

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2759

Wednesday, December 6, 2017, 1:30 p.m.

City Council Chamber

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

Members Present	Members Absent	Staff Present	Others Present
Covey	Carnes	Foster	Silman, COT
Dix	Walker	Hoyt	VanValkenburgh, Legal
Doctor		Miller	Warrick, COT
Fothergill (Adams)		Sawyer	
Fretz		Ulmer	
Krug		Wilkerson	
Millikin			
Reeds			
Shivel			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, November 30, 2017 at 1:32 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 stated a work session needed on January 17 to discuss draft of Crosbie Heights Small Area Plan and Landscape Ordinance update. Mr. Covey announced that John Fothergill is sitting in for Vicki Adams as the County designee.

### Director's Report:

Mr. Foster discussed City Council and County Commission actions taken and other special projects.

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1. **Minutes:**

**Approval of the minutes of November 15, 2017 Meeting No. 2758**

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Covey, Dix, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Shivel, "aye"; no "nays"; none "abstaining"; Carnes, Walker, "absent") to **APPROVE** the minutes of the meeting of November 15, 2017, Meeting No. 2758.

**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. **LC-954** (Lot-Combination) (CD 4) Location: Southeast corner of South Peoria Avenue and East 11<sup>th</sup> Street South
3. **LS-21081** (Lot-Split) (CD 5) Location: Northeast corner of South Sheridan Road and East 13<sup>th</sup> Street South
4. **LS-21082** (Lot-Split) (County) Location: South of the southeast corner of North Yale Avenue and East 66<sup>th</sup> Street North (Related to LC-955)
5. **LC-955** (Lot-Combination)(County) Location: South of the southeast corner of North Yale Avenue and East 66<sup>th</sup> Street North (Related to LS-21082)
6. **LS-21083** (Lot-Split) (CD 7) Location: West of the southwest corner of South Memorial Drive and East 61<sup>st</sup> Street South
7. **LC-956** (Lot-Combination) (CD 1) Location: North of the northwest corner of East Apache Street and North Harvard Avenue
8. **LC-957** (Lot-Combination) (CD 4) Location: North of the northwest corner of West 17<sup>th</sup> Street South and South Main Street
9. **LC-960** (Lot-Combination) (CD 4) Location: Southeast corner of South Rockford Avenue and East 6<sup>th</sup> Street South
10. **PUD-281-12 Lou Reynolds** (CD 7) Location: West of the northwest corner of East 65<sup>th</sup> Street South and South Mingo Road requesting a **PUD Minor**

**Amendment** to consolidate the previous amendments and clarify the development standards

**STAFF RECOMMENDATION:**

**SECTION I:** PUD-281-12 Minor Amendment

**STAFF RECOMMENDATION**

Amendment Request: Modify the PUD to consolidate previous amendments and clarify the development standards.

The current development standards for Development Area F contain ambiguities in regard to several of the requirements, including bulk and area and uses, which are spread over several amendments. As such, determining development standards within area F is confusing and an unnecessarily convoluted process. This amendment seeks to clear up the development standards and eliminate potential confusion.

Applicant Exhibit 'A' reiterates the reason for the request and also lays out the proposed development standards.

**EXHIBIT "A"**

**DESCRIPTION OF PROPOSAL/ NATURE OF AMENDMENT**

**PUD-281-12 MINOR AMENDMENT**

**Development Area "F"**

The purpose of this Minor Amendment is more to clarify the Development Standards of the PUD that are applicable to the Property and to memorialize such Development Standards in one document, rather than to amend the PUD. Within the PUD and the recorded Development Standards there are ambiguities with respect to the Development Standards governing the use of the Property.

PUD 281 was originally approved in 1982 and encompassed approximately 100 acres.

PUD 281 contained eight (8) separate development areas that are described as Development Areas "A", "B", "C", "D", "E", "F" and "H". Several such Development Areas were developed in phases which had the practical effect of further subdividing the original Development Areas. However, the Property is wholly contained in Development Area "F".

Various amendments to PUD 281 have confused the Development Standards that are applicable to the Property. Further compounding the matter is the Development Restrictions recorded against the Property are not consistent with the PUD or the use of the Property as well as the physical characteristics of the improvements on the Property that underwent PUD Site Plan approval in 1985 and 2005.

The permitted use of the Property, as originally approved in PUD 281, was:

Attached dwelling units and related accessory uses such as jogging paths, off-street parking, covered parking, open spaces, drainage way, etc.

After the approval of PUD 281, the Property was platted as a part of Lot 1, Block 6, Blocks 4, 5 & 6, Gleneagles, and the permitted uses of the Property as provided in the Deed of Dedication that was filed as a part of such Plat were as follows:

Attached and detached residential dwelling units, garden apartments and customary accessory uses such as clubhouses, tennis courts, swimming pools and similar recreational facilities, laundry facilities and drainage ways shall be the only uses permitted.

A year later a subsequent amendment to the Deed of Dedication of Blocks 4, 5 & 6, Gleneagles, provided that the permitted uses of the Property were as originally stated in the Plat and Deed of Dedication of Blocks 4, 5 & 6, Gleneagles.

Later, in 1985, a Detail Site Plan was approved for the Property with permitted uses of the Property being attached residential and accessory uses for the elderly.

## **EXHIBIT "A"**

### **DESCRIPTION OF PROPOSAL/ NATURE OF AMENDMENT**

#### **PUD-281-12 MINOR AMENDMENT**

#### **Development Area "F"**

Although not clearly stated that at the time PUD 281 was approved, a review of PUD 281 and its history indicates that it was clear that PUD 281 planned the Property for more than multi-family purposes, as all of the other Development Areas in PUD 281, except Development Areas "G" and "H", that were for detention and recreational purposes, respectively, qualified the use of the Property for attached residential dwelling units and not just dwelling units.

For over 30 years the Property has been developed and used as an assisted living/nursing care facility.

These inconsistencies do not appear to manifest themselves in the other Development Areas.

Therefore, in order to conform the Development Standards and the use of the Property under approved Detail Site Plan, the Applicant respectfully requests that the Development Standards for Development Area "F" are hereby amended as follows:

#### **PERMITTED USES:**

Attached and detached residential dwelling units, garden apartments, assisted living center, elderly/retirement center and customary accessory uses such as club houses, tennis courts, swimming pools and similar recreational facilities, laundry facilities and drainage ways shall be the only uses permitted.

#### **MAXIMUM DWELLING UNITS:**

A maximum of one hundred eighty-two (182) dwelling units shall be permitted within Lot 1, Block 6, Gleneagles, Blocks 4, 5 & 6.

#### **MAXIMUM BUILDING HEIGHT:**

The maximum building height shall be three (3) stories having a maximum building height of forty-four (44) feet.

## **EXHIBIT "A"**

### **DESCRIPTION OF PROPOSAL/ NATURE OF AMENDMENT**

#### **PUD-281-12 MINOR AMENDMENT**

#### **Development Area "F"**

#### **MINIMUM BUILDING SETBACK:**

The minimum building setbacks within Lot 1, Block 6, Gleneagles, Blocks 4, 5 & 6, shall be:

From the centerline of South 91 <sup>st</sup>	90 feet
From the south boundary	3 feet
From the east boundary	150 feet
From the north boundary	20 feet
Between parking and building	10 feet

#### **MINIMUM BUILDING SEPARATION:**

All buildings within Lot 1, Block 6, Gleneagles, Blocks 4, 5 & 6, shall be separated by at least fifteen (15) feet.

#### **MINIMUM LIABILITY AREA PER DWELLING UNIT:**

A minimum of one thousand (1,000) square feet of livability space, as defined in the Tulsa Zoning Code, as the same existed on April 7, 1982, shall be provided for each dwelling unit.

#### **MINIMUM OFF-STREET PARKING RATIO:**

1. **Apartment Use:**

A minimum of 1.5 off-street parking spaces shall be provided for each efficiency or one-bedroom dwelling unit, and a minimum of 2 off-street parking spaces shall be provided for each dwelling unit having two or more bedrooms.

2. **Assisted Living Center and Elderly/Retirement Center Use:**

A minimum of .75 off-street parking spaces shall be provided for each dwelling unit for Assisted Living Center and Elderly/Retirement Center Use.

## EXHIBIT "A"

### DESCRIPTION OF PROPOSAL/ NATURE OF AMENDMENT

#### PUD-281-12 MINOR AMENDMENT

#### Development Area "F"

An ALTA Survey of the Property is attached hereto as Exhibit "B". The ALTA Survey shows the Property developed in accordance with the foregoing Development Standards and the previously approved PUD Detail Site Plan.

Finally, to fully conform the Property to the PUD, the recorded Development Standards will also need to be corrected by an amendment approved by the TMAPC and the City and filed in the land records.

*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-281 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to consolidate previous amendments and clarify the development standards.

11. **Retail Center II** (CD 2) Correction of Plat, Location: South of the southeast corner of East 101<sup>st</sup> Street South and South Delaware Avenue

12. **Amended Plat of Retail Center I** (CD 2) Correction of Plat, Location: East of the southeast corner of East 101<sup>st</sup> Street South and South Delaware Avenue

13. **GoFit** (CD 3) Change of Access, Location: Northeast corner of East Apache Street North and North 129<sup>th</sup> East Avenue

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Covey, Dix, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Shivel, “aye”; no “nays”; none “abstaining”; Carnes, Walker, “absent”) to **APPROVE** Items 2 through 13 per staff recommendation.

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

**PUBLIC HEARING**

14. **CPA-70 Lou Reynolds** (CD 6) Location: North of the northwest corner of East 51<sup>st</sup> Street South and South 177<sup>th</sup> East Avenue requesting to amend the Comprehensive Plan Land Use Map from **New Neighborhood** to **Neighborhood Center** (Related to Z-7412) (Continued from October 4, 2017 and November 15, 2017) (**Withdrawn by applicant**)
15. **Z-7412 Lou Reynolds** (CD 6) Location: North of the northwest corner of East 51<sup>st</sup> Street South and South 177<sup>th</sup> East Avenue requesting rezoning from **AG** to **CS** (Related to CPA-70) (Continued from October 4, 2017) (Continued from October 4, 2017 and November 15, 2017) (**Withdrawn by applicant**)
16. **PUD-199-9 Eddis Fraire** (CD 6) Location: East of the southeast corner of South 121<sup>st</sup> East Avenue and East 30<sup>th</sup> Place South requesting **PUD Minor Amendment** to reduce livability space of 4000 sf (**Withdrawn by applicant**)

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17. **LS-21066** (Lot-Split) (County) – Location: South of the southeast corner of East 86<sup>th</sup> Street North and North Harvard Avenue (Continued from November 15, 2017) (**Applicant requests continuance to December 20, 2017**)

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Covey, Dix, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Shivel, “aye”; no “nays”; none “abstaining”; Carnes, Walker, “absent”) to **CONTINUE** LS-21066 to December 20, 2017 per applicant’s request.

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18. **LS-21079** (Lot-Split) (County) – Location: North of the northeast corner of East 136<sup>th</sup> Street North and North Mingo Road



**STAFF RECOMMENDATION:**

The Lot-Split proposal is to split an existing Agriculture (AG) tract into two tracts. Tract 1 and Tract 2 of the resulting split will meet the Bulk and Area requirements of the Tulsa County Zoning Code.

The Technical Advisory Committee met on November 16, 2017 and had the following comment. The County Engineer is requesting that 50' of right-of-way be dedicated along North Mingo Road, including any previously dedicated right-of-way.

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

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Covey, Dix, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Shivel, "aye"; no "nays"; none "abstaining"; Carnes, Walker, "absent") to **APPROVE** LS-21079 per staff recommendation.

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19. **BOA-22343 Plat Waiver** (CD 4) Location: East of the northeast corner of East 15<sup>th</sup> Street South and South Sandusky Avenue

**STAFF RECOMMENDATION:**

East of the northeast corner of East 15<sup>th</sup> Street South and South Sandusky Avenue (4414 E 14<sup>th</sup> PL S)

The platting requirement for this property is being triggered by a special exception approval by the Board of Adjustment on October 24, 2017 to permit a Bed & Breakfast (AirBnB) use on the property within the existing home.

The Technical Advisory Committee met on October 5, 2017 and the following items were determined:

1. The property was previously platted as Lot 8 Block 10 of the Adamson Heights Addition.

2. Necessary utilities are all in place and no additional easements will be needed at this time.
3. All right-of-way dedications have been made to comply with the Major Street Highway Plan.
4. No new construction is planned at this time.

Staff recommends **approval** of the plat waiver.

**TMAPC COMMENTS:**

Mr. Covey stated there have been a lot of Plat Waivers triggered by a special exception approval to permit a Bed and Breakfast and asked if this will continue to happen.

Mr. Foster stated yes, until the new Subdivision Regulations are adopted.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Covey, Dix, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Shivel, "aye"; no "nays"; none "abstaining"; Carnes, Walker, "absent") to **APPROVE** BOA-22343 Plat Waiver per staff recommendation.

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20. **Z-7409 Plat Waiver** (CD 4) Location: Northeast corner of East 5<sup>th</sup> Court and South Quaker Avenue

**STAFF RECOMMENDATION:**

The platting requirement for this property is being triggered by a rezoning request (Z-7409). The property owner is requesting a rezoning from IM to CH to permit a mixed-use development to include residential and commercial uses.

The Technical Advisory Committee met on November 16, 2017 and the following items were determined:

1. The property was previously platted as part of the Factory Addition subdivision plat.
2. Utilities are all available and no main line extensions are required.
3. Required right-of-way dedications have all been made by previous plat.

4. The property currently consists of 4 previously platted lots that will be required to be combined prior to any development.
5. A new address will be assigned by the City of Tulsa following the combination of the lots.

Staff recommends **approval** of the plat waiver.

**The applicant was not present but Mr. Foster stated he spoke with the applicant and stated the applicant indicated their agreement with staff's recommendation.**

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

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Covey, Dix, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Shivel, "aye"; no "nays"; none "abstaining"; Carnes, Walker, "absent") to **APPROVE** Z-7409 Plat Waiver per staff recommendation.

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21. **The Dearborn** (CD 6) Preliminary Plat, Location: North and east of the corner of East 41<sup>st</sup> Street South and South 145<sup>th</sup> East Avenue

**STAFF RECOMMENDATION:**

This plat consists of 1 lot, 1 block on 12.92 ± acres.

The Technical Advisory Committee (TAC) met on November 16, 2017 and provided the following conditions:

1. **Zoning:** The property is zoned RM-2 (Residential-Multifamily). All proposed lots conform to the lot regulations of the RM-2 district. Development of multifamily will be required to comply with lot area per unit and minimum open space per unit requirements of the district.
2. **Addressing:** Lot 1 Block 1 will be assigned address is 3915 S 145<sup>th</sup> Ave. E. Additional addresses will be provided upon receipt of development details. Provide addresses on final plat.
3. **Transportation & Traffic:** Sidewalks required along arterial streets per Subdivision Regulations.
4. **Sewer:** Internal sanitary sewer easements must be a minimum of 15'. Perimeter easements of 17.5' should be provided 145<sup>th</sup> Ave E. and E 41<sup>st</sup> St as well as the along the property line with the unplatted area to the north.

5. **Water:** All proposed internal looped water main lines should be private or placed in a dedicated 20' waterline easement.
6. **Engineering Graphics:** Submit subdivision data control sheet with final plat. Add "State of" before Oklahoma in the plat subtitle. Label the plat location in the location map as "site" or "project location" and label all unplatted property as "unplatted". Correct bearing angle under the Basis of Bearing.
7. **Fire:** Internal fire hydrants will be required.
8. **Stormwater, Drainage, & Floodplain:** Provide storm sewer/overland drainage for offsite stormwater runoff and include language in covenants.
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.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Covey, Dix, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Shivel, "aye"; no "nays"; none "abstaining"; Carnes, Walker, "absent") to **APPROVE** The Dearborn Preliminary Plat per staff recommendation.

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22. **QuikTrip No. 0030** (CD 9) Preliminary Plat, Location: Southeast corner of East 51<sup>st</sup> Street South and South Lewis Avenue

**STAFF RECOMMENDATION:**

This plat consists of 2 lots, 1 block on 4.99± acres.

The Technical Advisory Committee (TAC) met on November 16, 2017 and provided the following conditions:

1. **Zoning:** The property is zoned CS (Commercial – Shopping). All proposed lots conform to the lot regulations of the CS district.
2. **Addressing:** Addresses are approved as shown.
3. **Transportation & Traffic:** Approved as shown.
4. **Sewer:** Approved as shown.
5. **Water:** Approved as shown.
6. **Engineering Graphics:** Provide/state on the face of the plat the address caveat/disclaimer. Remove contours on final plat submittal. Update location map with newly platted Parkhill subdivision to the east. Spell out Indian Base & Meridian in the plat subtitle.
7. **Fire:** Approved as shown.
8. **Stormwater, Drainage, & Floodplain:** If there is offsite drainage from the east, it must be placed in an easement. As property develops, additional easements may be required for stormwater facilities.
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.

**The applicant was not present.**

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

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Covey, Dix, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Shivel, “aye”; no “nays”; none “abstaining”; Carnes, Walker, “absent”) to **APPROVE** QuikTrip No. 0030 Preliminary Plat per staff recommendation.

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23. **PUD-232-B-1 Michelle Guillory** (CD 1) Location: Southwest corner of West Pine Street and North Union Avenue requesting a **PUD Minor Amendment** to reduce the required street yards (Continued from November 15, 2017)

**STAFF RECOMMENDATION:**

**SECTION I:** PUD-232-B-1 Minor Amendment

**STAFF RECOMMENDATION**

Amendment Request: Modify the PUD Development Standards to reduce the required street yards abutting Pine Pl and Union Ave

The applicant is requesting to decrease the required street yard abutting Pine Place from 35 ft to 20 ft and the street yard abutting Union Avenue from 25 ft to 18 ft. This is to permit the construction of a single family home on the subject lot.

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:

- 3) The requested amendment does not represent a significant departure from the approved development standards in the PUD.
- 4) All remaining development standards defined in PUD-232-B and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to reduce the required street yards abutting Pine Place and Union Avenue.

**TMAPC COMMENTS:**

Mr. Dix asked staff if the subject property and the buildings adjacent to the west had the same setbacks from the street.

Mr. Hoyt answered it appears all are about 25 feet. Mr. Hoyt stated the underlying zoning would require 25 feet.

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

**INTERESTED PARTIES:**

**Faye Willis** 1720 West Pine Place, Tulsa, OK 74127

Ms. Willis stated her only concern was making sure the subject project did not set closer to the street than the other houses on the block.

Mr. Covey asked if she was satisfied with the plan presented.

Ms. Willis answered "yes".

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Covey, Dix, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Shivel, "aye"; no "nays"; none "abstaining"; Carnes, Walker, "absent") to **APPROVE** PUD-232-B-1 Minor Amendment per staff recommendation.

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24. **Z-7423 Tulsa City Council/ Charla Lowery** (CD 2) Location: North of the northwest corner of East 66<sup>th</sup> Place South and South Peoria Avenue requesting rezoning from **CS** to **MX1-V-Unlimited**

**STAFF RECOMMENDATION:**

**SECTION I: Z-7423**

**DEVELOPMENT CONCEPT:** This request for rezoning is responsive to a City Council initiative to encourage mixed use development along the proposed bus rapid transit system route. The site is currently zoned CS and does not have any building height restriction. The Mixed Use rezoning request is also for unlimited height.

In May of this year, the City initiated a land use study that resulted in zoning recommendations on property within ½ a mile of proposed "enhanced stations" along the bus rapid transit route. The subject property was included in that recommendation and the owner of that property has opted-in to a voluntary rezoning program initiated by the Tulsa City Council. No immediate development of the property is proposed.

**DETAILED STAFF RECOMMENDATION:**

Case Z-7423 request MX1-V-U is consistent with the expected development pattern in the area and,

MX1-V-U is not injurious to the surrounding property owners and,

The bus rapid transit study recommended MX1-V without a height recommendation on this site. The rezoning request is consistent with the Bus Rapid Transit System study and its land use recommendations and,

MX1-V-U is consistent with the Mixed-Use Corridor land use vision in the Tulsa Comprehensive Plan therefore

**Staff recommends Approval of Z-7423 to rezone property from CS to MX1-V-U.**

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: MX1-V-U is consistent with the land use vision in the Tulsa Comprehensive Plan and is also consistent with the goals, objectives and strategies of the Riverwood Neighborhood Small Area Plan.*

### Land Use Vision:

#### *Land Use Plan map designation: Mixed-Use Corridor*

A Mixed-Use Corridor is a plan category used in areas surrounding Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. The streets usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods.

#### *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 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:* None that affect site development however the river trail system is less than ½ mile from this site. Pedestrian and bicycle connectivity should be an important concept with any new redevelopment opportunity.

#### Small Area Plan:

Riverwood Neighborhood Small Area Plan (Completed in 2008).

Phase One infrastructure recommendations included Transit Connections and shelters specifically for Inhofe Plaza which is directly west of this site.

The Riverwood Community identified the viability of retail and land uses along South Peoria corridor as a key element of the community plan. These activities contribute to greater livability and convenience within the neighborhood and can convey a neighborhood identity to visitors as well as residents from other areas of the City. Rezoning considerations should consider a walkability community especially for frequent users that may be elderly or physically challenged.

The primary goal identified in this small area plan:

Provide diversified, convenient, concentrated, and efficient commercial activities. This will add to the quality of area as a self-sufficient unit of the total urban pattern.

Objectives include:

1. Locate commercial facilities where compatible commercial uses can support one another and where community services and facilities are capable of supporting commercial activities.
2. Provide a reasonable ratio of commercial activities in relation to the population residing within the area.

Strategies for redevelopment included in the small area plan include:

1. Add continuous sidewalks on both sides of the street
2. Redesign the fronts of large parking lots and build small closely spaced or attached storefronts with courtyard parking behind
3. Encourage a mix of housing within walking distance of commercial areas
4. Encourage site store entrances near street fronts and parking lots to the rear of buildings so transit riders and cyclist have easy access to the store areas.

Special District Considerations: None

Historic Preservation Overlay: None

#### DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site includes an existing two story residential structure with outdoor storage and storage buildings in the rear.*

*See street view on following page from northeast looking toward the south west.*



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>
South Peoria Avenue	Secondary Arterial / multi modal corridor	100 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	CS	Mixed Use Corridor	Growth	Outdoor storage of RV-s, campers, boats etc

East	RS-2 and CS	Mixed Use Corridor	Growth	Ministorage
South	CS	Mixed Use Corridor	Growth	Single story commercial building
West	RM-2	Mixed Use Corridor	Growth	Inhofe apartments

### SECTION III: Relevant Zoning History

**ZONING ORDINANCE:** Ordinance number 11829 dated June 26, 1970, established zoning for the subject property.

***Subject Property:***

**BOA-15382 February 1990:** The Board of Adjustment **approved** a *special exception* to permit an automobile body shop in a CS zoned district on property located north of the northwest corner of E. 66<sup>th</sup> Place South and S. Peoria Avenue on the subject property.

***Surrounding Property:***

**SA-1 September 2016:** The Board of Adjustment **approved** a request for a Special Area Overlay on multiple properties along the Arkansas River extending from W. 11<sup>th</sup> St. S. to E. 121<sup>st</sup> St. S., to establish the River Design Overlay as a supplemental zoning, RDO-1, RDO-2, or RDO-3, to establish regulations governing form function, design and use for properties located within the boundaries of the River Design Overlay District. The regulations are generally intended to maintain and promote the Arkansas River corridor as a valuable asset to the city and region in terms of economic development and quality of life.

**BOA-21311 August 2011:** The Board of Adjustment **approved** a *variance* of the minimum frontage required in the CS District (Section 703) to permit a lot-split; and **approved** a *variance* to permit an additional structure to be erected in connection with a nonconforming use of land (Section 1401.B.3), on property located south of the southwest corner of East 64<sup>th</sup> Street South and South Peoria Avenue.

**BOA-19912 June 2004:** The Board of Adjustment **approved** a *variance* of parking requirement for mini-storage from 14 spaces to 11 spaces; a variance of the 10 foot setback in an R District to 8.4 feet; and Variance of setback from centerline of South Peoria Avenue from 100 feet to 99.6 feet, on property located north of East 66<sup>th</sup> Place and South Peoria Avenue.

**BOA-19546 April 2003:** The Board of Adjustment **approved** a *special exception* to allow Use Unit 13 in an OM zoned District as accessory uses to office use, on

property located on the southeast corner of East 66<sup>th</sup> Place South and South Peoria Avenue.

**BOA-19151 August 2001:** The Board of Adjustment **approved** a *special exception* to permit an overhead door sales office in a CS district; a *variance* of the 26' setback requirement from an R District to 16'8" on the east and 22'4" on the north; a *variance* of the 150' frontage requirement in the CS District to 147'; a *variance* of the 100' setback requirement on the west to 95'; and a *special exception* of screening requirement from the south and north back 50' in front and to allow alternative landscaping on the east for property located at 6501 South Peoria Avenue.

**BOA-18763 June 2000:** The Board of Adjustment **approved** a *special exception* to permit a mini-storage with a residence and office in a CS/RM-1/RM-2 zoned district to include a reduction of perimeter setbacks to 5' and to use perimeter buildings to meet screening requirements on property located in the 6400 block of S. Peoria Ave.

**BOA-18589 December 1999:** The Board of Adjustment **approved** a *variance* of maximum height for a fence in the required front yard from 4' to 6'6" with condition that fence is wrought-iron or other open-type fence with a hardship that a four-foot fence would not be a security fence on property located west of E 66<sup>th</sup> Pl. S. and S Peoria Ave.

**BOA-17209 October 1995:** The Board of Adjustment **denied** a *special exception* to permit a private law office to be located in the homeowners management office of a condominium complex – SECTION 401, on property located on the southeast corner of E. 66<sup>th</sup> Pl. S. and S. Peoria Ave.

**Z-6571 November 1996:** The Board of Adjustment **approved** a request for rezoning a tract of land from OM to CS on the west 200 ft. of tract and denial of the remainder, on property located on the northeast corner of E. 67<sup>th</sup> St. and S. Peoria Ave.

**Z-6567 November 1996:** The Board of Adjustment **denied** a request for rezoning a 1.7± acre tract of land from RS-2 to RM-2 and approval of RS-2 to RM-1 for on property located south of E. 64<sup>th</sup> St. S and S. Peoria Ave.

**BOA-15441 May 1990:** The Board of Adjustment **approved** a *variance* of the minimum frontage requirement in the CS district to 139.2' to permit a lot split on property located at 6500 S. Peoria Ave.

**BOA-15391 March 1990:** The Board of Adjustment **approved** a *special exception* to permit construction of mini-storage warehouses, on property located north of E. 66<sup>th</sup> Place and S. Peoria Avenue.

**BOA-15177 June 1989:** The Board of Adjustment **approved**, per conditions, a *special exception* to permit automobile sales and related uses in a CS zoned district on property located south of the southwest corner of E. 64<sup>th</sup> St. S. and S. Peoria Ave.

**Z-6215 January 1989:** The Board of Adjustment **approved** a rezoning of a .7± acre tract of land from RM-2 to CS and OL on property located east of the southeast corner of W. 67<sup>th</sup> St. and S. Peoria Ave.

**PUD-341-A November 1985:** All concurred in **approval** to delete Lots 4 – 10, Raintree II Amended Addition, from PUD-341, and allow these lots to retain the RM-2 underlying zoning, on property located on the southwest corner of E. 66<sup>th</sup> Pl. S. and S. Peoria Ave.

**PUD-352 January 1984:** The Board of Adjustment **approved** a proposed Planned Unit Development on a 3.2± acre tract of land for rezoning from CS and RM-2 to CS/RM-2/PUD to allow for an office, display, and storage complex on property located north of the northeast corner of E. 64<sup>th</sup> St. S. and S. Peoria Ave. All concurred in approval of the PUD standards to allow for the requested uses, which included a mini storage with caretaker's quarters.

**Z-5994 October 1984:** The Board of Adjustment **approved** a request for rezoning a .5± acre tract of land from RS-2 to CS on property located at the southeast corner of S. Peoria Ave. and E. 66<sup>th</sup> Place S.

**BOA-12469 February 1983:** The Board of Adjustment **approved** a *special exception* to permit a car wash in a CS District (Section 710 – Principal Uses Permitted in the Commercial Districts), on property located on the northwest corner of East 66<sup>th</sup> Place South and South Peoria Avenue.

**PUD-341 October 1983:** The Board of Adjustment **approved** a proposed Planned Unit Development on a 5.98± acre tract of land for multi-family uses, on property located on the southwest corner of E. 66<sup>th</sup> Pl. S. and S. Peoria Ave.

**BOA-11825 March 1982:** The Board of Adjustment **approved** a *special exception* to allow a multifamily complex in a CS zoned district; a *variance* of the number of dwelling units to 224; and a *variance* of the building height to 36' on property south and west of the subject property.

**BOA-11381 February 1981:** The Board of Adjustment **approved** a *variance* of the height requirements from 26' to 60'9" to permit the erection of a six-story building, and **approved** a *variance* of the number of parking spaces from 150 to 81 to permit the erection of a six-story building to be occupied by the elderly on property located west of E. 66<sup>th</sup> Place S. and S. Peoria Ave.

**PUD-183 January 1976:** All concurred in **approval** of a proposed Planned Unit Development on a 40 $\pm$  acre tract of land for townhouses, patio homes and garden apartments and accessory uses, on property located on the northeast corner of W. 68<sup>th</sup> St. and S. Peoria Ave.

**Z-3232 August 1968:** The Board of Adjustment **approved** a request for rezoning a 41 $\pm$  acre tract of land from U-2B to RM-2 and a 2.36 $\pm$  acre tract of land from U-3D to CS on the subject property located north of the northwest corner of East 66<sup>th</sup> Place South and South Peoria Avenue.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Covey, Dix, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Shivel, "aye"; no "nays"; none "abstaining"; Carnes, Walker, "absent") to **APPROVE** Z-7423 rezoning per staff recommendation.

**Legal Description of Z-7423:**

BEG SECR N/2 S/2 SE NE TH W311 S140 E311 N140 POB & N15 LOT 1 BLOCK 1 CLINE ADDN SEC 1 18 12 1.00AC, VALLEY VIEW ADDN, CLINE ADDN, COMPTON ADDN RESUB PRT L1B1 CLINE ADD, City of Tulsa, Tulsa County, State of Oklahoma

\* \* \* \* \*

25. **CZ-464 Ron Gale** (County) Location: North of the northwest corner of East 96<sup>th</sup> Street North and North Yale Avenue requesting rezoning from **AG** to **CG**

**STAFF RECOMMENDATION:**

**DEVELOPMENT CONCEPT:**

The applicant has requested CG zoning to allow for an RV sales and service facility.

**DETAILED STAFF RECOMMENDATION:**

The requested CG zoning is not compatible with the existing surrounding zoning. CS zoning, however does exist nearby and would be more consistent with the surrounding uses and intensities. The uses allowed by right in the CS zone are less intense than those allowed in the CG zone.

With CS zoning, the applicant would be required to receive Special Exception approval from the County Board of Adjustment in order for RV Sales and Service to be allowed.

Staff recommends **denial** of CZ-464 request to rezone property from AG to CG and **approval** to rezone property from AG to CS.

## **SECTION II: Supporting Documentation**

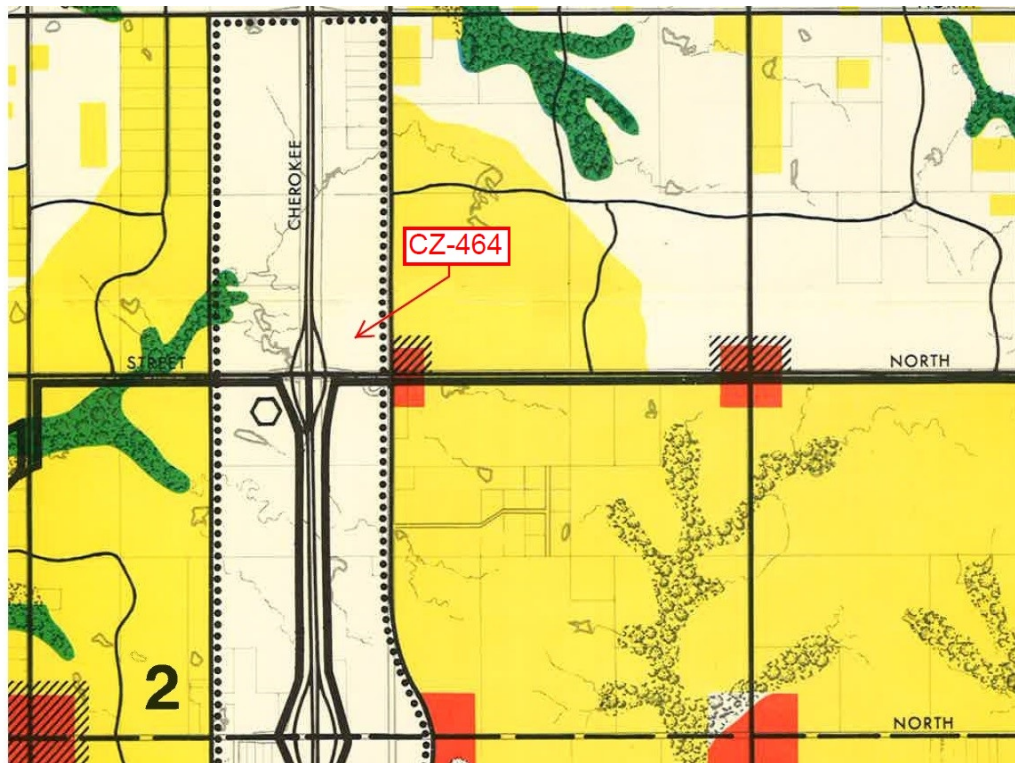
### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

#### Staff Summary:

*No current comprehensive plan contains a designation for CZ-464 however it is designated as Corridor in the North Tulsa County Comprehensive Plan 1980-2000.*

*Corridors are defined as specific areas located along expressways and are to contain major employment and region serving functions in concert with a relatively high residential use.*





#### Transportation Vision:

*Major Street and Highway Plan:* North Yale Avenue is designated as a secondary arterial.

*Trail System Master Plan Considerations:* None

*Special District Considerations:* None

*Historic Preservation Overlay:* None

#### DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary:* The site is located on East 96<sup>th</sup> Street North between Highway 75 and North Yale Avenue. The site is currently vacant farmland.

*Environmental Considerations:* None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 96 <sup>th</sup> Street North	Secondary Arterial	100 feet	2

Utilities:

The subject tract has municipal water. A state approved septic system is anticipated for this 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	AG	N/A	N/A	Vacant
South	AG/CS	N/A	N/A	Vacant
East	AG	N/A	N/A	Single-Family
West	AG	N/A	N/A	Hwy 75

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Resolution number 98254 dated September 15, 1980, established zoning for the subject property.

***Subject Property: No Relevant History***

***Surrounding Property:***

**CBOA-2570 March 2016:** The County Board of Adjustment **approved** a request for a *special exception* to permit mini-storage (Use Unit 16) in the CS District subject to the two buildings adjacent to the entrance and the far southwest building having a masonry wainscot with stucco fascia above the masonry, on property located at on the northeast corner of East 96<sup>th</sup> Street North and North Highway 75 and abutting the subject property.

**CZ-444 September 2015:** A request for rezoning a 14.74± acre tract of land from AG to CG to allow for a mini-storage facility (see CBOA-2570) on property located on the northwest corner of North Yale Avenue and East 96<sup>th</sup> Street North. All concurred in **approval** of the CS zoning for the western half of the property as measured along the north property line of CZ-444 and recommended **denial** of the CS zoning for the eastern portion of the property.

**CBOA-2414 December 2011:** The County Board of Adjustment **approved** a request for a *special exception* to permit a mobile home dwelling in an R District, subject to a time limit of 5 years from the date of the issued permit; and approved a variance to permit a second dwelling unit per lot of record in an R district, on property located at east of the southeast corner of East 96<sup>th</sup> Street North and North Highway 75.

**CZ-357/ PUD-715 July 2005:** All concurred in **approval** of a request for rezoning a 9.6± acre tract of land from AG to RE/CS and a proposed Planned Unit Development for mechanical and plumbing business and single-family use, on property located west of the southwest corner East 96<sup>th</sup> Street North and Highway 75 North.

**CBOA-1841 April 2001:** The County Board of Adjustment **approved** a request for a *special exception* to permit mini-storage (Use Unit 16) in the CS District; and a *special exception* to permit a dwelling unit in a CS district to provide security for a mini-storage, on property located at west of the northwest corner of East 96<sup>th</sup> Street North and North Highway 75.

**CZ-264 May 2000:** A request was made for rezoning a 3.8± acre tract of land from RS to CS, for a min-storage facility, on property located on the northwest corner of East 96<sup>th</sup> Street North and North Highway 75. All concurred in **approval** of CS zoning on the south 150' of the subject tract and **denial** of CS on the remainder of the tract.

**CBOA-1492 March 1997:** The County Board of Adjustment **approved** a request for a *special exception* to permit a 150' PCS monopole antenna in an AG district. SECTION 220. HEIGHT EXCEPTIONS – Use 4; subject to the 150' PCS monopole antenna being located as specified by the applicant; subject to the removal if abandoned for 180 days; subject to the monopole tower being designed for collocation; finding that the approval of this application will not be injurious to the neighborhood on property located north of the northwest corner of North Yale Avenue and East 96<sup>th</sup> Street North.

**CBOA-1389 November 1995:** The County Board of Adjustment **denied** a request for a *variance* of lot area from 2 acres to 1.18 acres, and land area from 2.2 acres to 1.77 acres on Tract A; a *variance* of lot area from 2 acres to 1.42 acres and land area from 2.2 acres to 1.77 acres on Tract B – SECTION 330 BULK AND AREA REQUIREMENTS IN THE AGRICULTURAL DISTRICTS on property located on the northeast corner of North Yale Avenue and East 96<sup>th</sup> Street North.

**CZ-56 August 1982:** A request for rezoning a 60± acre tract of land from RE and CS to RMH on property located in the northwest corner of East 96<sup>th</sup> Street North and North Highway 75 was filed. The applicant amended the request by re-

advertising for a change from RE and CS to RS. All concurred in **approval** of the requested RS zoning, leaving the CS portion of the tract.

**CZ-29 August 1981:** A request for rezoning a 60± acre tract of land from RE to CG and RMH on property located in the northwest corner of East 96<sup>th</sup> Street North and North Highway 75 was filed. All concurred in **approval** of rezoning the 10 acres at the immediate intersection on the southeast corner of the tract to CS and **denial** of the balance.

**CZ-7 February 1981:** All concurred in **denial** of a request for rezoning a 5± acre tract of land from RE to IM for a concrete ready mix plant, on property located on the northwest corner of East 96<sup>th</sup> Street North and North Highway 75.

**The applicant was not present.**

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

#### **TMAPC COMMENTS:**

Mr. Dix asked staff what was different about this application than an earlier application that was denied by Planning Commission.

Staff answered the previous applicant was requesting CG, the location was different and there was a lot of opposition.

Mr. Dix stated he still believes that is not a great intersection for RV crossing. He also stated in the previous application the access was on to 106<sup>th</sup> Street North and this applicant shows access on North Yale Avenue. Mr. Dix stated North Yale Avenue is a two lane barely asphalt road.

Mr. Dix made a motion to deny the application, hearing no seconds the motion fails.

#### **TMAPC Action; 9 members present:**

On **MOTION** of **MILLIKIN**, TMAPC voted 7-2-0 (Covey, Doctor, Fretz, Krug, Millikin, Reeds, Shivel, “aye”; Dix, Fothergill, “nays”; none “abstaining”; Carnes, Walker, “absent”) to **DENY** the request for CG zoning and **APPROVE** CZ-464 rezoning from AG to CS per staff recommendation.

#### **Legal Description of CZ-464:**

N/2 SE SE LESS BEG 660N SWC SE TH N APPR 660 E APPR 251 S ALG CRV LF 130.64 SW ALG CRV RT APPR 531.12 W APPR 220.05 POB FOR HWY SEC 16 21 13 16.478ACS, City of Tulsa, Tulsa County, State of Oklahoma

\* \* \* \* \*

Items 26 and 27 were presented together

26. **CZ-465 Earl Holcomb** (County) Location: West of the northwest corner of West 2<sup>nd</sup> Street South and North Industrial Avenue requesting rezoning from **RS** to **CS** (Related to CZ-465 Plat Waiver)

**STAFF RECOMMENDATION:**

**SECTION I: CZ-465**

**DEVELOPMENT CONCEPT:**

The applicant has requested CS zoning in order to permit metal building sales on the site. They have indicated that the site would be used for display and sales only and not for construction of buildings.

**DETAILED STAFF RECOMMENDATION:**

CS zoning is non injurious to the existing proximate properties and;

CS is consistent with the City of Sand Springs Comprehensive Plan;

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

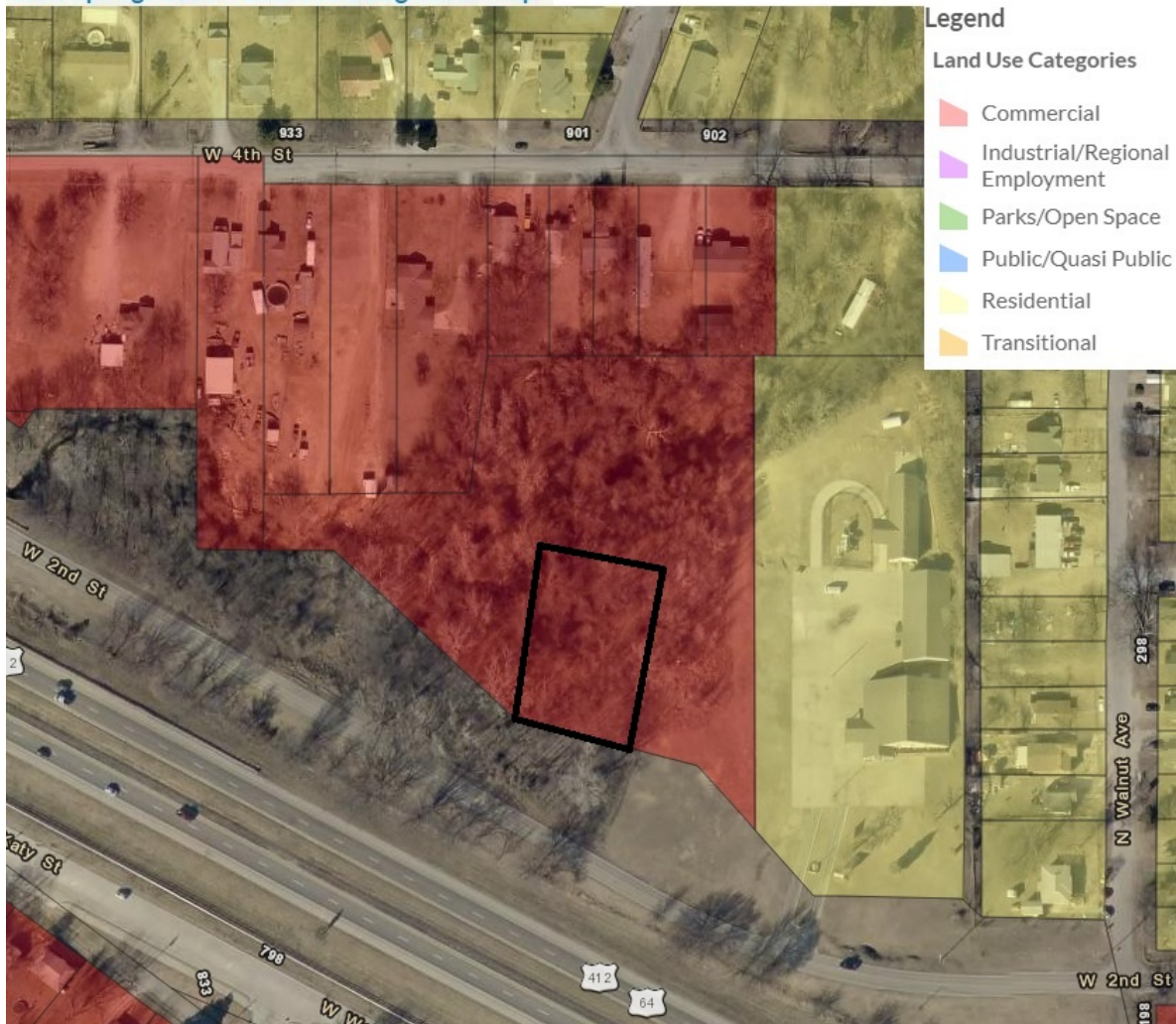
**Staff recommends Approval of CZ-465 to rezone property from RS to CS.**

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: The subject parcel is located within the Commercial designation of the City of Sand Springs 2030 Comprehensive Plan. The plan lists CS as one of the zoning districts that are best suited for the Commercial District.*

### Sand Springs 2030 - Land Use Designation Map



#### Land Use Vision:

*Land Use Plan map designation:* Commercial District (City of Sand Springs 2030 Comprehensive Plan)

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

#### Transportation Vision:

*Major Street and Highway Plan:* W 2<sup>nd</sup> St does not have a MSHP designation in this area.

*Trail System Master Plan Considerations:* The site is located across Hwy 64/412 from the Katy Trail.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The site is currently vacant, forested land.*

Environmental Considerations: A small portion of the northwest corner of the lot, approximately 800 sf in area, lies within the Tulsa County 100 year flood plain. The applicant will need to work with Tulsa County to mitigate any flood issues if development is proposed for the small area within the flood plain.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West 2 <sup>nd</sup> Street	None	None	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	CS	Commercial (Sand Springs 2030)	N/A	Vacant
South	RS	None	N/A	Vacant / ODOT ROW
East	CS	Commercial (Sand Springs 2030)	N/A	Vacant
West	RS	Commercial (Sand Springs 2030)	N/A	Vacant

**SECTION III: Relevant Zoning History**



**ZONING ORDINANCE:** Resolution number 98254 dated September 15, 1980, established zoning for the subject property.

***Subject Property:***

No relevant history.

***Surrounding Property:***

No relevant history.

**TMAPC COMMENTS:**

Mr. Fothergill asked staff if there was a way to prohibit the applicant from building the storage building on the site.

Staff answered “no”, they can do what uses are allowed by right.

Mr. Dix asked staff the owner of the subject property is also the owner of the adjacent property.

Staff answered “no”.

Mr. Dix asked where the access would be to the subject property.

Staff answered the access is off 2<sup>nd</sup> Street. It is the same as the church access.

**Applicant's Comments:**

**Earl Holcomb** 494 New Prue Road, Sand Springs, OK

Mr. Holcomb stated he is the pastor of the church adjacent to the subject property and the two properties are almost joined. The church and the subject property access is the same.

Mr. Dix asked if the church owns the subject property.

Mr. Holcomb answered “no” he owned the subject property.

Mr. Dix asked who owns the church property.

Mr. Holcomb stated the church board.

Dr. Dix stated he was concerned about access if there are two properties sharing access and they have two different property owners. Mr. Dix asked if there was an access agreement with the church.



Mr. Holcomb stated he would say yes, he had not asked the church but he was the pastor of the church and on the board.

Mr. Dix asked Ms. VanValkenburgh if he was overstepping the access issue. Ms. VanValkenburgh answered she would be more concerned if there was limited access from the ODOT right of way. Ms. VanValkenburgh asked Mr. Holcomb if he had a point of access at that location.

Mr. Holcomb stated he did not know the church had been there 23 years.

Mr. Foster stated in conjunction with this rezoning application staff reviewed the plat waiver application as well and that included a TAC review with the County Engineers present at the meeting. That topic was brought up at the meeting and the County Engineer eluded to the County giving access to that road that is in the state right of way but is not an actual state highway, it's a county road located in their right of way.

Mr. Dix stated it's not a ODOT controlled access its County controlled access.

Mr. Foster answered "yes".

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

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Covey, Dix, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Shivel, "aye"; no "nays"; none "abstaining"; Carnes, Walker, "absent") to **APPROVE** CZ-465 rezoning per staff recommendation.

**Legal Description of CZ-465:**

BG 213.87 N & 413.31 W SWC BLK 5 HALLS 1ST NW 140 NE 200 SE 140.35 SW 209.94 TO BG SEC 10-19-11, City of Tulsa, Tulsa County, State of Oklahoma

\* \* \* \* \*

27. **CZ-465 Plat Waiver** (County) Location: West of the northwest corner of West 2<sup>nd</sup> Street South and North Industrial Avenue (Related to CZ-465)

**STAFF RECOMMENDATION:**

The platting requirement for this property is being triggered by a rezoning request (CZ-465) to rezone the property from RS to CS. The property owner has indicated that no immediate development of the property is proposed and that the intent of the rezoning is to permit metal building sales on the site.

The Technical Advisory Committee met on November 16, 2017 and the following items were determined:

1. All required right-of-way has been dedicated and is in place.
2. Necessary easements and utilities are all in place and no additional easements will be needed at this time.
3. No further subdivision of the property is proposed at this time.
4. The property has a minor amount of floodplain present in the far northeast corner. Development will be restricted within the floodplain.

Staff recommends **approval** of the plat waiver with the following condition:  
Per the Subdivision Regulations, plat waivers granted on unplatted properties will require the filing of a current ALTA/ACSM/NSPS survey with the County Clerk's office.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Covey, Dix, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Shivel, "aye"; no "nays"; none "abstaining"; Carnes, Walker, "absent") to **APPROVE** CZ-465 Plat Waiver per staff recommendation.

\* \* \* \* \*

Items 28, 29, 30 and 31 were presented together.

28. **Z-7426 Capital Homes Residential Group, LLC** (CD 1) Location: Northwest corner of East Latimer Street and North Boston Avenue requesting rezoning from **RM-3/CS/PUD-786** to **RS-5** (Related to PUD-786-A, Z-7427 and Z-7426/Z-7427/PUD-786-A Plat Waiver)

**STAFF RECOMMENDATION:**

**SECTION I: Z-7426**

**DEVELOPMENT CONCEPT:**

The current zoning was a PUD prepared anticipating development of a senior living center however the center was never constructed. The site is immediately north of the Emmerson elementary site that is being renovated and expanded. The proposal is to construct detached houses on the original lot configuration.

## **DETAILED STAFF RECOMMENDATION:**

Case Z-7426 requesting RS-5 zoning is consistent with the expected development pattern in the area and,

RS-5 zoning is non-injurious to the surrounding property owners and,

RS-5 zoning is consistent with the Tulsa Comprehensive Plan and,

RS-5 zoning is consistent with the Unity Heritage Neighborhoods Plan therefore,

**Staff recommends Approval of Z-7426 to rezone property from RM-3, CS, PUD-786/ to RS-5.**

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The abandonment of the PUD and rezoning are consistent with the Existing Neighborhood designation in the Tulsa Comprehensive Plan and the rezoning request is consistent with the anticipated redevelopment of the area identified in the Unity Heritage Neighborhoods Plan.*

### Land Use Vision:

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

The Existing 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 that affect the site.

*Trail System Master Plan Considerations:* None that affect the site

Sector Plan: Unity Heritage Neighborhoods Plan adopted November 2016

The neighborhood plan was recently adopted with seven goals in the implementation action matrix that are important to this redevelopment opportunity. Emerson school redevelopment was not specifically identified as a growth opportunity area however redevelopment of this school site along with Tulsa Development Authority collaboration has provided an opportunity to help transform and revitalize neighborhoods most impacted by vacancy or poor maintenance as identified in goal 3.

Special District Considerations: None

Historic Preservation Overlay:

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: All parcels included in the RS-5 zoning request are vacant. The lot configuration of the original Burgess Hill Addition has been manipulated over the years for purposes that are no longer valid. The developer has begun preparation of lot splits and lot combination to assemble the lots back to the original Burgess Hill lot configuration with an alley on the block.*

Environmental Considerations: None that might affect site redevelopment.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North Boston Avenue	None	50 feet	2
East Latimer Street	None	50 feet	2
North Main Street	Residential Collector	60 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-4	Existing Neighborhood	Stability	Single Family Residential
East	RS-4	Existing Neighborhood	Stability	Single Family Residential
South	RS-4	Existing Neighborhood	Stability	Tulsa Public School Emmerson Elementary
West	RS-4/CS	Existing Neighborhood	Stability	3 story multifamily and single family residential

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11918 dated September 1, 1970, established zoning for the subject property.

***Subject Property:***

**Z-7179 September 2011:** All concurred in **approval** of a request for rezoning a 2.32± acre tract of land from RS-3/CS to RM-3/CS on property located north and east of the northeast corner of East Latimer Street and North Main Street on the subject property.

**Z-7178 September 2011:** All concurred in **approval** of a request for rezoning a .315± acre tract of land from RS-4 to RM-3/CS on property located north of the northeast corner of East Latimer Street and North Main Street on the subject property.

**PUD-786 September 2011:** All concurred in **approval** of a proposed Planned Unit Development on a 2.63± acre tract of land for on property located north and east of the northeast corner of East Latimer Street and North Main Street on the subject property.

**Z-6373 October 1992:** All concurred in **approval** of a request for rezoning a 195± acre tract of land from RM-2 to RS-4 on property located north of the northeast corner of East Latimer Street and North Main Street on the subject property as part of a larger blanket rezoning study.

***Surrounding Property:***

**PUD-727 March 2006:** All concurred in **approval** of a request for rezoning a 7.6± acre tract of land from RS-4 to RS-4/PUD-727 on property fronting North Cincinnati Avenue between East Oklahoma Street and East Latimer Place, east of the subject property.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Covey, Dix, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Shivel, "aye"; no "nays"; none "abstaining"; Carnes, Walker, "absent") to **APPROVE** Z-7426 rezoning from RM-3/CS/PUD-786 to RS-5 per staff recommendation.

**Legal Description of Z-7426:**

ALL OF LOTS ONE (1) THROUGH SIX (6), IN BLOCK EIGHTEEN (18), BURGESS HILL ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

AND

ALL OF LOTS FOUR (4) THROUGH SEVEN (7), BLOCK EIGHT (8), POWDER AND POMEROY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF;

AND

ALL OF LOTS THREE (3) THROUGH SEVEN (7), BLOCK FOUR (4), POWDER AND POMEROY SECOND ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF;

AND

A TRACT OF LAND BEING A PART OF A VACATED ALLEY IN BLOCK EIGHTEEN (18), BURGESS HILL ADDITION, AND BLOCK EIGHT (8), POWDER AND POMEROY ADDITION, AND BLOCK FOUR (4), POWDER AND POMEROY SECOND ADDITION, ALL IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLATS THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT THREE (3), BLOCK FOUR (4), POWDER AND POMEROY SECOND ADDITION; THENCE SOUTH 01°04'54" EAST AND ALONG THE WEST LINE OF SAID BLOCK 4 IN POWDER AND

POMEROY ADDITION AND THE WEST LINE OF LOTS 1 THROUGH 6, BLOCK 18 IN BURGESS HILL ADDITION, FOR A DISTANCE OF 513.40 FEET TO THE SOUTHWEST CORNER OF LOT 6, IN SAID BLOCK 18; THENCE SOUTH 88°55'06" WEST AND PERPENDICULAR TO SAID WEST LINE, FOR A DISTANCE OF 14.00 FEET TO THE SOUTHEAST CORNER OF LOT 7, IN SAID BLOCK 18; THENCE NORTH 01°04'54" WEST AND ALONG THE EAST LINE OF LOTS 7 THROUGH 10, IN SAID BLOCK 18, FOR A DISTANCE OF 195.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 10, BLOCK 18; THENCE NORTH 88°55'06" EAST AND PERPENDICULAR TO SAID EAST LINE, FOR A DISTANCE OF 7.00 FEET; THENCE NORTH 01°04'54" WEST AND PARALLEL WITH SAID EAST LINE, FOR A DISTANCE OF 98.40 FEET; THENCE SOUTH 88°55'06" WEST AND PERPENDICULAR TO SAID EAST LINE, FOR A DISTANCE OF 7.00 FEET TO THE SOUTHEAST CORNER OF LOT 7, BLOCK 8, POWDER AND POMEROY ADDITION; THENCE NORTH 01°04'54" WEST AND ALONG THE EAST LINE OF LOTS 5 THROUGH 7, IN SAID BLOCK 8, FOR A DISTANCE OF 128.00 FEET TO THE NORTHEAST CORNER OF LOT 5, SAID BLOCK 8; THENCE NORTH 88°55'06" EAST AND PERPENDICULAR TO THE EAST LINE OF SAID BLOCK 8, FOR A DISTANCE OF 7.00 FEET; THENCE NORTH 01°04'54" WEST AND PARALLEL WITH SAID EAST LINE, FOR A DISTANCE OF 92.00 FEET; THENCE NORTH 88°55'06" EAST AND PERPENDICULAR TO SAID EAST LINE, FOR A DISTANCE OF 7.00 FEET TO THE POINT OF BEGINNING;

\* \* \* \* \*

29. **Z-7427 Capital Homes Residential Group, LLC** (CD 1) Location: Northeast corner of North Main Street and East Latimer Street requesting rezoning from **RM-3/CS/PUD-786** to **MX2-U-45** (Related to PUD-786-A, Z-7427 and Z-7426/Z-7427/PUD-786-A Plat Waiver)

**STAFF RECOMMENDATION:**

**SECTION I: Z-7427**

**DEVELOPMENT CONCEPT:**

The current zoning was a PUD which was prepared anticipating development of a senior living center however the center was never constructed. The site is immediately north of Tulsa public school (Emerson elementary) that is being renovated and expanded. The application submitted includes proposal for MX2 zoning district however our correspondence seems to reference MX-1 zoning as recommended by staff. MX1-U-45 will replace CS zoning at the southwest

corner of the PUD. MX-1 uses are intended to accommodate small scale retail, service, and dining uses that serve nearby residential neighborhoods. The district also allows a variety of residential uses and building types.

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

After several meetings with staff the applicant submitted a request for MX2 zoning. As the project concept has refined we have had further discussions with the applicant and determined that MX1 is the appropriate request at this location and still supports the goals of the Tulsa Development Authority and the developer.

Case Z-7427 requesting MX2-U-45 zoning may allow some uses that are not consistent with the expected development pattern in the area however MX1-U-45 removes those concerns and,

MX1-U-45 zoning is non-injurious to the surrounding property owners and,

MX1-U-45 zoning is consistent with the Tulsa Comprehensive Plan and,

MX1-U-45 zoning is consistent with the Unity Heritage Neighborhoods Plan therefore,

**Staff recommends Approval of Z-7427 to rezone property from RM-3,CS to MX1-U-45.**

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

##### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The abandonment of the PUD and rezoning are consistent with the Existing Neighborhood designation in the Tulsa Comprehensive Plan and the rezoning request is consistent with the anticipated redevelopment of the area identified in the Unity Heritage Neighborhoods Plan.*

##### Land Use Vision:

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

The Existing 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 that affect the site.

*Trail System Master Plan Considerations:* None that affect the site

Sector Plan: Unity Heritage Neighborhoods Plan adopted November 2016

The neighborhood plan was recently adopted with seven goals in the implementation action matrix that are important to this redevelopment opportunity. Emerson school redevelopment was not specifically identified as a growth opportunity area however redevelopment of this school site along with Tulsa Development Authority collaboration has provided an opportunity to help transform and revitalize neighborhoods most impacted by vacancy or poor maintenance as identified in goal three.

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: Two of the lots contained in the MX1-U zoning recommendation contain single family residential homes, two lots are vacant. All parcels included in the abutting RS-5 zoning request are vacant. The lot configuration of the original Burgess Hill Addition is largely the same as originally platted. The developer has begun preparation of lot splits and lot combination to reconfigure the lots back to the original Burgess Hill lot configuration. The plat was filed in 1909 with lots that are consistent with MX1-U zoning lot and building regulations and with the concurrent RS-5 zoning request abutting this site.

Environmental Considerations: None that might affect site redevelopment.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North Boston Avenue	None	50 feet	2
East Latimer Street	None	50 feet	2
North Main Street	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	RS-4	Existing Neighborhood	Stability	Single Family Residential
East	RS-4	Existing Neighborhood	Stability	Single Family Residential
South	RS-4	Existing Neighborhood	Stability	Tulsa Public School Emmerson Elementary
West	RS-4/CS	Existing Neighborhood	Stability	3 story multifamily and single family residential

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11918 dated September 1, 1980, established zoning for the subject property.

***Subject Property:***

**Z-7179 September 2011:** All concurred in **approval** of a request for rezoning a 2.32± acre tract of land from RS-3/CS to RM-3/CS on property located north and

east of the northeast corner of East Latimer Street and North Main Street on the subject property.

**Z-7178 September 2011:** All concurred in **approval** of a request for rezoning a .315± acre tract of land from RS-4 to RM-3/CS on property located north of the northeast corner of East Latimer Street and North Main Street on the subject property.

**PUD-786 September 2011:** All concurred in **approval** of a proposed Planned Unit Development on a 2.63± acre tract of land for on property located north and east of the northeast corner of East Latimer Street and North Main Street on the subject property.

**Z-6373 October 1992:** All concurred in **approval** of a request for rezoning a 195± acre tract of land from RM-2 to RS-4 on property located north of the northeast corner of East Latimer Street and North Main Street on the subject property as part of a larger blanket rezoning study.

***Surrounding Property:***

**PUD-727 March 2006:** All concurred in **approval** of a request for rezoning a 7.6± acre tract of land from RS-4 to RS-4/PUD-727 on property fronting North Cincinnati Avenue between East Oklahoma Street and East Latimer Place, east of the subject property.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Covey, Dix, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Shivel, "aye"; no "nays"; none "abstaining"; Carnes, Walker, "absent") to **APPROVE** Z-7427 rezoning from RM-3/CS/PUD-786-A to MX1-U-45 per staff recommendation.

**Legal Description of Z-7427:**

LT 10 BLK 18; LT-9-BLK-18; LT-8-BLK-18; W/2 LT 7 BLK-18; E/2 LT 7 BLK 18, BURGESS HILL ADDN, City of Tulsa, Tulsa County, State of Oklahoma

\* \* \* \* \*

30. **PUD-786-A Capital Homes Residential Group, LLC** (CD 1) Location: Northwest corner of East Latimer Street and North Boston Avenue requesting

to **Abandonment of PUD-786** (Related to Z-7426, Z-7427 and Z-7426/Z-7427/PUD-786-A Plat Waiver)

**STAFF RECOMMENDATION:**

**SECTION I: PUD-786-A**

**DEVELOPMENT CONCEPT:**

The current zoning was a PUD which was prepared anticipating development of a senior living center however the center was never constructed. The site is immediately north of the Emerson elementary site that is being renovated and expanded. The proposal is to construct detached houses on the original lot configuration and will include a request for Mixed Use zoning to replace CS zoning at the southwest corner of the PUD.

**DETAILED STAFF RECOMMENDATION:**

PUD 786-A will abandon the PUD that was prepared anticipating a senior living center and remove any development restrictions except what will remain either the existing underlying zoning districts or the proposed rezoning. Abandonment of the PUD is non-injurious to the surrounding property owners and,

The underlying zoning or the anticipated rezoning is consistent with the Tulsa Comprehensive Plan and,

The underlying zoning or the anticipated rezoning is consistent with the Unity Heritage Neighborhoods Plan therefore,

**Staff recommends approval of PUD 786-A which will abandon PUD 786 with or without the related zoning request.**

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: The abandonment of the PUD and rezoning are consistent with the Existing Neighborhood designation in the Tulsa Comprehensive Plan and the rezoning request is consistent with the anticipated redevelopment of the area identified in the Unity Heritage Neighborhoods Plan. If for any reason the related zoning request are not approved the abandonment request of the existing PUD is appropriate at this location.*

**Land Use Vision:**

*Land Use Plan map designation: Existing Neighborhood*

The Existing 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 that affect the site.

*Trail System Master Plan Considerations:* None that affect the site

Sector Plan: Unity Heritage Neighborhoods Plan adopted November 2016

The neighborhood plan was recently adopted with seven goals in the implementation action matrix that are important to this redevelopment opportunity. Emerson school redevelopment was not specifically identified as a growth opportunity area however redevelopment of this school site along with Tulsa Development Authority collaboration has provided an opportunity to help transform and revitalize neighborhoods most impacted by vacancy or poor maintenance as identified in goal 3.

Special District Considerations: None

Historic Preservation Overlay:

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: Two lots facing North Main Street which are included in the PUD abandonment request have single family residential homes. The remainder of the lots are vacant. The lot configuration of the original Burgess Hill Addition has been manipulated over the years for purposes that are no longer valid. The developer has begun preparation of lot splits and lot combination to assemble the lots back to the original Burgess Hill lot configuration with an alley on the block.*

Environmental Considerations: None that might affect site redevelopment.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North Boston Avenue	None	50 feet	2
East Latimer Street	None	50 feet	2
North Main Street	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	RS-4	Existing Neighborhood	Stability	Single Family Residential
East	RS-4	Existing Neighborhood	Stability	Single Family Residential
South	RS-4	Existing Neighborhood	Stability	Tulsa Public School Emmerson Elementary
West	RS-4/CS	Existing Neighborhood	Stability	3 story multifamily and single family residential

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

**ZONING ORDINANCE:** Ordinance number 11918 dated September 1, 1980, established zoning for the subject property.

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

**Z-7179 September 2011:** All concurred in **approval** of a request for rezoning a 2.32± acre tract of land from RS-3/CS to RM-3/CS on property located north and east of the northeast corner of East Latimer Street and North Main Street on the subject property.

**Z-7178 September 2011:** All concurred in **approval** of a request for rezoning a .315± acre tract of land from RS-4 to RM-3/CS on property located north of the northeast corner of East Latimer Street and North Main Street on the subject property.

**PUD-786 September 2011:** All concurred in **approval** of a proposed Planned Unit Development on a 2.63± acre tract of land for on property located north and east of the northeast corner of East Latimer Street and North Main Street on the subject property.

**Z-6373 October 1992:** All concurred in **approval** of a request for rezoning a 195± acre tract of land from RM-2 to RS-4 on property located north of the northeast corner of East Latimer Street and North Main Street on the subject property as part of a larger blanket rezoning study.

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

**PUD-727 March 2006:** All concurred in **approval** of a request for rezoning a 7.6± acre tract of land from RS-4 to RS-4/PUD-727 on property fronting North Cincinnati Avenue between East Oklahoma Street and East Latimer Place, east of the subject property.

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

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

#### **TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Covey, Dix, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Shivel, "aye"; no "nays"; none "abstaining"; Carnes, Walker, "absent") to **APPROVE** PUD-786-A per staff recommendation.

#### **Legal Description of PUD-786-A:**

ALL OF LOTS ONE (1) THROUGH TEN (10), IN BLOCK EIGHTEEN (18),  
BURGESS HILL ADDITION TO THE CITY OF TULSA, TULSA COUNTY,

STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

**AND** ALL OF LOTS FIVE (5) THROUGH SEVEN (7), BLOCK EIGHT (8), POWDER AND POMEROY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

**AND** ALL OF LOTS THREE (3) THROUGH SEVEN (7), BLOCK FOUR (4), POWDER AND POMEROY SECOND ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

**AND** A TRACT OF LAND BEING A PART OF A VACATED ALLEY IN BLOCK EIGHTEEN (18), BURGESS HILL ADDITION, AND BLOCK EIGHT (8), POWDER AND POMEROY ADDITION, AND BLOCK FOUR (4), POWDER AND POMEROY SECOND ADDITION, ALL IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLATS THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT THREE (3), BLOCK FOUR (4), POWDER AND POMEROY SECOND ADDITION; THENCE SOUTH 01°04'54" EAST AND ALONG THE WEST LINE OF SAID BLOCK 4 IN POWDER AND POMEROY ADDITION AND THE WEST LINE OF LOTS 1 THROUGH 6, BLOCK 18 IN BURGESS HILL ADDITION, FOR A DISTANCE OF 513.40 FEET TO THE SOUTHWEST CORNER OF LOT 6, IN SAID BLOCK 18; THENCE SOUTH 88°55'06" WEST AND PERPENDICULAR TO SAID WEST LINE, FOR A DISTANCE OF 14.00 FEET TO THE SOUTHEAST CORNER OF LOT 7, IN SAID BLOCK 18; THENCE NORTH 01°04'54" WEST AND ALONG THE EAST LINE OF LOTS 7 THROUGH 10, IN SAID BLOCK 18, FOR A DISTANCE OF 195.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 10, BLOCK 18; THENCE NORTH 88°55'06" EAST AND PERPENDICULAR TO SAID EAST LINE, FOR A DISTANCE OF 7.00 FEET; THENCE NORTH 01°04'54" WEST AND PARALLEL WITH SAID EAST LINE, FOR A DISTANCE OF 98.40 FEET; THENCE SOUTH 88°55'06" WEST AND PERPENDICULAR TO SAID EAST LINE, FOR A DISTANCE OF 7.00 FEET TO THE SOUTHEAST CORNER OF LOT 7, BLOCK 8, POWDER AND POMEROY ADDITION; THENCE NORTH 01°04'54" WEST AND ALONG THE EAST LINE OF LOTS 5 THROUGH 7, IN SAID BLOCK 8, FOR A DISTANCE OF 128.00 FEET TO THE NORTHEAST CORNER OF LOT 5, SAID BLOCK 8; THENCE NORTH 88°55'06" EAST AND PERPENDICULAR TO THE EAST LINE OF SAID BLOCK 8, FOR A DISTANCE OF 7.00 FEET; THENCE NORTH 01°04'54" WEST AND PARALLEL WITH SAID EAST LINE, FOR A DISTANCE OF 92.00 FEET; THENCE NORTH 88°55'06" EAST AND PERPENDICULAR TO SAID EAST LINE, FOR A DISTANCE OF 7.00 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 114,586.79 SQUARE FEET, OR 2.631 ACRES, MORE OR LESS.



\* \* \* \* \*

31. **Z-7426/Z-7427/PUD-786-A Plat Waiver** (CD 1) Location: Northeast corner of North Main Street and East Latimer Street (Related to Z-7426, Z-7427 and PUD-786-A)

**STAFF RECOMMENDATION:**

The platting requirement for this property is being triggered by a rezoning request (Z-7426 & Z-7427) and an abandonment of an existing Planned Unit Development. The property is currently zoned RM-3 and CS. The property owner has proposed RS-5 on the majority of the property with MX2-U-45 at the hard corner of E Latimer St. & N. Main St. The intent of the zoning change is to align the zoning with the underlying plat and ensure conformance of lots for single-family residential uses.

The Technical Advisory Committee met on November 16, 2017 and the following items were determined:

1. The property is previously platted under the Burgess Hill and Pouder & Pomeroy subdivision plats. The existing plats align with the proposed zoning and comply with all lot requirements.
2. Utilities are all available and no main line extensions are required.
3. Required right-of-way dedications have all been made by previous plat.
4. Lots proposed for MX zoning will be required to be combined if development is proposed across current lot lines.
5. Detention easements may be required by the City of Tulsa at the time of development.

Staff recommends **approval** of the plat waiver.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Covey, Dix, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Shivel, "aye"; no "nays"; none "abstaining"; Carnes, Walker, "absent") to **APPROVE** Z-7426/Z-7427/PUD-786-A Plat Waiver per staff recommendation.

\* \* \* \* \*

32. **Z-7410 Tanner Consulting, INC/Erik Enyart** (CD 8) Location: North of the northeast corner of South Delaware Avenue and East 116<sup>th</sup> Street South requesting rezoning from **AG/RDO-3** to **RS-3/RDO-3** with optional development plan.

**STAFF RECOMMENDATION:**

**SECTION I: Z-7410**

**APPLICANTS DEVELOPMENT CONCEPT:**

Development plans are required with some property owner-initiated rezoning and are optional with other property owner initiated rezoning. The purpose is to depict a property owner's generalization plan for the type, amount and character of development proposed on the subject property. By providing certainty about development proposals, development plans provide review and decision-making bodies with additional information on which to base a rezoning decision.

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

Z-7410 with the optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in an RS-3 zoning district and its supplemental regulations except as further refined below. All uses categories, building types, subcategories or specific uses outside of the permitted uses defined below are prohibited.

Permitted Use Categories

- 1) Residential
  - a. Single household

Permitted Building Types

- 1) Residential
  - a. Single household
    - i. Detached House (all building types except detached houses are prohibited)

Maximum Number of Single households shall not exceed 49.

Minimum Lot Area shall not be less than 9000 square feet.

Development Design:

The final layout and design (subdivision plat) of the single-family subdivision will be in substantial compliance with optional development plan exhibit "A" attached.

**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 with the optional development plan is consistent with the expectations expressed by the City Council and 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 with the optimal development standards outlined in section II above.**

### **SECTION III: 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:

<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-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 IV: 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 116<sup>th</sup> 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 111<sup>th</sup> 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 116<sup>th</sup> 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. 11<sup>th</sup> 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 106<sup>th</sup>.

**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.

**TMAPC COMMENTS:**

Mr. Dix asked staff what was the house size.

Staff answered the house size would still be limited by the standards in the zoning code.

Mr. Covey asked staff what the minimum lot size would be under RS-1.

Staff answered 13,500 square feet.

Mr. Covey stated under RS-1 minimum lot size would be 13,500 sq. ft. and with the optional development plan it would be 9000 sq. ft.

Staff stated "correct".

Mr. Covey stated under straight RS-3 what would be the minimum lot size.

Staff answered, "6900 sq. ft.".

### **INTERESTED PARTIES:**

**Stephen Capron** 3022 East 115<sup>th</sup> Street, Tulsa, OK 74137

Mr. Capron stated his house borders the proposed development. Mr. Capron stated he could speak for almost everyone in his neighborhood, they are not opposed to development but are opposed to the development proposed here today. Mr. Capron stated even with the optional development plan there is still a lot of flexibility for this property to be dramatically different than the surrounding properties. Mr. Capron stated the first time the proposed development was before the Planning Commission the votes were split on approval for RS-3. The City Council did not approve the RS-3 and the overwhelming nature of the objection is the consistency with this proposed development to the surrounding area. Mr. Capron stated the area is surrounded by RS-1 and RS-2 and the RS-3 would create a different appearance and the home values would be different. He stated smaller homes and smaller lots would influence everything in the neighborhood. Mr. Capron stated at the City Council meeting the developer stated the proposed development was very close to RS-2 but what he never heard was why it couldn't be RS-2. Mr. Capron stated having met with the residents in the neighborhood he knows RS-2 would be accepted. Mr. Capron stated the preference of the neighbors would be to approve RS-2 and if it must be RS-3 with an optional development plan, the neighbors would like the restrictions to be enough to maintain some continuity along the properties and maintain property values.

Mr. Covey asked Mr. Capron if the applicant or developer met with the residents in the area.

Mr. Capron stated the residents had several meetings but he does not recall the developer meeting with residents. He stated there were several HOA meeting that Councilor Lakin attended.

**Celia Bisett** 4032 East 111<sup>th</sup> Street, Tulsa, OK 74137

Ms. Bisett stated she was the only resident who attended the TMAPC meeting where this application was first approved. Ms. Bisett stated after speaking with the homeowners in the area she found out most were not familiar with zoning. She stated the residents saw single family, RS-3 and thought this development will be the same as what is there now. Ms. Bisett stated after speaking with other residents they realized the distinctions between RS-1, RS-2 and RS-3. Ms. Bisett stated there was about 60 residents that attended the City Council meeting. Ms. Bisett stated she thinks the RS-2 is appropriate and it protects the neighbors.

Mr. Covey asked Ms. Bisett if she had talked to the developer.

Ms. Bisett answered after the neighborhood meeting Phil Lakin asked if he could give the names and numbers to the developer. There was discrepancy in the price per square foot and things the developer told Ms. Bisett and what he told other people so she does not trust the developer.

**Applicant's Comments:**

**Ricky Jones** 5323 S Lewis Ave, Tulsa, OK 74105

Mr. Jones stated he represents the developer. Mr. Jones stated Tanner Consulting has done all the zoning and engineering for all the subdivisions around the proposed development. Mr. Jones stated the zoning code at that time consisted of a tool called a PUD and this allowed developers to ask for RS-2 zoning or RS-1 zoning and modify the standards. But when the new zoning code was adopted PUD's were removed and after consulting with staff and asked for straight RS-3 zoning. Mr. Jones stated it was not his intent to build 60-foot-wide lots with 6900 square feet but had no way to do anything but that. Mr. Jones stated the application is in accordance with the Comprehensive Plan and has staff recommendation of approval and was approved at the previous TMAPC meeting and moved on to City Council. Mr. Jones stated before the City Council meeting he prepared a conceptual plan that is specific of how the applicant wants the property developed. Mr. Jones stated he didn't have the conceptual plan at the TMAPC meeting because typically you don't do platting or engineering for a zoning case. The zoning case is based on the merits of the case. Mr. Jones stated at the City Council he was asked to prepare an optional development plan to lock in the development plan enough to show that is what the applicant is going to build. If anything substantially different from that comes up Mr. Jones stated this application would be required to come back to Planning Commission for approval. Mr. Jones stated the reason he did not put lot widths in the application is that those would not be known until engineering is completed. Mr. Jones stated he has prepared a conceptual plan, agreed to a minimum lot size of 9000 square feet, which is the same as RS-2 zoning. He stated the lot size he is shooting for is 70-foot-



wide lots around the perimeter and a row on the interior that would be less than that. Mr. Jones stated this application agrees with The Comprehensive Plan, has staff approval and has been modified to meet City Councils requests. Mr. Jones asks that Planning Commission approve it.

Mr. Reeds asked applicant how many lots were lost because of the rework City Council asked for.

Mr. Jones answered several lots and that is ok because the applicant doesn't want to develop to RS-3 standards.

Mr. Covey asked how many lots would you lose just going with straight RS-2.

Mr. Jones answered, "5".

Mr. Covey asked if there were neighborhood meetings.

Mr. Jones stated the developer talked with people within the neighborhood but no meetings.

Mr. Dix asked what is the difference in lot size between what is being proposed and RS-2.

Mr. Jones answered RS-2 minimum lot size is 9000 square feet and that is what the applicant is proposing in the optional development plan.

Mr. Dix stated if the optional development plan is approved it cannot change.

Mr. Jones stated it can only be amended by returning to Planning Commission.

Mr. Reeds asked Mr. Jones why he didn't do an optional development plan from the beginning.

Mr. Jones stated when he met with staff, he nor staff thought an optional development plan was needed. He stated if he knew one was needed he would have filed it in the beginning.

Ms. Millikin asked if the optional development plan could be amended to state the minimum lot area and the minimum lot area per unit shall not be less than 9000 square feet.

Mr. Jones answered he was ok with that modification to say either lot area or the lot area per unit shall not be less than 9000 square feet.

Ms. Millikin stated or both.

Mr. Jones stated, "yes".

Ms. Millikin stated to confirm also there is no patio homes, town homes, cottage houses or duplexes, only detached single family homes.

Mr. Jones stated "yes".

Ms. Millikin stated 4000 square feet is the open space.

Mr. Jones answered "yes".

Mr. Covey stated as he stated last time this came before Planning Commission, there is RS-2 to the north and RS-2 to the south.

Staff stated there are two items being addressed differently using the RS-3 and that is rear yard setback and the lot width minimum.

**TMAPC Action; 9 members present:**

On **MOTION** of **REEDS**, the TMAPC voted 5-3-1 (Fothergill, Fretz, Krug, Reeds, Shivel, "aye"; Covey, Dix, Doctor, "nays"; Millikin, "abstaining"; Carnes, Walker, "absent") to **APPROVE** Z-7410 rezoning with optional development plan modified to stated lot area or the lot area per unit shall not be less than 9000 square feet and including staff recommendation.

**Legal Description of 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.

\* \* \* \* \*

33. **PUD-744-B City Council/Tim Clark** (CD 9) Location: East of the northeast corner of South Peoria Avenue and East 42<sup>nd</sup> Street South requesting **Abandonment of PUD-744/PUD-744-A**

**STAFF RECOMMENDATION:**

**SECTION I: PUD-744-B**

**DEVELOPMENT CONCEPT:** This request for rezoning is responsive to a City Council initiative to encourage mixed-use development along the proposed bus rapid transit system route. The current zoning on the site is and PUD/RS-3/RM-2. The planning commission recommended approval of rezoning this site and additional property west of the PUD to MX3-U-U.

**DETAILED STAFF RECOMMENDATION:**

PUD-744-B will abandon all of PUD-744. The planning commission recommended approval of MX3-U-U which covered all of this PUD and additional parcels west of this site. The PUD abandonment request was not heard simultaneously. Abandonment of the PUD to support MX3-U-U is consistent with the expected development pattern in the area and,

PUD-744-B is not injurious to the surrounding property owners as long as MX3-U-U is approved at City Council and,

PUD-744-B will allow future development as anticipated by the MX3-U-U zoning which is considered more of a Regional Mixed-Use district and intended to accommodate larger scale development. PUD-744-B along with MX3-U-U zoning is consistent with the Bus Rapid Transit System study and its land use recommendations and,

PUD-744-B to allow development consistent with MX3-U-U zoning is supported by Brookside Infill Plan and,

PUD-744-B to allow development consistent with MX3-U-U zoning is supported by the Mixed-Use Corridor land use vision in the Tulsa Comprehensive Plan therefore

**Staff recommends Approval of PUD 744-B to rezone property from RS-3, RM-2, PUD-744, PUD-744-A / to PUD-744-B anticipating MX3-U-U as the replacement zoning. Staff does not recommend approval of PUD-744-B unless the MX3-U-U is also approved at City Council.**

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: MX3-U-U is consistent with the land use vision in the Tulsa Comprehensive Plan and is also consistent with the goals, objectives and strategies of the Brookside Infill Plan.*

### Land Use Vision:

#### *Land Use Plan map designation: Mixed-Use Corridor*

A Mixed-Use Corridor is a plan category used in areas surrounding Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. The streets usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods.

#### *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 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:* None that affect site development however the Rivertrail system is less than ½ mile from this site. Pedestrian and bicycle connectivity should be an important concept with any new redevelopment opportunity.

##### Small Area Plan: Brookside Infill Design Recommendations (Completed 2002)

Concept statement: “As Tulsa continues to mature as a city, infill development will become more important as land on the perimeter is no longer available for development. Infill will no longer be the exception; it will be the rule in terms of predominant types of development. Support and encouragement of infill development are strongly recommended and should be implemented through City regulations, policies and philosophies in order to ensure quality and consistency in future development”.

Staff comment: *This was a statement from the infill task force prepared by the Mayor's office and the Planning Commission in 1999 and continues to be more relevant today with implementation of the Bus Rapid Transit system and the construction of the Gathering Place. It has taken almost 20 years for the City to adopt zoning categories to support infill development strategies that will encourage design standards and building placement strategies to help create an urban fabric along Peoria from East 36<sup>th</sup> South street to I-44. Many design recommendations were restricted to the street right of way. Some of that has been implemented from 41<sup>st</sup> Street to Crow Creek.*

Peoria from 38<sup>th</sup> Street South to 51<sup>st</sup> Street South (Skelly Drive) Goals:

- A. It is intended that the physical environment and services in the business areas are maintained and enhanced to benefit existing business, as well as to promote and encourage revitalization, redevelopment and reuse of undervalued, vacant lots and obsolete buildings.
- B. Improvements in the area will be made to help provide a continuity of image and to foster an improved emphasis on pedestrians. This is to be accomplished in part by providing sidewalk design and replacement crosswalks at selected locations, streetscape elements and other features will link this area and connect with the other portions of Brookside
- C. The historical context of business development patterns in this area is encouraged to continue, but with the additional emphasis of accommodating pedestrians and linking with the overall Brookside marketplace.
- D. Business in this area along Peoria Avenue and those streets intersecting with Peoria Avenue may develop with buildings constructed nearer to the abutting street property line. Developments with storefront parking should provide no more than one or two rows of double-loaded parking in the front of buildings. Zero-setback from the front property lines is encouraged.
- E. Sufficient parking for all business land uses is intended to be provided for all new development and redevelopment.

Special District Consideration: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is vacant and undeveloped property. The area was included in a PUD that was prepared for a townhome development that never was completed. The PUD abandonment is only appropriate with the MX3-U-U zoning as requested previously.*

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>
South Peoria Avenue	Secondary Arterial with Multi Modal Corridor	100 feet	4 lanes with a center turn lane
East 42 <sup>nd</sup> Street South	None	50 feet	2 lanes
East 41 <sup>st</sup> Place South	None	50 feet	2 lanes with on street parking on the north side of the street

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	PUD/RM-2 and RM-1	Mixed-Use Corridor	Growth	Multi-family and Townhomes
East	RM-2 and RS-3	Mixed-Use Corridor	Growth	Multi-family and single family
South	CH and RS-3	Mixed-Use Corridor and existing neighborhood	Growth along mixed-use corridor / Stability where RS-3 zoned properties abut	Restaurant with drive thru window and single family residential
West	CH	Mixed-Use Corridor	Growth	Commercial and auto repair

**SECTION III: Relevant Zoning History**

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

***Subject Property:***

**Z-7422 November 15, 2017:** Planning Commission recommended approval for MX3-U-U zoning on this tract. Z-7422 included property outside PUD 744-A. City Council has not heard that zoning request at the time this report was prepared.

**PUD-744-A March 2009:** All concurred in **approval** of a proposed Major Amendment to PUD on a 2± acre tract of land to amend the standards to allow for 14 single-family patio homes, on property located east of the northeast corner of east 42<sup>nd</sup> Place and south Peoria avenue and the subject property.

**PUD-744 September 2007:** All concurred in **approval** of a proposed Planned Unit Development on a 1.97± acre tract of land for town house development with 25 units on property located east of the northeast corner of east 42<sup>nd</sup> Place and south Peoria avenue and the subject property.

**BOA-20356 October 2006:** The Board of Adjustment **approved** a *special exception* to permit a bar (Use Unit 12a) on a lot within 150' of an R district (Section 701), with conditions for no outside activity on the east but parking; the special exception would be permitted for one space in this center not to exceed 1,500 square feet; limiting approval to 3 years, on the subject property.

**BOA-20335 April 2006:** The Board of Adjustment **approved** a *Verification of Spacing Requirements* for a Use Unit 12a- Adult Entertainment establishment, on the subject property.

***Surrounding Property:***

**PUD-476-A October 2013:** All concurred in **approval** of a request to abandon PUD-476 on property located south and east of southeast corner of east 41<sup>st</sup> Street and South Peoria Avenue.

**Z-7097 / PUD-758 August 2008:** All concurred in **approval** of a request for rezoning and proposed Planned Unit development on a 6.35± acre tract of land, from RM-1/RM-2 to RM-3/PUD, for apartments, on property located east of southeast corner of South Peoria Avenue and east 39<sup>th</sup> Street.

**BOA-20581 October 2007:** The Board of Adjustment **approved** a *variance* of the maximum permitted height of 35 feet for buildings located in the RM-1 district to permit town homes up to 42 feet in height, on property located on the northwest corner of East 41<sup>st</sup> Place and South Quincy Avenue and north of the subject property.

**PUD-480 April 1992:** All concurred in **approval** of a proposed Planned Unit Development on a 5.35± acre tract of land for a grocery store and restaurant



(Albertson's) subject to no access from 39<sup>th</sup> Street on property located north and east of northeast corner of east 41<sup>st</sup> Street and South Peoria Avenue.

**BOA-12311 December 1982:** The Board of Adjustment **approved** a *special exception* for off-street parking on a tract in an RS-3 district; and a *special exception* for a temporary waiver of the screening requirement on the north boundary of the off-street parking location to allow for fan fence or shrubbery, in lieu of screening wall for one year, subject to no access to 42<sup>nd</sup> street and that the screening fence on the south and east boundary line be erected on the property immediately on property located at 4143 South Peoria Avenue.

**BOA-14625 October 1987:** The Board of Adjustment **approved** a *special exception* to allow off-street parking in an RM-2 zoned district; **approved** a *variance* to permit access through an RM-2 district to a commercial district; and **approved** a *special exception* of the screening requirements, per plan submitted, on property located at 1315-19 East 41<sup>st</sup> Place.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Covey, Dix, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Shivel, "aye"; no "nays"; none "abstaining"; Carnes, Walker, "absent") to **APPROVE** PUD-744-B Abandonment rezoning per staff recommendation.

**Legal Description of PUD-744-B:**

ALL OF THE RETREAT AT BROOKSIDE SOUTH, City of Tulsa, Tulsa County, State of Oklahoma

\* \* \* \* \*

Susan Miller and Kirk Bishop presented items 34, 35 and 36 together

34. Consider adoption of new **Subdivision and Development Regulations**.

**STAFF RECOMMENDATION:**

**Item:** Consider adoption of new Subdivision and Development Regulations.

**A. Background**

The current Subdivision Regulations for the Tulsa Metropolitan Area were adopted in 1978 and last amended in 2005. The existing Subdivision

Regulations do not provide adequate tools to deal with modern development scenarios or implement the vision as expressed in the 2010 Comprehensive Plan update – *PLANiTULSA*. Also, new Subdivision and Development Regulations will serve as a more appropriate companion to the City of Tulsa Zoning Code, which came into effect in January 2016.

The City of Tulsa engaged a project working group consisting of industry professionals and subject matter experts led by Duncan Associates to complete an update to the existing Subdivision Regulations, now called the Subdivision and Development Regulations. The proposed Subdivision and Development Regulations address the quality of the physical development guided by the City's comprehensive plan (*PLANiTULSA*). These regulations ensure transportation circulation and connectivity, public access, and the availability of public services to each lot created within the City of Tulsa and unincorporated parts of Tulsa County.

The process to update the Subdivision Regulations began in May 2016. The technical and working groups have met individually and jointly on multiple occasions, reviewing drafts and providing input. The TMAPC has held three work sessions (April 19, 2017, August 2, 2017 and November 11, 2017) to discuss key issues that were identified. As a final step before the Planning Commission public hearing, TMAPC staff reviewed the draft for consistency with the City of Tulsa's Comprehensive Plan.

Concurrent with the adoption of the new Subdivision and Development Regulations are proposed code amendments, both for the City of Tulsa Zoning Code and the Tulsa County Zoning Code. These changes are necessary to reflect the change in platting requirements that are proposed as part of the update process.

## **B. Comprehensive Plan Conformance**

### **1) City of Tulsa**

Subdivision regulations are intended to address the quality of physical development in accordance with the comprehensive plan. The proposed new Subdivision and Development Regulations will help to implement the following City of Tulsa Comprehensive Plan goals and policies:

*Land Use* Goal 2: Land Use decisions are consistent with the Vision, Land Use and Stability/Growth Maps.

*Land Use* Goal 5: Tulsa's regulatory programs support desired growth, economic development, housing, a variety of transportation modes and quality of life priorities.

*Land Use* Goal 16: Tulsa is known for its built and natural beauty.

*Economic Development* Goal 5: New development supports vibrant, sustainable, transit-oriented communities.

*Housing Goal 1:* A robust mix of housing types and sizes are developed and provided in all parts of the city.

*Housing Goal 10:* Housing planning is coordinated with transportation planning to maximize the benefits of transportation investments.

#### Streets and Circulation

*Land Use Goal 3:* New development is consistent with the PLANiTULSA building blocks.

Policy 3.1 Promote pedestrian-friendly streetscapes by designing pedestrian friendly streetscapes and encouraging new developments to provide pedestrian oriented amenities and enhancements, including:

- Walkways and sidewalks that differentiate the pedestrian space from the auto realm;
- Pedestrian oriented street lighting to increase the sense of safety and reduce the impact of light pollution;

Policy 3.2 Encourage a balance of land uses within walking distance of each other.

*Transportation Goal 2:* Tulsa has a sustainable network of roadways, trails, and transit infrastructure that is well maintained and not a burden on future generations to operate.

Policy 2.1: Adopt a network approach to transportation projects that focuses on connecting people to places-ultimately allowing places to become intense centers of economic development.

- Explore an addition to the local roadway project development process that includes the examination of a street network alternative.
- Encourage development of an interconnected and diverse street pattern to ease congestion, more evenly distribute traffic, and offer flexibility of routes.

*Transportation Goal 3:* The city's transportation system is cost-effective and adequate to meet the needs of the current and projected population.

*Transportation Goal 4:* Tulsa has high performance operations for all modes of travel.

*Transportation Goal 7:* Transportation Policy 3.1 Develop transportation projects using a context sensitive solutions process that involves stakeholders early in the process.

Policy 7.1: Enhance transportation Tulsa's right-of-ways so they both serve as great public places and promote multi-modal travel.

- Provide comfortable and attractive pedestrian and bicycle facilities within existing and new developments.

Policy 7.2: Consider aesthetic needs as an equal to vehicular capacity demands when planning and designing transportation right-of-ways.

*Transportation* Goal 8: Traffic Safety and mobility are improved.

*Transportation* Goal 11: Streets contribute to the urban environment.

*Transportation* Goal 13: Pedestrians have easy access to jobs, shopping, and recreation.

Policy 13.4: Ensure the continued development of sidewalk improvement with other improvements on major arterial corridors where opportunities to enhance the pedestrian environment exist.

*Transportation* Goal 14: Tulsans safely and efficiently use bicycles to go to work, shop and recreation areas.

#### Lot and Block

*Land Use* Goal 3: New development is consistent with the PLANiTULSA building blocks.

Policy 3.6 Encourage complimentary building height, scale, design, and character.

- Create a sense of place by encouraging development of buildings, structures, and landscapes that complement the character and scale of their setting.
- Encourage new development to be appropriate to the context of its location in density, massing, intensity, and size, particularly when adjacent to existing residential areas and historic districts.

*Land Use* Goal 13: Existing neighborhoods are stable and infill development revitalizes, preserves and enhances these urban areas.

Policy 13.1 Promote the unique characteristics of existing neighborhoods as key to the city's long-term health and vitality.

*Land Use* Goal 15: Tulsa is a leader in sustainable development.

Policy 15.5 Promote sustainable building practices including:

- Energy efficiency
- Material Efficiency
- Waste reduction
- Durability
- Healthful building environment
- Integrated design

#### Stormwater and Floodplains

*Land Use* Goal 18— Development on impacted sites or areas is regulated to protect sensitive areas.

Policy 18.2: Preserve undeveloped floodplain areas for storm water conveyance.

Policy 18.3: Investigate compensation programs or zoning measures to allow transfer of development rights from environmentally constrained areas to unconstrained areas.

Policy 18.4: Continue to use best management practices for development within floodplain areas.

*Parks Trails and Open Space* Goal 1: Stormwater is captured and cleaned through landscape design, downspout disconnection, and other environmentally friendly techniques.

Policy 1.11: Promote low impact development strategies and designs as a way to manage stormwater runoff, including techniques such as vegetated swales, bio filters, eco-roofs, green streets, pervious pavement and other methods that mimic natural processes.

*Parks Trails and Open Space* Goal 2: Non-point pollution is reduced through low impact development principles, creative building practices, and smart site design that can retain and treat stormwater generated on-site.

Policy 2.3: Through education, incentives, and regulation, promote low impact development principles that emulate natural water flow, minimize land disturbance, and incorporate natural landscape features into the built environment.

*Parks Trails and Open Space* Goal 7: Watersheds are protected and enhanced.

Policy 7.3: Avoid development in floodplains and wetland areas.

*Parks Trails and Open Space* Goal 10: Sensitive areas are protected by regulating development on affected sites.

Policy 10.2: Preserve undeveloped floodplain areas for stormwater conveyance.

*Parks Trails and Open Space* Goal 11: Open space is protected.

Policy 11.3: Restrict development within the floodplain. Where alternatives are not feasible, require balanced cut and fill to prevent loss of flood storage capacity and appropriate mitigation to prevent loss of ecological values.

#### Parks and Open Space

*Land Use* Goal 19: Planning and development of parks and trails are coordinated with the comprehensive plan and parks plan.

*Parks Trails and Open Space* Goal 12: Neighborhoods have adequate access to parks and open space areas.

#### Natural and Cultural Resources

*Land Use* Goal 14: The city's historic resources are protected and programs promote the reuse of these important cultural resources.

*Land Use* Goal 17: Tulsa's natural and sensitive areas are protected and conserved.

*Parks Trails and Open Space* Goal 7: Watersheds are protected and enhanced.

Policy 7.1: Update and improve City programs to protect, conserve and restore significant natural resources and habitats as part of a comprehensive watershed management strategy including education, incentives, regulation, and technical assistance.

## 2) Unincorporated Tulsa County

Three plans in unincorporated Tulsa County remain in effect as a guide for development in certain parts of unincorporated Tulsa County:

- The North Tulsa County Comprehensive Plan (1980-2000)
- District 9 Plan (bounded by the Arkansas River on the north and east, by the Skelly By-Pass and Tulsa County Line on the south, by 65th West Avenue on the west)
- District 24 Plan (bounded by 76<sup>th</sup> Street North on the north, by I-75 on the east, by 56<sup>th</sup> Street North on the south, and by the Osage County Line on the west)

The policies in these plans include concepts such as: preserving the natural environment, especially environmentally sensitive areas; improving the transportation network by providing pedestrian connections through sidewalks and trails; ensuring adequate infrastructure to support development; and prevent hazards in areas that flood. These district plans, although older, remain in effect and can be implemented through some of the provisions in the Subdivision and Development Regulations.

### C. Staff Recommendation

The proposed Subdivision and Development Regulations appropriately responds to citizen input (goals and policies) found in the City of Tulsa Comprehensive Plan, while also addressing policies in the remaining district plans in the County.

Staff recommends **approval** of the adoption of the new Tulsa Metropolitan Area Subdivision and Development Regulations.

### **TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Covey, Dix, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Shivel, “aye”; no “nays”; none “abstaining”; Carnes, Walker, “absent”) to **CONTINUE** the Subdivision and Development Regulations Update to February 7, 2018.

\* \* \* \* \*

35. **ZCA-5** - Various amendments (related to new Tulsa Metropolitan Area Subdivision and Development Regulations) to the **City of Tulsa Zoning Code** in the following sections: Section 25.040 CO, Corridor District; Section 25.070 MPD, Master Planned Development District; Section 30.010 PUD, Planned Unit Development (Legacy) District; Section 40.110 Cottage House

Developments; Section 40.290; Patio Houses; Section 40.390 Townhouses; Section 70.040 Development Plans; Section 70.050 Site Plans; Section 70.045 Transportation Impact Analysis(new); Section 70.080 Zoning Clearance and Platting Requirements; Section 90.080 Open Space per Unit; Section 95.150 Terms beginning with “L”.

### **STAFF RECOMMENDATION:**

**Item: ZCA-5** - Various amendments (related to new Tulsa Metropolitan Area Subdivision and Development Regulations) to the **City of Tulsa Zoning Code** in the following sections: Section 25.040 CO, Corridor District; Section 25.070 MPD, Master Planned Development District; Section 30.010 PUD, Planned Unit Development (Legacy) District; Section 40.110 Cottage House Developments; Section 40.290; Patio Houses; Section 40.390 Townhouses; Section 70.040 Development Plans; Section 70.050 Site Plans; Section 70.045 Transportation Impact Analysis(new); Section 70.080 Zoning Clearance and Platting Requirements; Section 90.080 Open Space per Unit; Section 95.150 Terms beginning with “L”.

#### **A. Background**

The proposed amendments to the City of Tulsa Zoning Code are necessary to reflect the change in platting requirements that are proposed as part of the new Subdivision and Development Regulations.

The current Subdivision Regulations for the Tulsa Metropolitan Area were adopted in 1978 and last amended in 2005. The existing Subdivision Regulations do not provide adequate tools to deal with modern development scenarios or implement the vision as expressed in the 2010 Comprehensive Plan update – PLANiTULSA. Also, new Subdivision and Development Regulations will serve as a more appropriate companion to the City of Tulsa Zoning Code, which came into effect in January 2016.

The City of Tulsa engaged a project working group consisting of industry professionals and subject matter experts led by Duncan Associates to complete an update to the existing Subdivision Regulations, now called the Subdivision and Development Regulations. The proposed Subdivision and Development Regulations address the quality of the physical development guided by the City's comprehensive plan (PLANiTULSA). These regulations ensure transportation circulation and connectivity, public access, and the availability of public services to each lot created within the City of Tulsa and unincorporated parts of Tulsa County.

The process to update the Subdivision Regulations began in May 2016. The technical and working groups have met individually and jointly on multiple occasions, reviewing drafts and providing input. The TMAPC has



held three work sessions (April 19, 2017, August 2, 2017 and November 11, 2017) to discuss key issues that were identified. As a final step before the Planning Commission public hearing, TMAPC staff reviewed the draft for consistency with the City of Tulsa's Comprehensive Plan and found that the new Subdivision and Development Regulations will help to implement goals and policies contained in the plan.

## **B. Description of City of Tulsa Zoning Code amendments**

The proposed amendments align the City of Tulsa Zoning Code with the newly proposed Subdivision and Development Regulations. The amendments accomplish the objective of removing platting requirements associated with zoning changes and certain special exceptions. The proposed changes will codify alternative processes by which property owners can verify conformance with the Subdivision and Development Regulations without being subjected to a full platting or re-platting process. The City will retain the requirement that any development standards approved by TMAPC through the development plan process must be filed as restrictive covenants with the county clerk's office making the City of Tulsa beneficiary to the covenants. This requirement will ensure enforceability of the required development standards moving forward and can be completed by plat or a separate recorded document.

One substantive item introduced in the City of Tulsa Zoning Code amendments is Section 70.045 Transportation Impact Analysis (TIA). This was moved from a previous draft of the Subdivision and Development Regulations. There are several goals and policies in the Tulsa Comprehensive Plan that support information gained through a TIA:

*Transportation* Goal 3: The city's transportation system is cost-effective and adequate to meet the needs of the current and projected population.

Policy 3.2: Use a mixture of quantitative and qualitative measures to prioritize transportation infrastructure projects and monitor the system for operational and maintenance issues.

*Transportation* Goal 4: Tulsa has high performance operations for all modes of travel; this is achieved by preserving and optimizing the current transportation system using the latest technology.

Policy 4.3: Conduct traffic and transit modeling to compare capacity additions to system optimization measures and prioritize projects accordingly, relying less on engineering judgment and programmatic prioritization methods.

The specific amendments proposed to the City of Tulsa Zoning Code are in **Attachment I** shown in ~~strike through~~/underline.

- C. **Staff recommends APPROVAL** of proposed amendments to the City of Tulsa Zoning Code as shown in Attachment I.

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Covey, Dix, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Shivel, “aye”; no “nays”; none “abstaining”; Carnes, Walker, “absent”) to **CONTINUE** the ZCA-5 to February 7, 2018.

\* \* \* \* \*

36. Various amendments (related to new Tulsa Metropolitan Area Subdivision and Development Regulations) to the **Tulsa County Zoning Code** in the following sections: Section 260. Platting Requirement; Section 850. Site Plan Review; Section 1120. General Provisions; Section 1140. Bulk and Area Requirements; Section 1150. Perimeter Requirements; Section 1160. Off-Street Parking and Loading; Section 1170. Administration of Planned Unit Development.

**STAFF RECOMMENDATION:**

**Item:** Various amendments (related to new Tulsa Metropolitan Area Subdivision and Development Regulations) to the **Tulsa County Zoning Code** in the following sections: Section 260. Platting Requirement; Section 850. Site Plan Review; Section 1120. General Provisions; Section 1140. Bulk and Area Requirements; Section 1150. Perimeter Requirements; Section 1160. Off-Street Parking and Loading; Section 1170. Administration of Planned Unit Development.

**A. Background**

The proposed amendments to the Tulsa County Zoning Code are necessary to reflect the change in platting requirements and process that are proposed as part of the new Subdivision and Development Regulations.

The current Subdivision Regulations for the Tulsa Metropolitan Area were adopted in 1978 and last amended in 2005. The existing Subdivision Regulations do not provide adequate tools to deal with modern development scenarios or implement the vision as expressed in the 2010 Comprehensive Plan update – PLANiTULSA. Also, new Subdivision and Development Regulations will serve as a more appropriate companion to the City of Tulsa Zoning Code, which came into effect in January 2016.

The City of Tulsa engaged a project working group consisting of industry professionals and subject matter experts led by Duncan Associates to complete an update to the existing Subdivision Regulations, now called the Subdivision and Development Regulations. The proposed Subdivision and Development Regulations address the quality of the physical development guided by the City's comprehensive plan (PLANiTULSA). These regulations ensure transportation circulation and connectivity, public access, and the availability of public services to each lot created within the City of Tulsa and unincorporated parts of Tulsa County.

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**B. Description of Tulsa County Zoning Code amendments**

The proposed amendments align the Tulsa County Zoning Code with the newly proposed Subdivision and Development Regulations. The amendments accomplish the objective of removing platting requirements associated with zoning changes and certain special exceptions. The proposed changes will codify alternative processes by which property owners can verify conformance with the Subdivision and Development Regulations without being subjected to a full platting or re-platting process. The County will retain the requirement that any development standards approved by TMAPC through the development plan process must be filed as restrictive covenants with the county clerk's office making the Board of County Commissioners beneficiary to the covenants. This requirement will ensure enforceability of the required development standards moving forward and can be completed by plat or a separate recorded document. The specific amendments proposed to the Tulsa County Zoning Code are in **Attachment I** shown in ~~strike through~~/underline.

- C. **Staff recommends APPROVAL** of proposed amendments to the Tulsa County Zoning Code as shown in Attachment I.

**TMAPC COMMENTS TO AGENDA ITEMS 34, 35 AND 36:**

Mr. Covey asked Mr. Bishop if there had been any discussion with the work group on the 6 disputed items from the previous work session.

Mr. Bishop stated he had not had any other meeting with the work group but had continued to try and find common ground on the provisions brought up at the work session. Mr. Bishop stated he included staff approval of minor modifications including staff approval of flag lots as one of the compromises. The chart for street spacing requirements was another effort at compromise. Mr. Bishop stated even though there was some question about motivation of moving the TIA requirements to the Zoning Code, the threshold was increased substantially and offending language that may have been misconstrued was removed. Mr. Bishop stated another example of compromise is the removal of some of the language of the private street agreement regarding school bus, delivery vehicles and the measuring of queuing space between the private gate and the curb line.

### **INTERESTED PARTIES COMMENTS TO AGENDA ITEMS 34, 35 and 36:**

**Andrew Shank** 11545 East 43<sup>rd</sup> Street, Tulsa, OK 74146

Mr. Shank stated he was a part of the work group for the Subdivision Regulations. Mr. Shank stated what the work group has done is look at the draft before you today and tried to reconcile it with the issues the work group had. Mr. Shank stated he has the document that Kirk sent over and accepted everything that he has proposed today and then made the work group revisions to that document so that Planning Commission has a document to show the remaining items. Mr. Shank stated in the section "Purposes" the work group has added a Section 1-050.8 that states "Ensuring that the City and County land development practices, procedures and processes are regionally and nationally competitive". Mr. Shank stated the feedback from the meetings that he heard was, we want to be better. Mr. Shank stated the next item is 5-030 Blocks, regarding the block lengths. Mr. Shank stated the work group would like to see the same language that was introduced at the Planning Commission work session about the differences in measurements of the property line and not the center line and just have one block length measurement. Mr. Shank stated the work group would like 900, 1300 and 1600 feet. The next section is 5-050, Mr. Shank stated he was thrilled when he got to the Traffic Impact Analysis section and saw that it was gone from the Subdivision Regulations, he stated he was less thrilled to see it survived in the Zoning Code. Almost everyone on the work group opposed this issue. Mr. Shank stated the development community is being asked to make an investment of time and money in a very preliminary stage in the process. He stated at this time the use is sometimes not known.

**Alan Betchan** 11545 East 43<sup>rd</sup> Street, Tulsa, OK 74146

Mr. Betchan stated he was a member of the work group. Mr. Betchan stated there has been a lot of compromises and that is a testament to the process. Mr. Betchan stated the biggest concern of every member of the work group on the first day they met was the amount of time it took to get to a building permit, especially as it related to commercial permits. That is something that has long

been criticized in the City of Tulsa. Mr. Betchan stated currently the holdup is the Final Plat. This is a logistic issue; all the approvals must be in place before moving on to the final stage. Mr. Betchan stated a modification to that process was one of the things he and many other members of the work group hoped would come out of this Subdivision Regulation update. There has been some move forward such as administrative approval of the Final Plat, that saves a few weeks but in a process, that takes 6 to 8 months. The 2 weeks is not the number they are chasing. Mr. Betchan stated because of this timely process the work group has asked that Accelerated Release of Building Permits be placed back in the Subdivision Regulations. Mr. Betchan stated in the red line draft what is included as 10-110 is a direct copy of what is included in the code today. Mr. Betchan acknowledges that there has been significant forward motion like not requiring a plat every time something is rezoned and that there is some administrative approval. Mr. Betchan stated personally the applications for Accelerated Release that he has brought before Planning Commission and has been approved would still fall under the platting guidelines and he would still be requesting the same Accelerated Release in the process. Mr. Betchan stated there will still be projects that will fall into the plat process so removing the default platting requirement will still warrant the Accelerated Release and this is not granting a blanket approval every time one is asked for. It's the same provisions as today. Mr. Betchan stated the work group would just like that tool left in the toolbox so they can come before the Planning Commission and ask for those at the appropriate time.

**Eric Sack** 11545 East 43<sup>rd</sup> Street, Tulsa, OK 74146

Mr. Sack stated there are two items he wishes to speak on. The first is 5-130 Water Supply and Sewage Disposal. Mr. Sack stated item 4 regarding percolation tests. Mr. Sack stated a percolation test for onsite sewage is required within the City of Tulsa but this same provision does not exist in the unincorporated areas of Tulsa County and this requirement does not take into consideration the use of aerobic systems, in which case percolation tests are not required by DEQ. It's a different type of disposal system. Mr. Sack stated the work group is asking to remove that provision. Mr. Sack stated the second item is 5-140 Utilities, the last section is a requirement for a new residential subdivision to place all utilities underground. Mr. Sack can understand the reason for that requirement and that has been a long-standing requirement. Mr. Sack stated what the members of the work group are finding is PSO is contacting them and looking at the perimeter easements within the subdivisions being platted as a pathway to extend their services to those undeveloped areas at some point that development occurs. PSO is telling the developers that they need to provide those utilities overhead. If not there is an additional cost to the project to bury those lines ahead of time before PSO even knows what is going in on those undeveloped areas. Mr. Sack stated the work group is asking to strike that entire section requiring placing all overhead utilities underground because of what they are seeing in those perimeters.

**Justin Morgan** 11545 East 43<sup>rd</sup> Street, Tulsa, OK 74146

Mr. Morgan stated he runs the single-family subdivision group within Tanner Consulting. Mr. Morgan stated his company has done about 5000 residential lots in the last 5 years in 30 different communities. Mr. Morgan stated he has a few technical items that can cause issues, one of them is how a block is measured. Typically, surveyors measure a block from right of way to right of way. Mr. Morgan stated we have asked to measure that from the property line instead of the centerline of the street. Mr. Morgan stated the work group has also cautioned against the mid-block connections for lenience on block lengths, such as longer block lengths if you put a pedestrian connection in the middle. Mr. Morgan stated that is good design and he tries to do that but what will happen is everyone will do that to try to get to the longer block lengths and that is not what is intended. You want to have the connectivity but where it is appropriate. Mr. Morgan stated the work group does agree that there should be different levels for different densities and longer block lengths for residential in the County. Mr. Morgan stated they liked that flexibility it was very helpful. He also stated the work group chose the longer block lengths in the table because properties are never even numbers such as 525.7 feet long so the work group leans towards the longer block lengths knowing the best practice is to keep it closer to the smaller lengths because dimensional changes in properties, curvature, flood plains, utilities and existing power lines must be considered. Mr. Morgan stated next is 5-060.8 Private Streets. Mr. Morgan stated this one states a residential subdivision in town can only be 20 acres but there is no definition of what that 20 acres includes, is it the platted area which includes all your street right of way dedications, reserve areas, retention ponds, parks and floodplain dedication? Mr. Morgan stated there may be a subdivision that is 40 acres that has 15 acres of floodplain. Can that be a private street? Mr. Morgan thinks having the 20 acres in the Code as a guide is good but there is no clear way to define it. Mr. Morgan stated the work group suggesting adding "unless approved as part of the PUD, MPD or optional development plan", this gives TMAPC the flexibility to consider the case. Mr. Morgan stated the last one he has is 5-070.3 Sidewalks. Mr. Morgan stated in a single-family subdivision the developer doesn't build sidewalks in front of the lot, those are built by the builder after completing their project on the lot because if the developer builds all the sidewalks at once the contractors show up and drive over the top of the sidewalk and before the project is complete the sidewalk is destroyed and the builder must rebuild it anyway. Mr. Morgan stated that has always been the tradition to have the developer build the sidewalks on the arterial streets and any common areas and leave the gaps for the builder to complete once the house is finished. Mr. Morgan stated he saw a zoning code change and it mentioned having sidewalks at the time of CO and that is what would be more consistent because you can't occupy the house without putting the sidewalk in.

**Lindsay Perkins** 11545 East 43<sup>rd</sup> Street, Tulsa, OK 74146

Mr. Perkins stated he is a residential developer. Mr. Perkins stated he wants to talk about housing affordability and the competitiveness of the Tulsa community

with the surrounding communities. Mr. Perkins stated he sees development leaving Tulsa and increasing in the suburbs and wants to see that development stay in Tulsa. Mr. Perkins wants to see residential development grow because commercial follows residential. Mr. Perkins stated the way sidewalks are done has changed over the years. When he first started sidewalks were not required. Mr. Perkins stated he has served on many committees addressing not only development issues but sidewalk issues also. Mr. Perkins stated now there is a good program in place and he doesn't feel there is a need to change the current policy on the sidewalks. Mr. Perkins stated in 5-180 Performance Guarantees and Security's, the IDP that is currently used in the City of Tulsa requires that the contractor bond that the work will be done for public improvement and that provides a guarantee that those improvements will be put in place. If you put an additional burden on top of that not only does it drive up the cost of housing and the cost of development but it makes it cumbersome for developers to obtain things like performance bonds. Mr. Perkins stated performance bonds are not like insurance policies where someone steps forward and corrects the situation. On a performance bond, the bonding company comes back after the developer for the short fall. Mr. Perkins stated it's a very cumbersome and expensive process to get these performance bonds and those costs would be passed on to the home buyer. Mr. Perkins stated the work group would like to suggest the item about performance guarantee and securities be eliminated and at the bottom of that paragraph 5-180.1 the last sentence regarding performance guarantee and security requirements also be completely stricken. Mr. Perkins stated if those are stricken then that eliminates the need for 5-180.2 and 5-180.3.

**Ken Klein** 11545 East 43<sup>rd</sup> Street, Tulsa, OK 74146

Mr. Klein stated since Jim Inhofe was Mayor he has been involved in the City on a Board, Task Force or a Commission. He stated that is a long time of donating time and talent for the betterment of the City and that is what all the members of the working group have done. Mr. Klein stated the times this has been very successful in working with City staff has been where they have worked as a team. Mr. Klein stated in the past we would not have ended up where we are now with TMAPC receiving two different documents one from the technical team and one from the work group. Mr. Klein stated he took him a few months to realize this is the way things were going to be because he had just finished working with the same staff on the River Design Overlay where there was a task force chairman whose role it was to make sure everyone stayed in the fairway and no one was allowed out in the rough. Mr. Klein stated that forced the group to stay at the table and no one got everything they wanted it was a compromise. Mr. Klein stated in this process with the Subdivision Regulations there was a consultant that ended up with the role of going back and forth between the technical group and the work group sometimes carrying messages back and forth and sometimes not. Mr. Klein stated senior staff was not involved in any session he was involved in except for a few and that has resulted in the situation presented today. Mr. Klein apologizes to TMAPC for his because it puts them in the situation of sifting through this to determine what makes the most sense. Mr.

Klein stated there are some things that were mentioned specifically such as utilities, Mr. Klein states that is a franchise agreement issue it's not a Subdivision Regulation issue. Mr. Klein stated a developer should not be charged with installing infrastructure that is arbitrarily designed to be underground that adds capacity of what is going to happen down the road 5 years from now, maybe 10, maybe never. Mr. Klein stated in 2008-09 PSO changed their policy of fronting the investment for infrastructure. Today they won't do it unless they go overhead. Mr. Klein stated this is another point that should have been worked out before it was presented to TMAPC. Mr. Klein stated on private streets builders and developers do not create demand they follow the demand, they don't create gated communities because they want their name on the gate. Builders and developers create gated communities because that is what the public wants. Mr. Klein stated the work group is interested in competitiveness and winning, he wants to beat Broken Arrow and beat Bixby and other suburbs so the development stays in Tulsa. Mr. Klein stated to do that we need Subdivision Regulations and processes that beat the processes and the standards that are in place in those communities. Mr. Klein stated he was doing some research on the internet and Jenks is viewed as the 2<sup>nd</sup> best place to live, Bixby is 3<sup>rd</sup>, Owasso is 7<sup>th</sup>, Broken Arrow is 8<sup>th</sup> and Tulsa is 23<sup>rd</sup>. Nationally Oklahoma City is the 18<sup>th</sup> best city in which to buy a house and Tulsa is 53<sup>rd</sup>. Mr. Klein stated we don't need to go to Nashville to understand competitiveness or lack of it, we don't have to go outside of the MSA. Mr. Klein stated within the 2 documents given to TMAPC the one with red lines changes that Andy Shank presented to Commissioners does a better job of getting these Regulations where they need to be.

**Stuart VanDeWiele** 320 South Boston Ste 200, Tulsa, OK 74103

Mr. VanDeWiele stated he is an attorney in Tulsa and his only issue is the Traffic Impact Analysis and one of the issues from a development standpoint is when this is required in the process. Mr. VanDeWiele stated this is a significant amount of time and money and there are not a lot of people in Tulsa that offer this service. Mr. VanDeWiele stated the cost is \$10,000 or more and several weeks or months to get this done and it is not just limited to a hundred-unit development, it's not just limited to 2500 traffic count, there is a second subsection that says if someone is complaining about safety or security there is a mechanism to say go get a Traffic Impact Analysis passing the buck back to the developer either from Planning Commission or City Council before the project can be approved. Mr. VanDeWiele stated the lack of predictability if a developer comes to anyone in that service industry whether it's a lawyer or surveyor they will ask what is the least impact for traffic needed to get through this approval and City Council. Mr. VanDeWiele stated at this point we don't know but we have to spend \$10,000 and several months to get there. Mr. VanDeWiele believes it is too close to the beginning of the development process and then ultimately what do you use it for because there is no doubt if you put a 100-unit apartment complex at a hard corner that it will increase traffic. Mr. VanDeWiele stated the real question is how much, how impactful, and once you get a TIA what does it



mean to the developer. Is someone going to say okay you now need to widen 71<sup>st</sup> Street and Memorial to a 10-lane intersection if you want your apartment houses? Mr. VanDeWiele stated that is the issue that concerns the developers and builders.

**Lou Reynolds** 11545 East 43<sup>rd</sup> Street, Tulsa, OK 74146

Mr. Reynolds stated he represents the Home Builders Association. Mr. Reynolds stated we hear about public policy and that is debatable but the consequences are not. Mr. Reynolds stated PlaniTulsa is a big swampy squishy document but there is something in PlaniTulsa for everyone. Mr. Reynolds stated what has happened since PlaniTulsa, we have sluggish growth, stagnant paychecks and missed opportunities. Mr. Reynolds stated we are talking about private streets being limited to 20 acres in the City of Tulsa and that's our old rule. Mr. Reynolds stated on today's Agenda case number 32 had an exhibit showing Waterstone subdivision which is 60 or 70 acres and a PUD for Wind River which is 100's of acres and you're told the standard is 20 acres. Mr. Reynolds stated as Mr. Klein and Mr. Perkins stated the developers follow the demand, private streets is what people want and staff is trying to take their choices away. Mr. Reynolds stated the utilities are a big thing and it's a political decision whether to change the franchise agreement. Mr. Reynolds stated you know why the lights did not go off in Oklahoma City on the expressway because they agreed in their franchise agreement they would be taken over by OG&E, in Tulsa we didn't do that. If we had made the right decisions PSO would have taken care of those lights. Mr. Reynolds stated the Traffic Impact Analysis was politically motivated to insert something political into our Zoning Code and we don't need any more politics in our zoning process. Mr. Reynolds stated it's supposed to be about the health, safety and welfare of the citizens of Tulsa. Mr. Reynolds stated the sidewalk reference was added since the meeting on November 1, 2017 and its simply common sense that you don't build a sidewalk before you build the driveway. Mr. Reynolds stated that is just a waste of time, money and resources, it might sound good sitting around the sharp table but half the table was never consulted on it. Mr. Reynolds stated the City needs more density and you are not going to get more density without increasing traffic. Mr. Reynolds stated the reason there is not a grocery store in north Tulsa is because there is not enough density. Mr. Reynolds stated there is a disconnect when moving things from the Subdivision Regulations to the Zoning Code, everything was fine on November 1, 2017. Mr. Reynolds stated this was not discussed with the work group and was just moved. Mr. Reynolds stated he gets the logic, he suggested it in July but it took 90 days to figure it out. Mr. Reynolds stated it needs to be studied more as does the execution of the plat waivers. Mr. Reynolds stated it's a great idea to have all these plat waivers but they have exceptions. Mr. Reynolds stated if he goes and gets a special exception for an OL designation for an assisted living facility the property must plat or get a plat waiver and you shouldn't have to plat the property that should go right through because you can build it by right in OM. Mr. Reynolds stated he had to get a plat waiver for governmental Juvenile Justice Center downtown and those aren't exempt from a plat waiver. There is no reason

for that. Mr. Reynolds stated he would ask on behalf of the speakers before him that you revise the Subdivision Regulations based on the document presented by the work group and send the Zoning Code revisions regarding Traffic Impact Study and Plat Waivers back for further study. Mr. Reynolds stated other things to look at is why don't we have private streets in MPD's. Mr. Reynolds stated there are probably 100's of lines that were changed in the Subdivision Regulations that have changed since the Commissioners looked at it in November.

**Ed Leinbach** 2280 East 49<sup>th</sup> Street, Tulsa, OK 74105

Mr. Leinbach stated he only heard about the meeting yesterday and believes Mr. Betchan hit on the most salient point, there must be a process where you can get a building permit in a reasonable amount of time. Mr. Leinbach stated from personal experience, in November 2014 he filed a building permit application for a project that was just completed at 83<sup>rd</sup> and Lewis. Mr. Leinbach stated he had owned the property since 1978 and it took a year to get a building permit from the City and that is not friendly to developers. Mr. Leinbach stated people use to be excited to come to Tulsa because the process was relatively quick. Mr. Leinbach stated you could buy a piece of property, zone it, plat it and be ready to start building lots in 120 days, he didn't know how long it took now but it wasn't 120 days. Mr. Leinbach stated people are going to surrounding communities to do their developments.

**Joe Westervelt** 1630 South Boston Avenue Tulsa, OK 74119

Mr. Westervelt stated he was here with the HBA and believes in what has been presented by the work group. Mr. Westervelt stated before the previous work session there was great concern with most of the work group about the Traffic Impact Analysis and very little has changed on that except that it has moved to a category that requires a different approval process. Mr. Westervelt stated one of the City's greatest strengths is its Boards and Authorities and the people who give their time on those Boards and Authorities. If you have a staff that when confronted with a valid push back from those volunteers who donate their time that you simply move it to a different venue to move around it, the city will suffer because no one wants to come spend their time and when their input is not taken seriously. Mr. Westervelt stated he would encourage the Commissioners to approve the redline draft from the work group and he would suggest the Zoning Code Amendments including the TIA go back for further study and appear on a future work session. Mr. Westervelt stated the last time Planning Commission saw the TIA it was not complete as an item in the Subdivision Regulations and has now moved to the Zoning Code. Mr. Westervelt believes the Planning Commission knows what is going on here and he would ask that Planning Commission do the right thing and take care of both matters.

Mr. Bishop stated it is a challenge to digest the redline document since it was only presented by the workgroup today. Mr. Bishop stated he is sorry to hear that people thought the process wasn't genuine or productive because he felt

differently but at the end of the day Mr. Bishop feels reasonable minds can disagree on a few points. Mr. Bishop stated airing those differences in a public forum such as the Planning Commission provides transparency to the public and is a productive and healthy thing for the City of Tulsa. Mr. Bishop stated he is not surprised to hear that there is some push back on a few items.

Mr. Fothergill stated he is a little late to the process but how many times did the working group and the technical group meet in this process.

Mr. Bishop answered, "half a dozen".

Mr. Fothergill asked how many since the first draft came out.

Mr. Bishop stated since the first draft all the meetings have been joint meetings.

Mr. Fothergill questioned if there are still unresolved issues.

Mr. Bishop stated, "yes still a fair number of unresolved issues".

Mr. Fretz stated he thought the Mayor did a good job picking the people for the work group, they are people who have been involved in development a long time. Mr. Fretz stated he totally supports the work groups amendments and suggests putting those with the document from the technical group and that will be a good document.

Mr. Dix asked if Mr. Fretz was suggesting a blended document or suggesting the work group document be adopted or the technical group document be adopted.

Mr. Fretz stated he is suggesting that the work group document submitted today be adopted.

Mr. Reeds stated he didn't know if the document presented today could be adopted.

Mr. Dix stated Planning Commission can do what they want, accept the work group document or the technical group document or blend them.

Mr. Reeds stated he didn't want to accept it before Legal reviews it.

Mr. Dix stated Legal has been involved every step of the process.

Mr. Reeds stated this is the first time Legal has seen this document. Mr. Reeds stated to the work group that the TMAPC staff is not what you have presented them to be, confrontational and not working with the group and Mr. Reeds is offended by several statements that the staff is not trying to make this a better

City. Mr. Reeds stated the staff didn't say any offending words about the work group. Mr. Reeds stated both groups have the City's best interest at heart.

Mr. Dix stated he disagrees with Mr. Reeds and he never heard a discouraging word from any of the speakers. Mr. Dix stated he knew the work group had the best interest of the city at heart but he thought the technical group is driven by people who are not from this area originally and they are trying to make the area something it is not and they are driving people out of the City. Mr. Dix stated personally he thinks the biggest reason for this is public education but the Subdivision Regulations as submitted by the technical group will further exacerbate that problem. Mr. Dix stated he is not ready to accept the document submitted by the work group and he certainly not ready to accept the technical groups proposed changes. He understands the redline document was late in coming out and he would like to set them side by side and compare them before recommending anything.

Mr. Doctor stated the Subdivision Regulations is a very complex series of regulations that have not been updated in 30 years and that leads to substantial changes. Mr. Doctor stated that sometimes leads to heated debates as it should at some point. He stated there were faults in the process in terms of leading 2 different documents being presented to TMAPC today. Mr. Doctor stated that points to problems in the process not to motivations or ill intents with the parties. Mr. Doctor stated TMAPC is faced with 8 reoccurring items of concern. Mr. Doctor stated a discussion on the merits of each one of those issues should happen with this Board.

Ms. Krug agrees with Mr. Doctor.

Ms. Millikin also agrees that she is not ready to adopt either proposal at this point. She stated this need to be discussed further maybe at the next TMAPC meeting. Ms. Millikin stated these 2 proposals need to be read and compared before meeting again.

Mr. Shivel stated he agreed that there is potential for the blending of the 2 proposals and it will result in a delay to get the document that is necessary.

Mr. Covey stated there are several options. We could accept one of these documents presented today but most want time to read these documents. There are 6 to 9 outstanding issues and TMAPC could start hearing them tonight and discuss among themselves. Mr. Covey stated we could go issue by issue to see if consensus could be reached or TMAPC could also do this in a work session.

Mr. Dix stated he would suggest continuing the item to the next meeting and each Commissioner read the proposals and set a work session at the next meeting.

Mr. Covey stated he would like to have a work session to discuss the issues.

Ms. Millikin stated she would also like a work session and ask that those who spoke today be present.

Mr. Dix stated these speakers have spent an amazing amount of time as volunteers away from their jobs and Mr. Dix thinks it should be taken out of their hands. Mr. Dix stated we have heard the work group and have their suggestions and TMAPC needs to sit down and work with the issues as a group.

Mr. Reynolds stated HBA is happy to stay involved.

Mr. Covey stated a work session will be January 17, 2018 and be placed on Pubic Hearing February 7, 2018

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Covey, Dix, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Shivel, "aye"; no "nays"; none "abstaining"; Carnes, Walker, "absent") to **CONTINUE** the Tulsa County Zoning Code Amendments to February 7, 2018.

**OTHER BUSINESS**

37. **Refund Request** PUD-199-9 Minor Amendment, Eddis Fraire, in the amount of \$364.00. Staff determined the Minor Amendment would not be required.

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Covey, Dix, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Shivel, "aye"; no "nays"; none "abstaining"; Carnes, Walker, "absent") to **APPROVE** the Refund Request for Eddis Fraire per staff recommendation.

**38. Commissioners' Comments**

\* \* \* \* \*

**ADJOURN**

**TMAPC Action; 9 members present:**

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Covey, Dix, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Shivel, "aye"; no "nays"; none "abstaining"; Carnes, Walker, "absent") to **ADJOURN** TMAPC meeting 2759.

## ADJOURN

There being no further business, the Chair declared the meeting adjourned at 4:57 p.m.

Date Approved:

02-07-2018

  
Chairman

ATTEST: Joshua G. Wahl  
Secretary