

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2589

Tuesday, November 2, 2010, 4:00 p.m.

City Council Chamber

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

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, November 1, 2010 at 9:10 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 Cantrell called the meeting to order at 4:00 p.m.

REPORTS:

Director's Report:

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

Mr. Alberty reported that there will be a public presentation held for the Form Based Codes at Central Park, 6:00 p.m. on November 16, 2010.

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Minutes:

Approval of the minutes of October 5, 2010 Meeting No. 2587

On **MOTION** of **LEIGHTY**, the TMAPC voted 8-0-1 (Cantrell, Dix, Edwards, Leighty, Liotta, Shivel, Walker, Wright "aye"; no "nays"; McArtor "abstaining"; Carnes, Midget "absent") to **APPROVE** the minutes of the meeting of October 5, 2010, Meeting No. 2587.

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CONSENT AGENDA

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

2. **LS- 20397** – Lou Reynolds (9431) Lot-Split (CD-6)

North of the Northeast corner of East 61st Street and South Garnett Road

3. **AC-100 – Wallace Engineering/Jim Beach/Union Public Schools** AG/RM-1

North of the northwest corner of 71st Street South and South Mingo Road (Alternative Compliance Landscape Plan to relocate required parking area trees to the perimeter of a newly proposed parking area.) (CD-7)

STAFF RECOMMENDATION:

Union Public Schools is requesting TMAPC approval of an alternative compliance landscape plan to relocate required parking area trees to the perimeter of a newly proposed parking area. The trees would serve as a buffer for the single-family residences to the west.

Please refer to the attached Exhibit A which shows the area in question as well as two adjacent areas that have had landscape alternative compliance plans approved. This proposed alternative plan seeks to continue those two previous approvals to the subject area.

In 1997, the TMAPC approved AC-16 for the area located southeast of the subject area citing "stadium and athletic fields not being irrigated and not proposed for irrigation and the proposed new parking area or the areas of substitute planting not being irrigated. The approval of AC-16 was subject to "the trees installed being irrigated with an approved underground sprinkler or drip system per Section 1002, D-2 of the Tulsa Zoning Code".

In 2001, the TMAPC approved AC-58 for the area immediately adjacent to the south of the subject area. The proposal was 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. At that time staff stated that they "would like to see trees in the paved parking areas for the school site". However, there was a fear, based upon the experience of the school administration that the trees would not survive in that environment. Staff concurred and the plan was approved.

Staff can support this request since the requisite number of parking area trees are being relocated and are being used as a buffer for the residences to the west. Staff contends this use of the trees better serves this site and the home owners to the west.

Staff recommends **APPROVAL** of AC-100.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **9-0-0** (Cantrell, Dix, Edwards, Leighty, Liotta, McArtor, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes, Midget "absent") to **APPROVE** the consent agenda Items 2 and 3 per staff recommendation.

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Ms. Cantrell read the opening statement and rules of conduct for the TMAPC meeting.

Ms. Cantrell stated that Councilor Westcott has requested that Item 8 be heard next in order to leave for his next meeting at 4:30 p.m.

Mr. Leighty agreed that it should be moved up in the agenda. All Planning Commissioners concurred.

PUBLIC HEARING

8. **Tuscany Hills - Authorization for an Accelerated Building Permit** (CD 2)

East of South Union Avenue, North of South 81st Street

STAFF RECOMMENDATION:

PUD 636-3 – (8211) (CD 2)

Tuscany Hills, East of South Union Avenue, North of South 81st Street

The property is zoned PUD 636-3. Full building permits are requested. A preliminary plat was approved for the site on September 7, 2010. Permits were approved for accelerated building permits for foundation permits only on the nearby Nickel Creek apartment site on December 17, 2008.

Review of this application must focus on the extraordinary or exceptional circumstances that serve as a basis for the request and must comply in all respects with the requirements of the approved preliminary plats per Section 2.5 of the Subdivision Regulations.

The applicant offers the following explanation of the extraordinary and exceptional circumstances that serve as the basis for this request: ~~See attached explanation~~ Construction will take approximately 12 months. Winter is coming and there is a need to get infrastructure in before winter to allow completion within 2011. The project is financed and the completion of the project is assured. No certificates of occupancy will be requested prior to the completion, thus no risk to the City of Tulsa. (Language underlined has been added and language with a strike-through has been deleted.)

The following information was provided by the Technical Advisory Committee in its meeting October 21, 2010.

ZONING:

TMAPC Staff: Full permits are requested. Development Services staff requires that the construction be started on the Nickel Creek Collector street before permits are issued.

STREETS:

Public Works, Transportation: No comment.

Public Works, Traffic: No comment.

SEWER:

Public Works, Waste Water: No comment.

WATER:

Public Works, Water: No comment.

STORM DRAIN:

Public Works, Storm Water: No comment.

FIRE:

Public Works, Fire: No comment.

UTILITIES:

Franchise Utilities: No comment.

The accelerated building permits were originally designed to accommodate large campus style type of developments and should concentrate upon “the benefits and protections to the City that may be forfeited by releasing the building permit prior to the filing of the plat”. These requested permits adhere to this ideal. Staff recommends approval of the authorization to release the accelerated permits with the conditions as commented by the Technical Advisory Committee.

Mrs. Fernandez stated that minutes prior to today’s meeting, she received an email from Kenneth White, Special Projects Manager, Tulsa Airport Authority, stating that the FAA has yet to make a decision concerning the air studies for the Tuscany Hills Development. The airport’s position is that it is opposed to approval of any construction activity that could have an adverse impact on operations at Jones Riverside Airport. Until the FAA has made public their determination, the airport remains opposed to approval of the project. If the sponsor is able to mitigate concerns with the FAA so as not to impact surrounding airspace, the airport will have no issue with the proposed development.

Mrs. Fernandez stated that staff can recommend approval if the Planning Commission grants this with the conditions expressed by Development Staff and the Tulsa Airport Authority.

TMAPC COMMENTS:

Ms. Cantrell referred to an email received from Jody Cole that stated the PUD, Item 16 of PUD-636 states that “...entry gates and guard houses must receive detailed site plan approval from TMAPC and Traffic Engineer before issuance of the building permit(s) and asked if this is correct and if it is in the PUD. Mrs. Fernandez stated that she understands the detail site plan is something that usually happens at the last part of the process for the gates and guard houses. There is a detail site plan that has been approved for the structures and staff anticipates a landscape plan and the guard houses and gates to come in separately. Ms. Cantrell asked if the TMAPC approved the accelerated building permit, but the PUD is conditioned on the landscape plan, what would be the risk.

In response, Mrs. Fernandez stated that the landscape plan is typically is done on its own anyway, but if the gate and guardhouses are being approved, she understands that is done separately as well. Ms. Cantrell stated that if the PUD does state that there shouldn't be a building permit until a landscape plan has been approved. Mrs. Fernandez asked Ms. Cantrell if she is speaking to the landscape plan or both. Ms. Cantrell stated that they both say that there shall be no building permit until the guard gate or landscape plan is approved. Mrs. Fernandez stated that the building permit will require the landscaping plans because it is in a PUD and the Planning Commission does not typically approve the landscape plans. It is done administratively by staff.

Mr. Liotta asked staff if the applicant wants to do concrete pours, foundations, etc. In response, Mrs. Fernandez stated that she would let the applicant answer that question. Mrs. Fernandez further stated that Mr. Steele reminded her that all of the infrastructure will be in before they actually issue any permit.

In response to Ms. Wright, Mrs. Fernandez stated that water, sewer and stormwater will be taken care of before they actually issue the permits. The accelerated permits would give them the go-ahead to do this and the paper work would be waiting for them.

Applicant's Comments:

Jeff Tuttle, Tuttle and Associates, Civil Engineer for the project, stated that he made the application on behalf of Mr. Case. The request is for building permits to be issued before the final plat is filed and that is his understanding of what the accelerated release means. He is not asking for permits today and the Planning Commission doesn't issue permits. Once all of the requirements are fulfilled, he would like to obtain the permits without the final plat not being filed. The planning and design for this project has been going on since last June because it is a complicated project. Mr. Tuttle indicated that he spoke with the FAA today. The public hearing for the study in the subject area was concluded on the 21st of October and there were not issues. FAA thought they would have a permit ready for the project by Friday, November 5, 2010. Mr. Tuttle stated that he is not asking to vary a procedure or rule other than allowing him to have the building permits before the final plat is filed. The project will meet every other requirement the City of Tulsa puts on this. The subject property has been zoned for apartments for ten years and it is going to happen. He understands that some of the neighbors don't like it, but the project was zoned for apartments before he became involved in it. Mr. Tuttle stated that the subject project will be the same as Nickel Creek, immediately to the south.

TMAPC COMMENTS:

Mr. Leighty asked Mr. Tuttle to explain why the project is complicated. In response, Mr. Tuttle stated that there are a lot of trees, rock, the FAA process and there is a blue line that the Corps designates as protected waterways. They have gone through the process and received written approval from the Corps.

There are specific reasons for not wanting to file the final plat. If there has to be an adjustment in the field because of something like moving a sanitary sewer line or building, he would rather that the final plat not be filed and have to go to District Court to vacate easements. This would allow some flexibility to build the project with full approval from the City of Tulsa and file the easements and all restraints after it is known that nothing is going to move. Mr. Leighty asked Mr. Tuttle if he would like to see this sort of procedure put in some kind of ordinance that would make this routine, or is the project good enough to make an exception out of it or should it be done every time. Mr. Tuttle stated that on an apartment complex like this, where it will not be occupied for one year, it should be routine.

INTERESTED PARTIES COMMENTS:

Councilor Westcott, Tulsa City Councilor, 175 East 2nd Street, 4th Floor, 74103, thanked the Planning Commission for moving this item forward on that agenda. He believes that there are two reasons that argue against granting this request for an accelerated release of building permits. One is the stated extraordinary or exceptional circumstance that the applicant believes justifies the accelerated release of the building permit, that winter is coming on and that is not exceptional since it happens every year. If the construction project is estimated to take twelve months, then they would have to deal with winter at some point during the course of construction. He doesn't believe the stated reason is sufficient and it doesn't meet the definition of extraordinary or exceptional circumstances. The second reason for asking the request to be denied is that this apartment complex has drawn some controversy and misunderstandings. The misunderstanding has been cleared up. The misunderstanding was that some of the neighbors didn't realize that the PUD had been granted by the City Council ten years ago. There were some who believed that the process still had to go through the public hearing process and that residents had the right to be heard and possibly persuade the Planning Commission and the City Council to reject the PUD. That has been cleared up and he believes that everyone now understands that this was granted ten years ago and it is going to happen. There has been some controversy and because of that, he suggests this project should carefully adhere to the full requirements and the policies that this commission and City Council have set out. The building permit should not be issued before the final plat. Councilor Westcott stated that he doesn't mean any disrespect to Mr. Case or his company. Everything he has seen is that the subject project will be every bit as nice as Nickel Creek and a good addition to this neighborhood. Councilor Westcott concluded that he respectfully requests that the Planning Commission deny the accelerated release of the building permit and to wait for the final plat to be issued.

TMAPC COMMENTS:

Mr. Leighty asked Council Westcott what he thought the risk would be of granting the applicant's request. In response, Councilor Westcott stated that he believes that the risk is fostering mistrust in people who live in the subject area who sometimes, rightly or wrongly, believe that they aren't heard by the Planning

Commission and the City Council. He doesn't believe that there is sufficient reason for the Planning Commission or the City Council to incur that risk. Mr. Leighty stated that the project is inevitable and the only thing to be gained by denying the request is to slow it down. Councilor Westcott stated that the intent is not to slow it down unnecessarily, but if the Planning Commission should deny this request, then it would follow the normal procedure and it wouldn't be unnecessarily or inappropriately slowed down.

INTERESTED PARTIES OPPOSING ITEM 8:

Angelle Cole, 2440 West 81st Street, 74132, **Kay Price**, 5815 South 31st West Avenue, 74107.

INTERESTED PARTIES OPPOSING ITEM 8 COMMENTS:

There is nothing wrong with Mr. Case or his property and realize that the apartments are going to be built, but it should go by the process that would normally happen; neighbors would like to be more educated on what is being built in a normal fashion; some neighbors feel that this has been shoved down their throats and don't understand the process; apartments are okay, but there are some things to be concerned about physically with the subject property and the subject area; infrastructure is not ready due to Union Avenue being rebuilt; what is the hurry of getting slabs down now if they are not going to occupy for one year; Interested parties questioned whether the subject property had been designated for apartments for ten years; in 2000 there were eight people at the public hearing but it didn't seem to matter to the Commission at the time since they ignored these eight people and two people at that meeting were asked to leave while the Planning Commission voted on the subject property; the traffic report is from 2000 and not valid for today's traffic; there will be 1,600 apartments on the subject property and will put 4,617 people onto one intersection with two-lane streets; Union Street will not be widened anytime soon.

Applicant's Rebuttal:

Mike Case, 4200 East Skelly Drive, Suite 800, 74135, stated that the Planning Commission knows what the zoning has been and what it is today. He purchased one site and now potentially another site soon. If 1,600 units were the original number proposed, the neighbors should be happy to know that he is only proposing 600 units and that is all there will be. Mr. Case clarified that he is not asking for a building permit today, but the problem is during the platting process it doesn't always happen as soon as it is so supposed to, due to all of the different agencies involved. If it gets delayed two to four months he is unable to move forward and there is a large amount of dirt work to be done. He would like to start on that as soon as possible. All issues discussed today will be resolved before asking for a building permit. He is simply asking for the right to ask for it before the plat is finally filed. It is the little details, not those that are deal-killers, but if something needs an easement filed or vacated and requires notices and time, that holds up the project. Some of the neighbors still believe that there will be 1,200 to 1,600 apartments and the proposal is less than the density that was

originally allowed on the site plan, which is 600 units and is a positive thing. Mr. Case stated that there is no way he could start construction before Union Avenue is finished. He indicated that his minimum 30 days to six weeks from starting construction and the only reason for the request today is to be able to ask for a building permit prior to the final plat being filed.

TMAPC COMMENTS:

Mr. Dix asked Mr. Case for a compelling reason for circumvent the normal process. In response, Mr. Case stated that part of the process is that there are ODOT, Corps of Engineer and FAA involved, and staff has already spent many months over the plans, but that doesn't mean it will happen in a timely manner because the more agencies that are involved, the longer it may take. He doesn't want to lose the whole winter process and could lose four to five months and that is compelling to him. Mr. Dix stated that he would have to agree with Councilor Westcott that the reason by Mr. Case isn't very compelling.

Mr. Midget asked Mr. Case if he had an opportunity to talk with the neighbors in the subject area about the development to try and ease some of their concerns. In response, Mr. Case stated that he hasn't been contacted and he hasn't had a chance to talk with the neighbors. He further stated that he is not sure he could make them happy because he is purchasing land that is zoned for apartments and he believes that he is a good neighbor, but he doesn't think he could make people happy who don't like the zoning on the subject property.

Mr. McArtor stated that he appreciates Mr. Case's request and believes that it is reasonable; however, his personal opinion it doesn't meet the standard. He hasn't heard any mention of benefits and protections to the City that would forfeit by releasing the permit prior to final. The reason for this rule is exactly because of the complexity of the project. The final plat is needed before releasing the permits because it is a complicated project.

Mr. Leighty concurred with Mr. McArtor. It is a goal to streamline the process when possible, but there is no compelling reason in this particular case to accelerate the permits.

Mr. Midget out at 4:45 p.m.

Mr. Edwards stated that he would like to hear why staff is supportive of this; they have more background than the Planning Commissioners. Mrs. Fernandez stated that the other apartment complex had a request for an accelerated building permit that was continued many times because staff had major concerns with floodplain, easements, etc., especially Development Services staff. It was obvious that things weren't ready for an accelerated building permit authorization on the previous project. Finally, when it was ready, staff recommended approval. Staff met with the Technical Committee on the authorization to approve the accelerated building permit for the subject property and the concerns were

minimal. Everyone was in agreement that on the subject project it would be easier than the first one. The accelerated building permit doesn't circumvent the platting process because a final plat will still be required and the preliminary plat has already been heard and approved on September 7, 2010. One can't ask for an accelerated permit until there is a preliminary plat approved, which is in the Subdivision Regulations. The subject request is not to circumvent the Subdivision Regulations, but to say to the Public Works Department that if they feel everything is ready, then staff and the Planning Commission has looked at this request from the developer and have no major objections. However, prior to today's meeting, the FAA sent an email stating their report wasn't ready and there is a condition about the collector street being ready. This is a judgment call on the part of the Planning Commission to see if they believe it is okay to authorize this permit early and let them get started on grading, etc. If the Fire Department is unable to get to the site, they will not be granted a building permit. There has to be water and sewer to the site, etc. In response to Mr. Edwards, Mrs. Fernandez stated that she believes that there may be some confusion as to what the Board of Adjustment requires as exceptional circumstances versus what the intent of extraordinary circumstances are here. The types of accelerated building permits that have been authorized in the past few years were Monterreau, River Field Country Day School and one retail center. Typically it is for a large development and it is another tool to allow a building permit to go forward if there are no major obstacles that staff can see.

Mr. Dix stated that he felt that Mr. Tuttle didn't want to be encumbered by the rules within a final plat. Mrs. Fernandez stated that there will be a final plat. Mr. Dix stated that he suspects that the applicant will build what he wants to and then file the final plat where he built it rather than where it should be. Mr. Dix asked if this is a concern for the Development Services and can those things change from the preliminary plat filing. Mrs. Fernandez stated that they can change in a minor fashion, such as PSO needing an additional five-foot easement than as indicated in the preliminary plat and minor changes are acceptable, but major changes would come back before the Planning Commission. If the applicant builds where he is not supposed to the plat would have to come back before the Planning Commission and there are inspectors who would make sure that landscaping is in the right place, the buildings are in the right place, the height is acceptable, etc. The detail site plan is given to the Development Services and it is all very exact and that would be a part of the permitting and inspections. If one builds outside of where they are allowed, they would be looking at Board of Adjustment and possibly having their permit pulled. The strictest interpretation would be tearing part of a structure down. Mr. Dix stated that he still hasn't heard a compelling reason.

Ms. Cantrell stated that from what Mrs. Fernandez is saying, it almost sounds like she would want to change the rules so that if there is not a lot of risk involved and maybe this should be routinely allowed. Mrs. Fernandez stated that is not at all her opinion. Ms. Cantrell stated that she is still searching for what is different

about this that makes it okay other than staff thinks that there are not a lot of issues that have been flagged. Mrs. Fernandez stated that staff is being asked a question and they have to respond. Staff didn't come up with the question. If the Planning Commission thinks this is acceptable and safe for the public with no risk or little risk to the City of Tulsa, they might grant the accelerated building permit, but if the Planning Commission has concerns about it and don't have enough reason to grant it, then they could simply make a decision that it is not appropriate in this case. The definition of extraordinary circumstances for this particular process is not tied down and not the same as that of the Board of Adjustment.

Mr. Walker stated that he appreciates everyone's comments and he is looking for harm here or a threat to public safety and he doesn't see any. Mr. Walker moved to approve the accelerated building permit. Mr. Leighty and Ms. Wright reminded Mr. Walker that they are still in review. Mr. Walker reminded the Planning Commissioners that he could still make a motion during review. Mr. Edwards seconded the motion.

Ms. Cantrell stated that perhaps this needs to be revisited and she has to admit that in the past cases she hasn't given a lot of thought because it hasn't been raised as a concern. She does think that when someone raises the fact that the rules say extraordinary and exceptional circumstances it gets her attention and she doesn't see it here today, other than it would make it easier for this developer. She doesn't know if the Planning Commission should give one developer special treatment unless the Planning Commission wants to do this more routinely. Ms. Cantrell indicated that she would be voting against the motion.

Ms. Wright, Mr. Dix and Mr. Leighty indicated that they would be opposing this application.

TMAPC Action; 9 members present:

On **MOTION** of **WALKER**, TMAPC voted **4-5-0** (Edwards, Liotta, Shivel, Walker, "aye"; Cantrell, Dix, Leighty, McArtor, Wright "nays"; none "abstaining"; Carnes, Midget "absent") to **APPROVE** the authorization for an accelerated building permit for Tuscany Hills per staff recommendation.

Motion failed.

TMAPC Action; 9 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **5-4-0** (Cantrell, Dix, Leighty, McArtor, Wright "aye"; Edwards, Liotta, Shivel, Walker, "nays"; none "abstaining"; Carnes, Midget "absent") to **DENY** the authorization for an accelerated building permit for Tuscany Hills.

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PUBLIC HEARING TO AMEND THE ZONING CODE

4. Proposed amendments to the Zoning Code of the City of Tulsa, Oklahoma regarding Title 42, Zoning Code, Chapter 10A, titled Historic Preservation, generally related to the composition of the Tulsa Preservation Commission, meeting requirements and the elimination of outdated references.

STAFF RECOMMENDATION:

(Published in the Tulsa Daily Commerce & Legal News,

_____, 2010.)

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 42, TULSA REVISED ORDINANCES, TITLED "THE TULSA ZONING CODE", RELATED TO RESTRICTIONS ON LAND USES WITHIN THE CITY OF TULSA; AMENDING CHAPTER 10-A, TITLED "HISTORIC PRESERVATION"; AMENDING SECTION 1052, TITLED "TULSA PRESERVATION COMMISSION", SECTION 1054, TITLED "HISTORIC PRESERVATION DISTRICT-ZONING MAP AMENDMENTS"; AMENDING SECTION 1055, TITLED "CERTIFICATE OF APPROPRIATENESS (COA)"; PROVIDING FOR [XXXX] REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. That Title 42, Chapter 10-A, Section 1052, Tulsa Revised Ordinances, be and the same is hereby amended to read as follows:

"SECTION 1052. TULSA PRESERVATION COMMISSION

A. **Creation.** There is hereby created a Tulsa Preservation Commission, hereinafter referred to as "Preservation Commission."

B. **Composition.** Members of the Preservation Commission shall have a demonstrated interest in historic preservation, as required by the Oklahoma State Historic Preservation Office, to maintain Certified Local Government status with the National Park Service. The Preservation Commission shall be ~~a 15 member commission~~ composed of nine (9) voting members and two (2) non-voting, ex officio members appointed to positions within the following three (3) groups; ~~the Professional Group, the Community~~

Historic Property Owners Group, and the Ex Officio Group. ~~A description of the~~
~~The membership and their~~ qualifications of each Group are shall be as follows:

1. The Professional Group shall be composed of ~~seven~~ five (5) voting members as follows:

One (1) member shall be a Licensed Architect, one (1) member shall be an ~~Urban Planner or~~ Licensed Landscape Architect, one (1) member shall be a ~~Commercial or Residential~~ Developer or Builder, one (1) member shall be a Licensed Real Estate Broker, ~~one member shall be a person actively engaged in banking or finance, and~~ one (1) member shall be an Architectural Historian or ~~Architectural~~ Historian ~~possessing special skills, experience, and study in historical research, and one member shall be an employee of or an elected board member of the Tulsa Public Schools.~~

2. The ~~Community~~ Historic Property Owners Group shall be composed of ~~six~~ four (4) voting members as follows:

~~Residents of the City of Tulsa who own property and reside in areas identified in the Tulsa Historic Preservation Plan Report, September 1980, or as amended, provided however, one of the six members shall be an owner of a non-residential structure identified in said Report. Historic Property Owners shall own an individually National Register-listed property or a property within a National Register listed or eligible historic district. For a district to be considered eligible, it must be identified as eligible for National Register listing in the 2010 Tulsa Historic Preservation Resource Guide, as amended from time to time, and agreed upon by the Oklahoma State Historic Preservation Office. At least three (3) of the four (4) Historic Property Owners must reside in their historic property, or within their listed or eligible historic district.~~

3. The non-voting Ex Officio Group shall be composed of two (2) members as follows:

A member of the Arts Commission and a member of the Planning Commission.

C. **Appointments.** The members of the Professional Group and the Community Historic Property Owners Group of the Preservation Commission shall be appointed by the Mayor, subject to ~~approval~~ confirmation by the City Commission Council. ~~Members should be appointed from a list of three nominees solicited from the appropriate organizations related to the position being filled, such as: architectural, landscape architectural, planning, building and real estate organizations; neighborhood associations, Downtown Tulsa Unlimited, and other organizations with interests related to the positions being filled.~~

~~—The~~ Ex Officio Members shall be appointed by their respective commissions to serve on the Preservation Commission.

D. Terms.

1. **Length of Terms.** Effective October 1, 2011, the terms of office of all members of the Preservation Commission, except Ex Officio Members, shall expire and the ~~Terms~~ terms of office of all subsequently appointed members shall be for three (3) years, except that effective October 1, 2011 initial the terms of office of the members shall be staggered as follows: two (2) Professional Group members and ~~two Community~~ one (1) Historic Property Owner Group ~~members member~~ shall serve for a one (1) year term of office, two (2) Professional Group members and ~~two Community~~ one (1) Historic Property Owner Group ~~members member~~ shall serve for a two (2) year term of office, and ~~three one~~ one (1) Professional Group ~~members member~~ and two (2) ~~Community~~ Historic Property Owner Group ~~members members~~ shall serve a three (3) year term of office. All members shall serve until their successor takes office. Ex Officio Members shall serve terms on the Preservation Commission commensurate with their terms of office served on their respective commissions, without any limitation provided in this paragraph. Regardless of the expiration of any term of office, except in the event of death, resignation, or removal from office, all members of the Preservation Commission shall continue to serve until their successor is duly appointed, qualified and confirmed by the City Council.

~~—The Ex Officio members shall serve terms equal to their terms on the respective commission.~~

2. **Limitation of Terms.** No member of the Preservation Commission shall serve more than three (3) consecutive terms of office on the Preservation Commission. Partial terms of office served by a member shall not be included in this limitation. After any member has served three (3) consecutive terms of office, such member shall not be eligible for reappointment to serve on the Preservation Commission until after that person has ceased to be a member of the Preservation Commission for at least one (1) calendar year. The limitation provided in this paragraph shall not be applicable to Ex Officio Group Members and terms served by a member prior to October 1, 2011.

E. Vacancies. In the event of a vacancy occurring in the membership of the Preservation Commission for any reason, an appointment for the remainder of the vacant term of office shall be made in the same manner as regular appointments.

F. Compensation. Members of the Preservation Commission shall serve without compensation.

G. **Chairman, Vice-Chairman, and Secretary.** The Preservation Commission shall annually elect from its appointed members a Chairman, Vice-Chairman and Secretary. Vacancies shall be filled in similar manner as regular election.

H. **Rules of Procedure.** The Preservation Commission shall make and adopt regulations for the conduct of its business.

I. **Meetings.** The Preservation Commission shall meet at least once a month for the purpose of transacting its business and duties as set forth in this chapter; ~~provided, however, in fulfilling its duties related to Certificate of Appropriateness applications, the Preservation Commission shall hold at least one additional meeting a month, as required, and such additional meeting shall be held no greater than 14 days after the required meeting of the month.~~

~~_____ All meetings, deliberation, and voting of the Preservation Commission shall be open to the public. The Preservation Commission shall keep minutes of its proceedings, showing the vote of each member upon all actions, or if failing to vote, indicating that fact, and conducted in compliance with the Oklahoma Open Meeting Act. The Preservation Commission shall keep records of its examinations and other official actions, all of which shall be filed in the Department of City Development and shall be a matter of public record open to the public in compliance with the Oklahoma Open Records Act.~~

J. **Quorum.** ~~Seven members of the Preservation Commission shall constitute a quorum for the transaction of business. A simple majority of the entire voting membership of the Preservation Commission, as provided in this section, regardless of vacancies, shall constitute a quorum for the transaction of business.~~

K. **Minimum Vote.** Issues shall be decided by a simple majority of votes by those members present.

L. **Conflict of Interest.** Members of the Preservation Commission to whom some private benefit, directly or indirectly, may come as a result of a public action taken by the Preservation Commission, should not be a participant in that action. The possibility, not actuality, of a conflict should govern. The individual experiencing a conflict of interest shall declare his interest, and abstain from voting on the matter. The individual should not discuss the matter with a fellow member or member of the City Commission Council or Planning Commission for the purpose of influencing a decision ~~thereof~~ on the action.

M. **Staff.** The ~~Department of City Development Planning Department,~~ or such other department, division or section as directed by the Mayor, shall provide staff to the Preservation Commission to assist in the performance of its duties.

N. **Powers and Duties.** Unless otherwise specified in this chapter, the duties of the Preservation Commission shall be:

1. Prepare, or cause to be prepared, a comprehensive inventory of historical resources within the City of Tulsa and update said inventory as deemed necessary;

2. Prepare, or cause to be prepared, proposed Historic Preservation Zoning Map Amendments or other amendments to the Tulsa Historic Preservation Plan to be recommended to the Planning Commission for public hearing and adoption as part of the Comprehensive Plan for the City of Tulsa;

3. Prepare findings relating to, and make recommendations on, Zoning Map Amendments as set forth in Section 1054 of this chapter;

4. Promulgate Design Guidelines as are necessary for the review and approval of applications for Certificate of Appropriateness and to inform residents, property owners, and the general public of those Guidelines; ~~the design~~ Design Guidelines shall relate to the significant characteristics of the historic resource(s) being proposed for "HP" designation; ~~the~~ Design Guidelines shall be developed by the Preservation Commission and shall include review and input of the property owner(s) or agents, ~~the District Planning Teams~~, and other parties directly affected by the proposed designation; ~~such~~ Design Guidelines shall be subject to approval and adoption by the City ~~Commission~~ Council, upon the holding of a public hearing by the Planning Commission, and the recommendation of the Preservation Commission and Planning Commission;

5. Act upon applications for Certificates of Appropriateness and perform other duties as set forth in Section 1055 of this chapter;

6. Make recommendations to the ~~City Commission~~ Mayor and the City Council concerning grants and programs from federal and state agencies, private groups and individuals and the utilization of budgetary appropriations to promote the preservation of historic resources in the City of Tulsa. Coordinate and oversee such programs and projects as may be directed by the ~~City Commission~~ Mayor or the City Council;

7. Recommend to the ~~City Commission~~ Mayor the need for employing staff and making contracts with professional and technical experts as may be required for the furtherance of Preservation Commission work;

8. Increase public awareness of the historic resources in the City of Tulsa and disseminate information to the public concerning historic resources in the City of Tulsa deemed worthy of preservation; provide notification, as effectively as possible, to property owners within HP Zoning Districts of

designation and requirements of such designation; advise and disseminate information to property owners on the preservation, conservation, protection, enhancement, perpetuation, and use of historic resources;

9. Place, or cause to be placed, monuments, markers, or other identifying elements at locations of historical resources as funds are available;

10. Coordinate, comment on and make recommendations to the appropriate body concerning actions undertaken by other City, state, and federal agencies with respect to the effect of such actions upon the historical resources in the City of Tulsa;

11. Consider methods other than those provided for in this chapter for encouraging and achieving preservation of historic resources in the City of Tulsa and make appropriate recommendations to the ~~City Commission~~ Mayor, the City Council and to other bodies and agencies, both public and private;

12. Prepare, or cause to be prepared, studies and reports, and undertake other preservation related tasks as may be deemed appropriate;

13. Prepare, or cause to be prepared, in accordance with the goals and objectives set forth for neighborhood conservation in the Comprehensive Plan of the Tulsa Metropolitan Area, programs and plans designed to implement neighborhood stabilization, revitalization, and conservation in those neighborhoods of the City of Tulsa that are fifty (50) years or older which may lack significance according to the criteria in Section 1054, yet represent valuable resources to the City of Tulsa;

14. Perform any other duties and functions imposed by this chapter or which may be specified by both the City ~~Commission~~ Council and the Mayor."

Section 2. That Title 42, Chapter 10-A, Sections 1054 and 1055, Tulsa Revised Ordinances, be and the same are hereby amended to read as follows:

"SECTION 1054. HISTORIC PRESERVATION DISTRICT - ZONING MAP AMENDMENTS

A. **General.** The City of Tulsa may establish, amend, or repeal an "HP" Historic Preservation Zoning District according to the following criteria and procedures, provided however, Design Guidelines for a proposed "HP" Zoning District shall be adopted prior to or concurrent with the mapping of an "HP" Zoning District.

B. Criteria for Historic Preservation District - Zoning Map Amendments. A building, structure, site or area containing buildings, structures or sites which are generally 50 years or older, may be zoned HP if it meets one or more of the following criteria:

1. That it has significant character, interest, or value as part of the historical development, history or cultural heritage of the City, state, or nation; or
2. That it has significance as the site of an historic event in the past of the City, state or nation; or
3. That it is associated with a person, or group of persons, who played a significant role in the historical development, history or cultural heritage of the City, state, or nation; or
4. That it is the embodiment of distinguishing characteristics, design, details, materials or craftsmanship which represent an historically significant architectural or engineering innovation, type, style or specimen; or
5. That it portrays the environment in an era of history characterized by a distinctive architectural, engineering, or construction style; or
6. That it represents a significant and distinguishable entity of historical importance whose components may lack individual distinction; or
7. That it has yielded, or is likely to yield, information important in prehistory or history; or
8. That it meets the criteria for listing on the National Register of Historic Places.

C. HP Zoning Map Amendments Initiated by Application. Amendments by application may be initiated in the following manner:

1. Any person, corporation, partnership, association, or any combination thereof having a legal and equitable interest in or to real property may file an application for an HP zoning classification on such property in accordance with the provisions of Subsection 1703.A.;
2. An application shall include, in addition to those items contained in Subsection 1703.A., information descriptive of the building, structure, site or area and its relationship to the historical development, history, or cultural heritage of the City of Tulsa, a statement of the criteria felt to have been met as set forth in this chapter, and may include photographs, publications about the subject building, structure, site, or area, and any information deemed worthy for proper

consideration. Such information and application shall be upon forms established by the Preservation Commission and the Planning Commission.

D. HP Amendments Initiated by Planning Commission. In any instance, the Planning Commission, upon its own motion may, or on the written request of any person or the Preservation Commission may, or at the direction of the City ~~Commission Council~~ shall, hold a public hearing, giving notice thereof, of a proposed map amendment. After holding the public hearing, the Planning Commission shall within fifteen (15) days transmit its report and recommendation to the City ~~Commission Council~~.

E. Preservation Commission Action on HP Zoning Map Amendments. The Preservation Commission shall prepare, or cause to be prepared, a report and recommendation concerning a proposed HP zoning map amendment. The report and recommendation shall include specific findings as to whether the proposed amendment is consistent with the criteria for designation as set forth in this chapter. A map shall be prepared showing the boundaries of the proposed map amendment, including all lots therein, and identifying those properties whose owners may have indicated support or opposition to such amendment. Property owners may indicate their support or opposition at informal informational meetings, at public hearings, or in writing to the Preservation Commission or Planning Commission. The report, recommendation, map, and other pertinent information shall be forwarded to the Planning Commission prior to the public hearing.

F. Notice Required on HP Zoning Map Amendments. The Planning Commission shall give notice of public hearing on any proposed HP zoning changes as follows.

1. At least twenty (20) days notice of the date, time, and place of the hearing by publication in a newspaper of general circulation in the City of Tulsa. Said notice shall include a map of the area to be affected which indicates street names or numbers, streams, or other significant landmarks in said area.

2. At least twenty (20) days notice by posting on designated properties within the area affected by the proposed zoning reclassification. The sign and the lettering thereon shall be of sufficient size so as to be clearly visible and legible from the public street or streets toward which it faces and shall state:

- a. The date, time and place of the public hearing; and
- b. Who will conduct the public hearing; and
- c. The present zoning of the property and the supplemental HP zoning sought by the applicant; and

- d. The proposed HP designation of the property; and
 - e. Other information as may be necessary to provide adequate and timely public notice.
3. At least twenty (20) days notice by mailing written notice to all property owners included in the proposed change. The notice shall contain:
- a. A map of the area proposed for HP amendment; and
 - b. The present zoning of the property and the supplemental HP zoning sought by the applicant; and
 - c. The date, time and place of the public hearing; and
 - d. A statement that "work" generally requires a Certificate of Appropriateness.

G. Planning Commission Action HP Zoning Map Amendments.
After notice and public hearing, the Planning Commission shall vote to:

- 1. Recommend to the City Council that the application be approved as submitted, or as amended, or be approved subject to modification; or
- 2. Recommend to the City Council that the application be denied.

An application recommended for approval subject to modification shall be transmitted with the report and recommendation of the Planning Commission and the Preservation Commission to the City Council within fifteen (15) days from the date of Planning Commission action.

An application recommended for denial, shall not be considered further, unless the applicant within fifteen (15) days from the date of the Planning Commission action, files a written request with the City Clerk for a hearing by the City Council. The request for hearing shall be accompanied by the payment of a \$15.00 fee. Upon notice of such request, the Planning Commission shall forthwith transmit the application and its report and recommendation, including all material and minutes received from the Preservation Commission, to the City Council.

In the event the Planning Commission arrives at a tie vote, the application shall be transmitted with a report and notation of the tie vote, to the City Council within fifteen (15) days from the date of the Planning Commission action.

H. **Appeal by Preservation Commission.** The Preservation Commission may appeal the denial of an amendment by the Planning Commission by following the procedures set forth in Subsection 1054.G.

I. **City Council Action on HP Zoning Map Amendments.** The City Council shall hold a hearing on each application transmitted from the Planning Commission and on any proposed Zoning Map amendment initiated pursuant to Subsection 1054.D. The City Council shall approve the application as submitted, or approve the application subject to modification, or deny the application. Prior to the hearing on the proposed rezoning ordinance before the City Council, the applicant shall remit to the office of the City Clerk a \$50.00 publication fee. In case of a protest against such zoning change filed at least three days prior to said public hearing by the owners of 20% or more of the area of the lots included in such proposed change, such amendment shall not become effective except by the favorable vote of three-fifths of all the members of the City Council.

J. **Recording of HP Zoning Map Amendments.** The Secretary of the Preservation Commission should file or cause to be filed, a copy of the HP zoning map Amendment ordinance and map in the office of the County Clerk.

Ord. No. 18641

SECTION 1055. CERTIFICATE OF APPROPRIATENESS (COA)

A. **General Provisions.** The Preservation Commission shall review applications for a Certificate of Appropriateness (hereinafter designated as "COA") and may approve, approve with conditions, or deny the same in accordance with the provisions of this chapter and the Design Guidelines.

The Preservation Commission shall transmit a copy of the COA along with a set of approved plans to the ~~Protective Inspections Division~~ Building Inspector/Code Official. ~~Protective Inspections~~ The Building Inspector/Code Official shall not issue any permit in violation of this chapter or inconsistent with a COA.

B. **Application and Documents Required.** An application for a COA shall be filed with the ~~Protective Inspections Division~~ Building Inspector/Code Official upon forms established by the Preservation Commission. An application shall contain a general description of the proposed work, its location, its relationship to the structure and other additional information as required by the Preservation Commission.

An application for a COA shall be accompanied by at least two sets of plans of sufficient clarity and detail to show the nature of the work to be performed and the materials to be used. Such plans shall include:

1. A site plan, if applicable, showing the location of new and existing structures on the site and their location with respect to the building line, property

lines and in the case of new construction, the location of the new building or structure with respect to the front of those buildings or structures immediately adjacent to each side of the lot to be built upon;

2. A floor plan, if applicable, identifying the location and limits of the proposed work;

3. Facade elevation(s), if applicable, of the proposed work in sufficient detail to identify the limits and location of the proposed work, and the existing and proposed materials to be used;

4. Any other drawings, photographs, material brochures or samples, specifications, or information that may be necessary to determine and provide for compliance with this chapter.

C. Preservation Commission Action. The Preservation Commission in its review of COA applications shall utilize the Design Guidelines to measure the appropriateness or inappropriateness of the proposed work and shall, to the highest extent possible, strive to affect a fair balance between the purposes and intent of this chapter and the desires and needs of the property owner.

In addition, the Preservation Commission shall review the application and shall consider:

1. The degree to which the proposed work is consistent with the Design Guidelines which have been approved and adopted by the City Commission Council;

2. The degree to which the proposed work would destroy or alter all or part of the historic resource;

3. The degree to which the proposed work would serve to isolate the historic resource from its surroundings, or introduce visual elements that are out of character with the historic resource and its setting, or that would adversely affect the physical integrity of the resource;

4. The degree to which the proposed work is compatible with the significant characteristics of the historic resource;

5. The purposes and intent of this chapter.

D. Applications Involving Demolition - Stay. An application for demolition, if not approved, shall automatically be stayed for a period of sixty (60) days, unless the Preservation Commission determines that the building or structure is:

1. Imminently dangerous to life and property; or,
2. That the building or structure does not contribute significantly to the district; or,
3. That the building or structure cannot be preserved.

During this period the Preservation Commission shall consult with the property owner and other interested parties to find alternatives to demolition. Should alternatives suitable to the property owner not be found, the COA for demolition shall automatically be approved and issued upon termination of the stay period.

Prior to the expiration of the sixty (60) day period, the Preservation Commission may request the City ~~Commission Council~~ to extend the stay for a period not to exceed an additional sixty (60) days. The Preservation Commission shall, by mail, notify the property owner of such request and the date for public hearing. The City ~~Commission Council~~ shall consider whether:

- a. The Preservation Commission has presented reasonable alternatives that would preserve the structure; or,
- b. Suitable alternatives have been found and further time is required to finalize arrangements for achieving such alternatives; or,
- c. The property owner desires further time to search for or continue action on available alternatives.

After notice and public hearing, the City ~~Commission Council~~ shall vote to approve, approve with conditions, or deny such request to extend the stay period for an additional sixty (60) days. Denial shall constitute automatic approval and issuance of a COA for Demolition.

During any period of the stay of demolition the property owner may use the property in question in any legal manner, except that no action shall be taken that would place the property in danger of damage or destruction.

E. Action on COA - Time Limits. If no action has been taken, due to lack of quorum or otherwise, on an application within thirty (30) days of application receipt, the COA shall be deemed approved, except in those cases where a continuance has been requested by the applicant.

F. Appeal of Preservation Commission Action. Appeal from any decision of the Preservation Commission concerning a COA, except in the case of demolitions, may be taken to the Board of Adjustment, in accordance with the procedures and provisions of Section 1605.

G. **COA Use - Time Limitation.** A COA which has not been utilized within two (2) years from the date issued shall thereafter be void, provided that the Preservation Commission has not extended the time for utilization. For the purpose of this provision, utilization shall mean that the work authorized under a COA is being diligently carried to completion.

H. **Additional COA Provisions.**

1. **Non-Conforming Work.** Work initiated and being diligently carried to completion or work completed on any building, structure, site, or area prior to the designation as HP shall be deemed non-conforming and may continue or remain without the necessity of complying with this chapter.

Non-conforming work completed subsequent to designation of a building, structure, site, or area as HP by a previous owner of the property shall be permitted to remain without the necessity of complying with the provisions of this chapter.

2. **Preliminary Design or Conceptual Plan Review.** The Preservation Commission may approve, approve with conditions, or deny a preliminary design or conceptual plan of the proposed work; provided, however, that any such approval or approval with conditions shall be subject to the approval of the COA application.

3. **Approval of COA by Preservation Commission Staff.** ~~When such Preservation Commission staff may issue a COA when the proposed work is of a rehabilitative nature on an existing structure or building, and such work does not include new construction or alteration, and such work involves involving the replacement of existing elements materials with like materials, and such work complies with the design guidelines for such work the district, and such work will have no material effect on the building or structure, the Preservation Commission staff may issue a COA, noting "No Material Effect" and transmit the application to Protective Inspections for issuance. In addition, Preservation Commission staff may issue a COA for minor exterior alterations as authorized by the Preservation Commission, provided such work complies with design guidelines for the district. Minor exterior alterations shall include:~~

a. Installation of storm windows and doors;

b. Removal of non-historic materials, including but not limited to siding, storm windows and doors, awnings, shutters, retaining walls and fences; and removal of paint from historic masonry surfaces."

Section 3. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

Section 4. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith be and the same are now expressly repealed.

Section 5. EMERGENCY CLAUSE. That an emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof this ordinance shall take effect immediately from and after its passage, approval and publication.

STAFF RECOMMENDATION:

Mr. Alberty stated that these are amendments that were requested by the Preservation Commission. This has been advertised for a public hearing and a work session was held in September.

Applicant's Comments:

Amanda DeCort, City of Tulsa staff for Preservation Commission, stated that there are mainly housekeeping and language changes.

TMAPC COMMENTS:

Ms. Cantrell stated that she wanted to suggest and thought it would help in the final provision that allows additional staff approval of COAs, to have some sort of provision that allows property owners to appeal any of those staff decisions to the Preservation Commission if they so choose. She doesn't want people to think that staff's decision will always be final if there is a concern. Ms. DeCort stated that she believes that staff would welcome that additional language and it is perfectly reasonable.

INTERESTED PARTIES COMMENTS:

Chip Atkins, 1638 East 17th Place, 74126, stated that he has read this and has several suggestions. Mr. Atkins questioned and made several suggestions. Mr. Atkins suggested that the five HP districts have had no input on the Board and no representation as a neighborhood on the Commission as a whole.

TMAPC COMMENTS:

Mr. Leighty stated that it would have been nice to have had Mr. Atkins' comments previous to the meeting. Mr. Atkins stated that he didn't know this was happening until he read it on the TMAPC agenda.

Ms. Wright asked Mr. Atkins if there had been any neighborhood meetings to discuss these changes. In response, Mr. Atkins answered negatively. Ms.

Wright stated that this needs to be looked at by the neighborhoods that it might affect.

Applicant's Rebuttal:

Ms. DeCort stated that the proposed changes started with the Preservation's Strategic Plan and they discussed it at many Tulsa Preservation Commission meetings, which are open to the public and are posted at the City and on the website. This has not been done in secrecy. This has been worked on for quite some time and discussed at a work session that was also posted. It is not common for Preservation Commissions to have voting ex-officio members and it is not common for Preservation Commissions to have ex-officio members at all. The Preservation Commission doesn't want to lose their connection to the Planning Commission and the Arts Commission and merely trying to streamline the process.

Ms. DeCort stated that the section regarding property requirements tightens up to make sure that the property owners live in a building that is historic as identified by the TPC and the State Historic Preservation and/or National Park Service. This was not part of the Commission to make sure that each HP zoning district has a representative serving on the Preservation Commission. There is a COA subcommittee that most commissions do not have, to make sure each neighborhood can participate in the review. Since she has been staff for the TPC, there have been at least two representatives from neighborhood associations who have been appointed by the Mayor to officially serve on the Commission. There are two members currently serving who are from Swan Lake and Yorktown. Ms. DeCort stated that the City of Tulsa has a wide variety of historic neighborhoods and the TPC does more than review certificates of appropriateness.

Ms. DeCort stated that the terms have always been staggered in the ordinance and essentially they will still be full three-year terms after the initial staggering takes place. This was to correct having half of the TPC being up for reappointment in one year and half the next year, etc., which is how it is currently being done today.

TMAPC COMMENTS:

Mr. Leighty asked Ms. DeCort if she had a method to keep the HP district neighbors informed about things that are under consideration and changes like today's proposal. In response, Ms. DeCort stated that the agendas are always online and there is a neighborhood representative on the COA subcommittee from each neighborhood. There previously was a list of neighborhood association presidents and the administrative assistant used to email to them, but she left a few months ago and there is no issue with reinstating that procedure.

Ms. Cantrell stated that she knows that when this first came up, it was primarily housekeeping amendments and this changes some of the composition of the

Commission and how they are appointed and reappointed. Are there any substantive changes to how the TPC deals with property or will someone living in an HP district notice anything different other than there are fewer faces when they apply for a COA? In response, Ms. DeCort answered negatively. Ms. Cantrell reminded everyone that whatever is decided today will still go to City Council.

Ms. Wright asked Cherie Cook to come forward.

Ms. Wright stated that Ms. Cook used to be head of the Coalition of Historic Neighborhoods.

Mr. Midget in at 5:03 p.m.

Cherie Cook, Coalition of Historic Neighborhoods, 2224 South Boston Avenue, 74114.

Ms. Wright asked Ms. Cook if she was involved with the amendments, and if not, is there a chance that the neighborhoods would like to look at this and come back with their own suggestions. Ms. Cook stated that she did attend a forum when there was a gentleman here from Colorado, which was well attended and never received a follow-up. Ms. Cook stated that the HP neighborhoods are rarely notified of these changes and it has been one of her constant criticisms that they are not notified. She commented that the neighbors do not have time to search websites and check the agendas. She received calls from people who aren't in Tulsa about this agenda because of their concern.

Mr. Leighty asked Ms. Cook who she believes should be notified and how they should be notified. In response, Ms. Cook stated that she believes that all of the neighborhoods that have any historic designation should be notified of changes with regards to any historic designation. Ms. Cook clarified that neighbors of record and their contact information would be a good way to notify of any information. Ms. Cook commented that there are seven historic neighborhoods.

Ms. Wright requested that either Mr. Sober or Ms. Smallwood come forward.

Bob Sober, 2420 East 24th Street, 74114.

Ms. Wright asked if the discussions concerning the recommendations by the consultant were done in private work sessions and not placed on a public agenda. In response, Mr. Sober stated that he doesn't know the answer to this question. He assumed that any time the entire Commission met together, it is a public meeting. The work sessions would have been open and a public meeting. Ms. Wright stated that they were in someone's office on the 13th floor. Ms. Wright further stated that she is actually realizing that there hasn't been a public

hearing on this matter at the Tulsa Preservation Commission and that is the only thing that she is trying to get to.

Mr. Boulden, City Legal Dept., stated that all meetings were posted and complied with the Open Meeting Act. When there is a majority present when these issues were discussed, it was in compliance with the open meeting act and posted agendas. Ms. Wright stated that when there were work sessions to discuss these matters with Ms. Winters, they were held on the 13th floor. Mr. Boulden stated that they were posted and opened to the public. Ms. Wright stated that she doesn't think that it was widely known. Mr. Boulden stated that he made sure that anyone wanting to attend those meetings they would be allowed in and people didn't attend.

Ed Sharrer, City of Tulsa staff for Tulsa Preservation Commission, stated that the TPC doesn't have work sessions; they have public meetings.

Ms. Wright asked Mr. Sharrer if he could help her understand what the Saturday retreats are. Mr. Sharrer stated that they are professional development opportunities for Preservation Commission members and they are also open to the public. They are brainstorming sessions in a longer format and not in the confines of a typical Preservation Commission agenda. They set the years work schedule, topics of discussion and where to invest the limited budget resources. Public is always welcome to attend and it has always been open to the public.

Phil Marshall, P.O. Box 701316, 74170, stated that he just wanted to ask the question of when Mr. Atkins was speaking, did he make a suggestion on the demolition issue. In response, Ms. Cantrell stated that the proposal by TPC is simply to maintain it at 60 days, but Mr. Atkins is requesting it to be increased to six months. Mr. Marshall stated that he believes that the guidelines in place are sufficient and six months is quite a long time. He prefers that it would remain 60 days.

Ms. Wright recognized Mr. Atkins.

Mr. Atkins stated that when there was a different director over the TPC, the public wasn't allowed to attend the retreats.

Ms. Wright asked Mr. Atkins which venue he thought better served the public, the Planning Commission or the TPC, regarding these hearings. Mr. Atkins stated both venues should hear these issues, first at the TPC and then follow the City's process.

Ms. Cantrell stated that these items were intended to be housekeeping amendments to help the process run more smoothly and the proper procedures have been followed that the State Law requires regarding ordinance changes. This is changing the number of members so that people can get through the

process a little quicker and that TPC is constantly looking at ways to streamline the process. Ms. Cantrell commented that she doesn't see why there is so much anxiety about these proposals. She requested that the appeal process be added. Ms. Cantrell stated that she would be happy to move this forward with the one addition regarding appeals.

Mr. Boulden suggested that the TPC come up with language or a procedure for appeals and come back with it. This is more complicated than simply stating to creating an appeal procedure. Today's procedure is not a big change from what is allowed already and he advised letting TPC look at it and come back with something.

Ms. Wright asked Mr. Boulden if there are any Boards or Commissions currently in Tulsa that have ex-officio members with voting rights or who do not have voting rights. Mr. Boulden stated that he is not familiar with all of the Boards and Commissions and he wouldn't be surprised if there are those that are non-voting ex-officio members. The TPC and Mr. Winter evaluated the process and wanted to reduce the number of people who are required for a quorum, and right now there are 15 members, which is a cumbersome amount. They wanted to reduce it to nine voting members and still have the members and input from the Arts Commission and the Planning Commission as ex-officio members but not let the TPC be held a higher number in order to meet a quorum requirement. Ms. Wright asked how often has there been a quorum issue in the last year. In response, Mr. Boulden stated that he can only think of a couple in the last couple of months and the TPC had to wait until someone made a quorum. Ms. Wright commented that if the ex-officio members do not have voting privileges, then there is no incentive to be there and she does not concur with making any member who sits on a commission not to have voting privileges.

Ms. Cantrell stated that she would vote for the subject proposal as written with just the suggestion to the TPC to devise some sort of process for appealing the staff decisions or have the TPC ratify staff's decisions.

Mr. Sharrer stated that he is basically the staff person who coordinates the Certificate of Appropriateness applications for homeowners, and at present there isn't a formal process written in an ordinance, but in essence if a person is wanting to do something to their property and they are told that staff doesn't have the authority to approve their request, then by default they will file an application to the TPC.

Ms. Cantrell moved to approve language as presented by staff. Mr. Leighty seconded.

Ms. Wright expressed concerns with the provision that ex-officio members are none voting members. She doesn't see why this is being suggested and recommended removing the TMAPC member from the board.

Ms. Cantrell stated that she served on the TPC and she did see a very strong need to have a TMAPC member at the seat when it came to planning and long term approaches how to deal with issues as such as changes in ordinances. Ms. Cantrell further stated that she did vote, but she didn't see a real clear need for her to vote on certificates of appropriateness. That is more of a day-to-day task that the TPC is really trained to do and didn't see the TMAPC's position meshed with the need to vote on day-to-day matters, but she feels that the TMAPC member has a role on the TPC board.

Mr. Midget asked Ms. Cantrell if she had the opportunity to take part in the discussions during her term. In response, Ms. Cantrell answered affirmatively. Ms. Wright stated that there are more issues to vote on besides COAs. Mr. Dix asked how the TMAPC member is chosen to serve on the TPC. Ms. Cantrell stated that the Chairman assigns that position. Ms. Wright stated that it is already difficult to make all of the meetings that the TMAPC members have to attend and if they do not have any input on the TPC there would be no incentive to make the meetings.

TMAPC Action; 10 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **9-1-0** (Cantrell, Dix, Edwards, Leighty, Liotta, McArtor, Midget, Shivel, Walker "aye"; Wright "nay"; none "abstaining"; Carnes "absent") to recommend **APPROVAL** of the language as presented for the proposed amendments to the Zoning Code of the City of Tulsa, Oklahoma regarding Title 42, Zoning Code, Chapter 10A, titled Historic Preservation, generally related to the composition of the Tulsa Preservation Commission, meeting requirements and the elimination of outdated references per staff recommendation.

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PUBLIC HEARING

5. **Hendrix Properties** – Preliminary Plat (CD 8)
Northwest corner of East 101st Street South and South Garnett Road

STAFF RECOMMENDATION:

This plat consists of two lots, one block, on six acres.

The following issues were discussed October 21, 2010, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned Planned Unit Development 778 (pending) and AG existing. PUD requirements must be shown in covenants.
2. **Streets:** Corner clip at South Garnett and East 101st Street should be 42.66". Just north of 101st Street where Lot 2 parking lot accesses Lot 1, the mutual access easement should be flush with the boundary of Lot 2, otherwise access between Lot 1 and 2 is not possible. Modify Section 1 1.7 there are no:... "abutting lots having access to minor streets." In Section I, 1.8 clarify that the City of Tulsa has access to the FEMA floodplain through the mutual access easement. Driveway entrances must have curb and gutter. Curb and gutter must be constructed along South Garnett and 101st Street. *The County Engineer stated that the improvement to curb, gutter and sidewalks will be done by the County.*
3. **Sewer:** No comment.
4. **Water:** The two fire hydrants are to be installed under Infrastructure Development Plan #5466.
5. **Storm Drainage:** Please remove the contours from the face of plat. A CLOMR (letter of floodplain map revision) has been prepared for the proposed intersection improvements. Additional changes to the FEMA floodplain should be coordinated with that improvement so that floodplain will be accurately shown. Building construction is not allowed in a compensatory storage easement. It is acceptable to place parking lots and their required landscaping in the compensatory area, as long as the required volumes of floodplain storage are achieved. Please show and label the parking lot compensatory storage easement areas, and include bearings and distances on easement lines. An overland drainage easement will be required for all floodplain outside of the compensatory storage easement. The City of Tulsa will allow the proposed buildings to be placed in the floodplain overland drainage easement as long as all City of Tulsa regulatory and FEMA floodplain requirements are achieved, and a CLOMR for the development has been approved by the City of Tulsa and FEMA. Add standard language for overland drainage easements, with the necessary modifications, as stated in plat comments. Revise the compensatory storage easement language to use the standard language; building construction is not allowed in this type of easement. Signs are required that state the parking lots are subject to flooding; with the depth of flooding, from the lowest point on the parking lots up to the base flood elevation; near each entrance to those lots.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Standard language needs to be provided correctly for the utilities.

7. Other: Fire: No comment.

GIS: The basis of bearing should be clearly described and stated in degrees, minutes, and seconds. Submit a subdivision control data form.

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

Waivers of Subdivision Regulations:

1. Waivers are requested per the attached letter on several improvements.

Special Conditions:

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

Standard Conditions:

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

shown on plat.

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

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

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **WRIGHT**, TMAPC voted **10-0-0** (Cantrell, Dix, Edwards, Leighty, Liotta, McArtor, Midget, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes "absent") to **APPROVE** the preliminary plat for Hendrix Properties per staff recommendation, subject to special conditions and standard conditions and approve the waiver of sidewalks, curb and gutter.

* * * * *

Mr. Walker out at 5:26 p.m.

6. **Village Congregation Church –** Minor Subdivision Plat (CD 2)
1825 West 91st Street, West of South Union Avenue, North of West
91st Street South

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 2.2 acres.

The following issues were discussed October 21, 2010, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned RS-3 with Board of Adjustment #21163 pending to allow church uses.
2. **Streets:** For the existing 25-foot right-of-way provide plat number or book and page number. Access is limited to 36 feet. Section I heading should read "Public Streets, Easements..." Show five-foot wide sidewalk along 91st Street.

3. **Sewer:** Place the septic system within an easement. The conceptual plan shows a building encroaching into the north perimeter easement. The building must be removed before the plat can be approved, since it would be in violation of Section I.1. Add language restricting the use of the septic system within 90 days of it becoming available to provide service to the platted area. In Section I.4, after the words "necessary to" add the words: "install, maintain, replace, remove..." Also, after the words "underground water" add the words: "storm sewer, sanitary sewer,". As noted in the plat section, the existing building shown within the proposed 17.5-foot utility easement must be removed before the plat can be approved.
4. **Water:** Show existing eight inch City of Tulsa water main line along the north side of West 91st Street South.
5. **Storm Drainage:** Stormwater flowing onto the site from the north and west is public, and the runoff from the fully-urbanized 100-Year rainfall event should be conveyed across the site in either an overland drainage easement and/or a storm sewer easement. Add standard language for overland drainage easement. A conceptual stormwater drainage plan should be included on the plan.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** If any new buildings are constructed a new fire hydrant will be required within 400 feet of any unsprinkled buildings and 600 feet of any sprinkled buildings.

GIS: Label all subdivisions within the mile section of the location map. Please make note on the face of the plat any benchmarks and the size, location, description and identification of all monuments to be set or found in making the survey, shown to assure the re-establishment of any point or line of the survey. Add the words "Date of Preparation" before the date on the face of the plat. Add a leading zero to directions on face of plat that lead to the point of beginning to match the legal description. Show distance between point of commencement and point of beginning on face of plat. Submit subdivision control data form.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

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

Standard Conditions:

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

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

24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

TMAPC COMMENTS:

Ms. Wright asked if the Planning Commission typically acted on an application like this before it is before the Board of Adjustment. In response, Mrs. Fernandez stated that they do not typically do this. It is at the applicant's own risk. The applicant is aware that it is at his own risk.

Ms. Cantrell informed Ms. Robison that the Planning Commission did receive her letter and she would like to make it clear that the only thing the Planning Commission is looking at today is the plat. If she is concerned about the use or the drainage, those are not the issues that the Planning Commission deals with and it will be before the Board of Adjustment.

INTERESTED PARTIES COMMENTS:

Janelle Robison, 1908 West 91st Street, 74132, stated that she wanted to be on the record of what her concerns are. Ms. Robison stated that Mr. Steele has discussed this with her and stated that he would aid her in this when that portion comes up.

Ms. Cantrell reminded Ms. Robison that the Planning Commission is not approving the use.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **9-0-0** (Cantrell, Dix, Edwards, Leighty, Liotta, McArtor, Midget, Shivel, Wright "aye"; no "nays"; none "abstaining"; Carnes, Walker "absent") to **APPROVE** the minor preliminary plat for Village Congregation Church per staff recommendation, subject to special conditions and standard conditions.

* * * * *

7. **Methodist Church of Leonard** – Minor Subdivision Plat (County)
16812 South 159th East Avenue, West of South 161st East Avenue,
North of East 171st Street South

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 1 acre.

The following issues were discussed October 21, 2010, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned AG (agricultural) with County Board of Adjustment case # 2387 pending to allow church uses.
2. **Streets:** No comment.
3. **Sewer:** No comment.
4. **Water:** No comment.
5. **Storm Drainage:** Offsite stormwater drainage flowing onto the site from the southeast is public stormwater drainage and as such should be collected near the property and thence be conveyed across the site in an overland drainage easement and/or a storm sewer easement. Add standard language for overland drainage easement. This plan should include a conceptual stormwater drainage system.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** Get with responding fire department for any comments.

GIS: Provide the e-mail address for the engineer/surveyor. Please make note on the face of the plat any benchmarks and the size, location, description and identification of all monuments to be set or found in making the survey, shown to assure the re-establishment of any point or line of the survey. Add the words "Date of Preparation" before the date on the face of plat. Submit a subdivision control data form.

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

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. The concerns of the County Engineer must be taken care of to his satisfaction.

Standard Conditions:

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

12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **8-0-1** (Cantrell, Edwards, Leighty, Liotta, McArtor, Midget, Shivel, Wright "aye"; no "nays"; Dix "abstaining"; Carnes, Walker "absent") to **APPROVE** the minor subdivision plat for Methodist Church of Leonard per staff recommendation, subject to special conditions and standard conditions.

* * * * *

Mr. Walker in at 5:31 p.m.

Ms. Wright out at 5:31 p.m.

9. PUD-397-C – Sack & Associates/Mark Capron RM-1/PUD-397 TO RM-1/PUD-397-C

Southwest corner of East 61st Street and South 90th East Avenue (Major Amendment to add a bank with a drive-through facility and accessory community meeting room as permitted uses within the northern 313 feet of Development Area A.) (CD-7)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 16565 dated March 4, 1986, established zoning for the subject property.

RELEVANT ZONING HISTORY:

PUD-397-B August 2000: All concurred in approval of a Major Amendment to PUD-397 to reallocate the development areas and permitted uses, allowing an existing banking facility on a portion of Development Area B, further expanding that development area for additional office use. Development D-1 was approved for multifamily use with office use as an alternative use; subject to the conditions as recommended by staff, on property located on the southeast corner of East 61st Street and South 90th East Avenue across East 61st Street and abutting east and southeast of subject property.

PUD-397-A July 1997: All concurred in approval of a request for a major amendment on a 1.6± acre tract of land, to permit a drive-in banking facility and an amendment to reallocate floor area within the PUD, subject to conditions; on property located on the southeast corner of East 61st Street South and South 90th East Avenue.

Z-6049/PUD-397 March 1986: A request to rezone a 19± acre tract from RS-3, RD and RM to RD, RM-1 and PUD to allow office use, mid-rise and low-rise multifamily, elderly housing and single-family residential uses. Approval was granted for a portion of RS-3 and RM-1 zoning with the PUD on the entire tract, located on the southeast corner of East 61st Street and South 91st East Avenue.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 4.34± acres in size. The property appears to be vacant and slightly wooded.

GENERAL AREA: Please refer to the attached case report aerial photograph. To the north the tract is near a mixture of residential uses including single family dwellings, townhomes and multi-family units. The single family use is the most prevalent of the residential dwellings. At the northeast corner of 61st Street and South Memorial Drive is a mixed use commercial center with retail and dining uses extending to 86th East Avenue. Then continuing along the north side of 61st Street from 86th East Avenue to Mingo Road is a mixture of office, retail and various residential uses.

The southeast corner of 61st Street South and South Memorial Drive is also a mixed use commercial development with a restaurant at the hard corner and retail extending east to 86th East Avenue. The remainder of the area continuing along the south side of 61st Street to Mingo Road is a mixture of public facilities, vacant land, multi-family, single family, office, church and commercial uses.

ADJACENT SURROUNDING AREA: The subject tract is abutted on the east by Community Place and Woodland Valley Office Park, zoned RM-1/PUD-397. The properties are being used as a bank and a medical office. The subject tract is bordered on the north by 61st Street and then Superior Federal Bank, zoned OL with bank and retail uses. On the south the tract is adjacent to the Cottages at Woodland Valley zoned RS-3 with single family residential uses and on the west by unplatted property zoned AG and use as a Public Service Company of Oklahoma (PSO) transformer site. A larger version of the graphic below is attached as an exhibit.

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

TULSA COMPREHENSIVE PLAN TRANSPORTATION VISION:

The Tulsa Comprehensive Plan designates 61st Street South as a multi-modal corridor. Multi-modal streets emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located in high intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists

because of landscaped medians and tree lawns. Multi-modal streets can have on-street parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses. Transit dedicated lanes, bicycle lanes, landscaping and sidewalk width are higher priorities than the number of travel lanes on this type of street. To complete the street, frontages are required that address the street and provide comfortable and safe refuge for pedestrians while accommodating vehicles with efficient circulation and consolidated-shared parking. South 90th East Avenue is not classified in the Plan.

MAJOR STREET AND HIGHWAY PLAN - STREET CLASSIFICATIONS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 61 st Street South	Secondary Arterial	100'	5
South 90 th East Avenue	Residential Collector	60'	2

RELATIONSHIP TO THE TULSA COMPREHENSIVE PLAN:

The Tulsa Comprehensive Plan designates this area as an area of growth. The Tulsa Comprehensive Plan also designates this area as a Main Street. Main Streets are defined on page 32 of the land use Chapter of the Plan as “Tulsa’s classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide, and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures”.

Staff contends that the proposed development is **in accord** with the Plan.

STAFF RECOMMENDATION:

PUD-397 is located west of the southwest corner of East 61st Street South and South Mingo Road. The PUD is approximately 38 acres, is relatively flat and allows uses permitted by right in the OL district as well as retirement/elderly housing, multi-family and single family dwelling units. The PUD is divided into five development areas as depicted on the attached Exhibit A. The subject of this application is Development Area A.

PUD-397 was approved allowing a 6-story, 72-foot tall general office building with a maximum of 100,000 square feet in Development Area A. Attached as Exhibit C is a plan view comparison of what the PUD currently permits and what is being proposed.

Major amendment PUD-397-C seeks to add a bank with a drive through facility and accessory community meeting room as permitted uses within the northern 313-feet of Development Area A as depicted on the attached Exhibit B. The major amendment is required since “drive-through” banking facilities were not permitted in Development Area A of PUD-397 given the adjacent residential area to the south. The proposal also places a limit on all of Area A to 1-story and 35-feet in height with a maximum of 56,000 square feet of total floor area.

The applicant held a public information meeting at the TFCU branch located at 8321 East 61st Street South on Tuesday, October 26 at 6:30 pm. The applicant notified surrounding property owners via the attached letter (see Exhibit E).

After reviewing PUD-397 staff believes the drive-through bank was not part of the original approval in an effort to keep such facilities from being constructed immediately adjacent to residential development. This proposal restricts the southern portion of Development Area A to uses permitted in the OL district and continues to exclude drive-through banks and funeral homes.

Staff contends that major amendment PUD-397-C is better suited for the surrounding area rather than a 6-story, 72-foot tall office building directly adjacent to residential development which might appear as spot zoning. Staff supports the decrease in the intensity of the proposed development, single story height limitation placed on both tracts and the limited hours of operation that banking facilities have.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-397-C to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-397-C subject to the following conditions:

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

Land Area (Gross): 188,948 SF

4.34 acres

Permitted Uses:

Uses permitted by right within Use Unit 5 and in an OL District, excluding funeral homes and drive-through banks. However, within the northern 313' of the development area, measured from the centerline of East 61st Street, drive in banks shall be permitted.

Maximum Building Height:

one (1) story and 35 FT

Maximum Building Floor Area:

56,000 SF

Parking Requirements: Per the applicable use unit within the Tulsa Zoning Code**Minimum Building Setbacks:**

From Centerline of E. 61st St.	100 FT
From Centerline of S. 90th E. Ave.	55 FT
From West Boundary	15 FT
From South Boundary	40 FT

Landscaped Area:

A minimum of 15% of the area of each lot within the development area shall be established as internal landscaped open space in accord with the provisions of the landscape chapter of the Tulsa Zoning Code. A ten-foot landscaped buffer shall be established along the south boundary of the development area abutting the residential area to the south.

Pedestrian Circulation:

A pedestrian circulation plan shall be required that includes the following:

- (a) Sidewalks along the south side of 61st Street South and the west South 90th East Avenue;
- (b) Pedestrian walkways through parking lot(s); a minimum of three (3) feet in width, separated from vehicular travel lanes to the maximum extent possible and designed to provide safe access to non-street front building entrances and/or sidewalks and trails where applicable. The three (3) foot width shall not include any vehicle overhangs. Wheel stops shall be installed in parking spaces adjacent to all pedestrian walkways.
- (c) Pedestrian walkways connecting transit stops to non-street front building entrances where applicable.

- (d) Pedestrian walkways clearly distinguished from traffic circulation, particularly where vehicular and pedestrian routes intersect.
- (e) Where applicable, sidewalks or walkways which cross vehicular aisles or driveways distinguished as follows: by a continuous raised crossing, by using contrasting paving material and/ or by using high contrast striping.

Signage:

Signs accessory to principal or permitted accessory uses shall comply with the restrictions of the Planned Unit Development provisions of the Tulsa Zoning Code.

One sign may be placed along the 61st Street frontage for the southern tract within Development Area A. The sign may not exceed 6' in height nor 64 square feet of display area. A minimum of 100' of separation must be maintained between signs per the PUD chapter of the Code.

Trash and Mechanical Areas:

All trash, mechanical and equipment areas (excluding utility service transformers, pedestals, or equipment provided by franchise utility providers), including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level. Receptacle screening shall be constructed of materials having an appearance similar to the building(s) themselves and be of complementary color.

Lighting:

Lighting shall be arranged so as to shield and direct the light away from the residential area to the south.

Within the south 40' of the development area, no light standard or building-mounted light shall exceed 12' in height. Otherwise, no light standard or building-mounted light shall exceed 25' in height.

Shielding of outdoor lighting shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to a person standing at ground level in adjacent residential areas. Compliance with these standards shall be verified by submittal of a photometric plan and manufacturer's cut-sheets for the light fixtures. Consideration of topography must be considered in the spill-over calculations.

Screening:

Screening along the south boundary abutting the residential area shall be per the applicable use unit and conform to Section 212 of the Tulsa Zoning Code. Screening shall be installed prior to issuance of a Certificate of Occupancy for the tract abutting the south boundary.

3. No zoning clearance permit shall be issued until a detail site plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
4. A detail landscape plan for the development area shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect, architect or engineer registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening will be installed by a specific date in accordance with the approved landscape plan, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
7. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures or existing stormwater drainage structures and detention areas serving the development area have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
8. No building permit shall be issued until the platting requirements of Section 1107-F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.

9. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
10. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
11. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle. Receptacle screening shall be constructed of materials having an appearance similar to the buildings themselves and be of complementary color. Trucks or truck trailers may not be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

TAC Comments:

General: A 15' perimeter utility easement is required around the property. Therefore the ten-foot building line along the west property line is not acceptable. The building line must be at least 15'.

Water: No comments.

Fire: No comments.

Stormwater: No comments.

Wastewater: No objection to the amendment. However, a sanitary sewer mainline extension will be required to serve the northern property, as it is shown on the exhibit.

Transportation: Corner radius of 30' required at the intersection of 61st St. and 90th E Ave.

INCOG Transportation:

- **MSHP:** East 61st Street is a designated secondary arterial.
- **L RTP:** E. 61st Street South, between South Memorial Drive and South Mingo Road, existing four lanes. Sidewalks should be constructed if non-existing or maintained if existing, per Subdivision Regulations.
- **TMP:** South 90th East Avenue is a planned on-street bikeway.
- **Transit:** No existing service in this area.

Traffic: No comments.

GIS: No comments.

Street Addressing: No comments.

There were no interested parties wishing to speak.

Applicant's Comments:

Eric Sack, 111 South Elgin, 74120, stated that he held a public meeting and notified everyone using the same list that INCOG used for noticing. There were two property owners attending the meeting and supported the change.

TMAPC Action; 9 members present:

On **MOTION** of **LEIGHTY**, TMAPC voted **9-0-0** (Cantrell, Dix, Edwards, Leighty, Liotta, McArtor, Midget, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Wright "absent") to recommend **APPROVAL** of the major amendment for PUD-397-C per staff recommendation.

Legal Description for PUD-397-C:

A TRACT OF LAND THAT IS PART OF THE NW/4 OF THE NE/4 OF SECTION 1, T-18-N, R-13-E OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE NORTHWEST CORNER OF THE NE/4 OF SAID SECTION 1; THENCE S 89°59'42" E ALONG THE NORTHERLY LINE OF SAID SECTION 1 FOR 60.00' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND; THENCE CONTINUING S 89°59'42" E ALONG SAID NORTHERLY LINE FOR 377.76' TO A POINT ON THE CENTERLINE OF SOUTH 90TH EAST AVENUE; THENCE S 00°00'18" W ALONG SAID CENTERLINE FOR 477.49' TO A POINT OF CURVE; THENCE CONTINUING ALONG SAID CENTERLINE ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 02°34'49" AND A RADIUS OF 500.00' FOR 22.52' HAVING A CHORD BEARING OF S 01°17'06" E AND A CHORD LENGTH OF 22.51' TO A POINT ON THE EASTERLY EXTENSION OF THE NORTHERLY LINE OF "THE COTTAGES AT WOODLAND VALLEY", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO RECORDED PLAT NUMBER 5237 THEREOF; THENCE N 89°59'42" W ALONG SAID NORTHERLY LINE AND EASTERLY EXTENSION THEREOF FOR 378.55' TO A POINT THAT IS 60.00' EASTERLY OF THE WESTERLY LINE OF SAID NE/4; THENCE N 00°02'13" E AND PARALLEL WITH SAID WESTERLY LINE FOR 500.00' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND. THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 188,952 SQUARE FEET OR 4.3377 ACRES.

* * * * *

OTHER BUSINESS:

10. Request by Tulsa City Council directing TMAPC to study and report on recommending Zoning Code amendments to protect Historic Preservation District boundaries.

STAFF RECOMMENDATION:

The Tulsa City Council requested that the TMAPC “study and report its recommendation on suggested text amendments to the Zoning Code, increasing the City’s ability to protect the boundaries of Historic Preservation Districts from encroachment of incompatible development”. On Wednesday, October 20, 2010, the Council letter was placed on the TMAPC agenda for action. Staff suggested at that meeting that the Planning Commission instruct staff to prepare a memo framing the issue and present it for discussion at the next meeting. This memo is the result of that discussion.

Since only two current members were on the Commission when the City of Tulsa adopted the Historic Preservation District we will provide a brief history. The Tulsa Zoning Code was amended on July 18, 1988 by Ordinance No. 17021 adding the HP overlay zoning district and Chapter 10A in the Zoning Code. Over a period of ten years from 1989 to 1999 five Tulsa neighborhoods were granted Historic Preservation overlay zoning – Brady Heights, Gillette, North Maple Ridge, Swan Lake and Yorktown.

Concern has been raised that four of the neighborhoods – Gillette, North Maple Ridge, Swan Lake and Yorktown – abut non-residential zoning and development. The anticipation is that there will be future development requests to extend non-residential development from outside the HP boundaries into the HP District. [The question is, should the Zoning Code be amended to protect the HP boundaries?] Although the HP District overlay restricts development to the general zoning district it is possible through the PUD to spread non-residential uses and development into the HP overlay district area.

There is the position of some that the areas within the HP Districts should remain entirely residential and not modified by removing properties from the HP District. The position that the HP District boundaries were intended to never be reduced may not be a sustainable position if challenged. However, it is clear in the Yorktown district guidelines that non-residential construction was anticipated.

“C.1.0.1. New non-residential construction need not replicate historic residential structures within the district...”

Additional sections of the Yorktown guidelines address other design guidelines for non-residential construction.

The Tulsa Zoning Code allows uses to be reallocated within a Planned Unit Development (PUD) irrespective of the general zoning district boundaries (Section 1103). The PUD was used in this manner for the office building development located at the southeast corner of 15th Street and Utica Avenue. A portion of the required parking was constructed in the HP District area. The applicant had requested removing the portion of the development within the HP District, but the City Council denied the request and approved the PUD allowing the parking lot development.

The issues now raised are:

1. Should the HP District boundaries be modified by removing properties to permit development outside the HP District control?
2. Should the Tulsa Zoning Code be amended to prevent the PUD being used to reallocate uses permitted outside the HP District into the HP District?

Whether the Zoning Code is amended or not any application for a change of zoning requires City Council approval. Applications that are considered incompatible development within the historical district can be denied without any changes to the current Zoning Code.

Mr. Alberty stated that at the last TMAPC meeting there was considerable discussion regarding this issue and at that time he suggested that he frame the issues and then address what the Council was actually requesting. The reason for this was because there is history in the HP district and there was only two current members of the TMAPC present during that period of time, which was the end of the 1980's and through to the 1990's. The intent of the memo was not the study and not the report. Based on some comments that staff has received through emails he believes that there was some misunderstanding as to what the intent of the memo actually was.

Mr. Alberty stated that there wasn't any attempt on his part to make a recommendation or make suggestions. The memo was only to present what he saw as issues that precipitated this request. Mr. Alberty commented that he sees two issues and he pointed them out and it is not a response to the City Council request because that is the prerogative of the Planning Commission to take the request and either direct staff to conduct a study or respond back to the City Council any way that the Planning Commission sees fit. The memo was simply to set the frame of the issues. The memo includes issues that have come up from the City Council request and issues that are pending the PLANitULSA discussion that has taken place and they may or may not be answered immediately and may be things that are addressed in the future. Mr. Alberty reiterated the two issues that were included in the memo stated above.

TMAPC COMMENTS:

Ms. Cantrell stated that the directive from the City Council was to study to see if there are potential ways to protect the borders of HP neighborhoods. During the last meeting there were some comments about whether there should be a study or an issue that the TMAPC has been directed to do something. Mr. Boulden raised No. 2 of the memo as a solution and No. 1 she understands that Mr. Alberty brought up on his own, because it was not something that was discussed among the TMAPC. Mr. Alberty stated absolutely. This is something that when one looks at the big picture, this is what is a big issue. It may never be addressed directly, but it is something that is hanging out there and he believes the Planning Commission needs to be aware of it. Mr. Alberty stated that he is not taking a position one way or the other whether it should be addressed now or even in the future, but it is an issue. Ms. Cantrell stated that it is not in response in any way to the request from City Council. Mr. Alberty stated that it was not a response to the City Council and nor was the memo directly in response to that. The memo was intended to bring some history to bear in order for this Commission to have a basis for a beginning point. He felt that during the previous meeting there were a lot of questions that were being asked, and due to the lack of this Commission membership being there who needed to know.

Mr. Leighty asked Mr. Alberty if he had a comment on Councilor Barnes's response to what has been presented to the Planning Commission. Mr. Alberty stated that he did not at this point. In response to the Planning Commissioners, Ms. Cantrell stated that she didn't have enough copies to pass out. Mr. Alberty stated that the request came to the Planning Commission and not the staff and it is the prerogative of the Planning Commission to respond to Councilor Barnes's request or direct staff to do studies/reports or the Planning Commission can respond directly to the Council.

Mr. McArtor stated that he is not sure where this leaves the issues and the Planning Commission.

Ms. Cantrell stated that the Planning Commission has 30 days from October 20th.

Mr. Boulden stated that the provision under the Zoning Code states that the Planning Commission shall transmit within 30 days after holding the public hearing. Once the public hearing is held the 30 days will start. This is not the public hearing today.

In response to Ms. Wright, Ms. Cantrell stated that at the last meeting the concern was that currently the PUD process allows for one to reallocate uses. Ms. Cantrell requested Mr. Boulden to explain the concerns and the solution. Mr. Boulden stated that for the most part HP-zoned districts are zoned residential use, but there are some that have commercial use (Brady and Yorktown). There is an expectation for those people who have property within an HP zoned district that is zoned residential that it would remain residential. There are some

residential properties in the HP districts that border commercial properties and by the application of the PUD, it allows one to take a commercial or office use that abuts it and tie it in a PUD and reallocate the floor area into the residentially zoned area. Section 1103 – Planned Unit Development Chapter of the Zoning Code provides for this. Mr. Boulden suggested that the Planning Commission have a hearing to amend Section 1103 and exclude HP-zoned districts from that provision. Mr. Boulden stated that he can prepare a draft ordinance and have it for whatever public hearing and that could be the basis for the public hearing or anything else that someone would like to suggest.

Mr. McArtor moved to accept the suggestion of Mr. Boulden. Ms. Cantrell seconded.

In response to Mr. Midget, Ms. Cantrell stated that if the Planning Commission feels the need to have an additional work session that is fine. The Planning Commission has been directed to do something or look at ways to change the Zoning Code and this looks like the easiest way. This doesn't mean it will be done and if the direction were to consider if this is a good idea or whatever possible issues might come up, then Mr. Alberty's suggestion would be considered. Right now we need to respond to City Council and Mr. Boulden's suggestion would be a way to go about it. Ms. Cantrell stated that she feels the Planning Commission should move this forward, but she realizes that there are many people present today who would like to speak. There will be a public hearing on this and comments and suggestions could be taken on that day.

Mr. Dix stated that the interested parties who are present today may want to defer their comments to the public hearing after hearing the motion and vote.

Ms. Cantrell restated the motion as follows: Hold a public hearing to amend the Zoning Code to prevent the PUD from being used to reallocate uses. Mr. McArtor stated that what he heard from Mr. Boulden was to protect HP districts from being encroached upon is to amend the PUD Chapter to except that portion of the PUD, which would trump the historical overlay and provide an exception where the PUD cannot encroach upon an HP District. Mr. Boulden agreed with Mr. McArtor's statement. Mr. Boulden stated that the specific provision would be to amend Section 1103.A.3. of the Zoning Code. Mr. McArtor moved to hold a public hearing for this issue. Ms. Cantrell seconded and requested that it be scheduled as soon as practical.

Ms. Cantrell stated that she will call the names of the interested parties and if they wish to defer they can come back during the public hearing:

Ms. Wright out at 5:48 p.m.

INTERESTED PARTIES:

John Fothergill, representing Councilor Barnes, City of Tulsa City Council, stated that he believes that most of the request from the City Council is being addressed, but if the Planning Commission reads her letter it doesn't encompass all of it. The Preservation Commission has asked that all of the Zoning Code be reviewed and not just the PUD Chapter with regard how it would affect the HP districts and keeps the HP district strong. If the only way the HP district can be changed is through a PUD, then perhaps the Planning Commission has addressed the issue, but if it can be changed outside of a PUD, then he doesn't believe the Planning Commission has grasped the entire intent.

TMAPC COMMENTS:

Ms. Cantrell stated that she appreciates Mr. Fothergill's comments, but this is a start and if it doesn't get us where we need to go then perhaps we can come back and review that.

The following deferred:

Chip Atkins, Phil Marshall, Cecil Burns, Cara Waken and Ian Browne.

INTERESTED PARTIES COMMENTS:

Bob Sober, 2420 East 24th Street, 74114, stated that he would like to defer, but he is concerned that when the Planning Commission reconvenes to have the public hearing, will the comments be focused on the one topic that is on the table and not let it drift into the other topics it could be. For example Item No. 1 on Mr. Alberty's memo, because he wouldn't want to be spending all of our time talking on that topic when the topic on the table isn't that.

TMAPC COMMENTS:

Ms. Cantrell stated that she will do her best, but she does tend to let people talk because she believes that they do attend the meetings to express an opinion. We will try to stay, as much as possible, on topic. During the public hearing is the opportunity for people to be heard. Mr. Sober stated that he received a lot of letters of concern about the topic added by Mr. Alberty and they are very upset. If the public hearing is going to be about that then they will want to be here to talk and if it isn't then they probably won't attend. The item requested for review can easily be represented by the Preservation Commission without a huge participation from the people who live in the HP districts and he believes that the TPC does a good job of representing them. Ms. Cantrell stated that the issue at hand would be a discussion of whether the Planning Commission should protect the borders of HP zoning and those people who believe that there should be protections of the HP borders should come to express their opinion, as well as those who believe that it shouldn't be protected.

TMAPC Action; 9 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **9-0-0** (Cantrell, Dix, Edwards, Leighty, Liotta, McArtor, Midget, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Wright "absent") to **APPROVE** holding a public hearing to discuss whether to amend Section 1103.A.3. of the City of Tulsa Zoning Code to protect the HP-zoned district borders.

TMAPC COMMENTS:

Mr. Midget stated that he understands Councilor Barnes's memo about the word "should", but sometimes when one is framing a question that is the way it is done. Mr. Alberty was framing a question for the Planning Commission and there was no intent to lessen the importance of what the Council has recommended.

* * * * *

11. Request from the Planning Commission to the City of Tulsa Board of Adjustment for an Interpretation of the Zoning Code. "Does the Planning Commission have the authority through the Planned Unit Development (PUD) process to permit modifications to off-street parking requirements established in Chapter 13 of the Zoning Code, in light of the provisions of Title 42 Tulsa Revised Ordinance, Section 1106 and Subsection 1303.D, thereby allowing the construction of three-car garages on single-family dwellings?"

STAFF RECOMMENDATION:

Ms. Cantrell withdrew this item, but feels that at some point in the future this should be reconsidered about how this did move forward.

Mr. Alberty stated that basically the Board of Adjustment has already answered this question by the fact that they approved the variance. What he believes the Planning Commission is asking is probably a legal question and what might need to happen is to possibly amend the PUD ordinance to grant the Planning Commission the authority. It could be prescriptive to do certain things, and this could be one of them. Ms. Cantrell stated that perhaps while considering the parking in PUDs this could be addressed.

* * * * *

12. TMAPC 2011 Meeting Schedule

STAFF RECOMMENDATION:

Regular meetings of the TMAPC are held on the first and third Wednesday of each month at 1:30 p.m. in the One Technology Center, 175 E. 2nd Street, City Council Chambers, 2nd Level, Tulsa, Oklahoma.

Regular work sessions of the TMAPC are held on the third Wednesday of each month following regular TMAPC business in the One Technology Center, 175 E. 2nd Street, City Council Chambers, 2nd Level, Tulsa, Oklahoma.

JANUARY	FEBRUARY	MARCH
5 th	2 nd	2 nd
19th and worksession	16 th and worksession	16 th and worksession
APRIL	MAY	JUNE
6 th	4 th	1 st
20th and worksession	18th and worksession	15th and worksession
JULY	AUGUST	SEPTEMBER
6 th	3 rd	7 th
20th and worksession	17th and worksession	21st and worksession
OCTOBER	NOVEMBER	DECEMBER
5 th	2 nd	7 th
19th and worksession	16th meeting and worksession	21st meeting and worksession

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

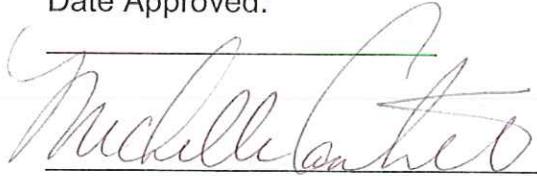
On **MOTION** of **WALKER**, TMAPC voted **9-0-0** (Cantrell, Dix, Edwards, Leighty, Liotta, McArtor, Midget, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Wright "absent") to **APPROVE** the 2011 TMAPC Meeting Schedule.

Commissioners' Comments

None.

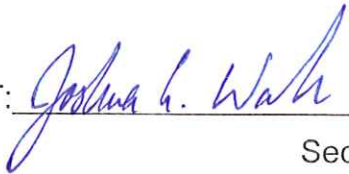
There being no further business, the Chair declared the meeting adjourned at 6:02 p.m.

Date Approved:

A handwritten signature in dark ink, appearing to read "Michelle Carter", written over a horizontal line.

Chairman

ATTEST:

A handwritten signature in blue ink, appearing to read "Joshua L. Wahl", written over a horizontal line.

Secretary