

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2788

Wednesday, February 20, 2019, 1:30 p.m.

City Council Chamber

One Technology Center – 175 E. 2<sup>nd</sup> Street, 2<sup>nd</sup> Floor

| <b>Members Present</b> | <b>Members Absent</b> | <b>Staff Present</b> | <b>Others Present</b> |
|------------------------|-----------------------|----------------------|-----------------------|
| Covey                  | Doctor                | Chapman              | Jordan, COT           |
| Fothergill             | Reeds                 | Foster               | Silman, COT           |
| Fretz                  |                       | Miller               | VanValkenburgh, Legal |
| McArtor                |                       | Sawyer               |                       |
| Millikin               |                       | Wilkerson            |                       |
| Ritchey                |                       |                      |                       |
| Shivel                 |                       |                      |                       |
| Walker                 |                       |                      |                       |

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, February 14, 2019 at 4:13 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

### **REPORTS:**

#### **Chairman's Report:**

#### **Director's Report:**

Ms. Miller reported on the City Council and Board of County Commission agenda and actions taken. Ms. Miller stated a work session was needed on March 20, 2019. Ms. Miller presented Mr. Fretz a plaque for his 5 years of service to the Planning Commission.

Mr. Covey thanked Mr. Fretz for his service on the Planning Commission and stated he enjoyed serving with him the last 5 years.

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1. **Minutes:**

**Approval of the minutes of February 6, 2019 Meeting No. 2787**

On **MOTION** of **WALKER**, the TMAPC voted 6-0-1 (Covey, Fothergill, Fretz, Ritchey, Shivel, Walker, “aye”; no “nays”; Millikin, “abstaining”; Doctor, McArtor, Reeds, “absent”) to **APPROVE** the minutes of the meeting of February 6, 2019, Meeting No. 2787.

**CONSENT AGENDA**

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

- 2. **Northern Territory** (County) Reinstatement of a Preliminary Plat, Location: North of the northwest corner of East 176<sup>th</sup> Street North and North 113<sup>th</sup> East Avenue

**TMAPC Action; 7 members present:**

On **MOTION** of **WALKER**, TMAPC voted **7-0-0** (Covey, Fothergill, Fretz, Millikin, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Doctor, McArtor, Reeds, “absent”) to **APPROVE** Item 2 per staff recommendation.

Mr. McArtor arrived at 1:35 p.m.

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Ms. Millikin read the opening statement and rules of conduct for the TMAPC meeting.

**PUBLIC HEARINGS:**

Mr. Covey stated continuance requests would be addressed first.

- 6. **Z-7466 Lou Reynolds** (CD 1) Location: South and West of the southwest corner of East 36<sup>th</sup> Street North and North Yale Avenue requesting rezoning from **IL and AG** to **IH** (Continued from January 2, 2019, January 16, 2019

and February 6, 2019) (**Applicant requests a continuance to March 6, 2019**)

**TMAPC Action; 8 members present:**

On **MOTION** of **WALKER**, TMAPC voted **8-0-0** (Covey, Fothergill, Fretz, McArtor, Millikin, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Doctor, Reeds, “absent”) to **CONTINUE** Z-7466 to March 6, 2019.

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- 8. **Ernest Childers VA Clinic** (CD 7) Preliminary Plat, Location: Northeast corner of East 91<sup>st</sup> Street South and South Mingo Road (Related to CO-8 and Accelerated Release of Building Permit) (Continued from February 6, 2019) (**Staff requests a continuance to March 6, 2019**)

**TMAPC Action; 8 members present:**

On **MOTION** of **WALKER**, TMAPC voted **8-0-0** (Covey, Fothergill, Fretz, McArtor, Millikin, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Doctor, Reeds, “absent”) to **CONTINUE** Ernest Childers VA Clinic Preliminary Plat to March 6, 2019 per staff recommendation.

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- 9. **Ernest Childers VA Clinic** (CD 7) Authorization for Accelerated Release of Building Permit, Location: Northeast corner of East 91<sup>st</sup> Street South and South Mingo Road (Related to CO-8 and Preliminary Plat) (Continued from February 6, 2019) (**Staff requests a continuance to March 6, 2019**)

**TMAPC Action; 8 members present:**

On **MOTION** of **WALKER**, TMAPC voted **8-0-0** (Covey, Fothergill, Fretz, McArtor, Millikin, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Doctor, Reeds, “absent”) to **CONTINUE** Ernest Childers VA Clinic Authorization for Accelerated Release of Building Permit to March 6, 2019 per staff recommendation.

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- 12. **MPD-2 Nathan Cross** (CD 1) Location: West and north of the northwest corner of West Edison Street and North 41<sup>st</sup> West Avenue requesting a Master Plan Development for private street mixed use community (**Staff requests a continuance to March 6, 2019**)

**TMAPC Action; 8 members present:**

On **MOTION** of **WALKER**, TMAPC voted **8-0-0** (Covey, Fothergill, Fretz, McArtor, Millikin, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Doctor, Reeds, “absent”) to **CONTINUE** MPD-2 to March 6, 2019 per staff recommendation.

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3. **Milo’s** (County) Preliminary Plat, Location: Southeast corner of East 76<sup>th</sup> Street North and North 75<sup>th</sup> East Avenue

**STAFF RECOMMENDATION:**

This plat consists of 1 lot, 1 block on 19.59 ± acres.

The Technical Advisory Committee (TAC) met on February 7, 2019 and provided the following conditions:

1. **Zoning:** The property is currently zoned both IM (Industrial-Moderate) and IL (Industrial-Light). The IL zoning is constrained to an area approximately 150’ in depth running the length of the East 76<sup>th</sup> Street North frontage. Proposed lot conforms to the requirements of both zoning district requirement in the Tulsa County Zoning Code.
2. **Addressing:** INCOG will assign an address to the lot. Include lot address on the face of the final plat. Add address caveat/disclaimer to face of plat.
3. **Transportation & Traffic:** Dimension and label adjacent right-of-way with recording information or indicate “by plat”.
4. **Sewer:** The site will be served by City of Tulsa sewer. Sewer main line extension is needed and will require appropriate easements. Infrastructure Development Plans (IDP) must be approved prior to approval of the final plat.
5. **Water:** The site will be served by City of Tulsa water. Water main line extension is needed and will require appropriate easements. Infrastructure Development Plans (IDP) must be approved prior to approval of the final plat.
6. **Engineering Graphics:** Submit a subdivision data control sheet with final plat submittal. Remove contours from final plat submittal.
7. **Stormwater, Drainage, & Floodplain:** Drainage must comply with all applicable County standards. County Engineer approval required.
8. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the conditions provided by TAC and all other requirements of the Subdivision and Development Regulations.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **WALKER**, TMAPC voted **8-0-0** (Covey, Fothergill, Fretz, McArtor, Millikin, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Doctor, Reeds, "absent") to **APPROVE** the Preliminary Plat for Milo's per staff recommendation.

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4. **Boulder Pointe** (CD 2) Preliminary Plat and Modification to Subdivision and Development Regulations to allow flag lots, Location: Northwest corner of West 78<sup>th</sup> Street South and South Union Avenue

**STAFF RECOMMENDATION:**

This plat consists of 16 lots, 1 block on 7.05 ± acres.

The Technical Advisory Committee (TAC) met on February 7, 2019 and provided the following conditions:

1. **Zoning:** The property is zoned RS-3 (Residential Single-Family). The proposed lots conform to the lot regulations of the zoning district. Zoning on the property was established in 1970.
2. **Addressing:** City of Tulsa will assign addresses to the proposed lots. Include addresses on the face of the final plat and provide address disclaimer.
3. **Transportation & Traffic:** Dimension and label adjacent right-of-way with recording information or indicate "by plat". Sidewalks required along South Union Avenue.
4. **Sewer:** The site will be served by City of Tulsa sewer. Sewer main line extension is needed and will require appropriate easements. Infrastructure Development Plans (IDP) must be approved prior to approval of the final plat. Correct easement dimensions/depictions.
5. **Water:** City of Tulsa water service in the area.

6. **Engineering Graphics:** Submit a subdivision data control sheet with final plat submittal. Remove contours from final plat submittal. Make location map corrections as stated. Correct written legal description to match face of the plat.
7. **Airport:** Avigation notice required to be affixed to the face of the plat. Federal Aviation Administration obstruction evaluation required prior to construction.
8. **Stormwater, Drainage, & Floodplain:** Substantial offsite runoff from the north will be required to be intercepted and placed in appropriate drainage easements. Onsite detentions areas and any storm sewer which will convey offsite flows are required to be placed in easements. Infrastructure Development Plans (IDP) for stormwater must be approved prior to approval of the final plat.
9. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

#### **Modification of the Subdivision & Development Regulations:**

A modification is required to approve the proposed configuration of Lots 13, 14, and 15 on the preliminary plat due to the existing topography on the property and a desire to utilize the north end of the property for larger lots.

Staff recommends **APPROVAL** of the preliminary subdivision plat and the requested modification of the Subdivision & Development Regulations subject to the conditions provided by TAC and all other requirements of the Subdivision and Development Regulations.

#### **Applicant Comments:**

The applicant stated staff did a very good job of explaining Boulder Pointe. Mr. Jones stated the property is zoned RS-3 and with this zoning the applicant could build 35 single family units on the subject property but are proposing 16 units. Mr. Jones stated there is 56 feet of fall from the middle of the property to the corner of the property and is very steep. Mr. Jones stated several different alternative layouts some that could be done by right but feel like the proposed layout would be the best for the area. Mr. Jones stated because of the topography a modification of the Subdivision Regulations is required. Mr. Jones stated there was a Town Hall meeting sponsored by Councilor Cue and there were no Interested Parties present. Mr. Jones stated there was a letter in the meeting packet from Mr. March who had concerns. Mr. Jones stated he tried to contact Mr. March and could not get a good number for him. Mr. Jones stated on the north side of the proposed plan there are 4 lots that would abut the neighbor to

the north. If one of the alternative plans is used there would be more lots abutting the neighbors.

**Interested Parties:**

**Ken March** 7719 South Xenophon Avenue, Tulsa, OK 74132

Mr. March stated he is an owner, a resident and a member of the Harbor Hills Neighborhood Association. Mr. March stated the high-density flag lot construction project proposed by the developers are inconsistent with the Small Area Plan for the area. Mr. March stated the Small Area Plan states the area should be rezoned because RS-3 doesn't match the unplanned lots because many are 2 acres or larger in size and that was the intent to keep the larger unplatted lots. Mr. March stated he supports this because he wants to keep the rural neighborhood setting and downsizing the 6.6 acres into the proposed 16 lots, 40 lots or 26 lots undermines the neighborhoods average parcel size of 1.5 acres thus impacting the rural character of the neighborhood. Mr. March stated there are no precedence in Harbor Hills for flag lots. A lot split application LS-21103 was presented to TMAPC on 2/7/2017 on South Xenophon Avenue and 78<sup>th</sup> Street and that application was denied after TMAPC determined the RS-3 zoning needed to be revised and rezoned to address the rural residential nature of the area west of South Union Avenue. Mr. March stated he doesn't feel the applicant addressed the flooding issue. Mr. March stated in this area stormwater runoff is extensive and water runs off the hill and along 78<sup>th</sup> Street which is already impacting a pending flood study by the city engineers looking at street improvement. Mr. March stated retention ponds may need to be installed on the southeast corner. Mr. March stated there is a very large apartment complex due east of South Union Avenue and traffic congestion in the area has impacted the cars coming from 78<sup>th</sup> Street, there has been several accidents. Mr. March stated he believes the increase in density for this area will only further exacerbate these issues. Mr. March stated the increased density would also put additional pressure on infrastructure such as the already low water pressure system which was not addressed in the engineering. Mr. March stated the property owners of Harbor Hills are pro development however the applicant has made no attempt to contact the HOA members to learn about their concerns. Mr. March stated he is listed in the white pages and has a street address just north of the subject property.

Mr. Covey asked Mr. March if he attended the meeting Councilor Cue held.

Mr. March stated he did not and was not aware of the meeting.

Mr. Covey asked Mr. March if there was an alternate plan that the applicant presented that Mr. March liked better than the proposed plan.

Mr. March answered “clearly the one being presented today is an improvement over the others, however because of the flag lots and the other issues he believes there is a better plan.

Mr. Covey stated Alternate 1 and 2 the applicant can do by right.

Mr. March stated he understands that but hopes all the reasons he has given today hopefully mitigates that this neighborhood is not RS-3.

**Jana Proffitt Davis** PO Box 702773, Tulsa, OK 74170

Ms. Davis stated she has been a member of the Harbor Hills neighborhood for 45 years and has spoken with Planning Commission before. Ms. Davis stated she is not excited about this development and it does not align with the Subdivision Regulations in this area. Ms. Davis stated this is an unplatted area and in the late 70's or early 80's the City, without anyone's consent or notice changed the zoning to RS-3 and that is not an appropriate zoning classification for this area. Ms. Davis stated most residents in this area have 2.5 acres and Ms. Davis stated she doesn't want anything less than 2.5 acres for the area. Mr. Davis stated the lots that are not 2.5 acres, and there are very few, are cut to 1.25 acres. Mr. Davis stated the Small Area Plan for this area very specifically says the area is supposed to be 2.5 acre lots and a rural setting. Ms. Davis stated they were very specific with the parameters of the neighborhood and Ms. Davis would like to know why residents must continue to come back to Planning Commission to remind Commissioners of the Small Area Plan and what residents want for the area. Ms. Davis stated she would like to see the permits for new development paused for this area until they residents can organize and get an overlay for zoning in this area. Ms. Davis stated the runoff water that comes form the top of the Xenophon hill comes down to 78<sup>th</sup> Street and flows down the back yards and dumps into the creeks and flows down to 26<sup>th</sup> West Avenue and floods West 81<sup>st</sup> Street. Ms. Davis stated she has had water up to 10 feet close to her house and if more concrete and roofs are added on the hill it will flood her house. Ms. Davis stated and its not just her that gets flooded the water goes across 81<sup>st</sup> and floods the neighbors there also. Ms. Davis stated she was not contacted about a meeting with Councilor Cue, but the neighborhood had a meeting Sunday night. Ms. Davis stated the developer has not asked for a meeting with anyone. Ms. Davis believes this application should be denied.

Mr. Covey asked Ms. Davis if this application is denied would she prefer alternate plan 1 or plan 2 that the applicants have shown.

Ms. Davis stated more than 5 houses is not appropriate. Ms. Davis stated she doesn't see any alternate plan that is appropriate.

Mr. Covey stated Ms. Davis has come before Planning Commission through the years and talked about different solutions. Mr. Covey stated he attended a neighborhood meeting and Mr. Covey thought something was going before the



City and the City was going to decide how to go forward and it is his understanding that it got to City Council and they rejected it.

Mr. Fothergill stated he helped Councilor Cue on the Small Area Plan for the subject area but unfortunately this application does not involve the Small Area Plan. Mr. Fothergill stated the zoning is already established and the zoning is not being considered it is just the Preliminary Plat and the modification of the Subdivision Regulations. Mr. Fothergill stated this doesn't affect the Small Area Plan.

Ms. Davis stated the Small Area Plan recommended rezoning.

Mr. Fothergill stated but that is not what is before Planning Commission today and staff can go over that again if needed but right now the zoning is not being considered.

Staff stated regarding the Small Area Plan, Mr. Fothergill mentioned the zoning on this property is established unlike in previous denial on a zoning case. Staff stated there isn't a discretionary review like when someone is changing their zoning, this property is RS-3 and has been since 1970 so the review of the Subdivision is more conformance to those regulations as well as the subdivision rules including the Modification Request that is currently being considered for the flag lots. Staff stated within the Small Area Plan there were recommendations for support of rezoning back to rural residential, larger lots to preserve that kind of character of the area. Staff stated in mid-2018 a program was presented to council at a committee meeting to offer the potential of an opt in rezoning program for property owners in the area to go to AG zoning which would be 2 acres or to RE which meant 0.50 acre, but that program didn't make it out of a committee meeting. The Council was not supportive of the program, so it did not move on to a public hearing. Staff stated Councilor Cue is present and she still has concerns about the area but when comes to review of this subdivision the Small Area Plan recommendations don't pre-empt what is there which is the RS-3 zoning.

Mr. Covey stated the City Council choose not to advance the program to allow the residents to rezone.

Staff answered "correct".

Mr. Covey stated if the Preliminary Plat is denied today the applicant can do Alternate 1 or 2 by right.

Staff stated he hasn't looked at the details, but the applicant is correct in that the RS-3 zoning permits 6900 square feet lots with a 60-foot width, the Subdivision Regulations would mandate he stay within a 900-foot block length. In terms of engineering, staff stated he couldn't speak to that. Staff stated that zoning does

support more density than what is being proposed today and the one piece that is discretionary is Modification Request which limits further the number of lots and staff still supports the Modification.

Mr. Walker asked staff when the Small Area Plan was adopted.

Staff answered April 2014.

Mr. Walker stated that is the guiding document for the area?

Staff stated the Small Area Plan made the following recommendations: "Propose Land Use Balance Tulsa Hills stakeholders' vision with Plani-Tulsa vision. Ensure a sound transition between Highway 75 and the stable neighborhood west of Union Avenue. Zoning west of Union Avenue and areas with existing neighborhood land use should strongly support residential single family uses. Support changes to new rural residential zoning use to address configuration issues related to lot splits." Staff stated the second recommendation: "Revise zoning code to include a rural residential district which allows a limited number of livestock and horses by right and has larger minimum lot sizes. This can be done by either amending an existing district or creating a new one." Staff stated that process has never been undertaken and if it had it would be a two-step process. First, the establishment of that district within the zoning code and then an initiation of rezoning of non-consenting property owner's property to that district.

Mr. Walker asked where the 2-acre language is in the document.

Staff stated the document doesn't specifically stated 2 acres, the language says rural residential which allows a limited number of livestock and horses by right and has larger minimum lot sizes. Staff stated it doesn't prescribe 2 acres but as the neighbors had mentioned that is character of the area.

**John Southern** 2002 West 78<sup>th</sup> Street, Tulsa, OK 74132

Mr. Southern stated he has owned his lot since 1983 and at that time it was agricultural. There was no RS-3 zoning that he knew of on his abstract. Mr. Southern stated he is against the proposed density of this development and he has come up with an alternative that he would like to submit. Mr. Southern stated he has divided the subject property into 7 lots all facing a driveway that comes in from the west. Mr. Southern stated there was a proposed sewer line from the west to the east on 78<sup>th</sup> Street and there is no gravity flow possible because it goes from 750 feet to 725 feet and then back to 755 feet at the tap on Union Avenue. Mr. Southern stated he spoke with a gentleman from the City of Tulsa who stated the City would not allow a pump or lift station at this location, but the developer could dig down 26 feet through the sandstone and rock strata. Mr. Southern stated he has drawn gravity flows coming down the middle of the property on the top of the southside and tied in sewer gravity flow from the top of

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the lots he designed that would work and flow downhill. Mr. Southern stated the contour lines get closer to the outer edge of the property so some of the lots the developer has designed are impractical to build. Mr. Southern stated there is only about 2.5 acres of developable lots and he has tried to front his lots to that 2.5 acres. Mr. Southern stated he is not against developing something on the subject property, but he believes his drawing is keeping within the neighborhood spirit with 7 lots.

**Linda Black** 7710 South Xenophon Avenue, Tulsa, OK 74132

Ms. Black stated she lives across the street from the subject property. Ms. Black stated in 2017 flag lots were denied. Ms. Black stated from the drawing she has seen it shows 5 driveways pulling out onto Xenophon Avenue and she believes the street will have to be reconstructed to add these driveways. Ms. Black stated the drainage she has seen in the last 17 years can hardly hold the runoff currently. Ms. Black stated there is a flooding issue now on 78<sup>th</sup> Street. Ms. Black stated Harbor Hills residents don't want this development, they want acreage and not lots.

**Sonya Englund** 7624 South 26<sup>th</sup> West Avenue

Ms. Englund stated her husband helped in the development process of the Small Area Plan and they have lived in the area for 42 years. Ms. Englund stated she strongly opposes this application it is out of character for this neighborhood. Ms. Englund stated when Planning Commission approved apartments for the eastside and the westside of Union Avenue and the road to exit the Harbor Hills neighborhood falls between those two driveways. Ms. Englund stated there is another neighborhood that is going to be built at the top of the hill on the eastside of 81<sup>st</sup> Street which will have 2 driveways and that puts their subdivision with one driveway coming out on Union Avenue as opposed to 4 from the other neighborhoods. Ms. Englund stated the 3 plans presented go from bad to worse and she feels none of them should be approved and she would be more in line with Mr. Southern's proposal and Ms. Englund hopes Planning Commission will deny the application.

**Kathy Menger** 7805 South Xenophon Avenue, Tulsa, OK 74132

Ms. Menger stated she is directly across the street from the subject property. Ms. Menger stated she has never been contacted by the developer and was not aware of any previous meeting nor was she given a notice of this TMAPC meeting. Ms. Menger stated the area has bar ditches that serve as stormwater runoff and every time it rains there is flooding in the area. Ms. Menger stated the soil in this area does not drain well and the minimum requirement for a septic system is a half-acre but, in this area, it has always been an acre because the land does not perk. Ms. Menger stated when aerobic systems were put in that allowed for smaller lots such as half an acre. She stated when you build on less than an acre you bypass the need for lateral lines by using aerobic systems but it has no bearing on the water runoff because you are replacing permeable surfaces with hard surfaces so there is less surface to absorb the moisture. Ms.

Menger stated she is down about 40 feet from the crest of the subject property and has a French drain, retaining wall and surface drain. Ms. Menger the applicant is proposing 10 driveways that will cross the bar ditch and the runoff from that will come directly across the street and flood her property. Ms. Menger stated she saw a City of Tulsa truck in her neighborhood today pumping out the bar ditches in her neighborhood and she has never seen the City do this before. Ms. Menger stated no one consulted the neighborhood that the zoning was going to be changed to RS-3 it was done at a time when it would have been impossible to have RS-3 development in this area, there is no infrastructure to support it.

**Jeannie Cue** 175 East 2<sup>nd</sup> Street, Tulsa, OK 74132

Councilor Cue stated just to clarify there was never a meeting about this area it was a meeting about 81<sup>st</sup> and South 33<sup>rd</sup> West Ave. Councilor Cue stated she was the one who pulled the potential of an opt in rezoning program for property owners from the committee meeting because she is still concerned about what is best for the community. Councilor Cue stated she met with Ms. VanValkenburgh and Ms. Miller to start another plan to get things done in this area because in the past there were different opinions on what needs to be done in the area. Councilor Cue stated she had a meeting with the stormwater department and there are concerns about runoff in this development and how it has been addressed. Councilor Cue stated she was waiting for the new councilors to take office because they will be making the decisions. Councilor Cue stated she wants to make the right decision and its hard sitting on these Boards and Commissions to know what the right decisions are. Councilor Cue stated she is meeting with Ms. Miller, Mr. Foster and Ms. VanValkenburgh to discuss what the right decisions are for this area. Councilor Cue stated there are stormwater issues, there are 2 lane roads that need sidewalks for safety and a lot of other issues that need to be addressed.

**Jane Duenner** 2320 West 92<sup>nd</sup> Street, Tulsa, OK 74132

Ms. Duenner stated she agrees with Mr. Southern, Ms. Menger and Councilor Cue and she is against any lots less than half acre including the applicants that are 0.25 acres. Ms. Duenner stated due to the high clay content of the soil there is a water runoff problem that will be worse if the summit development is approved. Ms. Duenner stated she would like to see the entrance to this development on Xenophon and not 78<sup>th</sup> Street or Union Avenue. Ms. Duenner stated Councilor Cue has stated the City of Tulsa has bought many houses due to flooding from new developments. Why doesn't the City do its due diligence prior to allowing the builders to overbuild and then there would be no need to buy the houses that have become unlivable due to poor planning by the City of Tulsa. Ms. Duenner stated as a community member she feels the neighborhood should have a say in keeping the area more rural but is sure all development can't be stopped. Ms. Duenner stated she would like to see development similar what is currently in the area. Ms. Duenner stated she votes for John's plan over the other 3 plans the applicant has presented.

The applicant stated this area was rezoned in 1970 when the new zoning map was adopted and established the new zoning designations. The applicant stated the City has had plenty of opportunities to rezone this area and they haven't, and the applicant is trying to develop the property under what is permitted today in the RS-3 zoning. The applicant stated Alternatives 1 and 2 weren't posed as a threat, they are going to develop the property and believe the original submittal is the best choice for this area. The applicant stated if the waiver for the flag lots is not approved then the alternative designs will be used. The applicant stated there has been a lot of talk about flooding and utilities but that is not part of the platting process all of those will be addressed in the engineering process. The applicant stated Mr. March mentioned there was no precedence for flag lots, but this board doesn't act on precedence, each request for a waiver must stand on its own merits and by the topography the applicant believes he has merit on this application. The applicant stated he reviewed Mr. Southern's plan and it is a very good plan however it does not meet the Subdivision Regulations because it has a dead-end street that would require a waiver and the Fire Department would probably not approve it because of the dead-end street. The applicant stated it may be a great plan but if he were to bring that plan back to TMAPC it would need a modification of the requirements as well. The applicant stated there was a lot of comments about traffic. Union is a secondary arterial street and developers don't improve an arterial street, 78<sup>th</sup> will need to be improved. The applicant stated what they are concerned about is within the boundaries of the subject property. The applicant stated he thinks this is the best plan and it is more rural than any other plan, it fits best with the neighborhood. The applicant stated they will development something. The applicant stated he would ask that TMAPC approve the application based on the staff recommendation and TAC recommendation. The applicant stated he couldn't tell if Councilor Cue was for or against the application, but the applicant stated he tried to work with Councilor Cue and she was aware of meeting but never said no to the subject development.

Mr. Fothergill asked the applicant what he means when he says he is going to develop no matter what, why would TMAPC permit the flag lots. Mr. Fothergill stated there will be lot leveling on all the lots no matter what proposal is done.

The applicant stated there will be some amount of grading that will be necessitated on any of the plans.

Mr. Fothergill asked there will also be some stormwater retention?

The applicant stated "yes". All the plans have a reserve area.

Mr. Fothergill asked why would Planning Commission give you flag lots if your going to do retention and leveling on all the plans presented.

The applicant stated the plan proposed today is a less dense, better layout than the 2 alternatives and works with the typography better.

Mr. McArtor stated some of the residents say the applicant never communicated with the HOA and asked the applicant if there was any outreach?

The applicant stated his developer met with Councilor Cue and the Councilor invited the applicant to a Town Hall Meeting to talk about this application but none of the residents showed up to the meeting. The applicant stated INCOG notifies the abutting property owners.

Mr. McArtor asked the applicant if he considered the Small Area Plan for this area.

The applicant stated the Small Area Plan was reviewed and the applicant thinks this application is more consistent than any of the other plans.

Mr. McArtor stated Ms. Menger showed a picture of her property as it relates to the steep incline on 78<sup>th</sup> Street and the water that would flow from that incline. Mr. McArtor asked applicant how he would address her concerns.

The applicant stated City Engineering reviews the applicants engineering drawings and if they don't meet the City's criteria they don't get approved.

Mr. McArtor asked if the applicant thought this plan was better than what could be built by right.

The applicant answered "yes", because it's difficult when trying to locate and size retention facilities and the proposed plan lets the applicant work with the typography better. The applicant stated another issue that was brought up is aerobic septic systems, this is sanitary sewer so some of the issues mentioned would not apply here.

**Daniel Ruhl** 4920 East 105<sup>th</sup> Street

Mr. Rule stated he is the developer of the subject property. Mr. Ruhl stated he is related to the owner of the property, they are his father and mother in law. Mr. Ruhl stated the property was for sale for several years and everyone in the area had the opportunity to purchase the property and no one did. Mr. Ruhl stated his father in law had some health problems and asked Mr. Ruhl to develop the property to generate income to help his father in law. Mr. Ruhl stated the reason he is here today is not because he went after this piece of property and invaded the area, he is doing what he has been asked to do by his family which is to take the property and create much needed revenue. Mr. Ruhl stated he did consider the residents with this development and if someone had a better plan there was an opportunity to buy the property. Mr. Ruhl stated the development will have to meet the City of Tulsa criteria for stormwater and provide retention. Mr. Ruhl

stated no one has talked about property values, this development would increase property values. Mr. Ruhl stated the zoning is RS-3 and that zoning already in place which is different from the other properties which are attempting to be developed. Mr. Ruhl stated the reason they are asking for flag lots is because the driveway is much easier to deal by taking it up a steep slope and give the developers places to control the storm water by taking it through a pipe at the bottom. Mr. Ruhl stated that he is 100 percent developing the property with either the proposed application or one of the alternate plans because that is what he must do to take care of his family. Mr. Ruhl stated he believes the proposed plan is the best choice for this area.

**Julie March** 7719 South Xenophon, Tulsa, OK 74132

Ms. March stated her, and her husband are the newest residents to the area, they own 7 acres just north of the proposed development. Ms. March stated she made an offer for the property and was turned down. Ms. March stated she moved to the area for the rural feel and having the houses on the corner takes away from the reason she moved to the area.

Mr. Covey asked Ms. March when she moved into the area and did she know the property was RS-3 zoned?

Ms. March stated she moved there May of 2018 and she did not know it was RS-3 zoned.

**TMAPC Comments:**

Mr. Foster stated Planning Commission received an amended staff report for this application and he would like to point out there were no changes to anything talked about today, but it does reinforce the stormwater requirements for an Infrastructure Development Plan and if Planning Commission is inclined to move forward with the application make sure it is per that staff recommendation.

City Legal stated if you approve a Modification to the Subdivision Regulations Planning Commission needs to state in the motion the reason for Modification.

Ms. Millikin stated she has considered this application carefully and believes the request of the applicant is acceptable and leaning in favor of the application. Ms. Millikin stated the Planning Commission has heard remarks about keeping in the character of the neighborhood and she has looked at the Small Area Plan and it is the West Highlands/Tulsa Hills Small Area Plan it is not the Harbor Hills Small Area Plan. Ms. Millikin stated there is nothing in the Small Area Plan that says new residential developments must be an acre or more. Ms. Millikin stated in the background of the housing section it says the housing stock in the West Highlands/Tulsa Hills area is very diverse in quality, size and style. More than a third of the houses are rentals. The majority of the plan areas housing are standalone single-family homes. Ms. Millikin stated it goes on to say local

housing stock offers a wide range of choices for residents including small homes, larger lots, modest older apartments, modest single-family split levels, luxury apartments and large executive homes. Ms. Millikin stated the character of the neighborhood is diverse its not just single acre lots. Ms. Millikin stated she has looked at the preliminary plat offered by the applicant with the flag lots and based on the justifications provided it is in keeping with the character of the West Highlands/Tulsa Hills Small Area Plan. Ms. Millikin stated paragraph 8 of the Modified Preliminary Subdivision Plat stated the substantial onsite runoff from the north will be required to be intercepted and placed in appropriate drainage easement, onsite detention areas and storm sewer which will convey offsite flows are required to be placed in easements. Ms. Millikin stated and finally the new modification that has just been added it stated the infrastructure for stormwater development plan for stormwater must be approved prior to approval of the final plat. Ms. Millikin stated for these reasons she is in favor of the applicant's application.

Mr. Fretz stated about 5 years ago there was a reception for the Small Area Plan. Mr. Fretz stated he was there and Commissioner Shivel and Susan Miller, Councilor Cue and the residents that were there seem thrilled with the Small Area Plan and some how things have changed since then. Mr. Fretz stated he is not sure what happened.

Mr. Ritchey stated he has seen this group of neighbors frequently and he feels for their situation but to echo what Mr. Fothergill said its important to know why planning Commission is here. Mr. Ritchey stated Planning Commission has to look at exactly what is in front of them and what is in front of them currently is a land owner wanting to develop the proposed lots and they wouldn't have had to make this application if not for the long driveways. Mr. Ritchey stated they could have built 6900 square foot lots but because they are building lots that will work with the topography they have to come to Planning Commission to ask for a modification to have longer driveways which are called flag lots. Mr. Ritchey stated it is important to note while Planning Commission is certainly appreciative of why the residents love that part of Tulsa and why many people love that region of Tulsa. Mr. Ritchey stated the residents love the lot sizes in the area and he wants the residents to have that lot size but Planning Commission can't control that from here. Mr. Ritchey stated he doesn't want to discourage the neighbors from participating, please always come and participate in the process. Mr. Ritchey stated call your City Councilor, call the Mayor to see what he has to say, there is something bigger out there for the residents but its not coming and speaking your peace about flag lots. Mr. Ritchey stated he always appreciates knowing what the people in the neighborhood think but honestly Planning Commissions hands are tied on what people can do with lots they already own and are already zoned in a very specific way. Mr. Ritchey stated Planning Commission is not here to diminish the resident's thoughts or what they believe about their property, they are here to look at what is directly in front of them, look at what the code says, and how to interpret that code.



Mr. McArtor stated he understands where the residents are coming from and the pictures are great. Mr. McArtor stated the zoning is what it is, and the Planning Commission can't do anything about it here, it should have been handled somewhere else at some other time. Mr. McArtor stated if this one is not approved; the applicant will build one of the other plans that is worse than this one and they can. Mr. McArtor stated it seems to him this one is better than the alternative.

Mr. Covey stated he echoes Mr. Ritchey and Mr. McArtor's statements. Mr. Covey stated if Planning Commission votes down the application then the residents will get alternate 1 or 2. Mr. Covey stated if he lived in that area he would prefer the application before them today. Mr. Covey stated he has attended a meeting with the residents and in the past, it was suggested that a covenant be established that runs with the land stating the owner won't sell property or subdivide down to quarter acre lots. Mr. Covey stated the problem with that is anyone who owns property that is going to want to do that in the future will not sign the covenant. Mr. Covey stated at the meeting he attended at Legends there was a huge disagreement on what the actual lot sizes should be. Some people wanted more than 2 acres, others wanted 1 acre. Mr. Covey stated that was just among the people from the area. Mr. Covey stated he believes the neighbors best route is to contact Councilor Cue and see if there is something that can be done. Mr. Covey stated he believes the problem is people have bought and sold property since 1970 and those buyers may not know its RS-3. Mr. Covey stated if its RS-3 by right it can be subdivided down, and he doesn't know how to undo that. Mr. Covey stated he doesn't know how a City Council body is going to dictate to the residents rezoning this or that and it is a very difficult process. He wishes Councilor Cue good luck on her endeavor of finding a solution to the problem. Mr. Covey stated he is voting yes because out of all 3 of the options this is the best one.

**TMAPC Action; 8 members present:**

On **MOTION** of **MILLIKIN**, the TMAPC voted **6-2-0** (Covey, Fretz, McArtor, Millikin, Ritchey, Shivel, "aye"; Fothergill, Walker, "nays"; none "abstaining"; Doctor, Reeds, "absent") to **APPROVE** Boulder Pointe Preliminary Plat and Modification of the Subdivision and Development Regulations regarding the storm water, drainage, and flood plain per staff recommendation. The reason for the modification is that it will serve a greater or at least the same extend by the alternative proposal of the applicant.

\* \* \* \* \*

5. **Stone Creek Hollow** (CD 2) Preliminary Plat, Location: North of the northwest corner of West 81<sup>st</sup> Street South and South Elwood Avenue

### **STAFF RECOMMENDATION:**

This plat consists of 30 lots, 3 blocks on 5.4 ± acres.

The Technical Advisory Committee (TAC) met on February 7, 2019 and provided the following conditions:

1. **Zoning:** The property is currently zoned AG; however, a rezoning request to change the zoning to RS-3 was recommended for approval by TMAPC on December 19, 2018 and was approved by Council on February 6, 2019. All proposed lots conform to the requirements of the RS-3 district. Zoning is required to be effective prior to the approval of a final plat.
2. **Addressing:** City of Tulsa will assign addresses to the proposed lots. Include addresses on the face of the final plat and provide address disclaimer. Street names will also be assigned by City of Tulsa and should be included on final plat. Provide dimension of right-of-way and indicate dedication by plat.
3. **Transportation & Traffic:** Dimension and label adjacent right-of-way with recording information or indicate "by plat". Proposed configuration of dead-end must be improved to a cul-de-sac to prevent parking of vehicles, dumping of trash, etc... Stub street must include posted signs indicating the intent of a connection in the future per Subdivision & Development Regulations. Sidewalks required along South Elwood Avenue and on both sides of all internal streets.
4. **Sewer:** The site will be served by City of Tulsa sewer. Sewer main line extension is needed and will require appropriate easements. Infrastructure Development Plans (IDP) must be approved prior to approval of the final plat.
5. **Water:** The site will be served by City of Tulsa water. Water main line extension is needed and will require appropriate easements. Infrastructure Development Plans (IDP) must be approved prior to approval of the final plat.
6. **Engineering Graphics:** Submit a subdivision data control sheet with final plat submittal. Add all platted boundaries to the location map and label subject property with "project location" or "site". Add "City of Tulsa" before Tulsa County in the plat subtitle. Include coordinate system used on basis of bearing heading. Provide a bearing angle shown on the face of the plat. Graphically show all pins found or set associated with the plat. Tie plat to section corner, half-section, or quarter-section. Label Point of Commencement (POC) and Point of Beginning (POB) on the face of the plat. Add required signature block. Label all existing easements impacting the property and provide recording information and dimensions.
7. **Airport:** Avigation notice required to be affixed to the face of the plat. Federal Aviation Administration obstruction evaluation required prior to construction.

8. **Stormwater, Drainage, & Floodplain:** Floodplain exists on the west end of the property. Delineate all floodplain boundaries and place in a required overland drainage easement. Onsite detention areas and any offsite flows will require appropriate easements.
9. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the conditions provided by TAC and all other requirements of the Subdivision and Development Regulations.

**The applicant indicated his agreement with staff's recommendation.**

**Interested Parties:**

**Michael Fellwock** 7701 South Frisco Avenue, Tulsa OK 74132

Mr. Fellwock stated he would like to thank Councilor Cue for working with homeowners regarding this application. Mr. Fellwock stated the applicant attended a meeting in March with the homeowners to go over the subject development with them. Mr. Fellwock stated the main concerns is the same as the previous application, stormwater runoff down 71<sup>st</sup> Street. Mr. Fellwock stated that the applicant spoke about possibly having tiered retention pond system close to 73<sup>rd</sup> or 74<sup>th</sup> area on the westside of the subject development. Mr. Fellwock stated the water comes down the left side of the subject development and comes into Mr. Fellwocks area and washes out the soil and common green areas. Mr. Fellwock stated the connection to our neighborhood is also a concern. Mr. Fellwock stated he would like to know if there will be any crash gates between the neighborhoods. Mr. Fellwock stated there is an Elementary School off Elwood and 77<sup>th</sup> Street and he is concerned the traffic will come through the neighborhood onto 77<sup>th</sup> Street dropping kids off and picking them up. Mr. Fellwock stated these are the main concerns.

Mr. Shivel asked Mr. Fellwock why they would want a crash gate if neither of the subdivisions are gated.

Mr. Fellwock stated to restrict access to their greenbelt area. The HOA maintains this area.

Mr. Shivel stated that goes against the connectivity of these two neighborhoods.

**Grant Canady** 501 West 77<sup>th</sup> Street Tulsa, OK 74132

Mr. Canady stated his house backs up to the subject development and his concerns are stormwater because the previous owners did not take care of the property and the water would come under his fence and into his yard, so he doesn't know what will happen when something is built on the adjoining property. Mr. Canady asked who he could contact to make sure this is looked at.

Mr. Covey told Mr. Canady to contact the Engineer.

**Jane Duenner** 2320 West 92<sup>nd</sup> Street, Tulsa, OK 74132

Ms. Duenner stated the applicant currently has 5 developments in the area. Ms. Duenner stated the neighbors would like at least 2.5 acres not .18 acres. Ms. Duenner stated there is already a flooding issue with 81<sup>st</sup> and Elwood Avenue. Ms. Duenner stated again her City Councilor has told the neighbors that the City has had to buy many houses across the City because new developments have caused houses to flood. Ms. Duenner stated why wouldn't the City do its due diligence prior to allowing these developments to over build. Ms. Duenner stated this is poor planning on the City's part. Ms. Duenner stated she would request that all Zoning Code requirements be adhered to with any of the applicant's developments going forward with no variances allowed. Ms. Duenner stated the neighbors would like less density than 3 lots on 5.4 acres which is what is proposed.

**Applicant Comments:**

The applicant stated they have had several meetings with the Homeowners Association to address the concerns of the neighbors. The applicant stated the stormwater has been addressed and is reflected on the plat and the applicant's intent is to make that better. The applicant stated on Mr. Canady's lot the applicant stated he was trying to change the grade of the lot to take the water back out towards the street. The applicant stated regarding the crash gate that is not something the City wants to see, and he will abide by the City recommendations. The applicant stated they have looked at traffic for the school across the street and Elwood Villas, no one wants to see more traffic, but this is still well within the limits of what the street will handle.

**TMAPC Comments:**

Mr. Covey stated the subject property is RS-3 and is next to another edition that has smaller lots.

**TMAPC Action; 8 members present:**

On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Covey, Fothergill, Fretz, McArtor, Millikin, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Doctor, Reeds, "absent") to **APPROVE** the Preliminary Subdivision Plat for Stone Creek Hollow per staff recommendation.

\* \* \* \* \*

7. **CO-8 Mike Thedford** (CD 7) Location: Northeast corner of East 91<sup>st</sup> Street South and South Mingo Road requesting **Corridor Development Plan** (Continued from February 6, 2019)

**STAFF RECOMMENDATION:**  
**SECTION I: CO-8**

**DEVELOPMENT CONCEPT:**

**DEVELOPMENT SUMMARY:**

The proposed L-shaped building for Development Area “A” is approximately 180,000 square feet split between 2 levels. The building will be situated on the northeastern portion of the site with the parking to be distributed south, west and north of the building with central loop for drop off and amenities located immediately adjacent to the south wall. Building services will be located immediately to the east of the facility.

All utilities are available to the entire development.

There is an intermittent stream running northwest/south west through the site the stream will serve as an amenity to be maintained as a park like setting. The site slopes from north to south and the drainage/detention basin will be located on the southeast corner of the site.

**DETAILED STAFF RECOMMENDATION:**

CO-8 is consistent with the Regional Center Land Use designation in the Comprehensive Plan and is compatible with the existing and expected development of surrounding areas and,

CO-8 provides a unified treatment of the development possibilities of the project site and the previously approved uses in the surrounding Planned Unit Development and Corrido District and,

Permitted uses and building types identified in CO-8 are consistent with the uses that may be permitted in a CO district as identified in the Tulsa Zoning Code and,

CO-8 identifies development standards that are consistent with the mandatory development plan standards in the Tulsa Zoning Code and,

CO-8 is consistent with the purpose of a CO district identified in the Tulsa Zoning code and,

**Staff recommends Approval** of CO-8 to rezone property from CO/ to CO-8 as identified in Section II below.

**SECTION II: CO-8 DEVELOPMENT STANDARDS:**

Net Land Area: 29.94 acres

Permitted Use Categories, Subcategories and Specific Uses:

PUBLIC, CIVIC AND INSTITUTIONAL – Limited to subcategories below

- Government Service
- Hospital
- Parks and Recreation
- Natural Resource Preservation
- Safety Service

MAXIMUM BUILDING COVERAGE: 50% of net lot area

MAXIMUM BUILDING HEIGHT: 80 feet

MINIMUM BUILDING PERIMETER SETBACKS:

- From the east boundary 50 feet
- From the north boundary 50 feet
- From the south boundary 20 feet
- From the west boundary 40 feet

MINIMUM OFF-STREET PARKING SPACES:

All uses shall meet the parking ratio as required in the Tulsa Zoning Code

MINIMUM BICYCLE PARKING SPACES:

As provided in the Tulsa Zoning Code

OTHER LOT AND BUILDING REGULATIONS: As established with the CH District

LANDSCAPE REQUIREMENTS:

Landscaping for the project shall meet or exceed the landscaping requirements identified in the Tulsa Zoning Code.

In addition to the landscape requirements of the Tulsa Zoning Code, 100 trees shall be placed or saved within 50' of the abutting street right-of-way on all perimeter streets. Trees may be grouped or evenly spaced. Existing trees on the lot with a caliper greater than 6" and within 50' of the abutting street right of way that will be protected and maintained may include in the that count.

Within this requirement a minimum of 25 trees shall be placed between the storm water detention pond and the street right of way.

## SIGNS:

### Ground Signs:

One (1) ground sign shall be permitted at each vehicular entrance from a public street with a maximum display of 200 SF of surface area and a maximum height of 25 FT

### Wall Signs:

Wall signs shall be permitted with a display surface not to exceed 100 SF for each sign. The length of a wall sign shall not exceed 75% of the length of the wall upon which the sign is located.

## LIGHTING:

Lighting for the project will comply with applicable City of Tulsa Zoning Code regulations. Parking lot lighting and wall lighting shall not exceed 16 feet in height as measured from the light emitting element to the ground surface immediately below the light.

All lighting all be pointed down and away from the abutting lot lines. Final Lighting design standards will be included in the detailed site or landscape plan approval process as required for a mandatory development plan.

## TRASH, MECHANICAL, AND EQUIPMENT AREAS:

All trash, mechanical and equipment areas (excluding utility service transformers, pedestals, or other equipment provided by franchise utility providers), including building mounted shall be screened from public view in such a manner that such areas cannot be seen by persons standing at ground level.

Trash dumpsters shall be screened by masonry construction enclosures with steel frame doors. The doors shall be covered with appropriate covering containing a minimum of ninety percent (90%) capacity to the gate frame.

## GENERAL PROVISIONS:

### A. Vehicular Access and Circulation:

The site has an adequate road network on all sides with proposed access to Development Area "A" from S 101st East Avenue from the east, 88th Street South from the north.

Vehicular access will be prohibited from East 91<sup>st</sup> Street south.

Vehicular access on the remaining parcel along S. Mingo shall be limited to a single access point south of the floodplain. No additional access is allowed between the flood plain boundary and E. 88<sup>th</sup> street south.

B. Site Plan and landscape plan review:

No building permit shall be issued for any building within CO-8 until a Detail Site Plan and a Detail Landscape Plan have been submitted approved as meeting or exceeding the Development Standards of CO-8.

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The proposed uses and design standards supports large scale uses that are consistent with the expected development pattern in a Regional Center land use designation.*

### Land Use Vision:

*Land Use Plan map designation:* Regional Center

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.

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

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

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial



areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.”

Transportation Vision:

*Major Street and Highway Plan:*

*Trail System Master Plan Considerations:* The Tulsa GO plan recommends a Bicycle Corridor on the north side of South 91<sup>st</sup> East Avenue. The internal vehicular corridor has been established and supports the concept that additional driveway connections east of the creek crossing should be prohibited along E. 91<sup>st</sup> Street south. The bicycle corridor is anticipated to be on the existing pavement and does not require additional street right of way.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The site is undeveloped and is bisected by a flood plain. It is likely that the floodplain is also considered a wetlands area.*

*Environmental Considerations: Preservation of the floodplain area and floodplain management standards should be integrated into the plat and the Corridor Plan standards. The conceptual plan shows the lot line configuration near the center of the creek. Some consideration should be given to move the lot line, so the entire flood plain is on one lot.*

Streets:

| <u>Exist. Access</u>               | <u>MSHP Design</u>                           | <u>MSHP R/W</u> | <u>Exist. # Lanes</u>                          |
|------------------------------------|--|-----------------|--|
| South Mingo                        | Secondary Arterial                           | 100 feet        |  |
| East 91 <sup>st</sup> Street south | Secondary Arterial with Multi Modal corridor | 100 feet        | 5 total 2lanes each direction with center turn |

|                                     |                       |         |      |
|-------------------------------------|-----------------------|---------|------|
|                                     |                       |         | lane |
| East 88 <sup>th</sup> Street South  | None                  | 50 feet | 2    |
| South 101 <sup>st</sup> East Avenue | Residential Collector | 60 feet | 2    |

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

| Location | Existing Zoning   | Existing Land Use Designation | Area of Stability or Growth | Existing Use   |
|----------|---|-------------------------------|-----------------------------|--|
| North    | CO with PUD development plan for multifamily uses         | Regional Center               | Growth                      | Vacant   |
| East     | CO with PUD development plan for hospital and office uses | Regional Center               | Growth                      | Hospital and offices                                     |
| South    | CS and Corridor zoning for office use                     | Regional Center               | Growth                      | Convenience store, single family residential and offices |
| West     | PUD with OL and CS zoning                                 | Town Center                   | Growth                      | Vacant   |

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 15956 dated December 13, 1983, established zoning for the subject property.

***Subject Property:***

**Z-5888 December 1983:** All concurred in **approval** of a request for *rezoning* a 320+ acre tract of land (less the portion of the property proposed for the Creek Turnpike) from PUD-220, RS-3, RM-O, and CS to CO on property located on the north side of 91st Street between Mingo Road and Garnett Road. (Ordinance number 15956, dated December 13, 1983, amended ordinance number 14591.) A development plan was never approved with the application for Z-5888.

**PUD-220 October 1979:** All concurred in **approval** of a proposed *Planned Unit Development* on a 320+ acre tract of land on property located on the north side of 91st Street between Mingo Road and Garnett Road. Ordinance number 14591, dated October 30, 1979, amended ordinance number 11834. Note - This should have amended ordinance number 14153.

**Z-5126 June 1978:** All concurred in **approval** of a request for *rezoning* a 320+ acre tract of land from AG to RS-3, RM-O, and CS on property located on the north side of 91st Street between Mingo Road and Garnett Road. Ordinance number 14153, dated June 20, 1978, amended ordinance number 11834. Note - This should have amended ordinance number 11830.

Ordinance number 11830 dated June 20, 1978, established zoning for this property.

***Surrounding Property:***

**CO-6 April 2018:** All concurred in **approval** of a request for a *Corridor Development Plan* on a 5.12± acre tract of land for a Skilled Nursing Facility on property located on the northwest corner of East 88<sup>th</sup> Street South and South 101<sup>st</sup> East Avenue.

**BOA-22091 June 2016:** The Board of Adjustment **approved** a *special exception* to permit a dynamic display sign for Forest Park Christian Church in the AG District, on property located at the southwest corner of East 91<sup>st</sup> Street South and South Mingo Road.

**Z-6910-SP-2 April 2006:** All concurred in **approval** of a proposed Corridor Site Plan on a 4.45+ acre tract of land for commercial and medical office use and to establish the aggregate floor area of 27,380 square feet for office development, on property located east of southeast corner of East 91<sup>st</sup> Street South and South Mingo Road.

**Z-7003/PUD-721 January 2006:** All concurred in **approval** of a request for *rezoning* and **approval** of a proposed *Major Amendment* to PUD on a 40± acre tract of land from AG to CS/OL/RS-3/PUD to permit office, commercial, and residential uses on property located on the northwest corner of East 91<sup>st</sup> Street South and south Mingo Road.

**Z-6910-SP-1 December 2003:** All concurred for **approval** of the proposed Corridor Site plan on a 4.5+ acre tract for a 4-story bank and medical office building located east of the southeast corner of East 91<sup>st</sup> Street and South Mingo Road.

**Z-6910 November 2003:** All concurred in **approval** of a request for *rezoning* a 4.5+ acre tract from AG to CO, for office and bank use, on property located east of the southeast corner of East 91<sup>st</sup> Street and South Mingo Road.

**PUD-559/Z-5888-SP-I Mav 1997:** All concurred in **approval**, subject to modifications, of a request for a proposed *Planned Unit Development* and a *Corridor Site Plan* on a 111+ acre tract of land for a multi-use PUD for apartments, offices, colleges, and universities on property located north and east of the northeast corner of East 91<sup>st</sup> Street and South Mingo Road.

**Z-5888 December 1983:** All concurred in **approval** of a request for *rezoning* a 320+ acre tract of land (less the portion of the property proposed for the Creek Turnpike) from PUD-220, RS-3, RM-O, and CS to CO on property located on the north side of 91<sup>st</sup> Street between Mingo Road and Garnett Road.

**Z-5916 December 1987:** All concurred in **approval** of a request for *rezoning* a 2+ acre tract of land from AG to CS on property located on the southeast corner of East 91<sup>st</sup> Street South and South Mingo Road.

**TMAPC Comments:**

Ms. Millikin asked staff if the applicant was asking for a modification of the landscape design standards?

Staff stated the landscape design standards as defined in the Zoning Code will still be enforced on the project and in addition to that the perimeter will have tree requirements that are not apart of the landscape standards. Staff stated the real goal is to try and save as many of the existing trees as possible.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **McARTOR**, TMAPC voted **8-0-0** (Covey, Fothergill, Fretz, McArtor, Millikin, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Doctor, Reeds, "absent") to recommend **APPROVAL** of the **Corridor Development Plan** for CO-8 per staff recommendation.

**Legal Description CO-8:**

A TRACT OF LAND THAT IS PART OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 18 NORTH, RANGE 14 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT A POINT THAT IS THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 18;

THENCE NORTH 01°18'00" WEST ALONG THE WESTERLY LINE OF SECTION 18 FOR 1050.65 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND;

THENCE CONTINUING NORTH 01°18'00" WEST ALONG SAID WESTERLY LINE FOR 214.83 FEET;

THENCE NORTH 88°42'00" EAST FOR 50.00 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SOUTH MINGO ROAD;

THENCE NORTH 01°18'00" WEST FOR 0.00 FEET TO A POINT OF CURVE;

THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 90°19'17" AND A RADIUS OF 30.00 FEET FOR 47.29 FEET TO A POINT OF TANGENCY;

THENCE NORTH 89°01'17" EAST ALONG SAID TANGENCY FOR 130.00 FEET;

THENCE NORTH 85°11'50" EAST FOR 149.94 FEET;

THENCE NORTH 89°01'17" EAST FOR 546.79 FEET TO A POINT OF CURVE;

THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 89°39'04" AND A RADIUS OF 200.00 FEET FOR 312.94 FEET TO A POINT OF TANGENCY;

THENCE SOUTH 01°19'39" EAST ALONG SAID TANGENCY FOR 719.96 FEET;

THENCE SOUTH 02°29'12" WEST FOR 150.33 FEET;

THENCE SOUTH 01°19'39" EAST FOR 130.00 FEET TO A POINT OF CURVE;

THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 88°23'18" AND A RADIUS OF 30.00 FEET FOR 46.28 FEET TO A POINT OF TANGENCY, SAID POINT BEING ON THE NORTHERLY RIGHT OF WAY LINE OF EAST 91ST STREET SOUTH;

THENCE SOUTH 87°03'39" WEST ALONG SAID RIGHT OF WAY LINE FOR 30.72 FEET;

THENCE SOUTH 88°58'12" WEST AND CONTINUING ALONG SAID RIGHT OF WAY LINE FOR 299.75 FEET;

THENCE SOUTH 83°28'40" WEST AND CONTINUING ALONG SAID RIGHT OF WAY LINE FOR 58.55 FEET;

THENCE NORTH 33°30'50" WEST FOR 95.30 FEET;

THENCE NORTH 13°44'37" EAST FOR 115.38 FEET;

THENCE NORTH 09°41'49" WEST FOR 225.77 FEET;

THENCE NORTH 89°58'52" WEST FOR 574.38 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SOUTH MINGO ROAD;

THENCE NORTH 01°18'00" WEST ALONG SAID EASTERLY RIGHT OF WAY LINE FOR 555.82 FEET;

THENCE SOUTH 88°42'00" WEST FOR 50.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

\* \* \* \* \*

10. **MR-2, The Summit at Tulsa Hills** (CD 2) Modification to Subdivision and Development Regulations to remove sidewalk requirement along Union Avenue, Location: South of the southeast corner of West 71<sup>st</sup> Street South and South Union Avenue (Continued from December 19, 2018, January 16, 2019, and February 6, 2019)

**STAFF RECOMMENDATION:**

The applicant has requested that the Planning Commission remove the requirement that the property owner construct a sidewalk as part of the construction of a new single-family subdivision. The Subdivision and Development Regulations require sidewalks to be constructed on all arterial streets adjacent to new subdivisions.

The proposed subdivision includes 59 new single-family residential lots. The property is situated between an existing apartment complex and commercial uses to the south and undeveloped property to the north. If the property to the north were rezoned and developed, platting requirements would be incurred and sidewalks would be required to be installed that would connect the subject

property to West 71<sup>st</sup> Street. There are existing sidewalks and a Tulsa Transit stop on West 71<sup>st</sup> Street that should be connected to new developments occurring along South Union Avenue via a sidewalk.

Sidewalks were required for the multifamily project south of the site; however, they were not installed. The requirement for sidewalks remains and could cause future permitting issues for the property owners.

There are currently no plans for widening of South Union Avenue. The City of Tulsa does not have funding in place nor do they have any imminent plans to alter the configuration of the street.

Staff recommends **denial** of the modification of the Subdivision and Development Regulations to remove the requirement for sidewalk construction along South Union Avenue adjacent to the proposed “The Summit at Tulsa Hills” subdivision plat finding that it does not align with the Tulsa Comprehensive Plan or meet the modification requirements of the Subdivision and Development Regulations.

#### **TMAPC Comments:**

Mr. Covey asked why the sidewalk had not been installed at the apartments recently build in the area.

Staff replied that in research for this application it was noticed that the apartments were the one completed development that had not installed the sidewalks yet. Staff stated the Director of the City Permit Center has flagged the property to ensure in the future that any requests for permits on that property or any close property in that plat will be required to install the sidewalk before the permits are issued. Staff stated the mandate stands on all the plats on Union Avenue for sidewalk installation, no waivers have been granted.

Mr. Walker stated originally, they wanted a waiver of all the sidewalks.

Staff stated they wanted a fee in lieu.

Mr. Walker stated but now they are willing to install 1167 feet of sidewalk and want a waiver for 445 feet.

Staff answered “yes”.

#### **Applicant Comments:**

The applicant stated they are between a rock and a hard place. The applicant originally intended to go through the fee in lieu process and the City has made it clear that it is not an option. The applicant stated the engineers have determined that 1167 feet of sidewalk is feasible to build and that the southern 445 feet there are real topographical challenges. The applicant stated Planning Commission

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can waive the requirement per the Subdivision Regulations. The applicant stated the topographical challenges are a bar ditch that runs parallel to Union Avenue and to the east of the bar ditch is a significant berm. The applicant stated there are also existing utilities overhead and underground which limit the developer's options in excavating the berm to make room for the sidewalk. The applicant stated on the other side of the berm is an Oklahoma Natural Gas line underground. The applicant stated doing the dirt work to remove the berm is not really a viable option. If the developer were required to put in the sidewalk here as staff recommends it would require significant street improvements to this section. The applicant stated curb and guttering would need to be installed first and the bar ditch would need to be filled in, a pipe would need to be installed for stormwater and water collection. The applicant stated all of this would need to be done before the installation of a sidewalk and it is for these reasons that the applicant believes the installation is impractical. The applicant would request that the waiver be approved.

Mr. McArtor stated the utility lines go up and down the property so why is it impractical on the south end but not on the north end.

The applicant stated on the north end the berm flattens out and there is more room within the right of way to build a sidewalk.

Mr. McArtor stated so there is a concern about bringing in the heavy equipment and running them over the top of the pipes and lines that are there.

The applicant stated it would require relocating the poles temporarily if not permanently as well as concerns with what is happening underground.

Mr. Covey asked the applicant what good does it do to install the 1167 feet of sidewalk if the 445 feet is not going to be completed.

The applicant stated that is a fair question. Staff in their staff report raised issues of connectivity of 71<sup>st</sup> Street and the applicant certainly wants to provide as much walkability and connectivity as they can under the regulations. If a fee in lieu was an option the applicant stated when the City decided to improve Union Avenue that would be the obvious time to install it.

### **Interested Parties:**

**Jana Proffitt Davis** PO Box 702773, Tulsa, OK 74170

Ms. Davis stated Planning Commission has just allowed 16 houses to go in right across the street from the subject development. Ms. Davis stated the pictures show there is no shoulder on Union Ave. and the City is not going to improve Union in the next 25 years. Ms. Davis stated in some places it is a straight drop off on the side of the road. Ms. Davis stated you can't ride a bike on Union Ave. you can't walk a dog on Union Ave. Ms. Davis stated she understands it is very

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difficult and the applicant has been very gracious and has reached out many times. Ms. Davis stated if the Small Area Plan is going to be considered which called for trails in the area the sidewalks will extend those.

**John Southern** 2002 West 78<sup>th</sup> Street, Tulsa, OK 74132

Mr. Southern stated you can't see over the top of the hill, there is a blind spot that has not been addressed. Mr. Southern stated that would be a broadside potential for a school bus. Mr. Southern stated the southern most entrance needs to be moved down the hill, so it won't be in a blind spot. Mr. Southern stated the other entrance from Union Avenue is over a vent for a gas line. Mr. Southern stated he just wanted to point out there is a deadly intersection there.

**Jane Duenner** 2320 West 92<sup>nd</sup> Street, Tulsa, OK 74132

Ms. Duenner stated she supports the sidewalks on the east side of Union at The Summit development. Ms. Duenner stated she has been to many committee meetings, PlaniTulsa and others that say we should have walkable communities. Ms. Duenner stated the applicant told her this would be a sidewalk to nowhere, Ms. Duenner replied to applicant, start and others may follow suit. Ms. Duenner stated there should be a safe avenue for walkers, joggers and runners on Union to travel. Ms. Duenner stated the City requires sidewalks, so we should insist on installing them.

**Jeannie Cue** 175 East 2<sup>nd</sup> Street, Tulsa, OK 74101

Councilor Cue stated at City Council last week she brought up the subject of sidewalks, so the new Councilors would how many items were on the list and if the sidewalk requirement isn't enforced there will be a lot more added to the list. Ms. Cue stated the sidewalks are needed in is this area. Ms. Cue stated she just heard about the Tuscany Hills Apartment Complex not installing sidewalks and she is looking into that issue. Ms. Cue asked Planning Commission to support sidewalks in the City.

**Jan Eckardt Butler** 7803 South 28<sup>th</sup> West Avenue, Tulsa, OK 74132

Ms. Butler stated she looked at the area of the sidewalk with Mr. Southern and the applicant and tried to mark off the 445 feet that the applicant wants the waiver. Ms. Butler stated in the letter to Planning Commission the applicant stated installing the sidewalk on these 445 feet would be a hardship. Ms. Butler stated she is not sure how the applicant finds this a hardship compared to all the other improvements to area such as the beautiful homes the landscaping and the digging. Ms. Butler stated the addition will be gorgeous, but she doesn't see how that 445 feet is a hardship.

The applicant stated the developer is not being offered a fee in lieu option and that is where the hardship is coming from, if the developer could pay now and put in the sidewalk when it was more practical that is exactly what they would do but they were told they can't do that. The applicant stated regarding the comments about the plat, the plat has already been approved and is irrelevant for this

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application. The applicant stated she agrees with some of the neighbor's comments, Union is a two-lane road where the cars go fast and there is a small shoulder.

Ms. Millikin asked the applicant if it was impossible to build the sidewalk.

The applicant answered no its not impossible, its impractical.

Ms. Millikin asked what the cost is of building the 445 feet south portion versus the north portion.

**Jason Emmett** 5400 South Grand Blvd, Suite 120, Oklahoma City OK 73112

Mr. Emmett stated he doesn't have an exact number but roughly \$100,000 for all the improvements needed to build the south part of the sidewalk.

Ms. Millikin asked if he could give an estimate of the cost per foot for the north portion, which the applicant is willing to build versus the south portion that the waiver is being considered.

Mr. Emmett stated the 1167 feet northern portion is roughly \$40,000.

Ms. Millikin stated that is about \$34.00 per linear foot.

Mr. Emmett stated the 445 feet south portion is \$257.00 per linear foot.

**TMAPC Comments:**

Mr. Ritchey stated he wants to thank the applicant they gave a great presentation. Mr. Ritchey stated he agrees impossible is not impractical and that is very important. Mr. Ritchey stated he was almost on the applicant's side and that would have been the first time he would have voted for no sidewalks. But for Mr. Ritchey what is important is the City of Tulsa commitment of what we want Tulsa to be as a City whether it is Southwest Tulsa or Midtown if we are going to commit to be the City we want to be its unfortunate that someone must be first. Mr. Ritchey stated he know its weird to build a sidewalk to nowhere but if that's the cost of doing business then that is the cost of doing business. Mr. Ritchey stated the applicant has a lot of lots and a small amount of land, so he hopes it is still a viable project even if the guy at the top must eat \$100,000 dollars. Mr. Ritchey stated he supports the staff recommendation, but he does appreciate everything that was presented.

Mr. Fretz stated he has sympathy for the applicant because the Subdivision Regulations have been enforced for years and the City has failed to take their money. Mr. Fretz stated but he supports the staff recommendation, if it waived the City will have a big expense later.

Mr. Fothergill stated he believes Union Avenue does need to be rebuilt and he is sure Councilor Cue will champion that cause. Mr. Fothergill stated while he wouldn't want his kids walking to Main Event he does think sidewalks are necessary development on arterial streets.

Mr. McArtor stated he read an article in the Tulsa World about how many deaths occur in Tulsa to pedestrians in part because of lack of sidewalks, or enough sidewalks. Mr. McArtor stated during his previous tenure on this Commission he voted for a lot of waivers of sidewalks he regrets everyone of them and wishes he had never done that. Mr. McArtor stated we want a healthy walkable community and that would include sidewalks. Mr. McArtor stated he will be voting for staff recommendation.

**TMAPC Action; 8 members present:**

On **MOTION** of **WALKER**, TMAPC voted **7-1-0** (Covey, Fothergill, Fretz, McArtor, Ritchey, Shivel, Walker, "aye"; Millikin, "nays"; none "abstaining"; Doctor, Reeds, "absent") to **DENY** Modification of the Subdivision and Development Regulations to remove sidewalk requirement per staff recommendation.

Mr. Covey left meeting at 3:56PM and Mr. Walker chaired the rest of the meeting.

\* \* \* \* \*

11. **MPD-1 Katy O'Melia, Planning Design Group** (CD 6) Location: Southwest corner of East 31<sup>st</sup> Street South and South 177<sup>th</sup> East Avenue requesting a Master Plan Development for private street mixed use community (Continued from February 6, 2019)

**SECTION I: MPD-1**

**DEVELOPMENT CONCEPT:**

Concord is a master planned community that utilizes new urbanist design principles in order to create a walkable, environmentally sustainable and economically diverse community. The project is proposed to be a mixed-use master planned community consisting of multiple housing types, recreational, civic and commercial uses with integrated open space and park development. The traditional neighborhood model has several physical, social, and economic attributes that provide several positive consequences that help to sustain a pattern of livability and economic vitality.

The social and environmental benefits of a new urbanist community result from certain physical and organizational characteristics. An authentic new urbanism

neighborhood should include most of the following:

1. Development should preserve sensitive natural and cultural areas as permanent open space.
2. The basic increment of development should be a walkable, diverse pedestrian walking shed that forms a neighborhood.
3. The neighborhood should have a discernible center to serve as community gathering space.
4. The pedestrian walking shed should be a five to ten-minute walk to the neighborhood center. This distance averages one-quarter of a mile.
5. There should be shops within, or in proximity to, the neighborhood sufficiently varied to satisfy ordinary daily household needs.
6. The neighborhood should incorporate a variety of places to work, including those that enable work at the dwelling.
7. The neighborhood should incorporate a variety of dwelling types, so that younger and older people, single household and families can be housed.
8. That there are small playgrounds and/or pocket parks near every dwelling unit.
9. Thoroughfares within the neighborhood be a network, connecting whenever possible, to adjacent thoroughfares in order to provide a variety of route options and disperse traffic.
10. That thoroughfares be designed to slow traffic, creating an environment appropriate for pedestrians, bicyclists, as well as automobiles.
11. Building frontages should collectively support pedestrian streetscapes and mask most parking lots.
12. That certain prominent sites are reserved for civic buildings. Buildings for meeting, education, religion, or culture are located at the termination of street vistas or at the neighborhood center.
13. When these basic design principles are utilized, a new urbanist neighborhood can have several positive consequences:
14. By bringing most of the activities of daily living into walking distance, everyone (especially the elderly and the young) gain independence of movement.
15. By reducing the number and length of automobile trips, traffic congestion is minimized, the expense of road construction and long-term maintenance are limited, and air pollution is reduced.
16. By providing walkable streets and squares of comfortable scale and distance, neighbors can come to know each other and to watch over their collective security.

17. By providing a full range of housing types and work places, age and economic classes are integrated, and the bonds of an authentic community are formed.
18. By providing civic buildings and spaces, democratic initiatives are encouraged and the connection with one's fellow neighbor and community is facilitated.
  
19. The street design standards, building placement, mixed use opportunities and residential building types can be integrated in a way that cannot be accomplished by the normal zoning process. The Master Planned Development is consistent with the city's adopted plans and provides greater public benefits than could be achieved using conventional zoning regulations.

#### **DETAILED STAFF RECOMMENDATION:**

MPD-1 is consistent with the New Neighborhood and Neighborhood Center Land Use designation in the Comprehensive Plan and is compatible with the existing and expected development of surrounding areas and,

MPD-1 provides a unified treatment of the development possibilities of the project site and,

Permitted uses and building types identified in MPD-1 are consistent with the uses that may be permitted in a Master Plan Development District as identified in the Tulsa Zoning Code and,

MPD-1 identifies development standards that are consistent with the mandatory development plan standards in the Tulsa Zoning Code and,

MPD-1 is consistent with the purpose and intent of Master Planned Development Districts as identified in the Tulsa Zoning Code therefore,

Staff recommends **Approval** of MPD-1 as defined in Section II below:

#### **SECTION II MPD-1 DEVELOPMENT STANDARDS:**

MPD-1 shall allow all uses defined below, customary accessory uses, and supplemental regulations of the Tulsa Zoning as allowed and further defined below. All uses categories and subcategories or specific uses that are not part of the applicant's submittal are prohibited

**Regulating Plan:**

# DIAGRAM - REGULATING PLAN

The regulating plan is a map showing the various district categories within the development. The regulating plan also shows the conceptual form and location of public spaces and the thoroughfares.

**LEGEND**

-  Town Center District (TC)
-  Neighborhood Center District (NC)
-  General Neighborhood District (GN)
-  Open Spaces



# USE REGULATIONS

Uses are listed in the first column of Allowed Use Table 2.0. This MPD classifies uses into categories and subcategories. In some cases, specific use types are listed in addition to the use categories and subcategories. Building types are defined in the Urban Standards section of this MPD.

## PERMITTED USES

Uses identified with a "P" are permitted outright in the subject district categories, subject to compliance with any supplemental regulations identified in the final column of Table 2.0 and with all other applicable regulations of the Tulsa Zoning Code and this MPD.

## PROHIBITED USES

Uses identified with an "X" are expressly prohibited. Uses that are not listed in the table and that cannot be reasonably interpreted to fall within any defined use category are also prohibited as stated in 25.0205C of the Tulsa Zoning Code.

## SUPPLEMENTAL REGULATIONS

The "Supplemental Regulations" column in Table 2.0 identifies additional regulations that apply to some uses. Unless otherwise expressly stated, compliance with these regulations is required regardless of whether the use is permitted as of right or requires special exception approval.

## ACCESSORY USES

Accessory uses are not regulated by Table 2.0. Customary accessory uses are allowed in conjunction with principal uses permitted by right or by special exception, subject to review and compliance by the Concord Town Urban Planner.



# USE REGULATIONS

# ALLOWED USE TABLE 2.0

|   | TC | NC | GM | Supplemental Use Standards             |
|---|----|----|----|--|
| <b>Residential</b>                        |    |    |    |  |
| Household Living                          |    |    |    |  |
| Detached House                            | P  | P  | P  |  |
| Bungalow Court                            | -  | P  | P  |  |
| Cottage Court                             | -  | P  | P  |  |
| Duplex                                    | -  | P  | P  |  |
| Townhouse                                 | P  | P  | -  |  |
| Multi-Unit House                          | P  | P  | -  |  |
| <b>Public, Civic, &amp; Institutional</b> |    |    |    |  |
| Day Care                                  | P  | -  | -  | See Section 40.1200 Tulare Zoning Code |
| Library or Cultural Exhibit               | P  | -  | -  |  |
| Natural Resource Preservation             | P  | P  | P  |  |
| Parks and Recreation                      | P  | P  | P  |  |
| Postal Service                            | P  | -  | -  |  |
| Religious Assembly                        | P  | -  | -  | See Section 40.3000 Tulare Zoning Code |
| School                                    | P  | P  | -  |  |
| <b>Commercial</b>                         |    |    |    |  |
| Animal Service                            |    |    |    |  |
| Grooming                                  | P  | -  | -  |  |

P = Permitted, P\* = Permitted for mobile homes only, - = Not Permitted

**TABLE 2.0**



# ALLOWED USE TABLE 2.0 CONTINUED

|   | IC | NC | GM | Supplemental Use Standards |
|---|----|----|----|----------------------------|
| Veterinary                                    | P  | -- | -- |                            |
| Financial Services (except below)             | P  | -- | -- |                            |
| Lodging                                       |    |    |    |                            |
| Bed & Breakfast                               | P  | -- | -- |                            |
| Office  |    |    |    |                            |
| Business or professional office               | P  | -- | -- |                            |
| Medical, dental or health practitioner office | P  | -- | -- |                            |
| Parking, Non-necessary                        | -- | -- | -- |                            |
| Restaurants & Bars                            |    |    |    |                            |
| Restaurant                                    | P  | -- | -- |                            |
| Bar   | P  | -- | -- |                            |
| Wine bar or Brew Pub                          | P  | -- | -- |                            |
| Coffee shop                                   | P  | -- | -- |                            |
| Retail Sales                                  |    |    |    |                            |
| Consumer shopping goods                       | P  | -- | -- |                            |
| Convenience goods                             | P  | -- | -- |                            |
| General Store                                 | P  | -- | -- |                            |

P = Permitted, -- = Not Permitted

TABLE 2.0 Continued

# ALLOWED USE TABLE 2.0 CONTINUED

|  | TC | MC | GN | Supplemental Use Standards |
|--|----|----|----|----------------------------|
| <b>Assembly &amp; Entertainment</b>  |    |    |    |                            |
| Gym/Fitness Facility   | P  | -  | -  |                            |
| Food Truck Court   | P  | -  | -  |                            |
| Community Pool   | P  | -  | -  |                            |
| Entertainment/Event Center   | P  | -  | -  |                            |
| Outdoor seating and dining areas that exceed 50% of the indoor floor area of the subject principal use | P  | -  | -  |                            |
| Small Indoor Use (for up to 250 person capacity)   | P  | -  | -  |                            |
| Studio, Artists, or Instructional Services   | P  | -  | -  |                            |
| <b>Agricultural</b>  |    |    |    |                            |
| Community Garden   | P  | P  | P  |                            |
| Farmer's Market  | P  | -  | -  |                            |
| <b>Other Uses</b>  |    |    |    |                            |

P = Permitted + = Not Permitted

TABLE 2.0 Continued

## TABLE 1.0 BUILDING TYPE CHART

Refer to following standards for allowed locations for Detached House, Bungalow Court, Cottage Court, Duplex, Multi-Unit House and Mixed-Use Building.

**SUMMARY TABLE 1.0**

| BISDISTRICT CATEGORY | DETACHED HOUSE | BUNGALOW COURT | COTTAGE COURT | DUPLEX | TOWNHOUSE | MULTI-UNIT HOUSE | MIXED-USE BUILDINGS |
|----------------------|----------------|----------------|---------------|--------|-----------|------------------|---------------------|
| TOWN CENTER          | X              |                |               | X      | X         | X                | X                   |
| NEIGHBORHOOD CENTER  | X              | X              | X             | X      | X         | X                |                     |
| GENERAL NEIGHBORHOOD | X              | X              | X             | X      |           |                  |                     |

# DETACHED HOUSE STANDARDS

## DETACHED HOUSE

### Overview

A detached house is a principal residential building, either from a manufactured housing unit or mobile home, that contains only one dwelling unit and that is located on a single lot that is not occupied by other principal residential buildings. Detached houses are not attached to and do not abut other dwelling units.

### Urban Provisions

#### Principal Building and Yards

- A Detached House shall be oriented to and have a main entry accessible from the primary street.
- Stoops, balconies, porches, and bay windows may encroach within the front yard and corner lot side yard setbacks but shall provide a 5' min. setback from the public right-of-way.
- Refer to Section 90.160 A of the Tulsa zoning code for height measurements.

#### Parking

- Parking shall be 2 spaces minimum per unit on each individual lot.
- Front loaded driveways are permitted on lots with widths of 4.5' feet or greater.
  - Front loaded garage doors shall be recessed from the primary building facade a minimum of 20 feet.
  - Units with front loaded garages are highly encouraged to utilize detached and/or attached garages that set toward the back of the lot or garages that are turned to the side where the doors do not directly face the street frontage.
- Front loaded driveways shall have a 20' maximum pavement width.
- For lots with parking access off of a rear private lane, the maximum driveway paving width shall be no larger than 1' either side of the garage door.
- Parking within the private lane drive able is not permitted.

#### Open Space

- A Detached House shall provide 15% min. of the total lot area as open space. Lot areas that are not occupied by buildings, driveways, or parking areas and are generally stable by residents, shall be counted toward satisfying the minimum open space requirement.

#### Special Standards

- Front loaded driveways shall not be permitted within the Town Center District.
- All parking shall be accessed via a rear private lane.

## LOT PARAMETERS



| Lot                | A Area                         | B Width   |
|--------------------|--------------------------------|-----------|
| Detached House     | 4,500 SF min.                  | 4.5' min. |
| Open Space         | Required                       | Required  |
| Open Space per lot | 15% min. of the total lot area |           |
| Height             |                                |           |
| Maximum height     |                                | 35' max.  |

NOTE Refer to Section 90.060 of the Tulsa Zoning Code for lot width measurements.

# DETACHED HOUSE STANDARDS (continued)

## DETACHED HOUSE CONTINUED

| BUILDINGS PLACEMENT   | ACCESS & PARKINGS LOCATION   |
|---|--|
| <p style="text-align: center;">Private Lane</p> <p style="text-align: center;">Primary Street Frontage</p>  | <p style="text-align: center;">Private Lane</p> <p style="text-align: center;">Primary Street Frontage</p>   |
| <p><b>Building Setbacks</b></p> <ul style="list-style-type: none"> <li><b>A</b> Primary street, principal structure: 10' min./20' max.</li> <li><b>B</b> Primary street, garage: 20' min. from primary building facade</li> <li><b>C</b> Side street: 10' min.</li> <li><b>D</b> Side, common lot line or side private lane: 5' min.</li> <li><b>E</b> Rear, common lot line or rear private lane: 5' min.</li> <li><b>F</b> Front &amp; side encroachment: 5' min. from ROW</li> </ul> | <p><b>Access</b></p> <ul style="list-style-type: none"> <li>With rear private lane, street curbs: None</li> <li>With no rear private lane, street curbs: 5' min., 15' max. driveway width</li> <li>With rear private lane: 5' min. Driveway width max. is equal to 7' either side of garage door width</li> </ul> <p><b>Parking Location</b></p> <ul style="list-style-type: none"> <li><b>A</b> Primary street yard: Not allowed</li> <li><b>B</b> Side street yard: Not allowed</li> <li><b>C</b> Side yard: Allowed</li> <li><b>D</b> Rear yard: Allowed</li> </ul> |
| <p><small>NOTE: Refer to Section 90.090- 8 Setback Measurements on Irregular Lots</small></p>   |  |

# BUNGALOW COURT

## Overview

A Bungalow Court is a series of detached houses that front a linear green space. There are two options for how the building unit can be positioned on the lot. Option one has buildings placed to one side of the lot so that there is a more usable side yard on one side of the house and no yard on the other side. Option two has buildings with standard side yard setbacks on both sides of the common lot line. The Town Planner shall establish the option allowed for the block prior to approving the first building permit application.

## Urban Provisions

### Principal Building and Yards

- Bungalow Court houses shall be oriented to and have a main entry onto a linear green that is accessible by all residents in the Bungalow Court development.
- Porches that front the linear green are required.
- Front loaded garages are not permitted.
- Refer to Section 90.160 A of the Tulsa zoning code for height measurements.

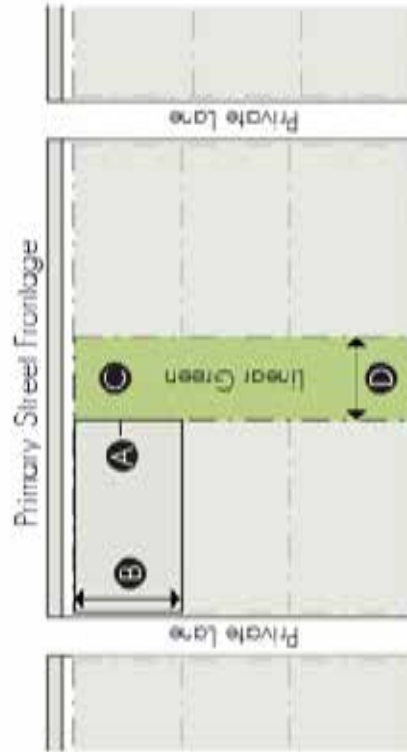
### Parking

- Parking shall be 2 spaces minimum per unit on each individual lot.
- Parking shall be accessed via a rear private lane.
- Driveway paving width shall be no larger than 11' either side of the garage door width.
- Parking within the private lane drive aisle is not permitted.

### Open Space

- A Bungalow Court shall provide 15% min. open space per lot and the total for all lots shall be provided in a common linear green with a minimum width of 35'.
  - lot areas that are not occupied by buildings, driveways, or parking areas and are generally usable by residents shall be counted toward satisfying the minimum open space requirement.
- Linear greens shall provide required landscaping as outlined in the neighborhood covenants and restrictions.

## LOT PARAMETERS



| Lot                 | Area   | Width           |
|---------------------|--|-----------------|
| Detached House      | 3,200 SF min.  | 40' min.        |
| <b>Open Space</b>   |  | <b>Required</b> |
| Common Linear Green | 15% min. of each lot. The total to be provided in a common linear green. | 35' min. width  |
| <b>Height</b>       |  |                 |
| Maximum height      |  | 35' max         |

NOTE Refer to Section 90.060 of the Tulsa Zoning Code for lot width measurements.

## BUNGALOW COURT (continued)

### BUNGALOW COURT CONTINUED

| BUILDING PLACEMENT   | ACCESS & PARKING LOCATION          |                 |                                    |          |                  |          |        |                                   |                                     |         |   |                       |             |             |             |             |         |                |             |
|--|------------------------------------|-----------------|------------------------------------|----------|------------------|----------|--------|-----------------------------------|-------------------------------------|---------|---|-----------------------|-------------|-------------|-------------|-------------|---------|----------------|-------------|
|  |                                    |                 |                                    |          |                  |          |        |                                   |                                     |         |   |                       |             |             |             |             |         |                |             |
| <p><b>Building Setbacks</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">A Linear green principal structure</td> <td style="width: 30%;">5' min./15' max</td> </tr> <tr> <td>B Linear green accessory structure</td> <td>40' min.</td> </tr> <tr> <td>C Primary street</td> <td>10' min.</td> </tr> <tr> <td>D Side</td> <td>10' min with 10' front separation</td> </tr> <tr> <td>E Rear common lot line/private lane</td> <td>5' min.</td> </tr> </table> | A Linear green principal structure | 5' min./15' max | B Linear green accessory structure | 40' min. | C Primary street | 10' min. | D Side | 10' min with 10' front separation | E Rear common lot line/private lane | 5' min. | <p><b>Access</b></p> <p>With private lane: car-bouts per lot <b>E</b> 1 max, parking max. is equal to 1/2 either side of garage door.</p> <p><b>Parking Location</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">A Primary street yard</td> <td style="width: 70%;">Not allowed</td> </tr> <tr> <td>B Side yard</td> <td>Not Allowed</td> </tr> <tr> <td>C Rear yard</td> <td>Allowed</td> </tr> <tr> <td>E Linear green</td> <td>Not Allowed</td> </tr> </table> | A Primary street yard | Not allowed | B Side yard | Not Allowed | C Rear yard | Allowed | E Linear green | Not Allowed |
| A Linear green principal structure   | 5' min./15' max                    |                 |                                    |          |                  |          |        |                                   |                                     |         |   |                       |             |             |             |             |         |                |             |
| B Linear green accessory structure   | 40' min.                           |                 |                                    |          |                  |          |        |                                   |                                     |         |   |                       |             |             |             |             |         |                |             |
| C Primary street   | 10' min.                           |                 |                                    |          |                  |          |        |                                   |                                     |         |   |                       |             |             |             |             |         |                |             |
| D Side   | 10' min with 10' front separation  |                 |                                    |          |                  |          |        |                                   |                                     |         |   |                       |             |             |             |             |         |                |             |
| E Rear common lot line/private lane  | 5' min.                            |                 |                                    |          |                  |          |        |                                   |                                     |         |   |                       |             |             |             |             |         |                |             |
| A Primary street yard  | Not allowed                        |                 |                                    |          |                  |          |        |                                   |                                     |         |   |                       |             |             |             |             |         |                |             |
| B Side yard  | Not Allowed                        |                 |                                    |          |                  |          |        |                                   |                                     |         |   |                       |             |             |             |             |         |                |             |
| C Rear yard  | Allowed                            |                 |                                    |          |                  |          |        |                                   |                                     |         |   |                       |             |             |             |             |         |                |             |
| E Linear green   | Not Allowed                        |                 |                                    |          |                  |          |        |                                   |                                     |         |   |                       |             |             |             |             |         |                |             |
| <p><small>NOTE Refer to Section 90.090- B Setback Measurements on Irregular lots</small></p>   |                                    |                 |                                    |          |                  |          |        |                                   |                                     |         |   |                       |             |             |             |             |         |                |             |

# COTTAGE COURT

## COTTAGE COURT

### Overview

A Cottage Court is a series of small detached houses on small lots that are clustered around a common open space or shared courtyard. Cottage Courts may share one or more curbside.

### Urban Provisions

#### Principal Building and Yards

- Cottage Court development must contain at least 4, and no more than 10 houses, arranged around at least three sides of a common open space.
- Cottage Court houses shall be oriented to not have a main entry onto a common green space that is accessible by all residents in the cottage court development.
- Stoops and porches that face the common green are highly encouraged.
- Refer to Section 90160-A of the Tulsa zoning code for height measurements.

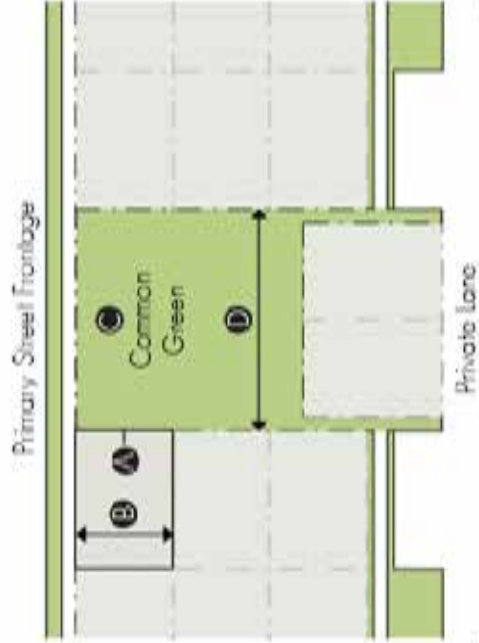
### Parking

- Parking shall be 1 space minimum per unit.
  - Parking shall be accessed via a rear private lane and provided in a shared surface lot, a shared garage, or shared covered spaces.
- Parking within the private lane drive aisle is not permitted.

### Open Space

- A Cottage Court shall provide 15% min. open space per lot and the total for all lots shall be provided in a common linear green with a minimum width of 4.5'.
  - lot areas that are not occupied by buildings, driveways, or parking areas and are generally usable by residents shall be counted toward satisfying the minimum open space requirement.
  - linear greens shall provide required landscaping as outlined in the neighborhood covenants and restrictions.

### LOT PARAMETERS



| Lot            | A Area   | B Width         |
|----------------|--|-----------------|
| Detached House | 1750 SF min.   | 35' min.        |
| Open Space     | Required   | Required        |
| Common Green   | 15% min. of each lot. The total to be provided in a common linear green. | 4.5' min. width |
| Height         |  |                 |
| Maximum height |  | 35' max.        |

NOTE: Refer to Section 90160 of the Tulsa Zoning Code for lot width measurements.



## COTTAGE COURT (continued)

### COTTAGE COURT CONTINUED

| BUILDING PLACEMENT  | ACCESS & PARKING LOCATION   |
|---|---|
| <p>Primary Street Frontage</p> <p>Common Green</p> <p>Private Lane</p>  | <p>Primary Street Frontage</p> <p>Common Green</p> <p>Private Lane</p>  |
| <p><b>Building Setbacks</b></p> <ul style="list-style-type: none"> <li>A: In rear green: principal structure 5 min./10' max</li> <li>B: Primary street 10' min</li> <li>C: Side: common lot line or side private lane 5' min</li> <li>D: Rear: 5' min</li> </ul> <p>NOTE: Refer to Section 90.050: B Setback Measurements on Irregular Lots</p> | <p><b>Access</b></p> <ul style="list-style-type: none"> <li>1: With private lane surface parking off private lane 1 space/unit min.</li> </ul> <p><b>Parking Location</b></p> <ul style="list-style-type: none"> <li>A: OH of private lane not permitted in file private lane drive table Allowed</li> <li>B: Primary street yard Not Allowed</li> <li>C: Side yard Not Allowed</li> <li>D: Rear yard Not Allowed</li> <li>E: Common green Not Allowed</li> </ul> |

# DUPLEX

## DUPLEX

### Overview

A Duplex is a principal residential building occupied by 2 dwelling units, both which are located on a single lot that is not occupied by other principal residential buildings. Units are attached and may be located on separate floors, side-by-side, or front to back.

### Urban Provisions

#### Principal Building and Yard

- A Duplex shall be oriented to and have its main entries accessible from the primary street.
- Stoops, balconies, porches, and bay windows may encroach within the front yard and corner lot side yard setbacks but shall provide a 5' min. setback from the public right-of-way.
- Refer to Section 90.160-A of the Tulsa zoning code for height measurements.
- A shared driveway and parking counts is allowed within the 5' min. side yard setback.

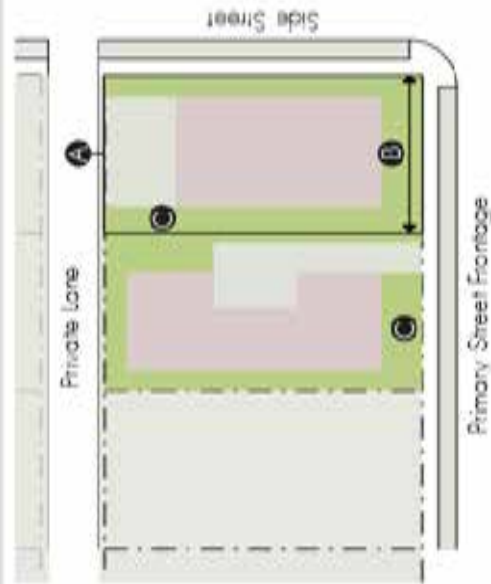
#### Parking

- Parking shall be 4 spaces minimum
- Street facing garage doors on a Duplex are prohibited.
- Garage doors accessed from a front driveway shall be turned to the side of the unit.
- Front loaded driveways are permitted but shall have a 15' max. pavement width.
- For lots with parking access off of a rear private lane, the maximum driveway paving width shall be no larger than T either side of the garage door width.
- Parking within the private lane drive aisle is not permitted.

#### Open Space

- A Duplex shall provide 15% min. of the total lot area as open space.
  - lot areas that are not occupied by buildings, driveways, or parking areas, and are generally usable by residents, shall be counted toward satisfying the minimum open space requirement.

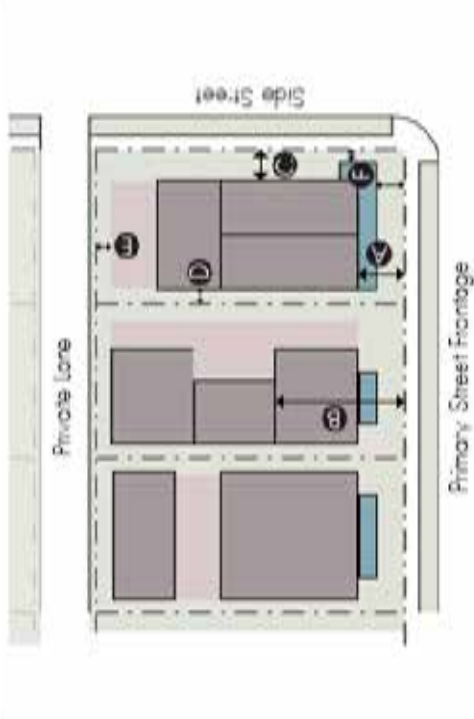
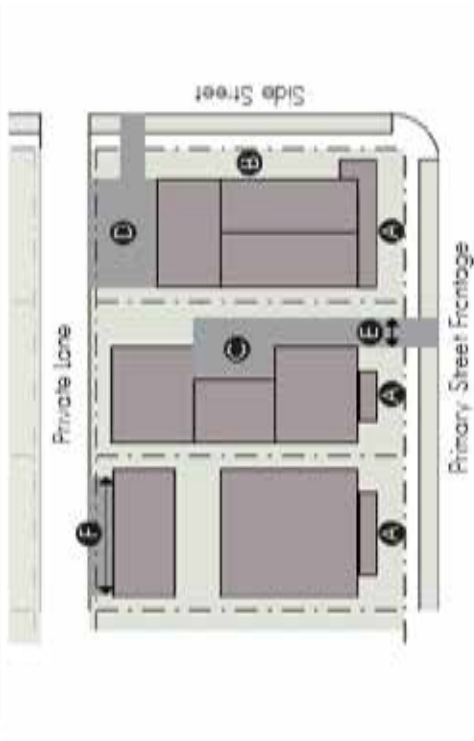
### LOT PARAMETERS



| Lot                | Area                           | Width    |
|--------------------|--------------------------------|----------|
| Two-units attached | 5,000 SF min.                  | 50' min. |
| Open Space         | Required                       |          |
| Open Space per lot | 15% min. of the total lot area |          |
| Height             | Required                       |          |
| Maximum height     | 35' max.                       |          |

NOTE Refer to Section 90.060 of the Tulsa Zoning Code for lot Width measurements.

## DUPLEX CONTINUED

| BUILDING PLACEMENT  | ACCESS & PARKING LOCATION  |
|---|--|
|  |  |
| <b>Building Setbacks</b>  | <b>Access</b>  |
| 1 Primary street principal structure  | With private lane street cut-outs per lot  |
| 2 Primary street garage   | With no private lane street cut-outs per lot                                       |
| 3 Side street   | With private lane  |
| 4 Side common for the or side private lane  | With private lane street cut-outs per lot  |
| 5 Rear common for the or rear private lane  | With private lane  |
| 6 Front & side encroachment   | <b>Parking Location</b>  |
|   | 1 Yard between front door & primary street   |
|   | 2 Yard between the house and the side street                                       |
|   | 3 Side yard  |
|   | 4 Rear yard  |

NOTE: Refer to Section 90.090- B Setback Measurements on Irregular Lots

TULSA, OKLAHOMA

## DUPLEX (continued)

# TOWNHOUSE

## Overview

A Townhouse is a single family residence that shares a party wall with another of the same type and occupies the full frontage line of a lot.

## Urban Provisions

### Principal Building and Yards

- Townhouses shall be oriented to and have a main entry accessible from the primary street.
- Stoops, balconies, porches, and bay windows may encroach within the front yard and corner lot side yard setbacks. See Building Placement table on pg. 41
- Townhouses must be affixed to a permanent foundation.
- Refer to Section 921160-A of the Tulsa zoning code for height measurements.

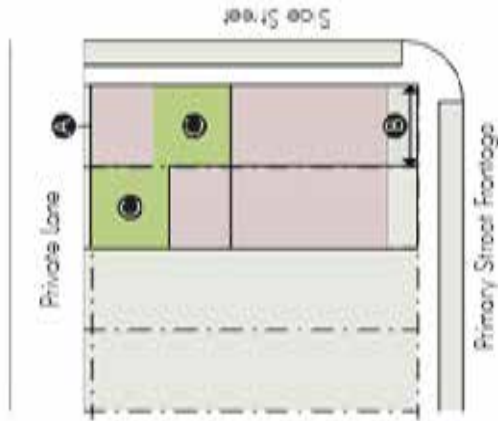
### Parking

- Parking shall be 2 spaces minimum on each lot
- Front loaded driveways are prohibited.
- Parking shall be accessed via a rear private lane
  - The maximum driveway paving width shall be no larger than 7' either side of the garage door width.
- Parking within the private lane drive aisle is not permitted.

### Open Space

- A Townhouse shall provide 10% min. of the total lot area as open space
  - Lot areas that are not occupied by buildings, driveways, or parking areas and are generally usable by residents shall be counted toward satisfying the minimum open space requirement.

## LOT PARAMETERS



| Lot                  | Area                           | Width    |
|----------------------|--------------------------------|----------|
| Single-unit attached | 1,600 SF min.                  | 20' min. |
| Open Space           | Required                       |          |
| ● Open Space per lot | 10% min. of the total lot area |          |
| Height               |                                |          |
| Minimum height       | 35' max.                       |          |

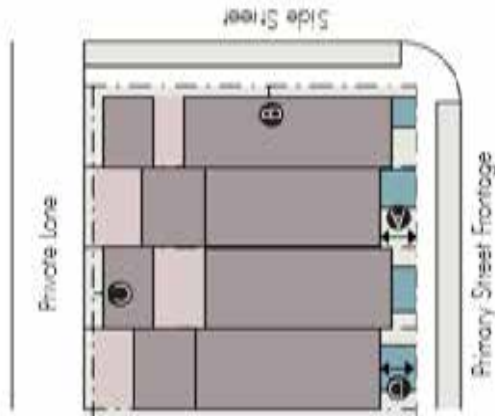
NOTE Refer to Section 90.066 of the Tulsa Zoning Code for lot width measurements.

# TOWNHOUSE

# TOWNHOUSE (continued)

## TOWNHOUSE CONTINUED

### BUILDING PLACEMENT

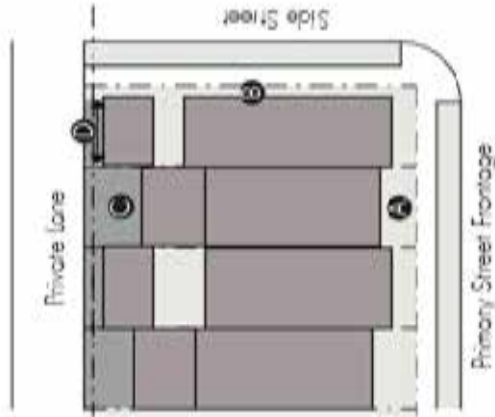


### Building Setbacks

|   |                                     |                  |
|---|-------------------------------------|------------------|
| A | Primary street: principal structure | 5' min./15' max. |
| B | Side street or side private lane    | 5' min.          |
| C | Rear private lane                   | 5' min.          |
| D | Front & side encroachment           | 0' min. from ROW |

NOTE: Refer to Section 90.090 - 8 Setback Measurements on Irregular Lots

### ACCESS & PARKING LOCATION



### Access

With private lane, curb cuts per lot

- D 1 max., driveway width max. is equal to T either side of garage door.

### Parking Location

|   |                     |             |
|---|---------------------|-------------|
| A | Primary street yard | Not allowed |
| B | Side street yard    | Not allowed |
| C | Rear yard           | Allowed     |

# MULTI-UNIT HOUSE

## MULTI-UNIT HOUSE

### Overview

A Multi-Unit House is a principal residential building located on a single lot that is not occupied by other principal residential buildings and contains 3 or 4 dwelling units that share common walls and/or common floors/ceilings. Multi-unit houses have the appearance of a large detached house.

### Urban Provisions

#### Principal Building and Yards

- A Multi-Unit House shall be oriented to and have a main entry accessible from the primary street. If the building is located on a corner lot, an additional entrance may be accessible from the side street.
- Stoops, balconies, porches, and bay windows may encroach within the front yard and corner lot side yard setbacks but shall provide a 5 min. setback from the public right-of-way. Refer to Building Setback table.
- Refer to Section 90.100-A of the Tulsa zoning code for height measurements.

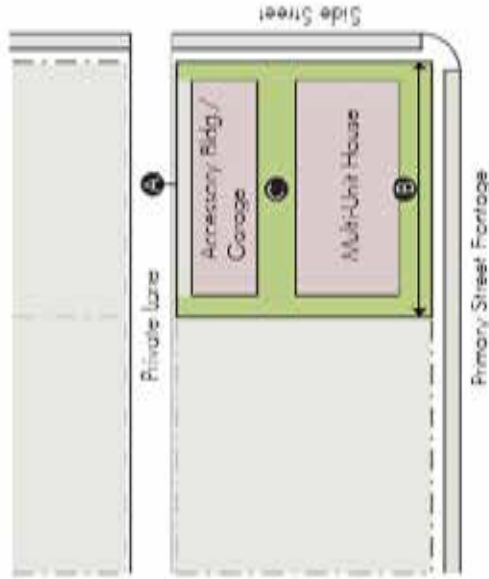
#### Parking

- Parking shall be 1.25 spaces minimum per unit on the lot.
- Front loaded driveways are prohibited.
- Parking within the private lane drive aisle is not permitted.
- Parking shall be accessed via a rear private lane.
  - The maximum driveway paving width shall be no longer than T either side of the garage door width.
  - A 3' wide min. landscape island shall be provided between the driveway leading up the garage door. Refer to the Access table.

#### Open Space

- A Multi-Unit House shall provide 15% min. of the lot area as open space.
  - lot areas that are not occupied by buildings, driveways, or parking areas and are generally usable by residents shall be counted toward satisfying the minimum open space requirement.

### LOT PARAMETERS



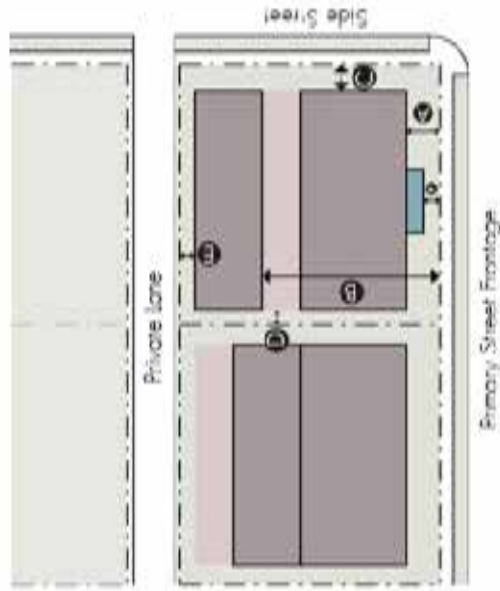
| Lot                  | A Area                         | B Width  |
|----------------------|--------------------------------|----------|
| multi-unit attached  | 10,000-55 min                  | 100' min |
| Open Space           | Required                       |          |
| ● Open Space per lot | 15% min. of the total lot area |          |
| Height               | Maximum height                 |          |
|                      | 35' max.                       |          |

NOTE: Refer to Section 90.1060 of the Tulsa Zoning Code for lot width measurements.

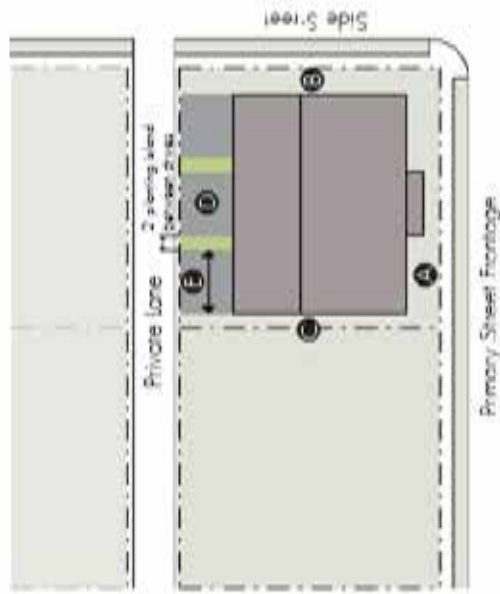
## MULTI-UNIT HOUSE (continued)

### MULTI-UNIT HOUSE CONTINUED

#### BUILDING PLACEMENT



#### ACCESS & PARKING LOCATION



#### Building Setbacks

|   |   |                   |
|---|---|-------------------|
| A | Primary street, principal structure       | 10' min./20' max. |
| B | Primary street, accessory structure       | 60' min.          |
| C | Side street                               | 10' min.          |
| D | Side common lot line or side private lane | 5' min.           |
| E | Rear common lot line or rear private lane | 5' min.           |
| F | Front & side encroachment                 | 5' min. from ROW  |

NOTE: Refer to Section 90.090 - B Setback Measurements on Irregular Lots

#### Access

With private lane: curbside per lot

E: 1 driveway per garage max, driveway width max. is equal to T either side of garage door. 2' min. planting island req. between multiple garage doors.

#### Parking Location

|   |                     |             |
|---|---------------------|-------------|
| A | Primary street yard | Not allowed |
| B | Side street yard    | Not allowed |
| C | Side yard           | Not Allowed |
| D | Rear yard           | Allowed     |

# MIXED-USE BUILDING

## MIXED-USE BUILDING

### Overview

A Mixed-Use Building is a principal building occupied by one or more residential, office and/or entertainment uses. One or more residential dwelling units may be located above the ground floor use. Mixed-Use Buildings shall be located in the Town Center District only.

### Urban Provisions

#### Entrance Building and Sign

- Mixed-use buildings shall have a primary entrance facing the primary street.
  - Entrance signage along the primary street shall be 50' max.
- Swings, awnings, balconies, galleries, and door swings are permitted to encroach within the public right-of-way through an encroachment agreement process with the City of Tulsa Transportation and Engineering Department.
- Refer to Section 90.150-A of the Tulsa zoning code for height measurements.

### Transparency

- Ground floor mixed-use buildings shall provide 50% min. transparency.
- Upper floor units shall have 20% min. transparency.

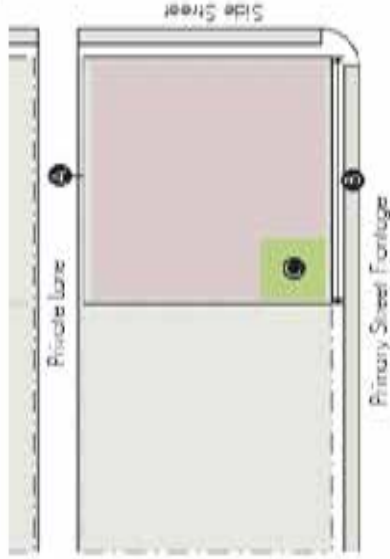
### Exiting

- Exiting for commercial, office, and entertainment uses shall be located within the Town Center District shall be shared, and shall provide a minimum of 60 unsheer parking spaces.
- Parking shall be constructed prior to obtaining an occupancy permit.
- Other parking shall adhere to the following provisions.
  - Surface parking lots shall not be permitted between a primary building front and the public right-of-way. Parking lots shall be located behind or to the side of the building.
  - Parking lots shall be screened with landscaping from the public right-of-way.

### Open Space

- A Mixed-Use Building shall provide 100 sq. ft. min. of open space per residential dwelling unit.
  - For a lot that is not occupied by buildings, driveways, or parking areas and are generally usable by residents shall be counted toward satisfying the minimum open space requirement.
  - Required open space shall be provided in outdoor common areas within the Town Center District, as designated on the recorded plat or in a separately recorded legal instrument.

### LOT PARAMETERS



| Lot                                      | Area          | Width            |
|--|---------------|------------------|
| Mixed-use attached                       | 3,500 SF min. | 25' min.         |
| <b>Open Space</b>                        |               | <b>Required</b>  |
| Open Space per Residential Dwelling Unit |               | 100 sq. ft. min. |
| <b>Height</b>                            |               |                  |
| Maximum height                           |               | 35' max.         |

NOTE: Refer to Section 90.060 of the Tulsa Zoning Code for lot width measurements.

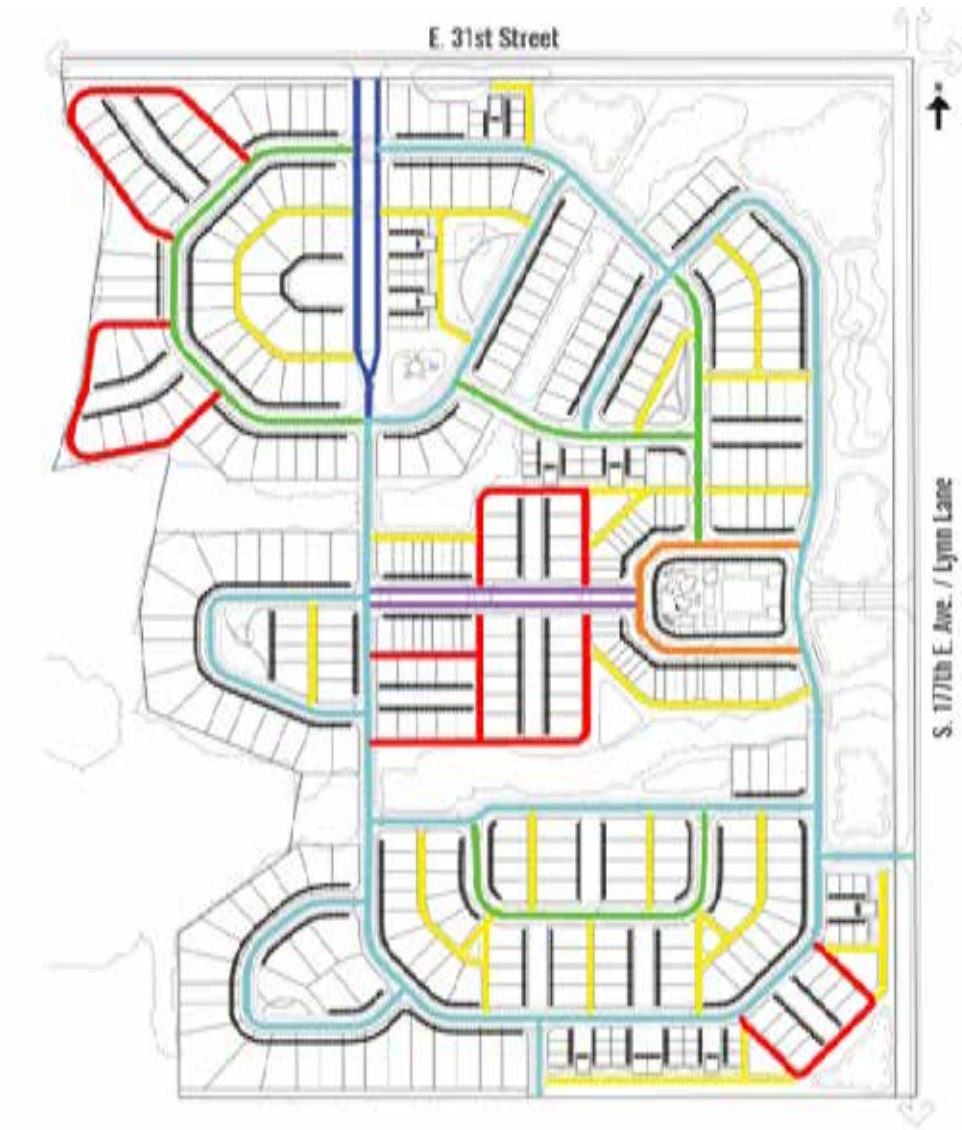


## MIXED-USE BUILDING (continued)

### MIXED-USE BUILDING CONTINUED

| BUILDING PLACEMENT  | ACCESS & PARKING LOCATION                          |
|---|--|
| <p>Private Lane</p> <p>Primary Street Frontage</p>  | <p>Private Lane</p> <p>Primary Street Frontage</p> |
| <p><b>Building Setbacks</b></p> <p><b>A</b> Build-to zone: primary &amp; side street: 0' min, 10' max</p> <p><b>B</b> Side: common lot line: 0' min</p> <p><b>C</b> Side: private lane: 5' min</p> <p><b>D</b> Side: residential use: 10' min</p> <p><b>E</b> Rear: common lot line: 0' min</p> <p><b>F</b> Rear: private lane: 5' min</p> <p><b>G</b> Rear: residential use: 15' min</p> <p><b>Build-to</b></p> <p><b>H</b> % of building facade in primary street build-to zone: 80% min</p> <p><b>I</b> % of building facade in side street build-to zone: 30% min</p> |  |
| <p><b>Access</b></p> <p>With private lane: street cut-outs per lot: <b>J</b> 1 max, 22' max driveway width</p> <p>With no private lane: street cut-outs per lot: <b>K</b> 2 max, 22' max driveway width</p> <p><b>Parking Locations</b></p> <p><b>L</b> Primary street yard, between building front and street: Not Allowed</p> <p><b>M</b> Side Street yard, between building front and street: Not Allowed</p> <p><b>N</b> Side Yard shall be screened from the public right-of-way: Allowed</p> <p><b>O</b> Rear behind the building: Allowed</p>                      |  |

## MASTER THOROUGHFARE PLAN:



The Thoroughfare Standards are a series of drawings, specifications, and directions that assemble vehicular and pedestrian ways into specialized street corridor characters and capacities. The inclusion of the thoroughfare street cross sections in the MPO regulations is to establish a set of street design standards that guide development of pedestrian friendly, walkable, and aesthetically enhanced corridors throughout the Concord Community.

The street thoroughfare (illustrated on the thoroughfare plan) establishes locations for front doors, garage doors, and driveway standards.

### LEGEND

- Residential Street A
- Residential Street B
- Town Center/Main Street
- Main Street Boulevard
- Residential Boulevard
- Private Lane
- Private Lane with Fire Access
- Front Door Orientation/  
Primary Street Thoroughfare

**Supplemental staff requirements:**

- 1) Minor or major amendments to MPD-1 must be submitted to TMAPC staff by the Town Planner or its designee.

Permitted Uses:

As ~~defined by set forth~~ the Regulating Plan and by the Allowed Uses defined in Table 2.0.

The following use modifications may be considered minor amendments:

Limitation or elimination of previously approved uses provided the character of the development is not substantially altered.

Addition to previously approved uses, provided the character of the development is not substantially altered.

Building permit submittals

Prior to submittal of any building permit to the City of Tulsa the Concord Town Planner shall ~~review proposed plans and certify that the plans meet the requirements of the MPD, and approve plans for submittal to the Building Permit office and to the City of Tulsa Planning Department. An approval~~ A certification statement by the Town Planner shall be added on all pages of any building permit site plan package and shall be signed by the town planner. The ~~approval~~ statement shall say that the plans conform to the provisions of the approved MPD-1 standards.

- 4) No building permit may be issued until a subdivision plat has been filed at Tulsa County Clerk's office. The subdivision plat shall be considered the site plan for any detached house, bungalow court, cottage court, duplex townhouse or multi-unit house. ~~This provision does not require a filed plat prior to beginning infrastructure construction for streets, stormwater drainage, landscaping or public and private utilities.~~
- 2) Residential Street A, Residential Street B, Town Center Main Street and Main Street Boulevard and Residential boulevard as illustrated on the Master Thoroughfare Plan will be publicly owned and maintained.
- 3) The conceptual cross sections shown in the applicants development standards illustrate anticipated right of way widths, street cross sections with anticipated street trees, sidewalk and street light locations. Exact placement of utility locations in the street right of way will be modified during the engineering design process.

- 4) Private lanes and private lanes with fire access shall be owned and maintained by a Concord Home Owners Association.
- 5) Landscape design standards, maintenance and enforcement shall be ~~sole responsibility of the Concord town planner established and governed by private covenants.~~
- 6) Sign standards, maintenance and enforcement shall be ~~sole responsibility of the Concord town planner established and governed by private covenants.~~
- 7) Architectural standards identified in the applicant's submittal shall be the sole responsibility of the Concord town planner.

### **SECTION III: Supporting Documentation**

#### **RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: MPD-1 is consistent with the expected uses for a Neighborhood Center and New Neighborhood. The precise alignment of the regulating plan does not align itself with the geographic boundaries shown on the Comprehensive Plan Land use maps however flood plain management and open space was not considered during the land use designation map preparation. The development standards are consistent with the expected development and align themselves with the required flood plain management concepts expected in this area.*

#### **Land Use Vision:**

*Land Use Plan map designation: Neighborhood Center and New Neighborhood New Neighborhood residential building block is comprised of a plan category by the same name. It is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity and shall be paired with an existing or New Neighborhood or Town Center.*

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

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

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

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

Transportation Vision:

*Major Street and Highway Plan: None*

*Trail System Master Plan Considerations: None*

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The property is undeveloped and has been historically used for rearing cattle and other agricultural purposes.*

Environmental Considerations: Tulsa regulatory flood plain bisects the property in two locations. Both of those flood plain areas have been maintained as open spaces in MPD-1 and will be protected from future development.

Streets:

| <u>Exist. Access</u> | <u>MSHP Design</u> | <u>MSHP R/W</u> | <u>Exist. # Lanes</u> |
|----------------------|--------------------|-----------------|-----------------------|
|----------------------|--------------------|-----------------|-----------------------|

|                                     |                    |          |   |
|-------------------------------------|--------------------|----------|---|
| East 31 <sup>st</sup> Street South  | Secondary Arterial | 100 feet | 2 |
| South 177 <sup>th</sup> East Avenue | Secondary Arterial | 100 feet | 2 |

Utilities and private streets:

The subject tract will require offsite sanitary sewer extensions and offsite water infrastructure improvements to provide municipal water and sewer services. Details for utilities and all street sections have been provided during a pre-development meeting and also a technical advisory meeting.

Surrounding Properties:

| Location | Existing Zoning                    | Existing Land Use Designation                                      | Area of Stability or Growth | Existing Use                    |
|----------|------------------------------------|--|-----------------------------|---------------------------------|
| North    | CS at intersection AG on remainder | Neighborhood Center at intersection, New Neighborhood on remainder | Growth                      | Vacant / agricultural land      |
| East     | AG                                 | Neighborhood Center at intersection, New Neighborhood on remainder | Growth                      | Vacant / agricultural land      |
| South    | AG                                 | New Neighborhood   | Growth                      | Vacant /agricultural land       |
| West     | AG                                 | New Neighborhood   | Growth                      | Vacant wooded with steep slopes |

**SECTION IV: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11826 dated June 26, 1970, established zoning for the subject property.

**Subject Property:** No relevant history

**Surrounding Property:**

**Z-7419 November 2017:** All concurred in **approval** of a request for *rezoning* a 67± acre tract of land from AG to RS-1 on property located west of the northwest corner of East 31<sup>st</sup> Street South and South 177<sup>th</sup> East Avenue.

**Interested Parties:**

**William Call** 17311 East 31<sup>st</sup> Street, Tulsa, OK

Mr. Call stated he has lived in the area since May 2018. Mr. Call stated he is not against progress but is concerned about the traffic issues and future development at the top of the hill on 31<sup>st</sup> Street. Mr. Call believes this development will help with property values and infrastructure. Mr. Call stated he didn't know about the development until a month ago.

**TMAPC Comments:**

Mr. Walker asked the applicant how the project will be phased.

The applicant stated the developers anticipate the center part of the development as Phase 1 minus the Town Center. The applicant stated the detention ponds will need to be constructed in Phase 1. The applicant stated the northern piece would be Phase 2 and the southern piece would be Phase 3.

Mr. Fothergill stated the plan was very good and asked the applicant if the homes were owner occupied.

The applicant stated "yes" every product in the development is for sale.

Ms. Millikin stated this is a very good plan. Ms. Millikin asked what the rationale is behind putting the Town Center in Phase 2 instead of Phase 1.

The applicant stated "capital", the cost for these types of communities are a lot more expensive to construct there is a lot more infrastructure and up-front costs. The applicant stated you build the lots and the community and then you sell lots and product then we will incorporate the Town Center.

Ms. Millikin stated she can see the Town Center as being a draw to the community, its like combining urban living into suburbia.

The applicant stated some of the Town Center amenities may be constructed in Phase 1 such as the pool and pool house. But the mixed use and retail would be Phase 2.

Mr. McArtor stated this is a great development and he likes the creeks that run through the area.

The applicant stated the creeks were a key design element.

Mr. McArtor stated design element means they stay as they are, and you build around them.

The applicant stated “correct” and anticipates putting in a trail that snakes through the creeks that connects to all the sidewalks.

**TMAPC Action; 7 members present:**

On **MOTION** of **MILLIKIN**, TMAPC voted **7-0-0** (Fothergill, Fretz, McArtor, Millikin, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Covey, Doctor, Reeds, “absent”) to recommend **APPROVAL** of the Master Plan Development for MPD-1 per staff recommendation.

**Legal Description MPD-1:**

A tract of land located in the NE/4 of Section 23, T-19-N, R-14-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma being more particularly described as follows:

Beginning at the NE Corner of the said Section 23; thence S 01°26'13"E along the East line of said Section 23 a distance of 2640.16 feet to the Southeast corner of said NE/4; thence S 88°40'47"W and along the South line of said NE/4 a distance of 1872.51 feet; thence N 01°19'13"W a distance of 417.46 feet; thence N 52°24'14"E a distance of 345.53 feet; thence N 08°22'39"E a distance of 204.20 feet; thence N 68°44'03"W a distance of 423.39 feet; thence N 06°15'21"W a distance of 250.80 feet; thence N 09°38'07"E a distance of 428.17 feet; thence S 77°18'48"W a distance of 306.21 feet; thence N 17°52'52"E a distance of 227.41 feet; thence N 05°47'17"E a distance of 440.76 feet; thence N 02°00'34"E a distance of 92.57 feet; thence N 36°36'05"W a distance of 167.21 feet; thence N 07°16'14"W a distance of 164.76 feet to a point on the North line of said Section 23; thence N 88°41'29"E and along the North line of said Section 23 a distance of 2164.46 feet to the point of beginning and containing 117.5 acres more or less.

\* \* \* \* \*

Mr. Shivel stepped out at 4:24 PM and was not present for vote in item 13.

13. **ZCA-14** Various amendments to the City of Tulsa Zoning Code in the following sections: Chapter 1 Introductory Provisions: Section 1.090-I, Public Officials and Agencies, subsections 4 and 10; Chapter 5 Residential Districts: Table 5-2: R District Use Regulations, and add Table Note; Chapter 10 Mixed-use Districts: Table 10-2: MX District Use Regulations and Table Note [1] to Table 10-2; Chapter 15 Office, Commercial and Industrial Districts: Table 15-2: O, C and I District Use Regulations and Table Note [2] to Table 15-2; Table 15-2.5: O, C



and I District Building Type Regulations for Household Living; Chapter 25 Special Districts: Table 25-1: AG District Use Regulations; Table 25-5: SR District Use Regulations; Table 25-7: IMX District Use Regulations and Table Notes [1] and [4] to Table 25-7; Table 25-7.5: IMX District Building Type Regulations for Household Living; Chapter 35 Building Types and Use Categories: Section 35.050-D Commercial Service, subsection 4, Personal Improvement Service; Section 35.050-K, Restaurants and Bars, subsection 1, Bar; Section 35.050-L, Retail Sales, subsection 1, Convenience Goods; Chapter 40 Supplemental Use and Building Regulations: Section 40.300, Plasma Centers, Day Labor, Liquor Stores, Bail Bonds, Pawn Shops and subsection 40.300-A; Section 40.090, Community Garden, and subsections 40.090-A, -D, -E, -G, -J, and -K; Chapter 45 Accessory Uses and Structures: Section 45.110, Intoxicating Beverage and Low-point Beer Sales and Service; Section 45.150, Parking and Storage of Recreational Vehicles, subsection 45.150-A; Chapter 60 Signs: Table 60-2: Maximum Aggregate Number of Signs; Chapter 70 Review and Approval Procedures: Section 70.060, Historic Preservation (HP) Zoning Map Amendments, subsection 70.060-H, Protest Petitions; Section 70.110, Spacing and Separation Distance Verification, subsection 70.110-D, Action; Chapter 90 Measurements: Table 90-1: Permitted Setback Obstructions in R Zoning Districts and add Table Note [3] to Table 90-1; Section 90.140, Transparency, subsections 90.140-A, 90.140-B, and 90.140-C; Figure 90-17: Ground Floor Transparency Measurement; Figure 90-18: Upper Floor Transparency Measurement; Chapter 95 Definitions: Add definitions for Alcoholic Beverage and Package Store; revise definition of Accessory Use Bar; delete definitions of Intoxicating Beverages and Low Point Beer

**STAFF RECOMMENDATION:**

- A. **Item:** Various amendments to the City of Tulsa Zoning Code in the following sections: Chapter 1 Introductory Provisions: Section 1.090-I, Public Officials and Agencies, subsections 4 and 10; Chapter 5 Residential Districts: Table 5-2: R District Use Regulations, and add Table Note; Chapter 10 Mixed-use Districts: Table 10-2: MX District Use Regulations and Table Note [1] to Table 10-2; Chapter 15 Office, Commercial and Industrial Districts: Table 15-2: O, C and I District Use Regulations and Table Note [2] to Table 15-2; Table 15-2.5: O, C and I District Building Type Regulations for Household Living; Chapter 25 Special Districts: Table 25-1: AG District Use Regulations; Table 25-5: SR District Use Regulations; Table 25-7: IMX District Use Regulations and Table Notes [1] and [4] to Table 25-7; Table 25-7.5: IMX District Building Type Regulations for Household Living; Chapter 35 Building Types and Use Categories: Section 35.050-D Commercial Service, subsection 4, Personal

Improvement Service; Section 35.050-K, Restaurants and Bars, subsection 1, Bar; Section 35.050-L, Retail Sales, subsection 1, Convenience Goods; Chapter 40 Supplemental Use and Building Regulations: Section 40.300, Plasma Centers, Day Labor, Liquor Stores, Bail Bonds, Pawn Shops and subsection 40.300-A; Section 40.090, Community Garden, and subsections 40.090-A, -D, -E, -G, -J, and -K; Chapter 45 Accessory Uses and Structures: Section 45.110, Intoxicating Beverage and Low-point Beer Sales and Service; Section 45.150, Parking and Storage of Recreational Vehicles, subsection 45.150-A; Chapter 60 Signs: Table 60-2: Maximum Aggregate Number of Signs; Chapter 70 Review and Approval Procedures: Section 70.060, Historic Preservation (HP) Zoning Map Amendments, subsection 70.060-H, Protest Petitions; Section 70.110, Spacing and Separation Distance Verification, subsection 70.110-D, Action; Chapter 90 Measurements: Table 90-1: Permitted Setback Obstructions in R Zoning Districts and add Table Note [3] to Table 90-1; Section 90.140, Transparency, subsections 90.140-A, 90.140-B, and 90.140-C; Figure 90-17: Ground Floor Transparency Measurement; Figure 90-18: Upper Floor Transparency Measurement; Chapter 95 Definitions: Add definitions for Alcoholic Beverage and Package Store; revise definition of Accessory Use Bar; delete definitions of Intoxicating Beverages and Low Point Beer

- B. Background:** The new City of Tulsa Zoning Code became effective on January 1, 2016. It was discussed during the development of the zoning code that staff anticipated that cleanup items would be identified as implementation began in 2016. In early 2016, a zoning code implementation team was established and began meeting regularly to discuss situations where inconsistencies existed, clarification was needed, intent was not fully accomplished and where unintended consequences occurred. The zoning code implementation team is comprised of members of the Tulsa Planning Office, City of Tulsa Development Services and City Legal. Since the effective date of the zoning code, staff has brought several rounds of general clean-up items amendments through the approval process. The amendments are typically identified through interactions with the public, both through the zoning and building permit processes.

Staff presented the proposed amendments at the December 19, 2018 work session and at the January 2, 2019 regular meeting. All items discussed at that time are presented in **Attachment I**, except for the amendment related

to social service uses. This item was pulled and will be considered at a later date.

The amendments are a result of the continuing work of the zoning code implementation team. Most of the amendments are primarily minor in nature. However, the proposed zoning code changes related to urban agriculture reflect a new concept that came out of various discussions at the Planning Commission and City Council meetings. The Planning Commission asked staff to prepare a map to identify all residentially zoned parcels greater than 2 acres, which illustrates new areas where Market or Community Supported Farms could be allowed by Special Exception within the City of Tulsa. This Map is shown as **Attachment II**.

The amendments proposed to the City of Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, are in Attachment I shown in **strike through/underline**. The proposed amendments are located in Chapters 5, 10, 15, 25, 35, 40, 45, 60, 70, 90 and 95 of the Zoning Code.

**C. Staff Recommends APPROVAL** of proposed amendments to the City of Tulsa Zoning Code as shown in Attachment I

**There were no interested parties wishing to speak.**

**TMAPC Action; 7 members present:**

On **MOTION** of **MCARTOR**, TMAPC voted **6-0-0** (Fothergill, Fretz, McArtor, Millikin, Ritchey, Walker, “aye”; no “nays”; none “abstaining”; Covey, Doctor, Reeds, Shivel, “absent”) to recommend **ADOPTION** of ZCA-14 with amendments to the City of Tulsa Zoning Code in the following section: Chapter 1 Introductory Provisions: Section 1.090-I, Public Officials and Agencies, subsections 4 and 10; Chapter 5 Residential Districts: Table 5-2: R District Use Regulations, and add Table Note; Chapter 10 Mixed-use Districts: Table 10-2: MX District Use Regulations and Table Note [1] to Table 10-2; Chapter 15 Office, Commercial and Industrial Districts: Table 15-2: O, C and I District Use Regulations and Table Note [2] to Table 15-2; Table 15-2.5: O, C and I District Building Type Regulations for Household Living; Chapter 25 Special Districts: Table 25-1: AG District Use Regulations; Table 25-5: SR District Use Regulations; Table 25-7: IMX District Use Regulations and Table Notes [1] and [4] to Table 25-7; Table 25-7.5: IMX District Building Type Regulations for Household Living; Chapter 35 Building Types and Use Categories: Section 35.050-D Commercial Service, subsection 4, Personal Improvement Service; Section 35.050-K, Restaurants and Bars, subsection 1, Bar; Section 35.050-L, Retail Sales, subsection 1, Convenience Goods; Chapter 40 Supplemental Use and Building Regulations: Section 40.300, Plasma Centers, Day Labor, Liquor Stores, Bail Bonds, Pawn

Shops and subsection 40.300-A; Section 40.090, Community Garden, and subsections 40.090-A, -D, -E, -G, -J, and -K; Chapter 45 Accessory Uses and Structures: Section 45.110, Intoxicating Beverage and Low-point Beer Sales and Service; Section 45.150, Parking and Storage of Recreational Vehicles, subsection 45.150-A; Chapter 60 Signs: Table 60-2: Maximum Aggregate Number of Signs; Chapter 70 Review and Approval Procedures: Section 70.060, Historic Preservation (HP) Zoning Map Amendments, subsection 70.060-H, Protest Petitions; Section 70.110, Spacing and Separation Distance Verification, subsection 70.110-D, Action; Chapter 90 Measurements: Table 90-1: Permitted Setback Obstructions in R Zoning Districts and add Table Note [3] to Table 90-1; Section 90.140, Transparency, subsections 90.140-A, 90.140-B, and 90.140-C; Figure 90-17: Ground Floor Transparency Measurement; Figure 90-18: Upper Floor Transparency Measurement; Chapter 95 Definitions: Add definitions for Alcoholic Beverage and Package Store; revise definition of Accessory Use Bar; delete definitions of Intoxicating Beverages and Low Point Beer per staff recommendation.

Mr. Shivel returned to meeting at 4:39 PM

\* \* \* \* \*

## OTHER BUSINESS

14. **Adopt Resolution 2788:995** to concur with the updated findings and recommended actions contained within the small area plan review project.

### **STAFF RECOMMENDATION:**

A. **Item:** Adopt resolution to update the status of adopted small area plan review.

B. **Background:** Tulsa's history with neighborhood and small area planning predates the City's comprehensive plan, commonly referred to as PLANiTULSA. Twelve plans were adopted prior to PLANiTULSA's adoption in July of 2010. These plans demonstrate diverse approaches, formats, and visions. In 2015, the Planning Division staff at the City of Tulsa reviewed these existing plans to determine whether they conform with the vision and requirements of PLANiTULSA and continue to be effective.

The review was conducted in response to the following directive from the Tulsa Comprehensive Plan, page LU-65.

*Existing neighborhood plans will continue to serve their role guiding City Council decisions. However, existing neighborhood plans vary somewhat in their format and may be out of date. Reviewing existing small area and*

*neighborhood plans for conformance and effectiveness is one of the key PLANiTULSA implementation strategies. Thus, existing and future plans will all work toward implementing Our Vision for Tulsa.*

Small Area Plans (SAPs) are important tools to implement the Comprehensive Plan. SAPs are focused on a specific geographic area, guided by a Citizen Advisory Team (CAT), and involve collaboration and consensus from residents, businesses, and other neighborhood stakeholders. SAPs provide a vision to guide change in the neighborhood, update the Comprehensive Plan including land use designations, areas of growth and stability and recommend public projects and programs to implement the plan's vision.

By Resolution No. 2736:961, dated December 21, 2016, the Tulsa Metropolitan Area Planning Commission (TMAPC) formally concurred with the findings and recommended actions contained within the adopted small area plan review project, and approved the following next steps:

1. The following plans are found to be in conformance with the Tulsa Comprehensive Plan and are still effective and shall continue to be implemented: *Sequoyah Area Neighborhood Implementation Plan*, *Crutchfield Neighborhood Revitalization Master Plan*, and *Southwest Tulsa Neighborhood Revitalization Plan Phase I*. An Executive Summary, including an Implementation Matrix and Land Use and Growth/Stability Maps for each of these plans will be developed to be presented to the Commission for adoption.
2. The following plans are superseded by more current plans: *Kendall-Whittier Area Neighborhood Master Plan* and *Whittier Square Plan* are superseded by the Kendall-Whittier Sector Plan as adopted by Commission Resolution No. 2729:959.
3. The following plan shall be included in the current planning efforts for Crosbie Heights: those portions of the *Charles Page Boulevard Plan* recommended in the Report for being rolled into another Small Area Plan.
4. The following plan is found to be accomplished through project implementation or to be successfully addressed by the Tulsa Comprehensive Plan and is therefore superseded by the Tulsa Comprehensive Plan: *Springdale Area Plan*.
5. The following plans are found to contain important outstanding projects and vision, and shall continue to provide general guidance, but shall be reevaluated and readdressed as a result of a change of conditions in the geographic areas covered by the plans: those portions of the

*Charles Page Boulevard Plan* recommended in the Report for being returned and readdressed, *Brookside Infill Development Recommendation*, *East Tulsa Phase I*, *East Tulsa Phase II*, and *Riverwood Neighborhood Implementation Plan*.

- C. Status Update:** Since adoption of Resolution No. 2736:961, planning staff has worked to complete each of the steps listed above as approved by TMAPC.

Executive Summaries and Implementation Matrices have been prepared for the *Sequoyah Area Neighborhood Implementation Plan* and the *Southwest Tulsa Neighborhood Revitalization Plan Phase I*. Each plan summary includes the overarching plan goals used to direct land use, infrastructure, and other implementation strategies. In addition, an implementation matrix was created for each plan by enumerating recommended capital projects, programs, and policy changes specific to the plan area. None of the plan content was changed, adjusted, or updated only to summarize and reformat plan components for ease of use. As such, re-adoption of the plans is no longer necessary.

The *Crutchfield Neighborhood Revitalization Master Plan* area is wholly contained within the on-going Crutchfield SAP process and will therefore be superseded at the time of adoption.

All other existing SAPs, not superseded at this time, were reviewed for conformance with the Comprehensive Plan. Portions of the *Charles Page Boulevard Plan* area not covered in the on-going Crosbie Heights SAP along with the *Brookside Infill Development Recommendation*, *East Tulsa Phase I*, *East Tulsa Phase II*, and *Riverwood Neighborhood Implementation plans*. These plans will remain in effect and continue to guide decision-makers during development review such as zoning map amendments, comprehensive plan amendments, and other more general land use activities.

Each plan identified for reevaluation will be considered, along with other prioritized areas of Tulsa, for future small area planning efforts during the formal nomination and selection processes.

- D. Conformance with the Tulsa Comprehensive Plan:** The areas covered by SAPs adopted prior to the adoption of the 2010 Comprehensive Plan areas were assigned PLANiTULSA land use designations during that process. Therefore, the respective plan area of each adopted SAP shall refer to the latest version of the adopted Land Use Map of the Tulsa Comprehensive Plan, "For policy guidance to implement the vision," (LU 2.3). Also, the respective plan area of each adopted SAP shall likewise refer to the latest version of the adopted Areas of Stability and Growth Map of the Tulsa Comprehensive Plan, "As a guide to where future growth and development

will occur...help to establish the implementation priorities for PlaniTulsa in specific geographic areas,” (LU 2.7).

- E. Staff Recommendation:** Adopt resolution to update status of adopted small area plan review.

**There were no interested parties wishing to speak.**

**TMAPC Action; 7 members present:**

On **MOTION** of **MILLIKIN**, TMAPC voted **7-0-0** (Fothergill, Fretz, McArtor, Millikin, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Covey, Doctor, Reeds, “absent”) to **ADOPT** Resolution 2788:995 per staff recommendation.

\* \* \* \* \*

**15. TMAPC’s Reappointment to the River Parks Authority – Marvin Jones Jr.**

**Marvin E. Jones, Jr.  
Bio as of March 21, 2017**

**Career / Experience:**

Marvin E. Jones, Jr. has over 28 years of experience in the professional world. Marvin is currently Vice President of Business Development with Bluefin Payment Systems. Bluefin Payment Systems is the leading provider of secure payment technology for retailers, enterprises and small to medium-sized businesses worldwide. Bluefin specializes in PCI-validated Point-to-Point Encryption (P2PE) integrated and stand-alone solutions for retail, mobile, call center and kiosk/unattended environments, and secure Ecommerce technologies including transparent redirect and tokenization.

Marvin served as Executive Vice President with MicahTek for over 14 years, where he managed and directed all departments, which include, Information Systems, Software Development, Call Center, Distribution Center, Mail Processing, Facility Operations, Client Services and Website Design. MicahTek consists of 350-400 employees and contractors during peak season. He received his Bachelor’s degree from the University of North Carolina at Pembroke. Marvin also pursued and received his MBA in Business, while he was a working professional.

Prior to joining MicahTek in 2001, Marvin was a Senior Executive of a rapid growing non-profit organization. He developed the plan to establish international operations in 4 different countries; United Kingdom, South Africa, Australia, and Canada. Afterwards, he developed procedures to efficiently handle logistics between each company and the US headquarters. Timely execution and attention to detail became instrumental to a thriving organization that is still operational today.

Prior to working for the rapid growing non-profit, Marvin worked with AT&T as a Project Manager and Programmer.

Over the course of his career, Marvin Jones has gained respect as an expert in his field and acted as a consultant at many levels. His business success stems from a deep and personal commitment to partnering with those he works with. He believes that by helping others succeed, he succeeds as well and this has proven true in all of his business ventures.

**Community:**

He is rapidly emerging as a business leader in the Tulsa community. He has experience in serving on volunteer Boards. In addition, he has worked on several committees involving mentoring young males to prepare for their future.

He and his wife Robin have been very involved with the Jack and Jill of America, Tulsa Chapter. This organizations promote growth and development of children and the community via education, financial literacy, among other programs.

**Commitment to Family:**

A devoted family man, Marvin has been married to Robin for over 25 years. The couple has 2 daughters and currently reside in Tulsa, Oklahoma. They are committed to nurturing their daughters to show respect to all they come in contact with.

**TMAPC Action; 7 members present:**

On **MOTION** of **MCARTOR**, TMAPC voted **7-0-0** (Fothergill, Fretz, McArtor, Millikin, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Covey, Doctor, Reeds, “absent”) to recommend **APPROVAL** of the appointment of Marvin Jones Jr. to the River Parks Authority.

\* \* \* \* \*

**16. Commissioners' Comments**

Mr. Fretz stated he wanted to thank the staff for writing good reports and the Commissioners for asking good questions and comments. Mr. Fretz stated that makes it easier to know how to vote.



\* \* \* \* \*

**ADJOURN**

**TMAPC Action; 7 members present:**

On **MOTION** of **RITCHEY**, TMAPC voted **7-0-0** (Fothergill, Fretz, McArtor, Millikin, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Covey, Doctor, Reeds, “absent”) to **ADJOURN** TMAPC meeting 2788.

There being no further business, the Chair declared the meeting adjourned at 4:34 p.m.

Date Approved:

\_\_\_\_\_

\_\_\_\_\_

Chairman

ATTEST: \_\_\_\_\_

Secretary