

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
**Minutes of Meeting No. 2450**

Wednesday, June 28, 2006, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Ard	Carnes	Alberty	Boulden, Legal
Bayles	Collins	Fernandez	
Bernard	Jackson	Huntsinger	
Cantees		Matthews	
Harmon			
Hill			
Midget			
Wofford			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, June 22, 2006 at 3:50 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 Bernard called the meeting to order at 1:30 p.m.

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

**Minutes:**

**Approval of the minutes of June 7, 2006 Meeting No. 2448**

On **MOTION** of **HILL**, the TMAPC voted 7-0-0 (Ard, Bernard, Cantees, Harmon, Hill, Midget, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Collins, Jackson "absent") to **APPROVE** the minutes of the meeting of June 7, 2006, Meeting No. 2448.

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**REPORTS:**

**Worksession Report:**

Mr. Bernard reported that there was a worksession at 11:00 a.m. today and will be discussed during the Director's report.

**Director's Report:**

Mr. Alberty reported that there was a worksession today regarding the City of Tulsa Economic Development Strategic Plan. He commented that it was well received.

Mr. Harmon reported that it was a very good worksession and very informative with a lot of participation.

Mr. Alberty reported that there are three applications on the City Council meeting Thursday evening.

\*\*\*\*\*

Mr. Bernard stated that there are several requests for continuances.

**Application No.: PUD-327-A-2                                MINOR AMENDMENT**

**Applicant:** Dennis Blind    (PD-18) (CD-8)

**Location:** 81<sup>st</sup> Street, west of Memorial Drive

**STAFF RECOMMENDATION:**

The applicant has requested a continuance to July 19, 2006.

**There were no interested parties wishing to speak.**

**TMAPC Action; 7 members present:**

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Bayles, Bernard, Harmon, Hill, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Carnes Collins, Midget "absent") to **CONTINUE** the minor amendment for PUD-327-A-2 to July 19, 2006.

\*\*\*\*\*

**Appeal – Herb Beattie & Brookside Neighborhood Association**

1316 East 35<sup>th</sup> Place, (Appeal of PUD-718 detail site plan) (Pending \$25.00 agenda fee being met.) (PD-6) (CD-9)

**STAFF RECOMMENDATION:**

Mr. Alberty stated that staff received a request by a member of the Brookside Homeowners Association appealing a decision. This is fairly rare and is provided for in the Zoning Ordinance. The only requirement is that the appellant pay a

\$25.00 agenda fee. At this time the agenda fee has not been paid and it can't be heard today.

Mr. Alberty directed the Planning Commission to strike this item from the agenda.

Mr. Beattie was not present.

**There were no interested parties wishing to speak.**

**Item stricken from the agenda.**

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Ms. Bayles in at 1:33 p.m.

**SUBDIVISIONS:**

**CHANGE OF ACCESS ON RECORDED PLAT:**

**Woodland View Park South** – (9336) (PD 18 ) (CD 7)

Lots 8 – 11, Block 3, and abutting unplatted property north of East 61<sup>st</sup> Street and East of South Memorial Drive

**STAFF RECOMMENDATION:**

This application is made to allow a change of access along East 61<sup>st</sup> Street for two new access points. The property is zoned RS-3.

Staff recommends approval of the change of access. The Traffic Engineer has reviewed and approved the request. Staff recommends **APPROVAL** of the change of access as submitted.

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **HARMON**, TMAPC voted 9-0-0 (Ard, Bayles, Bernard, Cantees, Harmon, Hill, Midget, Wofford "aye"; no "nays"; none "abstaining"; Carnes, Collins, Jackson "absent") to **APPROVE** the change of access on recorded plat for Woodland View Park South per staff recommendation.

\*\*\*\*\*

## CONTINUED ZONING CODE PUBLIC HEARING

Consider proposed amendments to Title 42, Tulsa Revised Ordinances  
(Tulsa Zoning Code Text).

### TMAPC COMMENTS:

Mr. Bernard stated that he has received a request from the Mayor's Office and some City Councilors to continue this issue. Mr. Bernard indicated that this process started in June 2005. Mr. Bernard made a motion to continue this item and Ms. Hill seconded. Mr. Bernard recognized that there were several interested parties present wishing to speak and he assured them that the items will be walked through and the floor will be opened to discussion, but there will not be any action taken today. Mr. Bernard asked for a date certain.

Mr. Alberty stated that staff has recommended July 26, 2006.

Mr. Midget asked if in fact there is a public hearing today to hear public comments, then after hearing the public comments, this item will be continued to July 26, 2006. In response, Mr. Alberty answered affirmatively.

Mr. Alberty stated that since this was advertised back in March and continued to today and is now being continued to July 26, 2006, it will still be a public hearing. Mr. Alberty recommended that comments be taken today after staff itemizes the proposed changes. He indicated that many of the interested parties present have already submitted information and it is not necessary to resubmit it, but if they want to be acknowledged and recognized that they are present today and comments to be included within the consideration, then staff will review them and put them in categories that are just purely housekeeping, with the others to be continued for future meetings. Mr. Alberty reminded everyone that the process began on these amendments early 2005 and hoped for a February public hearing and wasn't able to do this until March of 2006. There were four worksessions in 2005 where these proposals were pared down from 50 plus to what it is today (20 plus). There has been great effort done and great participation with more notice and participation than any other time to his knowledge that we have undertaken Zoning Code amendments. Staff has compiled these issues over the years and some of these issues should have been done back in the 1990's (for example changing "City Commission" references to "City Council").

No vote taken for motion by Mr. Bernard.

Mr. Boulden informed the Planning Commission that they have a motion on the floor and no action has been taken. Mr. Boulden suggested that the motions be withdrawn until the end of this portion of the public hearing.

Mr. Bernard withdrew his motion and Ms. Hill withdrew her second.

**STAFF RECOMMENDATION:**

**PROPOSED ZONING CODE AMENDMENTS IN ORDER OF TIMING  
MAY 10, 2006**

(General notes: The Sections refer to portions of the Zoning Code, City of Tulsa. Appendix B is that portion of the Code that identifies specific land uses by Use Unit. Accessory dwelling units are ADUs. Mixed use development is MXD.)

**“A” LIST (SHORT-RANGE AMENDMENTS, LARGELY HOUSEKEEPING)**

- |  |   |
|--|---|
| <b>Section:</b> 208, 210, 212, 215     | Changes to fences, street wall/height exceptions  |
| <b>Section:</b> 400, 1800              | Change terminology from “churches” to “places of worship” as more inclusive and politically correct   |
| <b>Section:</b> 602                    | Removes barber/beauty shops as accessory uses in O districts; already allowed as principal uses so listing is redundant.  |
| <b>Section:</b> 603, 703               | Add “building” to setback requirements in O district as clarification   |
| <b>Section:</b> 902, 1800              | Add accessory dwelling units (ADUs) in Industrial districts for security and management purposes; prompted by frequent BOA requests and approvals without opposition  |
| <b>Section:</b> 1205.A                 | Delete the last sentence (“These uses are permitted by special exception in some districts, by right in some districts and prohibited in other districts.”) as it is redundant and therefore unnecessary.   |
| <b>Section:</b> 1211, 1214, Appendix B | Add bail bonds offices and massage therapists as included and specified uses; remove bail bonds offices specifically from Use Unit 11 and designate in more restrictive category (Use Unit 14). Specify massage therapist as an allowed use in Use Unit 11. |

- Section: 1217, Appendix B** Add taxi/limousine service as included and specified use in Use Unit 17; use not previously defined.
- Section: 1221** Add cross-references to signage requirements and restrictions; allow additional signage (with conditions) in CBD
- Section: 1501** Change reference from “building inspector” to “code official” to reflect title change.
- Section: 1600** Allow for two alternate BOA members; change reference from “City Commission” to “City Council”. The first is to allow for back-up members for the Board and to avail the Board of former members’ expertise. The second is to reflect change in form of government.

#### **“B” LIST (MID-RANGE AMENDMENTS)**

- Section: 301** To permit Use Unit 13 (Convenience Goods and Services) in the AG district; allowing sales of agricultural and related products that are natural adjuncts to agricultural production.
- Section: 800, 801, 804** Changing the term “access requirements” to “Corridor Development Plan”; allowed limited mixed use developments (MXDs); provide for development and detailed site plan review; simplify the former PUD/Corridor district parallel site plan review process.
- Section: 1303** Regarding restrictions and standards for off-street parking areas, change required/allowed driveway widths, screening fences and temporary event parking due to frequently approved BOA applications.

**“C” LIST (LONGER RANGE PROPOSALS, REQUIRING FURTHER DISCUSSION)**

- Section: 401** Changing uses allowed as principal uses in the Residential districts to allow limited MXDs and greater flexibility is uses, in accord with new urbanism tenets.
- Section: 302, 402, 1800** Allowing ADUs as permitted accessory uses in the Residential districts, allowing home occupations that do not generate traffic and specify allowed signage.
- Section: 403, 404** Provisions for Special Exception uses in the Residential districts (specific office uses, signage, parking, livability space, architectural appearance and structural height considerations for the BOA).
- Section: 601** Allowing R (some residential) uses in O (office) districts as principal uses, enabling limited MXDs.
- Section: 701** Allowing R (some residential) uses in C (commercial) districts as principal uses, enabling limited MXDs.
- Section: 1202** Removing construction staging facilities' required spacing and owners' consent from adjacent occupied dwellings.

**PROPOSED CITY OF TULSA ZONING CODE AMENDMENTS**

**(Language with a strike-through has been deleted and language with an underline has been added. Language in red has been revised through subsequent meetings and comments submitted.)**

## CHAPTER 2 GENERAL PROVISIONS

### SECTION 208. HEIGHT EXCEPTIONS

The following structures shall not be subject to the height limitations of the district in which they are located:

- B. Chimneys, elevators, equipment penthouses, monitors, cooling towers and ventilators, provided they are not intended for human occupancy and they do not extend more than twenty (20) feet above the top of the principal structure.
- C. Belfries, clock towers, cupolas, domes, flag poles and spires, provided they are not intended for human occupancy and they do not exceed more than 150% of the maximum height of district in which they are located.

Structures enumerated in B and C above may be increased in height by the Board of Adjustment as a special exception. Additionally, the Board of Adjustment may, as a Special Exception, permit an increase of the structure height in the R district upon a finding that such special exception will be in harmony with the spirit and intent of the code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

### SECTION 210. YARDS

#### **D. Fences and Walls in Street Yards**

In an O or C district, a fence or wall erected in a street yard shall not exceed a height of three feet. The Board of Adjustment may modify this requirement by special exception. The use of barbed or razor wire on a fence or wall in a street yard is prohibited.

### SECTION 212. SCREENING WALL OR FENCE

#### **C. Modification of the Screening Wall or Fence Requirements**

The Board of Adjustment, as a Special Exception, may:

- 5. Remove or modify the screening requirement when the abutting R district from which a use is required to be screened is separated by a street right-of-way.



**SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS**

The building setback from abutting streets shall be as provided for each zoning district. However, every structure shall be set back from the centerline of an abutting street a horizontal distance of not less than 1/2 of the right-of-way designated on the Major Street Plan; except as provided in Section 1221.C.14.

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**CHAPTER 3  
AGRICULTURE DISTRICT PROVISIONS**

**SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT**

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

**Table 1  
Use Units Permitted in the Agriculture District\***

Use Units		District
No.	Name	AG
13.	<u>Convenience Goods and Services</u>	<u>X*****</u>

\*\*\*\*\*= Limited to retail sales of agricultural products grown and/or produced on or contiguous to the lot and including the sale of related accessory items.

**SECTION 302. ACCESSORY USES PERMITTED IN THE AGRICULTURAL DISTRICT**

**A. Accessory Uses Permitted**

Accessory uses customarily incident to a principal use permitted in an Agriculture District shall be permitted in such district. In addition, the uses set forth in Table 2 shall be permitted as accessory uses.

**Table 2  
Accessory Uses Permitted In the Agriculture District**

Uses		District
1.	Bulletin Boards	AG
2.	Home Occupation	
	As permitted by Section 402.B.6.a.	AG
	As permitted by Section 402.B.6.b. and 404.B*	AG
3.	Identification Signs	AG
4.	Real Estate Signs	AG
5.	Parking/Storage of Recreational Vehicles	AG
6.	Antennas and Supporting Structures	AG
7.	<u>Accessory Dwelling Unit</u>	
	<u>As permitted by Section 402.B.8. (new subsection)</u>	AG

\*By Special Exception requiring Board of Adjustment approval subject to the requirements set forth in Section 404.B.

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**CHAPTER 4  
RESIDENTIAL DISTRICT PROVISIONS**

**SECTION 400. PURPOSES OF RESIDENTIAL DISTRICTS**

**A. General Purposes**

The Residential Districts are designed to:

3. Achieve a suitable environment for family life by permitting in residential areas appropriate neighborhood facilities, such as churches, places of worship, schools, and certain cultural and recreational facilities.

**SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS**

The principal uses permitted in the Residential Districts are designated by use unit. The use units are groupings of individual uses and are fully described, including their respective off-street parking, loading and screening requirements and other use conditions in Chapter 12. The use of an RE, RS, RD or RT District for access to any RM, O, C, or I District, or the use of an RM District for access to any O, C, or I District is prohibited unless permitted through an approved

Planned Unit Development. The use units permitted in Residential Districts are set forth below in Table 1.

**Table 1  
Use Units Permitted in Residential Districts\***

Use Units		Districts					
No.	Name	RE	RS	RD	RT	RM	RMH
11.	Offices, Studios & Support Services		<u>E</u>	<u>E</u>	<u>E</u>	E****	<u>E</u>

\*X = Use by Right

E = Special Exception

\*\* = Duplexes permitted only in RS-3 and RS-4 Districts.

\*\*\* = In RM-2 and RM-3 Districts only.

~~\*\*\*\* = In RM-1, RM-2, and RM-3 Districts only.~~

\*\*\*\* = Assisted living facility, community group home, convent, life/care retirement center, monastery, and novitiate are the only uses within Use Unit 8 permitted by special exception in the RE, RS and RD Districts

\*\*\*\*\* = Mini-storage is permitted only in the RM-1, RM-2, and RM-3 Districts

# = Detention/Correctional Facilities, Emergency and Protective Shelters, Homeless Centers, Transitional Living and Residential Treatment Centers are not allowed in RE and RS Districts.

**SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS**

**A. Accessory Uses Permitted**

Accessory uses customarily incident to a principal use permitted in a Residential District are permitted in such district. In addition, the following uses set forth in Table 2, shall permitted as accessory uses.

**Table 2**  
**Accessory Uses Permitted in Residential Districts**

Uses	Districts
<u>11. Accessory Dwelling Unit</u>	<u>All R Districts</u>

**B. Accessory Use Conditions**

**1. General Conditions:**

a... Accessory Dwelling Units

- 1.) Accessory Dwelling Units (ADUs), if detached from the principal dwelling, shall meet the requirements prescribed for a detached accessory building;
- 2.) An ADU shall not be subdivided or otherwise segregated in ownership from their primary residential unit;
- 3.) An ADU shall contain no more than one bedroom;
- 4.) Manufactured homes may not be used as ADUs;
- 5.) One additional parking space is required per ADU;
- 6.) An ADU shall not be considered in calculating livability space or land area per dwelling.

a. ~~An accessory building erected as an integral part of the principal building shall be made structurally a part thereof, and shall comply with the requirements applicable to the principal building.~~

c. Within the required rear yard, a detached accessory building shall comply with the requirements of Section 210.B.5.

**4. Signs**

a. One (1) bulletin board may be erected on each street frontage of any educational, religious, institutional, or similar use requiring announcement of its activities. The bulletin board shall not exceed thirty-two (32) square feet in surface area, nor twenty (20) feet in height, and illumination, if any, shall be by constant light. Signs erected for office uses permitted by this chapter shall conform with Section 404.G.

**6. Home Occupations**

a. Home occupations permitted by right.

- Artists
- Authors and Composers
- Catering/Food Service
- Computer programming

Home cooking and preserving  
Home crafts  
Home office with no customer/client traffic  
Ironing  
Sewing  
Telephone answering and/or solicitation  
Tutorial service, limited to one student at a time

### **SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS**

#### **A. Bulk and Area Requirements in the RE, RS, RD, RT and RM Districts**

9. The Board of Adjustment may, as a Special Exception, permit an increase of the structure height in the R district.

### **SECTION 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS**

- G. Office use in the RM-1 district shall comply with the bulk and area requirements of the OL district. Office use in the RM-2 district shall comply with the bulk and area requirements of the OM district, except no structure shall exceed two stories in height. Office use in the RM-3 district shall comply with the bulk and area requirements of the OMH district.

Office use in the RS and RD districts shall comply with the bulk and area requirements of the respective district and in addition shall comply with the following:

1. Office uses shall be completely contained within and not extend beyond, one-story of the principal use building;
2. Office uses are not subject to livability space requirements but shall not exceed a floor area ratio of .3;
3. No ground signage is permitted.
4. Any sign associated with a permitted office use shall be attached to the building and shall be no larger than 3 square feet of display surface area;
5. Parking accessory to office use shall not be located in a required front yard except for an existing driveway;

For the purpose of determining whether a proposed office use in an RS or RD district is injurious to the neighborhood, the Board of Adjustment, may consider the architectural appearance and scale of a proposed office structure under consideration for a special exception.

**CHAPTER 6  
OFFICE DISTRICT PROVISIONS**

**SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS**

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

**Table 1**

**Use Units Permitted in Office Districts\***

Use Unit		Districts			
No.	Name	OL	OM	OMH	OH
6.	Single-Family Dwelling	E <u>X</u>	E <u>X</u>	E <u>X</u>	E <u>X</u>
7.	Duplex Dwelling	E <u>X</u>	E <u>X</u>	E <u>X</u>	E <u>X</u>
7a.	Townhouse Dwelling	E <u>X</u>	E <u>X</u>	E <u>X</u>	X
8.	Multifamily Dwelling and Similar Uses	E	E <u>X</u>	E <u>X</u>	X

\*X = Use by Right

E = Special Exception

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

\*\*\* = Limited to hotel and motel.

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

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

**Equivalency: RM-0 and RM-1 are to be allowed by Special Exception in OL; RM-2 is allowed by right in OM and OMH; and RM-3 is to be allowed by right in OH.**

**SECTION 602. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS**

**A. Accessory Uses Permitted**

Accessory uses customarily incident to a principal use permitted in an Office District shall be permitted in such district. In addition, the uses set forth in Table 2 are permitted as accessory uses.

**Table 2  
Accessory Uses Permitted in Office Districts**

Uses	Districts
Barber and Beauty Shops	OL*, OM*, OMH*, OH

\*\*\*\*\*

**SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS**

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

DISTRICTS	OL	OM	OMH	OH*
	<p><u>Building Setback from Centerline of Abutting Street (Minimum Feet)</u></p> <p>Measured from centerline of abutting street; add to the distance designated in the column to the right 1/2 of the right-of-way designated on the Major Street Plan or 25 feet if the street is not designated on the Major Street Plan.</p> <p>Multifamily use in the OM and OMH Districts shall comply with the bulk and area requirements of the RM-2 District.</p>			

Arterial or Freeway Service Road	50	50	50	10
Not an Arterial or Freeway Service Road	25	25	25	10
<u>Building</u> Setback from Abutting AG or R District Boundary lines (Minimum Feet)	10	10**	10**	10

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

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

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

~~604.B. Multifamily use in the OL District shall comply with the bulk and area requirements of the RM-1 District. Multifamily use in the OM and OMH Districts shall comply with the bulk and area requirements of the RM-2 District.~~

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## CHAPTER 7

### COMMERCIAL DISTRICT PROVISIONS

#### SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS

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



**Table 1  
Use Units Permitted in Commercial Districts\***

Use Units		Districts			
No.	Name	CS	CG	CH	CBD
6.	Single-Family Dwelling	E X	E X	E X	E X
7.	Duplex Dwelling	E X	E X	E X	E X
7a.	Townhouse Dwelling	E X	E X	X	X
8.	Multifamily Dwelling and Similar Uses	E X	E X	X	X
17.	Automobile and Allied Activities	E	X**	X**	X**

\*X = Use by Right

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

E =Special Exception

**SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS**

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

	DISTRICTS			
	CS	CG	CH	CBD
<b><u>BUILDING</u> SETBACK FROM CENTERLINE OF ABUTTING STREET (Minimum Feet)</b>				
Arterial or Freeway Service Road	50	50	0	0
Not an Arterial or Freeway Service Road	25	25	0	0
<b><u>BUILDING</u> SETBACK FROM ABUTTING R DISTRICT BOUNDARY LINES (Min. Ft.)</b>	10*	10*	0	0

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

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**CHAPTER 8  
CORRIDOR DISTRICT PROVISIONS**

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

**SECTION 800. PURPOSES**

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

**SECTION 801. PRINCIPAL USES PERMITTED IN CORRIDOR DISTRICTS**

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

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

No.	Name
<u>24.</u>	<u>Light Manufacturing</u>

**SECTION 804. ~~ACCESS REQUIREMENTS~~ CORRIDOR DEVELOPMENT PLAN**

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

**A. General**

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

**B. Corridor Development Plan Application**

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

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

**C. Access**

In order that the traffic carrying capacity of the external transportation system may be maintained, where practical and a collector street is accessible, principal vehicular access for the development should be to internal collector system whether private or public.

**SECTION 805. CORRIDOR DEVELOPMENT AND SITE PLAN REVIEW**

**C. Public Hearing and Planning Commission Action**

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

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

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

**G. Amendments**

Minor changes in the proposed corridor development plan may be authorized by the Planning Commission, which may will direct the processing of an amended corridor site plan and subdivision plat, incorporating such changes, so long as substantial compliance is maintained with the approved site plan and the purposes and standards of this Chapter. Changes which would represent a significant departure from the development plan shall require compliance with the notice and procedural requirements of an initial development plan review and approval.

\* \* \* \* \*

**CHAPTER 9  
INDUSTRIAL DISTRICT PROVISIONS**

**SECTION 902. ACCESSORY USES PERMITTED IN INDUSTRIAL DISTRICTS**

**A. Accessory Uses Permitted**

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

**CHAPTER 12  
USE UNITS**

**SECTION 1202. USE UNIT 2. AREA-WIDE SPECIAL EXCEPTION USES**

**C. Use Conditions**

- 4. Construction Facilities:**
  - ~~e. The use shall not be located nearer than 100 feet to any lot containing an occupied dwelling, without the consent of the owner thereof.~~

**SECTION 1205. USE UNIT 5. COMMUNITY SERVICES & SIMILAR USES**

**A. Description**

Community services, cultural, educational, recreational, and religious facilities, which may be objectionable to nearby residential uses. ~~These uses are permitted by special exception in some districts, by right in some districts, and prohibited in other districts.~~

**SECTION 1211. USE UNIT 11. OFFICES, STUDIOS, AND SUPPORT SERVICES**

**B. Included Uses:**

Financial Institution, other than pawn shop or bail bonds office  
Massage Therapist

**SECTION 1214. USE UNIT 14. SHOPPING GOODS AND SERVICES**

**3. Service Establishments:**

Bail Bonds Offices

**C. Use Conditions**

3. Blood banks, plasma centers, day labor hiring centers, liquor stores, bail bonds offices (except when located in the 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.

**SECTION 1217. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES**

**2. Services:**

Taxi/Limousine Service

**SECTION 1221. USE UNIT 21. BUSINESS SIGNS AND OUTDOOR ADVERTISING**

**C. General Use Conditions for Business Signs**

**1. Sign Setbacks**

5. Signs and all parts of signs shall be setback from the centerline of an abutting street one-half (1/2) the right-of-way width designated on the Major Street and Highway Plan; except as provided in Section 1221.C.14.

14. No sign shall be permitted in the right-of-way of a public street or planned right-of-way as designated on the Major Street and Highway Plan of a public street, provided, that wall signs may project no more than 4' into an abutting right-of-way excluding the paved portion of the right-of-way used for vehicular traffic., nor more than four feet into an abutting alley. There shall be not less than ten feet of clearance between the ground and the bottom of the projecting sign over a sidewalk and not less than 15 feet of clearance between the surface of an alley and the bottom of the projecting sign. ~~unless a license and removal agreement has been entered into by the sign owner and the City, and approval is given by the Board of Adjustment.~~

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**CHAPTER 13  
OFF-STREET PARKING AND OFF-STREET LOADING**

**SECTION 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS**

- D. Unenclosed off-street parking areas shall be surfaced with an all-weather material except non-required special event parking areas meeting the requirements of Subsection F., below. In all RE and RS zoning districts, such parking areas surfaced with an all-weather material shall not cover more than the following portion of the required front yard:

District	Maximum Coverage
RE	17%
RS-1	25%
RS-2	32%
RS-3	34%
RS-4	36%

Provided that at no time shall a driveway in a required front yard in the RE and RS districts may be constructed to a width that is less than a the same as that of the primary garage front that is unobstructed and facing the street.

- E. Unenclosed off-street parking areas which are principal uses shall be screened by the erection of a screening wall or fence on the lot line or lines ~~in common with~~ adjacent to an R District. Unenclosed off-street parking areas, containing 6 or more spaces, which are accessory to uses not required to provide screening shall be screened by the erection of a screening wall or fence on the lot line or lines ~~in common with~~ adjacent to an RE or RS District, provided that if the parking area is located more than 50 feet from the RE or RS lot line or lines, the screening requirement shall not apply. A screening fence, as required in this subsection, shall be not less than three feet in height and not more than four feet in height.
  
- F. Special event-parking areas are permitted accessory only to Use Unit 1, 2, and 5 uses and shall comply with the following conditions:
  1. Special event parking shall not be used for more than twenty (20) days in any calendar year;
  2. Special event parking cannot occur for more than ten (10) days in any 30-day period;
  3. Special event parking shall be set back at least fifty feet (50') from any off-site residentially zoned lot or residential development area in a PUD; and
  4. All Special event-parking areas shall be on the same lot or lots approved for principal Use Unit 2 use to which they are accessory

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**CHAPTER 15  
ENFORCEMENT**

**SECTION 1501. ZONING CLEARANCE PERMIT**

**A. Zoning Clearance Permit Required**

It shall be unlawful for any person, firm or corporation to erect, move, add to or ~~structurally~~ alter any building or structure, or to use or change the use of any building or land or to permit the aforementioned actions, until a Zoning Clearance Permit has been issued by the Code Official ~~Building Inspector~~.

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CHAPTER 16  
BOARD OF ADJUSTMENT

SECTION 1600. ESTABLISHMENT OF THE BOARD OF ADJUSTMENT

**A. GENERAL**

There is hereby established a Board of Adjustment of the City of Tulsa with the powers and duties hereinafter set forth. The Board of Adjustment shall consist of five Board members and two alternate members, who shall be nominated by the Mayor and confirmed by the ~~Board of Commissioners~~ City Council, and shall serve without pay for a term of three years. Vacancies shall be filled for an unexpired term of any member in the manner set forth for appointments to a full term. A Board member may be removed for cause, by the appointing authority after notice, written charges and public hearing. The Board shall organize, elect its chairman, and appoint a secretary and adopt rules necessary to the conduct of its affairs.

**B. ALTERNATE MEMBERS.**

Alternate members of the Board of Adjustment are designated as Alternate #1 or Alternate #2. Initially, Alternate #1 shall serve for a term ending on May 10, 2007, and Alternate #2 shall serve for a term ending May 10, 2009. Thereafter, alternate members shall serve for staggered three year terms. Alternate members shall serve until such time as a replacement is appointed.

In the event that a Board member is unable to attend all or part of a meeting, the Chair shall declare the Board member absent and call upon Alternate #1 to assume the place of the absent Board member. In the event that Alternate #1 is not present or already serving, the Chair shall call upon Alternate #2. An alternate member shall serve until the absent Board member appears for the meeting. While serving in the place of a Board member, an alternate member may participate in discussions, make and second motions and vote.

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CHAPTER 18  
DEFINITIONS

SECTION 1800. DEFINITIONS

Accessory Dwelling Unit (ADU): A subordinate residential unit incorporated within, attached to or detached from a single-family residential unit and having its own sleeping, cooking, and sanitation facilities. Such subordinate unit shall not be subdivided or otherwise segregated in ownership from the principal residential unit. Such unit shall not be occupied by more than three persons. See Section 402.B.1.a.

Place of Worship:

1. Churches, chapels, temples, parish halls and synagogues including offices for the administration of the religious institution, convents, seminaries, monasteries, rectories, parsonages and parish houses.
2. Lands or buildings used for worship by an association of persons that is:
  - a. charitable under the laws of State; and
  - b. organized for the advancement of religion and for the conduct of religious worship, service or rites; and
  - c. permanently established as to the continuity of its existence.

and may include accessory uses such as a residence for a caretaker or head of congregation, and an assembly hall.

3. A building dedicated to religious worship which includes a church, synagogue, temple or assembly hall within those and may include such accessory uses as a nursery school, a school of religious education, convent monastery or parish hall.

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APPENDIX B  
INDEX OF LAND USES

Use Unit	Land Use
	(B)
<u>14</u>	<u>Bail Bonds Offices</u>

(M)

11                      Massage Therapist

(T)

17                      Taxi/Limousine Service

**TMAPC COMMENTS:**

Mr. Bernard stated that the plan is to break these proposals into manageable groups in order to allow appropriate time to discuss their concerns or positive feedback on some of the changes that may come forth.

Mr. Bernard stated that he would like to make it a part of the motion to have staff come back with the "A" list or "short range amendments" addressed first, and then based on staff recommendations and input from the community, break out the "B" and "C" list per month or a couple of proposals per meeting with advanced advertising.

Mr. Ard stated that since this is going to be continued and admittedly based on what staff is seeing from the responses from the City offices, as well as neighborhoods, other interested parties, this list may change. He suggested that the Planning Commission wait to split these categories up until there is another public hearing July and then define what the categories should be.

Mr. Bernard stated that he wasn't asking for a specific list today, but in the motion he would like the list broken into manageable groups for the next meeting.

Ms. Bayles stated that Mr. Harmon requested that staff segregate these into categories, which staff has done sufficiently. Ms. Bayles further stated that it was not a directive to staff, but a suggestion to take into consideration. There was also a consideration taken into account for a rationale sheet and she would like to have further information, if it is readily available and not to go through undue hardships, but list what prompted these proposals, how many cases are we talking about, what kind of considerations in terms of consequences are we weighing for this action. Ms. Bayles indicated that she would speak to one issue that is a quote directly out of "The Job of the Planning Commissioner" by Mr. Solnik, APA publication. Ms. Bayles read the quote. Ms. Bayles asked if the Planning Commission could have the luxury of one month's time and have an informal or a formal meeting with these representatives so that they, too, can weigh in for their input on the consequence of these actions relating to what they do on a day-to-day basis.

Mr. Bernard stated that he has discussed this with staff and they are trying to prepare a spread sheet to lay out some of the comments and suggestions as being discussed.

Mr. Boulden stated that it could be a TMAPC worksession and posted by TMAPC and BOA if a quorum is present.

Mr. Alberty stated that he believes that even though there not an effort to push these things along, he does think that what staff has provided should have, to this point, been sufficient enough for the Planning Commission to understand where we are going. Staff has provided the reasons and produced a number of documents, but staff would be willing to reintroduce those and resend them to the Planning Commission. Perhaps Ms. Bayles would like more explanation than what has been given and staff could make an attempt to do that. A large number of these proposals are simply housekeeping issues that there should be no issue on. The others, a number of times staff has reiterated why they are being proposed. Staff doesn't want to beat it death and extend it out or it will end up as the sign proposals, which if there is not a consent to proceed, then we will just stop.

Mr. Alberty reiterated that what staff has proposed was looked at from the staff's standpoint as interim fixes to get us through the process until the Comprehensive Plan was updated, which staff expects to create an entirely new Code and not just amendments to the Code. These proposals were intended to be stop-gap interim measures that would get us to that point. From staff's standpoint, if this is creating great controversy or extending the work load out (already an 18 month process), and quite frankly it is pretty clear where this is going, and if more worksessions for the Planning Commission are needed, the staff would accommodate, but every worksession held delays the time to come back for a public hearing.

Mr. Midget stated that he can concur with Mr. Alberty about extra verbiage or explanation for the housekeeping amendments, but there are some other proposals that he would like further explanation as to why. It would be helpful to know how these proposal were established, whether it was staff, County or City officials, etc. Mr. Midget stated that it would be to everyone's advantage if the Planning Commission proceeded cautiously and deliberately in the process because the Comprehensive Plan is going to be readdressed and it is funded. Some of the interim solutions or fixes are causing heartburn in the community and it is an unintended consequence of something the Planning Commission is trying to do. The fact is the Comprehensive Plan is coming up and it will provide an opportunity to relieve the heartburn and the feelings of exclusion that a lot of the citizens are feeling because of some of the changes. He realizes that this has been in the process for over one year, but it doesn't negate the fact that people out in the community who are going to be impacted by these changes feel that they haven't been given the opportunity to be a part of the deliberate

process. Mr. Midget suggested that the proposals be separated and dealt with in that manner. He stated that the Zoning Code and the updated Comprehensive Plan should be hand in hand and it defeats the purpose to make zoning amendments and then come back and change the zoning amendments again because there is a new Comprehensive Plan update.

Mr. Harmon stated that he supports the Mayor's request for a continuance. However, he is curious as to what would be happening between now and July 26<sup>th</sup>. Will there be a representative from the Mayor's office assigned to deal with INCOG on a regular basis and do we have a feel for what would happen between now and then?

Mr. Alberty stated that he and others will be making a presentation to the Mayor and that will occur before the 26<sup>th</sup> meeting. The Mayor requested information on each of the proposed amendments and would like to hear the history and some of the background. This will be done next week.

Mr. Harmon stated that the Mayor's request is appropriate and if on the 26<sup>th</sup>, the Planning Commission still feel they need more information, than perhaps it is time to table it and let it rest awhile.

Mr. Bernard stated that staff had taken some hits at a meeting several weeks ago about the fact that a lot of people didn't know anything about this and it appeared to them that this was something that recently started up. He wanted to make the comment that this process has been ongoing for over one year and the information has been available. It is not fair for staff to get this type of criticism.

Mr. Bernard stated that staff works on this daily and the Planning Commission sees it periodically.

**TMAPC Action; 8 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **8-0-0** (Ard, Bayles, Bernard, Cantees, Harmon, Hill, Midget, Wofford "aye"; no "nays"; none "abstaining"; Carnes, Collins, Jackson "absent") at the close of the public comments to **CONTINUE** the proposed amendments to Title 42, Tulsa Revised Ordinances (Tulsa Zoning Code Text) to July 26, 2006.

**INTERESTED PARTIES:**

**Karen Smith**, 2502 East 19<sup>th</sup> Street, Tulsa, Oklahoma 74104, Lewiston Gardens NA, stated that she appreciates the comments made by both staff and Planning Commissioners. She indicated that she believes that these are interim fixes and Lewiston Gardens is asking that Chapter 4 be deferred until all of these studies that have started are completed. Ms. Smith submitted her comments (Exhibit A-3). Ms. Smith asked if the Planning Commission would rather she wait until the continued meeting to state her comments. Ms. Smith requested that if the staff does compile a spreadsheet that everyone have access to it in advance.

Mr. Bernard stated that the spreadsheet will be out on the INCOG website, as well as the agenda for that meeting.

Mr. Midget thanked Ms. Smith for her submittal and explained to her that he doesn't see the Planning Commission approving all of these changes at one time. He commented that there will be more meetings to discuss the issues in more detail.

Ms. Smith stated that she understands that it appears everyone is attacking staff and that is not her intent. She acknowledged that staff deals with this every day and she would be frustrated, if she were staff, if this has been in the process for over one year with all of this feedback coming in.

**Steve Novick**, 3843 South Florence Place, Tulsa, OK 74105, stated that he submitted his written comments in opposition previously and he will not be available July 26, 2006. He disagrees that all of the issues are housekeeping issues.

Mr. Novick stated that he is not going to deal with the amendments because he has submitted his written comments, but he does want to speak to the process that has been employed. He quoted Mayor Kathy Taylor from a letter she wrote to the neighborhood leaders when she was running for office. He believes that this process is exactly what the Mayor was talking about. Today is the first time that he has heard that there has been a year's worth of working sessions with respect to these zoning amendments. Mr. Novick stated that he didn't know about the worksession or that he could attend them. The Zoning Code amendments were put together from insiders without public participation and he doesn't know who requested them or why they are needed. This is our city and we want to participate and were invited to do so two weeks ago at the 11<sup>th</sup> hour. He appreciates that the staff work hard doing their planning and zoning work and the Planning Commission members are volunteers without compensation. However, citizens should be at the table when these decisions are being made and not at the 11<sup>th</sup> hour. He wants to be at the table during the worksessions and know what is going on. He requested that the controversial amendments be removed from the proposal and only act on the true housekeeping amendments. Mr. Novick also requested that the controversial amendments be sent back to INCOG to have meaningful worksessions with all of the stakeholders at the table and not just INCOG staff, developers and members of the Planning Commission.

**TMAPC COMMENTS:**

Mr. Midget asked Mr. Novick if he is a member of the neighborhood association. In response, Mr. Novick stated that he is the president of the Ranch Acres NA.

Mr. Bernard stated that there are no back-room deals going and apparently the way staff gets the information out is not working as they thought it was. All of the

HOAs members were notified by email that the agendas are posted the items are spelled out on the agenda that will be discussed. There are over 300 emails that go out and these items are posted on the web. Apparently these emails are not getting where they need to go or when they come in they are not being identified or tagged as something that the homeowners association are wanting to see. Maybe the neighborhoods need to tell us how to get this information to them. It would be impossible to make phone calls to all of these people and he doesn't know how else this could happen unless we can suggest something to staff that is more affective. All of the worksessions have been open to the public and have been posted. Mr. Bernard stated that his point is that staff hasn't done anything to prevent the citizens of Tulsa from knowing what is going on.

Mr. Novick stated that he wasn't suggesting that there was intent to have secret meetings or anything of the like. He is simply saying he would like to be included, and maybe there is a better way to get notice. Email is generally a pretty good way to do it and he believes that both sides have some responsibility. Certainly neighborhood associations have the responsibility to make sure that their contact information is updated so that the information is getting into the right hands. He stated that had he known about worksessions, he would have been there, but he didn't know about them.

Mr. Bernard asked Mr. Novick if he has received any emails from INCOG staff. In response, Mr. Novick stated that he hasn't to his knowledge been informed about worksessions regarding Code amendments. He acknowledged that he did start getting emails with respect to the meeting two weeks ago and this meeting today. He commented that he gets emails from INCOG and he admits he may have overlooked these worksession emails. Perhaps there should be a little red flag put on the emails to say that it is important and not garbage. Mr. Novick stated that the bottom line is that there are a lot of people who feel that they have been left out of the process. He further stated that he doesn't want to just have input, but he would like to participate and this is really the issue.

Mr. Bernard stated that he fully agrees with Mr. Novick about public participation. It was obvious that there was a lot frustration during the June 13<sup>th</sup> evening meeting. After that meeting it was decided that these issues needed to be spread out over time to give people the opportunity to review and comment on what they wanted. The Mayor has requested a continuance and staff had already planned on taking the housekeeping issues that had no contingent to them and then spread the remainder issues out. The Planning Commission does want the citizens' input and the Planning Commission doesn't want controversy, since they live in the City as well.

Mr. Novick stated that he wonders if any of these zoning amendments are so essential and so critical to the planning and zoning activity to the City that they can't wait for the completion of the Comprehensive Plan update.

**INTERESTED PARTIES:**

**Joan Pringle**, 2504 South Birmingham Place, 74114, stated that she is concerned about the oversized homes being built in her neighborhood on smaller lots. Ms. Pringle submitted photographs (Exhibit A-1) and cited the history of the neighborhood and new development. Ms. Pringle commented that the oversized homes violate the charm and integrity of the surrounding neighborhoods. She requested the Planning Commission to help her neighborhood to preserve the existing character of her beautiful old neighborhood. The newer homes do not resemble the existing homes. Ms. Pringle submitted and read an article from USA Today (Exhibit A-6) regarding the same situation she is experiencing. Ms. Pringle asked four questions: 1) can you exercise your discretion with regard to preserving the existing proportion of house to lot?; 2) can there be a covenant drafted that describes a proper balance between roof height and circumference?; 3) can we move to make permanent or change at least a 50-foot setback from the street?; 4) is it possible to adopt some of the same regulations for her neighborhood that govern the historical neighborhoods? Ms. Pringle thanked the Planning Commission for their time and for hearing her today.

**TMAPC COMMENTS:**

Ms. Hill asked Ms. Pringle if she would feel more comfortable if the new homes were lower in height but had a little more square footage than the existing homes. In response, Ms. Pringle stated that when one walks down the street where the new homes are being built, the only thing one can see is roof. Ms. Pringle further stated that her three concerns are that the builder built the new homes with a 35-foot setback and every existing home is set back 50 feet from the street. She is sure it is legal for the 35-foot setback or else it wouldn't have been allowed, but just because he can doesn't make it right. The roof height is too much and most of the existing homes have nice yards and the new homes have zero yards. They have three-car garages with three-car driveways.

Ms. Hill stated that possibly there could be some compromising with the new homes and existing homes so that the new home buyers could achieve the square footage they would like and not stand out as much as they are today.

Ms. Pringle stated that it would have to be a major compromise before she would be happy with the new larger homes. She commented that they are eyesores. Ms. Pringle stated that there have been several remodels in the subject area and they are beautiful and have kept the 50-foot setbacks.

Mr. Bernard stated that it appears that the neighborhood would like the newer homes to have the same setbacks as the existing homes and less roof height.

After a lengthy discussion Mr. Midget stated that the bottom line is that the newer homes do not go with the character of the neighborhood. Mr. Pringle concurred with Mr. Midget's statement.



Ms. Bayles further summarized by stating that Ms. Pringle spoke on June 13<sup>th</sup> and there were several things she was unhappy with, which were zero lot lines; 35-foot setbacks; mass, rhythm and scale; and compatibility of these new structures in relationship to those currently existing. Ms. Bayles stated that staff doesn't get enough credit for the hard work that they do. The issues of tear-downs and McMansions is something under consideration because it is detrimental to our communities in many ways, but at the same time, the City is trying to encourage more residential development in these infill areas. Ms. Bayles suggested that Ms. Pringle obtain a copy of the Citizen's Guide for Planning and Zoning, which is on the INCOG website.

Ms. Bayles encouraged Ms. Pringle to register her homeowner's association and take part in the updates for the Comprehensive Plan. Ms. Bayles asked Ms. Pringle to appreciate and talk to staff for what they can and cannot do under the current environment, because they are clearly cognizant of what is affecting our community today and they should be applauded for the work that they are doing on our behalf.

Ms. Pringle stated that she believes everyone, staff and the Planning Commissioners are terrific for spending their time and concern doing this.

**INTERESTED PARTIES:**

**Leta Cosby**, 8705 East 21<sup>st</sup> Street, 74129, member of Mingo Valley HOA, reminded the Planning Commission that she submitted her comments earlier and she has attended the previous meetings. Ms. Cosby stated that she hasn't changed her opinions from the previous meeting. Ms. Cosby is not in favor of the changes for development staging areas and alternate members for the BOA.

**Clayda Stead**, 8925 East 15<sup>th</sup> Street, 74112, current member of the Board of Adjustment, member of Mingo Valley HOA, stated that she submitted her comments in the earlier meetings; however, she has expanded on it after going through her Zoning Code book. She expressed her opposition to ADUs and an alternate to the BOA. Ms. Stead questioned the ability to have an alternate due to State legislation. She stated that two staff members and one City Legal personnel attend the BOA meetings and she finds their advice quite adequate and they do not leave her in the dark about anything. She commented that the language regarding election of officers for the BOA should be expanded or changed. She requested that requiring sidewalks be included in the Zoning Code and give the BOA better direction.

In response to Ms. Stead, Mr. Boulden stated that he has looked at the possibility of having alternates on the BOA and it would difficult to work out the details, but he believes it could be done. Regarding the staging area issue, "removing the requirement that without the consent of the owner" is a legal concern, and in his opinion, is an improper delegation of governmental authority to a private person. However, he believes BOA and Planning Commission has concerns about the

neighbors, the neighbors can't be given veto power over another's individual's use of property.

In response to Ms. Stead, Mr. Boulden stated that people often take inappropriate cases to court and this could happen with an alternate, but he believes under the City's Charter it could be varied and provide for alternates. There are surrounding communities that do have alternate members.

Mr. Midget suggested that the issue regarding the alternates should be removed from the housekeeping items because he doesn't believe it is a minor change.

**INTERESTED PARTIES:**

**Al Nichols**, 8525 East 16<sup>th</sup> Street, 74112, Mingo Valley HOA, stated that the process has been flawed. It appears to him and some of his colleagues that these proposals were dreamed up by INCOG and he doesn't know who sanctioned their putting forth these proposals nor does he know who commissioned them to do it.

Mr. Nichols stated that there had been four worksessions and he didn't attend them because he didn't know anything about them. He questioned that anyone was allowed the opportunity to participate in these changes. He suggested that the categories for the proposals be changed and arranged in smaller groups. Mr. Nichols expressed the same concerns regarding ADUs and alternate members as previous speakers.

Mr. Nichols stated that the emails are being sent out and Barbara sends them out religiously. However, the presentation of the emails could be improved. He indicated that the worksession agendas are buried at the bottom of the agenda and after reading through the other things, he hasn't been diligent enough to see what the worksession is about. Had he seen the worksession was about zoning changes he would have been present. It is not highlighted enough and when addressing zoning changes in an email it should be highlighted, make it jump out and be conspicuous as possible.

Mr. Bernard asked Mr. Nichols if it would help if worksessions were listed first on the email instead of the agenda. Mr. Bernard asked staff if the worksessions and the agendas are listed on the email together. Ms. Huntsinger stated that worksession agendas and TMAPC regular meeting agendas are listed separately on the website and they are not combined. Mr. Nichols stated that the worksession is on the same site as the agenda and it is difficult to find. He further stated that it isn't difficult if one is reading and looking for it.

Ms. Bayles stated that she doesn't intend to interrupt Mr. Nichols, but she does have to correct him on one point. As the agendas are displayed on the INCOG website, they are separated as the agenda for the current meeting and then as worksession. Typically the worksessions are held on the last regularly scheduled

meeting date of the month. While she understands Mr. Nichols's consideration for highlighting a Zoning Code amendment, the Planning Commissioners, who receive the same packet information, see a Zoning Code amendment as important as the Economic Strategic Development Plan that was on the worksession agenda today. The Planning Commission cannot relieve Mr. Nichols of his personal responsibility to read everything. She informed Mr. Nichols that he has to be diligent and read both the worksession and the regularly scheduled TMAPC agendas, which are separated out on the website.

Mr. Nichols asked that the posting of the agendas be amended to make it more friendly to the neighborhoods. In response, Ms. Bayles stated that she believes it is very user-friendly as it currently exists. She explained that she often uses the website herself to obtain the information. In response, Mr. Nichols stated it was Ms. Bayles's job to go to the website to obtain the information. Ms. Bayles rebutted that it would be Mr. Nichols's job as well.

Mr. Bernard requested that if Mr. Nichols had a recommendation that would help the citizens to identify these type of issues more easily and that is reasonable (where staff is not having to spend multiple hours doing something) he would please submit it. Staff doesn't want to hear this because it sounds like they are not doing their jobs and they are trying to provide information.

Mr. Nichols stated that he is not implying that anyone is not doing their job, but there is a communication problem.

Mr. Bernard stated that if there is a communication problem, then staff is not doing their job in essence because they need to make sure the citizens are getting information. It is the Planning Commission's job to make sure the citizens know what is going on and apparently they are not doing that and so are failing at something. Interested parties have some obligation on their end, and if the information is posted and citizens are told it is there, then they need to go to the website and view the information. If this is not working for Mr. Nichols or the other 300 emails that are sent to HOAs, then the Planning Commission needs to find a way for him to get so that it is easy for him to see what is going on. Mr. Nichols stated that he has given his comments.

**Jim Mautino**, 14628 East 12<sup>th</sup> Street, 74128, stated that he guesses that he is the Chairman of Tower Heights HOA and President of Homeowners for Fair Zoning. There are six new City Councilors and they have a lot of catching up to do. He commented that in the past these housekeeping items have created a problem and now we have a Comprehensive Plan with a lot of amendments. Mr. Mautino cited his experiences with confusion over why City Council approved rezoning cases create housekeeping amendments to the District Plans. Mr. Mautino expressed confusion over the proposed change in Section 215 and the exception as provided in Section 1221.C.14.

Mr. Mautino concluded by stating that there have been a lot of comments by the neighborhood representatives, which are really elected by their neighborhood to come and represent them, did not participate in putting these proposals together.

**Greg Bledsoe**, 1304 East 26<sup>th</sup> Place, 74114, stated that he lives in the Terwilliger Heights and Travis Heights area and he is trying to form a neighborhood association. One of the principal motivations for forming the neighborhood association is the proliferation of lot-splits and McMansions that are occurring in that truly historic part of mid-town Tulsa.

Mr. Bledsoe asked if Mr. Horner had been replaced on the TMAPC by Mr. Wofford. In response, Mr. Bernard answered affirmatively.

Mr. Bledsoe requested that the Planning Commission have the continued public hearing in the evening. He requested that if there has been a legal opinion submitted to the Planning Commission regarding the housekeeping amendments, he would appreciate it being made available to the neighborhoods and the general public. He commented that he would vigorously oppose alternates being placed on the Board of Adjustment and he would lobby the City Council to defeat it. He stated that height limitations are not a housekeeping item and should be removed from the housekeeping item list.

Mr. Bledsoe stated that he would echo Mr. Novick's comments regarding the process. Mr. Bledsoe made several suggestions regarding the upcoming Comprehensive Plan update and how the process for this should be done. He commented that there have been a lot of complaints about the perception that there have been closed doors and worksessions that people were not given the opportunity to participate in. He stated that he is willing to accept that this is largely myth, but myths have reality because perception becomes reality. Those perceptions can be dissuaded by a process that draws people in and communicates.

Mr. Bledsoe stated that he would like to address the INCOG website. He is sure all of the information is on the website. He commented that he visits the INCOG website and other websites and in his opinion it is not very user-friendly. It needs to be reevaluated and made more user-friendly. He is sure that if he spent the time he could find the information, but it appears to be sort of basic and a little minimalist and he doesn't know the last time it was updated in terms of graphics and user-friendly interfaces. Perhaps some attention could be given to that and he says this not with just the respect of INCOG website, but also with respect to the City of Tulsa website, too.

Mr. Bledsoe stated that with all due respect to the staff, which is their full-time job, and he knows that staff deals with this on a daily basis, but some of the things he has heard in the sessions he has attended recently gives him a little concern. Staff is too much delving into policy because the Planning Commission

and the City Council are the policy makers. The staff is to carry out their policy and he would urge the Planning Commission to give policy directions to staff rather than staff giving policy direction to the Planning Commission.

**TMAPC COMMENTS:**

Mr. Midget stated that he wanted to clarify one thing regarding the planning districts. He explained that there are still planning districts, but they have modified the method of elections more favorably for homeowners associations. In a planning district, there might be six homeowners associations and they have found that communicating with the homeowners association, as opposed to trying to deal with a planning district representative, was more effective. The planning district representative may live in the southern portion of the district and the zoning issue may be in the northern part and affecting the neighborhood in the north. This is the only change that has taken place and it gave us an opportunity to broaden the base.

Mr. Bledsoe stated that he is not necessarily saying that that form is sacrosanct, but he is saying that unless there is active involvement by the Mayor's office in terms of promoting homeowners associations, the ball could be dropped as opposed to the formal institution. Perhaps some combination of the two might get the task accomplished.

Ms. Bayles asked Mr. Bledsoe if he was an active participant in the Brookside Task Force. In response, Mr. Bledsoe answered negatively.

Ms. Bayles asked Mr. Bledsoe if he would like to be if the dialogue continued. In response, Mr. Bledsoe stated that his motivation in this process comes from being involved in these issues and realizing that he has to be involved with these issues if he is going to preserve and improve the character and integrity of his neighborhood.

In response to Ms. Bayles, Mr. Bledsoe stated that where he lives there are eight or nine lawyers on his block. He explained that until recently, no one in his neighborhood wanted to get together and form an association. Perhaps they didn't feel the need for the association because they either were a lawyer or could hire their own lawyer to deal with their lot-split next door situations. In the last two years he has seen that the neighborhood association is needed.

**Jamie Jamieson**, 706 South Owasso Avenue, 74120, stated that he is a New Urbanist developer and he was recently appointed the secretary of the Pearl District Association (6<sup>th</sup> Street Infill Task Force). He complimented INCOG, particularly Duane Cuthbertson, in his willingness to discuss the changes at the Tulsa Now meeting. Mr. Jamieson cited the reasons for updating the Comprehensive Plan and taking a fundamental look at zoning. Mr. Jamieson indicated that he has been lobbying to adopt form-based codes. An illustration of form-based codes is the Village at Central Park and its relationship to Peoria.

Form-based codes involve neighborhoods from the very outset and that would go a very long way to overcoming and negating questions that people and residents have about the openness of the process.

**David Phillips**, 2543 East 24<sup>th</sup> Street, 74114, stated that he lives in the same neighborhood as Ms. Pringle. He has lived in the subject area for over 40 years. He commented that there is nothing wrong with someone purchasing land, removing the house and building a new home. He concurs with Ms. Pringle that the new home should fit within the neighborhood. There is no new land being produced in this subject area. His problem to the Planning Commission is the size of the homes and roofs. There are other builders who appreciate the existing homes and build new homes that fit into the lots or adding to the existing homes and keeping them within the lots and setbacks. What can the neighborhood do as a group to prevent the encroachment of 35-foot setbacks versus the 50-foot setbacks that the existing homes have?

Mr. Ard stated that based on our current Zoning Code there is nothing that can be done realistically. There are some neighborhoods that have historic overlay zoning in place and that protects those areas from that kind of development that is outside the bounds of what is accepted in scale, rhythm and size. A lot of the older neighborhoods are old enough to qualify for these types of historic overlays; however, it is a long process. Hopefully, when the new Comprehensive Plan is done, it would bring a new Zoning Code where these issues would be addressed specifically. Mr. Ard explained that when a builder purchases land and razes the house, he has to recoup his dollars spent by building a bigger house. The developer does have to build within the boundaries of the setback guidelines, density and height as they are written today. Those guidelines allow him to do things that may not look very good in comparison with the house next door.

Mr. Ard stated that if there is a strong neighborhood association, they could meet before the developer starts building and let him know that they would like some input into the process. There is not much the staff can do if the developer is within the bounds of the current zoning guidelines.

Mr. Wofford stated that the Zoning Codes as written are rudimentary in terms of setbacks and size. There are restrictive covenants in subdivisions put in place when they were established. Some of these covenants are reinstated or ratified and some are allowed to lapse over time. In newer neighborhoods they are consistent because of the covenants and not because of the zoning. The Planning Commission has very little power over what exactly is built beyond the use and meeting certain setback requirements. As the City moves toward a new Comprehensive Plan, maybe a one-size-fits-all plan needs to be revised to take these issues into account. Tulsa is not the only city facing these issues. This is a good problem because it is rebirth and a new investment, but it is a problem in the sense that we need to address the texture and the appeal of these

neighborhoods. The Planning Commission is sensitive to these issues, and if someone came to the Planning Commission for an application they could not tell them how it is supposed to look like and in many ways that is a good thing.

Mr. Phillips stated that a developer was approached regarding a new building and he let the neighborhood know that he could build what he wanted within the rules of the Zoning Code.

Mr. Wofford stated that this planning process that the City is about to enter is going to be a critical process for how neighborhoods are identified. The existing Comprehensive Plan and the Zoning Code that resulted from it don't allow the kind of control that Mr. Phillips is seeking.

Mr. Bernard stated that, relatively speaking, there is no more space in the central city area. There is space out to the east of Tulsa, but near downtown there is no more room and the only thing that could happen is infill.

Mr. Phillips stated that he understands that and that is not the issue.

Mr. Bernard stated that the Comprehensive Plan and Zoning Code were not designed for these types of problems. He commented that Ms. Bayles has been continually pushing for a new Comprehensive Plan and the importance of it. The intent of the new Comprehensive Plan is to take care of the very thing Mr. Phillips is talking about.

Ms. Bayles stated that staff is already doing the research for these types of issues for the Planning Commission. It comes to the staff from their peers and professional journals that they read. The Planning Commission does this as a voluntary effort and is very sensitive to these issues. Midtown is the most desirable area of the City of Tulsa, there is plenty of space in east and west Tulsa.

\* \* \* \* \*

**Commissioners' Comments:**

Mr. Boulden requested that the record reflect that Mr. Herb Beattie did not appear at this meeting. He would like this in the record in case some issue comes up as to what action the Planning Commission took on the appeal or why it was not heard.

Ms. Bayles stated that she hopes she was not dismissive to Mr. Nichols' comments or concerns. There is one request that she would like to make of the Planning Commission. She would like the TMAPC mission statement shown on every agenda. Most organizations typically use that as a vehicle to remind themselves and the public of their purpose.

Ms. Bayles stated that in 1997 she became involved as an angry and ugly resident. She commented that there is no excuse for her behavior, but she would like to remind everybody who participates in this process to please be respectful of the individuals who attend to the matters on a daily basis because we are making every attempt to be respectful of you. Sometimes the demeanor that comes on is dismissive to both parties that often times the message is lost. Do not let your behavior lose sight of what message you are bringing to us. Ms. Bayles thanked everyone for their time and attention today. Whatever the Planning Commission can do to help, she is sure this commission as a whole would be glad to do so.

Mr. Bernard stated that the emails are currently going out with links to PDF documents and he questioned if it would be easier if the emails were sent with the PDFS attached. In response, Ms. Huntsinger stated that various internet servers would not allow the PDFS to go through their system due to size.

Mr. Midget concurred with Ms. Huntsinger. Mr. Midget stated that sometimes he requests Ms. Huntsinger to send him the hardcopy, but most of the times he goes to the link and pulls it up. Mr. Midget stated that the website is not really pretty because it is institutional and maybe in the future we may look at a way to make it more user-friendly with little bells and whistles. The information needed is there.

Mr. Bernard stated that agrees that the information is available on the website; however, he was trying to address the issues raised today.

Mr. Midget stated that it may be because the website is so grey and perhaps it could pop-out a little bit more at the user.

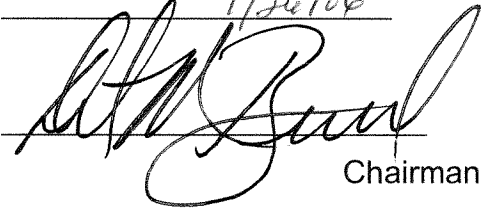
Mr. Bernard requested that the mission statement be placed on the agendas. In response, Mr. Alberty answered affirmatively.

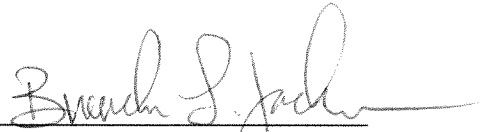
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There being no further business, the Chair declared the meeting adjourned at 3:42 p.m.

Date Approved:

7/26/06  
  
Chairman

ATTEST:   
Secretary

