

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2453

Wednesday, July 26, 2006, 1:30 p.m.
Francis Campbell City Council Room
Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ard	Cantees	Chronister	Ackermann, Legal
Bayles	Midget	Huntsinger	
Bernard		Matthews	
Carnes			
Collins			
Harmon			
Jackson			
Wofford			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, July 21, 2006 at 9:41 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Bernard called the meeting to order at 1:32 p.m.

Mr. Bernard announced that Item 3, Continued Zoning Code Public Hearing, will be moved to the end of the public hearing, right before going into the worksession.

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

Ms. Bayles in at 1:34 p.m.

Minutes:

Approval of the minutes of June 28, 2006 Meeting No. 2450

On **MOTION** of **HARMON**, the TMAPC voted 7-0-0 (Ard, Bayles, Bernard, Carnes, Harmon, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Collins, Midget "absent") to **APPROVE** the minutes of the meeting of June 28, 2006, Meeting No. 2450.

REPORTS:

Director's Report:

Ms. Matthews stated that Mr. Alberty has been in court for three days on a lot-split issue and he hopes to have this resolved quickly.

SUBDIVISIONS:

FINAL PLAT:

Union Place – (8418) (PD-18) (CD-8)

Southwest corner of East 81st Street South and Garnett Road

STAFF RECOMMENDATION:

This plat consists of three lots in one block on ten acres.

All release letters have been received and staff recommends **APPROVAL**.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted 7-0-0 (Ard, Bayles, Bernard, Carnes, Harmon, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Collins, Midget "absent") to **APPROVE** the final plat for Union Place per staff recommendation.

CONTINUED ZONING PUBLIC HEARING:

Application No.: Z-7023 **RS-3 to RM-2**

Applicant: Keli Hearon (PD-6) (CD-4)

Location: 1617 South Lewis

STAFF RECOMMENDATION:

Z-6985 May 2005: All concurred in a recommendation for denial of a request to rezone property at 1601 South Lewis from RS-3 to OL. Upon appeal of the recommendation for denial, the City Council directed the TMAPC to conduct a

special study of the area and to enact a moratorium on further rezoning pending outcome of the study and that of a university graduate school class.

Z-6490 & Z-6490-A August 1995: All concurred in an overlay Historic Preservation zoning on property located between East 15th Street and East 21st Street, South Utica Avenue and South Lewis Avenue.

BOA-16019 April 28, 1992: The Board of Adjustment approved a Special Exception to allow a school use in an RS-3 district for the existing Barnard Elementary School on property located at the northwest corner of East 17th Place South and South Lewis Avenue (2324 East 17th Place).

BOA-12540 April 21, 1983: The Board of Adjustment approved a Variance to allow two dwelling units on one lot of record in an RS-3 zoned district (garage apartment) and a Variance of the bulk and area requirements per conditions, on property located at 2207 East 18th Street and located southwest of subject property.

BOA-696 September 10, 1929: The Board of Adjustment recommended approval for a duplex on the subject property.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 7250± square feet in size and is located south of the southeast corner East 16th Street and South Lewis Avenue. The property is being used as residential multifamily and is zoned RS-3.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Lewis Avenue	Urban Arterial	70'	4 lanes

UTILITIES: The subject tract has municipal water and sewer.

SURROUNDING AREA: The subject tract is abutted on the east by a single-family residence zoned RS-3; on the north by a single-family residence, zoned RS-3; on the south by townhomes, zoned RT; and on the west by single-family residences, zoned RS-3 with an overlay of HP.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 6 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area low intensity. A recent zoning case (Z-6985) at approximately 16th and Lewis requested rezoning to OL from RS-3 and was unanimously recommended for denial to the City Council. Subsequently, the

Council instructed the Planning Commission to enact an unofficial moratorium on further zoning cases until the recommendations of studies of the area by the TMAPC staff and an OU-Tulsa graduate school class could be reported (results of which were expected within two months). According to the Zoning Matrix, the requested RM-2 **is not** in accord with the Plan.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan and the existing unofficial moratorium in the area, staff cannot support the requested rezoning. Therefore, staff recommends **DENIAL** of RM-2 zoning for Z-7023.

Ms. Matthews reminded the Planning Commission that the Lewis Study hasn't been transmitted to the City Council at this time for their action.

TMAPC COMMENTS:

Mr. Carnes asked staff why something like this should be in a holding pattern if it was built as a duplex and has been a duplex all of these years. In response, Ms. Matthews stated that the moratorium was requested by the City Council to hold all applications until the Lewis Study was completed and the Planning Commission chose to honor it.

Mr. Carnes stated that he understands the moratorium, but this single application should not be put off.

Mr. Bernard stated that Legal has advised the Planning Commission that the moratorium was not a legal moratorium per se. If the moratorium was not in place or the moratorium wasn't legal, what would staff's position be on the subject application? In response, Ms. Matthews stated that since it is to replace an existing structure, she believes staff's position would have been to approve it. The garage and garage apartment are already existing and the applicant would like to replace what is already there.

Mr. Bernard asked the Planning Commission if they would like to move ahead with this application.

Mr. Jackson stated that the applicant wants to rezone to RM-2 on a 50-foot lot and he questioned if they could meet the requirements. In response, Ms. Matthews stated that they could not meet the RM-2 requirements on a 50-foot lot and it would still be nonconforming. Mr. Jackson asked if the applicant would have to go the Board of Adjustment. In response, Ms. Matthews stated that the applicant's options were to go the BOA or before the Planning Commission. If the applicant went before the BOA she would have to show a hardship.

Mr. Jackson asked if the lot was 50' x 137'. In response, Ms. Matthews answered affirmatively. She explained that this is how it was platted many years ago. Mr. Jackson stated that even if the property was rezoned to RM-2, it

wouldn't allow them to build a six-plex. Mr. Jackson asked why the applicant chose RM-2 rather than RD. In response, Ms. Matthews stated that she isn't sure why the applicant chose RM-2, but it was probably what she was advised to by staff with the information that the applicant provided.

Ms. Matthews stated that she understands that the applicant would like to replace a garage that has a garage apartment over it.

Mr. Jackson asked how the applicant would obtain a building permit if this is rezoned to RM-2 and it is nonconforming.

Mr. Ackermann asked if she would be nonconforming regarding bulk and area requirements. In response, Mr. Jackson stated that she would be nonconforming with bulk and area requirements and side yard setbacks. Mr. Jackson stated that there is no sense in giving this zoning to the applicant if she can't obtain the permit.

Mr. Ackermann asked if the applicant would be removing an old building and replacing with a new building. In response, Ms. Matthews stated that it is her understanding that the existing building is about to fall down and she would like to replace it. Mr. Ackermann asked if the applicant would fall within the Section 1405 where the structure is destroyed by more than 50% of its replacement costs. If that is the case it could possibly be grandfathered in. In response, Ms. Matthews stated that she doesn't know the cost of the building and she may fall within that category. Mr. Ackermann stated that the applicant would have to apply for a permit and then the Zoning Official would have to determine if the applicant fits within that provision of the Zoning Code that if the existing building is destroyed by more than 50% of its current replacement costs, then she would have to come to the BOA for a special exception and if not then she fits within the nonconforming status. There are a lot of unknowns and it would make it difficult to make a decision.

Mr. Collins in at 1:40 p.m.

Mr. Ard stated that rezoning to RM-2 from RS-3 looks out of place to him. In response, Ms. Matthews stated that she probably misspoke regarding replacing a garage apartment. She further stated that staff might have advised her better to go to the Board of Adjustment, but what would be the hardship? The subject property is next to an RT-zoned property and this was a tough call.

Mr. Ackermann stated that it would require a special exception if the building is within Section 1405.B and the applicant wouldn't have to show a hardship but the BOA would have to have a finding that it wouldn't be detrimental or injurious to the surrounding neighborhood. However, if there are other issues then it would have to be reviewed.

Ms. Matthews stated that if it is the wish of the Planning Commission to advise the applicant to go to the BOA, then staff would be happy to do so.

Mr. Harmon asked if it is reasonable to believe that the applicant would get relief from the BOA or would they send her back to us. In response, Ms. Matthews stated that she doubted that the BOA would send this back to the Planning Commission and she can't forecast what the BOA would decide on this application. In response, Mr. Harmon asked if there is any indication of what this Lewis Study would include and how it would help the applicant if she waited for it. In response, Ms. Matthews stated that the Planning Commission had a presentation on the Lewis Study. The Lewis Study talks about allowing office zoning along Lewis Avenue and this is simply replacing something that is already there. It wouldn't be in conflict with the Lewis Study, but the City Council hasn't acted on the Lewis Study at this time and they could modify it.

Ms. Bayles asked if the Board of Adjustment Case 696 from September 10, 1929 still valid. In response, Ms. Matthews answered affirmatively.

Ms. Bayles asked if the garage apartment occupied at the time Ms. Hearon purchased the property. In response, Ms. Matthews stated that she doesn't know that information.

Ms. Bayles asked why the RT development is not shown in the relevant zoning history for this application, which abuts the subject property. In response, Ms. Matthews stated that she doesn't know the answer to that.

Mr. Jackson asked staff if they consider all the R districts to be simply R districts. In response, Ms. Matthews stated that staff does make a distinction between the RM and the RS because RM is multifamily and usually attached. Ms. Matthews further stated that this case has so many variables and it is hard to say if this is spot zoning; it is clearly not an RT. It is a duplex that has been there since the 1920's.

Mr. Wofford suggested that the Planning Commission hear from the applicant and then try to find a course of action that would allow this to take place if it is reasonable at all.

Applicant was not present.

Ms. Bayles requested that staff to include the zoning history relevant to the Fountain Square Townhouses in the next packet.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Bayles, Bernard, Carnes, Collins, Harmon, Jackson, Wofford "aye"; no "nay"; none "abstaining"; Cantees, Midget "absent") to **CONTINUE** Z-7023 to August 2, 2006 and direct staff to contact the applicant to request she attend this meeting to explain her request.

Application No.: PUD-431-A-8

MINOR AMENDMENT

Applicant: Jeffrey G. Levinson

(PD-26) (CD-8)

Location: 101st Street, west of Sheridan and east of South Kingston Avenue

STAFF RECOMMENDATION:

The applicant is requesting an amendment to establish new setbacks for Development Areas D-1, D-2 and D-3 of PUD 431-A as follows:

Development Area 'D-1' (Lot 1, Block 1):

From the centerline of E. 101 st Street	150' (per PUD 431-A-7)
From the south development line	11 feet
From the west development line	15 feet
From the east development line	commensurate with utility and mutual access easements

Development Area 'D-3' (Lot 2 Block 1):

From the north development line	11 feet
From the south development line	0 feet
From the west development line	commensurate with utility and mutual access easements
From the east development line	11 feet

Development Area 'D-2' (Lot 3, Block 1):

From the north development line	11 feet
From the south development line	28.5 feet
From the west development line	15 feet
From the east development line	commensurate with utility and mutual access easements

Staff finds the proposed amendment to PUD 431-A to be minor in nature and recommends **APPROVAL** of PUD 431-A-8 as proposed.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted 8-0-0 (Ard, Bayles, Bernard, Carnes, Collins, Harmon, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Midget "absent") to **APPROVE** the minor amendment for PUD-431-A-8 per staff recommendation.

Application No.: PUD-699-2

MINOR AMENDMENT

Applicant: Jeffrey G. Levinson

(PD-11) (CD-1)

Location: 1143 North 24th West Avenue

STAFF RECOMMENDATION:

The applicant is requesting an amendment to PUD-699 development standards for the purpose of obtaining an occupancy permit prior to installation of required landscaping per the approved landscape plan. PUD-699 development standards require that "A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit."

Although landscaping has been installed, most of it is dead. Therefore, an occupancy permit has not been issued. The applicant was advised early in May to install new, healthy landscaping as required. This has not been done and it is now past the recommended planting season for trees per the City of Tulsa Urban Forester. The applicant now requests to postpone planting until November (optimum time for planting trees) and is proposing an escrow for materials and labor in the event the property owner fails to install landscaping by November 1, 2006. Irrigation has not been installed, but per the attached letter, has been contracted for installation in mid-July with completion by July 31, 2006. The irrigation system has not been included in the escrow.

Kurt Ackermann pointed out that the City is not party to the escrow agreement and cannot enforce installation of the landscaping per this agreement. Furthermore, it would be difficult to make the City party to the agreement since installation of landscaping would be on private property. Therefore, the City has no assurances other than through the occupancy permit process that compliance with the landscape and screening plan will be achieved. Therefore, staff recommends **DENIAL** of PUD-699-2.

Ms. Matthews stated that she has driven by the subject property twice and the apartments are occupied.

TMAPC COMMENTS:

Mr. Bernard asked Mr. Ackermann if the applicant could prepay for the landscaping for the improvements and have a letter that it is irrevocable or something on file that the landscaper would install the improvements. In response, Mr. Ackermann stated that the City doesn't have a mechanism to enforce or support that type of procedure.

Mr. Harmon asked if the applicant could make a substantial bond payable to the City. In response, Mr. Ackermann stated that he discussed this with Mr. Boulden this morning and he wasn't in favor of it because the bond constitutes a penalty or a fine and then the funds wouldn't be available to put the landscaping in.

Applicant's Comments:

Jeffrey Levinson, 9308 South Toledo Avenue, Tulsa, Oklahoma 74136, stated that an irrigation system is being installed. Common sense dictates that the hot weather wouldn't be good for new plantings at this time. He explained that he is looking for a mechanism to keep a temporary CO in effect until November 1, 2006. He is not trying to take any of the City's rights away, but would like to keep the temporary Certificate of Occupancy in place until November 1. His client indicated that the temporary COs will be sufficient so that he will not lose his tax credits. This project was economically viable because his client received tax credits from the Federal government. According to the Federal regulations, they have to have some sort of COs in order to get the tax breaks. If the CO is pulled, then the money will also be pulled. If the Neighborhood Inspections staff revisit the property on or after November 1st and the plantings are not in place then they could exercise the City's rights.

TMAPC COMMENTS:

Mr. Bernard asked when Certificate of Occupancies will expire. In response, Mr. Levinson stated that he believes they expired at the end of May or June. He further stated that he obtained temporary Certificate of Occupancies until November 1st, pending this application. Mr. Levinson concluded that his client would like to plant in October.

Mr. Carnes asked Mr. Levinson if it wouldn't be less expensive on his client to do the planting now and water them, then replace the ones that do not grow. In response, Mr. Levinson stated that apparently his client has already planted and many have died. Mr. Levinson indicated that it will cost between \$30,000 and \$40,000 to plant new trees and they really do not want them to die.

Mr. Levinson indicated that the project is mostly dedicated to senior citizens. There are several units and the developer agrees with the Federal government to maintain the property for 20 years in order receive the tax credit.

Mr. Jackson asked why the management company isn't caring for the newly-planted trees. Mr. Jackson indicated that he plants trees year around.

Mr. Levinson stated that the trees would be planted in September and October, but he is asking for November 1, 2006 as the expiration date.

Sam Sorenson, Sisemore Weisz & Associates, 6111 East 32nd Place, Tulsa, Oklahoma 74135, stated that he is the landscape architect of record for this PUD. The area he is having problems with is on the west side. There is a greenbelt landscape buffer and a large stormwater detention area and it was not required to be irrigated by the PUD. He indicated that 90% of the pine trees failed and it seems to be traced back to the grower. Unfortunately, his client purchased directly from the wholesaler and didn't have a landscape contractor plant the trees; therefore, there is no warranty on the trees. Without this area being irrigated it wouldn't be advisable to plant pine trees until October. According to the OSU Extension Department, they believe that October and November are the best times to plant trees in Oklahoma.

Mr. Bernard asked Mr. Ackermann if the Planning Commission would be giving up any rights if they were to grant a temporary Certificate of Occupancy until November.

Mr. Ackermann stated that it appears that temporary COs have already been granted and they would like something from the Planning Commission stating that there is a cutoff date to November 1, 2006 in order to get the plantings in. Once the plantings are in they will finalize their inspection and give a final Certificate of Occupancy.

Mr. Harmon asked how the temporary COs are enforced. In response, Mr. Ackermann stated that it would be enforced by Development Services. If the applicant hasn't fulfilled his requirements by November 1, 2006 then they could pull his temporary COs. Mr. Ackermann stated that possibility of losing their tax credit will probably motivate the applicant to proceed with the new cutoff date.

Mr. Harmon moved that the temporary COs be extended to November 1, 2006.

Ms. Matthews stated that the applicant is asking for a minor amendment, not the Planning Commission to extend their CO. Through the minor amendment the applicant will be able to obtain an extension through Development Services.

Mr. Carnes ask that the applicant have a bonded landscape contractor to plant the trees. In response, Mr. Ackermann stated that the Planning Commission could ask for it, but he is not sure what authority the Planning Commission would have to enforce it.

Mr. Ard asked if the Planning Commission could move to approve the minor amendment, subject to a temporary occupancy permit being granted until November 1, 2006. In response, Mr. Ackermann answered affirmatively.

Mr. Harmon withdrew his motion. Mr. Wofford withdrew his second.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **ARD**, TMAPC voted 8-0-0 (Ard, Bayles, Bernard, Carnes, Collins, Harmon, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Midget "absent") to **APPROVE** the minor amendment for PUD-699-2, subject to obtaining a temporary Certificate of Occupancy, which shall expire November 1, 2006 as modified by the Planning Commission.

Mr. Levinson thanked the Planning Commission for moving the agenda items around because it has helped him with his schedule.

OTHER BUSINESS:

Application No.: PUD-684-A

DETAIL SITE PLAN

Applicant: Tanner Consulting, LLC/Riverbend Retail & Storage (PD-8) (CD-2)

Location: Southwest corner of East 81st Street South and South Yorktown Avenue

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for Riverbend Retail and Storage. The proposed use, Use Unit 16, Mini-Storage, and Use Unit 14, Shopping Goods and Services, is in conformance with Development Standards of PUD 684-A.

The proposed building complies with standards for building setbacks, building height, floor area, and minimum landscaped net lot area and street yard. Proposed parking and parking lot lighting comply with development standards and the zoning code. Sidewalks are provided as required on the west side of South Yorktown Avenue and on the south side of East 81st Street South.

Therefore, staff recommends **APPROVAL** of PUD 684-A detail site plan for Riverbend Retail and Storage as proposed.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **HARMON**, TMAPC voted 8-0-0 (Ard, Bayles, Bernard, Carnes, Collins, Harmon, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Midget "absent") to **APPROVE** the detail site plan for PUD-684-A, Riverbend Retail and Storage per staff recommendation.

Application No.: PUD-684-4

DETAIL SITE PLAN

Applicant: Tanner Consulting, LLC/RBSS Mini-Storage (PD-18) (CD-2)

Location: East side of South Yorktown Avenue, south of East 81st Street South

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a new mini-storage development. The proposed use, Use Unit 16, Mini-Storage, is in conformance with Development Standards of PUD 684-A.

The proposed development complies with PUD standards for permitted floor area, building setbacks and height, and minimum landscaped net lot area and streetyard. Proposed parking complies with the zoning code. No site lighting is proposed.

The developer proposes a six foot high wood screening fence with masonry columns along the north, west and south boundaries, except that brick-faced buildings along the perimeter will serve as screening. Sidewalks are provided on the south side of South Yorktown Avenue as required.

Therefore, staff recommends **APPROVAL** of PUD 684-A detail site plan for RBSS Mini-Storage as proposed.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted 8-0-0 (Ard, Bayles, Bernard, Carnes, Collins, Harmon, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Midget "absent") to **APPROVE** the detail site plan for PUD-684-A, RBSS Mini-Storage per staff recommendation.

Application No.: PUD-522-2

DETAIL SITE PLAN

Applicant: Sack & Associates, Inc./Jim Beach (PD-18c) (CD-8)

Location: West of the southwest corner of East 81st Street South and South Mingo Road

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for Starbuck's coffee and retail shop. The proposed uses, Use Unit 12, Eating Establishments Other than Drive-Ins, and Use Unit 13, Convenience Goods and Services, are in conformance with Development Standards of PUD-522.

The proposed site complies with development standards for permitted building floor area, building height, setbacks, and minimum landscaped net land area and street yard. Proposed parking and parking lot lighting comply with development standards and the zoning code. The proposed bulk trash receptacle is screened as required. No sidewalks are provided on East 81st Street South and pedestrian access from the arterial street sidewalk to the building's main entry has not been provided.

Therefore, staff recommends **APPROVAL** of PUD-522 detail site plan for Starbuck's subject to provision of sidewalks along East 81st Street as required and pedestrian access from the arterial street sidewalk to the building's main entry.

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

Applicant's Comments:

Ted Sack, Sack & Associates, 111 South Elgin Avenue, Tulsa, Oklahoma 74120, stated that he is in agreement with staff's recommendation. Mr. Sack stated that he resubmitted a detail site plan, which is included in the packet (Exhibit B-1) and it does indicate a sidewalk from the building to the arterial street. He explained that Ms. Tomlinson didn't have a chance to rewrite her staff recommendation. He further explained that the revised plan indicates a sidewalk along 81st Street, which is a part of the City improvement project for the intersection of 81st Street west of the subject location to Highway 169 and north and south of 81st. The indicated sidewalk along 81st Street will be built by the City as part of their project and it is noted on the site plan. Utility relocation is in progress and the project is scheduled to start in October 2006. Mr. Sack stated that it wouldn't be appropriate to have his client build a sidewalk and then the City destroy it during the street improvement project.

TMAPC COMMENTS:

Mr. Jackson asked Mr. Sack if he has seen the project plans. In response, Mr. Sack stated that he has seen the plans.

Mr. Jackson asked Mr. Sack when he would commence his earthwork. In response, Mr. Sack stated that his site should be under construction probably within a month and according to Public Works Department the CIP project will start in October 2006. He indicated that his project will probably be finished before the intersection improvement is completed because it may take one year. He would leave space and right-of-way for the City's project.

Mr. Jackson asked staff if the Planning Commission could have the sidewalk included with a note that it would be installed through the CIP. In response, Ms. Matthews answered affirmatively.

Ms. Bayles asked if the Planning Commission could make their amendment to specify that. In response, Mr. Jackson answered affirmatively.

TMAPC Action; 8 members present:

On **MOTION** of **BAYLES**, TMAPC voted 8-0-0 (Ard, Bayles, Bernard, Carnes, Collins, Harmon, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Midget "absent") to **APPROVE** the detail site plan for PUD-522-2 per staff recommendation, subject to provisions of sidewalks along 81st Street as required and to be constructed by the City of Tulsa with pedestrian access from the arterial street sidewalk to the buildings' main entry to be constructed by the applicant.

Mr. Carnes and County Commissioner Collins out at 2:21 p.m.

CONTINUED ZONING CODE PUBLIC HEARING

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

STAFF RECOMMENDATION:

PROPOSED CITY OF TULSA ZONING CODE AMENDMENTS

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

**CHAPTER 2
GENERAL PROVISIONS**

SECTION 208. HEIGHT EXCEPTIONS

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

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

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

SECTION 210. YARDS

D. Fences and Walls in Street Yards

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

SECTION 212. SCREENING WALL OR FENCE

C. Modification of the Screening Wall or Fence Requirements

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

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

SECTION 215. STRUCTURE SETBACK FROM ABUTTING STREETS

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

**CHAPTER 3
AGRICULTURE DISTRICT PROVISIONS**

SECTION 301. PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT

The principal uses permitted in the Agriculture District are designated by use units. The use units are groupings of individual uses and are fully described, including their respective off-street parking, loading, screening requirements and

other use conditions in Chapter 12. The use units permitted in the Agriculture District are set forth in Table 1.

Table 1
Use Units Permitted in the Agriculture District*

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

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

SECTION 302. ACCESSORY USES PERMITTED IN THE AGRICULTURAL DISTRICT

A. Accessory Uses Permitted

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

Table 2
Accessory Uses Permitted In the Agriculture District

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

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

**CHAPTER 4
RESIDENTIAL DISTRICT PROVISIONS**

SECTION 400. PURPOSES OF RESIDENTIAL DISTRICTS

A. General Purposes

The Residential Districts are designed to:

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

SECTION 401. PRINCIPAL USES PERMITTED IN RESIDENTIAL DISTRICTS

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

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

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

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

- *X = Use by Right
- E = Special Exception
- ** = Duplexes permitted only in RS-3 and RS-4 Districts.
- *** = In RM-2 and RM-3 Districts only.
- **** = In RM-1, RM-2, and RM-3 Districts only.
- ***** = Assisted living facility, community group home, convent, life/care retirement center, monastery, and novitiate are the only uses within Use Unit 8 permitted by special exception in the RE, RS and RD Districts
- ***** = Mini-storage is permitted only in the RM-1, RM-2, and RM-3 Districts

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

SECTION 402. ACCESSORY USES IN RESIDENTIAL DISTRICTS

A. Accessory Uses Permitted

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

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

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

B. Accessory Use Conditions

1. General Conditions:

a.. Accessory Dwelling Units

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

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

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

4. Signs

a. One (1) bulletin board may be erected on each street frontage of any educational, religious, institutional, or similar use requiring announcement of its activities. The bulletin board shall not

exceed thirty-two (32) square feet in surface area, nor twenty (20) feet in height, and illumination, if any, shall be by constant light. Signs erected for office uses permitted by this chapter shall conform with Section 404.G.

6. Home Occupations

a. Home occupations permitted by right.

Artists
Authors and Composers
Catering/Food Service
Computer programming
Home cooking and preserving
Home crafts
Home office with no customer/client traffic
Ironing
Sewing
Telephone answering and/or solicitation
Tutorial service, limited to one student at a time

SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS

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

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

SECTION 404. SPECIAL EXCEPTION USES IN RESIDENTIAL DISTRICTS, REQUIREMENTS

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

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

1. Office uses shall be completely contained within and not extend beyond, one-story of the principal use building;
2. Office uses are not subject to livability space requirements but shall not exceed a floor area ratio of .3;

3. No ground signage is permitted.
4. Any sign associated with a permitted office use shall be attached to the building and shall be no larger than 3 square feet of display surface area;
5. Parking accessory to office use shall not be located in a required front yard except for an existing driveway;

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

CHAPTER 6 OFFICE DISTRICT PROVISIONS

SECTION 601. PRINCIPAL USES PERMITTED IN OFFICE DISTRICTS

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

Table 1

Use Units Permitted in Office Districts*

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

*X = Use by Right

E = Special Exception

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

*** = Limited to hotel and motel.

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

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

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

SECTION 602. ACCESSORY USES PERMITTED IN OFFICE DISTRICTS

A. Accessory Uses Permitted

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

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

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

SECTION 603. BULK AND AREA REQUIREMENTS IN THE OFFICE DISTRICTS

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

DISTRICTS	OL	OM	OMH	OH*
	<p><u>Building Setback from Centerline of Abutting Street (Minimum Feet)</u></p> <p>Measured from centerline of abutting street; add to the distance designated in the column to the right ½ of the right-of-way designated on the Major Street Plan or 25 feet if the street is not designated on the Major Street Plan.</p> <p>Multifamily use in the OM and OMH Districts shall comply with the bulk and area</p>			

requirements of the RM-2 District.				
Arterial or Freeway Service Road	50	50	50	10
Not an Arterial or Freeway Service Road	25	25	25	10
<u>Building Setback from Abutting AG or R District Boundary lines (Minimum Feet)</u>	10	10**	10**	10

- * In the OH District, residential buildings and the residential portions of mixed buildings shall be subject to the minimum land area per dwelling unit requirement of the RM-3 District.
- ** Plus two feet of setback for each one-foot of building height exceeding 15 feet, if the abutting property is within an RE, RS or RD District.
- *** The Board of Adjustment may allow by special exception a floor area ratio (maximum) of .40.

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

CHAPTER 7

COMMERCIAL DISTRICT PROVISIONS

SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS

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

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

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

*X = Use by Right

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

E =Special Exception

SECTION 703. BULK AND AREA REQUIREMENTS IN THE COMMERCIAL DISTRICTS

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

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

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

**CHAPTER 8
CORRIDOR DISTRICT PROVISIONS**

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

SECTION 800. PURPOSES

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

SECTION 801. PRINCIPAL USES PERMITTED IN CORRIDOR DISTRICTS

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

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

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

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

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

A. General

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

B. Corridor Development Plan Application

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

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

C. Access

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

SECTION 805. CORRIDOR DEVELOPMENT AND SITE PLAN REVIEW

C. Public Hearing and Planning Commission Action

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

D. City Council Action on Corridor Development Plan Review

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

G. Amendments

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

* * * * *

**CHAPTER 9
INDUSTRIAL DISTRICT PROVISIONS**

SECTION 902. ACCESSORY USES PERMITTED IN INDUSTRIAL DISTRICTS

A. Accessory Uses Permitted

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

**CHAPTER 12
USE UNITS**

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

C. Use Conditions

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

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

A. Description

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

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

B. Included Uses:

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

SECTION 1214. USE UNIT 14. SHOPPING GOODS AND SERVICES

3. Service Establishments:

Bail Bonds Offices

C. Use Conditions

3. Blood banks, plasma centers, day labor hiring centers, liquor stores, bail bonds offices (except when located in the CBD zoned district), and pawn shops shall be spaced a minimum of 300 feet from each other. After July 1, 2001, the distance between these uses shall be measured in a straight line from the nearest perimeter wall of the portion of the building of one applicable use to the nearest perimeter wall of the portion of the building of any other applicable use. However, for any such use which has been in operation or has been issued a building permit for such use on or before July 1, 2001, the distance between these uses shall be measured in a straight line from the nearest public entrance door of one applicable use to the nearest public entrance door of any other applicable use.

SECTION 1217. USE UNIT 17. AUTOMOTIVE AND ALLIED ACTIVITIES

2. Services:

Taxi/Limousine Service

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

C. General Use Conditions for Business Signs

1. Sign Setbacks

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

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

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

SECTION 1303. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS

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

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

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

- E. Unenclosed off-street parking areas which are principal uses shall be screened by the erection of a screening wall or fence on the lot line or lines ~~in common with~~ adjacent to an R District. Unenclosed off-street parking areas, containing 6 or more spaces, which are accessory to uses not required to provide screening shall be screened by the erection of a screening wall or fence on the lot line or lines ~~in common with~~ adjacent to an RE or RS District, provided that if the parking area is located more than 50 feet from the RE or RS lot line or lines, the screening requirement shall not apply. A screening fence, as required in this subsection, shall be not less than three feet in height and not more than four feet in height.

- F. Special event-parking areas are permitted accessory only to Use Unit 1, 2, and 5 uses and shall comply with the following conditions:
 - 1. Special event parking shall not be used for more than twenty (20) days in any calendar year;
 - 2. Special event parking cannot occur for more than ten (10) days in any 30-day period;
 - 3. Special event parking shall be set back at least fifty feet (50') from any off-site residentially zoned lot or residential development area in a PUD; and
 - 4. All Special event-parking areas shall be on the same lot or lots approved for principal Use Unit 2 use to which they are accessory

**CHAPTER 15
ENFORCEMENT**

SECTION 1501. ZONING CLEARANCE PERMIT

A. Zoning Clearance Permit Required

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

**CHAPTER 16
BOARD OF ADJUSTMENT**

SECTION 1600. ESTABLISHMENT OF THE BOARD OF ADJUSTMENT

A. GENERAL

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

B. ALTERNATE MEMBERS.

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

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

* * * * *

**CHAPTER 18
DEFINITIONS**

SECTION 1800. DEFINITIONS

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

Place of Worship:

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

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

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

* * * * *

**APPENDIX B
INDEX OF LAND USES**

Use Unit Land Use

(B)

14 Bail Bonds Offices

(M)

11 Massage Therapist

(T)

17 Taxi/Limousine Service

TMAPC COMMENTS:

Mr. Bernard stated that he would like to go through the proposals starting at page 3.21 of the packet and confirm that everyone is happy with the A and B lists and assign dates certain for List B and possibly List C, and have a public hearing today for List A. He has asked staff for some dates to put these lists on the last meetings of each month, which are typically a lighter business section on the agenda.

Ms. Bayles stated that she appreciates that this will be taken in three sections and she would like to take Section A today and note that Sections B and C would be subsequently continued to future sessions if possible.

Mr. Bernard suggested that there had been a lot of questions at the worksessions and the public hearing regarding List B, and he would like to have Item 1, Sections 208, 403.A.9 moved to List C. The Planning Commission concurred with this decision.

Mr. Bernard proposed the following: Items 9, 12, 13 and 15 from List B would be heard on August 23, 2006.

TMAPC Action; 6 members present:

On **MOTION** of **WOFFORD**, TMAPC voted **6-0-0** (Ard, Bayles, Bernard, Harmon, Jackson, Wofford "aye"; no "nay"; none "abstaining"; Cantees, Carnes, Collins, Midget "absent") to **CONTINUE** the proposed Zoning Code amendments, List B, Items 9: Sections 800, 801, 804 and 805; 12: Sections 1221.C.14; 13: Section 1303.D; and 15: Section 1303.F to August 23, 2006.

Ms. Bayles asked staff if they would be receptive to some additional questions being raised in terms of a quantitative or a qualitative measure on these as they have come before the Planning Commission and the Board of Adjustment so that we can include that as part of our review. In response, Ms. Matthews answered affirmatively.

Mr. Bernard proposed the following: Items 2, 3, 4, 5, 6, 7 and 8 of List B would be heard on September 27, 2006.

Ms. Bayles recognized Mr. Bledsoe.

Mr. Bledsoe stated that he doesn't have the same documents that the Planning Commission is looking at and he is totally confused by what the Planning Commission is doing. He requested that the Planning Commission explain what they are doing.

Ms. Matthews placed the Proposed Zoning Code list on the projector screens.

Mr. Bernard explained why the Planning Commission is splitting the various lists into different hearing dates. He further explained that the proposal list was on the website as part of the agenda packet that is mailed to the Planning Commission and various departments at the City and County.

Ms. Bayles suggested that everyone use the sign-in sheet to make sure that this is distributed by the next meeting.

Mr. Bernard requested that a schedule be placed on the TMAPC website regarding these hearings. In response, Ms. Huntsinger indicated that she would try to have a schedule on the website as soon as possible.

After a lengthy discussion it was determined that Mr. Bledsoe had the old version of proposals. The newest proposals were on the TMAPC website under current agenda. Other interested parties in the audience had the current list and several copies were available during today's meeting.

TMAPC Action; 6 members present:

On **MOTION** of **ARD**, TMAPC voted **6-0-0** (Ard, Bayles, Bernard, Harmon, Jackson, Wofford "aye"; no "nay"; none "abstaining"; Cantees, Carnes, Collins, Midget "absent") to **CONTINUE** the proposed Zoning Code amendments, List B, Item 2, Section 210.D; Item 3, Section 212.C; Item 4, Section 301; Item 5, Section 401, Table 1; Item 6, Section 404.G, Item 7, Section 601, Table 1; and Item 8, Section 701, Table 1 to September 27, 2006.

Mr. Bernard proposed the following: Items 10, 11, and 14 of List B to October 25, 2006.

TMAPC Action; 6 members present:

On **MOTION** of **ARD**, TMAPC voted **6-0-0** (Ard, Bayles, Bernard, Harmon, Jackson, Wofford "aye"; no "nay"; none "abstaining"; Cantees, Carnes, Collins, Midget "absent") to **CONTINUE** the proposed Zoning Code amendments, List B, Item 10, Section 902.A; Item 11, Section 1202.C.4.c; and Item 14, Section 1303.E to October 25, 2006.

Mr. Bernard proposed the following: Items 1 of B list, Section 208, 403.A.9 and the C List, Item 1, Section 302; Item 2, Sections 402, 1800; and Item 3, Section 1600 would be heard on February 28, 2007.

Mr. Collins and Mr. Carnes in at 2:41 p.m.

TMAPC Action; 8 members present:

On **MOTION** of **WOFFORD**, TMAPC voted **8-0-0** (Ard, Bayles, Bernard, Carnes, Collins, Harmon, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Midget "absent") to **CONTINUE** the proposed Zoning Code amendments, add Item 1 of the B List, Sections 208, 403.A.9 and all items of the C list to Sections 302, 402, 1800, 1600 to February 28, 2007.

Mr. Jackson asked if staff could explain to everyone how to correctly get the information from the TMAPC website.

Ms. Matthews asked Ms. Huntsinger to explain how to access the information from the website.

Ms. Huntsinger explained how to access the information from the TMAPC website.

Ms. Bayles requested that the separate link that is currently on the TMAPC website be updated that refers to the Zoning Code amendments.

Mr. Ard stated that he has a new computer at his office and when he downloads the full packet it takes several minutes to download due to the exhibits, and he suggested that the public be patient if they are trying to do the same. Mr. Ard explained that every week he downloads the agenda and prints it off.

Ms. Huntsinger stated that if anyone is having difficulty printing or viewing the TMAPC website they could visit the INCOG office and obtain copies at the office.

Mr. Jackson wanted to make sure that everyone knew how to access the TMAPC website and view/print the agenda.

Ms. Matthews presented the "A" list (housekeeping) proposals for the Zoning Code amendments.

"A" LIST (HOUSEKEEPING)

1. Section 215

Suggested changes: To allow properly licensed signs in the right-of-way and cross-reference with Section 1221.C.14, Business

Signs and Outdoor Advertising, General Use
Conditions for Business Signs.

Reason: For cross-reference in the code and
clarity.

Suggested by: INCOG staff

TMAPC COMMENTS:

Mr. Ard asked if this is changing any of the sign requirements or allowances or just clarification. In response, Ms. Matthews stated that it is providing cross-referencing clarification.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Ard, Bayles, Bernard, Carnes, Collins, Harmon, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Midget "absent") to recommend **APPROVAL** Item 1, Section 215 per staff recommendation.

* * * * *

County Commissioner Collins out at 2:53 p.m.

2. Section 400.A.3; 1800

Suggested changes: Change terminology from "churches" to "places of worship"; provide definition of "place of worship".

Reason: To be more inclusive and be politically correct.

Suggested by: INCOG staff

INTERESTED PARTIES:

Greg Bledsoe, 1717 South Cheyenne, stated that definition of "places of worship" doesn't include a mosque or a Kingdom Hall of Jehovah's Witness. He further stated that he applauds the revision of this to be inclusive to all faith communities, but if it is to be inclusive to all faiths it should attempt to be truly inclusive. There may be other designations of place of worship that he has not been sensitive enough to be aware of.

After a lengthy discussion the Planning Commission requested staff to rewrite the language and hear it at a later date.

TMAPC Action; 7 members present:

On **MOTION** of **BAYLES**, TMAPC voted **7-0-0** (Ard, Bayles, Bernard, Carnes, Harmon, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Collins, Midget "absent") to **CONTINUE** the Item 2, Section 400.A.3 and Section 1800 to August 2, 2006 in order to allow staff or Legal to rewrite the language.

3. Section 602.A

Suggested changes: Remove barber and beauty shops from Table 2 as allowed accessory uses.

Reason: Already allowed as principal uses permitted and as indicated in Table 1.

Suggested by: INCOG staff

TMAPC COMMENTS:

Ms. Bayles stated that Ms. Cosby and Mr. Nichols spoke on these items in June. Ms. Bayles asked if they had any objections.

Mr. Nichols and Ms. Cosby both indicated that they had no objection.

INTERESTED PARTIES:

Chip Atkins, 1638 East 17th Place, 74120, stated that with a PUD with a special exception barber shops come into play. By throwing these in by right would be a bad mistake. He would prefer that they still require a special exception and not by right.

Ms. Matthews stated that they are currently allowed by right. In response, Mr. Atkins stated that in a PUD it comes into something that could be discussed and now it can no longer be under discussion.

Ms. Bayles asked Mr. Atkins why he saw this as detrimental. In response, Mr. Atkins stated that with the amount of residential abutting an OL and if this is brought in with a PUD there could be a lot of clients coming into a district and changing the format of the neighborhood.

Ms. Matthews stated that this is already allowed by right and that was never a part of the discussion. The discussion was the redundancy and having it allowed as an accessory use.

Mr. Bernard stated that the PUD doesn't really have anything to do with this at this time.

TMAPC Action; 7 members present:

On **MOTION** of **JACKSON**, TMAPC voted **7-0-0** (Ard, Bayles, Bernard, Carnes, Harmon, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Collins, Midget "absent") to recommend **APPROVAL** of Item 3, Section 602.A per staff recommendation.

4. Section 603

Suggested changes: Add "building" to setback requirements in office districts, Table 3.

Reason: To distinguish among the various types of setbacks required in the Zoning Code; clarification.

Suggested by: Permit Center staff

INTERESTED PARTIES:

John S. Denny, 3140 South Winston Avenue, 74135, stated that he thought someone else was going to be here to speak on this, but he believes that he can give the basics on what his objections would be. In the past there has been an ambiguity over whether this setback would be to the building line or to a parking lot that might be there. If it is considered that an open space or a parking lot should also be taken into consideration in the planning for setback, then by specifically defining it "building" then it is eliminated by this consideration. He believes this is the issue that was raised by individuals who have this come up in connection with commercial structures being built next to their property which had parking lots at the front of the property. Mr. Denny stated that at a later point he will talk to the individual who raised this issue and can give more clarity in writing on it if it becomes before the City Council.

TMAPC COMMENTS:

Mr. Jackson asked staff if they could give Mr. Denny any insight. In response, Ms. Matthews stated that the Table contains the bulk and area requirements. Historically it has always been interpreted to be a building, but it wasn't enunciated and staff is trying to clarify that it does mean building.

Mr. Bernard asked if anyone has ever challenged whether or not the setback was for a building. In response, Ms. Matthews stated that she believes everyone understood it, but staff wanted to make sure it was in writing.

Mr. Denny stated that this has been an issue before the Board of Adjustment and the way staff has usually interprets it is obviously different from what some other individuals were trying to interpret it as and before simply going along with staff's

usual interpretation, then he thought the Planning Commission would want to know that there has been a different interpretation of it.

Mr. Jackson stated that the intention is to make sure everyone understands that it is building and nothing else.

Mr. Denny stated that it is certainly a policy decision that the Planning Commission is entitled to make, but it only applies to the building setback lines. However, some neighborhood residents wish it to apply to some of the vacant areas such as parking lots.

Ms. Bayles stated that she has kept notes on who has spoken or sent emails on this and she doesn't recall any comment coming back on Section 603.

Mr. Denny stated that the person who was to talk about this is not present, but he will talk with them after this meeting and try to get their position more specifically down and then submit something in writing.

Mr. Ackermann asked staff if they are referring to all of the bulk and area tables in the Zoning Code or just in Sections 603. In response, Ms. Matthews stated that it is for Sections 603 and 703. In response, Mr. Ackermann stated that there is also a bulk and area table in Section 903, which is industrial that may need to have the word "building" for clarity regarding the 75-foot setback from AG or office types of zoning.

Ms. Bayles stated that since Mr. Ackermann has brought this up perhaps this should be continued to the next meeting so that we can see this in black and white. She indicated that she doesn't plan to take any of these items lightly because if she had to represent the Planning Commission before the City Council she would like to make sure that she is on top of each one of these items.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **6-1-0** (Ard, Bernard, Carnes, Harmon, Jackson, Wofford "aye"; Bayles "nay"; none "abstaining"; Cantees, Collins, Midget "absent") to recommend **APPROVAL** of the proposed Zoning Code amendments for Item 4, Section 603 per staff recommendation.

5. Section 703

Suggested changes: Add "building" to setback requirements in commercial districts, Table 2.

Reason: To distinguish among the various types of setbacks required in the Zoning Code; clarification.

Suggested by: Permit Center staff

TMAPC COMMENTS:

Mr. Jackson stated that all of the requirements are in the Zoning Code and this is simply clarifying that it is for building.

INTERESTED PARTIES:

Clayda Stead, 8925 East 15th, 74112, stated that recently the 15th and Utica, Arvest Bank was before the BOA and a question came up whether the sidewalk was considered the building and the answer was yes.

Mr. Cuthbertson stated that he doesn't recall that particular situation.

Mr. Ackermann stated that sidewalks are considered to be structures and buildings are considered to be structures. There are building setbacks and then there are structure setbacks.

Mr. Ackermann stated that he doesn't remember the specific case Ms. Stead is talking about, but a sidewalk being a structure has a certain amount of setback from the centerline of the abutting street.

Ms. Stead asked if this change would apply to that section. In response, Mr. Ackermann stated that it wouldn't.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted **6-1-0** (Ard, Bernard, Cames, Harmon, Jackson, Wofford "aye"; Bayles "nay"; none "abstaining"; Cantees, Collins, Midget "absent") to recommend **APPROVAL** of the proposed Zoning Code amendment for Item 5, Section 703 per staff recommendation.

6. Section 1205.A

Suggested changes: Delete the last sentence ("These uses are permitted by special exception in some districts, by right in some districts and prohibited in other districts.")

Reason: Unnecessary and redundant.

Suggested by: INCOG staff

INTERESTED PARTIES:

Greg Bledsoe, 1717 South Cheyenne, 74119, stated that he understands that staff believes this is redundant because they deal with it everyday, but to someone seeing this for the very first time he believes the language is helpful and should remain.

TMAPC COMMENTS:

Mr. Bernard asked staff if this language causes problems of clarity or clarification. Ms. Matthews stated that staff only wanted to clean up the Code.

Mr. Jackson stated that all uses are permitted by special exception in some districts and by right in some districts and prohibited in some districts and that is what the Matrix Table is for. This should be taken out of the Zoning Code anywhere else it is printed.

Mr. Harmon stated that it is unnecessary and redundant.

TMAPC Action; 7 members present:

On **MOTION** of **JACKSON**, TMAPC voted **7-0-0** (Ard, Bayles, Bernard, Carnes, Harmon, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Collins, Midget "absent") to recommend **APPROVAL** of the proposed Zoning Code amendment for Item 6, Section 1205.A per staff recommendation.

**7. Section 1211.B;
Appendix B**

Suggested changes: Exclude "bail bonds office" and add "massage therapist" as uses in Use Unit 11.

Reason: Uses not specifically defined or categorized in existing Zoning Code and several zoning cases have recently involved such uses. Bail bonds office is proposed to be moved to another, more restrictive, Use Unit and massage therapist is proposed to be added to Section 1211.B (Use Unit 11).

Suggested by: Councilor Susan Neal, City Council, 51st/Lewis area neighborhoods

INTERESTED PARTIES:

Karen Smith, 2502 East 19th Street, 74104, requested that this be in Use Unit 14.

Greg Bledsoe, 1717 S. Cheyenne, 74119, stated that massage parlors are no longer allowed under the City ordinance. He suggested that a definition be made for massage therapist for the Zoning Code.

After a lengthy discussion it was determined that Legal needed to rewrite the language and find a definition for 'massage therapist'.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Bayles, Bernard, Carnes, Harmon, Jackson, Wofford "aye"; no "nay"; none "abstaining"; Cantees, Collins, Midget "absent") to **CONTINUE** the Item 7, Section 1211.B; Appendix B to August 2, 2006 in order to allow Legal to rewrite the language and define "massage therapist".

**8. Section 1214.3;
Appendix B**

Suggested changes: Include "bail bonds office" in Use Unit 14. See item #7 (above).

Reason: Use Unit is more restrictive.

Suggested by: Councilor Neal, City Council, 51st/Lewis area neighborhoods

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Bayles, Bernard, Carnes, Harmon, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Collins, Midget "absent") to recommend **APPROVAL** of the proposed Zoning Code amendment for Item 8, Section 1214.3 and Appendix B per staff recommendation.

**9. Section 1217.2;
Appendix B**

Suggested changes: Include "taxi/limousine service" as a specified use in Use Unit 17.

Reason: Use not specifically defined or categorized in existing Zoning Code and several zoning cases have recently involved such uses.

Suggested by: Board of Adjustment

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Bayles, Bernard, Carnes, Harmon, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Collins, Midget "absent") to recommend **APPROVAL** of the proposed Zoning Code amendment for Item 9, Section 1217.2 and Appendix B per staff recommendation.

10. Section 1221.C.5

Suggested changes: Add "except as provided in Section 1221.C.14".

Reason: To cross-reference sign provisions for properly licensed signs in the right-of-way and clarify.

Suggested by: Permit Center staff

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Bayles, Bernard, Carnes, Harmon, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Collins, Midget "absent") to recommend **APPROVAL** of the proposed Zoning Code amendment for Item 10, Section 1221.C.5 per staff recommendation.

11. Section 1501

Suggested changes: Change reference from "building inspector" to "code official".

Reason: Title change

Suggested by: Permit Center staff

TMAPC COMMENTS:

Mr. Carnes asked if it would possible to leave the verbiage or "building inspector/code official" because the real world is still calling them Building Inspector.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CARNES**, TMAPC voted **7-0-0** (Ard, Bayles, Bernard, Carnes, Harmon, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Collins, Midget "absent") to recommend **APPROVAL** of the proposed Zoning Code amendment for Item 11, Section 1501 to change reference from "building inspector" to "building inspector/code official" as modified by the Planning Commission.

12. Section 1600.A

Suggested changes: Change "Board of Commissioners" to "City Council" and add "Vice Chairman and Secretary" to BOA members.

Reason: Update terminology and clarify that BOA officers are elected by members.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **HARMON**, TMAPC voted **7-0-0** (Ard, Bayles, Bernard, Carnes, Harmon, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Collins, Midget "absent") to recommend **APPROVAL** of the proposed Zoning Code amendment for Item 12, Section 1600.A per staff recommendation.

TMAPC COMMENTS:

Mr. Ard asked if there was a need for a motion for Section 903, Table 2. Mr. Bernard stated that the only reason he didn't ask for any action on Section 903, Table 2 is because it is not before the Planning Commission today.

Ms. Matthews stated that it will need to be advertised.

TMAPC Action; 7 members present:

On **MOTION** of **ARD**, TMAPC voted **7-0-0** (Ard, Bayles, Bernard, Carnes, Harmon, Jackson, Wofford "aye"; no "nays"; none "abstaining"; Cantees, Collins, Midget "absent") to **consider** the change in Section 903, Table 2 regarding adding the verbiage "buildings" setback being brought back to the Planning Commission on August 23, 2006.

* * * * *

Mr. Bernard announced that all of the items have been assigned a date certain to be heard. He asked if any of the interested parties who signed up to speak would like to make any comments.

INTERESTED PARTIES:

Clayda Stead, 8925 East 15th, 74112, stated that she is absolutely appalled that she is looking at February to come to the Planning Commission and not knowing what items are going to be discussed that day. The Planning Commission just made a motion (motion before last) to continue it to the next meeting. Ms. Stead asked if the next meeting is to hear these items or the next meeting next week.

Mr. Bernard explained that the motion for August 2, 2006 is for the verbiage for Items 2 "place of worship" and 7 "massage therapists".

Ms. Stead stated that she is still appalled that this is going seven months on these amendments when we are hoping desperately to get a new Comprehensive Plan, which may or may not affect Lists B and C.

Mr. Harmon stated that he can appreciate anyone's concern about this being dragged out too long, but yet there has been a widespread feeling among a lot of the community that these were being pushed too fast. The Planning Commission has purposely divided them into different sections and stretched them out over a period of time to give more people the opportunity to have more input. Mr. Harmon stated that at one of the meetings in this hall everyone seemed to think that the Planning Commission was rushing things and trying to get things through much too quick. The Planning Commission has agreed to slow down and look at these more in depth and that is the plan. This will give everyone the opportunity to know what is being discussed and know when it is going to be discussed.

Ms. Stead stated that she understands what Mr. Harmon is saying, but on the other hand she has been at all of the meetings and she hasn't heard any cry for the B and C lists to be there.

Greg Bledsoe, 1717 S. Cheyenne, 74119, stated that this is the third Planning Commission meeting that he has attended. He urged the Planning Commission to seriously consider implementing for the most controversial items an opportunity to attend after 5:00 p.m. The one evening meeting he attended was nearly doubled from what it was at the two daytime meetings. Routine matters should be on the 1:30 p.m. meetings a couple of times a month and what can be considered more controversial for the evening meetings at least twice a month.

Ms. Bayles reminded Mr. Bledsoe that there will be a worksession immediately following and one of those items is included in that today.

Leta Cosby, 8705 East 21st, 74129, asked if all of the Planning Commission received her newest letter that was on the website as an exhibit for today's agenda. She explained that she made an amendment to her first letter regarding staging areas.

Mr. Bernard strongly encouraged Ms. Cosby to attend the October 25th meeting to discuss her concerns about staging areas.

Ms. Bayles requested that Legal have some clarification about the legal ramifications regarding staging areas.

After a lengthy discussion Mr. Bernard reminded Ms. Cosby that she should attend the October 25th meeting to discuss the staging area issues.

Mr. Bledsoe asked where on the website he should look for the hearing dates.

Ms. Huntsinger suggested a schedule be placed on the website, but she will have to wait till she gets back to her office and make sure she has the right dates and items.

Mr. Bledsoe requested that be done as soon as possible and as clearly as possible.

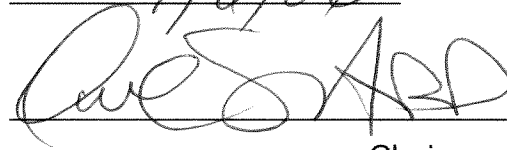
Mr. Bernard stated that everyone would like them out on the website as soon as possible, but staff is stretched and will do this as soon as possible.

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There being no further business, the Chair declared the meeting adjourned at 3:53 p.m.

Date Approved:

9/6/04



Chairman

ATTEST:


Secretary