

**TULSA METROPOLITAN AREA PLANNING
COMMISSION**

Meeting No. 2716

**February 17, 2016, 1:30 PM
175 East 2nd Street, 2nd Level, One Technology Center
Tulsa City Council Chamber**

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

Call to Order:

REPORTS:

Chairman's Report:

Worksession Report:

Director's Report:

Review TMAPC Receipts for the month of January 2016

1. Minutes of February 3, 2016, Meeting No. 2715

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. **LS-20846** (Lot-Split) (County) – Location: South of the southwest corner of East 66th Street North and North 131st East Avenue
3. **LC-750** (Lot-Combination) (CD 9) – Location: Northwest corner of East 37th Street South and South Trenton Avenue
4. **LS-20849** (Lot-Split) (CD 7) – Location: South and West of the southwest corner of East 61st Street South and South Mingo Road (Related to LS-20850)
5. **LS-20850** (Lot-Split) (CD 7) – Location: South of the southwest corner of East 61st Street South and South Mingo Road (Related to LS-20849)
6. **LS-20851** (Lot-Split) (County) – Location: Northeast corner of East 156th Street North and North 137th East Avenue
7. **LC-751** (Lot-Combination) (CD 4) – Location: West of the southwest corner of East 21st Street South and South Harvard Avenue

8. **LS-20852** (Lot-Split) (County) – Location: North of the northeast corner of West 16th Street South and South 154th West Avenue
9. **LS-20853** (Lot-Split) (CD 4) – Location: Southwest corner of East 21st Street South and South Lewis Avenue
10. **LS-20855** (Lot-Split) (CD 4) – Location: Southwest corner of East 25th Street South and South Boston Place (Related to: LC-753)
11. **LC-753** (Lot-Combination) (CD 4) – Location: Southwest corner of East 25th Street South and South Boston Place (Related to: LS-20855)
12. **Crossbow Center II** – Amendment to the Deed of Dedication and Restrictive Covenants of Crossbow Center II, Northwest corner of East 41st Street South and South Garnett Road, (CD 6)
13. **The Estates at The River** – Final Plat, Location: East of southeast corner of East 121st Street and South Yale Avenue, (CD 8)

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

COMPREHENSIVE PLAN AMENDMENT PUBLIC HEARINGS:

14. **CPA-41- TMAPC – Amending the Comprehensive Plan Land Use Designation from “Neighborhood Center” to “New Neighborhood” on approximately 1.11 acres located on the northeast corner of East Queen Street and North Martin Luther King Boulevard (CD-1)**

PUBLIC HEARINGS:

15. **CVS-ERWII – Minor Subdivision Plat**, Location: Northeast corner of South Utica Avenue and East 15th Street (CD 1) (Continued from November 18, 2015, January 6, 2016, January 20, 2016) (Applicant requests continuance to April 6, 2016 to work through zoning issues.)
16. **PUD-636-D – Matt Christensen**, Location: South of the southeast corner of West 71st Street and South Union Avenue, requesting a **PUD Major Amendment to Abandon** portions of PUD-636, (CD 2) (Continued from December 16, 2015, January 6, 2016 and February 3, 2016.)

OTHER BUSINESS

17. **Consider adopting revised TMAPC Policies & Procedures**
18. **Commissioners' Comments**

ADJOURN

CD = Council District

NOTE: If you require special accommodation pursuant to the Americans with Disabilities Act, please notify INCOG (918) 584-7526. Exhibits, Petitions, Pictures, etc., presented to the Planning Commission may be received and deposited in case files to be maintained at Land Development Services, INCOG. Ringing/sound on all cell phones and paggers must be turned off during the Planning Commission.

Visit our website at www.tmapc.org

email address: esubmit@incog.org

TMAPC Mission Statement: The Mission of the Tulsa Metropolitan Area Planning Commission (TMAPC) is to provide unbiased advice to the City Council and the County Commissioners on development and zoning matters, to provide a public forum that fosters public participation and transparency in land development and planning, to adopt and maintain a comprehensive plan for the metropolitan area, and to provide other planning, zoning and land division services that promote the harmonious development of the Tulsa Metropolitan Area and enhance and preserve the quality of life for the region's current and future residents.

TMAPC RECEIPTS
Month of January 2016

	----- Current Period -----				----- Year To Date -----			
	ITEM	CITY	COUNTY	TOTAL RECEIVED	ITEM	CITY	COUNTY	TOTAL RECEIVED
ZONING								
Zoning Letters	12	\$387.50	\$387.50	\$775.00	84	\$2,475.00	\$2,475.00	\$4,950.00
Zoning	7	3,530.00	3,530.00	7,060.00	39	\$18,442.50	18,442.50	36,885.00
Plan Reviews	23	2,575.00	2,575.00	5,150.00	173	\$16,375.00	16,375.00	32,750.00
Refunds		0.00	0.00	0.00	0	(\$1,245.00)	(1,245.00)	(2,490.00)
NSF		0.00	0.00	0.00		\$0.00	\$0.00	0.00
Fees Waived		<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
		<u>\$6,492.50</u>	<u>\$6,492.50</u>	<u>\$12,985.00</u>		<u>\$36,047.50</u>	<u>\$36,047.50</u>	<u>\$72,095.00</u>
LAND DIVISION								
Preliminary Plats	4	1,692.50	1,692.50	3,385.00	22	\$11,717.50	\$11,717.50	23,435.00
Final Plats	0	0.00	0.00	0.00	9	\$4,127.50	\$4,127.50	8,255.00
Lot Splits	10	537.50	537.50	1,075.00	56	\$2,860.00	\$2,860.00	5,720.00
Lot Combinations	13	650.00	650.00	1,300.00	68	\$3,450.00	\$3,450.00	6,900.00
Other	1	125.00	125.00	250.00	1	\$2,525.00	\$2,525.00	5,050.00
NSF		0.00	0.00	0.00	0	(\$50.00)	(\$50.00)	(100.00)
Refunds		0.00	0.00	0.00	0	\$0.00	\$0.00	0.00
Fees Waived		<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>0.00</u>
		<u>\$3,005.00</u>	<u>\$3,005.00</u>	<u>\$6,010.00</u>		<u>\$24,630.00</u>	<u>\$24,630.00</u>	<u>\$49,260.00</u>
TMAPC COMP								
Comp Plan Admendment	1	\$250.00	\$0.00	\$250.00		\$730.00	\$0.00	\$730.00
Refund		<u>\$0.00</u>		<u>\$0.00</u>		\$0.00	\$0.00	\$250.00
		<u>\$250.00</u>	<u>\$0.00</u>	<u>\$250.00</u>		\$730.00	\$0.00	\$980.00
BOARDS OF ADJUSTMENT								
Fees	15	\$4,172.00	\$1,115.00	\$5,287.00	110	\$36,572.00	\$7,065.00	\$43,637.00
Refunds		0.00	0.00	\$0.00	34	\$0.00	\$0.00	0.00
NSF Check		0.00	0.00	\$0.00	0	\$0.00	\$0.00	0.00
Fees Waived		<u>0.00</u>	<u>0.00</u>	<u>\$0.00</u>	<u>0</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>0.00</u>
		<u>\$4,172.00</u>	<u>\$1,115.00</u>	<u>\$5,287.00</u>		<u>\$36,572.00</u>	<u>\$7,065.00</u>	<u>\$43,637.00</u>
TOTAL		\$13,919.50	\$10,612.50	\$24,532.00		\$97,979.50	\$67,742.50	\$165,972.00
LESS WAIVED FEES *		\$0.00		\$0.00		(\$212.30)		(\$212.30)
GRAND TOTALS		\$13,919.50	\$10,612.50	\$24,532.00		\$97,767.20	\$67,742.50	\$165,759.70

* Advertising, Signs & Postage Expenses for City of Tulsa Applications with Fee Waivers.

Eller & Detrich
A Professional Corporation

Philip J. Eller
Kevin H. Wylie
R. Louis Reynolds
James C. Hodges
Shanann Pinkham Passley
Daniel C. Cupps
Andrew A. Shank
Mac D. Finlayson
Steven P. Flowers
Heidi L. Shadid
Nathalie M. Schaefer

Telephone
(918) 747-8900

Toll Free
(866) 547-8900

Facsimile
(918) 747-2665

Of Counsel
Donald L. Detrich
Katherine Saunders, PLC
Jerry M. Snider
John H. Lieber
Joshua M. Tietsort

Writer's E-Mail
rlreynolds@ellerdetrich.com

February 9, 2016

VIA HAND DELIVERY

Ms. Diane Fernandez
INCOG
2 West 2nd Street, #800
Tulsa, Oklahoma 74103

Re: Amendment to Deed of Dedication and Restrictive Covenants of
Crossbow Center II

Dear Diane:

Enclosed is an original of the Amendment that has been signed by the owner of the property. The purpose of this Amendment is to broaden the power of the property owners association to include both Crossbow Center I and Crossbow Center II, if and when that is the desire of the owners of both such Additions, as well as to provide for the maintenance of the common areas between both such shopping centers.

12.1

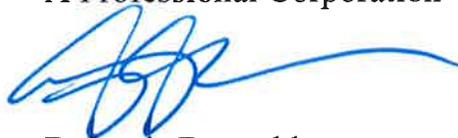
Eller & Detrich
A Professional Corporation

Ms. Diane Fernandez
INCOG
February 9, 2016
Page 2 of 2

Should you have any questions, please do not hesitate to call.

Yours very truly,

ELLER & DETRICH
A Professional Corporation



R. Louis Reynolds

RLR:rea
Enclosure

**AMENDMENT TO THE DEED OF DEDICATION AND RESTRICTIVE COVENANTS
OF
CROSSBOW CENTER II**

THIS AMENDMENT TO DEED OF DEDICATION AND RESTRICTIVE COVENANTS OF CROSSBOW CENTER II (this "Amendment") is entered into to be effective as of the _____ day of _____, 20____.

RECITALS:

A. On March 18, 2015, H W ALLEN CO., LLC, an Oklahoma limited liability company ("Owner"), entered into that certain Deed of Dedication and Restrictive Covenants (the "Deed of Dedication"), which Deed of Dedication was recorded on April 17, 2015, in the Office of the Tulsa County Clerk, and which Deed of Dedication is for CROSSBOW CENTER II, a Subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, according to the Plat of Crossbow Center II recorded as Plat No. 6600 (the "Subdivision") in the Office of the Tulsa County Clerk.

B. Owner has not sold any of the lots in the Subdivision and desires to amend the Deed of Dedication as more particularly provided hereinbelow.

AMENDMENT:

NOW, THEREFORE, in consideration of the foregoing, the adequacy and receipt of which is hereby acknowledged as consideration, the Owner, as the owner of all of the Lots in the Subdivision, hereby amends the Deed of Dedication as follows:

1. SECTION II.A., RESERVE AREA "A", of the Deed of Dedication is hereby amended by deleting SECTION II.A., in its entirety and replacing it with the following:

"A. RESERVE AREA "A"

"RESERVE AREA "A", AS SHOWN ON THE ACCOMPANYING PLAT, IS HEREBY ESTABLISHED FOR THE PURPOSES OF PERMITTING VEHICULAR AND PEDESTRIAN ACCESS TO AND FROM ALL STREETS AND AREAS ADJACENT TO AND CONTAINED WITHIN THE SUBDIVISION. THE OWNER HEREBY GRANTS TO THE CITY OF TULSA, OKLAHOMA, THE UNITED STATES POSTAL SERVICE, ANY PUBLIC UTILITY PROVIDING UTILITY SERVICE TO THE SUBDIVISION, AND TO ANY REFUSE COLLECTION SERVICE WHICH PROVIDES SERVICE WITHIN THE SUBDIVISION, THE RIGHT TO ENTER AND TRAVERSE RESERVE AREA "A" AND TO OPERATE THEREON ALL SERVICE, EMERGENCY AND GOVERNMENT VEHICLES INCLUDING, BUT NOT LIMITED TO, POLICE, FIRE AND EMERGENCY MEDICAL VEHICLES AND EQUIPMENT. PAVING WITHIN RESERVE AREA "A" SHALL BE MAINTAINED AT A SUFFICIENT WIDTH TO PROVIDE ACCESS TO POLICE, FIRE AND EMERGENCY MEDICAL VEHICLES AND EQUIPMENT. THE RESERVE "A" SHALL BE CONVEYED BY THE OWNER TO THE ASSOCIATION, AS DEFINED BELOW."

12.3

2. SECTION III.A., FORMATION OF PROPERTY OWNERS ASSOCIATION, of the Deed of Dedication is hereby amended by deleting SECTION III.A., in its entirety and replacing it with the following:

“A. FORMATION OF PROPERTY OWNERS ASSOCIATION

“THE OWNER SHALL CAUSE TO BE FORMED THE CROSSBOW CENTER PROPERTY OWNERS’ ASSOCIATION, INC. (THE "ASSOCIATION"). THE ASSOCIATION SHALL BE A PROPERTY OWNERS ASSOCIATION TO BE ESTABLISHED IN ACCORDANCE WITH THE STATUTES OF THE STATE OF OKLAHOMA, AND TO BE FORMED FOR THE GENERAL PURPOSES OF MAINTAINING PROPERTY AND FACILITIES THAT ARE FOR THE COMMON USE AND BENEFIT OF THE LOTS AS THE SAME MAY BE AGREED TO BY THE MEMBERS OF THE ASSOCIATION COMPRISED OF THE OWNERS OF THE LOTS WITHIN CROSSBOW CENTER II AND THE OWNER(S) OF THE LOTS WITHIN CROSSBOW CENTER ADDITION FOR WHICH AN ELECTION HAS BEEN MADE AS DESCRIBED IN SECTION III.B.”

3. SECTION III.B., MEMBERSHIP, of the Deed of Dedication is hereby amended by deleting SECTION III.B., in its entirety and replacing it with the following:

“B. MEMBERSHIP

- (i) EVERY PERSON OR ENTITY WHO IS A RECORD OWNER OF THE FEE INTEREST OF A LOT WITHIN CROSSBOW CENTER II SHALL BE A MEMBER OF THE ASSOCIATION. MEMBERSHIP SHALL BE APPURTENANT TO AND MAY NOT BE SEPARATED FROM THE OWNERSHIP OF A LOT. IN THE EVENT THE OWNER(S) OF ANY LOT IN CROSSBOW CENTER ADDITION ELECT, IN WRITING, TO BECOME A MEMBER OF THE ASSOCIATION, THEN, IN SUCH EVENT, MEMBERSHIP IN THE ASSOCIATION BY SUCH OWNER(S) OF CROSSBOW CENTER ADDITION SHALL ALSO BE APPURTENANT TO AND MAY NOT BE SEPARATED FROM THE OWNERSHIP OF THE LOT(S) OF SUCH OWNER WITHIN CROSSBOW CENTER ADDITION. ONCE SUCH AN ELECTION IS MADE, MEMBERSHIP IN THE ASSOCIATION SHALL BE MANDATORY FOR THE OWNER OF SUCH LOT AND ITS SUCCESSORS IN TITLE.
- (ii) UPON SUCH ELECTION, THE ELECTING OWNER(S) AUTHORIZE THE ASSOCIATION TO RECORD A NOTICE OF SUCH ELECTION IN THE LAND RECORDS OF TULSA COUNTY TO BE INDEXED AGAINST THE LOT.

12.4

Except as amended hereby, all of the other terms, conditions and provisions of the Deed of Dedication shall remain the same.

Dated on the day and year first above written.

*REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.
SIGNATURE PAGES TO FOLLOW.*

12.5

**H W ALLEN CO., LLC,
an Oklahoma limited liability company**

By: *Phil Allen*
Phil Allen
Its Manager
"Owner"

STATE OF OKLAHOMA)
)
COUNTY OF TULSA)

This instrument was acknowledged before me this 15th day of December, 2015, by Phil Allen as Manager of H W ALLEN CO., LLC, an Oklahoma limited liability company.

My Commission No. 12011610 expires 12/10, 20 16.



Christina M. Trujillo
Notary Public

12.4

Approved on this _____ day of _____, 20_____.

APPROVED AS TO FORM:

**TULSA METROPOLITAN AREA
PLANNING COMMISSION**

By: _____
Assistant City Attorney

By: _____
Chairman

12.7

Final Subdivision Plat

The Estates at The River - (CD 8)

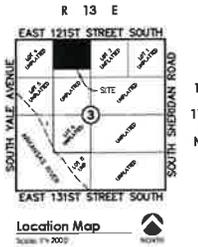
East of Southeast corner of East 121st Street and South Yale Avenue

This plat consists of 89 Lots, 5 Blocks, on 31 acres.

Staff has received release letters for this plat and can recommend **APPROVAL** of the Final Plat.

13.1

2/9/16



Location Map
Scale: 1" = 200'

SUBDIVISION CONTAINS
EIGHTY-NINE (89) LOTS IN SIX (6) BLOCKS
GRAND SURVEY/SECTION AREA: 31.134 ACRES

PUD-803

THE ESTATES AT THE RIVER

PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NE/4 NW/4) OF SECTION THREE (3)
TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN
A SUBDIVISION WITHIN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

OWNER:
121st Street Property, L.L.C.
AN OKLAHOMA LIMITED LIABILITY COMPANY
CONTACT: BRIAN GREEN
EMAIL: BGREENS47@MSN.COM
17211 South 4170 Road
Claremore, Oklahoma 74107
Phone: (918) 342-0840

SURVEYOR/ENGINEER:
Tanner Consulting, L.L.C.
DAN E. TANNER, P.L.S. NO. 1435
OKLA. NO. 2963, EXPIRES 6/30/2017
EMAIL: DAN@TANNERBAITSHOP.COM
5323 South Lewis Avenue
Tulsa, Oklahoma 74105
Phone: (918) 745-9929



Scale: 1" = 100'
Tanner Consulting

LEGEND:
BL BUILDING LINE
BLN BUSINESS LINE/UTILITY EASEMENT
CB CHORD BEARING
CD CHORD DISTANCE
DOC DOCUMENT
EASMT EASEMENT
F/F FENCE EASEMENT
P/B POINT OF BEGINNING
L/E LINE EASEMENT
ADD ADDRESS

FINAL PLAT ENDORSEMENT OF APPROVAL	
Tulsa Metropolitan Area Planning Commission	
Approval Date:	
TMAPC/INCOC	
CITY ENGINEER	
Council of the City of Tulsa, Oklahoma	
Approval Date:	
CHAIRMAN	
MAYOR	
ATTYEST: CITY CLERK	
CITY ATTORNEY	

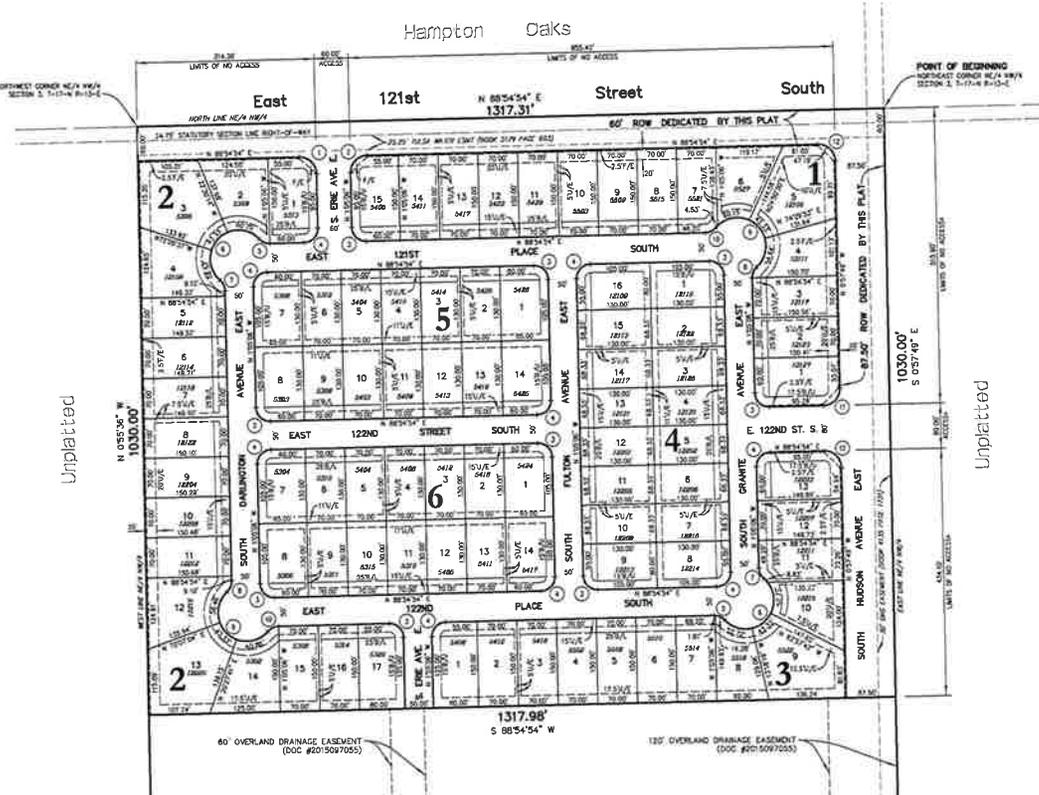
The approval of this Final Plat will expire one year from the date of City Council approval if not filed in the Office of the County Clerk before that date.

Lot Area Table

AREA LABEL	AREA(ACRES)	AREA LABEL	AREA(ACRES)
BLOCK 1, LOT 01	0.288	BLOCK 4, LOT 01	0.288
BLOCK 1, LOT 02	0.242	BLOCK 4, LOT 02	0.204
BLOCK 1, LOT 03	0.242	BLOCK 4, LOT 03	0.204
BLOCK 1, LOT 04	0.289	BLOCK 4, LOT 04	0.256
BLOCK 1, LOT 05	0.418	BLOCK 4, LOT 05	0.304
BLOCK 1, LOT 06	0.259	BLOCK 4, LOT 06	0.204
BLOCK 1, LOT 07	0.259	BLOCK 4, LOT 07	0.256
BLOCK 1, LOT 08	0.241	BLOCK 4, LOT 08	0.236
BLOCK 1, LOT 09	0.241	BLOCK 4, LOT 09	0.236
BLOCK 1, LOT 10	0.241	BLOCK 4, LOT 10	0.204
BLOCK 1, LOT 11	0.241	BLOCK 4, LOT 11	0.204
BLOCK 1, LOT 12	0.241	BLOCK 4, LOT 12	0.204
BLOCK 1, LOT 13	0.241	BLOCK 4, LOT 13	0.204
BLOCK 1, LOT 14	0.241	BLOCK 4, LOT 14	0.204
BLOCK 1, LOT 15	0.289	BLOCK 4, LOT 15	0.204
BLOCK 1, LOT 16	0.289	BLOCK 4, LOT 16	0.236
BLOCK 2, LOT 01	0.282	BLOCK 5, LOT 01	0.253
BLOCK 2, LOT 02	0.417	BLOCK 5, LOT 02	0.208
BLOCK 2, LOT 03	0.254	BLOCK 5, LOT 03	0.209
BLOCK 2, LOT 04	0.240	BLOCK 5, LOT 04	0.209
BLOCK 2, LOT 05	0.240	BLOCK 5, LOT 05	0.209
BLOCK 2, LOT 06	0.241	BLOCK 5, LOT 06	0.209
BLOCK 2, LOT 07	0.241	BLOCK 5, LOT 07	0.251
BLOCK 2, LOT 08	0.241	BLOCK 5, LOT 08	0.251
BLOCK 2, LOT 09	0.241	BLOCK 5, LOT 09	0.209
BLOCK 2, LOT 10	0.242	BLOCK 5, LOT 10	0.209
BLOCK 2, LOT 11	0.242	BLOCK 5, LOT 11	0.209
BLOCK 2, LOT 12	0.242	BLOCK 5, LOT 12	0.209
BLOCK 2, LOT 13	0.242	BLOCK 5, LOT 13	0.209
BLOCK 2, LOT 14	0.241	BLOCK 5, LOT 14	0.231
BLOCK 2, LOT 15	0.241	BLOCK 5, LOT 15	0.231
BLOCK 2, LOT 16	0.241	BLOCK 5, LOT 16	0.231
BLOCK 2, LOT 17	0.272	BLOCK 5, LOT 17	0.251
BLOCK 2, LOT 18	0.272	BLOCK 5, LOT 18	0.209
BLOCK 2, LOT 19	0.272	BLOCK 5, LOT 19	0.209
BLOCK 2, LOT 20	0.241	BLOCK 5, LOT 20	0.209
BLOCK 2, LOT 21	0.241	BLOCK 5, LOT 21	0.209
BLOCK 2, LOT 22	0.241	BLOCK 5, LOT 22	0.209
BLOCK 2, LOT 23	0.241	BLOCK 5, LOT 23	0.209
BLOCK 2, LOT 24	0.241	BLOCK 5, LOT 24	0.209
BLOCK 2, LOT 25	0.241	BLOCK 5, LOT 25	0.209
BLOCK 2, LOT 26	0.241	BLOCK 5, LOT 26	0.209
BLOCK 2, LOT 27	0.241	BLOCK 5, LOT 27	0.209
BLOCK 2, LOT 28	0.241	BLOCK 5, LOT 28	0.209
BLOCK 2, LOT 29	0.241	BLOCK 5, LOT 29	0.209
BLOCK 2, LOT 30	0.241	BLOCK 5, LOT 30	0.209
BLOCK 2, LOT 31	0.241	BLOCK 5, LOT 31	0.209
BLOCK 2, LOT 32	0.241	BLOCK 5, LOT 32	0.209
BLOCK 2, LOT 33	0.241	BLOCK 5, LOT 33	0.209
BLOCK 2, LOT 34	0.241	BLOCK 5, LOT 34	0.209
BLOCK 2, LOT 35	0.241	BLOCK 5, LOT 35	0.209
BLOCK 2, LOT 36	0.241	BLOCK 5, LOT 36	0.209
BLOCK 2, LOT 37	0.241	BLOCK 5, LOT 37	0.209
BLOCK 2, LOT 38	0.241	BLOCK 5, LOT 38	0.209
BLOCK 2, LOT 39	0.241	BLOCK 5, LOT 39	0.209
BLOCK 2, LOT 40	0.241	BLOCK 5, LOT 40	0.209
BLOCK 2, LOT 41	0.241	BLOCK 5, LOT 41	0.209
BLOCK 2, LOT 42	0.241	BLOCK 5, LOT 42	0.209
BLOCK 2, LOT 43	0.241	BLOCK 5, LOT 43	0.209
BLOCK 2, LOT 44	0.241	BLOCK 5, LOT 44	0.209
BLOCK 2, LOT 45	0.241	BLOCK 5, LOT 45	0.209
BLOCK 2, LOT 46	0.241	BLOCK 5, LOT 46	0.209
BLOCK 2, LOT 47	0.241	BLOCK 5, LOT 47	0.209
BLOCK 2, LOT 48	0.241	BLOCK 5, LOT 48	0.209
BLOCK 2, LOT 49	0.241	BLOCK 5, LOT 49	0.209
BLOCK 2, LOT 50	0.241	BLOCK 5, LOT 50	0.209
BLOCK 2, LOT 51	0.241	BLOCK 5, LOT 51	0.209
BLOCK 2, LOT 52	0.241	BLOCK 5, LOT 52	0.209
BLOCK 2, LOT 53	0.241	BLOCK 5, LOT 53	0.209
BLOCK 2, LOT 54	0.241	BLOCK 5, LOT 54	0.209
BLOCK 2, LOT 55	0.241	BLOCK 5, LOT 55	0.209
BLOCK 2, LOT 56	0.241	BLOCK 5, LOT 56	0.209
BLOCK 2, LOT 57	0.241	BLOCK 5, LOT 57	0.209
BLOCK 2, LOT 58	0.241	BLOCK 5, LOT 58	0.209
BLOCK 2, LOT 59	0.241	BLOCK 5, LOT 59	0.209
BLOCK 2, LOT 60	0.241	BLOCK 5, LOT 60	0.209
BLOCK 2, LOT 61	0.241	BLOCK 5, LOT 61	0.209
BLOCK 2, LOT 62	0.241	BLOCK 5, LOT 62	0.209
BLOCK 2, LOT 63	0.241	BLOCK 5, LOT 63	0.209
BLOCK 2, LOT 64	0.241	BLOCK 5, LOT 64	0.209
BLOCK 2, LOT 65	0.241	BLOCK 5, LOT 65	0.209
BLOCK 2, LOT 66	0.241	BLOCK 5, LOT 66	0.209
BLOCK 2, LOT 67	0.241	BLOCK 5, LOT 67	0.209
BLOCK 2, LOT 68	0.241	BLOCK 5, LOT 68	0.209
BLOCK 2, LOT 69	0.241	BLOCK 5, LOT 69	0.209
BLOCK 2, LOT 70	0.241	BLOCK 5, LOT 70	0.209
BLOCK 2, LOT 71	0.241	BLOCK 5, LOT 71	0.209
BLOCK 2, LOT 72	0.241	BLOCK 5, LOT 72	0.209
BLOCK 2, LOT 73	0.241	BLOCK 5, LOT 73	0.209
BLOCK 2, LOT 74	0.241	BLOCK 5, LOT 74	0.209
BLOCK 2, LOT 75	0.241	BLOCK 5, LOT 75	0.209
BLOCK 2, LOT 76	0.241	BLOCK 5, LOT 76	0.209
BLOCK 2, LOT 77	0.241	BLOCK 5, LOT 77	0.209
BLOCK 2, LOT 78	0.241	BLOCK 5, LOT 78	0.209
BLOCK 2, LOT 79	0.241	BLOCK 5, LOT 79	0.209
BLOCK 2, LOT 80	0.241	BLOCK 5, LOT 80	0.209
BLOCK 2, LOT 81	0.241	BLOCK 5, LOT 81	0.209
BLOCK 2, LOT 82	0.241	BLOCK 5, LOT 82	0.209
BLOCK 2, LOT 83	0.241	BLOCK 5, LOT 83	0.209
BLOCK 2, LOT 84	0.241	BLOCK 5, LOT 84	0.209
BLOCK 2, LOT 85	0.241	BLOCK 5, LOT 85	0.209
BLOCK 2, LOT 86	0.241	BLOCK 5, LOT 86	0.209
BLOCK 2, LOT 87	0.241	BLOCK 5, LOT 87	0.209
BLOCK 2, LOT 88	0.241	BLOCK 5, LOT 88	0.209
BLOCK 2, LOT 89	0.241	BLOCK 5, LOT 89	0.209
BLOCK 2, LOT 90	0.241	BLOCK 5, LOT 90	0.209
BLOCK 2, LOT 91	0.241	BLOCK 5, LOT 91	0.209
BLOCK 2, LOT 92	0.241	BLOCK 5, LOT 92	0.209
BLOCK 2, LOT 93	0.241	BLOCK 5, LOT 93	0.209
BLOCK 2, LOT 94	0.241	BLOCK 5, LOT 94	0.209
BLOCK 2, LOT 95	0.241	BLOCK 5, LOT 95	0.209
BLOCK 2, LOT 96	0.241	BLOCK 5, LOT 96	0.209
BLOCK 2, LOT 97	0.241	BLOCK 5, LOT 97	0.209
BLOCK 2, LOT 98	0.241	BLOCK 5, LOT 98	0.209
BLOCK 2, LOT 99	0.241	BLOCK 5, LOT 99	0.209
BLOCK 2, LOT 100	0.241	BLOCK 5, LOT 100	0.209

Curve Table

CURVE	LENGTH	CHORD	DELTA	CHORD BEARING	CHORD BEARING
1	42.12	30.00	90°00'00"	N 40°00'00" W	42.43'
2	42.12	30.00	90°00'00"	N 43°54'54" E	42.43'
3	38.27	25.00	90°00'00"	N 48°59'59" E	35.34'
4	28.27	25.00	90°00'00"	N 43°54'54" E	35.34'
5	21.03	25.00	48°11'33"	N 68°39'24" E	20.41'
6	148.83	50.00	188°22'58"	N 48°54'54" E	20.41'
7	21.03	25.00	48°11'33"	N 32°00'00" W	20.41'
8	21.03	25.00	48°11'33"	N 23°00'00" E	20.41'
9	148.83	50.00	188°22'58"	N 48°59'59" W	35.34'
10	21.03	25.00	48°11'33"	N 64°49'13" E	20.41'
11	47.08	30.00	88°22'43"	N 43°58'32" E	42.38'
12	47.19	30.00	89°07'37"	N 46°03'28" W	42.49'



Notes:

- THIS PLAT MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.
- ALL PROPERTY CORNERS ARE SET BY "NON REBAR WITH YELLOW CAP STAMPED 'TANNER RELEASE' UNLESS OTHERWISE NOTED.
- THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANNED COORDINATE SYSTEM, NORTH ZONE (ESG3), NORTH AMERICAN DATUM (NAD 83), THE NORTH LINE OF THE NORTHWEST QUARTER BOUND BY S 85°54' E.
- ADDRESSES SHOWN ON THIS PLAT ARE ACCURATE AT THE TIME THE PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF THE LEGAL DESCRIPTION.
- ACCESS AND LIMITS OF ACCESS INDICATED ON SOUTH HUDSON AVENUE APPLY ONLY TO THE WEST SIDE OF THE HUDSON NORTH-OF-WAY. SEE LIMITS OF NO ACCESS IN SECTION I OF THE DEED OF DEDICATION.

132



Tulsa Metropolitan Area
Planning Commission

Case Number: CPA-41
Comprehensive Plan Amendment

Hearing Date: February 17, 2016

Case Report Prepared by:

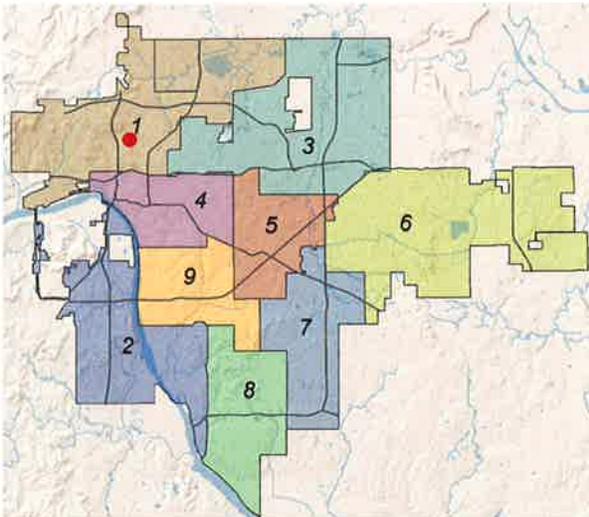
Susan Miller, AICP

Owner and Applicant Information:

Applicant: TMAPC

Property Owner: Tulsa Development Authority

Location Map:
(shown with City Council Districts)



Applicant Proposal:

Land Use Map change from **Neighborhood Center** to **New Neighborhood**

Existing Use: vacant

Proposed Use: vacant (future residential uses)

Tract Size: 1.11 acre

Location: Northeast corner of E. Queen Street and N. Martin Luther King Jr. Boulevard

Staff Recommendation:

Staff recommends **approval** of the **New Neighborhood** designation.

Comprehensive Plan:

Land Use Map:

Existing: *Neighborhood Center*

Proposed: *New Neighborhood*

Stability and Growth Map:

Area of Growth

Zoning:

Existing Zoning: RS-4

City Council District: 1

Councilor Name: Jack Henderson

County Commission District: 1

Commissioner Name: John Smaligo

19.1

COMPREHENSIVE PLAN LAND USE MAP AMENDMENT REQUEST

NE/c of E. Queen St. & N. Martin Luther King Jr. Blvd. (CPA-41)

I. PROPERTY INFORMATION AND LAND USE REQUEST

Existing Land Use: <i>Neighborhood Center</i> Existing Stability and Growth designation: <i>Area of Growth</i>
Proposed Land Use: <i>New Neighborhood</i>
Location: NE/c of E. Queen St. & N. Martin Luther King Jr. Blvd.
Size: 1.11 acre

A. Background

The site that is subject to this Comprehensive Plan amendment application is a vacant residential lot, located on the northeast corner of the intersection of N. Martin Luther King Jr. Boulevard and E. Pine Street. This block, located to the north of North Pointe commercial center, north of E. Queen Street, is zoned residential and characterized by single family homes. The neighborhood has experienced significant reinvestment and stabilization over the past 20 years. Many of the lots in the immediate area have been developed with new homes

This site, as well as a significant amount of other residential lots north along Martin Luther King Jr. Boulevard and scattered in adjacent neighborhoods are owned by the Tulsa Development Authority (TDA).

On September 24, 2015, a previous applicant (same owner) submitted a rezoning application to CS (Z-7321) and proposed PUD-842 with the intent of developing a 10,000 square foot retail use (Dollar General). At a December 2, 2015 public hearing, the TMAPC voted to deny a rezoning application in a unanimous vote. At the public hearing, TMAPC expressed concerns that the existing land use designation of *Neighborhood Center* may not be appropriate if the site was not suitable for commercial development. Commissioners also expressed concerns that the existing residents had expectations that this site would be developed residentially, based

on previous discussions with the Tulsa Development Authority. Both applications (Z-7321 and PUD-842) were heard by the City Council on January 28, 2016 and were denied in an 8-1-0 vote.

At their January 6, 2016 meeting, TMAPC voted to initiate this amendment to a *New Neighborhood* land use designation.

B. Existing Land Use/Area Growth Designation (Tulsa Comprehensive Plan)

When the new Tulsa Comprehensive Plan was developed and adopted in 2010, this area was designated as an *Area of Growth*:

“The purpose of **Areas of Growth** is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.”

A *Neighborhood Center* land use designation was assigned to the area subject to the amendment request at the time of the adoption of the Tulsa Comprehensive Plan in 2010:

“**Neighborhood Centers** are small-scale, one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services. They can include apartments, condominiums, and townhouses, with small lot single family homes at the edges. These are pedestrian-oriented places served by transit, and visitors who drive can park once and walk to number of destinations.”

C. Proposed Land Use Designation (Tulsa Comprehensive Plan)

A *New Neighborhood* land use designation is proposed on the subject site.

“The **New Neighborhood** Residential Building Block is comprised of a plan category by the same name. It is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes, but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity, and shall be paired with an existing or new Neighborhood or Town Center.”

D. Sector Plan

The subject site is within a Tulsa Development Authority (TDA) Sector Plan (Amendments to Neighborhood Development Program Area (ND-401) for the Extension & Moton Sector, approved by City Council in 2005). This site is designated for a commercial and office use area on the Land Use and Street Plan in this document. TDA is currently engaging the consultant, Housel Lavigne, to update the Sector Plans. As of the writing of this report, staff understands that the consultant is considering a more purely residential land use designation for the subject site.

The existing Sector Plan contains several objectives regarding “rehabilitating residential properties” and “encouraging moderate to higher cost single family structures” to ensure a healthy mix of housing in the area. Other objectives for residential areas include:

1. To preserve and enhance the predominate single family residential character of the neighborhood;
2. To bring about the rehabilitation of all suitably located repairable structures;
3. To remove those structures that are no longer feasible to rehabilitate or which are inappropriately located, and to replace them where appropriate with moderate to higher cost housing units of such style, type, and size, as will complement adjacent housing units;
4. To provide for adequate traffic circulation and minimize disruptive effects of through traffic by redesigning the existing patterns of right-of-way to best serve the proposed land uses. Whenever necessary, streets, alleys and easements will be closed, widened, opened, or relocated pursuant to this objective;
5. To provide adequate park and open space areas to meet the needs of the neighborhood and surrounding community;
6. To provide a limited amount of land for convenience commercial shopping and business areas to meet the needs of neighborhood residents and adjacent areas residents;

7. To provide adequate water, storm sewer, and sanitary sewer systems to the entire neighborhood sufficient for domestic uses and designed to a capacity for adequate health and safety protection. Whenever necessary the location type and size of utilities may be altered pursuant to this objective;
8. To provide adequate service of all other utilities necessary to serve the needs of the various proposed land uses;
9. To provide adequate facilities for the health and education of area residents;
10. To enhance the value of property and improve the living conditions of existing low and moderate income residents by removal of substandard structures and other blighting influences, and by encouraging new market rate residential development on cleared land where appropriate;
11. To increase the home ownership rate in the sectors; and
12. To increase the number, value, and marketability of homes in the sectors.

E. Zoning and Surrounding Uses:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-4	<i>New Neighborhood</i>	Growth	single family residential
South	CS	<i>Neighborhood Center</i>	Growth	North Pointe commercial center
East	RS-4	<i>Existing Neighborhood</i>	Stability	single family residential
West	RS-3	<i>Existing Neighborhood</i>	Stability	single family residential

F. Applicant's Justification:

As part of the amendment application, the applicant is asked to justify their amendment request. Specifically, they are asked to provide a written justification to address:

1. how conditions on the subject site have changed, as well as those on adjacent properties and immediate area;
2. how changes have impacted the subject site to warrant the proposed amendment; and
3. how the proposed change will enhance the surrounding area and the City of Tulsa.

Conditions in the area have evolved as reinvestment in the single family residential neighborhoods, particularly to the east continue. Options for a potential non-residential land use (*Neighborhood Center*) were most likely considered in the adoption of the 2010 Tulsa Comprehensive Plan based on the commercial and office use designation assigned in the 2005 Extension & Moton Sector Plan and the 2007 approval of OL/PUD-743.

14.5

However, the Sector Plan is currently being updated and is now considering a purely residential land use for this site. Also, OL/PUD-743 no longer exists on the site as a result of a rezoning to RS-4 and abandonment of PUD-743 in 2011.

The recent reinvestment and stabilization of the neighborhood make it even more important to ensure that surrounding development is compatible, complementary and supports the ongoing revitalization of the neighborhood. The proposed change will enhance the surrounding area and the City of Tulsa by ensuring that a vibrant neighborhood can continue to thrive and enhance the north Tulsa community.

G. Staff Summary:

The subject site is currently vacant and located on a residential block with the remainder of lots having either *Existing Neighborhood* or *New Neighborhood* land use designations. The subject site is separated by E. Queen Street from a larger *Neighborhood Center* land use designation (North Pointe commercial center).

The revitalization of this residential area and the zoning history on the site (specifically since 2011) provides justification for a New Neighborhood land use designation:

- **Z-7169 July 2011:** All concurred in **approval** of a request for *rezoning* a 39,857± square foot tract of land from OL/ PUD-743 to RS-4, for single-family homes, on property located on the northeast corner of N. Cincinnati Ave. and E. Queen St. and is also a part of the subject property.
- **PUD-743-A July 2011:** All concurred in **approval** of a proposed *Major Amendment to Abandon* a PUD on a 39,857± square foot tract of land for future single-family home development, on property located on the northeast corner of N. Cincinnati Ave. and E. Queen St. and is also a part of the subject property.
- **Z-7068/PUD-743 October 2007:** All concurred in **approval** of a request for *rezoning* a 37,800± square feet tract of land from RS-4 to OL/PUD-743 for dental offices, clinics, laboratories and related dental research facilities on property located northeast corner of N. Cincinnati Ave. and E. Queen St. and is also a part of the subject property.
- **Z-7057 June 2007:** All concurred in **denial** of a request for *rezoning* a 37,900± square feet tract of land from RS-4 to OM on property located northeast corner of N. Cincinnati Ave. and E. Queen St. and is also a part of the subject property.

- **Z-6428 January 1994:** All concurred in **approval** of a “blanket *rezoning*” on lots lying between N. Cincinnati Ave. and the Missouri-Pacific Railroad right-of-way; from E. Ute Pl. on the north to E. Pine Pl. on the south, from RM-1 to RS-4. The subject property was included in this action.

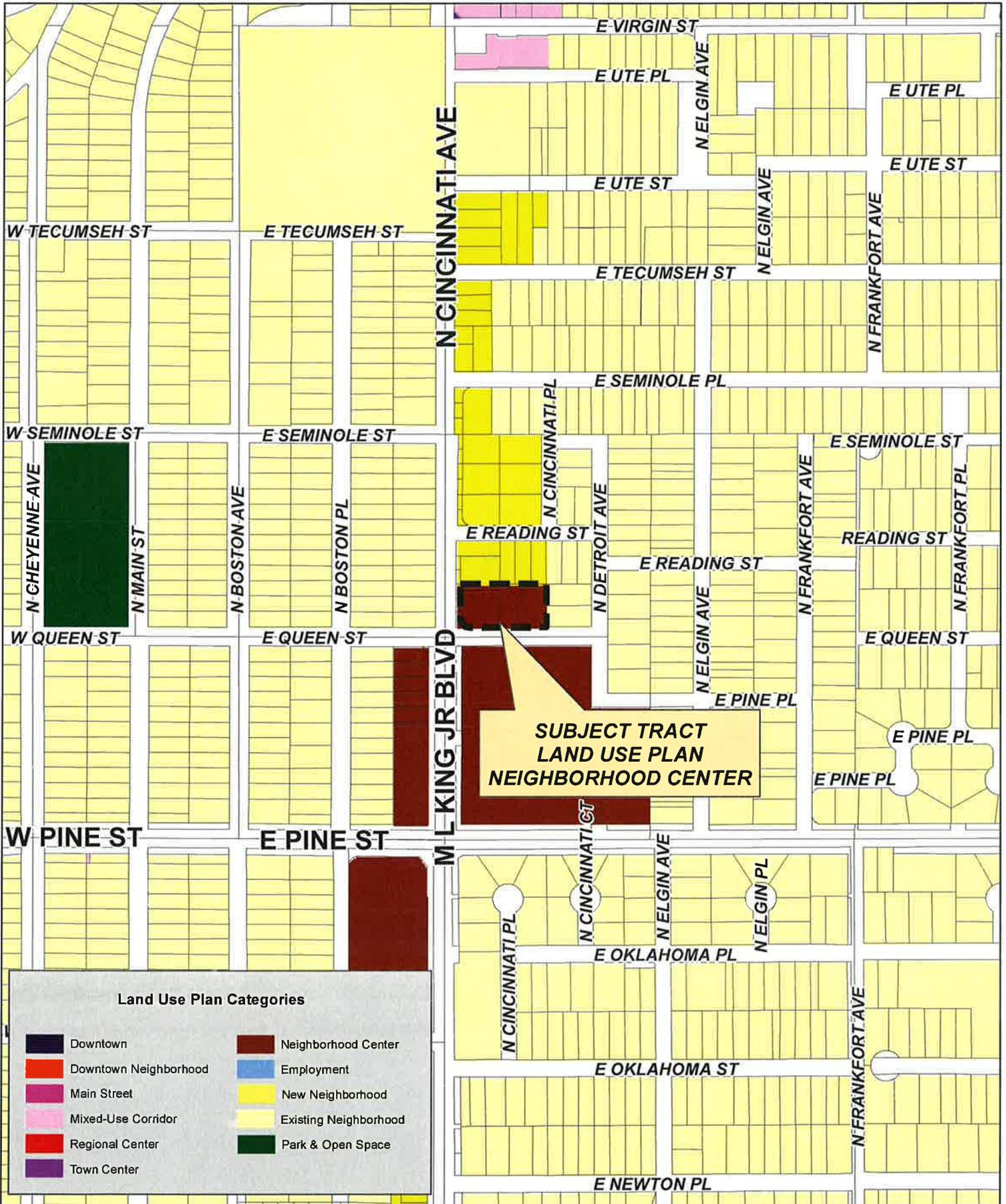
The North Pointe commercial center to the south has a 6 foot screening fence along the northern property line that provides a barrier to the residential block north of E. Queen Street.



Given its location on an existing and stable neighborhood block, the *New Neighborhood* land use designation is appropriate at this location.

II. STAFF RECOMMENDATION

- Staff recommends Approval of the *New Neighborhood* land use designation.

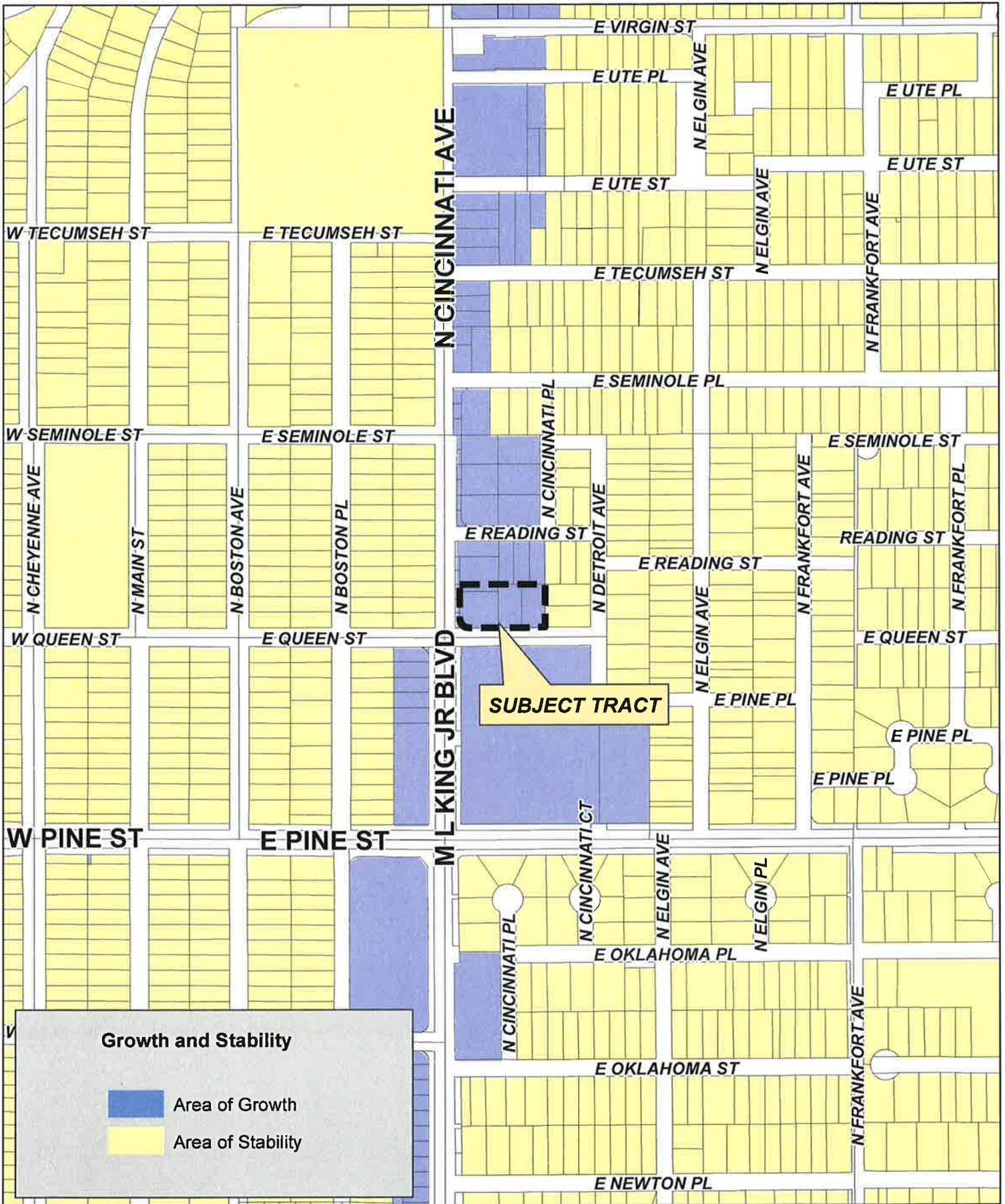


CPA-41

20-12 25

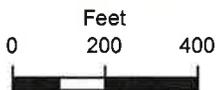
14.8





Growth and Stability

- Area of Growth
- Area of Stability

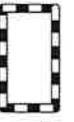


CPA-41

20-12 25

19.9





Subject Tract

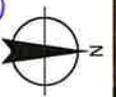
CPA-41

20-12 25

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: March 2014

14.70





Subject Tract

CPA-41

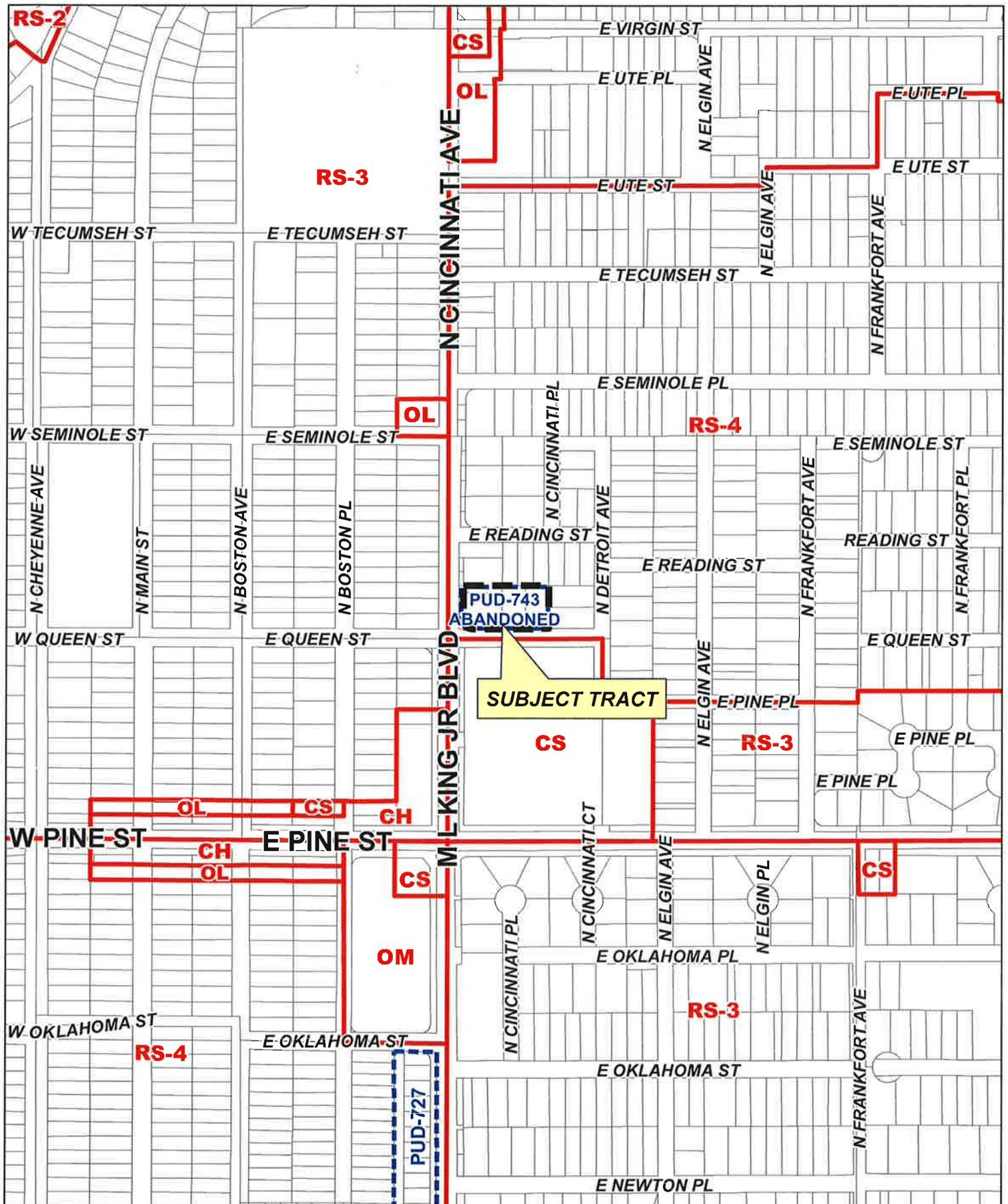
20-12 25

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: March 2014

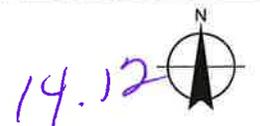
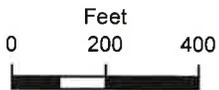


14.11



CPA-41

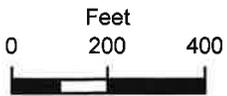
20-12 25





64

51



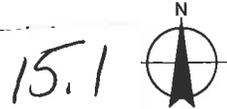
Subject Tract

ERW II

19-13 07

Note: Graphic overlays may not align with physical features on th

Aerial Photo Date: March 2

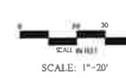


PLAT NO.

ERW II

A replat of part of Lot Fourteen (14), Block Five (5), Terrace Drive Addition to the City of Tulsa, and all of Lots Eight (8) and Nine (9), Block Three (3) of the Subdivision of a Part of Block 5, Terrace Drive Addition to the City of Tulsa, Tulsa County, Oklahoma

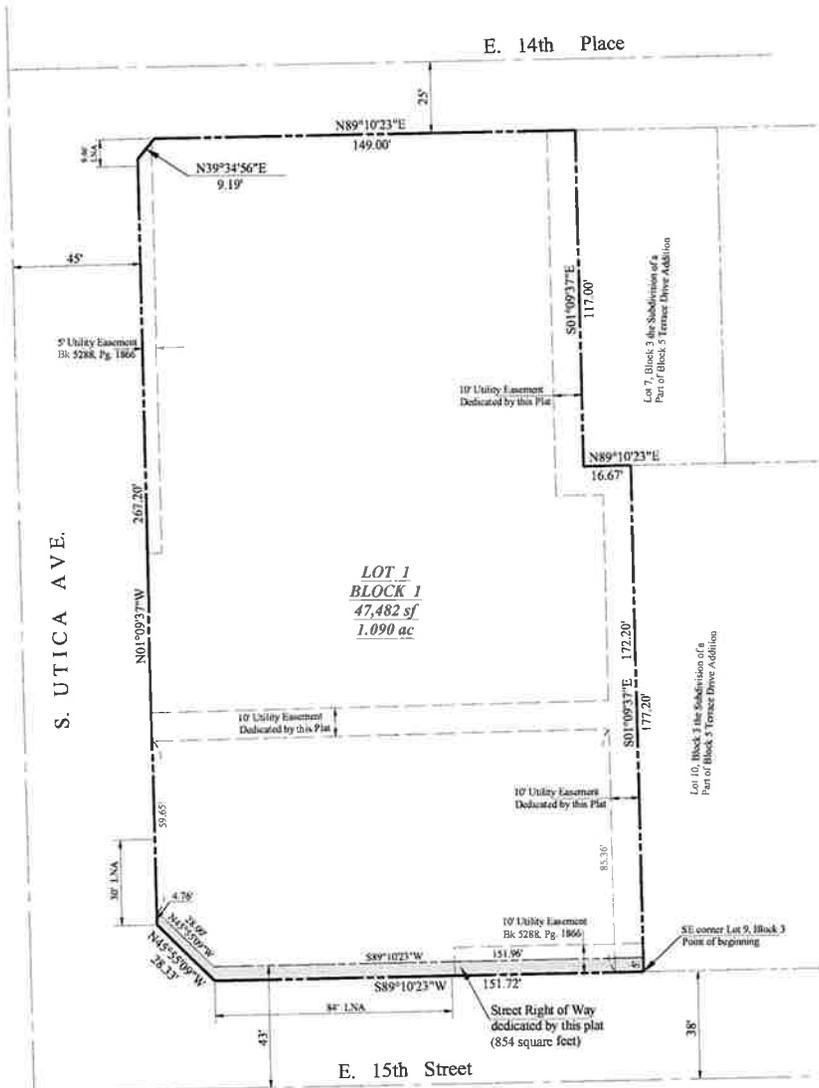
BASIS OF BEARINGS
OKLAHOMA STATE PLANE GRID; NORTH ZONE, NAD 83



E. 14th Place

PLAT BOUNDARY DESCRIPTION

A replat of a part of Lot Fourteen (14), Block Five (5), Terrace Drive Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, and all of Lots Eight (8) and Nine (9), Block Three (3), the Subdivision of a Part of Block 5, Terrace Drive Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof, and then of land being described as follows:
Beginning at the Southeast corner of said Lot 9, Block 3, thence South 89°10'23\"/>



**LOT 1
BLOCK 1**
47,482 sf
1.090 ac

S. UTICA AVE.

E. 15th Street

ORIGINAL PLAT ENDORSEMENT OR APPROVAL	
Tulsa Metropolitan Area Planning Commission	Approval Date: _____
TMAP/INCOG	_____
CITY ENGINEER	_____
Council of the City of Tulsa, Oklahoma	Approval Date: _____
CITY MANAGER	_____
MAYOR	_____
ATTORNEY AT LAW	_____
CITY ATTORNEY	_____

The approval of this Final Plat will expire one year from the date of City Council approval, if not filed in the Office of the County Clerk before that date.

Owner
NE 15th and Utica, LLC

Surveyor
Richard L. Dayton, PLS
Ozark Civil Engineering, Inc.
2214 NW Avignon Way, Suite 4
Bentonville, AR 72712
(479) 664-4830

Engineer
David Marshall, EI
Civil/Consulting Engineers, Inc.
7006 Longlake Commons
Springdale, AR 72762
(901) 384-0404

Ozark Civil Engineering Inc.
3214 N.W. AVIGNON WAY, SUITE 4
BENTONVILLE, AR 72712
479.664.8850 | OFFICE: 479.664.5040 | FAX: 479.664.4830
rdayton@ozarkcivil.com
Oklahoma Certificate of Authorization
No. 3453 Exp. 6-30-17
STATE OF ARKANSAS, January 19, 2015

SCALE: 1"=20'	DATE: 11/15/17
DRAWN BY: RD	DATE: 11/15/17
FIELD CHECK: James Cook	DRAWING NO: 151006
CHECKED BY: BUE	SHEET: 4 OF 2

15.2



Tulsa Metropolitan Area
Planning Commission

Case Number: PUD-636-D Abandonment
(Partial)

Hearing Date: February 17, 2016
Continued from 12/16/2015, 01/06/2016 and
02/03/2016

Case Report Prepared by:

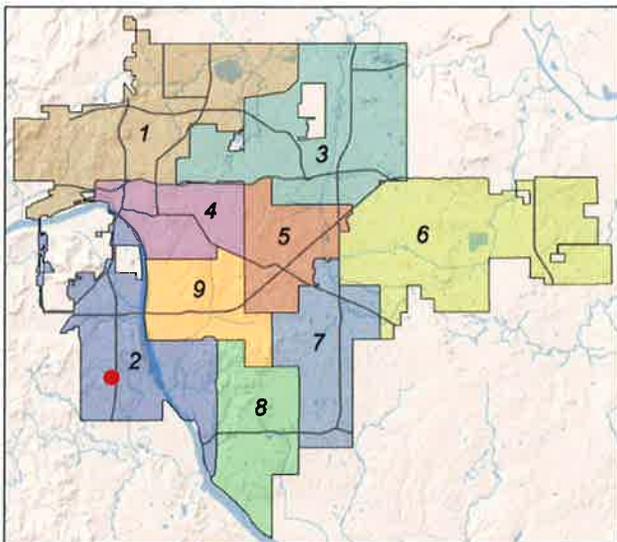
Dwayne Wilkerson

Owner and Applicant Information:

Applicant: Matt Christensen

Property Owner: Horizon West Tulsa. LLC

Location Map:
(shown with City Council Districts)



Applicant Proposal:

Present Use: Undeveloped

Proposed Use: Partial abandonment of PUD-636

Concept summary: Abandoned the north part of PUD-636 leaving the underlying CO zoning and accompanying development plan will remain. A new Development Plan will be required for any future development

Tract Size: 35.72 +/- acres (applicants parcel)
0.81 +/- acres (ODOT Right-of-way)

36.53 +/- acres total

Location: South of southeast corner of W. 71st St.
S. and S. Union Ave.

Zoning:

Existing Zoning: PUD-636, CO
Existing corridor site plans: Z-5457-SP-2 and
Z-5457-SP-1

Proposed Zoning: PUD-636-D Abandonment
(Partial)

Comprehensive Plan:

Land Use Map: Town Center

Stability and Growth Map: Area of Growth

Staff Recommendation:

Staff recommends approval.

Abandon Development areas A (Single family residential), part of Development Area B (Multi Family) and part of Development area C (Multi Family) in PUD 636.

Staff Data:

TRS: 8211
CZM: 51

Atlas: 0

City Council District: 2

Councilor Name: Jeannie Cue

County Commission District: 2

Commissioner Name: Karen Keith

16.1

SECTION I: PUD-636-D Abandonment (Partial)

DEVELOPMENT CONCEPT:

The applicant has requested abandonment of the PUD that was placed over existing Corridor Zoning. The current practice would not encourage a PUD over Corridor Zoning and would require a new Corridor Development Plan. The abandonment of this PUD will require a new Development Plan for any new construction on the property.

In 2003, after the Corridor Zoning and PUD were approved, the Oklahoma Department of Transportation purchased land that included part of the PUD. The parcel does not meet bulk and area requirements for any zoning classification inside the City of Tulsa and does not have access to a public street or frontage on a public street right of way.

The abandonment requested includes the applicants request plus the property that has been purchased by ODOT.

The following snippet illustrates the PUD abandonment site. The large tract outlined on the west side is part of the applicant's property. The small tracts on the east edge are owned by ODOT.



The original PUD 636 identified development areas graphically and without boundary dimensions. The land area was precisely identified however the lack of boundary information make it impossible to know precisely identify the remaining land area in the PUD. The abandonment of a portion of the PUD leaves Development Area B with 10.29 acres which has been developed with a multi family development and Development Area C with 9.92 acres which has also been developed as a multi

16.2

family project. The site plans for both of those projects were approved with appropriate standards for all bulk and area requirements contained within the platted lots.

EXHIBITS:

- INCOG Case map
- INCOG Aerial (small scale)
- INCOG Aerial (large scale)
- Tulsa Comprehensive Plan Land Use Map
- Tulsa Comprehensive Plan Areas of Stability and Growth Map
- Applicant Exhibits:
 - Exhibit A Applicants legal description
 - Exhibit B Applicants Exhibit for legal description
 - ODOT Warranty Deed
 - Development Area Boundary Map for remaining PUD.

DETAILED STAFF RECOMMENDATION:

Staff recommends **approval of PUD-636-D Abandonment** to rezone property from CO/ PUD-636 to CO/PUD-636-D.

Abandonment for the property outlined in the legal descriptions and exhibits attached. Z-5457-SP-2 and Z-4825-SP-1 will remain however staff will require a new development plan prior to any new construction activity.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Future development opportunities on this site will not be approved except after a public hearing and recommendation at the Planning Commission and then approved by City Council. Abandonment of the PUD actually provides an opportunity for reestablishing development standards that were not considered during the original zoning and PUD that was approved prior to the adoption of the West Highlands Small Area Plan.

Land Use Vision:

Land Use Plan map designation: Town Center

Town Centers are medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods, and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

Areas of Stability and Growth designation: Area of Growth

The purpose of an Area of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in

some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are in close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.

Transportation Vision:

Major Street and Highway Plan:

Multi-modal streets emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located in high intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists because of landscaped medians and tree lawns. Multi-modal streets can have on-street parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses. Transit dedicated lanes, bicycle lanes, landscaping and sidewalk width are higher priorities than the number of travel lanes on this type of street. To complete the street, frontages are required that address the street and provide comfortable and safe refuge for pedestrians while accommodating vehicles with efficient circulation and consolidated-shared parking.

Streets on the Transportation Vision that indicate a transit improvement should use the multi-modal street cross sections and priority elements during roadway planning and design.

Trail System Master Plan Considerations: None

Small Area Plan: West Highlands Small Area Plan

The land use map included in the West Highlands Small Area Plan illustrates this area as a Town Center with buffer and includes a visionary component for future development respecting the rural context of the area.

Strategies to maintain the existing character include:

Retaining tree cover;

Maintaining significant amounts of open space, through strategies such as clustering, land banking and conservation easements;

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The existing site is heavily wooded with some terrain. Abandonment of the PUD will provide an opportunity to establish a development plan with future development that is consistent with the West Highlands Small Area Plan.

16.4

Environmental Considerations: None that would affect the abandonment of the PUD.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Union Avenue	Secondary Arterial with Multi Modal Overlay	100'	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties: The subject tract is abutted on the east by ODOT right of way for Highway 75. Further East a large parcel of CO zoned property has been established for Tulsa Hills Shopping Center; on the north by rural property, zoned AG; on the south by multi family residential, zoned CO/PUD-636; and on the west by rural property, zoned AG.

SECTION III: Relevant Zoning History

ZONING ORDINANCE: ZONING ORDINANCE: Ordinance number 19935 dated October 2, 2000; and 14912 dated December 5, 1980; and 13521, dated November 21, 1975 established zoning for the subject property.

Subject Property:

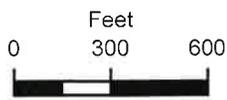
PUD-636/ Z-5457-SP-2/ Z-4825-SP-1 October 2000: All concurred in approval for a proposed Planned Unit Development, on a 108+ acre tract of land for a mixed use development including, single-family, townhouse dwellings, multifamily and commercial uses subject to conditions of the PUD located on the northwest corner of West 81st Street South and South Highway 75 and includes the subject property.

Surrounding Property:

No relevant history on surrounding property.

2/3/2016 1:30 PM

16.5



PUD-636-D ABANDONMENT (PARTIAL)

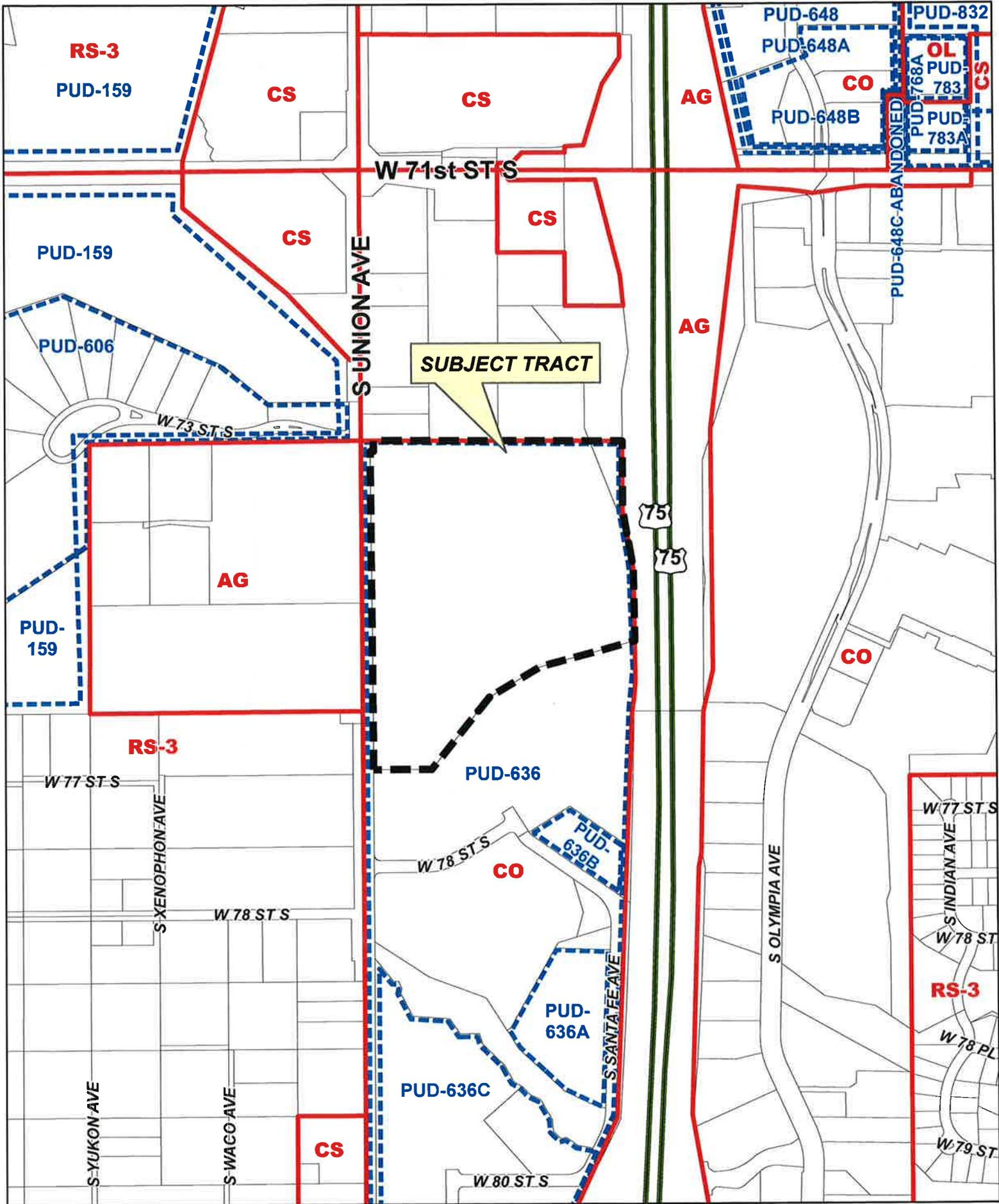
16.4



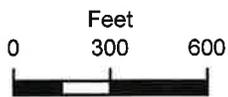
18-12 11

Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: March 2014





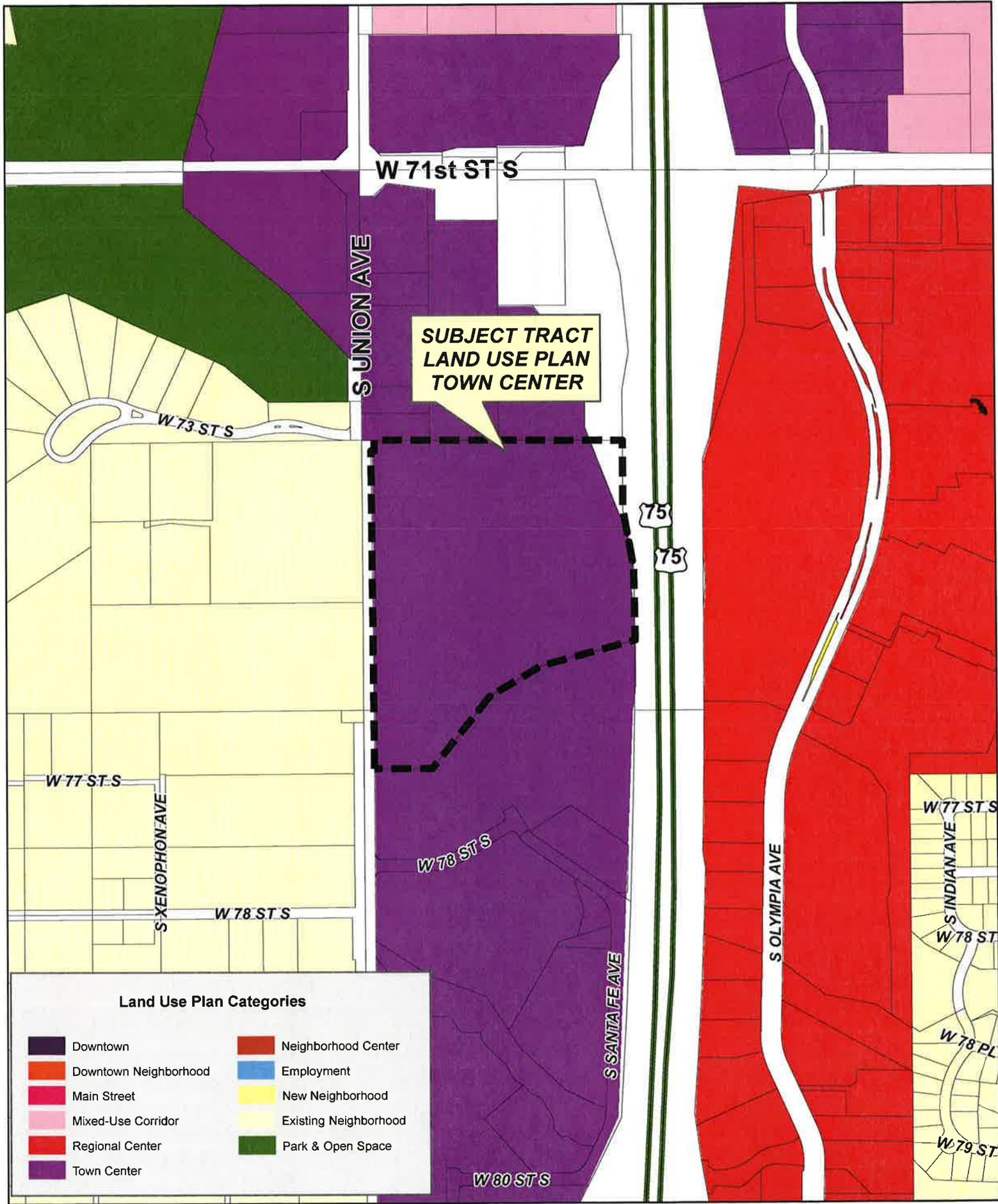
PUD-636-D ABANDONMENT (PARTIAL)



18-12 11

16.7





**SUBJECT TRACT
LAND USE PLAN
TOWN CENTER**

Land Use Plan Categories

 Downtown	 Neighborhood Center
 Downtown Neighborhood	 Employment
 Main Street	 New Neighborhood
 Mixed-Use Corridor	 Existing Neighborhood
 Regional Center	 Park & Open Space
 Town Center	

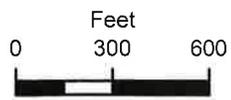
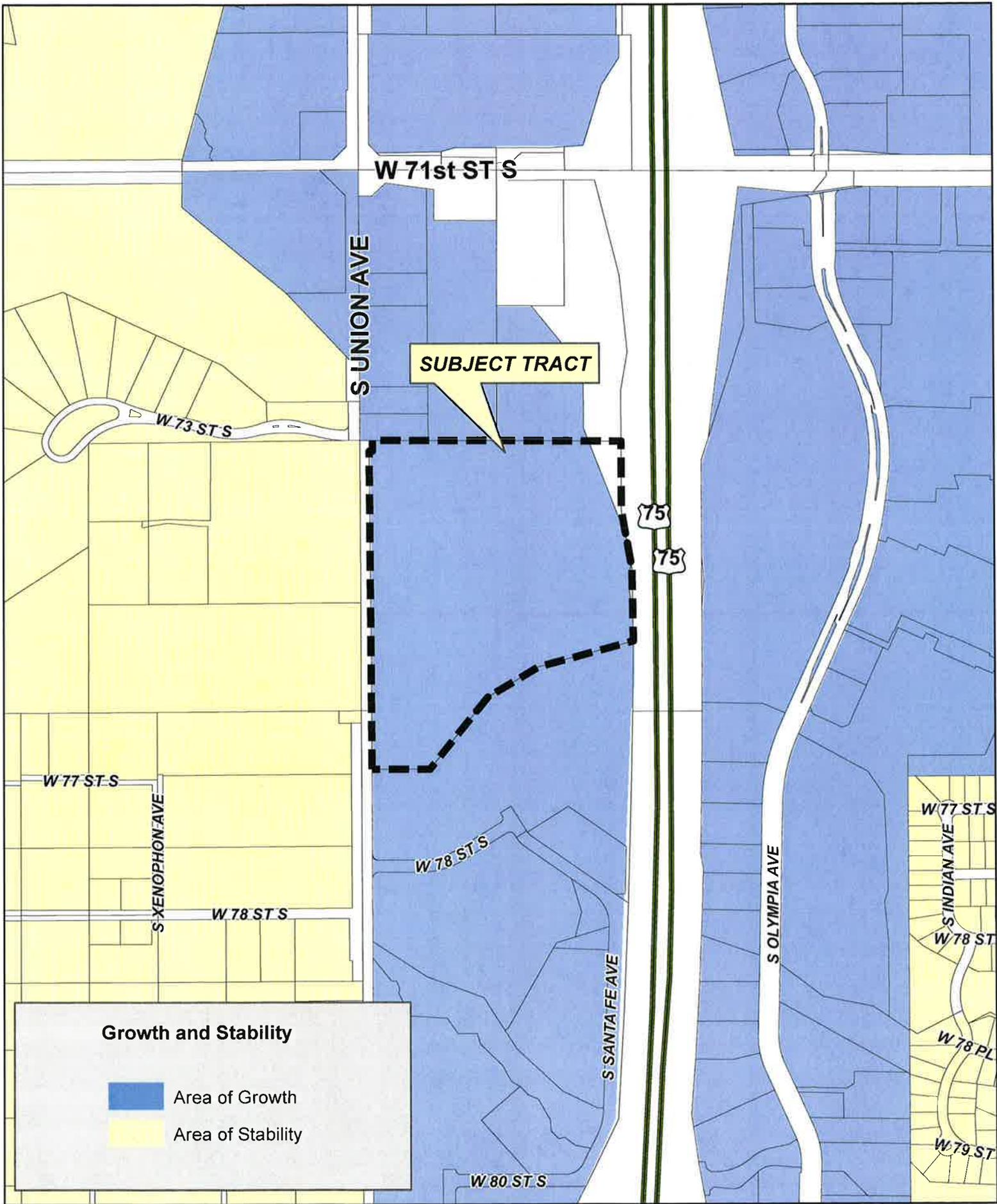


PUD-636-D ABANDONMENT (PARTIAL)

18-12 11

16-8





PUD-636-D ABANDONMENT (PARTIAL)

18-12 11

16.9



From Tulsa Hills/West Highlands small area plan

LIFESTYLE

- ...be a safe, family-friendly area
- ...be considered one of the most desirable areas to both live and invest in Tulsa
- ...be a great place for young Tulsans to start their own families

TRANSPORTATION

- ...be well-connected to the city's multimodal transportation system
- ...have transportation infrastructure suitable for local demand

BUSINESS & ECONOMIC DEVELOPMENT

- ...be a welcoming place to the business community
- ...have both regional and neighborhood-level services and amenities

PARKS, OPEN SPACE & ENVIRONMENT

- ...provide parks and outdoor amenities for its residents
- ...connect to the regional trail system

HOUSING

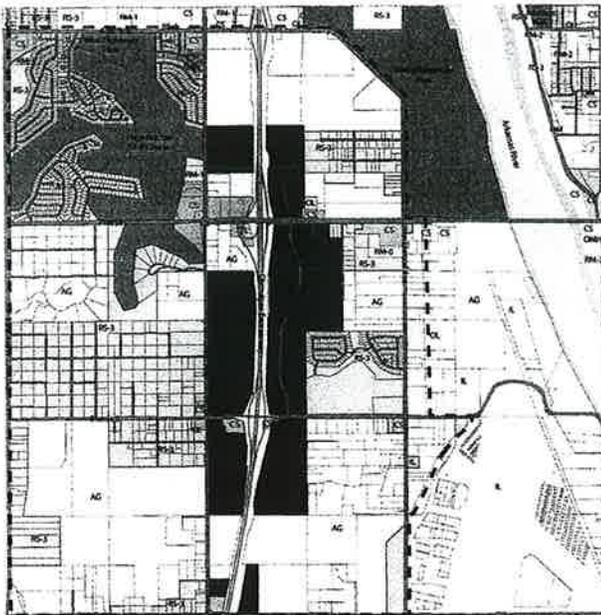
- ...provide housing for people who want to move there
- ...have a mixture of housing options

AESTHETICS

- ...develop in a way that respects the rural atmosphere
- ...be considered one of the most beautiful areas of Tulsa

PUD-636-D
OFFICIAL RECORD EXHIBIT - A-1
ENTERED IN THE 2/3/16
MINUTES OF THE TULSA METROPOLITAN
AREA PLANNING COMMISSION.

16.11



Existing Zoning

Map Not To Scale

- AG: Agriculture District
- CO: Corridor District
- CS: Commercial Shopping Center District
- OL: Office Low Intensity District
- IL: Industrial Light District
- RM-0: Residential Multifamily Lowest Density District
- RM-1: Residential Multifamily Low Density District
- RS-1: Residential Single Family Low Density District
- RS-3: Residential Single Family High Intensity District

Note - North end of parcel along Union, 71st to 81st shows AG zoning to the North

Stability/Growth

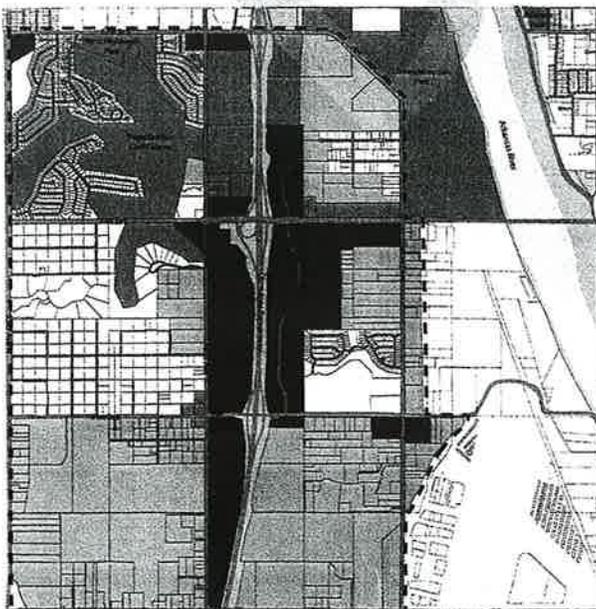
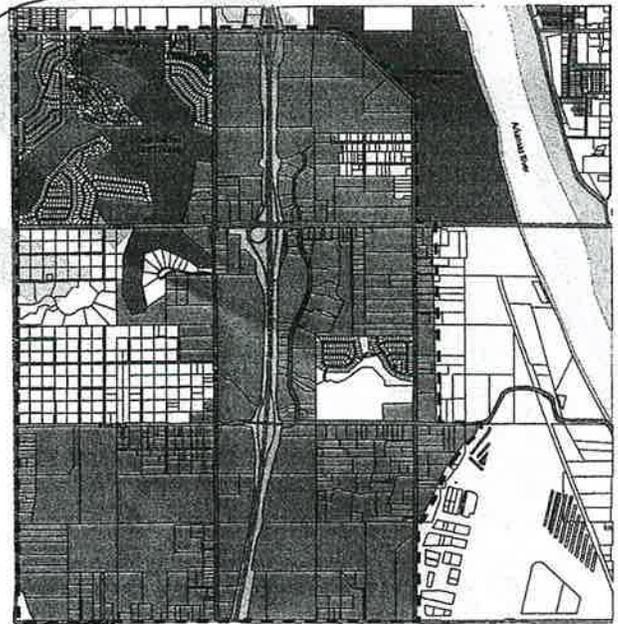
Map Not To Scale

- Areas of Growth
- Areas of Stability

However!

An Informative Process

The adjacent land-use maps show the existing land use conditions in the plan area. The existing zoning map shows the current mechanisms that regulate land use. The stability/growth map is an assessment tool showing potential growth areas, where neighborhood investment should take place, and areas of stability, where areas should stay stable in their current form. The comprehensive plan land-use map shows the building blocks identified in the 2010 Comprehensive Plan Update, which are intended to guide future growth in Tulsa. Together, these maps should inform the decision-making process as a part of the small area plan process.



Now the land use has been changed to a

Comprehensive Plan Land Use

Map Not To Scale

- Neighborhood Center
- Town Center
- Mixed-Use Corridor
- Regional Center
- Existing Neighborhood
- New Neighborhood
- Employment

Regional Center in a Corridor

Zoning

OFFICIAL RECORD EXHIBIT "81" ENTERED IN THE MINUTES OF THE TULSA METROPOLITAN AREA PLANNING COMMISSION. 2/3/16

Strategy 2:

Conduct Neighborhood and Small Area Planning in Targeted Areas

OFFICIAL RECORD EXHIBIT
ENTERED IN THE
MINUTES OF THE TULSA METROPOLITAN
AREA PLANNING COMMISSION.

A-1
2/3/14

Why Do We Need This?

Small area planning is a partnership between the city and its citizens – residents, businesses, builders and developers, institutions and other government entities. While the Comprehensive Plan articulates overarching ideas and strategies for the entire city, it is understood that the main streets, corridors and neighborhoods throughout Tulsa may require specific strategies that are tailored to the individual characteristics of smaller areas.



Small Area Planning

Small area plans are most often prepared by city staff in conjunction with neighborhood organizations and business groups and other stakeholders, but can also be prepared by college and university teams, non-profits and the private sector.

No matter who prepares these plans, they should be integrated into the PLANiTULSA process and be developed with input and review by Community Development staff.

Small area plans translate broad ideas from the comprehensive plan down to the street level, appropriate in scale, for a given neighborhood. The small area planning process should be used in areas where significant change is expected, where development in question would be at the scale of a new neighborhood and include multiple landowners. For example, when there is a proposal to extend utilities and infrastructure to an undeveloped area that will support a large number of new households or jobs, a small area plan should be used to guide that development.

Small area plans do not need to be used for more routine planning actions, such as developments or subdivisions of land under single ownership. In these instances, a subdivision, zone change, PUD or other process under the zoning code is sufficient. However, individual landowners may elect to do a small area plan if they choose. Another instance where this process should be used is in already-developed areas where new growth or redevelopment is expected, such as neighborhoods along a corridor that will receive significant transit investments.

16.13
DRAFT

TMAPC

February 17, 2016

Amendment to Policies and Procedures of TMAPC

Item for discussion: Adopt revised Policies and Procedures of the Tulsa Metropolitan Area Planning Commission

Background: A new Zoning Code took effect for the City of Tulsa on January 1, 2016. This necessitated several changes to the TMAPC Policies and Procedures, specifically:

- **2.4(e)(3)** amending the opening statement to simplify presentation requirements and eliminate specific mention of zoning categories;
- **3.3 (a)** eliminating language relating to use units and previous processes;
- **3.4 (a)** moving provision to a new **3.1 (d)**; and
- **3.4** eliminating the remainder of the section since it was incorporated into the new Zoning Code.

Staff recommendation: Adopt the revised *"Policies and Procedures of the Tulsa Metropolitan Area Planning Commission."*

**POLICIES AND PROCEDURES
OF THE
TULSA METROPOLITAN AREA PLANNING COMMISSION**

**ARTICLE 1
MEMBERSHIP AND OFFICERS**

1.1 Name. The name of this Commission is the Metropolitan Area Planning Commission of Tulsa County, Oklahoma, commonly referred to as the Tulsa Metropolitan Area Planning Commission (the "Commission" or "TMAPC").

1.2 Number of Commissioners. In accordance with the provisions of OKLA. STAT. tit. 19, §863.5, the TMAPC shall consist of eleven (11) members (individually a "Commissioner"), selected as follows: Six (6) are appointed by the Mayor of the City of Tulsa and approved by the City Council, and three (3) are appointed by the Board of County Commissioners of Tulsa County. The Mayor (or a person designated by the Mayor as an alternate) and the Chairman of the Board of County Commissioners (or a person designated by the Chairman of the Board as an alternate) shall be ex officio members of the Commission and shall be entitled to vote on all matters.

1.3 Term / Vacancies / Compensation. Appointed Commissioners shall serve for terms of three (3) years, and shall continue to serve until their successors are appointed by the Mayor for City appointees or by the County Commission for County appointees. Vacancies occurring, otherwise than through the expiration of a term, shall be filled only for the unexpired term in the same manner as set out in Section 1.2 above. All appointed Commissioners shall serve without compensation and shall hold no other municipal or County office.

1.4 Removal. Once qualified, a Commissioner can thereafter be removed during such Commissioner's term of office only for cause and after a public hearing held before the governing body by which such Commissioner was appointed.

1.5 Absentees. In order to properly conduct business, Commissioners must attend as many meetings as practical. If a Commissioner fails to attend ten (10) regularly scheduled meetings (excluding work sessions) during a twelve (12) month period, the Commission may contact the appointing body to request that the Commissioner be removed and replaced.

1.6 Officers.

(a) Annually, at the first regular meeting in January, the Commission shall elect from its appointed members a Chair, a First Vice-Chair, a Second Vice Chair and a Secretary. No Commission member shall hold the same office for more than two (2) consecutive full one-year terms. Any vacancy in office shall be filled by the Chair for the unexpired term only.

(b) The duties of the Chair shall include:

(1) Presiding over meetings when present, unless the Chair designates another member to preside;

(2) Appointing Commissioners to serve on other governmental agency boards and committees;

(3) Establishing ad hoc committees as the Chair deems necessary and appointing members and chairs to those committees;

(4) Signing official documents of the Commission; and

(5) Representing the Commission before other governmental bodies, unless the Chair designates another Commissioner or a member of the TMAPC staff.

(c) The First Vice-Chair shall assume all of the duties of the Chair during the Chair's absence.

(d) The Second Vice-Chair shall assume all of the duties of the Chair during the Chair's and the First Vice Chair's absence.

(e) The Secretary shall assume all duties of the Chair in the event the Chair, First Vice-Chair and Second Vice-Chair are absent. In addition, the Secretary shall:

(1) Read the opening statement and rules of conduct prior to the public hearing portion of the agenda;

(2) Collect and stamp exhibits of each meeting for the official record; and

(3) Attest the Chair's signature on all documents.

In the event the Secretary is not present, the Chair or acting Chair may appoint another Commissioner to assume the Secretary's duties.

(f) Each of the officers named above shall be entitled to participate in discussion and vote on any question before the Commission, whether occupying the position of the Chair or not.

ARTICLE 2 MEETING PROCEDURES

2.1 Meeting Schedule and Agenda.

(a) The Commission shall meet regularly in accordance with its approved calendar, generally on the first and third Wednesday of each month in the Tulsa City Council Chambers or in another designated location.

(b) Special meetings may be called at the request of the Chair. Such meetings shall be held in the regular meeting place of the Commission or in another designated location.

(c) Items to be placed on the TMAPC agenda shall meet the cut-off dates as specified on the official TMAPC schedule. Unless authorized by the Chair or the INCOG Land Development Services Manager, new items shall not be added to the final agenda after the agenda packet is mailed to the Commission.

2.2 Notification. The Commission shall consider only public hearing items that have been properly advertised, as required by law, and only those items in which all fees have been paid, including fees for legal advertising.

2.3 General Procedures.

(a) If a meeting procedure is not addressed by these Policies and Procedures, the Chairman shall decide the procedure based on the tradition of the Commission. The Commission may by majority vote establish a procedure differing from the procedure recommended by the Chair. The Chair and the Commission may refer to any book or treatise on rules of order or parliamentary procedure for guidance.

(b) A member of TMAPC staff shall serve as TMAPC Recording Secretary. The TMAPC Recording Secretary shall keep complete minutes of all public hearings of the Commission and shall receive all District Court appeals from any Commission action.

(c) When the public wishes to communicate with members of the Commission, the most appropriate way is through letter or e-mail correspondence to the TMAPC Recording Secretary, who will deliver it to the Commissioners. If an individual wishes to speak personally with the Commissioners, the individual must call the TMAPC Recording Secretary and leave a message to that effect. TMAPC staff will not release addresses or telephone numbers of Commissioners without the approval of the particular Commissioner. Ex parte communication is discouraged. (See Section 5.3 hereof)

(d) The Commission may grant a continuance of a scheduled public hearing or other business item at the request of the applicant, TMAPC staff, or another interested party. Except for requests by TMAPC staff, a request for a continuance should be made in writing and must contain the reasons for the request. In considering the request, the Commission may consider the timeliness of the request, the reasons given for the request, and the inconvenience created.

2.4 Public Hearing Procedures.

(a) TMAPC staff recommendation on advertised matters shall be written and made part of the file (public record) five (5) days in advance of the advertised public hearing date.

(b) Commissioners shall address only the presiding Chair for recognition and shall confine their remarks to the question under debate.

(c) Any member of the public may address the Commission at a regular or special meeting after signing in for a specific item. When recognized by the Chair, a member of the public should state his or her name and address. Speakers will be given five (5) minutes to speak on an item; however, the Chair may further limit that time based on the number of speakers for an item or impose an aggregate time for all speakers.

(d) The Chair may rule a comment out of order if it is redundant, irrelevant, indecorous or untimely.

(e) The order of business for a public hearing shall be determined by the Chair; however, the following is provided as a guide:

(1) The Chair announces the application.

(2) The Chair asks TMAPC staff for a summary of the case and the physical facts of the area involved. TMAPC staff presents its recommendation, together with the reasons for the recommendation, and whether the request is in conformance with the Comprehensive Plan.

(3) The Chair calls on the applicant for a presentation, not to exceed fifteen (15) minutes. If the applicant presents a significantly changed application from that submitted for TMAPC staff review (as determined by TMAPC staff and the Commission at the time of the presentation), such action is considered grounds for continuance.

(4) The Chair calls on interested parties or protestants. Those wishing to speak must use the sign-in sheet. Each speaker is allowed five (5) minutes to speak on an item; provided, however, the Chair may further limit that time based on the number of speakers for an item or impose an aggregate time for all speakers.

(5) The applicant is given the opportunity to rebut, and is allowed no more than ten (10) minutes to speak. If the applicant, in the Chair's opinion, should present new facts or information, the Chair may allow the protestants time to rebut same.

(6) The Chair announces the public hearing is closed on the case and opens the review session, during which the Commissioners will discuss the case among themselves and make a recommendation.

(7) During the review session, which shall be open and public, no new evidence shall be admitted unless specifically requested by a member of the Commission and permitted by the Chair.

(8) The vote shall be taken and the Chair shall announce the vote.

(f) Before a motion is made, there shall be an opportunity for discussion of the case by the Commissioners and for each Commissioner to make comments. After a motion is made, there shall be further opportunity for discussion by the Commissioners, and the maker of the motion may refine the terms of the motion pursuant to such discussion. When the motion is formalized, the Chair shall restate the motion, state the name of the maker of the motion and the member seconding the motion, and call for a vote. If a Commissioner desires to amend the motion following the Chair's restatement of the motion but prior to the Chair's call for a vote, the Commissioner suggesting the amendment may ask unanimous consent to modify the motion. If any Commissioner objects to the modification of the motion, the Commissioner proposing the amendment shall move that the motion be amended. The motion to amend must be seconded, is debatable, and must be adopted by a majority vote of the members present.

(g) The Commission shall not rehear a zoning application on the same property for a period of six (6) months after action on the application has been taken by the Commission.

(h) The transmittal of applications for a zoning map amendment to the City Council or County Commission in those instances where the applicant, TMAPC staff and Commission are all in agreement and there are no interested parties will occur following the Commission hearing without minutes. All other applications will be transmitted when the meeting minutes are drafted.

(i) A motion to reconsider an item on which a vote has been taken may be made only by a Commissioner who voted with the prevailing side and can only be heard during the same meeting where the vote was taken or the next succeeding meeting. If a motion to reconsider is adopted, the Commissioners shall consider the need for additional notice to interested persons before a vote is taken on the item being reconsidered.

2.5 Quorum and Votes Required.

(a) Six (6) Commissioners shall constitute a quorum for the conduct of any Commission business, except at work sessions where four (4) Commissioners shall constitute a quorum.

(b) A modification of the Subdivision Regulations shall require the affirmative vote of two-thirds (2/3) of the Commissioners present and voting. See Subdivision Regulations 1.10.4.

(c) An amendment to the Tulsa Comprehensive Plan, including the Tulsa City/County Major Street and Highway Plan, shall require six (6) affirmative votes by the Commission. See OKLA. STAT. tit. 19, § 863.7.

(d) Except as set forth above or as otherwise required by applicable law, any matter (zoning related or otherwise) coming before the Commission shall be decided by a majority vote of the Commissioners present.

(e) In the event the final vote on any zoning matter before the Commission results in a tie, such tie vote shall result in the matter being transmitted to the City Council or County Commission as a tie vote, without recommendation.

2.6 Work Sessions.

(a) The Commission shall meet as a committee of the whole in a work session at the call of the Chair when applicable work items or educational opportunities arise. The Chair or the Chair's designee shall preside.

(b) The purpose of the work session shall be to discuss work items and Commission issues, to share other information and determine whether work items are ready to be considered at regular TMAPC meetings. Work sessions may also be used to provide educational opportunities and to allow Commissioners a forum to discuss various planning matters outside of their normal work items.

(c) The Commission shall take no final action on work items while in work sessions.

(d) Public comments are not allowed at work sessions unless approved by the Chair prior to the meeting. The appropriate process is for a member of the public to contact TMAPC staff (Land Development Services Manager) who will communicate the request to the Chair.

ARTICLE 3
DEVELOPMENT REVIEW POLICIES

3.1 Applications.

(a) Sufficient supporting information shall be filed with an application in order for the TMAPC staff and Commission to evaluate the proposal. If TMAPC staff concludes that sufficient supporting information has not been provided, TMAPC staff shall consider the application as incomplete and shall not place the item on the agenda.

(b) In order to help alleviate potential conflicts and assure that interested parties have adequate information, the Commission encourages applicants in zoning cases to meet with owners of property in the area prior to public hearings. Failure of the applicant to meet with the neighbors may result in a continuance by the Commission.

(c) In cases where the development plan (of a Planned Unit Development (PUD), Corridor (CO), or other development plan) that is recommended by the Commission differs from the plan that was submitted by the applicant, a revised plan reflecting the Commission's recommendation shall be prepared and submitted to the TMAPC staff for transmittal to the City Council or County Commission with the minutes of the meeting.

(d) Applicants proposing developments using a combination of private street(s) and a variance of the required thirty feet (30') of frontage on a public street shall be required to develop their project as a PUD or Corridor Development, excepting a proposed townhouse development.

3.2 Zoning Initiated by TMAPC. As a general rule, the TMAPC will not initiate applications for zoning changes without the consent of the owner or his agent, unless such application is requested by the proper legislative body.

3.3 Subdivisions and Lot-Splits.

(a) As a general rule, the platting requirement for Wireless Communication Facilities shall be waived by the Commission.

(b) No lot-split applications which require modification of a provision of the Subdivision Regulations shall be processed on the consent agenda of the TMAPC. Such lot-splits shall require a ten (10) day written notice to abutting property owners (including lot owners separated only by a residential street).

ARTICLE 4
CITY OF TULSA COMPREHENSIVE PLAN

The TMAPC derives its authority to adopt and amend a comprehensive plan under the provisions of OKLA. STAT. tit. 19, § 863.7. The Comprehensive Plan of the Tulsa Metropolitan Area was originally adopted on June 29, 1960, and was subsequently amended on numerous occasions. The current Comprehensive Plan for the City of Tulsa was adopted by the TMAPC on July 6, 2010 and approved by the Tulsa City Council on July 22, 2010 and retains various small area and functional plans. The 2010 Comprehensive Plan has been and will likely continue to be amended from time to time.

4.1 Regularly Scheduled Updates and Maintenance. The Comprehensive Plan states that the Land Use Plan and Stability and Growth Map “should be updated at five year intervals with projections toward the future. Housekeeping updates and maintenance to reflect development approvals should be made annually.” (p. LU-77) TMAPC staff will establish a system to track all housekeeping amendments needed to reflect development approvals and present a Comprehensive Plan amendment to the TMAPC annually, generally in July. These annual amendments will include updates to the Land Use Plan and, if necessary, changes to the Areas of Stability and Growth Map. It is expected that City of Tulsa will prepare an update to the Comprehensive Plan in five (5) year intervals based on new data and updated projections and recommending adjustments to the Plan.

4.2 Small Area Plan Adoption process. The Comprehensive Plan outlines a process for adoption of small area plans in the Appendix, pp. 9 & 10. It generally states that when the small area plan has been drafted, following the multi-agency review and public participation process, the draft plan document will be presented to the TMAPC at a work session. At the work session, the TMAPC will review the small area plan for content and consistency with the Comprehensive Plan. Also, the TMAPC will announce if and when the document is ready for public hearing. Notice must be published at least fifteen (15) days prior to the public hearing. The TMAPC will conduct the public hearing, consider the plan based on the findings of fact and public testimony presented, and consider adoption of the small area plan as an amendment to the Comprehensive Plan. The same process and procedures shall be followed for adoption of Sector Plans (formerly known as Urban Renewal Plans).

4.3 Privately initiated Comprehensive Plan amendments.

(a) Amendments of the Comprehensive Plan Generated by Proposed Zoning Changes. During the initial review of an application to the TMAPC for approval of Zoning, PUD, Corridor Development Plan or PUD Amendment, TMAPC staff shall determine if the proposal is consistent with the Comprehensive Plan map designation. If TMAPC staff determines that the proposal is inconsistent with the Comprehensive Plan map designation, and further determines that the deviation from the purpose and intent of the Comprehensive Plan is minor in nature, the application for approval of Zoning, PUD, Corridor Development Plan or PUD Amendment shall be set for hearing by the TMAPC and, if approved, the Comprehensive Plan shall be amended to reflect the approved land use as a part of the annual housekeeping amendments. If TMAPC staff determines that the proposal is inconsistent with the Comprehensive Plan map designation, and further determines that the proposal represents a significant deviation from the purpose and intent of the Comprehensive Plan, an application to amend the Comprehensive Plan shall be required to run concurrently with the application for approval of Zoning, PUD, Corridor Development Plan or PUD Amendment. In such instance, TMAPC staff shall inform the applicant, within fifteen (15) days of receipt of the application for approval of Zoning, PUD, Corridor

Development Plan or PUD Amendment, that an application to amend the Comprehensive Plan is required and shall provide an application form for completion by the applicant. The requirement for a concurrent application for Comprehensive Plan amendment may necessitate an extended timeframe of review.

(b) Other Amendments to the Comprehensive Plan. Other amendments to the Comprehensive Plan may be initiated by the TMAPC upon request of TMAPC staff or an applicant. Should any person or entity request a text amendment of the Comprehensive Plan or a small area plan or a map amendment that pertains to property that is not under their ownership, the party requesting the amendment shall submit a Comprehensive Plan amendment application on the form provided by the TMAPC staff. The TMAPC staff shall review and present the application to the TMAPC within thirty (30) days of receipt of the application, and the TMAPC shall determine whether to initiate the requested amendment. Should the TMAPC initiate the requested amendment, the TMAPC staff shall, in coordination with City of Tulsa Planning staff, prepare a timeline for TMAPC staff review and recommendation regarding the proposal and shall submit the timeline to the TMAPC at its next scheduled meeting.

4.4 Relationship of various initiatives to the Comprehensive Plan. It is the purpose and intent that the Comprehensive Plan be a guide for many initiatives, however, few necessitate being adopted as a comprehensive plan amendment. The table below provides guidance on how various initiatives should be reviewed and/or included in the Comprehensive Plan.

Items	Adopt as an Amendment	Issue Conformance statement
Small area plans, neighborhood plans & sector plans		
Plan and Land Use Map	X	X
Goals, objectives, policies, recommendations	X	X
Major Street and Highway Plan	X	X
Other types of plans, studies & initiatives		X
Capital Improvement Plans		X

4.5 Amendments to Other Types of Plans, Studies and Initiatives. Other types of plans, studies and initiatives may necessitate a Comprehensive Plan conformance review, both at the time of their origin, as well as for future amendments. If a plan, study or initiative has been issued a statement of conformance with the Comprehensive Plan and/or adopted by the Commission, TMAPC staff will administratively review proposed amendments and review against applicable plan policies. TMAPC staff will issue an updated statement providing specific justification to support the proposed amendments if they are in fact in conformance with the Comprehensive Plan. If TMAPC staff finds proposed changes to be inconsistent with the Comprehensive Plan, a TMAPC staff report and draft statement of conformance will be developed and provided to the Commission for action.

17.12

4.6 Comprehensive Plan and amendment notification process. OKLA. STAT. tit. 19, §863.26 requires that notice is provided for all Comprehensive Plan public hearings by one publication in a newspaper of general circulation at least fifteen (15) days prior to the date of the hearing. The Commission has established additional notification procedures to inform nearby property owners of public hearings to consider adoption of Comprehensive Plans or amendments.

Comprehensive Plan or amendment	Newspaper notice	300' radius mailing	Sign posted on the property
Comprehensive Plan or amendment with citywide implications	X		
Not concurrent with a zoning case	X	X	
Concurrent with a zoning case	X	X	X*

*Signs only posted when required by concurrent zoning application

[Remainder of page intentionally left blank]

ARTICLE 5
CODE OF ETHICS

5.1 Definitions.

(a) "Private benefit" means a direct or indirect benefit not shared by the general public that could be reasonably expected to impair a Commissioner's objectivity or independent judgment.

(b) "Organizational interest" exists when a Commissioner is an officer, director or board member of a company, business, or organization that takes an official position before the Commission.

(c) "Ex parte communication" means a private communication with a Commissioner from a party with an interest, financial or otherwise, in a particular matter before the Commission.

5.2 Conflict of Interest.

(a) A conflict of interest exists whenever a Commissioner:

(1) may receive a private benefit; or

(2) has an organizational interest regarding a matter before the Commission;
or

(3) has any economic interest, directly or indirectly, in a matter before the Commission or in action to be taken by the Commission.

The possibility, not the actuality, of a conflict of interest governs. *The question is, "Would a reasonable person believe me to be unbiased and impartial?"*

(b) A Commissioner experiencing a conflict of interest shall declare such Commissioner's interest publicly, abstain from voting on the matter, and shall refrain from any deliberations on the matter. When possible, the Commissioner should leave the public hearing room.

(c) A Commissioner experiencing a conflict of interest shall not discuss the matter in any venue with any fellow Commissioner, TMAPC staff or other officials involved in decision making on the matter for the purpose of influencing a decision thereon.

5.3 Ex Parte Communication.

(a) Although not forbidden, ex parte communication has the potential to influence a Commissioner's decision on matters before the Commission. The Commissioner who receives ex parte communication must disclose such ex parte communication prior to or at the commencement of public discussion of the subject matter.

(b) The Commissioner shall also evaluate whether, as a result of this communication, such Commissioner can remain unbiased and impartial and should either abstain or participate accordingly. As with a potential conflict of interest, the appearance, not the actuality, of bias should govern.

5.4 Release of Information.

(a) No Commissioner or TMAPC staff member shall use or transmit to others for private benefit any information derived from Commission activities unless and until such information is made available to the public at large.

(b) No Commissioner or any person appearing before the Commission shall knowingly misrepresent facts or distort or omit information for the purpose of achieving a desired outcome.

5.5 Appearance of Commissioners at City Council.

(a) Only a Commissioner designated by the Chair shall be the official spokesperson for the Commission. The official spokesperson for the Commission shall, to the best of his or her ability, present an unbiased record of the proceedings and the decision of the Commission. The official spokesperson shall not present new facts or arguments that were not made available at the hearing before the Commission.

(b) Nothing herein would deprive a Commissioner of the right to speak at a public hearing in the Commissioner's individual capacity subject to the following. If a Commissioner chooses to speak at a public hearing, and he or she has not been designated as the spokesperson by the Chair, that Commissioner must state that:

(1) Though they are a Commissioner, they are before the City Council as an individual, and not on behalf of the Commission; and

(2) They have no authority to make representations regarding the Commission's public meetings, thought processes, or decision-making.

If a Commissioner other than the one designated by the Chair intends to speak at a public hearing on a matter upon which the Commission has previously voted, he or she must notify all members of the Commission of that intention at least twenty (24) hours prior to the public hearing.

[Remainder of page intentionally left blank; signature page follows]

Date Adopted: February _____, 2016

Chairman

ATTEST:

Secretary

[Signature Page to Policies and Procedures of TMAPC]

17.14