

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2754

Wednesday, September 20, 2017, 1:30 p.m.

City Council Chamber

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

Members Present	Members Absent	Staff Present	Others Present
Adams	Carnes	Foster	Edmiston, Legal
Covey		Hoyt	Ling, COT
Dix		Miller	
Doctor		Sawyer	
Fretz		Ulmer	
Krug		Wilkerson	
Millikin			
Reeds			
Shivel			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, September 15, 2017 at 4:55 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

REPORTS:

Chairman's Report:

Mr. Covey announced he has appointed Mr. Josh Walker to the Local Development Act Review Committee for the Downtown TIF.

Director's Report:

Ms. Miller reported on the City Council agenda and actions taken. Ms. Miller reported on the progress of the Mixed Use incentive program that was initiated by City Council for certain properties along the Peoria Avenue Bus Rapid Transit Corridor. Ms. Miller stated work continues on the Subdivision Regulations, Landscape Ordinance and the Route 66 Overlay.

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1. Minutes:

Approval of the minutes of September 6, 2017 Meeting No. 2753

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Adams, Covey, Dix, Doctor, Fretz, Krug, Millikin, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Reeds, "absent") to **APPROVE** the minutes of the meeting of September 6, 2017, Meeting No. 2753.

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-21052** (Lot-Split) (CD 2) – Location: Northwest corner of West 91st Street South and South Elwood Avenue
3. **LS-21046** (Lot-Split) (CD 5) – Location: Southwest corner of East 16th Street South and South 89th East Avenue
4. **LS-21047** (Lot-Split) (CD 7) – Location: South of the southwest corner of East 51st Street South and South Mingo Road (Related to LC-933 and LS-21048)
5. **LS-21048** (Lot-Split) (CD 7) – Location: South of the southwest corner of East 51st Street South and South Mingo Road (Related to LC-933 and LS-21047)
6. **LC-933** (Lot-Combination) (CD 7) – Location: South of the southwest corner of East 51st Street South and South Mingo Road (Related to LS-21047 and LS-21048)
7. **LS-21049** (Lot-Split) (CD 2) – Location: South of the southwest corner of South 24th West Avenue and West 77th Street South (Related to LC-934, LC-935 and LS-21050)
8. **LS-21050** (Lot-Split) (CD 2) – Location: South of the southwest corner of South 24th West Avenue and West 77th Street South (Related to LC-934, LC-935 and LS-21049)
9. **LC-934** (Lot-Combination) (CD 2) – Location: South of the southwest corner of South 24th West Avenue and West 77th Street South (Related to LC-935, LS-21049 and LS-21050)

10. **LC-935** (Lot-Combination) (CD 2) – Location: South of the southwest corner of South 24th West Avenue and West 77th Street South (Related to LC-934, LS-21049 and LS-21050)
11. **LC-936** (Lot-Combination) (CD 3) – Location: West of the northwest corner of North 145th East Avenue and Highway 266
12. **LS-21053** (Lot-Split) (CD 2) – Location: West of the Northwest corner of South College Avenue and East 91st Street South
13. **LC-940** (Lot-Combination) (CD 9) – Location: West of the southwest corner of South Rockford Avenue and East 37th Street South
14. **PUD-628-C-2 Andrew Shank** (CD 7) Location: East of the Northeast intersection of South Mingo Road and the Creek Turnpike requesting a **PUD Minor Amendment** to add one non-digital ground sign not exceeding 50 feet in height and 165 square feet in display surface area on Lot 3

STAFF RECOMMENDATION:

SECTION I: PUD-628-C-2 Minor Amendment

STAFF RECOMMENDATION

Applicant request a minor amendment to PUD 628-C to amend the approved signage standards of Lot 3, pursuant to Section 30010-I(2)(C)(12) of the Tulsa Zoning Code (the “Code”). The current development standards for Lot 3 permit one (1) ground sign not to exceed 12 feet in height and 32 square feet in display surface area. Cedar Ridge Storage Center was the last lot in the Project to be developed. It is located behind the various medical offices and is set back from Mingo Road, the access point for the Project, significantly impairing the visibility of Cedar Ridge Storage Center. Additionally, the Project is situated below grade due to the Creek Turnpike to the south and the floodplain to the east. In order to accommodate the difference in grade and provide effective visibility for the business, the Applicant request the following modifications to the Development Standards for PUD 628-C, which is only applicable to the Cedar Ridge Storage Center (Lot 3). No other development standards will change:

Section II of PUD 628-C Paragraph B shall be modified as highlighted below:

- A. One (1) ground sign not exceeding 12 feet in height and 32 square feet in display surface area shall be permitted on each lot.
- B. **One (1) non-digital ground sign not exceeding 50 feet in height and 165 square feet in display surface area shall be permitted on Lot 3 of the Project**

- C. Wall signs shall be permitted not to exceed 1.5 square feet of display surface area per linear foot of building wall to which attached. The length of the wall sign shall not exceed 75% of the frontage of the building.
- D. Two (2) non-digital project identification signs on South Mingo Road. Each non-digital project identification sign shall not exceed 10 feet in height and 82 square feet in display surface area.

Staff Comment: This request can be considered a Minor Amendment as outlined by Section 30.010.1.2.c(1) of the City of Tulsa Zoning Code.

“Modification to approved signage, provided the size, location, number and character (type) of signs is not substantially altered.”

Staff has reviewed the request and determined:

- 1) **One (1) non-digital ground sign not exceeding 50 feet in height and 165 square feet in display surface area shall be permitted on Lot 3 of the Project,** without an allowance for dynamic displays.
- 2) The requested amendment does not represent a significant departure from the approved development standards in the PUD.
- 3) All remaining development standards defined in PUD-628-C-2 and subsequent amendment shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to allow pole sign on Lot-3.

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15. PUD-117-6 Deerfield Estates, LLC (CD 2) Location: Southeast corner of East 88th Street South and South Delaware Avenue requesting a **PUD Minor Amendment** to reduce the parking requirement from 703 spaces to 628 parking spaces

STAFF RECOMMENDATION:

SECTION I: PUD-117-6 Minor Amendment

STAFF RECOMMENDATION

Amendment Request: Modify the PUD Development Standards to reduce the required parking spaces from 703 to 628.

The applicant is requesting the number of required parking spaces be reduced to reflect the actual usage of the parking within the apartment complex. The existing parking provides 644 spaces for the complex which would comply with the proposed change.

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-117 and subsequent minor amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to reduce the required parking spaces to 628.

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16. PUD-190-D-1 Heather Brauer Orvis (CD 8) South of the southeast corner of East 76th Street South and South Hudson Avenue requesting a **PUD Minor Amendment** to reduce the rear setback line from 20 feet to 15 feet

STAFF RECOMMENDATION:

SECTION I: PUD-190-D-1 Minor Amendment

STAFF RECOMMENDATION

Amendment Request: Modify the PUD Development Standards to reduce the rear yard setback from 20 ft to 15 ft.

The applicant is requesting the revised setback due to an addition to the home having been constructed, 20 years ago, over the required 20 ft rear yard setback line. This amendment is to bring the existing structure into conformance.

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-190-D shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to decrease the rear yard setback from 20 ft to 15 ft.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Adams, Covey, Dix, Doctor, Fretz, Krug, Millikin, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Carnes, Reeds, “absent”) to **APPROVE** Items 2 to 16 per staff recommendation.

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

PUBLIC HEARINGS:

17. PUD-310-1 Judy Coy (County) Location: Southeast corner of South Campbell Creek Road and Highway 51 requesting a **PUD Minor Amendment** to add Use Unit 17 (**Staff requests a continuance to October 18, 2017**)

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Adams, Covey, Dix, Doctor, Fretz, Krug, Millikin, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Carnes, Reeds, “absent”) to **CONTINUE** PUD-310-1 to October 18, 2017

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18. PUD-274-6 Pete Webb (CD 9) Location: East of the intersection of East 59th Street South and South Lewis Avenue requesting a **PUD Minor Amendment** to allow wall signs on the north and south walls (**Staff requests a continuance to October 4, 2017**)

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Adams, Covey, Dix, Doctor, Fretz, Krug, Millikin, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Reeds, "absent") to **CONTINUE** PUD-274-6 to October 4, 2017

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Mr. Reeds in at 1:35 p.m.

19. The Crossing at Battle Creek Phase II Extended (CD 6) Preliminary Plat, Location: East of South 152nd East Avenue at East 36th Place South

STAFF RECOMMENDATION:

This plat consists of 9 lots, 1 block on 1.74 ± acres.

The Technical Advisory Committee (TAC) met on September 7, 2017 and provided the following conditions:

1. **Zoning:** All property contained within the subdivision is zoned RS-3. The proposed lots conform to the lot and building regulations of the City of Tulsa Zoning Code.
2. **Addressing:** Graphically label each lot with addresses assigned by the City of Tulsa on final plat.
3. **Transportation & Traffic:** No comments.
4. **Sewer:** No comments.
5. **Water:** No comments.
6. **Engineering Graphics:** Remove contour lines on final plat. Provide addresses for individual lots. Under the "Basis of Bearing" heading provide a bearing angle between two known points associated with this plat. Show property pins set/found graphically. Only include filed plats on the location map and label subject property as "project location" or "site". Label all other property as "unplatted".
7. **Fire:** Fire hydrant installation will be required prior to the construction of any

structures.

8. **Stormwater, Drainage, & Floodplain:** Provide appropriate overland drainage/storm sewer easements to convey drainage from the northeast to the drainage structures in the subdivision to the west. No floodplain exists on this site.
9. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

Waivers of Subdivision Regulations:

1. None Requested

Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the conditions provided by TAC and the requirements of the Subdivisions Regulations.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Adams, Covey, Dix, Doctor, Fretz, Krug, Millikin, Reeds, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, "absent") to **APPROVE** the Preliminary Plat **The Crossing at Battle Creek Phase II Extended** per staff recommendation.

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20. Neon Alley (CD 4) Preliminary Plat, Location: Southwest corner of East 11th Street South and South Lewis Avenue

STAFF RECOMMENDATION:

This plat consists of 1 lot, 1 block on 3.64 ± acres.

The Technical Advisory Committee (TAC) met on September 7, 2017 and provided the following conditions:

1. **Zoning:** The property has been approved for rezoning from IM to MX-2-P-U to support future mixed-use development on the site. Proposed lot meets the lot regulations of the existing IM zoning, as well as the proposed MX zoning.

2. **Addressing:** Identify abutting streets on plat as E 11th St S and S Lewis Ave E. Graphically label the lot on final plat with address assigned by the City of Tulsa.
3. **Transportation & Traffic:** Provide a 30' corner radius at the intersection of 11th and Lewis. Dedicate additional 5' of right-of-way along Lewis near intersection to comply with Major Street and Highway Plan.
4. **Sewer:** Provide additional 20' of sanitary sewer easement across currently shown lots 6 and 7 of block 1 to accommodate existing sanitary sewer line. Identify the width of the retained sanitary sewer easement for the existing 8" mainline and manhole.
5. **Water:** Accurately and clearly label the full widths of right-of-way being provided along 11th Street and Lewis.
6. **Engineering Graphics:** Submit a subdivision control sheet with the final plat. Add date of preparation to face of the plat on the bottom right or left. Remove contour lines on final plat. Provide addresses for individual lots and add address disclaimer to face of the plat. Under the "Basis of Bearing" heading provide a bearing angle between two known points associated with this plat. State the bearing angle along with Oklahoma State Plane, North Zone 3501, North American Datum (NAD83). Legal description does not match the plat. Show property pins set/found graphically. Include all filed plats on the location map and label subject property as "project location" or "site". Label all other property as "unplatted". Remove parcel lines from location map.
7. **Fire:** Fire hydrant installation will be required prior to the construction of any structures.
8. **Stormwater, Drainage, & Floodplain:** Existing 48" storm sewer near the 8" sanitary sewer line across the middle of the site from east to west. Locate existing lines and provide appropriate easement. If proposed development will encroach on existing lines, lines must be relocated and provided appropriate easements. There is no floodplain shown on the site.
9. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

Waivers of Subdivision Regulations:

1. None Requested

Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the conditions provided by TAC and the requirements of the Subdivisions Regulations.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Adams, Covey, Dix, Doctor, Fretz, Krug, Millikin, Reeds, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, "absent") to **APPROVE** the Preliminary Plat **Neon Alley** per staff recommendation.

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21. BOA-22295 Plat Waiver (CD 1) Location: East of North Main Street between East Latimer Street and East Independence Street

STAFF RECOMMENDATION:

The platting requirement for this property is being triggered by a special exception approval by the City of Tulsa Board of Adjustment to permit the expansion of an existing elementary school. Any exception approval given for Public, Civic, and Institutional uses subjects the property to a platting requirement in order to accommodate newly proposed development and ensure adequate infrastructure is available and clearly identified.

The Technical Advisory Committee met on September 7, 2017 and the following items were determined:

1. The property under application was previously platted in the early 1900's under portions of two separate subdivision plats, Kirkpatrick Heights and Burgess Hill. In total, the property consists of 118 lots and 6 separate blocks.
2. Portions of the subject property are divided by existing street right-of-way and public alleyways. A portion of East Jasper Street will be required to be closed and vacated, as well as a portion of North Boston Avenue. Any public utilities located within those rights-of-way will be required to be relocated and provided appropriate easements. Once vacated, the property should be replatted to remove vacated right-of-way from property description and record.
3. Additional right-of-way dedication has been made along MLK and should be reflected on a replat.
4. Water line extension is required as part of this project. Infrastructure Development Plans have been submitted and are under review to extend the mainline. Appropriate easement should be filed and reflected on a plat.

5. Access changes are proposed and should be reflected on a replat.

Staff has reviewed the proposed development of this property in conjunction with the plat waiver request and has determined that this property is not favorable for waiving the requirement to plat. A lot combination would not be an appropriate substitute due to the requirements for additional easements and the closure and vacation of existing rights-of-way.

Staff recommends the processing of a subdivision plat on the property and **denial** of the plat waiver request.

INTERESTED PARTIES COMMENTS:

Eric Nelson 525 South Main, Suite 700, Tulsa, OK 74103

Mr. Nelson stated he represents Tulsa Public Schools. Mr. Nelson said about 20 years ago the Planning Commission and City Council amended the Zoning Code to exempt schools in existence at that time from the platting requirement. Mr. Nelson stated Use Unit 5 is one of the requirements that trigger the platting requirement except for existing schools. Mr. Nelson stated the reason he is here is because a portion of the auditorium is outside the original school campus. Mr. Nelson stated if the purpose of the platting requirements can be achieved in other ways that are less expensive and doesn't delay the initiation of these facilities for school purposes this is a better use of public resources. Mr. Nelson stated he is there to request a waiver of the platting requirements because the expressed purpose of the platting requirement can and have been met through the previous platting and by the actions of Tulsa Public Schools. Mr. Nelson stated all streets are in place with the required right of way per the Major Street Plan. The utilities are in place and the required easements have been dedicated. The water line has been constructed and the easement has been filed. Mr. Nelson stated filing a plat will not affect any of those things. Mr. Nelson stated the lot combination has been filed as record so that the two separately owned properties are linked together. The building will be constructed over that common property line and issues have been worked out with the City. A firewall agreement is in place and has been approved. Mr. Nelson stated the access points are per the approved site plan and will not change. Mr. Nelson stated Phase 2 of the construction will be started once the permit can be issued and the construction will be completed in August of 2018 in time for the 2018-2019 school year. Mr. Nelson stated the platting requirement would cause Tulsa Public Schools to lose a year. Mr. Nelson stated nothing could be gained by platting except to clean up interior lot lines. Mr. Nelson stated everything that is necessary as part of the plat is in place.

Mr. Walker asked Mr. Nelson how he would lose a year if Plat Waiver was not approved.

Mr. Nelson answered because the building would not be ready for the 2018-2019 school year unless we start construction quickly.

Mr. Reeds asked if Mr. Nelson stated the lot combinations had been completed.

Mr. Nelson answered the blocks have been completed but he doesn't believe there has been a lot combination specifically for the interior lots. Mr. Nelson stated that most schools in Tulsa predate the Zoning Code. Most schools are constructed on unplatted property or property that was platted as a residential subdivision. Mr. Nelson stated there are interior lot lines on other school properties.

Mr. Foster stated he could provide some clarification. Mr. Foster stated a Zoning Code was adopted in 1970 that at that time did not require platting for public schools. In the mid 1990's the Zoning Code was amended to include the platting requirement for Use Unit 5 which included schools. Schools that were established prior to that requirement being added to the Zoning Code were exempt, but with this particular application this would not apply because moving forward any Special Exception's granted for the public, civil or institutional use would still trigger the platting requirement. Mr. Foster stated if you seek to expand upon or add to a use that didn't previously conform you would be required to come into conformance and the platting requirement would be required. Mr. Foster said the Zoning Code specifically states that public, civic and institutional uses that receive a Special Exception are then required to go through a platting process. Mr. Foster stated there has been one Lot Combination filed to combine the block that is the furthest south and east on the subject property however, the applicant could not combine it to the lot that holds the facility because it is under separate ownership. Lot Combinations can only be processed if both lots have the same ownership. Mr. Foster stated it sounds like the applicants have an agreement worked out with the Permit Center to allow multiple ownerships and build over a lot line but typically the applicant would not be allowed to combine those lots or build over a lot line if the lots had separate ownership. Mr. Foster stated in regards to the rest of the subject property and all the additional lots within, there has not been any additional Lot Combinations filed and the rights of ways have not been closed so that they can be legally combined to the other lots.

Mr. Dix asked Mr. Foster if he was in agreement with the applicant that the things that needed to be done to this subject property could be done separately.

Mr. Foster replied, "Yes".

Mr. Dix asked Mr. Foster to give specific reasons for wanting to deny the Plat Waiver.

Mr. Foster stated he thinks when it comes to developing property for public uses City of Tulsa should set the standard for how it is done and Mr. Foster stated there is a reason why that is a code requirement because clearly the subdivision

plats that were done previously did not anticipate a scale of use that could be incorporated into a public school. Mr. Foster stated denial was recommended because there are lists of things that could have been accomplished through a plat and would be clearer through a plat. Mr. Foster said currently it is a red line copy that has been marked up and is not clear whereas a plat makes it clear and accurate for the public record and to ensure staff an accurate depiction of what is there while reviewing and permitting.

Mr. Fretz asked Mr. Foster if the applicant would be vacating all the previous plats and starting over to get it clean.

Mr. Foster answered if the applicant was replatting they would have to vacate underlying plats if there were conflicts of easements or those plats could remain and after 10 years they go away if applicant has replat on top.

Mr. Nelson stated this was to be a joint project with Tulsa Technology Center and University Center of Tulsa Authority. University Center of Tulsa Authority owns the property and they have been very reluctant to get rid of the fee ownership so with TDA consent they have agreed to lease the property to Tulsa Public Schools for a 50 year term with a 50 year renewal option.

Mr. Dix asked Mr. Nelson how much of the subject property University Center of Tulsa Authority owned.

Mr. Nelson stated University Center of Tulsa Authority owns the south 5 acres of the subject property. Tulsa Public Schools owns the north 10 acres.

Mr. Covey asked applicant if they are required to plat the subject property what will the cost be and how long will it take.

Nicole Watts 2200 South Utica Avenue, Tulsa, OK 74114

Ms. Watts stated if required to plat the cost would be about 15,000 dollars for engineering and survey fees and timing depends on whether a minor subdivision plat or a preliminary and final subdivision plat is required. A minor subdivision plat is 3 months and a preliminary and final subdivision plat is about 6 months. The cost does not include the cost to extend the construction company because they bid the project based on a certain time frame and if a delay happens in phase II and the projected completion date gets extended another 6 months the impact to Tulsa Public Schools would be significant on their end.

Mr. Reeds asked if Ms. Watts has ever done a project with an Accelerated Building Permit.

Ms. Watts answered "yes".

Mr. Dix asked staff if an Accelerated Building Permit was acceptable in this case.

Mr. Foster answered, if the applicant wanted to go through a plat for the subject property they could do a preliminary plat and in conjunction with the plat file for an Accelerated Building Permit. Mr. Foster stated this commission has historically granted the permit for public projects like this one so the applicant could move forward while platting the property.

Mr. Walker asked what the timeline was for the Accelerated Building Permit.

Mr. Foster answered from staff's timeline it's about a month from submittal to get to TMAPC.

Mr. Dix stated the problem he has with this application is the streets and utilities. Also different ownerships and building across lot lines.

Mr. Foster stated this was also new to staff to hear that the applicant is going to build across lot line and provide an adequate firewall.

Ms. Watts stated there has been an agreement that has been drafted between the City of Tulsa, Tulsa Public Schools and University Center of Tulsa Authority and it has been approved by City Legal concerning the building of a building over property line of 2 ownerships with the removal of the firewall. The agreement has been signed by all entities.

Mr. Reeds asked Ms. Watts if the streets have already been abandoned.

Ms. Watts answered that the streets have been closed by City Council and should be heard by District Court in November. The reason they have not already been heard is because a 10" water line had to be relocated around the new building. City standards require the new water line to be installed and accepted, tested and approved before the process of vacating a street right of way can be started. This water line has been relocated and accepted. Ms. Watts stated if the applicant had to apply for an Accelerated Building Permit and submit a preliminary plat that would take some time and UCAT would have to agree to platting their property.

Mr. Dix stated to Ms. Watts he would have thought she would have that answer before applying for a Plat Waiver.

Ms. Watts stated UCAT said they would agree to anything that was needed to do this project. Ms Watts stated to Mr. Dix that the biggest issue currently is timing the building needs to be open by August 15th and if we have to do it we will do it but the delay in construction is the biggest issue currently.

Mr. Foster stated if it was the plan to add an Accelerated Building Permit and Preliminary Plat they would have a month to submit and be in front of TMAPC on

November 15, 2017 and if the closure of the rights of way and vacation of the public ways are not completed until November that puts the applicant in front of TMAPC with an Accelerated Release and Preliminary Plat before the vacations could be completed. Mr. Foster doesn't think the calendar would be affected by platting requirement.

Mr. Covey stated that with the concessions that have already been given by the City of Tulsa with regards to signing off and issuing permits nothing would surprise Mr. Covey.

Mr. Foster stated he thinks a plat would help cement the agreement between the two property owners also.

Ms. Watts stated there has been an agreement made with Mr. Zachary, Ms Warrick, TPS, UCAT and the Permit Center that as soon as the Plat Waiver is approved the City would issue a phase II permit before the streets have been vacated through District Court.

Mr. Reeds asked Ms. Watts if the subject property would all be under the same zoning.

Ms. Watts stated "yes", the Board of Adjustment approved a Special Exception per the site plan.

Mr. Doctor stated when he was with the Chamber he worked on the bond project for this development. Mr. Doctor stated that Mr. Foster makes a compelling case for the public to hold its self to a higher standard but the overall timing of this issue and opening for the 2018-2019 school year without a delay to the next school year is an overriding factor for Mr. Doctor.

TMAPC Action; 10 members present:

On **MOTION** of **DOCTOR**, TMAPC voted **9-1-0** (Adams, Covey, Dix, Doctor, Krug, Millikin, Reeds, Shivel, Walker "aye"; Fretz, "nays"; none "abstaining"; Carnes, "absent") to **APPROVE** Plat Waiver **BOA-22295**

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Items 22 and 23 were presented together

22. Z-7408 Ken Ruse (CD 1) Location: South of East Virgin Street between North Quincy Avenue and North Rockford Avenue requesting rezoning from **RS-3** to **RM-2** (Related to CPA-69)

STAFF RECOMMENDATION:

SECTION I: Z-7408

DEVELOPMENT CONCEPT:

The Tulsa Development Authority has been using the site as a playground area and off street parking area for years. The current proposal is to expand their accessory uses for a laundry and maintenance building into this location. Rezoning and combining this parcel with the abutting RM-2 zoning is required to accomplish this goal.

DETAILED STAFF RECOMMENDATION:

Z-7408 requesting RM-2 zoning is not consistent with the current land use designation however a concurrent request for Existing Neighborhood will be supported by staff. The property has been owned and used as part of the multi-family development south of this site but there was never a need to expand until now.

RM-2 is consistent with the expected development pattern in the area and,

RM-2 is considered non-injurious to the abutting property therefore,

Staff recommends Approval of Z-7408 to rezone property from RS-3 to RM-2.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The current land use designation illustrates this site as a Park and Open space. Rezoning to RM-2 would not be consistent with the plan as it exists today however it should be noted that the park has been maintained and used by the Tulsa Housing Authority for its residents immediately south of this site. The Housing Authority plans to retain a park and open space component to this site but they are planning to add a maintenance and laundry facility on this tract of land. The concurrent Comprehensive Plan amendment CPA-69 request this site to be changed to Existing Neighborhood and staff supports that request. If that plan amendment is approved then the zoning request will be consistent with the plan.

Land Use Vision:

Current Land Use Plan map designation: 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 exist 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.

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.

Proposed 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: None

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 nearly flat with a playground and parking lot.*

Environmental Considerations: None that would affect site development

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North Quincy Avenue	None	50 feet	2
North Rockford Avenue	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-3	Existing Neighborhood	Area of Growth	Single Family Residential
East	RS-3	Existing Neighborhood	Area of Growth	Single Family Residential
South	RM-2	Existing Neighborhood	Area of Growth	Multi Family Residential
West	RS-3	Existing Neighborhood	Area of Growth	Single Family Residential

SECTION III: Relevant Zoning History

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

Subject Property:

No relevant history.

Surrounding Property:

BOA-1636 November 9, 1943: The Board of Adjustment **APPROVED** designation as 50' building sites of the north 50 feet of lots 6 and 7; all of Lots 2-4 Block 2; the s-50' of Lot 2; all of Lots 3-9, Block 3; Lots 2-5 Block 4; Lots 1-6 Block 5, Lots 1-12 Block 6; Lots 1-12 Block 7, on property located near the subject property in the Bullette Heights Addition.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Adams, Covey, Dix, Doctor, Fretz, Krug, Millikin, Reeds, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, "absent") to **APPROVE** Z-7408 rezoning from **RS-3** to **RM-2** per staff recommendation.

Legal Description for Z-7408

LTS 1 & 12 & ALL 50 VAC UTE ST ADJ ON N BLK 6, BULLETTE HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

23.CPA-69 Ken Ruse (CD 1) Location: of East Virgin Street between North Quincy Avenue and North Rockford Avenue requesting to amend the Comprehensive Plan Land Use Map from Park and Open Space to Existing Neighborhood (Related to Z-7408)

STAFF RECOMMENDATION:

1. PROPERTY INFORMATION AND LAND USE REQUEST

Existing Land Use: *Park and Open Space*
Existing Stability and Growth designation: *Area of Stability*

Proposed Land Use: <i>Existing Neighborhood</i>
Location: S. of E. Virgin St., between N. Quincy Ave. and N. Rockford Ave.
Size: ±.96 acres

A. Background

The land use assigned for this area at the time of adoption of the 2010 Tulsa Comprehensive plan was *Parks and Open Space*, with a Stability and Growth Map designation of *Area of Stability*. The subject area is located in north Tulsa, within the Unity Heritage Neighborhoods Plan. This small area plan was adopted in October of 2016, to assist and progress the revitalization of this area. The small area plan attempts to preserve healthy neighborhoods, revitalize underdeveloped areas, increase transportation options, and provide access to much needed goods and services.

The surrounding area contains single-family residential uses to the north, east and west; and a multi-family residential complex abuts the subject lot to the south. The applicant has submitted this proposed Comprehensive Plan amendment and a rezoning application (Z-7408) to permit construction of an accessory building. The applicant has stated that this building will house a maintenance and laundry room.

B. Existing Land Use and Growth Designations

Parks and Open Space land use and *Area of Stability* designations were assigned to the area subject to the amendment request at the time of the adoption of the Tulsa Comprehensive Plan in 2010:

“These (*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.”

“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.”

When the new Tulsa Comprehensive Plan was developed and adopted in 2010, the subject tract was designated as an *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.”

C. Proposed Land Use Designation (Tulsa Comprehensive Plan)

The applicant is proposing *Existing Neighborhood* land use designation on the subject site.

“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.”

D. Zoning and Surrounding Uses

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Area of Growth	Existing Use
North	RS-3	<i>Existing Neighborhood</i>	<i>Area of Growth</i>	Single-Family Residential
South	RM-2	<i>Existing Neighborhood</i>	<i>Area of Growth</i>	Multi-Family Residential
East	RS-3	<i>Existing Neighborhood</i>	<i>Area of Growth</i>	Single-Family Residential
West	RS-3	<i>Existing Neighborhood</i>	<i>Area of Growth</i>	Vacant/Single-Family Residential

E. Applicant’s Justification

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

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

The applicant provided the following answers to the above questions below:

“This park and open space was purchased by Tulsa Housing Authority and has become part of the Whitlow Townhomes. We are applying to have it rezoned to allow a building of accessory use to RM-2 and allow possible future multifamily building. The subject area has become part of a multifamily property. It has been fenced into the property, accordingly. The addition of a laundry and maintenance building will have no negative effect on surrounding properties.”

F. Staff Summary & Recommendation

The applicant is proposing to expand the *Existing Neighborhood* land designation onto the subject site that contains a small private park to accommodate the construction of a laundry and maintenance building. The subject site is a RS-3 zoned lot with a land use and Stability and Growth map designations of *Park and Open Space* and *Area of Stability*. All areas abutting the parcel are residentially zoned lots that were

designated as *Existing Neighborhood* and an *Areas of Growth* when the Comprehensive Plan was adopted in 2010.

There is always concern that changes in land use designations will destabilize existing residential uses on adjacent properties. As stated by the applicant, "the park and open space was purchased by Tulsa Housing Authority and has become part of the Whitlow Townhomes". The property owners have erected a fence to encompass the subject parcel within the boundaries of the multi-family property to the south. For this reason, the existing park would unlikely be open for public use if both the concurrent rezoning application and Comprehensive Plan Amendment were denied on this parcel. Additionally, the applicant has stated that the building will be approximately 500 square-feet and will not cause the current playground to be demolished. The development of a small accessory building will leave the remaining open space for the resident's of Whitlow Townhomes.

This presents a unique situation in which the surrounding areas are designated *Existing Neighborhood* and *Area of Growth* when the Comprehensive Plan was adopted in 2010. *Existing Neighborhood* designations are typical coupled with *Areas of Stability*. If the proposed amendment is approved on the subject site, it could be included as part of the 2018 annual housekeeping amendments to change the Stability and Growth map designation to *Area of Growth*. In the Comprehensive Plan, the Existing Residential Neighborhood category is intended to encourage "small-scale infill projects". An expansion of *Existing Neighborhood* would be consistent with the surrounding land use designations.

Staff recommends **Approval** of the *Existing Neighborhood* land use designation as submitted by the applicant.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Adams, Covey, Dix, Doctor, Fretz, Krug, Millikin, Reeds, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, "absent") to **ADOPT** CPA-69 per staff recommendation

Legal Description for CPA-69

LTS 1 & 12 & ALL 50 VAC UTE ST ADJ ON N BLK 6, BULLETTE HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

24. Z-7409 Jim Beach (CD 4) Location: Northeast corner of East 5th Court and South Quaker Avenue requesting rezoning from **IM to CH**

STAFF RECOMMENDATION:

SECTION I: Z-7409

DEVELOPMENT CONCEPT:

The applicant proposal includes rezoning to support a mixed use building with a residential component. The new construction would cover the south half of a block at the northeast corner of South Quaker at East 5th Street and is included in the Pearl District Small Area Plan

DETAILED STAFF RECOMMENDATION:

Z-7409 allows flexibility for many types of development that are recognized in the Downtown Neighborhood land use designation and,

CH zoning allows many Public, Civic and Institutional use categories that are not allowed in IM districts but are consistent with the downtown neighborhood vision and,

CH zoning allows many Commercial and Wholesale, Distribution and Storage use categories that could help transform this area into a more vibrant downtown neighborhood however without a development plan this site could also develop in a way that is injurious to future redevelopment opportunities for this district. Staff supports the specific project being proposed but there is some risk that CH zoning without design standards or use limitations could result in poor redevelopment decisions in the future that are not consistent with the vision of the Downtown Neighborhood vision but are consistent with the Small Area Plan Vision for this area and,

CH zoning is not considered injurious to the surrounding property therefore,

Staff recommends approval of Z-7409 to rezone property from IM to CH.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: CH zoning is one appropriate zoning category to support some commercial and residential development however light industrial

uses require a special exception. CH is consistent with the Downtown Neighborhood land use visions in the comprehensive plan however the small area plan conflicts with that vision which identifies this as a warehouse and manufacturing area.

Land Use Vision:

Land Use Plan map designation: Downtown Neighborhood

Downtown Neighborhoods are located outside but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium- to high-rise mixed use residential areas. Downtown Neighborhoods are primarily pedestrian-oriented and are well connected to the Downtown Core via local transit. They feature parks and open space, typically at the neighborhood scale.

Areas of Stability and Growth designation: Area of Growth

Transportation Vision:

Major Street and Highway Plan: None

Trail System Master Plan Considerations: None

Small Area Plan: The 6th Street Infill Plan

The 6th street infill plan offers approaches that focus exclusively on the development and redevelopment of previously developed land. The recommended changes in the development policy supported the following:

- 1) Encourage a broad mix of land uses within the neighborhood while minimizing the negative environmental impacts of these uses,
- 2) Support pedestrian activity in the public and private realm
- 3) Increase density without forfeiting quality and sacrificing the character of the neighborhood
- 4) Resolve parking and setback issues that produce incompatible infill development.

The plan recognizes that uniformity based planning and zoning may not be the best approach for infill development in this area that is already thoroughly mixed.

The general Urban Design Recommendations in the small area plan identify this site as this site as a Manufacturing Warehousing area. As a general statement the Manufacturing Warehousing Commercial sub areas can include small workshops to medium manufacturing operations. Special design

guidelines were only recommended along key corridors. This site is not in one of those key corridors therefore special design guidelines were not a key consideration. Residential development was not specifically defined as an appropriate use at this location in the small area plan.

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The existing site is an empty lot with little terrain. All City infrastructures is in place. Redevelopment should include new sidewalks or repair of existing sidewalks that are almost non functional.

Street view from southeast corner looking north toward downtown



Environmental Considerations: None that would affect site redevelopment

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 5 th Court	None	50 feet	2
South Quaker Avenue	None	50 feet	2
South Quincy Avenue	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	IM	Downtown Neighborhood	Growth	Industrial
East	IM	Downtown Neighborhood	Growth	Tulsa Transit
South	IM	Downtown Neighborhood	Growth	Industrial
West	IM	Downtown Neighborhood	Growth	Industrial and surface parking

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11815 dated June 26, 1970, established zoning for the subject property.

Subject Property: *No relevant history.*

Surrounding Property:

BOA-14028 April 17, 1986: The Board of Adjustment **APPROVED** to *variance* to all an efficiency dwelling in a garage associated with a non-conforming residence and to **APPROVE** a *variance* to allow two dwelling units per lot of record, on property located east of the subject property.

BOA-7053 June 3, 1971: The Board of Adjustment **APPROVED** an *exception* to permit displaying and selling furniture in an IL District, on property located northeast of the subject property at 504 S. Rockford Ave.

Mr. Dix asked staff if the Pearl District Small Area Plan was the reason staff is recommending approval.

Mr. Wilkerson answered “yes” but more importantly the Downtown Neighborhood Vision and the Tulsa Comprehensive Plan completely supports this application.

Mr. Covey asked staff if they had received any calls about this application.

Mr. Wilkerson stated he had received one call from someone at Tulsa Transit inquiring about what was going on this site. Mr. Wilkerson stated the caller did not have any objections to the planned use for this site.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Adams, Covey, Dix, Doctor, Fretz, Krug, Millikin, Reeds, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, "absent") to **APPROVE** Z-7409 rezoning from **IM** to **CH** per staff recommendation.

Legal Description for Z-7409

LT 13, LT 14, LT 15 and LT 16, BLK 2, FACTORY ADDN, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

25. Z-7410 Erik Enyart (CD 8) Location: North of the northeast corner of South Delaware Avenue and East 116th Street South requesting rezoning from **AG/RDO-3** to **RS-3/RDO-3**

STAFF RECOMMENDATION:

SECTION I: Z-7410

DEVELOPMENT CONCEPT:

Provide additional single family residential homes for the Tulsa market similar to the existing development pattern along South Delaware Avenue.

DETAILED STAFF RECOMMENDATION:

Z-7410 requesting RS-3 zoning is consistent with the Comprehensive Plan for the City of Tulsa and,

RS-3 zoning is consistent with the expected development pattern in the area and,

RS-3 zoning is non injurious to the surrounding property therefore,

Staff recommends Approval of Z-7410 to rezone property from AG/RDO-3 to RS-3/ RDO-3.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: This parcel is in Arkansas River Corridor and RDO-3 which are primarily intended to apply to properties that do not have direct access to the river but that are visible from riverfront areas. These benefit from proximity to the river and contribute to the overall visual environment of the riverfront area. New detached houses and duplexes, where allowed, are exempt from compliance with the entire site and building design regulations of the overlay at this location.

Land Use Vision:

Land Use Plan map designation: Arkansas River Corridor

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.

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: Multi Modal Corridor and Parkway

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:

This project is directly across South Delaware Avenue from the planned South River Parks Trail system. The planned subdivision should provide direct and convenient access to the future trail system for pedestrians, bicycles and motorized vehicles

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The existing site is vacant with very few trees and one residence near the northeast corner of the site. The property is surrounded by single family residential development with no opportunities for street connectivity into the existing subdivisions.

Environmental Considerations: None that would affect residential development.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Delaware Avenue	Parkway with a multi modal corridor designation	150	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-1 /PUD's 667 and 681	Existing Neighborhood	Stability	Single Family Residential
East	RS-2 / PUD 709	Existing Neighborhood	Stability	Single Family Residential
South	RS-2 / PUD-726	Existing Neighborhood	Stability	Single Family Residential
West	AG across river	Arkansas River Corridor	Growth	Vacant with sand plan operation further northwest

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11832 dated June 26, 1970, established zoning for the subject property.

Subject Property: No relevant history.

Surrounding Property:

Z-7015 March 9, 2006: All concurred in approval of a request for rezoning a 23.39± acre tract of land from AG to RS-2 on property located on the east side of S. Delaware Ave. and approximately 116th St.

Z-6894 June 26, 2003: All concurred in approval of a request for rezoning a 15± acre tract of land from AG to RS-1 on property located south and east of S. Louisville Ave. and E 111th St. S.

Z-6900 July 2003: All concurred in approval of a request for rezoning a 81± acre tract of land from AG to RS-2 on property located at the SE/c of 116th ST S and S. Oswego Ave.

Z-6867 October 2002: All concurred in approval, subject to conditions, of a request to rezone a 46± acre tract of land from AG to RS-1 on property located south of the southwest corner of E. 11th St S and S. Delaware Ave.

BOA-20185 January 24, 2006: The Board of Adjustment **Denied** a *special exception* to permit a ready mix concrete plant for the manufacture of cement utilizing sand and gravel at the source of supply for utilization off the premises on a 1.55 acre tract within a previously approved sand and gravel mining operation, on property located between S. Delaware Ave. and the Arkansas River south of 106th.

BOA-18434 July 8, 1999: The Board of Adjustment **Approved** a *special exception* to increase wall height in the front, side, and rear yards to permit a wall at the Estates of Waterstone, on property located north of the subject property.

BOA-14942 October 6, 1988: The Board of Adjustment **Approved** a *special exception* to allow for a sand dredging business only (located within the banks of the Arkansas River) in an AG zoned district, on property located at 11300 S. Delaware Ave.

BOA-12457 February 24, 1983: The Board of Adjustment **Approved** a *variance* to allow two dwelling units on one lot of record, on property located NE of the subject property.

INTERESTED PARTIES COMMENTS:

Celia Bisett 4032 East 111th Street, Tulsa, OK 74137

Ms. Bisett stated she lives adjacent to the subject property. Ms. Bisett stated she has a private drive off of 111th Street and has lived in the area since before all the development started. Ms. Bisett stated her concerns are the RS-3 designation. The subdivision Waterstone is RS-1 and there is RS-2 also in the area but Ms. Bisett thinks RS-3 is too much and would affect property values.

Ricky Jones 5323 South Lewis Ave, Tulsa, OK 74105

Mr. Jones stated his firm prepared all of the engineering and the platting for the developments in this area. Mr. Jones stated all of the subdivisions were PUD's which no longer exists and some of the reasons for the PUD's were for private streets and in Waterstone there are 3 or 4 price points for the homes and a neighborhood of smaller homes that is consistent with RS-3 that was carved out of Waterstone. Mr. Jones stated when those developments were finished at the request of the developers and approved by the City of Tulsa there were no interconnectivity of streets so they are all private gated neighborhoods. Mr. Jones stated PUD's do not exist any longer and he doesn't believe a private street subdivision has been done since the adoption of the new Zoning Code.

Mr. Dix asked what the difference in lot sizes between RS-2 and RS-3 were.

Mr. Jones stated RS-3 allows 60 foot minimum lot width and 6900 square feet of lot area, RS-2 allows 75 foot minimum lot width.

Mr. Covey stated Waterstone to the north is divided into 2 different price points and the lower price points are in PUD-667 and higher price points are in PUD-681. Mr. Covey stated the homes are a few million dollars.

Mr. Jones stated he didn't want to get into the price of the homes but based upon the price of the land these homes will be significant in price. Mr. Jones believes the RS-3 is consistent and supported by the Comprehensive Plan and that is why he requested RS-3.

Mr. Covey stated he lives near the area and can see some concern given the large lot sizes in PUD-681 and PUD-687 and with regard to PUD-726.

Mr. Reeds stated he believes having a mix makes the neighborhood stronger. Mr. Reeds stated the homes are still going to be 6 or 7 hundred thousand dollars, they won't be starter homes. Mr. Reeds thinks the mixed choice will help the neighborhood and improve their price point.

Mr. Jones stated he wanted to point out that staff sent notices to the residents within a 300 foot radius and no others are present.

Mr. Covey asked Mr. Jones who the developer was.

Mr. Jones answered Ricky Jones is the applicant and he is not at liberty to divulge who the developer is.

Mr. Covey stated okay he would vote no.

Mr. Jones asked Mr. Covey if he told him who the developer was would it change his vote.

Mr. Covey stated it may because he is familiar with developers in the area.

Mr. Jones stated it was developers in the area.

Mr. Covey stated he understands Mr. Reeds point but to Mr. Covey it's like a midtown vs. south Tulsa. Mr. Covey stated this is what is going on in midtown and that is what you expect to see in midtown but this isn't midtown this is as far south in south Tulsa as you can get and it's different.

Mr. Jones stated if the PUD vehicle was still available to use but it's not so he does not have the ability to vary lot widths, lot sizes and setbacks so that pushes

him to ask for the RS-3 zoning instead of the RS-2 because relief may be needed on setback requirements.

Mr. Dix asked Mr. Jones if he could do an optional development plan.

Mr. Jones stated he could not reduce a setback.

Mr. Reeds asked Mr. Jones if RDO-3 would affect this development.

Mr. Jones stated “no”, he would work around those requirements.

Ms. Adams stated she needed clarification on why this property was different than midtown because she doesn't get that distinction.

Mr. Dix stated is 12 miles south of midtown.

Ms. Adams stated why that would be developmentally different specific to this area.

Mr. Covey answered there are no blank slates in midtown. This is one of the last remaining properties in south Tulsa that are half an acre to 3 acres in size and doesn't think small patio homes next to it is appropriate.

Ms. Adams asked if that was the intent.

Mr. Covey stated Mr. Jones is unable to disclose what the intent is.

Mr. Jones stated he doesn't think that should be before this board. Mr. Jones believes what is before this board is 60 foot wide lots 6900 square foot lots that the zoning code allows by RS-3 is that appropriate. Mr. Jones doesn't think price of houses, whether they are villas and single family matter the applicant is asking for RS-3 zoning and he thinks that is appropriate.

Mr. Dix stated what is before this board is to protect the values of the adjacent properties.

Mr. Jones stated he disagrees with Mr. Dix statement.

Mr. Dix stated it is the Planning Commissions obligation to take it into consideration when approving any zoning. Mr. Dix stated if RS-3 was approved here he didn't believe the Planning Commission would be fulfilling that obligation.

Mr. Jones stated what he asked for is a rezoning that is consistent with the Comprehensive Plan. Mr. Jones stated if you don't want RS-3 zoning in this area then you should amend the Comprehensive Plan to something that excludes RS-3 zoning.

Mr. Dix stated that is a stretch.

Mr. Jones stated boards have typically looked at 3 things and the most heavily weighted is the Comprehensive Plan and the request is consistent with the Comprehensive Plan.

A motion was made by Mr. Dix to approve RS-2 rezoning instead of RS-3.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **4-5-1** (Covey, Dix, Fretz, Walker "aye"; Adams, Doctor, Krug, Reeds, Shivel, "nays"; Millikin, "abstaining"; Carnes, "absent") to **APPROVE** Z-7410 rezoning from **AG/ RDO-3 to RS-2/ RDO-3**.

This motion failed.

A new motion was made to approve the RS-3/RDO-3 rezoning request.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **6-3-1** (Adams, Doctor, Fretz, Krug, Reeds, Shivel, "aye"; Covey, Dix, Walker "nays"; Millikin, "abstaining"; Carnes, "absent") to **APPROVE** Z-7410 rezoning from **AG/ RDO-3 to RS-3/ RDO-3** per staff recommendation.

Legal Description for Z-7410

A TRACT OF LAND THAT IS PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF (S/2 NW/4) OF SECTION THIRTY-THREE (33), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT AT THE NORTHWEST CORNER OF "SEQUOYAH HILL II", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 6015); THENCE SOUTH 1°02'10" EAST AND ALONG THE WEST LINE OF SAID "SEQUOYAH HILL II", FOR A DISTANCE OF 658.95 FEET TO A POINT AT THE SOUTHWEST CORNER OF SAID "SEQUOYAH HILL II", SAID POINT ALSO BEING ON THE NORTH LINE OF BLOCK 1, "SCISSORTAIL AT WIND RIVER" AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 6125) ; THENCE SOUTH 88°50'36" WEST AND ALONG SAID NORTH LINE FOR A DISTANCE OF 799.82 FEET; THENCE ALONG A 1110.00 FOOT RADIUS CURVE TO THE LEFT, HAVING AN INITIAL TANGENT BEARING OF NORTH 35°44'02" WEST, A CENTRAL ANGLE OF 2°00'31", A CHORD BEARING AND DISTANCE OF NORTH 36°44'17" WEST FOR 38.91 FEET, FOR AN ARC DISTANCE OF 38.91 FEET; THENCE NORTH 37°44'33" WEST FOR A DISTANCE OF 531.41 FEET; THENCE ALONG A 5050.00 FOOT RADIUS

CURVE TO THE LEFT, HAVING AN INITIAL TANGENT BEARING OF NORTH 37°44'31" WEST, A CENTRAL ANGLE OF 2°53'45", A CHORD BEARING AND DISTANCE OF NORTH 39°11'24" WEST FOR 255.22 FEET, FOR AN ARC DISTANCE OF 255.25 FEET TO A POINT ON THE SOUTH LINE OF BLOCK 3, "WATERSTONE", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 5718); THENCE NORTH 88°51'44" EAST, ALONG SAID SOUTH LINE AND ALONG THE SOUTH LINE OF BLOCK 1, "ESTATES AT WATERSTONE" AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 5800) FOR A DISTANCE OF 1297.83 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 688,907 SQUARE FEET, OR 15.815 ACRES.

26. Z-7411 City of Tulsa/Ray Meldrum (CD 2) Location: West of the southwest corner of West 36th Place South and South Elwood Avenue requesting rezoning from **RS-3/IM** to **IL**

STAFF RECOMMENDATION:

SECTION I: Z-7411

DEVELOPMENT CONCEPT:

The purpose of this application is to rezone property adjacent to a proposed manufacturing facility that is being moved for the Gilcrease expressway extension. This site is in a floodplain, owned by the City of Tulsa and not likely to be developed however the lot is residentially zoned and requires significant setbacks on abutting business.

The property is adjacent to Holly Refining property zoned RS-3 and City of Tulsa property that is also zoned RS-3. Much of the property in the area is already zoned IH and IM.

DETAILED STAFF RECOMMENDATION:

IL zoning is consistent with the anticipated future development in the area and,

IL zoning is consistent with the Employment land use designation in the Tulsa Comprehensive Plan and,

IL zoning is considered non injurious to the proximate properties therefore,

Staff recommends Approval of Z-7411 to rezone property from RS-3/IM to IL.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: IL zoning is consistent with the Employment land use designation in the area.

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 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: None that affect the site

Trail System Master Plan Considerations: None that affect the site

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is vacant and nearly flat. The property was originally a single family residential development that has been abandoned partially because of its proximity to the refinery northwest of the site and it is also in a floodplain. A few single family residences remain west of the site.

Environmental Considerations: Floodplain covers the entire site.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West 36 th Place South	None	50 feet	2 no curb
West 37 th Place South	None	50 feet	2 no curb

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-3	Employment	Growth	Vacant land owned by Holley Refining

East	RS-3 Pending IM zoning from City Council	Employment	Growth	Vacant
South	RS-3	Employment	Growth	Vacant
West	RS-3	Employment	Growth	Vacant

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11822 dated June 26, 1970, established zoning for the subject property.

Subject Property: *No relevant history.*

Surrounding Property:

Z-4695 March 21, 1975: All concurred in approval of a request for rezoning a tract of land from RS-3 to IM on property located W. of the NW corner of W. 37th Pl. S. and S. Elwood Ave.

Z-3620 March 26, 1970: All concurred in approval of a request for rezoning a tract of land from RS-3 to IM on property located on the NW corner of W. 37th Pl. S. and S. Elwood Ave.

BOA-18445 July 13, 1999: The Board of Adjustment **approved** a *Variance* of setback from an R District from the required 75' to 25' to permit a warehouse in an IM District finding the hardship to be the fact that the neighborhood was in transition and a special exception to remove the requirement for screening from an abutting R District which is vacant land on the west property line, on property located at the corner of W. 37th Pl. S & S. Elwood Ave.

BOA-21803 January 13, 2015: The Board of Adjustment **approved** the request for a *special exception* to remove the screening requirement from the abutting R District, on property located east of the subject property.

Mr. Shivel asked staff if there had been a resent request for the same thing in this area.

Staff answered "yes".

Staff stated the properties on the north side are zoned residential but are owned by the refinery.

The applicant indicated his agreement with staff's recommendation.

INTERESTED PARTIES COMMENTS:

David Grubb 3730 South Galveston Avenue, Tulsa, OK 74107

Mr. Grubb stated he owns several properties on South Galveston and West 37th Street. Mr. Grubb stated half of his land is currently zoned IM and believes the land on the corner should be zoned IM. Mr. Grubb believes this would remedy a lot of problems because the City comes to his house because they don't know where the property they are looking for is located.

Mr. Dix stated to Mr. Grubb that Planning Commission could only rezone the application that was before them today. Mr. Dix stated the owner of the property would have to make an application to rezone their property.

Mr. Grubb asked how to get the rest rezoned.

Dr. Dix answered the owner has to make an application to rezone their property.

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Adams, Covey, Dix, Doctor, Fretz, Krug, Millikin, Reeds, Shivel, Walker "aye"; no "nays"; none "abstaining"; Carnes, "absent") to **APPROVE** Z-7411 rezoning from **RS-3/IM to IL** per staff recommendation.

Legal Description for Z-7411

Lots 3, 4, 5, and 29 Block 2, Garden City, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

Commissioners' Comments

ADJOURN

TMAPC Action; 10 members present:

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Adams, Carnes, Covey, Dix, Doctor, Fretz, Krug, Millikin, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; none "absent") to **ADJOURN** TMAPC meeting 2754.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 2:57 p.m.

Date Approved:

10-18-2017


Chairman

ATTEST:


Secretary