<table>
<thead>
<tr>
<th><strong>Case Number:</strong> CO-12 Major Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hearing Date:</strong> April 7, 2021</td>
</tr>
<tr>
<td>Neighborhood continuance from March 17 to April 7th.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Case Report Prepared by:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwayne Wilkerson</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Owner and Applicant Information:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Applicant:</strong> Lou Reynolds</td>
</tr>
<tr>
<td><strong>Property Owner:</strong> Ruffin Hotel Of Tulsa LLC</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Location Map:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>(shown with City Council Districts)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Applicant Proposal:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Present Use:</strong> Hotel</td>
</tr>
<tr>
<td><strong>Proposed Use:</strong> Mixed-use building</td>
</tr>
<tr>
<td><strong>Concept summary:</strong> Add a variety of uses to originally approved corridor site plan. The original plan only allowed a hotel use.</td>
</tr>
<tr>
<td><strong>Tract Size:</strong> 7.11 ± acres</td>
</tr>
<tr>
<td><strong>Location:</strong> West of the Southwest corner of East 41st Street South &amp; South Garnett Road</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Zoning:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Existing Zoning:</strong> CO</td>
</tr>
<tr>
<td><strong>Proposed Zoning:</strong> CO-12</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Comprehensive Plan:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Land Use Map:</strong> Town Center</td>
</tr>
<tr>
<td><strong>Stability and Growth Map:</strong> Area of Growth</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Staff Recommendation:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff recommends approval with the modified provisions of Section II in the following report.</td>
</tr>
<tr>
<td>Staff report modified 4.7.2021 with amended Exhibit B and text highlighted in red.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Staff Data:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TRS:</strong> 9430</td>
</tr>
<tr>
<td><strong>CZM:</strong> 49</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>City Council District:</strong> 7</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Councilor Name:</strong> Lori Decter Wright</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>County Commission District:</strong> 1</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Commissioner Name:</strong> Stan Sallee</td>
</tr>
</tbody>
</table>
SECTION I: CO-12

APPLICANTS DEVELOPMENT CONCEPT:

The Applicant requests a Major Amendment to a Corridor Plan Z-5444 SP-1 to add permitted uses to the Corridor Development Plan for property located at 10918 East 41st Street South (the “Property”). The Property is comprised of approximately 232,530 SF of improvements on 7.10 acres of land and lies west of the southwest corner of East 41st Street and South Garnett Road. Today, the Property is surrounded by development on all sides: to the east by Quik Trip Kitchens and Applebee’s Grill and Bar, to the south by the Huntington Hollow Apartments, to the west by the Shady brook Apartments and Yale Cleaners, and to the north by the Crossbow Shopping Center.

The Legal Description of the Property is attached hereto as Exhibit “A”.

The Corridor District zoning and the Corridor Development Plan for the Property were originally established in 1982 for the development of an 11-story Hyatt Hotel (today, Wyndham Hotel). Currently, the only permitted use of the Property in the Corridor Development Plan is Hotel Complex and related uses.

The Applicant, Exact Capital Group, desires to amend the Permitted Uses in the Corridor Development Plan to be consistent with the development pattern in the East 41st Street Corridor and to repurpose the existing Wyndham Hotel for senior housing.

The Corridor Site Plan for the Rosewood Park Seniors Housing Project is attached hereto as Exhibit “B”.

EXHIBITS:

INCOG Case map
INCOG Aerial (small scale)
INCOG Aerial (large scale)
Tulsa Comprehensive Plan Land Use Map
Tulsa Comprehensive Plan Areas of Stability and Growth Map
Applicant Exhibits:
   Exhibit A (Legal description)
   Exhibit B (Concept site plan)

DETAILED STAFF RECOMMENDATION:

Uses and development standards as outlined in CO-12 are consistent with the Regional Center land use designation in the Tulsa Comprehensive Plan; and

The Corridor Development Plan is a unified treatment of the development possibilities of the project site; and

Provisions have been made for property access, circulation, and functional relationships of uses; and

Permitted Uses, building types and supplemental standards outlined in CO-12 are consistent with the provisions of the Corridor chapter of the Tulsa Zoning Code.

Anticipated uses, lot and building regulations along with normal supplemental regulations in the Tulsa Zoning Code as provided CO-12 are consistent with the existing development pattern in this area of Tulsa; and
Staff recommends Approval of the development plan for CO-12 as outlined in Section II below.

SECTION II CO-12 DEVELOPMENT STANDARDS:

CO-12 replaces all previous zoning and site plan approvals on this site.

CO-12 will conform to the provisions of the Tulsa Zoning Code for development in a CO district and its supplemental regulations as identified in Section 25 in the Tulsa Zoning Code.

All use categories, subcategories or specific uses and residential building types or building types that are not listed below are prohibited.

Permitted Use Categories, Subcategories.

All specific uses listed in the zoning code for each of the subcategories listed below and customarily accessory uses to the allowed principal uses are allowed in this Corridor District.

RESIDENTIAL (Use Category, subcategories and customarily accessory uses allowed only as follows)

Household Living
- Single household: Limited to townhouse as provided in the building types section of the following development plan.
- Three or more households on a single lot only if allowed in the building types identified below.

Group Living
- Elderly/Retirement Center

PUBLIC, CIVIC AND INSTITUTIONAL (Use Category and subcategories and customarily accessory uses allowed only as follows)

- College or University
- Day Care
- Governmental Service
- Hospital
- Library or Cultural Exhibit
- Postal Services
- Religious Assembly
- Safety Service
- School
- Wireless Communication Facility (building mounted only)

COMMERCIAL (Use Category and subcategories and customarily accessory uses allowed only as follows)

- Animal Service
- Assembly and Entertainment
- Commercial Service
- Financial Services
- Lodging
- Office
- Restaurants and Bars
- Retail Sales
- Studio, Artist, or Instructional Service
- Trade School
AGRICULTURAL (Use Category and all subcategories and customarily accessory uses allowed only as follows)

Community Garden
Farm, (Market- or Community-supported)

Building Types for Household Living
Single household
Townhouse
3+ unit townhouse
Mixed use building
Vertical mixed-use building

Three or more households on a single lot
Cottage house development
Multi-unit house
Apartment/Condo
Mixed-use building
Vertical mixed-use building

Lot and Building Regulations
Maximum Building Coverage 75%
Minimum Lot Area 300,000 square feet
Maximum Building Height 140 feet
Maximum Floor Area 235,000 square feet
Minimum Building Setbacks
Street Setback (41st Street) 25 feet from the north lot line of the subject property.
From west boundary 20 feet
From south boundary 20 feet
From east boundary 20 feet
Internal lot lines 0 feet

Open space per dwelling unit is not required while repurposing the existing building as identified on Concept Plan B. the concept plan provided.

200 square feet of open space is required for any dwelling unit. multi-family construction will require 200 square feet per dwelling unit.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The proposal for repurposing the existing hotel as outlined in Section II is consistent with the Town Center Land Use designation. Additional uses and standards identified that might be added to the site that are also included in the development plan are consistent with the Town Center Land Use designation.

Land Use Vision:

Land Use Plan map designation: Town Center

Town Centers are medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot
single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

Areas of Stability and Growth designation: Area of Growth

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

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

Transportation Vision:

Major Street and Highway Plan: Multi Modal Corridor

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

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

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:
Staff Summary: The site is fully developed with the hotel that was anticipated in the previous corridor site plan.

Applicant’s image:

Environmental Considerations: None that affect site development

Streets:

<table>
<thead>
<tr>
<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
</tr>
</thead>
<tbody>
<tr>
<td>East 41st Street South</td>
<td>Secondary Arterial with Multi Modal Corridor designation</td>
<td>100 feet</td>
<td>5 (two lanes each direction plus a center turn lane)</td>
</tr>
</tbody>
</table>

Utilities:
The subject tract has municipal water and sewer available.

Surrounding Properties:

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning</th>
<th>Existing Land Use Designation</th>
<th>Area of Stability or Growth</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>CS</td>
<td>Town Center</td>
<td>Growth</td>
<td>Shopping Center</td>
</tr>
<tr>
<td>East</td>
<td>CS</td>
<td>Town Center</td>
<td>Growth</td>
<td>Restaurant and QuikTrip Kitchens</td>
</tr>
<tr>
<td>South</td>
<td>RM-2</td>
<td>Existing Neighborhood</td>
<td>Growth</td>
<td>Multi-family</td>
</tr>
<tr>
<td>West</td>
<td>CS</td>
<td>Town Center</td>
<td>Growth</td>
<td>Multi family and cleaners</td>
</tr>
</tbody>
</table>

SECTION IV: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 14889 dated November 5, 1980 established the current zoning for the subject property.

Subject Property:
BOA-12943 December 1983: The Board of Adjustment approved a Variance to permit a satellite dish as an accessory use in a CO zoned district under the provisions of Section 1670, and a Variance of the 60’ height limitation to permit a satellite dish in a CO zoned district under the provisions of Section 1670, as presented by the applicant that it will be on the roof of the Marriott Hotel, that it will have wind resistance up to 100 miles an hour, on property located at the southeast corner of South 109th East Avenue and East 41st Street.

Z-5444-SP-1 April 1982: All concurred in approval of a request for a Corridor Development Plan on a 7.12+ acre tract of land for a hotel and related uses, on property located west of the southwest corner of 41st Street South and Garnett Road.

Z-5444 October 1980: All concurred in approval of a request for rezoning a 27+ acre tract of land from CS to CO, on property located on the southwest corner of 41st Street and Garnett Road. (Ordinance No. 14889)

Ordinance number 11825 dated June 26, 1970 established zoning for the subject property.

Surrounding Property:

PUD-801 November 2013: All concurred in approval of a proposed Planned Unit Development on a 9.1+ acre tract of land for the redevelopment of Crossbow Shopping Center on property located northwest corner of South Garnett Road and East 41st Street.

BOA-20499 May 2007: The Board of Adjustment approved a Special Exception to permit Other Trades and Services in a CS district, subject to: the proposed building to contain administrative offices; training space with an interior store mock-up of convenience store for training purposes; permitting also, business machine repair; computer repair; data processing machine repair; electrical repair; and electronic components repair; no outside storage of materials or equipment; all driving and parking surfaces be concrete or asphalt; all repairs to the services mentioned to be made inside the facility; no drive-through services with this approval; maintain screening to all of the apartments on the south and to the R district on the southwest corner; Kennebunkport formula to be used for any lighting, and landscaping according to the zoning code, on property located at -4200 block of South Garnett Road.

BOA-20402 January 2007: The Board of Adjustment approved a Special Exception to permit a car wash in a CS district, adjoining a convenience store, on property located at 11120 East 41st Street.

BOA-20379 November 2006: The Board of Adjustment approved a Special Exception to permit a car wash facility in a CS District, per conceptual plan, subject to a curb cut to the east and lighting away from the hotel, on property located north of the intersection of 41st Street and 109th East Avenue.

BOA-19301 February 2002: The Board of Adjustment approved a Special Exception to permit a drive-in restaurant in a CS district, per plan, providing it meets the landscape requirements, on property located at East 41st Street South and east of US-169.

Z-6582 February 1997: All concurred in approval of a request for rezoning a 10.9+ acre tract of land from CO to CS for retail, on property located at the southwest corner of East 41st Street and South Garnett Road.

Z-5444-SP-4 November 1995 All concurred in approval of a request for a Corridor Development Plan on a 10+ acre tract of land to allow access for apartment complex from Garnett Road, increase the maximum height from 34’ to 45’, increase the setback from the north and south boundaries from...
25' to 45', and increase the west boundary from 25' to 75', on property located south of the southwest corner of East 41st Street and South Garnett Road.

**Z-5444-SP-3 November 1994:** All concurred in approval of a request for a *Corridor Development Plan* on a 10+ acre tract of land for a 200 unit apartment complex, on property located south of the southwest corner of 41st Street and Garnett Road.

**Z-5444-SP-2 October 1994:** All concurred in approval of a request for a *Corridor Development Plan* on a 1.61+ acre tract of land for a dry cleaners, on property located southeast corner of East 41st Street and South 109th East Avenue.

**Z-5413 July 1980:** All concurred in approval of a request for rezoning a 4.77+ acre tract of land from AG to CS/FD for commercial, on property located north and west of 41st Street and South Garnett Road.

**Z-5048 December 1978:** All concurred in approval of a request for rezoning a 137.9+ acre tract of land from RM-3/OM/CS to AG/RM-2/OM/CS on property located south and west of the southwest corner of 41st Street and Garnett Road. (Ordinance No. 14034, February 2, 1978).

**BOA-06988 April 1971:** The Board of Adjustment approved an *Exception* to permit using the site for church and other related uses subject to the condition that the church sanctuary and related building be built on the south 5 acres of the tract per plot, on property located at 11100 East 41st Street.
EXHIBIT “A”

LEGAL DESCRIPTION

Lot 1, Block 1, ATRIA ONE, an Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the Recorded Plat No. 4237.
Rosewood Park
Seniors Housing Project
Corridor Site Plan

Exhibit B  4.6.2021

LANDSCAPE
- EXISTING TREES= 42
- PROPOSED TREES= 48

OPEN SPACE PER DWELLING UNIT
200SF PER DWELLING UNIT REQUIRED

170 DWELLING UNITS PROPOSED: 170X200SF= 34,000SF OPEN SPACE REQUIRED BY CODE
EXISTING OPEN SPACE: 67,294SF
10 March 2021

Tulsa Metropolitan Area Planning Commission  
c/o Tulsa Planning Office  
ATTN: Dwayne Wilkerson  
2 West 2nd Street - Suite 800  
Tulsa, Oklahoma  

Via Email:  
DWilkerson@INCOG.org  
ESubmit@INCOG.org  
and Hand Delivery

Re: Application No. CO-12 - TMAPC Agenda for 17 March 2021

Members of the Planning Commission:

We serve as counsel to H W Allen Co LLC, the owner of a shopping center directly across the street from the property that is the subject of the referenced corridor zoning site plan amendment application. Our client has just received notice of the matter’s setting on the agenda for next week’s TMAPC meeting and has some significant concerns about the nature and scope of the application for which you are requested (in the referenced case) to approve some substantial changes in the permitted uses prescribed by the existing approved Corridor Site Plan.

Our client has had a brief conversation with the applicant and its counsel, but the application’s nature and scope are such that further study and evaluation of the application and all related available information is well warranted. Unfortunately, our client’s principal officer is unavoidably out of town until the date of the hearing, which limits the amount of time and attention our client can give to this important matter. This is not to say, necessarily, that our client will oppose the application, only that it reasonably needs more time to study and evaluate it than merely one week before the hearing.

I have conferred with the applicant’s counsel, Lou Reynolds, and he is aware that I am making this request and expressed no opposition to it.

Accordingly, we request a continuance of the hearing on Case No. CO-12 to at least the next TMAPC meeting or the one after that—depending upon the TMAPC’s
agenda load for those meetings—to allow our client reasonably sufficient time to study and evaluate the application and continue its dialogue with the applicant in the hope and expectation that some agreement can be reached that is mutually suitable and beneficial to all parties.

Yours very truly,

[Signature]

Stephen A. Schuller
For the Firm

SAS:me
cc: R. Louis Reynolds, Esq.
    Mr. Phil Allen
Mr. Schuller represents property owners across 41st so it is a continuance request from the neighborhood.

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

From: Sawyer, Kim <ksawyer@incog.org>  
Sent: Thursday, March 11, 2021 9:36 AM  
To: Wilkerson, Dwayne <DWilkerson@incog.org>  
Subject: RE: Case No. CO-12: Request for continuance

Dwayne who is Schuller to the case? Who do I put is requesting the continuance?

From: Wilkerson, Dwayne <DWilkerson@incog.org>  
Sent: Wednesday, March 10, 2021 5:00 PM  
To: Sawyer, Kim <ksawyer@incog.org>  
Cc: Miller, Susan <SMiller@incog.org>; R. Louis Reynolds <LReynolds@ellerdetrich.com>; Stephen A. Schuller <sschuller@gablelaw.com>  
Subject: FW: Case No. CO-12: Request for continuance

Mr. Schuller,

Thank you for your letter requesting a continuance. Staff supports a continuance request to the next available planning commission meeting scheduled April 7th.

Kim,  
Please forward this to the Planning Commission for their consideration at the March 17th meeting.

Respectfully,
From: Stephen A. Schuller <sschuller@gablelaw.com>
Sent: Wednesday, March 10, 2021 3:30 PM
To: Wilkerson, Dwayne <DWilkerson@incog.org>; esubmit <esubmit@incog.org>
Cc: Lou Reynolds <rreynolds@ellardeitch.com>; Lou Reynolds <lreynolds@ellardeitch.com>
Subject: Case No. CO-12: Request for continuance

Please see attached letter.