

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
**Minutes of Meeting No. 2852**

Wednesday, October 20, 2021, 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>
Blair	Adams	Foster	Jordan, COT
Covey	Reeds	Hoyt	Silman, COT
Craddock		Miller	Skates, COT
Kimbrel		Sawyer	VanValkenburgh, Legal
Shivel		Siers	
Walker		Wilkerson	
Whitlock			
Zalk			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday October 15, 2021, at 9:42 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

Applicants and Members of the public were allowed to attend and participate in the TMAPC meeting in person or via videoconferencing and teleconferencing via **Zoom**, an online meeting and web conferencing tool.

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

**REPORTS:**

**Chairman's Report:**  
**None**

**Director's Report:**  
**None**

\* \* \* \* \*

**Minutes:**

1. Minutes of October 6, 2021, Meeting No. 2851

Approval of the minutes of **October 6, 2021, Meeting No. 2851**

**TMAPC Action; 8 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 8-0-0 (Blair, Covey, Craddock, Kimbrel, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Adams, Reeds, “absent”) to **APPROVE** the minutes of October 6, 2021, Meeting No. 2851

**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.**

**NONE**

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

**PUBLIC HEARING-REZONING**

2. **CZ-521 Ryan McCarty** (County) Location: South of the southeast corner of East 171st Street South and South Yale Avenue requesting rezoning from **AG to RE** to permit a single-family residential subdivision (Related to PUD-860, Magnolia Village Preliminary Plat, and The Reserve at Magnolia Preliminary Plat) (Continued from October 6, 2021)

**STAFF RECOMMENDATION:**

**SECTION I: CZ-521**

**DEVELOPMENT CONCEPT:** The applicant is requesting to rezone from AG to RE to permit single-family subdivisions. A PUD (PUD-860) is being concurrently proposed with this rezoning to establish the allowable use and the bulk and area requirements for a portion of the proposed rezoning area (Magnolia Village). The lots within the PUD area are intended to be half acre minimum in size with those outside of the PUD area (The Reserve at Magnolia) shown as larger than one acre. 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-521 is non-injurious to surrounding proximate properties and consistent with the Tulsa County Comprehensive Plan.

CZ-521 is consistent with the anticipated future development pattern of the surrounding property therefore,

**Staff recommends Approval of CZ-521 to rezone property from AG to RE.**

#### **SECTION II: Supporting Documentation**

##### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The site is located within the fenceline of the City of Bixby and is designated as "Rural Residential." The City of Bixby's Comprehensive Plan – Bixby 2030 Our Vision, Our Future was adopted as part of the Tulsa County Comprehensive Plan on August 15, 2019. The Plan follows the City of Bixby's fenceline which includes unincorporated areas of Tulsa County. A city's fenceline is an area preserved for future annexation by virtue of a narrow annexation strip which encloses the area of municipal influence and prevents annexation by other cities. One of the most critical components of a comprehensive plan update is community engagement. Participation by a broad cross section of interests increases the likelihood that the plan's goals and policies will be based on community consensus, which increases the likelihood for successful plan implementation. Gaining community input was achieved through the following public engagement efforts: Stakeholder Interviews, Steering Committee Meetings, Community Kiosks, Informal Brochures, Project Website, Surveys, and Public Workshops.*

##### Land Use Vision:

*Land Use Plan map designation: Rural Residential*

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.

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

Transportation Vision:

*Major Street and Highway Plan:* S Yale Ave is designated as a Secondary Arterial. A future Residential Collector is shown along the norther edge of the property immediately to the south of the subject area.

*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 Ave	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/Single-Family/Agricultural
South	AG	Rural Residential	N/A	Vacant
East	AG	Rural Residential	N/A	Vacant
West	AG	Rural Residential	N/A	Vacant

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11843 dated June 26,1970, established zoning for the subject property.

***Subject Property:***

No Relevant History

***Surrounding Property:***

**CZ-503 November 2020:** All concurred in approval of a request for *rezoning* a 50+ acre tract of land from AG to RE on property located North of the northwest corner of East 181<sup>st</sup> Street South and South Yale Avenue.

**PUD-857 November 2020:** All concurred in approval of a proposed *Planned Unit Development* on a 50+ acre tract of land for on property located North of the northwest corner of East 181<sup>st</sup> Street South and South Yale Avenue.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CRADDOCK**, TMAPC voted **8-0-0** (Blair, Covey, Craddock, Kimbrel, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Adams, Reeds, "absent") to recommend **APPROVAL** of the RE zoning for CZ-521 per staff recommendation.

**Legal Description for CZ-521:**

**MAGNOLIA OVERALL PURCHASE LEGAL DESCRIPTION**

A TRACT OF LAND THAT IS PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER (S/2 NW/4) OF SECTION THIRTY-FOUR (34), 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:

BEGINNING AT THE SOUTHWEST CORNER OF THE NW/4 OF SAID SECTION 34;  
THENCE NORTH 01°02'50" WEST ALONG THE WEST LINE THEREOF 1318.86 FEET TO THE NORTHWEST CORNER OF THE S/2 NW/4 OF SAID SECTION 34;  
THENCE NORTH 88°46'03" EAST ALONG THE NORTH LINE THEREOF 1666.41 FEET;  
THENCE SOUTH 01°13'57" EAST 156.74 FEET;  
THENCE SOUTH 38°49'21" EAST 611.82 FEET;  
THENCE SOUTH 19°10'20" EAST 529.07 FEET;  
THENCE SOUTH 01°14'19" EAST 173.73 FEET TO A POINT ON THE SOUTH LINE OF THE S/2 NW/4 OF SAID SECTION 34;  
THENCE SOUTH 88°45'41" WEST ALONG SAID SOUTH LINE A DISTANCE OF 2206.86 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 2612907.8 SQ. FEET OR 59.98 ACRES.  
BEARINGS ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, (3501 OK N), NORTH AMERICAN DATUM 1983 (NAD83).

\* \* \* \* \*

- 3. **PUD-860 Ryan McCarty** (County) Location: South of the southeast corner of East 171st Street South and South Yale Avenue requesting a **Planned Unit Development** (Related to CZ-521 and Magnolia Village Preliminary Plat) (Continued from October 6, 2021)

**STAFF RECOMMENDATION:**  
**SECTION I: PUD-860**

**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-521). 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-860 are consistent with the Rural Residential land use designation identified in the Tulsa County Comprehensive Land Use plan.

PUD-860 allows lots sizes and uses that are consistent with the anticipated future development pattern of the surrounding property;

PUD-860 is consistent with the provisions of the PUD chapter of the Tulsa County Zoning Code, therefore;

**Staff recommends Approval of PUD-860 to rezone property from AG to RE, PUD-860.**

**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 by this PUD:..... 43

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: .. Three (3) enclosed off-street parking spaces per dwelling unit  
Front yard: ..... 35 feet  
Rear yard: ..... 25 feet  
Side yard: ..... 7.5 feet

No residence shall be built nearer than seven and one-half (7.5) feet to any side lot on one side, and seven and one-half (7.5) feet on the other side, thus requiring a combined total of at least fifteen (15) feet between the residences.

**Signage**

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 west 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. A single stub street shall be provided along the east 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 fenceline of the City of Bixby and is designated as "Rural Residential." The City of Bixby's Comprehensive Plan – Bixby 2030 Our Vision, Our Future was adopted as part of the Tulsa County Comprehensive Plan on August 15, 2019. The Plan follows the City of Bixby's fenceline which includes unincorporated areas of Tulsa County. A city's fenceline is an area preserved for future annexation by virtue of a narrow annexation strip which encloses the area of municipal influence and prevents annexation by other cities. One of the most critical components of a comprehensive plan update is community engagement. Participation by a broad cross section of interests increases the likelihood that the plan's goals and policies will be based on community consensus, which increases the likelihood for successful plan implementation. Gaining community input was achieved through the following public engagement efforts: Stakeholder Interviews, Steering Committee Meetings, Community Kiosks, Informal Brochures, Project Website, Surveys, and Public Workshops.*

Land Use Vision:

*Land Use Plan map designation:* Rural Residential

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.

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

Transportation Vision:

*Major Street and Highway Plan:* S Yale Ave is designated as a Secondary Arterial. A future Residential Collector is shown along the norther edge of the property immediately to the south of the subject area.

*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 Ave	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/Single-Family/Agricultural
South	AG	Rural Residential	N/A	Vacant
East	AG	Rural Residential	N/A	Vacant
West	AG	Rural Residential	N/A	Vacant

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11843 dated June 26,1970, established zoning for the subject property.

***Subject Property:***

No Relevant History

***Surrounding Property:***

**CZ-503 November 2020:** All concurred in **approval** of a request for *rezoning* a 50± acre tract of land from AG to RE on property located North of the northwest corner of East 181<sup>st</sup> Street South and South Yale Avenue.

**PUD-857 November 2020:** All concurred in **approval** of a proposed *Planned Unit Development* on a 50± acre tract of land for on property located North of the northwest corner of East 181<sup>st</sup> Street South and South Yale Avenue.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CRADDOCK**, TMAPC voted **8-0-0** (Blair, Covey, Craddock, Kimbrel, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Adams, Reeds, “absent”) to recommend **APPROVAL** of PUD-860 per staff recommendation.

**Legal Description for PUD-860:**

**MAGNOLIA VILLAGE PLAT LEGAL DESCRIPTION**

A TRACT OF LAND THAT IS PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER (S/2 NW/4) OF SECTION THIRTY-FOUR (34), 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:  
BEGINNING AT THE SOUTHWEST CORNER OF THE NW/4 OF SAID SECTION 34;  
THENCE NORTH 01°02'50" WEST ALONG THE WEST LINE THEREOF 1318.86 FEET TO THE NORTHWEST CORNER OF THE S/2 NW/4 OF SAID SECTION 34;  
THENCE NORTH 88°46'03" EAST ALONG THE NORTH LINE THEREOF 195.48 FEET;  
THENCE SOUTH 54°49'32" EAST 1654.87 FEET;  
THENCE NORTH 88°45'41" EAST 385.88 FEET;  
THENCE SOUTH 01°14'19" EAST 336.50 FEET TO A POINT ON THE SOUTH LINE OF THE S/2 NW/4 OF SAID SECTION 34;  
THENCE SOUTH 88°45'41" WEST ALONG SAID SOUTH LINE A DISTANCE OF 1917.54 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 1,492,825.5 SQ. FEET OR 34.27 ACRES.  
BEARINGS ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, (3501 OK N), NORTH AMERICAN DATUM 1983 (NAD83).

\* \* \* \* \*

4. **Z-7621 A & S Multi-Family LLC** (CD 5) Location: East of the northeast corner of South Memorial Drive and East 41st Street South requesting rezoning from **IL to CH** (Continued from October 6, 2021)

**STAFF RECOMMENDATION:**  
**SECTION I: Z-7621**

**DEVELOPMENT CONCEPT:** Convert an under-utilized hotel to multi-family housing. Multi-family housing is not allowed in an IL district. Rezoning is required to achieve the goal of repurposing that hotel.

**DETAILED STAFF RECOMMENDATION:**

Z-7621 request CH zoning which is broadly consistent with the Employment land use designation of the Comprehensive Plan and also allows multi-family residential uses that can support surrounding business and employment centers and,

The CH district is primarily intended to accommodate high-intensity commercial and related uses primarily in the core area of the city; encourage use of properties and existing buildings along older commercial corridors; and minimize encroachment and adverse land use impacts on stable residential neighborhoods. This zoning change will support repurposing existing buildings and has little or no impact on surrounding residential neighborhoods and,

Uses allowed in an CH district are similar and consistent with the expected development of surrounding IL properties,

Staff recommends Approval of Z-7621 to rezone property from IL to CH.

**SECTION II: Supporting Documentation**

## RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: This site abuts an expressway and secondary arterial street. The previous hotel uses partially burned and there is an opportunity to provide work force housing in the remaining building. The zoning code does not allow residential uses in the industrial zoning districts. The applicant has applied for CH zoning to support multi family re-development.*

### 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:

An area of growth is a designation 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: Secondary Arterial with Multi Modal Corridor designation:

East 41<sup>st</sup> Street South is considered a multi-modal corridor. Future development should emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located in high intensity mixed-use commercial, retail, and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists because of landscaped medians and tree lawns. Multi-modal streets can have on-street parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses. Transit dedicated lanes, bicycle lanes, landscaping and sidewalk width are higher priorities than the number of travel lanes on this type of street. To complete the street, frontages are required that address the street and provide comfortable and safe refuge for pedestrians while accommodating vehicles with efficient circulation and consolidated-shared parking.

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

*Trail System Master Plan Considerations:* None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: This is an existing hotel site with multiple buildings and ample parking. Originally the hotel was constructed with four buildings and used as an extended stay hotel. The north building burned, and the remains were demolished leaving three buildings that are planned to be residential multi-family workforce housing.*

**STREET VIEW FROM SOUTHWEST CORNER LOOKING NORTHEAST:**



Environmental Considerations: None that may affect site redevelopment

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 41 <sup>st</sup> Street South	Secondary Arterial with Multi Modal Corridor	100 feet	5 2 each direction with center turn lane

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 north of the Broken Arrow Expressway	Existing Neighborhood	Stability	Single Family
East	IL	Employment	Growth	Industrial supply
South	IL	Employment	Growth	Retail /whole sales and vehicle service
West	IL	Employment	Growth	Retail

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11824 dated June 26, 1970, established zoning for the subject property.

***Subject Property:***

**BOA-12148 September 1982:** The Board of Adjustment **approved** a *Special Exception* to permit a hotel in an IL District, per plot plan submitted, on property located at Lots 2 and 3, Block 1, Bond Addition.

***Surrounding Property:***

**BOA-17298 February 1996:** The Board of Adjustment **approved** a *Variance* to permit the display of automobiles for sale on a surface other than an all-weather material behind the setback line immediately west of the showroom floor, limited to no more than 10 vehicles at any time (Section 222.) Use Unit 17, on property located at 3939 South Memorial Dr.

**BOA-17038 May 1995:** The Board of Adjustment **deny** a *Variance* to permit requirement that vehicles being parked, stored, or displayed for sale be located on an all-weather material before January 1, 1995, (Section 1407.E), Use Unit 17; and to **deny** a *Special Exception* to permit storage and/or display of motorized vehicles on a surface other than all-weather if located behind the building setback line (Section 222.) Use Unit 17; finding that the area in question is visible to surrounding developed uses, on property located at 3939 South Memorial Dr.

**BOA-16627 April 1994:** The Board of Adjustment **approve** the **appeal** and to **OVERTURN** the decision of the Administrative Official that the all-weather surface requirement for off-street parking applies to the display of automobiles for (merchandise)(Section 1303.D) Use Unit 17; finding that the vehicles are displayed merchandise for sale on the lot and this merchandise does not occupy required off-

street parking, but is located in front of the building on a grassed display area; on property located at 3939 South Memorial Dr.

**BOA-13724 August 1985:** The Board of Adjustment **approved** a *Variance* to permit the 110' setback from the centerline of 41<sup>st</sup> Street to 100' to permit an addition to an existing structure in an IL zoned district; per plot plan submitted finding a hardship imposed on The applicant by the existing building encroachments in the area, on property located at 8545 East 41<sup>st</sup> Street.

**BOA-13552 May 1985:** The Board of Adjustment **deny** a *Special Exception* to permit a billiard parlor and restaurant in an IL zoned district; finding that the special exception request violates the spirit and intent of the Code and the Comprehensive Plan, on property located at 8548 East 41<sup>st</sup> Street.

**BOA-13205 June 1984:** The Board of Adjustment **approved** a *Special Exception* to permit Use Units 12 and 19 for a restaurant and billiard parlor in an IL district under the provisions of Section 1680, on property located at the southwest corner of South 87<sup>th</sup> East Avenue and East 41<sup>st</sup> Street.

**BOA-13023 January 1984:** The Board of Adjustment **deny** a *Special Exception* to permit a billiard parlor in an IL District under the provisions of Section 1580, on property located at the SW corner of South 87th East Avenue and East 41st Street.

**BOA-11201 October 1980:** The Board of Adjustment **approved** a *Variance* to permit a church related school, subject to the variance running with this applicant only, for a period of 3-years with a maximum of 90 students and subject to the parking letters which were approved by Mr. Jackere, on property located at 8516 East 41<sup>st</sup> Street.

**BOA-10803 November 1979:** The Board of Adjustment **approved** a *Variance* to permit the setback requirements from 75' to 0' on the north from an R District and **approve** a *Special Exception* to remove the screening requirement where the purpose of the screening cannot be achieved, per plot plan submitted, on property located at Lot 1, Bond Addition.

**BOA-10628 August 1979:** The Board of Adjustment **deny** a *Special Exception* to permit dancing and recreational facility in an IL District, on property located at 8516 East 41st Street.

**BOA-10519 June 1979:** The Board of Adjustment **approved** a *Special Exception* to permit the removal of the screening requirement where the purpose of the screening cannot be achieved, on property located at 3939 South Memorial Rd.

**BOA-8326 August 1974:** The Board of Adjustment **approved** a *Special Exception* to permit Use Units 12, 13, 14; and a *Variance* to permit Use Unit 19 in an IL District, on property located at 8200 East 41<sup>st</sup> Street.

**BOA-8245 May 1974:** The Board of Adjustment **approved** a *Special Exception* to permit operate furniture sales in and IL District as presented to the Board, on property located at north and east of 41<sup>st</sup> Street and Memorial.

**BOA-7477 July 1972:** The Board of Adjustment **approved** a *Special Exception* to permit operating retail sales in an IL District and a *Variance* to permit using adjoining property for off-street parking in an IL District, on property located at 8516 East 41<sup>st</sup> Street.

**BOA-7307 February 1972:** The Board of Adjustment **approved** a *Special Exception* to permit operating a retail furniture sale along with wholesale sales within an IL District, on property located at 8445 East 41st Street.

**BOA-6178 February 1969:** The Board of Adjustment **granted** a *Special Exception* to permit erecting a building 50' into a U-3A district, on property located at 8550 East 41<sup>st</sup> Street.

**The applicant was not present.**

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

**TMAPC Action; 8 members present:**

On **MOTION** of **COVEY**, TMAPC voted **8-0-0**(Blair, Covey, Craddock, Kimbrel, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Adams, Reeds, "absent") to recommend **APPROVAL** of the CH zoning for Z-7621 per staff recommendation.

**Legal Description for Z-7621:**

Property: 8525 EAST 41<sup>st</sup> STREET  
LOT 3 LESS OF BEGINNING OF NORTH EAST CORNER THENCE S  
APPROXIMATELY 26.57 W APPROXIMATELY 116.38 NORTH EAST 85  
SOUTHEAST APPROXIMATELY 89.96 POINT OF BEGINNING BLOCK 1; LOT 2  
LESS OF BEGINNING OF NORTH WEST CORNER THENCE SOUTH EAST  
APPROXIMATELY 61.57 WEST APPROXIMATELY 57.65 NORTH  
APPROXIMATELY 26.57 POINT OF BEGINNING BLOCK, BOND ADDITION.

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5. **Z-7623 Malcolm Rosser** (CD 6) Location: South and east of the southeast corner of East Admiral Place and South Lynn Lane Road requesting rezoning from **AG to RS-5** (Continued from October 6, 2021)

**STAFF RECOMMENDATION:**  
**SECTION I: Z-7623**

**APPLICANTS DEVELOPMENT CONCEPT:**

Development of 90-acre parcel for residential single-family homes, with a variety of lot sizes. Property is currently zoned AG. Density will be lower at the boundary of the property, to protect existing adjoining residential properties, and higher toward the center of the property. Overall density will be lower due to significant floodplain areas on the property that will limit the amount of developable area in the property.

**DETAILED STAFF RECOMMENDATION:**

Z-7623 requesting RS-5 zoning allows single family residential uses that are compatible with the existing surrounding properties and,

Lot and building regulations identified in the provisions of the optional development plan allow larger lot sizes than minimum RS-5 requirements, but smaller lot sizes than the abutting properties. The lot sizes identified in the optional development plan are consistent with the anticipated future development pattern of the surrounding property and,

The optional development standards defined in Section II is consistent with the development plan standards defined in the Tulsa Zoning Code and,

Lot and building regulations in Z-7623 are consistent with the New Neighborhood land use designation of the Comprehensive Plan therefore,

Staff recommends Approval of Z-7623 to rezone property from AG to RS-5 with the provisions outlined in the optional development plan defined below.

**SECTION II: OPTIONAL DEVELOPMENT PLAN**

The optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in an RS-5 district with its supplemental regulations, except as further refined and restricted below. All use categories, subcategories or specific uses and residential building types that are not listed in the following permitted uses categories are prohibited:

**PERMITTED USE CATEGORY**

- A) RESIDENTIAL
  - Household Living (if in allowed building type identified below)
  - Single household
  
- B) PUBLIC, CIVIC, AND INSTITUTIONAL
  - Natural Resource Preservation
  - Safety Service
  - Utilities and Public Service Facility (minor)

Wireless Communication Facility (building or tower-mounted antenna)

- C) COMMERCIAL  
Lodging (short-term rental)
- D) AGRICULTURAL  
Community Garden

#### RESIDENTIAL BUILDING TYPES

Single household  
Detached house  
~~Patio Home~~  
~~Cottage-house-development~~

#### LOT SIZE RESTRICTIONS

A) Lots abutting the exterior boundary of the subject property will have a minimum lot width (as determined under Section 90.060 of the Tulsa Zoning Code) of 50 feet, a minimum lot area (as determined under Section 90.020 of the Tulsa Zoning Code) of 5,500 square feet and a minimum lot area per unit (as determined under Section 90.030 of the Tulsa Zoning Code) of 5,500 square feet.

B) Lots not abutting the exterior boundary of the subject property will have a minimum lot width (as determined under Section 90.060 of the Tulsa Zoning Code) of 35 feet, a minimum lot area (as determined under Section 90.020 of the Tulsa Zoning Code) of 3,850 square feet and a minimum lot area per unit (as determined under Section 90.030 of the Tulsa Zoning Code) of 3,850 square feet.

#### OPEN SPACE

The areas that include the flood plain as illustrated on the concept plan provided will remain undisturbed except where street crossings, multipurpose trails, utilities and where stormwater detention areas are required. The vegetative undergrowth, trash, flood debris may be cleared and cleaned but tree cover in these areas will remain undisturbed.

### **SECTION III: Neighborhood Engagement**

The applicant sponsored a public meeting for discussion about the planned residential project and has had discussions outside the public meeting with some of the interested neighborhood associations and surrounding property owners.

During the process leading up to the planning commission meeting staff has also independently met with members of the surrounding properties.

Staff Summary: Property owners in the surrounding community are generally opposed to the lot sizes being proposed. It is clear that the surrounding property owners are not opposed to residential development and generally support development with AG-R sized lots as an effort to integrate residential uses into the rural residential area especially along Lynn Lane.

Much of the opposition included discussions about lack of public infrastructure that will not support increased population and housing density. Lynn Lane (S. 177<sup>th</sup> East Avenue) and 11<sup>th</sup> street are flooded during heavy rain events.

#### **SECTION IV: Supporting Documentation**

##### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: *The site abuts existing neighborhood land uses and is bisected by a flood plain that will significantly affect site development opportunities. The abutting properties were developed with stub streets that anticipated street connectivity. The RS-5 district supports small lots but also allows a variety of home ownership options and is consistent with the New Neighborhood land use designation*

##### Land Use Vision:

*Land Use Plan map designation:* New Neighborhood

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

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

An area of growth is a designation 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.”

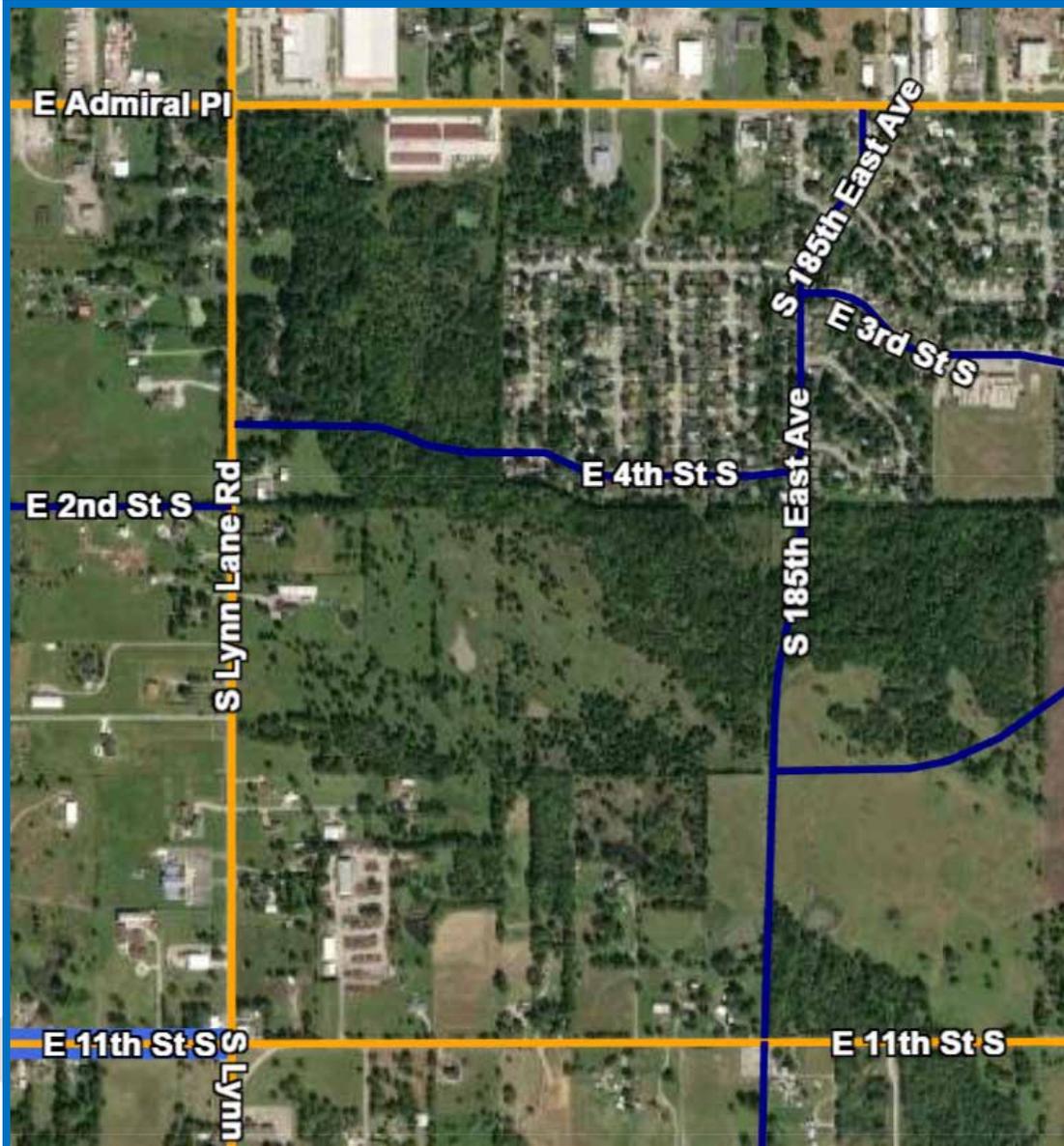
Transportation Vision:

*Major Street and Highway Plan:*

South Lynn Lane Road and East 11<sup>th</sup> Street are both considered a secondary arterial and planned for 4 lane traffic as population increases. Street right of way will be dedicated for that planned arterial street construction during the subdivision compliance process. Staff is not aware of immediate plans for widening of Lynn Lane.

4<sup>th</sup> Street is considered a residential collector and the major street and highway plan and currently stubs into the east boundary of this site. The collector street requires a minimum of 60 feet of street right-of-way and wider pavement than the minimum residential street section.

*East 4<sup>th</sup> Street and South 185<sup>th</sup> East Avenue are considered a residential collector. 4<sup>th</sup> street will be constructed as part of this planned development but will end up in a different configuration than shown on the major street and highway plan.*



*Trail System Master Plan Considerations:* The trail system master plan does not provide guidance for trail plans in the flood plain area however the regulatory flood plain provides an opportunity for developers to include park and trail amenities that can be used by the surrounding property owners.

Small Area Plan: This site is included in the East Tulsa Neighborhood plan that was adopted in 2005. That plan has not been included in the current Tulsa Comprehensive plan however the plan is still referenced as part of any zoning consideration if it is included in the detailed study area. This site is approximately 2 miles east of the detailed study so no additional recommendations are included in the zoning analysis.

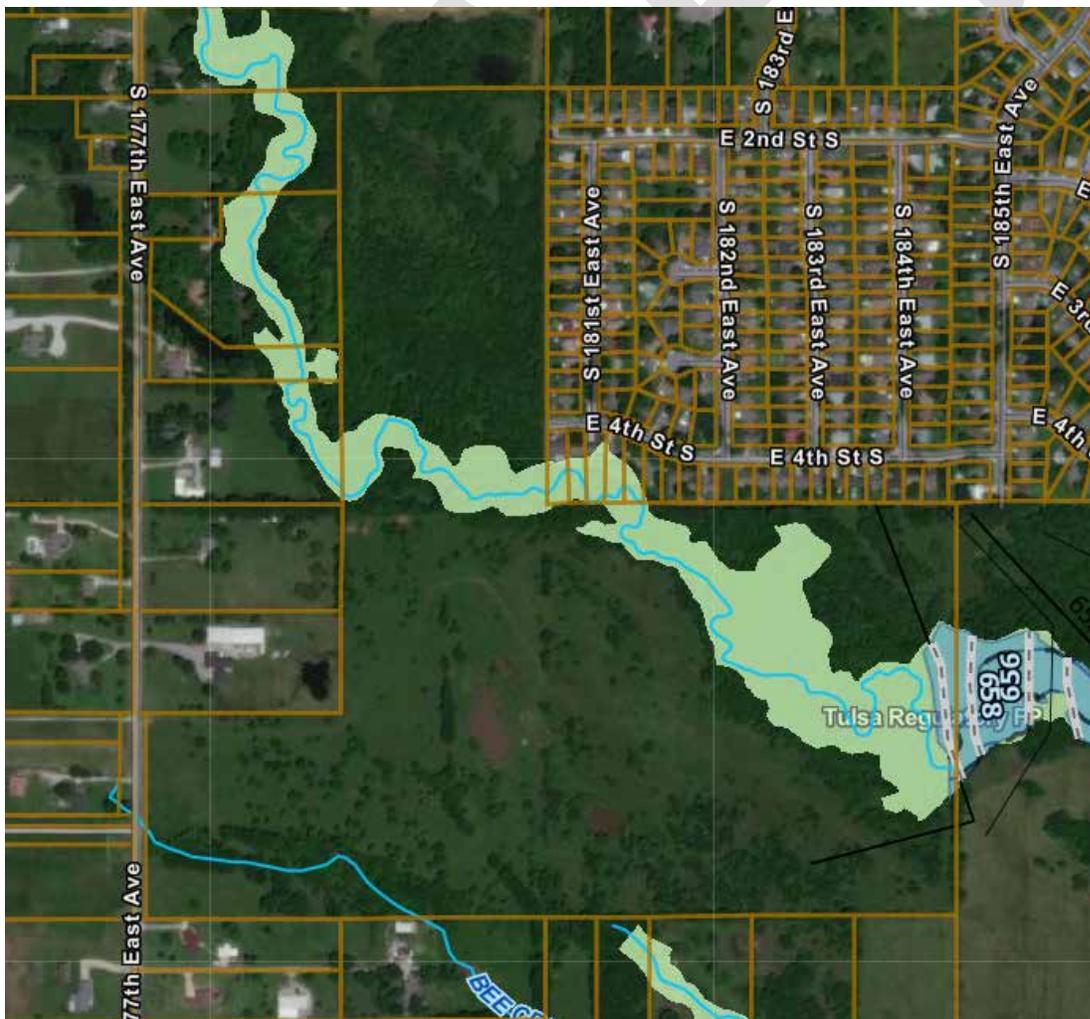
Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The site is undeveloped with rolling terrain and a mix of wooded areas and open fields on the north and east portions of the site and in the spunky creek tributary flood plain areas.*

Environmental Considerations: This site is bisected by a tributary of Spunky Creek and the site design will be affected regulatory flood plain. Current flood maps show the FEMA flood hazard mapping ending near the east edge of this property. Preservation of the natural character of the flood plain and drainage areas is an important part of the development plan for this site. Preservation of the open space as illustrated on the concept plan included in this staff report is part of the Optional Development Plan standards in Section II.



Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Lynn Lane Road	Secondary Arterial	100 feet	2
East 2 <sup>nd</sup> Street South	None	50 feet	2
East 4 <sup>th</sup> Street South	Residential Collector	60 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	RS-1 and RS-3	Mixed Use Corridor and existing neighborhood	Stability where the existing neighborhood abuts the site: Growth in all other locations	Single family residential in the northeast quadrant of the site Undeveloped elsewhere
East	RD, RS-3 and AG	Existing and New Neighborhood	Stability where the existing neighborhood abuts the site: Growth in all other locations	Single family residential in the northeast quadrant of the site Undeveloped elsewhere
South	RS-3 and AG	New Neighborhood	Growth	Large lot undeveloped and residential
West	RS-1 and AG	New Neighborhood	Growth	Large lot undeveloped and residential

**SECTION V: Relevant Zoning History**

***Subject Property:***

**ZONING ORDINANCE:** Ordinance number 11818 dated June 26, 1970, established zoning for the subject property.

***Surrounding Property:***

**Z-7327 June 2016:** All concurred in approval of a request for *rezoning* a 4.6+ acre tract of land from AG/OL to CS on property located East of SE/c South 177<sup>th</sup> East Ave. and East Admiral PI N.

**BOA-20554 August 2007:** The Board of Adjustment **approved** a *Variance* to permit minimum average lot width required in the AG district (Section 303), per plan, with condition for a copy of the right-of-way dedication to be submitted for the record after City Council approval; finding the hardship to be topographic because of the nature of the drainage and existing pond and finding by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district;, on property located at 345 South Lynn Lane Road East.

**BOA-19817 May 2004:** The Board of Adjustment **approved** a *Special Exception* to permit a church and accessory uses in an AG zoned district, with conditions: no daycare center or school; comply with all codes and meet all requirements of Storm Water Management Department and Department of Environmental Quality regarding sewage system, on property located at 944 South 177<sup>th</sup> East Avenue.

**Z-5719 June 1982:** All concurred in **approval** of a request for *rezoning* a 4.59+ acre tract of land from RS-1 to CS & AG on property located East of the SE corner of South 177<sup>th</sup> East Avenue and East Admiral Place.

**BOA-9891 March 1978:** The Board of Adjustment **approved** a *Variance* to permit the rear yard requirements from 20' to 16' per plot plan submitted, on property located at 18106 East 3<sup>rd</sup> Street.

**BOA-9460 April 1977:** The Board of Adjustment **approved** a *Variance* to permit the side yard requirements from 10' to 5' to permit 5' on each side of the structures, subject to the elevations of Lots 17-21, Block 7, being approved by the City Engineer, in an RD District, on property located at South 181<sup>st</sup> East Avenue between 2<sup>nd</sup> Street and 4<sup>th</sup> Street.

**BOA-4891 December 1965:** The Board of Adjustment **grants** a *permission* to permit off street parking for church use in a U-2-A District on Lots 17 through 24, inclusive, Block 11, Capitol Hill Second Addition, on property located at Lots 17-24, Block 11, Capitol Hill 2<sup>nd</sup> ADDN.

**TMAPC Comments:**

Mr. Craddock asked if lot yield was because of the stormwater going through the property and is that the reason that they need a higher density. He stated that area has had issues for decades.

Staff stated he would let the applicant speak to that, but generally speaking, that is what he believes to be correct and it's consistent with how they might look at a Master Plan Development or some other discretionary zoning. Staff stated the idea of capturing density that might not be usable because it's in a floodplain is why staff thinks the applicant is requesting the RS-5.

Mr. Craddock asked if staff was aware of any other RS-5 in the area.

Staff stated just south and southeast of this site within a mile or two there has been RS-5 approved but it has not been developed yet. He stated there has been a Master Plan Development just south and east of this site within a couple of miles consistent with these lot sizes and with this kind of a development pattern.

Ms. Kimbrel asked if staff could explain what an optional development plan does. She asked what it helps mitigate exactly or lessen the impact of.

Staff stated what the optional development plan has done in this case is around the perimeter of the property the lots that abut another property is required to be 50 feet wide and 5500 square feet. He stated that is larger than RS-5 would typically allow and closer to what is east of this site. Staff stated it's not as big as an RS-3 lot but it's very similar and you wouldn't notice a lot of difference driving between neighborhoods with those dimensions. He stated the most important part of it is everything that is not shown as a lot has a provision in the development plan that preserves this as open space. He stated as much as possible with this project the tree canopy will stay and the existing natural character will stay except where stormwater detention is proposed, street crossings and utilities. Staff stated in an RS-5 district there are provisions that would allow special exception uses and those are from the list of special exception uses in the optional development plan and does not allow the applicant to go to the Board of Adjustment to do anything different other than just a single family residential development.

Ms. Kimbrel asked if this recommendation was made based on the future land use development of this area.

Staff stated the Comprehensive Plan doesn't really get specific about what a new neighborhood looks like. So, there is not a clear vision on what a new neighborhood can be. He stated the property that has been developed to the northeast of this was all single family homes and it's a larger lot pattern than what the subject property development will be and open space requirement will ensure this level of density.

Ms. Kimbrel asked if there was community engagement in this area when the land designation for the Comprehensive Plan was determined.

Staff stated they can't speak to the engagement process of the Comprehensive Plan. He stated this area was part of an East Tulsa development study and it wasn't really a part of the Comprehensive Plan, it was adopted as part of it but it was done before the Comprehensive Plan. Staff stated within this very broad idea of the East Tulsa plan there were some specific study areas that talked about how to do streetscapes in very specific areas. He stated there was some neighborhood engagement done before the Comprehensive Plan in 2010 but not about this specific style development.

Mr. Craddock asked on the conceptual master plan if the drainage areas shown are designed for the retention or detention of just the proposed neighborhood.

Staff stated "correct". He stated this plan is very conceptual. He stated there is a regulatory floodplain document that shows what is anticipated at its fully urbanized development. Staff stated stormwater regulations also require or likely require mitigation of the increased impervious area for the site itself also.

Mr. Craddock stated the developer deals with the retention for their site only.

Staff stated "correct".

**Applicant Comments:**

**Malcolm Rosser** 321 South Boston STE 500 Tulsa, OK 74103

The applicant stated he is a real estate attorney in Tulsa. He stated obviously a lot of stormwater concerns have been expressed and Megan Pasco an engineer with Tanner Consulting is here and she'll be able to provide some information on that. Debra Pasco from his office is here to answer any questions also. He stated staff covered most of the relevant information on the application. This property is currently under contract to a buyer that would like to develop it for single family residences and like any commercial contract it has several contingencies, things like title survey, appraisal, and environmental inspections. The applicant stated another one of those contingencies is that the property has to be rezoned from its current AG zoning. He stated as staff mentioned the requested rezoning is RS-5. The applicant stated the site is consistent with the New Neighborhood designation and this area is designated as an Area of Growth. He stated the original applicant was filed as a straight RS-5 zoning application and later an optional development plan was prepared. The applicant stated the other areas that have been rezoned to RS-5 in the area is 160 acre parcel that's at the southwest corner of 31st and 193rd and then an adjacent parcel of about 140 acres on the southeast corner of 31st and Lynn Lane. He stated the most recent of those rezoning's was in February 2021. The applicant stated they met with neighbors on September 30, 2021, and with a group of neighbors outside this room after the October 6 Planning Commission meeting. He stated they have been in regular communication with a couple of leaders of the neighborhood groups and the primary concern has been density. The applicant stated they have also had discussions with City Councilor Dodson and Planning staff about addressing those concerns with an optional development plan. He stated with the optional development plan they would technically still have RS-5 zoning but in actuality there would be restrictions such as lot width would have to be 50 feet around the entire perimeter of the property and 35 feet in the interior and the minimum block sizes would be required and adjusted accordingly. The applicant stated the optional development plan would also limit them to standalone single family homes. He stated patio homes and cottage house developments are generally allowed by right in RS-5 zoning but under the optional development plan they would agree not to do any of those. The conceptual plan shows a total of 322 lots on the 90 acre parcel and that works out

to about 3.6 lots per acre over the entire 90 acres. Rolling Hills Estates 4 Addition, which is the existing residential development that adjoins this property has 175 lots on 40 acres, which is 4.4 lots per acre. The applicant stated this development, assuming that conceptual site plan is how it plays out, would be less dense than that Addition primarily because of the regulatory floodplain and the need for the stormwater detention. He stated the site plan is only conceptual, it could change as more engineering is done, and of course as the planning process progresses.

Mr. Covey asked if the applicant was representing the property owner or the potential buyer.

The applicant stated both as both would like the deal to go through.

Mr. Covey asked if the contract for rezoning stated they needed RS-5 or just rezoning to something else.

The applicant stated it has to be a rezoning that's acceptable to the buyer.

Mr. Covey asked if this were to be rezoned to RS-3 what would the lot count be.

The applicant stated he was not sure.

Mr. Craddock asked why the applicant didn't ask for straight RS-3 which is what the surrounding neighborhood is currently.

The applicant stated primarily because of the regulatory floodplain that renders a lot of the property unusable. He stated RS-3 was not what his client needed.

**Megan Pasco** 5323 South Lewis Avenue, Tulsa OK 74105

Ms. Pasco stated she is with Tanner Consulting the engineering firm for this development. She stated they are in the due diligence phase of engineering. It doesn't make sense for their client to go full into the engineering design before knowing the density that will be on this property. Ms. Pasco stated as this process goes through the preliminary plat process they will be able to provide more details. She stated some of the issues that have arisen are the flooding and drainage issues that some of the neighboring homeowners have expressed concern over. A lot of those properties if not all are located upstream of this development which means this development isn't going to impact those flooding concerns. Ms. Pasco stated a lot of these lots of the adjacent neighbors are unplatted lots which means during the home construction process they were not subject to the engineering standards that are currently in place for the City of Tulsa. She stated there is adequate water and sewer available for this development.

Mr. Covey asked if Ms. Pasco had an idea what the lot count would be if it were rezoned to RS-3 instead.

Ms. Pasco stated probably in the low two hundreds. She stated this development is within the density of RS-2. RS-2 density on a fully developed piece of property 90 acres would allow 435 lots.

Mr. Covey asked if they were still in due diligence.

Ms. Pasco stated "yes".

Mr. Covey stated Planning Commission could decide today and Tanner Consulting could still pull out.

Ms. Pasco stated that is true at any point, but they have spent a substantial amount of time on the diligence process. She stated you can't buy a piece of property this large without doing that. Ms. Pasco stated they have geotechnical reports and some other things in process as well.

Mr. Zalk stated he understands the concern some of the neighbors who are upstream in the floodplain have. He stated he doesn't think being up stream prevents you from being affected by a blockage or back up.

Ms. Pasco stated as part of this process assuming it moves forward is look at all of the areas draining to this site and then contain them and pass them to the stream. She stated this development will account for these flows upstream, but this development will not impact the other neighbors upstream who are having these problems. Ms. Pasco stated the flow rate will not be more than what it is today.

Mr. Zalk asked if it is possible that these retention or detention ponds actually ameliorate some of the same of the problems that the neighbors are facing now.

Ms. Pasco stated it's hard to say at this time without going through more of the engineering process but there is a great City staff and they will definitely make sure we do not make any of the problems worse, that is part of the IEP process.

**Interested Parties:**

**Bruce Denny** 905 South Lynn Lane Road, Tulsa, OK 74108

Mr. Denny stated there were 30 people that attended the October 6, 2021, that were against this application. Two weeks later here they are again. He stated the Lynn Lane Neighborhood Association covers a 4 square mile area centered on 11th Street and Lynn Lane. Mr. Denny stated the reason they got together was because of things like this that are concerning and that don't fit in their area. Mr. Denny stated he has submitted 30 pictures that show homes up and down both sides of Lynn Lane and along 11th Street, this area is well developed. He stated there are homes that have been there since 1904, 1946 and everything in between. Mr. Denny stated a petition was submitted with 149 names against this application and 49 statements about stormwater and flood water on Lynn Lane, 11th Street and on 193rd Street. He stated in July of 2021 two boys narrowly

escaped dying because of flooding and had to be rescued from their car. Mr. Denny stated the overall consensus is RS-5 doesn't fit in an area that is 75% agriculture. He stated there is a little of RS-1 and a lot of RS-3 in the area and he thinks that should be the focus. Mr. Denny stated in staff's report a statement was made that states "steps are taken to plan for and in some cases develop or redevelop ensuring that the existing residents will not be displaced as a high priority". He stated If RS-5 is allowed on Lynn Lane or 11th Street gets widened to four lanes that would displace him and many other residents that live in this area.

Mr. Covey asked if Mr. Denny was opposed to residential or to the RS-5 rezoning.

Mr. Denny stated he is opposed to the RS-5.

Mr. Covey asked what zoning Mr. Denny thought would be acceptable.

Mr. Denny stated a much better fit would be AG-R or RE on half acre lots are a residential estate on half acre lot.

**Dennis Henson** 726 South Lynn Lane, Tulsa, OK 74108

Mr. Henson stated he owns 30 acres in the area. He stated many of the people in this area have \$500,000-\$1,000,000 homes. Mr. Henson stated the picture of the conceptual plans to him looks like a storage unit. He stated how can you pack that many homes in that small of an area and not have an effect, displacement, and injurious effect on others. Mr. Henson stated he is not discounting the engineering capabilities but this land will not percolate. There is no way that it can ever pass a percolation test so it has to have either sanitary sewers or aerobic systems out in that area. He stated he is okay with sanitary sewers whenever they are functioning but the sanitary sewer in the area is busted and drains down into Spunky Creek tributary. This area flooded in July and that is not heavy rain season. The flooding cause traffic situations and water supply issues. Mr. Henson stated he feels like they are going from 0 to 90 in 2.5 seconds and it's just too much. He stated this development is not something that should be designated as an RS-5 period, even with limitations.

**Nikki Burress** 109 South Lynn Lane, Tulsa, OK 74108

Ms. Burress stated they are very much in favor of a housing development coming in because the area is slowly dying. She stated they are being taken over by commercial. Ms. Burress stated the schools have been closed and the kids have been diverted. She stated single family homes would really help. Ms. Burress stated they have lost a lot of small businesses and the ones that are still there are just hanging on. She stated she doesn't agree with RS-5 zoning and thinks it is too much. Ms. Burress stated the math that's being used to determine how many lots will fit in the area can't be known until all the work is done. She stated they would like RS-3 for this development. Ms. Burress stated she appreciates the applicant and every time she has called he has answered her questions. She stated she has talked with the Neighborhood Association and appreciate their work but they don't

represent everyone. Ms. Burress stated there are a lot of abandoned buildings in the area and there is an RV Park. She stated she doesn't see anyone wanting to buy a million dollar home in the area but there is one for sale and it is not selling. Ms. Burress stated she appreciates what everybody's saying but she wanted to come to say development is needed in this area because this area is dying.

**Matt Edwards** 5325 South Lynn Lane Road, Tulsa, OK 74108

Mr. Edwards stated he owns a local construction company and raises thoroughbred horses as a hobby. He stated he owns two properties at 530 and 532 South Lynn Lane and those two properties make up approximately 10 acres. He stated he purchased the land about 10 years ago and it had an older house on it in poor condition and he fully rehabilitated the older house and build a large custom home next to it about five years later. Mr. Edwards stated he is a native Tulsan of 57 years and has lived within three miles of my current residence his entire life. He stated a country setting in the city has been always attractive to him and has allowed him to pursue his hobby of raising horses without having to be very far outside the city. Mr. Edwards stated at the time of the purchase he researched the area and the zoning and it was AG. He stated over the past 10 years the land has become more valuable to people wanting a little piece of the country so the smaller acreages have been developed into large new custom homes ranging in value from \$500,000 to \$800,000. He stated in the past couple of years, some of the land, that could be split was split into 3 to 5 acre lots. Mr. Edwards stated maps show this area as being an area of future development but the area has already been developed as residential homes. He stated most of the land in this area and land noted on the maps as potential development cannot be rezoned because they have only one point of access. He stated his neighbor just bought 32 acres, north of his property for approximately \$400,000 and it has approximately 500 feet of frontage on Lynn Lane. The previous owner wanted to break it up into five acre home sites but couldn't do that because of the access issue. Mr. Edwards stated the 32 acres currently has the maximum possibility of becoming three residential lots. He stated the only reason for attempting to rezone the property we're discussing today is because it's the only land in the area that can be developed further than what's already there because of the access. Mr. Edwards stated although RS-5 may be allowed on this property it's a terrible fit for the neighborhood. R. Edwards stated RS-5 is the loosest zoning designation the city can issue and just about everything short of apartment complex, or mobile home would be allowed to be built. He stated he believes the applicant has agreed to limit it to single family detached housing but what can you build on lots they are proposing. Mr. Edwards stated the applicant is asking for interior lots to be 35 feet wide, and lots on the perimeter to be 50 feet wide so what can you possibly build on a lot that's 35 feet wide. He stated many in the area have outbuildings larger than the size of the proposal. It's entirely too dense for this area. Mr. Edwards stated what does a RS-5 development look like and where is there an RS-5 developed neighborhood in Tulsa. He stated why won't the applicant tell them who the developer is or why won't they reveal the estimated cost of the new homes or show them renderings of what their proposed homes will look like and the

construction quality. Mr. Edwards stated some things just don't make sense, for example, he knows it's not in the Comprehensive Plan for a farm to be built in the middle of the city but if he had the money to buy a complete square city block and tear down what was there and build a house and barn on it then come before Planning Commission for that zoning change, Planning Commission would think it's ridiculous because a house and barn doesn't fit in the middle of downtown Tulsa. He stated that's how they feel, hundreds of houses jammed onto lots as small as 3500 square feet is like jamming the city into the country it just doesn't fit.

**Valorey Totten** 17217 East Marshall Street, Tulsa Oklahoma 74116

Ms. Totten stated she is just a concerned citizen who has 10 properties downstream and has great concerns about the water which I know will be addressed with further engineering. She stated she was glad to see the engineering firm here today. Ms. Totten stated her background is with civil construction, earthwork construction. She stated they are IDP contractors with the City of Tulsa and also work very closely with the City of Tulsa storm management department. Ms. Totten stated they are proud of the work they done to keep Tulsa from flooding. She stated there is definitely a problem in this area, her properties are already saturated 4 to 6 months a year with water and more roofs and more parking and more pavement will impact those properties. Ms. Totten stated it's premature to approve anything on this site until they determine the lot size and no one has even mentioned the compensatory storage that's going to be required for this project because you cannot bring in dirt and build these lots up, this property is a big ravine that's been washed out over years. She stated she is concerned this is going to impact the entire neighborhood.

**Carol Best** 535 South Lynn Lane Road, Tulsa, OK 74108

Ms. Best stated her property abuts this development. She stated she owns horses and has 330 feet across her pasture and at 50 feet per lot size that means she will have 6.5 houses across her back pasture and horses are considered an attractive nuisance. Ms. Best stated what protection does she have that kids won't climb over the fence to pet or feed the horses or try to ride the horses without permission. She stated if anything happens to the kids, which she would hate to see, she is liable. Ms. Best stated the horses were here first and she wants protection for her horses. There are other properties along 11th Street that have horses, goats, sheep, chickens, and other animals that would be similarly affected. She stated she is not against residential but agrees that AG-R or RE would be a much better fit. Ms. Best stated she doesn't have kids but Lincoln a private school is in this area and they would quite likely be very interested in upscale housing on larger lots in the area closer to the school. She stated in the past couple of years the water is welling up in the barn because the ground on her property was saturated. Ms. Best stated putting 300 or more houses on there will impact the amount of saturation of the groundwater in that area. She stated she is very against RS-5 but would be fine with AG or RE.

**Jim Turner** 1719 South Rockford, Tulsa, OK 74120

Mr. Turner stated he is representing his father's living trust; his father's property is at 631 South Lynn Lane. He stated just for reference his father's property is the property that is in the crook of the L on Lynn Lane and is probably at least one of the most negatively affected properties in this development. Mr. Turner stated he is a licensed architect in 48 states, a principal at Synergy and a 20 plus year member of the Tulsa Preservation Commission. He stated he appreciates the Planning Commissioners efforts and the time on the Commission. Mr. Turner stated his family feels that the zoning change is inappropriate because of the density that some speakers have mentioned. He stated it's kind of the equivalent of putting an industrial park in the middle of a residential development, a contrast, without buffering is inappropriate. The buffering that the applicant has offered with the larger lot sizes is kind of a joke to him. Mr. Turner stated he lives in Swan Lake where the lots are 50x150, that is considerably larger than anything that they are proposing here, and those are small lots. He stated all of the positive development that has happened in this area over the last 25 years, which is how long his father has lived in the area has been ranchette style developments with large houses, \$500,000 and up on large pieces of property. That is the reason people are moving to the area. Mr. Turner stated they are not moving there for density, they're not moving there to be close to people they are moving there for the space, the quiet, and all of those things that are going to be negatively affected as a lot of people have mentioned. He stated as others have mentioned a lot of people in the area have large animals and that is incompatible with a RS-5 use. Mr. Turner stated he doesn't know why RS-5 use would be remotely considered appropriate for this area because if we are looking at the growth of a city you get your density downtown, you don't get your density out in the suburbs and making a comparison to Rolling Hills which is a 50 year old development is not an appropriate basis of comparison for what we should be done. He stated they are not against a residential development but as it has been said several times it's the size of the development. Mr. Turner stated the applicant has not given us much to hang our hats on as far as the quality of the development or addressing any of the concerns that they have had about the density. He stated stormwater is a major issue. Mr. Turner stated there is no stormwater control along Lynn Lane or 11th Street, it's all bar ditches. He stated the speed of traffic along Lynn Lane is very concerning because you can't pull out of these properties without the danger of somebody coming at you from 300 yards away at 50 miles an hour.

**Applicant Comments:**

Mr. Rosser stated he would like to say that he appreciates all the neighbors have been willing to communicate with them. It's been very helpful and he appreciates them. He stated regarding the question of stormwater, he is sure all the members of the Commission know this but all of the stormwater on this site will have to be detained so that the rate of flow into those two creeks is not any greater than it is right now, that's the reason for the detention facilities and those do eat up a significant amount of space. Mr. Rosser stated there was discussion of sewer. These lots will obviously be on sanitary sewer and the engineer can speak a little bit more about that. He stated there was a desire expressed for RS-3 zoning and

he thinks it's important to keep in mind the concessions and the limitations that they are willing to make with RS-5 because it's really not even RS-5 anymore. Mr. Rosser stated but even with a straight RS-3 patio homes would be permitted as of right and they agreed not to do those. He stated they agreed to only standalone single family residences. Mr. Rosser stated on the question of who the developer is, like many developers they put property on a contract to see if what they are proposing can work. There has been a lot of money on all kinds of analyses, not just zoning but environmental and a lot of engineering work, some of those contracts go through some of them don't. He stated If they don't go through, they would prefer that they not be associated with them because then people say, well that's those guys that had this piece under contract that couldn't close, without people knowing all the details. Mr. Rosser stated he would hope that the zoning decision would be made without regard to whether you like the developer or not but that's the reason for not revealing the developer.

Ms. Kimbrel stated she is having a hard time understanding why the developer can't consider RS-3.

Mr. Rosser stated it's just a question of economics. He stated this property has a lot of unusable area. This is what the developer needs to have happen and they would rather not have to go down on those lot sizes because it's more complicated.

Mr. Zalk stated he guessed the implication, by saying the deal doesn't work is that the seller of the property is asking too much money for this specific land. The land is not worth what he thinks it's worth.

Mr. Rosser stated he doesn't think the seller would agree with that but there's always a question of what's the land worth. It's what a willing seller would pay for a willing buyer and given that there is a contract it would appear the land is worth it.

Mr. Shivel asked what percentage of the properties are considered to be 35 foot properties.

Mr. Rosser stated engineering can get into that number. He stated but that is a conceptual site plan that could change.

Mr. Shivel asked what a typical property width requirement for patio home.

Staff stated the lot width this 60 feet for RS-3 with a zero setback on one side.

Mr. Whitlock asked how much land in acres is being utilized for floodplain and water detention area as part of the whole development.

Ms. Pasco stated to Mr. Shivel's question on proportions, 25% of the lots are 50 foot minimums and 75% are 30 foot minimum. She stated to Mr. Whitlock's

question about water retention and floodplain area, rule of thumb for them is 20% to 25% of the total land area is set aside for detention and that's not including the floodplain. Ms. Pasco stated since they haven't finished engineering, she doesn't have that number for sure.

Ms. Kimbrel asked if staff recommended a lower density such as RS-3.

Staff stated when the original application came in they asked for RS-5. He stated staff went through the internal analysis process and agreed that RS-5 made sense in this area but an additional recommendation that RS-3 would be appropriate was not made.

Ms. Kimbrel asked if there were any infrastructure challenges that will somehow make a lesser density such as RS-3 not suitable for this area.

Staff stated, "he didn't think so". He stated most of the area that's identified inside that regulatory floodplain in the concept plan can't reasonably be developed whether it's RS-5 or AG-R.

Ms. Kimbrel asked if rezoned to RS-3 they still could not develop the creek area because it's in that regulatory floodplain.

Staff stated he knows there are concerns about drainage and how to manage water but the detention ponds shown are very conceptual in nature. He stated they might be reduced a tiny bit if it was RS-3 or something with larger lots but you probably would never actually see that difference on a plan.

Mr. Zalk asked how the developer could back off of the plan presented here or does he have to stick to this plan.

Staff stated all of the standards that are identified in the Zoning Code and in the development plan are the minimum lot sizes, so he couldn't make it denser than what is showing but the lots could be bigger.

Mr. Zalk asked if the applicant had to do the detention ponds or could he do one huge on the corner.

Staff stated the detention details is all engineering related and it would be premature for him to say that if all the lots became AG-R lots all the detention ponds would go away.

Ms. Kimbrel asked if the applicant could go bigger in lot size and there's nothing in the staff recommendation that would prohibit that.

Staff stated "yes".

Mr. Blair asked if the will of the commission were to be favorable toward RS-3 how would that work.

Mr. Covey stated he asked City Legal and since it has been advertised as RS-5 the motion can be for less such as RS-3 or RS-2 but it can't be more.

Mr. Covey stated the question to the applicant is does he want a vote on RS-5 or would the property owner like to consider some other zoning at this point.

Mr. Rosser stated it sounds like the inclination of the Commission is straight RS-3 without a development plan. He stated if that's the case he doesn't want to just say no without talking with his client and asked to make a phone call and continue this to the bottom of the agenda.

Mr. Covey stated the options before Planning Commission is to continue this case to the end of the agenda, continue to a later date or take a 5 minute break.

Mr. Blair stated to complicate matters further he has to make a presentation at the city council meeting. He stated he would be fine to defer this or continuing this to the end of the agenda and if at all possible he would like to address item 11.

**TMAPC Action; 8 members present:**

On **MOTION** of **CRADDOCK**, TMAPC voted **8-0-0** (Blair, Covey, Craddock, Kimbrel, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Adams, Reeds, "absent") to **CONTINUE** Item 5 to the end of the agenda to allow the applicant time to call his client.

Item 5 was resumed after item 10.

Mr. Rosser stated his client would prefer RS-3 on the perimeter of the property and RS-4 on the interior. He stated that is 60 foot lots on the perimeter and 50 foot lots on the interior.

Mr. Craddock asked if RS-3 straight zoning without optional development plan would be 60 foot wide lots.

Mr. Covey stated "correct".

Mr. Zalk stated if we believe that development is generally good for the city and we have a lack of housing his opinion is that a concession that knocks down the density by 30% or so is a pretty reasonable concession. He stated to do 60 foot perimeters, 60 foot minimum lot width on the exterior and 50 foot on the interiors is a good compromise, Mr. Zalk stated if you believe that development in general helps the community at some level helps businesses, he would be in favor of that. He stated the pooling water is a separate issue that's unrelated to this

development in some respects because the southwest corner of this development is going to happen regardless of approving or disallowing this development.

Mr. Covey stated he thinks RS-5 is too much. He stated he believes this is a money issue. The buyer needs to build a certain number of houses to recoup his purchase price and make a profit. Likewise, the seller needs to make a profit on his land. Mr. Covey stated he thinks RS-5 is too much and that straight RS-3 is more acceptable to him but that's not on the table. He stated what's on the table is straight RS-5 and he will be voting no.

**TMAPC Action; 8 members present:**

On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Blair, Covey, Craddock, Kimbrel, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Adams, Reeds, "absent") to **DENY** the RS-5 zoning for Z-7623.

\* \* \* \* \*

- 6. Z-7624 Hall Estill, Stuart VanDeWiele** (CD 8) Location: Southeast corner of East 111th Street South and South Yale Avenue requesting rezoning from **AG to CH with optional development plan** (Continued from October 6, 2021)

The applicant requested a continuance to November 3, 2021

All interested parties agreed to the continuance.

**TMAPC Action; 8 members present:**

On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Blair, Covey, Craddock, Kimbrel, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Adams, Reeds, "absent") to **CONTINUE** Item 6 to November 3, 2021.

\* \* \* \* \*

- 7. Z-7622 Robert Ellsworth** (CD 3) Location: South of the southwest corner of East Pine Street and North 129th East Avenue requesting rezoning from **AG to IL**

**STAFF RECOMMENDATION:**

**SECTION I: Z-7622**

**DEVELOPMENT CONCEPT:**

The applicant has submitted a request to change the zoning from AG to IL to support continued expansion of the industrial area and provide business expansion opportunities.

**DETAILED STAFF RECOMMENDATION:**

The subject tract and properties north, south, and west are within an Employment land use designation in the City of Tulsa Comprehensive plan. The current IL zoning request expands development opportunities, and the current zoning code provides predictable results for the surrounding property owners providing supplemental regulations that will continue to help integrate this site into the surrounding areas and,

Uses allowed in the proposed IL district ~~in the development plan~~ with normal supplemental regulations are consistent with the Employment land use designation in the City of Tulsa Comprehensive Plan and,

The ~~normal uses with~~ supplemental regulations identified in the zoning code are compatible with the surrounding proximate properties therefore,

Staff recommends Approval of Z-7622 to rezone property from AG zoning to IL.

## **SECTION II: Supporting Documentation**

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

*Generally, the light industrial uses in Tulsa can be located in Employment land use areas.*

### **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.

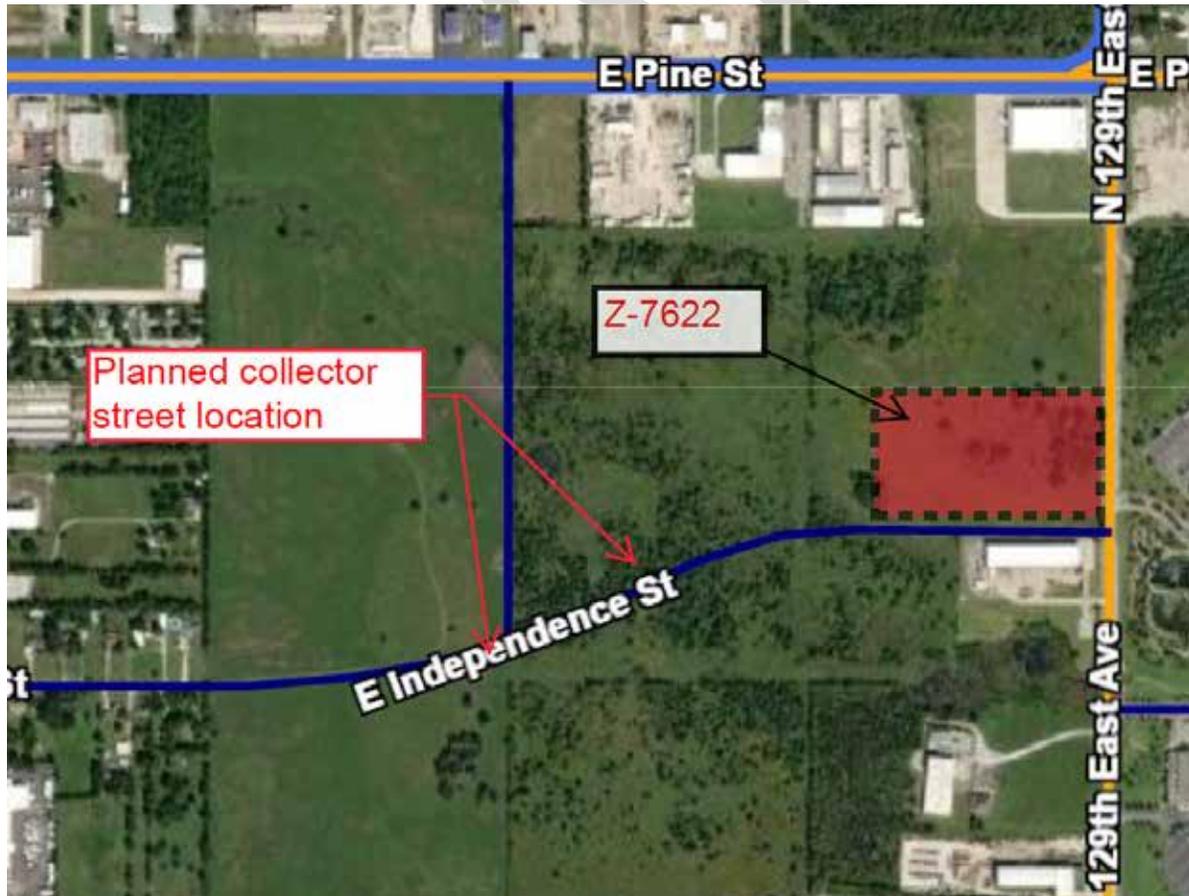
*Areas of Stability and Growth designation: Area of Growth*

**Area of Growth:** An area of growth is a designation 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:* Along the south boundary of Z-7622 the major street and highway plan illustrates a collector street. The development of the site should include street right of way and street construction for future development opportunities west and north of the property. The exact location of the collector street will be determined during the subdivision compliance process in the City of Tulsa and a segment of street construction will be required for East Independence Street.



*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 generally flat and abuts undeveloped property north and west of the site.*

*Environmental Considerations: The subject property does not include significant wildlife diversity, flood plain or other sensitive development areas that would be affected by site development.*

**Streets:**

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North 129 <sup>th</sup> East Avenue	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	Employment	Growth	Undeveloped
East	IL	Neighborhood Center	Growth	School
South	IL and AG	Employment	Growth	Light industry
West	IL	Employment	Growth	Undeveloped

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11811 dated June 26, 1970, established zoning for the subject property.

***Subject Property:*** None after Ordinance# 11811

***Surrounding Property:***

**Z-7370 December 2016:** All concurred in approval of a request for *rezoning* a 2.52+ acre tract of land from RS-3 to IL on property located East of SE/c of East Pine Street and North Garnett Road.

**BOA-20966-A November 2013:** The Board of Adjustment **approved** the request for a Modification of a previously approved site plan (BOA-20966) to permit the addition of three safe rooms on property located at 1003 North 129<sup>th</sup> avenue East.

**BOA-20966 August 2009:** The Board of Adjustment **approved** a *Minor Special Exception* to amend a previously approved site plan for an existing church, per plan, on property located at 1003 North 129<sup>th</sup> East Avenue.

**PUD-360-B March 10, 2003:** All concurred in approval of a proposed *Planned Unit Development* on a 3.17+ acre tract of land for on property located North and West of the northwest corner East 91<sup>st</sup> Street South and South Memorial Drive (7715 East 91<sup>st</sup> Street South).

**BOA-20538 July 2002:** The Board of Adjustment **approved** a *Variance* of the setback requirement for a building in the IL district of 75 ft. from an abutting AG district (Section 903), on property located at 12716 East Pine Street North.

**BOA-19599-A May 2014:** The Board of Adjustment **approved** a *request* for a Modification of a previously approved site plan (BOA-20966) to permit the addition of 3 safe rooms, on property located at 1003 North 129<sup>th</sup> Avenue East.

**BOA-18683 April 2000:** The Board of Adjustment **approved** a *Special Exception* to permit concrete ready-mix plant in an IL zoned district for one year, with no further extension of time on property located at 290' East of SE/c E. Pine & 129<sup>th</sup> E Ave.

**Z-6388 February 15<sup>th</sup>, 1993:** All concurred in **approval** of a request for *rezoning* a 3.21± acre tract of land from AG to IL on property located East of the southeast corner of Pine street and 129<sup>th</sup> East Ave.

**Z-6229 April 4<sup>th</sup>, 1989:** All concurred in **approval** of a request for *rezoning* a tract of land from RS-3 to IL on property located 12044 East Pine Street North.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Blair, Covey, Craddock, Kimbrel, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Adams, Reeds,

“absent”) to recommend **APPROVAL** of the IL zoning for Z-7622 per staff recommendation.

**Legal Description for Z-7622:**

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION THIRTY-TWO (32) TOWNSHIP TWENTY (20) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN , TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO- WIT:

COMMENCING AT THE SOUTHEAST CORNER OF THE NE/4 OF SAID SECTION THIRTY-TWO (32); THENCE N00°58' 44"W FOR A DISTANCE OF 660.66 FEET; THENCE S88°38'51"W FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE S88°38'51"W FOR A DISTANCE OF 800.72 FEET; THENCE N00°59'32"W FOR A DISTANCE OF 449.73 FEET; THENCE N44°50'47"E FOR A DISTANCE OF 117.53 FEET TO THE BEGINNING OF A CURVE, SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 43°56'40", HAVING A RADIUS OF 83.00 FEET, A LENGTH OF 63.66 FEET AND WHOSE LONG CHORD BEARS N66°49'09"E FOR A DISTANCE OF 62.11 FEET. THENCE N88°47'35"E FOR A DISTANCE OF 659.01 FEET; THENCE S00°58'44"E FOR A DISTANCE OF 552.50 FEET TO THE POINT OF BEGINNING ; SAID TRACT CONTAINING 10.04 ACRES MORE OR LESS.

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- 8. **Z-7628 Felipe Guedes Freitas** (CD 3) Location: North and east of the northeast corner of North 129th East Avenue and East Pine Street requesting rezoning from **RS-3 to IL**

**STAFF RECOMMENDATION:**  
**SECTION I: Z-7628**

DEVELOPMENT CONCEPT: This site is included in an area that is zoned RS-3 for single family residential homes however non-conforming uses north and east of the site are established industrial uses. Light industrial uses are consistent with the expected development in the area. The neighborhood is in transition from residential to industrial uses and The applicant has started a soccer training facility on site and it is now necessary to rezone for continued growth. All commercial and industrial zoning districts that might be appropriate in an Employment land use designation will require Special Exception approval by the Board of Adjustment for outdoor assembly and entertainment uses. Industrial uses are common in the area.

**DETAILED STAFF RECOMMENDATION:**

The subject tract and properties abutting the site are included in the Employment land use designation in the City of Tulsa Comprehensive Plan and,

The current IL zoning request expands development opportunities, and the current zoning code provides predictable results for the surrounding property owners providing supplemental regulations that will continue to help integrate this site into the surrounding areas and,

Uses allowed in the proposed IL district ~~in the development plan~~ with normal supplemental regulations are consistent with the Employment land use designation in the City of Tulsa Comprehensive Plan and,

The ~~normal uses with~~ supplemental regulations identified in the zoning code are compatible with the surrounding proximate properties therefore,

Staff recommends Approval of Z-7628 to rezone property from RS-3 zoning to IL.

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Uses, lots and building types defined in the IL district are 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

Area of Growth: An area of growth is a designation 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 undeveloped and currently being used for open field soccer.*

Environmental Considerations:

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East Reading Place	None	50 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</b>	<b>Area of Stability or</b>	<b>Existing Use</b>
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		<b>Designation</b>	<b>Growth</b>	
North	RS-3	Employment	Growth	Tractor trailer storage
East	RS-3	Employment	Growth	Detached Single Family
South	IL	Employment	Growth	Undeveloped
West	RS-3	Employment	Growth	Detached Single Family

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

**ZONING ORDINANCE:** Ordinance number 11811 dated June 26, 1970, established zoning for the subject property.

**Subject Property:** No zoning changes since Ordinance# 11811.

**BOA-13530 April 1985:** The Board of Adjustment **approved** a *Special Exception* to permit a mobile home in a RS-3 zoned district; and to **deny** a **variance** of the one-year time limitation for a mobile home to permanently, on property located at East of SE/c of 129<sup>th</sup> East Avenue & Reading.

#### **Surrounding Property:**

**Z-7287 March 23, 2015:** All concurred in **approval** of a request for *rezoning* a 393± acre tract of land from AG/CH/IH to IH on property located NW/c of East Pine St & N 145<sup>th</sup> E. Ave.

**BOA-21746 June 2014:** The Board of Adjustment **approved** a *Special Exception* to permit a manufactured home (Use Unit 9) in an RS-3 District; and **approved** Special Exception to extend the 1-year time limit to 10 years, on property located at 12932 East Reading Place North.

**BOA-20264 May 2006:** The Board of Adjustment **approved** a *Special Exception* to permit a manufactured home in an RS-3 district and to extend the time limitation of one year to two years; and a Variance to temporarily permit two dwellings per lot of record, on property located at 12932 East Reading Pl N.

**BOA-13401 December 1984:** The Board of Adjustment **approved** a *Special Exception* to permit an existing mobile home to remain in an RS-3 zoned district; and a *Variance* of the one-year time limitation for a mobile home to permanently, on property located at N. of NW/c of Pine Street and 129<sup>th</sup> East Avenue.

**BOA-12771 September 1983:** The Board of Adjustment **approved** a *Special Exception* to permit a mobile home in an RS-3 zoned district, for a period of one year, with removal bond required and subject to Health Department approval, on property located at North of the NW corner of Pine Street and 129<sup>th</sup> East Ave.

**Z-6885 April 14, 2003:** All concurred in **approval** of a request for *rezoning* a tract of land from RS-3 to IL on property located Northeastern corner of East Pine Street and North 129<sup>th</sup> East Avenue.

**The applicant was not present.**

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

**TMAPC Action; 8 members present:**

On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Blair, Covey, Craddock, Kimbrel, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Adams, Reeds, “absent”) to recommend **APPROVAL** of the IL zoning for Z-7628 per staff recommendation.

**Legal Description for Z-7628:**

LT4 and LT 5, BLK 2, Garnett Garden Acres

**PUBLIC HEARING-PLATS**

9. **The Reserve at Magnolia** (County) Location: South of the southeast corner of East 171<sup>st</sup> Street South and South Yale Avenue (Related to CZ-521)

**STAFF RECOMMENDATION:**

**The Reserve at Magnolia** – (Tulsa County)

South of the southeast corner of East 171<sup>st</sup> Street South and South Yale Avenue

This plat consists of 12 lots, 3 blocks on 25.71 ± acres.

The Technical Advisory Committee (TAC) met on October 7, 2021 and provided the following comments:

1. **Zoning:** The subject tract is currently zoned AG (Agriculture). The concurrent proposal for rezoning (CZ-521) to RE is required to be approved and effective prior to final plat approval to ensure conformance with all applicable zoning requirements.
2. **Addressing:** Final address assignments by INCOG must be shown on the face of the final plat.
3. **County Engineering:** Public street construction requires approval and acceptance by Tulsa County prior to final plat approval. Plans for stormwater and drainage are required to be approved and completed prior to final plat approval.

4. **Sewer/Water:** On-site sewage disposal must be approved by the Oklahoma Department of Environmental Quality. Water service to be provided by Okmulgee County Rural Water District 6. Water line extensions must be completed, and final plat must be released by the rural water district.
5. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Release letters are required from all utilities serving the site. Provide certificate of records from Oklahoma Corporation Commission related to oil & gas activity on the site.

Staff recommends **APPROVAL** of the preliminary plat subject to the conditions provided by TAC and the requirements of the Subdivisions Regulations.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CRADDOCK**, TMAPC voted **8-0-0** (Blair, Covey, Craddock, Kimbrel, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Adams, Reeds, “absent”) to **APPROVE** the Preliminary Subdivision Plat for The Reserve at Magnolia per staff recommendation.

\*\*\*\*\*

10. **Magnolia Village** (County) Location: South of the southeast corner of East 171<sup>st</sup> Street South and South Yale Avenue (Related to PUD-860 and CZ-521)

**STAFF RECOMMENDATION:**

**Magnolia Village** – (Tulsa County)

South of the southeast corner of East 171<sup>st</sup> Street South and South Yale Avenue

This plat consists of 43 lots, 5 blocks on 34.27 ± acres.

The Technical Advisory Committee (TAC) met on October 7, 2021 and provided the following comments:

1. **Zoning:** The subject tract is currently zoned AG (Agriculture). The concurrent proposal for rezoning (CZ-521) to RE (Residential-Estate) and a planned unit development (PUD-860) is required to be approved and effective prior to final plat approval to ensure conformance with all applicable development standards.
2. **Addressing:** Final address assignments by INCOG must be shown on the face of the final plat.
3. **County Engineering:** Public street construction requires approval and

acceptance by Tulsa County prior to final plat approval. Plans for stormwater and drainage are required to be approved and completed prior to final plat approval.

4. **Sewer/Water:** On-site sewage disposal must be approved by the Oklahoma Department of Environmental Quality. Water service to be provided by Okmulgee County Rural Water District 6. Water line extensions must be completed, and final plat must be released by the rural water district.
5. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Release letters are required from all utilities serving the site. Provide certificate of records from Oklahoma Corporation Commission related to oil & gas activity on the site.

Staff recommends **APPROVAL** of the preliminary plat subject to the conditions provided by TAC and the requirements of the Subdivisions Regulations.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **CRADDOCK**, TMAPC voted **8-0-0** (Blair, Covey, Craddock, Kimbrel, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Adams, Reeds, "absent") to **APPROVE** the Preliminary Subdivision Plat for Magnolia Village per staff recommendation.

**OTHER BUSINESS**

11. Consider initiation of an amendment to the Comprehensive Plan for the Southeast corner East 31st Street South and South Peoria Avenue to amend the Area of Stability and Growth Map from Area of Growth to an Area of Stability to reflect the intent established in the TMAPC special meetings leading to the adoption of the 2010 Comprehensive Plan

**TMAPC Comments:**

Mr. Blair stated he asked to bring this item back and he wants to clarify that what is in front of us is not a reconsideration of the substance of the Comprehensive Plan Amendment but merely an action to reinitiate the process of sending out notices and then bring it back at a subsequent meeting. He stated this vote would need to be a majority vote. Mr. Blair stated normally he wouldn't even consider bringing something back that had been subject to a vote but he thinks because of the peculiarities of the state statute requiring the majority of the full commission for a Comprehensive Plan Amendment, which when this was heard there were six members present meant that a unanimous vote was needed to pass. He stated he thinks that was an unusual circumstance and given the fact that the City Council referred this to Planning Commission he didn't think the result of that action

necessarily fulfilled the obligation to get them a recommendation that was based on the Planning Commission's perspective of the issues. Mr. Blair stated in this narrow circumstance he thought it was appropriate to reinstate the process to hopefully provide a more substantial quorum of the Commission.

Mr. Covey stated he needed to make one clarification. He stated at the last meeting when this agenda item was presented, he corrected Mr. Brejcha when he said that Mr. Walker had not recused himself in the September 2020 but had abstained. Mr. Covey stated the basis of that was the TMAPC minutes, which he reviewed. He stated before the last discussion he went back and watched TGOV, and the minutes are not correct. Mr. Covey stated back in September 2020, Mr. Walker did recuse himself and did not participate in that agenda item in any way. He stated he did not vote to abstain. Mr. Covey stated he has discussed this with staff and thinks that those minutes will be bought back for correction.

Mr. Walker stated procedurally under Section 5.2 and 5.3 of Article 5 of TMAPC guidelines he needs to disclose that he is in receipt of an ex parte communication in the form of a mailed letter from a neighbor. He stated after receiving that letter he immediately contacted the city attorney to discuss recusal or abstention and it was determined that his participation does not meet any of the criteria under Section 5.2 and 5.3 so he will be participating.

Mr. Covey stated this is just a procedural vote to decide if this item should be initiated then notices are mailed and it can be re heard at some point.

Staff stated if the Commission votes to initiate it today staff would need to meet the 15 day notice requirement, it would come back a month from now which is the November 17th TMAPC meeting.

Mr. Covey stated based on what he believes he heard last time. He stated this is to look at an error or potential error that was made in the Comprehensive Plan back when the Comprehensive Plan was amended. The issue is whether this particular track is supposed to be an Area of Stability or an Area of Growth.

Staff stated that is correct, there was quite a bit of discussion at the last meeting so when this agenda item was written staff tried to make sure to make the agenda item reflected the scope that was part of the council discussion.

Mr. Covey stated since there are people here that weren't here last time it wanted to mention that the Comprehensive Plan is being amended.

Staff stated the goal is to have it to have it to Planning Commission in the spring but this is not a hard and fast date because it still needs to go through all the public review meetings and process.

Mr. Covey stated just to clarification he thinks staff said the Growth and Stability map is going away.

Staff stated that will be our Staff recommendation.

Mr. Covey stated the Growth and Stability map, not just for this tract of land but for any tract of land goes away.

Staff stated they are proposing an alternative that they think will be more helpful to the neighbors, to the Planning Commission and to all the decision makers involved.

**Interested Parties:**

**Jacqueline Bowman** 1384 East 26th Place, Tulsa, OK 74114

Ms. Bowman stated she supports Mr. Blair's motion to reconsider the October 6, 2021, 5-1 vote that referenced the scrivener's error from the 2010 Comprehensive Plan for the southeast corner of 31st and Peoria Avenue. She stated city documents do matter and correct city documents do matter. Ms. Bowman stated the history of all this does matter moving forward because you do build your future plans based off of your past plans.

**Robert Brejcha** 2909 South Quaker Avenue, Tulsa, OK 74114

Mr. Brejcha stated he supports the initiative to have this matter set forth and voted on by all the eligible members of the Commission. He stated he would like the Commissioners to look at the minutes from the last meeting and substantively, recognize that the reports in there are fairly substantial. Mr. Brejcha stated there's a lot of good information to look at. He stated he doesn't know why staff included a lot of extraneous matter but the conclusion is that there was an error that needs to be corrected. Mr. Brejcha stated he would like to reiterate the fact that the reason that this error should be corrected is that in 2010 the citizens that participated in the Comprehensive Plan recognized that the tract in question was a part of a select residential area it shouldn't have been designated as an Area of Growth and should have been designated as an Area of Stability. He stated it was discussed, it was voted on by the Commission and the recommendation was to correct the error and to have the tract identified as an Area of Stability. Mr. Brejcha stated this did not happen in the publication and he fully supports the initiative to have the amendment process take place.

**Teresa Burkett** 1224 East 30th Place, Tulsa, OK 74114

Ms. Burkett stated on behalf of her family, and the many neighbors who have been working on this over the last year and really will be here today she supports the initiation and the reconsideration of this matter by this commission. She stated she thinks it's important that the historical records be correct and that should be taken into consideration regardless of what is done in the future.

**David Poarch** 3177 South Rockford Drive, Tulsa, OK 74105

Mr. Poarch stated his property abuts the south edge of the subject property. He stated they fully support the initiation of a reconsideration of this amendment to change the Comprehensive Plan map to an Area of Stability from an Area of Growth, as it was originally intended. Mr. Poarch stated they have been trying to have this mistake corrected for a year because it's important to acknowledge the history and to have an accurate historical record and there was a lot of input from the community and the Planning Commission on the original Brookside Infill Plan, which designates this as an Area of Stability. He stated it is imperative that there be a correct historical record as a strong foundation upon which to build the next plan.

**Susan Savage** 3110 South Quaker Road, Tulsa, OK 74105

Ms. Savage stated she wishes to disclose that she is the neighbor who wrote to Mr. Walker and did so, following the October 6 vote and before Mr. Blair's request to reinitiate this item was filed. She stated she would never have initiated an ex parte communication so she apologizes. Ms. Savage stated she wishes to support this initiation and to make the point that Planning Commission is hearing that history really does matter and they have witnessed that in the community. She stated the importance of an accurate historical record in many different and many compelling contexts, over the past several years, land use planning and zoning, in her view are no different. Without an accurate historical record, the very integrity of the planning process and confidence in the public's ability to engage are diminished. Ms. Savage stated she was very privileged to serve as Tulsa's Mayor when infill development first became a priority. She stated she formed a coalition of architects, developers, home builders and neighborhood representatives who developed the first Brookside Infill Study and that work has certainly evolved, but the significance of the historical record has not diminished. Ms. Savage said she wants to thank the neighbors in the area for being so diligent in their effort to correct the historical record and the staff because they did a tremendous amount of work as well. She stated she is certainly happy to provide to the Commission the letter that she wrote to Mr. Walker and again it was not her intention to communicate an ex parte level, he's a neighbor.

**Sabrina Patterson Nunnelee** 2769 East 28th Street, Tulsa, OK 74105

Ms. Nunnelee stated Planning Commission has heard a great deal from her neighbors. She stated she is one of the property owners of the subject property. Ms. Nunnelee stated all this commotion started over a year ago when her and her husband teamed up with the Planning Design Group to create an innovative plan for her father's estate. She stated they worked to create something new and exciting that they thought would enhance Tulsa, and the Brookside district. Ms. Nunnelee stated unfortunately they made the mistake of not approaching their neighbors before submitting the rezoning application. She stated once the design was submitted they planned to hold meetings and answer any questions or concerns they had. Ms. Nunnelee stated they did that, the Planning Design Group held over seven meetings with the surrounding neighbors. They met with multiple individuals, answered multiple phone calls, emails, and even had individual

meetings with some neighbors. Ms. Nunnelee stated as a result they went back and made a few changes to the plan to meet their concerns and their suggestions. She stated unfortunately, the public never saw those changes, because they pulled back the plan before presenting it to the council. She stated she has seen the research from the previous 2010 meeting but she is not quite as convinced as the neighbors are. Ms. Nunnelee stated she understands that the intention may have been for her property to be labeled an Area of Stability however, the map that was voted on, was for it to be in 2010 was an Area of Growth. She stated on October 6, 2021, the amendment to make the property an Area of Stability was denied by Planning Commission. Ms. Nunnelee stated her question to Planning Commission is if changing this to an Area of Stability will have no bearing in the Spring when the new Comprehensive Plan is presented why these neighbors are so adamant about making the change. She stated her only answer is because after being involved with them for over a year, if this change is made then of course they are going to try to make sure that when the new Comprehensive Plan is implemented, that her property will be left out of it. Ms. Nunnelee stated she asks that Planning Commission not approve the initiation for this to go back through the process and back to Planning Commission for another vote. She stated if it goes back for the vote, and the amendment is passed in November her family would then come back and ask for it to be put again back to an Area of Growth and as Mr. Ferris read the criteria for an Area of Growth and this clearly meets that criteria for 2021. Ms. Nunnelee stated she wonders are we just wasting time. She stated let their property on 31st and Peoria offer the highest and best use for Tulsa, not just her surrounding neighbors.

Mr, Covey asked if Ms. Nunnelee has any plans for the property in the next nine months.

Ms. Nunnelee stated no, the plan is to market it as a home, not a development at the present time. She stated they can't control who buys it in the next five years, but the plan is to market it as a single home.

Mr, Walker asked if the neighbors want an Area of Stability and the property owners want Area of Growth what will be accomplish by changing this now if it's going away in the Spring.

Staff stated there's probably several ways to look at it. If you look, moving forward to the Spring when a new Comprehensive Plan will be recommended it's not going to have any effect there, but she does understand the importance of correcting the record.

Ms. Kimbrel asked if the Planning Office acknowledges that there was an error.

Staff stated "yes", that was the staff report that was included in the agenda packet at the last meeting that has the history of the discussions. She stated to summarize that there were special meetings from the Planning Commission where informal

votes were taken from the Planning Commission at that time. Staff stated it was clear that they had agreed that the subject property would be an Area of Stability. However, the document voted on at the Planning Commission Public Hearing did not show it as an Area of Stability but instead showed it as an Area of Growth.

Mr. Covey stated he has no idea what this Comprehensive Plan is going to look like in 9 months but he knows what's going to happen. He stated one side is going to say look it's supposed to be an Area of Growth this needs to be this way and the other side's going to say look, it was supposed to be an Area of Stability it should be this way.

Staff stated the intent in 2010 is what we're talking about here, but if you look at that site with the criteria as it exists in the plan now that was adopted in 2010, and you lay out 31st and Peoria against that criteria for an Area of Growth it definitely looks like it matches at least some of those. She stated things have changed in 11 years. Staff stated 17% of the properties in Existing Neighborhoods are Areas of Growth and that is not something that's easy to reconcile. There are things that they are not sure if it was citizen driven designations that decision makers can't figure out how to really do anything with so that map has just really been more of a source of confusion and that's why we were trying to try to transition to something different, that will be more helpful to everyone.

Ms. Kimbrel stated this item is not to argue the stability or growth, this is to reinstate the Comprehensive Plan Amendment so it sounds like some of the arguments that are being made will be if Planning Commission reconsiders it.

Mr. Blair stated he thinks there's value in correcting the record, and that's really all we are doing. He stated at a work session with the Planning Commission and staff several weeks ago there was a preview of the new kind of modeling that will take the place of the Growth and Stability Map if staff recommendations prevail and he thinks it's a much more effective way of approaching development patterns in history and really reflecting site specific things, implementing plans and the intent of the area but he does think there's value in correcting the record. He stated but that's not what they are discussing with this vote, this vote would be to initiate the process for a new notice and for it to come back at another time.

Mr. Covey stated he voted last time with the neighbors to correct the record. He stated he has concerns such as if the vote would have gone the other way would it be reinstated. Mr. Covey stated "no". He stated they have heard from staff that the growth and stability doesn't matter going forward. They have heard the property owner they are not going to do anything with the property for nine plus months and if Planning Commission votes to change the property back to an Area of Stability then she's going to initiate the petition to change it to an Area of Growth. Mr. Covey stated and in addition to that, any Commissioner up here can vote to initiate the same piece of property to make it go back from stability to growth. He stated he understands the benefit of correcting the record. Mr. Covey stated we had a vote,

a decision was made and because apparently someone or some people, this is not directed toward Mr. Blair this is just a general observation, the vote didn't go the way that whoever thought it should, we're just going to reinstate. He stated when does that process stop. Mr. Covey stated over the past three months it's been hard to get a quorum here. He stated It has come down to having to delay meetings waiting for commissioners to walk in. Mr. Covey stated of the some of the votes have been close but nobody wants to rehear those matters. He stated this is getting into a never ending cycle.

Mr. Blair stated he certainly doesn't think this will create a situation where this is never ending rather he thinks that we are here because of the peculiarities of the state statute which require affirmative vote of the entire commission and so the 80% favorable vote was kind of outweighed by the lone dissenting vote which became kind of a de facto veto of the majority opinion and didn't think that circumstance will come up very often, if at all. He appreciates the comments but he thinks this is a unique circumstance.

**TMAPC Action; 8 members present:**

On **MOTION** of **BLAIR**, TMAPC voted **2-5-1** (Blair, Kimbrel, "aye"; Covey, McArtor, Reeds, Shivel, Walker, Whitlock, Zalk, "nays"; Craddock, "abstaining"; Adams, Reeds, "absent") to **INITIATE** an amendment to the Comprehensive Plan in accordance with federal law for the Southeast corner East 31st Street South and South Peoria Avenue to amend the Area of Stability and Growth Map from Area of Growth to an Area of Stability.

**12. Commissioners' Comments**

None

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**ADJOURN**

**TMAPC Action; 8 members present:**

On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Blair, Covey, Craddock, Kimbrel, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Adams, Reeds, "absent") to **ADJOURN** TMAPC meeting of October 20, 2021, Meeting No. 2852.

**ADJOURN**

There being no further business, the Chair declared the meeting adjourned at 3:34 p.m.

Date Approved:

\_\_\_\_\_

\_\_\_\_\_

Chairman

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

Secretary