

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
Minutes of Meeting No. 1894  
Wednesday, August 5, 1992, 1:30 p.m.  
City Council Room, Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Buerge	Ballard	Gardner	Linker, Legal
2nd Vice	Broussard	Hester	Counsel
Chairman	Neely	Jones	
Carnes	Selph	Matthews	
Doherty, Chairman		Stump	
Horner		Wilmoth	
Midget, Mayor's Designee			
Parmeale, 1st Vice Chairman			
Wilson			

The notice and agenda of said meeting were posted in the Office of the City Clerk on Monday, August 3, 1992 at 11:25 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Doherty called the meeting to order at 1:31 p.m.

**Minutes:**

Approval of the minutes of July 15, 1992, Meeting No. 1892:

On MOTION of BUERGE, the TMAPC voted 6-0-0 (Buerge, Carnes, Doherty, Horner, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Midget, Neely, Selph "absent") to APPROVE the minutes of the meeting of July 15, 1992 Meeting No. 1892

Correction to July 22, 1992 Minutes

Ms. Wilson advised of that page 13 of the minutes under Eric Bolusky, should read *Mr. Bolusky, a former Transportation Planner for the City at that time, explained why the Harvard extension was removed from the Major Street and Highway Plan in 1978.* Also, on page 15, first paragraph midway should read, *Ms. Wilson referred to the removal of Harvard as a secondary arterial from the Major Street and Highway Plan in 1978 and pointed out that it could have been downgraded to a residential collector, but rather it was removed. The next sentence should read Now coming back.....*

Approval of the minutes of July 22, 1992, Meeting No. 1893:

On MOTION of WILSON, the TMAPC voted 6-0-0 (Buerge, Carnes, Doherty, Horner, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Midget, Neely, Selph "absent") to APPROVE the minutes of the meeting of July 22, 1992 Meeting No. 1893 as corrected.

## REPORTS:

### Chairman's Report

Chairman Doherty announced the City Council will be requesting detailed information on the composition and history of the Planning Commission members. He added that they have also requested occupation and company affiliation of the Planning Commission members. Chairman Doherty requested this information be given to the recording secretary.

### Budget and Work Program Committee

Ms. Wilson reminded the Planning Commission of a meeting set for August 19, 1992 at 11:30 to review the first quarter outlook and to hear response from staff regarding review of the scope of a prospective North Tulsa County Report.

### Rules and Regulations Committee

Mr. Parmele reported on today's meeting and advised they will make a recommendation on the Amendments to the Zoning Code pertaining to off-street parking requirements and landscaping of parking lots. He added there was brief discussion and a recommendation to call a public hearing on changes to the language pertaining to the number of single-family dwellings and manufactured homes permitted on one lot of record, Section 207 of the Zoning Code.

### Director's Report

Resolution No.: 1893:731 Resolution to amend District 26 Plan Text and Map to include extension of Harvard Avenue south of 96th Street to 101st Street as a residential collector.

Chairman Doherty announced this Resolution will amend the District 26 Plan Text and Map per action of the Planning Commission two weeks ago. He advised that this resolution would implement that vote.

There was concern among the Planning Commissioners regarding how votes proceed on a public hearing item on which the Planning Commission has already voted and for which the majority voted for the passage. It was noted that there may be some members of the Commission who are opposed to supporting the resolution because of their opposition to the original proposal. Concerns over the necessity of voting in favor of this resolution while being against the content of the resolution were conveyed.

Mr. Linker advised that this vote relates only to the form of the resolution.

Ms. Wilson voiced concern over the need for six affirmative votes for passage and the need to debate something that is already complete, since the majority had already voted in favor of this amendment.

Mr. Linker advised that there is nothing to prohibit further debate, but the required vote was taken on the resolution at the initial vote.

Ms. Wilson questioned that, if there were fewer than six votes on this measure, would it still go forward and not impede the process.

Mr. Linker advised that it would, so long as there is a majority in favor of it.

Mr. Buerge advised that he feels this was a debated issue and that now the Planning Commission members are simply implementing the majority wish of the Planning Commission, not changing the original arguments.

Mr. Buerge, Mr. Midget, and Ms. Wilson asked that the minutes reflect that they are voting on the form of the resolution and that they are still opposed to the Harvard extension.

**TMAPC Action; 7 members present:**

On MOTION of CARNES, the TMAPC voted 7-0-0 (Buerge, Carnes, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Neely, Selph "absent") to APPROVE Resolution No. 1893:731 as to form.

\* \* \* \* \*

**SUBDIVISIONS:**

**PRELIMINARY PLAT**

Southern Pointe Fourth (1583) (PD-18) (CD-8) (RS-3)  
E. 88th Street and S. Yale Avenue

The zoning application on this property is still in process and is not scheduled for Planning Commission hearing until 6/24/92 (Z-6365, AG to RS-3). This TAC review will not be forwarded to the Planning Commission until after the zoning process is completed through the City Council. The following is based upon an approval of the requested RS-3 zoning.

The Staff presented the plat with the applicant represented by Dave Sanders, Engineer, and Greg Breedlove, Developer.

The Department of Public Works (Traffic) advised they would like 88th Street lined up with the Canyon Creek intersection, or within 10', and preferably within about 5' or 6'. Applicant was advised to work with the Traffic Engineer for detailed design of the intersection.

On MOTION of ESHELMAN, the Technical Advisory Committee voted unanimously to recommend APPROVAL of the PRELIMINARY plat of Southern Pointe Fourth, subject to the following conditions:

1. Make sure covenants and title of plat agree. (Plat shows "Fourth" and covenants refer to "FOUR".)
2. Revise covenants to place the utility grants in SECTION I and the private restrictions in SECTION II, etc. (Reference Staff revision, which includes duration and enforcement clauses. Copy provided to applicant.)
3. Easement along Yale is labeled but not drawn in. Should show a 20 1/2' easement with the west 3' as a fence easement, consistent with Southern Pointe to the north.
4. Provide paving radius as recommended by Fire Department on the cul-de-sac. (An additional "roadway/utility easement" may be necessary around the end of the cul to accommodate additional paving width.)
5. On face of plat on lots siding to Canton Avenue put an \* by the 15' building line and note to read: \*Where garages access a side street with a 15' building line, the garage shall be set back 20 feet".
6. Curves #1 & #2 should be 30' in accordance with the Subdivision Regulations on an intersection with an arterial street. (Building line is OK as shown.)
7. 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 should be tied to or related to property lines and/or lot lines.
8. Water plans shall be approved by the Department of Public Works (Water and Sewer) prior to release of final plat. Include language for Water and Sewer facilities in covenants. (Part will be on secondary pressure system, install check valves as directed by DPW.)
9. 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 owners(s) of the lot(s).
10. A request for creation of a Sewer Improvement District shall be submitted to the Department of Public Works (Water and Sewer) prior to release of final plat.
11. Paving and/or drainage plans shall be approved by the Department of Public Works (Stormwater Management and/or Engineering), including storm drainage, detention design and

Watershed Development Permit application subject to criteria approved by the City of Tulsa.

12. A request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Department of Public Works (Engineering Division).
13. Street names shall be approved by the Department of Public Works (Engineering.)
14. Limits of Access or (LNA) as applicable shall be shown on the plat as approved by the Department of Public Works (Traffic). Include applicable language in covenants. Align 88th Street with Canyon Creek intersection or as approved by the Department of Public Works (Traffic Engineering).
15. It is recommended that the developer coordinate with the Department of Public Works (Traffic) during the early stages of street construction concerning the ordering, purchase, and installation of street marker signs. (Advisory, not a condition for release of plat.)
16. 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.
17. The Zoning Application Z-6365 shall be approved and the ordinance or resolution therefore published before final plat is released. Plat shall conform to the applicable zoning approved.
18. A "Letter of Assurance" regarding installation of improvements shall be submitted prior to release of final plat, including documents required under Section 3.6-5 of Subdivision Regulations.
19. All (other) Subdivision Regulations shall be met prior to release of final plat.

Staff Comments

Mr. Wilmoth advised that there are no waivers involved with this plat and that staff recommends approval subject to listed conditions. The zoning has been approved by City Council.

There were no interested parties present.

TMAPC Action; 7 members present:

On MOTION of PARMELE, the TMAPC voted 7-0-0 (Buerge, Carnes, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Neely, Selph "absent") to **APPROVE** the Preliminary Plat of Southern Pointe Fourth subject to conditions as recommended by staff.

\* \* \* \* \*

WAIVER REQUEST; Section 213

Z-6364 Clinton Heights (2294) (PD-9) (CD-2)  
3856 Southwest Blvd.

CH

This is a request to waive plat on that portion of Lots 1, 2, & 3, Blk. 4 of the above subdivision, less that portion taken for the Interstate highway. Vacation of the alley is also pending. (CJ-92-3149)(File 13046-G) Since this is already platted and nothing would be gained by a new plat, it is recommended that the request be **APPROVED**, noting the existing plat (even with the vacation of alley) will meet the provisions of Section 213 of the Code.

Staff Recommendation

Mr. Wilmoth advised that staff recommends approval.

There were no interested parties present.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Buerge, Carnes, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Neely, Selph "absent") to **APPROVE** the Waiver of Plat for Z-6364 as recommended by staff.

\* \* \* \* \*

BOA-16080 Interstate Central (2893) (PD-18) (CD-7)  
4562 East Skelly Drive

(CS)

Mr. Doherty advised receipt of a request to continue this item to August 12, 1992. There were no interested parties present.

TMAPC Action; 6 members present:

On **MOTION** of **PARMELE**, the TMAPC voted **6-0-0** (Buerge, Carnes, Doherty, Horner, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Midget, Neely, Selph "absent") to **CONTINUE** BOA-16080 Interstate Central to August 12, 1992.

\* \* \* \* \*

This is another Board application that was not included in a group of 13 schools, which were applications on existing school sites that have been used as schools for quite some time. The application was prompted because of the School Board's desire to locate temporary mobile homes (manufactured buildings) for classroom uses. Based on the existing use and development in the area, the school use is consistent. The Board of Adjustment has approved the school use and since they are in USE UNIT #5, a platting requirement has been automatically imposed by the Zoning Ordinances.

Since the school is existing and the Board has placed all the necessary controls on the use, it is recommended that the plat requirement be WAIVED as requested, noting that the existing plat meets the provisions of Section 213 of the Code.

Staff Comments

Mr. Wilmoth advised that staff recommends approval.

There were no interested parties present.

TMAPC Action; 7 members present:

On MOTION of BUERGE, the TMAPC voted 7-0-0 (Buerge, Carnes, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Neely, Selph "absent") to APPROVE the Waiver of Plat for BOA 16086 North Highland Acres as recommended by staff.

\* \* \* \* \*

WAIVER REQUEST; SECTION 1107 AND APPROVAL OF PUD DOCUMENTATION

Signal Addition (PUD 484) (893) (PD-4)(CD-4)  
SE/c E. 11th Street and S. Delaware Place

CH, OL, RS-3

This PUD covers six platted lots, North 40' of L. 19, 20-24, Block 2, Signal Addition, Plat #636. Proposed development is for a single story commercial building as per plot plan submitted. The following comments are based on the information submitted with the PUD text.

1. Note that the legal shown on site plan and advertising was "Lots 19-24, Block 2, Signal Addition". This should be "The North 40' of Lot 19 and Lots 20-24, Block 2, Signal Addition." Dimensions on site plan are OK.
2. Site plan shows that most of the sign and parts of nine parking spaces along 11th Street are within 50' from the

centerline of the street. Since this lies within the Major Street Plan setback, Board of Adjustment approval may be required in addition to the PUD approval.

- 3. Since this will require a plat or a waiver of plat as a result of the approval of a PUD, the Dedication of right-of-way for the Street Plan would be a condition unless waived by the TMAPC. (Applicants will apply for a waiver of plat since this is already platted, but a formal application will need to be filed.) Research of the right-of-way widths existing on 11th Street from Delaware to Harvard are as follows:

South side 11th Street, Delaware to mid-block between Evanston and College . . . . . 35'  
Mid-block Evanston and College to S. Harvard Ave. . . . . 30'  
North side 11th Street, Delaware to Gary . . . 30'  
North side Gary to Harvard . . . . . 38'  
The total widths vary from 60' to 68' in this half-mile section.

- 4. Access points shall be approved by the Department of Public Works (Traffic Engineering). An access agreement will be required.
- 5. Restrictive covenants for the PUD shall be filed by separate instrument if plat requirement is waived.
- 6. Paving and/or grading plans shall be approved by the Department of Public Works (Stormwater) in the permit process. (Run-off to Delaware Place or 11th Street.)
- 7. Utility easement exists along the east property line. (10' by plat). (ONG requests an easement parallel to 11th Street.)

In discussion, TAC did not recommend waiver of the right-of-way requirement on 11th, but due to the existing location of buildings and rights-of-way, did not object to applicant requesting waiver.

The applicant was not represented.

On MOTION of MATTHEWS, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of the WAIVER OF plat on PUD-484, subject to the conditions outlined by TAC and Staff, including comment made on waiver of right-of-way requirement on 11th Street.

\* \* \* \* \*

8/5/92



STAFF UP-DATE:

Formal application for the plat waiver has been received. The Board of Adjustment has approved the parking as per PUD. (37.5' from centerline instead of 50') Case #16069, 6/23/92) This waiver process had been delayed pending the Board of Adjustment approval of parking layout. The PUD Ordinance #17690 was published 4/2/92 and contains the corrected legal description.

Therefore, items #1 and #2 above have been met. Item #3 will require waiver of the Subdivision Regulations requiring conformance with the Street Plan. Items #4-7 shall apply.

Restrictions required under item #5 have been submitted and the format approved by the Legal Department. It is further recommended that the PUD documentation be **APPROVED** along with this waiver of plat.

Staff Comments

Mr. Wilmoth advised that the applicant has PUD documentation that has been approved by the Legal Department as to form. Mr. Wilmoth advised that staff recommends approval.

TMAPC Action; 7 members present:

On MOTION of PARMELE, the TMAPC voted 7-0-0 (Buerge, Carnes, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Neely, Selph "absent") to **APPROVE** the Waiver of Plat including Waiver of the Subdivision Regulations requiring conformance with the Street Plan and approval of PUD documentation of Signal Addition.

\* \* \* \* \*

REQUEST FOR RECONSIDERATION OF WAIVER REQUEST; SECTION 213

Z-6272 Auda's Addition and Unplatted (2703) (PD-16) (CD-3)  
5746 East Apache Street

(IL)

This is a request to waive plat on an unplatted tract of land lying between Blocks 2 and 3 of Auda's Addition, approximately 245.4' x 355', measured to centerline of Apache. The zoning application also included Lots 4-6, Block 2 of Auda's and additional land south of Zion Street. The portion of the zoning request south of Zion was denied, so only that land north of Zion was eventually included in the rezoning Ordinance. Site plan submitted only covers the unplatted tract.

A previous plat waiver was processed on Lots 1-3, Block 2, Auda's, under Z-6197. It was approved by TMAPC 8/3/88 subject to a number of conditions recommended by the TAC, including access control, utility easements, grading plans, tie contracts, and Health Department approval of the septic systems. Based upon the previous

recommendations and action by TMAPC, approval of the waiver would be subject to the following:

1. Grading and drainage plan approval by Department of Public Works (Stormwater) in the permit process. (On site detention required. Run off must be directed to Apache or Kingston.
2. An access agreement is required, subject to approval of Department of Public Works (Traffic Engineer). (One common access point was recommended on the previous application to the east. This would be similar so the same thing will apply to the present tract.)
3. Provide 50' of right-of-way on Apache in accordance with the Major Street Plan.
4. Provide a 17-1/2' utility easement parallel to Apache Street and any other easements as needed by the utilities.
5. Sewage Disposal:
  - (a) If septic system(s) are used, approval of the City/County Health Department is required prior to release or issuance of a zoning clearance permit and/or building permit.
  - OR:**
  - (b) This tract is within 250' of an existing sewer. If it is feasible to extend sewer and is recommended by the Department of Public Works (Water & Sewer), then a sewer main extension will be a condition of approval. Applicable plans shall be submitted and approved by the Department of Public Works, Water & Sewer.
6. If septic system(s) are utilized, a "tie contract" may be required to tie enough land together to meet the minimum Health Department standards, based upon percolation test results.
7. A Board of Adjustment case is pending approval, case #15975, for some variances in the setbacks. Should any conditions of that case apply to this waiver, same should be met prior to issuance of occupancy and/or building permits.

The applicant was not represented at the TAC meeting.

In review of all of these conditions, and since this tract is mostly "unplatted", compared to the previous waiver to the east which was 3 platted lots, the TAC will recommend this property be platted in order to provide all of the requirements on one document.

On MOTION of DIXON, the Technical Advisory Committee voted unanimously to recommend that the property included within Z-6272 be platted. In the event a waiver is approved or considered by the TMAPC, all of the listed conditions would apply to the subdivision plat, or to a waiver if granted.

**MINUTES FROM MARCH 18, 1992, MEETING #1876**

Staff Comments

Mr. Wilmoth advised the applicant was not present at the TAC meeting. He reviewed the conditions set forth by TAC.

In response to a question from Chairman Parmele, Mr. Wilmoth responded, gains from going through the platting process would require on-site detention, water or sewer extension may be required. All these things will need easements, rights-of-way, access control. He advised TAC and staff prefer that this be platted so all this information is on one document, the plat.

Applicant's Comments

**Joe Hill**

**9121 E 7th St**

Mr. Hill expressed objections to conditions #1, #2, #3, and #4.

Mr. Hill advised he intends to construct storage buildings on this property of an approximate size of 40' X 60'.

Mr. Gardner explained this is a rezoning to industrial and requires a subdivision plat. If the applicant does not want to go through the expense of engineering fees right-of-way can still be required because it is a waiver of a platting requirement.

Mr. Linker explained to the applicant that when a rezoning was obtained on the property, as the applicant acknowledged doing so approximately two years ago, ordinances require it either be platted or that a waiver of plat be obtained.

TMAPC Action; 9 members present:

On **MOTION** of **DOHERTY**, the TMAPC voted **9-0-0** (Ballard, Broussard, Buerge, Carnes, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Neely, Selph "absent") to **DENY** Waiver Request for Z-6272, 5746 E. Apache Street.

**END OF MINUTES FROM MARCH 18, 1992, MEETING #1876**

TMAPC Comments

Chairman Doherty reported the applicant is now willing to comply with the above-stated conditions. He advised this item has been returned for reconsideration after City Protective Inspections discovered completed buildings on this lot, which were built without benefit of required building permits.

Mr. Parmele asked if the Planning Commission could reconsider this since it is not an immediately following meeting and not made at the request of prevailing parties.

Mr. Linker responded that it probably would be in violation of Robert's Rules of Order.

Chairman Doherty noted that previously the Planning Commission had indicated that a plat was the best way to take care of all the items involved, since the applicant was unwilling to comply with recommendations. The applicant has since indicated willingness to comply.

Mr. Wilmoth advised that the applicant has paid another fee to request this reconsideration.

Mr. Doherty deemed this item to be a new application.

#### Staff Comments

Mr. Wilmoth advised that staff had nothing new to add. Staff believes that it would be better to have the tract platted. Since the applicant is willing to comply with all of the listed conditions, including right-of-way, easements, and access contract agreement, these items are handled by staff and those documents are ready to prepare and sign, staff can support the application. The other items are handled in the permit process, through the Health Department and Building Inspections. Mr. Wilmoth advised staff feels if the plat is waived, it should be subject to all of the listed conditions.

#### TMAPC Comments

Chairman Doherty expressed concern over Mr. Hill's dedication to fulfilling all of the requirements, in view of his seeming disregard for previous action by constructing the existing buildings without a building permit.

Mr. Hill declared the buildings had been built before his appearance before the Planning Commission on March 18, 1992. He explained that he purchased the buildings, applied for a permit, and was told the permit would be ready by the 10th of the month. He did not recall which month that was. Mr. Hill advised that he had already hired a crew, bought the buildings, and the crew put the buildings up. Mr. Hill was in the hospital at that time.

Chairman Doherty remarked that the Planning Commission was unaware that any buildings were in existence at the March 18, 1992 meeting.

Mr. Hill advised that he is now willing to comply with all the conditions. He stated his original objection was to being allowed only one driveway, since there are two in existence.

Mr. Horner voiced concern over the applicant's disregard of regulations.

Mr. Doherty expressed sharing Mr. Horner's concern over disregard of regulations, but feels the City's interests are served if all conditions are met.

**TMAPC Action; 7 members present:**

On **MOTION** of **PARMELE**, the TMAPC voted **6-1-0** (Buerge, Carnes, Doherty, Midget, Parmele, Wilson "aye"; Horner "nay"; no "abstentions"; Ballard, Broussard, Neely, Selph "absent") to **APPROVE** the Waiver Request for Z-6272 Auda's Addition subject to all conditions as recommended by staff.

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**ACCESS CHANGE ON RECORDED PLAT**

Carman Ministries (PUD 386-1)(1383) (PD-18)(CD-8) RM-1, AG  
8835 S Memorial Drive

The purpose or reason for change is to realign one existing access point on South Memorial. No additional access is being created. Recommendation of Dept. of Public Works (Traffic) **APPROVAL**, staff recommends **APPROVAL**.

**Staff Comments**

Mr. Wilmoth stated that staff recommends approval.

There were no interested parties present.

**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Buerge, Carnes, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Neely, Selph "absent") to **APPROVE** the Access Change on Recorded Plat for Carman Ministries.

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**LOT SPLITS FOR WAIVER**

L-17564 Chamberlain/Moore (3203) (PD-3)(CD-3) CH  
715 & 719 North Lewis Avenue

This lot split is to resolve a building encroachment. The owners have agreed to an exchange of land. Two strips one 10' wide by 52' long and one half foot by 83' will be traded.

The Street Plan for North Lewis requires a 100' right-of-way; 30' is existing dedicated by the plat. This is an older area and the buildings are very close to the street. No additional right-of-way has been obtained in this area. Applicant is requesting waiver of the Street Plan requirements.

Staff recommends approval of L-17564 and waiver of Street Plan requirements due to the closeness of the buildings to the street.

Applicant provided a drawing illustrating distance of buildings from the street. There is 30' from centerline to property line and the closest building is 32' from center.

The applicant was not represented.

On MOTION of FRENCH, the Technical Advisory Committee voted unanimously to recommend **APPROVAL** of L-17564, as submitted noting that existing buildings would prohibit dedication of any additional right of way without taking a portion of a structure, and that in this case waiver of the Subdivision Regulations requiring conformance with the Street Plan would be recommended.

Staff Comments

Mr. Wilmoth advised staff recommended approval.

There were no interested parties present.

TMAPC Action; 7 members present:

On MOTION of MIDGET, the TMAPC voted 7-0-0 (Buerge, Carnes, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Neely, Selph "absent") to **APPROVE** L-17564 and Waiver of Subdivision Regulations requiring conformance with the Street Plan per staff recommendation.

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LOT SPLITS FOR RATIFICATION:

L-17462 Ellison (1993) (PD-6) (CD-9)  
2221 E. 39th St.

RS-2

Staff Comments

Mr. Wilmoth advised of documentation from Public Works in regard to placing a building on this tract. Mr. Wilmoth advised receipt of a letter from Public Works to the applicant regarding placement of the building on this tract. He noted that there was an easement across this tract that was vacated through District Court and the closure procedures through the City. A drawing has been furnished indicating where the house may be placed. Also a letter was furnished from Jack Page through the applicant setting forth the conditions.

Mr. Parmele advised that Kevin Coutant was to have faxed a letter to staff addressing concerns about drainage.

Mr. Wilmoth advised that he was in possession of a letter from Jack Page to the architect of the house that lists three conditions as to location of the house, type of construction, etc. that they will need to approve.

Mr. Gardner reported receiving no such fax, but did speak to Mr. Coutant about this matter. Mr. Gardner conveyed Mr. Coutant's concerns over drainage, and he wanted the Planning Commission to be aware that he represents interested parties in this neighborhood who are concerned about this zoning. Mr. Gardner cautioned Mr. Page and the City to proceed cautiously to ensure this can meet all drainage requirements without causing neighbors in the area additional problems.

Mr. Coutant's concerns were noted for the record and a copy of these minutes will be sent to Mr. Page.

There were no interested parties in attendance.

**TMAPC Action; 7 members present:**

On MOTION of PARMELE, the TMAPC voted 7-0-0 (Buerge, Carnes, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Neely, Selph "absent") to APPROVE L-17462 subject to conditions as recommended by the Department of Public Works regarding construction on this lot.

\* \* \* \* \*

**LOT SPLITS FOR RATIFICATION OF PRIOR APPROVAL:**

L-17556 (2893) Interstate Central (PD-18) (CD-7)  
4562 E. Skelly Drive

CS

**TMAPC Action; 7 members present:**

On MOTION of PARMELE, the TMAPC voted 7-0-0 (Buerge, Carnes, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Neely, Selph "absent") to CONTINUE L-17556 to August 12, 1992.

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L-17568 ( 393)	Hall (PD-5) (CD-4)	575 S. Hudson	RS-3
L-17569 ( 883)	Gilmore (PD-18) (CD-2)	7400 Block S. Gary Place	RS-1
L-17570 (2283)	Hunters Glen (PD-18) (CD-2)	East Braden Avenue, south of 91st Street	CS
L-17571 (2283)	Hunters Glen (PD-18) (CD-2)	SW/c S. 91st St. & S. Braden Avenue	CS
L-17572 (1783)	ORU (PD-18) (CD-2)	SE/c S. 81st St. & S. Lewis	OM

Staff Comments

Mr. Wilmoth advised that staff has found the above-listed lot splits to be in conformance with the lot split requirements of the Subdivision Regulations.

TMAPC Action; 7 members present:

On MOTION of PARMELE, the TMAPC voted 7-0-0 (Buerge, Carnes, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Neely, Selph "absent") to RATIFY of the above-listed lot splits having received prior approval.

\* \* \* \* \*

CONTINUED ZONING PUBLIC HEARING:

Amendments to the City of Tulsa and Tulsa County Zoning Codes pertaining to off-street parking requirements and landscaping of parking lots and abutting areas.

Staff Comments

Mr. Jones gave an overview of the parking study and detailed the significant changes discussed at today's Rules and Regulations Committee meeting. Mr. Jones noted the landscape portion is the last concept of the overall study. The first part of the study was to review the number and required off-street parking spaces for different uses within the zoning code; the second part established standards for off-street parking spaces and parking lots; and the third part has been the landscape portion of the study. Mr. Jones advised that staff is requesting the Planning Commission adopt the study, and direct Legal to prepare this in ordinance form. Mr. Jones advised that Roy Johnsen, who has assisted staff in this study and who could not be in attendance today, has requested that the public hearing be continued to a date that could coincide with Legal's completion, should there be further comments.

Mr. Linker advised that Legal would prefer to wait until they receive a draft that is approved to prepare the ordinance.

Interested Parties

**Charles Norman** 2900 Mid-Continent Tower 74103  
 Mr. Norman, representing the Tulsa Parking Authority, explained that he has not participated as he would have liked to on this



proposed ordinance. Mr. Norman expressed support of the concept of the ordinance. He questioned the requirement in the Central Business District (CBD) for parking structures, C.4.b. Mr. Norman believes the assumption is being made that a parking structure is less attractive than other designs or buildings. Mr. Norman pointed out that to require parking structure screening reduces the capacity of the land to yield parking spaces and encouraged the Planning Commission to reconsider this requirement.

Mr. Jones noted the parking structure staff used as an example was the Osteopathic Hospital parking structure and commented on the excellent job done with landscaping with tall trees which does a good job in screening that structure.

Mr. Parmele declared there should be differentiation between surface parking lots and parking structures, and acknowledged the need to provide relief for structures.

Mr. Norman commented that he feels it is inappropriate to require a certification by a landscape architect or nursery person for every application.

Mr. Doherty explained that issue was of concern of the Rules and Regulations Committee and was discussed at some length and explained the intent.

Mr. Norman encouraged a minimum lot size be considered for this to exempt the smaller building permit projects.

**Fran Pace, Chair District 4, Planning Team**

**1326 S Florence**

Ms. Pace expressed concern over the District Planning Chairs not having received a draft copy of the parking study and over lack of attendance for the public hearing.

Mr. Gardner explained notice was sent out making the draft available to anyone who requested it, including District Chairs and Co-chairs. Mr. Gardner noted that staff welcomed any information citizens might have and commented on the lack of responses to this issue.

There was much discussion on the notification to Planning District Chairs on this study and their ability to obtain copies.

Ms. Pace expressed her opinion that the Planning Commission was making a mistake in not sending out draft copies to District Planning Chairs and Co-chairs. Ms. Pace cited areas in her district where there is a lack of area to comply with the proposed standards. She conveyed concerns that this would gloss over the less attractive neighborhoods.

Mr. Jones reviewed the procedure for requesting copies of the landscape ordinance and noted that private industry received

complete packets. The only response received was from the group Roy Johnsen represents.

In response to a question from Ms. Wilson, Mr. Jones replied that DTU was sent a complete packet and he has visited with some of their members, but has received no formal comment from them. Mr. Jones noted that at the last public hearing it was surmised there was lack of participation because the industry supports this need for landscaping.

Mr. Parmele announced the recommendation from the Rules and Regulations Committee, by a 4-0 vote, is to recommend adoption of the proposed amendment to the Zoning Code as it pertains to parking standards, parking lot design and landscaping requirements. He addressed Mr. Norman's concerns over parking lot structures. Mr. Parmele acknowledged the need for landscaping on surface parking lots, but does not see much difference between a downtown parking garage and a building. He discerned that if buildings are excluded then perhaps parking garages or structured parking should also be excluded.

Mr. Gardner reminded the Planning Commission that on other ordinances they have excluded the CBD.

Discussion ensued over excluding parking structures from the proposed requirements. It was the consensus of the Planning Commission to approve staff recommendation with the exclusion of C.4.a and b.

Mr. Midget made the motion to adopt staff recommendation and exclude from the landscape requirements structured parking in the CBD only, C.4.a.b. and instruct Legal to prepare the ordinance reflecting the recommendation for final public hearing to adopt the ordinance.

**Roy Johnsen**

Mr. Johnsen, representing the Urban Affairs Committee of the Board of Realtors, advised that in their early meetings, the Board endorsed the concept of requiring landscaping and requested that he participate at the staff level for a more workable ordinance than what was originally presented to them. Mr. Johnsen had advised these clients there would be another opportunity for them to review a draft and respond with their input. Mr. Johnsen asked the public hearing be kept open before final adoption, so he can review this draft with his clients.

Mr. Linker advised that Legal would like to prepare the ordinance after the Planning Commission has approved the final content of the amendment.

Mr. Parmele advised that he is prepared today to approve the amendment. He advised Mr. Johnsen there is still time to amend the draft as Legal prepares the ordinance based on the language

approved today. Mr. Parmele feels there should be no more continuances of the basic content of the proposal.

Mr. Midget withdrew his motion and advised that Mr. Johnsen has made a good point and would like to afford him the opportunity to discuss the draft with his clients before the Planning Commission makes a final approval of this study.

Chairman Doherty advised being willing to continue the public hearing for two week to allow time for further review.

**TMAPC Action; 6 members present:**

On MOTION of MIDGET, the TMAPC voted 6-0-0 (Buerge, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Carnes, Neely, Selph "absent") to CONTINUE the public hearing to August 19, 1992

\* \* \* \* \*

**OTHER BUSINESS:**

PUD 481 Detail Landscape Plan - Mingo Market Place except Lots 4, 5, and 6, Block 1, and Lot 1, Block 2, - Northwest corner of 71st Street South and Mingo Valley Expressway.

Staff has reviewed the proposed landscape plan and finds it to be in compliance with the PUD standards and therefore recommends APPROVAL.

**TMAPC Action; 6 members present:**

On MOTION of HORNER, the TMAPC voted 6-0-0 (Buerge, Carnes, Doherty, Horner, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Midget, Neely, Selph "absent") to APPROVE the Detail Landscape Plan for Mingo Market Place except Lots 4, 5, and 6, Block 1 and Lot 1, Block 2 in PUD 481.

\* \* \* \* \*

PUD 417 Revised Detail Site Plan - Development Area A - Northeast corner of 21st Street South and Utica Avenue.

The St. John Medical Center is requesting to revise their Site Plan for Development Area A to move the primary landing site for medical helicopters from in front of the hospital to on top of the hospital at its western end. The existing heliport location would remain as

an emergency backup landing site. The new location appears to provide a safer landing site and one which will not disrupt vehicular traffic as landings do at the present location. The new heliport site appears to be far enough removed from residential areas to be compatible. Therefore staff recommends **APPROVAL** of the Revised Detail Site Plan for Development Area A.

Applicant's Comments

Mr. Charles Norman, attorney for the applicant, expressed agreement with staff recommendation and noted that this item is part of the conversion of the sixth floor of the south building to emergency and surgical suites. He advised this is part of the major conversion of the service areas in the south building at St. John's. Mr. Norman assured that it will not increase or change the number of flights in any way and will be a safer and quieter approach.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, the TMAPC voted **7-0-0** (Buerge, Carnes, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Neely, Selph "absent") to **APPROVE** the Revised Detail Site Plan for PUD 417.

\* \* \* \* \*

**PUD 441** Revised Detail Site, Landscape and Sign Plans -  
Northeast corner of Pine Street and Union Avenue.

The applicant has revised the Site and Landscape Plans for the Food Lion because the oil well on the site was capped and can be eliminated from the site plan. The new plans improve the circulation in the parking lot and comply with the PUD requirements. Therefore staff recommends **APPROVAL** of the Revised Detail Site and Landscape Plans, both dated 7/15/92.

The Food Lion is also proposing to revise their Sign Plan by replacing the approved pole sign with a monument sign of the same type that was approved in PUD 206 on South Sheridan Road. Staff feels this is an improvement and recommends **APPROVAL**.

Ms. Devetta Montgomery, Planning District 11 Chair, was present and expressed agreement with staff recommendation.

TMAPC Action; 7 members present:

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Buerge, Carnes, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Neely, Selph "absent") to **APPROVE** the Revised Detail Site Plan, Detail Sign Plan, and Detail Landscape Plan for PUD 441.

\* \* \* \* \*

PUD 484 Detail Landscape Plan - Southeast corner of 11th Street South and Delaware Place.

Staff has reviewed the proposed landscape plan and compared it with the PUD standards and the landscaping shown on the Detail Site Plan submitted with the original PUD. The PUD states a screening fence must be provided on the east boundary where it abuts an RS district. No screening fence is shown at this location. Also, extensive landscaping in the form of shrubs was shown along the 11th Street frontage in the original plan submitted with the PUD application. This has been deleted from the Detail Landscape Plan. Staff can recommend **APPROVAL** only if the following changes are made.

1. Provide a screening fence meeting the requirements of Section 212 of the Zoning Code on the south 150' of the east property line.
2. Increase the width of the landscaped area along 11th Street by 3' and submit a revised plan showing plantings in this area similar to those shown on the Site Plan dated 11/22/91.

Staff Comments

Mr. Stump advised that staff is in agreement with the proposal, provided the two conditions listed are met. Mr. Stump revealed that the City Council imposed a condition for a screening fence along the eastern boundary where it abuts RS districts. Staff has only today received a revised landscape plan which indicates a screening fence in that location. The other item remaining for debate is the landscaping along the front property. Staff feels there is sufficient parking lot area to reduce the width of the parking lot near the front by about 3', providing a 3' grassed overhang area for the front of cars. This would allow sufficient width beyond that to plant shrubs similar to the planting scheme that was shown in the original submittals of the PUD. On the current submittal there are no plantings shown, except grass, along the front.

Applicant's Comments

Mr. Bill Jones, attorney representing the applicant, expressed agreement with staff recommendation. Mr. Jones revealed the applicant has planted more trees than was originally anticipated. Mr. Jones advised not being aware that when a site plan is submitted which indicates where shrubs will be planted that the applicant will be held to that. He noted that the detailed site plans are sometimes done by architects and not landscape architects.

Mr. Stump advised that staff felt that particular planting was a significant feature along 11th Street that staff perceives would be appropriate.

Mr. Doherty commented that in the case of this particular PUD, the treatment of landscape, screening, and so forth, has been critical because of concern voiced from the neighbors.

Mr. Jones disclosed that adjacent neighbors and the architect met to review the plan and these residents have expressed approval of the plan.

#### Interested Parties

**Fran Pace, District 4 Planning Chair** 1326 S Florence 74104

Ms. Pace advised having addressed various committees in objection to this item. Ms. Pace declared that she has not received a copy of the final plan and conveyed objections from area residents because this plan is not the same as the one that was adopted. She noted the fence is not shown on the plan and would like to see it included. Ms. Pace believes a plan should be resubmitted and strongly urged item #2 be adhered to.

Ms. Pace advised that interested residents would like to review this plan. She declared that residents were to have reviewed an elevation drawing on where the fence would be and has not seen any information on this. Ms. Pace pointed out that although the immediately adjacent neighbors have expressed approval of this plan, other nearby residents are also affected. She advised interested parties assumed there would be small shrubbery at every level, and she stated that her request for sizeable tree plantings along 11th Street was rejected by all she addressed. Ms. Pace mentioned disabled access parking has been relocated.

Mr. Doherty pointed out parking is a function of Building Inspections.

Mr. Parmele noted that staff is recommending approval only if the listed changes are made and staff finds all else to be in conformance with the amended PUD that was approved by City Council.

Ms. Pace requested it be noted and changed that the fence will be on the neighbors' elevation.

Mr. Parmele advised that is one of the conditions of approval.

In regard to the disabled parking, Mr. Doherty noted that the applicant cannot get a certificate of occupancy unless there is disabled access.

Mr. Gardner explained the original plan was distributed because that was the site plan, but it also showed landscaping. The only issue before the Planning Commission today is landscaping. There was a detailed site plan previously approved and it will have to be developed in accordance with that. Mr. Gardner stated the Building

Inspector will issue building permits based on the approved site plan.

**TMAPC Action; 7 members present:**

On MOTION of PARMELE, the TMAPC voted 7-0-0 (Buerge, Carnes, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Neely, Selph "absent") to APPROVE the Landscape Plan for PUD 484 subject to staff recommendation.

\* \* \* \* \*

**PUD 206**                   Amendment to Detail Site Plan Condition for Food  
Lion - South of the Southwest corner of 91st Street  
South and Sheridan Road.

Due to the construction grading raising the building pad for the grocery store approximately 7' above existing grade at the southwest corner of the building site, abutting homeowners have requested that modifications be made to the approved screening and landscaping plan. The developer is now meeting with these homeowners to present their proposed alterations which ultimately would need to be approved by TMAPC. Because of this potential delay in completing the design and location of the screening wall, the developer is requesting an amendment to the Site Plan condition which requires erection of the screening wall prior to commencing construction of the food store above foundation level. The request would modify this condition to read as follows:

The eight foot high woodcrete screening wall will be constructed prior to issuance of an occupancy permit.

Staff feels the request is reasonable and consistent with the requirement for screening in other developments. Therefore staff recommends **APPROVAL** of the proposed change in this condition of the Detail Site Plan approval.

**TMAPC Comments**

Chairman Doherty gave background information on this issue. He advised it was brought to Councilor Cleveland's attention by the neighborhood that in developing this site, because of the elevation of the pipeline, the normal cut-and-fill could not be applied. A pad was constructed which elevated the store significantly higher than was envisioned. Neighbors are now faced with a very tall building in their backyard. Councilor Cleveland and Chairman Doherty met with neighbors, interested parties, and the applicant and there was much discussion. They believe an agreeable solution has been reached which will return as an amendment to the detail site plan. However, it must first be reviewed by Food Lion's legal department. Chairman Doherty advised that a condition of site plan approval was that an 8' fence be erected before any construction on

that site came above foundation level. It is not practical, at this point, to hold to that if they are to proceed with the agreement with the neighbors, which seems to be in everyone's best interest. However, it will take time to develop and it is not practical to stop construction. Area residents are in agreement with this, believing the applicant is acting in good faith and the amendment before the Planning Commission has the residents' approval.

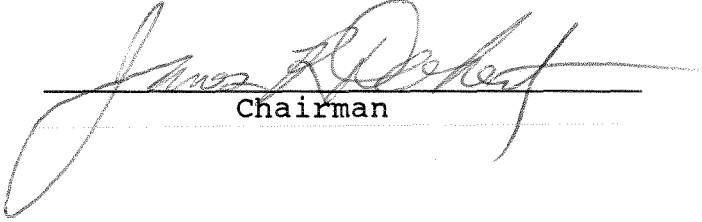
**TMAPC Action; 7 members present:**

On **MOTION** of **MIDGET**, the TMAPC voted **7-0-0** (Buerge, Carnes, Doherty, Horner, Midget, Parmele, Wilson "aye"; no "nays"; no "abstentions"; Ballard, Broussard, Neely, Selph "absent") to **APPROVE** the Amendment to the Detail Site Plan for PUD 206 subject to staff recommendation.


\* \* \* \* \*

There being no further business, the Chairman declared the meeting adjourned at 3:00 p.m.

Date Approved: 8-19-92

  
\_\_\_\_\_  
Chairman

ATTEST:

  
\_\_\_\_\_  
Secretary *Mc-Chan*



**CHAPTER 10****LANDSCAPE REQUIREMENTS**

- 1000. Purpose
- 2000. Applicability and Exemptions
- 3000. Landscape Requirements
- 4000. Administration

**SECTION 1000. PURPOSES**

The purposes of the landscape requirements are:

- A. To promote the beautification of the City of Tulsa and to enhance its aesthetic quality.
- B. To promote reasonable preservation and replenishment of valued trees and vegetation.
- C. To aid in stabilizing the ecological balance by contributing to air purification, oxygen regeneration, ground water recharge, and storm water runoff retardation.
- D. To achieve a meaningful urban forest while permitting economically feasible urban development to occur.

**SECTION 2000. APPLICABILITY AND EXEMPTIONS**

The landscape requirements herein established shall be effective March 1, 1993 and shall be applicable to all land for which a building permit is sought, provided however, the landscape requirements shall not be applicable to the following:

- 1. Land used for single family or duplex dwellings where only one such structure is to be constructed on the lot.
- 2. Restoration of a building, constructed prior to March 1, 1993, which is damaged by fire, explosion, flood, or other catastrophe.
- 3. Remodeling of a building if the front and side exterior walls of the building remain in the same location.
- 4. Land for which a Detail Landscape Plan has been approved by the Planning Commission prior to March 1, 1993 pursuant to its review of a planned unit development or corridor development provided however that landscaping is installed in accordance with the approved Detailed Landscape Plan prior to November 1, 1995.

5. The developed portions of a lot, if the improvements existed on March 1, 1993 and the proposed development for which a building permit is sought does not increase the impervious area (building coverage or paved area) within the developed portions of the lot.

For the purposes of this subsection 5, developed portions of the lot shall mean the identifiable area of the lot which contains a building or buildings, or parking area including drives, and appurtenant open spaces.

**Section 3000. LANDSCAPE REQUIREMENTS**

**A. Frontage and Perimeter Requirements.**

1. Not less than 15% of the street yard shall be established and maintained as landscaped area.
2. Within the lot, a landscape area shall be established and maintained, which is not less than 5 feet in width and which extends along the entirety of abutting street right-of-way excepting points of vehicular access.
3. Within the lot, off-street parking areas shall be separated from a contiguous residential district by a landscape area which is not less than 5 feet in width.
4. In computing the landscaped area required in subsection 1 above, landscaped areas established as required by subsections 1 and 2 if located within the street yard shall be included.
5. The requirements set forth in subsections 1, 2, and 3 shall not be applicable to properties within the Central Business District.

[Street Yard: The minimum required yard (residential) ]  
[abutting a public street or the area of a lot contained ]  
[between the minimum required building setback line ]  
[(nonresidential) and an abutting public street ]

**B. Parking Area Requirements**

1. Within parking areas designed for twenty (20) or more spaces landscaped areas shall be established and maintained as follows:
  - (a) No parking space shall be located more than fifty (50) feet from a qualifying landscaped area containing at least 30 square feet, with a minimum width or diameter of three feet.

- (b) The number, size, and shape of islands, peninsulas, and medians in parking areas are not herein prescribed, but shall be substantially distributed evenly throughout the parking area.
- 2. The requirements set forth in subsection 1 shall not be applicable to properties within the Central Business District.

**C. Tree Requirements**

- 1. Within the street yard trees shall be preserved or planted, and maintained or replaced, as follows:
  - (a) One tree for each 1,000 square feet, or fraction thereof, of street yard up to 10,000 square feet plus one tree for each 2,500 square feet, of street yard or fraction thereof, up to 110,000 square feet plus one tree for each 5,000 square feet or fraction thereof of street yard exceeding 110,000 square feet.
- 2. For surface parking areas located in districts other than the Central Business District, which are designed for twenty or more spaces, trees shall be preserved or planted, and maintained or replaced, as follows:
  - (a) One tree for each 12 parking spaces.
  - (b) One tree within each required landscaped area.
- 3. For surface parking areas located in the Central Business District which are designed for twenty or more spaces, trees shall be preserved or planted and maintained or replaced as follows:
  - (a) One tree for each 35 lineal feet of parking area located within 25 feet of public street right-of-way.
  - (b) Required trees shall be located within 10 feet of a public street right-of-way.
- 4. For parking structures located in the Central Business District, trees shall be preserved or planted and maintained and replaced as follows:
  - (a) One tree for each 35 lineal feet of parking structure wall located within 25 feet of public street right-of-way.
  - (b) Required trees shall be located within 10 feet of a public street right-of-way.

5. In computing the number of trees required within a parking area located within a street yard, the greater requirement of subsection 1 or 2 above shall be applicable.
6. An existing or planted tree which is at least 6 inches (6") in caliper shall be considered as two trees for the purposes of determining compliance with the requirement of subsection 1 and 2 above, provided that there is no alteration of the soil grade under an existing tree's dripline.
7. Planted trees shall be planted in a pervious area not less than three feet in diameter.
8. Minimum tree sizes at time of planting shall be as follows:
  - (a) Ornamental trees having a mature height of 20 feet shall be not less than 6' in height, and 1" caliper.
  - (b) Conifers/Evergreen trees, such as pine, spruce, or cedar shall be not less than 5' in height.
  - (c) Canopy trees having a mature height exceeding 20', shall be not less than 8' in height and 1 1/2" caliper.

#### **D. Miscellaneous Requirements**

1. Not more than 20% of the required landscaping may be located within public street right-of-way and if the City of Tulsa shall direct the removal thereof, an equivalent amount of landscaping shall upon 30 days notice be installed within the lot.
2. Required landscaping shall not include artificial plants, trees, or other vegetation.
3. Required landscaping shall be irrigated by one of the following methods:
  - (a) An underground sprinkling system.
  - (b) A drip system.
  - (c) A hose attachment within 100 feet of all landscaped areas.
4. All landscaped areas which are adjacent to pavement shall be protected with curbs or equivalent barriers.
5. Landscaping shall not obstruct traffic visibility at public street intersections or at private access points to public streets.

6. Required landscaping shall be continuously maintained in a live and healthy condition and shall be replaced as necessary to comply therewith.
7. Required landscaped areas shall be continuously maintained free of debris and litter.
8. Required landscaping shall be installed in accordance with the approved Landscape Plan as set forth in Section 4000, prior to the issuance of an occupancy permit, or if no occupancy permit is required, then prior to the commencement of the use of the land.

**E. Incentive Credits**

To encourage preservation of existing mature trees and/or the planting of larger trees, each square foot of landscaped area which is permeable and within the dripline of a tree at least 6" in caliper shall constitute 1.5 s. f. of landscaped area for the purposes of meeting the requirement of 15% street yard landscaping and/or parking area landscaping provided, however:

1. Overlapping dripline areas shall only be counted once.
2. At least 1/2 of the dripline area shall be permeable.
3. The original grade of the dripline shall not be substantially changed.
4. The .5 s.f. incentive credit shall not constitute more than 25% of the landscape requirement.

**F. Alternative Compliance**

The Planning Commission, pursuant to its review of a Landscape Plan as provided in Section 4000 may approve landscaping which is not in strict compliance with the requirements set forth in Subsections A, B, C and D above, upon its determination that the proposed alternative landscaping is equivalent or better in achieving the purposes of the landscaping requirements.

**SECTION 4000. ADMINISTRATION**

**A. Landscape Plan**

Upon submission to the Protective Inspection Department of the City of an application for a building permit for land use requiring landscaping as set forth in Section 2000, a Landscape Plan shall concurrently be submitted in triplicate to the Planning Commission, which sets forth:

1. The date, scale, north arrow, project name and name of owner.
2. The location of property lines and dimensions of the tract.
3. The approximate center line of existing water courses; the approximate location of significant drainage features; the location and size of existing and proposed streets and alleys; existing and proposed utility easements on or adjacent to the lot; and existing and proposed sidewalks on or adjacent to the lot.
4. The location, size, and type (tree, shrub, groundcover, or grass) of proposed landscaping and the location and size of the proposed landscaped areas.
5. Planting details and/or specifications evidencing that vigorous and healthy growth will be achieved.
6. The location, size and species of existing trees in the street yard and parking areas having trunks six (6) inches or larger in caliper and the approximate size of their crowns.
7. The method of protecting the existing trees, which are to be retained, from damage during construction.
8. The proposed irrigation system including a detailed drawing of the nature and location of the irrigation system.
9. The schedule of installation of required landscaping and appurtenances. The schedule shall specify installation of all required landscaping and appurtenances, except trees, prior to occupancy, and shall specify installation of trees within 120 days after occupancy.
10. The written certification of a registered landscape architect or licensed nurseryman that the installation of the landscaping and appurtenances in accordance with the Landscape Plan will be in compliance with the requirements of Section 3000.

**B. Planning Commission Action**

Within 15 days after receipt of a Landscape Plan the Planning Commission shall determine whether or not the landscaping requirements of this Code will be complied with upon completion of the installation of landscaping and appurtenances in accordance with Landscape Plan and may set forth the conditions, if any, that would achieve compliance.

The Planning Commission shall submit it's determination in writing to the Protective Inspection Department of the City within 20 days after receipt of a Landscape Plan.

**C. Assignment of Administrative Responsibility**

The Planning Commission, may by adopted resolution designate staff personnel to make the determinations set forth in Subsection B above and Subsection F of Section 3000, provided however the application for Landscape Plan approval shall have a right of appeal to the Planning Commission, and upon appeal, the time for the Planning Commission to submit its determination to the Protective Inspection Department of the City shall be 30 days after receipt of a Landscape Plan.

**D. Appeal From Planning Commission Action**

An appeal to the Board of Adjustment may be taken, in accordance with the provisions of Section 1605, by any person aggrieved by a determination of the Planning Commission set forth in Subsection B above or Subsection F of Section 3000.

## DEFINITIONS

### **Caliper**

The diameter of the tree trunk measured at 6" above ground level for a tree trunk having a diameter of 4" or less and the diameter of the tree trunk measured at 12" above ground level for a tree trunk having a diameter exceeding 4".

### **Dripline**

The periphery of the area underneath a tree which would be encompassed by perpendicular lines extending from the exterior edges of the crown of the tree.

### **Landscaped Area**

The unpaved area within a lot which is used for the planting, maintenance and growth of plant materials including but not limited to grass, shrubs, flowers, ground cover, trees and native plant materials and may include decorative fixtures such as rock, pools and planters.

### **Street Yard**

The minimum required yard (residential) abutting a public street or the area of a lot contained between the minimum required building setback line (nonresidential) and an abutting public street.

### **Tree**

A woody plant having one or more defined stems or trunks and having a defined crown and customarily attained a mature height of 8' or greater or a woody plant set forth within a list of trees certified by the Urban Forester of the City and adopted by resolution of the Planning Commission.