

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2772

Wednesday, June 20, 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	Covey	Chapman	Jordan, COT
Dix	Doctor	Hoyt	VanValkenburgh, Legal
Fothergill	Reeds	Miller	
Fretz	Walker	Sawyer	
Krug		Wilkerson	
Millikin			
Ritchey			
Shivel			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, June 14, 2018 at 1:15 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, Vice Chair Dix called the meeting to order at 1:30 p.m.

REPORTS:

Chairman's Report: None

Director's Report:

Ms. Miller reported TMAPC Receipts for the month of May 2018 had a decrease in zoning applications and as a result the July 3, 2018 TMAPC meeting would be cancelled. Ms. Miller reported on City Council and Board of County Commission actions taken and other special projects.

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.

1. **PUD-493-5 Allie Ogden** (CD 9) Location: West of the northwest corner of East 41st Street South and South Lewis Avenue requesting a **PUD Minor Amendment** to reduce the required rear yard setback from 25 feet to 12 feet 6 inches.

STAFF RECOMMENDATION:

SECTION I: PUD-493-5 Minor Amendment

STAFF RECOMMENDATION

Amendment Request: Revise the PUD Development Standards to reduce the required rear yard from 25 feet to 12 feet 6 inches to allow an addition to be constructed.

Currently, the rear yard is required to be 25 feet. The applicant is proposing to build an addition to the home that would need to encroach on the rear yard. A 12.5' utility easement exists in the rear yard as well, which the addition will be outside of. This distance could be used as the revised rear setback distance.

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-493 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to reduce the required rear yard from 25 feet to 12 feet 6 inches.

2. **PUD-464-5 Artisan Pools** (CD 8) Location: North of the northwest corner of East 91st Street South and South Harvard Avenue requesting a **PUD Minor Amendment** to reduce the street setback from 25 feet to 18 feet to allow a pool.

STAFF RECOMMENDATION:

SECTION I: PUD-464-5 Minor Amendment

STAFF RECOMMENDATION

Amendment Request: Revise the PUD Development Standards to reduce the required yard along Harvard Ave from 25 feet to 18 feet to allow a pool to be constructed.

Currently, the yard along Lakewood is considered a street yard and a rear yard for the home, requiring a 25 ft setback. The unique configuration of the subject lot, with streets on two sides, makes placing a pool on the lot difficult and with limited space to work with, without utilizing a reduced setback on the yard adjacent to Harvard Ave.

Staff Comment: *This request can be considered a Minor Amendment as outlined by Section 30.010.1.2.c(9) of the City of Tulsa Zoning Code.*

“Changes in structure heights, building setbacks, yards, open spaces, building coverage and lot widths or frontages, provided the approved PUD development plan, the approved standards and the character of the development are not substantially altered.”

Staff has reviewed the request and determined:

- 3) The requested amendment does not represent a significant departure from the approved development standards in the PUD.
- 4) All remaining development standards defined in PUD-464 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to reduce the setback along Harvard Ave from 25 feet to 18 feet.

TMAPC Action; 7 members present:

On **MOTION** of **SHIVEL**, TMAPC voted **7-0-0** (Adams, Dix, Fretz, Krug, Millikin, Ritchey, Shivel, “aye”; no “nays”; none “abstaining”; Covey, Doctor, Reeds, Walker, “absent”) to **APPROVE** Items 1 and 2 per staff recommendation.

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

PUBLIC HEARINGS:

3. **Z-7446 Crystal Keller** (CD 2) Location: East of the southeast corner of West 81st Street South and South 33rd West Avenue requesting rezoning from **AG** to **RS-1**

STAFF RECOMMENDATION:

SECTION I: Z-7446

DEVELOPMENT CONCEPT: The applicant has requested RS-1 zoning to support a single family residential development.

DETAILED STAFF RECOMMENDATION:

Z-7446 request RS-1 zoning for a single family residential development. Single family residential uses in this location are consistent with the Existing Neighborhood land use designation in the Comprehensive Plan and in the West Highlands Small Area Plan and,

RS-1 zoning may not be consistent with the provisions identified in an Area of Stability as outlined in the Tulsa Comprehensive Plan, however RS-1 zoning provides standards for wider side yards and larger front setbacks that are consistent with the large lot neighborhood character expected in the area plan and,

Single household use is the only use permitted in an RS-1 district. Single family residential uses are consistent with the land use vision of the West Highlands Small Area Plan however the density allowed by RS-1 zoning may be contradictory to the rural residential uses recommended by the West Highlands Small area plan and may be considered injurious to the surrounding property owners and,

RS-1 zoning allows a lot density that may not be consistent with the existing land use pattern in the area. That pattern was established years ago without sanitary sewer availability but the existing zoning in those areas would allow property to be developed with RS-3 lots with a minimum of 6900 square feet when connected to a sanitary sewer system. The City of Tulsa has recently completed

sanitary sewer construction south of this site that would support greater density on property that is currently zoned RS-3 therefore,

Staff recommends Approval of Z-7446 to rezone property from AG to RS-1.

SECTION II: Supporting Documentation

Bulk and Area Summary chart illustrating differences in zoning categories

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

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Single family residential uses are consistent with the land use vision of the Tulsa Comprehensive Plan and with the Small Area Plan. Within the West Highlands Small Area plan a development concept illustrates a single family residential development with a variety of lot sizes, greenspace wildlife corridor for local fauna and a perimeter greenspace buffer that summarize the goals for a context sensitive neighborhood. That concept plan cannot be regulated without using an optional development plan.

Land Use Vision:

Land Use Plan map designation: Existing Neighborhood

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

Areas of Stability and Growth designation: Area of Stability

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

The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

Transportation Vision:

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

Trail System Master Plan Considerations: None that affect site development

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

The recommendations of the small area plan include many references that support single family residential uses within a rural context and a rural residential zoning use. Revisions to the Tulsa Zoning Code have not implemented those concepts. Staff has met with residents in the area and City Councilor regarding anticipated future development. Based on input received at the meetings, the District Councilor may ask the City Council to initiate a voluntary rezoning opportunity to allow property owners the ability to rezone property to RE or AG.

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

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

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

Environmental Considerations: The southwest corner of the site is included in the City of Tulsa regulatory floodplain. Development of that portion of the tract

will require adequate engineering analysis during the design process to meet or exceed City standards for development in the floodplain.

Streets:

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

Utilities:

The subject tract has municipal water available.

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

Surrounding Properties:

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

SECTION III: Relevant Zoning History

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

Subject Property:

Z-7421 February 2018: TMAPC voted 6-4-0 in **denial** of a request for *rezoning* a 14.69+ acre tract of land from AG to RS-2 on property located east of the southeast corner of West 81st Street South & South 33rd West Avenue, the subject property.

BOA-11166 September 1980: The Board of Adjustment **approved** a *special exception* to permit the location of a mobile home in an AG District for a period of 10-years, or until such time as the dairy ceases to operate, whichever comes first, on the subject property.

Surrounding Property:

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

BOA-20256 April 1997: The Board of Adjustment **approved** a *variance* of the maximum size of an accessory building in an RS-3 District; and a *variance* of the maximum height of the top plate for an accessory building from 10 feet to 12 feet, finding that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, specifically the large lot size in the RS-3 zoned area; contingent on there being no commercial activities, no living quarters and removal of the existing building, and total square footage of 1,500 for accessory buildings, on property located on the northeast corner of West 81st Street South and South 28th West Avenue.

BOA-17934 February 1998: The Board of Adjustment **denied** a *variance* to allow 2 dwelling units on one lot of record; a *special exception* to allow a manufactured home in an RS-3 zoned district; and a *variance* of the one year time limit to allow the manufactured home permanently, on property located east of the northeast corner of South 33rd West Avenue and West 81st Street South.

BOA-15954 February 1992: The Board of Adjustment **denied** a *special exception* to permit a community group home in an RS-3 zoned district, on property located east of the corner of South 33rd West Avenue and West 81st Street South.

TMAPC COMMENTS:

Mr. Ritchey asked staff at what part of the process would TMAPC see a plan for this project. Mr. Ritchey stated if today the Planning Commission approves this application for RS-1 what stops the applicant from building whatever he wants to build.

Staff answered the only way the applicant could achieve the density that is allowed in RS-1 zoning district is if sanitary sewer is extended to the site otherwise it has to be more than one half acre lots. This would be shown on the Preliminary Plat when that is submitted.

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

City Councilor Cue stated there are numerous meetings happening in this area. The council discussed this area today and there was some concern from Councilor Ewing to look further and try to find a solution. Councilor Cue stated she would like to ask for a continuance on this application the July 18th, 2018 to discuss an optional development plan with applicant to protect the neighbors if

this property were to be sold in the future and also to allow time to speak with Creek County about the floodplain issues. Councilor Cue stated there needs to be zoning that protects the residents who have livestock. Councilor Cue stated there was a zoning change in the 1970s that changed the property to RS-3 without notifying the resident's. During the meetings residents were surprised to find that they were zoned RS-3 when they thought they were AG. Councilor Cue stated they hope to come up with a plan that addresses everyone's concerns.

Applicant's Comments:

Applicant stated he supported a continuation to July 18, 2018. He stated that the plan they have prepared has half acre lots and he has a optional development plan draft completed.

The TMAPC secretary asked each of the interested parties if they would support a continuance to July 18th, 2018 and all agreed.

INTERESTED PARTIES:

Jana Proffitt Davis PO Box 702773, Tulsa, OK 74170

Allan Breedlove 8119 South 33rd West Avenue, Tulsa, OK 74132

Tish Dingman 2828 West 81st Street Tulsa, OK 74132

J. Duenner 2320 West 92nd Street, Tulsa, OK 74132

TMAPC Action; 7 members present:

On **MOTION** of **SHIVEL**, TMAPC voted **7-0-0** (Adams, Dix, Fretz, Krug, Millikin, Ritchey, Shivel, "aye"; no "nays"; none "abstaining"; Covey, Doctor, Reeds, Walker, "absent") to **CONTINUE** Z-7446 to July 18, 2018 per City Councilor, Jeannie Cue's request.

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4. **ZCA-11** - Various amendments to the City of Tulsa Zoning Code in the following sections: Chapter 1 Introductory Provisions: Section 1.090-I; Chapter 35 Building Types and Use Categories: Section 35.020-E; Chapter 65 Landscaping, Screening & Lighting: Section 65.050-B; Chapter 70 Review and Approval Procedures: Sections 70.010 (Table 70-1 Notes) and Section 70.090; Chapter 75 Administration: Section 75.020-L; and Chapter 95 Definitions: Section 95.190.

STAFF RECOMMENDATION:

Item: ZCA-11, various amendments to the City of Tulsa Zoning Code in the following sections: Chapter 1 Introductory Provisions: Section 1.090-I; Chapter 35 Building Types and Use Categories: Section 35.020-E; Chapter 65 Landscaping, Screening & Lighting: Section 65.050-B; Chapter 70 Review and Approval Procedures: Sections 70.010 (Table 70-1 Notes) and Section 70.090;

Chapter 75 Administration: Section 75.020-L; and Chapter 95 Definitions: Section 95.190.

A. Background: The City of Tulsa Zoning Code defines specific roles for City and INCOG staff who are primarily responsible for interpreting and implementing the zoning code. As currently written in the zoning code, the responsible entities include:

- *Planning and Development Director* - director of the City of Tulsa Planning and Development Department who is responsible for overall zoning code administration and assignment of day-to-day staffing duties and responsibilities;
- *Development Administrator* - head of the Development Services Division of the City of Tulsa Planning and Development Department; and
- *Land Use Administrator* - head of the Land Development Services Division of the Indian Nations Council of Governments (INCOG).

Recently, the City of Tulsa administration modified their organizational structure by splitting the Planning and Development Services Department into two separate departments. Therefore, there is no longer a *Planning and Development Director*, rather a Planning Director and a Development Services Director. The proposed amendments reflect necessary adjustments in the zoning code consistent with the new organizational structure.

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 located Chapters 1, 35, 65, 70, 75 and 95 of the Zoning Code.

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

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **SHIVEL**, TMAPC voted **7-0-0** (Adams, Dix, Fretz, Krug, Millikin, Ritchey, Shivel, “aye”; no “nays”; none “abstaining”; Covey, Doctor, Reeds, Walker, “absent”) to recommend **ADOPTION** of ZCA-11 with amendments to the City of Tulsa Zoning Code in the following section: Chapter 1 Introductory Provisions: Section 1.090-I; Chapter 35 Building Types and Use Categories:

Section 35.020-E; Chapter 65 Landscaping, Screening & Lighting: Section 65.050-B; Chapter 70 Review and Approval Procedures: Sections 70.010 (Table 70-1 Notes) and Section 70.090; Chapter 75 Administration: Section 75.020-L; and Chapter 95 Definitions: Section 95.190. per staff recommendation.

ADJOURN

TMAPC Action; 7 members present:

On **MOTION** of **SHIVEL**, TMAPC voted **7-0-0** (Adams, Dix, Fretz, Krug, Millikin, Ritchey, Shivel, "aye"; no "nays"; none "abstaining"; Covey, Doctor, Reeds, Walker, "absent") to **ADJOURN** TMAPC meeting 2772.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 1:56 p.m.

Date Approved:

07-18-2018


Chairman

ATTEST:


Secretary