

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2528

Wednesday, October 1, 2008, 1:30 p.m.

Francis Campbell City Council Room
Plaza Level, Tulsa Civic Center

| Members Present | Members Absent | Staff Present | Others Present |
|------------------------|-----------------------|----------------------|-----------------------|
| Ard | Carnes | Alberty | Boulden, Legal |
| Cantrell | McArtor | Feddis | |
| Marshall | Smaligo | Huntsinger | |
| Midget | | Matthews | |
| Shivel | | Sansone | |
| Sparks | | | |
| Walker | | | |
| Wright | | | |

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, September 25, 2008 at 4:45 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Ard called the meeting to order at 1:35 p.m.

REPORTS:

Comprehensive Plan Report:

Ms. Cantrell reported that there will be a third workshop on October 28, 2008.

Director's Report:

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

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

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.

1. **LS-20246** – Jim Bigelow (9306)/Lot-Split (PD 4) (CD 4)
Southeast corner of South Yorktown Avenue and East 6th Street, 601 South Yorktown Avenue
2. **LS-20250** – Sack & Associates (8317)/Lot-Split (PD 18-B) (CD 2)
Northwest corner of 91st Street and South Delaware Ave,
3. **LS-20251** – Lou Reynolds (9317)/Lot-Split (PD 6) (CD 9)
South of East 27th Place and West of South Birmingham Place
4. **LS-20252** – Lou Reynolds (0407)/Lot-Split (PD 16) (CD 3)
North Mingo Road and 56th Street North
5. **LS-20253** – Lou Reynolds (9317)/Lot-Split (PD 6) (CD 9)
South of East 27th Place and West of South Birmingham Place
6. **LS-20254** Sack & Associates (8418)/Lot-Split (PD 18) (CD 8)
Southwest corner of East 81st Street and South Garnett Road
7. **LS-20255** – Sack & Associates (8418)/Lot-Split (PD 18) (CD 8)
Southwest corner of East 81st Street and South Garnett Road
8. **LC-120** – J. Elliot Nelson (9201)/Lot Combination (PD 4) (CD 4)
South of South Elgin Avenue and East 2nd Street, 402 East 2nd Street
9. **LC-121** – Stevan Phillips (9308)/Lot Combination (PD 4) (CD 4)
Southwest corner of South College Ave and East 13th Street, 1302 South College Avenue
10. **LC-122** – Phuc Vo (9411)/Lot Combination (PD 17) (CD 6)
East of the Northeast corner of 161st East Avenue and 21st Street South, 16933 East 21st Street South
11. **LC-123** – H.W. Tompkins (9318)/Lot Combination (PD 6) (CD 9)
North of East 26th Place and South Rockford Road, 1503 East 26th Place
12. **LC-124** – Sack & Associates (8418)/Lot Combination (PD18) (CD 8)
Southwest corner of 81st Street and South Garnett Road

13. **LC-125** – Tom McDermitt Co (0319)/Lot Combination (PD 2) (CD 3)
East of North Zuni Avenue and North of East 32nd Place North, 2215
East 32nd Place North,
14. **PUD-641 – Wallace Engineering** (PD-18) (CD-7)
Northwest of the northwest corner of Sheridan Road and 71st Street
South (Detail Site Plan for Phase II construction at Montereau in
Warren Woods/senior retirement care facility.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for Phase II construction at Montereau in Warren Woods a senior retirement care facility. The proposal is to add 55,215 square feet (SF) of assisted living facility floor space to the existing 71,992 SF, and 234 multi-family dwelling units to the existing 72 units. The PUD permits 158,000 SF of assisted living facility floor space and 346 multi-family dwelling units.

The submitted site plan meets all applicable building floor area, livability space, building height and setback limitations per established PUD standards and minor amendments (minor amendment PUD-641-2 permits eight-story buildings; minor amendment PUD-641-4 allows two-story or more buildings to be setback 85 feet from the eastern boundary only of the PUD). Parking has been provided per the Zoning Code and no additional landscaping is required per the landscape chapter of the Zoning Code. No additional sight lighting is being added at this time.

Therefore, staff recommends **APPROVAL** of the detail site plan for phase II construction at Montereau in Warren Woods, PUD-641.

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

15. **PUD-746 – Steve Bengé** (PD-18c) (CD-8)
West of the northwest corner of East 101st Street and South Garnett
Road (Detail Site Plan for a residential subdivision wall along 101st
Street South and gated entries from 107th and 108th East Avenues.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a residential subdivision wall along 101st Street South and gated entries from 107th and 108th East Avenues.

The submitted site plan meets applicable structure height and setback limitations. The proposed gated entries and guardhouses will receive the approval of the City

of Tulsa Fire Marshall and City of Tulsa Traffic Engineering, prior to the release of building permits

Therefore, staff recommends **APPROVAL** of the detail site plan for the residential subdivision wall and gated entries for PUD-746.

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

17. **Z-5537-SP-1 – Wallace Engineering/Jim Beach** (PD-18) (CD-8)

South of the southwest corner of 71st Street South and Garnett Road (Detail Site Plan for a 39,000 SF indoor practice facility, modification of an existing softball diamond, and the addition of one new softball diamond.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a 39,000 square foot indoor practice facility, modification of an existing softball diamond, and the addition of one new softball diamond (see Exhibit A) to the grounds at Union High School. The proposed use, Use Unit 5 – Community Services and Similar Uses/Public School and the accessory ball fields are permissible uses within this approved Corridor District.

The site plan meets all building floor area, open space, lot coverage, building height and setback limitations (see attached exhibits). No additional parking or landscaping is required per the Zoning Code.

Staff recommends **APPROVAL** of detail site plan for Z-5537-SP-1.

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

18. **PUD-648-A/Z-6001-SP-2 – Sisemore Weisz & Associates, Inc.** (PD-8) (CD-2)

North of the northwest corner of West 71st Street South and South Olympia Avenue (Detail Site Plan for a four story, 101 room Hampton Inn Hotel.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for a four-story, 101 room Hampton Inn hotel. The proposed use unit, Use Unit 19 – Hotel, Motel and Recreation Facilities is a permitted use within PUD-648-A.

The submitted site plan meets all applicable building floor area, open space, building height and setback requirements. Parking has been provided per the Zoning Code. Landscaping is provided per the landscape chapter of the Zoning

Code and adopted PUD development standards. All sight lighting will be limited to 25-feet in height and will be directed down and away from adjoining properties per application of the Kennebunkport Formula or the approval of the attached photometric plan. A trash enclosure will be provided per adopted development standards. Any mechanical areas, including building mounted will be screened from the view of a person standing at ground level at the periphery of the property.

Staff recommends **APPROVAL** of the detail site plan for Lot 2, Block 1 (Tract 2B) – Olympia Medical Park II.

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

TMAPC COMMENTS:

Mr. Ard stated that he would like Items 16 and 19 removed from the consent agenda.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **WALKER**, TMAPC voted **7-0-0** (Ard, Cantrell, Marshall, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes, McArtor, Midget, Smaligo "absent") to **APPROVE** the consent agenda Items 1 through 15, 17 and 18 per staff recommendation.

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA

Mr. Sparks out at 1:41 p.m.

16. **PUD-756 – Crafton Tull Sparks/Kevin Vanover** (PD-4) (CD-4)
Northwest corner of 21st Street South and Harvard Avenue (Detail Site Plan for the redevelopment of the QuikTrip store.)

STAFF RECOMMENDATION:

The applicant is requesting approval of a detail site plan for the redevelopment of the QT Store on the northwest corner of 21st Street South and Harvard Avenue. The plan includes demolition of the existing QT Store, and construction of a new 4,555 square foot building and associated fueling facilities further from Harvard Avenue. The proposed use unit – Use unit 13 – Convenience Goods and Services is an allowable use within PUD-756.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Parking has been provided per the Zoning Code, and a solid screening masonry-type wall will be constructed along the north and northeast boundary lines per PUD development standards. A six-foot two-sided smooth fence will be constructed on top of the retaining wall on the remainder of the eastern property line. Extensive landscaping and screening is provided along South Gary Place per adopted PUD development standards and submitted conceptual landscape and screening plan. Street side landscaping along Harvard and 21st Street is provided per adopted PUD development standards. All sight lighting will be limited to 22-feet in height and is directed down and away from adjoining properties per application of the Kennebunkport Formula. All equipment, including building mounted is screened from view per adopted development standards and a trash enclosure is provided per PUD requirements. A six-foot wide sidewalk will be constructed along Gary Place, 21st Street and Harvard Avenue.

Staff recommends **APPROVAL** of the detail site plan for PUD-756.

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

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **MARSHALL**, TMAPC voted **5-0-1** (Cantrell, Marshall, Shivel, Walker, Wright "aye"; no "nays"; Ard "abstaining"; Carnes, McArtor, Midget, Smaligo, Sparks "absent") to **APPROVE** the detail site plan for PUD-756 per staff recommendation.

Mr. Sparks in at 1:43 p.m.

19. **PUD-306-G-9 – Dave Wiesner** (PD-18b) (CD-2)
Northeast corner South Delaware Avenue and East 95th Street South
(Minor Amendment to allow two recycling containers in the parking lot
of the Wal-Mart.)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to allow two recycling containers to be placed in the parking lot of the WalMart at E. 95th Street and Delaware Avenue, near the Delaware Avenue frontage (see Exhibits A, B and C). The minor amendment is required since all trash containers are required to be completely screened from public view.

Staff can support this request and recommends **APPROVAL** of minor amendment PUD-306-G-9 with the following conditions as amended by the TMAPC (underlined items have been added by the TMAPC):

- The recycling containers be good appearance and operating condition, as shown in Exhibit C;
- Recycling shall be limited to paper, newspaper, magazines, and waste paper;
- Recycling containers may only be located in the two most northwestern parking spaces as indicated on the 10/2/08 approved site plan;
- The containers may not occupy any required parking space or be placed on green space; and
- No recyclable material be stored or stacked outside the recycling containers in any manner. Repeated nuisance violations would be cause for removal of the containers at the discretion of the City of Tulsa Neighborhood Inspector.

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

Applicant's Comments:

David Wiesner, 2443 Dawson Road, 74110, stated that he has met with the interested party and will agree to move the bins back to the original location. He explained that when the fueling station was removed, the recycling bins were moved to the front of WalMart, but he would be willing to move them back. This will take up two parking spaces, but there are plenty of parking spaces and WalMart will meet their parking requirements.

TMAPC COMMENTS:

Mr. Ard asked Mr. Wiesner if the bins are for recycling paper only. In response, Mr. Wiesner stated that it is for paper, catalogs, and magazines. In response, Mr. Ard stated that there have been some problems relating to paper blowing out of the bins into the neighborhood. In response, Mr. Wiesner stated that the bins do have lids and if paper does fly out of the bins, a simple phone call is all that is needed and he will have someone out immediately to pickup the paper. He explained that he has over 700 bins in the Tulsa Metropolitan Area and he doesn't have a big issue with paper flying out. The subject location has been very successful and that is why there is a need for two bins and to prevent paper from being piled beside the bins or flying out.

Interested Parties Comments:

Calvin Brusewik, 9524 South College Court, 74137, representing College Park II HOA, stated that he recommends that this be denied or modified to relocate these bins to another location. These bins are specifically for waste paper and it is not tied down in the staff recommendation. He has fears in the future that someone could interpret that to put a different type of storage at the subject location. Mr. Brusewik stated that the colors of the bins are obnoxious and when you drive by with the bins near the street it is an eyesore. If they were located to the north side where it is somewhat shielded by the parking lot, he would be agreeable to that. He requested that the recommendation specifically limit this to paper collection and nothing else.

TMAPC COMMENTS:

Ms. Cantrell asked Mr. Brusewik if the location Mr. Wiesner pointed out would be satisfactory to him. In response, Mr. Brusewik answered affirmatively.

Mr. Ard asked staff if there is a way to define the location of the bins. In response, Mr. Sansone stated that staff can specifically call out the location for the containers. Mr. Sansone further stated that the WalMart store exceeds their parking requirement.

TMAPC Action; 7 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **7-0-0** (Ard, Cantrell, Marshall, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes, McArtor, Midget, Smaligo, "absent") to **APPROVE** the detail site plan for PUD-306-G-9 per staff recommendation with added language by the Planning Commission as follows: Recycling containers may only be located in the two most northwestern parking spaces as indicated on the 10/2/08 approved site plan; Recycling shall be limited to paper, newspaper, magazines, and waste paper. (Language with a strike-through has been deleted and language with an underline has been added.)

PUBLIC HEARING

- 21. **Z-7106 – Charles Norman** **RM-2/OL to CS**
Southeast corner of East 41st Street and South Harvard Avenue (Continued from 8/20/08) (Related to Item 22.) (PD-6) (CD-9)

RELATED ITEM:

- 22. **PUD-761 – Charles Norman** **RM-2/OL/CS to RM-2/OL/CS/PUD**
Southeast corner of East 41st Street and South Harvard Avenue (PUD for mixed-use development for small businesses, restaurants, offices and retail shops.) (Continued from 8/20/08) (Related to Item 21.) (PD-6) (CD-9)

STAFF RECOMMENDATION:

Staff is requesting a continuance for review of new amendments submitted by the applicant one day before today’s meeting.

Applicant’s Comments:

Lou Reynolds, 2727 East 21st Street, 74114, stated that he is supportive of the request. He would ask that the modifications be received for the subject application and be reflected in the staff recommendation.

Mr. Ard indicated that Mr. Novick had to leave, but he had indicated his support in the continuance.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **SHIVEL**, TMAPC voted **7-0-0** (Ard, Cantrell, Marshall, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes, McArtor, Midget, Smaligo "absent") to **CONTINUE** Z-7106/PUD-761 to October 15, 2008 to allow staff to review modifications submitted by the applicant.

23. **Z-7096/PUD-757 – Charles E. Norman** **RS-3/OL to RT/PUD**
North of northwest corner of East 15th Street and South Norfolk Avenue (PUD for a seven-unit town-home development designed for single-family owners.) (PD-6) (CD-4)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 16532 dated January 15, 1986, and Ordinance number 11814, June 26, 1970, established zoning for the subject property.

PROPOSED ZONING: RT/PUD

PROPOSED USE: Townhouses

RELEVANT ZONING HISTORY:

Z-6378 April 1993: All concurred in approval of a request for a supplemental overlay zoning on a tract of land to HP for historic preservation on property located south of subject property.

Z-6339/PUD-478 December 1991: All concurred in approval of a request for rezoning from OL/OMH/RS-3 to RS-4 and of a proposal Planned Unit Development a 7.73+ acre tract of land for single-family development with private streets on property located west of the northwest corner of South Peoria Avenue and East 15th Street and east of subject property.

Z -6081 January 1986: All concurred in approval of a request for rezoning a tract of land from RS-3 to OL for office use on property located on the northwest corner of East 15th Street South and South Norfolk Avenue and a part of the subject property.

PUD-394-A December 1991: All concurred in approval of a request to abandon PUD-394 which originally approved high-rise office on the site; on condition of approval of RS-4 zoning for Z-6339 and PUD-478 as recommended by staff on property located east of subject property and west of the northwest corner of South Peoria Avenue and East 15th Street

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately .43+ acres in size and is located north of northwest corner of East 15th Street and South Norfolk Avenue. The property appears to be residential and vacant and is zoned RS-3/PUD.

STREETS:

| Exist. Access | MSHP Design | MSHP R/W | Exist. # Lanes |
|------------------------------|-----------------------|-----------------|-----------------------|
| East 15 th Street | Urban Arterial | 70' | 4 |
| South Norfolk Avenue | Residential Collector | 60' | 2 |

UTILITIES: The subject tract has municipal water and sewer available.

SURROUNDING AREA: The subject tract is abutted on the east by Norfolk Avenue, Broadmoor Addition and Mapleview on Cherry Street, zoned RS-4 and OL respectively; on the north by the U.S. 64/444, OK.-51 right-of-way, zoned RS-3; on the south by 15th Street and Morningside Addition, zoned RS-3; and on the west by Broadmoor Addition, zoned RM-2.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 6 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being low-intensity, Special Development Sub-area F according to the District 6 Comprehensive Plan Map, and page 6-23 of the Plan. This area is “bounded by the Broken Arrow Expressway on the north, the lot line west of Utica on the east, the inner-dispersal loop on the west, and the Cherry Street Business Sub-Area A and Maple Ridge Sub-Area C on the south”.

According to section 3.5.6.1 of the Plan, “the area west of Peoria should be low-intensity office use on the west half” and medium intensity office/commercial use on the east. Multi-family use should be discouraged”. Since the applicant is proposing to re-plat the property as seven individual single-family lots, this development is not a multifamily development per chapter 18 of the Zoning Code.

Therefore, and according to the Zoning Matrix, the requested RT zoning **may be found** in accord with the Plan by virtue of its location within a Special District area.

STAFF RECOMMENDATION FOR ZONING:

Based on the Comprehensive Plan and existing development in the area, staff can support the requested rezoning and therefore recommends **APPROVAL** of RT zoning for Z-7096, subject to the TMAPC’s recommendation to approve the accompanying PUD-757 or some variation thereof.

STAFF RECOMMENDATION FOR PUD:

PUD-757 is a .43 acre tract located on the west side of Norfolk Avenue, north of 15th Street, approximately 1,200 feet west of Peoria Avenue. This PUD proposal and associated rezone application Z-7096 was originally approved by the TMAPC on May 21, 2008. It is being returned to the TMAPC by the Tulsa City

Council with the recommendation that the TMAPC reconsider the proposed zoning being switched to RT (Residential Town home) zoning.

The applicant is proposing a town-home development designed for occupancy by single family residential owners with common area facilities located within a reserve area to be maintained by a homeowners association. The location of the property is shown on the attached aerial photograph. The development will be re-platted as one-block, with individual lots and common reserve area(s).

Elevation for the proposed development area range from a high of 716' at the northeast corner of the tract to 708 feet at the southwest corner of the tract with the property generally sloping downward from east to west. According to the Soil Survey of Tulsa County, Oklahoma, soil types are identified as Kamie-Urban Land Complex, 1% - 8% Slopes. Development constraints are associated with these soils and will be addressed in the engineering design phase of the project.

The Maple Terrace Town-homes property is immediately south of the US-64/444, OK.-51, inner dispersal loop and is adjacent on the north and west to a recently completed pedestrian and bicycle path, a part of the metropolitan trail system. The applicant is proposing direct access to the path for residents of the development.

The property is zoned RS-3 and OL-Office Light. A companion application Z-7096 is being considered to change the zoning of the property to RT – Residential Town home. Should the request for the RT zoning be approved, underlying RT zoning would allow 5 dwelling units according to the available land area per dwelling unit required for an RT development (24,994 gross square foot lot divided by 4,200 so required per dwelling unit in RT zoning = 5 units permissible).

A minimum of 1,200 square feet of livability space will be provided for each townhouse lot. Livability space for each lot may be provided in landscaped features within the reserve area(s) as permitted by section 1104-C of the Zoning Code. The reserve areas will be maintained by the homeowners association.

Access to the site will be from Norfolk Avenue, via mutual access easement (MAE). Entry gates will be constructed per the applicant's concept plan and as agreed to by the City of Tulsa Fire Marshall. Sidewalks will be provided along Norfolk Avenue, as well as, from the northeast corner of the site to the proposed trail access. Two car garages are proposed for each town-home with an additional off-street parking spot provided within the development. All parking will be accessed from the interior of the development. A hammerhead turn-around for traffic on South Norfolk Avenue will be constructed at the northeast corner of the project. Part of the existing cul-de-sac will be declared surplus per the City of Tulsa Engineering Design Manager to allow for this turn-around. The

final design of the aforementioned turn-around must be approved by the City of Tulsa prior to final approval of the re-plat of the property.

A letter prepared by the Public Works Department, Development Services Division, dated April 8, 2008 states there will be no onsite detention required for the proposed development. Maple Terrace Town-homes will continue to drain overland in conformance with historical drainage patterns common to the site prior to the construction of the Inner Dispersal Loop. A detailed hydrology analysis and report will be prepared and submitted to the City of Tulsa Development Services for approval during the platting process.

Existing City water and sanitary sewer services are available to the development. The existing two-inch water line along the east side of South Norfolk Avenue will be replaced with a six-inch water line which will be looped through the development and extended to connect with the existing six-inch water line running along the south side of East 15th Street South.

Sanitary sewer is accessible to the site by an eight-inch line that extends south across East 15th Street South from an existing lamp-hole at the southwest corner of the development. An internal sanitary sewage collection system with eight-inch lines will be constructed along the perimeter boundaries of the development and will connect to the existing lamp-hole and to a new manhole which will be constructed at the southeast corner of the development.

Staff finds the uses and intensities of development proposed to be in harmony with the spirit and intent of the Code. Staff finds PUD-757 to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-757 subject to the following conditions and as amended by the TMAPC (items with strikethrough have been removed, underlined items have been added in):

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.
2. Development Standards:

LAND AREA:

| | | |
|-----------|------------|-----------|
| Net Area: | 0.43 Acres | 18,617 SF |
| Gross: | 0.57 Acres | 24,994 SF |

PERMITTED USES:

Townhouses: As permitted in Use Units 7a, and uses customarily accessory to the permitted principal uses.

Reserve A: Controlled entrance, parking and common area facilities, and uses customarily accessory to townhouse dwellings, to be maintained by an owners association.

| | |
|-----------------------------------|-----------|
| MAXIMUM NUMBER OF DWELLING UNITS: | 5 |
| MINIMUM LOT WIDTH: | 22 FT |
| MINIMUM LOT AREA: | 1,600 SF* |

**The remainder of the required lot area per dwelling unit shall be provided in common areas as permitted by section 1104-B of the Zoning Code.*

| | |
|--------------------------|---------------------|
| MAXIMUM BUILDING HEIGHT: | 35 FT |
| OFF-STREET PARKING: | 3 per dwelling unit |

| | |
|--|--------|
| MINIMUM BUILDING SETBACKS: | |
| From the centerline of S. Norfolk Ave. | 50 FT* |
| From the north boundary | 10 FT |
| From the south boundary | 10 FT |
| From the west boundary | 20 FT |

**For the purpose of establishing the required street yard, the front yard set back shall be considered to be ten feet.*

| | |
|--|------|
| MINIMUM PARKING AREA SETBACKS from the north boundary: | 5 FT |
|--|------|

LIVABILITY SPACE:

A minimum of 1,200 square feet of livability space shall be provided for each townhouse lot. Livability space may be provided within common and reserve areas per section 1104-C of the Zoning Code.

SIGNS:

One project identification ground sign shall be permitted at the South Norfolk Avenue entrance with a maximum of 12 square feet of display surface area and 6 feet in height.

LIGHTING:

Exterior light standards shall not exceed 12 feet in height and shall be hooded and directed downward and away from the boundaries of the planned unit development. Shielding of outdoor lighting shall be designed so as to prevent the light producing element or reflector of the light fixture

from being visible to a person standing at ground level in adjacent residential areas. Compliance with these standards shall be verified by application of the Kennebunkport Formula. Consideration of topography must be included in the calculations.

DECORATIVE FENCING:

A decorative six-foot high wrought iron type screening fence shall be constructed along the east boundary; such screening fence shall continue at least 25 feet from the north and south property boundaries and be subject to detail site plan review and approval prior to a building permit being issued. Screening along the remainder of the property boundaries shall be optional.

TRASH, MECHANICAL AND EQUIPMENT AREAS:

All trash, mechanical and equipment areas (excluding utility service transformers, pedestals, or equipment provided by franchise utility providers), including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.

3. No building permit shall be issued until the platting requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
4. No building permit shall be issued for any building within the development until a detail site and landscape plan for that lot or parcel has been submitted to the Tulsa Metropolitan Area Planning Commission and approved as being in compliance with the approved development standards.
5. No sign permits shall be issued for erection of a sign within the PUD until a detail sign plan has been submitted to the TMAPC and approved as being in compliance with the applicable development standards.
6. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all stormwater drainage and/or proposed detention is in accordance with applicable City requirements prior to issuance of an occupancy permit on that lot.
7. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets, sidewalks and common areas, including any stormwater detention areas, security gates, guard houses and/or other commonly owned structures within the PUD.

8. All private roadways shall have a minimum right-of-way of 30' and be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb where applicable. Any curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street if installed. The maximum vertical grade of private streets shall be ten percent where applicable.
9. The City shall inspect all private streets and/or access drives to certify that they meet City standards prior to any building permits being issued on lots accessed by those streets or access drives. The developer shall pay all inspection fees required by the City.
10. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
11. Entry gates or guardhouses, if proposed, and screening walls or fences, must receive detail site plan approval from TMAPC, Traffic Engineering and Tulsa Fire Department, prior to issuance of a building permit for the gates or guard houses.
12. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.

TAC Comments:

General: No Comments

Water: A 20' restrictive water line easement will be required for the proposed 6-inch looped water main line on the property. A Revision Project will be required for replacing the existing 2-inch water main line along Norfolk Avenue with a 6-inch size water main line.

Fire: No Comments

Stormwater: No Comments

Wastewater: A Sanitary Sewer mainline extension will be required to serve all lots within the PUD area. A fence easement should be included, to ensure fence is not placed in utility easement.

Transportation: There are title ownership issues along the east side of the property. Locate DOT and COT easements; rights-of-way or ownership at that location.

Traffic: Include design standards within the PUD development standards for the proposed private street. The standards must meet or exceed Public Works' standards for minor residential streets.

GIS: No Comments

Street Addressing: No Comments

County Engineer: No Comments

TMAPC COMMENTS:

Mr. Ard stated that Ms. Wright spoke regarding this item at the City Council previously. He asked Ms. Wright if she feels that she could be involved in today's discussion in an unbiased and disinterested manner. He asked Ms. Wright to explain her conversation at City Council, what it pertained to and how it wouldn't affect her being involved in today's discussion and consideration.

Ms. Wright stated that she spoke before the City Council on this particular PUD and referred specifically to pages 21 and 22 of the City Council packet, which at that time stated that if it were granted OL zoning that the underlying zoning and the PUD would allow a maximum of seven individual units. At that time the Planning Commission had recommended four units and brought that to the City Council's attention. It was a procedural issue and she indicated she had no vested interest at all in this particular area and spoke specifically as an individual to bring to their attention an oversight on a procedure.

Mr. Marshall stated that he would like to speak to Ms. Wright's comments. He believes that it would be perceived from the public that Ms. Wright is in a conflict of interest. Mr. Marshall commented that he perceives it as a conflict of interest on her part as well. Ms. Wright did get up and speak against the proposal and she didn't identify herself as a TMAPC Commissioner, but she did not identify herself as being there for herself. He reiterated that he perceives it as a conflict of interest and he requested that Ms. Wright not participate in this application.

Mr. Boulden stated that he did not view the comments Ms. Wright made, but in his reading of the ethics that the Planning Commission established he doesn't believe that there is a clear violation in this particular case. The ethics talk about there being a conflict of interest and it can be financial or associational. He believes that there is an argument that could be made that a personal interest a Planning Commissioner has is in associational interests and there could be a conflict of interest there. He doesn't believe that is clear in this case and he doesn't believe that there are ex parte communications under another portion of the ethics rule. From his judgment and from what he understands of the situation, there is not clear ethics violation in this case.

Mr. Ard stated that he understands Mr. Marshall's concern, but as the Planning Commission's rules state, it is up to the individual commissioner as to whether he or she decides to participate or not. As a body the Planning Commission doesn't have any enforcement provision and it is up to the personal understanding of each commissioner as to their belief as to be unbiased or disinterested prior to the application.

Mr. Marshall stated that he accepts Legal's response.

After hearing from staff, applicant, Legal and Ms. Connie Desai (interested party) it was brought to staff's attention that the notice was not correct and would have to be readvertised for November 5, 2008.

TMAPC Action 7 members present:

On **MOTION** of **WRIGHT**, TMAPC voted **7-0-0** (Ard, Cantrell, Marshall, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes, McArtor, Midget, Smaligo "absent") to **CONTINUE** Z-7096/PUD-757 to November 5, 2008 in order to allow for renoticing of this application.

- 24. **Consider adopting the Elm Creek Basin Master Drainage Plan Map and Text, as a Part of the Comprehensive Plan for the Tulsa Metropolitan Area (Resolution 2528:892) (Related to Item 25.)**

STAFF RECOMMENDATION:

Staff has reviewed the Elm Creek Master Drainage Plan Summary Report and the technical documentation. As background, this draft is the third iteration of a plan for this area, which is the last drainage basin for which a plan has been developed and presented for adoption. Redevelopment of the area, which encompasses the Pearl District (6th Street Corridor) and the Kendall Whittier Neighborhood, among others, will depend on solution of the stormwater drainage issues that are prevalent here. The current plan appears to represent the most cost-effective and least disruptive means of achieving stormwater control in this older, long-established area. One of the improvements, the detention facility at Centennial Park, has already been completed and is a true asset to that park and the community. The Elm Creek Master Drainage Plan envisions others similar to this throughout the basin.

It is a fact that homes and other structures will be acquired in order to accomplish the goals of this plan. Those structures are in the floodplain and have flooded previously and/or on the sites of proposed detention facilities. Much of the acquisition is recommended to be implemented voluntarily. Uniform relocation benefits will accrue to these property owners. The improvements will allow future redevelopment and infill to occur, which have been hampered in the past by flooding problems. Staff believes that the addition to the tax base and population of the area will be positive.

In summary, staff recommends approval and adoption of the Elm Creek Master Drainage Plan as part of the Comprehensive Plan for the Tulsa Metropolitan Area and recommends that the TMAPC do the same. At direction of the TMAPC, staff will prepare text for the District 4 Detail Plan to incorporate provisions of the Elm Creek Master Drainage Plan as a separate document.

RESOLUTION NO.: 2528:892

**A RESOLUTION ADOPTING
THE ELM CREEK MASTER DRAINAGE PLAN MAP AND TEXT, AS
A PART OF THE COMPREHENSIVE PLAN
FOR THE TULSA METROPOLITAN AREA**

WHEREAS, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

WHEREAS, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

WHEREAS, a Public Hearing was held on the 1st day of October, 2008, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to adopt the Elm Creek Master Drainage Plan as part of the Comprehensive Plan for the Tulsa Metropolitan Area.

NOW, THEREFORE, BE IT RESOLVED by the TMAPC, that the Elm Creek Master Drainage Plan Map and Text, as above set out, be and are hereby adopted as part of the District Four Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

Applicant's Comments:

Mark Swift, 9 East 4th Street, 74103, stated that the original Elm Creek Master Drainage Plan of 1988 was not implemented because of costs and the unpopularity of some the features of the plan. The detention pond at Centennial Park, in particular, was planned as being removed. A couple of years ago the City of Tulsa requested the Master Drainage Plan be updated and numerous alternatives were looked at. Mr. Swift indicated that there were several public meetings (total of 13). Mr. Swift described the locations of the detention ponds and the conveyance to get the water from one pond to another. He indicated that he is working with the Pearl District to figure out whether the conveyance should be storm sewer, an open canal or both. The plan recommends a voluntary acquisition of residential properties and the total would be about 60 residential properties. It would be strictly voluntary and the City would not force the resident

to move if they choose not to. The residents who remain are associated with the negative impacts of being in the floodplain. Mr. Swift indicated that since the TMAPC worksession, he met with the Kendall-Whittier HOA and there were probably 25 people present. The Kendall-Whittier area is where the voluntary acquisitions are located. A few people who didn't want to participate in the voluntary program were informed that it is voluntary and they do not have to participate. There were several people present who did want to participate in the acquisition and wanted to do it tomorrow.

Mr. Swift stated that he has also met with the Stormwater and Drainage Advisory Board and they approved the proposed plan.

TMAPC COMMENTS:

Mr. Ard asked Mr. Swift if there is money available today for the voluntary acquisition. In response, Mr. Swift stated that would be future funds and there are approximately forty million dollars in FEMA funds that could be used for projects like this and that would 75% of the acquisition money and the City of Tulsa would have to provide the remainder 25%. Today there are no funds available.

Mr. Ard asked if any of the houses or properties within the designated areas are going to be designated as mandatory acquisition or any type of eminent domain action. In response, Mr. Swift stated that there are not going to be designated as mandatory acquisition or any type of eminent domain in the areas being discussed today. There will be eminent domain for structural projects at the detention ponds. There are estimated to be 71 residential homes and a few commercial properties that will be affected. None of the properties are in a FEMA floodplain because it is not an open channel and FEMA didn't study it. These are all in the City of Tulsa Regulatory Floodplain. All the areas within the light blue are within the regulatory floodplain.

Mr. Ard asked how the boundary is defined differently from the FEMA boundary. In response, Mr. Swift stated that the general answer is that the regulatory floodplain is figured based on fully urbanized discharges. The City of Tulsa has adopted stricter guidelines based upon full development in the basin. Elm Creek is fully developed and if FEMA studied it, it would be the same as the regulatory floodplain.

Mr. Midget in at 3:53 p.m.

Ms. Matthews stated that the key is that this is an unusual master drainage area because all of the drainage, except for the existing Central Park, is underground at this point and FEMA doesn't cover that.

Ms. Cantrell asked if the locations of the detention ponds are the only place that the acquisition would be involuntary. In response, Mr. Swift answered affirmatively.

Ms. Cantrell asked if the property owners who are located in the involuntary acquisition have been notified and aware of this. In response, Mr. Swift stated that over the past several years there have been many meetings and everyone within the floodplain and acquisition areas has been notified.

Ms. Cantrell asked Mr. Swift about the relocation costs for anyone involuntarily selling their properties. In response, Mr. Swift stated that the City of Tulsa provides two appraisals and take the higher of the two. The appraiser is told to look at the property as if it is not in the floodplain. The resident does not have to pay realtor's fees and if they are in the floodplain and they move outside of the floodplain, then they are given an additional \$1,000.00 dollars. There are some moving expenses that are covered as well. This usually ends up being a good deal for the seller. Mr. Swift stated that the same holds true for voluntary and involuntary sale of property. If the property is not within the floodplain, then they do not receive the bonus for moving out of a floodplain.

In response to Ms. Cantrell, Mr. Swift stated that the yellow represents the properties that are notified to be within the floodplain and the green represents properties that are below the base flood elevation and are eligible for the acquisition. Ms. Cantrell asked if only half of the residents want to move, it would make a difference in the plan. In response, Mr. Swift stated that it wouldn't affect the plan because none of the volumes would change, but they would remain with the negative aspects of living in a floodplain. If the home were to flood or be destroyed in any way, it couldn't be renovated if the cost would be half of the value of the house without getting a permit that would require the house being elevated. There are big detriments of being in a floodplain and that is why the City of Tulsa would like to get everyone out.

Mr. Marshall asked if there are approximately 100 houses between the two detention ponds. In response, Mr. Swift answered affirmatively. In response to Mr. Marshall, Mr. Swift demonstrated the area that would be taken out of the floodplain. There would be a total of 524 structures (residential and commercial) that would no longer be in the City Regulatory Floodplain if this plan was adopted. The ones that do remain if the plan is implemented would be commercial and industrial, the thought being that these properties could flood-proof on their own.

In response to Mr. Marshall, Mr. Swift stated that voluntarily-acquisitioned land would become park areas or green space if it is a single lot. The City would maintain the property twice a month.

Mr. Boulden asked Mr. Swift if the City of Tulsa Regulatory Floodplain is based on full urbanization. In response, Mr. Swift answered affirmatively. Mr. Boulden asked if the urbanization is based on zoning or the Comprehensive Plan. In response, Mr. Swift stated that it is based on the Comprehensive Plan.

Mr. Ard read a letter received from Councilor Gomez in support (Exhibit A-2).

Rachel Navarro, 1567 Riverside Drive, 74119, had to leave and submitted a letter of support (Exhibit A-2) read by Chairman Ard.

Interested Parties Comments:

Dave Strader, 535 South Quebec, 74112, President of the Pearl District Association, stated that the areas designated as detention pond areas are in blighted areas. There was very little opposition from the property owners within these areas. This is a major public safety issue for everyone in the subject area and the Pearl District has played a leading role in the Master Drainage Plan before the Planning Commission today. Mr. Strader indicated his support of the adoption of the plan, which is needed in order for property owners to apply for flood mitigation money.

Maria Barnes, 1319 South Terrace Drive, 74104, representing Kendall Whittier Neighborhood, stated that she wanted to make it clear that at the last neighborhood meeting Mr. Swift was present and did an excellent job. Rita Henze from the City of Tulsa was present to answer questions and also did a great job. Ron Flanagan was also present.

Ms. Barnes stated that there are a lot of concerns and she is not present today to support or not support the project. The Pearl District has worked very hard on this project and Theron Warlick has worked on this as well. She indicated that she owns property in the subject area and will not volunteer to sell. There are people who do support it and this is something for each individual to decide. It is her understanding that once the properties are acquired, they would be green space and would not be redeveloped.

TMAPC COMMENTS:

Ms. Wright asked Ms. Barnes if people attending the meetings understood the difference between voluntary and involuntary buyouts and that they wouldn't get any compensation for relocation. In response, Ms. Barnes asked Ms. Wright if she said they wouldn't get compensation. In response, Ms. Wright stated that she understands that under an involuntary buyout there are relocation costs, for example someone who lives in this area with a two-bedroom one bath would be relocated to another two-bedroom one-bath house within the subject area, which could be a substantial difference in property value. Do the people giving up their homes understand the difference between a voluntary and involuntary, where the voluntary is basically their face value and whether or not they can then live in this part of town, how does that work?

Ms. Matthews stated that Ms. Wright's statements are not true. They get help with relocation and they are relocated to the same or better housing in whatever part of the City that they choose to live in. If the property is within a floodplain and they relocate out of a floodplain, then they receive an additional \$1,000.00.

Ms. Wright asked if one lived in a floodplain and their home was worth \$60,000.00 and they are going to move into another two bedroom and one bath home, then where they would like to move costs \$200,000.00, how does that work? In response, Ms. Matthews stated that this would be a question for someone in the finance/real estate division. Ms. Matthews commented that from past experience working with the TU area and the Kendall Whittier Park the people that were relocated came out ahead, which was all voluntary.

Ms. Barnes stated that she wouldn't say they all came out ahead because she has been approached by people that felt they didn't get a really good deal in the TU and Kendall Whittier Park area. Ms. Barnes stated that people at the meeting who do live in the subject area are still not quite sure and have concerns about it. When she went from door to door from 7th Street, 8th Street, Zunis and Yorktown, the response from non-property owners were on board with this. There were very few who lived there as property owners who are excited about this and are still unsure.

Ms. Wright asked Ms. Barnes if the subject area is heavily renter-occupied. In response, Ms. Barnes stated that there are a lot of renters in the subject area. Ms. Wright stated that the buyout would be for the landlords or property owners.

Ms. Cantrell asked if renters would be assisted in relocating. In response, Ms. Matthews stated that it would probably be a Legal question. Mr. Boulden stated that it would probably depend on their lease agreement and probably would be a case-by-case basis.

Roberta Steinmetz, 5124 E. 25th Place, 74114, stated that she owns property at 2202 and 2204 East 8th Street. She indicated that she is present to support the plan and specifically to support the voluntary acquisition portion. Ms. Steinmetz described her property and the surrounding property and it is unique. She indicated that she doesn't have any plans to sell her duplex because it is good rental property and she has good renters. She further indicated that she doesn't want to lose the option to sell in the future if necessary. Ms. Steinmetz expressed concerns that the publicity that has surrounded the plan will negatively affect the property values. She stated that her duplexes have never flooded and she doesn't know if it is a great issue at this time. She understood at the public meetings that the renters are assisted with relocation and are given 30 days to move and moving expenses are paid for. Ms. Steinmetz stated that she doesn't see the harm in maintaining the voluntary acquisition. In lieu of letting things run down, there would be green spaces if someone decided to sell. Most everyone

who was concerned about this wanted to stay in their homes and be given that option. Having green space would only enhance their ability to stay out of a flood by alleviating non-permeable ground.

Ms. Steinmetz commented that she was never invited to the Kendall Whittier Neighborhood Association meetings and never received any notice about their meetings until she received notice from the Elm Creek Basin Plan. She recently started going to the HOA meetings. Ms. Steinmetz stated that prior to attending the meetings, she was never able to get anyone to return her calls from the Kendall Whittier Association.

Theron Warlick, 175 E. 2nd Street, Planner for the City of Tulsa, stated that he has been the planner for the Pearl District for about seven years. This plan and the portion that is within the Pearl District are consistent with the Pearl District Plan. It is also consistent with the Downtown Urban Renewal Plan, which was approved in 2004. All three plans were designed simultaneously and are complementary. He reminded the Planning Commission that there is an urgent need to get this plan approved in order to seek Federal Hazard Mitigation Funds.

Jamie Jamison, 754 S. Norfolk Avenue, 74120, Village at Central Park, the resolution of this problem, which has blighted the neighborhood for about 35 years, is the first step to other good things that will ensue from it. One thing the neighborhood is trying to achieve is to generate a real dynamic return on public investment in the subject neighborhood. Mr. Jamison cited the many things he hopes to accomplish with the approval of the subject plan.

Applicant's Rebuttal:

Mr. Ard asked Mr. Swift if the compensation to the home owners, voluntary or involuntary, will be the same except for the compensation of actually being in the floodplain and moving out of a floodplain bonus. In response, Mr. Swift stated that he believes Mr. Ard's comment is correct.

Mr. Swift stated that if Federal Funds are used to acquire property under the voluntary acquisition program, then the property has to remain a green space in perpetuity and could never redevelop. No one will lose neighbors and then have a developer come in and buy it.

Mr. Swift stated that in the next 14 months there will be four public meetings scheduled to keep everyone involved with the detail design of the projects.

Ms. Cantrell asked Mr. Swift if it is true that renters are given assistance in relocating. In response, Ms. Matthews stated that she is not sure, but she recalls Mr. Flanagan indicating that there is some funding to begin initially, but she would think the bulk of it would have to come after the plan is adopted.

Mr. Swift stated that there is a lot of FEMA money available, but it has to be applied for and go through a process that could take six months to one year. Mr. Swift stated that it is a Hazard Mitigation Program for each Presidentially-declared disaster in the State and 25% is put aside in a fund for the State to use for improved hazard mitigation programs.

Ms. Matthews stated that the other thing that would have to happen, should the Planning Commission decide to adopt this plan, is to have the improvements included in the City's Capital Improvement Program (CIP) and it can't be done until there is an adopted plan.

Ms. Wright asked how long it would take to acquire this number of houses through a voluntary acquisition. In response, Mr. Swift stated that he doesn't know. Once the funds are available and approval from FEMA for that many dollars, then he thinks they would start to make a priority list and approach the property owners. Mr. Swift explained the process and that the property owners have two opportunities to opt in or out of the voluntary buyout.

Ms. Matthews stated that the Kendall Whittier acquisitions took a long time. Part of that was a function of how willing people are to negotiate and how long it takes to reach an agreement. There are many variables that dictate the length of time this would take.

Ms. Cantrell stated that some of the neighborhoods get worried when they hear about being bought out, but she believes the fact that this is clearly voluntary and no one will be forced for the most part to be bought out and not hearing any strong opposition she doesn't see any problem with adopting this plan. Ms. Cantrell moved to approve the Elm Creek Basin Master Drainage Plan Map and Text.

TMAPC Action; 8 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **7-1-0** (Ard, Cantrell, Marshall, Midget, Shivel, Sparks, Walker "aye"; Wright "nay"; none "abstaining"; Carnes, McArtor, Smaligo, "absent") to recommend **APPROVAL** of adopting the Elm Creek Basin Master Drainage Plan Map and Text, as a part of the Comprehensive Plan for the Tulsa Metropolitan area (Resolution No. 2528:892) per staff recommendation.

25. Consider amending the District Four Plan Map and Text, a part of the Comprehensive Plan for the Tulsa Metropolitan Area (Resolution 2528:891) (Related to Item 24.)

STAFF RECOMMENDATION:

RESOLUTION NO.: 2528:891

**A RESOLUTION AMENDING
THE DISTRICT FOUR PLAN MAP AND TEXT,
A PART OF THE COMPREHENSIVE PLAN
FOR THE TULSA METROPOLITAN AREA**

WHEREAS, Pursuant to Title 19, OSA, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law; and

WHEREAS, the TMAPC is required to prepare, adopt and amend, as needed, in whole or in part, an official Master Plan to guide the physical development of the Tulsa Metropolitan Area; and

WHEREAS, on the 23rd day of January, 1980 this Commission, by Resolution No. 1294:516, did adopt the District Four Plan Map and Text as a part of the Comprehensive Plan of the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma; and

WHEREAS, a Public Hearing was held on the 1st day of October, 2008, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19, OSA, Section 863.7, to modify its previously adopted District Four Plan Map and Text as follows.

Plan Map: Show proposed Elm Creek stormwater improvements on Plan Map.

Plan Text: Add as Policy 6.6.3.4 "The provisions of the adopted Elm Creek Master Drainage Plan Update (August 2008) shall be

followed for any subsequent capital improvements regarding stormwater management in this Planning District.

NOW, THEREFORE, BE IT RESOLVED by the TMAPC, that the amendments to the District Four Plan Map and Text, as above set out, be and are hereby adopted as part of the District Four Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area.

TMAPC Action; 8 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **8-0-0** (Ard, Cantrell, Marshall, Midget, Shivel, Sparks, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes, McArtor, Smaligo, "absent") to recommend **APPROVAL** amending the District Four Plan Map and Text, a part of the Comprehensive Plan for the Metropolitan Area (Resolution 2528:891) per staff recommendation.

There being no further business, the Chair declared the meeting adjourned at 3:30 p.m.

Date Approved: 10/15/08

P. Michelle Cantrell

Chairman

ATTEST:

James G. Wall
Secretary

