

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2602

Wednesday, May 18, 2011, 1:30 p.m.

City Council Chamber

One Technology Center – 175 E. 2nd Street, 2nd Floor

Members Present	Members Absent	Staff Present	Others Present
Cantrell	Perkins	Alberty	Boulden, Legal
Carnes		Bates	Steele, Sr. Eng.
Dix		Fernandez	
Edwards		Huntsinger	
Leighty		Matthews	
Liotta		Sansone	
Midget			
Shivel			
Stirling			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, May 12, 2011 at 11:50 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 Leighty called the meeting to order at 1:30 p.m.

REPORTS:

Chairman's Report:

Mr. Leighty recognized Mr. Keith McArtor and Elizabeth Wright for their past service on the TMAPC. Mr. Leighty reminded everyone that Planning Commissioners are citizen volunteers and serve with out any monetary compensation. Mr. Leighty explained how the members are appointed.

Mr. McArtor thanked former Mayor Kathy Taylor for asking him to serve on the Planning Commission. He thanked the City Council for approving his nomination by the Mayor. Mr. McArtor thanked the members of the Planning Commission that he served with for making it an enlightening, educational, and challenging opportunity experience for him. Mr. McArtor stated that it is remarkable what citizens working together can do to find common ground when they have the best interest of the City at heart. Mr. McArtor thanked INCOG and all of the staff. He commented that this is one of the best groups of people and best group of

professionals, always prepared and always responsive and he is so proud to have every single one of them. [applause]

Ms. Wright stated that she would like to reiterate everything that Mr. McArtor stated. This is by far one of the most important commissions and one of the absolute topped-staffed commissions. Ms. Huntsinger prepares the minutes and we are so blessed to have Ms. Huntsinger and have the kind of backup the Commissioners need to do this job. Ms. Wright stated that she doesn't believe the Commission really shows their full gratitude to the staff at INCOG. Ms. Wright thanked former Board of County Commissioner Miller for appointing her to the Planning Commission and she has learned a great deal. Ms. Wright stated that she would like to extend the warmest of gratitude to Theron Warlick and Martha Schultz, as well as the rest of the City Planning staff who helped her understand PLANiTULSA and the vision needed. Ms. Wright read a poem. [applause]

Mr. Leighty thanked Mr. McArtor and Ms. Wright for their service and wished them well. Mr. Leighty encouraged citizens to serve on the many boards and commissions for the City.

Mr. Leighty reported on the City Council vote to adopt a Zoning Code amendment for HP districts and the language adopted is the same as what was considered by the Planning Commission, in which the TMAPC voted to recommend no changes to the Code. Mr. Leighty further reported that the City Council is scheduled to vote tomorrow evening on a resolution supporting the creation of a small area plan for the Utica Corridor and a budget amendment to fund it. Based upon the recent developments, he believes it would be advisable for the Planning Commission to hold any further work sessions on this matter until the Administration and City Council reach a consensus on how this will be handled.

Work Session Report:

Mr. Leighty reported that there will be a combination training session/work session immediately following the TMAPC meeting today.

Director's Report:

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

Mr. Alberty reported on the selection committee for the consultants to update the Zoning Code and Subdivision Regulations. There are nine members and there have been two meetings. The schedule is to hopefully have a decision by the Mayor on July 1, 2011.

Minutes:

Approval of the minutes of May 4, 2011 Meeting No. 2601

On **MOTION** of **CANTRELL**, the TMAPC voted 8-0-2 (Cantrell, Dix, Edwards, Leighty, Liotta, Midget, Shivel, Walker "aye"; no "nays"; Carnes, Stirling "abstaining"; Perkins "absent") to **APPROVE** the minutes of the meeting of May 4, 2011, Meeting No. 2601.

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Mr. Dix 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.

2. **LC-335 – Lewis Engineering, P.L.L.C.**, (Lot-Combination) (CD-9) Location: Northwest corner of East 28th Street South and South Jamestown Avenue
3. **LC-336 – Park Alliance**, (Lot-Combination) (CD-6) Location: East of the southeast corner of South 145th East Avenue and East Admiral Place
4. **LS-20426 – Sam P. Daniel III**, (Lot-Combination) (CD-8) Location: North of the northwest corner of East 111th Street South and South 77th East Avenue (Related to LC-337)
5. **LC-337 – Sam P. Daniel III**, (Lot-Combination) (CD-8) Location: North of the northwest corner of East 111th Street South and South 77th East Avenue (Related to LS-20426)
6. **LS-20430– Sisemore Weisz & Associates, Inc.**, (Lot-Split) (CD-9) Location: North of the northwest corner of East 36th Street South and South Zunis Court
7. **LS-20432– Bill LaFortune**, (Lot-Split) (CD-5) Location: West of the southwest corner of East 42nd Place South and South Memorial Drive
8. **LS-20428– TEP, Tim Terral**, (Lot-Split) (CD-3) Location: Southeast corner of North Peoria Avenue and Gilcrease Expressway.
9. **LS-20427 – William E. Stinson**, (Lot-Split) (County) Location: North of the northwest corner of East 76th Street North and North 75th East Avenue

12. **CBOA 2398** – (8425) (County) Plat Waiver, Location: Southwest corner of East 101st Street and South 193rd East Avenue

STAFF RECOMMENDATION:

The platting requirement was triggered by CBOA-2398, which proposes a seasonal fireworks stand in an AG zoning district.

It is the policy of TMAPC to waive the platting requirement for open air activities (Use Unit 2, Subsection 1202.B) such as fireworks stands. Therefore, staff can recommend **APPROVAL** of the requested plat waiver for CBOA-2398 per Board of Adjustment approval.

13. **PUD-489-12 – Rick Stuber Architecture/Clark Interests LLC**, Location: Northeast corner of East 71st Street South and South Mingo Road, Requesting a Minor Amendment to transfer excess floor area from one lot to another, 1,000 square feet of floor area from Lot 2 to Lot 6, **CS/CO/PUD** (CD-7)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to transfer excess floor area from one lot to another. Specifically, the applicant seeks to transfer 1,000 square feet (SF) of floor area from Lot 2 to Lot 6 (see Exhibit A). The transfer is necessary to reflect the actual square footage of the Dick's Sporting Goods tenant space on Lot 6 as discovered through an ALTA survey (see Exhibit A). There is no request to increase the permitted floor area allowed within the PUD and there is no planned expansion of the Dick's tenant space.

Floor area for PUD-489 is allocated as follows:

Lot	Floor Area Allocation
1	47,147
2	34,000
3	109,800
3A	4,000
4	11,000
5	7,000
6	195,931
6A	3,769
TOTAL	422,647

In transferring 1,000 SF of floor area from Lot 2 to Lot 6, the existing 422,647 SF of floor area allowed in PUD-489 would be allocated as follows:

Lot	Floor Area Allocation
1	47,147
2	33,000
3	109,800
3A	4,000
4	11,000
5	7,000
6	196,931
6A	3,769
TOTAL	422,647

The underlying corridor zoning (CO) and CS zoning would allow over 1,000,000 SF of commercial floor area. Staff views the transfer of 1,000 SF as negligible and recommends **APPROVAL** of minor amendment PUD-489-12.

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

14. **PUD-541-10 – Kleinco Construction/Doug Keffer**, Location: East of the southeast corner of 43rd Street South and South Peoria Avenue, Requesting a Minor Amendment to reduce the required rear setback on the above mentioned property from 20' to 12'6" to allow for a single-story sunroom addition, **CS/CH/PK/IM/RS-3/PUD** (CD-9)

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to reduce the required rear setback on the above mentioned property from 20' to 12' 6" to allow for a single-story sunroom addition (see Exhibit A-1). The request is being made for Lot 10, Block 3 and would not apply to any other lot in the PUD.

The rear yard setback has been reduced in PUD-541 on two other occasions. A reduction was granted by the TMAPC on Lot 29, Block 4 in March 1997 and on Lot 1, Block 4 in May 2006.

Please refer to Exhibit B which is photos of the subject tract taken from outside the masonry perimeter wall along East 43rd Street South. Staff believes the single-story addition will not adversely affect adjacent properties since the subject tract abuts a non-arterial street on the north side and the privacy fencing on the east and west lot lines provide adequate screening of a single-story for the neighbors on either side of the subject tract.

With the existing screening of the single-story addition staff contends the reduction in setback will not adversely affect the existing PUD development standards or the character of the development.

Therefore, staff recommends **APPROVAL** of minor amendment PUD-541-10 applicable to Lot 10, Block 3 – 4300 Brooktowne only.

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

TMAPC COMMENTS:

Mr. Dix requested that Items 10 and 11 be removed from the consent agenda due to ex parte communication and the subject properties are adjacent to his property.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Perkins "absent") to **APPROVE** consent agenda Items 2 through 9 and 12 through 14 per staff recommendation.

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

10. **LS-20429 – Jeanette Mattingly**, (Lot-Split) (County) Location: East of the southeast corner of North Mingo Road and East 126th Street North

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted **9-0-1** (Cantrell, Carnes, Edwards, Leighty, Liotta, Midget, Shivel, Stirling, Walker "aye"; no "nays"; Dix "abstaining"; Perkins "absent") to **APPROVE** the lot-split for LS-20429 per staff recommendation.

11. **LC-338 – Jeanette Mattingly**, (Lot-Combination) (County) Location: East of the southeast corner of North Mingo Road and East 126th Street North

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted **9-0-1** (Cantrell, Carnes, Edwards, Leighty, Liotta, Midget, Shivel, Stirling, Walker "aye"; no "nays"; Dix "abstaining"; Perkins "absent") to **APPROVE** the lot-combination for LC-338 per staff recommendation.

COMPREHENSIVE PLAN PUBLIC HEARINGS:

15. **Consider Adoption of the Southwest Tulsa Plan, Phase II as an amendment to the Comprehensive Plan for the City of Tulsa (Resolution No. 2602:903)**

STAFF RECOMMENDATION:

Staff of INCOG/TMAPC has reviewed the above-referenced plan and has participated in many of the discussions regarding it. This is one of the small area plans recommended by the consultants for the new comprehensive plan, and the Southwest Tulsa Plan, Phase II has involved much local input and public participation prior to this public hearing. The plan appears to be a workable document that is in accord with the goals of the comprehensive plan, while giving more details into plan interpretation and implementation. If adopted, this plan will be used in review of any rezoning or subdivision requests involving property within the Southwest Tulsa – Phase II's boundaries. Staff recommends that the TMAPC adopt this plan as one of the small area plans, parts of the comprehensive plan.

TMAPC COMMENTS:

Ms. Cantrell questioned the stability and growth map on page 7. It seems to imply that their predictions are different from the current Comprehensive Plan. Ms. Cantrell asked if the map is further refining it or if it is being consistent with the current plan. Ms. Matthews stated that her first response is that this is done in concert with the updated Comprehensive Plan and her second response is that small area plans were supposed to be further refinements of the Comprehensive Plan. Ms. Matthews suggested that Mr. Simmons could probably speak more directly to this.

Applicant's Comments:

David Simmons, City of Tulsa Planner, stated that he is in agreement with staff's recommendation. Mr. Simmons stated that the planning team that has been working on this effort for five or more years are present today to speak.

TMAPC COMMENTS:

Ms. Cantrell questioned the stability and growth map on page 7. It seems to imply that their predictions are different from the current Comprehensive Plan. Mr. Simmons that there are no changes in the current Comprehensive Plan, but simply pointing out the areas of where they would like to see stability and areas they would like to see growth. Ms. Cantrell stated that it isn't very clear to her because page 7 states that there are areas of stability and areas of growth and then there are two other colors that say change to stability and change to growth and she wants to make sure if it is the correct map.

INTERESTED PARTIES IN SUPPORT:

Matt Crain, Executive Director Southwest Tulsa Chamber, 4636 West 43rd Street, 74107; **Richard Ryan**, Chairman of the Southwest Tulsa Education Initiative, 6822 South 28th West Avenue, 74132; **Roy Heim**, 6303 South 30th West Avenue, 74132; **Linda Jordan**, Representing the Main Street Program, 1419 South Frisco Avenue, 74119 (home) 3704 Southwest Boulevard (business).

INTERESTED PARTIES COMMENTS:

The connectivity and sidewalks for the subject area are a positive addition for the subject area. Cleaning up the subject area through Code Enforcement has been a positive for the subject area. The Plan is supported by the Southwest Tulsa Education Initiative. The planned connectivity redesigning streets, sidewalks and traffic-calming features make the neighborhoods more attractive. Preserving housing and bringing new housing into the subject area is needed and it brings in enrollment to the schools. It is important to have safe routes to the schools in the subject area. The plan supports the stabilization of the schools. Excited to have David Simmons to help them design a plan and requested the Planning Commission to approve the plan as part of the Comprehensive Plan. Sidewalks are needed along historic Route 66 to allow people to walk along the route.

TMAPC COMMENTS:

Mr. Shivel stated that he is delighted to hear the comprehensive nature of the citizen's involvement and the passion. The completeness of the plan shows and he is in favor of supporting this.

Mr. Boulden asked Ms. Cantrell if there was any ambiguity regarding the map on page 7. Ms. Cantrell stated that she believes that the map on page 7 is an older version and perhaps the wrong map is in the plan. Mr. Simmons stated that he agrees with Ms. Cantrell. He explained that the map is the one they

used while constructing the plan and he requested that this be recommending approval with a change with page 7 and include the final map.

Mr. Carnes recommended approval with the change of page 7 map to the final map and thanked everyone for the work on the plan.

Mr. Leighty congratulated the participants for their hard work and devotion.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Perkins "absent") to recommend **APPROVAL** of the adoption of the Southwest Tulsa Plan, Phase II as an amendment to the Comprehensive Plan for the City of Tulsa, Resolution No. 2602:903, subject to page 7 map being changed to the final map indicating growth and stability areas.

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PUBLIC HEARING

16. **Jenks West 3rd and 4th Grade Center Addition – (8214) (CD 2) Preliminary Subdivision Plat, Location: North of West 91st Street, East of U.S. 75 (Continued from 5/4/2011)**

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 32.75 acres.

The following issues were discussed April 21, 2011, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned AG (agricultural) and Board of Adjustment case # 21238 which permits a public school use. The Board approved the use to the east to Maybelle Avenue, but the plat leaves the eastern 200 feet of the property unplatted. This is apparently proposed so that no right-of-way dedication or road improvement will need to be made.
2. **Streets:** The maximum throat width of each driveway cannot exceed 40 feet. The face of plat does not need to show the driveway radius. The distance between tangent points of both driveways must be increased. Given the fact that the school will serve 7 square miles west of Highway 75, and storage is 25 feet per car, 55.65 feet of separation appears to be inadequate. A minimum of 300 feet separation, tangent point to tangent point, is recommended. A traffic report was reportedly finished by the

applicant but Development Services staff has not seen the study. Access points need to be smaller and approved by Development Services staff.

3. **Sewer:** The platted area does not have access to sanitary sewer service; therefore, the plat can not be filed until offsite easements have been shown on the plat with document numbers and construction started. The covenants provide restrictions for a sanitary sewer easement, but I did not find such an easement on the face of the plat. The sanitary sewer main must extend a minimum of 15 feet into the property to be served in order to access the sewer line for service. Construction plans need to be approved before easements can be submitted. Before a plat can be filed a sewer line needs to be under construction.
4. **Water:** TMUA (Tulsa Municipal Utility Authority) action must be followed. Before a plat can be filed a water line needs to be under construction.
5. **Storm Drainage:** Remove the contours and the site features such as roads, ponds, buildings, etc. from the face of plat. How is the portion of the detention easement that is outside the limits of the platted area, being dedicated by the plat? Much of the easement and right-of-way labeling is too small. Separate easements are needed for the planned detention facility on the 220 foot strip proposed to be left unplatted.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** PSO needs an additional ten-foot easement. AT&T needs a 17.5-foot utility easement on the east side of the site.
7. **Other: Fire:** No comment.

GIS: Submit subdivision data control sheet. **Airport:** An aviation easement is needed.

The Board of Adjustment under BOA # 21238 approved the public school use on property that extends east to Maybelle Avenue. Planning staff has concerns about the fact that the applicant has not shown the eastern 200 feet of the site in the subdivision plat per Board of Adjustment approval of the property for the school use. All of the property needs to be included in the plat per the Board of Adjustment approval. The roadway to the east of the site will have no right-of-way dedication nor street improvement for the school use. Separate water and sewer lines will need easements to be dedicated by separate instrument and per Development Services approval. TMUA has postponed a meeting on water supply to the site until May 11, 2011 so it is unclear how the property will be served and under what conditions. The stormwater detention area planned for the unplatted east 200 feet of the site will also need additional easements and would typically be placed in a Reserve Area in a subdivision plat. Traffic Engineering needs to review the plat information.

Since the continuance of the plat from the last TMAPC meeting, changes have been made to the site plan, and further review with Traffic Engineering and planning staff has occurred. Unfortunately, as the agenda is prepared a week ahead of time, there will be information and recommendations that will not be available possibly until the Planning Commission meeting. Although staff understands that the school has special timing and financial constraints staff has the following concerns and recommendations for the plat:

A traffic study is supposed to be made available to the Traffic Engineer by May 13th. The Traffic Engineer will have to review the study and recommend approval of the proposed traffic flow, queue and driveway cut improvements. The report and maps showing the proposed improvements will be made available to TMAPC as soon as the staff receives them. It may be that the information will have to be provided at the meeting.

The property should be platted to include the eastern 200 +/- feet to Maybelle Avenue as was approved per the Board of Adjustment case. Easements or Reserve Areas for drainage and water and sewer will need to be shown on a revised plat.

Right-of-way should be dedicated for Maybelle Avenue to be improved.

A TMUA meeting is scheduled to determine how water will be served to the site and under what conditions. This information will be received after this agenda is prepared and will need to be discussed at the Planning Commission meeting.

These details need to be determined before staff can recommend approval of the preliminary plat with conditions.

Mrs. Fernandez stated that there have been many additions to the agenda packet and a last minute addition was received from the Traffic Engineer for the City of Tulsa that was received prior to today's meeting. Now most, if not all, issues have been worked out. The applicant has agreed that the right-of-way should be dedicated for Maybelle Avenue and would like to dedicate it by separate instrument, which staff supports. Water will be served by the City of Jenks and the waterline will be constructed within three years. Staff has reached a compromise with the school that within 60 days a new preliminary plat would be submitted including the eastern 200 feet and all of the drainage would be put into the reserve area. Staff feels that they have reached agreement on all of these issues and staff can recommend approval if the conditions are met.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. The concerns of the Public Works Department and Development Services staff must be taken care of to their satisfaction.

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.

12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

TMAPC COMMENTS:

Ms. Cantrell asked if the schools would file a new plat that incorporates the strip of land to the east. In response, Mrs. Fernandez stated that within 60 days the proposal is to dedicate the right-of-way by separate instrument and will be available for improvement of the road. The drainage and easement will all be shown on the final plat and the eastern 200 feet will be Phase II. The final plat will have the document number for the separate instrument on the right-of-way to prove that it is there.

Mr. Leighty asked Mrs. Fernandez if all of the conditions cited today are included on Exhibits 16.5 and 16.6 of the staff recommendation. Mrs. Fernandez stated that the condition regarding the waterline per TMUA approval is in the TAC comments and the condition about the right-of-way being dedicated within 60 days should be added and also the condition on filing the plat on the full property.

Mr. Shivel stated that he continues to appreciate the thoroughness which Mrs. Fernandez brings presentations to the Planning Commission.

Applicant's Comments:

Roy D. Johnsen, Williams Center Tower One, One West 3rd Street, Suite 1010, 74103, representing Jenks Public Schools, stated that he believes Mr. Shivel is correct about his analysis of Mrs. Fernandez's work; it is very comprehensive and extremely careful.

Mr. Johnsen stated that his client started off with a preliminary plat and an application for accelerated building permit. There were a number of complex issues and the school had funding limitations and deadlines, which makes the timeliness important. Mr. Johnsen stated that he believes that the issues have been satisfactorily resolved.

Mr. Johnsen stated that he will proceed with the preliminary plat if the TMAPC approves it. Follow with dedication of the right-of-way for Maybelle and then a new preliminary plat will carry over the dedicated right-of-way. This will permit the standard showing of reserve areas and better identification of utilities, etc.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **MIDGET**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Perkins "absent") to **APPROVE** the preliminary plat for Jenks West 3rd and 4th Grade Center Addition, per staff recommendation including approval of the right-of-way to be dedicated by separate instrument

within 60 days per Traffic Engineer approval of the dedication, the preliminary plat to be resubmitted to include the whole site including the eastern 200 feet (this can be phase two of the plat) as per Board of Adjustment site approval in an amended plat within 60 days, and access points to be approved per Traffic Engineer approval.

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17. **Authorization for an Accelerated Building Permit – (8214) (CD 2) Jenks 3rd and 4th Grade Center Addition**, Location: North of West 91st Street, East of U.S. 75 (Continued from 5/4/2011)

STAFF RECOMMENDATION:

The property is zoned AG (agricultural) with a Special Exception, BOA 21238, which approved of a public school use. Full permits are requested. A preliminary subdivision plat is on this TMAPC agenda for the site.

Review of this application must focus on the extraordinary or exceptional circumstances that serve as a basis for the request and must comply in all respects with the requirements of the approved preliminary plats per Section 2.5 of the Subdivision Regulations.

The applicant offers the following explanation of the extraordinary and exceptional circumstances that serve as the basis for this request: Time restrictions on using school funding. This school will relieve a long-standing overcrowding problem and is needed for 2012-2013 school year. Construction must begin May 2011 to open July 2012. Jenks Public Schools is fully funded to complete this project as currently planned and accepts that certificate of occupancy will be withheld until plat is filed.

The following information was provided by the Technical Advisory Committee in its meeting April 21, 2011.

ZONING:

TMAPC Staff: Full permits are requested.

STREETS:

Transportation: No comments.

SEWER:

Public Works, Waste Water: No connections for water to the building can be approved until the sanitary sewer main has been completed and approved for service.

WATER:

Public Works, Water: Pending TMUA action.

STORM DRAIN:

Public Works, Storm Water: Separate instrument easements will be required.

FIRE:

Public Works, Fire: No comments.

UTILITIES:

Franchise Utilities: No comments.

The accelerated building permits were originally designed to accommodate large campus style type of developments and should concentrate upon "the benefits and protections to the City that may be forfeited by releasing the building permit prior to the filing of the plat". These requested permits could adhere to this ideal.

The TAC (Technical Advisory Committee) did not object to the accelerated building permit. Planning staff has concern about the plat for the site and would like to have the plat approved before the approval of the authorization to release the accelerated permits with the conditions as commented by the Technical Advisory Committee.

Mrs. Fernandez stated that staff would like the same conditions from the preliminary plat applied to the accelerated building permit request. Staff doesn't see any risk to the City. The school has had a bond issue and they will build the school. Staff recommends **APPROVAL** with the same conditions as the preliminary plat.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Perkins "absent") to **APPROVE** the authorization for an accelerated building permit for Jenks West 3rd and 4th Grade Center Addition, per staff recommendation including approval of the right-of-way to be dedicated by separate instrument within 60 days per Traffic Engineer approval of the dedication, the preliminary plat to be resubmitted to include the whole site including the eastern 200 feet (this can be phase two of the plat) as per Board of Adjustment site approval in an amended plat within 60 days, and access points to be approved per Traffic Engineer approval.

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18. **BOA-21259** – (9429) (CD 6) Plat Waiver, Location: 4500 South 129th East Avenue

STAFF RECOMMENDATION:

The platting requirement is being triggered by a Special Exception for a Use Unit # 5 (college use) in a SR (scientific research) zoning district.

Staff provides the following information from TAC at their April 21, 2011 meeting:

ZONING:

TMAPC Staff: The property has been previously platted as the Cities Service Center plat.

STREETS:

Sidewalks required.

SEWER:

No comment.

WATER:

No comment.

STORMWATER:

No comment.

FIRE:

No comment.

UTILITIES:

No comment.

Staff recommends **Approval** of the plat waiver for the previously platted property.

A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:

	Yes	NO
1. Has Property previously been platted?	X	
2. Are there restrictive covenants contained in a previously filed plat?	X	
3. Is property adequately described by surrounding platted properties or street right-of-way?	X	

A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?		X
7. Floodplain		
a) Does the property contain a City of Tulsa (Regulatory) Floodplain?	X	
b) Does the property contain a F.E.M.A. (Federal) Floodplain?	X	
8. Change of Access		
a) Are revisions to existing access locations necessary?		X
9. Is the property in a P.U.D.?		X
a) If yes, was plat recorded for the original P.U.D.		

- 10. Is this a Major Amendment to a P.U.D.? X
 - a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?
- 11. Are mutual access easements needed to assure adequate access to the site? X
- 12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? X

Applicant's Comments:

Leah White, Gabel Gotwalls, 100 West 5th, Suite 1100, 74103, stated she represents the owner of the office complex and they are seeking to put an education provider in the complex. She explained that she is seeking a plat waiver because there will be no modifications to the exterior of the building and footings will not change. The same plat would be submitted that is currently in place.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Perkins "absent") to **APPROVE** the plat waiver for BOA-21259 per staff recommendation.

* * * * *

- 19. **Authorization for an Accelerated Building Permit – (9428) (CD 6) Springs at East Fifty-First**, Location: North of East 51st Street South, West of South 145th East Avenue

STAFF RECOMMENDATION:

The property is zoned OL (office light) and RM-1 (residential multifamily) with Board of Adjustment approval per case # 21146 for multifamily dwelling use in the OL district including a pool area and leasing office and clubhouse. Full permits are requested. A preliminary plat was approved for the site on January 5, 2011 and the final plat was approved on March 16, 2011.

Review of this application must focus on the extraordinary or exceptional circumstances that serve as a basis for the request and must comply in all respects with the requirements of the approved preliminary plats per Section 2.5 of the Subdivision Regulations.

The applicant offers the following explanation of the extraordinary and exceptional circumstances that serve as the basis for this request: See attached explanation.

The following information was provided by the Technical Advisory Committee in its meeting May 5, 2011.

ZONING:

TMAPC Staff: Full permits are requested. Plats have been approved and are ready to be filed with the exception of certain easements which are in process through Development Services staff.

STREETS:

Transportation: No comment.

SEWER:

Waste Water: No comment.

WATER:

Water: No comment.

STORM DRAIN:

Storm Water: No comment.

FIRE:

Fire: Fire hydrants need to be in place and working before any combustible structure is erected. Access roads need to be all weather material and be able to support 75,000 pounds with a 20 foot width minimum and accessible to any structure built.

UTILITIES:

Franchise Utilities: No comment.

The accelerated building permits were originally designed to accommodate large campus style type of developments and should concentrate upon "the benefits and protections to the City that may be forfeited by releasing the building permit prior to the filing of the plat". These requested permits adhere to this ideal. Staff recommends approval of the authorization to release the accelerated permits with the conditions as commented by the Technical Advisory Committee.

Applicant's Comments:

Sara Johnson, W 134 N 8675 Executive Parkway, Menomonie, WI, 53051, stated that she wants to make sure that construction is not sitting and waiting for a building permit.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **CARNES**, TMAPC voted **10-0-0** (Cantrell, Carnes, Dix, Edwards, Leighty, Liotta, Midget, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Perkins "absent") to **APPROVE** the authorization for an accelerated building permit for BOA-21259 per staff recommendation.

Mr. Midget out at 2:28 p.m.

OTHER BUSINESS:

- 20. **Proposed amendments of the Zoning Code**, City of Tulsa, Oklahoma to Chapter 8; to attempt to provide Code amendments responsive to the new Comprehensive Plan. These are proposed "bridge" amendments until the Zoning Code will receive a thorough study and update. (Public Hearing closed 3/2/11 and final revision continued to 3/16/11, 4/6/11, 4/20/11, 5/4/11 and 5/18/11.)

STAFF RECOMMENDATION:

(Published in the Tulsa Daily Commerce
& Legal News,
_____, 2011.)

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 42, TULSA REVISED ORDINANCES, TITLED "THE TULSA ZONING CODE", RELATED TO RESTRICTIONS ON LAND USES WITHIN THE CITY OF TULSA; AMENDING SECTION 800, TITLED "PURPOSES", TO CLARIFY THE REQUIREMENT FOR AN APPROVED DEVELOPMENT PLAN AND A DETAIL SITE PLAN WITHIN A CORRIDOR ZONED DISTRICT; AMENDING SECTION 801, TITLED "PRINCIPAL USES PERMITTED IN CORRIDOR DISTRICTS", TABLE 1, TITLED "USE UNITS PERMITTED IN CORRIDOR DISTRICTS", BY ADDING A USE UNIT 25, LIGHT MANUFACTURING AND INDUSTRIAL USE; AMENDING SECTION 802, TITLED "ACCESSORY USES PERMITTED IN CORRIDOR DISTRICT", TO CHANGE CROSS REFERENCES FROM SECTION 805 TO SECTION 804; AMENDING SECTION 804 BY CHANGING THE TITLE FROM "ACCESS REQUIREMENTS" TO "CORRIDOR DEVELOPMENT PLAN" AND ESTABLISHING REQUIREMENTS FOR A

CORRIDOR DEVELOPMENT PLAN; AMENDING SECTION 805, TITLED "SITE PLAN REVIEW" TO INCLUDE REVIEW OF CORRIDOR DEVELOPMENT PLANS; ADDING A NEW SECTION 806, TITLED "CORRIDOR DISTRICT ADMINISTRATION", PROVIDING PROCEDURES FOR THE APPROVAL OF A CORRIDOR SUBDIVISION PLAT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. That Title 42, Chapter 8, Sections 800, 801 and 802, Tulsa Revised Ordinances, be and the same are hereby amended to read as follows:

"SECTION 800. PURPOSES

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

A. Allow for the development of a diversity of intense uses which benefit from mutual proximity and from the immediate service of high capacity thoroughfares;

B. Allow for a wide range of lifestyles and housing types close to employment, recreational, shopping, and cultural facilities;

C. Maximize the interrelationship between land use and transportation and in particular encourage development patterns compatible with the evolution of transit systems;

D. Maximize the utilization of the higher capacity segments of the transportation systems; and

E. Encourage a more productive use of land consistent with the public objectives and standards of accessibility and land use compatibility.

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; provided that off-street parking and loading requirements and minimum building setbacks may be modified when part of an approved Corridor Development

Plan. Selection of specific uses and their locations are subject to the requirements as set forth in Section 804 of this chapter.

Table 1

Use Units Permitted in Corridor Districts

No.	Name
1.	Area-Wide Uses
2.	Area-Wide Special Exception Uses
4.	Public Protection & Utility Facilities
5.	Community Services & Similar Uses
6.	Single-Family Dwelling
7.	Duplex Dwelling
7a.	Townhouse Dwelling
8.	Multifamily Dwelling & Similar Uses
9.	Manufactured Home Dwelling
10.	Off-Street Parking Areas
11.	Offices, Studios & Support Services
12.	Eating Establishments Other than Drive-Ins
12a.	Adult Entertainment Establishments
13.	Convenience Goods & Services
14.	Shopping Goods & Services
15.	Other Trades & Services
16.	Mini-Storage
17.	Automotive & Allied Activities
18.	Drive-In Restaurants
19.	Hotel, Motel & Recreation Facilities
20.	Commercial Recreation: Intensive
21.	Business Signs & Outdoor Advertising
22.	Scientific Research & Development
23.	Warehousing & Wholesaling
25.	Light Manufacturing and Industry

Ord. Nos. 17847, 18225, 18605, 19217

SECTION 802. ACCESSORY USES PERMITTED IN CORRIDOR DISTRICT

A. Accessory Uses Permitted. Accessory uses customarily incidental to a principal use permitted in a Corridor District are permitted in such district.

B. Accessory Use Conditions.

1. Accessory buildings shall meet the minimum building setback lines of the applicable district.

2. Accessory building erected as an integral part of the principal building shall be made structurally a part thereof, shall have a common wall therewith, and shall comply with the requirements applicable to the principal building.

3. Signs in the Corridor District which are accessory to permitted principal uses are subject to the use conditions as set forth in 1221.C. and 1221.D. of this code. In addition, signs are also subject to Section 804 of this chapter, and conditions imposed by the approving authority.

Outdoor advertising signs in the Corridor District are subject to the use conditions for outdoor advertising signs in 1221.F. In addition, outdoor advertising signs are subject to Section 804 of this chapter, and conditions imposed by the approving authority.

Ord. No. 17830

SECTION 803. BULK AND AREA REQUIREMENTS IN THE CORRIDOR DISTRICT

Table 2

Bulk and Area Requirements in the Corridor District

FLOOR AREA RATIO (Nonresidential Uses) (Max.)	1.25
DENSITY (Residential Uses)	
Land Area Per Dwelling Unit (Min. Sq. Ft.)	1,000
Livability Space Per Dwelling Unit (Min. Sq. Ft.)	200
MAXIMUM LAND COVERAGE OF BUILDINGS*	30%
MINIMUM BUILDING SETBACK from Centerline of Abutting Arterial Street & Freeway Service Road (Min. Ft.)**	
Residential Buildings (3 stories or less)	85
Residential Buildings (4 stories or more)	100
Office and Research Buildings	100
Hotels and Motels	100
All Other Commercial Buildings***	200
Warehouse Buildings****	100

* Land Coverage is defined in Chapter 18.

** Add to the distance designated in the column to the right 10 feet if adjacent to a Primary Arterial Street.

*** Except, a 100-foot building setback shall apply to commercial buildings located within 550 feet of an arterial street intersection.

**** Add to the distance designated in the column to the right 1-foot of setback for each 1-foot of building height exceeding 20 feet.

Section 2. That Title 42, Chapter 8, Sections 804 and 805, Tulsa Revised Ordinances, be and the same are hereby amended to read as follows:

"SECTION 804. CORRIDOR DEVELOPMENT PLAN

Chapter 17, Amendments, sets forth the procedure for processing a zoning map amendment. An application for the approval of a corridor development plan may be processed simultaneously with and contingent upon an application for an amendment to the zoning maps which, if successful, would result in the tract being placed in a CO Corridor District.

A. **General.** By reason of potential adverse effects on public services or to neighboring land uses, a Corridor Development Plan is required for any development within a Corridor District for the purposes of assuring proper accessibility, circulation, functional relationships of uses, and compatibility with adjoining and nearby development. No building permit shall be issued nor use commenced within a Corridor District except in accordance with a subdivision plat incorporating the provisions of the Development Plan, submitted to and approved by the Planning Commission, and filed of record in the Office of the County Clerk of the county in which the property is located. A CO (Corridor District) zoning classification is required to file and process a corridor site plan. Following the approval of a corridor development plan a detailed site plan shall be filed and approved 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 and additionally shall pay the newspaper publishing cost and the cost of posting appropriate signs on the subject property which fee and costs shall accompany the application. The application shall be in such form and content as required by the Planning Commission. Three (3) copies of the development plan 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 signs;
3. Proposed maximum building heights and minimum building setbacks;
4. Proposed public and private vehicular and pedestrian circulation systems. In order that the traffic carrying capacity of the external transportation system may be maintained, principal vehicular access for the development should be to an internal collector system, whether private or public;
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 instances of probable 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. Public Hearing and Planning Commission Action. The Planning Commission, upon the filing of an application for a corridor development plan review, shall set the matter for public hearing and give twenty (20) days' notice thereof by publication in a newspaper of general circulation, twenty (20) days' notice of a public hearing by mailing written notice to all owners of property within a three hundred (300) foot radius of the exterior of the boundary of the property and twenty (20) days' notice of public hearing by posting a sign or signs on the property. (See Subsection 1703.C. for contents of notice.) Within sixty (60) days after the filing of an application, the Planning Commission shall conduct the public hearing and shall determine:

1. Whether the proposed corridor development is consistent with the Comprehensive Plan;

2. Whether the proposed corridor development harmonizes with the existing and expected development of surrounding areas;

3. Whether the proposed corridor development is a unified treatment of the development possibilities of the project site;

4. Whether provision has been made for proper accessibility, circulation, and functional relationships of uses;

5. Whether the proposed corridor development is consistent with the stated purposes and standards of this chapter.

The Planning Commission shall forward its recommendations, the application, and the site plan to the City Council for further hearings as provided in Subsection 804.D.

D. **City Council Action on Corridor Development Plan.** Upon receipt of an application for a corridor development plan and Planning Commission recommendation, the City Council shall hold a hearing, review the corridor development plan, approve, disapprove, modify, or return the application to the Planning Commission for further consideration. Approval of a corridor development plan by the City Council shall be authorization for the processing of a subdivision plat and site plan incorporating the provisions of the corridor development plan. The City Council, as a condition of approval of a Corridor Development Plan, may require that Site Plans be submitted to the City Council for approval; otherwise, the Planning Commission shall be authorized to approve site plans.

SECTION 805. SITE PLAN REVIEW

A. **Purposes.** Site plan review and approval is required for any development within a Corridor District for the purposes of assuring compliance with the approved corridor development plan.

B. **Application for Site Plan Review.** An application for site plan review and approval shall be filed with the Planning Commission with three (3) copies of the site plan. The application shall be in such format and content as the Planning Commission may by resolution establish. A site plan shall consist of maps and text and shall be in such detail as to assure compliance with the Corridor Development Plan. The site plan shall include:

1. Location of uses, including off-street parking, open spaces and public uses.
2. Development standards for location, height, and size of buildings and other structures.
3. Location of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.
4. Public and private vehicular and pedestrian circulation.
5. Location and development of buffer areas, screening and landscaping.
6. The density of residential uses expressed in number of dwelling units and the approximate intensity of nonresidential uses expressed in floor area, allocated to each identifiable segment of the development.
7. A computation of lot area, building floor area, and building coverage for each type of use.
8. Location, height, and size of any ground sign."

Ord. Nos. 18641, 20171

Section 3. That a new Title 42, Chapter 8, Section 806, Tulsa Revised Ordinances be and the same is hereby enacted to read as follows:

"SECTION 806. CORRIDOR DISTRICT ADMINISTRATION

A. **Subdivision Plat.** A corridor subdivision plat shall be filed with the Planning Commission and shall be processed in accordance with Subdivision Regulations. In addition to the requirements of the Subdivision Regulations, a corridor subdivision plat shall include:

1. Details as to the location of uses and street arrangements;
2. Provisions for the ownership and maintenance of the common open space as will reasonably ensure its continuity and conservation. Open space may be dedicated to a private association or to the public, provided that a dedication to the public shall not be accepted without the approval of the City Council;
3. Such covenants as will reasonably insure the continued compliance with the approved Corridor Development Plan. In order that the public interest may be protected, the City of Tulsa shall be made beneficiary of the covenants pertaining to such matters as location of uses, height of structure, setbacks, screening, and access. Such covenants shall provide that the City of Tulsa may enforce compliance therewith, and shall further provide that amendment of the covenants shall require approval by both of the Planning Commission and the City of Tulsa and the filing of record of a written amendment to covenants, endorsed by the Planning Commission and the City of Tulsa.

B. **Issuance of Building Permits.** After the filing of an approved corridor subdivision plat and notice thereof to the Building Inspector/Code Official, building permits shall be issued in accordance with the approved plat incorporating the provisions of the Corridor Development Plan.

C. **Amendments.** Minor changes in the proposed corridor development plan may be authorized by the Planning Commission, which shall direct the processing of an amended 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 site plan shall require compliance with the notice and procedural requirements of an initial site plan review and approval.

D. **Abandonment.** Abandonment of an approved corridor development plan shall require the City Council's approval, after recommendation by the Planning Commission. Upon final action authorizing abandonment, no building permit shall be issued until a subsequent corridor development plan has been approved, and platting completed as hereinbefore provided or until the property has been rezoned to

another district and permits sought in accordance with the restrictions of the applicable district."

Section 4. SEVERABILITY CLAUSE. If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

Section 5. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith be and the same are now expressly repealed.

Section 6. EMERGENCY CLAUSE. That an emergency is now declared to exist for the preservation of the public peace, health and safety, by reason whereof this ordinance shall take effect immediately from and after its passage, approval and publication.

Mr. Edwards out at 2:34 p.m.

STAFF RECOMMENDATION:

Mr. Alberty stated that there are the changes to Chapter 8 of the City of Tulsa Zoning Code. There is one additional small change from draft submitted. Section 801. Principal Uses Permitted in Corridor Districts, add "**and minimum building setbacks**". Staff recommends **APPROVAL** of the amendments presented today.

TMAPC COMMENTS:

Ms. Cantrell stated that she has discussed the additional wording with Mr. Alberty and she is not opposed to it, but she does have some concerns. This concerns her that something is being added that wasn't really discussed in the public hearing and now it is being added to the Zoning Code change. She doesn't feel that it is quite fair to have a public hearing and then close it and make changes that were never on anyone's radar. Mr. Boulden has assured her that this is legal. Ms. Cantrell expressed concerns that this is a little awkward to have a provision in Section 803 that sets up bulk and area requirements and then two sections ahead of it stated that one can basically disregard them. This could lead to some confusion and it is at best contradictory to set up requirements and then say one doesn't have to follow them. Ms. Cantrell concluded that all in all, what really concerns her is that she believes that the building setbacks need to be changed and this may create a bigger problem. Ms. Cantrell stated that she is inclined to support this change, but she feels that this whole Chapter needs to be re-examined.

Mr. Alberty stated that the setbacks were prescribed in 1975 when the corridor district was implemented in the Zoning Code. Since then the entire development style and process has changed with regard to development

within a corridor. It has been our experiences that whenever someone wants to reduce a setback that is prescribed in corridor district, they have to go to the Board of Adjustment, which is almost routine. The Board looks at this and it is based upon a plan and most of the plans tend to make sense. The thing that makes more sense is what recently happened with the adoption of the new Comprehensive Plan and that is probably the strongest reason to support this change. The emphasis of the new plan was to move buildings toward the right-of-way and in effect what is happening is we are trying to accommodate that. Mr. Alberty stated that why he doesn't choose at this time to recommend that we go back and change the setbacks is because they need to be reviewed on a case-by-case basis. It depends on how the orientation of the development is. There were two cases recently that were approved with setbacks less than what was prescribed and both attorneys argued that the Planning Commission had the power to do that without amending this provision of the Code. Mr. Alberty explained that he felt uncomfortable with that and that is really the reason why there is a need to make it clear that the Planning Commission does have the right to do this. Mr. Alberty reminded the Planning Commission that everything right now is an interim until the City of Tulsa Zoning Code is revised.

Mr. Leighty asked Mr. Alberty if he would go so far as to characterize this as keeping this on a case-by-case basis as being in a sense a context-sensitive solution that was discussed in the plan. In response, Mr. Alberty stated that he doesn't think there is any question that that is true. Every time there is a corridor development plan one looks at the specifics and the Planning Commission has the ability to prescribe two things and those are the modification of the setbacks and modification to the parking.

Ms. Cantrell asked Mr. Boulden if he sees any legal issues with the Table prescribing one setback and the added language amending it. In response, Mr. Boulden stated that he doesn't and it allows flexibility and is intended to remove the step of having to go before the Board of Adjustment. This allows the TMAPC and the City Council to address this on a case-by-case basis. Hopefully the new Zoning Code will have all of this in line.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CARNES**, TMAPC voted **8-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards, Midget, Perkins "absent") to recommend **APPROVAL** of the Proposed amendments of the Zoning Code, City of Tulsa, Oklahoma to Chapter 8; to attempt to provide Code amendments responsive to the new Comprehensive Plan. These are proposed "bridge" amendments until the Zoning Code will receive a thorough study and update, per staff recommendation.

21. Resolution No. 2602:902, Adopting the City of Tulsa ADA Self-Evaluation and Transition Plan Update as Part of the Comprehensive Plan of the Tulsa Metropolitan Area.

STAFF RECOMMENDATION:

RESOLUTION NO.: 2602:902

**RESOLUTION
TULSA METROPOLITAN AREA PLANNING COMMISSION**

A RESOLUTION OF THE TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC), PURSUANT TO TITLE 19 OKLAHOMA STATUTES, SECTION 863.7; ADOPTING AN AMENDMENT TO THE “COMPREHENSIVE PLAN OF THE TULSA METROPOLITAN AREA”, ORIGINALLY ADOPTED ON JUNE 29, 1960 AND AS SUBSEQUENTLY AMENDED; TO INCLUDE THE CITY OF TULSA ADA SELF-EVALUATION AND TRANSITION PLAN UPDATE AS PART OF THE COMPREHENSIVE PLAN OF THE TULSA METROPOLITAN AREA.

WHEREAS, the Tulsa Metropolitan Area Planning Commission (“Planning Commission”) is required to prepare, adopt and amend, as needed, a master plan, also known as a comprehensive plan, for the Tulsa metropolitan area, in accord with Title 19 Oklahoma Statutes, Section 863.7; and

WHEREAS, the purpose of such a comprehensive plan is to bring about coordinated physical development of an area in accord with present and future needs and is developed so as to conserve the natural resources of an area, the insure the efficient expenditure of public funds, and to promote the health, safety, convenience, prosperity and general welfare of the people of the area; and

WHEREAS, pursuant to Title 10 Oklahoma Statutes, Section 863.7, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 29th day of June 1960, did adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of 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, a public hearing was held on the 4th day of May, 2011 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 Oklahoma Statutes, Section 863.7, to adopt The City of Tulsa ADA Self-Evaluation and Transition Plan Update as part of the Tulsa Comprehensive Plan for the Tulsa Metropolitan Area, as contained in the attached plan maps and text.

ADOPTED on this 4th day of May, 2011 by a majority of the full membership of the Tulsa Metropolitan Area Planning Commission, including its ex officio members.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **SHIVEL**, TMAPC voted **8-0-0** (Cantrell, Carnes, Dix, Leighty, Liotta, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Edwards, Midget, Perkins "absent") to recommend **APPROVAL** of Resolution No. 2601:902, adopting the City of Tulsa ADA Self-Evaluation and Transition Plan Update as part of the Comprehensive Plan of the Tulsa Metropolitan Area per staff recommendation.

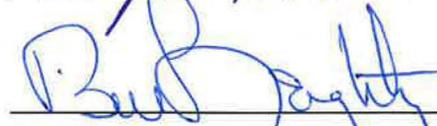
Commissioners' Comments

None.

There being no further business, the Chair declared the meeting adjourned at 2:43 p.m.

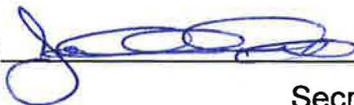
Date Approved:

1st June, 2011



Chairman

ATTEST:



Secretary