

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2641

Wednesday, January 09, 2013, 1:30 p.m.

City Council Chamber

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

Members Present	Members Absent	Staff Present	Others Present
Covey	Carnes	Bates	Tohlen, COT
Edwards	Dix	Fernandez	VanValkenburgh, Legal
Leighty	Perkins	Huntsinger	Wright, COT
Liotta		Miller	
Midget		Wilkerson	
Shivel			
Stirling			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, January 4, 2013 at 10:09 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Walker called the meeting to order at 1:30 p.m.

REPORTS:

Director's Report:

Ms. Miller reported that the Mayor submitted reappointment letters for Mr. Walker and Mr. Edwards to the City Council.

Ms. Miller reported that the Form-Based Code Public Workshops are scheduled to be held in the conference room of the Family & Children's Services, 650 South Peoria, for Tuesday, January 29th at 6:00 p.m., Wednesday, February 6th at 6:00 p.m., and Monday February 11th at 6:00 p.m. This will be a chance for staff to meet one-on-one with property owners to see how this proposal would affect them. The notice will be sent out on Friday, January 11, 2013. The notices will also be posted to the TMAPC website and the City of Tulsa website.

Ms. Miller reported on the BOCC and City Council agendas.

Consideration of revised “Policies and Procedures and Code of Ethics of TMAPC”

STAFF RECOMMENDATION:

Item for consideration: Adoption of revised “*Policies and Procedures and Code of Ethics of the Tulsa Metropolitan Area Planning Commission,*” which includes a new section (Section III) to address the Comprehensive Plan.

Background: Since the adoption of the new Comprehensive Plan in July 2010, there has been a need to develop and define a process for various types of items that require some sort of attention from the perspective of the Comprehensive Plan. In response to this need, staff has drafted revised “*Policies and Procedures and Code of Ethics of the Tulsa Metropolitan Area Planning Commission*” to include a section on Comprehensive Plans to clearly define these processes.

General overview: In addition to the need to clearly define the process for adoption of a Comprehensive Plan, there are several issues that have arisen lately that demand a documented process. This proposed section to the “*Policies and Procedures and Code of Ethics of the Tulsa Metropolitan Area Planning Commission*” addresses the following:

- 1) Process for updates & maintenance of the Comprehensive Plan;
- 2) Process for adopting small area plans;
- 3) Process for privately initiated Comprehensive Plan amendments – either site specific or text;
- 4) Description of how various initiatives (small area and neighborhood plans, functional plans, other initiatives and studies, etc.) should relate to Comprehensive Plan; and
- 5) Process for amendments to functional and other types of plans.

Staff recommendation: Adopt the revised “*Policies and Procedures and Code of Ethics of the Tulsa Metropolitan Area Planning Commission.*”

Proposed Section III:

Section III: Comprehensive Plan

The TMAPC derives its authority to adopt and amend a comprehensive plan under the provisions of Title 19 Oklahoma Statutes, Section 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 to recognize new small area and functional plans.

The purpose of this section is to provide a clear process for updates, maintenance and amendments to the Comprehensive Plan as it relates to TMAPC. In addition, a process is defined as to how various initiatives (small area and neighborhood plans, functional plans, capital improvement plans, other studies, etc.) should relate to the comprehensive plan.

A. 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-75)

TMAPC staff will establish a system to track all housekeeping amendments needed to reflect development approvals and present a comprehensive plan amendment to TMAPC annually, generally in July. These annual amendments will include updates to the Land Use Plan and, if necessary, changes to the Growth and Stability Maps. It is expected that City of Tulsa will prepare an update to the Comprehensive Plan in five year intervals based on new projections recommending adjustments.

B. 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 plan content and for consistency with the Comprehensive Plan. Also, the TMAPC will announce if and when the document is ready for public hearing. [Note: notice must be published at least 15 days prior to the adoption hearing.] TMAPC will conduct the public hearing, consider the plan based on the findings and public testimony presented, and consider adoption of the small area plan as an amendment to the Comprehensive Plan.

C. Privately initiated Comprehensive Plan amendments

1. 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 Major Amendment, TMAPC staff shall determine if the proposal is consistent with the Comprehensive Plan map designation. If 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 Major 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 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 Major Amendment. In such instance, staff shall inform the applicant, within 15 days of receipt of the application for approval of Zoning, PUD, Corridor Development Plan or PUD Major 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.

2. Amendments of the Comprehensive Plan Not Generated by Proposed Zoning Changes

Should any person, corporation, partnership, limited liability company, or other association request an amendment of the Comprehensive Plan that is not generated by a proposed zoning change or development proposal as described above, the party requesting the amendment shall submit an application for amendment of the Comprehensive Plan on the form provided by the TMAPC staff. TMAPC staff shall review and present the application to the TMAPC within 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, TMAPC staff shall, in coordination with City of Tulsa Planning Staff, prepare a recommended timeline for staff review and recommendation regarding the proposal and shall submit the recommended timeline to the TMAPC at its next scheduled meeting.

D. Relationship of various initiatives to the Comprehensive Plan

The purpose of the Comprehensive Plan, as stated in the adopting Resolution No. 2581:900 is to bring about coordinated physical development in an area in accord with present and future needs and is developed to conserve the natural resources of an area, to ensure the efficient expenditure of public funds, and to promote the health, safety, convenience, prosperity, and general welfare of the people of the area. 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	Adopt as supporting information or guidelines	Issue Conformance statement
Small area & neighborhood plans			
Plan and Land Use Map	X		X
Goals, objectives, policies, recommendations	X		X
Background, public process, etc.		X	X
*Functional plans		X	X
Other types of plans, studies & initiatives			X
Capital Improvement Plans			X

*Examples of Functional Plans: Major Street & Highway Plan; Trails Master Plan and Map; Arkansas River Corridor Master Plan; Zoo Master Plan, Parks Master Plan, etc.

E. Amendments to Functional and Other Types of Plans

Functional and other types of plans will be amended through the same process as their initial adoption. If they have been adopted as supporting information or guidelines, consideration of proposed changes that are in keeping with the comprehensive plan will be administered at a staff level to reflect current best practices or procedural changes. If a plan, study or initiative has been issued a statement of conformance with the Comprehensive Plan, staff will review proposed amendments and review against applicable plan policies. An updated statement will be issued providing specific justification to support the proposed changes if they are in fact in conformance with the Comprehensive Plan. If staff finds proposed changes to be inconsistent with the Comprehensive Plan, a staff

report and draft statement of conformance will be developed and provided to the TMAPC for action.

TMAPC COMMENTS:

Mr. Walker stated that there isn't a strike-through version included in the packets. Is Section III the only changes or additions. Ms. Miller stated that Section III is an entirely new section. Everything else in the Policies and Procedures is the same.

In response to Mr. Midget, Ms. Miller stated that for example, ideally in the future the Stormwater Master Plan, which is a functional plan, would be adopted as supporting information or guidelines and issue a conformance statement. If there needs to be an amendment to it, then it can be submitted to staff administratively and if it seems to make a difference or impact something in a big way, then staff can bring it to TMAPC for consideration.

Mr. Leighty stated that he has been thinking about this a while and would like an answer. Is there any language anywhere that establishes the Planning Commission determines whether or not the Comprehensive Plan is actually prescriptive or whether it is suggested. Ms. Miller stated that the Comprehensive Plan is not adopted by ordinance and therefore it is not law. It is a policy guide or policy document, which is adopted by resolution. There is a distinct difference between Zoning Code and Comprehensive Plans. This is supported and outlined in State Statutes.

Mr. Walker stated that he read the proposal and believes he understands it, but when a plan comes through the Planning Commission will have to see if this works.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted **8-0-0** (Covey, Edwards, Leighty, Liotta, Midget, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Dix, Perkins "absent") to **APPROVE** the revised "Policies and Procedures and Code of Ethics of TMAPC" per staff recommendation.

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

CONSENT AGENDA

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

1. **LS-20568** (Lot-Split) (CD-2) - Location: Northeast corner of West 53rd Street South and South 36th West Avenue
2. **LC-446** (Lot-Combination) (CD-4) - Location: Southwest corner of East 11th Street South and South Louisville Avenue
3. **LC-447** (Lot-Combination) (CD-2) - Location: Northeast of the Northeast corner of South 75th Street South and South Riverside Parkway
4. **LC-448** (Lot-Combination) (CD-8) - Location: West of the intersection of South Knoxville Avenue and East 103rd Street South
5. **LS-20569** (Lot-Split) (CD-8) - Location: Southwest of the Southwest corner of East 116th Street South and South Sheridan Road (Related to LC-449)
6. **LC-449** (Lot-Combination) (CD-8) - Location: Southwest of the Southwest corner of East 116th Street South and South Sheridan Road (Related to LS-20569)
7. **LC-450** (Lot-Combination) (County) - Location: South of the Southeast corner of North Erie Avenue and East 66th Street North
8. **LC-451** (Lot-Combination) (CD-5) - Location: Northeast of the Northeast corner of South Sheridan Road and East 46th Street South
9. **LC-452** (Lot-Combination) (County) - Location: West of the Southeast corner of North Memorial Drive and East 120th Street South, **WITHDRAWN BY THE APPLICANT.**
10. **PUD-136-A – Douglas Huber Architects/Dr. Stacey**, Location: West side of South Yale Avenue at East 74th Street South, Requesting a Detail Site Plan for a medical office building in Development Area One of Silver Ridge Office Park, **OL**, (CD-2)

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Covey, Edwards, Leighty, Liotta, Midget, , Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Dix, Perkins "absent") to **APPROVE** the consent agenda Items 1 through 8 and Item 10 per staff recommendation.

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COMPREHENSIVE PLAN PUBLIC HEARINGS:

- 11. Consider Adoption of “The Brady Arts District – A Small Area Plan” as an amendment to the 2010 Tulsa Comprehensive Plan. Resolution No. 2641:906**

STAFF RECOMMENDATION:

Item for consideration: Adoption of the “The Brady Arts District – A Small Area Plan” amendment to the 2010 Tulsa Comprehensive Plan.

Background: This plan is an update to and supersedes the “Brady Village Infill Development Design Guidelines,” which were adopted as an amendment to the Comprehensive Plan in 2004. The plan was prepared in 2009 through 2010 via collaborative effort by Brady Arts District stakeholders including the Brady Arts District Owners Association, George Kaiser Family Foundation, Wallace Engineering, the ONEOK Ballpark Trust, Howell & Vancuren Landscape Architects, Selser Schaefer Architects, the Tulsa Beautification Foundation, The City of Tulsa Planning Division, SWA Group, Stonebridge Construction Consultants and other Tulsans who shared their expertise, feedback, and knowledge to make this small area plan and associated design guidelines and streetscape projects possible. Plan recommendations and development guidelines were subsequently adopted by the Brady Arts District Owners Association and preparation of the final planning document has followed.

The “Brady Arts District – A Small Area Plan” is comprised of three major document sections.

- The first section is the Executive Summary containing the description of the Brady Arts District, area characteristics, vision, goals, actions, area context, and overall design guidelines compiled from the major study efforts conducted for the Brady Arts District area. The Executive Summary compiles in one section all policies and recommendations from the Brady Arts District planning studies.

- Section two contains the “Brady Arts District – A Small Area Plan” report which includes the planning study process, history and description of the district, and recommended vision, goals, actions, and strategies for achieving the recommendations for the district.
- The final section contains findings and recommend from the “Brady Arts District Streetscape – Summary Report” which includes overall development guidelines for the district’s streetscape elements including those for designated primary streets within the small area.

It is the intent that only the first section, the Executive Summary, be adopted for inclusion in the 2010 Tulsa Comprehensive Plan.

Conformance with the 2010 Tulsa Comprehensive Plan and Downtown Area Master Plan:

The 2010 Tulsa Comprehensive Plan identifies the area in “The Brady Arts District” as part of a “Downtown Neighborhood” and an “Area of Growth.”

Downtown Neighborhoods are located outside but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium- to high-rise mixed use residential areas. Downtown neighborhoods are primarily pedestrian-oriented and are well connected to the downtown core via local transit. They feature parks and open space, typically at the neighborhood scale.

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 exist 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 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.

Staff comments: The “The Brady Arts District Plan – A Small Area Plan” was developed in collaboration with and at the same time as the 2010 Tulsa Comprehensive Plan and the Downtown Area Master Plan. Input and recommendations for all three studies were considered and vetted concurrently. Therefore, the plan is in accord with the goals of both the 2010 Tulsa Comprehensive Plan and the Downtown Area Master Plan, while giving more details into plan interpretation and implementation for this specific district.

Staff recommendation: Adopt and include the “The Brady Arts District Plan – A Small Area Plan” Executive Summary as part of the 2010 Tulsa Comprehensive Plan and adopt the remainder as supporting information and guidelines.

Resolution:

TULSA METROPOLITAN AREA PLANNING COMMISSION

Resolution No. 2641:906

A RESOLUTION OF THE TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC), PURSUANT TO TITLE 19 OKLAHOMA STATUTES, SECTION 863.7; ADOPTING AN AMENDMENT TO THE 2010 TULSA COMPREHENSIVE PLAN AND AS SUBSEQUENTLY AMENDED; AMENDING THE 2010 TULSA COMPREHENSIVE PLAN BY ADOPTING “THE BRADY ARTS DISTRICT – A SMALL AREA PLAN” AS PART OF THE 2010 TULSA COMPREHENSIVE PLAN.

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

WHEREAS, the purpose of such a comprehensive plan is to bring about coordinated physical development of an area in accord with present and future needs and is developed so as to conserve the natural resources of an area, to ensure the efficient expenditure

of public funds, and to promote the health, safety, convenience, prosperity, and general welfare of the people of the area; and

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

WHEREAS, the Tulsa Metropolitan Area Planning Commission (TMAPC) did, by Resolution on the 6th of July 2010, adopt an amendment to the Comprehensive Plan for the Tulsa Metropolitan Area, which pertains only to those areas within the incorporated City limits of the City of Tulsa, known as the 2010 Tulsa Comprehensive Plan, which was subsequently approved by the Tulsa City Council on the 22nd of July 2010, all according to law, and which has been subsequently amended; and

WHEREAS, a public hearing was held on January 9, 2013 and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, as set forth in Title 19 Oklahoma Statutes, Section 863.7, to adopt as an amendment to the 2010 Tulsa Comprehensive Plan "The Brady Arts District – A Small Area Plan", hereto attached.

WHEREAS the "Brady Arts District – A Small Area Plan" is comprised of three major sections. Section one is the Executive Summary containing the vision, goals and actions derived from the latter two sections. Section two includes a description of the planning process, history and description of the district and provides recommendations. Section three includes overall development guidelines for the district's streetscape elements.

NOW THEREFORE, BE IT RESOLVED, by the Tulsa Metropolitan Area Planning Commission:

Section 1. That the 2010 Tulsa Comprehensive Plan, as adopted by the Tulsa Metropolitan Area Planning Commission on July 6, 2010 and as amended from time to time, shall be and is

hereby amended, to adopt and include the Executive Summary of "The Brady Arts District – A Small Area Plan" as part of the 2010 Tulsa Comprehensive Plan and adopt the remainder as supporting information and guidelines.

Section 2. That a true and correct copy of "The Brady Arts District – A Small Area Plan" is attached to this Resolution.

Section 3. That all provisions of the Brady Village Infill Development Design Guidelines, which were adopted as an amendment to the Comprehensive Plan for the Tulsa Metropolitan Area by the Tulsa Metropolitan Area Planning Commission (TMAPC) by Resolution on the 4th of February, 2004, and subsequently approved by the Tulsa City Council on the 5th of March, 2004, are hereby expressly superseded by this Resolution and amendment to the 2010 Tulsa Comprehensive Plan.

Section 4. That upon adoption by the Tulsa Metropolitan Area Planning Commission, this Resolution shall be transmitted and submitted to the City Council of the City of Tulsa for its consideration, action and requested approval within forty-five (45) days of its submission.

Section 5. That upon approval by the Tulsa City Council, or should the City Council fail to act upon this amendment to the 2010 Tulsa Comprehensive Plan within forty-five (45) days of its submission, it shall be approved with the status of an official plan and immediately have full force and effect.

Applicant's Comments:

Steve Carr, City of Tulsa Planning Department, stated that he has had the pleasure of working with the Brady Arts District since 2000. Mr. Carr further stated that The Brady Arts District has been successful. He indicated that there are a couple of representatives present today that are invested in the subject area.

Marvin Shirley, representing Development Consulting Services, stated that he started working in the Brady area in 2005. Primary project has been the new KOTV, Channel 6 facility. Mr. Shirley stated that is not speaking in support or opposition to the plan, but he would have to ask the question of what is the need for the plan. What has the Comprehensive Plan done for the development that has occurred in the last five years? Mr. Shirley stated that he doubts that anyone could point to a single item, possibly some input over the bike trails. He further stated that to him a

Comprehensive Plan is a solution in search of a problem. He stated that two primary stakeholders have not been consulted, but have had the opportunity to attend public meetings; however, they have not been directly approached about their feelings regarding the proposed plan. Mr. Shirley indicated that Mr. Midget has received a letter from stakeholder's attorney questioning certain aspects of the proposed plan.

TMAPC COMMENTS:

Mr. Midget stated that he will look for a letter that he may or may not have received from an attorney regarding this plan. Mr. Shirley stated that Mr. Midget received a letter from Steve Schuller and he has seen Mr. Midget's response to the letter. It has been in the last four to five weeks that the letter was received and responded to.

Mr. Walker asked Mr. Shirley if Mr. Sharp is opposed to the plan. In response, Mr. Shirley stated that Mr. Sharp sees no need for the plan. Mr. Shirley stated that after speaking with Councilor Ewing, he seems no need for the plan, but no one is opposed to it but what is the purpose of it and what does it do for the development of the Brady, other than provide more bureaucracy and more work. What has the entire plan done for the development of Brady, other than spend several 100,000.00 dollars of TIF money spent to develop those plans and that does not include the overall private plan that was developed by Stanton Doyle's group out of Vancouver, Canada. Mr. Shirley stated that Brady has been planned to death, but his opinion is that the plans haven't been what's resulted in development. His question to the Planning Commission is why is it needed and what is its purpose.

Mr. Leighty stated that he is curious and a little bit troubled by Mr. Shirley's comments. Mr. Leighty asked Mr. Shirley if he sees the need for any plan. In response, Mr. Shirley stated that he has been involved in the Pearl District and a small area plan is needed there and East Village cries for a plan, but not the Brady, what is left other than two property owners and few spattering other properties.

Mr. Walker asked Mr. Shirley if he is suggesting that the Brady area is 90% developed already. In response, Mr. Shirley stated that he is suggesting that the plan has had no impact on the development of the subject area. It is too late to provide any future great assistance in development. Mr. Shirley stated that Mr. Leighty knows that he has been very supportive of the need for a plan in the Pearl District and would love to see a good plan for the East Village. It is a question of where do we spend our efforts. Mr. Shirley concluded that he is speaking as a citizen; he no longer has a financial interest in the Brady District. Mr. Shirley commented that Mr. Carr and his group have done very good work, but for what purpose.

Mr. Walker stated that Mr. Shirley makes a good point if the subject area is already developed. Mr. Carr stated that he is not sure about the \$100,000.00 fee that was paid to the City for doing this plan because it didn't take place. This particular plan is an amendment to the existing plan. Mr. Carr stated that the money spent from the TIF was spent for consulting and designing back in 2002, 2003, and 2004 to develop plans for the Brady. Mr. Carr stated that he doesn't know how to respond to Mr. Shirley's comments regarding the monies spent. There have been substantial funds expended on part of the TIF for Capital Improvements, such as streetscape elements, etc. Mr. Carr stated that this is an amendment to the original plan, which will stay in effect until the proposed plan is adopted. The guidelines from the original plan were recommended Capital Projects or improvements that would go to the City. Any Capital Project has to be supported by a plan and those projects were Boulder Bridge and the quiet zone to prevent the trains from blowing their whistles that were from the original plan. The subject plan is an update provided on the private sector side, but was intended to and did collaborate with Downtown Master Plan update and the Comprehensive Plan update to help facilitate and provide private property investors the opportunity to take advantage of tax credit financing that is available through Historic Preservation Districts. The private plan that was developed is actually Section II of the subject document. Mr. Carr stated that Mr. Sharp and others actually participated in the review of some the recommendations and so he is a little bit puzzled that some are saying that they are unaware of this plan.

Stanton Doyle, 3511 South Toledo, 74135, stated that he represents the George Kaiser Family Foundation and he has been working with the subject area actively since 2007. Mr. Doyle listed the projects that he has been involved with in the subject area. Mr. Doyle stated that when one asks what the value of the Plan is, it is the embodiment of the vision expressed by residents, property owners, business owners, artist and the community at large. There were property owners invited to the sessions and were repeatedly invited back, but chose to not participate in those meetings. Development can come in and take away the character and authenticity that is there naturally and the stakeholders developed this plan to retain these things. Mr. Doyle stated that he would challenge the notion that the subject area is 90% developed because there are large swaths of land that are untouched or have buildings that need attention. The neighborhood is not done and the proposed plan helps retain the vision that has impacted development today. Mr. Stanton concluded that he is in support of the proposed plan.

Mr. Walker requested Mr. Shirley to come back to the podium.

Mr. Shirley stated that he would agree 99% with what Mr. Doyle has stated. But he doesn't believe that the small area plan had much to do with that. Mr. Shirley further stated that if he stated that the subject area was 90% developed, than he misspoke. There are significant tracts of property that are not developed at this time, but 90% of that is owned by two property owners. Mr. Shirley commented that yes property owners were invited to these meetings, but don't we have an obligation, if we are really trying to be collaborative and cooperative, to approach the property owners. Mr. Shirley stated that the Channel 6 project was a thirty million dollar project and it would probably not have been approved if the proposed plan was followed strictly.

Mr. Carr explained how TIF funds were utilized for streetscaping and lighting. Mr. Carr stated that it is important for not only the Brady Arts District, but also for Downtown Area Master Plan, there is no recommendation whatsoever towards land use. The proposed plan is intended to maintain the image and quality of the development in the subject area and particularly to guide public improvements.

Mr. Walker asked Mr. Shirley if he is opposed to the adoption of the proposed plan as it is presented today. Mr. Shirley stated that he doesn't consider himself to have a vote, but he expressed his concerns. Mr. Shirley further stated that he supports Mr. Carr and the Planning Commission's work. Mr. Shirley commented that Mr. Doyle and his leadership have been tremendous and he would have to summarize by saying that the work has been done so why oppose it. The question would be is that the best use of our planning. Mr. Shirley further commented that his opinion is one person's opinion. Mr. Shirley expressed concerns with the spending.

Mr. Liotta asked what the process would be to amend this proposed plan if the stakeholders found that it doesn't work. Mr. Carr stated that zoning is not a matter in this district because it is zoned Central Business District. There might be a desire to add a certain Capital Project to the list, but that doesn't have to change the plan. Mr. Carr stated that if something where to require modification, it would require that the proposed amendments be brought forward to the Planning Commission and it would have to be adopted. Mr. Carr stated that in the CBD area the market drives the development.

Mr. Midget gave a scenario of demolishing an existing building and redeveloping with a 22-story building and asked if that would be allowed under this plan. Mr. Carr stated that if the market would bare it, he doesn't any problems with that. Mr. Carr stated that the proposed plan has taken what has already been done in 2008 and 2010, with the support of the

owners association and with the intent of amending and adopting the 2003 plan.

Mr. Walker thanked Mr. Doyle for coming down and he is thankful for Mr. Kaiser and Mr. Sharp. Mr. Walker stated that he knows there are more to thank and it is a remarkable development in the Brady Arts District. Mr. Walker indicated that he would be supporting the plan.

Mr. Leighty stated that this is a policy guide and he is completely supportive of the plan. Mr. Leighty further stated that the reason it has taken the Brady District so long to develop is because there are certain people who land-banked this land for decades and didn't make it available to people who wanted to do business in the subject area. It wasn't until the deep pockets of the Kaiser Foundation and the public investment that went in around the ball park that these guys are now able to start doing their deals in a profitable sense. Mr. Leighty commented that anyone who has an opportunity to participate in a small area plan, that has such a wide participation that has been received in the Brady District, really much waives their right to complain about anything in his opinion. He doesn't understand why someone wouldn't want to be actively involved in participation of the development of a plan like this. Mr. Leighty thanked the Kaiser Family Foundation and the other stakeholders that have helped to make the Brady what is today.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted **8-0-0** (Covey, Edwards, Leighty, Liotta, Midget, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Dix, Perkins "absent") to recommend **APPROVAL** of the adoption of "The Brady Arts District – A Small Area Plan" as an amendment to the 2010 Tulsa Comprehensive Plan and Resolution No. 2641:906 per staff recommendation.

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PUBLIC HEARINGS:

12. **PUD 307 C** – Plat Waiver, Location: 2021 East 71st Street South, Lot 1, Block 1, Camp Shalom Amended II, (8306), (CD-2)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a major amendment for a use expansion in the Camp Shalom platted area.

Staff provides the following information from TAC for their December 20, 2012 meeting:

ZONING:

TMAPC Staff: The property has been properly platted and includes the use expansion.

STREETS: No comment.

SEWER: No comment.

WATER: No comment.

STORMWATER: No comment.

FIRE: No comment.

UTILITIES: No comment.

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

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

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

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

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X

- c) Storm Sewer
 - i. Is a P.F.P.I. required? X
 - ii. Is an Overland Drainage Easement required? X
 - iii. Is on site detention required? X
 - iv. Are additional easements required? X
- 7. Floodplain
 - a) Does the property contain a City of Tulsa (Regulatory) Floodplain? X
 - b) Does the property contain a F.E.M.A. (Federal) Floodplain? X
- 8. Change of Access
 - a) Are revisions to existing access locations necessary? X
- 9. Is the property in a P.U.D.?
 - 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

Note: If, after consideration of the above criteria, a plat waiver is granted on unplatted properties, a current ALTA/ACSM/NSPS Land Title Survey (and as subsequently revised) shall be required. Said survey shall be prepared in a recordable format and filed at the County Clerk's office by the applicant.

Applicant indicated his agreement with the staff recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted **8-0-0** (Covey, Edwards, Leighty, Liotta, Midget, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Dix, Perkins "absent") to **APPROVE** the plat waiver for PUD-307-C per staff recommendation.

- 13. **CZ-422 – HRAOK, Inc.**, Location: North of northwest corner of North Memorial Drive and East 116th Street North, Requesting rezoning from **AG to RS**, (County), **WITHDRAWN BY APPLICANT.**

OTHER BUSINESS

14. *Election of TMAPC Officers for 2013

Mr. Walker recommended that the TMAPC Officers remain the same except for Secretary. Mr. Walker indicated that Mr. Covey will be the new Secretary replacing Mr. Dix. The following are the proposed TMAPC Officers for 2013: Chairman, Joshua Walker; 1st Vice Chair, Brandon Perkins; 2nd Vice Chair, Ryon Stirling; and Secretary, Michael Covey.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **WALKER**, TMAPC voted **8-0-0** (Covey, Edwards, Leighty, Liotta, Midget, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Dix, Perkins "absent") to **APPROVE** the 2013 TMAPC Officers as follows: Chairman, Joshua Walker; 1st Vice Chair, Brandon Perkins; 2nd Vice Chair, Ryon Stirling; and Secretary, Michael Covey.

* * * * *

OTHER BUSINESS:

Commissioners' Comments

None.

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TMAPC Action; 8 members present:

On **MOTION** of **MIDGET**, TMAPC voted **8-0-0** (Covey, Edwards, Leighty, Liotta, Midget, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Dix, Perkins "absent") to **ADJOURN** TMAPC meeting No. 2641.

There being no further business, the Chair declared the meeting adjourned at 2:13 p.m.

Date Approved:

1-23-13

Joshua A. Walsh

Chairman

ATTEST:

[Signature]

Secretary