TULSA METROPOLITAN AREA PLANNING COMMISSION
For Meeting No. 2588
October 20, 2010, 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 of TMAPC receipts for the month of September 2010

CONSENT AGENDA

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

1. **LC-283** – Eric P. Nelson (9430) Lot-Combination
   (CD-6)
   Northwest of the northwest corner of South Garnett Road and 51st Street
   South (Related to Item 2.)

2. **PUD-312-A-12** – Tulsa Bone and Joint Clinic
   (IL/PUD)
   Northwest of the northwest corner of South Garnett Road and 51st Street
   South (Minor Amendment to combine two development areas within
   PUD-312-A for the purpose of constructing across a lot line). (Related
   to Item 1.)

3. **PUD 564-B - Declaration of Covenants Amendment** - North and East
   (CD 3)
   of the Northeast corner of East 31st Street and South Memorial Drive,
   8220 East Skelly Drive (Related to Item 11.)

4. **PUD-648-A-4** – Olympia Land Development
   (CO/PUD)
   North of the northeast corner of South Olympia Avenue and West 71st
   Street South (Minor Amendment to add Use Unit 10 – Off Street Parking
   as a permitted principal use in Development Area F of PUD-684-A.)

5. **AC-99 – Olympia Medical Park**
   (CO/PUD)
   North of the northeast corner of South Olympia Avenue and West 71st
   Street South (Alternative Compliance Landscape Plan to preserve a
   naturally wooded area on the west side of the parcel.)

6. **PUD-773 – Parkhill Liquors**
   (CS/PUD)
   Northwest of the northwest corner of 101st Street South and South
   Memorial Drive (Detail Site Plan for an 11,778 square foot (sf) liquor
   store.)
7. **PUD-386-B-1 – Sanctuary Church**

North of the northeast corner of 91st Street South and South Memorial Drive (Minor Amendment to reduce the required parking for a broadcast studio and church to 127 spaces.)

**CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA**

**PUBLIC HEARINGS**

8. **Rockford Industrial Park** – (0331) Minor Subdivision Plat

1212 North Rockford, South of East Pine Street, East of North Peoria Avenue (Continued from 10/5/2010, Request continuance to 12/7/2010 for plat revisions and further TAC review.)

9. **Oklahoma Methodist Manner (OMM/Crestwood)** – (9321)

Preliminary Plat, 4234 East 31st Street South, South of East 31st Street South, West of South Yale Avenue

10. **Darby Industrial Park** – (0321) Preliminary Plat

2940 North Toledo Avenue, North of Apache Street, West of North Toledo Avenue

11. **PUD 564 B** – (9313) Plat Waiver

8220 East Skelly Drive, North and East of the Northeast corner of East 31st Street and South Memorial Drive (Related to Item 3.)

**OTHER BUSINESS**

12. Request by Tulsa City Council directing TMAPC to study and report on recommending Zoning Code amendments to protect Historic Preservation District boundaries.

13. **Commissioners' Comments**

**ADJOURN**

CD = Council District

**NOTICE:**

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 pagers must be turned off during the Planning Commission.

Visit our website @ www.tmapc.org

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 Mission Statement
AGENDA

TULSA METROPOLITAN AREA PLANNING COMMISSION

TRAINING SESSION

INCOG
Two West 2nd Street, Suite 800
Large Conference Room/North

Wednesday, October 20, 2010
11:30 a.m.

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Presentation by Tulsa River Parks Authority / Matt Meyer, Executive Director

Adjourn

www.tmapc.org
AGENDA
Tulsa Metropolitan Area Planning Commission

WORK SESSION
175 East 2nd Street, 2nd Level, One Technology Center
Tulsa City Council Chamber
Wednesday, October 20, 2010 – 1:45 p.m.*
(*Or immediately following adjournment of the TMAPC Meeting)

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Presentation and discussion on proposed draft of Form Base Codes for Pearl District / Cuthbertson
2. TMAPC Discussion on implementation of the new comprehensive plan.

Adjourn.

Visit our website at www.tmapc.org

If you require special accommodation pursuant to the Americans with Disabilities Act, please notify INCOG (918) 584-7526
## TMAPC RECEIPTS
### Month of September 2010

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| LAND DIVISION           |       |         |         |                |       |         |         |                |
| Minor Subdivisions      | 1     | $325.00 | $325.00 | $650.00        | 3     | $975.00 | $975.00 | $1,950.00      |
| Preliminary Plats       | 2     | 1,147.50| 1,147.50| 2,295.00       | 6     | 3,449.18| 3,449.17| 6,898.35       |
| Final Plats             | 0     | 0.00    | 0.00    | 0.00           | 1     | 382.50  | 382.50  | 765.00         |
| Plat Waivers            | 2     | 250.00  | 250.00  | 500.00         | 7     | 875.00  | 875.00  | 1,750.00       |
| Lot Splits              | 2     | 90.00   | 90.00   | 180.00         | 11    | 507.50  | 507.50  | 1,015.00       |
| Lot Combinations        | 3     | 150.00  | 150.00  | 300.00         | 17    | 850.00  | 850.00  | 1,700.00       |
| Access Changes          | 0     | 0.00    | 0.00    | 0.00           | 0     | 0.00    | 0.00    | 0.00           |
| Other                   | 0     | 0.00    | 0.00    | 0.00           | 0     | 0.00    | 0.00    | 0.00           |
| Refunds                 | 0     | 0.00    | 0.00    | 0.00           | 0     | 0.00    | 0.00    | 0.00           |
| Fees Waived             | 0     | 0.00    | 0.00    | 0.00           | 0     | 0.00    | 0.00    | 0.00           |
|                         |       |         |         | **$1,962.50**  |       |         |         | **$3,925.00**  |
|                         |       |         |         | **$7,039.18**  |       |         |         | **$14,078.35** |

| BOARDS OF ADJUSTMENT    |       |         |         |                |       |         |         |                |
| Fees                    | 20    | $5,860.00| $600.00| $6,460.00      | 36    | $15,985.00| $2,300.00| $18,285.00     |
| Refunds                 | 0     | 0.00    | 0.00    | 0.00           | 0     | 0.00    | 0.00    | 0.00           |
| Fees Waived             | 0     | 0.00    | 0.00    | 0.00           | 0     | 0.00    | 0.00    | 0.00           |
|                         |       |         |         | **$5,860.00**  |       |         |         | **$18,285.00** |

TOTAL: **$12,577.50** | **$7,317.50** | **$19,895.00** | **$35,791.68** | **$22,106.67** | **$57,898.35**
STAFF RECOMMENDATION

**PUD-312-A-12:** Minor Amendment – Northwest of the northwest corner of South Garnett Road and 51st Street South; TRS 19-14-30; CZM 49; Atlas 753/754; CD 6; IL/PUD.

The applicant is requesting a minor amendment to combine two development areas within PUD-312-A for the purpose of constructing across a lot line allowing internal access to and from both buildings as seen on the attached exhibits. Associated with his minor amendment is lot combination LC-283 also appearing on the October 20, 2010 agenda of the TMAPC.

There is no request for additional floor area or request to relax any existing development standard of the PUD.

Referring to the attached Exhibits A and B by constructing across the internal lot line the two buildings effectively become one according to the Tulsa/International Building Code. If the two lots are not legally combined the applicant would be required to put a firewall along the lot line, negating internal access between the two buildings.

Floor area in the existing development areas is allocated as follows:

**Area B1-A-1 Maximum Building Floor Area:**
- Use units 12, 13, 14, 16, and 17 - 45,977 sf
- Use units 11, 19, and 22 - 172,873 sf

**Area B1-A-2 Maximum Building Floor Area:**
- Use units 12, 13, 14, 16, and 17 - 20,470 sf
- Use units 11, 19, and 22 - 76,970 sf

Upon combination of the two areas, creating Development Area B1-A floor area allocation will be combined as follows:

**Area B1-A Maximum Building Floor Area:**
- Use units 12, 13, 14, 16, and 17 - 66,447 sf
- Use units 11, 19, and 22 - 249,843 sf

Since there is no limit to floor area ratio (FAR) in the IL district, and there is no request to add floor area or relax any existing development standard of PUD-312-A, staff recommends **APPROVAL** of minor amendment PUD-312-A-12.

*Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.*
By constructing across this lot line the two buildings (A and B) effectively become one according to the Tulsa/International Building Code. If the two lots are not legally combined the applicant would need to put a fire-wall along the lot line negating internal access between the two buildings.
September 20, 2010

VIA EMAIL – dfernandez@incog.org

Ms. Diane Fernandez
INCOG
Williams Tower II, Two West Second Street,
Suite 800, Tulsa, OK 74103

Re: PUD 554-B
Plat Waiver

Dear Diane:

Attached is a copy of the Declaration of Covenants and Restrictions under Planned Unit Development No. 564-B. The purpose of the Declaration is to permit the waiving of the platting requirements as provided in Section 1102 of the Tulsa Zoning Code (the “Code”) by: (1) memorializing the PUD covenants and restrictions; (2) making the City of Tulsa a beneficiary of such covenants and restrictions; and (3) recording such covenants and restrictions in the land records so that any future title holder will be aware of the same.

This Declaration is necessitated because the subject property, Lot 1, Block 1, RIVERSIDE NISSAN ADDITION, was part of a Major Amendment that was processed as Planned Unit Development No. 564-B which was approved last month.

Since the property is a platted lot, and the existing building will not be expanded as a result of PUD 564-B, the Applicant has requested that a Plat Waiver be approved by the TMAPC and the Declaration filed in the land records as provided in the Zoning Code.
Should you have any questions, please do not hesitate to call.

Yours very truly,

R. Louis Reynolds

RLR:kfm
Enclosure
cc:  Mr. Greg Wolter
     Patrick Bouldeaux, Esq.
DECLARATION OF COVENANTS AND RESTRICTIONS
UNDER PLANNED UNIT DEVELOPMENT NO. 564-B

(PUD 564-B)

THIS DECLARATION OF COVENANTS AND RESTRICTIONS UNDER PLANNED
UNIT DEVELOPMENT NO. 564-B (this “Declaration”), is made and entered into as of this
_ day of September, 2010, by GREGORY WOLTER, a single person (“Wolter”).

RECITALS:

A. Wolter is the owner of certain real property located in the City of Tulsa, Tulsa
County, State of Oklahoma, more particularly described as:

Lot One (1), Block One (1), RIVERSIDE NISSAN, a Subdivision in the City
of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat
thereof (the “Property”).

B. The Property was processed as a Major Amendment to Planned Unit Development
No. 379-B such action being Planned Unit Development 564-B (“PUD 564-B”) pursuant to
Chapter 11 of Title 42 of the Tulsa Zoning Code, and was approved by the Tulsa Metropolitan
Area Planning Commission (the “TMAPC”) on July 6, 2010.

C. On September _____, 2010, the TMAPC, at a public hearing, waived the platting
requirement for the Property and determined that the purpose of such platting could be achieved,
by the recording of this Declaration in the Office of the Tulsa County Clerk.

COVENANTS AND RESTRICTIONS:

NOW, THEREFORE, in accordance with Title 42, Section 1102 of the Tulsa Zoning
Code requiring the establishment of covenants and restrictions of record, inuring to and
enforceable by the City of Tulsa, Oklahoma, a municipal corporation (the “City”), sufficient to
assure the implementation and continued compliance with PUD 564-B and any amendments
thereto, Wolter, for his successors, grantees and assigns, does hereby impose the following
covenants and restrictions, which shall run with the land and which shall be enforceable by
Wolter, the owner(s) of the Property or by the City.
1. ADDITIONAL DEVELOPMENT STANDARDS

A. Permitted Uses:

Those uses included within Use Unit 10, Off Street Parking; Use Unit 11, Offices and Studios, and Display for Sale of New and Used Automobiles and Light Trucks; and Use Unit 15, Other Trades and Services, Limited to Contract Construction Services and Uses Customarily Accessory Thereto.

B. Maximum Building Floor Area: 13,500 SF

C. Minimum Building Setbacks:

- From easterly boundary of Development Area 90 FT
- From southerly boundary of Development Area 85 FT
- From westerly boundary of Development Area 0 FT
- From northerly boundary of Development Area 50 FT

D. Screening:

The existing 6 FT screening fence along the easterly boundary of the Property shall be maintained by the owner of the Property from the southeast corner of the Property to the northwest corner of Lot Eleven (11), Block Two (2), CANDLELIGHT ADDITION, and a 4 FT round rail wooden fence with black vinyl coated chain link fencing shall be constructed and maintained by the owner of the Property on the westerly side of the landscaped area along the easterly boundary of the Property and connected to the northwest corner of Lot Eleven (11), Block Two (2), CANDLELIGHT ADDITION.

2. TERM, AMENDMENT, ENFORCEMENT AND PARTIAL INVALIDITY

A. Term and Amendment:

The covenants and restrictions set forth herein shall be covenants and restrictions which shall run with the land and shall be binding upon and enforceable by Wolter, his successors, grantees and assigns and by the City, until September 1, 2025, at which time such covenants and restrictions shall be automatically extended for successive periods of ten (10) years; provided, however, such covenants and restrictions may be amended, terminated or modified, in whole or part, at any time by written
instrument signed by majority of the owner(s) of the Property and the City and the provision of such instrument shall be binding from and after the date it is recorded.

B. Enforcement:

All of the covenants and restrictions set forth in this Declaration shall inure to the benefit of and be enforceable by the City. If Wolter or his grantees, successors and assigns shall violate any of the covenants and restrictions of this Declaration, the City may bring an action at law or at equity against the person or persons violating or attempting the same to prevent him or them from doing so or to compel compliance with the same or to recover damages. In addition to the foregoing, and not by way of limitation, in the event Wolter, his grantees, successors or assigns fail to properly maintain and repair the fencing as provided herein, the City or its designated contractor may enter the Property and perform such maintenance and repairs as are necessary to achieve the intended purposes of this Declaration and the costs thereof shall be paid by the owner of the Property. In the event the owner of the Property fails to pay the costs of such maintenance and repair by the City after the completion of the maintenance and repair and receipt of a statement of costs, the City may file of record a copy of the statement of costs and thereafter the costs shall be a lien against the Property for such costs. Such lien hereby created may be enforced and foreclosed as a mortgage lien in accordance with applicable Oklahoma law.

C. Partial Invalidity:

Invalidation of any of the covenants or restrictions set forth herein by judgment or other action shall not effect the validity of any other covenant or restriction and shall remain in full and force and effect.

3. PLAT, DEED OF DEDICATION AND CONFLICTS

A. Plat, Deed of Dedication and Conflicts:

Every owner by acceptance of a deed to any or all of the Property acknowledges that the Property and the use thereof are subject to covenants and restrictions of this Declaration. To the extent that this Declaration is in conflict with any term, condition and provision of the Plat or Deed of Dedication of RIVERSIDE NISSAN, or any prior amendment thereto, the provisions of this Declaration shall control.
IN WITNESS WHEREOF, Wolter has caused this Declaration to be executed on the day herein set forth above.

______________________________
Gregory Wolter
“Wolter”

APPROVED AS TO FORM:

TULSA METROPOLITAN AREA
PLANNING COMMISSION

By: ________________________________
Assistant City Attorney

By: ________________________________
Chairman
“TMAPC”

STATE OF OKLAHOMA )
) ss.
COUNTY OF TULSA )

This instrument was acknowledged before me on this ______ day of September, 2010, by Gregory Wolter, a single person.

My Commission Expires: ________________________________
Notary Public

My Commission Number:

______________________________
STAFF RECOMMENDATION

PUD-648-A-4: Minor Amendment – North of the Northeast corner of South Olympia Avenue and West 71st Street South; Lot 2, Block 2 – Olympia Medical Park II; TRS 18-12-2; CZM 51; Atlas 1012; CD 2; CO/PUD.

The applicant is requesting a minor amendment to add Use Unit 10 – Off Street Parking as a permitted principal use in Development Area F of PUD-684-A as shown on the attached Exhibit A.

The applicant contends the success of the Tulsa Spine and Specialty Hospital located adjacent to this lot to the north has created the need for over-flow parking. Separate site visits for this case and familiarity with the area verify that the parking on the Tulsa Spine site is at or near capacity regularly during weekday business hours. Please see the attached case report photographs.

Staff believes with 44,300 square feet of floor area dedicated to the subject tract that the proposed parking lot will be temporary in nature because the lot will eventually be developed in the future when market conditions improve.

Staff recommends APPROVAL of minor amendment PUD-648-A-4 for Lot 2, Block 2 – Olympia Medical Park.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.
October 20, 2010

STAFF RECOMMENDATION

AC-99

Alternative Compliance Landscape Plan – North of the northeast corner of South Olympia Avenue and West 71st Street South; Lot 2, Block 2 – Olympia Medical Park II; TRS 18-12-02; CZM 51; Atlas 1012; CD 2; CO/PUD.

The applicant is requesting TMAPC approval of an alternative compliance landscape plan for Lot 2, Block 2 – Olympia Medical Park II in order to preserve a naturally wooded area on the west side of the parcel as seen on the attached plan and photographs. This area contains 25 mature oaks trees ranging from 12 inches to 24 inches in diameter. Section 1002, E of the code encourages the retention of existing mature trees by providing incentive credits for preserving mature trees.

The proposed landscape plan does not meet the technical requirements of Chapter 10 of the code because seven parking spaces are not within 75 feet of a landscaped area “containing at least 100 square feet, with a minimum width or diameter of seven feet” and the street yard trees are not technically located within the street yard as defined by the code.

Although not meeting the technical requirements of chapter 10 of the code, section 1003 allows the TMAPC to approve alternative compliance landscape plans so long as the proposed plan is equivalent to or better than the requirements of chapter 10.

Staff contends that the proposed plan is equivalent to or better than the requirements of chapter 10 since the plan easily exceeds the 10% open space requirement and there are 34 trees on site when 15 are required. Staff recommends APPROVAL of AC-99 for Lot 2, Block 2 – Olympia Medical Park II.
October 20, 2010

STAFF RECOMMENDATION

PUD-773: Detail Site Plan – Northwest of the northwest corner of 101st Street South and South Memorial Drive; Lot 5, Block 1 – NPG Business Complex; TRS 18-13-23; CZM 57; Atlas 2271; CD 8; RS-3/OL/CS/PUD.

The applicant is requesting approval of a detail site plan for an 11,778 square foot (sf) liquor store. The proposed use, Use Unit 14 – Shopping Goods and Services is a permitted use in PUD-773.

The submitted site plan meets all applicable building floor area, open space, building height and setback limitations. Access to the site will be provided via mutual access easement from Memorial Drive. 43 parking spaces will be provided per a variance granted by the Board of Adjustment in case number 21133 on September 14, 2010 and minor amendment to the PUD approved September 15, 2010 by the TMAPC. Landscaping will be provided per the PUD and landscape chapters of the Zoning Code. All sight lighting will be directed down and away from adjoining residential properties in a manner that the light producing element and/or reflector are not visible to a person standing at ground level within any residential district. A trash enclosure will be provided as required by the PUD. Pedestrian access is provided from Memorial Drive. Sidewalks are provided along Memorial Drive as required by PUD Development Standards and Subdivision Regulations.

Staff recommends APPROVAL of the detail site plan for Lot 5, Block 1 – NPG Business Complex.

(Note: Detail site plan approval does not constitute landscape and sign plan approval.)
October 20, 2010

STAFF RECOMMENDATION

PUD-386-B-1: Minor Amendment – North of the northeast corner of 91st Street South and South Memorial Drive; Lot 1, Block 1 – Carmen Ministries, Inc. Headquarters; TRS 18-13-13; CZM 53; Atlas 1733; CD 8; CS/RM-1/PUD.

The applicant is requesting a minor amendment to reduce the required parking for a broadcast studio and church to 127 spaces. Based on the square footage dedicated to each use, the parking requirement for the broadcast studio would be 88 spaces and for the church 125 spaces.

On September 14, 2010 the Board of Adjustment (BOA) in case number 21136 granted a variance of the parking requirement for the uses based on the differing hours of operation for the uses and the unlikelihood that the existing parking lot could be expanded. Opportunity for expansion is limited since much of the adjoining lot area is limited to open space, recreation and stormwater management which limits the probability of additional parking spaces.

Exhibits presented to the BOA including the Board's motion are attached hereto.

Staff recommends APPROVAL of minor amendment PUD-386-B-1 decreasing the required parking for the broadcast studio and church to 127 spaces.

Note: Approval of a minor amendment does not constitute detail site, landscape or sign plan approval.
Presentation:
Scott Smith, Kinslow, Keith & Todd, Inc., 2200 South Utica Place, Tulsa, OK; represents the client located in the subject property which is a broadcast studio and an office building. Mr. Smith stated approximately one and a half years ago a church approached them to use the studio space for Sunday services. The client sought a PUD to allow the church use and it was approved in July 2009. In the course of the change of use changes now need to be made, and parking is one of the changes. The applicant is asking for a Variance for the design of the parking for the church use since they only meet on Sunday and not as a combined total for the broadcasting use and church use.

Ms. Stead asked Mr. Smith how many spaces were already in existence. Mr. Smith stated that for the church use 125 spaces are needed and for the office use 88 spaces are needed, and with restriping 127 spaces can be obtained which would be enough for the church and the office use.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of STEAD, the Board voted 4-0-0 (Henke, Stead, Tidwell, White "aye"; no "nays"; no "abstentions") to APPROVE the Variance of the parking requirement for an existing church (Section 1205) and broadcasting studio (Section 1211). The Board finds this property of commercial use is permitted in a development Area A. Development Area C is limited to open space, recreational and stormwater management which limits the probability of additional parking spaces. The Board also finds that the church services are principally limited to weekends, whereas, the recording studio is to be limited to Monday through Friday only. The Board finds that the parking lot will be restriped giving a total of 127 spaces which should be sufficient with the two entities operating at different times; subject to page 6.6, dated July 19, 2010 enumerating the hours for the two entities. In granting this Variance the Board finds by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan; for the following described property:

PRT LT 1 BEG SWC TH N165.02 E25 N166.24 E135.19 NE279.43 S402.35 W430 POB BLK 1, PRT LT 1 BEG NWC TH E672 EL THEREOF S22.03 SE334.31 SE190 SE128 SL W658.57 N402.35 SW279.43 W135.19 WL N163.79 POB BLK 1, CARMAN MINISTRIES INC HEADQUARTERS

09/24/2010-1032 (7)
July 19, 2010

To Whom It May Concern,

This letter is to inform you of the business hours of KWHB TV47 and the business hours of Sanctuary Church.

KWHB TV47 operates between the hours of 8am-5pm Monday thru Friday. Sanctuary Church operates Saturday 6pm-8pm and Sunday 9am – 10:30am and 11:00 am to 12:30pm.

If you have any further questions please let me know.

Blessings,

Kevin Krebbs
General Manager
KWHB TV47/LeSEA Broadcasting

8835 South Memorial Tulsa, Oklahoma 74133 918-254-4701
View into subj prop. from S. Memorial Dr.

View of south side of existing building/existing parking lot
Parking area at the eastern edge of subj. prop.

View of existing parking area west of existing building.
View toward existing building on subj property

View north on S Memorial Dr. in front of subj property
View south on S. Memorial Dr. in front of subj prop.
PRELIMINARY SUBDIVISION PLAT

Oklahoma Methodist Manor (OMM/Crestwood) - (9321) (CD 9)
4234 East 31st Street South, South of East 31st Street South,
West of South Yale Avenue

This plat consists of 1 Lot, 1 Block, on 39.03 acres.

The following issues were discussed October 7, 2010, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning:** The property is zoned Planned Unit Development 197 A. Vacate underlying plat and easements. Show gate plan for electronic access on concept plans. Development must meet the PUD standards and recite these in the covenants. Check building line standards and make sure they match PUD requirements. Five lots have been added to the subdivision. The Comprehensive Plan designates the area as Existing Neighborhood and Growth Areas.

2. **Streets:** Access along 31st Street must be limited to a 50 foot access, one 16 foot inbound lane, two 12 foot outbound lanes and a 10 foot median. Sidewalks must be provided along all arterial and non-arterial streets. Modify section 1K to include both 31st and 33rd Street. Concept plan needs to include section along 33rd Street. Sidewalk must be provided along 33rd Street.

3. **Sewer:** No comment.

4. **Water:** Waterlines that are not located within easements must have 20 foot restrictive waterline easements placed over them. Easements that do not contain waterlines should be vacated. Water main line is not shown inside the platted restrictive water line easement.

5. **Storm Drainage:** The existing 15 foot stormwater detention easement located roughly in the center of the plat must be extended to the end of the storm sewer. Similarly, the overland drainage easement in the same area must be extended until it reaches the overland drainage easement coming from the northeast. The IDP project for this site must be completed prior to the filing of this plat. City field engineering will have to investigate flagged easements and lines.

6. **Utilities:** Telephone, Electric, Gas, Cable, Pipeline, Others: No
7. **Other: Fire:** The Fire Department connection shall be on the address side of the building with a fire hydrant located within 100 feet of the fire department connection. **GIS:** Tie the plat from a Section Corner using bearings and distances from a labeled point of commencement to the labeled point of beginning on the face of the plat. Add point of commencement to the legend. The basis of bearing should be clearly described and stated in degrees, minutes and seconds. Correct inconsistencies on face of plat and covenants. Use "date of preparation". Submit subdivision closure form.

Staff recommends **APPROVAL** of the Preliminary Subdivision plat subject to the TAC comments and the special and standard conditions below. There is a sidewalk waiver requested with this plat. Attached is the information as provided by the applicant. Staff points out that there will be a sidewalk put in along 31st Street which is the arterial street. There is an existing fence along 33rd Street and there is no ingress or egress to the campus on this side of the development. There are no sidewalks in the surrounding residential neighborhood at all so there will be no connection unless sometime in the future the City builds a new sidewalk system throughout the entire area. The ordinance for fee-in-lieu of sidewalks deals with arterial streets and would not be usable in this instance.

**Waivers of Subdivision Regulations:**

1. A sidewalk waiver is 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.
October 12, 2010

Ds. Diane Fernandez
INCOG
2 West Second Street
Suite 800
Tulsa, OK 74103

RE: Oklahoma Methodist Manor Sidewalks

Dear Ms. Fernandez:

We wish to request a waiver of the sidewalks required along E. 33rd Street for the Oklahoma Methodis: Manor project. The proposed project is on the northern portion of the property over 600 feet away from E. 33rd Street. I have enclosed a copy of our ALTA survey, a plat exhibit with the waiver request location identified and a couple of aerial photos. Please note in reviewing the aerial photos that there are no sidewalks in the fully developed surrounding neighborhood. Also, from the ALTA survey, please note that the fence is approximately 11 feet south of the north R/W line of E. 33rd Street. Therefore, the public sidewalk would have to be located in a non-standard location to avoid having to relocate the fence. There are several telephone pedestals, a power pole and a guard rail in the right-of-way. The sidewalk would need to be designed to meander to avoid these obstructions. There are on-site walking trails for the residents of Oklahoma Methodist Manor. Therefore, a sidewalk outside of the fenced boundary is of no value to Oklahoma Methodist Manor or their residents. Since there are no other sidewalks along the neighborhood streets, it seems that the 33rd Street sidewalk would be of little value to the neighborhood. Please note that OMM will be constructing a sidewalk along E. 31st Street for the full length of their 31st Street frontage.

Also, please note that although we are re-pla(tting the property in order to show the development standards consistent with the recent PUD amendment, the property is currently platted. Thank you for your consideration of this request.

Sincerely,

[Signature]

Gregory T. Weisz, P.E.
Sisemore Weisz & Associates, Inc.

cc: Steve Dickie
    Lou Reynolds
PRELIMINARY SUBDIVISION PLAT

Darby Industrial Park - (0321) (CD 3)
2940 North Toledo Avenue, North of Apache Street, West of North Toledo Avenue

This plat consists of 1 Lot, 1 Block, on 8.38 acres.

The following issues were discussed October 7, 2010, at the Technical Advisory Committee (TAC) meetings:

1. **Zoning**: The property is zoned IL (industrial light). The Comprehensive Plan designates the area as Growth and Employment areas.

2. **Streets**: Fifty feet of right-of-way along North Toledo must be dedicated to the City of Tulsa. Include standard section for sidewalks. Provide 5 foot wide sidewalk and ramps along North Toledo Avenue.

3. **Sewer**: No comment.

4. **Water**: No comment.

5. **Storm Drainage**: No comment.

6. **Utilities**: Telephone, Electric, Gas, Cable, Pipeline, Others: AT&T pointed out the need to make sure that covenants are completed with standard utility language (see Section B4).

7. **Other**: Fire: No comment. **GIS**: Tie the plat from a Section Corner using bearings and distances from a labeled point of commencement to the labeled point of beginning on the face of the plat. Add point of beginning and point of commencement to the legend. Add scale information. Provide all surveyor and engineer information. Show railroad and Gilcrease Expressway on location map. Correct the inconsistencies in the description for covenants and face of plat. Show “date of preparation”. Submit subdivision control data sheet.
Staff recommends **APPROVAL** of the Preliminary Subdivision plat subject to the TAC comments and the special and standard conditions below. There is a sidewalk waiver requested with this plat. Attached is the information as provided by the applicant. The area in question is industrial with industrial uses except for a site with residential zoning and dilapidated structures on it, which is surrounded by industrial zoning that will eventually transition to industrial zoning. The street for the plat dead-ends into the highway right-of-way and there are no sidewalks anywhere in the area. The ordinance for fee-in-lieu of sidewalks deals with arterial streets and would not be usable in this instance.

**Waivers of Subdivision Regulations:**

1. A sidewalk waiver is 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.
Preliminary Plat
Darby Industrial Park

A Re-Plat of Lot 1, Block 1, SHAMROCK INDUSTRIAL PARK, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, and a part of the Southeast Quarter of the North West Quarter of the Southeast Quarter (SE4NW4 SE4A) of Section Twenty-One (21), Township Twenty (20) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma.

Subdivision has one (1) lot in one (1) block and contains 8.380 acres, more or less.
October 12, 2010

Tulsa Metropolitan Area Planning Commission
Two West 2nd Street, Suite 800
Tulsa, OK 74103

RE: Preliminary Plat — Darby Industrial Park — 2940 North Toledo Avenue
Request for Waiver of Required Sidewalk and Ramps along North Toledo Avenue

Dear Commission:

Approval of the above referenced Preliminary Plat of Darby Industrial Park comes on for hearing before the TMAPC on October 10, 2010. At the Technical Advisory Committee (“TAC”) meeting held October 7, 2010, Transportation’s comments to the Conceptual Site Plan submitted with said Preliminary Plat requested that a 5’ wide sidewalk and ramps along N. Toledo Ave. be provided for. Darby Equipment Company, the owner of the lands sought to be platted as Darby Industrial Park, respectfully requests that the TMAPC waive the requirement for such sidewalk and ramps as a condition for approval of said plat. In support of such request, the owner shows the TMAPC the following.

A. Construction of a Sidewalk and Ramps Would Interfere with the Topography of and Drainage in the Existing Bar Ditch Along N. Toledo Ave.

Most of the lands between the West side of the N. Toledo Ave. right-of-way and the West edge of the existing N. Toledo Ave. paving is currently occupied by an existing bar ditch and grades therefore which acts to adequately drain the storm water run-off in this area. (Please see the Conceptual Site Plan enclosed for contours and the existing bar ditch)(Please see also enclosed photos nos. 1 thru 4). TAC had no comments to either the Preliminary Plat or the Conceptual Site Plan related to storm water in order to continue to provide adequate drainage in this vicinity. Construction of a 5 foot wide sidewalk within this area would necessitate the leveling of some of the existing bar ditch slopes to accommodate such a sidewalk. This required leveling would significantly reduce the width of the existing bar ditch, thus reducing the capacity of the existing bar ditch and the volume of water capable of being carried within such bar ditch.

B. Historical Foot-traffic in this Area Does Not Warranty Construction of a Sidewalk and Ramps Along N. Toledo Ave. at the Proposed Plat Location.

Nearly all the lands in the vicinity of the proposed Darby Industrial Park are zoned I1 and are being used for industrial purposes. It is recognized that a relatively small tract to the South of the proposed plat is zoned RS-3 as well as another relatively small area of RS-3 zoning further South along N. Toledo Ave. (Please see enclosed zoning map). Notwithstanding these small pockets of residential zoning in the area, this area has been predominately of industrial use for many, many years with uses such as trucking terminals, vacant parcels, and other industrial uses. (Please see enclosed aerial photo)(Please see also enclosed photos nos. 4, 6 & 8). Additionally, the relatively small areas of residentially zoned
lands are, and have been, either vacant or in a dilapidated state and uninhabitable for apparently many years. (Please see enclosed aerial photo) (Please see also enclosed photos nos. 5 & 7).

Historically, there has been little, if any, foot-traffic in this area by the general public. As typical of Industrial uses, general public consumers are not drawn to industrial uses like they are to retail or other such commercial uses. Employees and vendors are the most likely visitors of industrial uses. Moreover, just North of the proposed plat N. Toledo Ave. dead-ends at the Gilcrease Expressway. (Please see enclosed aerial photo). Therefore, no destinations lie past the proposed plat for any foot-traffic. Additionally, this would be the only section of sidewalk in nearly one-half mile of N. Toledo Ave., and said sidewalk section would be over one-quarter of a mile from East Apache Street.

C. The Unlikelihood of Future Foot-traffic in this Area Does Not Warrant Construction of a Sidewalk and Ramps Along N. Toledo Ave. at the Proposed Plat Location.

While it is recognized that the Comprehensive Plan depicts this area as an Employment Area and potential Growth Area, it appears from the current zoning of the area that the likelihood of increased foot-traffic by the general public would not increase above current levels. As stated above, this area is predominantly zoned for, and is occupied by, industrial uses. Even assuming, arguendo, that the small pocket of residential zoning South of the proposed plat could redevelop in the future, there would still be no destination North of such residentially zoned areas in the vicinity of the proposed plat or further North for general public foot-traffic. Especially, since N. Toledo Ave. dead-ends at the Gilcrease Expressway.

D. Waiver of the Sidewalks and Ramps Along N. Toledo Ave. is Warranted in this Case.

It is recognized that sidewalks in Employment Areas and Growth Areas are desired in future developments in the City of Tulsa. However, the detriment which would be caused to the existing drainage system by the construction of a 5 foot wide sidewalk and ramps at this site outweighs the potential minimal, if any, benefit of such a sidewalk and ramps to the general public currently or in the future in this vicinity. Therefore, waiver of such a requirement in this case is warranted.

Respectfully,

[Signature]

Charles R. Holladay, Esq., PLS
Harden & Associates Surveying and Mapping, PC

Enclosures
Looking South along N. Toledo Ave. from proposed plat lands
Dilapidated house on RS-3 Zoned tract, south of proposed plat lands

Looking North along N. Toledo Ave. from RS-3 Zoned tract
Looking South along N. Toledo Ave. from TTI Terminal showing residential zone property on east side of N. Toledo Ave.

Looking North along N. Toledo Ave. from TTI Terminal
October 20, 2010

PUD 564 B (9313) (CD 3)
8220 East Skelly Drive, South of Skelly Drive, East of South Memorial

The platting requirement is being triggered by a Major PUD amendment to allow an additional use under Use Unit 15 “Other Trades and Services” limited to contract construction services for an existing building.

Staff provides the following information from TAC at their October 7, 2010 meeting:

ZONING:
- TMAPC Staff: The property has been previously platted.

STREETS:
- No comment.

SEWER:
- Sidewalk required along Skelly Drive.

WATER:
- No comment.

FIRE:
- No comment.

UTILITIES:
- No comment.

Staff recommends APPROVAL of the plat waiver for the previously platted property. New covenants are to be approved in a related item on this planning commission agenda.

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

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

4. Is right-of-way dedication required to comply with Major Street and Highway Plan? YES  
   NO 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.? YES  
   a) If yes, was plat recorded for the original P.U.D. X  
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.? X  
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  

*New covenants are to be approved for filing in a related item for this agenda.
October 8, 2010

Wayne Alberty  
INCOG  
2 West 2nd Street  
Suite 800  
Tulsa, OK 74103  

Re: Historic Preservations Districts

Dear Mr. Alberty:

On September 23, 2010, the City Council voted to approve the Tulsa Planning Commission’s request to direct the Tulsa Metropolitan Area Planning Commission to study and report its recommendation on suggested text amendments to the Zoning Code, increasing the City’s ability to protect the boundaries of Historic Preservation Districts from encroachment of incompatible development.

I have attached a copy of the Tulsa Planning Commission’s request to the City Council for your convenience. Once you have had an opportunity to review the request, I would appreciate it if you could provide me a tentative timeline on when the Council may expect to receive TMAPC’s report and recommendation.

Thank you so much for your time and consideration of this matter.

Sincerely,

Maria Barnes  
Vice-Chair, Tulsa City Council  
City Councilor, District 2
Item 8.d

One of the duties of the Tulsa Preservation Commission, as described in the City of Tulsa Zoning Code, Chapter 10A, Section 1052.N.10, is to "comment on and make recommendations to the appropriate body concerning actions undertaken by other City, State, and Federal agencies with respect to the effect of such actions upon the historical resources in the City of Tulsa."

The Tulsa Preservation Commission voted 10-3-0 at its September 9,2010 Regular Meeting to request the City Council "direct the Tulsa Metropolitan Area Planning Commission to study and report its recommendation on suggested text amendments to the Zoning Code increasing the City's ability to protect the boundaries of Historic Preservation Districts from encroachment of incompatible development."

Four of Tulsa's neighborhoods that have requested and been granted Historic Preservation Overlay Zoning – Gillette, North Maple Ridge, Swan Lake and Yorktown – are bordered by commercial properties fronting arterial streets in midtown Tulsa. Development pressures along the arterial streets often impact these historic neighborhoods and create what may be unavoidable conflicts between robust development and the protections intended by Historic Preservation Overlay Zoning.

The Tulsa Preservation Commission requests that the City Council direct the TMAPC to research the threats to the boundaries of historic preservation zoning districts, review the intended safeguards of the zoning code, identify strengths and weaknesses, and recommend amendments to address any weaknesses identified.

This specific action by the City Council would help safeguard Tulsa's historic neighborhoods while promoting commercial development that is in accordance with the new Comprehensive Plan.