

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2774

Wednesday, July 18, 2018, 1:30 p.m.

City Council Chamber

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

Members Present	Members Absent	Staff Present	Others Present
Covey	Shivel	Chapman	Blank, Legal
Dix	Walker	Foster	Jordan, COT
Doctor		Hoyt	Silman, COT
Fothergill		Miller	
Fretz		Sawyer	
Krug		Wilkerson	
Millikin			
Reeds			
Ritchey			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, July 12, 2018 at 2:30 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

REPORTS:

Chairman's Report: Mr. Covey stated there will be a work session on August 1st, 2018.

Director's Report: Ms. Miller reported on the City Council and Board of County Commission actions and special projects. Ms. Miller stated a work session is needed for August 1, 2018 to discuss the Berryhill Land Use Plan and GO Plan Amendments.

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1. **Minutes:**

Approval of the minutes of June 6, 2018 Meeting No. 2771

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Covey, Dix, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Ritchey, “aye”; no “nays”; none “abstaining”; Shivel, Walker, “absent”) to **APPROVE** the minutes of the meeting of June 6, 2018, Meeting No. 2771.

2. **Minutes:**

Approval of the minutes of June 20, 2018 Meeting No. 2772

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Covey, Dix, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Ritchey, “aye”; no “nays”; none “abstaining”; Shivel, Walker, “absent”) to **APPROVE** the minutes of the meeting of June 20, 2018, Meeting No. 2772.

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.

3. **PUD-475-A-1 Sherry Barbour** (County) Location: Northeast corner of East 71st Street North and North 115th East Avenue requesting a **PUD Minor Amendment** to add Use Unit 2 to permit a fireworks stand

STAFF RECOMMENDATION:

SECTION I: PUD-475-A-1 Minor Amendment

STAFF RECOMMENDATION

Amendment Request: Modify the PUD Development Standards to add Use Unit 2 to allow a fireworks stand to be placed on the site.

Use Unit 2 is considered area wide special exception within Tulsa County. A fireworks stand is classified as falling within that Use Unit. PUDs within the county may add uses that are by right or exception per Section 1130.1 of the Tulsa County Zoning Code and may be amended or added by minor amendment, unless the changes would represent a significant departure from the outline development plan, which this proposal would not, provided the request is limited to the fireworks stand use stated. Any other uses within Use Unit 2 would require further amendment of the PUD.

Staff Comment: This request can be considered a Minor Amendment as outlined by Section 1170.7 of the Tulsa County Zoning Code.

“Minor changes in the PUD may be authorized by the Planning Commission, which may direct the processing of an amended subdivision plat, incorporating such changes, so long as a substantial compliance is maintained with the outline development plan and the purposes and standards of the PUD provisions hereof. Changes which would represent a significant departure from the outline development plan shall require compliance with the notice and procedural requirements of an original Planned Unit Development.”

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 provided the request is limited to a fireworks stand use.
- 2) All remaining development standards defined in PUD-475-A shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment add Use Unit 2 limited to a fireworks stand use.

Legal Description of PUD-475-A-1:
NE/c of E 71st St N and N 115th E Ave

4. **PUD-587-A-4 Harley Hunter** (CD 8) Location: South and west of the southwest corner of South Yale Avenue and East 81st Street South requesting a **PUD Minor Amendment** to reduce the required side yard setback from 15 feet to 10 feet

STAFF RECOMMENDATION:

SECTION I: PUD-587-A-4 Minor Amendment

STAFF RECOMMENDATION

Amendment Request: Revise the PUD Development Standards to reduce the required setback along E 83rd St S from 15 feet to 10 feet to allow an addition to be constructed.

Currently, this yard is required to be 15 feet. The applicant is proposing to build an addition to the home that would need to encroach on the rear yard. A 10 ft utility easement exists in this yard as well, which the addition will be outside of. This distance is the same as the revised setback distance, so would not be in conflict with the request.

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-587-A and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to reduce the required yard along E 83rd St S from 15 feet to 10 feet.

Legal Description of PUD-587-A-4:

Lot 9, Block 2, Walden Pond

5. **PUD-803-5 Shaw Homes** (CD 8) Location: East of the southeast corner of South Yale Avenue and East 121st Street South requesting a **PUD Minor Amendment** to increase concrete coverage to 50 percent

STAFF RECOMMENDATION:

SECTION I: PUD-803-5 Minor Amendment

STAFF RECOMMENDATION

Amendment Request: Modify the PUD Development Standards to increase concrete coverage to 50%, referred to as Maximum Front Yard Coverage by Parking Area.

Currently, the development standards limit the Maximum Front Yard Coverage by Parking Area to 40%. The increase is being requested to allow for larger driveways for the subject lots.

Current Maximum Front Yard Coverage by Parking Area: 40%
Proposed Maximum Front Yard Coverage by Parking Area: 50%
(for subject lots)

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

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

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the PUD.
- 2) All remaining development standards defined in PUD-803 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to increase the Maximum Front Yard Coverage by Parking Area to 50%.

Legal Description of PUD-803-5:

Lot13, Block 1; Lot 16, Block 2; Lot 12, Block 3, Lots 9, 12, and 13, Block 5 and Lots 5, 6, 10, 11, 12 and 13, Block 6 Estates At The River

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Ritchey, “aye”; no “nays”; none “abstaining”; Shivel, Walker, “absent”) to **APPROVE** Items 3 through 5 per staff recommendation.

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

PUBLIC HEARINGS:

6. **Elwood Villas** (CD 2) Preliminary Plat, Location: South of the southwest corner of West 71st Street South and South Elwood Avenue

STAFF RECOMMENDATION:

This plat consists of 69 lots, 5 blocks, 20.12 ± acres.

The Technical Advisory Committee (TAC) met on May 17, 2018 and provided the following conditions:

1. **Zoning:** Property under application has been approved for rezoning to RS-3. Proposed lots within the subdivision conform to the standards of RS-3.
2. **Addressing:** Addresses will be assigned to final plat. Provide lot addresses graphically and state the required address caveat/disclaimer on the face of the final plat
3. **Transportation & Traffic:** Label and dimension all street rights-of-way included and adjacent to this plat. Sidewalks are required along South Elwood Avenue.
4. **Sewer:** IDP must be submitted and approved prior to the approval of a final plat. Offsite sewer easements will be required to serve the subdivision. Easements must be shown on the final plat.
5. **Water:** IDP submittal must be approved prior to approval of the final plat.
6. **Engineering Graphics:** Correct legal description to include all property shown on the face of the plat. Legal description must include the point of commencement (POC) and point of beginning (POB). Provide a bearing angle and distance from POC to POB. Define the basis of bearing between two known points associated with the plat. Add a location map to the face of the plat. Label adjacent properties by plat name or "unplatted". Submit a subdivision data control sheet with final plat submittal. Remove contours from final plat. Provide engineer's name and email address. Graphically show all pins found or set associated with this plat. Add legend entries for found/set property pins. Platted subdivisions at the time of final plat approval must be shown in the location map. All other property should be labeled unplatted. Label plat location as "Site" or "Project Location".
7. **Fire:** No comments.
8. **Stormwater, Drainage, & Floodplain:** Detention pond must be placed in a detention easement. Storm water detention must be designed to the adopted standards of the City of Tulsa. There is City of Tulsa regulatory floodplain as well as FEMA floodplain present on this site. All floodplain property must be placed in an overland drainage easement. Any

development in the floodplain must adhere to FEMA and City regulations.

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.

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** (Covey, Dix, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Ritchey, "aye"; no "nays"; none "abstaining"; Shivel, Walker, "absent") to **APPROVE** Elwood Villas Preliminary Plat per staff recommendation.

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7. **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 with optional development plan (Continued from June 20, 2018)**

STAFF RECOMMENDATION:

SECTION I: Z-7446

DEVELOPMENT CONCEPT: The applicant has requested RS-1 zoning with an optional development plan to support a single family residential development. All dimensional standards identified in the optional development plan meet or exceed RE zoned properties with the exception that the average minimum lot width will be 100 feet in this development plan.

SECTION II:

Z-7446 with the optional development plan standards will conform to the provision of the Tulsa Zoning Code for development in an RS-1 zoning district and all its supplemental regulations except as further refined below:

Uses allowed:

- A. Permitted Uses: The subject property may only be used as follows:
 - a. Residential Use category
 - i. Single Household

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

- A. Single Household
 - a. Detached House

Lot and Building Regulations:

Minimum Lot Area:	21,780 square feet (1/2 acre)
Minimum Average Lot Width:	100 feet
Minimum Street Frontage	30 feet
Minimum Building Setbacks	
Street	
Arterial	35 feet
Other streets	35 feet*
Side (Interior)	10 feet
Rear	25 feet
Minimum open space per lot	12,000 square feet
Maximum building height	35 feet

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

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 the optional development plan along with 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 small 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,

The optional development plan with RS-1 zoning requires 1/2 acre lots that are consistent with the expected land use pattern in the area. That pattern was established years ago without sanitary sewer availability. 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 with the optional development plan as outlined in Section II above.

SECTION III: Supporting Documentation

Bulk and Area Summary chart illustrating differences in zoning categories

Zoning category	Lot Area (sq. ft.)	Lot width (ft.)	Street Setback (ft.)	Rear Setback (ft.)	Side Setback (ft.)	Open Space (sq. ft)
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 IV: 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.

The applicant indicated her agreement with staff's recommendation.

Applicant's Comments:

Crystal Keller 20885 West 887 Road Cookson, OK 74427

Ms. Keller stated this application started with 40 lots and this was adjusted to 20 after meeting with the neighborhood residents. Ms. Keller stated at the June 20th meeting Councilor Cue stated she supported ½ acre lots with the details of the optional development plan. Ms. Keller stated they would meet all City of Tulsa drainage and water management requirements.

INTERESTED PARTIES:

Jana Proffitt Davis PO Box 702773, Tulsa, OK 74170

Ms. Davis stated she lives on 81st Street and the residents here today have shown up to express their opinions. Ms. Davis stated Mr. Key has compromised with the ½ acre because sewer is not available, and the houses would have aerobic system. Ms. Davis stated she personally doesn't want anything less than 2.5 acres that is the standard for the addition. Ms. Davis stated there is not a future development of this area because the subject site and the one next to it that Mr. Keys owns is surrounded by 100 acres that will not be developed. Ms. Davis stated this development is not consistent the Small Area Plan for this area and this development plan will not preserve the resident's quality of life as stated in the TMAPC mission statement. Ms. Davis stated this development is not what the residents had planned for this area and she would suggest that nothing less than 2.5 acres be accepted. Ms. Davis stated that she did not hear Councilor Cue say she would approve of ½ acre lots and has always maintained she would support her constituents.

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

Mr. Breedlove stated the optional development plan has a flaw with the ½ acre lots. He stated he has 4 acres that adjoins the subject property on the west. Mr. Breedlove stated the area have a lot of clay soil and a neighbor who couldn't be here today stated there are three houses in the area that were approved for RS-3 and are ½ acre lots on the aerobic system that smell because the area won't absorb the water. Mr. Breedlove stated that is the flaw in the plan.

Mary Beth Dolan 2500 West 81st Street, Tulsa, OK 74132

Ms. Dolan stated she owns the 100 acres that Ms. Davis referred to and she has no plans to develop it. Ms. Dolan stated she doesn't care for the newest plans the applicant has for the subject property and believes it should be larger lots but unsure if it should be 2.5 acres or not. Ms. Dolan stated she is unsure why her land says undeveloped on her land because it's her home and farm. Ms. Dolan stated she would like to see a drawing of what is intended. She stated she is not narrow minded and knows there will have to be a compromise, but it needs to be a good compromise.

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

Ms. Duenner stated she is against this application. She stated she was not technically in this area she is south of 91st Street in Tulsa County but would still feel the effects because it would reduce her property values. Ms. Duenner stated she moved to the area because of the rural nature and its proximity to downtown because of her involvement with her church. Ms. Duenner stated she would like to see the lots 1.9 acres but would prefer 2.5 acres. Ms. Duenner stated the neighborhood has more than its share of apartments and District 2 has more section 8 apartments than any other district. Ms. Duenner stated this area has a lot of open land and this area is growing and the residents often hear there is no money for infrastructure improvements to deal with the extra population, streets, fire or flooding. Ms. Duenner stated she is against the 20 houses on 15 acres, she wants 2.5 acres and doesn't think septic can sustain that many houses.

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

Councilor Cue stated she continues to work with the City and INCOG for what is best in this area. Councilor Cue stated a program to allow the residents to go back to AG zoning at no cost to the resident is one of the options being discussed. Councilor Cue stated she meet with Creek County concerning the flooding still have some others to meet with. Councilor Cue stated she apologizes that it has taken so long to get some answers. Councilor Cue stated she thanks everyone who has worked so hard to help with the issues in this area.

Ms. Keller stated DEQ has standards that will have to be met before installing sewer systems, such as testing the soil. They could require larger lots if the absorption isn't good. Ms. Keller stated they will also have to meet the City of Tulsa standards before receiving permits.

Mr. Fretz asked Ms. Keller if she had any opinions on the statement a speaker made about the smell of using the aerobic system.

Ms. Keller answered DEQ will have quality standards that will have to be met through their process.

Ms. Miller stated INCOG has met with Councilor Cue and the residents in this area several times. Ms. Miller stated there is a Small Area Plan that had a recommendation that talks about preserving the rural character of the neighborhood. Ms. Miller stated there was talk about doing a zoning initiative for residents to return to AG zoning because a large part of the area was rezoned in 1970 to RS-3 and that doesn't reflect what is on the ground or the lifestyle and character of the area. Ms. Miller stated so there was a neighborhood meeting to try and decide to go forward the path everyone would prefer. Ms. Miller stated she introduced 4 options based on comments from the neighbors and no one liked those options although they liked bits and pieces of each one. Ms. Miller stated it is hard to get a consensus of what to do in this neighborhood. Ms. Miller stated when introducing the zoning initiative to council there was a councilor that had a lot of questions about the program, so it is still being discussed. Ms. Miller stated the residents all have different opinions, and some won't speak up at the meeting but will pull you aside afterwards. Ms. Miller stated it's hard to know where to go with this in a way that will satisfy everyone.

Mr. Covey asked if this would be an opt in program.

Ms. Miller answered "yes", and that was the concern of the Councilors that you could have this patchwork of RS-3, AG and RE.

Mr. Covey stated the residents here today are not showing concern about their own property they are concerned about another resident's property and that issue would still be the same.

Ms. Miller stated “yes” unless there was a big enough movement where a lot of properties came in but it’s hard to know because as Mr. Covey said the residents might have a vision for their own property, but they have no control over the others opting in.

Mr. Covey stated he doesn’t know if that would solve anything. Mr. Covey asked Ms. Miller if this program was in place now would that change the recommendation?

Ms. Miller stated “no”.

Mr. Reeds stated in an Area of Stability we try to maintain the character of the area, does this recommendation do that?

Ms. Miller answered we think so with ½ acre lots.

Mr. Ritchey asked what most of the lot sizes were from a map that was presented at the last meeting.

Mr. Fothergill stated he looked on the assessor’s website and the lots are at least an acre or larger.

Ms. Miller stated there is a subdivision in construction on the westside of 33rd West Avenue.

Mr. Covey stated on a Land Use Map it is an Existing Neighborhood. What do you look at to determine this because clearly this area is 1 acre or above?

Ms. Miller stated in the Comprehensive Plan this area was a New Neighborhood because this area was underdeveloped if you look at it in a pure sense of zoning district and lot sizes but that was a change that came out of the Small Area Plan based on the desires of the neighborhood to maintain the character. Ms. Miller stated that is the debate, to what lot size can you go to still maintain the character of the neighborhood.

Mr. Covey asked if it is staffs opinion that ½ acre lots does that.

Ms. Miller answered “yes”, at this location.

Mr. Dix stated he has a property like this one and one of the things he is doing to maintain the character of the neighborhood is to install covenants on the property. Mr. Dix asked Ms. Keller what, if any, covenant or restrictions will you have on these properties to ensure the neighbors don’t have an eyesore.

Ms. Keller stated there will be covenants for the neighborhood but those have not been created yet. Ms. Keller stated they wanted the zoning change before moving forward. Ms. Keller stated she would have to differ to the owner.

Chris Key 3306 West 68th Street, Tulsa, OK 74132

Mr. Key is the owner of the subject property. Mr. Key stated the average price point of this development would be \$750,000 and up and they would have the same covenant as Briar Creek which is about 1 mile from this location. Mr. Key stated the same as any high-end Tulsa neighborhood. Mr. Key stated they will make it as nice as possible and follow other covenant's in high-end neighborhoods.

Mr. Reeds asked Mr. Key what the nearest connection to the Tulsa sewer system.

Mr. Key stated straight south and not too far.

Mr. Reeds stated did you look at the price of tying into that system.

Mr. Key stated the Dolan's originally stated if they did half acre lots they would allow him to tie into the sewer line and he would be more than happen to do that and bring it all the way to West 81st Street but we are at the Dolan's mercy on this. Mr. Key stated DEQ will test each lot.

Ms. Dolan stated she has no recollection of what Mr. Key is talking about. Ms. Key stated her husband has stated if Mr. Key did 1 acre lots he would consider letting him tie into the sewer across the Dolans property.

TMAPC COMMENTS:

Mr. Ritchey stated the subject property is surrounded by one-acre lots and he doesn't think ½ acre lots with fancy gated homes fits the character of this neighborhood so it's a no for him.

Ms. Millikin stated she intends to vote in favor of this application because even though they are not one-acre lots the zoning to the north and east is RS-3. Ms. Millikin thinks with the optional development plan the character of the lots will be consistent with RE or RS-1.

Mr. Fothergill stated although he likes the idea of more houses in District 2 he appreciates that the character of the neighborhood is at least 1 acre lots.

Mr. Reeds stated he would like one acre lots as well as a minimum because it eliminates the need for aeration systems. Mr. Reeds stated he will not be supporting this.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **4-5-0** (Covey, Dix, Fretz, Millikin, “aye”; Doctor, Fothergill, Krug, Reeds, Ritchey, “nays”; none “abstaining”; Shivel, Walker, “absent”) to **APPROVE** Z-7446 with an optional development plan rezoning from AG to RS-1 per staff recommendation.

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Mr. Covey stated Mr. Fretz is recusing himself for item 8

8. **Z-7443 Citadel Residential Group, LLC/Scott Eudey** (CD 5) Location: Northwest corner of East 15th Street South and South 79th East Avenue requesting rezoning from **RS-3 to MX1-F-35**

STAFF RECOMMENDATION:
SECTION I: Z-7443

DEVELOPMENT CONCEPT: Rezoning from RS-3 to a mixed-use zoning designation supports higher density development adjacent to the open space northwest of the site and the church property east of the site. Single family residential is unlikely on the small parcel adjacent to 15th street.

DETAILED STAFF RECOMMENDATION:

Z-7443 requesting MX-1 zoning is the least intense mixed-use zoning district. MX-1 is intended to accommodate small scale retail, service and dining uses that serve nearby residential neighborhoods. The district also allows a variety of residential uses and building types. MX-1 is not consistent with the Park and Open space Land Use designation on the Comprehensive Plan land use map. Staff has analyzed the site and determined that there is no known reason for this to be included as part of the park and open space land use designation and will include an amendment to the land use designation separate from this application as part of our normal land use map update process and,

MX1-F-35 is consistent with the Area of Stability that supports small infill projects in existing neighborhoods. The mixed-use zoning is considered non-injurious to the surrounding properties and,

MX1-F-35 is consistent with the expected development of the surrounding properties, therefore

Staff recommends Approval of Z-7443 to rezone property from RS-3/ to MX1-F-35.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The comprehensive plan illustrated this area as a park and open space. It was apparently inadvertently associated with the large storm water detention facility northwest of the property. There are no known plans to expand that facility or to use this property in any way associated with park and open space land use. Staff will correct this land use designation through a separate process as part of future land use map amendments.

Land Use Vision:

Land Use Plan map designation: Park and Open Space

This building block designates Tulsa's park and open space assets. These are areas to be protected and promoted through the targeted investments, public-private partnerships, and policy changes identified in the Parks, Trails, and Open Space chapter. Zoning and other enforcement mechanisms will assure that recommendations are implemented. No park and/or open space exists alone: they should be understood as forming a network, connected by green infrastructure, a transportation system, and a trail system. Parks and open space should be connected with nearby institutions, such as schools or hospitals, if possible.

This designation includes neighborhood-serving parks, golf courses, and other public recreation areas. Amenities at these park facilities can include playgrounds, pools, nature trails, ball fields, and recreation centers. With the exception of private golf establishments, these areas are meant to be publicly used and widely accessible, and infrastructure investments should ensure as much. Local parks are typically surrounded by existing neighborhoods and are designated areas of stability.

Open spaces are the protected areas where development is inappropriate, and where the natural character of the environment improves the quality of life for city residents. These include environmentally sensitive areas (e.g., floodplains or steep contours) where construction and utility service would have negative effect on the city's natural systems. Open space tends to have limited access points and is not used for recreation purposes. Development in environmentally sensitive areas is uncharacteristic and rare and should only occur following extensive study which shows that development will have no demonstrably negative effect. Open space also includes cemeteries, hazardous waste sites, and other similar areas without development and where future land development and utility

service is inappropriate. Parcels in the city meeting this description of open space are designated as areas of stability.

Anticipated future land use designation: Mixed Use Corridor

Staff note: *This site is isolated from the existing neighborhood north and west of the detention facility. The Mixed-Use Corridor along the west side of Memorial suggest future opportunities for more intensive commercial uses where the church facilities are currently located. Our preliminary investigation on this site indicates that this site could be considered a logical expansion of the existing Mixed Use Corridor.*

Mixed Use Corridor

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

Areas of Stability and Growth designation: Area of 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:

East 15th Street is illustrated as a secondary arterial. There are no additional considerations for E. 15th Street.

Trail System Master Plan (Go Plan) Considerations:

The Go Plan does not illustrate any bike or trails proposed at this site however the storm water detention area north of this site has a maintenance and pedestrian trail system around the facility. Pedestrian and bicycle access should be encouraged to use this public facility.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The property is empty and is isolated from the surrounding neighborhood. Vehicular connectivity is not expected because of the existing street pattern and the detention facility.

Environmental Considerations:

Apart from the abutting flood plain contained inside the storm water detention facility, staff is not aware of any environmental constraints that would affect site development.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 15 th Street	Secondary Arterial	100 feet	4
South 79 th East Avenue	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RD	Park and Open Space	Stability	Regional storm water detention facility
East across S. 79 th E. Ave	RS-3	Mixed Use Corridor	Growth	Church
South across E. 15 th Street	RS-3	Existing Neighborhood	Stability and Growth	Duplex

West	RS-3	Existing Neighborhood	Stability	Single Family Residential
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SECTION III: Relevant Zoning History

History: Z-7443

ZONING ORDINANCE: Ordinance number 11816 dated June 26, 1970, established zoning for the subject property.

Subject Property:

No relevant history

Surrounding Property:

BOA-21522 January 2013: The Board of Adjustment **approved** the request for a *special exception* to allow Heat & Air Contractor (Use Unit 15) in a CS district, on property located at 7902 East 15th Street South.

BOA-18420 June 1999: The Board of Adjustment **approved** a *special exception* of the required 110% setback (for a cell tower) from an R zoned property from 110 ft. to 10 ft. on the south and 110 ft. to 5 ft. on the west, per plan submitted, on property located at 1402 South Memorial Drive East.

BOA-17620 January 1997: The Board of Adjustment **approved** a *special exception* to allow automobile sales in a CS district, on property located at 7902 East 15th Street South.

BOA-16621 April 1994: The Board of Adjustment **approved** a *special exception* to permit church use in an RS-3 zoned district; and a *variance* to permit parking in the required front yard; and a *variance* of the maximum building height to 48 feet; and a *variance* of the required screening fence; per plan submitted; finding that the new facility will be constructed at the same location as the previous structure, and existing parking areas will remain; finding that required screening would actually screen two church properties, finding that church use has existed at this location for many years and is compatible with the area, on property located on the northeast corner of East 15th Street south and South 79th East Avenue.

The applicant indicated his agreement with staff's recommendation. There were no interested parties wishing to speak.

Applicant's Comments:

Scott Eudey 106 North Main Street, Broken Arrow, OK 74011

Mr. Eudey stated he is the attorney for the applicant. Mr. Eudey stated this project is single story duplexes. He stated his client is still working with the owner of the property which is the church east of the subject property to remedy the final issues one of which is the zoning to allow for the duplexes. Mr. Eudey thinks the proposed development fits well in the surrounding neighborhood and there are already existing duplexes to the south of the subject property. Mr. Eudey stated these duplexes are going to be high end units.

Mr. Dix asked if this was one duplex.

Mr. Eudey stated "no", it's a one-acre plot so there will be 4 or 5 lots of duplexes.

Mr. Dix stated 8 living units.

Mr. Eudey stated 8-10 living units based on the survey.

INTERESTED PARTIES:

Kathleen Sebert 1510 South 75th East Avenue, Tulsa, OK 74112

Ms. Sebert stated she represents the Moeller Heights Neighborhood Association and has lived in the area for 27 years. Ms. Sebert stated her concerns are the same concerns as in any neighborhood, the safety issues associated with changing the zoning on properties. She stated there will be added traffic to 15th Street which is the road used for emergency vehicles and there is a blind hill where the subject property would be located and could be a safety issue whether it's a duplex or retail space. Ms. Sebert stated the neighborhood would like project updates as things progress. Ms. Sebert stated she has visited with City Councilor Karen Gilbert and Ms. Gilbert agreed to keep an eye on this as it progresses. Ms. Sebert stated as a homeowner she would not have any objections to the duplexes if they are upscale.

Sherrie Coppinger 1815 South 77th East Avenue Tulsa, OK 74112

Ms. Coppinger stated she lives in the Moeller Heights neighborhood and she is opposed to this application. Ms. Coppinger stated she also has safety concerns. She stated she has been directly affected by the crime in this area. Ms. Coppinger stated there are duplexes that are 2 blocks west of the subject property with trash in the yards and lawns that are over grown. Ms. Coppinger stated as soon as the rental properties were brought into the neighborhood things like trash, over grown lawns and crime increased. Ms. Coppinger stated another concern is Insurance hikes for this area due to higher crime rate and loss of property values with more rentals. Ms. Coppinger stated the subject area does not have a sewer line and she is concerned about the infrastructure because there has been a lot of water breaks in this area. Ms. Coppinger stated will the taxes generated from the rental properties compensate for the loss of the tax dollar devaluation of the current resident's properties.

Annick Rose 7713 East 15th Street, Tulsa, OK 74112

Ms. Rose stated she lives next door to the subject property. Ms. Rose stated she is opposed to this development because the area doesn't need more rentals. She stated the current rentals were nice and well-kept in the beginning but after a short time they are not so nice and then become subsidized housing and then there are lots of problems. Ms. Rose stated she has lived in this area for 30 years and enjoy the wildlife that they see in the area and is not looking forward to these neighbors. Ms. Rose stated the church has owned this lot for many years and she tried to purchase the lot a few years ago but the church didn't want to sell it, they were hoping to construct a parking lot for the church. This is obviously not happening, so they are selling it. Ms. Rose stated she is on septic system at her residence and the cost for sewer line is \$175,000 and the price originally for the lot was \$100,000 so this buyer would have \$275,000 invested in this lot and will put as many duplexes as possible on this lot.

Mr. Eudey thanked everyone for their comments. Mr. Eudey stated there will be only 10 units at the most and with the 10 units he doesn't see this contributing to the crime. Mr. Eudey stated the developer for this project has been in the business for 30 years and owns property throughout the city and does background checks both criminal and financial on all tenants. They also mow and maintain the properties as opposed to relying on the tenants to take care of these things and have a history of being good neighbors. Mr. Eudey stated it is important for the developer to work with the surrounding neighbors to address any concerns. Mr. Eudey stated these duplexes will be high-end and feels it is a good fit in this area and for Tulsa. Mr. Eudey stated his client will be installing a sewer system for this development.

TMAPC Action; 9 members present:

On **MOTION** of **MILLIKIN**, TMAPC voted **7-1-1** (Covey, Doctor, Fothergill, Krug, Millikin, Reeds, Ritchey, "aye"; Dix, "nays"; Fretz, "abstaining"; Shivel, Walker, "absent") to **APPROVE** Z-7443 rezoning from RS-3 to MX1-F-35 per staff recommendation.

Legal Description of Z-7443:

ALL OF THE SE/4 OF SW/4 OF SE/4 OF NE/4 OF SECTION 11, TOWNSHIP 19 NORTH, RANGE 13 EAST, LESS THE WEST 150 FEET THEREOF, ALSO LESS 40 FEET ON THE SOUTH FOR STREET AND LESS 30 FEET ON THE EAST FOR STREET IN TULSA COUNTY, OKLAHOMA

* * * * *

9. **Z-7447 Lou Reynolds** (CD 4) Location: Southwest corner of South Peoria Avenue and East 5th Street South requesting rezoning from **OL/RM-2 to CH**

STAFF RECOMMENDATION:

SECTION I: Z-7447

DEVELOPMENT CONCEPT:

DETAILED STAFF RECOMMENDATION:

CH zoning is consistent with the Auto Oriented Commercial designation defined in the Pearl District – 6th Street Infill Plan that was amended in April 2014, and;

CH zoning allows development that would be consistent with the Elm Creek / 6th Street Conveyance Plan that was prepared for the regional detention facilities in this area, and;

CH zoning does not provide support or encouragement for site plan design or other design considerations that would support the Conveyance Plan that was part of the Vision 2025 bond package or with the FEMA matching grant application north of this site, and;

CH zoning is consistent with the expected development pattern in the area, and;

CH zoning is non-injurious to the surrounding properties, therefore

Staff recommends Approval of Z-7447 to rezone property from OL, RM-2, / to CH.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The planning effort on this area of Tulsa has been extensive. The current Small Area Plan and the Tulsa Comprehensive Plan generally supports the rezoning request for a high intensity development that CH would allow. CH zoning allows many uses such as community services and similar uses, off-street parking, townhouse dwellings, multifamily dwellings offices, eating establishments, adult entertainment, mini storage, drive in restaurants, scientific research and warehousing and wholesaling. CH zoning does not have a maximum floor area ratio, building heights or building setbacks.

Many of these uses and the unlimited floor area are generally consistent with the Downtown Neighborhood vision in the Comprehensive Plan and the Auto Oriented Commercial designation in the 6th Street Infill Plan.

Land Use Vision:

Land Use Plan map designation: The site is completely inside the Downtown Neighborhood designation.

Downtown Neighborhoods are located outside but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium to high-rise mixed use residential areas. Downtown Neighborhoods are primarily pedestrian-oriented and are well connected to the Downtown Core via local transit. They feature parks and open space, typically at the neighborhood scale.

Areas of Stability and Growth designation: The site is completely inside the Area of Growth designation.

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

Transportation Vision:

Major Street and Highway Plan:

East 5th Street South is not illustrated on the major street and highway plan. 5th Street South connects to Peoria just east of this site where transit riders can connect to the Bus Transit system on Peoria approximately two blocks from the is site.

RELATIONSHIP TO THE SMALL AREA PLAN: (PEARL DISTRICT – 6TH STREET INFILL PLAN)

Small Area Plan Land Use Vision:

The site is completely included an Auto Oriented Commercial District defined in the 6th Street Infill Plan which was amended in April 2014. This Auto Oriented Commercial District was originally Mixed Use Infill supporting the anticipated public investment in the regional detention facility.

The Auto Oriented Commercial district is defined as “Commercial, Office, high-intensity Residential, Institutional, Manufacturing and Warehousing; usually located on primary arterial streets & highways. This economic model depends on vehicular access and visitors from throughout the region”

Small Area Plan-6th Street Infill Plan Land Use Map

Latest amendments approved by Tulsa City Council approved 4/3/2014 indicate that this site is included in the Auto Oriented commercial area. That area is broadly defined as a commercial, office, high-intensity residential institutional, manufacturing and warehousing area which is usually located on primary arterial streets and highways. This economic model depends on vehicular access and visitors from throughout the region.

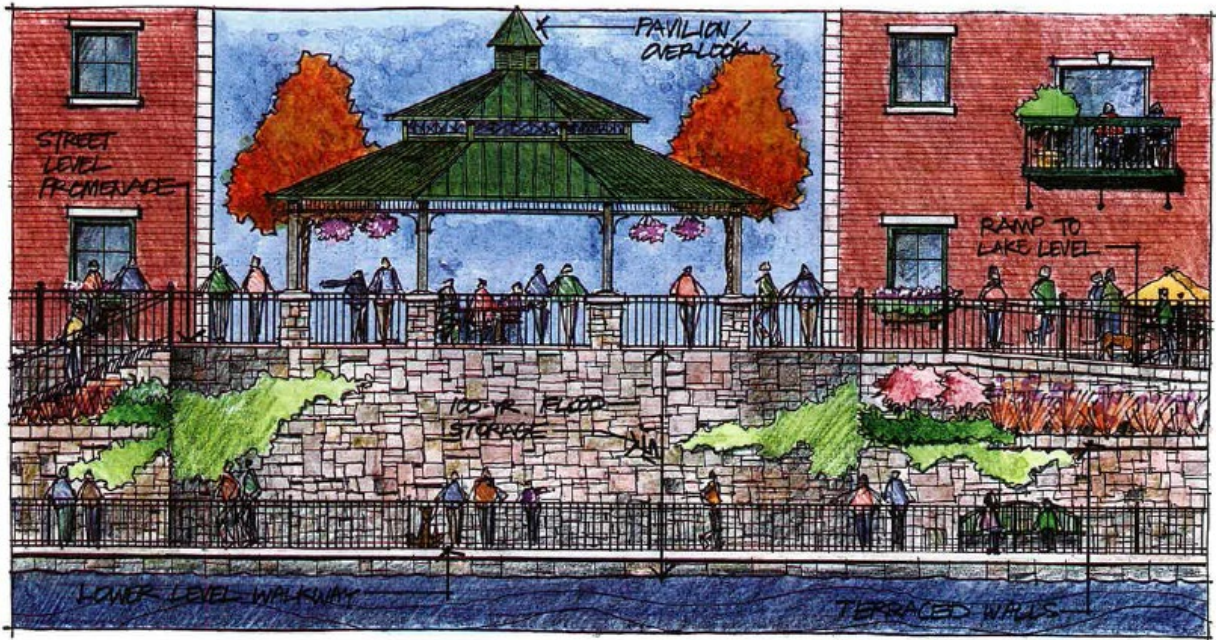
Special District Considerations:

Z-7447 is adjacent to the Regional Detention facility identified as the West Pearl Detention facility included in the March 2010 Elm Creek / 6th Street Drainage, Detention and Conveyance Plan. Within that plan a large detention facility was proposed with funding provided by several sources including a Vision 2025 funding package.

Concepts included in the 6th Street Conveyance plan provided images that proposed development of a regional detention facility west of this site could affect future site development.

West Pearl Detention Conceptual illustration of pond edge:

As shown previously in Figure 5, the West Pearl plan includes two large pavilions to be built on the north and south edges of the basin. These two pavilions are planned to be aligned with the centerline of Norfolk Avenue to enhance their visibility and physical access. As illustrated in the sketch below, the proposed open-air structures overlook the pond and create inviting places for social interaction. The pavilions also have the opportunity to create unique architectural landmarks that reinforce the urban character of the Pearl District.



West Pearl - Lake Overlook Elevation

7 - 30

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Site Analysis: The subject property is approximately 0.65± acres in size and is located west of the southwest corner of E. 5th St. and S. Peoria Ave. The property is currently occupied by a parking lot for a church building.

Environmental Considerations: There are no known terrain, soil or other environmental considerations that would affect the development of this site within the guidelines of CH zoning category. The proposed storm water detention facility west of this site should be a consideration for future development plans.

Surrounding Properties: The subject tract is abutting CH zoning on west, east and south boundary and is partially occupied by a church building, surface parking, and empty properties.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 5 th Street South	None	50 feet	2
Mid-block alley	None	None	Non-maintained city alley

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North Across 5 th street	RM-2 and CH	Downtown Neighborhood	Growth	Empty lot and micro-brewery
East	CH	Downtown Neighborhood	Growth	Church
South	CH	Downtown Neighborhood	Growth	Empty lot
West	CH	Downtown Neighborhood	Growth	Empty lot

ZONING ORDINANCE: Ordinance number 11814 dated June 26, 1970, established zoning for the subject property.

Subject Property:

BOA-21952 September 2015: The Board of Adjustment **approved** a *variance* to allow a digital sign within 200 feet of an R District; a *variance* to allow a digital sign within 20 feet of the driving surface of a public street; a *variance* to allow construction of a sign in the City right-of-way, on property located at 1228 East 6th Street South.

BOA-8142 December 1973: The Board of Adjustment **approved** a minor *variance* to permit construction of a sign 30 feet from the centerline of South Peoria Avenue per plan, on property located at the southwest corner of East 5th Street & South Peoria Avenue.

Surrounding Property:

BOA-22212 March 2017: The Board of Adjustment **approved** a *special exception* to permit low-impact manufacturing and industry (microbrewery) in the CH District, on property located on the northwest corner of East 5th Street South and South Peoria Avenue.

Z-7409 November 2017: All concurred in **approval** of a request for *rezoning* a 0.4+ acre tract of land from IM to CH on property located on the northeast corner of East 5th Court South & South Quaker Avenue.

BOA-21868 May 2015: The Board **approved** a *special exception* to permit a food truck court and a outdoor event venue in the CH zoning district; variance of the allowable days for open air activities from 179 days to year round; and variance of the requirement that all motorized vehicles be parked on an all-weather surface to permit parking of food trucks on a gravel surface, on property located on the northwest corner of East 5th Street South and South Peoria Avenue.

Z-7275 July 2014: All concurred in **approval** of a request for *rezoning* a 0.5+ acre tract of land from FBC to CH and **removal** from the FBC Regulating Plan, on property located on the northeast corner of East 6th Street and South Norfolk Avenue.

Z-7274 July 2014: All concurred in **approval** of a request for *rezoning* a 5± acre tract of land from RM-2 and FBC to CH and **removal** from the FBC Regulating Plan, on property located north and west of the northwest corner of East 6th Street and South Peoria Avenue.

Z-7277 October 2014: All concurred in **approval** of a request for *rezoning* a .5± acre tract of land from CH to IL for a microbrewery, on property located southeast corner of East 4th St. South & South Madison Ave.

PUD-817 October 2014: All concurred in **approval** of a proposed *Planned Unit Development* on a .5± acre tract of land for uses allowed in a CH district and Use Unit 26, limited to a micro-brewery, on property located southeast corner of East 4th St. South & South Madison Ave.

BOA-21612 August 2013: The Board of Adjustment **approved** a *variance* of required parking from 10 spaces to 0 spaces (Use Unit 11) in a CH District, on property located north of the northeast corner of South Owasso Avenue and East 5th Place South.

BOA-21370 January 2012: The Board of Adjustment **approved** a *variance* of the required street yard setback in an IM district from 25 feet to 12 feet, on property located at 515 S. Peoria Ave.

Z-7176 November 2011: All concurred in **approval** of a request for *rezoning* a 60± acre tract of land from RS-3/RM-2/RM-3/OL/OM/PK/CS/IL/PUD-629 to MPD-FBC1 on property located on the northeast corner of East 11th Street South and South Peoria Avenue & north and west of the northwest corner of East 11th Street South and South Peoria Avenue.

BOA-19780 March 2004: The Board **approved** a *Special Exception* to permit off-street parking on Tract II in an RM-2 district; a *Special Exception* to permit required off-street parking spaces for the planned building expansions in Tract I to be located on Tract II; a *Variance* permitting the setback of the proposed parking areas: From the centerline of E. 5th Pl. 50' to 35'; from S. Owasso Ave. 50' to 35'; and from E. 6th St. 50' to 35'; and a *Special Exception* removing the screening requirement along E. 5th Pl. and E. 6th St. and along the west boundary of Tract II, per amended plan, with condition for a tie-agreement between Tract I and II for parking.

BOA-18204 October 1998: The Board **approved** a *Special Exception* to remove the screening requirement between the CS and RM-2 districts to the west and south, on property located on the northwest corner of East 6th Street and South Peoria Avenue.

Z-6507 November 1995: All concurred in **approval** of a request for *rezoning* a 3± acre tract of land from RM-2 to CS for an outpatient medical office, clinical facility providing dental care, health care, pharmacy, and counseling services for the Indian Health Care Resource Center of Tulsa, on property located on the northwest corner of East 6th Street and South Peoria Avenue.

BOA-17092 June 1995: The Board **denied** a *Variance* to permit medical offices and clinic and an outpatient Indian Health Care facility in an RM-2 district; finding the use to be incompatible with the neighborhood on property located on the northwest corner of East 6th Street South and South Peoria Avenue. (The property was later rezoned to CS, where the health center is a use by right.)

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** (Covey, Dix, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Ritchey, "aye"; no "nays"; none "abstaining"; Shivel, Walker, "absent") to **APPROVE** Z-7447 rezoning from OL/RM-2 to CH per staff recommendation.

Legal Description of Z-7447:

Lots 3, 4, 5, & 6, Block 8, CENTRAL PARK PLACE, City of Tulsa, Tulsa County, State of Oklahoma

10. **CZ-472 Tim Terral, TEP** (County) Location: Northwest corner of East 171st Street South and South Lewis Avenue requesting rezoning from **AG to AG-R** to permit a residential development

STAFF RECOMMENDATION:
SECTION I: CZ-472

DEVELOPMENT CONCEPT: The applicant proposes to rezone the subject property from AG to AG-R to permit a new single-family, residential subdivision, Fairmont Acres. The subdivision, as currently proposed, would contain 6 lots with sizes between 1.71 and 2.07 Acres.

DETAILED STAFF RECOMMENDATION:

AG-R zoning is non injurious to the existing proximate properties and;

AG-R zoning is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends Approval of CZ-472 to rezone property from AG to AG-R.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The subject lot is outside of Tulsa County Comprehensive Plan boundaries. It is located within the City of Glenpool Comprehensive Plan boundary and is designated as Agricultural. The City of Glenpool Comprehensive Plan states "Agricultural land areas are located in the periphery of the Glenpool Planning Area and are to be used as agricultural, agri-business, and large lot residential areas." Based on this, the proposed development would be compatible.

Land Use Vision:

Land Use Plan map designation: N/A (County), Agricultural (Glenpool)

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: S Lewis Ave is designated as a Secondary Arterial. E 171st St S is designated as a Primary Arterial

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is currently vacant agricultural land.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
S Lewis Avenue	Secondary Arterial	100 Feet	2
E 171 st St S	Primary Arterial	120 Feet	2

Utilities:

The subject tract has municipal water available. A septic system will be used for sewer.

Surrounding Properties:

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

SECTION III: Relevant Zoning History

History: CZ-472

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

Subject Property:

No relevant history.

Surrounding Property:

CZ-460 July 2017: All concurred in **approval** of a request for *rezoning* a 30+ acre tract of land from AG to RE for a single-family subdivision on property located west of the northwest corner of East 171st Street South and South Harvard Avenue.

PUD-846 July 2017: All concurred in **approval** of a proposed *Planned Unit Development* on a 30+ acre tract of land for on property located west of the northwest corner of East 171st Street South and South Harvard Avenue.

CZ-387 August 2007: All concurred in **approval** of a request for *rezoning* a 80+ acre tract of land from AG to RS for single-family development on property located west of the southwest corner of East 171st Street South and South Lewis Avenue.

PUD-745 August 2007: All concurred in **approval** of a proposed *Planned Unit Development* on an 80+ acre tract of land for on property located west of the southwest corner of East 171st Street South and South Lewis Avenue.

CBOA-1741 June 2000: The Board of Adjustment **approved** a *variance* of the average lot width in an AG district from 200 ft. to 151.19 feet, on property located north of the northwest corner of East 171st Street South and South Lewis Avenue.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Ritchey, "aye"; no "nays"; none "abstaining"; Shivel, Walker, "absent") to **APPROVE** CZ-472 rezoning from AG to AG-R per staff recommendation.

Legal Description of CZ-472:

A tract of land in the South Half of the Southeast Quarter of the Southeast Quarter (S/2 SE/4 SE/4) of Section Thirty (30), Township Seventeen (17) North, Range Thirteen (13)

East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows: COMMENCING at the Southeast corner of said SE/4 SE/4; Thence South 88°49'37" West and along the South line of said SE/4 SE/4 for a distance of 50.00 feet to the Point of Beginning; Thence continuing South 88°49'37" West and along said South line for a distance of 658.64 feet; Thence North 01°09'47" West and parallel with the West line of said SE/4 SE/4 for a distance of 660.83 feet to a point on the North line of said S/2 SE/4 SE/4; Thence North 88°49'50" East and along the North line of said S/2 SE/4 SE/4 for a distance of 658.55 feet; Thence South 01°10'14" East and parallel with said East line for a distance of 660.78 feet to the POINT OF BEGINNING.

AND

A tract of land in the South Half of the Southeast Quarter of the Southeast Quarter (S/2 SE/4 SE/4) of Section Thirty (30), Township Seventeen (17) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows: COMMENCING at the Southwest corner of said SE/4 SE/4; Thence North 88°49'37" East and along the South line of said SE/4 SE/4 for a distance of 449.72 feet to the Point of Beginning; Thence North 01°09'47" West and parallel with the West line of said SE/4 SE/4 for a distance of 660.84 feet to a point on the North line of said S/2 SE/4 SE/4; Thence North 88°49'50" East and along the North line of said S/2 SE/4 SE/4 for a distance of 164.79 feet; Thence South 01°09'47" East and parallel with said West line for a distance of 660.83 feet to a point on the South line of said SE/4 SE/4; Thence South 88°49'37" West and along said South line for a distance of 164.79 feet to the POINT OF BEGINNING.

OTHER BUSINESS:

11. Commissioners' Comments

* * * * *

ADJOURN

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Doctor, Fothergill, Fretz, Krug, Millikin, Reeds, Ritchey, "aye"; no "nays"; none "abstaining"; Shivel, Walker, "absent") to **ADJOURN** TMAPC meeting of July 18, 2018 Meeting No. 2774.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 2:53 p.m.

Date Approved:

August 1, 2018



1st Vice Chairman

ATTEST: 

Secretary