

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2824

Wednesday, August 19, 2020, 1:00 p.m.

City Council Chamber

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

Members Present	Members Absent	Staff Present	Others Present
Covey-P	Doctor	Foster	Jordan, COT-P
Craddock-P	McArtor	Hoyt	Silman, COT-R
Kimbrel-R		Miller	Skates, COT-R
Reeds-P		Sawyer	VanValkenburgh, Legal-R
Ritchey-R		Wilkerson	
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, August 13, 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 1:04 p.m.

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

REPORTS:

Chairman's Report:
None

Director's Report:

Ms. Miller reported that the Executive Order that allows Commissioners to participate in the meetings remotely expires on August 29, 2020 and she anticipates that it will be extended another 30 days. She stated a work session will be needed on October 21, 2020.

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Mr. Covey moved consent agenda items 1 and 3 to the Public Hearing.

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-579-B-2/Z-6333-SP-4b Hall Estill/Stuart Van De Wiele** (CD 7)
Location: North and East of the northeast corner of South 101st East Avenue and East 81st Street South requesting a **PUD Minor Amendment** to modify development standards for signage

STAFF RECOMMENDATION:

SECTION I: PUD-579-B-2 / Z-6333-SP-4b Minor Amendment

Amendment Request: Revise the Development Standards to clarify and delete certain obsolete or inconsistent Development Standards and to provide for enhanced signage standards for the Development Areas.

The applicant is proposing to amend the Development Standards for the subject portion of Development Area B to eliminate the restriction that only one use be allowed. In addition, they are proposing to revise the interior lot line setback as well as establish signage criteria, as shown in the Minor Amendment Text provided by the applicant, included with this report. For Development Area C, the applicant is proposing to establish revised signage criteria, as shown on the applicant's text document.

For both the subject areas, except as otherwise provided in the existing and revised Development Standards for the affected portion of Development Area B and Development Area C, the current City of Tulsa Zoning Code shall apply.

The Reserve Area A listed in the applicant's material is located within Development Area C.

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-579-B-2 / Z-6333-SP-4b does not represent a significant departure from the approved development standards and is considered a minor amendment to PUD-579-B / Z-6333-SP-4.
- 2) All remaining development standards defined in PUD-579-B / Z-6333-SP-4 and subsequent amendments shall remain in effect.
- 3) Ground signs listed as on the East Side (fronting Hwy 169) in Development Area B with a height of 50 ft and an area of 672 sf shall be limited to one, regardless of division of the subject lot.

With considerations listed above, staff recommends **approval** of the minor amendment to revise the Development Standards to clarify and delete certain obsolete or inconsistent Development Standards and to provide for enhanced signage standards for the Development Areas.

SECTION II: Supporting Documentation

Legal Description for:

Lot One (1), Lot Two (2), and Lot Four (4) (less the north 466.12 thereof), all in Block One (1) Tall Grass

Development Areas B (less the north 466.12 feet thereof) and C

TMAPC Action; 8 members present:

On **MOTION** of **CRADDOCK**, TMAPC voted **8-0-0** (Covey, Craddock, Kimbrel, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”;

Doctor, McArtor, “absent”) to **APPROVE** Consent Agenda Item 2 per staff recommendation.

PUBLIC HEARINGS

Mr. Covey stated the continuances would be addressed first.

- 4. **CPA-88 KKT Architects, Trey Wilson** (CD 4) Location: South of the southwest corner of the southeast corner of East 5th Street South and South Victor Avenue requesting to amend the Land Use Map designation from “Existing Neighborhood” to “Employment”. (Related to Z-7560) (Continued from July 15, 2020) (**Applicant requests a continuance to October 7, 2020**)

TMAPC Action; 8 members present:

On **MOTION** of **COVEY**, TMAPC voted 8-0-0 (Covey, Craddock, Kimbrel, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Doctor, McArtor, “absent”) to **CONTINUE** Item 4 to October 7, 2020.

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- 5. **Z-7560 KKT Architects, Trey Wilson** (CD 4) Location: South of the southwest corner of the southeast corner of East 5th Street South and South Victor Avenue requesting rezoning from **RS-4 to IL** (Related to CPA-88) (Continued from July 15, 2020) (**Applicant requests a continuance to October 7, 2020**)

TMAPC Action; 8 members present:

On **MOTION** of **COVEY**, TMAPC voted 8-0-0 (Covey, Craddock, Kimbrel, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Doctor, McArtor, “absent”) to **CONTINUE** Item 5 to October 7, 2020.

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- 6. **River West Phase III & IV** (CD 2) Preliminary Plat, Location: Northwest corner of West 23rd Street South and South Jackson Avenue (**Staff is requesting a continuance to September 2, 2020**)

TMAPC Action; 8 members present:

On **MOTION** of **COVEY**, TMAPC voted 8-0-0 (Covey, Craddock, Kimbrel, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Doctor, McArtor, “absent”) to **CONTINUE** Item 6 to September 2, 2020.

Mr. Walker left at 1:20 PM.

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Item 3 was moved to the public Hearing from the Consent Agenda.

- 3. **Z-7140-SP-1g Bart James** (CD 2) Location: South of the southwest corner of West 81st Street South and South Maybelle Avenue requesting a **Corridor Minor Amendment** to allow duplexes and townhouses in development area C (**Neighbors request continuance to September 16, 2020**)

All interested parties were in favor of a continuation to September 16, 2020

Interested Parties:

- Michael Kyser** 8414 S. Nogales Avenue West, Tulsa OK 74132
- Les Gleaves** 8437 South Phoenix Place, Tulsa, OK 74132
- Karen Sanders** 1203 W 86th Place South, Tulsa, OK 74132
- Cathy Reynolds** 902 West 85th Street, Tulsa, OK 74132
- Carlos Morales** 1107 W 86th Place South, Tulsa, OK 74132
- Josh Rosenstein** 1115 W 86th Place South, Tulsa, OK 74132
- Robin Wilson** 5756 East 138th Street South, Bixby, OK 74008
- Jane Duenner** 2220 West 91st Street, Tulsa, OK 74132
- Jeannie Cue** 175 East 2nd Street, Tulsa, OK 74101

TMAPC Action; 7 members present:

On **MOTION** of **COVEY**, TMAPC voted 7-0-0 (Covey, Craddock, Kimbrel, Reeds, Ritchey, Shivel, Van Cleave, “aye”; no “nays”; none “abstaining”; Doctor, McArtor, Walker, “absent”) to **CONTINUE** Item 3 to September 16, 2020.

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Item 1 was moved to the Public Hearing from the Consent Agenda.

- 1. **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 (Continued from August 5, 2020)

STAFF RECOMMENDATION:

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

Amendment Request: Revised the PUD Development Standards to reduce the setback requirements for the rear yard.

The original minor amendment request was to revise the side, garage and rear yard setbacks for the subject lot. The applicant has since revised the design of the proposed home so that it can comply with the side and garage setback requirements. The only request needed as part of this amendment is to reduce

the rear yard setback from 25 ft to 17.5 ft as illustrated on 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 yard setback from 25 ft to 17.5 ft.

SECTION II: Supporting Documentation

The applicant indicated his agreement with staff’s recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **COVEY**, TMAPC voted 7-0-0 (Covey, Craddock, Kimbrel, Reeds, Ritchey, Shivel, Van Cleave, “aye”; no “nays”; none “abstaining”; Doctor, McArtor, Walker, “absent”) to recommend **APPROVAL** of PUD-677-A-6 per staff recommendation.

Legal Description for PUD-677-A-6:

Lot 6, Block 2 Crestwood At The River II

7. **The Crossing at Battle Creek VI-VIII** (CD 6) Preliminary Plat, Location: North and east of East 41st Street South and South 145th East Avenue (Continued from August 5, 2020)

STAFF RECOMMENDATION:

The Crossing at Battle Creek VI-VIII - (CD 6)

North and east of East 41st Street South and South 145th East Avenue

This plat consists of 239 lots and 15 blocks on 57.56 ± acres. This preliminary plat covers 3 phases as a continuation of The Crossing at Battle Creek development. Phase numbers are subject to change based on final approval of earlier phases.

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

1. **Zoning:** A rezoning from the existing RS-3 designation to RS-4 was approved by TMAPC on June 17, 2020 (Z-7553). RS-4 zoning is required to be in effect prior to the approval of a final plat.
2. **Addressing:** City of Tulsa addresses and street names must be assigned and affixed to the face of the final plat.
3. **Block Length:** Maximum block lengths are exceeded on several merged blocks within the subdivision. Lots within the subdivision would be considered “Urban Low-Density” under Section 5-030 of the Subdivision & Development Regulations. Urban Low-Density blocks cannot exceed 700’ in length. Maximum block length can be expanded to 900’ if appropriate pedestrian connections are provided to comply with the regulations. Add additional pedestrian or street connections and revise block lengths to comply with Table 5-1.
4. **Transportation & Traffic:** Per the City Engineer, East 36th Place will be required to be a residential collector street and will need a 60’ dedication of right-of-way. New public streets are required to comply with all standards of the City of Tulsa. Sidewalks will be required within the subdivision per Title 35. IDP plans are required to be approved for public sidewalks adjacent to reserve areas and designated open space prior to approval of the final plat.
5. **Sewer:** Sanitary sewer extensions will require the approval of IDP. Final plat approval will not be given by the City of Tulsa until IDP has been approved. Dimension and label any required easements on the face of the plat.
6. **Water:** Water line extensions will require the approval of IDP. Final plat approval will not be given by the City of Tulsa until IDP has been approved. Dimension and label any required easements on the face of the plat.
7. **Engineering Graphics:** Submit a subdivision control data sheet with final plat submittal. Add contact information for project engineer and surveyor. Update location map to reflect only platted property boundaries. Label all other areas as unplatted. Ensure accuracy and consistency of legal description between written version and face of the plat. Graphically show all pins found or set associated with this plat.

8. **Stormwater, Drainage, & Floodplain:** Additional easements may be required for offsite drainage. Storm sewer IDP plans must be submitted and approved prior to the approval of a final plat.
9. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

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. City of Tulsa release required prior to final plat approval.

Applicant Comments:

The applicant stated this project started back in May with a rezoning application that was approved by the Planning Commission. It then went to the City Council, but it was continued by Counselor Dodson so there could be some discussion about 161st Street. He stated a preliminary plat was filed and it went to the Technical Advisory Committee(TAC). The applicant stated when the subdivision was designed it was designed in accordance with the Major Street and Highway Plan. He stated the Major Street and Highway Plan has a collector street coming in off of 145th going to the east and then it curves up to the north and then down to the south but it does not extend over to South 161st East Avenue. The applicant stated at the TAC meeting there was a comment that there were two collector streets on the subject property but it abuts a collector street on the westside running south so he believes that the Major Street and Highway Plan is being met on the southside of the subject property. He stated the point is the collector street does not extend through the subject property going to the east and when it was designed they thought they were in accordance with a Comprehensive Plan and now since there's not a collector street going east he understands that the city wants a collector street going through that property. The applicant stated there is a letter in your packet from Mr. Zachary that was received today stating he emphatically wants that collector street.

Mr. Covey asked, where do they want the collector street?

The applicant stated they want it to go east all the way over to 161st Street. He stated its not on the Major Street and Highway Plan. The applicant stated he believes they are in accordance with the Major Street and Highway Plan but the City wants a collector street. He stated they are not in agreement with the requirement but do accept the request and have modified the plat to reflect the change. The applicant stated his point is they follow the Major Street and Highway Plan and designed a subdivision that goes to TAC meeting. Then they work with staff and for the City to come along and say they want a collector street to go through there and they don't care what the Major Street and Highway says.

He stated that is a little disconcerting. The applicant stated the bottom line is that he accepts the recommendation and asks that Planning Commission approve the preliminary plat as will be revised per staff recommendation.

Interested Parties:

Ken Williams 320 South Boston STE 200, Tulsa, OK 74103

Mr. Williams stated he represents to Glenwood homes, which has the Battle Creek duplexes subdivision presently under consideration by the staff for preliminary plat. He stated the reason he is here today is related to the presentation was received from the developer in the southwest corner of the larger Plat. Mr. Williams stated Glenwood Homes doesn't have any objection to the plat which is under review, their concern is that the Battle Creek duplexes has a preliminary plat before the technical staff right now and that plat depends on an access and connectivity street, which it is currently under consideration for removal. Mr. Williams stated he would ask that Planning Commission continue this application to another date to allow time to resolve this connectivity issue within this larger development. He stated but if Planning Commission is not inclined to do that, then he just wants to make certain Commissioners keep in mind that the Battle Creek duplexes, which only has access for connection through the northern subdivision which had been approved for a preliminary plat that will come back to Planning Commission for an amendment. Mr. Williams stated he wants to will make sure the approval of this application isn't going to affect future removal of their connection to the greater development.

Mr. Covey asked Mr. Williams if he was asking for a continuance.

Mr. Williams stated that would be his preference to continue his conversation with a developer and staff.

TMAPC Comments:

Staff stated to provide some clarification for this particular development that is being talking about today for a preliminary approval is not adjacent to the property that was just discussed by Mr. Williams. He stated that is an extension and future phase and he thinks even with a different developer than the initial phases were done with, those conversations that were mentioned by the speaker are still ongoing, they have met with those developers. He stated the duplex project has not actually submitted a preliminary plat for review yet as staff continues to have those conversations with their engineer, but he is hopeful that they will be able to find some resolve to the connection issue between those two developments. Staff stated all in all it would be unrelated to the preliminary plat Planning Commission is reviewing today. He stated there would not be a connection between this phase and the future duplex project.

Mr. Reeds stated he did not know why Mr. Zachary was objecting to this application. He stated he is confused about him wanting the collector street.

Staff stated the other topic at hand here is the collector street that Ricky addressed and that is mentioned in the letter from Paul Zachary. He stated that is a requirement that was placed on the plat that Planning Commission is reviewing today. He stated the engineer has asked that what is currently a 50-foot dedicated residential street be expanded to a 60-foot collector street. So that's the condition and it's in your packet and if you approve per staff recommendation would be included in the requirements and would also satisfy Mr. Zachary's requirements that he has asked for.

Mr. Covey asked if the applicant was aware of staff's revised staff report.

The applicant stated "yes". He stated they are aware of Mr. Zachary's requirement and although they don't agree with it, they accept it and have incorporated it into the plat, so it will be a 60 foot wide collector street and then the paving requirement will meet whatever the subdivision regulations require. The applicant stated in regard to the continuance he would rather not be continued because he has had 2 continuances one on the zoning and one on the plat. He stated they will continue to work with the abutting property owner although as Staff stated the property Mr. Williams is speaking of does not doesn't abut this property directly.

Hamid Valadkhani 5705 East 71st Street STE 220, Tulsa, OK 74136

Mr. Valadkhani stated he is one of the owners of the duplexes. He stated the application has been submitted but he has been told that the layout of the preliminary plat has been approved and they have prepared all the engineering drawings. Mr. Valadkhani stated at the last minute the planning department told them they need to communicate with the developer to the north to come to an agreement about the access to their development. He stated both developments are residential and there is no other place to provide access. Mr. Valadkhani stated if they don't give access it will change their project. He stated their project depends on the confirmation of access from the developer of the north.

Mr. Craddock stated he is looking at the map and it shows connectivity. He stated Mr. Valadkhani's tract is almost a quarter mile away.

Mr. Valadkhani stated but all the areas are connected and if something changes on one it causes things to change on others.

The applicant stated as mentioned the subject development is a quarter mile away so he doesn't know what they are doing on this plat might have a negative impact on their location a quarter mile away, but he will visit with them and see what they can work out. He stated City staff is going to make sure there is proper connectivity.

Staff stated purely for information he will add the name The Crossing at Battle Creek expands for the entire section so the developments appear to be related. However, Phases 1 through 5 were approved with their own preliminary plat similar to what the applicant is doing today, but it was years ago. He stated that preliminary plat has already been approved by this body and he believes the comment being made is that they are revising that preliminary plat and it's beginning to shift over the years as they are developing. Staff stated one of the changes they made was eliminating the access that this project would depend on and staff is continuing to facilitate conversations between the developer of that northern tract as well as the duplex project. But the subject property does not have an impact on that particular access requirement.

Mr. Covey stated what is before Planning Commission today is the eastern half of this development. He stated the western half of this has already been approved at some time prior.

Staff stated "Yes", that's correct.

Mr. Covey stated Mr. Valadkhani is developing the southwest corner which is a quarter mile away from what's before us today.

Staff stated it is adjacent to The Crossing at Battle Creek project, but it is not the phases that is before you for review today.

TMAPC Action; 7 members present:

On **MOTION** of **REEDS**, TMAPC voted 7-0-0 (Covey, Craddock, Kimbrel, Reeds, Ritchey, Shivel, Van Cleave, "aye"; no "nays"; none "abstaining"; Doctor, McArtor, Walker, "absent") to **APPROVE** the Preliminary Subdivision Plat for The Crossing at Battle Creek VI-VII per staff recommendation.

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8. **Magnolia Ridge Phase II** (County) Preliminary Plat, Location: North and west of the northwest corner of East 86th Street North and North Memorial Drive (Tulsa County)

STAFF RECOMMENDATION:

Magnolia Ridge Phase II - (County)

North and west of the northwest corner of East 86th Street North and North Memorial Drive

This plat consists of 57 lots, 4 blocks on 14.78 ± acres.

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

1. **Zoning:** The property is zoned RS (Residential Single-Family) under the Tulsa County Zoning Code. Lots conform to the RS district standards.
2. **Addressing:** INCOG will assign addresses. Include assigned addresses on face of the final plat and provide address disclaimer.
3. **Transportation & Traffic:** Sidewalks will be required per Subdivision & Development Regulations. Dimension right-of-way and provide recording information or indicate right-of-way being dedicated by the plat. Label streets per addressing and County Engineer. Final street construction plans must be approved by the County Engineer and installed prior to final plat release.
4. **Sewer:** Sewer service to be provided by the City of Owasso. City of Owasso release letter required prior to final plat approval.
5. **Water:** Water line plans must be submitted to Rural Water District No. 3, Washington County. All requirements of the district must be met for final plat approval.
6. **Engineering Graphics:** Submit subdivision control data sheet with final plat. Update CA number for surveyor. Update location map to reflect only platted boundaries and label all plats. Label all other property as unplatted. Graphically show all pins found or set that are associated with the plat. Ensure accuracy of legal description with face of the plat.
7. **Stormwater, Drainage, & Floodplain:** Plans for stormwater and drainage must be approved by the Tulsa County Engineer and improvements must be in place 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.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **CRADDOCK**, TMAPC voted 7-0-0 (Covey, Craddock, Kimbrel, Reeds, Ritchey, Shivel, Van Cleave, “aye”; no “nays”; none “abstaining”; Doctor, McArtor, Walker, “absent”) to **APPROVE** the Preliminary Subdivision Plat for Magnolia Ridge Phase II per staff recommendation.

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9. **41st & Lynn Lane** (CD 6) Preliminary Plat and Modification of the Subdivision & Development Regulations to permit a flag lot, Location: West of the southwest corner of East 41st Street South and South 177th East Avenue

STAFF RECOMMENDATION:

41st & Lynn Lane - (CD 6)

West of the southwest corner of East 41st Street South and South 177th East Avenue (Lynn Lane)

The Technical Advisory Committee (TAC) met on August 6, 2020 and provided the following conditions:

1. **Zoning:** Property within the subdivision is zoned RS-4 (Residential Single-Family). Proposed lots will conform to the requirements of the RS-4 district.
2. **Addressing:** City of Tulsa 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 the City of Tulsa. Sidewalks will be required within the subdivision per Title 35. IDP plans are required to be approved for public sidewalks adjacent to reserve areas and designated open space prior to approval of the final plat.
4. **Sewer:** Sanitary sewer extensions will require the approval of IDP. Final plat approval will not be given by the City of Tulsa until IDP has been approved. Dimension and label any required easements on the face of the plat.
5. **Water:** Water line extensions will require the approval of IDP. Final plat approval will not be given by the City of Tulsa until IDP has been approved. Dimension and label any required easements on the face of the plat.
6. **Engineering Graphics:** Submit a subdivision control data sheet with final plat submittal. Add “City of” before Tulsa in the plat subtitle. Update location map to reflect only platted property boundaries. Label all other areas as unplatted. Ensure accuracy and consistency of legal description between written version and face of the plat. Graphically show all pins found or set associated with this plat. Provide address for owner/developer. Remove contours on final plat. Provide a bearing angle shown on the face of the plat and include coordinate system used.

- 7. **Stormwater, Drainage, & Floodplain:** Additional easements may be required for offsite drainage. Storm sewer IDP plans must be submitted and approved prior to the approval of a final plat.
- 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.

Modification of Subdivision & Development Regulations:

Applicant has requested a modification of the Subdivision & Development Regulations to permit a flag lot, Lot 21 Block 3.

Regulations require the approval of a modification per Section 5.040.2. Staff has reviewed the request for a flag lot against the criteria in the Subdivision & Development regulations and has determined that the configuration will reduce access points to the arterial street and allow the additional residential lot to be accessed through the internal streets.

Staff recommends **APPROVAL** of the preliminary subdivision plat and the modification of the Subdivision & Development Regulations, subject to the conditions provided by TAC and all other requirements of the Subdivision and Development Regulations. City of Tulsa release required prior to final plat approval.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **REEDS**, TMAPC voted 7-0-0 (Covey, Craddock, Kimbrel, Reeds, Ritchey, Shivel, Van Cleave, "aye"; no "nays"; none "abstaining"; Doctor, McArtor, Walker, "absent") to **APPROVE** the Preliminary Subdivision Plat for 41st & Lynn Lane per staff recommendation.

Mr. Reeds left at 2:08pm.

- 10. **Z-7506 Mike Thedford** (CD 2) Location: South of the southeast corner of West 81st Street South and South Maybelle Avenue requesting rezoning from **AG to RS-3 with an optional development plan(Remanded from City Council)**

STAFF RECOMMENDATION:

SECTION I: Z-7506

DEVELOPMENT CONCEPT: The applicant is proposing to rezone the subject lots from AG to RS-3 with an optional development plan for private streets and single-family residential lots.

DETAILED STAFF RECOMMENDATION:

Z-7506 requesting RS-3 zoning with an optional development plan for private streets. The private street network does not support the connectivity concepts in the comprehensive plan. Private gated streets may limit development opportunities for surrounding properties as this area continues to evolve in a more urban form. The private street subdivision does not exceed the maximum land area for private street subdivision as identified in the Tulsa Development and Subdivision regulations and,

The development plan outlined in Section II below conforms to the optional development plan standards defined in the Tulsa Zoning Code and,

RS-3 zoning allows residential building types and lot sizes that are consistent with the anticipated future development pattern of the surrounding property and,

RS-3 zoning is consistent with the New Neighborhood land use designation of the Comprehensive Plan, therefore,

Staff recommends **Approval** of Z-7506 to rezone property from AG to RS-3 zoning with an optional development plan for private streets.

SECTION II: DEVELOPMENT PLAN STANDARDS

The optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in a RS-3 district with its supplemental regulations except as further refined below. All uses categories, subcategories or specific uses and residential building types that are not listed in the following permitted uses categories are prohibited:

PERMITTED USE CATEGORY

RESIDENTIAL

Household Living (if allowed below)

- Single Household
 - Detached house

PERMITTED RESIDENTIAL BUILDING TYPES

Household Living

- Single Household
 - Detached house

SIDEWALKS:

Sidewalks will be required and constructed as defined in the Subdivision and Development Regulations for the Tulsa Metropolitan area. Sidewalks in the public street right-of-way and adjacent to private streets where they abut common open space shall be constructed prior to issuance of any building permit for residential building types.

VEHICULAR ACCESS:

- A. Vehicular access will be provided by a privately owned and maintained street.
- B. Private streets will conform to the City of Tulsa engineering standards for a minor residential street.
- C. Private streets will conform to the Subdivision Regulations for the City of Tulsa.
- D. A site plan with the gate assembly and turn around areas must be approved by Development Services prior to preliminary plat approval at the planning commission.
- E. A mandatory homeowners association shall be established for maintenance of the street system. The City of Tulsa shall have no street maintenance or repair obligations of any kind.

LANDSCAPING: Street trees along South Maybelle Avenue shall be installed and maintained prior to issuance of a permit for any residential building type as follows:

- A. Trees shall be installed and maintained so the maximum spacing of the trees shall not exceed 35 feet. At the time the trees are planted the minimum height shall be 12 feet with a minimum caliper of 2.5 inches.
- B. Trees shall be on a lot, or in a reserve area within 20 feet of the public street right of way for South Maybelle.
- C. Required street trees shall be installed and maintained as part of the property owner's association.
- D. Additional trees and landscaping may be installed however the required trees must be selected from the approved tree list established and published by the Land Use Administrator.
- E. All street yards and right of way where trees are required shall be irrigated with an underground automatic irrigation system.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The subject property is designated as a New Neighborhood Land Use and an Area of Growth

Land Use Vision:

Land Use Plan map designation: New Neighborhood

The New Neighborhood is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity and shall be paired with an existing or new Neighborhood or Town Center.

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: West Highlands Small area plan as approved July 10th, 2019

Priorities are listed below and the goals in Priority #'s 1 and 2 that may be specific to this redevelopment area.

Priority 1: Proposed land uses balance West Highlands/ Tulsa Hills stakeholder vision with Planitulsa vision.

3.1 Encourage substantial buffering in C0-zoned lands between U5-75 and Union Avenue, including, but not limited to, dense tree

or native plantings along Union Avenue, commensurate with degree of land use intensity.

Priority 2: Prioritize the preservation of open space and the natural environment in future development.

4.1 For new construction in New and Existing Neighborhood land-use areas, and Town and Neighborhood Center each 1,500 square feet of street yard should have three trees. The Zoning Code (Section 1002.C.1) currently requires only one (1) tree.

4.2 Facilitate partnerships between neighborhood stakeholders, developers and regional land trusts such as Land Legacy.

4.3 Develop easily understood, coherent standards for conservation subdivisions which will allow developers to apply conservation subdivision design for new home construction, while minimizing the need to apply for new zoning.

4.4 Develop and implement code updates to allow low-impact development (LID) practices more easily, by identifying current elements of zoning, building and other regulatory codes that do not allow LID practices. Ensure developer incentives, such as a streamlined development review process.

4.5 Develop a matrix (or checklist), to be used by City of Tulsa Planning staff, of rural design elements which can be used to easily measure how well new construction integrates with bucolic aesthetic. These design elements should pertain less to actual design of homes, and more to the units' siting, green space preservation, screening and the use of other nonstructural design material, such as fencing materials.

4.6 Revise zoning code to include a "rural residential" district which allows a limited number of livestock and horses as a use by right and has larger minimum lot sizes. This can be done by either amending an existing district, or creating a new one.

4.7 Support planting of shade trees in public right-of-way during road construction.

Priority 3: Sustain area's economic Growth through the future.

Priority 4: Improve local connections to the metropolitan transportation system.

Priority 5: Protect public welfare and safety.

Priority 6: Ensure implementation of recommendations of West Highlands/Tulsa Hills Small Area Plan.

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site currently contains single-family residences on large lots.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
S Maybelle Ave	N/A	N/A	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	AG	New Neighborhood	Growth	Single-Family
South	AG	New Neighborhood	Growth	Single-Family/AG
East	AG	New Neighborhood	Growth	Single-Family
West	CO	Regional Center	Growth	Retail/Commercial

SECTION III: Relevant Zoning History

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

Subject Property:

Z-7506 case history summary for this application: *This zoning application started as a request for RS-5 zoning and was recommended for approval at the November 20th, 2019 Planning Commission meeting. The recommendation was*

transmitted to the City Council January 7th, 2020. At the City Council meeting on January 29th the city council tabled the item for further discussion. July 15th, 2020 the City Councilor sent the request back to the Planning Commission with directions to submit an optional development plan for RS-3 zoning with a private street.

BOA- 13131 June 1984: The Board of Adjustment **approved** a *Variance* of the required 30' of frontage to 0' in an AG district under the provisions of Section 1670, subject to the execution of a mutual access easement, on property located south and west of 81st Street and Elwood Avenue.

BOA- 8418 December 1974: The Board of Adjustment **denied** an application of *Exception* to permit a mobile home in an AG district, on property located south and west of 81st Street and Elwood Avenue.

Surrounding Property:

Z-7164 SP-1 March 2011: All concurred in **approval** of a request for *rezoning* a 30± acre tract of land from AG/OL/CS to CO and a *Corridor Site Plan* for neighborhood and pedestrian oriented office and commercial mixed-use development, on property located on southeast corner of Highway 75 South and West 81st Street. The TMAPC recommended approval with the amendments that include the six-foot masonry wall and the lighting requirements as provided by staff.

Z-7140 SP-1 December 2009: All concurred in **approval** of a request for *rezoning* a 41± acre tract of land from AG to CO and a *Corridor Site Plan* for residential use, garden and patio homes, on property located south of southwest corner of South Maybelle Avenue and West 81st Street and abutting south of subject property. The TMAPC recommended approval per staff recommendation and subject to adding Use Unit 1, to impose the additional buffer along the north end across to the detention pond. City Council approved the applications per TMAPC recommendation with condition of Maybelle getting upgraded in accordance with the Major Street and Highway Plan and per City of Tulsa design standards within the project limits, and resurfaced to 22' wide with improved borrow ditch from the northern boundary of the subdivision to West 81st Street.

BOA- 16312 April 1993: The Board of Adjustment **approved** a *Variance* of the required 30' of frontage on a dedicated right-of-way to 13' to permit a lot-split, subject to a maximum of three residences on the tract, with each having 13' of frontage on Maybelle, finding that the request is consistent with the area, on property located east of Maybelle and south of 81st Street.

BOA- 20039 June 2005: The Board of Adjustment **approved** a *Variance* of the minimum required frontage on a public street from 30' to 0', finding that the circumstances surrounding this land is peculiar to these tracts and the enforcement code would result in an unnecessary hardship to the property owner, on property located 8511 South Maybelle Avenue.

The applicant indicated his agreement with staff's recommendation.

TMAPC Comments:

Mr. Covey asked if the only change in the application was private streets.

Staff stated the original request was for RS-5 zoning but when it returned from City Council, they were specific that it meets RS-3 standards.

Mr. Covey asked staff what zoning did TMAPC approve for this property, he thought it was RS-4.

Staff stated that was correct.

Mr. Covey stated it was RS-4 and City Council is sending it back for RS-3 and private streets. Mr. Covey asked if this was going to be a gated community.

Staff stated one of the conditions in the development plan is if it is gated it needs a detailed gate plan that would need to be approved before the preliminary plat is approved. He stated the concept plan that the applicant provided does show a gate along the west entrance but that is not a requirement of the development plan.

Ms. Kimbrel asked if staff could give more details about the emphasis on private streets at City Council. She asked if there was concerns that was presented to City Council that was not presented to the Planning Commission. Ms. Kimbrel stated what is the new information that City Council wants Planning Commission to consider that they didn't consider at the prior meeting.

Staff stated the applicant or Councilor Cue would need to answer those questions because staff was not present at all those meetings.

Applicant Comments:

The applicant stated this application has been on a long road. He stated the application started with asking for RS-5 and that was tabled. The applicant stated the Planning Commission approved RS-4 and then City Council continued the application based on factors from traffic, drainage and all of the concerns of the citizens. He stated his client Chris Keys had a lot of conversations with the neighbors and there was a town hall. The applicant stated at one of those meetings Mr. Zachary was present to explain some of the improvements that

would happen to the area in the future. He stated out of those meetings came the agreement to go with the bigger lots, RS-3 and to add private streets and a possible gate.

Mr. Covey asked why the neighbors wanted the private streets.

The applicant stated he thought it was because the other development in the area was gated.

Mr. Covey stated if its gated then there would not be connectivity.

The applicant stated his client may be able to speak about other options. He stated the decision for gates came to him it was not the applicant's idea.

Mr. Covey stated so the City Council is the one requesting gates.

Ms. Kimbrel asked the applicant if the condition of the private streets address the concerns of community members. She asked if the community members know and support this application.

The applicant stated he doesn't know what the reasoning was but with the addition of private streets and a gate most neighbors support it now. He stated City Council didn't say it was a requirement but if we wanted the support of the neighborhood this is what it takes.

Interested Parties:

Councilor Jeannie Cue 175 East 2nd Street, Tulsa, OK 74103

Ms. Cue stated she has had multiple meetings with Hyde Park and Stonebrook residents for the last 2 years and the residents like the new plan. She stated she hasn't heard of anyone having any issues with the new presentation. Ms. Cue stated the decrease of number of houses and the gate with private streets has the support of the neighborhood.

Jane Duenner 2320 West 92nd Street, Tulsa, OK 74132

Ms. Duenner said she has 3 problems with this development. She stated flooding, traffic and infrastructure. Ms. Duenner stated she would like Planning Commission to consider not approving high density housing for this area because the land has high clay content and does not perk or drain for a number of days. She stated Peggy Knight of Knight Creek Farms on Elwood has to take her back egress to leave her property as Elwood is often flooded. Ms. Duenner stated West 81st Street between US 75 and Olympia Avenue is often at a standstill. The north bound exit off of US 75 and sometimes the southbound exit is often backed up to the highway. She stated the money to improve drainage in the area was allocated for another purpose. Ms. Duenner stated she doesn't believe the infrastructure is in place nor does the City have the funds for police and fire to serve the added homes.

Mr. Craddock asked if Ms. Duenner participated in the community meetings.

Ms. Duenner stated she didn't know about the most recent meetings.

Terri Beeler submitted a comment from the Go To Meetings app:

Ms. Beeler stated she has property that abuts the new addition and she supports the gated streets and the bigger lots. She stated she did not know about the neighborhood meetings that Jeannie Cue spoke about.

The applicant stated the drainage and traffic was the reason Mr. Zachary attended the neighborhood meeting to help the residents understand the plans for the area.

Susan Beeler 8223 South Maybelle Avenue, Tulsa, OK 74132

Ms. Beeler stated she has lived in the 28 years and her property abuts this new development. She stated she did not know about the meetings Jeannie Cue spoke about and she is not sure how she missed out on those meetings since she abuts the subject property. Ms. Beeler asked what the optional development plan means.

Mr. Thedford stated he is not sure if the town hall meeting has scheduled dates, he was invited to attend. He stated the optional development plan is an option that can be attached to a rezoning that can further restrict the uses for the property.

Mr. Covey stated the optional development plan stated its not just RS-3 zoning, its RS-3 and then some. He stated it is to the benefit of the neighborhood.

TMAPC Action; 6 members present:

On **MOTION** of **CRADDOCK**, TMAPC voted 6-0-0 (Covey, Craddock, Kimbrel, Ritchey, Shivel, Van Cleave, "aye"; no "nays"; none "abstaining"; Doctor, McArtor, Reeds, Walker, "absent") to recommend **APPROVAL** of the RS-3 zoning for Z-7506 with an optional development plan to allow private streets per staff recommendation.

Legal Description for Z-7506:

THE SOUTH FIVE (5) ACRES OF THE WEST TEN (10) ACRES OF THE SOUTH TWENTY-SIX AND 2/3 (26 2/3) ACRES OF THE NORTH HALF OF THE NORTHEAST QUARTER (N/2 NE/4); THE NORTH FIVE (5) ACRES OF THE WEST TEN (10) ACRES OF THE SOUTH TWENTY-SIX AND 2/3 (26 2/3) ACRES OF THE NORTH HALF OF THE NORTHEAST QUARTER (N/2 NE/4); THE EAST SIX (6) ACRES OF THE WEST 16 ACRES OF THE SOUTH TWENTY-SIX AND 2/3 (26 2/3) ACRES OF THE NORTH HALF OF THE NORTHEAST QUARTER (N/2 NE/4); ALL IN SECTION 14, TOWNSHIP 18 NORTH, RANGE 12 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA

COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF

* * * * *

11. **Z-7566 Sally Moseby** (CD 1) Location: North of the northeast corner of West Latimer Street and North Main Street requesting rezoning from **RS-5 and RS-4 to RM-3**

STAFF RECOMMENDATION:

SECTION I: Z-7566

DEVELOPMENT CONCEPT: The existing property was developed approximately 100 years ago and includes a single three-story building with 12 apartments. A building permit has been received and renovation is currently in progress. The original development did not include any parking except street parking. The two lots in consideration are now combined and the intention is to develop both tracts into a single infill development tract.

DETAILED STAFF RECOMMENDATION:

Case Z-7566 requesting RM-3 zoning is consistent with the current and expected development pattern in the area and,

RM-3 zoning will provide guidance for redevelopment of the existing multifamily property and anticipated parking. Establishing appropriate zoning along with its supplemental regulations helping stabilize this area north of Emerson Elementary and,

RM-3 uses and building types are consistent with the Existing Neighborhood land use designation in the Tulsa Comprehensive Plan and,

Uses and building types and supplemental regulations defined in the RM-3 zoning district are consistent with the Unity Heritage Neighborhoods Plan therefore,

Staff recommends Approval of Z-7566 to rezone property from RS-5 and RS-4 to RM-3.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The rezoning request is consistent with the Existing Neighborhood designation in the Tulsa Comprehensive Plan and the rezoning request is consistent with the anticipated redevelopment of the area identified in the Unity Heritage Neighborhoods 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: None that affect the site.

Trail System Master Plan Considerations: None that affect the site

Sector Plan:

Unity Heritage Neighborhoods Plan:

The neighborhood plan was adopted in November 2016 and included seven goals in the implementation action matrix that are important to this redevelopment opportunity. Emerson school redevelopment was not specifically identified as a growth opportunity area however redevelopment of this school site along with Tulsa Development Authority collaboration has provided an opportunity to help transform and revitalize neighborhoods most impacted by

vacancy or poor maintenance as identified in goal 3. This specific property and the requested rezoning help achieve that goal.

Special District Considerations: This property is included in the Healthy Neighborhood Overlay and only regulates the proliferation of small box discount stores. That overlay does not affect redevelopment of this site for multifamily purposes.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The existing 3 story apartment is being renovated but does not have adequate parking. The alley has recently been repaved by the City of Tulsa and access to the parking can be provide from Main and the Alley. The site has been used for parking but not paved except along the east side of the site.

Street view from northwest looking southeast.



Environmental Considerations: None that affect site redevelopment

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North Main Street	Residential Collector	60 feet	2 lanes with on street parking.

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-5	Existing Neighborhood	Stability	Detached Single Family Home
East	RS-5	Existing Neighborhood	Stability	Detached Single Family Home
South	RS-4	Existing Neighborhood	Stability	Detached Single Family Home
West	RS-4	Existing Neighborhood	Stability	Detached Single Family Home

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 17817 dated November 12, 1992 and Ordinance number 23854 dated February 10, 2018 established the current 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 Neighborhoods Plan), 36th Street North Corridor Small Area Plan, and The Crutchfield Neighborhood Revitalization Master Plan (related to ZCA-7).

Z-7426 January 2018 (Rel. to Z-7427 & PUD-786-A): All concurred in **approval** of a request for *rezoning* a 2.05± acre tract of land from RM-3/CS to RS-5 for residential, on property located north west corner of East Latimer Street & North Boston Avenue. This case includes part of the subject property and a portion of the surrounding area. (Ordinance No. 23854)

PUD-786-A Abandonment January 2018 (Rel. Z-7426 & Z-7427): All concurred in **approval** of a proposed *Major Amendment to Abandon* PUD-786 on a 2.61± acre tract of land for on property located north west corner of East Latimer Street and North Boston Avenue.

PUD-786 October 2011: All concurred in **approval** of a proposed *Planned Unit Development* on a 2.63± acre tract of land for a mixed-use senior living center, on property located north and east of East Latimer Street and North Main Street.

Z-6373 November 1992: All concurred in **approval** of a request for *rezoning* a 195± acre tract of land from RM-1 to RS-4 for single-family residential homes, on property located east of Osage Expressway between Fairview Street and Pine, to North Cincinnati Avenue. This includes the subject property and most of the surrounding area. (Ordinance No. 17817)

Ordinance number 11918 dated September 1, 1970 established zoning for the subject property.

Surrounding Property:

Z-7528 February 2020: All concurred in **approval** of a request for *rezoning* a .13± acre tract of land from RS-4 to RS-5 for duplexes, on property located east of the southeast corner of East Latimer Place and North Boston Avenue.

BOA-22745 October 2019: The Board of Adjustment **approved** a *Special Exception* to allow a duplex in an RS-5 District, a *Variance* of the required number of parking spaces, subject to conceptual plan 3.6, not intended to require the drive to the rear, finding the hardship to be the narrowness of the lot and the undue burden of providing extra parking for such a small domicile, on property located at 1012 North Main Street.

Z-7480 July 2019: All concurred in **approval** of a request for *rezoning* a .15± acre tract of land from RS-4 to RS-5 for a duplex, on property located northwest corner of West King Street and North Main Street.

Z-7427 January 2018 (Rel. to Z-7426 & PUD-786-A): All concurred in **approval** of a request for *rezoning* a .58± acre tract of land from RM-3/CS to MX-2-U-45 for mixed use, on property located north east corner of North Main Street and East Latimer Street.

BOA-22295 July 2017: The Board of Adjustment **approved** a *Special Exception* to permit a school and accessory uses in the R District, on property located at between East Independence Avenue North and East Latimer Street North and between North MLK, Jr. Boulevard West and North Main Street.

BOA-16585 February 1994: The Board of Adjustment **approved** a *Variance* to permit a family daycare home within 300' of another family daycare home, finding that the applicant picks up and delivers children and will not be detrimental to the neighborhood, on property located at 1136 North Boston Place.

BOA-08851 December 1975: The Board of Adjustment **approved** an *Exception* to use property for public school use and a *Minor Variance* to build across lot lines, per plot plan, in an RM-1 and CS District, on property located at 103 East King Street.

BOA-08610 June 1975: The Board of Adjustment **approved** an *Exception* to use property for church use and a *Variance* of the minimum lot area of one acre and the 100' lot width for a period of two years at which time the Board will reassess the parking arrangement in an RM-1 District, on property located at 1109 North Main Street.

BOA-06296 May 1969: The Board of Adjustment **approved** an *Exception* to use property for public school use in a U-2-A district, on property located at 143 East King Street.

BOA-05659 December 1967: The Board of Adjustment **approved** an *Exception* to permit a school use in a U-2A District, on property located 135 East King Street.

BOA-04220 October 1963: The Board of Adjustment **approved** request for permission to operate a home beauty shop in a U-2-A district, on property located at Lot 7, Block 2, Pouder-Pomeroy Second Addition.

BOA-04214 October 1963: The Board of Adjustment **approved** request for permission to operate a home beauty shop in a U-2-A district, on property located Lot 3, Block 17, Burgess Hill Addition.

BOA-01614 July 1943: The Board of Adjustment **approved** a request for permission to establish an office, sales room, and warehouse, for the purpose of storing, selling, repairing and servicing of machinery used in connection with the coating and wrapping of pipelines, and the sale of pipeline equipment in general, on property located at .

BOA-00188 November 1925: The Board of Adjustment **approved** an *appeal* of the permit inspector's decision to refuse a building permit for an addition to an existing clothes cleaning and pressing establishment on account of being non-conforming to a U-2 district, on property located Lot 2, Block 5 Owen Addition.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Comments:

Mr. Craddock stated he thinks this a great save of an old building.

TMAPC Action; 6 members present:

On **MOTION** of **CRADDOCK**, TMAPC voted 6-0-0 (Covey, Craddock, Kimbrel, Ritchey, Shivel, Van Cleave, “aye”; no “nays”; none “abstaining”; Doctor, McArtor, Reeds, Walker, “absent”) to recommend **APPROVAL** of the RM-3 zoning for Z-7566 per staff recommendation.

Legal Description for Z-7566:

LOT TWELVE (12), BLOCK EIGHTEEN (18), BURGESS HILL ADDITION AND LOT SEVEN (7), BLOCK EIGHT (8), POWDER AND POMEROY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

* * * * *

12. **Z-7567 Nathalie Cornett** (CD 6) Location: North and east of the northeast corner of East 11th Street South and South 193rd East Avenue requesting rezoning from **AG to IH with optional development plan**

STAFF RECOMMENDATION:

SECTION I: Z-7567

DEVELOPMENT CONCEPT: Establish zoning for the site after the 2011 annexation.

In connection with the rezoning to the Industrial-Heavy District (IH District), the Applicant respectfully requests that pursuant to Section 70.040-B.2 of the Tulsa Zoning Code, the development of the Property be approved with the additional development limitations as follows:

DETAILED STAFF RECOMMENDATION:

The subject tract and surrounding properties are located within an Employment Land Use designation in the City of Tulsa Comprehensive plan. The site was annexed into the city with AG zoning and is not part of a small area plan that might provide additional guidance and,

The request for IH zoning along with normal supplemental regulations and limited uses identified in the optional development plan is consistent with the anticipated land use and,

Uses allowed in the proposed IH zoning district along with normal supplemental regulations and limited uses identified in the optional development plan is compatible with the surrounding proximate properties and,

The optional development plan outlined in section II below is consistent with the provisions of the Tulsa Zoning Code therefore,

Staff recommends Approval of Z-7567 to rezone property from AG to IH with the optional development plan as defined in section II.

SECTION II OPTIONAL DEVELOPMENT PLAN

The optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in an IH district with its supplemental regulations and Accessory Use provisions except as further refined below. All uses categories, subcategories or specific uses and residential building types that are not listed in the following permitted uses categories are prohibited:

PERMITTED USE CATEGORY

* indicates specific uses that are only allowed through the special exception process

A) RESIDENTIAL (see allowed residential building types below)

Household Living

Single household

Group Living

*Homeless center

*Re-entry facility

*Residential treatment center

*Shelter, emergency and protective

*Transitional living center

B) PUBLIC, CIVIC, AND INSTITUTIONAL

*Cemetery

*College or University

*Day Care *Detention and Correctional Facility

*Fraternal Organization

*Governmental Service or Similar Functions

*Hospital

*Library or Cultural Exhibit

Natural Resource Preservation

*Parks and Recreation

*Postal Services

*Religious Assembly

Safety Service

- *School Utilities and Public Service Facility (minor)
- *Utilities and Public Service Facility (major)
- Wireless Communication Facility (includes all specific uses)

C) COMMERCIAL

- Animal Service
 - Boarding or shelter
 - Grooming
 - Veterinary
- Assembly and entertainment
 - *Indoor gun club
 - *Other indoor
 - *(small; up to 250-person capacity)
 - *Outdoor gun club
 - *Other outdoor
- Broadcast or Recording Studio
- Commercial Service (includes all permitted specific uses)
- Financial Services (includes all permitted specific uses)
- Funeral or Mortuary Service
- Lodging
 - *Bed & breakfast
 - Short-term rental
 - Campgrounds and RV parks
- *Hotel/motel
- Office (includes all permitted specific uses)
- Parking, Non-accessory
- Restaurants and Bars
 - Restaurant
 - *Bar
 - *Brewpub
- Retail Sales (includes all permitted specific uses)
- Self-service Storage Facility
- *Sexually Oriented Business Establishment
- Studio, Artist, or Instructional Service
- Trade School Vehicle Sales and Service (includes all permitted specific uses)

D) WHOLESALE, DISTRIBUTION AND STORAGE

- Equipment & Materials Storage, Outdoor
- Trucking and Transportation Terminal
- Warehouse Wholesale Sales and Distribution

E) INDUSTRIAL

- Low-impact Manufacturing & Industry
- Moderate-impact Manufacturing & Industry

High-impact Manufacturing & Industry, but only for a High-Impact Medical Marijuana Processing Facility

F) RECYCLING

*Construction or Demolition Debris
Consumer Material Drop-off Station
Consumer Material Processing

G) AGRICULTURAL

Animal Husbandry
Community Garden Farm, Market- or Community-supported
Horticulture Nursery

H) OTHER

Drive-in or Drive-through Facility (as a component of an allowed principal use)
Off-Premise Outdoor Advertising Sign
*Oil or Gas Well

PERMITTED RESIDENTIAL BUILDING TYPES

Household Living
Single household
*Manufactured housing unit

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Industrial zoning categories are generally consistent with employment land use designation. The Tulsa Comprehensive plan does not provide clear guidance for locating heavy industrial uses. This small tract with the provisions of the optional development plan is consistent with the employment land use designation.

Land Use Vision:

Land Use Plan map designation: Employment

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

Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

Areas of Stability and Growth designation: Area of Growth

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

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

Transportation Vision:

Major Street and Highway Plan: None

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None except that property was annexed in 2001 as AG zoned property and has never been rezoned.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS: The site has access from an undeveloped road right of way. Aerial photos illustrate a single-story commercial / industrial building with unimproved parking areas. The redevelopment of this

site and rezoning will require the site to meet current zoning and development standards.

Staff Summary: The existing building and site is surrounded by undeveloped or industrial uses and is not visible from the street. .

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>
Un-named stub street with right of way connection to the cul-de-sac on East 6 th Street	None	50 feet	2 no curb and gutter or improved drainage system.

Utilities:

The subject tract has municipal water service. Municipal sanitary sewer service is not available. The existing

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG	Employment	Growth	Contractor supply pipe yard and outdoor storage
East	AG	Employment	Growth	Unknown (single story metal building)
South	AG	New Neighborhoods	Growth	Undeveloped agriculture land
West	AG	Employment	Growth	

SECTION IV: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 20244 dated November 20, 2001 established zoning for the subject property.

No records could be found for the subject property or properties within 300 ft of the subject property other than the ordinance above which annexed this property (as well as many others into the City of Tulsa’s corporate limits from Wagoner County)

Wagoner County was subsequently contacted to see if they had any records for this property prior to its annexation into the City of Tulsa or if they could point staff in the direction of who to else to contact, but staff never received a response.

The applicant has not provided additional relevant zoning history.

It should be noted all properties included in this ordinance were zoned AG prior to their annexation into the City of Tulsa’s corporate limits and remained AG upon their annexation.

The applicant indicated his agreement with staff’s recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **SHIVEL**, TMAPC voted 6-0-0 (Covey, Craddock, Kimbrel, Ritchey, Shivel, Van Cleave, “aye”; no “nays”; none “abstaining”; Doctor, McArtor, Reeds, Walker, “absent”) to recommend **APPROVAL** of the IH zoning with the optional development plan for Z-7567 per staff recommendation.

Legal Description for Z-7567:

LOT 3, BLOCK 1, REPLAT PORT AREA INDUSTRIAL PARK, WAGONER COUNTY, OKLAHOMA

OTHER BUSINESS

13. Commissioners' Comments

* * * * *

ADJOURN

TMAPC Action; 6 members present:

On **MOTION** of **COVEY**, TMAPC voted 6-0-0 (Covey, Craddock, Kimbrel, Ritchey, Shivel, Van Cleave, “aye”; no “nays”; none “abstaining”; Doctor, McArtor, Reeds, Walker, “absent”) to **ADJOURN** TMAPC meeting of August 19, 2020, Meeting No. 2824.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 2:26 p.m.

Date Approved:

Chairman

ATTEST: _____

Secretary