

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2787

Wednesday, February 6, 2019, 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	McArtor	Chapman	Jordan, COT
Doctor	Millikin	Foster	Silman, COT
Adams (for Fothergill)		Hoyt	VanValkenburgh, Legal
Fretz		Miller	
Reeds		Sawyer	
Ritchey		Wilkerson	
Shivel		Wing	
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, January 31, 2019 at 1:40 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:

None

Director's Report:

Ms. Miller reported on City Council and Board of County Commission actions taken and other special projects. Ms. Miller stated a work session will be needed each month for the next few months.

1. **Minutes:**

Approval of the minutes of January 16, 2019 Meeting No. 2786

On **MOTION** of **WALKER**, the TMAPC voted 8-0-0 (Adams, Covey, Doctor, Fretz, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; McArtor, Millikin “absent”) to **APPROVE** the minutes of the meeting of January 16, 2019, Meeting No. 2786.

There were no Consent items.

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.

None

Mr. Walker read the opening statement and rules of conduct for the TMAPC meeting.

PUBLIC HEARINGS:

Mr. Covey stated they would first address the continuances.

- 2. **Z-7466 Lou Reynolds** (CD 1) Location: South and West of the southwest corner of East 36th Street North and North Yale Avenue requesting rezoning from **IL and AG** to **IH** (Continued from January 2, 2019 and January 16, 2019) (Applicant requests a continuance to February 20, 2019)

TMAPC Action; 8 members present:

On **MOTION** of **WALKER**, the TMAPC voted 8-0-0 (Adams, Covey, Doctor, Fretz, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; McArtor, Millikin “absent”) to **CONTINUE** Z-7466 to February 20, 2019 per applicant’s request.

3. **CO-8 Mike Thedford** (CD 7) Location: Northeast corner of East 91st Street South and South Mingo Road requesting **Corridor Development Plan** (Related to Ernest Childers VA Clinic Preliminary Plat and Accelerated Release of Building Permit) (Staff requests a continuance to February 20, 2019)

TMAPC Action; 8 members present:

On **MOTION** of **WALKER**, the TMAPC voted 8-0-0 (Adams, Covey, Doctor, Fretz, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; McArtor, Millikin “absent”) to **CONTINUE** CO-8 to February 20, 2019 per staff’s request.

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4. **Ernest Childers VA Clinic** (CD 7) Preliminary Plat, Location: Northeast corner of East 91st Street South and South Mingo Road (Related to CO-8 and Accelerated Release of Building Permit) (Staff requests a continuance to February 20, 2019)

On **MOTION** of **WALKER**, the TMAPC voted 8-0-0 (Adams, Covey, Doctor, Fretz, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; McArtor, Millikin “absent”) to **CONTINUE** Ernest Childers VA Clinic Preliminary Plat to February 20, 2019 per staff’s request.

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5. **Ernest Childers VA Clinic** (CD 7) Authorization for Accelerated Release of Building Permit, Location: Northeast corner of East 91st Street South and South Mingo Road (Related to CO-8 and Preliminary Plat) (Staff requests a continuance to February 20, 2019)

TMAPC Action; 8 members present:

On **MOTION** of **WALKER**, the TMAPC voted 8-0-0 (Adams, Covey, Doctor, Fretz, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; McArtor, Millikin “absent”) to **CONTINUE** Ernest Childers VA Clinic Accelerated Release of Building Permit to February 20, 2019 per staff’s request.

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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 (Continued from December 19, 2018 and January 16, 2019)

INTERESTED PARTIES:

Jana Proffitt Davis PO Box 702773 Tulsa, OK 74170

Ms. Davis stated she supported a continuance on item 6 to February 20, 2019.

TMAPC Action; 8 members present:

On **MOTION** of **WALKER**, the TMAPC voted 8-0-0 (Adams, Covey, Doctor, Fretz, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; McArtor, Millikin “absent”) to **CONTINUE** MR-2 to February 20, 2019 per applicant’s request.

16. **MPD-1 Katy O’Meilia** (CD 6) Location: Southwest corner of East 31st Street South and South 177th East Avenue requesting a Master Plan Development for private street mixed use community

INTERESTED PARTIES:

Bill Call 17311 East 31at Street, Tulsa, OK 74134

Mr. Call stated he supports a continuance on item 16 to February 20, 2019.

TMAPC Action; 8 members present:

On **MOTION** of **WALKER**, the TMAPC voted 8-0-0 (Adams, Covey, Doctor, Fretz, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; McArtor, Millikin “absent”) to **CONTINUE** MPD-1 to February 20, 2019 per staff’s request.

7. **MR-3, 3818 S. St. Louis Ave** (CD 9) Modification to Subdivision and Development Regulations to remove sidewalk requirement along South St. Louis Avenue,

Location: South of the southwest corner of East 38th Street South and South St. Louis Avenue

STAFF RECOMMENDATION:

The applicant has requested that the Planning Commission remove the requirement that the property owner construct a sidewalk as part of the construction of a new home. The newly adopted Subdivision and Development Regulations require sidewalks to be constructed on any new development requiring both new construction building permits and a certificate of occupancy.

The property under application is located within a neighborhood where there are currently no sidewalks. The newly constructed home would be the only property in the immediate area with a sidewalk and the sidewalk would not provide the connectivity that is the intended goal of the Subdivision and Development Regulations.

It is anticipated that the City of Tulsa will begin collecting fees-in-lieu for sidewalks in the near future to address situations where the immediate installation of sidewalks is not practical. Currently, the program for collection and allocation of those fees has not been implemented and a modification approval by TMAPC is the only relief from the sidewalk requirement.

Staff recommends **approval** of the modification of the Subdivision and Development Regulations to remove the requirement for sidewalk construction on this property.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **WALKER**, the TMAPC voted 8-0-0 (Adams, Covey, Doctor, Fretz, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; McArtor, Millikin "absent") to **APPROVE** MR-3 Modification of the Subdivision and Development Regulations to remove sidewalk requirement per staff recommendation.

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8. **MR-4, 3123 E. 26th Pl. S.** (CD 4) Modification to Subdivision and Development Regulations to remove sidewalk requirement along East 26th Place, Location: East of the northeast corner of East 26th Place South and South Florence Avenue

STAFF RECOMMENDATION:

The applicant has requested that the Planning Commission remove the requirement that the property owner construct a sidewalk as part of the construction of a new home. The newly adopted Subdivision and Development Regulations require sidewalks to be constructed on any new development requiring both new construction building permits and a certificate of occupancy.

The property under application is located within a neighborhood where there are currently no sidewalks. In addition, there are existing mature trees that would be required to be removed in order to construct a sidewalk. The newly constructed home would be the only property in the immediate area with a sidewalk and the sidewalk would not provide the connectivity that is the intended goal of the Subdivision and Development Regulations.

It is anticipated that the City of Tulsa will begin collecting fees-in-lieu for sidewalks in the near future to address situations where the immediate installation of sidewalks is not practical. Currently, the program for collection and allocation of those fees has not been implemented and a modification approval by TMAPC is the only relief from the sidewalk requirement.

Staff recommends **approval** of the modification of the Subdivision and Development Regulations to remove the requirement for sidewalk construction on this property.

The applicant indicated his agreement with staff’s recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **WALKER**, the TMAPC voted 8-0-0 (Adams, Covey, Doctor, Fretz, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; McArtor, Millikin “absent”) to **APPROVE** MR-4 Modification of the Subdivision and Development Regulations to remove sidewalk requirement per staff recommendation.

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- 9. **Z-7468 John Miggins** (CD 4) Location: East of the Southeast corner of East Admiral Place and North Pittsburg Avenue requesting rezoning from **CH to IL**

STAFF RECOMMENDATION:

SECTION I: Z-7468

DEVELOPMENT CONCEPT:

Applicant has also noted his plan to combine all 5 lots into a single parcel. The parcels can be combined with or without the rezoning approval.

DETAILED STAFF RECOMMENDATION:

IL zoning as requested in Z-7468 is not consistent with the Main Street Land Use designation in the comprehensive plan and,

Uses that may be allowed in an IL district are not consistent with the Sequoyah implementation plan and,

IL zoning allows uses that may be considered injurious to the proximate properties and,

IL zoning allows uses that are not consistent with the expected development of the surrounding properties therefore,

Staff recommends denial of Z-7468 to rezone property from CH to IL.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Main street land use vision does not include light industrial uses.

Land Use Vision:

Land Use Plan map designation: Main Street

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

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 except the secondary arterial designation

Trail System Master Plan Considerations: None

Small Area Plan: Sequoyah Area Neighborhood Implementation Plan (Effective May 2007)

This location is considered a major activity center:

Major Activity Centers include Admiral Place corridor, Salvation Army Boys and Girls Club, and neighborhood churches. Such centers are generally thought of as urban areas that include concentrations of business, commercial and other uses which draw a large number of people from the region on a daily basis.

Most of the recommendations outlined in the implementation plan are public improvement strategies to help encourage redevelopment

This implementation plan was completed prior to the current City of Tulsa Comprehensive Plan and does not align itself with the current land use designations for the area.

Special District Considerations: None except recommended public improvements outlined in the Sequoyah Neighborhood Implementation Plan.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The existing site is a mix of several small buildings historically used as an auto repair shop with gravel parking areas..

Snippet from northeast looking south west toward site.



Environmental Considerations: None that would affect site redevelopment

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East Admiral Place	Secondary Arterial	100 feet	4 with center turn lane

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-3 w/ RT 66 overlay	Parks and open space	Stability	Cemetery across E. Admiral
East	CH w/ RT66 overlay	Main street	Growth	Commercial use
South (across expressway)	RS-3	Existing Neighborhood	Stability)	Detached house
West	CH w/ RT 66 overlay	Main Street	Growth	Commercial

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11815 dated June 26, 1970, established zoning for the subject property.

Subject Property: No relevant history

Surrounding Property:

BOA-21285 June 2011: The Board of Adjustment **approved** a *variance* of the paving requirement for a permitted automobile storage yard in a CH District (Section 1303.D), on property located south and east of the southeast corner of East Admiral Place and South Pittsburg Avenue.

Applicant's Comments:

Applicant stated it is a surprise to him that staff is recommending denial because this is the first time he has heard this. The applicant stated he is here today to become compliant with ordinances. This is a medical marijuana growing facility. In the past this property has been used for a plumbing supply shop, an appliance repair shop and a wrecker yard. The applicant stated there has been no significant development on Admiral. The applicant stated the building is at the back of the lot and he feels that is a good location away from neighbors and across the street from a cemetery and a freeway. The building on the property is completely sealed and not open to the public. The applicant stated the tenants have invested a significant amount of money into this property to make it more modern and cleaner. The applicant stated in the first month of medical marijuana state wide sales were 1 million dollars and that is \$70,000 in tax bounty to the state and that is before the growing facilities are open. The applicant stated his tenants have the capital, the experience and he would argue that the subject property is a good site for this business.

Mr. Covey stated the proposed zoning is to go from CH to IL and when looking at the map there is nothing in the vicinity that is IL zoning, they are all in the CH category. Mr. Covey asked applicant if he was the one that decided to go with the IL zoning and is IL zoning what is needed to do what the applicant is wanting to do with the property.

The applicant stated he needs IL or AG but CH in the applicant's opinion is broader in usage and he was surprised the City required him to get IL or AG. The applicant stated he believes this is bigger than the Comprehensive Plan because it was not known that this was going to be a huge industry.

Mr. Covey asked the applicant if he was just wanting to grow the product on the subject property.

The applicant answered "yes".

Mr. Reeds asked if the applicant saw any plans to make the operation bigger.

The applicant stated it is currently 2500 square feet and it is allowed to be 20,000 square feet but he doesn't think it will be bigger than 5000 square feet.

INTERESTED PARTIES:

Nick Nahas 4124 East Admiral Place, Tulsa, OK 74115

Mr. Nahas stated he came to Tulsa 4 years ago when his mother in law was diagnosed with cancer, she was treated with CDB oil and she won her fight. Mr. Nahas stated he has been a grower in California for 30 years and he has looked around Tulsa for property for this facility and found the property on Admiral and really liked it because it was away from the public and there were no neighbors. Mr. Nahas stated INCOG allowed the people who had their dispensary license

before the 1000-foot zoning regulation were approved to be grandfathered in and if they are going to grandfather the dispensary in they should grandfather the grower also.

Mr. Reeds asked when Mr. Nahas signed a lease.

Mr. Nahas stated the lease was signed in the Fall of 2018.

Mr. Reeds stated when you signed the lease were you aware that the zoning needed to be changed.

Mr. Nahas stated "no".

Mr. Doctor asked Mr. Nahas when he got his permit from the state for the grow house.

Mr. Nahas stated in August 2018.

TMAPC COMMENTS:

Mr. Walker asked staff if the zoning classifications for growing was IL, IM and AG.

Staff answered "yes".

Ms. Miller stated before the medical marijuana changes came into the code, horticulture is still only allowed in AG, IL, IM and IH so this didn't change anything for those applicants.

Mr. Covey asked Ms. Miller if it was just a regular nursery such as Stringer Nursery do they have to fall into one of those zoning classifications.

Ms. Miller stated "yes".

Mr. Covey stated they could not go into CH.

Ms. Miller stated "no".

Mr. Doctor stated the grandfather clause provision that was built in for dispensaries within that 1000 foot spacing would not apply because the horticulture use would require an IL zoning to begin with.

Ms. Miller stated, that is correct.

Mr. Covey asked if there were other options on this property.

Ms. Miller answered there isn't an optional development plan and there are obviously some IL uses that staff doesn't think is appropriate on this property.

Mr. Covey asked staff if the applicant could do an optional development plan with an IL designation.

Staff stated anytime a zoning request is received and staff knows what the use is going to be if there is a possibility of getting there, staff will talk about development plans with the applicant but in this case the IL use wasn't consistent with the planned development along Admiral Place no matter what was done in IL zoning. Staff stated they could do a development plan but that was not something they felt good about.

Mr. Ritchey stated when he thinks of a horticultural nursery he thinks of Stringer Nursery that is a large operation. This application is a small business that almost defies classification as IL. Mr. Ritchey stated nothing the applicant is doing is industrial to him it's a question of scale.

Staff stated issues of scale is why a development plan makes sense sometimes.

Mr. Walker asked if this was the first application to rezone the land for this use.

Staff answered "yes".

The applicant asked when the Comprehensive Plan was done in the subject property area.

Staff answered 9 years ago.

The applicant stated no one is doing development in this area, this type of use is the development. The applicant stated the tenant can go to another city that isn't a problem, but they have already spent a large amount of money before this meeting. The applicant stated he doesn't think horticulture fits this development and there should be another classification.

Mr. Walker stated would the applicant consider going back to staff to see if this could be resolved instead of possible denial today.

The applicant stated "yes".

Staff stated if this is going to be any type of light industrial maybe it would be better to look at changing this area to that classification instead of a development plan.

Mr. Walker asked staff if an optional development plan was likely.

Staff answered no matter what the applicant proposed as far as architectural standards safeguards are in place for medical marijuana use in IL and beyond that staff doesn't know if a development plan adds anything.

Mr. Covey stated staff is saying the only way to look at this is maybe considering this entire area switching to Main Street Designation.

Staff stated in the long-term vision of the Comprehensive Plan that is what is identified for this area so when looking at it from the prospective of development we must look way into the future.

Mr. Walker asked if staff saw any value in continuing the application.

Staff answered, "not really", a decision from Planning Commission is the way to move forward.

Mr. Reeds stated when the application was brought to staff they were aware the state law had passed...

Staff stated he didn't meet with the applicant directly when the application was made but was aware the proposal was for medical marijuana and that they had gone through the process with the state.

The applicant stated this application is an improvement to the neighborhood and he would like the opportunity to meet with a larger group who had not already made up their mind because this is going to be in front of the Planning Commission a lot.

Mr. Ritchey stated once the Planning Commission decides this parcel should be IL will it stay IL forever. Mr. Ritchey stated to applicant, you say you were blindsided by the recommendation of denial that's not true. When the applicant decided to have a horticultural use the Planning Commission doesn't care about marijuana, that is legal, but the horticultural use is where you run a foul by not being able to do that is CH. Mr. Ritchey stated he wants to find a way for the applicant to do business in Tulsa but how do we do that with a property that is CH when they need IL to be in compliance.

Mr. Doctor stated the issue for him is whether we want to zone the property for IL for now or forever more or if we prefer to see this more commercial zoned. Mr. Doctor stated doing spot zoning and having this property IL in this commercial corridor is not something he would want to do and doesn't think it makes sense from the Comprehensive Plan for this area. Mr. Doctor stated he thinks the question is this one use something that is beneficial to that site. Mr. Doctor stated by going back and looking at an optional development plan to be very specific in this use on this site with IL zoning and not open it up too much broader uses.

Mr. Reeds asked City Legal if Planning Commission could split the lot and make the back half IL and the front half CH.

Ms. VanValkenburgh stated “yes”.

Mr. Walker asked if that would be spot zoning.

Staff answered “yes”, there is not any other Industrial zoned properties around the area. Staff stated if this is approved he was sure it would be a successful business but these zoning decisions last forever until someone tries to change it. This tends to change the character of what might happen along this street. Staff stated they are not likely to recommend IL with any plan.

Mr. Reeds asked if this was put in back part of the property does this affect how near other related industries could locate.

Staff answered “no”, there are limitations if Residential happens to be in the area.

Mr. Covey stated Planning Commission will continue to have these issues with any property requesting that use that does not fall into IL, IH, AG, IM.

Staff stated any request for that use in a Commercial District is the same conversation.

Mr. Covey stated this will be on a case by case basis, but it comes down to we did it over here so why not here also.

Staff stated you can make the argument that there is a cemetery on one side of the subject property but there is just not a way to get there and stay true to the Comprehensive Plan.

Mr. Reeds stated the split zoned lot which is spot zoning is that a possibility.

Staff stated it didn't add any value to the question. If you want to keep part of its CH and part of its IL it only makes it a smaller speck of IL in the middle of CH.

Mr. Fretz asked if this would be something that could go the Board of Adjustment for a one time use or is the zoning needed.

Staff stated for this use you must have the zoning.

Mr. Ritchey stated maybe it's the Lawyer in him, but he thinks Planning Commission has more than enough facts to tell the next applicant here is why we made this decision and we should be more transparent. Mr. Ritchey stated it happens all the time in southwest Tulsa to allow someone to take agricultural

land to build McMansions. He stated he votes no on these if he thinks it is appropriate to protect the people of Tulsa that he supposes to represent. Mr. Ritchey stated he thinks he has enough information to tell other applicants yes this is weird but break up the lot and have the IL run with the building. Mr. Ritchey stated the lot is too small for anyone to come in and set it up for an Industrial business. Mr. Ritchey stated for him it will be a yes as it is right now, he thinks there should be something between now and when it becomes like Brookside. Mr. Ritchey stated its not going to get there overnight.

Mr. Reeds stated he would rather see a continuation and an optional development plan to create a split lot. Mr. Reeds stated the back option needs to be defined in the plan.

On **MOTION** of **WALKER**, the TMAPC voted 8-0-0 (Adams, Covey, Doctor, Fretz, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; McArtor, Millikin “absent”) to **CONTINUE** Z-7468 to March 6, 2019.

10. **Z-7469 Tulsa City Council/ Navid Amir** (CD 9) Location: East of the Southeast corner of East 60th Street South and South Peoria Avenue requesting rezoning from **RS-3 to MX1-U-U**

STAFF RECOMMENDATION:

SECTION I: Z-7469

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-7469 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-7469 to rezone property from RS-3/ 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 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: No designation

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 west of this site across Peoria.

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: Empty Lot is available for density recommended in the Bus Rapid Transit Study area.

Environmental Considerations: None that would affect site development

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
E. 60 th Street South	None	50 feet	2 with bar ditch / no curb

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
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North	CS w /PUD-472	Mixed-use Corridor	Growth	Mini storage
East	RM-2	Existing Neighborhood	Growth	Detached House
South	RM-2	Existing Neighborhood	Growth	Multi Family
West	OM	Mixed-use Corridor	Growth	Day Care

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11823 dated June 26, 1970, established zoning for the subject property.

Subject Property: No relevant history

Surrounding Property:

Z-7464 December 2018: All concurred in **approval** of a request for *rezoning* a .52+ acre tract of land from OM to MX1-U-U on property located north of the northeast corner of East 60th Street South Peoria Avenue. This request for rezoning was responsive to a City Council initiative to encourage mixed use development along the proposed bus rapid transit system route.

BOA-21181 July 2011: The Board of Adjustment **approved** a *special exception* to permit a multi-family residence in an OL zoning district (Section 601), on property located at 1313 East 60th Street.

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.

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.

PUD-472/Z6326 July 1991: All concurred in **approval** of a proposed *Planned Unit Development* and an **approval** of a request for *rezoning* on a 1.08± acre tract of land from OL to CS for a mini-storage on property located east of the southeast corner of East 58th Street South and South Peoria Avenue.

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.

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.

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.

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.

INTERESTED PARTIES:

LaDanta Kowis 5923 South Quincy Avenue, Tulsa, OK 74105

Ms. Kowis stated she lives a few lots from the subject property. Ms. Kowis stated she is not very familiar with the Mixed-Use zoning classification and she has a lot of questions about building there. Ms. Kowis stated the street is very narrow and not in good shape. There are no sidewalks and there are children that walk that street to go to school. Ms. Kowis stated she is very concerned about what the developer may want to build on the subject lot. Ms. Kowis stated there is low income section 8 across the street but she lives in a nice quiet townhouse addition and are concerned about the property values and safety of the neighborhood.

Mr. Covey asked Ms. Kowis if she had seen the pictures provided by the applicant.

Ms. Kowis stated “no” and Mr. Covey gave her the pictures.

Dean Beeler 5903 South Quincy Avenue, Tulsa, OK 74105

Mr. Beeler stated he is here for the same reason as the last speaker, to find out what is being build. Mr. Beeler stated he wants to see this area improved. Mr.

Beeler stated this is the first time he has seen the pictures of what is proposed, and he thinks those are very nice.

Norma Fisher 5907 South Quincy Avenue, Tulsa, OK 74105

Ms. Fisher stated she lives in the 61st and Peoria area and there is a lot of crime. Ms. Fisher stated this area doesn't need anymore multi housing or low-income housing that is what is causing the problems in the area currently. Ms. Fisher stated she has a teenage daughter and she doesn't want the drugs and crime at her back door she has had enough of it.

Rodney Buck 12232 South 16th Street, Tulsa, OK 74037

Mr. Buck stated he owns the house at 1333 East 60th Street and he spoke with staff on the phone and echoes the comments of the other speakers. Mr. Buck stated he very concerned about the character of the neighborhood and to have a safe place to raise a family. Mr. Buck stated he thinks the mixed zoning is correct for the area but its not so much the zoning as it is the use. Mr. Buck stated the drawings look great and he hopes that is how the development rolls out.

Ms. Kowis stated she noticed on the picture the sidewalk that ran in front of the subject property and wondered if the applicant would have any interest in putting sidewalks in along adjoining properties to improve the quality of the street.

Staff stated the rezoning will require sidewalks. Staff stated the same requirement is true on the property west of the subject lot.

Mr. Covey stated the conceptual plans look great and he hopes that is what the final product looks like.

Applicant's Comments:

Mr. Amir stated he and his sisters own the property and he would like to assure all the residents that his goal is to improve the neighborhood. Mr. Amir stated with Bus Rapid Transit program and The Gathering Place he decided to develop this property. He hopes in 10 years the south side of the highway looks like the north side of the highway. Mr. Amir stated he plans on purchasing one property at a time and clean them up.

TMAPC Action; 8 members present:

On **MOTION** of **WALKER**, TMAPC voted **8-0-0** (Adams, Covey, Doctor, Fretz, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; McArtor, Millikin "absent") to recommend **APPROVAL** of Z-7469 rezoning from RS-3 to MX1-U-U per staff recommendation.

Legal Description of Z-7469:

LT 11 LESS E2 FEET THEREOF, SOUTHLAWN ADDN, City of Tulsa, Tulsa County, State of Oklahoma

Items 11 and 12 were presented together.

11. **CPA-79 Tanner Consulting, LLC** (CD 8) Location: North of the Northwest corner of East 131st Street South and South Sheridan Road (Related to Z-7470)

STAFF RECOMMENDATION:

**COMPREHENSIVE PLAN LAND USE MAP AMENDMENT
REQUEST**

North of the northwest corner of East 131st Street South & South Sheridan Road

I. PROPERTY INFORMATION AND LAND USE REQUEST

Existing Land Use: <i>New Neighborhood</i> Existing Stability and Growth designation: <i>Area of Growth</i>
Proposed Land Use: <i>Neighborhood Center</i> Proposed Stability and Growth designation: <i>Area of Growth</i>
Location: North of the northwest corner of East 131st Street South & South Sheridan Road
Size: ±.1.1 acre

A. Background

The land use assigned for this area at the time of adoption of the 2010 Tulsa Comprehensive plan was *New Neighborhood*, with a Stability and Growth Map designation of *Area of Growth*. The site that is subject to this Comprehensive Plan amendment application is in South Tulsa. The subject property is surrounded by Residential Single-family zoning and with a mix of existing residential subdivisions and subdivisions currently under development. The property has frontage on South Sheridan Road which serves as the corporate limits boundary between the City of Tulsa and the City of Bixby.

The applicant has submitted a corresponding rezoning application (Z-7470) for the subject site. The applicant has requested to rezone from RS-3 to CS with an optional development plan. The parcel is included in the

Addison Creek Subdivision that was filed 12/31/2018. The subject property is identified as a reserve area in the plat and designated by the owner for the “Addison Market, an innovative, neighborhood-oriented general store with spaces for small shops like and ice cream store, fresh produce sales, offices and neighborhood-oriented services.”

B. Existing Land Use and Growth Designations (Tulsa Comprehensive Plan)

When the Tulsa Comprehensive Plan was developed and adopted in 2010 the subject tract was designated as an *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.”

A *New Neighborhood* land use designation was assigned for the area subject at the time of the adoption of the Tulsa Comprehensive Plan in 2010:

“The **New Neighborhood** category 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.”

C. Proposed Land Use Designations (Tulsa Comprehensive Plan)

The applicant is proposing a *Neighborhood Center* land use designation and to maintain the *Area of Growth* designation on the subject site.

“**Neighborhood Centers** 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 number of destinations.”

D. Zoning and Surrounding Uses:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Area of Growth	Existing Use
North	RS-3/PUD-828	<i>New Neighborhood</i>	<i>Area of Growth</i>	New Residential Subdivision (The Enclave at the River)
South	RS-3	<i>New Neighborhood</i>	<i>Area of Growth</i>	New Residential subdivision (Addison Creek)
East (City of Bixby)	RS-4	N/A	N/A	Existing Residential Subdivision (Seven Lakes City of Bixby)
West	RS-3	<i>New Neighborhood</i>	<i>Area of Growth</i>	New Residential Subdivision (Addison Creek)

E. Applicant's Justification:

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

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

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

1. *Since PlaniTulsa plan was adopted in 2010, over 250 acres of development has either been constructed or is in the development stages located in both Tulsa and Bixby South of 121st Street South along the South Sheridan Corridor. The need for restricted services associated with single-family use has increased.*
2. *In order to capitalize on walking trails and the requirement for internal connection of neighborhoods, reasons to walk must be established which both meet the need for local conveniences and recreation. Walking for the sake of walking is not enough incentive to get residents out of the houses. By establishing points of interest and destinations along pedestrian trails, residents will be encouraged to lessen demand on driving.*
3. *The change in the Comprehensive Plan will allow rezoning (and Optional Development Plan) for the creation of a local destination and point of interest. Residents will have the opportunity to participate in increased recreational opportunities and take advantage of highly restricted conveniences services.*

F. Staff Summary:

The applicant is proposing a Neighborhood Center Land Use designation and to maintain the Area of Growth designation on the site. The proposed land use designation will be the first introduction of the Neighborhood Center Designation into the Area and because of that staff has recommended the introduction of a development plan with the associated

rezoning. The applicant is proposing Commercial-Shopping (CS) Zoning with an optional development plan that will restrict high intensity uses and allow for uses to primarily serve surrounding neighborhoods. In conjunction with the rezoning staff feels like the proposed Land Use designation will serve as accessory to the existing residential subdivision and encourage a more walkable and dynamic neighborhood that is consistent with the primary goals of the Tulsa Comprehensive Plan.

One of the findings in the comprehensive plan is continued support for both the development of single family neighborhoods and support for neighborhood grocery stores, parks, schools, and other amenities within a short drive, walk, or bike ride from home. The comprehensive plan describes neighborhoods that blend these amenities as complete neighborhoods. The current conditions of the surrounding area are previously undeveloped property that are quickly transitioning into single family residential subdivisions.

II. STAFF RECOMMENDATION

Staff recommends approval of the *Neighborhood Center* land use designations as submitted by the applicant.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **WALKER**, TMAPC voted **8-0-0** (Adams, Covey, Doctor, Fretz, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; McArtor, Millikin “absent”) to **ADOPT** CPA-79 as an amendment to the Tulsa Comprehensive Plan per staff recommendation.

12. **Z-7470 Tanner Consulting, LLC** (CD 8) Location: North of the Northwest corner of East 131st Street South and South Sheridan Road requesting rezoning from **RS-3 to CS** with **optional development plan** (Related to CPA-79)

STAFF RECOMMENDATION:

SECTION I: Z-7470

APPLICANTS DEVELOPMENT CONCEPT: The Addison Creek Market is intended to provide a neighborhood commercial and recreational amenity for residents for both Tulsa and Bixby. The market will act as a neighborhood meeting / gathering place and provide very limited neighborhood commercial services. The intent of The Market is not to provide a full commercial center but rather to create a community hub to recreate as a walk/bike assessible area where neighborhood residents can not only enjoy recreational activities but take advantage of very limited commercial services. The location of the Market is designed to provide both convenient pedestrian type access and buffer surrounding residential.

DETAILED STAFF RECOMMENDATION:

Z-7470 requesting CS zoning is not consistent with the new neighborhood land use designation. The concurrent request for a land use change to a Neighborhood Center would remove that conflict. CS zoning with an optional development plan (after approval of the land use plan) could help integrate a small neighborhood store or offices into this neighborhood and,

CS zoning with the optional development plan that limits uses and provides some design standards that are considered non-injurious to the surrounding property owners and,

CS zoning with the optional development plan is not consistent with the normal expected development pattern in the area however,

The large reserve area created for the surrounding subdivision provides a unique opportunity to integrate a neighborhood scale small development that could help add a unique character that is not found elsewhere in the Tulsa market therefore,

Staff recommends Approval of Z-7470 to rezone property from RS-3 to CS but only with the optional development plan standards outlined in Section II and only if the comprehensive plan amendment is also approved.

SECTION II: OPTIONAL DEVELOPMENT PLAN STANDARDS:

Z-7470 with the optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in a CS zoning district and its supplemental regulations except as further refined below. All uses categories subcategories or specific uses outside the permitted uses defined below are prohibited.

Permitted Use Categories

- A) Public, Civic and Institutional Use Category

- a. Parks and Recreation but limited to a privately owned and maintained park
- B) Commercial Use Category:
 - a. Convenience Goods specific use but further limited so that no restaurant use containing a commercial kitchen shall be permitted. No fueling sales are station is allowed.
 - b. Business or professional office.
 - c. Assembly and Entertainment but limited to a food truck court. Food trucks shall not be powered by gas generators. Electrical connections will be provided for each food truck space.
- C) Agricultural
 - a. Farm, Market or Community Supported garden.

Building Regulations

Maximum Floor area: 6,000 square feet
 Maximum Building Height: 35 feet (measured from the finished floor elevation and includes any architectural element)

Hours of operation:

The building shall not be open before 6:30 am or later than 9:00pm except that extended hours may be allowed not more than 4 times per month and shall not extend past 11:00 pm.

Parking Regulations

Vehicular parking shall not be placed within 25 feet of any residential lot. Parking shall conform to the parking standards outline in the Tulsa zoning code.

Signs:

Signage shall be limited to one ground monument style sign
 Maximum display surface area shall not exceed 32 square feet.
 Dynamic display is prohibited.
 Ground signage may not be greater than 8 feet tall.

Lighting:

Lighting shall be designed and installed that is compatible with both the proposed use and surrounding uses. A photometric plan shall be submitted and approved to the TMAPC staff prior to detailed site plan approval. In no case shall the light spillover exceed that as permitted in the Tulsa Zoning Code. No light fixture will be greater than 16 feet tall as measured from the light emitting element and the ground directly below the light.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The proposed use is consistent with the proposed land use map change with the concurrent comprehensive plan amendment

Land Use Vision:

Current Land Use Plan map designation: New Neighborhood

The New Neighborhood category 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.”

Proposed Land Use Plan map designation: Neighborhood Center (refer to CPA-79)

“Neighborhood Centers 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 number of destinations.”

Areas of Stability and Growth designation: Area of Growth

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

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

Transportation Vision:

Major Street and Highway Plan: None

Trail System Master Plan Considerations: Connection to the trail system along the Arkansas River should be part of the pedestrian connectivity considerations.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS: None

Staff Summary: The site is part of a reserve area for The Enclave at Addison Creek and is abutting South Sheridan avenue and a stormwater detention facility that will also be used as a recreational area for the subdivision. The surrounding property is all being developed and this would be integrated into the home owners association for management.

Environmental Considerations: None that affect site development

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Sheridan Ave.	Secondary Arterial	100 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Area of Growth	Existing Use
North	RS-3/PUD-828	New Neighborhood	Area of Growth	New Residential Subdivision (The Enclave at the River)
South	RS-3	New Neighborhood	Area of Growth	New Residential subdivision (Addison Creek)
East (City of Bixby)	RS-4	N/A	N/A	Existing Residential Subdivision (Seven Lakes City of Bixby)

West	RS-3	New Neighborhood	Area of Growth	New Residential Subdivision (Addison Creek)
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SECTION IV: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 23086 dated April 16, 2014, established zoning for the subject property.

Subject Property:

Z-7257 April 2014: All concurred in **approval** of a request for *rezoning* an 80± acre tract of land from AG to RS-3 for residential single-family development, on property located north of the northwest corner of E. 131st St. and S. Sheridan Rd. (Ordinance number 23086 dated April 16, 2014 amended Ordinance 11838 dated June 26, 1970)

BOA-12274 November 1982: The Board **approved** a *special exception* to allow a mobile home in an AG zoned district and a *variance* to allow two dwelling units on one lot of record located on an 80± acre tract of land, on property located north of the northwest corner of East 131st Street South and South Sheridan

Surrounding Property:

Z-7337 May 2016: All concurred in **approval** of a request for *rezoning* a 33± acre tract of land from AG to RS-3 for single-family residential development, on property located south of the southwest corner of East 121st Street South and South Sheridan Road.

PUD-828/Z-7295 March 2015: All concurred in **approval** of a proposed *Planned Unit Development* on a 30± acre tract of land for single-family residential subdivision and **approval** of a request for *rezoning* from AG to RS-3 on property located south of the southwest corner of East 121st Street South and South Sheridan Road.

PUD-812 July 2014: All concurred in **approval** of a proposed *Planned Unit Development* on a 10± acre tract of land for residential single-family development, on property located north of northwest corner of E. 131st St. and S. Sheridan Rd.

PUD-803/Z-7243 January 2014: All concurred in **approval** of a proposed *Planned Unit Development* on a 122± acre tract of land for single-family residential development and approval of a request for *rezoning* from AG to RS-3, on property located west of the southwest corner of East 121st Street South and South Sheridan Road.

TMAPC COMMENTS:

Mr. Reeds stated he thinks this is great and would like to see more of it.

Applicant's Comments:

The applicant stated this is new urbanism and he is excited about this development. The applicant stated the intent is for people to be able to walk to get a cup of coffee, drop off their cleaning and in the evening have movies on the lawn. The applicant thanked staff for working with them and helping to work out the issues.

TMAPC Action; 8 members present:

On **MOTION** of **WALKER**, TMAPC voted **8-0-0** (Adams, Covey, Doctor, Fretz, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; McArtor, Millikin "absent") to recommend **APPROVAL** of Z-7470 rezoning from RS-3 to CS with optional development plan per staff recommendation.

Legal Description of Z-7470:

A TRACT OF LAND THAT IS A PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER (N/2 SE/4) OF SECTION THREE (3), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID N/2 SE/4; THENCE SOUTH 88°50'52" WEST AND ALONG THE NORTH LINE OF SAID N/2 SE/4 FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 1°01'12" EAST AND PARALLEL WITH THE EAST LINE OF SAID N/2 SE/4 FOR A DISTANCE OF 215.52 FEET; THENCE SOUTH 88°58'48" WEST FOR A DISTANCE OF 225.00 FEET; THENCE NORTH 1°01'12" WEST FOR A DISTANCE OF 215.00 FEET TO A POINT ON THE SOUTH LINE OF BLOCK 3, "ENCLAVE AT ADDISON CREEK", A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 6802); THENCE NORTH 88°50'52" EAST AND ALONG SAID SOUTH LINE FOR A DISTANCE OF 225.00 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 48,433 SQUARE FEET OR 1.112 ACRES

Items 13 and 14 were presented together.

- 13. **CZ-482 Tim Terral** (County) Location: South of the southwest corner of East 161st Street South and South Lewis Avenue requesting rezoning from **AG to RE/PUD-852** (Related to PUD-852 and Vintage Estates Preliminary Plat)

STAFF RECOMMENDATION:
SECTION I: CZ-482

DEVELOPMENT CONCEPT: Rezone from AG to RE/PUD-852 to permit a single-family subdivision, Vintage Estates. The development is intended to follow the recommendations of the RE district, with the exceptions noted in the proposed Development Standards of proposed PUD-852.

DETAILED STAFF RECOMMENDATION:

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

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

RE zoning is consistent with the Tulsa County Zoning Code, therefore;

Staff recommends Approval of case CZ-482 to rezone property from AG to RE.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: This area is outside of the City of Tulsa Comprehensive Plan area. The City of Glenpool Comprehensive Plan Map designates this site as Rural/Unincorporated.

Land Use Vision:

Land Use Plan map designation: N/A

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: South Lewis Ave is designated as a Secondary 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 forested land and contains a single-family dwelling and associated accessory buildings

Environmental Considerations: The site is characterized by significantly sloping terrain.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
S Lewis Ave	Secondary Arterial	100 Feet	2

Utilities:

The subject tract has municipal water available. Each lot will be served by an aerobic system for sanitary sewer.

Surrounding Properties:

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

SECTION III: Relevant Zoning History

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

Subject Property: No relevant history

Surrounding Property:

PUD-848/CZ-474 September 2018: All concurred in **approval** of a proposed *Planned Unit Development* on a 272+ acre tract of land for a residential subdivision and **approval** of a request for *rezoning* from AG to RE on property located south and east of the southeast corner of East 161st Street South and South Lewis Avenue.

The applicant indicated his agreement with staff’s recommendation.

INTERESTED PARTIES:

James Lehosky 2146 East 161st Street South, Bixby, OK 740085
Mr. Lehosky stated he would like to know how this application affects the future of this area. Will it affect the people who wish to remain AG zoned?

Staff stated only the subject property would be affected everything else would remain as it is within the County.

Mr. Covey stated this fall outside of City of Tulsa Comprehensive Plan and there is not a County Comprehensive Plan but what about the City of Glenpool.

Staff stated the City of Glenpool was contacted and is fine with the development. Mr. Covey stated to Mr. Lehosky that none of the Comprehensive Plans from the City, County or Glenpool address any changes to this area.

Mr. Reeds stated this is spot zoning. He doesn’t have a problem with the development, but he wishes the area would grow responsibly as a City. Mr. Reeds stated we should grow from where it’s already developed and fill in around it because this will strain the City. Glenpool and the Counties resources.

TMAPC Action; 8 members present:

On **MOTION** of **WALKER**, TMAPC voted **8-0-0** (Adams, Covey, Doctor, Fretz, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; McArtor, Millikin “absent”) to recommend **APPROVAL** of CZ-482 rezoning from AG to RE/PUD-852 per staff recommendation.

Legal Description of CZ-482:

SE NE NE SEC 30 17 13, Tulsa County, State of Oklahoma

* * * * *

- 14. **PUD-852 Tim Terral** (County) Location: South of the southwest corner of East 161st Street South and South Lewis Avenue requesting **PUD-852** (Related to CZ-482 and Vintage Estates Preliminary Plat)

STAFF RECOMMENDATION:

SECTION I: PUD-852

DEVELOPMENT CONCEPT: Rezone from AG to RE/PUD-852 to permit a single-family subdivision, Vintage Estates. The development is intended to follow the recommendations of the RE district, with the exceptions noted in the proposed Development Standards of the PUD.

DETAILED STAFF RECOMMENDATION:

PUD-852 is non injurious to the existing proximate properties and;

PUD-852 is consistent with the anticipated future development pattern of the surrounding property;

PUD-852 is consistent with the PUD chapter of the Tulsa County Zoning Code, therefore;

Staff recommends Approval of case PUD-852 to rezone property from AG to RE/PUD-852.

DEVELOPMENT STANDARDS:

Maximum Dwelling Units:	10
Permitted Uses:	Uses permitted by right in the RE Zoning District.
Minimum Lot Size: Acres	22,500 sq. ft./0.50
Minimum Average Lot Width:	120 feet
Minimum Building Setbacks:	
- Front	35 feet
- Rear Yard	25 feet
- Side Yard	5 feet/10 feet
- Side Yard Abutting a Private Street	30 feet
Maximum Building Height:	45 feet*
Accessory Buildings	35 feet

Other Bulk and Area Requirements as established in the RE Zoning District.

* Architectural decorative features such as chimneys and cupolas, may extend to a maximum height of 45 feet. However, no habitable portion of any dwelling may exceed the 35 foot height limitation.

OPEN SPACE: Open space will be provided in accordance with the Tulsa County Zoning Code.

HOMEOWNERS' ASSOCIATION: The VINTAGE ESTATES Homeowners' Association, to be established, will have as its main objective, the maintenance of the private street system, landscaped entryways, and reserve/open space areas. Membership in the VINTAGE ESTATES Homeowners' Association will be mandatory for all lot owners. Final documents for the Vintage Estates Homeowners' Association will be included in the Deed of Dedication and Restrictive Covenants and will be on file in the Tulsa County Clerk's office, along with the Final Plat, and will include the maintenance agreement and other specific rights and requirements for association members.

SITE PLAN REVIEW: For the purposes of site plan review, the final subdivision plat of Vintage Estates shall serve as the required detailed site plan.

PLATTING REQUIREMENT: No building permit will be issued until the PUD site has been included within a subdivision plat submitted to and approved by the Tulsa Metropolitan Area Planning Commission and the Tulsa County Commission, and duly filed of record. The required subdivision plat will include covenants of record implementing the development standards of the approved PUD and the Tulsa County shall be a beneficiary thereof.

EXPECTED SCHEDULE OF DEVELOPMENT: Development of the project is expected to commence after final approval of the PUD and platting of the property.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: This area is outside of the City of Tulsa Comprehensive Plan area. The City of Glenpool Comprehensive Plan Map designates this site as Rural/Unincorporated.

Land Use Vision:

Land Use Plan map designation: N/A

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: South Lewis Ave is designated as a Secondary 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 forested land and contains a single-family dwelling and associated accessory buildings

Environmental Considerations: The site is characterized by significantly sloping terrain.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
S Lewis Ave	Secondary Arterial	100 Feet	2

Utilities:

The subject tract has municipal water available. Each lot will be served by an aerobic system for sanitary sewer.

Surrounding Properties:

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

SECTION III: Relevant Zoning History

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

Subject Property: No relevant history

Surrounding Property:

PUD-848/CZ-474 September 2018: All concurred in **approval** of a proposed *Planned Unit Development* on a 272± acre tract of land for a residential subdivision and **approval** of a request for *rezoning* from AG to RE on property located south and east of the southeast corner of East 161st Street South and South Lewis Avenue.

The applicant indicated his agreement with staff’s recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **WALKER**, TMAPC voted **8-0-0** (Adams, Covey, Doctor, Fretz, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; McArtor, Millikin “absent”) to recommend **APPROVAL** of the PUD-852 per staff recommendation.

Legal Description of PUD-852:

SE NE NE SEC 30 17 13, Tulsa County, State of Oklahoma

15. **Vintage Estates** (County) Preliminary Plat, Location: South of the southwest corner of East 161st Street South and South Lewis Avenue (Related to CZ-482 and PUD-852)

STAFF RECOMMENDATION:

Vintage Estates - (County)

South of the southwest corner of East 161st Street South and South Lewis Avenue

This plat consists of 7 lots, 1 block on 10.014 ± acres.

The Technical Advisory Committee (TAC) met on January 17, 2019 and provided the following conditions:

- Zoning:** The property is currently zoned AG with a proposal for rezoning to RE (Residential-Estate) with a Planned Unit Development (PUD-852) to permit the use of a private street in the subdivision. All lots conform to the zoning requirements of RE and the proposed PUD. The new zoning will be

required to be in effect prior to approval of the final plat.

2. **Addressing:** Final plat addresses will be assigned by INCOG and will be required to be shown on the face of the final plat along with the required address caveat.
3. **Transportation & Traffic:** Dedication of ROW for South Lewis Avenue per the Major Street and Highway Plan is required. Private street construction is required to be approved by the Tulsa County Engineer and comply with all County Engineering standards. Label street with designated street name on final plat.
4. **Sewer:** Lots to be served by on-site sewage disposal (septic) and will require approval by Oklahoma Department of Environmental Quality.
5. **Water:** Water to be served by Creek County Rural Water District #2. Water line plans must be approved by RWD2 and a release letter will be required prior to approval of the final plat.
6. **Engineering Graphics:** Add required signature block to the face of the plat. Ensure legal description accuracy with face of the plat.
7. **Fire:** No comments from local fire service.
8. **Stormwater, Drainage, & Floodplain:** No comments. Drainage is required to comply with all County drainage standards and improvements must be approved prior to final plat approval.
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 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; 8 members present:

On **MOTION** of **WALKER**, TMAPC voted **8-0-0** (Adams, Covey, Doctor, Fretz, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; McArtor, Millikin "absent") to **APPROVE** Vintage Estates Preliminary Plat per staff recommendation.

* * * * *

Other Business

17. Commissioners' Comments

ADJOURN

TMAPC Action; 8 members present:

On **MOTION** of **WALKER**, TMAPC voted **8-0-0** (Adams, Covey, Doctor, Fretz, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; McArtor, Millikin "absent") to **ADJOURN** TMAPC meeting 2787.

ADJOURN

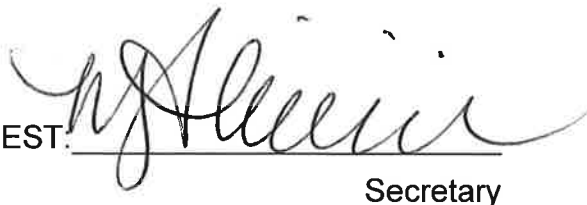
There being no further business, the Chair declared the meeting adjourned at 2:59 p.m.

Date Approved:

02-20-2019


Chairman

ATTEST:


Secretary