

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
**Minutes of Meeting No. 2823**

Wednesday, August 5, 2020, 1:00 p.m.

City Council Chamber

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

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Covey-P		Foster-P	Jordan, COT-P
Craddock-P		Hoyt-R	Silman, COT
Doctor-R		Miller-P	Skates, COT
Kimbrel-R		Sawyer-P	VanValkenburgh, Legal-R
McArtor-R		Wilkerson-P	
Reeds-P			
Ritchey-R			
Shivel-R			
Van Cleave-R			
Walker-R			

R=Remote    P=in Person

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, July 30, 2020 at 4:10 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

TMAPC held this meeting in person and by videoconferencing and teleconferencing via **GoToMeeting**, an online meeting and web conferencing tool.

Commissioners and members of the public were allowed to attend and participate in the TMAPC meeting in person or via videoconferencing and teleconferencing by joining from a computer, tablet or smartphone.

After declaring a quorum present, Chair Covey called the meeting to order at 1:00 p.m.

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

## REPORTS:

### Chairman's Report:

Mr. Covey announced Commissioner Ray had passed away and spoke of his long history in public service. Mr. Covey stated Mr. Ray would be missed and on behalf of the other Commissioner's expressed condolences to the Ray family.

Mr. Craddock stated Mr. Ray had a larger-than-life personality. He was a longtime City Manager of Jenks, Skiatook and Owasso and helped create what Owasso is now. Mr. Craddock stated he considered Mr. Ray a friend. He stated Mr. Ray served in Vietnam and was awarded two purple hearts and was recognized with multiple other metals for his bravery during that war. Mr. Craddock stated Mr. Ray ran the campaign for County Commissioner Stan Sallee. He stated Mr. Ray will be missed personally and by the planning community.

Mr. McArtor stated he knew Mr. Ray for over 20 years and he was a wonderful public servant who committed himself to local government. He stated Mr. Ray was the comeback kid and had setbacks along the way but he never stopped. Mr. McArtor stated it was tough to see Mr. Ray become ill, but he kept coming to meetings and he kept contributing and he will be missed.

### Director's Report:

Ms. Miller stated the Open Meetings Act amendment that allows these meetings remotely with Commissioners was extended yet again for 30 days. The new date extends the amendment to August 29th and will allow the TMAPC meeting and Work Session on the 19th to be conducted remotely. Ms. Miller reported on City Council and Board of County Commissioner actions and other special projects.

\* \* \* \* \*

### Minutes:

#### 1. **Approval of the minutes of July 15, 2020 Meeting No. 2822**

On **MOTION** of **COVEY**, the TMAPC voted 10-0-0 (Covey, Craddock, Doctor, Kimbrel, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the minutes of the meeting of July 15, 2020, Meeting No. 2822.

## 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-828-1 Tanner Consulting, LLC** (CD 8) Location: South of southwest corner of East 121st Street South and South Sheridan Road requesting a **PUD Minor Amendment** to allow Reserve Areas A,B and C open space to be equally distributed as livability space to all lots

**STAFF RECOMMENDATION:**

**SECTION I:** PUD-828-1 Minor Amendment

**Amendment Request:**

Amend the development standards to allow the Reserve Area A, B and C open space to be equally distributed to all of the residential lots within Enclave at Addison Creek as livability space.

Currently, the PUD standards require each lot to contain a total of 4,000 sf of livability space on the lot itself. The applicant is proposing to distribute the 38,603 sf total of the Reserve Areas A, B and C equally to each lot, resulting in a credit of 428 sf of livability space for the individual lots. They are also proposing that the Minimum Livability Space be revised from 4,000 sf to 3,572 sf.

With the 428 sf credit from the reserve areas and the 3,572 sf required on the lots themselves, the total would equal 4,000 sf for each lot.

*Staff Comment: This request is considered a Minor Amendment as outlined by Section 30.010.1.2.c(9) of the City of Tulsa Zoning Code.*

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

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in PUD-828.
- 2) All remaining development standards defined in PUD-828 amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to allow the Reserve Area A, B and C open space to be equally distributed to all of the residential lots within Enclave at Addison Creek as livability space.

**Legal Description for PUD-828-1:**

South of the SW/c of E 121<sup>st</sup> St S & S Sheridan Rd

**TMAPC Action; 10 members present:**

On **MOTION** of **COVEY**, TMAPC voted **10-0-0** (Covey, Craddock, Doctor, Kimbrel, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; none “absent”) to **APPROVE** Item 2 per staff recommendation.

Item 3 was removed from the Consent Agenda and placed on Public Hearing.

**PUBLIC HEARINGS**

Mr. Covey stated there is a request to continue items 3 and 4 to August 19, 2020.

3. **PUD-677-A-6 TJ Remy** (CD 8) Location: Northeast corner of South 119th Place and South Lakewood Avenue requesting a **PUD Minor Amendment** to modify rear and front setback requirements

**Staff Recommendation:**

**SECTION I:** PUD-677-A-6 Minor Amendment

Amendment Request: Revised the PUD Development Standards to reduce the setback requirements for the side and rear yards.

Currently the setback for Side street entry garages is 20 ft. The revised setback would be 5 ft. The current side yard setbacks are 5 ft for one side, 10 ft for the other side. The revised side yard setbacks would be 5 ft for one side and 0.5 for the other side with all portions of the building and structure located within this setback. Additionally the current rear yard setback is 25 ft and the revised would be 17.5 ft.

The request is due to the shape of the lot and the placement of the proposed home and pool as illustrated in the site plan provided by the applicant

Staff Comment: *This request is considered a Minor Amendment as outlined by Section 30.010.1.2.c(9) of the City of Tulsa Zoning Code.*

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

Staff has reviewed the request and determined:

- 1) PUD-677-A-6 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-677-A.
- 2) All remaining development standards defined in PUD-677-A and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to revise the rear and side yard setbacks as indicated.

Mr. Shivel was having technical issues and wasn't available to vote on item 3.

**Interested Parties:**

**Donna Bullock** 11912 South Norwood Avenue #215, Tulsa, OK 74137

Mr. Covey asked Ms. Bullock if she supported a continuance.

Ms. Bullock stated she had originally asked for a continuance and if Planning Commission was acting upon her original request, she no longer needed a continuance. She stated she had asked for the continuance to allow the neighbors time to get their documentation in order but they were ready now.

**Applicant Comments:**

The applicant stated he was not aware that the item was going to be continued today.

Mr. Covey stated Ms. Bullock requested the continuance but has now stated she doesn't need that continuance.

The applicant stated he was not notified and expected the item to be on the Consent Agenda.

Mr. Covey asked Ms. Bullock now that the continuance is withdrawn and the application is going to move forward if she wanted to speak after the applicant's presentation.

Ms. Bullock stated "yes".

The applicant stated his client wants to build a single family home of the subject location. He stated he had submitted a minor amendment and had sent a copy to the Homeowners Association. The Homeowners Association sent a letter back stating they were okay with the setbacks and that letter was submitted to INCOG. The applicant stated the Homeowner Association president Mr. Pentecost after consulting with additional homeowners in the area expressed that he was not in agreement with the initial site plan that showed the setbacks from the north and

the south property lines. The applicant stated his client has revised his plans and he has given a copy of that site plan to staff. The applicant states the new site plan meets the requirements of the covenants for 5 foot setback on the north and a 10 foot setback on the south. He stated his client would be asking for is a 17 1/2 foot setback which is what the easement is on the east side of the property.

Ms. Bullock stated she is a partner with Crestwood at the River and they own the lot immediately to the south of the subject lot 11911 South Lakewood Avenue. She stated she feels the changes that have been requested are problematic. Ms. Bullock stated she would like to look at the revised site plan that shows to the setbacks before a vote happens. She stated there are still two variances to which he didn't speak that are still problematic.

Mr. Covey asked if Ms. Bullock was now asking for a continuance.

Ms. Bullock stated "yes" but there is new data. Ms. Bullock stated the two revised setbacks on the side yards would be acceptable but the remaining two setbacks are not acceptable. She stated those two are inconsistent with this neighborhood and the narrative which supports those two setbacks are not consistent with the revised site plan, specifically the side entry garage. Ms. Bullock stated in the covenant and in the Zoning Code that requirement is 20 feet and the request is to set it at 5 feet. She stated that 5 feet is not noted on the revised site plan and that would essentially put the corner of the garage 5 feet from reserve A which is the private street in the subdivision. Ms. Bullock stated all other garages side entry are at 20 feet for greater. She stated the rear yard has a setback to 25 feet, the applicant is asking for 17 1/2 foot setback. She stated her lot to the south if required to have a 25-foot rear building line would be forced to look into a bedroom rather than an open space, which is not consistent with the rest of the neighborhood. Ms. Bullock stated she objects to both of those variance requests and she has also brought a letter from Mike Harrison who is the owner of the property to the north, the other property owner who is immediately affected by this request, and he has outlined his objections in a letter given to Commissioners. Ms. Bullock stated the other item that is not in the narrative is the 7000 square foot livability requirement. She stated the site plan looks like, without dimensions, a very large footprint on a pie-shaped lot and the livability requirement cannot be calculate from what's been presented.

Mr. Reeds asked how wide and deep Ms. Bullocks lot was.

Ms. Bullock stated approximately 100 feet wide and 120 feet deep. She stated the lots are approximately 1/3 of an acre.

Mr. Reeds stated he doesn't see a problem with the lot.

Ms. Bullock stated in this case the 5 foot setback would put the garage essentially at the curve and be inside a 10 foot utility easement. The graphic provided does not indicate what the applicant is asking for.

Mr. Craddock asked if the utilities were on the graphic provided by the applicant.

Ms. Bullock stated “yes”, but what’s not on that graphic is the 5 foot request.

Mr. Reeds stated he sees the 10 foot utility along the cul-de-sac. He stated there is a 17.75 utility easement in the backyard. Mr. Reeds stated he doesn’t see any between the homes if that is what Ms. Bullock is alluding to.

Ms. Bullock stated the narrative from staff does not represent the narrative nor the request from the applicant.

The applicant stated he did not prepare the narrative so he can’t answer. The site plan clearly shows the house and the garage are behind the setback line. He stated the site plan shows a 5-foot and 10-foot setback. The applicant stated with regards to the 17 1/2 foot utility easement on the east side, the interesting thing is there is a 30 foot drive east of the property so the next property to the east that can be built would be 47 1/2 feet away. The applicant stated he feels like as long as they are outside a 17 1/2 foot utility, they would not be causing any kind of difficulty.

Staff stated the garage setback is from the southern property line but from the front and would be well out of the building line and utility easement along the front of the property.

**TMAPC Comments:**

Mr. Reeds asked staff if the narrative matches the current site plan submittal.

Staff stated that is what the staff report was based on but the words may be slightly confusing but the 5-foot setback the applicant requested for the side entry garage is shown from the southern property line there.

Mr. Covey stated after some discussion, the applicant and staff have decided that this item needs to be continued to August 19th, 2020.

**TMAPC Action; 9 members present:**

On **MOTION** of **COVEY**, TMAPC voted **9-0-0** (Covey, Craddock, Doctor, Kimbrel, McArtor, Reeds, Ritchey, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Shivel, “absent”) to **CONTINUE** Item 3 to August 19, 2020.

4. **The Crossing at Battle Creek VI-VIII** (CD 6) Preliminary Plat, Location: North and east of East 41<sup>st</sup> Street South and South 145<sup>th</sup> East Avenue (**Staff requests a continuance to August 19, 2020**)

**TMAPC Action; 10 members present:**

On **MOTION** of **COVEY**, TMAPC voted **10-0-0** (Covey, Craddock, Doctor, Kimbrel, McArtor, Reeds, Ritchey, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; none “absent”) to **CONTINUE** Item 4 to August 19, 2020.

\* \* \* \* \*

Items 5 and 6 are presented together.

5. **CZ-503 Ryan McCarty** (County) Location: North of the northwest corner of East 181<sup>st</sup> Street South and South Yale Avenue requesting rezoning from **AG** to **RE (Related to PUD-857 & Magnolia Heights Preliminary Plat)** (Continued from July 15, 2020)

**STAFF RECOMMENDATION:**

**SECTION I: CZ-503**

**DEVELOPMENT CONCEPT:** The applicant is requesting to rezone from AG to RE to permit a single-family subdivision. A PUD (PUD-857) is being concurrently proposed with this rezoning to establish the allowable use and the bulk and area requirements. The lots are intended to be half acre minimum in size. Sewer is proposed to be provided through aerobic systems. The proposal lies within the Rural Residential designation of the City of Bixby Comprehensive Plan, which has been adopted as part of the Tulsa County Comprehensive Plan. This proposal, along with the accompanying PUD are compatible with this designation.

**DETAILED STAFF RECOMMENDATION:**

CZ-503 is non-injurious to surrounding proximate properties;

CZ-503 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends **Approval** of CZ-503 to rezone property from AG to RE

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: The site is located within the City of Bixby Comprehensive Plan Area, adopted January 14, 2019, and within the Tulsa County Comprehensive Plan, adopted June 19, 2019. It is designated as “Rural*



*Residential.” See the description of this designation below as well as the attached Comprehensive Plan Map.*

*The **Rural Residential designation** denotes areas that have large-lot detached residential development in natural / rural portions of the City. Development in this designation should retain the rural character of the area and will be relatively low in density. However, these areas should offer sufficient access to schools, parks, trails, and open spaces to maintain the quality of life in the rural setting, and may allow limited commercial uses that support the surrounding rural area.*

Land Use Vision:

*Land Use Plan map designation: Rural Residential*

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

Transportation Vision:

*Major Street and Highway Plan: S Yale Avenue is designated as a Secondary Arterial*

*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 currently vacant agricultural land.*

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
S Yale Avenue	Secondary Arterial	100 Feet	2

Utilities:

The subject tract has municipal water available sewer will by an ODEQ approved system.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG	Rural Residential	N/A	Vacant
South	AG	Rural Residential	N/A	Single Family
East	AG	Rural Residential	N/A	Single Family/Vacant
West	AG	Rural Residential	N/A	Single Family

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Resolution number 98254 dated September 15, 1980 established zoning for the subject property.

***Subject Property:***

No Relevant History.

***Surrounding Property:***

**CBOA-2811 May 2020:** The Board of Adjustment **approved** a *Special Exception* for Use Unit 2, Area-Wide Special Exception Uses, for a wedding and events venue, a *Variance* from the all-weather parking surface requirement, a *Variance* of the minimum frontage requirement on a public street/dedicated right-of-way from 30 feet to 0 feet in the AG District, subject to conceptual plan 7.7 of the agenda packet. The hours of operation for events are to be closed by 11:00 P.M, the drive and gravel parking area are to be maintained in a dust free manner, and if the overflow area is consistently utilized it will be appropriately built, on property located at 3921 East 181<sup>st</sup> Street South. The Board finds the hardship to be the existing nature of the structure and the large tract of land, and the intermittent nature of the use for events, and substantially adjacent to the publicly dedicated road. The subject tract is under common ownership with the tract that does abut the publicly dedicated street and the ownership of those two tracts will not be severed and are to remain as one tract.

**TMAPC Action; 10 members present:**

On **MOTION** of **REEDS**, TMAPC voted **10-0-0** (Covey, Craddock, Doctor, Kimbrel, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; none “absent”) to recommend **APPROVAL** of CZ-503 per staff recommendation.

**Legal Description for CZ-503:**

A TRACT OF LAND THAT IS THE EAST HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (E/2 N/2 SW/4 SE/4) AND THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (N/2 SE/4 SE/4) AND THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (S/2 NE/4 SE/4) OF SECTION THIRTY-THREE (33), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SE/4 OF SAID SECTION 33;

THENCE NORTH 01°02'25" WEST ALONG THE EAST LINE THEREOF 658.98 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 88°45'38" WEST 1982.33 FEET;

THENCE NORTH 01°03'34" WEST 659.39 FEET;

THENCE NORTH 88°46'21" EAST 660.85 FEET;

THENCE NORTH 01°03'11" WEST 659.25 FEET;

THENCE NORTH 88°47'03" EAST 1321.84 FEET TO THE EAST LINE OF THE SE/4 OF SECTION 33;

THENCE SOUTH 01°02'25" EAST ALONG SAID EAST LINE 1317.95 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 2,177,967.19 SQUARE FEET OR 50.00 ACRES.

BEARINGS ARE BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, OK NORTH ZONE 3501, NAD83, USING THE EAST LINE OF THE SE/4 OF SECTION 33, T17N, R13E AS NORTH 01°02'25" WEST.

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6. **PUD-857 Ryan McCarty** (County) Location: North of the northwest corner of East 181st Street South and South Yale Avenue requesting a new Planned Unit Development (**Related to CZ-503 & Magnolia Heights Preliminary Plat**) (Continued from July 15, 2020)

**STAFF RECOMMENDATION:**

**SECTION I: PUD-857**

**DEVELOPMENT CONCEPT:** The applicant is requesting to rezone from AG to RE with a PUD overlay to permit a single-family subdivision. A rezoning is being concurrently proposed with this PUD (CZ-503). The proposed PUD will establish the allowable use as well as bulk and area requirements. Lots will need to be large enough to provide sewer systems on each lot and meet Oklahoma Department of Environmental Quality regulations.

**DETAILED STAFF RECOMMENDATION:**

Uses allowed in PUD-857 are consistent with the Rural Residential land use designation identified in the Tulsa County Comprehensive Land Use plan.

PUD-857 allows lots sizes and uses that are consistent with the anticipated future development pattern of the surrounding property;

PUD-857 is consistent with the provisions of the PUD chapter of the Tulsa County Zoning Code, therefore;

Staff recommends **Approval** of PUD-857 to rezone property from AG to RE, PUD-857.

**DEVELOPMENT STANDARDS:**

Permitted uses: All uses allowed by right in the RE zoning district specifically Use Unit 6 – Single Family Dwelling and customary facilities and amenities.

Maximum dwelling units (residential lots) allowed: .....65

Minimum lot width (at building setback line): ..... 110 feet \*

\* Lots with cul-de-sac frontage may have a minimum width of 30 feet at the right-of-way line but shall meet the minimum requirements for lot area as specified in this PUD.

Minimum lot area: ..... 22,500 square feet

Minimum land area per dwelling unit: ..... 26,250 square feet

Maximum structure height: ..... 35 feet

Off-Street Parking: ..... Two (2) enclosed off-street parking spaces per dwelling unit

Front yard: ..... 35 feet

Rear yard: ..... 25 feet

Side yard: ..... 15 feet

No residence shall be built nearer than fifteen (15) feet to any side lot on one side, and fifteen (15) feet on the other side, thus requiring a combined total of at least thirty (30) feet between the residences.

All other yards abutting an arterial street: 85 feet from the centerline of South Yale Avenue

Minimum Dwelling Size: ..... 2,500 square feet of finished heated living area

**Signage**

Two entry identification signs shall be permitted with a maximum of 64 square feet of display signage surface. Additional signage for amenities will be allowed with a maximum of 16 square feet.

**Access and Circulation**

The subject tract shall be accessed from South Yale Avenue along the east side of the property. Interior vehicular access shall be derived from two entrances with public streets (24 feet in width) throughout. Cul-de-sacs shall have a pavement diameter of 96 feet. ~~The paving materials of the public streets shall be of a quality and thickness as set forth by Tulsa County Engineering Design Standards and as described below:~~

- ~~—— 8-inches treated subgrade~~
- ~~—— 6-inches aggregate base~~
- ~~—— 3-inches Type B asphaltic concrete~~

~~A single stub street~~ **Two stub streets** shall be provided along the north **and west** property line for future residential street connections to this property.

**SECTION II: Supporting Documentation**

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The site is located within the City of Bixby Comprehensive Plan Area, adopted January 14, 2019, and within the Tulsa County Comprehensive Plan, adopted June 19, 2019. It is designated as "Rural Residential." See the description of this designation below as well as the attached Comprehensive Plan Map.*

*The **Rural Residential designation** denotes areas that have large-lot detached residential development in natural / rural portions of the City. Development in this designation should retain the rural character of the area and will be relatively low in density. However, these areas should offer sufficient access to schools, parks,*

trails, and open spaces to maintain the quality of life in the rural setting, and may allow limited commercial uses that support the surrounding rural area.

Land Use Vision:

*Land Use Plan map designation:* Rural Residential

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

Transportation Vision:

*Major Street and Highway Plan:* S Yale Avenue is designated as a Secondary Arterial

*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 currently vacant agricultural land.*

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
S Yale Avenue	Secondary Arterial	100 Feet	2

Utilities:

The subject tract has municipal water available sewer will by an ODEQ approved system.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	AG	Rural Residential	N/A	Vacant

South	AG	Rural Residential	N/A	Single Family
East	AG	Rural Residential	N/A	Single Family/Vacant
West	AG	Rural Residential	N/A	Single Family

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Resolution number 98254 dated September 15, 1980 established zoning for the subject property.

***Subject Property:***

No Relevant History.

***Surrounding Property:***

**CBOA-2811 May 2020:** The Board of Adjustment **approved** a *Special Exception* for Use Unit 2, Area-Wide Special Exception Uses, for a wedding and events venue, a *Variance* from the all-weather parking surface requirement, a *Variance* of the minimum frontage requirement on a public street/dedicated right-of-way from 30 feet to 0 feet in the AG District, subject to conceptual plan 7.7 of the agenda packet. The hours of operation for events are to be closed by 11:00 P.M, the drive and gravel parking area are to be maintained in a dust free manner, and if the overflow area is consistently utilized it will be appropriately built, on property located at 3921 East 181<sup>st</sup> Street south. The Board finds the hardship to be the existing nature of the structure and the large tract of land, and the intermittent nature of the use for events, and substantially adjacent to the publicly dedicated road. The subject tract is under common ownership with the tract that does abut the publicly dedicated street and the ownership of those two tracts will not be severed and are to remain as one tract.

**Interested Parties:**

**Tim Thompson** 4840 East 181st Street South, Bixby, OK 74008

Mr. Thompson stated he owns the property on the south side of the proposed development. He stated he is concerned with the number of houses that are changing from AG to residential because of the drainage issues that already exist. Mr. Thompson stated another big issue is the roads they are not going to be able to handle the additional traffic. He stated he would also like to know if the City will be acquiring this area into the city limits.

Mr. Craddock stated there are multiple houses to the south of the proposed development and asked Mr. Thompson if he was one of those houses.

Mr. Thompson stated “yes”, he is directly behind the lake that’s going to be placed in the southwest corner of the property, he stated it will be in his backyard.

Mr. Craddock stated there are already multiple houses in a residential development in that area.

Mr. Thompson stated they have 3 acre lots which are agricultural residential. He stated that many 1/2 acre lots in this area will be too much traffic for the roads.

Mr. Craddock stated he believes what Mr. Thompson is calling a lake is a detention pond to help with the drainage.

The applicant stated they are asking for RE zoning which allows for 1/2 acre lots. He stated the road will be an arterial street and the size is the typical design. The applicant stated there are no plans to annex this property into the city limits in the future. He stated he has hired a civil engineer and he has prepared a drainage report that is currently under review with Tulsa County. The applicant stated he looked at points along the development to make sure this development would not increase water discharge.

Mr. Craddock stated he is looking at Exhibit A the conceptual site plan and asked if the water was discharging into the creek to the east.

The applicant stated the Corp of Engineers is trying to determine if that is a stream channel that is allowing the existing flow off of the hay meadow and passes directly through as it always has before this development. The applicant stated there are no plans to reshape or grade that area. He stated it is not a creek it's basically a swell that comes through that property. The applicant stated the detention facility is off channel to that stream and the plan is to discharge the pond into the existing system so everything remains the same for the property owners.

Mr. Thompson asked if the applicant was going to provide any type of boundary between the subject property and existing properties.

The applicant stated there's a lot of vinyl three panel horse fencing along the property and the applicant stated they plan to fill in any gaps to match the character of what is already there.

Mr. Craddock stated Planning Commission has received a letter from the property owner to the north who has split his tract into five acre rectangle tracks and he was asking if the stub road was appropriate.

Staff stated that information is addressed with preliminary plat which is item number 7 on the agenda.

Mr. Covey asked staff if this application falls under the City of Bixby's Comprehensive Plan.



Staff stated "yes".

Mr. Covey asked if the City of Bixby agreed with this request.

Staff stated he has contacted the City of Bixby but has not heard back from them but it is what they have designated in their Comprehensive Plan.

**TMAPC Action; 10 members present:**

On **MOTION** of **REEDS**, TMAPC voted **10-0-0** (Covey, Craddock, Doctor, Kimbrel, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of PUD-857 per staff recommendation.

**Legal Description for PUD-857:**

A TRACT OF LAND THAT IS THE EAST HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (E/2 N/2 SW/4 SE/4) AND THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (N/2 SE/4 SE/4) AND THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (S/2 NE/4 SE/4) OF SECTION THIRTY-THREE (33), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SE/4 OF SAID SECTION 33;  
THENCE NORTH 01°02'25" WEST ALONG THE EAST LINE THEREOF 658.98 FEET TO THE POINT OF BEGINNING;  
THENCE SOUTH 88°45'38" WEST 1982.33 FEET;  
THENCE NORTH 01°03'34" WEST 659.39 FEET;  
THENCE NORTH 88°46'21" EAST 660.85 FEET;  
THENCE NORTH 01°03'11" WEST 659.25 FEET;  
THENCE NORTH 88°47'03" EAST 1321.84 FEET TO THE EAST LINE OF THE SE/4 OF SECTION 33;  
THENCE SOUTH 01°02'25" EAST ALONG SAID EAST LINE 1317.95 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 2,177,967.19 SQUARE FEET OR 50.00 ACRES.

BEARINGS ARE BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, OK NORTH ZONE 3501, NAD83, USING THE EAST LINE OF THE SE/4 OF SECTION 33, T17N, R13E AS NORTH 01°02'25" WEST.

\* \* \* \* \*

7. **Magnolia Heights** (County) Preliminary Plat, Location: North of the northwest corner of East 181st Street South and South Yale Avenue (**Related to CZ-503 & PUD-857**)

**STAFF RECOMMENDATION:**

**Magnolia Heights** - (County)

North of the northwest corner of East 181<sup>st</sup> Street South and South Yale Avenue

This plat consists of 64 lots in 6 blocks on 50 ± acres.

The Technical Advisory Committee (TAC) met on July 16, 2020 and provided the following conditions:

1. **Zoning:** Pending application for rezoning to RE (Residential-Estate) with a Planned Unit Development (PUD-857) must be approved and effective prior to the approval of a final plat.
2. **Addressing:** Addresses and street names must be assigned and affixed to the face of the final plat.
3. **Transportation & Traffic:** New public streets are required to comply with all standards of Tulsa County. Plans must be approved by County Engineer and streets must be installed prior to final plat approval. Stub streets are required to the north and west to accommodate future connections to development.
4. **Sewer:** Oklahoma Department of Environmental Quality approval is required for on-site sewage disposal.
5. **Water:** Water line plans must be approved by Okmulgee County Rural Water District #6 and a release must be provided for final plat approval.
6. **Engineering Graphics:** Submit a subdivision control data sheet with final plat submittal. Update surveyor CA number and renewal date. Update location map to reflect only platted property boundaries. Label all other areas as unplatted. Under basis of bearing information, include coordinate system used. Provide a bearing angle preferably shown on the face of the plat. Graphically show all pins found or set associated with this plat. Ensure accuracy of written legal description.
7. **Stormwater, Drainage, & Floodplain:** Drainage plans must comply with all Tulsa County drainage standards. Review and approval by the County Engineer is required prior to final plat approval.
8. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

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

Development Regulations. Tulsa County release is required prior to final plat approval.

**TMAPC Comments:**

Mr. Craddock asked staff what is normally done when a public street is now going into an area that will not have an adjacent public street, creating a stub street.

Staff stated it is not uncommon to request these types of stub streets within new subdivisions. He stated it's an effort to make sure that unplatted properties that are may be rezoned and developed into some sort of neighborhoods like this one maintain certain levels of connectivity between those neighborhoods. Staff stated he is aware that there was a recent lot split approved on the northern tract that created 4 new tracts out of that property. However, the fact that it remains zoned agriculture and it's still an unplatted overall development scheme the County Engineer as well as The Planning Office maintain the recommendation to include a stub street to that north tract so they we would have that connection and the property owner will not be immediately impacted.

Mr. Craddock asked if there would be a future requirement for that property owner to the north to force him to tie into that road.

Staff stated if the property owner came in with a subdivision plat for that property to divide it into more than just the 4 AG tracts he has developed currently, there would be a requirement to connect.

**Interested Parties:**

**Jacob Shell** 14550 South Florence Place South, Bixby Oklahoma,  
Mr. Shell stated he is the neighbor to the north and would like to know why a stub street is going straight into a back yard that is not going to be developed into a neighborhood. He asked if it could be left as an easement for future development.

Staff stated it was not the preference of the County Engineer to take an easement without the improvement because that becomes a problem in the future with the right of way dedication. He stated the desire is to just connect to any future development if it were to happen on the northern tract. Staff stated the previously approved lot split won't be impacted.

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

**TMAPC Action; 10 members present:**

On **MOTION** of **COVEY**, TMAPC voted **10-0-0** (Covey, Craddock, Doctor, Kimbrel, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the Preliminary Subdivision Plat for Magnolia Heights per staff recommendation.

\* \* \* \* \*

8. **CZ-504 Michael Sommer** (County) Location: Northwest corner of West 51st Street and South 129th West Avenue requesting rezoning from **AG** to **RS**

**STAFF RECOMMENDATION:**

**SECTION I: CZ-504**

**DEVELOPMENT CONCEPT:** The applicant is proposing to rezone from AG to RS to permit a residential single family subdivision. The configuration of the proposed lots will be established as part of the Platting process that will be required for a subdivision. The applicant will need to work with Tulsa County to develop a layout that complies with County requirements. The site is primarily within the Residential designation of the City of Sand Springs Comprehensive Plan. There is a small portion of Commercial designation located at the southeast corner of the subject lot.

**DETAILED STAFF RECOMMENDATION:**

CZ-504 is non-injurious to surrounding proximate properties;

CZ-504 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends **Approval** of CZ-504 to rezone property from AG to RS.

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

Staff Summary:

The subject property is located within the fence line of Sand Springs. The 2030 Sand Springs Land Use Master Plan was adopted June 26, 2017. The City of Sand Springs Planning Department engaged citizens in the Comprehensive Planning process. They initiated a community survey that was available in electronic format via social media and the City's website. The survey was also available in a hard copy that citizens could acquire at several locations. In addition, a web based Interactive Map was launched to obtain citizen participation.

The Land Use Master Plan designates this area as Residential with a small percentage of Commercial on the southeast corner. See the attached Land Use Map.

The Residential category is typically comprised of single-family neighborhoods of varying lot sizes and represents the lowest intensity of all the use categories outside of Agricultural Districts. Dwelling unit densities within the Residential category generally range from 2 to 5 units per acre but density can be as little as 1 or fewer per acre. Areas within the fence line may not develop to densities any greater than 1 or 2 dwelling units per acre because of the expense of bringing sewer to these locations. As a result of the many variables involved, the Residential category was not broken apart into two different categories, such as rural or urban.

The Commercial Land Use District represents areas of retail trade and services. Typically, these areas are located around nodes of arterial street intersections or in some cases, at intersections of collectors and arterials. Commercial Districts can also be found in corridors that have an established commercial use pattern. The Commercial District includes uses that range from small neighborhood convenience shopping areas, single free-standing buildings, big box retailers, restaurants, automotive services centers, and other similar retail uses. Residential Multi-Family uses may be allowed where deemed appropriate as increased density provides support for commercial areas.

Land Use Vision:

*Land Use Plan map designation:* Residential and Commercial

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

Transportation Vision:

*Major Street and Highway Plan:* S 129<sup>th</sup> St S is designated as a Secondary Arterial

*Trail System Master Plan Considerations:* The Go Plan recommends a side path along S 129<sup>th</sup> W Ave for bicycle and pedestrian traffic.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site currently contains a single family residence and agricultural land.

Environmental Considerations: A portion of the western side of the subject parcel is located within the 100 year floodplain. The applicant will need to work with Tulsa County to mitigate the impact of any development if placed within this area.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
S 129 <sup>th</sup> W Ave	Secondary Arterial	100 Feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	AG/RS-1	Rural Residential	N/A	Church/Vacant
South	AG	Rural Residential/Commercial	N/A	Single Family/Agricultural
East	RS-3/CS	Rural Residential/Commercial	N/A	Single Family/Church
West	AG	Rural Residential	N/A	Vacant

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Resolution number 98254 dated September 15, 1980 established zoning for the subject property.

***Subject Property:***

No Relevant History.

***Surrounding Property:***

**CBOA-01058 December 1991:** The Board of Adjustment **approved** a *Special Exception* to locate an oil well and related storage tanks within 300'

of an incorporated area, per plot plan submitted, finding that the oil well is not near a residential neighborhood and the use is compatible with the surrounding area and that there are other oil wells operating near the city of sand springs, on property located at East 56<sup>th</sup> Street South and South 129<sup>th</sup> West Avenue.

**Interested Parties:**

**Matt Hotsen** 14602 West 51st Street, Sand Springs, Oklahoma

Mr. Hotsen asked if the City of Sand Springs is looking to annex this property into the city limits. He stated there are 2 developments on West 51st Street that have been in the works for the past year 2 years. There are many unsold lots and houses in those developments and he is concerned about starting more developments when they can't complete the current ones in this area. Mr. Hotsen stated he has not seen any plans or plats and would like to know what kind of homes will be built and will these be 1 acre lots. He stated on the application he noticed the bottom southeast corner is red and he did not see anything about this area in the application.

Mr. Covey stated the red is just a land use designation.

Mr. Hotsen asked if the southeast corner of that 160 acres would be used as commercial not residential.

Mr. Covey asked staff if the subject property was in the fence line of Sand Springs.

Staff stated "yes" it is Tulsa County property but it's located in the Sand Springs Comprehensive Plan.

Mr. Covey stated but it's not incorporated by the City of Sand Springs.

Staff stated "correct".

Mr. Covey asked if the Land Use designation map in the agenda packet is for Sand Springs.

Staff stated "yes".

Mr. Craddock stated he wanted Mr. Hotsen to understand that the request is to rezone the entire 160 acres to RS, not RS and commercial.

**Applicant Comments:**

The applicant stated they are trying to rezone the 160 acres to residential. He stated he doesn't own the mineral rights to the subject property and he hopes

rezoning will discourage drilling. He stated that is what he has heard. The applicant stated he is hanging on to the land and has no plans to develop it.

**TMAPC Action; 10 members present:**

On **MOTION** of **COVEY**, TMAPC voted **10-0-0** (Covey, Craddock, Doctor, Kimbrel, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; none “absent”) to recommend **APPROVAL** of the RS zoning for CZ-504 per staff recommendation.

**Legal Description for CZ-504:**

SE .4 SEC 28-19-11

\* \* \* \* \*

Mr. Shivel left at 2:20pm.

- 9. **CZ-505 Ashley Hacker** (County) Location: East of the southeast corner of West Wekiwa Road and South River City Park Road requesting rezoning from **RS** to **CG**

**STAFF RECOMMENDATION:**

**SECTION I: CZ-505**

**DEVELOPMENT CONCEPT:** The applicant is proposing to rezone from RS to CG to permit the construction of a new office/warehouse building as illustrated on the plans provided by the applicant. They intend to construct an office/warehouse duplex approximately 4,000 sf in area.

The site is located within the Commercial Land Use designation of the City of Sand Springs Comprehensive Plan. Based on this designation, the proposed office/warehouse would be compatible with the long term land use plans for the immediate area.

**DETAILED STAFF RECOMMENDATION:**

CZ-505 is non-injurious to surrounding proximate properties;

CZ-505 is compatible with the Commercial Land Use designation of the City of Sand Springs Comprehensive Plan;

CZ-505 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends **Approval** of CZ-505 to rezone property from RS to CG.



## **SECTION II: Supporting Documentation**

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

#### **Staff Summary:**

The subject property is located within the fenceline of Sand Springs. The 2030 Sand Springs Land Use Master Plan was adopted June 26, 2017. The City of Sand Springs Planning Department engaged citizens in the Comprehensive Planning process. They initiated a community survey that was available in electronic format via social media and the City's website. The survey was also available in a hard copy that citizens could acquire at several locations. In addition, a web based Interactive Map was launched to obtain citizen participation.

The Land Use Master Plan designates this area as Commercial. See the attached Land Use Map. The Commercial Land Use District represents areas of retail trade and services. Typically, these areas are located around nodes of arterial street intersections or in some cases, at intersections of collectors and arterials. Commercial Districts can also be found in corridors that have an established commercial use pattern. The Commercial District includes uses that range from small neighborhood convenience shopping areas, single free-standing buildings, big box retailers, restaurants, automotive services centers, and other similar retail uses. Residential Multi-Family uses may be allowed where deemed appropriate as increased density provides support for commercial areas.

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

*Land Use Plan map designation:* Commercial

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

#### **Transportation Vision:**

*Major Street and Highway Plan:* Katy Street does not have a designation

*Trail System Master Plan Considerations:* The site is located within 100 ft of the Katy Trail Wekiwa Linkage located along Wekiwa Road. The GO Plan recommends shared Automotive/Bicycle lanes to the east of the subject property, along Katy Street, ending about 110 ft from the subject property.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The site currently contains a single family residence.*

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
Katy Street	None	N/A	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	RS	N/A (Wekiwa Rd/Keystone Expressway)	N/A	Expressway
South	RS	Commercial	N/A	Single Family
East	RS	Commercial	N/A	Single Family
West	RS	Commercial	N/A	Single Family

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Resolution number 98254 dated September 15, 1980 established zoning for the subject property.

***Subject Property:***

No Relevant History.

***Surrounding Property:***

**CZ-488 September 2019:** All concurred in **approval** of a request for *rezoning* a .3± acre tract of land from RS to CS for a law office, on property located on the southeast corner of West Wekiwa Road and West Long street.

**CBOA-02547 September 2015:** The Board of Adjustment **approved** a *Special Exception* to permit a mobile home in an RS District and a *Variance* to allow two dwellings on one RS zoned lot record, subject the trailer house being skirted and tied down, and there be an 8'0" x 10'0" asphalt or concrete pad for parking, on property located 825 West Katy Street South.

**CBOA-02142 November 2004:** The Board of Adjustment **approved** a *Special Exception* to permit a firework stand in an RS District from December 15<sup>th</sup>, 2004 through January 2<sup>nd</sup>, 2005 and June 15<sup>th</sup>, 2005 through July 5<sup>th</sup>, 2005, as requested, on property located 810 West Katy Street South.

**CBOA-01188 September 1993:** The Board of Adjustment **approved** a *Special Exception* to permit a mobile home in an RS zoned district, subject to a building permit and Health Department approval, and subject to the mobile home being skirted and tied down, on property located at 849 Long Street.

**CBOA-01006 January 1991:** The Board of Adjustment **approved** a *Special Exception* to permit a mobile home in an RS zoned district, subject to Health Department approval and Building Permit, finding that the subject property abuts agricultural land to the west and that there are other mobile homes in the area, on property located at 865 Long Street.

**CBOA-00734 April 1984:** The Board of Adjustment **approved** a *Special Exception* to allow for a mobile home and a *Variance* to allow 2 dwelling units on one lot of record, subject to the Building Permit and Health Department approval of the septic system, finding that there are numerous mobile homes in the area, as well as lots with more than one dwelling unit, on property located south of Keystone Expressway, West of Highway 97.

**CBOA-00551 April 1985:** The Board of Adjustment **approved** a *Special Exception* to allow a home occupation for a mechanic shop in a RS zoned district, a *Variance* of the 50' setback from the centerline of Katy to 25' and of the rear yard setback from 20' to 10' to permit construction of an accessory building, and a *Variance* to permit a 1200 sq. ft. accessory building to be located in the side yard, finding that a hardship imposed on the applicant by the narrow shape of the lot and the fact that the lot is also adjacent to the expressway, subject to no placement of a sign on the

property, no outside storage of materials, and the garage closing by 10pm, on property located at 816 Katy Street.

**Applicant Comments:**

The applicant stated he was before TMAPC last summer for a CS rezoning on 839 Wekiwa Street and that was approved. He stated he has a long history in the neighborhood his mother opened the now-former Blossom Child Care Center at 801 Long Street in August of 1982 which was just before his third birthday. The applicant stated his mother helped clean up the neighborhood. She chose this neighborhood because it was a clean neighborhood. He stated his mother opened 5 more daycares that are still in operation today and all 6 carry national accreditation and the highest rating Oklahoma DHS awards, which is three stars. The applicant stated the subject property's front door sits 250 feet from Highway 412 centerline which carries 50,000 cars a day. He stated to the west is heavy industrial. The applicant stated the Case Community Park is 500 feet away. He stated to the south is IH zoning with the new Police/Fire Court and to the east sits Walmart and a shopping center which has a good mix of businesses. The applicant stated on the north side of Highway 412 there is spot commercialization in areas included in the City of Sand Springs Comprehensive Plan to become commercial zoned but still sit outside of the corporate limits of Sand Springs. He stated the City just welcomed a new Chick-Fil-A at Shelfield Crossing and they are trying to attract a big box home improvement store to Shelfield Crossing. The County will be widening Broad Street that already carries 2100 cars a day so that emergency vehicles can go north on Broad Street to bypass traffic lights on Highway 97. The applicant stated he owns 9 properties in the area which is just under 20 percent of the total lots in the area. He stated the area is changing and residential is no longer viable and this request today is a continuation of what he started last summer and will only end when all his properties are rezoned. The applicant stated he is currently negotiating the purchase of the already commercially zoned property at 202 Broad Street. He stated people will tell Planning Commission today that his actions are retaliatory and deceiving but those are not the facts. The applicant stated he did not build the highway or Walmart and he didn't cause the area to decline. He stated when crime happens, he reports it. The applicant stated when the County had clean up days his family was there to help. He stated he has been blamed for trying to lower the home values in the area but if that were the case, he would be hurting himself. The applicant sees this as a rising tide that lifts all ships and neighbors will be able to command a higher price with these upgrades to the neighborhood. The applicant stated he is not asking for the rezoning to put a medical marijuana grow facility in, CG zoning does not grant me that use-by right. He stated today is simply a plan for following the Comprehensive Plan and its designated land use for this area. The applicant stated all of the south side of Highway 412 has been commercialized except this area behind Walmart, the last neighborhood to the east of Walmart was bought out with Vision 2025 money and eminent domain by the City of Sand Springs. He stated this is the last area on the south side of the highway to go commercial.

**Interested Parties:**

**Barbara Shockley** 202 Broad Street, Sand Springs, OK 74063

Ms. Shockley stated she has lived in the neighborhood for 54 years. She stated she asked neighbors to sign a petition against his development for a medical marijuana facility that went before the Sand Springs City Council and was denied. Ms. Shockley stated that is why she believes this application is a retaliation against her and the neighbors. She stated some of the residents have lived in the neighborhood longer than she has and this would be detrimental to the neighborhood. Ms. Shockley stated the infrastructure is not equipped to handle this type of development.

Mr. Craddock stated he appreciates the neighbors coming to speak and asked Ms. Shockley if she knew the Comprehensive Plan calls for commercial in this area?

Ms. Shockley stated “yes”, it calls for commercial but she thinks the applicant’s idea of commercial is different than what the Comprehensive Plan means by commercial. Ms. Shockley stated she thinks it means shops or apartments.

**Brian Jackson** 700 Jamaica Drive, Sand Springs, OK 74063

Mr. Jackson stated he is a friend of the applicant and can personally attest to the family’s great care and stewardship to the properties that they own. He stated specifically in this area, and he has seen the care put into rehabilitating a lot of these structures that are around the area and close to the beautiful park along the frontage road. Mr. Jackson stated he had the opportunity to serve on the City Council in Sand Springs for the last 11 years. Mr. Jackson stated Sand Springs has a commercial plan for the area and the applicant’s proposal fits with future planning within the community.

**Cliff Hewitt** 803 Katy Street, Sand Springs, OK 74063

Mr. Hewitt stated he is the pastor the church in Sand Springs that is adjacent to the applicant’s property. He stated this is the first time neighbors have heard that the applicant wants to have offices and warehouses. Mr. Hewitt stated immediately after the Sand Springs City Council denied the marijuana growth facility this application was posted so the neighbors thought this was retaliation for that denial. Mr. Hewitt stated he believes churches need to be respected and that is not something that is done in today’s world. He stated if this is a marijuana facility he is against the application because he tries to teach the golden rules of Christianity not that you can get medical marijuana prescription.

**Cathy Krause** PO BOX 724, Sand Springs, OK 74063

Ms. Krause stated she lives on the west side of the subject property. She stated her mother lives on the on the east side. Ms. Krause stated if the subject property is going to be commercial property the road would need to be improved because

currently you can barely get one car down the road to pull into this property and commercial vehicles would have a hard time getting down this road.

The applicant stated this is not retaliation. This is the normal progression in the commercialization of this area. He stated the Walmart has been there 17 years. He stated this area has been designated as commercial for a long time and this was just the last bit of it that remains residential.

**TMAPC Comments:**

Mr. Covey stated this entire area has been designated by the city of Sand Springs as a commercial area. He stated he would advise the Interested Parties to speak with their Sand Springs City Councilors to get the Comprehensive Plan changed.

**TMAPC Action; 10 members present:**

On **MOTION** of **McARTOR**, TMAPC voted **9-0-0** (Covey, Craddock, Doctor, Kimbrel, McArtor, Reeds, Ritchey, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Shivel, “absent”) to recommend **APPROVAL** of the CG zoning for CZ-505 per staff recommendation.

**Legal Description for CZ-505:**

LT 12 BLK 1, HALL'S GARDEN ADDN

\* \* \* \* \*

10. **CZ-506 Ashley Hacker** (County) Location: West of the northwest corner of West Long Street and South Broad Street requesting rezoning from **RS** to **CG**

**STAFF RECOMMENDATION:**

**SECTION I: CZ-506**

**DEVELOPMENT CONCEPT:** The applicant is proposing to rezone from RS to CG to permit the construction of a new office/warehouse building. The building is intended to be an office/warehouse duplex with spaces for two businesses. The site is located within the Commercial Land Use designation of the City of Sand Springs Comprehensive Plan. Based on this designation, the proposed CG zoning for an office/warehouse use would be compatible with the long term land use plans for the immediate area.

**DETAILED STAFF RECOMMENDATION:**

CZ-506 is non-injurious to surrounding proximate properties;

CZ-506 is compatible with the Commercial Land Use designation of the City of Sand Springs Comprehensive Plan;

CZ-506 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends Approval of CZ-506 to rezone property from RS to CG.

## **SECTION II: Supporting Documentation**

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

#### **Staff Summary:**

The subject property is located within the fenceline of Sand Springs. The 2030 Sand Springs Land Use Master Plan was adopted June 26, 2017. The City of Sand Springs Planning Department engaged citizens in the Comprehensive Planning process. They initiated a community survey that was available in electronic format via social media and the City's website. The survey was also available in a hard copy that citizens could acquire at several locations. In addition, a web based Interactive Map was launched to obtain citizen participation.

The Land Use Master Plan designates this area as Commercial. See the attached Land Use Map. The Commercial Land Use District represents areas of retail trade and services. Typically, these areas are located around nodes of arterial street intersections or in some cases, at intersections of collectors and arterials. Commercial Districts can also be found in corridors that have an established commercial use pattern. The Commercial District includes uses that range from small neighborhood convenience shopping areas, single free-standing buildings, big box retailers, restaurants, automotive services centers, and other similar retail uses. Residential Multi-Family uses may be allowed where deemed appropriate as increased density provides support for commercial areas.

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

*Land Use Plan map designation: Commercial*

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

#### **Transportation Vision:**

*Major Street and Highway Plan: W Long Street does not have a designation*

*Trail System Master Plan Considerations:* The site is located approximately 300 ft from the Katy Trail Wekiwa Linkage along Wekiwa Road. The Go Plan calls for shared automobile/bicycle lanes along Broad Street, approximately 200 ft to the east of the subject lot.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

**DESCRIPTION OF EXISTING CONDITIONS:**

*Staff Summary: The site currently contains a single family residence*

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
W Long Street	None	N/A	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	RS	Commercial	N/A	Single Family
South	AG/RS	Commercial	N/A	Single Family/Daycare
East	CS/RS	Commercial	N/A	Single Family
West	RS	Commercial	N/A	Garage/Storage

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Resolution number 98254 dated September 15, 1980 established zoning for the subject property.

***Subject Property:***



No Relevant History.

**Surrounding Property:**

**CBOA-02547 September 2015:** The Board of Adjustment **approved** a *Special Exception* to permit a mobile home in an RS District and a *Variance* to allow two dwellings on one RS zoned lot record, subject the trailer house being skirted and tied down, and there be an 8'0" x 10'0" asphalt or concrete pad for parking, on property located 825 West Katy Street South.

**CBOA-02142 November 2004:** The Board of Adjustment **approved** a *Special Exception* to permit a firework stand in an RS District from December 15<sup>th</sup>, 2004 through January 2<sup>nd</sup>, 2005 and June 15<sup>th</sup>, 2005 through July 5<sup>th</sup>, 2005, as requested, on property located 810 West Katy Street South.

**CBOA-00844 September 1988:** The Board of Adjustment **approved** an *Exception* to allow for a mobile home in an RS District, subject to Health Department approval and Building Permit, the installation of tie-downs and skirting, finding that there are a number of mobile homes in the area, on property located 813 Long Street.

**CBOA-00734 April 1984:** The Board of Adjustment **approved** a *Special Exception* to allow for a mobile home and a *Variance* to allow 2 dwelling units on one lot of record, subject to the Building Permit and Health Department approval of the septic system, finding that there are numerous mobile homes in the area, as well as lots with more than one dwelling unit, on property located south of Keystone Expressway, West of Highway 97.

**CBOA-00551 April 1985:** The Board of Adjustment **approved** a *Special Exception* to allow a home occupation for a mechanic shop in a RS zoned district, a *Variance* of the 50' setback from the centerline of Katy to 25' and of the rear yard setback from 20' to 10' to permit construction of an accessory building, and a *Variance* to permit a 1200 sq. ft. accessory building to be located in the side yard, finding that a hardship imposed on the applicant by the narrow shape of the lot and the fact that the lot is also adjacent to the expressway, subject to no placement of a sign on the property, no outside storage of materials, and the garage closing by 10pm, on property located at 816 Katy Street.

**CBOA-00083 July 1981:** The Board of Adjustment **approved** an *Exception* to allow for a mobile home in an RS District, subject to city-county Health Department approval, on property located 310 Broad Street.

**Applicant Comments:**

The applicant stated he would like to incorporate his comments from the last item into this application but would also add he owns the property directly to the west of the subject property and that he will be back to rezone that property as well.

**Celeste Hacker** stated she is the co-applicant and the owner of this property. She has lived in the area for 45 years and owned a child-care center for 38 years that recently closed. She stated there is a lot of misunderstanding in the neighborhood of what the future plan for this neighborhood is. Ms. Hacker stated as Ms. Shockley indicated there are elderly neighbors that have been in the area for up to 70 years but are they going to be there another 30 or 40 years. She stated this area is an entrance into Sand Springs and people who pass through the area see the deterioration of vacant houses and unkept houses. Ms. Hacker stated one of the eyesores of Sand Springs is a green barn that has burned and the residents have tried for the last 15 years to get it cleaned up. She stated Mr. Shockley started a petition to help get the applicant denied and Ms. Hacker noticed that the owner of the Green Barn had signed it. Ms. Hacker stated she feels the neighbors have spoken badly about her family but all she wants is to rezone the property.

**Barbara Shockley** 202 Broad Street, Sand Springs, OK 74063

Ms. Shockley stated she has lived in the neighborhood for 54 years. She stated the people in this neighborhood are good people and they work hard. She stated this area is affordable housing. Ms. Shockley stated she doesn't think this is what Sand Springs wants for this area. She stated why would you put a warehouse in the middle of a neighborhood. Ms. Shockley stated the infrastructure is not equipped to handle this type of development. She stated she checked with the engineering department and he told her the widening of any roads in that area was not on his agenda any time soon.

Mr. Jackson stated to carry his comments over from the previous item.

**Brian Jackson** 700 Jamaica Drive, Sand Springs, OK 74063

Mr. Jackson stated he is a friend of the applicant and can personally attest to the family's great care and stewardship to the properties that they own. He stated specifically in this area, and he has seen the care put into rehabilitating a lot of these structures that are around the area and close to the beautiful park along the frontage road. Mr. Jackson stated he had the opportunity to serve on the City Council in Sand Springs for the last 11 years. Mr. Jackson stated Sand Springs has a commercial plan for the area and the applicant's proposal fits with future planning within the community.

**Cliff Hewitt** 803 Katy Street, Sand Springs, OK 74063

Mr. Hewitt stated he is the pastor the church in Sand Springs that is adjacent to the applicant's property. He stated the church has been there since 1965 and he is trying to increase membership and if all the resident's move out what chance is there for this to happen. Mr. Hewitt stated this is the first time neighbors have

heard that the applicant wants to have offices and warehouses. Mr. Hewitt stated immediately after the Sand Springs City Council denied the marijuana growth facility this application was posted so the neighbors thought this was retaliation for that denial. He stated as a Pastor of a church, he can see where a warehouse would bring more crime into the community and it will be right behind his church. Mr. Hewitt stated most churches have a sound system and instruments that are easy to steal and pawn and he can't support that.

**TMAPC Comments:**

Mr. Covey stated he wanted to carry forward his comments from the previous item.

Mr. Covey stated this entire area has been designated by the city of Sand Springs as a commercial area. He stated he would advise the Interested Parties to speak with their Sand Springs City Councilors to get the Comprehensive Plan changed.

Mr. Reeds stated he is in support of this application and believes this application makes more sense than the previous one because it connects to CS zoned property and has the Walmart across the street. He thinks this application is more compatible with the Land Use plan.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **McARTOR**, TMAPC voted **9-0-0** (Covey, Craddock, Doctor, Kimbrel, McArtor, Reeds, Ritchey, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Shivel, "absent") to recommend **APPROVAL** of the CG zoning for CZ-506 per staff recommendation.

**Legal Description for CZ-506:**

W100 LT 2 & W100 LT 3 BLK 1, HALL'S GARDEN ADDN

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11. **Z-7563 Jeff Weaver** (CD 1) Location: East of the northeast corner of West Fairview Street and North Denver Avenue requesting rezoning from **RM-1, RS-4** and **HP** to **CH/HP** with an **optional development plan**

**STAFF RECOMMENDATION:**

**SECTION I: Z-7563**

**DEVELOPMENT CONCEPT:** The applicant is requesting to rezone his property from RM-1 and RS-4 in an HP district to CH in an HP district with an optional development plan for a "live-work," or vertical mixed-use building limited to typical home occupations..

## **DETAILED STAFF RECOMMENDATION:**

The applicant has requested CH zoning on this very unusual site that is being developed with private deed restrictions from the Tulsa Development Authority(TDA). The provisions of the optional development plan appear to be consistent with the TDA goals for this site and,

The Tulsa Comprehensive Plan land-use designation of Existing Neighborhood may not seem to point to a vertical mixed-use development as an obvious housing option however the site's proximity to land designated as Downtown Neighborhood, its peculiar size, as well as it's orientation (running perpendicular to Fairview, instead of parallel like the single-family detached homes behind it) this could be an appropriate use for land that would otherwise remain vacant and,

The lot is non-conforming in every residential and MX zoning district and is further complicated that the lot is currently divided by two zoning districts. The lot is only 2,953 sq. ft. and 50ft wide, when looking through the minimum lot and area requirements of all residential, office, and commercial zoning districts, there are no building options (other than a town house) that this lot would nicely meet. CH zoning with the development plan allows more residential building options by allowing a mixed-use, vertical mixed use, town house, or apartment/ condo by right and a single-family detached house or multi-unit house by special exception and,

CH zoning does not require the minimum lot and area standards that are common in all residential and MX districts. CH zoning without a development plan allows more development options and there may be properties in the surrounding area that is also zoned CH, it is acknowledged that this zoning district does permit many heavier uses that could be harmful to an established neighborhood, and have therefore been subsequently removed from the list of permitted uses in the optional development plan below and,

In terms of the its orientation, this site runs perpendicularly to the West Fairview Avenue (as opposed to the single-family residential home behind it that run parallel) making the site more close in character to the apartment building to the west than the single family detached home to the east. This characteristic, in combination with its proximity to the properties classified as Downtown Neighborhood to the South and their goal of having a mix of commercial, living, and open space, create an opportunity to place a buffer or transition between the Brady Heights Neighborhood and West Fairview Avenue/ the commercial uses to the south therefore,

Staff recommends Approval of Z-7563 to rezone property from RM-1 and RS-4 in a HP district to CH in a HP district but only with the provisions of the optional development plan outlined in Section II.

## SECTION II: OPTIONAL DEVELOPMENT PLAN STANDARDS:

Z-7563 with the optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in a CH zoning district and its supplemental regulations except as further refined below. All uses categories, subcategories, or specific uses outside of the permitted uses defined below are prohibited.

### PERMITTED USE CATEGORIES:

Residential (this use category allows all Type 1 and those Type II home occupations as may be allowed through the approval of a special exception)

- A. Household Living (if in permitted building type below)
  - a. Single Household
  - b. Two households on a single lot
  - c. Three or more households on a single lot
- B. Lodging
  - a. Bed & Breakfast
  - b. Short-term rental

### PERMITTED RESIDENTIAL BUILDING TYPES:

- A. Household Living
  - a. Single household
    - i. Detached House (special exception approval required)
    - ii. Townhouse
    - iii. ~~Patio House~~
    - iv. ~~Mixed-use building~~
    - v. ~~Vertical mixed-use building~~
  - b. Two households on a single lot
    - i. Duplex (special exception approval required)
    - ii. ~~Mixed-use building~~
    - iii. ~~Vertical mixed-use building~~
  - c. Three or more households on a single lot
    - i. Multi-unit House (special exception approval required)
    - ii. Apartment/condo
    - iii. ~~Mixed-use building~~
    - iv. ~~Vertical mixed-use building~~

### BUILDING AND ARCHITECTURE REQUIRMENTS:

- a. Buildings shall not exceed 3 stories and will not exceed 45 feet height as measured from the finished floor elevation of the first floor.

- b. Historic Preservation Commission must approve plans prior to receipt of a building permit approval.

#### LIGHTING, SIGNAGE, & TASH DISPOSAL REQUIREMENTS:

##### Lighting:

Pole mounted lighting is prohibited. All building mounted lighting shall not exceed 16 feet in height and must be pointed down and away from abutting residential properties.

##### Signage:

~~All signage is prohibited except one wall mounted or projecting sign may be allowed on the south façade of the building and the display surface area may not exceeding 16 square feet.~~

All illuminated signs are prohibited.

~~Signage for any permitted use category is prohibited except those signs and plaques allowed by the Tulsa Zoning Code for a home occupation.~~

##### Trash Disposal

Dumpsters will not be allowed. Residential style trash bins as provided by the City of Tulsa shall be used and, except on the day of trash pickup, the bins shall be stored so they are not visible from West Fairview Street.

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

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

##### Staff Summary:

The City of Tulsa Comprehensive Plan and the Unity Heritage Neighborhood Plan have included this site in the existing neighborhood land use designation.

The Unity Heritage Neighborhood Plan identifies this property as New & Existing Neighborhood with a medium density residential. While these areas generally include detached single-family houses representative of the traditional neighborhood pattern (fairly consistent lot sizes, mostly single-story homes), the Unity Heritage Neighborhood Plan describes medium density residential areas as potentially including small townhouses or apartment buildings that are well integrated with the character of the neighborhood in terms of scale and form.

In line again with the City of Tulsa Comprehensive Plan, the Unity Heritage Neighborhood Plan also designates the properties to the south of the site

(bound by the Brady Heights neighborhood, 1-244, Emerson Elementary School, and OSU-Tulsa), as Downtown Neighborhood and includes a variety of uses, such as retail and restaurants oriented towards students, faculty and residents, open space, research offices, a hotel, and housing that provides a transition to existing neighborhoods.

#### Land Use Vision:

##### *Land Use Plan map designation: Existing Neighborhood*

The Existing Residential Neighborhood category is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

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

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

#### Transportation Vision:

*Major Street and Highway Plan:* None that affect site redevelopment.

*Trail System Master Plan Considerations:* None that affect site redevelopment.

Small Area Plan: Unity Heritage Neighborhood Sector Plan

Special District Considerations: There are no special districts that require consideration in this area.

Historic Preservation Overlay: This site is on the south border of the Brady Heights historic preservation overlay. In addition to the development plan and zoning code this will requires plan approval at the Tulsa Preservation Commission prior to receipt of a building permit.

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary:

*The subject property is vacant with single-family detached homes to the north and east, apartments to the west, and the Tulsa County Election Board to the south.*

STREET VIEW FROM SOUTHWEST CORNER LOOKING NORTHEAST:



STREET VIEW LOOKING SOUTH:





Environmental Considerations: There are no environmental considerations that would affect this site's development.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
W. Fairview St.	Residential Collector	60 ft	2 lanes

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	RS-4	Existing Neighborhood	Area of Stability	Single-family detached house
South	CS	Downtown Neighborhood	Area of Growth	Tulsa County Election Board
East	RS-4/RM-1	Existing Neighborhood	Area of Stability	Single-family detached house
West	RM-1	Existing Neighborhood	Area of Stability	Apartments

### **SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11918 dated September 1, 1970 & 11814 dated June 26, 1970 established zoning for the subject property.

#### ***Subject Property:***

**SA-3 April 2018:** All concurred in **approval** at city council (TMPAC recommended **denial**) to apply supplemental zoning, HNO (Healthy Neighborhoods Overlay), to multiple properties within the plan area boundaries of Greenwood Heritage Neighborhoods Sector Plan (also known as the Unity Heritage Neighborhood Plan), 36th Street North Corridor Small Area Plan, and The Crutchfield Neighborhood Revitalization Master Plan (related to ZCA-7). This overlay encompasses the subject property, as well as the properties surrounding it.

#### ***Surrounding Property:***

**BOA-22317 September 2017:** The Board of Adjustment **approved** a *Variance* to reduce the front setback of Tract A from 20 feet to 12.6 feet, a *Variance* to reduce the rear setback of Tract A from 20 feet to 3.3 feet, a *Variance* of the minimum open space per unit from 2,500 square feet to 1,501 square feet for Tract A, a *Variance* of the lot area and lot area per dwelling unit requirement from 5,500 square feet to 2,722 square feet for Tract A to permit a lot-split, subject to conceptual plan 13.12, finding the hardship to be the age of the area being well over 100 years old and this approval would clean up a non-conformity within the area, on property located at 630 North Cheyenne West.

**Z-6887 April 2003:** All concurred in **approval** of a request for *rezoning* a .37± acre tract of land from CS to RS-4 for residential, on property located at the northwest corner of West Golden and North Denver Avenue.

**BOA-18861 September 2000:** The Board of Adjustment **approved** a *Variance* of land area per dwelling unit to permit on Tract B from 6,750 square feet to 4,938 square feet, a *Variance* of livability space on Tract B from 2,500 square feet to 2,173 square feet, a *Variance* of required minimum lot area on Tract A from 5,500 square feet to 5,131 square feet, a *Variance* of the required minimum lot area on Tract B from 5,500 square feet to 3,138 square feet, a *Variance* of required setback from West Golden from 20' to 12', and a *Variance* of the required rear yard from 20' to 3.4', conditioned that permission of the Historic Preservation Society be obtained before removing the garage, finding the hardship to be that this is

improving a non-conforming condition, on property located at the southwest corner of West Golden and Cheyenne Avenue.

**Z-6723 December 1999:** All concurred in **approval** of a request for *rezoning* a 57.06± acre tract of land from RS-3/RS-4/CS to RS-3/RS-4/CS/HP to establish a Historic Preservation Overlay District, on properties located in the Brady Heights Neighborhood, bounded by the alley west of Denver Avenue to the alley East of North Cheyenne Avenue, with a northern boundary of West Marshall Street and southern boundary of West Fairview Street.

**BOA-18548 October 1999:** The Board of Adjustment **approved** a *Special Exception* to allow wedding receptions, special events, and neighborhood functions in an RS-4 district, subject to an Occupancy Permit and the applicant meeting the off-street parking requirements on-site, on property located at 620 North Denver Avenue.

**BOA-04356 April 1964:** The Board of Adjustment **approved** a request for a modification of percentage of lot coverage in a U-3-D District to build a store on Lots 1 & 2 that will exceed 50% of the lot coverage and utilize the remaining lots for parking, counting all the lots for the purpose of meeting the 50% coverage clause, on property located on Lot 1-2, 6-7 & N. 50ft of Lot 5, Block 9 North Tulsa Addition.

**BOA-02155 July 1950:** The Board of Adjustment **approved** a *Variance* of the building line along Fairview Street to permit the erection of an addition to the existing church building beyond the established building line, on property located on Lots 1-2, Block 8, North Tulsa Addition.

**BOA-01594 June 1943:** The Board of Adjustment **approved** a request to make provisions to convert a dwelling into 6-unit apartment, instead of the previously approved 4-unit apartment, on property located 620 North Denver Avenue.

**BOA-01545 March 1943:** The Board of Adjustment **approved** a request to convert a dwelling a 4-unit apartment, on property located 620 North Denver Avenue.

**BOA-01268 January 1939:** The Board of Adjustment **approved** a request to utilize the following property for church uses: N-91.4' of Lot 1, N-91.4' of Lot 2, Block 8, North Tulsa Addition.

**BOA-01260 December 1938:** The Board of Adjustment **approved** a request to utilize the following property for church uses: N-135' of Lots 1 & 2, Block 7, North Tulsa Addition.

**TMAPC Comments:**

Ms. Kimbrel asked how staff how they reconcile the Existing Neighborhood residential classification or characterization in the Unity Heritage Plan given the high intensity being proposed with this CH. She asked if there was a less intensive zoning classification that could accommodate the live/work proposal.

Staff stated there is nothing in the Zoning Code that would allow rezoning this property on such a small parcel. He stated there was no real choice except for CH zoning and the optional development plan only allows residential uses. Staff stated it's odd and there probably will never be another one like this, but the CH zoning is heavily restricted in the allowed uses that only a residential use can be there.

Ms. Kimbrel stated the optional development plan and the red line that you offered limits the harmful component of that zoning classification.

Staff stated when he first wrote the staff report, he thought there was a possibility that this could be a mixed-use building if it were a live/work environment but since were really only looking at this as a residential use that would allow home occupation it would never cross over into that boundary of what a mixed-use building is. He stated the red lines are really taking away the option of this application ever becoming a true mixed-use building.

Mr. Reeds stated the staff report shows a limit of 3 stories not to exceed 45 feet which is 15 feet a story, are you thinking it will be lofts within this double volume spaces.

Staff stated if the developer builds exactly what he's shown, it's going to be a two-story building and he thinks the character will be similar to the apartment building to the west and its 4 stories. Staff stated he believes it will only be 2 stories but because of the CH zoning classification he thought it should have a height limitation.

Mr. Reeds stated because this application is in an HP District overlay it will have to before the Preservation Commission and the first thing in their book is context. He stated 45 foot single family homes is not in context no matter what it looks like. Mr. Reeds asked if staff had talked to the applicant about going before the Preservation Commission.

Staff answered "yes", the applicant was aware.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **REEDS**, TMAPC voted **9-0-0** (Covey, Craddock, Doctor, Kimbrel, McArtor, Reeds, Ritchey, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Shivel, “absent”) to recommend **APPROVAL** of the CH/HP zoning with an optional development plan for Z-7563 per staff recommendation.

**Legal Description for Z-7563:**

PRT LT 8 BEG SWC TH N61.4 E48 S TO SL W48. 2 POB BLK 5, NORTH TULSA

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12. **Z-7565 Lou Reynolds** (CD 9) Location: Southwest corner of East 50th Street South and South Victor Avenue requesting rezoning from **RS-3** to **OL**

**STAFF RECOMMENDATION:**

**SECTION I: Z-7565**

**DEVELOPMENT CONCEPT:**

Rezoning is requested to support redevelopment of existing church site and surrounding property.

**DETAILED STAFF RECOMMENDATION:**

Z-7565 requesting OL zoning will allow uses that are consistent with the provisions outlined in the Mixed-Use Corridor land use vision and the Area of Growth provisions of the Tulsa comprehensive plan and,

Uses allowed in the OL zoning district are consistent with the expected future development of the subject property and,

OL zoning allows a wide range of uses and provides development guidelines that provide a predictable outcome important to the abutting residential properties, therefore

**Staff recommends Approval of Z-7565 to rezone property from RS-3 to OL.**

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: Office uses are consistent with the edge treatment along Mixed-use Corridor.*

**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.

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

Transportation Vision:

*Major Street and Highway Plan: None*

*Trail System Master Plan Considerations: None*

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The site is an existing church building with parking. The streets were constructed with two lanes without curb and some on-street parking. No street improvements are expected with this redevelopment.*

*Street view below is from the southwest corner of the site looking northeast. Rezoning request is vacant property north of block building.*



Environmental Considerations: None that would affect site redevelopment.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Utica Avenue	None	50 feet	2
East 50 <sup>th</sup> Street South	None	50 feet	2
South Victor Avenue	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-3	Existing Neighborhood	Growth	Multi Family
East	RM-2	Mixed Use Corridor	Growth	Multi Family
South	Pending OL	Mixed Use Corridor	Growth	Church
West	RS-3	Existing Neighborhood	Stability	Single Family

### SECTION III: Relevant Zoning History

**ZONING ORDINANCE:** Ordinance number 11823 dated June 26, 1970 established zoning for the subject property.

#### ***Subject Property:***

**BOA-02803 March 1956:** The Board of Adjustment **granted** a request to build a church, with the conditions that the church will not hold any open air meetings pending the erection of a new church and off-street parking is provided, on property located at Lots 7 & 8, Perry's 27207 Subdivision.

#### ***Surrounding Property:***

**Z-7556 Pending:** On June 17<sup>th</sup>, 2020 TMAPC **approved** of a request for *rezone* a 1.19± acre tract of land from RS-3 to OL for an office, on property located north of the northeast corner of East Skelly Drive and South Utica Avenue.

**BOA-22821 January 2020:** The Board of Adjustment **accepted** a *Spacing Verification* to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary, on property located at 1711 East Skelly Drive South.

**Z-7495 October 2019:** All concurred in **approval** of a request for *rezoning* a .53± acre tract of land from OL to CS for a dispensary, on property located east of the northeast corner of East Skelly Drive and South Utica Avenue.

**BOA-12145 August 1982:** The Board of Adjustment **approved** a *Special Exception* to allow a nursing home with combination elderly apartments in



an RM-2 District and a *Variance* to operate a beauty shop as an accessory use to the nursing home and apartments in an RM-2 District, subject to the following conditions: that the beauty shop be used inhouse only, with no signs or advertising of any kind, that the intent be specifically limited to the residents of the nursing home or the residents of the elderly apartment units, that the use be limited to the 15' x 20' as requested, on property located at the southeast corner of 50<sup>th</sup> Street and Victor Avenue.

**Z-4681 June 1974:** All concurred in **approval** of a request for *rezoning* a 1± acre tract of land from RS-3 to OM for office use, on property located northeast corner of Utica Avenue and Skelly Drive.

**Z-4610 April 1974:** All concurred in **approval** of a request for *rezoning* a .67± acre tract of land from RS-3 to OL for office, on property located southeast corner of 50<sup>th</sup> Street and Victor Avenue.

**BOA-06431 September 1969:** The Board of Adjustment **approved** an *Exception* to permit the construction of a nursing home in a U-2C district and an *Exception* to permit the extension of a nursing home in a U-2C district, subject to the plot plan submitted, on property located at northeast of Victor and the 51<sup>st</sup> Street Bypass.

**BOA-03398 February 1963:** The Board of Adjustment **approved** request for permission to extend a non-conforming use (lawn mower repair shop) by adding a 20' x 40' on rear of existing building in a U-1-C District, on property located at Lot 10, Perry's 27207 Subdivision.

**BOA-03339 December 1959:** The Board of Adjustment **approved** request for permission to continue non-conforming electric shop use in a U-1-C District, on property located at Lot 11, less the South 75 feet thereof, Perry's 27207 Subdivision.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **REEDS**, TMAPC voted **9-0-0** (Covey, Craddock, Doctor, Kimbrel, McArtor, Reeds, Ritchey, , Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Shivel "absent") to recommend **APPROVAL** of the OL zoning for Z-7565 per staff recommendation.

**Legal Description for Z-7565:**

N 45 LT 6, PERRY'S 27207 SUB

\* \* \* \* \*

13. **Z-7568 Tulsa City Council** (CD 2) Location: Multiple properties north of West 86th Street South and South of West 77th Street South between South 33rd West Avenue and South Union Avenue and northeast corner of West 77th Street South and South 33rd West Avenue requesting rezoning from **RS-3** to **AG-R**

**STAFF RECOMMENDATION:**  
**SECTION I: Z-7568**

**DEVELOPMENT CONCEPT:** This is the second group of zoning request is part of the City Council initiated program to allow AG-R rezoning at no charge to interested property owners in the West Highlands/Tulsa Hills Small Area Plan. The first group was heard at the Urban and Economic Development committee meeting July 15<sup>th</sup>, 2020.

**DETAILED STAFF RECOMMENDATION:**

Z-7568 requests AG-R zoning. The parcels will include single households in a detached house. Single family residential uses in this location are consistent with the Existing Neighborhood land use designation in the Comprehensive Plan and in the West Highlands/Tulsa Hills Small Area Plan and,

One of the goals of the West Highlands/Tulsa Hills Small Area Plan included AG-R zoning as an option for rural residential uses recommended by the West Highlands/Tulsa Hills Small Area Plan and,

AG-R zoning is consistent with the provisions identified in an Area of Stability as outlined in the Tulsa Comprehensive Plan, and is consistent with the large lot neighborhood character expected in the small area plan and,

AG-R zoning allows a lot density that is consistent with the existing and expected land use pattern in the area north of West 81<sup>st</sup> Street South and west of South Union Avenue. A much greater lot density is allowed in this area and was established in 1970 without sanitary sewer availability. The existing zoning in those areas would allow property to be developed with RS-3 lots with a minimum of 6900 square feet when connected to a sanitary sewer system. The City of Tulsa has recently completed sanitary sewer construction south of this site that would allow much greater density on property that is currently zoned RS-3 and,

City Council has initiated a voluntary rezoning program for property owners to rezone properties in this area to AG-R at no cost, this request is part of that program. The lot setbacks and building regulations included in the property included in this AG-R request meet or exceed the standards defined in the Tulsa Zoning Code therefore,

Staff recommends **Approval** of Z-7568 to rezone properties from RS-3 to AG-R.

## **SECTION II: Supporting Documentation**

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

*Staff Summary: The property owners have taken advantage of voluntarily rezoning opportunities for their parcels to AG-R to establish neighborhood stability for large lots consistent with the West Highlands/Tulsa Hills Small Area Plan.*

*Within the West Highlands/Tulsa Hills Small Area Plan a development concept illustrates a single family residential development with a variety of lot sizes, greenspace wildlife corridor for local fauna and a perimeter greenspace buffer that summarize the goals for a context sensitive neighborhood. Without using an optional development plan or recommending a larger lot zoning designation staff does not have any regulatory method to support the visioning concepts illustrated in the plan.*

### **Land Use Vision:**

*Land Use Plan map designation: Existing Neighborhood*

The Existing Neighborhood category is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

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

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

### **Transportation Vision:**

*Major Street and Highway Plan:*

Multi-modal streets emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are 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 that affect site development

**Small Area Plan:** West Highlands Small Area Plan (Adopted 2014)

The recommendations of the small area plan include many references to supporting residential single family uses within a rural context and a rural residential zoning use. Revisions to the Tulsa Zoning Code have implemented those concepts within the AG-R zoning that was added to the code in 2019.

**Special District Considerations:** None except those design considerations recommended in the West Highlands/Tulsa Hills Small Area Plan

Historic Preservation Overlay: None

**DESCRIPTION OF EXISTING CONDITIONS:**

*Staff Summary: All the parcels included in this application are one acre or larger and are currently zoned RS-3.*

**Environmental Considerations:** None that would affect rezoning considerations for a larger lot.

**Streets:**

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Union Avenue	Secondary Arterial w/multi modal corridor	100 feet	2
South 28 <sup>th</sup> West Avenue	None	50 feet	2
South 26 <sup>th</sup> West Avenue	Residential Collector	60 feet	2

South 24 <sup>th</sup> West Avenue	None	50 feet	2
South Yukon Avenue	None	50 feet	2
South Xenophon Avenue	None	50 feet	2
West 77 <sup>th</sup> Street South	None	50 feet	2
West 78 <sup>th</sup> Street South	Residential Collector	60 feet	2

Utilities:

The subject tract has municipal water available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG, PUD/RS-3, and RS-3	Existing Neighborhood	Stability	Single Family
East	PUD-636/CO east of Union and RS-3 west of Union	Existing Neighborhood	Growth east of Union. Stability west of Union	Office Building east of Union and single-family residential west of Union
South	RS-3	Existing Neighborhood	Stability	Single Family
West	RS-3	Existing Neighborhood	Stability	Single Family

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11827 dated June 26, 1970 established zoning for the subject property.

***Subject Property:***

**BOA-22776 November 2019:** The Board of Adjustment **approved** a *Variance* of the allowable square footage for detached accessory buildings in the RS-3 District and a *Variance* to allow a detached accessory building to exceed one story or 18 feet in height, subject to conceptual plans 10.11, 10.17-10.25, finding the hand size and land around it, on property located at 2626 West 79<sup>th</sup> Street South.

**BOA-22587 February 2019:** The Board of Adjustment **approved** a *Variance* to allow a 50'-0" x 80'-0" detached accessory single-story structure to exceed 500 square feet or 40% of the floor area of the principal

structure, to be increased from 2,400 square feet to 4,000 square feet, subject to conceptual plan 8.22 of the agenda packet, finding the hardship to be the large lot and vertical gain or loss of the subject property, on property located at 7615 South 26<sup>th</sup> West Avenue.

**BOA-21242 March 2011:** The Board of Adjustment **approved** a *Variance* of the maximum permitted size of a detached accessory building in an RS-3 District from 1,235 sq. ft., finding that the proposed structure is to replace what was destroyed by a tornado last year and the tract is 2.51 acres in size, as well as that there are many structures like it in the area, on property located at 8119 South 33<sup>rd</sup> West Avenue.

**Z-7115/Z-7115-SP-1 January 2009:** All concurred in **approval** of a request for *rezoning* a 25.97± acre tract of land from AG to CO and a *Corridor Development Plan* on a for a mixed use development with retail, office, hotel, and multifamily residential uses, on property located at the southwest corner of Highway 75 and 81<sup>st</sup> Street South.

**BOA-20256 May 2006:** The Board of Adjustment **approved** a *Variance* of the maximum permitted size of an accessory building in an RS-3 District and a *Variance* of the maximum height of the top plate for an accessory building from 10 ft to 12 ft, subject to there being no commercial activities, no living quarters, the existing buildings are removed, and the total square footage of the accessory buildings does not exceed 1,500 sq. ft., finding the hardship to be the large lot size, on property located at 8025 South 28<sup>th</sup> Avenue West.

**BOA-20209 February 2006:** The Board of Adjustment **approved** a *Variance* of the maximum permitted size of an accessory building to permit a 2400 sq. ft. accessory building, with conditions: a one-story structure, with the same materials as the house, finding the hardship is the large size of the land, on property located at 8255 South Yukon Avenue.

**BOA-19287 May 2004:** The Board of Adjustment **approved** a *Variance* to permit a detached accessory building from the required 500 sq. ft. to 2,000 sq. ft. on a 2.5 acre tract in an RS-3 district, per plan, with the condition that the existing barn be torn down and no commercial activity is conducted on the premises, finding that a number of other tracts in the area have been approved for similar variances and the size of the tract would not cause a density problem, on property located at 2210 West 77<sup>th</sup> Street.

**BOA-18415 May 1999:** The Board of Adjustment **approved** a *Variance* to exceed 750 sq. ft. of detached accessory building to permit 1,200 sq. ft. on a 2-acre tract zoned RS-3, finding the hardship to be the size of the lot, subject to there being no commercial activities on the property, on property located at 2203 West 78<sup>th</sup> Street South.

**BOA-17934 February 1998:** The Board of Adjustment **denied** a *Variance* to allow 2 dwelling units on one lot of record, a *Special Exception* to allow a manufactured home in an RS-3 zoned district, and a *Variance* of the one year time limit to allow the manufactured home permanently, noting that no hardship was stated, on property located at 2951 West 81<sup>st</sup> Street.

**BOA-17704 May 1997:** The Board of Adjustment **approved** a *Variance* to permit more than 750 sq. ft. of detached accessory buildings in a residential district, subject to existing storage units being removed, the semi-trailer being removed upon completion of the detached accessory building, the existing outside storage being stored inside the detached accessory building (gooseneck trailer to be parked behind the new building), and there being no commercial activity in the detached accessory building, finding that the existing garage may remain on the subject property the variance would not be injurious, on property located at 3055 West 77<sup>th</sup> Street South.

**BOA-16885 December 1994:** The Board of Adjustment **approved** a *Variance* of the maximum 750 sq. ft. for a detached accessory, per plan submitted, subject to a maximum of two accessory buildings on the property containing a total of 1999 sq. ft., no bathing or cooking facilities being installed and no commercial use, finding that the tract is large and approval won't be a detriment, on property located at 2627 West 79<sup>th</sup> Street.

**BOA-16223 December 1992:** The Board of Adjustment **approved** a *Variance* of the maximum square footage allowed for a detached accessory building from 750 sq. ft. to 2281 sq. ft., per plan submitted, subject to no commercial use of the building, finding that the tract is large enough to accommodate the proposed structure and there are other buildings in the residential area that are similar in size, on property located at 2509 West 79<sup>th</sup> Street.

**BOA-15954 February 1992:** The Board of Adjustment **denied** a *Special Exception* to permit a community group home in an RS-3 zoned district, on property located at 3011 West 80<sup>th</sup> Street.

**BOA-15604 December 1990:** The Board of Adjustment **approved** a *Special Exception* to permit a wedding flower business as a home occupation, subject to Home Occupation Guidelines and hours of operation being from 9:00 a.m. to 7:00 p.m., on property located at 1712 West 78<sup>th</sup> Street.

**BOA-05055 April 1966:** The Board of Adjustment **approved** a request for permission to continue operating a dog kennel in a U-1-C District, on property located at 2201 West 77<sup>th</sup> Street.

***Surrounding Property:***

**Z-7558 Transmitted July 6<sup>th</sup>, 2020:** A request to rezone 32.62± acres of land from AG to AG-R for Single-family residential as a part of Phase I & Phase II of the AG-R rezoning program initiated by City Council was approved by TMAPC June 17<sup>th</sup>, 2020 on properties located north of the northwest corner of West 81<sup>st</sup> Street South and South Union Avenue.

**Z-7549 Transmitted May 27<sup>th</sup>, 2020:** A request to *rezone* a 3.7± acre tract of land from AG to AG-R for Single-family Residential was approved by TMAPC May 6<sup>th</sup>, 2020 and transmitted to City Council for property located at the southeast corner of West 81<sup>st</sup> Street South and South 33<sup>rd</sup> West Avenue.

**Z-7471 ODP July 2019:** All concurred in **denial** of a request for *rezoning* a 14.69± acre tract of land from AG to RS-1 for Single-family residential, on property located east of the southeast corner of West 81<sup>st</sup> Street South and South 33<sup>rd</sup> West Avenue.

**Z-7446 ODP July 2018:** All concurred in **denial** of a request for *rezoning* a 14.69± acre tract of land from AG to RS-1 for Single-family residential, on property located east of the southeast corner of West 81<sup>st</sup> Street South and South 33<sup>rd</sup> West Avenue.

**Z-7421 ODP February 2018:** All concurred in **denial** of a request for *rezoning* a 15± acre tract of land from AG to RS-2 for Single-family residential, on property located east of the southeast corner of West 81<sup>st</sup> Street South and South 33<sup>rd</sup> West Avenue.

**BOA-22211 March 2017:** The Board of Adjustment **approved** a *Variance* of the required rear setback in the RS-3 District from 20 feet to 5 feet, subject to the conceptual plan submitted today, March 14<sup>th</sup>, 2017, finding the hardship to be the topography of the site, on property located at 7705 South Xenophon Avenue.

**Z-7355 Withdrawn September 2016:** Applicant **withdrew** a request to *rezone* a 4.61± acre tract of land from RS-3 to RS-5 for an eco-friendly tiny home pocket neighborhood, on property located west of the southwest corner of West 81<sup>st</sup> Street and South Yukon Avenue.

**PUD-636-C/Z-5457-SP-5 August 2014:** All concurred in **approval** of a *Major Amendment* to PUD-636 and *Corridor Development Plan Z-5457-*



SP-5 on a 20.5± acre tract of land to reconfigure the boundaries of the Development Areas and portions of Development Areas remaining to be developed (the "Project"), as well as remove the discrepancies between the boundaries of these remaining Development Areas as originally proposed and the grades and features of the Project site, on property located north of the northwest corner of U.S. Highway 75 and West 81<sup>st</sup> Street South.

**BOA-19134 July 2001:** The Board of Adjustment **approved** a *Variance* of the required 30' frontage on a public street or right-of-way to 0' to allow construction of a new dwelling on a private street, finding that all of the lots are five acres or greater and the Board has approved the same variance in the past, on property located south of the southeast corner of West 73<sup>rd</sup> Street South and 33<sup>rd</sup> West Avenue.

**PUD-636/Z-4825-SP-1/Z-5457-SP-2 September 2000:** All concurred in **approval** of a proposed *Planned Unit Development/ Corridor Site Plan* on a 108± acre tract of land for Single-family detached dwellings in Development Area A, Multi-family dwellings in Development areas B, C, D, and E, and commercial uses on development areas F and G, on property located at the northeast corner of US Highway 75 and West 81<sup>st</sup> Street South.

**PUD-606 April 1999:** All concurred in **approval** of a proposed *Planned Unit Development* on a 30± acre tract of land for 10 Single-family detached homes, per staff recommendation, on property located south of the southwest corner of West 71<sup>st</sup> Street and South Union.

**BOA-18163 September 1998:** The Board of Adjustment **approved** a *Variance* of the required 30' frontage on a public street to 25', noting that it is an oddly shaped tract with only 25' of frontage, on property located west of the southwest corner of West 73<sup>rd</sup> Street South and South 26<sup>th</sup> West Avenue.

**BOA-17497 September 1997:** The Board of Adjustment **approved** a *Variance* of the public street frontage requirement (tract derives access from an improved private street), finding that the applicant by the letter of the Code meets the 30' access requirement, but from the practical aspect the development code does not meet the 30' access requirement, on property located southeast of the southwest corner of West 73<sup>rd</sup> and 33<sup>rd</sup> West Avenue.

**BOA-17048 May 1995:** The Board of Adjustment **approved** a *Variance* of the required minimum 30' of frontage on a public street or dedicated ROW for 3 separate abutting parcels, per plan submitted, on property located southeast corner of West 73<sup>rd</sup> Street South and South 33<sup>rd</sup> West Avenue.

**BOA-15898 December 1991:** The Board of Adjustment **approved** a *Variance* of the required 30' of frontage on a public street or dedicated right-of-way to 0' to permit access by mutual access agreement, per plot plan submitted, subject to the execution of a mutual access easement, and dedication of necessary easements to serve the lots, on property located at 7500 South Union.

**Z-5993/PUD-377 November 1984:** All concurred in **approval** of a request to rezone a 2.06± acre tract of land from RS-3 to OL/CS and **approval** of a proposed *Planned Unit Development* for commercial, on property located on the southwest corner of 81<sup>st</sup> and Union.

**PUD-159 June 1974:** All concurred in **approval** of a proposed *Planned Unit Development* on a 597.2± acre tract of land for a golf course, commercial, and residential development, with the residential development consisting of Single-family detached, Single-family attached, and apartments, on property located between 61<sup>st</sup> and 71<sup>st</sup> Street and Union Avenue.

**Interested Parties:**

**Jana Proffitt Davis** PO Box 70277 Tulsa, OK 74157

Ms. Davis stated she wanted to thank staff for all their hard work on the AG-R zoning change for this area. She would also like to thank City Council for giving them this opportunity to be able to retain their properties. Ms. Proffitt stated she still has some that would like to take advantage of this AG-R rezoning.

Staff stated there was a schedule that was presented when this program initiated pre-pandemic. She stated staff adjusted that schedule and she believes there is not a hard-and-fast deadline but thinks it needs to be done this year. Staff stated if there are additional properties let staff know. She stated we can't create non-conforming lots.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **REEDS**, TMAPC voted **9-0-0** (Covey, Craddock, Doctor, Kimbrel, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the AG-R zoning for Z-7568 per staff recommendation.

**Legal Description for Z-7568:**

SW SE SE SW LESS E25 & S25 SEC 10 18 12; SE NE SE SW LESS W25 & LESS N/2 SEC 10 18 12 1.155ACS; NW SE NW SW LESS E25 & S25 FOR RDS SEC 10 18 12; SW NE SE SW LESS N25 & E25 SEC 10 18 12; S495.4 LESS N142.6 LT 12, ROSS HOMESITE SUB; W/2 N221 S442 W495 NW NW LESS W50 THEREOF FOR RD SEC 15 18 12 1.002ACS; SE SE SW SW LESS W25 &

S25 THEREOF FOR RD SEC 10 18 12 2.31ACS; W/2 W/2 SW SW SE SEC 10 18 12 2.5AC; NE SE NE SW LESS S25 & W25 THEREOF FOR RD SEC 10 18 12 2.14AC; BEG 246.27S NWC SW NW TH E487.4 SLY230.27 WLY476.2 N230 POB SEC 15 18 12; BEG NWC SW NW TH ELY495 SLY246.39 WLY487.4 TH N246.27 POB SEC 15 18 12; S221 W495 NW NW SEC 15 18 12; S/2 SW SW SW LESS W329.55 THEREOF & LESS S50 THEREOF SEC 10 18 12 2.12ACS; NW NW SW SW LESS W50 THEREOF & LESS S25 THEREOF SEC 10 18 12 1.96AC; SE NW NW SW LESS N25 SEC 10 18 12 2.31ACS; SE NW SW SW LESS N25 THEREOF FOR RD SEC 10 18 12 2.31ACS; N221 S1105 W495 NW NW SEC 15 18 12; N/2 SE NW SW SE LESS E25 SEC 10 18 12 1.155ACS; W/2 SW SE NW SE LESS N25 FOR RD SEC 10 18 12 1.155ACS; BEG 736.27S NWC SW NW TH ELY434.2 SWLY268.28 WLY392.4 N265 POB SEC 15 18 12; S/2 SE NW SW SE LESS E25 SEC 10 18 12 1.155ACS; SE SE NW SE LESS W131.56 & LESS N25 FOR RD SEC 10 18 12 1.38ACS; BEG 25N SWC NE SW NW SW TH N305.49 E220.68 S131.11 SW176.30 W196.43 TO POB SEC 10 18 12 1.50ACS; S/2 SW SE SE LESS E25 FOR RD & LESS W25 FOR RD SEC 10 18 12 4.62ACS; NE NW SE SW LESS S & W 25 FOR RDS 10 18 12; N221 S663 W495 NW NW SEC 15 18 12; SE SW SE SW LESS W25 THEREOF FOR RD SEC 10 18 12 2.31ACS; NE NE SE SW LESS W25 THEREOF FOR RD SEC 10 18 12 2.31ACS; N/2 SE NE SE SW LESS W25 THEREOF FOR RD SEC 10 18 12 1.155ACS; NW SW NW SW LESS E50 & S25 FOR RD SEC 10 18 12 1.96AC; NE SW SE SE SEC 10 18 12; SE NE SE SE SEC 10 18 12 2.5AC; SE SW SW SE LESS S50 THEREOF SEC 10 18 12 2.12AC; PRT LT 4 BEG SECR W211.98 N304.07 E212.03 S304.11 POB LT 4, ROSS HOMESITE SUB; SE SE SW SE SEC 10 18 12; PRTS LTS 4 & 5 BEG SWC LT 5 TH N304 E424.06 S304.06 W423.95 POB & PRT LT 5 BEG 20S NWC LT 5 TH S284 W180.34 N284.06 W180.32 POB LT 5; NE NE SW SW LESS S25 W25 THEREOF FOR RD SEC 10 18 12 2.5ACS; W/2 SW SE NE SE LESS N25 THEREOF FOR RD SEC 10 18 12 1.155AC; S239.74 LT 11 ROSS HOMESITE SUB; SW SE NE SW LESS N25 & E25 THEREOF & LESS BEG 25S & 25W NEC THEREOF TH S14.91 NW20.55 E14.23 TO POB SEC 10 18 12 2.138ACS; NW SE SE SW LESS E25 & LESS N174 THEREOF SEC 10 18 12 1.092ACS; NW NW NW SW LESS S25 & W50 FOR RDS SEC 10 18 12; SW NW SE SE SEC 10 18 12; NW SE NW SE LESS S25 FOR RD SEC 10 18 12; SW NE NW SE LESS N25 THEREOF SEC 10 18 12 2.31AC; NE NW SW SW LESS S25 THEREOF FOR RD SEC 10 18 12 2.31ACS; NE SE SW SW LESS W25 THEREOF FOR RD SEC 10 18 12 2.31ACS; NW NE SE SW LESS E & S25 FOR RDS SEC 10 18 12; N174 NW SE SE SW LESS E25 SEC 10 18 12 1.218ACS; NW NW SE SW LESS E25 & W25 THEREOF FOR RD SEC 10 18 12 2.12ACS; SE NW SE SW LESS N25 & W25 THEREOF FOR RD SEC 10 18 12 2.14ACS; E285.11 W310.11 N/2 NE SE NW SW SEC 10 18 12 1.080ACS; SW SE SW SE LESS S50 & W25 FOR RD SEC 10 18 12 1.96AC; SE NW NE SW LESS W25 SEC 10 18 12; SW SW SE SW LESS S25 & E25 SEC 10 18 12; N239.74 S479.49 LESS

N170 E158.5 THEREOF LT 11 ROSS HOMESITE SUB; W/2 SW SW NW SE & W/2 NW NW SW SE SEC 10 18 12 2.5ACS; SW SE SW SW LESS E25 THEREOF FOR RD SEC 10 18 12 2.31ACS; NE SE SE SW LESS W25 THEREOF FOR RD SEC 10 18 12 2.31ACS; E/2 SW SE NE SE LESS N25 THEREOF FOR RD SEC 10 18 12 1.155AC; SE SE NE SE LESS N25 THEREOF & LESS BEG NWC SE SE NE SE TH W65 S210 E15 S100 E50 N TO POB SEC 10 18 12 1.882ACS; SW NW NW SW LESS W50 & N25 FOR RDS SEC 10 18 12 1.97AC; W329.55 S/2 SW SW SW LESS S50 & S24.75 THEREOF FOR RD SEC 10 18 12 1.96AC; SW SE NW SW LESS N25 & E25 THEREOF SEC 10 18 12 2.14AC; BEG 305.66W & 355.09S CENTER SEC 10 TH E305.41 S306.60 W305.50 N305.69 TO POB SEC 10 18 12 2.15ACS

### OTHER BUSINESS

#### 14. Commissioners' Comments

Mr. Reeds stated Planning Commission just approved an application that is a testament both to our City Planning Group and the neighbors working with them hand-in-hand. He stated he is really glad to see that the process works.

\* \* \* \* \*

### ADJOURN

#### **TMAPC Action; 9 members present:**

On **MOTION** of **COVEY**, TMAPC voted **9-0-0** (Covey, Craddock, Doctor, Kimbrel, McArtor, Reeds, Ritchey, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Shivel, "absent") to **ADJOURN** TMAPC meeting of August 5, 2020, Meeting No. 2823.

**ADJOURN**

There being no further business, the Chair declared the meeting adjourned at 3:05 p.m.

Date Approved:

\_\_\_\_\_

\_\_\_\_\_

Chairman

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

Secretary