

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2764

Wednesday, February 21, 2018, 1:30 p.m.

City Council Chamber

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

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Covey	Adams	Foster	Hulse, COT
Dix		Hoyt	Ling, COT
Doctor		Miller	VanValkenburgh, Legal
Fretz		Sawyer	Warrick, COT
Krug		Ulmer	
Millikin		Wilkerson	
Reeds			
Ritchey			
Shivel			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, February 18, 2018 at 9:02 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

### **REPORTS:**

**Chairman's Report:** None

**Work session Report:** Mr. Covey reported a work session will be held on March 7, 2018 to discuss: Healthy Neighborhoods Overlay and other zoning code amendments related to clean-up and maintenance.

**Director's Report:** Ms. Miller reported on City Council and Board of County Commission actions taken and other special projects. Ms. Miller reported TMAPC Receipts for the month of January 2018 were consistent with previous month and year.

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1. **Minutes:**

**Approval of the minutes of February 7, 2018 Meeting No. 2763**

On **MOTION** of **DIX**, the TMAPC voted 10-0-1 (Covey, Dix, Doctor, Fretz, Krug, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; Millikin, “abstaining”; Adams, “absent”) to **APPROVE** the minutes of the meeting of February 7, 2018, Meeting No. 2763.

**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-980** (Lot-Combination) (County) – Location: North and west of the northwest corner of East 141<sup>st</sup> Street South and South 129<sup>th</sup> East Avenue
3. **LC-981** (Lot-Combination) (CD 3) – Location: Southwest corner of East King Street and North Wheeling Avenue
4. **LS-21107** (Lot-Split) (County) – Location: North and west of the northwest corner of East 56<sup>th</sup> Street North and North 145<sup>th</sup> East Avenue
5. **LS-21108** (Lot-Split) (CD 9) – Location: Southwest corner of East 37<sup>th</sup> Place South and South Norfolk Avenue (Related to LC-982)
6. **LC-982** (Lot-Combination) (CD 9) – Location: Southwest corner of East 37<sup>th</sup> Place South and South Norfolk Avenue (Related to LS-21108)
7. **LS-21109** (Lot-Split) (CD 7) – Location: East of the Northeast corner of South Mingo Road and East 79<sup>th</sup> Street
8. **LS-21110** (Lot-Split) (CD 9) – Location: West of the northwest corner of South Rockford Avenue and East 35<sup>th</sup> Place South
9. **Allan Edwards** (County) Final Plat, Location: South of the southwest corner of East 66<sup>th</sup> Street North and North Yale Avenue
10. **Yale Village** (CD 8) Final Plat, Location: Southwest corner of East 91<sup>st</sup> Street South and South Yale Avenue
11. **PUD-803-4 Tanner Consulting** (CD 8) Location: South and east of the southeast corner of East 121<sup>st</sup> Street South and South Yale Avenue requesting a **PUD Minor Amendment** to redefine lot widths

**STAFF RECOMMENDATION:**

**SECTION I:** PUD-803-4 Minor Amendment

**STAFF RECOMMENDATION**

Amendment Request: Modify the PUD Development Standards to redefine the interpretation of lot widths. PUD-803-1 established 60 ft minimum lot widths, but, for lots on a curve, the width was to be measured at the building setback line. The applicant is proposing that the lot widths for these lots use the interpretation from the zoning code, which is defined as the average horizontal distance between lot lines.

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-803 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to redefine lot widths for lots on a curve.

**TMAPC Action; 10 members present:**

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Covey, Dix, Doctor, Fretz, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Adams, “absent”) to **APPROVE** Items 2 through 11 per staff recommendation.

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

## **PUBLIC HEARINGS:**

Mr. Covey stated Mr. Fritz has a conflict with item 12 and will step out of the room.

12. **Huntington Park II** (CD 6) Preliminary Plat, Location: South and east of the intersection of South 177<sup>th</sup> East Avenue and East 41<sup>st</sup> Street South

## **STAFF RECOMMENDATION:**

### **Huntington Park II** - (CD 6)

South and east of the intersection of South 177<sup>th</sup> East Avenue and East 41<sup>st</sup> Street South

This plat consists of 170 lots, 10 blocks on 44.37 ± acres.

The Technical Advisory Committee (TAC) met on January 18, 2018 and provided the following conditions:

1. **Zoning:** The proposed lots conform to the requirements of PUD-816.
2. **Addressing:** Approved as shown.
3. **Transportation & Traffic:** Provide access through Reserve Area B to the proposed school site to the northeast. Legal survey closure form must be provided with final plat.
4. **Sewer:** All utility easements including sanitary sewer lines must be a minimum of 15'. Increase width of appropriate easements.
5. **Water:** Approved as submitted.
6. **Engineering Graphics:** Submit a subdivision control data sheet with final plat. Provide addresses for individual lots. Show only platted subdivisions in the location map. Add 3501 after North Zone under the "Basis of Bearing" heading and state whether the plat was surveyed in survey feet of feet. Show property pins set/found graphically. Ensure written legal description matches the face of the plat.
7. **Fire:** No comments.
8. **Stormwater, Drainage, & Floodplain:** No comments.
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; 10 members present:**

On **MOTION** of **MILLIKIN**, TMAPC voted **9-0-1** (Covey, Dix, Doctor, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; Fretz, “abstaining”; Adams, “absent”) to **APPROVE** Huntington Park II Preliminary Plat per staff recommendation.

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13. **Memorial Imports II** (CD 7) Minor Subdivision Plat, Location: East of the northeast corner of East 91<sup>st</sup> Street South and South Memorial Drive

**STAFF RECOMMENDATION:**

The plat consists of 1 Lot, 1 Block, on 9.66 ± acres.

The property is zoned CG with an optional development plan and the proposed lots conform to the standards of that development plan. The plat has been approved by all utilities. Final plat approval is conditioned upon the following requirements:

- 1. Depict all easements abutting Memorial Imports Phase II that were created by the plat of Square Ninety-One or otherwise depicted by the plat of Square Ninety-One
- 2. Provide written permission from the owner of the existing 90’ pipeline ROW for the location of the storm sewer easement

Staff recommends **approval** of the minor subdivision plat with those conditions.

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

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

**TMAPC Action; 10 members present:**

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Covey, Dix, Doctor, Fretz, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Adams, “absent”) to **APPROVE** the Minor Subdivision Plat Memorial Imports II per staff recommendation.

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14. **PUD-166-N Josh McFarland** (CD 8) Location: Northeast corner of South Sheridan Road and East 93<sup>rd</sup> Street South requesting a **PUD Major Amendment** to increase allowable floor area

**STAFF RECOMMENDATION:**

**SECTION I: PUD-166-N**

**DEVELOPMENT CONCEPT:** The applicant proposes to increase the allowable floor area from 7,000 sf to 8,700 sf to permit a new retail center. This request is considered a major amendment due to the requested increase exceeding 15% in additional floor area allowed by minor amendments.

**DETAILED STAFF RECOMMENDATION:**

The applicant’s proposal is consistent with the Tulsa Comprehensive Plan, and;

The applicant’s proposal is consistent with the provisions of the PUD chapter of the Tulsa Zoning Code, and;

The development standards identified in this PUD are non-injurious to the existing proximate neighborhood, therefore;

**Staff recommends Approval of PUD-166-N to increase allowable floor area to 8,700 sf.**

**PUD-166-N DEVELOPMENT STANDARDS:** Allowable floor area shall be 8,700 sf. No other standards are proposed to be amended at this time. All remaining development standards of PUD-166-M will remain in effect.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: The subject parcel is designated as a Town Center and an Area of Growth.*

## Land Use Vision:

*Land Use Plan map designation:* Town Center

Town Centers are medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods, and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

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

The purpose of 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 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. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile

## Transportation Vision:

*Major Street and Highway Plan:* South Sheridan Road is designated as a Secondary Arterial

*Trail System Master Plan Considerations:* None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The site is currently occupied by Fiesta Pools and Spas and associated structures*

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Sheridan Road	Secondary Arterial	100 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	RM-1/PUD-166-J	Town Center	Growth	Carwash / Self-Storage
South	RS-3	Existing Neighborhood	Stability	Single-Family
East	RM-1/RS-3/PUD-166-D	Town Center	Growth	Daycare
West	RM-1/PUD-206-B	Town Center	Growth	Retail / Post Office



## SECTION III: Relevant Zoning History

### ZONING ORDINANCE:

- Ordinance number 18757 dated June 27, 1996, amended zoning for the subject property. (PUD-166-I)
- Ordinance number 17856 dated January 21, 1993, amended zoning for the subject property. (PUD-166-E)
- Ordinance number 15081 dated May 1, 1981, amended zoning for the subject property. (PUD-166-A)
- Ordinance number 13592 dated March 30, 1976, amended zoning (AG & RS-3 to RM-1 & RS-3) for the subject property. (Z-4828 and PUD-166)
- Ordinance number 12642 dated November 7, 1972, amended zoning (AG to RS-3) for the subject property. (Z-4243)
- Ordinance number 11833 dated June 26, 1970, established zoning for the subject property.

### *Subject Property:*

**PUD-166-M November 2017:** All concurred in **approval** of a proposed Major Amendment **to allow** restaurant, retail, and office uses in addition to previously approved uses and **to prohibit** bars, liquor stores, tattoo establishments, and sexually-oriented businesses, on property located on the northeast corner of South Sheridan Road and East 93<sup>rd</sup> Street South.

**PUD-166-I June 1996:** All concurred in **approval** of a proposed Major Amendment to expand permitted retail uses in the PUD and on the subject tract. The uses approved were for a garden center, artists' supply, book store, camera and photographic supplies, clothing and accessories, dress making, florist, interior decorating and wallpaper, shoe store, sporting goods stores, and swimming pools and spa store, all subject to existing standards and subject to no outside storage of supplies to be visible from South Sheridan Road or from East 93<sup>rd</sup> Street on a tract of land located on the subject property.

**PUD-166-E January 1993:** All concurred in **approval** of a proposed Major Amendment to PUD-166 on a .95± acre tract of land to make a garden center the only permitted use on the subject property.

**PUD-166 September 1975:** All concurred in **approval**, with conditions, of a proposed Planned Unit Development on a 96± acre tract of land, with 13 acres commercial and 83 acres residential under PUD controls. Permitted were 126,500 square feet of commercial floor area on a roughly 588' x 1,125' tract on the corner (Area "A"), and 168 apartment units on an adjacent 515' x 893' tract to the south (Area "B"). The balance of the PUD permitted 121 apartments east of the southeast corner (Area C) and 117 single-family units on the interior (Area D) on property located on the southeast corner of East 91<sup>st</sup> Street South and South Sheridan Road.

**Z-4828 September 1975:** All concurred in **approval** of a request to rezone a 28± acre tract of land at the southeast corner of E. 91<sup>st</sup> Street South & S. Sheridan Road (excluding existing CS) from AG and RS-3 to 13 acres RM-1, extending 600' east and 450' south of the existing CS, and to 15 acres of RS-3 on the balance, on the subject property.

**Z-4243 July 1972:** All concurred in **denial** of a request for rezoning a 29.6± acre tract of land on the SE corner of 91<sup>st</sup> Street South and Sheridan Road from AG to CS and **approval** of RS-3; All concurred in **approval** of a request for rezoning a 66.5± acre tract of land on the southeast from AG to RS-3.

***Surrounding Property:***

**PUD-166-L May 2000:** All concurred in **denial** of a proposed Major Amendment to PUD-166 on a .77± acre tract of land for a 50' square enclosed pool yard for swimming pools and spa store on property located on the northeast corner of East 93<sup>rd</sup> Street South and South Sheridan Road.

**PUD-166-K October 1997:** All concurred in **approval** of a proposed Major Amendment to PUD-166 on a .92± acre tract of land for a retail dry cleaning and laundry facility, subject to conditions, on property located on the southeast corner of East 91<sup>st</sup> Street South and South Sheridan Road.

**PUD-166-J January 1997:** Request for a major amendment to allow a cellular tower within the PUD development was **approved**.

**PUD-206-B May 1996:** All concurred in **approval** of a major amendment to the PUD to allow a U.S. Post office within Development A of the PUD.

**PUD-166-H December 1995:** All concurred in **approval** of a proposed Major Amendment to PUD-166 on a .92± acre tract of land to increase the allowable square feet of CS zoning within the RM-1 development area on property located on the southeast corner of East 91<sup>st</sup> Street South and South Sheridan Road.

**PUD-166-G April 1995:** A request to add Use Units 16 and 17 in Development Area 2-2; redistribute the square footage allowed; and increase the allowable signage within this PUD area. All amendments were **approved** with conditions, on property located south of the southeast corner of East 91<sup>st</sup> Street South and South Sheridan Road.

**PUD-166-F August 1993:** All concurred in **approval** of a proposed Major Amendment to divide Development Area 2 into three separate areas to permit a mini-storage and car wash, on property located north of the northeast corner of South Sheridan Road and east 93<sup>rd</sup> Street South.

**PUD-166-D August 1986:** All concurred in **approval** of a proposed Major Amendment to PUD-166 on a 11.12± acre tract of land to divide 11.12 acres into four areas with Area 2 being approved for CS uses, with the exception of Use Units 17 and 20; installation and maintenance of screening and landscaping materials were a condition of approval, on property located north of the northeast corner of South Sheridan Road and east 93<sup>rd</sup> Street South.

**PUD-336 September 1983:** All concurred in **approval** of a request to rezone a 5.8± acre tract of land from AG to RM-1 for multi-family use on property located east of the southeast corner of East 91<sup>st</sup> Street South and South Sheridan Road.

**PUD-166-C July 1983:** All concurred in **approval** to allow a tire store on property within the same PUD.

**PUD-166-B April 1983:** All concurred in **approval** of a proposed Major Amendment to PUD-166 on a 6.69± acre tract of land to allow 168 dwelling units, on property located on the SE corner of South 91<sup>st</sup> Street and South Sheridan Road.

**PUD-166-A April 1981:** All concurred in **approval** to amend PUD-166 to allow a 9,000 square-foot office building on the SE corner of South 91<sup>st</sup> Street and South Sheridan Road.

**PUD-206 November 1977:** All concurred, subject to conditions, in **approval** of a proposed Major Amendment on a 60± acre tract of land to allow 200,000 square-feet of commercial, 200 multi-family units, 174 duplexes and 148 single-family units. Approximately 4.9 acres will serve as open area and detention for storm water runoff, on property located at the southwest corner of South 91<sup>st</sup> Street and South Sheridan Road.

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

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

**TMAPC Action; 10 members present:**

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Covey, Dix, Doctor, Fretz, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Adams, "absent") to **APPROVE** the PUD-166-N Major Amendment per staff recommendation.

**Legal Description of PUD-166-N:**

PRT LT 2 BEG SWC TH N185 E224.88 S181.51 SW19.30 TH ON CRV RT 40.71 W165 POB BLK 1, SHERIDAN SQUARE, City of Tulsa, Tulsa County, State of Oklahoma

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15. **CZ-468 Tulsa County** (County) Location: Northeast corner of South Yale Avenue and East 171<sup>st</sup> Street South requesting rezoning from **AG to IL**

**STAFF RECOMMENDATION:**

**SECTION I: CZ-468**

**DEVELOPMENT CONCEPT:** Rezone subject lot from AG to IL in order to permit a new highway maintenance facility. This use would be considered Use Unit 4 – Public Protection & Utility Facilities.

**DETAILED STAFF RECOMMENDATION:**

Given the proposed use and context of the subject lot, IL zoning would be appropriate and would be non-injurious to the existing proximate properties and;

CZ-468 is consistent with the anticipated future development pattern of the surrounding property therefore;

**Staff recommends Approval of CZ-468 to rezone property from AG to IL.**

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: This area is outside of the City of Tulsa Comprehensive Plan area.*

**Land Use Vision:**

*Land Use Plan map designation: N/A*

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

**Transportation Vision:**

*Major Street and Highway Plan: E 171<sup>st</sup> St S is a Primary Arterial. S Yale Ave is a Secondary Arterial.*

*Trail System Master Plan Considerations: None*

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The site is primarily vacant agricultural land. A utility shed currently exist on site. A pond lies along the eastern boundary of the lot.*

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
E 171 <sup>st</sup> St S	Primary Arterial	120 feet	2
S Yale Ave	Secondary Arterial	100 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	AG	N/A	N/A	Vacant / Cell Tower
South	AG	N/A	N/A	Vacant
East	OL	N/A	N/A	Preschool / Church
West	AG	N/A	N/A	Single Family

**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-2150-A May 2011:** The Board of Adjustment **approved** an *Amended Site Plan* as approved by CBOA-1484, for a daycare center accessory to a church use, on property located east of the northeast corner of East 171<sup>st</sup> Street South and South Yale Avenue.

**CBOA-2150 March 2005:** The Board of Adjustment **approved** an *Amended Site Plan* as approved by CBOA-1484, for expansion for a children's church facility, on property located east of the northeast corner of East 171<sup>st</sup> Street South and South Yale Avenue.

**CBOA-1917 November 2001:** The Board of Adjustment **approved** a *variance* of lot width from 200' to 165' for lot-split L-19313 (Tract A); a *variance* of lot area from 2 acres to 1.47 acres (Tract B); a *variance* of land area from 2.2 acres to 1.95 acres if roadway dedication is required on 171<sup>st</sup> Street and Yale Avenue (Tract B), subject to easement by right-of-way dedication, on property located on the northwest corner of South Yale Avenue and East 171<sup>st</sup> Street South. A request was made to **reconsider** CBOA-1917 in December of 2001, the Board of Adjustment **continued** the case until January 2002. On January 15, 2002, the **motion to reconsider the case** went before the Board of Adjustment but the **motion died** for lack of a second and would not be reconsidered.

**CBOA-1780 October 2000:** The Board of Adjustment **approved** an *Amended Site Plan* per the original approval, CBOA-1484, on property located east of the northeast corner of East 171<sup>st</sup> Street South and South Yale Avenue.

**CBOA-1484 March 1997:** The Board of Adjustment **approved** a *special exception* to permit church use in an OL and AG zoned district; subject to the plan submitted being approved in concept only; subject to the first phase building location be approved as submitted and the applicant return to the Board with any future development to seek approval of compliance with the conceptual plan; subject to the maximum height of any building within this development being 26' maximum (heights defined in the County Zoning Code), on property located east of the northeast corner of East 171<sup>st</sup> Street South and South Yale Avenue.

**CBOA-1283 August 1994:** The Board of Adjustment **approved** a *variance* of the required lot width from 200' to 165' to permit a lot split, on property located north of the northwest corner of East 171<sup>st</sup> Street South and South Yale Avenue.

**CBOA-1265 May 1994:** The Board of Adjustment **approved** a *special exception* to permit a school use in an OL zoned district per plan submitted; subject to days and hours of operation being Monday through Thursday, 8:30 a.m. to 3 p.m., and 8:30 a.m. to noon on Friday; subject to a maximum of 10 staff members; subject to the number of students being in compliance with State requirements; and subject to Health Department approval of sewage disposal, on property located east of the northeast corner of East 171<sup>st</sup> Street South and South Yale Avenue.

**CZ-175 July 1989:** All concurred in **approval** of a request for rezoning multiple tracts of land that had been de-annexed from City of Bixby on April 10, 1989, Ordinance #613. According to Tulsa Count Zoning Code, properties de-annexed from a city automatically are zoned AG. Tulsa County requested to have the tracts rezoned to the same zoning they were prior to the Bixby annexation on March 13, 1989, Ordinance #610. Included in this rezoning is the property located east of the northeast corner of East 171<sup>st</sup> Street South and South Yale Avenue.

**CBOA-804 March 1988:** The Board of Adjustment **approved**, per conditions, a *special exception* to permit a multi-family dwelling in an OL zoned district, on property located east of the northeast corner of East 171<sup>st</sup> Street South and South Yale Avenue.

**CBOA-614 November 1985:** The Board of Adjustment **approved** a *variance*, (Section 220(c) – height exception – Use Unit 1204), of the 60’ height limitation to 240’ to permit a transmitting/receiving tower; subject to construction materials being used as represented by the applicant, on property located north of the northeast corner of East 171<sup>st</sup> Street South and South Yale Avenue.

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

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

**TMAPC Action; 10 members present:**

On **MOTION** of **DIX**, TMAPC voted **10-0-0** (Covey, Dix, Doctor, Fretz, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Adams, “absent”) to **APPROVE** CZ-468 rezoning from AG to IL per staff recommendation.

**Legal Description of CZ-468:**

The Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW/4, SW/4, SW/4) of Section 27, Township 17 North, Range 13 East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, According to the United States Government Survey thereof. Containing 10.00 acres, more or less.

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16. **Z-7421 Janelle Moore, Wallace Engineering** (CD 2) Location: East of the southeast corner of South 33<sup>rd</sup> West Avenue and West 81<sup>st</sup> Street South requesting rezoning from **AG** to **RS-2** with **optional development plan** (Continued from November 15, 2017 and January 17, 2018)

**STAFF RECOMMENDATION:**

**SECTION I: Z-7421**

**DEVELOPMENT CONCEPT:** The applicant has requested a rezoning to support a proposed single family residential development. The long-term concept is to develop a private street gated community. The City of Tulsa subdivision regulations do not allow private streets outside of a Planned Unit Development. When those regulations are modified an amendment to the optional development will be required.

**SECTION II: Optional Development Plan Standards**

Z-7421 with the optional development plan standards will conform to the provision of the Tulsa Zoning Code for development in an RS-2 zoning district and all its supplemental regulations except as further refined below:

Uses allowed:

- A. Permitted Uses: The subject property may only be used as follows:
  - a. Residential Use category
    - i. Single Household
- B. Public, Civic and Institutional
  - a. Natural Resource Preservation
  - b. Minor Utilities and Public Service Facilities

Residential building types allowed: The subject property may only be used as follows:

- A. Single Household
  - a. Detached House

Lot and Building Regulations:

Minimum Lot Area:	13,500 square feet
Minimum Average Lot Width:	100 feet
Minimum Street Frontage	30 feet
Minimum Building Setbacks	
Street	
Arterial	35 feet
Other streets	35 feet*
Side (Interior)	15 feet
Rear	25 feet
Minimum open space per lot	5,000 square feet
Maximum building height	35 feet

\*For detached houses and accessory buildings on corner lots street setbacks for non-arterial streets shall also be 35 feet.

Provide pedestrian connectivity and meaningful open space as illustrated on the conceptual plan submitted.



The right-of-way or reserve area width may not be less than 50 feet as defined in the City of Tulsa subdivision regulations. The minimum building setbacks defined above shall be measured from the street reserve area boundary or right-of-way line.

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

Z-7421 request RS-2 zoning with an optional development plan for a single family residential development. Single family residential uses in this location are consistent with the Existing Neighborhood land use designation in the Comprehensive Plan and in the West Highlands Small Area Plan and,

RS-2 zoning with the optional development plan at this specific location may not be consistent with the provisions identified in an Area of Stability as outlined in the Tulsa Comprehensive Plan, however the optional development plan provides standards for wider side yards and larger front setbacks that are consistent with the large lot neighborhood character expected in the small area plan and,

RS-2 zoning with the optional development plan standards allows a lot density that may still not be consistent with the existing land use pattern in the area. That pattern was established years ago without sanitary sewer availability but the existing zoning in those areas would allow property to be developed with RS-3 lots with a minimum of 6900 square feet when connected to a sanitary sewer system. The City of Tulsa has recently completed sanitary sewer construction south of this site that would allow much greater density on property that is currently zoned RS-3 and,

Single family residential uses are consistent with the land use vision of the West Highlands Small Area Plan however the density allowed by RS-2 zoning with the optional development plan outlined above is contradictory to the rural residential uses recommended by the West Highlands Small area plan and may be considered injurious to the surrounding property owners and,

The lot setbacks and building regulations included in the optional development plan meet or exceed the standards defined in a RS-2 zoning which is consistent with the optional development plan limitations allowed in the Tulsa Zoning Code therefore,

**Staff recommends approval of Z-7421 to rezone property from AG to RS-2 with the optional development plan outlined in Section II.**

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

*Bulk and Area Summary chart illustrating differences in zoning categories*

Zoning category	Lot Area (sq. ft.)	Lot width (ft.)	Street Setback (ft.)	Rear Setback (ft.)	Side Setback (ft.)	Open Space (sq. ft)
<b>Z-7421 RS-2 w/ODP</b>	<b>13,500</b>	<b>100</b>	<b>35</b>	<b>25</b>	<b>15/15</b>	<b>5,000</b>
<b>RS-2</b>	<b>9,000</b>	<b>75</b>	<b>30</b>	<b>25</b>	<b>5/5</b>	<b>5,000</b>
AG	87,120	200	25	40	10/5	None required
RE	22,500	150	35	25	15	12,000
RS-1	13,500	100	35	25	5/5	7,000
RS-3	6,900	60	25	20	5/5	4,000

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary:* Within the West Highlands Small Area plan a development concept illustrates a single family residential development with a variety of lot sizes, greenspace wildlife corridor for local fauna and a perimeter greenspace buffer that summarize the goals for a context sensitive neighborhood. Without using an optional development plan or recommending a larger lot zoning designation staff does not have any regulatory method to support the visioning concepts illustrated in the plan.

Land Use Vision:

*Land Use Plan map designation:* Existing Neighborhood

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

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

The Areas of Stability includes approximately 75% of the city’s total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability.

The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the

unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

Transportation Vision:

*Major Street and Highway Plan:* None that would affect site development

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

Small Area Plan: West Highlands Small Area Plan (Adopted 2014)

The recommendations of the small area plan include many references to supporting residential single family uses within a rural context and a rural residential zoning use. Revisions to the Tulsa Zoning Code have not implemented those concepts.

Special District Considerations: None except those design considerations recommended in the West Highlands Small Area Plan

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary:* The site abuts property on the south that does not have a public connection to any street. The preliminary plat will require stub street construction that will allow access to the arterial streets anticipating future development. Street connectivity is an important consideration in the West Highlands Small Area Plan and in the Tulsa Comprehensive Plan.

*The density illustrated on the conceptual plan can only be supported by a connection to a public sewer system.*

Environmental Considerations: The southwest corner of the site is included in the City of Tulsa regulatory floodplain. Development of that portion of the tract will require adequate engineering analysis during the design process to meet or exceed City standards for development in the floodplain.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West 81 <sup>st</sup> Street South	Secondary Arterial	100 feet	2

Utilities:

The subject tract has municipal water available.

A City of Tulsa sanitary sewer extension will be required to serve this site from approximately ½ mile south of the south boundary of the site.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-3	Existing Neighborhood	Stability	Large lot single family homes
East	AG	Existing Neighborhood	Stability	One single family home
South	AG	Existing Neighborhood	Stability	Undeveloped
West	RS-3	Existing Neighborhood	Stability	Single family homes

**SECTION IV: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11827 dated June 26, 1970, established zoning for the subject property.

***Subject Property:***

**BOA-11166 September 1980:** The Board of Adjustment **approved** a *special exception* to permit the location of a mobile home in an AG District for a period of 10-years, or until such time as the dairy ceases to operate, whichever comes first (Section 310 – Principal Uses Permitted in the Agriculture District – Section 1209 – Mobile homes) on the subject property.

***Surrounding Property:***

**BOA-21242 March 2011:** The Board of Adjustment **approved** the *variance* of the maximum permitted size of a detached accessory building in the RS-3 district (Section 402.B.1.d) from 1,235 Sq. ft. finding that the proposed structure is to replace what was destroyed by a tornado last year, and the tract is 2.51 acres in size on property located south of the southeast corner of South 33<sup>rd</sup> West Avenue and West 81<sup>st</sup> Street South and abutting the subject property.

**BOA-20256 April 1997:** The Board of Adjustment **approved** a *variance* of the maximum size of an accessory building in an RS-3 District; and a *variance* of the maximum height of the top plate for an accessory building from 10 feet to 12 feet, finding that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, specifically the large

lot size in the RS-3 zoned area; contingent on there being no commercial activities, no living quarters and removal of the existing building, and total square footage of 1,500 for accessory buildings, on property located on the northeast corner of West 81<sup>st</sup> Street South and South 28<sup>th</sup> West Avenue.

**BOA-17934 February 1998:** The Board of Adjustment **denied** a *variance* to all 2 dwelling units on one lot of record; Section 207. One single-family dwelling per lot of record-Use Unit 9 a special exception to allow a manufactured home in an RS-3 zoned district (Section 401). Principal uses permitted in residential districts – Use Unit 9 and a variance of the one year time limit to allow the manufactured home permanently Section 404.E. Special exception uses in residential districts, requirements noting that not hardship was presented on property located east of the northeast corner of South 33<sup>rd</sup> West Avenue and West 81<sup>st</sup> Street South.

**BOA-15954 February 1992:** The Board of Adjustment **denied** a *special exception* to permit a community group home in an RS-3 zoned district – Section 401. Principal uses permitted in the residential districts – Use Unit 5; finding that the proposed use would be detrimental to the neighborhood, and would violate the spirit and intent of the code, on property located east of the corner of South 33<sup>rd</sup> West Avenue and West 81<sup>st</sup> Street South.

**TMAPC COMMENTS:**

Mr. Covey stated to staff, as of right now there is no rural residential district designation in the zoning code.

Staff answered, “that is correct”. There is an Agriculture District that is 2.1 acres, a Residential Estate District that is half acre lots but rural residential is not a district that is currently in the zoning code.

Mr. Covey stated on the West Highlands Small Area Plan it states, “revise zoning code to include a rural residential district that allows limited number of livestock and horses as a use by right and has larger minimum lot sizes”.

Staff stated that is one of the recommendations from the Small Area Plan that has not happened.

Mr. Covey stated the Small Area Plan was adopted 5 years ago so the question is why has that not happened.

Staff answered, he does not have a good answer for that. The neighborhood has clearly been interested in that and there is more and more pressure to redevelop this area and with the construction with the sanitary sewer that will be built that will change things in that area. Staff stated there is interest at City Council level to consider a change in the zoning code that would add that zoning designation but that just hasn’t happened.

Mr. Covey stated just to be clear if there is a change in the zoning code that doesn't mean the City would be allowed to blanket this zoning designation everywhere. Each property owner will have to decide whether to accept that Rural Residential designation.

Staff answered, "that is correct".

Mr. Covey asked staff if that was something the City is going to work on in the future.

Staff answered, there are talks now about doing something like the Bus Rapid Transit initiative, where the City would initiate rezoning of a tract at the request of the owner of the tract, but to rezone to the rural designation.

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

**Gene Phillips** 200 East Brady Street, Tulsa, OK 74104

In October of 2017 when considering purchasing the property, a predevelopment meeting was held with the City of Tulsa, INCOG and others. Mr. Phillips stated he presented the subject property to be RS-3 with lots more like RS-2. Mr. Phillips stated there were 36 lots at the time and everyone at the table stated this was acceptable. Mr. Phillips then presented the same to TMAPC for rezoning in November 2017. He stated prior to the TMAPC meeting he learned about a Small Area Plan that was in place for this area and felt like this development plan would be in conflict of that Small Area Plan so the applicant asked for a continuance to January 17<sup>th</sup>, 2018. Mr. Phillips stated during that time a meeting was held with the community to understand what they were looking for in terms of development. In that meeting the applicant presented the larger lot fronts and reduced the lots from 36 to 32 with a gated community and sidewalks. Mr. Phillips stated the price point on the houses were 350,000-400,000 dollars. Mr. Phillips stated in that conversation he felt like they were nowhere close to an understanding with the community and the deadline was approaching to come back to TMAPC, so the applicant asked for another continuance to have one more community meeting. Mr. Phillips stated the community has been very gracious even though they were on different sides of the fence. Mr. Phillips stated in the second meeting the applicant decided to try and increase the price point of the homes and reduce the lot sizes. He stated the applicant had a constraint that if the sewer line was to be put in for those properties there must be a certain number of lots to offset the investment. Mr. Phillips stated there were discussions with adjacent land owners to see if they would be interested in giving easement property for this sewer line and they stated they did not want sewer connectivity. Mr. Phillips stated two plans were then presented to the community, one was if there was not direct connection to the city sewer the subject property would be half acre lots, that would be 20 lots, and would install aerobic septic systems. Mr. Phillips stated if someone changes their mind and

wanted the sewer coming across their property for future development, there needed to be a plan for more density to offset that cost and that plan is what is before TMAPC today. Mr. Phillips stated that would include around 26 -28 lots. Mr. Phillips stated the price point for what is presented to is 400,000-700,000-dollar range. Mr. Phillips stated the information he has seen that has been passed around the community there is a perception of 5 lots per acre and that is not what the applicant is proposing.

### **INTERESTED PARTIES:**

**Kaye Price** 5815 South 31<sup>st</sup> West Avenue, Tulsa, OK 74107

Ms. Price stated the subject area has a very distinct look. Ms. Price stated Tulsa Hills is a catalyst for some development in this area, controlled development but no one in this group wants Tulsa Hills to look like 71<sup>st</sup> and Memorial. Ms. Price stated this group feels they have the same rights as Historical Districts such as the Pearl District who has redesigned their future. Ms. Price stated she has never seen the participation level that the group here today has and she has been all over the city. Ms. Price stated residents worked on the Small Area Plan for 2 years. She stated in 1964 this area was annexed to the City of Tulsa and the city came in and laid down blanket zoning. A lot of the residents didn't know the city had changed the zoning on their property. Ms. Price stated the City Planners at the time of the Small Area Plan looked at the County designation of Residential Agricultural designation which would get the residents what they desired and what the plan states.

**Allan Breedlove** 8119 South 33<sup>rd</sup> West Ave, Tulsa, OK 74132

Mr. Breedlove stated he lives adjacent to the property on 3.75 acres. He stated he is opposed to this development. Mr. Breedlove stated this is a rural area and it was just last meeting that residents were here to oppose an applicant for a lot split on 78<sup>th</sup> Street. Mr. Breedlove would encourage Commissioners to drive the subject area. Mr. Breedlove asked staff why the City suddenly put a sewer line across 33<sup>rd</sup> West Avenue. Mr. Breedlove stated he is opposed to this development and its black and white either you're on the side of the landowners or the developer.

**Jody Cole** 2440 West 81<sup>st</sup> Street, Tulsa, OK 74132

Mr. Cole stated his family is some of the youngest that live in the subject area. Mr. Cole stated RS-3 designation scares all of them. Mr. Cole stated the applicant has been all over the place with this application RS-2, RS-3 and staff has recommended back in November that this application be RS-1 and now its RS-2 with an optional development plan. Mr. Cole stated the applicant has done a great job talking to the neighbors but Mr. **Breedlove** would recommend that the application be denied until the issue with the sewer line is worked out and presented. Mr. **Breedlove** stated the residents also need a development plan showing all the lots and residents don't have that currently.

**F.J. Thompson** 8215 South 33<sup>rd</sup> West Avenue, Tulsa, OK 74132

Ms. Thompson stated she has lived at the above address since 1964 and her property backs up to the subject property. Ms. Thompson stated when she moved to the area there was no water so they built a well, there was no gas so she got a propane tank, there was no electricity so they brought it in from Sapulpa. Ms. Thompson stated she moved there because she had 3 kids she wanted to raise in the country. She stated she managed to do that. Ms. Thompson stated she was born and raised on the westside and went to Webster High School and this property means a lot to her and her family and she doesn't want a lot of people moving in behind her. She stated she has had offers to buy her property because it's very pretty. Ms. Thompson stated if this change is allowed the traffic will be awful. Ms. Thompson stated the city didn't do anything for the residents when they moved to this area, the residents had to buy their own fire hydrant and now the city comes along and tells the residents they must change their way of living and she is against this application.

**Jana Proffitt Davis** PO BOX 702773, Tulsa, OK 74170

Ms. Davis stated she lives at the corner of 26<sup>th</sup> West Avenue and 81<sup>st</sup> Street and has lived in the neighborhood for 40 years. Ms. Davis stated she moved to the neighborhood because it was rural, quiet and away from traffic but close to downtown. The neighborhood was originally divided into lots of 2.5 acres to 7 acres, with large areas of farm land that remain today. Across the street from Ms. Davis is a 17-acre Morgan Horse Facility and 30 acres of Dairy Farm land. Ms. Davis stated she moved out here to be left alone and away from the City. She wanted to have animals and raise children in a rural setting so they could learn the values of farm life and be able to play outside away from the dangers of the inner city. Ms. Davis stated the more density that is added by building apartments and houses, the more her quality of life disappears. Southwest Tulsa, has more than their share of apartments, and with the invasion of the Tulsa Hills shopping area, the quality of life has really suffered. Ms. Davis stated the crime rate has greatly increased, yet the police protection has not. Ms. Davis stated they do not want more density in this rural area. She does not want any home lots less than 2.5 acres. Ms. Davis stated she was a core member in the development of the Small Area Plan in March 2014 and the focus was to make a statement to preserve the Rural Status, and not allow population density to take place. Ms. Davis stated the Mission statement of the Tulsa Metropolitan Area Planning Commission (TMAPC) is to provide unbiased advice to the City Council and the County Commissioners on development and zoning matters, to provide a public forum that fosters public participation and transparency in land development and planning, to adopt and maintain a comprehensive plan for the metropolitan area, and to provide other planning, zoning and land division services that promote the harmonious development of the Tulsa Metropolitan Area and enhance and preserve the quality of life for the region's current and future residents.



Ma. Davis stated this mission statement says that TMAPC is to provide a public forum with transparency. That says to Ms. Davis that TMAPC is to listen to the public and weigh their wishes over the wishes of money interests and developers. Ms. Davis stated the mission statement says that TMAPC is to adopt and maintain a comprehensive plan that promotes harmonious development. That says to Ms. Davis that TMAPC is to weigh heavily the wishes of the community that live in the area. Ms. Davis stated the mission statement says that TMAPC is to “enhance and preserve the quality of life for the region’s current and future residents”. That says to Ms. Davis that TMAPC is to listen to the wishes of the residents and value above all their “quality of life”. Ms. Davis stated her quality of life is going to be greatly impacted if development in the subject area is allowed with less than 2.5 acre lots. Ms. Davis stated she does not want this type of development and she does not want less than 2.5 acre lots. Ms. Davis stated she does not want houses where our neighbors can look into homes from a few feet away. Ms. Davis stated residents do not want the trees and wooded areas cut down or City sewer brought into the area. Residents do not want to be restricted on animals that are allowed on the property. Ms. Davis stated the residents know there will be Commercial and Residential development in the area, but it must stay no further west than Tulsa Hills. Ms. Davis stated residents will not tolerate it further west and will fight to maintain their quality of life.

**Tish Dingmon** 2828 West 81<sup>st</sup> Street, Tulsa, OK 74132

Ms. Dingmon stated she grew up in the area and has recently built a house in the area. Ms. Dingmon stated when someone buys property in the area they tear down the original house on the property and just builds a big house but they keep all the acreage. Ms. Dingmon stated the main reason residents moved here was the large lots.

**Mary Beth Dolen** 2500 West 81<sup>st</sup> Street, Tulsa, OK 74132

Ms. Dolen stated she owns the Horse Farm and it is 100 acres. Ms. Dolen stated she bought the property in 1980 and understand at that time that everything around there was 2.5 plus acres. Ms. Dolen stated her property is adjacent to the subject property. Ms. Dolen stated she moved 19 horses from Missouri and raised her kids there and love the area. She stated Tish Dingmon is her daughter. Ms. Dolen stated there should be a compromise to allow some development but keep a rural feel. Ms. Dolen believes this development would devalue the property in the area.

**Harry Wahenhunt** 3365 West 78<sup>th</sup> Street, Tulsa, OK 74132

Mr. Wahenhunt stated he worked for the City of Tulsa and had conversations regarding the subject property. Mr. Wahenhunt stated Norma Eagleton took the lead and the City was contemplating purchasing the dairy farm for a landfill. Mr. Wahenhunt stated as those discussions progressed the property was tested and it was decided because of the water issues this land was not a good fit. Mr. Wahenhunt stated the city did not purchase the property. Mr. Wahenhunt stated once Tulsa Hills came into play everyone wanted to buy property in the area and split it and make their money and get out and that is what has happened. Mr.

Wahenhunt stated a Small Area Plan was created and the residents were very active in participating in the plan and then it was not implemented. Mr. Wahenhunt stated it is already zoned agriculture and the Planning Commission is promoting pro development because they want the developer to come in and purchase the land and build some houses even though there is a plan in place that has not been approved yet. Mr. Wahenhunt stated he appreciated the Planning Commission's contribution and would hope they will listen to the residents who live in this community.

**Bart James** 7910 South 101<sup>st</sup> East Avenue, Tulsa, OK 74133

Mr. James stated he works with the Dolen's and the Dingmon's who owns the 100-acre horse farm. Mr. James stated he submitted a document that shows within a 2-square mile and how many of those tracts are an acre or a half acre and under. Mr. James stated there are very few that are under an acre and the ones that are less than a half-acre is still attached to the adjoining property and was cut out for the house and financing. Mr. James stated the applicant doesn't need RS-2 if he is doing half acre lots and RS-1 would be better than what he is proposing currently. Mr. James stated the key is the residents in the area want to keep a rural feel, they know it's going to develop over time but they want to maintain the character of their neighborhood that requires wide lots. Mr. James stated the RE designation shows 150-foot-wide lots and the side yards are 15 feet and that would get the space the neighbors want. Mr. James stated the proposal he has seen from the developer shows 100-foot-wide lots with 10 and 10 side yards and that is not what the residents want. Mr. James stated the City asked for community participation in PlaniTulsa and this community stepped up and they would like the goals implemented but nothing has happened and that's why there is a situation like this one.

Ms. Millikin asked Mr. James about page 16.27 in the agenda packet. Ms. Millikin stated there is a section on strategies that states lots range in size from one-quarter to one acre. All four "quadrants" have varying lot sizes, except the northwest, where lots are solely one-acre. Ms. Millikin stated she is hearing a lot of residents say they don't want smaller than 2.5 acres so how can that be reconciled with the Small Area Plan which envisions lots that vary in size from .25 to 1 acre.

Mr. James stated he was a participant in this plan and he looked at it as 67 lots over 80 acres and that is basically an acre a lot. Mr. James stated there is a lot of 1.25 acres that have been split from the 2.5-acre tracts but standard in the area is 1 acre and that is what the Small Area plan recommends. Mr. James stated most of the lots are larger than that. Mr. James stated he thinks RS-3 is something he believes was just thrown out there in the 1970's and no one knows why or how that was changed and unfortunately that what the residents have to live with for the next 20 years.

**Jane Duenner** 2320 West 92<sup>nd</sup> Street, Tulsa, OK 74132

Ms. Duenner stated she is in Tulsa County and not the City. Ms. Duenner stated she moved out to southwest Tulsa in the early '80s and liked the area because it was rural the neighbors have horses, sheep, cows, chickens, llamas and goats. She also liked the fact that it was only 20 minutes from downtown Tulsa on a Sunday morning because she is very involved in her downtown church and in the community as well. Ms. Duenner stated she objects to developers coming in and changing the feel of her rural neighborhood and trying to cram a bunch of homes or other high-density developments in her area. Ms. Duenner stated the residents doesn't object to all development, they would like the lots to be 2.5 acre lots and believe that they have the right to have a say in what types of development is around this area because it affects their home values, as well as an increase in crime rates and it affects the rural feel which is why the residents moved here in the first place. Ms. Duenner stated the City doesn't seem to have the money to support upgrades to the infrastructure such as roads, lights, police, and fire that comes with the higher density. Ms. Duenner stated please consider the wishes of those people who live here.

**Applicant's Rebuttal:**

The applicant stated this has been a very good discussion and it's a tough decision for the Planning Commission. Applicant stated as far as the number of lots and layout of lots he stated they looked RE designation and that would yield 14 lots and that would be economically unfeasible with this small property. The applicant stated if they had 80 acres there would be more to work with and could consider a lot of other lot sizes. The applicant stated the homes that are being considered will be 70 feet in width and that will leave about 30 feet between the homes.

Mr. Covey asked if the applicant owned the property.

Applicant answered, "yes".

Ms. Millikin asked the applicant how many properties would abut Ms. Thompson's property using the proposed layout.

Applicant answered, "2 properties".

Ms. Millikin asked if there would be a fence around the subject property.

Applicant answered, "yes" a standard stockade fence with rock and something ornamental on front.

Mr. Reeds asked if there were any other gated communities in this square mile.

Applicant answered, "no".

Mr. Reeds stated the beauty of this area is the rural feel and they are truly good neighbors to each other. They don't have gated communities for a reason they trust each other. Mr. Reeds stated to the applicant he finds it remarkable that he wants to proceed with such a dense development with the sewer access being 10 years away.

The applicant stated looking at 1 acre lots the economics and the price of the property and being told that the RS-3 would be appropriate, to make the numbers work the project would need to be 20 or more lots and that would be the half-acre lots.

### **TMAPC COMMENTS:**

Mr. Covey asked Dawn Warrick, City of Tulsa Planning Department, if the Small Area Plan that was approved 4 years ago and stated, revising the Zoning Code to include a Rural Residential District that would allow limited number of livestock and horses as a use by right and has larger minimum lot size, was going to be implemented.

Ms. Warrick stated all the recommendations from the Small Area Plans that are approved is documented and yes the City intends to implement these but there are 100's of them. Ms. Warrick stated this particular recommendation has been a conversation between herself, Ms. Miller and others and language is being considered currently. Ms. Warrick stated it was not part of the material presented to the consultant when the Zoning Code was adopted and that was a missed opportunity. Ms. Warrick stated some clean up items are needed to adjust the current Zoning Code and this recommendation can be included with those adjustments.

Mr. Covey stated the language is very broad, "large minimum lot sizes", Mr. Covey stated he doesn't know what that means does it mean a half acre, 1 acre or 2.5 acres.

Ms. Warrick stated she couldn't give a number without looking at the current classifications in the Zoning Code and determine what larger lot size would be appropriate and that would be determined by looking around the community and what the average lot size is in this area.

Ms. Miller stated in the agenda packet page 16.23 this is a map that shows 2 acres or more is predominate in the area. Ms. Miller stated she has been talking with the City Councilor for this area about rezoning.

Mr. Covey stated if this is rezoned it will be up to the land owners to rezone.

Ms. Miller stated Councilor Cue stated the residents in the area who wanted to rezone to AG could initiate a rezoning.

Mr. Covey asked staff how Planning Commission should view this application when there is a Small Area Plan in place with broad language and nothing implemented yet and no consensus on what the zoning should be.

Ms. Miller stated she was not involved in the Small Area Plan meeting but she thought the intent of the recommendations would apply to the RS-3 zoned properties and not the AG properties.

Ms. Warrick stated the part of the plan that talks about the character of the area shows an overwhelming predominance of comments and intent from the stakeholders that were involved in the planning that they appreciated and wanted to retain a rural character within their part of the community. Ms. Warrick stated that must be balanced with the overall guiding principles of the Comprehensive Plan and the Comprehensive Plan does not speak to complete exclusivity of one complete development type. Ms. Warrick stated the City did its best using the land use designations and future land use categories in mapping the future land use recommendations for that area to generally reflect the ability to have a rural character but to also allow some additional development.

Mr. Covey asked what the significance of changing the subject area from New Neighborhood to Existing Neighborhood.

Ms. Warrick stated to reflect the fact that even with larger lots this area still functions as a neighborhood.

Mr. Covey stated to Ms. Warrick, on the recommendation it states, zoning west of Union Avenue, in areas with Existing Neighborhood land use, should strongly support residential, single-family uses, is that not what is being proposed.

Ms. Warrick stated “yes” that is what is being proposed.

Mr. Covey stated it doesn't say, not in a neighborhood or only things bigger than 2.5 acres. Mr. Covey stated some of his frustration is all the participants in the Small Area Plan come in with an idea of what the Small Area plan is to them and as we are seeing it is different things to different people. Mr. Covey stated what one person considers to be a large lot size is an acre and some thinks it's more than 2.5 acres.

Ms. Warrick stated it's a challenge the Planning Department deals with on a regular basis and she wishes the plan could pinpoint exactly what will happen on every single lot for the far future but we must work with what we have the time and give a general vision for the area and work towards implementation of that. Ms. Warrick stated it doesn't happen very quickly in most cases and the fact that this recommendation has not been implemented since adoption of this plan is not unique. Ms. Warrick stated the City does not have the ability to implement every

recommendation immediately upon adoption of these plans. They evolve over time.

Mr. Covey stated at this time you're not going to tell me a number of acres that might go forth because you don't know.

Ms. Warrick stated I wish I could but she doesn't know.

Mr. Covey asked staff in the agenda packet on page 16.48 under Priority 2 it states, for new construction in New and Existing Neighborhood land-use areas, and Town and Neighborhood Centers, each 1,500 square feet of street yard should have three trees. Mr. Covey asked how that was going to be enforced.

Staff answered that has been required in Jenks School PUD on South Union Avenue. Staff stated this was not requires as part of the optional development plan but that is what the optional development plan is there to allow those things. That can be a part of Planning Commission's recommendation if desired.

Mr. Covey asked staff if that shouldn't be a part of every PUD under this Small Area Plan.

Staff stated if it was commercial property or multifamily property staff would agree with that but historically in the City of Tulsa trees were not a requirement on a residential lot but have required them as frontage on an arterial street.

Mr. Covey stated he is just referring to the wording in the Small Area Plan and its states New and Existing Neighborhood land-use areas.

Staff answered that is something that can be added to the optional development plan.

Ms. Millikin stated something similar was considered in the Wind River and some people thought having lot sizes of varying dimensions added value to the region and Ms. Millikin thinks this is something of a parallel situation even though its more agricultural. Ms. Millikin stated the Small Area Plan does envision lot sizes in range from .25 acres to 1 acre so Ms. Millikin would be in favor of approving this application with some amendments to the option development plan such as a fence around the property that would be more than a stockade fence, she thinks it should be a masonry fence.

Mr. Ritchey thanked the neighbors for coming to Planning Commission and voicing their concerns and Mr. Ritchey stated he has been where there are before he was on the Planning Commission. Mr. Ritchey stated the emails are important because not everyone can get off work to attend the meetings and Planning Commission reads every one of those. Mr. Ritchey stated the Commissioners have the Zoning Code in front of them that tells them how to

interpret the ways in which the neighbors think. Mr. Ritchey stated to the developers he has been where they are also and appreciate everything the developers have to say. Mr. Ritchey stated the subject area of town is unique, on one side is RS-3 and then abutting it is an area that is AG. Mr. Ritchey thinks the zoning change would be injurious to the neighborhood and would deny this or if there is a way to leave it open so the applicant could come back with a different plan. Mr. Ritchey stated he knew the residents were tired of coming here every 2 weeks so if there was a way to make life easier for the residents but not kill the deal for the developer.

Mr. Reeds stated this is a unique situation and there was an application a few weeks ago that Mr. Reeds supported mixed use because he feels that has diversity in choice but in this case Mr. Reeds doesn't think the same conditions exist. Mr. Reeds stated this area is more open with larger lots and the houses are not McMansions they are simple ranch style homes. Mr. Reeds stated he likes the character of the neighborhood and thinks that trying to build a bunch of small homes right in the middle of it surrounded by a fence that would cut off views is contrary to the development of this community. Mr. Reeds stated he is in favor of denying this application.

Mr. Covey stated as of now he can't tell the residents what a revised Zoning Code with larger minimum lot size is going to be, there is language in the Small Area Plan that references anywhere from .25 acre to 1 acre. Mr. Covey stated the Small Area Plan states that zoning west of Union Avenue in areas with existing neighborhood land use should strongly support residential, single-family uses and that is what is being presented today. Mr. Covey stated there is nothing in the plan that says it must be RS-1, RS-2 or RS-3 nor does it say what the lot size must be but it clearly states zoning west of Union Avenue should support residential single family uses. Mr. Covey stated he will be voting in favor of the rezoning.

**TMAPC Action; 10 members present:**

On **MOTION** of **DIX**, TMAPC voted **4-6-0** (Covey, Dix, Millikin, Shivel "aye"; Doctor, Fretz, Krug, Reeds, Ritchey, Walker, "nays"; none "abstaining"; Adams, "absent") to **APPROVE** Z-7421 rezoning from AG to RS-2 with optional development plan.

The motion to approve failed.

Mr. Doctor asked staff if there were conversations with the City Councilor to change the zoning in this area.

Staff answered "yes".

Mr. Doctor stated staff eluded to the fact that the zoning around this area allows for lot splits that could substantially shift the character of the neighborhood. Mr.

Doctor stated but looking at the map those lot splits haven't happened and most lots are still 2 acres or more and there is a conversation with the City Councilor for rezoning on a pretty broad scale and this is the reason Mr. Doctor can't support the application at this time. Mr. Doctor asked staff how the conversations with the City Councilor are going.

Staff stated the map showing the acreage was presented to Councilor Cue and she was going to take that to her Town Hall meeting and get a feel for the larger lot sizes. Staff stated after that takes place, it will be based on what the Councilor feels comfortable with.

**TMAPC Action; 10 members present:**

On **MOTION** of **REEDS**, TMAPC voted **6-4-0** (Doctor, Fretz, Krug, Reeds, Ritchey, Walker, "aye"; Covey, Dix, Millikin, Shivel, "nays"; none "abstaining"; Adams, "absent") to **DENY Z-7421** rezoning from AG to RS-2 with optional development plan.

\*\*\*\*\*

Travis Hulse presented item 17.

17. Consider adoption of new **Subdivision and Development Regulations**.  
(Continued from December 6, 2017 and February 7, 2018)

**STAFF RECOMMENDATION:**

Following review and discussion of the "February 2018 public hearing draft" of the Subdivision and Development Regulations, members of the staff technical team, work group and bicycle pedestrian advisory committee (BPAC) met to discuss changes introduced at the February 7, 2018 meeting. Only those sections suggested for modification by BPAC were considered by the group.

All parties have agreed to the attached summary included with "track-changes" to identify newly proposed language for consideration at the upcoming February 21, 2018 TMAPC meeting. Each section is followed by a staff recommendation made on behalf of all involved parties, both for resolved and unresolved issues.

**Table 5-1: Maximum Block Lengths**

<b>Block Type</b>	<b>Maximum Block Length Without Mid-Block Ped Connection (PL to PL, feet)</b>	<b>Maximum Block Length With Mid-Block Ped Connection (PL to PL, feet)</b>
Urban <u>High Density</u>	<u>600</u>	<u>700</u>
Urban <u>Low</u>	700	900



<u>Density</u>		
Suburban	1,000	1,300
Rural	1,500	1,600

**Table 5-1 Notes**

[1] PL = Property Line (at end of block)

[2] Urban High Density = blocks on which the mean lot width of all fronting lots is less than 50 feet

[3] Urban Low Density = blocks on which the mean lot width of all fronting lots is at least 50 feet but less than or equal to 60 feet.

[4] Suburban = blocks on which the mean lot width of all fronting lots is more than 60 feet but less than or equal to 125 feet

[5] Rural = blocks on which the mean lot width of all fronting lots is more than 125 feet

Note: Lot widths must be measured in accordance with the lot width measurement definition of the applicable (city or county) zoning regulations.

**Staff recommendation:** Amend the existing language of the February 2018 Public Hearing Draft to incorporate the proposed edits. If changes are accepted, a motion to amend the draft document will be required.

**5-060.4 Connectivity of Streets and Nonmotorized **Transportation Facilities****

**A. Intent**

Connected streets and nonmotorized transportation **facilities** helps ensure connected neighborhoods, pedestrian access to adjacent parks, schools, libraries and other public amenities, diffusion and distribution of traffic among multiple travel routes, and easy access by public and emergency service vehicles.

**B. Requirement**

When new public streets or public nonmotorized transportation **facilities** are required to be constructed as part of a development, they must connect to similar public improvements within the development and be extended to the outer perimeter of the development so that they can be connected to similar public improvements in the future.

**Staff recommendation:** Amend the existing language of the February 2018 Public Hearing Draft to incorporate the proposed edits. If changes are accepted, a motion to amend the draft document will be required.

**5-060.5 Dead-End Streets**

**B. Permanent Dead-End Streets**

- 1) All approved permanent dead-end streets must comply with International Fire Code standards.

- 2) Permanent dead-end streets may not exceed 750 feet in length measured from the centerline of the intersecting street to the center of the turn-around. If a modification of maximum length regulations is approved, decision-making bodies are authorized to impose one or more of the following conditions:
  - a) Supplemental emergency vehicle access routes;
  - b) A pedestrian access easement from the terminus of the dead-end street;
  - c) A planted island with a pervious or bioretention landscaped area in the center of any cul-de-sac bulb; or
  - d) Other requirements designed to ensure connectivity, decrease storm water runoff, or otherwise promote the purposes of these subdivision regulations.

**Staff recommendation:** Request that TMAPC discuss the proposed edit. BPAC requests a reduction of the highlighted maximum dead-end street length from 750 feet to 500 feet. If changes are accepted, a motion to amend the draft document will be required.

#### 5-060.9 Street Intersections

- A. All street intersections involving arterial streets must be at right angles. The city or county engineer are authorized to approve intersection designs that are within 15 degrees of a right angle when reasonably determined to be necessary to address pedestrian and vehicle safety, topography or similar considerations.
- B. Where there is an offset in the alignment of a street across an intersection on a major street, the centerline offset (jog) must be at least 125 feet. Alternative centerline offsets may be approved by the city or county engineer when reasonably determined to be necessary to address turn-lane stacking or traffic safety considerations.

**Staff recommendation:** Request that TMAPC discuss the proposed edit. BPAC requests removal of the highlighted section thereby including all street classifications, specifically residential “minor streets.” If changes are accepted, a motion to amend the draft document will be required.

#### 5-080 Trails

When a sidepath/trail or sidepath/trail extension, as identified in the comprehensive plan, GoPlan or a trails plan that has been adopted by the governing body, is located on the subject property, the decision-making body is authorized to require that an easement be provided for the sidepath/trail.

**Staff recommendation:** Amend the existing language of the February 2018 Public Hearing Draft to incorporate the proposed edits. If changes are accepted, a motion to amend the draft document will be required.

## **5-140 Utilities**

**5-140.2** Overhead lines for the supply of electric, telephone, communication, and cable television services may be located within the perimeter easements or alleys of a subdivision. Street light poles or standards may be served by overhead line or underground cable. All other supply lines for electric, telephone, communication, cable television, natural gas and similar services must be located underground in easements dedicated for general utility services and in street-rights-of-way. Services pedestals and transformers, as sources of supply at secondary voltages, may also be located in such utility easements.

**Staff recommendation:** Amend the existing language of the February 2018 Public Hearing Draft to incorporate the proposed edits. If changes are accepted, a motion to amend the draft document will be required.

**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.

## **INTERESTED PARTIES:**

**Andrew Shank** 2727 East 21<sup>st</sup> Street, STE 200, Tulsa, OK 74114

Mr. Shank stated the recommendation from staff is correct, there were 5 items submitted by BPAC and out of those 5 an agreement was reached on 3 items and the 2 outstanding items the dead-end streets and the street intersections. The Working Group would request that the language for those remain the same the Working Group and felt like the issues had already been vetted over 18 months through the planning process and were not comfortable changing these 2 items.

Mr. Ritchey asked if Mr. Shank had any feedback as to why 750 versus 500 what were the thoughts of the Working Group.

Mr. Shank stated it is in alignment with the Fire Code.

Mr. Ritchey stated he doesn't follow the Fire Code if they can reach a fire in 750 feet they could reach the fire in 500 feet. Mr. Ritchey stated he doesn't understand why the number is significant.

Mr. Shank stated, "sure".

Mr. Reeds stated on page 17.23 of the agenda packet the chart shows Omaha and Kansas City has 600 feet as their dead end was that shared with the Working Group.

Mr. Shank answered that it was discussed at the meeting with the Working Group, BPAC and staff.

**Larry Mitchell** 1211 West 2<sup>nd</sup> Street Tulsa, OK 74127

Mr. Mitchell stated he would like to speak to the offset street issue. Mr. Mitchell stated BPAC has recently performed a traffic calming event and adjusted an intersection in a neighborhood after public complaints from neighbors. Mr. Mitchell stated it was an offset at 41<sup>st</sup> Place and St. Louis near 41<sup>st</sup> and Peoria Avenue. Mr. Mitchell stated a block off 41<sup>st</sup> Street the streets were offset a little and had wide turning radius and cars would run the stop sign and speed through the neighborhood. Mr. Mitchell stated after getting a permit from the City BPAC set up hay bales and cones and took notes of what happened. Mr. Mitchell stated they noticed when the lanes were narrowed and made it harder to speed through and the driver had to turn instead of just swishing through drivers slowed down and stopped more and speeds declined. Mr. Mitchell stated when the street was rehabbed the City changed the street to slow traffic and tightened up turning radius going through the offset street. Mr. Mitchell stated that was extensive time

the City would have to go through to reengineer something the neighbors did not like, such as the speeding and unfair conditions for walkers and bicyclers.

**Sarah Kobos** 3709 East 43<sup>rd</sup> Street Tulsa, OK 74135

Ms. Kobos stated she is the secretary of BPAC and she wanted to thank everyone who supported the idea that there could be more conversations about these topics and that it wasn't just a done deal. Ms. Kobos stated when you think about who are the stakeholders in the Subdivision Regulations, yes, the development community has a huge stake in this but it's also fair to say there is a whole other group of stakeholders and that is the citizens of Tulsa. Ms. Kobos stated these stakeholders will be paying for the maintenance of the streets that are built for the rest of our Cities history and the people whose choices and rights will be impacted by how the neighborhoods are built. Ms. Kobos stated BPAC stands up for the voices of the people you need the option to walk, bike and use transit as well as the growing elderly population that is starting to age out of the driving range. Ms. Kobos thanks everyone who participated and was glad to see there were several areas of agreement with the Working Group and she asks TMAPC to consider those minor adjustments especially the dead-end street issue.

**Alan Betchan** 200 North McKinnley, Sand Springs, OK

Mr. Betchan stated he wanted to answer the question about 750 feet on cul-de-sac lanes. Mr. Betchan stated the reality of development is there are ways to reduce the impact to walkability and pedestrian connectivity the cul-de-sac lots are usually the first lots to be sold because there is a demand in the community. Mr. Betchan stated as you shorten that length the demand is still there and developers try to hit the same percentages and end up chopping up the overall blocks because developers are still trying to get the same overall cul-de-sacs in the same development. Mr. Betchan stated by stretching the length out and hitting the fire code number maximizes the density around the cul-de-sacs. Mr. Betchan stated the truth is developers would get more lots if they didn't have cul-de-sacs but that is the demand the public has because they are desirable. Mr. Betchan stated the offset distance of 125 feet everyone thinks of the streets as a standard grid and it is rare that it's a grid in fact 4-way intersections are discouraged as a general planning rule in subdivisions especially in suburban areas. Mr. Betchan stated Planning Commission obviously always has a right to question the offset when developers bring in a plat but the Working Group is asking to not set a number that developers have to hit every time or ask for a waiver every time.

Mr. Reeds asked Mr. Betchan if he was talking about 750 feet dead ends was he mainly talking about suburban areas. Mr. Reeds stated you're not going to do this in high density areas, correct.

Mr. Betchan stated "you just can't" you don't have that kind of length to make it work and connectivity is encouraged.

**TMAPC Action; 10 members present:**

On **MOTION** of **COVEY**, TMAPC voted **10-0-0** (Covey, Dix, Doctor, Fretz, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Adams, “absent”) to **ADOPT** the February 2018 Public Hearing Draft of the Tulsa Metropolitan Area Subdivision and Development Regulations.

**TMAPC Action; 10 members present:**

On **MOTION** of **COVEY**, TMAPC voted **10-0-0** (Covey, Dix, Doctor, Fretz, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Adams, “absent”) to **ADOPT** the February 2018 Public Hearing Draft of the Tulsa Metropolitan Area Subdivision and Development Regulations with the amendments to Table 5-1 including notes, Section 5-060.4, Section 5-080 and Section 5-140.2 as shown on pages 17.2, 17.3 and 17.4 of the agenda packet.

\* \* \* \* \*

**18. 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 70.080 Zoning Clearance and Platting Requirements; Section 90.080 Open Space per Unit; Section 95.150 Terms beginning with “L”. (Continued from December 6, 2017 and February 7, 2018)

**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 70.080 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.

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.

**INTERESTED PARTIES:**

**Lou Reynolds** 2727 East 21<sup>st</sup> Street, STE 200, Tulsa, OK 74114

Mr. Reynolds stated he represents the Home Builders Association and is addressing section 70.080 on pages 18.8 and 18.9 of the agenda packet. Mr. Reynolds stated there is not a necessity requiring platting or additional efforts with respect to Special Exceptions. Mr. Reynolds stated a use by Special Exception is a permitted use in the Zoning Code after it goes to the Board of Adjustment. Mr. Reynolds stated the Board of Adjustment has the power to change or put conditions on uses and then it would be appropriate for that use. It would be a permitted use. Mr. Reynolds stated you can't get a Special Exception for an illegal lot. If the lot is illegal the Special Exception will never be approved. Mr. Reynolds stated so why does a Special Exception make it necessary to plat or make adjustments to a legal lot before this Commission. Mr. Reynolds stated for example a cottage home development is permitted by right in RS-5 but if you get a Special Exception for it in Residential Duplex you would have to go through the plat waiver process on a legal lot and the same thing on a residential townhouse. Mr. Reynolds stated a Residential Townhouse with a Special Exception in RS-3, RS-4 there is no reason to plat that property and this is a legal lot. Mr. Reynolds stated a Patio Home by right would have to go through the process. Mr. Reynolds stated you can have an Assisted Living Facility by right in OM to get a Special Exception for an Assisted Living Facility in OL why would you have to plat the property or get a plat waiver it's a legal lot. Mr. Reynolds stated you can't get a Special Exception on a illegal lot. Mr. Reynolds stated there are these government service classifications and lots of Special Exceptions they are all legal lots. Mr. Reynolds stated another example is a college in OL you need a Special Exception why do you need to plat its permitted by right across office designations. Mr. Reynolds stated a drive thru is Special Exception permitted by right in certain districts and then in CBD it's a Special Exception and that is a drive thru as an accessory use. Mr. Reynolds stated you have to go through platting and doesn't know why something zoned CBD would ever have to be platted or a plat waiver. Mr. Reynolds stated if it's a legal lot it will be treated as if it was platted lot and he can put something there by right but he can't put something there by Special Exception and there is no difference it's a permitted use.

Ms. Warrick agrees with Mr. Reynolds that a Special Exception is something that can be permitted based upon condition review of Board of Adjustment and any necessary conditions placed on that use. Ms. Warrick stated generally if something goes through a Special Exception process it is taken through that

process because the nature of the use is different than the uses most commonly permitted by right in the district so its anticipated to have a different activity level, a different intensity, a different density and thereby requiring more oversight to ensure any adverse impacts are being addressed. Ms. Warrick stated this section of the Zoning Code, the proposed amendments relaxes the platting requirements for these uses, it will eliminate the requirement that is currently in the Zoning Code that mandates anytime you go through a Special Exception process you must automatically plat. Ms. Warrick stated the language now states in lieu of the platting requirement you have the option of presenting documentation that demonstrates compliance with the other requirements of the Subdivision and Development Regulations, so platting establishes a legal lot but the other pieces of the Subdivision and Development Regulations also speak to ensuring there are sidewalks, right of way dedication and utility access to provide for new development on a property whether it is permitted by right or Special Exception. Ms. Warrick stated this part of the code has not been modified with the exception of changing the requirement from a platting requirement to a requirement to demonstrate compliance through other means such as an alta survey or separate instruments that demonstrate compliance with the requirements of this set of regulations. Ms. Warrick stated people are not being asked to plat when going through a Special Exception.

Mr. Dix asked Ms. Warrick then what is Mr. Reynolds point.

Ms. Warrick stated that is for him to answer.

Mr. Reynolds stated he agrees this a big step in the right direction but it is a half-step and the same requirements that apply to permitted uses apply to Special Exception uses. Mr. Reynolds stated when you go to the Board of Adjustment if you have not dedicated your street right of way they require it as a part of your approval process. Mr. Reynolds stated if someone is filing for a permit and they are supposed to have a sidewalk in front of their building, they must have a sidewalk. Mr. Reynolds stated the conditions that are necessary to allow the project on the lot the Board of Adjustment imposes those there is no reason for another trip back to Planning Commission, there is no reason to plat or go through the alta waivers or surveys. Mr. Reynolds stated some of these distinctions are distinctions without a difference that there are uses by right in some of the zoning districts and you can't in another. Mr. Reynolds stated it is the Board of Adjustments duty and well within their power.

Ms. Warrick stated she can answer any question that Planning Commission may have and her only statement is the process that is established in this part of the Zoning Code does not require anyone to come back to the Planning Commission. If those requirements are imposed by the Board of Adjustment for Dedication of Right of Way, Installation of Sidewalks or whatever the requirement maybe for the development to be approved by that body then this provision

allows the applicant to demonstrate compliance with those conditions from the Board of Adjustment to staff when the applicant applies for the building permit.

Ms. Miller stated the Board of Adjustment does not place conditions to either dedicate right of way or sidewalks on Special Exception applications.

Ms. VanValkenburgh stated there has always been a platting requirement on Special Exceptions and when the staff was considering changing the Subdivision Regulations they reviewed this and determined that rezoning would not trigger a platting requirement they made the change on the Special Exception uses also. Ms. VanValkenburgh stated it substantially less burdensome than previously.

Ms. Miller stated in the current code there is a section that outlines things that require platting, which includes rezoning and certain Special Exceptions. Ms. Miller stated in the new Subdivision and Development Regulations there was a lot of conversation about other communities and how they deal with it and it was decided the Platting requirements were a little onerous so staff backed off and as a compromise instead of requiring platting for all those types of situations, staff decided platting was not required but they still have to comply with development regulations as outlined in the Subdivision Regulations such as sidewalks. Ms. Miller stated if an applicant is not required to comply with development regulations, there is nothing in the building development process that will trigger a requirement for a sidewalk. Ms. Miller stated staff believes it is important to comply with the Development Regulations to get the sidewalks and the connections and all things that are important to see on properties but didn't want to subject the applicant to the full-blown platting process anymore.

**TMAPC Action; 9 members present:**

On **MOTION** of **MILLIKIN**, TMAPC voted **8-1-0** (Covey, Dix, Doctor, Krug, Millikin, Reeds, Ritchey, Shivel, "aye"; Fretz, "nays"; none "abstaining"; Adams, Walker, "absent") to recommend **ADOPTION** of ZCA-5 amendments to the City of Tulsa Zoning Code 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 70.080 Zoning Clearance and Platting Requirements; Section 90.080 Open Space per Unit; Section 95.150 Terms beginning with "L" per staff recommendation.

\* \* \* \* \*

**19.** 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. (Continued from December 6, 2017 and February 7, 2018)

### **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.

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 policies in Tulsa County plans and found that the new

Subdivision and Development Regulations will help to implement concepts contained in the plans.

**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 Action; 9 members present:**

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Doctor, Fretz, Krug, Millikin, Reeds, Ritchey, Shivel, “aye”; no “nays”; none “abstaining”; Adams, Walker, “absent”) to **ADOPT** the Tulsa County Zoning Code amendments, 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, per staff recommendation.

**OTHER BUSINESS**

**20.Commissioners' Comments**

Mr. Covey asked if staff knew if there where anymore cases for the area in the West Highlands Small Area Plan for future meetings. Mr. Covey stated something needs to be done to clarify what the Small Area Plan allows.

Ms. Miller stated she would speak with Councilor Cue tomorrow.

\* \* \* \* \*

**ADJOURN**

**TMAPC Action; 9 members present:**

On **MOTION** of **MILLIKIN**, TMAPC voted **9-0-0** (Covey, Dix, Doctor, Fretz, Krug, Millikin, Reeds, Ritchey, Shivel, "aye"; no "nays"; none "abstaining"; Adams, Walker, "absent") to **ADJOURN** TMAPC meeting 2764.

**ADJOURN**

There being no further business, the Chair declared the meeting adjourned at 4:27 p.m.

Date Approved:

03-07-2018

  
Chairman

ATTEST:

  
Secretary