

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2797

Wednesday, July 3, 2019, 1:30 p.m.

City Council Chamber

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

Members Present	Members Absent	Staff Present	Others Present
Covey	Ray	Foster	Jordan, COT
Doctor	Reeds	Hoyt	Silman, COT
Fothergill		Miller	VanValkenburgh, Legal
Kimbrel		Sawyer	
McArtor		Wilkerson	
Ritchey		Wing	
Shivel			
Van Cleave			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, June 27, 2019, at 2:00 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

REPORTS:

Chairman's Report:

None

Director's Report:

Ms. Miller reported on City Council and Board of County Commissioner actions and other special projects. Ms. Miller stated a work session would be held on August 7, 2019. Ms. Miller stated the American Planning Association Quad State

Conference is in Tulsa this year and Ms. Miller sent Planning Commissioners an email. Ms. Miller stated she has talked to several Commissioners about the conference so let Ms. Miller know if you want the Tulsa Planning Office to fill out the registration. Ms. Miller stated if you do not want to attend the conference there will also be a Planning Commission training session on Thursday October the 10th from 3:00pm to 5:00pm.

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1. **Minutes:**

Approval of the minutes of June 19, 2019 Meeting No. 2796

On **MOTION** of **SHIVEL**, the TMAPC voted 7-0-1 (Covey, Doctor, Fothergill, Kimbrel, McArtor, Shivel, Van Cleave, "aye"; no "nays"; Ritchey, "abstaining"; Ray, Reeds, Walker, "absent") to **APPROVE** the minutes of the meeting of June 19, 2019, Meeting No. 2796.

CONSENT AGENDA:

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

None

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

PUBLIC HEARINGS:

2. **Z-7485 Mike Thedford, Wallace Engineering** (CD 9) Location: South of the southeast corner of East 31st Street South and South Toledo Avenue requesting rezoning from **RS-3 to CS with optional development plan (Continued from June 19, 2019)**

STAFF RECOMMENDATION:

Rancho Flores is a garden center that has been part of the community for over 20 years. The provide garden plants and ornaments primarily used by residents. The business is expanding and hopes to develop this parcel for parking and possibly a new building. The concept plan provided in the packet gives a rough idea of the anticipated long-term expansion possibilities. The development plan associated with this request will only allow uses that are compatible with abutting property owners and provide design guidelines for site development and building materials.

SECTION II: OPTIONAL DEVELOPMENT PLAN STANDARDS:

GENERAL PROVISIONS:

All district use regulations, supplemental regulations, building types, lot and building regulations, along with other relevant regulations shall conform with the provision of the Tulsa Zoning Code for development in a CS zoning district except as further limited below.

PERMITTED USES:

Use Categories are limited to the subcategories and specific uses defined below and uses that are customarily accessory to the permitted uses.

- A. Residential
 - a. Single Household
 - b. Two households on a single lot
- B. Commercial
 - a. Business support service
- C. Office
 - a. Business or professional office
 - b. Medical, dental or health practitioner office
- D. Retail Sales
 - a. Consumer shopping goods
- E. Equipment. and Materials Storage, Outdoor
- F. Agricultural
 - a. Community Garden
 - b. Farm Market or Community-Supported garden

PERMITTED RESIDENTIAL BUILDING TYPES:

- A. Single household
 - a. Townhouse
 - b. Mixed-use building
 - c. Vertical mixed-use building

VEHICULAR ACCESS:

- A. Vehicular access is prohibited on South Urbana Avenue
- B. Vehicular access on South Toledo Avenue shall conform to the Tulsa Zoning Code standards for driveways on a residentially zoned lot with a maximum width of 20 feet between the lot line and the building setback line.

LOT AND BUILDING REGULATIONS:

Minimum building setbacks from South Urbana and from South Toledo shall be 25 feet from the lot lines as they exist with this application.

LANDSCAPE AND SCREENING:

- A. Landscaping shall be installed and maintained as required by the Zoning Code at the time any building permit is submitted with additional requirements as outlined below.
- B. Fencing along the south lot line shall include Masonry Columns with a maximum spacing of 50 feet.
- C. Screening fencing as required between commercial and residential properties in the Tulsa Zoning Code shall be a cap and trim style privacy fencing.
- D. Evergreen hedge with a minimum height of 8 feet and evergreen trees with a minimum height of 12 feet shall be planted and maintained as shown conceptual plan exhibit included.
- E. Outdoor equipment and materials storage shall be screened from abutting residential and office lots. The screening fence for outdoor storage shall be a minimum height of 6 feet. All outdoor equipment and materials storage shall be on an all-weather surface.

SIGNAGE:

All signage is prohibited except as may be allowed in a RS-3 district.

DUMPSTER AND TRASH COLLECTION:

Dumpsters, collection boxes and trash collection are prohibited outside:

BUILDING DESIGN:

- A. Maximum building height shall not exceed 35 feet.
- B. Pre-engineered metal building may be used with the following design requirement.
- C. Earth tone colors are required
- D. Masonry wainscot with a minimum height of 4 feet measured from the finished floor elevation of the building.
- E. Any building shall have a residential style front door and any garage door shall also be a residential style. Overhead roll up doors are prohibited.

DETAILED STAFF RECOMMENDATION:

Z-7485 requesting CS with the optional development plan as outlined in Section II is consistent with the Mixed-Use Corridor land use designation of the Tulsa comprehensive plan and,

CS zoning without the optional development plan would allow uses that could be considered injurious to the residential property owner on the west, south and east however the optional development plan provides use limitations and design standards that will integrate this site into the adjoining single-family residential area and,

CS zoning with the optional development is consistent with the expected development pattern in the area therefore,

Staff recommends Approval of Z-7485 as outlined in Section II above.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Requested CS zoning is consistent with the Mixed-Use Corridor Land use designation in the Tulsa Comprehensive Plan. Z-7485 is also included in the area of growth which recognizes that the subject tract was considered as a possible expansion area of the mixed-use corridor.

Land Use Vision:

Land Use Plan map designation: Mixed-Use Corridor

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

Areas of Stability and Growth designation: Area of Growth

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

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close

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

Transportation Vision:

Major Street and Highway Plan: None that affect the subject tract.

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 vacant.*

Environmental Considerations: None that affect site development

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Urbana Ave. (access prohibited in development plan standards)	None	50 feet	2
South Toledo Ave.	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	OM and CS	Mixed-Use Corridor	Growth	Office and Garden Center Retail
East	RS-3	Existing Neighborhood	Stability	Detached Single Family
South	RS-3	Existing Neighborhood	Stability	Detached Single Family
West	RS-3	Existing Neighborhood	Stability	Detached Single Family

SECTION III: Relevant Zoning History

History: Z-7485

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

Subject Property:

No relevant history.

Surrounding Property:

BOA-22173 December 2016: The Board of Adjustment **accepted** the applicant's *verification of spacing* for the proposed liquor store, on property located at the Southeast corner of South Urbana Avenue and East 31st Street South.

PUD-197-A January 2009: All concurred in **approval** of a proposed *Major Amendment* to PUD on a 41.6± acre tract of land for a five-story independent living center on property located at the Southwest corner of East 31st Street South and South Toledo Avenue.

BOA-17632 February 1997: The Board of Adjustment **approved** a *special exception* to allow a greenhouse retail sale in a CS District, per plan submitted,

on property located at the Southwest corner of South Urbana Avenue and East 31st Street South.

BOA-14471 May 1987: The Board of Adjustment **approved** a *variance* of setback from the centerline of 31st Street from 100' to 70' and 95' to allow for an existing building; approved a variance to allow for 82 parking spaces on an existing parking lot with conditions, on property located East of the Northeast corner of South Sandusky Ave and East 31st Street South.

BOA-13548 May 1985: The Board of Adjustment **approved** a *variance* of the 100' setback from the centerline of 31st Street to 94' to permit construction of a building in a CS zoned District; **approved** a *variance* of the required 54 parking spaces to 16 spaces; **approved** a *variance* of the 10' access drive to 5', on property located at the Southwest corner of South Winston Avenue and East 31st Street South.

PUD-197 April 1978: All concurred in **approval** of a proposed *Planned Unit Development* on a 40+ acre tract of land for a retirement complex that was in a CDP-48 (Community Development Plan) on property located on property located at the southwest corner of East 31st Street and South Toledo Avenue.

BOA-3737 December 1961: The Board of Adjustment **approved** to permit a children's day nursery in a U-1-C District, on property located at the Northeast corner of South Sandusky Ave and East 31st Street South.

BOA-2835 April 1956: The Board of Adjustment **approved** to permit a fire station on property located at the Southeast corner of South Urbana Avenue and East 31st Street South.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Comments:

Mr. McArtor asked staff if the development plan standards were in consultation with the neighbors to the south.

Staff stated "yes", the consultant for the subject property had met with the neighbors independently.

Mr. Fothergill stated the staff report shows no outside trash or dumpsters. Mr. Fothergill asked how that was going to be accomplished?

Staff stated all of that trash will have to be stored inside.

Mr. Fothergill asked if the lots were combined?

Staff answered, not yet but they will be if this application is approved.

Ms. Kimbrel asked staff if the neighbors were agreeable to the development with the optional development plan.

Staff stated the two abutting neighbors that staff has had the most conversation with agree but he had not heard from any other property owners.

The applicant indicated his agreement with staff's recommendation.

Applicant Comments:

The applicant stated he received an email just prior to this meeting from an adjacent property owner stating he supported this application.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **McARTOR**, TMAPC voted **8-0-0** (Covey, Doctor, Fothergill, Kimbrel, McArtor, Ritchey, Shivel, Van Cleave, "aye"; no "nays"; none "abstaining"; Ray, Reeds, Walker, "absent") to recommend **APPROVAL** of Z-7485 rezoning to CS with optional development per staff recommendations.

Legal Description Z-7485:

PRT NE NE BEG 180E & 225S NWC NW NE NE TH S65.7 E250 N65.7 W250
POB SEC 21 19 13 0.38AC, City of Tulsa, Tulsa County, State of Oklahoma

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Mr. Walker arrived to at 1:43

3. **Z-7486 Lou Reynolds** (CD 4) Location: North of the northwest corner of North Union Avenue and West Highway 64 rezoning from RS-3 to RS-5

STAFF RECOMMENDATION:

SECTION I: Z-7486

DEVELOPMENT CONCEPT: The property owner plans to renovate a building that was originally constructed as a neighborhood grocery. The developer plans to keep the existing building and split into several dwelling units. This zoning classification will still require Board of Adjustment approval for a multi-unit house.

DETAILED STAFF RECOMMENDATION:

RS-5 zoning allows land uses that are consistent with the expected development pattern in the area and,

RS-5 zoning is consistent with the density that is anticipated in the comprehensive plan and in the Charles Page Boulevard revitalization plan, and

RS-5 uses and those residential uses that may be allowed by special exception are generally consistent with the development pattern when this area was originally constructed and,

Uses allowed by right are non-injurious to the surrounding property owners and may help spur redevelopment of this existing building therefore,

Staff recommends Approval of Z-7486 to rezone property from RS-3 to RS-5.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The Tulsa Comprehensive Plan identifies this area an existing neighborhood but did not necessarily recognize the historical significance of this particular structure. The existing neighborhood land use designation recognizes appropriate small-scale infill projects that are consistent with the fabric of the neighborhood. The area of growth recognized the ability to enhance the unique qualities of older neighborhoods.

The Charles Page Boulevard Neighborhood Revitalization Plan was approved in 1996 and is still used to provide general guidance in the area.

Land Use Vision:

Land Use Plan map designation: Existing Neighborhood

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

Areas of Stability and Growth designation: Area of Stability

The Areas of Stability includes approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to

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

Transportation Vision:

Major Street and Highway Plan: North Union Ave. is classified as a residential collector

Trail System Master Plan Considerations: None

Small Area Plan:

This site is included in the Charles Page Revitalization Plan that was adopted in 1996. The land action vision of that plan considered this a Residential Area



Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The building on the property was originally a commercial building with residential use in the building. The property has been used for decades as a residential dwelling.



Environmental Considerations:

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Union	Residential Collector	60 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	RS-3	Existing Neighborhood	Stability	Single Family
East	RS-3	Existing Neighborhood	Stability	Single Family
South	RS-3	Existing Neighborhood	Stability	Single Family
West	RS-3	Existing Neighborhood	Stability	Single Family

SECTION III: Relevant Zoning History

History: Z-7486

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

Subject Property:

No relevant history.

Surrounding Property:

PUD-795/Z-7224 April 2013: All concurred in **approval** of a proposed *Planned Unit Development* on a 2± acre tract of land for reuse of an old school building for 32 apartments, a common space for events, and a catering kitchen; all concurred in **approval** of a request for *rezoning* a tract of land from RS-3 to RM-2/CS on property located South of the Southeast corner of West Edison Street and North Xenophon Avenue.

BOA-17018 April 1995: The Board of Adjustment **approved** a minor *special exception* to reduce the front yard setback from 55' to 52' to allow replacement of a porch on an existing dwelling, on property located at Northwest corner of West Mathew Brady Street and North Union Avenue.

BOA-16634 April 1994: The Board of Adjustment **approved** a *variance* of the required livability space from 4000 sq. ft. to 2950 square feet; **approved** a *variance* of the required side yard from 15' to 12', subject to conditions, on property located at the Northwest corner of West Mathew Brady Street and North Santa Fe Avenue.

BOA-13742 September 1985: The Board of Adjustment **approved** a *variance* of the lot width from 60' to 50' to allow for nonconforming use; **denied** a *variance* of size of detached accessory building from 750 square feet to 912 square feet; **approved** a *variance* that the accessory building be allowed in the side yard; **approved** a *variance* of setbacks from the east of Brady Street from 50' to 40' to allow for accessory on property located at the Southwest corner of West Mathew Brady Street and North Vancouver Avenue.

BOA-10865 January 1980: The Board of Adjustment **approved** a *special exception* to use a portion of Pershing School for a Community Center for the Salvation Army, subject to the erection of signs to direct persons to the parking area, subject to conditions on property located at the Southeast corner of North Xenophon and West Easton Street.

BOA-10730 October 1979: The Board of Adjustment **approved** a *special exception* to use the property for a Head Start Program, for children 3 to 5 years, on property located at the Southeast corner of North Xenophon and West Easton Street.

BOA-6849 December 1970: The Board of Adjustment **approved** a *variance* modifying the front footage requirements and square footage of lot area requirements of RS-3 to permit a lot split, on property located at the Southeast corner of North Union Avenue and West Cameron Street.

The applicant indicated his agreement with staff's recommendation.

TMAPC Comments:

Mr. McArtor asked staff what the thinking behind rezoning to RS-5 instead of multi-family.

Staff stated there was a land use study done in 1996 for this area and it generally supported the idea of single family uses here and adaptive reuse of some of the existing structure and that gave a little bit of guidance. It is part of an existing neighborhood land use designation and the character of the neighborhood would be solid with RS-5 zoning versus multi-family.

Mr. McArtor asked if we were to approve staff recommendation and the applicant goes to the Board of Adjustment and the board does not grant a special exception, what happens then.

Staff stated this would it continue to be used as a single-family residential structure.

Mr. McArtor asked if the applicant could come back to TMAPC and make another application.

Staff stated he would hope that's not the path we go down.

Mr. McArtor asked how many units the applicant wants to build.

Staff stated he would let the applicant answer that question.

Applicant Comments:

The applicant stated the building is approximately 1900 square feet and was built in 1920. The applicant stated 3 generations have been raised in this building. In the beginning it was a store in the front and living quarters in the rear. The applicant stated it was later converted so that a family could live on the second story. The applicant stated the property was bought from the administrator of that estate whose family lived in the back when he was born in 1976. The applicant stated it has not been a store since sometime in the late 1950s. The applicant stated across the street to the east and maybe two three houses up there's a six-unit brownstone and a few other multifamily dwellings peppered throughout the area. The applicant stated Board of Adjustment approval would still be needed for some setback variances,

There were no interested parties wishing to speak.

Mr. Fothergill thanked the applicant for keeping the historic building and adapting it to reuse it.

TMAPC Action; 9 members present:

On **MOTION** of **McARTOR**, TMAPC voted **9-0-0** (Covey, Doctor, Fothergill, Kimbrel, McArtor, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Ray, Reeds, "absent") to recommend **APPROVAL** of the RS-5 zoning for Z-7486 per staff recommendation.

Legal Description Z-7486:

LT 4 BLK 24, IRVING PLACE, City of Tulsa, Tulsa County, State of Oklahoma

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Items 4 and 5 were presented together.

4. **PUD-854 John Sayre** (County) Location: Southwest corner of North Highway 75 and East 96th Street North (**Related to CZ-487**)

STAFF RECOMMENDATION:
SECTION I: PUD-854

DEVELOPMENT CONCEPT: Rezone from AG to AG/CS/PUD-854 to permit a large lot residential development as well as a multi-lot commercial development. The applicant has indicated that his goal is to establish a large lot residential and business development at the subject locations with private streets. The primary focus being on single-family residential development with commercial uses near the corridor recognized in the North Tulsa County comprehensive plan. The applicant intends to follow the provisions of the Tulsa County Zoning Code, with the exceptions listed in the Development Standards.

These lots were also the subject of the recent rezoning case CZ-486, which was approved by TMAPC to rezone the lots, designated as Development Area A in the included materials, from AG to RE, however the applicant has withdrawn that request before approval by the County Commission. This is due to the desire to use this area for large lot single-family homes, which are allowed within the AG zoning district. This area is included in the PUD to allow private streets. The proposed CS zoning is intended for commercial development. No specific users have been identified, at this time.

The applicant intends to use private streets throughout the development, constructed to meet or exceed Tulsa County standards. The preliminary layout presented in Applicant Exhibit 'A' will need to be revised to conform to the current Subdivision Standards, particularly block length allowances. These items will be evaluated and further refined as well as conformance evaluated during the platting process that will be required, if the proposed PUD is approved.

DETAILED STAFF RECOMMENDATION:

Uses allowed in PUD-854 are non-injurious to the existing proximate properties and;

PUD-854 is consistent with the anticipated future development pattern of the surrounding property;

The commercial area in development area B is consistent with the North Tulsa County Comprehensive Plan and,

Provides a unified treatment of the development possibilities of the project site and,

PUD-854 is consistent with the PUD chapter of the Tulsa County Zoning Code, therefore;

Staff recommends Approval of PUD-854 to rezone property from AG to CS, PUD-854 as outlined in the following development standards.

PUD 854 DEVELOPMENT STANDARDS:

General Development Standards:

All development in PUD 854 shall conform to Planned Unit Development Chapter 11 of the Tulsa County Zoning Code in effect at the time the PUD is approved at the County Commission.

All private streets and open space shall be part of a reserve area. Any reserve area shall be maintained by a property owners association that includes all owners in the Planned Unit Development Area. The private street provision of this does not prohibit public streets. Some public street infrastructure may be required during the plat process.

Land Area:

Gross:	250 acres	10,890,000
SF		
Net Land Area:	200 acres	8,712,000
SF		

The legal description for Development Area A and B will be identified on the preliminary plat for the entire land area of PUD 854.

Bulk and Area Requirements:

Frontage:

All lots shall have a minimum frontage of 30 feet to any private or public street.

Minimum Lot Width:

150 feet for all lots

Permitted Uses and development standards by Development Area A:

Development Area "A" (to remain AG zoning):

All uses allowed by right with customarily accessory uses permitted within; Use Unit 1; Area-Wide Uses by Right; Use Unit 3; Agriculture, Use Unit 4; Public Protection and Utility Facilities, Use Unit 5; Community Services and Similar Uses, Use Unit 6; Single-family Dwelling, Use Unit 7; Duplex-dwelling, Use Unit 24(a). Oil and Gas Extraction.

Minimum land area for any residential lot:

2 acres (excludes street right of way or reserve area).

Minimum Setbacks:

Front Yard

65 feet from the center of any public or private street

Side Yard

20 feet

Rear Yard

40 feet

Maximum building height for any use:

35 feet

Permitted Uses and Development Standards for Development Area B:

Development Area "B" (Current AG – Proposed CS zoning):

All uses allowed by right with customarily accessory uses permitted within; Use Unit 1, Area-Wide Uses by Right; Use Unit 3; Agriculture, Use Unit 4; Public Protection and Utility Facilities, Use Unit 5; Community Services and Similar Uses, Use Unit 8; Multi-family and similar uses, Use Unit 10, Off-Street Parking; Use Unit 11, Offices, Studios and Support Services; Use Unit 12, Eating Establishments other than Drive-Ins; Use Unit 13, Convenience Goods and Services; Use Unit 14, Shopping Goods and Services; and Use Unit 15, Other Trades and Services, Trade Establishments Use Unit 16; Mini-Storage, Use Unit 17; Automobile and Allied Activities; Use Unit 19; Hotel, Motel and Recreation Facility, Use Unit 21; Business Signs and Outdoor Advertising, Use Unit 24(a). Oil and Gas Extraction.

Floor Area Ratio:

Maximum Building Floor Area:

Maximum floor area ratio shall not exceed 75% of the lot area.

Maximum Building Height:

50 feet.

Off-Street Parking ratios:

Parking ratios for any commercial or office use may be reduced to provide up to 25% less than the parking defined by each use-unit classification of the Tulsa County Zoning Code.

Minimum Building Setbacks:

As required by the provisions of the CS zoning and by the provisions of the PUD chapter of the Zoning Code. Where lot access is provided from a private street no building may be located closer than 50 feet from the center of the street reserve area.

Signage:

Signage is allowed only as defined in the Planned Unit Development Chapter 11 of the Tulsa County Zoning Code.

Landscape standards and Lighting Standards:

A) Prior to issuance of a certificate of occupancy landscaping shall be installed that meets or exceeds the landscape requirements as described below:

B) Lighting shall not exceed 18 feet in height when located within 200 feet of any residential or agricultural zoned district. Lighting in all other areas shall not exceed 30 feet in height and shall be pointed down the light emitting element shall not be visible from any AG or R owner.

Building Facades:

All exterior walls of a building shall be minimum 75% masonry on all faces of the first floor, such building can be; concrete, stone and/or brick, masonry veneer, and EIFS. In commercial areas the store fronts can be aluminum, glass, and Metal. Pre-engineered metal buildings with metal sectional overhead doors for deliveries and metal exit doors which meet requirements are allowed.

Trash and Mechanical Areas:

All trash, mechanical and equipment areas (excluding utility service transformers, pedestals or other equipment provided by franchise utility providers), including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.

Trash dumpster areas shall be screened by wood or masonry construction with steel framed doors. The doors shall be covered with an appropriate covering containing a minimum of 95% opacity on the gate frame.

Outside Storage:

There shall be no outside storage or recycling material, trash or similar materials outside of a screened receptacle. Truck trailers and shipping containers shall not be used for storage. No trucks or trailers shall be parked unless they are actively being loaded or unloaded.

Site plan and landscape plan review:

No building permit will be issued for any building within the development, until a Planned Unit Development Detail Site Plan and Detail Landscape Plan for that lot or parcel shall have been submitted to Tulsa Metropolitan Area Planning Commission and approved as following the approved

Planned Unit Development Standards. The site plan requirement for Development Area A shall be satisfied by the Final Plat. Each individual house will not require site plan approval.

Schedule of development and plat requirements:

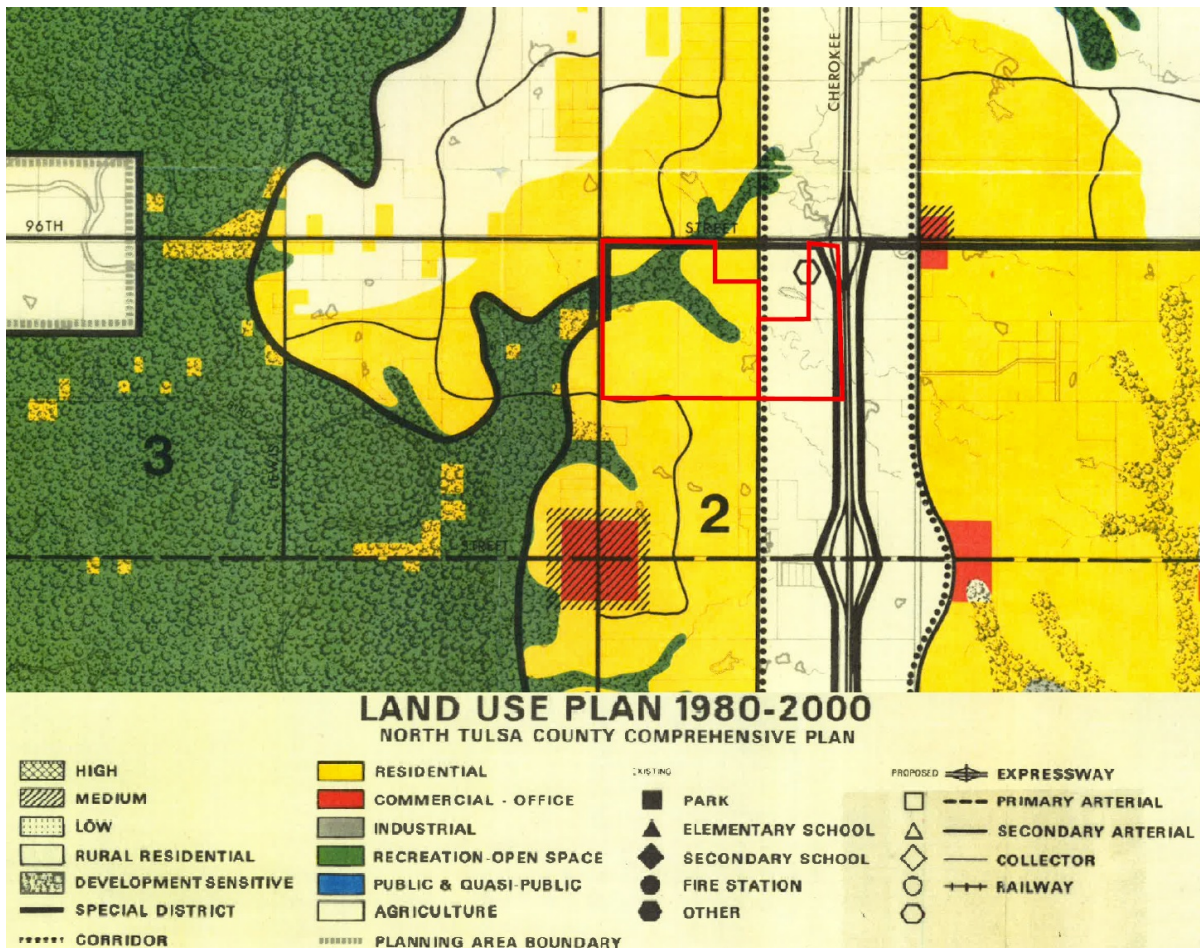
Development will begin after final approval of the Planned Unit Development, and the platting of the property will be performed in phases. The preliminary plat will be provided for the entire PUD area.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: This area is outside of the City of Tulsa Comprehensive Plan area but is located within the boundaries of the North Tulsa County Comprehensive Plan 1980-2000. The lots within the proposed CS zoning area are designated as Corridor, which is compatible. The lots to remain AG and utilized as large lot residential is designated as Residential, which is compatible.

(See next page for land use map from The North Tulsa County Comprehensive Plan)



Land Use Vision:

Land Use Plan map designation: N/A

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: E 96th St N is designated as a Secondary Arterial

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is currently vacant land with some forested areas.*

Environmental Considerations: Portions of the site are within the Tulsa County 100-year floodplain. The applicant will need to work with Tulsa County in order to mitigate any impacts or issues if developing within these areas.

The development topography is shown on Exhibit "A". The 250-acre site falls generally from southeast to northwest ending in the Flood Zone A on North Harvard Avenue.

The site topography rises from approximately 605 feet above mean sea level at the lowest point to an elevation of 650 feet above mean sea level at the highest point. Within the development will be ample storm water detention and retention, designed during the plat process.

Aerial map shows existing green areas around ponds, creeks, and existing flood plain.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
E 96 th St N	Secondary Arterial	100 Feet	2

Utilities:

The subject tract has municipal water available. Sewer is anticipated to be provided by ODEQ approved septic system.

Water to be supplied by existing 6" line on North Harvard, facilities to be upgraded by Deer Glen Properties as required by Washington County Rural Water 3.

Other utilities, including electricity, gas, telephone and cable television are currently available to the site on North Harvard Avenue, East 96th Street North, and Highway 75.

Surrounding Properties:

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

SECTION III: Relevant Zoning History

History: PUD-854

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

Subject Property:

CBOA-999 November 1990: The County Board of Adjustment **approved** a *variance* to waive the all-weather surfacing requirement for a parking lot for a period of one year only; **approved** a *special exception* to permit a mobile unit to be used as an office for a period of five years only, on property located East of the Southeast corner of East 96th Street North and North Harvard Avenue.

CBOA-67 May 1981: The County Board of Adjustment **approved** a *variance* (Section 1224 (a) .3 – Oil and Gas Extraction) to permit drilling closer than 300' from any residence, subject to conditions, on property located South and East of the Southeast corner of East 96th Street North and North Harvard Avenue.

Surrounding Property:

CZ-464 December 2017: All concurred in **approval** of a request for *rezoning* a 16.48± acre tract of land from AG to CS on property located property located at the Northeast corner of Highway 75 and East 96th Street North. (**NOTE: Applicant has withdrawn that request from consideration at the Tulsa County Board of County Commissioners**)

CZ-452 March 2017: All concurred in **approval** of a request for *rezoning* a tract of land from AG to RE on property located property located South of the Southwest corner of North Yale Avenue and East 96th Street North.

CBOA-2570 March 2016: The County Board of Adjustment **approved** a *special exception* to permit mini-storage in the CS District with conditions, on property located at the Northeast corner of Highway 75 and East 96th Street North.

CZ-444 September 2015: All concurred in **approval** of a request for *rezoning* the western half of the property as measured along the north property line of land from AG to CS and recommend **denial** of *rezoning* the eastern portion of the property to CS, on property located at the Northeast corner of Highway 75 and East 96th Street North.

PUD-715 / CZ-357 May 2005: All concurred in **approval** of a proposed *Planned Unit Development* on a tract of land for a mechanical/plumbing business with a limited number of large-lot single-family residences and **approval** of a request for *rezoning* from AG to CS/RE/PUD on property located West of the Southwest corner of Highway 75 North and East 96th Street North.

CBOA-1959 May 2002: The County Board of Adjustment **approved** a *special exception* to allow Use Unit 2 (fireworks stand) in a CS zoned district with conditions, on property located East of the Northeast corner of North Harvard Avenue and East 96th Street North.

CBOA-1841 April 2001: The County Board of Adjustment **approved** a *special exception* to permit a mini-storage in a CS district; **approved** a *special exception to permit* a dwelling unit in a CS district to provide security for a mini storage with conditions, on property located East of the Northeast corner of North Harvard Avenue and East 96th Street North.

CBOA-1677 August 1999: The County Board of Adjustment **approved** a *variance* of the minimum lot area in the AG district from 2 acres to 1.48 acres; **approved** a *variance* of the minimum land area per dwelling unit in the AG district from 2.2 acres to 1.7 acres, on property located at the Southwest corner of North Harvard Avenue and East 96th Street North.

CBOA-1626 March 1999: The County Board of Adjustment **approved** a *use variance* per section 1670.2 to permit a boarding kennel in an AG district, subject to conditions, on property located at the Northeast corner of East 96th Street North and North Harvard Avenue.

CBOA-999 November 1990: The County Board of Adjustment **approved** a *variance* to waive the all-weather surfacing requirement for a parking lot for a period of one year only; **approved** a *special exception* to permit a mobile unit to

be used as an office for a period of five years, on property located at the Southwest corner of Highway 75 and East 96th Street North.

CBOA-329 March 1983: The County Board of Adjustment **approved** a *special exception* to permit a mobile home in an RS zoned district, on property located at the Northeast corner of Highway 75 and East 96th Street North.

CBOA-262 January 1983: The County Board of Adjustment **approved** a *special exception* to allow mobile homes in an RS district subject to conditions; **approved** the final plat, subject to the P.S.O. letter being recorded in the abstract to permit, on property located at the Northwest corner of Highway 75 and East 96th Street North.

CBOA-293 November 1982: The County Board of Adjustment **approved** a *variance* to locate two dwellings on one lot of record, on property located South of the Southwest corner of East 96th Street North and North Harvard Avenue.

BOA-9105 June 1976: The Board of Adjustment **approved** a *special exception* to permit a mobile home for a period of five years; **approved** a *variance* of the five acre minimum for a mobile home in an AG district, on property located South of the Southwest corner of North Harvard Avenue and East 96th Street North.

TMAPC Action; 9 members present:

On **MOTION** of **McARTOR**, TMAPC voted **9-0-0** (Covey, Doctor, Fothergill, Kimbrel, McArtor, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Ray, Reeds, “absent”) to recommend **APPROVAL** of PUD-854 per staff recommendation.

Legal Description PUD-854:

PUD-854:

ALL THAT PRT E/2 NW NE LYING S & W HWY R/W SEC 21 21 13 15.430ACS; SW NE LESS .07 AC TO STATE HWY SEC 21-21-13 39.93 AC.; SE NW SEC 21 21 13 40AC; SE NE NW SEC 21 21 13; W/2 NE NW SEC 21 21 13 20ACS; E/2 W/2 NW NW & E/2 NW NW SEC 21 21 13 30ACS; E/2 NW SW NW & NE SW NW SEC 21 21 13 15ACS; S/2 SW NW SEC 21 21 13 20ACS; W/2 NW SW NW & W/2 W/2 NW NW SEC 21 21 13 15ACS, DAVCO ADDN, DAVCO ESTATES, City of Tulsa, Tulsa County, State of Oklahoma

Related item CZ-487

5. **CZ-487 John Sayre** (County) Location: Southwest corner of North Highway 75 and East 96th Street North rezoning from AG to CS (**Related to PUD-854**)

SECTION I: CZ-487

DEVELOPMENT CONCEPT: The applicant is proposing to rezone the subject lots from AG to CS. This rezoning

Without a Planned Unit Development, staff feels that the possible uses and impacts of the proposed CS zoning would not be compatible with the existing area, however with a PUD overlay, the CS zoning could be compatible with the surrounding area. The proposed CS zoned lots are located within the Corridor Land Use designation of the North Tulsa County Comprehensive Plan 1980—2000, with which the proposed CS zoning would be compatible.

DETAILED STAFF RECOMMENDATION:

CZ-487, in conjunction with the proposed PUD overlay is non injurious to the existing proximate properties and;

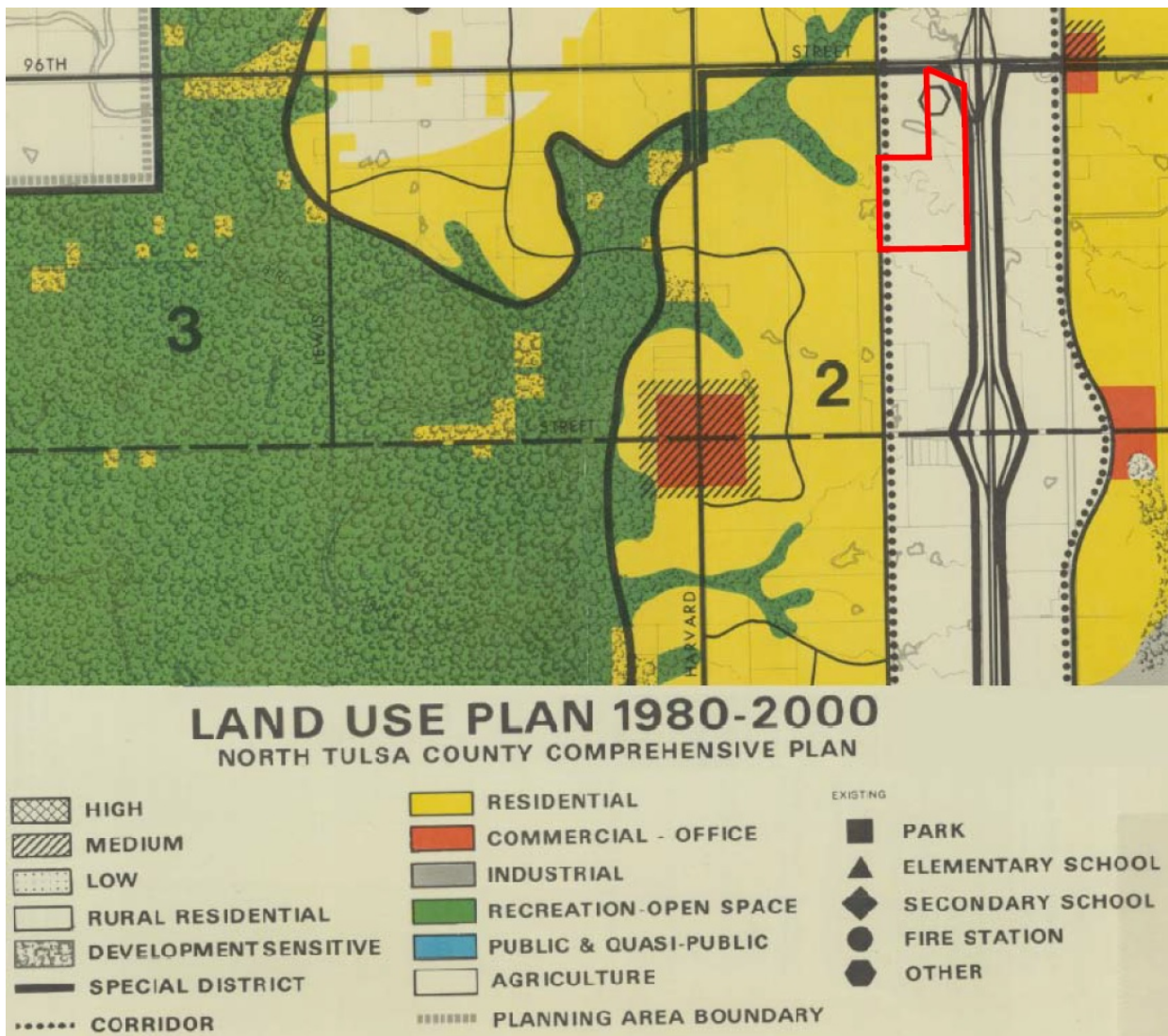
CZ-487 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends Approval of CZ-487 to rezone property from AG to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: This area is outside of the City of Tulsa Comprehensive Plan area, but is located within the boundaries of the North Tulsa County Comprehensive Plan 1980-2000. The lots within the proposed CS zoning area are designated as Corridor, which is compatible.



Land Use Vision:

Land Use Plan map designation: N/A

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: E 96th St N is designated as a Secondary Arterial

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is currently vacant land with some forested areas.*

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
E 96 th St N	Secondary Arterial	100 Feet	2

Utilities:

The subject tract has municipal water available. Sewer is anticipated to be provided by ODEQ approved septic system.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG	N/A	N/A	Single-Family/Vacant
South	AG	N/A	N/A	Single-Family/Vacant
East	AG	N/A	N/A	Single-Family/Commercial
West	AG//RE/PUD-715	N/A	N/A	Vacant/Church

SECTION III: Relevant Zoning History

History: CZ-487

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

Subject Property:

CBOA-999 November 1990: The County Board of Adjustment **approved** a *variance* to waive the all-weather surfacing requirement for a parking lot for a period of one year only; **approved** a *special exception* to permit a mobile unit to be used as an office for a period of five years only, on property located East of the Southeast corner of East 96th Street North and North Harvard Avenue.

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to *permit* a dwelling unit in a CS district to provide security for a mini storage with conditions, on property located East of the Northeast corner of North Harvard Avenue and East 96th Street North.

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BOA-9105 June 1976: The Board of Adjustment **approved** a *special exception* to permit a mobile home for a period of five years; **approved** a *variance* of the five acre minimum for a mobile home in an AG district, on property located South of the Southwest corner of North Harvard Avenue and East 96th Street North.

TMAPC Comments:

Mr. McArtor stated the last time this application was before Planning Commission the recommendation was to rezone from AG to RE. Mr. McArtor stated so the PUD would apply to development area A and B and the rezoning for development area B only to CS.

Staff stated, "that is correct".

Applicant Comments:

The applicant stated he withdrew his previous application CZ-486 before it went to Board of County Commissioners because he had not anticipated the negative feedback that he received. The applicant stated at the previous TMAPC meeting one of the things neighbors complained about was there were too many houses proposed for this area so it was approved with half acre lots. The applicant stated after talking with his partners and hearing from the neighbors he decided to do an upscale large lot residential development in the 150 acres. He stated the purpose of the PUD is because of the close proximity to CS and residential properties. The applicant stated he also has oil wells on the property and he did not realize that the rezoning would restrict what he could do with them. The applicant stated it made more sense to withdraw the previous application and reapply for the PUD and the CS zoning.

Interested Parties:

Ray Allen 2502 East 96th Street North, Sperry, OK 74073

Mr. Allen declined to speak

Jeremy Allen 2501 East 96th Street North, Sperry, OK 74073

Mr. Allen declined to speak.

Tom Baker 3821 East 106th Street North, Sperry, OK 74073

Mr. Baker stated he practices law in Owasso and lives in Sperry one mile north of the proposed development. Mr. Baker stated the last time residents spoke against this proposal one of the major arguments was that some developments simply aren't ready to go forward. Some developments simply don't fit a neighborhood. Mr. Baker stated many of the land owners and occupants in the area, in fact over 200 signed objections to this development. Mr. Baker stated they argued that it didn't fit the neighborhood and the neighborhood is simply this. People want to live in the country. Mr. Baker stated every property in this area is zoned AG including the applicant's property. Mr. Baker stated staff just told the Planning Commission that the applicant can build houses under the current AG, he doesn't have to rezone to do this and he didn't have to do it six weeks ago. Mr. Baker stated the applicant doesn't have to come before Planning Commission today to build large homes. The problem for the applicant is he has to build the houses on lots bigger than two acres. Mr. Baker stated last time the applicant wanted to build concrete bunker type houses on half acre lots. Mr. Baker stated nothing has been done to this property in 40 years. Mr. Baker stated the homes should fit the neighborhoods and they should all be on acreages. Mr. Baker stated this developer/owner is not ready, otherwise we wouldn't be here today for essentially the second bite at the apple. Mr. Baker stated there is heated objections to the commercial development because the

proposed development doesn't intersect with the highway. Mr. Baker stated this plan goes into the heart of the neighborhood and places a commercial unit that the neighbors oppose. Mr. Baker thanks Planning Commission for their time but he thinks this proposal would be an injurious to the existing neighborhood.

Gary Juby 3296 East 96th Street North, Sperry, OK 74073

Mr. Juby stated the last time he was at TMAPC for this subject property he read through a list of objections the residents had to this development to no avail. Mr. Juby stated the applicant last time admitted he didn't have the money to buy this property so he was doing an owner carry. If the applicant doesn't have the money to buy the property how will he do the work needed prior to anything being built. Mr. Juby stated it's his personal belief that the applicant has zero intentions of developing this land, he can't afford it, he doesn't have the resources to do it. Mr. Juby stated he thinks the applicant is trying to flip the property and therefore he can say anything he wants today about what kind of homes he's going to build but once the property is flipped you have no idea what's going to be built. Mr. Juby stated he would refer to court case of CJ-2016-2467 to substantiate his point. Mr. Ruby stated he has spoken with a couple of builders that have declined to go into business with the applicant to build these properties. Mr. Juby stated at some point you have to put the safety of the residents above the applicant making a dollar. Mr. Juby stated last time there was a petition submitted with 193 signatures of people who live in the area that are firmly against this rezoning application and commercial development is back on the table, Mr. Juby has zero doubt that there would be more in opposition to the application. Mr. Juby stated he knows staff is recommending approval but at the end of the staff report staff made a comment talking about the characteristics being consistent with the surrounding area. Mr. Juby stated this application is not consistent with the surrounding area.

JJ Dossett 9108 North Harvard Avenue, Sperry, OK 74073

Mr. Dossett stated being a legislator from the area he is very sensitive to his constituents who have an interest in this application. Mr. Dossett stated the application states this development is in Owasso School District and it is not. Mr. Dossett stated there has been multiple complaints about the ownership of the property in the PUD. Mr. Dossett stated the property owner shown is Grace Baptist Church but Grace Baptist Church owns a very small corner and the rest of it is a big question mark. Mr. Dossett stated he doesn't believe the applicant owns the property after researching it. Mr. Dossett stated he has interacted with the applicant over the last few weeks to try and get the answers to concern he has. Mr. Dossett stated he is here with his neighbors and constituents to give strength to their concerns, which is this application is not in line with the community.

Ms. Kimbrel asked Mr. Dossett if he was saying that the applicant is asking for rezoning for land that he doesn't own?

Mr. Dossett stated that is his understanding. He has spoken with the applicant but is just not sure what he is hearing is accurate.

Debbie King 4105 East 96th Street North, Sperry, OK 74073

Ms. King stated last time she went the emotional route and this time she is not going to do that. Ms. King stated her family has been in the area for 90 plus years and she watched Highway 75 being built. Ms. King stated the last time this was before Planning Commission the applicant stated that once he gets the zoning changed he would sell if someone wanted to buy the property. Ms. King stated this is about the dollar, there is no doubt that he doesn't care one way or the other about anyone in the area or why we live out there. Ms. King stated the applicant has never built houses before but he's going to develop this land. Ms. King stated the applicant has a mortgage he does not own the property outright if he misses his payment, they can take it back. Ms. King stated she doesn't know if everyone on Planning Commission gets raises because they vote yes for more houses or more parks because she doesn't know how Tulsa County works. Ms. King stated there was one person on this panel last time that encouraged the applicant to go for the PUD on 96th Street, which she didn't understand because this should be more about what the residents want versus what the applicant wants. Ms. King stated she is not opposed to houses being built it's something you expect that if someone buys the property they would build a house. Ms. King stated she is asking Planning Commission not to let this go commercial.

Mr. McArtor asked if Ms. King is against developing this property?

Ms. King stated she is not against houses being built she is against commercial development.

Mr. McArtor stated on the map it shows CS on 96 Street North, and on 96th Street North and Highway 75 on the west side. Mr. McArtor stated there's also CS on the east side of Highway 75. Mr. McArtor stated there is CS up and down this corridor. Mr. McArtor asked Ms. King if she had a problem with houses being built in development area A.

Ms. King stated no she didn't have a problem with houses being built in development A but she didn't want .50 acre lots. Ms. King stated she thinks it requires 2.5-5 acres.

Mr. McArtor stated the applicant is not asking to change the zoning in development area A he is keeping it AG.

Ms. King asked if the only place he asked for commercial was right there on the corner?

Mr. McArtor answered, "yes".

The applicant stated he is 85% owner of Deer Glen Estates or Deer Glen Properties Land Trust. The applicant stated he is the owner of the subject property and he has a mortgage. He stated he has payments and makes them like everybody else that owns a home. The applicant stated the property is surrounded by CS zoning just like he is requesting on this application. The applicant stated the plan of Tulsa County is to have CS property in this area. The applicant stated he wanted to build homes that will be tornado proof and with stand earthquakes and fire. The applicant stated he was not a major developer but when he saw this property it was an opportunity that he couldn't pass up. The applicant stated he spoke with Mr. Dossett on the phone and agreed to attend a meeting with the neighbors if Mr. Dossett had one. But he was not contacted about a meeting.

Mr. Ritchey asked staff who has the authority to ask for a zoning change on property.

Staff stated if they're the property owner of record, which he is or, for instance, Grace Fellowship is a part of this they gave the applicant a letter that was signed by the representative of the church that gave him permission to include this in the request.

Mr. Covey asked staff to address the Corridor area along the highway.

Staff stated The Tulsa County Comprehensive Plan refers to this area as Corridor and in those areas encourages light industrial and commercial zoned developments all along Highway 75. Staff stated to the west it is recommended as residential.

Mr. Doctor stated his understanding and reading of the PUD is that the standards that are put in place are nearly identical to what is currently required for AG zoning the only difference that he can see is that the minimum lot width is 150 feet as opposed to 200 for AG zoning. Mr. Doctor stated and there are private streets as opposed to public. Is that everything in terms of what the differences are.

Ms. VanValkenburgh asked staff if any of the permitted uses are only permitted by Special Exception in AG?

Staff stated the AG uses were taken down to the minimum. Staff believes 1 or 2 with a commercial zoning are with Special Exceptions.

Ms. VanValkenburgh stated there are a few differences with greater side yard setback.

Mr. Ritchey stated he compared this with the Tulsa Hills neighborhood at 81st west of the river. Mr. Ritchey stated he thinks as a whole Planning Commission

could have done more to try and protect their way of life. If you recall they all had larger lots, however, it was nothing like this application. Mr. Ritchey stated there were lots that were 0.50 acre and overall, he feels like Planning Commission did a pretty good job at retaining the real character of what exists out there but you also have to allow for progress. Mr. Ritchey stated he is a city guy and this is way out of town for him. Mr. Ritchey stated he thinks the PUD does a good job, it's already zoned AG and we're not trying to carve up into half acre lots. Mr. Ritchey stated its protected by the zoning that already exists so he thinks this is at least a better job than with the Tulsa Hills projects. Mr. Ritchey stated he is certainly open to discussion but he believes this is going to be a yes for him.

Mr. Doctor stated he thinks it will be a yes for him for the same reason.

Mr. Covey stated development area A calls for residential and the Tulsa County Comprehensive Plan is the only plan that we have to go by and to him the PUD in development area A does a better job of protecting the residents than just leaving it AG. Mr. Covey stated as far as development area B if you follow the plan, it's supposed to be a commercial or light industrial. Mr. Covey stated people come before Planning Commission all the time that want to buy property get it rezoned and flip. Mr. Covey stated the amount of money the applicant has is irrelevant, it is his right. Mr. Covey stated numerous times applicants have come before Planning Commission to get property rezoned without a specific development in mind. The applicant will tell Planning Commission what they think they are going to try and market the development for. Mr. Covey stated from his perspective, whether an applicant has the money or not, or going to buy it to develop later, that really doesn't play into his decision because he is looking strictly at what the plan is calling for and the plan is calling for development A as residential and it's calling for development B as commercial and light industrial and that is what is before Planning Commission.

TMAPC Action; 9 members present:

On **MOTION** of **McARTOR**, TMAPC voted **9-0-0** (Covey, Doctor, Fothergill, Kimbrel, McArtor, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Ray, Reeds, "absent") to recommend **APPROVAL** of the CS zoning for CZ-487 per staff recommendation.

Legal Description CZ-487:

CZ-487:SW NE LESS .07 AC TO STATE HWY SEC 21-21-13 39.93 AC.; ALL THAT PRT E/2 NW NE LYING S & W HWY R/W SEC 21 21 13 15.430ACS, DAVCO ADDN, DAVCO ESTATES, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

6. **CPA-81** Consider adoption of the **Pearl District Small Area Plan** as an amendment to the Tulsa Comprehensive Plan.

STAFF RECOMMENDATION:

Item

Consider adoption of the **Pearl District Small Area Plan** as an amendment to the Tulsa Comprehensive Plan.

Location: The Pearl District is located east of Downtown Tulsa. It is bordered by Interstate 244 to the north, Utica Avenue to the east, 11th Street to the south, and Highway 75 to the west.

Related plans: The 6th Street Infill Plan, adopted in 2006, will be superseded by the adoption of this Small Area Plan.

Background

The City of Tulsa, along with Tulsa Development Authority (TDA), engaged the services of Fregonese Associates, a planning and design firm that partnered with Tharp Planning Group and DRW Planning Studio to develop a Small Area Plan (“Plan”) and Sector Plan for the Pearl District. The Sector Plan, a tool guiding the actions of TDA as it relates to the area, will be considered at a future date to be in conformance with the Comprehensive Plan. Both Plans were developed in tandem with feedback from the community and guidance from the Citizen Advisory Team. The purpose of both Plans is to provide clear and updated guidance for investment decisions, but also other catalytic actions necessary to address anticipated needs of the neighborhood on the immediate and long-term horizons.

Preparation of the Pearl District Small Area Plan followed the small area planning process prescribed in the Tulsa Comprehensive Plan, and will further assist in facilitating neighborhood stabilization, infill housing development, job creation, public infrastructure upgrades, and parks and open space enhancements.

The Pearl District Small Area Plan is in conformance with the following Priorities, Goals, and Actions of the Tulsa Comprehensive Plan:

1. Land Use Map

The Pearl District Small Area Plan recommends the following land use designations from the **Tulsa Comprehensive Plan**.

Downtown Neighborhood

Downtown Neighborhoods are tightly integrated with the Downtown Core. These areas may be 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 provide multimodal and pedestrian-oriented transportation options and are well connected to the Downtown Core via local transit. They feature parks and open space, typically at the neighborhood scale.

Employment

Employment areas contain office, warehousing, light manufacturing, and high tech uses such as manufacturing or information technology. These areas typically have few residences and 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. Due to the special transportation requirements, attention to design and adequate screening is necessary when employment districts are near other districts that include moderate residential use.

Employment with Residential

Employment with residential areas contain office, warehousing, light manufacturing, and high tech uses such as manufacturing or information technology. These areas may also have residences, residential and office lofts in industrial buildings, and more extensive commercial activity.

Employment with residential areas require access to major arterials or interstates. Those areas with manufacturing and warehousing uses must be able to accommodate extensive truck traffic. Since residential and industrial uses are allowed in this district, extensive screening and buffering between these uses within the district are not required for many of the existing uses.

Mixed-Use Corridor

Mixed-Use Corridors are in areas surrounding thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. The streets usually have four or more travel lanes and sometimes additional lanes dedicated for transit and bicycle use.

The pedestrian realm includes sidewalks separated from traffic by street trees, medians, or parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street.

Buildings along Mixed-Use Corridors may include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, with adequate screening to integrate single family neighborhoods.

Main Streets

Main Streets are Tulsa's classic linear centers. Consisting of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide, they include much lower intensity residential neighborhoods situated behind.

Main Streets are pedestrian-oriented places with generous sidewalks, street trees, and other amenities. They usually have windows or storefronts on the ground floor of buildings and parking is provided on street, in small private off street lots, or in shared lots or structures.

Park and Open Space Parks and open spaces should be protected and promoted. Parks are meant to be publicly used and widely accessible by a network of streets, trails, and sidewalks. Parks and open spaces should be connected with nearby institutions such as schools or hospitals. Amenities at these park facilities can include playgrounds, pools, nature trails, ball fields, and recreation centers.

Open spaces are protected, environmentally rich areas where development is inappropriate, and where the natural character of the environment improves the quality of life for city residents. Open space tends to have limited access and is not typically used for recreation.

2. Areas of Stability and Growth Map

The Pearl District Small Area Plan uses the "Areas of Stability" and "Areas of Growth" designations from the Tulsa Comprehensive Plan. No changes to the map are recommended by the Plan.

3. Comprehensive Plan Priorities and Recommendations

LAND USE PRIORITY 3: Focus redevelopment, revitalization and enhancement programs on areas that have been severely economically disadvantaged.

Goal 8— Underutilized land in areas of growth is revitalized through targeted infill and reinvestment.

LAND USE PRIORITY 4: Maintain, stabilize and strengthen existing neighborhoods, making them places where new residents are attracted to live.

Goal 11— Residents in established neighborhoods have access to local commercial areas, schools, libraries, parks and open space areas within walking distance of their homes.

Goal 12— Residents in established neighborhoods have access to multiple modes of transportation.

Goal 13— Existing neighborhoods are stable and infill development revitalizes, preserves and enhances these urban areas.

Goal 14— The city's historic resources are protected and programs promote the reuse of this important cultural resource.

TRANSPORTATION PRIORITY 1: Provide a wide range of reliable transportation options so every Tulsan can efficiently get where they want to go.

Goal 1—All Tulsans have a variety of transportation options for getting around the city.

Goal 2— Tulsa has a sustainable network of roadways, trails and transit infrastructure that is well maintained and not a burden on future generations to operate.

Goal 12— Tulsans can rely on a variety of transit options to take them to jobs, shopping and entertainment.

Goal 13— Pedestrians have easy access to jobs, shopping and recreation.

TRANSPORTATION PRIORITY 4: Provide multiple transportation choices to all Tulsans.

Goal 12— Tulsans can rely on a variety of transit options to take them to jobs, shopping and entertainment.

Goal 13— Pedestrians have easy access to jobs, shopping and recreation.

Goal 14— Tulsans safely and efficiently use bicycles to go to work, shop and recreation areas.

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.

Goal 5— Tulsa's existing housing inventory is revitalized, preserved and maintained.

HOUSING PRIORITY 2: Ensure housing affordability for all residents.

Goal 7— Low-income and workforce affordable housing is available in neighborhoods across the city.

Goal 8— The combined cost of housing and transportation to Tulsa's residents is reduced.

PARKS, TRAILS AND OPEN SPACE PRIORITY 5: Improve access and quality of parks and open space.

GOAL 12— Neighborhoods have adequate access to parks and open space areas.

Goal 13— Partnerships and collaborative efforts support the management and provision of parks and open space.

Goal 14— Parks and recreational facilities are updated to address changing needs and desires.

Staff Recommendation

Staff recommends that TMAPC adopt the Pearl District Small Area Plan as an amendment to the Tulsa Comprehensive Plan.

TMAPC Comments:

Ms. Miller stated there were a few minor changes to the plan including, the inside of cover, page 6.8 of packet, states “the Executive Summary and details of the Priorities, Goals, and Actions were adopted by. . .”. that should be changed to read “The Executive Summary, including the Plan Summary and Priorities Goals and Actions, was adopted by . . .” In the list of Planning Commissioners Rodney Ray’s name needs to be included on page 6.9 of packet. Ms. Miller stated under Goal 3, 3.4 “develop a program to reduce property taxes. . .” The City has no control over property taxes. This should be revised to say “encourage development of a program. . .” Ms. Miller stated also, the title of Goal 13 is “Fund and implement planned pedestrian and bicycle improvements, but none of the particulars of items 13.1, 13.2 or 13.3 pertain to pedestrian and bicycle improvements.

Mr. Ritchey asked staff on page 6.15 of the agenda packet what sort of development does staff picture in the orange and blue striped employment with residential? Do we have any examples of that in town currently?

Ms. Miller stated it's what exists there today. It's a mixture of uses so it's really just to support that character.

Ms. Kimbrel stated she has a series of questions regarding the community engagement process. First, how was the Citizen Advisory Team (CAT) selected?

Ms. Miller stated the small area plans that have come out of the PlaniTulsa, which was adopted in 2010 there were guidelines for how CAT's were established. Ms. Miller stated there was even a separate guidebook. Ms. Miller stated she was not involved in this one but the process was to coordinate with the city councilor to appoint the members of the Citizen Advisory Team. Ms. Miller stated a lot of times the staff would try to create that mixture to find that perfect blend of different types of perspectives and present it to the City Council.

Ms. Kimbrel stated going forward how will this be done?

Ms. Miller stated going forward as far as Small Area Planning, staff wants to focus on redefining what the future of Small Area Planning looks like as part of our Comprehensive Plan update for PlaniTulsa.

Ms. Kimbrel stated when you say this is the final of the three consultant lead plans that all came through together, this is the last of those three.

Ms. Miller stated “correct”.

Ms. Kimbrel stated for this Small Area Plan, you're saying the Citizen Advisory Team was selected on this past process with the City Councilors?

Ms. Miller stated she wasn't involved in that. But that is the process that they typically went through. And I assume they did the same.

Ms. Kimbrel asked if Ms. Miller knew how the participants or community members in some of the workshops and open house were invited and engaged?

Ms. Miller stated for the one in either October or November of last year and the one held in May 2019 the first workshop there were sign in sheets and then an email invite was sent to those people. There was a Facebook event created and surveys online. Ms. Miller stated she wasn't involved from the beginning but the process was to send out postcards to everyone in the district announcing that this process was taking place and give the contact information on the website so that the Planning Department could be contacted.

Mr. Kimbrel asked if renters were included in the mailouts? Because in the data only 18.2% of this community is owner occupied. Ms. Kimbrel stated the majority of housing is multi-family. Ms. Kimbrel asked if renters were represented at the community stakeholder sessions.

Ms. Miller stated she did know the answer to that. But as far as the postcards that were mailed out those would have been just to property owners.

Ms. Kimbrel stated to the other Commissioners her line of questioning is more about institutionalizing a process of diversity, equity and inclusion in policymaking. The planning process of Small Area Plans and community engagement should accurately reflect the community. Ms. Kimbrel stated in the future we don't want the community residents feeling that policy is done on to them and is causing them harm. Ms. Kimbrel stated they need to be included in the process early on as much as we can so to ensure that their desires are represented in policymaking. Ms. Kimbrel stated she wanted to provide a perspective on why she is so heavily engaged in the community engagement question.

Interested Parties:

Joe Westervelt 1630 South Boston Avenue, Tulsa, OK 74119

Mr. Westervelt stated he is here as a property owner in the Pearl District and a Pearl District business owner and Pearl District Property Owners Association member. Mr. Westervelt stated he is here also as a Citizen Advisory Team member. Mr. Westervelt stated in 2014 when this all started CAT member didn't want to get up and come to the meeting because in 2014 it was a very different situation. Mr. Westervelt stated last time there were about 300 people here that were very unhappy and as you can see we don't have that this time. Mr.

Westervelt stated he would tell you that the inclusion in the Citizens Advisory Team was smart, very thorough, and very good. Mr. Westervelt stated he wants to commend the Tulsa Planning Office and the consultant who did a really wonderful job on this plan. Mr. Westervelt stated we wanted to see some physical changes to the things around us and when those things happen, when the sidewalks are good, when the lights turn good, when our streets are good, you will see changes in Pearl District. Mr. Westervelt stated this plan also has some very sweeping changes in it that include some changes to 11th Street, and potentially some to Peoria Avenue. Mr. Westervelt stated you would have thought those changes would have put 300 people in the room again but they didn't because the consultant and Ms. Miller and her team did a good job. Mr. Westervelt stated Mr. Doctor also went overboard to reach out and talk to the residents and business owners about these changes because some of the changes are pretty significant.

Ms. Kimbrel asked if Mr. Westervelt thought the Citizen Advisory Team represent the demographics of the Pearl District?

Mr. Westervelt stated, "very much". Mr. Westervelt stated the consultant reached out to some of the larger businesses in the area to make sure that they were on board because they already have a stake in the Pearl District. Mr. Westervelt stated he thought the Citizen Advisory Team represented individuals from 2014 that were not in agreement with what the Pearl District looked like. So, there were representatives from both the Pearl Association and the Pearl Business Association and when we finished we were all together and all very pleased with the result.

Mr. McArtor asked if Mr. Westervelt could give a synopsis of what the plan calls for on 11th Street.

Mr. Westervelt stated there's an effort to build the multimodal and Mr. Doctor can speak to this better than he can, to add some bicycle lanes to both sides to create a slower traffic movement, more pedestrian friendly. Mr. Westervelt thanked Mr. Doctor for making the lane changes on 11th Street with paint so that if there were any traffic issues in the future resulting from the reconfiguration, they could be remedied by a change in the paint. Mr. Westervelt stated he wanted to let Planning Commission know he had a traffic study undertaken to understand what those impacts would be and he will give that study to staff.

Mr. Doctor stated PlaniTulsa calls for 11th Street to be designated as a Main Street which builds toward a more pedestrian friendly commercial corridor. Mr. Doctor stated he thinks Cherry Street is a key example of that. Mr. Doctor stated 11st is going through a transformation right now as you see new businesses especially in this section coming online. Mr. Doctor stated it's also been marked for transportation changes in the future with the BRT and bike lanes as well. Mr.

Doctor stated he wanted to thank Joe and QuikTrip as well for helping think all of this through.

Jake Barron 4705 South 129th East Avenue, Tulsa, OK 74134

Mr. Barron stated he works for QuikTrip and he is a Real Estate Manager. Mr. Barron stated he worked intimately with Mr. Doctor specifically on the 11th Street issue. Mr. Barron would like to thank Mr. Doctor and staff in enacting very transparently and being an honest participant throughout this process. So more than anything he wants to say thanks for your service, flexibility and hospitality.

Mr. Shivel stated he was one of those that attended back in 2014 and seeing the smiles now versus the bear knuckle approach of what we experienced last time it's delightful to see the progress and the end result.

Mr. Fothergill stated he was here and those years as staff with City Council as Mr. Doctor can attest those were never fun meetings for us to do as staff and to see this kind of progress to get along and to come to a common ground that everybody can agree upon is very refreshing. Thank you to the Citizens Advisory Team for all your help and work to make this a great plan.

TMAPC Action; 9 members present:

On **MOTION** of **McARTOR**, TMAPC voted **9-0-0** (Covey, Doctor, Fothergill, Kimbrel, McArtor, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Ray, Reeds, "absent") to **ADOPT** CPA-81 "Pearl District Small Area Plan" as an amendment to the Tulsa Comprehensive Plan per staff recommendation.

OTHER BUSINESS

7. Update on sidewalk fee-in-lieu program discussions

Staff stated he wanted to give an update on the ongoing meetings of the fee in lieu program. Staff stated in accordance with what has been talked about in previous meetings and with the multiple waiver request that Planning Commission has seen in relation to residential infill specifically, on the new sidewalk requirements that were adopted back in the beginning of 2018. Staff stated they have been diligently meeting with different stakeholders within the city to develop some alternative program as an option when the sidewalk requirements come up in places where it may not make sense for the sidewalk to be installed. Staff stated they didn't want to do it in a way that backed away from the requirements that were in place because they felt like those were very beneficial to the City of Tulsa to ensure that sidewalk networks are being constructed. Staff stated Planning Commission has seen

maybe 10 or 11 of these requests to waive sidewalk requirements and there have been multiple different projects that have come up against this requirement on arterial streets with commercial developments that have been told they have to build the sidewalk and the sidewalk was built and none of Planning Commission or staff knew about it, it just occurred because that was a regulation that was adopted. Staff stated it's important to continue to emphasize the importance of that rule that was adopted and make sure that we understand there are benefits to it, even though there are some hiccups that has been experienced. Staff stated the option that has been mentioned multiple times to Planning Commission is a fee in lieu to capture those areas where we see someone come up against the requirement where for example, in the middle of an existing neighborhood the neighborhood has no sidewalks that connect to any of the arterial streets or any of the collector streets. Staff stated it inevitably becomes a standalone segment of sidewalk in the middle of a neighborhood with a very low likelihood of being connected in the near future given the amount of work that would have to go into developing that network. Staff stated as the fee in lieu was discussed there were a lot of different components that staff came up against, one is just simply a legal requirement as to how the fee in lieu may work, how the fee can be collected and where that fee can allocate to in regard to capital projects related to sidewalks. Staff has worked to develop essentially what is being calling investment zones. Staff stated this just outlines the background, as well as where staff is at on this proposal, this is all still obviously a concept. Staff stated this update is being brought to Planning Commission because of the role they play in assessing these different requests that staff thinks will inevitably still occur before we get to the finish line on this project. Staff stated it kind gives Commissioners a basis for how staff has been analyzing these things and looking at them. Staff stated in order to develop the zones that staff assumed to be investment zones it became a challenge to understand what exactly a proportionate area was for collecting a fee to build sidewalks from a property. Staff stated the legal standard says that it needs to be done in an area that can somehow benefit the owner that paid that fee in lieu. Staff stated the methodology was to first take all the different things staff considered to be pedestrian demand generators and plug those in and try to understand where are the hot spots for pedestrian activity in town? Where are the biggest needs for sidewalks in town? And ultimately, what are the walkable areas that exists that would ultimately want to improve and connect neighborhoods to within their general vicinity. Staff stated the map was drawn based around those generators combined with pedestrian crash data, as well as vacant residential lots that were platted prior to 2015 that staff deem potential for infill and something that could very well be built on in the near future and that would trigger the requirement for a sidewalk. Staff stated within those areas staff tried to draw zones around them so that the neighborhoods that were adjacent to or at least within the vicinity of would be the ones paying into making those walkable areas more walkable and ultimately connecting them more to the neighborhoods in that vicinity. Staff

stated a lot of the boundaries are drawn along the existing physical barriers to walkability such as interstate highways and extra wide arterial streets. Some of them do get bigger in an attempt to obviously capture the same level of demand that was captured in another. Staff stated the logic behind this is that someone building a house in one of these zones is very likely to benefit or go to these walkable areas within that zone. Staff stated they took the generators such as schools, parks, transit, stops, shopping areas, churches, libraries, and healthcare facilities, and drew up those specific areas. In addition to that, staff thought there's likely to be areas where staff thinks a fee in lieu isn't appropriate that a sidewalk should be built. Staff thinks those areas align very closely with the walkable areas where fees will likely be allocated later to assist in building out that sidewalk network. Staff stated those areas are being defined as critical sidewalk areas and they are aligned with some of the criteria staff has used to vet the request presented to Planning Commission, for example on a request to waive a sidewalk requirement if it's somewhere where staff finds that it's likely the city will someday invest sidewalk money and go in and try to create a network, staff feels that person should probably go ahead and build that sidewalk rather than pay a fee in lieu and defer it because it just makes it easier to come in and connect that network later. Staff stated however, outside of those designated critical zones staff doesn't think that it requires as much review or assessment when someone wants that waiver. Staff stated they would like that to be something that's set up in a much more streamlined way so that if someone is located mid-block and in the middle of an existing neighborhood the applicant only has to indicate they would rather pay the fee in lieu than build the sidewalk. Staff stated they are proposing that if someone still wants to seek a waiver of the sidewalk requirement in an area, that staff deems a critical sidewalk area that should be subject coming to the Planning Commission and making a case as to why they think they should be eligible to pay a fee in lieu or waive that sidewalk requirement.

Mr. McArtor stated if an applicant does not live in a critical area then they can pay the fee in lieu and not build a sidewalk. Mr. McArtor stated if they live in a critical area then they have to make application to this Commission for a waiver and if the waiver is granted they would then they have to pay the fee.

Staff stated "correct".

Mr. McArtor stated if the waiver was not granted they have to side the sidewalk.

Mr. Walker asked how long before this would be adopted.

Staff stated there is a much clearer picture of where this is headed, which will certainly assist legal when they start trying to draft the ordinance but there are some technical things that still have to be figured out such as how to

incorporate this into the Subdivision Regulations and draft that ordinance. Staff stated and to make sure that all of the accounts are set up and ready when this is rolled out so that it's effective and continue to work in a meaningful way towards more sidewalks.

Mr. Covey stated could this be added to a work session because he has a lot of questions. His first question is where does their money go? Where does it sit? What does it do? Mr. Covey stated why should somebody that's never ever going to have sidewalks be contributing to sidewalks?

Staff stated a work session can be planned for August 7, 2019

Mr. Covey stated other questions he has is there is there an appeal process? What is the appeal process? Who does it appeal to? what triggers the sidewalk? Does adding a room on to a house trigger a sidewalk? Or is it a complete leveling? what if increasing the house size by 50%? Mr. Covey stated these are questions that are going through his mind as to what triggers the sidewalk requirement.

Mr. McArtor stated Nathan's done a really good job with the sidewalk waiver.

Mr. Doctor stated thank you to Nathan for slogging through the kind of detailed data analysis to make a more data informed perspective on how you can use this more effectively as opposed to just individual case by case basis.

8. Commissioners' Comments

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ADJOURN

TMAPC Action; 9 members present:

On **MOTION** of **WALKER**, TMAPC voted **9-0-0**(Covey, Doctor, Fothergill, Kimbrel, McArtor, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Ray, Reeds, "absent") to **ADJOURN** TMAPC meeting 2797.

There being no further business, the Chair declared the meeting adjourned at 3:13 p.m.

Date Approved:

7-17-19
Emily Joesh
Acting - Chairman

ATTEST: [Signature]
Secretary