

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2728

Wednesday, August 17, 2016, 1:30 p.m.

City Council Chamber

One Technology Center – 175 E. 2<sup>nd</sup> Street, 2<sup>nd</sup> Floor

Members Present	Members Absent	Staff Present	Others Present
Covey	Carnes	Brierre	Blank, Legal
Dix	Reeds	Fernandez	VanValkenburgh, Legal
Fretz	Stirling	Hoyt	
Midget		Miller	
Millikin		Sawyer	
Shivel		White	
Walker		Wilkerson	
Willis			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, August 11, 2016 at 4:51 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:

### Director's Report:

Ms Miller reported on the actions of City Council. Ms. Miller stated a copy of the Comprehensive Plan progress report and monitoring was handed out to commissioners before the meeting. Work continues on the sector plans that are on the agenda today and those will need to be continued so staff can work further with the consultant. It is anticipated that the plans should be ready for the next meeting. Also the 36<sup>th</sup> Street North Corridor Plan amendments will also be on next agenda. Staff is working on other projects, such as Zoning Code amendments, Subdivision Regulations and the landscape ordinance.

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1. **Minutes:**

**Approval of the minutes of August 3, 2016 Meeting No. 2727**

On **MOTION** of **DIX**, the TMAPC voted 7-0-1 (Covey, Dix, Fretz, Midget, Millikin, Shivel, Walker, “aye”; no “nays”; Willis “abstaining”; Carnes, Reeds, Stirling, “absent”) to **APPROVE** the minutes of the meeting of August 3, 2016, Meeting No. 2727.

Mr. Covey stated there is request for continuance of #9 on the consent agenda and that item would be moved to public hearing.

**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-20907** (Lot-Split) (CD 3) – Location: East of the northeast corner of East Easton Street and North Sheridan Road
3. **LC-803** (Lot-Combination) (CD 4) – Location: West of the northwest corner of East 27<sup>th</sup> Street South and South Peoria Avenue
4. **LC-804** (Lot-Combination) (CD 4) – Location: Northeast corner of East 7<sup>th</sup> Street South and South Birmingham Avenue
5. **LC-805** (Lot-Combination) (CD 4) – Location: Southwest corner of East 5<sup>th</sup> Place South and South Birmingham Avenue
6. **LC-806** (Lot-Combination) (CD 9) – Location: West of the southwest corner of East 31<sup>st</sup> Place South and South Peoria Avenue
7. **PUD-198-C-5 Claude Neon Federal Signs-** (CD 9) Location: South of the southwest corner of East 61<sup>st</sup> Street South and South Maplewood Avenue  
**PUD Minor Amendment** to revise the sign standards to allow wall signs and a tenant identification sign.

**STAFF RECOMMENDATION:**

**SECTION I:** PUD-198-C-5 Minor Amendment

## STAFF RECOMMENDATION

Amendment Request: Modify the PUD Development Standards to revise the sign standards to allow wall signs and a tenant identification sign.

The PUD development standards currently limit signage on Maplewood Avenue to one sign not exceeding 48 sf in area and 20 ft in height. The applicant is requesting to allow five 32 sf non-illuminated wall signs on the south entry side of the building, five 32 sf illuminated wall signs on the north side of the building and one 32 sf multi-tenant identification sign to be located on the east (Maplewood Avenue) side of the building.

In the current Zoning Code, the underlying zoning for this site, RM-2, allows nonresidential uses one wall sign, not to exceed 32 sf, per public building entrance as well as one freestanding sign, not to exceed 32 sf in area and 20 ft in height. Based on this signage allowance, staff has determined that the applicant's request should be limited to the signage allowed in the underlying RM-2 zoning.

If approved this would allow each space one wall sign of 32 sf as well as one tenant identification sign for the building not to exceed 32 sf in area and 20 ft in height.

Staff Comment: *This request can be considered a Minor Amendment as outlined by Section 30.010.I.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 one, 32 sf max wall sign per public building entrance and one 32 sf max tenant identification sign with a 20 ft height limit.
- 3) All remaining development standards defined in PUD-198-C shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to revise the sign standards to allow wall signs and a tenant identification sign, limited to one 32 sf max wall sign per public building entrance and one tenant identification sign 32 sf max in area and 20 ft max in height.

8. **PUD-741-A-2 Sack and Associates-** (CD 6) Location: 10720 South Joplin Avenue **PUD Minor Amendment** to reduce required front yard setback from 20 ft to 17 ft.

**STAFF RECOMMENDATION:**

**SECTION I:** PUD-741-A-2 Minor Amendment

**STAFF RECOMMENDATION**

Amendment Request: Modify the PUD Development Standards to reduce required front yard setback from 20 ft to 17 ft.

The applicant has indicated that the reason for the requested reduced front yard setback is due to the house being constructed over the required front yard setback line because of a revision to the street curb on South Joplin Avenue.

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

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

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the PUD.
- 2) All remaining development standards defined in PUD-741-A and subsequent minor amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to reduce required front yard setback from 20 ft to 17 ft.

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

**TMAPC Action; 8 members present:**

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

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

Mr. Covey stated items 9, 10, and 11 are requesting a continuance to September 7, 2016 and item 14 requested a continuance to October 5, 2016.

#### **CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA**

- 9. PUD-196-5 Kevin Vanover-** (CD 8) Location: Southwest corner East 71<sup>st</sup> Street South and South Memorial Drive **PUD Minor Amendment** to modify Development Area C and update the Development Standards to meet current Zoning Code.

#### **TMAPC Action; 8 members present:**

On **MOTION** of **DIX**, TMAPC voted **8-0-0** (Covey, Dix, Fretz, Midget, Millikin, Shivel, Walker, Willis "aye"; no "nays"; none "abstaining"; Carnes, Reeds, Stirling, "absent") to **CONTINUE** PUD-196-5 to September 7, 2016.

\* \* \* \* \*

Mr. Midget out 1:35 p.m.

Items 10 and 11 were taken together

#### **COMPREHENSIVE PLAN PUBLIC HEARINGS:**

- 10. Consider adoption of the North Tulsa Neighborhoods Sector Plan**, amending the Tulsa Comprehensive Plan by adopting an Executive Summary, Implementation Matrix and recommended Land Use and Stability/Growth Maps for the North Tulsa Neighborhoods Sector Plan (staff requests continuation to September 7, 2016 to work with consultant to finalize plan document.)

- 11. Consider adoption of the Kendall Whittier Sector Plan**, amending the Tulsa Comprehensive Plan by adopting an Executive Summary, Implementation Matrix and recommended Land Use and Stability/Growth Maps for the Kendall Whittier Sector Plan (staff requests continuation to September 7, 2016 to work with consultant to finalize plan document.)

#### **TMAPC Action; 7 members present:**

On **MOTION** of **DIX**, TMAPC voted **7-0-0** (Covey, Dix, Fretz, Millikin, Shivel, Walker, Willis "aye"; no "nays"; none "abstaining"; Carnes, Midget, Reeds, Stirling, "absent") to **CONTINUE** the North Tulsa Neighborhoods Sector Plan and Kendall Whittier Sector Plan to September 7, 2016.

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## **PUBLIC HEARINGS:**

**14. Z-7355 Andrea Chase**-(CD 2) Location: West of the southwest corner of West 81<sup>st</sup> Street and South Yukon Avenue requesting rezoning from **RS-3 to RS-5**. (Applicant requests a continuance to October 5, 2016)

Both interested parties wishing to speak indicated they could wait on their comments until October 5, 2016.

### **TMAPC Action; 7 members present:**

On **MOTION** of **DIX**, TMAPC voted **7-0-0** (Covey, Dix, Fretz, Millikin, Shivel, Walker, Willis "aye"; no "nays"; none "abstaining"; Carnes, Midget, Reeds, Stirling, "absent") to **CONTINUE** item Z-7355 to October 5, 2016.

\*\*\*\*\*

Mr. Midget returned 1:43 p.m.

**12. Stone Lake Phase IV – Preliminary Plat**, Location: West of southwest corner of East 136<sup>th</sup> Street North and North Sheridan Avenue (County)

### **STAFF RECOMMENDATION:**

The plat consists of 15 Lots, 2 Blocks, on 9.98 acres.

The following issues were discussed August 4, 2016, at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RE (residential estate).
2. **Streets:** No comment.
3. **Sewer:** Aerobic systems.
4. **Water:** Washington County Rural water district # 3 will serve water.
5. **Storm Drainage:** Drainage plans will need to be submitted and approved by the County Engineer.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** No comment.
7. **Other: Fire:** A release letter will be needed from the district serving the site.
8. **Other: GIS:** Identify all subdivisions in location map. Label correctly. Turn off parcel and/or lot lines in location map. Label all unplatted areas in location map. Label all streets with the assigned street name. Spell out the Indian Base and Meridian in location description for plat. Submit

control data sheet. Provide individual lot addresses on face of plat. Define the basis of bearing for the plat. List under the general notes the basis of bearing providing the bearing angle between two known points. In the sub-title of the plat add "State Of" before Oklahoma. The surveyor needs to renew his CA number. Please provide the name of the surveyor under the surveyor information. **County Engineer** Addresses must be provided and approved. Drainage study must be submitted and approved. All developments in section must be shown on location map. Proper pipe sizes for drainage, etc. must be shown and approved.

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

**Waivers of Subdivision Regulations:**

1. None requested.

**Special Conditions:**

1. The concerns of the County Engineer must be taken care of to his satisfaction.

**Standard Conditions:**

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)

8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefore shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefore shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final



plat.

23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

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

**TMAPC Action; 8 members present:**

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

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**13.Z-7354 AAB Engineering, Alan Betchan**-(CD 9) Location: East of the northeast corner of East 41<sup>st</sup> Street and South Utica Avenue requesting rezoning from **RS-2 to RS-3**. (Continued from August 3, 2016)

**STAFF RECOMMENDATION:**

**SECTION I: Z-7354**

DEVELOPMENT CONCEPT: Rezone property to allow single family residential infill development similar to gated communities east of this site on the north side of East 41<sup>st</sup> Street. The proposed redevelopment will include a private street system. The project will require a waiver of the Subdivision Regulations because they currently require private streets to be in a PUD. The zoning code does not allow new PUD projects. Additional approvals will be required from the Board of Adjustment to approve a variance from Zoning Code to allow lots without frontage on a public street.

**DETAILED STAFF RECOMMENDATION:**

Z-7354 requesting RS-3 zoning is consistent with the Existing Neighborhood Land Use designation of the Comprehensive Plan and the East Tulsa Neighborhood Implementation Plan and;

The site is isolated from the surrounding neighborhood and access will be provided from East 41<sup>st</sup> Street South. The RS-3 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-7354 to rezone property from RS-2 to RS-3.**

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The infill opportunity at this site is consistent with the Existing Neighborhood vision that recommends small scale infill projects.*

### Land Use Vision:

#### *Land Use Plan map designation: Existing Neighborhood*

The Existing Residential Neighborhood category is intended to preserve and enhance Tulsa's existing single family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

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

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

### Transportation Vision:

#### *Major Street and Highway Plan: East 41<sup>st</sup> Street south is a Multi Modal Corridor.*

Multi-modal streets emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located in high intensity

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

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

*Trail System Master Plan Considerations:*

The site is within one mile of the Riverparks and trail system. Pedestrian or bicycle access improvements to Riverside Drive will be an important consideration. Sidewalk construction along East 41<sup>st</sup> Street South will be required as part of the IDP plans.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is currently occupied with two large residences which cover part of 4 existing lots.

Environmental Considerations: The terrain slopes down away from 41<sup>st</sup> street. Stormwater detention would likely affect lot layout forcing most of the new lot configuration closer to the 41<sup>st</sup>.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 41 <sup>st</sup> Street	Multi Modal/Urban Arterial	70 feet	4

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-2	Existing Neighborhood	Stability	Single Family Residential
East	RS-1	Existing Neighborhood	Stability	Single Family Residential
South (south side of East 41 <sup>st</sup> )	RE	Existing Neighborhood	Stability	Single Family Residential
West	RS-2	Existing Neighborhood	Stability	Single Family Residential

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11823 dated June 26, 1970, established zoning for the subject property.

***Subject Property:***

*No relevant history.*

***Surrounding Property:***

**PUD-749-A Abandonment August 2010:** All concurred in approval of a proposed Major Amendment to Abandon PUD, on a 2 $\pm$  acre tract of land, on property located east of the northeast corner of East 41<sup>st</sup> Street and South Utica Avenue and abutting east of subject property.

**PUD-749 April 2008:** All concurred in **approval** of a proposed *Planned Unit Development* on a 2.07 $\pm$  acre tract of land for a small gated single-family subdivision on property located east of the northeast corner of East 41<sup>st</sup> Street and South Utica Avenue and abutting east of the subject property.

**Z-7063 August 2007:** A request for *rezoning* a 1.96 $\pm$  acre tract of land from RS-1 to RS-2 was **withdrawn** on the subject property also described as east of northeast corner of East 41<sup>st</sup> Street South and South Utica Avenue.

**PUD-589 August 1998:** All concurred in **approval** of a proposed *Planned Unit Development* on a 2.9 $\pm$  acre tract of land for a gated subdivision with seven units maximum, retaining one of existing two houses, on property located west of the northwest corner of East 41<sup>st</sup> Street and South Lewis Avenue and abutting the subject property to the east.

**PUD-546 June 1996:** All concurred in **approval** of a proposed *Planned Unit Development* on a 2.3 $\pm$  acre tract of land for a five single-family lots with a

private street on property located north of northeast corner of East 37<sup>th</sup> Street and South Lewis Avenue

**Z-6395 March 1993:** All concurred in **approval** of a request for *rezoning* a 200+ acre tract of land from RS-1 to RE for single-family development on property located on the southwest corner of East 41<sup>st</sup> Street and South Lewis Avenue and south, across E. 41<sup>st</sup> St., of subject property.

**PUD-493 October 1992:** All concurred in **approval** of a proposed *Planned Unit Development* on a 7+ acre tract of land for an eight lot development of single-family homes with private streets on property located west of northwest corner of East 41<sup>st</sup> Street and South Lewis Avenue.

**PUD-416 June 1986:** All concurred in **approval** of a proposed *Planned Unit Development* on a 3.6+ acre tract of land for a single-family, private street development with a maximum of 7 lots on property located west of northwest corner of East 41<sup>st</sup> Street and South Lewis Avenue.

Mr. Walker asked Mr. Wilkerson if the surrounding property zoning designation of RS-1 had changed during the 1970's. Mr. Wilkerson answered "no," the underlying zoning never changed. Mr. Walker asked if the comments Mr. Wilkerson has heard from interested parties mostly consist of density and lot size. Mr. Wilkerson answered yes that is correct and the possibility that someone could build tiny homes.

Mr. Midget asked Mr. Wilkerson if there were any other options that could be considered since PUD's were no longer available. Mr. Wilkerson answered if we were going to look at architectural standards and the amount of open space on a lot we could use an Optional Development Plan and applicant could use the Board of Adjustment process to reduce the minimum lot widths. So yes there are options.

Applicant states Mr. Wilkerson did a good job at characterizing the challenges applicant faces with this project addressing the new Zoning Code. This project has private streets and gated entry and unique density. There is not an allowance for new PUD's in the new Zoning Code and in order to have a private street, according to the Subdivision Regulations, applicant must have a PUD. The process to accomplish this will be a three or four step process of appearing in front of TMAPC and the Board of Adjustment to get waivers of lot frontage requirements so there can be private streets and then coming back to TMAPC to get waivers of Subdivision Regulations because they have not been aligned with the new code yet. The concept for this development is a gated community for small families, young professionals that includes smaller lots with less maintenance. The tract of land for this project is odd shaped and creates a complicated development. The current zoning is RS-2 which requires 75 foot lots and the applicant is seeking lots of 60 feet in width. Applicant states this project is not connected to the adjacent properties.

Ms. Millikin asked applicant what size these homes will be. The applicant answers 2000 to 4000 square feet. Ms. Millikin asked what price range the homes would be. Applicant states \$800,000 to \$1,000,000 in total cost.

Mr. Covey asked the applicant if there would be restrictive covenants. Applicant responded, "yes." Mr. Covey asked what would be the minimum square footage

on the restrictive covenants. Applicant stated a minimum of 2000 and up from there.

Mr. Covey stated some of the concerns of the neighbors are that patio homes are going to be built in this development. If there are restrictive covenants with the square footage mentioned the concerns about patio homes should be solved.

Applicant answered that the developer would be happy to add that.

Applicant stated patio homes were not designed for this development because economics won't work.

**Jim Gotwals** 1710 East 43<sup>rd</sup> Street Tulsa, OK 74105

Mr. Gotwals stated he has lived in neighborhood 25 years and is an active member of the Bolewood Neighborhood Association and is not aware of anyone in the neighborhood who likes this project or thinks it would not injure the neighborhood. Mr. Gotwals stated he thinks it is admirable to develop minimalist housing but everything west of Utica Avenue is RS-3 and capable of allowing this, but everything to the east of Utica Avenue is at least RS-2 and there is not RS-3 all the way to Edison High School. The parameters of the suggested development is portrayed as being 10 patio homes, they are single family residences but patio homes. This is a departure from the character of the neighborhood. The traffic will increase with one outlet from this development and 20 to 25 cars using this outlet. Bolewood is Residential Estate (RE) zoning and this does not allow anything close to RS-3 zoning. He said that smaller yards and houses changes the integrity of the neighborhood entirely and the density is inappropriate for this area. Mr. Gotwals would suggest the board deny the application.

**Lawrence Halka** 4101 South Victor Court Tulsa, OK 74105

Mr. Halka stated he has witnessed numerous traffic backups at the gate of another one of the PUD's because the delivery trucks do not have the code and this backs up traffic on 41<sup>st</sup> Street. Increasing the density to the extent the developer proposes would be inappropriate for the neighborhood. Anyone coming east on 41<sup>st</sup> Street waiting to turn into this development will cause problems regarding traffic because the gate will be too close to Utica Avenue. Changing the zoning to RS-3 would be injurious to the neighborhood.

**Jon Althage** 1707 East 41<sup>st</sup> Street Tulsa, OK 74105

Mr. Althage stated he lives directly west of development and he believes the proposed development would be damaging to the property values. As a younger family, Mr. Althage has poured a lot of time and money into building a house and investing for long term. If this development goes in, it will immediately reduce their property value by 100,000 dollars. He asked what does this do from an economic standpoint or investment standpoint. Mr. Althage believes this development is injurious to the neighborhood, especially the properties to the west. He also asked about drainage issues since that is why Terwilliger Avenue was closed.

**Applicant's Rebuttal:**

Applicant stated all due respect to the residents in Bolewood, but this is across 41<sup>st</sup> Street and not in the Bolewood subdivision. The proposed development is an RS-2 tract currently and what the developer is asking for is the difference

between a 7 lot and 10 lot yield. The economics aren't there at 7 lots. The numbers do not work. In the Zoning Code square footage for patio homes is exactly the same as single family homes. So, all the permitted uses have the same area and lot width requirements of anything allowed by the Zoning Code in the RS-3 area. The issue is really by right there is a 5-7 lot yield and the applicant needs 9-10 lot yield to make it work. That is why the applicant is here. There are a lot of other steps to go through also but this is the first one.

Mr. Midget asked applicant if he considered the Optional Development Plan for potential use at this project.

Applicant stated yes that was a discussion with Mr. Wilkerson regarding how the applicant would get to private streets and is that the vehicle to do it. This may be discussed when bringing the plat forward and discussing waivers. There are several steps and a few different paths to get there.

Mr. Covey asked if the applicant has closed on these properties or is it contingent on the zoning change.

Applicant answered no, closing has not happened on either property.

Mr. Dix asked who the properties were being marketed to.

Applicant stated young professionals and young families that want to stay in the midtown area.

Mr. Dix asked what the definition of a patio home was.

Ms Vanvalkenburgh stated with a patio home you can shift the lot line so there can be a zero lot line on one side and consolidate the two side yards. It is a shifting of the house on the lot.

Applicant stated that is not the intent of this development.

Ms Vanvalkenburgh stated for a point of information that more units would be permitted under the straight zoning so unless you have something such as an Optional Development Plan there will not be a limitation of 10 lots.

Applicant stated physically the frontage is not there to make more than 10 lots.

Mr. Covey asked staff if the development to the east had not occurred would the recommendation be the same.

Mr. Wilkerson answered with the Comprehensive Plan we have now it's clear that small scale infill development is supported across the city so the answer is yes, taking larger lots and reducing them smaller and private streets is happening across the city.

Mr. Covey stated one of the arguments is that allowing this development will set a precedent for what could happen in the future south of 41<sup>st</sup> Street in the Bolewood area. Mr. Covey stated that what he is hearing from staff is "yes" but the Comprehensive Plan already supports small infill development, so regardless if this development was there or not the Comprehensive Plan supports this.

Mr. Wilkerson answered that is correct, but south of 41<sup>st</sup> Street is a little different that neighborhood has been very stable and they are zoned RE so those lots are zoned in a way currently to remain large lots until someone attempts to rezone them.

Mr. Covey asked Mr. Wilkerson if the new Zoning Code has made something more difficult.

Mr. Wilkerson answered “yes” but this will be resolved once the Subdivision Regulations are updated. Currently the only way to do something like this is to go to Board of Adjustment and then back to TMAPC to ask for a waiver of the Subdivision Regulations that require you to do something in a PUD when the PUD doesn’t exist. There is an issue and it is in the process of being resolved.

Mr. Covey asked about an Optional Development Plan and would that alleviate any of the steps.

Mr. Wilkerson answered “no” but the Optional Development Plan would for instance, let staff define dimensional standards that cannot be further regulated by straight zoning.

Ms. Millikin asked to confirm that these homes adjacent to proposed project were not historical homes.

Staff stated this was correct.

Mr. Midget stated he is a supporter of infill development to increase density throughout the city, but also believes infill needs to be tasteful and keep to the characteristics of the neighborhood. Mr. Midget is concerned about RS-3 zoning because you never know what may happen. In 30 days the applicant could sell and someone could build there by right what they want to build. He would support RS-3 zoning with an Optional Development Plan to look at some development restrictions to maintain the character of the neighborhood.

Mr. Dix asked applicant if there were any conversations with the neighbor to the west about eliminating his access and creating a hammerhead street.

Applicant stated not to his knowledge.

Mr. Fretz stated he agreed with Mr. Midget and would like to see an Optional Development Plan so there is a better idea of what was going to happen. He suggested that possibly the Commission could continue and have an Optional Development Plan at next meeting.

Mr. Dix stated he doesn’t disagree with Optional Development Plans in general but if they are required because of lack of forethought by the developer he thinks that is an option. Mr. Dix stated that he doesn’t believe that is the case in this instance he believes the developer has given it a lot of thought in design and he doesn’t believe an Optional Development Plan would accomplish anything here.



**TMAPC Action; 8 members present:**

On **MOTION** of **DIX**, TMAPC voted **5-3-0** (Dix, Fretz, Millikin, Shivel, Walker, "aye"; Covey, Midget, Willis "nays"; none "abstaining"; Carnes, Reeds, Stirling, "absent") to recommend **APPROVAL** of the rezoning from RS-2 to RS-3 per staff recommendation.

**41<sup>st</sup> STREET SUBDIVISION**

A TRACT OF LAND THAT IS ALL OF LOTS FIVE (5), SIX (6) AND PART OF LOTS TWO (2), THREE (3) AND FOUR (4) AND LOT SEVEN (7) BLOCK THIRTEEN (13), OF HIGHLAND PARK ESTATES, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 689, AND A PORTION OF VACATED TERWILLERGER BOULEVARD, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: *BEGINNING* AT THE SOUTHEAST CORNER OF LOT FIVE (5), BLOCK THIRTEEN (13) OF SAID HIGHLAND PARK ESTATES, THENCE SOUTH 35.0; THENCE WEST PARALLEL TO SOUTH LINE OF LOTS FIVE (5), SIX (6) AND SEVEN (7) FOR A DISTANCE OF 410.00 FEET TO A POINT THAT IS 35.0 FEET SOUTH AND 5.0 FEET EAST OF THE SOUTHWEST CORNER OF LOT SEVEN (7); THENCE NORTH ALONG A LINE THAT IS 5.0 FEET EAST OF THE WEST LINE OF LOTS SEVEN (7) AND TWO (2) FOR A DISTANCE OF 337.12 FEET; THENCE CONTINUING ON A NORTHERLY EXTENSION OF SAID LINE TO THE CENTERLINE OF VACATED TERWILLERGER STREET; THENCE NORTHEASTERLY ALONG THE CENTERLINE OF SAID STREET TO A POINT THAT IS 50.00 FEET FROM THE NORTHEAST CORNER OF LOT TWO (2), AS MEASURED PERPENDICULARLY TO THE SAID CENTERLINE; THENCE SOUTHEASTERLY 50.00 FEET TO THE NORTHEAST CORNER OF LOT TWO (2); THENCE SOUTHEASTERLY ALONG THE EASTERLY LINE OF LOT TWO (2) FOR A DISTANCE OF 114.00 FEET TO A POINT THAT IS 85.0 FEET NORTHWESTERLY FROM THE SOUTHEAST CORNER OF LOT THREE (3); THENCE NORTHEASTERLY ACROSS LOT THREE (3) 147.3 FEET TO A POINT THAT IS 75.0 FEET NORTH AND 5.0 FEET WEST OF THE SOUTHEAST CORNER OF LOT THREE (3); THENCE EASTERLY ACROSS LOTS THREE (3) AND FOUR (4) FOR A DISTANCE OF 120.94 FEET TO A POINT ON THE EAST LINE OF LOT FOUR (4) THAT IS 31.7 FEET NORTH OF THE SOUTHEAST CORNER OF LOT FOUR (4); THENCE SOUTH ALONG THE EAST LINES OF LOTS FOUR (4) AND LOT FIVE (5) FOR A DISTANCE OF 296.7 FEET TO THE POINT OF BEGINNING.

\* \* \* \* \*

Mr. Willis out 2:40 p.m.

Mr. Willis returned 2:43 p.m.  
Mr. Midget out 2:50 p.m.  
Mr. Midget in 3:00 p.m.

**15. Z-7356 Benjamin Frausto**-(CD 6) Location: West of the southwest corner of East 11<sup>th</sup> Street and South 157<sup>th</sup> East Avenue requesting rezoning from **RS-3 to CG**.

### **STAFF RECOMMENDATION:**

#### **SECTION I: Z-7356**

**DEVELOPMENT CONCEPT:** The applicant is requesting to rezone the subject parcel from RS-3 to CG to permit the parking of trucks and trailers along with some light mechanical work.

#### **DETAILED STAFF RECOMMENDATION:**

The rezoning request included in Z-7356 is not consistent with the land use vision in the Tulsa Comprehensive Plan and,

Rezoning request would create spot zoning of CG within an RS-3 and AG zoned area and,

Rezoning request is not compatible with the existing surrounding properties and,

CG rezoning requested is not consistent with the anticipated future development of the surrounding property therefore,

**Staff recommends Denial of Z-7356 to rezone property from RS-3 to CG.**

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

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

*Staff Summary: CG zoning is not consistent with the Neighborhood Center land use designation of the Comprehensive Plan.*

*While Neighborhood Center does support commercial development, the proposed CG zoning and proposed truck parking area do not support the intent of the Neighborhood Center land use designation.*

##### **Land Use Vision:**

*Land Use Plan map designation: Neighborhood Center*

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.

*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:* East 11<sup>th</sup> Street is a Secondary Arterial

*Trail System Master Plan Considerations:* None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The site is currently used for parking of trucks along 11<sup>th</sup> Street and vacant farmland to the south for the remainder of the property.*

Environmental Considerations: None

Streets:

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

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	AG	Existing Neighborhood	Area of Growth	Single family residential and undeveloped
East	RS-3	Neighborhood Center	Area of Growth	Single family residential
South	RS-3	New Neighborhood	Area of Growth	Single family residential
West	RS-3	Neighborhood Center	Area of Growth	Radio towers and undeveloped

**SECTION III: Relevant Zoning History**

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

***Subject Property:***

*No relevant history.*

***Surrounding Property:***

**BOA-21637 October 8, 2013:** The Board of Adjustment **denied** a *Special Exception* to allow for mining limestone by surface & stripping methods (Use Unit 24) in an AG district (Section 301), on property located at 15115 East 11<sup>th</sup> Street and northwest of subject property.

**Jose Hernandez** 14521 East 36<sup>th</sup> Street Tulsa OK 74134 (speaking for the applicant)

Mr. Hernandez stated the applicant has owned the property 8-10 years and the property has been used to park 3 commercial trucks and some light mechanical work on owner operated trucks. Mr. Hernandez stated this is the owner's livelihood and the applicant can change whatever needs to be changed for this to be allowed.

Mr. Koch read his letter

**Willard Koch** 1709 South 141<sup>st</sup> East Avenue Tulsa Ok 74108

August 12, 2016

INCOG Staff  
TMAPC Board Members

RE: City Rezoning Case Z-7356

I am Willard Koch and I am speaking as a Board Member of Tower Heights Neighborhood Association.

I applaud the City of Tulsa as a city with a vision to set land use goals and policies. Using those available guidelines from Our Vision for Tulsa known as PLANiTulsa, City of Tulsa Zoning Codes and Tulsa Regulatory Floodplain Atlas, we examined this zoning request for sound land use for the present while also looking toward the future. We support building on the tradition of neighborhood and small area planning to continue having a sustainable, socially and aesthetically vibrant community within the Historic Route 66.

The Tower Heights Neighborhood Association has reviewed and identified subjects that we want bring to INCOG Staff and TMAPC board's attention.

- 1) There is a single lane driveway to the (no name) business being used by large trailers and trucks creating unsafe traffic for trucks entering and leaving 11<sup>th</sup> Street, especially when arriving and having locked gates to deal with. In addition the truck entrance is located in a valley between a hill to the west and a hill to the east with East 11th Street traffic traveling at speeds of 55-60 MPH. Because of the location and truck operations, East 11<sup>th</sup> Street / Historic Route 66 traffic have experienced dangerous situations of encountering slow turning or stopped trunks. (See Google street view pictures and tractor trailer pictures attached.)
- 2) When then property was bought it had a small open front animal shelter. The remaining buildings were built after the land purchase and could be compared to what one would find for agriculture use and usually not intended to be occupied. This is assumed as the rezoning application states the property is being used for Agriculture purposes.

- 3) Tulsa Comprehensive Plan Land Use Map shows the area to designated as a "Neighborhood Center" for planning purposes. Neighborhood Centers are small-scale, one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services and does not include CG zoning. (Our Vision for Tulsa, Section LU Page 28, Tulsa Land Use Map attached.)
- 4) There are no properties on E 11th Street or within the boundary of the Neighborhood Center that is zoned as CG and to accept the application for rezoning RS-3 to CG within a Neighborhood Center will be consider as "Spot Zoning" and would be setting precedence contrary to all planning guidelines. (Reference INCOG Zoning Map)
- 5) The property has a Cooley Creek Tributary which is within the regulatory area of the Cooley Creek Floodplain. Existing building are constructed within this designated and regulated area. Tulsa operates under the Clean Water Act to eliminate sources of pollution including sanitation disposal and waste contamination in runoff. The City of Tulsa Stormwater Quality group monitors these watersheds for compliance (Regulatory Floodplain Map attached.)
- 6) The property is becoming a depository for junk equipment and vehicles which degrades the neighborhood community. (Picture of junk vehicle attached.)

With the subjects of concern that have been identified we cannot have an existing or proposed trucking operation in a residential area. We ask members of this board to follow INCOG's Planning Guidelines and deny the rezoning application.

Sincerely,  
Willard Koch  
Board Member, Tower Heights Neighborhood Association

VIEW FROM BUSINESS DRIVEWAY LOOKING WEST ON EAST 11<sup>th</sup> STREET



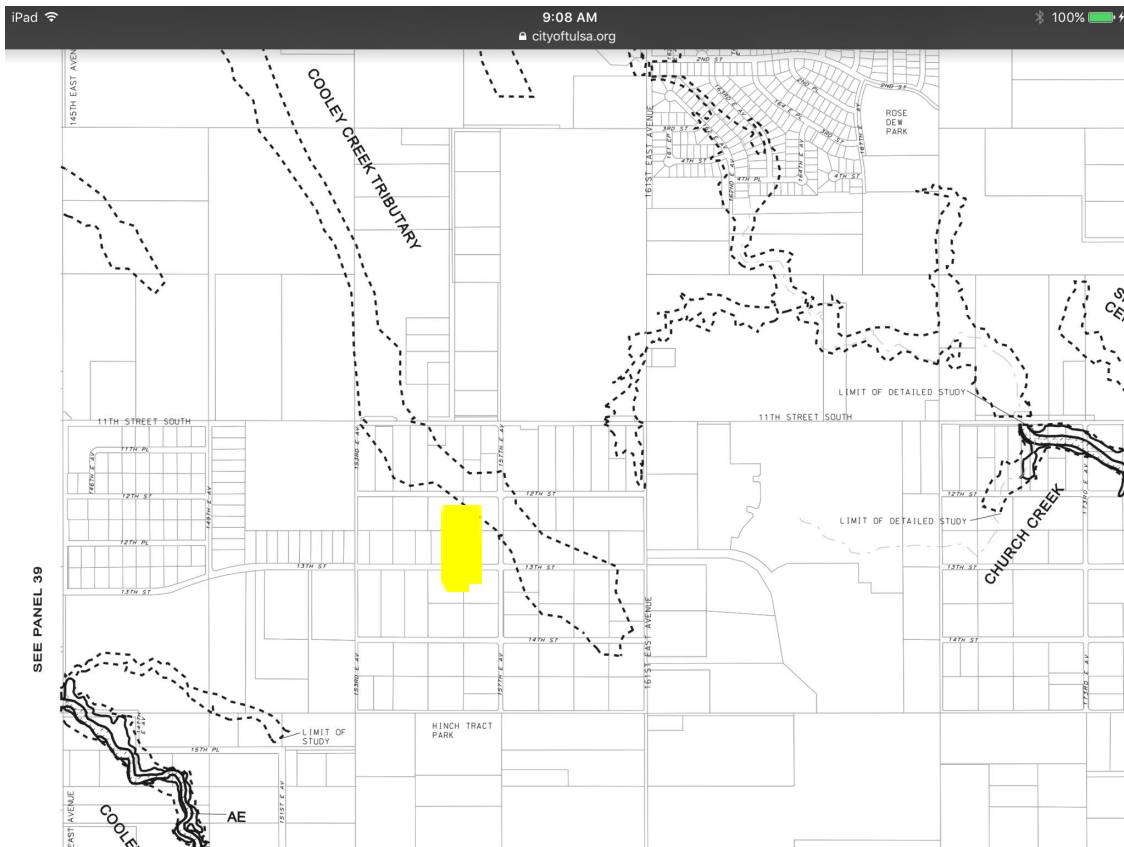
VIEW FROM BUSINESS DRIVEWAY LOOKING EAST ON EAST 11<sup>th</sup> STREET



## TYPE OF TRUCKS AND TRACTOR TRAILERS ON PREMISE



## REGULATORY FLOODPLAIN MAP





## JUNKED VEHICLE ON PROPERTY



**Mary Erb** 15520 East 11<sup>th</sup> Street Tulsa. OK 74108

Ms. Erb stated she sold the property to the applicant in 2006 as pasture for horses. Ms. Erb and her family originally bought the property to help teach their children responsibility by caring for the animals and wanted to sell it to someone who would do the same. Ms. Erb asked that TMAPC deny this application.

Mr. Covey asked if Ms. Erb still owned property in the area.

Ms. Erb answered yes.

Mr. Dix asked Ms Erb to point out on map her property.

**Cathy Anthony** 908 South 156<sup>th</sup> East Avenue Tulsa, Ok 74108

Ms Anthony stated her property is approximately an eighth of a mile north of the applicant's property. The applicant has worked really hard to make this happen. They have hauled in a lot of gravel and developed this property into a truck storage facility. The back of the property has a broken down truck on it. In the last 3 years the applicant has changed this land from a field into what you see today. Ms Anthony stated on this part of Route 66 there are 2 hills and in the middle of those hills is a watershed coming from the south to the north. Because the applicant has filled in areas of his property it has changed the watershed in the area. Ms Anthony stated while behind a truck on 11<sup>th</sup> Street waiting to turn, a car came over hill and was barely able to stop. On the east side of Tulsa, due to inconsistent zoning, you will find some of the ugliest portions of Route 66 and

she doesn't want the semi rural land to become a part of that. Ms. Anthony would like to encourage TMAPC to deny this application.

**Jeff Erb** 15520 East 11<sup>th</sup> Street Tulsa. OK 74108

Mr. Erb stated he sold the property to the applicant and they are friends. Mr. Erb owns a lot of the property around the area and anytime he sells property it is a great concern to what is going to happen on that property. Originally the property was going to be used by applicant to raise horses which he does. However, over the last few years it has developed into a trucking business. Mr. Erb's concern is also safety, when a driver comes over the hill heading east you're not expecting a semi truck stopped in the middle of the road. This use is not appropriate for this area and we would like to keep it residential.

**Carole Carner** 14139 East 19<sup>th</sup> Place Tulsa, OK 74108

Ms Carner stated she is a member of Tower Heights Neighborhood Association also but is representing Restoration Church located 2 tenths of a mile north of 11<sup>th</sup> Street on 145<sup>th</sup> East Avenue just west of the applicant's property. Ms. Carner stated her and her husband Ron established the church 15 years ago. Across the street from the church is a 200 acre plot and for years they have worked to have something developed on this property. They worked with City Councilors and the community to put upscale housing and maybe a golf course on this land. The outlet mall is hopefully going in just north of this area and Ms. Carner believes the trucking business would be detrimental to this community. She asked that the Commission please deny this request.

**Carol Palmour** 1126 S. 157<sup>th</sup> East Ave Tulsa, OK 74108

Ms. Palmour stated she does not want to see a trucking company on the property. Everyone who lives in this area is there because they want to live in a semi rural area and that's what she would like to keep. A lot of work has been done to beautify Route 66 and we are proud to live on Route 66 and people from other countries come to travel Route 66. Ms. Palmour asks that TMAPC deny this application.

Mr. Dix asked staff what was allowed in RS-3 zoning.

Staff answered commercial wise not much, but single family homes.

Mr. Dix asked if a person lives in RS-3 on a 5 acre parcel and drives a truck back and forth to work can he park that truck at his residence.

Staff answers as a personal truck yes he could. But he does not live there.

Mr. Dix stated so they are using this as a repair facility to operate the trucks.

Mr. Dix asked applicant if he had employees.

Applicant stated no he did not.

Mr. Dix asked how many drivers there were. The applicant stated there were 3 drivers.

Mr. Dix asked applicant if he lived on this property.

Applicant answered no.

Staff stated the Zoning Code states that any truck registered as commercial cannot be stored on a residential lot.

Mr. Shivel stated he admired the applicants desire to create a business to make a living but his main concern is something the Planning Commission saw on the west side of the city a few months ago. The applicant was trying to create a parking structure for trucks in a residential area and that was spot zoning and the Planning Commission couldn't allow it. Mr. Shivel stated he couldn't support this in RS-3 zoning.

Mr. Dix asked staff if this application was created because of a complaint.

Staff stated "yes."

**TMAPC Action; 8 members present:**

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

Mr. Walker out at 3:02 p.m.

Mr. Walker returned 3:04 p.m.

Mr. Fretz out 3:04 p.m.

Mr. Fretz returned 3:06 p.m.

Mr. Midget out at 3:07 p.m.

\* \* \* \* \*

**16. SA-1 River Design Overlay, Tulsa City Council**-(CD 2,4,8,9) Location: Multiple properties east and west of the Arkansas River extending from West 11<sup>th</sup> Street South to East 121<sup>st</sup> Street South, applying River Design Overlay (**RDO-1/ RDO-2/ RDO-3**) on 709 properties.

**STAFF RECOMMENDATION:**

**SECTION I: SA-1**

## River Design Overlay (RDO)

The **RDO** is the first Special Area (SA) overlay district incorporated into the City of Tulsa's Zoning Code. Section 20.050 was added into the Zoning Code (effective on July 11, 2016), to establish the regulations of a Special Area Overlay district (River Design Overlay - RDO) pertaining to uses and site and building design for properties to be supplementally rezoned RDO-1, RDO-2 or RDO-3.

### 1. Purpose and Intent

*The RDO, River Design Overlay regulations of this section establish regulations governing form, function, design and use for properties located within the boundaries of the River Design Overlay district. The regulations are generally intended to maintain and promote the Arkansas River corridor as a valuable asset to the city and region in terms of economic development and quality of life. The regulations are also intended to:*

- a. Support and enhance the river corridor as a lively people-oriented destination, connecting nodes of high-quality development with parks and open spaces;*
- b. Protect the city's investment as well as the investments of property owners, developers and others who enjoy the benefits of the Arkansas River corridor;*
- c. Encourage development that enhances the appearance of the Arkansas River corridor and the surrounding area;*
- d. Ensure development and redevelopment that is sensitive to the area's natural resources and environmental qualities;*
- e. Establish the area as an interconnected, pedestrian-oriented, cultural and recreational destination, attracting both residents and visitors to the Arkansas River; and*
- f. Foster a sense of community and civic pride.*

### 2. Districts

*Three RDO districts are established, as follows:*

- a. The RDO-1 district is primarily intended to apply to park, recreation and open space uses adjacent to the river. RDO-1 regulations help promote development that is compatible with public parks and green space and that complements park uses.*
- b. The RDO-2 district is primarily intended to apply to other (non-RDO-1) properties with direct access to the river. RDO-2 regulations help to ensure safe, attractive and activated pedestrian areas by requiring that new development is oriented to the river and abutting streets. The regulations also promote integration with the River Parks trail system and avoidance of adverse environmental impacts.*

- c. *The RDO-3 district is primarily intended to apply to properties that do not have direct access to the river but that are visible from riverfront areas. These areas benefit from proximity to the river and contribute to the overall visual environment of the riverfront area.*

**[See Attachment I for full Section 20.050]**

There are minor, although important, differences in the RDO-1, RDO-2 & RDO-3 district regulations.

- There are minor differences in prohibited uses in RDO-1, RDO-2 and RDO-3;
- RDO-1 and RDO-2 have a river build-to zone; RDO-3 does not since it has no trail or river frontage;
- RDO-2 envisions greater density of development than RDO-1 by requiring river-facing façade occupy at least 70% of the build-to zone length and street-facing façade occupy at least 50% of the build-to zone length prior to building outside of the build-to zone;
- Since RDO-3 does not have trail or river frontage, only street-facing façades must occupy at least 50% of the build-to zone length prior to building outside of the build-to zone;
- RDO-1 and RDO-2 require building entrances facing the river and the parking/common open space area, RDO-3 does not; and
- No more than one driveway is allowed per 300 linear feet of public right-of-way in RDO-1 and RDO-2.

Concurrently with the adoption of the RDO into the Zoning Code, the Comprehensive Plan was amended to include a new land use category, Arkansas River Corridor. The Land Use and Areas of Stability and Growth Maps were also amended to align with proposed RDO designations. Areas proposed for RDO-1 not already designated as Parks and Open Space and an Area of Stability were amended accordingly. Areas proposed for RDO-2 and RDO-3 received designations of Arkansas River Corridor and an Area of Growth.

## **RDO Background**

There is extensive background leading to the development of the proposed River Design Overlay, as evidenced by the process and events documentsed in this staff report. Initially design guidelines for development along the river were recommended in the Arkansas River Corridor Master Plan, which was adopted over 10 years ago (2004). In 2010, the City of Tulsa Comprehensive Plan, or PlaniTulsa, was adopted and contained policies regarding enhancing the Arkansas River, orienting new development toward the river & creating design guidelines.

In February, 2015, a joint Mayor and City Council retreat was held where they identified a shared goal of “drafting regulatory tools to guide river development”

and “adopting river corridor design guidelines.” As a result, a steering committee was established in early 2015 to begin working on design guidelines for the area surrounding the Arkansas River.

INCOG/TMAPC staff has been the primary lead on the drafting of the overlay, with significant input and guidance from the steering committee. Beginning in March 2015, the steering committee met regularly over the course of a year. The steering committee members were:

- Robert Gardner, the Mayors appointed Director of River Development
- Councilor Jeanne Cue, District 2
- Councilor Blake Ewing, District 4
- Councilor Phil Lakin, Jr., District 8
- Councilor GT Bynum, District 9
- Clay Bird, representative from the Mayor’s Office
- Susan Miller, AICP, INCOG
- Dwayne Wilkerson, ASLA, INCOG
- Rich Brierre, Executive Director of INCOG
- Dawn Warrick, AICP, Director of Planning and Development, City of Tulsa
- Warren Ross, Developer
- Ken Klein, Developer/Builder
- Matt Meyer, Executive Director of RiverParks
- Ted Reeds, Architect, Planning Commissioner
- Shawn Schaefer, Architect, Urban Design Studio at OU-Tulsa
- Shelby Navarro, Architect
- Shane Fernandez, Nabholz Construction
- Jeff Stava, project manager for the Gathering Place

## **RDO Public Process Summary**

During the adoption process of the new code, provisions were incorporated to ensure that any future overlays “be based on an adopted plan or be prepared following an inclusive, transparent, and equitable planning and public involvement process that includes opportunities for affected property owners and residents to participate in the formulation of the district regulations or otherwise offer recommendations and provide input.” The following section outlines the public process to date.

In early, 2016, the steering committee produced a summary of the RDO and draft boundary map to distribute and discuss with various groups. The materials were either distributed prior to or at the meetings and were posted on [www.tmapc.org](http://www.tmapc.org) on January 28, 2016. The following meetings were held:

- **Tulsa Regional Chamber of Commerce** (approx. 10 in attendance)  
Friday, January 22, 2016 at 1:30pm  
Tulsa Regional Chamber Office, 1 W. 3<sup>rd</sup> Street  
Flintco Conference Room (13th floor)
- **Home Builders Association of Greater Tulsa** (approx. 35 in attendance)  
Tuesday, January 26, 2016 at 3:30pm  
Developers Council  
11545 E 43rd Street
- **American Institute of Architects, Eastern Oklahoma Chapter** (approx. 15 in attendance)  
Thursday, January 28, 2016 at 12:00pm  
Community Affairs Committee  
2210 S. Main Street
- **TMAPC Work Session #1** (approx. 18 in attendance)  
Wednesday, February 3, 2016 at 1:30pm  
City Hall, 10<sup>th</sup> Floor North
- **Greater Tulsa Area Realtors** (approx. 25 in attendance)  
Thursday, February 11, 2016 at 9:00am  
Urban Affairs Committee  
11505 E. 43rd Street
- **NAIOP** (approx. 15 in attendance)  
Friday, February 12, 2016 at 11:00am  
Public Affairs Committee  
Cyntergy Building  
810 S Cincinnati Avenue, first floor conf. room
- **Stormwater Drainage and Hazard Mitigation Advisory Board** (approx. 18 in attendance)  
Thursday, March 17, 2016 at 1:00pm  
420 W. 23<sup>rd</sup> Street, Room S-213

On April 6, 2016, the initial draft of the proposed River Design Overlay and draft boundary map were posted online at [www.tmapc.org](http://www.tmapc.org). Also on April 6, all property owners within the proposed overlay boundary (506 in total) were sent notices of City Council sponsored Town Hall meetings.

- **City Council initiation of River Design Overlay map, text and Comprehensive Plan amendments**  
Thursday, April 14, 2016, 6:00pm

City Hall, One Technology Center- 2<sup>nd</sup> floor Council Chambers  
175 East 2nd Street

- **City Council Town Hall meeting** (approx. 70 in attendance)  
Monday April 18, 2016, 6:00pm  
Charles Schusterman Jewish Community Center – Sylvan Auditorium  
2021 E 71st Street
- **City Council Town Hall meeting** (approx. 35 in attendance)  
Tuesday April 19, 2016, 6:00pm  
OSU Center for Health Sciences Center – Dunlap Auditorium  
1111 W 17th Street
- **TMAPC Work Session #2** (approx. 16 in attendance)  
Wednesday April 20, 2016, 11:00am  
City Hall, One Technology Center- 3<sup>rd</sup> floor presentation room  
175 East 2nd Street
- **RiverParks Authority** (approx. 15 in attendance)  
Thursday, May 12, 2016, 8:00am  
2424 E. 21st St., Suite 300
- **TMAPC Public Hearing to provide recommendation on RDO text and Comprehensive Plan amendments**  
Wednesday May 18, 2016, 1:30pm  
City Hall, One Technology Center- 2<sup>nd</sup> floor Council Chambers  
175 East 2nd Street
- **City Council - 1st reading RDO text and Comprehensive Plan amendments**  
Thursday May 26, 2016, 6:00pm  
City Hall, One Technology Center- 2<sup>nd</sup> floor Council Chambers  
175 East 2nd Street
- **City Council adopts RDO text w/emergency and approves Comprehensive Plan amendments**  
Thursday June 9, 2016, 6:00pm  
City Hall, One Technology Center- 2<sup>nd</sup> floor Council Chambers  
175 East 2nd Street
- **RDO ordinance is published in the Tulsa World and takes effect**  
Monday, July 11, 2016



**City Council initiation of map amendments as proposed by  
River Design Steering Committee**

Thursday, July 14, 2016, 6:00pm

City Hall, One Technology Center- 2<sup>nd</sup> floor Council Chambers  
175 East 2nd Street

On July 25, 2016, approximately 2,100 notices were mailed to property owners and those within 300' of affected area and final proposed map was posted online at [www.tmapc.org](http://www.tmapc.org). Also by July 28, a public notice was published in the Tulsa World and 12 signs were posted along the corridor to notify people of the affected area.

INCOG/TMAPC staff has kept a log of all phone calls and emails from property owners inquiring as to how the overlay impacts their property. As of the printing of this report, approximately **59** phone calls and/or emails have been received. Most are inquiries of a general nature, not necessarily in support or opposition. In addition, there were written comments submitted in response to the proposed overlay. One property owner has specifically requested to be removed from the boundaries of the proposed overlay. ~~Although this particular amendment does not apply the River Design Overlay to the Zoning Map,~~ Section 20.0010-D.3.d of the Zoning Code requires "A map showing the boundaries of the proposed overlay, including all lots included within the boundaries and identifying those owners of property within the proposed overlay who have indicated, in writing, their support or opposition to the overlay district text or map amendment." Written comments, as well as the required map are attached to this report. **[see Attachment II]**

**DETAILED STAFF RECOMMENDATION:**

**Staff recommends Approval of SA-1** to apply supplemental RDO-1/ RDO-2/ RDO-3 (River Design Overlay) zoning to properties as depicted on maps in Attachment III based on the following:

The proposed River Design Overlay began at the direction of the Mayor and City Council and has been a collaborative process, with multiple steering committee meetings and subsequent public meetings;

The properties and land uses along the river corridor were carefully evaluated to determine the most relevant and appropriate boundary for the overlay;

The properties within the proposed overlay boundary are key development sites that will contribute to protecting public and private investments along

the river corridor through the implementation of regulations contained in Section 20.050 of the City of Tulsa Zoning Code;

The proposed River Design Overlay zoning is constant with the vision for the river in the Arkansas River Corridor Master Plan; and

The proposed River Design Overlay zoning is consistent with the Land Use vision of Arkansas River Corridor and Parks and Open Space categories assigned to these properties in the Tulsa Comprehensive Plan.

## **SECTION II: Supporting Documentation**

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

*Staff Summary: The proposed RDO-1 district is represented on the Land Use Map with a Parks and Open Space category and are shown on the Stability and Growth Map as an Area of Stability. Although the parks contained in RDO-1 are mostly destination parks (as defined below), such as RiverParks, and draw residents and visitors from the region, these parks are expected to remain stable. The Comprehensive Plan describes it “equally important to enhance those qualities that attracted people here in the first place.” This is especially true for RiverParks.*

*The proposed RDO-2 and RDO-3 districts are designated as Arkansas River Corridor and an Area of Growth. It is envisioned that properties in these districts may experience redevelopment over time and, as they do, it is important that they adhere to design standards that respect the built and natural environment that surrounds the river corridor.*

### **Land Use Vision:**

**Land Use Plan map designation: Arkansas River Corridor & Parks and Open Space [see Attachments V & VI]**

The **Arkansas River Corridor** is located along the Arkansas River and scenic roadways running parallel and adjacent to the river. The Arkansas River Corridor is comprised of a mix of uses - residential, commercial, recreation and entertainment – that are well connected and primarily designed for the pedestrian. Visitors from outside the surrounding neighborhoods can access the corridor by all modes of transportation.

This Corridor is characterized by a set of design standards that support and enhance the Arkansas River Corridor as a lively people-oriented destination. The Corridor connects nodes of high quality development with parks and open spaces. The natural habitat and unique environmental qualities are amenities and are respected and integrated as development and redevelopment occur. The

future development of this Corridor is intended to complement the residential character of adjacent thriving neighborhoods by providing appropriate transitions and connections to the Arkansas River.

**Parks and Open Space** are areas to be protected and promoted through the targeted investments, public-private partnerships, and policy changes identified in the Parks, Trails, and Open Space chapter. Zoning and other enforcement mechanisms will assure that recommendations are implemented. No park and/or open space exists alone: they should be understood as forming a network, connected by green infrastructure, a transportation system, and a trail system. Parks and open space should be connected with nearby institutions, such as schools or hospitals, if possible.

### Destination and Cultural Parks

These areas include Turkey Mountain Urban Wilderness Area, Woodward Park, RiverParks, the Gathering Place, Mohawk Park & Zoo, LaFortune Park and similar places. These parks offer a range of amenities over a large contiguous area. Amenities at these parks include not only outdoor facilities, but also event spaces, museums, club houses, zoos, and park-complementing retail and service establishments which do not egregiously encroach into protected natural areas. These parks draw visitors from around the metro area, and have the highest tourism potential. Ensuring public access (and appropriate infrastructure investments) is a major facet of planning for these establishments. Destination and cultural parks are large scale dynamic parks that draw residents and visitors from the region and may be designated as an area of growth.

### Local Parks

This designation includes neighborhood-serving parks, golf courses, and other public recreation areas. Amenities at these park facilities can include playgrounds, pools, nature trails, ball fields, and recreation centers. With the exception of private golf establishments, these areas are meant to be publically used and widely accessible, and infrastructure investments should ensure as much. Local parks are typically surrounded by existing neighborhoods and are designated areas of stability.

### Open Space

Open spaces are the protected areas where development is inappropriate, and where the natural character of the environment improves the quality of life for city residents. These include environmentally sensitive areas (e.g., floodplains or steep contours) where construction and utility service would have negative effect on the city's natural systems. Open space tends to have limited access points, and is not used for recreation purposes. Development in environmentally sensitive areas is uncharacteristic and rare, and should only occur following extensive study which shows that development will have no demonstrably negative effect. Open space also

includes cemeteries, hazardous waste sites, and other similar areas without development and where future land development and utility service is inappropriate. Parcels in the city meeting this description of open space are designated as areas of stability.

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

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.

Shaping Tulsa's future involves more than deciding where and how new development will take place. It is equally important to enhance those qualities that attracted people here in the first place. In recognition of how strongly Tulsa's citizens feel about their neighborhoods, the comprehensive plan includes tools for the maintenance of valued community characteristics in older and stable neighborhoods. These new measures provide tools that address rehabilitation of property and help shape where and how redevelopment occurs.

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

## **ANALYSIS OF RIVER DESIGN OVERLAY (RDO) BOUNDARY BY MAP**

The proposed boundary for the River Design Overlay was initially defined based on the following analysis:

- Parcels must have direct relationship to the river
- Generally respectful of parcel boundaries
- At least 300' of depth to ensure adequate redevelopment potential
- Excluded areas identified in the National Register of Historic Places
- Reviewed topography and floodplain maps for affected areas
- Reviewed for conformance with the Arkansas River Corridor Master Plan

The proposed boundary was field checked, reviewed and adjusted by the steering committee continuously throughout the process. To recognize geographic differences and the use of appropriate design concepts for differing physical characteristics, the steering committee identified three districts for varying regulations – RDO-1, RDO-2 & RDO-3 **[see Attachment I]**. In assigning these designations, the committee looked for consistency in application throughout the RDO. For example, floodplains were determined to not impact the assignment of the specific RDO designation, but levees were a factor in differentiating RDO-2 and RDO-3 boundaries on the west side of the river.

The following is a map by map analysis of factors that were considered in defining the RDO boundary. **[see Attachments III, IV, V & VI]**

**Map 1 of 8:** The northern proposed RDO boundary is Southwest Boulevard/West 11<sup>th</sup> Street South. RiverParks is identified as RDO-1 to the east and west of the river. On the east side of Riverside Drive, properties on the National Register of Historic Places were not included. Also, due to its recent approval and 99-year land lease, Phase I & II of the Gathering Place were left out of the boundary.

On the west side of the river, land abutting the trail (Westport Apartments and the concrete batch plant) received an RDO-2 designation since the build-to-zone requirements are measured from the trail, with the intent that development be oriented toward the river and the trail where possible. Properties on the west side beyond that were identified with RDO-3. South of the City Facility located at West 23<sup>rd</sup> Street South and Jackson Avenue is the City of Tulsa jurisdictional boundary; therefore, RDO did not extend beyond West 25<sup>th</sup> Street South.

Both Southwest Boulevard and West 11<sup>th</sup> Street South are identified on the Major Street and Highway Plan (MSHP) as Secondary Arterials. On the MSHP, Riverside Drive is designated as a Commercial/CBD/Industrial Collector north of West 14<sup>th</sup> Street South, then as a Secondary Arterial to West 21<sup>st</sup> Street South. West 21<sup>st</sup> Street South/West 23<sup>rd</sup> Street South and West 31<sup>st</sup> Street South are

designated as Urban Arterials. The MSHP designates Riverside Drive south of West 21<sup>st</sup> Street South to just south of the I-44 overpass as a Special Trafficway.

**Map 2 of 8:** RiverParks is identified as RDO-1 east of the river and west of Riverside Drive. The northernmost property on Map 2 is Phase III of the Gathering Place. There have been no approvals or development scenarios yet identified for that site, therefore it was included in RDO-3. Also, on east side of Riverside Drive, the remainder of this map shows RDO-3 at varying depths, all intended to be a minimum of 300 feet and respectful to existing parcel boundaries. The intent of the minimum 300-foot depth is to ensure adequate redevelopment potential. Almost all of the property east of Riverside Drive, from east 47<sup>th</sup> Street South to I-44 is owned by the City of Tulsa or the Oklahoma Department of Transportation.

On the MSHP, Riverside Drive is designated as a Special Trafficway the full extent of this map. East 41<sup>st</sup> Street South is designated as an Urban Arterial.

**Map 3 of 8:** RiverParks is identified as RDO-1 east of the river, with the addition of Johnson Park as RDO-1 at East 61<sup>st</sup> Street South and Riverside Drive. The area between 51<sup>st</sup> Street South and East 56<sup>th</sup> Street South is identified as RDO-3. A significant amount of this land that fronts Riverside Drive on the east between East 51<sup>st</sup> Street South and East 56<sup>th</sup> Street South, and the area south of East 61<sup>st</sup> Street South are under the ownership of the Oklahoma Department of Transportation.

The residential neighborhood south of East 56<sup>th</sup> Street South was not included because of its internal orientation. There is no pedestrian or vehicular access to this neighborhood from Riverside Drive.

On the MSHP, Riverside Drive is designated as a Parkway south of I-44. East 61<sup>st</sup> Street South is designated as a Secondary Arterial and East 71<sup>st</sup> Street South is designated as a Primary Arterial.

**Map 4 of 8:** A small southern portion of Turkey Mountain Urban Wilderness on the north side of West 71<sup>st</sup> Street South is included as RDO-1. The property south of West 71<sup>st</sup> Street South on the west side of the river is primarily owned by the City of Tulsa and Tulsa Airports Improvement Trust and is identified as RDO-2. The property on the east side of the river, south of East 71<sup>st</sup> Street South is identified as RDO-2 and owned by the Tulsa Public Facilities Authority. This area, known by many as Helmerich Park, was identified as RDO-2 because of development approvals that existed on the property at the beginning of the RDO process and due to decisions by the City to allow future development on this site in conjunction with recreational uses.

On the MSHP, Riverside Drive is designated as a Parkway in this location. East 71<sup>st</sup> Street South is designated as a Primary Arterial and East 81<sup>st</sup> Street South is designated as a Secondary Arterial.

**Map 5 of 8:** The Northern part of this map is Joe Creek, south of which begins a significant amount of land ownership by the Muskogee Creek Nation west and east of Riverside Drive. Therefore, this land was not included. South of the Creek owned land, on the west side of Riverside Drive is a bald eagle preserve owned by the City of Tulsa, designated RDO-1, which will likely remain untouched. North and south of Joe Creek on the east side of Riverside Drive are single family and multi-family residential developments that were not included in the overlay boundary because of the configuration, depth and orientation of the developments.

On the MSHP, Riverside Drive is designated as a Parkway in this location. East 81<sup>st</sup> Street South and East 91<sup>st</sup> Street South are designated as Secondary Arterials.

**Map 6 of 8:** Map 6 also shows the RDO-1 site (bald eagle preserve) owned by the City of Tulsa between the river and Riverside Drive, north of 96<sup>th</sup> Street Bridge. Immediately south of the bridge is a small City of Tulsa park, also designated as RDO-1. South of this area is a significant length of privately owned river-fronting property designated as RDO-2.

On the east side of Riverside Drive, there are a significant amount of properties that have existing commercial/office development. South of East 101<sup>st</sup> Street South is an existing residential development that was left out of the overlay boundary. Similar to the residential neighborhood south of East 56<sup>th</sup> Street South, this neighborhood is internally oriented and has limited pedestrian and vehicular access from Delaware Avenue.

Also on the west side of Delaware Avenue, south of East 105<sup>th</sup> Street South, is the Torchia-Oliver Soccer Park, identified as RDO-1.

On the MSHP, the Parkway designation of Riverside Drive is uninterrupted as it transitions into Delaware Avenue. East 91<sup>st</sup> Street South and East 101<sup>st</sup> Street South are designated as Secondary Arterials.

**Map 7 of 8:** Map 7 continues south and includes largely underdeveloped properties. Several new residential developments south of East 111<sup>th</sup> Street South on the east side of Delaware Avenue are not included in the overlay boundary because they are oriented internally, similar to other residential developments with the same characteristics.

On the MSHP, Delaware Avenue has a Parkway designation. East 111<sup>st</sup> Street South on the MSHP does not extend to Delaware Avenue.

**Map 8 of 8:** Map 8 shows Cousins Park, identified as RDO-1. On the MSHP, Delaware Avenue dead ends on the north end of Cousins Park. East 121<sup>st</sup> Street South is designated as an Urban Arterial.

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

There are 709 properties within the boundaries of the proposed River Design Overlay with various zoning designations. Within the boundary are 10 existing Planned Unit Developments (PUDs), all at various stages of development (not built with no approved site plan, not built with an approved site plans, partially built and fully built out).

#### **Applicant's Comments:**

Mr. Covey asked if the area at 71<sup>st</sup> and Riverside Drive known as Helmrigh Park, shown as RDO-2, is that what the steering committee recommended and what INCOG staff feels is appropriate.

Ms. Miller stated there are people here today who feel like this should be RDO-1. However, we looked at the Arkansas River Corridor Master Plan and there are recreational uses and development in the park, both appropriate for RDO-2. There is already development that is approved in the northern part of that piece of property. Recreational uses are appropriate there also, so it is envisioned that there be a mixture of those two things. Therefore the staff and steering committee felt RDO-2 was more appropriate.

Mr. Walker asked if the City of Tulsa property at the 21<sup>st</sup> street bridge is the plan still for that to be abandoned and vacated.

Ms. Miller answered that is the long term plan but the issue is money but that is still something that is being discussed but nothing immediate.

#### **INTERESTED PARTIES COMMENTS:**

**Terry Young** 5311 South Zunis Place Tulsa OK 74105

Mr. Young would like to address the designation of RDO-2 on Helmerich Park. This is the only publicly owned piece of ground in the 11 mile stretch from 11<sup>th</sup> Street to 121<sup>st</sup> Street that is a public park recommended for RDO-2. All the land he is speaking of is between the bank of the river and Riverside Drive. He stated that TMAPC staff made the recommendation based on the information that existed at the time the RDO process began almost 2 years ago. There are changes that have occurred since this process originally began. Mr. Young stated some of the conditions that have changed include the City Economic Development Department once designated Helmerich Park as the site of the national BMX Headquarters but the City Attorney's office made everyone aware that the statutory section line on the southern portion of Helmerich Park made it unavailable for construction of permanent structures. This supports the position the highest and best use of this tract is for park and recreation purposes. In May



2015 the TMAPC board sent a Comprehensive Plan Amendment to City Council recommending that the almost 36 acres of this parcel be changed from park and open space to mixed corridor use. At the June 2015 meeting City Council disapproved the TMAPC recommendation and returned it to the board with instructions to modify it. In July of 2015 the Tulsa City Council reaffirmed the Comprehensive Plan designation of Park and Open Space on more than 55 acres of the 67 acre park. After this board recommended modifying the 12.5 acre Comprehensive Plan amendment, the City Council then recommended TMAPC change the zoning of the 55 plus acres to AG. The City Council unanimously approved that zoning change to AG in November 2015. In addition to the AG zoning, the City Council directed this board to hold hearings to abandon the then existing PUD on the 55 acres and City Council approved the PUD Abandonment last November. It has been publicly affirmed in the last few weeks that a majority of the Tulsa City Council does not support abandoning and vacating any portion of the public ownership of Helmerich Park. He stated that, in other words, the City Council wishes Helmerich Park to continue to be publicly owned. This is a prerequisite for RDO-1 designation. Mr. Young stated he is authorized to report to TMAPC today that City Councilor Jeannie Cue, the district councilor for the area, does not support designating Helmerich Park RDO-2 as suggested. Instead, Councilor Cue supports a map designation of RDO-1 for all of Helmerich Park. Therefore, Mr. Young suggests the board act today to change the RDO-2 designation on Helmerich Park to RDO-1 and send that to the City Council.

**Edward Bridgman** 5657 South Boston Avenue Tulsa OK 74105

Mr. Bridgman stated he has questions about the 56<sup>th</sup> and Riverside area. In the area from I-44 to 71<sup>st</sup> Street, Mr. Bridgman is concerned about how the area will be protected. It now has a wood fence and chain link fence. He asked if these fences were going to be replaced with concrete walls such as on 71<sup>st</sup> street. This is a very high traffic area. He asked how pedestrians get across Riverside Drive at this location and if there would be a bridge, Mr. Bridgman is in support of expansion, ecology and common sense. He respectfully asks that common sense be used.

**Eric Gomez** 611 West 15<sup>th</sup> Street # A5 Tulsa OK 74127

Mr. Gomez stated he owns numerous units in The Olympian Homeowner's Association. There are 36 owners and represents about 10 million dollars in real estate and Mr. Gomez would like to ask on behalf of the homeowner's association that the condominiums known as The Olympian be excluded from the overlay district. They would not welcome further regulation over and above the city's permitting process.

Mr. Covey asked Mr. Gomez where the property is located.

Mr. Gomez stated it is one continuous city block bordered by 14<sup>th</sup> Place, 15<sup>th</sup> Street, Galveston Avenue and Guthrie Avenue.

Mr. Covey asked if Mr. Gomez's property backed up to the RDO-1 designation or if it is separated by Riverside Drive.

Mr. Gomez answered his property is directly across the street from RDO-1.

Ms. Millikin asked if Mr. Gomez property is visible from the riverfront area.

Mr. Gomez stated yes, the property sits up on a hill.

Mr. Covey asked the name of the condominiums.

Mr. Gomez stated The Olympian.

**Craig Immel** 4203 South Cincinnati Avenue Tulsa OK 74105

Mr. Immel stated he lives about 2 blocks from the trail on Riverside. Mr. Immel is concerned about the RDO-2 designations for Helmerich Park. Helmerich Park is consistent with all the other River Park properties that is designated RDO-1. Across 71<sup>st</sup> where the bear statue sits is RDO-1 and the underlying zoning is RS-3. The majority of the park is now zoned AG and the 30-40 year old portion of the PUD has been abandoned. That is according to a map, but Mr. Immel doesn't remember which map because he doesn't know which map supersedes which map in this case. The southernmost parcel in Helmerich park which is supposed to be RDO-2 has about 67 years remaining on a 99 year deed restriction which Mr. Helmerich put on the property about 4 years before the donation of the park. This means nothing can be built on this tract until 2087 other than recreational related structures. The intensity of development of RDO-2 is inconsistent with Tulsa's Comprehensive Plan. Ms. Miller mentioned earlier that in the Arkansas River Corridor Master Plan there is some light development in a stretch that was adopted into the Comprehensive Plan. That is about 25000 square feet of rooftop spread over about 40 to 50 acres in the wider portions of the park. But it's pretty clear that the intent of those structures is for park and recreation related structures, so restrooms, fitness or maybe community center and maybe a small restaurant. He stated that he believed this is what was adopted in the Comprehensive Plan. With all that being said he stated that he hoped we can all agree Helmerich Park is indeed a park and if that is the case it would be a misrepresentation to recommend to City Council that they adopt a map that treats the land in Helmerich as anything other than a park. Mr. Immel asked TMAPC to adopt the RDO but with Helmerich Park being covered by RDO-1 and not RDO-2.

**Bill Leighty** 410 West 7<sup>th</sup> Street #1925 Tulsa OK 74119

Mr. Leighty stated he is here as director of Smart Growth Tulsa an Oklahoma nonprofit corporation with hundreds and hundreds of members and thousands of followers many of whom are interested in the issue before you today. Mr. Leighty stated Smart Growth Tulsa supported the RDO process but we are here

advocating that TMAPC remove the larger tract known as Helmerich park nearly 60 acres to be designated on the map as RDO-1 not RDO-2. It is a public park; it is maintained by the parks department; it's in the middle of the Riverparks system. Mr. Leighty asked why this property was never down zoned after being acquired by the city of Tulsa. He stated that we have seen this dozens of times, decades old PUD's sit undeveloped, never abandoned, only to come back and threaten unsuspecting neighborhoods and property owners and cause havoc. Mr. Leighty would ask TMAPC to put in place a sunset clause to take care of these old PUD's. Mr. Leighty would encourage TMAPC to let the court decide the matter at 71<sup>st</sup> and Riverside without the Planning Commission taking a stand on the matter. Mr. Leighty doesn't understand how the steering committee could conclude that Helmerich Park should be in an RDO-2 district.

**Millie York** 3020 South Boston Place Tulsa, Ok 74114

Ms. York stated she is concerned about some zoning issues around the Gathering Place. Ms. York stated the area that connects the park to 31<sup>st</sup> Street is designated park but it is in yellow and is zoned for multi housing. This is a piece of county land that has been donated to the park and would like to know why this piece of property is still showing up as Multi housing instead of park.

Ms. Miller answered there is no park zoning designation; therefore, underlying zoning for parks through the city vary.

**Michael B. Pinsky** 4754 South Boston Place Tulsa, OK 74105

Mr. Pinsky stated in the 60's the turnpike was going to be built where Riverside Drive is currently so the property was bought up and the houses were torn down. This land now sits vacant except for the little ghost driveways and it is in RDO-3. Mr. Pinsky would like to know what the plan is for RDO-3 and what is going to happen to that land. People in the neighborhood are saying it's going to be turned into parking lots but the stated designation says existing structures will not be affected. This is vacant land and no longer has structures.

**Charles Schuller** 9432 East 94<sup>th</sup> Street Tulsa, OK 74133

Mr. Schuller stated he is a property owner he has owned property himself and family for over 100 years. Mr. Schuller's property is south of 101<sup>st</sup> Street and North of 121<sup>st</sup> Street. Mr. Schuller had owned property for years on the east of Delaware Avenue, which is now developed as the Scissortail subdivision. It contains very high priced single family homes and is a real asset to that area. Tiny Thompson and Mr. Schuller worked very hard for years to get water in this area to generate a tax structure for the city of Tulsa. Mr. Schuller believes an asset to the City of Tulsa is being overlooked, the Arkansas River. Mr. Schuller is not objecting to or supporting all that is going on presently. Mr. Schuller does not want to see a blockade in development on the west side of Delaware Avenue that could be an asset to the City of Tulsa. He stated that we don't need any more parks. There is going to be some structures in there that can develop tax

generated money that can help the city of Tulsa and Mr. Schuller thinks that should be considered.

**Dave Brennan** 3027 S Boston Place Tulsa, Ok

Mr. Brennan stated he has some concerns about the environment changes and the landscape changes that would be affected with brick and mortar commercial operations. Last year there was a 4% growth in that area and a 40% growth in online purchases. He stated that if we develop the river based on commercial revenues that are going down and don't consider where the revenues are really coming from, perhaps this plan may be flawed in 10 years just like the PUD's.

Ms Miller stated she would like to clarify that people who don't work in the planning process sometimes get the sequencing of all the pieces a little confused. In response to Mr. Leighty's comment about the process that visioning process where maps are put out on the table where ideas are shared, that is the planning process and that was done on the Arkansas River Master Plan. The overlay implements the Arkansas River Corridor Master Plan. The overlay is an implementation tool, so this was not the place to go through that exercise. We had town Hall meetings and a lot of public engagement but it's a little bit of a different process. Mr. Young talked about the different changes of Helmerich Park and Ms. Miller was there and was aware of those changes. The northern part still has the remainder of the PUD with development potential, and the City Council did remove the southern portion from the PUD. The intent was that development in the future - whether it is development or park - would need to come through City Council before anything could happen. The City Council was very clear about that point. Ms Miller stated Helmerich Park now is designated as Arkansas River Corridor in the Comprehensive Plan and this designation is not intended to support highly intense commercial development. It is meant to allow appropriate development along the river using the design standards that are set in place in the River Design Overlay, which could include recreational uses. Since the process has started the steering committee was asked at least twice if they still thought the appropriate designation for 71<sup>st</sup> and Riverside Drive was RDO-2 and they agreed that it was based on the fact that there will be some development on this site and potential future development - whether it be commercial or recreation - on the remainder. The Arkansas River Corridor is an appropriate land use for a mixture of recreation and commercial uses.

Ms. Miller acknowledged that from a planning perspective, the Olympian Condominiums could be removed from the overlay based on the lack of frontage on a major street and the fact that it does not break up continuity of the overlay. However, it is visible and does relate directly to the river corridor.

Mr. Dix asked why were there areas not included in River Design Overlay along 14<sup>th</sup> Street and Riverside Drive.

Ms. Miller answered that properties on the National Register of Historic Places were not included in the River Design Overlay.

Mr. Dix asked why the apartments along Riverside Drive between 14<sup>th</sup> and 19<sup>th</sup> were included in the River Design Overlay.

Ms. Miller answered those were not on the National Register of Historic Places and they have major frontage on Riverside Drive.

Mr. Dix asked if TMAPC removed Mr. Gomez's property- what about these other owners.

Ms. Miller stated those properties are different physically, they have major street frontage on Riverside Drive, and the Olympian has less direct frontage to Riverside Drive.

Mr. Dix asked if the new apartment development at Riverside Drive and Denver Avenue could be excluded if ever desired.

Ms. Miller answered they are vested in their PUD approval because they have an approved site plan. Therefore, they are not subject to the guidelines unless they make a major change in the PUD. Ms. Miller stated that Riverside Drive and Denver Avenue is a very important corner in the river corridor. Ms Miller believes the project as currently designed would meet the standards for the River Design Overlay.

Ms. Millikin asked if it was reasonable to include Mr. Gomez's property in the RDO-3. When asked, Mr. Gomez stated his property was viewable from the riverfront area, and he would benefit from the proximity to the riverfront so it seems reasonable.

Ms Miller answered if it doesn't have major street frontage that dictates the build to zone regulations, it would have some regulations that would apply but is less important than others just south of The Olympian that do have major street frontage.

Ms. Miller stated there are not any plans to develop the vacant property Mr. Pinsky referred to north of I-44. This land is a combination of City of Tulsa and Oklahoma Department of Transportation owned properties and in time could evolve into something.

Mr. Dix asked Ms Miller how a piece of land behind the sound wall on 51<sup>st</sup> Place gets included in the River Design Overlay. Ms. Miller answered the sound wall does not block those parcels and the visibility of the River. There is a possibility of it combining with the other nearby properties.

Ms. Miller responded to Mr. Schuller's comment about blockading development on the west side of Delaware Avenue. She clarified that is not the intent, rather to ensure that River Design Overlay standards are in place as development occurs.

Mr. Covey asked Ms. Miller if the City Council initiated this. Has City Council seen this map with Helmerich Park designated as RDO-2.

Ms. Miller stated "yes", there were four City Councilors that were on the steering committee and a part of the conversation of Helmerich Park as RDO-2.

Mr. Covey asked if they voted on this map at a committee meeting or regular meeting.

Ms. Miller stated that they voted at a regular 6:00 meeting to initiate it, to send it through the process.

Mr. Dix asked if it would be in the best interest to designate Helmerich Park as RDO-1 with a lawsuit pending and what effect would this action have on the lawsuit.

Ms. VanValkenburgh answered if TMAPC would prefer to recommend Helmerich Park be RDO-1, then that needs to happen in a separate zoning case. Unlike our standard zoning where we can drop down in zoning designation, that is not the case in River Design Overlay. Should TMAPC want to give Helmerich Park RDO-1, it would need to be renoticed and come back to TMAPC. The way to do this is to recommend denial of RDO-2 on this property. As to what affect it would have on the lawsuit is unknown but the overlay zoning is not an issue in the lawsuit now. There is not anything in the lawsuit that prohibits TMAPC from taking any action.

Mr. Covey asked Ms. VanValkenburgh where the lawsuit was in litigation.

Ms. VanValkenburgh answered there is no action occurring in the lawsuit presently. It's pending.

Mr. Covey asked Ms. VanValkenburgh if TMAPC could recommend that Mr. Gomez's property come out of the River Design Overlay.

Ms. VanValkenburgh answered "yes".

Mr. Covey asked for clarification - if TMAPC could recommend that all of Helmerich Park come out but cannot recommend RDO-1.

Ms. VanValkenburgh stated "yes". She stated that TMAPC can't recommend any changes that have not been noticed. TMAPC doesn't have jurisdiction to assign another RDO category.

Ms. Millikin asked how much latitude does TMAPC have recommending RDO-2 versus RDO-1 on the property south of 71<sup>st</sup> Street when there has already been development approved.

Ms. VanValkenburgh answered TMAPC can only recommend approval or denial of RDO-2 on that piece of property. But, whatever overlay you adopt eventually, there are vested rights in PUD's where site plans have been approved and on the corner there has been a site plan approved for that development. No matter what the designation is they have a right to build what has been approved with the site plan.

Mr. Covey asked if TMAPC approves this today with RDO-2 on Helmerich Park it goes to City Council and they decide to change it does it all have to be renoticed again and has to come back to TMAPC.

Ms. Vanvalkenburgh stated this was correct.

Mr. Covey stated regardless of which body TMAPC or City Council recommends changing the designation it has to be renoticed if that were to happen.

Ms. Vanvalkenburgh stated this was correct.

Mr. Dix stated if TMAPC were to say today we think Helmerich Park should be removed from the overlay.

Ms. Vanvalkenburgh stated you could do that.

Ms Miller stated the recommendation you give will be relayed by Ms Miller to City Council. If the recommendation was to remove Helmerich Park, Ms. Miller would explain that to City Council.

Mr. Terry Young stated those who are involved in the lawsuit understand that the RDO concept will not affect anything associated with the proposed development on the north end of Helmerich Park. If the lawsuit is successful you may get a minor amendment to that site plan, there are no illusions that anything advocated here will have an impact on that development. There can be development in the middle part of that park it is zoned AG currently anything that would happen then would require a Board of Adjustment action or a new zoning category. Then the more restrictive guidelines would apply to the new development and RDO-1 would require river facing development as opposed to a small shopping center facing Riverside Drive. So removing would give a clean slate and give the opportunity to return to make the case another time.

Mr. Dix stated yes it gives a clean slate but it also exposes it to other issues.

Ms. Miller stated “yes”, it would have no design standards in place.

Mr. Dix stated TMAPC must consider if they want to expose the property or leave the RDO-2 in place.

Mr. Young stated he would suggest TMAPC defer to the City Council.

Ms. Miller reminded Planning Commissioners that the land use in the Comprehensive Plan is not Parks and Open Space, it is Arkansas River Corridor.

Mr. Dix asked if we take the RDO-2 out of it to get it to something else it goes back to be noticed and whole process would start over.

Ms. Miller answered “yes”.

Mr. Willis stated he sees a fair amount of merit to remove the property bordered by Guthrie Avenue, Galveston Avenue, 14<sup>th</sup> Place and 15<sup>th</sup> Street, known as The Olympian from the RDO.

Mr. Dix stated he believes Helmerich Park and The Olympian should be removed from the RDO designation.

Ms. Millikin stated she is in favor of approving the River Design Overlay as presented, Ms. Millikin believes it’s reasonable to keep Mr. Gomez’s property in RDO-3 and agrees with the steering committee’s decision in designating Helmerich Park as RDO-2.

**Mr. Rich Brierre** Director of INCOG, 2 West 2<sup>nd</sup> Street

Mr. Brierre stated for the record there is also a privately owned tract of vacant land north of Joe Creek besides the apartment complex.

**TMAPC Action; 7 members present:**

On **MOTION** of **DIX**, TMAPC voted **5-2-0** (Dix, Fretz, Shivel, Walker, Willis “aye”; Covey, Millikin “nays”; none “abstaining”; Carnes, Midget, Reeds, Stirling, “absent”) to recommend **APPROVAL** of SA-1 with the removal of 1) Olympian Condominiums bordered by W. 14th Pl., S. Guthrie Ave., S. Galveston Ave. and W. 15th St. and 2) publically owned land south of E. 71st St., north of Joe Creek and west of Riverside Dr., known as Helmerich Park, excluding privately owned properties.

\* \* \* \* \*



**OTHER BUSINESS**

**17. Commissioners' Comments**

**ADJOURN**

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**TMAPC Action; 7 members present:**

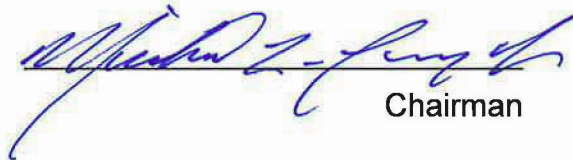
On **MOTION** of **Dix**, TMAPC voted **7-0-0** (Covey, Dix, Fretz, Millikin, Shivel, Walker, Willis "aye"; no "nays"; none "abstaining"; Carnes, Midget, Reeds, Stirling, "absent") to **ADJOURN** TMAPC meeting 2728.

**ADJOURN**

There being no further business, the Chair declared the meeting adjourned at 4:30 p.m.

Date Approved:

09-02-2016

  
Chairman

ATTEST:

  
Secretary