

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2767

Wednesday, April 4, 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
Adams	Krug	Chapman	Silman, COT
Covey	Shivel	Foster	Jordan, COT
Dix		Miller	VanValkenburgh, Legal
Doctor		Sawyer	
Fretz		Ulmer	
Millikin		Wilkerson	
Reeds			
Ritchie			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, March 29, 2018 at 3:00 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

REPORTS:

Chairman's Report:

Director's Report:

Ms. Miller reported on City Council and Board of County Commission actions and other special projects.

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1. **Minutes:**

Approval of the minutes of March 21, 2018 Meeting No. 2766

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Adams, Covey, Dix, Doctor, Fretz, Millikin, Reeds, Ritchey, Walker, “aye”; no “nays”; none “abstaining”; Krug, Shivel, “absent”) to **APPROVE** the minutes of the meeting of March 21, 2018, Meeting No. 2766.

Mr. Covey stated item 8 would be moved from the consent agenda to the public hearing to consider a continuance requested by staff.

CONSENT AGENDA

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

2. **LC-995** (Lot-Combination) (County) – Location: Northeast corner of South 45th West Avenue and West 56th Place South
3. **LC-996** (Lot-Combination) (CD 4) – Location: Southeast corner of West 5th Street and South Denver Avenue
4. **LC-997** (Lot-Combination) (CD 4) – Location: Southeast corner of East 10th Street South and South Peoria Avenue
5. **LC-998** (Lot-Combination) (CD 4) – Location: West of the Northwest corner of East 3rd Street South and South Trenton Avenue
6. **LC-999** (Lot-Combination) (CD 4) – Location: Northeast corner of East 21st Street South and South Xanthus Avenue
7. **LC-1000** (Lot-Combination) (CD 8) – Location: North of the northwest corner of East 121st Street South and South Sheridan Road
9. **ML Jones** (CD 3) Final Plat, Location: West of the northwest corner of East Admiral Place and North Garnett Road

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Adams, Covey, Dix, Doctor, Fretz, Millikin, Reeds, Ritchey, Walker, “aye”; no “nays”; none “abstaining”; Krug, Shivel, “absent”) to **APPROVE** Items 2 through 7 and item 9 per staff recommendation.

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

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:

8. **PUD-677-A-4 Guy McAnally** (CD 8) Location: West of the northwest corner of East 121st Street South and South Sheridan Road requesting a **PUD Minor Amendment** to allow a pool to be placed within the street setback

STAFF RECOMMENDATION:

SECTION I: PUD-677-A-4 Minor Amendment

STAFF RECOMMENDATION

Amendment Request: Revise the PUD Development Standards to allow a pool to be constructed within the required street setback abutting Lakewood Ave.

Currently, the development standards of the PUD do not address the location of pools, however the zoning code does not allow pools to be placed within required street setbacks. The unique configuration of the subject lot, with streets on three sides, makes placing a pool on the lot difficult and with limited space to work with, without utilizing a street yard.

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-677-A and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to allow a pool to be located within the street setback abutting Lakewood Ave for the subject lot.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Adams, Covey, Dix, Doctor, Fretz, Millikin, Reeds, Ritchey, Walker, “aye”; no “nays”; none “abstaining”; Krug, Shivel, “absent”) to **CONTINUE** PUD-677-A-4 to April 18, 2018 per staff’s request.

PUBLIC HEARINGS:

10. Z-7432 Janelle 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** (Continued from March 7, 2018)

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

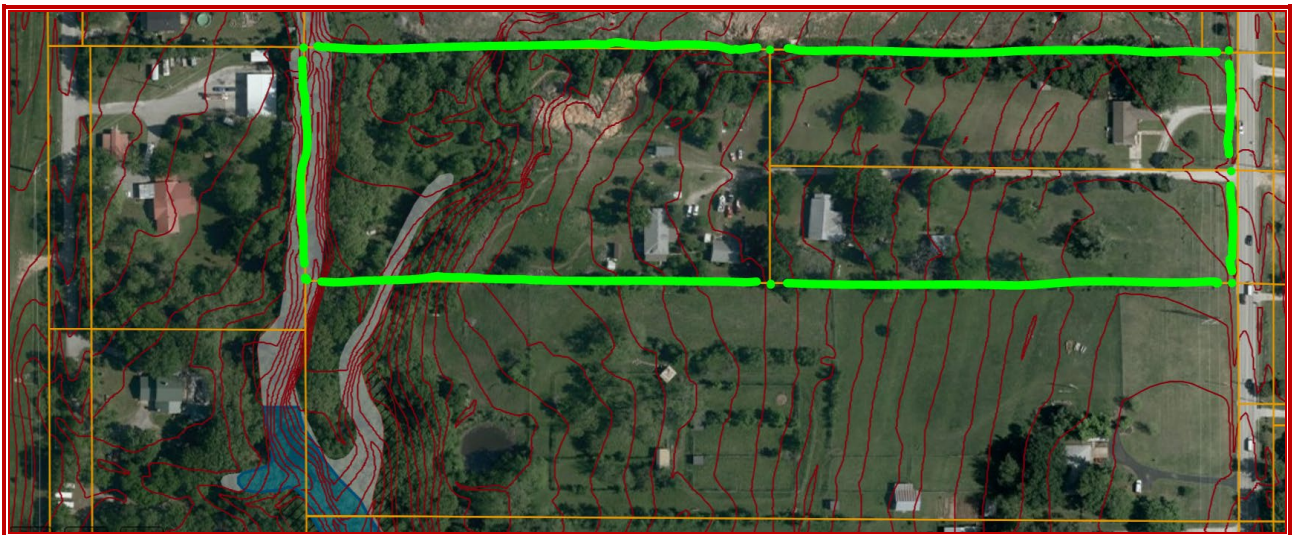
Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is a gently sloping site that is generally drains toward the Hager 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.

Applicant's Comments:

Gene Phillips, Wallace Engineering 200 East Matthew Brady, Tulsa OK 74103
Mr. Phillips stated a meeting was held with the neighbors to the south of the proposed development to answer questions regarding sewer, storm water and traffic. Mr. Phillips stated the traffic report was included in the TMAPC packet.

INTERESTED PARTIES:

Randy Branstetter 7648 South Guthrie, Tulsa, OK 74132
Mr. Branstetter stated he lives in the Stonebrooke Park subdivision and was one of the developers of the subdivision and is very familiar with the area. Mr. Branstetter stated he is not against the zoning change but has several concerns. Mr. Branstetter stated when Tulsa Hills was constructed there was a TIF and money should have been included in the TIF to construct an interchange to help with the traffic in the area. Mr. Branstetter stated storm water is a big concern and stopping the erosion of the greenbelt area. Mr. Branstetter stated the greenbelt is unique in Tulsa, it consists on 33 acres and it creates a park like atmosphere. Mr. Branstetter stated as a developer he knows the City of Tulsa Engineers over compensate to ensure flood waters are handled properly and Mr. Branstetter believes they will in this case also. Mr. Branstetter stated with this development more water will flow down Hager Creek but with the detention facility the City will require he is sure it will be taken care of. Mr. Branstetter stated his biggest concern is the sanitary sewer. The zoning application states "the subject tract has municipal water and sewer available" and sewer is in the area but the 20-acre tract does not have sewer adjacent to it and the applicant will have to get easements from adjacent property owners to run the sewer. Mr. Branstetter stated the applicant came to the Homeowners Meeting and discussed traffic and storm water. He also stated someone has told the applicant's Engineer that they would have to go through the greenbelt area or back yards to upsize sanitary sewer lines and Mr. Branstetter thinks this is a mistake.

Wade Richardson 421 West 77th Street, Tulsa, OK 74132

Mr. Richardson stated he feels there is not adequate infrastructure to support any additional development along the Elwood Avenue corridor between 71st and 81st specifically. Mr. Richardson stated Elwood is not wide enough and has drainage runoff issues and a sanitary sewer concern. Mr. Richardson stated at the Homeowners meeting last Thursday the applicant had a traffic count but that traffic count did not factor in the large sports complex that is close to opening or the construction at 91st and Elwood. Mr. Richardson stated the stacking of traffic at 71st and Elwood and 81st and Elwood was also not considered so the study seems lacking. Mr. Richardson stated a middle turn lane is needed for the

subject development to get traffic in and out of the area without causes more congestion. Mr. Richardson stated the concept plan that was presented at the meeting for the subject site was a sketch at best, what residents requested was more information regarding intentions for detention and green belt amenities. Mr. Richardson would request that this application be denied.

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

Mr. Gordon stated he is the President of the Stonebrooke Homeowners association. Mr. Gordon stated at the last meeting residents had specific concerns about storm water and when Tulsa Hills was built riprap was installed along the bends of the creek to protect the greenbelt area. Mr. Gordon stated the area has 4 ponds that act as retention and those are filling up with silt and the banks and the bends in the creek are eroding even though there is some riprap. Mr. Gordon would encourage the City to have another look at the creek, the additional flow came from Tulsa Hills and the apartment complex on the corner of 71st and Elwood. Mr. Gordon stated as a homeowners association they have planted between 70 and 100 trees to try and help with the problem but with additional developments there will be more water, more erosion and more silt.

Nicole Greer 656 West 79th Street, Tulsa, OK 74132

Ms. Greer stated at the Homeowners Association meeting the developers mentioned building 60 homes and as an alternative she would like to suggest and RS-1 which would provide 54 homes plus a variance adding 6 additional homes for good faith with the developer.

The applicant stated the traffic report was focused on Elwood proper along the corridor between 71st and 81st and with the traffic counts on that street. The applicant stated it was not intended to address the sports complex at 81st Street nor was it intended to address future developments along 71st Street. The applicant stated the traffic movements along Elwood with the addition of the homes would be about 8500-8600 cars per day and the standards are 13,600 so it is still within the standards. The applicant stated the intersections are problematic. He drives there at least twice a day and understands getting through the intersections but the functionality between the intersections is what the applicant is addressing and that would have very little impact to the area. The applicant stated regarding storm water, that is something an engineer focus on heavily and the applicant stated they will meet all City standards regarding storm water. The applicant stated when finished they will ensure what flows into the creek at a lesser rate than before started. The applicant stated the sewer requires an extension to tie into existing facilities. He hopes the existing line that is in the subdivision is adequately sized and the City has stated that they believe it is.

Mr. Reeds asked applicant how much of the existing treed area along the creek will be dedicated?

Applicant stated a lot of that area is City of Tulsa floodplain and won't be touched but a small area on the north side of the property will be retention pond.

Ms. Millikin stated she was curious about the traffic study, it measured outside of the location where the proposed subdivision is to be located. Ms. Millikin asked if the logic behind that is to determine the anticipated measurable impact from increased traffic at that location. Ms. Millikin asked the applicant if the impacts from the 91st and Elwood construction, congestion at 71st and 81st Elwood were considered.

Applicant stated the letter was based on the actual counts of the existing conditions today. There have been traffic studies in more detail for the apartments and the school in the area. But a traffic study had not been completed that had data after both had been completed. Applicant stated the report includes the school and the apartments along with the normal traffic. Applicant stated then an additional 500 cars were added to that number for the proposed development.

Mr. Dix stated the subdivision to the south, Stonebrooke, is zoned RS-3 which is the same as the proposed development. Mr. Dix stated the lots and house sizes are going to be roughly the same size as Stonebrooke. Mr. Dix stated the zoning to the north of the proposed development is a PUD with underlying RS-3 zoning.

Applicant stated "yes".

Mr. Dix asked if the applicant had agreements for storm water easements with the residents who owned the properties affected.

Applicant answered "yes", they had verbal agreements.

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

Ms. Cue stated she would like to thank Wallace Engineering, the developer and the residents. Ms. Cue stated at the neighborhood meeting the room was full. Ms. Cue stated some of the concerns were at 81st and Elwood, when it rains it floods and looks like a river. Ms. Cue stated every time it rains the street would have to close because of flooding. Ms. Cue stated she would also like Commissioners to consider a turn lane at the school, she thinks this would help the traffic congestion in the area. Ms. Cue stated the sewer is another concern. The developers say they have verbal agreements and then the homeowner calls Ms. Cue and say they don't want to allow the sewer connection through their property but feel like they are being forced to allow it. Ms. Cue stated she would like for the developers to show exactly which plan would be used because going through the green space and taking out trees around the creek area will cause more erosion in that area. Ms. Cue stated she wanted to bring some of the issues to TMAPC attention as they make their decisions.

Mr. Walker asked Ms. Cue if traffic and engineering considered the Titan project in their traffic studies.

Ms. Cue answered there is a road Titan has agreed to work with City of Tulsa on traffic exiting their business on to 71st Street road that will be built soon. Ms. Cue stated the City doesn't want to invest a lot of money in that area until the plans with Highway 75 are complete.

Mr. Dix stated keep in mind this is the zoning change and not the Preliminary Plat. Mr., Dix stated he branched off into the engineering issues because his good friend Mr. Richardson, the engineer on the project, was concerned. This will be before TMAPC again with the Plat after the City has looked at it and had their input on the issues.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Adams, Covey, Dix, Doctor, Fretz, Millikin, Reeds, Ritchey, Walker, "aye"; no "nays"; none "abstaining"; Krug, Shivel, "absent") to **APPROVE** Z-7432 rezoning from **AG to RS-3** per staff recommendation.

Legal Description of Z-7432:

TRACT A: THE SOUTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (S/2 N/2 SE/4 NE/4) OF SECTION 11, TOWNSHIP 18 NORTH, RANGE 12 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

TRACT B: THE SOUTH HALF OF THE EAST 660 FEET OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (N/2 N/2 SE/4 NE/4) OF SECTION 11, TOWNSHIP 18 NORTH, RANGE 12 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

TRACT C: THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (N/2 NW/4 SE/4 NE/4) OF SECTION 11, TOWNSHIP 18 NORTH, RANGE 12 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

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11. **CPA-72 William Kerr** (CD 3) Location: North of the northwest corner of North Fulton Avenue and East Tecumseh Street requesting to amend the Comprehensive Plan Land Use Map from ***Existing Neighborhood*** to ***Main***

Street and amend the Stability and Growth Map from **Area of Stability** to **Area of Growth** (Related to Z-7437)

STAFF RECOMMENDATION:

I. PROPERTY INFORMATION AND LAND USE REQUEST

Existing Land Use: <i>Existing Neighborhood</i> Existing Stability and Growth designation: <i>Area of Stability</i>
Proposed Land Use: <i>Main Street</i> Proposed Stability and Growth designation: <i>Area of Growth</i>
Location: W of the NW/c of E Tecumseh St & N Fulton Ave
Size: ±.15 acres

A. Background

The land use assigned for this area at the time of adoption of the 2010 Tulsa Comprehensive plan was *Existing Neighborhood*, with a Stability and Growth Map designation of *Area of Stability*. The site that is subject to this Comprehensive Plan amendment application is located in North Tulsa. The surrounding area contains a mixture of uses including single family residential to the north; RM-1 zoned industrial uses on the east; a vacant residential lot and large IL zoned lot on the west and CH zoned parcels to the south.

The applicant has submitted a corresponding rezoning application (Z-7437) for the subject site and parcel immediately to the south. The applicant has requested to rezone both tracts from RS-4 to CH. The parcel to the south of the site is currently designated *Main Street* and *Area of Growth* and would not be subject to a Comprehensive Plan amendment. The applicant has stated that he has demolished the existing house on the site but has no current plans to develop the property.

B. Existing Land Use and Growth Designations (Tulsa Comprehensive Plan and Utica Midtown Corridor-North Small Area Plan)

When the Tulsa Comprehensive Plan was developed and adopted in 2010 the subject tract was designated as an *Area of Stability*:

“The **Areas of Stability** includes approximately 75% of the city’s total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.”

An *Existing Neighborhood* land use designation was assigned for the area subject at the time of the adoption of the Tulsa Comprehensive Plan in 2010 and at the adoption of the Utica Midtown Corridor-North Small Area Plan in 2012:

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

C. Proposed Land Use and Growth Designations (Tulsa Comprehensive Plan)

The applicant is proposing a *Main Street* and an *Area of Growth* and designation on the subject site.

Main Streets are Tulsa’s classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide, and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.

“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.

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D. Zoning and Surrounding Uses:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Area of Growth	Existing Use
North	RS-4	<i>Existing Neighborhood</i>	<i>Area of Stability</i>	Vacant
South	RS-4 (Pending Z-7437)	<i>Main Street</i>	<i>Area of Growth</i>	Vacant
East	RM-1	<i>Main Street</i>	<i>Area of Growth</i>	Industrial
West	RS-4	<i>Existing Neighborhood</i>	<i>Area of Stability</i>	Vacant

E. Applicant’s Justification:

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

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

The applicant provided the following justification as part of their application:

1. Lots 7 & 8, Block 27, which I purchased in November of 2015, had long been vacant with no structures on the property, but several large old pieces of machinery which were overgrown with mulberry trees and no fencing. These lots were open and the machinery was an eyesore and a possible hazard to any neighborhood children. Upon my purchase, the machinery was removed, I had the lot cleared and in the last year, I put down gravel and fenced the lot with security fencing.

Lots 6 and the S 22' of Lot 5, Block 27, had a small, residential home from the original Dawson Township days, commonly called a shotgun house because they were long and narrow to fit narrow lots. This house was 75 years old and in poor condition. It was owned by Baltizar Rameris, (his spelling) and his wife. He was renting it out to construction workers who further damaged the residence. Mr. Rameris approached me about buying the property as I was in the process of graveling and fencing the lots listed above, and in previous discussions with him, he knew I was the neighboring property owner. He said he was tired of being a landlord and wanted to sell. We reached an agreement and I purchased the residence and property in June of last year. At the end of July, the house suffered a fire which caused more damage than the value of the property would dictate repairs, so I had the house and all other structures torn down. The property is now a vacant lot with a concrete slab where the driveway was and no buildings or other structures at all.

2. & 3. The changes to Lots 7 & 8 allow me to incorporate this property with my existing commercial property and has cleaned up a former eyesore and hazard to the community. The re-zoning allows me to rent these lots as a complete commercially available package. This neighborhood is in desperate need of revitalization and the

location makes commercial development much more viable for any new growth, than keeping it as residential.

The same applies to Lots 6 and the S 22" of Lot 5, Block 27. The unfortunate loss of this house was the last residential structure on this side of N. Fulton. As this property sits between commercial properties on three sides, with 4 vacant lots to the North, and there are no residential neighbors that are not separated by a street or alley, the re-zoning should have no impact on any other property owners and would allow me to extend my security fencing and develop the property as part of the commercial property adjacent to it. The alternative is to allow the lot to sit vacant as so many other lots in Dawson these days, including the four lots mentioned above which have all been vacant for many years.

F. Staff Summary:

The applicant is proposing to expand the *Main Street* and *Area of Growth* designations onto the site. The applicant has stated that the subject parcel is currently vacant and the goal is to use this tract as rental property. The subject site and parcels to the north and west were designated as *Existing Neighborhood* and an *Area of Stability* when the Comprehensive Plan was adopted in 2010. The properties to the south and east are designated as *Main Street* and *Areas of Growth*.

The area that surrounds the site to the south and east consist of predominately industrial uses. The abutting RS-4 zoned parcels to the north and west remain vacant. The current land use designation is intended for existing single-family neighborhoods. This particular lot is more accurately aligned with the *Main Street* designation. Further, the increase in depth of the *Main Street* designation aligns with the depth of the current land use designations to the east. With the concurrent rezoning application (Z-7437), an expansion of the *Main Street* land use designation into this lot could provide an adequate transition to the existing residences and utilize a lot with few development options.

This request also includes a change to the Areas of Stability and Growth Map. As stated by the Comprehensive Plan, common traits of an *Area of Growth* 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". The proposed land use designation appears to be consistent with the recommendation of the Comprehensive Plan and it would permit expansion of a compatible land-use within in the area.

STAFF RECOMMENDATION

- Staff recommends approval of the ***Main Street* and *Area of Growth*** land use designations as submitted by the applicant.

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 **9-0-0** (Adams, Covey, Dix, Doctor, Fretz, Millikin, Reeds, Ritchey, Walker, "aye"; no "nays"; none "abstaining"; Krug, Shivel, "absent") to **APPROVE** CPA-72 amending the Comprehensive Plan Land Use Map from **Existing Neighborhood** to **Main Street** and amending the Stability and Growth Map from **Area of Stability** to **Area of Growth** per staff recommendation.

Mr. Doctor left at 2:20 pm.

Ms. Millikin left at 2:20 pm.

Ms. Millikin returned at 2:22 pm.

12. **Z-7437 William Kerr** (CD 3) Location: North of the northwest corner of North Fulton Avenue and East Tecumseh Street requesting rezoning from **RS-4** to **CH** (Related to CPA-72)

STAFF RECOMMENDATION:

SECTION I: Z-7437

DEVELOPMENT CONCEPT:

Rezone requested to encourage main street style redevelopment opportunities in the Dawson Community. The Existing CH abutting E. Tecumseh Street zoning is too small for any meaningful redevelopment opportunity. CH zoning allows many of the uses that are expected for this section of Tulsa.

DETAILED STAFF RECOMMENDATION:

Z-7437 requesting CH zoning is consistent with the anticipated future development in this area and,

CH zoning is non-injurious to the proximate property owners and,

CH zoning is consistent with the Main Street vision of the Tulsa comprehensive plan therefore,

Staff recommends Approval of Z-7437 to rezone property from CH,RS-4/ to CH.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Rezoning requested is appropriate in conjunction with the concurrent comprehensive plan amendment that is requesting a change from Existing Neighborhood to Main Street. Very little impact is expected on the existing neighborhood north of this site by allowing a small encroachment for CH zoning and additional Main Street land use designation.

Land Use Vision:

Land Use Plan map designation: Existing Neighborhood, Main Street

Main Streets are Tulsa's classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide, and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.

Note: CPA-72 request changing the existing neighborhood designation on this tract to Main Street:

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

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

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.”

Note: CPA-72 supports changing the area of stability to an area of growth on this site:

The areas of stability includes approximately 75% of the city’s total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

Transportation Vision:

Major Street and Highway Plan: none

Trail System Master Plan Considerations: none

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS: Vacant site with recent demolition of multiple buildings onsite.

Staff Summary: *This site is abutting industrial and salvage uses on the east and west. The property on the south is a commercial building.*

Environmental Considerations: None that affect site redevelopment

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North Fulton	None	none	2 lane/no curb and gutter

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-4	Existing Neighborhood	Stability	Vacant
East	RM-1/CH	Main Street	Growth	Lumber and building materials
South	CH	Main Street	Growth	Vacant commercial building
West	IL/RS-4	Main Street and Existing Neighborhood	Growth and stability	Warehousing

SECTION III: Relevant Zoning History

ZONING ORDINANCE: *Ordinance number 18402 dated February 9, 1995, established zoning for the subject property.*

Subject Property:

Z-6476 February 1995: All concurred in **approval** of a request for *rezoning* a 63± acre tract of land from RM-1 to RS-3 and RS-4 for residential on property located north and west of the northwest corner of East Tecumseh Street and North Irvington Avenue. *Ordinance number 18402 dated February 9, 1995, amended zoning ordinance 11910 for the subject property.*

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

Surrounding Property:

Z-7155 July 2010: All concurred in **approval** of a request for *rezoning* a .16± acre tract of land from CS to RS-4 on property located south of the southeast corner of North Fulton Avenue and East Tecumseh Street.

Z-6335 December 1991: All concurred in **approval** of a request for *rezoning* a .48± acre tract of land from RM-1/CH to IL for an existing warehouse and light manufacturing facility on property located on the northeast corner of East Ute Street and North Fulton Avenue.

Z-6286 July 1990: All concurred in **denial** of a request for *rezoning* a .16± acre tract of land from RM-1 to CG but in **approval** from RM-1 to CS for an animal kennel and grooming on property located south of the southeast corner of North Fulton Avenue and East Tecumseh Street.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **DIX**, TMAPC voted **8-0-0** (Adams, Covey, Dix, Fretz, Millikin, Reeds, Ritchey, Walker, "aye"; no "nays"; none "abstaining"; Doctor, Krug, Shivel, "absent") to **APPROVE** Z-7437 rezoning from **RS-4** to **CH** per staff recommendation.

Legal Description of Z-7437:

S 22 LT 5 ALL LT 6 BLK 27; LTS 7 8 BLK 27, DAWSON AMD (ORIGINAL TOWNSITE), City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

Mr. Doctor returned at 2:32 pm.

Items 13 and 14 were presented together.

13. **PUD-559-C Kimley-Horn** (CD 7) Location: Northwest corner of East 88th Street South and South 101st East Avenue requesting **to Abandon PUD-559-C** (Related to CO-6 and Tulsa Skilled Nursing Facility Preliminary Plat)

STAFF RECOMMENDATION:

SECTION I: PUD-559-C Abandonment

DEVELOPMENT CONCEPT:

The project is planned as a skilled nursing facility and PUD 559 does not allow that type of facility. A portion of the PUD will be abandoned and the Corridor development plan will establish development and land use standards consistent with the City of Tulsa Zoning Code.

DETAILED STAFF RECOMMENDATION:

Abandonment of a portion of PUD 559 to establish CO-6 is consistent with the Regional Center Land Use designation in the Comprehensive Plan and is compatible with the existing and expected development of surrounding areas and,

Abandonment of a portion of PUD 559 to establish CO-6 provides a unified treatment of the development possibilities of the project site and the previously approved uses in the surrounding Planned Unit Development and Corridor District and,

Abandonment of a portion of PUD 559 to establish permitted uses and building types identified in CO-6 are consistent with the uses that may be permitted in a CO district as identified in the Tulsa Zoning Code and,

Abandonment of a portion of PUD 559 to establish CO-6 identifies development standards that are consistent with the mandatory development plan standards in the Tulsa Zoning Code and,

Abandonment of a portion of PUD 559 is non-injurious to the remaining properties in the PUD therefore,

Staff recommends Approval of PUD 559-C rezone property from PUD-559, CO to CO-6 and only if CO-6 is concurrently approved.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: CO-6 is consistent with the anticipated development opportunities visualized in the Regional Center land use designation.

Land Use Vision:

Land Use Plan map designation: Regional Center
Regional Centers are mid-rise mixed-use areas for large-scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include

housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.

Areas of Stability and Growth designation: Area of Growth
Regional Centers are mid-rise mixed-use areas for large-scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.

Transportation Vision:

Major Street and Highway Plan: None

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is undeveloped and wooded on the west and north boundary.

Environmental Considerations: None that would affect site development.

The site contains a ridge line which is located almost in the center of the property. The geotechnical reports indicate that the site contains fill material. The site is elevated from the adjacent roadway along E 88th Street roughly 11 feet at an approximate slope of 25%.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South 101 st East Avenue	None	50 feet	2
East 88 th Street South	None	50 feet	2

Utilities:

Appropriate City utilities, streets and drainage infrastructure will be required as part of CO-6.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	CO/PUD 559	Regional Center	Growth	Multi Family
East	CO/PUD 559-A	Regional Center	Growth	Hospital
South	CO (no development plan)	Regional Center	Growth	vacant
West	CO/PUD-559	Regional Center	Growth	vacant

SECTION IV: Relevant Zoning History

ZONING ORDINANCE: *Ordinance number 19130 dated October 23, 1997, established zoning for the subject property.*

Subject Property:

PUD-559/Z-5888-SP-1 May 1997: All concurred in **approval**, subject to modifications, of a request for a proposed Planned Unit Development and a Corridor Site Plan on a 111± acre tract of land for a multi-use PUD for apartments, offices, colleges, and universities on property located north and east of the northeast corner of East 91st Street and South Mingo Road. *Ordinance number 19130, dated October 23, 1997, amended ordinance number 15956 - This was on tracts B and C, the subject property, of PUD-559. Ordinance number 19008, dated May 29, 1997, amended ordinance number 15956 - This was on tract A of PUD-559.*

Z-5888 December 1983: All concurred in **approval** of a request for *rezoning* a 320± acre tract of land (less the portion of the property proposed for the Creek

Turnpike) from PUD-220, RS-3, RM-0, and CS to CO on property located on the north side of 91st Street between Mingo Road and Garnett Road. *Ordinance number 15956, dated December 13, 1983, amended ordinance number 14591.*

PUD-220 October 1979: All concurred in **approval** of a proposed Planned Unit Development on a 320± acre tract of land on property located on the north side of 91st Street between Mingo Road and Garnett Road. *Ordinance number 14591, dated October 30, 1979, amended ordinance number 11834. Note – This should have amended ordinance number 14153.*

Z-5126 June 1978: All concurred in **approval** of a request for *rezoning* a 320± acre tract of land from AG to RS-3, RM-0, and CS on property located on the north side of 91st Street between Mingo Road and Garnett Road. *Ordinance number 14153, dated June 20, 1978, amended ordinance number 11834. Note – This should have amended ordinance number 11830.*

Ordinance number 11830 dated June 20, 1978, established zoning for this property.

Surrounding Property:

PUD-559-B/Z-5888-SP-5 November 2008: All concurred in **denial** of a proposed Major Amendment to PUD-559 and a Corridor Site Plan on a 14.86± acre tract of land to allow for a second outdoor advertising sign within the southern portion of Development Area A of PUD-559-A, on property located east of the northeast corner of East 91st Street and South 101st East Avenue.

Z-6910-SP-2 April 2006: All concurred in **approval** of a request for a Corridor Site Plan on a 4.45± acre tract of land for commercial and medical office use and to establish the aggregate floor area of 27,380 square feet for office development, on property located east of southeast corner of East 91st street South and South Mingo Road.

PUD-721/Z-7003 January 2006: All concurred in **approval** of a proposed Planned Unit Development and a request for rezoning on a 40± acre tract of land from AG to RS-3/OL/CS/PUD for mixed use development with four development areas on property located on the northwest corner of East 91st Street South and South Mingo Road.

BOA-19530 March 2003: The Board of Adjustment **approved** a variance to increase permitted wall sign square footage on the southeast and northeast walls of South Crest Hospital in PUD-559-A, on property located east of the northeast corner of East 91st Street and South 101st East Avenue.

PUD-559-A/Z-5888-SP-3 May 1999: All concurred in **approval** of a proposed Major Amendment to PUD-559 and a Corridor Site Plan on a 60.95± acre tract of

land to allow two outdoor advertising signs on property located east of the northeast corner of East 91st Street and South 101st East Avenue and within Development Area A of the original PUD-559 that was approved for South Crest Hospital facilities.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Adams, Covey, Dix, Doctor, Fretz, Millikin, Reeds, Ritchey, Walker, “aye”; no “nays”; none “abstaining”; Krug, Shivel, “absent”) to **ABANDON** PUD-559-C per staff recommendation.

Legal Description of PUD-559-C:

A TRACT OF LAND LYING IN THE SW/4 OF SECTION EIGHTEEN (18), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SW/4 OF SAID SECTION EIGHTEEN (18) THENCE N01°17'56"W AND ALONG THE WEST LINE OF SAID SECTION EIGHTEEN (18) FOR A DISTANCE OF 1909.55 FEET; THENCE N89°01'17"E FOR A DISTANCE OF 716.69 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N89°01'17"E FOR A DISTANCE OF 418.42 FEET; THENCE S01°19'39"E FOR A DISTANCE OF 273.63 FEET; THENCE S89°01'17"W FOR A DISTANCE OF 30.00 FEET; THENCE S01°19'39"E FOR A DISTANCE OF 246.09 FEET TO THE BEGINNING OF A CURVE, SAID CURVE TURNING TO THE RIGHT THROUGH 34°15'26", HAVING A RADIUS OF 100.00 FEET, A LENGTH OF 59.79 FEET AND WHOSE LONG CHORD BEARS S15°48'35"W FOR A DISTANCE OF 58.90 FEET TO THE BEGINNING OF COMPOUND CURVE. SAID CURVE TURNING TO THE RIGHT THROUGH 88°42'47", HAVING A RADIUS OF 30.00 FEET, A LENGTH OF 46.45 FEET AND WHOSE LONG CHORD BEARS S77°17'41"W FOR A DISTANCE OF 41.95 FEET TO THE BEGINNING OF A REVERSE CURVE. SAID CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 32°37'48", HAVING A RADIUS OF 260.00 FEET, A LENGTH OF 148.07 FEET AND WHOSE LONG CHORD BEARS N74°39'49"W FOR A DISTANCE OF 146.08 FEET; THENCE S89°01'17"W FOR A DISTANCE OF 189.99 FEET; THENCE N01°19'39"W A DISTANCE OF 543.60 FEET TO THE POINT OF BEGINNING; City of Tulsa, Tulsa County, State of Oklahoma

- 14. **CO-6 Kimley-Horn** (CD 7) Location: Northwest corner of East 88th Street South and South 101st East Avenue requesting **Corridor Development Plan** (Related to PUD-559-C and Tulsa Skilled Nursing Facility Preliminary Plat)

STAFF RECOMMENDATION:
SECTION I: CO-6

APPLICANTS DEVELOPMENT CONCEPT:

The project is comprised of approximately 5.12 acres of land and is located on the north side of E 88th Street and west of South 101st East Avenue, near the section line intersection of S Mingo Road and E 91st Street.

The project is planned as a skilled nursing facility. The Conceptual Site Plan is depicted on attached Exhibit "A". The project is comprised of a T shaped building with the southern building portion being 4 stories and the north section being one story. The plan will include space for 102 bed skilled nursing facility/medical resort.

Most utilities are located within close proximity to the site. Water, electric, gas, and telecommunications are adjacent to the site. Sanitary Sewer will need to be extended to the site as the main line is east of the site. The Conceptual Utility Plan is attached as Exhibit B.

The site contains a ridge and drains both to the east and west. Underground storm sewer is available in the southeast corner of the site. On-site storm sewer detention will be provided as shown on the Conceptual Drainage Plan attached as Exhibit C.

The Legal Description for the Project is attached hereto as Exhibit D.

DETAILED STAFF RECOMMENDATION:

CO-6 consistent with the Regional Center Land Use designation in the Comprehensive Plan and is compatible with the existing and expected development of surrounding areas and,

CO-6 provides a unified treatment of the development possibilities of the project site and the previously approved uses in the surrounding Planned Unit Development and Corridor District and,

Permitted uses and building types identified in CO-6 are consistent with the uses that may be permitted in a CO district as identified in the Tulsa Zoning Code and,

CO-6 identifies development standards that are consistent with the mandatory development plan standards in the Tulsa zoning code and

CO-6 is consistent with the purpose of a CO district identified in the Tulsa Zoning Code and,

Staff recommends Approval of CO-6 to rezone property from PUD-559, CO to CO-6 as identified in Section II below.

SECTION II: CO-6 DEVELOPMENT STANDARDS:

Net Area: 5.12 Acres

Permitted Use Categories, Sub Categories and Specific uses:

Residential Use Category:

Household living Sub Category:

Specific Use:

Single household

Group Living Sub Category is allowed but limited to the specific uses defined below:

Assisted Living Center

Community Group Home

Elderly/Retirement Center

Life Care Retirement Center

Rooming and Boarding House

Commercial Use Category but limited to the following:

The entire office subcategory and all specific uses are allowed

Commercial Service Use Category but limited to the following:

Limited to building service specific use.

Maximum Building Coverage: 50% of net lot area

Maximum Building Height: 80 feet

Minimum Building Perimeter Setbacks:

From the east boundary 50 feet

From the north boundary 50 feet

From the south boundary 20 feet

From the west boundary 40 feet

Minimum off-Street Parking Spaces:

90 spaces for assisted living center and customary accessory uses.

All other uses shall meet the parking ratio as required in the Tulsa Zoning Code.

Minimum Bicycle Parking Spaces: As provided in the Tulsa Zoning Code.

Other Lot and Building Regulations: As established within the CH District.

Landscape requirements:

Landscaping for the project shall meet or exceed the landscaping requirements identified in the Tulsa Zoning Code.

In addition to the landscape requirements of the Tulsa Zoning Code, trees shall be placed on the lot within 30 feet of the street right of way along E. 86th Street South and along South 101st East avenue. 35 trees shall be installed and maintained with a minimum 12' height at the time of installation. The trees may be grouped or evenly spaced.

SIGNS:

Ground Signs:

One (1) ground sign shall be permitted at each vehicular entrance from a public or private street with a maximum display of 200 SF of surface area and a maximum height of 25 FT

Wall Signs:

Wall signs shall be permitted with a display surface not to exceed 100 SF for each sign. The length of a wall sign shall not exceed 75% of the frontage of the building.

General sign regulations:

Illuminated signage is prohibited on all north facing building walls.

SIDEWALKS:

Sidewalks exist currently within the right of way. Sidewalks shall be maintained along streets designated by and in accordance with the subdivision regulations of the City of Tulsa, Oklahoma.

New sidewalk construction shall be installed and maintained adjacent to S. 101st East Avenue (private) in the section where there is currently no sidewalk.

LIGHTING:

Lighting for the project will comply with applicable City of Tulsa Zoning Code regulations. Final Lighting design standards will be determined upon detailed Site Plan and detail Landscape Plan approval.

TRASH, MECHANICAL, AND EQUIPMENT AREAS:

All trash, mechanical and equipment areas (excluding utility service transformers, pedestals, or other equipment provided by franchise utility providers), including building mounted shall be screened from public view in such a manner that such areas cannot be seen by persons standing at ground level.

Trash dumpsters shall be screened by masonry construction with steel frame doors. The doors shall be covered with appropriate covering containing a minimum of ninety five percent (95%) capacity to the gate frame.

GENERAL PROVISIONS:

A. Vehicular Access and Circulation:

The project will have one access from E 88th Street and an access from S 101st E Avenue. See the Conceptual Site Plan attached hereto as Exhibit "A" for more details.

B. Site Plan Review:

No building permit shall be issued for any building within CO-6 until a Detail Site Plan and a Detail Landscape Plan have been submitted approved as being in compliance with the Development Standards of CO-6.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: CO-6 is consistent with the anticipated development opportunities visualized in the Regional Center land use designation.

Land Use Vision:

Land Use Plan map designation: Regional Center
Regional Centers are mid-rise mixed-use areas for large-scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.

Areas of Stability and Growth designation: Area of Growth
Regional Centers are mid-rise mixed-use areas for large-scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.

Transportation Vision:

Major Street and Highway Plan: None

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is undeveloped and wooded on the west and north boundary.

Environmental Considerations: None that would affect site development.

The site contains a ridge line which is located almost in the center of the property. The geotechnical reports indicate that the site contains fill material. The site is elevated from the adjacent roadway along E 88th Street roughly 11 feet at an approximate slope of 25%.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South 101 st East Avenue	None	50 feet	2
East 88 th Street South	None	50 feet	2

Utilities:

Water:

The project will be served by City of Tulsa water mains on site.

Sanitary Sewer:

The project will be served by City of Tulsa sanitary sewer mains by extension to the main east of the site.

Other Utilities:

The project has access to electric, natural gas, and communication as those lines are accessible in the ROW of the site.

Drainage

On site storm water detention will be provided. The proposed and existing drainage is shown on Exhibit "C" – Conceptual Drainage Plan attached hereto.

Existing utilities are shown on Exhibit "B" – Conceptual Utility Plan attached hereto.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
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North	CO/PUD 559	Regional Center	Growth	Multi Family
East	CO/PUD 559-A	Regional Center	Growth	Hospital
South	CO (no development plan)	Regional Center	Growth	vacant
West	CO/PUD-559	Regional Center	Growth	vacant

SECTION IV: Relevant Zoning History

ZONING ORDINANCE: *Ordinance number 19130 dated October 23, 1997, established zoning for the subject property.*

Subject Property:

PUD-559/Z-5888-SP-1 May 1997: All concurred in **approval**, subject to modifications, of a request for a proposed Planned Unit Development and a Corridor Site Plan on a 111± acre tract of land for a multi-use PUD for apartments, offices, colleges, and universities on property located north and east of the northeast corner of East 91st Street and South Mingo Road. *Ordinance number 19130, dated October 23, 1997, amended ordinance number 15956 - This was on tracts B and C, the subject property, of PUD-559. Ordinance number 19008, dated May 29, 1997, amended ordinance number 15956 - This was on tract A of PUD-559.*

Z-5888 December 1983: All concurred in **approval** of a request for *rezoning* a 320± acre tract of land (less the portion of the property proposed for the Creek Turnpike) from PUD-220, RS-3, RM-0, and CS to CO on property located on the north side of 91st Street between Mingo Road and Garnett Road. *Ordinance number 15956, dated December 13, 1983, amended ordinance number 14591.*

PUD-220 October 1979: All concurred in **approval** of a proposed Planned Unit Development on a 320± acre tract of land on property located on the north side of 91st Street between Mingo Road and Garnett Road. *Ordinance number 14591, dated October 30, 1979, amended ordinance number 11834. Note – This should have amended ordinance number 14153.*

Z-5126 June 1978: All concurred in **approval** of a request for *rezoning* a 320± acre tract of land from AG to RS-3, RM-0, and CS on property located on the north side of 91st Street between Mingo Road and Garnett Road. *Ordinance number 14153, dated June 20, 1978, amended ordinance number 11834. Note – This should have amended ordinance number 11830.*

Ordinance number 11830 dated June 20, 1978, established zoning for this property.

Surrounding Property:

PUD-559-B/Z-5888-SP-5 November 2008: All concurred in **denial** of a proposed Major Amendment to PUD-559 and a Corridor Site Plan on a 14.86± acre tract of land to allow for a second outdoor advertising sign within the southern portion of Development Area A of PUD-559-A, on property located east of the northeast corner of East 91st Street and South 101st East Avenue.

Z-6910-SP-2 April 2006: All concurred in **approval** of a request for a Corridor Site Plan on a 4.45± acre tract of land for commercial and medical office use and to establish the aggregate floor area of 27,380 square feet for office development, on property located east of southeast corner of East 91st street South and South Mingo Road.

PUD-721/Z-7003 January 2006: All concurred in **approval** of a proposed Planned Unit Development and a request for rezoning on a 40± acre tract of land from AG to RS-3/OL/CS/PUD for mixed use development with four development areas on property located on the northwest corner of East 91st Street South and South Mingo Road.

BOA-19530 March 2003: The Board of Adjustment **approved** a variance to increase permitted wall sign square footage on the southeast and northeast walls of South Crest Hospital in PUD-559-A, on property located east of the northeast corner of East 91st Street and South 101st East Avenue.

PUD-559-A/Z-5888-SP-3 May 1999: All concurred in **approval** of a proposed Major Amendment to PUD-559 and a Corridor Site Plan on a 60.95± acre tract of land to allow two outdoor advertising signs on property located east of the northeast corner of East 91st Street and South 101st East Avenue and within Development Area A of the original PUD-559 that was approved for South Crest Hospital facilities.

APPLICANT'S COMMENTS:

Lydia Leslie, Kimley-Horn Engineers 13829 Technology Drive, Oklahoma City, OK

Ms. Leslie stated the developer respectfully requests a change in the landscape language submitted in the staff report. Ms. Leslie stated the original document sent to staff reflected the Tulsa Zoning Code standards and staff has made a modification that states on page 14.3, "In addition to the landscape requirements of the Tulsa Zoning Code, trees shall be placed on the lot within 30 feet of the street right of way along E. 86th Street South and along South 101st East avenue. 35 trees shall be installed and maintained with a minimum 12' height at the time of installation. The trees may be grouped or evenly spaced". Ms. Leslie stated that this was not discussed in the PRC and TAC meeting and this will impact the

subject property because the site is very steep. Ms. Leslie stated some of the existing developments in the area do not have this requirement. Ms. Leslie stated the developer is fine with the additional trees but the Zoning Code requirement is 12 street trees in that area and she thinks 35 trees is too much, but the change they would prefer is 20 trees with a maximum height of 8 feet and 1.5-inch caliber which is in line with the Zoning Code.

Mr. Wilkerson stated he stands by the staff recommendation it is consistent with Urban Forest Master Plan that was adopted as part of The Comprehensive Plan. Mr. Wilkerson stated he recognizes that the surrounding properties have not met or maintained the landscape standards that are required in the zoning standards and he stands by staff recommendation.

Mr. Dix stated he believes the applicants reason for requesting the change in landscaping is because of a slope on the subject property. Mr. Wilkerson stated he understood that but he would argue that additional trees would help stabilize the slope. Mr. Wilkerson stated there is a storm water detention facility that has vertical edges at the front of this site and having those trees as a buffer to that concrete detention pond is an important distinction from some of the other properties in the area.

Mr. Dix asked the applicant to explain how 15 trees would damage the site plan.

The applicant stated some of the area has significant slopes and would have to clump some of the trees and some of the significant slope may be a 3:1 slope or a 4:1 slope and they would like to minimize that if possible. The applicant stated around the detention pond there could be clumping of trees and the entrance points also. The applicant stated reducing the number would allow the applicant to clump a reasonable number of trees in areas that are flat instead of areas on a slope.

Mr. Reeds asked applicant how many trees were on the subject property currently.

The applicant stated there are a significant number of trees in the north area. The applicant stated of course they want this application passed and if the staff recommendation is what must be done then that is what they will do.

Mr. Reeds stated he agrees with Mr. Wilkerson and the detention pond will just look like a tub unless masked with some trees and Mr. Reeds recommends approving per staff recommendation.

Mr. Dix agrees with Mr. Reeds.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Adams, Covey, Dix, Doctor, Fretz, Millikin, Reeds, Ritchey, Walker, "aye"; no "nays"; none "abstaining"; Krug, Shivel, "absent") to **APPROVE** CO-6 Corridor Development Plan per staff recommendation.

Legal Description of CO-6:

A TRACT OF LAND LYING IN THE SW/4 OF SECTION EIGHTEEN (18), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SW/4 OF SAID SECTION EIGHTEEN (18) THENCE N01°17'56"W AND ALONG THE WEST LINE OF SAID SECTION EIGHTEEN (18) FOR A DISTANCE OF 1909.55 FEET; THENCE N89°01'17"E FOR A DISTANCE OF 716.69 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N89°01'17"E FOR A DISTANCE OF 418.42 FEET; THENCE S01°19'39"E FOR A DISTANCE OF 273.63 FEET; THENCE S89°01'17"W FOR A DISTANCE OF 30.00 FEET; THENCE S01°19'39"E FOR A DISTANCE OF 246.09 FEET TO THE BEGINNING OF A CURVE, SAID CURVE TURNING TO THE RIGHT THROUGH 34°15'26", HAVING A RADIUS OF 100.00 FEET, A LENGTH OF 59.79 FEET AND WHOSE LONG CHORD BEARS S15°48'35"W FOR A DISTANCE OF 58.90 FEET TO THE BEGINNING OF COMPOUND CURVE. SAID CURVE TURNING TO THE RIGHT THROUGH 88°42'47", HAVING A RADIUS OF 30.00 FEET, A LENGTH OF 46.45 FEET AND WHOSE LONG CHORD BEARS S77°17'41"W FOR A DISTANCE OF 41.95 FEET TO THE BEGINNING OF A REVERSE CURVE. SAID CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 32°37'48", HAVING A RADIUS OF 260.00 FEET, A LENGTH OF 148.07 FEET AND WHOSE LONG CHORD BEARS N74°39'49"W FOR A DISTANCE OF 146.08 FEET; THENCE S89°01'17"W FOR A DISTANCE OF 189.99 FEET; THENCE N01°19'39"W A DISTANCE OF 543.60 FEET TO THE POINT OF BEGINNING;; City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

15. **Tulsa Skilled Nursing Facility** (CD 7) Preliminary Plat, Location: Northwest corner of East 88th Street South and South 101st East Avenue (Related to PUD-559-C and CO-6)

STAFF RECOMMENDATION:

This plat consists of 1 lot, 1 block on 5.12 ± acres.

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

1. **Zoning:** Incorporate approved development plan standards for CO-6 into the deed of dedication with the final plat. Add reference to CO-6 on the face of the plat. Proposed lots conform to zoning requirements.
2. **Addressing:** Address assigned to the property is 8720 S 101 Av. E. Provide lot address graphically on the face of the final plat.
3. **Transportation & Traffic:** Provide easement language to accommodate

the required sidewalk along S 101st Av. E.

4. **Sewer:** Property will require an extension of a main sewer line. Add additional easement to complete perimeter easement around the 30' offset along 101st Av. E.
5. **Water:** Additional easement as required by sewer.
6. **Engineering Graphics:** Make the required corrections to the location map from attached City of Tulsa comments. Submit a subdivision data control sheet with final plat submittal. Label graphically the point of commencement (POC). Label lot/block on the face of the plat.
7. **Fire:** No comments provided.
8. **Stormwater, Drainage, & Floodplain:** Include language in covenants for private maintenance of the proposed detention pond.
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 her agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Adams, Covey, Dix, Doctor, Fretz, Millikin, Reeds, Ritchey, Walker, "aye"; no "nays"; none "abstaining"; Krug, Shivel, "absent") to **APPROVE** Tulsa Skilled Nursing Facility Preliminary Plat per staff recommendation.

* * * * *

Items 16 and 17 were presented together.

16. **PUD-379-E Eldon Peaster** (CD 7) Location: South of the southwest corner of East 66th Street South and South Memorial Drive requesting a **PUD Major Amendment** to add a use classification for Assembly and Entertainment greater than 250-person occupancy. (Related to PUD-379-E Plat Waiver)

STAFF RECOMMENDATION:
SECTION I: PUD-379-E

DEVELOPMENT CONCEPT: The PUD shall be governed by the Tulsa Zoning Code effective April 4, 2018 or as amended. Underlying zoning modifications are required to support the microbrewery uses identified in development area A

SECTION II: PUD-379-E Development Standards

PUD-379-E shall conform to the provisions of the Tulsa Zoning Code its supplemental regulations and the provisions identified in PUD 379-D for development in this commercial center.

Tract Size **21.15+/- Acres (Both Development Areas)**

Development area A (Formerly part of PUD 379, Lot 1, Block 1) (19.90 +/- acres)

Development Area B (Formerly PUD 379 B and C, Lot 2 Block 1) (5.95 +/- acres)

Permitted uses for Both Development Areas:

PUD-379-E shall all allow all permitted uses and those allowed by special exception in PUD-379-D and,

PUD-379-E shall permit a specific use, by right, for large indoor assembly and entertainment specific use.

DETAILED STAFF RECOMMENDATION:

PUD 379-E is consistent with the Regional Center land use vision of the Comprehensive Plan and,

PUD 379-E is consistent with the anticipated future development and redevelopment of this site. PUD 379-D created a non-conforming use and limited expansion of the existing theater by excluding a large indoor assembly and entertainment specific use. PUD 379-E adds an indoor large assembly and entertainment specific use as an allowed use correcting the PUD 379-D and,

PUD 379-E will require a higher level of site design standards required by the Tulsa Zoning Code at the time of redevelopment and,

PUD 379-E is consistent with the PUD provisions of the Tulsa Zoning Code.

PUD 379-E is considered non-injurious to the surrounding and abutting property owners therefore,

Staff recommends **Approval** of PUD-379-E to rezone property from CS, CG, PUD-379-D to CS, CG PUD-379-E.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The PUD is consistent with the provisions of the Tulsa Comprehensive Plan and supports Regional Center redevelopment opportunities.

Land Use Vision:

Land Use Plan map designation: Regional Center

Regional Centers are mid-rise mixed-use areas for large-scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.

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: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is an underutilized strip shopping center that was previously developed in 1984.

Environmental Considerations: None that affect site development

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Memorial Avenue	Primary Arterial Commuter Corridor overlay	120	6

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 / PUD-187	Existing Neighborhood	Area of Growth	Multi Family and open space
East	CS, OL, OM	Regional Center	Area of Growth	Commercial
South	CS	Regional Center	Area of Growth	Commercial
West	RS-3	Existing Neighborhood	Area of Stability	Single Family Residential

SECTION III: Relevant Zoning History

History: PUD-379-E

ZONING ORDINANCE: *Ordinance number 23758 dated August 9, 2017, established zoning for the subject property.*

Subject Property:

Z-7402/PUD-379-D: All concurred in **approval** of a request for *rezoning* a 21.15± acre tract of land from CS/PK/PUD-379 to CS/CG/PUD-379-D; All concurred in approval of a proposed Major Amendment to PUD on property located south of the southwest corner of South Memorial Drive and East 66th Street South. *Ordinance number 23758 dated August 9, 2017, amended zoning ordinances 22111 and 16243 for the subject property.*

PUD-379-C August 2009: All concurred in **approval** of a proposed *Major Amendment* to PUD on a 5.95± acre tract of land to add bar use (Use Unit 12a) to permitted uses, on property located south of the southwest corner of South Memorial Drive and East 66th Street South. *Ordinance number 22111 dated August 25, 2009, amended zoning ordinance 16243 for the subject property. This should have amended ordinance 21806 dated May 1, 2008 instead of ordinance 16243 dated January 8, 1985.*

BOA-20936 July 2009: The Board of Adjustment **approved** a *variance* of the required parking requirement for a mixed-use commercial building in a PK district/PUD from 535 to 391 parking spaces; and a *special exception* to permit an Adult Entertainment Establishment (bar) on a lot within 150 ft. of an R zoned land; and **accepted** a *verification of the spacing requirement* for an Adult Entertainment establishment of 50 ft. from an R zoned district and 300 ft. from a public park, school, church, and another Adult Entertainment Establishment; all to permit an Adult entertainment Establishment (bar) in the existing commercial building in the PK/PUD District, on property located at 6612 S. Memorial Drive.

PUD-379-B May 2008: All concurred in **approval** of a proposed *Major Amendment to PUD* a 5.95± acre tract of land to add restaurant use (Use Unit 12) as a permitted use on property located south of southwest corner of South Memorial Drive and East 66th Street South and also known as the subject property. *Ordinance number 21806 dated May 1, 2008, amended zoning ordinance 16243 for the subject property.*

PUD-379-6 July 11, 2007: The Planning Commission **approved** a *Minor Amendment* to PUD-379 to increase the number of ground signs permitted from two to three; and to increase the maximum allowable (aggregate) display surface area for ground signs from 480 square feet to 552 square feet; and increasing permitted display surface area for wall signs from one and one-half square feet per lineal foot of building wall to two square feet per lineal foot of building wall in

conjunction with remodeling and reuse of the former Mervyn's retail store on subject property.

PUD-379-5 April 4, 2007: The Planning Commission **approved** a *Minor Amendment* to reduce the parking requirement from 448 to 391, as approved by the Board of Adjustment (BOA-20452) on March 13, 2007; and increasing permitted building height from 30 feet to 40 feet to accommodate proposed changes to the building's façade, associated with reuse of the former Mervyn's store as a gym and retail space.

BOA-15258 September 28, 1989: The Board of Adjustment **approved** a *Variance* to permit a projecting roof and flashing sign as a part of a motion picture theater marquee within a PUD; per sign plan submitted, on property located at 6800 S. Memorial Dr.

Z-6011/PUD-379 December 1984: A request for rezoning and a Planned Unit Development on a 33± acre tract of land from CS/RS-3/OL/AG to CS/PK/PUD for commercial development was **approved** by the TMAPC recommending CS and PK instead of RM-2, for retail development, located and also known as the subject property. The request also abandoned the original PUD-209 that was approved for the property. *Ordinance number 16243 dated January 8, 1985, amended zoning ordinance 15001, for the subject property.*

PUD-209-A April 1981: All concurred in approval of a proposed Planned Unit Development on a 33± acre tract of land for mixed use. The application was approved for 169,000 square feet of commercial use and 88 dwelling units, on property located south of East 66th Street South and South Memorial Drive. *Ordinance number 15001 dated April 10, 1981, amended zoning ordinance 13693, for the subject property.*

PUD-187 August 1976: All concurred in **approval** of a proposed *Planned Unit Development* 165.5± acre tract of land for single-family, duplexes, multi-family, tennis club expansion and park/detention facilities with a total of 863 dwelling units on property located between East 61st Street South and East 71st Street South and between South Memorial Drive and South Sheridan Road; and abutting north and west of subject property. *Ordinance number 13693 dated August 27, 1976, amended zoning ordinance 12459, for the subject property.*

Z-4109 February 1972: All concurred in **approval** of a request for *rezoning* a 278± acre tract of land from AG to CS, OM, and RS-3 on property located south and west of the southwest corner of 61st street and South Memorial Drive, including the subject property. *Ordinance number 12459 dated April 18, 1972, amended zoning ordinance 11829, for the subject property. Ordinance number 11829 dated June 26, 1970, established zoning for the subject property.*

Surrounding Property:

Z-6320/PUD-470 June 1991: All concurred in **approval** of a request for *rezoning* a 4.85± acre tract of land from AG/OM to CS/PUD for commercial uses and **approval** of a proposed *Planned Unit Development* on property located on the northeast corner of South Memorial Drive and East 68th Street South.

Z-6113/ PUD-379-A July 1986: All concurred in **approval** of a request for *rezoning* and of a proposed *Major Amendment to PUD-379* on a 32.9± acre tract of land from PK to CS to add commercial property to the existing development, therefore changing the development standards, located within the original PUD-379.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Adams, Covey, Dix, Doctor, Fretz, Millikin, Reeds, Ritchey, Walker, “aye”; no “nays”; none “abstaining”; Krug, Shivel, “absent”) to **APPROVE** PUD-379-E Major Amendment to add a use classification for Assembly and Entertainment greater than 250-person occupancy per staff recommendation.

Legal Description of PUD-379-E:

ALL OF BLOCK 1, THE VILLAGE AT WOODLAND HILLS, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

17. **PUD-379-E Plat Waiver** (CD 7) Location: South of the southwest corner of East 66th Street South and South Memorial Drive (Related to PUD-379-E)

STAFF RECOMMENDATION:

The platting requirement for this property is being triggered by a major amendment to a previously approved Planned Unit Development (PUD-379-E). A previous major amendment was approved in July of 2017 and a plat waiver was granted. The propose major amendment would add an additional approved use within the PUD.

The Technical Advisory Committee met on March 15th and the following items were determined:

1. The property was previously platted as Block 1 of The Village at Woodland Hills when the original PUD-379 was approved.
2. All required right-of-way has been dedicated and is in place.

3. Necessary easements and utilities are all in place and no additional easements will be needed at this time.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Adams, Covey, Dix, Doctor, Fretz, Millikin, Reeds, Ritchey, Walker, "aye"; no "nays"; none "abstaining"; Krug, Shivel, "absent") to **APPROVE** PUD-379-E Plat Waiver per staff recommendation.

* * * * *

18. **ZCA-6** - Various amendments to the City of Tulsa Zoning Code in the following sections: Chapter 10 Mixed-use Districts: Section 10.030 and Table 10-7; Chapter 15 Office, Commercial and Industrial Districts: Section 15.020, Table 15-2 and Table 15-2.5; Chapter 30 Legacy Districts: Section 30.010; Chapter 35 Building Types and Use Categories: Sections 35.030, 35.050 and 35-090, Chapter 40 Supplemental Use and Building Regulations: Section 40.360; Chapter 45 Accessory Uses and Structures: Section 45.080; Chapter 50 Temporary Uses: Sections 50.030 and 50.050; Chapter 55 Parking: Sections 55.090 and 55.020, Table 55-1; Chapter 60 Signs: Sections 60.060, 60.070, and 60.080; Chapter 70 Review and Approval Procedures: Sections 70.010, 70.020, 70.030, 70.070 and 70.100; Chapter 90 Measurements: Section 90.090.

STAFF RECOMMENDATION:

Item: Various amendments to the City of Tulsa Zoning Code in the following sections: Chapter 10 Mixed-use Districts: Section 10.030 and Table 10-7; Chapter 15 Office, Commercial and Industrial Districts: Section 15.020, Table 15-2 and Table 15-2.5; Chapter 30 Legacy Districts: Section 30.010; Chapter 35 Building Types and Use Categories: Sections 35.030, 35.050 and 35-090, Chapter 40 Supplemental Use and Building Regulations: Section 40.360; Chapter 45 Accessory Uses and Structures: Section 45.080; Chapter 50 Temporary Uses: Sections 50.030 and 50.050; Chapter 55 Parking: Sections 55.090 and 55.020, Table 55-1; Chapter 60 Signs: Sections 60.060, 60.070, and

60.080; Chapter 70 Review and Approval Procedures: Sections 70.010, 70.020, 70.030, 70.070 and 70.100; Chapter 90 Measurements: Section 90.090.

A. Background: The new City of Tulsa Zoning Code became effective on January 1, 2016. It was discussed during the development of the zoning code that staff anticipated that cleanup items would be identified as implementation began in 2016. In early 2016, a zoning code implementation team was established and began meeting regularly to discuss situations where inconsistencies existed, clarification was needed, intent was not fully accomplished and where unintended consequences occurred. The zoning code implementation team is comprised of members of INCOG Land Development Services, City of Tulsa Planning and Development Department and City Legal. Since the effective date of the zoning code, staff has brought several rounds of amendments through the approval process, including general clean-up items, as well as those related to the River Design Overlay and the recently adopted Subdivision and Development Regulations.

The clean-up amendments (Attachment I) are a result of the continuing work of the zoning code implementation team. Primarily these items were identified through interactions with the public, both through the zoning and building permit processes. The proposed amendments were presented at a March 7, 2018 TMAPC Work Session.

The amendments proposed to the City of Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, are in **Attachment I** shown in ~~strike~~ through/underline. The proposed amendments are primarily minor in nature and located Chapters 10, 15, 30, 35, 40, 45, 50, 55, 60, 70 and 90 of the Zoning Code.

B. Staff Recommends APPROVAL of proposed amendments to the City of Tulsa Zoning Code as shown in Attachment I.

INTERESTED PARTIES:

Joe Williamson 3652 South Urbana Tulsa, OK 74135
Mr. Williamson stated he didn't wish to speak.

Michael McCann 8211 East Regal Place, STE 100 Tulsa, OK 74133
Mr. McCann stated he was there to speak about the definition of 35.090-B Community Garden. Mr. McCann stated he is asking for the definition of 35.90-B and 35.090-C to be merged together to allow and change the concept to an

urban garden. Mr. McCann stated when watching the City Council deal with the food insecurity issues in Tulsa it made him think about how to take a positive approach to food insecurity in a way to create entrepreneurial opportunities in distressed areas. Mr. McCann stated if we took two generation approach with parents and kids living under the poverty level and looked at church and school properties these properties sometimes have areas of land over an acre. Mr. McCann stated currently a community garden is restricted to less than one acre and is a use by right in all zoning districts. Mr. McCann stated if it is over an acre it's a farm, market or community supported and can only go in office and industrial areas. Mr. McCann stated if you have global gardens like in west Tulsa they are restricted to less than an acre. Mr. McCann stated if you look at Asbury Church they are restricted to less than an acre. Mr. McCann stated if you think about commercial kitchens they can teach STEM through farming. Mr. McCann stated a 3-acre farm can generate enough food for 10,000 people and section 40.090 applies to all community garden uses. Mr. McCann stated staff was trying to align these two definitions and they did a good job however he thinks it is unnecessary to have the two definitions. Mr. McCann stated he would like to take the two definitions and combine them into one and open a pathway to address the food insecurity. Mr. McCann stated he would ask TMAPC to remand back to staff to merge these two definitions to meet any needs and concerns the City may have as it relates to this situation.

Mr. Reeds stated he appreciates the presentation but he thinks staff Mr. McCann would need to go through staff first.

Ms. VanValkenburgh stated TMAPC could not take any action to make the change Mr. McCann is suggesting at this meeting.

Mr. McCann stated he is asking the commission to remand this section back to staff to come up with a merged definition they could submit for recommendation.

Ms. VanValkenburgh stated if Commission wants to initiate a zoning code amendment that Mr. McCann is talking about that would have to be done in a different meeting. Ms. VanValkenburgh stated all the Commission could do now is recommend adopting all the other Zoning Code changes except for 35.090 or Planning Commission could recommend adopting all the changes and then later initiate relooking at this part of the code.

Mr. Dix asked if Mr. McCann had presented this change to staff.

Mr. McCann answered "yes".

Ms. Miller stated this has been discussed but Mr. McCann has talked exclusively with Dwayne Wilkerson and Mr. Wilkerson has presented to the Zoning Code implementation team. Ms. Miller stated as a team they did not feel comfortable with having a community garden defined as larger than an acre because the

nature of this is that it is an urban community garden in the middle of a neighborhoods. Ms. Miller stated she has lived in a neighborhood with a community garden and you don't want it more than an acre especially if they go unattended for large parts of the year. Ms. Miller stated the Zoning Code implementation team could have the discussion again and try to come at it from a different angle but the sentiment in the meeting was there was a distinction between community garden in the middle of a neighborhood versus the second category which is really farming.

Mr. Wilkerson stated Mr. McCann and he had a few conversations and the challenge he has is the place where the urban garden concept might work is on a large tract of land that is zoned residential and there is no way to use this as an urban garden.

Kendra Woodburn, OSU Extension 12525 North Lewis Avenue, Skiatook, OK 74070

Ms. Woodburn stated she works with commercial farmers who sell to Reasors and Cherry Street. She also works with at risk adults, and kids coming through the court system. Ms. Woodburn stated what she is looking for is the kids that she works with be allowed to sell what they grow.

Mr. Reeds asked Ms. Woodburn why she couldn't use the undeveloped land at OSU Tulsa.

Ms. Woodburn stated there are plans for the land currently. Ms. Woodburn stated the OSU Extension was going to move from the fairgrounds to the OSU Tulsa campus eventually and will then she will be able use the land for gardens.

Rita Scott 16523 East 171st Street Tulsa, OK 74135

Ms. Scott stated she is on the Tulsa Farmers Market board and people love healthy, tasty, nutritious, locally grown food. Ms. Scott would like to encourage the Commission to reconsider the language in the zoning code amendments to allow others to create these gardens. Ms. Scott stated she believes TMPC mission statement sums it up, "to promote the harmonious development of the Tulsa Metropolitan Area and enhance and preserve the quality of life for the region's current and future residents". Ms. Scott stated the TMAPC mission is what she is here today to support.

Ms. Miller stated she and the entire zoning code implementation team are 100 percent in favor of urban gardens and healthy food and providing those opportunities. Ms. Miller stated but from a land use planner prospective we must decide where those best fit in the community and what the scale is to the appropriate to the surrounding area. Ms. Miller stated this would need to be discussed more with the group about how to get there, maybe it could be on a church property and maybe an acre is not enough or maybe we could get there

with a Special Exception. Ms. Miller stated the zoning code implementation team didn't feel combining these two definitions which are two vastly different things that are intended for two vastly different contexts within the City was the answer.

Ms. Millikin asked staff if what Mr. McCann is proposing is already allowed.

Ms. Miller answered the two things that would not qualify for a community garden is if it is larger than an acre or if they are selling things from the site. Ms. Miller stated it sounds like they want to sell things off site so you can go to the Board of Adjustment for a Special Exception. Ms. Miller stated she doesn't understand why what Mr. McCann can't do what he is proposing and stay under an acre of land.

Mr. Covey asked can Mr. McCann go to the Board of Adjustment to get a Special Exception to make the garden more than an acre.

Ms. Miller stated "no" not for the acre requirement because it is a definition and that can't be varied through a Board of Adjustment action.

Mr. Reeds asked if they have a 3-acre lot could they not subdivide it into 3 one acre lots with different entities running them.

Ms. VanValkenburgh stated they could but that would be evading the purpose of the code.

Ms. Miller stated if it's a church and they are sitting in the middle of a big property and they are not in the middle of a neighborhood maybe staff needs to figure out a mechanism to get there. Ms. Miller stated but for now they can't if it's a residential zoned property.

Mr. Dix stated he doesn't see a need to change any of the amendments before them today and thinks what staff has presented is sufficient.

Mr. Reeds agrees with Mr. Dix.

Ms. Millikin agrees with Mr. Dix on approving item 18 but thinks TMAPC would consider the other additional suggestions at a work session.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Adams, Covey, Dix, Doctor, Fretz, Millikin, Reeds, Ritchey, Walker, "aye"; no "nays"; none "abstaining"; Krug, Shivel, "absent") to recommend **ADOPTION** of ZCA-6 with amendments to the City of Tulsa Zoning Code in the following sections: Chapter 10 Mixed-use Districts: Section 10.030 and Table 10-7; Chapter 15 Office, Commercial and Industrial Districts: Section 15.020, Table 15-2 and Table 15-2.5; Chapter 30 Legacy Districts: Section 30.010; Chapter 35 Building Types and Use

Categories: Sections 35.030, 35.050 and 35-090, Chapter 40 Supplemental Use and Building Regulations: Section 40.360; Chapter 45 Accessory Uses and Structures: Section 45.080; Chapter 50 Temporary Uses: Sections 50.030 and 50.050; Chapter 55 Parking: Sections 55.090 and 55.020, Table 55-1; Chapter 60 Signs: Sections 60.060, 60.070, and 60.080; Chapter 70 Review and Approval Procedures: Sections 70.010, 70.020, 70.030, 70.070 and 70.100; Chapter 90 Measurements: Section 90.090. per staff recommendation.

OTHER BUSINESS

Mr. Walker left at 3:08 pm.

19. **New CIP Projects, FY 2019-2023** - Approve based on the finding that the new capital improvement projects for the Capital Improvement Plan, Fiscal 2019-2023 are in conformance with the Tulsa Comprehensive Plan.

STAFF RECOMMENDATION:

Item: Public hearing approving new capital improvement projects for the Capital Improvement Plan, Fiscal Year 2019-2023.

Background

The Capital Improvement Plan (CIP), containing recommended capital projects for the next five years, is a tool to implement the Comprehensive Plan. State Statutes provide that once a comprehensive plan has been adopted, no capital project shall be constructed or authorized without approval of its location, character and extent by the Planning Commission.

City departments generated the list of new capital improvements in the plan. The City of Tulsa prepares an annual Capital Improvement Plan that is published with the fiscal year budget. The Planning Commission generally reviews any new additions proposed for inclusion in the proposed capital plan before the draft budget and capital plan are published.

Staff Analysis

TMAPC staff reviewed the new proposed Capital Improvement Plan projects for consistency with the City of Tulsa's Comprehensive Plan. In general, the improvements listed are consistent with the Comprehensive Plan.

A new CIP projects summary is attached. Below is a summarized list of those items, including: the name of requesting Department, the project name, the item number(s) that correspond with the attached chart, and staff comments regarding relationship and consistency with the Comprehensive Plan.

- **Citywide (Enterprise)**
 - 1) Virtual Desktop Infrastructure Project
 - 2) STC-CDL Training; Vehicle and Equipment Procurement

Staff Comments: *The projects involve updating technology and equipment to mitigate loss of efficiency and resource availability. Although no specific guidance is provided in the Comprehensive Plan, the projects will contribute to productivity and public safety.*

- **Fire**

- 3) Fire and Rescue vehicle acquisition and replacement
- 4) Tulsa Fire Safety Training Center Phase III
- 5) Tulsa Fire Safety Training Center Phase IV
- 6) Equipment & Property Storage with Indoor PAT/CPAT at Tulsa Fire Safety Training Center
- 7) Fire Station and facilities remodel and refurbishment
- 8) Installation of Bunker Gear Extractors and Dryers at 10 Fire Stations
- 9) Mobile Classrooms at Fire Safety Training Center
- 10) Remodel of Fire Department Headquarters
- 11) Replace ibutton locks to CoT card readers at all TFD stations and facilities

Staff Comments: *The Fire Department projects primarily focus on system upkeep and rehabilitation/maintenance of existing facilities. Although no specific guidance is provided in the Comprehensive Plan, the projects will contribute to public safety and maintenance of existing City facilities.*

- **Information Technology**

- 12) Mobile radio sites (ECHO and MINI ECHO) to P-25
- 13) Replace Primary Radio Core
- 14) Secondary Radio Core
- 15) City Phone System Replacement
- 16) Lake Eucha Radio Upgrade – P25

Staff Comments: *The projects are related to rehabilitation and system upkeep and are generally consistent with the Comprehensive Plan's direction on infrastructure maintenance.*

- **Parks**

- 17) Fred Johnson Park Rehabilitation and Replacement

Staff Comments: *Based on the below and similar policies regarding parks, the proposed projects are in conformance with the Tulsa Comprehensive Plan.*

- *Parks, Trails and Open Space Priority 2 (Promote the Arkansas River as a centerpiece of life in Tulsa.)(PA-24)*
 - *Goal 4 – Promote the Arkansas River as a centerpiece of life in Tulsa.*
 - *Policy 4.2 Act to enhance the Arkansas River as Tulsa's centerpiece by shaping the city's urban form, industrial*

- 29) Apache Lift Station Force Main
- 30) Iron Feed System for Struvite Control
- 31) Junction Box 782- Third River Crossing Pipe
- 32) Long Term Digestion Sludge Hearing
- 33) North Switchgear
- 34) SSWWTP Peak Flow Plant Improvements
- 41) A.B. Jewell WTP Clarifier NO. 2 Upgrades/Rehabilitation
- 42) A.B. Jewell WTP Clarifier NO. 3 Upgrades/Rehabilitation
- 43) Economic Development Citywide
- 44) Facility Roof Repairs Citywide

Staff Comments: *The above projects are primarily maintenance/improvements that will contribute to public safety and maintenance of existing City facilities. One of the Guiding Principles for Economic Development is “The City invests in the critical infrastructure necessary to develop a robust and diversified economy.” (p. 6) The projects are generally consistent with the Comprehensive Plan’s direction on infrastructure.*

- **Public Works**

- 35) 11th St. S.- 193rd E. Ave. to Creek Turnpike
- 36) 161st E. Ave.- 21st St. S. to 51st St. S.
- 37) 31st St. S.- 145th E. Ave. to 177th E. Ave.
- 38) 81st St. S.- Union Ave. to Elwood Ave.
- 39) 81st St. S. and Union Ave. Intersection Improvements
- 40) ADA Self-Evaluation and Transition Plan Update

Staff Comments: *The above projects are primarily maintenance/improvements and generally consistent with the Comprehensive Plan’s direction on infrastructure. Several of the above items are projects that will improve street connection and alignment, which are widely supported throughout the Comprehensive Plan. Project #'s 35-39 conform to the Major Street and Highway Plan.*

Projects 38-39 are consistent with the recommendations in the West Highlands/Tulsa Hills Small Area Plan.

- *Priority 4 – Improve local connections to the metropolitan transportation system.*
 - *Goal 12 – Maintain excellent automobile connectivity.*
 - *Policy 12.10 Implement widenings recommended in Connections 2035 (page 10).*
 - *Policy 12.11 Encourage adequate infrastructure be in place as new development occurs.*

Staff Recommendation

Approve based on the finding that the new capital improvement projects for the Capital Improvement Plan, FY 2019-2023 are in conformance with the Tulsa Comprehensive Plan.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **DIX**, TMAPC voted **8-0-0** (Adams, Covey, Dix, Doctor, Fretz, Millikin, Reeds, Ritchey, “aye”; no “nays”; none “abstaining”; Krug, Shivel, Walker, “absent”) to recommend **APPROVAL** based on the finding that the new capital improvement projects for the Capital Improvement Plan, FY 2019-2023 are in conformance with the Tulsa Comprehensive Plan.

Mr. Walker returned at 3:10 pm.

* * * * *

20. Consider initiation of Zoning Code text amendments to modify standards for residential driveways (Section 55.090-F) and place on future TMAPC agenda.

STAFF RECOMMENDATION:

Consider initiation of Zoning Code text amendments to modify standards for residential driveways (Section 55.090-F)

Background: The City was asked by the Home Builders Association of Greater Tulsa to consider amendments to the residential driveway requirements to better facilitate market demands for wider driveways.

The Tulsa Zoning Code establishes a maximum width for residential driveways based on zoning district. This measurement sets the width of driveways both on private property and within the public right of way. Generally, the purpose for having a maximum width is to support the residential character of neighborhoods and prevent lots from becoming fully paved parking areas in front of single family homes. Narrower driveways on smaller lots are more consistent with existing development patterns in older parts of the community. As average home sizes have increased, market demands have resulted in properties having three garages, for vehicles, boats, storage, or any number of other uses.

Under previous versions of the City’s zoning code developers often used a PUD as a means of modifying open space requirements to allow additional paved (impervious) surface for wider driveways accessing three-car garages. The current code uses a different methodology to measure maximum driveway width and provides that a greater width may be approved by special exception or by amendment of existing PUDs.

Open space requirements in the current zoning code were paired with maximum driveway widths to reflect the allowable width provided in the earlier version of the zoning code. Applying specific dimensions as opposed to a percentage of the front yard (the required front setback) was determined to be easier for applicants to calculate and for staff to administer. These methodologies included both overall lot coverage maximums as well as driveway width standards.

A response to this request should address the methodology for calculating the amount of allowable impervious surface on a lot as well as the impact of any amendment on the character of stable neighborhoods.

Recommendation: Pursuant to Section 70.020 of the City of Tulsa Zoning Code, amendments may be initiated by the Planning Commission. For public notice to be provided, the Planning Commission is asked to initiate a text amendment to modify maximum width standards for residential driveways. If initiated, staff will process the case and place the matter on a future TMAPC agenda.

Mr. Doctor stated this came from the administration. Mr. Doctor stated this request was built on what the homebuilders are seeing in terms of an increase in market demand for 3 car garages and having the ability to navigate to those 3 car garages. Mr. Doctor stated the increase in demand the homebuilders need to go to the Board of Adjustment for a Special Exception for the flaring of the driveway to access the garages. Mr. Doctor stated they are trying to find a balance that would not require the additional step of going before the Board of Adjustment but still restricted the curb cut width.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Adams, Covey, Dix, Doctor, Fretz, Millikin, Reeds, Ritchey, Walker, "aye"; no "nays"; none "abstaining"; Krug, Shivel, "absent") to **INITIATE** Zoning Code text amendment to modify standards for residential driveways. (Section 55.090-F)

21. Commissioners' Comments

Ms. Millikin would ask that TMAPC consider the definition of Urban Garden under 35.090 at a future work session within the next 6 months.

ADJOURN

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Adams, Covey, Dix, Doctor, Fretz, Millikin, Reeds, Ritchey, Walker, "aye"; no "nays"; none "abstaining"; Krug, Shivel, "absent") to **ADJOURN** TMAPC meeting 2767.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 3:16 p.m.

Date Approved:

August 1, 2018



1st Vice Chairman

ATTEST:



Secretary