAPC subdivision regulations, sidewalks should be constructed if non-existing or maintained if existing.
- **TMP:** No comments.
- **Transit:** Currently, Tulsa Transit operates services at this location (W. 81st Street S., between US-75 and S. Elwood Ave). 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.

Traffic: No comments.

Airport Authority: The proposed development falls within the traffic pattern zone for Jones Riverside Airport. The airport requests that aviation easement language be attached to the plat. The airport also requests that FAA form 7460-1 (air study) be submitted for the development and two identification signs be located along HW 75.

GIS: No comments.

Street Addressing: No comments.

TMAPC COMMENTS:

In response to Ms. Cantrell, Mr. Sansone stated that the applicant is required to provide sidewalks on the south side of West 81st Street, the west side of South Mabel Avenue and both sides of the corridor collector streets (north, south, east and west access points) and during the detail site plan phase, staff will be looking for connections from the front of the buildings to the sidewalks along the corridor collector street. Ms. Cantrell asked if the internal street will have sidewalks on both sides. In response, Mr. Sansone stated that staff is recommending sidewalks on both sides of the east/west connector and every store front to the corridor collector sidewalks. Ms. Cantrell expressed concerns with a sea of parking without pedestrian walkways for safety.

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, Suite 200, 74114, stated that he is in agreement with staff on every issue. Mr. Reynolds explained how he contacted interested parties within the subject area and held meetings.

TMAPC COMMENTS:

In response to Mr. Leighty, Mr. Reynolds stated that his client would say that the City of Tulsa, INCOG and City Planning, etc. have been very cooperative and helpful and very responsive. He further stated that his client has customized this project to fit within the subject area it is being developed. There are no large fields of parking in the subject proposal. Mr. Reynolds explained how they

worked with the City Planning Department, INCOG and neighbors. There will be a golf-cart parking area for the neighbors to the south. In agreement with the neighbors on the south boundary there will be a six-foot masonry fence rather than eight. The neighbor to the south is willing to split the cost of the six-foot masonry wall. Mr. Reynolds indicated that there has been cooperation from public and private to come up with this proposal. Mr. Reynolds explained how the bus system can come into the development and turn around to leave the development. His client has agreed to widen Maybelle and all of the cost for widening of Maybelle will come from the subject project. The developer is very concerned about the environment and he is attempting to use black-water for irrigation and windturbines to power common areas.

In response to Mr. Leighty, Mr. Reynolds stated that the subject project is a substantial compromise, especially considering what else is in the subject area. When one talks about neighborhood planning, one has to look at the neighborhood that it is in and look to the future as well. The projects that his client has done in the past are much more urban than the proposed development. His client develops to fit the neighborhood, the market and tenants' needs. One of the things that has been overlooked in the past development of the subject area is a grocery store and he is delighted to secure a grocery store tenant. Mr. Reynolds concluded that the subject proposal doesn't look like Tulsa Hills and it is an urban pedestrian-oriented, walkable scale.

Mr. Midget stated that he doesn't see very many people walking to this site since there isn't any density in the subject area yet. Most everyone will be in a car and it has been made attractive and to encourage people to walk from store to store. Mr. Midget stated that he believes the applicant did an excellent job. Mr. Midget commended Mr. Reynolds on this application.

INTERESTED PARTIES COMMENTS:

Kaye Price, 5815 South 31st West Avenue, 74107, representing W.O.R.T.H., stated that she is support of this development and confirmed that the applicant met with the neighbors and discussed their concerns. Ms. Price expressed her dislike that the Board isn't happy with how the development looks because it is about what the residents want. Ms. Price commented that the way this applicant has conducted the meetings and addressed concerns is how it should always be done.

TMAPC COMMENTS:

Mr. Leighty stated that he wanted to make it clear that he will be supporting this project and he doesn't have any big problems with it, but he only asked questions for his own understanding and information.

INTERESTED PARTIES COMMENTS:

Rich Perkins, 1734 West 63rd Street, 74132, representing West Highlands I HOA, stated that he is in support of this project and indicated his appreciation for the applicant meeting with the neighborhood and interested parties.

STAFF RECOMMENDATION:

Mr. Sansone presented amendments that he failed to mention at the presentation. There are two specific items: 1) A six-foot masonry style wall to be constructed along the entirety along the south boundary excepting pedestrian and vehicular access points, 2) all site lighting, including building-mounted, within 75 feet of the south boundary of the development will be limited to 18 feet in height with standard language regarding shielding.

TMAPC COMMENTS:

Ms. Cantrell stated that with all due respect to Ms. Price, she understands that this is not Pearl District, but she did have some concerns when she first saw the proposal. She had a difficult time visualizing how a person would get from one end to the other. She believes it is very critical that people have the opportunity to walk from store to store without using their vehicles. With the sidewalks on both sides of the collectors and with the promise that as these properties develop, there will be connections to the sidewalks, she can support this project.

TMAPC Action; 7 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **7-0-0** (Cantrell, Dix, Leighty, Liotta, Midget, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards, McArtor, Shivel "absent") to recommend **APPROVAL** of Z-7164 for CO zoning and recommend **APPROVAL** of Z-7164-SP-1 with the amendments that include the six-foot masonry wall and the lighting requirements as provided by staff.

Legal Description for Z-7164/Z-7164-SP-1:

A PORTION OF THE NORTHEAST QUARTER (NE/4) OF THE NORTHWEST QUARTER (NW/4) OF SECTION FOURTEEN (14), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW/4); THENCE SOUTHERLY ALONG THE EAST LINE OF THE NE/4 OF THE NW/4 A DISTANCE OF 1326.22 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE NORTH 89°52'45.95" WEST ALONG THE SOUTH LINE OF THE NE/4 OF THE NW/4, A DISTANCE OF 1272.18 FEET TO A POINT ON THE CURVE TO THE EAST PROPERTY LINE OF U.S. HIGHWAY NO. 75; THENCE IN A NORTHEASTERLY DIRECTION AROUND A CURVE TO THE LEFT WHOSE RADIUS IS 34,527.5 FEET A DISTANCE OF 1231.92 FEET TO A POINT 100.4 FEET SOUTH AND 172.02 FEET EAST OF THE NORTHWEST CORNER OF THE NE/4 OF THE NW/4; THENCE 87°44' EAST A DISTANCE OF 457.0 FEET;

THENCE NORTH 43°59' EAST A DISTANCE OF 78.1 FEET, THENCE NORTH A DISTANCE OF 24.75 FEET TO A POINT ON THE NORTH LINE OF THE NE/4; THENCE EAST ALONG SAID NORTH LINE A DISTANCE OF 642.2 FEET TO THE POINT OF BEGINNING. LESS AND EXCEPT: A STRIP, PIECE OR PARCEL OF LAND LYING IN PART OF THE NE/4 NW/4 OF SECTION 14, TOWNSHIP 18 NORTH, RANGE 12 EAST IN TULSA COUNTY, STATE OF OKLAHOMA, SAID PARCEL OF LAND BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS: BEGINNING AT THE POINT WHERE THE PRESENT EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 75 INTERSECTS THE SOUTH LINE OF SAID NE/4 NW/4 A DISTANCE OF 1280.81 FEET S 88°57'06" W OF THE SE CORNER OF SAID NE/4 NW/4, THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE ON A CURVE TO THE LEFT HAVING A RADIUS OF 34,500.32 FEET AND HAVING A CHORD BEARING OF N 04°44'58" E A DISTANCE OF 1242.67 FEET TO A POINT WHERE SAID PRESENT EAST RIGHT-OF-WAY LINE INTERSECTS THE PRESENT SOUTH RIGHT-OF-WAY LINE OF 81ST STREET; THENCE N 87°43'42" E ALONG SAID PRESENT SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 456.97 FEET, THENCE S 79°50'59" W A DISTANCE OF 238.53 FEET, THENCE S 06°41'53" W A DISTANCE OF 402.59 FEET, THENCE S 14°47'14" W A DISTANCE OF 671.72 FEET, THENCE S 11°58'18" W A DISTANCE OF 167.43 FEET TO A POINT ON THE SOUTH LINE OF SAID NE/4 NW/4, THENCE S 88°57'06" W A DISTANCE OF 71.58 FEET TO THE POINT OF BEGINNING.

* * * * *

21. **Z-7162 – Lou Reynolds/Marian Lee Trust c/o Eller & Detrich**, Requesting **RS-2 to OL**, Location: West of the southwest corner of East 51st Street and South Toledo Avenue, (CD-7)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11823 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-6760 June 2000: All concurred in approval of a request for rezoning a 1.9± acre tract of land from RS-2 to OL, application related to PUD-630 (see below) on property located west of the southwest corner of East 51st Street and South Richmond Avenue and west of subject property.

PUD-630 June 2000: All concurred in approval of a proposed Planned Unit Development on a 3.65± acre tract of land for a drive-in banking facility, application related to Z-6760, on property located west of the southwest corner of East 51st Street and South Richmond Avenue and west of subject property.

Z-6590 June 1997: Staff and TMAPC recommended for denial of a request for rezoning a .43± acre tract of land from RS-2 to OM and approval of OL for office use, on property located west of the southwest corner of East 51st Street and South Richmond Avenue and west of subject property. City Council approved OL for Lot 1 and the north 30' and denial of the remainder.

BOA-4627 April 14, 1965: The Board of Adjustment approved a Special Exception to permit a home beauty shop, on property located on the subject property.

BOA-4031 April 10, 1963: The Board of Adjustment approved a Special Exception to permit a fire station per the City of Tulsa Fire Department, on property located on the southwest corner of East 51st Street and South Toledo Avenue and abutting the subject property to the east.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .9± acres in size and is located west of the southwest corner of East 51st Street and South Toledo Avenue. The property appears to be vacant and is zoned RS-2.

SURROUNDING AREA: The subject tract is abutted on the east by a fire station, zoned RS-2; on the north by offices, zoned OM; on the south by single-family residential uses, zoned RS-2; and on the west by offices, zoned OM.

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

TRANSPORTATION VISION:

The Major Street and Highway Plan designates East 51st Street as a secondary arterial and the property lies south of I-44, an expressway. Much roadway construction is underway on these facilities. The roadway in this area appears to be designated a multimodal corridor. Multimodal corridors are envisioned as accommodating the various alternative transportation modes, from pedestrian to buses to other high occupancy forms, as well as personal vehicles.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 51st Street	Secondary arterial	100'	4 + turning lanes

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Comprehensive Plan designates this property as a Mixed Use Corridor. Mixed Use Corridors are intended to couple high capacity transportation routes with housing, commercial and other employment uses. Typically the transportation facilities in these corridors have four or more travel lanes, with perhaps additional lanes for bicycle or transit use. Buildings along the Mixed Use Corridors are envisioned as fronting on the sidewalks, which feature street trees,

medians and parallel parking strips, although building-associated parking is anticipated to be located behind the particular buildings. Properties adjacent to it are similarly designated and those to the north are designated as Town Centers.

East 51st Street is a heavily traveled arterial and is being improved. This area is also designated as an area of growth, and clearly this area is one of transition to higher intensity development. According to the comprehensive plan, areas of growth are seen are locations in which municipal resources should be allocated when possible to encourage higher intensity development. The requested OL zoning **is** in accord with the Comprehensive Plan.

STAFF RECOMMENDATION:

Based on surrounding development, trends in the area and the Comprehensive Plan, staff can support the rezoning request and recommends **APPROVAL** of OL zoning for Z-7162.

Applicant's Comments:

Lou Reynolds, 2727 East 21st Street, Suite 200, 74114, indicated his agreement with staff's recommendation.

INTERESTED PARTIES COMMENTS:

Doyle Boyd, 4053 East 47th Street, 74135, expressed concerns about stormwater drainage. He stated that the drainage needs to be addressed the same as it was for the fire station in the subject area.

Applicant's Rebuttal:

Mr. Reynolds stated that there are no immediate construction plans at this time. The subject property will have to be replatted because of the zoning change and it will go through the TAC process and deal with the stormwater in accordance with the City of Tulsa regulations and at that time this issue would be addressed.

TMAPC Action; 7 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **7-0-0** (Cantrell, Dix, Leighty, Liotta, Midget, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards, Shivel, McArtor "absent") to recommend **APPROVAL** of the OL zoning for Z-7162 per staff recommendation.

Legal Description for Z-7162:

The north 264' of the west half of the east half of the east half of the northwest quarter of the northeast quarter (W/2 E/2 E/2 NW/4 NE/4) of Section 33, T-19-N, R-13-E, City of Tulsa, Tulsa County, State of Oklahoma, according to the U.S. Survey thereof.

* * * * *

Mr. Midget out at 3:40 p.m.

22. **Z-7163 – Mark Reents/Bethany Christian Church**, Requesting **RS-3 to OL**,
Location: Northwest corner of East 67th Place and South Sheridan Road (CD-7)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11829 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

BOA-17385 May 28, 1996: The Board of Adjustment approved a Special Exception to permit a private school in association with a previously approved church, in an RS-3 district, per plan submitted; subject to the enrollment for pre-school only, on property located at 6730 South Sheridan Road and a part of the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1.21± acres in size and is located at the northwest corner of East 67th Place and South Sheridan Road. The property is vacant and zoned RS-3.

SURROUNDING AREA: The subject tract is abutted on the east by single-family residential uses, zoned RS-3; on the north by a church and related uses, zoned RS-3; on the south by a heavily wooded area, zoned OL; and on the west by single-family residential uses, zoned RS-3.

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

TRANSPORTATION VISION:

The Comprehensive Plan designates this as a mixed use corridor and South Sheridan as a multi-modal corridor. Mixed use corridors are envisioned to pair high capacity transportation facilities with a mix of housing, commercial and other employment uses. Travel facilities usually have four lanes and sometimes associated bicycle and transit lanes. Sidewalks may be separated from traffic by street trees, medians and parallel parking strips. Vehicular parking associated with buildings is to be located at the rear of the buildings, which are envisioned to face the street. Multimodal corridors are to accommodate a variety of transportation means in order to encourage options.

The Comprehensive Plan also designates this as an area of growth. The purpose of Areas of Growth is to direct allocation of municipal resources and channel growth to areas in which they will be beneficial and optimize access to jobs, housing and services while shortening/reducing vehicular trips.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Sheridan Road	Secondary arterial	100'	4
East 67th Place	N/A	N/A	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

According to the Comprehensive Plan, the requested OL is in accord with the plan. The area is currently one of mixed uses and that is projected to continue. Refer to Transportation Vision section above for further details.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan, surrounding uses and trends in the area, staff can support the requested rezoning and recommends **APPROVAL** of OL zoning for Z-7163.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **6-0-0** (Cantrell, Dix, Leighty, Liotta, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards, Shivel, McArtor Midget "absent") to recommend **APPROVAL** of the OL zoning for Z-7163 per staff recommendation.

Legal Description for Z-7163:

A tract of land in the Northeast Quarter of the Southeast Quarter of Section 3, Township 18 North, Range 13 East of the Indian Base and Meridian, City of Tulsa, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, said tract of land being described as follows: Commencing at the Northeast corner of said SE/4; Thence Due South for 518.00 feet; Thence North 89°52'42" West for 50.00 feet; Thence Due South for 393.44 feet to the Point of Beginning of said tract of land; Thence continuing Due South for 140.0 feet; Thence North 89°52'42" West for 220.00; Thence Due South for 10.00 feet; Thence North 89°52'42" West for 136.95 feet; Thence Due North for 50.00 feet to a point of curve; Thence along a curve to the left with a radius of 187.86 feet and a central angle of 32°11'12" for 105.52 feet; Thence Due East for 385.82 feet to the Point of Beginning of said tract of land.

* * * * *

23. **PUD-781 – Tanner Consulting, LLC/River Oaks Canopy Tour**, Requesting **CS/RM-1/RD/RS-3 to CS/RM-1/RD/RS-3/PUD**, Location: Southwest corner West 53rd Street and Union Avenue (PUD proposes a Tree Canopy Tour as an interim use.) (CD-2)

ZONING ORDINANCE: Ordinance number 13029 dated December 20, 1773, established zoning for the subject property.

RELEVANT ZONING HISTORY:

PUD-375-B October 2003: A request for a major amendment to the PUD to add an additional 10± acre tract that abutted the PUD on the west, to the original PUD-375 in order to increase the school campus area. New development standards and approval to add school and accessory school uses was approved.

BOA-14128 July 10, 1986: The Board of Adjustment approved a Special Exception to permit a pre-school day care center to be operated within an existing elementary school in an AG district, on property located at 2524 West 53rd Street and abutting the subject property to the west.

BOA-8533 April 3, 1975: The Board of Adjustment approved a Special Exception to permit a public park, on property located at north of the northeast corner of South Union Avenue and West 59th Street and abutting the subject property to the east across South Union Avenue.

Z-4536 December 1973: All concurred in approval of a request for rezoning a tract of land from AG to RS-3/RD/RM-1/CS on property located on the southwest corner West 53rd Street and South Union Avenue and the subject property.

PUD-314 May 1983: All concurred in approval of a proposed Planned Unit Development on a 8.3± acre tract of land for office warehouse on property located on the southwest corner of South Union Avenue and West Skelly Drive and abutting north of subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 80.36± acres in size and is located Southwest corner West 53rd Street and South Union Avenue. The property is vacant and is zoned RS-3/RD/RM-1/CS.

SITE ANALYSIS: The subject property is approximately 80.36± acres in size and is located Southwest corner West 53rd Street and South Union Avenue. The property is vacant and is zoned RS-3/RD/RM-1/CS.

SURROUNDING AREA: The subject tract is abutted on the east by Union Avenue. Across Union Avenue is unplatted property zoned AG. The tract is abutted on the north by Frisco Center and Sebring Grand Prix, zoned CG as well

as unplatted property zoned CG/PUD-314. Also to the north is unplatted property zoned CH. The property is bordered on the south by Woodview Heights, zoned RS-3 and unplatted property zoned RS-3/PUD-375-B. To the west is unplatted property, zoned AG and one parcel located in Mountain Manor Second, zoned RS-3 (a large version of this exhibit is attached).

UTILITIES: The subject tract has municipal water and sewer available (see Exhibit C).

TRANSPORTATION VISION:

The Tulsa Comprehensive Plan does not designate Union Avenue, however the Tulsa Metropolitan Area Major Street and Highway Plan does classify Union Avenue as indicated below.

TULSA METROPOLITAN AREA MAJOR STREET AND HIGHWAY PLAN:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Union Avenue	Secondary Arterial	100'	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Tulsa Comprehensive Plan designates the parcel as an Area of Growth with a land use designation of New Neighborhood (large versions of these displays are attached herein).

Given the extensive floodplain located over a large portion of the 80-acre tract, the difficult terrain combined with what are described as poor market conditions for new residential single-family subdivisions the owner of the property is proposing this interim, non-development intensive use until such a time that the property can be fully developed. Provided the aforementioned circumstances staff finds that this unique and transitional use may be found in accord with the plan.

STAFF RECOMMENDATION:

PUD-781 is a distinctive 80-acre tract of land located south of the southwest corner of Interstate 44 (I-44) and South Union Avenue. With a 100-foot change in elevation from the southeast corner of the site to the northwest corner of the site, the property is characterized by a rough terrain setting with dense vegetation, meandering creeks and rough limestone rock outcroppings (see Exhibit B – Site Topography). The property has approximately 20 acres of CS zoning, 20 acres of RM-1 zoning, 35 acres of RS-3 zoning and five acres of RD zoning. There is no zoning change request with the PUD application.

PUD-781 proposes a Tree Canopy Tour (The Tour) that will provide an exciting and educational outdoor adventure for guests. The Tour is proposed as an interim use until such a time that residential and non-residential uses are viable for the area. Allowing interim uses has been done in the past, most typically with

golf driving ranges where the property is allowed to become income producing before the permanent use is constructed. This has been specifically done at the northeast corner of 81st and Mingo Road and near 116th Street South and South Memorial Drive.

The Tour would begin at a small training center located near the Union Avenue frontage. After a short hike down a foot trail guests will be guided to the first tree platform. After climbing to the first platform a series of platforms allow for guests to travel the tree canopies via the use of a harness and pulley; across cables that connect the platforms together. Sky bridges would span several locations creating an intimate experience with native trees and wildlife (see Exhibits A – Conceptual Site Plan and Exhibit E – Zip Line Tour Images).

The tour will incorporate educational elements along the foot paths while gaining elevation to the next platform. Next to the training center, a pavilion is proposed to host an educational component for the Tour. This feature could be used as a destination place for surrounding schools and organizations to come and learn about plants and wildlife native to this area and on this property. The general public would not be free to enter the site unaccompanied and all tours would be guided.

Staff has made several visits to the site and believes the impact to surrounding properties should be very minimal due to the extreme terrain and dense vegetation. The southeastern property line is adjacent to 16 single-family residences. Each of these properties is a minimum of 45 feet in vertical elevation above the closest tree platform with 25-foot to 40-foot average tree height. The “usable” height of most of these trees is 15 feet to 30 feet (this means the height above grade a platform can be constructed). A preserved landscaped buffer of 100 feet from the south, west, and northern property lines is proposed to provide the most effective buffer and minimize disturbance to the surrounding property owners. Preservation of a very high percentage of the natural vegetation of the site will also enhance the experience of the Tour’s guests. Disturbance to the site will be minimized to construction of the welcome center, training area, a small parking lot, and a series of rustic trail systems.

The proposal also limits the uses within the PUD to Use Unit 20 - Outdoor Recreation – Not Elsewhere Classified (NEC) to permit the Canopy Tour only. Staff contends the proposed use is one of the least obtrusive uses for this tract of land. Staff also believes the use will give the City of Tulsa a truly unique regional attraction drawing the local population as well as, tourists and their economic impact into the area.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-781 to be: (1) As an interim use, consistent with the intent of the Tulsa Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified

**Unoccupied architectural features permitted to exceed maximum height with detail site plan approval.*

Minimum Common Landscaped Open Space: 15%

Off Street Parking:

Parking will meet the requirements of Use Unit 20, unless varied by the City of Tulsa Board of Adjustment.

Lighting:

Lighting will be limited to the parking lot area and exterior building lights for security purposes. Exterior area lighting shall be limited to shielded fixtures designed to direct light downward and away from residential properties. Lighting shall be so designed that the light producing elements and the polished light reflecting elements of exterior lighting fixtures shall not be visible to a person standing within an adjacent residential area or street right-of-way. No light standard shall exceed 20 feet in height. No lighting will be permitted in the tree platforms other than flash lights or other hand held lights. Submittal of a photometric plan and manufacturers cut-sheets will be required as part of the PUD detail site plan review.

Signage:

1. Wall or canopy signs shall not exceed an aggregate display surface area of 1.5 square feet per each lineal foot of the building wall to which sign or signs are affixed.
2. Ground signs shall not exceed an aggregate display surface area of 32 square feet and shall be limited to 20 feet in height.

Hours of Operation:

Hours of operation will be limited to daylight hours.

Landscaped Open Space:

No trees or terrain shall be modified or disturbed in any way within the 100-foot preserved landscaped buffer along the southern, western, northern, and the 50-foot buffer along the eastern property line (*except for the parking area on the eastern boundary*).

Mooser Creek Trail:

At such a time that the property is developed a re-plat of the property will be required that will incorporate the dedication of a trail easement for the construction of the Mooser Creek Trail on the property. The trail easement will follow the plans as provided the City of Tulsa.

Access and Circulation

PUD-781 has a quarter mile (1,320 lineal feet) of frontage on South Union Avenue. Access to the site will be off of South Union Avenue. The access point

will lead to the off street parking area that provides access to the welcome center and training facility. An ATV access path will be provided from the Welcome Center to the first tree platform. Incidental foot access paths will meander through the rough terrain from ground landing locations to the next tree platform.

Due to the challenging terrain of the west side of Union Avenue and the future plans to widen Union Avenue the applicant intends to enter the Fee-In-Lieu of Sidewalks agreement with the City of Tulsa. This condition was accepted by the Technical Advisory Committee (TAC).

Screening

An eight-foot security fence runs the perimeter of the entire property with a locked gate off of South Union Avenue. Based on the physical terrain of the property and abutting the subject tract, a typical screening fence is unnecessary. In the alternative the 100-foot densely populated preserved landscape buffer will provide adequate screening.

3. No zoning clearance permit shall be issued until a detail site plan, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. A detail landscape plan shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect, architect or engineer registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping will be installed or maintained in accordance with the approved landscape plan, 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 PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
7. 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.
8. 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 the

PUD have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.

9. No building 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 PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
10. Subject to conditions recommended by the Technical Advisory Committee (TAC) during the subdivision platting process which are approved by TMAPC.
11. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
12. 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 PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

TAC Comments:

General: No Comments.

Water: Approval will be required to connect onto the 24-inch water main line.

Fire: Fire hydrant needs to be located within 400 feet of the furthest point of the Office structure.

Stormwater: All floodplain plus an additional 20 feet for access must be placed in an ODE. All Future Development of this property will require Off-Site drainage flowing onto this property to be conveyed across the property in an Overland Drainage Easement (ODE).

Wastewater: Sanitary Sewer Service must be provided to all lots within the proposed development. No service connections will be allowed on the existing 18" plus sanitary sewer line.

Transportation: County records show 50' ROW along Union still tied to the property. ROW dedication will therefore be required. 30' ROW is required from centerline of 53rd St. If adequate ROW is not currently available then ROW dedication will be required.

INCOG Transportation:

MSHP: S. Union Ave is a designated secondary arterial.

LRTP: S. Union Avenue, between W. 51st St. S. and W. 61st St. S., planned 4 lanes.

TMP: A planned multi-use trail, Mooser Creek Trail is shown going through this parcel. ROW is requested for this trail and shall be dedicated upon the full development and re-platting of the property.

Transit: Currently, Tulsa Transit operates an existing route at S. Union Ave, between W. 51st St. S. and W. 61st St. S. According to MTTA future plans, this location will continue to be served by transit routes. Therefore, consideration for access to public transportation should be included in the development.

Traffic: No Comments.

GIS: No Comments.

Street Addressing: No Comments.

TMAPC COMMENTS:

In response to Mr. Leighty, Mr. Sansone pointed out the uses allowed and the uses that wouldn't be allowed in the staff recommendation.

Applicant's Comments:

Ricky Jones, 5323 S. Lewis Avenue, 74105, stated that he is in agreement with the staff recommendation. It is important to know that this is an interim use because the development for the zoning of the subject property is not right at this time. When this property is developed as something else, it will require amending the PUD or rezoning the subject property and the City has the safeguard of knowing that the proposed use before the Planning Commission today is the only use at this time.

Mr. Jones described the buffer areas with residential nearby and he discussed this with one neighbor into the subject property and there were no problems. The BOA granted a variance for the parking to zero because there will not be drive-up activity. One has to make a reservation and arrive at the office and then bussed to the subject site by van. There will be a paved parking service for the bus to pull in.

INTERESTED PARTIES COMMENTS:

Kaye Price, 5815 South 31st West Avenue, 74107, indicated her support of the subject property.

TMAPC Action; 6 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **6-0-0** (Cantrell, Dix, Leighty, Liotta, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards, Midget, Shivel, McArtor "absent") to recommend **APPROVAL** of PUD-781 per staff recommendation.

Legal Description for PUD-781:

A TRACT OF LAND THAT IS THE SOUTH HALF OF THE NORTHEAST QUARTER (S/2 NE/4) OF SECTION THIRTY-FOUR (34), TOWNSHIP NINETEEN (19) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: BEGINNING AT A POINT AT THE SOUTHEAST CORNER OF SAID S/2 NE/4; THENCE SOUTH 88°59'34" WEST ALONG THE

SOUTHERLY LINE OF SAID S/2 NE/4 AND ALONG THE NORTHERLY LINE OF THE AMENDED PLAT OF WOODVIEW HEIGHTS, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, FOR 2645.40 FEET TO THE SOUTHWEST CORNER OF SAID S/2 NE/4; THENCE NORTH 01°05'13" WEST ALONG THE WESTERLY LINE OF SAID S/2 NE/4 AND ALONG THE EASTERLY LINE OF LOT FIFTEEN (15), BLOCK ONE (1), MOUNTAIN MANOR SECOND, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, FOR 1323.35 FEET TO THE NORTHWEST CORNER OF SAID S/2 NE/4, SAID POINT BEING THE NORTHEAST CORNER OF SAID LOT 1; THENCE NORTH 89°00'23" EAST ALONG THE NORTHERLY LINE OF SAID S/2 NE/4 FOR 2646.01 FEET TO THE NORTHEAST CORNER OF SAID S/2 NE/4; THENCE SOUTH 01°03'39" EAST ALONG THE EASTERLY LINE OF SAID S/2 NE/4 FOR 1322.73 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF; SAID TRACT CONTAINING 3,500,394.48 SQUARE FEET, OR 80.358 ACRES.

24. **PUD-782 – Tulsa Engineering and Planning/Tim Terral**, Requesting **RS-3 to RS-3/PUD**, Location: South of southeast corner 31st Street South and South Peoria, (PUD) (CD-9) (Owner does not approve of this application.) (Applicant has requested a continuance to March 2, 2011.) (Related to Item 19.)

STAFF RECOMMENDATION:

Withdrawn by applicant.

25. **Crow Creek Place – (9319) Minor Subdivision Plat**, Location: East of South Peoria Avenue, south of East 31st Street South (Request a continuance until March 2, 2011 for property ownership concerns.) (CD 9) (Related to Item 18.)

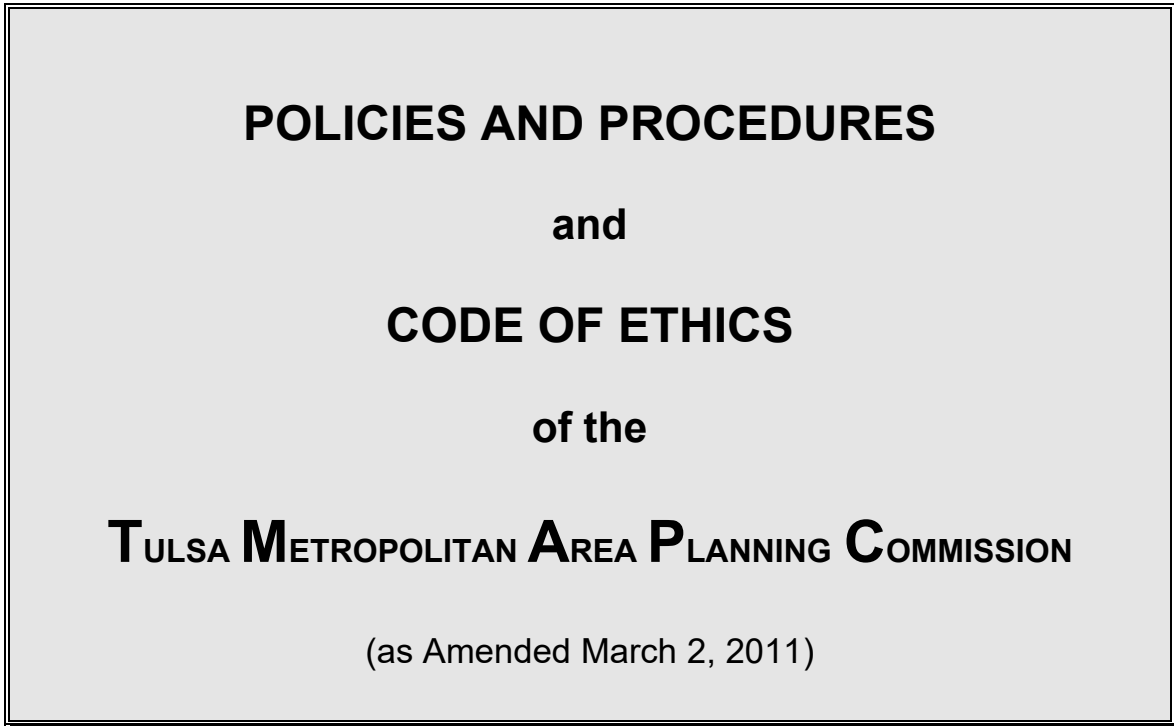
STAFF RECOMMENDATION:

Withdrawn by applicant.

OTHER BUSINESS:

26. Proposed amendments to the Policies and Procedures and Code of Ethics of the Tulsa Metropolitan Area Planning Commission

STAFF RECOMMENDATION:



SECTION I: Policies and Procedures

I. GENERAL POLICIES

A. Name

The name of this Commission shall be "Tulsa Metropolitan Area Planning Commission (TMAPC)", hereinafter referred to as the "Commission".

B. Policies Regarding Meetings

1. It is the policy of the Commission that sufficient supporting information, such as a plot plan, plat of survey, etc., be filed with an application in order for the staff and Commission to have time to evaluate the proposal. If staff concludes that sufficient supporting information has not been provided, staff shall consider the application as incomplete and shall not place the item on the agenda. If material is received by Commissioners less than 48 hours prior to a meeting, the

- application may be continued by a majority vote of Commissioners present at that meeting.
2. In order to help alleviate potential conflicts and assure that interested parties have adequate information, the Commission encourages applicants requesting a change in zoning or planned unit development (PUD) to meet with surrounding property owners of nearby areas prior to public hearings.
 3. It shall be the policy of the Planning Commission in cases where the recommended PUD concept plan is changed from the applicant's submitted plan that a revised plan reflecting the Planning Commissions' recommendation be prepared and submitted to the Planning Commission staff for transmittal to the City Council with the minutes of the meeting.
 4. It is the policy of the Commission that public comments are not encouraged at work sessions or training sessions.

C. Zoning Initiated by TMAPC

1. As a general rule, the TMAPC will not initiate applications for zoning changes without the consent of the owner or his agent, unless such application is requested by the proper legislative body.

D. Subdivisions and Lot-Splits

1. **PLAT WAIVER:** It is the TMAPC's policy to waive the platting requirement for Antennas and Supporting Structures (Use Unit 4. Public Protection and Utility Facilities) and Open Air Activities (Use Unit 2. Subsection 1202.2). The Code lists Open Air Activities as: carnivals; Christmas tree sales; circuses; fruit and vegetable sales; plant sales; tent revivals; and any other sales from trucks, trailers, pickups and other vehicles.
2. **LOT-SPLITS:**
 - a. Right-of-way acquisition by the City of Tulsa requires the processing and approval of a lot-split by the Tulsa Metropolitan Area Planning Commission (TMAPC) when the City acquires only a portion of an existing lot of record. It is the policy of TMAPC to permit Staff to process such lot-splits as "prior approval lot-splits" and stamp the deed(s) for recording with the Tulsa County Clerk. TMAPC then ratifies Staff approval at the next regularly scheduled meeting of TMAPC.

- b. No lot-split applications which require waiver of a provision of the Subdivision Regulations shall be processed as prior approval lot-splits. Such lot-splits shall require a ten-day written notice to abutting property owners (including lot owners separated only by a residential street). Deeds for such lot-splits shall not be stamped or released until the TMAPC has approved said lot-split in a public meeting.

E. *Comprehensive Plan*

It shall be the policy of the Planning Commission to not recommend or advocate site-specific locations for such public and quasi-public uses as water storage facilities, stormwater management facilities, traffic signs and signals and other similar uses.

F. TMAPC Privacy

Frequently the public asks how to contact members of the TMAPC. This may be done in one of three ways. The first is by letter correspondence to the TMAPC secretary who will deliver it to the members. The second is by-email to the TMAPC secretary, who will deliver it to the TMAPC members. The third method, if the individual wishes to speak personally with the TMAPC members, is for that individual to call the TMAPC secretary and leave a message to that effect. Staff will not release addresses or phone numbers of TMAPC members without that member's approval.

II. MEMBERSHIP AND OFFICERS

A. Commission Membership (0.8.19-863.5)

The Tulsa Metropolitan Area Planning Commission consists of eleven members, selected as follows: Six are appointed by the Mayor of the City of Tulsa and approved by the City Council, and three are appointed by the Board of County Commissioners of Tulsa County. The Mayor or a person designated by the Mayor as an alternate and the Chairman of the Board of County Commissioners or other member of the Board designated by the Chairman of the Board as an alternate shall be ex officio members of the Commission and shall be entitled to vote on all matters. Appointed members shall serve for terms of three years, and shall continue to serve until their successors are appointed. Vacancies occurring, otherwise than through the expiration of term, shall be filled only for the unexpired term in the same manner as set out above. All appointed members of the Commission shall serve without compensation and shall hold no municipal or county office.

A member of such Commission, once qualified, can thereafter be removed during his/her term of office only for cause and after a hearing held before the governing body by which he/she was appointed.

B. Absentees

In order to properly conduct business, Commissioners must attend as many meetings as practical. If a Commissioner fails to attend ten regularly scheduled meetings, excluding worksession and training session, during a 12 month period the Commission may contact the appointing body to request that the Commissioner be removed and replaced.

C. Officers

1. Annually, on the first Wednesday in January, the Commission shall elect from its appointed members a Chair, a First Vice-Chair, a Second Vice Chair and a Secretary. No Commission member shall hold the same office for more than two consecutive full one-year terms. Any vacancy in office shall be filled by the Chair for the unexpired term only.
2. The duties of the Chair shall include:
 - (a) Presiding over meetings when present, unless the Chair designates another member to preside;
 - (b) Appointing commissioners to serve on other governmental agency committees;
 - (c) Establishing ad hoc committees as the Chair deems necessary and appointing members and chairs to that committee;
 - (d) Signing official documents of the Commission; and
 - (e) Representing the Commission before other governmental bodies, unless the Chair designates another member or a member of the Commission's staff.
3. The First Vice-Chair shall assume all of the duties of the Chair during the Chair's absence. The First Vice-Chair shall work in consultation with staff to arrange training sessions and acquire training material for the benefit of the Commission.
4. The Second Vice-Chair shall assume all of the duties of the Chair during the Chair's and the First Vice Chair's absence.
5. The Secretary shall keep or cause to be kept full and complete minutes of all public hearings of the Commission

and shall assume all duties of the Chair in the event the Chair, First Vice-Chair and Second Vice-Chair are absent. The Secretary shall attest the Chair's signature on all documents and receive all District Court appeals from any action of the Commission. In the event the Secretary is not present, the First Vice-Chair or Second Vice-Chair, in that order, will assume the Secretary's duties.

6. Each of the officers above named shall be entitled to participate in discussion and vote on any question before the Commission, whether occupying the position of the Chair or not.

III. MEETING PROCEDURES

A. Quorum

A numerical majority of six of the full membership of the Commission, including the ex officio members thereof shall constitute a quorum for the conduct of any Commission business except at Work sessions where four members shall constitute a quorum.

B. Training and Work sessions

1. The TMAPC shall meet as a committee of the whole in a worksession on the third Wednesday of the month, or at call of the Chair, unless the Chair determines that such a meeting is unnecessary. The TMAPC Chair shall preside or designee.
2. The purpose of the worksession shall be to discuss work items and Planning Commission issues, to share other information and determine whether work items are ready to be considered at regular TMAPC meetings. TMAPC shall take no final action on work items while in Work sessions. Generally, special requests coming to the Commission for consideration shall be reviewed by the Commission in the worksession prior to action, if appropriate, at the regular TMAPC meeting.
3. To assist Commissioners in their job, the TMAPC shall hold regular training sessions at times and locations to be determined.

C. *Meeting Schedule*

1. The Commission shall meet regularly on the first and third Wednesday of each month in the Tulsa City Council Chambers, 2nd Level, One Technology Center, 175 E. 2nd Street, or in another designated location, in accordance with its approved calendar.
2. Special Public Hearing meetings may be held on approval by a majority vote of the Commission. Such public hearings shall be held in the regular meeting place of the Commission.
3. Normally, land division matters and zoning public hearings will be considered on the first and third Wednesdays and Comprehensive Plan matters as needed.
4. All meeting agendas must be posted twenty-four (24) hours in advance of the meeting for all special and regularly scheduled hearings, provided that for special meetings the Tulsa County Clerk must be given notice of the date, time and place of such meeting, in writing, in person or by telephone means, forty-eight 48 hours in advance of all special Commission hearings and Committee meetings (Title 25 Oklahoma Statutes, Section 311).
5. Items to be placed on the TMAPC agenda shall meet the cut-off dates as specified on the approved TMAPC annual planning calendar. New items shall not be added to the final agenda mailed to TMAPC on Friday proceeding the regularly scheduled Wednesday meeting unless authorized by the Chair.

D. *Annual Meetings*

Once a year, at a time and place to be determined, the Commission shall meet to review Rules of Procedure and Code of Ethics, to discuss work programs, and to discuss other matters pertinent to the efficient running of the TMAPC.

E. *General Procedures*

1. The latest edition of Robert's Rules of Order shall govern all TMAPC proceedings to which they are applicable and where they do not conflict with other adopted rules herein.
2. A waiver of the Subdivision Regulations shall require six affirmative votes by the Commission.

3. An amendment to the Tulsa Comprehensive Plan, including the Tulsa City/County Major Street and Highway Plan, shall require six affirmative votes by the Commission.
4. The Commission may grant a continuance of a scheduled public hearing or other business item at the request of the applicant or another interested party. A request for a continuance should be made in writing and must contain the reasons for the request. In considering the request, the Commission may consider the timeliness of the request, the reasons given for the request, and the inconvenience created.

F. Notification

1. The Commission shall provide notices for all public hearing items as prescribed by the Zoning Code and Subdivision Regulations. Methods of notification for public hearing items for zoning changes include giving at least twenty (20) days notice of the public hearing by: publication in a newspaper, posting of a sign on the affected property and by mailing written notice to all property owners within 300-foot radius of the exterior boundary of the affected property. The method of notice for proposed subdivision plats shall be by mailing a written notice of any proposed preliminary plat to the owners of property abutting the proposed plat a minimum of fifteen (15) days prior to the hearing. Also all commission meeting agendas are posted on the TMAPC website at least five (5) days prior to the hearing.
2. The Commission shall consider only public hearing items that have been properly advertised, as required by law, and only those items in which all fees have been paid, including fees for legal advertising.
3. Interested parties speaking on an agenda item for Corridor (CO) or PUD applications will be given notice of future related items appearing before the TMAPC if requested. These include such items as minor amendments, detail site plans, preliminary plats, and final plats.

G. Public Hearing Procedures

1. The Commission may grant an early zoning public hearing, if properly advertised and notice given, upon receipt of a letter setting out the reasons for the need of an early public hearing.

2. Staff recommendation on advertised matters shall be written and made part of the file (public record) five days in advance of the advertised public hearing date.
3. Form of Address: Each commissioner shall address only the presiding Chair for recognition; and shall confine their remarks to the question under debate.
4. Public Participation: Any member of the public may address the Planning Commission at a regular or special meeting after signing in for a specific item. When recognized by the Chair, a member of the public should state their name and address.
5. Limitation of comments: The Chair may rule comments out of order if it is redundant, irrelevant, indecorous or untimely.
6. Motions: The Chair shall restate motions before a vote is taken and shall state the maker of the motion and the name of the supporter.
7. The order of business for a public hearing shall be determined by the Chair; however, the following is provided as a guide:
 - (a) Chair announces the application and asks if the applicant is present and if there are any interested parties who wish to address the Commission.
 - (b) Chair asks staff for summary of the case and the physical facts of the area involved.
 - (c) Chair asks for staff recommendation, together with the reasons for the recommendation, and to provide, as part of that written recommendation, whether the request is, is not, or may be found, in conformance with the Comprehensive Plan.
 - (d) Chair calls on the applicant for a presentation, not to exceed 15 minutes for a zoning application, 20 minutes for a PUD or Corridor application or a joint PUD/zoning application. If the applicant presents a significantly changed application and/or Outline Development Plan from that submitted for staff review (determined by staff and TMAPC at the time of the presentation), such action is considered grounds for continuance.
 - (e) Chair calls on interested parties or protestants, and may direct that a time limit per speaker be imposed. Those wishing to speak must use the sign-in sheet.

- (f) Applicant is given the opportunity to rebut, time not to exceed ten minutes. If applicant, in the Chair's opinion, should present new facts or information, the Chair may allow the protestants time to rebut same.
 - (g) Chair announces the public hearing is closed on the case and opens the review session, during which the Commission will discuss the case among themselves and make a recommendation.
 - (h) During the review session, which shall be open and public, no new evidence shall be admitted unless specifically requested by a member of the Commission. The Commission's recommendation shall be decided by a majority vote of the members present.
 - (i) The Chair shall announce the vote.
8. In the event the final vote on any zoning matter before the Commission results in a tie, such tie vote shall result in the matter being transmitted to the City Council as a tie vote, without recommendation.
9. The Commission shall not rehear a zoning application on the same property for a period of six months after action on the application has been taken by the Commission, unless said application is amended to a land use which is in accordance with the Comprehensive Plan.
10. The transmittal of applications for a zoning map amendment to the City Council in those instances where the applicant, staff and Commission are all in agreement and there are no interested parties will occur following the Commission hearing without minutes. All other applications will be transmitted when the meeting minutes are prepared.
11. Reconsiderations: A motion to reconsider an item on which a vote has been taken may be made only by a Member who voted with the prevailing side. If a motion to reconsider is adopted, the Members shall consider the need for additional notice to interested persons before a vote is taken on the item being reconsidered.

H. Development

1. **VARIANCES OF SECTION 206. STREET FRONTAGE REQUIRED:**
Applicants proposing developments using a combination of private street(s) and a variance of the required 30 feet of

frontage on a public street should instead be required (to the extent possible) to develop their project as a PUD, excepting a proposed townhouse development.

2. COMPATIBILITY REVIEW:

A development project where rezoning is required shall be reviewed not only for compatibility with surrounding zoning patterns and land uses, but also for compatibility of the proposed intensities with surrounding intensities of like uses. Where review shows the potential exists for creating an intensity on the tract that is significantly different from that surrounding the tract, development of the project through the use of the PUD is encouraged. When reviewed as a PUD, it shall meet the test of being in harmony with the existing and expected development of surrounding areas (Section 1107.D.2, Zoning Code, City of Tulsa).

3. PUD DETAIL PLAN REVIEW:

The staff of the TMAPC shall review and approve, approve with conditions or deny all Detail Sign and Landscape Plans and minor revisions to previously approved Detail Site Plans unless specifically directed by the TMAPC to present the Plans to the Commission for review. Prior to approval of any Detail Plans, the staff shall ascertain that the Plan complies with all PUD and Zoning Ordinance provisions. If the Plan does not comply with such requirements, the staff shall approve the Plan subject to conditions which bring it into compliance or deny the Plan.

If the applicant or interested parties disagrees with the decision of staff, they may appeal the staff decision as provided for in Section 1107C of the Tulsa Zoning Code.

The staff shall provide periodic reports to the TMAPC of Detail Plans they have approved or approved with conditions. If staff is uncertain as to whether a Detail Plan complies with the requirements of a PUD, staff shall place the items on the TMAPC agenda and the Planning Commission shall determine if the Plan is in compliance.

4. PROCEDURES FOR PROCESSING URBAN RENEWAL PLAN (URP) AMENDMENTS:

In keeping with Oklahoma statutory requirements, the Tulsa Development Authority (TDA) periodically requests that TMAPC review proposed amendments to the URP for conformance with the Comprehensive Plan. If a proposed

URP amendment is not in accord with the Comprehensive Plan, an amendment to the respective District Plan must be processed prior to or concurrently with TMAPC review of the proposed URP amendments.

The foregoing points apply to proposals that lie within existing designated Urban Renewal areas. However, additional Urban Renewal areas may be created and amendments to the respective District Plans may need to precede the Urban Renewal area designation.

5. **PROCEDURES FOR PROCESSING MINOR AMENDMENTS TO APPROVED CO SITE PLANS:**
Minor changes in the proposed corridor development may be authorized by the Planning Commission, which may direct the processing of an amended subdivision plat, incorporating such changes, so long as substantial compliance is maintained with the approved site plan and the purposes and standards of Section 805, Zoning Code, City of Tulsa. Changes that 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. The following shall be considered minor amendments.
 - (a) Adjustment of internal development area boundaries, provided the allocation of land to particular uses and the relationship of uses within the project are not substantially altered.
 - (b) Limitation or elimination of previously approved uses, provided the character of the development is not substantially altered.
 - (c) Increases in dwelling units, provided the approved number of dwelling units is permitted by the underlying zoning and the density of a development area is not increased more than 15%.
 - (d) Increases in permitted non-residential floor area, provided the increased floor area is permitted by the underlying zoning and the floor area of a development area is not increased more than 15%.
 - (e) Modification of the internal circulation system, provided the system is not substantially altered in design, configuration or location.
 - (f) Changes in points of access, provided the traffic design and capacity are not substantially altered.

- (g) Addition of customary accessory buildings and uses within the delineated common open space of a residential development area, including but not limited to swimming pools, cabanas, security buildings, clubhouses and tennis courts.
- (h) Location of customary residential accessory buildings and uses on an adjoining single-family residential lot within a residentially developed area including but not limited to a swimming pool, cabana, garage and tennis court, provided an agreement has been recorded by the owner prohibiting the conveyance of the lot containing the accessory use separate from the conveyance of the lot containing the principal use.
- (i) Changes in structure heights, building setbacks, yards, open spaces, building coverage and lot widths or frontages, provided the approved Corridor Plan, the approved Corridor Standards and the character of the development are not substantially altered.
- (j) Lot-splits which modify a recorded plat and which have been reviewed and approved by the Technical Advisory Committee (TAC).
- (k) Home occupations which meet the requirements of Section 404.B Home Occupations, of the Zoning Code.
- (l) Modifications to approved signage, provided the size, location, number and character (type) of the sign(s) is not substantially altered.
- (m) Modifications(s) to approved screening and landscaping plans, provided the modification(s) is not a substantial deviation from the original approved plan.
- (n) Changes from multifamily (apartments) to duplexes, townhouses or detached single-family, thereby reducing the number of permitted dwelling units.

Ten days notice of public hearing shall be given for minor amendments by mailing written notice to all owners of property within a 300-foot radius of the exterior boundary of the subject property.

If the Planning Commission determines that the proposed amendment, if approved, will result in a significant departure from the approved Corridor Site Plan or otherwise change the character of the Site Plan significantly or that the cumulative effect of a number of minor amendments substantially alters the

approved Site Plan, then the amendment shall be deemed a major amendment. Major amendments shall comply with the notice and procedural requirements of Section 805. Site Plan Review.

6. TENT AND OPEN AIR SALES IN PUD:
 - (a) Accessory tent sales are to be processed by TMAPC as site plan approvals.
 - (b) Principal use tent sales are to be processed by the Board of Adjustment.

SECTION II: Code of Ethics

Definitions

1. PRIVATE BENEFIT means a direct or indirect benefit not shared by the general public that could be reasonably expected to impair a Commissioner's objectivity or independent judgment.
2. ORGANIZATIONAL INTEREST exists when a Commissioner is a director or board member of a company, business, or organization that takes an official position before the Planning Commission.
3. EX PARTE COMMUNICATION means a private communication with a Commissioner from a party with an interest, financial or otherwise, in a particular matter before the Planning Commission.

B. Conflict of Interest:

1. A conflict of interest exists whenever a Commissioner
 - a. may receive a private benefit as a result of a public action taken by the Planning Commission; or
 - b. has an organizational interest regarding a matter before the Planning Commission. The possibility, not the actuality, of a conflict of interest should govern. *The question is, "Would a reasonable person believe me to be unbiased and impartial?"*
2. A Planning Commissioner experiencing a conflict of interest should declare his interest publicly, abstain from voting on the matter, and should refrain from any deliberations on the matter. When possible, the Planning Commissioner should leave the public hearing room.
3. A Planning Commission member experiencing a conflict of interest should not discuss the matter in any venue other than the public hearing with any fellow TMAPC member, staff or other officials involved in decision making on the matter for the purpose of influencing a decision thereon.

C. Ex Parte

1. Although not forbidden, per se, ex parte communication has the potential to influence a Planning Commissioner's decision on quasi-judicial matters before the Commission. The Planning Commissioner who receives ex parte communication may, if he or she feels that it is appropriate, disclose this prior to public discussion of the subject matter.
2. The Commissioner should also evaluate whether, as a result of this communication, he/she can remain unbiased and impartial and should either abstain or participate accordingly. As with a potential conflict of interest, the appearance, not the actuality, of bias should govern.

D. Release of Information:

1. No Planning Commissioner or staff member shall use or transmit to others for private benefit any information derived from Planning Commission activities unless and until such information is made available to the public at large.
2. No Planning Commissioner or any person appearing before the Planning Commission shall knowingly misrepresent facts or distort information for the purpose of achieving a desired outcome.

E. Appearance at City Council

1. Planning Commissioners who appear at City Council Public Hearings on Planning Commission matters should do so as representatives of the majority opinion. Only the person designated by the Chair shall be the official spokesperson for the Planning Commission. The official spokesperson for the Commission shall, to the best of his or her ability, present an unbiased record of the proceedings and the decision of the Commission. The official spokesperson shall not present new facts or arguments that were not made available at the hearing before the Commission.
2. Nothing herein would deprive a Planning Commissioner of the right to speak at a public hearing. If a Planning Commissioner chooses to speak at a public hearing, and he or she has not been designated as the spokesperson by the Chair, that Commissioner must state that:
 - a. Though they are a Planning Commissioner, they are before the City Council as an individual, and not on behalf of the Commission; and
 - b. They have no authority to make representations regarding the Planning Commission's public meetings, thought processes, or decision-making.
3. If a Planning Commissioner other than the one designated by the Chair intends to speak at a public hearing on a matter upon which the Planning Commission has previously voted, he or she must notify all members of the commission that intention at least 24 hours prior to the public hearing.

F. Violation of Codes of Ethics

- 1. The Planning Commission may refer a violation of these Code of Ethics for a hearing before the governing body by which he/she was appointed.

Date Approved: March 2, 2011

Chairman

ATTEST:

Secretary

PC/ethics
Revised 03/02/2011

TMAPC Action; 6 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **6-0-0** (Cantrell, Dix, Leighty, Liotta, McArtor, Walker "aye"; no "nays"; none "abstaining"; Carnes, Edwards, McArtor, Midget, Shivel "absent") to **APPROVE** the amendments to the Policies and Procedures and Code of Ethics of the Tulsa Metropolitan Area Planning Commission as presented.

Commissioners' Comments

None.

There being no further business, the Chair declared the meeting adjourned at 3:55 p.m.

Date Approved:

4-6-2011

Ben Bright

Chairman

ATTEST: Joshua A. Wake
Secretary