

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2707

Wednesday, October 7, 2015, 1:30 p.m.

City Council Chamber

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

Members Present	Members Absent	Staff Present	Others Present
Carnes	Reeds	Fernandez	VanValkenburgh, Legal
Covey	Stirling	Hoyt	Warrick, COT
Dix		Huntsinger	Swiney, Legal
Fretz		Miller	Warlick, COT
Midget		White	Southern, COT
Millikin		Wilkerson	Bishop, Consultant
Shivel			Gates, COT
Walker			
Willis			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, October 1, 2015 at 2:56 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 Covey called the meeting to order at 1:30 p.m.

REPORTS:

Chairman's Report:

Mr. Covey reported that he has appointed Josh Walker as the TMAPC representative for the Horizon Outlet Mall TIF Review Committee and Susan Miller will be his alternative. Mr. Covey further reported that he needs to appoint another TMAPC member to the Airport TIF Review Committee and if anyone is interested in serving on that committee let him know. Mr. Covey explained that if no one is able to serve on the committee that Dwayne Wilkerson has been working on the Airport Master Plan and he may be willing to serve if no one from TMAPC is able to.

Director's Report:

Ms. Miller reported on the TMAPC receipts for the month of August 2015. Ms. Miller further reported on the City Council agenda and actions.

1. **Minutes:**

Approval of the minutes of August 19, 2015 Meeting No. 2704

On **MOTION** of **DIX**, the TMAPC voted 8-0-0 (Carnes, Covey, Dix, Fretz, Midget, Shivel, Walker, Willis “aye”; no “nays”; none “abstaining”; Millikin, Reeds, Stirling “absent”) to **APPROVE** the minutes of the meeting of August 19, 2015, Meeting No. 2704.

2. **Minutes:**

Approval of the minutes of September 2, 2015 Meeting No. 2705

On **MOTION** of **DIX**, the TMAPC voted 8-0-0 (Carnes, Covey, Dix, Fretz, Midget, Shivel, Walker, Willis “aye”; no “nays”; none “abstaining”; Millikin, Reeds, Stirling “absent”) to **APPROVE** the minutes of the meeting of September 2, 2015, Meeting No. 2705.

3. **Minutes:**

Approval of the minutes of September 16, 2015 Meeting No. 2706

On **MOTION** of **DIX**, the TMAPC voted 8-0-0 (Carnes, Covey, Dix, Fretz, Midget, Shivel, Walker, Willis “aye”; no “nays”; none “abstaining”; Millikin, Reeds, Stirling “absent”) to **APPROVE** the minutes of the meeting of September 16, 2015, Meeting No. 2706.

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Ms. Millikin in at 1:37 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.

4. **LS-20808** (Lot-Split) (County) – Location: West of the northwest corner of West 51st Street South (West Coyote Trail) and South 165th West Avenue
5. **LC-703** (Lot-Combination) (County) – Location: West of the northwest corner of West 14th Street South and South 214th West Avenue
6. **LC-704** (Lot-Combination) (CD 9) – Location: Northwest corner of East 37th Place South and South Peoria Avenue
7. **LS-20812** (Lot-Split) (CD 1) – Location: West of the Southwest corner of East 29th Street North and North Harvard Avenue (Related to LC-705)
8. **LC-705** (Lot-Combination) (CD 1) – Location: Northwest corner of E Apache Street and North Harvard Avenue (Related to LS-20812)

9. **LS-20813** (Lot-Split) (CD 7) – Location: Northwest corner of East 61st Street South and South Garnett Road (Related to LC-706)
10. **LC-706** (Lot-Combination) (CD 7) – Location: Northwest corner of East 61st Street South and South Garnett Road (Related to LS-20813)
11. **LC-707** (Lot-Combination) (CD 8) – Location: Southwest corner of East 119th Street South and South Norwood Avenue
12. **LS-20814** (Lot-Split) (County) – Location: South of the southeast corner of East 191st Street South and South Memorial Drive (Related to: LC-708)
13. **LC-708** (Lot-Combination) (County) – Location: South of the southeast corner of East 191st Street South and South Memorial Drive (Related to: LS-20814)
14. **LS-20815** (Lot-Split) (CD 2) – Location: South of the southeast corner of West 46th Street South and South Waco Avenue
15. **LC-709** (Lot-Combination) (CD 9) – Location: South of the southwest corner of East 41st Street South and South Rockford Avenue
16. **Tulsa Rehabilitation Hospital – Final Plat**, Location: South of East 91st Street South. east of South Mingo Road, (CD 7)

STAFF RECOMMENDATION:

This plat consists of one lot and one block on 4.3 acres.

Staff has received release letters for this plat and can recommend **APPROVAL** of the final plat.

17. **PUD-687-2 – Eller & Detrich/Lou Reynolds**, Location: Southwest corner of South Harvard Avenue and East 71st Street, requesting a **PUD Minor Amendment** to reduce the setback from the westerly boundary from 110 feet to 93 feet, (CD 2)

STAFF RECOMMENDATION:

Amendment Request: Modify the PUD to reduce the setback from the westerly boundary from 110 ft to 93 ft in the area indicated on applicant Exhibit A-1.

Staff Comment: This request can be considered a Minor Amendment as outlined by Section 1107.H.9 PUD Section of the City of Tulsa Zoning Code.

“Changes in structure heights, building setbacks, yards, open spaces, building coverage and lot widths or frontages, provided the approved Development Plan, the approved PUD standards and the character of the development are not substantially altered.”

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the PUD.
- 2) All remaining development standards defined in PUD-687 and subsequent minor amendments shall remain in effect.

With considerations listed above, staff recommends **APPROVAL** of the minor amendment request to reduce the setback from the westerly boundary from 110 ft to 93 ft in the area indicated on applicant Exhibit A-1.

18. **Z-7140-SP-1d – TEP, Inc./Tim Terral**, Location: South of the southwest corner of South Maybelle Avenue and West 81st Street South, requesting a **Corridor Minor Amendment** to revise side yard setback requirements, (CD 2)

STAFF RECOMMENDATION:

Amendment Request: Modify the Corridor Plan Development Standards to revise the side yard setback requirements.

Currently the side yard setback is 15 ft with no garage openings permitted to face the 15 ft setback.

The applicant proposes to revise the side yard setback to a 20 ft side yard for garage openings facing the side yard abutting a private street, with the building line remaining 15 ft for all other portions of the structure.

Staff Comment: *This request can be considered a Minor Amendment as outlined by Section 806.C of the Corridor District Provisions of the City of Tulsa Zoning Code.*

“Minor changes in the proposed corridor development plan may be authorized by the Planning Commission, which shall 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. “

Staff has reviewed the request and determined:

- 3) The requested amendment does not represent a significant departure from the approved development standards in the Corridor Development Plan.
- 4) All remaining development standards defined in Z-7140-SP-1 and subsequent minor amendments shall remain in effect.

With considerations listed above, staff recommends **APPROVAL** of the minor amendment request to revise side yard setback requirements.

19. **PUD-619-C – Kinslow, Keith & Todd/Nicole Watts**, Location: North of the northwest corner of South Memorial Drive and East 111th Street South, requesting a **PUD Detail Site Plan** for a new office building within the PUD, (CD 8)

STAFF RECOMMENDATION:

CONCEPT STATEMENT:

The applicant is requesting detail site plan approval on a 2.56 Acre site in a Planned Unit Development for a new office building including one, two story building.

PERMITTED USES:

Uses permitted as a matter of right in the CS district, Use Unit 19, Hotel Motel and Recreation for a health club/spa and an enclosed swimming pool use only; Use Unit 20, Recreation: Intensive for an unenclosed swimming pool only; and uses customarily accessory to permitted uses but shall exclude Use Unit 12A. The office building proposed for this project is allowed by right.

DIMENSIONAL REQUIREMENTS:

The submitted site plan meets all applicable building height, floor area, density, open space, and setback limitations. No modifications of the previously approved Planned Unit Development are required for approval of this site plan.

ARCHITECTURAL GUIDELINES:

The new building meets all applicable architectural guidelines in the Planned Unit Development.

OFF-STREET PARKING AND VEHICULAR CIRCULATION:

The site plan meets the minimum parking defined in the Tulsa Zoning Code and the Planned Unit Development.

LIGHTING:

Site lighting plans not provided. The applicant has indicated that pole lights will not be provided. Light standards within 200 feet of the west boundary shall not exceed 12 feet in height. Light standards within the remainder of the planned unit development shall not exceed 25 feet in height. All lights, including building mounted, shall be hooded and directed downward and away from the west and north boundaries of the PUD. Shielding of outdoor lighting shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to a person standing at ground level in adjacent AG or RS zoned areas.

SIGNAGE:

The site plan does not illustrate signage. Any new signage will require a separate permit. All signage will be required to meet the Planned Unit Development Standards. Any ground or monument signs placed in an easement will require a license agreement with the City prior to receiving a sign permit. This staff report does not remove the requirement for a separate sign plan review process.

SITE SCREENING AND LANDSCAPING:

The open space, landscape area and screening are consistent with the Planned Unit Development requirements and meet the minimum standards of the Landscape portion of the Tulsa Zoning Code. This staff report does not remove the requirement for a separate landscape plan review process.

PEDESTRIAN ACCESS AND CIRCULATION:

The plan displays pedestrian paths adjacent to the proposed building.

MISCELLANEOUS SITE CONSIDERATIONS:

There are no concerns regarding the development of this area.

SUMMARY:

Staff has reviewed the applicant's submittal of the site plan as it relates to the approved **PUD-619-C**. The site plan submittal meets or exceeds the minimum requirements of the Planned Unit Development. Staff finds that the uses and intensities proposed with this site plan are consistent with the approved Planned Unit Development, and the stated purposes of the Planned Unit Development section of the Zoning Code.

Staff recommends **APPROVAL** of the detail site plan for the proposed new office building.

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

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Shivel, Stirling, Walker, "aye"; no "nays"; none "abstaining"; Reeds, Willis "absent") to **APPROVE** Items 4 through 19 per staff recommendation.

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

PUBLIC HEARINGS:

- 21. PUD-221-H –Michael Joyce**, Location: Southeast corner of South 129th East Avenue and East 43rd Place South, requesting a **PUD Major Amendment**, (CD) (Continued from 9/2/15) (**Applicant has requesting a continuance to 10/21/15**)

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Shivel, Walker, Willis "aye"; no "nays"; none "abstaining"; Reeds, Stirling "absent") to **CONTINUE** the major amendment for PUD-221-H to October 21, 2015.

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Mr. Midget out at 1:38 p.m.

- 31. Consider adopting resolutions finding four projects within Tax Incentive District Number One in conformance with the Tulsa Comprehensive Plan:**

- a. Adopt resolution finding the 522 South Boston Avenue Project within Tax Incentive District Number One, City of Tulsa, Oklahoma is in conformance with the City of Tulsa Comprehensive Plan, Resolution No. 2707-939.
- b. Adopt resolution finding the 211 West 3rd Street Project within Tax Incentive District Number One, City of Tulsa, Oklahoma is in

conformance with the City of Tulsa Comprehensive Plan, Resolution No. 2707-940.

- c. Adopt resolution finding the 400 South Boston Avenue Project within Tax Incentive District Number One, City of Tulsa, Oklahoma is in conformance with the City of Tulsa Comprehensive Plan, Resolution No. 2707-941.
- d. Adopt resolution finding the 420 East Archer Street Project within Tax Incentive District Number One, City of Tulsa, Oklahoma is in conformance with the City of Tulsa Comprehensive Plan, Resolution No. 2707-942.

STAFF RECOMMENDATION:

Item for consideration: Resolutions finding four downtown projects within Tax Incentive District Number One in conformance with the Tulsa Comprehensive Plan.

Background: In Resolution No. 19509 published Feb. 21, 2014, the City of Tulsa established the Local Development Act Review Committee in accordance with the Local Development Act, 62 O.S. Supp. 1992, § 851 et seq. The Local Development Act provides a significant economic development tool for local governments. Cities and Counties are able to create incentive districts to stimulate economic activity which the City of Tulsa did by the creation of Tax Incentive District No. 1 in 1993 (Amended 1997). This incentive, commonly referred to as an abatement, provides for a full or partial exemption of ad valorem taxes to the owner on the new investment made within the designated district for a period of 5 years, or 6 years (if located within an enterprise zone). Per Title 62, this incentive is not available for retail development or the retail portions of mixed use developments. Currently, the only approved area for this incentive within the City of Tulsa is properties generally located in downtown (inside the Inner Dispersal Loop). The value of the rehabilitation must be at least 50% of the current market value of the building as contained on the most recent Tulsa County assessment rolls. This incentive has been approved in the past for projects including the Mayo Hotel, Mayo 420 building, Atlas Life building, Ambassador Hotel, GreenArch (new residential), Coliseum building, Hartford Commons (new residential) and the Palace building.

The Local Development Act requires that the Tulsa Metropolitan Area Planning Commission (TMAPC) review proposed project plans, make recommendations, and certify to the City of Tulsa as to the conformity of any proposed project plans to the City of Tulsa. The TMAPC reviewed a total of eight downtown projects in 2014 and 2015 and found them to be in conformance with the Tulsa Comprehensive Plan.

On September 17, 2015, the Local Development Act Review Committee voted to recommend to the Tulsa City Council that the following four additional proposed projects be approved and adopted:

- 400 S. Boston Avenue (400 S. Boston Building)
- 211 W. 3rd Street (Hampton Inn & Suites)
- 522 S. Boston Avenue (The Meridia)
- 420 E. Archer Street (Woodland Park Associates)

Prior to submittal to City Council, the TMAPC is asked to review the proposed projects and adopt resolutions stating that the proposed projects are in conformance with the adopted Tulsa Comprehensive Plan.

Summary: The proposed projects are located in the *Downtown* land use designation in the Tulsa Comprehensive Plan, described as:

“Downtown Tulsa is a unique area, the centerpiece of the city and region with the highest intensity of uses. Many uses are attracted to the centralized location –government entities, major employers, regional entertainment venues, unique restaurants, specialty stores, nightclubs, cultural entertainment and hotels. Downtown is a significant employment center. Downtown also is a unique and eclectic neighborhood offering a special variety of housing for people who prefer to live in the midst of the activity and amenities.”

“Downtown Core is Tulsa’s most intense regional center of commerce, housing, culture and entertainment. It is an urban environment of primarily high density employment and mixed-use residential uses, complemented by regional-scale entertainment, conference, tourism and educational institutions. Downtown core is primarily a pedestrian-oriented area with generous sidewalks shaded by trees, in-town parks, open space, and plazas. The area is a regional transit hub. New and refurbished buildings enhance the pedestrian realm with ground-floor windows and storefronts that enliven the street. To support downtown’s lively and walkable urban character, automobile parking ideally is located on-street and in structured garages, rather than in surface parking lots.”

The **400 S. Boston Building** currently contains 63,991 square feet of vacant office space. This projects includes conversion of that space into 61,541 square feet of boutique hotel (90 rooms) and 2,450 square feet of renovated commercial retail space on the first floor for a restaurant.

The **Hampton Inn & Suites** project will be a new 85,496 square feet building with 9 stories and 125 rooms.

The **Meridia** is an existing building downtown that will convert 140,000 square feet into 104,000 square feet of apartments and 9,100 square feet of renovated commercial space on the first floor. There will be a total of 70 residential units, with a majority having patio balconies.

The **Woodland Park Associates** project is a new mixed use building – consisting of 203 units, a 5-story parking garage and 13,000 square feet of commercial retail on the ground floor.

All of these projects will contribute to the variety of housing/mixed use opportunities and pedestrian nature of *Downtown*, as described above. Two of these projects involve the reuse and rehabilitation of existing underutilized buildings. The projects support the *Downtown* land use designation, as well as multiple goals in the Land Use, Economic Development and Housing sections of the Tulsa Comprehensive Plan and are also in conformance with the Downtown Area Master Plan. The addition of residential units and hotel rooms downtown will contribute to the vitality of the downtown beyond the hours of Monday-Friday 8:00 am-5:00 pm.

Staff recommendation: *Staff recommends that TMAPC adopt the resolutions finding the four projects within Tax Incentive District Number One in conformance with the Tulsa Comprehensive Plan.*

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Carnes, Covey, Dix, Fretz, Millikin, Shivel, Walker, Willis "aye"; no "nays"; none "abstaining"; Midget, Reeds, Stirling "absent") to recommend **ADOPTION** of resolutions finding these four projects within Tax Incentive District Number One in conformance with the Tulsa Comprehensive Plan per staff recommendation.

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20. **Review and make recommendation to the City Council on adoption of a new zoning code, repealing and replacing the existing Zoning Code (Title 42 TRO), and repeal the existing Form-Based Code (Title 42-B TRO).** (Continued from September 28, 2015)

STAFF RECOMMENDATION:

Section 20.030, NC, Neighborhood Character Overlays

- a) Change name from ~~Neighborhood Character Overlay~~ to Special Area Overlay throughout the section.
- b) 20.030-B – Delete 3.a “~~Prohibit residential uses or building types allowed under base zoning~~”
- c) 20.030-C – Modify as follows: “NC overlays may be approved in areas classified in any residential or nonresidential base zoning district, ~~except the CB district. NC overlays may not be applied in combination with CB zoning.~~”

2.) Section 70.010-F, Public Hearing Notice

a. Add:

6. Courtesy Notices of Public Hearings

- a. In addition to otherwise required notices of public hearings, the land use administrator will endeavor to provide one or more of the following forms of additional notice of public hearings required under this zoning ordinance:
 - (a) Mailing notices to registered neighborhood and resident organizations whose boundaries include or are abutting the subject property;
 - (b) Posting notices in city hall or in other government buildings;
or
 - (c) Publishing notice on the city and or planning commission website.
- b. Failure to provide any form of courtesy notice that is not required by this zoning code or any defect in such courtesy notices does not invalidate, impair, or otherwise affect any application, public hearing or decision rendered in respect to the matter under consideration.

3.) General formatting

Correct page numbers in Chapter 55, Parking, and ensure that page numbers and references are correct throughout the document.

ISSUES AND QUESTIONS RAISED BY COMMISSIONERS AT 9/28/15 TMAPC PUBLIC HEARING – KIRK BISHOP:

1. How is “the overlay” established?

Overlays are established in the same way that any other zoning district is established. The process is initiated either by (1) the

TMAPC or City Council or (2) the property owners who wish to be a part of the overlay. See the following relevant provisions in the public hearing draft zoning code (proposed changes shown as redline):

20.010-D Procedure

The following procedures apply to the establishment of all overlay districts unless otherwise expressly stated.

1. Overlay district regulations must be established in accordance with the zoning code text amendment procedures of Section 70.020.
2. Zoning map amendments establishing, expanding or reducing the boundaries of an overlay district must be established in accordance with the zoning map amendment procedures of Section 70.030.

20.030-E Establishment or Amendment of NC Overlay Districts

1. Proposals to establish or amend NC overlay district regulations must be processed in the same manner as all other zoning code text and map amendments.

Section 70.030 Zoning Map Amendments (Rezoning)

70.030-A Authority to File

Amendments to the zoning map may be initiated **only by** the City Council, the Planning Commission, the owner of real property that is the subject of the proposed zoning map amendment or by the property owner's authorized agent.

70.010-C Applications and Fees

1. Owner-initiated Applications

Whenever the provisions of this zoning code allow the filing of an application by the owner of the subject property, that application ~~may~~ **must** be filed by any person or legal entity having a legal or equitable interest in the real property that is the subject of the application ~~or.~~ **Applications may also be filed by** the property owner's' authorized agent.

Note: for privately initiated applications affecting multiple properties, all owners would need to be signatories to the overlay zoning application.

2. How can we better define or describe the planning and public involvement activities that must precede establishment of an overlay?

The public hearing draft zoning code attempts to address this question in Sec. 20.030-E.2. One option for consideration would be to amend that section as follows (proposed changes shown as redline):

20.030-E Establishment or Amendment to NC Overlay Districts

1. Proposals to establish or amend NC overlay district regulations must be processed in the same manner as all other zoning code text and map amendments.
2. A pre-application meeting is required before the filing of any owner-initiated overlay district application (see §70.010-C.2).
- 2 3. Proposed regulations and overlay district boundaries must be based on an adopted plan or be prepared following an inclusive, transparent, and equitable planning and public involvement process that includes opportunities for affected property owners and residents to participate in the formulation of the district regulations or otherwise offer recommendations and provide input ~~and~~ **citizen participation.**
4. At the time of public hearing to consider adoption of an overlay district, the applicant must document the public involvement process used in preparing the proposed regulations and district boundaries, by providing at least the following information:
 - a. The opportunities provided for participation and input;
 - b. The types of information disseminated to affected residents, business and property owners and the methods of dissemination.
 - c. The level of participation by affected residents, businesses and property owners in meetings and discussions; and
 - d. The level of support shown by affected residents, businesses and property owners for the proposed regulations and overlay district boundaries.

See §20.010-D for additional procedures and requirements governing establishment or amendment of NC overlay districts.

Mr. Midget in at 1:47 p.m.

Ms. Miller stated that this is the continuance from September 28, 2015 and Kirk Bishop, Consultant, will go through the questions and issues that were discussed.

Kirk Bishop, Duncan and Associates stated that this is a continuance from September 28, 2015 meeting. Mr. Bishop explained that at the last meeting he had to step out of the meeting and he missed one of the speakers asking about Form-Based Code. He further explained that he believed that the interested parties question was something to the effect of why are we hiding the Form-Based Code and putting it in the drawer as part of this draft. Mr. Bishop stated that the proposed zoning code draft recommends that existing Title 42-B, which is the Form-Based Code text, become a Master Plan Development District (MPD) and the mapped area that is currently within the boundaries of the Form-Based Code become the first numbered MPD district (MPD-FBC-1). As a result of this change, no property owners that currently have that classification will be affected and nothing will change with regard to their development guidelines under the existing Form-Based Code. Property owners in the future who might want to be made a part of a Form-Based Code district through their own application would have that right and would request that their property be rezoned into the appropriate MPD-FBC district. There was no intent to obscure the existence of that district or in any way change the rights of property owners that have that zoning now or who might want that zoning or type of zoning in the future. The recommendation to convert this to MPD status really comes about as a compromise, like a lot of the issues, from the Citizen's Advisory Team discussions. The proposal is just a pragmatic way of dealing with an issue and preserving the rights of all affected folks and those who felt like trying to better integrate Title 42-B into the zoning code itself might be trouble than it's worth given its applicability, at least currently. Making the FBC an MPD district and preserving the rights of existing property owners while not devoting significant resources to trying to integrate what was and has always been a stand-alone title that was never fully integrated into the zoning code in terms of terminology, measurements, and method of presenting information seemed like the right approach. Mr. Bishop stated that we will want to preserve Title 42-B as it exists today in a file where people can have access to it and not have to go through historical copies of municipal code to determine what was Title 42-B.

Mr. Bishop cited the process of overlays and referred to pages 20.1 and 20.2 of the TMAPC packet dated 10/7/15.

TMAPC COMMENTS:

Mr. Covey stated that as he is reading page 20.2, first sentence (2), it only relates to owner-initiated overlays. Mr. Bishop stated that the pre-application meeting requirement only applies to property owner-initiated overlays.

Mr. Bishop stated that Janine VanValkenburgh is going to describe the process from the Planning Commission to the new code becoming effective.

Ms. VanValkenburgh stated that if the Planning Commission should make a recommendation today and then it will go to the City Council. No new draft of the code will be prepared between now and when it goes to the City Council. The TMAPC recommendation from today, which will include adoption of proposed public hearing draft with TMAPC recommended exceptions and the TMAPC list of recommended exceptions and motions will accompany the draft from today to the City Council. The Council will then review it and have a work session and then UED Committee meeting possibly on the 29th of October and possibly the same day there will be a first reading of the ordinance. The City Council may come up with its own list of revisions that it wants. Another draft will not be prepared until after the first reading, unless the City Council wants a new draft before the first reading. Ms. VanValkenburgh stated that at the second reading there will be a final document and it will be adopted by an ordinance. During this same time period the staff will continue to review and find scrivener's errors, clarification needed, check for consistency, just as we do any ordinance that is adopted by the City Council. Ms. VanValkenburgh explained that this is what staff and Legal do. Ms. VanValkenburgh stated that there will be a list of "scrub items" that will be recommended to the City Council to include. Ms. Miller will be reporting back to the TMAPC during her Director's Reports regarding what is happening at the City Council level, what they are recommending, what scrubs were recommended, etc. Once City Council passes an ordinance and adopts the Code the ordinance will be published after all signatures are collected. Right now the ordinance contains an effective date of January 1, 2016.

Mr. Covey asked if the Mayor could veto the City Council approval. In response, Ms. VanValkenburgh stated that the Mayor could veto and then the City Council could override his veto. Ms. VanValkenburgh stated that at any point if the City Council decides that they need to get the Planning Commission's opinion on something, they can send an issue back to the Planning Commission.

Mr. Midget asked if the City Council wants to know what the Planning Commission was thinking regarding their decision will that be done by a representative from the Commission or allow staff to explain what the Planning Commission was thinking about a recommendation that may be contrary to what is submitted. Ms. VanValkenburgh stated that it would depend on what the Council may ask. The staff advises the City Council weekly about various zoning matters and staff could be able to address issues, but if the City Council wanted to hear specifically from the Planning Commission, as they have in the past, then our policy and procedures

provide that the Chairman would make those comments. Mr. Covey stated that those comments are limited to what is in the TMAPC Rules and Procedures. Mr. Covey further stated that he can't speak to what he thinks Commissioner Midget is thinking.

Ms. Millikin stated that language in the code, 20.030-E, that the owner initiated application had to be signed by 100% of the owners of the property within the boundaries of the proposed overlay has been crossed out. The new language that has been circulated doesn't necessarily require their buy-in and that there doesn't actually have to be proof of that at the time the owner initiated application is filed. Ms. Millikin asked Mr. Bishop if this is correct. Mr. Bishop referred to page 20.1 of the TMAPC packet and stated that he doesn't believe that that materially changes the effect of the code provision. The 100% language was included as a kind of doubling-down on the notion that only subject property owners would initiate the application, but in hindsight he thought that repetition in the draft suggested something more than was intended and decided to default to the language that applies to all zoning map amendments. The application itself can only be filed with their signature. Ms. Millikin asked what if the property goes through the process and there are ten property owners that participate in the process and then two of the ten property owners don't want the overlay and the way she reads Section 70.010-C, one of the other eight could file the owner initiated application because they have a legal interest in the property that is the subject of the application. This doesn't say that all of the owners of the properties that are the subject of the overlay have to sign. Mr. Bishop asked Ms. Millikin if it would be more clear if the language stated "in all of the real property that is the subject of the application". Ms. Millikin and Mr. Bishop discussed the wording for 70.010-C.

In response to Mr. Covey, Mr. Bishop stated that the definition of "work" in the existing code is verbatim of what the definition is today. "Work" is the operative term for activities requiring a Certificate of Appropriateness in HP zoned properties. ("Certificate of Appropriateness" will be called "HP Permits" in the new code.) Mr. Bishop further stated that there have been no substantive changes to the applicability or threshold for when an HP permit is required. Ms. VanValkenburgh stated that Section 70.070.B.1, page 70-17, is the exemption of the painting of non-masonry surfaces.

In response to Mr. Covey, Mr. Bishop stated that the issue of height raised by the Home Builders Association (HBA) is that like many cities, Tulsa has commercially zoned corridors with lots of constrained depth. In Tulsa, it's typical to have 150' lot and HBA suggest that if one applies the height transition rules to those constrained depth lots it will make it very difficult to develop those with a reasonable rate of return because it would push the allowed height of the building back from the rear property line. Mr.

Bishop stated that his contention is that even applying the transition rules to the 150' deep lot provides for a very reasonable building on the subject property. What the regulation says is that at the point of the required rear setback height is limited to 40 feet, which is about the maximum height that would be allowed adjacent to residential property. For each foot of additional height above 40 feet the building would need to be set back from the rear property line an additional six inches. In the MX district the minimum rear yard setback is ten feet and so ten feet from the rear yard setback it would be allowed to have 40 feet in height and at 15 feet from the rear property line it could be 50 feet, etc. Mr. Bishop stated that even applying those rules, and he is not suggesting that the building will staircase up, the bulk of the building would be set back in accordance with those rules, but one can get to some to aggressive building heights with fairly moderate building setbacks from the rear property line under this proposal. Mr. Bishop commented that he rejects the notion that it makes them undevelopable or somehow limits their yield. In the draft the suggestion was only made in the MX district, but the draft was expanded to include those height transitions for corridor zoning and the new MPD district. The corridor and MPD districts have no rear yard setback and it is whatever gets approved as part of the development plan. Mr. Bishop stated that draft zoning code says that a development plan can be used to modify any of the regulations of the zoning code so it is conceivable that one could find their way to approve a development plan that doesn't include the height transition rules. Mr. Bishop further stated that in hindsight he feels that he sent a confusing signal by applying the height transition rules in the MPD and Corridor districts, but it is solvable by way of the flexibility inherent in the development plan approval process. Ms. VanValkenburgh stated that furthermore the consultant already provided for that by stating "except as expressly set forth".

Mr. Midget stated that he is hearing that currently there is no rear yard setback in the MPD or Corridor Districts and with a height transition requirement in these districts it could be negotiated out. Mr. Midget further stated that if the height transition was not included in the MPD or Corridor districts there would still be an opportunity for the Planning Commission to require a height restriction. Mr. Bishop answered affirmatively. Mr. Midget stated that the reason he is asking this is because if currently it is not broken, then what is being fixed. Mr. Midget suggested that it should be taken out because it doesn't seem to add any value to the MPD and Corridor district. Mr. Midget asked what if there is a street that the subject property is abutting and across the street is a residential district. Mr. Bishop stated that the wording is "abuts an R zoned lot". In the scenario Mr. Midget is speaking of the property could be abutting an R zoned right-of-way, and it is intended to apply to rear property line only. Mr. Bishop stated that this is something that could be better clarified in the draft.

Mr. Dix asked Mr. Bishop if he is recommending that the height transition be removed or included in MPD and Corridor districts. Mr. Bishop stated that he doesn't believe it makes a material difference. Mr. Bishop further stated that the Planning Commission has the ability to impose whatever height transition you like as part of the development process.

Mr. Willis stated that it seems like this hasn't been a major problem for us and he would agree with Mr. Midget that there is no need to include this.

Mr. Covey stated that Mr. Reeds is unable to attend today's meeting. Mr. Covey indicated that Mr. Reeds emailed his comments and thoughts on the draft zoning code. Mr. Covey read Mr. Reeds' letter dated 10/7/15. Mr. Covey asked Mr. Bishop if he had a chance to read the letter from Mr. James Adair regarding signs. Mr. Bishop stated that he did read the recommended changes by Mr. Adair. Mr. Reed and Mr. Adair feel that the 48 square foot limitation on dynamic displays is too restrictive. This is ultimately a policy issue and the idea of having the limitation is driven by concerns about driver distraction and dynamic displays along roadways of the City, which are on premise. Most communities have found it wise to impose some sort of limit. Mr. Bishop explained the signage budget and how it is used is somewhat up to the property owner. He suggests that 50% is a good decrease for dynamic displays as a rule. Mr. Bishop stated that the changes suggested by Mr. Adair raises the prospect of the signage becoming a full motion video and he doesn't know how that stacks up against the eight second dwell time, but it is confusing to him enough that he can't recommend that change.

Mr. Dix stated that the proposed draft contains the overlays in the CBD and he asked Mr. Bishop if he has an opinion about that. Mr. Bishop stated that the proposed draft includes a prohibition on the use of the (Neighborhood Character) overlay within the CBD district. Mr. Bishop stated that staff recommended including the CBD district in the properties in which a Neighborhood Character Overlay could be adopted. Mr. Dix clarified that the draft wouldn't need to be changed, but the Planning Commission would have to go against staff's recommendation if they wanted to prohibit adoption of an overaly in the CBD.

Mr. Midget reminded the Planning Commissioners that during their motions they would have to spell out the changes in language that has been discussed. Mr. Bishop agreed, but there is nothing needed to change the current status of the draft if the Planning Commission wishes to prohibit adoption of a Neighborhood Character overlay in the CBD.

INTERESTED PARTIES COMMENTS:

Amanda DeCort, 1324 South Indian Avenue, 74127, stated that she wanted to ask about the Tulsa Preservation Commission's

recommendations that were made to TMAPC for things to be included in the update. Ms. DeCort stated that she didn't see them in the staff recommendation or staff report. Ms. DeCort asked if the requests are still on the table or off the table.

Mr. Covey stated that usually the Planning Commission doesn't answer questions, but since staff addressed it last time, any of those changes will be taken up at a later date during the follow-up consideration.

James Adair, 7508 East 77th Street, 74133, stated that at the last meeting Mr. Reeds talked with him and asked him to put his concerns and ideas in writing. Mr. Adair indicated that he emailed his concerns and ideas to Mr. Reeds. Mr. Adair explained how difficult it would be to read signs on premise with the recommended limitations from the draft zoning code. Mr. Adair requested the Planning Commission to consider for a change in the draft zoning code to allow 50% of the sign usage for dynamic display. Mr. Adair stated that he agrees with what Kirk Bishop has done regarding video/animation, but he is asking the Planning Commission to consider that in commercial, CS, CG, CO, CH, IL, IM and IH to allow the continuation of animation and video with the provision that flashing, audio and strobe affects be prohibited. Mr. Adair questioned what would happen to businesses that have already purchased the large dynamic display signs that will not meet the new restrictions.

Mr. Walker asked Mr. Adair what he would propose for existing signs that will not meet the new requirements. Mr. Adair stated that he doesn't know the answer other than grandfather them in as legal non-conforming.

Mike Craddock, 8301 East 74th Place, 74133, Tulsa Preservation Commission, reiterated that on Item 20.010-C.2: that there needs to be a better definition of what is more restrictive in the overlay district. Item 70.070.E: stated that he would like to request that the 30 day be extended to 60 days out of consideration for staff and the public and would be more consistent with Commissions and Boards in the City of Tulsa. Item 70.070.G: stated that he would like the Planning Commission to consider the Preservation Commission request regarding demolitions. Mr. Craddock asked when the follow-up would be for the other issues.

Mr. Covey stated that he doesn't have an answer for that and assumes that staff and the consultant will decide what issues need to be added to the follow-up list and then see if the Planning Commission has more issues to add.

Ed Leinbach, 2104 South Madison Avenue, 74114, stated that there is a fine line between the City or TMAPC initiating the an HP overlay and the TPC initiating an HP overlay. Mr. Leinbach stated that his concern is

when the TPC initiates an HP overlay. He further stated that his concern, as the code is written in conjunction with the TPC rules being amended in January 2015, will permit an HP overlay to be placed on residential properties with little or no notice to the homeowners. Until January 2015 the Preservation Commission had internal rules that prevented property owners from being subjected to an HP overlay without substantial notice to the affected property owners and written affirmation of their support. This notice was far enough in advance that permitted everyone time to be educated about HP zoning. In January 2015 they removed those restrictions and certain parties, whether authorized or not will seek an HP overlay of an area being considered. Mr. Leinbach stated that he would like to address the subject of the HP overlays and what constitutes appropriate notice. For clarity's sake he believes that HP overlays are appropriate in the correct setting and are good for setting standards where multiple properties are being redeveloped. An HP overlay is not, in his view, appropriate in a neighborhood that has been fully developed and where homeowners have already dealt with the issues normally controlled by HP overlays. The TPC rules provide that for an area to qualify as a historic preservation district, it must have certain characteristics like being more than 50 years old, having homes that are by their design indicative of a development style, associated with a person who is important to the history of the City.

Mr. Leinbach indicated that the reason he is concerned about this is because two years ago, even with appropriate rules in place, his and his neighbors' portion of Maple Ridge was nearly approved for an HP overlay when unauthorized persons made an application without either notice to them or their permission. They were initially given 21 days to decide whether their area of Maple Ridge was supportive of an HP overlay. They spent the first week trying to figure out who made the application and why; and in accordance with what authority. They tried to contact the City to discuss the application, and for whatever reason finding someone to speak with was difficult. The notice requirement was in place but no person or entity to his knowledge attempted to verify that some significant portion of the affected owners actually supported the overlay application. The end result was Mr. Lienbach filed an action in district court, and the case was assigned to Judge Chappelle, who fully understood the issue and brought the matter to a conclusion terminating the application.

The list of projects that require an HP permit is extensive, and may take up to 60 days for the approval of a paint color (Mr. Leinbach stated that he has since learned that the code is stating 30 days). Because the authority of TPC is so broad, it is his opinion, homeowners ought to know what is going on with respect to HP zoning well before it arrives at the TMAPC for a hearing. Either the TPC needs to have rules which are irrevocable, or the TMAPC needs to have rules which would protect homeowners in their

neighborhood by establishing a procedure or rule that an HP overlay may be not be considered unless a percentage, for example, 50% of the affected homeowners support the application. The cost of dealing with TPC and the City of Tulsa is both very expensive and time consuming. If the affected property owners deserve to know (and it seems to him that if homeowners only get 21 days to do all of this), then why does the TPC need 60 days to make the smallest decision? Mr. Leinbach concluded that what is good for the goose should be good for the gander so to speak.

Joe Westervelt, 1630 South Boston Avenue, 74114, stated that there was some discussion about height transitions and it is still causing some concern. The HBA, on whose behalf he is speaking, is comfortable with the transitions from R district when abutting in the MX district, but had difficulty where it appears in the MPD and Corridor District. There has been a lot of discussion on this and the TMAPC had some confusion themselves discussing it tonight. If there is already some confusion about this now, then people in the future will have a lot of confusion about this and the HBA requests that the language be taken out of the MPD and Corridor and let the development guidelines take care of it. Another issue that caused concerns was the word "paint", and in the guidelines of the TPC "paint" is handled in a particular way and it is only talking about surfaces that have been previously painted. The TPC does not subject applicants to paint color decisions. The guidelines don't do this but the language in the code does, so apparently the policies have differed for years from the text of our code and HBA has caught this inconsistency. The HBA suggests that the Preservation Commission's policies, are being practiced correctly. Adding the word "paint" or enforcing "paint" in the zoning code is going to be really divisive and it will make these HP neighborhoods even more difficult to get people subject themselves to if "paint" is included. Those are the only two issues that he heard the TMAPC having some confusion over. Mr. Westervelt stated that the HBA is comfortable with the single-overlay and what has happened since the work session meeting is that the curiosity that this commission has and the questions you asked has added safeguards back into that overlay ordinance that the consultant has provided us, and HBA suggests that all of that language be included in the overlay and call it the special area overlay that staff recommended for the name change. The HBA does this in an effort to show its interest and compromise and it is also very important for the community for the Planning Commission to be able to approach this from a position of solidarity and send a strong vote of solidarity to the City Council to let them know that the Planning Commission has vetted this and heard this, in addition to the 2 ½ years the CAT spent on it. There are simply three items: the height transition in MPDs; the overlay is now fine with the conditions that have been added; and the parking is the only thing left and HBA would like the cap removed on big box retailers in the suburbs. Mr. Westervelt stated that we do not

need to send anybody else to our satellite communities and we should keep our sales tax generators here. If Costco was under the new zoning code they would have had to go before the Board of Adjustment for 130 parking spaces. Mr. Westervelt thanked the Planning Commission for being curious and for asking the questions that resulted in a better code than the last draft and one that HBA can be more supportive of.

Mr. Midget asked Mr. Westervelt if the HBA would more comfortable with the parking issues if it was something that could be handled administratively and agree to more landscaping. Mr. Midget stated that he asks this question because he would like to stop the sea of cement parking lots that are vacant many days of the year. Mr. Westervelt stated that hearing from the staff there was zero feedback from the public on their recommended cap on parking. No public comment was made, except from midtown, that we have a parking issue in the suburbs. People seem to be pretty satisfied with it in the suburbs. If we start to send a message to the corporate guys that we are going to, through our zoning code, legislate the automobile out of our model, then it would legislate them out of our community. If they can't get people to their stores, they can't make their numbers; they can't stay here and pay sales tax. If some of these parking lots become too large over time because we have found a new alternative or mass transit, those parking lots will be redeveloped and used for other purposes and become another sales tax generator. Mr. Westervelt stated that the zoning code should be written for today because we are still very dependent on the car and one can't legislate it out of existence. Mr. Westervelt stated "Let's not send anymore businesses to Jenks, Bixby, or Broken Arrow.

John Snyder, 115 West 5th, 74103, stated that he is the owner of Brickhugger, LLC, and he has been in the development business in downtown Tulsa for about 15 years. Mr. Snyder commented that he pays taxes and assessments on over 2.5 million square feet in downtown. Downtown is not broken and he is not buying into the new overlay that they want to put on downtown. Mr. Snyder stated that he understood as a board member of the Preservation Commission that downtown was exempt from the overlay and then last week he heard it is trying to get slipped back in. Mr. Snyder concluded that he wants to make sure that downtown stays exempt from the overlay. He understands that there are people behind the scenes that don't want Cimarex building built in downtown, but he would give them the red carpet to add to the taxes and making jobs. Mr. Snyder requested that the CBD be exempt from the overlays.

TMAPC COMMENTS:

Mr. Covey requested Mr. Bishop to address anything he heard and would like to clarify.

Mr. Bishop stated that all of the changes recommended by the TPC, except for the ones that are continuing to request were addressed in the draft. Mr. Adair's suggestion that dynamic displays be reduced 50% is a policy question at this point. Mr. Bishop explained that the biggest on premise sign allowed in the City of Tulsa is 500 square feet, and with the 50% limitation there would be properties with a 250 square foot dynamic display. Is 48 square feet too small and is 250 square feet too large are questions of value that every community answers somewhat differently. When one chooses a number it doesn't fit every situation. Mr. Adair stated that the sign industry doesn't want the eight second delay in the commercial and industrial districts and they also want to remove the animation prohibition and simply say it can't flash. Elimination of those two things together does open the possibility of a full motion video display on the signs. This is a line that many communities have decided not to cross. Mr. Bishop explained that there may be some dynamic displays that are rendered non-compliant with the provisions of the code. The existing zoning code states that if the City decides to change the rules then the sign needs to be brought into compliance because it is more of an operational issue than taking the sign down. As currently drafted, any dynamic display sign that doesn't meet whatever rules get approved in the new zoning code will need to be modified to bring it into compliance. Mr. Bishop stated that this is a common provision and there is potential that a particular sign may not be able to be adjusted, in which case he is not sure how that would administered. Mr. Bishop stated that he believes it would be an illegal non-conforming sign and therefore it would need to cease. That could be changed and say that non-conforming signs are subject to the same rules and they may remain, but they can't be expanded or more non-compliant.

Mr. Midget asked if the eight second delay was removed but keep the prohibition of animation would there still a safeguard to prevent full video on the dynamic display signage. Mr. Bishop stated that there would be a safeguard with that scenario.

With regard to the Preservation Commission recommendation that the HP overlay control in the event of conflict with another overlay, Mr. Bishop stated that there is an additional definition of what "more restrictive" means. It is found in 1.080.C. and it is the general rule of conflicting provisions.

Mr. Bishop addressed the notices for TPC applications and stated that the new zoning code does add some clarity to that notice where the existing zoning code did not. A homeowner should receive notice of the HP application and then another notice when it goes before the TMAPC and

then it goes to City Council. There are three opportunities to show up at hearings and express concerns or support.

In response to Mr. Midget, Mr. Bishop stated that the HP zoning is subtly different from other overlays in terms of who may apply. In the case of the (Neighborhood Character) special area overlay, the Planning Commission, City Council or property owners can initiate the application. For an HP overlay, the TPC, Planning Commission, City Council or property owners can initiate the application. Mr. Bishop thought it would be appropriate that the TPC be able to initiate Hp zoning. A more formal notice requirement could be added to the zoning code and mimic the notice given of the TMAPC hearing or provide dual notice of the expected dates of the TPC and TMAPC meetings. Mr. Midget stated that he would rest more comfortably if notice of the pre-hearings were given. Mr. Bishop proposed that the language for the (Neighborhood Character) special area overlays be applied to all overlays generally and that would require the pre-application engagement of affected property owners and that they report to TMAPC of all of the activities and retain the TPC language that provides notice, etc.

Mr. Bishop stated that the height transition in MPDs has been discussed quite a bit. The cap in parking for big box stores has been brought up and the Planning Commission has many choices on this. Discussion ensued regarding the cap being at 4, 5 or 5.5 spaces per thousand square feet, eliminating it entirely, or requiring more landscaping. Mr. Midget explained that his goal is to prevent applicants from having to go before the BOA for relief, paying more money and waiting for a notice and meeting. Mr. Midget suggested that this could be done administratively. Mr. Bishop suggested that if it is done administratively it is done with additional landscaping and a description of their low-impact stormwater development practices.

Mr. Fretz stated that he can see where the Planning Commission still has a few issues to fine tune. Mr. Fretz expressed concerns with the TPC initiations and HP overlays. Mr. Fretz suggested that the Planning Commission have another work session to review the 18 speakers' comments and to make any additional changes before the final draft of the new code is approved.

Mr. Carnes stated that he would like to add to a follow-up: find a way to authorize staff to come up with an alternative to these wooden fences that are put between two zoning districts. The wood fences look the best they are going to look the day they are installed. We are supposed to have a beautiful City and the wood fences look horrible.

Mr. Midget stated that there are a few tweaks that are needed, but he is not sure he can articulate it as well as some of the other speakers. Mr. Midget stated that there are three areas that he is concerned with: 1) signage; 2) height restriction; 3) parking.

Mr. Midget stated that he agrees that one overlay is good and he would be uncomfortable with including the CBD district in the overlay. Mr. Midget stated that he understands why staff and some folks may want to have the downtown in an overlay and what they are trying to protect. Mr. Midget stated that he doesn't mean any disrespect, but heaven forbid we have another building in downtown on Main Street that looks like the Tulsa World Building. It is not the type of design that is conducive for downtown area. Mr. Midget further stated that he understands, but he feels uncomfortable with the imposition of those in the downtown area.

Mr. Dix stated that Ms. Millikin made some great changes on the language for the overlay language and he would support those changes being made. Mr. Dix further stated that he doesn't want to see the MPDs in height restrictions. The Corridor he has no complaints with it.

Mr. Dix commented that the CBD district owners do not want the overlay and he remembers the Pearl district when there were many owners brought into the overlay and didn't want it and didn't feel that they were notified of what was coming. The downtown owners do know what the overlay means and they do not want to be included and he requests that we go with their wishes and not include them in the overlay. Mr. Dix expressed concerns with initiating overlays and the fact that TPC can initiate the process without oversight. Mr. Dix stated that he believes it is wrong to impose costs on businesses because the rules have changed. He would like to see that signs are grandfathered that are existing.

Mr. Willis requested some clarification on the overlay process and if they will all be handled the same way or if HP is handled differently. Ms. VanValkenburgh stated that Mr. Bishop suggested today that possibly move the language suggested for overlays to all overlays.

Mr. Willis stated that the CBD district currently has a lot of flexibility and he doesn't see a way to be compelled to support adding the overlay to CBD.

Mr. Dix cited the many projects in the downtown area and the fact that the TMAPC just adopted four resolutions for projects downtown on today's agenda. Mr. Dix asked why anyone would want to add the overlay to the CBD district and slow down any developments.

Mr. Fretz suggested having a meeting to fine tune the language and review the comments.

Mr. Covey stated that Legal has suggested that the Planning Commission go through the exceptions first and see which ones will entertain an idea and craft the language for specific exceptions and then walk through the exceptions that anyone would like a vote on one by one, then at the end incorporate the ones that pass into a general motion.

Mr. Covey listed the following that would need action:

- 1) Staff recommendation
- 2) Kirk Bishop's recommendations for changes
- 3) Other exceptions that might come forward
- 4) The zoning code update in general

Discussion ensued regarding issues that may need action.

The Commission considered the recommendation of TMAPC staff as reflected on page 20.25 of the agenda packet for today's meeting.

1.) Section 20.030, NC, Neighborhood Character Overlays

- a) Change name from ~~Neighborhood Character Overlay~~ to Special Area Overlay throughout the section.
- b) 20.030-B – Delete 3.a “~~Prohibit residential uses or building types allowed under base zoning~~”
- c) 20.030-C – Modify as follows: “NC overlays may be approved in areas classified in any residential or nonresidential base zoning district, ~~except the CB district. NC overlays may not be applied in combination with CB zoning.~~”

2.) Section 70.010-F, Public Hearing Notice

b. Add:

7. Courtesy Notices of Public Hearings

b. In addition to otherwise required notices of public hearings, the land use administrator will endeavor to provide one or more of the following forms of additional notice of public hearings required under this zoning ordinance:

(d) Mailing notices to registered neighborhood and resident organizations whose boundaries include or are abutting the subject property;

(e) Posting notices in city hall or in other government buildings;

or

(f) Publishing notice on the city and or planning commission website.

c. Failure to provide any form of courtesy notice that is not required by this zoning code or any defect in such courtesy notices does not invalidate, impair, or otherwise affect any

application, public hearing or decision rendered in respect to the matter under consideration.

3.) General formatting

Correct page numbers in Chapter 55, Parking, and ensure that page numbers and references are correct throughout the document.

TMAPC Action; 9 members present:

On **MOTION** of **COVEY**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Shivel, Walker, Willis "aye"; no "nays"; none "abstaining"; Reeds, Stirling "absent") to recommend **APPROVAL** of items C.1.a and 1.b and C.2 and C.3 contained in the staff recommendation and to recommend **DENIAL** of item C.1.c contained in the staff recommendation.

* * * * *

The Commission considered the recommendation of Kirk Bishop, the zoning code consultant, (appearing at page 20.1 of the agenda packet for today's meeting) regarding revision of Section 70.010-C.

70.010-C Applications and Fees

2. Owner-initiated Applications

Whenever the provisions of this zoning code allow the filing of an application by the owner of the subject property, that application ~~may~~ must be filed by any person or legal entity having a legal or equitable interest in the real property that is the subject of the application or. ~~Applications may also be filed by~~ the property owner's' authorized agent.

TMAPC Action; 9 members present:

On **MOTION** of **COVEY**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Shivel, Walker, Willis "aye"; no "nays"; none "abstaining"; Reeds, Stirling "absent") to recommend **APPROVAL** of the Kirk Bishop recommendation on page 20.1 of the TMAPC packet regarding Section 70.010-C Application and Fees, 1. Owner-Initiated Applications with the additional revisions, the revised language to read as follows: "Whenever the provisions of the zoning code allow the filing of an application by the owner of the subject property, that application must be filed by all record title owners of the real properties that are the subject of the application or the properties owners' authorized agent."

* * * * *

The Commission considered the recommendation of Kirk Bishop (appearing at pages 20.1-20.2 of the agenda packet for today's meeting)

regarding the revision of Section 20.030-E and made modifications to the recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **COVEY**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Shivel, Walker, Willis "aye"; no "nays"; none "abstaining"; Reeds, Stirling "absent") to recommend inserting in Section 20.010.B the language of Section 20.030-E as shown on Kirk Bishop's recommendation on pages 20.1 and 20.2 of the TMAPC packet and with the modification of deleting any reference to "NC" therein, the revised language of 20.010-B to read as follows: (Language underlined has been added and language with a strike-through has been deleted.)

~~20.030-E~~ 20.010-B Establishment or Amendment of NC Overlay Districts

Overlay districts are shown on the official zoning map. Overlay districts may be established, amended or eliminated only in accordance with the zoning map amendment procedures of Section 70.030.

1. Proposals to establish or amend NC overlay district regulations must be processed in the same manner as all other zoning code text and map amendments.
2. A pre-application meeting is required before the filing of any owner-initiated overlay district application (see §70.010-C.2).
3. Proposed regulations and overlay district boundaries must be based on an adopted plan or be prepared following an inclusive, transparent, and equitable planning and public involvement process that includes opportunities for affected property owners and residents to participate in the formulation of the district regulations or otherwise offer recommendations and provide input and citizen participation.
4. At the time of public hearing to consider adoption of an overlay district, the applicant must document the public involvement process used in preparing the proposed regulations and district boundaries, by providing at least the following information:
 - a. The opportunities provided for participation and input;
 - b. The types of information disseminated to affected residents, business and property owners and the methods of dissemination.
 - c. The level of participation by affected residents, businesses and property owners in meetings and discussions; and

d. The level of support shown by affected residents, businesses and property owners for the proposed regulations and overlay district boundaries.

* * * * *

The Commission considered deletion of the height transition requirements in the Master Planned Development District (MPD) and Corridor District (CO).

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Shivel, Walker, Willis "aye"; no "nays"; none "abstaining"; Reeds, Stirling "absent") to recommend to deleting the height transition requirements from the regulations of the MPD and CO Districts.

* * * * *

The Commission considered revision of Section 55-030 (Maximum Parking Ratio for Large Retail Uses).

Mr. Midget stated that he doesn't personally mind the maximum parking limitation, because there is still a sea of parking lot, except for 45 days out of the year that is never full. Mr. Midget further stated that there should be additional landscaping to soften the parking lots. Mr. Midget stated that he doesn't want to send this relief to the Board of Adjustment. Mr. Shivel asked if by requiring more landscaping would that be causing the parking lots to be larger to have the number of parking spaces they are requesting. Mr. Carnes suggested that the practice of parking by square foot should be eliminated and between staff, TMAPC and City Council it could be determined the right amount of parking spaces. Mr. Carnes further stated that if they are forced into doing additional landscaping it will cost the developer more money than they budget for parking. Mr. Carnes concluded that parking needs to be on need type of situation and they would have to show a need. Mr. Midget stated that he doesn't know what the consequences of eliminating the square footage formula would be. Mr. Dix stated that the landscaping is separate and could be dealt with during the landscaping approval. Mr. Bishop cited language that could be modified as follows: "Retail uses requiring more than 225 parking spaces may not provide more than 4 outdoor parking spaces per 1,000 square feet of floor area, except as approved through the alternative compliance landscaping provisions of Section 65.080-D.2.a. The alternative compliance landscaping plan must include a description of any low-impact development practices and landscaping that will help mitigate the additional paved area". Mr. Dix stated that he would be okay with this language if the number in the first sentence were changed from 4 to 5.

Mr. Bishop reminded the Planning Commissioners that the current zoning code refers to minimum parking spaces and the new zoning code is addressing the maximum number. Mr. Willis stated that it seems that this would be a lot easier if we removed this provision because it is adding additional steps and this is not something that comes to the Planning Commission at every meeting. Mr. Willis reminded the Planning Commission that this should be user friendly code. Mr. Midget stated that he could support the amendment by Mr. Bishop and Mr. Dix's recommendation for five spaces. Mr. Dix stated that he believes that this is a reasonable compromise.

TMAPC Action; 9 members present:

On **MOTION** of **MIDGET**, TMAPC voted **8-1-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Shivel, Walker "aye"; Willis "nays"; none "abstaining"; Reeds, Stirling "absent") to recommend revision of Section 55.030 as proposed by Mr. Bishop and Mr. Dix to read as follows: **Section 55.030 Maximum Parking Ratio for Large Retail Uses** "Retail uses requiring more than 225 parking spaces may not provide more than ~~four~~ five outdoor parking spaces per 1,000 square feet of floor area, except as approved through the alternative compliance landscaping provisions of Section 65.080-D.2.a. The alternative compliance landscaping plan must include a description of any low-impact development practices and landscaping that will help mitigate the additional paved area. (Language underlined has been added and language with a strike-through has been deleted.)

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Mr. Carnes out at 4:21 p.m.

The Commission considered deletion of the Preservation Commission from the list of persons or entities authorized to initiate an HP zoning map amendment.

Mr. Dix stated that he is still struggling with the TPC being able to initiate an HP zoning map amendment. Mr. Dix proposed striking the TPC from that language.

Ms. Millikin stated that she is not against that, but she believes that there are some safeguards built into the new zoning code, which applies to all overlays of any kind. Ms. Millikin stated that if the TPC were to initiate an overlay they would have to go through this process of meeting with the homeowners. Mr. Dix stated that he understands that, but somebody is going to take the fact that they are now allowed to initiate it as approval and then it becomes which one overrides which one. Mr. Dix stated that just to clarify it he would like to take those words out. Ms. Millikin stated

that it would mean that the TPC couldn't initiate any overlay at all. Mr. Covey explained that the process would be that they would come to TMAPC staff and City Council to initiate it. Mr. Dix stated that it would eliminate the danger that Mr. Leinbach experienced, in which he had to turn around and hire an attorney to keep his property out of the HP district. Mr. Dix further stated that this creates problems that property owners do not need to have. Mr. Midget reminded the Planning Commission that currently the TPC does not have the authority to initiate so in essence it would be keeping it status quo. Mr. VanValkenburgh reminded the Planning Commissioners that this may require other changes throughout the zoning code to make it consistent with the recommendation.

TMAPC Action; 8 members present

On **MOTION** of **DIX**, TMAPC voted **8-0-0** (Covey, Dix, Fretz, Midget, Millikin, Shivel, Walker, Willis "aye"; no "nays"; none "abstaining"; Carnes, Reeds, Stirling "absent") to recommend striking the words "the preservation commission" from Section 70.060-B (Authority to File).

* * * * *

Discussion ensued regarding dynamic display signs and their restrictions on hold time. The TMAPC determined that this is something that needs more study and should be added to the list of follow-up items.

The Commission considered revising provisions concerning vested rights in signs with dynamic displays.

Mr. Bishop stated that he believes it would be reasonable, if it is merely a matter of adjusting the sign, they should be required to bring it into compliance, if the sign is not capable of being adjusted to meet the standards then it should be given legal non-conforming rights. Mr. Bishop explained that there are a couple of key ways to adjust a sign, which is the brightness of the sign, its dwell time and its motion. If the dynamic elements in illumination of the sign cannot be brought into compliance as evidenced by the material of the sign manufacturer or someone in the industry, then they would be given legal non-conforming rights. Mr. Midget agreed with Mr. Bishop's proposal. Mr. Dix stated that if a sign can be adjusted without having to purchase more equipment, then they should do so.

Mr. Dix moved to grandfather dynamic display signs that cannot be electronically adjusted to meet the requirements of the new ordinance.

Mr. Bishop suggested language for the motion. Section 60.100-J: attach the language to the end of that sentence. Mr. Bishop provided the language.

TMAPC Action; 8 members present:

On **MOTION** of **DIX**, TMAPC voted **8-0-0** (Covey, Dix, Fretz, Midget, Millikin, Shivel, Walker, Willis "aye"; no "nays"; none "abstaining"; Carnes, Reeds, Stirling "absent") to recommend adding the following sentence at the end of Section 60.100-J: "Notwithstanding the provisions of this paragraph, signs that cannot be electronically adjusted to bring dynamic display elements into compliance shall be considered legal non-conforming signs." (Language underlined has been added and language with a strike-through has been deleted.)

* * * * *

The Commission considered adoption of the new Zoning Code with the above revisions.

Ms. VanValkenburgh suggested language for the adoption of the new zoning code.

Mr. Covey restated the motion as follows:

TMAPC Action; 8 members present:

On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Covey, Dix, Fretz, Midget, Millikin, Shivel, Walker, Willis "aye"; no "nays"; none "abstaining"; Carnes, Reeds, Stirling "absent") to recommend **ADOPTION** of the new zoning code as presented in the September 2015 public hearing draft, repealing and replacing the existing zoning code and repealing the form-based code, with the revisions voted on October 7, 2015.

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Mr. Covey stated that there are a number of speakers so he will move to Item 27 and 28 to be heard next.

27. **Z-7317 – Nathan Cross**, Location: Northwest corner of South Carson Avenue and West 15th Street South, requesting rezoning from **RM-2 to CS**, (CD 4)

STAFF RECOMMENDATION:

DEVELOPMENT CONCEPT:

The applicant is proposing to rezone a property that is currently in RM-2 zone to CS zone. This request is to bring the existing structure into compliance with the zoning code. This facility is classified as Use Unit 19

– Hotel, Motel and Recreational Facilities. Use Unit 19 is not allowed in the RM-2 zone. Requested CS zoning is the least intense zone that would allow Use Unit 19. The structure has been used for commercial purposes for more than thirty years. The Escape Tulsa moved into the existing structure last year.

DETAILED STAFF RECOMMENDATION:

Z-7317 requesting CS as identified in the Tulsa Zoning Code is consistent with the vision identified in the Comprehensive Plan; and

CS zoning is harmonious with existing surrounding property; and

CS zoning is consistent with the expected future development pattern of the proximate properties; therefore

Staff recommends **Approval** of Z-7317 to rezone property from RM-2 to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Z-7317 is included in Downtown Neighborhood and an Area of Growth. The rezoning request will complement the vision identified.

Land Use Vision:

Land Use Plan map designation: Downtown Neighborhood

Downtown Neighborhoods are located outside but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium- to high-rise mixed use residential areas. Downtown Neighborhoods are primarily pedestrian-oriented and are well connected to the Downtown Core via local transit. They feature parks and open space, typically at the neighborhood scale.

Areas of Stability and Growth designation: Area of Stability

The Areas of Stability includes approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and

small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

Transportation Vision:

Major Street and Highway Plan: Urban Arterial

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The existing structure is formerly a residence, but has been in commercial use for more than 30 years. The Escape Tulsa is currently located here.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Carson Avenue	No Designation	50 feet	2
East 15 th Street South	Urban Arterial	70 feet	4

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties: The subject tract is abutted on the east by single-family residences and a vacant lot, zoned RM-2; on the north by single-family residence, zoned RM-2; on the south by single-family residence, zoned RM-2; and on the west by a QuikTrip, zoned CS.

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11814 dated June 26, 1970, established zoning for the subject property.

Subject Property:

BOA-12325 December 16, 1982: The Board of Adjustment **approved** a *Special Exception* to allow an office use in an RM-2 district; at 1448 S. Carson Ave. and also known as the subject property.

Z-5359 February 1980: Staff recommended denial of a request for *rezoning* a 6800± square foot tract of land from RM-2 to CS to convert a home for a beauty salon, and approval of OM, on property located on the northwest corner of S. Carson Ave. and E. 15th St. S. and also known as the subject property. The TMAPC recommended denial and the applicant appealed it to City Council. The City Council **denied** the request for OM zoning.

Surrounding Property:

Z-6311 July 1991: All concurred in **approval** of a request for *rezoning* a 1.6± acre tract of land from OL/ CH to CS for a convenience store, QuikTrip, on property located on the northeast corner of S. Denver Ave. and E. 15th St. S. and abutting west of subject property.

BOA-20161 December 13, 2005: The Board of Adjustment **approved** a *Special Exception* to permit an office use (Use Unit 11) in an RM-2 district (Section 401), on property located at 1444 S. Carson Ave. W.

BOA-19881 July 27, 2004: The Board of Adjustment **approved** a *Special Exception* to permit a home occupation (hair salon) in an RM-2 district; and a *Variance* of home occupation guidelines to permit one employee, with conditions for one customer at a time; days/hours of operation Tuesday through Saturday, 10am to 8pm, thirty minutes between clients; and the conditions listed in the neighborhood association letter, which are the zoning code home occupation guidelines, except to allow one employee; located at 1515 S. Carson Ave.

BOA-19765 February 24, 2004: The Board of Adjustment **approved** a *Special Exception* to allow office use (Use Unit 11) in an RM zoned district, finding the building will be in substantial conformance to the conceptual plan submitted today; and the uses will be in compliance with the desirable uses that have been submitted; located at 1513 S. Carson Ave.

BOA-19660 August 26, 2003: The Board of Adjustment **approved** a *Special Exception* to permit an office in an RM-2 district, with the following conditions: the days and hours of operation be limited to 8:00a to 6:00p Monday through Friday, and 8a to 12p on Saturdays; and that bail bond business not be permitted on this subject property described as: 240 W. 15th St.

BOA-15399 March 15, 1990: The Board of Adjustment **approved** a *Special Exception* to permit office use in an RM-2 district; and **approved** a *Variance* to waive the screening requirements on the west and south boundary lines; subject to the structure retaining its residential character, and the principal building only being used for office space; subject to screening being installed on the north boundary; and subject to signage being limited to one unlighted sign 2' by 4'; finding that office use is existing in the area; and finding that screening on the front portion of the lot would destroy the residential character of the neighborhood; and finding that the granting of the requests, per imposed conditions, will not alter the residential character of the neighborhood; located at 1441 S. Carson Ave.

BOA-13120 May 17, 1984: The Board of Adjustment **approved** a *Special Exception* to permit office use in an RM-2 district; and a *Variance* of the required setback from an abutting R district on the N, S, and W for 10' to 8.1', 2.2', and 3', respectively, and a *Special Exception* to waive the screening requirement except at the parking lot; located S of the SW/c of 15th and Carson Ave.

TMAPC COMMENTS:

Mr. Covey asked Mr. Wilkerson why this applicant wasn't sent to the BOA. Mr. Wilkerson stated that the use that is being requested for this particular property is not allowed without a zoning change. The specific use that they are asking for is for Escape Tulsa, which is team building exercise, but it is also for pure entertainment. Mr. Wilkerson stated that one goes to Escape Tulsa and are locked up in a room and figure out how to get out before something bad happens. Mr. Wilkerson explained that this is very popular and is nationwide experience that is based in Tulsa. Mr. Wilkerson stated that the use doesn't fit neatly into the existing zoning code. There are a lot of empty parking lots along 15th Street in the subject area and it is expected to be more fully developed in the future.

Mr. Covey asked what the subject property was used for before Escape Tulsa. Mr. Wilkerson stated that he can't answer that question.

Applicant's Comments:

Nathan Cross, 502 West 6th Street, 74103, stated that he is in agreement with staff's recommendation. Mr. Cross stated that for all intents and purposes his client is taking an existing commercial structure and making the zoning conform to the commercial nature of the subject property. It has a parking pad, no back yard, no fencing and it is not in any way shape or form a single-family home and hasn't been for 35 years. There is commercial development all around the subject property on both sides of the street.

Mr. Cross stated that because of the unique nature of this concept there is no easy way to fit into the zoning code. He explained that it has been moved into a category with much higher uses, such as bowling alleys, when in reality the concept is there are four rooms, one makes an appointment and up to six people in a group goes into the room and have one hour to get out. Mr. Cross stated that nothing bad happens to you, but there is one hour to get out and if you don't get out they let you out. One basically solves puzzles to get the key to get out of the room. Mr. Cross explained that this unique to Tulsa and the City had a hard time figuring out how to classify it. It doesn't share any characteristics of the other commercial uses in Use Unit 19. Mr. Cross stated that everything is by appointment and there wouldn't be a lot of traffic coming and going. There is no standing in line to get into the door; one has to have an appointment. Mr. Cross explained that originally he wanted it to be an office use, and file for a special exception, but found out he couldn't do that. Mr. Cross stated that he requested CS because it is the least intensive zoning district that one can do and still have a Use Unit 19 use.

TMAPC COMMENTS:

Mr. Dix asked Mr. Cross if he has had any conversations with the owner of the house to the south and across the street. Mr. Cross answered negatively. Mr. Cross stated that he met with neighbors back in July and when he submitted his application he forwarded a copy to the neighborhood association through their president and said if anyone has an issue please contact him directly and he hasn't heard anything. Mr. Cross commented that he hasn't talked to any of the neighbors other than at that meeting in July.

Mr. Walker stated that this is simply gaming and team building without any exercise or fitness to it. Mr. Cross stated that one is in a room and using their brain.

Mr. Shivel asked if there is any particular hour of the day where there might be 24 people present. Mr. Cross stated that there could be 26 people, 24 clients and two employees.

Mr. Covey asked where the clients and employees park. Mr. Cross stated that is an issue that will be addressed with the Board of Adjustment. He explained that he will have to file for a variance for parking on the subject lot. Mr. Cross stated that there are ten lots and his staff is currently parking on the street. Mr. Cross pointed out the various properties being used as offices surrounding and abutting the subject property. Mr. Cross stated that Mr. Gomez has an office with five parking spaces that he allows Escape Tulsa to use. The operating hours of Thursday through Sunday in the evenings do not compete with Mr. Gomez's business hours.

Mr. Covey asked Mr. Cross about the hours of operation. **Andrew Gibson**, 1500 Northwest 39th Street, Oklahoma City, 73116, stated that the business is open to the public Thursday from 4:00 p.m. to 10:00 p.m. and Friday, Saturday and Sunday from 11:00 a.m. to 10:00 p.m. Mr. Cross explained that Escape Tulsa is currently doing corporate exercises, which the City of Tulsa has allowed to remain open for corporate exercises and once he receives zoning he would open back up to the public.

INTERESTED PARTIES COMMENTS:

Mike Tomlinson, 1410 South Carson Avenue, 74119, submitted letters in opposition (Exhibit D-1) and stated that he is eight houses down from the subject property. The existing parking is there because he understands that a garage for this home was torn down for the parking lot. Mr. Tomlinson stated that he has lived in the neighborhood since 2006 and there are lots of families, people walking their dogs and it is a great place to enjoy. Mr. Tomlinson stated that he is here to speak on behalf of a few others that were here earlier but couldn't stay. Mr. Tomlinson further stated that there are a few law offices that work out of some of these homes, but they are still primary residences for people. Mr. Tomlinson commented that he likes the concept of Escape Tulsa, but he is concerned about the rezoning to commercial because it stays with the land and other uses in the CS district could be placed there.

Mr. Covey asked Mr. Tomlinson if he had any objections to the current use. Mr. Tomlinson stated that the house still looks like a residence and he hasn't had any issues with it so far. Mr. Covey asked Mr. Tomlinson if anyone is living in the houses that are used for law firms. Mr. Tomlinson stated that there are a couple of lawyers that have their practices in their homes. Mr. Tomlinson referred to the land use maps that designate the subject area being downtown neighborhood and stability. Mr. Tomlinson explained that it is all residences in his neighborhood with families living there and a couple of lawyers do work out their homes, which is fine. They get up in the morning and walk their dogs and have dinners at the establishments. Mr. Tomlinson explained that everything is encroaching and the neighborhood is getting torn down for parking lots and businesses. Mr. Tomlinson stated that now it is on his street and we are talking about another business and he doesn't want it.

Mr. Shivel asked Mr. Tomlinson if he stated that the subject business has not created a problem for him at this point. Mr. Tomlinson stated that he has never had any issue with what they do because it has been so small. Mr. Tomlinson further stated that his issue is the rezoning and changing this to a commercial property and what could happen in the future.

Demetrius Bereolos, 1929 South Cheyenne, 74119, stated that he is opposed to the rezoning. Mr. Bereolos further stated that this is about a permanent change in zoning for the subject property. Mr. Bereolos cited Section 1200, use units, of the zoning code. Mr. Bereolos proposed that the TMAPC deny this application and requests that the applicant petition the Board of Adjustment to reclassify their use unit to Use Unit 11 (Office), or Use Unit 5 (School), both which are allowed in an RM-2 districts. In the last 35 years there have been seven instances in which the Board of Adjustment has approved special exceptions in RM-2 districts in question. Mr. Bereolos stated that the Use Unit 19, (Amusement) is a problem and rather than making the zoning change the applicant should go to the Board of Adjustment and request to be designated as some other use unit. Mr. Bereolos explained that the team building of Escape Tulsa clearly relates to office, business or a school and Use Unit 5 talks about educational or recreational uses. Mr. Bereolos stated that instead of changing the subject property to commercial and raise the question of what might happen in the future, think about people that are living in there and the possibility of a sale of the subject property with a new tenant with the commercial designation and what is allowed by right. The area north of the subject property has 26 single-family homes between 14th and 15th Street. Before making a near permanent change, please consider the other option that deals with the problem that Escape Tulsa has, which is being in the wrong use unit.

Mr. Willis out at 5:08 p.m.

Brent Garrett, 245 West 16th Street, 74119, stated that he opposes the rezoning. Mr. Garrett further stated that he doesn't have a problem with Escape Tulsa, but he doesn't want the CS zoning. The subject area is Carlton Place, which is listed in the National Historic Register. The residential areas are one and half blocks and it started out originally as three blocks, but has had several homes demolished over the years. The remaining homes are craftsman homes that were built in 1910 to 1915. Carlton Place is a part of the bigger downtown neighborhood known as Riverview Neighborhood Association, which consists of Stonebreaker Heights, Carlton Place, Buena Vista and Riverview, which are all on the National Register of Historic Places in 2007. He explained that the subject area has been fighting against residential for many years. Mr. Garrett further explained that during these battles they have always used the Comprehensive Plan, which has the designation of stability. Mr. Garrett read from the Comprehensive Plan for areas of stability, preserving residential characters, etc.

John Nicks, 1325 South Guthrie, 74119, stated that he purchased the subject property in 1983 and prior to that purchase the subject property had been used as a rooming house. Mr. Nicks stated that he was the first

to purchase in what was considered a run-down neighborhood. The property has changed in character because the QuikTrip was built next door and is probably one of the busiest in Tulsa. The law offices to the north and across the street are just offices and have been for years, nobody lives in the law offices. Mr. Nicks commented that he can understand about concerns in changing zoning, but as property changes the City changes, the character of property changes and sometimes necessitates changing the zoning. Mr. Nicks stated that with the limited parking and the limited size of the subject property it will keep it to small business being operated there.

Applicant's Rebuttal:

Mr. Cross stated the subject property is 138 feet deep and 50 feet wide, the idea that if the subject property is rezoned to commercial something huge will move in there. Mr. Cross commented that he doesn't understand that fear. The size and buildable space on the lot will not allow for anyone to do some of the things the neighbors are concerned about for future development. Mr. Cross stated that the subject area along 15th is used as commercial, but it is not zoned that way. Mr. Cross cited the office uses in the subject area. Mr. Cross stated that the statement that people live and work out of their homes is not true, the subject property is surrounded completely by existing office structures that have been offices for many years. Mr. Cross explained that the subject home has been modified and is not fit for use as a single-family home.

Mr. Covey asked if there is no other way to get the applicant what he needs to operate. Mr. Covey asked if OM zoning would allow this use. Mr. Wilkerson stated that he is not sure about OM zoning. Mr. Wilkerson further stated that one of the speakers talking about the use designation and that is a legitimate process that one can go through. Mr. Covey stated that he asked about that earlier. Mr. Wilkerson stated that he thought the question that was being asked was the building permit office has already given us a definition of what the use unit classification is and so the applicant would have to go the Board of Adjustment and ask for a new interpretation of what the building permit office has already provided. Ms. Miller stated that the applicant would have to appeal to the Board of Adjustment. Mr. Wilkerson stated that the applicant could appeal to the Board of Adjustment, do a PUD, or wait until January and do some other things that will be built into the new code, but he still thinks that the commercial zoning on such a small scale along 15th Street is appropriate of zoning designation at this location. Mr. Wilkerson commented that there are always options, but with the things that have been laid in front of us this is either straight zoning or PUD and the only options we have.

Mr. Covey listed the options for the applicant, which is a PUD, straight zoning or go to the Board of Adjustment and appeal the administrative

official's decision for their interpretation of the use unit classification. In response to Mr. Covey, Mr. Wilkerson stated that the use unit reclassification would apply to the subject business model. Mr. Wilkerson further stated that he would suggest that the applicant look at that for their entire business model wherever it might be in Tulsa. Mr. Covey stated that the issues he has is that it is "Downtown Neighborhood" and it is in an "Area of Stability" and he believes that the homeowners have raised legitimate concerns regarding changing the property to commercial zoning and what could happen in the future. Mr. Wilkerson acknowledged that they are all legitimate concerns. Mr. Covey stated that by looking at the zoning map he understands the argument that there are properties being used as commercial properties, but they are not zoned for commercial. Mr. Wilkerson stated that this is a downtown neighborhood and east of the subject area is CH zoning and there is commercial immediately to the west. Mr. Wilkerson commented that there is an eclectic mix of zoning categories in the subject area. Mr. Covey cited the various zonings in the subject area surrounding the subject property. Mr. Wilkerson stated that looking from the long-term perspective, a big part of it is the scale of the site. This is such a small site that whatever it is will be fairly non-intrusive to the neighborhood.

Mr. Fretz stated that he can see the neighbor's concern with what might happen in the future and the applicant could probably accomplish the same thing if he went to the Board of Adjustment and the designation changed and preserve the integrity of the neighborhood.

Mr. Midget stated that he understands the concerns of the residents there, but trying to protect the neighborhood, he isn't sure what else could be done with the subject site. Mr. Midget commented that he is a QuikTrip fan, but he wouldn't want to live next to one. The options will be limited on what can be done with the subject property. Mr. Midget stated that he is more concerned with the rest of the neighborhood and how does one prevent further intrusion of incompatible development in the neighborhood in the hodgepodge that is that is seen on the zoning map. Mr. Midget suggested that the neighborhood look at the tools available to protect their neighborhood. Mr. Midget concluded that he will probably vote to approve the application. Mr. Midget stated that CS is much more restrictive than CH.

Mr. Dix explained that he will be abstaining since his daughter-in-law's brother own property in the subject area. Mr. Dix stated that he has had no contact with him regarding his wishes. Mr. Dix further stated that he was voting he would vote against it because it is an infringement on the neighborhood. Ms. VanValkenburgh stated that if Mr. Dix is going to abstain then he can't tell what he would vote. Mr. Dix stated that he voted

for it he believes it would increase his property value significantly. Mr. Dix explained that he is torn and will have to abstain.

Ms. Millikin stated that she is in agreement with Mr. Midget. The subject property has been used as commercial property for 30 years and the existing uses all around it. Ms. Millikin stated that she can't see how this would be used as residential property in the future. There are tools available to stop encroachment of commercial properties into the neighborhood. Ms. Millikin stated that zoning to CS would be consistent with the uses surrounding the subject property.

TMAPC Action; 7 members present:

On **MOTION** of **WALKER**, TMAPC voted **4-2-1** (Midget, Millikin, Shivel, Walker "aye"; Covey, Fretz "nays"; Dix "abstaining"; Carnes, Reeds, Stirling, Willis "absent") to recommend **APPROVAL** of the CS zoning for Z-7317 per staff recommendation.

Legal Description for Z-7317:

LOT 37, BLK 3, Carlton Place, City of Tulsa, Tulsa County, State of Oklahoma.

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28. **Z-7318 – Antoine Harris**, Location: West of southwest corner of East 36th Street North and North Garrison Avenue, requesting rezoning from **AG/CS to CH**, (CD 1)

STAFF RECOMMENDATION:

DEVELOPMENT CONCEPT:

The applicant is proposing to rezone a property that is currently in AG/CS zones to CH zone. A four story mixed-use facility is proposed with retail and office uses for the main level and housing above. CH zoning is desired to allow the building to be located adjacent to East 36th Street North.

DETAILED STAFF RECOMMENDATION:

Z-7318 requesting CH as identified in the Tulsa Zoning Code is consistent with the vision identified in the Comprehensive Plan; and

CH zoning is harmonious with existing surrounding property; and

CH zoning is consistent with the expected future development pattern of the proximate properties; therefore

Staff recommends **Approval** of Z-7318 to rezone property from AG/CS to CH.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Z-7318 is included in Main Street and an Area of Growth. The rezoning request will complement the vision identified. Unfortunately CH zoning does not require building placement adjacent to the ultimate street right of way however the current proposal supports the main street vision.

Land Use Vision:

Land Use Plan map designation: Main Street

Main Streets are Tulsa's classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide, and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.

Areas of Stability and Growth designation: Area of Growth

The purpose of an Area of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are in close proximity to or abutting an arterial street,

major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.

Transportation Vision:

Major Street and Highway Plan: Secondary Arterial

Trail System Master Plan Considerations:

This site is within one half mile of Osage Trail.

Small Area Plan: 36th Street North Corridor

Staff Summary: Rezoning the site from AG/CS to CH is consistent with the vision of the 36th Street North Corridor Small Area Plan adopted by City Council in December 2013.

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is currently a vacant lot.*

Environmental Considerations: None

Immediately south of the site a steep hillside will provide significant buffer to the existing single family residential home and any future residential development. A north facing and heavily wooded hillside provides screening from the existing home to the proposed CH development. The existing home floor elevation is over 50 feet above the ground surface at the shared property line with the zoning request. The comprehensive plan illustrates the property south of this site as new neighborhood however it is unlikely that any residential development will be any closer than 150 feet from the shared lot line because of the terrain.

An existing private drive for the home south of Z-7318 is adjacent to the west property line.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 36 th Street North	Secondary Arterial	100 feet	4

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties: The subject tract is abutted on the east by a convenience store, zoned RM-1; on the north by a shopping center, zoned CH; on the south by a single-family residence, zoned AG; and on the west by a vacant commercial building, zoned CS.

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11918 dated September 1, 1970, established zoning for the subject property.

Subject Property:

n/a

Surrounding Property:

BOA-21247 April 12, 2011: The Board of Adjustment **approved** the *Special Exception* to permit automotive sales (Use Unit 17) in the CS district (Section 701); and a *Variance* to permit open air storage and display of merchandise offered for sale within 300 ft. of an adjoining R district (Section 1217.C.2). Regarding the special exception for automotive sales, there are no automotive sales uses within any near distance of this particular location, and the land is zoned CS but it is surrounded by other CS, AG and CH districts, and the nearest R district is actually hidden from view of this particular location. Regarding the open air storage and display of merchandise offered for sale, this will be closest to the residential area to the northwest, which is actually not even in view of this property because of the elevation difference. The conditions being there will be no outside repair services of any kind at this particular location. All of the existing concrete surfaces will be patched so they are in serviceable condition, on property located at 502 E. 36th St. N. and west of subject property.

BOA-17176 September 12, 1995: The Board of Adjustment **approved** a *Special Exception* to permit a paint and body shop in a CS district, subject to the principal use being automobile repair, with painting as an accessory use, on property located at 502 E. 36th St. N. and west of subject property.

BOA-14542 July 23, 1987: The Board of Adjustment approved a Variance to permit a convenience store in an RM-1 district; and a Variance of the required screening along the west boundary, on property located at 558 E. 36th St. N. and abutting east of subject property.

BOA-7460 May 18, 1972: The Board of Adjustment made an Interpretation that the proposed use was within Use Unit 5, and approved a Special Exception to permit using the property for a nonprofit educational corporation for the training of persons engaged in the field of household employment in order to further the education and improve the working conditions of these persons, on property located at 506 E. 36th St. N. and abutting south of subject property.

BOA-2963 July 10, 1957: The Board of Adjustment approved a Special Exception for church use, on property located at 520 E. 36th St. N. and abutting south of subject property.

Applicant's Comments:

Antoine Harris, 3030 East 49th Street, 74105, stated that fits the 36th Street North small area plan corridor and the extend Vision 2025 plan and this is a mixed use and first of its kind in North Tulsa for over 60 years. He indicated that there would be apartments above and commercial at the bottom.

INTERESTED PARTIES COMMENTS:

Myrtis Hartman, 520 East 36th Street North, 74106, stated that she owns the 7.8 acres adjacent to the subject property and she is opposed to the proposal. Ms. Hartman further stated that this would put herself at risk everyday and she is against it. Ms. Hartman stated that this is nothing she would like to have in her neighborhood and she is concerned about her driveway to her property.

Mr. Covey asked Ms. Hartman if her property is zoned AG. Ms. Hartman answered affirmatively. Ms. Hartman cited the surrounding property and their zoning. Mr. Covey asked Ms. Hartman how long she has lived on her property. Ms. Hartman indicated that she has lived there seven years. Ms. Hartman stated that she hasn't received anything from the applicant.

Ms. Millikin asked if a fence between the properties would help her concerns. Ms. Hartman stated that there is a huge drop in the property from the subject property to hers and it is wooded. Ms. Millikin stated that it looks like there is quite a buffer from the trees. Ms. Hartman stated that it is agricultural. Ms. Millikin stated that she would presume that the wooded property would screen the subject property. Ms.

Hartman agreed that it is wooded and provides screening, but how tall would a fence have to be. Ms. Millikin stated that the fences are usually six feet. Ms. Hartman stated that it wouldn't be acceptable. Ms. Millikin stated that the fence would create a barrier.

Mr. Midget asked Ms. Hartman if she stated that she didn't want anything developed on the subject property. Ms. Hartman answered affirmatively.

Applicant's Rebuttal:

Mr. Harris stated that he has support from the City Council. Mr. Harris explained that Councilor Henderson has held several meetings and he is surprised that Ms. Hartman hasn't received any correspondence. Mr. Harris explained that Ms. Hartman's property has a 250-foot elevation and if he goes five feet she couldn't see. The biggest challenge is the ingress onto her road and we can talk about that as we go farther into designs. Mr. Harris stated that the subject property does abut up to her property, but all of his designs are on the subject property line and there is no access to her property or egress and ingress. Mr. Harris indicated that Saint Simeon's is been there since 1956 and they are supporting this proposal and will help us fill our apartment units. Mr. Harris stated that OU Medical facility was completed about three or four years and they are supportive of the application as well. Mr. Harris stated that he has reached out to the community to gain support.

Mr. Shivel asked Mr. Harris to cite the facilities between the subject property and Saint Simeon's. Mr. Harris stated that there is Northland Shopping Center and some housing off of Elgin.

Mr. Fretz asked how many apartment units are being proposed. Mr. Harris stated that there would be 50 units.

Mr. Midget asked staff if CS zoning would accomplish the proposal. Mr. Midget expressed concerns with the possibility of the development not happening and it being zoned CH that would allow an array of uses that may be objectionable as we move forward. Mr. Hoyt stated that in CS zoning the building would have to set back too far and couldn't have the building up to the street. With CH zoning the applicant is able to have their building along the 36th Street corridor.

Mr. Dix stated that he has the same question of why CH zoning. Mr. Hoyt stated that one can only have mixed use in CH zoning.

Mr. Midget asked if the applicant was advised of a PUD or anything. Mr. Harris stated that he was advised about the PUD and it is more

restrictive. Mr. Harris explained that he owns the property and he will not be leasing it. Mr. Harris stated that he is already in preliminary platting and that solidifies that the subject property had the funding and is moving forward. Mr. Harris further stated that platting is in place by TEP and this project is moving forward and it is not a lease property. Mr. Harris explained that he knows what a PUD is and it is more restrictive than CH zoning. Mr. Midget stated that a PUD is not more restrictive than CH zoning. Mr. Harris stated that CH zoning is better for his project. Mr. Midget stated that a PUD is not more restrictive and it gives more flexibility while protecting the base zoning that subject property currently has. Mr. Midget further stated that he is not concerned about the ownership, because eight years from now the same owner's may not own it. Mr. Harris agreed with Mr. Midget's statement. Mr. Midget stated that CH stays with the property and cited the uses that are allowed by right that may be objectionable along the 36th Street corridor. Mr. Midget stated that for these reasons he asked if staff had given Mr. Harris that option and give him some flexibility on how to design the building and project. Mr. Harris stated that he isn't doing this project in a vacuum, he is in negotiations in doing the town center and this is one of the first projects. Mr. Harris commented that it will not be a standalone project. Mr. Midget asked Mr. Harris if he would be open to a PUD. Mr. Harris stated that it costs a lot more money and he is ready to go. Mr. Midget stated that he is being honest and he doesn't support a CH on the subject site because of what other things that could happen on that site eight years from now if Mr. Harris no longer owns the property. Mr. Midget explained that with a PUD Mr. Harris could accomplish his goal and have more creativity than what would be allowed in CH zoning. Mr. Harris stated that he doesn't anticipate leaving the community. Mr. Midget stated that he understands Mr. Harris not expecting to leave. Mr. Harris stated that CH would work for him and PUD would put him back too much and he is ready now. Mr. Harris further stated that the platting states that this where the project is going to be and he is ready.

Mr. Dix asked Mr. Hoyt if the Planning Commission wasn't willing to approve the CH zoning what would the time factor be for the applicant to come back with either a mixed-use after the new zoning code is approved or a PUD now. Mr. Hoyt stated that it would take several months. Mr. Hoyt explained that it would require for them to come back for a new PUD application and basically start over.

Mr. Midget stated that if this application was continued and give the applicant an opportunity to file a PUD that would speed up the process. Mr. Midget commented if the applicant wanted to go that route and get

a true prospective of the time. Mr. Midget clarified that he is not saying no development, but he does have some concerns.

Mr. Dix stated that he agrees with Mr. Midget for a continuance or not supporting the CH zoning.

Ms. Miller stated that this application could be continued to a date certain and allow for a new PUD application submitted to catch up with it. Ms. Miller stated that the PUD application would require a notice.

Mr. Covey asked if staff supports the CH zoning in the subject location. Ms. Miller answered affirmatively. Ms. Miller stated that she understands the concerns and there will be a new optional development plan in the new zoning code, which the past two applications it would have been perfect for and wouldn't require the PUD process. Ms. Miller stated that the CH zoning would give the applicant what he needs, but she does understand the concern for uses that staff wouldn't want to see there either. Mr. Covey stated that once they are given the zoning the uses can't be controlled.

Mr. Covey asked if he heard the applicant state that he didn't want to go the PUD route. Mr. Harris stated that he didn't want to do a PUD, but it would take more time. Mr. Harris further stated that what he is hearing is the concern that the project may change in eight years and that would be challenge for him because the project in representing and platting and getting approved will be the specific project. Mr. Harris stated that it will be a mixed-use and it will be zoned and platted for that project.

Mr. Dix stated that the zoning is CH and that is not a mixed-use and has nothing to do with a plat. Mr. Dix further stated that the CH zoning stays with the land and not the owner and a new owner can use the land for anything that CH zoning allows. Mr. Dix commented that the Planning Commission is struggling with what would happen to the property if Mr. Harris no longer owned it.

In response to Mr. Shivel, Ms. Miller stated that if the Planning Commission wanted to continue the zoning application to a date certain and allow the applicant time to file a PUD application, the next cutoff of October 22, 2015 then the application would be back before the Planning Commission on December 2, 2015.

Mr. Shivel stated that the Planning Commission can help Mr. Harris if he would step up and doing it this way, which is submitting a PUD.

Mr. Harris stated that he is not opposed to a PUD, but he just doesn't want to be pushed back. Mr. Harris explained that he has time restraints and he will convene his group and try to make it back on the December date if that is what the Planning Commission suggests.

TMAPC Action; 7 members present:

On **MOTION** of **DIX**, TMAPC voted **7-0-0** (Covey, Dix, Fretz, Midget, Millikin, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Reeds Stirling, Willis "absent") to **CONTINUE** Z-7318 to December 2, 2015

* * * * *

29. **Z-5620-SP-15 – Birkie Ayer, Jr.**, Location: Southeast corner of South Memorial Drive and East 92nd Street South, requesting a **Corridor Development Plan** to add Use Unit 17, Collision Center, **CO**, (CD 7)

STAFF RECOMMENDATION:

DEVELOPMENT CONCEPT:

The previous development plan for this site allowed Use Unit 17 (Automobile and Allied Activities) uses, however limited the use to car and light truck leasing and rental, light maintenance activities similar to windshield chip repair and minor door ding repair is allowed. Collision repair and heavy mechanic work were prohibited. This proposed development plan will establish Use Unit 17 as unrestricted in order to allow a collision center to be constructed.

DEVELOPMENT STANDARDS:

Land Area:

The development standards in effect prior to this application were divided into two development areas labeled as "A" for the western 1.94 acres and "B" for the eastern 1.06 acres. Because the site is now proposed to be fully developed, this application and the included development standards are intended to apply to the entire property. The land area is 130,680 SF or 3.00 acres.

Permitted Uses:

UU 17 – Automotive and allied activities (unrestricted) and uses as allowed by previous development plans.

Maximum Floor Area:

The maximum land coverage of buildings shall be 30%.

Minimum Building Heights:

The building height to the top of the parapet will not exceed 30 feet.

Maximum Parking Spaces:

1 space per 500 SF of shop or warehouse space
1 space per 300 SF of office space
Up to 20% of spaces may be "double stack" spaces.

Maximum Building Setbacks:

From Centerline of S. Memorial	150 FT (same as existing)
From North Boundary	15 FT (existing is 22 ft)
From South Boundary	29 FT (same as existing)
From East Boundary	15 FT (existing is 118 ft)

Signs:

Ground Sign: Limited to one freestanding sign with a maximum of 160 SF of Display Surface Area and 25' Tall.

Wall Signs: Permitted not to exceed 1.5 SF of Display Surface Area per Lineal Foot of Building Wall to which attached

Internal Directional Signs Limited to a maximum of 10 SF of Display Surface Area and 8' Tall

Screening:

A 6' tall privacy fence shall be maintained along the southern boundary. In addition to the fence an evergreen tree buffer shall be established along that portion of the southern boundary line that corresponds to the proposed building addition. This buffer shall be begin approximately 180' from the west boundary and extend to the eastern boundary. The nominal width of the buffer shall be 10', and the approximate length of the buffer shall be 400'.

To the extent compatible with the proposed site plan, existing trees shall be maintained. Trees within proposed parking lot tree islands and along the southern boundary, except where otherwise stated, are not required to be evergreen.

Roof top equipment shall be screened to minimize visual impact with a parapet height of 24 feet on the multi-family side.

No outdoor public address (PA) system will be permitted.

Parking Lot and Site Lighting:

All parking lot lighting shall be constructed in such a manner as to direct light downward and away from abutting multifamily residential development.

Full cut-off fixtures shall be provided.

No wall pack lighting will be added on the multifamily (southern) side of the building.

Maximum pole heights for parking lot lighting shall not exceed 20' within 100 feet of the southern boundary and shall not exceed 25' within the remainder of the site.

Hours of Operation:

Restricted to Monday through Saturday from 7 am to 7 pm. Closed on Sundays except for deliveries.

Trash Receptacles:

Dumpsters shall be enclosed in masonry enclosure with gates. Gates shall be metal panel on steel frames.

Automotive Repair & Painting:

All maintenance, vehicle preparation, repair and painting operations shall take place only inside the building.

In order to mitigate potential nuisance odors from the automotive painting operations, all paint booth equipment shall be required to meet the National Emission Standards for Hazardous Air Pollutants (NESHAP) CFR 40: Chapter 1: Subchapter C: Part 63 and shall be maintained in fully operational condition based on manufacture's recommendations.

Doors along the southern side of the building, abutting the multifamily development, shall be normally closed. Doors shall only be open when a vehicle is entering or exiting the building.

"Junked" cars will not be stored onsite for long periods. No wrecked, damaged or inoperable vehicles will be stored outside onsite for longer than 30 consecutive days.

Fencing:

Portions of the parking lot may be secured with fencing and or gates for security. All gates shall be equipped with Knox boxes to allow access for the fire department.

The existing 6 ft fence along the southern boundary shall be extended to the western boundary.

VEHICULAR ACCESS AND CIRCULATION:

This project is a redevelopment of a commercial property at the corner of East 92nd Street South and South Memorial Drive and is adjacent to East 92nd Street South and South Memorial Drive. The vehicular access will continue to be from those two arterial streets. Access is currently from East 92nd Street South via and access in the western portion of the site. A new access from East 92nd Street South, located in the eastern portion of the site, is proposed. East 92nd Street South is a private street and is a dedicated mutual access.

PEDESTRIAN ACCESS:

The site will require a plat or plat waiver and sidewalks will be required along South Memorial Drive as part of this redevelopment. The conceptual plan illustrates the new sidewalk location. Internal sidewalks are shown along the existing building and at the south and east sides of the proposed addition.

PLATTING REQUIREMENT:

The property has been platted and staff will support a plat waiver if all the standards for a plat waiver are met. Part of the plat waiver request will require sidewalk construction in the public right of way.

EXPECTED SCHEDULE OF DEVELOPMENT:

Development of the Project is expected to begin after approval of this Development Plan, Detailed Site Plan approval and amendment and/or re-platting of the Project.

DETAILED STAFF RECOMMENDATION:

The Corridor Development Plan is compatible with the existing site and all surrounding properties. The approval of unrestricted Use Unit 17 is only compatible with the proposed improvements to help mitigate any negative impacts associated with the type of work being proposed.

Z-5620-SP-15 is consistent with the Tulsa Comprehensive Plan.

Staff recommends **Approval** of Z-5620-SP-15 as outlined in Section I above.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The addition to and remodeling of the existing building and adding the proposed use is consistent with the Comprehensive Plan designation of this area.

Land Use Vision:

Land Use Plan map designation: Town Center

Town Centers are medium-scale; one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods, and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

Areas of Stability and Growth designation: Area of Growth

This is an Area of Growth which identifies area to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are in close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.

Transportation Vision:

Major Street and Highway Plan:

The Major Street and Highway Plan has been implemented with the exception of sidewalks. This Corridor Development Plan will add sidewalks to this section of Memorial and connect to existing sidewalks immediately north of this building.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The subject property is approximately 3± acres in size and is located at the southeast corner of S. Memorial Dr. and E. 92nd St. The property is utilized as an automobile rental agency and is zoned CO.

Environmental Considerations: Paint booth equipment is required to meet National Emission Standards for Hazardous Air Pollutants (NESHAP) CFR 40: Chapter 1: Subchapter C: Part 63.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Memorial Drive	Primary Arterial Commuter Street	120 feet	4+

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties: The subject tract is abutted on the east by vacant land, zoned CO and PUD-704; on the north by a large used car dealership, zoned PUD-704; on the south by multifamily residential, zoned CO; and on the west by large car dealerships, zoned PUD-405C and PUD-405H.

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 15232 dated December 16, 1981, established zoning for the subject property.

Subject Property:

Z-5620-SP-5 October 1984: All concurred in approval of a request for a Corridor Landscape Plan on a 3± acre tract of land for the automobile insurance office in Development Area A, including screening on the south boundary that abuts the existing multi-family development, on property located south of the southeast corner of S. Memorial Dr. and E. 91st St. S. and also known as the subject property.

Z-5620-SP-4 December 1984: All concurred in approval of a request for a Corridor Development Plan on a 3± acre tract of land for an automobile insurance claims adjustment office with an evaluation area in Development Area A, B was still undeveloped, on property located south of the southeast corner of S. Memorial Dr. and E. 91st St. S. and also known as the subject property.

Surrounding Property:

PUD-704/Z-5620-SP-12 May 2004: All concurred in approval of a proposed Planned Unit Development and Corridor Development Plan on a 12± acre tract of land for an automobile dealership (Use Unit 17), as well as Use Units 10, 11, 12, 13, and 14, on property located on the east side of S. Memorial Dr. and south of E. 91st St. and abutting north and east of subject property.

PUD-405-H June 2000: All concurred in approval of a request for a Major Amendment to PUD-405 to add 16,000 square feet of allowable floor area to the existing automobile dealership on Lot 5 to expand the business on the adjoining Lot 6, on property located on the northeast corner of East 92nd Street and South 78th East Avenue.

Z-5620-SP-1 through 8. The subject Corridor Site Plans have been approved for a 1,056-unit apartment complex, a service station, car wash and convenience store, a drive-in restaurant, offices, automotive parts retail store, and an outdoor advertising sign and have all been established with site plans.

Z-5620 December 1981: A request to rezone a 96± acre tract, which included the subject tract, and property located between East 91st Street and the Creek Turnpike from RS-3/ RM-0/ CS and to CO. All concurred in approval of CO except the east 1,400 feet that remained RS-3.

PUD-557-A November 2000: All concurred in approval of a proposed Major Amendment to PUD on an 8± acre tract of land, Development Area B, to add public library and outdoor advertising sign use to permitted uses, on property located east of the southeast corner of E. 93rd St. and S. Memorial Dr.

PUD-557 May 1997: All concurred in approval of a proposed Planned Unit Development on a 16± acre tract of land, dividing it into two Development Areas A with office, commercial and automobile sales, service and repair use; and Development Area B with multifamily dwelling use, on property located on the southeast corner of E. 93rd St. and S. Memorial Dr.

PUD-405-C April 1994: All concurred in approval of a proposed Planned Unit Development on a 5± acre tract of land to add automobile and light truck sales and service uses to permitted uses in Development Area 1-F, on property located at the northwest corner of E. 93rd St. and S. Memorial Dr.

Mr. Covey out 5:50 p.m.

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 **MIDGET**, TMAPC voted **6-0-0** (Dix, Fretz, Midget, Millikin, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Covey, Reeds, Stirling, Willis "absent") to recommend **APPROVAL** of the corridor development plan for Z-5620-SP-15 per staff recommendation.

Legal Description for Z-5620-SP-15:

LT 1 BLK 1, STATE FARM SERVICE CENTER REVISED, City of Tulsa, Tulsa County, State of Oklahoma.

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Mr. Covey in 5:52 p.m.

24. **G4 Hospitality – Minor Subdivision Plat**, Location: West of northwest corner of North 193rd East Avenue and East Admiral Place, (CD 6)

STAFF RECOMMENDATION:

This plat consists of 1 Lot, 1 Block, on 2.6 acres.

The following issues were discussed June 18, 2015, at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned IL (industrial light).
2. **Streets:** The property extends north into the existing highway. ROW in this area needs to be dedicated to State of Oklahoma. Modify sidewalk covenant language to reflect one lot, one block and no adjoining minor streets.
3. **Sewer:** On the utility plan, locate the proposed sanitary sewer line 12.5 feet from the east property line within the 17.5 foot utility easement. Maintain adequate separation between the water line and the sanitary sewer line. What appears to be a permanent structure for the trash enclosure will not be allowed within the existing 20 foot utility easement. The abbreviation FO is not included in the legend.
4. **Water:** Atlas page 540 – The proposed water service line can't be installed inside the 17.5 foot utility easement.
5. **Storm Drainage:** The 45 foot x 45 foot easement may not be large enough for the tank system.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** No comment.
8. **Other: GIS:** Add point of commencement. Submit control data sheet. Identify all subdivisions in location map. Add date of preparation. Add email addresses for owner and engineer/surveyor. Clarify graphics. **City Legal:** Comments must be addressed.

Staff can recommend **Approval** of the Minor Subdivision plat as release letters have been received.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. The concerns of the Development Services and Engineering Services staffs must be taken care of to their satisfaction.

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to

property line and/or lot lines.

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

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

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **WALKER**, TMAPC voted **7-0-0** (Covey, Dix, Fretz, Midget, Millikin, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Reeds, Stirling, Willis "absent") to **APPROVE** the minor subdivision plat for G4 Hospitality per staff recommendation.

* * * * *

22. **LS-20811** (Lot-Split) (County) – Location: Northeast corner of east 96th Street North and North Yale Avenue

STAFF RECOMMENDATION:

The Lot-Split proposal is to split an existing AG (Agriculture) tract into two tracts. One of the resulting tracts (Tract 1) will meet the Bulk and Area Requirements of the Tulsa County Zoning Code. The other tract (Tract 2) will exceed the Bulk and Area requirements of the Tulsa County Zoning Code.

Technical Advisory Committee met on September 17, 2015. The County Engineer is requiring 50 feet of right-of way on both East 96th Street North and North Yale Avenue. Washington County Rural water district # 3 stated that water service is available for Tract 1, pending application for service by the land owner. At such time as water service is requested for Tract 2, a field audit will be done and requirements of the district must be met.

The proposed lot-split would not have an adverse affect on the surrounding properties and staff recommends **APPROVAL** of the lot-split and the waiver of the Subdivision Regulations that no lot have more than three side lot lines.

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 **DIX**, TMAPC voted **7-0-0** (Covey, Dix, Fretz, Midget, Millikin, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Reeds, Stirling, Willis "absent") to **APPROVE** LS-20811 per staff recommendation.

* * * * *

23. **Cadent Park – Minor Subdivision Plat**, Location: West of the northwest corner of East 91st Street South and South Yale Avenue, (CD 8) (Staff requests a continuance to 10/21/2015)

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **DIX**, TMAPC voted **7-0-0** (, Covey, Dix, Fretz, Midget, Millikin, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Reeds, Stirling, Willis "absent") to **CONTINUE** the minor subdivision plat for Cadent Park to October 21, 2015.

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Mr. Wilkerson stated that he will be presenting Items 25 and 26 together.

25. **Z-7314 – City Council**, Location: South of southwest corner of South Riverside Drive and East 71st Street South, requesting, requesting rezoning from **RS-4/RM-2/PUD-128-E to AG/PUD-128-I**, (CD 2) (Related to PUD-128-I) (Continued from 9/2/15)

STAFF RECOMMENDATION:
DEVELOPMENT CONCEPT:

DETAILED STAFF RECOMMENDATION:

The existing PUD 128-E and its underlying residential zoning as defined in development areas B,C,D,E is not consistent with the Tulsa Comprehensive Plan; and

The existing PUD 128-E with RS-4 and RM-2 single family zoning is not consistent with the expected development pattern for the site; and

Rezoning request from RS-4 and RM-2 to AG in conjunction with the abandonment of PUD 128-E will allow redevelopment possibilities that may be consistent with the Tulsa Comprehensive Plan; and

Rezoning request from RS-4 and RM-2 to AG in conjunction with the abandonment of PUD 128-E is non injurious to the surrounding properties; and

Abandonment of PUD 128-I will remove the park approval for Helmerich Park near Riverside on the north side of the existing apartment project leaving the site as a legally non conforming use.

Staff recommends a follow up with the City of Tulsa Board of Adjustment to request a special exception for Use Unit 5 requesting approval for the park use on the remainder of the 55 acre tract that will be abandoned with PUD 128-I; therefore

Staff recommends Approval of Z-7314 to rezone property from RM-2, RS-4/ to AG.

Tulsa Public Facilities Authority (TPFA) Recommendation: At the September 24, 2015, TPFA meeting, the TPFA made a motion to concur with the changes proposed in PUD-128-1 and Z-7314 and to initiate a Special Exception to allow for a park use once the rezoning actions become effective.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The abandonment of the existing PUD is supported by the Tulsa Comprehensive plan. The Tulsa Comprehensive Plan currently illustrates this area as an area of stability and a Park and Open Space area.

Land Use Vision: Park and Open Space

This building block designates Tulsa's park and open space assets. These are areas to be protected and promoted through the targeted investments, public-private partnerships, and policy changes identified in the Parks, Trails, and Open Space chapter. Zoning and other enforcement mechanisms will assure that recommendations are implemented. No park and/or open space exist alone: they should be understood as forming a network, connected by green infrastructure, a transportation system, and a trail system. Parks and open space should be connected with nearby institutions, such as schools or hospitals, if possible.

This designation includes neighborhood-serving parks, golf courses, and other public recreation areas. Amenities at these park facilities can include playgrounds, pools, nature trails, ball fields, and recreation centers. With the exception of private golf establishments, these areas are meant to be publically used and widely accessible, and infrastructure investments should ensure as much. Local parks are typically surrounded by existing neighborhoods and are designated areas of stability.

Destination and cultural parks:

These areas include Turkey Mountain Urban Wilderness Area, Woodward Park, RiverParks, the Gathering Place, Mohawk Park & Zoo, LaFortune Park and similar places. These parks offer a range of amenities over a large, contiguous area. Amenities at these parks include not only outdoor facilities, but also events spaces, museums, club houses, zoos, and park-complementing retail and service establishments which do not egregiously encroach into protected natural areas. These parks draw visitors from around the metro area, and have the highest tourism potential. Ensuring public access (and appropriate infrastructure investments) is a major facet of planning for these establishments. Destination and cultural parks are large scale, dynamic parks that draw residents and visitors from the region and may be designated as an area of growth.

Local parks

This designation includes neighborhood-serving parks, golf courses, and other public recreation areas. Amenities at these park facilities can include playgrounds, pools, nature trails, ball fields, and recreation centers. With the exception of private golf establishments, these areas are meant to be publically used and widely accessible, and infrastructure investments should ensure as much. Local parks are typically surrounded by existing neighborhoods and are designated areas of stability.

Open space:

Open spaces are the protected areas where development is inappropriate, and where the natural character of the environment improves the quality of life for city residents. These include environmentally sensitive areas (e.g., floodplains or steep contours) where construction and utility service would have negative effect on the city's natural systems. Open space tends to have limited access points, and is not used for recreation purposes. Development in environmentally sensitive areas is uncharacteristic and rare, and should only occur following extensive study which shows that development will have no demonstrably negative effect. Open space also includes cemeteries, hazardous waste sites, and other similar areas without development

and where future land development and utility service is inappropriate. Parcels in the city meeting this description of open space are designated as areas of stability.

Areas of Stability and Growth designation: Area of Stability

The Areas of Stability includes approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

Transportation Vision:

Major Street and Highway Plan: Parkway / Multi Modal corridor

Multi-modal streets emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located in high intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists because of landscaped medians and tree lawns. Multi-modal streets can have on-street parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses. Transit dedicated lanes, bicycle lanes, landscaping and sidewalk width are higher priorities than the number of travel lanes on this type of street. To complete the street, frontages are required that address the street and provide comfortable and safe refuge for pedestrians while accommodating vehicles with efficient circulation and consolidated-shared parking.

Streets on the Transportation Vision that indicate a transit improvement should use the multi-modal street cross sections and priority elements during roadway planning and design.

Trail System Master Plan Considerations:

The existing trail will is an integral part of the trail system along the banks of the Arkansas River. Abandonment of the PUD and rezoning will allow future redevelopment considerations that were not part of the considerations in the 1980's approval process. Future development will be encouraged and can provide an opportunity to integrate stronger design components that consider

the river, the trail system and the transportation system into any redevelopment plan.

Small Area Plan: None

Special District Considerations: Arkansas River Corridor master plan illustrates this area as a Park. Rezoning to AG and abandoning the PUD will not adversely impact the vision identified in the Arkansas River Corridor plan.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: Public Park and Open Space

Environmental Considerations: None that would affect redevelopment opportunities.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
Riverside Parkway	Parkway	150 feet	4+

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties: The subject tract is abutted on the east by Riverside Parkway, east of the Parkway a wide mix of commercial, office, medical, community services and residential properties zoned CS, OL, RS-2, RS-4, OM and RM-1; on the north by a commercial development in development area A and B that will remain in PUD 128-E, zoned RM-2, CS and OMH; on the south by an apartment project in development area F/G of 128-E, zoned RM-2; and on the west by the Arkansas River.

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 17523 dated June 27, 1991 (RS-4), and 16898 dated October 2, 1987 (PUD-128-E), and 16521 dated December 23, 1985 (RM-2), and 15154 dated October 6, 1981 (RM-2), and 12614 dated October 18, 1972 (RM-2) established zoning for the subject property.

Subject Property:

Z-6313 June 1991: All concurred in **approval** of a request for rezoning a 5.25± acre tract of land from RS-2 to RS-4, for single-family use, on property located north of the northeast corner of E. 75th Pl. and S. Quincy Ave.

PUD-128-E September 1987: All concurred in **approval** for a Major Amendment to PUD-128-D to reallocate floor area, revise development areas, and redistribute uses; uses including office and retail, office, multifamily with accessory commercial and open space. On a 96± acre tract located on the southwest corner of East 71st Street and Riverside Parkway.

Z-6079/ PUD-128-D December 1985: All concurred in **approval** of a request for rezoning a 91± acre tract of land from AG/ RM-2/ FD to RM-1/ OMH/ CS and a Major Amendment to PUD to add property and to redefine Development Areas and Development standards, on property located on the southwest corner of E. 71st St. and the proposed Riverside Parkway.

PUD-128-A December 1979: All concurred in **approval** of a proposed Major Amendment to PUD on a 160± acre tract of land to exclude 6± acres and reallocate the permitted residential densities on property located south of 71st St. and west of Joe Creak Channel.

Z-5598 October 1981: All concurred in **approval** of a request for rezoning a tract of land from AG to RM-2 on property located on the southeast corner of East 75th Place and Riverside Drive and is also a part of the subject property.

PUD-128 October 1972: All concurred in **approval** of a proposed PUD allowing a total of 4,441 residential units on a 278± acre tract located between Lewis Avenue and the Arkansas River and between 71st Street and 81st Street.

Z-4245 October 1972: All concurred in **approval** of a request for rezoning a 348± acre tract of land from AG to RS-3/ RM-1/ RM-2 on property located between 71st St. to 81st St. and from Lewis Ave. to the east boundary of the Arkansas River and a part of the subject property.

Surrounding Property:

PUD-128-E-5 May 20, 2015: All concurred in **approval** of a proposed Minor Amendment to PUD on a 36± acre tract of land to reallocate floor area within Development Areas A, B and C; amend Development area boundaries between A and B and to amend the standards in A, B and C, subject to the detail site plan returning to TMAPC for approval, and that transparency is greater than 15% along the River/Trail sides of the

building in the north 75 ft. of the west wall, and subject to the three amendments submitted by Mr. Reynolds (Exhibit B-1) on property located on the southwest corner of E. 71st St. and Riverside Drive.

Related Item:

26. **PUD-128-I – City Council**, Location: South of southwest corner of South Riverside Drive and East 71st Street South, requesting a **PUD Major Amendment** to abandon a portion of the PUD, **RS-4/RM-2/PUD-128-E**, (CD 2) (Related to Z-7314) (Continued from 9/2/15)

STAFF RECOMMENDATION:

DEVELOPMENT CONCEPT:

PUD 128-E was originally a 92 acre site that was approved in 1987 for a large office, commercial, multifamily mixed use project and divided into eight development areas.

Development Area A:	Office and Retail
Development Area B:	Office
Development Area C and D:	Office and Retail
Development Area E:	Office
Development Area F&G:	Multifamily with accessory commercial
Development Area H:	Open Space

In summary the original PUD permits more than 1,900,000 square feet of office space, approximately 85,000 square feet of retail commercial development and 552 multi-family dwelling units. The multi family area was limited to Areas F and G which has been combined to a single development area with a minor amendment PUD-128-E-1 in 1994.

Two additional minor amendments PUD-128-E-2 (1994) and PUD-128-E-3(1995) were approved regarding signage in the combined development areas F and G where the apartments are now located.

Minor amendment PUD-128-E-4 (1997) was approved to allow a public park and related facilities on 67.29 acres in Development Areas A, B, C, D, E and H. Development Area F/G was excluded from that use.

Abandonment of PUD 128-E Development Areas B, C, D, E and H will not have an effect on the previous approvals except the existing Helmerich Park which will become a legally non-conforming use.

Development Areas A and B on the north side of the project were approved 2015 and are excluded from this abandonment request.

The area that is included in the abandonment request includes a 55 acre +/- tract that includes a portion of PUD 128-E including Development areas currently known as Development Areas B, C, D, E and H.

DETAILED STAFF RECOMMENDATION:

The existing PUD 128-E as defined in development areas B,C,D,E is not consistent with the Tulsa Comprehensive Plan and is not consistent with the expected development pattern for the site; and

Abandonment of a portion of PUD 128-E will allow redevelopment possibilities that may be consistent with the Tulsa Comprehensive Plan and will require that all redevelopment approvals will be routed through the City Council except where special exceptions may allow some uses through the Board of Adjustment ; and

Abandonment of a portion of PUD 128-E is non injurious to the surrounding properties; and

Abandonment of a portion of PUD 128-E will remove the park approval for Helmerich Park near Riverside on the north side of the existing apartment project leaving the site as a legally non conforming use. Staff recommends a follow up with the City of Tulsa Board of Adjustment to request a special exception for Use Unit 5 requesting approval for the park use on the remainder of the 55 acre tract that will be abandoned with PUD 128-I.

Staff recommends Approval of PUD-128-I which will abandon development areas B,C, D, E and H within PUD 128-E.

Tulsa Public Facilities Authority (TPFA) Recommendation: At the September 24, 2015, TPFA meeting, the TPFA made a motion to concur with the changes proposed in PUD-128-1 and Z-7314 and to initiate a Special Exception to allow for a park use once the rezoning actions become effective.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The abandonment of the existing PUD is supported by the Tulsa Comprehensive plan. The Tulsa Comprehensive Plan currently illustrates this area as an area of stability and a Park and Open Space area.

Land Use Vision: Park and Open Space

This building block designates Tulsa's park and open space assets. These are areas to be protected and promoted through the targeted investments, public-private partnerships, and policy changes identified in the Parks, Trails, and Open Space chapter. Zoning and other enforcement mechanisms will assure that recommendations are implemented. No park and/or open space exist alone: they should be understood as forming a network, connected by green infrastructure, a transportation system, and a trail system. Parks and open space should be connected with nearby institutions, such as schools or hospitals, if possible.

This designation includes neighborhood-serving parks, golf courses, and other public recreation areas. Amenities at these park facilities can include playgrounds, pools, nature trails, ball fields, and recreation centers. With the exception of private golf establishments, these areas are meant to be publically used and widely accessible, and infrastructure investments should ensure as much. Local parks are typically surrounded by existing neighborhoods and are designated areas of stability. Destination and cultural parks

These areas include Turkey Mountain Urban Wilderness Area, Woodward Park, RiverParks, the Gathering Place, Mohawk Park & Zoo, LaFortune Park and similar places. These parks offer a range of amenities over a large, contiguous area. Amenities at these parks include not only outdoor facilities, but also events spaces, museums, club houses, zoos, and park-complementing retail and service establishments which do not egregiously encroach into protected natural areas. These parks draw visitors from around the metro area, and have the highest tourism potential. Ensuring public access (and appropriate infrastructure investments) is a major facet of planning for these establishments. Destination and cultural parks are large scale,

dynamic parks that draw residents and visitors from the region and may be designated as an area of growth.

Local parks

This designation includes neighborhood-serving parks, golf courses, and other public recreation areas. Amenities at these park facilities can include playgrounds, pools, nature trails, ball fields, and recreation centers. With the exception of private golf establishments, these areas are meant to be publically used and widely accessible, and infrastructure investments should ensure as much. Local parks are typically surrounded by existing neighborhoods and are designated areas of stability.

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Areas of Stability and Growth designation: Area of Stability

The Areas of Stability includes approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

Transportation Vision:

Major Street and Highway Plan: Parkway/Multi Modal corridor

Multi-modal streets emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located in high intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists because of landscaped medians and tree lawns. Multi-modal streets can have on-street parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses. Transit dedicated lanes, bicycle lanes, landscaping and sidewalk width are higher priorities than the number of travel lanes on this type of street. To complete the street, frontages are required that address the street and provide comfortable and safe refuge for pedestrians while accommodating vehicles with efficient circulation and consolidated-shared parking.

Streets on the Transportation Vision that indicate a transit improvement should use the multi-modal street cross sections and priority elements during roadway planning and design.

Trail System Master Plan Considerations:

The existing trail will is an integral part of the trail system along the banks of the Arkansas River. Abandonment of the PUD will allow future redevelopment considerations that were not part of the considerations in the 1980's. Future development will be encouraged and can provide an opportunity to integrate stronger design components that consider the river, the trail system and the transportation system into any redevelopment plan.

Small Area Plan: None

Special District Considerations: Arkansas River Corridor

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: Public Park and Open Space

Environmental Considerations: None that would affect redevelopment opportunities.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
Riverside Parkway	Parkway	150 feet	4+

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties: The subject tract is abutted on the east by Riverside Parkway, east of the Parkway a wide mix of commercial, office, medical, community services and residential properties zoned CS, OL, RS-2, RS-4, OM and RM-1; on the north by a commercial development in development area A and B that will remain in PUD 128-E, zoned RM-2, CS and OMH; on the south by an apartment project in development area F/G of 128-E, zoned RM-2; and on the west by the Arkansas River.

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 17523 dated June 27, 1991 (RS-4), and 16898 dated October 2, 1987 (PUD-128-E), and 16521 dated December 23, 1985 (RM-2), and 15154 dated October 6, 1981 (RM-2), and 12614 dated October 18, 1972 (RM-2) established zoning for the subject property.

Subject Property:

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Z-6079/ PUD-128-D December 1985: All concurred in **approval** of a request for rezoning a 91± acre tract of land from AG/ RM-2/ FD to RM-1/ OMH/ CS and a Major Amendment to PUD to add property and to redefine Development Areas and Development standards, on property located on the southwest corner of E. 71st St. and the proposed Riverside Parkway.

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Z-4245 October 1972: All concurred in **approval** of a request for rezoning a 348± acre tract of land from AG to RS-3/ RM-1/ RM-2 on property located between 71st St. to 81st St. and from Lewis Ave. to the east boundary of the Arkansas River and a part of the subject property.

Surrounding Property:

PUD-128-E-5 May 20, 2015: All concurred in **approval** of a proposed Minor Amendment to PUD on a 36± acre tract of land to reallocate floor area within Development Areas A, B and C; amend Development area boundaries between A and B and to amend the standards in A, B and C, subject to the detail site plan returning to TMAPC for approval, and that transparency is greater than 15% along the River/Trail sides of the building in the north 75 ft. of the west wall, and subject to the three amendments submitted by Mr. Reynolds (Exhibit B-1) on property located on the southwest corner of E. 71st Street and Riverside Drive.

Mr. Midget asked if staff has had any comments from the property owners about the requested down zoning. Mr. Wilkerson stated that this is actually owned by the Tulsa Public Facility Authority and the reason it was continued to this date was to make sure that they were on board with the down zoning. Mr. Wilkerson indicated that the TPFA is okay with this application.

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 **DIX**, TMAPC voted **7-0-0** (Covey, Dix, Fretz, Midget, Millikin, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Reeds, Stirling, Willis "absent") to recommend **APPROVAL** of the AG/PUD-128-I zoning for Z-7314 and recommend **APPROVAL** of the major amendment for PUD-128-I per staff recommendation.

Legal Description for Z-7314/PUD-128-I:

A PART OF SECTION SEVEN (7), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN AND A PART OF SECTION TWELVE (12), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 12; THENCE NORTH 89°58'40" WEST ALONG THE NORTH LINE OF SAID SECTION 12, A DISTANCE OF 63.51 FEET TO A POINT; THENCE SOUTH 0°01'20" WEST PERPENDICULAR TO SAID NORTH LINE, A DISTANCE OF 75.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF THE RIVERSIDE PARKWAY, SAID POINT BEING THE POINT OF BEGINNING. THENCE SOUTH 9°27'33" EAST ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 914.16 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY ON A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 29° 20' 00", A RADIUS OF 1,348.24 FEET, FOR AN ARC DISTANCE OF 690.25 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 1° 01' 18", A RADIUS OF 44,789.56 FEET, FOR AN ARC DISTANCE OF 798.66 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY South 37° 46' 15" East A DISTANCE OF 924.29 FEET TO A POINT; THENCE South 52° 13' 45" W, A DISTANCE OF 798.66 FEET TO A POINT; THENCE South 37° 46' 15" East, A DISTANCE OF 550.00 FEET TO A POINT; THENCE North 52° 13' 45" East, A DISTANCE OF 162.06 FEET TO A POINT; THENCE South 37° 46' 15" East, A DISTANCE OF 248.40 FEET TO A POINT; THENCE South 82° 46' 15" East, A DISTANCE OF 242.68.00 FEET TO A POINT; THENCE North 52° 13' 45" East, A DISTANCE OF 465.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF RIVERSIDE PARKWAY; THENCE CONTINUING South 37° 46' 15" East ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 53.88 FEET TO A POINT ON THE NORTHERLY LINE OF BLOCK 20, "KENSINGTON" AN ADDITON TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE OFFICIAL RECORDED PLAT THEREOF; THENCE South 41° 06' 06" West ALONG SIAD NORTHERLY LINE OF BLOCK 20, A DISTANCE OF

359.52 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 69° 00' 00", A RADIUS OF 521.28 FEET, FOR AN ARC DISTANCE OF 627.77 FEET TO A POINT; THENCE North 69° 53' 54" West A DISTANCE OF 157.40 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 43° 30' 00", A RADIUS OF 1,100 FEET, FOR AN ARC DISTANCE OF 835.14 FEET TO A POINT; THENCE NORTH 26° 23' 54" West A DISTANCE OF 1,157.22 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 13° 49' 13", A RADIUS OF 599.98 FEET, FOR AN ARC DISTANCE OF 144.72 FEET TO A POINT; THENCE North 12° 34' 41" West A DISTANCE OF 2,376.43 FEET TO A POINT, SAID POINT BEING 125.00 FEET SOUTH AND PERPENDICULAR TO THE NORTH LINE OF SAID SECTION 12; THENCE South 89° 58' 40" East PARALLEL TO SAID NORTH LINE, A DISTANCE OF 149.05 FEET TO A POINT; THENCE North 19° 17' 04" West A DISTANCE OF 52.98 FEET TO A POINT; THENCE South 89° 58' 40" East PARALLEL TO SAID NORTH LINE OF SECTION 12, A DISTANCE OF 370.21 FEET TO THE POINT OF BEGINNING; **LESS AND EXCEPT** A TRACT OF LAND CONTAINING 12.3131 ACRES (PUD 128-E-5 MINOR AMENDMENT) DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 12; THENCE NORTH 89°58'40" WEST ALONG THE NORTH LINE OF SAID SECTION 12, A DISTANCE OF 63.51 FEET TO A POINT; THENCE SOUTH 0°01'20" WEST PERPENDICULAR TO SAID NORTH LINE, A DISTANCE OF 75.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF THE RIVERSIDE PARKWAY, SAID POINT BEING THE POINT OF BEGINNING. THENCE SOUTH 9°27'33" EAST ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 914.16 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY ON A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 08°13'31", A RADIUS OF 1,348.24 FEET, FOR AN ARC DISTANCE OF 193.55 FEET WITH A CHORD BEARING OF SOUTH 13°34'19" EAST FOR A CHORD DISTANCE OF 193.39 FEET TO A POINT; THENCE SOUTH 80°32'27" WEST A DISTANCE OF 454.86 FEET TO A POINT; THENCE NORTH 12°34'41" WEST A DISTANCE OF 1142.07 FEET TO A POINT, SAID POINT BEING 125.00 FEET SOUTH AND PERPENDICULAR TO THE NORTH LINE OF SAID SECTION 12; THENCE SOUTH 89°58'40" EAST PARALLEL TO SAID NORTH LINE, A DISTANCE OF 149.05 FEET TO A POINT; THENCE NORTH 19°17'04" WEST A DISTANCE OF 52.98 FEET TO A POINT; THENCE SOUTH 89°58'40" EAST PARALLEL TO SAID NORTH LINE OF SECTION 12, A DISTANCE OF 370.21 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 2,341,048 SQUARE FEET OR 54.98 ACRES, MORE OR LESS.

30. Review and provide a recommendation to the City Council regarding increasing the spacing requirement between liquor stores in the Zoning Code, Title 42 T.R.O. Section 1214.C.3.

STAFF RECOMMENDATION:

Item: Review and provide a recommendation to the City Council regarding increasing the spacing requirement between liquor stores in the Zoning Code, Title 42 T.R.O. Section 1214.C.3.

A. Background

On July 16, 2015, the City Council voted to direct Planning Commission to provide a recommendation regarding increasing the spacing requirement between liquor stores in the Zoning Code. This agenda item was sponsored by District 1 Councilor Henderson. At the Council committee meeting, Councilor Henderson mentioned potential concerns over the concentration of liquor stores and asked that the TMAPC look into the issues and provide a recommendation to Council regarding if the current separation distance in the Zoning Code is adequate or should be increased.

The current spacing requirement in the Zoning Code is found in Section 1214.C.3:

“Blood banks, plasma centers, day labor hiring centers, liquor stores, bail bond offices (except when located within a CBD zoned district), and pawn shops shall be spaced a minimum of 300 feet from each other. After July 1, 2001, the distance between these uses shall be measured in a straight line from the nearest perimeter wall of the portion of the building of one applicable use to the nearest perimeter wall of the portion of the building of any other applicable use. However, for any such use which has been in operation or has been issued a building permit for such use on or before July 1, 2001, the distance between these uses shall be measured in a straight line from the nearest public entrance door of one applicable use to the nearest public entrance door of any other applicable use.”

There are additional regulations regarding the distance separation between liquor stores (a.k.a. retail package stores) and schools and churches found in Oklahoma State Statutes, 37-518.3:

“It shall be unlawful for any mixed beverage establishment, beer and wine establishment, or bottle club which has been licensed by the Alcoholic Beverage Laws Enforcement

*Commission and which has as its main purpose the selling or serving of alcoholic beverages for consumption on the premises, or **retail package store**, to be located **within three hundred (300) feet of any public or private school or church property primarily and regularly used for worship services and religion activities**, however, a college or university located within an improvement district created pursuant to Section 39-103.1 of Title 11 of the Oklahoma Statutes may waive the three-hundred-foot requirement by providing written notice to the establishment seeking the license and to the Alcoholic Beverage Laws Enforcement Commission.”*

B. Comparing Jurisdictions

TMAPC staff researched liquor store spacing requirements in other Oklahoma jurisdictions and found that most of their Zoning Codes did not have specific spacing requirements between liquor stores. Rather, most jurisdictions defer their liquor store spacing laws to the state of Oklahoma’s 300 foot spacing requirement from a church or school.

Staff also researched several other jurisdictions outside of Oklahoma, including Kansas City, Missouri. The Kansas City, Missouri Zoning Code has a complex and unique approach for liquor store distribution and spacing. Their code states that two (2) liquor stores can be located within census blocks with a population of 0-1,500; however, an additional liquor store can be licensed as the population increases within the boundaries of the census block by another 1,500 people. There is also a 300 foot spacing requirement from schools and churches.

Because of the differences in liquor laws across the country, it is hard to directly compare many of these jurisdictions with those in Oklahoma. For example, Missouri and most other states allow liquor to be sold at retailers other than just liquor stores. Therefore, even though the liquor store spacing may seem stringent in some instances, the opportunities to purchase liquor at other locations are increased.

C. Liquors Store Density and Community Health

Health Departments across the country often consider the density of liquor stores as a factor in assessing the health outcomes of a community. In some instances, there are correlations between high concentrations of liquor stores, high crime rates and poor health outcomes. Therefore, several communities have studied density of liquor stores and their impact on the health of their communities. For example, Baltimore, Maryland, has struggled with over one-hundred non-conforming liquor stores located in some of its older traditional neighborhoods. The Mayor and city health

commissioner identified the numerous neighborhood liquor stores as a contributing factor to crime and poor health in impoverished areas.

The Tulsa Health Department and INCOG collaboratively conducted an analysis for the City of Tulsa (see attached report). Of the 65 liquor stores currently located within the City of Tulsa, over half (81) of 134 census tracts currently do not contain a liquor store, 42 census tracts contain only one liquor store, 10 census tracts contain two and only one census tract contains three liquor stores. Therefore, current liquor store density in the City of Tulsa is low, which most likely contributes to the conclusions of the attached report, which state:

“If there was an association between liquor store density and crime rates or health outcomes, we would expect to see high rates of crime and mortality, and lower life expectancy in south Tulsa. This is not the case...”

D. Staff Recommendation

Based on the above mentioned research and the analysis contained in the attached report, **staff recommends no change** in the current liquor store spacing requirements in the City of Tulsa Zoning Code.

Ms. Miller introduced Louisa Krug, Tulsa County Health Department, and stated that she helped put the maps together and the analysis. Ms. Miller indicated that Ms. Krug worked with someone in our office that does mapping as well.

Mr. Dix stated that there is a big push to change the Oklahoma Liquor laws and he would hate to take any action that would conflict with that. If those laws are changed, it would require a new study. Mr. Dix stated that it might be premature to take any action or make any recommendations tonight because the competitive situation may change dramatically if those laws are changed.

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 **DIX**, TMAPC voted **7-0-0** (Covey, Dix, Fretz, Midget, Millikin, Shivel, Walker “aye”; no “nays”; none “abstaining”; Carnes, Reeds, Stirling, Willis “absent”) to **RECOMMEND** that the Planning Commission follow staff’s recommendation and recommend no change the current liquor store spacing requirements in the City of Tulsa Zoning Code.

OTHER BUSINESS

32. **AC-137 – Cherokee Meadows –** Location: East of the southeast corner of North Peoria Avenue and East Reading Street. The applicant withdrew this alternative compliance application before processing and is requesting a refund of \$150.00.

TMAPC Action; 7 members present:

On **MOTION** of **WALKER**, TMAPC voted **7-0-0** (Covey, Dix, Fretz, Midget, Millikin, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Reeds, Stirling, Willis "absent") to **APPROVE** the refund of \$150.00.

* * * * *

33. **Commissioners' Comments:** Mr. Fretz stated that he doesn't mind working late because he needs the overtime.

Mr. Covey stated to look at the sign follow-up language and bounce it off of people in the industry. Mr. Covey further stated that he believes Mr. Adair raised some good issues and it warrants further review. Ms. Miller stated that it will be added to the follow-up list.

* * * * *

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, TMAPC voted **7-0-0** (Covey, Dix, Fretz, Midget, Millikin, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Reeds, Stirling, Willis "absent") to **ADJOURN** TMAPC meeting 2707.

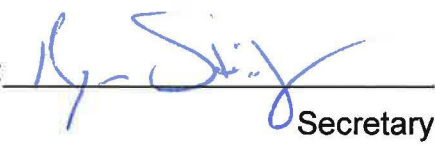
ADJOURN

There being no further business, the Chair declared the meeting adjourned at 6:07 p.m.

Date Approved:

11-04-2015


Chairman

ATTEST: 
Secretary