

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2608

Wednesday, August 17, 2011, 1:30 p.m.

City Council Chamber

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

Members Present	Members Absent	Staff Present	Others Present
Cantrell	Shivel	Alberty	Edmiston, Legal
Carnes		Bates	Steele, Sr. Eng.
Dix		Fernandez	Keller, COT
Edwards		Huntsinger	Page, COT
Leighty		Matthews	
Liotta		Sansone	
Midget			
Perkins			
Stirling			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, August 10, 2011 at 1:30 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Leighty called the meeting to order at 1:30 p.m.

REPORTS:

Director's Report:

Mr. Alberty reported on the BOCC and City Council agendas. Mr. Alberty further reported on the TMAPC receipts for the month of July 2011. Mr. Alberty indicated that the first month of this Fiscal Year indicates that it is ahead of last year.

TMAPC COMMENTS:

Mr. Leighty asked Mr. Alberty to update the Planning Commission on the status of a replacement for Duane Cuthbertson and also who is the lead person for right now and what is the plan on moving forward with the expansion of the Regulating Plan for the entire Pearl District.

Mr. Alberty stated that INCOG has advertised for a Senior Planner, which would be a Board of Adjustment Planner. INCOG received some internal applicants

and external applicants. It has been narrowed down with a continued interview and hopefully extending an offer to one of the top two candidates and have someone in place by September 1, 2011. In the interim Chris Sansone is doing a fine job and he has proven to be an adequate replacement for Duane. INCOG is happy to have him volunteer for that position.

Mr. Leighty stated that there was a plan for a public meeting for last week and he asked where we are on that. He further stated that Duane Cuthbertson had planned a public meeting at Central Park as the kick-off for kind of opening it to the public and explaining the expansion of the plan. Mr. Alberty stated that it was not followed up on and he is not aware of the meeting. The Regulating Plan has been prepared in draft form. It has gone out to the Pearl District Design Committee and they have considered it. Before proceeding with this, the City Council would need to be consulted with to see how, when and where this needed to be proceeded with. This is really not in our purview to do that. Mr. Alberty stated that the second portion will involve considerably more properties and owners. He explained that he has received phone calls from people who are finding out about this and are somewhat concerned that they were not aware of it. Mr. Leighty stated that the public meeting was to get input and to let people know what is going on ahead of time. Mr. Alberty stated that it can be done and Theron Warlick, City Planner, is assuming the responsibilities that Duane Cuthbertson had with regards to the Form-Based Code and this would need to be discussed with him and Dwain Midget to work out what the next step would be. Mr. Leighty asked Mr. Alberty if he is saying this is not an initiative of INCOG now. In response, Mr. Alberty stated that he doesn't want to proceed on something that the City Council is not aware that it is coming on. If everyone is aware of it he is okay, but he doesn't want to take upon himself to push something forward without make the governing body aware of what is happening. Mr. Leighty stated that he is not going to pick an argument, but he believes this was all set when Duane Cuthbertson was here and he doesn't really see what has changed in that regard. He had it scheduled for August 4, 2011, which was last week. Mr. Alberty stated that Mr. Cuthbertson is no longer here and the meeting was not held to his knowledge and if it was, he wasn't informed. Mr. Leighty asked how this could be the City Council's responsibility to be involved in this before the Planning Commission would even make a recommendation. Mr. Alberty stated that it is due to the fact that it's a major change in how we approach land use and due to the fact that we are expanding it into an area that was not initially anticipated. Mr. Alberty stated that he realizes that there are people who are strong supporters of it and feel like that was the next step; however, he doesn't feel comfortable pushing it until he receives some feedback from the Council. If the Planning Commission wants to direct staff to push forward, then he will accept that and he can do that with the Planning Commission's direction, but it should be a Planning Commission vote if that is going to be the case. Mr. Leighty stated that there is a work session at the next meeting and he would like to request that it be put on the work session so that it can be discussed.

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

1. **Minutes:**

Approval of the minutes of August 3, 2011 Meeting No. 2607

On **MOTION** of **CARNES**, the TMAPC voted 10-0-0 (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Stirling, Walker "aye"; no "nays"; none "abstaining"; Shivel "absent") to **APPROVE** the minutes of the meeting of August 3, 2011, Meeting No. 2607.

AGENDA:

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-20450**, (Lot-Split) (CD-9) Location: East of the southeast corner of South Quincy Avenue and East 34th Street South (Continued from 8/3/2011)
3. **LS-20453**, (Lot-Split) (County) Location: South of the southwest corner of South 225th West Avenue and West 51st Street (West Coyote Trail)
4. **LC-351**, (Lot-Combination) (County) Location: South of the southwest corner of South 225th West Avenue and West 51st Street (West Coyote Trail)
5. **LS-20454**, (Lot-Split) (CD-2) Location: North of the northeast corner of West 81st Street South and South Olympia Avenue
6. **LC-352**, (Lot-Combination) (CD-8) Location: South of the southwest corner of East 111th Street South and South Hudson Avenue
7. **Change of Access** - Lot 1, Block 1, Fred C. Langenkamp Addition, Location: 10708 East 61st Street South, (CD 7)
8. **Z-7008-SP-3a – Lou Reynolds**, Location: North of the northeast corner of West 81st Street South and South Olympia Avenue, Requesting a **Corridor Plan Minor Amendment** to allow for a lot-split and reallocation of floor area, **CO** (CD-2)

9. **PUD-696-B – Tanner Consulting, LLC/Village at Crown Woods, LLC** –
Location: North of the northeast corner at 91st Street South and Riverside
Parkway, Requesting **Detail Site Plan** for a 128 unit apartment complex,
OL/CS (CD-2)

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

ZONING CODE PUBLIC HEARINGS:

10. **Analyze and Recommend to the City Council Proposed Ordinance Amendments to the Zoning Code of the City of Tulsa Governing the use of Temporary Storage Buildings, Structures, Facilities and Uses in a Residentially Zoned Area.**

OTHER BUSINESS

11. **Amendments to the Policies and Procedures and Code of Ethics of the TMAPC**
12. **Commissioners' Comments**

ADJOURN

CD = Council District

NOTE: If you require special accommodation pursuant to the Americans with Disabilities Act, please notify INCOG (918) 584-7526. Exhibits, Petitions, Pictures, etc., presented to the Planning Commission may be received and deposited in case files to be maintained at Land Development Services, INCOG. Ringing/sound on all cell phones and paggers must be turned off during the Planning Commission.

Visit our website at www.tmapc.org

TMAPC Mission Statement: The Mission of the Tulsa Metropolitan Area Planning Commission (TMAPC) is to provide unbiased advice to the City Council and the County Commissioners on development and zoning matters, to provide a public forum that fosters public participation and transparency in land development and planning, to adopt and maintain a comprehensive plan for the metropolitan area, and to provide other planning, zoning and land division services that promote the harmonious development of the Tulsa Metropolitan Area and enhance and preserve the quality of life for the region's current and future residents.

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MINUTES:

CONSENT AGENDA

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7. **Change of Access - Lot 1, Block 1, Fred C. Langenkamp Addition**, Location: 10708 East 61st Street South, (CD 7)

STAFF RECOMMENDATION:

This application is made to allow a change of access to add an access to the west along South 107th East Avenue. The property is zoned CO – Z-6344-SP-10 (Corridor).

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

8. **Z-7008-SP-3a – Lou Reynolds**, Location: North of the northeast corner of West 81st Street South and South Olympia Avenue, Requesting a **Corridor Plan Minor Amendment** to allow for a lot-split and reallocation of floor area, **CO** (CD-2)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to allow for a lot-split and reallocation of floor area. There is no request to increase the permitted

floor area for the subject tracts. The lot-split application for this parcel also appears on the August 17, 2011 agenda of the TMAPC as case number LS-20454.

Please refer to Exhibits A and B which are surveys of Lot 2/Tract 2A of Block 2 – Tulsa Hills. Exhibit A depicts Lot 2/Tract 2A prior to the proposed lot-split. Exhibit B shows Lot 2/Tract 2A after the subject property is split into two new lots; Tracts 2A and 2D.

Floor area is allocated to Lot 2/Tract 2A as follows:

Lot	Lot Size	Allocated Floor Area	Floor to area ratio (FAR)
Lot 2/Tract 2A	206,011 SF	48,761 SF	.24

Upon approval of LS-20454 floor area will be allocated as follows:

Lot	Lot Size	Allocated Floor Area	Floor to area ratio (FAR)
Lot 2/Tract 2A	126,460 SF	29,943 SF	.24
Lot 2/Tract 2D	79,541 SF	18,818 SF	.24
Total:	206,001 SF	48,761 SF	.24

With no requested increase in permitted floor area staff views the proposed lot-split and reallocation of floor area as not having a significant impact on the over-all approved Development Plan or the character of the development.

Staff finds the proposal to be in keeping with the intent of Chapter 8 of the Zoning Code and recommends **APPROVAL** of minor amendment Z-7008-SP-3a.

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

- PUD-696-B – Tanner Consulting, LLC/Village at Crown Woods, LLC** – Location: North of the northeast corner at 91st Street South and Riverside Parkway, Requesting **Detail Site Plan** for a 128 unit apartment complex, **OL/CS** (CD-2)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a 128 unit apartment complex. The proposed use, Use Unit 8 – Multifamily and Similar Uses is a permitted use in PUD-696-B.

The submitted site plan meets all applicable land area per dwelling unit, open space, building height and setback limitations. Access to the site will be provided from a private drive extending from South Delaware Avenue. Vehicular and pedestrian access is also provided from the Crown Woods Apartments to the west. All entries will be gated and will receive the approval of the City of Tulsa Fire Marshal and Traffic Engineering prior to the release of building permits. Parking is provided per the applicable Use Unit of the Zoning Code. Parking area dimensioning meets the applicable requirements of Chapter 13 of the Code. A trash enclosure will be provided as required by the PUD. Sidewalks will be provided to the reserve area within the private drive and will ultimately connect to individual lot sidewalks as the other lots develop. Pedestrian access is also provided through the parking lots, connecting to the apartment complex to the west.

Staff recommends **APPROVAL** of the detail site plan for Development Area B of PUD-696-B.

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

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Stirling, Walker "aye"; no "nays"; none "abstaining"; Shivel "absent") to **APPROVE** consent agenda Items 2 through 9 per staff recommendation.

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ZONING CODE PUBLIC HEARING

10. **Analyze and Recommend to the City Council Proposed Ordinance Amendments to the Zoning Code of the City of Tulsa Governing the use of Temporary Storage Buildings, Structures, Facilities and Uses in a Residentially Zoned Area.**

STAFF RECOMMENDATION:

SS. XXX TEMPORARY STORAGE UNITS, PORTABLE STORAGE UNITS AND DUMPSTERS

Temporary storage units, portable storage units or dumpsters (all hereinafter collectively called "storage facilities") may be placed upon private property or City rights-of-way in accordance with the following limitations.

1. A permit for such placement must be obtained from the [INSERT APPROPRIATE PERMITTING AUTHORITY] prior to the placement of any such storage facility. **The permit must be obtained by the owner of the storage facility.** The cost for such permit shall be established by the City of Tulsa. Such storage facilities must be placed upon private property unless some physical condition exists that would prohibit such placement in the yard or the driveway. If placement on private property is not possible, the facility may be placed on a City street directly in front of the property of the facility **user**. The permit shall be displayed prominently on the storage facility.
2. All storage facilities must have reflective marking/tape/paint on them placed in such locations as to be visible to a motorist, bicyclist or pedestrian if the facility is to be placed in the right-of-way.
3. Once issued, a permit shall be valid for fourteen (14) consecutive days from the date of issuance. The permit may be extended up to seven day upon the applicant's showing of good cause. Not more than two such extensions **at any one location** shall be permitted, not to exceed twenty-eight (28) days in any consecutive twelve month period.
4. When issued in conjunction with a building permit, a storage facility permit may be issued and be valid for ninety (90) days when there is active construction occurring and the storage facility is placed on private property. An extension of up to ninety (90) days may be granted upon the applicant's showing of good cause. Not more than two (2) such extensions shall be permitted, for a maximum of two hundred seventy (270) days in any consecutive twelve (12) month period.
5. A permit shall be valid for one hundred eighty (180) days if issued in conjunction with a development plan. The issuing department may grant

extensions upon showing of good cause by the applicant and depending upon the scope of the project. However, should work on the project cease for more than thirty (30) days, the issuing department may revoke the permit and require removal of the storage facility.

6. The storage facility shall not be located in any manner that restricts or impedes visibility of motorists, bicyclists or pedestrians.
7. The storage facility shall be no wider than eight (8) feet nor placed in such a manner that restricts the remaining travel width of the street to less than ten (10) feet measured from the inside of the curb or edge of the pavement to the storage facility.
8. The storage facility must be associated with temporary storage or a project for the property upon which or adjacent in the right-of-way of the property owner. Not more than one storage facility shall be permitted at any one time for that property.
9. The storage facility shall not be placed in such a manner as to damage any public improvements, including but not limited to the pavement, curb, gutter, grass, landscaping or trees located within the public right-of-way. If the storage facility or the equipment used to place or remove it causes any such damage, the permit holder shall reimburse the City for the cost of repair.
10. Any storage facility that is placed in violation of this section or is not removed at the end of the permitted time may be removed by the City at the applicant's expense, with prior notice of not less than twenty-four (24) hours.
11. Only the business owner's information may appear on the storage facility. No other advertising shall be placed on it.
12. Storage facilities placed on private property or on public right-of-way by the City of Tulsa or a public trust having the City of Tulsa as its beneficiary shall be exempt from the permitting requirements of this Section.

Ms. Matthews stated that the draft provided today is codified by Patrick Boulden and it is the legal form of what was decided at the previous meeting. The decision was to go with permits rather than a Zoning Code change.

TMAPC COMMENTS:

Mr. Leighty stated that he just received this handout today that was provided as a model from another community and he hasn't had a chance to compare the two. Is there a staff member available to give us an idea of how they are different?

Mr. Alberty stated that Mr. Page is here and has some comments based on what has been proposed.

Jack Page, Director of Development Services, City of Tulsa, stated he has received the draft copy of the proposed ordinance. Development Services agrees with this Commission that PODS and temporary storage units is not a zoning issue, but is a permitting issue. He has begun initiating a process to issue permits for PODS and temporary storage units in residential districts. He has also taken steps to coordinate that with a sponsor from the City Council so that the Council will sponsor in order for this to come forward for permitting these types of facilities. He appreciates the ordinance that Legal has prepared; however, he needs to have a meeting with all of the stakeholders in order to develop a permitting process that is the minimum necessary to address the concerns and issues for Tulsa.

TMAPC COMMENTS:

Mr. Leighty stated that the City Council requested the Planning Commission to look into this and at the last meeting it was concluded that this was not a zoning or land use issue and more of a permitting issue.

Mr. Carnes stated that it appears to him that the only thing needed today is to pass on this and that the Planning Commission doesn't believe it is a zoning issue but a permitting issue. Mr. Carnes moved to report to the City Council that this is a permitting issue and pass this on to Development Services.

Ms. Cantrell stated that she would hate to waste the time and effort that Ms. Matthews has done on this. She suggested that if this is passed on, that the draft ordinance be transmitted as suggestions, subject to whatever Development Services puts together from their meetings. Ms. Matthews did a lot of research and background work on this issue. Ms. Cantrell concluded that it is not intended to be the definitive decision, but simply what staff has come up with. Mr. Page agreed with Ms. Cantrell. Mr. Page explained that his first step will be to put a team together with citizens, stakeholders, etc. and be as inclusive as anyone wants to be. If the Planning Commission would like to be a part of the team, please let him know.

Mr. Perkins requested that the Tulsa Homebuilders Association be involved in the task force. Mr. Page stated that he would include an invitation to the Homebuilders and requested that Mr. Perkins let him know who should represent them. Mr. Perkins cautioned that there are some numbers on the draft that he may or may not agree with and felt that the draft would be a good template, but may need some changes moving forward. Ms. Cantrell stated that was her intention.

In response to Mr. Midget, Mr. Page stated that he would include neighborhoods and Neighborhood Inspections.

Mr. Leighty asked Mr. Edmiston and Mr. Alberty how this should be transmitted to the City Council. Mr. Alberty stated that relaying to the City Council that it was determined that this is not a zoning issue and it should be a permitting issue and then to transmit the suggestions made by Ms. Matthews and Mr. Boulden. The motion could simply summarize where the Planning Commission is on this issue and attaching the drafted ordinance, plus the model code submitted by an interested party that was emailed to the Commissioners several weeks ago.

Ms. Cantrell stated that she understood that even though this was decided to not be a zoning issue, she thought that Mr. Boulden had suggested that once the permitting is in place there would be a minor tweak to the Zoning Code stating that absent a permit, these things would not be permitted in people's front yards. Mr. Alberty stated that he remembers that comment and it would depend on what is eventually determined.

Mr. Edmiston stated that it would be appropriate today to simply respond to the City Council's request that you have.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Stirling, Walker "aye"; no "nays"; none "abstaining"; Shivel "absent") to **REPORT** that the Planning Commission has reviewed the issues. It has been studied by staff and a template has been prepared that addresses the issues that were covered by City Council's request. That template has now been studied and will be given to Development Services, who will carry on the process at a task force designated to address the issues and ultimately report to the Council through that task force for City Council Consensus 2011-07 requesting the Tulsa Metropolitan Area Planning Commission to analyze and recommend to The City Council Proposed ordinance amendments to the Zoning Code of the City of Tulsa governing the use of temporary storage buildings, structures, facilities and uses in a residentially zoned area.

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OTHER BUSINESS:

11. Amendments to the Policies and Procedures and Code of Ethics of the TMAPC

STAFF RECOMMENDATION:

SECTION II: Code of Ethics

Definitions

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

B. Conflict of Interest:

1. A conflict of interest exists whenever a Commissioner
 - a. may receive a private benefit ;or
 - b. has an organizational interest regarding a matter before the Planning Commission; or.
 - c. has any economic interest, directly or indirectly, in a matter before the Planning Commission or in action to be taken by the Planning Commission.

The possibility, not the actuality, of a conflict of interest governs. *The question is, "Would a reasonable person believe me to be unbiased and impartial?"*

2. A Planning Commissioner experiencing a conflict of interest shall declare his interest publicly, abstain from voting on the matter, and shall refrain from any deliberations on the matter. When possible, the Planning Commissioner should leave the public hearing room.
3. A Planning Commissioner experiencing a conflict of interest shall not discuss the matter in any venue with any fellow TMAPC member, staff or other officials involved in decision making on the matter for the purpose of influencing a decision thereon.

C. Ex Parte

1. Although not forbidden, ex parte communication has the potential to influence a Planning Commissioner's decision on matters before the Planning Commission. The Planning Commissioner, who receives ex parte communication, must disclose such ex parte communication prior to or at the commencement of public discussion of the subject matter.
2. The Commissioner shall also evaluate whether, as a result of this communication, he/she can remain unbiased and impartial and should either abstain or participate accordingly. As with a potential conflict of interest, the appearance, not the actuality, of bias should govern.

D. Release of Information:

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

E. Appearance at City Council

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

3. If a Planning Commissioner other than the one designated by the Chair intends to speak at a public hearing on a matter upon which the Planning Commission has previously voted, he or she must notify all members of the Planning Commission of that intention at least 24 hours prior to the public hearing.

F. Violation of Codes of Ethics

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

Ms. Cantrell moved to approve the Code of Ethics. Mr. Midget seconded the motion.

TMAPC COMMENTS:

Mr. Leighty stated that he would like to have a little discussion. Mr. Leighty expressed concerns with the wording on page 11.2, E.1. Ms. Cantrell explained the reason for the wording.

Discussion ensued.

Mr. Edmiston stated that E has three paragraphs and the first paragraph relates to items that have been held by a decision by this Commission, the second paragraph refers to simply speaking before the City Council and the third paragraph refers to someone designated by this Chair to represent the body. Each paragraph on its own makes sense the way the context is today, but if the wording is changed in the first paragraph it will probably filter down and confuse the last paragraph.

TMAPC Action; 10 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Perkins, Stirling, Walker "aye"; no "nays"; none "abstaining"; Shivel "absent") to **APPROVE** the revised Policies and Code of Ethics of the TMAPC as presented.

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Commissioners' Comments:

None.

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There being no further business, the Chair declared the meeting adjourned at 2:00 p.m.

Date Approved:

9-7-2011

[Signature]

Chairman

ATTEST:

[Signature]

Secretary



