

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2784

Wednesday, December 19, 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	Doctor	Foster	Hulse, COT
Dix	Reeds	Hoyt	Jordan, COT
Fothergill		Jones	Silman, COT
Fretz		Miller	VanValkenburgh, Legal
Krug		Sawyer	
Millikin		Ulmer	
Ritchey		Wilkerson	
Shivel			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Tuesday, December 18, 2018 at 9:57 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

REPORTS:

Chairman's Report:

Mr. Covey announced this was Ms. Krug's last meeting and thanked her for her service.

Director's Report:

Ms. Miller reported on the TMAPC Receipts for the month of October and November 2018. Ms. Miller stated there didn't seem to be a pattern as to number of applications when compared to the previous month receipts or the receipts for the same time last year. Ms. Miller stated there will be election of officers at the January 2, 2019 meeting and she will introduce the staff of the new Tulsa Planning Office and share the work plan with Commissioners. Ms. Miller reported on City Council and Board of County Commission actions.

* * * * *

1. **Minutes:**

Approval of the minutes of December 5, 2018 Meeting No. 2784

On **MOTION** of **DIX**, the TMAPC voted 8-0-1 (Covey, Fothergill, Fretz, Krug, Millikin, Ritchey, Shivel, Walker, "aye"; no "nays"; Dix "abstaining"; Doctor, Reeds "absent") to **APPROVE** the minutes of the meeting of December 5, 2018 Meeting No. 2784.

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. **PUD-288-19 Rob Stephens** (CD 4) Location: East of the southeast corner of South Lewis Avenue and East 26th Place South requesting a **PUD Minor Amendment** to reduce the required rear yard setback

STAFF RECOMMENDATION:

SECTION I: PUD-288-19 Minor Amendment

STAFF RECOMMENDATION

Amendment Request: Revise the PUD Development Standards to reduce the rear yard setback from 25 ft to 5 ft in order to permit the construction an outdoor living area.

Currently, the development standards of the PUD call for a rear yard setback of 25 feet. The applicant is proposing to reduce the rear yard to 5 feet to permit the proposed outdoor living area addition. The plat for this site does not show any utility easements in the rear of the lot. A 5 ft Fence and Landscape easement is

located at the rear property line. The requested reduced setback would be located outside of this easement.

Staff Comment: This request can be considered a Minor Amendment as outlined by Section 30.010.I.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-288 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to reduce the required yard setback from 25 feet to 5 feet.

Legal Description of PUD-288-19:

LOT 15 (15), BLOCK 1 (1), EIGHT ACRES, A RESUBDIVISION OF ALL LOTS 9&10 AND PART OF LOT 1&2 IN BLOCK 2 OF WOODY CREST SUBDIVISION, IN THE N/2 OF THE SW/4 OF SECTION 17, T-19-N, R-13-E, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA

3. **Estates at the River II** (CD 8) Final Plat, Location: South of the southwest corner of East 121st Street South and South Hudson Avenue

- 3a **Union E-14** (CD 6) Final Plat, Location: East of the southeast corner of East 31st Street South and South Garnett Road

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Fothergill, Fretz, Krug, Millikin, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Doctor, Reeds “absent”) to **APPROVE** Items 2, 3 and 3a per staff recommendation.

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

PUBLIC HEARINGS:

Mr. Covey stated the applicant on item 6 has asked for a continuance and that would be addressed first.

- 6. **MR-2, The Summit at Tulsa Hills** (CD 2) Modification to Subdivision and Development Regulations to remove sidewalk requirement along Union Avenue, Location: South of the southeast corner of West 71st Street South and South Union Avenue

TMAPC COMMENTS:

Mr. Fretz stated if this was voted on today, he would support staff's recommendation of denial unless a fee could be paid in lieu of building the sidewalk. He supports the fee in lieu because it alleviates the burden on the city if sidewalks are installed later.

Mr. Dix asked if an applicant had the option to pay a fee in lieu of building a sidewalk?

Ms. VanValkenburgh stated the reason the applicant asked for the continuance was to discuss the fee in lieu of issues with the City of Tulsa prior to the January 16th, 2019 meeting.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Fothergill, Fretz, Krug, Millikin, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Doctor, Reeds "absent") to **CONTINUE** MR-2 Modification of the Subdivision and Development Regulations to January 16, 2019 per applicant's request.

* * * * *

- 4. **CPA-77** consider adoption "**Berryhill Land Use Plan**" as an amendment to the Tulsa Comprehensive Plan.

STAFF RECOMMENDATION:

A. Item for consideration: Consider adoption of the Berryhill Land Use Plan as an amendment to the Tulsa Comprehensive Plan and the Tulsa Metropolitan Area Comprehensive Plan for District 9.

The plan area boundary is approximately 4.15 square miles of land area, bounded on the North by the Arkansas River; and on the South along W 51st

St. S, excluding some properties within Sapulpa city limits; and bounded on the East along 49th W Ave to include some east abutting properties; and on the West along 65th West Avenue including properties west of 65th W Ave that abut Chandler Park and Sand Springs City limits.

- B. Related Plans:** The Tulsa County District 9 Plan, adopted as a part of the Tulsa Metropolitan Area Comprehensive Plan (Vision 2000) in 1976 covers the area bounded by the Arkansas River on the North and East, the Skelly Bypass and Tulsa County line on the South, and South 65th West Avenue on the West. The Tulsa County District 9 Plan does not include all the Berryhill Land Use Plan area.
- C. Background:** In 2012 the Tulsa City Council annexed properties within the Berryhill community along a portion of the proposed Gilcrease Expressway extension. The newly annexed properties were classified as AG (Agricultural) zoning per the annexation ordinance and existing zoning code. Subsequent staff-initiated zoning changes processed in 2014 corrected nonconformities that existed as a result of the initial annexation and zoning classifications.

At that time, staff recommended further land use analysis of areas along the proposed Gilcrease alignment most likely to be impacted upon completion of the expressway. Staff and decision-makers alike have otherwise had to rely on the 1976 Tulsa County District 9 Plan to guide land use decisions. The most recent rezoning application along the expressway (Z-7394) was tabled by the Tulsa City Council until further analysis was completed

By Resolution #19879, dated February 26, 2018, the City Council formally initiated the planning process to amend the land use map and the areas of stability and growth maps of the comprehensive plan. On February 15, 2018, INCOG and City of Tulsa planners presented the proposed Berryhill land use planning effort to the Board of County Commissioners and received their full support to move forward.

- D. Process:** Planning staff in a joint City-County effort held a public project kick-off on April 2, 2018 at the Chandler Park Community Center. More than 160 interested parties attended the event. The agenda included a general overview of the land use process, review of community survey results, and an introduction of the Citizens Advisory Team (CAT). The CAT consists of local stakeholders (residents, business-owners and other), invited to serve by District 2 City Councilor Jeannie Cue and District 2 County Commissioner Karen Keith. Each CAT member volunteered to attend meetings, review materials and communicate land use topics to their respective constituents and neighbors and, likewise, convey specific concerns and feedback of their constituents to the larger group during subsequent CAT meetings.

Early in the community engagement process, members of Berryhill framed a long-range vision for working towards “a desirable place to live and work that in 10 to 20 years is a safe, close-knit, and well-maintained community and which supports a rural lifestyle by allowing for strategic economic opportunities and the enhancement and preservation of the natural environment.” This vision statement helped guide the formation of land use priorities, goals, and recommendations which, if followed, would help to implement the broader community vision. As sections of the Berryhill Land Use Plan were drafted by planning staff, key concepts and ideas were explored at CAT meetings, a public open house on August 27, 2018 and community survey period from October 10 - 24, 2018. A total of 5 CAT meetings were held in-between April and November

CAT public meeting agenda items generally included:

- Review and discussion of community input;
- Analysis of existing conditions;
- Identification of strengths, weaknesses, opportunities and threats;
- Creation of the vision statement and guiding principles;
- Review of draft map and plan priorities, goals, and recommendations;

Over the past few months, planning staff and members of the CAT have worked together to prepare a complete draft. The plan’s land use recommendations and map reflect the aspirations of the vision statement at a more concrete level, with references to specific locations and should be used to guide decisions associated with land-use activities within the plan area. Members of the CAT discussed the draft on November 5, 2018 and find the plan to accurately represent a fair and balanced approach to guiding land use issues within the interests of the Berryhill community. A final public presentation of the draft was presented on November 15, 2018 at the Chandler Park Community Center. On November 19, 2018, staff members presented the final draft to the Planning Commission.

All project materials and meeting agendas were also posted on the project webpage:

<https://www.cityoftulsa.org/government/departments/planning/current-projects/small-area-and-land-use-plans/berryhill-land-use-plan/>.

E. Conformance with the Tulsa Comprehensive Plan and the Tulsa County District 9 Plan:

1) Land Use Plan Map

The planning area in the *Berryhill Land Use Plan* includes several land use designations from the **Tulsa Comprehensive Plan**.

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.

New 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.

Neighborhood Center are small-scale, one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services. They can include apartments, condominiums, and townhouses, with small lot single family homes at the edges. These are pedestrian-oriented places served by transit, and visitors who drive can park once and walk to a number of destinations.

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

Parks and Open Space provide recreational opportunities, community gathering places, shade and sunlight, air and water pollution filtration, natural beauty, habitat, and benefit surrounding uses.

2) **Areas of Stability and Growth Map**

The Berryhill Land Use Plan area in the **Tulsa Comprehensive Plan** includes "Areas of Stability" and "Areas of Growth".

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 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.

Staff comments: According to the Tulsa Comprehensive Plan, the purpose of the Growth and Stability designations is to show “where the majority of growth and investment should take place and which neighborhoods should remain substantially as they are.” The Comprehensive Plan states that “ensuring that (growth area) residents will not be displaced is a high priority”. Plan recommendations have tried to consider how growth can occur and the areas’ existing character is maintained. Areas of existing residential uses are shown to be more stable in the land use plan, as shown by the Area of Stability designation. The plan states that new development in stable areas should “require that transition-sensitive design standards ensure that the compatibility of non-residential development with adjacent single-family homes.”

3) Land Use Priorities and Recommendations

For this planning area, the Berryhill Land Use Plan is consistent with the **Tulsa Comprehensive Plan** Land Use Priorities, specifically:

“Maintain, stabilize and strengthen existing neighborhoods, making them places where new residents are attracted to live. “

According to the Tulsa Comprehensive Plan, some of the goals for this priority focus on ensuring existing neighborhoods are stable and infill development revitalize, preserves and enhances these areas.

Staff comments: The Berryhill Land Use Plan desires to establish policies that maintain the stability of the existing community and ensure any development is compatible with the current environment. Within the Berryhill Land Use Plan, a goal is to “preserve existing single-family residential; neighborhoods while fostering opportunities for strategic growth.” With the construction of the Gilcrease Expressway, the Berryhill Land Use Plan priorities aim to mitigate the impact of the Gilcrease Expressway and future development by providing development concepts

that can be utilized during the rezoning process. These recommendations are included in this plan to encourage context-compatible aesthetics and promote transition-sensitive design standards between commercial and residential uses.

The Tulsa Comprehensive Plan also has a priority to:

“Preserve and enhance environmental assets”

Within the Berryhill Land Use Plan, one of the Priorities is to promote the enhancement and preservation of Berryhill’s natural environment. The goal is to create a network of connected amenities throughout the plan areas for the enjoyment of Berryhill residents. Both of these priorities aligning with the Comprehensive Plan Land Use Policy Priority listed above.

Staff comments: The citizen team has expressed concern about maintaining the residential character of the planning area while allowing for new, low density, commercial development that capitalized on opportunities presented by the Gilcrease Expressway expansion. This land use plan has a list of detailed priorities for the area. There are recommendations from staff and the citizen committee of targeted steps toward the goals for the planning area including such details as encouraging buffering through the requirement of Optional Development Plans and PUD’s for any commercial rezoning application, and encouraging non-residential uses be compatible with adjacent single-family residential neighborhoods.

A “Trail District” designation was added to the Land Use Map to encourage park-serving, low-impact commercial uses on unimproved lots along the proposed trail west of Gilcrease Expressway expansion. The goals and objectives of the plan are in conformance with the Land Use Priorities of the Tulsa Comprehensive Plan and will serve as fundamental concepts and ideas in guiding the area towards meeting these priorities.

- 4) The Tulsa County District 9 Plan identifies the Berryhill Plan area as areas of “low intensities” with a few areas of “medium intensity”. “Low intensity” areas are described as having an average of 6 dwelling units per net acre. “Medium intensity” areas have a maximum of 36 dwelling units per net acre. This plan also identifies sections of the plan areas as “development sensitive”. The “development sensitive” classification defines natural areas where the ecological, environmental, and aesthetic balance should be given consideration prior to development.**

Staff Comments: The broader categories utilized by the Tulsa Comprehensive Plan are used to update the city and county’s land use

map. Much of the area is designated as an Existing Neighborhood with a few pockets of New Neighborhood designations where large vacant land could be developed into residential uses. Existing residential uses are shown to be more protected in the land use plan. Areas for Park and Open Space were designated to include land that was largely flood zone and along the future trail on the west of the proposed Gilcrease Expressway. The corridors designated as Neighborhood Center are located near proposed exit ramps for the Gilcrease Expressway along arterial streets with existing commercial uses. The Employment designated areas are existing industrial uses and along the boundaries of the planning area.

Conclusion: After reviewing the proposed Berryhill Land Use Plan for conformance with the Tulsa Comprehensive Plan and the Tulsa County District 9 Plan, TMAPC Staff finds that the recommendations contained in the proposed plan are consistent with and will further the vision of the Tulsa Comprehensive Plan and the Tulsa County District 9 Plan.

- F. Staff Recommendation:** Staff recommends that TMAPC adopt and include the Berryhill Land Use Plan as an amendment to the Tulsa Comprehensive Plan and the Tulsa County District 9 Plan.

Travis Hulse thanked the Citizen Advisory Team members for their participation in developing this plan for the citizens of Berryhill.

INTERESTED PARTIES:

Rick Martin 5707 West 22nd Street, Tulsa, OK 74107

Mr. Martin stated he endorsed the plan and it is a great vision for Berryhill.

Michael Hall 5911 West 41st Street, Tulsa, OK 74107

Mr. Hall stated there was a question as to how the Berryhill Plan fit with the Gilcrease Expressway. Mr. Hall stated it was this Teams goal to make sure these two things were in alignment.

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

Ms. Cue thanked everyone involved in creating this plan, INCOG, Berryhill Fire Department, Citizen Advisory Team (CAT)

TMAPC COMMENTS:

Mr. Fothergill thanked the CAT members and INCOG and Travis Hulse for leading this process.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Fothergill, Fretz, Krug, Millikin, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Doctor, Reeds “absent”) to **ADOPT** CPA-77 the Berryhill Land Use Plan as an

amendment to the Tulsa Comprehensive Plan and the Tulsa Metropolitan Area Comprehensive Plan for District 9 per staff recommendation.

* * * * *

5. **Fairmont Acres** (County) Preliminary Plat, Location: Northwest corner of East 171st Street South and South Lewis Avenue

STAFF RECOMMENDATION:

Fairmont Acres - (County)

Northwest corner of East 171st Street South and South Lewis Avenue

This plat consists of 5 lots, 1 block on 12.5 ± acres.

The Technical Advisory Committee (TAC) met on December 6, 2018 and provided the following conditions:

1. **Zoning:** The property was rezoned from AG (Agriculture) to AG-R (Agriculture- Residential) in August of 2018. Lots shown on the preliminary plat conform to the AG-R zoning.
2. **Addressing:** INCOG will assign addresses to final plat. Graphically show addresses on the face of the final plat submittal and include address disclaimer/caveat.
3. **Transportation & Traffic:** Subdivision abuts two arterial streets. Only one point of access will be permitted to both arterial streets. Current configuration shown on preliminary plat conforms to the requirement. Label and dimension all previously filed right-of-way dedications.
4. **Sewer:** Lots will be served by on-site sewage disposal and will need approval from Oklahoma Department of Environmental Quality.
5. **Water:** Service connections will be made to existing main line for Rural Water District #2 in Creek County. Release letter will need to be provided prior to final plat approval.
6. **Engineering Graphics:** Remove contours from final plat submittal. Graphically label the point of beginning on the face of the plat. Provide graphically the bearing angle associated with the 50' from POC to POB on the face of the plat.
7. **Stormwater, Drainage, & Floodplain:** No comments.
8. **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.

Modification of Subdivision & Development Regulations:

The applicant has requested approval of the flag lot labeled as Lot 2, Block 1 on the preliminary plat. The flag configuration is required in order to obtain access to the appropriate water service. Water service across Lewis Avenue is located in a different jurisdiction

Staff recommends **APPROVAL** of the preliminary subdivision plat and the modification of the Subdivision and Development Regulations subject to the conditions provided by TAC and all other requirements of the Subdivision and Development Regulations

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, Fothergill, Fretz, Krug, Millikin, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Doctor, Reeds “absent”) to **APPROVE** Fairmont Acres Preliminary Plat per staff recommendation.

* * * * *

- 7. **Z-7464 Tulsa City Council/ Matthew Scott Kirkland** (CD 9) Location: Northeast corner of East 60th Street South and South Peoria Avenue requesting rezoning from **OM to MX1-U-U**

STAFF RECOMMENDATION:
SECTION I: Z-7464

DEVELOPMENT CONCEPT: This request for rezoning is responsive to a City Council initiative to encourage mixed use development along the proposed bus rapid transit system route. The site is currently zoned OM and does not have a building height restriction. The Mixed-Use rezoning request is also for unlimited height.

The City initiated a land use study that resulted in zoning recommendations on property within ½ a mile of proposed enhanced stations along the bus rapid transit route. The subject property was included in that recommendation and the owner of that property has opted-in to a voluntary rezoning program initiated by the Tulsa City Council. No immediate development of the property is proposed.

DETAILED STAFF RECOMMENDATION:

Case Z-7464 request MX1-U-U is consistent with the expected development pattern in the area and,

MX1-U-U is not injurious to the surrounding property owners and,

The bus rapid transit study recommended MX1-U without a height recommendation on this site. The rezoning request is consistent with the Bus Rapid Transit System study and its land use recommendations and,

MX1-U-U is consistent with the Mixed-Use Corridor land use vision in the Tulsa Comprehensive Plan therefore

Staff recommends Approval of Z-7464 to rezone property from OM to MX1-U-U.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: MX1-U-U is consistent with the land use vision in the Tulsa Comprehensive Plan and is also consistent with the goals, objectives and strategies of the Riverwood Neighborhood Small Area Plan.

Land Use Vision:

Land Use Plan map designation: 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 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 areas 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:

Multi-modal streets emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located in high intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists because of landscaped medians and tree lawns. Multi-modal streets can have on-street parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses. Transit dedicated lanes, bicycle lanes, landscaping and sidewalk width are higher priorities than the number of travel lanes on this type of street. To complete the street, frontages are required that address the street and provide comfortable and safe refuge for pedestrians while accommodating vehicles with efficient circulation and consolidated-shared parking.

Streets on the Transportation Vision that indicate a transit improvement should use the multi-modal street cross sections and priority elements during roadway planning and design.

Trail System Master Plan Considerations:

None that affect site development however the river trail system is less than ½ mile from this site. Pedestrian and bicycle connectivity should be an important concept with any new redevelopment opportunity.

Small Area Plan:

Riverwood Neighborhood Small Area Plan (Completed in 2008).

Phase One infrastructure recommendations included Transit Connections and shelters specifically for Inhofe Plaza which is directly west of this site.

The Riverwood Community identified the viability of retail and land uses along South Peoria corridor as a key element of the community plan. These activities contribute to greater livability and convenience within the neighborhood and can convey a neighborhood identity to visitors as well as residents from other areas of the City. Rezoning considerations should consider a walkability community especially for frequent users that may be elderly or physically challenged.

The primary goal identified in this small area plan:

Provide diversified, convenient, concentrated, and efficient commercial activities. This will add to the quality of area as a self-sufficient unit of the total urban pattern.

Objectives include:

1. Locate commercial facilities where compatible commercial uses can support one another and where community services and facilities are capable of supporting commercial activities.
2. Provide a reasonable ratio of commercial activities in relation to the population residing within the area.

Strategies for redevelopment included in the small area plan include:

1. Add continuous sidewalks on both sides of the street
2. Redesign the fronts of large parking lots and build small closely spaced or attached storefronts with courtyard parking behind
3. Encourage a mix of housing within walking distance of commercial areas
4. Encourage site store entrances near street fronts and parking lots to the rear of buildings so transit riders and cyclist have easy access to the store areas.

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The existing building is a single-story building that has been a day care and office. The street view image shows a day care at this location.

Refer to the street view image on the following page. View is from the southeast corner of the site looking northeast.



Environmental Considerations: None that would affect site redevelopment

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Peoria Avenue	Secondary Arterial / multi modal corridor	100 feet	2
East 60 th Street South	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	CS	Mixed Use Corridor	Growth	Vacant
East	OL	Mixed Use Corridor	Growth	Vacant
South	CS	Mixed Use Corridor	Growth	Office
West	CS	Mixed Use Corridor	Growth	Vacant

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 15150 dated September 29, 1981, established zoning for the subject property.

Subject Property:

Z-5593 September 1981: All concurred in **approval** of a request for *rezoning* a tract of land from CS and RS-3 to OM on property located on the northeast corner of East 60th Street South and South Peoria Avenue. (Ordinance 15150)

BOA-8712 October 1975: The Board of Adjustment **approved** a *special exception* to locate a drive-in restaurant; and a *variance* of the setback requirements to permit a canopy 50' from the centerline of South Peoria Avenue and 33' from the centerline of East 60th Street South, subject to solid screening being erected on the north and east boundaries per amended plot plan, and subject to the lighting being directed away from the adjacent RS-3, and no loud speaker system being utilized other than for the purpose of placing orders per Health Department requirements, is a CS district, on property located at the northeast corner of East 60th Street South and South Peoria Avenue.

Surrounding Property:

BOA-21181 January 2011: The Board of Adjustment **approved** a *special exception* to permit a multifamily residence in an OL zoned district, making this approval subject to page 4.8, which shows a privacy fence on the east, west, and north sides of the subject property and the fence is to be between six and eight feet in height, on property located east of the northeast corner of East 60th Street South and south Peoria Avenue (abutting the subject property on the east).

BOA-19099 September 2001: The Board of Adjustment **approved** a *special exception* to permit vehicle repair in a CS district, noting this is only for the rear building and with condition of no outside storage or display of merchandise for sale, and no inoperable vehicles be permitted on the premises in excess of 48

hours, on property located north of the northwest corner of East 60th Street South and South Peoria Avenue (abutting the subject property to the north).

BOA-18815 July 2000: The Board of Adjustment **approved** a *special exception* to permit auto sales in a CS district and vehicle repair in preparation for sale, on the condition specifically that no body work, auto painting, or major engine work be allowed, and that vehicles offered for sale would have to be on a paved parking area; and **denied** a *special exception* to permit storage or display of motorized vehicles on gravel located behind the building setback line, on property located north of the northeast corner of East 60th Street South and South Peoria Avenue (abutting the subject property to the north).

Z-5980 October 1984: All concurred in **approval** of a request for *rezoning* a tract of land from OM to CS on property located north of the northeast corner of East 60th Street South Peoria Avenue (abutting the subject property to the north).

Z-5354 March 1980: All concurred in **approval** of a request for *rezoning* a tract of land from RS-3 to OL on property located east of the northeast corner of East 60th Street South and South Peoria Avenue (abutting the subject property to the east).

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Fothergill, Fretz, Krug, Millikin, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Doctor, Reeds “absent”) to **APPROVE** Z-7464 rezoning from OM to MX1-U-U per staff recommendation.

Legal Description of Z-7464:

W 152 LT 10, SOUTHLAWN ADDN, City of Tulsa, Tulsa County, State of Oklahoma

8. **Z-7465 Wallace Engineering/ Crystal Keller** (CD 2) Location: South of the southwest corner of West 71st Street South and South Elwood Avenue requesting rezoning from **AG to RS-3**

STAFF RECOMMENDATION:

SECTION I: Z-7465

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-7465 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. The preliminary plat for Stone Creek Canyon is attached and satisfies our goals for street connectivity.

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

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is currently a riding stable with a single-family residential dwelling with a few trees and several out buildings on an AG zoned tract.

Environmental Considerations: The western portion of the site is bisected by a FEMA flood plain. A tract of land west of the floodplain is included in this zoning request. Considerations for a street connection to the west side of the floodplain with ultimate connection to S. Jackson Avenue should be part of the plat discussion.

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
South Guthrie 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	AG	New Neighborhood	Growth	Single Family Resident
East	OL	Employment	Growth	Jenks School
South	RS	Existing Neighborhood	Stability	Existing single family residential with stub street connection to this site
West	CO	Regional Center	Growth	Floodplain and Regional Shopping Center

SECTION III: Relevant Zoning History

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

Subject Property: No relevant history

Surrounding Property:

Z-7366 December 2017: All concurred in **denial** of a request for *rezoning* a 2+ acre tract of land from AG to CG for a dog boarding and training business on property located south of the southeast corner of West 71st Street South and South Elwood Avenue.

Z-7432 June 2018: All concurred in **approval** of a request for *rezoning* a 20+ acre tract of land from AG to RS-3 on property located south of the southwest corner of South Elwood Avenue & 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-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.

BOA-20458 April 2007: The Board of Adjustment **approved** a *variance* of the maximum coverage of an unenclosed off street parking area in the required front yard in an RS-3 district to permit 30 ft. wide driveways for 3 car garages (Section 1303.D), and this approval applies to the entire Stonebrooke Glenn Addition, on property located at the northwest corner of West 81st Street South and South Elwood Avenue.

BOA-20016 April 2005: The Board of Adjustment **approved** a *variance* of the maximum coverage of an unenclosed off-street parking area in the required front yard in an RS-3 district to permit 30 ft. wide driveways for 3 car garages with a hardship, finding it applies to the whole subdivision; located throughout StoneBrook Park on property located north of the northwest corner of West 81st Street South 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, on property located east of US Highway 75 between West 71st Street South and West 81st Street South.

Z-6871 November 2002: All concurred in **approval** of a request for *rezoning* a 141± acre tract of land from AG to RS-3 on property located on the northwest corner of West 81st Street South and South Elwood Avenue; abuts the subject property to the south.

Applicant's Comments:

The applicant stated the RS-3 that is being requested is consistent with the abutting neighborhood. The homes in this neighborhood will be between \$450,000 to \$700,000. The applicant stated they had a meeting with the Stonebrooke HOA to discuss their concerns and those concerns will be addressed at the plat level. The applicant stated connectivity would be done by whatever staff recommends.

INTERESTED PARTIES:

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

Mr. Gordon stated he is the President of the Stonebrooke HOA. Mr. Gordon stated the HOA has met with the applicant and the HOA would like to go on record to say they have legitimate concerns about flooding. Mr. Gordon stated there is 40 acres of Greenbelt that runs between neighborhoods and when it rains heavily it exceeds the banks of this well-established creek and the result is real property damage in the form of erosion of soil and trees washed out. The applicant stated they will meet the City requirements and Mr. Gordon doesn't doubt that but the 260 plus homes that Mr. Gordon represents are now experiencing real property damage and any further development will only make that worse unless some serious mitigation steps are taken. Mr. Gordon stated the City began the installation of rip-rap 2 years ago which mitigated the damage at that time however there has been further development in this area both commercially and residentially that have contributed more water in the area. Mr. Gordon stated the HOA believes the only recourse is to prohibit further development or continue further installation of rip-rap by the City. Mr. Gordon stated the citizens of Stonebrooke believe they pay adequate taxes as do the commercial businesses in the area for the City to afford to address the collateral damage to this area by continuing to install rip-rap. Mr. Gordon stated he believes the City can help but they wait for direction from the Commission.

Mr. Fothergill stated he was familiar with that creek but the Planning Commission looks to the City Engineers to lead them in these issues. Mr. Fothergill stated the City doesn't wait for the Planning Commission to give them direction that would be the City Council.

Mr. Gordon stated he appreciates that comment from Mr. Fothergill. He stated Jeannie Cue is the City Council for District 2 and she has been very helpful and participated in the meetings with the HOA and applicant. Mr. Gordon stated he is a retired professional engineer and he knows about calculations and assumptions and the City has yet to tell him what the maximum flow of the creek was and what additional flows were being added to it, only that the it would be taken care of and that it would not exceed the requirements. Mr. Gordon stated they continue to receive water that exceeds the banks and continues to flow for longer periods of time. Mr. Gordon stated that is because of the sidewalks, rooftops and parking lots that come with development. He stated we have a challenge and it is up to entities to help solve it.

Mr. Dix asked Mr. Gordon if all the homes were at the same height level as the one in the picture, he submitted that shows the homes about 10 feet above the level of the water.

Mr. Gordon stated that on the north side of the creek homes are he guessed at 5 feet above the level of the water.

Mr. Dix stated what he is seeing from the pictures is that the engineers did a good job of what the top of the water might be.

Mr. Gordon stated it depends on what your goal is. He stated if your goal is to protect the homes, that is certainly important but property damage comes in other forms besides home damage. Mr. Gordon stated what they are experiencing is the loss of mature trees and erosions along the creek. Mr. Gordon stated since he has been HOA President he estimates the HOA has spent close to \$200,000 in 5 years planting trees and landscaping the area.

Mr. Dix asked Mr. Gordon if there was any room in the HOA fees to do a self-installation of rip-rap along the creek.

Mr. Dix asked if the fees were called a rainy-day fund.

Mr. Gordon stated the HOA would never call it a rainy-day fund. He stated it could be called a catastrophe fund, they could call it, tongue and cheek, a fund to take care of a problem that the City of Tulsa won't help them address, but there is not enough money in the fund to do this and continue to fund the projects that are funded every year. Mr. Gordon stated the Homeowners believe with 260 plus homes paying taxes to the City and the main contributor is the shopping centers and they are quite confident the sales tax and other taxes these businesses pay are adequate and should be used to address this problem that the City has allowed by its approval of these projects.

Ms. Millikin asked Mr. Gordon how often the creek floods its banks.

Mr. Gordon stated that is a legitimate question and being an engineer Mr. Gordon wishes he could statistically speak to that but he stated he has lived there 7 years and in the first 2 or 3 years it did not exceed the banks. He said after that it began to exceed 2-3 times a year and in the last year its been out of its banks 4-5 times at least.

Stewart Logan 538 West 77th Street, Tulsa, OK 74132

Mr. Logan stated that Mr. Gordon addressed his comments.

The applicant stated they would be open to installing rip-rap along the section of property that the applicant owns and as Mr. Gordon stated that is a solution to that erosion problem.

Mr. Gordon stated he appreciates that the applicant has agreed to install the rip-rap but all the developer has said they were going to do is take care of the rip rap on their own property but that does nothing for the homeowners in the area.

Mr. Dix stated to Mr. Gordon that the commission only has the ability to consider what is before them today and if this application meets their requirements. Mr. Dix stated they have control to tell the City they need to do anything to the other properties.

Mr. Gordon stated he is not a politician or lawyer but somewhere in his past he remembers something that is referred to as the Aquarian law that states anytime you alter property such as the natural flow of stormwater off of it on to someone else you incur liability and that is what Mr. Gordon thinks is happening here. Mr. Gordon stated the City Council listens to what Planning Commission has to say and Planning Commission has the power to approve or delay projects to the extent that issues get attention, direction and action.

Jane Duenner 2320 West 92nd Street, Tulsa, OK 74132

Ms. Duenner stated the applicant has at least 5 developments in or near District 2. There are 2 on the westside of Elwood between 71st and 81st Streets, one south of 81st Street and east of 33rd West Avenue and 2 west of 33rd East Ave in Creek County. Ms. Duenner stated she would like to request all Building Code requirements that the City has established be adhered to with any of his developments going forward with no variances allowed from those established codes.

TMAPC COMMENTS:

Mr. Covey asked staff if all the issues regarding connectivity would have to be resolved on the site plan.

Staff answered “yes” but there would still be engineering issues that will be worked out during the infrastructure development process.

Mr. Covey asked staff if everything to the north of the subject site was supposed to go residential.

Staff answered “yes”.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Fothergill, Fretz, Krug, Millikin, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Doctor, Reeds “absent”) to **APPROVE** Z-7465 rezoning from AG to RS-3 per staff recommendation.

Legal Description of Z-7465:

S176.5 N310 E1333 SE SEC 11 18 12 5.401ACS; S16.5 SE NE & N310 SE LESS S176.50 E1333 THEREOF & LESS BEG NWC SE TH E994.30 S310 W994.36 N310 TO POB SEC 11 18 12 6.813ACS, TULSA HILLS, City of Tulsa, Tulsa County, State of Oklahoma

OTHER BUSINESS

9. Commissioners' Comments

Mr. Covey said goodbye to Ms. Krug and stated he enjoyed working with her.

Ms. Krug stated she enjoyed her 2 years on the Planning Commission and thanked the Commissioners for all they have taught her.

ADJOURN

TMAPC Action; 9 members present:

On **MOTION** of **KRUG**, TMAPC voted **9-0-0** (Covey, Dix, Fothergill, Fretz, Krug, Millikin, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Doctor, Reeds "absent") to **ADJOURN** TMAPC meeting 2784

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 2:20 p.m.

Date Approved:

01-02-2019


Chairman

ATTEST:


Secretary