

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2736

Wednesday, December 21, 2016, 1:30 p.m.

City Council Chamber

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

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Carnes		Foster	Berry, COT
Covey		Hoyt	Doctor, COT
Dix		Sawyer	VanValkenburgh, Legal
Fretz		Ulmer	Warrick, COT
Midget		Wilkerson	
Millikin			
Reeds			
Shivel			
Stirling			
Walker			
Willis			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, December 15, 2016 at 3:46 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 1:33 p.m.

### **REPORTS:**

#### **Chairman's Report:**

#### **Director's Report:**

Mr. Wilkerson stated a work session will be needed for January 18, 2017 to discuss is the Bus Rapid Transit System and the driveway width amendment. Also Steve Grantham with Up With Trees will be there to discuss Urban Forest Master Plan. Mr. Wilkerson stated the receipts were consistent with this time last year. Mr. Wilkerson announced that this meeting is the last TMAPC meeting for Commissioners Midget and Willis. Mr. Wilkerson presented certificates to Dwain Midget (26 years) and Michael Willis and thanked them for their service on TMAPC.

Mr. Midget announced Nick Doctor would be replacing him on the TMAPC board.

Mr. Willis announced Vicki Adams would be replacing him on the TMAPC board.

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1. **Minutes:**

**Approval of the minutes of December 7, 2016 Meeting No. 2735**

On **MOTION** of **DIX**, the TMAPC voted 11-0-0 (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the minutes of the meeting of December 7, 2016, Meeting No. 2735.

**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-20944** (Lot-Split) (CD 6) – Location: North of the northeast corner of East 11<sup>th</sup> Street South and South Garnett Road
3. **LS-20945** (Lot-Split) (County) – Location: West of the southwest corner of East 60<sup>th</sup> Place North and North 140<sup>th</sup> East Avenue
4. **LS-20946** (Lot-Split) (CD 1) – Location: North of the northeast corner of North Peoria Avenue and East Admiral Place (related to LC-834)
5. **LC-834** (Lot-Combination) (CD 1) – Location: North of the northeast corner of North Peoria Avenue and East Admiral Place (related to LS-20946)
6. **LS-20947** (Lot-Split) (CD 4) – Location: North of the northwest corner of South Harvard Avenue and East 17<sup>th</sup> Street South (related to LC-835)
7. **LC-835** (Lot-Combination) (CD 4) – Location: North of the northwest corner of South Harvard Avenue and East 17<sup>th</sup> Street South (related to LS-20947)
8. **LS-20948** (Lot-Split) (CD 1) – Location: North of the northeast corner of North Denver Avenue and West Haskell Place (related to LC-836)

9. **LC-836** (Lot-Combination) (CD 1) – Location: North of the northeast corner of North Denver Avenue and West Haskell Place (related to LS-20948)
10. **LS-20950** (Lot-Split) (CD 9) – Location: North of the northwest corner of South Peoria Avenue and East Skelly Drive (related to LC-838)
11. **LC-838** (Lot-Combination) (CD 9) – Location: North of the northwest corner of South Peoria Avenue and East Skelly Drive (related to LS-20950)
12. **LC-846** (Lot-Combination) (CD 3) – Location: East of the northeast corner of South Sheridan Road and East Admiral Place

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

**TMAPC Action; 11 members present:**

On **MOTION** of **DIX**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis “aye”; no “nays”; none “abstaining”; none “absent”) to **APPROVE** Items 2 through 12 per staff recommendation.

\* \* \* \* \*

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

\* \* \* \* \*

**PUBLIC HEARINGS:**

14. **CZ-448 Jim Beach** (County) Location: North of the northwest corner of South Peoria Avenue and East 141<sup>st</sup> Street requesting rezoning from **AG** to **CS**. **(Staff requests continuance to February 1<sup>st</sup>, 2017)**

**Nathan Dies** 13575 South Hartford Ave, Tulsa, OK 74033

Mr. Dies stated he is a resident in the neighborhood and has no opinion on the continuance.

**TMAPC Action; 11 members present:**

On **MOTION** of **DIX**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none “abstaining”; none "absent") to **CONTINUE** CZ-448 to February 1<sup>st</sup>, 2017.

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13. **CZ-447 Stephen Schuller** (County) Location: West of the southwest corner of West 21<sup>st</sup> Street and South 49<sup>th</sup> West Avenue requesting rezoning from **RS to CG** (continued from December 7, 2016)

## **SECTION I: CZ-447**

**DEVELOPMENT CONCEPT:** The applicant has submitted an application to combine all of his property into a single zoning category. There is no comprehensive plan to guide growth however the large majority of the surrounding property is industrial.

### **DETAILED STAFF RECOMMENDATION:**

The development pattern for the area could support industrial uses. Staff has discussed, with the applicant, the opportunity to re-zone this site to light industrial. The applicant prefers to move forward with CG zoning to remain consistent with adjacent property zoning regulations. Many light industrial uses can be accommodated through the special exception process therefore staff supports the request as submitted and;

CZ-447 is non injurious to the existing proximate properties and;

CG zoning is consistent with the anticipated future development pattern of the surrounding property therefore;

**Staff recommends Approval of CZ-447 to rezone property from RS to CG.**

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The subject area is not located within a designated Comprehensive Plan Area.*

#### Land Use Vision:

*Land Use Plan map designation: N/A*

*Areas of Stability and Growth designation: N/A*

#### Transportation Vision:

*Major Street and Highway Plan: West 21<sup>st</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 consists of a combination of existing commercial structures, single-family homes and vacant land.*

Environmental Considerations: Parts of the northern portion of the proposed area are located in the 500 year floodplain. A large portion of the site currently zoned RS and south of the existing building has been used for illegal dumping. Rezoning will require a Plat and provide a redevelopment opportunity that could help start remediation efforts.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West 21 <sup>st</sup> Street	Secondary Arterial	100 feet	4

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	IM	N/A	N/A	Industrial
South	RS / IL	N/A	N/A	Single-Family
East	IL / CS / RS	N/A	N/A	Commercial/Single-Family
West	CS / RS	N/A	N/A	Vacant Commercial Occupied Single-Family

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 108037 dated October 22, 1984 (CZ-113), and 98254 dated September 15, 1980, established zoning for the subject property.

***Subject Property:***

**CZ-113 December 1990:** All concurred in **approval** of a request for *rezoning* a 50' x 214' tract of land from RS to CG for industrial use, on property located west of the southwest corner of W. 21<sup>st</sup> St. and S. 49<sup>th</sup> W. Ave. and is also a part of the subject property.

**Z-4370 March 1973:** Staff and TMAPC concurred in **denial** of a request for rezoning a tract of land from RS-2 to RMH for a mobile home park, on property located south of the southwest corner of W. 49<sup>th</sup> E. Ave. and W. 21<sup>st</sup> St. and also known as a part of the subject property.

***Surrounding Property:***

**CZ-394 October 2008:** All concurred in **approval** of a request for *rezoning* a 1± acre tract of land from RS to CS, for commercial use, on property located west of southwest corner of West 21<sup>st</sup> Street South and South 49<sup>th</sup> West Avenue and abutting west of the subject property.

**CZ-186 December 1990:** A request to *rezone* a 3± acre tract from RS to IH or CH for industrial use, on property located west of the southwest corner of 49<sup>th</sup> West Avenue and West 21<sup>st</sup> Street South, and west of subject property. All concurred in **denial** of IH and CH, and the **approval** of IM zoning on said tract.

**Z-4167 September 1972:** All concurred in **approval** of a request for *rezoning* a tract of land from IL to RS-3, for residential use being the property is not conducive to industrial use due to topography, on property located west of the southwest corner of W. 21<sup>st</sup> St. and S. 49<sup>th</sup> W. Ave. and abutting south of subject property.

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

**TMAPC Action; 11 members present:**

On **MOTION** of **DIX**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** CZ-447 rezoning from RS to CG per staff recommendation.

**Legal Description of CZ-447:**

East 50 feet of West 165 feet of North 264 feet of NE/4 NE/4 NE/4; West 70 feet of North 264 feet of NE/4 NE/4 NE/4 NE/4; East 82½ feet of North 264 feet of

NW/4 NE/4 NE/4 NE/4; West 90 feet of North 264 feet of NE/4 NE/4 NE/4; East 120 feet of N/2 NW/4 NE/4 NE/4; AND The East 140 feet of the South 396 feet of the West 330 feet of the NE/4 NE/4 NE/4 AND The North 25 feet of the East 75 feet of the South 396 feet of the West 190 feet of the NE/4 NE/4 NE/4 AND The East 100 feet of the West 190 feet of the South 371 feet of the NE/4 NE/4 NE/4 AND The East 25 feet of the West 115 feet of the North 289 feet of the NE/4 NE/4 NE/4, All in Section 17, Township 19 North, Range 12 East, Tulsa County, Oklahoma

\* \* \* \* \*

15. **Z-7162 Plat Waiver** (CD 9) Location: West of the southwest corner of East 51<sup>st</sup> Street South and South Yale Avenue

The platting requirement is being triggered by a rezoning from RS-2 to OL that was approved by City Council on March 24<sup>th</sup>, 2011.

**Staff provides the following information from TAC for their December 1, 2016 meeting:**

**ZONING:** TMAPC Staff: The property has been subject to a platting requirement since the approval of the rezoning in 2011; however, building permits were issued and construction was completed in early 2015 and the platting requirement was missed. At this time, the property owner is seeking permits for new occupancy and potential new signage. No additional construction is proposed.

**STREETS:** No comment.

**SEWER:** No comment.

**WATER:** No comment.

**STORMWATER:** No comment.

**FIRE:** No comment.

**UTILITIES:** No comment.

Staff can recommend **APPROVAL** of the plat waiver for this property given that construction is finished, an IDP was completed with permits, and no additional requirements have been identified by the Technical Advisory Committee.

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

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

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

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



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

**TMAPC Action; 11 members present:**

On **MOTION** of **DIX**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** Z-7162 plat waiver per staff recommendation.

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16. **Z-7367 Josh Miller** (CD 1) Location: Southwest corner of East 36<sup>th</sup> Street North and North Lewis Avenue requesting rezoning from **AG/RS-3/RMH/CS/CH** to **IM** with **Optional Development Plan**.

**SECTION I: Z-7367**

**APPLICANTS DEVELOPMENT CONCEPT:**

In order to lessen the perceived or potential impact of the requested IM zoning of the Subject Property on the adjacent and nearby residentially zoned or residentially used areas, the Applicant has elected to impose additional restrictions on the property by requesting the implementation of an optional development plan as is allowed in the Tulsa Zoning Code. When the 36<sup>th</sup> Street North Small area plan was amended in 2016 general design standards were considered along Mohawk Boulevard. The optional development plan has identified design standards complementary with those concepts. The optional design standards identified in Section II only apply to a lot's adjacency, and not to the entire Development Plan Area when the lot is less to any public street with regard to sidewalk requirements and along Mohawk Boulevard with regard to screening requirements.

**SECTION II, OPTIONAL DEVELOPMENT PLAN STANDARDS:**

The following Use Categories, Subcategories and Specific Uses shall be allowed in conjunction with all supplemental regulations and all other zoning regulations as defined in the Tulsa Zoning Code except as further limited below:

**PERMITTED USE CATEGORIES:**

1. Public, Civic and Institutional Use Category with all subcategories and specific uses permitted in the IM zoning District (except Detention and Correctional Facilities are prohibited).
2. Commercial Use Category: ~~Includes Limited to~~ the following Subcategories
  - Animal Service and all specific uses
  - Broadcast or Recording Studio
  - Commercial Service and all specific uses
  - Financial Services and all specific uses
  - Office and all specific uses, (except Plasma Centers are prohibited).

Parking, Non-accessory  
Restaurants and Bars with all specific uses  
Retail Sales with all specific uses  
Studio, Artist or Instructional Service  
Trade School

3. Wholesale, Distribution and Storage: ~~Includes-a~~ All subcategories and specific uses permitted in the IM zoning district
4. Industrial: ~~Includes-a~~ All the following Subcategories  
Low-Impact Manufacturing and Industry with all specific uses  
Moderate-impact Manufacturing and Industry with all specific uses

### BUILDING SETBACKS:

The minimum Building Setback from the planned Mohawk Boulevard right of way line shall not be less than 100 feet.

### STANDARDS FOR LOTS WITH FRONTAGE ON MOHAWK BOULEVARD:

#### Screening and Landscape Standards

The lot or lots adjacent to Mohawk Boulevard shall provide ~~one or any of a~~ combination thereof the following landscape and screening standards except where penetrated by vehicular and pedestrian circulation systems

#### Option 1)

Provide an earthen and landscaped berm with dimensions to be determined during the detailed site plan review process. During that process appropriate dimensions shall be determined that best provides visual screening of the adjacent residential neighbors and residential neighbors across Mohawk Boulevard. The earth berm will be encouraged to be an organic shape

Between the top of the berm and the Mohawk Boulevard pavement edge a sidewalk meeting or exceeding construction standards for the City of Tulsa engineering standards will be installed along the entire length of the zoning boundary on the north side of Mohawk.

A mix of deciduous and evergreen trees shall be placed on the lot within 20 feet of the planned street right of way along Mohawk. Those trees shall be placed at a maximum spacing of not more than 25 feet measured in any horizontal dimension and not closer than 10 feet. These trees are additional to any other landscape requirements identified in the Zoning Code.

#### Option 2)

Provide a masonry wall, with dimensions to be determined during the site plan review process. During that process appropriate dimensions shall be determined that best provides visual screening of the adjacent residential

neighbors and neighbors across Mohawk Boulevard. Along the length of the lot or lots **with** a minimum 10 foot wide landscape edge shall be provided between the Mohawk Right of Way and the wall.

Within the 10' edge trees shall be installed with a maximum spacing of 20 feet.

Option 3)

A combination of berms and walls may be an acceptable edge solution along the boundary along Mohawk Boulevard right of way.

VEHICULAR ACCESS AND CIRCULATION:

Lots with frontage on Mohawk Boulevard may provide ingress and egress as defined below:

1. Tractor Trailer / Heavy Truck (defined as having 18 wheels or more) vehicular ingress and egress points shall be prohibited on Mohawk Boulevard except as defined below:
  - a. Allowed on the East 1,100 feet of the development plan boundary.
  - b. Allowed on the West 1,450 feet of the development plan boundary.
2. Minor access points (for employee, visitor and small delivery service): may be allowed to Mohawk Boulevard however, no more than 2 minor access points will be allowed for each lot. Internal circulation connections will be encouraged during the site plan review process and the location of access points will be carefully reviewed to minimize the effects of car traffic to single family residential property owners on the south side of Mohawk Boulevard.

PEDESTRIAN ACCESS AND CIRCULATION:

Lots facing any public street shall provide sidewalks within the street right of way as required by various City of Tulsa codes. Any portion of the development area that is included in a reserve or common maintenance area shall construct sidewalks as part of the initial Infrastructure Development Plan required by the plat process. All other sidewalks will be constructed during the development of any individual lot.

A **paved** side path or other bicycle accommodation on Mohawk Boulevard with a minimum width of 8 feet shall be provided. This may also satisfy sidewalk requirements along Mohawk Boulevard.

SIGN STANDARDS:

Signage shall conform to all City of Tulsa Sign standards defined in the Tulsa Zoning Code except that signage on lots with frontage facing Mohawk Boulevard the following standards shall apply:

Signage on the lots within 200 feet of the Mohawk Boulevard **right-of-way** shall be further restricted as follows:

1. All on premise freestanding signage shall be monument style. Single pole signs are prohibited
2. On premise freestanding signage shall not exceed 16 feet **in height** except where the signage is located within 1450 feet of the west boundary of the development area and within 1100 feet of the east boundary of the development area.
3. Maximum display surface area shall be limited to less than 132 square feet **for each sign**.
4. Internally lit signs are prohibited
5. Dynamic display signage is prohibited
6. Wall signage on south facing walls for buildings or screening walls shall not be internally lit.

#### LIGHT STANDARDS:

**Within 200 feet of the Mohawk Boulevard right-of-way the maximum height of all wall or pole mounted lighting shall not exceed 16 feet above the ground directly below the light. Where lighting is proposed further than 200 feet from said right of way the light may be taller than 16 feet as allowed with a photometric plan meeting the standards of the Tulsa Zoning Code. Under no circumstance will any light be permitted greater than 30 feet above the ground directly below the light.** All lighting shall be pointed down and away from the boundary of the development plan.

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

The proposed IM Zoning With an Optional Development Plan is consistent with the employment land use designation of the 36<sup>th</sup> Street North Small Area Plan and with the Employment land use designation identified on the Land Use Map in the Comprehensive plan and;

The Optional Development Plan provides use limitations and design standards similar to the goals identified in the 36<sup>th</sup> Street North Small Area Plan so we can conclude that negative impacts to the surrounding residential areas will be mitigated by meeting or exceeding those standards and;

Z-7367 with the Optional Development Plan is consistent with the expected development pattern of the surrounding area therefore;

**Staff recommends Approval of Z-7367 to rezone property from AG/RS-3/RMH/CS/CH to IM with the Optional Development Plan outlined in Section II above.**

#### **SECTION III: Supporting Documentation**

## RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The requested IM zoning with an Optional Development Plan is consistent with the Employment Land Use vision of the Comprehensive Plan. The portion of the development plan area identified as Park and Open Space is in a floodplain and is expected to remain undevelopable with opportunities for employees and users of this area to access these areas. The transportation vision considers East 36<sup>th</sup> Street North and North Lewis as Multi Modal Corridors. Staff anticipates that street improvements will be provided by the City of Tulsa project however we have not seen the plans and cannot make a determination that those streets will meet the expectations of a multi modal street.*

### Land Use Vision:

*Land Use Plan map designation:* Employment Center, Park and Open Space  
Employment Center:

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

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

### Park and Open Space:

This building block designates Tulsa's park and open space assets. These 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.

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.

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 events 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: 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:*

36<sup>th</sup> Street North and North Lewis are considered Multi Modal Corridors:

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 provisions for a side path along Mohawk are consistent with the provisions of the Trail Master Plan and the small area plan.

36<sup>th</sup> Street North Small Area Plan Goals and recommendations:

The small area plan was amended in August of 2016 to include this area as an opportunity for Economic Development. Some members of the Working Group acknowledged the probability for high quality jobs with potential to create secondary jobs and spur growth.

The small area plan recommends compatible growth for this Employment Center East of Dirty Butter Creek and identified several goals to help integrate this concept into this part of Tulsa.

Several goals in the small area plan are supported in the development plan and include the following concepts:

- 1) Encourage development of an industrial facility that incorporates shielded lighting and minimizes light pollution and
- 2) Build a berm to provide visual and noise screening, preserve mature trees where possible, do not place ingress and egress points to the industrial site, and place parking areas rather than buildings nearer to Mohawk Boulevard.
- 3) Careful placement of ingress and egress points on Mohawk Boulevard. Driveway placement should provide connectivity for employees and trucks to and from Peoria, Lewis and multiple highway connections but should avoid the established neighborhood to the south. Internal circulation and driveway access should bypass or otherwise obviate the need for employee and truck transit through the neighborhood.
- 4) A side path or other bicycle accommodations on Mohawk Boulevard consistent with the Bicycle and Pedestrian Master Plan.

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The site is undeveloped gently sloping toward the north east toward Dirty Butter Creek. Evidence of dumping and oil field activity has been recently cleaned and some residential homes have recently been removed. The site appears to be ready for an industrial redevelopment opportunity.*



Environmental Considerations: The west edge of the property is adjacent to the Dirty Butter Creek floodplain. Site development along that edge will be affected by the location and elevation of the 100 year flood event. Special attention to the creek side development will be integral to the engineering solutions that are presented. After recent site cleanup operations there are no known environmental considerations that would affect site development.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 36 <sup>th</sup> Street North	Secondary arterial with Multi modal corridor overlay	100 feet	2
North Lewis Avenue	Secondary arterial with Multi modal corridor overlay	100 feet	5
Mohawk Boulevard	Residential Collector	60 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 / CS	West part is Parks & Open Space and Existing Neighborhood East part is New Neighborhood and Mixed Use Corridor	West part is Stability East part is Growth	Oil tanks and pumps and vacant residential
East	CS	Mixed Use Corridor	Growth	Undeveloped
West	AG / CH	Parks & Open Space and Employment	Stability	Floodplain and creek channel
South	AG / RS-3 / IL (PUD 449)	Existing Neighborhood and Mixed Use Corridor	Growth	Single Family Residential and Industrial and truck storage

## **SECTION IV: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11809 dated June 26, 1970, established zoning for the subject property.

### ***Subject Property:***

**BOA-10919 March 6, 1980:** The Board of Adjustment approved a Special Exception to permit a tire shop in a CS district, subject to the condition of no outside storage of materials, on property located at 2329 E. Mohawk Blvd. and also known as a part of the subject tract.

### ***Surrounding Property:***

**PUD-449 August 1989:** All concurred in approval of a proposed Planned Unit Development on a 7± acre tract of land for a trucking service establishment, on property located on the northwest corner of N. Lewis Ave. and E. 33<sup>rd</sup> St. N.

Mr. Dix stated to staff that when this application was before TMAPC last time he was against truck traffic on Mohawk Boulevard and would like to know if that was being addressed.

Staff stated the way the optional development plan is written the entrances for truck traffic is limited to the far east end and the far west end of the project. Staff stated they could not prohibit truck traffic on Mohawk Boulevard but could control where trucks entered the site.

Mr. Dix asked staff why they could not limit the traffic on Mohawk Boulevard.

Staff stated because it is a public street.

Mr. Dix stated put a sign on it that says no trucks.

Staff stated that is something that could be discussed today, but as staff works through the process with the developers and the planning department, staff thought the best thing they could do was to limit where the truck traffic could enter the site.

Mr. Dix stated he disagreed and believed the City of Tulsa has the power to limit that street as no trucks on Mohawk Boulevard at all. Dr. Dix would also like to know what discussions have taken place with ODOT on improving the bridge on 36<sup>th</sup> Street North to allow truck traffic.

Staff stated INCOG has not had any conversations with ODOT regarding improvements on the bridge. Mr. Midget may know more about improvements to the bridge that would be addressed as part of a bond package.

Mr. Midget stated the design for improvements to the bridge has been started but is unsure how far along the process is currently.

Mr. Dix stated if this project was industrial light he would not be as concerned because the types of trucks would be smaller but with industrial medium the trucks could be semi trucks.

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

#### **Josh Miller 7030 South Yale, Tulsa, OK**

Mr. Miller stated they are aware there is an issue today with truck traffic not affiliated with this development that use Mohawk Boulevard to get to 36<sup>th</sup> Street North and on to the airport or the Port. Mr. Miller stated not knowing what the end user or users for this project is yet everything is very speculative. Mr. Miller stated just as the neighbors would like he also would like to see the truck traffic directed to 36<sup>th</sup> Street North and have had conversations with ODOT about future economic development in this area and ODOT supporting that and that is the goal. Mr. Miller stated the ingress and egress on Mohawk Boulevard was to consider where the four lane ends in the area because there is improved concrete in that area. Closer to Lewis Avenue it goes back to two lane and asphalt. It is possible that an employer for this project would be pushed to 36<sup>th</sup> Street North. Mr. Miller stated the design standards were to mitigate all issues with truck traffic, landscaping, screening and lighting to help protect the neighbors.

Mr. Dix stated you have frontage on Mohawk Boulevard, 36<sup>th</sup> Street North, Lewis Avenue and near frontage on Peoria Avenue and Mr. Dix knows property owners on Peoria Avenue who would love to sell the applicant the access for this project. With that knowledge, Mr. Dix believes traffic should be restricted on Mohawk Boulevard because that is not a street for trucks.

Mr. Miller stated to use Peoria Avenue for access would require building a truck rated bridge across Dirty Butter Creek so that would be an issue but if there is a compromise with the southwest ingress/egress where Mohawk Boulevard is still a four lane concrete road would be a consideration. Mr. Miller stated If there is a single user on the project then that would be a possibility but if there are two or three lots within the project that are 20 plus acres in size it is hard to direct traffic to the one entrance along Mohawk.

### **INTERESTED PARTIES COMMENTS:**

#### **Dr. C. Wilson** 1750 East Mohawk Boulevard, Tulsa, OK 74110

Dr. Wilson stated she is opposed to the rezoning. Dr. Wilson stated the applicant and INCOG keeps saying what they want to see happen, but they have yet to talk to the residents. Dr. Wilson stated she lives along Mohawk Boulevard and she doesn't want trucks in front of her home. Dr. Wilson stated she use to have

trees and deer and those are no longer in the area. Dr. Wilson states the applicant and INCOG continue to state they want to see great things happen in North Tulsa but North Tulsa is not included in the discussions.

**Brittany Anderson** 4012 North Lewis Avenue, Tulsa, OK 74110

Ms Anderson stated she would like optional development plan explained. Ms. Anderson would like to know if the project starts as an employment center can it be changed.

Mr. Covey clarified Ms. Anderson's concerns that with an optional development plan the applicant could maybe do something different than what is outlined.

Ms. Anderson answered yes.

Mr. Dix stated an optional development plan limits the number of uses that could be used under that zoning. This is to protect the residents in the area.

Mr. Miller stated Dr. Wilson asked about parks and in the recommendation there is a part that addresses green space and that is in the recommendation. Mr. Miller stated he hopes that anything is pushed as far north and away from Mohawk Boulevard as possible just as the neighbors do also.

**Charles Williams** 2103 East Mohawk Boulevard, Tulsa, OK 74110

Mr. Williams stated the residents should be included in the plans for the development from the beginning. Mr. Williams states if this area is a flood zone how can you build anything in the area if you can't build a single family home. Mr. Williams stated his concern is Mohawk Boulevard having heavy equipment drive on it. There is a trucking company on the corner that uses Mohawk Boulevard all the time. The trucks should go to Highway 11 that is what it is intended to be used for. Mr. Williams stated there should be a stop light for the intersection of Mohawk Boulevard and Peoria Avenue because of numerous accidents.

**Terry McGee** 3227 North Birmingham, Tulsa, OK 74110

Mr. McGee stated he is a retired fire fighter and worked for the city for 26 years. Mr. McGee stated he has been a builder, developer and entrepreneur. Mr. McGee stated much of North Tulsa going back to the Race Riot in the 1920's was zoned industrial to keep individuals from building houses there because if you don't have rooftops you don't get retail in the area so this is a concern for him. Mr. McGee stated he also owns the land at Apache Avenue and Lewis Avenue and was before board in October with about 30 other people in protest of a recycle center on the corner of Apache Avenue and Lewis Avenue and some of his concern is that this could be an indoor recycle center.

Mr. Miller stated to Mr. Williams that the 10 million dollars approved in Vision is for the concerns that Mr. Williams spoke about improving vehicular access, signage, street lights and intersection improvements. If an employer the size Mr.

Miller hopes moves into that development that creates more traffic and that is what that infrastructure incentive fund is there for to make those improvements with regards to the recommendation. Mr. Miller stated there is also 5 million dollars for improvements to the 36<sup>th</sup> Street North corridor.

Mr. Covey asked Mr. Miller if marketing on the property has started yet.

Mr. Miller stated yes through the Chamber and State Department of Commerce.

Mr. Covey asked if there were any active interest at the current time.

Mr. Miller answered there is currently someone interested in the site but these things are so mysterious that we could be one site out of 50 across the country. So it is hard to say if they are serious or not.

Mr. Covey asked Mr. Miller is there a backup plan if no one expresses interest in the site.

Mr. Miller stated not at this time but 5 to 10 years is the timeframe for this type of development.

Mr. Midget asked Mr. Miller if he would be open to meeting with the neighbors to talk about the project.

Mr. Miller answered yes, there were several public meetings during the process and Mr. Miller and planning staff have attended several North Tulsa organization neighborhood meetings.

Ms. Millikin stated on page two of the optional development plan there is a limitation on vehicular access and circulation and it reads:

Lots with frontage on Mohawk Boulevard may provide ingress and egress as defined below:

Tractor Trailer / Heavy Truck (defined as having 18 wheels or more) vehicular ingress and egress points shall be prohibited on Mohawk Boulevard except as defined below:

- a. Allowed on the East 1,100 feet of the development plan boundary.
- b. Allowed on the West 1,450 feet of the development plan boundary.

Mr. Miller pointed out the access on exhibit 16.10 and stated it was to allow ingress/egress on either side of the project away from the neighborhood. This was near Mr. William's house.

Ms. Millikin asked Mr. Miller if he knew how far the ingress/egress could be moved.

Mr. Miller answered he believed you had to be a least 700 feet away from the intersection to have another driveway.

Ms. Millikin stated Mr. Miller pointed out that point B the west 1450 feet of the development boundary is significantly outside the western boundary of the residential neighborhood on the south side of Mohawk Boulevard but the east 1100 feet the development plan boundary that is very close to Mr. William's property.

Mr. Wilkerson stated that line 1100 feet boundary is 150 feet east of Mr. William's lot line. The west boundary goal was to have about 100 feet east of the Dirty Butter Creek.

Mr. Dix stated he would not be opposed to access where the off ramp of Gilcrease and the on ramp merge. That seems like a logical place to have access for trucks. Mr. Dix stated that he would oppose any further access off Mohawk Boulevard. Mr. Dix also stated signs should be placed on Mohawk Boulevard on both ends stating no truck traffic.

Ms. VanValkenburgh stated the Planning Commission cannot require that Mohawk Boulevard be signed for no trucks – that is a function of City traffic operations. Planning Commission may express in their motion to encourage the City to do that. Planning Commission can control the access to the site through the optional development plan but Planning Commission doesn't have the authority to say the street will be signed for no trucks.

Mr. Dix asked if the residents can petition the City to install signs.

Ms. VanValkenburgh answered "yes" and the Planning Commission can get the message to traffic operations.

Mr. Midget stated a continuance is needed for the applicant to work with the neighbors. Mr. Midget stated there has been other public meetings but those are different from meeting with the neighbors. They should also invite traffic engineering staff so they know the concerns of the neighbors before TMAPC votes on this item. Mr. Midget stated the optional development plan needs to be explained.

Mr. Dix stated since this is Mr. Midget's last meeting, Mr. Dix would go to the meeting in place of Mr. Midget to make sure the residents comments get into the minutes.

Ms. Millikin stated she would support a continuance but believes the optional development plan needs to be amended. Under the Vehicular Access and Circulation section it allows trucks on the East 1,100 feet of the development plan

boundary and on the West 1,450 feet of the development plan boundary. Ms Millikin is concerned about this being so close to Mr. Williams home. Ms. Millikin stated there has been discussion about that access being eliminated and that all Ingress and egress moved to the west end of the development plan boundary. Ms Millikin would propose some language for the optional development plan that line "A" be deleted so there would be no ingress or egress on the east portion of the development plan boundary and that ingress and egress be allowed on the west development plan boundary adjunct to or 300 feet from exit and entrance ramps from the Gilcrease Expressway.

Mr. Reeds stated access is also needed on the north side for fire protection. Mr. Reeds stated access from 36<sup>th</sup> Street North needs to be added also regardless if they use it for heavy trucks it's needed to make the site marketable.

Mr. Dix stated this is inferred according to state standards since it is ODOT.

Mr. Wilkerson stated to keep in mind that the optional development plan is only restricting uses and access points so there is nothing about this optional development plan that prohibits access on 36<sup>th</sup> Street North or Lewis Avenue for that matter.

**TMAPC Action; 11 members present:**

On **MOTION** of **Carnes**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; none "absent") to **CONTINUE** Z-7367 to January 18<sup>th</sup>, 2017 to allow applicant time to meet with the neighbors.

\* \* \* \* \*

17. **Z-7371 Miguel Gomora** (CD 3) Location: North and west of the northwest corner of East 11<sup>th</sup> Street South and South Garnett Road requesting rezoning from **RS-3** to **CG**.

**SECTION I: Z-7371**

**DEVELOPMENT CONCEPT:** The applicant is requesting to rezone an existing RS-3 lot to CG to permit parking of commercial trucks and related activities.

**DETAILED STAFF RECOMMENDATION:**

The rezoning request included in Z-7371 is consistent with the land use vision in the Tulsa Comprehensive Plan and,

Rezoning request is compatible with the existing surrounding properties and,

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

**Staff recommends Approval of Z-7371 to rezone property from RS-3 to CG.**

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: Z-7371 is included in Employment and an Area of Growth. The rezoning request will complement the vision identified.*

#### Land Use Vision:

*Land Use Plan map designation:* Employment

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

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

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

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



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

Transportation Vision:

*Major Street and Highway Plan:* East 11<sup>th</sup> Street is a Secondary Arterial

*Trail System Master Plan Considerations:* Site is approximately 1 mile from Mingo Trail

Small Area Plan: None

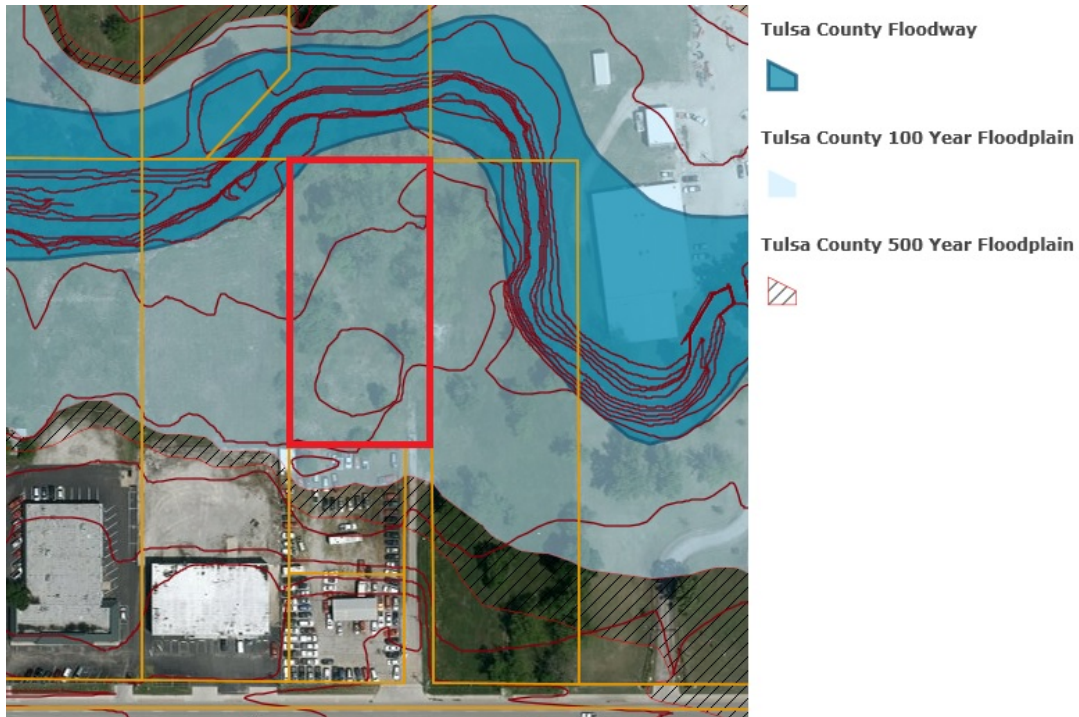
Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The site is currently vacant and is located immediately to the north of an existing car lot with frontage on East 11<sup>th</sup> St S. Access to the proposed site is via a drive located in a dedicated ROW coming north from 11<sup>th</sup> Street.*

Environmental Considerations: The site lies within the 100 year floodplain, with a small portion in the NW corner located within the floodway. Due to the site's location in the floodplain, any residential development within the existing RS-3 zone would be significantly problematic.



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	6

Utilities:

The subject tract does not have municipal water available, but has municipal sewer available. Municipal water would require a waterline extension to the site.

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	RS-3	Existing Neighborhood	Growth	Single-family Residence
South	CS	Employment	Growth	Automotive Sales
East	RS-3	Employment	Growth	Vacant
West	RS-3	Employment	Growth	Vacant

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

**ZONING ORDINANCE:** Ordinance number 11817 dated June 26, 1970, established zoning for the subject property.

#### ***Subject Property:***

**BOA-13286 September 20, 1984:** The Board of Adjustment **denied** a *Special Exception* to permit a mobile home in an RS-3 district; and a *Variance* of the 1-year time limit, on property located at 10833 ½ E. 11<sup>th</sup> St. and also known as the subject property.

#### ***Surrounding Property:***

**PUD-843 March 2016:** All concurred in approval of a proposed Planned Unit Development on a 4± acre tract of land for commercial use, and to permit lots without frontage on a public street and to recognize uses that have been previously approved by Special Exception at the Board of Adjustment, on property located west of the southwest corner of E. 11<sup>th</sup> St. and S. Garnett Rd. and south of subject property.

**BOA-21889 May 26, 2015:** The Board of Adjustment **approved** a *Special Exception* to permit Use Unit 15 (other trades & services), Use Unit 16 (mini-storage) in a CS District (Section 701). This approval is with the condition that all the Use Units referred both in 15, 16, 12 and 14 are referenced in the letter from Tanner Consulting dated May 26, 2015. This approval is per conceptual site plan 3.8, on property located at 10880 E. 11<sup>th</sup> St.

**BOA-20547 September 11, 2007:** The Board of Adjustment **approved** a *Special Exception* to permit automobile and allied activities (Use Unit 17) in a CS district, with conditions, on property located at 10705 E. 11<sup>th</sup> St. S.

**BOA-19331 April 9, 2002** The Board of Adjustment **approved** a *Special Exception* to permit Use Unit 15 (electrical contractor) in a CS district, on property located at 10705 E. 11<sup>th</sup> St. S.

**BOA-18957 January 23, 2001:** The Board of Adjustment **approved** a *Special Exception* to permit RV and trailer sales (UU17) in the CS district; and a *Variance* of the required all-weather surface parking to allow for gravel parking, on property locate at 10740 E. 11<sup>th</sup> St.

**BOA-18651 March 28, 2000:** The Board of Adjustment **denied** a *Special Exception* to permit parking vehicles awaiting repair on gravel parking surface if located behind the building setback line; and a *Special Exception* to modify or remove screening requirement with respect to adjoin R district; and an *Appeal* from determination of neighborhood Inspector of “not meeting parking

requirements”, on property located east of northeast corner of E. 11<sup>th</sup> St. and S. 107<sup>th</sup> E. Ave., and abutting south of subject property.

**BOA-15548 September 20, 1990:** The Board of Adjustment **approved** a *Special Exception* to permit the assembly of trophies and jewelry items, including parts and rubber molding, light metal casting on site and buffing of parts manufactured off-site; subject to the use being limited to the CS zoned portion of the tract; subject to outside storage and required screening being provided, on property located at 107 ½ E. 11<sup>th</sup> St.

**BOA-14951 October 6, 1988:** The Board of Adjustment **approved** a *Special Exception* to permit the sale of auto parts and other automotive uses (UU17), on property located at 10883 E. 11 St. S. and abutting south of subject t property.

**BOA-13933 February 20, 1986:** The Board of Adjustment **approved** a *Special Exception* to permit auto custom repair and related sales in the CS zoned district, on property located at 10877 E. 11 St. S.

**BOA-13911 January 23, 1986:** The Board of Adjustment **approved** a *Special Exception* to allow retail building material sales business with minor wholesaling (UU15) in a CS district, on property located at 10724 E. 11<sup>th</sup> St. S.

**BOA-13804 October 24, 1985:** The Board of Adjustment **approved** a *Special Exception* to permit automobile sales in a CS district; subject to a maximum of 12 cars being parked on the northeast portion of the subject lot and said cars being parked no further south than the southern boundary of the restaurant, on property located at 10724 E. 11<sup>th</sup> St.

**BOA-13350 November 1, 1984:** The Board of Adjustment **approved** a *Variance* to permit a guttering and roofing establishment in a CS district, per plan, finding that due to the unusual circumstances of the land (in regard to the way the flood plain developed), that it caused an unnecessary hardship, on property located at east of the northeast corner of S. 107<sup>th</sup> E. Ave. and E. 11<sup>th</sup> St. and abutting south of subject property.

**BOA-12137 August 19, 1982** The Board of Adjustment **approved** a *Special Exception* to allow a Use Unit 17 (muffler shop) in a CS district as described using tilt-up rock panels, subject to all work being performed inside, that all storage be inside with no outside storage being permitted, that refuse be placed outside in covered containers, and that no manufacturing of mufflers take place, on property located at 10705 E. 11th St. S.

**BOA-11386 March 5, 1981** The Board of Adjustment **approved** a *Special Exception* to permit Use Unit 15 for other trades and services in a CS district; and a *Special Exception* to waive the screening requirement on the north property line until such time that the north portion of the property is developed residentially or is sold; all subject to the plans submitted, with the condition that no outside

storage will be permitted, on property located east of the northeast corner of S. 107<sup>th</sup> E. Ave. and E. 11<sup>th</sup> St.

**BOA-11040 June 12, 1980** The Board of Adjustment **approved** a *Special Exception* to permit an electrical contractor in a CS district; per plot plan submitted, with the screening fence to be constructed all around the building as drawn on the submitted plot plan, with access being also screened, (gates) as shown on the plot plan, no outside storage shall exceed the height of the screening fence; outside storage limited to lighting poles and arms, located at 10705 ½ E. 11<sup>th</sup> St.

**BOA-10371 March 15, 1979:** The Board of Adjustment **approved** a *Special Exception* to permit sales and services of Ditch Witch Equipment Co., in a DS district; and a *Variance* to permit sales and services of the same in an RS-3 district; and a *Special Exception* to remove the screening requirements where the purpose of the screening cannot be achieved, with the applicant to plant and maintain a living shrubbery fence along the north property line, on property located at 10815 E. 11<sup>th</sup> St. and just east of subject property.

**BOA-9990 June 1, 1978:** The Board of Adjustment **approved** a *Special Exception* to operate a retail glass outlet; and a *Special Exception* to remove the screening requirements where the purpose of the screening requirement cannot be achieved, per plot plan in a CS and RS-3 district, on property located at 10737 E. 11<sup>th</sup> St.

**Stuart Van De Wiele** 320 South Boston Suite #200, Tulsa, OK 74103

Mr. Van De Wiele stated he represents St. Francis Health System that is 2 lots to the west of the subject lot. This is staffed almost entirely by volunteers and they provide health care at low or no cost to area residents. This property has recently gone through a remodel and looks more like a St. Francis property. Mr. Van De Wiele stated there is very heavy foot traffic in this area with area residents coming to the clinic for their medical care. Mr. Van De Wiele stated St. Francis is not opposed to the commercial rezoning of this project provided it is done in a compliant manner and a way that is respectful to the neighboring properties. Mr. Van De Wiele stated he drove to the property and was disappointed to find that it is totally enclosed in a 6-8 foot chain link fence, three strand barbed wire on the top of the fence and asphalt or dark gravel on the surface. There were 6 or 7 heavy dump trucks along the property and cars with guys getting in the trucks to warm them up. Mr. Van De Wiele stated they are operating in accordance with the request for rezoning whether it has been approved or not. Mr. Van De Wiele stated his client does not want their patron's looking at a chain link, razor wire fence, if it was a solid wood fence that would be okay. Mr. Van De Wiele stated his client wants the parking surface to comply with city code. Mr. Van De Wiele stated the next concern is a safety concern with the road, it is an old city right of way but it is a far cry from a city street. It is more of a dilapidated driveway.

Mr. Covey asked what the light grey area behind St. Francis was.

Mr. Van De Wiele stated it was gravel. St. Francis bought this additional property in June or July with the goal of extending their parking area.

**Dana York Rufe** 533 South 105<sup>th</sup> East Place, Tulsa, Ok 74128

Ms. Rufe stated she is the president of the Wagon Wheel Home Owners Association which is the area directly behind the subject property; Ms. Rufe stated the home owners were not notified of the zoning change. Ms. Rufe stated there is gravel down on the site and a dirt layer below that. There are also trucks operating on the site as well. Ms. Rufe stated other concerns of homeowners are the traffic flow in the area. Also these are diesel trucks - will the applicant be storing diesel fuel on this site. This area is a floodplain so what happens if there is a flood and the diesel fuel gets into the water what would be the impact? Ms. Rufe stated she is not opposed to the development she would just like it done right and the streets are kept safe.

**Steve Gross** 10901 East 11<sup>th</sup> Street, Tulsa, Ok 74128

Mr. Gross stated his concern is the area is in a flood zone. Mr. Gross heard the trucks using the modified street and checked to see if there were permits for this business, and found none. Mr. Gross stated that as soon as it rains the subject property would flood and since the elevation has changed water is going to be displaced. Mr. Gross stated he would not be allowed by city code to bring dirt on to his property and build it up so water would move to someone else's property. Mr. Gross stated he also has concerns about the intended use of the property. Some of the trucks have been started very early in the morning while neighbors are still sleeping. Mr. Gross stated the area on 11<sup>th</sup> Street between Highway 169 and Garnett has seen great improvements. The unknown such as what are they doing, how many trucks are they going to park there are Mr. Gross's concerns.

Mr. Dix asked if Mr. Gross owned the Ditch Witch Property.

Mr. Gross stated he bought the property about 4 years ago.

**Mike Peece** 10804 East 7<sup>th</sup>, Tulsa OK 74128

Mr. Peece stated his property is behind the subject property and it's about 350 feet to his bedroom window. Monday night when it was cold the trucks ran all night. Mr. Peece said his concerns are the same as Mr. Gross, what the applicant is going to on the property, what are the hours of operation?

The applicant apologized for not letting the neighbors know what was happening on the property. Applicant stated he was a new commercial property owner and was unaware of the zoning requirements. Applicant stated the trucks are there because he didn't have any other place to park them and that was the reason for buying the property. Applicant stated he talked with the fencing company and was unaware he could not put a chain link fence up. Applicant stated the hours of operation is from 7:00 am to around 6:00 pm. Applicant stated the trucks mainly

use Interstate 244 because Garnett and 11<sup>th</sup> Street both have schools located on them. Applicant stated the material on the property is asphalt millings and was used to keep the trucks from tracking mud to 11<sup>th</sup> Street. Applicant stated he could take care of the noise from the trucks but was unsure of the regulations for the fence or what he needed to do to make the property work with his business.

Mr. Reeds asked applicant how long he had been in business at this site.

Applicant stated about a month, applicant stated he just bought the property.

Mr. Reeds asked the applicant if he truly did not know about the process.

Applicant stated "no he did not".

Mr. Dix asked applicant what brought the applicant before the board.

Applicant stated he spoke with the person who sold him the property and was told the seller had already investigated everything for him and all the applicant had to do was to rezone the property and make it commercial. Applicant stated he called INCOG to discuss if the property could be rezoned commercial.

Mr. Carnes stated he did not believe storm water management would let you raise the ground level in the flood plain.

Mr. Dix stated to the applicant that fill was brought into a flood plain.

Mr. Dix asked staff if CG zoning was appropriate.

Staff answered that CG was the only zoning classification that could accomplish the applicant's goals for having outdoor storage. Staff stated because all of this was in a flood plain staff wasn't concerned about a structure. Staff stated they were unaware that applicant was already operating on the site.

Mr. Dix stated the fence has been installed without a permit and not according to screening requirements.

Mr. Covey stated the focus is on the zoning and then everything else goes to code enforcement.

Mr. Reeds stated knowing it's in a flood plain he feels CG was a good choice. Mr. Reeds asked staff if they had spoken with the applicant about the ramifications of being in a flood plain.

Staff stated "no".

Mr. Dix asked applicant if he owned the vehicles or was he doing this for a fee from other companies.

Applicant stated he owned the trucks.

Mr. Covey asked applicant if Planning Commission gives you the CG zoning today have you investigated the amount of money the applicant would need to invest to meet the proper codes.

Applicant stated "no"

Mr. Covey stated that he is afraid the applicant doesn't know what all is required of him upon obtaining the CG zoning. Mr. Covey stated he has no problem approving the CG zoning but has no idea what the cost of bringing the property into compliance would be.

Mr. Carnes stated he knew the Ditch Witch wanted to buy the land from the Moose Club and bringing the land into compliance was costly. Mr. Carnes thinks this item should be continued to allow the applicant time to research the costs.

Mr. Stirling stated there was going to be a lot of cost involved just bringing it back to the way it was. Mr. Stirling stated the seller gave improper information and it unfortunate that the applicant is in the situation he is in.

Mr. Willis stated to applicant he would vote for the CG zoning but didn't want the applicant to see the zoning inspectors come out and start writing out a list of all things the applicant needs to do to get into compliance. Mr. Willis stated he would be willing to support the continuance.

Applicant asked Planning Commission for a continuance.

**TMAPC Action; 11 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; none "absent") to **CONTINUE** Z-7371 to February 15th, 2017.

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**OTHER BUSINESS**

18. **Adopt Resolution 2736:961** to concur with the findings and recommended actions contained within the small area plan review project.



A RESOLUTION OF THE TULSA METROPOLITAN AREA PLANNING COMMISSION TO CONCUR WITH THE FINDINGS AND RECOMMENDED ACTIONS CONTAINED WITHIN THE ADOPTED SMALL AREA PLAN REVIEW PROJECT.

WHEREAS, the Tulsa Metropolitan Area Planning Commission is required to prepare, adopt and amend, as needed, a master plan, also known as a comprehensive plan, for the Tulsa metropolitan area, in accord with Title 19 Oklahoma Statutes, Section 863.7; and

WHEREAS, the purpose of such a comprehensive plan is to bring about coordinated physical development of an area in accord with present and future needs and is developed so as to conserve the natural resources of an area, to ensure the efficient expenditure of public funds, and to promote the health, safety, convenience, prosperity, and general welfare of the people of the area; and

WHEREAS, pursuant to Title 19 Oklahoma Statutes, Section 863.7, the Tulsa Metropolitan Area Planning Commission did, by Resolution on the 29th of June 1960, adopt a Comprehensive Plan for the Tulsa Metropolitan Area, which was subsequently approved by the Mayor and Board of Commissioners of the City of Tulsa, Oklahoma, and by the Board of County Commissioners of Tulsa County, Oklahoma, and was filed of record in the Office of the County Clerk, Tulsa, Oklahoma, all according to law, and which has been subsequently amended; and

WHEREAS, the Tulsa Metropolitan Area Planning Commission did, by Resolution on the 6th of July 2010, adopt an amendment to the Comprehensive Plan for the Tulsa Metropolitan Area, which pertains only to those areas within the incorporated City limits of the City of Tulsa, known as the Tulsa Comprehensive Plan, which was subsequently approved by the Tulsa City Council on the 22<sup>nd</sup> of July 2010, all according to law, and which has been subsequently amended; and

WHEREAS, the Tulsa Comprehensive Plan Land Use PG. 65 states that “Reviewing existing small area and neighborhood plans for conformance and effectiveness is one of the key PLANiTULSA implementation strategies” and

WHEREAS, the City of Tulsa Planning Staff reviewed all existing Small Area Plans in effect prior to the adoption of the Tulsa Comprehensive Plan adopted on the 6<sup>th</sup> of July 2010; and

WHEREAS, City of Tulsa Planning Staff has prepared the Small Area Adopted Plan Review Report with the Action Matrix as an appendix (the Report); and

WHEREAS, a draft of the report was presented to the Commission on June 15, 2016, and the report was subsequently revised and presented to the Commission on December 21, 2016, and after due study and deliberation, this Commission deems it advisable and in keeping with the purpose of this Commission, to concur with the Report and endorse the recommendations included in the Report.

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

1. The following plans are found to be in conformance with the Tulsa Comprehensive Plan and are still effective and shall continue to be implemented: *Sequoyah Area Neighborhood Implementation Plan*, *Crutchfield Neighborhood Revitalization Master Plan*, and *Southwest Tulsa Neighborhood Revitalization Plan Phase I*. An Executive Summary, including an Implementation Matrix and Land Use and Growth/Stability Maps for each of these plans will be developed to be presented to the Commission for adoption.
2. The following plans are superseded by more current plans: *Kendall-Whittier Area Neighborhood Master Plan* and *Whittier Square Plan* are superseded by the *Kendall-Whittier Sector Plan* as adopted by Commission Resolution No. 2729:959.
3. The following plan shall be included in the current planning efforts for Crosbie Heights: those portions of the *Charles Page Boulevard Plan* recommended in the Report for being rolled into another Small Area Plan.
4. The following plan is found to be accomplished through project implementation or to be successfully addressed by the Tulsa Comprehensive Plan, and is therefore superseded by the Tulsa Comprehensive Plan: *Springdale Area Plan*.
5. The following plans are found to contain important outstanding projects and vision, and shall continue to provide general guidance, but shall be reevaluated and readdressed as a result of a change of conditions in the geographic areas covered by the plans: those portions of the *Charles Page Boulevard Plan* recommended in the Report for being returned and readdressed, *Brookside Infill Development Recommendation*, *East Tulsa Phase I*, *East Tulsa Phase II*, and *Riverwood Neighborhood Implementation Plan*.

ADOPTED on this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the Tulsa Metropolitan Area Planning Commission.

\_\_\_\_\_  
Michael Covey, Chairman  
Tulsa Metropolitan Area Planning Commission

ATTEST:

**TMAPC Action; 11 members present:**

On **MOTION** of **MIDGET**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; none "absent") to **ADOPT** Resolution No. 2736:961

\* \* \* \* \*

**19. Commissioners' Comments**

Officer elections are on the January 4, 2017 meeting

Mr. Covey thanked Mr. Midget and Mr. Willis for their service on the Planning Commission and Merry Christmas to everyone.

Mr. Carnes stated he would not have to second another one of Mr. Midget's motion's.

\* \* \* \* \*

**ADJOURN**

**TMAPC Action; 11 members present:**

On **MOTION** of **Walker**, TMAPC voted **11-0-0** (Carnes, Covey, Dix, Fretz, Midget, Millikin, Reeds, Shivel, Stirling, Walker, Willis "aye"; no "nays"; none "abstaining"; none "absent") to **ADJOURN** TMAPC meeting 2736.

**ADJOURN**

There being no further business, the Chair declared the meeting adjourned at 3:35 p.m.

Date Approved:

01-04-2017

  
Chairman

ATTEST:



Secretary