## TULSA METROPOLITAN AREA PLANNING COMMISSION

Meeting No. 2608

August 17, 2011, 1:30 PM 175 East 2<sup>nd</sup> Street, 2<sup>nd</sup> Level, One Technology Center Tulsa City Council Chamber

#### CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

Call to Order:

#### **REPORTS:**

#### **Chairman's Report:**

#### Worksession Report:

#### **Director's Report:**

Review TMAPC Receipts for the month of July 2011

1. Minutes of August 3, 2011, Meeting No. 2607

#### **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. <u>LS-20450</u>, (Lot-Split) (CD-9) Location: East of the southeast corner of South Quincy Avenue and East 34<sup>th</sup> Street South (Continued from 8/3/2011)
- 3. <u>LS-20453</u>, (Lot-Split) (County) Location: South of the southwest corner of South 225<sup>th</sup> West Avenue and West 51<sup>st</sup> Street (West Coyote Trail)
- 4. <u>LC-351</u>, (Lot-Combination) (County) Location: South of the southwest corner of South 225<sup>th</sup> West Avenue and West 51<sup>st</sup> Street (West Coyote Trail)
- 5. <u>LS-20454</u>, (Lot-Split) (CD-2) Location: North of the northeast corner of West 81<sup>st</sup> Street South and South Olympia Avenue
- 6. <u>LC-352</u>, (Lot-Combination) (CD-8) Location: South of the southwest corner of East 111<sup>th</sup> Street South and South Hudson Avenue
- 7. <u>Change of Access Lot 1</u>, Block 1, Fred C. Langenkamp Addition, Location: 10708 East 61<sup>st</sup> Street South, (CD 7)

- 8. <u>Z-7008-SP-3a Lou Reynolds</u>, Location: North of the northeast corner of West 81<sup>st</sup> 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. <u>PUD-696-B Tanner Consulting, LLC/Village at Crown Woods, LLC</u> Location: North of the northeast corner at 91<sup>st</sup> 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 <u>cell phones</u> and <u>pagers</u> 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.

#### TMAPC RECEIPTS Month of July 2011

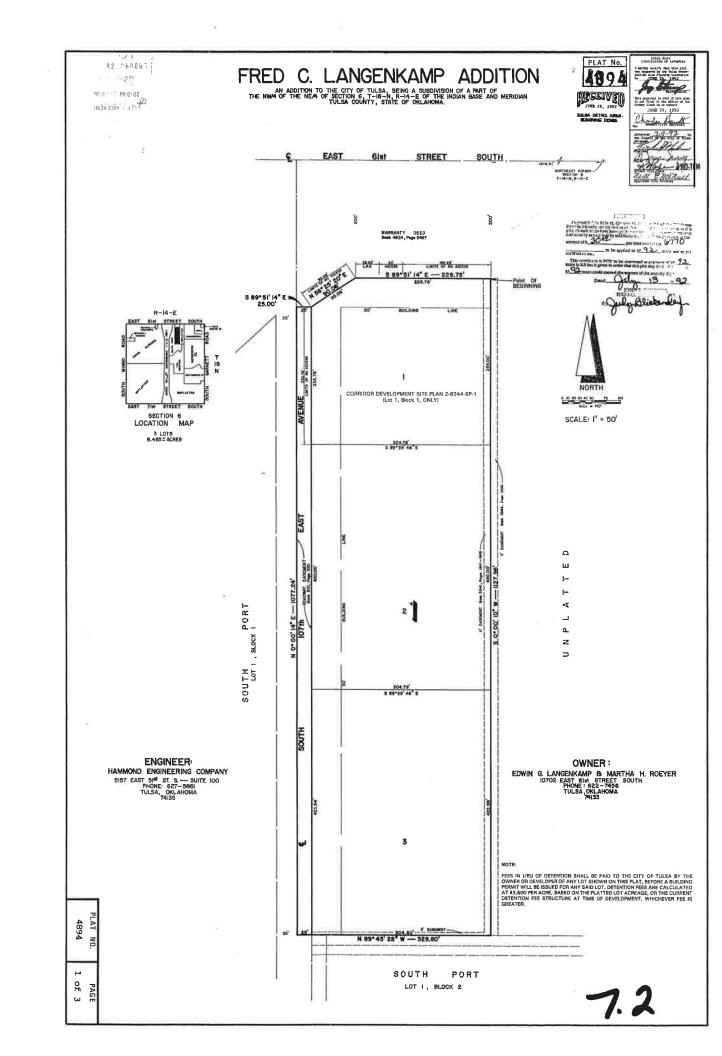
		Current Pe	eriod			Year To	Date	
				TOTAL		-		TOTAL
	ITEM	CITY	COUNTY	RECEIVED	ITEM	CITY	COUNTY	RECEIVED
ZONING								
Zoning Letters	10	\$50.00	\$50.00	\$100.00	10	\$50.00	\$50.00	\$100.00
Zoning	1	470.00	470.00	940.00	1	470.00	470.00	940.00
PUDs & Plan Reviews	25	2,417.50	2,417.50	4,835.00	25	2,417.50	2,417.50	4,835.00
Refunds		0.00	0.00	0.00	0	0.00	0.00	0.00
Fees Waived		0.00	0.00	0.00	<u>o</u>	0.00	0.00	0.00
		\$2,937,50	\$2,937.50	\$5,875.00		\$2,937.50	\$2,937.50	\$5,875.00
LAND DIVISION								
Minor Subdivisions	0	\$0.00	\$0.00	\$0.00	0	\$0.00	\$0.00	\$0.00
Preliminary Plats	2	950.00	950.00	1,900.00	2	950.00	950.00	1900.00
Final Plats	0	0.00	0.00	0.00	0	0.00	0.00	0.00
Plat Waivers	1	125.00	125.00	250.00	1	125.00	125.00	250.00
Lot Splits	5	250.00	250.00	500.00	5	250.00	250.00	500.00
Lot Combinations	2	100.00	100.00	200.00	2	100.00	100.00	200.00
Access Changes	0	0.00	0.00	0.00	0	0.00	0.00	0.00
Other		0.00	0.00	0.00	0	0.00	0.00	0.00
Refunds			0.00	0.00	0	0.00	0.00	0.00
Fees Waived		0.00	0.00	0.00	O	0.00	0.00	0.00
		\$1,425.00	\$1,425.00	\$2,850.00		\$1,425.00	\$1,425.00	\$2,850.00
BOARDS OF ADJUSTM	ENT							
Fees	16	\$5,600.00	\$600.00	\$6,200.00	0	\$5,600.00	\$600.00	\$6,200.00
Refunds		0.00	0.00	0.00	0	0.00	0.00	0.00
NSF Check			0.00	0.00	0	0.00	0.00	0.00
Fees Waived		<u>\$0.00</u>	\$0.00	\$0.00		0.00	0.00	0.00
		\$5,600.00	\$600.00	\$6,200.00		\$5,600.00	\$600.00	\$6,200.00
TOTAL		\$9,962.50	\$4,962.50	\$14,925.00		\$9,962.50	\$4,962.50	\$14,925.00

## Change of Access on Recorded Plat TMAPC August 17, 2011

Lot 1, Block 1, Fred C. Langenkamp Addition – (8406) (CD 7) 10708 East 61<sup>st</sup> Street South

This application is made to allow a change of access to add an access to the west along South 107<sup>th</sup> 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.



### CHANGE OF AND CONSENT TO AREAS OF ACCESS AS SHOWN ON RECORDED PLAT

WHEREAS, JAMES M. CREAGER JR & LINDA CREAGER are the owners of LOT I, BLOCK I FRED C. LANGENKAMP ADDITION, in the city and/or county of Tulsa, Oklahoma, according to the recorded plat thereof; and	
WHEREAS, said owners desire to change the access points from 107 THE. Ave.	**
WHEREAS, such change requires approval of the Tulsa Metropolitan Area Planning Commission; and	
WHEREAS, the Tulsa Metropolitan Area Planning Commission may approve such change of access with a favorable recommendation by the City Engineer of the City of Tulsa, Oklahoma, or County Engineer of Tulsa County, Oklahoma.	
NOW THEREFORE, the undersigned owners of the above named property in the City (and/or) County of Tulsa, Oklahoma according to the recorded plat thereof, does hereby change the access point(s) from its (their) present location as shown on the above named plat as recorded in the office of the County Clerk of Tulsa County, Oklahoma, as plat number <u>4894</u> to the location(s) as shown on the attached Exhibit A, which is incorporated herein by reference and made a part hereof for all purposes.	
The Tulsa Metropolitan Area Planning Commission by the affixing of its approval to this instrument does hereby stipulate and agree to such change and, that from and after the date of this consent, ingress and egress shall be permitted over, through and across the areas of access as shown on attached Exhibit A, which is incorporated herein by reference. The area of "access" as previously shown are hereby revoked and access to the property prohibited across said area. The area of limits of no access previously existing along the area of access now permitted by this change and consent is hereby expressly vacated, annulled and held for naught.	
IN WITNESS WHEREOF, the parties have hereunto set their hands and affixed their seals this 26 day of	
APPROVED:	
City/County Engineer TMAPC	

STATE OF OKIAhomA) ) SS COUNTY OF TUISA )	INDIVIDUAL ACKNOWLEDGEMENT
Before me, the undersigned, a Notary P  day of <u>July</u> , 20//, pe  (Reage R , to me known the foregoing instrument and acknowledged to me and voluntary act and deed for the purposes theme.)	ublic in and for said County and State, on this ersonally appeared
GIVEN under my hand and seal the day a	and year last above written.
	Marile Blassery
STATE OF) COUNTY OF)	CORPORATE ACKNOWLEDGEMENT
Before me, the undersigned, a Notary F day of, 20, pe to me know the name of the maker thereof to the foregoing and acknowledged to me that and voluntary act and deed of such corporation,	Public in and for said County and State, on this ersonally appeared who be the identical person who subscribed g instrument as its executed the same as free for the purposes therein set forth.
GIVEN under my hand and seal the day	and year last above written.
My Commission Expires:	
	Notary Public

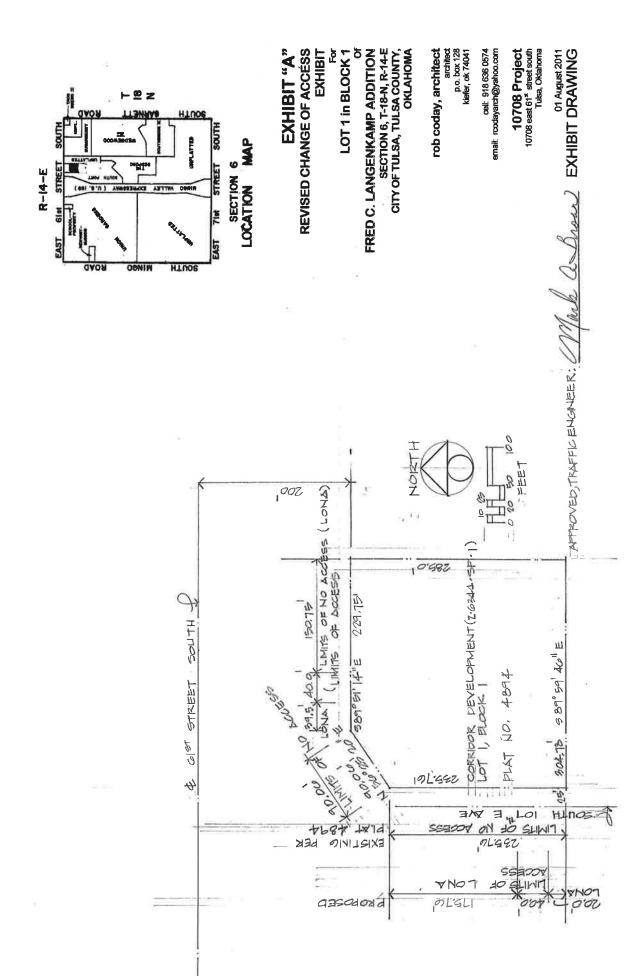
Change Of And Consent To Areas As Shown On Recorded Plat

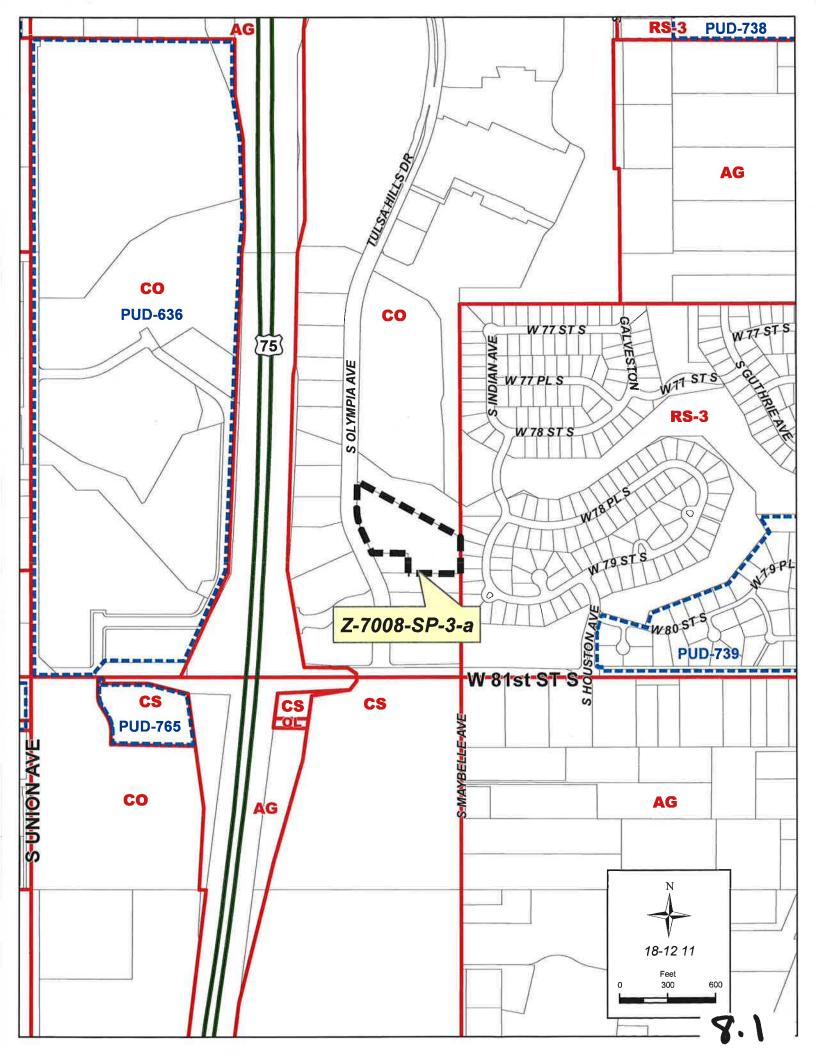
page 2

STATE OF OK /Ahoma)  COUNTY OF Tulsa  ) SS	INDIVIDUAL ACKNOWLEDGEMENT
and voluntary act and deed for the purpo	lotary Public in and for said County and State, on this, personally appeared/non Reage Reage Representation of the identical person who executed ged to me that executed the same as free ses therein set forth.  the day and year last above written.
My Commission Expires: Continue to the	MARA Maily Blassing Notary Rublic
STATE OF) SS COUNTY OF)	CORPORATE ACKNOWLEDGEMENT
day of, 20, to the name of the maker thereof to the formula and acknowledged to me that and voluntary act and deed of such corp	Notary Public in and for said County and State, on this, personally appeared me known to be the identical person who subscribed pregoing instrument as its executed the same as free poration, for the purposes therein set forth.
My Commission Expires:	
	Notary Public

Change Of And Consent To Areas As Shown On Recorded Plat

page 2







#### STAFF RECOMMENDATION

Z-7008-SP-3a:

Corridor Plan Minor Amendment – North of the northeast corner of West 81<sup>st</sup> Street South and South Olympia Avenue; Lot 2/Tract 2A, Block 2 – Tulsa Hills; TRS 18-12-11; CZM51; CD 2; CO.

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

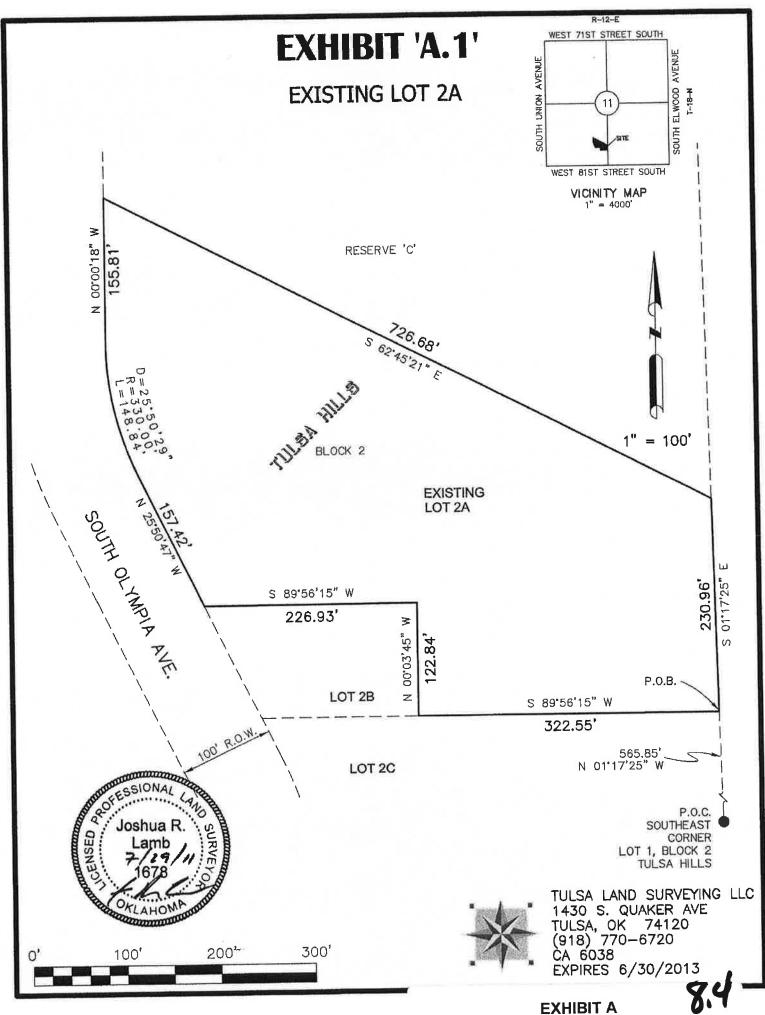
Upon approval of LS-20454 floor area will be allocated as follows:

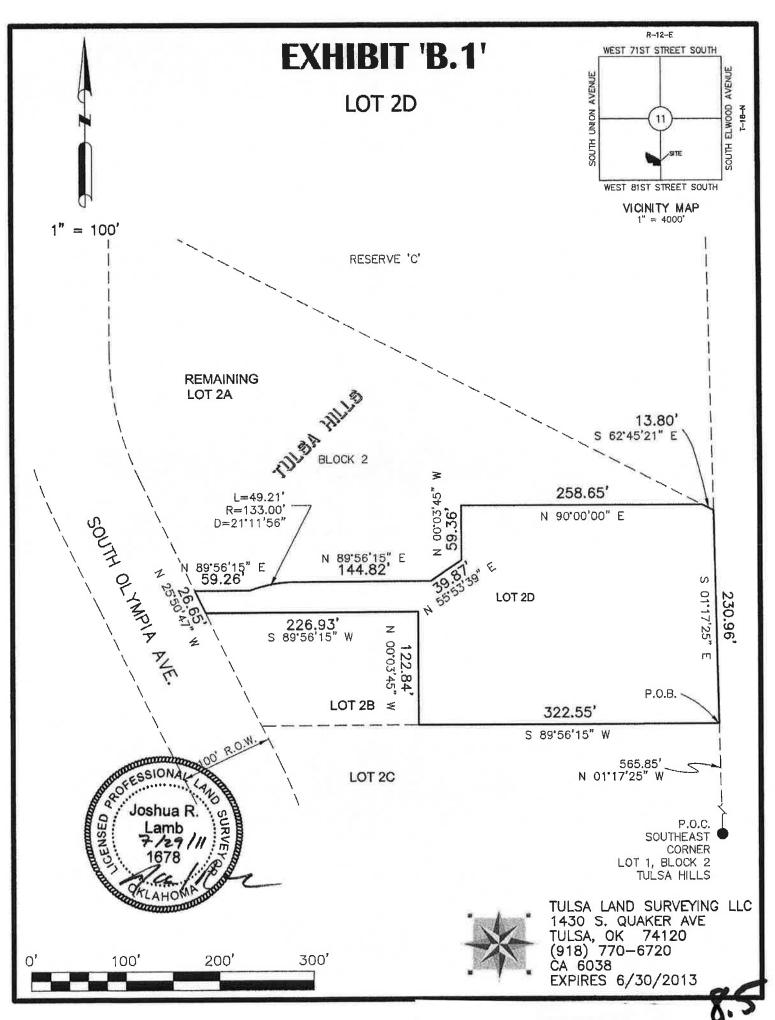
Lot	Lot Size	Allocated Floor Area	Floor to area ratio (FAR)
Lot 2/Tract 2A	126,460 SF	29,943 SF	.24
Lot 2/Tract 2D	79,541 SF	18,818 SF	.24
Total:	206,001 SF	48,761 SF	.24

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

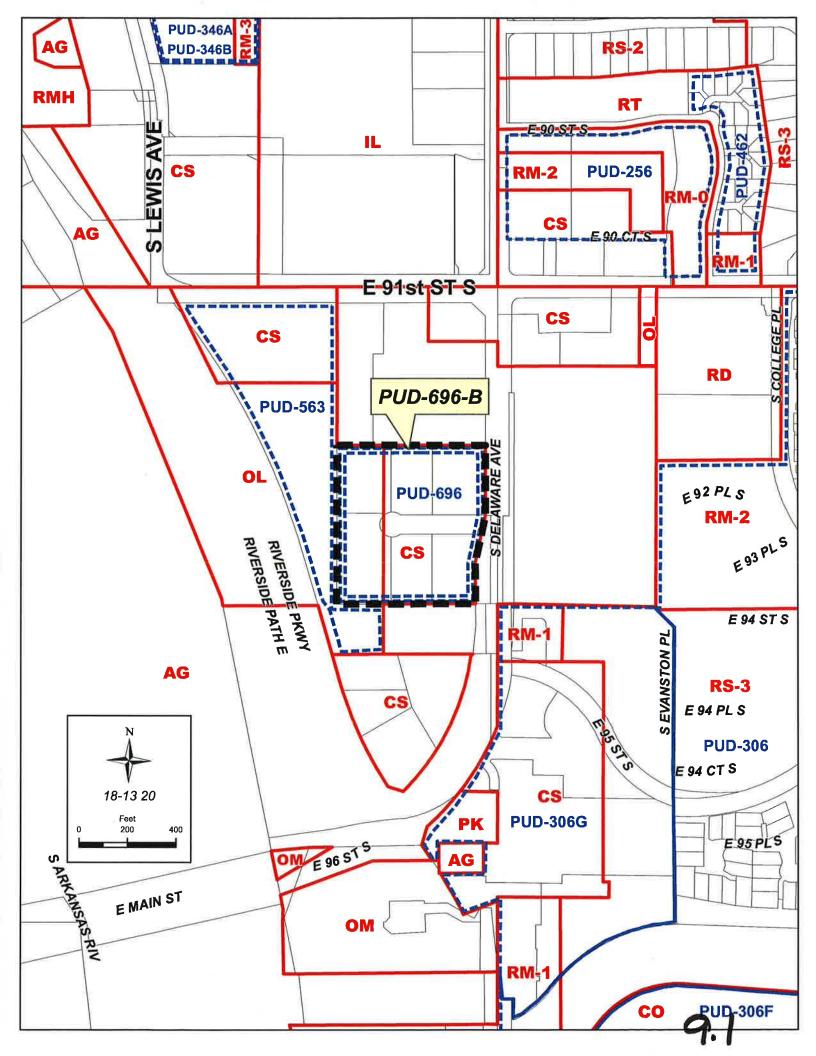
Staff finds the proposal to be in keeping with the intent of Chapter 8 of the Zoning Code and recommends **APPROVAL** of minor amendment Z-7008-SP-3a.

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





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#### STAFF RECOMMENDATION

PUD-696-B:

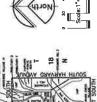
Detail Site Plan – North of the northeast corner of 91<sup>st</sup> Street South and Riverside Parkway; TRS 18-13-20; CZM 56; CD 2; OL/CS.

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.



Location Map

# **Detail Site Plan**

Part of Block 1, "9200 Delaware" City of Tulsa, Tulsa County, Oklahoma Woods Crown

PUD 696-B-1 Development Area B

Description of Development Area B:

BUILDING LINE GARAGE BUILDING LINE RADIUS TYPICAL UTLITY EASEMENT

_	Detail Site Plan Data:	
	TOTAL TRACT AREK. (COD) TOTAL OPER TARK. (COD)	156,896 SF 125,138 SF 31,557 SF
	PERMITTED AND PROPOSED USE: NULTIFAMILY DWELLINGS AND CUSTOMARY ACCESSORY USES	
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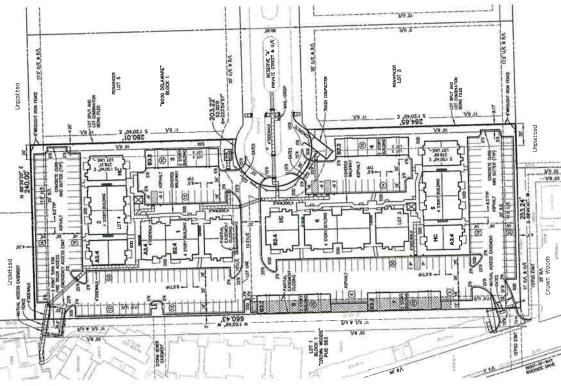
A TRACT OF LAND THAT IS PART OF LOT FIVE (S), BLOCK DIVE (1), "\$200 DELAWARE", MODIFINI THE CATY OF ALCADRAN, ACCORDAN, TO THE RECORDED PLAT THEREOF (PLAT NO. 819T), SAID TRACT BEING WORR PARTICULARLY DESCRIBED AS FOLLOWS:

REGISSION AN EXPLICATION OF THE TOTAL OF THE

ALL DINENSONS SHOWN HEREON ARE TO PACE OF CLOSS ON FACE OF BUILD SEE DETAIL LANDSGAPE PLANS FOR TREE REQUIREMENTS AND LOCATIONS. SEE DETAIL SIGN PLAN FOR REQUIREMENTS AND SPECIFICATIONS.

OWNER:

Village at Crown Woods, LLC Contact: Ed Leinbuch 2240 East 49th Street South Tulso. 0K 7405 (918) 743-2100



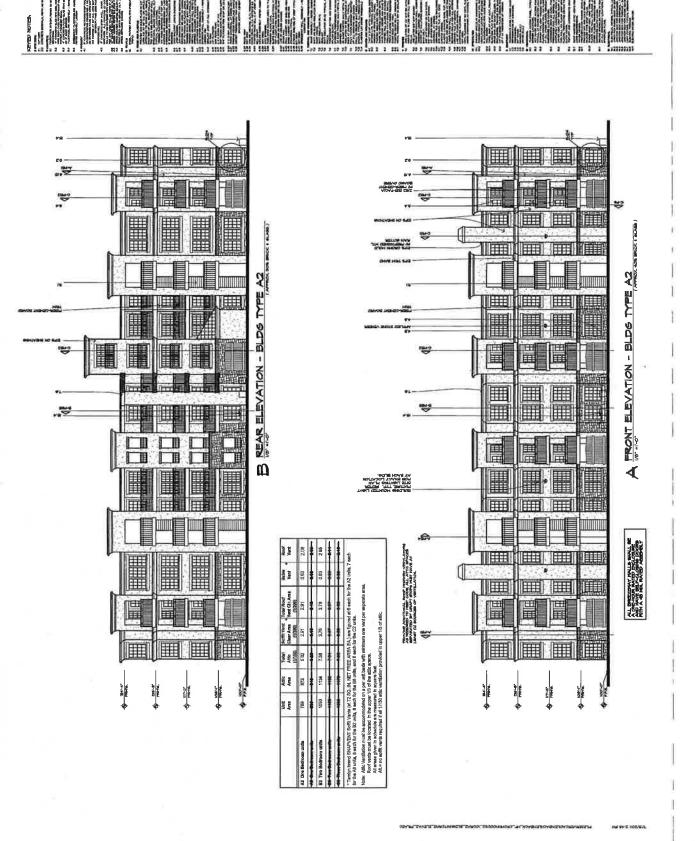
DATE OF PREPARATION: JULY 29, 2011

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Description of Tract (used for Lot Combination):

SAID TRACT CONTAINING 162,898 SQUARE FEET, OR 3,740 ACRES

A TACT OF LAWS THAT IS PART OF LOT THE (T), RUDKE ONE (1), "\$200 DELAMARE ACTION TO THE ACCOUNTS ALSA SCAPIT, STATE OF ORALINGA, ACCOUNTS TO THE ACCOUNTS PLAT THREEGY (FLAT NO. 6181), SAID TRACT BOING MORE PARTICLALARY DESCOURTS AS FOLLOWS:

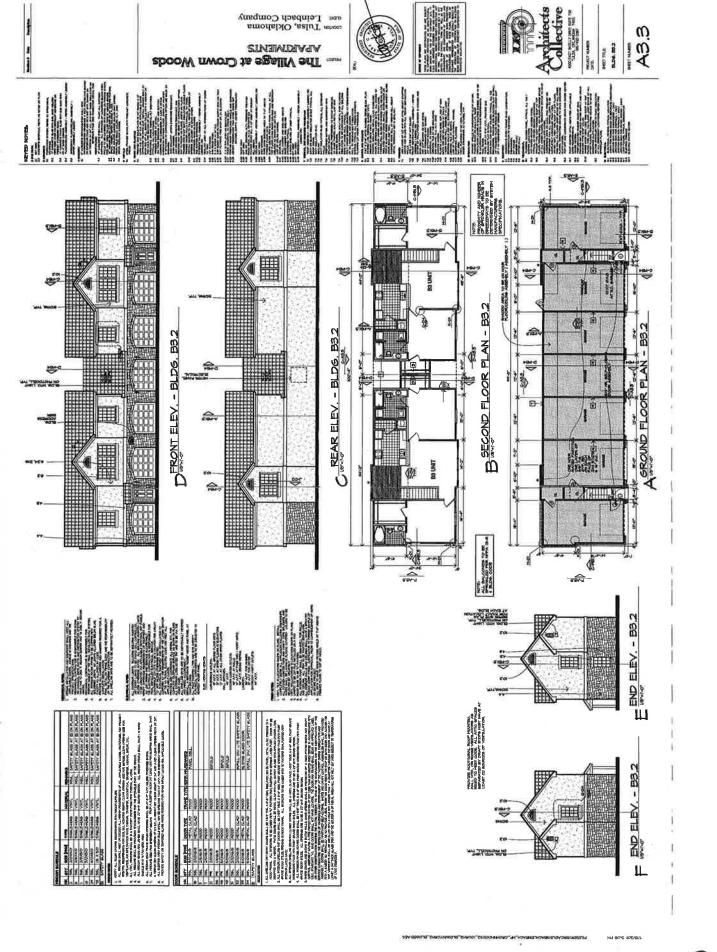


Lecting Tules, Oklahoma

**APARTMENTS** 

The Village at Crown Woods

Architects











Company of

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A MAIN ENTRY/ EXIT GATE PLAN

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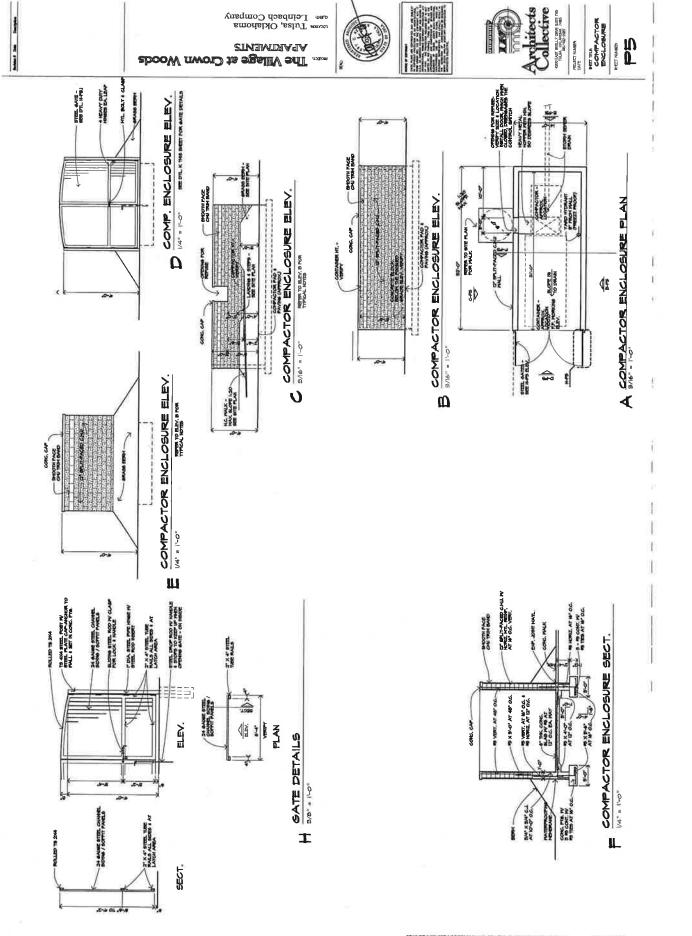
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#### SS. XXX TEMPORARY STORAGE UNITS, PORTABLE STORAGE UNITS AND DUMPSTERS

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 Zoning Permit Office [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, Aa permit-once issued 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 may 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 <u>applicant permit holder</u> 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 <a href="twenty-four">twenty-four</a> (24) hours.
- 11. Only the business owner's information may appear on the storage facility. No other advertising may 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.

#### **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 a 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 as a result of a public action taken by the Planning

    Commission; or; or
  - b. has an organizational interest regarding a matter before the Planning Commission;

    or. The possibility, not the actuality, of a conflict of interest should govern. The

    question is, "Would a reasonable person believe me to be unbiased and

    impartial?"
  - 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 should-governs. The question is, "Would a reasonable person believe me to be unbiased and impartial?"

2. A Planning Commissioner experiencing a conflict of interest should shall declare his interest publicly, abstain from voting on the matter, and should shall refrain from any

- deliberations on the matter. When possible, the Planning Commissioner should leave the public hearing room.
- 3. A Planning Commissioner member experiencing a conflict of interest should shall not discuss the matter in any venue other than the public hearing with any fellow TMAPC member, staff or other officials involved in decision making on the matter for the purpose of influencing a decision thereon.

#### C. Ex Parte

- Although not forbidden, per se, ex parte communication has the potential to influence a
  Planning Commissioner's decision on quasi-judicial matters before the Planning
  Commission. The Planning Commissioner who receives ex parte communication may, if
  he or she feels that it is appropriate, must disclose this such ex parte communication prior
  to or at the commencement of public discussion of the subject matter.
- 2. The Commissioner should 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 <u>or omit</u> 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 matters 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 <u>Planning</u> 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 <u>Planning Ceommission</u> 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.

#### **SECTION II: Code of Ethics**

#### **Definitions**

- 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.

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#### C. Ex Parte

- 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:

- 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



#### **TMAPC** Rules of Procedure and Code of Ethics

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 the 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 this Code of Ethics for a hearing before the governing body by which he/she was appointed.