

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2725

Wednesday, July 6, 2016, 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		Fernandez	Ling, COT
Covey		Hoyt	VanValkenburgh, Legal
Dix		Miller	
Fretz		Sawyer	
Midget		White	
Millikin		Wilkerson	
Reeds			
Shivel			
Stirling			
Walker			
Willis			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, July 1, 2016 at 8:35 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 1:32 p.m.

REPORTS:

Chairman's Report:

Chairman Covey congratulated Michael Willis on being elected as Tulsa County Clerk.

Work Session Report: A work session will be held on July 20, 2016 to discuss the Sector Plan update.

Director's Report:

Ms. Miller reported on the progress of the Subdivision Regulation update and the Zoning Code amendments to clarify new provisions and new situations not anticipated. Ms. Miller stated work has started on the follow up item to the

landscape ordinance. Staff is also looking at the hierarchy of approvals in the River Design Overlay to make easier if people need to vary from it. The Mayor signed the River Design Overlay on July 5, 2016 and the River Design Overlay map amendments will be presented to TMAPC on August 17, 2016.

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1. **Minutes:**

Minutes of June 15, 2016, Meeting No. 2724

Approval of the minutes of June 15, 2016, Meeting No. 2725

On **MOTION** of **Dix**, the TMAPC voted 11-0-0 (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the minutes of the meeting of June 15, 2016, Meeting No. 2724.

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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.

2. **LS-20893** (Lot-Split) (CD 3) – Location: Northwest corner of East Independence Street and North Birmingham Place
3. **LC-782** (Lot-Combination) (CD 1) – Location: North of the northwest corner of East Haskell Street and North Quincy Avenue
4. **LS-20894** (Lot-Split) (CD 3) – Location: South of the southeast corner of East Apache Street and North Yale Avenue
5. **LC-783** (Lot-Combination) (CD 1) – Location: North of the northwest corner of West TecuMs.eh Place and North Quannah Avenue
6. **LC-784** (Lot-Combination) (CD 3) – Location: South of the Southwest corner of East Pine Street and North 105th East Avenue
7. **LS-20895** (Lot-Split) (County) – Location: Southeast corner of East 156th Street North and North Memorial Drive
8. **LS-20896** (Lot-Split) (CD 4) – Location: East of the southeast corner of East 1st Street South and South Elgin Avenue (Related to: LC-788)
9. **LC-788** (Lot-Combination) (CD 4) – Southeast corner of East 1st Street South and South Elgin Avenue (Related to LS-20896)

10. **Change of Access** – Location: 1919 North Garnett Road, Lot 2, Block 1, Green Valley Industrial Park, (CD 3)

STAFF RECOMMENDATION:

Lot 2, Block 1, Green Valley Industrial Park

This application is made to allow a change of access to shift and widen one access along North Garnett Road. The property is zoned IM.

Staff recommends approval of the change of access. The Traffic Engineer has reviewed and approved the request. Staff recommends **APPROVAL** of the change of access as submitted.

11. **Tulsa Hills Healthcare Community** – Final Plat, Location: West of northwest corner of West 71st Street South and South Elwood Avenue, (CD 2)

STAFF RECOMMENDATION:

This plat consists of 3 Lots, 1 Block, on 10.90 acres.

Staff has received release letters for this plat and can recommend **APPROVAL** of the Final Plat.

13. **PUD-675-3 Steven Kueny**, (CD 8) Location: 10821 South Winston Avenue requesting **PUD Minor Amendment** to reduce required rear yard setback from 25 feet to 12 feet 6 inches to permit a proposed covered patio addition.

STAFF RECOMMENDATION:

SECTION I: PUD-675-3 Minor Amendment

Amendment Request: Modify the PUD Development Standards to reduce required rear yard setback from 25 ft to 12 ft 6 in to permit a proposed covered patio addition.

The applicant had originally requested the rear yard setback be reduced to 17 ft, however, upon examination of the drawings provided by the applicant, staff has determined the request should have been for a greater encroachment. The information provided by the applicant shows the encroachment into the rear yard would be 12'-4", thus the revised request for a reduced rear yard setback of 12 ft 6 in to permit the proposed addition as shown on the applicant plans provided.

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

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

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the PUD.
- 2) All remaining development standards defined in PUD-675 and subsequent minor amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to reduce required rear yard setback from 25 ft to 12 ft 6 in to permit a proposed covered patio addition.

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **DIX**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis “aye”; no “nays”; none “abstaining”; none “absent”) to **APPROVE** Items #2-11 and #13 of the Consent Agenda per staff recommendation.

Item #12 was removed from the consent agenda by Mr. Covey.

Ms. Millikin read the opening statement and rules of conduct for the TMAPC meeting.

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CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

12. **PUD-330-A-1 Mark Capron,** (CD 4) Location: Northwest corner of South Riverside Drive and South Denver Avenue requesting **PUD Minor Amendment** to modify permitted access to allow for refuse truck and service vehicle access off of West 17th Street.

STAFF RECOMMENDATION:

SECTION I: PUD-330-A-1 Minor Amendment

Amendment Request: Amend the PUD Development Standards to modify permitted access to allow for refuse truck and service vehicle access off of W. 17th Street.

The development standards for PUD-330-A limited all access points on W. 17th Street to entrance only. This was intended to help lessen the traffic impact on W. 17th Street. Due to the nature of the site, the trash dumpsters for this project are to be located in an inside space south of the SE corner of W. 17th Street and S. Elwood Avenue. Due to grading at this location, the access to this inside trash needed to be located off of W. 17th Street. This would conflict with the entrance only requirement, since trash collection vehicles would need to both enter and exit from W. 17th Street. The proposed minor amendment would allow the trash collection vehicles to both enter and exit from W. 17th Street. The amendment would also allow for access to this point for infrequent service access for building maintenance. Dumpsters would be required to be located inside the building. Residents and guests would still be limited to entrance only from W. 17th Street.

The applicant is also proposing to screen the service area and drive with a minimum 4 ft masonry wall, composite fencing or green wall system similar to the concept shown on applicant Exhibit 'A'. The service area fence and gate along W. 17th Street is to be metal with a maximum 20% opening and minimum 4 ft height similar to the concept shown on applicant Exhibit 'B'.

Staff Comment: This request can be considered a Minor Amendment as outlined by Section 30.010.1.2.c (6) of the City of Tulsa Zoning Code.

“Changes in points of access, provided the traffic design and capacity are not substantially altered.”

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the PUD.
- 2) All remaining development standards defined in PUD-330-A shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to modify permitted access to allow for refuse truck and service vehicle access off of W. 17th Street.

INTERESTED PARTIES COMMENTS:

Mr. Dix inquired as to how the trash would be collected.

Stuart Van De Wiele 320 South Boston Suite 200, Tulsa, OK 74103 represents the Applicant, Mr. Van De Wiele stated residents leave their trash outside their door and the complex will pick it up in the evening and deposit in waste container.

Mr. Dix asked if the complex accesses the dumpster through an internal access or through this gate.

Mr. Van De Wiele replied there is an internal gate to the refuse area.

Mr. Dix asked what time of the day would the waste truck collect the trash.

Mr. Van De Wiele stated it is a private service and the client can contract it anytime but typically 9 a.m. to 4 p.m. and 2 or 3 times a week.

Eric Robb 1626 S Denver Avenue, Tulsa, OK 74119

Mr. Robb stated from the applicants original drawing the neighbor's envisioned a nice pedestrian walkway down to the river on Elwood Ave. Mr. Robb asked why wouldn't the trash trucks come into the main gate and access the refuse area with a key card. Mr. Robb stated he thought the Elwood side was public property and if it is would like to have a sidewalk for residents to walk to the river.

Mr. Dix stated exhibit 12.11 shows Elwood Avenue has been vacated.

Mr. Reeds stated the property has been vacated 50 years; it is part of the lot. Mr. Reeds further stated the reason the refuse trucks can't access the refuse area from the parking garage is height of the garage won't allow a truck that size. Mr. Reeds stated he does remember a walk way to Riverside Drive.

John Vaughn 3264 South Erie Avenue, Tulsa, OK 74135

Mr. Vaughn is President of the corporation who owns the building at 1700 Riverside Drive. Mr. Vaughn states they are in complete agreement with Applicant. Mr. Vaughn stated the corporation he works for is in the process of a 7.5 million dollar renovation and believes the property will enhance their property.

Mr. Van De Wiele stated the public right of way was vacated years ago before his client owned the property. The trash trucks are tall and they can't go into the parking garage and flip the container over the top of the truck therefore the dumpsters are outside. As far as the sidewalk it was considered but not sure if residents access River Parks from Elwood. There will be sidewalks along Denver Avenue to access River Parks.

TMAPC Action; 11 members present:

On **MOTION** of **DIX**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the **PUD Minor Amendment** per staff recommendation.

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PUBLIC HEARINGS:

17. **Z-7331 Dr. S. Lee Hays**-(CD 9) Location: North of the northwest corner of South Columbia Avenue and Skelly Drive requesting rezoning from **RS-1 to OM**.(Continued from April 20, 2016, May 18, 2016, June 1, 2016 and June 15, 2016 **Continued to July 20, 2016**)

Mr. Dix stated this case has been continued three times and would like the Applicant to explain the continuance.

Mr. Reynolds stated his client and the neighbor to the north are discussing landscaping issues.

TMAPC Action; 11 members present:

On **MOTION** of **Dix**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; none "absent") to **CONTINUE** item Z-7331 to July 20, 2016 with stipulation that this will be last continuance.

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19. **Z-7348 Richard Gardner**-(CD 9) Location: Northeast corner of East Skelly Drive and South College Drive requesting rezoning from **OL to CG**. **(Withdrawn by Applicant June 23, 2016)**

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14. **LS-20882** (Lot-Split) (County) – Location: South of the southeast corner of East 191st Street South and South Sheridan Road

STAFF RECOMMENDATION:

K.S. Collins/Collins Land Survey, (6311) (AG) (County)

South of the southeast corner of East 191st Street South and South Sheridan Road

The Lot-Split proposal is to split an existing AG (Agriculture) tract into three tracts. Tracts One and Three of the resulting tracts will meet the Bulk and Area requirements of the Tulsa County Zoning Code. Tract Two received a Variance on June 21, 2016 from the Tulsa County Board of Adjustment. The Variance was to decrease the average lot width from 150 feet (the approximate average lot width is 105.58 for tract two).

The Technical Advisory Committee met on May 5, 2016 and had the following comments. A 50' right-of-way Easement is needed along South Sheridan Road.

The proposed lot-split would not have an adverse affect on the surrounding properties and staff recommends **APPROVAL** of the lot-split and the waiver of the Subdivision Regulations that no lot have more than three side lot lines.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 11 members present:

On **MOTION** of **DIX**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** Lot Split **LS-20882** per staff recommendation.

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15. **Z-7343**, Plat Waiver, North and west of the northwest corner of East 51st Street South and South Peoria Avenue, (CD 9)

STAFF RECOMMENDATION:

The platting requirement is being triggered by a rezoning to CH with an optional development plan (pending).

Staff provides the following information from TAC for their May 19, 2016 meeting:

ZONING: TMAPC Staff: The property has been previously platted.

STREETS: A 25 foot corner radius is required at intersection of Newport and Skelly. Sidewalks are required along streets.

SEWER: A 17.5 foot perimeter utility easement is required.

WATER: A 6 inch waterline exists along South Newport Avenue and a 12 inch exists along East 51st Street South for water service connections.

STORMWATER: the property is located in a City regulatory flood plain and will require delineation of an easement on the site plan. The site may also require on-site detention. The subject property is located within the Perryman Ditch – City of Tulsa Regulatory floodplain (panel 46). The site plan should include the delineated floodplain boundaries. All development within the floodplain must meet the floodplain development requirements of the City of Tulsa Revised Ordinances. Title 11 A and Title 51. Any proposed changes to the floodplain boundaries would require floodplain map revisions.

FIRE: No comments.

UTILITIES: No comments.

Staff can recommend **APPROVAL** of the plat waiver for the previously platted property.

A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:

	Yes	NO
1. Has Property previously been platted?	X	
2. Are there restrictive covenants contained in a previously filed plat?	X	
3. Is property adequately described by surrounding platted properties or street right-of-way?	X	

A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?	X*	
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?	X**	
iv. Are additional easements required?	X**	
7. Floodplain		
a) Does the property contain a City of Tulsa (Regulatory) Floodplain?	X	
b) Does the property contain a F.E.M.A. (Federal) Floodplain?		X
8. Change of Access		
a) Are revisions to existing access locations necessary?		X
9. Is the property in a P.U.D.?		X
a) If yes, was plat recorded for the original P.U.D.		
10. Is this a Major Amendment to a P.U.D.?		X
a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.?		X
11. Are mutual access easements needed to assure adequate access to the site?		X
12. Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special		X

considerations?

*Corner clip radius required.

** Overland drainage easement may be required upon further review of site plan.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 11 members present:

On **MOTION** of **DIX**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** Plat Waiver **Z-7343** per staff recommendation.

Legal Description of Z-7343:

A TRACT OF LAND THAT IS ALL OF LOTS TWELVE (12), THIRTEEN (13), FOURTEEN (14), FIFTEEN (15), SIXTEEN (16), AND SEVENTEEN(17), BLOCK SIXTEEN (16) AND A PART OF BLOCK SEVENTEEN (17), OF "BLOCKS 14, 15, 16, 17, 18, 19, 20, RIVERVIEW VILLAGE", AN ADDITION ON TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 17, BLOCK 16; THENCE NORTH 01°11'45" WEST ALONG THE WESTERLY LINE OF SAID LOTS 17, 16, 15, 14, 13, AND 12 FOR 393.60 FEET TO THE NORTHWEST CORNER OF SAID LOT 12; THENCE NORTH 88°51'33" EAST ALONG AND THROUGH THE NORTHERLY LINE OF LOT 12 FOR 192.36 FEET TO A POINT; THENCE SOUTH 1°11'45" EAST FOR A DISTANCE OF 103.49 FEET TO A POINT; THENCE SOUTH 88°49'35" WEST FOR A DISTANCE OF 10.50 FEET TO A POINT; THENCE SOUTH 1°11'45" EAST FOR A DISTANCE OF 295.37 FEET TO A POINT ON THE PRESENT NORTH RIGHT-OF-WAY LINE OF EAST SKELLY DRIVE; THENCE SOUTH 79°56'30" WEST ALONG SAID RIGHT-OF-WAY LINE FOR A DISTANCE OF 62.61 FEET TO A POINT; THENCE NORTH 1°11'45" WEST CONTINUING ALONG SAID RIGHT-OF-WAY LINE FOR A DISTANCE OF 14.97 FEET TO A POINT; THENCE SOUTH 88°51'33" WEST AND CONTINUING ALONG SAID RIGHT-OF-WAY LINE, FOR A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING;
SAID TRACT CONTAINING 73,292 SQUARE FEET OR 1.683 ACRES.

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16.CO-1 Lou Reynolds-(CD 6) Location: West of the Southwest Corner of South 145th East Avenue and East 51st Street South requesting a **Corridor Development Plan**. (continued from May 18, 2016 and June 15, 2016)

STAFF RECOMMENDATION:

SECTION I: CO-1

Staff Comment: The applicant's development concept included below, indicates that the corridor collector street will be built in phases. City Planning and City Engineering support staff recommendation that the

corridor collector street from the west edge of West Fargo Street to the East 51st Street will be constructed as one project. Phasing of the corridor collector street is not recommended by Staff.

The applicant has stated that a fee in lieu of detention is not required. The fee is not a consideration of the corridor development plan. The appropriateness of that statement will be determined during the IDP process at the City of Tulsa.

APPLICANTS DEVELOPMENT CONCEPT:

The Project is comprised of approximately 74 acres of land and is located between East 51st Street South and the Broken Arrow Expressway.

More particularly, the Project is bounded on the north by East 51st Street, the east by an apartment complex and a car dealership in the City of Broken Arrow, the south by the Broken Arrow Expressway and the west by raw land that is heavily impacted by storm water and flood plain.

An Aerial Photograph with the Project boundary depicted is attached hereto as Exhibit "A".

The Project is planned with three (3) development areas. Such development areas have been named Development Area "A", Development Area "B" and Development Area "C".

A Conceptual Site Plan and Circulation Plan for the Project is attached hereto as Exhibit "B".

Development Area "A" contains approximately 24.74 (net) acres and is planned as a 375¹ unit three (3) story garden apartment project.

Development Area "B" contains approximately 38.96 (net) acres. Because Development Area "B" is not currently being planned for development, this Corridor Development Plan proposes, through the use of a map (attached hereto as Exhibit "B") a Conceptual Corridor Development Plan for Development Area "B".

Development Area "C" contains approximately 10.77 (net) acres and is planned as a detention facility and open space for all of the Project. Initially, Development Area "C" will be developed to detain storm water from Development Area "A". Development Area "C" has the capacity and will ultimately be developed to detain storm water for all of the Project. Development Area "C" will be conveyed to a property owners association that will be responsible for the maintenance thereof.

¹ Development Area "A" has the lot area to allow over a thousand apartment units, but Development Area "A", like other parts of the Project, is challenged by storm water and related topography such that approximately 55.5% of the Project is not readily developable.

The Development Standards for Development Area “A”, Development Area “B” and Development Area “C” are in Section II, below.

Initially, access to Development Area “A” will be from two (2) points on East 51st Street South. Upon the development of Development Area “B”, a corridor collector street will be built to connect East 51st Street South to West Fargo Street in the City of Broken Arrow.

A Cross-Section showing the right-of-way width, paving width, as well as the sidewalks and landscaping within the right-of-way is shown on Exhibit “B-1” attached hereto.

Such corridor collector street may, with the approval of the City, be built in phases, as it is unlikely all of Development Area “B” will be developed at the same time.

Because the construction of such corridor collector street will occur after the development of Development Area “A”, at the time of platting Development Area “A”, the portion of such corridor collector street that is adjacent to and abuts Development Area “A” will be dedicated, but such corridor collector street adjacent Development Area “A” will be built later, as a part of the development of Development Area “B”.

Development Area “A” will have at least one (1) vehicular access point upon such corridor collector street. Finally, Development Area “A” will have at least one (1) pedestrian access point on the east boundary of Development Area “A” and the south boundary of Development Area “A” into Development Area “B”.

With respect to any street connections between the Project and the land to the west of the Project, such connections will be addressed during the platting and development of the southerly portion of Development Area “B”.

The Project is located within an “Area of Growth” and is designed in the Land Use Plan Category as “Town Center”, thus the Project is consistent with and complies with the Comprehensive Plan. The Project has been zoned CO – Corridor District since 1981 (Ordinance No. 15052; Z-5527), and the Project complies with the CO District as demonstrated through and as modified by this Corridor Development Plan.

Storm water from the Project will be detained within Development Area “C”, as a result fee in lieu of detention is not anticipated for the Project.

The Existing Topography and FEMA Floodplain Map for the Project is attached hereto as Exhibit “C”.

Water, sanitary sewer, electric, gas, telephone and cable television are either currently available to the Project or can be readily extended as needed.

The Drainage Plan for the Project is shown on the Existing and Proposed Utility Plan attached hereto as Exhibit "D".

Existing Soils are depicted on Exhibit "E" attached hereto.

The Legal Description for the Project is attached hereto as Exhibit "F".

The Legal Description for Development Area "A" is attached hereto as Exhibit "G".

The Legal Description for Development Area "B" is attached hereto as Exhibit "H".

The Legal Description for Development Area "C" is attached hereto as Exhibit "I".

SECTION II: CO-1 DEVELOPMENT STANDARDS:

Staff Comment: Generally the development standards that have been included in the following document allow the Town Center development anticipated in the Comprehensive Plan and support the corridor collector street system that is illustrated in the Major Street and Highway Plan. The development plan does not require a Town Center development pattern. Staff, at several levels within the City, agrees that the first phase of the project should incorporate the entire corridor collector street for the 74 acre parcel from East 51st Street South to the stub street from Broken Arrow at the southeast end of the project. However, the proposal as outlined in the development plan anticipates that Development Area A will be constructed without any participation in the construction of the corridor collector street.

DEVELOPMENT AREA "A"

GROSS AREA: 25.62 Acres

PERMITTED USES:

Residential, limited to Patio House, Townhouse, Cottage House development, Multi Unit House and Apartments with uses customarily accessory to the allowed principal uses.

MINIMUM LOT AREA PER DWELING UNIT: 1,000 SF

MINIMUM LOT SIZE: 5,000 SF

MAXIMUM BUILDING HEIGHT:

75 Feet

MINIMUM BUILDING PERIMETER SETBACKS:

From East 51 st Street	25 FT
East boundary of Development Area "A"	
From corridor collector street frontage along east boundary of Development Area "A"	10 FT
From east boundary of Development Area "A" that is not adjacent to or abuts the corridor collector street.	10 FT
From south boundary of Development Area "A"	25 FT
From west boundary of Development Area "A"	25 FT
From internal boundaries	10 FT

MINIMUM OFF-STREET PARKING SPACES (APARTMENTS*): 1.5 per dwelling unit**

* Otherwise, parking shall be as provided in the Tulsa Zoning Code.

** Parking space ratio required for dwelling units without regard to the number of bedrooms.

MINIMUM BICYCLE PARKING SPACES:

As provided in the Tulsa Zoning Code.

OTHER LOT AND BUILDING REGULATIONS:

As established within the RM-3 District.

SIGNS:

All signs shall meet the standards of the Tulsa Zoning Code for R and AG districts except as further defined below:

Ground Signs:East 51st Street:

One (1) ground sign shall be permitted at each vehicular entrance on East 51st Street. The maximum aggregate area of multiple signs may not exceed 150 SF of display surface area and

20 FT in height. A single sign may not exceed 150 square feet of display surface area and 20 feet in height.

Corridor Collector Street

One (1) ground sign shall be permitted at each vehicular entrance from the corridor collector street. The maximum aggregate area of multiple signs may not exceed 100 SF of display surface area. A single sign may not exceed 100 SF of display surface area and 15 FT in height.

Wall signs are prohibited.

LANDSCAPING:

Landscaping for the Project shall, at a minimum, comply with the landscaping standards of the Tulsa Zoning Code. Final landscaping design and standards shall be determined upon Detail Site Plan and Detail Landscape Plan approval.

In addition to the landscape requirements of the Zoning Code street trees will be installed and maintained along the length of the corridor collector street with a maximum spacing of 50 feet in the street right of way and on both sides of the street. Those trees will be installed as part of the street construction project.

LIGHTING:

Lighting for the Project shall, **at a minimum**, comply with applicable City of Tulsa standards **as defined in the Tulsa Zoning Code**. Final lighting design and standards shall be determined upon Detail Site Plan and Detail Landscape Plan approval.

TRASH, MECHANICAL AND EQUIPMENT AREAS:

All trash, mechanical and equipment areas (excluding utility service transformers, pedestals or other equipment provided by franchise utility providers), including building-mounted, shall be screened from public view in such a manner that such areas cannot be seen by persons standing at ground level.

Trash dumpsters shall be screened by masonry construction with steel frame doors. The door shall be covered with appropriate covering containing a minimum of ninety-five percent (95%) opacity to the gate frame.

DEVELOPMENT AREA "B"

GROSS AREA:

39.60 Acres

PERMITTED USE CATEGORIES:

Residential, limited to Patio House, Townhouse, Cottage House development, Multi Unit House and Apartments, Public, Civic and Institutional, limited to College or University, Day Care, Fraternal Organization, Government Service, Hospital, Library or Cultural Exhibit, Natural Resource Preservation, Postal Services, Religious Assembly, Safety Service, School, Wireless Communication Facility, Commercial, limited to Small and Large Indoor Assembly and Entertainment, Broadcast or Recording Studio, Commercial Service, Financial Services, Funeral or Mortuary Service, Lodging, Office, Restaurants and Bars, Retail Sales, Studio, Artist or Instructional Service, Trade School, Vehicle Sales and Service, Wholesale, Distribution and Storage except outdoor storage is prohibited, Agricultural, Other, but limited to

Drive-in or Drive-through Facility (as a component of an allowed use) and uses customarily accessory to the allowed principal uses.

MINIMUM LOT AREA PER DWELING UNIT: 1,000 SF

MINIMUM LOT SIZE: 5,000 SF

MAXIMUM BUILDING HEIGHT: 75 feet

MINIMUM BUILDING PERIMETER SETBACKS:

From East 51 st Street	25 FT
East boundary of Development Area "B"	
From corridor collector street frontage along east boundary of Development Area "B"	10 FT
From east boundary of Development Area "B" that is not adjacent to or abuts the corridor collector street.	10 FT
From south boundary of Development Area "B"	25 FT
From west boundary of Development Area "B"	25 FT
From internal boundaries	10 FT

MINIMUM OFF-STREET PARKING SPACES (APARTMENTS*): 1.5 per dwelling unit**

* Otherwise, parking shall be as provided in the Tulsa Zoning Code.

** Parking space ratio required for dwelling units without regard to the number of bedrooms.

MINIMUM BICYCLE PARKING SPACES: As provided in the Tulsa Zoning Code.

SIGNS:

All signs shall meet the standards and sign budget of the Tulsa Zoning Code for commercial districts except as further defined below:

Ground Signs:

East 51st Street:

One (1) ground sign shall be permitted at each vehicular entrance on East 51st Street. The maximum aggregate area of multiple signs may not exceed 150 SF of display surface area and 20 FT in height. A single sign may not exceed 150 square feet of display surface area and 20 feet in height.

Corridor Collector Street:

One (1) monument sign shall be permitted at each vehicular entrance from the corridor collector street. The maximum aggregate area of multiple signs may not exceed 100 SF of display surface area. A single sign may not exceed 100 SF of display surface area and 15 FT in height.

Broken Arrow Expressway:

One (1) ground sign shall be permitted along the Broken Arrow Expressway with a maximum of 300 SF of display surface area and 30 FT in height.

LANDSCAPING:

Landscaping for the Project shall, at a minimum, comply with the landscaping standards of the Tulsa Zoning Code. Final landscaping design and standards shall be determined upon Detail Site Plan and Detail Landscape Plan approval.

LIGHTING:

Lighting for the Project shall, **at a minimum**, comply with applicable City of Tulsa standards **as defined in the Tulsa Zoning Code**. Final lighting design and standards shall be determined upon Detail Site Plan and Detail Landscape Plan approval.

TRASH, MECHANICAL AND EQUIPMENT AREAS:

All trash, mechanical and equipment areas (excluding utility service transformers, pedestals or other equipment provided by franchise utility providers), including building-mounted, shall be screened from public view in such a manner that such areas cannot be seen by persons standing at ground level.

Trash dumpsters shall be screened by masonry construction with steel frame doors. The door shall be covered with appropriate covering containing a minimum of ninety-five percent (95%) opacity to the gate frame.

OTHER LOT AND BUILDING REGULATIONS:

As established within the CG District.

DEVELOPMENT AREA "C"

GROSS AREA:

10.77 Acres

PERMITTED USES:

Storm Water Drainage, Storm Water Detention Facilities, Water Features, Open Spaces, Sidewalks, Trails and Landscaping.

GENERAL PROVISIONS:

A. VEHICULAR ACCESS AND CIRCULATION PHASING REQUIREMENTS:

As a part of the development of the Project, a corridor collector street will be constructed connecting East 51st Street South to West Fargo Street from the City of Broken Arrow.

Depending on the timing of development within the Project, such corridor collector street may be constructed in phases, as provided below. However, the right of way for such corridor collector street will be dedicated simultaneously with the filing of the first plat within the Project.

If, as initially planned, Development Area A is the first portion of the Project to be developed, Development Area A and Development Area C will be platted in a single plat.

Development Area "A" will have at least one (1) access point upon such corridor collector street.

Also, Development Area "A" will have at least one (1) pedestrian access point on the east boundary of Development Area "A" and the south boundary of Development Area "A" into Development Area "B".

The location of such pedestrian access points from Development Area "A" into Development Area "B" will be determined at the time of the development of Development Area "B".

No collector street construction is required for Development Area A however the street right of way will be dedicated for the entire length of the corridor collector from 51 to the Fargo Street dead end at the south east corner of the site.

A final plat will not be released for the north portion of Development Area B until a corridor collector street is constructed from the south boundary of Development area A to East 51st Street South.

A final plat will not be released and a building permit will not be issued for the any part of the south portion of Development area B until the full corridor collector street is constructed from the west end of Fargo to East 51st Street South and a public street is constructed from the corridor collector street to the west boundary of the Development Area.

At the time the corridor collector street is dedicated, a restrictive covenant, in favor of the City, will imposed against Development Area B providing that the corridor collector street will be constructed as provided above.

See the Site Plan for Development Area “A” and Conceptual Site Plan for Remainder of Project and Circulation Plan attached hereto as Exhibit “B” for more specificity about access and circulation.

Also see Exhibit “B-1” for more specificity about the proposed corridor collector street and related improvements.

B. SCHEDULE OF DEVELOPMENT:

Development of the Project is expected to be in phases and begin in the Fall of 2016, with Development Area “A” being developed first. Such first phase of development in the Project will be platted to include all of Development Area “A” and all of Development Area “C”. Such plat will also include that portion of Development Area “B” that is adjacent to and abuts Development Area “A” with such portion of Development Area “B” being then platted for corridor collector street purposes with the construction of such street to be deferred until Development Area “B” is developed. Development of any Development Area may only begin after approval of a Detail Site Plan and the platting of such Development Area in accordance with the Development Standards of such Development Area.

DETAILED STAFF RECOMMENDATION:

Staff started discussion regarding this project in January of 2015. Staffs primary concern was that the proposal did not implement significant components of the Town Center Vision or purpose statement of a Corridor Development Plan. The Corridor Development Plan outlined above has been prepared to allow and encourage high-intensity, multi-use development however this Plan does not require development to meet the general characteristics of a Town Center and;

This site is a green field site and the Corridor Development Plan meets the following purposes required in the Corridor District:

- 1) Accommodates intensive uses and development near high-capacity thoroughfares;
- 2) Allows for a wide range of lifestyles and housing types close to employment, recreational shopping, and cultural facilities;
- 3) Maximizes the interrelationship between land use and transportation and in particular encourages development patterns compatible with the evolution of transit;
- 4) Provides direct, safe and convenient non-motorized travel routes within the boundaries of the development site, as well as connections to abutting properties;
- 5) Maximizes use of higher capacity segments within the city’s overall transportation network;

- 6) Accommodates a more productive use of land consistent with the public objectives and standards of accessibility and land use compatibility; and
- 7) Maintains the traffic carrying capacity of the city's transportation network by encouraging access from internal streets or private drives.

The proposed corridor development meets the Supplemental Review and Approval Criteria as follows:

- 1) The proposed corridor development plan will be compatible with the existing and expected development of surrounding areas;
- 2) The proposed corridor development provides some unified treatment of the development possibilities of the project site;
- 3) Provisions have been made for proper access, circulation, and functional relationships of uses; and
- 4) The proposed corridor development is consistent with the stated purposes of the Tulsa Zoning Code; therefore

Staff recommends Approval of CO-1 as outlined in Section II above.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The proposal for CO-1 allows development that is consistent with the Town Center vision of the Comprehensive Plan. A few details have not been integrated into the proposed Corridor Development Plan to support walking, short drives or bike access to the amenities that could be blended creating a town center neighborhood. The apartment use is an acceptable use and detailed implementation of the site plan can help implement a Town Center development.

Land Use Vision:

Land Use Plan map designation: Town Center

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

Areas of Stability and Growth designation: Area of Growth

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

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

Transportation Vision:

Major Street and Highway Plan: A collector street is anticipated in this parcel. The collector street can allow on-street parking and provide alternative means of connectivity. The town center encourages on street parking and buildings placed to create a comfortable pedestrian environment.

The collector street will ultimately tie into West Fargo Street in Broken Arrow. The street right of way in Broken Arrow has been provided and the pavement surface has also been constructed. Some redevelopment of the existing car dealership pavement system will be required as outlined in a license agreement provided to the City of Broken Arrow.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is vacant and has been historically used for grazing cattle and horses. The site development is limited by a floodplain in the center of the property. Staff supports significant increase in density

for multifamily, office, and commercial uses to support the town center development that could be centered at this locations. Staff supports creating a green space opportunity in the floodplain area to satisfy appropriate green space needs for a town center density at this location.

Topography:

The Project Topography is shown on the Existing Topography and FEMA Flood Plain Map for the Project attached hereto as Exhibit "C". The site falls generally from east to west.

The site topography falls from approximately 736 feet above mean sea level at the highest point to approximately 715 feet above mean seal level at the lowest point.

Soils:

The USDA Web Soil Survey was used to identify the soil types and possible constraints to development. Soils on the site include Okemah-Parsons-Pharaoh complex (41%), Apperson silty clay loam (24.3%), Dennis-Radley complex (22.3%) and Dennis and Catoosa silt loam and Catoosa-Shidler-Rock outcrop complex for the balance, which soil types are shown on Exhibit "E", Existing Soils, attached hereto. Soils shall be stabilized within the areas of building, street and parking lot construction in accordance with geotechnical report recommendations.

Environmental Considerations: The floodplain at this site will significantly affect site development on this property and property west of this site. Land west of this site will require access so street stubs to the west near the Broken Arrow Expressway will be required.

Streets:

<u>Exist. Access</u>	<u>MS.HP Design</u>	<u>MS.HP R/W</u>	<u>Exist. # Lanes</u>
East 51 st Street	Secondary Arterial	100 feet	2

Utilities:

Water: The Project will be served by City of Tulsa water using mains located on site or by necessary extensions.

Sanitary Sewer: The Project will be served by City of Tulsa sanitary sewer using mains located on site or by necessary extensions.

Other Utilities: The Project has access to electric, natural gas and communication services by virtue of lines located on site or otherwise will be served by line extension as necessary.

The existing and proposed utilities are shown on Exhibit "D" – Existing and Proposed Utility Plan attached hereto.

Drainage: The proposed and existing drainage is shown on Exhibit "D" – Existing and Proposed Utility Plan attached hereto.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RM-1	Town Center	Growth	Vacant
East	(Broken Arrow Multi Family)	(Broken Arrow) Level 3 transition area, supports multi family, and neighborhood mixed use districts and Regional Employment/Commercial	NA	Multi Family, Mini Storage and auto dealership
South (across expressway)	CH IL (south of expressway)	(Broken Arrow) Regional Employment/Commercial	NA	Single family residential
West	AG / CO	Employment Center	Area of Growth	Vacant

SECTION IV: Relevant Zoning History

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

Subject Property:

BOA-16601 March 8, 1994: The Board of Adjustment approved a Variance to relocate 2 existing non-conforming signs within 1200' of each other on the same side of the freeway corridor; subject to the nonconforming status remaining the same (removal in January 1995); finding that the State is requesting that the signs be relocated; and finding that moving the signs' 25' to the north and complying with the 10' setback requirements will not cause substantial detriment, on property located at 13601 E. Broken Arrow Expressway and also known as the subject property

Surrounding Property:

PUD-669 February 2003: All concurred in approval of a proposed Planned Unit Development on an 11.19+ acre tract of land for a 180-unit multifamily development on property located west of the northwest corner of East 51st Street South and South 145th East Avenue and abutting north across E. 51st St.

BOA-21146: The Board of Adjustment approved a Special Exception to permit a multi-family dwelling use (Use Unit 8) in the OL district (Section 601) to permit an adjoining proposed multi-family dwelling development's leasing office/resident clubhouse, outdoor pool area, and mail kiosk and signage, with the condition that sidewalks be included along any an all public right-of-ways in the development. It is noted there ar no multifamily units in the OL portion of the project; this will

return for a subdivision plat; per conceptual plan 3.7, on property located east of the northeast corner of E. 51st St. and S. 129th E. Ave. and northeast of subject property.

INTERESTED PARTIES COMMENTS:

Lou Reynolds 2727 East 21st Street Tulsa, OK

Mr. Reynolds stated the applicant is in agreement with staff. Mr. Reynolds stated There were a few amendments handed out to commissioners right before the meeting and would like to submit those as part of the approval.

Mr. Walker asked was the application to market the property or is it under contract.

Mr. Reynolds stated the Development Area A is under contract but the rest is not under contract.

Mike Joyce 3521 South Columbia Place, Tulsa, OK 74105

Mr. Joyce stated he represents the property to the west and they are in support of the application. The main concern was drainage and the applicant has provided topographical report so we are in support per staff recommendation.

Mr. Midget would like to thank staff and developer for working out an agreement to assure the roads are built.

TMAPC Action; 11 members present:

On **MOTION** of **Carnes**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis “aye”; no “nays”; none “abstaining”; none “absent”) to **APPROVE** the **Corridor Development Plan** per staff recommendation.

Legal Description of CO-1:

A TRACT OF LAND THAT IS A PART OF THE WEST HALF OF THE NORTHEAST QUARTER (W/2 NE/4) OF SECTION THIRTY-THREE (33), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST, OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTH 88°43'13" EAST, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, FOR A DISTANCE OF 1321.69 FEET; THENCE SOUTH 1°22'57" EAST, DEPARTING SAID NORTH LINE, FOR A DISTANCE OF 2587.56 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 88°41'42" WEST, ALONG SAID SOUTH LINE, FOR A DISTANCE OF 429.16 FEET; THENCE NORTH 60°12'49" WEST, DEPARTING SAID SOUTH LINE, FOR A DISTANCE OF 849.68 FEET; THENCE NORTH 53°26'46" WEST FOR A DISTANCE OF 209.83 FEET TO A POINT ON THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 1°22'58" WEST, ALONG SAID WEST

LINE, FOR A DISTANCE OF 2020.58 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINING 3,177,538 SQUARE FEET OR 72.946 ACRES.

Basis of Bearing

THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM 1983 (NAD83); SAID BEARINGS ARE BASED LOCALLY UPON FIELD-OBSERVED TIES TO THE FOLLOWING MONUMENTS:

(1) 3/4" IRON PIN FOUND AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER (NE/4) OF SECTION 33;

(2) BRASS CAP FOUND AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER (NE/4) OF SECTION 33;

THE BEARING BETWEEN SAID MONUMENTS BEING NORTH 88°43'13" EAST.

* * * * *

18. **Z-7340 F. Darren Francisco**-(CD 2) Location: North of the northwest corner of South 57th West Avenue and West 22nd Street South requesting rezoning from **RS-3 to IL with Optional Development Plan**. (Continued from June 1, 2016)

STAFF RECOMMENDATION:

SECTION I: Z-7340

DEVELOPMENT CONCEPT:

The rezoning request will support a trucking and delivery company that is currently operating on the site. An optional development plan has been included in the request to further limit uses and define development standards beyond the minimum development standards required in the Tulsa Zoning Code.

(Staff note): The following Optional Development Plan standards have been developed after the original public hearing on June 1, 2016.

SECTION II: OPTIONAL DEVELOPMENT PLAN STANDARDS:

Permitted Uses:

The following uses are the only uses allowed in the Development Plan Area:

- 1) Trucking and transportation terminal with a maximum size of 10,000 sf.
- 2) Equipment and materials storage, outdoor

Lighting:

The lighting shall meet the standards of the Tulsa Zoning Code and shall be pointed down and away from the adjacent property lines.

Fencing:

Install a wood privacy fence surrounding the development area. The wood fence shall be a minimum 6' height along the south, west and north. The fence shall have a cap detail the post shall be metal with a maximum spacing of 8 feet. Fencing with a "dog ear" top is prohibited.

Fencing on the east side of the site shall be a maximum height of 6 feet and placed a minimum of 25 feet west of the planned street right of way on South 57th West Avenue.

Surfacing:

All vehicular and outdoor storage areas shall be paved with asphalt or concrete. Gravel surfaces for any reason are prohibited.

Landscaping:

In addition to the landscape standards required in the Tulsa Zoning Code, a double row of evergreen trees will be planted and maintained along the entire frontage of the property between the fence and the right of way for South 57th West Avenue. The trees shall be installed and maintained at a maximum spacing of not more than 25 feet except at the drive entrance where the trees must be placed within 25 feet of the drive.

A minimum 25 foot wide landscape area is required adjacent to the south, west and north development area boundaries. For each 750 square feet of landscape area a minimum of one tree shall be installed and maintained. The minimum height at planting shall not be less than 10 feet tall.

Vehicular Access:

All vehicular traffic will access the property from South 57th West Avenue. Only one access point is allowed and must be at least 75 feet from the south property line and at least 75 feet from the north property line.

Signage:

One monument sign with a display surface area not exceeding 84 square feet is allowed with a maximum height of 12 feet.

Wall signage is prohibited on all structures except on the east facing wall.

Signage may not be illuminated from internal or external sources.

Subdivision Plat:

The rezoning request will require a plat waiver or plat waiver.

DETAILED STAFF RECOMMENDATION:

The proposed zoning map amendment is not consistent with the policy of the previously approved comprehensive plan and;

Z-7340 requesting light industrial zoning with or without an Optional Development Plan is not compatible with the existing surrounding property on the north, west and south and;

The proposed Gilcrease Expressway will remove the industrial uses east of South 57th West Avenue and help stabilize the area as a residential neighborhood and;

The existing facility was constructed without appropriate zoning approval when it was in the county. At that time the use was not consistent with the provisions of the land use designations identified in Vision 2000 Comprehensive Plan therefore;

Staff recommends Denial of Z-7340 to rezone property from RS-3 to IL with or without an Optional Development Plan.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: This area of Tulsa was annexed in 2012 after adoption of the Tulsa Comprehensive Plan. The Comprehensive Plan has not been updated to include this area. The only Comprehensive plan reference is the Vision 2000 plan. Part of the staff analysis includes references to that plan.

The area was assigned RS-3 zoning in 2014 after the property was annexed by the City of Tulsa. RS-3 zoning is consistent with the previously approved county zoning on the parcel. Aerial photo imagery illustrates that in 2013 the trees and vegetation were cleared from the site and gravel was placed on this property which had been previously zoned residential in the County. The property included in the request has never been zoned or included in a comprehensive plan that would support the requested zoning change.

Land Use Vision:

District 9: The vision 2000 plan illustrates this area as a Low Intensity Development area which does not include any non residential uses and a maximum of 6 dwelling units per acre.

Refer to the snippet below from the Vision Plan for detailed goals and objectives of the residential area of the plan.

4.3 Residential Areas

4.3.1 GOALS

- 4.3.1.1 The stabilizing of residential neighborhoods.
- 4.3.1.2 The provision of a variety of residential styles and intensities from farms to multifamily.
- 4.3.1.3 The provision of quality neighborhoods with all of the needed services and facilities.

4.3.2 OBJECTIVES

- 4.3.2.1 The public streets and facilities in the residential areas of District 9 should be given a high level of maintenance attention for the stabilizing influence that would result.
- 4.3.2.2 Existing residential neighborhoods should be given every possible public sector assistance toward stability of quality and property values on an individual, volunteer basis.
- 4.3.2.3 The enforcement of existing regulations and the correction of zoning discrepancies for the improvement of existing neighborhoods.

Transportation Vision:

Major Street and Highway Plan: This area was annexed in anticipation of the Gilcrease Expressway expansion.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

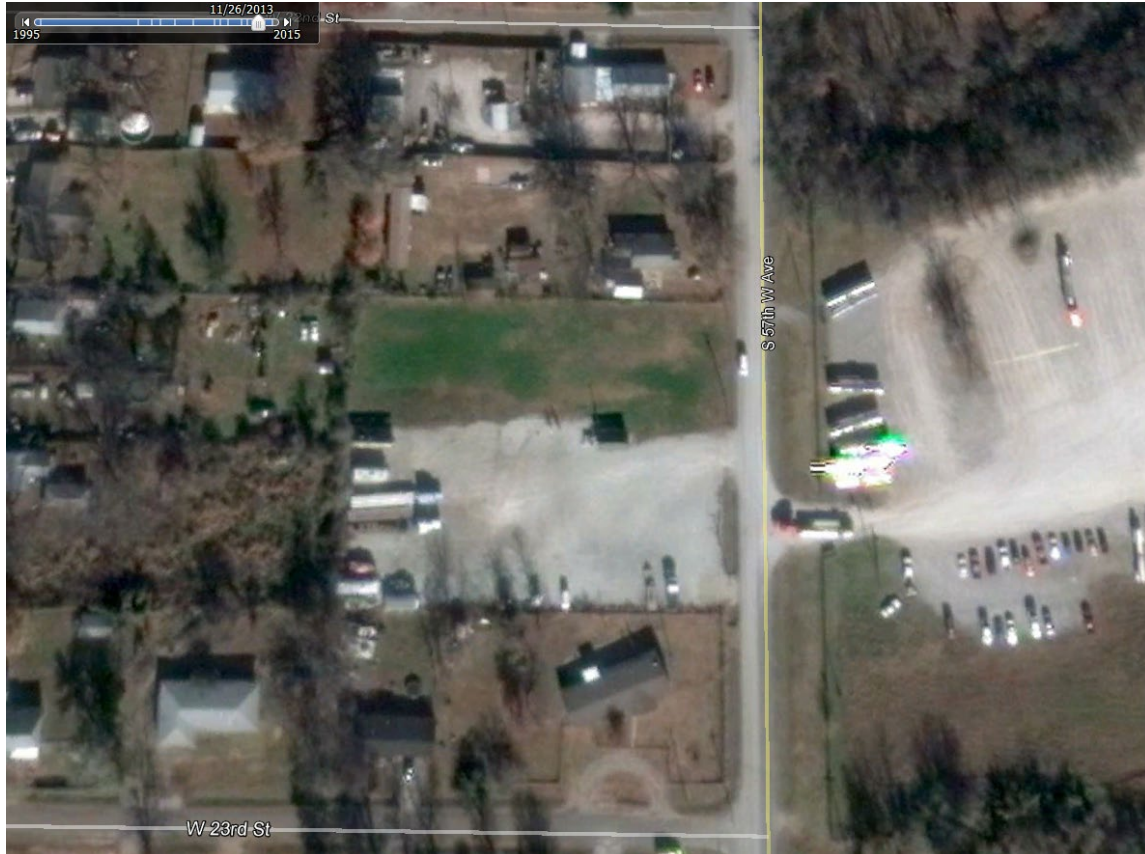
DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: See following images.

Aerial Imagery shown on the next page is dated February 4, 2013 and shows the site as a heavily wooded site. At that time the site was zoned RS in Tulsa County.



Aerial Imagery dated November 26, 2013 shows the site as a gravel parking lot:



Environmental Considerations: The existing site is surrounded on three sides with residential uses. The existing gravel lot creates a dust nuisance to the surrounding residential properties on the north, west and south. At this time there are no other known environmental considerations.

Streets:

<u>Exist. Access</u>	<u>MS.HP Design</u>	<u>MS.HP R/W</u>	<u>Exist. # Lanes</u>
South 57 th West Avenue	Residential Collector	60	2

Utilities:

The subject tract has municipal water available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use	Area of Stability or	Existing Use
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		Designation	Growth	
North	RS-3	NA	NA	Single Family Residential
West	RS (County)	NA	NA	Residential
South	RS-3	NA	NA	Residential
East	IL	NA	NA	Gravel Storage Lot

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 23084 dated April 23, 2014, established zoning for the subject property.

Subject Property:

Z-7253 April 2014: All concurred in **approval** of a request for *rezoning* 77+ acres of land from AG to RS-3/IL/IM to establish the previous zoning for property that was recently annexed into the City of Tulsa as AG, on property located in the Berryhill Annexation area and includes the subject property.

Surrounding Property:

CBOA-323 January 21, 1983: The Board of Adjustment **upheld** the decision of the Building Inspector which **denied** the appeal of the Building Inspectors decision, to permit a dog kennel in an RS district, and to allow the applicant 120 days in which to dispense with the present operation, on property located at 5729 W. 22nd St. and located northwest of subject property.

CBOA-308 December 17, 1982: The Board of Adjustment **denied** a *Variance* to operate a dog training and boarding kennel, on property located at 5729 W. 22nd St. and located northwest of subject property.

Mr. Shivel asked with the City of Tulsa acquisition of the IL property on the east side of 57th West Avenue if staff changed this property to IL would it be spot zoning.

Mr. Wilkerson stated yes.

Applicant stated he has owned the property for six years and was parking equipment on this property for six years even before City of Tulsa annexed it. The plans that Mr. Wilkerson sent to the Applicant is the first set of plans he has seen showing the alignment of the expressway. Applicant stated if the rezoning is denied it will create a financial hardship for him his company is good neighbor they pay their taxes and run a legitimate business and are a large economic impact on his community and the City of Tulsa.

Amy Sherrick 4641 South 60th West Avenue, Tulsa, OK 74107

Ms. Sherrick stated she has lived in community all her life and owns rental property near the Applicant. Ms. Sherrick stated she does not like a parking lot in her backyard. When the Applicant started using the parking lot it was only a few trucks but it has grown into parking multiple trailers and trucks. Ms. Sherrick stated there is a lot of noise also from the trucks running and backing up and Ms. Sherrick requests that this Application be denied.

Johnnie Blaylock 2208 South 57th West Avenue, Tulsa, OK 74107

Mr. Blaylock stated the County Assessor records show the Applicant bought the property October 1, 2011 and within a few weeks started clearing the property and took out most of the trees. On November 17, 2011 applicant had 800 tons of gravel delivered and that was when Mr. Blaylock made his first complaint with Tulsa County. The County told Mr. Blaylock to call the City of Tulsa who told Mr. Blaylock that the city had no record of the address because it was county but said they would check into it. Mr. Blaylock stated over a period of time when nothing had been done he assumed the applicant may have permission to operate his business but from everything Mr. Blaylock has learned from these meetings the Applicant has never had permission. Mr. Blaylock stated there were flyers received in the mail by residents stating the City of Tulsa was annexing Berryhill, Ok from Tulsa County. Mr. Blaylock stated the property values in the area will go down if the rezoning request is approved.

Mr. Francisco stated he did not have trucks running at night. Mr. Francisco stated that Mr. Blaylock has a business in the home also as does several of his other neighbors. Mr. Francisco stated when residents receive a letter from the City of Tulsa they just throw it away because they felt the City didn't have jurisdiction in Berryhill. Everything has been done as the good old boy ran through the Tulsa County system and at the time there was an inspector Mr. Parker and Lewis Long who ran District #2 and those were the people Mr. Francisco contacted when making changes to the property because he did not understand the system. Mr. Francisco stated when he purchased the property he tried to do things the correct way and applied for a variance with Tulsa County and was denied because during this process Berryhill was annexed into the city. Mr. Francisco stated he talked with Ms. Fernandez and Ms. Cue and both told Mr. Francisco that he should wait to see what the highway was going to do.

Mr. Dix stated Mr. Francisco you may have had to spend money on the gravel but now you have a few residential lots you can sell or build houses on and sell to make your money back but Mr. Dix looks at what the IL zoning does to your neighbors.

Mr. Fretz stated he would support the staff recommendation for Denial and looking at the photos submitted there appears to be a lot of code violations in the neighborhood but that doesn't support going from R3 to IL.

Mr. Covey stated at TMAPC meeting on June 1, 2016 he was leaning towards supporting Mr. Francisco's argument but since we now have the Gilcrease

Expressway map there is a definite boundary that separates residential from commercial development.

TMAPC Action; 11 members present:

On **MOTION** of **Carnes**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; none "absent") to **DENY** Item Z-7340 request for rezoning per staff recommendation.

Legal Description of Z-7340:

LTS 3 & 4 BLK 2, SECOND WEST TULSA VIEW ACRES SUB, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

OTHER BUSINESS

20. Commissioners' Comments

ADJOURN

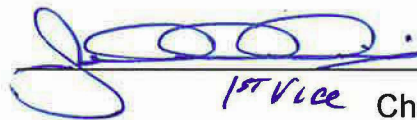
TMAPC Action; 11 members present:

On **MOTION** of **Dix**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; none "absent") to **ADJOURN** TMAPC meeting 2725.

There being no further business, the Chair declared the meeting adjourned at 2:45 p.m.

Date Approved:

7-20-16


1st Vice Chairman

ATTEST:


Secretary