

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2666

Wednesday, January 22, 2014, 1:30 p.m.

City Council Chamber

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

Members Present	Members Absent	Staff Present	Others Present
Carnes	Midget	Fernandez	Duke, COT
Covey		Huntsinger	Tohlen, COT
Dix		Miller	VanValkenburgh, Legal
Edwards		White	
Liotta		Wilkerson	
Perkins			
Shivel			
Stirling			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, January 16, 2014 at 1:55 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Covey called the meeting to order at 1:30 p.m.

REPORTS:

Chairman's Report:

Mr. Covey reported that he appeared before the City Council to answer questions about the recent amendments to the 6th Street Infill Plan. Mr. Covey further reported that he has appointed Commissioner Walker to serve on the Local Development Act Review Committee for a number of downtown residential projects.

Mr. Covey reported that Mayor Bartlett has appointed Ted Reeds, II to serve on TMAPC and is waiting for City Council confirmation. Mr. Reeds will be replacing Commissioner Bill Leighty.

Work Session Report:

Mr. Covey reported that there will be a work session immediately following today's TMAPC meeting.

Director's Report:

Ms. Miller reported on BOCC and City Council agendas. Ms. Miller further reported that the amendments for the 6th Street Infill Plan should be on the City Council agenda for January 30th.

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1. **Minutes:**

Approval of the minutes of December 18, 2013 Meeting No. 2664

On **MOTION** of **CARNES**, the TMAPC voted 9-0-0 (Carnes, Covey, Dix, Edwards, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the minutes of the meeting of December 18, 2013, Meeting No. 2664.

2. **Minutes:**

Approval of the minutes of January 8, 2014 Meeting No. 2665

On **MOTION** of **CARNES**, the TMAPC voted 9-0-0 (Carnes, Covey, Dix, Edwards, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the minutes of the meeting of January 8, 2014, Meeting No. 2665.

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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.

- 3. **LS-20655** (Lot-Split) (County) – Location: West of the northwest corner of West 21st Street South and South 33rd West Avenue (related to LC-537)
- 4. **LC-537** (Lot-Combination) (County) – Location: West of the northwest corner of West 21st Street South and South 33rd West Avenue (related to LS-20655)
- 5. **LS-20669** (Lot-Split) (County) – Location: East of the southeast corner of North Yale Ave and East 82nd Street North
- 6. **LS-20670** (Lot-Split) (County) – Location: Northwest corner of East 151st Street South and South 129th East Avenue
- 7. **LC-552** (Lot-Combination) (CD-4) – Location: Northeast corner of East 11th Street South and South Troost Avenue

8. **LS-20671** (Lot-Split) (CD-9) – Location: Southwest corner of East 41st Street South and South Victor Avenue
9. **LC-553** (Lot-Combination) (CD-8) – Location: Northwest corner of East 86th Street South and South Sheridan Road
10. **LS-20672** (Lot-Split) (County) – Location: South of the southeast corner of East 66th Street North and North Columbia Avenue
11. **LS-20673** (Lot-Split) (CD-9) – Location: East of the northeast corner of East 41st Street South and South Birmingham Avenue (related to: LC-554)
12. **LC-544** (Lot-Combination) (CD-9) – Location: East of the northeast corner of East 41st Street South and South Birmingham Avenue (related to: LS-20673)
13. **Avenida (formerly Clover West Senior Living Facility) – Final Plat**, Location: South of East 71st Street, East of South Mingo Road (8407) (CD-7)

STAFF RECOMMENDATION:

This plat consists of one lot, one block on five acres.

Staff has received release letters for this plat and can recommend approval of the final plat.

14. **Inland Truck Parts – Final Plat**, Location: South of East Admiral Place, east of South 129th East Avenue (9404) (CD-6)

STAFF RECOMMENDATION:

This plat consists of one lot, one block on fourteen acres.

Staff has received release letters for this plat and can recommend approval of the final plat.

15. **PUD-269-C – Sisemore Weisz & Assoc., Inc./Darin Akerman**, Location: North of the northeast corner of South Yale Avenue at East 91st Street South, Requesting **Detail Site Plan** for a new office building and parking garage, **OL/PUD-269-B**, (CD-8)

STAFF RECOMMENDATION:
CONCEPT STATEMENT:

The applicant is requesting detail site plan approval for a new office building and parking garage. The proposed development is located in PUD 269.

PERMITTED USES:

Allowed uses are principal and accessory uses permitted by right in the OL district except that Use Unit 6 (Single Family Dwelling) , Use Unit 7 (Duplex Dwelling), Use Unit 7a (Townhouse Dwelling) and Use Unit 10 (Off-street parking) are prohibited.

DIMENSIONAL REQUIREMENTS:

The submitted site plan meets all applicable building height, floor area, density, open space, and setback limitations. No modifications of the previously approved Planned Unit Development are required for approval of this site plan.

ARCHITECTURAL GUIDELINES:

The new buildings are not limited by architectural style in the Planned Unit Development.

OFF-STREET PARKING AND VEHICULAR CIRCULATION:

The site plan exceeds the minimum parking defined in the Tulsa Zoning Code. Access to South Yale Avenue is modified from the existing.

LIGHTING:

Site lighting plans and details are provided. The plan illustrates a design that meets the minimum standards outlined in the Planned Unit Development and in the Zoning Code.

SIGNAGE:

The site plan illustrates ground sign locations which require a separate permit. All signage will be required to be meet the PUD Development Standards. Any ground or monument signs placed in an easement will require a license agreement with the City prior to receiving a sign permit. This staff report does not remove the requirement for a separate sign plan review process.

SITE SCREENING AND LANDSCAPING:

The open space, landscape area and screening are consistent with the Planned Unit Development requirements and it meets the minimum standards of the Landscape portion of the Tulsa Zoning Code. All trash, mechanical and equipment areas shall be screened from public view. This staff report does not remove the requirement for a separate landscape plan review process.

PEDESTRIAN ACCESS AND CIRCULATION:

The site plan displays adequate pedestrian circulation interior to the development and sidewalk connections to South Yale and to the mixed use development south of this project. .

MISCELLANEOUS SITE CONSIDERATIONS:

The site plan respects the existing green belt north of the entrance road and the significant drainage passing through the site. A heavily landscaped and pedestrian friendly stormwater detention facility is a primary feature of this project.

SUMMARY:

Staff has reviewed the applicant's submittal of the site plan as it relates to the approved **PUD-269-C**. The site plan submittal meets or exceeds the minimum requirements of the PUD. Staff finds that the uses and intensities proposed with this site plan are consistent with the approved PUD, and the stated purposes of the Planned Unit Development Section of the Zoning Code.

Therefore, staff recommends **APPROVAL** of the detail site plan for the proposed new retail building.

(Note: Detail site plan approval does not constitute sign plan or landscape plan approval.)

15a.*SEG Real Estate Campus – Final Plat, Location: North of northeast corner of East 91st Street and South Yale Avenue (8315) (CD-8)

STAFF RECOMMENDATION:

This plat consists of one lot, one block on eleven acres.

Staff has received release letters for this plat and can recommend approval of the final plat.

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Edwards, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the consent agenda Items 3 through 15a per staff recommendation.

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

Mr. Covey stated that in the interest of time Item 21 will be moved up in the agenda.

21. Resolution finding the Proposed Tax Incentive District Number 3 in conformance with the North Tulsa County Comprehensive Plan.

STAFF RECOMMENDATION:

A RESOLUTION FINDING THAT THE TULSA COUNTY TAX INCENTIVE DISTRICT NO. THREE PROJECT PLAN IS IN CONFORMANCE WITH THE TULSA METROPOLITAN AREA COMPREHENSIVE PLAN

WHEREAS, the Tulsa Metropolitan Area Planning Commission on June 29, 1960 adopted by Resolution a Comprehensive Plan for the Tulsa Metropolitan Area, which Plan was subsequently approved by the Board of County Commissioners of Tulsa County, Oklahoma, for the orderly development of the City and County of Tulsa, Oklahoma with subsequent amendments to date; and

WHEREAS, said Comprehensive Plan contains sections providing policies and programs for providing specific guidance and direction of the physical development of various elements or areas of the metropolitan community including the area delineated and defined in the North Tulsa County Comprehensive Plan; and

WHEREAS, the Tulsa County Board of County Commissioners authorized the creation of a Local Review Committee in accordance with the Local Development act, 62 O.S. §851 et. Seq.; and

WHEREAS, said Local Development Act requires that the Tulsa Metropolitan Area Planning Commission review the proposed Project Plan, make recommendations, and certify to the Tulsa County Board of County Commissioners as to the conformity of any proposed Tax Incentive or Tax Increment Plan to the Comprehensive Plan for the Tulsa Metropolitan Area; and

WHEREAS, on behalf of the Board of County Commissioners for Tulsa County and Macy's, a proposed Project Plan has been prepared and submitted to the Review Committee for the creation of Tax Incentive District No. Three, County of Tulsa, Oklahoma; and

WHEREAS, said Tax Incentive District No. Three, County of Tulsa, Oklahoma, proposed Project Plan has been submitted to the Tulsa Metropolitan Area Planning Commission for review in accordance with the Local Development Act.

NOW THEREFORE, BE IT RESOLVED by the Tulsa Metropolitan Area Planning Commission that:

The Tax Incentive District No, Three, County of Tulsa, Oklahoma, proposed Project Plan in connection with the Local Development Act is hereby found to be in conformity with the Comprehensive Plan for the Tulsa Metropolitan Area.

Copies of this Resolution shall be forwarded to the Tulsa County Board of County Commissioners.

APPROVED AND ADOPTED THIS ___ day of _____, 2014, by the Tulsa Metropolitan Area Planning Commission.

Chairman

Attest:

Secretary

Applicant's Comments:

Rich Brierre, Executive Director, INCOG, Two West 2nd Street, Suite 800, 74103, presented the Resolution and Plan information in order for the Planning Commission to find this in conformance with the North Tulsa County Comprehensive plan.

Mr. Brierre stated that the TMAPC has appointed Planning Commissioner Mr. John Dix to the review committee that Tulsa County has established for consideration of this project. The committee will review and make findings and recommendations to the Board of County Commissioners.

Mr. Brierre described the location of the project plan and the respective zonings of the subject property. Mr. Brierre indicated that there is no anticipated rezoning.

TMAPC COMMENTS:

In response to Mr. Liotta, Mr. Brierre stated that the Board of County Commissioners will actually approve the project plan and it will be proposed until that point in time. The proposed plan does identify the conclusions that it is zoned appropriately and no rezoning is necessary and no amendment to the Comprehensive Plan is needed. Mr. Brierre reminded the Planning Commission that they are determining that the proposed plan is consistent with the Comprehensive Plan.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Edwards, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to recommend **APPROVAL** of the resolution finding the Proposed Tax Incentive District Number 3 in conformance with the North Tulsa County Comprehensive Plan.

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PUBLIC HEARINGS:

- 16. **Cherry Street Ridge Amended** – Preliminary Plat, Location: Northwest corner of South Troost Avenue and East 15th Street South (9307) (CD-4)

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 1.02 acres.

The following issues were discussed January 2, 2013, at the Technical Advisory Committee (TAC) meetings:

- 1. **Zoning:** The property is zoned Planned Unit Development 760 A. Setbacks need to meet PUD standards.
- 2. **Streets:** Include right-of-way dedication language. Show sidewalks and ramps.
- 3. **Sewer:** Provide a legend. Add language restricting the use of the sanitary sewer easement. Use standard language.
- 4. **Water:** No comment.

5. **Storm Drainage:** Provide a note stating that the property does not lie within the limits of a City of Tulsa regulated floodplain.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** No comments.
8. **Other: GIS:** Basis of Bearing should not be assumed since the basis of bearing is the line between two known monuments or corners which serve as the reference line with which the survey is based. Need the name and email address for the engineer. Since this is a replat of an approved subdivision, reference all points to existing lot numbers versus the lot numbers that existed prior to the first filing of the Cherry Street Ridge plat. Don't reference Lots 7-12 instead reference Lots 13-18 when traversing the west property line. Legal description is not complete. Bearing direction is missing. Submit data control sheet.

Staff recommends **APPROVAL** of the preliminary subdivision plat with the TAC recommendations and the special and standard conditions listed below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. The concerns of the Development Services and Engineering Services staffs must be taken care of to their satisfaction.

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).

4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.

18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Edwards, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the preliminary plat for Cherry Street Ridge Amended per staff recommendation, subject to special conditions and standard conditions.

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17. **Z-7249 – TMAPC**, Location: Northeast of West 21st Street at South Riverside Drive, Requesting rezoning from **RM-2 to RS-4**, (CD-4)
(Continued from 12/18/13)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 11814 dated June 26, 1970, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Z-6331 January 1992: All concurred in approval of a request for a Historic Preservation (HP) overlay zoning on a 1± acre tract of land on property located on the north and south sides of West 8th Street at South Cheyenne Avenue.

BOA-21641 December 10, 2013: The Board of Adjustment **denied** a *Variance* to reduce the setback for a 2-Story building from 50' to 47' (Sec.403.A.1); *Variance* to reduce the required front yard setback from 35' to 12' (Sec.403.A Table 3), and a *Variance* to reduce the front yard setback from 70' to 47' in the RM-2 District (Section 403.A, Table 3); on property located at 1935 South Cheyenne West Avenue.

BOA-21413 May 8, 2012: The Board of Adjustment **denied** a *Variance* of building setback from an arterial street from 35 ft to 10 ft (Section 403 Table 3), a *Variance* of the building setback from an RS District for two-story multifamily dwellings from 50 feet to 10 feet (Section 403.A.1); and a *Variance* of the building setback from an RS District for three-story multifamily dwellings from 75 feet to 10 feet (Section 403.A.1); on property located at 1935 South Cheyenne Avenue.

BOA-20018 April 12, 2005: The Board of Adjustment **approved** a *Variance* of the single-story limitation for multifamily dwellings within 50 feet of an RS district to allow a two story multifamily dwelling in an RM-2 district; and a *Variance* of the 10 ft side yard setback on the south side of Lot 21; on property located at 1935 South Cheyenne Avenue.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 4± acres in size and is located northeast of West 21st Street at South Riverside Drive. The property appears to be used as single-family residential and is zoned RM-2.

BACKGROUND: In 1970 this area was zoned RM-2 as part of the City wide zoning associated with the adoption of our current zoning code and policies. At that time this neighborhood was already single family residential property. The area is not part of a Historic Preservation (HP) zoning overlay; however, it is part of the Buena Vista Historic District recognized by the Tulsa Preservation Commission and is on the National Register of Historic places.

Staff has performed an analysis of the facts and circumstances of the property, surrounding uses and zoning districts, and the Comprehensive Plan to determine whether rezoning the property RS-4 would be advisable and has concluded that the facts are supportive of the zoning change.

The Comprehensive Plan designates the property “Downtown Neighborhood” which would be consistent with RS-4 zoning.

Pursuant to Section 1703.B. of the Zoning Code, zoning map amendments may be initiated by the Planning Commission. October 2nd, 2013 the Planning Commission authorized staff to review and initiate a rezoning request from RM-2 to RS-4.

November 5th 2013 INCOG staff sponsored a public meeting at the Greek Orthodox Church where 15 members of the neighborhood and surrounding areas attended. There were no protestants at that meeting.

SURROUNDING AREA: The subject tract is abutted on the east by Council Oak Park, office, and multifamily residential properties, zoned HP, OM, RM-2 and CH; on the north by various multifamily residential uses, zoned RM-2; on the south by a small RM-2 lot which is adjacent to right of way for the West 21st Street Bridge over Riverside Drive, zoned RS-2; and on the west by multi family, zoned RM-2.

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

TRANSPORTATION VISION:

The Comprehensive Plan designates all of the streets as residential streets and the minimum right of way designation for this area is 50’ in all instances.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Cheyenne Avenue	NA	50 feet	2
South Carson Avenue	NA	50 feet	2
West 19 th Street	NA	50 feet	2
West 18 th Street	NA	50 feet	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The Comprehensive Plan recognizes this area as an existing Downtown Neighborhood and recognizes the importance of preserving downtown historic neighborhoods. Downtown Neighborhoods are located outside but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium- to high-rise mixed use residential areas. Downtown Neighborhoods are primarily pedestrian-oriented and are well

connected to the Downtown Core via local transit. They feature parks and open space, typically at the neighborhood scale.

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

Staff Comment: The rezoning request will add a component of stability to this single-family residential neighborhood that does not currently exist with the existing multifamily zoning that covers the area. As the density of the Downtown Neighborhood area increases the single family zoning at this location will help maintain the character and integrity of this small neighborhood and provides an important housing option to this part of Tulsa.

STAFF RECOMMENDATION:

The property owners in the neighborhood started the process and have provided significant and important assistance in preparing the analysis and support for this re-zoning. Without their support and organization the rezoning request for this important neighborhood would never have been initiated by TMAPC.

The rezoning request is consistent with the Comprehensive Plan in this area.

Z-7249 rezoning request from RM-2 to RS-4 is consistent with the historic nature identified Buena Vista Park Historic District.

There has been no attempt to determine if all lots are consistent with the bulk and area requirements of RS-4 standards. Staff is confident that some lots are legally nonconforming lots under the current zoning designation and will continue to be legal nonconforming lots however there is no current zoning designation that will satisfy all of those standards.

The single-family residential neighborhood met with the opposition at the December 18, 2013 Planning Commission meeting and discussed their plan.

Staff has summarized the building setback effects of changing zoning from RM-2 to RS-4 on adjacent property follows:

- 1) Existing RM-2 setbacks are 10 feet on all sides in this study area.
- 2) New multifamily development inside RM-2 zoning adjacent to RS property would require the following setbacks from any RS zoned property.
 - 25 foot setback except garages from any RE or RS district.
 - Single story limitation shall apply to multifamily dwellings within 50 feet.
 - Any multifamily dwelling three story or greater would require at least 75 feet from RE or RS districts.
- 3) Existing building setback inside an OM district adjacent to RM-2 districts is 10 feet. New development inside OM zoning adjacent to RS-4 is 10 feet plus two feet for each one foot of building height over 15 feet.
- 4) Existing building setbacks inside a CH district adjacent to an RM-2 district is 0 feet. New development inside a CH adjacent to an RS-4 district does not change.

After the December 18, 2013 Planning Commission meeting, several options have been discussed with staff as follows:

- 1) Organize a home owners association to provide private restrictions on the property for single family residential use consistent with the existing development pattern preserved in the Buena Vista Historic District
- 2) Prepare a Planned Unit Development and leave the underlying zoning the same. Within the PUD restrict the uses to single family development consistent with the development pattern in the existing neighborhood.
- 3) Remove two lots from the request which are adjacent to the multifamily projects at the southwest corner of the site to relieve public opposition concerns.

Our current Zoning Code does not provide an opportunity to allow single family residential zoning adjacent to any multifamily or office neighborhood without an effect on the development standards of the neighborhood.

The cover page of the Land Use section of the Comprehensive Plan (page LU2) states that “overall, Tulsans are looking for change – in the form of revitalization, expanded housing choices, a diverse and strong economy , and more choice in how to get around town. But we also want stability in certain key areas, such as in protecting and enhancing our existing neighborhoods”. This area has already been considered historically significant by the Tulsa Preservation Commission and the National Register of Historic Places.

This request is consistent with the expected development pattern in this area and it is consistent with the Comprehensive Plan therefore staff recommends **APPROVAL** of Z-7249 to rezone all lots in this request from RM-2 to RS-4.

Mr. Wilkerson stated that staff felt that the majority of the surrounding apartments much like the single-family houses; do not meet the existing Zoning Code that is currently in place. Staff felt that the protection that the single-family designation for the subject area would offer, to support the historical character of the subject neighborhood, outweighed the additional building setback requirements that might happen if the multifamily property was redeveloped in the future. Staff is recommending approval to proceed with the rezoning request from RM-2 to RS-4.

TMAPC COMMENTS:

Mr. Walker asked Mr. Wilkerson if this were to be approved per staff recommendation, then the remaining and existing Riverside multifamily become legal nonconforming. Mr. Wilkerson stated that it would be legal nonconforming. Mr. Wilkerson explained that staff’s thought process through all of this was that at a glance there are a lot of legal nonconforming issues in the subject area of town. The surrounding properties are not conforming at this time and this would add another layer of complexity to the multifamily development if those areas were to be redeveloped, but staff felt that for the consistency of the subject historic neighborhood it would outweigh the redevelopment potential for the adjacent properties.

Mr. Dix asked if the property labeled 1935 on page 17.10 of the agenda packet has an application for multifamily development. Mr. Dix asked if the property owner of 1935 is in support of the rezoning. Mr. Wilkerson stated that they are not in support and their property is not included in the rezoning request. Mr. Dix asked if there was an application for the

apartment approximately three years ago. Mr. Wilkerson stated that there was a Board of Adjustment case about three years ago. Mr. Wilkerson further stated that there was a recent Board of Adjustment case for the subject property (1935) for multifamily use. Mr. Wilkerson clarified that there has been two separate applications on the property for multifamily by the same developer. Mr. Dix asked if the application was withdrawn and for what reason. Mr. Wilkerson stated that he believes that their request was denied at the Board of Adjustment. Mr. Dix asked if it was setback requirement requests before the Board of Adjustment three years ago. Mr. Wilkerson stated that he is not confident to answer that question. [Several interested parties offered to clarify the events of the Board of Adjustment cases.] Mr. Dix reminded the interested parties that this is not the public part of the discussion. Mr. Wilkerson read the case history for Z-7249. Mr. Dix asked why the neighborhood wanted to rezone their property to RS-4. Mr. Wilkerson stated that the primary reason is to protect their single-family neighborhood from redevelopment into a multifamily neighborhood. Mr. Dix asked if the RM-2 zoning was done during the 1970 zoning. Mr. Wilkerson answered affirmatively. Mr. Wilkerson stated that a large number of the homes in the neighborhood were built in the 1920's.

Mr. Liotta asked why staff didn't go with the PUD option and why it was disregarded. Mr. Wilkerson stated that generally, the simpler the better. Mr. Wilkerson stated that if staff felt that straight zoning would be a simpler and easier way to protect the residential character of the neighborhood. Mr. Wilkerson stated that the PUD option still exists and can proceed with it at a later time if needed. Mr. Liotta asked if the PUD was pursued, would it give the TMAPC an opportunity to protect the interest of the neighborhood and also the interest of the surrounding property owners. Mr. Wilkerson stated that there are several things within a PUD that could be addressed and refined. Mr. Wilkerson further stated; that as far as he is aware, the TMAPC has never initiated a PUD and it would probably be recommended that the neighborhood come back with a PUD application. Mr. Liotta asked Mr. Wilkerson if he sees a good reason not to do a PUD. Mr. Wilkerson answered negatively.

Mr. Stirling asked if recommendation to organize an HOA and provide private restrictions is just as easy as straight zoning. Mr. Stirling asked why this wasn't pursued. Mr. Wilkerson stated that the neighborhood did meet about this option and it was something that they really didn't want to get into that. One of the reasons they live in this urban environment is so that their neighbors didn't necessarily self regulate and he believes that is part of the reason for not going with the restrictive covenants.

INTERESTED PARTIES COMMENTS:

Steve Gray, 3101 North Hemlock Circle, Broken Arrow, 74012, stated that he has been retained by the Buena Vista Neighborhood Association to assist them in presenting why they are supporting this request. In 1970 the subject area was zoned for RM-2 and the neighbors were not given a notice, as is the practice today. The integrity of the single-family neighborhood has been maintained in spite of the RM-2 zoning, but there has been a slow encroachment throughout the subject area with office uses and multifamily uses.

Mr. Gray cited the number of people working in the downtown area today versus 1980. Mr. Gray cited the number of apartment units within the downtown and midtown area. He commented that there is no real need for more multifamily in the subject area. Mr. Gray stated that the Comprehensive Plan recognizes the subject area as an area of stability. Mr. Gray commented that this is an area of stability for single-family because the neighborhood and homeowners have invested hundreds of thousands of dollars, in some instances, remodeling these houses inside and out. The homeowners are requesting the Planning Commission to help preserve the neighborhood by rezoning it back to the economic reality is, which is single-family and not multifamily. Mr. Gray indicated that his clients concur with the staff recommendation.

Mr. Gray cited the findings that would allow the Board of Adjustment to vary or grant special exceptions. He indicated that the developers can go before the BOA and request a variance of the setback requirements and this happens routinely with the BOA on larger parcels of land. But to jeopardize the current homeowners, their homesteads, based on speculative and future growth is unfair. There are 22 homeowners who have spent a lot of money to redo and preserve the subject neighborhood and there have been no applications for the speculative-future development. Mr. Gray requested that he be given time to rebut after the interested parties spoken.

TMAPC COMMENTS:

Mr. Walker asked if the Buena Vista homeowners are receptive to applying for a PUD to protect their interest. Mr. Gray stated that he isn't sure a PUD would be effective in this instance. Mr. Gray further stated that when a PUD is created it is site specific for a particular use. What makes sense today in 2014 make look crazy in 2017 with a different development and one can't anticipate or guess what is going to be done. It is not incumbent on the subject neighborhood to have to do a developer's job. The neighborhood would have to retain an engineer, a land use planner, etc. Mr. Gray explained that the neighborhood does not have the financing to do this sort of thing. Mr. Walker stated that he is trying to find a way to protect the neighborhood, but also protect the other

property owners. Mr. Gray stated that with regard to the Rosser's and their other family members that own properties, there is a 40-foot elevation difference between Riverside Drive and probably the north and east ends of their property. It is an unusual configuration of property and that is classic definition why the Board of Adjustment approves setbacks, etc. With that in mind, where their property is located, it would be in their best interest to make sure that this area stabilizes its individual single-family houses rather than an eight or nine multiplex unit on a very narrow piece of property and make the whole area less expensive multifamily developments.

In response to Mr. Liotta, Mr. Gray stated that he doesn't agree that a PUD could be written to protect the neighborhood single-family homes. Mr. Liotta asked Mr. Gray why he doesn't believe it can be done. Mr. Gray stated that a PUD is generally recognized when one is redeveloping property, having more intense uses on portions of the property and allow green spaces on other parts of the property and the neighborhood is an already fully developed area that was platted back in 1905 and many houses were built in 1905 to 1920. Mr. Gray commented that he doesn't know how one could create a PUD without a substantial expense to the property owners. Mr. Gray stated that to his knowledge a PUD in an historic area has never been done before and TMAPC is asking this neighborhood to saddle this on their shoulders, which to his knowledge he has never known TMAPC to have ever imposed that requirement on individual homeowners. Mr. Liotta stated that he understands that this is not typically how a PUD has been used, but is it not possible to use that tool in this case. Mr. Gray stated that he goes back to it might make sense to do it right now, but if a new buyer comes in and buys out the Rosser's and their brother-in-law and comes up with a new development that is totally in conflict with the PUD that was created in 2014, then we will be back at the same place that we are now. The PUD makes more sense, if in fact, that property; which is owned by the Rosser's and their family members, is redeveloped in future to have the PUD on it than it does on this neighborhood. Mr. Liotta stated that the PUD would be for the neighborhood in question and not for the surrounding properties, if the neighborhood in question were to be redeveloped; the PUD would be revisited at that point. Mr. Gray stated that if all of the houses were to be removed and redeveloped tomorrow he would concur that a PUD would work, but it makes no sense to destroy part of a historic neighborhood when the Comprehensive Plan calls this an area of stability.

Mr. Covey asked Mr. Gray what he thought about organizing a homeowners association and applying restrictive covenants. Mr. Gray stated that he has platted property and worked with numerous developers regarding restrictive covenants. Mr. Gray gave an example of covenants that may work today, but not make sense in the future and the difficulty to

amend them. It requires signatures of 75% to 80% of the homeowners and it is very time consuming and the possibility of not getting the percentage necessary to amend. Mr. Covey stated that he understands what Mr. Gray is saying, but this is about one covenant stating that the houses have to remain single-family residential. Mr. Gray stated that the Zoning Code would do that with the RS-4 zoning. Mr. Covey stated that currently the neighborhood is zoned RM-2 and if the rezoning is not applied, what is his client's objection to putting a homeowners association in place and applying one restrictive covenant. Mr. Gray stated that a homeowners association is possible, but that is expressly contingent on everyone agreeing. Most homeowners associations are created while being platted by the developer and then he turns it over to the homeowners after a certain amount of lots are sold. It isn't an easy thing to get individual homeowners to agree. Mr. Gray explained that when he was asked to represent the homeowners he understood that they weren't open to that. Mr. Gray stated that he has practiced law in Tulsa for a long time and he has never seen the TMAPC require restrictive covenants or a HOA on a rezoning request.

Mr. Walker asked Mr. Gray if there was solidarity on the 24 lots. Mr. Gray stated that he understood that there are two that are neutral and didn't want to get involved. Mr. Gray stated that it could be an issue regarding restrictive covenants.

Mr. Perkins asked if there is a homeowners association already set up. Mr. Gray stated that he stated he is representing the Buena Vista Homeowners Association in a loose sort of term, but to his knowledge there is not one that is incorporated. Mr. Gray further stated that he referred to it loosely as a group of homeowners who live along South Cheyenne Avenue and along 19th Street. Mr. Gray indicated that he represents nine to ten homes of the 22 lots.

Mr. Gray asked if he could have time for rebuttal after everyone speaks. Mr. Covey stated that this is not a court of law and if he has more to say he should say it now. Mr. Gray summarized that this is homesteads and many of them have spent substantial amount of money to preserve their homes for single-family uses. They are asking the TMAPC to recognize economic reality by allowing them to rezone to RS-4.

INTERESTED PARTIES COMMENTS:

Jim Thornton, 1824 South Cincinnati Avenue, 74119, representing the property owner's at 1935 South Cheyenne, which is a vacant lot at this time. Mr. Thornton stated that his client feels that the rezoning is an attempt to prevent them from developing their vacant lot under the existing RM-2 zoning. Mr. Thornton stated that his client has been trying to develop the subject property for years and have been to the Board of

Adjustment three times; which was approved once and denied twice due to the setback to the south. If the rezoning is approved, his client believes that his property will become undevelopable for multifamily.

TMAPC COMMENTS:

Mr. Edwards asked Mr. Thornton to indicate which lot he is representing. Mr. Thornton stated that it is the lot that isn't included in the rezoning and is currently vacant, Lot 1935. Mr. Edwards asked Mr. Thornton what his client is trying to develop on the vacant lot. Mr. Thornton stated that they wanted to build an apartment building. Mr. Thornton stated that his client is proposing a two-story apartment building.

Mr. Dix asked Mr. Thornton how long he has owned the subject property. Mr. Thornton stated that he represents someone that owns the subject property and they purchased it in 2000.

INTERESTED PARTIES COMMENTS:

Gary Heitgrass, 452223 Eagle Bluff Drive, Afton, Oklahoma 74331, stated that he owns the property at the southwest corner with seven apartment buildings and 29 units, 21st and Riverside. Mr. Heitgrass stated that he saw the Comprehensive Plan when The Gathering Place was being proposed and it indicates that the subject property is for future development and if the rezoning is allowed it would restrict future development potential for his property and make several of his buildings a legal nonconforming. The homeowners want to restrict multifamily and do it as easy as possible for them, but it will have a detrimental economical impact to others around them, including him. There have been several alternative plans proposed for the homeowners, but they don't want to self regulate this. Mr. Heitgrass commented that he believes that their issues are with Mr. Schmidt and they are trying to prevent him from building an apartment building on the vacant lot, but the rezoning will impact many others around them. Mr. Heitgrass indicated that he opposes the rezoning to RS-4.

Malcolm Rosser, 321 South Boston, Suite 500, 74103, stated that setbacks are important, but height is also important and one of the most important things that will be impacted. Mr. Rosser submitted a list of properties that would be affected by the rezoning in a negative way (Exhibit A-2). Mr. Rosser cited the heights of the various apartments within the subject area. Mr. Rosser stated that he doesn't believe that the detriment to the neighborhood that would be caused, setbacks and height requirements, would justify making the zoning change.

Mr. Walker asked Mr. Rosser if his concerns are the future setbacks and the future height limitations for future development. Mr. Rosser agreed. Mr. Rosser stated that the River House property could be affected if it

were damaged more than 50%. Mr. Rosser further stated that today the River House could be redeveloped as it is today before the rezoning. However, once the neighborhood is rezoned it would become legal nonconforming building and they wouldn't be able to meet the setbacks and the height restrictions.

Blane Snodgrass, 216 West 19th, #F, 74119, stated that he has owned and lived in his condominium since 1998, and the building was built in 1926. He expressed concerns that the rezoning of the neighborhood would affect the values of his condominium, which is in River House. Mr. Snodgrass stated that the building is currently three stories and if the rezoning were in place it wouldn't be allowed to be redeveloped as three story.

Steve Cabbage, 2927 East 95th Place, 74137, stated that he owns a condominium in River House. Mr. Cabbage suggested that the current problem be handled through the new Zoning Code that is currently being written. Mr. Cabbage expressed concerns that the rezoning of the single-family neighborhood would devalue his property. Mr. Cabbage requested that the application be denied and efforts be made to update the Zoning Code.

Elise Kilpatrick, 1904 South Cheyenne Avenue, 74119, stated that she has photographs of the neighborhood (Exhibit A-1). Ms. Kilpatrick stated that she lives adjacent to the restored River House and she can't imagine why anyone would consider wiping it off the map or the Rosser's property either. Ms. Kilpatrick cited the ages, history and costs of the homes in the photographs. Ms. Kilpatrick requested that the neighborhood be rezoned to RS-4.

Mr. Perkins stated that this would be a good time for the neighborhood to consider having HP overlay applied to their neighborhood.

Kathryn Sorenson, 1912 South Cheyenne Avenue, 74119, stated that she purchased her home in 2005 and purchased the home across the street from her for her daughter and grandchild. Ms. Sorenson stated that they have invested over \$400,000.00 dollars restoring the homes. Ms. Sorenson stated that she read the Comprehensive Plan in detail and one of their goals was to preserve the existing historic residential districts and any development around them should be in coherence with it and not interfere with it. The down zoning was taken from the neighborhood in the 1970's and shouldn't have been rezoned to multifamily, it has always been single-family. The rezoning to RS-4 is the only way to make sure it remains single-family. The options given to the neighborhood has other outs and ways to be changed and the neighborhood feels that this is the only way that we can guarantee that someone will not purchase some the

houses and put in multifamily. Ms. Sorenson stated that it is her understanding that the HP overlay does not trump zoning and someone could still come in and build a large structure as long as it looked like the neighborhood. Ms. Sorenson requested the Planning Commission to uphold the Comprehensive Plan and approve the rezoning.

Brent Garrett, 245 West 16th Street, 74119, stated that he is in support of the zoning change. Mr. Garrett cited the Comprehensive Plan and its goal for 30 years into the future. Mr. Garrett submitted maps (Exhibit A-3) showing areas of growth and stability. Mr. Garrett commented that there are a few present trying to prevent the rezoning for possible changes in the future that may or may not happen. Mr. Garrett submitted Chapter 4 of the Tulsa Zoning Code describing a residential district (Exhibit A-4). Mr. Garrett requested that the Planning Commission approve the zoning change and help preserve the historic neighborhood.

Mr. Walker asked Mr. Garrett where he lived in association with the subject neighborhood. Mr. Garrett stated that he is actually in Stonebreaker Heights, but a part of Riverview Neighborhood Association. He explained that he has the same issues two blocks up the street and trying to do the same thing. Buena Vista is part of Riverview Neighborhood Association, which is made up of three different neighborhoods.

In response to Mr. Perkins, Mr. Garrett stated that there are many homeowners in the subject neighborhood and they are trying to preserve something that his historic and the neighborhoods are being challenged by property owners that are not really affected by the setbacks. There are few small properties with apartments, but many homeowners. Mr. Garrett stated that he agrees that there are options that may help to a certain extent, but not in the future and the zoning should be changed back to what it should be. Mr. Perkins stated that covenants could help for now and when the Zoning Code is rewritten there could be something done to remedy this situation in the future.

Demetrius Bereolos, 1929 South Cheyenne, 74119, stated that this is his homestead and not just an investment property. Mr. Bereolos cited the amount of money he has spent on remodeling and restoring his 98-year old home. Mr. Bereolos indicated that he has lived in his home for 60 years. Mr. Bereolos cited what a few of his neighbors has spent on restoring their historic homes and the commitments they have to their homes, which are single-family dwellings. Mr. Bereolos stated that he was taken back by the concerns of detrimental economic impact on the adjoining properties. The existing uses are not being affected by the rezoning. Mr. Heitgrass's property sets 55 feet from the property line and their two-story apartments are almost to the setback on the east side. The

down zoning is not going to prevent the adjoining property owners from developing any property, it simply means that if they are going to change from a perfectly good use that they have now to some use in the future, then they will have to seek variances from the Board of Adjustment.

Mr. Bereolos stated that he has heard the questions regarding forming a Homeowners Association and a possibly PUD, and why shouldn't the responsibility be on somebody else who is wanting to make a significant land use change to seek the approval of BOA. All of the apartment and condominiums that have been discussed today are perfectly good developments and they meet the general plan of the Comprehensive Plan in providing land use. What is being suggested is not an actual plan, but talking about some hypothetical development that might occur. The single-family zoning will help maintain the character and integrity of this small neighborhood and provide important housing options.

Chip Atkins, Swan Lake, 1638 East 17th Place, 74120, stated that the City of Tulsa took the single-family zoning away from the neighborhood and should give it back. Mr. Atkins cited where the same developer, Mr. Schmidt, has attempted to build multifamily within the Swan Lake neighborhood.

Lori Cain, 1929 South Cheyenne, 74119, stated that she lives next to the vacant property that has been mentioned. She explained that the neighborhood is zoned multifamily and Mr. Schmidt has had to ask for variances because he wants to build a ten unit, 15 garage apartment on less than ¼-acre lot. The variances are required because of an RS-2 to the south and 21st Street is an arterial street. The variances that Mr. Schmidt has requested for in the past and currently have nothing to do with the zoning of the Buena Vista properties because it is currently zoned RM-2. Ms. Cain explained that she has invited Mr. Schmidt into their home and explained to him that their preference would be a single-family home, but suggested a duplex, triplex or quadplex. She indicated that Mr. Schmidt's recent application was for eight units with 12 garages and she believes that is too large for the subject lot. The Board of Adjustment members asked the interested parties what they would be comfortable with and her response was a quadplex. Ms. Cain wanted to the Planning Commission to know that the Buena Vista neighbors are not constantly fighting Mr. Schmidt on every variance he has applied for and the most recent variances he has filed for is not due to the current zoning, which is RM-2.

Mr. Wilkerson stated that there were some discussion about the HP overlay option and the HP overlay wouldn't control the use of the property, it would only protect the architectural character and there could still be multifamily development.

Mr. Walker asked staff if there is a way to give both parties what they want. Mr. Wilkerson stated that there are multitudes of ways to get there. Mr. Wilkerson further stated that there are mechanisms in place and part of the Comprehensive Plan is to help protect the existing single-family neighborhood and there is already a historic designation on a large portion and it actually includes some of the multifamily properties to the west. All of these things went into consideration for the staff report.

In response to Mr. Carnes, Mr. Wilkerson stated that this application was brought to the TMAPC prior to initiation and the TMAPC approved the application and the TMAPC became the applicant. Mr. Wilkerson asked the TMAPC if they are suggesting waiving PUD fees for the neighborhood or the TMAPC getting out of it and letting the neighborhood bring a PUD in.

Mr. Walker recognized Mr. Gray for a two minute rebuttal.

Mr. Gray stated that he concurs with Mr. Bereolos that there is no detriment to the properties to the west. The properties still existing and he didn't hear anything to back up the detriment concerns. There is not collaborating information regarding detrimental concerns, but there are 22 homes where people have invested hundreds of thousands of dollars to preserve the integrity of the residential neighborhood and they have no intention of letting it further degrade. Mr. Gray requested the Planning Commission to approve the staff recommendation for RS-4.

Mr. Edwards stated that he fully understands where the homeowners are coming from, but also have concerns that the action taken will cause the adjacent properties to be legal nonconforming uses, which is an adverse affect. It will affect how they can build, how they can restore property if damaged, and that is a concern because it would now put the RM-2 properties into the same situation it put the homeowners in 1970.

Mr. Liotta stated that he has to look at what his job is and it is to balance the rights and interest of the applicant with the rights and interest of the surrounding property owners, all the while achieving community goals, which are expressed in the Comprehensive Plan. Mr. Liotta stated that he asked the question over many times and a PUD would accomplish what everyone wants. Mr. Liotta explained that he will not be supportive of the zoning change. Mr. Liotta stated that he understands staff is recommending the rezoning, but they only looked at the rezoning for the neighborhood because that was what was brought to them.

Mr. Dix cited his theory of why this application came forward and why the neighborhood wasn't more responsive to the adjacent property owner's

property values. Mr. Dix stated that he is pro letting property owners doing with their property as they wish, but he really oppose doing it to the detriment of property owners adjacent such properties. Mr. Dix indicated that he can't support this application. Mr. Dix stated that the neighborhood has been given several options and they are not willing to go with the other options.

Mr. Walker stated that this is a troubling theory and asked if Mr. Bereolos is really the applicant today. Mr. Wilkerson stated that he is not. Mr. Wilkerson reminded the Planning Commission that the neighborhood organization came to staff and staff presented it to the Planning Commission for initiation and therefore the applicant is TMAPC.

Mr. Covey asked if this is normally how zoning changes come before the Planning Commission. Mr. Wilkerson stated that this is the first time that he is aware of, but there may have been applications long before he started working at INCOG. Mr. Wilkerson reiterated that the neighborhood came to INCOG staff with the information and signatures of homeowners that were in agreement of rezoning. Staff met with them and instead of doing individual rezoning request for every single one of them, it seemed like a better plan at the time to come to the Planning Commission and ask the Planning Commission to initiate a rezoning request.

Mr. Dix asked who in the neighborhood contacted INCOG. Mr. Wilkerson cited several speakers that were present today. Mr. Wilkerson reminded the Planning Commission that they are not an organized Neighborhood Association in a formal way. Mr. Dix stated staff didn't understand the affect this would have on adjacent property owners and that is why staff said that this blanket rezoning could be done. Mr. Dix further stated that it staggers him that everybody wants everybody else to spend money. Mr. Wilkerson stated that he didn't understand Mr. Dix's comment that staff didn't understand the effects of the adjacent property owners. Mr. Dix stated that it would have been pointed out in the staff recommendations originally of the effect of the adjacent property owners of the setbacks. Mr. Dix further stated that Mr. Rosser is the one that brought it up at the previous meeting, who is an adjacent property owner and an experienced zoning attorney. Mr. Dix commented that if Mr. Rosser hadn't been present to mention the affect it would have on his property it would have been approved.

Mr. Walker stated that there may be a motion brewing to deny staff recommendation, but we have all seen that there are mechanisms to satisfy both parties and one will be forced to come back to spend money on an application and he isn't sure of the fairness who pays for that. Mr. Walker commented that he believes that there is merit that this

neighborhood be protected, but there is potential future harm for the adjacent property owners.

Mr. Stirling asked if covenants could be created to offer this protection, but otherwise he is still supportive of preserving this.

Mr. Dix stated that each property owner could protect their owner properties with a restrictive covenant by stating that the property could only be used for single-family.

In response to Mr. Walker, Mr. Wilkerson stated that this application will automatically go to the City Council whether it is recommended for approval or denial, which is stated in the Zoning Code. Mr. Wilkerson stated that there are a lot of things that are considered during an application, including the effects on the adjacent property owners, but staff doesn't necessarily put every tiny detail in those staff recommendations. In this particular application, staff felt from the beginning, that the Zoning Code wouldn't match the existing conditions of the site and very confident of the benefits of rezoning this site outweighed the affects of the adjacent property owners. It was never hidden, nor misunderstood.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **7-2-0** (Carnes, Covey, Dix, Edwards, Liotta, Perkins, Shivel "aye"; Stirling, Walker "nays"; none "abstaining"; Midget "absent") to recommend **DENIAL** of the RS-4 zoning for Z-7249.

Legal Description for Z-7249:

Lots 1- 3, Block 7, Arronsons Subdivision, A re-subdivision of Block 7, Buena Vista Park; **AND** Lots 1- 13, Block 5; Lots 7-19, and the north 22.5 feet of Lot 20, Block 6, Buena Vista Park, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof

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18. **PUD-550-4 – Sisemore Weisz & Assoc., Inc./Darin Akerman**, Location: Adjacent to the north boundary of I-44 east of South Sheridan Road at South 87th East Avenue, Requesting a **Minor Amendment** to adjust development area boundaries, establish and define standards for Recreational Sales and Service, **CS/IL/PUD-550**, (CD-5) (Continued from 1/8/14)

STAFF RECOMMENDATION:

This request can be considered a Minor Amendment as outlined by Section 1007.H .15 PUD Section of the City of Tulsa Zoning Code.

“Changes in approved use to another use may be permitted provided the underlying zoning on the particular site within the PUD would otherwise permit such use by right and the proposed use will not result in any increase of incompatibility within the present and future use of the proximate properties.”

LAND AREA (NET): 20.706 Acres (901,970 SF)
EXISTING ZONING: PUD-550 & PUD 550-A / CS, IL
PROPOSED ZONING: PUD-550-4 / CS, IL

PERMITTED USES:

Use Unit 17, RV Sales & Service facility, with attendant accessory uses including, but not limited to, an RV Detail Wash building, an RV Paint Booth building, and a maximum 10-stall temporary overnight-stay RV area (limited to a 3-night maximum stay, to be located within the easterly 600' of the subject development area). Such temporary overnight-stay RV parking stalls shall be limited to patrons of the RV Sales & Service facility during maintenance of RV's under the patron's ownership. (Generator use will not be allowed with this temporary overnight facility.)

MAXIMUM BUILDING FLOOR AREA:

Proposed (Principal) RV Repair, Parts, Sales & Office Building: 50,000 SF
Proposed Accessory Buildings: 12,500 SF (total)

MAXIMUM BUILDING HEIGHTS:

Proposed (Principal) RV Repair, Parts, Sales & Office Building: 45 feet, 2 stories
Proposed Accessory Buildings: 35 feet, 1 story

MINIMUM BUILDING SETBACKS:

From the centerline of S. 91st E. Ave.: 55 feet
From west boundaries of development area: 125 feet
From southerly boundaries of development area: 50 feet
From northerly boundaries of development area: 50 feet

MINIMUM LANDSCAPE AREA:

10% of net lot area, with required landscaping principally limited to perimeter areas of the development area (Alternative Landscape Compliance request, per this application, for waiver of internal landscaped islands within surfaced RV Sales parking lot areas). The

required parking lot islands may be omitted in the RV sales and display area however the tree requirement of one tree for each 12 parking spaces and display spaces shall remain. Street yard trees will not be included in the street tree calculations.

Street yard trees are also required as defined in the Tulsa Zoning Code.

OFF-STREET PARKING: Per City of Tulsa zoning code standards.

SIGNAGE:

Three ground signs are permitted along the I-44 frontages which do not exceed 25' in height, nor 120 SF of display surface area each. No ground sign shall be within 150' of S. 87th E. Ave. In addition, one outdoor advertising sign meeting the requirements of Section 1221.F is permitted in the west half of the development area, as approved under application PUD-550-2, and of which a sign support pole is presently in place upon the property site. Wall signs shall be permitted not to exceed 1.5 SF of display surface area per lineal foot of building wall to which attached. The length of a wall sign shall not exceed seventy-five percent of the frontage of the building. No wall signs are permitted on west-facing walls which are within 400' of the west boundary of the development area.

LIGHTING:

Light standards within the western 250 feet of the development area shall not exceed 25 feet in height. All exterior lighting fixtures shall be hooded and direct light downward and away from the properties to the west. No light standards are permitted within the west 100' of the development area.

MINIMUM SCREENING STANDARDS ALONG WEST PROPERTY LINE:

A solid screening fence a minimum of 6 feet in height shall be constructed on top of a 4' tall earth berm generally placed within the landscape edge along the west boundary of the development area. Such screening fence shall be fully installed during Phase II development of the property and will be part of the installation the 30' landscape edge along the westerly development area boundary. The berm can vary in height at locations for surface drainage and to provide access west of the required fence. If for any reason Phase II development does not occur within a two year period of time from the date of issuance of the Phase I building permit, the owner/developer shall fully install the 6' screening fence and berm within a 90-day period of time following the two year time period described above.

ACCESS:

Access to Development Area "C-1" shall only be from the I-44 service road, S. 91st E. Avenue, and Development Area "B". No access is permitted between S. 87th E. Ave. and uses in Development Area "C-1".

ADDITIONAL REQUIREMENTS / RESTRICTIONS:

Along the westerly boundaries of the development area, a minimum 30' width landscape edge shall be installed. Within this landscape edge, a minimum of one tree per 30 lineal feet of landscape edge shall be installed, with planting of a variety of evergreen and deciduous trees that are suitable for, and tolerant of, northeast Oklahoma climate and plant material growing conditions. At time of planting, all trees must be a minimum of 6' in height and have a minimum 2" tree caliper. These trees are additional trees required for any street yard tree requirements.

OTHER BULK AND AREA REQUIREMENTS: Per City of Tulsa zoning code standards.

STAFF SUMMARY:

- 1) Client Exhibits A, B and C are included as part of the staff recommendation for this minor amendment.
- 2) The adjustment of the originally approved PUD-550 Development Area "C" boundary as reflected upon PUD Exhibit "A" included in this recommendation is allowed as a minor amendment to the PUD in Section 1107.H.1 of the Tulsa Zoning Code.
- 3) The requested development standards for the proposed Recreational Vehicle Sales and Service facility can be added through a minor amendment as outlined in section 1107.H.15. The proposed minor amendments for Recreational Vehicle Sales and Service defined in this report are uses that are allowed within the underlying zoning categories. The majority of the site is IL with a CS border along the western property line. The character of the original PUD included service center and light industrial uses. The general PUD is substantially altered however the underlying zoning allows this use by right or by Special Exception.

Therefore **staff recommends approval** of PUD 550-4 as outlined above.

Applicant's Comments:

Kevin Coutant, Two West 2nd St., Suite 700, 74103, stated that he is in agreement with staff's recommendation. Mr. Coutant cited the surrounding zoning and uses. Mr. Coutant summarized the changes to the PUD through this minor amendment. Mr. Coutant indicated that he

reached out to surrounding properties and held a meeting and no one attended the meeting.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **CARNES**, TMAPC voted **9-0-0** (Carnes, Covey, Dix, Edwards, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Midget "absent") to **APPROVE** the minor amendment for PUD-550-4 per staff recommendation.

* * * * *

Mr. Carnes out at 3:42 p.m.

19. **Z-7250 – Bruce Robbins, Jr.**, Location: East of southeast corner of East 11th Street and South 177th East Avenue, Requesting rezoning from **AG TO IL**, (CD-6) (Continued from 1/8/14)

STAFF RECOMMENDATION:

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

RELEVANT ZONING HISTORY:

PUD-634-A June 2012: All concurred in approval of a proposed Planned Unit Development on a 2± acre tract of land for a heating contractor (Use Unit 15), on property located north of northwest corner of East 11th Street and South 177th East Avenue

Z-6751/ PUD- 634 September 2000: All concurred in approval of a request for rezoning a 2.5± acre tract of land from AG to AG/OL/CS and a proposed Planned Unit Development for office use and storage of the race cars and their transportation vehicles of the owner of the property with conditions by the City Council, on property located north of northwest corner of East 11th Street and South Lynn Lane.

Z-6438 May 1994: All concurred in denial of a request for rezoning a half-acre tract from AG to CG for auto repair, and approval of CS zoning in the alternative, on property located on the northeast corner of East 11th Street and South 177th East Avenue.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 13+ acres in size and is located east of southeast corner of East 11th Street and South 177th East Avenue. The property appears to be vacant and is zoned AG. The property is a panhandle shaped property and development of the site will be south of the panhandle portion of the property.

SURROUNDING AREA: The subject tract is surrounded by AG zoning and is undeveloped.

UTILITIES: The subject tract has municipal water service. Sanitary sewer is not available at this time. A private septic system will be required.

TRANSPORTATION VISION:

The Comprehensive Plan designates East 11th Street south as a secondary arterial. There is no multi modal component to this section of 11th street. The development of this property will not conflict with future transportation plans in this area.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 11 th Street	Secondary Arterial	100 feet	2 lanes

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The entire rezoning request for Z-7250 is included in a New Neighborhood and an Area of Growth.

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

Staff Comment: The requested IL zoning does not conform with the land use vision identified in the Comprehensive Plan. A large floodplain on the south end of the site will segregate future residential development into two areas, one area north of the flood plain and another south of the floodplain. Rezoning this property to IL would change the anticipated growth pattern in this part of Tulsa. The floodplain barrier on the south portion of the property might be a consideration for future changes in the Comprehensive Plan in this area however IL zoning is not an expected land use.

The applicant has met with the neighborhood and discussed the potential land use revisions. The neighborhood supports a land use change to a mixed use development area and they have also provided written supported the rezoning request.

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.

Staff Comment: The requested IL zoning could be considered appropriate in an Area of Growth in many Employment Areas. The Comprehensive Plan is identifying this area as a New Neighborhood and does not anticipate future industrial growth in this area and is not an Employment Area. .

STAFF RECOMMENDATION:

The general development pattern of this area has not been established and is largely undeveloped property. The IL zoning request is not harmonious with existing properties in the area or with the Tulsa Comprehensive Plan.

This area east of South 177th East Avenue has some existing small business that may ultimately require some rezoning however those business may not be consistent the expected development pattern in this area.

The applicant has support from the neighbors for the IL zoning use and for revision to the Comprehensive Plan however, staff recommends **DENIAL** for the IL zoning request in Z-7250.

Applicant's Comments:

Bruce Robbins, Jr., 2002 East 51st Street, 74135, stated that his client would like to build a fabrication shop. Mr. Robbins indicated that he met with City Councilor Skip Steele regarding this application. Mr. Robbins stated that his client's goal is not to take away from the current property owners, but to add a business that will employ 50 to 60 people and stimulate the economy. Mr. Robbins indicated that there are several small businesses in the subject area. Mr. Robbins stated that he did go to the neighbors and acquired their signatures for support (included in the agenda packet).

TMAPC COMMENTS:

Mr. Dix stated that the wording on the petition is inaccurate and misleading. The request is rezone to IL zoning. Mr. Robbins stated that Mr. Wilkerson stated that he might have a fighting chance if that small area was rezoned to corridor to accomplish the fabrication. Mr. Dix stated that the petition should have stated that it was being rezoned IL and not mixed use. Mr. Dix asked Mr. Robbins if the individuals he talked to understand what was being fabricated. Mr. Robbins stated that he and his client discussed this with every individual property owner and he felt that they fully understood what type of use was being proposed.

Mr. Covey asked Mr. Robbins if his client currently owns the subject property. Mr. Robbins answered affirmatively. Mr. Covey asked when the applicant purchased the property. Mr. Robbins indicated that his client purchased the property three years ago.

Mr. Wilkerson stated that there was some confusion regarding the signatures and letters. Mr. Wilkerson stated that staff had two issues that they requested Mr. Robbins to look at and one was the rezoning to IL, which was addressed on page 19.10 and they are the adjacent property owners that would be directly affected by this zoning request. Mr. Wilkerson further stated that on page 19.11 is regarding the applicant going to the neighborhood and discussing possibly changing the Comprehensive Plan to something more compatible to a Mixed-Use Corridor designation and in that respect an IL zoning wouldn't be a perfect fit, but that would be the next step up from a New Neighborhood designation.

Hector Estrada, 1406 South Aster Place, Broken Arrow, 74012, stated that he is the owner of the subject property. Mr. Estrada further stated that they were asked to talk with the neighbors about this being a mixed corridor and not in IL. Mr. Estrada indicated that he did tell the neighbors that it would be a fabrication shop and what would be fabricated at the shop. He stated that everything will be inside.

Mr. Dix asked Mr. Estrada what he would be fabricating. Mr. Estrada stated that he builds tanks and piping for the oil and gas industry. Mr. Dix asked Mr. Estrada if he would have any outside storage. Mr. Estrada stated that when the piping is ready it is set outside.

Mr. Covey asked if there is any neighborhood near the subject property. In response, Mr. Wilkerson stated that staff doesn't look at market conditions. Mr. Wilkerson explained that staff looks at the request as it relates to the existing development patter and existing conditions on site and the Comprehensive Plan, especially in a new area. Mr. Wilkerson

further explained that staff didn't look at the economics of the application because it isn't part of what staff's scope usually is. Mr. Covey stated that the Comprehensive Plan is calling for all of this to be new neighborhood. Mr. Wilkerson stated that the Comprehensive Plan is predicting the development in the future. Mr. Covey asked if there was a lesser zoning that would accommodate the applicant's proposed use. Mr. Wilkerson answered negatively.

Mr. Perkins stated that the subject area has a couple of things going against it. One being the sewer service is lacking in the subject area because the flow is basically back to the southeast and goes into Broken Arrow and this is Tulsa property. There is no sewer service in the subject area and it has prevented some of the density in the subject area. The second issue is the limestone rock that is close to the service and blasting is necessary to put in the utilities. Mr. Perkins explained that there is new technology and similar development is happening in Owasso with the same issues and Tulsa will see it eventually.

Mr. Wilkerson stated that the applicant knows about the rock and has talked with the City of Tulsa Engineering office. Mr. Wilkerson further stated that the applicant is aware that it will require a septic system and he already has the answer of how to make that work from a technical standpoint. Mr. Wilkerson explained that it will be a long time before this becomes a new neighborhood due to the difficulty in developing. Mr. Wilkerson further explained that there is a large drainage basin at the south end of the subject property and that will create another barrier for any kind of residential development. Mr. Wilkerson stated that given the topography and drainage issues it would seem that if any new housing development were to happen it would be north of the drainage basin and the creek could create a natural buffer for residential development in the future; however, that is not what the Comprehensive Plan illustrates.

Mr. Dix asked the applicant if he owned other properties. Mr. Estrada stated that he doesn't own any other property around the subject area.

Mr. Covey asked Mr. Estrada if he purchased the property specifically for the fabrication shop. Mr. Estrada stated that the property was sold at auction and he did purchase it for the shop not realizing what he was up against. Mr. Estrada commented that he has learned that people move away from the area rather than moving to it.

Mr. Perkins stated that he agrees with the staff recommendation. The Comprehensive Plan is a guide and Tulsa doesn't have good blank slates as we have in the subject area. Mr. Perkins further stated that if this was approved it will decrease the density potential for the subject area and further push back the willingness to put in sanitary sewer in the future. Mr.

Perkins commented that as a community we want to see Tulsa develop and density is needed and this is one of the prime places to go.

Mr. Edwards stated that he agrees with staff's report.

Mr. Dix stated that he has mixed emotions about this application. Mr. Dix further stated that he wouldn't want this next to him, but he has to look at what else would one do with this property with all of the rock. Mr. Dix commented that he remembers how angry his neighbors were when there was an industrial zoning across 126th Street in Collinsville and it was opposed. Mr. Dix indicated that he would have to support staff's recommendation to deny this application.

Mr. Liotta stated that he has mixed thoughts on this and maybe one of the reasons the subject area hasn't been developed is because of the rock being so close to the surface. For a developer this would be an expensive place to build and maybe not so much for an individual site. Maybe it is good to let development to happen as it can to open the area up. Mr. Liotta stated that he would like to clarify something on this situation and a previous one. Mr. Liotta commented that he has ultimately respect for staff recommendation and that is what it is, a recommendation based upon what staff has to look at. The reason for the Planning Commission is because we bring other perspectives, very broad perspectives to the question. A lot of times staff recommendation gets thrown back in our face if we go against it. Mr. Liotta stated that the Planning Commission doesn't ever go against staff's recommendation; the Planning Commission takes it in as part of "our" recommendation. Mr. Liotta further stated that he has never been badly served by this staff and he wants to make sure his comments weren't misconstrued. Mr. Liotta commented that he recognizes the tough job staff has to do and it is a different job than what the Planning Commission has to do. Mr. Liotta indicated he is not sure how he is going to vote on this one. Mr. Liotta explained that he tends to go toward the property owner if there is no harm to the neighbors and he doesn't see any harm in this application.

Mr. Covey stated that the applicant has obtained all of the necessary signatures and there doesn't seem to be a whole lot in the subject area at this time, but the Comprehensive Plan is calling for a new neighborhood. If the IL was approved in the new neighborhood area, then it severely limits the chances of a new neighborhood actually developing. Mr. Covey commented that it is difficult to predict what will happen 20 years from now and will the subject area flourish. Mr. Covey indicated that he will be supporting staff's recommendation to deny this application.

TMAPC Action; 8 members present:

On **MOTION** of **WALKER**, TMAPC voted **7-1-0** (Covey, Dix, Edwards, Perkins, Shivel, Stirling, Walker "aye"; Liotta "nays"; none "abstaining"; Carnes, Midget "absent") to recommend **DENIAL** of the IL zoning for Z-7250 per staff recommendation.

Legal Description for Z-7250:

BEG 451.37 W NEC NW TH SW110 S 645 SW411.43 S1005 NE521.19 N1650 POB SEC 12 19 14, 13.65ACRES, City of Tulsa, Tulsa County, State of Oklahoma.

- 20. **Z-4900-SP-9 – Continental 302 Fund, LLC**, Location: Southeast corner of Mingo Road and East 75th Street, Requesting Corridor Development Plan for a two-story multifamily project with a mix of studio, one-bedroom, two-bedroom and three-bedroom units, **CO**, (CD-7) (Continued from 1/8/14)

STAFF RECOMMENDATION:

ZONING ORDINANCE: Ordinance number 14040 dated February 7, 1978, established zoning for the subject property.

RELEVANT ZONING HISTORY:

Subject Property:

BOA-21506 January 8, 2013: The Board of Adjustment **approved** the request for a *Variance* to permit an off premise sign in a CO District (Section 1221.F.1 and Section 1221.F.7); *Variance* of the required 150 foot setback of an outdoor advertising sign if visible from an R district or a residential development area (Section 1221.F.4); *Variance* of the requirement that an outdoor advertising sign be oriented to be primarily visible from the freeway (Section 1221.F.7), subject to the conceptual drawing of the sign on page 2.13. The location of the sign is to be within the 45'-0" x 45'-0" area on the south side of East 75th Street as shown on the exhibit that was submitted today, January 8, 2013. The sign is to be limited to identifying the senior living development center which is planned for a portion of the subject property. Having found that the size of the subject property and the proposed location of the development, along with existing conditions on the subject tract would present a hardship, on property located at east of the southeast corner of East 75th Street and South Mingo Road and includes the subject property.

Z-4900-SP-4 June 1999: All concurred in approval of a Corridor Plan on a 12.7± acre tract of land for a 184 unit multifamily complex, on property

located on the southeast corner of South Mingo Road and East 75th Street South, and also known as the subject property.

Z-4900-SP-1 February 1983: All concurred in approval of a Corridor Plan on a 16.6± acre tract of land for multifamily development done in two phases. Phase I includes 297 units that have been built and Phase II was for 175 units that has not been built and is the subject property. This plan is on property located south of the southeast corner of East 71st Street and South Mingo Road and includes part of the subject property.

Surrounding Property:

Z-4900-SP-8 December 2012: All concurred in approval of a request for a Corridor Development Plan on a 5± acre tract of land for senior living center, on property located east of northeast corner of South Mingo Road and East 75th Street South and abutting north of subject property.

Z-4900-SP-7 December 2012: All concurred in approval of a request for a Corridor Development Plan on a 3.2± acre tract of land, to allow for Use Unit 17 to permitted uses, but limited to the selling of automotive parts, off-road equipment and accessories and the installation and repair thereof, and restoration and storage of classic cars, on property located on the northeast corner of East 73rd Street and South Mingo Road.

Z-6611-SP-2/PUD-575-A December 2001: All concurred in approval of a proposed Major amendment to PUD and Corridor Site Plan on a 5.74 acre tract for an assisted living facility and previously approved mini storage on property located north of northeast corner of East 81st Street and South Mingo Road.

Z-6611/PUD-575 December 1997: All concurred in approval of a request to rezone a 32.8-acre tract which included the subject property, from AG to CO/PUD. The PUD that was approved allowed for multifamily uses on the south half (Development Area A) and a mini-storage facility with a single-family dwelling and accessory office use for the storage facility on the north half (Development Area B) of property and located ¼ mile north of the northeast corner of East 81st Street and South Mingo Road.

Z-4900-SP-2 February 1983: All concurred in approval of a proposed Corridor Site Plan on a 12± acre tract for 276 multifamily dwellings on property located south of southeast corner of East 71st Street and Mingo Road.

PUD-179-I June 1982: All concurred in approval of a proposed Major Amendment to PUD-179 on a 102+ acre tract of land that would revise the six development area boundary lines and densities originally approved in the Major Amendment PUD-179-F for a maximum 1,748 dwelling units,

located on the south side of East 71st Street South and West of South Mingo Road.

PUD-179 July 1975: All concurred in approval of a proposed Planned Unit Development on a 257+ acre tract of land for 53 acres of commercial/office, 65 acres single-family, 33 acres for water retention, 85 acres for multifamily and an additional 8 acres on the southwest corner of 71st Street and Mingo Road with offices, located on the southeast corner of East 71st Street South and South Memorial Drive.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 19± acres in size and is located Southeast corner of South Mingo Road and East 75th Street. The property appears to be vacant and is zoned CO.

SURROUNDING AREA: The subject tract is abutted on the east by vacant property zoned CO; on the north by an assisted care living center under construction, zoned CO; on the south by a health care facility , zoned CO with PUD 575A overlay; and on the west by a single family residential development, zoned RM-O.

UTILITIES: The subject tract **does have** municipal water and sewer available.

TRANSPORTATION VISION:

The Comprehensive Plan designation is not specific at this location however an existing large parcel of vacant land is in place east of this site. At the north end of the large vacant land only one public street is available for future egress. Part of the development requirements for Z-4900-SP-9 will require appropriate street right or reserve areas for future public street construction.

STREETS:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Mingo Road	Secondary Arterial	100'	2
East 75 th Street	Collector	60	2

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The entire project is included in a New Neighborhood land use designation and an Area of Growth.

The **New Neighborhood** is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes, but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet

high standards of internal and external connectivity, and shall be paired with an existing or new Neighborhood or Town Center.

Staff Comment: This multi family project is consistent with the vision stated in the Comprehensive Plan.

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.

Staff Comment: The density anticipated for this development uses the existing street and utility systems and is exactly what is anticipated in this Area of Growth.

STAFF SUMMARY:

I. Development Concept

The project will be a two story multifamily project with a mix of studio, 1-bedroom, 2-bedroom, and 3-bedroom units. Some units will have attached, direct access garages and the community will offer a limited number of detached garages. The site plan will organize buildings around the landscaped courtyards to enhance the aesthetic appeal of the community. The amenities and large open spaces along with the quality materials will attract a high quality tenant.

The Property will be a gated community with one primary point of access proposed on South Mingo Road. A secondary access for emergency only is proposed on 75 Street South. The internal sidewalks will provide connectivity to the buildings, parking and the onsite amenities. The site circulation will meet ADA requirements.

II. Development Standards

Land Area Net: 19.6 acres

Permitted Uses:

Use Unit 8; Multifamily Dwellings and Similar Uses but limited to senior housing.

Maximum Dwelling Units: 320 DUS

Minimum Livability Space Per Dwelling Unit: 400 SF
[open space not allocated to parking or drives]

Maximum Building Height: 45 FT

Maximum Stories: 2 stories

Maximum Building Coverage: 30% of net lot area

Minimum Building Setbacks:

From South Mingo Ultimate Right of Way: 35 FT

From other boundaries: 10 FT*

*5 feet for detached garages and accessory buildings (roof eave and foundation may encroach into setback by a maximum of 2 feet).

Minimum Off-street Parking Spaces*:

1.5 spaces for each efficiency or 1 bedroom unit 2 spaces per 2 or more bedroom units.

*Parking spaces will meet the City of Tulsa Zoning code dimensional standards including 8.5' x 18' spaces where the aisle is 24 feet wide and a non obstructed 2 foot overhang is provided beyond the curb or wheel stop.

Minimum Landscaped Area: 20% of net lot area

Landscaping:

Landscaping shall meet or exceed the minimum standards of Chapter 10 of the Tulsa Zoning Code.

Lighting:

All Building and Pole Lighting shall be less than 25 feet in height and directed down and away from adjacent property lines.

Trash Enclosure:

All dumpster style trash receptacles shall be screened with a minimum 6' tall masonry fence. With a metal frame gate with minimum opacity of not less than 75%.

Signs:

Ground and Wall signs shall meet the standards defined in the Corridor District of the Tulsa Zoning Code and shall be further limited to be in substantial compliance with the Conceptual illustrations included.

Outdoor advertising signs are prohibited on this tract.

Future Access Provisions:

This Corridor Development will reserve the northern portion of the project for an east west street providing access to the vacant property east of this Corridor Development Plan. A dedication agreement or reserve area will be negotiated as part of the completion of a Subdivision Plat and Site Plan approval discussion. As a general statement it is the intention of this project to reserve a strip of land parallel to the northern property line for future dedication to the City for a public street. The area may be used for detention, landscaping, utilities until the east property is transferred. The exact width of the reserve has not been determined however it will not be less than 30 feet wide.

Applicant Exhibits:

- Exhibit A Existing Conditions
- Exhibit B Aerial Photograph
- Exhibit C Conceptual Site Plan
- Exhibit D Conceptual Building Elevations with Garages
- Exhibit E Conceptual Building Elevations without Garages
- Exhibit F Conceptual Clubhouse Elevations
- Exhibit G Conceptual Ancillary Structure Elevations
- Exhibit H Conceptual Sign Plans
- Exhibit I Future Access Detail

Staff Recommendation:

The project is consistent with the Tulsa Comprehensive Plan

The development standards defined in the Summary above are consistent with the City of Tulsa Zoning Code for Corridor Development.

The project is in harmony with the existing and expected development pattern of the area and considers the future development constraints of the vacant land east of the site.

All site plan, landscape plan and signage plan approvals shall follow the process outlined in the Tulsa Zoning Code.

Staff recommends **APPROVAL** for Corridor Development Plan Z-4900-3 as outlined in the Staff Summary above.

TMAPC COMMENTS:

Mr. Walker asked if the future access is the 35-foot strip on the north side. Mr. Wilkerson answered affirmatively. Mr. Wilkerson stated that a typical

street system requires a 50-foot right-of-way, but met with Development Services and in this one circumstance there might be a way to reduce the right-of-way to something less and keep the concept of the site plan in tack.

In response to Mr. Perkins, Mr. Wilkerson stated that staff felt that the only value the street would have would be for the benefit of the undeveloped property to the east and if they were given a way to get there (right-of-way or future reserve area) it would be up to them to build that street for connectivity. The construction of the street would have no value to the subject developer, except that it is being required for future development and staff felt that the cost should be carried by the developer to the east. Mr. Perkins stated that he is struggling with this because there is a good piece of land there that needs accessibility and what portion of the cost should be perform by the person of the other piece. Mr. Wilkerson stated that one of the things that staff is going to require, as part of the site plan, is to have a detailed analysis and request a cost estimate for the street, which is a 26-foot wide street and is approximately 500 feet in length.

Applicant's Comments:

Scott Maier, Continental Properties, 8675 Executive Parkway, Menomonee Falls, WI, 53051, stated that his company is a nationwide multifamily developer, developing retail and multifamily around the country. Mr. Maier stated that he would like to make a clarification about the parking stalls, which will be 8.5' x 16' in actual paved area. Mr. Maier explained that this will allow some creativity on how to address the width of the road for the future reserve area. Mr. Maier indicated that he has been working with staff over the last month and all of the discussions have been very positive. Mr. Maier stated that the plat and detail site plan will add something and there will be a good compromise for the street that has been discussed.

TMAPC COMMENTS:

Mr. Dix asked what the parking minimums are for Tulsa. Mr. Wilkerson reminded the Planning Commission that an amended staff recommendation was emailed to the Planning Commission prior to today's meeting. Tulsa standards allow the 8.5' x 16' parking stalls. Mr. Dix commented that the parking stalls will be small.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **WALKER**, TMAPC voted **10-0-0** (Covey, Dix, Edwards, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Midget "absent") to recommend **APPROVAL** of the corridor development plan for Z-4900-SP-9 per staff recommendation.

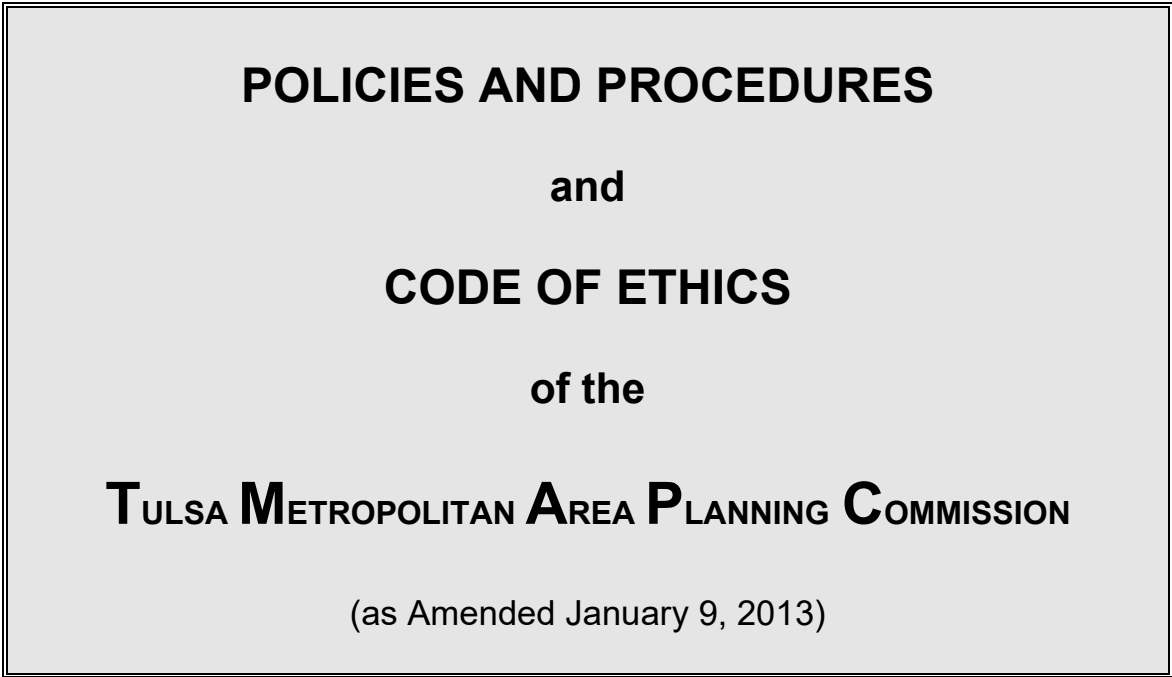
Legal Description for Z-4900-SP-9:

A TRACT OF LAND THAT IS PART OF GOVERNMENT LOT TWO (2) OF SECTION SEVEN (7), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST, OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 88°58'13" EAST AND ALONG THE SOUTH LINE OF LOT 2, FOR A DISTANCE OF 50.00 FEET TO A POINT ON THE PRESENT EAST RIGHT-OF-WAY LINE OF SOUTH MINGO ROAD, SAID POINT BEING THE POINT OF BEGINNING; THENCE NORTH 1°21'17" WEST AND ALONG SAID EAST RIGHT-OF-WAY LINE, FOR A DISTANCE OF 680.28 FEET TO A POINT OF CURVATURE; THENCE ALONG A 30.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 90°00'00", A CHORD BEARING AND DISTANCE OF NORTH 43°38'43" EAST FOR 42.43 FEET, FOR AN ARC DISTANCE OF 47.12 FEET TO A POINT OF TANGENCY ON THE PRESENT SOUTH RIGHT-OF-WAY LINE OF EAST 75TH STREET SOUTH; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE FOR THE FOLLOWING SIX (6) COURSES; NORTH 88°38'43" EAST FOR A DISTANCE OF 30.00 FEET TO A POINT OF CURVATURE; THENCE ALONG A 330.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 30°00'00", A CHORD BEARING AND DISTANCE OF SOUTH 76°21'17" EAST FOR 170.82 FEET, FOR AN ARC DISTANCE OF 172.79 FEET TO A POINT OF TANGENCY; THENCE SOUTH 61°21'17" EAST FOR A DISTANCE OF 35.00 FEET TO A POINT OF CURVATURE; THENCE ALONG A 235.00 FOOT RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 45°00'00", A CHORD BEARING AND DISTANCE OF SOUTH 83°51'17" EAST FOR 179.86 FEET, FOR AN ARC DISTANCE OF 184.57 FEET TO A POINT OF TANGENCY; THENCE NORTH 73°38'43" EAST FOR A DISTANCE OF 85.00 FEET TO A POINT OF CURVATURE; THENCE ALONG A 285.00 FOOT RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 51°06'46", A CHORD BEARING AND DISTANCE OF NORTH 48°05'20" EAST FOR 245.90 FEET, FOR AN ARC DISTANCE OF 254.24 FEET; THENCE NORTH 88°38'43" EAST FOR A DISTANCE OF 471.69 FEET TO A POINT ON THE EAST LINE OF SAID LOT 2; THENCE SOUTH 1°11'19" EAST AND ALONG SAID EAST LINE, FOR A DISTANCE OF 813.63 FEET TO A POINT, SAID POINT BEING THE SOUTHEAST CORNER OF LOT 2; THENCE SOUTH 88°58'13" WEST AND ALONG THE SOUTH LINE OF SAID LOT 2, FOR A DISTANCE OF 1171.91 FEET TO THE POINT OF BEGINNING; THE TRACT DESCRIBED IN THE SURVEYOR'S LEGAL DESCRIPTION IS WHOLLY CONTAINED WITHIN THE DEED LEGAL DESCRIPTION AS PROVIDED IN THE TITLE COMMITMENT.

OTHER BUSINESS

21. TMAPC Policies and Procedures and Code of Ethics (Corrections adopted on 8/17/2011)

STAFF RECOMMENDATION:



SECTION I: Policies and Procedures

I. GENERAL POLICIES

A. Name

The name of this Commission shall be "Tulsa Metropolitan Area Planning Commission (TMAPC)", hereinafter referred to as the "Commission".

B. Policies Regarding Meetings

1. It is the policy of the Commission that sufficient supporting information, such as a plot plan, plat of survey, etc., be filed with an application in order for the staff and Commission to have time to evaluate the proposal. If staff concludes that sufficient supporting information has not been provided, staff shall consider the application as incomplete and shall not place the item on the agenda. If material is received by Commissioners less than 48 hours prior to a meeting, the application may be continued by a majority vote of Commissioners present at that meeting.

2. In order to help alleviate potential conflicts and assure that interested parties have adequate information, the Commission encourages applicants requesting a change in zoning or planned unit development (PUD) to meet with surrounding property owners of nearby areas prior to public hearings.
3. It shall be the policy of the Planning Commission in cases where the recommended PUD concept plan is changed from the applicant's submitted plan that a revised plan reflecting the Planning Commissions' recommendation be prepared and submitted to the Planning Commission staff for transmittal to the City Council with the minutes of the meeting.
4. It is the policy of the Commission that public comments are not encouraged at work sessions or training sessions.

C. Zoning Initiated by TMAPC

1. As a general rule, the TMAPC will not initiate applications for zoning changes without the consent of the owner or his agent, unless such application is requested by the proper legislative body.

D. Subdivisions and Lot-Splits

1. PLAT WAIVER: It is the TMAPC's policy to waive the platting requirement for Antennas and Supporting Structures (Use Unit 4. Public Protection and Utility Facilities) and Open Air Activities (Use Unit 2. Subsection 1202.2). The Code lists Open Air Activities as: carnivals; Christmas tree sales; circuses; fruit and vegetable sales; plant sales; tent revivals; and any other sales from trucks, trailers, pickups and other vehicles.
2. LOT-SPLITS:
 - a. Right-of-way acquisition by the City of Tulsa requires the processing and approval of a lot-split by the Tulsa Metropolitan Area Planning Commission (TMAPC) when the City acquires only a portion of an existing lot of record. It is the policy of TMAPC to permit Staff to process such lot-splits as "prior approval lot-splits" and stamp the deed(s) for recording with the Tulsa County Clerk. TMAPC then ratifies Staff approval at the next regularly scheduled meeting of TMAPC.
 - b. No lot-split applications which require waiver of a provision of the Subdivision Regulations shall be

processed as prior approval lot-splits. Such lot-splits shall require a ten-day written notice to abutting property owners (including lot owners separated only by a residential street). Deeds for such lot-splits shall not be stamped or released until the TMAPC has approved said lot-split in a public meeting.

E. Comprehensive Plan

It shall be the policy of the Planning Commission to not recommend or advocate site-specific locations for such public and quasi-public uses as water storage facilities, stormwater management facilities, traffic signs and signals and other similar uses.

F. TMAPC Privacy

Frequently the public asks how to contact members of the TMAPC. This may be done in one of three ways. The first is by letter correspondence to the TMAPC secretary who will deliver it to the members. The second is by-email to the TMAPC secretary, who will deliver it to the TMAPC members. The third method, if the individual wishes to speak personally with the TMAPC members, is for that individual to call the TMAPC secretary and leave a message to that effect. Staff will not release addresses or phone numbers of TMAPC members without that member's approval.

II. MEMBERSHIP AND OFFICERS

A. Commission Membership (0.8.19-863.5)

The Tulsa Metropolitan Area Planning Commission consists of eleven members, selected as follows: Six are appointed by the Mayor of the City of Tulsa and approved by the City Council, and three are appointed by the Board of County Commissioners of Tulsa County. The Mayor or a person designated by the Mayor as an alternate and the Chairman of the Board of County Commissioners or other member of the Board designated by the Chairman of the Board as an alternate shall be ex officio members of the Commission and shall be entitled to vote on all matters. Appointed members shall serve for terms of three years, and shall continue to serve until their successors are appointed. Vacancies occurring, otherwise than through the expiration of term, shall be filled only for the unexpired term in the same manner as set out above. All appointed members of the Commission shall serve without compensation and shall hold no municipal or county office.

A member of such Commission, once qualified, can thereafter be removed during his/her term of office only for cause and after a

hearing held before the governing body by which he/she was appointed.

B. Absentees

In order to properly conduct business, Commissioners must attend as many meetings as practical. If a Commissioner fails to attend ten regularly scheduled meetings, excluding work session and training session, during a 12 month period the Commission may contact the appointing body to request that the Commissioner be removed and replaced.

C. Officers

1. Annually, on the first Wednesday in January, the Commission shall elect from its appointed members a Chair, a First Vice-Chair, a Second Vice Chair and a Secretary. No Commission member shall hold the same office for more than two consecutive full one-year terms. Any vacancy in office shall be filled by the Chair for the unexpired term only.
2. The duties of the Chair shall include:
 - (a) Presiding over meetings when present, unless the Chair designates another member to preside;
 - (b) Appointing commissioners to serve on other governmental agency committees;
 - (c) Establishing ad hoc committees as the Chair deems necessary and appointing members and chairs to that committee;
 - (d) Signing official documents of the Commission; and
 - (e) Representing the Commission before other governmental bodies, unless the Chair designates another member or a member of the Commission's staff.
3. The First Vice-Chair shall assume all of the duties of the Chair during the Chair's absence. The First Vice-Chair shall work in consultation with staff to arrange training sessions and acquire training material for the benefit of the Commission.
4. The Second Vice-Chair shall assume all of the duties of the Chair during the Chair's and the First Vice Chair's absence.
5. The Secretary shall keep or cause to be kept full and complete minutes of all public hearings of the Commission and shall assume all duties of the Chair in the event the Chair, First Vice-Chair and Second Vice-Chair are absent.

The Secretary shall attest the Chair's signature on all documents and receive all District Court appeals from any action of the Commission. In the event the Secretary is not present, the First Vice-Chair or Second Vice-Chair, in that order, will assume the Secretary's duties.

6. Each of the officers above named shall be entitled to participate in discussion and vote on any question before the Commission, whether occupying the position of the Chair or not.

III. MEETING PROCEDURES

A. Quorum

A numerical majority of six of the full membership of the Commission, including the ex officio members thereof shall constitute a quorum for the conduct of any Commission business except at Work sessions where four members shall constitute a quorum.

B. Training and Work sessions

1. The TMAPC shall meet as a committee of the whole in a work session on the third Wednesday of the month, or at call of the Chair, unless the Chair determines that such a meeting is unnecessary. The TMAPC Chair shall preside or designee.
2. The purpose of the work session shall be to discuss work items and Planning Commission issues, to share other information and determine whether work items are ready to be considered at regular TMAPC meetings. TMAPC shall take no final action on work items while in Work sessions. Generally, special requests coming to the Commission for consideration shall be reviewed by the Commission in the work session prior to action, if appropriate, at the regular TMAPC meeting.
3. To assist Commissioners in their job, the TMAPC shall hold regular training sessions at times and locations to be determined.

C. Meeting Schedule

1. The Commission shall meet regularly on the first and third Wednesday of each month in the Tulsa City Council Chambers, 2nd Level, One Technology Center, 175 E. 2nd

Street, or in another designated location, in accordance with its approved calendar.

2. Special Public Hearing meetings may be held on approval by a majority vote of the Commission. Such public hearings shall be held in the regular meeting place of the Commission.
3. Normally, land division matters and zoning public hearings will be considered on the first and third Wednesdays and Comprehensive Plan matters as needed.
4. All meeting agendas must be posted twenty-four (24) hours in advance of the meeting for all special and regularly scheduled hearings, provided that for special meetings the Tulsa County Clerk must be given notice of the date, time and place of such meeting, in writing, in person or by telephone means, forty-eight (48) hours in advance of all special Commission hearings and Committee meetings (Title 25 Oklahoma Statutes, Section 311).
5. Items to be placed on the TMAPC agenda shall meet the cut-off dates as specified on the approved TMAPC annual planning calendar. New items shall not be added to the final agenda mailed to TMAPC on Friday preceding the regularly scheduled Wednesday meeting unless authorized by the Chair.

D. Annual Meetings

Once a year, at a time and place to be determined, the Commission shall meet to review Rules of Procedure and Code of Ethics, to discuss work programs, and to discuss other matters pertinent to the efficient running of the TMAPC.

E. General Procedures

1. The latest edition of Robert's Rules of Order shall govern all TMAPC proceedings to which they are applicable and where they do not conflict with other adopted rules herein.
2. A waiver of the Subdivision Regulations shall require six affirmative votes by the Commission.
3. An amendment to the Tulsa Comprehensive Plan, including the Tulsa City/County Major Street and Highway Plan, shall require six affirmative votes by the Commission.

4. The Commission may grant a continuance of a scheduled public hearing or other business item at the request of the applicant or another interested party. A request for a continuance should be made in writing and must contain the reasons for the request. In considering the request, the Commission may consider the timeliness of the request, the reasons given for the request, and the inconvenience created.

F. Notification

1. The Commission shall provide notices for all public hearing items as prescribed by the Zoning Code and Subdivision Regulations. Methods of notification for public hearing items for zoning changes include giving at least twenty (20) days notice of the public hearing by: publication in a newspaper, posting of a sign on the affected property and by mailing written notice to all property owners within 300-foot radius of the exterior boundary of the affected property. The method of notice for proposed subdivision plats shall be by mailing a written notice of any proposed preliminary plat to the owners of property abutting the proposed plat a minimum of fifteen (15) days prior to the hearing. Also all commission meeting agendas are posted on the TMAPC website at least five (5) days prior to the hearing.
2. The Commission shall consider only public hearing items that have been properly advertised, as required by law, and only those items in which all fees have been paid, including fees for legal advertising.
3. Interested parties speaking on an agenda item for Corridor (CO) or PUD applications will be given notice of future related items appearing before the TMAPC if requested. These include such items as minor amendments, detail site plans, preliminary plats, and final plats.

G. Public Hearing Procedures

1. The Commission may grant an early zoning public hearing, if properly advertised and notice given, upon receipt of a letter setting out the reasons for the need of an early public hearing.
2. Staff recommendation on advertised matters shall be written and made part of the file (public record) five days in advance of the advertised public hearing date.

3. Form of Address: Each commissioner shall address only the presiding Chair for recognition; and shall confine their remarks to the question under debate.
4. Public Participation: Any member of the public may address the Planning Commission at a regular or special meeting after signing in for a specific item. When recognized by the Chair, a member of the public should state their name and address.
5. Limitation of comments: The Chair may rule comments out of order if it is redundant, irrelevant, indecorous or untimely.
6. Motions: The Chair shall restate motions before a vote is taken and shall state the maker of the motion and the name of the supporter.
7. The order of business for a public hearing shall be determined by the Chair; however, the following is provided as a guide:
 - (a) Chair announces the application and asks if the applicant is present and if there are any interested parties who wish to address the Commission.
 - (b) Chair asks staff for summary of the case and the physical facts of the area involved.
 - (c) Chair asks for staff recommendation, together with the reasons for the recommendation, and to provide, as part of that written recommendation, whether the request is, is not, or may be found, in conformance with the Comprehensive Plan.
 - (d) Chair calls on the applicant for a presentation, not to exceed 15 minutes for a zoning application, 20 minutes for a PUD or Corridor application or a joint PUD/zoning application. If the applicant presents a significantly changed application and/or Outline Development Plan from that submitted for staff review (determined by staff and TMAPC at the time of the presentation), such action is considered grounds for continuance.
 - (e) Chair calls on interested parties or protestants, and may direct that a time limit per speaker be imposed. Those wishing to speak must use the sign-in sheet.
 - (f) Applicant is given the opportunity to rebut, time not to exceed ten minutes. If applicant, in the Chair's opinion, should present new facts or information, the Chair may allow the protestants time to rebut same.

- (g) Chair announces the public hearing is closed on the case and opens the review session, during which the Commission will discuss the case among themselves and make a recommendation.
 - (h) During the review session, which shall be open and public, no new evidence shall be admitted unless specifically requested by a member of the Commission. The Commission's recommendation shall be decided by a majority vote of the members present.
 - (i) The Chair shall announce the vote.
- 8. In the event the final vote on any zoning matter before the Commission results in a tie, such tie vote shall result in the matter being transmitted to the City Council as a tie vote, without recommendation.
 - 9. The Commission shall not rehear a zoning application on the same property for a period of six months after action on the application has been taken by the Commission, unless said application is amended to a land use which is in accordance with the Comprehensive Plan.
 - 10. The transmittal of applications for a zoning map amendment to the City Council in those instances where the applicant, staff and Commission are all in agreement and there are no interested parties will occur following the Commission hearing without minutes. All other applications will be transmitted when the meeting minutes are prepared.
 - 11. Reconsiderations: A motion to reconsider an item on which a vote has been taken may be made only by a Member who voted with the prevailing side. If a motion to reconsider is adopted, the Members shall consider the need for additional notice to interested persons before a vote is taken on the item being reconsidered.

H. Development

- 1. **VARIANCES OF SECTION 206. STREET FRONTAGE REQUIRED:**
Applicants proposing developments using a combination of private street(s) and a variance of the required 30 feet of frontage on a public street should instead be required (to the extent possible) to develop their project as a PUD, excepting a proposed townhouse development.

2. COMPATIBILITY REVIEW:
A development project where rezoning is required shall be reviewed not only for compatibility with surrounding zoning patterns and land uses, but also for compatibility of the proposed intensities with surrounding intensities of like uses. Where review shows the potential exists for creating an intensity on the tract that is significantly different from that surrounding the tract, development of the project through the use of the PUD is encouraged. When reviewed as a PUD, it shall meet the test of being in harmony with the existing and expected development of surrounding areas (Section 1107.D.2, Zoning Code, City of Tulsa).

3. PUD DETAIL PLAN REVIEW:
The staff of the TMAPC shall review and approve, approve with conditions or deny all Detail Sign and Landscape Plans and minor revisions to previously approved Detail Site Plans unless specifically directed by the TMAPC to present the Plans to the Commission for review. Prior to approval of any Detail Plans, the staff shall ascertain that the Plan complies with all PUD and Zoning Ordinance provisions. If the Plan does not comply with such requirements, the staff shall approve the Plan subject to conditions which bring it into compliance or deny the Plan.

If the applicant or interested parties disagrees with the decision of staff, they may appeal the staff decision as provided for in Section 1107C of the Tulsa Zoning Code.

The staff shall provide periodic reports to the TMAPC of Detail Plans they have approved or approved with conditions. If staff is uncertain as to whether a Detail Plan complies with the requirements of a PUD, staff shall place the items on the TMAPC agenda and the Planning Commission shall determine if the Plan is in compliance.

4. PROCEDURES FOR PROCESSING URBAN RENEWAL PLAN (URP) AMENDMENTS:
In keeping with Oklahoma statutory requirements, the Tulsa Development Authority (TDA) periodically requests that TMAPC review proposed amendments to the URP for conformance with the Comprehensive Plan. If a proposed URP amendment is not in accord with the Comprehensive Plan, an amendment to the respective District Plan must be processed prior to or concurrently with TMAPC review of the proposed URP amendments.

The foregoing points apply to proposals that lie within existing designated Urban Renewal areas. However, additional Urban Renewal areas may be created and amendments to the respective District Plans may need to precede the Urban Renewal area designation.

5. PROCEDURES FOR PROCESSING MINOR AMENDMENTS TO APPROVED CO SITE PLANS:

Minor changes in the proposed corridor development may be authorized by the Planning Commission, which may direct the processing of an amended subdivision plat, incorporating such changes, so long as substantial compliance is maintained with the approved site plan and the purposes and standards of Section 805, Zoning Code, City of Tulsa. Changes that would represent a significant departure from the site plan shall require compliance with the notice and procedural requirements of an initial site plan review and approval. The following shall be considered minor amendments.

- (a) Adjustment of internal development area boundaries, provided the allocation of land to particular uses and the relationship of uses within the project are not substantially altered.
- (b) Limitation or elimination of previously approved uses, provided the character of the development is not substantially altered.
- (c) Increases in dwelling units, provided the approved number of dwelling units is permitted by the underlying zoning and the density of a development area is not increased more than 15%.
- (d) Increases in permitted non-residential floor area, provided the increased floor area is permitted by the underlying zoning and the floor area of a development area is not increased more than 15%.
- (e) Modification of the internal circulation system, provided the system is not substantially altered in design, configuration or location.
- (f) Changes in points of access, provided the traffic design and capacity are not substantially altered.
- (g) Addition of customary accessory buildings and uses within the delineated common open space of a residential development area, including but not limited to swimming pools, cabanas, security buildings, clubhouses and tennis courts.

- (h) Location of customary residential accessory buildings and uses on an adjoining single-family residential lot within a residentially developed area including but not limited to a swimming pool, cabana, garage and tennis court, provided an agreement has been recorded by the owner prohibiting the conveyance of the lot containing the accessory use separate from the conveyance of the lot containing the principal use.
- (i) Changes in structure heights, building setbacks, yards, open spaces, building coverage and lot widths or frontages, provided the approved Corridor Plan, the approved Corridor Standards and the character of the development are not substantially altered.
- (j) Lot-splits which modify a recorded plat and which have been reviewed and approved by the Technical Advisory Committee (TAC).
- (k) Home occupations which meet the requirements of Section 404.B Home Occupations, of the Zoning Code.
- (l) Modifications to approved signage, provided the size, location, number and character (type) of the sign(s) is not substantially altered.
- (m) Modifications(s) to approved screening and landscaping plans, provided the modification(s) is not a substantial deviation from the original approved plan.
- (n) Changes from multifamily (apartments) to duplexes, townhouses or detached single-family, thereby reducing the number of permitted dwelling units.

Ten days notice of public hearing shall be given for minor amendments by mailing written notice to all owners of property within a 300-foot radius of the exterior boundary of the subject property.

If the Planning Commission determines that the proposed amendment, if approved, will result in a significant departure from the approved Corridor Site Plan or otherwise change the character of the Site Plan significantly or that the cumulative effect of a number of minor amendments substantially alters the approved Site Plan, then the amendment shall be deemed a major amendment. Major amendments shall comply with the notice and procedural requirements of Section 805. Site Plan Review.

6. TENT AND OPEN AIR SALES IN PUD:
 - (a) Accessory tent sales are to be processed by TMAPC as site plan approvals.
 - (b) Principal use tent sales are to be processed by the Board of Adjustment.

SECTION II: Code of Ethics

Definitions

1. PRIVATE BENEFIT means a direct or indirect benefit not shared by the general public that could be reasonably expected to impair a Commissioner's objectivity or independent judgment.
2. ORGANIZATIONAL INTEREST exists when a Commissioner is a an officer, director or board member of a company, business, or organization that takes an official position before the Planning Commission.
3. EX PARTE COMMUNICATION means a private communication with a Commissioner from a party with an interest, financial or otherwise, in a particular matter before the Planning Commission.

B. Conflict of Interest:

1. A conflict of interest exists whenever a Commissioner
 - a. may receive a private benefit; ~~as a result of a public action taken by the Planning Commission;~~ or
 - b. has an organizational interest regarding a matter before the Planning Commission; or. ~~The possibility, not the actuality, of a conflict of interest should govern. The question is, "Would a reasonable person believe me to be unbiased and impartial?"~~
 - c. has any economic interest, directly or indirectly, in a matter before the Planning Commission or in action to be taken by the Planning Commission.

The possibility, not the actuality, of a conflict of interest ~~should~~ shall governs. *The question is, "Would a reasonable person believe me to be unbiased and impartial?"*

2. A Planning Commissioner experiencing a conflict of interest ~~should~~ shall declare his interest publicly, abstain from voting on the matter, and ~~should~~ shall refrain from any deliberations on the matter. When possible, the Planning Commissioner should leave the public hearing room.
3. A Planning Commissioner ~~member~~ member experiencing a conflict of interest ~~should~~ shall not discuss the matter in any venue ~~other than the public hearing~~ with any fellow TMAPC member, staff or other officials involved in

decision making on the matter for the purpose of influencing a decision thereon.

C. Ex Parte

1. Although not forbidden, ~~per se~~, ex parte communication has the potential to influence a Planning Commissioner's decision on ~~quasi-judicial~~ matters before the Planning Commission. The Planning Commissioner who receives ex parte communication ~~may, if he or she feels that is appropriate,~~ must disclose this such ex parte communication prior to or at the commencement of public discussion of the subject matter.
2. The Commissioner ~~should~~ shall also evaluate whether, as a result of this communication, he/she can remain unbiased and impartial and should either abstain or participate accordingly. As with a potential conflict of interest, the appearance, not the actuality, of bias should govern.

D. Release of Information:

1. No Planning Commissioner or staff member shall use or transmit to others for private benefit any information derived from Planning Commission activities unless and until such information is made available to the public at large.
2. No Planning Commissioner or any person appearing before the Planning Commission shall knowingly misrepresent facts or distort or omit information for the purpose of achieving a desired outcome.

E. Appearance at City Council

1. Planning Commissioners who appear at City Council ~~p~~Public ~~h~~Hearings on matters which were considered by the Planning Commission ~~matters~~ should do so as representatives of the majority opinion. Only the person designated by the Chair shall be the official spokesperson for the Planning Commission. The official spokesperson for the Planning Commission shall, to the best of his or her ability, present an unbiased record of the proceedings and the decision of the Planning Commission. The official spokesperson shall not present new facts or arguments that were not made available at the hearing before the Planning Commission.
2. Nothing herein would deprive a Planning Commissioner of the right to speak at a public hearing. If a Planning Commissioner chooses to speak at a public hearing, and he or she has not been designated as the spokesperson by the Chair, that Commissioner must state that:

- a. Though they are a Planning Commissioner, they are before the City Council as an individual, and not on behalf of the Planning Commission; and
 - b. They have no authority to make representations regarding the Planning Commission's public meetings, thought processes, or decision-making.
3. If a Planning Commissioner other than the one designated by the Chair intends to speak at a public hearing on a matter upon which the Planning Commission has previously voted, he or she must notify all members of the Planning Commission of that intention at least 24 hours prior to the public hearing.

F. Violation of Codes of Ethics

1. The Planning Commission, or any Planning Commissioner, may refer a violation of these Code of Ethics for a hearing before the governing body by which he/she was appointed.

Section III: Comprehensive Plan

The TMAPC derives its authority to adopt and amend a comprehensive plan under the provisions of Title 19 Oklahoma Statutes, Section 863.7. The Comprehensive Plan of the Tulsa Metropolitan Area was originally adopted on June 29, 1960, and was subsequently amended on numerous occasions. The current Comprehensive Plan for the City of Tulsa was adopted by the TMAPC on July 6, 2010 and approved by the Tulsa City Council on July 22, 2010 and retains various small area and functional plans. The 2010 Comprehensive Plan has been and will likely continue to be amended from time to time to recognize new small area and functional plans.

The purpose of this section is to provide a clear process for updates, maintenance and amendments to the Comprehensive Plan as it relates to TMAPC. In addition, a process is defined as to how various initiatives (small area and neighborhood plans, functional plans, capital improvement plans, other studies, etc.) should relate to the comprehensive plan.

A. Regularly Scheduled Updates and Maintenance

The Comprehensive Plan states that the Land Use Plan and Stability and Growth Map "should be updated at five year intervals with projections toward the future. Housekeeping updates and maintenance to reflect development approvals should be made annually." (p. LU-75)

TMAPC staff will establish a system to track all housekeeping amendments needed to reflect development approvals and present a comprehensive plan amendment to TMAPC annually, generally in July. These annual amendments will include updates to the Land Use Plan and, if necessary, changes to the Growth and Stability Maps. It is expected that City of Tulsa will prepare an update to the Comprehensive Plan in five year intervals based on new projections recommending adjustments.

B. Small Area Plan Adoption process

The Comprehensive Plan outlines a process for adoption of small area plans in the Appendix, pp. 9 & 10. It generally states that when the small area plan has been drafted, following the multi-agency review and public participation process, the draft plan document will be presented to the TMAPC at a work session. At the work session, the TMAPC will review the plan content and for consistency with the Comprehensive Plan. Also, the TMAPC will announce if and when the document is ready for public hearing. [Note: notice must be published at least 15 days prior to the adoption hearing.] TMAPC will conduct the public hearing, consider the plan based on the findings and public testimony presented, and consider adoption of the small area plan as an amendment to the Comprehensive Plan.

C. Privately initiated Comprehensive Plan amendments

1. Amendments of the Comprehensive Plan Generated by Proposed Zoning Changes

During the initial review of an application to the TMAPC for approval of Zoning, PUD, Corridor Development Plan or PUD Major Amendment, TMAPC staff shall determine if the proposal is consistent with the Comprehensive Plan map designation. If staff determines that the proposal is inconsistent with the Comprehensive Plan map designation, and further determines that the deviation from the purpose and intent of the Comprehensive Plan is minor in nature, the application for approval of Zoning, PUD, Corridor Development Plan or PUD Major Amendment shall be set for hearing by the TMAPC and, if approved, the Comprehensive Plan shall be amended to reflect the approved land use as a part of the annual housekeeping amendments. If staff determines that the proposal is inconsistent with the Comprehensive Plan map designation, and further determines that the proposal represents a significant deviation from the purpose and intent of the Comprehensive Plan, an application to amend the Comprehensive Plan shall be required to run concurrently with the application for approval of Zoning, PUD, Corridor Development Plan or PUD Major Amendment. In such instance, staff shall inform the

applicant, within 15 days of receipt of the application for approval of Zoning, PUD, Corridor Development Plan or PUD Major Amendment, that an application to amend the Comprehensive Plan is required and shall provide an application form for completion by the applicant. The requirement for a concurrent application for Comprehensive Plan amendment may necessitate an extended timeframe of review.

2. Amendments of the Comprehensive Plan Not Generated by Proposed Zoning Changes

Should any person, corporation, partnership, limited liability company, or other association request an amendment of the Comprehensive Plan that is not generated by a proposed zoning change or development proposal as described above, the party requesting the amendment shall submit an application for amendment of the Comprehensive Plan on the form provided by the TMAPC staff. TMAPC staff shall review and present the application to the TMAPC within 30 days of receipt of the application, and the TMAPC shall determine whether to initiate the requested amendment. Should the TMAPC initiate the requested amendment, TMAPC staff shall, in coordination with City of Tulsa Planning Staff, prepare a recommended timeline for staff review and recommendation regarding the proposal and shall submit the recommended timeline to the TMAPC at its next scheduled meeting.

D. Relationship of various initiatives to the Comprehensive Plan

The purpose of the Comprehensive Plan, as stated in the adopting Resolution No. 2581:900 is to bring about coordinated physical development in an area in accord with present and future needs and is developed to conserve the natural resources of an area, to ensure the efficient expenditure of public funds, and to promote the health, safety, convenience, prosperity, and general welfare of the people of the area. It is the purpose and intent that the Comprehensive Plan be a guide for many initiatives, however, few necessitate being adopted as a comprehensive plan amendment. The table below provides guidance on how various initiatives should be reviewed and/or included in the Comprehensive Plan.

Items	Adopt as an Amendment	Adopt as supporting information or guidelines	Issue Conformance statement
Small area & neighborhood plans			
Plan and Land Use Map	X		X
Goals, objectives, policies, recommendations	X		X
Background, public process, etc.		X	X
*Functional plans		X	X
Other types of plans, studies & initiatives			X
Capital Improvement Plans			X

*Examples of Functional Plans: Major Street & Highway Plan; Trails Master Plan and Map; Arkansas River Corridor Master Plan; Zoo Master Plan, Parks Master Plan, etc.

E. Amendments to Functional and Other Types of Plans

Functional and other types of plans will be amended through the same process as their initial adoption. If they have been adopted as supporting information or guidelines, consideration of proposed changes that are in keeping with the comprehensive plan will be administered at a staff level to reflect current best practices or procedural changes. If a plan, study or initiative has been issued a statement of conformance with the Comprehensive Plan, staff will review proposed amendments and review against applicable plan policies. An updated statement will be issued providing specific justification to support the proposed changes if they are in fact in conformance with the Comprehensive Plan. If staff finds proposed changes to be inconsistent with the Comprehensive Plan, a staff report and draft statement of conformance will be developed and provided to the TMAPC for action.

Date Approved: January 9, 2013

Chairman

ATTEST:

Secretary

PC/ethics
revised 1.09.13

Ms. Miller stated that this is some corrections for the TMAPC Policies and Procedures and Code of Ethics. Ms. Miller explained that upon review it was discovered that the version used for the January 2013 changes did not include changes that were adopted by Planning Commission on August 17, 2011. The subject document reincorporates those changes that were previously adopted by the Planning Commission on August 17, 2011. Staff wanted to clean this up before relooking at the Policies and Procedures and Code of Ethics this year.

TMAPC COMMENTS:

Mr. Covey asked staff if all of this has been presented before and approved, but today is simply to get it all into one document. Ms. Miller answered affirmatively.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **WALKER**, TMAPC voted **8-0-0** (Covey, Dix, Edwards, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Midget "absent") to **APPROVE** the corrected TMAPC Policies and Procedures and Code of Ethics.

* * * * *

22. Commissioners' Comments

None.

* * * * *

TMAPC Action; 8 members present:

On **MOTION** of **WALKER**, TMAPC voted **8-0-0** (Covey, Dix, Edwards, Liotta, Perkins, Shivel, Stirling, Walker "aye"; no "nays"; none "abstaining"; Carnes, Midget "absent") to **ADJOURN** TMAPC meeting No. 2666.

* * * * *

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 4:23 p.m.

Date Approved:

02-19-2014


Chairman

ATTEST: 
Secretary