

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2765

Wednesday, March 7, 2018, 1:30 p.m.

City Council Chamber

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

| Members Present | Members Absent | Staff Present | Others Present |
|-----------------|----------------|---------------|-----------------------|
| Covey | Dix | Foster | Silman, COT |
| Fothergill | Doctor | Hoyt | VanValkenburgh, Legal |
| Fretz | | Miller | |
| Krug | | Sawyer | |
| Millikin | | Ulmer | |
| Reeds | | Wilkerson | |
| Ritchie | | | |
| Shivel | | | |
| Walker | | | |

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday March 2, 2018 at 10:36 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 1:33 p.m.

REPORTS:

Chairman's Report:

Director's Report: Ms. Miller reported on City Council and Board of County Commission actions taken and other special projects.

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1. Minutes:

Approval of the minutes of February 21, 2018 Meeting No. 2764

On **MOTION** of **SHIVEL**, the TMAPC voted 9-0-0 (Covey, Fothergill, Fretz, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Dix, Doctor, “absent”) to **APPROVE** the minutes of the meeting of February 21, 2018 Meeting No. 2764.

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. **Garnett Village** (CD 6) Change of Access, Location: East of the southeast corner of East 31st Street South and South Garnett Road
3. **Leinbach Apartments Stuart Tract** (CD 6) Reinstatement of Preliminary Plat, Location: East of the southeast corner of East 51st Street South and South 129th East Avenue
4. **LS-21112** (Lot-Split) (County) – Location: Northwest corner of East 96th Street North and North Harvard Avenue
5. **LC-983** (Lot-Combination) (CD 2) – Location: East of the southeast corner of South 38th West Avenue and West 52nd Place South
6. **LC-984** (Lot-Combination) (CD 8) – Location: North of the Northwest corner of South Toledo Avenue and East 120th Street South
7. **LC-985** (Lot-Combination) (CD 3) – Location: South of the southeast corner of North Braden Avenue and East Pine Street
8. **LC-986** (Lot-Combination) (County) – Location: South of the Southeast corner of East 76th Street North and North 117th East Avenue (Related to LS-21113)
9. **LS-21113** (Lot-Split) (County) – Location: South of the Southeast corner of East 76th Street North and North 117th East Avenue (Related to LC-986)
10. **LC-987** (Lot-Combination) (CD 9) – Location: North of the northwest corner of South Columbia Place and East 41st Street South
11. **LC-988** (Lot-Combination) (CD 4) – Location: East of the northeast corner of East 26th Street South and South Peoria Avenue
12. **LC-989** (Lot-Combination) (CD 4) – Location: Northwest corner of East Archer Street and North Elgin Avenue

13. **LS-21116** (Lot-Split) (CD 1) – Location: Northwest corner of East Latimer Street and North Boston Avenue (Related to LC-992, LS-21117)
14. **LS-21117** (Lot-Split) (CD 1) – Location: Northwest corner of East Latimer Street and North Boston Avenue (Related to LC-990, LC-992, LC-994, LS-21116, LS-21118)
15. **LS-21118** (Lot-Split) (CD 1) – Location: Northwest corner of East Latimer Street and North Boston Avenue (Related to LC-990, LC-994, LS-21117, LS-21118)
16. **LC-990** (Lot-Combination) (CD 1) – Location: Northwest corner of East Latimer Street and North Boston Avenue (Related to LS-21117, LS-21118)
17. **LC-991** (Lot-Combination) (CD 1) – Location: Northwest corner of East Latimer Street and North Boston Avenue
18. **LC-992** (Lot-Combination) (CD 1) – Location: Northwest corner of East Latimer Street and North Boston Avenue (Related to LS-21116, LS-21117)
19. **LC-994** (Lot-Combination) (CD 1) – Location: Northwest corner of East Latimer Street and North Boston Avenue (Related to LS-21117, LS-21118)
20. **LS-21119** (Lot-Split) (CD 9) – Location: Northwest corner of East 39th Street and South St. Louis Avenue
21. **PUD-537-2** (CD 6) Location: Northeast corner of East 5th Street and South 129th East Avenue requesting a **PUD Minor Amendment** to add Commercial Vehicle Repair/Maintenance and Fueling Station and revise setbacks

STAFF RECOMMENDATION:

SECTION I: PUD-537-2 Minor Amendment

STAFF RECOMMENDATION

Amendment Request: Modify the PUD Development Standards to add Commercial Vehicle Repair / Maintenance and Fueling Station as well as revise setbacks along E 5th St S and S 129th E Ave.

The current development standards limit the uses of the site to Mini-Storage and customary accessory uses. The applicant proposes to add Commercial Vehicle Repair / Maintenance and Fueling Station uses in order to support a trucking facility. Both of these uses are allowed by right in CG zoning, the primary underlying zoning for the subject lots. These uses would be required F1 screening along common lot lines abutting R zoned lots. F1 screens can consist

of either an opaque fence, at least 6 ft in height and at least one tree per linear feet of fence, or a masonry wall with a minimum 6 ft height.

Current development standards limit the setback on S 129th E Ave to 100 ft from the centerline of 129th and the setback along the southern boundary of the PUD (E 5th St S for the subject lots) to 15 ft. The applicant proposes to revise both of these setbacks to 10 ft, which is the standard street setback for CG zoning, the primary underlying zoning for the subject lots.

Staff Comment: This request can be considered a Minor Amendment as outlined by Section 30.010.I.2.c(15) of the City of Tulsa Zoning Code.

“Changes in an approved use to another use may be permitted, provided the underlying zoning on the particular site within the PUD would otherwise permit such use as of right and the proposed use will not result in any increase of incompatibility with the present and future use of nearby properties.”

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-537 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to add Commercial Vehicle Repair / Maintenance and Fueling Station as well as revise setbacks along E 5th St S and S 129th E Ave.

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22. **PUD-628-C-3/ Z-6467-SP-7c** (CD 7) Location: East of the northeast corner of South Mingo Road and The Creek Turnpike requesting a **PUD Minor Amendment** to establish setback for a ground sign

STAFF RECOMMENDATION:

SECTION I: PUD-628-C-3 / **Z-6467-SP-7c** Minor Amendment

STAFF RECOMMENDATION

Amendment Request: Modify the PUD Development Standards to establish the setback for the one non-digital ground sign not exceeding 50 ft in height and 165 sf in display surface area that is currently allowed.

Currently, a setback is not specified for this sign. This amendment proposes to establish a setback of no less than 10 ft from the freeway planned right-of-way that is adjacent to the site. No other development standards are proposed to be changed.

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-628-C / Z-6467-SP-7c and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to establish setback for a previously approved ground sign.

TMAPC Action; 9 members present:

On **MOTION** of **SHIVEL**, TMAPC voted **9-0-0** (Covey, Fothergill, Fretz, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Dix, Doctor, “absent”) to **APPROVE** Items 2 through 22 per staff recommendation.

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:
None

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

PUBLIC HEARINGS:

23. **Z-7420, PUD-360-F Plat Waiver** (CD 8) Location: Northwest corner of East 91st Street South and South Memorial Drive

STAFF RECOMMENDATION:

Northwest corner of East 91st Street South and South Memorial Drive

The platting requirement for this property is being triggered by a rezoning request (Z-7420) and a major amendment to a previously approved Planned Unit Development (PUD-360-F). The major amendment and rezoning were approved on December 20th, 2017 by City Council and will permit the construction of a multistory office building on the subject property.

The Technical Advisory Committee met on February 15, 2018 and the following items were determined:

1. The property was previously platted as Lot 1 Block 1 of Commercial Center following previous major amendments to the PUD.
2. All required right-of-way has been dedicated and is in place.
3. A mutual access easement has been established to provide access to the subject property.
4. Necessary utilities and easements are in place and nothing further is required

Staff recommends **approval** of the plat waiver with the following condition:

1. Newly approved development standards for PUD-360-F must be recorded with the Tulsa County Clerk's office.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **SHIVEL**, TMAPC voted **9-0-0** (Covey, Fothergill, Fretz, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Dix, Doctor, "absent") to **APPROVE** Z-7420, PUD-360-F Plat Waiver per staff recommendation.

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Staff presented items 24 and 25 together.

24. **PUD-531-B/CO-7 Mark Capron** (CD 7) Location: North of the northeast corner of East 81st Street South and South Mingo Road requesting **PUD Major Amendment** to increase floor area and building height (Related to 531-B Plat Waiver)

STAFF RECOMMENDATION:

SECTION I: PUD-531-B

DEVELOPMENT CONCEPT: The major amendment for PUD 531-B is limited to Development Area C and is required to accommodate additional floor area that exceeds the 15% threshold allowed in a minor amendment.

DETAILED STAFF RECOMMENDATION:

All provisions of PUD 531-A and Corridor Site Plan Z-6034-SP-1 shall remain in effect except as amended in Section II.

This major amendment is in harmony with the Comprehensive Plan of the City of Tulsa and the expected development pattern of this area including the original PUD-531 and PUD-531-A and Z-6034-SP-1.

The proposed PUD and corridor site plan amendment is compatible with the existing and expected development of surrounding areas;

The Development is in harmony with the PUD Chapter of the City of Tulsa Zoning Code.

Therefore, staff recommends approval of PUD-531-B / CO-7 as outlined in Section II below.

SECTION II: PUD-531-B DEVELOPMENT STANDARDS:

All provisions of PUD 531-A / Z-6034-SP-1 shall remain in effect except as modified below.

| | |
|------------------------|--|
| Permitted Uses: | All use categories and customary accessory uses as allowed by right in a CS zoned district will be allowed. All supplemental regulations for any allowed use shall also be required. |
|------------------------|--|

| | |
|---------------------------------|--|
| Maximum Building Height: | Maximum building height shall not exceed 60 feet |
|---------------------------------|--|

| | |
|----------------------------|--------------------|
| Maximum Floor Area: | 45,000 square feet |
|----------------------------|--------------------|

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Comment: The PUD major amendment is part of a larger development where many infrastructure needs have already been provided. This development will continue to take advantage of previous infrastructure investment and encourage growth in the area. Staff recognizes that in this instance the additional height is not injurious to the neighborhood and continues to add a strong core to this Town Center.

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 near 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: None

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: This is the last parcel of land that has not been developed in PUD 531/Z6034-SP-2.

Environmental Considerations: None that would affect site development

Streets:

| <u>Exist. Access</u> | <u>MSHP Design</u> | <u>MSHP R/W</u> | <u>Exist. # Lanes</u> |
|---|--------------------|-----------------|-----------------------|
| South Mingo Road | Secondary Arterial | 100 feet | 4+ |
| Private drive on north boundary of site | None | None | 2 |

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

| Location | Existing Zoning | Existing Land Use Designation | Area of Stability or Growth | Existing Use |
|-----------------|------------------------|--------------------------------------|------------------------------------|---------------------|
| North | CO / PUD 531 | Town Center | Growth | Multi Family |
| East | CO / PUD 531-A | Town Center | Growth | Office Tower |
| South | CO / PUD 531-A | Town Center | Growth | Commercial |
| West | CS, RMO, PUD-460 | Mixed Use Corridor | Growth | Vacant |

SECTION IV: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 23030 dated January 16, 2014, established zoning for the subject property.

Subject Property:

PUD-531-A/Z-6034-SP-2 November 2013: (Ordinance 23030, January 16, 2014, amended 18224 dated June 13, 1995) All concurred in **approval** of a proposed Major Amendment to PUD-531 and Corridor Plan to divide Development Area A into 3 development areas and allocation of commercial floor area and modification of height and setbacks, on property located on the northeast corner of East 81st Street and South Mingo Road. CS/CO/PUD-531 to CS/CO/PUD-531-A.

BOA-21827 January 2013: The Board of Adjustment **accepted** the applicant's *verification of spacing* for the proposed liquor store subject to the action of the Board being void should another liquor or another conflicting use be established prior to the establishment of this liquor store, on property located at the northeast corner of East 81st Street South and South Mingo Road.

PUD-531/Z-6034-SP-2 May 1995: (Ordinance 18224, April 13, 1995, amended 16353 dated May 14, 1985) All concurred in **approval** of a proposed Planned Unit Development on a 36 \pm acre tract of land from CO and CS to CO, CS and PUD for 3 development areas; Area A is 10.8 acres for commercial shopping; Area B is 4.6 acres for office; Area C is 18.6 acres for apartments on property located on the northeast corner of East 81st Street and South Mingo Road.

Z-6132 January 1987: (Ordinance 16760, February 6, 1987, amended 16353 dated May 14, 1985) All concurred in **approval** of a request for rezoning a 5 \pm acre tract of land from CO to CS on property located on the northeast corner of East 81st Street South and South Mingo Road.

Z-6034 May 1985: (Ordinance 16353, May 20, 1985, amended 13834, April 15, 1977 and 13835, April 15, 1977 and 14460, May 22, 1979) All concurred in **approval** of a request for rezoning a 32 \pm acre tract of land from AG, RM-0, and RS-3 to CO on property located north and east of the northeast corner of East 81st Street South and South Mingo Road.

Z-5049 May 1979: (Ordinance 14460, May 22, 1979, amended 11830, June 26, 1970) All concurred in **approval** of a request for rezoning an 85 \pm acre tract of land from AG and RM-0 to RS-3 on property located north and east of the northeast corner of East 81st Street South and South Mingo Road.

Z-4972/Z-4971 April 1977: (Ordinance 13835/ AG to RM-0 and Ordinance 13834/ AG to CS, April 15, 1977, amended 11830, June 26, 1970) The City Commission **approved** of a request for rezoning a tract of land from AG to CS

with a RM-0 buffer on property located at the northeast corner of East 81st Street South and South Mingo Road (a portion of the subject tract).

Surrounding Property:

PUD-575-B/Z-6611-SP-3 February 2008: All concurred in **approval** of a proposed Major Amendment to PUD-575 and a Corridor Site Plan on an 11± acre tract of land for office and childcare, on property located on the northeast corner of South Mingo Road and South 79th Street.

PUD-579-B/Z-6333-SP-4 December 2006: All concurred in **approval** of a proposed Major Amendment to PUD-579 and a Corridor Site Plan on a 16.63± acre tract of land to add hotel, motel, and recreation facility uses, within Development Area B; more specifically Lot 4, Block 1, Tall Grass, on property located on the northeast corner of East 81st Street South and South 101st East Avenue.

Z-6333-SP-3 September 2006: All concurred in **approval** for a proposed Corridor Site Plan for a City Park on a 20+ acre tract of land, on property located on the north side of East 81st Street South at the Mingo Valley Expressway.

PUD-575-A/Z-6611-SP-2 December 2001: All concurred in **approval** of a proposed Major Amendment to PUD-575 and a Corridor Site Plan on a 5.74± acre tract of land for an assisted living facility and previously approved mini-storage, on property located north of northeast corner of East 81st Street South and South Mingo Road.

PUD-579-A/Z-6333-SP-2 February 1999: All concurred in **approval** of a proposed Major Amendment to PUD-579 and a Corridor Site Plan to amend boundary of PUD, create 3 development areas, add Use Units; 2 (private clubs), 5 (community centers), 11 (offices and studios), and to establish permitted uses for new Development Area, on property located on the north side of East 81st Street South at the Mingo Valley Expressway.

PUD-579/Z-6333-SP-1 February 1998: All concurred in **approval** of a proposed Planned Unit Development on a 49± acre tract of land to allow a mixed residential development which would include townhouse dwellings, apartments, churches, private schools and other uses that are compatible with a residential environment, subject to approval of detail site plan approval with the PUD standards being met, for each development area prior to issuance of building permits, on property located on the north side of East 81st Street South at the Mingo Valley Expressway.

PUD-575/Z-6611 December 1997: All concurred in **approval** of a request to rezone a 32.8± acre tract of land from AG to CO/PUD. The PUD that was approved allowed for multi-family uses on the south half (Development Area A)

and a mini-storage facility with a single-family dwelling and accessory office use for the storage facility on the north half (Development Area B), on property located ¼ mile north of northeast corner of East 81st Street South and South Mingo Road.

Z-6432 February 1994: All concurred in **approval** of a request for rezoning a 5.22± acre tract of land from AG to CS on property located southeast corner of East 81st Street South and South Mingo Road.

PUD-460/Z-6281 May 1990: All concurred in **approval** of a request for rezoning a 150± acre tract of land from AG to CS/RM-0/RS-3/PUD-460 for a mixed-use development which included approximately 11 acres of CS at the intersection, a wrap around for multifamily development with RM-0 on approximately 23 acres and the balance being RS-3 zoning for single-family development, on property located on the northwest corner of South Mingo Road and East 81st Street South.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **SHIVEL**, TMAPC voted **9-0-0** (Covey, Fothergill, Fretz, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Dix, Doctor, "absent") to **APPROVE** PUD-531-B/CO-7 Major Amendment per staff recommendation.

Legal Description of PUD-531-B/CO-7:

A TRACT OF LAND THAT IS PART OF LOT THREE (3), BLOCK ONE (1), MEADOWBROOK CHASE, A SUBDIVISION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS THE NORTHWEST CORNER OF SAID LOT 3, BLOCK 1, MEADOWBROOK CHASE; THENCE NORTH 89°03'26" EAST ALONG THE NORTHERLY LINE OF SAID LOT 3 FOR 334.34 FEET; THENCE SOUTH 00°56'36" EAST FOR 38.49 FEET; THENCE SOUTH 18°50'52" WEST FOR 64.07 FEET; THENCE SOUTH 00°56'36" EAST FOR 89.58 FEET; THENCE SOUTH 89°03'26" WEST FOR 311.31 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 3; THENCE NORTH 01°20'56" WEST ALONG THE WESTERLY LINE OF SAID LOT 3 FOR 188.37 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINING 60,254 SQUARE FEET OR 1.383 ACRES, MORE OR LESS.

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25. **PUD-531-B/CO-7 Plat Waiver** (CD 7) Location: North of the northeast corner of East 81st Street South and South Mingo Road (Related to 531-B Major Amendment)

STAFF RECOMMENDATION:

North of the northeast corner of East 81st Street South and South Mingo Road

The platting requirement for this property is being triggered by a major amendment to a previously approved Planned Unit Development (PUD-531-B). The major amendment request is to increase the allowable floor area and building height of previously approved uses on the property.

The Technical Advisory Committee met on February 15, 2018 and the following items were determined:

1. The property was previously platted under the Meadowbrook Chase subdivision plat.
2. All required right-of-way has been dedicated and is in place.
3. A mutual access easement has been established to provide internal access to the subject property. No additional access points are proposed on Mingo.
4. Necessary utilities and easements are in place and nothing further is required

Staff recommends **approval** of the plat waiver with the following conditions:

1. If approved, the development standards for PUD-531-B must be recorded with the Tulsa County Clerk's office.
2. Sidewalks are required to be installed along South Mingo Road

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **SHIVEL**, TMAPC voted **9-0-0** (Covey, Fothergill, Fretz, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Dix, Doctor, "absent") to **APPROVE** PUD-531-B/CO-7 Plat Waiver per staff recommendation.

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26. **Z-7387 Plat Waiver** (CD 9) Location: Northwest corner of East 32nd Street South and South Louisville Avenue

STAFF RECOMMENDATION:

Northwest corner of East 32nd Street South and South Louisville Avenue

The platting requirement for this property is being triggered by an approved rezoning from RS-3 to RM-0. The rezoning request was made to support the development of the site as a senior living community. Rezoning was approved by the City Council on July 12, 2017.

The Technical Advisory Committee met on February 15, 2018 and the following items were determined:

1. The property was previously platted under the Albert Pike 2nd subdivision
2. All required right-of-way has been dedicated and is in place.
3. Necessary utilities and easements are in place and nothing further is required
4. There is no floodplain present on the property
5. No further subdivision of the property is proposed

Staff recommends **approval** of the plat waiver

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **SHIVEL**, TMAPC voted **9-0-0** (Covey, Fothergill, Fretz, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Dix, Doctor, "absent") to **APPROVE** Z-7387 Plat Waiver per staff recommendation.

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27. South Tulsa County Maintenance Center (County) Minor Subdivision Plat,
Location: Northeast corner of East 171st Street South and South Yale Avenue

STAFF RECOMMENDATION:

Northeast corner of East 171st Street South and South Yale Avenue

The plat consists of 1 Lot, 1 Block, 2 reserve areas on 10.02 ± acres.

The property is currently zoned AG with a proposed rezoning to IL. The plat conforms to the lot requirements of both the existing and proposed zoning districts. The plat has been released by the County Engineer and all required documentation has been submitted. If the rezoning request is approved, staff

recommends delaying the filing of the plat until such time the new zoning district is in effect.

The Technical Advisory Committee met on February 15, 2018 and all conditions have been met.

Staff recommends **approval** of the minor subdivision plat

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **MILLIKIN**, TMAPC voted **8-0-1** (Covey, Fretz, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; Fothergill, "abstaining"; Dix, Doctor, "absent") to **APPROVE** the Minor Subdivision Plat South Tulsa County Maintenance Center per staff recommendation.

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28. **Delaware Park** (CD 8) Preliminary Plat, Location: South of the southeast corner of East 115th Street South and South Delaware Avenue

STAFF RECOMMENDATION:

South of the southeast corner of East 115th Street South and South Delaware Avenue

This plat consists of 49 lots, 4 blocks, and 5 reserve areas on 15.81 ± acres.

The Technical Advisory Committee (TAC) met on February 15, 2018 and provided the following conditions:

1. **Zoning:** All property within the subdivision is zoned RS-3 with an optional development plan (Z-7410). Proposed lots conform to the standards of the optional development plan. Development standards for Z-7410 are required to be included within the restrictive covenants of the final plat.
2. **Addressing:** Submit plat to COT Addressing to receive assigned addresses for all lots. Provide individual lot addresses graphically on the face of the final plat.
3. **Transportation & Traffic:** Easements located within proposed right-of-way should be removed or the applicant must provide permission from the easement owner's for any proposed public improvements.
4. **Sewer:** Approved as shown on conceptual plan.
5. **Water:** 17.5' utility easement required along roadways where 15' is currently shown unless otherwise approved by the City of Tulsa.

6. **Engineering Graphics:** Submit a subdivision control data sheet with final plat. Graphically show all property corner pins found or set with correct symbology on the face of the plat. Under the "Basis of Bearings" description include whether the plat was surveyed in survey feet or feet. Graphically label the point of beginning on the face of the plat. All plats should be tied to a section corner, half section, or quarter section. Graphically label the point of commencement and provide an angle/distance to the point of beginning. In the location map, label the plat as "site" or "project location". Delete/remove the land hook on the half section line.
7. **Fire:** A second remote access is required for any development exceeding 30 dwelling units or structures will be required to be sprinkled. Applicant must provide release from Fire Marshal for proposed emergency access within Reserve D. Fire hydrants will be required per IFC 2015 both in the addition and along the frontage of the development.
8. **Stormwater, Drainage, & Floodplain:** Topographic map must be provided to the City of Tulsa to determine drainage requirements. Show proof that access to the Arkansas River has been obtained through easements.
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 COMMENTS:

Mr. Reeds asked staff if the application was taken before the River Design Overlay was effective.

Staff answered single family is exempt from the overlay, this application occurred while the overlay was in place however a rezoning to an RS-2 District provides the single-family exemption to the property owner of any of the River Design Overlay requirements.

Mr. Reeds asked if the applicant would need to construct a street wall.

Staff answered the applicant intends to construct a wall as part of this project but is not a requirement of the preliminary plat.

TMAPC Action; 9 members present:

On **MOTION** of **SHIVEL**, TMAPC voted **9-0-0** (Covey, Fothergill, Fretz, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Dix, Doctor, “absent”) to **APPROVE** Delaware Park Preliminary Plat per staff recommendation.

* * * * *

29. **Reserve at Prairie Hill** (CD 6) Preliminary Plat, Location: West of the northwest corner of East 31st Street South and South 177th East Avenue

STAFF RECOMMENDATION:

West of the northwest corner of East 31st Street South and South 177th East Avenue

This plat consists of 23 lots, 3 blocks, and 1 reserve areas on 19.24 ± acres.

The Technical Advisory Committee (TAC) met on February 15, 2018 and provided the following conditions:

1. **Zoning:** All property within the subdivision is zoned RS-1. The City of Tulsa Board of Adjustment approved a variance of the requirement that all lots provide frontage on a public street to permit a gated community with private streets. The proposed lots conform to the RS-1 requirements with the approved variance.
2. **Addressing:** Submit plat to COT Addressing to receive assigned addresses for all lots. Provide individual lot addresses graphically on the face of the final plat.
3. **Transportation & Traffic:** Off-site right-of-way dedications are required to be made in order to complete the required extension of 31st Street to the subject property. These dedications will be required to be in place prior to approval of final plat. Provide written permission from the City of Tulsa Engineering Services department for the East 31st Street extension design.
4. **Sewer:** Oklahoma Department of Environmental Quality approval is required for proposed septic systems. Per the Subdivision Regulations, the development is required to install a sewer collection system within the subdivision that can later be connected to a municipal sewage system when available. Each lot must be provided with a building sewer line.
5. **Water:** Water line plans must be submitted for review and approved prior to the approval of a final plat. Additional easements both on and off-site may be required to complete an acceptable water system.

6. **Engineering Graphics:** Submit a subdivision control data sheet with final plat. Remove contours from final plat submittal. Graphically show all property corner pins found or set with correct symbology on the face of the plat. Under the "Basis of Bearings" description include whether the plat was surveyed in survey feet or feet. Ensure legal description matches the face of the plat. Label Block 3 on the face of the plat.
7. **Fire:** Provide approval from the Fire Marshal for current access configuration including off-site emergency access to the West. If secondary access is not approved, further revision or relief may be required.
8. **Stormwater, Drainage, & Floodplain:** No storm sewer system shown on conceptual site plan. Off-site stormwater does cross the site and will be required to be addressed. Applicant must show proof that on-site detention is not required.
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. Waiver of the requirement that private streets shall only be allowed in residential development located within a Planned Unit Development.

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

The applicant indicated her agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **SHIVEL**, TMAPC voted **9-0-0** (Covey, Fothergill, Fretz, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Dix, Doctor, "absent") to **APPROVE** Reserve at Prairie Hill Preliminary Plat per staff recommendation.

* * * * *

30. **LS-21114** (Lot-Split) (County) – Location: East of the southeast corner of East 161st Street South and South Harvard Avenue

STAFF RECOMMENDATION:

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

The Technical Advisory Committee met on February 15, 2018 and had the following comment. The County Engineer is requesting that 50' of right-of-way be dedicated along East 161st Street South, including any previously dedicated right-of-way.

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

The applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **MILLIKIN**, TMAPC voted **9-0-0** (Covey, Fothergill, Fretz, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Dix, Doctor, "absent") to **APPROVE** Lot Split LS-21114 per staff recommendation.

* * * * *

31. **CZ-470 Thomas Barclay** (CD 3) Location: Northwest corner of West 41st Street South and South 51st West Avenue requesting rezoning from **RS to CS**

STAFF RECOMMENDATION:

SECTION I: CZ-470

DEVELOPMENT CONCEPT: Rezone from RS to CS in order to permit the marketing and possible future development of commercial uses, as allowed in CS, for the subject lot. No specific uses are proposed at this time.

DETAILED STAFF RECOMMENDATION:

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

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

Staff recommends Approval of CZ-470 to rezone property from RS/ to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The Tulsa County District 9 plan designates the subject lot as being, Low Intensity within a Corridor along the Gilcrease Expressway. A new Berryhill Small Area Plan is currently being developed, which this lot would be located within, which will bring the plan for this area into a more up-to-date form.

Land Use Vision:

Land Use Plan map designation: Low Intensity / Corridor

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: W 41st St S is designated as a Secondary Arterial. A new interchange between the Gilcrease Expressway expansion and W 41st St S is currently planned approximately ¼ mile from the subject lot.

Trail System Master Plan Considerations: The site is located within ¼ mile of the Gilcrease West Trail

Small Area Plan: Subject lot will be located within the Berryhill Small Area Plan, currently being developed.

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The subject lot is currently vacant except for a barn and single-family home that appear to no longer be in use.

Environmental Considerations: None

Streets:

| <u>Exist. Access</u> | <u>MSHP Design</u> | <u>MSHP R/W</u> | <u>Exist. # Lanes</u> |
|-------------------------|--------------------|-----------------|-----------------------|
| W 41 st St S | Secondary Arterial | 100 feet | 2 |

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

| Location | Existing Zoning | Existing Land Use Designation | Area of Stability or Growth | Existing Use |
|----------|-----------------|-------------------------------|-----------------------------|----------------------|
| North | RS | N/A | N/A | Single-Family |
| South | IR | N/A | N/A | Vacant |
| East | RS | N/A | N/A | Vacant/Single-Family |
| West | RS | N/A | N/A | Single-Family |

SECTION III: Relevant Zoning History

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

Subject Property: No relevant history.

Surrounding Property:

CBOA-2612 January 2017: The Board of Adjustment **approved** a *special exception* to allow auto repair and service (Use Unit 17) in the CS District (Section 710); and a *variance* of the screening requirement along the north lot line (Section 1217), on property located at the northeast corner of South 49th West Avenue and West 41st Street South.

PUD-824/CZ-437 January 2015: All concurred in **approval** of a proposed *Planned Unit Development* on a 21.85± acre tract of land; and **approval** of a request for *rezoning* from AG to RM-2/CG/PUD-824 on property located west of the southwest corner of West 41st Street South and South 49th West Avenue.

CBOA-2352 November 2009: The Board of Adjustment **approved** a *special exception* to permit a church use (Use Unit 5) in an IL district (Section 910), on property located west of the southwest corner of West 41st Street South and South 49th West Avenue.

CBOA-2268 June 2007: The Board of Adjustment **approved** a *special exception*, with conditions, to permit a fireworks stand, a pumpkin patch, and Christmas tree sales (Use unit 2) in a CS district; and **approved** a *variance* of the paving requirement to permit a temporary gravel driving surface, on property located west of the southwest corner of West 41st Street South and South 49th West Avenue.

CBOA-2090 April 2004: The Board of Adjustment **approved** a *special exception* to allow an Electrical Contracting business in the CS district and

denied a *special exception* to allow a gravel parking area, on property located at the southeast corner of South 49th West Avenue and West 41st Street South.

CZ-162 January 1988: All concurred in **approval** of a request for rezoning a 40± acre tract of land from AG to CS/IR/IL for commercial and light industrial on property located on the southwest corner of West 41st Street South and South 49th West Avenue.

TMAPC COMMENTS:

Mr. Covey asked staff if their determination was non-injurious to the surrounding properties.

Staff replied, based on the zoning to the south and east of the subject property and the Gilcrease Expressway will be .25 miles to the west of the subject property it seemed to be a good fit.

INTERESTED PARTIES:

Steve Lambert 3731 South 51st West Avenue, Tulsa, OK 74107

Mr. Lambert stated his street, South 51st West Avenue and South 55th West Avenue on the east side of the subject property are both residential streets. Mr. Lambert stated on his road most have 1 acre of land and it's a quiet rural neighborhood. Mr. Lambert stated he did not want to look out over this front yard and see the back of a commercial strip center. Mr. Lambert asked staff if there was a small area plan that was in process for the Berryhill area and if there is Mr. Lambert stated in his opinion rezoning land prior to that plan being completed is premature. Mr. Lambert stated all the homes on South 51st Street or aerobic systems and he is concerned about the water pressure. Mr. Lambert stated West 41st Street is a two-lane road and if you are there at 5:00 p.m. the light at the Gilcrease Expressway and West 41st Street will have traffic backed up past his road and having a commercial property there will just compound the problem. Mr. Lambert stated the CS zoning seems broad for this area because Berryhill gets smoke shops or tire shops, a Starbucks is not going to locate in this area. Mr. Lambert stated there are other neighbors here that are also against this application.

Mr. Covey asked Mr. Lambert if he was aware that all 4 corners of South 49th West Avenue is CS.

Mr. Lambert stated on the south west corner of 49th West Avenue, Red Fork Church of God bought that property to build a church but it was unable to sell the current church. He stated on the northeast corner there is a business now but it's about an acre away and he doesn't see any of that property. Mr. Lambert stated the subject property would go several hundred yards up his street.

Mr. Reeds asked Mr. Lambert if he was participating in the Berryhill Small Area Plan.

Mr. Lambert answered "no".

Mr. Covey stated he would encourage Mr. Lambert to get involved.

Applicant's Comments:

Eddie Barclay 3930 South 51st West Avenue, Tulsa, OK 74107

Mr. Barclay stated he and his brother Thomas Barclay own the subject property. Mr. Barclay stated everything on the southside of West 41st Street is industrial, Mr. Cody who owns the properties at West 41st Street and South 49th West Avenue has his property zoned commercial and that intersection is going to be a major corridor with the future development of the Gilcrease Expressway. Mr. Barclay said the zoning change is to CS and nothing more.

Mr. Covey asked the applicant what he planned to do with the subject property.

Mr. Barclay answered now it's just a zoning change with no plans to do anything with the property.

Mr. Covey asked if Mr. Barclay owned the property or was it under contract.

Mr. Barclay stated he and his brother have own the property and it has been in their family since 1962.

Mr. Covey asked staff to explain when the Berryhill Small Area Plan will be completed.

Staff stated this plan is in the beginning stages. There have not been any meetings yet and everyone in the plan area needs to be notified. Staff stated the absence of a Land Use Plan does not give staff or Commissioners enough to make decisions with because there is nothing to base a denial on and an approval you must look around to see some compatible land uses.

Mr. Covey stated as he looks at the map he can see both sides of this, he understands Mr. Lambert's argument and if Mr. Covey lived in that area he would probably argue the same thing. Mr. Covey stated everything south of West 41st is CS, CG or IR and staff is saying everything abutting West 41st will be zoned commercial after the Gilcrease Expressway is complete.

Mr. Reeds stated he would vote to deny this application now because the area is in transition and the Planning Commission doesn't know what the Small Area Plan will look like when completed.

Mr. Shivel stated with the current properties to the South of West 41st already zoned commercial he has every reason to believe that with the Gilcrease expansion the rest of West 41st will be all commercial soon and for this reason Mr. Shivel does not support a denial.

Mr. Ritchey stated if the application is denied today this would not prevent the applicant from reapplying in the future. Mr. Ritchey stated this highway will not be built in a day. Mr. Ritchey stated he understands the time and cost associated with reapplying but the decision today does not prevent the applicant from reapplying after the Gilcrease completion.

Mr. Covey stated if TMAPC denied the application the applicant could appeal to the County. Mr. Covey stated there is a 6-month waiting period before he could file the application again.

TMAPC Action; 9 members present:

On **MOTION** of **REEDS**, TMAPC voted **4-4-1** (Covey, Krug, Reeds, Ritchey, "aye"; Fretz, Millikin, Shivel, Walker "nays"; Fothergill, "abstaining"; Dix, Doctor, "absent") to **DENY** CZ-470 rezoning from RS to CS per staff recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **MILLIKIN**, TMAPC voted **4-4-1** (Fretz, Millikin, Shivel, Walker, "aye"; Covey, Krug, Reeds, Ritchey, "nays"; Fothergill, "abstaining"; Dix, Doctor, "absent") to **APPROVE** CZ-470 rezoning from RS to CS.

Legal Description for CZ-470:

South 320 feet of lots 7 and 8, Parks Acres, Tulsa County, OK

* * * * *

32. **Z-7424 Chris Hopper** (CD 3) Location: West of the northwest corner of East Archer Street and South Hudson Avenue requesting rezoning from **RS-3 to IM**

STAFF RECOMMENDATION:

SECTION I: Z-7424

DEVELOPMENT CONCEPT: Rezone the east portion of the abandoned rail right of way for expansion of an auto salvage.

DETAILED STAFF RECOMMENDATION:

The parcel included in Z-7424 does not have a land use designation. As a result, the property cannot be considered consistent or inconsistent with the land use designation and,

IM zoning is not consistent with the anticipated development pattern east of the site. Further north along the rail line the railroad right of way has been successfully used as a buffer mitigating the adverse impact of industrial uses for property owners east of the rail right of way and,

The Go plan recommends using the right of way for a trail. Changing the site to IM zoning to allow expansion of the salvage yard conflicts with that plan,

IM zoning would be considered injurious to property owners abutting the east boundary of Z-7424 therefore,

Staff recommends Denial of Z-7424 to rezone property from IL,RS-3 to IM.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The comprehensive plan recognizes this area as an area that was expected to see a transition from the existing neighborhood but has not provide guidance on the expected long-term land use. The current undeveloped railroad right of way has been abandoned and provides a buffer to help mitigate the impacts of the salvage yard to potential redevelopment opportunities east of the site.

Land Use Vision:

Land Use Plan map designation:

The land use map recognized this area as a rail right of way and does not illustrate a land use designation. The surrounding properties on the West, South and south 150 feet all are included in an Employment area. Much of the east boundary of the request is classified as an existing neighborhood

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

Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special

transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

Areas of Stability and Growth designation: Area of Growth

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

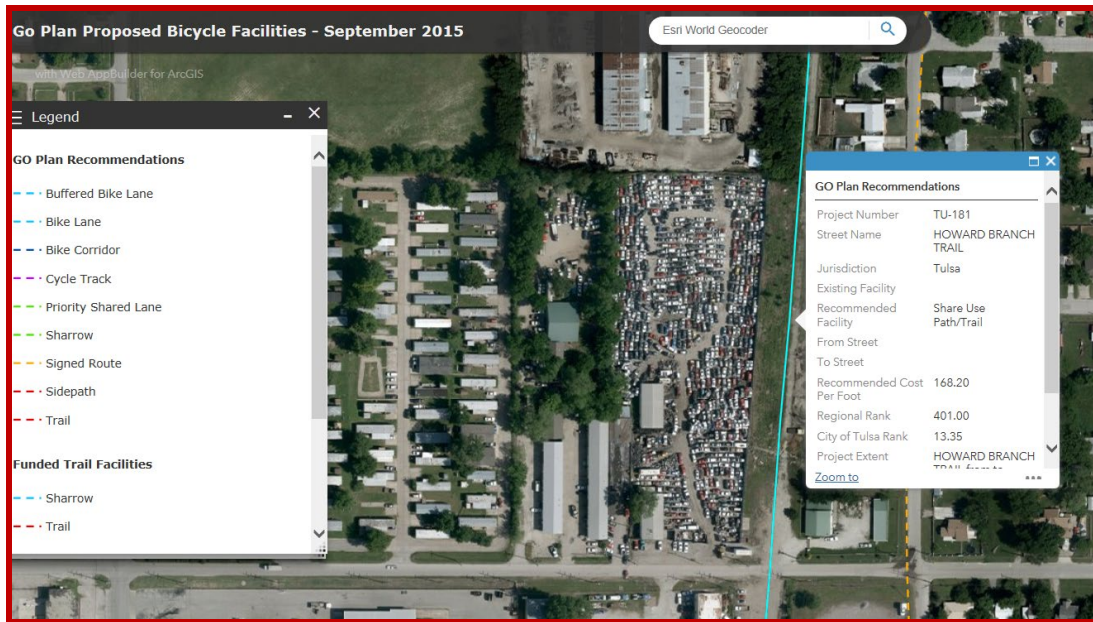
Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth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

Transportation Vision:

Major Street and Highway Plan: None for Archer

Trail System Master Plan Considerations: The railroad right of way is a recommended route for the Howard Branch Trail illustrated in the GO plan.

Go Plan Snippet:



Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS: The site is an abandoned rail road right of way that has been used for outdoor storage. The site is flat and abuts residentially zoned property.

Street View from south east property corner looking north.



Staff Summary: *The site is nearly flat with gravel surface. It is obvious from aerial images that the site is being used for vehicle access and possibly some outdoor storage.*

Environmental Considerations: None that would affect site redevelopment

Streets:

| <u>Exist. Access</u> | <u>MSHP Design</u> | <u>MSHP R/W</u> | <u>Exist. # Lanes</u> |
|----------------------|--------------------|-----------------|-----------------------|
| East Archer Street | None | 50 feet | 2 |

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

| Location | Existing Zoning | Existing Land Use Designation | Area of Stability or Growth | Existing Use |
|-----------------|------------------------|--------------------------------------|------------------------------------|---|
| North | RS-3 | Existing Neighborhood | Growth | Single family residential |
| East | IL and RS-3 | Employment and existing neighborhood | Growth | Industrial in IL zoned property. Auto mechanical shop (possibly vacant) |

| | | | | |
|-------|----|------------|--------|--------------------|
| South | IL | Employment | Growth | Industrial |
| West | IM | Employment | Growth | Automobile salvage |

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11910 dated June 26, 1970, established zoning for the subject property.

Subject Property: No relevant history

Surrounding Property:

BOA-21896 May 2015: The Board of Adjustment **approved** a request for a *modification* of a previous condition (imposed by BOA-19948) restricting outside storage to permit outside storage of materials on the subject tract but only under the areas shown on page 7.11 of the board's agenda packet, on property located at the southeast corner of North Fulton Avenue and East Archer Street.

BOA-19948 December 2004: The Board of Adjustment **approved** a *special exception* to permit light manufacturing/industrial uses in a CH zoned district with conditions: no outside storage, no chain link fence, fence must have appearance of wrought iron fence and must be consistent with conceptual plan, no outside manufacturing, on property located at the southeast corner of North Fulton Avenue and East Archer Street.

BOA-19245 December 2001: The Board of Adjustment **approved** a *variance* of the required all-weather material surface for parking to allow parking on grass surface, finding the hardship to be there are a number of other similar businesses in the area with unpaved parking, on property located north of the northeast corner of North Fulton Avenue and East Archer Street.

BOA-17992 April 1998: The Board of Adjustment **approved** a *variance* of landscaping requirements and a *variance* of required setback from an R district, from 75' down to 36.85', per plan submitted and provided that there be no outside storage on property located on the northeast corner of East Archer Street and North Hudson Avenue.

BOA-15340 January 1990: The Board of Adjustment **approved** a *special exception* to permit an automobile salvage in an IM zoned district; subject to all repair operations being conducted inside the building; subject to the installation of screening around the salvage area; and subject to vehicles being stacked not higher than the screening fence; finding that the salvage operation is compatible with the surrounding uses, on property located north and east of North Fulton Avenue and East Archer Street (5523 E. Archer St.).

BOA-14858 July 1988: The Board of Adjustment **approved** a *special exception* for a 100' expansion of an automobile salvage to the North, in an IM zoned district, per plan submitted, on property located north and east of North Fulton Avenue and East Archer Street (5523 E. Archer St.).

BOA-14245 July 1988: The Board of Adjustment **approved** a *special exception* to allow for a foreign sports car auto salvage in an IM zoned district subject to all salvage sport cars being restricted to the north 160' of the property in question; subject to all engine repair being done inside the building; subject to screening being installed on the east side of the entire property and also completely around the salvage area; subject to hours of operation being from 8 a.m. to 5 p.m., on property located north and east of North Fulton Avenue and East Archer Street (5523 E. Archer St.).

Applicant's Comments:

Robby Hooper 5535 East Archer Street, Tulsa, OK 74115

Mr. Hooper stated he recently bought the subject property from the railroad. Mr. Hooper stated half of the property is zoned IM, the front is IL and the back is zoned RS-3, he intends to build an auto repair shop on the subject property and would like the property all zoned the same. Mr. Hooper stated he had not heard about this property being a part of the trail system until staff stated it in their report.

INTERESTED PARTIES:

David Hamm 123 North Fulton Avenue, Tulsa, OK 74115

Mr. Hamm stated his property is on the other side of the salvage yard and his main concern is if the applicant is granted this rezoning he may move the salvage yard fence line to make the salvage larger. Mr. Hamm stated there are semi's loading vehicles in the street and there is no place to load them safely. Mr. Hamm if the applicant wishes to improve the subject property why doesn't he improve the salvage property he already owns. Mr. Hamm stated he worked on in the salvage for 9 years and if oil was spilled, it was cleaned up. Mr. Hamm stated the applicant now stacks cars 2 and 3 high and he does not clean up oil spills or anti-freeze spills and this runs onto other properties. Mr. Hamm stated he talked to the police today and was told the applicant could not load cars in front of a fire hydrant and the semi's will park on City right of way and load cars and traffic cannot see around the semi and there has been a least one major accident.

Mr. Covey asked Mr. Hamm if he runs a business on his property.

Mr. Hamm stated he has a wrecker service.

Mr. Covey asked him if he was storing vehicles.

Mr. Hamm stated "yes".

Mr. Covey asked if Mr. Hamm lives on the property.

Mr. Hamm stated "no".

Amber Flanigan 118 North Hudson Avenue, Tulsa, OK 74115

Ms. Flanigan stated the subject property is behind her property. Ms. Flanigan stated the applicant has already began moving things on to this property and Ms. Flanigan is concerned that the applicant will eventually move closer to her property. Ms. Flanigan is also concerned about spilled oil and gas that is left on the ground and the semi's that are parked in the middle of the road to load car's.

Mr. Shivel asked if Ms. Flanigan's home was a business.

Ms. Flanigan stated "yes".

Jim Norrid 5525 East Archer, Tulsa, OK 74115

Mr. Norrid stated his business is on the east side of the subject property. Mr. Norrid stated he had tried 3 times to buy the railroad property. Mr. Norrid stated he was taken care of the property because the railroad was not mowing and garbage had been dumped on it. Mr. Norrid stated the applicant was speaking with one of the truck drivers and Mr. Norrid was behind the truck on his motorcycle when the truck started backing up and backed over the motorcycle. Mr. Norrid stated he has called code enforcement about the mess on the applicant's property numerous times and nothing was done. Mr. Norrid stated he had talked to the applicant several times about these issues and the applicant's response was, "it's an industrial area it doesn't make any difference". Mr. Norrid stated to him it's not just an industrial area and you should have some pride in what the area looks like.

Anita Wagner 516 North Hudson Avenue, Tulsa, OK 74115

Ms. Wagner stated before she had received the notice for the TMAPC meeting the applicant had placed barriers against her fence and the land behind her house is a mess. Ms. Wagner stated they moved everything a few days ago. Ms. Wagner stated a few years ago the cars were 3 cars high and lightning struck the salvage and caused a fire that spread because emergency vehicles had a hard time accessing the salvage yard. Ms. Wagner stated she was afraid the fire would spread to her house. Ms. Wagner stated she is worried about her property values if the applicant is allowed this rezoning. Ms. Wagner stated she has a 2-story home that is nice and she would like to see the trail system go through this area.

Mark Wagner 516 North Hudson Avenue, Tulsa, OK 74115

Mr. Wagner stated the intersection of Archer and Hudson is full of pot holes and if the applicant can expand that will increase the trucks in the area and create more pot holes. Mr. Wagner stated he is a skater and has fallen just coming around the corner because of the debris in the road and pot holes. Mr. Wagner stated he mows and there are rivets at the back of his yard.

Mr. Hooper stated he has had issues with the City but they have all been addressed. The Department of Environment Quality has been to his business 17 times and found no issues. Mr. Hooper said he is just trying to get the property rezoned to one designation and its already IM so there are uses that they can have already. Mr. Hooper stated he was trying to link all the properties together so he could put up a good fence. Mr. Hooper stated there is a lot of foot traffic behind the houses that isn't good.

Mr. Reeds asked if he was rezoning from IL to IM.

Mr. Covey stated the applicants fence line doesn't go all the way to the IM zoned property.

Mr. Hooper stated his fence line is about 50 feet short of the IM property. Mr. Hooper stated he leases the salvage land it is owned by someone else.

Mr. Covey asked Mr. Hooper, did I hear you say you don't own the land.

Mr. Hooper said "yes", he owns the business but not the land.

Mr. Covey asked Mr. Hooper what he was going to do with the subject property.

Mr. Hooper stated he wants to build an auto repair shop.

TMAPC COMMENTS:

Mr. Covey asked staff how the Go Plan works after hearing what the speakers had to say about the trail.

Staff stated all they could speak to was how the plan works. Staff stated when the Go Plan was finished a year ago the City saw an opportunity to make this a trail connection, there are trails all over the city that are railroad right of ways.

Mr. Covey asked staff after the City identifies these paths on the Go Plan does the city purchase the property.

Staff answered "no". If the City built a trail here they would enter into an agreement with the property owner.

Mr. Covey stated if someone could convey to the City and BPAC that this property is purchased.

Staff stated if you look at the physical characteristics of the land, sometimes when you get into the details of the design, details will move around based on the physical obstructions, terrain or flood plain issues.

Mr. Foster stated when staff looks at applications that fall where those plans are, staff tries to prepare for things such as the Go Plan.

Staff stated they feel IM zoning regardless of the use is injurious to this neighborhood.

Mr. Covey asked if there was another zoning classification that staff felt like would fit for an auto repair shop.

Staff answered any new construction in this location would impede the potential for a trail system in this area.

Mr. Covey asked staff if the Go Plan did not have the subject property as a trail would that change the recommendation.

Staff answered the south end is already zoned IL and the north is zoned residential but it clearly is being used for something non-residential so there could be some Light Industrial but it is hard to speculate. Staff stated in context with what is on the property today and what has happened in the past that may be something staff could look at with more information.

Ms. Millikin asked staff if this property is rezoned to IM the applicant stated he did not have plans to expand the salvage yard eastward but this does not keep the applicant from selling to someone else and the buyer using it as a salvage yard.

Staff answered the salvage yard use was allowed by a Special Exception at the Board of Adjustment if it was intended to expand the use they would need to go back to the Board of Adjustment.

Mr. Reeds stated if you add up the existing IL on the subject property, 76 feet and the existing right of way which is existing IM that would be quite a bit of land that could be used as an auto repair shop. Mr. Reeds stated the strip behind the IL that is a part of the RS-3 is maybe .25 acre and Mr. Reeds doesn't see the benefits of changing the zoning because there is enough room with what is already zoned correctly for the proposed use.

Staff agreed with Mr. Reeds.

TMAPC Action; 9 members present:

On **MOTION** of **REEDS**, TMAPC voted **9-0-0** (Covey, Fothergill, Fretz, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Dix,

Doctor, “absent”) to **DENY** Z-7424 rezoning from RS-3 to IM per staff recommendation.

Mr. Walker out at 2:50 p.m.

Mr. Walker in at 2:55 p.m.

* * * * *

33.Z-7431 Alan Betchan (CD 9) Location: East of the northeast corner of Riverside Drive and East 38th Place South requesting rezoning from **RS-3 to RM-2**

STAFF RECOMMENDATION:

SECTION I: Z-7431

DEVELOPMENT CONCEPT:

Applicant is requesting RM-2 zoning for a multifamily development facing Riverside Drive and in context with the RDO-3 design guidelines. The RDO-3 district is primarily intended to apply to properties that do not have direct access to the river but that are visible from riverfront areas. These areas benefit from proximity to the river and contribute to the overall visual environment of the riverfront area. This request is an expansion of previously approved RM-2 zoning case # Z-7404.

DETAILED STAFF RECOMMENDATION:

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The subject lots are located within the Arkansas River Corridor and an Area of Growth.

Land Use Vision:

Land Use Plan map designation: Arkansas River Corridor

The Arkansas River Corridor is located along the Arkansas River and scenic roadways running parallel and adjacent to the river. The Arkansas River Corridor is comprised of a mix of uses - residential, commercial, recreation and entertainment – that are well connected and primarily

designed for the pedestrian. Visitors from outside the surrounding neighborhoods can access the corridor by all modes of transportation.

This Corridor is characterized by a set of design standards that support and enhance the Arkansas River Corridor as a lively people-oriented destination. The Corridor connects nodes of high quality development with parks and open spaces. The natural habitat and unique environmental qualities are amenities and are respected and integrated as development and redevelopment occur. The future development of this Corridor is intended to complement the residential character of adjacent thriving neighborhoods by providing appropriate transitions and connections to the Arkansas River.

Areas of Stability and Growth designation: Area of Growth

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

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

Transportation Vision:

Major Street and Highway Plan: Riverside Drive is classified as a Special Traffic way / Multi-Modal Corridor. The right-of-way widths for Riverside Drive are to be per the conceptual plan dated July 1993.

Trail System Master Plan Considerations: The River parks East trail is to the west of the subject lots, across Riverside. The GO Plan currently indicates a sidewalk gap along the Riverside frontage however recent reconstruction of Riverside drive has included a sidewalk along the east side of Riverside Drive.

Small Area Plan: None

Special District Considerations: The subject lots are located within the River Design Overlay, specifically RDO-3. The requirements outlined in the Tulsa Zoning code for development within RDO-3 will be followed for this development.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The two northern subject lots along E 37th PI S currently contain duplex residences. The eastern lot, along E 38th PI S contains a single-family residence.

Environmental Considerations: The subject lots are located with the Tulsa County 500-year floodplain. This is the case for much of properties in the Brookside area that are located between Peoria Ave and Riverside Dr.

Streets:

| <u>Exist. Access</u> | <u>MSHP Design</u> | <u>MSHP R/W</u> | <u>Exist. # Lanes</u> |
|-----------------------------------|---------------------|--|-----------------------|
| Riverside Drive | Special Traffic way | Per 7/93 Conceptual Plan for Riverside Dr. | 4 |
| East 38 th Place South | None | N/A | 2 |
| East 37 th Place South | None | N/A | 2 |

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

| Location | Existing Zoning | Existing Land Use Designation | Area of Stability or Growth | Existing Use |
|-----------------|------------------------|--------------------------------------|------------------------------------|---------------------|
| North* | RM-2 | Arkansas River Corridor | Growth | Duplex Residence |
| South | RM-2 | Arkansas River Corridor | Growth | Multifamily |

| | | | | |
|-------|------|-------------------------|-----------|----------------------------------|
| East | RS-3 | Arkansas River Corridor | Growth | Duplex / Single-Family Residence |
| West* | RM-2 | Park and Open Space | Stability | Single Family Residence |

* Existing properties at these locations have recently been rezoned to RM-2 and are planned to be part of the same redevelopment project as Z-7431.

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11822 dated June 26, 1970 (RS-3), and 23554 dated September 26, 2016 (RDO-3), established zoning for the subject property.

Subject Property:

SA-1 September 2016: All concurred in approval of a request for a Special Area Overlay, called the River Design Overlay, on multiple properties (709), located on the east and west of the Arkansas River extending from West 11th Street South to East 121st Street South. The River Design Overlay (RDO-1, RDO-2 & RDO-3) were established to maintain and promote the Arkansas River corridor as a valuable asset to the city and region in terms of economic development and quality of life. *The subject property is located within the RDO-3 zoning.*

Surrounding Property:

Z-7404 August 2017: All concurred in approval for RM-2 zoning on a 0.7-acre tract of land for a multifamily development at the northeast corner of East 38th Place south at Riverside Drive. Ordinance# 23797 dated November 4th, 2017.

PUD-695 March 2004: All concurred in approval of a proposed Planned Unit Development on a .57± acre tract of land for a condominium development with a maximum of 11 units, on property located south of the southeast corner E. 37th St. S. and S. Riverside Dr.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC COMMENTS:

Ms. Millikin asked if this was the same subject property as one a year ago where there was a question about a 3-foot wall that abuts the property next to the multi-family planned use.

Staff stated in the River Design Overlay if you build any screening wall it is limited to 3-foot in height and that is something that is clear in the Overlay and staff will review that on the Detail Site Plan.

Ms. Millikin stated when this came up a year ago there was an Interested party who was against the 3-foot wall who is not here today.

Staff stated the man that objected has sold his lot. Staff stated the River Design overlay does require screening around dumpsters that exceeds the 3-feet in height.

TMAPC Action; 9 members present:

On **MOTION** of **REEDS**, TMAPC voted **9-0-0** (Covey, Fothergill, Fretz, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Dix, Doctor, “absent”) to **APPROVE** Z-7431 rezoning from RS-3 to RM-2 per staff recommendation.

Legal Description of Z-7431:

LT 11 BLK 1, MICHAEL JANE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

34. Z-7432 Jamelle Moore (CD 2) Location: South of the southwest corner of South Elwood Avenue and West 71st Street South requesting rezoning from **AG to RS-3**

STAFF RECOMMENDATION:

SECTION I: Z-7432

DEVELOPMENT CONCEPT: Rezoning request for anticipated development of a single family residential subdivision.

DETAILED STAFF RECOMMENDATION:

RS-3 zoning allows single family residential zoning that is land use supported by the West Highlands Small area plan and by Tulsa Comprehensive Plan and,

RS-3 zoning supports a density that is consistent with the anticipated development pattern east of Tulsa Hills Shopping Center and west of South Elwood and,

RS-3 is non- injurious to the existing proximate properties therefore,

Staff recommends Approval of Z-7432 to rezone property from AG/ to RS-3.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

***Staff Summary:** The new neighborhood vision and the area of growth identified in the Tulsa Comprehensive Plan anticipated this type of development. Street connectivity will be an important consideration during the preliminary plat phase of this project.*

Land Use Vision:

***Land Use Plan map designation:** New Neighborhood*

The New Neighborhood residential building block is comprised of a plan category by the same name. It is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes, but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity, and shall be paired with an existing or New Neighborhood or Town Center.

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

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

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

Transportation Vision:

***Major Street and Highway Plan:** None*

Trail System Master Plan Considerations: None

Small Area Plan: 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. The primary emphasis for agricultural style residential development in the plan area are west of Highway 75.

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

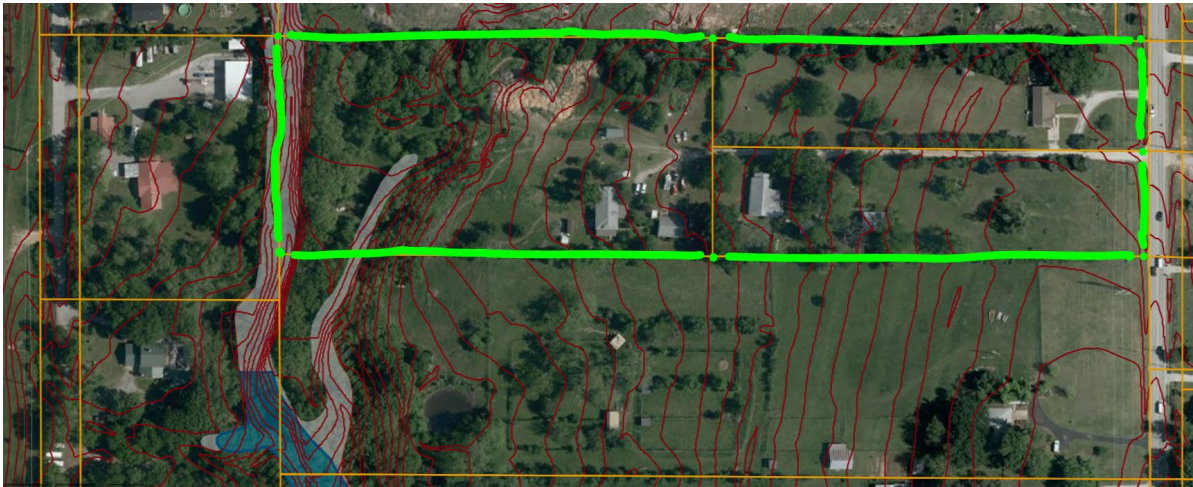
Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is a gently sloping site that is generally drains toward the Hagar Creek flood plain area at the west end of the site. The north edge of the zoning request abuts a recently constructed Multi Family Project. There are no reasonable expectations for street extensions except to the south and possibly west where property is currently still zoned AG.

Three parcels are included in the zoning request. Each parcel has a single family home.

Hager Creek flood plain snippet:



Environmental Considerations: Single family residential development is unlikely in the floodplain area however the preliminary plat will be arranged in a way to preserve as much green space as possible in that area.

An electrical transmission line is on the east boundary of the property. Residential setbacks will be greater than the normal setback from the planned street right of way as a result of that transmission line.

Streets:

| <u>Exist. Access</u> | <u>MSHP Design</u> | <u>MSHP R/W</u> | <u>Exist. # Lanes</u> |
|----------------------|--------------------|-----------------|-----------------------|
| South Elwood Avenue | Secondary Arterial | 100 feet | 2 |

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

| Location | Existing Zoning | Existing Land Use Designation | Area of Stability or Growth | Existing Use |
|-----------------|--------------------------|--------------------------------------|------------------------------------|-------------------------------------|
| North | PUD-738 / CS, RM-O, RS-3 | Town Center | Growth | Multi Family |
| East | AG | Existing Neighborhood | Stability | Large lot single family residential |
| South | AG | New Neighborhood | Growth | Large lot single family residential |
| West | AG | New Neighborhood | Growth | Large lot single family residential |

SECTION III: Relevant Zoning History

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

Subject Property:

BOA-19353 May 2002: The Board of Adjustment **denied** a *variance* of the required 30' of frontage on a public street or dedicated right-of-way to 0'; and a *variance* of lot width from 200' to 165' to permit a lot-split, for lack of hardship, on property located south of the southwest corner of South Elwood Avenue and West 71st Street South, the subject property.

BOA-17358 April 1996: The Board of Adjustment **approved** a *special exception* to permit a double-wide manufactured home in an AG zoned district permanently (Section 301), on property located south of the southwest corner of South Elwood Avenue and West 71st Street South, the subject property.

Surrounding Property:

Z-7353 August 2016: All concurred in **approval** of a request for *rezoning* a 2.58± acre tract of land from RS-3 to CS, on property located south of the southeast corner of South Jackson Avenue and West 71st Street South.

PUD-742-A October 2015: All concurred in **approval**, with conditions, of a proposed Major Amendment to PUD on a 25± acre tract of land for elementary school use (Use Unit 5), on property located south of the southeast corner of South Elwood Avenue and West 71st Street.

Z-7286 December 2014: All concurred in **approval** of a request for *rezoning* a 3.52± acre tract of land from RS-3 to CS on property located west of the southwest corner of West 71st Street South and South Elwood Avenue.

Z-7065/ PUD-742 September 2007: All concurred in **approval** of a request for *rezoning* a 24± acre tract of land and a proposed *Planned Unit Development* for an office park from AG to OL on property located south of the southeast corner of East 71st Street and South Elwood Avenue.

Z-7052/ PUD-738 May 2007: All concurred in **approval** of a request for *rezoning* a 40± acre tract of land from AG to RS-3/RM-0/CS/PUD and a proposed *Planned Unit Development* for a mixed use development on property located on the southwest corner of West 71st Street and South Elwood Avenue.

Z-7008-SP-1/Z-6966-SP-1/Z-6967-SP-1 March 2006: All concurred in **approval** of a request for a *Corridor Development Plan* on a 176± acre tract of land to permit a regional shopping center known as the Tulsa Hills site with a total of 1,554,194 square feet of maximum building floor area approved at a .25 floor area ratio, on property located east of US Highway 75 between West 71st and West 81st Streets.

Z-7008 March 2006: All concurred in **approval** of a request for *rezoning* a 43.6± acre tract of land from AG/RS-3 to CO for a regional shopping center known as Tulsa Hills, on property located on the east side of U.S. Highway 75 South between West 71st Street South and West 81st Street South.

BOA-19228 November 2001: The Board of Adjustment **approved** a *variance* of lot width from required 200' to 135' on Tract A and 100' on Tract B; a *variance* of lot area from 2 acres to 1.89 acres on Tract A; and a *variance* of land area per dwelling unit from 2.2 acres to 2.0 acres on Tract A to permit a lot split, per survey submitted, finding the hardship to be the configuration of the lot, on property located south of the southeast corner of South Elwood Avenue and West 71st Street South.

BOA-18614 January 2000: The Board of Adjustment **approved** a *variance* of average lot width from 200' to 125' and 142' to permit a lot-split in an AG district, on property located south of the southeast corner of South Elwood Avenue and West 71st Street South.

The applicant indicated his agreement with staff's recommendation.

INTERESTED PARTIES:

Jeannie Cue Tulsa City Councilor, 175 East 2nd Street, Tulsa, OK 74103

Ms. Cue stated she would like to ask Planning Commission to continue this application to allow the applicant time to speak with the neighborhood to let them know what the plan entails and let the rumors be put to rest. Ms. Cue stated she has a call into Mr. Zachary concerning the sewer connection but had not heard back from him at this time.

Kim Dyer 7600 South Elwood, Tulsa, OK 74132

Ms. Dyer stated she owns the horse farm near the subject property. Ms. Dyer stated the Planning Commission allowed the apartments at 71st and Elwood to be built and now on a bright sunny day after it has rained the creek floods and there are kids playing in the water. Ms. Dyer stated for safety reasons there needs to be a bigger retention pond. Ms. Dyer stated there needs to be turning lanes added around this area also because of the increased traffic due to these apartments.

Wayne Allen 728 West 79th Street, Tulsa, OK 74132

Mr. Allen stated Elwood Avenue is a two-lane blacktop road from 71st Street to 96th Street and there are no shoulders on that road and there is an elementary school at 7700 South Elwood. Mr. Allen stated many children cross Elwood every day and its getting very congested in this area. Mr. Allen stated he would encourage Commissioners to not allow anymore congestion in that area until the City has a chance to improve the infrastructure in this area.

Harry Gordon 628 West 79th Street, Tulsa, OK 74132

Mr. Gordon stated he is the President of the Stonebrook Homeowners Association representing about 250 homes in this area. Mr. Gordon stated he would support Councilor Cues suggestion that the application be continued to allow the applicant to speak with residents. Mr. Gordon stated the stormwater is a major issue but the apartment complex doubled the water that comes down the creek and the subject property would likely dump into the same creek. Mr. Gordon stated the creek was described as meandering through the park and that is not a fair representation, when it rains it looks like a roaring river. Mr. Gordon stated there is land being lost into the creek as it is washed away. Mr. Gordon stated there is a choke point at Elwood Avenue where the creek crosses a culvert that was built in the 1950's, well before Tulsa Hills, Stonebrook or the

apartments and this choke point needs addressing. Mr. Gordon stated the traffic is also a significant problem on Elwood and on 81st Street. Mr. Gordon stated he would like the project delayed until the residents can get more input about these issues.

Applicant's Comments:

The applicant thanked the speakers for their concerns. The applicant stated to move forward the applicant would have to complete a traffic study to make sure the level of service on Elwood is not being decreased to a level that is unacceptable. The applicant stated the subject project would have to meet all the City of Tulsa design standards to be sure this project does not adversely affect the existing areas. Mr. Moore stated he understands the concerns of the residents.

Mr. Covey asked the applicant if he was in favor of the continuance Councilor Cue has asked for.

Applicant answered he didn't think the developer would want a continuance.

Mr. Covey asked the applicant if he would rather have a vote today, knowing several residents has asked for a continuance?

Applicant answered "no".

Mr. Fothergill asked applicant if he knew how many houses would be built on subject property.

Applicant answered approximately 50.

Ms. Millikin asked the applicant if he had a neighborhood meeting.

Applicant answered "no".

Ms. Millikin stated would you be willing to postpone having a neighborhood meeting.

Applicant stated "yes".

TMAPC Action; 9 members present:

On **MOTION** of **MILLIKIN**, TMAPC voted **9-0-0** (Covey, Fothergill, Fretz, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Dix, Doctor, "absent") to **CONTINUE** Z-7432 rezoning to April 4, 2018.

* * * * *

Items 35 and 36 were presented together.

35. **Z-7433 Tulsa City Council/Tanner Consulting** (CD 2) Location: Southeast corner of East 71st Street South and South Trenton Avenue requesting rezoning from **CS, OL, PUD-304 to MX3-V-55** (Related to PUD-304-A)

STAFF RECOMMENDATION:

SECTION I: Z-7433

DEVELOPMENT CONCEPT: This request for rezoning is responsive to a City Council initiative to encourage mixed-use development along the proposed bus rapid transit system route. The current zoning on the site is CS, OL, PUD 304. A concurrent request to abandon the PUD will be considered at the same time as this zoning request. The PUD abandonment will be withdrawn if the MX zoning is not approved.

DETAILED STAFF RECOMMENDATION:

Case Z-7433 request MX3-V-55 is consistent with the expected development pattern in the area and,

MX3-V-55 is not injurious to the surrounding property owners and,

The MX3 requested is considered more of a Regional Mixed-Use district intended to accommodate larger scale development and supports the anticipated uses in this are. The rezoning request is consistent with the Bus Rapid Transit System initiative and its land use recommendations and,

MX3-V-55 is consistent with the Town Center land use vision in the Tulsa Comprehensive Plan therefore

Staff recommends Approval of Z-7433 to rezone property from CS,OL/PUD-304 to MX3-V-55.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: MX3-V-55 is consistent with the land use vision in the Tulsa Comprehensive Plan and is consistent with the goals and objectives that support the Bus Rapid Transit System. The existing PUD creates obstacles that prohibit closer setbacks to the street and certain uses including mixed use with a residential component that are desired as part of the Bus Rapid Transit System and the Town Center vision of the Tulsa Comprehensive Plan.

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

Transportation Vision:

Major Street and Highway Plan: East 71st is a primary arterial with a commuter street designation.

The most widespread commercial street type is the strip commercial arterial, these arterials typically serve commercial areas that contain many small retail strip centers with buildings set back from front parking lots. Because of this, strip commercial arterials have many intersections and driveways that provide access to adjacent businesses. Historically, this type of street is highly auto-oriented and tends to discourage walking and bicycling. On-street parking is infrequent.

Commuter streets are designed with multiple lanes divided by a landscaped median or a continuous two way left turn lane in the center. Commuter streets are designed to balance traffic mobility with access to nearby businesses. However, because there are so many intersections and access points on commuter streets, they often become congested. Improvements to these streets should come in the form of access management, traffic signal timing and creative intersection lane capacity improvements.

Trail System Master Plan Considerations: The east property line is abutting the Joe Creek trail that has been recently improved. Access to that trail should be encouraged with any redevelopment.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The existing site was developed in the 1980s as a two-story mixed-use building that is primarily used for retail, office. Currently there are no residential uses in the building but a minor amendment was approved in 2016 to use part of the building as a self-storage facility.

Environmental Considerations: None

Streets:

| <u>Exist. Access</u> | <u>MSHP Design</u> | <u>MSHP R/W</u> | <u>Exist. # Lanes</u> |
|------------------------------------|---|-----------------|-----------------------|
| East 71 st Street South | Primary arterial with commuter corridor | 120 feet | 7 |
| South Trenton Avenue | Residential collector | 60 feet | 2 |

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

| Location | Existing Zoning | Existing Land Use Designation | Area of Stability or Growth | Existing Use |
|-----------------|------------------------|--------------------------------------|------------------------------------|---------------------|
| | | | | |

| | | | | |
|-----------------------------|-------------------------|--------------------------|-----------|--------------|
| North Across 71st | PUD-127/RM-1 | Town Center | Growth | Multi Family |
| East Across Joe Creek | OM | Existing Neighborhood | Stability | Multi Family |
| South | PUD-128-C / OL, RM-1 | Town Center | Growth | Vacant |
| West Across Trenton | PUD-128A/ RM-1 | Town Center | Growth | Multi Family |

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 15597 dated January 21, 1983, amended zoning for the subject property.

Subject Property:

Z-5778/PUD-304 January 1983: All concurred in **approval** of a request for rezoning a 5.1± acre tract of land from OL to OL and CS; and in approval of a proposed Planned Unit Development on property located at the southeast corner of South Trenton Avenue and East 71st Street South (Ordinance 15597 dated January 21, 1983 amended (14639) zoning for the subject property.)

PUD-304-3 March 2016: All concurred in **approval**, on consent agenda, of a *minor amendment* to PUD-304 to add seasonal outdoor storage for a use of a tenant, “The Hamlet” its successors or assigns. The period of operation would be limited annually to the 76 day period from November 1 through January 15 and a 31 day period from 3 calendar weeks before Easter through 10 days after Easter, on property located on the southeast corner of East 71st Street South and South Trenton Avenue.

PUD-304-2 August 2012: All concurred in **approval**, on consent agenda, of a *minor amendment* to PUD-304 to add Use Unit 16 (Mini Storage) with the limitation that the storage facility will be included inside the existing building and will be a climate controlled facility, on property located on the southeast corner of East 71st Street South and South Trenton Avenue.

PUD-304-1 May 2012: All concurred in **approval**, on consent agenda, of a *minor amendment* to PUD-304 to add a Children’s Nursery (Use Unit 5), on property located on the southeast corner of East 71st Street South and South Trenton Avenue.

Z-5321 November 1979: All concurred in **approval** of a request for rezoning a 5.9± acre tract of land from RM-1 and PUD-129 to OL, on property located at the

southeast corner of 71st Street South and South Trenton Avenue (Ordinance 14639 dated January 4, 1980 amended (11828) zoning for the subject property.) (Ordinance 11828 dated June 26, 1970 established zoning for the subject property.)

PUD-128-A November 1979: All concurred in **approval**, per conditions, to develop 118± acres on property located at 71st Street and west of the Joe Creek Channel for residential purposes (Ordinance 14629 dated December 11, 1979 amended (11828) zoning for the subject property.)

PUD-128 October 1972: All concurred in **approval** of a proposed Planned Unit Development on a 278± acre tract of land allowing a total of 4,441 residential units on property located between 71st Street South to 81st Street South, from Lewis Avenue to the east boundary of the Arkansas River.

Z-4245 October 1972: All concurred in **approval** of a request for rezoning a 348± acre tract of land from AG to RS-3, RM-1, and RM-2, on property located between 71st Street South to 81st Street South, from Lewis Avenue to the east boundary of the Arkansas River.

Surrounding Property:

BOA-21926 July 2015: The Board of Adjustment **accepted** the applicant's verification of the spacing requirement for the proposed liquor store of 300 feet subject to the action of the Board being void should another liquor store or other conflicting use be established prior to the establishment of this liquor store, on property located at the southeast corner of South Trenton Avenue and East 71st Street South (PUD-304).

PUD-388-A May 1991: All concurred in **approval**, per conditions, of an amendment to PUD-388 in order to develop the tract, located at the northwest corner of 71st Street south and South Trenton Avenue, with the development of two food establishments in the southern portion which fronts onto 71st street and leaving the northern portion for retail/commercial development under the initial development standards.

Z-6027/PUD-388 February 1985: All concurred to **approve** a request to rezone a 6.27+ acre tract from OM to CS and PUD to allow for an office development, on property located on the northwest corner of East 71st Street South and South Trenton Avenue.

PUD-128-C November 1979: All concurred in **approval**, per conditions, to develop 1± acre on property located on the northeast corner of 73rd Street and South Trenton Avenue.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **SHIVEL**, TMAPC voted **9-0-0** (Covey, Fothergill, Fretz, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Dix, Doctor, “absent”) to **APPROVE** Z-7433 rezoning from CS, OL, PUD-304 to MX3-V-55 per staff recommendation.

Legal Description of Z-7433:

ALL OF BLOCK TWO (2), “KENSINGTON II, BLOCKS 1 AND 2”, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 3983);

LESS AND EXCEPT:

A TRACT OF LAND LOCATED IN A PART OF BLOCK 2, OF KENSINGTON II, BLOCKS 1 & 2, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE OFFICIAL RECORDED PLAT THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID BLOCK 2, THENCE DUE WEST ALONG THE SOUTH LINE THEREOF A DISTANCE OF 211.13 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 2; THENCE ALONG A CURVE TO THE LEFT HAVING AN INITIAL TANGENT BEARING OF NORTH 0°03'58" WEST A [RADIUS] OF 1,285.47 FEET, A CENTRAL ANGLE OF 5°29'32" FOR A DISTANCE OF 123.22 FEET; THENCE NORTH 89°54'43" EAST A DISTANCE OF 274.78 FEET TO THE EAST LINE OF SAID BLOCK 2, THENCE ON A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF SOUTH 21°45'18" WEST A RADIUS OF 850.00 FEET, A CENTRAL ANGLE OF 5°11'40" FOR A DISTANCE OF 77.31 FEET; THENCE ON A CURVE TO THE LEFT HAVING AN INITIAL TANGENT BEARING OF SOUTH 26°57'58" WEST, A RADIUS OF 1,550.00 FEET, A CENTRAL ANGLE OF 2°10'46" FOR A DISTANCE OF 58.96 FEET TO THE POINT OF BEGINNING.

* * * * *

36. **PUD-304-A Tulsa City Council/Tanner Consulting** (CD 2) Location: Southeast corner of East 71st Street South and South Trenton Avenue requesting **to Abandon PUD-304** (Related to Z-7433)

STAFF RECOMMENDATION:

SECTION I: PUD-304

DEVELOPMENT CONCEPT: This request for rezoning is responsive to a City Council initiative to encourage mixed-use development along the proposed bus rapid transit system route. The current zoning on the site is CS, OL, PUD 304. Abandonment of the PUD will be considered at the same time as this zoning request. The PUD abandonment will be withdrawn if the MX zoning is not approved.

DETAILED STAFF RECOMMENDATION:

The PUD abandonment is only appropriate with the consideration of rezoning the site as referenced in Case Z-7433

Case Z-7433 request MX3-V-55 which is consistent with the expected development pattern in the area and,

MX3-V-55 is not injurious to the surrounding property owners and,

The MX3 requested is considered more of a Regional Mixed-Use district intended to accommodate larger scale development and supports the anticipated uses in this area. The rezoning request is consistent with the Bus Rapid Transit System initiative and its land use recommendations and,

MX3-V-55 is consistent with the Town Center land use vision in the Tulsa Comprehensive Plan therefore

Staff recommends Approval of PUD304-A which will abandon PUD304 but only if the concurrent request to rezone property from CS,OL/304 to MX3-V-55 is also approved.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Abandonment of PUD 304 and rezoning the site to MX3-V-55 is consistent with the land use vision in the Tulsa Comprehensive Plan and is consistent with the goals and objectives that support the Bus Rapid Transit System. The existing PUD creates obstacles that prohibit closer setbacks to the street and certain uses including mixed use with a residential component that are desired as part of the Bus Rapid Transit System and the Town Center vision of the Tulsa Comprehensive Plan.

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

Transportation Vision:

Major Street and Highway Plan: East 71st is a primary arterial with a commuter street designation.

The most widespread commercial street type is the strip commercial arterial, these arterials typically serve commercial areas that contain many small retail strip centers with buildings set back from front parking lots. Because of this, strip commercial arterials have many intersections and driveways that provide access to adjacent businesses. Historically, this type of street is highly auto-oriented and tends to discourage walking and bicycling. On-street parking is infrequent.

Commuter streets are designed with multiple lanes divided by a landscaped median or a continuous two way left turn lane in the center. Commuter streets are designed to balance traffic mobility with access to nearby businesses. However, because there are so many intersections and access points on

commuter streets, they often become congested. Improvements to these streets should come in the form of access management, traffic signal timing and creative intersection lane capacity improvements.

Trail System Master Plan Considerations: The east property line is abutting the Joe Creek trail that has been recently improved. Access to that trail should be encouraged with any redevelopment.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The existing site was developed in the 1980s as a two-story mixed-use building that is primarily used for retail, office. Currently there are no residential uses in the building but a minor amendment was approved in 2016 to use part of the building as a self-storage facility.

Environmental Considerations: None

Streets:

| <u>Exist. Access</u> | <u>MSHP Design</u> | <u>MSHP R/W</u> | <u>Exist. # Lanes</u> |
|------------------------------------|---|-----------------|-----------------------|
| East 71 st Street South | Primary arterial with commuter corridor | 120 feet | 7 |
| South Trenton Avenue | Residential collector | 60 feet | 2 |

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

| Location | Existing Zoning | Existing Land Use Designation | Area of Stability or Growth | Existing Use |
|-----------------------|------------------------|--------------------------------------|------------------------------------|---------------------|
| North Across 71st | PUD-127/RM-1 | Town Center | Growth | Multi Family |
| East Across Joe Creek | OM | Existing Neighborhood | Stability | Multi Family |

| | | | | |
|---------------------------|-------------------------|-------------|--------|--------------|
| South | PUD-128-C / OL, RM-1 | Town Center | Growth | Vacant |
| West Across Trenton | PUD-128A/ RM- 1 | Town Center | Growth | Multi Family |

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 15597 dated January 21, 1983, amended zoning for the subject property.

Subject Property:

Z-5778/PUD-304 January 1983: All concurred in **approval** of a request for rezoning a 5.1± acre tract of land from OL to OL and CS; and in approval of a proposed Planned Unit Development on property located at the southeast corner of South Trenton Avenue and East 71st Street South (Ordinance 15597 dated January 21, 1983 amended (14639) zoning for the subject property.)

PUD-304-3 March 2016: All concurred in **approval**, on consent agenda, of a *minor amendment* to PUD-304 to add seasonal outdoor storage for a use of a tenant, "The Hamlet" its successors or assigns. The period of operation would be limited annually to the 76 day period from November 1 through January 15 and a 31 day period from 3 calendar weeks before Easter through 10 days after Easter, on property located on the southeast corner of East 71st Street South and South Trenton Avenue.

PUD-304-2 August 2012: All concurred in **approval**, on consent agenda, of a *minor amendment* to PUD-304 to add Use Unit 16 (Mini Storage) with the limitation that the storage facility will be included inside the existing building and will be a climate controlled facility, on property located on the southeast corner of East 71st Street South and South Trenton Avenue.

PUD-304-1 May 2012: All concurred in **approval**, on consent agenda, of a *minor amendment* to PUD-304 to add a Children's Nursery (Use Unit 5), on property located on the southeast corner of East 71st Street South and South Trenton Avenue.

Z-5321 November 1979: All concurred in **approval** of a request for rezoning a 5.9± acre tract of land from RM-1 and PUD-129 to OL, on property located at the southeast corner of 71st Street South and South Trenton Avenue (Ordinance 14639 dated January 4, 1980 amended (11828) zoning for the subject property.) (Ordinance 11828 dated June 26, 1970 established zoning for the subject property.)

PUD-128-A November 1979: All concurred in **approval**, per conditions, to develop 118± acres on property located at 71st Street and west of the Joe Creek Channel for residential purposes (Ordinance 14629 dated December 11, 1979 amended (11828) zoning for the subject property.)

PUD-128 October 1972: All concurred in **approval** of a proposed Planned Unit Development on a 278± acre tract of land allowing a total of 4,441 residential units on property located between 71st Street South to 81st Street South, from Lewis Avenue to the east boundary of the Arkansas River.

Z-4245 October 1972: All concurred in **approval** of a request for rezoning a 348± acre tract of land from AG to RS-3, RM-1, and RM-2, on property located between 71st Street South to 81st Street South, from Lewis Avenue to the east boundary of the Arkansas River.

Surrounding Property:

BOA-21926 July 2015: The Board of Adjustment **accepted** the applicant's verification of the spacing requirement for the proposed liquor store of 300 feet subject to the action of the Board being void should another liquor store or other conflicting use be established prior to the establishment of this liquor store, on property located at the southeast corner of South Trenton Avenue and East 71st Street South (PUD-304).

PUD-388-A May 1991: All concurred in **approval**, per conditions, of an amendment to PUD-388 in order to develop the tract, located at the northwest corner of 71st Street south and South Trenton Avenue, with the development of two food establishments in the southern portion which fronts onto 71st street and leaving the northern portion for retail/commercial development under the initial development standards.

Z-6027/PUD-388 February 1985: All concurred to **approve** a request to rezone a 6.27+ acre tract from OM to CS and PUD to allow for an office development, on property located on the northwest corner of East 71st Street South and South Trenton Avenue.

PUD-128-C November 1979: All concurred in **approval**, per conditions, to develop 1± acre on property located on the northeast corner of 73rd Street and South Trenton Avenue.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **SHIVEL**, TMAPC voted **9-0-0** (Covey, Fothergill, Fretz, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Dix, Doctor, “absent”) to **ABANDON** PUD-304 per staff recommendation.

Legal Description of PUD-304:

ALL OF BLOCK TWO (2), “KENSINGTON II, BLOCKS 1 AND 2”, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 3983);

LESS AND EXCEPT:

A TRACT OF LAND LOCATED IN A PART OF BLOCK 2, OF KENSINGTON II, BLOCKS 1 & 2, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE OFFICIAL RECORDED PLAT THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID BLOCK 2, THENCE DUE WEST ALONG THE SOUTH LINE THEREOF A DISTANCE OF 211.13 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 2; THENCE ALONG A CURVE TO THE LEFT HAVING AN INITIAL TANGENT BEARING OF NORTH 0°03'58" WEST A [RADIUS] OF 1,285.47 FEET, A CENTRAL ANGLE OF 5°29'32" FOR A DISTANCE OF 123.22 FEET; THENCE NORTH 89°54'43" EAST A DISTANCE OF 274.78 FEET TO THE EAST LINE OF SAID BLOCK 2, THENCE ON A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF SOUTH 21°45'18" WEST A RADIUS OF 850.00 FEET, A CENTRAL ANGLE OF 5°11'40" FOR A DISTANCE OF 77.31 FEET; THENCE ON A CURVE TO THE LEFT HAVING AN INITIAL TANGENT BEARING OF SOUTH 26°57'58" WEST, A RADIUS OF 1,550.00 FEET, A CENTRAL ANGLE OF 2°10'46" FOR A DISTANCE OF 58.96 FEET TO THE POINT OF BEGINNING.

* * * * *

Items 37 and 38 were presented together.

37. **Z-7434 Tulsa City Council/Tanner Consulting** (CD 2) Location: South of the southeast corner of East 71st Street South and South Trenton Avenue requesting rezoning from **OL, RM-1, PUD-128-C to MX3-V-55** (Related to PUD-128-J)

STAFF RECOMMENDATION:

SECTION I: Z-7434

DEVELOPMENT CONCEPT: This request for rezoning is responsive to a City Council initiative to encourage mixed-use development along the proposed bus rapid transit system route. The current zoning on the site is OL/RM-1/PUD 128-C. PUD 128-C only allows office uses and surface parking. A concurrent request to abandon the PUD will be considered at the same time as this zoning request. The PUD abandonment will be withdrawn if the MX zoning is not approved.

DETAILED STAFF RECOMMENDATION:

Case Z-7434 request MX3-V-55 is consistent with the expected development pattern in the area and,

MX3-V-55 is not injurious to the surrounding property owners and,

The MX3 requested is considered more of a Regional Mixed-Use district intended to accommodate larger scale development and supports the anticipated uses in this area location along South Peoria. The rezoning request is consistent with the Bus Rapid Transit System initiative and its land use recommendations and,

MX3-V-55 is consistent with the Town Center land use vision in the Tulsa Comprehensive Plan therefore

Staff recommends Approval of Z-7434 to rezone property from OL, RM-1/ to MX3-V-55.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: MX3-V-55 is consistent with the land use vision in the Tulsa Comprehensive Plan and is consistent with the goals and objectives that support the Bus Rapid Transit System. The existing PUD creates obstacles that prohibit closer setbacks to the street and certain uses including mixed use with a residential component that are desired as part of the Bus Rapid Transit System and the Town Center vision of the Tulsa Comprehensive Plan.

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

Transportation Vision:

Major Street and Highway Plan: South Trenton Avenue is a residential collector.

Trail System Master Plan Considerations: The east property line is abutting the Joe Creek trail that has been recently improved. Access to that trail should be encouraged with any redevelopment.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The existing site is undeveloped.*

Environmental Considerations: None that might affect site development

Streets:

| <u>Exist. Access</u> | <u>MSHP Design</u> | <u>MSHP R/W</u> | <u>Exist. # Lanes</u> |
|----------------------|-----------------------|-----------------|-----------------------|
| South Trenton Avenue | Residential collector | 60 feet | 2 |

Utilities:

The subject tract has municipal water and sewer available. Surrounding Properties:

| Location | Existing Zoning | Existing Land Use Designation | Area of Stability or Growth | Existing Use |
|-----------------------|-----------------|-------------------------------|-----------------------------|--------------------|
| North | PUD-304 | Town Center | Growth | Mixed use building |
| East Across Joe Creek | OM | Existing Neighborhood | Stability | Multi Family |
| South | PUD-128-RS-3 | Town Center | Growth | Single Family |
| West Across Trenton | PUD-128A/ RM-1 | Town Center | Growth | Multi Family |

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 15954 dated February 24, 1984, amended zoning for the subject property.

Subject Property:

PUD-128-C November 1979: All concurred in **approval**, per conditions, to develop 1± acres on property located on the northeast corner of 73rd Street and South Trenton Avenue. (Ordinance 15954 dated February 24, 1984 amended (14629) zoning for the subject property.)

PUD-128-A November 1979: All concurred in **approval**, per conditions, to develop 118± acres on property located at 71st Street and west of the Joe Creek Channel for residential purposes. (Ordinance 14629 dated December 11, 1979 amended (11828) zoning for the subject property.) (Ordinance 11828 dated June 26, 1970 established zoning for the subject property.)

PUD-128 October 1972: All concurred in **approval** of a proposed Planned Unit Development on a 278± acre tract of land allowing a total of 4,441 residential units on property located between 71st Street South to 81st Street South, from Lewis Avenue to the east boundary of the Arkansas River.

Z-4245 October 1972: All concurred in **approval** of a request for rezoning a 348± acre tract of land from AG to RS-3, RM-1, and RM-2, on property located between 71st Street South to 81st Street South, from Lewis Avenue to the east boundary of the Arkansas River.

Surrounding Property:

PUD-304-3 March 2016: All concurred in **approval**, on consent agenda, of a *minor amendment* to PUD-304 to add seasonal outdoor storage for a use of a tenant, "The Hamlet" its successors or assigns. The period of operation would be limited annually to the 76 day period from November 1 through January 15 and a 31 day period from 3 calendar weeks before Easter through 10 days after Easter, on property located on the southeast corner of East 71st Street South and South Trenton Avenue

BOA-21926 July 2015: The Board of Adjustment **accepted** the applicant's verification of the spacing requirement for the proposed liquor store of 300 feet subject to the action of the Board being void should another liquor store or other conflicting use be established prior to the establishment of this liquor store, on property located at the southeast corner of South Trenton Avenue and East 71st Street South (PUD-304).

PUD-304-2 August 2012: All concurred in **approval**, on consent agenda, of a *minor amendment* to PUD-304 to add Use Unit 16 (Mini Storage) with the limitation that the storage facility will be included inside the existing building and will be a climate controlled facility, on property located on the southeast corner of East 71st Street South and South Trenton Avenue.

PUD-304-1 May 2012: All concurred in **approval**, on consent agenda, of a *minor amendment* to PUD-304 to add a Children's Nursery (Use Unit 5), on property located on the southeast corner of East 71st Street South and South Trenton Avenue.

Z-5778/PUD-304 January 1983: All concurred in **approval** of a request for rezoning a 5.1± acre tract of land from OL to OL and CS; and in approval of a proposed Planned Unit Development on property located at the southeast corner of South Trenton Avenue and East 71st Street South (PUD-304).

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **RITCHEY**, TMAPC voted **9-0-0** (Covey, Fothergill, Fretz, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Dix, Doctor, "absent") to **APPROVE** Z-7434 rezoning from OL, RM-1, PUD-128-C to MX3-V-55 per staff recommendation.

Legal Description of Z-7434:

ALL OF LOT ONE (1) BLOCK THREE (3), "KENSINGTON II AMENDED BLOCKS 3 THRU 8", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 4067); AND ALSO:

A TRACT OF LAND LOCATED IN A PART OF BLOCK 2, OF KENSINGTON II, BLOCKS 1 & 2, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE OFFICIAL RECORDED PLAT THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID BLOCK 2, THENCE DUE WEST ALONG THE SOUTH LINE THEREOF A DISTANCE OF 211.13 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 2; THENCE ALONG A CURVE TO THE LEFT HAVING AN INITIAL TANGENT BEARING OF NORTH 0°03'58" WEST A [RADIUS] OF 1,285.47 FEET, A CENTRAL ANGLE OF 5°29'32" FOR A DISTANCE OF 123.22 FEET; THENCE NORTH 89°54'43" EAST A DISTANCE OF 274.78 FEET TO THE EAST LINE OF SAID BLOCK 2, THENCE ON A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF SOUTH 21°45'18" WEST A RADIUS OF 850.00 FEET, A CENTRAL ANGLE OF 5°11'40" FOR A DISTANCE OF 77.31 FEET; THENCE ON A CURVE TO THE LEFT HAVING AN INITIAL TANGENT BEARING OF SOUTH 26°57'58" WEST, A RADIUS OF 1,550.00 FEET, A CENTRAL ANGLE OF 2°10'46" FOR A DISTANCE OF 58.96 FEET TO THE POINT OF BEGINNING.

* * * * *

38. **PUD-128-J Tulsa City Council/Tanner Consulting** (CD 2) Location: Southeast corner of East 71st Street South and South Trenton Avenue requesting **to Abandon PUD-128-C** (Related to Z-7434)

STAFF RECOMMENDATION:

SECTION I: PUD-128-J

DEVELOPMENT CONCEPT: This request for rezoning is responsive to a City Council initiative to encourage mixed-use development along the proposed bus rapid transit system route. The current zoning on the site is OL/RM-1/PUD 128-C. PUD 128-C only allows office uses and surface parking. A concurrent request to rezone the site to MX3-U-55 is being considered at the same time as this PUD abandonment request. The PUD abandonment will be withdrawn if the MX zoning is not approved.

DETAILED STAFF RECOMMENDATION:

PUD-128-J is only appropriate with approval of the rezoning on this site as referenced in Case Z-7434.

Case Z-7434 requesting MX3-V-55 is consistent with the expected development pattern in the area and,

MX3-V-55 is not injurious to the surrounding property owners and,

The MX3 requested is considered more of a Regional Mixed-Use district intended to accommodate larger scale development and supports the anticipated uses in this area location along South Peoria. The rezoning request is

consistent with the Bus Rapid Transit System initiative and its land use recommendations and,

MX3-V-55 is consistent with the Town Center land use vision in the Tulsa Comprehensive Plan therefore,

Staff recommends Approval of PUD128-J which will abandon PUD128-C but only if the concurrent request to rezone property from OL, RM-1,PUD128-C to MX3-V-55 is also approved.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: MX3-V-55 is consistent with the land use vision in the Tulsa Comprehensive Plan and is consistent with the goals and objectives that support the Bus Rapid Transit System. The existing PUD creates obstacles that prohibit closer setbacks to the street and certain uses including mixed use with a residential component that are desired as part of the Bus Rapid Transit System and the Town Center vision of the Tulsa Comprehensive Plan.

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

Transportation Vision:

Major Street and Highway Plan: South Trenton Avenue is a residential collector.

Trail System Master Plan Considerations: The east property line is abutting the Joe Creek trail that has been recently improved. Access to that trail should be encouraged with any redevelopment.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The existing site is undeveloped.*

Environmental Considerations: None that might affect site development

Streets:

| <u>Exist. Access</u> | <u>MSHP Design</u> | <u>MSHP R/W</u> | <u>Exist. # Lanes</u> |
|----------------------|-----------------------|-----------------|-----------------------|
| South Trenton Avenue | Residential collector | 60 feet | 2 |

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

| Location | Existing Zoning | Existing Land Use Designation | Area of Stability or Growth | Existing Use |
|-----------------|------------------------|--------------------------------------|------------------------------------|---------------------|
| North | PUD-304 | Town Center | Growth | Mixed use building |

| | | | | |
|-----------------------------|----------------|--------------------------|-----------|---------------|
| East Across Joe Creek | OM | Existing Neighborhood | Stability | Multi Family |
| South | PUD-128-RS-3 | Town Center | Growth | Single Family |
| West Across Trenton | PUD-128A/ RM-1 | Town Center | Growth | Multi Family |

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 15954 dated February 24, 1984, amended zoning for the subject property.

Subject Property:

PUD-128-C November 1979: All concurred in **approval**, per conditions, to develop 1± acres on property located on the northeast corner of 73rd Street and South Trenton Avenue. (Ordinance 15954 dated February 24, 1984 amended (14629) zoning for the subject property.)

PUD-128-A November 1979: All concurred in **approval**, per conditions, to develop 118± acres on property located at 71st Street and west of the Joe Creek Channel for residential purposes. (Ordinance 14629 dated December 11, 1979 amended (11828) zoning for the subject property.) (Ordinance 11828 dated June 26, 1970 established zoning for the subject property.)

PUD-128 October 1972: All concurred in **approval** of a proposed Planned Unit Development on a 278± acre tract of land allowing a total of 4,441 residential units on property located between 71st Street South to 81st Street South, from Lewis Avenue to the east boundary of the Arkansas River.

Z-4245 October 1972: All concurred in **approval** of a request for rezoning a 348± acre tract of land from AG to RS-3, RM-1, and RM-2, on property located between 71st Street South to 81st Street South, from Lewis Avenue to the east boundary of the Arkansas River.

Surrounding Property:

PUD-304-3 March 2016: All concurred in **approval**, on consent agenda, of a *minor amendment* to PUD-304 to add seasonal outdoor storage for a use of a tenant, "The Hamlet" its successors or assigns. The period of operation would be limited annually to the 76 day period from November 1 through January 15 and a 31 day period from 3 calendar weeks before Easter through 10 days after Easter, on property located on the southeast corner of East 71st Street South and South Trenton Avenue

BOA-21926 July 2015: The Board of Adjustment **accepted** the applicant's verification of the spacing requirement for the proposed liquor store of 300 feet subject to the action of the Board being void should another liquor store or other conflicting use be established prior to the establishment of this liquor store, on property located at the southeast corner of South Trenton Avenue and East 71st Street South (PUD-304).

PUD-304-2 August 2012: All concurred in **approval**, on consent agenda, of a *minor amendment* to PUD-304 to add Use Unit 16 (Mini Storage) with the limitation that the storage facility will be included inside the existing building and will be a climate controlled facility, on property located on the southeast corner of East 71st Street South and South Trenton Avenue.

PUD-304-1 May 2012: All concurred in **approval**, on consent agenda, of a *minor amendment* to PUD-304 to add a Children's Nursery (Use Unit 5), on property located on the southeast corner of East 71st Street South and South Trenton Avenue.

Z-5778/PUD-304 January 1983: All concurred in **approval** of a request for rezoning a 5.1± acre tract of land from OL to OL and CS; and in approval of a proposed Planned Unit Development on property located at the southeast corner of South Trenton Avenue and East 71st Street South (PUD-304).

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **RITCHEY**, TMAPC voted **9-0-0** (Covey, Fothergill, Fretz, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Dix, Doctor, "absent") to **ABANDON** PUD-128-C per staff recommendation.

Legal Description of PUD-128-C:

ALL OF LOT ONE (1) BLOCK THREE (3), "KENSINGTON II AMENDED BLOCKS 3 THRU 8", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 4067); AND ALSO:

A TRACT OF LAND LOCATED IN A PART OF BLOCK 2, OF KENSINGTON II, BLOCKS 1 & 2, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE OFFICIAL RECORDED PLAT THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID BLOCK 2, THENCE DUE WEST ALONG THE SOUTH LINE THEREOF A DISTANCE OF 211.13 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 2; THENCE ALONG A CURVE TO THE LEFT HAVING AN INITIAL TANGENT BEARING OF NORTH 0°03'58" WEST A [RADIUS] OF 1,285.47 FEET, A CENTRAL ANGLE OF 5°29'32" FOR A DISTANCE OF 123.22 FEET; THENCE NORTH 89°54'43" EAST A DISTANCE OF 274.78 FEET TO THE EAST LINE OF SAID BLOCK 2, THENCE ON A CURVE TO THE RIGHT HAVING AN INITIAL TANGENT BEARING OF SOUTH 21°45'18" WEST A RADIUS OF 850.00 FEET, A CENTRAL ANGLE OF 5°11'40" FOR A DISTANCE OF 77.31

FEET; THENCE ON A CURVE TO THE LEFT HAVING AN INITIAL TANGENT BEARING OF SOUTH 26°57'58" WEST, A RADIUS OF 1,550.00 FEET, A CENTRAL ANGLE OF 2°10'46" FOR A DISTANCE OF 58.96 FEET TO THE POINT OF BEGINNING.

OTHER BUSINESS

39. Commissioners' Comments

ADJOURN

TMAPC Action; 9 members present:

On **MOTION** of **REEDS**, TMAPC voted **9-0-0** (Covey, Fothergill, Fretz, Krug, Millikin, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Dix, Doctor, "absent") to **ADJOURN** TMAPC meeting 2765.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 3:25 p.m.

Date Approved:

03-21-2018


Chairman

ATTEST:



Secretary