

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
**Minutes of Meeting No. 2490**

Wednesday, August 22, 2007, 1:30 p.m.

Francis Campbell City Council Room  
Plaza Level, Tulsa Civic Center

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Ard	Miller	Alberty	Boulden, Legal
Cantees	Sparks	Huntsinger	
Cantrell		Matthews	
Carnes		Tomlinson	
Harmon			
Marshall			
McArtor			
Midget			
Shivel			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Tuesday, August 21, 2007 at 8:43 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 Ard called the meeting to order at 1:30 p.m.

Mr. Ard introduced Larry Wofford, PhD. and presented a certificate of appreciation for his time served on the Tulsa Metropolitan Area Planning Commission. Mr. Ard thanked Dr. Wofford for his honesty, fairness and enthusiasm for the position and his knowledge base that he shared. The Planning Commission will miss him and wish him well in the future. Mr. Ard concluded that he appreciated Dr. Wofford's friendship and input and looks forward to seeing him on the Planning Commission again someday.

Dr. Wofford thanked the Planning Commission for he certificate of appreciation. He stated that it was a pleasure and honor to serve with the other members and staff. He also thanked the people who represented the public in a very professional manner. (Ovation)

\*\*\*\*\*

**REPORTS:**

**Chairman’s Report:**

Mr. Ard reported that the Planning Commission held a training session prior to today’s meeting and there will be a future worksession relating to the County Sidewalk Policy.

Mr. Ard reported that the County Commission is forming a local development act commission and is requesting TMAPC to provide a Commissioner to the committee. This Board would oversee TIF districts for the County. He requested any of the members who are interested to contact him.

Mr. Ard reported that the Planning Commission is attempting to have a retreat sometime in October on a Friday afternoon. He would like the Planning Commissioners to give him ideas as to the issues that they would like to discuss and topics that could be covered.

**Comprehensive Plan Report:**

Ms. Cantrell reported that there was a meeting early today and the purpose of the meeting was to address questions to potential people who might be submitting requests. It was very productive and there were was a large turnout.

**Director’s Report:**

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

Mr. Alberty reported that the TMAPC receipts for July 2007 are slightly lower than those of July 2006.

\*\*\*\*\*

**Minutes:**

**Approval of the minutes of August 2, 2007 Meeting No. 2488**

On **MOTION** of **HARMON**, the TMAPC voted 7-0-0 (Ard, Cantrell, Carnes, Harmon, Marshall, McArtor, Shivel “aye”; no “nays”; none “abstaining”; Cantees, Midget, Miller, Sparks “absent”) to **APPROVE** the minutes of the meeting of August 1, 2007, Meeting No. 2488.

\*\*\*\*\*

**Mr. Ard reported that Item 4.a. Z-7063 has been withdrawn by the applicant.**

\*\*\*\*\*

Mr. Carnes out at 1:45 p.m.

Mr. Ard reported that Item 4.b. Z-7069/PUD-740 has requested a continuance.

**Application No.: Z-7059/PUD-740**

**RS-1 to RS-3/PUD**

**Applicant:** Sisemore Weisz & Associates

(PD-18b) (CD-8)

**Location:** Southwest corner of South Canton Avenue and East 93<sup>rd</sup> Street

**STAFF RECOMMENDATION:**

Ms. Matthews stated that this application is being redesigned for the interior streets and the applicant wanted to have time to work on the configuration of the streets. The applicant has requested a continuance to October 3, 2007.

**TMAPC Action; 6 members present:**

On **MOTION** of **HARMON**, TMAPC voted **6-0-0** (Ard, Cantrell, Harmon, Marshall, McArtor Shivel "aye"; no "nays"; none "abstaining"; Cantees, Carnes, Midget, Miller, Sparks "absent") to **CONTINUE** Z-7059/PUD-740 to October 3, 2007.

\*\*\*\*\*

**2. CONSENT AGENDA**

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

a. **PUD-600-A – Randy Baker**

(PD-18) (CD-8)

9318 South Toledo Avenue (Lots 7 & 8, Block 4, Ashton Creek Office Park) (Detail Site Plan for a one-story medical office building.)

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a one-story medical office building. The proposed use, Use Unit 11, Offices, Studios and Support Services, is in conformance with Development Standards of PUD-600-A.

The proposed site complies with building height, floor area, and setback restrictions. Proposed landscaped areas comply with the zoning code and development standards. Access from South Toledo Court to the west parking bay is shared in common with a proposed medical office on the adjacent Lots 4, 5 and 6, Block 4 as recommended by staff. A mutual access easement should be filed at the county courthouse to ensure this access and aisle remain open. No parking lot lighting is proposed.

A minimum six-foot screening fence is required along the south boundary in common with adjacent residential but is not indicated on the site plan.

Therefore, staff recommends **APPROVAL** of PUD-600-A detail site plan for Lots 7 & 8, Block 4, Ashton Creek Office Park subject to provision of a minimum six-foot screening fence along the south boundary in common with adjacent residential; and advises the applicant to file with the County a mutual access easement for the west access and parking aisle.

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

- b. **PUD-600-A – Eric Randall, Mitchell Architects** (PD-18) (CD-8)  
91<sup>st</sup> Street and South Toledo Court (Lots 4, 5 & 6, Block 4, Ashton Creek Office Park) (Detail Site Plan for a one-story medical office building.)

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a one-story medical office. The proposed use, Use Unit 11, Offices, Studios and Support Services, is in conformance with Development Standards of PUD-600-A.

The site complies with building floor area, height and setback restrictions. Proposed parking and parking lot lighting comply with development standards and the zoning code. The south access and parking aisle are shared in common as recommended by staff with an adjacent and proposed medical office building on Lots 7 and 8. A mutual access easement should be filed at the county courthouse to ensure this access and aisle remain open.

A screening fence and 15 foot landscaped buffer are provided as required along the south boundary in common with the adjacent residential. However, staff recommends that the proposed trash dumpster and enclosure be relocated from the south boundary to the north boundary, away from the adjacent residential.

Therefore, staff recommends **APPROVAL** of PUD-600-A detail site plan for Lots 4, 5 & 6, Block 4, Ashton Creek Office Park subject to relocation of the trash dumpster and enclosure from the south boundary to the north boundary; and advises the applicant to file with the County a mutual access easement for the south access and parking aisle.

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

- c. **PUD-648-A/Z-600-1-SP-2 – Roy D. Johnsen** (PD-8) (CD-2)

6901 South Olympia Avenue, northwest corner of Highway 75 and West 71<sup>st</sup> Street (Detail Site Plan for a major expansion to the Tulsa Spine & Specialty Hospital.)

**STAFF RECOMMENDATION:**

The applicant is requesting approval of a detail site plan for a major expansion to the Tulsa Spine & Specialty Hospital. The proposed use, Hospital uses as included in Use Unit 5, Community Services, is in conformance with Development Standards of PUD-648-A.

The proposed hospital expansion complies with building height, setback and floor area restrictions. Proposed landscaped areas and parking comply with development standards and the zoning code. Parking lot lighting complies with development standards per application of the Kennebunkport Formula.

Therefore, staff recommends **APPROVAL** of PUD-648-A detail site plan for the Tulsa Spine & Specialty Hospital expansion as proposed.

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

The Planning Commission considered the consent agenda.

**There were no interested parties wishing to speak.**

**TMAPC Action; 6 members present:**

On **MOTION** of **HARMON**, TMAPC voted **6-0-0** (Ard, Cantrell, Harmon, Marshall, McArtor, Shivel "aye"; no "nays"; none "abstaining"; Cantees, Carnes, Midget, Miller, Sparks "absent") to **APPROVE** the consent agenda Items 2.a. through 2.c. per staff recommendation.

\*\*\*\*\*

**Mr. Carnes in at 1:47 p.m.**

**3. PUBLIC HEARING TO CONSIDER AMENDING THE ZONING CODE**

a. Consider amending the City of Tulsa Zoning Code to allow tents for special events by right on properties Zoned CBD.

**STAFF RECOMMENDATION:**

Ms. Matthews stated that the Planning Commission held a worksession on this item and directed staff to hold a public hearing.

Ms. Matthews stated that downtown is a special district by definition and under the Development Guidelines and the Comprehensive Plan. It is seen as the focus of many festivals and other activities that require tents for the people who wish to use tents. Most of downtown, with the exception of some industrial properties, is zoned for CBD, which is the highest intensity and least restrictive use. Over the course of years it has become apparent to staff that there are a number of hoops that people wishing to use tents in the downtown area have to go through and some are redundant or not necessary. Some of the steps are a trip to the Board of Adjustment and obtaining a tent permit. Part of the tent permitting process is a zoning clearance check that is done through the permit office. The tents also have to be signed off on by the Fire Marshal and the Police Department. It seems that the Board of Adjustment is really an unnecessary step and she can't remember any time that the BOA has turned down a tent permit for a special event. The following amendments are proposed:

**PROPOSED ZONING CODE CHANGE TO ALLOW TENTS AS A USE BY  
RIGHT ON PROPERTIES ZONED CBD**

June 28, 2007

(Additions shown in red.)

To Zoning Code, City of Tulsa, **Chapter 7 "Commercial District Provisions"**, Section 701. "Principal Uses Permitted in Commercial Districts", Table 1 "Use Units Permitted in Commercial Districts", page 7-3:

**Use Unit No. 2 Area-Wide Special Exception Uses**, under heading CBD, revise to read E\*\*\* and add to table notes the following.

**E\*\*\* Except that tents used for special events are allowed by right on any non-right-of-way properties zoned CBD.**

**Chapter 12 "Use Units"**, Section 1202. Included Uses, page 12-4:

Uses which utilize tents, canopies or open air activities\*\* such as\*\*\*:

- Carnival
- Christmas tree sales
- Circus
- Fruit and vegetable sales
- Other sales of merchandise
- Plant sales
- Tent revival

\*\*Open air activities shall include sales from trucks, trailers, pickups and other vehicles.

\*\*\*Tents for such uses for special events are allowed by right on properties zoned CBD and not in the right-of-way.

**Ms. Cantees in at 1:49 p.m.**

Ms. Matthews stated that Mr. Norton from Downtown Tulsa Unlimited (DTU) is present and Skipper Bain from the Tulsa Police Department to answer any questions.

**TMAPC COMMENTS:**

Mr. Harmon asked staff if there are any time restrictions on tents. In response, Ms. Matthews stated that a special event could be defined with regard to time restrictions, but usually the tents do not stay up for more than four to five days. Ms. Matthews further stated that she can't recall any tents staying up longer than that. If a tent is up for months at a time then it is not a special event any longer.

**Interested Parties Comments:**

**Jim Norton**, President of DTU, 321 South Boston, Suite 101, 74103, stated that staff has explained the issue. This amendment would be helpful to people who have events downtown and should not have to go through this unnecessary process. DTU coordinates closely with Officer Bain, the Police Department and the Fire Marshal's office when there is a special event. The site plan has to be approved and the locations of the tents. By having to go to the BOA, it adds 30 to 60 days to the process and he believes that staff's solution would make sense to make an exception in the special district/CBD zoned area.

**Skipper Bain**, Tulsa Police Department Special Events Coordinator, 600 Civic Center, 74103, stated that he agrees with staff's recommendation. He believes that the BOA process may be unnecessary for downtown events. It may bring more people downtown to hold special events since they wouldn't have to go through the BOA process. Officer Bain indicated that he is currently revising the definition of special events, which staff may want to incorporate. The timing is usually no more than three to five days for special events. The BOA process is a big hurdle and it would benefit downtown if that process was no longer necessary.

**TMAPC COMMENTS:**

Mr. Carnes complimented everyone that took part in this amendment and are trying to streamline the process. Mr. Carnes stated that he would make a motion that this amendment be passed.

Mr. Harmon seconded.

Ms. Cantrell asked if this is just for special exceptions. In response, Ms. Matthews stated that this would be for special events only and not in the right-of-way.

**Mr. Midget in at 1:52 p.m.**

**Interested Parties Comments:**

**Darryl French**, representing the Special Events Committee, stated that he would like to hear some discussion from staff as to if it is unnecessary to go to the BOA on private property, then why would it be necessary to go to the BOA on public property. The City Public Works would have adequate control on whether there would be an event within the right-of-way or not. What is unique between public and private properties. The majority of special events are in one or more blocks of public streets.

Ms. Matthews stated that there are two issues and the first issue is that staff is not distinguishing public and private property because many times the locations are public or quasi public that will have tents on them and this issue wasn't distinguished. The reason staff distinguished between the public/private non-right-of-way and right-of-way is a safety issue and the police have to sign off on this if a street is going to be closed or blocked for any reason. The applicant has to go through a special process and another permitting process with the Police Department and it is a separate issue. Today staff is dealing with tents on the ground and not on the street.

In response to Mr. French, Ms. Cantrell asked staff if the applicant has to go through all of the other processes, why not let them go ahead and put a tent onsite and not go to the BOA. In response, Ms. Matthews stated that it would be up to the Planning Commission if they think it is advisable. However, some of the earlier special event committee meetings discussed how dangerous it was to completely block a street for a period of time where emergency vehicles couldn't have access.

Mr. French stated that he is assuming that it would never come to the BOA if the Special Events Committee and the City Council didn't intend to approve the use of the right-of-way. The question is when the sponsor decides that the temperature is too warm or rainy and they need a tent to cover the area, which will usually be at the last minute with ten days to go and the BOA is a time-consuming step and he doesn't anticipate many of them being denied, but usually they run out of time and are unable to go through that process.

Mr. French asked Officer Bain if he recalled any denials of tents. In response, Officer Bain stated that the question would be the tent size, and if it is under 900 SF they should get the permit the next day. If it is over 900 SF it should be reviewed. Would that review still have to go to the BOA? In response, Ms. Matthews stated that staff was stating that it would not, whatever size is proposed. In response, Mr. Bain stated that would be great and he remembers that the parking lot was the issue, and not so much the streets.



Mr. French spoke away from the microphone/inaudible.

Mr. Alberty stated that the BOA only has authority on private property and do not have authority on public streets. Officer Bain and the City Council are involved in public streets because it is public property. The BOA doesn't have any authority for property that is located within the right-of-way. Mr. Alberty stated that staff may need to work on the language and obviously the language goes through the Legal Department. Mr. Alberty cited Section 223 which talks about the 900 SF limitation and staff should clarify that for the CBD district because there is no intent to limit it to something less than 900 SF.

Mr. Ard asked if the language issue would prevent this from going forward or if it can be moved forward and have the language worked out by Legal. In response, Mr. Boulden stated that the Planning Commission can approve the concept and staff and Legal will relay it to the City Council.

Mr. Alberty stated that the Planning Commission could approve this concept with a condition that the Legal Department approves the language.

Mr. Carnes stated that he would change his motion to approve the amendment and include any tents and subject to Legal Department.

Mr. Harmon amended his second.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Ard, Cantees, Cantrell, Carnes, Harmon, Marshall, McArtor, Midget, Shivel "aye"; no "nays"; none "abstaining"; Miller, Sparks "absent") to **APPROVE** amending the City of Tulsa Zoning Code to allow tents for special events by right on properties zoned CBD, include language to allow all tents and subject to Legal approving language.

\*\*\*\*\*

**Application No.: PUD-579-A-10**

**CORRIDOR MINOR AMENDMENT**

**Applicant:** Charles E. Norman

(PD-18) (CD-8)

**Location:** Intersection of East 81<sup>st</sup> Street South and South 101<sup>st</sup> East Avenue

**STAFF RECOMMENDATION:**

The applicant is requesting a minor amendment to PUD-579-A for the purpose of permitting a sign in Reserve 'A' and establishing standards. Reserve 'A' is within Development Area 'C' and is located in the middle of the South 101<sup>st</sup> East Avenue right-of-way at the principal entrance to Tall Grass from East 81<sup>st</sup> Street

South. It was intended as the location for signage identifying major uses within the Tall Grass development, but neither the PUD development standards nor the deed of dedication and restrictive covenants established use conditions for the reserve.

Development Area 'C' currently allows for ground signage as follows:

One ground sign shall be permitted for each lot on the East 81<sup>st</sup> Street frontage with a maximum of 160 square feet of display surface area and 25 feet in height.

The sign proposed for Reserve 'A' would have a maximum height of eleven feet and display surface area of 84 square feet. Based on frontage and underlying CO zoning, maximum aggregate display surface area permitted in Development Area C is 609 square feet. Per existing standards, 480 square feet of that has been allocated leaving 129 square feet that may be allocated. Therefore, the proposed additional sign at 84 square feet is permissible.

Finding that the proposed amendment is minor in nature and in keeping with the intent and purposes of PUD-579-A, staff recommends **APPROVAL** of PUD-579-A-10 per the following conditions and cautionary note:

One ground sign shall be permitted in Reserve 'A', Tall Grass, not to exceed eleven (11) feet in height and 84 square feet of display surface area.

Note: Section 1103.B.2.b.(3) requires that "Any ground sign shall maintain a minimum separation of one hundred (100) feet from any other ground sign.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

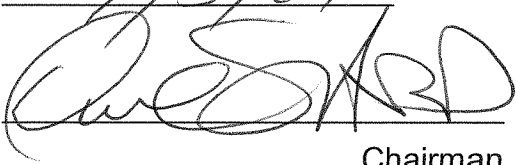
**TMAPC Action; 9 members present:**

On **MOTION** of **HARMON**, TMAPC voted **9-0-0** (Ard, Cantees, Cantrell, Carnes, Harmon, Marshall, McArtor, Midget, Shivel "aye"; no "nays"; none "abstaining"; Miller, Sparks "absent") to **APPROVE** the corridor minor amendment for PUD-579-A-10, subject to one ground sign shall be permitted in Reserve 'A', Tall Grass, not to exceed eleven (11) feet in height and 84 square feet of display surface area and cautionary note: Note: Section 1103.B.2.b.(3) requires that "Any ground sign shall maintain a minimum separation of one hundred (100) feet from any other ground sign" per staff recommendation.

\*\*\*\*\*

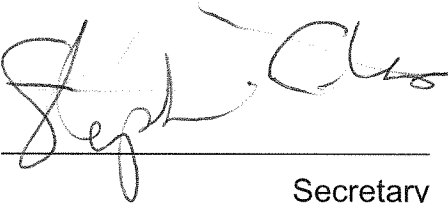
There being no further business, the Chair declared the meeting adjourned at 2:00 p.m.

Date Approved:

9/5/07  


Chairman

ATTEST:

  
Secretary

