

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2727

Wednesday, August 3, 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 |
|-----------------|----------------|---------------|----------------|
| Covey | Carnes | Hoyt | Barry, COT |
| Dix | Reeds | Miller | Blank, Legal |
| Fretz | Willis | Sawyer | Ling, COT |
| Midget | | White | Warlick, COT |
| Millikin | | Wilkerson | |
| Shivel | | | |
| Stirling | | | |
| Walker | | | |

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, July 28, 2016 at 3:04 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: None

Director's Report:

Ms. Miller reported on City Council actions and updated TMAPC on the River Design Overlay mailings of 2100 plus notices. Property owners along the River both affected by the River Design Overlay and others within 300 feet of the RDO received these notices and public feedback regarding the River Design Overlay has been positive. Ms Miller stated the hearing for the River Design Overlay is on August 17, 2016 TMAPC meeting and this meeting will also include two Sector Plans, North Tulsa Neighborhood Plan and the Kendall Whittier Plan. Ms. Miller further stated work is progressing on the Subdivision Regulations and internal

staff is working on clean up of some Zoning Code Amendments. The work on the Landscape Ordinance is just getting started.

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Minutes:

Approval of the minutes of July 20, 2016 Meeting No. 2726

On **MOTION** of **Dix**, the TMAPC voted 8-0-0 (Covey, Dix, Fretz, Midget, Millikin, Shivel, Stirling, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Reeds, Willis "absent") to **APPROVE** the minutes of the meeting of July 20, 2016, Meeting No. 2726.

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-20901** (Lot-Split) (CD 3) – Location: Southeast corner of east Archer Street and North Sheridan Road
3. **LC-797** (Lot-Combination) (CD 4) – Location: Southwest corner of East 24th Place South and South Peoria Avenue
4. **LC-798** (Lot-Combination) (CD 4) – Location: East of the southeast corner of East 7th Street South and South Elgin Avenue (CD 4)
5. **LC-799** (Lot-Combination) (CD 1) – Location: South of the southeast corner of West Pine Place and North Waco Avenue
6. **LS-20902** (Lot-Split) (CD 2) – Location: Northeast corner of West 37th Place and South Tacoma Avenue (Related to: LC-800)
7. **LC-800** (Lot-Combination) (CD 2) – Location: East of the northeast corner of West 37th Place South and South Tacoma Avenue (Related to: LS-20902)
8. **LS-20903** (Lot-Split) (CD 3) – Location: North and West of the northwest corner of East Apache Street and North 129th East Avenue (Related to: LS-20904 & 20905, LC-801 & 802)
9. **LS-20904** (Lot-Split) (CD 3) – Location: North and West of the northwest corner of East Apache Street and North 129th East Avenue (Related to: LS-20903 & 20905, LC-801 & 802)

10. **LS-20905** (Lot-Split) (CD 3) – Location: North and West of the northwest corner of East Apache Street and North 129th East Avenue (Related to: LS-20903 & 20904, LC-801 & 802)

11. **LC-801** (Lot-Combination) (CD 3) – Location: North and West of the northwest corner of East Apache Street and North 129th East Avenue (Related to: LS-20903, 20904 & 20905, LC-802)

12. **LC-802** (Lot-Combination) (CD 3) – Location: North and West of the northwest corner of East Apache Street and North 129th East Avenue (Related to: LS-20903, 20904 & 20905, LC-801)

13. **LS-20906** (Lot-Split) (CD 5) – Location: North of the northeast corner of East 32nd Street South and South Yale Avenue

TMAPC Action; 8 members present:

On **MOTION** of **Dix**, the TMAPC voted 8-0-0 (Covey, Dix, Fretz, Midget, Millikin, Shivel, Stirling, Walker, “aye”; no “nays”; none “abstaining”; Carnes, Reeds, Willis “absent”) to **APPROVE** Items 2-13 per staff recommendation.

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CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA

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

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Items #14 and #15 were taken together.

COMPREHENSIVE PLAN AMENDMENT PUBLIC HEARINGS:

14. **CPA-50 Lou Reynolds**-(CD 6) Location: Northeast corner of East 51st Street South and South 177th East Avenue requesting Land Use Map change from **New Neighborhood** to **Neighborhood Center**. (Related to Z-7351)

STAFF RECOMMENDATION:

I. PROPERTY INFORMATION AND LAND USE REQUEST

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|--|
| <p>Existing Land Use: <i>New Neighborhood</i> Existing Stability and Growth designation: <i>Area of Growth</i></p> |
|--|

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|--|
| Proposed Land Use: <i>Neighborhood Center</i> |
| Location: Northeast corner of E. 51st St. S. and S. 177th E. Ave. |
| Size: 10 acres |

A. Background

The site that is subject to this Comprehensive Plan amendment application is located in southeast Tulsa. The area has experienced a considerable amount of residential development; however the surrounding area still contains a significant amount of vacant/undeveloped land. The site is surrounded by single-family residential and vacant lots to the east and west; multi-family residential abuts the site immediately south of E 51st St S; Open Arms Child Development Center is located to the north; and immediately east of the site a multi-family residential project is in the early stages of construction. As shown on the attached conceptual plan the development project on the subject site will consist of commercial/retail (Development Area A) and office space (Development Area B). On 06.23.16, concurrently with this Comprehensive Plan amendment application, the applicant submitted a rezoning application (Z-7351) from AG to CS/OL on the 10 acre parcel to support development of commercial use and office space.

Over a year ago, on 01.21.15, a rezoning application Z-7288/PUD-825 was submitted for the northern portion (Development Area B) of the subject lot from AG to RM-1. The TMAPC recommended that the City Council approve this request. However, the rezoning application Z-7288/PUD-825 was denied by the City Council on 03.05.15. The land immediately south of the subject lot within the City of Broken Arrow is designated as Level 3 – Transition Area; Level 4 - Commercial/Employment Nodes; and a Greenway/Floodplain by the Broken Arrow Comprehensive Plan.

B. Existing Land Use and Growth Designations (Tulsa Comprehensive Plan)

A *New Neighborhood land* use designation was assigned to the area subject to the amendment request at the time of the adoption of the Tulsa Comprehensive Plan in 2010:

“The **New Neighborhood** residential building block is comprised of a plan category by the same name. It is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes, but can include townhouses and low-rise apartments or

condominiums. These areas should be designed to meet high standards of internal and external connectivity, and shall be paired with an existing or New Neighborhood or Town Center.”

When the new Tulsa Comprehensive Plan was developed and adopted in 2010, the subject tract was designated as an *Area of Growth*:

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

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

C. Proposed Land Use Designation (Tulsa Comprehensive Plan)

The applicant is proposing a *Neighborhood Center* use designation on the subject site.

“**Neighborhood Centers** are small-scale; one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services. They can include apartments, condominiums, and townhouses, with small lot single family homes at the edges. These are pedestrian-oriented places served by transit, and visitors who drive can park once and walk to number of destinations.”

D. Zoning and Surrounding Uses:

| Location | Existing Zoning | Existing Use Designation | Land Area of Stability or Growth | Existing Use |
|----------|---|--|----------------------------------|--|
| North | AG | <i>New Neighborhood</i> | Growth | Open Arms Child Development Center. |
| South | Broken Arrow City Limits – A-1 & RM/PUD110 | <i>Level 3–Transition Area; Level 4-Commercial/Employment Nodes; Greenway/Floodplain (Broken Arrow Comprehensive Plan)</i> | NA | Multi-family residential and undeveloped |
| East | RM-2 and AG | <i>New Neighborhood</i> | Growth | Vacant lots and Multi-family residential development |
| West | AG and RS-3/PUD-780 | <i>New Neighborhood</i> | Growth | Vacant lots and single family residential |

E. Applicant's Justification:

As part of the amendment application, the applicant is asked to justify their amendment request. Specifically, they are asked to provide a written justification to address:

1. How conditions on the subject site have changed, as well as those on adjacent properties and immediate area;
2. How changes have impacted the subject site to warrant the proposed amendment; and;
3. How the proposed change will enhance the surrounding area and the City of Tulsa.

The applicant provided the following justification as part of their application:

"How Conditions of the Subject Area and Surrounding Property have changed"

The conditions in the subject area have changed by the development of the TGC Campus (an Assisted Living Facility) zoned RM-2 on the east side of the subject property and the Open Arms Child Development Center (approved as a Special Exception) to the north of the subject property. Also, what was likely considered at the time of PlaniTulsa to be the highest and best use of the property in this area as a multi-family apartment project was recommended for approval by the TMAPC but denied by the City Council.

How those Changes have Impacted the Subject Area to Warrant the Proposed Amendment

The changes mentioned above have made it very unlikely that single family homes or any other residential use will be considered at this intersection.

How the Proposed Change Will Enhance the Surrounding Area and the City of Tulsa

The request for a "Neighborhood Center" planning designation is a further evolution of the Comprehensive Plan, is minor in nature, and will enhance the surrounding area and the City of Tulsa by planning for sufficient densities of mixed areas and provide services to support the related housing as well as the infrastructure necessary to maintain them. Such "Neighborhood Center" designation is consistent with the denial of multi-family land use by the City Council. Additionally, this request near the border of the City of Broken Arrow will provide a more compact development pattern which supports the growth of the area and the City of Tulsa in a more suitable manner. Moreover, a "Neighborhood Center" designation in addition to providing employment opportunities also will support a mix of uses including retail, dining and services resulting in fewer and shorter automobile trips, reducing road maintenance which would also add to the City of Tulsa's revenue base and reduce the City's expenses."

F. Staff Summary:

How conditions on the subject site have changed, as well as those on adjacent properties and immediate area

The 10 acre subject site and the much of the area to the west were designated as *New Neighborhood* when the Comprehensive Plan was adopted in 2010. The subject site is abutted by *New Neighborhood* land use designations on the north, east and west; the

Broken Arrow City Limits abuts the site on the south. In September, 2014 the TMAPC and City Council approved a request (Z-7273) to rezone an 11 acre tract immediately east of the subject site from AG to RM-2 to allow an assisted/living facility. Much of the recent development surrounding the subject site appears to be single-family residential to the north; and multi-family residential east and south of the subject lot. The Board of Adjustment recently approved a request to permit a Church/Child Development Center immediately north of the subject site.

How changes have Impacted the Subject Area to Warrant the
Proposed Amendment

The existing land use designation *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. The City of Tulsa Planning and Development Department has provided planning comments and considerations that are attached to the end of this staff report. The City has stated that it is reasonable to maintain the City of Tulsa plan's designated land use as *New Neighborhood* in recognition of both municipal plans and existing land use patterns.

A priority of the Tulsa Comprehensive Plan (p.79) states: "*Integrate and balance land uses, so they complement the surrounding area*". The proposed *Neighborhood Center* land use designation is defined as a center that provides convenient access to shops, restaurants and community-oriented services; these areas promote shorter auto trips and more walking and bicycling to the center since residential areas are nearby. The proposed land use designation appears to be consistent with the goals of the Comprehensive Plan as it would establish a mixture of compatible land-uses within in the area; and the proposal will help promote a balance of land-uses in an area where single- family and multi-family residential is the dominant land use. The proposal is also in harmony with the established nodal character of the *Neighborhood Center* within the City of Tulsa which involves concentrating development in existing or new centers around arterial intersections and near residential areas.

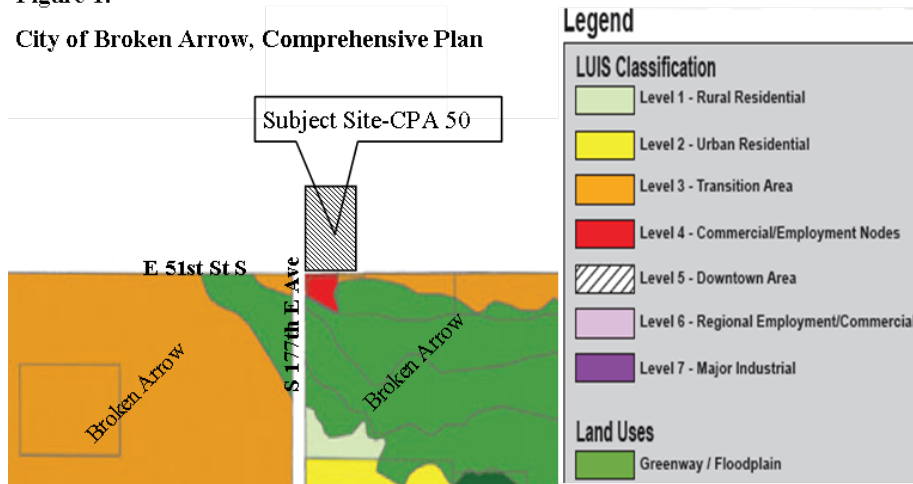
How the Proposed Change will enhance the Surrounding Area and
the City of Tulsa

Attention must be paid to maintaining compatible land use patterns between the City of Tulsa and the City of Broken Arrow abutting the subject lot on the south. As shown in **Figure 1**, a *Level 3–Transition Area*; *Level 4– Commercial/Employment Nodes*; and

Greenway/Floodplain Level land use designations are assigned to the area immediately south and southwest of the subject lot within Broken Arrow.

The Broken Arrow Comprehensive Plan states the following: “**Level 3 – Transition Area** represents a transition zone from strictly residential development to strictly non-residential development. As such, the primary uses for level 3 are high density residential uses and lower density employment uses. This level of intensity should be located adjacent to an arterial street. The principal uses in this district would be single-family attached (duplexes and townhouses), multi-family apartments, neighborhood offices, and planned office parks. **Level 4 – Commercial/Employment Nodes** represents the typical local commercial and office intensity of land use in Broken Arrow. The Level 4 classification generally designates commercial or office activities that have developed in nodes around arterial street intersections. Examples of uses would include free-standing commercial buildings, small-scale shopping centers, and office developments permitted in Level 3. No residential uses are permitted within Level 4.

Figure 1.



The proposed *Neighborhood Center* designation is consistent with the defined *Level 4 – Commercial/Employment Nodes* and *Level 3 – Transition Area* in its promotion of mixed-used areas that encouragement a mixture of shopping, commercial/employment centers alongside residential and adjacent to arterial intersections. The City of Broken Arrow land use recommendations for the areas immediately south and southwest of the subject site appear to be compatible with the proposed *Neighborhood Center* designation. The proposal appears to be consistent with the stated goals of the *Neighborhood Center* land use designation as it will provide nearby residences with commercial/retail, employment and other services

within a short drive, walk, or bike ride of these residences. As stated by the Comprehensive Plan, a major goal of the surrounding area, an *Area of Growth*, is to increase economic activity in the area to benefit existing residents and businesses. The proposed change is likely to stimulate economic activity in the area by promoting development of commercial/retail, dining, employment and other amenities that support and benefit the existing residents in the area.

STAFF RECOMMENDATION

- Staff recommends **Approval** of the *Neighborhood Center* designation as submitted by the applicant.

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PUBLIC HEARINGS:

15.Z-7351 Lou Reynolds-(CD 6) Location: North and East of East 51st Street and South 177th East Avenue requesting rezoning from **AG/RS to RM-3/OL/CS**. (related to CPA-50)

STAFF RECOMMENDATION:

SECTION I: Z-7351

DEVELOPMENT CONCEPT:

Rezone the undeveloped property near the northeast corner of East 51st Street South at South 177th East Avenue to allow single family residential development, office construction and a commercial node. The comprehensive plan did not originally recognize the value of a neighborhood center designation at the intersection of the arterial streets at this location. The development pattern that has evolved of this area has resulted a large single family residential population that could benefit from an appropriate sized neighborhood commercial and office development. The concurrent application for a Comprehensive Plan revision recognizes that change since the adoption of the Plan.

DETAILED STAFF RECOMMENDATION:

Z-7351 requesting RS-3 zoning is consistent with the New Neighborhood Center land use designation of the Comprehensive Plan and;

The portion of Z-7351 requesting OL and CS zoning is not consistent with the New Neighborhood land use designation of the Comprehensive Plan however

the concurrent application for amending the comprehensive plan land use designation to a Neighborhood would resolve that conflict and;

All three zoning categories in Z-7351 zoning are compatible with the existing proximate properties, and;

All three zoning categories in Z-7351 are compatible with the anticipated future redevelopment opportunities in this area, therefore;

Staff recommends Approval of Z-7351 to rezone property from AG to RS-3, OL and CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: In context with the current land use map in the Comprehensive Plan, the OL and CS portions of the request are not consistent with the land use designation of the Plan. Concurrent with this request the applicant has submitted a request to amend the Comprehensive Plan from New Neighborhood to Neighborhood Center.

Staff supports the request to amend the comprehensive plan to include a Neighborhood Center.

Land Use Vision:

Land Use Plan map designation: New Neighborhood

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

Staff comment: The proposed land use map designation outlined in CPA-50 is the same property as the total land area request for OL and CS. The proposal in CPA-50 is to change the land use designation from New Neighborhood to Neighborhood Center. The **Neighborhood Center** building block is a small-scale; one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services. They can include apartments, condominiums, and townhouses, with small lot single family homes at the edges. These are pedestrian-oriented

places served by transit, and visitors who drive can park once and walk to number of destinations.

Areas of Stability and Growth designation: Area of Growth

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

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

Transportation Vision:

Major Street and Highway Plan: Secondary Arterial Street. The major street and highway plan does not recognize these streets for multi modal overlays or any other overlays that might have an effect on the development of this site.

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 that is subject to this Zoning Map amendment application is located in southeast Tulsa. The area has experienced a considerable amount of single family residential development; however

the surrounding area still contains a significant amount of vacant/undeveloped land. The site is surrounded by single-family residential and vacant lots to the east and west; multi-family residential abuts the site immediately south of E 51st St S; and immediately east of the site a multi-family residential project is in the early stages of construction. As shown on the attached conceptual plan the development project on the subject site will consist of commercial/retail (Development Area A) and office space (Development Area B). Immediately north of the OL site the Open Arms Chile Development Center is under construction.

On 01.21.15 the TMAPC recommended that the City Council approve rezoning application Z-7288/PUD-825 to rezone the northern portion (Development Area B) of the subject lot from AG to RM-1. The rezoning application Z-7288/PUD-825 was denied by the City Council on 03.05.15.

The land immediately south of the subject lot within the City of Broken Arrow is designated as Level 3 – Transition Area; Level 4 - Commercial/Employment Nodes; and a Greenway/Floodplain by the Broken Arrow Comprehensive Plan. The commercial node in Broken Arrow is less than one acre in size and will provide limited commercial activity because of its size which is limited by a FEMA floodplain further south and west.

Environmental Considerations: None that affect development of the property for the anticipated development pattern.

Streets:

| <u>Exist. Access</u> | <u>MSHP Design</u> | <u>MSHP R/W</u> | <u>Exist. # Lanes</u> |
|-------------------------------------|--------------------|-----------------|-----------------------|
| South 177 th East Avenue | Secondary Arterial | 100 feet | 2 + left turn lane |
| East 51 st Street | Secondary Arterial | 100 feet | 2 + left turn lane |

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

| Location | Existing Zoning | Existing Land Use Designation | Area of Stability or Growth | Existing Use |
|-----------------|------------------------|--------------------------------------|------------------------------------|---|
| North | AG | <i>New Neighborhood</i> | Growth | Open Arms Day Care (Under construction) |

| | | | | |
|-------|---|--|--------|--|
| South | Broken Arrow City Limits – A-1 & RM/PUD110 | Level 3–Transition Area; Level 4-Commercial/Employment Nodes; Greenway/Floodplain (Broken Arrow Comprehensive Plan) | NA | Multi-family residential and undeveloped |
| East | RM-2 and AG | <i>New Neighborhood</i> | Growth | Vacant lots and Multi-family residential development |
| West | AG and RS-3/PUD-780 | <i>New Neighborhood</i> | Growth | Vacant lots and single family residential |

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11826 dated June 26, 1970, established zoning for the subject property.

Subject Property:

Z-7288/ PUD-825 March 2015: Staff and TMAPC concurred in recommending approval of a request for *rezoning* a 11± acre tract of land from AG to RM-1 and a *Planned Unit Development*, for a multifamily development, on property located north of the northeast corner E. 51st St. & S. 177th E. Ave. and is also known as a part of the subject tract. City Council **denied** the application.

Surrounding Property:

Z-7273 September 2014: All concurred in **approval** of a request for *rezoning* a 11± acre tract of land from AG to RM-2 for assisted/independent living, on property located east of northeast corner of E. 51st St. and S. 177th E. Ave.

PUD-784 June 2011: All concurred in **approval** of a proposed *Planned Unit Development* on a 39± acre tract of land for single-family residential development, on property located east of northeast corner of East 51st Street and South 177th East Avenue, and abutting east of subject property.

BOA-21265 June 14, 2011: The Board of Adjustment **approved** a *Special Exception* to permit a (Use Unit 5) Child Care Center and Church use in the AG district (Section 301); and a *Variance* to permit Recreational Vehicles parked on the site during construction of the facility to be used for dwelling purposes and to be connected to utilities (Section 302.B.3.b); and a *Variance* to permit the RV's to be parked on a non-all-weather surface (Section 222), with multiple conditions, on property located north of northeast corner of E. 51st St. and S. 177th E. Ave.

PUD-780 March 2011: All concurred in **approval** of a proposed *Planned Unit Development* on a 9.93± acre tract of land for a gated single-family development, on property located north of the northwest corner of East 51st Street and South 177th East Avenue.

Z-6970 February 2005: All concurred in **approval** of a request to *rezone* a 10± acre tract from AG to RS-3, located north of the northwest corner of East 51st Street and South 177th East Avenue.

Z-6945 August 2004: All concurred in **approval** of a request to *rezone* a on a 126.5± acre tract from AG to RS-3, on property located north and east of the northeast corner of East 51st Street and South 177th East Avenue.

Z-6834 October 2001: All concurred in **approval** of a request to *rezone* a 10± acre tract from AG to RS-3 on a property located north of the northwest corner of East 51st Street South and South 177th East Avenue.

BOA-21256 May 24, 2011: The Board of Adjustment **approved** a *Variance* of the maximum amount of required front yard permitted to be covered with an all-weather surface in the RS-3 district from 34% to 45% to permit three car wide driveways in front of three car garages (Section 1303.D), subject to the Council approving the PUD (PUD-784) which has been recommended, on property located east of the northeast corner of E. 51st St. and S. 177th E. Ave.

Mr. Walker asked if the entire area was proposed for multi-family in the previous application.

Mr. Wilkerson stated areas B and C were proposed for multi-family.

Mr. Covey asked why the last proposal not approved.

Mr. Wilkerson stated there were all the typical concerns of traffic and additional pedestrian activity. People are concerned about multi-family adjacent to a neighborhood. Mr. Wilkerson further stated there was a big concern about traffic capacity on Lynn Lane Road because it is a two lane street. The developer proposed a turning lane.

Ms. Millikin stated she remembers concerns of residents about traffic turning left off of 177th (Lynn Lane) into the multi-family development and asks if a third turn lane is still needed.

Mr. Wilkerson stated there had not been any discussions about this and nothing has been proposed for this corner.

Ms Millikin asked if any traffic studies had been completed.

Mr. Wilkerson replied the only traffic study completed was when the property was a multi-family project and that study showed that the area was busy but did not exceed capacity.

Applicant stated immediate concerns have been addressed with residents adjacent to property but when someone further away has concerns its hard to address these concerns.

Ms. Millikin asked the applicant if any of the neighboring property raised the traffic issue again or does that seem to be settled.

Applicant stated no they have not.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **Midget**, the TMAPC voted 7-0-1 (Covey, Dix, Midget, Millikin, Shivel, Stirling, Walker, "aye"; no "nays"; Fretz, "abstaining"; Carnes, Reeds, Willis "absent") to **ADOPT** the Land Use Map change from New Neighborhood to Neighborhood Center per staff recommendations.

TMAPC Action; 8 members present:

On **MOTION** of **Midget**, the TMAPC voted 7-0-1 (Covey, Dix, Midget, Millikin, Shivel, Stirling, Walker, "aye"; no "nays"; Fretz "abstaining"; Carnes, Reeds, Willis "absent") to **RECOMMEND APPROVAL** of rezoning from AG/RS to RM-3/OL/CS per staff recommendation.

Legal Description of Z-7351:

EXHIBIT "A"

(PROPOSED COMMERCIAL)

A TRACT OF LAND THAT IS THE WEST 465.00 FEET OF THE SOUTH 660.00 FEET OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY-FIVE (25), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINING 306,900.00 SQUARE FEET OR 7.045 ACRES, MORE OR LESS.

(PROPOSED OFFICE)

A TRACT OF LAND THAT IS PART OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY-FIVE (25), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER (SW/4); THENCE NORTH 01°19'25" WEST ALONG THE WESTERLY LINE OF SAID SOUTHWEST QUARTER (SW/4) FOR 660.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE CONTINUING NORTH 01°19'25" WEST ALONG SAID WESTERLY LINE FOR 275.44 FEET; THENCE NORTH 88°40'26" EAST FOR 465.00 FEET; THENCE SOUTH 01°19'25" EAST PARALLEL WITH THE WESTERLY LINE OF SAID SOUTHWEST QUARTER (SW/4) FOR 275.50 FEET TO A POINT THAT 660.00 FEET NORTHERLY OF THE SOUTHERLY LINE OF SAID SOUTHWEST QUARTER (SW/4); THENCE SOUTH 88°40'53" WEST PARALLEL WITH SAID SOUTHERLY LINE FOR 465.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

SAID TRACT OF LAND CONTAINS 128,093.95 SQ. FT. OR 2.941 ACRES, MORE OR LESS.

(PROPOSED RESIDENTIAL)

A TRACT OF LAND THAT IS PART OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY-FIVE (25), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER (SW/4); THENCE NORTH 01°19'25" WEST ALONG THE WESTERLY LINE OF SAID SOUTHWEST QUARTER (SW/4) FOR 1935.44 FEET; THENCE NORTH 88°40'26" EAST FOR 465.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND; THENCE CONTINUING NORTH 88°40'26" EAST FOR 170.06 FEET; THENCE NORTH 01°19'34" WEST FOR 275.00 FEET; THENCE NORTH 88°40'26" EAST FOR 590.38 FEET; THENCE SOUTH 01°18'37" EAST FOR 550.60 FEET TO A POINT THAT 660.00 FEET NORTHERLY OF THE SOUTHERLY LINE OF SAID SOUTHWEST QUARTER (SW/4); THENCE SOUTH 88°40'53" WEST PARALLEL WITH SAID

SOUTHERLY LINE FOR 760.30 FEET; THENCE NORTH 01°19'25" WEST FOR 275.50 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

SAID TRACT OF LAND CONTAINS 371,857.59 SQ. FT. OR 8.537 ACRES, MORE OR LESS.

* * * * *

16. Z-7350 Stuart Van De Wiele-(CD 7) Location: West of the southwest corner of South Garnett Road and East 96th Street requesting rezoning from **AG to RM-3 with Optional Development Plan.**

STAFF RECOMMENDATION:

SECTION I: Z-7350

DEVELOPMENT CONCEPT:

The planned project will entail the construction of a new Class A multifamily development and related accessory uses and amenities planned to best utilize the unique physical features of the Subject Property and provide and preserve meaningful open spaces. The planned project also intends to take advantage of the walk-ability and bike-ability of Tulsa's extensive walking / jogging / biking trail system (over 100 miles) which lies immediately adjacent to the Subject Property.

The Subject Property is located at 96th & Garnett Road and lies immediately East of the Grace Church campus located at 9610 South Garnett Road. The Subject Property is a vacant 18.69 acre tract of AG zoned land located in the Southeastern most corner of the City of Tulsa. To the knowledge of the Co-Applicants, the Subject Property has never been developed, except for the small area currently utilized as parking for Grace Church. The Subject Property is bordered by (i) East 96th Street South and the Creek Turnpike to the North, (ii) a flood zone area / South Garnett Avenue / a wetlands area to the East, (iii) a private road (Grace Chapel Drive) South and several large-lot AG zoned residential areas to the South, and (iv) the Grace Church campus to the West. An RS-3 zoned neighborhood (Cedar Ridge Heights) is also located to the Southwest of the Subject Property. The Subject Property has approximately (i) 730.95 feet of frontage on East 96th Street South / the Creek Turnpike access road (its primary access); and (ii) 665.08 feet of frontage on the private road (Grace Chapel Drive) (its secondary access).

The development is currently designed to contain approximately 380 Dwelling Units (see Development Standards below). The development will feature open green spaces, garage parking (for certain Dwelling Units), various building heights and building sizes to maintain architectural

interest, and other recreational amenities customarily found in multifamily developments.

This Optional Development Plan is being voluntarily imposed by the Proposed Owner to lessen the perceived or potential impact of the development on those residential areas (both the AG zoned properties and the RS-3 zoned properties) to the South and Southwest.

Although the conceptual site plan submitted herewith depicts the general massing and architectural style currently contemplated by the Proposed Owner and its architect, the final project may vary from the conceptual site plan

SECTION II OPTIONAL DEVELOPMENT PLAN DEVELOPMENT STANDARDS:

In order to lessen the perceived or potential impact of the rezoning of the Subject Property (from AG to RM-3) on the adjacent and nearby residentially zoned or residentially used areas, the Co-Applicants have elected to impose additional restrictions on the property by requesting the implementation of an Optional Development Plan as is allowed under the Tulsa Zoning Code.

The development of the Subject Property shall meet the standards of RM-3 zoning districts except as otherwise limited or restricted below:

Use Limitations.

A. Permitted Uses. The Subject Property shall be used only for the following Specific Uses included in the “Household Living” Subcategory of the Tulsa Zoning Code:

- (i) Apartments;
- (ii) Condos;
- (iii) Townhouses;
- (iv) and / or
Multi-unit houses,

along with all uses accessory or incidental thereto including leasing offices and recreational amenities customarily found in multifamily developments.

B. Specifically Prohibited Uses. The Subject Property shall not be used for any use that would be classified under the following Uses, Subcategories or Specific Uses as defined in the Tulsa Zoning Code:

- (i) any Specific Use included in the “Group Living” Subcategory;
- (ii) any Subcategory or Specific Uses included in the “Public, Civic and Institutional” Use Category;
- (iii) any Subcategory or Specific Uses included in the “Commercial” Use Category; or
- (iv) any Subcategory included in the “Agricultural” Use Category.

C. Oil and Gas Development. The Subject Property shall not contain any oil or gas well.

D. Building Setbacks / Green space.

(i) Building Setback / Green space along Grace Chapel Drive. The Subject Property shall maintain a twenty-five foot (25') building setback / green space area along the Southern edge of the Subject Property in which only sidewalks, access driveways, perimeter fencing / gates, landscaping (including trees, shrubs, irrigation, landscape lighting and other typical items which are a part of a landscape edge as required or permitted by the Tulsa Zoning Code) may be constructed.

(ii) Green Space tree guidelines: Within the 25 foot green space area north the Grace Chapel Drive right-of-way a minimum of one tree for each 300 square feet shall be installed and maintained. The trees shall be a minimum height of 12 feet tall at planting.

E. Other Setbacks. The remaining building setbacks shall be in accordance with the Tulsa Zoning Code.

F. Maximum Number of Dwelling Units. The Subject Property shall not contain more than three hundred eighty (380) Dwelling Units.

G. Minimum Parking. The Subject Property shall contain parking spaces in compliance with the Tulsa Zoning Code.

H. Height Limitations.

(i) Property-wide Height Limitations. The maximum building height on any structure located within the Subject Property shall be fifty feet (50').

(ii) Specific Height Limitation. Any residential structure which is located within seventy-five feet (75') (measured radially) of the Southwest corner of the Subject Property shall not exceed two (2) stories nor a maximum height of thirty two feet (35').

I. Additional Design Standards. Any residential structure which is located within seventy-five feet (75') (measured radially) of the Southwest corner of the Subject Property shall not contain southerly facing windows on the second story. The measurement shall be taken from the north edge of the Grace Drive right of way at its intersection with the west property line.

J. Transportation System Improvements:

- (i) The regional trail system is north of East 96th Street South and east of Garnett. The site plan shall connect to the trail with a concrete surface pedestrian and bike path not less than 6 feet wide.
- (ii) The private drive commonly called Grace Drive shall be constructed or reconstructed to meet City of Tulsa standards for a residential street from the west edge of the project all the way to South Garnett. A minimum right of way width of 50 feet shall be dedicated

DETAILED STAFF RECOMMENDATION:

RM-3 zoned property is consistent with the New Neighborhood land use designation of the Comprehensive Plan and;

RM-3 in conjunction with the optional development plan is non injurious to the proximate property and;

The provisions of the optional development plan outlined in Section II above are consistent with the development plan provisions of section 70.040 of the Tulsa Zoning Code therefore;

Staff recommends **approval** of Z-7350 to rezone property from AG to RM-3 with an optional development plan as outlined in Section II above and;

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The multi family project is consistent with the new neighborhood vision of the Comprehensive Plan.

Land Use Vision:

Land Use Plan map designation: New Neighborhood

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

Areas of Stability and Growth designation: Area of Growth

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:

South Garnett Road is a secondary arterial street that is on the eastern border of Tulsa and the western border of Broken Arrow. Tulsa County maintains South Garnett Road along the entire frontage of this request.

Trail System Master Plan Considerations:

East of 129th Street South in the Floodplain / Greenway zone the City of Broken Arrow has provided an opportunity for pedestrian and bicycle activity that should be accessible to this corridor development area. Sidewalk and pedestrian access to that nature area should be a required with the development plan.

North of East 96th Street South the existing trail system should also be a consideration of the pedestrian system with this project.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is currently vacant. The Board of Adjustment previously approved a large church expansion at this location that was never constructed. Near the northeast corner of the property at East 96th*

Street South and South Garnett the church has constructed a large monument sign used for the Grace Fellowship church site.

Environmental Considerations: The site was prepared for a large church auditorium several years ago. Grading, Sanitary sewer, water and stormwater detention was installed for that facility however the building and most of the parking was never constructed. Other than that construction consideration there are no known environmental considerations that would affect the zoning decision.

Topography

The subject tract is unimproved and is generally flat. The Project has an approximate slope of 4.5% from west to east.

Drainage

Storm water from the Project drains to a detention pond that has been installed for anticipated expansion of the Grace Fellowship Church.

Streets:

| <u>Exist. Access</u> | <u>MSHP Design</u> | <u>MSHP R/W</u> | <u>Exist. # Lanes</u> |
|--|--------------------|---|-----------------------|
| South Garnett Road | Secondary Arterial | 100 feet | 2 |
| East 96 th Street South | None | 50 feet | 2 |
| <i>Private drive: Grace Fellowship Drive</i> | none | 50 feet if dedicated as a public street | 2 |

Utilities:

Water:

City of Tulsa 8" waterlines are located along the West of the Project and in the Northern portion of the access drive off of Garnett. There is more than adequate water service available to serve all proposed uses.

Sanitary Sewer:

City of Tulsa 8" sanitary sewer lines are located West of the Project and in the southern portion of the access drive off of Garnett. There is more than adequate sanitary sewer service available to serve all proposed uses in the Project.

Other utilities, including electricity, gas, telephone and cable are available for the Project.

Surrounding Properties:

| Location | Existing Zoning | Existing Land Use Designation | Area of Stability or Growth | Existing Use |
|---|--------------------|---|-----------------------------|--|
| North side of East 96 th Street and Turnpike | CO (Corridor) | <i>Regional Center north of expressway</i> | Area of Growth | North of the Creek Turnpike the land is vacant all the way to 91st. |
| South | AG | <i>New Neighborhood</i> | Area of Growth | Residential |
| East | Agricultural (A-1) | <i>New Neighborhood between east boundary and Garnett Greenway / Floodplain in Broken Arrow across Garnett. Includes public open space park and trail system.</i> | NA | Wetlands east of Garnett in Broken Arrow, stormwater detention and flood plain in Tulsa on the west side of Garnett. |
| West | AG | <i>New Neighborhood</i> | Area of Growth | Church |

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11834 dated June 26, 1970, established zoning for the subject property.

Subject Property:

Z-7320/ Z-7320-SP-1 April 2016: A request for rezoning a 26.74± acre tract of land from AG to CO with a Corridor Development Plan, for medical offices, was made on property located on the southwest corner of E. 96th St. S. and S. Garnett Rd. Staff was recommending approval, however the applicant withdrew the application on April 19, 2016.

BOA-21347 December 13, 2011: The Board of Adjustment **approved** the request for a *Variance* to exceed the number of permitted signs in an AG district (Section 302.B.2.b); and a *Variance* to exceed the permitted 150 square feet of display surface area for a sign in an AG district (Section 302.B.2.b). This

exceedingly large tract of 3,334,803 square feet, more or less, contains a very large church structure, and additional signage is needed to direct visitors and parishoners. This approval is for the Grace Church sign located approximately 49 feet above the ground elevation on the north and east elevations. It is noted that the building setback is approximately 400 to 1,000 feet from the nearest property, on property located at 9610 S. Garnett Rd. E. and also a part of the subject property.

BOA-19144 July 24, 2001: The Board of Adjustment **approved** a *Variance* to the number, size and height limitations of the Zoning Code and to allow flashing illumination, changeable copy, and animation as required, to permit new signs at various locations on the subject property, on property located at the southwest corner of E. 96th St. S. and S. Garnett Rd. and also known as a part of the subject property.

BOA-18936 December 12, 2000: The Board of Adjustment **approved** a minor special exception to previously approved site plan to add a new youth building with an auditorium with seating for approximately 600, meeting and recreational uses to the site plan approved by BOA-18936.

BOA-18352 March 23, 1999: The Board of Adjustment approved a Special Exception to amend a previously approved site plan to include a multi-use church facility with seating for 2800, four unlighted sports fields, a 4500 SF central power plant building and accessory parking and stormwater drainage facility.

BOA-17863 October 27, 1997: The Board of Adjustment **approved** a *Special Exception* to permit a 180' monopole; and a *Special Exception* to reduce the required setback from R district to 50' from the north and 150' from the west; per plan submitted and subject to the 180' monopole replacing the 150' monopole; finding that due to the road design for the South Loop the property is unlikely to be developed, on property located at 9610 S. Garnett Rd. and also known as a part of the subject property.

BOA-13732 September 12, 1985: The Board of Adjustment **approved** a *Variance* to allow 3 existing signs (1 bulletin board and 2 lighted directional signs) for a church in an AG district; per plot plan, on property located at 9610 S. Garnett Rd. and also known as a part of the subject property.

BOA-13457 February 7, 1985: The Board of Adjustment **approved** a *Variance* of the surface area and height requirements to permit a combination bulletin board and sign for an existing church in an AG district; finding that the size and terrain of the subject tract constitutes a hardship; and finding that the size of the sign in relation to the size of the property does not violate the spirit and intent of the Code, on property located at 9610 S. Garnett Rd. and also known as a part of the subject property.

BOA-11534 August 6, 1981: The Board of Adjustment **approved** a *Special Exception* to permit a church and school in an AG district (Grace Fellowship Church and School) per plot plan, subject to a subdivision plat, with the record to reflect that this is a private school and a facility of this size with school use and church use approval would not be required to be reviewed again by the Board if a facility such as a day-care center was added in the future, on property located at East 101st Street and South Garnett Road and also known as a part of the subject property.

INTERESTED PARTIES COMMENTS:

Applicant stated Mr. Wilkerson did a good job of explaining compatibility with the Comprehensive Plan but he wanted to touch on a few things directly out of the plan that he believes are important to the project. One of the five key themes in the Comprehensive Plan is Tulsa should provide housing choices and this project does exactly that. It provides a high end multi-family project that is not necessary available in the immediate vicinity. Also keeping with the Comprehensive Plan, Tulsa recognizes that one size does not fit all. Apartments will expand the range of options for residents. In the housing plan section of the Comprehensive Plan calls for a broader range of apartments and condominiums in downtown, along corridors and in new neighborhoods and this is exactly what this does. Applicant further stated neighbors have concerns about traffic along the south edge of property and one thing to remember is the front door for this development is the north edge with entrances and exits on the north side of project. The south side entrance will be residents only. Applicant stated if needed the south side entrance could be angled to direct residents out to Garnett Road off the private road.

Mr. Midget asked the applicant if the private road on the south side would be open during construction.

Applicant answered the road is not on the property of the development.

Mr. Covey asked who owns the private road.

Applicant answered Grace Fellowship.

Don West 9833 South 106th East Avenue, Tulsa, OK 74133

Mr. West stated he has lived in the neighborhood for 30 years and would like to state that the church owns the private road property and only the church can block it off. Any time the church has large events they block the road off. The problem residents have is the intersection at 101st and Garnett Road and Little Joe Creek floods more than any other intersection in Tulsa County and when it floods it can go past the south entrance. The only route out of the neighborhood is that road and through the parking lot of the church. The church has 1450 parking spaces and requires a police officer at both exits to direct traffic when services end. If you add the 800 or more cars from this development it will be a catastrophe. People in our neighborhood would like to see the street blocked off

but this is not possible until after the improvements to 101st Street is finished because when it floods they are stuck. Mr. West stated it would be 2021 before these improvements are finished. So to the neighbors it's a safety concern. Mr. West stated the proposal is a good one but not right now, not until 101st Street is finished to accommodate the traffic.

James Cook 9908 South 107th East Avenue, Tulsa, OK 74133

Mr. Cook stated the neighborhood does not have a problem with this development but with the infrastructure on 101st Street and Garnett Road. Both these roads should be finished in 3 years but until this happens the roads flood. Mr. Cook attended a Tulsa County meeting about the construction on 101st Street and Haikey Creek and was told the bridge over Haikey Creek would be out during construction for at least 9 months so we can't go west its flooded and we can't go east neighbors have to go out the church parking lot. These are safety concerns in regard to how emergency personnel get to the neighborhood, there is no objection to the development only the timing of the construction. Mr. Cook stated the construction should wait until the infrastructure can handle the new development.

Scott Morie 9905 South 108th East Avenue, Tulsa, OK 74133

Mr. Morie stated he is a board member of the Cedar Ridge Heights Home Owners Association and agrees with Mr. West and Mr. Cook that this is a big safety issue here and would like to say that Case is great firm and have made adjustments to help the neighbors out and they appreciate it. Until the widening of Garnett and the widening of 101st Street there will be great issues and Mr. Morie would just like TMAPC to know that.

Bill Lind 10008 South 106th East Avenue, Tulsa, OK 74133

Mr. Lind stated he lives right at the stop sign which is just south of 101st Street South and is concerned about the traffic. Mr. Lind sits in the traffic every evening at Garnett Road and it takes 10 to 15 minutes to go from 91st to the private drive area and have watched cars cut through the neighborhood using the private drive to avoid sitting in traffic. Garnett is not ready to handle the traffic load and the apartments sound good but the infrastructure is not ready to handle this development.

Myrna Domony 10616 East 100th Place, Tulsa, OK 74133

Ms. Domony stated she appreciates the nicer apartments but she works just north of Garnett and is one of those people who has to make a left turn at the south road because she is cannot make a left turn on to Garnett from 101st. Ms. Domony stated that when walking through the neighborhood she carries a flashlight because cars zoom through the neighborhood and would encourage speed bumps to take care of this problem. Also on the north side where the main entrances of this development will be located there is a bike path or walk way that goes into the retention area and where 96th Street meets Garnett it's a very

dangerous intersection and someone is going to get hurt adding another neighborhood to that area.

Applicant stated he appreciated the neighbors coming out and the kind words they had for Case and Associates. Applicant stated if TMAPC grants this approval the apartments are not going to be there tomorrow there is a process to go through after this process that includes site plan and replatting and during this process all of those traffic issues are addressed. The earliest the facilities would be open would be in 2019 and some of the concerns regarding roads and traffic could possibly be started or finished by the time the facility is open. Applicant stated after checking with staff at INCOG he understands that the intersection road work would start late next year or early 2018 with a 9-12 month time period. Then Garnett Road from 91st to 101st Streets and then 101st Street being the last leg on that starting at Memorial going eastward. The applicant stated that they would be willing to block off the Grace Drive entrance to the development during construction and for a period of time until Garnett Road was improved. The time period the applicant has heard about the closing of the bridge over Hailey Creek would be after the new intersection and a new Garnett Road. Obviously there is a traffic situation because Tulsa County is widening the road and repairing the intersection.

Mr. Covey asked if the applicant is planning for traffic to come into development from the north side and exit that way.

Applicant answered, yes.

Mr. Covey asked how do residents get on Highway 169 is the closest ramp on 91st Street.

Applicant answered, yes.

Mr. Dix asked what the timing on the beginning of project construction is.
Applicant answered summer of 2017.

Mr. Dix asked will there be any construction traffic on that south road.

Applicant answered no, it will all be on 96th Street.

TMAPC Action; 8 members present:

On **MOTION** of **Dix**, the TMAPC voted 8-0-0 (Covey, Dix, Fretz, Midget, Millikin, Shivel, Stirling, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Reeds, Willis "absent") to **RECOMMEND APPROVAL** of rezoning from AG to RM-3 with Optional Development Plan per staff recommendations.

Legal Description of Z-7350:

A part of Lot 1 of Block 1 of GRACE FELLOWSHIP CHURCH AND SCHOOL, an addition to the City of Tulsa, Tulsa County, Oklahoma according to Plat Number 4263 filed in the records of the Office of the Tulsa County Clerk. Said part of Lot 1 of Block 1 being more particularly described as follows: Commencing at the Southeast Corner of Lot 1 of Block 1 of GRACE FELLOWSHIP CHURCH AND SCHOOL, an addition to the City of Tulsa, Tulsa County, Oklahoma according to Plat Number 4263 filed in the records of the Office of the Tulsa County Clerk; THENCE N 00°03'00" W along the Easterly Line of said Lot 1 of Block 1 also being the Westerly Right-of-Way of South Garnett Road for a distance of 50.00 feet; THENCE N 89°42'42" W and parallel with the Southerly line of said Lot 1 of Block 1 for a distance of 419.06 feet to the POINT OF BEGINNING; THENCE continuing N 89°42'42" W for a distance of 665.08 feet; THENCE N 00°03'00" W and parallel with the Easterly line of said Lot 1 for a distance of 1,242.03 feet to a point 30.00 feet perpendicularly distant from the Northerly line of said Lot 1 of Block 1; THENCE S 89°42'42" E and parallel with the Northerly line of said Lot 1 of Block 1 for a distance of 730.95 feet; THENCE S 54°03'07" W for a distance of 181.59 feet; THENCE S 00°03'00" E and parallel with the Easterly line of said Lot 1 of Block 1 for a distance of 96.00 feet; THENCE S 45°00'00" E for a distance of 114.88 feet; THENCE S 00°03'00" E and parallel with the Easterly line of said Lot 1 of Block 1 for a distance of 957.95 feet to the POINT OF BEGINNING. Basis of Bearings is the record bearing N 00°03'00" W along the Easterly line of the aforementioned Lot 1 of Block 1 of GRACE FELLOWSHIP CHURCH AND SCHOOL, an addition to the City of Tulsa, Tulsa County, Oklahoma according to Plat Number 4263 filed in the records of the Office of the Tulsa County Clerk. Said Tract of land contains 814,136.46 Square Feet or 18.690 acres more or less

* * * * *

Items #17 and #18 were taken together

17. PUD-820-B Abandonment Lou Reynolds-(CD 3) Location: East of the northeast corner of East 4th Place and South Memorial Drive requesting **PUD Abandonment. (Related to Z-7352)**

STAFF RECOMMENDATION:

SECTION I: PUD-820-A

DEVELOPMENT CONCEPT:

DETAILED STAFF RECOMMENDATION:

PUD 820-B in conjunction with Z-7352 requesting CS zoning is consistent with the Employment Land Use designation of the Comprehensive Plan and the East Tulsa Neighborhood Implementation Plan and;

The underlying CH zoned property may be injurious to surrounding property therefore staff would not recommend CS zoning uses and development standards are not injurious to the surrounding proximate properties and;

The requested zoning is consistent with the anticipated future development pattern at this location therefore:

Staff recommends **Approval** of PUD-820-B Abandonment to rezone property from CH/PUD-820 but only with the concurrent rezoning request to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The existing Land Use Map shows this area as an Employment Area. The CS zoning request is a compatible use in an Employment Area. The applicant has submitted a concurrent request to abandon the west portion of PUD 820. CS zoning is an appropriate zoning category in the Employment district and is compatible with the Town Center designation immediately west of this site.

Land Use Vision:

Land Use Plan map designation: Employment

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

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

Areas of Stability and Growth designation: Area of Growth

The purpose of 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: None

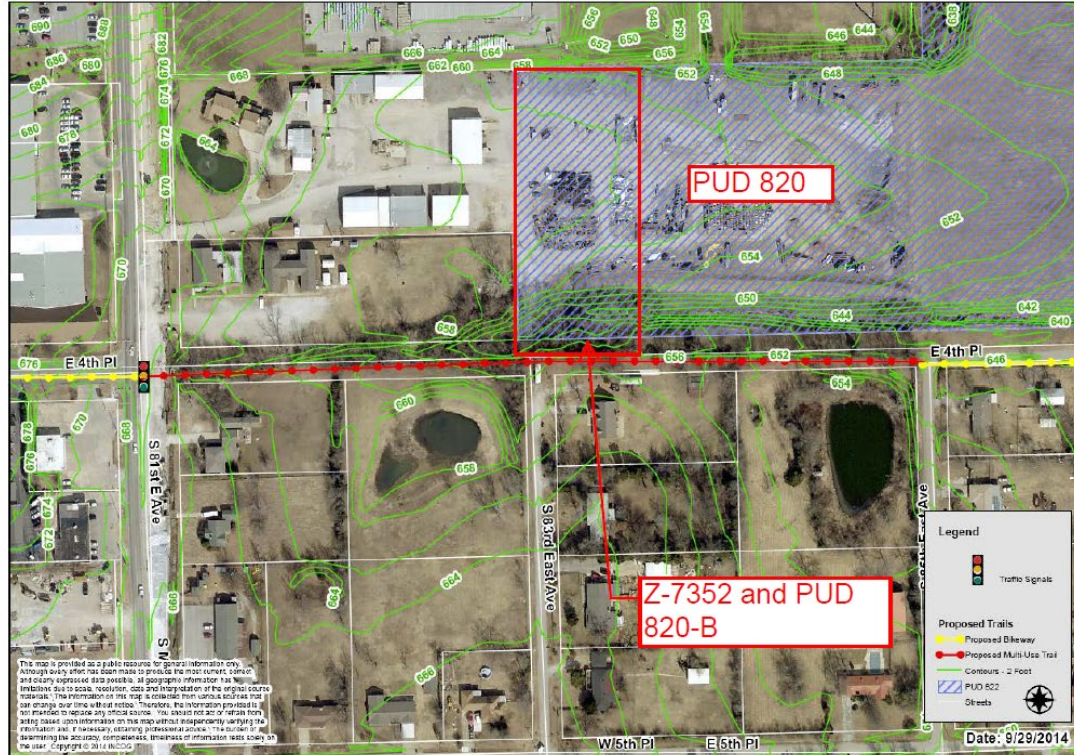
Trail System Master Plan Considerations: An important link for the 4th Street Multipurpose trail system is missing east of South Memorial Avenue. The existing traffic signal on Memorial at 4th along with the 60 foot street right-of-way without a street provides an opportunity to provide a new trail link with a crossing at a signalized intersection.

INCOG transportation planners have provided the following illustration that defines the desired result with this project.

Staff Comment:

During the approval process of PUD 820 the Planning Commission recommended approval of the trail system expansion as outlined in the trail master plan for the City for the City of Tulsa and illustrated below. The City Council removed that requirement. The street right-of-way for 4th Place has been dedicated for decades unfortunately the public street has not been constructed and is now considered a wetlands area. The wetlands designation will limit future street and trail expansion at this location.

Multi Purpose Trail Exhibit



Major Street and Highway Plan:

Trail System Master Plan Considerations:

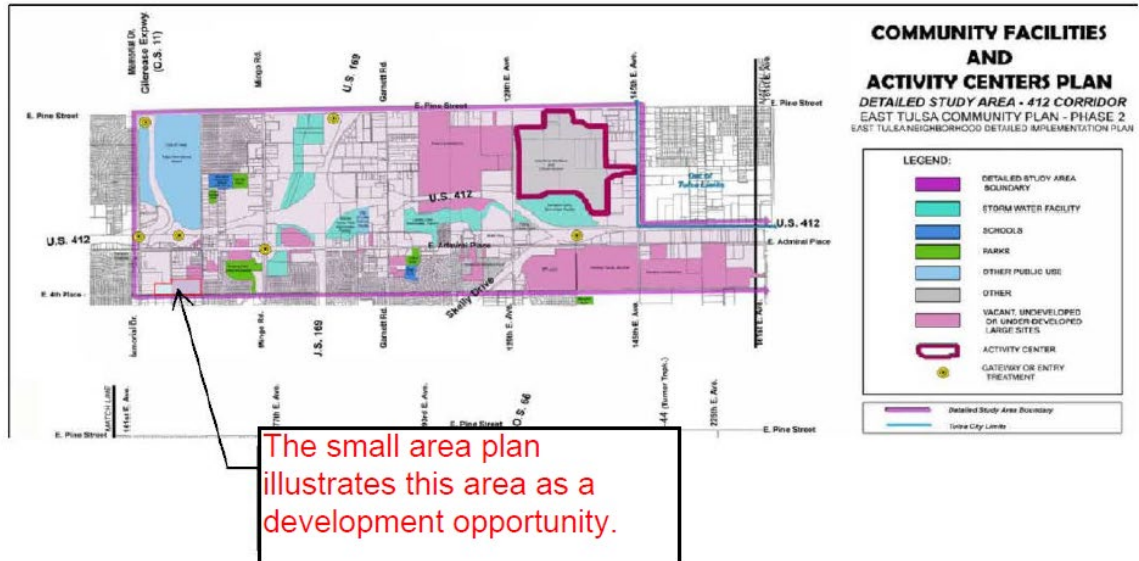
Small Area Plan: East Tulsa Neighborhood Implementation Plan (Phase 2).

Z-7352 is included in the East Neighborhood Implementation Plan and is identified as a vacant undeveloped or under-developed large site. The plan does not provide a specific vision for this infill opportunity but recognized the opportunity for redevelopment or infill development on this site.

THE PLAN

East Tulsa Neighborhood Detailed Implementation Plan – Phase 2 "412 Corridor"

Exhibit 20



Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site has been used for outdoor storage as part of the construction company west of the site. The green space on the south edge of the property is expected to remain in consideration of the wetlands designation.

Environmental Considerations: During the approval process for PUD 820 the consulting engineer stated that the drainage area on the south edge of the site is wetlands area and construction in that area is unlikely. There is no reason to believe that those restrictions along the south boundary have changed. The existing zoning code in conjunction with the wetlands protection provides adequate screening and buffer requirements for the proximate properties.

Streets:

| <u>Exist. Access</u> | <u>MSHP Design</u> | <u>MSHP R/W</u> | <u>Exist. # Lanes</u> |
|----------------------------------|--------------------|-----------------|---|
| East 4 th Place South | none | 50 feet | None, the street has never been constructed |

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

| Location | Existing Zoning | Existing Land Use Designation | Area of Stability or Growth | Existing Use |
|-----------------|------------------------|--------------------------------------|------------------------------------|--|
| East | CH/PUD 820 | Employment | Growth | Warehouse Distribution Center |
| North | CS and CH | Town Center | Growth | Light Industrial |
| South | RS-1 | Existing Neighborhood | Stability | Single family residential |
| West | CS and RS-2 | Town Center | Growth | Church and vacant construction company headquarters. |

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 23219 dated December 18, 2014, established zoning for the subject property.

Subject Property:

Z-7282/ PUD-820 December 2014: All concurred in **approval** of a request for *rezoning* and a *Planned Unit Development* on a 26± acre tract of land from OL/ CS/ CH to CH/ PUD-820, for a beverage warehouse and distribution center, on property located south and east of the southeast corner of South Memorial Drive and East Admiral Pl. and is also known as a part of the subject property.

Z-5571 June 1981: The applicant made a request for *rezoning* a tract of land from OL/CS/CH to RMH on property located at the northwest corner of E. 4th Pl. and S. 89th E. Ave.; also known as the subject property. Staff recommended approval of the north 16 acres and RS-3 for the remainder. The TMAPC

recommended **approval** of RS-2 on 21.8 acres and **denial** of the remainder. Records do not show that it ever made it to the City Council, therefore no official action taken.

BOA-19314 April 23, 2002: The Board of Adjustment **approved** a *Special Exception* to permit existing construction company uses in CS district; a *Special Exception* to permit Building Contract Construction Services, Use Unit 25, in a CH district, including but not limited to heavy construction equipment/storage parking; and a *Variance* to allow Use Unit 25 uses to be conducted outside (not in a building) on CH property within 300' of residential property, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, subject to maintenance and continuation of the berm along the south OL property line that would run the distance of the CH property and turn back to the north and tie into the east line of the CH property, and some marking along the south property line of the CH property to depict the boundary that would be visible to the neighborhood, and no storage or activities relating to the construction company be conducted in the OL district, on property located at 401 S. Memorial Dr. and also known as part of the subject property.

Surrounding Property:

BOA-17132 August 22, 1995: The Board of Adjustment **approved** a *Special Exception* to permit an existing construction company in a CS zoned district for a period of 3 years only, per plan submitted (30' X 50' existing building with a 20' X 30' addition), subject to outside storage of construction business equipment and materials being limited to the two acres located immediately east of the 30' X 50' building, on property located north of northeast corner of S. Memorial Dr. and E. 4th Pl. and abutting west of subject property.

Z-CASE Ordinance #8979 July 1960: All concurred in **approval** of a request for *rezoning* a tract of land from U-1B (RS-2) to U-3E (CH) on property located south of the southeast corner of S. 85th E. Ave. and E. Admiral Pl.

18. Z-7352 Lou Reynolds-(CD 3) Location: East of the northeast corner of East of 4th Place and South Memorial Drive requesting rezoning from **CH/PUD-820 to CS**. (Related to PUD-820-B)

STAFF RECOMMENDATION:

SECTION I: Z-7352

DEVELOPMENT CONCEPT:

DETAILED STAFF RECOMMENDATION:

Z-7352 requesting CS zoning is consistent with the Employment Land Use designation of the Comprehensive Plan and the East Tulsa Neighborhood Implementation Plan and;

CS zoning uses and development standards are not injurious to the surrounding proximate properties and;

The requested zoning is consistent with the anticipated future development pattern at this location therefore:

Staff recommends Approval of Z-7352 to rezone property from CH/PUD-820 to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The existing Land Use Map shows this area as an Employment Area. The CS zoning request is a compatible use in an Employment Area. The applicant has submitted a concurrent request to abandon the west portion of PUD 820. CS zoning is an appropriate zoning category in the Employment district and is compatible with the Town Center designation immediately west of this site.

Land Use Vision:

Land Use Plan map designation: Employment

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

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

Areas of Stability and Growth designation: Area of Growth

The purpose of 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: None

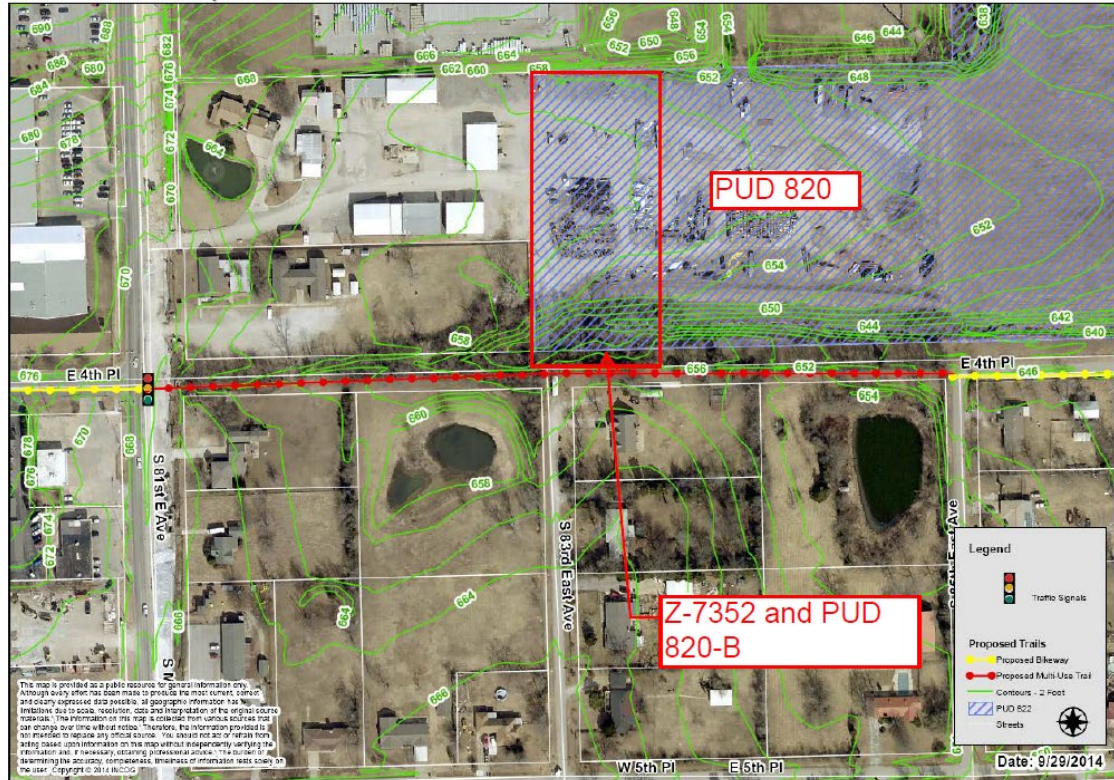
Trail System Master Plan Considerations: An important link for the 4th Street Multipurpose trail system is missing east of South Memorial Avenue. The existing traffic signal on Memorial at 4th along with the 60 foot street right-of-way without a street provides an opportunity to provide a new trail link with a crossing at a signalized intersection.

INCOG transportation planners have provided the following illustration that defines the desired result with this project.

Staff Comment:

During the approval process of PUD 820 the Planning Commission recommended approval of the trail system expansion as outlined in the trail master plan for the City for the City of Tulsa and illustrated below. The City Council removed that requirement. The street right-of-way for 4th Place has been dedicated for decades unfortunately the public street has not been constructed and is now considered a wetlands area. The wetlands designation will limit future street and trail expansion at this location.

Multi Purpose Trail Exhibit



Major Street and Highway Plan:

Trail System Master Plan Considerations:

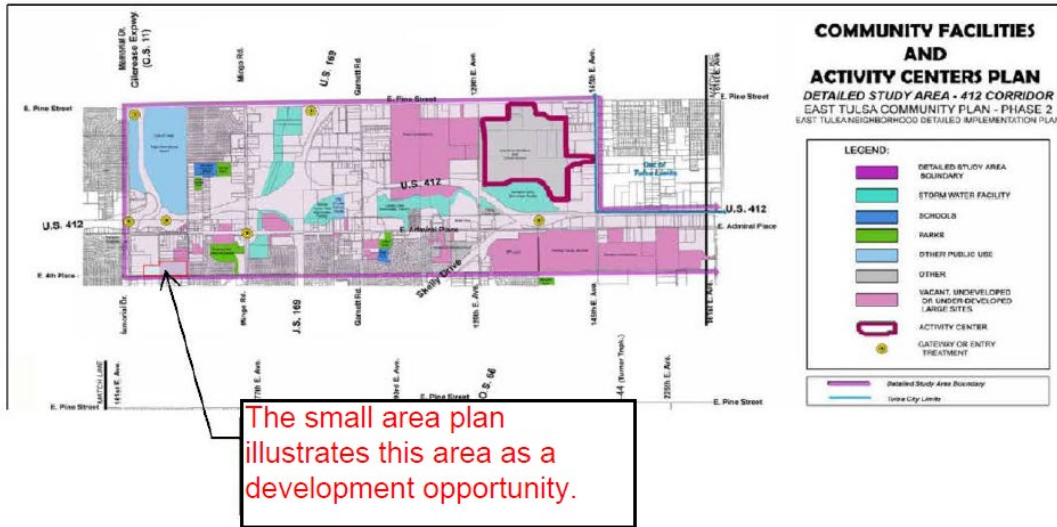
Small Area Plan: East Tulsa Neighborhood Implementation Plan (Phase 2).

Z-7352 is included in the East Neighborhood Implementation Plan and is identified as a vacant undeveloped or under-developed large site. The plan does not provide a specific vision for this infill opportunity but recognized the opportunity for redevelopment or infill development on this site.

THE PLAN

East Tulsa Neighborhood Detailed Implementation Plan – Phase 2 "412 Corridor"

Exhibit 20



Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

***Staff Summary:** The site has been used for outdoor storage as part of the construction company west of the site. The green space on the south edge of the property is expected to remain in consideration of the wetlands designation.*

Environmental Considerations: During the approval process for PUD 820 the consulting engineer stated that the drainage area on the south edge of the site is wetlands area and construction in that area is unlikely.

Streets:

| <u>Exist. Access</u> | <u>MSHP Design</u> | <u>MSHP R/W</u> | <u>Exist. # Lanes</u> |
|----------------------------------|--------------------|-----------------|---|
| East 4 th Place South | none | 50 feet | None, the street has never been constructed |

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

| Location | Existing Zoning | Existing Land Use Designation | Area of Stability or Growth | Existing Use |
|----------|-----------------|-------------------------------|-----------------------------|--|
| East | CH/PUD 820 | Employment | Growth | Warehouse Distribution Center |
| North | CS and CH | Town Center | Growth | Light Industrial |
| South | RS-1 | Existing Neighborhood | Stability | Single family residential |
| West | CS and RS-2 | Town Center | Growth | Church and vacant construction company headquarters. |

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 23219 dated December 18, 2014, established zoning for the subject property.

Subject Property:

Z-7282/ PUD-820 December 2014: All concurred in **approval** of a request for *rezoning* and a *Planned Unit Development* on a 26± acre tract of land from OL/ CS/ CH to CH/ PUD-820, for a beverage warehouse and distribution center, on property located south and east of the southeast corner of South Memorial Drive and East Admiral Pl. and is also known as a part of the subject property.

Z-5571 June 1981: The applicant made a request for *rezoning* a tract of land from OL/CS/CH to RMH on property located at the northwest corner of E. 4th Pl. and S. 89th E. Ave.; also known as the subject property. Staff recommended approval of the north 16 acres and RS-3 for the remainder. The TMAPC recommended **approval** of RS-2 on 21.8 acres and **denial** of the remainder. Records do not show that it ever made it to the City Council, therefore no official action taken.

BOA-19314 April 23, 2002: The Board of Adjustment **approved** a *Special Exception* to permit existing construction company uses in CS district; a *Special Exception* to permit Building Contract Construction Services, Use Unit 25, in a CH district, including but not limited to heavy construction equipment/storage parking; and a *Variance* to allow Use Unit 25 uses to be conducted outside (not in a building) on CH property within 300' of residential property, finding it will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or Comprehensive Plan, subject to maintenance and

continuation of the berm along the south OL property line that would run the distance of the CH property and turn back to the north and tie into the east line of the CH property, and some marking along the south property line of the CH property to depict the boundary that would be visible to the neighborhood, and no storage or activities relating to the construction company be conducted in the OL district, on property located at 401 S. Memorial Dr. and also known as part of the subject property.

Surrounding Property:

BOA-17132 August 22, 1995: The Board of Adjustment **approved** a *Special Exception* to permit an existing construction company in a CS zoned district for a period of 3 years only, per plan submitted (30' X 50' existing building with a 20' X 30' addition), subject to outside storage of construction business equipment and materials being limited to the two acres located immediately east of the 30' X 50' building, on property located north of northeast corner of S. Memorial Dr. and E. 4th Pl. and abutting west of subject property.

Z-CASE Ordinance #8979 July 1960: All concurred in **approval** of a request for *rezoning* a tract of land from U-1B (RS-2) to U-3E (CH) on property located south of the southeast corner of S. 85th E. Ave. and E. Admiral Pl.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **Dix**, the TMAPC voted 8-0-0 (Covey, Dix, Fretz, Midget, Millikin, Shivel, Stirling, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Reeds, Willis "absent") to **RECOMMEND APPROVAL** of PUD Abandonment and rezoning from CH/PUD-820 to CS per staff recommendations..

Legal Description of Z-7352:

A TRACT OF LAND THAT IS PART OF OIL CAPITAL HEIGHTS; A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE RECORDED PLAT THEREOF; SITUATED IN THE NORTHWEST QUARTER (NW/4) OF SECTION ONE (1), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) 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 SOUTHWEST CORNER OF SAID OIL CAPITAL HEIGHTS; THENCE NORTH 01°21'22" WEST ALONG THE WESTERLY LINE OF OIL CAPITAL HEIGHTS FOR 456.13 FEET TO THE MOST WESTERLY NORTHWEST CORNER OF SAID OIL CAPITAL HEIGHTS; THENCE NORTH 88°35'43" EAST ALONG SAID NORTHERLY LINE FOR 190.93 FEET; THENCE SOUTH 01°21'22" EAST PARALLEL

WITH SAID WESTERLY LINE FOR 456.43 FEET TO A POINT ON THE SOUTHERLY LINE OF OIL CAPITAL HEIGHTS; THENCE SOUTH 88°41'11" WEST ALONG SAID SOUTHERLY LINE 190.93 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND. THE ABOVE DESCRIBED TRACT OF LAND CONTAINING 87,119.98 SQUARE FEET OR 2.000 ACRES, MORE OR LESS.

* * * * *

19. Z-7353 Malek Khoury-(CD 2) Location: South of the southeast corner of South Jackson Avenue and West 71st Street requesting rezoning from **RS-3** to **CS**.

STAFF RECOMMENDATION:

SECTION I: Z-7353

DEVELOPMENT CONCEPT: The applicant is requesting to rezone the subject parcel from RS-3 to CS to permit a self-storage facility.

DETAILED STAFF RECOMMENDATION:

The rezoning request included in Z-7353 is consistent with the land use vision in the Tulsa Comprehensive Plan and,

Rezoning request is non-injurious to the existing proximate properties and,

CS rezoning requested is consistent with the anticipated future development of the surrounding property therefore,

Staff recommends Approval of Z-7353 to rezone property from RS-3 to CS.

Z-7353 DEVELOPMENT STANDARDS:

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: CS zoning is consistent with the Town Center land use designation of the Comprehensive Plan.

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: None

Trail System Master Plan Considerations: The proposed site is located approximately ½ mile from the River Parks West Trail and Turkey Mountain

Small Area Plan: West Highlands/Tulsa Hills

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is currently vacant farmland.*

Environmental Considerations: The eastern edge of the property contains FEMA floodplain.

Streets:

| <u>Exist. Access</u> | <u>MSHP Design</u> | <u>MSHP R/W</u> | <u>Exist. # Lanes</u> |
|----------------------|--------------------|-----------------|-----------------------|
| South Jackson Avenue | None | 50 feet | 2 |

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

| Location | Existing Zoning | Existing Land Use Designation | Area of Stability or Growth | Existing Use |
|-----------------|------------------------|--------------------------------------|------------------------------------|--|
| North | CS | Town Center | Growth | Vacant |
| East | RS-3/RM-0/CS/PUD-738 | Town Center | Growth | Vacant/Being Developed as Multi-Family |
| South | RS-3 | New Neighborhood | Growth | Single-Family |
| West | CO | Regional Center | Growth | Retail Center |

SECTION III: Relevant Zoning History

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

Subject Property:

No relevant history.

Surrounding Property:

Z-7286 February 2015: All concurred in approval of a request for rezoning a 3.5± acre tract of land from RS-3 to CS, for commercial uses, on property located on the southeast corner of W. 71st St. and S. Jackson Ave. and abutting north of subject property.

Z-7195/ PUD-790 March 2012: All concurred in approval of a request for rezoning a 4± acre tract of land from AG to RM-2 and a Planned Unit Development (PUD-790), for life care retirement cent and assisted living facility with a maximum 80,000 sq. ft. and 120 dwelling units, on property located east of northeast corner of West 71st Street and South Olympia Avenue.

Z-7052/PUD-738 May 2007: All concurred in approval of a request to rezone a 39.19± acre tract from AG to RS-3/RM-0/CS and a Planned Unit Development for a mixed use development with two Development Areas, on property located at the southwest corner of West 71st Street South and South Elwood Avenue. Northern Development Area A permits office and commercial use and the southern Development Area B allows for children's nursery and church use, townhouse and multi-family dwelling as well as off-street parking and offices and studios.

Z-7008-SP-1/Z-6966-SP-1/Z-6967-SP-1 March 2006: All concurred in approval of a Corridor Site Plan on 176± acres to permit a regional shopping center known as the Tulsa Hills site with a total of 1,554,194 square feet of maximum building floor area approved at a .25 floor area ratio. On property located east of US Highway 75 between West 71st and West 81st Streets and west of subject property.

Z-7008 March 2006: All concurred in approval of a request to rezone a 43.6+ acre tract from AG/RS-3 to CO on property located East side of U. S. Highway 75 South between West 71st Street South and West 81st Street South for regional shopping center known as Tulsa Hills.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **Midget**, the TMAPC voted 8-0-0 (Covey, Dix, Fretz, Midget, Millikin, Shivel, Stirling, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Reeds, Willis "absent") to **RECOMMEND APPROVAL** of rezoning from RS-3 to CS per staff recommendations.

Legal Description of Z-7353:

A tract of land located in the Northwest Quarter of the Northeast Quarter (NW/4 NE/4) of Section Eleven (11) of Township Eighteen (18) North and Range Twelve (12) East of the Indian Base and Meridian (I.B.&M.), according to the U.S. Government Survey, thereof, Tulsa County, State of Oklahoma; being more particularly described as follows: Commencing at the NE corner of the NE/4 of Sec. 11, T-18-N, R-12-E, I.B.&M.; Thence S 89°09'10" W along the north line of

said NE/4 a distance of 1327.82 feet to the NE corner of the NW/4 of said NE/4; Thence S 89°09'10" W along the north line of said NE/4 a distance of 310.00 feet; Thence S 01°18'39" E a distance of 429.02 feet to the Point of Beginning being a point on the present east right-of-way of South Jackson Avenue; Thence S 01°18'39" E along said present east right-of-way of South Jackson Avenue a distance of 363.00 feet; Thence N 89°08'57" E a distance of 310.00 feet to the east line of said NW/4 NE/4; Thence N 01°18'39" W along the east line of said NW/4 NE/4 a distance of 363.00 feet; Thence S 89°08'57" W a distance of 310.00 feet to the Point of Beginning, and containing 2.583 acres, more or less. Basis of bearing is the Oklahoma State Plane Coordinate System.

* * * * *

20. Z-7354 AAB Engineering-(CD 9) Location: East of the northeast corner of East 41st Street and South Utica Avenue requesting rezoning from **RS-2 to RS-3. (Applicant requests a continuance to August 17, 2016)**

TMAPC Action; 8 members present:

On **MOTION** of **Dix**, the TMAPC voted 8-0-0 (Covey, Dix, Fretz, Midget, Millikin, Shivel, Stirling, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Reeds, Willis "absent") to **CONTINUE Z-7354** to August 17, 2016

* * * * *

21. PUD-811-1 Ryan Fitzgerald-(CD 4) Location: Northwest corner East 15th Street South and South Trenton Avenue **PUD Minor Amendment to revise the sign standards to allow wall and canopy signs on the north side of buildings.**

STAFF RECOMMENDATION:

SECTION I: PUD-811-1 Minor Amendment

Amendment Request: Modify the PUD Development Standards to revise the sign standards to allow wall and canopy signs on the north side of buildings.

The PUD development standards currently prohibit wall and canopy signs on the north sides of buildings within the PUD. This request would remove that restriction; however this request should be limited to non-illuminated signs. In addition, this request should apply only to buildings on the east side of the alley that divides the PUD.

Staff Comment: This request can be considered a Minor Amendment as outlined by Section 30.010.1.2.c(12) of the City of Tulsa Zoning Code.

“Modification to approved signage, provided the size, location, number and character (type) is 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) The request should be limited to non-illuminated signage and only on the buildings on the east side of the alley.
- 3) All remaining development standards defined in PUD-811 shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to revise the sign standards to allow wall and canopy signs on the north side of buildings.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **Midget**, the TMAPC voted 8-0-0 (Covey, Dix, Fretz, Midget, Millikin, Shivel, Stirling, Walker, “aye”; no “nays”; none “abstaining”; Carnes, Reeds, Willis “absent”) to **APPROVE** the minor amendment request to revise the sign standards to allow wall and canopy signs on the north side of buildings.

OTHER BUSINESS

22. Introduction of 36th Street North Corridor Plan amendments (CPA-51) for Mohawk Employment Center and request TMAPC set for public hearing (September 7, 2016)

Item: Council-initiated text and map amendments to the Comprehensive Plan establishing and defining an Employment Center in an area between 36th Street North and Mohawk Boulevard, and between Peoria Avenue and Lewis Avenue; boundary and text amendments to the 36th Street North Corridor Small Area Plan; and amendments to Land Use and Stability and Growth maps in support of the proposed Employment Center.

- A. Background:** The Tulsa City Council initiated a Comprehensive Plan amendment on July 14, 2016, requesting text and map amendments to accommodate an industrial facility or industrial park within the 196-acre subject area. The subject area remains largely undeveloped and has seen little new growth since the 1970s, though land use recommendations for future growth have intensified over time. The Planning District 25 recommendation from 1976 showed this area as predominantly 'Low Intensity' growth with floodplain portions of the site shown as 'Development Sensitive'. In 2010, PLANiTULSA land use recommendations intensified due in part to two factors, 1) The extension of the Gilcrease Expressway immediately to the south, and 2) Feedback from PLANiTULSA workshops and subarea workshops promoting new focus on economic growth in north Tulsa. The 2013 small area plan for the 36th Street North Corridor further refined land use recommendations showing portions of the site as intensely developed *Town Center* (approx. 50 acs.) with *New Neighborhood* (90 acs.), and smaller areas of *Existing Neighborhood*, *Mixed Use Corridor*, and *Parks and Open Space*.



Figure 1 The 196 acre subject site is mostly undeveloped. Note the established neighborhood to the south.

future growth have intensified over time. The Planning District 25 recommendation from 1976 showed this area as predominantly 'Low Intensity' growth with floodplain portions of the site shown as 'Development Sensitive'. In 2010, PLANiTULSA land use recommendations intensified due in part to two factors, 1) The extension of the Gilcrease Expressway immediately to the south, and 2) Feedback from PLANiTULSA

workshops and subarea workshops promoting new focus on economic growth in north Tulsa. The 2013 small area plan for the 36th Street North Corridor further refined land use recommendations showing portions of the site as intensely developed *Town Center* (approx. 50 acs.) with *New Neighborhood* (90 acs.), and smaller areas of *Existing Neighborhood*, *Mixed Use Corridor*, and *Parks and Open Space*.

In 2014, the George Kaiser Family Foundation began acquisition here and at this time they control over 90% of the subject area. In 2016, the Vision 2025 Extension vote included a \$10,000,000 capital item for development of the Peoria-Mohawk Business Park within the subject area.

While the creation of a large employment center may be generally consistent with plans for economic growth in north Tulsa, a specific proposal for this subject area has not been fully vetted. A proposed amendment to the Comprehensive Plan for the subject area offers an opportunity to determine the appropriateness of this site, assess the local impacts of an Employment Center, and offer recommendations and remedies needed to ensure successful growth for the entire area.

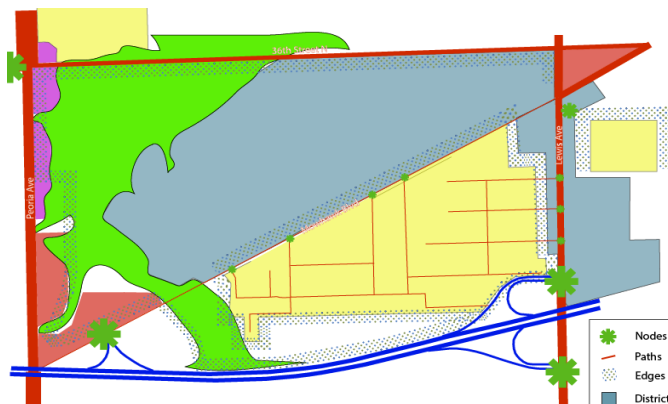


Figure 2 A Working Group participated in an analysis of the proposal. Their input and findings are incorporated into the staff summary of opportunities and issues.

- B. Analysis:** A working group comprised of fronting single-family homeowners, the owner of the subject property, and other

people familiar with development and real estate in north Tulsa have assisted planners in reviewing the proposal. Their excellent contributions are noted in the staff analysis that follows. In addition to highlighting facts that staff did not foresee, they also provided very clear indications of development preferences and priorities. Issues and opportunities related to use of the subject site as an Employment Center include:

B1. Opportunity: Economic development is an objective of the 36th Street North SAP and the desire for jobs was affirmed by the Working Group, though some neighbors in the group expressed concerns about the site. Some members of the Working Group acknowledged the probability for *high quality jobs* in this proposal, with potential to create secondary jobs and spur growth, furthering other plan objectives.

B2. Issue: Infrastructure needs In addition to on-site infrastructure, the Working Group noted a need for *sidewalks and street illumination* on 36th Street North and Mohawk Boulevard, and the possible need for a *traffic light* at Mohawk Boulevard and Peoria Avenue. While traffic lights require an engineering analysis to determine if they are warranted, staff can affirm that arterial sidewalks will be essential for those workers who will use mass transit, including the Peoria Bus Rapid Transit (BRT), under design now. Additional research reveals that the *bridge over Dirty Butter Creek* on 36th Street North (State Hwy 11) may need replacement. The subject property owner's representative is aware of this issue, and while ODOT has addressed urgent deficiencies, the bridge should be reprioritized for replacement. Finally, Mohawk Boulevard provides an excellent bicycle connection between the Osage bike trail and Mohawk Park and this segment is marked for bicycle improvements in the Bicycle and Pedestrian Master Plan. The Working Group expressed a desire for a side path here, if rights-of-way allow.

B3. Issue: Floodplain Approximately 60 acres on the western third of the subject property lies within the 100-year floodplain. Reviewing the Bird Creek Master Drainage Plan, there are no upstream or downstream flood control facilities that would alter the floodplain. Instead, it is planned to remain in as a natural, riparian area. The representative of the majority property owner in the subject area understands this issue and has no plans for major development within the floodplain. There is some residual land suitable for development along Peoria Avenue and at the intersection of Peoria and 36th Street North. These sites are relatively shallow and it should be noted that future development proposals here may include minor reshaping of the floodplain, and/or place parking lots below flood level. Small encroachments such as this are to be expected and with proper mitigation, can be done in ways that are consistent with stormwater management best practices.

B4. Issue: Traffic Considerations Mohawk Boulevard is designated a *collector street* on the Major Street and Highway Plan. Re-designating this street as a high-traffic arterial might be a poor option as this might be detrimental to the neighborhood to the south, as well as bicycle plans. The Working Group instead preferred carefully planned ingress/egress on Mohawk Boulevard. that would disallow truck traffic and discourage employee traffic through the neighborhood.

B5. Issue: No Train Access It appears that the site will be entirely dependent on truck transport, and while this certainly does not inhibit the site's success, especially since it has excellent highway access, it does underscore some of the Working Group's concerns about the potential negatives impacts of truck traffic.

B6. Issue: Oversized Loads Route While the Working Group recommended traffic calming on Mohawk Boulevard, they also informed us that the street is occasionally used for oversized loads, presumably from the Port of Catoosa. An interview with the Port Operations Manager revealed that shippers would rather use 36th Street North instead of Mohawk Boulevard, but the aforementioned bridge at Dirty Butter Creek is not rated for the weight. It may be difficult, at least in the short term, to recommend chicanes or other on-street traffic calming devices that could interfere with oversized shipments. But that could change with the bridge replacement on 36th Street North.

B7. Issue: Site Design Considerations The Working Group, which included the representative of the owner of most of the property on the site, as well as property owners that front the site on the south side of Mohawk Boulevard, offered several suggestions that would effectively screen the site from the neighborhood to the south including: A *high berm* such as those used at the Gathering Place, which provide excellent visual and noise screening; *retention of mature trees* near Mohawk Boulevard where possible; and a preference for having *parking, rather than buildings, near Mohawk Boulevard*. The owner's representative noted that on-site detention must be located on the northwest corner of the site, which rules out the possibility of using a detention pond as part of a buffer.

C. Comprehensive Plan amendment history:

36th Street North Corridor Small Area Plan, 2013 The majority of the recommendations within this small area plan are for 36th Street North, *west* of Peoria Avenue, though the plan does cover the majority of the subject area. Some property acquisition may have been occurring during the time when this plan was developed, but it was not known at the time.

Attachment 1

CPA-51 - Comprehensive Plan Text Amendments

A. 36th Street North Corridor Small Area Plan Text Amendments to the Comprehensive Plan

1) Recommendations, Part I: Page R 75 (add new Priority)

LAND-USE PRIORITY 7

Encourage the compatible growth of a new Employment Center east of Dirty Butter Creek.

Goal 9 -

Support the development of a new industrial facility or park between Dirty Butter Creek and Lewis Avenue, and between 36th Street North and Mohawk Boulevard, while respecting and promoting the future success of neighboring properties.

9.1 Encourage the development of an industrial facility or industrial park at this location that: 1) incorporates shielded lighting and minimizes light pollution, 2) employs best site management practices during construction to avoid dust and erosion, 3) minimizes encroachment into the floodplain of Dirty Butter Creek.

9.2 For property on Mohawk Boulevard *across the street* from the established neighborhood: 1) build a berm to provide visual and noise screening, 2) preserve mature trees where possible to provide screening and shade, 3) do not place ingress and egress points to the industrial site, 4) place parking areas, rather than buildings, nearer to Mohawk Boulevard.

2) Recommendations, Part I: Page R 77 (add new Goal under
‘Transportation Priority 3 – Increase circulation and connectivity across the Plan Area’)

Goal 18 –

Construct an array of infrastructure improvements in and around the Employment Center east of Dirty Butter Creek that, supportive of both industrial and residential growth needs.

18.1 On-site improvements promoting excellent internal circulation options for trucks and employees of the Employment Center.

18.2 Careful placement of ingress and egress points on Mohawk Boulevard, a collector street. Driveway placement should provide

connectivity for employees and trucks to and from Peoria Avenue, Lewis Avenue, and multiple highway connections, but should avoid the established neighborhood to the south. Internal circulation and driveway access should bypass or otherwise obviate the need for employee and truck transit through the neighborhood.

18.3 Arterial sidewalks and additional street and pedestrian lighting on 36th Street North and Mohawk Boulevard, enhancing connectivity to transit and nearby residential areas.

18.4 A side path, cyclo-track, or other bicycle accommodation on Mohawk Boulevard consistent with the Bicycle and Pedestrian Master Plan.

18.5 A path through the Dirty Butter Creek floodplain, providing enhanced pedestrian and bicycle connective to the Town Center and Employment Center.

B. Justification

The addition of an Employment Center in this area is generally consistent with employment objectives identified in the 36th Street North Corridor Small Area Plan. Further, the introduction of a large number of permanent, high-quality jobs in the area can spur secondary employment and growth, accelerating the implementation and success of many other goals for the 36th Street North corridor. The proposed text amendments support a careful, conscious effort to minimize negative impacts of this land use change, particularly to the neighborhood to the south, and ensure that the benefits of this new Employment Center do not come at the expense of the neighbors.

C. Staff Recommendation:

Discuss and set for public hearing on September 7, 2016.

Attachment 2

CPA-51 - Comprehensive Plan Map Amendments

A. 36th Street North SAP/Tulsa Comprehensive Proposed Map Amendments

- 1) As shown on the attached existing and proposed Land Use Map the proposed land use map amendments are as follows:
 - a) An expansion of the planning boundaries of the 36th Street North Corridor Small Area Plan to include **all properties located between 36th Street North and Mohawk Boulevard, and between Peoria Avenue and Lewis Avenue.**
 - b) **On certain properties located between 36th Street North and Mohawk Boulevard, and between Lewis Avenue and the eastern edge of the Dirty Butter Creek floodplain,** amend the designation on the Land Use Map from *Existing Neighborhood, New Neighborhood, and Mixed-Use Corridor*, to *Employment Center*
 - c) **On certain properties partially or entirely within the Dirty Butter Creek floodplain, for the portions of the properties within the floodplain,** amend the designation on the Land Use Map from *Town Center, Existing Neighborhood, and New Neighborhood*, to *Parks and Open Space*
 - d) **On certain properties located south of the Dirty Butter Creek floodplain, for the portions of the properties outside the floodplain** amend designation on the Land Use Map from *Parks and Open Space and New Neighborhood*, to *Town Center*.
- 2) As shown on the attached existing and proposed Growth and Stability Map the proposed Stability and Growth Map amendments are as follows:
 - a) **On certain properties located between 36th Street North and Mohawk Boulevard, and between Peoria Avenue and Lewis Avenue,** amend the designation on the Stability and Growth Map to show all portions of property within the Dirty Butter Creek floodplain as *Stability* and all portions of property outside the floodplain to be *Growth*.

B. Justification:

These designations will support industrial development within the subject area east of Dirty Butter Creek, while retaining opportunities for expanding a Town Center along Peoria Avenue. Highlighting the Dirty Butter Creek floodplain and Parks and Open Space does not prevent development in these areas, but it does highlight developmentally sensitive land as identified in the Bird Creek Master Drainage Plan.

C. Staff Recommendation:

Discuss and set for public hearing on September 7, 2016.

Mr. Midget stated he was glad staff was looking for creative ways to buffer the neighborhood to the south. Also 36th Street North and Mohawk Boulevard needs to be looked at for street improvement.

Mr. Covey asked who owns the property.

Staff stated that the majority is owned by the George Kaiser Family Foundation and a small amount is owned by other individuals.

Mr. Covey asked what the plan was for acquiring the remainder of the property.

Staff stated that talks continue with at least one property owner. There is also some property in an undevelopable floodplain area.

Mr. Covey asked is the George Kaiser Foundation going to retain the property in their name, sell it or lease it.

Staff stated the property was a public, private partnership and there will be taxpayer money going into this and staff does not know the ultimate disposition of the property it could be owner by the City of Tulsa, an authority, the George Kaiser Foundation or the tenant on the property.

Mr. Covey stated there are public tax dollars going into this development just the Mayo Hotel and that's not public, there is not a public private partnership there its owned by Brickhuggers, LLC. Mr. Covey further stated there is ten million dollars of taxpayer money going into this development and he would like to know the plan.

Josh Miller representing the George Kaiser Foundation stated to get the ten million dollars the land will be transferred to a City Authority and leased back to George Kaiser Family Foundation in a transaction similar to Kendall Whittier area. The lease terms will be very restrictive to what the end user could be with the focus of landing a 1000 job employer in the area. For the George Kaiser Family Foundation this is a charitable project to drive economic development. Staff couldn't give a lot of specifics because the end user is not known yet. The ten million is used by the end user as an incentive and there is always a significant investment by the end user for tying into utilities and things of that nature. Mr. Miller stated it is not know if all 112 acres of the developable land outside of what George Kaiser Family Foundation already owns will be needed. There is one property owner that George Kaiser Family Foundation is in negotiations with regarding amount an acre of the 112 acres in this development. Mr. Miller stated the part of this development that was designated as New Neighborhood if anyone had been interested in developing this at

anytime and if it had been somewhere else in the city this would have been a brownfield site the George Kaiser Family Foundation is in the process of filling 15 oil wells, there are sludge ponds and metal material from oil exaction over the years, also dumped tires and car parts. This is definitely a reclamation project that will make the site much better than it is today.

Mr. Covey asked staff given the description of the land that Mr. Miller gave, how did the land use ever get to the New Neighborhood designation on the Land Use Map.

Staff replied back in 1976 the recommendation was very low intensity development which would rule out this kind of manufacturing and employment center.

Mr. Shivel stated when you see all the time and effort and hope for progress in that area combined with the employment center and bus rapid transit that goes all the way to 36th Street North this really gives people access to this employment area and it will be exciting to see the outcome.

Mr. Dix asked with 36th Street being Highway 11 what input have we had from ODOT.

Staff stated they are more concerned about replacing the bridge and accessing the site.

Mr. Dix stated he was more concerned about the trucks coming down Mohawk Boulevard instead of 36th Street North.

Staff stated we are working with several people to help get 36th Street North repaired.

Mr. Fretz asked if a study has been completed on the rail system in the area.

Staff stated the nearest railroad is about half a mile.

TMAPC Action; 8 members present:

On **MOTION** of **Walker**, the TMAPC voted 8-0-0 (Covey, Dix, Fretz, Midget, Millikin, Shivel, Stirling, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Reeds, Willis "absent") to **SET** for public hearing date of September 7, 2017.

23. Commissioners' Comments

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ADJOURN

TMAPC Action; 8 members present:

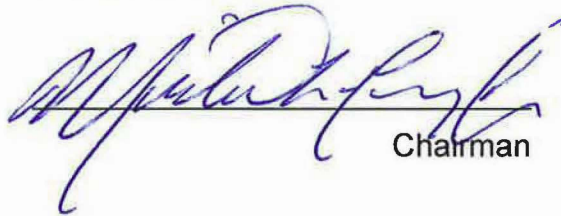
On **MOTION** of **Dix**, the TMAPC voted 8-0-0 (Covey, Dix, Fretz, Midget, Millikin, Shivel, Stirling, Walker, "aye"; none "nays"; none "abstaining"; Carnes, Reeds, Willis "absent") to **ADJOURN** TMAPC meeting 2727.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 3:30 p.m.

Date Approved:

08-17-2016


Chairman

ATTEST:


Secretary