

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2794

Wednesday, May 15, 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
Doctor	Covey	Foster	Jordan, COT
Fothergill		Hoyt	Silman, COT
Kimbrel		Miller	VanValkenburgh, Legal
McArtor		Sawyer	
Ray		Wilkerson	
Reeds		Wing	
Ritchey			
Shivel			
Van Cleave			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, May 9, 2019 at 4:12 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 Walker called the meeting to order at 1:30 p.m.

REPORTS:

Chairman's Report:

Mr. Walker stated that a work session will be held on June 5 at 11am in the third-floor presentation room at City Hall.

Director's Report:

Ms. Miller reported on City Council and Board of County Commission actions and other special projects. Ms. Miller stated a quarterly report for the Tulsa Planning

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Office was included in Planning Commission packet This is the work plan that she put together as a part of the MOU that was signed between INCOG and the City to establish the Tulsa Planning Office. Ms. Miller stated if there are any questions about the work plan let her know. Ms. Miller stated some of the items will be discussed in some level of depth at the June 5 work session. Ms. Miller stated there was a meeting with City Council and the licensing department about Short-Term Rentals and they decided to put a pause on that until the licensing process gets established. So, it might be June before it goes to Council.

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1. **Minutes:**

Approval of the minutes of April 17, 2019 Meeting No. 2792

On **MOTION** of **REEDS**, the TMAPC voted 9-0-0 (Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Covey, Doctor, "absent") to **APPROVE** the minutes of the meeting of April 17, 2019, Meeting No. 2792.

2. **Minutes:**

Approval of the minutes of May 1, 2019 Meeting No. 2793

On **MOTION** of **REEDS**, the TMAPC voted 9-0-0 (Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Covey, Doctor, "absent") to **APPROVE** the minutes of the meeting of May 1, 2019 Meeting No. 2793.

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

CONSENT AGENDA

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

3. **Z-6051-SP-2c Danny Mitchell** (CD 7) Location: Southeast corner of East 81st Street South and South Mingo Road requesting a **CO Minor Amendment** to reduce the required building setbacks

STAFF RECOMMENDATION:

SECTION I: Z-6051-SP-2c Minor Amendment

STAFF RECOMMENDATION

Amendment Request: Modify the Corridor Plan development standards to reduce the required building setbacks from the North Boundary of Development Area B and from the centerline of 82nd PI S.

Currently, the required setback along the north boundary is 10 ft and from the centerline of 82nd PI S is 103 ft. The building has been constructed a few inches beyond those limits and this proposed amendment seeks to bring the building into conformance with the standards of the Corridor. This request would reduce the setback from the North Boundary of Development Area B from 10 ft to 9 ft and the setback from the centerline of 82nd PI S from 103 ft to 102 ft.

Staff Comment: *This request can be considered a Minor Amendment as outlined by Section 25.040D.3.b(5) of the Corridor District Provisions of the City of Tulsa Zoning Code.*

“Minor amendments to an approved corridor development plan may be authorized by the Planning Commission, which may direct the processing of an amended development plan and subdivision plat, incorporating such changes, so long as substantial compliance is maintained with the approved development plan.”

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the Corridor Development Plan.
- 2) All remaining development standards defined in Z-6051-SP-2 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to reduce the required building setbacks from the North Boundary of Development Area B and from the centerline of 82nd PI S

Legal Description Z-6051-SP-2:

Lot 4, Block 1 South Mingo Plaza, Development Area B

Item 4 was removed from the Consent Agenda and placed on the Public Hearing.

5. **PUD-816-1 K.B. Enterprise Homes** (CD 6) Location: Southeast corner of East 45th Place South and South 180th East Avenue requesting a **PUD Minor Amendment** to reduce the required front setback and increase allowable driveway coverage

STAFF RECOMMENDATION:

SECTION I: PUD-816-1 Minor Amendment

STAFF RECOMMENDATION

Amendment Request: Revise the development standards to reduce the front yard setback from 20 ft to 15 ft. and increase the allowable driveway coverage from 45% to 60%.

The subject lot is located on a cul-de-sac and is narrow at the front, compared to the rest of the property. The applicant is proposing to encroach into the currently required front yard setback, so this amendment proposes to decrease this requirement from 20ft to 15 ft. In addition, the driveway proposed exceeds the currently allowable 45% coverage of the front yard. The proposed amendment would increase this coverage to 60% to permit the drive as illustrated on the applicant site plan, included with this report.

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-816 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to reduce the front yard setback from 20 ft to 15 ft. and increase the allowable driveway coverage from 45% to 60%.

Legal Description PUD-816-1:

Lot 7 Block 5 Huntington Park

TMAPC Action; 9 members present:

On **MOTION** of **McARTOR**, TMAPC voted **9-0-0** (Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none

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“abstaining”; Covey, Doctor, “absent”) to **APPROVE** consent agenda items 3 and 5 per staff recommendation.

PUBLIC HEARINGS:

Item 4 was moved to Public Hearing from the Consent Agenda.

4. **PUD-330-A-2 Stuart Van De Wiele** (CD 4) Location: Northwest corner of South Riverside Drive and South Denver Avenue requesting a **PUD Minor Amendment** to allow ingress and egress on West 17th Street during periods of construction and rehabilitation on South Denver Avenue

STAFF RECOMMENDATION:

SECTION I: PUD-330-A-2 Minor Amendment

STAFF RECOMMENDATION

Amendment Request: Revise the development standards to allow vehicular ingress and egress on W 17th St S during times of construction and rehabilitation on S Denver Ave.

The development standards currently limit the access point on W 17th St S to ingress only. With egress provided along S Denver Ave. During times of construction and rehabilitation of S Denver Ave, this would prevent egress from the building. The applicant is proposing to allow the access on W 17th St S to be both ingress and egress during those times, so that access to and from the parking structure may be provided.

Staff Comment: *This request can be considered a Minor Amendment as outlined by Section 30.010.1.2.c(6) of the City of Tulsa Zoning Code.*

“Changes in points of access, provided the traffic design and capacity 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-330-A and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to allow vehicular ingress and egress on W 17th St S during times of construction and rehabilitation on S Denver Ave.

TMAPC Comments:

Mr. Reeds asked staff if this Minor Amendment would expire when the construction is finished.

Staff stated “yes” it would only be allowed when egress and ingress is not available.

Mr. Reeds asked if residents moving into the apartments would be allowed to egress and ingress from West 17th Street.

Staff stated that it would be strictly limited. The West 17th Street is strictly Ingress, except for times of construction.

Mr. Fothergill asked if staff had any idea how long this will be?

Staff answered that he did not.

Mr. Fothergill asked staff if it would apply for future street rehabilitation also.

Staff answered, “yes”, for exactly that reason, if Denver is ever closed down residents can still get in and out of the structure.

Interested Parties:

Eric Robb 1626 South Denver Avenue, Tulsa, OK 74119

Mr. Robb stated he has lived in the area for 25 years so, he obviously has a very vested interest in what's going on here. Mr. Robb stated when this plan first came up over four years ago, he was shocked that they did not have a Riverside access point. Mr. Robb stated he came before TMAPC with a bunch of neighbors that were concerned and TMAPC voted in favor of the residents and put the limitation on 17th Street. Mr. Robb stated the problem with 17th Street is it is extremely narrow and the residents in that neighborhood have nowhere else to park except on the street. There are cars parked on both sides of the road therefore only one car at a time can get through. At certain times of the day you may have to pull into a driveway to allow cars to get by. Mr. Robb stated a year later, he was back again because the applicant forgot that they had a trashcan and electrical transformer they needed to install. Mr. Robb stated there was supposed to be a neighborhood sidewalk down to river parks and it was deleted off the list. Mr. Robb stated he doesn't think they ever intended to include the sidewalk anyway. Mr. Robb stated he thought the applicant only put that on there as a caveat to the neighbors to keep them quiet and go along with it. Mr. Robb stated Denver Avenue is impossible to access during peak traffic times but that is

the way it was approved. Mr. Robb stated Denver is now going under construction and the applicant knew that and yet they have no plan other than to run all that traffic down Elwood Avenue. Mr. Robb stated he thinks it's totally unfair, he thinks residents should wait to move into the apartments until Denver construction is finished. Mr. Robb stated road construction can take over a year and that makes a year people are going to be flying up and down Denver Avenue and that's just unacceptable. He said he thinks there is about eight or 10 houses on Denver that have no other way to get on to public property without using Denver. What is the applicant going to do for them? They have to be able to get in and out of their house. Mr. Robb stated he believes the applicant has been very disingenuous with this entire project. Mr. Robb stated the applicant claimed the hill on Denver was too steep and had engineer look at the road and the engineer stated it was too steep. Mr. Robb stated the previous PUD-330 had an absolute circle around the apartments from Denver, Riverside and 17th Street why could they do it then but they can't now its because they weren't granted zero setback. Mr. Robb stated they had to have 25-30 feet all the way around the property. He stated the applicant didn't have to do it because they were allowed 0 setback. Mr. Robb stated he thinks once this thing is approved, that access is going to be open from now on. He asked how long this was going to take?

Applicant Comments:

The applicant stated he and his client are offended at being called disingenuous. The applicant stated Mr. Robb made the comment of "why don't you do for the folks on Denver in the neighborhood what we're asking that you do for us? They already have the right to come in and out of their property all day long every day. The applicant stated that is not what they are asking for. The applicant stated when they started this process, they met with folks from the City to talk about the Denver rehab project and at that point, the reconstruction project was going to be done well in advance of this project ever being finished. The applicant stated he met with the City to coordinate the building of sidewalks and curbs so that the City or its contractor wouldn't tear up the sidewalks and curbs that they were building for this project. The rehab project was delayed and the applicant met with them again about a month ago and they have no idea when they're going to start this project. The applicant stated what we do know is that when they are going to start at the highway and come to the south toward Riverside. The applicant stated he asked the City when this section of Denver will be closed and how long will you expect that section of Denver to be closed? The City stated about three months, so the applicant anticipates this to be maybe a 90-day issue. The applicant stated all they are asking for is on page 4.6, in your packet, it's the language that is italicized and underlined. The applicant stated it's in the third paragraph, that during the periods where the City or its contractors are reconstructing rehabbing, rebuilding the portions of Denver immediately adjacent to this project, so not during the full stretch of this project, but just those portions of Denver, immediately adjacent to the project, that the 17th Street side can be ingress, egress only. The applicant stated otherwise, you've got a parking garage that they can get into but not out of, and certainly from an emergency standpoint,

that's important as well. The applicant stated they were doing this so that they could be 180 degrees different from that which they are being accused of today. The applicant stated he thinks that they have done this the right way.

The applicant stated he thinks the City would grant them this right. But what he didn't want is to have folks coming out of that garage and then City Councilors getting calls from the neighborhood saying, "Hey, you guys agreed to this as a concession so why are these folks coming out of the garage". The applicant stated there are going to be times where Denver's closed and it's going to be a gravel road for some period of time. The applicant stated just like everybody else, they have to be able to get in and out of their residence.

Mr. Reeds stated he remembers talking about pedestrian access on 17th Street down the hill, was that apart of the approval?

The applicant stated he didn't recall. The applicant stated there will be sidewalks if that's what Mr. Reed's is asking.

Mr. Reeds stated he remembers keeping that in, because there was talk about trying to get a vehicle going in the lower level which would have required a deeper basement.

The applicant stated the paragraph right after what he was just reading from says it will be facilitated with construction and sidewalk system on site and in the street right away along Denver and Riverside.

Mr. Reeds stated he was talking about the end of Elwood down to Riverside. He stated he thought that had been discussed but he doesn't know where it ended up.

The applicant stated he didn't remember what was decided from that discussion either.

TMAPC Action; 9 members present:

On **MOTION** of **McARTOR**, TMAPC voted **9-0-0** (Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Covey, Doctor, "absent") to **APPROVE** the **PUD Minor Amendment** PUD-330-A per staff recommendation.

Legal Description PUD-330-A-2:

LOT ONE (1) BLOCK ONE (1) COSMOPOLITAN APARTMENTS

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6. **CPA-82** Consider adoption of the revised **West Highlands/Tulsa Hills Small Area Plan Executive Summary** as an amendment to the Tulsa Comprehensive Plan, to supersede the previously adopted West Highlands/Tulsa Hills Small Area Plan.

STAFF RECOMMENDATION:

Item

Consider adoption of the revised **West Highlands/Tulsa Hills Small Area Plan Executive Summary** as an amendment to the Tulsa Comprehensive Plan, to supersede the previously adopted West Highlands/Tulsa Hills Small Area Plan.

The plan area includes an area in the southwest corner of Tulsa (approximately S. 33rd Ave. W. to Elwood Ave and W. 61st St. S. to W. 91st St. S.).

Background

The proposed West Highlands/Tulsa Hills Small Area Plan Executive Summary includes an implementation matrix, and land use and areas of growth/stability maps.

The West Highlands/Tulsa Hills Small Area Plan was adopted in 2014 after a two-year community engagement process. The plan aimed for development predictability and attempts to balance future demand for land development with respect for existing aesthetics, open space preservation, transportation improvements and other key concerns of local stakeholders (residents, business owners, and others). The goal is that West Highlands/Tulsa Hills remains as attractive an area in which to live, locate and invest 20 years from now as it is today.

Recommendations 16.2 and 16.3 state 'Revisit this plan every five (5) years to review progress in implementing these recommendations to achieve the plan's vision' and 'Revise the plan if necessary if benchmarks and indicators show insufficient progress towards vision.'

The land use maps have not changed during this revision process. One recommendation was revised to more strongly support the idea of 'rural residential' zoning (recommendation 3.7). This process is necessary in order to align the adoption process with that of other adopted small area plans.

Conformance with the Tulsa Comprehensive Plan

The West Highlands/Tulsa Hills Small Area Plan Executive Summary is in conformance with the following Priorities, Goals, and Policies in the Tulsa Comprehensive Plan:

Land Use Priority 2: Put procedures, processes, and tools in place to effectively and equitably implement planitulsa

Goal 5: Tulsa's regulatory programs support desired growth, economic development, housing, a variety of transportation modes and quality of life priorities. Policies to support this goal include:

5.4 Modify the existing small area planning process to support the vision and policies by:

- Ensuring small area plans are in conformance with the vision;
- Standardizing the process and implementation tools for small area plans;
- Having small area plans establish priority implementation areas and development types;
- Having small area plans proactively guide rezoning in priority areas to prepare land for desired development;
- Following a consistent approach and process to develop small area plans, as outlined in the strategic implementation section of this plan;
- Consistently involving stakeholders throughout the process;
- Using small area plans to set priority implementation areas;
- Using small area plans to make zoning and development-related decisions.

Housing Priority 1: Promote balanced housing across Tulsa

Goal 1: A robust mix of housing types and sizes are developed and provided in all parts of the City.

Staff Recommendation

Staff recommends that TMAPC adopt the revised West Highlands/Tulsa Hills Small Area Plan Executive Summary as an amendment to the Tulsa Comprehensive Plan, to supersede the previously adopted West Highlands/Tulsa Hills Small Area Plan.

Attachment(s)

West Highlands/Tulsa Hills Small Area Plan: Executive Summary

There were no interested parties wishing to speak.

TMAPC Comments:

Ms. Kimbrel stated she was new to the Planning Commission and asked staff to talk about a little bit more about the community engagement that happened outside of the meeting that was mentioned.

Staff stated the original plan was created between 2012 and 2014 before she was a part of the Tulsa Planning Office but she believes there was quite a bit of community engagement. A Community Advisory Team (CAT) was established to

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figure out what the community wanted before going forward. Staff stated she believes there was some confusion at the end about what was to be used for development reviews. Staff stated in that five-year timeframe as development for this area happened and applicants came before Planning Commission the plan was being interpreted in several different ways. Because of that staff wanted to clean up the plan and make sure it was clear what staff would use to review applications. Staff stated that led to a community meeting to make sure the residents understood what staff was doing and that we weren't trying to change the land use or anything else but wanted to make sure it was clear how the plan directed staff to review development applications.

TMAPC Action; 9 members present:

On **MOTION** of **REEDS**, TMAPC voted **9-0-0** (Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Covey, Doctor, "absent") to **ADOPT** CPA-82 the **West Highlands/Tulsa Hills Small Area Plan Executive Summary** as an amendment to the Tulsa Comprehensive Plan, to supersede the previously adopted West Highlands/Tulsa Hills Small Area Plan per staff recommendation.

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Mr. Doctor arrived at 1:55pm

Items 7 and 8 were presented together

7. **Z-7475 Sheena Grewal** (CD 7) Location: North and East of the northeast corner of South 75th East Avenue and East 63rd Street South requesting rezoning from **RS-3 to OL** (Related to PUD-187-A) (Continued from March 20, 2019 and April 17, 2019)

STAFF RECOMMENDATION:
SECTION I: Z-7475

APPLICANTS DEVELOPMENT CONCEPT:

The subject property is part of a planned unit development located near 61st and Sheridan. Lot 1, Block 5 of the Shadow Mountain subdivision has been reserved solely for tennis courts as the larger lot north of this site had previously been occupied by the Shadow Mountain Racquet Club. Lot 1, Block 5 had also been historically used for excess parking for events at Shadow Mountain Racquet Club. In 2016, the north sections of the Shadow Mountain Racquet Club were rezoned CG with an optional development plan and developed into a QuikTrip and self-storage facility.

The property is currently zoned RS-3 and is subject to Planned Unit Development No. 187. This section of the PUD has undergone quite a bit of change with the commercial uses on the northern parts of the previous lot. We would like to apply for a rezoning to Office Light with a major

amendment to the PUD. The Office Light designation will appeal to professional, predominantly day time users that seek a smaller and more personal alternative to the larger office buildings in the area. A park-like space to the west of the lot will incorporate landscape elements that create an aesthetically pleasing continuity with the landscaped border to the west of the masonry wall on the self-storage lot. This will effectively provide a buffer in the intensity of use between the self-storage and residential on either side of Lot 1, Block 5 to replace the current vacant lot. The development standards of OL shall supersede and replace prior development standards. The development standards have been formulated in respect for the neighboring residences.

DETAILED STAFF RECOMMENDATION:

Staff does not recommend approval of OL zoning at this site without design standards and land use modifications as outlined in accompanying PUD 187-A.

OL zoning with the standards outlined in PUD 187-A are consistent with the land use vision of the Tulsa Comprehensive Plan and,

OL zoning with the standards outlined in PUD 187-A is in harmony with the existing and expected development of the surrounding areas and,

Staff recommends approval of OL zoning but only in conjunction with PUD 187-A.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The office uses proposed at this location are consistent with those uses that can be normally found in a Town Center. The Planned Unit Development provides appropriate site design standards that help integrate this project into the edges of a residential neighborhood.

Land Use Vision:

Land Use Plan map designation: Town Center

Town Centers are medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods and can include plazas and squares for

markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

Areas of Stability and Growth designation: Area of Growth

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

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

Transportation Vision:

Major Street and Highway Plan: None that affect this site.

Trail System Master Plan Considerations: None that affect this site.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is currently vacant however PUD 187 reserved this site for an expansion of a Tennis and Racketball club for decades. The existing building and courts that were referenced in the original PUD 187 have been removed for a Convenience Store and Mini Storage.*

Environmental Considerations: None that affect site redevelopment

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South 75 th East Avenue	Residential Collector	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	CG with optional development plan	Town Center	Growth	Self-Storage
East	PUD 202	Town Center	Growth	Office
South	PUD 187 / RS-3	Existing Neighborhood	Stability	Detached house
West	PUD 187 / RS-3	Existing Neighborhood	Stability	Detached house

SECTION IV: Relevant Zoning History

History: Z-7475

ZONING ORDINANCE: Ordinance number 13693 dated August 27, 1976 established zoning for the subject property.

Subject Property:

PUD-187 August 1976: All concurred in approval of a proposed Planned Unit Development on a 166± acre tract of land for a multi Development Area project that consists of residential use, with a mix of single-family, duplex and multifamily on property located between Sheridan Rd. and Memorial Dr. and between 61st St. and 71st St. and abutting the subject property to the west. (Ordinance 13693 August 27, 1976)

Z-4109 February 1972: All concurred in **approval** of a request for rezoning a tract of land from AG to CS, OM and RS-3, on property located at the Southwest corner of East 61st Street South and South Memorial Drive, including the subject property.(Ordinance 12459 May 2, 1972).

Surrounding Property:

Z-7407 September 2017: All concurred in **approval** of a request for *rezoning* a 7.77± acre tract of land from RS-3 to CG with optional development plan per staff recommendation on property located South of the Southeast corner of south 75th Avenue & East 61st Street.

Z-7335 June 2016: All concurred in **approval** of a request for rezoning a 2± acre tract of land from RS-3 to CS with an optional development plan, for a convenience store and fueling station, QuikTrip, on property located southwest corner of E. 61st St. S. and S. 76th E. Ave.

BOA-17834 September 1997: The Board of Adjustment **approves** a *special exception* to permit a sign in an R district, on property located at south of East 61st Street, between South 75th East Avenue and South 76th East Avenue, and is also a part of the subject property.

BOA-17768 July 1997: The Board of Adjustment **approved** a *Special Exception* to amend a previously approved site plan to permit a removable bubble type cover over three tennis courts and the addition of a driveway access to 76th E. Avenue, on property located South of the Southeast corner of South 76th East Avenue & East 61st Street South.

BOA-17626 January 1997: The Board of Adjustment voted to **uphold** the *Appeal* and **deny** the decision of the Administrative Official in issuing an occupancy permit to the Drug Enforcement Administration, on property located West and North of the Northwest corner of South memorial Drive & South 76th East Avenue.

PUD-202 December 1977: All concurred in **approval** of a proposed Planned Unit Development on a 46± acre tract of land for commercial use, office use and church use, on property located west of the southwest corner of East 61st Street and South Memorial Drive and abutting the subject property to the east.

BOA-8566 May 1975: The Board of Adjustment **approved** a *Special Exception* to permit a tennis club as presented and subject to the development standards submitted by the applicant, 16 parking spaces being provided for the clubhouse in addition to 4 being provided for each tennis court, for the courts that are to be lighted the light standards can be no higher than 30' and the light directed away from neighboring residential areas, and subject to the site plan and the architectural rendering presented, in an RS-3 district, on property located at south of East 61st Street, between South 75th East Avenue and South 76th East Avenue, and is also a part of the subject property.

TMAPC Comments:

Mr. Shivel stated he remembers when Planning Commission first reviewed this a number of years ago and the issue with the residents to the south of it was adequate landscaping and fencing to separate the at least at that point, the storage facility. Mr. Shivel asked staff if this plan will accompany that kind of protection for the residents in addition to the window placement?

Staff stated that along the south property line, the design standards that staff have put in place, the actual screening fence itself that's a part of that conversation, all the landscaping, the window placements and all those things are equal to or greater than what has been done along 75th Street. Staff stated it is not exactly the same design solution but the end result will be as good or better.

Ms. Kimbrel stated under the original PUD standards that created this designation of the tennis court are there any other provisions by which a tennis court use can be expanded or that definition could be brought?

Staff stated when the PUD was written, it only allowed that tennis court expansion and it did not get specific about how big of a tennis court or if it can be a multi-level tennis court.

Ms. Kimbrel asked staff if the use could only be for a tennis court.

Staff stated it was more restrictive than that, it was only for the expansion of this facility that was in place. Staff stated a stand-alone tennis court would not be allowed now.

Mr. Reeds stated it's going to meet or exceed the screening that we approved for the storage facility and that is great but has staff heard from any neighbors since the mini storage was built.

Staff stated it was still under construction.

Mr. Reeds stated in terms of the windows not peering down on residents from the second floor, how can that be enforced? Mr. Reeds stated are we going to say they have to be turned 90 degrees and face east or west. How will that be enforced.

Staff stated the way that provisions are written now the bottom of the sill plate has to be at least six feet high. Staff stated as far as the enforcement of that goes when that building plan comes through Tulsa Planning Office it is double checked before going to the building permit office.

Interested Parties:

Karen Czepiel 7314 East 62nd Place, Tulsa, OK 74133

Ms. Czepiel stated the neighborhood didn't want the QuikTrip or the mini storage but it was approved. Ms. Czepiel stated at that time the neighborhood stated they didn't want any commercial entrance on South 75th East Avenue and Planning Commission told the neighborhood that it was a smart move on their part. Ms. Czepiel stated and now this small parcel of land is going to have commercial access onto her street which is a residential street. Ms. Czepiel stated she is totally against this because there are children and people biking. Ms. Czepiel stated this will add more traffic and we already have people speeding down the street and this would cause more problems for families.

Tom Duncan 7313 East 63rd Place, Tulsa, OK 74133

Mr. Duncan stated he has lived in his house for 38 years now and lives just around the corner from the subject property. Mr. Duncan stated he also represents the Shadow Mountain Homeowners Association, he is Vice President of that organization, which has been in existence since all the subdivisions were built. Mr. Duncan stated the notice that was mailed notifying the residents of this public hearing was mailed to a total of 41 residents. Mr. Duncan stated 6 of which are business entities which own houses in the neighborhood which are leased out. Mr. Duncan stated there was even a notice sent to the City of Tulsa. Mr. Duncan stated but the notice did not go out to the over 400 other single-family homes that represented Shadow Mountain subdivisions, which are Shadow Mountain I and Shadow Mountain II. Mr. Duncan stated he is the only person on the 12-member board that received a notice because he lives on 63rd Street but it certainly impacts the whole neighborhood. Mr. Duncan stated he would like to mention just a few key items that they are concerned about as a neighborhood. Mr. Duncan stated the board of directors took a vote and approved Mr. Duncan coming to Planning Commission and objecting to this change in zoning for these various reasons. Mr. Duncan stated the access along the south 75th East Avenue is of concern because the CS property is a QuikTrip and it's a very busy store so this causes a lot more traffic down 75th East Avenue than it did before. Mr. Duncan stated the neighborhood was glad to see the old tennis court being torn down because it needed to be. Mr. Duncan stated they worked very closely with the developer who was very accommodating in terms of trying to ease this impact on the residents and we were all pleased and had the full support of our board and Homeowners Association to proceed with this development. Mr. Duncan stated but in the case of both QuikTrip and the storage facility, they were specifically not allowed to have access on South 75th East Avenue and now there is a proposal to change this and give commercial access on South 75th East Avenue. Mr. Duncan stated the residents are concerned about the traffic increasing. Mr. Duncan stated he is not sure if the proposed development is 2 two-story buildings as the developer presented to residents before or small office use or a small call center. Mr. Duncan stated the residents just don't know what the impact would be from traffic. Mr. Duncan stated they are concerned about the 2-story height of the project because there will be a loss of privacy as a result of a two-story building adjacent to those five homes that are immediately adjacent

to the property that is under consideration. Mr. Duncan stated there is one house with a swimming pool right in the middle of that completely loses their backyard privacy as a result of this development. Mr. Duncan stated in addition to the height limitation of 35 feet, he also knows that heating and cooling systems will be placed on the roof and that adds to the overall height issue. Mr. Duncan stated the other thing that residents are concerned about is what the impact of this proposed development will have to the neighborhood long term in terms of the value of homes. Mr. Duncan stated there are 13 commercial developments and office buildings that make up the 61st and Memorial suburban corridor. Of those 13 buildings there is a vacancy of almost 28%. Mr. Duncan stated as a homeowner, the last thing you want is a building that's not fully involved in the community or fully occupied. Mr. Duncan stated so they would ask that this rezoning not be approved.

Mr. Reeds asked if the tennis courts were lit.

Mr. Duncan stated "yes".

Mr. Reeds asked how late the tennis court lights stayed on?

Mr. Duncan stated they were on until 10 pm or after.

Mr. Reeds stated the lights from this development will more than likely not be as bright as what those were because these are enclosed.

Mr. Duncan stated that is what residents' have heard also but they haven't seen a specific design.

Mr. Fothergill thanked the residents for coming to the meeting. Mr. Fothergill asked if he heard Mr. Duncan say he met with the developer as a neighborhood association?

Mr. Duncan stated, "yes" they met before they voted.

Mr. Fothergill asked how that went.

Mr. Duncan stated as well as a developer could have expected. He stated not good but not totally bad. Mr. Duncan stated they heard some good things and heard some things they didn't like.

Mr. Fothergill asked as a neighborhood association, how would you guys like to see this lot developed?

Mr. Duncan stated he knows that residential development is not probably economically feasible at this location, you can't get the density that a developer

would like to have. Mr. Duncan stated they would like it to keep the existing zoning.

Mr. Fothergill stated staff has said that the only thing that could be built was tennis courts, and tennis courts could only be an expansion and therefore, tennis courts aren't even allowed at this point. Mr. Fothergill stated the PUD overrides the zoning so the PUD says the only thing this property can be used for is expansion of the tennis courts and since the expansion can't continue because there are no longer tennis courts there is nothing you can do with this piece of property unless it is rezoned.

Mr. Duncan stated you can build single family homes.

Mr. Walker stated not with current zoning.

Mr. Duncan stated the Homeowners Association thought that the RS zoning within the PUD provided for residential development.

Mr. Fothergill stated "no". Mr. Fothergill stated on the 2nd floor would the residents consider opaque glass to help with privacy.

Mr. Duncan stated they would consider any compromise.

Mr. Fothergill asked if that was discussed at the Neighborhood Association meetings.

Mr. Duncan stated "no".

Ms. Kimbrel stated considering the limitations of what can be done on that space is your concern what the developer plans to do with space or is it more about access on 75th and the annoyance of increased traffic.

Mr. Duncan stated he thinks an office building is fine at this location. But he is concerned that it is two story and the additional density that brings and the additional traffic on South 75th East Avenue.

Linda Harry 7517 East 63rd Place, Tulsa, OK 74133

Ms. Harry stated her home is the third home of the five that abuts the subject property. Ms. Harry stated she doesn't understand how the Planning Commission believes that allowing the RS-3 zoning to be changed to OL and allow two story buildings will enhance or preserve the quality of life of the current residence which is part of the mission statement. Ms. Harry stated particularly those on her street. Ms. Harry stated the five houses on 63rd Place are all smaller lots with small backyards. Ms. Harry stated two story buildings will completely destroy the view for the middle three homes one of which is hers, since the buildings will be built only 20 feet from the fence line. Ms. Harry stated 20 feet is not very far. Ms.

Harry stated she sent a letter and pictures that are in the packet to show Planning Commission what it will look like from inside her house looking out the windows. Ms. Harry stated all she is going to see is a wall. The view is totally going to be taken away. Ms. Harry stated her bedroom is only 27 feet from her fence. Ms. Harry stated she hopes Planning Commission will consider this and how it will just totally destroy the view and enjoyment of the backyards. Ms. Harry stated she built her house 37 years ago and there's a lot of glass in the back, knowing that the subject lot was zoned RS-3 and tennis courts could be built. Ms. Harry stated the worst she thought that could be built on the subject lot was two story homes. Ms. Harry stated she wishes each of the would imagine that this was your home, one that you love and when you look out your back windows you see nothing but a nice masonry wall. It could be 35 feet high, but it's definitely going to be above the 8-foot fence line.

Ms. Harry stated she would like you to imagine if you were shopping for a home and you looked out the back windows of your house and saw this wall just past the fence. Can you truthfully say you would buy that house without wanting to discount the price because of the view? Ms. Harry stated if Planning Commission approves this zoning it will hurt the residents. Ms. Harry stated she is totally opposed to this application and she is asking Planning Commission to limit the building to a one-story office building to therefore reduce the view and the traffic on the residential streets.

Bob Bryant 2664 East 37th Street Tulsa, OK 74105

Mr. Bryant stated he is a retired real estate appraiser. Mr. Bryant stated Ms. Harry requested that he come today and talk about how the proposed development would affect the value of the properties in the area specifically for the five that are along the south of that office building. Mr. Bryant stated one of the things they look at primarily when appraisers start doing appraisals on a residential property is the lot the house is built on. Mr. Bryant stated they look at the size, the zoning and the utilities that are available. Mr. Bryant stated the appraiser then looks at external factors. Those are the factors that are outside the immediate lot that still have an influence on the property itself. Mr. Bryant stated those can be negative influences, those can be positive influences, or those can be neutral. Mr. Bryant stated neutral for this neighborhood would probably be residential homes. Mr. Bryant stated the typical house in this neighborhood when a resident looks out their back door would see a roof line of a house. Mr. Bryant stated a neutral positive would be a green belt, or something like a water feature that would add to the overall value of the property. Mr. Bryant stated a negative would be like view of the expressway or back up to the expressway or major thoroughfare that has increased traffic. Mr. Bryant stated or being on the street where the traffic flow goes in front of your house a lot more than what a typical house does. Mr. Bryant stated it could be an apartment complex, or an office complex. Mr. Bryant stated the office complex is what is being looked at today and it could be a major negative problem or minimal problem. Mr. Bryant stated a major problem would be what is being proposed

today, a two story 35-foot wall being built 20 feet beyond the property line of the five houses adjacent to this subject lot. Mr. Bryant stated the first thing that the residents will see when they get up in the morning and drinking their coffee is a big wall. Mr. Bryant stated when they step outside they are going to be looking at a large wall and that adversely affects a property. Mr. Bryant stated when these houses resell the view will be a factor.

Mr. Fothergill asked Mr. Bryant what the number one factor is in valuing a house?

Mr. Bryant stated, "location".

Mr. Fothergill asked what the view was worth?

Mr. Bryant stated it's hard to say what a view is worth. Mr. Bryant stated you would have to make comparisons in the neighborhoods of homes with a view.

Mr. Fothergill stated what's the view of Ms. Harry's house worth?

Mr. Bryant stated the view currently is open sky because there's nothing directly behind them.

Mr. Fothergill stated if there were a two-story building being built 25 feet off the fence what's the detrimental value?

Mr. Bryant stated its hard as an appraiser just to come up and pick it out of the air and tell you what it would be but, in the past, we've seen probably a 10%-15% factor.

Mr. Fothergill asked if the buildings just to the northeast detract from the value of the house.

Mr. Bryant stated those buildings don't look directly at the house.

Mr. Fothergill asked if the multiple story buildings on the corner detract from the value of the house.

Mr. Bryant stated "no" because you're not looking at the at those from the house itself.

Jack Theimer PO BOX 23810 Santa Barbara CA 93121

Mr. Theimer stated he owns the subject property and he built the tennis club that was on this property in 1974. Mr. Theimer stated he was also the developer of Shadow Mountain Estates. Mr. Theimer stated he has been left with this parcel as a result of a couple of other actions. Mr. Theimer stated he tried to buy the old tennis club from Quik Trip when they sold it but they had a higher offer. Mr.

Theimer stated he started working with the Homeowner's Association about a year and a half ago when the mini storage was proposed. Mr. Theimer stated he looked at the underlying residential zoning and was left with very few options to have any kind of use of the property. Mr. Theimer stated he used the subject property for parking during the tennis classic for 10 years and there was a 5000 seat Stadium right behind Ms. Harry's house and there were lights with 36 poles. Mr. Theimer stated he also negotiated for those office buildings at 61st and Memorial and was involved with the building of those. Mr. Theimer stated he has had a 45-year ownership of the subject site and has never done anything with it. He stated he is here requesting that something be done with his for my family. Mr. Theimer stated they have made every effort in the world to cooperate with the homeowners. He stated he formed the Homeowners Association 45 years ago with Bill Grimm his attorney. Mr. Theimer stated one of the things that was pointed out that he thinks should be brought up is that the street in front of the five homes is a collector street in front of these five homes, he stated he put the street in all the way to Memorial Drive.

Ms. Kimbrel asked Mr. Theimer if the proposal from Ms. Harry to reduce the building to one story would be an option that Mr. Theimer would consider. Ms. Kimbrel asked if this would cause him any hardship in how he envisioned the property.

Mr. Theimer stated this would dramatically reduce the value of the amount of square footage that can be built. Mr. Theimer stated if the site is used as residential townhouses, it would have the same impact as a 35-foot building and there would be no restrictions on windows into Ms. Harry's yard.

Mr. Shivel asked Mr. Theimer if there was ever any discussion with the Shadow Mountain development residents about buying the property to retain their view?

Mr. Theimer stated "no", that was never suggested even after delaying the hearing a month, so Mr. Theimer could go to the Homeowners Association meeting last month and introduce the project and listen to questions. Mr. Theimer stated he was more than happy to take whatever advice was given. The meeting was not contentious. Mr. Theimer stated there was some people that attended that liked the design and he walked away thinking they had done a very good job of communicating with the homeowners. Mr. Theimer stated every attempt was made with homeowners to dialogue with them for the last year and a half before this plan was made.

Mr. McArtor stated Ms. Harry talked about building 20 foot from her fence line, could this be moved back and still keep the two story.

Mr. Theimer stated they put in a 20-foot landscape buffer because they could go narrower with the setback.

Ms. Kimbrel asked what Mr. Theimer saw as the benefit to the surrounding residents if this property is used in this way.

Mr. Theimer stated he didn't see any direct benefit.

Applicant Comments:

The applicant stated the benefit is that this is not a vacant lot any longer. The applicant stated she is not a real estate appraiser, but vacant lots do distract from for property values as well. The applicant stated there was a mention of a green belt as an idea for this property and what the applicant tried to do with this design is to incorporate as many green elements on any residential facing side as possible. The applicant stated the minimum setback from the west side of 75th Avenue is 50 feet and she thinks the design they have now is 86 feet and will maintain existing pines and the landscape apron. The applicant stated they will also replant trees at a two to one ratio if any of the existing trees are removed. The applicant stated hopefully over time it's not just a masonry wall that you're looking at its trees. The applicant stated as Mr. Theimer mentioned if the subject lot was residential she doesn't know if there would be any prohibition for two story house or if windows could be prohibited on two story houses. The applicant stated she felt like the six feet high windows on the second story would accommodate the need for privacy in these backyards. The applicant stated ideally, they would have restroom and storage on the side. The applicant stated the residential connector street that Mr. Theimer was discussing is actually 50 feet wide, so it can accommodate traffic coming in and part of the discussion was whether or not residential could go into this lot and if it did it would have to go in at a higher density. The applicant stated if the residential went in at a higher density the applicant feels like the traffic patterns would probably be similar but wouldn't be restricted to the types of uses that she is suggesting for this building such as medical offices, dental, maybe CPA, legal offices that operate primarily from 8am to five or 6pm. The applicant stated there is a lot of residential in the area and medical and dental kind of appeal to that, but they're not the types of businesses that are going to go into the high rises with the 28% vacancy rate. The applicant stated so this is a completely different type of development for this area and she feels like it provides a buffer between large masonry walls of the self-storage and the homeowners with a park like space. The applicant stated they have a granite monument signage that will be incorporated in the building standards as well and staff has specific lighting standards recommended as well. The applicant stated the last thing she would like to point out is even though there was a tennis court that was here before.

Mr. Reeds asked if there was any slope from north to south on this site.

The applicant stated one of the problems with egress going into 76th Street is there's actually about a 10-foot drop and a parking lot on the side so there was a discussion of maybe needing a fire lane but a fire lane has already been accommodated for in the site plan.

Mr. Reeds asked if the high point on the north side?

The applicant stated it's pretty flat other than that.

Mr. Reeds asked if the applicant looked at doing a side yard to the north, holding five or six feet and then doing the building going forward from there and putting the parking on the south side so you pull it further away from the backyard.

The applicant stated one of the considerations of having the building on that side with trees planted was that the noise of the parking lot would not affect the neighbors. The applicant stated the lot is 160 feet wide by 460 feet so it could be flipped.

Mr. Reeds stated so if you pull it back and put the parking in front you're further away from residents' sightlines.

Mr. McArtor asked if there would be signage on the south side.

The applicant stated there will be no signage on the south side just the landscape apron. The signage will be on the west side.

Mr. Reeds asked Ms. VanValkenburgh if in his motion could a north side minimum sideline could be set and then go forward from there. Mr. Reeds asked if he could make that as an amendment to this application.

Ms. VanValkenburgh stated "yes", but her only concern was how that lines up with everything else that has been recommended for the development.

Staff stated when he was talking with the applicant, there was a very direct conversation about whether or not a parking lot was more objectionable to an abutting property owner or a building that was done well. Staff stated standards were set into place on landscaping that wouldn't have to be modified and if the arrangement is flipped that is not as easy as saying move the building to the north. There's other design standards that need to be looked at. Staff stated specifically the landscaping, for instance the lighting for the parking lot is prohibited to be any closer than 75 feet from the south lot line, and 16 feet tall, so that would need to be adjusted.

Mr. Reeds asked if that would be possible.

Staff stated it would not be a very simple fix.

Mr. Reeds stated the residents are not going to see the cars no matter where they are from the back so he is not sure why that was a concern.

Staff stated it was more about the lights and the location of trash equipment and those services.

Mr. Shivel asked staff if the services that he was talking about would be impacted by proposing a building closer to the north property line

Staff stated he thinks it's easier just to pick one out of the conversation, but let's just pick out the mechanical equipment. Staff stated the mechanical equipment has to be a minimum of 75 feet away so by moving the building it is not affected. But there may not be a good location for trash enclosures outside of that 75-foot barrier. Staff stated those things would need to be looked at.

The applicant stated a few of the considerations when the site plan was developed were maintaining the mature trees on the south side of the lot and if the parking was reoriented all of those trees would have to come out. The applicant stated other considerations regarding the way it is designed is good for users because they look out on green spaces.

Mr. Fothergill stated if you were to keep the orientation, would you be opposed to having opaque windows on the second story?

The applicant stated they have raised the windows to six feet high but could make them opaque as well.

Motion was made to approve per staff recommendation by Mr. McArtor. Mr. Fothergill amended the motion to include opaque windows on the windows facing the south side on the 2nd story.

TMAPC Action; 10 members present:

On **MOTION** of **McARTOR**, TMAPC voted **10-0-0** (Doctor, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Covey, "absent") to recommend **APPROVAL** of the OL zoning for Z-7475 per staff recommendation.

Legal Description Z-7475:

LT 1 BLK 5, SHADOW MOUNTAIN

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8. **PUD-187-A Sheena Grewal** (CD 7) Location: North and East of the northeast corner of South 75th East Avenue and East 63rd Street South requesting a **PUD Major Amendment** to allow office use (Related to Z-7475) (Continued from March 20, 2019 and April 17, 2019)

STAFF RECOMMENDATION:
SECTION I: PUD-187-A

APPLICANTS DEVELOPMENT CONCEPT:

The subject property is part of a planned unit development located near 61st and Sheridan. Lot 1, Block 5 of the Shadow Mountain subdivision has been reserved solely for tennis courts as the larger lot north of this site had previously been occupied by the Shadow Mountain Racquet Club. Lot 1 Block 5 had also been historically used for excess parking for events at Shadow Mountain Racquet Club. In 2016, the north sections of the Shadow Mountain Racquet Club were rezoned CG with an optional development plan and developed into a QuikTrip and self-storage facility.

The property is currently zoned RS-3 and is subject to Planned Unit Development No. 187. This section of the PUD has undergone quite a bit of change with the commercial uses on the northern parts of the previous lot. We would like to apply for a rezoning to Office Light with a major amendment to the PUD. The Office Light designation will appeal to professional, predominantly day time users that seek a smaller and more personal alternative to the larger office buildings in the area. A park-like space to the west of the lot will incorporate landscape elements that create an aesthetically pleasing continuity with the landscaped border to the west of the masonry wall on the self-storage lot. This will effectively provide a buffer in the intensity of use between the self-storage and residential on either side of Lot 1, Block 5 to replace the current vacant lot. The development standards of OL shall supersede and replace prior development standards. The development standards have been formulated in respect for the neighboring residences.

SECTION II: PUD 187-A

PUD 187-A shall conform with the provisions of OL zoning districts outline in the Tulsa Zoning Code OL along with all supplemental regulations in the Tulsa zoning code except where further refined below.

PERMITTED USE CATEGORIES:

COMMERCIAL

- i. Office
 - a. Business or professional office
 - b. Medical, dental or health practitioner office
- i.

BUILDING REQUIREMENTS:

- i. Maximum Building Height (35 feet)

- ii. Primary Building entrances shall face north. Only emergency exits shall be allowed on the south wall of any building.
- iii. Second floor windows facing south shall be at least 6 feet above the second-floor elevation.
- iv. **Second floor windows facing south shall be opaque.**

LANDSCAPE, SCREENING, LIGHTING and SIGNAGE REQUIREMENTS:

- i. Landscaping:
 - a. Applicant shall provide a tree survey indicating location, size and species of tree on the site. Any tree removed from the site must be replaced with 2 trees. Replacement trees shall be a minimum caliper of 3" and a minimum height of 12 feet. Those trees shall be placed between any building and the south boundary of PUD 187-A.
 - b. The west or south edge of any parking area within 100 feet of South 75th East Avenue shall be screening meeting the S1 or F1 standards defined in the Tulsa Zoning Code.
 - c. On the lot within 30 feet from the east right of way line of South 75th East Avenue street trees shall be installed with a maximum spacing of 30 feet.
- ii. Signage:
 - a. No wall mounted signage shall be placed on any north, south or west facing wall.
 - b. Temporary real estate signs are prohibited
 - c. One monument sign with a maximum height of 8 feet and display surface area not exceeding 64 square feet will be allowed. That monument sign may not be further than 50 feet from the north boundary of PUD 187-A
 - d. Pole signs are prohibited
- iii. Lighting:
 - a. All building wall lighting directed downward and shielded per Section 65.090 of the Zoning Code with a maximum mounting height not exceeding 12 feet.
 - b. Free-standing pole-mounted lighting taller than 16 feet tall is prohibited and limited to parking lot areas.
- iv. Waste Management:
 - a. Trash enclosure shall be placed at least 75 feet from the south boundary of PUD 187-A and the enclosure must be masonry complementary with the building materials and a height that exceeds the height of any dumpster.

- v. Vehicular Circulation:
 - a. One vehicular access is allowed on S. 75th East Avenue.
- vi. Mechanical Equipment Screening
 - a. Rooftop or ground mounted mechanical equipment shall be placed a minimum of 75 feet from residentially zoned lots.

DETAILED STAFF RECOMMENDATION:

Staff recommends approval of PUD 187-A as outlined in Section II above.

PUD 187-A is consistent with the land use vision of the Tulsa Comprehensive Plan and,

PUD 187-A is in harmony with the existing and expected development of the surrounding areas and,

The PUD provides a unified treatment of the development possibilities of the project site,

The PUD is consistent with the stated purposes and standards of the PUD chapter of the Tulsa Zoning Code therefore,

Staff recommends approval of PUD 187-A but cannot be approved without the concurrent approval of OL zoning in case Z-7475.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The office uses proposed at this location are consistent with those uses that can be normally found in a Town Center. The Planned Unit Development provides appropriate site design standards that help integrate this project into the edges of a residential neighborhood.

Land Use Vision:

Land Use Plan map designation: Town Center

Town Centers are medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub

for surrounding neighborhoods and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

Areas of Stability and Growth designation: Area of Growth

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

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

Transportation Vision:

Major Street and Highway Plan: None that affect this site.

Trail System Master Plan Considerations: None that affect this site.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is currently vacant however PUD 187 reserved this site for an expansion of a Tennis and Racquetball club for decades. The existing building and courts that were referenced in the original PUD 187 have been removed for a Convenience Store and Mini Storage.

Environmental Considerations: None that affect site redevelopment

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South 75 th East Avenue	Residential Collector	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	CG with optional development plan	Town Center	Growth	Self-Storage
East	PUD 202	Town Center	Growth	Office
South	PUD 187 / RS-3	Existing Neighborhood	Stability	Detached house

West	PUD 187 / RS-3	Existing Neighborhood	Stability	
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SECTION IV: Relevant Zoning History

History: Z-7475

ZONING ORDINANCE: Ordinance number 13693 dated August 27, 1976 established zoning for the subject property.

Subject Property:

PUD-187 August 1976: All concurred in approval of a proposed Planned Unit Development on a 166± acre tract of land for a multi Development Area project that consists of residential use, with a mix of single-family, duplex and multifamily on property located between Sheridan Rd. and Memorial Dr. and between 61st St. and 71st St. and abutting the subject property to the west. (Ordinance 13693 August 27, 1976)

Z-4109 February 1972: All concurred in **approval** of a request for rezoning a tract of land from AG to CS, OM and RS-3, on property located at the Southwest corner of East 61st Street South and South Memorial Drive, including the subject property.(Ordinance 12459 May 2, 1972).

Surrounding Property:

Z-7407 September 2017: All concurred in **approval** of a request for *rezoning* a 7.77± acre tract of land from RS-3 to CG with optional development plan per staff recommendation on property located South of the Southeast corner of south 75th Avenue & East 61st Street.

Z-7335 June 2016: All concurred in **approval** of a request for rezoning a 2± acre tract of land from RS-3 to CS with an optional development plan, for a convenience store and fueling station, QuikTrip, on property located southwest corner of E. 61st St. S. and S. 76th E. Ave.

BOA-17834 September 1997: The Board of Adjustment **approves** a *special exception* to permit a sign in an R district, on property located at south of East 61st Street, between South 75th East Avenue and South 76th East Avenue, and is also a part of the subject property.

BOA-17768 July 1997: The Board of Adjustment **approved** a *Special Exception* to amend a previously approved site plan to permit a removable bubble type cover over three tennis courts and the addition of a driveway access to 76th E.

Avenue, on property located South of the Southeast corner of South 76th East Avenue & East 61st Street South.

BOA-17626 January 1997: The Board of Adjustment voted to **uphold** the *Appeal* and **deny** the decision of the Administrative Official in issuing an occupancy permit to the Drug Enforcement Administration, on property located West and North of the Northwest corner of South memorial Drive & South 76th East Avenue.

PUD-202 December 1977: All concurred in **approval** of a proposed Planned Unit Development on a 46± acre tract of land for commercial use, office use and church use, on property located west of the southwest corner of East 61st Street and South Memorial Drive and abutting the subject property to the east.

BOA-8566 May 1975: The Board of Adjustment **approved** a *Special Exception* to permit a tennis club as presented and subject to the development standards submitted by the applicant, 16 parking spaces being provided for the clubhouse in addition to 4 being provided for each tennis court, for the courts that are to be lighted the light standards can be no higher than 30' and the light directed away from neighboring residential areas, and subject to the site plan and the architectural rendering presented, in an RS-3 district, on property located at south of East 61st Street, between South 75th East Avenue and South 76th East Avenue, and is also a part of the subject property.

TMAPC Action; 10 members present:

On **MOTION** of **McArtor**, TMAPC voted **10-0-0** (Doctor, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Covey, "absent") to recommend **APPROVAL** of PUD-187-A per staff recommendation with the amended language that all 2nd story windows on the south side of building be opaque.

Legal Description PUD-187-A:

LT 1 BLK 5, SHADOW MOUNTAIN, SHADOW MOUNTAIN RACQUET CLUB

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9. **PUD-823-A John Stava** (CD 5) Location: Northwest corner of East 46th Street South and South Sheridan Road requesting a **PUD Major Amendment** to allow car wash as a permitted use

STAFF RECOMMENDATION:

SECTION I: PUD-823-A

DEVELOPMENT CONCEPT: The applicant is proposing to add a car wash as a permitted use in the PUD. Currently, the PUD limits the uses to Use Units 1, 11, 12, 13, 14 and certain uses in 15.

At the time of the establishment of this PUD, a Car Wash use would have been considered a Special Exception use in the, underlying, CS zone. After the zoning code was updated, that use became considered a “by right “ use. The purpose of this amendment is to add Car Wash as an allowable use within the PUD. If the PUD had been established after the adoption of the current zoning code, the addition of this use would have been a minor amendment. A major amendment to the PUD is required due to the fact that, at the time of the PUD’s establishment, the use was a special exception. Special Exception uses require a major amendment to the PUD in order to be allowable.

DETAILED STAFF RECOMMENDATION:

The applicants proposal is consistent with the Tulsa Comprehensive Plan, and;

The applicant’s proposal is consistent with the provisions of the PUD chapter of the Tulsa Zoning Code, and;

The PUD development standards are consistent with the anticipated growth and future uses in this area, and;

The Car Wash use shall be limited to Lot 2, as shown on the attached Site Plan, and;

The Landscape and Signage standards shall conform to the requirements of the PUD and the current City of Tulsa Zoning Code, adopted in 2016, and;

The development standards identified in this PUD are non-injurious to the existing proximate neighborhood, therefore;

Staff recommends Approval of PUD-823-A to rezone property to PUD-823-A to allow a Car Wash as an allowed use.

PUD-823-A DEVELOPMENT STANDARDS:

Allowable uses to remain as currently permitted, with the addition of a Car Wash, limited to Lot 2, as an allowable use within the PUD. Landscape and signage will comply with current PUD-823 development standards, as well as the current City of Tulsa Zoning Code, adopted in 2016.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is located within an Employment Land Use designation area. The proposed use is compatible with the Land Use designation.

Land Use Vision:

Land Use Plan map designation: Employment

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.

Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

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: S Sheridan Rd is 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 being developed as an office/retail development.*

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
S Sheridan Rd	Secondary Arterial	100 Feet	4

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	Employment	Growth	Retail
South	RS-3	Existing Neighborhood	Stability	Single-Family Residential
East	IL	Employment	Growth	Retail

West	RS-2	Existing Neighborhood	Stability	Single-Family Residential
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SECTION III: Relevant Zoning History

History: PUD-823-A

ZONING ORDINANCE: Ordinance number 11824 dated June 26, 1970 established zoning for the subject property.

Subject Property:

Z-7285/PUD-823 November 2014: All concurred in **approval** of a request for *rezoning* a 6.64± acre tract of land from OM to OM/ CS/ PUD-823 on subject property. (Ordinance 23227)

BOA-15432 May 1990: The Board of Adjustment **approved** a *special exception* to permit a nail salon as an accessory use and as a principal use, on subject property.

Z-3989 January 1972: All concurred in **approval** of a request for *rezoning* a tract of land from RS-2/ RS-3/ OL to RD/ OM/ CS, on property including the subject property.
(Ordinance 12357)

Surrounding Property:

BOA-21005 January 2010: The Board of Adjustment **approved** an *amendment* to a condition of a previously approved *special exception* to change the limitation of Trade School use from an “automotive technical school” to permit general Use Unit 15 “trade school” uses in a CS district, on property located North of the Northwest corner of South Sheridan Road and East 46th Street South.

BOA-20795 October 2008: The Board of Adjustment approved a variance of the minimum parking requirement for a commercial use with conditions, on property located North of the Northwest corner of South Sheridan Road and East 46th Street South.

BOA-20793 October 2008: The Board of Adjustment **approved** a *special exception* to permit a trade school in a CS district with conditions, on property located North of the Northwest corner of South Sheridan Road and East 46th Street South.

BOA-15365 February 1990: The Board of Adjustment **approved** a *variance* of the maximum of one ground sign per lot of record to permit one additional ground

sign, or a total of four ground signs only; and to **approve** a *variance* to exceed the permitted square footage for signage per sign plan submitted, on property located North of the Northwest corner of South Sheridan Road and East 46th Street South.

BOA-9709 October 1977: The Board of Adjustment **approved** a *special exception* to use property for sale of new and used automobiles and related activities, subject to conditions, on property located North of the Northwest corner of South Sheridan Road and East 46th Street South.

TMAPC Comments:

Mr. Fothergill asked staff what the proposed access for lot 2 was?

Staff stated it will be the northeast corner of the lot.

Interested Parties:

Paul Kalebad 6409 East 46th Street, Tulsa, OK 74135

Mr. Kalebad stated his fence line goes right up against the properties and he has a few questions. Mr. Kalebad stated a few years back they were going to do another project and the developers were going to raise the fence higher and Mr. Kalebad was curious if that was one of the things that was going to be done here. Mr. Kalebad stated it seems like from what he has read that the car wash is just going to be in the front of the lot and there's another car wash less than half a mile north of this one on the same side of the street. Mr. Kalebad asked how viable and successful will this be being so close to another very similar Car Wash. Mr. Kalebad stated there may be a better use of the entire seven acres.

Mr. Kalebad stated if they're not developing the west, is there any plans to do that? He would also like to know how soon the project would start if it is approved.

Applicant Comments:

The applicant stated he is only buying a portion of the PUD so he doesn't have any knowledge of what will happen there since it's not part of the property he is purchasing. The applicant stated there are two tracks and that confuses the number of acres. The applicant stated the property to the rear is part of the original PUD which will probably be modified in the site plan location and the immediate property to the south which would abut the fence that Mr. Kalebad is talking about, would be an access easement. The applicant stated there would be a driveway that would be developed to access the property to the rear. The applicant stated from Mr. Kalebad's property there would be a fence line and then a setback and then a driveway before the south property is developed. The applicant stated that the south property could be a small retail center and probably be a single story but has no idea about the rear property.

TMAPC Action; 10 members present:

On **MOTION** of **REEDS**, TMAPC voted **10-0-0** (Doctor, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Covey, “absent”) to recommend **APPROVAL** of the PUD major amendment for PUD-823-A.

Legal Description PUD-823-A:

LOT 1 BLK 1 SOUTH SHERIDAN PLAZA RESUB L7-9 RICHLAND ADDN

* * * * *

10. **MPD-2 Nathan Cross** (CD 1) Location: West and north of the northwest corner of West Edison Street and North 41st West Avenue requesting a **Master Plan Development** for private street mixed-use community (Continued from February 20, 2019, March 6, 2019, March 20, 2019, April 17, 2019 and May 1, 2019)

STAFF RECOMMENDATION:

SECTION I: MPD-2 (HARLOW)

DEVELOPMENT CONCEPT:

The Harlow Neighborhood was designated to promote the health, safety and general welfare of Tulsa and its citizens, including protection of the environment, conservation of land, energy and natural resources, reduction in vehicular traffic congestion, more efficient use of public funds, health benefits of a pedestrian environment, education and recreation, reduction in sprawl development and improvement of the built environment.

The property is a parcel of vacant land located in northwest Tulsa and in Osage County. The concept is to redevelop the entirety of the subject property into a new urbanist housing and mixed-use development. The concept draws inspiration from the Smart Code Version 9.2 as distributed by the nonprofit Center for Applied Transect Studies which promotes understanding of the built environment as part of the natural environment but has been modified to be in general alignment with the Tulsa Zoning Code in the following Section II.

The building placement, mixed use opportunities and residential building types proposed in this MPD cannot be accomplished by the normal Tulsa Zoning Code. The Master Planned development is consistent with the City's adopted plans and provides greater public benefits than could be achieved using conventional zoning regulations.

To facilitate the redevelopment of the property into a mixed use new-urbanist style concept, the applicant is requesting a rezoning from AG to MPD-2.

Consequently, the applicant proposes to divide the property into six distinct development types (transect zones).

All development types are defined in Table 1 – Transect Zone Descriptions and the Site Development Plan are Included in Section II below and are the only Transect Zone Descriptions and

Only the text and exhibits illustrated in Section II of the staff recommendation below will be regulatory in MPD-2.

Private covenants will also be established but will not be enforced by the City.

DETAILED STAFF RECOMMENDATION:

MPD-2 is consistent with the New Neighborhood Land Use designation in the Comprehensive Plan and is compatible with the existing and expected development of surrounding areas and,

MPD-2 provides a unified treatment of the development possibilities of the project site and,

Permitted uses and building types identified in MPD-2 are consistent with the uses that may be permitted in a Master Plan Development District as identified in the Tulsa Zoning Code and,

MPD-2 identifies development standards that are consistent with the mandatory development plan standards in the Tulsa Zoning Code and,

MPD-2 is consistent with the purpose and intent of Master Planned Development Districts as identified in the Tulsa Zoning Code therefore,

Staff recommends **Approval** of MPD-2 as defined in Section II below:

SECTION II

MPD-2 DEVELOPMENT STANDARDS:

MPD-2 shall allow only those uses identified, below, along with customary accessory uses, and subject to the supplemental regulations of the Tulsa Zoning Code. Off premise business signs as provided in 60.040-E of the zoning code are expressly permitted.

Uses identified in the use regulations table with a “P” are permitted as of right in the subject Transect Zone (development area). Uses identified with a “-“ are expressly prohibited.

Uses that cannot be reasonably interpreted to fall within a permitted use, as stated in 35.020E of the Tulsa Zoning code are also prohibited.

The Tulsa Planning Office will review all site plans for compliance with MPD-2 prior to release of any building permit.

In addition to the notice requirements under the Zoning Code, notice of the planning commission hearing on Minor or major amendment to MPD-2 must be submitted to the Tulsa Planning Office staff by the Architectural Review Board of the Harlow Property owners Association.

The following use modifications may be considered minor amendments:

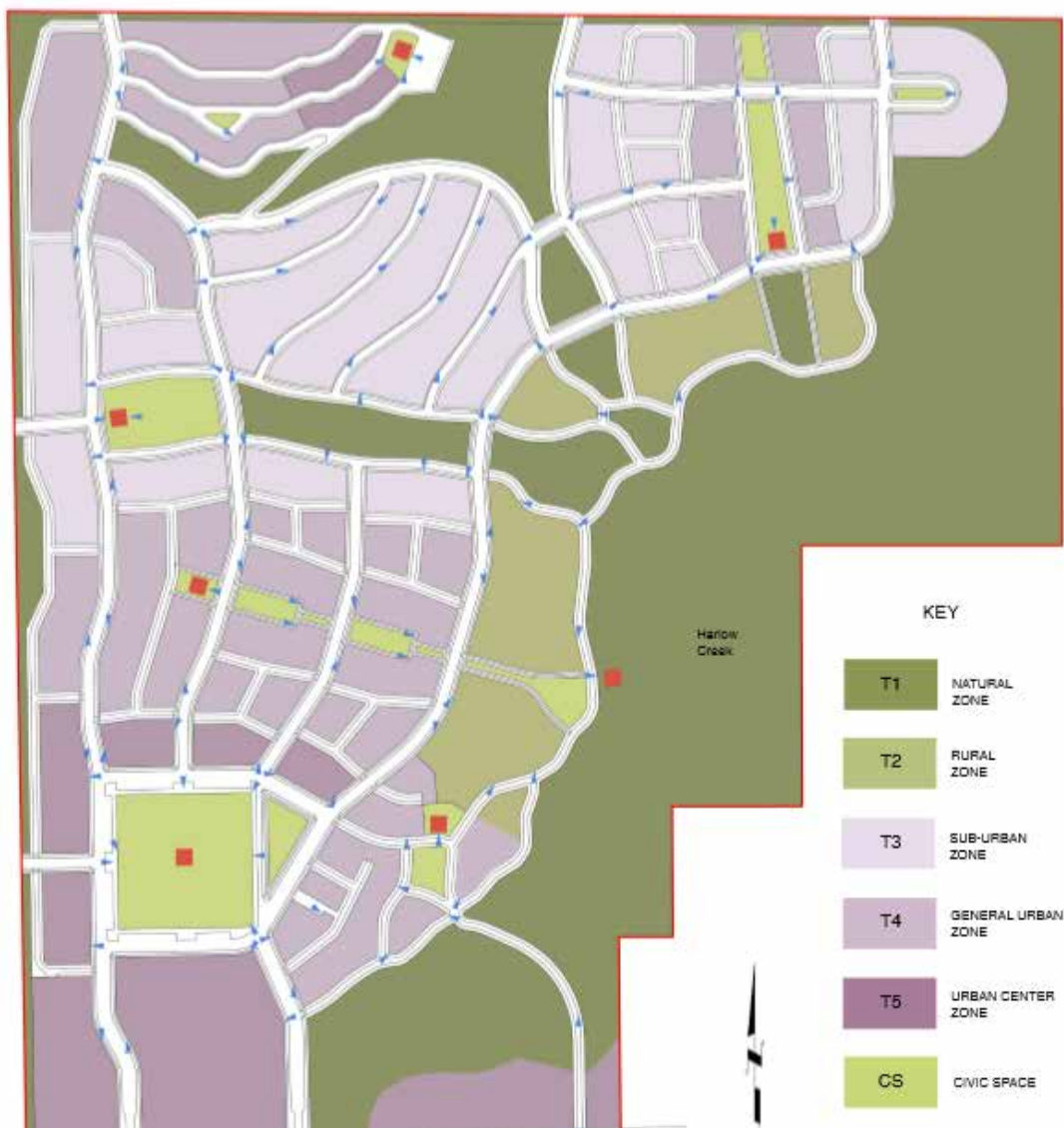
- 1) Limitation or elimination of previously approved specific functions and uses provided the character of the development is not substantially altered.
- 2) Addition to previously approved uses, provided the character of the development is not substantially altered.

SECTION II CONTINUED TRANSECT ZONE MAP (SITE DEVELOPMENT PLAN)

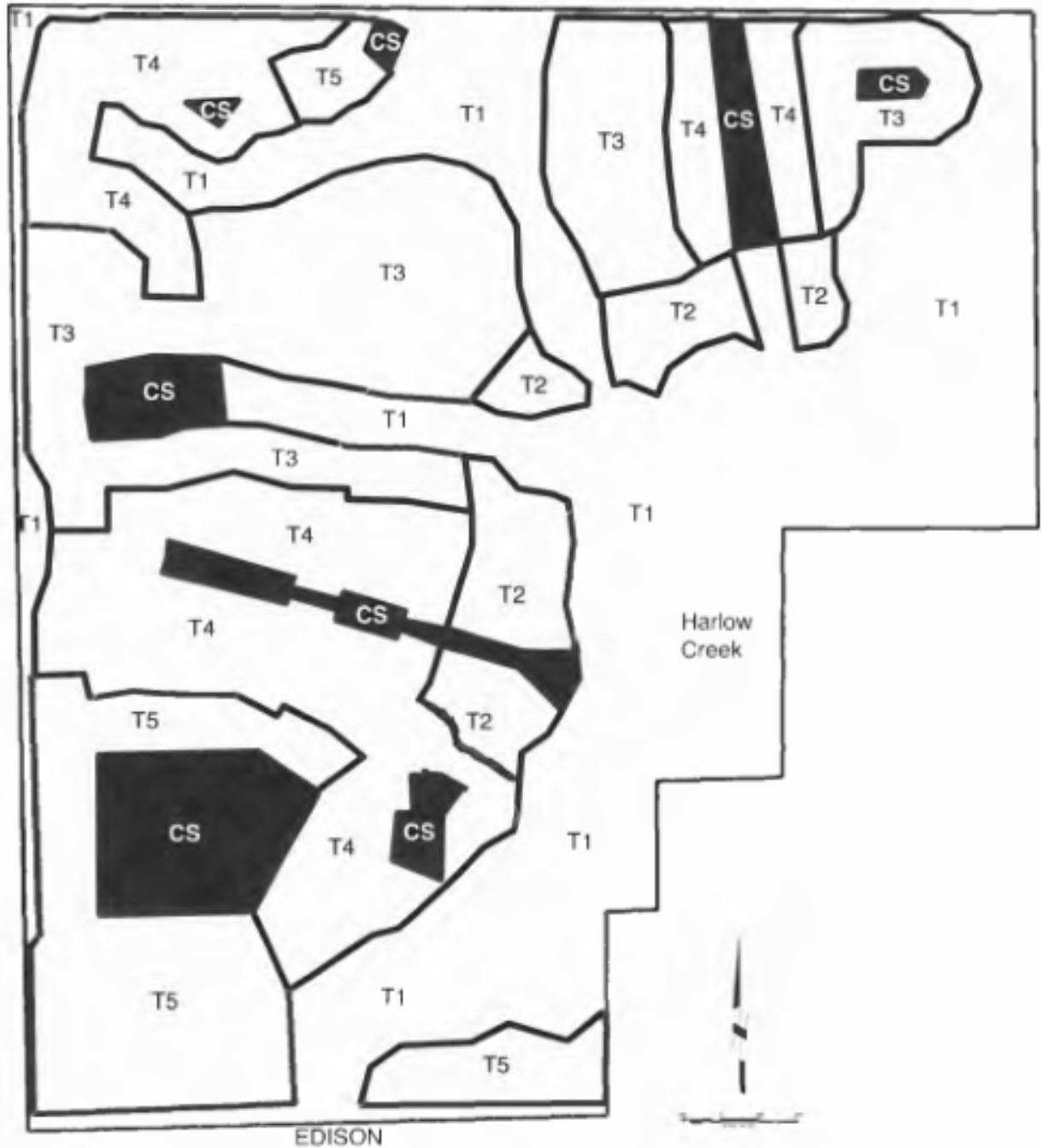
Each Transect Zone will have its own development standards that are designed to differentiate current and future development options and allowances in those areas.

MPD-2 provides six separate transect zones (development areas) and defines the general street alignment and identifies the general location of the transect zone boundaries and illustrates the allowed uses and building types in the use regulations table.

Transect zones shall be defined on the face of the plat.



**SECTION II CONTINUED
TRANSECT ZONE MAP**
(same as above but labeled in black text for ordinance clarity)



SECTION II CONTINUED
USE REGULATIONS TABLE

USE REGULATIONS BY TRANSECT ZONE¹

AGRICULTURAL USE CATEGORY	T1	T2	T3	T4	T5	CS
Animal Husbandry and all specific uses	P	P	P	P	P	P
Community Garden	P	P	P	--	--	--
Farm, Market or Community Supported	--	P	P	P	P	P
Horticulture Nursery	P	P	P	--	--	--

RESIDENTIAL USE CATEGORY	T1	T2	T3	T4	T5	CS
Household Living						
Single Household	--	P	P	P	P	P
Two households on a single lot	--	--	P	P	P	P
Three or more households on a single lot	--	--	--	P	P	P
Group Living						
Fraternity/sorority	--	--	--	--	P	P

Public, Civic and Institutional Use Category	T1	T2	T3	T4	T5	CS
College or University	--	--	--	--	P	P
Day Care	--	P	P	P	P	P
Library or Cultural Exhibit	--	--	--	P	P	P
Government Service	--	--	--	P	P	P
Hospital	--	--	--	--	P	--
Parks and Recreation	P	P	P	P	P	P
Postal Services	--	--	--	P	P	P
Religious Assembly	--	P	P	P	P	P
Safety Service	--	--	P	P	P	P
School	--	--	P	P	P	P
Utilities and Public Service Facility – Major and Minor	P	P	P	P	P	P
Wireless Communication Facility and all specific uses	P	P	P	P	P	P

¹ For purposes of continuity and future reference, "Transect Zones" shall have the same meaning as "Development Areas"

SECTION II CONTINUED
USE REGULATIONS TABLE

Commercial Use Category	T1	T2	T3	T4	T5	CS
Animal Services	P	P	P	P	P	P
Assembly and Entertainment and all specific uses	--	P	P	P	P	P
Commercial Service and all specific uses	--	P	P	P	P	P
Funeral or Mortuary Service	--	--	--	--	P	--
Lodging and all specific uses	--	P	P	P	P	--
Office						
Business or Professional Office	--	P	P	P	P	P
Medical, dental or health practitioner office	--	--	--	P	P	--
Parking Non-Accessory						
Surface Parking, Non-accessory	--	--	--	P	P	P
Parking Garage	--	--	--	P	P	P
Vehicle Service	--	--	--	--	P	--
Fueling Station Only						
Restaurant and Bar with all specific uses	--	--	--	P	P	P
Retail Sales and all specific uses	--	P	P	P	P	P
Studio, Artist or Instructional Service	--	P	P	P	P	P
Trade School	--	--	--	--	P	P
Low-impact Manufacturing and Industry	--	--	--	P	P	P

OTHER USE CATEGORY	T1	T2	T3	T4	T5	CS
Drive-in or Drive-through Facility	--	--	--	--	P	--

P Allowed use
-- prohibited use

SECTION II (Continued)
RESIDENTIAL BUILDING TYPE TABLE

RESIDENTIAL BUILDING TYPES	T1	T2	T3	T4	T5	CS
Household Living						
Single Household	--					
Detached House*	--	P	P	P	P	P
Patio Home	--	P	P	P	P	P
Townhouse	--	P	P	P	P	P
Accessory Dwelling	--	P	P	P	P	P
Two households on a single lot						
Duplex	--	--	P	P	P	P
Mixed use building	--	--	P	P	P	P
Vertical mixed-use building	--	--	P	P	P	P
Accessory Dwelling	--	--	P	P	P	P
Three or more households on a single lot						
Cottage house	--	--	P	P	P	P
Multi-unit house	--	--	P	P	P	P
Apartment/condo	--	--	--	P	P	P
Mixed use building	--	--	--	P	P	P
Vertical mixed-use building	--	--	--	P	P	P
Accessory Dwelling	--	--	P	P	P	P

P Allowed building type
-- prohibited building type

* may include an accessory dwelling unit on the same lot

DETACHED ACCESSORY DWELLING UNITS:

- ~~1. Accessory dwelling units are allowed only in transect zones occupied solely by a single detached house~~
2. No more than one accessory dwelling unit is allowed per lot.
3. May not cover more than 50% of the actual rear yard.
4. The floor area of a detached accessory dwelling unit may not exceed 750 square feet or more than 60% of the principal structure whichever is greater.
5. Entrances may not face any side or rear property line except when an alley abuts that property line

SECTION II (Continued)
LOT AND BUILDING REGULATIONS TABLE

LOT AND BUILDING REGULATIONS BY TRANSECT ZONE

	T1	T2	T3	T4	T5	CS
Minimum lot size Square feet	na	7200	3600	1000	1000	1000
Lot Width Standards	na	72 ft min	36 ft min	18ft min	18ft min	25 ft min
Maximum lot building coverage ²	na	60%	60%	70%	80%	100%
Principal building setbacks						
Minimum street setback ⁴	na	4 ft	4 ft	4 ft	0ft	0 ft
Minimum side setback	na	4 ft	4 ft	0 ft	0 ft	0 ft
Minimum rear setback	na	4 ft	4ft	4 ft	0 ft	0 ft
Accessory buildings setback						
Minimum street setback ⁴	na	44 ft	32 ft	26 ft	22 ft	20 ft
Minimum side setback	na	3 ft	3 ft	0 ft	0 ft	0 ft
Minimum rear setback	na	3 ft	3 ft	3 ft	0 ft	0 ft
Principal building height		30 ft	30 ft	55 ft	75 ft	215 ft
Accessory building height ³		30 ft	30 ft	30 ft	30 ft	30

² Includes aggregate of all buildings on the lot including accessory buildings.

³ The accessory building size regulations of Section 45.030-A and 90.090-C.2 of the Zoning Code shall not apply

⁴ Setbacks are from public streets

LANDSCAPING

Street trees shall be installed on both sides of any public street on the lot within 20 feet of the street right of way or in the public right of way within 7 feet of a lot line. Trees shall be planted prior to issuance of any final certificate of occupancy on any lot.

Trees may be deciduous or evergreen and shall be a minimum 2.5" caliper with a minimum height of 10 feet and shall be placed with a spacing not greater than 75 feet.

SIGNAGE

General Signage:

Signage may only be placed on lots with mixed use buildings or lots with public, civic and institutional uses, commercial uses, or agricultural uses. Said signage shall be limited to one sign on a lot with a maximum display surface area of 120 square feet with a maximum height of 20 feet except as further defined below.

SECTION II (Continued)

Signage Within 200 feet of the Edison Street right of way, the following signage standards will be applicable:

- a. A maximum of two (2) ground signs in each transect zone with a maximum display surface area of 120 feet and a maximum sign height of 30 feet shall be allowed.
- b. No dynamic display shall be allowed.
- c. Any wall signage shall be regulated by private restrictive covenant with the exception that no wall signage shall contain dynamic display.

All other signage standards shall be set through private restrictive covenant and maintained by private ownership association.

STREETS

Public Streets

All public street standards shall meet or exceed the minimum standards of public streets within the City of Tulsa.

Private Streets and Alleys

All private street pavement shall conform to City of Tulsa standards for private streets.

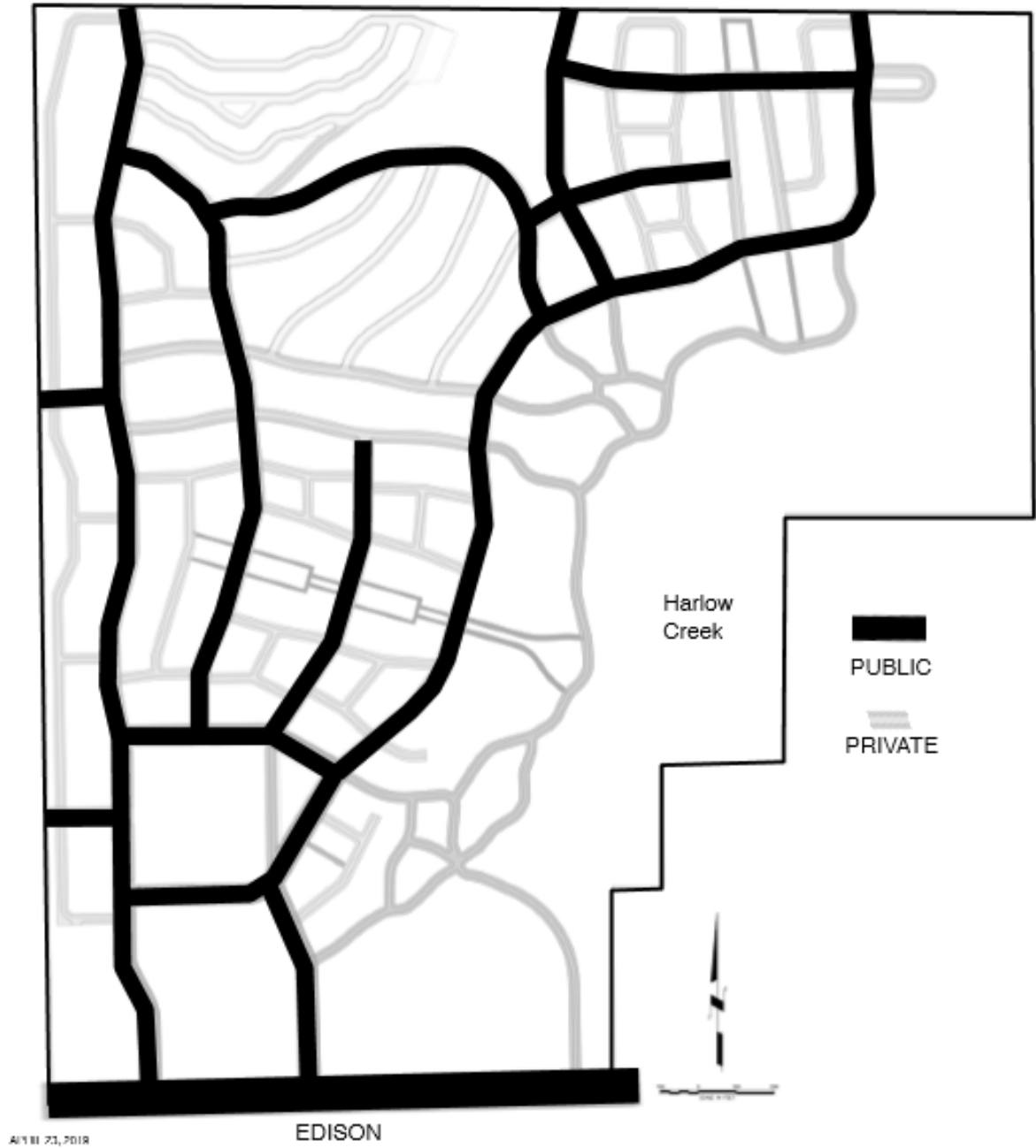
Design standards in the street reserve areas may be established by restrictive covenant and maintained by private ownership association. Further, any measurement of setbacks related to garage access shall be established by private restrictive covenant.

All alleys will be considered private and will be established by private restrictive covenant and maintained by private ownership association.

PARKING

All parking requirements shall be set by restrictive covenants and maintained by private ownership association. No minimum off street parking requirements.

**SECTION II CONTINUED
THOROUGHFARES PLAN**



THOROUGHFARES PLAN

SECTION II (Continued)

Supplemental staff requirements:

The following use modifications may be considered minor amendments:

1. Limitation or elimination of previously approved uses provided the character of the development is not substantially altered.
2. Addition to previously approved uses, provided the character of the development is not substantially altered.

Building permit

No building permit may be issued until a subdivision plat has been filed at Osage County Clerk's office.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: MPD-2 is consistent with a New Neighborhood vision of the comprehensive plan.

Land Use Vision:

Land Use Plan map designation: New Neighborhood

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 that affects site development as proposed in MPD-2.

Trail System Master Plan Considerations: None that affects site development as proposed in MPD-2.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The existing site is partially wooded and gently rolling hills on the majority of the site. The south east edge included in the Harlow Creek floodplain. Other than the floodplain limitations the existing condition of the property is suitable for this type of development.

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>
West Edison Street	Secondary Arterial	100 feet	2
49 th West Avenue (West Boundary)	Secondary Arterial	100 feet	Unpaved/no right of way

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 and Neighborhood Center at NW corner	Growth	Vacant
East	AG and RS-3	New Neighborhood	Growth	Large Lot Single family residential
South across W. Edison	CH at SW corner RS-3 elsewhere	Neighborhood center at SW corner Existing Neighborhood elsewhere	Growth except small area at SE corner that is Stable	Church
West	AG	New Neighborhood	Growth	Vacant

SECTION IV: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11917 dated September 1, 1970, established zoning for the subject property.

Subject Property: No relevant history

Surrounding Property:

BOA-20856 February 2009: The Board of Adjustment **accepted** applicant's *verification of spacing* between outdoor advertising signs to permit a digital/conventional outdoor advertising sign of 1200 ft. from another outdoor advertising sign on the same side of the highway, on property located at 515 North 49th West Avenue.

TMAPC Comments:

Mr. McArtor asked staff on page 10.4 of the agenda packet what the difference between a general urban zone and an urban center zone.

Staff stated you have to compare the map against the use regulations table. If you look at the general urban zone and that is a T4 and the chart says T4 it

identifies the uses allowed. Staff stated there are also lot size limitations and that information is in the lot and building regulations by transect zoning chart on page 10.9 of the agenda packet.

Applicant Comments:

The applicant stated he doesn't think he can do any better job than staff did of explaining this application but he would add this particular type of development is exactly what he thinks everyone envisioned when MPD was created.

The applicant stated it is a mixed-use development that is new urbanist in nature. The applicant stated there were some changes made as late as today and after the developer talks the applicant stated he will try and clarify some of the changes.

The applicant stated he wants to give just a general flavor of how this has been structured and kind of why it's been structured the way it is. The applicant stated this is vacant land which was great for this particular type of development because it is a blank canvas to some extent to do what we want to do. Because of the unique nature of the developer's vision this whole area on the eastern boundary is a dedicated conservation easement and nothing will ever be built there. The applicant stated it's incredibly hard to get something out of a dedicated conservation easement. This neighborhood is viewed as an extension of the Tulsa community but also a smaller community. The applicant stated that's kind of the concept behind the urbanism and they wanted to create a woods and park environment within the community. The applicant stated the question came up earlier about what the allocation of commercial square footage is, which is a PUD kind of question and that's kind of how the applicant thought about it too. The applicant stated under the MPD concept, it is generally structured to move inward with intensity, meaning that it's more commercially intense by Edison Avenue and then moves into single family homes with a little bit of lower density commercial towards the north end of the property. The applicant stated one of the particular challenges with this development was taking the vision that the developer had and making it work with the Zoning Code, which is how the applicant arrived at this set of exhibits that is maybe a little bit challenging to understand in that it has these transect zones on the map, and then you have to reference the tables to see exactly what the allowed uses are. The applicant stated the developer will illustrate with some pictures, what the desired look and effect will be but the name of the game is New Urbanism. The applicant stated this means different types of houses together, different types of businesses together and not anything super intense like skyscrapers, large office parks, but a smaller community that's walkable.

Ms. Kimbrel asked the applicant if he was modeling this development proposal and vision from somewhere else in Tulsa or somewhere outside of the state?

The applicant stated he would let the developer speak to that.

Interested Parties:

Scott Pardee 9802 East 85th Place, Tulsa, OK 74133

Mr. Pardee stated he is the developer of this project and future resident. Mr. Pardee stated It's been a long road to get here it has been very close to five years just preparing for this project. Mr. Pardee stated It's a very difficult project to do and financing is extremely difficult. Mr. Pardee stated they have had four law firms working on it and he would talk weekly with them for the last two years. Mr. Pardee stated this is probably the reason Planning Commission doesn't see a whole lot of these. Mr. Pardee stated if you have specific or technical questions, he would be happy to address them specifically. But he will probably just flip through some of these basic pictures, and most of them are the renderings that have been done as opposed to examples in the communities. Mr. Pardee stated the master planners designed over 400 of these Urbanist Communities and the master planner for the subject development was also a master planner for Carlton Landing which is down on Lake Eufaula. Mr. Pardee stated there are some things that are very similar Carlton Landing but also within the parameters of what the City of Tulsa allows. Mr. Pardee stated the land for the subject development was owned by Thomas Gilcrease. Mr. Pardee stated as a part of their branding they are promoting community so if someone out there wants privacy, they want five acres of land, they want to be by themselves then this community is not for them. This community is for everyone else. Mr. Pardee stated there's a lot of things that are done intentionally for instance, they are building the houses on a platform and the front porches instead of a six-foot distance they are eight or 10 feet. Mr. Pardee stated you can get a table on the porch so people can play games or have tea. Mr. Pardee stated some of the setbacks are closer to almost force conversations. Mr. Pardee stated he could list 100 more examples like that. Mr. Pardee stated they are targeting affordable, elegant homes. Mr. Pardee stated this MPD was done to allow the narrow streets to help create safety.

Mr. Reeds asked if the developer was going to try and interface with Central High School in terms of programs or anything like that?

Mr. Pardee stated there will be a charter school with TPS that will be very small with 20 or less. Mr. Pardee stated they are not taking any kids from either the local elementary schools or high schools and the school wouldn't go beyond elementary at this point.

Ms. Kimbrel asked Mr. Pardee talk about his community engagement efforts and what types of community members came out, was it the residents and the surrounding community? Also, what were some things that they were looking forward to? And were there any concerns?

Mr. Pardee stated one of the things they were doing is to form a community development corporation. You won't see that on paper it's still a year away. But he stated that church members, local business members, and the Executive Director for neighbors along the line are all on board. Mr. Pardee stated what they are proposing is just within the immediate vicinity of Northwest Tulsa. Mr. Pardee stated some of the immediate neighbors just had some questions and he believes those have all been addressed. Mr. Pardee stated they had a Board of Adjustment approval for the school and he thinks those have all been addressed also. Mr. Pardee stated one other concern was someone wanted to know why they were not building in the Charles Page Boulevard area or just repairing some existing houses. Mr. Pardee stated he presented this plan to about 10 different churches and he thinks everyone liked the project.

The applicant stated he wanted to follow up to make sure that it's understood that because of the uniqueness of the project and the difficulties that even the MPD present are presented with making this project work under the current Zoning Code much of the actual nuts and bolts of this project is being governed by private deed restrictions and so much of what they are trying to accomplish is still being planned and will be part of the platting process. The applicant stated the initial request that was submitted had City of Tulsa regulate all of it. The applicant stated that is why it's taken months to get from the filing date to where we they are today. The applicant stated there is stuff in the plan that is going to be regulated at the platting level.

The applicant stated he would like to address the amendments because there are some revisions to the amendments of things happened today. The applicant stated after discussions the applicant is fine with all the redlines with the exception of amended 10.8. The applicant stated there was some concern by City Legal that there was a conflict with the conditions on attached accessory dwelling units so they have agreed that it is better to strike number one and put accessory dwelling back in to be categories in the table. Staff stated this level of details is what staff has been working on over the last several months. Staff stated it looks simple but it's been very challenging. Staff stated there was a conversation going on that he haven't been completely aware but the reason that this was changed is that staff doesn't like that when they looked at it in its totality there was some possible conflicting interpretations between the chart and the words at the bottom. So as late as this morning, staff struck what was in the chart and added the words and that works just as well either way. Staff stated he is completely comfortable in striking one and leaving the accessory dwellings as shown on the chart. It's a strike through but that idea is consistent with what the concept has been all the way through.

Ms. VanValkenburgh stated she thinks that the applicant doesn't want to have any required off-street parking from a regulatory standpoint.

The applicant stated that is correct.

Ms. VanValkenburgh stated the applicant is planning to establish parking requirements by private covenant.

The applicant stated to clarify on amended page 10.10 of the packet the concept was because of the uniqueness of this project and the way the buildings are configured. They need some flexibility with the parking so they initially had discussion with staff and City Legal about how to address that. The applicant stated he wants to make it clear that they know they can't change the regulations with regard to voluntary parking on public streets, it's still the rule. The discussion was really revolving around what to do about off street parking requirements. The applicant stated they would like to set them by private deed restriction so the language would say that there are no minimum parking requirements or street parking requirements and that all parking requirements shall be set by restrictive covenant and maintained by private membership association.

Mr. McArtor stated he would just want to say he thinks this plan is fantastic it's beautiful, it's green, it's walkable, all that stuff that we want in the comprehensive plan and it's very exciting.

Mr. Reeds stated to add to what Mr. McArtor said he wishes they had more like this coming before Planning Commission.

Mr. Ray stated he would just like to comment very briefly that he supports this plan. It's a great plan, but it's an even greater plan for where it's located and it's a great opportunity for Tulsa.

Mr. Doctor stated Mr. Pardee has been at this for five years and he has been fortunate to have check in points as it has gone through its evolution. Mr. Doctor wanted to say thank you to the applicant for being so persistent and helping the City learn through this process about how to deal with projects like this. Mr. Doctor stated hopefully the City will see more of these projects popping up in Tulsa.

Ms. Kimbrel stated she just like everyone else really enjoyed reading this plan. She would like to encourage the applicant to continue to have more community engagement. Ms. Kimbrel stated her background is trying to understand how we can create geographies of opportunity in traditionally marginalized communities of north and west Tulsa. It is her understanding, she isn't originally from Tulsa, that this area is considered marginalized and they have concerns about not being involved in the zoning decisions and Community Development decisions so she is hoping that a plan like this could really be joyous for that community and really encouraged community participation.

Mr. Fothergill stated the only thing he see wrong with this plan is that it's not in Tulsa County.

TMAPC Action; 10 members present:

On **MOTION** of **McARTOR**, TMAPC voted **10-0-0** (Doctor, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Covey, “absent”) to recommend **APPROVAL** of MPD-2 adding the amended language on pages 10.8 and 10.10 of the staff report.

Legal Description MPD-2:

S/2 NE/4 AND NW/4 SE/4 AND NW/4 NE/4 SE/4 AND NW/4 SW/4 NE/4 SE/4 AND THE WEST 190.82 FEET OF THE SW/4 SW/4 NE/4 SE/4 AND THE WEST 190.82 FEET OF LOT 4 (SE/4 SE/4) and the SW/4 SE/4 ALL IN SECTION 32, TOWNSHIP 20 NORTH, RANGE 12 EAST OF THE INDIAN BASE AND MERIDIAN, OSAGE COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

* * * * *

Staff stated items 11 and 12 would be presented together.

11. **CPA-83 Alan Betchan** (CD 9) Location: East of the southeast corner of East 36th Street South and South Peoria Avenue requesting to amend the Comprehensive Plan Land Use Map from ***Existing Neighborhood*** to ***Main Street*** (Related to Z-7478)

STAFF RECOMMENDATION:

**COMPREHENSIVE PLAN LAND USE MAP AMENDMENT
REQUEST**

East of the southeast corner of South Peoria Avenue & East 36th Street South

I. PROPERTY INFORMATION AND LAND USE REQUEST

Existing Land Use: <i>Existing Neighborhood</i> Existing Stability and Growth designation: <i>Area of Growth</i>
Proposed Land Use: <i>Main Street</i> Proposed Stability and Growth designation: <i>Area of Growth</i>
Location: East of the northeast corner of South Peoria Avenue & East 36 th St S
Size: ±0.15 acres

A. Background

The land use assigned for this area at the time of adoption of the 2010 Tulsa Comprehensive plan was *Existing Neighborhood*, with a Stability and Growth Map designation of *Area of Growth*. The site that is subject to this Comprehensive Plan amendment application is in midtown Tulsa along the Bus Rapid Transit Corridor. The subject property is surrounded by Residential Single-family zoning to the East and North and an existing Church use to the West and South. The property has frontage on 36th St S which is classified as a Residential Collector according to the Major Street and Highway Plan.

The owner, Brookside Baptist Church, has submitted a corresponding rezoning application (Z-7478) for the subject site which is to rezone this and the parcel immediate West to MX1-P-U. This rezoning is included in the City of Tulsa Voluntary opt-in Mixed-use (MX) rezoning incentive program for which the Tulsa City Council is serving as the applicant.

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

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

C. Proposed Land Use Designations (Tulsa Comprehensive Plan)

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

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

D. Zoning and Surrounding Uses:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Area of Growth	Existing Use
North	RS-3	<i>Existing Neighborhood</i>	<i>Area of Stability</i>	Residential Subdivision (Oliver’s Addition)
South (Included in Z-	RS-3	<i>Main Street</i>	<i>Area of Growth</i>	Brookside Baptist Church Parking

7478)				
East	RS-3	<i>Existing Neighborhood</i>	<i>Area of Growth</i>	Existing Residential Subdivision (Peorian Addition)
West (Included in Z-7478)	RS-3	<i>Main Street</i>	<i>Area of Growth</i>	Brookside Baptist Church

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:



AAB Engineering, LLC
PO Box 2136
Sand Springs, OK 74063
Office: 918.514.4283
Fax: 918.514.4288

April 11, 2019

Tulsa Metropolitan Area Planning Commission
2 West 2nd Street, Suite 800
Tulsa, Ok 74103

Re: Comprehensive Plan Amendment

To Whom It May Concern,

The subject property has been owned by the Brookside Baptist Church for a number of years and the rear yard of the home is currently used as a playground for the church. The church also owns and is using the lots to the south and west as parking. The comprehensive plan only identified the areas used as parking as main street and this identification was mirrored in the MX recommendations with the Bus Rapid Transit study. The church has requested a uniform MX rezoning for the property which is conformance with the comprehensive plan for all of the parcels except the subject tract. This comprehensive plan amendment is necessary to bring the plan into conformance with the current use of the land and will accommodate a unified MX zoning for the entire property.

Respectfully,

A blue ink signature of Alan Betchan, P.E., CFM, President of AAB Engineering, LLC.

Alan Betchan, P.E., CFM
President
AAB Engineering, LLC
CA# 6318 Exp: June 30, 2020

F. Staff Summary:

The applicant is proposing a *Main Street* land use designation and to maintain the *Area of Growth* designation on the site. The proposed land use designation will help create a more uniform boundary between the existing single-family subdivision and the Peoria commercial corridor and to resolve a conflict between the *Area of Growth* and the *Existing Neighborhood* land use designation. The limitations imposed by the MX1-P-U zoning district will provide protections to the existing character of the Brookside area by preserving the pedestrian oriented nature of the neighborhood and allowing uses that can be complementary to the neighborhood. The MX1-P-U zoning designation provides the built-in protections for the neighborhood that an optional development plan could provide in other zoning districts.

II. STAFF RECOMMENDATION

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

There were no interested parties wishing to speak.

TMAPC Comments:

Mr. Walker asked what the Bus Rapid Transit (BRT) had to do with the application?

Staff stated when the BRT study was done there were recommendations along that route for 81st and Riverside to 36th Street North. Staff stated along that route, there are enhanced bus transit system stops that are planned within a certain radius around those enhance stops. The goal was to encourage higher density development with free mixed zoning applications. Staff stated it was a way to incentivize rezoning.

Mr. Walker asked if this was one of the free applications.

Staff stated "yes".

Mr. Shivel asked if there were offsets for buses to pull out at 36th Street South so buses can get off the main portion of the road.

Staff stated the bus transit system, has said that their preference is not to pull off the mainstream of traffic because once you do, it's hard to get back into the traffic stream and it makes it more difficult for that bus to stay on time. Staff stated there's nothing about this zoning that either requires a pull off or prohibits one but it does require the building to be close to the street.

Mr. Reeds stated he has seen the drawings on the typical bus stops and they are a raised platform.

Mr. Doctor stated in this part of the BRT the buildings have to be built so close to the curb you're not able to have those pull off sites. Mr. Doctor stated they are trying to keep the bus rapid transit frequency at 15 minutes and not slipping below that and having them on street is key to doing that. Mr. Doctor stated but these stations also allow the kind of level Mr. Reeds mentioned where the stations are elevated up with riders entering directly on the bus at door level.

Applicant's Comments:

Alan Betchan 200 North McKinley, Sand Springs, OK

Mr. Betchan stated this application is in a unique location where a Comprehensive Plan a lot of times is done by an aerial and what you see are the perceived development patterns, not necessarily ownership lines. Mr. Betchan

stated the church has owned that parcel on the northeast corner for a period of years and the back half of it is a playground and its access is tied to the church, not single-family freestanding, like what you would think. Mr. Betchan stated this Comprehensive Plan Amendment is specifically to allow that to be included in the same designation as what the rest of the property is and to allow the uniform zoning across the entire parcel. Mr. Betchan stated the MX zoning is a very flexible zoning, it's rigid in its form, but it's flexible and it's one of those things that it's wise to secure when the opportunities are there.

Mr. Walker asked if there was a contract pending on the side?

Mr. Betchan stated "Yes", not on the entire property on a portion of it.

Mr. Walker asked which portion.

Mr. Betchan stated the east side.

TMAPC Action; 10 members present:

On **MOTION** of **McARTOR**, TMAPC voted **10-0-0** (Doctor, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Covey, "absent") to **ADOPT** CPA-83 as an amendment to the Tulsa Comprehensive Plan Land Use Map per staff recommendation.

Legal Description of CPA-83:

LTS 6 THRU 11, BLK 1, PEORIAN ADDN & LTS 6 THRU 11, BLK 1 PEORIAN 2ND; City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

12. **Z-7478 Danny Stockstill** (CD 9) Location: Southeast corner of East 36th Street South and South Peoria Avenue requesting rezoning from **RS-3 and CH** to **MX1-P-U** (Related to CPA-83)

STAFF RECOMMENDATION:

SECTION I: Z-7478

DEVELOPMENT CONCEPT: This request for rezoning is responsive to the City Council initiative to encourage mixed-use development along the proposed bus rapid transit system route. The current zoning on the site is RS-3 and PK. The CH portion of the site has unlimited height along South Peoria. The proposed MX zoning supports the type of development and building placement that will be necessary for a successful bus rapid transit system investment by the City.

The current property owner owns a lot at the northeast corner of the request that is not included in the Main Street Corridor land use designation therefore a companion comprehensive plan amendment (CPA-83) has been submitted for a single RS-3 lot at the northeast corner of the site. That lot is not included in the bus rapid transit system recommendation area.

DETAILED STAFF RECOMMENDATION:

Case Z-7478 requesting MX1-P-U is consistent with the expected development pattern in the area and,

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

The MX1 requested is considered a Neighborhood Mixed-use district intended to accommodate small scale retail, service and dining uses that serve nearby residential neighborhoods. The district also allows a variety of residential uses and building types and supports open space sites. The rezoning request is consistent with the Bus Rapid Transit System initiative and its land use recommendations and,

MX1-P-U is consistent with the Main Street land use vision in the Tulsa Comprehensive Plan therefore

Staff recommends Approval of Z-7478 to rezone property from RS-3 and CH to MX1-P-U.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: MX1-P-U is consistent with the land use vision in the Tulsa Comprehensive Plan and is consistent with the goals and objectives that support the Bus Rapid Transit System. The existing zoning pattern creates obstacles that prohibit urban development that is desired as part of the Bus Rapid Transit System and the Town Center vision of the Tulsa Comprehensive Plan.

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:

South Peoria is considered an Urban Arterial classification. This section of Peoria is also designated as a Main Street with a 70' minimum street right of way width.

East 36th Street South is considered a residential collector with a 60 foot wide street right of way width.

Trail System Master Plan Considerations: None

Small Area Plan: Brookside Infill Design Recommendations (Completed 2002)

Small area plan concept statement: "As Tulsa continues to mature as a City, infill development will become more important as land on the perimeter is no longer available for development. Infill will no longer be the exception; it will be the rule in terms of predominant types of development. Support and encouragement of infill development are strongly recommended and should be implemented through City regulations, policies and philosophies in order to ensure quality and consistency in future development".

Staff comment: This was a statement from the infill task force prepared by the Mayor's office and the Planning Commission in 1999 and continues to be more relevant today with implementation of the Bus Rapid Transit system and the construction of the Gathering Place. The City has adopted zoning categories to support infill development strategies that will encourage design standards and building placement strategies to help create an urban fabric along Peoria from East 36th South street to I-44.

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is occupied by a church facility that has been part of the Brookside area since the 1940's and includes a residential building owned by the church at the north east corner of the subject tract.

Environmental Considerations: None that will affect site redevelopment

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Peoria Avenue	Urban Arterial / Main Street	70 feet	4 lanes with parallel parking on both sides
East 36 th Street South	Residential Collector	60 feet	3 lanes at intersection tapering to 2 lanes at east end of property

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	CH, PK and RS-3	Main Street and Existing Neighborhood	Growth	Commercial building and single family residential
East	RS-3	Existing Neighborhood	Growth	Single family residential
South	CH, CG and RS-3	Main Street and Existing Neighborhood	Growth	Commercial, office and single family residential
West	CH	Main Street	Growth	Convenience Store

SECTION III: Relevant Zoning History

History: Z-7478

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

Subject Property:

BOA-6400 August 1969: The Board of Adjustment **approved** a *special exception* to permit off-street parking for church use in a U-1C district, on subject property.

BOA-3878 August 1962: The Board of Adjustment **approved** permission for the Brookside Baptist Church to use Lot 7, Peorian Addition and Lots 4, 6, 7, 8, Block 1, Peorian Second Addition for church purposes, on subject property.

BOA-2164 October 1950: The Board of Adjustment **approved** to permit Lot 9 for use as a parking lot or for church purposes, and that the dwelling on Lot 8 be used for nursery purposes for children three years of age or less for a period of two years from date, on subject property.

BOA-1606 July 1943: The Board of Adjustment **approved** to permit Lots 10 and 11 Peorian Addition to be a site for a church, on subject property. (staff note: when this was approved property south of this site was outside the City limits of Tulsa)

Surrounding Property:

Z-7438 April 2018: All concurred in **approval** of a request for *rezoning* a tract of land from CH/PK to MX1-P-U on property located at the Southeast corner of East 37th Place South.

BOA-21490 October 2012: The Board of Adjustment **approved** a *variance* of the parking requirement with conditions, on property located at the Southeast corner of East 36th Place South and South Peoria Avenue.

BOA-21225 March 2011: The Board of Adjustment **approved** a *variance* of the minimum lot width required in the RS-3 district from 60ft to 50ft; **approved** a *variance* of the minimum land area required in the RS-3 district to permit lot splits; **approved** a *variance* of the side yard requirement; **approved** a *special exception* to reduce the required front yard in the RS-3 district; on property located east of the Southeast corner of South Peoria Avenue and East 35th Place South.

BOA-20631 January 2008: The Board of Adjustment **denied** a *variance* to permit an outdoor advertising sign outside a freeway corridor, finding a lack of hardship, on property located at the Southeast corner of East 36th Place South and South Peoria Avenue.

PUD-718 June 2005 : All concurred in **approval** of a proposed *Planned Unit Development* on a .64± acre tract of land for on property located at the Southeast corner of East 35 Place South and South Peoria Avenue (Ordinance 21137).

BOA-18582 December 1999: The Board of Adjustment **approved** a *special exception* modifying requirements for off-street parking spaces and screening upon change of non-conformity with respect to parking and screening (associated with change of use): 1. To permit some of required parking spaces to be located on an adjoining lot other than the lot containing the principal use, allowing mutual and reciprocal parking arrangement between adjoining property owners, and 2. To waive requirement that Use Unit 12 uses be screened from abutting R district or within existing parking lots which are situated on either side of zoning district boundaries, on property located at the Southeast corner of East 37th Place South.

BOA-15995 April 1992: The Board of Adjustment **approved** a *variance* of the maximum permitted 3 sq. ft. of wall signage to permit a back lit awning with conditions, on property located at the Northeast corner of East 36th Street South and South Peoria Avenue.

Z-6334 December 1991: All concurred in **approval** of a request for *rezoning* a tract of land from RS-3 to PK on property at the Northeast corner of East 36th Street South and South Peoria Avenue (Ordinance 17631).

BOA-15851 October 1991: The Board of Adjustment **approved** a *variance* of the required 50' setback from the centerline of South Peoria to 40' to permit a sign with conditions, on property located at the Southwest corner of East 36th Street South and South Peoria Avenue.

BOA-15185 July 1989: The Board of Adjustment **approved** a *variance* of spacing from a signalized intersection from 50' to 18' to allow for a flashing sign; **approved** a *variance* of spacing from a residential district from 200' to 160' to allow for said sign subject to conditions, on property located at the Southwest corner of East 36th Street South and South Peoria Avenue.

BOA-14762 March 1988: The Board of Adjustment **approved** a *variance* of the setback from 37th Street from 50' to 36' to allow for an addition to an existing building and a *variance* of the floor area ratio to allow for a 13,962 sq. ft. building; **approved** a *variance* of parking spaces from 54 to 39 with conditions, on property located at the Northeast corner of East 37th Street South and South Peoria Avenue.

PUD-423 December 1986: All concurred in **approval** of a proposed *Planned Unit Development* on a .28± acre tract of land for on property located East of the Northeast corner of East 37th Street South and South Peoria Avenue (Ordinance 16776).

BOA-13589 May 1985: The Board of Adjustment **approved** a *variance* of the setback from the centerline of Peoria from 50' to 35', and a *variance* of the setback from the centerline of 36th Street to 27' to permit a sign in a CH zoned district, on property located at the Southwest corner of East 36th Street South and South Peoria Avenue.

PUD-349 January 1984: All concurred in **approval** of a proposed *Planned Unit Development* on a 1± acre tract of land for on property located at the Northeast corner of East 37th Street South and South Peoria Avenue (Ordinance 15962).

BOA-7436 May 1972: The Board of Adjustment **approved** a *special exception* to permit parking use for employees and customers, with the restriction that the lot not be used for retail operations, on property located at the Northeast corner of East 36th Street South and South Peoria Avenue.

BOA-2198 November 1950: The Board of Adjustment **approved** a *variance* to permit business use of the East 60' of Lots 1 and 2, Block 4, Olivers Addition, on property located at the Northeast corner of East 36th Street South and South Peoria Avenue.

TMAPC Action; 10 members present:

On **MOTION** of **McARTOR**, TMAPC voted **10-0-0** (Doctor, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Covey, “absent”) to recommend **APPROVAL** of the MX1-P-U zoning for Z-7478 per staff recommendation.

Legal Description Z-7478:

LTS 6 THRU 11, BLK 1, PEORIAN ADDN & LTS 6 THRU 11, BLK 1 PEORIAN 2ND; City of Tulsa, Tulsa County, State of Oklahoma

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13. **Z-7479 Mary Huckabee** (CD 4) Location: East of the southeast corner of East 11th Street South and South Utica Avenue requesting rezoning from **RM-2 and IM** to **CH**

STAFF RECOMMENDATION:

SECTION I: Z-7479

DEVELOPMENT CONCEPT: Applicant plans to combine parcels into one tract and rezone both tracts to allow redevelopment consistent with CH zoning. Anticipated short term and long term uses are consistent with the Downtown Neighborhood land use designation.

DETAILED STAFF RECOMMENDATION:

Uses allowed in the CH zoning district are consistent with the Downtown Neighborhood land use designation in areas near arterial streets and,

Uses allowed in the CH zoning district are consistent with the expected development pattern in the area and,

The Tulsa Zoning Code provides adequate design standards where CH zoning abuts residential uses. Those standards help to provide a predictable edge that may not be injurious to the surrounding properties therefore,

Staff recommends Approval of Z-7479 to rezone property from IM, RM-2 to CH.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: CH zoning is consistent with the Downtown Neighborhood and with the Area of Growth. The Area of Stability mapped on the two parcels along the south boundary of the application did not anticipate this type of growth along East 11th Street South.

Land Use Vision:

Land Use Plan map designation: Downtown Neighborhood

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

Areas of Stability and Growth designation: Area of Growth

Areas of growth cover the north portion of property currently zoned IM and is intended 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.”

Area of Stability (on south two parcels):

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

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

Transportation Vision:

Major Street and Highway Plan: 11th Street is considered an urban arterial and a multi modal street.

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

Small Area Plan: None

Special District Considerations: The site is included in the Route 66 Corridor Overlay. The overlay provides greater flexibility in signage allowed.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is primarily a surface parking lot with two vacant parcels on the south boundary.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 11 th Street South	Urban Arterial	70 feet	4
South Yorktown	None	50 feet	2

Utilities:

The subject tract none municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	IM	Mixed Use Corridor	Growth	Empty lot
East	IM	Main Street	Growth	Industrial uses
South	RM2	Existing Neighborhood	Stability	Single Family
West	CH / RM-2	Downtown Neighborhood and Existing Neighborhood	Growth and Stability	Warehouse and storage

SECTION III: Relevant Zoning History

History: Z-7479

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

Subject Property:

No relevant history.

Surrounding Property:

BOA-18172 September 1998: The Board of Adjustment **approved** a *variance* of height requirement for a pole sign of 25' to 35' overall height, on property located at the Northeast corner of East 11th Street South and South Yorktown Avenue.

BOA-17085 July 1995: The Board of Adjustment **approved** a *special exception* to permit an indoor shooting range, on property located South of the Southeast corner of East 11th Street South and South Zunis Avenue.

BOA-16929 February 1995: The Board of Adjustment **approved** a *variance* of the required setback from the centerline of East 11th Street to permit an addition to an existing sign, on property located South of the Southeast corner of East 11th Street South and South Zunis Avenue.

BOA-15208 August 1989: The Board of Adjustment **approved** a *variance* of setback from the centerline of East 11th Street from 50' to 34' to allow for a sign, on property located at the Southeast corner of East 11th Street South and South Zunis Avenue.

BOA-13511 April 1985: The Board of Adjustment **approved** a *variance* of the 50' setback from the centerline of 11th Street to 45' to permit construction of a metal canopy, on property located at the Northeast corner of South Xanthus Avenue and East 11th Street South.

BOA-13341 October 1984: The Board of Adjustment **denied** a *variance* of the 15 required off-street parking spaces to 8 spaces to permit a drinking establishment in a CH zoned district, on property located at the Southwest corner of South Xanthus Place and East 11th Street South.

BOA-8620 June 1975: The Board of Adjustment **approved** a minor variance for a variance of setback requirements to permit two signs subject to conditions, on property located at the Northeast corner of East 11th Street South and South Yorktown Avenue.

BOA-5189 September 1966: The Board of Adjustment **approved** a request for a modification of set-back requirements, on property located at the Northeast corner of East 11th Street South and South Yorktown Avenue.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

APPLICANT COMMENTS:

The applicant stated this property for some time has been vacant. It was formerly a used car lot and you heard until a couple weeks ago, there was a trailer sitting there that the office had operated out of. The applicant stated when her client acquired it a couple months ago the trailer was hauled off and the property cleaned up and now it's ready to be used as just a parking lot as overflow for Mother Road Market and kind of alleviate some of the parking congestion. The applicant stated there was a neighborhood meeting and she was pleased with the number of neighbors that showed up and all were actually very supportive of seeing any kind of use of this property. The applicant stated the property had

been a magnet for crime with that trailer sitting vacant. The applicant stated everyone that she spoke with felt like this was a positive thing for the neighborhood.

TMAPC Action; 10 members present:

On **MOTION** of **McARTOR**, TMAPC voted **10-0-0** (Doctor, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Covey, “absent”) to recommend **APPROVAL** of the CH zoning for Z-7479 per staff recommendation.

Legal Description Z-7479:

LTS 1 THRU 5 & N7.5 VAC ALLEY ADJ ON S LESS N5 THEREOF BLK 1; LT 6 & PRT VAC 7.5 ALLEY BEG SWC LT 6 TH N 7.5 E135 S7.5 W135 POB BLK 1; LT 23 & PRT VAC 7.5 ALLEY BEG NEC LT 23 TH W135 N7.5 E135 S7.5 POB BLK 1, BELL ADDN, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

14. **MR-9** (CD 4) Modification of the Subdivision and Development Regulations to remove sidewalk requirement for a new single-family residence, Location: South of the southeast corner of East 23rd Street South and South Columbia Avenue

STAFF RECOMMENDATION:

MR-9 – 2315 S. Columbia Ave. - (CD 4)

South of the southeast corner of East 23rd Street South and South Columbia Avenue

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.

As alternative solutions for sidewalks are explored, staff will begin evaluating each request for modification based on a set of criteria. Any future program would utilize similar criteria when making eligibility determinations for alternatives. Examples of criteria include the following:

1. Proximity to major pedestrian destinations such as parks, schools, public amenities, and retail areas.
2. Presence of existing pedestrian infrastructure within a walkable area of the subject property

3. Funded capital improvement projects that will impact property under application
4. Proximity and ability to connect to collector or arterial streets
5. Topographical or environmental challenges that make sidewalk installation impossible or impractical

Based on the selected criteria, staff finds the following facts to be **favorable** to the modification request:

1. The subject property is located in the middle of an established neighborhood with no existing sidewalks.
2. Subject property is located in the middle of a block.
3. South Columbia Avenue does not provide connections to vital destinations within the neighborhood.
4. Planning Commission has approved requests for modification on two other properties within the same neighborhood.

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

The applicant was not present.

There were no interested parties wishing to speak.

TMAPC Comments:

Ms. Kimbrel asked staff if they knew if there was a hardship for the applicant if they were to proceed with the sidewalk?

Staff answered they didn't know beyond just the factors that we just discussed the lack of existing pedestrian infrastructure and the lack of connections. Staff stated their main case was that they could build a sidewalk and in the foreseeable future it would likely not connect to anything.

Ms. Kimbrel asked staff if the houses that were recently built had that policy in place.

Staff stated "no".

Ms. Kimbrel stated so the most recent houses don't have sidewalks.

Staff stated "correct", and he apologizes with the new Commissioner, he should have given a little more background. Staff stated new Subdivision Regulations were adopted in May of last year and with that adoption some zoning code amendments that applied sidewalk requirements to all new construction. Since that time staff has seen nine and the next one will be 10 requests to modify that

requirement in conjunction with infill single family homes in existing neighborhoods where there is no existing pedestrian infrastructure or ability to essentially connect to the infrastructure. Staff stated applicants are asking in those scenarios to remove the requirement to construct the sidewalks because of that lack of existing infrastructure.

Ms. Kimbrel stated she knows the sidewalk waiver is an issue and she is going to need some additional training on this.

Staff stated there is another meeting scheduled to discuss this next week with the initial working group that got together and started working through the possibility of a potential fee in lieu option within the City of Tulsa. For example, if the property owner had a compelling case as to why a sidewalk would not be beneficial, they could pay the cost of the sidewalk to the City and we could take that money and put it in the sidewalks elsewhere. Staff stated the problem is that at this time, the City doesn't have this program set up. Staff stated if you're weighing this application to know whether or not they should build a sidewalk now or not you could weigh that as would you allow them to pay a fee in lieu of at this time if it was available. Staff stated that fee is not yet available to collect but if you think it's a necessary sidewalk that can actually provide an imminent benefit to the neighborhood and to the public, then Planning Commission should make them build the sidewalk and that's really the philosophy staff is using when weighing these requests.

Ms. Kimbrel stated she is concerned Planning Commission will set precedents that no one has to build a sidewalk and sidewalks will not get built. Ms. Kimbrel stated she understands in the most recent development of these houses, there was not a policy.

Staff stated in context with the sidewalk requirements, there are projects out there that are building sidewalks as required. Staff stated Planning Commission doesn't see these because they're not asking to get around the rule. Staff stated it's happening in all the new subdivisions that are being built, it's happening on all new commercial construction on arterial streets on collector streets. Staff stated there are sidewalks being constructed as a result of this regulation. Staff stated where the real rub is occurring is on these very specific scenarios that is located within existing neighborhoods on single family homes. Staff stated this is a new rule and there were some challenges with rolling this out and notifying builders ahead of time because one thing that's different about sidewalks is that they're not required to be installed until time for a certificate of occupancy. Staff stated they're sidewalks are not a requirement of the initial building permit so it's possible some start building and it didn't get noticed until they were trying to get an occupancy permit that they need a sidewalk out front. Staff stated that caused a little bit of confusion as well.

Mr. Doctor stated to Ms. Kimbrel that she was stepping into a conversation this Commission has been having for the last three months on sidewalk issues. Mr. Doctor stated there is a lot of frustration built up on the Commission side because the City hasn't been effective as possible. Mr. Doctor stated there are a couple of legal challenges they are running into. There are strict legal requirements to meet if a fee is collected in one location and spent elsewhere. Mr. Doctor stated so it's requiring the City to define some pretty tight geographies and making us wonder if it's worthwhile to do that. Mr. Doctor stated they are working with engineering to determine what the appropriate dollar amount should be also. Mr. Doctor stated a big piece of this, from the City side, or from the Mayor side, is trying to think about how the City is building strategic connections, so building in this location where there aren't sidewalks currently, and where it's very unlikely that this would be a location where the City would choose to put those sidewalks. Mr. Doctor stated it's not in a strategic location near transit or near commercial corridors or connecting to other sidewalk sections around schools or parks. Mr. Doctor stated the criteria that staff has setup for weighing these applications are appropriate. Mr. Doctor stated he thinks that that whether or not Planning Commission should be enforcing it across the board to set that precedent is a fair question that this group has wrestled with for the last few months.

Staff stated there is an ongoing effort by staff also to one, figure out what those legal parameters are and to see what options we have available to us. Staff stated there have been maps created that at least show some conceptual zones based on demand based on prioritization based on those destination uses. Staff stated it sounds very straight forward but in reality, there are a lot of pieces of administration that have to be involved in making sure that money is used appropriately. Staff stated in the meantime, we're left with what staff would call a subpar way of weighing these issues which is bring them to Planning Commission and say is it necessary here now or not?

Mr. Reeds stated not all have been approved. Planning Commission has had some that were denied because they may be close to an arterial.

Staff stated there have also been infill homes and neighborhoods where sidewalks already exist, that have rehabbed that sidewalk because of these requirements, or if there were just existing connections to be made there weren't resistant to building the sidewalk. It's just in these scenarios where it seems out of context.

Mr. Ray stated he is going to continue to be opposed to the project just as a matter of trying to keep that level of awareness so that something will be done. He is excited to hear that the fee in lieu of discussions are still ongoing and his goal will be to try to make sure that we remember that.

Mr. McArtor stated he would like to echo what Mr. Ray said and he will also vote against staff recommendation, while he appreciates the discussions that are ongoing about the fee in lieu of he also hears there are a lot of obstacles. Mr. McArtor stated he thinks the motive is great but he doesn't have a lot of confidence that it will be resolved very soon. Mr. McArtor stated in the small amount of time he has been on the Commission there has been 7 or 8 of the sidewalk waivers and he wonders how many more are going to come along before a policy is in place. Mr. McArtor stated when he hears the legal obstacles and some of the other issues he thinks there will be more and more of these unless by voting communicates to folks we are not going to grant these exceptions. Mr. McArtor stated he lives in a neighborhood where there are sidewalks but there are some places with no sidewalks in his area. He stated when he walks the dogs if there's a sidewalk he walks on it and if there is not he jumps out on the street. Mr. McArtor stated as soon as he sees a sidewalk he jumps back on it. Mr. McArtor stated just because the sidewalks aren't connected does not mean that people don't use them, they do use them and it's a lot safer walking on a sidewalk. Mr. McArtor stated he thinks a message needs to be sent that the Subdivision Regulations matter and Comprehensive Plan matters.

Mr. Walker asked City Legal if this body starts rejecting the staff recommendations, what's the course of action for the property owner, a non-compliant property owner.

Ms. VanValkenburgh stated the property owners need to build the sidewalk.

Mr. Walker stated who enforces that? How would that happen?

Mr. Doctor stated this early stage it would be Development Services who wouldn't issue a certificate of occupancy.

Mr. McArtor stated if a certificate of occupancy is not issued, what keeps someone from occupying the residence?

Josh Ritchie stated, "the fire marshal".

Ms. VanValkenburgh stated, "you wouldn't be able to sell the house".

Ms. Kimbrel stated she doesn't know if ADA is outside the scope of this commission but that is some of her concerns. Ms. Kimbrel stated she will probably be voting against this application because she doesn't think if her blind aunt lived in a neighborhood without sidewalks she could enjoy it.

Mr. Ritchey stated he feels like he is the one that started the whole if not now when movement and he was voting all of these sidewalk modifications down. Mr. Ritchey stated he didn't even need to know why an applicant needed the modification because he wanted sidewalks for everybody all the time. Mr. Ritchey

stated he was Mr. Walkable, Mr. Urban Development and now since he started the if not now then when movement he has almost entirely flip flopped which is bizarre. Mr. Ritchey stated his reasoning is he feels this is more of a City program and a City infrastructure issue and that it should not be passed down to each individual homeowner whether or not the homeowner is a person of means or not. Mr. Ritchey stated a better plan is needed. He is respectful of everyone else's opinion because it was his opinion that maybe Planning Commission could do something. Mr. Ritchey stated he is also an attorney so his brain works weirdly sometimes and given the set of facts in this application he would rather have a really nice old tree than a sidewalk to nowhere. Mr. Ritchey stated if you're building a new house here you probably have money to build a sidewalk but the applicant stated they do not want to build a sidewalk because there's a major tree that they would like to keep, and none of their neighbors have a sidewalk. Mr. Ritchey stated he is going to vote yes to wave this one and then see what's going on the next one?

Mr. Doctor stated he was going to say that he is the morally ambiguous Commissioner on the Commission, where everyone else is falling into clear camps he is much more in line with staff recommendation. Mr. Doctor stated he voted against the waiver two weeks ago because it was within two blocks of the BRT line and that's the place where there needs to be a connection. Mr. Doctor stated he would be voting in favor of this waiver, but deeply respect the decisions taken by his fellow Commissioners.

Mr. Fothergill stated he is following staff recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **REEDS**, the TMAPC voted **7-3-0** (Doctor, Fothergill, Reeds, Ritchey, Shivel, Van Cleave, Walker "aye"; Kimbrel, McArtor, Ray "nays"; none "abstaining"; Covey, "absent") to **APPROVE** MR-9 Modification of the Subdivision and Development Regulations to remove sidewalk requirement per staff recommendation.

* * * * *

15. **MR-10** (CD 1) Modification of the Subdivision and Development Regulations to remove sidewalk requirement for a new single-family residence, Location: North of the northwest corner of West Tecumseh Place and North Quannah Avenue

STAFF RECOMMENDATION:

MR-10 – 1916 N. Quannah Ave. - (CD 1)

North of the northwest corner of West Tecumseh Place and North Quannah Avenue

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.

As alternative solutions for sidewalks are explored, staff will begin evaluating each request for modification based on a set of criteria. Any future program would utilize similar criteria when making eligibility determinations for alternatives. Examples of criteria include the following:

1. Proximity to major pedestrian destinations such as parks, schools, public amenities, and retail areas.
2. Presence of existing pedestrian infrastructure within a walkable area of the subject property
3. Funded capital improvement projects that will impact property under application
4. Proximity and ability to connect to collector or arterial streets
5. Topographical or environmental challenges that make sidewalk installation impossible or impractical

Based on the selected criteria, staff finds the following facts to be **favorable** to the modification request:

1. The subject property is located in the middle of an established neighborhood with no existing sidewalks.
2. Subject property is located on the end of a cul-de-sac containing 3 houses.
3. North Quannah Avenue does not provide connections to vital destinations within the neighborhood.
4. Sidewalk would only serve the subject property
5. Currently no sidewalks provided on the West Tecumseh Place or North Union Avenue to connect area to other destinations

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 Comments:

Ms. Kimbrel asked if building the sidewalk would cause a hardship to the applicant.

Staff stated the applicant has stated there are a few conflicts with City Infrastructure within the right of way that would cause a challenge.

Applicant Comments:

The applicant stated there is a large main water pressure relieve valve that the applicant would have to work around. The applicant stated he is on a cul-de-sac and there are no sidewalks in the neighborhood.

TMAPC Action; 10 members present:

On **MOTION** of **SHIVEL**, the TMAPC voted **7-3-0** (Doctor, Fothergill, Reeds, Ritchey, Shivel, Van Cleave, Walker “aye”; Kimbrel, McArtor, Ray “nays”; none “abstaining”; Covey, “absent”) to **APPROVE** MR-10 Modification of the Subdivision and Development Regulations to remove sidewalk requirement per staff recommendation.

* * * * *

16. **ZCA-9**, amendments to the Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, Chapter 65 Landscaping, Screening and Lighting, to retitle Chapter 65 as Landscaping and Screening, to establish new minimum requirements for landscaping and screening, to renumber Outdoor Lighting regulations, establishing it as a separate Chapter 67, and to add and revise related provisions in Chapter 5 Residential Districts, Chapter 10 Mixed-Use Districts, Chapter 15 Office, Commercial and Industrial Districts, Chapter 55 Parking and Chapter 85 Violations, Penalties and Enforcement. (Continued from May 1, 2019)

STAFF RECOMMENDATION:

Item

Consider amending the City of Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, Chapter 65 Landscaping, Screening and Lighting, to retitle Chapter 65 as Landscaping and Screening, to establish new minimum requirements for landscaping and screening, to renumber Outdoor Lighting regulations, establishing it as a separate Chapter 67, and to add and revise related provisions in Chapter 5 Residential Districts, Chapter 10 Mixed-Use Districts, Chapter 15 Office, Commercial and Industrial Districts, Chapter 55 Parking and Chapter 85 Violations, Penalties and Enforcement.

Background

The 2016 Tulsa Zoning Code was adopted to provide the City, residents, and builders updated regulations to reflect recommendations and vision of the Tulsa Comprehensive Plan. During the process of updating the zoning code, it was agreed that the landscape chapter would be updated separately. Kirk Bishop of Duncan and Associates was selected as the consultant for the 2016 zoning code update, as well as in February 2017 for the landscape chapter update.

As part of the process to update the landscape chapter, a technical team of City and utility staff as well as a working group of local professionals, stakeholders, and leaders were formed to provide guidance and feedback. A kick-off meeting was held on February 15, 2017 with both groups and the consultant. Additional meetings over the past couple of years have refined these items and established the details needed to produce draft regulations. The TMAPC has been presented with status updates during the process, at Work Sessions on April 19, 2017, September 6, 2017 and April 3, 2019. In addition, public review and open houses were held on October 31, 2017 and March 21st, 2019.

Following a February 14, 2018 technical team and working group meeting, it was determined that the outdoor lighting provisions of the code would be separated into a separate chapter and that cost estimates related to anticipated new landscape requirements should be presented concurrent with the proposed modifications. The contract with Duncan and Associates was modified to add cost analysis and comparison which were completed in February 2019. The cost comparisons looked at several scenarios and cost estimates were included to illustrate existing landscape requirements and the proposed landscape requirements.

During the latest open house on March 21, 2019 the Tulsa Planning Office provided illustrations and discussed the proposed landscape requirements with the participants. TMAPC staff also met independently with members of the Home Builders Association (HBA) and NAIOP on March 20, 2019.

Comprehensive Plan Considerations

The Tulsa Comprehensive Plan recognizes the value of landscapes in all land use categories.

In Summary: Goal 3 of the Land Use Priorities in the Comprehensive Plan provides guidance for all new development that promotes pedestrian friendly streetscapes by encouraging pedestrian oriented amenities and enhancement. The pedestrian experiences should include trees and landscaping to visually enhance open space as well as providing shade for a cooler micro climate. Native or drought resistant species should be encouraged.

The Comprehensive Plan recognizes that landscaping is part of an existing neighborhood, however this amendment does not include any landscape provisions that affect single family residential development.

All the street designations in the Comprehensive Plan including Commuter Streets, Multi Modal Corridors, Main Streets and Residential Collector Streets recognize the values of providing an attractive landscape corridor to promote walking, bicycling, and transit use. Every conceptual street cross section includes anticipated tree placement in the street right of way

Staff Recommendation

Approval of the proposed amendments to the Tulsa Zoning Code in Chapter 65, Chapter 67, and all companion amendments as attached.

There were no interested parties wishing to speak.

TMAPC Comments:

Mr. Reeds stated he thought this plan was a nice balance.

Mr. Doctor stated he would like to thank staff for all the hard work that went into this document. He stated this moves the City light years from the current regulations and staff did an excellent job.

TMAPC Action; 10 members present:

On **MOTION** of **REEDS**, TMAPC voted **10-0-0** (Doctor, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Covey, “absent”) to recommend **ADOPTION** of ZCA-9 with amendments to the Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, Chapter 65 Landscaping, Screening and Lighting, to retitle Chapter 65 as Landscaping and Screening, to establish new minimum requirements for landscaping and screening, to renumber Outdoor Lighting regulations, establishing it as a separate Chapter 67, and to add and revise related provisions in Chapter 5 Residential Districts, Chapter 10 Mixed-Use Districts, Chapter 15 Office, Commercial and Industrial Districts, Chapter 55 Parking and Chapter 85 Violations, Penalties and Enforcement per staff recommendation.

OTHER BUSINESS

Election of Officers: **Secretary** to replace Margaret Millikin

Mr. McArtor nominated Joshua Ritchey to replace Margaret Millikin as secretary.

TMAPC Action; 10 members present:

On **MOTION** of **McARTOR**, TMAPC voted **10-0-0** (Doctor, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Covey, "absent") to elect Joshua Ritchey as Secretary replacing Margaret Millikin.

Commissioners' Comments

Mr. Walker stated he would like to welcome Ms. Kimbrel to TMAPC.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 4:20 p.m.

Date Approved:

06-05-2019


Chairman

ATTEST:


Secretary