AGENDA
CITY OF TULSA BOARD OF ADJUSTMENT
Regularly Scheduled Meeting
Tulsa City Council Chambers
175 East 2nd Street, 2nd Level, One Technology Center
Tuesday, June 25, 2019, 1:00 P.M.

Meeting No. 1230

CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

1. Approval of Minutes of May 28, 2019 (Meeting No. 1229).

UNFINISHED BUSINESS

2. 22626—Barbara Carson
Variance to reduce the required street setback in an RS-3 District (Table 5-3).
LOCATION: 252 South Quebec Avenue East (CD 4)

3. 22651—Robin Stanley
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).
LOCATION: 8010 East 106th Street South (CD 8)

4. 22652—Robin Stanley
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D).
LOCATION: 6026 South Memorial Drive East (overall parcel) – 6024 South Memorial Drive East (tenant space) (CD 7)

The application has been withdrawn by the applicant.

5. 22659—Nathan Young
Variance of the minimum lot width, lot size and open space requirement in an RS-2 District to permit a Lot Line Adjustment (Table 15-2).
LOCATION: 124 East 26th Street South (CD 4)

NEW APPLICATIONS

6. 22661—City of Tulsa – Tulsa Parks – Jackie Bubenik
Special Exception to permit a parks and recreation use in an AG District (Table 25-1).
LOCATION: 7301 South Riverside Drive (CD 2)
7. 22662—City of Tulsa – Tulsa Parks – Jackie Bubenik
Modification of a previously approved site plan to permit improvements to Plaza Tract Park approved in BOA-16444 (Table 5-2). **LOCATION:** 1404 South 145th Avenue East (CD 6)

8. 22663—City of Tulsa – Tulsa Parks – Jackie Bubenik
Modification of a previously approved site plan to permit improvements to McClure Park approved in BOA-16866 (Table 5-2). **LOCATION:** 7440 East 7th Street South (CD 3)

9. 22664—City of Tulsa – Tulsa Parks – Jackie Bubenik
Modification of a previously approved site plan to permit improvements to Patrick Park approved in BOA-10255 (Table 15-2). **LOCATION:** 5123 East Dawson Road (CD 3)

10. 22665—City of Tulsa – Tulsa Parks – Jackie Bubenik
Modification of a previously approved site plan to permit improvements to Langenheim Park approved in BOA-17321 (Table 5-2). **LOCATION:** 4701 South Harvard Avenue East (CD 9)

11. 22667—Debbie Leonard
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 6914 East Admiral Place (CD 3)

12. 22668—1 Architecture, LLC – Nick Denison
Special Exception to allow a High-Impact Medical Marijuana Processing Facility in an IM (Industrial-Moderate) District (Section 15.020). **LOCATION:** 1316 South Sheridan Road East (CD 5)

13. 22669—W Design
Special Exception to permit a business support service use (Table 10-2) to allow for a catering service. **LOCATION:** 1115 South Lewis Avenue East – Tenant Space (CD 4)

14. 22670—Mary Jane’s Treehouse, LLC
Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Section 40.225-D). **LOCATION:** 2030 East Pine Street North, Suite A – Tenant Space (CD 1)

15. 22671—Jaime Ramirez
Special Exception to permit an Indoor Assembly & Entertainment (larger than 250-person capacity) Use in an IL District (Table 15-2); Variance from the parking design standards to permit gravel parking for non-required parking spaces (Section 55.090). **LOCATION:** 5745 East Admiral Place (CD 5)
OTHER BUSINESS

NEW BUSINESS

BOARD MEMBER COMMENTS

ADJOURNMENT

Website:  www.cityoftulsa-boa.org       E-mail:  esubmit@incog.org

CD = Council District

NOTE:  If you require special accommodation pursuant to the Americans with Disabilities Act, please notify Tulsa Planning Office @ (918)584-7526. Exhibits, Petitions, Pictures, etc., presented to the Board of Adjustment may be received and deposited in case files to be maintained at Tulsa Planning Office, INCOG.  ALL electronic devices MUST be silenced during the Board of Adjustment meeting.

NOTE:  This agenda is for informational purposes only and is not an official posting. Please contact the Tulsa Planning Office at (918) 584-7526 if you require an official posted agenda.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9304  Case Number: BOA-22626
CZM: 37
CD: 4
A-P#:  

HEARING DATE: 06/25/2019 1:00 PM (continued from 05/14/2019 and 06/11/2019)

APPLICANT: Barbara Carson

ACTION REQUESTED: Variance to reduce the required street setback in an RS-3 District (Table 5-3)

LOCATION: 252 S QUEBEC AV E  ZONED: RS-3

PRESENT USE: residential  TRACT SIZE: 7501.06 SQ FT

LEGAL DESCRIPTION: LT 281 BK 1, RODGERS HGTS SUB

RELEVANT PREVIOUS ACTIONS:
None relevant.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an ‘Existing Neighborhood’ and an ‘Area of Stability’.

An Existing Neighborhood is intended to preserve and enhance Tulsa’s existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code.

The Areas of Stability include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by RS-3 zoned lots on all sides.
CURRENT STAFF COMMENTS:

The Board continued #BOA-22626 to the 6/11/19 meeting to allow time for the applicant to present a structural engineer's report regarding the front addition of the existing house.

PREVIOUS STAFF COMMENTS:

As shown on the attached exhibits, the existing building encroaches into the required 25 ft. building setback in an RS-3 district. Please see the attached statement provided by the applicant detailing the history of the request.

The applicant is requesting a Variance to reduce the front street setback from 25 ft. to approximately 9 ft. along S. Quebec Ave. Based on the submitted exhibits, S. Quebec Ave. is indicated as the front setback. The Major Street and Highway Plan considers this a non-arterial street and would therefore be required by code to maintain a building setback of 25 feet in an RS-3 zoned district (Table 5-3).

**Sample Motion**

Move to _________ (approve/deny) a Variance to reduce the required street setback (Table 5-3).

- Finding the hardship(s) to be______________________________.

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.

- Subject to the following conditions ________________________.

The Board finds that the following facts, favorable to the property owner, have been established:

a. *That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;*

b. *That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;*

c. *That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;*

d. *That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;*

e. *That the variance to be granted is the minimum variance that will afford relief;*

f. *That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and*

g. *That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.*
Looking west—towards subject site—on S. Quebec Ave.

Looking west—towards subject site—on S. Quebec Ave.
Looking northwest—towards subject site—on S. Quebec Ave.

Looking west—towards subject site—on S. Quebec Ave.
Looking west– towards subject site– on S. Quebec Ave.
April 9, 2019

City of Tulsa Board of Adjustment
INCOG

ATTN: Amy Ulmer

Re:    Case No. BOA-22626
       Variance

To Whom It May Concern:

My clients, Dave Thompson and Stephanie Thompson, purchased the real property located at 252 S. Quebec Ave., Tulsa, Oklahoma on February 22, 2019. The property was vacant at the time, and after purchase my clients found a Zoning Notice of Violation posted on the property dated February 18, 2019. We were finally able to contact the Neighborhood Inspectors, who met with agents of my clients at the property to determine exactly what was needed to bring everything into compliance. It was then determined that the client would be able to satisfy the requirement of the structure in the 5-foot building set back line from the side by tearing down the structure. The issue remained with the addition built on the primary structure in the 25-foot building set back in the front of the house. There is no feasible way to tear down this addition without damaging the integrity of the house itself.

This home was built in 1928 according the records of the Tulsa Assessor. The home has had an addition built although we cannot determine exactly when. I have been informed from Shannon Perry at the Permits Library that the addition would have happened too long ago for the library to retain a copy of any permits potentially pulled.

My clients have spoken with some neighbors in the area and we can verify through one neighbor who moved into his residence in 1993 that the addition existed at that time. Therefore, because of the length of time the addition has been on this property and the hardship it would cause to tear it down, we are asking for a variance of the required 25 foot street setback in an RS-3 District.

Very truly yours,

Barbara L. Carson
Amy:

Attached is the information from the surveyor.

Let me know if you have any other questions.

Thank you,

Barbara,

Here is a pdf showing the distance from the front of the building to the front property line.

Thanks, John

Barbara L. Carson, Esq.
Carson Law Firm, PLLC
624 S. Denver, Suite 202
Tulsa, OK 74119
(918) 605-8862

On May 1, 2019, at 1:01 PM, Ulmer, Amy <aulmer@incog.org> wrote:

Hello,

Could you indicate on the attached site plan the distance from the front of the build to the front property line? I believe this information would make this more clear to the Board. Let me know if you have any questions.
ZONING NOTICE OF VIOLATION

The City of Tulsa To:

FNMA
PO BOX 650043
DALLAS TX 752650043

You are hereby notified that the violation(s) maintained, operated or permitted to exist by you at: LT 281
BK 1,RODGERS HGTS SUB City of Tulsa, Tulsa County, State of Oklahoma;

And located at the address of: 252 S QUEBEC AVE E

Consisting of: (Official Ordinance Cited Information is included.)

**Title 42, Chap. 5, Sect. 30**

This Violation requires:

There is a 25-foot building set back starting at the end of the right of way. The addition built on to the primary
structure in the front will have to be removed.

There is a 5-foot building set back from the side of the property line. The structure built to the fence line will have to
be removed or cut back from the property line.

You may also seek a variance with the Board of Adjustment.

A final inspection is set for 04/12/2019.

To be in compliance with Municipal Codes, you will need to comply with this notice within 10 days business.

FAILURE TO COMPLY MAY RESULT IN THE ISSUANCE OF A CITATION OR CIVIL REMEDIAL

PENALTIES NOT TO EXCEED $1,000.00 PER DAY. You may appeal the administrative official's decision within 10 BUSINESS DAYS by filing a complete appeal application with the administrative official and INCOG
located at Williams Tower II, 2 West 2nd Street, 8th Floor, Tulsa, Oklahoma. 74103. Appropriate fees must
accompany your appeal application to INCOG. In addition, you may want to contact INCOG at 584-7526 to obtain
information on filing an application for a special exception or variance related to your violation instead of
appealing the decision.

CASE NO. NUZO-010421-2019

Caleb Perkins
Neighborhood Inspector
918-596-2518

Meetings with inspectors require a scheduled appointment.

A copy of this notice has also been sent to (if applicable):

**OCCUPANT**
252 S QUEBEC AVE E
Tulsa OK 74112

**BARBARA CARSON**
624 S DENVER AVE W SUITE 202
TULSA OK 74119

Case Number: NUZO-010421-2019
Case Type: NUZO
Notice Date: 03/29/2019
Compliance Deadline: 04/12/2019
Section 5.030 Lot and Building Regulations

5.030.A Table of Regulations

The lot and building regulations of Table 5-3 apply to all principal uses and structures in R districts, except as otherwise expressly stated in this zoning code. General exceptions to these regulations and rules for measuring compliance can be found in Chapter 20. Regulations governing accessory uses and structures can be found in Chapter 45.

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**Minimum Lot Width (ft.)**

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<td>Apartment/condo</td>
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<td>Other allowed buildings/uses</td>
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**Minimum Street Frontage**

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**Min. Building Setbacks (ft.)**

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<tr>
<td>Side (interior)(14)</td>
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<td>5</td>
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<tr>
<td>Min. Door Sp./Unit (in. ft.)</td>
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<td>7,000</td>
<td>5,000</td>
<td>4,000</td>
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<tr>
<td>Max. Building Height (ft.)</td>
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</table>

5.030-8 Table Notes

The following notes refer to the bracketed numbers (e.g., "[1]") in Table 5-3:

1. See Section 60.242 for detailed regulations governing mobile home parks.
2. Minimum street frontage requirements apply to townhouse developments, not to individual townhouse units. Cottage house developments require minimum street frontage of 75 feet. Minimum street frontage requirements do not apply to nonresidential uses.
3. For detached houses and duplexes on corner lots, the minimum side street setback along a non-arterial street may be reduced to 15 feet, provided that the minimum setback for street-facing garage doors is 20 feet or 20 feet from the back of the sidewalk, whichever is greater. The street setback specified in Table 5-3 applies along the other street.
REQUEST FOR WAIVER OF LETTER OF DEFICIENCY REQUIREMENT

If the Board staff waives the requirement that an LOD accompany an application to the Board, the Applicant is responsible for requesting all necessary relief and for citing the sections of the Zoning Code pertinent to the relief sought. (The waiver of the requirement that an LOD accompany an application to the Board shall not be considered a waiver of the necessity to apply for a building permit or a zoning clearance permit, as may be required by the particular proposed use or construction.) In the event that the applicant does not request all necessary relief, additional BOA action may be required resulting in significant delays during the building permit process.

I hereby certify that I have read and understand the above requirements and that I request that the LOD requirement be waived for the subject property in case number: 60A-22626

[Signature]
Applicant's Signature

4-3-19
Date

Approved by: ____________________________
I am writing about the board of adjustments decision on the property at 252 South Quebec in Tulsa, Ok. I live caddy corner to this property, and have for 40 years. The man who owned it until recently having lost in a reverse mortgage, built all the extensions without permits. The north side of the driveway and carport are on the neighbor’s property. I can’t say when they were built, as they went up little by little over time. My partner and I are registered voters, and want the request to leave it as is denied! It slowly grew to be a monstrosity, and is an eyesore in the neighborhood. Sincerely, Diane Denham and Michelle Richison 257 S Quebec. If you need photos before the Tuesday meeting, I would be happy to provide them. Thank you!

Sent from Mail for Windows 10
BOARD OF ADJUSTMENT
CASE REPORT

STR: 8326
CZM: 57
CD: 8

CASE REPORT

HEARING DATE: 06/25/2019 1:00 PM (Continued from 6/11/2019 Hearing)

APPLICANT: Robin Stanley

ACTION REQUESTED: Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Sec. 40.225-D)

LOCATION: 8010 E 106 ST S

ZONED: CS,OL

PRESENT USE: commercial center

TRACT SIZE: 58571.02 SQ FT

LEGAL DESCRIPTION: LTS 21 & 22 BLK 1, AVALON PARK ON MEMORIAL PRT RSB TRINITY ADD AMD

RELEVANT PREVIOUS ACTIONS: NONE

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Regional Center" and an "Area of Growth".

Regional Centers are mid-rise mixed-use areas for large-scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is apart of a commercial/office development located at the SW/c of S Memorial Drive and E. 106th St S. After a site visit staff did not see any evidence that would indicate another medical marijuana dispensary is operating within 1,000' of the subject property.

STAFF COMMENTS:

The applicant is proposing to convert an existing business into a medical marijuana dispensary. To permit the dispensary the applicant is before the Board requesting a Spacing Verification for another medical marijuana dispensary.
marijuana dispensary in a CS/OL/PUD 370-B district from other medical marijuana dispensaries (Section 40.225-D).

Per the Code and PUD Standards, a medical marijuana dispensary is permitted by right inside PUD 370-B as long as it meets the spacing requirement of 1,000 ft. from other medical marijuana dispensaries (Section 40.225-D). The spacing requirement must be verified before the Board of Adjustment in a public hearing to distribute public notice to property owners within the required distance radius. Surrounding neighbors and property owners are provided the ability to notify the Board of any conflicting uses within the required spacing radius.

In Section 40.225-I, the separation distance required under Section 40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensaries. The separation required under Section 40.225-D shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma State Department of Health prior to December 1, 2018 for the particular location.

The applicant submitted exhibits indicating a radius around the subject property that contains the proposed medical marijuana dispensary and has labeled the uses of property within that radius in support of the verification.

Sample Motion:

I move that based upon the facts in this matter as they exist presently, we accept the applicant’s verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary.
BOA-22651

Aerial Photo Date: February 2018

Notes: Graphic overlays may not precisely align with physical features on the ground.
View looking northeast from subject property

View of subject property facing south
<table>
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<th>Business List around 8010 E. 106th</th>
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<tr>
<td><strong>Inventory ID</strong></td>
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<tr>
<td>------------------</td>
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<tr>
<td>lifetime fitness</td>
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<td>savastanos</td>
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<td>hideaway pizza</td>
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<tr>
<td>hampton inn &amp; suites</td>
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<tr>
<td>panda express</td>
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<tr>
<td>treys bar &amp; grill</td>
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<td>learning express toys</td>
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<tr>
<td>the vinyard on memorial</td>
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<td>rustic cuff</td>
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<tr>
<td>popeyes la kitchen</td>
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<tr>
<td>subway</td>
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<tr>
<td>bravos</td>
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<td>papajohn pizzaria</td>
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<td>eternity nail bar</td>
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<td>great clip</td>
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<td>fort night</td>
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<tr>
<td>bella vita spa</td>
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<td>dry clean super centre south</td>
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<td>eno serve</td>
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<td>sprint</td>
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<td>wine loft bar</td>
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<td>Inventory ID</td>
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ZONING CLEARANCE PLAN REVIEW

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<tr>
<td>Susan Kapuchuck</td>
<td>7727 E 28 CT</td>
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<tr>
<td>Tulsa, OK 74129</td>
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<tr>
<td>APPLICATION NO:</td>
<td>COO-030152-2019</td>
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<tr>
<td>Location:</td>
<td>8010 E 106 ST</td>
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<tr>
<td>Description:</td>
<td>Medical Marijuana Dispensary</td>
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**INFORMATION ABOUT SUBMITTING REVISIONS**

Our review has identified the following code omissions or deficiencies in the project application forms, drawings, and/or specifications. The documents shall be revised to comply with the referenced code sections.

**REVISIONS NEED TO INCLUDE THE FOLLOWING:**

1. A COPY OF THIS DEFICIENCY LETTER
2. A WRITTEN RESPONSE AS TO HOW EACH REVIEW COMMENT HAS BEEN RESOLVED
3. THE COMPLETED REVISED/ADDITIONAL PLANS FORM (SEE ATTACHED)
4. BOARD OF ADJUSTMENT APPROVAL DOCUMENTS, IF RELEVANT

Revisions shall be submitted directly to the City of Tulsa Permit Center located at 175 East 2nd Street, Suite 450, Tulsa, Oklahoma 74103, Phone (918) 596-9601. The City of Tulsa will assess a resubmittal fee. Do not submit revisions to the plans examiners.

**SUBMITTALS FAXED / EMAILED TO PLANS EXAMINERS WILL NOT BE ACCEPTED.**

**IMPORTANT INFORMATION**

1. IF A DESIGN PROFESSIONAL IS INVOLVED, HIS/HER LETTERS, SKETCHES, DRAWINGS, ETC. SHALL BEAR HIS/HER OKLAHOMA SEAL WITH SIGNATURE AND DATE.

2. SUBMIT TWO (2) SETS OF DRAWINGS IF SUBMITTED USING PAPER, OR SUBMIT ELECTRONIC REVISIONS IN "SUPPORTING DOCUMENTS", IF ORIGINALLY SUBMITTED ON-LINE, FOR REVISED OR ADDITIONAL PLANS. REVISIONS SHALL BE IDENTIFIED WITH CLOUDS AND REVISION MARKS.

3. INFORMATION ABOUT ZONING CODE, INDIAN NATION COUNCIL OF GOVERNMENT (INCOG), BOARD OF ADJUSTMENT (BOA), AND TULSA METROPOLITAN AREA PLANNING COMMISSION (TMAPC) IS AVAILABLE ONLINE AT [WWW.INCOG.ORG](http://WWW.INCOG.ORG) OR AT INCOG OFFICES AT 2 W. 2nd St., 8th Floor, Tulsa, OK, 74103, Phone (918) 584-7526.

4. A COPY OF A "RECORD SEARCH" IS NOT INCLUDED WITH THIS LETTER. PLEASE PRESENT THE "RECORD SEARCH" ALONG WITH THIS LETTER TO INCOG STAFF AT TIME OF APPLYING FOR BOARD OF ADJUSTMENT ACTION AT INCOG. UPON APPROVAL BY THE BOARD OF ADJUSTMENT, INCOG STAFF WILL PROVIDE THE APPROVAL DOCUMENTS TO YOU FOR IMMEDIATE SUBMITTAL TO OUR OFFICE. (See revisions submittal procedure above.).

(continued)
REVIEW COMMENTS

SECTIONS REFERENCED BELOW ARE FROM THE CITY OF TULSA ZONING CODE TITLE 42 AND CAN BE VIEWED AT WWW.CITYOFTULSA-BOA.ORG

<table>
<thead>
<tr>
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<th>Address</th>
<th>Date</th>
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Note: As provided for in Section 70.130 you may request the Board of Adjustment (BOA) to grant a variance from the terms of the Zoning Code requirements identified in the letter of deficiency below. Please direct all questions concerning separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 918-584-7526. It is your responsibility to submit to our office documentation of any decisions by the BOA affecting the status of your application so we may continue to process your application. INCOG does not act as your legal or responsible agent in submitting documents to the City of Tulsa on your behalf. Staff review comments may sometimes identify compliance methods as provided in the Tulsa Zoning Code. The permit applicant is responsible for exploring all or any options available to address the noncompliance and submit the selected compliance option for review. Staff review makes neither representation nor recommendation as to any optimal method of code solution for the project.

1. Sec.40.225-D: A medical marijuana dispensary may not be located within 1000 feet of another medical marijuana dispensary.

2. Sec.40.225-H: The separation distance required under Sec.40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensary.

Review comment: Submit a copy of the BOA accepted separation distance of 1000’ from other dispensaries. Please direct all questions concerning separation distance acceptance and all questions regarding BOA application forms and fees to the INCOG BOA Planner at 918-584-7526. The separation required under Sec.40.225-D shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma Department of Health prior to December 1, 2018 for the particular location.

Note: All references are to the City of Tulsa Zoning Code. Link to Zoning Code: http://www.tmapc.org/Documents/TulsaZoningCodeAdopted110516.pdf

Please notify the reviewer via email when your revisions have been submitted

This letter of deficiencies covers Zoning plan review items only. You may receive additional letters from other disciplines such as Building or Water/Sewer/Drainage for items not addressed in this letter.

A hard copy of this letter is available upon request by the applicant.

END – ZONING CODE REVIEW

NOTE: THIS CONSTITUTES A PLAN REVIEW TO DATE IN RESPONSE TO THE SUBMITTED INFORMATION ASSOCIATED WITH THE ABOVE REFERENCED APPLICATION. ADDITIONAL ISSUES MAY DEVELOP WHEN THE REVIEW CONTINUES UPON RECEIPT OF ADDITIONAL INFORMATION REQUESTED IN THIS LETTER OR UPON ADDITIONAL SUBMITTAL FROM THE APPLICANT.

KEEP OUR OFFICE ADVISED OF ANY ACTION BY THE CITY OF TULSA BOARD OF ADJUSTMENT OR TULSA METROPOLITAN AREA PLANNING COMMISSION AFFECTING THE STATUS OF YOUR APPLICATION FOR A ZONING CLEARANCE PERMIT.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9213
CZM: 36
CD: 4
A-P#: 

HEARING DATE: 06/11/2019 1:00 PM

APPLICANT: Nathan Young

ACTION REQUESTED: Variance of the minimum lot width, lot size and open space requirements in an RS-2 District to permit a Lot Line Adjustment (Table 5-3)

LOCATION: 124 E 26 ST S

ZONED: RS-2

PRESENT USE: Residential

TRACT SIZE: 6890.04 SQ FT

LEGAL DESCRIPTION: LT 2 BLOCK 14, RIVERSIDE DRIVE ADDN THIRD AMD

RELEVANT PREVIOUS ACTIONS:

Subject Property: None.

Surrounding Area:

BOA-13159; On June 14th, 1984 the Board denied a variance of the bulk and area requirement in RS-2 that would have permitted a lot split at 103 E 26th St, approximately 200' North and West of the Subject property. This application would have decreased the minimum lot area from 9,000 sf to 5,323 sf and was intended to allow the development of a newly proposed lot.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of an "Existing Neighborhood "and an "Area of Stability".

An Existing Neighborhood is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code.

The Areas of Stability include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.
ANALYSIS OF SURROUNDING AREA: The subject tract surrounded by RS-2 on all sides and is located approximately two blocks East of Riverside Drive and River Parks. Lot 2 was previously tied to Lot 1 by an existing house which was built over the lot lines. Once the structure was raised the lots were able to be developed separately as non-conforming lots. After securing building permits for a new house to be built on lot 2 the property owner filed a quit claim deed for what is described as Tract C in the exhibit prepared by the applicant. This transfer was done in order to give the owner of lot 3 a piece of property that they were already using to support part of their parking area and a small retaining shown in the attached photographs. This was done without TMAPC approval and has created title issue for the applicant as he is trying to sell the property.

STAFF COMMENTS: The applicant is requesting a variance of the lot width, lot size and open space requirement in order to receive an approval of a lot line adjustment to resolve the title issues created by the transfer of Tract C. The requested relief is being sought because a lot line adjustment cannot be approved which would increase the extent of any non-conformities without first seeking relief from the Board of Adjustment.

Sample Motion

Move to ________(approve/deny) a Variance to reduce the minimum lot width, lot size and open space requirements in an RS-2 District to permit a Lot Line Adjustment (Sec. 5.030, Table 5-3).

- Finding the hardship(s) to be ____________________________.
- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.
- Subject to the following conditions ____________________________.

The Board finds that the following facts, favorable to the property owner, have been established:

"a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;

c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

e. That the variance to be granted is the minimum variance that will afford relief;

f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."
Case No. 13135

Action Requested:
Variance—Section 430—Bulk & Area Requirements in the Residential Districts—Use Unit 1206—Request a variance of the setback from the centerline of 14th Street from 50' to 36' to permit a carport in an RS-3 district under the provisions of Section 1670, located at the southwest corner of 14th Street and Delaware.

Presentation:
The applicant, Cal Johnson, 2151 East 29th Street North, was present.

Protestants: None.

Comments and Questions:
Mr. Smith informed one of the Board members has a conflict with this case and the Board will not be able to vote on this at this meeting since there are only three members present.

Board Action:
On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to continue Case No. 13135 to the June 28, 1984, meeting.

Case No. 13157

Action Requested:
Special Exception—Section 310—Principal Uses Permitted in the Agriculture District—Use Unit 1224—Request an exception to permit an oil well in an AG district under the provisions of Section 1680, located south of the southeast corner of 71st Street and South Elwood.

Presentation:
The applicant, Charles Sublett, Suite 1776, One Williams Center, requested by letter (Exhibit "A-1") that this item be continued to the June 28, 1984, meeting to allow time for republication of the notice.

Protestants: None.

Board Action:
On MOTION of CHAPPELLE and SECOND by VICTOR, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"; no "nays"; no "abstentions"; Clugston, Purser, "absent") to continue Case No. 13157 to the June 28, 1984, meeting to allow time for republication of the notice.

Case No. 13159

Action Requested:
Variance—Section 430.1—Bulk and Area Requirements in the RS, RD, and RM Districts—Use Unit 1206—Request a variance of the lot width from 75' to 70' and 69', of the lot area from 9,000 sq. ft. to 5,323 sq. ft. and 4,830 sq. ft., of the rear yard setback from 25' to 13' and

6.14.84:415(3)
Case No. 13159 (continued)

19', and of the land area from 10,875 sq. ft. to 10,605 sq. ft. and 6,900 sq. ft., all to permit a lot split in an RS-2 district under the provisions of Section 1670, located at the northeast corner of Boston and 26th Street.

Presentation:
The applicant, Curtis Maxey, 1754 South Darlington, informed this is a unique piece of property. They thought this was a vacant lot, but they were told that they would need a lot split. A small house could be built on the lot. There would be no problems with getting utilities to the lot. Mr. Maxey submitted eight photographs (Exhibit "B-1") and informed there is a tremendous elevation change across the property. He submitted a plot plan (Exhibit "B-2").

Protestants:
A letter of protest from Fred Hulsizer was submitted (Exhibit "B-3").

Comments and Questions:
Mr. Jackere asked Mr. Gardner how this relief would serve the applicant since the lot split was not approved by the Planning Commission. Mr. Gardner informed that the applicant would not have a deed stamped by the Planning Commission to file. He could not get his permits without an approved lot split even if this Board approved this application.

Mr. Jackere informed he thinks that in denying the lot split, the Planning Commission was saying that a lot split creating this size lot in this area is inconsistent with the lots in the area and is inappropriate.

Board Action:
On MOTION of VICTOR and SECOND by CHAPPELLE, the Board voted 3-0-0 (Chappelle, Smith, Victor, "aye"); no "nays"; no "abstentions"; Clugston, Purser, "absent") to DENY a Variance (Section 430.1—Bulk and Area Requirements in the RS, RD, and RM Districts—under the provisions of Use Unit 1206) of the lot width from 75' to 70' and 69', of the lot area from 9,000 sq. ft. to 5,323 sq. ft. and 4,830 sq. ft., of the rear yard setback from 25' to 13' and 19', and of the land area from 10,875 sq. ft. to 10,605 sq. ft. and 6,900 sq. ft., all to permit a lot split (L-16177) in an RS-2 district under the provisions of Section 1670, on the following described property:

The West 70' of Lot 7, Block 11, Third Amended Plat of Riverside Drive Addition to the City of Tulsa, Tulsa County, Oklahoma.

Case No. 13161

Action Requested:
Variance—Section 430.1—Bulk and Area Requirements in the RS, RD, and RM Districts—Use Unit 1206—Request a variance of the 50' setback from the centerline of East Newton Place to 35' and of the side yard setback from 5' to 1' to allow a carport in an RS-3 district under the provisions of Section 1670, located east of the southeast corner of 89th East Avenue and Newton Place.

6.14.84:415(4)
Subject Tract

BOA-22659
19-12 13

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

Aerial Photo Date: February 2018
BOA-22659

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

Aerial Photo Date: February 2018

EO 25 ST S
EO 26 ST S
EO 26 PL S
S BOSTON AVE
S BOSTON PL

Subject Tract

19-12 13

Feet

0  50  100
View of retaining wall from E. 26th St. S. (BOA-22659)

Side view of retaining wall (BOA-22659)
View of subject property from E. 26th St. S. (BOA-22659)
LOT LINE ADJUSTMENT EXHIBIT

LEGAL DESCRIPTIONS:

EXISTING UNDIVIDED TRACTS:
LOT TWO (2), BLOCK FOURTEEN (14), THIRD AMENDED PLAT OF RIVERSIDE DRIVE ADDITION TO TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.
LOT THREE (3), BLOCK FOURTEEN (14), THIRD AMENDED PLAT OF RIVERSIDE DRIVE ADDITION TO TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

PROPOSED TRACTS:

TRACT A:
LOT THREE (3), BLOCK FOURTEEN (14), THIRD AMENDED PLAT OF RIVERSIDE DRIVE ADDITION TO TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND A PORTION OF LOT TWO (2), BLOCK FOURTEEN (14), BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2; THENCE N 90'00'00" E ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 3.35 FEET; THENCE S 01'30'26" E, A DISTANCE OF 29.36 FEET, THENCE S 90'00'00" W AND PARALLEL WITH THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 4.12 FEET TO A POINT ON THE WEST LINE OF SAID LOT 2; THENCE N 00'00'00" E AND ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 29.35 FEET TO THE POINT OF BEGINNING.
TRACT B:
LOT TWO (2), BLOCK FOURTEEN (14), THIRD AMENDED PLAT OF RIVERSIDE DRIVE ADDITION TO TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, LESS AND EXCEPT A PORTION OF LOT 2, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2; THENCE N 90'00'00" E ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 3.35 FEET; THENCE S 01'30'26" E, A DISTANCE OF 29.36 FEET; THENCE S 90'00'00" W AND PARALLEL WITH THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 4.12 FEET TO A POINT ON THE WEST LINE OF SAID LOT 2; THENCE N 00'00'00" E AND ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 29.35 FEET TO THE POINT OF BEGINNING.
TRACT C:
A TRACT OF LAND SITUATED IN LOT TWO (2), BLOCK FOURTEEN (14), THIRD AMENDED PLAT OF RIVERSIDE DRIVE ADDITION TO TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2; THENCE N 90'00'00" E ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 3.35 FEET; THENCE S 01'30'26" E, A DISTANCE OF 29.36 FEET; THENCE S 90'00'00" W AND PARALLEL WITH THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 4.12 FEET TO A POINT ON THE WEST LINE OF SAID LOT 2, A DISTANCE OF 29.35 FEET TO THE POINT OF BEGINNING.

BASE OF BEARINGS

THE BEARINGS HEREON ARE BASED ON THE NORTH LINE OF SAID LOT TWO, BEING N 90'00'00" E, AND ARE NOT ASTROMONICAL.

SURVEYORS CERTIFICATE

I, NATHANIEL J. REED, OF THE STATE OF OKLAHOMA, AND A PROFESSIONAL SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE SHOWN SURVEY IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

WITNESS MY HAND AND SEAL.

[Signature]
THENCE South
THENCE North
THENCE South 89°
THENCE
FOLLOWS:
THENCE ALONG
THENCE NORTH 26°
THENCE ALONG
THENCE
ARC
ACCORDING
THENCE ALONG
THENCE
DISTANCE
OF
THENCE
THENCE South
ON THE
THENCE
THENCE South
THENCE CONTINUING ALONG SAID RIGHT-OF-WAY
THENCE ALONG
THENCE
THENCE West
RIGHT-OF-WAY
THENCE
OF
A
COMMENCING
LINE
GOVERNMENT SURVEY
MERIDIAN,
INDIAN
Table 25-1)
ACTION
LEGAL DESCRIPTION:
APPLICANT:
PRESENT USE:
LOCATION:
HEARING
CD:2
CZM: 52, 51
STR: 8307
CZM: 52, 51
CD: 2
HEARING DATE: 06/25/2019 1:00 PM
APPLICATION: Jackie Bubenik
ACTION REQUESTED: Special Exception to permit a parks and recreation use in an AG District (Table 25-1)
LOCATION: 7500 S RIVERSIDE DR E; 7301 S RIVERSIDE DR
ZONED: AG (RD-1/RDO-2)
PRESENT USE: Park
TRACT SIZE: 2615170.16 SQ FT
LEGAL DESCRIPTION:
A PART OF SECTION SEVEN (7), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN AND A PART OF SECTION TWELVE (12), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:
COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 12; THENCE NORTH 89°58'40" WEST ALONG THE NORTH LINE OF SAID SECTION 12, A DISTANCE OF 63.51 FEET TO A POINT;
THENCE SOUTH 0°01'20" WEST PERPENDICULAR TO SAID NORTH LINE, A DISTANCE OF 75.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF THE RIVERSIDE PARKWAY, SAID POINT BEING THE POINT OF BEGINNING;
THENCE SOUTH 9°27'33" EAST ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 914.16 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY ON A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 29°20'00", A RADIUS OF 1,348.24 FEET, FOR AN ARC DISTANCE OF 690.25 FEET TO A POINT;
THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 1°01'18", A RADIUS OF 44,789.56 FEET, FOR AN ARC DISTANCE OF 798.66 FEET TO A POINT;
THENCE CONTINUING ALONG SAID RIGHT-OF-WAY 37°46'15" E Accordingly, A DISTANCE OF 924.29 FEET TO A POINT;
THENCE SOUTH 52°13'45" W, A DISTANCE OF 798.66 FEET TO A POINT;
THENCE South 37°46'15" East, A DISTANCE OF 550.00 FEET TO A POINT;
THENCE North 52°13'45" East, A DISTANCE OF 162.06 FEET TO A POINT;
THENCE SOUTH 37°46'15" East, A DISTANCE OF 248.40 FEET TO A POINT;
THENCE South 82°46'15" East, A DISTANCE OF 242.68.00 FEET TO A POINT;
THENCE North 52°13'45" East, A DISTANCE OF 465.00 FEET TO A POINT;
ON THE WEST RIGHT-OF-WAY OF RIVERSIDE PARKWAY;
THENCE CONTINUING South 37°46'15" East ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 53.88 FEET TO A POINT ON THE NORTHERLY LINE OF BLOCK 20, "KENSINGTON" AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE OFFICIAL RECORDED Plat THEREOF;
THENCE South 41°06'06" West ALONG SAID NORTHERLY LINE OF BLOCK 20, A DISTANCE OF 359.52 FEET TO A POINT;
THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 69°00'00", A RADIUS OF 521.28 FEET, FOR AN ARC DISTANCE OF 627.77 FEET TO A POINT;
THENCE North 69°53'54" West A DISTANCE OF 157.40 FEET TO A POINT;
THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 43°30'00", A RADIUS OF 1,100 FEET, FOR AN ARC DISTANCE OF 835.14 FEET TO A POINT;
THENCE NORTH 26°23'54" West A DISTANCE OF 1,157.22 FEET TO A POINT;
THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 13°49'13", A RADIUS OF 599.98 FEET, FOR AN ARC DISTANCE OF 144.72 FEET TO A POINT;
THENCE North 12°34'41" West A DISTANCE OF 2,376.43 FEET TO A POINT, SAID POINT BEING 125.00 FEET SOUTH AND PERPENDICULAR TO THE NORTH LINE OF SAID SECTION 12;
THENCE South 89°58'40" East PARALLEL TO SAID NORTH LINE, A DISTANCE OF 149.05 FEET TO A POINT;
THENCE North 19°17'04" West A DISTANCE OF 52.98 FEET TO A POINT;
THENCE South 89°58'40" East PARALLEL TO SAID NORTH LINE OF SECTION 12, A DISTANCE OF 370.21 FEET TO THE POINT OF BEGINNING;
LESS AND EXCEPT A TRACT OF LAND CONTAINING 12.3131 ACRES (PUD 128-E-5 MINOR AMENDMENT) DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 12; THENCE NORTH 89°58'40" WEST ALONG THE NORTH LINE OF SAID SECTION 12, A DISTANCE OF 63.51 FEET TO A POINT; THENCE SOUTH 0°01'20" WEST PERPENDICULAR TO SAID NORTH LINE, A DISTANCE OF 75.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF THE RIVERSIDE PARKWAY, SAID POINT BEING THE POINT OF BEGINNING. THENCE SOUTH 9°27'33" EAST ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 914.16 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY ON A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 08°13'31", A RADIUS OF 1,348.24 FEET, FOR AN ARC DISTANCE OF 193.55 FEET WITH A CHORD BEARING OF SOUTH 13°34'19" EAST FOR A CHORD DISTANCE OF 193.39 FEET TO A POINT; THENCE SOUTH 80°32'27" WEST A DISTANCE OF 454.86 FEET TO A POINT; THENCE NORTH 12°34'41" WEST A DISTANCE OF 1142.07 FEET TO A POINT, SAID POINT BEING 125.00 FEET SOUTH AND PERPENDICULAR TO THE NORTH LINE OF SAID SECTION 12; THENCE SOUTH 89°58'40" EAST PARALLEL TO SAID NORTH LINE, A DISTANCE OF 149.05 FEET TO A POINT; THENCE NORTH 19°17'04" WEST A DISTANCE OF 52.98 FEET TO A POINT; THENCE SOUTH 89°58'40" EAST PARALLEL TO SAID NORTH LINE OF SECTION 12, A DISTANCE OF 370.21 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 2,341,048 SQUARE FEET OR 54.98 ACRES, MORE OR LESS.

RELEVANT PREVIOUS ACTIONS:

SA-1 August 2016: All concurred with in the approval of the River Design Overlay.

PUD-128-l/ Z-7314 October 2015: All concurred in the approval of a request to abandon part of PUD-128 and re-zone a 54.94-acre tract of land to AG. This property includes all the property included in this board action.

Z-6313 June 1991: All concurred in approval of a request for rezoning a 5.25± acre tract of land from RS-2 to RS-4, for single-family use, on property located north of the northeast corner of E. 75th Pl. and S. Quincy Ave.

PUD-128-E September 1987: All concurred in approval for a Major Amendment to PUD-128-D to reallocate floor area, revise development areas, and redistribute uses; uses including office and retail, office, multifamily with accessory commercial and open space. On a 96± acre tract located on the southwest corner of East 71st Street and Riverside Parkway.

Z-6079/ PUD-128-D December 1985: All concurred in approval of a request for rezoning a 91+ acre tract of land from AG/ RM-2/ FD to RM-1/ OMH/ CS and a Major Amendment to PUD to add property and to redefine Development Areas and Development standards, on property located on the southwest corner of E. 71st St. and the proposed Riverside Parkway.

PUD-128-A December 1979: All concurred in approval of a proposed Major Amendment to PUD on a 160+ acre tract of land to exclude 6+ acres and reallocate the permitted residential densities on property located south of 71st St. and west of Joe Creak Channel.

Z-5598 October 1981: All concurred in approval of a request for rezoning a tract of land from AG to RM-2 on property located on the southeast corner of East 75th Place and Riverside Drive and is also a part of the subject property.

PUD-128 October 1972: All concurred in approval of a proposed PUD allowing a total of 4,441 residential units on a 278+ acre tract located between Lewis Avenue and the Arkansas River and between 71st Street and 81st Street.

Z-4245 October 1972: All concurred in approval of a request for rezoning a 348+ acre tract of land from AG to RS-3/ RM-1/ RM-2 on property located between 71st St. to 81st St. and from Lewis Ave. to the east boundary of the Arkansas River and a part of the subject property.

6.3 REVISED6/13/2019
Surrounding Property: 
PUD-128-E-5 May 20, 2015: All concurred in approval of a proposed Minor Amendment to PUD on a 36+ acre tract of land to reallocate floor area within Development Areas A, B and C; amend Development area boundaries between A and B and to amend the standards in A, B and C, subject to the detail site plan returning to TMAPC for approval, and that transparency is greater than 15% along the River/Trail sides of the building in the north 75 ft. of the west wall, and subject to the three amendments submitted by Mr. Reynolds (Exhibit B-1) on property located on the southwest corner of E. 71st St. and Riverside Drive.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of the “Arkansas River Corridor “and a part of an “Area of Growth “and an “Area of Stability”.

The Arkansas River Corridor is located along the Arkansas River and scenic roadways running parallel and adjacent to the river. The Arkansas River Corridor is comprised of a mix of uses - residential, commercial, recreation, and entertainment - that are well connected and primarily designed for the pedestrian. Visitors from outside the surrounding neighborhoods can access the corridor by all modes of transportation.

This Corridor is characterized by a set of design standards that support and enhance the Arkansas River Corridor as a lively, people-oriented destination. The Corridor connects nodes of high-quality development with parks and open space. The natural habitat and unique environmental qualities are amenities and are respected and integrated as development and redevelopment occur. The future development of this Corridor is intended to complement the residential character of adjacent thriving neighborhoods by providing appropriate transitions and connections to the Arkansas River.

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

The Areas of Stability include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

ANALYSIS OF SURROUNDING AREA: The subject tract is Helmerich Park which is a part of the City of Tulsa Parks Department. The property is bounded by the Arkansas River to the West, undeveloped property containing the vested zoning rights in PUD-128- E, Riverside Parkway to the East and apartment complex to the South.
STAFF COMMENTS: This application is meant to re-establish the parks and recreation use on the property to allow future improvements to the park. In October of 2015 the subject property was rezoned in cases PUD-128-I and Z-7314 in order to abandon the existing PUD-128 and establish AG zoning on the subject property. This was done in order to restrict further development of non-park uses on the property. In doing so the City Council allowed Helmerich Park to become a non-conforming use since the approval of the park was included in the PUD. The request in front of the Board today does not included the property for which the PUD still exists which was reserved for a proposed retail use which has become a point of contention among many citizens in Tulsa and has yet to be developed. In approving this use the Board is allowing the City of Tulsa Parks Department to make future improvements to the property accessory to the park use. As a part of this application the Parks Department is requesting an approval that would afford them to right to make future improvements to the park without requiring Board of Adjustment review. The sample motion below would allow future improvements on the park to be granted permits without requiring site plan revisions in front of the Board of Adjustment.

Sample Motion:

Move to ________ (approve/deny) the requested Special Exception to permit a Parks and Recreation Use in an AG District (Sec. 25.020- B, Table 25-1):

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.

- And to include future modifications and improvements commensurate with park amenities, with no further Board of Adjustment approval required.

- Subject to the following conditions ________________________.

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
Applicant stated no he did not.

Mr. Dix asked how many drivers there were. The applicant stated there were 3 drivers.

Mr. Dix asked applicant if he lived on this property.

Applicant answered no.

Staff stated the Zoning Code states that any truck registered as commercial cannot be stored on a residential lot.

Mr. Shivel stated he admired the applicants desire to create a business to make a living but his main concern is something the Planning Commission saw on the west side of the city a few months ago. The applicant was trying to create a parking structure for trucks in a residential area and that was spot zoning and the Planning Commission couldn't allow it. Mr. Shivel stated he couldn't support this in RS-3 zoning.

Mr. Dix asked staff if this application was created because of a complaint.

Staff stated "yes."

TMAPC Action; 8 members present:
On MOTION of DIX, TMAPC voted 8-0-0 (Covey, Dix, Fretz, Midget, Millikin, Shivel, Walker, Willis "aye"; no "nays"; none "abstaining"; Carnes, Reeds, Stirling, "absent") to DENY the rezoning from RS-3 to CG.

Mr. Walker out at 3:02 p.m.
Mr. Walker returned 3:04 p.m.
Mr. Fretz out 3:04 p.m.
Mr. Fretz returned 3:06 p.m.
Mr. Midget out at 3:07 p.m.

**********

16. SA-1 River Design Overlay. Tulsa City Council (CD 2,4,8,9) Location: Multiple properties east and west of the Arkansas River extending from West 11th Street South to East 121st Street South, applying River Design Overlay (RDO-1/ RDO-2/ RDO-3) on 709 properties.

STAFF RECOMMENDATION:

SECTION I: SA-1
River Design Overlay (RDO)

The RDO is the first Special Area (SA) overlay district incorporated into the City of Tulsa’s Zoning Code. Section 20.050 was added into the Zoning Code (effective on July 11, 2016), to establish the regulations of a Special Area Overlay district (River Design Overlay - RDO) pertaining to uses and site and building design for properties to be supplementally rezoned RDO-1, RDO-2 or RDO-3.

1. Purpose and Intent

The RDO, River Design Overlay regulations of this section establish regulations governing form, function, design and use for properties located within the boundaries of the River Design Overlay district. The regulations are generally intended to maintain and promote the Arkansas River corridor as a valuable asset to the city and region in terms of economic development and quality of life. The regulations are also intended to:

a. Support and enhance the river corridor as a lively people-oriented destination, connecting nodes of high-quality development with parks and open spaces;
b. Protect the city’s investment as well as the investments of property owners, developers and others who enjoy the benefits of the Arkansas River corridor;
c. Encourage development that enhances the appearance of the Arkansas River corridor and the surrounding area;
d. Ensure development and redevelopment that is sensitive to the area’s natural resources and environmental qualities;
e. Establish the area as an interconnected, pedestrian-oriented, cultural and recreational destination, attracting both residents and visitors to the Arkansas River; and
f. Foster a sense of community and civic pride.

2. Districts

Three RDO districts are established, as follows:

a. The RDO-1 district is primarily intended to apply to park, recreation and open space uses adjacent to the river. RDO-1 regulations help promote development that is compatible with public parks and green space and that complements park uses.

b. The RDO-2 district is primarily intended to apply to other (non-RDO-1) properties with direct access to the river. RDO-2 regulations help to ensure safe, attractive and activated pedestrian areas by requiring that new development is oriented to the river and abutting streets. The regulations also promote integration with the River Parks trail system and avoidance of adverse environmental impacts.
c. The RDO-3 district is primarily intended to apply to properties that do not have direct access to the river but that are visible from riverfront areas. These areas benefit from proximity to the river and contribute to the overall visual environment of the riverfront area.
[See Attachment I for full Section 20.050]

There are minor, although important, differences in the RDO-1, RDO-2 & RDO-3 district regulations.
- There are minor differences in prohibited uses in RDO-1, RDO-2 and RDO-3;
- RDO-1 and RDO-2 have a river build-to zone; RDO-3 does not since it has no trail or river frontage;
- RDO-2 envisions greater density of development than RDO-1 by requiring river-facing façade occupy at least 70% of the build-to zone length and street-facing façade occupy at least 50% of the build-to zone length prior to building outside of the build-to zone;
- Since RDO-3 does not have trail or river frontage, only street-facing façades must occupy at least 50% of the build-to zone length prior to building outside of the build-to zone;
- RDO-1 and RDO-2 require building entrances facing the river and the parking/common open space area, RDO-3 does not; and
- No more than one driveway is allowed per 300 linear feet of public right-of-way in RDO-1 and RDO-2.

Concurrently with the adoption of the RDO into the Zoning Code, the Comprehensive Plan was amended to include a new land use category, Arkansas River Corridor. The Land Use and Areas of Stability and Growth Maps were also amended to align with proposed RDO designations. Areas proposed for RDO-1 not already designated as Parks and Open Space and an Area of Stability were amended accordingly. Areas proposed for RDO-2 and RDO-3 received designations of Arkansas River Corridor and an Area of Growth.

RDO Background

There is extensive background leading to the development of the proposed River Design Overlay, as evidenced by the process and events documented in this staff report. Initially design guidelines for development along the river were recommended in the Arkansas River Corridor Master Plan, which was adopted over 10 years ago (2004). In 2010, the City of Tulsa Comprehensive Plan, or PlaniTulsa, was adopted and contained policies regarding enhancing the Arkansas River, orienting new development toward the river & creating design guidelines.

In February, 2015, a joint Mayor and City Council retreat was held where they identified a shared goal of "drafting regulatory tools to guide river development"
and "adopting river corridor design guidelines." As a result, a steering committee was established in early 2015 to begin working on design guidelines for the area surrounding the Arkansas River.

INCOG/TMAPC staff has been the primary lead on the drafting of the overlay, with significant input and guidance from the steering committee. Beginning in March 2015, the steering committee met regularly over the course of a year. The steering committee members were:

- Robert Gardner, the Mayor's appointed Director of River Development
- Councilor Jeanne Cue, District 2
- Councilor Blake Ewing, District 4
- Councilor Phil Lakin, Jr., District 8
- Councilor GT Bynum, District 9
- Clay Bird, representative from the Mayor's Office
- Susan Miller, AICP, INCOG
- Dwayne Wilkerson, ASLA, INCOG
- Rich Brierre, Executive Director of INCOG
- Dawn Warrick, AICP, Director of Planning and Development, City of Tulsa
- Warren Ross, Developer
- Ken Klein, Developer/Builder
- Matt Meyer, Executive Director of RiverParks
- Ted Reeds, Architect, Planning Commissioner
- Shawn Schaefer, Architect, Urban Design Studio at OU-Tulsa
- Shelby Navarro, Architect
- Shane Fernandez, Nabholz Construction
- Jeff Stava, project manager for the Gathering Place

RDO Public Process Summary

During the adoption process of the new code, provisions were incorporated to ensure that any future overlays "be based on an adopted plan or be prepared following an inclusive, transparent, and equitable planning and public involvement process that includes opportunities for affected property owners and residents to participate in the formulation of the district regulations or otherwise offer recommendations and provide input." The following section outlines the public process to date.

In early, 2016, the steering committee produced a summary of the RDO and draft boundary map to distribute and discuss with various groups. The materials were either distributed prior to or at the meetings and were posted on www.tmapc.org on January 28, 2016. The following meetings were held:
- **Tulsa Regional Chamber of Commerce** (approx. 10 in attendance)
  Friday, January 22, 2016 at 1:30pm
  Tulsa Regional Chamber Office, 1 W. 3rd Street
  Flintco Conference Room (13th floor)

- **Home Builders Association of Greater Tulsa** (approx. 35 in attendance)
  Tuesday, January 26, 2016 at 3:30pm
  Developers Council
  11545 E 43rd Street

- **American Institute of Architects, Eastern Oklahoma Chapter** (approx. 15 in attendance)
  Thursday, January 28, 2016 at 12:00pm
  Community Affairs Committee
  2210 S. Main Street

- **TMAPC Work Session #1** (approx. 18 in attendance)
  Wednesday, February 3, 2016 at 1:30pm
  City Hall, 10th Floor North

- **Greater Tulsa Area Realtors** (approx. 25 in attendance)
  Thursday, February 11, 2016 at 9:00am
  Urban Affairs Committee
  11505 E. 43rd Street

- **NAIOP** (approx. 15 in attendance)
  Friday, February 12, 2016 at 11:00am
  Public Affairs Committee
  Cyntergy Building
  810 S Cincinnati Avenue, first floor conf. room

- **Stormwater Drainage and Hazard Mitigation Advisory Board** (approx. 18 in attendance)
  Thursday, March 17, 2016 at 1:00pm
  420 W. 23rd Street, Room S-213

On April 6, 2016, the initial draft of the proposed River Design Overlay and draft boundary map were posted online at [www.tmapc.org](http://www.tmapc.org). Also on April 6, all property owners within the proposed overlay boundary (506 in total) were sent notices of City Council sponsored Town Hall meetings.

- **City Council initiation of River Design Overlay map, text and Comprehensive Plan amendments**
  Thursday, April 14, 2016, 6:00pm
City Hall, One Technology Center- 2nd floor Council Chambers
175 East 2nd Street

- **City Council Town Hall meeting** (approx. 70 in attendance)
  Monday April 18, 2016, 6:00pm
  Charles Schusterman Jewish Community Center – Sylvan Auditorium
  2021 E 71st Street

- **City Council Town Hall meeting** (approx. 35 in attendance)
  Tuesday April 19, 2016, 6:00pm
  OSU Center for Health Sciences Center – Dunlap Auditorium
  1111 W 17th Street

- **TMAPC Work Session #2** (approx. 16 in attendance)
  Wednesday April 20, 2016, 11:00am
  City Hall, One Technology Center- 3rd floor presentation room
  175 East 2nd Street

- **RiverParks Authority** (approx. 15 in attendance)
  Thursday, May 12, 2016, 8:00am
  2424 E. 21st St., Suite 300

- **TMAPC Public Hearing to provide recommendation on RDO text and Comprehensive Plan amendments**
  Wednesday May 18, 2016, 1:30pm
  City Hall, One Technology Center- 2nd floor Council Chambers
  175 East 2nd Street

- **City Council - 1st reading RDO text and Comprehensive Plan amendments**
  Thursday May 26, 2016, 6:00pm
  City Hall, One Technology Center- 2nd floor Council Chambers
  175 East 2nd Street

- **City Council adopts RDO text w/emergency and approves Comprehensive Plan amendments**
  Thursday June 9, 2016, 6:00pm
  City Hall, One Technology Center- 2nd floor Council Chambers
  175 East 2nd Street

- **RDO ordinance is published in the Tulsa World and takes effect**
  Monday, July 11, 2016
City Council initiation of map amendments as proposed by River Design Steering Committee
Thursday, July 14, 2016, 6:00pm
City Hall, One Technology Center- 2nd floor Council Chambers
175 East 2nd Street

On July 25, 2016, approximately 2,100 notices were mailed to property owners and those within 300' of affected area and final proposed map was posted online at www.tmapc.org. Also by July 28, a public notice was published in the Tulsa World and 12 signs were posted along the corridor to notify people of the affected area.

INCOG/TMAPC staff has kept a log of all phone calls and emails from property owners inquiring as to how the overlay impacts their property. As of the printing of this report, approximately 59 phone calls and/or emails have been received. Most are inquiries of a general nature, not necessarily in support or opposition. In addition, there were written comments submitted in response to the proposed overlay. One property owner has specifically requested to be removed from the boundaries of the proposed overlay. Although this particular amendment does not apply to the River Design Overlay to the Zoning Map, Section 20.0010-D.3.d of the Zoning Code requires “A map showing the boundaries of the proposed overlay, including all lots included within the boundaries and identifying those owners of property within the proposed overlay who have indicated, in writing, their support or opposition to the overlay district text or map amendment.” Written comments, as well as the required map are attached to this report. [see Attachment II]

DETAILED STAFF RECOMMENDATION:

Staff recommends Approval of SA-1 to apply supplemental RDO-1/ RDO-2/ RDO-3 (River Design Overlay) zoning to properties as depicted on maps in Attachment III based on the following:

The proposed River Design Overlay began at the direction of the Mayor and City Council and has been a collaborative process, with multiple steering committee meetings and subsequent public meetings;

The properties and land uses along the river corridor were carefully evaluated to determine the most relevant and appropriate boundary for the overlay;

The properties within the proposed overlay boundary are key development sites that will contribute to protecting public and private investments along
the river corridor through the implementation of regulations contained in Section 20.050 of the City of Tulsa Zoning Code;

The proposed River Design Overlay zoning is consistent with the vision for the river in the Arkansas River Corridor Master Plan; and

The proposed River Design Overlay zoning is consistent with the Land Use vision of Arkansas River Corridor and Parks and Open Space categories assigned to these properties in the Tulsa Comprehensive Plan.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The proposed RDO-1 district is represented on the Land Use Map with a Parks and Open Space category and are shown on the Stability and Growth Map as an Area of Stability. Although the parks contained in RDO-1 are mostly destination parks (as defined below), such as RiverParks, and draw residents and visitors from the region, these parks are expected to remain stable. The Comprehensive Plan describes it "equally important to enhance those qualities that attracted people here in the first place." This is especially true for RiverParks.

The proposed RDO-2 and RDO-3 districts are designated as Arkansas River Corridor and an Area of Growth. It is envisioned that properties in these districts may experience redevelopment over time and, as they do, it is important that they adhere to design standards that respect the built and natural environment that surrounds the river corridor.

Land Use Vision:

Land Use Plan map designation: Arkansas River Corridor & Parks and Open Space [see Attachments V & VI]

The Arkansas River Corridor is located along the Arkansas River and scenic roadways running parallel and adjacent to the river. The Arkansas River Corridor is comprised of a mix of uses - residential, commercial, recreation and entertainment - that are well connected and primarily designed for the pedestrian. Visitors from outside the surrounding neighborhoods can access the corridor by all modes of transportation.

This Corridor is characterized by a set of design standards that support and enhance the Arkansas River Corridor as a lively people-oriented destination. The Corridor connects nodes of high quality development with parks and open spaces. The natural habitat and unique environmental qualities are amenities and are respected and integrated as development and redevelopment occur. The
future development of this Corridor is intended to complement the residential character of adjacent thriving neighborhoods by providing appropriate transitions and connections to the Arkansas River.

**Parks and Open Space** are areas to be protected and promoted through the targeted investments, public-private partnerships, and policy changes identified in the Parks, Trails, and Open Space chapter. Zoning and other enforcement mechanisms will assure that recommendations are implemented. No park and/or open space exists alone: they should be understood as forming a network, connected by green infrastructure, a transportation system, and a trail system. Parks and open space should be connected with nearby institutions, such as schools or hospitals, if possible.

**Destination and Cultural Parks**
These areas include Turkey Mountain Urban Wilderness Area, Woodward Park, RiverParks, the Gathering Place, Mohawk Park & Zoo, LaFortune Park and similar places. These parks offer a range of amenities over a large contiguous area. Amenities at these parks include not only outdoor facilities, but also event spaces, museums, club houses, zoos, and park-complementing retail and service establishments which do not egregiously encroach into protected natural areas. These parks draw visitors from around the metro area, and have the highest tourism potential. Ensuring public access (and appropriate infrastructure investments) is a major facet of planning for these establishments. Destination and cultural parks are large scale dynamic parks that draw residents and visitors from the region and may be designated as an area of growth.

**Local Parks**
This designation includes neighborhood-serving parks, golf courses, and other public recreation areas. Amenities at these park facilities can include playgrounds, pools, nature trails, ball fields, and recreation centers. With the exception of private golf establishments, these areas are meant to be publically used and widely accessible, and infrastructure investments should ensure as much. Local parks are typically surrounded by existing neighborhoods and are designated areas of stability.

**Open Space**
Open spaces are the protected areas where development is inappropriate, and where the natural character of the environment improves the quality of life for city residents. These include environmentally sensitive areas (e.g., floodplains or steep contours) where construction and utility service would have negative effect on the city's natural systems. Open space tends to have limited access points, and is not used for recreation purposes. Development in environmentally sensitive areas is uncharacteristic and rare, and should only occur following extensive study which shows that development will have no demonstrably negative effect. Open space also
includes cemeteries, hazardous waste sites, and other similar areas without development and where future land development and utility service is inappropriate. Parcels in the city meeting this description of open space are designated as areas of stability.

**Areas of Stability and Growth designation:** Areas of Growth & Areas of Stability

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

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

Shaping Tulsa's future involves more than deciding where and how new development will take place. It is equally important to enhance those qualities that attracted people here in the first place. In recognition of how strongly Tulsa's citizens feel about their neighborhoods, the comprehensive plan includes tools for the maintenance of valued community characteristics in older and stable neighborhoods. These new measures provide tools that address rehabilitation of property and help shape where and how redevelopment occurs.

The Areas of Stability includes approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.
ANALYSIS OF RIVER DESIGN OVERLAY (RDO) BOUNDARY BY MAP

The proposed boundary for the River Design Overlay was initially defined based on the following analysis:
- Parcels must have direct relationship to the river
- Generally respectful of parcel boundaries
- At least 300' of depth to ensure adequate redevelopment potential
- Excluded areas identified in the National Register of Historic Places
- Reviewed topography and floodplain maps for affected areas
- Reviewed for conformance with the Arkansas River Corridor Master Plan

The proposed boundary was field checked, reviewed and adjusted by the steering committee continuously throughout the process. To recognize geographic differences and the use of appropriate design concepts for differing physical characteristics, the steering committee identified three districts for varying regulations – RDO-1, RDO-2 & RDO-3 [see Attachment l]. In assigning these designations, the committee looked for consistency in application throughout the RDO. For example, floodplains were determined to not impact the assignment of the specific RDO designation, but levees were a factor in differentiating RDO-2 and RDO-3 boundaries on the west side of the river.

The following is a map by map analysis of factors that were considered in defining the RDO boundary. [see Attachments III, IV, V & VI]

Map 1 of 8: The northern proposed RDO boundary is Southwest Boulevard/West 11th Street South. RiverParks is identified as RDO-1 to the east and west of the river. On the east side of Riverside Drive, properties on the National Register of Historic Places were not included. Also, due to its recent approval and 99-year land lease, Phase I & II of the Gathering Place were left out of the boundary.

On the west side of the river, land abutting the trail (Westport Apartments and the concrete batch plant) received an RDO-2 designation since the build-to-zone requirements are measured from the trail, with the intent that development be oriented toward the river and the trail where possible. Properties on the west side beyond that were identified with RDO-3. South of the City Facility located at West 23rd Street South and Jackson Avenue is the City of Tulsa jurisdictional boundary; therefore, RDO did not extend beyond West 26th Street South.

Both Southwest Boulevard and West 11th Street South are identified on the Major Street and Highway Plan (MSHP) as Secondary Arterials. On the MSHP, Riverside Drive is designated as a Commercial/CBD/Industrial Collector north of West 14th Street South, then as a Secondary Arterial to West 21st Street South. West 21st Street South/West 23rd Street South and West 31st Street South are...
designated as Urban Arterials. The MSHP designates Riverside Drive south of West 21st Street South to just south of the I-44 overpass as a Special Trafficway.

**Map 2 of 8:** RiverParks is identified as RDO-1 east of the river and west of Riverside Drive. The northernmost property on Map 2 is Phase III of the Gathering Place. There have been no approvals or development scenarios yet identified for that site, therefore it was included in RDO-3. Also, on east side of Riverside Drive, the remainder of this map shows RDO-3 at varying depths, all intended to be a minimum of 300 feet and respectful to existing parcel boundaries. The intent of the minimum 300-foot depth is to ensure adequate redevelopment potential. Almost all of the property east of Riverside Drive, from east 47th Street South to I-44 is owned by the City of Tulsa or the Oklahoma Department of Transportation.

On the MSHP, Riverside Drive is designated as a Special Trafficway the full extent of this map. East 41st Street South is designated as an Urban Arterial.

**Map 3 of 8:** RiverParks is identified as RDO-1 east of the river, with the addition of Johnson Park as RDO-1 at East 61st Street South and Riverside Drive. The area between 51st Street South and East 56th Street South is identified as RDO-3. A significant amount of this land that fronts Riverside Drive on the east between East 51st Street South and East 56th Street South, and the area south of East 61st Street South are under the ownership of the Oklahoma Department of Transportation.

The residential neighborhood south of East 56th Street South was not included because of its internal orientation. There is no pedestrian or vehicular access to this neighborhood from Riverside Drive.

On the MSHP, Riverside Drive is designated as a Parkway south of I-44. East 61st Street South is designated as a Secondary Arterial and East 71st Street South is designated as a Primary Arterial.

**Map 4 of 8:** A small southern portion of Turkey Mountain Urban Wilderness on the north side of West 71st Street South is included as RDO-1. The property south of West 71st Street South on the west side of the river is primarily owned by the City of Tulsa and Tulsa Airports Improvement Trust and is identified as RDO-2. The property on the east side of the river, south of East 71st Street South is identified as RDO-2 and owned by the Tulsa Public Facilities Authority. This area, known by many as Helmerich Park, was identified as RDO-2 because of development approvals that existed on the property at the beginning of the RDO process and due to decisions by the City to allow future development on this site in conjunction with recreational uses.
On the MSHP, Riverside Drive is designated as a Parkway in this location. East 71st Street South is designated as a Primary Arterial and East 81st Street South is designated as a Secondary Arterial.

Map 5 of 8: The Northern part of this map is Joe Creek, south of which begins a significant amount of land ownership by the Muskogee Creek Nation west and east of Riverside Drive. Therefore, this land was not included. South of the Creek owned land, on the west side of Riverside Drive is a bald eagle preserve owned by the City of Tulsa, designated RDO-1, which will likely remain untouched. North and south of Joe Creek on the east side of Riverside Drive are single family and multi-family residential developments that were not included in the overlay boundary because of the configuration, depth and orientation of the developments.

On the MSHP, Riverside Drive is designated as a Parkway in this location. East 81st Street South and East 91st Street South are designated as Secondary Arterials.

Map 6 of 8: Map 6 also shows the RDO-1 site (bald eagle preserve) owned by the City of Tulsa between the river and Riverside Drive, north of 96th Street Bridge. Immediately south of the bridge is a small City of Tulsa park, also designated as RDO-1. South of this area is a significant length of privately owned river-fronting property designated as RDO-2.

On the east side of Riverside Drive, there are a significant amount of properties that have existing commercial/office development. South of East 101st Street South is an existing residential development that was left out of the overlay boundary. Similar to the residential neighborhood south of East 56th Street South, this neighborhood is internally oriented and has limited pedestrian and vehicular access from Delaware Avenue.

Also on the west side of Delaware Avenue, south of East 105th Street South, is the Torchia-Oliver Soccer Park, identified as RDO-1.

On the MSHP, the Parkway designation of Riverside Drive is uninterrupted as it transitions into Delaware Avenue. East 91st Street South and East 101st Street South are designated as Secondary Arterials.

Map 7 of 8: Map 7 continues south and includes largely underdeveloped properties. Several new residential developments south of East 111th Street South on the east side of Delaware Avenue are not included in the overlay boundary because they are oriented internally, similar to other residential developments with the same characteristics.

On the MSHP, Delaware Avenue has a Parkway designation. East 111st Street South on the MSHP does not extend to Delaware Avenue.
Map 8 of 8: Map 8 shows Cousins Park, identified as RDO-1. On the MSHP, Delaware Avenue dead ends on the north end of Cousins Park. East 121st Street South is designated as an Urban Arterial.

SECTION III: Relevant Zoning History
There are 709 properties within the boundaries of the proposed River Design Overlay with various zoning designations. Within the boundary are 10 existing Planned Unit Developments (PUDs), all at various stages of development (not built with no approved site plan, not built with an approved site plans, partially built and fully built out).

Applicant's Comments:
Mr. Covey asked if the area at 71st and Riverside Drive known as Helmerich Park, shown as RDO-2, is that what the steering committee recommended and what INCOG staff feels is appropriate.

Ms. Miller stated there are people here today who feel like this should be RDO-1. However, we looked at the Arkansas River Corridor Master Plan and there are recreational uses and development in the park, both appropriate for RDO-2. There is already development that is approved in the northern part of that piece of property. Recreational uses are appropriate there also, so it is envisioned that there be a mixture of those two things. Therefore the staff and steering committee felt RDO-2 was more appropriate.

Mr. Walker asked if the City of Tulsa property at the 21st street bridge is the plan still for that to be abandoned and vacated.

Ms. Miller answered that is the long term plan but the issue is money but that is still something that is being discussed but nothing immediate.

INTERESTED PARTIES COMMENTS:
Terry Young 5311 South Zunis Place Tulsa OK 74105
Mr. Young would like to address the designation of RDO-2 on Helmerich Park. This is the only publicly owned piece of ground in the 11 mile stretch from 11th Street to 121st Street that is a public park recommended for RDO-2. All the land he is speaking of is between the bank of the river and Riverside Drive. He stated that TMAPC staff made the recommendation based on the information that existed at the time the RDO process began almost 2 years ago. There are changes that have occurred since this process originally began. Mr. Young stated some of the conditions that have changed include the City Economic Development Department once designated Helmerich Park as the site of the national BMX Headquarters but the City Attorney's office made everyone aware that the statutory section line on the southern portion of Helmerich Park made it unavailable for construction of permanent structures. This supports the position the highest and best use of this tract is for park and recreation purposes. In May
2015 the TMAPC board sent a Comprehensive Plan Amendment to City Council recommending that the almost 36 acres of this parcel be changed from park and open space to mixed corridor use. At the June 2015 meeting City Council disapproved the TMAPC recommendation and returned it to the board with instructions to modify it. In July of 2015 the Tulsa City Council reaffirmed the Comprehensive Plan designation of Park and Open Space on more than 55 acres of the 67 acre park. After this board recommended modifying the 12.5 acre Comprehensive Plan amendment, the City Council then recommended TMAPC change the zoning of the 55 plus acres to AG. The City Council unanimously approved that zoning change to AG in November 2015. In addition to the AG zoning, the City Council directed this board to hold hearings to abandon the then existing PUD on the 55 acres and City Council approved the PUD Abandonment last November. It has been publicly affirmed in the last few weeks that a majority of the Tulsa City Council does not support abandoning and vacating any portion of the public ownership of Helmerich Park. He stated that, in other words, the City Council wishes Helmerich Park to continue to be publicly owned. This is a prerequisite for RDO-1 designation. Mr. Young stated he is authorized to report to TMAPC today that City Councilor Jeannie Cue, the district councilor for the area, does not support designating Helmerich Park RDO-2 as suggested. Instead, Councilor Cue supports a map designation of RDO-1 for all of Helmerich Park. Therefore, Mr. Young suggests the board act today to change the RDO-2 designation on Helmerich Park to RDO-1 and send that to the City Council.

Edward Bridgman 5657 South Boston Avenue Tulsa OK 74105
Mr. Bridgman stated he has questions about the 56th and Riverside area. In the area from I-44 to 71st Street, Mr. Bridgman is concerned about how the area will be protected. It now has a wood fence and chain link fence. He asked if these fences were going to be replaced with concrete walls such as on 71st street. This is a very high traffic area. He asked how pedestrians get across Riverside Drive at this location and if there would be a bridge. Mr. Bridgman is in support of expansion, ecology and common sense. He respectfully asks that common sense be used.

Eric Gomez 611 West 15th Street # A5 Tulsa OK 74127
Mr. Gomez stated he owns numerous units in The Olympian Homeowner's Association. There are 36 owners and represents about 10 million dollars in real estate and Mr. Gomez would like to ask on behalf of the homeowner's association that the condominiums known as The Olympian be excluded from the overlay district. They would not welcome further regulation over and above the city's permitting process.

Mr. Covey asked Mr. Gomez where the property is located.

Mr. Gomez stated it is one continuous city block bordered by 14th Place, 15th Street, Galveston Avenue and Guthrie Avenue.
Mr. Covey asked if Mr. Gomez’s property backed up to the RDO-1 designation or if it is separated by Riverside Drive.

Mr. Gomez answered his property is directly across the street from RDO-1.

Ms. Milliken asked if Mr. Gomez property is visible from the riverfront area.

Mr. Gomez stated yes, the property sits up on a hill.

Mr. Covey asked the name of the condominiums.

Mr. Gomez stated The Olympian.

Craig Immel 4203 South Cincinnati Avenue Tulsa OK 74105
Mr. Immel stated he lives about 2 blocks from the trail on Riverside. Mr. Immel is concerned about the RDO-2 designations for Helmerich Park. Helmerich Park is consistent with all the other River Park properties that is designated RDO-1. Across 71st where the bear statue sits is RDO-1 and the underlying zoning is RS-3. The majority of the park is now zoned AG and the 30-40 year old portion of the PUD has been abandoned. That is according to a map, but Mr. Immel doesn’t remember which map because he doesn’t know which map supersedes which map in this case. The southernmost parcel in Helmerich park which is supposed to be RDO-2 has about 67 years remaining on a 99 year deed restriction which Mr. Helmerich put on the property about 4 years before the donation of the park. This means nothing can be built on this tract until 2087 other than recreational related structures. The intensity of development of RDO-2 is inconsistent with Tulsa’s Comprehensive Plan. Ms. Miller mentioned earlier that in the Arkansas River Corridor Master Plan there is some light development in a stretch that was adopted into the Comprehensive Plan. That is about 25000 square feet of rooftop spread over about 40 to 50 acres in the wider portions of the park. But it’s pretty clear that the intent of those structures is for park and recreation related structures, so restrooms, fitness or maybe community center and maybe a small restaurant. He stated that he believed this is what was adopted in the Comprehensive Plan. With all that being said he stated that he hoped we can all agree Helmerich Park is indeed a park and if that is the case it would be a misrepresentation to recommend to City Council that they adopt a map that treats the land in Helmerich as anything other than a park. Mr. Immel asked TMAPC to adopt the RDO but with Helmerich Park being covered by RDO-1 and not RDO-2.

Bill Leighty 410 West 7th Street #1925 Tulsa OK 74119
Mr. Leighty stated he is here as director of Smart Growth Tulsa an Oklahoma nonprofit corporation with hundreds and hundreds of members and thousands of followers many of whom are interested in the issue before you today. Mr. Leighty stated Smart Growth Tulsa supported the RDO process but we are here
advocating that TMAPC remove the larger tract known as Helmerich park nearly 60 acres to be designated on the map as RDO-1 not RDO-2. It is a public park; it is maintained by the parks department; it's in the middle of the Riverparks system. Mr. Leighty asked why this property was never down zoned after being acquired by the city of Tulsa. He stated that we have seen this dozens of times, decades old PUD's sit undeveloped, never abandoned, only to come back and threaten unsuspecting neighborhoods and property owners and cause havoc. Mr. Leighty would ask TMAPC to put in place a sunset clause to take care of these old PUD's. Mr. Leighty would encourage TMAPC to let the court decide the matter at 71st and Riverside without the Planning Commission taking a stand on the matter. Mr. Leighty doesn't understand how the steering committee could conclude that Helmerich Park should be in an RDO-2 district.

**Millie York** 3020 South Boston Place Tulsa, Ok 74114
Ms. York stated she is concerned about some zoning issues around the Gathering Place. Ms. York stated the area that connects the park to 31st Street is designated park but it is in yellow and is zoned for multi housing. This is a piece of county land that has been donated to the park and would like to know why this piece of property is still showing up as Multi housing instead of park.

Ms. Miller answered there is no park zoning designation; therefore, underlying zoning for parks through the city vary.

**Michael B. Pinsky** 4754 South Boston Place Tulsa, OK 74105
Mr. Pinsky stated in the 60's the turnpike was going to be built where Riverside Drive is currently so the property was bought up and the houses were torn down. This land now sits vacant except for the little ghost driveways and it is in RDO-3. Mr. Pinsky would like to know what the plan is for RDO-3 and what is going to happen to that land. People in the neighborhood are saying it's going to be turned into parking lots but the stated designation says existing structures will not be affected. This is vacant land and no longer has structures.

**Charles Schuller** 9432 East 94th Street Tulsa, OK 74133
Mr. Schuller stated he is a property owner he has owned property himself and family for over 100 years. Mr. Schuller's property is south of 101st Street and North of 121st Street. Mr. Schuller had owned property for years on the east of Delaware Avenue, which is now developed as the Scissortail subdivision. It contains very high priced single family homes and is a real asset to that area. Tiny Thompson and Mr. Schuller worked very hard for years to get water in this area to generate a tax structure for the city of Tulsa. Mr. Schuller believes an asset to the City of Tulsa is being overlooked, the Arkansas River. Mr. Schuller is not objecting to or supporting all that is going on presently. Mr. Schuller does not want to see a blockade in development on the west side of Delaware Avenue that could be an asset to the City of Tulsa. He stated that we don't need any more parks. There is going to be some structures in there that can develop tax
generated money that can help the city of Tulsa and Mr. Schuller thinks that should be considered.

**Dave Brennan 3027 S Boston Place Tulsa, Ok**

Mr. Brennan stated he has some concerns about the environment changes and the landscape changes that would be affected with brick and mortar commercial operations. Last year there was a 4% growth in that area and a 40% growth in online purchases. He stated that if we develop the river based on commercial revenues that are going down and don't consider were the revenues are really coming from, perhaps this plan may be flawed in 10 years just like the PUD's.

Ms Miller stated she would like to clarify that people who don't work in the planning process sometimes get the sequencing of all the pieces a little confused. In response to Mr. Leighty's comment about the process that visioning process where maps are put out on the table where ideas are shared, that is the planning process and that was done on the Arkansas River Master Plan. The overlay implements the Arkansas River Corridor Master Plan. The overlay is an implementation tool, so this was not the place to go through that exercise. We had town Hall meetings and a lot of public engagement but it's a little bit of a different process. Mr. Young talked about the different changes of Helmerich Park and Ms. Miller was there and was aware of those changes. The northern part still has the remainder of the PUD with development potential, and the City Council did remove the southern portion from the PUD. The intent was that development in the future - whether it is development or park - would need to come through City Council before anything could happen. The City Council was very clear about that point. Ms Miller stated Helmerich Park now is designated as Arkansas River Corridor in the Comprehensive Plan and this designation is not intended to support highly intense commercial development. It is meant to allow appropriate development along the river using the design standards that are set in place in the River Design Overlay, which could include recreational uses. Since the process has started the steering committee was asked at least twice if they still thought the appropriate designation for 71st and Riverside Drive was RDO-2 and they agreed that it was based on the fact that there will be some development on this site and potential future development - whether it be commercial or recreation - on the remainder. The Arkansas River Corridor is an appropriate land use for a mixture of recreation and commercial uses.

Ms. Miller acknowledged that from a planning perspective, the Olympian Condominiums could be removed from the overlay based on the lack of frontage on a major street and the fact that it does not break up continuity of the overlay. However, it is visible and does relate directly to the river corridor.

Mr. Dix asked why were there areas not included in River Design Overlay along 14th Street and Riverside Drive.
Ms. Miller answered that properties on the National Register of Historic Places were not included in the River Design Overlay.

Mr. Dix asked why the apartments along Riverside Drive between 14th and 19th were included in the River Design Overlay.

Ms. Miller answered those were not on the National Register of Historic Places and they have major frontage on Riverside Drive.

Mr. Dix asked if TMAPC removed Mr. Gomez’s property- what about these other owners.

Ms. Miller stated those properties are different physically, they have major street frontage on Riverside Drive, and the Olympian has less direct frontage to Riverside Drive.

Mr. Dix asked if the new apartment development at Riverside Drive and Denver Avenue could be excluded if ever desired.

Ms. Miller answered they are vested in their PUD approval because they have an approved site plan. Therefore, they are not subject to the guidelines unless they make a major change in the PUD. Ms. Miller stated that Riverside Drive and Denver Avenue is a very important corner in the river corridor. Ms Miller believes the project as currently designed would meet the standards for the River Design Overlay.

Ms. Millikin asked if it was reasonable to include Mr. Gomez’s property in the RDO-3. When asked, Mr. Gomez stated his property was viewable from the riverfront area, and he would benefit from the proximity to the riverfront so it seems reasonable.

Ms Miller answered if it doesn’t have major street frontage that dictates the build to zone regulations, it would have some regulations that would apply but is less important than others just south of The Olympian that do have major street frontage.

Ms. Miller stated there are not any plans to develop the vacant property Mr. Pinksy referred to north of I-44. This land is a combination of City of Tulsa and Oklahoma Department of Transportation owned properties and in time could evolve into something.

Mr. Dix asked Ms Miller how a piece of land behind the sound wall on 51st Place gets included in the River Design Overlay. Ms. Miller answered the sound wall does not block those parcels and the visibility of the River. There is a possibility of it combining with the other nearby properties.
Ms. Miller responded to Mr. Schuller's comment about blockading development on the west side of Delaware Avenue. She clarified that is not the intent, rather to ensure that River Design Overlay standards are in place as development occurs.

Mr. Covey asked Ms. Miller if the City Council initiated this. Has City Council seen this map with Helmerich Park designated as RDO-2.

Ms. Miller stated "yes", there were four City Councilors that were on the steering committee and a part of the conversation of Helmerich Park as RDO-2.

Mr. Covey asked if they voted on this map at a committee meeting or regular meeting.

Ms. Miller stated that they voted at a regular 6:00 meeting to initiate it, to send it through the process.

Mr. Dix asked if it would be in the best interest to designate Helmerich Park as RDO-1 with a lawsuit pending and what effect would this action have on the lawsuit.

Ms. Van Valkenburgh answered if TMAPC would prefer to recommend Helmerich Park be RDO-1, then that needs to happen in a separate zoning case. Unlike our standard zoning where we can drop down in zoning designation, that is not the case in River Design Overlay. Should TMAPC want to give Helmerich Park RDO-1, it would need to be renoticed and come back to TMAPC. The way to do this is to recommend denial of RDO-2 on this property. As to what affect it would have on the lawsuit is unknown but the overlay zoning is not an issue in the lawsuit now. There is not anything in the lawsuit that prohibits TMAPC from taking any action.

Mr. Covey asked Ms. Van Valkenburgh where the lawsuit was in litigation.

Ms Van Valkenburgh answered there is no action occurring in the lawsuit presently. It's pending.

Mr. Covey asked Ms. Van Valkenburgh if TMAPC could recommend that Mr. Gomez's property come out of the River Design Overlay.

Ms. Van Valkenburgh answered "yes".

Mr. Covey asked for clarification - if TMAPC could recommend that all of Helmerich Park come out but cannot recommend RDO-1.

Ms. Van Valkenburgh stated "yes". She stated that TMAPC can't recommend any changes that have not been noticed. TMAPC doesn't have jurisdiction to assign another RDO category.
Ms. Millikin asked how much latitude does TMAPC have recommending RDO-2 versus RDO-1 on the property south of 71st Street when there has already been development approved.

Ms. VanValkenburgh answered TMAPC can only recommend approval or denial of RDO-2 on that piece of property. But, whatever overlay you adopt eventually, there are vested rights in PUD's where site plans have been approved and on the corner there has been a site plan approved for that development. No matter what the designation is they have a right to build what has been approved with the site plan.

Mr. Covey asked if TMAPC approves this today with RDO-2 on Helmerich Park it goes to City Council and they decide to change it does it all have to be renoticed again and has to come back to TMAPC.

Ms. Vanvalkenburgh stated this was correct.

Mr. Covey stated regardless of which body TMAPC or City Council recommends changing the designation it has to be renoticed if that were to happen.

Ms. Vanvalkenburgh stated this was correct.

Mr. Dix stated if TMAPC were to say today we think Helmerich Park should be removed from the overlay.

Ms. Vanvalkenburgh stated you could do that.

Ms Miller stated the recommendation you give will be relayed by Ms Miller to City Council. If the recommendation was to remove Helmerich Park, Ms. Miller would explain that to City Council.

Mr. Terry Young stated those who are involved in the lawsuit understand that the RDO concept will not affect anything associated with the proposed development on the north end of Helmerich Park. If the lawsuit is successful you may get a minor amendment to that site plan, there are no illusions that anything advocated here will have an impact on that development. There can be development in the middle part of that park it is zoned AG currently anything that would happen then would require a Board of Adjustment action or a new zoning category. Then the more restrictive guidelines would apply to the new development and RDO-1 would require river facing development as opposed to a small shopping center facing Riverside Drive. So removing would give a clean slate and give the opportunity to return to make the case another time.

Mr. Dix stated yes it gives a clean slate but it also exposes it to other issues.
Ms. Miller stated "yes", it would have no design standards in place.

Mr. Dix stated TMAPC must consider if they want to expose the property or leave the RDO-2 in place.

Mr. Young stated he would suggest TMAPC defer to the City Council.

Ms. Miller reminded Planning Commissioners that the land use in the Comprehensive Plan is not Parks and Open Space, it is Arkansas River Corridor.

Mr. Dix asked if we take the RDO-2 out of it to get it to something else it goes back to be noticed and whole process would start over.

Ms. Miller answered "yes".

Mr. Willis stated he sees a fair amount of merit to remove the property bordered by Guthrie Avenue, Galveston Avenue, 14th Place and 15th Street, known as The Olympian from the RDO.

Mr. Dix stated he believes Helmerich Park and The Olympian should be removed from the RDO designation.

Ms. Millikin stated she is in favor of approving the River Design Overlay as presented, Ms. Millikin believes it's reasonable to keep Mr. Gomez's property in RDO-3 and agrees with the steering committee's decision in designating Helmerich Park as RDO-2.

Mr. Rich Brierre Director of INCOG, 2 West 2nd Street
Mr. Brierre stated for the record there is also a privately owned tract of vacant land north of Joe Creek besides the apartment complex.

TMAPC Action; 7 members present:
On MOTION of DIX, TMAPC voted 5-2-0 (Dix, Fretz, Shivel, Walker, Willis "aye"; Covey, Millikin "nays"; none "abstaining"; Carnes, Midget, Reeds, Stirling, "absent") to recommend APPROVAL of SA-1 with the removal of 1) Olympian Condominiums bordered by W. 14th Pl., S. Guthrie Ave., S. Galveston Ave. and W. 15th St. and 2) publically owned land south of E. 71st St., north of Joe Creek and west of Riverside Dr., known as Helmerich Park, excluding privately owned properties.

* * * * * * * * *
23. Cadent Park - Minor Subdivision Plat, Location: West of the northwest corner of East 91st Street South and South Yale Avenue, (CD 8) (Staff requests a continuance to 10/21/2015)

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:
On MOTION of DIX, TMAPC voted 7-0-0 (, Covey, Dix, Fretz, Midget, Millikin, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Reeds, Stirling, Willis "absent") to CONTINUE the minor subdivision plat for Cadent Park to October 21, 2015.

**********

Mr. Wilkerson stated that he will be presenting Items 25 and 26 together.


STAFF RECOMMENDATION:
DEVELOPMENT CONCEPT:

DETAILED STAFF RECOMMENDATION:
The existing PUD 128-E and its underlying residential zoning as defined in development areas B,C,D,E is not consistent with the Tulsa Comprehensive Plan; and

The existing PUD 128-E with RS-4 and RM-2 single family zoning is not consistent with the expected development pattern for the site; and

Rezoning request from RS-4 and RM-2 to AG in conjunction with the abandonment of PUD 128-E will allow redevelopment possibilities that may be consistent with the Tulsa Comprehensive Plan; and

Rezoning request from RS-4 and RM-2 to AG in conjunction with the abandonment of PUD 128-E is non injurious to the surrounding properties; and

Abandonment of PUD 128-I will remove the park approval for Helmerich Park near Riverside on the north side of the existing apartment project leaving the site as a legally non conforming use.
Staff recommends a follow up with the City of Tulsa Board of Adjustment to request a special exception for Use Unit 5 requesting approval for the park use on the remainder of the 55 acre tract that will be abandoned with PUD 128-I; therefore

Staff recommends Approval of Z-7314 to rezone property from RM-2, RS-4/ to AG.

Tulsa Public Facilities Authority (TPFA) Recommendation: At the September 24, 2015, TPFA meeting, the TPFA made a motion to concur with the changes proposed in PUD-128-1 and Z-7314 and to initiate a Special Exception to allow for a park use once the rezoning actions become effective.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The abandonment of the existing PUD is supported by the Tulsa Comprehensive plan. The Tulsa Comprehensive Plan currently illustrates this area as an area of stability and a Park and Open Space area.

Land Use Vision: Park and Open Space

This building block designates Tulsa's park and open space assets. These are areas to be protected and promoted through the targeted investments, public-private partnerships, and policy changes identified in the Parks, Trails, and Open Space chapter. Zoning and other enforcement mechanisms will assure that recommendations are implemented. No park and/or open space exist alone: they should be understood as forming a network, connected by green infrastructure, a transportation system, and a trail system. Parks and open space should be connected with nearby institutions, such as schools or hospitals, if possible.

This designation includes neighborhood-serving parks, golf courses, and other public recreation areas. Amenities at these park facilities can include playgrounds, pools, nature trails, ball fields, and recreation centers. With the exception of private golf establishments, these areas are meant to be publically used and widely accessible, and infrastructure investments should ensure as much. Local parks are typically surrounded by existing neighborhoods and are designated areas of stability.
Destination and cultural parks:

These areas include Turkey Mountain Urban Wilderness Area, Woodward Park, RiverParks, the Gathering Place, Mohawk Park & Zoo, LaFortune Park and similar places. These parks offer a range of amenities over a large, contiguous area. Amenities at these parks include not only outdoor facilities, but also events spaces, museums, club houses, zoos, and park-complementing retail and service establishments which do not egregiously encroach into protected natural areas. These parks draw visitors from around the metro area, and have the highest tourism potential. Ensuring public access (and appropriate infrastructure investments) is a major facet of planning for these establishments. Destination and cultural parks are large scale, dynamic parks that draw residents and visitors from the region and may be designated as an area of growth.

Local parks

This designation includes neighborhood-serving parks, golf courses, and other public recreation areas. Amenities at these park facilities can include playgrounds, pools, nature trails, ball fields, and recreation centers. With the exception of private golf establishments, these areas are meant to be publically used and widely accessible, and infrastructure investments should ensure as much. Local parks are typically surrounded by existing neighborhoods and are designated areas of stability.

Open space:

Open spaces are the protected areas where development is inappropriate, and where the natural character of the environment improves the quality of life for city residents. These include environmentally sensitive areas (e.g., floodplains or steep contours) where construction and utility service would have negative effect on the city's natural systems. Open space tends to have limited access points, and is not used for recreation purposes. Development in environmentally sensitive areas is uncharacteristic and rare, and should only occur following extensive study which shows that development will have no demonstrably negative effect. Open space also includes cemeteries, hazardous waste sites, and other similar areas without development.
and where future land development and utility service is inappropriate. Parcels in the city meeting this description of open space are designated as areas of stability.

**Areas of Stability and Growth designation: Area of Stability**

The Areas of Stability includes approximately 75% of the city’s total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

**Transportation Vision:**

**Major Street and Highway Plan: Parkway / Multi Modal corridor**

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

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

**Trail System Master Plan Considerations:**

The existing trail will is an integral part of the trail system along the banks of the Arkansas River. Abandonment of the PUD and rezoning will allow future redevelopment considerations that were not part of the considerations in the 1980’s approval process. Future development will be encouraged and can provide an opportunity to integrate stronger design components that consider
the river, the trail system and the transportation system into any redevelopment plan.

Small Area Plan: None

Special District Considerations: Arkansas River Corridor master plan illustrates this area as a Park. Rezoning to AG and abandoning the PUD will not adversely impact the vision identified in the Arkansas River Corridor plan.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: Public Park and Open Space

Environmental Considerations: None that would affect redevelopment opportunities.

Streets:

<table>
<thead>
<tr>
<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Riverside Parkway</td>
<td>Parkway</td>
<td>150 feet</td>
<td>4+</td>
</tr>
</tbody>
</table>

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

Surrounding Properties: The subject tract is abutted on the east by Riverside Parkway, east of the Parkway a wide mix of commercial, office, medical, community services and residential properties zoned CS, OL, RS-2, RS-4, OM and RM-1; on the north by a commercial development in development area A and B that will remain in PUD 128-E, zoned RM-2, CS and OMH; on the south by an apartment project in development area F/G of 128-E, zoned RM-2; and on the west by the Arkansas River.

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 17523 dated June 27, 1991 (RS-4), and 16898 dated October 2, 1987 (PUD-128-E), and 16521 dated December 23, 1985 (RM-2), and 15154 dated October 6, 1981 (RM-2), and 12614 dated October 18, 1972 (RM-2) established zoning for the subject property.
Subject Property:
Z-6313 June 1991: All concurred in approval of a request for rezoning a 5.25+ acre tract of land from RS-2 to RS-4, for single-family use, on property located north of the northeast corner of E. 75th Pl. and S. Quincy Ave.

PUD-128-E September 1987: All concurred in approval for a Major Amendment to PUD-128-D to reallocate floor area, revise development areas, and redistribute uses; uses including office and retail, office, multifamily with accessory commercial and open space. On a 96+ acre tract located on the southwest corner of East 71st Street and Riverside Parkway.

Z-6079/ PUD-128-D December 1985: All concurred in approval of a request for rezoning a 91+ acre tract of land from AG/ RM-2/ FD to RM-1/ OMH/ CS and a Major Amendment to PUD to add property and to redefine Development Areas and Development standards, on property located on the southwest corner of E. 71st St. and the proposed Riverside Parkway.

PUD-128-A December 1979: All concurred in approval of a proposed Major Amendment to PUD on a 160+ acre tract of land to exclude 6+ acres and reallocate the permitted residential densities on property located south of 71st St. and west of Joe Creak Channel.

Z-5598 October 1981: All concurred in approval of a request for rezoning a tract of land from AG to RM-2 on property located on the southeast corner of East 75th Place and Riverside Drive and is also a part of the subject property.

PUD-128 October 1972: All concurred in approval of a proposed PUD allowing a total of 4,441 residential units on a 278+ acre tract located between Lewis Avenue and the Arkansas River and between 71st Street and 81st Street.

Z-4245 October 1972: All concurred in approval of a request for rezoning a 348+ acre tract of land from AG to RS-3/ RM-1/ RM-2 on property located between 71st St. to 81st St. and from Lewis Ave. to the east boundary of the Arkansas River and a part of the subject property.

Surrounding Property:
PUD-128-E-5 May 20, 2015: All concurred in approval of a proposed Minor Amendment to PUD on a 36+ acre tract of land to reallocate floor area within Development Areas A, B and C; amend Development area boundaries between A and B and to amend the standards in A, B and C, subject to the detail site plan returning to TMAPOC for approval, and that transparency is greater than 15% along the River/Trail sides of the
building in the north 75 ft. of the west wall, and subject to the three
amendments submitted by Mr. Reynolds (Exhibit B-1) on property located
on the southwest corner of E. 71st St. and Riverside Drive.

Related Item:

26. **PUD-128-I – City Council.** Location: South of southwest corner of
South Riverside Drive and East 71st Street South, requesting a PUD
Major Amendment to abandon a portion of the PUD, RS-4/RM-2/PUD-128-E, (CD 2) (Related to Z-7314) (Continued from 9/2/15)

**STAFF RECOMMENDATION:**

**DEVELOPMENT CONCEPT:**

PUD 128-E was originally a 92 acre site that was approved in 1987 for
a large office, commercial, multifamily mixed use project and divided
into eight development areas.

- **Development Area A:** Office and Retail
- **Development Area B:** Office
- **Development Area C and D:** Office and Retail
- **Development Area E:** Office
- **Development Area F&G:** Multifamily with accessory
  commercial
- **Development Area H:** Open Space

In summary the original PUD permits more than 1,900,000 square feet
of office space, approximately 85,000 square feet of retail commercial
development and 552 multi-family dwelling units. The multi family area
was limited to Areas F and G which has been combined to a single
development area with a minor amendment PUD-128-E-1 in 1994.

Two additional minor amendments PUD-128-E-2 (1994) and PUD-128-
E-3(1995) were approved regarding signage in the combined
development areas F and G where the apartments are now located.

Minor amendment PUD-128-E-4 (1997) was approved to allow a public
park and related facilities on 67.29 acres in Development Areas A, B, 
C, D, E and H. Development Area F/G was excluded from that use.

Abandonment of PUD 128-E Development Areas B, C, D, E and H will
not have an effect on the previous approvals except the existing
Helmerich Park which will become a legally non-conforming use.
Development Areas A and B on the north side of the project were approved 2015 and are excluded from this abandonment request.

The area that is included in the abandonment request includes a 55 acre +/- tract that includes a portion of PUD 128-E including Development areas currently known as Development Areas B, C, D, E and H.

DETAILED STAFF RECOMMENDATION:

The existing PUD 128-E as defined in development areas B,C,D,E is not consistent with the Tulsa Comprehensive Plan and is not consistent with the expected development pattern for the site; and

Abandonment of a portion of PUD 128-E will allow redevelopment possibilities that may be consistent with the Tulsa Comprehensive Plan and will require that all redevelopment approvals will be routed through the City Council except where special exceptions may allow some uses through the Board of Adjustment; and

Abandonment of a portion of PUD 128-E is non injurious to the surrounding properties; and

Abandonment of a portion of PUD 128-E will remove the park approval for Helmerich Park near Riverside on the north side of the existing apartment project leaving the site as a legally non conforming use. Staff recommends a follow up with the City of Tulsa Board of Adjustment to request a special exception for Use Unit 5 requesting approval for the park use on the remainder of the 55 acre tract that will be abandoned with PUD 128-I.

Staff recommends Approval of PUD-128-I which will abandon development areas B,C, D, E and H within PUD 128-E.

Tulsa Public Facilities Authority (TPFA) Recommendation: At the September 24, 2015, TPFA meeting, the TPFA made a motion to concur with the changes proposed in PUD-128-1 and Z-7314 and to initiate a Special Exception to allow for a park use once the rezoning actions become effective.
SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The abandonment of the existing PUD is supported by the Tulsa Comprehensive plan. The Tulsa Comprehensive Plan currently illustrates this area as an area of stability and a Park and Open Space area.

Land Use Vision: Park and Open Space

This building block designates Tulsa's park and open space assets. These are areas to be protected and promoted through the targeted investments, public-private partnerships, and policy changes identified in the Parks, Trails, and Open Space chapter. Zoning and other enforcement mechanisms will assure that recommendations are implemented. No park and/or open space exist alone: they should be understood as forming a network, connected by green infrastructure, a transportation system, and a trail system. Parks and open space should be connected with nearby institutions, such as schools or hospitals, if possible.

This designation includes neighborhood-serving parks, golf courses, and other public recreation areas. Amenities at these park facilities can include playgrounds, pools, nature trails, ball fields, and recreation centers. With the exception of private golf establishments, these areas are meant to be publically used and widely accessible, and infrastructure investments should ensure as much. Local parks are typically surrounded by existing neighborhoods and are designated areas of stability.

Destination and cultural parks

These areas include Turkey Mountain Urban Wilderness Area, Woodward Park, RiverParks, the Gathering Place, Mohawk Park & Zoo, LaFortune Park and similar places. These parks offer a range of amenities over a large, contiguous area. Amenities at these parks include not only outdoor facilities, but also events spaces, museums, club houses, zoos, and park-complementing retail and service establishments which do not egregiously encroach into protected natural areas. These parks draw visitors from around the metro area, and have the highest tourism potential. Ensuring public access (and appropriate infrastructure investments) is a major facet of planning for these establishments. Destination and cultural parks are large scale,
dynamic parks that draw residents and visitors from the region and may be designated as an area of growth.

Local parks
This designation includes neighborhood-serving parks, golf courses, and other public recreation areas. Amenities at these park facilities can include playgrounds, pools, nature trails, ball fields, and recreation centers. With the exception of private golf establishments, these areas are meant to be publically used and widely accessible, and infrastructure investments should ensure as much. Local parks are typically surrounded by existing neighborhoods and are designated areas of stability.

Open space
Open spaces are the protected areas where development is inappropriate, and where the natural character of the environment improves the quality of life for city residents. These include environmentally sensitive areas (e.g., floodplains or steep contours) where construction and utility service would have negative effect on the city's natural systems. Open space tends to have limited access points, and is not used for recreation purposes. Development in environmentally sensitive areas is uncharacteristic and rare, and should only occur following extensive study which shows that development will have no demonstrably negative effect. Open space also includes cemeteries, hazardous waste sites, and other similar areas without development and where future land development and utility service is inappropriate. Parcels in the city meeting this description of open space are designated as areas of stability.

Areas of Stability and Growth designation: Area of Stability

The Areas of Stability includes approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.
Transportation Vision:

Major Street and Highway Plan: Parkway/Multi Modal corridor

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

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

Trail System Master Plan Considerations:
The existing trail will is an integral part of the trail system along the banks of the Arkansas River. Abandonment of the PUD will allow future redevelopment considerations that were not part of the considerations in the 1980's. Future development will be encouraged and can provide an opportunity to integrate stronger design components that consider the river, the trail system and the transportation system into any redevelopment plan.

Small Area Plan: None

Special District Considerations: Arkansas River Corridor

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: Public Park and Open Space

Environmental Considerations: None that would affect redevelopment opportunities.
Utilities:
The subject tract has municipal water and sewer available.

Surrounding Properties: The subject tract is abutted on the east by Riverside Parkway, east of the Parkway a wide mix of commercial, office, medical, community services and residential properties zoned CS, OL, RS-2, RS-4, OM and RM-1; on the north by a commercial development in development area A and B that will remain in PUD 128-E, zoned RM-2, CS and OMH; on the south by an apartment project in development area F/G of 128-E, zoned RM-2; and on the west by the Arkansas River.

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 17523 dated June 27, 1991 (RS-4), and 16898 dated October 2, 1987 (PUD-128-E), and 16521 dated December 23, 1985 (RM-2), and 15154 dated October 6, 1981 (RM-2), and 12614 dated October 18, 1972 (RM-2) established zoning for the subject property.

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Z-5598 October 1981: All concurred in approval of a request for rezoning a tract of land from AG to RM-2 on property located on the southeast corner of East 75th Place and Riverside Drive and is also a part of the subject property.

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Surrounding Property:
PUD-128-E-5 May 20, 2015: All concurred in approval of a proposed Minor Amendment to PUD on a 36+ acre tract of land to reallocate floor area within Development Areas A, B and C; amend Development area boundaries between A and B and to amend the standards in A, B and C, subject to the detail site plan returning to TMAPC for approval, and that transparency is greater than 15% along the River/Trail sides of the building in the north 75 ft. of the west wall, and subject to the three amendments submitted by Mr. Reynolds (Exhibit B-1) on property located on the southwest corner of E. 71st Street and Riverside Drive.

Mr. Midget asked if staff has had any comments from the property owners about the requested down zoning. Mr. Wilkerson stated that this is actually owned by the Tulsa Public Facility Authority and the reason it was continued to this date was to make sure that they were on board with the down zoning. Mr. Wilkerson indicated that the TPFA is okay with this application.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.
TMAPC Action; 7 members present:
On MOTION of Dix, TMAPC voted 7-0-0 (Covey, Dix, Fretz, Midget, Millikin, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, Reeds, Stirling, Willis "absent") to recommend APPROVAL of the AG/PUD-128-I zoning for Z-7314 and recommend APPROVAL of the major amendment for PUD-128-I per staff recommendation.

Legal Description for Z-7314/PUD-128-I:
A PART OF SECTION SEVEN (7), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN AND A PART OF SECTION TWELVE (12), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 12; THENCE NORTH 89°58'40" WEST ALONG THE NORTH LINE OF SAID SECTION 12, A DISTANCE OF 63.51 FEET TO A POINT; THENCE SOUTH 0°01'20" WEST PERPENDICULAR TO SAID NORTH LINE, A DISTANCE OF 75.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF THE RIVERSIDE PARKWAY, SAID POINT BEING THE POINT OF BEGINNING. THENCE SOUTH 9°27'33" EAST ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 914.16 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY ON A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 29° 20' 00", A RADIUS OF 1,348.24 FEET, FOR AN ARC DISTANCE OF 690.25 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 1° 01' 18", A RADIUS OF 44,789.56 FEET, FOR AN ARC DISTANCE OF 798.66 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY South 37° 46' 15" East A DISTANCE OF 924.29 FEET TO A POINT; THENCE South 52° 13' 45" W, A DISTANCE OF 798.66 FEET TO A POINT; THENCE South 37° 46' 15" East, A DISTANCE OF 550.00 FEET TO A POINT; THENCE North 52° 13' 45" East, A DISTANCE OF 162.06 FEET TO A POINT; THENCE South 37° 46' 15" East, A DISTANCE OF 248.40 FEET TO A POINT; THENCE South 82° 46' 15" East, A DISTANCE OF 242.68 00 FEET TO A POINT; THENCE North 52° 13' 45" East, A DISTANCE OF 465.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF RIVERSIDE PARKWAY; THENCE CONTINUING South 37° 46' 15" East ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 53.88 FEET TO A POINT ON THE NORTHERLY LINE OF BLOCK 20, "KENSINGTON" AN ADDITON TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE OFFICIAL RECORDED PLAT THEREOF; THENCE South 41° 06' 06" West ALONG SAID NORTHERLY LINE OF BLOCK 20, A DISTANCE OF
359.52 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 69° 00' 00", A RADIUS OF 521.28 FEET, FOR AN ARC DISTANCE OF 627.77 FEET TO A POINT; THENCE North 69° 53' 54" West A DISTANCE OF 157.40 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 43° 30' 00", A RADIUS OF 1,100 FEET, FOR AN ARC DISTANCE OF 835.14 FEET TO A POINT; THENCE NORTH 26° 23' 54" West A DISTANCE OF 157.40 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 13° 49' 13", A RADIUS OF 599.98 FEET, FOR AN ARC DISTANCE OF 144.72 FEET TO A POINT; THENCE North 12° 34' 41" West A DISTANCE OF 2,376.43 FEET TO A POINT, SAID POINT BEING 125.00 FEET SOUTH AND PERPENDICULAR TO THE NORTH LINE OF SAID SECTION 12; THENCE South 89° 58' 40" East PARALLEL TO SAID NORTH LINE, A DISTANCE OF 149.05 FEET TO A POINT; THENCE North 19° 17' 04" West A DISTANCE OF 52.98 FEET TO A POINT; THENCE South 89° 58' 40" East PARALLEL TO SAID NORTH LINE OF SECTION 12, A DISTANCE OF 370.21 FEET TO THE POINT OF BEGINNING; LESS AND EXCEPT A TRACT OF LAND CONTAINING 12.3131 ACRES (PUD 128-E-5 MINOR AMENDMENT) DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 12; THENCE NORTH 89° 58' 40" WEST ALONG THE NORTH LINE OF SAID SECTION 12, A DISTANCE OF 63.51 FEET TO A POINT; THENCE SOUTH 0° 01' 20" WEST PERPENDICULAR TO SAID NORTH LINE, A DISTANCE OF 75.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF THE RIVERSIDE PARKWAY, SAID POINT BEING THE POINT OF BEGINNING. THENCE SOUTH 9° 27' 33" EAST ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 914.16 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY ON A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 08° 13' 31", A RADIUS OF 1,348.24 FEET, FOR AN ARC DISTANCE OF 193.55 FEET WITH A CHORD BEARING OF SOUTH 13° 34' 19" EAST FOR A CHORD DISTANCE OF 193.39 FEET TO A POINT; THENCE SOUTH 80° 32' 27" WEST A DISTANCE OF 454.86 FEET TO A POINT; THENCE NORTH 12° 34' 41" WEST A DISTANCE OF 1,142.07 FEET TO A POINT, SAID POINT BEING 125.00 FEET SOUTH AND PERPENDICULAR TO THE NORTH LINE OF SAID SECTION 12; THENCE SOUTH 89° 58' 40" EAST PARALLEL TO SAID NORTH LINE, A DISTANCE OF 149.05 FEET TO A POINT; THENCE NORTH 19° 17' 04" WEST A DISTANCE OF 52.98 FEET TO A POINT; THENCE SOUTH 89° 58' 40" EAST PARALLEL TO SAID NORTH LINE OF SECTION 12, A DISTANCE OF 370.21 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 2,341,048 SQUARE FEET OR 54.98 ACRES, MORE OR LESS.
TMAPC ACTION: 6 members present!

On MOTION of CARNES, the TMAPC voted 6-0-0 (Carnes, Doherty, Draughon, Horner, Parmelee, Wilson, "aye"; no "nays"; no abstentions); Coutant, Harris, Midget, Neely, Woodard "absent") to APPROVE the Major Amendment to PUD 388-A according to the staff recommendations as amended.

Legal Description

A TRACT OF LAND, CONTAINING 6.2707 ACRES, THAT IS PART OF THE SW 1/4 OF THE SE 1/4 OF THE SW 1/4 OF SECTION-6, T-18-N, R-13-E, CITY OF TULSA, TULSA COUNTY, OKLAHOMA, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS, TO-WIT: STARTING AT THE SOUTHEAST CORNER OF THE SW 1/4 OF THE SE 1/4 OF THE SW 1/4 OF SAID SECTION-6; THENCE S 89'-51'-35" W ALONG THE SOUTHERLY LINE OF SECTION-6 FOR 25.00'; THENCE N 0'-00'-42" E AND PARALLEL WITH THE EASTERN LINE OF THE SW 1/4 OF THE SE 1/4 OF THE SW 1/4 FOR 80.00' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND; THENCE CONTINUING N 0'-00'-42" E FOR 501.77' TO A POINT ON THE NORTHERLY LINE OF THE SW 1/4 OF THE SE 1/4 OF THE SW 1/4, SAID POINT BEING 25.00' WESTERLY OF THE NORTHEAST CORNER THEREOF; THENCE S 89'-52'-03" W ALONG SAID NORTHERLY LINE FOR 635.14' TO THE NORTHWEST CORNER OF THE SW 1/4 OF THE SE 1/4 OF THE SW 1/4; THENCE S 0'-00'-50" W ALONG THE WESTERN LINE OF THE SW 1/4 OF THE SE 1/4 OF THE SW 1/4 FOR 300.35' TO A POINT THAT IS 361.50' NORTHERLY OF THE SOUTHWEST CORNER OF THE SW 1/4 OF THE SE 1/4 OF THE SW 1/4; THENCE N 89'-51'-35" E AND PARALLEL WITH THE SOUTHERLY LINE OF SECTION-6 FOR 361.50'; THENCE S 0'-00'-50" W AND PARALLEL WITH THE WESTERN LINE OF THE SW 1/4 OF THE SE 1/4 OF THE SW 1/4 FOR 301.50'; THENCE N 89'-51'-35" E, PARALLEL WITH AND 60.00' NORTHERLY OF THE SOUTHERLY LINE OF SECTION-6 FOR 263.67'; THENCE N 26'-32'-46" E FOR 22.38' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND.

* * * * * * * *

Application No.: Z-6313
Applicant: Schuller
Present Zoning: RS-2
Proposed Zoning: RS-4
Location: North of Riverside Drive on the east and west sides of Quincy
Date of Hearing: April 10, 1991
Presentation to TMAPC: Mr. J. Donald Walker, 9168 S. Florence Place

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low intensity - No Specific Land Use.

According to the Zoning Matrix the requested RS-4 District is in accordance with the Plan Map.
Staff Recommendation:

Site Analysis: The subject tract is approximately 5.25 acres in size and is located on a dead end street on the north side of Riverside on both the east and west sides of South Quincy Ave. It is partially wooded, flat, contains both vacant property and single-family dwellings on large tracts and is zoned RS-2.

Surrounding Area Analysis: The tract is abutted on the north and south by similar single-family dwellings on large tracts zoned RS-2; on the east by a developed single-family and duplex subdivision zoned RM-1 & PUD 128; and on the west across Riverside by vacant property zoned RM-2 and PUD 128-D.

Zoning and BOA Historical Summary:

Conclusion: Staff is supportive of the requested RS-4 zoning and would view the residential area south of 71st Street and north of Riverside, along South Quincy Avenue as a transition area from large lot, septic system type residential to a higher intensity conventional residential development. The requested RS-4 zoning would support approximately 33 dwelling units which is not inconsistent with existing development to the east.

Therefore, Staff recommends APPROVAL of RS-4 zoning as requested.

Comments & Discussion:

Mr. Stump advised that Planning Commission that this was a noteworthy application in that it was the first RS-4 proposal. It is basically the redevelopment of large lot residential.

TMAPC ACTION, 6 members present:

On MOTION of DOHERTY, the TMAPC voted 6-0-0 (Carnes, Doherty, Draughon, Horner, Parmele, Wilson, "aye"; no "nays"; no "abstentions"; Coutant, Harris, Midget, Neely, Woodard "absent") to APPROVE the RS-4 zoning for Z-6313 as recommended by staff.

Legal Description

RS-4 Zoning: Lots 4 and 5, Block 1; Lots 6 and 7, Block 2 (less deeds and dedications for Riverside Parkway), River Grove Subdivision to the City and County of Tulsa, Oklahoma.

* * * * * * * *
Additional Comments and Discussion:

Ms. Kempe stated she could not support the amended OL motion as she felt some CS was appropriate in view of the surrounding zoning. Mr. Carnes inquired, in light of the amended motion, if the applicant concurred with OL or if he would prefer to come back before the Commission with a PUD. Mr. Keleher advised that, due to the time requirements to file a PUD, he would not be in favor of this course of action, and he could rework the proposal to accommodate the OL zoning. Ms. Kempe confirmed that the applicant was, in essence, agreeable to and could work with the OL zoning. Chairman Parmeal stated that he would be voting against the motion, not because he was opposed to OL, but because of the lack of CS zoning based on the surrounding zoning patterns.

TMAPC ACTION: 10 members present

On MOTION of DOHERTY, the TMAPC voted 9-1-0 (Carnes, Doherty, Draughon, Kempe, Paddock, Selph, VanFossen, Wilson, Woodard, "aye"; Parmeal, "nay"; no "abstentions"; Crawford, Rice, "absent") to APPROVE Z-6173 Keleher for OL zoning.

Legal Description: OL

Lot 2, Block 13, CLARLAND ACRES ADDITION, to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

********

Application No.: PUD 128-E

Applicant: Westervelt (The Riverside Company)

Present Zoning: CS, OMH, RM-2

Proposed Zoning: Unchanged

Location: SW/c of East 71st Street and Riverside Parkway

Size of Tract: 92 acres, approximate

Date of Hearing: September 9, 1987

Presentation to TMAPC by: Mr. Joe Westervelt, 320 South Boston, #1025

[PUD 128-D-1: The TMAPC ruled PUD 128-D-1 should be a Major Amendment and not a Minor Amendment. This number is now obsolete and PUD 128-E is in effect in place of PUD 128-D-1.]

Staff Recommendation: Major Amendment to Reallocate Floor Area, Revise Development Areas, and Redistribute Uses

The subject tract has an approximate area of 92 acres and is located at the southwest corner of the Riverside Parkway and East 71st Street South. PUD 128 has underlying zoning of CS, OMH, and RM-2 and is referred to as The Riverside Project (previously Harbour Pointe). The applicant is requesting approval to reallocate floor areas, revise development areas and redistribute uses.
A summary of the proposed Development Areas and uses is as follows:

<table>
<thead>
<tr>
<th>Area</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Office and Retail</td>
</tr>
<tr>
<td>B</td>
<td>Office</td>
</tr>
<tr>
<td>C &amp; D</td>
<td>Office and Retail</td>
</tr>
<tr>
<td>E</td>
<td>Office</td>
</tr>
<tr>
<td>F &amp; G</td>
<td>Multifamily with accessory commercial</td>
</tr>
<tr>
<td>H</td>
<td>Open Space</td>
</tr>
</tbody>
</table>

As a contingency for the TMAPC finding that the request is a major amendment, the applicant has published notice in the legal news, posted the required signs, and notified property owners within 300'. Staff review, based upon the Development Standards which follow, indicates that this amendment was a major amendment and TMAPC action should be continued from August 19, 1987 until September 9, 1987 at which time a public hearing could be held.

Staff review of PUD 128-E (as a major amendment) finds it to be: consistent with the Comprehensive Plan; in harmony with the existing and expected development of surrounding areas; a unified treatment of the development possibilities of the site; and consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, Staff recommends APPROVAL of PUD 128-E as a major amendment as follows:

1) That the applicant's Outline Development Plan and Text be made a condition of approval, unless revised herein.

2) Development Standards:

<table>
<thead>
<tr>
<th>AREA A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Area:</td>
</tr>
<tr>
<td>Permitted Uses:</td>
</tr>
<tr>
<td>Maximum Building Floor Area:</td>
</tr>
<tr>
<td>Office</td>
</tr>
<tr>
<td>Commercial</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>
Area A:
Minimum Building Setbacks:
from centerline of Riverside Pkwy 175'
from the boundary of Area B 0'
from centerline of East 71st 175'
from the west boundary

Maximum Building Height: 60'
Off-Street Parking: As required by the applicable permitted Use Units.
Minimum Internal Landscaped Open Space: 25% 158,340 sf *

* Internal landscaped open space includes arterial street landscaping, interior landscape buffer, landscaped yards and plazas and pedestrian areas, but does not include any parking, building or driveway areas.

NOTE: Development Area A was increased from 14.21 to 14.54 acres; Use Units 12, 13 and 14 added; office floor area reduced from 284,000 to 274,000 sf; 42,500 sf of commercial uses were added; and FAR was increased from .46 to .50.

AREA B

Land Area: 9.89 acres 430,808 sf
Permitted Uses: Uses permitted as a matter of right in the OM - Office Medium district and accessory uses customarily incident to a principal use permitted in the OM district, restaurants and private clubs, barber and beauty shops. Restaurants and clubs which are located within a building having offices as its principal use shall be considered as permitted accessory uses if such restaurants and clubs do not occupy more than 5% of the gross floor area of the principal building in which located.

Maximum Building Floor Area:
Office 396,000 sf

Minimum Building Setbacks:
from centerline of Riverside Pkwy 175'
from the boundary of Area A and C 0'
from the west boundary

Maximum Building Height: 154' (to the top of parapet) **

** Maximum building heights shall be subject to the jurisdiction of the Federal Aviation Administration (FAA) and the Tulsa Airport Authority and the process for granting additional height for development areas B, C and D up to a maximum of 199' be established as by processing of a minor amendment via the TMAPC and subject to FAA approval.
PUD 128-E Major Amendment - Cont'd

Area B:
Off-Street Parking: As required by the applicable permitted Use Units.

Minimum Internal Landscaped Open Space: 25% 107,702 sf *

* Internal landscaped open space includes arterial street landscaping, interior landscape buffer, landscaped yards and plazas and pedestrian areas, but does not include any parking, building or driveway areas.

NOTE: Development Area B was reduced from 10.25 to 9.89 acres and Use Units 12, 13 and 14 were deleted; 12,500 sf of commercial uses were deleted; FAR increased from .91 to .92.

AREA C

Land Area: 11.46 acres 499,198 sf

Permitted Uses: Uses permitted as a matter of right in the OM - Office Medium district and accessory uses customarily incident to a principal use permitted in the OM district, restaurants and private clubs, barber and beauty shops, and convenience goods and services, and shopping goods and services as permitted in Use Units 12, 13 and 14. Restaurants and clubs which are located within a building having offices as its principal use shall be considered as permitted accessory uses if such restaurants and clubs do not occupy more than 5% of the gross floor area of the principal building in which located.

Maximum Building Floor Area:
Office 432,000 sf
Commercial 21,250 sf
Total 453,250 sf

Minimum Building Setbacks:
from centerline of Riverside Pkwy 175'
from the boundary of Area B and D 0'
from the west boundary Per approved Detail Site Plan

Maximum Building Height: 154' (to the top of parapet) *

Off-Street Parking: As required by the applicable permitted Use Units.

* Maximum building heights shall be subject to the jurisdiction of the FAA and the Tulsa Airport Authority and the process for granting additional height for development areas B, C and D up to a maximum of 199' be established as by processing of a minor amendment via the TMAPC and subject to FAA approval.
Area C:
Minimum Internal Landscaped
Open Space: 25% 124,799 sf
* Internal landscaped open space includes arterial street landscaping, interior landscape buffer, landscaped yards and plazas and pedestrian areas, but does not include any parking, building or driveway areas.

NOTE: Development Area C was increased from 8.52 to 11.46 acres; commercial floor area was reduced from 30,000 to 21,250 sf; and FAR was reduced from 1.24 to .91.

Area D
Land Area: 12.94 acres 563,666 sf
Permitted Uses: Uses permitted as a matter of right in the OM - Office Medium district and accessory uses customarily incident to a principal use permitted in the OM district, restaurants and private clubs, barber and beauty shops, and convenience goods and services, and shopping goods and services as permitted in Use Units 12, 13 and 14. Restaurants and clubs which are located within a building having offices as its principal use shall be considered as permitted accessory uses if such restaurants and clubs do not occupy more than 5% of the gross floor area of the principal building in which located.

Maximum Building Floor Area:
Office 522,000 sf
Commercial 21,250 sf
Total 543,250 sf

Minimum Building Setbacks:
from centerline of Riverside Pkwy 175'
from the boundary of Area H 30'
from boundary of Areas C & E 0'
from the west boundary: Per approved Detail Site Plan

Maximum Building Height: 154' (to the top of parapet) *
Off-Street Parking: As required by the applicable permitted Use Units.

* Maximum building heights shall be subject to the jurisdiction of the FAA and the Tulsa Airport Authority and the process for granting additional height for development areas B, C and D up to a maximum of 199' be established as by processing of a minor amendment via the TMAPC and subject to FAA approval.
PUD 128-E Major Amendment - Cont'd

Area D:
Minimum Internal Landscaped Open Space: 25% 140,916 sf #

* Internal landscaped open space includes arterial street landscaping, interior landscape buffer, landscaped yards and plazas and pedestrian areas, but does not include any parking, building or driveway areas.

NOTE: Development Area D was increased from 10.14 to 12.94 acres; commercial floor area was reduced from 30,000 to 21,250 sf; and FAR was reduced from 1.25 to .96.

AREA E

Land Area: 13.04 acres 568,022 sf
Permitted Uses: Uses permitted as a matter of right in the OM - Office Medium district and accessory uses customarily incident to a principal use permitted in the OM district, restaurants and private clubs, barber and beauty shops, and convenience goods and services, and shopping goods and services as permitted in Use Units 12, 13 and 14. Restaurants and clubs which are located within a building having offices as its principal use shall be considered as permitted accessory uses if such restaurants and clubs do not occupy more than 5% of the gross floor area of the principal building in which located.

Maximum Building Floor Area:
Office 285,117 sf

Minimum Building Setbacks:
from centerline of Riverside Pkwy 175'
from the boundary of Area H 30'
from the boundary of Area D 0'
from the boundary of Area F 30'

Maximum Building Height: 88' (to the top of parapet)

Off-Street Parking: As required by the applicable permitted Use Units.

Minimum Internal Landscaped Open Space: 25% 142,005 sf **

** Internal landscaped open space includes arterial street landscaping, interior landscape buffer, landscaped yards and plazas and pedestrian areas, but does not include any parking, building or driveway areas.

NOTE: Development Area E was reduced from 13.05 to 13.04 acres; office floor area was increased from 216,000 to 285,117 sf; a commercial area of 12,500 sf was deleted; and FAR was increased from .40 to .50.
PUD 128-E Major Amendment - Cont'd

**AREA F**

Land Area: 11.03 acres 480,467 sf

Permitted Uses: Uses permitted as a matter of right in the RM-2 Residential Multifamily district including garden apartments, townhouses and patio homes, clubhouses, recreational facilities, swimming pools and other uses which are customarily accessory to multifamily dwellings. The permitted accessory uses shall include convenience goods and services and shopping goods and services as permitted by a Special Exception in the O&M and OMI zoning districts and shall be designed and located for the convenience of the occupants of the multifamily dwelling units. The commercial accessory uses in Development Area F shall not occupy more than 10% of the gross floor area of the principal building in which located.

Maximum number of DU's: 347

Minimum Building Setbacks:
- from centerline of Riverside Pkwy: 175'
- from the boundary of Area H: Per approved Detail Site Plan
- from the boundary of Areas E & G: 30'

Maximum Building Height: 50' or 3 stories

Livability Space: 200 sf per dwelling unit

Off-Street Parking: As required by the applicable permitted Use Units.

NOTE: 700 apartment dwelling units were originally allocated to one development area at a density of 31.5 dwelling units per acre; apartment units have been reduced from 700 to 552 with 347 dwelling units to Development Area F (31.5 units per acre) and 205 to Development Area G (31.5 units per acre); the total original area for apartments has been reduced from 22.23 to 17.55 acres; and the apartment area relocated to a Parkway frontage from a river bank location.

**AREA G**

Land Area: 6.25 acres 284,011 sf

Permitted Uses: Uses permitted as a matter of right in the RM-2 Residential Multifamily district including garden apartments, townhouses and patio homes, clubhouses, recreational facilities, swimming pools and other uses which are customarily accessory to multifamily dwellings. The permitted accessory uses shall include convenience goods and services and shopping goods.
Area G:

and services as permitted by a Special Exception in the OM and OMI zoning districts and shall be designed and located for the convenience of the occupants of the multifamily dwelling units. The commercial accessory uses in Development Area G shall not occupy more than 10% of the gross floor area of the principal building in which located.

Maximum number of DU's: 205

Minimum Building Setbacks:
- from centerline of Riverside Pkwy 175'
- from the boundary of Area F 30'
- from the boundary of Area H Per approved Detail Site Plan

Maximum Building Height: 50'

Livability Space: 200 sf per dwelling unit

Off-Street Parking: As required by the applicable permitted Use Units.

NOTE: 700 apartment dwelling units were originally allocated to one development area at a density of 31.5 dwelling units per acre; apartment units have been reduced from 700 to 552 with 347 dwelling units to Development Area F (31.5 units per acre) and 205 to Development Area G (31.5 units per acre); the total original area for apartments has been reduced from 22.23 to 17.55 acres; and the apartment area relocated to a Parkway frontage from a river bank location.

AREA H

Land Area: 12.40 acres 540,144 sf

Permitted Uses: Open space, landscaped yards, plazas and pedestrian area, maintenance buildings and driveways.

Minimum Building Setbacks:
- from centerline of Riverside Pkwy 175'
- from boundary of Areas D, E, F & G 10'
- from the west and south boundary Per approved Detail Site Plan

Maximum Building Height: 12'

Off-Street Parking: As required by the applicable permitted Use Units.

Minimum Internal Landscaped Open Space: 96% 518,538 sf*

* Internal landscaped open space includes arterial street landscaping, interior landscape buffer, landscaped yards and plazas and pedestrian areas, but does not include any parking, building or driveway areas.

NOTE: The open space area has been reduced from 13.42 to 12.40 acres; which results from calculation on a net basis as opposed to a gross basis (the usable open space area is identical to PUD 128-D).
3) Sign Standards: Signs within The Riverside Project shall comply with
the restrictions of the Planned Unit Development Chapter of the Tulsa
Zoning Code and the following additional restrictions:

a) Ground Signs: A maximum of four ground signs on the Riverside
Parkway frontage of The Riverside Project shall be permitted.
The display surface area of each sign shall not exceed 90 square
feet.

b) Wall or Canopy Signs: Aggregate display surface area not
exceeding one square foot per each lineal foot of the building
wall to which the sign or signs are affixed shall be permitted
for retail uses within the office buildings or within a
residential building having accessory commercial uses.
Aggregate display surface area not exceeding 1.5 square feet per
each lineal feet of the building wall to which the sign or signs
are affixed shall be permitted for retail uses within detached
or freestanding buildings. Lettering on wall or canopy signs
shall not exceed 2' in height. No portable signs shall be
permitted. Projecting signs shall be permitted only beneath a
canopy. The design of wall or canopy signs shall be uniform
within each development area.

c) Directional Signs: Directional signs within the Interior of The
Riverside Project which are intended to inform the visitor as to
the location within the center of tenants may be freestanding,
if not exceeding 10' in height and if, in the aggregate, the
directory signs do not exceed the limitations of the Tulsa
Zoning Code. The design of directional signs shall be uniform
within each development area.

4) That all trash, mechanical and equipment areas shall be screened from
public view.

5) That all parking lot lighting shall be directed downward and away
from adjacent residential areas. No freestanding light within 175'
from the centerline of Riverside Parkway shall exceed 20' in height.

6) That a Detail Landscape Plan shall be submitted to the TMAPC for
review and approval and installed prior to issuance of an Occupancy
Permit. The landscaping materials required under the approved Plan
shall be maintained and replaced as needed, as a continued condition
of the granting of an Occupancy Permit. The 175' setback along the
west side of Riverside Parkway shall be used to provide a generous
landscaped area which will include berms, tree areas and shrubbery
areas with a variety of landscaping materials.

7) Subject to review and approval of conditions, as recommended by the
Technical Advisory Committee.

8) That a Detail Site Plan shall be submitted to and approved by the
TMAPC prior to issuance of a Building Permit. Phasing of the
development will be permitted based on a plan to be approved by the
TMAPC at the time of submission of the initial Detail Site Plan.
9) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office. Incorporating within the Restrictive Covenants the PUD conditions of approval, making City of Tulsa beneficiary to said Covenants. The filing of amended deeds of dedication or restrictive covenants approved by the TMAPC and City Commission will satisfy this requirement and is a condition of approval of a minor or major amendment.

10) Maximum building heights shall be subject to the jurisdiction of the FAA and the Tulsa Airport Authority and the process for granting additional height for development areas B, C and D up to a maximum of 199' be established as by processing of a minor amendment via the TMAPC and subject to FAA approval.

Comments & Discussion:
Chairman Parmele advised receipt of letters from Mr. Jackie Bubelnik, Executive Director of the River Parks Authority, Mr. Herb Beattle of The Nature Conservancy, and Mr. Chester Cadleux, Chairman of the River Parks Authority, all stating support and requesting approval of this project.

Applicant's Comments:
In reply to Chairman Parmele, Mr. Joe Westervelt stated agreement to the Staff recommendation. Mr. Westervelt clarified, in response to Mr. Doherty, that pedestrian access along the river, while not currently on the map exhibit, had been addressed with the River Park Authority and was a part of this project.

Mr. Paddock advised he had served with Mr. Westervelt on the Mayor's Arkansas River Corridor Task Force, and he felt assured this project was in good hands as far as carrying out the objectives of the Task Force. He commented that the revised plan, indicating the green space and open space, further carried out the goals of the Task Force.

Interested Parties:
Mr. Kinney Baxter of the Tulsa Airport Authority (7777 East Apache) addressed the issue of building height in Development Area B in regard to the close proximity of the Riverside Airport. He advised that the Airport Authority was in the process of conducting an Airport Master Plan which would show future runway development and extensions. Mr. Baxter suggested the building height issue in Area B be deferred until completion of the Airport Master Plan.

Discussion followed among the Commission members, with the consensus being that this project should not be held up while the Airport Master Plan was being studied as that could be a lengthy process. Mr. Westervelt advised of meetings with the Federal Aviation Administration representatives, both locally and in Washington, and the issue has been reviewed and addressed in the PUD text. He added that, during these meetings, the applicant was made aware of the planned runway extensions and all the calculations done regarding building height were based on the planned extensions.
Commissioner Selph commented that he had every confidence in the Tulsa Airport Authority's ability to work with the developer; therefore, he moved approval of the Staff recommendation.

**TMAPC ACTION:** 8 members present

On MOTION of SELPH, the TMAPC voted B-O-D (Carnes, Doherty, Kempe, Paddock, Parmele, Selph, VanFossen, Wilson, "aye"; no "nays"; no "abstentions"); Crawford, Draughon, Woodard, "absent") to APPROVE the Major Amendment to PUD 128-E (formerly PUD 128-D-1), as recommended by Staff, and early transmittal of these minutes to the City Commission.

**Legal Description:**

A part of Section 7, T-18-N, R-13-E, and a part of Section 12, T-18-N, R-12-E, Tulsa County, Oklahoma being more particularly described as follows: Commencing at the northeast corner of said Section 12 as the point of beginning. Thence, along the centerline of the proposed Riverside Parkway S9° 27' 33" East a distance of 977.67' to point of curvature; thence along a 1,273.24' radius curve to the left having a central angle of 20° 20' 00" for an arc distance of 651.85' to a point of tangency; thence S38° 47' 33" East a distance of 39.01' to a point of curvature; thence along a 44,864.56' radius curve to the right having a central angle of 1° 01' 18" for an arc distance of 800.00' to a point of tangency; thence S37° 46' 15" East parallel with Block 8, Kensington I1 amended a distance of 1,933.42' to a point on the northerly line of Block 20, Kensington; thence S41° 06' 06" West along the boundary of said Block 20 a distance of 435.96' to a point; thence along a 521.28' radius curve to the right having a central angle of 69° 00' 00" for an arc distance of 627.77' to a point of tangency; thence N69° 53' 54" West a distance of 157.40' to a point of curvature; thence along a 1,100.00' radius curve to the right having a central angle of 43° 30' 00" for an arc distance of 335.14' to a point of tangency; thence N26° 23' 54" West a distance of 1,157.22' to a point of curvature; thence along a 599.98' radius curve to the right having a central angle of 13° 49' 13" for an arc distance of 144.72'; thence N12° 34' 41" West a distance of 2,376.43' to a point which is 125.00' South of the North Section Line of Section 12, T-18-N, R-12-E, thence N0° 01' 20" East a distance of 125.00' to a point on the north boundary of said Section 12; thence S89° 58' 40" East along said north boundary a distance of 565.25' to the northeast corner of said Section 12 which is the point of beginning.

Said tract containing 3,999,906.57 square feet or 91.825 acres, more or less. Legal description of Riverside tract to centerline of adjacent streets using State plane bearings.
Application No.: Z-6079 & PUD 128-D  Present Zoning: RM-2, AG, FD
Applicant: Norman (Riverside Company)  Proposed Zoning: CS, OMH, RM-2
Location: South & East of 71st Street, East of Arkansas River

Date of Hearing: September 11, 1985
Size of Tract: 91.8 acres, more or less
Presentation to TMAFC by: Charles Norman, 909 Kennedy Building

Relationship to the Comprehensive Plan:

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the entire subject tract Development Sensitive; Low Intensity - No Specific Land Use/Public on the northerly portion, and the southerly portion Medium Intensity - No Specific Land Use.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts", the requested zoning's relationship to the Comprehensive Plan is as follows: CS - not in accordance; OMH - not in accordance; and OMH and RMZ - not in accordance on the north and in accordance on the south portion. The Development Sensitive classification would address the possible need for FD zoning. (Note: Stormwater Management is recommending that FD zoning ordinance be repealed.)

Staff Recommendation - Z-6079:

Site Analysis: The subject tract has an area of approximately 91.82 acres and is located at the southwest corner of the proposed Riverside Parkway and East 71st Street South. The parkway will form the east boundary of this tract and the Arkansas River, the west boundary. The tract is comprised mainly of ground that has been reclaimed by filling the east bank of the River. It is abutted on the north by East 71st Street and the intersection of the Parkway, Peoria and East 71st Street. It is basically flat, non-wooded, vacant and zoned a mixture of RS-3, RM-1 and CS on the north; RS-2 on the interior, RM-2 on the southern portion and AG/FD on the southwesterly portion bounded by the Arkansas River.

Surrounding Area Analysis: The tract is abutted on the north by the intersection of East 71st Street and Peoria and property zoned CS, on the east by property zoned CS, RS-2, RM-1 and RM-2, on the south by the Joe Creek Channel, zoned FD and on the west by the Arkansas River zoned AG and FD.

Zoning and BOA Historical Summary: The Riverside Expressway was initially planned in this area and, subsequently, downgraded to he Riverside Parkway. Although the zoning classifications are mixed in this general area, recent zoning cases have been medium intensity in nature.
Conclusion: Although the Comprehensive Plan, as adopted, does not support medium intensity at the intersection of the proposed Riverside Parkway and East 71st, this classification was more of a reflection of the arterials' previous designation as an Expressway with no land on the west near 71st or access roads. The present Parkway could be considered a Primary Arterial, which is the classification of East 71st Street. The eminent construction of the Parkway causes the Staff to be supportive of nodal type development; however, supportive only to the point of recommending enough medium intensity zoning to accomplish what is planned in the companion PUD and confined to a ten acre node.

The "public" designation on the north portion of the Low Intensity Development Sensitive area, was for the purposes of supporting a park type development along the narrow strip of land west of the proposed expressway, which is no longer the case. The proposed plans, however, provide public access along the river and the applicant has donated additional land to the River Parks Authority. The present zoning and Comprehensive Plan (southern portion) does recognize medium intensity development west of the Parkway in this area provided the area meets all of the City and Federal Flood Regulations.

Therefore, the Staff recommends APPROVAL of 3.9 acres of CS on the north with 5.6 acres of OMH on the south portion of the ten acre node, consistent with the Development Guidelines, less and except any area needed for the alignment of the Riverside Parkway, less and except any FD zoning, as needed and with RM-2 zoning on the balance. The applicant will be responsible for corrected legal descriptions.

If the Commission supports this recommendation, the Staff further recommends that the subject tract will be redesignated in the Comprehensive Plan to Medium Intensity - No Specific Land Use, with the Development Sensitive designation as needed to support possible FD zoning.

PUD #128-D - Background:

This request is described as a Major Amendment to PUD #128, which adds land to the original PUD, deletes approved development standards from Development Areas 29, 30, 31, 32 and 35, and formulates new development standards for these areas under PUD #128-D. Development Area 29 was the original 300' wide corridor for the Riverside Expressway, which has been reduced to 150' wide and will be built as the Riverside Parkway. This reduced the original area of the Parkway from 16.8 acres to 13 acres (more or less), which has been conveyed to the City. Development Areas 30, 31 and 32 were originally 64.3 acres and allocated 2,572 dwelling units - 2,296 units from PUD #128-A, and 276 units transferred from the PUD #128-B. These development areas would be: (1) abandoned by the approval of PUD #128-D and reestablished per the new Development Standards for Areas A through G, (2) underlying zoning would be retained, (3) the dwelling units allocated to the subject area of PUD #128-D would be reduced from 2,572 units to 700 units, and (4) land would be added to the PUD which, subject to commercial and office zoning, would be partially converted to floor area for office space.
PUD Review:

The subject request is a major amendment to PUD #128(A-C) that would facilitate construction of 700 units of multifamily development, 85,000 square feet of retail/commercial development and 1,850,000 square feet of office development. The site has approximately 500' of frontage on East 71st and 4,400 feet along the Riverside Parkway. The subject tract has an area of 91.82 acres and is located on the east bank of the Arkansas River, south of East 71st, west of the proposed Riverside Parkway, and north of the Joe Creek Channel. The Staff is supportive of the underlying zoning requested to the extent of limiting the medium intensity CS and OMH zoning to the ten acre node at East 71st and the proposed Parkway, and as discussed under Z-6079. The proposed development will be divided into Development Areas A through G as discussed under the Development Standards. The height profile of the development at 71st and the Riverside Parkway is proposed to be four to five stories, increasing to approximately twelve stories in the middle portion (increased height is requested with approval of the Federal Aviation Authority and Detall Site Plan), and decreasing in height on the south. The 175' building setback proposed in the Text from the centerline of Riverside will cause the present residential structures on the east to be approximately 300' away.

The design and intensity of the development will require structured parking throughout the development; however, an average of 25% of landscaped open space is proposed per Development Area. Development Area "F", 13.42 acres, will be devoted solely to open space. Open space will also include a dedicated pedestrian trail along the Arkansas River and a link connecting the south end of Harbour Pointe along the Joe Creek Channel to Kensington Park. A park site is also proposed along the riverbank south of the Joe Creek Channel which will be donated by applicant. The Parkway design will allow access to the various Development Areas along Riverside; however, this access will be granted only with approval of the City of Tulsa Traffic Engineer. The design of the proposed Parkway presently indicates that traffic on Riverside south of 71st will not be able to directly access the southwest corner of 71st and Riverside due to the roadway being divided by a raised median for several hundred feet south of 71st. Four points of access are proposed from Riverside with an internal street system running the length of the tract, cul-de-sacs on the north. The proposed internal street will have a 48 foot wide paving section. Drainage from the site will be directed to the abutting Arkansas River.

The Staff has reviewed the proposed major amendment and finds it to be (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of the area; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the Zoning Code.

Therefore, the Staff recommends APPROVAL of PUD #128-D, subject to the following conditions:

9.11.85:1572(19)
(1) That the applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.

(2) Development Standards: (NOTE: Due to the length of this documentation, the Staff recommends these be made a matter of record via "Exhibits" by the TMAPC if and/or as adopted.)

STATISTICAL SUMMARY: (Attached as an Exhibit)
DEVELOPMENT STANDARDS: (Attached as an Exhibit)

(3) That a Detail Landscape Plan shall be submitted for each Development Area for review and approval by the TMAPC and installed prior to issuance of an Occupancy Permit for any units within said area. The 175' setback along the west side of the Riverside Parkway shall be used to provide a generous landscaped area which will include berms, treed areas, and shrubbery areas with a variety of landscaping materials.

(4) That Detail Site Plan approval shall be required by the TMAPC for each Development Area prior to issuance of a Building Permit.

(5) That all equipment and utility areas shall be screened from public view.

(6) Subject to review and conditions of the TAC, including approval of all access points and traffic concerns by the City of Tulsa Traffic Engineer.

(7) That no Building Permit shall be issued until the requirements of Section 260 of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the Restrictive Covenants the PUD conditions of approval, making the City of Tulsa beneficiary to said covenants.

(8) That the process for granting additional height in the various areas be established as by processing of a minor amendment via the TMAPC and subject to Federal Aviation Administration approval.

Applicant's Comments:

Mr. Charles Norman, representing the applicant, gave a thorough background description and the intention of uses in each of the proposed areas (A through G). Mr. Paddock asked for clarification of the proposed height in Areas B, C and D, and inquired if there were any plans for a pedestrian overpass over Riverside Parkway that might connect the development. Mr. Norman stated the building height proposals had been reviewed by the FAA and he did not know of any planned pedestrian overpasses.
Comments & Discussion:

Mr. Draughon stated he would be opposed to any high-rise buildings along the entire river front. Mr. Draughon inquired as to a flood plain determination. Mr. Norman stated they had received flood plain development permits from the City of Tulsa (issued 3/17/84). Chairman Kempe advised the hydrology reports arrived late and Staff had the flood plain information at the meeting. Mr. Carnes complimented the project but voiced concern over the high-rises being in the Jones/Riverside Airport flight area. Chairman Kempe informed that condition #8 required FAA approval. Discussion and debate followed among the Commission, Legal and Mr. Norman as to the high-rise limits, FAA approval and notification to the Tulsa Airport Authority. It was suggested changing item #8 of the PUD to set a maximum building height of 199' in areas B, C and D; and making it a jurisdiction of the Tulsa Airport Authority. Mr. Paddock voiced objections to recognizing the Tulsa Airport Authority's jurisdiction, as he felt FAA approval would be adequate.

Interested Parties:

Mr. Almond Allen
Mr. David Henderson

Mr. Allen stated, after seeing and hearing the proposals, he feels this is a well planned project. Mr. Allen did, however, voice concerns over future traffic on Trenton Avenue.

Chairman Kempe read a letter from Mr. Henderson voicing oppositions to the proposed rezoning.

Additional Comments & Discussion:

Mr. Norman stated support of the homeowners concerns and added efforts would be made to meet the potential traffic problems pointed out by homeowners in this area. Ms. Wilson suggested sending Mr. Henderson's letter to Commissioner Metcalf to advise him of the street/traffic concerns in the Trenton area. Mr. Paddock offered his compliments to Mr. Norman on this project and the Commission, as a whole, applauded the efforts made by Mr. Norman and the Riverside Company.

TMCPC ACTION: 9 members present

On MOTION of CARNES, the Planning Commission voted 7-1-0 (Carnes, Connery, Higgins, Kempe, Paddock, Wilson, Woodard, VanFossen, "aye"; Draughon, "nay"; no "abstentions"; (Harris, Young, "absent") to APPROVE Z-6078 as recommended by Staff, and APPROVE PUD #128-D, with item #8 to be amended, and the addition of item #9 as follows:

9.11.85:1572(21)

6.60
(8) Maximum building heights shall be subject to the jurisdiction of the FAA and the Tulsa Airport Authority and the process for granting additional height for development areas B, C and D up to a maximum of 199' be established as by processing of a minor amendment via the TMABC and subject to FAA approval.

(9) Due to the length of the Development Standards, these Standards shall be made a matter of record via attachments as Exhibit to these minutes.

Legal Description:
A part of Section 7, T-18-N, R-13-E, and a part of Section 12, T-18-N, R-12-E, Tulsa County, Oklahoma being more particularly described as follows: Commencing at the northeast corner of said Section 12 as the point of beginning. Thence, along the centerline of the proposed Riverside Parkway S9° 27' 33" East a distance of 977.67' to point of curvature; thence along a 1,273.24' radius curve to the left having a central angle of 20° 20' 00" for an arc distance of 651.85' to a point of tangency; thence S36° 47'13" East a distance of 39.01' to a point of curvature; thence along a 44,864.56' radius curve to the right having a central angle of 1° 01' 18" for an arc distance of 800.00' to a point of tangency; thence S37° 46' 15" East parallel with Block 8, Kensington I added a distance of 1,933.42' to a point on the northerly line of Block 20, Kensington; thence S41° 06' 05" West along the boundary of said Block 20 a distance of 435.96' to a point; thence along a 521.28' radius curve to the right having a central angle of 69° 00' 00" for an arc distance of 627.77 feet to a point of tangency; thence N69° 53' 54" West a distance of 157.40' to a point of curvature; thence along a 1,100.00' radius curve to the right having a central angle of 43° 30' 00" for an arc distance of 835.14' to a point of tangency; thence N26° 23' 54" West a distance of 1,157.22' to a point of curvature; thence along a 599.98' radius curve to the right having a central angle of 13° 49' 13" for an arc distance of 144.72'; thence N12° 34' 41" West a distance of 2,376.43' to a point which is 125.00' South of the North Section Line of Section 12, T-18-N, R-12-E, thence N0° 01' 20" East a distance of 125.00' to a point on the north Boundary of said Section 12; thence S89° 58' 40" East along said north boundary a distance of 565.25' to the northeast corner of said Section 12 which is the point of beginning.

Said tract containing 3,999,906.57 square feet or 91.825 acres, more or less. Legal description of Riverside tract to centrelime of adjacent streets using State Plane bearings.
Application No. PUD #128-A

Applicant: Charles Norman (The Riverside Co.)

Location: South of 71st Street and West of the Joe Creek Channel

Date of Application: August 24, 1979
Date of Hearing: October 10, 1979
Size of Tract: 118 acres

Presentation to TMAPC by: Charles Norman
Address: 1100 Philtower Building
Phone: 583-7571

Applicant's Comments:
Charles Norman presented an amended plan for PUD 128-A (Exhibit "D-1") and advised that this application is to amend the previous application filed in 1972 by the Riverside Company. The Joe Creek was realigned and channelized with the assistance of the City of Tulsa. The project was divided into three phases; the first phase was a multifamily development just to the east of the Joe Creek Channel and has been completed; the second phase included approximately 78 acres lying west of the Joe Creek Channel and east of the proposed extension of the Riverside Expressway; the third portion is the west of the proposed right-of-way and fronting on the banks of the Arkansas River. The amendment applies to 78 acres of the original PUD, which was approved for multifamily development with densities of approximately 17 dwelling units per acre. A residential collector street has been included in the project. Mr. Norman requested the Commission approve the deletion of a six-acre tract, immediately west of the Creek Channel and east of the residential collector street. He also proposed deleting 80 dwelling units from those allowed in the original PUD. The area on the Arkansas River has been zoned RM-2 for a number of years and the original PUD took some of the high-density, approved along the River bank, and moved it to the east; the applicant requested that the reduction in dwelling units in that area be permitted to be transferred to the west along the River bank. An area of green space was planned along the realigned Joe Creek Channel as a part of the recreational amenities serving the multifamily residential areas on both sides of the channel; however, the channel design standards reduced the desirability and Mr. Norman asked that this area be deleted as open space and proposed the tract be developed as single-family residences.

Protestants: Larry Williamson
Paul Louvier
Betty Rather

Address: 7131 South Quincy Avenue
7134 South Quincy Avenue
7208 South Quincy Avenue

Protestant's Comments:
Larry Williamson, 7131 South Quincy Avenue, questioned if the residential collector street in the project will be connected immediately with 75th Place. He stated he did not understand the need to open this PUD to the existing neighborhood.

Mr. Norman advised that the collector street would be constructed to the property line and would connect with East 75th Place and also to Quincy Avenue. He noted that this street plan was not a proposal of the applicant, but a requirement of the Technical Advisory Committee.

10.10.79:1281(14)
PUD #128-A (continued)

Paul Louvier, 7134 South Quincy Avenue, questioned the sewage storage tanks and the construction process. He stated the Riverside development through the years, has pumped a tremendous amount of water out of the water table and he felt this has affected the quality of the water supply in the area. Mr. Louvier asked if the developer had any plans or suggestions as to how they could get City water in the area.

Mr. Norman stated that he had been advised by the City Water Department, that before any connections will be permitted to the project, it will be necessary to construct an off-site loop along Peoria and down 71st Street due to existing water pressure problems.

Betty Rather, 7208 South Quincy Avenue, asked the applicant how long it would be before Section D was developed.

Charles Norman advised that he could not answer that. He stated that the Riverside Company had felt that the development of that area was dependent upon an extension of Riverside Drive, either as an expressway or a parkway.

Staff Recommendation:
Planned Unit Development #128-A is located south of 71st Street and west of the Joe Creek Channel. The requested amendment includes 160.84 acres of land of which 16.80 acres has been reserved for the Riverside Expressway. The area under application for amendment has been approved for a total of 2,929 dwelling units to include various densities and types of residential units as a part of PUD #128 which comprised 352.887 acres. The requested amendment is to accomplish the exclusion of a 5.97-acre tract from the controls of the PUD, and the reallocation of the permitted densities. The requested reallocation of residential densities involves the increase of two areas due to the reduction of the density on the interior portion of the development.

The Staff has reviewed the requested amendment and find that the requested amendment is appropriate based upon the previous approval, the subsequent development and rezoning adjacent to the tract. The Staff also finds that the requested amendment is consistent with the purposes and intents of the PUD Ordinance, and therefore, recommend APPROVAL subject to the following conditions:

1. That the 5.97-acre tract (Block 2, Kensington II), be excluded from the controls of PUD #128, thereby reducing the total number of dwelling units of PUD #128-A by 80.

2. That the total number of dwelling units of PUD #128-A shall not exceed 2,849 to be allocated as hereinafter specified.

3. Development Area "A" (proposed Block 1, Kensington II)
   a. That the net land area be 11.20 acres.
   b. That the permitted uses shall include garden apartments with customary accessory uses such as clubhouses, pools, parking facilities, tennis courts, laundry facilities, etc.

10.10.79:1281(15)
c. That the maximum number of dwelling units be 280.

d. That the bulk and area requirements of the RM-1 District shall apply in regards to building height, off-street parking and livability space.

e. That the following standards shall apply regarding perimeter yards:

- North Boundary -- 35 feet
- West Boundary -- 50 feet
- South Boundary -- 35 feet
- East Boundary -- 25 feet

4. Development Area "B" (proposed Blocks 3, 4, 5 & 7, Kensington II)

a. That the net land area be 25.33 acres.

b. That the permitted uses by single-family and duplex.

c. That the maximum number of dwelling units not exceed 138.

d. That the development standards shall be as follows:

- Lot Width (Min.)--------------------- 80 feet
- Lot Size (Min.)---------------------- 9,000 sq. ft.
- Building Height (Max.)------------- 20 feet
- Livability Space per D.U. (Min.) -- Duplex 2,000 sq. ft.
  Single-Family 4,000 sq. ft.

- Yards-------------------------- Front, 25 feet
- Rear, 20 feet
- Side, One 10 feet
- the other 5 feet

- Parking------------------------ Two enclosed off-street spaces per dwelling unit.

5. Development Area "C" (proposed Blocks 6, 8, 9 & 10, Kensington II)

a. That the net area be 35.14 acres.

b. That the proposed uses be single-family residences, and the existing sanitary sewer lift station.

c. That the maximum number of dwelling units be 101.

d. That the development standards be as follows:

- Lot Width (Min.)--------------------- 72 feet
- Lot Size (Min.)---------------------- 8,200 sq. ft.
- Building Height (Max.)------------- 26 feet
- Livability Space per D.U. (Min.) -- 5,000 sq. ft.

- Yards--As required in RS-3 District.
- Parking--Two enclosed off-street spaces per D.U.
e. That the site of the sanitary sewer lift station be platted as a separate lot and dedicated to the City of Tulsa.

6. Development Area "D"

a. That the net land area be 64.30 acres

b. That the permitted uses be single-family detached or attached, townhouses, garden apartments and high-rise apartments.

c. That the maximum number of dwelling units be 2,327. The actual number of dwellings shall be determined through the site plan review process, and shall be contingent upon the completion of the dedicated collector loop as proposed, thereby, providing two points of access to 71st Street.

d. That the maximum height of the building shall not exceed 15 stories (elevation 775 feet) providing a height clearance is obtained from the Federal Aviation Administration (FAA).

e. That the minimum livability area shall be 348,800 square feet (8.00 acres).

f. That all other bulk and area requirements not specifically addressed shall be as required in the RM-2 District.

7. Development Area "E"

a. That the net land area be 16.80 acres.

b. That the area be reserved for the right-of-way for the proposed Riverside Expressway.

8. That a detailed site plan for each development area or portion thereof, be approved by the TMAPC prior to the request for a building permit.

9. That a subdivision plat be approved by the TMAPC and filed of record in the County Clerk's Office, incorporating within the restrictive covenants those conditions of approval and making the City of Tulsa beneficiary to said covenants, prior to the request for any building permit.

Special Discussion For The Record:

Commissioner Downie expressed concern with the lack of open space in the application.

Mr. Norman advised her that the application provided the livability space, in the single-family area, required for an RS-2 District although the subject property was zoned RS-3. The multifamily area will be subject to a detailed site plan and open space will be provided, similar to other developments in the immediate vicinity.
All that part of Section 7, Township 18 North, Range 13 East of the
IBM, Tulsa County, Oklahoma, more particularly described as follows,
to-wit:

Beginning at a point in the Easterly Boundary of said Section 7,
1,394.84' from the NE corner thereof; thence South 00°-30'-28''
East along the Easterly Boundary of said Section 7 a distance of
300.00'; thence South 89°-30'-47'' West parallel to the Southerly
Boundary of the NE/4 of said Section 7, 2,080.00'; thence South
00°-30'-28'' East parallel to the Easterly Boundary of said Section
7, 880.00'; thence North 89°-30'-47'' West 760.22' to a point on
the Westerly Boundary of the E/2, E/2, of said Section 7, also
being 1,319.78' from the Easterly Boundary and 2,668.63' from the
Southerly Boundary of said Section 7; thence South 00°-30'-35''
East along the Westerly Boundary of the E/2, E/2, of said Section
7, 1,468.63' to a point 800.00' from the Southerly Boundary of
said Section 7; thence South 89°-47'-24'' West parallel to the
Southerly Boundary of said Section 7, 690.00'; thence North 83°-
45'-17'' West 1,106.88'; thence South 36°-42'-36'' East 1,150' to a
point in the Southerly Boundary of said Section 7, 2,339.70' from
the SE corner thereof; thence South 89°-47'-24'' West along the
Southerly Boundary of said Section 7, 264.87'; thence North 47°-
33'-23'' West 1,318.10'; thence North 34°-19'-38'' East 585.52'';
thence on a curve to the left having a radius of 2,697.80', a dis-
tance of 1,645.20'; thence North 00°-36'-50'' West 1,524.28' to a
point 775' South of the Northerly Boundary of said Section 7;
thence North 89°-14'-12'' East parallel to the Northerly Boundary
of said Section 7, 750'; thence South 36°-49'-57'' East 766.83'';
thence North 89°-14'-12'' East parallel to the Northerly Boundary
of said Section 7, 1,550.00' to the point of beginning, containing
5,558,604.48 square feet, or 127.608 acres; AND, all that part of
the W/2, Section 7, Township 18 North, Range 13 East of the IBM,
Tulsa County, Oklahoma, more particularly described as follows,
to-wit:

Beginning at the Southeasterly corner of Lot 3, Block 3, River Grove
Subdivision, a subdivision in Tulsa County according to the official
recorded plat thereof; thence North 00°-12'-13'' West along the East-
ery Boundary of Lot 3, Block 3 of River Grove Subdivision, 611.60';
thence South 89°-30'-47'' West along the Northerly Boundary of Lots
3 and 4, Block 3 of River Grove Subdivision, 356.00'; thence North
00°-12'-13'' West along the Easterly Boundary of Lots 8, 7, and 6,
Block 2 of River Grove Subdivision, 542.00' to the Northeast cor-
er of Lot 6, Block 2, of River Grove Subdivision; thence South 89°-30'-
47'' West along the Northerly Boundary of Lot 6, Block 2 of River
Grove Subdivision, 468.20' to a point on the meander line of the
Arkansas River; thence South
PUD #128-A (continue)

AND, all the North 250.00' of the East 910.00' of the South 1,480.00' of the E/2, NE/4 of Section 7, Township 18 North, Range 13 East of the IBM, Tulsa County, Oklahoma, containing 227,500 square feet, or 5.223 acres; AND, all that part of the NE/4, NW/4, and NW/4, NE/4 of Section 7, Township 18 North, Range 13 East of the IBM, Tulsa County, Oklahoma, more particularly described as follows, to-wit:

Beginning at a point in the North Boundary of said NW/4, NE/4, 1,810' from the NE corner of said Section 7; thence South 00°30'-28" East, parallel to the Easterly Boundary of said Section 7, 656.21'; thence South 57°51'-27" West 228.14'; thence South 89°14'-12" West, parallel to the Northerly Boundary of said Section 7, 750.00'; thence North 00°36'-50" East 775' to a point in the Northerly Boundary of said NE/4, NW/4; thence North 89°14'-12" East along the Northerly Boundary of said Section 7, 945.68' to the point of beginning, containing 720,806 square feet, or 16.547 acres.
ZONING PUBLIC HEARING:

Application No. Z-4236 & PUD #127 & Z-4245 & PUD #128

Present Zoning: RS-2 (Z-4236 & PUD #127)
Present Zoning: AG (Z-4245 & PUD #128)

Applicant: Clarke Ford

Proposed Zoning: RM-1, RD and RS-3
(Z-4236 & PUD #127)
Proposed Zoning: RS-2, RM-2, RM-1, CS & OM
(Z-4245 & PUD #128)

Location: Z-4236 & PUD #127 - West of the NW corner of 71st Street and Lewis Ave.
Location: Z-4245 & PUD #128 - South of the SW corner of 71st Street and Lewis Ave.

Date of Application: Z-4236 - June 30, 1972
Date of Application: PUD #127, PUD #128 and Z-4245 - August 3, 1972
Date of Hearing: August 23, 1972

Size of Tract: Z-4236 & PUD #127 = 67.993 Acres
Size of Tract: Z-4245 = 348.086 Acres and
PUD #128 = 275.481 Acres

Presentation to TMAPC By: Clarke Ford
Address: 1414 1st National Bank Building
Phone: 587-2422

Comments:

Mr. Ford began his presentation by presenting maps for clarification and information (Exhibit "C-1") to the Commission members. He then requested that the zoning applications and Planned Unit Developments be heard at the same time. Mr. Ford stated that RD and RM-1 low density units will be included in the Planned Unit Development which would allow slightly higher densities between Peoria and Utica. He requested an extension of CS zoning at 71st and Lewis Avenue which will be buffered by OM to the west and south. Two OM Districts are included in the request and would provide buffering to the CS development west on 71st and south on Lewis. He also stated that there are requested CS and OM zonings at 81st Street and the proposed Riverside Expressway which appear to be on an irregular tract. He stated that a major part of the proposed development includes the realignment of Joe Creek, which will be done in accordance with the Corps of Engineers. This realignment would straighten the Creek and take it into the Arkansas River north of 81st Street. Zoning lines for residential are for RS-3 on all residential portions to the east of Joe Creek and RM-1 from 71st Street to the Riverside Expressway on the west of Joe Creek. RM-2 zoning will be placed to the south and west of the proposed Riverside Expressway between the Expressway and the Arkansas River. The realignment of Joe Creek will be an immense undertaking with 1 1/2 miles of new channel to be constructed at a cost of $1,000,000. The key part of the realignment is the present bridge structure at 71st Street, which the City Engineer is preparing specifications for to coincide with the realignment of the Creek. The plan for development of PUD #127 provides that Block A, containing 35 acres, be developed at 10 units per acre. Also, each Block will join Utica, single-family development and the realigned creek. Blocks B and C, containing 10 acres, allow 263 units or an average density of 25 units per acre. The development standards are the same as RM-1 requirements. On the portion of the tract south of 71st

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Street, areas A, B & C are all medium density areas and have approximately 25 units per acre. Blocks D, E & F, will contain multifamily development but will be predominately single family development at an overall density of 12 units per acre. High-density development is planned to the west of the Creek, and to the southwest side of Riverside Expressway is planned high-rise development, approximately 15 stories. Mr. Ford stated the realignment and alterations to the Creek would be of benefit to the residents. He stated that the dirt removed from the channel would be used for the extension of the Arkansas River bank, the tract to be developed high-rise. The widening and deepening of the creek channel would solve part of the flooding problems in the area by increasing the carrying capacity and flow into the Arkansas River. He also stated that access points in the development will be provided through stub streets into the properties that are now in place. He said that they planned to extend Utica to 71st Street.

Staff Recommendation: **Z-4236**

The subject application contains approximately 68 acres located on the north side of 71st Street South, east of Trenton Avenue. The property is vacant, zoned RS-2, and the requested zoning change is for a combination of RM-1, RD and RS-3.

The applicant is requesting a combination of RM-1, RD and RS-3 zoning and is also requesting approval of PUD #127 covering the same area, to permit the development of 726 units including single-family duplexes, townhouses and apartments for a total density of 10.7 units per acre. Although the RM-1 and RD patterns extend northward into the interior of the section, the densities permitted are equivalent to RM-2 zoning on 71st Street aligning with the RM-2 to the east and west, and RS-3 on the balance which we feel is merited. The proposed RM-1 and RD rezoning does not abut any single-family subdivisions, and therefore, the choice between the proposed zoning pattern and RM-2 (on 71st Street) and RS-3 is insignificant. The vacant area abutting the northern boundary of the subject tract remains RS-2 and is to be developed in conventional single-family homes. Drainage problems in the area will be corrected by the proposed realignment, widening and deepening of the Joe Creek Channel which is also a part of the overall development plan.

The proposed density and development is justified on the basis of the surrounding zoning and land use development patterns in the area, and accordingly the Staff recommends approval of RM-1, RD, and RS-3 as requested.

Staff Recommendation: **PUD #127**

The subject application represents a 67.9 acre tract located east of Trenton Avenue north of 71st Street extending north to approximately 65th Street. The tract is presently undeveloped, and the applicant is requesting RM-1, RD and RS-3 zoning. The zoning pattern will locate multifamily zoning adjacent to the major arterial, duplex zoning adjacent to duplex development, and single-family zoning in the interior.
This PUD is a companion to PUD #128, which is located immediately south of 71st Street. The major features of these two PUDs include the realignment and channelization of Joe Creek. In doing so, the developer will be able to reclaim land that was rendered undevelopable due to the flooding of Joe Creek.

The development plan calls for varied dwelling types to include: single-family detached and attached, townhouses and garden apartments. A 16.4 acre open space area to include the creek channel and recreational facilities will be provided.

The Staff has reviewed the PUD text and plot plan, and although detailed plans as to internal street alignments and location of structures was not provided, the information concerning dwelling types, land use relationships and the densities of the individual blocks was sufficient for evaluation. The Staff recommends APPROVAL of PUD #127, subject to the approval of the zoning and the following conditions:

1. That the PUD text and plot plan be incorporated as conditions of approval unless modified herein.

2. That the maximum number of dwelling units shall not exceed the requested 726.

3. That the maximum structure height be 35 feet or 2 1/2 stories.

4. That zero lot lines be permitted in the single-family areas providing that no detached structures shall be closer than 10 feet to any adjacent dwelling structure.

5. That the areas designated open space on the plot plan be assigned specific lot and block numbers on the subdivision plat and preserved for same.

6. That detailed plot plans of individual areas showing structure type and location, parking spaces, recreational areas and street alignments be submitted in the platting process for review by the Technical Advisory Committee and approval by the Planning Commission prior to the release of any subdivision plat.

7. That the internal street circulation system meet the approval of the TAC, and that dedicated streets shall be provided as required in the platting process.

8. That a neighborhood or homeowners association be responsible for the maintenance of all open space areas, or that open space be dedicated to the public providing the City Park Department will accept the maintenance of such areas.
9. That no commercial facilities be permitted within the PUD except the customary laundry and vending machine services.

10. That Sections 910 through 970 of the Tulsa Zoning Code shall apply.

11. That off-street parking spaces for all dwelling areas be provided in accordance with Sections 1006.4, 1007.4, and 1008.4 of the Tulsa Zoning Code.

12. That subdivision plats be approved by the Planning Commission prior to the issuance of any building permits, incorporating within the restrictive covenants those conditions not specifically covered by the Ordinance, and that the City of Tulsa be made beneficiary to those covenants as set forth in Section 970.5 of the Tulsa Zoning Code.

Staff Recommendation: Z-4245

The subject application, approximately 348 acres in size, is located between 71st Street and 81st Street South and between Lewis Avenue and the Arkansas River. The property is zoned AG, vacant, and the applicant is requesting a combination of CS, OM, RM-2, RM-1 and RS-3 zoning.

Concerning the requested CS retail commercial zoning, the applicant is requesting an extension of the CS district at the southwest corner of 71st and Lewis. The requested commercial extension aligns with the CS district to the east and is an integral part of the total development plan for the area. The applicant is also requesting CS zoning at the major intersection of the future Riverside Expressway and 81st Street South. The CS location and patterns appear to be sound and appropriate and accordingly the Staff recommends approval of CS as proposed.

Concerning the requested OM professional office districts, the applicant is requesting three OM office district buffers adjacent to the proposed CS commercial to prohibit retail stripping. This concept is an accepted and practiced planning and zoning tool and accordingly the Staff recommends approval of OM as requested.

Concerning the requested RM-2, RM-1 and RS-3 multifamily and single-family zoning districts, the applicant has limited the multifamily zoning west of Joe Creek realignment and adjacent to the future Riverside Expressway and the Arkansas River, consistent with accepted and practiced zoning policy, and consistent with the existing RM-1 zoning located to the northwest. The more intensive RM-2 is restricted west of the expressway between the expressway and the River. The RS-3 is proposed for the balance of the application (127.6 acres) located east of the creek realignment, and south of the proposed commercial and office at 71st and Lewis. The overall gross density excluding the expressway right-of-way and the Arkansas River is 12.6 units per acre. The proposed density does not appear to be excessive or improperly located considering the existing RM-1 zoning and virtually undeveloped state of the section, presence of the topo and drainage problems brought about by Joe Creek, the presence of the future Riverside Expressway and the excellent access which it will provide, and the presence of the Arkansas 8.23.72:926(12)
River and the development problems it brings about. Based on these reasons, the Staff recommends APPROVAL of RM-2, RM-1 and RS-3 as requested.

In summary, the Staff supports all requested zoning changes.

Staff Recommendation: PUD #128

The subject application represents a 278 acre tract located between Lewis Avenue and the Arkansas River and between 71st and 81st Streets South. The tract remains undeveloped with the exception of a drive-in theatre and several scattered residences. This PUD will be a companion to PUD #127 which is located immediately to the north of 71st Street.

The main feature of these two PUDs is the realignment and channelization of Joe Creek. In doing so the developer will be able to reclaim land that was rendered undevelopable due to the flooding of Joe Creek. The plan also includes the extension of the Arkansas River bank using soils removed from the creek channel.

The zoning pattern requested will locate multifamily zoning west of the creek channel, with high-density development between the expressway and the river, medium-density located adjacent to the expressway and low-density in the interior. Single family residential zoning is requested on the area east of the creek channel with the medium-density development adjacent to the major street and abutting the commercial and office development, and low-density development oriented towards the interior.

The development plan calls for varied dwelling types to include: Single family detached and attached, townhouses, garden apartments and high-rise apartments. A large amount of open space, 159.2 acres which includes the creek channel and recreational facilities, will be provided.

The Staff has reviewed the PUD text and plot plan, and although detailed plans as to internal street alignments and location of structures was not provided, the information concerning dwelling types, land use relationships and the densities of the individual blocks was sufficient for evaluation. The Staff recommends APPROVAL of PUD #128, subject to the approval of the zoning and the following conditions:

1. That the PUD text and plot plan be incorporated as conditions of approval unless modified herein.
2. That the maximum number of dwelling units shall not exceed the requested 4,441.
3. That 15-story structures be permitted in Blocks G and H only, and that the maximum structure height in the remaining blocks shall not exceed 35 feet or 2 1/2 stories.
That zero lot lines be permitted in the single-family area providing that no detached dwelling structure shall be closer than 10 feet to any adjacent dwelling structure.

That the areas designated open space on the plot plan be assigned specific lot and block numbers on the subdivision plat and preserved for same.

That detailed plot plans of each development area showing structure type and location, parking spaces, recreational areas and street alignments be submitted during the platting process for review by the Technical Advisory Committee, and approval by the Planning Commission, prior to the release of any subdivision plats.

That the internal street circulation system meet the review requirements of the TAC, and that dedicated streets shall be provided as required in the platting process.

That a neighborhood or homeowners association be responsible for the maintenance of all open space areas, or that open space be dedicated to the public providing the City Park Department will accept the maintenance of such areas.

That no commercial facilities be permitted within the PUD except the customary laundry and vending machine services.

That Sections 910 through 970 of the Tulsa Zoning Code shall apply.

That off-street parking spaces for all dwelling areas be provided in accordance with Sections 1006.4, 1007.4 and 1008.4 of the Tulsa Zoning Code.

That subdivision plats be approved by the Planning Commission prior to the issuance of any building permits, incorporating within the restrictive covenants those conditions not specifically covered by the Ordinance, and that the City of Tulsa be made beneficiary to those covenants as set forth in Section 970.5 of the Tulsa Zoning Code.

Interested Party: Del Fussell, 6225 South Victor Avenue

Comments:

Mr. Del Fussell, expressed concern about the removal of the dirt from the creek channel. He referred to a past application where the applicant constructed a dike with the dirt which was removed from the creek. He asked if the applicant had any plans for constructing a dike similar to this and was told that the dirt would be used to level other tracts of land. He also expressed concern as to the access points from the development to the schools in the area.
Protests: C. O. Clark  
Address: 2121 East 22nd Place

Comments:

Mr. C. O. Clark, expressed concern about the elevation of the streets and whether or not they would be dedicated and maintained as levees. He felt that planned development in the Creek area was wrong. He stated that in 1955 on the recommendation of the Planning Commission a study was made of keeping streets higher than the flood line. He said he did not know, as a matter of information, if the Riverside Expressway would ever be above the flood line.

Mr. Glen Turner, engineer for the applicant, explained to Mr. Clark that the 1955 study was prior to the Keystone Reservoir. Mr. Clark said that the Keystone Lake Dam was to be used for water release, and that if the Lake should be full and the water released, that the waters would flood the area to Lewis Avenue, thereby still making the flood district hazardous.

Instruments Submitted: 3 maps of the subject tract (Exhibit "C-1")

Zoning Committee Recommendation: CONCURRED with the Staff on each recommendation.

TMAPC Action: 6 members present.

On MOTION of LEAVITT, the Planning Commission voted unanimously to recommend to the Board of City Commissioners that Z-4236, PUD #127, Z-4245 and PUD #128 be rezoned per Staff and Zoning Committee Recommendations, and subject to the conditions outlined in the Staff Recommendations, on the following described properties:

**Z-4236 & PUD #127**

All that part of the E/2, SE/4, SW/4, Section 6, Township 18 North, Range 13 East of the IBM, Tulsa County, Oklahoma, LESS and EXCEPT:

A tract being more particularly described as follows, to wit:

Beginning at the SE corner of said E/2, SE/4, SW/4, thence South 89°51'-35" West along the southerly boundary of said E/2, SE/4, SW/4, a distance of 115.00'; thence North 00°00'-33" East parallel to the easterly boundary of said E/2, SE/4, SW/4, a distance of 821.53'; thence on a curve to the right having a radius of 741.75', a distance of 418.57' to a point on the easterly boundary of said E/2, SE/4, SW/4; thence South 00°00'-33" West along the easterly boundary of said E/2, SE/4, SW/4, a distance of 1,218.24' to the point of beginning. Total area contained in said part of Section 6: 745,788 square feet or 17.121 acres; AND, The E/2, SE/4, NE/4, SW/4, Section 6, Township 18 North, Range 13 East of the IBM, Tulsa County, Oklahoma, containing 217,800 square feet or 5.000 acres; AND, All the SW/4, NE/4, LESS and EXCEPT: The East 150.00' thereof; AND LESS and EXCEPT: The

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North 930.00' thereof; AND All that part in the SE/4 and the SE/4, SW/4 of Section 6, Township 18 North, Range 13 East of the IBM, Tulsa County, Oklahoma, more particularly described as follows, to-wit:

Beginning at the SE corner of said SE/4, SW/4; thence South 89°-51'-35" West along the southerly boundary of said SE/4, SW/4, a distance of 115.00'; thence North 00°-00'-33" East parallel to the easterly boundary of said SE/4, a distance of 821.53'; thence on a curve to the right having a radius of 741.75', a distance of 418.57' to a point in the Westerly boundary of said SE/4, SW/4; thence North 00°-00'-33" East along the Westerly boundary of said SE/4, a distance of 1,428.47' to the NW corner of said SE/4; thence North 89°-53'-26" East along the Northerly boundary of said SE/4, a distance of 1,527.09'; thence South 52°-36'-15" East a distance of 24.80'; thence South 11°-03'-09" West a distance of 254.76'; thence South 41°-32'-01" West a distance of 121.33'; thence South 33°-47'-49" West a distance of 188.70'; thence South 45°-25'-59" West a distance of 227.47'; thence South 63°-53'-35" West a distance of 96.18'; thence South 59°-22'-55" West a distance of 142.73'; thence South 55°-34'-42" West a distance of 348.02'; thence North 86°-45'-20" West a distance of 90.77'; thence South 86°-45'-34" West a distance of 113.38'; thence South 10°-43'-38" West a distance of 175.52'; thence South 40°-32'-28" East a distance of 60.78'; thence South 21°-25'-12" East a distance of 42.79'; thence South 24°-23'-25" East a distance of 88.99'; thence South 89°-52'-30" West a distance of 257.43'; thence South 53°-17'-40" West a distance of 0.00'; thence on a curve to the left having a radius of 626.75' a distance of 582.88' to a point on the Westerly boundary of said SE/4, SW/4; thence South 00°-00'-33" West along the Easterly boundary of said SE/4, SW/4 a distance of 821.53' to the point of beginning. Total area contained: 1,998,173 square feet or 45.872 acres.

Z-4245

All that part of Section 7, Township 18 North, Range 13 East of the IBM, Tulsa County, Oklahoma, more particularly described as follows, to-wit:

Beginning at a point in the Easterly boundary of said Section 7, 1,394.84' from the Northeast corner thereof; thence South 00°-30'-28" East along the Easterly boundary of said Section 7 a distance of 300.00'; thence South 89°-30'-47" West parallel to the Southerly boundary of the NE/4 of said Section 7, 2,080.00'; thence South 00°-30'-28" East parallel to the Easterly boundary of said Section 7, 880.00'; thence North 89°-30'-47" East 760.22' to a point on the Westerly boundary of the E/2, E/2, of said Section 7, also being 1,319.78' from the Easterly boundary and 2,668.63' from the Southerly boundary of said Section 7; thence South 00°-30'-35" East along the Westerly boundary of the E/2, E/2, of said Section 7, 1,468.63' to a point 800.00' from the Southerly boundary of
said Section 7; thence South 89°-47'-24" West parallel to the Southerly boundary of said Section 7, 600.00'; thence North 83°-45'-17" West 1,106.88'; thence South 36°-42'-36" East 1,150' to a point in the Southerly boundary of said Section 7, 2,339.70' from the Southeast corner thereof; thence South 89°-47'-24" West along the Southerly boundary of said Section 7, 264.87'; thence North 47°-33'-23" West 1,318.10' to a distance of 1,645.20'; thence North 34°-19'-38" East 585.52'; thence on a curve to the left having a radius of 2,697.80', a distance of 1,645.20'; thence North 00°-36'-50" West 1,524.28' to a point 775' South of the Northerly boundary of said Section 7; thence North 89°-14'-12" East parallel to the Northerly boundary of said Section 7, 750' thence South 36°-49'-57" East 766.83'; thence North 89°-14'-12" East parallel to the Northerly boundary of said Section 7, 1,550.00' to the point of beginning, containing 5,558,604.48 square feet or 127.608 acres; AND, All that part of the W/2, Section 7, Township 18 North, Range 13 East of the IBM, Tulsa County, Oklahoma, more particularly described as follows, to-wit:

Beginning at the Southeasterly corner of Lot 3, Block 3, River Grove Subdivision, a subdivision in Tulsa County according to the official recorded plat thereof; thence North 00°-12'-13" West along the Easterly boundary of Lot 3, Block 3 of River Grove Subdivision, 611.60'; thence South 89°-30'-47" West along the Northerly boundary of Lots 3 and 4, Block 3 of River Grove Subdivision, 356.00'; thence North 00°-12'-13" West along the Easterly boundary of Lots 8, 7, and 6, Block 2 of River Grove Subdivision, 542.00' to the Northeast corner of Lot 6, Block 2, of River Grove Subdivision; thence South 89°-30'-47" West along the Northerly boundary of Lot 6, Block 2 of River Grove Subdivision, 468.20' to a point on the meander line of the Arkansas River; thence South 64°-42'-47" West 260.00'; thence South 09°-56'-03" West 255.25'; thence South 39°-03'-23" East 665.00'; thence South 01°-03'-23" East 350.00'; thence South 14°-03'-23" East 560.00'; thence South 39°-03'-23" East 480.00'; thence South 54°-03'-23" East 1,210.00'; thence North 34°-19'-38" East 487.40'; thence North 36°-42'-36" West 1,629.41' to a point on the South boundary of River Grove Subdivision; thence South 89°-30'-47" West along the Southerly boundary of River Grove Subdivision, 36.98' to the point of beginning, containing 2,230,689 square feet or 51.209 acres; AND, All that part of the W/2, Section 7, Township 18 North, Range 13 East of the IBM, Tulsa County, Oklahoma, more particularly described as follows, to-wit:

Beginning at a point in the North boundary of said W/2, 115.00' from the Northeast corner thereof; thence South 00°-36'-50" East 2,299.28'; thence on a curve to the right having a radius of 2,697.80', a distance of 1,645.20'; thence South 34°-19'-38" West 98.12'; thence North 36°-42'-36" West 1,629.41' to a point on the Southerly boundary of River Grove Subdivision, a subdivision in Tulsa County according to the official recorded plat thereof; thence North 89°-30'-47" East along the Southerly boundary of River Grove Subdivision, 293.02' to the Southeast corner thereof; thence North 00°-30'-50" West along the

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Easterly boundary of River Grove Subdivision and along the Easterly boundary of Valley Bend, a subdivision in Tulsa County according to the official recorded plat thereof, 2,605.73' to a point in the North boundary of said W/2; thence North 89°-14'-12" East along the Northerly boundary of said W/2, 1,204.89' to the point of beginning, containing 4,210,692 square feet or 96.664 acres; AND, All that part of the SW/4, SE/4, and the SE/4, SW/4, Section 7, Township 18 North, Range 13 East of the IBM, Tulsa County, Oklahoma, more particularly described as follows, to-wit:

Beginning at a point in the Southerly boundary of said SW/4, SE/4, 600' from the Southeast corner thereof; thence South 89°-47'-24" West along the Southerly boundary of said SW/4, SE/4, 420.00'; thence North 36°-42'-36" West 1,150.00'; thence South 83°-45'-17" East 1,106.88'; thence South 00°-30'-35" East parallel to the Easterly boundary of said SW/4, SE/4, 800.00' to the point of beginning, containing 633,798 square feet or 14.550 acres; AND, All that part of the NE/4, Section 7, Township 18 North, Range 13 East, of the IBM, Tulsa County, Oklahoma, more particularly described as follows, to-wit:

Beginning at the Northeast corner of said NE/4; thence South 00°-30'-28" East along the Easterly boundary of said NE/4, 1,144.84'; thence South 89°-14'-12" West parallel to the Northerly boundary of said NE/4, 910.00'; thence South 00°-30'-28" East parallel to the Easterly boundary of said NE/4, 250.00'; thence South 89°-14'-12" West parallel to the Northerly boundary of said NE/4, 640.00'; thence North 36°-49'-57" West 766.83'; thence North 57°-51'-27" East 228.14 feet; thence North 00°-30'-28" West parallel to the Easterly boundary of said NE/4, 656.21' to a point in the Northerly boundary of said NE/4; thence North 89°-14'-12" East along the Northerly boundary of said NE/4, 1,810.00' to the point of beginning, LESS and EXCEPT: The East 1,810.00' of the N/2, N/2 of the NE/4, containing 1,100,586.96 square feet or 25.266 acres; AND, All the South 800.00' of the East 600.00' of the SW/4, SE/4, Section 7, Township 18 North, Range 13 East of the IBM, Tulsa County, Oklahoma, containing 480,000 square feet or 11.019 acres; AND, All the North 250.00' of the East 910.00' of the South 1,480.00' of the E/2, NE/4 of Section 7, Township 18 North, Range 13 East of the IBM, Tulsa County, Oklahoma, containing 227,500 square feet or 5.223 acres; AND, All that part of the NE/4, NW/4, and NW/4, NE/4 of Section 7, Township 18 North, Range 13 East of the IBM, Tulsa County, Oklahoma, more particularly described as follows, to-wit:

Beginning at a point in the North boundary of said NW/4, NE/4, 1,810' from the Northeast corner of said Section 7; thence South 00°-30'-28" East, parallel to the easterly boundary of said Section 7, 656.21'; thence South 57°-51'-27" West 228.14'; thence South 89°-14'-12" West, parallel to the Northerly boundary of said Section 7, 750.00'; thence North 00°-36'-50" East 775' to a point in the Northerly boundary of said NE/4, NW/4; thence North 89°-14'-12" East along the Northerly boundary of said Section 7, 945.68' to the point of beginning, containing 720,806 square feet or 16.547 acres.
All that part of Section 7, Township 18 North, Range 13 East of the IBM, Tulsa County, Oklahoma, more particularly described as follows, to-wit:

Beginning at a point in the easterly boundary of said Section 7, 1,394.84' from the Northeast corner thereof; thence South 00°-30'-28" East along the Easterly boundary of said Section 7 a distance of 300.00'; thence South 89°-30'-47" West parallel to the Southerly boundary of the NE/4 of said Section 7, 2,080.00'; thence South 00°-30'-28" East parallel to the Easterly boundary of said Section 7, 880.00'; thence North 89°-30'-47" East 760.22' to a point on the Westerly boundary of the E/2, E/2 of said Section 7, also being 1,319.78' from the Easterly boundary and 2,668.63' from the Southerly boundary of said Section 7; thence South 00°-30'-35" East along the Westerly boundary of the E/2, E/2 of said Section 7, 1,468.63' to a point 800.00' from the Southerly boundary of said Section 7; thence South 89°-47'-24" West parallel to the Southerly boundary of said Section 7, 600.00'; thence North 83°-45'-17" West 1,106.88'; thence South 36°-42'-36" East 1,150' to a point in the Southerly boundary of said Section 7, 2,339.70' from the Southeast corner thereof; thence South 89°-47'-24" West along the Southerly boundary of said Section 7, 264.87'; thence North 47°-33'-23" West 1,318.10'; thence North 34°-19'-38" East 585.52'; thence on a curve to the left having a radius of 2,697.80', a distance of 1,645.20'; thence North 00°-36'-50" West 1,524.28' to a point 775' South of the Northerly boundary of said Section 7; thence North 89°-14'-12" East parallel to the Northerly boundary of said Section 7, 750'; thence South 36°-49'-57" East 766.83'; thence North 89°-14'-12" East parallel to the Northerly boundary of said Section 7, 1,550.00' to the point of beginning, containing 5,558,604.48 square feet or 127.608 acres; AND, All that part of the W/2, Section 7, Township 18 North, Range 13 East of the IBM, Tulsa County, Oklahoma, more particularly described as follows, to-wit:

Beginning at the Southeasterly corner of Lot 3, Block 3, River Grove Subdivision, a subdivision in Tulsa County according to the official recorded plat thereof; thence North 00°-12'-13" West along the Easterly boundary of Lot 3, Block 3, River Grove Subdivision, 611.60'; thence South 89°-30'-47" West along the Northerly boundary of Lots 3 and 4, Block 3 of River Grove Subdivision, 356.00'; thence North 00°-12'-13" West along the Easterly boundary of Lot 8, 7, and 6, Block 2 of River Grove Subdivision, 542.00' to the Northeast corner of Lot 6, Block 2 of River Grove Subdivision; thence South 89°-30'-47" West along the Northerly boundary of Lot 6, Block 2 of River Grove Subdivision, 468.20' to a point on the meander line of the Arkansas River; thence South 64°-42'-47" West 260.00'; thence South 09°-56'-03" West 255.25'; thence
Z-4236 & PUD #127 and
Z-4245 & PUD #128 (continued)

South 39°-03'-23" East 665.00'; thence South 01°-03'-23" East 350.00';
thence South 14°-03'-23" East 560.00'; thence South 39°-03'-23" East
480.00'; thence South 54°-03'-23" East 1,210.00' thence North 34°-19'-
38" East 487.40'; thence North 36°-42'-36" West 1,629.41 feet to a
point on the South boundary of River Grove Subdivision; thence South
89°-30'-47" West along the Southerly boundary of River Grove Subdivi-
sion 36.98' to the point of beginning, containing 2,230,689 square
feet or 51.209 acres; AND, All that part of the W/2, Section 7, Town-
ship 18 North, Range 13 East of the IBM, Tulsa County, Oklahoma, more
particularly described as follows, to-wit:

Beginning at a point in the North boundary of said W/2 115.00' from
the Northeast corner thereof; thence South 00°-36'-50" East 2,299.28';
thence on a curve to the right having a radius of 2,697.80', a distance
of 1,645.20'; thence South 34°-19'-38" West 98.12'; thence North 36°-
42'-36" West 1,629.41' to a point on the Southerly boundary of River
Grove Subdivision, a subdivision in Tulsa County according to the
official recorded plat thereof; thence North 89°-30'-47" East along
the Southerly boundary of River Grove Subdivision, 293.02' to the
Southeast corner thereof; thence North 00°-30'-50" West along the
Easterly boundary of the River Grove Subdivision and along the Easterly
boundary of Valley Bend, a subdivision in Tulsa County according to
the official recorded plat thereof, 2,605.73' to a point in the North
boundary of said W/2; thence North 89°-14'-12" East along the Northerly
boundary of said W/2, 1,204.89' to the point of beginning, containing
4,210,692 square feet or 96.664 acres.

TMAPC Members Present

Cox
Dubie
Leavitt
Leibowitz
Sears
Williams

Staff Present

Alberty
Allen, Mrs.
Gardner
Wilmoth

8.23.72:926(20)

6.79
Areas with special opportunities such as where major public or private investments are planned

This proposal meets several of the criteria. An Area of Growth designation is consistent with that recently assigned to the RiverParks between Southwest Boulevard and East 71st Street South. The intent of this area, like RiverParks, is that it is a dynamic, active and utilized amenity for the City of Tulsa. The City wishes to move forward with development of this underutilized area, while continuing to provide the recreational facilities (sand volleyball courts) currently at the park, either further south on Helmerich Park or at another nearby park. As evidenced by the Gathering Place to the north and numerous commercial ventures further south, this is clearly an area undergoing positive change which is expected to continue. Also, a mix of uses – retail and recreational- on this site at E. 71st Street South and S. Riverside Drive allows the City to implement a portion of the Arkansas River Corridor Master Plan.

**STAFF RECOMMENDATION**

- Staff recommends Approval of the Mixed-Use Corridor and Area of Growth designations.

**FILE COPY**

Related Item:

13. **PUD-128-E-5** – Eller & Detrich/Lou Reynolds, Location: Southwest corner of East 71st Street South and South Riverside Drive, requesting a PUD Minor Amendment to reallocate floor area within Development Areas A, B and C; amend Development Area boundaries between A and B and to amend Development Standards in A, B and C, CS/OMH/AR-2/PUD-128-E, (CD-2) (Related to CPA-34)

**STAFF RECOMMENDATION:**

Amendment Request: To reallocate floor area within Development Areas A, B and C; amend Development Area boundaries between A and B and to amend Development Standards in A, B and C.

**Staff Comment:** This request can be considered a Minor Amendment as outlined by Section 1107.H.1 PUD Section of the City of Tulsa Zoning Code.

"Adjustment of internal development area boundaries, provided the allocation of land to particular uses and the relationship of uses within the project are not substantially altered."
As well as Section 1107.H.9

"Changes in structure heights, building setbacks, yards, open spaces, building coverage and lot widths or frontages, provided the approved Development Plan, the approved PUD standards and the character of the development are not substantially altered.

DEVELOPMENT CONCEPT
PUD Minor Amendment 128-E-5 ("PUD 128-E-5") is located at the southwest corner of East 71st Street South and South Riverside Parkway. PUD 128-E is comprised of 92 acres and this Minor Amendment is comprised of the northerly 35.89 acres thereof. See the Aerial Photo – Land Uses Plan attached hereto as Exhibit "A".

The purpose of PUD 128-E-5 is to reallocate floor area within Development Areas "A", "B" and "C" and amend the boundaries between Development Areas "A" and "B" of PUD 128-E in order to establish the Development Standards for the development of "new" Development Area "A" for commercial purposes.

Except for the reallocation of the floor area, the only other Development Standards amended within Development Areas "B" and "C" are the removal of the commercial uses from the Permitted Uses of Development Area "C" as a result of the reallocation of the commercial floor area to "new" Development Area "A" from Development Area "C". Otherwise, there are not any amendments to the Development Standards of Development Areas "B" and "C".

As shown on the Conceptual Site Plan (Exhibit "B"), the proposed commercial center will create a sense of place, space and community between South Riverside Parkway, East 71st Street South, the River Parks trail and the Arkansas River.

Using sophisticated design with a "lifestyle" feel, the Project will tie in to the River Parks trail, the Arkansas River and the arterial streets through building design, articulation, massing, and generous landscaping. Along the River Parks trail, where hard architectural lines meet the trail, special attention to landscaping details will help soften the experience. Even without including Reserve Area A and Reserve Area B, the landscaping within the Project will exceed 15%.

The Project will be anchored by a ± 27,000 square foot hiking, biking and outdoor store while accommodating smaller uses in an adjacent building and another building on the hard corner of East 71st Street South and
South Riverside Parkway. The building will have direct access to the River Parks trail and at its northwest corner such building has windows and other inviting architectural features to welcome visitors from the River Parks trail to the Project. Conceptual Building Elevations of the outdoor store are attached hereto as Exhibit “C”.

Finally, the Project seeks to further embrace its location by allowing for the development of a restaurant with an indoor/outdoor musical venue enjoying the view of as well as the views from the River Parks trail and Arkansas River.

Throughout the Project, pedestrian pathways allow for easy access to and from one building to another, as well as the River Parks trail. Bicycle storage will be provided in several locations within the Project.

The Project’s design, landscaping and tenant mix seek to create a sense of community as a hub in Tulsa’s trail system. The Project will provide additional parking that is well connected to both the Project and the River Parks trail which enhances the connectivity to both the center and the adjacent trail.

No rezoning is necessary to support PUD 128-E-5 and all the proposed uses are Permitted Uses within the underlying CS, OMH and RM2 Zoning Districts. See the Area Zoning Map attached hereto as Exhibit “D”.

DEVELOPMENT STANDARDS

“NEW” DEVELOPMENT AREA “A”

LAND AREA:

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>GROSS:</td>
<td>668,440 SF</td>
<td>15.35 AC</td>
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<tr>
<td>NET:</td>
<td>536,357 SF</td>
<td>12.31 AC</td>
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PERMITTED USES:

Uses permitted as a matter of right in the OM – Office Medium District and accessory uses customarily incident to a principal use permitted in the OM District, restaurants, barber shops and beauty and convenience goods and services, and shopping goods and services and restaurant and music concert, with indoor / outdoor dining, bar and music area indoor and outdoor commercial, with accessory bar as permitted in Use Units 12, 13, and 14 and 20 and accessory uses customarily accessory thereto. Restaurants, private clubs, barber and beauty shops which are located within a building having offices as its principal use shall be
considered as permitted accessory uses if such restaurants and clubs do not occupy more than 5% of the gross floor area of the principal building in which it is located.

MAXIMUM BUILDING FLOOR AREA:

<table>
<thead>
<tr>
<th>Office</th>
<th>270,750 SF</th>
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<tbody>
<tr>
<td>Commercial</td>
<td>63,250 SF</td>
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<tr>
<td>Total</td>
<td>334,000 SF</td>
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MINIMUM BUILDING SETBACKS:

- From the centerline of South Riverside Parkway: 120 FT
- From the centerline of East 71st Street South: 120 FT
- From the boundary of Development Area “B”: 0 FT
- From the west boundary per approved Detail Site Plan

SIGNS:

Signs within “new” Development Area “A” shall be as follows:

(a) 71ST STREET PROJECT SIGNS.
Ground signs shall be permitted as follows: Two (2) ground signs on East 71st Street South. The westerly sign shall not exceed 20 FT in height and 100 SF of surface display area. The easterly sign shall not exceed 10 FT in height and 36 SF of surface display area.

(b) RIVERSIDE PARKWAY PROJECT SIGNS.
Two (2) project signs shall be permitted on South Riverside Parkway. The northerly sign shall not exceed 20 FT in height and 100 SF of surface display area. The southerly sign shall not exceed 10 FT in height and 24 SF of surface display area.

The approximate locations of the Project Signs are shown on the Conceptual Site Plan attached hereto as Exhibit “B”.

(c) WALL SIGNS.
Wall signs shall be permitted not to exceed 2.0 SF of surface display area per linear foot of building wall to which attached. The length of a wall sign shall not exceed 75% of the frontage of the building.

(d) DIRECTIONAL SIGNS.
Directional signs within the interior of “new” Development Area “A” which are intended to inform
the visitor as to the location within the Project of tenants may be freestanding if not exceeding 4 FT in height and 4 SF of surface display area.

Directional signage that provides information to trail access locations must meet the standards defined in the Riverparks Authority Design Guidelines adopted by the RPA Board of Trustees in December 2008. Those signs will not be counted against the sign budget defined in the PUD.

**LANDSCAPED AREA:**
A minimum of 15% of the net land area of "new" Development Area "A" shall be improved as internal landscaped open space in accordance with the provisions of the Landscape Chapter of the Tulsa Zoning Code.

For the determination of the street yard the setback from right-of-way will be calculated using 50 FT for both East 71st Street South and South Riverside Parkway.

**"NEW" DEVELOPMENT AREA "B"**

**LAND AREA:**

<table>
<thead>
<tr>
<th>GROSS</th>
<th>395,826 SF</th>
<th>9.09 AC</th>
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<td>NET</td>
<td>384,851 SF</td>
<td>8.84 AC</td>
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**MAXIMUM BUILDING FLOOR AREA:**

| OFFICE      | 364,000 SF |

**LANDSCAPED AREA:**
A minimum of 15% of the net land area of "new" Development Area "A" shall be improved as internal landscaped open space in accordance with the provisions of the Landscape Chapter of the Tulsa Zoning Code.

For the determination of the street yard the setback from right-of-way will be calculated using 50 FT for both East 71st Street South and South Riverside Parkway.

**DEVELOPMENT AREA "C"**

**LAND AREA:**

<table>
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<tr>
<th>GROSS</th>
<th>499,198 SF</th>
<th>11.46 AC</th>
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<tr>
<td>NET</td>
<td>456,167 SF</td>
<td>10.47 AC</td>
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</table>
Neither the boundary nor the land area of Development Area "C" are amended as a result of PUD-128-E-5.

PERMITTED USES:
Uses permitted as a matter of right in the OM – Office Medium District and accessory uses customarily incident to a principal use permitted in the OM District, restaurants and private clubs, barber and beauty shops. Restaurants and clubs which are located within a building having offices as its principal use shall be considered as permitted accessory uses if such restaurants and clubs do not occupy more than 5% of the gross floor area of the principal building in which it is located.

MAXIMUM BUILDING FLOOR AREA:
Office: 453,250 SF

MISCELLANEOUS BUILDING TRANSPARENCY:
Transparency is considered the percentage of a River/Trail facing building façade that must be covered by transparent windows and or doors. The transparency will only be required within 125 feet of the pavement edge on the trail.

BUILDING WALLS FACING THE ARKANSAS RIVER AND TRAIL SYSTEM

Development Area A:
A minimum transparency area greater than 15 % is required along the northern 75 feet of the building façade measured between 3 feet and 15 feet above the trail elevation.

Development Area B and C:
A minimum transparency of 40% is required along the length of the building façade measured between 3 feet and 8 feet above the trail elevation.

VEHICULAR ACCESS AND CIRCULATION:
Vehicular Access to the Project will be provided by East 71st Street South and South Riverside Parkway.

The Project will have four (4) points of vehicular access: One (1) to East 71st Street South and three (3) to South Riverside Parkway together with an internal drive system running throughout the length of the Project. The internal
drive system will also provide access to the south for future development.

The Access and Circulation Plan for the Project is attached hereto Exhibit "E".

Pedestrian and Bicycle circulation paths will be integrated into the existing trail and sidewalk system.

**PARKING:**
Vehicular parking for public access to the Trail and Riverparks shall be encouraged. Limitations on the location and amount of public access parking will not be allowed.

Bicycle parking areas will be conveniently located near the main entrance of any building within a Development Area.

An aggregate total of storage/parking areas for a minimum of 20 bicycles will be provided in each Development Area. Smaller groupings of storage areas are allowed near each building entrance.

Specific design details will be shown on the detailed site plan.

**LANDSCAPING:**
In addition to the required landscaping as defined in the Tulsa Zoning Code a minimum 10 foot wide green space adjacent to the street right-of-way for Riverside Drive and 71st Street will be provided. Within the 10 foot green space, shrubs with sufficient density and height will be installed and maintained to provide a 3' tall effective visual screen from Riverside and 71st street within a three year growing cycle.

Along the trail system a large tree will be installed with a quantity calculation assuming a maximum spacing of 30 feet measured along the trail edge through the entire lot. The trees may be equally spaced or grouped. The minimum size at planting will be a 3" caliper and 10' & 12' height. Those trees will be within 10 feet of between the building and the edge of the trail and are not calculated as part of the Landscape Standards defined in the Zoning Code.

During detailed site plan review the applicant will be required to make a reasonable effort to save existing large healthy trees on the site. Tree protection plans and standards will
be provided as part of the detailed site plan and the landscape plan. Utility trenches will not be allowed under the drip line of trees that will be saved.

"Because of the age of PUD-128-E, internal landscape open space was amended to be consistent with the Tulsa Zoning Code.

UTILITIES:
All utilities are available at the site except sanitary sewer which will be extended to the site from the south. The storm sewer system for the Project will not create any new penetrations to the Arkansas River bank.

See the Site Map, Topography, Existing and Proposed Utilities and FEMA Floodplain Map attached hereto as Exhibit "E".

ZONING:
See the Zoning Map attached hereto as Exhibit "F".

LEGAL DESCRIPTIONS:
The Legal Descriptions of "new" Development Area "A" and "new" Development Area "B" and existing Development Area "C" are attached hereto, respectively, as Exhibit "G", Exhibit "H", and Exhibit "I".

STAFF RECOMMENDATION
Staff has reviewed the request and determined:

1) The requested amendment does not represent a significant departure from the approved development standards in the PUD.

2) All remaining development standards defined in PUD-128-E and subsequent minor amendments shall remain in effect.

With the considerations listed above, staff recommends APPROVAL of the minor amendment request to:

1) Reallocate floor area within Development Areas A, B and C
2) Development Area boundaries between A and B and
3) Amend Development Standards in A, B and C.

Mr. Wilkerson pointed out the additional requirements that staff has requested for landscaping, number of trees and transparency along the
trail edge. Mr. Wilkerson stated that he would like to open up for discussion regarding parking being allowed for the trail.

**TMAPC COMMENTS:**
Mr. Shivel stated he has concerns where the patio area is located and wonder if that piece of development could be further removed from the trail and possibly lose a few parking spaces. Mr. Wilkerson stated that this is all conceptual in nature and it isn’t known exactly who the user will be. There are a lot of details that haven’t fully addressed the best use of the subject area possibly.

Mr. Stirling asked Mr. Wilkerson what percentage he would be more comfortable with. Mr. Wilkerson stated that originally he requested a minimum of 40%.

**Applicant’s Comments:**
Lou Reynolds, 2727 East 21st Street, 74114, stated that the subject property is owned by the Tulsa Public Facilities Inventory. Mr. Reynolds cited the surrounding areas and the various development areas within the PUD. Mr. Reynolds explained the exchange of floor area from other development areas in order to bring the PUD up to modern times.

Mr. Reynolds stated that he has been having conversations about this project for several months and there has been a lot of give and take between the City, INCOG and the developer regarding the proposed use. Mr. Reynolds stated that there has been a comment or suggestion of an esplanade on the subject property and that can be done without any issues. Mr. Reynolds suggested that this could be worked out during detail site plan. Mr. Reynolds described the proposed conceptual plan and landscaping proposed. Mr. Reynolds stated that it has been a lot of work to get the future tenant to agree to the conceptual site plan due to their retailing operations. Mr. Reynolds proposes to soften the edge through landscaping with berms and grass, etc. Mr. Reynolds stated that his client designed and landscaped for the trail, allowed access to the trail and there is a slight difference with staff regarding the parking. Mr. Reynolds indicated that his client has no problem with sharing the parking because it is significantly over parked, but he believes that if it became detrimental to the shopping center, then it may have to be controlled and try to control it with as light of a hand as possible. Mr. Reynolds cited a scenario where the shared parking could be an issue and feels that the shared parking has been done in a harmonious way. Mr. Reynolds stated that there needs to be some rights and balance between the shared parking. Mr. Reynolds proposed that in the beginning to not have any ideas or limits on the parking and see how it works out.
Mr. Reynolds stated that the subject proposal is close to staff's recommendation and there are three things that he is not in agreement with staff on. Mr. Reynolds submitted modifications to the language (Exhibit B-1). Mr. Reynolds requested the Planning Commission to approve the request with the submitted three changes.

**TMAPC COMMENTS:**
Mr. Midget asked if he heard Mr. Reynolds state that staff is in agreement with modification number one. Mr. Reynolds answered affirmatively. Mr. Midget asked if he heard that Mr. Reynolds wanted to have the trees between the building and the edge of the trail and count it toward their landscaping.

Mr. Dix asked about the access on 71st Street. Mr. Reynolds indicated that he will work with the City of Tulsa Traffic Engineering and prevent cars darting out and around the center median.

Ms. Millikin asked Mr. Reynolds to elaborate on what type of controls he might need for parking. Mr. Reynolds stated that he hopes it never has to be done. Mr. Reynolds further stated that there are no plans at this time for control, but if that situation arose it would be minimal as possible. Mr. Reynolds commented that he hopes the parking is never an issue, but he doesn't want his client's hands tied if a problem should present itself. Mr. Reynolds stated that his client's business needs the parking to have facility to work and he believes there is plenty of parking for it and the park. If needed, it would be handled lightly as possible because his client wants a harmonious relationship with the trail users and the center.

Mr. Reeds asked if the subject property would be purchased or leased. Mr. Reynolds stated that it is being ground leased and paying fair market for it. Mr. Reeds stated that he would like to see this development to attain the same level of quality that is happening in downtown Tulsa, in Jenks, Broken Arrow, Bixby and Owasso. Mr. Reeds stated that the submitted preliminary proposal is close, but not quite there in his opinion. He believes that the applicant needs to emphasize and embrace the River, rather than putting up a blank wall. Mr. Reeds commented that the design could be adjusted to make this work.

In response to Mr. Liotta, Mr. Reynolds stated that when Keystone Dam was shaking and everyone was nervous, the subject property was dry.

No interested parties wishing to speak.

Mr. Carnes stated that since Mr. Reeds is working on this park anyway, he would feel comfortable with whatever motion he makes.
Mr. Reeds stated that he supports the designation of mixed-use corridor, but he is concerned about the general layout. There are some nice things, but they haven't shown how it would look facing from the trail and that is what staff was addressing regarding the openness. Mr. Reeds mentioned that he doesn't understand why a loading dock is 30 feet from the running trail and why not turn it 90 degrees and have the other restaurant adjoining an esplanade to create a nice transition between the trail and the buildings, which would still be presented well off of Riverside Drive and might offer more flexibility. Mr. Reeds suggested that the Planning Commission support this application, but with a right to approve the final site plan.

Mr. Carnes stated that if that is a motion he would second it.

Mr. Covey asked Mr. Reeds if that is a motion. Mr. Reeds answered affirmatively.

Mr. Covey asked Legal if the motion was in order. Ms. VanValkenburgh asked if the motion was for the PUD portion only. Mr. Reeds answered affirmatively. Ms. VanValkenburgh stated that it leave it open and she doesn't know if the developer would be comfortable with that. Ms. VanValkenburgh stated that the Planning Commission can require detail site plan approval. Mr. Reynolds stated that he would accept that condition.

Mr. Covey stated that there needs to be a separate motion for Item 12 (CPA-34).

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:
On MOTION of REEDS, TMAPC voted 10-0-0 (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker "absent") to recommend APPROVAL of the amendment to the Comprehensive Plan for Land Use Designation from "Park and Open Space" to "Mixed Use Corridor" for CPA-24 per staff recommendation.

Mr. Reeds moved to approve the minor amendment with the condition that the detail site plan return to the TMAPC for approval and subject to the amendments submitted by the applicant.

Mr. Covey asked Mr. Wilkerson if staff agrees with the amendments submitted by the applicant. Mr. Wilkerson stated that he doesn't support the amendments. Mr. Wilkerson stated that the landscape edges are important and separate from landscape standards, because this would get
more trees. Mr. Reeds stated that he understood that the applicant already provided landscaping and buffering along Riverside and 81st Street. Mr. Wilkerson stated that that is true, but in addition the staff recommendation was to add trees along the east side of the trail in addition to the minimum standards that are in the Landscape Chapter. Mr. Wilkerson further stated that the applicant is agreeing to the trees, but they want the trees to count toward the required landscaping. Mr. Wilkerson stated that he would like to hear more discussion regarding the additional transparency.

Mr. VanValkenburgh stated that she believes that the percentage has to be stated today and can't be change at detail site plan.

Discussion ensued on the percentage of transparency that should be required.

Mr. Reynolds stated that the tenant can't have more than 15% transparency and run their retail business.

Mr. Dix stated that he finds it difficult to impose certain limitations on an architectural consideration to a developer. The site plan approval is plenty and he is struggling with making somebody design it to our arbitrary limitations. If they have agreed to 15%, then let them put the 15% where they want to.

Mr. Reeds stated that some of this could be addressed by reorienting the buildings to the trail. Mr. Reynolds stated that he supposed that is a possibility, but the tenant has agreed to this layout and location and this is what the developer is working toward.

Mr. Dix stated that the Planning Commission is trying to design a building by telling somebody that they need to have at least 15% or 40% whatever and that is none of our business. We need to approve the PUD and let them design their building and let them build it. Mr. Dix stated that the use is the important part.

Mr. Reeds stated that he couldn't disagree with Mr. Dix more and he has disagreed with him in the past. This is our business as docents of our City and particularly of this first construction along the River. As the first one would want to set a good standard and embracing the River with design is critically important. Mr. Reeds stated that he knows the tenant and he knows that they embrace the cities where they are currently located and he would only ask that they do the same to Tulsa. Right now he does not see this design doing the same. Today's proposal is a typical 1980's shopping center and located on the Arkansas River on a great piece of
land, with very little adjustments. Mr. Reynolds stated that he would relay Mr. Reeds' comments to the tenant.

Mr. Reeds moved to approve minor amendment for PUD-128-E-5 per staff recommendation, subject to the detail site plan returning to the TMAPC for approval, subject to a minimum of transparency along the River/Trail sides of the building, subject to the three amendments submitted by Mr. Reynolds (Exhibit B-1).

Seconded by Mr. Carnes

Mr. Dix stated that he can't support this motion with a 40% transparency requirement.

Mr. Covey stated that if the Planning Commission is going to require the 40% he has a problem with that. Mr. Covey further stated that he has a problem with the motion dictating 40% and it could possibly come back with 25%.

Mr. Reynolds stated that he talked with the developer and they can go up to 20%, but beyond that they can't get the building like the tenant would like it to be to run their facility. Mr. Reynolds stated that he needs to know what that number is so that the lease can be signed and approved.

Mr. Dix suggested that the motion could say a transparency greater than 15%. Mr. Reynolds stated that would work for his client.

Mr. Reeds stated that he would support that amendment to his motion. Mr. Reeds agreed with Mr. Reynolds that the transparency he is addressing is the north 75 feet of the west wall.

Mr. Midget stated that he understands the concerns and he hopes that the applicant maximizes the transparency as much as possible. Mr. Midget further stated that he hopes that the developer understands the intent of the motion and not return with 16%.

Mr. Midget seconded Mr. Reeds' amended motion.

TMAPC Action; 10 members present:
On amended MOTION of REEDS, TMAPC voted 10-0-0 (Carnes, Covey, Dix, Fretz, Liotta, Midget, Millikin, Reeds, Shivel, Stirling "aye"; no "nays"; none "abstaining"; Walker "absent") to recommend APPROVAL of the minor amendment for PUD-128-E-5 per staff recommendation, subject to the detail site plan returning to the TMAPC for approval, subject to a transparency greater than 15% along the River/Trail sides of the building.
in the north 75 feet of the west wall, subject to the three amendments submitted by Mr. Reynolds (Exhibit B-1).

**********

PUBLIC HEARINGS:

18. **Bent River** – Preliminary Plat, Location: South of the southwest corner of East 121\textsuperscript{st} Street South and South Sheridan Road, (CD 8)

**STAFF RECOMMENDATION:**
This plat consists of 103 Lots, 5 Blocks, on 30 acres.

The following issues were discussed May 7, 2015 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned Planned Unit Development 828.

2. **Streets:** Provide street names. Provide existing right of way width along East 126\textsuperscript{th} Street with document number. In the Deed of Dedication, Section 1.7 Sidewalks, modify to read “provide along all streets” not just S. Sheridan. Include standard sidewalk language for residential subdivision plats.

3. **Sewer:** Indicate what the reserve areas are specifically for, within in covenants. If sanitary sewer is located in reserves a, c and e, and easement is required and reserve language in covenants. Between lot 13 and 14 indicate maintain adequate separation for sanitary sewer. 15 foot minimum width with pipe centered in easement. Provide contours on conceptual utility plan.

4. **Water:** Install proposed waterline on the south side of roadway. Install valves and hydrants.

5. **Storm Drainage:** Storm drainage easement required across lot 4 and lot 5, block 1, and lot 11 and lot 12, block 1.

6. **Utilities:** Telephone, Electric, Gas, Cable, Pipeline, Others: No comment.

7. **Other:** Fire: Fire hydrant spacing will need to meet the requirement of IFC 2009 Section 507. This includes the adjacent Sheridan Road and 126\textsuperscript{th} Street along the developed area.
BOA-22661

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

Aerial Photo Date: February 2018
Far South end of Property from Riverside Drive

North End of Park Facing South
HEARING DATE: 06/25/2019 1:00 PM

APPLICANT: Jackie Bubenik

ACTION REQUESTED: Modification of a previously approved site plan to permit improvements to Plaza Tract Park approved in BOA-16444 (Table 5-2).

LOCATION: 1404 S 145 AV E

ZONED: RS-1

PRESENT USE: Public Park

TRACT SIZE: 441961.57 SQ FT

LEGAL DESCRIPTION: PRT SE NE BEG SECR NE TH W1000 N550 E1000 S550 POB LESS BEG 679.11W S689.64E TH W189.49 N189.49 SW280.23 TH ON SELY CRV LF 242.83 POB 9 19 14 10.146ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-16444: On September 14th, 1993 the Board approved a Special Exception to permit a park in an RS-1 District per plan submitted. Located at the subject property.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Park and Open Space" and an "Area of Stability".

Tulsa's park and open space are assets. These are areas to be protected and promoted through the targeted investments, public-private partnerships, and policy changes identified in the Parks, Trails, and Open Space chapter. Zoning and other enforcement mechanisms will assure that recommendations are implemented. No park and/or open space exists alone: they should be understood as forming a network, connected by green infrastructure, a transportation system, and a trail system. Parks and open space should be connected with nearby institutions, such as schools or hospitals, if possible.

The Areas of Stability include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.
ANALYSIS OF SURROUNDING AREA: The subject tract is Plaza Tract Park which is south of the SW/c of E. 11th ST S and S 145th E Ave. Its is surrounded by vacant undeveloped properties on the North, South, and West and by 145th E. Ave on the East. The area between 11th St. and 21st Street along 145th is defined by a mix residential subdivision, low density agricultural lots, undeveloped woodlands and low intensity commercial uses near the hard corners. The park itself contains several mature trees provide shade across the bulk of the park. In addition to the landscaping the park features playground equipment and walk trail.

STAFF COMMENTS:

As a part of this application the Parks Department is requesting an approval that would afford them to right to make future improvements to the park without requiring Board of Adjustment review. The sample motion below would allow future improvements on the park to be granted permits without requiring site plan revisions in front of the Board of Adjustment.

Sample Motion:

Move to ________ (approve/deny) the requested Modification a previously approved site plan to permit future improvements to Plaza Tract Park that was originally approved as a part of BOA-16444 (Table 5-1):

- Per the Conceptual Plan(s) shown on page(s) ______ of the agenda packet.

- And to include future modifications and improvements commensurate with park amenities, with no further Board of Adjustment approval required.

- Subject to the following conditions ____________________________.

The Board finds that the requested Modification will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
Action Requested:
Special Exception to permit park use in an RS-1 zoned district - SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 5, located 1404 South 145th East Avenue.

Presentation:
The applicant, City of Tulsa - Parks Department, was represented by Gary Lindaman. He stated the City of Tulsa is requesting a special exemption to permit park use in an RS-1 District. This is a new park, they have done a mail-out of the Master Plan and held a public meeting concerning the development of this park. This park would be developed in normal fashion with basic facilities and they are proposing Phase 1 consisting of a parking lot, playground, picnic tables, benches, foot trail and security lighting. A plot plan (Exhibit V-1) was submitted.

Comments and Questions:
Mr. Chairman Doverspike stated this is much like the application previously considered.

Ms. Russell informed that the park under consideration is a new park, and is in accordance with the Comprehensive Plan.

Mr. Bolzle asked if there were any structures planned at this time, and Mr. Lindaman stated that there are none proposed at this time.

Protestants:
None

Board Action:
On MOTION of BOLZLE, the Board voted 3-0-0 (Bolzle, Doverspike, S. White, "aye"; no "nays"; no "abstentions"; Chappelle, T. White, "absent") to APPROVE a Special Exception to permit park use in an RS-1 zoned district - SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 5; per plan submitted; finding the park to be compatible with the area, and in harmony with the spirit and intent of the Code and the Comprehensive Plan; on the following described property:

A tract of land in Section 9, T-19-N, R-14-E, Tulsa County, Oklahoma, more particularly described as follows:
Case No. 16444 (continued)

Beginning at a point on the east boundary of said Section 9, N 0°07'00" E 550.00' from the southeast corner of the NE/4 of said Section 9; thence due west 810.52'; thence N 30° W 730.57'; thence S 60° W 355.00'; thence N 5°17'04" W 0.00'; thence on a curve to the left, having a central angle of 6°10'00", an arc distance of 21.53'; thence N 60° E 120.15'; thence due N 235.00'; thence S 89°58'33" E 683.90'; thence S 0°07'00" W, parallel to and 700.00' west of the east boundary of said Section 9, 725.00'; thence S 89°58'33" E 700.00' to a point in the east boundary of said Section 9; thence S 0°07'00" W along said east line 45.97' to the POB, containing 7.523 acres, more or less, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16445

Action Requested:
Special Exception to permit a mobile home in an RS-3 zoned district, and a variance of the one-year time limitation to permanent - SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 9, located 10141 East 62nd Street South.

Presentation:
The applicant, H. D. Surfase, 10224 East 61st Street, stated he and his wife are on a fixed income and they have no other place to locate their mobile home. The current location of the mobile is Highland Trailer Park, which is closing for the airport expansion. With the trailer located on this lot their daughter will be able to help them.

Protestants:
None

Comments and Questions:
Mr. Doverspike asked if they had any plans to indicate where the home would be located on the property, and Mr. Surfase stated it will probably be placed parallel to the fence on the east side, approximately 10 feet from the fence line.

Mr. Doverspike asked if there are any homes currently located on the lots that abut this lot, and Mr. Surfase stated there is one house across the street, but the school has bought it, and also owns everything south of them.
Plan per BOA-16444
BOA-22662

19-14 09

Subject Tract

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

Aerial Photo Date: February 2018
View of the Playground Equipment facing South

View from parking lot facing West
View of the walking trail facing West

View of playground equipment and shade trees
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9302
CZM: 38
CD: 3
A-P#:

HEARING DATE: 06/25/2019 1:00 PM

APPLICANT: Jackie Bubenik

ACTION REQUESTED: Modification of a previously approved site plan to permit improvements to McClure Park approved in BOA-16866 (Table 5-2).

LOCATION: 7440 E 7 ST S

ZONED: RS-3

PRESENT USE: Park

TRACT SIZE: 2429351.15 SQ FT

LEGAL DESCRIPTION: PRT S/2 SE BEG 334.78N SECR SE TH W1915.33 N30 W767 N954.34 E2641 S984.34 POB LESS TR BEG 343N & 60W SECR SE TH W15 N15 E15 S15 POB & LESS W40 & LESS E60 & LESS N35 THEREOF FOR STS SEC 2 19 13 55.77ACS

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-16866; One November 8th, 1994 the approved a modification of a previously approved site plan to include a waterslide at the subject property.

BOA-10993; On May 1st, 1980 the Board approved a parks and recreation use in a residential district to establish McClure park at the subject property.

Surrounding Properties: None related to a park use.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Park and Open Space" and an "Area of Stability".

Tulsa's park and open space are assets. These are areas to be protected and promoted through the targeted investments, public-private partnerships, and policy changes identified in the Parks, Trails, and Open Space chapter. Zoning and other enforcement mechanisms will assure that recommendations are implemented. No park and/or open space exists alone: they should be understood as forming a network, connected by green infrastructure, a transportation system, and a trail system. Parks and open space should be connected with nearby institutions, such as schools or hospitals, if possible.

The Areas of Stability include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area...
while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

**ANALYSIS OF SURROUNDING AREA:** McClure park is an approximately 56 acre park located between South 73rd E. Ave and South Memorial Drive south of E. 7th St. Features of the park include a community center, Olympic sized swimming pool, frisbee golf course, soccer field, football field, playground, baseball diamonds, sports courts, and a walking trail.

**STAFF COMMENTS:**

As a part of this application the Parks Department is requesting an approval that would afford them the right to make future improvements to the park without requiring Board of Adjustment review. The sample motion below would allow future improvements on the park to be granted permits without requiring site plan revisions in front of the Board of Adjustment.

**Sample Motion:**

Move to ________ (approve/deny) the requested **Modification a previously approved site plan or conditions** to permit future improvements to McClure Park that was originally approved as a part of BOA-16866 (Table 5-1):

- Per the Conceptual Plan(s) shown on page(s) ______ of the agenda packet.
- And to include future modifications and improvements commensurate with park amenities, with no further Board of Adjustment approval required.
- Subject to the following conditions ____________________________.

The Board finds that the requested Modification will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
Case No. 16851 (continued)

Harry VanDyke, 2122 North Quincy Avenue, informed that he is the property owner and that the garage is currently used for storage, because it is not large enough for his wife to enter the car from her wheelchair.

Comments and Questions:
Mr. Doverspike asked if there are other carports in the area, and Mr. Beavers answered in the affirmative.

In reply to Mr. Doverspike, the applicant stated that the carport will be 10' by 23' and will be 18' from the curb.

Protestants:
None.

Board Action:
On MOTION of BOLZLE, the Board voted 4-1-0 (Abbott, Bolzle, Turnbo, White, "aye"; Doverspike, "nay"; no "abstentions"; none "absent") to APPROVE a Variance of the required setback from the centerline of North Quincy to permit a carport - SECTION 403. BULK AND AREA REQUIREMENTS IN THE RESIDENTIAL DISTRICTS - Use Unit 6; per plan submitted; finding that the houses in the older area of the City were constructed on narrow lots with one-car garages, finding that there are other carports in the area; and finding that approval of the request will not be detrimental to the neighborhood; on the following described property:

Lot 9, Block 3, Woodrow Park, City of Tulsa, Tulsa County, Oklahoma.

OTHER BUSINESS

Case No. 16866

Action Requested:
Amended site plan approval - Use Unit 2, located north and east of the NW/c of East 11th Street and South Memorial Drive.

Presentation:
The applicant, Arlin Vancuren, 111 West 5th Street, Suite M-100, submitted a design report (Exhibit L-1) and a site plan (Exhibit L-1) for the project in question. He explained that a water slide, additional deck space and an expansion to the concession area are proposed for McClure Park. Mr. Vancuren informed that the neighborhood has been consulted concerning the improvements and there have been no objections to the proposal. He asked that the amended site plan be approved.
Case No. 16866 (continued)

Comments and Questions:
Mr. Bolzle inquired as to the height of the water slide, and Mr. Vancuren replied that the total height is 18'. He informed that the neighborhood did not voice a concern with the height of the slide.

Protestants:
None.

Board Action:
On MOTION of TURNBO, the Board voted 5-0-0 (Abbott, Bolzle, Doverspike, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE an amended site plan to include a water slide - Use Unit 2; per amended plan submitted; finding the request to be in harmony with the spirit and intent of the Code; on the following described property:

Part S/2, SE/4 beginning 334.78' north SE/c SE/4 thence west 1915.33', north 30', west 767', north 954.34', east 2641', south 984.34' POB, less TR beginning 343' north and 60' west SE/c SE/4, thence west 15', north 15', south 15' POB and less west 40', less east 60' less north 35' thereof for strs, Section 2, T-19-N, R-13-E, City of Tulsa, Tulsa County, Oklahoma.

Case No. 16438

Action Requested:
Detail Site Plan approval - Use Unit 2.

Presentation:
The applicant, Joy Lutheran Church, 9940 South Yale Avenue, was not represented.

Comments and Questions:
Ms. Russell suggested that the application be continued, because there may have been some confusion on the part of the applicant as to the need for being present for the hearing.
NEW APPLICATIONS:

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) Request for an exception to use property as a public park with the following facilities: Swimming pool, recreation center, lighted tennis court, lighted baseball fields, lighted playfield, ballfield, restrooms, playground, jogging path, racquet ball courts, picnic shelter and parking southeast of 7th Street and 73rd East Avenue.

Presentation:

Randy Nicholson, representing the City of Tulsa, advised that McClure Park, located at 11th and Memorial, is 60 acres in size and is an existing nonconforming use. He stated they are requesting approval of the present facilities: Ball fields, swimming pool, and recreation center and the parking areas. Mr. Nicholson also advised that his immediate need is an expansion project for the park. A comprehensive plot plan was presented (Exhibit "F-1"). Referring to the plot plan, Mr. Nicholson advised that in the center of the park is the existing recreation center and 6 tennis courts; on the north side of the existing recreation center will be the addition of two racquet ball courts; to the east of the existing building is a proposal for a new play court. A large picnic shelter is proposed on the southwest corner of the subject site. Surfaced jogging trails are outlined on the plot plan along with the layout of a frisbee golf course. The frisbee golf course is a new recreation fad that utilizes a tee and a green containing a metal pole with a basket. The course is laid out like a golf course and the idea is to throw the frisbee from the tee to the hole in the fewest numbers of throws. The course is to be laid out by a firm from California which will be the first frisbee golf course for Tulsa. Mr. Nicholson also advised that the site plan has been in the Park Offices and encouraged people to come in to take a look at it. Presently, the City Engineering Department is considering the south-half of the subject tract for flood detention purposes, therefore, the facilities in that particular area are those of limited use.

Protests: None.

Board Action:

On MOTION of SMITH, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor Wait "aye"; no "nays"; no "abstentions") to grant an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property as a public park with the following facilities: Swimming pool, recreation center, lighted tennis courts, lighted baseball fields, lighted playfield, ballfield, restrooms, playground, jogging path, racquet ball courts, picnic shelter and parking, per plot plan submitted, on the following described tract:

A plot of land beginning at a point on the West line of the SE/4 of Section 2, Township 19 North, Range 13 East of the IBM, Tulsa Co., Oklahoma, said point beginning 334.78' North of the SW corner thereof; thence North along said West line of said SW/4 of said Section 2, Township 19 North, Range 13 East a distance of 984.34' to a point; 5180.309(12)
thence East and parallel to the South line of Section 2, Township 19 North, Range 13 East a distance of 2,641.33' more or less to a point, said point being on the East line of said Section 2, Township 19 North, Range 13 East; thence South and parallel to the East line of said Section 2, a distance of 984.34' to a point, said point being 334.78' North of the SE corner of Section 2, Township 19 North, Range 13 East; thence West and parallel to the South line of said Section 2, a distance of 2,642.05' more or less to the point of beginning. Said plot of land contains 59.649 acres more or less.

10994

Action Requested:
Special Exception (Section 440 (2) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1680 - Special Exceptions) Request for an exception to operate a home beauty shop in an RS-3 District at 1335 North 80th East Ave.

Presentation:
Shirley Bowman, 1335 North 80th East Avenue, advised that she would like to put in a home beauty shop. Ms. Bowman advised that she has built a double car garage in her back yard and that she plans to widen the driveway. The applicant also advised that she will not have that many customers, and that she plans to work on one customer at a time. Ms. Bowman advised that the shop will be located where her utility room was formerly located and a back door is presently there. The hours of operation will be 2 or 3 days a week, 8:00 a.m. to 5:00 p.m., and possibly on Saturday.

Protests: None.

Board Action:
On MOTION of LEWIS, the Board voted 5-0-0 (Lewis, Purser, Smith, Victor, Wait "aye"; no "nays"; no "abstentions") to grant a Special Exception (Section 440 (2) - Special Exception Uses in Residential Districts, Requirements - Under the Provisions of Section 1680 - Special Exception) to operate a home beauty shop in an RS-3 District between the hours of 8:00 a.m. and 5:00 p.m. (not on Sunday) with the exception of one night per week to operate until 9:00 p.m.; and to run with the present owner only, on the following described tract:

Lot 6, Block 1, Annahlee Heights Addition to the City of Tulsa, Oklahoma.

10995

Action Requested:
Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1204 - Public Protection and Utility Facilities and Temporary Open Air Uses) Request for an exception to permit a fire station in an RM-1 District at the southwest corner of Frisco and Edison.

5.1.80:309(13)
View of tennis courts from 7th Street

View of baseball diamond from 7th Street
View of Playground from 7th Street

View of swimming pool from E. 7th Street
STR: 215  Case Number: BOA-22664
CZM: 30
CD: 3

HEARING DATE: 06/25/2019 1:00 PM

APPLICANT: Jackie Bubenik

ACTION REQUESTED: Modification of a previously approved site plan to permit improvements to Patrick Park approved in BOA-10255 (Table 15-2).

LOCATION: 5101 E DAWSON RD N  ZONED: IL,IM

PRESENT USE: Park  TRACT SIZE: 1289795.1 SQ FT

LEGAL DESCRIPTION: NE NW SW & S/2 NW SW LESS APPROX .391ACS FOR DAWSON RD SEC 27 20 13 29.609ACS

RELEVANT PREVIOUS ACTIONS:

Subject Property:

BOA-4086; On May 15th, 1963 the Board approved permission to extend a non-conforming use (slaughterhouse) in a U-4-B District on the subject property.

BOA-5143; July 13th, 1966 the Board approved permission to continue a non-conforming use (packing plant) in a U-4-A district at the subject property.

BOA-6461; On October 7th, 1969 the Board approved a freezing unit to be added to a non-conforming packing plant at the subject property.

BOA-10255; On December 12th, 1978 the Board approved a variance to allow a park in an Industrial District to establish Patrick Park.

BOA-10814; On January 10th, 1980 the Board approved a special exception to permit a Heavy Industrial Slaughterhouse in an IM district at the subject property. The relation of this case to the park use is unclear as of the writing of this report.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Park and Open Space" and an "Area of Stability".

Tulsa's park and open space are assets. These are areas to be protected and promoted through the targeted investments, public-private partnerships, and policy changes identified in the Parks, Trails, and Open Space chapter. Zoning and other enforcement mechanisms will assure that recommendations are implemented. No park and/or open space exists alone: they should be
understood as forming a network, connected by green infrastructure, a transportation system, and a trail system. Parks and open space should be connected with nearby institutions, such as schools or hospitals, if possible.

The Areas of Stability include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

ANALYSIS OF SURROUNDING AREA: The subject property is Patrick Park which is located North of Dawson Road and East of North Yale Avenue. The approximately 30-acre park includes a playground, picnic areas and sports fields.

STAFF COMMENTS: As a part of this application the Parks Department is requesting an approval that would afford them the right to make future improvements to the park without requiring Board of Adjustment review. The sample motion below would allow future improvements on the park to be granted permits without requiring site plan revisions in front of the Board of Adjustment.

Sample Motion:

Move to ________ (approve/deny) the requested Modification a previously approved site plan or conditions to permit future improvements to Patrick Park that was originally approved as a part of BOA-10255 (Table 5-1):

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.

- And to include future modifications and improvements commensurate with park amenities, with no further Board of Adjustment approval required.

- Subject to the following conditions ________________________.

The Board finds that the requested Modification will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
Case No. 4085
Olive McAffray
Lot 15, Block 2,
Lawnridge Addition

Case No. 4086
Chas Banfield Co., Inc.
Pt. NW\(_{3/4}\), NW\(_{1/4}\), SW\(_{3/4}\), of
Section 27-20-13

A part of the NE\(_{3/4}\) of Section 12, Township 19 North
Range 13 East of the Indian Base and Meridian, Tulsa
County, State of Oklahoma, more particularly de-
scribed as follows: Beginning at a point 1,070
feet South and 25 feet West of the Northeast corner
of the NE\(_{3/4}\) of said Section; thence West 150 feet;
thence North 80 feet; thence West 320 feet; thence
South 160 feet; thence East 320 feet; thence South
13 feet; thence East 150 feet; thence North 93 feet
to the point of beginning; containing 1\(\frac{1}{2}\) acres
more or less, according to the U. S. Government
Survey thereof.

MOVED by Sublett (Shaull) that this application be
approved.
All members voting yea. Carried.

Olive McAffray request for permission to operate a
home beauty shop in a U-2-B District on Lot 15,
Block 3, Lawnridge Addition.

MOVED by Shaull (Sublett) that an affected area be
created and applicant circulate a petition and obta-
80% of the affected area and upon filing of same
with the Secretary this matter be set down for a
public hearing.
All members voting yea. Carried.

Chas Banfield Company, Inc. request for permission
to extend a non-conforming use in a U-4-B District
(slaughter house) on the following described prop-
erty:

Beginning at the Southeast corner of the NW\(_{3/4}\), NW\(_{1/4}\),
SW\(_{3/4}\) OF Section 27, Township 20 North, Range 13 East;
Tulsa County, Oklahoma; thence westerly 392 feet;
thence northerly 339 feet; thence easterly 392 feet;
thence southerly 339 feet to the point of beginning.

MOVED by Avery (Shaull) that this application be
approved.
All members voting yea. Carried.
Case No. 5140
Florence Simons
Lot 3, Block 1,
Lazy Circle Acres
Addition

Florence Simons request for permission to use Lot 3, Block 1, Lazy Circle Acres Addition for real estate office in existing residence. There appeared Mr. D. L. Fist, Attorney for the applicant.

MOVED by Ingle (Sublett) that this application be denied.
All members voting yea. Carried.

Case No. 5141
Eastwood Baptist Church
Block 20, and Lot 36,
Block 32, Clarland Acres
Addition

Eastwood Baptist Church request for permission to use Lot 36, Block 32, Clarland Acres Addition for parking purposes and permission to utilize parking facilities of the Tulsa Independent School District No. 1 at Elementary School immediately west of church property

MOVED by Sublett (Ingle) that this application be set down for a public hearing.
All members voting yea. Carried.

Case No. 5142
Bessie May Barnes
Lot 18 & 19, Block 7,
Amos T. Hall Addition

Bessie May Barnes request for permission to convert present concrete block building into an automatic laundry and off-street parking in a U-1-C District previously occupied by a dress shop on Lot 18 & 19, Block 7, Amos T. Hall Addition. There appeared Bessie May Barnes.

MOVED by Sublett (Ingle) that this application be approved.
All members voting yea. Carried.

Case No. 5143
Chas. Banfield Co.
Part of Section
27-20-13

Chas. Banfield Company request for permission to extend a non-conforming use (packing plant) in order to comply with state and federal regulations at 1800 North Yale being a part of Section 27-20-13 a U-4-A District. There appeared Mr. John E. Gullion on behalf of the applicant.

MOVED by Ingle (Sublett) that this application be approved.
All members voting yea. Carried.

Case No. 5144
Southeast Faith
Baptist Church
Part of Lot 7,
section 2-19-14

Southeast Faith Baptist Church request for permission to erect a church on the West 388.24 feet of Lot 7, in Section 2-19-14, less N. 100' of W. 75' thereof.

MOVED by Ingle (Sublett) that this matter be set down for public hearing.
All members voting yea. Carried.
Exception (Section 8 (b)), to permit extending a nonconforming packing plant by erecting a freezing unit in a U-4B district (Ordinance requires a U-5 district), on a tract located at 1700 North Yale Avenue.

John E. Gullien, representing Charles Banfield, stated that the Health Department had recommended that the freezing unit be constructed. He stated that the 26' x 16' building would be of fireproof material, of concrete and steel construction and could be of floor level with the floor of the stockroom.

None.

On MOTION of LANGAN, the Board of Adjustment (4-0) granted an Exception (Section 8 (b)), to permit extending a nonconforming packing plant by erecting a freezing unit in a U-4B district, on the following described tract:

Beginning 114 feet East of the SW corner of the NW/4, NW/4, SW/4; thence East 546 feet; thence North 339 feet; thence West 392 feet; thence South 72 feet; thence Northwest 8 feet; thence Southwest 307.5 feet, to the point of beginning in Section 27, Township 20 North, Range 13 East, Tulsa County, Oklahoma.

F. R. Hickman stated that the tract will be utilized for a mobile home park but they planned to utilize the two structures on the property - one for a residence and the other for a business building, and they ran into problems when they applied for a building permit to remodel the two structures. He stated that they have permission from the Airport Authority to park trailers up to the property line and the church has no objections to the use. He stated that they are limited on permanent structures to the 150' setback, but a mobile home is not classified as a permanent

10.7.69:42(10)
Action Requested:

**Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1212 - Eating Places Other Than Drive-Ins)** for permission to operate an eating place in an IL District at 5412 South Mingo Road.

**Presentation:**

Tully Dunlap, Jr., 5424 South Mingo Road, Unit D, stated he was the owner of 5400 Mingo Center which is a three building complex with approximately 75 people employed there each day and an anticipated 125 people in the future. He cited a need for restaurant facilities for employees. The proposed restaurant will occupy 1,250 square feet in the total complex of 49,700 square feet.

The building is stone and rough cedar structure with a mansard roof which bears the only sign for the establishment.

**Protests:** None.

**Board Action:**

On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") to approve an Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1212 - Eating Places Other Than Drive-Ins) to operate an eating place in an IL District, as presented, the sign to be restricted to the mansard roof, no other signs, and to run with this lease only, on the following described tract:

Lot 3, Block 2, Unit "D", 5300 Commerce Park Addition to the City of Tulsa, Oklahoma.

Action Requested:

**Variance (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1205 - Community Services, Cultural and Recreational Facilities)** for permission to use property as a public park with the following facilities: lighted baseball fields, parking, restrooms, storage building, quarter midget race tract and official judges building located north and east of Dawson Road and Yale Ave.

**Presentation:**

Randy Nicholson, 200 Civic Center, Room 642, stated this application was brought about by a group called Northeast Tulsa Youth, a baseball group that is proposing to develop the facilities with no cost to the City. It will be necessary to work with the City Engineer's Office in the development of the property since approximately 80% of the tract is in the flood plain. There is an existing go-cart tract which will be removed, the facilities will be developed and the remainder of the heavily wooded area will be left in its natural state.

**Protests:** None.
Board Action:
On MOTION of SMITH, the Board voted 3-0-0 (Purser, Smith, Wait "aye"; no "nays"; no "abstentions"; Jolly, Lewis "absent") to grant a Variance (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) to use property as a public park with the following facilities: lighted baseball fields, parking, restrooms, storage building, quarter midget race tract and official judges building, per plot plan submitted, subject to the approval of the drainage plans by the City Engineer, on the following described tract:

The S/2, NW/4, SW/4; and the NE/4, NW/4, SW/4; all in Section 27, Township 20 North, Range 13 East, Tulsa County, Oklahoma.

Action Requested:
Variance (Section 1221.6 - Business Signs and Outdoor Advertising - CG & IL District Use Conditions - Under the Provisions of Section 1670 - Variances) of the display surface area for two signs in IL Districts located on both sides of 6900 Block of East 41st Street.

Presentation:
Bill R. Stokley, 2208 West Knoxville Avenue, Broken Arrow, advised that all of the area was zoned IL and the lease he has for the sign is on railroad property in the IL District. He presented two pictures one of the proposed area for the sign (Exhibit "F-1") and the location itself, placement of the board (Exhibit "F-2"). Mr. Stokley stated that all of his boards are done with oil paints and never have a ragged appearance, and he felt they were an improvement over the trailer boards around the City.

Protestants:
Everett Devore, 7015 East 41st Street, representing the Triangle Company, advised his Company had a small sign next to the easement of their property for about three years and had a lot of problems with customers not being able to find the location. Two years ago they built a sign, but unable to put it where they wanted, due to restrictions, put it about 30' in the air. Since this is the only way they have of advertising their location to the customers, they object to having other signs above theirs to the left which will impair visibility of the sign.

Grady Ash, President of Harley Industries, 6845 East 41st Street, stated his Company spent a lot of money last year to put in new trees, sidewalks and hedges in front of the establishment to improve the appearance and he objected to having the view of the improvements blocked by signs.

David Hartfelder, Rock Brothers Glass Company, 70th East Avenue and 41st Street, stated his main concern was blockage of the Company's sign and establishment by the proposed signs.
Action Requested:
Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1227 - Heavy Manufacturing and Industry) to permit a slaughter house in an IM District; a Variance (Section 1227 - Heavy Manufacturing and Industry) to permit a slaughter house in an IM District; a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirements from 110' to 86' from the centerline of Yale Avenue and a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements to permit a lot-split at 2011 North Yale Avenue.

Presentation:
Mr. Jones advised that this item had been continued previously in order to republish the legal description and include another tract of ground which the applicant had acquired.

Bob Gardner noted that the proposed construction would involve the modernization of the existing processing plant. The new addition will be farther from the street than the existing plant. A plot plan (Exhibit "E-1") was submitted.

Protests: None.

Board Action:
On MOTION of LEWIS, the Board voted 3-0-0 (Lewis, Purser, Wait "aye"; no "nays"; no "abstentions"; Smith, Thompson "absent") to approve an Exception (Section 910 - Principal Uses Permitted in the Industrial Districts - Section 1227 - Heavy Manufacturing and Industry) to permit a slaughter house in an IM District; a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1670 - Variances) of the front setback requirements from 110' to 86' from the centerline of Yale Avenue; and a Variance (Section 930 - Bulk and Area Requirements in the Industrial Districts - Under the Provisions of Section 1630 - Minor Variances) of the frontage requirements to permit a lot-split, per plot plan submitted, on the following described property:

Beginning at a point 292' North of the SW corner of the NW/4 of the NW/4 of the SW/4 of Section 27, Township 20 North, Range 13 East, Tulsa County, Oklahoma; thence Due North along the West line of said Section 27, a distance of 78.00'; thence North 89° 50'-31" East a distance of 208.99'; thence Due South, a distance of 142.46'; thence North 73° 00'-13" West a distance of 218.53' to the point of beginning, containing 0.529 acres.
View of Baseball Fields facing North

View of Playground Equipment
View of Baseball Fields from Dawson Road
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Hearing Date: 06/25/2019 1:00 PM

Applicant: Jackie Bubenik

Action Requested: Modification of a previously approved site plan to permit improvements to Langenheim Park approved in BOA-17321 (Table 5-2).

Location: 4701 S Harvard Ave

Zoned: RS-2

Present Use: Park

Tract Size: 331484.25 SQ FT

Legal Description: LT 5, Villa Grove HGTS NO 1, Patrick Henry Village Replat L4, Patrick Henry B38-47, Patrick Henry Village

Relevant Previous Actions:

Subject Property:

BOA-8971; on March 18th, 1976 the Board approved a Special Exception to permit a public park in an RS-2 District at the subject property.

BOA-17321; On March 12th, 1996 the Board approved a modification of the previously approved site plan in BOA-8971 to add tennis lighting at the subject property.

Surrounding Area: None related to park use.

Relationship to the Comprehensive Plan: The Tulsa Comprehensive Plan identifies the subject property as part of a "Park and Open Space" and an "Area of Stability".

Tulsa's park and open space are assets. These are areas to be protected and promoted through the targeted investments, public-private partnerships, and policy changes identified in the Parks, Trails, and Open Space chapter. Zoning and other enforcement mechanisms will assure that recommendations are implemented. No park and/or open space exists alone: they should be understood as forming a network, connected by green infrastructure, a transportation system, and a trail system. Parks and open space should be connected with nearby institutions, such as schools or hospitals, if possible.

The Areas of Stability include approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-
scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

ANALYSIS OF SURROUNDING AREA: Langenheim Park is located at the SE/c of 47th Street South and South Harvard Avenue. The approximately 7.6-acre park features a playground, picnic areas, and tennis courts. It is bounded by a single-family subdivision to the East and a mix of office, multi-family, and commercial use to the west, south, and north.

STAFF COMMENTS:

As a part of this application the Parks Department is requesting an approval that would afford them the right to make future improvements to the park without requiring Board of Adjustment review. The sample motion below would allow future improvements on the park to be granted permits without requiring site plan revisions in front of the Board of Adjustment.

Sample Motion:

Move to ________ (approve/deny) the requested Modification a previously approved site plan or conditions to permit future improvements to Langenheim that was originally approved as a part of BOA-8971 and BOA-17321 (Table 5-1):

- Per the Conceptual Plan(s) shown on page(s) ______ of the agenda packet.
- And to include future modifications and improvements commensurate with park amenities, with no further Board of Adjustment approval required.
- Subject to the following conditions ____________________________.

The Board finds that the requested Modification will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
View of Harvard from park facing North

Tennis Courts
property. Mr. Nicholson added that should the school board approve the proposed plan and the long term lease of the school property, the new site would be the west 150 feet of the school property fronting on 56th Street. Upon questioning by Board Member Purser, as to the time span involved with leasing the school property until the time construction could begin at the new site, Mr. Nicholson advised that in another similar case it had taken as long as three months to go completely through the process. Upon questioning by Board Member Guerrero, as to the additional expense involved in leveling the park property presently proposed for the construction site, Mr. Nicholson stated that developing the present park property would be more costly than the school site and that the school site was preferred from a planning standpoint as the topography is better than the park site; the existing school parking lot could be utilized for additional parking; and there is already some equipment and facilities on that site, however, the Park Department cannot proceed with that plan until a lease is agreed to and approved by all bodies involved and construction plans are processed. The Park Department is therefore requesting approval of the exception requested this date in order to begin construction of the facilities. Mr. Nicholson stated that should approval be given for the proposed school site, then the Park Department would advertise for Public Hearing on that site, but until that happens they will proceed with their original plan for the park site.

Board Action:

On MOTION of PURSER, the Board(4-0)approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for a public park to permit the construction of two tennis courts, as presented including statements of proper drainage, in an RS-2 District on the following described tract:

A tract of land located in the SW/4 of the NE/4 of Section 33, Township 19 North, Range 13 East, Indian Base and Meridian, Tulsa County, Oklahoma, described by metes and bounds as follows:

Beginning at a point 1075.33' West (North 89°-58'-25" West) and 315.33' North (North 00°-00'-44" West) of the SE corner of said SW/4 of the NE/4 of said Section 33; thence South 89°-58'-25" East for a distance of 415.00' to a point on the East line of the W/2 of the SW/4 of the NE/4 of said Section 33; thence North 00°-00'-17" West along said East line for a distance of 525.00' to a point; thence North 89°-57'-37" West for a distance of 415.00' to a point; thence South 00°-00'-44" East for a distance of 525.10' to the point of beginning, said tract containing 5.00 acres.

Action Requested:

Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for a public park which will consist of the following facilities: unlighted tennis courts, playground, sidewalks, parking and landscaping in an RS-2 District located at 47th Place and Harvard Avenue.

3.18.76:208(11)
Presentation:

Randy Nicholson, representing the City of Tulsa Parks and Recreation Department, submitted a site plan (Exhibit "G-1") advising that the proposed construction includes two unlighted tennis courts to be located in the southwest corner of the property and advised that one baseball diamond requires a slight relocation in order to provide for the parking area. In regard to ingress and egress points, Mr. Nicholson stated that due to the parking areas and existing and proposed ball diamonds they were unable to provide ingress and egress off of 47th Street and so had to make an access point on the western edge of the property. Mr. Nicholson stated that he had spoken with Mr. Thomas the City Traffic Engineer concerning these points and that they had been approved.

Protests:  None.

Board Action:

On MOTION of SMITH, the Board(4-0) approved an Exception (Section 410 - Principal Uses Permitted in Residential Districts - Section 1205 - Community Services, Cultural and Recreational Facilities) for a public park which will consist of unlighted tennis courts, playground, sidewalks, parking and landscaping; per plot plan, in an R8-2 District on the following described tract:

Lot 5, Patrick Henry Village Addition to the City of Tulsa, Okla.

Action Requested:

Exception (Section 1680 (g) - Special Exceptions - Off-street Parking) to establish off-street parking in an RD District to be used in conjunction with commercial use on adjoining property; and an

Exception (Section 250.3 (g) Modification of the Screening Wall or Fence Requirements) to remove the screening requirement where the purpose of the screening cannot be achieved in an RD District located north and west of 35th Place and Peoria Avenue.

Presentation:

A representative for the applicant was present and submitted a plot plan (Exhibit "H-1") and a site plan (Exhibit "H-2") advising that the screening waiver was being requested because the west 60 feet of the subject tract is zoned RD while the remainder of the tract is zoned CH. The fencing requirement would require the applicant to fence off the rear portion of his property and the applicant wishes to utilize the rear portion of the tract for parking to be used in conjunction with the commercial use located on the front portion of the subject tract. The rear portion is being requested for off-street parking only and no structures are planned to be constructed on that portion of the property.

In regard to fencing required on and around the subject tract, it was pointed out on the plot plan that a six foot cedar fence would be on the west and south and along the full length of the RD property on the north.
Case No. 17320 (continued)

Gene Crabtree, 3706 East 55th Street, stated that approval of this request would set a precedent in the neighborhood and asked the Board to deny the request.

Terry Thomas, 3628 East 55th Street, stated that an existing driveway was in place when he purchased his property; however, the area has been covered since that time. A survey and photographs (Exhibit G-3) were submitted. He informed that the fence is on the property line and the structure extends to this point. Mr. Thomas noted that Mr. Bomer has built his carport over the utility easement, which could result in a fire hazard in the event of downed utility lines.

Board Action:
On MOTION of BOLZLE, the Board voted 5-0-0 (Abbott, Bolzle, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to CONTINUE Case No. 17320 to April 9, 1996 to allow sufficient time to obtain a survey.

Case No. 17321

Action Requested:
Special Exception to amend a previously approved site plan for Case No. 8971, heard March 18, 1976, to add tennis court lights - SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 2, located 47th Place and South Harvard Avenue.

Presentation:
The applicant, City of Tulsa/Ross Weller, 707 South Houston, Suite 201, submitted a revised site plan (Exhibit H-1) and informed that lights are proposed for an existing tennis court at the above stated location. He pointed out that the courts are heavily used; however, they are not near a residential area and lighting should not be a problem.

Comments and Questions:
In response to Mr. White, Mr. Weller stated that the proposed lighting will not have an adverse impact on the apartment complex to the south. He pointed out that the proposed lighting has very little spill-over and would not pose a problem for the apartments.

Board Action:
On MOTION of WHITE, the Board voted 5-0-0 (Abbott, Bolzle, Box, Turnbo, White, "aye"; no "nays"; no "abstentions"; none "absent") to APPROVE a Special Exception to amend a previously approved site plan for Case No. 8971, heard March 18, 1976, to add tennis court lights - SECTION 401. PRINCIPAL USES PERMITTED IN THE RESIDENTIAL DISTRICTS - Use Unit 2; per revised plan submitted; subject to all
Case No. 17321 (continued)

lighting being directed away from the apartment complex to the south; finding that approval of the request will not be detrimental to the area or violate the spirit and intent of the Code; on the following described property:

Lot 5, Patrick Henry Village Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17322

Action Requested:
Variance of the required number of parking spaces from 32 to 21 - SECTION 1212. USE UNIT 12. EATING ESTABLISHMENTS OTHER THAN DRIVE-INS; or in the alternative to permit the required parking to be located on a lot other than the lot containing the principal use - SECTION 1301.D. OFF-STREET PARKING AND OFF-STREET LOADING; GENERAL REQUIREMENTS - Use Unit 12, located 1542 East 15th Street.

Presentation:
The applicant, Brett Rehorn, 1542 East 15th Street, was not present.

Comments and Questions:
Mr. Beach informed that the applicant has requested by letter (Exhibit J-1) that the application be withdrawn.

There being no further business, the meeting was adjourned at 3:07 p.m.

Date Approved 3-36-96

Norma Lanier
Chair
Note: Graphic overlays may not precisely align with physical features on the ground.
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9302  Case Number: BOA-22667
CZM: 38
CD: 3
A-P#: 

HEARING DATE: 06/25/2019 1:00 PM

APPLICANT: Jay Borchgardt

ACTION REQUESTED: Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Sec. 40.225-D)

LOCATION: 6914 E ADMIRAL PL S  ZONED: CH

PRESENT USE: Commercial  TRACT SIZE: 19044.51 SQ FT

LEGAL DESCRIPTION: LTS 1 2 BLK 1, 3RD CRESTVIEW ESTATES

RELEVANT PREVIOUS ACTIONS: None

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a "Mixed-Use Corridor" and an "Area of Growth".

Mixed-Use Corridors are Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

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

ANALYSIS OF SURROUNDING AREA: The subject tract is Located at the SW/c of E. Admiral Place and 70 E. Ave. The site is formerly a Guitar store located inside a strip center and currently there is not business operating out of the space.
STAFF COMMENTS: The applicant is proposing to convert a vacant commercial property into a medical marijuana dispensary. To permit the dispensary the applicant is before the Board requesting a Spacing Verification for medical marijuana dispensary in a CH district from other medical marijuana dispensaries (Section 40.225-D).

The applicant submitted exhibits indicating a radius around the subject property that contains the proposed medical marijuana dispensary and has labeled the uses of property within that radius in support of the verification. Staff has not seen any evidence disputing their exhibits.

Sample Motion:

I move that based upon the facts in this matter as they exist presently, we accept the applicant's verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary.
Note: Graphic overlays may not precisely align with physical features on the ground.
View from Sidewalk

View of Admiral Pl. facing West
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BOARD OF ADJUSTMENT
CASE REPORT

STR: 9310
CZM: 38
CD: 5
A-P#:

HEARING DATE: 06/25/2019 1:00 PM

APPLICANT: Nick Denison

ACTIONS REQUESTED: Special Exception to allow a High-impact Medical Marijuana Processing Facility in an IM (Industrial-Moderate) District (Section 15.020)

LOCATION: 1316 S SHERIDAN RD E
ZONED: IM

PRESENT USE: Automotive / Storage
TRACT SIZE: 37640.35 SQ FT

LEGAL DESCRIPTION: BEG NEC SE NE TH W200 S280.93 E200 N280.93 POB LESS N30 & E50
FOR ST SEC 10 19 13 .864AC,

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:
BOA-22616; on 4.23.19, the Board approved a special exception to allow an Industrial/High-Impact Medical Marijuana Processing Facility in the IM district subject to plans submitted by the applicant.
LOCATED: 1202 S. Sheridan Road (Directly north of subject property)

RELATIONSHIP TO THE COMPREHENSIVE PLAN:
The Tulsa Comprehensive Plan identifies the subject property as part of a “Mixed-Use Corridor” and an “Area of Growth”.

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

Mixed-Use Corridors are Tulsa’s modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.
ANALYSIS OF SURROUNDING AREA: The subject tract is surrounded by IM zoned lots on all sides.

STAFF COMMENTS:

The applicant is before the Board requesting a **Special Exception** to allow an Industry/High-Impact Medical Marijuana Processing Facility in the IM District (Section 15.020) in an existing industrial building.

Per the Code, a Special Exception is required for any high-impact manufacturing and industry use in the IM district due to potential adverse effects on surrounding properties that could be controlled through additional conditions. Additional consideration is needed for these uses to ensure compatibility of land use and prevent injury to surrounding properties. High-impact manufacturing and industrial uses are uses that regularly use hazardous chemicals or procedures or that produce hazardous byproducts or explosive hazards. Typical examples of high-impact manufacturing and industrial uses include: the manufacture of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins and radioactive materials. This subcategory also includes petrochemical tank farms, gasification plants, smelting, animal slaughtering, oil refining, asphalt and concrete batch plants, and tanneries.

In Section 35.070-C.2, a High-Impact Medical Marijuana Processing Facility is defined as an establishment in which the preparation, manufacture, processing or packaging of medical marijuana products by the holder of a medical marijuana processor license issued by the Oklahoma State Department of Health is conducted, in accordance with the terms of such license, and in which extraction processes include the use of flammable substances such as butane, propane, ethanol and alcohol.

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed use and future development of the subject property is compatible with and non-injurious to the surrounding area.

Sample Motion

Move to _________ (approve/deny) a **Special Exception** to allow a High-impact Medical Marijuana Processing Facility in an IM (Industrial-Moderate) District (Section 15.020)

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.

- Subject to the following conditions (including time limitation, if any):

  ________________________________

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
Comments and Questions:
None.

Board Action:
On MOTION of BACK, the Board voted 5-0-0 (Back, Bond, Radney, Ross, Van De Wiele "aye"; no "nays"; no "abstentions"; none absent) to APPROVE the request for a Special Exception to permit a projecting sign to be located within the City of Tulsa planned street right-of-way (Section 60.020-E), subject to conceptual plans 3.11 and 3.12 of the agenda packet. The Board acknowledges that a license and/or removal agreement is required. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

Lt 20 & 21, Blk 4, MIDWAY ADDN, City of Tulsa, Tulsa County, State of Oklahoma

22616—Sequoyah Industrial Group – Gabe Palacios

Action Requested:
Special Exception to allow an Industrial/High-Impact Manufacturing and Industry/High-Impact Medical Marijuana Processing Facility in the IM District (Section 15.020). LOCATION: 1202 South Sheridan Road East (CD 5)

Mr. Van De Wiele recused at 1:49 P.M. and left the room.

Presentation:
Gabe Palacios, 516 South Boston Avenue, Tulsa, OK; stated this project encompasses every aspect of the cannabis industry; cultivation, extraction, culinary, testing lab, retail supply store. The retail supply store takes up about 10,000 square feet of the proposed 140,000 square foot facility. The project will have an impressive impact on the area and Tulsa. Mr. Palacios read and submitted a letter to the Board from Greg Mosley, Thompson Manufacturing Company which is located across the street to the north; the letter was supportive. About 2,000 square feet of the subject building is proposed for ethanol extraction; ethanol is a food grade material, like Everclear. The building occupies an entire city block and has a 300-foot radius within its own property. Architecturally and structurally the extraction room will be surrounded by concrete walls. This will be a state-of-the-art facility operated by some of the experts and leaders of the industry in the nation. When the property belonged to Warehouse Market the chemicals that were stored there were much more dangerous than the chemicals to be used; i.e., Warehouse Market had a 5,000-gallon diesel storage container on site and several pallets of lighter fluid. Mr. Palacios stated that he met with Mr. Paul Ator of City of Tulsa HazMat team, and Mr. Ator toured the facility, looked at all the documentation and said there is no issue with this type of process on site. The extraction process is a closed
loop system where there is no open flame exposure, and when it is stored it is in a freezer unit.

Ms. Ross asked why the map has the boundary line going through the middle of the building. Mr. Palacios stated that he does not know why it is that way on the map, but the entire building is included. Mr. Wilkerson stated it is there because of the legal description that was provided. Mr. Palacios stated all three parcels were submitted as part of application, so why the boundary line shows in the middle of the building is unclear.

Ms. Back asked Mr. Palacios if he received anything in writing from Mr. Ator about his visual conclusions of the subject site. Mr. Palacios stated that he did not bring it to the meeting, but he could provide a copy later. Ms. Back asked Mr. Ator to provide a copy to INCOG for the case file.

Mr. Swiney stated that the item before the Board today is only for the extraction processing facility; it has nothing to do with the retail section. There is a retail feature that appears on Exhibit 4.10 and there are other requirements of the Zoning Code when it pertains to dispensaries and that is not before the Board right now.

Mr. Palacios stated that the retail he spoke of earlier is actually a grow supply store, i.e., drain trays, lights, soil, etc.

**Interested Parties:**
There were no interested parties present.

**Comments and Questions:**
None.

**Board Action:**
On MOTION of BOND, the Board voted 4-0-1 (Back, Bond, Radney, Ross "aye"; no "nays"; Van De Wiele "abstaining"; none absent) to APPROVE the request for a Special Exception to allow an Industrial/High-Impact Manufacturing and Industry/High-Impact Medical Marijuana Processing Facility in the IM District (Section 15.020), subject to conceptual plans 4.10 and 4.11 of the agenda packet. The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

BEG 655S & 50W NEC NE TH S635.92 TO N R/W E13TH ST TH W299.27 N235.30 W151 N399.52 TO S R/W E 12TH ST TH E447.57 POB SEC 10 19 13 5.754ACS, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Van De Wiele re-entered the meeting at 2:02 P.M.
SEQOYAH INDUSTRIAL GROUP
1201 S SHENANDO AH ST, TULSA, OK 74112

LEGAL DESCRIPTION
SEC 19 TOWNSHIP 40 RANGE 13
LOT 555 S 4 500 STR RIE S 525.02 TO N 125.02 E 1250 FT
THY 192.27 1200.32 P 1011 400.82 SQ 2 500 FT 1250 FT
THE 442.07 FOR 200
 UNPLAT ED SUBDIVISION CITY OF TULSA, ROYAL COUNTY

PROPOSED USE: MODERATE IMPACT & HIGH IMPACT MANUFACTURING
ZONING: I-1 MODERATE INDUSTRIAL (CITY OF TULSA) JOINING CODE
HIGH IMPACT MANUFACTURING BY SPECIAL EXCEPTION (PER 10.23)

MIN LOT AREA = 10,000 SF (PER TABLE 15-3)
STREET FRONTAGE = 25' (PER TABLE 15-3)
MINIMUM FAK = 60% (PER TABLE 15-3)
LOT WIDTH = 150% (MINIMUM) FAK PER TABLE 15-3
SETBACKS = 10' FROM STREET
10' FROM ACRE OR E DISTRICT - NA (NOTHING WITHIN 100 FEET)
17' FROM D DISTRICT - NA (NOTHING WITHIN 35' FEET)
MAX. BUILDING COVERAGE - 95%
MAX. BUILDING HEIGHT - NA

PARKING:
LOW, MED, & HI MANUFACTURING - 1.0 sf per sf (MIN. = 100 SPACES REQUIRED)
100 SPACES PROVIDED ON SITE

SUITES:
SUITE A - 6,000 SF - OFFICES, EMPLOYEE HYGIENS, & EQUIP. STORAGE
SUITE B - 9,555 SF - GROWTH MEDIUM STORAGE
SUITE C - 4,000 SF - CLONE LAB
SUITE D - 3,000 SF GROW ROOMS
SUITE E - 3,000 SF GROW ROOMS
SUITE F - 11,852 SF - DRYING, CURING, BUCKTRIM, KITCHEN, FREEZER, & EXTRATION LAB
SUITE G - 9,804 SF - RETAIL SPACE
SUITE H - 4,700 SF - THIRD PARTY TESTING & RETAIL SPACE

TOTAL BUILDING SQUARE FOOTAGE:
BUILDING A - 135,000 SF
BUILDING B - 4,700 SF
Note: Graphic overlays may not precisely align with physical features on the ground.
View from Sheridan Road

View from 13th Street
INTENTIONALLY LEFT BLANK
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9308
CZM: 37
CD: 4
A-P#: 

HEARING DATE: 06/25/2019 1:00 PM

APPLICANT: Brian Letzig

ACTION REQUESTED: Special Exception to permit a Business Support Service Use (Table 10-2) to allow for a catering service.

LOCATION: 1141 S LEWIS AV E (overall parcel); 1115 S. LEWIS AV E (tenant space ZONED: MX2-P-U)

PRESENT USE: Unoccupied commercial TRACT SIZE: 47251.21 SQ FT

LEGAL DESCRIPTION: LTS 15 - 21 BLK 4, BOSWELL'S ADDN

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:
BOA-22087; on 6.14.16, the Board approved a Special Exception to permit an Assembly/Entertainment use in the CH district. LOCATED: NW/c E. 11th St. & S. Atlanta Ave.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a “Main Street” and an “Area of Growth”.

Main Streets are Tulsa’s classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide, and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures. The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

ANALYSIS OF SURROUNDING AREA: The subject tract is located east of Mother Road Market and adjacent to South Lewis Avenue. It is abutting commercial tracts to the north and south and single-family residential properties to the east.
STAFF COMMENTS:
The applicant is before the Board requesting a Special Exception to allow a Business Support Service in the MX2-P-U zoning district, to permit a commercial catering kitchen (Section 10.080 Table 10-2).

As shown on the attached site plan the applicant is proposing a catering kitchen in a portion of the newly constructed commercial building on the site. The building will house a collection of other commercial uses. A Business Support Service uses are defined as uses that provide personnel services, printing, copying, package (delivery) drop-off, photographic services or communication services to businesses or consumers. Typical uses include employment agencies, day labor hiring services, armored car services, copy and print shops, delivery/courier service, drop-off location for consumers, caterers, telephone answering services and photo developing labs.

Uses permitted by special exception require additional consideration due to their potential impact on adjacent and surrounding properties.

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed use and future development of the subject property is compatible with and non-injurious to the surrounding neighborhood.

In granting a Special Exception, the Board must find that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Sample Motion

Move to _________ (approve/deny) a Special Exception to permit a Business Support Service Use (Table 10-2) to allow for a catering service.

- Per the Conceptual Plan(s) shown on page(s) ______ of the agenda packet.

- Subject to the following conditions (including time limitation, if any):

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
e. That the variance to be granted is the minimum variance that will afford relief;
f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan; for the following property:

**LTS 15, 16 & 17 BLK A, CREST VIEW ESTATES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA**

22087—Shane Hood

**Action Requested:**
Special Exception to allow Assembly and Entertainment and other outdoor use in the CH District to permit a food truck court (Section 15.020). **LOCATION:** 2439 East 11th Street South (CD 4)

**Presentation:**
Shane Hood, W Design, 815 East 3rd Street, Tulsa, OK; stated he represents Fuel 66. The subject proposal is a food truck court located on Route 66 and the development will have a space for up to six trucks, outdoor seating, game area and restrooms. The feature that distinguishes this from other typical food trucks is the addition of year round indoor seating and patio space. The indoor seating allows the park to be open during the cold of the winter and the heat of the summer. The property has been used as a variety of things such as used car lots and is located prominently on the 11th Street section of Route 66. The owners are interested in investing money along Route 66 and being a part of the City of Tulsa. The owners have used the site in the past as the tail gate special event for TU football games. The owners have spoken to adjacent neighbors regarding the project and have received nothing but positive response about the plans. There have been no questions, e-mails, letters or phone calls received. The proposed project is in harmony with the Comprehensive Plan of Tulsa and fulfills both the Main Street and the Area of Growth destinations.

Mr. Van De Wiele asked Mr. Hood what the house located on the northeast corner will be used for. Mr. Hood stated that currently it is not going to be used for anything, but in the future it might be used as a commissary kitchen or dining. Mr. Van De Wiele asked if the house was being used as a residence. Mr. Hood stated that it is not.
Mr. Van De Wiele asked staff if the terminology “assembly and entertainment and other outdoor use” means the subject property can be used for anything. Mr. Hood stated there would be outdoor games similar to other food truck places. There might be a movie shown on one of the screens on the property. There might be music on occasion. Ms. Miller stated there is a category in the Zoning Code titled “Other Outdoor and Entertainment” to capture all of that. Mr. Van De Wiele asked if this application is approved is the Board approving another drive-in movie theater. Ms. Miller stated that the Board could specifically limit it to food truck courts. Mr. Flanagan asked about the music. Ms. Miller stated the Board could state the music is an accessory to the food truck court including outdoor movies. Mr. Swiney stated the Board needs to specify what uses are being approved based on what the applicant is asking. Ms. Miller stated that the key is that the food truck court is the principle use.

Mr. White asked Mr. Hood where the indoor seating was going to be. Mr. Hood stated there is an existing building in the middle of the subject property and that is where the indoor seating will be.

Interested Parties:
There were no interested parties present.

Comments and Questions:
None.

Board Action:
On MOTION of VAN DE WIELE, the Board voted 3-0-0 (Flanagan, Van De Wiele, White “aye”; no “nays”; no “abstentions”; Henke, Snyder absent) to APPROVE the request for a Special Exception to allow Assembly and Entertainment and other outdoor use in the CH District to permit a food truck court (Section 15.020), subject to conceptual plan 10.9. This approval limits the use to a food truck court and other activities and events that are accessory customary to the food truck court. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

N. 50 LT 7 BLK 4; E. 1/2 LT 8 BLK 4; W. 1/2 LT 8 BLK 4; E. 52 1/2 OF S. 100 LT 7 BLK 4; W. 52 1/2 OF S. 100 LT 7 BLK 4, HIGHLANDS ADDN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

22088—Roger McKee

Action Requested:
Variance of the front setback from 35 feet to 25 feet in the RS-1 District (Section 5.030-A). LOCATION: 3189 East 33rd Street South (CD 9)
BOA-22669

Aerial Photo Date: February 2013

Subject Tract

Feet
0 200 400

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

19-13 08
Note: Graphic overlays may not precisely align with physical features on the ground.
View from corner of E. 12th St and S. Lewis Ave

View from sidewalk across Lewis from site
624 Catering
1115 South Lewis Avenue East, Suite A
Tulsa, Oklahoma 74104
Job #16048.03
BOARD OF ADJUSTMENT
CASE REPORT

STR: 0331
CZM: 29
CD: 1
A-P#: 

HEARING DATE: 06/25/2019 1:00 PM

APPLICANT: Meosha Maxwell

ACTION REQUESTED: Verification of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary (Sec. 40.225-D)

LOCATION: 2024 E PINE ST N (overall space); 2030 E. Pine St. (tenant space); 2024 E PINE ST N ZONED: CS

PRESENT USE: Medical marijuana retail sales TRACT SIZE: 19127.27 SQ FT

LEGAL DESCRIPTION: LT 1-2 BLK 2, BRADEN-MARTIN SUB L8-9 & 18-19 SPRINGDALE

RELEVANT PREVIOUS ACTIONS:

None relevant.

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a “Mixed-Use Corridor” and an “Area of Growth”.

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

Mixed-Use Corridors are Tulsa’s modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

ANALYSIS OF SURROUNDING AREA: The subject tract is abutted by CS property to the north, east, and west with several existing commercial buildings and vacant lots. Properties south of the subject tract are zoned RM-2 (Residential-Multifamily) and contain residential uses.
STAFF COMMENTS:
The applicant is using an existing building as a medical marijuana dispensary. To permit the dispensary the applicant is before the Board requesting a Spacing Verification for medical marijuana dispensary in a CH district from other medical marijuana dispensaries (Section 40.225-D).

Per the Code, a medical marijuana dispensary is permitted by right in the CS district as long as it meets the spacing requirement of 1,000 ft. from other medical marijuana dispensaries (Section 40.225-D). The spacing requirement must be verified before the Board of Adjustment in a public hearing to distribute public notice to property owners within the required distance radius. Surrounding neighbors and property owners are provided the ability to notify the Board of any conflicting uses within the required spacing radius.

In Section 40.225-l, the separation distance required under Section 40.225-D must be measured in a straight line between the nearest perimeter walls of the buildings (or portion of the building, in the case of a multiple-tenant building) occupied by the dispensaries. The separation required under Section 40.225-D shall not be applied to limit the location of a medical marijuana dispensary for which a license was issued by the Oklahoma State Department of Health prior to December 1, 2018 for the particular location.

The applicant submitted exhibits indicating a radius around the subject property that contains the proposed medical marijuana dispensary and has labeled the uses of property within that radius in support of the verification.

Sample Motion:
I move that based upon the facts in this matter as they exist presently, we accept the applicant’s verification of spacing to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary.
View from corner of N Yorktown Avenue and E Pine Street
Measure distance
Total distance: 1,400.86 ft (426.98 m)
Friday, January 18, 2019

MARY JANE'S TREEHOUSE
MARY JANE'S TREEHOUSE
2030 E PINE ST A
TULSA, OK, 74110

RE: Approval of Medical Marijuana Commercial License
The Oklahoma Medical Marijuana Authority (OMMA) has determined that your application has met licensure requirements for a COMMERCIAL DISPENSARY LICENSE license in accordance with Title 63 O.S. § 420 et seq. and the Oklahoma Administrative Code (OAC) 310:681. Your approved licensure start date is:

01/02/2019 and will expire one(1) year after this date, on 01/07/2020.
It is your responsibility to submit a timely renewal application prior to this expiration date.

Your license number is: DAAA-NYIJ-NBUV

In addition to submission of timely renewal, it is the responsibility of the licensee to notify the OMMA in the event of:

1) changes in contact information; or
2) changes that may affect the licensee's qualifications for licensure.

Ongoing monthly yield and/or sales reports are also required by law, and shall be deemed untimely if not received by the OMMA by the fifteenth (15th) of each month, to reflect the applicable data for the preceding month. Reporting tools may be accessed at OMMA.ok.gov.
Included with this letter is your license certificate. If you have any questions, please do not hesitate to contact a member of my staff at omma.ok.gov or by phone at (405) 522-6662.

Sincerely,

Tom Bates, J.D.
Interim Commissioner
Oklahoma State Department of Health

Attachment: License Certificate
State of Oklahoma

License Certificate

COMMERCIAL DISPENSARY LICENSE

HEREBY GRANTED TO

MARY JANE'S TREEHOUSE

2030 E PINE ST A, TULSA, OK, 74110

THE LICENSE IS ISSUED BY THE OKLAHOMA STATE DEPARTMENT OF HEALTH, OKLAHOMA MEDICAL MARIJUANA AUTHORITY TO CERTIFY THE ABOVE HAS FULFILLED THE REQUIREMENTS OF TITLE 63 O.S. § 425A ET SEQ. AND THE OKLAHOMA ADMINISTRATIVE CODE AT TITLE 360 CHAPTER 681. THE LICENSE IS SUBJECT TO THE REPRESENTATIONS MADE ON THE APPLICATION THEREFOR, AND MAY BE SUSPENDED OR REVOKED FOR CAUSE AS PROVIDED BY LAW AND RULE. LICENSEE SHALL OBSERVE AND COMPLY WITH ALL APPLICABLE LAWS, ORDINANCES, RULES AND REGULATIONS OF THE STATE OF OKLAHOMA.

01/07/2020

LICENSE NUMBER:
DAAA-NYIJ-NBUV

TRANSPORTATION LICENSE ONLY

TOM BATES, J.D.
Interim Commissioner
Oklahoma State Department of Health
BOARD OF ADJUSTMENT
CASE REPORT

STR: 9303
CZM: 38
CD: 5
A-P#: 

Case Number: BOA-22671

HEARING DATE: 06/25/2019 1:00 PM

APPLICANT: Jaime Ramirez

ACTION REQUESTED: Special exception to permit an Indoor Assembly & Entertainment (larger than 250-person capacity) Use in an IL zoning district. (table 15-2) Variance from the parking design standards to permit gravel parking for non-required parking spaces (Sec. 55.090).

LOCATION: 5745 E ADMIRAL PL N

ZONED: IL

PRESENT USE: Vacant

TRACT SIZE: 35100.79 SQ FT

LEGAL DESCRIPTION: E/2 LT 5 & W80 LT 6 LESS S30 THEREOF FOR STREET BLK 1, GREENLAWN

RELEVANT PREVIOUS ACTIONS:

Surrounding Properties:
BOA-21689; on 3.25.14, the Board approved a special exception to permit a martial arts gymnasium in the IL district subject to conditions on the property immediately east of the subject property. LOCATED: 5907 E. Admiral Pl. N

BOA-17631; on 2.11.97, the Board approved a variance of the required landscaping and a variance of the required 100’ setback on the property immediately east of the subject property. LOCATED: 5907 E. Admiral Pl. N

RELATIONSHIP TO THE COMPREHENSIVE PLAN: The Tulsa Comprehensive Plan identifies the subject property as part of a Town Center and an Area of Growth.

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

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the City where general agreement exists that development or redevelopment is beneficial.
ANALYSIS OF SURROUNDING AREA: The subject tract is abutting IL-zoned lots and industrial uses on the south, east, and west. To the north, there is CS zoning and Interstate 244.

STAFF COMMENTS:
The applicant is before the Board requesting a Special Exception for Indoor Assembly & Entertainment with capacity greater than 250 people to permit the use of an existing building as an event center in the IL district (Section 15.020) and a Variance of the required dustless all-weather surface requirement for parking and driving areas to permit gravel for non-required parking spaces (Section 55.090).

The applicant is proposing to convert the existing industrial building shown on the attached plans into an event center. Uses permitted by special exception require additional consideration due to their potential impact on adjacent and surrounding properties.

In addition to the request for special exception, the applicant has requested a Variance of the surfacing requirement of Section 55.090 that requires all parking and driving surfaces to be finished with a dustless all-weather surface. The applicant is proposing a gravel parking area for additional non-required spaces to serve the event center.

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed use and future development of the subject property is compatible with and non-injurious to the surrounding neighborhood.

In granting a Special Exception, the Board must find that the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Sample Motion for a Special Exception

Move to ________ (approve/deny) a Special Exception to permit an Indoor Assembly & Entertainment (larger than 250-person capacity) Use in an IL zoning district. (Table 15-2)

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.

- Subject to the following conditions (including time limitation, if any):

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Sample Motion for a Variance

Move to ________ (approve/deny) a Variance from the parking design standards to permit gravel parking for non-required parking spaces (Sec. 55.090)

- Finding the hardship(s) to be ____________________________.

- Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.

- Subject to the following conditions ____________________________.
The Board finds that the following facts, favorable to the property owner, have been established:

"a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision's intended purpose;

c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;

d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;

e. That the variance to be granted is the minimum variance that will afford relief;

f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and

g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan."
(Section 1605) thus reversing the decision of the Administrative Official; for the following property:

LT 14 BLK 2, FOREST ACRES, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

**21689—Joseph Whitecrow**

**Action Requested:**
Special Exception to permit a mixed Martial Arts Gymnasium (Use Unit 19) in an IL District (Section 901, Table 1). **LOCATION:** 5907 East Admiral Place North (CD 5)

**Presentation:**
Joseph Whitecrow, 5741 East 2nd Street, Tulsa, OK; no presentation was made but the applicant was present for any questions.

Mr. Henke asked the applicant if he was leasing the property, and if so when was the lease up. Mr. Whitecrow stated that he is leasing the property for two years, signed that lease about six months ago, and that it will be about another five months before he can open.

**Interested Parties:**
There were no interested parties present.

**Comments and Questions:**
None.

**Board Action:**
On **MOTION of VAN DE WIELE**, the Board voted 5-0-0 (Henke, Snyder, Tidwell, Van De Wiele, White "aye"; no "nays"; no "abstentions"; none absent) to **APPROVE** the request for a Special Exception to permit a mixed Martial Arts Gymnasium (Use Unit 19) in an IL District (Section 901, Table 1). This approval will be for a time limit of five years from today's date, March 25, 2014. The hours of operation will be 5:00 A.M. to 10:00 P.M., seven days a week. Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; for the following property:

LTS 8 & 9 LESS S30 THEREOF FOR ST BLK 1, GREENLAWN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

Mr. Tidwell left the meeting at 3:07 P.M.

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03/25/2014-1113 (17)
because of the Creek Turnpike Trail and to introduce the trail to more bicyclist. Ms. McDaniel stated that since this is the first time for this event she really does not know how many people to expect. Ms. McDaniel states she anticipates the hours of operation to begin at 6:45 a.m. to 5:00 p.m. and the event will not go into the night. Ms. McDaniel reiterated that this will be a one day event.

Comments and Questions:
Ms. Turnbo asked Mr. Weller if there will be a clean-up crew to make sure the park is cleaned and across the street? Mr. Weller stated that it is his understanding that the Corporate Challenge sponsors will be responsible for the clean-up.

Ms. Turnbo asked Mr. Weller if the three officers will be present from 6:45 a.m. to 5:00 p.m.? He stated he anticipates that the officers will be present throughout the entire event.

Mr. White asked Mr. Weller if the special event is for Friday and Saturday? He stated the special event is for Saturday only, March 8, 1997.

Mr. White asked Mr. Weller if Sunday will be a rain day? He answered affirmatively.

Board Action:
On MOTION of DUNHAM, the Board voted 4-0-0 (Bozle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott "absent") to APPROVE a Special Exception to allow a special event to be held in Hunter Park. SECTIONS 301 PRINCIPAL USES PERMITTED IN THE AGRICULTURE DISTRICT and a Variance to allow parking in grassy areas during this event. SECTION 1303.D. DESIGN STANDARDS FOR OFF-STREET PARKING AREAS - Use Unit 2; per plan submitted; subject to three Tulsa Police Officers being present to direct traffic; subject to a clean-up crew; subject to Saturday March 8, 1997 or a rain day for March 9, 1997; finding that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

W 2', NE, Sec. 22, T-18-N, R-13-E, I.B.M., City of Tulsa, Tulsa County, Oklahoma.

Case No. 17631

Action Requested:
Variance of the required 100' setback to 97'. SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS - Use Unit 17 and a Variance of Chapter 10 Landscape Requirements to waive required landscaping. CHAPTER 10; LANDSCAPE REQUIREMENTS, located 5915 East Admiral.
Presentation:
The applicant, Jack LaFevers, 3215 East 69th Street, submitted a site plan (Exhibit D-1) and stated he owns two lots on 5907 and 5915 East Admiral Place between Yale and Sheridan. He described the lots as being 270' deep and 100' in width for a total of 200' with the two lots. He explained that twelve (12) years ago he built a building on the Lot at 5709 East Admiral Place with a front on the property line. He proposes to build another building as a mirror image of the existing building. He explained that the request for a variance on the depth unnecessary because he will actually be setting back 152'. Mr. LaFevers stated that the new building will match up with the existing building regarding to elevations and the frontage.

Comments and Questions:
Ms. Turnbo asked the applicant why he did not want to landscape the area? Mr. LaFevers explained that the zoning in the subject area is IL and the majority of the tenants are automotive repair, maintenance, detail and painting. He submitted photographs (Exhibit D-2) and stated the pictures indicate that there is no landscaping on Admiral in this area.

Mr. White reiterated that there is no landscaping along the north side of Admiral Place in the subject area.

Protestants: None.

Board Action:
On MOTION of TURNBO, the Board voted 4-0-0 (Bolzle, Dunham, Turnbo, White, "aye"; no "nays" no "abstentions"; Abbott "absent") to APPROVE a Variance of the required 100' setback to 97'. SECTION 903. BULK AND AREA REQUIREMENTS IN THE INDUSTRIAL DISTRICTS - Use Unit 17 and a Variance of Chapter 10; Landscape Requirements to waive required landscaping. CHAPTER 10; LANDSCAPE REQUIREMENTS; per plan submitted; subject to the new building being in line with the front face of the adjoining building to the west; finding that this area is void of landscaping and that the approval of this application will not be injurious to the neighborhood, nor harmful to the spirit and intent of the Code, on the following described property:

Lot 9, Block 1, Greenlawn Addition, City of Tulsa, Tulsa County, Oklahoma.

Case No. 17632

Action Requested:
Special Exception to allow a greenhouse retail sales in a CS district. SECTION 701. PRINCIPAL USES PERMITTED IN COMMERCIAL DISTRICTS - Use Unit 15, located 4516 East 31st Street South.
Note: Graphic overlays may not precisely align with physical features on the ground.
View from corner of lot

View from Admiral (Yellow fencing is the beginning of gravel lot)
View of surrounding area facing West on Admiral

View of surrounding area facing East on Admiral