CONSIDER, DISCUSS AND/OR TAKE ACTION ON:

Call to Order:

REPORTS:

Chairman's Report:
Work session Report:
Director's Report:
Review TMA PC Receipts for the month of June 2019

1. Minutes of July 17, 2019, Meeting No. 2798

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. PUD-355-A-1/PUD-355-B-5 Justin Ridener (CD 8) Location: West of the northwest corner of East 91st Street South and South Yale Avenue requesting a PUD Minor Amendment to allow CS uses by right

3. Change of Access – Ryan McCarty (CD 3) Location: West of the southwest corner of East 36th Street North and North Sheridan Road

PUBLIC HEARINGS:

4. MR-13 (CD 4) Modification to the Subdivision & Development Regulations to remove the sidewalk requirement for a new single-family residence, Location: West of the northwest corner of East 29th Street South and South Evanston Avenue (Continued from July 17, 2019)
5. **MR-16** (CD 8) Modification to the Subdivision & Development Regulations to remove the sidewalk requirement for a new single-family residence, Location: North of the northeast corner of East 77th Street South and South Joplin Avenue

6. **66th Street North Truck Stop – Phase II** (County) Preliminary Plat & Modification to the Subdivision & Development Regulations to extend the allowable length for new cul-de-sacs, Location: North of the northeast corner of East 66th Street North and North Quebec Avenue

7. **CZ-488 Ashley Hacker** (County) Location: Southeast corner of West Wekiwa Road and West Long Street requesting rezoning from RS to CS to permit a law office

8. **Z-7491 Michael Carr** (CD 4) Location: Northwest corner of East 12th Place South and South Lewis Avenue requesting rezoning from RS-3 and OM to MX1-U-U

9. **Z-7492 Mohamad Soukieh** (CD 5) Location: North of the northeast corner of South Hudson Avenue and East 11th Street South requesting rezoning from CH to IM

10. **Z-7493 Richard Barnard** (CD 3) Location: South of the southwest corner of East 4th Place South and South Memorial Drive requesting rezoning from OL to CG

11. **PUD-796-A Mark Capron** (CD 2) Location: Southeast corner of Southwest Boulevard and West 21st Street South requesting a PUD Major Amendment to abandon PUD-796-A (Related to Z-7494) (Applicant requests continuance to August 21, 2019)

12. **Z-7494 Mark Capron** (CD 2) Location: Southeast corner of Southwest Boulevard and West 21st Street South requesting rezoning from RM-1, RM-2, CS and CH to MX1-U-45 (Related to PUD-796-A)(Applicant requests continuance to August 21, 2019)

**OTHER BUSINESS**

13. Commissioners' Comments

**ADJOURN**

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

Visit our website at www.tmapc.org email address: esubmit@incog.org

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

**Month of June 2019**

<table>
<thead>
<tr>
<th>ZONING</th>
<th>ITEM</th>
<th>CITY</th>
<th>COUNTY</th>
<th>TOTAL RECEIVED</th>
<th>ITEM</th>
<th>CITY</th>
<th>COUNTY</th>
<th>TOTAL RECEIVED</th>
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<td>(450.00)</td>
<td>(450.00)</td>
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**LAND DIVISION**

| Minor Subdivision | 0 | $0.00 | $0.00 | $0.00 | 1 | $450.00 | $450.00 | 900.00 |
| Preliminary Plats | 0 | 0.00 | 0.00 | 0.00 | 20 | $12,000.00 | $12,000.00 | 24,000.00 |
| Final Plats | 1 | 450.00 | 450.00 | 900.00 | 15 | $6,750.00 | $6,750.00 | 13,500.00 |
| Development Reg. Compliance | 1 | 250.00 | 250.00 | 500.00 | 4 | $825.00 | $825.00 | 1,650.00 |
| Lot Splits | 3 | 225.00 | 225.00 | 450.00 | 73 | $5,950.00 | $5,950.00 | 11,900.00 |
| Lot Line Adjustment | 8 | 600.00 | 600.00 | 1,200.00 | 100 | $7,400.00 | $7,400.00 | 14,800.00 |
| Other | 1 | 50.00 | 50.00 | 100.00 | 15 | $1,525.00 | $1,525.00 | 3,050.00 |
| NSF | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Refunds | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

**TMAPC COMP**

| Comp Plan Amendment | 0 | $0.00 | $0.00 | $0.00 | 3 | $875.00 | $0.00 | $875.00 |
| Refund | | $0.00 | $0.00 | 0.00 | ($300.00) | ($0.00) | ($300.00) |

**BOARDS OF ADJUSTMENT**

| Fees | 30 | $8,700.00 | $500.00 | $9,200.00 | 268 | $75,150.00 | $21,300.00 | $96,450.00 |
| Refunds | (150.00) | 0.00 | ($150.00) | ($2,700.00) | ($1,350.00) | ($500.00) | ($1,850.00) |
| NSF Check | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

**TOTAL**

| $8,550.00 | $500.00 | $9,050.00 | $78,450.00 | $19,450.00 | $91,900.00 |
| $15,379.00 | $7,762.50 | $23,141.50 | $174,703.61 | $124,625.00 | $299,328.61 |

**LESS WAIVED FEES**

| ($433.50) | $0.00 | ($433.50) | ($3,496.39) | $0.00 | ($3,496.39) |

**GRAND TOTALS**

* Advertising, Signs & Postage Expenses for City of Tulsa Applications with Fee Waivers.*
# JUNE 2019 receipt comparison

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<th>JUNE 2019</th>
<th>MAY 2019</th>
<th>JUNE 2018</th>
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<td>Final Plats</td>
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<td>(includes plat waivers prior to 5/10/2018)</td>
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<td>Lot Line Adjustments</td>
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<td>(includes lot combinations prior to 5/10/2018)</td>
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<td>Other</td>
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<td>Comp Plan Amendments</td>
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<td><strong>Case Number:</strong> PUD-355-A-1/PUD-355-B-5 Minor Amendment</td>
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<td><strong>Hearing Date:</strong> August 7, 2019</td>
<td></td>
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<tr>
<td><strong>Case Report Prepared by:</strong></td>
<td><strong>Owner and Applicant Information:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jay Hoyt</td>
<td>Applicant: Justin Ridener</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Property Owner: Yorkshire Properties, LLC</td>
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<td><strong>Location Map:</strong></td>
<td><strong>Applicant Proposal:</strong></td>
<td></td>
<td></td>
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<tr>
<td>(shown with City Council Districts)</td>
<td>Concept summary: PUD minor amendment to allow CS uses by right.</td>
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<td></td>
<td>Gross Land Area: 1.03 acres</td>
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<tr>
<td></td>
<td>Location: W of NW/c E 91st St S and S Yale Ave</td>
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<td></td>
<td>Lot 2, Block 1 Southern Woods Park</td>
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<td>4785 E 91st St S</td>
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<td><strong>Staff Recommendation:</strong></td>
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<td>Existing Zoning: CS/PUD-355-A/PUD-355-B</td>
<td>Staff recommends approval.</td>
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<td>Proposed Zoning: No Change</td>
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<td><strong>Comprehensive Plan:</strong></td>
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<td>Land Use Map: Neighborhood Center</td>
<td>Councilor Name: Phil Lakin, Jr.</td>
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<tr>
<td>Growth and Stability Map: Growth</td>
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<td><strong>Staff Data:</strong></td>
<td><strong>County Commission District:</strong> 3</td>
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<tr>
<td>TRS: 8316</td>
<td>Commissioner Name: Ron Peters</td>
<td></td>
<td></td>
</tr>
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</table>
STAFF RECOMMENDATION

Amendment Request: Revise the development standards to allow CS uses by right.

This site lies on the boundary between PUD-355-A and B. Currently, the development standards limit the uses for the subject lot to those allowed by right in the OM district, within PUD-355-A and OL in PUD-355-B. The underlying zoning for the lot is CS. The applicant proposes to add those uses allowed by right in the underlying, CS, district so that they may have more options for the uses of their property and future development of the lot. No other development standards are proposed to be changed, at this time.

Staff Comment: This request can be considered a Minor Amendment as outlined by Section 30.010.1.2.c(15) of the City of Tulsa Zoning Code.

"Changes in an approved use to another use may be permitted, provided the underlying zoning on the particular site within the PUD would otherwise permit such use as of right and the proposed use will not result in any increase of incompatibility with the present and future use of nearby properties."

Staff has reviewed the request and determined:

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

2) All remaining development standards defined in PUD-355-A and PUD-355-B and subsequent amendments shall remain in effect.

Exhibits included with staff recommendation:

INCOG zoning case map
INCOG aerial photo
INCOG aerial photo (enlarged)

With considerations listed above, staff recommends approval of the minor amendment request to allow CS uses by right on the subject lot.
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018
Note: Graphic overlays may not precisely align with physical features on the ground.
<table>
<thead>
<tr>
<th>Case Report Prepared by:</th>
<th>Owner and Applicant Information:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nathan Foster</td>
<td>Applicant: Ryan McCarty</td>
</tr>
<tr>
<td></td>
<td>Owner: D &amp; A Properties, LLC</td>
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</tbody>
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<tr>
<th>Location Map:</th>
<th>Applicant Proposal:</th>
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</thead>
<tbody>
<tr>
<td>(shown with City Council Districts)</td>
<td>Change of Access</td>
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<tr>
<td></td>
<td>Location: West of the southwest corner of East 36th Street North and North Sheridan Road</td>
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<table>
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<tr>
<th>Zoning: IL (Z-7396 ODP)</th>
<th>Staff Recommendation:</th>
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<tbody>
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<td>Staff recommends <strong>approval</strong> of the change of access</td>
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<th>City Council District: 3</th>
<th>County Commission District: 1</th>
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</thead>
<tbody>
<tr>
<td>Councilor Name: Crista Patrick</td>
<td>Commissioner Name: Stan Sallee</td>
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</tbody>
</table>
A TRACT OF LAND IN THE NORTH HALF OF THE NORTHEAST QUARTER (N/2 NE/4) OF SECTION TWENTY-TWO (22), TOWNSHIP TWENTY (20) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT 651.63 FEET EAST OF THE NORTHWEST CORNER OF SAID NORTH HALF OF THE NORTHEAST QUARTER (N/2 NE/4); THENCE EAST 486.63 FEET; THENCE SOUTH 1320 FEET; THENCE WEST 486.63 FEET; THENCE NORTH 1320 FEET TO THE POINT OF BEGINNING, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, LESS AND EXCEPT: THE NORTH 50 FEET THEREOF.
CHANGE OF AND CONSENT TO
AREAS OF ACCESS AS SHOWN ON RECORDED INSTRUMENT

WHEREAS, D & A Properties, LLC, an Oklahoma limited liability company, is the owner of the legal and equitable title of the following described real estate located in the City of Tulsa, Oklahoma:

A TRACT OF LAND IN THE NORTH HALF OF THE NORTHEAST QUARTER (N/2 NE/4) OF SECTION TWENTY-TWO (22), TOWNSHIP TWENTY (20) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT 651.63 FEET EAST OF THE NORTHWEST CORNER OF SAID NORTH HALF OF THE NORTHEAST QUARTER (N/2 NE/4); THENCE EAST 486.63 FEET; THENCE SOUTH 1320 FEET; THENCE WEST 486.63 FEET; THENCE NORTH 1320 FEET TO THE POINT OF BEGINNING, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF. LESS AND EXCEPT: THE NORTH 50 FEET THEREOF.

WHEREAS, said owner desires to change the access points recorded in Book 5680, Page 94 of the County Clerk of Tulsa County to the proposed locations identified on the attached Exhibit; and

WHEREAS, such change requires approval of the Tulsa Metropolitan Area Planning Commission; and

WHEREAS, the Tulsa Metropolitan Area Planning Commission may approve such change of access with a favorable recommendation by the City Engineer of the City of Tulsa, Oklahoma.

NOW THEREFORE, the undersigned owner of the above-described property does hereby change the access points from their present location as recorded in Book 5680, Page 94 of the County Clerk of Tulsa County, Oklahoma, to the locations as shown on the attached Exhibit A, which is incorporated herein by reference and made a part hereof for all purposes.

The Tulsa Metropolitan Area Planning Commission by the affixing of its approval to this instrument does hereby stipulate and agree to such change and, that from and after the date of this consent, ingress and egress shall be permitted over, through and across the areas of access as shown on attached Exhibit A, which is incorporated herein by reference. The area of "access" as previously shown are hereby revoked and access to the property prohibited across said area. The area of limits of
no access previously existing along the area of access now permitted by this change and consent is hereby expressly vacated, annulled and held for naught.

IN WITNESS WHEREOF, the property owner has executed this instrument on ______, 2019.

D & A PROPERTIES, LLC,
an Oklahoma limited liability company

By __________________________
Its Manager

APPROVED:

______________________________
City Engineer

______________________________
Chair, TMAPC

Attest:

______________________________
Secretary, TMAPC
STATE OF Oklahoma ) ) SS
COUNTY OF Tulsa )

Before me, the undersigned, a Notary Public in and for said County and State, on this 11th day of June, 2019, personally appeared Santiago Abad, to me known to be the identical person who subscribed the name of D & A Properties, LLC, an Oklahoma limited liability company, to the foregoing instrument as its Manager and acknowledged to me that he executed the same as his free and voluntary act and deed of such limited liability company, for the purposes therein set forth.

GIVEN under my hand and seal the day and year last above written.

My Commission Expires: Aug 13, 2022

S. ASHLEY MCCARTY
Notary Public - State of Oklahoma
Commission Number 18008059
My Commission Expires Aug 13, 2022
LIMITATION OF ACCESS

WHEREAS, D & A PROPERTIES, LLC, an Oklahoma limited liability company, is the owner of the real property described and graphically depicted within the attached Exhibit "A", hereinafter referred to as the "Property"; and

WHEREAS, the Tulsa Metropolitan Area Planning Commission (the Planning Commission), on the 5th day of October 1994, approved a waiver platting requirement for the Property, but imposed a condition that ingress and egress to the Property be limited; and

WHEREAS, in accordance with the condition of the waiver, the owners of the Property executed an instrument titled Limitation of Access Pursuant to Waiver of Plat, recorded in Book 5680 at page 94, in the records of the Tulsa County Clerk; and

WHEREAS, said instrument provides that the limitation on access thereby imposed can only be released, changed or altered by the Planning Commission with approval of the Tulsa City Engineer; and

WHEREAS, the Planning Commission did on ______________, 2019, approve a Change of and Consent to Areas of Access as Shown on Recorded Instrument, thus changing the access previously approved by the Planning Commission; and

WHEREAS, the undersigned desires to establish of record the new limits of access as approved by the Planning Commission.

THEREFORE, the undersigned owner does hereby relinquish rights of ingress and egress to the Property within the bounds designated as "Limits of No Access" (LNA) on the attached Exhibit "A". The limitation of access herein established shall run with the Property, but may be amended or released by the Tulsa Metropolitan Area Planning Commission or its successors, with concurring approval of the City Engineer, or as otherwise provided by the statutes and laws of the State of Oklahoma.

IN WITNESS WHEREOF, the Property owner has executed this instrument on ______________, 2019.

D & A PROPERTIES, LLC,
an Oklahoma limited liability company

By ________________
Its Manager
STATE OF OKLAHOMA)
COUNTY OF TULSA )

Before me, the undersigned, a Notary Public in and for said County and State, on this 11th day of June, 2019, personally appeared Santiago Abad, known to me to be the identical person who subscribed the name of D & A Properties, LLC, an Oklahoma limited liability company, to the foregoing instrument as its Manager and acknowledged to me that he executed the same as his free and voluntary act and deed of such limited liability company, for the purposes therein set forth.

GIVEN under my hand and seal the day and year last above written.

My Commission Expires: Aug 13, 2022

5. ASHLEY MCCARTY
Notary Public - State of Oklahoma
Commission Number 18008059
My Commission Expires Aug 13, 2022
Case: MR-13 – 2819 E. 29th St. S

Hearing Date: August 7, 2019
(Continued from July 17, 2019)

<table>
<thead>
<tr>
<th>Case Report Prepared by:</th>
<th>Owner and Applicant Information:</th>
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<tbody>
<tr>
<td>Nathan Foster</td>
<td>Applicant: Michael Friloux</td>
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<td>Owner: Michael Friloux</td>
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<tr>
<th>Location Map: (shown with City Council Districts)</th>
<th>Applicant Proposal:</th>
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</thead>
<tbody>
<tr>
<td>Location Map: (shown with City Council Districts)</td>
<td>Modification to the Subdivision and Development Regulations</td>
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Purpose: Requesting a modification to the sidewalk requirements of Section 5.070 to remove the requirement for construction of sidewalks.

Location: West of the northwest corner of East 29th Street South and South Evanston Avenue

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<tr>
<th>Zoning: RS-2</th>
<th>Staff Recommendation:</th>
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<tbody>
<tr>
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<td>Staff recommends approval of the modification</td>
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<td>Councilor Name: Kara Joy McKee</td>
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<tr>
<td>County Commission District: 2</td>
<td>Commissioner Name: Karen Keith</td>
</tr>
</tbody>
</table>

EXHIBITS: Site Map, Aerial, Sidewalk Exhibit, Applicant Exhibits
MODIFICATION OF THE SUBDIVISION AND DEVELOPMENT REGULATIONS

MR-13 – 2819 E. 29th St. S - (CD 4)
West of the northwest corner of East 29th Street South and South Evanston Avenue

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 home. The newly adopted Subdivision and Development Regulations require sidewalks to be constructed on any new development requiring both new construction building permits and a certificate of occupancy.

As alternative solutions for sidewalks are explored, staff will begin evaluating each request for modification based on a set of criteria. Any future program would utilize similar criteria when making eligibility determinations for alternatives. Examples of criteria include the following:

1. Proximity to major pedestrian destinations such as parks, schools, public amenities, and retail areas.
2. Presence of existing pedestrian infrastructure within a walkable area of the subject property.
3. Funded capital improvement projects that will impact property under application.
4. Proximity and ability to connect to collector or arterial streets.
5. Topographical or environmental challenges that make sidewalk installation impossible or impractical.

Based on the selected criteria, staff finds the following facts to be favorable to the modification request:

1. The subject property is located in the middle of an established neighborhood with no existing sidewalks.
2. Subject property is located in the middle of a block.
3. East 29th Street does not provide connections to vital destinations within the neighborhood.
4. Planning Commission has approved requests for modification on three other properties within the same neighborhood with similar circumstances.

Staff recommends approval of the modification of the Subdivision and Development Regulations to remove the requirement for sidewalk construction on this property.
MR-13
19-13 17

Aerial Photo Date: February 2018

Note: Graphic overlays may not precisely align with physical features on the ground.
MR-13

Subject Tract

19-13 17

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

Aerial Photo Date: 2019
Case Number: MR-13
Applicant / Owner: Michael Friloux

Application to Waive Sidewalk Requirement
Property Address: 2819 E 29th Street

- Beautiful Thomas Heights Addition – Developed in 1940’s
- Natural Setting Blanketed with Mature Trees
- Primary Reason We Selected This Location and Street
Case Number: MR-13
Map of 29th Street and Property Location

Application to Waive Sidewalk Requirement
Property Address: 2819 E 29th Street

- Isolated – Dead End Street
- City Signage on 28th St
- Little to No Pedestrian Traffic
- No Sidewalks in Addition
- No Sidewalks in Square Mile
- Not Practical Now or in Future
Neighbors Support This Waiver - Don’t Support The Requirement

Key Reasons: Not Practical, Detracts From Street, Oddity and Out of Place

Owner Letter Reference Map – (See Attached Letters)

TMAPC Mission

“to promote harmonious development the Tulsa Metro Area, and to Enhance & Protect The Quality of Life”

Circumstances are Relevant

Neighbor Input is Important

Isolated Sidewalks = Harmonious?
Case Number: MR-13

Application to Waive Sidewalk Requirement
Property Address: 2819 E 29th Street

- **Google Earth Survey** of Residential Sidewalks
- There are no residential sidewalks in the area depicted until 56th Street South.
- No Residential Sidewalks in Mid-Town, Area Covering ~ 16 Square Miles
Summary Points (As Documented in Neighbor Support Letters)

1) There are no pre-existing residential sidewalks of any type in the immediate area nor in the greater vicinity (1.3 mile radius).

2) 29th Street is not a through street, it gets little to no pedestrian traffic, and requiring a sidewalk here isn’t beneficial to the community, not now or in the future.

3) This regulation isn’t practical for the well established mid-town area. The City needs well designed plans vetted by the neighborhoods to be impacted.

4) It places an undue financial burden on myself, with no coherent plan and no perceptable benefit for the foreseeable future. It is poor policy for In-Fill Situations.

5) I believe it would detract from the natural look, feel, and charm of this beautiful long established neighborhood, a key reason I chose the location.

6) Every neighbor I’ve contacted agrees that this requirement is odd, out of place, and not practical for our street or neighborhood.

Daily Reminder – Collateral Damage – Poor Policy (We need Planning not Random Allocation)

On behalf of myself & my neighbors – I respectfully ask the Council to Approve my Waiver
Implications of Time & Added Perspective

Case Number: MR-13

Application to Waive Sidewalk Requirement
Property Address: 2819 E 29th Street

2019 Tulsa CIP Budget
Annual Budget for Repair Maintenance and Expansion
= $100,000

Current Budget Backlog = $20.1M

Time Period of Fill Rate
- Estimated 23,000 Homes
- 24 New Builds a Year = 958 Years
- 200 New Builds a Year = 120 Years

- Red Areas Have Sidewalks
- White Areas No Sidewalks ~ 24 S/M

Time Period of Fill Rate
- Estimated 900 Homes
- 10 New Builds a Year = 90 Years
- Halfway There @ 45 year mark:
  - 40% Need Replaced
  - 20% Approach EOL
  - 30% Mid-Life or Younger
  Limited to no Continuity – Cost $$$?

*24SM*
Sidewalks in Existing Neighborhoods Require Planning:
- Utilities (Secondary Cost to City & Residents)
- Terrain / Topography
- Traffic Patterns – Preferred Paths / Pedestrian Safety
- Trees / Alignment to Neighbors and entire Block view
- Specific Location: On Curb? 1’ off? 2’ off? Free Choice?

ALL of these are import to planning an effective Sidewalk Plan

Who Decides Location?
- Owners Pick? Based on Their Circumstances?
- Planning to Determine and Modify Site Plan?
- What about collateral damage? Live with it?
Application to Waive Sidewalk Requirement
Property Address: 2819 E 29th Street

Summary re In-Fill Situations:

- Subdivision Policy is working well – 99.2% of Builds (no issue), Why? Because of Planning
- Demanding Sidewalk on In-Fills if Fundamentally Flawed – Without Proper Planning
- Hardships to Owners are Very Real ($3K install = $4.5K of wages) - State Council Fee?
- Random Approach is not Harmonious Development, Not in Any Way, Ask my Neighbors
- Providing In-Fill Sidewalk Waivers should be the Default, not the Exception
- The burden of Planning should be on the City, not the Citizen, certainly not the Applicant

Suggested In-Fill Criteria:
(A) If Property has contiguous sidewalks in either direction, they should be required.
(B) If City has a definitive plan, committed to build in an area they should be required(*)
(C) If either (A) or (B) is not true, the waiver should be approved without questions.

(*) Provided that Plan and Design Requirements are Completed.
   - Design and location of path, which side of the street is most effective for traffic design
   - Location of utilities, easements, topology, trees, locations: by the curb, off the curb? 1', 2', 3' off?
   - Specification to design, will it be a 4' path, 5' path, etc. And construction materials?
   - Design is important to City costs: Street Repairs / Utility Repairs / Maintenance Requirements
   - Design is important to Aesthetics and Consistency is important.
   - Neighborhood Input Will Be Required, should be welcomed, not ignored.

I very much appreciate your time and patience....
Case Number: MR-13

Neighbor A Letter
From: Charles Meyers chsmeyers@tulsafast.net
Subject: RE: New Neighbor: Michael Friloux Sidewalk Waiver
Date: July 2, 2019 at 6:58 AM
To: Michael Friloux mfriloux@cox.net

Hello Mike:

I agree 100% with all of the points you make. The sidewalk is completely unnecessary, and would be a waste of resources.

Best regards,

Charles O. Meyers, Jr.
2809 East 29th Street
Tulsa, Oklahoma 74114

Sent from Mail for Windows 10

From: MICHAEL FRILOUX
Sent: Monday, July 1, 2019 10:41 PM
To: Charles Meyers
Subject: New Neighbor: Michael Friloux Sidewalk Waiver

Dear Charles,

Thanks again for your help on this sidewalk requirement. I will be attending the Tulsa Metropolitan Area Planning Commission meeting to request the City waive a newly established requirement to install a sidewalk on my lot located at 2819 E 29th Street. Here's a brief summary of my key points:

1) There are no pre-existing residential sidewalks of any type in the immediate area nor in the greater vicinity of our neighborhood (1.3 mile radius).

2) 29th Street is not a through street, it gets little to no pedestrian traffic, and requiring a sidewalk here isn't beneficial to the community, not now or in the future.

3) This regulation isn't practical for the well established mid-town area, the City needs well designed plans vetted by the neighborhoods to be impacted.

4) It places an undue burden financial burden on myself, with no coherent plan and no perceptible benefit for the foreseeable future. It is poor policy.

5) I believe it would detract from the natural look, feel, and charm of this beautiful long established neighborhood, a key reason I chose the location.

6) Every neighbor I've contacted agrees that this requirement is odd, out of place, and not practical for our street or neighborhood.

Sincerely,

Your next door neighbor,

Michael Friloux
mfriloux@cox.net
918.780.6735

Re: No existing residential sidewalks in our block or neighborhood - none wanted!

Mike,

We have thoroughly read and understand the dilemma you/we (your neighbors) are dealing with as part of the City wanting to require new construction by build a sidewalk, even when it defies all logic and common sense where none exist. This type of planning would have an undesirable effect on the beauty of our neighborhood, and would look out of place in an area that has no sidewalks, but does have attractive landscaping that is very desirable.

Our family has lived in this location for forty five years... "KEEP TULSA BEAUTIFUL!"

Also, we have talked with some of the other neighbors on our block, they agree one side walk would be ridiculously out of place and definitely not wanted.

Mike, I totally agree with your/our need for the City to allow an exemption concerning the sidewalk.

Sincerely,

Ron & Donna King
2827 E, 29th
Tulsa, OK 74114
918-284-0010
cjironking@aol.com

Dear Neighbor,

Re: Requesting Waiver To Require a New Sidewalk upon Construction

My name is Mike Friloux and my wife Janie and I are looking forward to being your new neighbors. We are in the process of building our home at the vacant lot located at 2819 E 29th Street and are having a permit issue on a newly established sidewalk rule whereby the City is requiring us to build a sidewalk as part of our new construction even though a sidewalk isn't practical and we believe would disturb (as an oddity) the look and feel of the street. I will be attending the Tulsa Metropolitan Area Planning Commission meeting to request the City waive this new requirement to install a sidewalk on my lot located at 2819 E 29th Street.

Here's a brief summary of my key points:

1) There are no pre-existing residential sidewalks of any type in the immediate area nor in the greater vicinity of our neighborhood (1.3 mile radius).

2) 29th Street is not a through street, it gets little to no pedestrian traffic, and requiring a sidewalk here isn't beneficial to the community, not now or in the future.
Case Number: MR-13

Application to Waive Sidewalk Requirement
Property Address: 2819 E 29th Street

Neighbor C Letter
From: wjjane@att.net
Subject: Re: New Neighbor: Michael Friloux Sidewalk Waiver
Date: July 3, 2019 at 10:56 AM
To: MICHAEL FRILOUX mfriloux@cox.net

Dear Michael,
We have discussed the issue and I am in full support of your request to waive the sidewalk requirement.

W.G. Klein, 2838 E. 29th St., Tulsa, Ok. 74114-5802

On Monday, July 1, 2019, 11:18:05 PM CDT, MICHAEL FRILOUX <mfriloux@cox.net> wrote:

Dear Mr. Klein,
I enjoyed meeting you today and I appreciate your support on my sidewalk request. My wife Janie and I are really looking forward to joining the neighborhood.

I will be attending the Tulsa Metropolitan Area Planning Commission meeting to request the City waive a new established requirement to install a sidewalk on my lot located at 2819 E 29th Street. Here's a brief summary of my key points:
1) There are no pre-existing residential sidewalks of any type in the immediate area nor in the greater vicinity of our neighborhood (1.3 mile radius).
2) 29th Street is not a through street, it gets little to no pedestrian traffic, and requiring a sidewalk here isn't beneficial to the community, not now or in the future.
3) This regulation isn't practical for the well established mid-town area, the City needs well designed plans vetted by the neighborhoods to be impacted.
4) It places an undue burden financial burden on myself, with no coherent plan and no perceptable benefit for the foreseeable future. It is poor policy.
5) I believe it would detract from the natural look, feel, and charm of this beautiful long established neighborhood, a key reason I chose the location.

Would you be kind enough to respond this email stating that we have discussed the issue and you are in full support of my request to waive the sidewalk requirement? Feel Free to add any commentary about the odd fit along our street.

Please include your name and address in the response.

Thanks again for your support.
Mike
Michael Friloux mfriloux@cox.net

Neighbor D Letter
From: McClanahan, Cathy (USAOKN) Cathy.McClanahan@usdoj.gov
Subject: Re: New Neighbor: Michael Friloux Sidewalk Waiver
Date: July 2, 2019 at 8:37 AM
To: MICHAEL FRILOUX mfriloux@cox.net

Dear Cathy,
I enjoyed meeting you today and I appreciate your support on my sidewalk request. My wife Janie and I are really looking forward to joining the neighborhood.

2828 East 29th Street; Tulsa Oklahoma 74114

Cathy D. McClanahan
Chief, Civil Division
United States Attorney's Office
Northern District of Oklahoma

From: MICHAEL FRILOUX <mfriloux@cox.net>
Sent: Monday, July 1, 2019 11:22 PM
To: McClanahan, Cathy (USAOKN) <CMcClanahan@usa.dol.gov>
Subject: New Neighbor: Michael Friloux Sidewalk Waiver

Dear Cathy,
I enjoyed meeting you today and I appreciate your support on my sidewalk request. My wife Janie and I are really looking forward to joining the neighborhood.

I will be attending the Tulsa Metropolitan Area Planning Commission meeting to request the City waive a new established requirement to install a sidewalk on my lot located at 2819 E 29th Street. Here's a brief summary of my key points:
1) There are no pre-existing residential sidewalks of any type in the immediate area nor in the greater vicinity of our neighborhood (1.3 mile radius).
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4) It places an undue burden financial burden on myself, with no coherent plan and no perceptable benefit for the foreseeable future. It is poor policy.
5) I believe it would detract from the natural look, feel, and charm of this beautiful long established neighborhood, a key reason I chose the location.
Mike, regarding our discussion yesterday evening, I am in complete agreement with your request for the city to waive the requirement for the sidewalk on the property located at 2819 E 29th St.

While I understand the reasoning the city has for requiring sidewalks for any new houses built in Tulsa. To do so in an established neighborhood such as ours with no other sidewalks would in my opinion only negatively affect the aesthetic integrity of the neighborhood. And in this case for all practical reasons a sidewalk on one residential lot would be completely useless.

I also see a potential safety issue with children riding bikes, skateboards etc. only for the novelty of the short sidewalk and then falling while attempting to turn or darting out in traffic from the only driveway that provides access.

Thank you for the input, please advise if you have any questions.

Ralph Phillips
2812 E. 29th St.
Tulsa, OK

On Mon, Jul 1, 2019 at 11:23 PM MICHAEL FRILOUX <mpfriloux@cox.net> wrote:

Dear Ralph,

I enjoyed meeting you today and I appreciate your support on my sidewalk request. My wife Janie and I are really looking forward to joining the neighborhood.

I will be attending the Tulsa Metropolitan Area Planning Commission meeting to request the City waive a new established requirement to install a sidewalk on my lot located at 2819 E 29th Street. Here's a brief summary of my key points:

1) There are no pre-existing residential sidewalks of any type in the immediate area nor in the greater vicinity of our neighborhood (1.3 mile radius).

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Tulsa Zoning Code

Major References to 70.080 all related to new developments, recorded covenants, plats, etc.

5.01 Residential
General residential zoning (NO call out to 7080 or Sidewalks)

25.040 CO - Corridor District Zoning
new developments, recorded covenants in accordance with development plan

25.070 MPD - Master Planned Developments
new developments, recorded covenants in accordance with development plan

30.010 PUD - Planned Unit Developments
new developments, recorded covenants in accordance with development plan

Section 70.080 Zoning Clearance and Platting Requirements

- If Residential Zoning required sidewalks – it should be defined in the Residential Zoning Code
  Although this would be impractical without the diligent planning found in new developments.

- Section 70.080 referenced in CO, MPD, PUD districts due to development, design, covenants, & platting

- Section 70.080-B's clearly states The requirements of this section are intended to help ensure that rights-of-way, streets, sidewalks and other public improvements are in place for proposed developments in accordance with applicable regulations.

- The Sidewalk requirement in 70.080-B is within the purpose (for proposed developments) and within the context of new builds in new developments whereby occupancy of the residence will be withheld until the sidewalks in the “development” are in compliance with the Subdivision and Development Plan section 5.070. I believe the purpose of this clause is to make sure developers install the sidewalks as they develop the new development – I do not believe this clause is intended to require Building permits in established neighborhoods to comply with 5.070, nor is there any practical way it could comply per the code.
Tulsa Zoning Code

70.080-B Compliance with Development Regulations

1: **Purpose:** The requirements of this section are intended to help ensure that rights-of-way, streets, sidewalks and other public improvements are in place for proposed developments in accordance with applicable regulations.

2: .... No permit until in compliance with TMAPC Subdivision and Development regulations as evidenced by a recorded plat. Which applies to all ..... Major zoning changes / exceptions

3: Early release permits (x,y,z) may be issued prior to final subdivision plat, or division of land.

4: Sidewalks: For properties not subject to (2), no certificate of occupancy my be issued until the subject lot or parcel is in compliance with the sidewalk regulations of section 5-070 of the Tulsa Metropolitan Area Subdivision and Development Plan.

Section 70.080 is CLEARLY for proposed new developments as stated in its Purpose.

All of the situations in this section involve new designed developments, division, plats, covenants, etc.

The use of "properties" is clearly referencing land to be developed, ie. the proposed new developments.

The occupancy certificate reference is meant to ensure the sidewalks in the new development are actually being installed by the developer per 5-070.
TMAPC Subdivision and Development Regulations

These are Clearly Developer oriented regulations.
- Blocks
- Lots,
- Streets,
- Sidewalks
- Utilities,
- Stormwater
- Lighting
- Traffic
- Etc.

5-010 APPLICABILITY

Except as otherwise expressly stated, the design and improvement regulations of this article apply to all:

5-010.1 Land divisions; Not Applicable – Not Required by my building permit.

5-010.2 Activities expressly identified in Section 70.080-B of the Tulsa zoning code; and

5-010.3 Activities expressly identified in Section 260 of the Tulsa County zoning code.

Section 70.080-B’s purpose is for compliance with proposed new developments – I’m not proposing a new development.

Section 260 purpose is for compliance with proposed new developments and land division – I’m not proposing a new development.
TMAPC Subdivision and Development Regulations

These are Clearly Regulations for New Developments not issuance of a building permit in an established neighborhood.

**5-070 SIDEWALKS**

5-070.1 Sidewalks must be installed on both sides of all arterial streets and on both sides of all collector streets and residential (local) streets with curb and gutter. Decision-making bodies are authorized to require the installation of sidewalks in other locations, such as at the end of permanent dead-end streets when they determine that such sidewalks will create a logical and well-connected pedestrian circulation system.

5-070.2 Decision-making bodies are authorized to waive the requirement for sidewalk installation, in accordance with the modification procedures of 10-070, when they determine that the general modification approval criteria are met and that topography, natural resource constraints or other factors that are unique to the subject property make sidewalk installation impractical.

5-070.3 Except as provided in 5-070.4, sidewalks must be installed prior to issuance of a certificate of occupancy.

5-070.4 Sidewalk deferrals may be approved pursuant to any applicable fee-in-lieu options available in the city or county (see also Title 35, Section 602, Tulsa Revised Ordinances).

5-070.5 Sidewalks must be located inside the right-of-way line or in an alternative location approved by the city or county engineer.

5-070.6 All sidewalks must be constructed in accordance with the standards and specifications of the city or county, including sidewalk width requirements. When a sidewalk will provide a connection between existing sidewalks that are less than current required widths, the new sidewalk connection may be tapered to match the width of the sidewalk to which the connection is being made. This reduced width taper may not extend more than 7 feet from the point of connection and must comply with ADA requirements.
**Tulsa Metropolitan Area Planning Commission**

<table>
<thead>
<tr>
<th>Case: MR-16 – 7647 S. Joplin Ave</th>
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<tbody>
<tr>
<td>Hearing Date: August 7, 2019</td>
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</tbody>
</table>

### Case Report Prepared by:
Nathan Foster

### Owner and Applicant Information:
- **Applicant:** Christy Chambers
- **Owner:** Christy Chambers

### Location Map:
*(shown with City Council Districts)*

![Location Map Image]

### Zoning:
RS-3 / PUD-190-A / PUD-190

### Applicant Proposal:
Modification to the Subdivision and Development Regulations

- **Purpose:** Requesting a modification to the sidewalk requirements of Section 5.070 to remove the requirement for construction of sidewalks.
- **Location:** North of the northeast corner of East 77th Street South and South Joplin Avenue

### Staff Recommendation:
Staff recommends approval of the modification

### City Council District:
8

- **Councilor Name:** Phil Lakin

### County Commission District:
3

- **Commissioner Name:** Ron Peters

**EXHIBITS:** Site Map, Aerial, Site Plan, Applicant’s Photos
MODIFICATION OF THE SUBDIVISION AND DEVELOPMENT REGULATIONS

MR-16 – 7647 S. Joplin Ave. - (CD 8)
North of the northeast corner of East 77th Street South and South Joplin Avenue

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 home. The newly adopted Subdivision and Development Regulations require sidewalks to be constructed on any new development requiring both new construction building permits and a certificate of occupancy.

As alternative solutions for sidewalks are explored, staff will begin evaluating each request for modification based on a set of criteria. Any future program would utilize similar criteria when making eligibility determinations for alternatives. Examples of criteria include the following:

1. Proximity to major pedestrian destinations such as parks, schools, public amenities, and retail areas.
2. Presence of existing pedestrian infrastructure within a walkable area of the subject property.
3. Funded capital improvement projects that will impact property under application.
4. Proximity and ability to connect to collector or arterial streets.
5. Topographical or environmental challenges that make sidewalk installation impossible or impractical.

Based on the selected criteria, staff finds the following facts to be favorable to the modification request:

1. The subject property is located in the middle of an established neighborhood with no existing sidewalks.
2. Subject property is located in the middle of a block.
3. There are no planned capital improvements to South Joplin Avenue to provide connecting sidewalks.
4. Most lots in the neighborhood were developed in the early 1980’s with no sidewalk requirement.

Staff recommends approval of the modification of the Subdivision and Development Regulations to remove the requirement for sidewalk construction on this property.
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: April 2019
<table>
<thead>
<tr>
<th><strong>Case Report Prepared by:</strong></th>
<th><strong>Owner and Applicant Information:</strong></th>
</tr>
</thead>
</table>
| Nathan Foster               | **Applicant:** Nicole Watts, KKT Architects  
|                             | **Owner:** The W.O. Smith Trust |

| **Location Map:**  
<table>
<thead>
<tr>
<th><em>(shown with City Council Districts)</em></th>
<th><strong>Applicant Proposal:</strong></th>
</tr>
</thead>
</table>
| [Site Map Image]                    | Preliminary Plat & Modification of the Subdivision and Development Regulations  
|                                      | 9 lots, 2 blocks, 8.45 ± acres  
|                                      | Location: North of the northeast corner of East 66th Street North and North Quebec Avenue |

| **Zoning:**  
<table>
<thead>
<tr>
<th><em>(IM (Industrial – Moderate))</em></th>
<th><strong>Staff Recommendation:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>IM (Industrial – Moderate)</td>
<td>Staff recommends approval of the preliminary plat and the modification of the subdivision and development regulations</td>
</tr>
</tbody>
</table>

| **County Commission District:**  
| *(1)* | **Commissioner Name:** Stan Sallee |

**EXHIBITS:** Site Map, Aerial, Preliminary Plat, Conceptual Improvements Plan
PRELIMINARY SUBDIVISION PLAT

66th Street North Truck Stop – Phase II - (County)
North of the northeast corner of East 66th Street North and North Quebec Avenue

This plat consists of 9 lots, 2 blocks on 8.45 ± acres.

The Technical Advisory Committee (TAC) met on July 18, 2019 and provided the following conditions:

1. **Zoning:** All property included within the subdivision is zoned IM (Industrial – Moderate). All proposed lots must conform to the requirements of the IM district in the Tulsa County Zoning Code.

2. **Addressing:** Label all lots with assigned addressed on final plat submittal. Addresses will be assigned by INCOG.

3. **Transportation & Traffic:** As shown, cul-de-sac length exceeds allowable 750 feet and will require a modification of the Subdivision & Development Regulations. Cul-de-sac radius and ROW dedication must meet all requirements of the County Engineer and City of Tulsa Development Services.

4. **Sewer/Water:** Water and sewer to be provided by the City of Tulsa. IDP approval for main line extensions will be required prior to final plat approval. Easements and right-of-way dedications must be approved by City of Tulsa and Tulsa County.

5. **Engineering Graphics:** Submit subdivision data control sheet with final plat submittal. Update location map with all platted subdivision boundaries and label all other property “unplatted”. Graphically show all pins found or set associated with this plat. Ensure accuracy and consistency of the legal description with the face of the plat. Graphically label the point of beginning. Provide a date of preparation.

6. **Stormwater, Drainage, & Floodplain:** All drainage plans must comply with Tulsa County drainage standards and must be approved prior to the approval of the final plat. Any easements required for drainage must be shown on the final plat.

7. **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 Subdivision and Development Regulations:

1. Section 5.060.5.B.2 – Permanent dead-end streets may not exceed 750 feet in length measured from the centerline of the intersecting street to the center of the turnaround.

Staff recommends APPROVAL of the modification to the Subdivision & Development Regulations finding the property to be uniquely isolated with several challenges to external connectivity due to highway right-of-way and an existing cemetery. The proposed dead end street aligns with the prescribed collector street on the Major Street and Highway Plan and could be connected in the future to new development. County Engineering had no objections to the length of the dead-end given the location of the property.

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.
66th Street North Truck Stop Phase II


OWNER: W.O. SMITH TRUST
2016 E. 30th Street
Tulsa, Oklahoma, 74114
Phone: (918) 636-2451
Or CH 244-000-15

ENGINEER: KKT ARCHITECTS, Inc.
3002 South Oralton Street
Tulsa, Oklahoma, 74114
Phone: (918) 636-2451
Or CH 244-000-15

SURVEYOR: Bennett Surveying Company
P.O. Box 519
Chouteau, Oklahoma, 74357
Phone: (918) 479-6444
Or CH 36-000-16

MONUMENTATION
All monuments to be set with a 1.25 INCH red paint with yellow cap in lieu of (Monument Note)

SITE DATA
DATE: 11-28-2001
USE: INDUSTRIAL
TOTAL NUMBER: 8.59 ACRE, 36,520 SQ. FT.
NUMBER OF BUILDINGS: 2
NUMBER OF UTILITIES: 1

LINE LEGEND
ABBREVIATIONS
PROPOSED RIGHT OF WAY
PROPOSED CENTER LINE
PROPOSED BUILDING LINE
PROPOSED EQUIPMENT ROOM LINES
ERMIS DESIGN
ERMIS EXECUTION
ERMIS SITE
ERMIS SOFTWARE
ERMIS DATABASE
ERMIS ACCESS
ERMIS SECURITY
ERMIS REPORTING
ERMIS INTEGRATION
ERMIS STANDARDIZATION
ERMIS TRAINING
ERMIS DOCUMENTATION
ERMIS PROJECT MANAGEMENT
ERMIS BUSINESS PROCESS
ERMIS BUSINESS DEVELOPMENT
ERMIS BUSINESS STRATEGY
ERMIS BUSINESS PLANNING
ERMIS BUSINESS ANALYSIS
ERMIS BUSINESS DESIGN
ERMIS BUSINESS IMPLEMENTATION
ERMIS BUSINESS TESTING
ERMIS BUSINESS OPERATION
ERMIS BUSINESS MAINTENANCE
ERMIS BUSINESS SUPPORT
ERMIS BUSINESS AUDIT
ERMIS BUSINESS REVIEW
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Conceptual Improvement Plan

66th Street North Truck Stop Phase II

PART OF THE W1/2 OF THE S1/2 OF THE S1/2 OF THE E1/2 OF SECTION 33, TOWNSHIP 21 NORTH, RANGE 13 EAST, OF
THE RODAN SANE AND MERGWAN TULSA COUNTY, STATE OF OKLAHOMA.

NOTE: ALL WATERLINES TO BE 6" - ALL
SANTITY SEWER LINES TO BE 8"
**Case Number:** CZ-488  
**Hearing Date:** 8/7/2019  

**Case Report Prepared by:**  
Jay Hoyt  

**Owner and Applicant Information:**  
**Applicant:** Ashley Hacker  
**Property Owner:** HACKER INVESTMENTS LLC  

**Applicant Proposal:**  
**Present Use:** Residential  
**Proposed Use:** Law Office  

**Concept summary:** Rezone from RS to CS to permit a law office.  
**Tract Size:** 0.3 ± acres  
**Location:** Southeast corner of West Wekiwa Road and West Long Street  

**Zoning:**  
**Existing Zoning:** RS  
**Proposed Zoning:** CS  

**Comprehensive Plan:**  
**Land Use Map:** N/A  
**Stability and Growth Map:** N/A  

**Staff Recommendation:**  
Staff recommends approval.  

**County Commission District:** 2  
**Commissioner Name:** Karen Keith  

**Location Map:** (shown with County Commission Districts)  

**Staff Data:**  
TRS: 9110  
CZM: 76  

[Map Image]
SECTION I: CZ-488

DEVELOPMENT CONCEPT: The applicant is proposing to rezone from RS to CS to permit a law office on the subject lot.

Typically, rezoning from RS to CS would not be encouraged in a primarily RS zoned area, however, the City of Sand Springs 2030 Comprehensive Plan designates this lot and the surrounding neighborhood as a Commercial Land Use to encourage the future development of this area to commercial uses. CS would be the least intense commercial zone that is available in Tulsa County zoning and would be compatible with the Land Use designation given to this property by the City of Sand Springs.

EXHIBITS:
INCOG Case map
INCOG Aerial (small scale)
INCOG Aerial (large scale)

DETAILED STAFF RECOMMENDATION:

CZ-488 is consistent with the City of Sand Springs Comprehensive Plan;

CZ-488 is non-injurious to surrounding proximate properties;

CZ-488 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends Approval of CZ-488 to rezone property from RS to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is located within the City of Sand Springs 2030 Comprehensive Plan area and is designated as Commercial in their Land Use Categories.
Land Use Vision:

*Land Use Plan map designation:* Commercial per City of Sand Springs 2030 Comprehensive Plan

*Areas of Stability and Growth designation:* N/A

Transportation Vision:

*Major Street and Highway Plan:*

*Trail System Master Plan Considerations:*

*Small Area Plan:* None

*Special District Considerations:* None

*Historic Preservation Overlay:* None

**DESCRIPTION OF EXISTING CONDITIONS:**

*Staff Summary:* The site is currently a single-family residence

*Environmental Considerations:* None

*Streets:*
Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning</th>
<th>Existing Land Use Designation</th>
<th>Area of Stability or Growth</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RS</td>
<td>None</td>
<td>N/A</td>
<td>Highway</td>
</tr>
<tr>
<td>South</td>
<td>RS</td>
<td>Commercial (Sand Springs)</td>
<td>N/A</td>
<td>Residential</td>
</tr>
<tr>
<td>East</td>
<td>RS</td>
<td>Commercial (Sand Springs)</td>
<td>N/A</td>
<td>Residential</td>
</tr>
<tr>
<td>West</td>
<td>RS</td>
<td>Commercial (Sand Springs)</td>
<td>N/A</td>
<td>Residential</td>
</tr>
</tbody>
</table>

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11848 dated June 26, 1970 established zoning for the subject property.

Subject Property: No relevant history

Surrounding Property: No relevant history

8/7/2019 1:30 PM
Subject Tract CZ-488

Note: Graphic overlays may not precisely align with physical features on the ground.
Aerial Photo Date: February 2018
Subject Tract CZ-488

Aerial Photo Date: February 2018

Note: Graphic overlays may not precisely align with physical features on the ground.
Case Report Prepared by: Dwayne Wilkerson

Owner and Applicant Information:
Applicant: Michael Carr
Property Owner: CARR, MICHAEL & JENNY

Location Map: (shown with City Council Districts)

Applicant Proposal:
Present Use: Commercial/Residential
Proposed Use: Mixed Use
Concept summary: Rezoning to mixed use to support new construction infill. Unlimited height is consistent with the unlimited height provision of the existing OM property.
Tract Size: 0.55 acres
Location: Northwest corner of East 12th Place South and South Lewis Avenue

Zoning:
Existing Zoning: RS-3 / OM
Proposed Zoning: MX1-U-U

Comprehensive Plan:
Land Use Map: Main Street
Stability and Growth Map: Area of Growth

Staff Recommendation:
Staff recommends approval.

Staff Data:
TRS: 9307
CZM: 37

City Council District: 4
Councilor Name: Kara Joy McKee
County Commission District: 2
Commissioner Name: Karen Keith
SECTION I: Z-7491

DEVELOPMENT CONCEPT: Requested rezoning for possible mixed use building.

EXHIBITS:
- INCOG Case map
- INCOG Aerial (small scale)
- INCOG Aerial (large scale)
- Tulsa Comprehensive Plan Land Use Map
- Tulsa Comprehensive Plan Areas of Stability and Growth Map
- Applicant Exhibits:
  - Survey exhibit
  - Neighborhood Correspondence

DETAILED STAFF RECOMMENDATION:

Z-7491 requesting MX-1-U-U is a neighborhood mixed-use zoning category and considered the least intensive MX district. The urban character designation allows vertical mixed use, commercial and civic/institutional buildings and the height is unlimited. The building types, building placement and building height are consistent with the Main Street land use designation in the comprehensive plan.

MX1-U-U allows uses that are consistent with the Tulsa Comprehensive Plan and,

MX1-U-U is consistent with the anticipated redevelopment of this area and,

MX1-U-U is considered non injurious to the surrounding properties therefore,

Staff recommends Approval of Z-7491 to rezone property from RS-3,OM/ to MX1-U-U.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: MX1-U-U is consistent with the Main Street Land Use designation in the Tulsa Comprehensive Plan.

Land Use Vision:

Land Use Plan map designation: Main Street
Main Streets are Tulsa's classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off-street lots, or in shared lots or structures.

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

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

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: Three existing single-story buildings facing south and a Vacant lot. South Lewis has recently been reconstructed. No additional right of way is necessary to accommodate re-development.

See Snippet on following page:
Environmental Considerations: None that affect site redevelopment.

Streets:

<table>
<thead>
<tr>
<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
</tr>
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<tbody>
<tr>
<td>South Lewis Ave. (frontage but no access)</td>
<td>Multi Modal Corridor</td>
<td>100 feet</td>
<td>4</td>
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<tr>
<td>East 12th Street South</td>
<td>None</td>
<td>50 feet</td>
<td>2</td>
</tr>
<tr>
<td>Gillette Avenue</td>
<td>None</td>
<td>50 feet</td>
<td>2</td>
</tr>
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Utilities:

The subject tract has municipal water and sewer available.
Surrounding Properties:

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning</th>
<th>Existing Land Use Designation</th>
<th>Area of Stability or Growth</th>
<th>Existing Use</th>
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<tbody>
<tr>
<td>North</td>
<td>IL</td>
<td>Main Street</td>
<td>Growth</td>
<td>Light industry</td>
</tr>
<tr>
<td>East</td>
<td>CH</td>
<td>Main Street</td>
<td></td>
<td>Single Family</td>
</tr>
<tr>
<td>South</td>
<td>OM</td>
<td>Main Street and Existing Neighborhood</td>
<td>Growth</td>
<td>Single Family</td>
</tr>
<tr>
<td>West</td>
<td>RS-3</td>
<td>Existing Neighborhood</td>
<td>Stability</td>
<td>Single family</td>
</tr>
</tbody>
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SECTION III: Relevant Zoning History


Subject Property:

**BOA-22447 June-July 2018:** The Board of Adjustment first approved a special exception to allow a personal improvement use in an OM district, then voted to reconsider the special exception to allow a personal improvement use, and finally voted to modify the prior approval to remove the provision allowing for the fortune telling use, located on subject property.

**Z-3940 July 1971:** All concurred in approval of a request for rezoning a tract of land from RS-3 to OM on property located on subject property. (Ordinance 12158 July 1971)

**BOA-485 June 1928:** The Board of Adjustment approved to permit a filling station on part of lots 4-5-6, subject to a temporary permit for two years period for a non-conforming use, on property located on subject property.

Surrounding Property:

**BOA-22669 June 2019:** The Board of Adjustment approved a special exception to permit a business support service use to allow for a catering service, subject to conditions, on property located North of the Northeast corner of East 12th Street South and South Lewis Avenue.

**BOA-22592 March 2019:** The Board of Adjustment approved a variance to increase the allowed display surface area for a sign from 48 square feet to 80 square feet and to permit the sign to be oriented along South Lewis Avenue; a variance to permit a dynamic display sign to be located within 200 feet of an R district subject to conditions, on property located at the Southwest corner of South Lewis Avenue and East 12th Street South.

**Z-7405 August 2017:** All concurred in approval of a request for rezoning a 8.29+ acre tract of land from OL, CH,IM,RM-2 to MX2-P-45 and MX2-P-U per staff recommendation on property located at the Northwest, Southeast and Southwest corners of East 11th Street South and South Lewis Avenue.

**PUD-810 April 2014:** All concurred in approval of a proposed Planned Unit Development on a .3+ acre tract of land for commercial and industrial on property located at the Northeast corner of East 12th Street South and South Lewis Avenue.
**BOA-17168 September 1995:** The Board of Adjustment approved a variance of the setback from the centerline of Lewis Avenue from 100' to 27.5'; a variance of the required setback from an abutting R district from 75' to 34' to permit an existing building; a variance of the required screening from an abutting R district, per plan submitted, on property located at the Southeast corner of South Lewis Avenue and East 12th Place South.

**BOA-10312 January 1979:** The Board of Adjustment approved a variance to permit parking on a lot not containing the use; a variance of the number of required parking spaces, per plan submitted, on property located at the Southwest corner of South Lewis Avenue and East 12th Street South.

8/7/2019 1:30 PM
SUBJECT TRACT
LAND USE PLAN
MAIN STREET

Land Use Plan Categories

- Downtown
- Downtown Neighborhood
- Main Street
- Mixed-Use Corridor
- Regional Center
- Neighborhood Center
- Employment
- New Neighborhood
- Existing Neighborhood
- Park and Open Space
- Arkansas River Corridor

Z-7491
19-13 07
Growth and Stability

Area of Growth
Area of Stability

SUBJECT TRACT

Z-7491
19-13 07
Wilkerson, Dwayne

From: Gloria DuBois <glodubois@gmail.com>
Sent: Wednesday, July 31, 2019 1:16 PM
To: Wilkerson, Dwayne
Subject: Re: Zoning Case number Z-7491
Attachments: IMG_2954[1].JPG

Oops, One of my photos is NOT as described. Attached here is Image 2954, replacing 2854.

On Wed, Jul 31, 2019 at 1:12 PM Gloria DuBois <glodubois@gmail.com> wrote:

Dear Mr. Wilkerson,

It was a pleasure to meet with you and discuss the proposed Zoning Case, the information that you provided to us was most helpful. As property owners at 2240 E 12th Pl, we are very concerned and alarmed at the proposal presented to your office to rezone the 4-5 lots at the East end of our tract. We were able to speak with several of the homeowners in the immediate area of the proposed site. We did not find that any of the them supported the proposed re-zoning. Most were opposed to it, a few were not interested, and did not express an opinion either way. We collected a few signatures and are attaching them here (scan 45). Those sheets also list the concerns we have about the impact of the proposal on our neighborhood. We also passed on the contact numbers for your office, as well as the city council. One homeowner said he is planning to attend the council meeting on the 7th. We plan to attend as well.

The encroachment of the proposed re-zoning into the neighborhood, and the unlimited height request, are the most concerning to us. I have attached several photos from the nearby neighborhoods (scan 43) where apartments have been constructed in an existing single family area, bungalow homes, much like ours. As you can see, the result is not only an eyesore to the neighborhood, but VERY intrusive to the privacy of the neighboring properties, as well as creating parking shortage and clutter in the street.

I took several photos of the area, as exhibits to our concerns. The photos are from these vantage points:
Image 2969  E on 12th Pl, from East end of the subject area
Image 2965  W side of Lewis, looking N at 12th Pl intersection
Image 2964  Same as 2965, note large center island, recently added that restricts Lewis to single lanes in both directions.
Image 2959  Corner of 12th Pl & Lewis, looking W on 12th Pl (subject property reaches to limit of view)
Image 2958,55,54  From frontage of subject property looking W on 12th Pl (subject property reaches to limit of view)
Image 2953  From front of subject property, view across Street to SF homes.
Image 2951  12th Pl, looking E at subject Property, which starts at intersection on left side of photo and runs to Lewis.

As you can see in the photos, this proposal is very intrusive into our quiet street. Anything over a single story will loom over the neighborhood, it simply does not belong there. We ask that the City Council consider a much lower height restriction on the proposal. 2 or 3 stories at the corner is understandable, given the busy commercial street there. Anything over 1 or 2 stories at the two most westerly lots, is an invasion of our privacy, and will clearly impact the value of our property. While we understand and appreciate the growth of the downtown area, it is equally important that our quiet living spaces are also respected and maintained.

Should you have any questions regarding our concerns, please call us, Pete DuBois at 918 704-8988, and Gloria DuBois at 918 504-8226.

Thank-you for your consideration.
WE, THE HOMEOWNERS AND OCCUPANTS OF THE RESIDENTIAL NEIGHBORHOODS AROUND THE PROPOSED REZONING CASE #Z-7491, LOCATED AT THE NORTHWEST CORNER OF E 12TH PLACE SOUTH AND SOUTH LEWIS AVE, BY OUR SIGNATURE BELOW TO HEREBY CONVEY OUR CONCERNS AND OBJECTIONS REGARDING THE PROPOSED REZONING:

1. TRAFFIC WE HAVE FOUND NO EVIDENCE THAT A TRAFFIC STUDY HAS BEEN PERFORMED, SO WE HAVE NO DATA TO OFFER, ONLY THE CONCERN THAT, AS LEWIS NARROWS TO ONLY 1 LANE IN FRONT OF THIS AREA, ADDING ANY ADDITIONAL BUSINESSES OR APARTMENTS WOULD SEVERELY STRAIN AN ALREADY CONGESTED AREA. THE RECENT ADDITION OF THE ADJACENT MOTHER ROAD STORES, AND NOW NEW CONSTRUCTION WELL UNDERWAY ACROSS FROM IT HAVE ALREADY SIGNIFICANTLY IMPACTED THE TRAFFIC ON LEWIS.

2. PARKING THE AFOREMENTIONED MOTHER ROAD STORES HAVE ALREADY CREATED A SEVERE PARKING SHORTAGE IN THE AREA. AS WE TRAVEL THE AREA FREQUENTLY, WE HAVE NOTED SEVERAL HARROWING NEAR MASSES OF PEDESTRIANS. WE ARE ALSO CONCERNED THAT OUR NEIGHBORHOOD WILL BECOME OVERFLOW PARKING FOR ANY BUSINESSES OR TENANTS. E 12TH PLACE IS ALREADY A NARROW STREET, IT IS ALMOST IMPOSSIBLE TO NAVIGATE AROUND THE VEHICLES ALREADY PARKED ON OUR STREET.

3. INCREASE IN FOOT TRAFFIC AND TRASH WE HAVE NOTICED THAT COMMERCIAL AREAS SURROUND THE NEIGHBORHOOD, THERE IS AN INCREASE IN FOOT TRAFFIC OF PERSONS PATRONIZING THOSE BUSINESSES, AND ALONG WITH IT, A DISTRESSING AMOUNT OF TRASH IS DUMPED IN THE NEIGHBORHOOD. WRAPPERS AND FOOD DEBRIS, THAT IS DISCARDED AS THOSE PEDESTRIANS MAKE THEIR WAY BACK DOWN THROUGH OUR NEIGHBORHOOD. THIS LEADS TO AN OVERALL IMPRESSION THAT THE NEIGHBORHOOD IS TRASHY, AND IN DECLINE, AS WELL AS THE TIME AND EFFORT REQUIRED TO CLEAN UP AFTER THE LITTERERS.

4. PRIVACY THE APPLICANT HAS REQUESTED THAT THE ZONING ON THE NORTH SIDE OF E 12TH PL, EAST FROM S GILLETTE AVE, WHICH ENCROACHES WELL INTO THE NEIGHBORHOOD, AND CURRENTLY ZONED AS “RESIDENTIAL SINGLE FAMILY” BE CHANGED TO “NEIGHBORHOOD MIXED USE, UNLIMITED HEIGHT.” THE ENTIRE NEIGHBORHOOD, INCLUDING OUR PRIVATE BACKYARDS, WOULD BE VISIBLE FROM ANYTHING ABOVE THE SECOND FLOOR OF THE STRUCTURE. WE WOULD SUFFER A CATASTROPHIC AND IRREVERSIBLE LOSS OF PRIVACY IN AND AROUND OUR HOMES.

SIGNED:  ____________________________  (PRINT NAME)  ____________________________  ADDRESS:  2234 E 12TH PL, TULSA OK 74104  DATE  7/3/4/19

SIGNED:  ____________________________  (PRINT NAME)  ____________________________  ADDRESS:  2246 E 12TH PL, TULSA OK 74104  DATE  7/3/4/19

SIGNED:  ____________________________  (PRINT NAME)  ____________________________  ADDRESS:  2038 E 12TH PL  DATE  7/3/1/19

SIGNED:  ____________________________  (PRINT NAME)  ____________________________  ADDRESS:  ____________________________  DATE  ___________
West Park Apartments
### Case Report

**Case Number:** Z-7492  
**Hearing Date:** 8/7/2019

**Case Report Prepared by:**  
Dwayne Wilkerson

**Owner and Applicant Information:**  
**Applicant:** Mohamad Soukieh  
**Property Owner:** SOUKIEH, MOHAMAD K AND DAAD

**Location Map:**  
(shown with City Council Districts)

**Applicant Proposal:**  
**Present Use:** Commercial Warehouse  
**Proposed Use:** Cannabis Cultivation  
**Concept summary:** Agricultural Horticulture uses are only allowed in AG, IL, IM and IH zoning districts.  
**Tract Size:** 2.8 ± acres  
**Location:** North of the Northeast corner of South Hudson Avenue at East 11th Street South

**Zoning:**  
**Existing Zoning:** CH  
**Proposed Zoning:** IM

**Comprehensive Plan:**  
**Land Use Map:** Employment  
**Stability and Growth Map:** Area of Growth

**Staff Recommendation:**  
Staff recommends denial.

**Staff Data:**  
**TRS:** 9303  
**CZM:** 38

**City Council District:** 5  
**Councilor Name:** Cass Fahler  
**County Commission District:** 2  
**Commissioner Name:** Karen Keith

REVISED 7/31/2019
SECTION I: Z-7492

DEVELOPMENT CONCEPT: Horticulture nursery uses are only allowed in AG, IL, IM and IH zoning districts. No options exist in the zoning code to use existing buildings in any of the commercially zoned districts for any indoor for a Horticulture Nursery. The rezoning request is to allow an indoor growing facility inside an existing building.

EXHIBITS:

INCOG Case map
INCOG Aerial (small scale)
INCOG Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Tulsa Comprehensive Plan Areas of Stability and Growth Map
Applicant Exhibits:
None provided

DETAILED STAFF RECOMMENDATION:

Z-7492 requesting IM zoning without a development plan may be consistent with the Employment Land Use designation in the comprehensive plan and,

Uses that may be allowed in an IM district without a development plan are not consistent with the expected development in the area and,

IM zoning allows low-impact manufacturing and industry uses that may be considered injurious to the surrounding properties therefore,

Staff recommends denial of Z-7492 to rezone property from CH to IM.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: IM zoning may be consistent with the employment land use designation in the comprehensive plan however there is no industrial zoning or industrial use opportunities in the area.

Land Use Vision:

Land Use Plan map designation is employment.

Employment areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity.

Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.
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: The south portion of this lot is included in the RT 66 overlay. That overlay does not provide use opportunities and is limited to allowing signage that cannot be implemented in the rest of the city.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The subject tract is a parking lot and car repair facility.

Environmental Considerations: None

Streets:

<table>
<thead>
<tr>
<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
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<tbody>
<tr>
<td>South Hudson</td>
<td>Collector</td>
<td>60 feet</td>
<td>2</td>
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Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning</th>
<th>Existing Land Use Designation</th>
<th>Area of Stability or Growth</th>
<th>Existing Use</th>
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<tbody>
<tr>
<td></td>
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</table>
SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11816 dated June 26, 1970 established zoning for the subject property.

Subject Property:

**BOA-19647 August 2003:** The Board of Adjustment approved a special exception for Use Unit 20 (Commercial Recreation: Intensive) for conducting Motorcycle Safety Foundation approved rider safety courses subject to conditions, located on subject property.

**BOA-15586 November 1990:** The Board of Adjustment approved a special exception to permit off-street parking in an RM-2 zoned district, per plan submitted, located on subject property.

Surrounding Property:

**BOA-20815 January 2008:** The Board of Adjustment approved a special exception to permit fixture assembly and manufacturing (Use Unit 25) in a CH District; a special exception to permit required parking on a lot other than the one containing the principal use, subject to conditions, on property located West of the Northwest corner of East 11th Street and South Hudson Avenue.

**BOA-17761 July 1997:** The Board of Adjustment approved a special exception to permit a lodge in an RM-1 District, per plan submitted, on property located at the Northeast corner of South Joplin Avenue and East 9th Street South.

**BOA-6545 January 1970:** The Board of Adjustment approved an exception to permit extending a nonconforming use (manufacturing of fixtures) in a U-3E district, subject to the plot plan, on property located North of the Northwest corner of East 11th Street South and South Hudson Avenue.

**BOA-5911 May 1968:** The Board of Adjustment approved an exception to permit a service station canopy to extend 12' 6" over into the major street setback requirements in a U-3E district, subject to the execution of a right-of-way removal agreement, on property located at the Southeast corner of East 11th Street South and South Hudson Avenue.
Note: Graphic overlays may not precisely align with physical features on the ground.
Land Use Plan Categories

- Downtown
- Downtown Neighborhood
- Main Street
- Mixed-Use Corridor
- Regional Center
- Neighborhood Center
- Employment
- New Neighborhood
- Existing Neighborhood
- Park and Open Space
- Arkansas River Corridor

SUBJECT TRACT
LAND USE PLAN
EMPLOYMENT

Z-7492
19-13 03
### Case Number: Z-7493

**Hearing Date:** 8/7/2019

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### Case Report Prepared by:

Dwayne Wilkerson

### Owner and Applicant Information:

- **Applicant:** Richard Barnard
- **Property Owner:** JJG PROPERTIES LLC

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### Applicant Proposal:

**Present Use:** Vacant

**Proposed Use:** Auto Sales and Service

**Concept summary:** Applicant is proposing rezoning to allow an auto sales and service facility.

**Tract Size:** 1.93 ± acres

**Location:** South of the Southwest corner of East 4th Place South and South Memorial Drive

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### Zoning:

- **Existing Zoning:** OL
- **Proposed Zoning:** CG

### Comprehensive Plan:

- **Land Use Map:** Mixed-Use Corridor
- **Stability and Growth Map:** Area of Growth

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### Staff Recommendation:

**Staff recommends denial.**

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### Staff Data:

- **TRS:** 9302
- **CZM:** 38

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### City Council District:

**3**

- **Councilor Name:** Crista Patrick

### County Commission District:

**2**

- **Commissioner Name:** Karen Keith
SECTION I: Z-7493

DEVELOPMENT CONCEPT:

The applicant is requesting rezoning to allow an auto sales and maintenance facility.

EXHIBITS:

- INCOG Case map
- INCOG Aerial (small scale)
- INCOG Aerial (large scale)
- Tulsa Comprehensive Plan Land Use Map
- Tulsa Comprehensive Plan Areas of Stability and Growth Map
- Applicant Exhibits:
  - Concept Plan

DETAILED STAFF RECOMMENDATION:

Z-7493 is requesting rezoning from OL to CG. CG zoning may be consistent with the Mixed-Use Corridor land use designation in some parts of the city however,

This site is surrounded by office and residential uses with a small area of CS adjacent to the northeast corner of the site and,

Uses allowed in a CG zoning district are not consistent with the expected future development along Memorial Drive in this area and,

CG zoning allows uses that are injurious to the existing residential and office properties surrounding the site therefore,

Staff recommends denial of Z-7493 to rezone property from OL to CG.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary:* A mixed use corridor land use vision could include some CG zoned districts however in this instance CG zoning has not been permitted and the abutting property owners are education, religious assembly and residential with one exception where CS zoning is in place near the north east corner of the site.

**Land Use Vision:**

*Land Use Plan map designation:* Mixed-Use Corridor

A Mixed-Use Corridor is a plan category used in areas surrounding Tulsa’s modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. The streets usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind. Off the main travel route, land uses
include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods.

**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.

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**Transportation Vision:**

**Major Street and Highway Plan:**

The most widespread commercial street type is the strip commercial arterial. These arterials typically serve commercial areas that contain many small retail strip centers with buildings set back from front parking lots. Because of this, strip commercial arterials have many intersections and driveways that provide access to adjacent businesses. Historically, this type of street is highly auto-oriented and tends to discourage walking and bicycling. On-street parking is infrequent.

Commuter streets are designed with multiple lanes divided by a landscaped median or a continuous two-way left turn lane in the center. Commuter streets are designed to balance traffic mobility with access to nearby businesses. However, because there are so many intersections and access points on commuter streets, they often become congested. Improvements to these streets should come in the form of access management, traffic signal timing and creative intersection lane capacity improvements.

**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 site is flat with little vegetation

**Environmental Considerations:** None
Streets:

<table>
<thead>
<tr>
<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
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<tr>
<td>South Memorial Drive</td>
<td>Primary Arterial with Commuter Corridor</td>
<td>120 feet</td>
<td>5</td>
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Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

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<tr>
<th>Location</th>
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<th>Existing Land Use Designation</th>
<th>Area of Stability or Growth</th>
<th>Existing Use</th>
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</thead>
<tbody>
<tr>
<td>North</td>
<td>RM-2 / CS</td>
<td></td>
<td>Growth</td>
<td>Multi family / Tavern</td>
</tr>
<tr>
<td>East</td>
<td>OL</td>
<td></td>
<td>Growth</td>
<td>Daycare / education</td>
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<tr>
<td>South</td>
<td>OL</td>
<td></td>
<td>Growth</td>
<td>Religious Assembly</td>
</tr>
<tr>
<td>West</td>
<td>RS-3</td>
<td></td>
<td>Stability</td>
<td>Single family residential</td>
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</table>

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11816 dated June 26, 1970 established zoning for the subject property.

Subject Property:

No relevant history.

Surrounding Property:

PUD-820 / Z-7282 October 2014: All concurred in approval of a request for rezoning a tract of land from OL, CS, CH to CH; All concurred in approval of a proposed Planned Unit Development on a 25.8+ acre tract of land for a beverage warehouse and distribution center, subject to conditions, on property located East of the Northeast corner of South Memorial Drive and East 4th Place South.

BOA-20993 October 2009: The Board of Adjustment approved a special exception to permit a single family dwelling in the OL district (in the existing structure); a variance of the requirement that parking spaces shall be positioned so that each parking space can be entered without passing through another parking space, on property located at the Southeast corner of East 4th Place South and South Memorial Drive.

BOA-20624 January 2008: The Board of Adjustment approved a special exception to permit church use in the OL district, on property located at the Northeast corner of East 7th Street South and South Memorial Drive.

BOA-18643 February 2000: The Board of Adjustment approved a special exception to permit elderly housing in OL and CS zoned districts, per plan submitted, on property located at Northwest corner of East 7th Street South and South Memorial Drive.

REVISED 7/31/2019
**BOA-18274 January 1999:** The Board of Adjustment approved a special exception to permit elderly housing in OL and CS zoned districts, per plan submitted, on property located at the Northwest corner of East 7th Street South and South Memorial Drive.

**BOA-17888 November 1997:** The Board of Adjustment approved a special exception to allow church and accessory uses in an OL zoned district, on property located at the Northwest corner of East 7th Street South and South Memorial Drive.

**BOA-13673 July 1985:** The Board of Adjustment approved a special exception to allow a 975 sq. ft. accessory building for a nonconforming use (Residence) in an OL zoned district, on property located at the Southeast corner of East 4th Place South and South Memorial Drive.

**BOA-11596 September 1981:** The Board of Adjustment approved an exception to permit a day care center in an OL District with the height of the top sign to be no more than 5 feet above ground level, per plan submitted, on property located South of the Southeast corner of East 4th Place South and South Memorial Drive.

**BOA-11327 January 1981:** The Board of Adjustment approved an exception to permit apartments in OL and CS districts; a variance of the number of dwelling units on one lot, on property located at the Northwest corner of East 7th Street South and South Memorial Drive.
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

Z-7493

19-13 02
Land Use Plan Categories

- Downtown
- Downtown Neighborhood
- Main Street
- Mixed-Use Corridor
- Regional Center
- Neighborhood Center
- Employment
- New Neighborhood
- Existing Neighborhood
- Park and Open Space
- Arkansas River Corridor

SUBJECT TRACT LAND USE PLAN MIXED-USE CORRIDOR

Z-7493
19-13 02
Growth and Stability

- **Area of Growth**
- **Area of Stability**

**SUBJECT TRACT**

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**Z-7493**

19-13 02
Good morning Mark,

Staff supports your request for a continuance to the August 21st meeting.

Dwayne Wilkerson, ASLA, RLA  
Principal Planner | Current Planning  
Tulsa Planning Office  
2 W. 2nd St., 8th Floor | Tulsa, OK 74103  
918.579.9475  
dwilkerson@incog.org

Dwayne,

We request a continuance of the subject applications to the August 21, 2019 TMAPC meeting.

Regards,
Mark

Mark B. Capron, LLA  
Land Development Planner

(please note our new address)

Wallace Engineering Structural Consultants, Inc.  
Structural and Civil Consultants  
123 North Martin Luther King Jr. Boulevard  
Tulsa, Oklahoma 74103  
918.584.5858 O | 918.806.7314 D  
Tulsa | Kansas City | Oklahoma City | Denver | Atlanta
Good morning Mark,

Staff supports your request for a continuance to the August 21st meeting.

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