

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2284

Wednesday, August 22, 2001, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Bayles	Ledford	Bruce	Boulden, Legal
Carnes	Selph	Dunlap	
Harmon		Huntsinger	
Hill		Stump	
Horner			
Jackson			
Midget			
Pace			
Westervelt			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, August 20, 2001 at 8:20 a.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 Westervelt called the meeting to order at 1:33 p.m.

REPORTS:

Chairman's Reports:

Mr. Westervelt reported that item number five, L-19243, has been withdrawn from today's agenda.

Mr. Westervelt announced that with Mr. Boyle's resignation, new officers had to be appointed. The new officers are as follows: Wesley Harmon, 1st Vice Chair; Brandon Jackson, 2nd Vice Chair; Mary Hill, Secretary.

Mr. Westervelt stated that Item 19, AC-059, would be at the end of the agenda. Mr. Westervelt reported that items fourteen and fifteen would be at the end of the agenda as well.

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

Director's Report:

Mr. Stump reported that there are two items on the City Council agenda, Thursday, August 23, 2001.

SUBDIVISIONS

LOT-SPLITS FOR WAIVER OF SUBDIVISION REGULATIONS:

L-19270 - Robert DuHaime (PD-19) (County)

Location: 12220 East 13125 Street

Staff Recommendation:

The applicant has applied to split a 200' X 247.5' tract into two 100' X 247.5' tracts. Both tracts meet the RS bulk and area requirements and right-of-way requirements; however the applicant desires to use an alternative sewage system on both tracts, requiring a waiver of the Subdivision Regulations. Therefore, the applicant is asking for a waiver of Subdivision Regulation 6.5.4.(e) requiring a passing soil percolation test.

Staff believes this lot-split would not have an adverse effect on the surrounding properties and would therefore recommend **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split.

TMAPC Comments:

Mr. Harmon asked staff what the minimum sized lot is that can use the alternate sewer systems. In response, Mr. Bruce stated that there are a variety of systems and it would depend on what type of system is in use. Mr. Stump stated that if there is a public water supply, the lot could be a half-acre.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, TMAPC voted **9-0-0** (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Selph "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split for L-19270 as recommended by staff.

L-19272 - Carl Westfall

(PD-23) (County)

Location: 4310 South 73rd West Avenue

Staff Recommendation:

The applicant has applied to split a five-acre tract into two 2.5-acre tracts. On August 21, 2001, the Tulsa County Board of Adjustment will consider a variance of the average lot width from 200' to 165' Tract B. All other AG bulk and area requirements and right-of-way requirements are met. The applicant desires to use an alternative sewage system on Tract B, requiring a waiver of the Subdivision Regulations. Therefore, the applicant is asking for a waiver of Subdivision Regulation 6.5.4.(e) requiring a passing soil percolation test.

Staff believes this lot-split would not have an adverse effect on the surrounding properties and would therefore recommend **APPROVAL** of the waiver of Subdivision Regulations and of the lot-split, with the condition that the County Board of Adjustment approves a variance of the average lot width on Tract B.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, TMAPC voted **9-0-0** (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Selph "absent") to **APPROVE** the waiver of Subdivision Regulations and of the lot-split of L-19272 subject to conditions as recommended by staff.

LOT-SPLITS FOR RATIFICATION OF PRIOR APPROVAL:

L-19220 – John Alexander (2502) (PD-2) (CD-1)

1621 North Norfolk

L-19221 – Grace Wadley (2502) (PD-2) (CD-1)

1633 North Norfolk

L-19273 – James L. Jarvis (2702) (PD-11) (CD-1)

1711 North Gilcrease Museum Road

L-19274 – Jack Allen (1793) (PD-6) (CD-9)

2716 East 26th Place

L-19280 – City of Tulsa (1492) (PD-9) (CD-2)

Southwest corner West 22nd Place & Maybelle

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, the TMAPC voted **9-0-0** (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Selph "absent") to **RATIFY** these lot-splits given prior approval, finding them in accordance with Subdivision Regulations as recommended by staff.

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FINAL PLAT:

West Tulsa Service Center (382) (PD-8) (CD-2)

Location: Northwest corner of west 71st Street South and South Union Avenue

Staff Recommendation:

The ONG service center will be located on Lot 2. The center provides a base for field and related administrative personnel. Lots 1 and 3 will be developed in the future. The subject property is zoned CS.

Release letters are substantially in order. Staff recommends approval subject to revisions per City Legal Department.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, TMAPC voted **9-0-0** (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Selph "absent") to **APPROVE** the final plat for West Tulsa Service Center subject to conditions as recommended by staff.

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Gateway Plaza (3003) (PD-2) (CD-3)

Location: Northeast corner of North Peoria and East Pine Street

Staff Recommendation:

The site is located north of Pine, east of Peoria and west of the Cherokee Expressway. The primary user on the site will be retail grocery-related (Albertson's); the lot to the east would not be developed at this time.

Release letters are substantially in order. Staff recommends approval subject to revisions per City Legal Department.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, TMAPC voted **9-0-0** (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Selph "absent") to **APPROVE** the final plat for Gateway Plaza, subject to revisions per City Legal Department as recommended by staff.

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CONTINUED ZONING PUBLIC HEARING

APPLICATION NO.: Z-6830

RM-1 TO CS

Applicant: Roy D. Johnsen

(PD-18) (CD-8)

Location: South of southeast corner of East 81st Street and South Memorial

Staff Recommendation:

RELEVANT ZONING HISTORY:

PUD-571 February 1998: All concurred in approval, per modifications, of a request for a PUD on property located east of the northeast corner of East 81st Street and South Memorial Drive to allow a retail shopping center and mini-storage facility with underlying zoning of CS and RM-1.

PUD-574 November 1997: All concurred in approval, as modified, of a mixed use development on an 18-acre tract located north and east of the northeast corner of East 81st Street and South Memorial Drive for a 388-unit multifamily apartment in Development Area A and commercial uses on Development Areas B and C.

Z-6594/PUD-562 June 1997: All concurred in approval of a request to rezone an 8.7-acre tract located north of the northeast corner of East 81st Street and South Memorial Drive, from AG to RM-1 for a 168-unit multifamily development.

PUD-523-A January 1996: A request for a major amendment was approved to allow office uses on the west 300' of Development Area B, which had been originally approved for multifamily dwellings, and to increase the permitted floor area ratio for the office development. The subject property is within Development Area B.

PUD-456-A March 1995: A major amendment was approved, subject to modifications to the standards, to change the permitted uses in the PUD from offices to multifamily dwellings for a maximum number of dwelling units to be 360. Included in the amended conditions and standards was the requirement for a solid 8' masonry-screening wall to be constructed on the east, exterior of buildings to be 60% masonry, and building setback requirements modified.

Z-6471/PUD-523 January 1995: A request to rezone a 66-acre tract located in the southeast corner of East 81st Street South and South Memorial Drive, and which included the subject, from AG to RS-3, RM-1 and CS for a mixed-use development. The request was approved for CS zoning on the north 660' of the west 660', a 300' RM-1 strip wrapping around the CS zoning area and RS-3 on the remainder.

Z-6264/PUD-456 December 1989: All concurred in approval of a request to rezone an 18-acre tract located north of the subject tract on the east side of Memorial Drive from RS-3 to OL/PUD.

Z-6101/PUD-412 May 1986: A request to rezone a sixty-acre tract located in the southeast corner of East 81st Street and South Memorial Drive and including the subject tract, from AG to CS, RM-1 and RS-3. TMAPC and staff were not supportive of the application as it was submitted and recommended the application be amended with ten acres of CS, twenty acres for RM-1 and the balance RS-3 zoning. The applicant, prior to a final hearing, withdrew the application.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 1.3 acres in size and is located south of the southeast corner of East 81st Street South and South Memorial Drive. The property is sloping; non-wooded; vacant; and zoned RM-1/PUD-523.

STREETS:

Exist Access	MSHP Design	Exist. No. Lanes
South Memorial Drive	120'	4 lanes
East 81 st Street South	100'	2 lanes

The Major Street Plan designates South Memorial Drive as a primary arterial street and East 81st Street South as a secondary arterial street. The City of Tulsa Traffic Counts 1998 – 1999 indicates 39,300 trips per day on South Memorial Drive at East 81st Street South.

UTILITIES: Water and sewer are available to the subject property.

TMAPC Comments:

Ms. Pace questioned if there would be a convenience store allowed in the subject PUD or what it would require to include a convenience store in the future. In response, Mr. Stump stated that if the Planning Commission adopted a PUD similar to the applicant's proposed permitted uses that he submitted today, then a convenience store or gas station would be prohibited uses and to add a prohibited use would require a major amendment.

After a lengthy discussion it was determined that there were significant modifications. The Planning Commission recommended to continue Z-6830/PUD-523-B in order to allow staff to reconcile all the changes and present those changes with development standards at the September 5, 2001 TMAPC meeting.

The applicant indicated his agreement to the continuance and staff reconciling the changes in order to submit development standards.

TMAPC Action; 9 members present:

On **MOTION** of **HORNER**, the TMAPC voted **9-0-0** (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Selph "absent") to **CONTINUE** Z-6830 and PUD-523-B to September 5, 2001 at 1:30 p.m.

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ZONING PUBLIC HEARING

APPLICATION NO.: PUD-652-1

MINOR AMENDMENT

Applicant: Robert Elliott

(PD-18) (CD-9)

Location: Northeast corner of East 55th Place and South Peoria Avenue

Staff Recommendation:

The applicant is requesting minor amendments to Planned Unit Development standards for a new Family Dollar Store. The Planned Unit Development on the site was recently approved on June 20, 2001.

The requested amendments include changing the provision per staff recommendation # 3 that there be no access within 150 feet of the east boundary of the PUD. Staff can agree that there should be no access within 130 feet of the east boundary of the Planned Unit Development, per the submitted plot plan, with the approval of the Traffic Engineering Division.

An amendment is requested to the requirement that a six-foot high or higher masonry wall along the east boundary of the PUD be required. There are tall trees to the east of the site, which should remain in the area for screening and

beauty. Staff supports the request to delete the masonry wall requirement and to permit a wood fence that could be set back from the east boundary of the PUD.

The location of the trash enclosure area within 20 feet of the east boundary of the PUD instead of the required 75-foot setback is proposed. Staff has reviewed the proposed location for the trash enclosure and recommends a minimum 40-foot setback from the east PUD boundary line.

An amendment to the requirement that the building include 50% masonry on all elevations is requested. The single-story office buildings near the site are brick or stone finish. The requirement of 50% masonry appears to be reasonable for the new retail store.

Staff can recommend **APPROVAL** of the requested amendment to allow access along 55th Place, with the condition that the access be approved through Traffic Engineering and not be permitted within 130 feet of the east PUD boundary.

Staff recommends **APPROVAL** of the amendment to delete the masonry screening wall and to permit a wooden fence of the same height that could be set back off the east boundary with the condition that the exact location and design of the fence would be determined by TMAPC at detail site plan review.

Staff recommends **DENIAL** of the request to allow the trash enclosure to be not within 20 feet of the east PUD boundary and **APPROVAL** of allowing the trash enclosure area to be not within 40 feet of the east PUD boundary.

Staff recommends **DENIAL** of the request that the 50% masonry requirement be amended.

TMAPC Comments:

Mr. Carnes suggested that the applicant come forward and indicate whether he understands the staff recommendation since there are some approvals and some denials.

Mr. Harmon asked staff to explain the masonry fence issue. In response, Mr. Dunlap stated that the original standard was for a masonry screening fence, but the applicant is requesting that it not be standard but have a six-foot high or higher screening fence (not necessarily masonry) and allow it to be moved off of the east boundary line in order to preserve existing trees. Mr. Dunlap further stated that the applicant agrees to maintain the vegetation. Mr. Dunlap explained that the screening fence does not necessarily need to be masonry. Mr. Dunlap indicated that prior to the meeting, staff received additional information that shows the location of the trees, and staff agrees that there are a number of trees that are on the applicant's property and it would a good idea to preserve the trees.

Mr. Stump stated that staff agrees with the applicant's access within the east boundary of the PUD and allowing the screening fence to be moved off of the property boundary line and preserve the trees. Staff recommends that the architectural design of the building will include 50% masonry on the north, south, east and west elevations of the building. Staff recommends that there shall be no outside trash areas with 75 feet of the east boundary of the PUD.

Applicant's Comments:

Robert Elliott, 1901 Magnolia Lane, Edmond, Oklahoma, 73083, stated that he understands and is in agreement with the staff recommendation.

TMAPC Comments:

Mr. Westervelt asked the applicant if he was in agreement with staff's recommendation and he understands what is being recommended for approval and denial. In response, Mr. Elliott answered affirmatively.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, TMAPC voted **9-0-0** (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Selph "absent") to **APPROVE** the minor amendment for PUD-652-1, subject to conditions as recommended by staff.

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OTHER BUSINESS:

APPLICATION NO.: AC-058 - ALTERNATIVE LANDSCAPING COMPLIANCE
Applicant: C. Dwayne Wilkerson (PD-18) (CD-7)
Location: North of northwest corner of East 71st Street and South Mingo Road

Staff Recommendation:

The applicant is requesting an alternative compliance to landscaping requirements for Union Public Schools. The proposal is to use more than the required trees near the borders of the school property for landscaping purposes and to avoid placing trees in the school parking lot due to these trees being more susceptible to being damaged by students and their vehicles in the parking areas.

The plan submitted proposes many trees in compliance with the tree list adopted for landscaping through the Zoning Code. The trees will be located in the street yard and south of the parking lot. The number of trees and the landscape plan submitted is equivalent to and better than what is required per the landscape specifications.

Alternative Compliance allows the Planning Commission to review a proposed plan and determine that, although not meeting the technical requirements of the landscape chapter in the Zoning Code, the plan is equivalent to or better than the requirements.

Staff would like to see trees in the paved parking areas for the school site. There is a fear, based upon the experience of the school administration, that the trees would not survive in this environment.

Staff can agree that this particular site can provide a good landscape plan along the east and south sides of the parking area per the submitted plan and recommends **APPROVAL** of the alternative compliance requested.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, TMAPC voted **9-0-0** (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Selph "absent") to **APPROVE** the alternative landscaping compliance for AC-058 as recommended by staff.

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Mr. Horner out at 2:21 p.m.

APPLICATION NO.: PUD-613

Applicant: Ronald Spencer

Location: Southeast corner of East 53rd Street and South Lewis

DETAIL SITE PLAN

(PD-18) (CD-9)

Staff Recommendation:

The applicant is requesting a detail site plan approval for a new office building. It is 6,498 square feet and will house the Tulsa County Medical Society. The use proposed is in conformance with the approved Planned Unit Development standards.

There is an existing office building and a dental office building under construction on the site. The addition of the new building meets with the size requirements for structures on the site. The detail site plan as submitted meets with the requirements as approved for the Planned Unit Development.

Staff recommends **APPROVAL** of the detail site plan as submitted.

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

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted **8-0-0** (Bayles, Carnes, Harmon, Hill, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Horner, Ledford, Selph "absent") to **APPROVE** the detail site plan for PUD-613 as recommended by staff.

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

TMAPC Comments:

Mr. Westervelt acknowledged and thanked the volunteers who worked on the Subdivision Regulations amendments. He further complimented staff and Mr. Ledford for their diligent work on this project. He commented that, hopefully, with the new process it would save the City of Tulsa and Tulsa County some tax dollars by streamlining the process.

Volunteers are as follows:

Ted Sack, Charles E. Norman, and Roy Johnsen.

PUBLIC HEARING TO CONSIDER AMENDING THE SUBDIVISION REGULATIONS FOR THE TULSA METROPOLITAN AREA

Amendment to the Subdivision Regulations for the Tulsa Metropolitan Area

Staff Recommendation:

In the early part of 2000, two specific issues regarding the subdivision process were brought to the attention of the Tulsa Metropolitan Area Planning Commission (TMAPC). These were the increase in the number of requests for "temporary plat waivers" and the evidence that the subdivision review and approval process included procedures that had diverged from the approved Tulsa Metropolitan Area Subdivision Regulations as adopted in 1978.

After discussion the Commission directed staff to compare the process as approved with the process as practiced and to assemble a review committee. The committee was to review the process, address the issue of plat waivers and make recommendation to the Rules and Regulations Committee of the Planning Commission.

The review committee included representatives from the legal, consulting and development communities as well as representatives from the City of Tulsa's Public Works and Legal Departments and from Tulsa County's Engineering Department. Planning Commission staff performed the role of coordination.

In February of 2001, the review committee presented a progress report to the Rules and Regulations Committee. In May the review committee began presentations of its findings and recommendations to that Committee. In June 2001, the Committee accepted the recommendations of the review committee and forwarded them to the Planning Commission, which, at their regularly scheduled meeting of June 27, 2001, called for a public hearing to review the recommendations. The public hearing is to be held on August 22, 2001.

The proposed amendments impact the following Sections:

Section 213 of the <u>Zoning Code</u>	Platting Requirement
Section 1.9	Waiver of Subdivision
Section 2	Application Process
Section 3	Specification For Documents
Section 4.11	Sewage Disposal and Water Supply
Appendix A	Oklahoma Department of Environmental Quality Requirements For Subdivisions
Section 6	Lot-Split Procedures and Standards
Section 7 (new)	Change Of Access Procedures and Standards
Policies and Procedures of the Commission (Section J)	Subdivisions and Lot-Splits

A summary of the proposed changes is as follows:

Section 213 of the Zoning Code -- Platting Requirement

Changes to this section clarify the options that are available to the Planning Commission when considering the potential waiver of the platting requirement. The Section has been amended to authorize the Commission to approve a Minor Subdivision Plat or to recommend release of building permits prior to the filing of a final plat (Accelerated Release). It provides direction regarding the circumstances that should be present for an accelerated release and provides authority for the Commission to require conditions.

Section 1.9 – Waiver of Subdivision

This Section is the companion to Section 213 of the Zoning Code and discusses the options available to the Commission when considering alternatives to the typical platting process.

Section 2 – Application Process

Changes to this Section address procedures for Sketch, Preliminary and Final Plats. The amended Section proposes that Commission staff transmit comments from individual Technical Advisory Committee (TAC) members in their area of expertise rather than transmitting a recommendation from the Committee as a whole. It gives direction as to the information to be transmitted to the Commission in the staff report. It clarifies the scope of Planning Commission review and addresses housekeeping issues such as the current members of TAC, the number of copies of the plat required and the types of submittals to be included with an application.

The proposed amendment indicates that a Conceptual Improvements Plan shall be included with a Preliminary Plat submittal; this Plan takes the place of the Preliminary Construction Drawings that are indicated by the current Regulations. The purpose of this change is part of the on-going effort to provide TAC members with information sufficient to give them the basis for a thorough review. The changes direct staff regarding potential courses of action when submittals are incomplete.

Minor Subdivision Plats (Section 2.4)

The amendment introduces a new subsection that describes an alternative approval process for less complex plats, identifying them as “Minor Subdivision Plats”. The use of a Minor Subdivision Plat may be appropriate when no new streets are being built and when little infrastructure expansion is required. The new process would require one hearing in front of the Commission to receive Final Plat approval. After receiving an application staff would distribute the plat while the applicant would distribute construction drawings (as needed) prior to TAC. At TAC the individual members would either provide release letters or would identify those specific items remaining to be addressed.

Staff would then present the final plat to the Commission. If release letters were not available by the time staff prepared the report, the plat would be recommended for preliminary approval.

Recommendation For Accelerated Release of Building Permits (Section 2.5)

Another new subsection addresses the processing of projects where an accelerated release of a building permit may be appropriate. This release may be appropriate when there are extraordinary circumstances, such as the required amendment of an existing plat. The purpose of this subsection is to provide a viable alternative to the request for a “Temporary Plat Waiver”, which was not clearly defined by the regulations. Recommendation by the Commission for early permit release will require dedication of any needed arterial street right-of-way, along with the filing of a statement acknowledging the requirement to plat. If granted this release it would allow building permits to be issued prior to filing of the Final Plat. No Occupancy Permit will be issued until the Final Plat is filed. The

strongest safeguard will be the filing of the platting requirement statement, alerting title researchers of the unplatted status of the property.

Section 3 – Specification For Documents

This Section addresses the required accuracy for platted information as well as the information to be submitted with an application for Sketch, Preliminary or Final Plat. As noted above, the “Conceptual Improvements Plan” has been included in place of the former “Preliminary Construction Drawings”. The Improvements Plan requires less profile information and to some degree expands the scope of the horizontal information required. This change is part of the ongoing effort to provide TAC members with sufficient information to provide more substantial comments at the TAC meeting.

This Section introduces a new subsection (3.7) dealing with monumentation standards. While not specifically required for accurate review, this subsection addresses construction issues related to accurate location of subdivided land in the field.

Section 4.11 – Sewage Disposal and Water Supply

The primary purpose of revision to this Section is to address the changes initiated by the Oklahoma Department of Environmental Quality (DEQ), which include the various types of sewage disposal systems that the Department will approve. It also incorporates policy changes of the Public Works Department.

Appendix A – Oklahoma Department of Environmental Quality Requirements For Subdivisions

This appendix addresses the current review process through DEQ rather than through the Tulsa County Health Department and provides details such as specific land area requirements for a variety of acceptable water and wastewater disposal systems.

Section 6 – Lot-Split Procedures and Standards

The amendment primarily addresses submittal requirements and the impact of the changes initiated by the Oklahoma Department of Environmental Quality.

Section 7 (new) – Change Of Access Procedures and Standards

This new Section addresses submittals for and reviews of requests for changes to an access point or points as indicated on an approved plat.

Policies and Procedures of the Commission (Section J) – Subdivisions and Lot-Splits

The amendment to subsection J addresses Commission policies regarding the review and approval of subdivisions and lot-splits. The new subsections (J.2. and J.3.) address Commission review criteria for Minor Subdivision Plats and Recommendations for Accelerated Release of a Building Permit.

RELATED ITEM:

PUBLIC HEARING TO CONSIDER AMENDING THE TULSA ZONING CODE TEXT, TITLE 42, TULSA REVISED ORDINANCES FOR CHAPTER 2:

Amendment to the Tulsa Zoning Code

Staff Recommendation:

ZONING CODE – SECTION 213:

Note: The purpose of the changes to this section is to further clarify the Commission's authority when waiving or modifying the platting process. The Review Committee envisions four possible platting scenarios – a typical plat, a Minor Subdivision Plat, a Recommendation for Accelerated Release of A Building Permit and a Plat Waiver.

SECTION 213. PLATTING REQUIREMENT

For the purposes of providing a proper arrangement of streets and assuring the adequacy of open spaces for traffic, utilities, and access of emergency vehicles, commensurate with the intensification of land use customarily incident to a change of zoning, a platting requirement is established as follows:

For any land which has been rezoned to a zoning classification other than AG upon application of a private party or for any land which has been granted a special exception by the Board of Adjustment as enumerated within Use Units 2, 4, 5, 8, and 20, no building permit or zoning clearance permit shall be issued until that portion of the tract on which the permit is sought has been included within a subdivision plat or replat, as the case may be, submitted to and approved by the Planning Commission and filed of record in the office of the County Clerk where the property is situated. Provided that the Planning Commission, pursuant to their exclusive jurisdiction of subdivision plats: ~~may remove the platting requirement upon a determination that the above stated purposes have been achieved by previous platting or could not be achieved by a plat or replat.~~

- A. May waive the platting requirement upon a determination that the above-stated purposes have been achieved by previous platting or have or will be achieved by other actions or could not be achieved by a plat or replat.

- B. May amend the plat review procedure and authorize the processing of a Minor Subdivision Plat upon the determination that no new streets will be built and that minimal, if any, public improvements will be required.
- C. May recommend the accelerated release of a building permit upon approval of a proposed Preliminary Plat, thereby enabling building permits to be issued prior to the filing of the Final Plat. Prior to such release, the Commission shall determine that extraordinary or exceptional circumstances warrant the release and that compliance with the filing of the Final Plat is reasonably assured. Approval of such accelerated release shall require dedication of public street right-of-way to conform with the requirements of the Major Street and Highway Plan prior to issuance of a building permit.

The Commission:

1. May waive the requirement for street dedication as a condition of approval of a building permit being released prior to filing of a final plat. Such waiver may occur upon a determination that circumstances related to the particular project reasonably preclude the future use/improvement of the area for which dedication would be required.
2. May determine that no final inspections of buildings or structures occur and that no occupancy permit shall be issued until the platting requirement is fully complied with.
3. May prescribe conditions for any waiver or for accelerated release of a building permit to ensure the filing of the Final Plat.

Staff Presentation:

Mr. Bruce reviewed the proposed amendments and explained the new process.

Mr. Midget out at 2:41 p.m.

TMAPC Comments:

Mr. Harmon stated that this has been through Committee and the Planning Commissioners have had the opportunity to review all of the information. Mr. Bruce stated that this information was sent to members of the development community and it has been publicly noticed. Mr. Stump indicated that this information was mailed to all of the registered neighborhood associations.

Ms. Pace asked staff what the next procedure is to adopt the new Subdivision Regulations. In response, Mr. Bruce stated that the Planning Commission would direct staff to prepare the resolution if it is adopted and then the next step is to go before the City Council. Mr. Bruce explained that Legal has given approval regarding content, but there are some form changes. Mr. Bruce stated that the Subdivision Regulations will be an information item to the City Council, but the companion item for the Zoning Code would have to be approved by the City Council.

Mr. Westervelt stated that the Planning Commission has the authority to adopt the Subdivision Regulations; however, the changes to the Zoning Code would have to go before the City Council for approval and an ordinance be published.

Interested Parties Comments:

Ted Sack, 111 South Elgin, Tulsa Oklahoma, 74120, stated that there are some changes to the monumentation in order to bring it up to State Regulations. He indicated that he would supply the changes to Mr. Bruce. Mr. Sack concluded that currently the Subdivision Regulations don't have monumentation language.

Mr. Horner asked Mr. Sack to give his opinion of the proposed changes, overall. In response, Mr. Sack stated that the committee spent a tremendous amount of time on the proposed changes. There are other things that need attention and the committee has been discussing these issues with staff.

Mr. Boulden stated that the resolution adopting the regulations should not go into effect until the City Council has had time to consider the ordinance amendment.

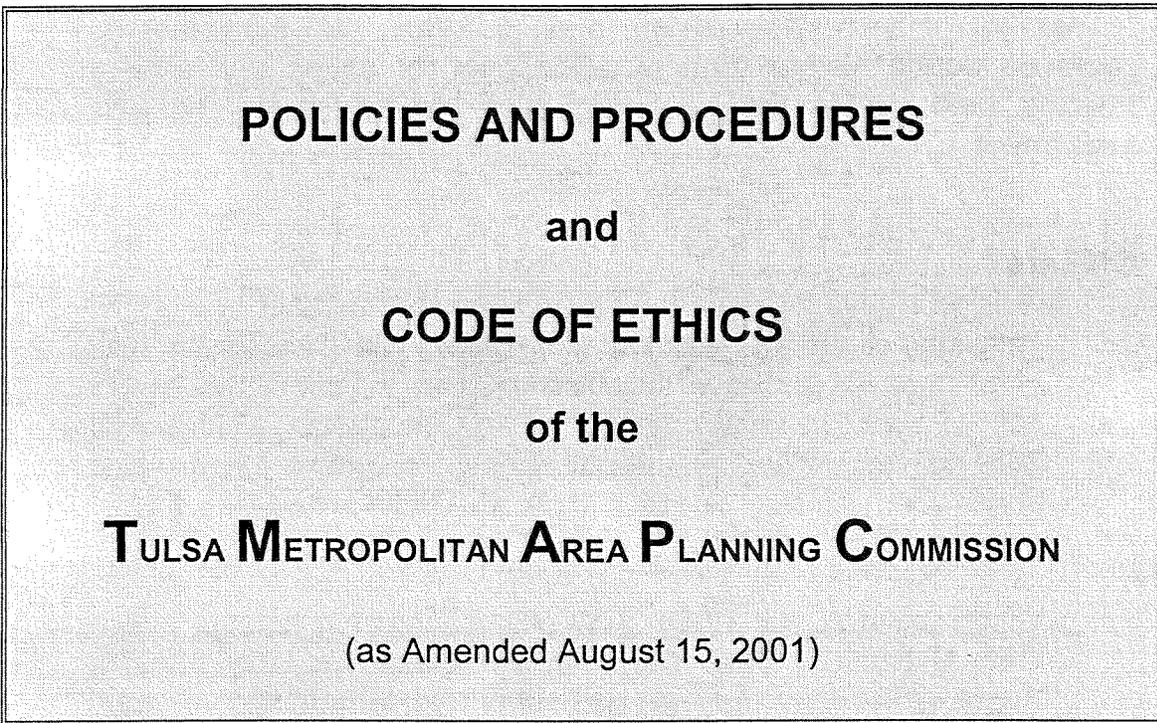
TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted **8-0-0** (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Midget, Selph "absent") to **APPROVE** the proposed amendments to the Subdivision Regulations and Zoning; direct staff to prepare a resolution to amend the Subdivision Regulations and the Zoning Code as recommended by staff.

Mr. Midget in at 3:00 p.m.

Amendment to the Planning Commissions' Policies and Procedures and Code of Ethics:

Staff Recommendation:



SECTION I: Rules of Procedure

A. Name

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

B. Commission Membership (O.S.19-863.5)

The Tulsa Metropolitan Area Planning Commission consists of eleven members, selected as follows: Six are appointed by the Mayor and approved by the City Council, and three are appointed by the Board of County Commissioners. The Mayor and the Chairman of the Board of County Commissioners or their designee shall be "ex officio" members of the Commission and shall be entitled to vote on all matters. Appointed members shall serve for terms of three years, and shall continue to serve until their successors are appointed. Vacancies occurring otherwise than through the expiration of term

shall be filled only for the unexpired term in the same manner as set out above. All appointed members of the Commission shall serve without compensation and shall hold no municipal or county office.

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

C. Officers

1. Annually, on the first Wednesday in January, the Commission shall elect from its appointed members a Chair, a First Vice-Chair, a Second Vice Chair and a Secretary. No Commission member shall hold the same office for more than two consecutive full one-year terms. Any vacancy in office shall be filled by the Chair for the unexpired term only.
2. When present, the Chair shall officiate at all meetings of the Commission. The Commission Chair or the Chair's appointees may serve on other governmental agency committees. ~~(Moved from E-3) shall appoint all standing committees and shall serve as an ex officio member to all committees.~~
3. The First Vice-Chair shall assume all of the duties of the Chair during the Chair's absence. The Second Vice-Chair shall assume all of the duties of the Chair during the Chair's and the First Vice Chair's absence.
4. The Secretary shall keep or cause to be kept full and complete minutes of all public hearings and ~~all committee meetings of the Commission~~ and shall assume all duties of the Chair in the event the Chair, First Vice-Chair and Second Vice-Chair are absent. The Secretary shall attest the Chair's signature on all documents and receive all District Court appeals from any action of the Commission. In the event the Secretary is not present, the First Vice-Chair or Second Vice-Chair, in that order, will assume the Secretary's duties.
5. Each of the officers above named shall be entitled to participate in discussion and vote on any question before the

Commission, whether occupying the position of the Chair or not.

D. Quorum

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

E. Worksessions

1. The TMAPC shall meet as a committee of the whole in a worksession on the fourth Wednesday of the month, or at call of the Chair. The TMAPC Chair shall preside. As soon after the election of officers as may be practical, the following standing committees of three to five members each shall be appointed by the Chair to serve during the ensuing year, or until a successor is appointed:

- ~~_____ (a) Comprehensive Plan Committee~~
- ~~_____ (b) Rules and Regulations Committee~~
- ~~_____ (c) Budget and Work Program Committee~~
- ~~_____ (d) Community Participation Committee _____~~

~~The Chair of the Commission shall also appoint a committee Chair for each committee. Matters pertaining to zoning, subdivision and similar statutory functions, as well as, matters pertaining to rules of procedure, code of ethics and Commission policies shall be referred to the Rules and Regulations Committee. Matters pertaining to the Comprehensive Plan and amendments thereto, transportation, parks, housing, proposed capital improvements, etc. shall be referred to the Comprehensive Plan Committee. Matters pertaining to the budget and work program of the TMAPC shall be referred to the Budget and Work Program Committee. Matters pertaining to citizen input in the planning and zoning process shall be referred to the Community Participation Committee. In the absence of a Committee Chair, any past or present TMAPC Chair may serve in that capacity for the purpose of conducting a Committee meeting or a regular meeting.~~

2. All Special requests coming to the Commission for consideration shall be referred by the Chair to the appropriate standing committee or staff for timely response. The purpose of the worksession shall be to discuss work items, Planning Commission issues, convey training and briefing, share other information and determine work items are ready to be considered at regular TMAPC meetings. TMAPC shall take no final action on work items while in worksessions. Generally, special requests coming to the Commission for consideration shall be reviewed by the Commission in the worksession prior to action, if appropriate, at the regular TMAPC meeting.

F. Meetings

1. The Commission shall meet regularly on the first, third and fourth Wednesday of each month in the City Council Room, City Hall, 200 Civic Center, in accordance with its approved calendar.
2. Special Public Hearing meetings may be held on approval by a majority vote of the Commission. Such public hearings shall be held in the regular meeting place of the Commission.
3. Normally, land division matters and zoning public hearings will be considered on the first and third Wednesdays and Comprehensive Plan matters as needed.
4. All meeting agendas must be posted 24 hours in advance of the meeting for all regular scheduled hearings and 48 hours in advance of all special Commission hearings and Committee meetings.
5. Items to be placed on the TMAPC agenda shall meet the cut-off dates as specified on the approved TMAPC annual planning calendar. New items shall not be added to the final agenda mailed to TMAPC on Friday preceding the regularly scheduled Wednesday meeting unless authorized by the Chair.
6. It is the policy of the Commission that sufficient supporting information, such as a plot plan, plat of survey, etc., be filed with the application in order for the staff and Commission to

have time to evaluate the proposal. If staff concludes that sufficient supporting information has not been provided, staff shall consider the application as incomplete and shall not place the item on the agenda.

G. General Procedures

1. The latest edition of *Robert's Rules of Order* shall govern all TMAPC proceedings to which they are applicable and where they do not conflict with other adopted rules herein.
2. A waiver of the Subdivision Regulations shall require six affirmative votes by the Commission.
3. An amendment to the Tulsa Comprehensive Plan, including the Tulsa City/County Major Street and Highway Plan, shall require six affirmative votes by the Commission.

H. Notification

Interested parties speaking on an agenda item for Corridor (CO) or PUD applications will be given notice of future related items appearing before the TMAPC. These include such items as minor amendments, detail site plans, preliminary plats, and final plats. Notice in such instances would not be required if the interested party stated he/she did not desire such future notice after addressing the TMAPC at the original hearing.

I. Zoning Public Hearing Procedures

1. The Commission shall consider only zoning public hearing items which have been properly advertised, as required by law and only those where all fees have been paid, including fees for legal advertising.
2. In the event the final vote on any zoning matter before the Commission results in a tie, such tie vote shall result in the matter being transmitted to the City Council as a tie vote, without recommendation.

3. The Commission may grant an early zoning public hearing, if properly advertised and notice given, upon receipt of a letter setting out the reasons for the need of an early public hearing.
4. Staff recommendation on advertised zoning matters shall be written and made part of the file (public record) one week in advance of the advertised public hearing date.
5. In each zoning public hearing, the following order of business shall be adhered to:
 - (a) Chair announces the application and asks if the applicant is present and if there are any interested parties who wish to address the Commission.
 - (b) Chair asks staff for summary of the case and the physical facts of the area involved.
 - (c) Chair asks for staff recommendation, together with the reasons for the recommendation, and to provide, as part of that written recommendation, whether the request is, is not, or may be found, in conformance with the Comprehensive Plan.
 - (d) Chair calls on the applicant for a presentation, not to exceed 20 minutes for a zoning application, 30 minutes for a PUD application or a joint PUD/zoning application. If the applicant presents a significantly changed application and/or Outline Development Plan from that submitted for staff review (determined by staff and TMAPC at the time of the presentation), such action is considered grounds for continuance.
 - (e) Chair calls on interested parties or protestants, and may direct that a time limit per speaker be imposed. Those wishing to speak must use the sign-in sheet.
 - (f) Applicant is given the opportunity to rebut, time not to exceed ten minutes. If applicant, in the Chair's opinion,

should present new facts or information, the Chair may allow the protestants time to rebut same.

- (g) Chair announces the public hearing is closed on the case and opens the review session, during which the Commission will discuss the case among themselves and make a recommendation.
 - (h) During the review session, which shall be open and public, no new evidence shall be admitted unless specifically requested by a member of the Commission. The Commission's recommendation shall be decided by a majority vote of the members present and voting.
 - (i) The Chair shall announce the vote.
6. The Commission shall not rehear a zoning application on the same property for a period of six months after action on the application has been taken by the Commission, unless said application is amended to a land use which is in accordance with the Comprehensive Plan.
 7. The transmittal of the minutes for a zoning map amendment to the City Council shall not occur until the Commission has approved said minutes, except on those instances where the applicant, staff and Commission are all in agreement or when the Commission approves each transmittal.
 8. A timely request from other than the applicant for a continuance of a proposed zoning map amendment may be favorably considered if it is relevant to a valid land use or other zoning matter and is received by the Staff, in writing, no later than 12:00 noon on the Monday preceding the public hearing, and if it contains the reasons for said continuance. If Monday is a designated holiday, a timely request must be received by 12:00 noon of the first working day following the holiday.

J. Subdivisions and Lot-splits

1. PLAT REVIEW:

The TMAPC, its staff and the Subdivision Technical Advisory Committee (TAC) will practice a proactive review of development by reinforcing the developer's use of the Sketch Plat stage of the platting process to ensure that any proposed development project is in compliance with the applicable regulations, encourages development in accordance with the Comprehensive Plan, and provides compatible relationships between land uses.

2. PLAT WAIVER:

It is the TMAPC's policy to waive the platting requirement for Antennas and Supporting Structures (Use Unit 4. Public Protection and Utility Facilities) and Open Air Activities (Use Unit 2. Subsection 1202.2). The Code lists Open Air Activities as: carnivals; Christmas tree sales; circuses; fruit and vegetable sales; plant sales; tent revivals; and any other sales from trucks, trailers, pickups and other vehicles.

3. LOT-SPLITS:

a. Right-of-way acquisition by the City of Tulsa requires the processing and approval of a lot-split by the Tulsa Metropolitan Area Planning Commission (TMAPC) when the City acquires only a portion of an existing lot of record. It is the policy of TMAPC to permit Staff to process such lot-splits as "prior approval lot-splits" and stamp the deed(s) for recording with the Tulsa County Clerk. TMAPC then ratifies Staff approval at the next regularly scheduled meeting of TMAPC.

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

be stamped or released until the TMAPC has approved said lot-split in a public meeting.

K. Zoning Initiated By TMAPC

1. As a general rule, the TMAPC will not initiate applications for zoning changes without the consent of the owner or his agent, unless such application is requested by the proper legislative body.
2. In TMAPC-initiated rezoning in neighborhoods identified in the Rezoning of Blanket-Zoned Areas Study (June 1990), the TMAPC will assist duplex owners who need to make application to the Board of Adjustment (BOA) when the owner of an existing duplex is required to obtain, for any reason (such as a building permit or refinancing), BOA approval.

TMAPC will also request a one-time application fee waiver of the BOA. Fees to publish legal notices in a newspaper will remain the responsibility of property owners.

L. Development

1. VARIANCES OF SECTION 206. STREET FRONTAGE REQUIRED:

Applicants proposing developments using a combination of private street(s) and a variance of the required 30 feet of frontage on a public street should instead be required (to the extent possible) to develop their project as a PUD, excepting a proposed townhouse development.

2. COMPATIBILITY REVIEW:

A development project where rezoning is required shall be reviewed not only for compatibility with surrounding zoning patterns and land uses, but also for compatibility of the proposed intensities with surrounding intensities of like uses. Where review shows the potential exists for creating an intensity on the tract that is significantly different from that surrounding the tract, development of the project through the use of the PUD is encouraged. When

reviewed as a PUD, it shall meet the test of being in harmony with the existing and expected development of surrounding areas (Section 1107.D.2, Zoning Code, City of Tulsa).

3. PUD DETAIL PLAN REVIEW

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

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

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

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

In keeping with Oklahoma statutory requirements, the Tulsa Development Authority (TDA) periodically requests that TMAPC review proposed amendments to the URP for conformance with the Comprehensive Plan. If a proposed URP amendment is not in accord with the Comprehensive Plan, an amendment to the respective District Plan must be processed prior to or concurrently with TMAPC review of the proposed URP amendments.

The foregoing points apply to proposals that lie within existing designated Urban Renewal areas. However, additional Urban Renewal areas may be created and

amendments to the respective District Plans may need to precede the Urban Renewal area designation.

5. PROCEDURES FOR PROCESSING MINOR AMENDMENTS TO APPROVED CO SITE PLANS.

Minor changes in the proposed corridor development may be authorized by the Planning Commission, which may direct the processing of an amended subdivision plat, incorporating such changes, so long as substantial compliance is maintained with the approved site plan and the purposes and standards of Section 805, Zoning Code, City of Tulsa. Changes that would represent a significant departure from the site plan shall require compliance with the notice and procedural requirements of an initial site plan review and approval. The following shall be considered minor amendments.

- (a) Adjustment of internal development area boundaries, provided the allocation of land to particular uses and the relationship of uses within the project are not substantially altered.
- (b) Limitation or elimination of previously approved uses, provided the character of the development is not substantially altered.
- (c) Increases in dwelling units, provided the approved number of dwelling units is permitted by the underlying zoning and the density of a development area is not increased more than 15%.
- (d) Increases in permitted non-residential floor area, provided the increased floor area is permitted by the underlying zoning and the floor area of a development area is not increased more than 15%.
- (e) Modification of the internal circulation system, provided the system is not substantially altered in design, configuration or location.
- (f) Changes in points of access, provided the traffic design and capacity are not substantially altered.

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

Ten days notice of public hearing shall be given for minor amendments by mailing written notice to all owners of property

within a 300-foot radius of the exterior boundary of the subject property.

If the Planning Commission determines that the proposed amendment, if approved, will result in a significant departure from the approved Corridor Site Plan or otherwise change the character of the Site Plan significantly or that the cumulative effect of a number of minor amendments substantially alters the approved Site Plan, then the amendment shall be deemed a major amendment. Major amendments shall comply with the notice and procedural requirements of *Section 805. Site Plan Review*.

6. TENT AND OPEN AIR SALES IN PUD:

- (a) Accessory tent sales are to be processed by TMAPC as site plan approvals.
- (b) Principal use tent sales are to be processed by the Board of Adjustment.

M. Comprehensive Plan

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

N. TMAPC Privacy:

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

SECTION II: Code of Ethics

A. Conflict of Interest:

A Planning Commissioner to whom some private benefit, direct or indirect, financial or otherwise, may come as a result of some public action should not be a participant in that action. Conflicts of interest may be financial or associational.

1. The possibility, not the actuality, of a conflict of interest should govern. The question is, "*do I think I would be unbiased and impartial*".
2. A Planning Commissioner experiencing a conflict of interest should declare his interest publicly, abstain from voting on the matter, and should refrain from any deliberations on the matter other than statements of fact.
3. A Planning Commission member experiencing a conflict of interest should not discuss the matter in any venue other than the public hearing with any fellow TMAPC member, staff or other officials involved in decision-making on the matter for the purpose of influencing a decision thereon. Discussion at the public hearing on the part of the member experiencing the conflict should be limited to points of information and statements of fact.
4. A Planning Commissioner who experiences a conflict of interest and who has abstained may still participate in the public hearing as a private citizen.

B. Ex Parte Communication – Private communication with a Planning Commissioner from a party with an interest, financial or otherwise, in a particular matter.

1. Although not forbidden, per se, ex parte communication has the potential to influence a Planning Commissioner's decision on quasi-judicial matters before the Commission. The Planning Commissioner who receives ex parte communication may, if he or she feels that it is appropriate, disclose this prior to public discussion of the subject matter.

2. The Commissioner should also evaluate whether, as a result of this communication, he/she can remain unbiased and impartial and should either abstain or participate accordingly. As with a potential conflict of interest, the appearance, not the actuality, of bias should govern.

C. Release of Information:

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

D. Appearance at City Council

1. Planning Commissioners who appear at City Council on Planning Commission matters as Commissioners should do so as representatives of the majority opinion.
2. Nothing herein would prevent a Planning Commissioner from appearing before the Council as a private citizen, however.

Date Approved: August 15, 2001

Chairman

ATTEST:

Secretary

TMAPC Comments:

Mr. Westervelt stated that in the past it has been difficult to have a quorum for worksession committees. Additionally, new members would like to take part and it would allow them to cast a vote and take part in the dialogue. This would include more of the Planning Commissioners in the worksessions and everyone would have a better understanding. He commented that he is not aware of any legal problems with these proposed changes. He concluded that the proposed changes would be more efficient and encourage everyone to participate.

TMAPC Action; 9 members present:

On **MOTION** of **PACE**, TMAPC voted **2-7-0** (Bayles, Pace "aye"; Carnes, Harmon, Hill, Horner, Jackson, Midget, Westervelt "nays"; none "abstaining"; Ledford, Selph "absent") to **CONTINUE** the amendment to the Planning Commissions' Policies and Procedures and Code of Ethics until the next worksession.

Motion Failed.

After a lengthy discussion the Planning Commission approved the deletions and changes to the Policies and Procedures and Code of Ethics.

TMAPC Action; 9 members present:

On **MOTION** of **HARMON**, TMAPC voted **9-0-0** (Bayles, Carnes, Harmon, Hill, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Ledford, Selph "absent") to **ADOPT** the proposed revision to Policies and Procedures and Code of Ethics, subject to the Chair appointing a designee who may preside in his absence and three or more being required for a quorum, as recommended by staff.

* * * * *

**Ms. Hill announced she would be abstaining from this item.
Ms. Hill out at 3:25 p.m.**

APPLICATION NO.: AC-059 – ALTERNATIVE LANDSCAPING COMPLIANCE

Applicant: Mary Hill (PD-17) (CD-6)

Location: South of southeast corner of East 11th Street and South 129th East Avenue

Staff Recommendation:

The applicant is requesting an alternative compliance to landscaping requirements for DeShane Kennels, Inc. The request is to allow four existing trees without a sprinkler system to substitute for one tree with a sprinkler system as required by the Zoning Code for a new parking area.

Alternative Compliance allows the Planning Commission to review a proposed plan and determine that, although not meeting the technical requirements of the landscape chapter in the Zoning Code, that the plan is equivalent to or better than the requirements.

Staff is of the opinion that the four existing trees are sufficient and have been well maintained without a sprinkler or irrigation system for years. The plan as proposed meets and exceeds the required tree for the planned additional parking lot. Staff recommends **APPROVAL** of the alternative compliance per the submitted plan.

Mr. Stump stated that the deviation is the sprinkler system and there will be four times as many trees that have been there for six to seven years without sprinkling.

There were no interested parties wishing to speak.

Applicant was not present.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted **8-0-0** (Bayles, Carnes, Harmon, Horner, Jackson, Midget, Pace, Westervelt "aye"; no "nays"; none "abstaining"; Hill, Ledford, Selph "absent") to **APPROVE** the alternative landscaping compliance for AC-059 as recommended by staff.

Commissioners' Comments:

Ms. Pace requested a worksession be scheduled to discuss policies regarding continuances.

Mr. Stump stated that continuance policies would be on the next scheduled worksession, September 26, 2001.

There being no further business, the Chairman declared the meeting adjourned at 3:30 p.m.

Date Approved:

Bryan J. Johnson 9/18/01
Vice - Chairman

ATTEST: Mary E. Hill
Secretary