

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2798

Wednesday, July 17, 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
Fothergill	Covey	Foster	Jordan, COT
Kimbrel	Doctor	Hoyt	Silman, COT
McArtor	Shivel	Miller	VanValkenburgh, Legal
Ray	Walker	Sawyer	
Reeds		Wilkerson	
Ritchey		Wing	
Van Cleave			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, July 7, 2019 at 2:37 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 Reeds 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 reported there will be a work session on August 7, 2019 at 11:00am in the 3rd floor presentation room at City Hall.

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1. **Minutes:**

Approval of the minutes of July 3, 2019 Meeting No. 2797

On **MOTION** of **McARTOR**, the TMAPC voted 7-0-0(Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Van Cleave, “aye”; no “nays”; none “abstaining”; Covey, Doctor, Shivel, Walker, “absent”) to **APPROVE** the minutes of the meeting of July 3, 2019, Meeting No. 2797.

CONSENT AGENDA

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

- 2. **PUD-636-7 Lou Reynolds** (CD 2) Location: South of the southeast corner of West 71st Street South and South Union Avenue requesting a **PUD Minor Amendment** to revise the permitted uses to be limited to single-family residential

STAFF RECOMMENDATION:

SECTION I: PUD-636-7 Minor Amendment

STAFF RECOMMENDATION

Amendment Request: Revise the development standards to incorporate the unplatted portions of Development Areas B and C into Development Area A and revise the development standards for the updated Area A to allow Single-Family Residential and customary accessory uses.

Currently, the development standards allow both Single-Family Residential uses as well as Multifamily Residential. The applicant proposed to remove the Multifamily allowance from the unplatted portions of Development Areas B and C, with single-family residential to follow the requirements of the RS-3 district, per the City of Tulsa Zoning Code.

Staff Comment: *This request can be considered a Minor Amendment as outlined by Section 30.010.1.2.c(1) of the City of Tulsa Zoning Code.*

“Adjustment of internal development area boundaries, provided the allocation of land to particular uses and relationship of uses within the project 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-636 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to revise Development Area Boundaries and revise the Development Standards for Area A.

TMAPC Action; 7 members present:

On **MOTION** of **McARTOR**, TMAPC voted **7-0-0** (Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Van Cleave, “aye”; no “nays”; none “abstaining”; Covey, Doctor, Shivel, Walker, “absent”) to **APPROVE** Item 2 per staff recommendation.

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

PUBLIC HEARINGS:

Mr. Reeds stated the withdraw and continuances would be addressed first.

Item 3 was withdrawn by applicant.

3. **PUD-636-C-1 Lou Reynolds** (CD 2) Location: Northeast corner of West 81st Street South and South Union Avenue requesting a **PUD Minor Amendment** to allow private streets

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Item 6 was continued to August 21, 2019.

6. **Z-7489 Kyle Gibson** (CD 4) Location: Northwest corner of East 5th Street South and South Norfolk Avenue rezoning from **IL and RM-2 to CH**

TMAPC Action; 7 members present:

On **MOTION** of **McARTOR**, TMAPC voted **7-0-0** (Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Van Cleave, “aye”; no “nays”; none “abstaining”; Covey, Doctor, Shivel, Walker, “absent”) to **CONTINUE** Z-7489 to August 21, 2019.

Item 9 was continued to August 7, 2019.

- 9. **MR-13** (CD 4) Modification to the Subdivision & Development Regulations to remove the sidewalk requirement for a new single-family residence, Location: West of the northwest corner of East 29th Street South and South Evanston Avenue

TMAPC Action; 7 members present:

On **MOTION** of **McARTOR**, TMAPC voted **7-0-0** (Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Van Cleave, “aye”; no “nays”; none “abstaining”; Covey, Doctor, Shivel, Walker, “absent”) to **CONTINUE** MR-13 to August 7, 2019.

- 4. **Z-7487 Shawn Quattrochi** (CD 2) Location: Northwest corner of South 33rd West Avenue and West 48th Street South rezoning from **RS-3 to CS**

STAFF RECOMMENDATION:

SECTION I: Z-7487

DEVELOPMENT CONCEPT: Rezoning for anticipated expansion of the neighborhood center identified in the Tulsa Comprehensive Plan. The concept is to construct a small retail building with a pet grooming business.

DETAILED STAFF RECOMMENDATION:

Z-7487 request CS zoning that is consistent with the Neighborhood Center vision of the Tulsa Comprehensive Plan and,

Uses allowed by CS zoning districts are consistent with he expected development of surrounding properties and,

Uses allowed by CS zoning are non-injurious to proximate properties therefore, Staff recommends **Approval** of Z-7487 to rezone property from RS-3 to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: CS zoning is consistent with the land use vision of the Tulsa Comprehensive Plan.

Staff will encourage constructing a building closer to the street with parking in the rear. The building placement and sidewalks will encourage pedestrian traffic which would help integrate this site into the neighborhood. The landscape ordinance provides adequate buffering from residential areas for parking areas. A development plan was not considered necessary.

Land Use Vision:

Land Use Plan map designation: Neighborhood Center

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

Areas of Stability and Growth designation: Area of Growth

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

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

choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.”

Transportation Vision:

Major Street and Highway Plan: None

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is an empty lot. Refer to street view image below. View is from the east side looking west.



Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South 33 rd West Avenue	Primary Arterial	120 feet	4

West 48 th Street South	Residential Collector	60 feet	2
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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 Residential
East	CS	Neighborhood Center	Growth	Restaurant
South	RS-3	Neighborhood Center	Growth	Vacant
West	RS-3	Existing Neighborhood	Stability	Single Family Residential

SECTION III: Relevant Zoning History

History: Z-7487

ZONING ORDINANCE: Ordinance number 11821 dated June 26, 1970 established zoning for the subject property.

Subject Property:

No relevant history.

***The CS zoning along West 48th Street near subject property was established June 26, 1970. (Ordinance 11822)**

Surrounding Property:

BOA-20775 September 2008: The Board of Adjustment **approved** a *special exception* to permit single family residential use in an OM district, on property located South of the Southeast corner of South 33rd West Ave and West 48th Street South.

BOA-15413 April 1990: The Board of Adjustment **approved** a *variance* of the front yard setback requirement measured from the centerline of 33rd West

Avenue from 85' to 40', on property located South of the Southwest corner of South 33rd West Ave and West 48th Street South.

BOA-10190 November 1978: The Board of Adjustment **approved** an *exception* for permission to erect a storage garage for residential use in a CS District, per plan submitted, on property located at the Northeast corner of South 31st West Avenue and West 48th Street South.

TMAPC Comments:

Mr. McArtor asked what the applicant wanted to put on this piece of property.

Staff answered that there's a discussion about just general retail and also a pet grooming facility.

Mr. McArtor asked if staff could explain what a Neighborhood Center was.

Staff stated it's a very small, walkable, neighborhood-oriented development. Theoretically some apartments would be consistent with that Neighborhood Center but staff thinks it is more inclined to be exactly what is being proposed, a small retail service-oriented type business.

Mr. McArtor stated the staff report states building placement and sidewalks will encourage pedestrian traffic. Mr. McArtor stated he doesn't see any sidewalks from the aerial view.

Staff stated currently there are no sidewalks but they will be required as part of this project.

Mr. McArtor asked if the applicant was going to request a sidewalk waiver.

Staff stated if that request happens it is not likely that staff would support it.

Ms. Kimbrel asked staff if sidewalks are important in this aspect because it's a business.

Staff stated that is part of it but the whole idea of a Neighborhood Center is to encourage sort of a community center and community neighborhood.

Ms. Kimbrel stated so it's to provide for greater access.

Staff stated "yes".

Mr. Reeds stated the Mr. Fothergill brought up a good point. This is on an arterial street

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

Applicant Comments:

The applicant stated he wants to put in sidewalks and is working with Route 66 Main Street to improve the area and make it look as beautiful as possible.

TMAPC Action; 7 members present:

On **MOTION** of **McARTOR**, TMAPC voted **7-0-0** (Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Van Cleave, "aye"; no "nays"; none "abstaining"; Covey, Doctor, Shivel, Walker, "absent") to recommend **APPROVAL** of the CS zoning for Z-7487 per staff recommendation.

Legal Description Z-7487:

BEG 30W SECR NE SE TH W140 N149.55 E140 S149.55 POB LESS S30 FOR ST SEC 28 19 12, LINDAVISTA ADDN, City of Tulsa, Tulsa County, State of Oklahoma

- 5. **Z-7488 Lou Reynolds** (CD 3) Location: North and west of the northwest corner of East Admiral Place and North Mingo Road rezoning from **RS-3 to CH**

STAFF RECOMMENDATION:

SECTION I: Z-7488

DEVELOPMENT CONCEPT:

CH zoning is consistent with the surrounding property develop. Significant infrastructure requirements are required for this land to be developed. The existing RS-3 zoning does not support reasonable development opportunities. Infrastructure requirements will be satisfied by the subdivision regulations during the development and plat process.

DETAILED STAFF RECOMMENDATION:

Z-7488 request CH zoning that is consistent with the Employment land use designation in the Tulsa Comprehensive Plan and,

Uses allowed by CH zoning districts are consistent with the expected development of surrounding properties and,

Uses allowed by CH zoning are non-injurious to proximate properties therefore,

Staff recommends **Approval** of Z-7488 to rezone property from RS-3 to CH.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary:

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: None

Trail System Master Plan Considerations: None

Small Area Plan: East Tulsa Implementation Area phase 2, adopted in 2005
This site is part of the E. Admiral Place Special Treatment Corridor plan that illustrated landscaping and street scape improvements. The plan did not contemplate land uses.

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: Property is generally flat and unoccupied. A group of small buildings and appear to be visible on the aerial photograph. Street improvements along with other utility improvements will be required during the plat process.

Environmental Considerations: The overland drainage in this area is poorly developed.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
No public access on existing parcel. N. 93 rd provides street right of way but no street infrastructure has been constructed.	NA	NA	NA

Utilities:

City of Tulsa Water is available to the site.
Sanitary Sewer will require an extension
Storm sewer and drainage improvements will be required.
Street infrastructure will be required.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	CG	Employment	Growth	Car storage
East	CH	Employment	Growth	Car storage
South	CH	Employment	Growth	Flea Market
West	CH	Employment	Growth	Wrecker Service

SECTION III: Relevant Zoning History

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

Subject Property:

BOA-4616 March 1965: The Board of Adjustment approved a request for permission to erect a church in a U-1-B District, located on subject property.

****The CG zoning for the property abutting the subject property to the North was established September 15, 1980. (Ordinance 98254)***

Surrounding Property:

BOA-21169 November 2010: The Board of Adjustment **accepted** a *spacing verification* of the spacing requirement for an outdoor advertising sign, on property located North of the Northwest corner of East Admiral Place and South Mingo Road.

BOA-18082 June 1998: The Board of Adjustment **approved** a *variance* of the screening requirement from an abutting R District to allow natural vegetation, on property located at North of the Northwest corner of East Admiral Place and South Mingo Road.

The applicant indicated his agreement with staff's recommendation.

Ms. Kimbrel asked staff to walk the new Commissioners like herself through what is allowed in an Employment Designation.

Staff stated the Employment Designation is very broad in the Comprehensive Plan. That designation could include offices, warehouses, it can be information technology and light manufacturing. Staff stated anything that supports a climate of people being employed onsite. Staff stated in this instance all of the uses that are allowed in CH zoning are centered around some kind of employment.

Interested Parties:

Liz Davis 9205 East Admiral Court, Tulsa, OK 74115

Ms. Davis stated her property is somewhat adjoining to the subject property. She stated she understands that this is a zoning issue but her problem with this application is that the modifications made by the applicant has caused her property to flood. Ms. Davis stated Z66 auction installed concrete all the way around the backside of the property and installed a solid metal fence around the perimeter that also blocks the creek. Ms. Davis stated the water will run through her building and out the other side. Ms. Davis stated parts of the area including part of the applicant's property is in a FEMA flood plain. Ms. Davis stated after the flood in 1984 all the businesses in the area was wiped out and her building sat empty for over 20 years. Ms. Davis stated she bought the building 10 years ago and rebuilt it. Ms. Davis stated the creek that runs through the property dumps into Mingo Creek. The applicant installed the concrete and the residents in the area were not notified of anything. Ms. Davis stated the applicant has now installed a metal fence that is acting as a dam and when there is a fairly good rain the water flows down the street instead of hitting the ditch and flowing across the corner of the property into a runoff ditch that goes underneath the street and diverts the water to a private creek. Ms. Davis stated in the last two months she has been in water up to her knees in her building. Ms. Davis stated the water comes across the street and she has to open the overhead doors of her building to allow the water to flow through and keep her building from flooding. Ms. Davis stated the metal fence also blocks access to clean the ditch and she has been paying the HOW Foundation to come out and clean the ditch. Ms. Davis stated the metal fence has a sign on it that states caution 7000 volts so she afraid to get in the water and there is a lot of junk and debris in the creek. Ms. Davis stated if the applicant rezones this property his only access is to take the metal fence out and go across the Creek with it, is he going to dam the creek up by installing more metal fence around the subject property because if he does her property and the other 2 next to her will become a lake when the creek is blocked. There won't be any drainage at all. Ms. Davis stated what will happen to her property line because she pays \$61 a month to open up her doors to let stormwater run through her building. She stated she has 23 classic cars in the building and last month almost every one of them was lost because it is was so clogged up that the water had nowhere to go. Ms. Davis stated she has pictures of everything and can show from 1995 to when the applicant finished the modifications.

Mr. Reeds asked if Ms. Davis was in a FEMA flood zone?

Ms. Davis stated, "No she was not".

Mr. Reeds asked Ms. Davis about the private creek she mentioned.

Ms. Davis stated back in 2013 City Councilor Patrick brought some City people out and Ms. Davis had a zip drive that contained all information showing water running through her building but nothing was done.

Mr. McArtor stated he thought he heard Ms. Davis say she didn't have any objection to the application to rezone.

Ms. Davis stated that is correct she does not.

Mr. McArtor stated the report from staff states, under the paragraph entitled utilities, that storm sewer and drainage improvements will be required. Mr. McArtor stated he is assuming from this application that there is an acknowledgement that there is a problem with regard to drainage and that to proceed certain improvements are going to have to be made and he hopes that helps Ms. Davis.

Crystal Horse 1224 South 103th East Avenue, Tulsa, OK 74128

Ms. Horse stated she is the property that is west of Ms. Davis. Ms. Horse stated she is property that has the little creek. Ms. Horse doesn't know if it's a public creek or a private creek because she has been told both as the owners of this property. Ms. Horse stated she has done her best to try to maintain the creek. In 2013 the City started assessing a stormwater fee and stated it was for the City to maintain the creek. Ms. Horse stated it is not being maintained at all and she has been at that location for about 30 years. Ms. Horse stated the last rain there were six inches of water in her building and there had never been water in her building before so the problem is just getting worse. Ms. Horse stated she doesn't know who at the City is allowing all this development to take place without taking into consideration the businesses that are being affected by the floodwaters that come through. Ms. Horse stated the biggest concern is what will happen if this rezoning is approved.

Mr. Reeds stated he echoes his fellow Commissioners comments to the previous speaker, that the applicant will have to go through full site plan review which includes utilities, drainage and power, and it will need to meet current requirements which means it needs to drain.

Applicant Comments:

The applicant stated they are purchasing all of the property, not just the property being rezoned but the property to the south also. The South two thirds is zoned CH and the subject property is residential zoning and the applicant is just looking to clean this up. The applicant stated they do understand that they will need to provide for drainage across their property. The applicant stated this appears to be part of a bigger problem in the sense that there's water coming on to the property and the applicant won't have any impact on that but understands that the drainage will be worked out with the City. The applicant stated they understand and fully expect to have to do that.

Ms. Kimbrel stated hearing the applicant speak that he is aware of the requirements she would like staff to walk through his requirement versus what the City takes care of. Since there seems to be some confusion.

Staff stated he is glad to hear that the proposed development includes a larger piece of property than just this rezoning. Staff stated what he can say is that the water that enters from the west and ultimately finds its way to the east goes through a rigorous engineering process. There can't be anything that adversely affects people upstream or downstream. Staff stated this will be managed as part of the plat process and the final plat won't be released until the engineering issues and the design has gone through the infrastructure development process with development services.

Mr. Fothergill stated to Ms. Davis and Ms. Horse that he would suggest that they speak with the former City Councilor David Patrick's daughter Crista Patrick who is the current City Councilor for their District replacing her father who passed away. She may be able to help.

TMAPC Action; 7 members present:

On **MOTION** of **McARTOR**, TMAPC voted **7-0-0** (Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Van Cleave, "aye"; no "nays"; none "abstaining"; Covey, Doctor, Shivel, Walker, "absent") to recommend **APPROVAL** of the CH zoning for Z-7488 per staff recommendation.

Legal Description Z-7488:

The East 596 feet of the West 656 feet of Government Lot One (1), Section One (1), Township Nineteen (19) North, Range Thirteen (13) East, Tulsa County, State of Oklahoma,
LESS AND EXCEPT the South 435 feet thereof, more particularly described as Blocks One (1) and Two (2) of MOSES SUBDIVISION NO. 3, including the vacated Admiral Court adjacent to the North of said Blocks One (1) and Two (2) and the vacated 94th East Avenue lying between said Blocks One (1) and Two(2), Tulsa County, State of Oklahoma, according to the recorded plat thereof.

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Item 6 was moved to beginning of the Public Hearing.

7. **Z-7490 Crystal Keller** (CD 2) Location: Southeast corner of South 33rd West Avenue and West 61st Street South rezoning from **CS to CS with optional development plan**

STAFF RECOMMENDATION:

SECTION I: Z-7490

DEVELOPMENT CONCEPT:

DETAILED STAFF RECOMMENDATION:

Z-7490 is already zoned CS and the apartment or condo uses are already allowed. The primary purpose for the optional development plan is to allow a private street accessing lots for small multi-family development. CS zoning with the optional development plan standards and use limitations defined in Section II are consistent with the Neighborhood Center land use designation of the Tulsa comprehensive plan and,

CS zoning without the optional development plan allows uses that could be considered injurious to the residential property owner on the south and east of the site however the optional development plan provides use limitations that help integrate this site into the adjoining single-family residential and multi-family areas and,

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

The optional development plan provides additional standards for landscaping along the public rights of way and provisions for dumpsters that are beyond the zoning code requirements that are consistent with the West Highlands Small area plan goals supporting shade trees in public right of way and,

This style of apartment and condominium uses are consistent with the expected development pattern in this area near the northwest corner of the West Highlands plan and consistent with the goals in the plan that encourage multi-family development that mixes smaller multi-family buildings into a single-family neighborhood that were specifically identified in goals 2.3 and 2.5 therefore,

Staff recommends Approval of Z-7490 as outlined in Section II above.

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
 - c. Three or more households on a single lot
- B. Office
 - a. Business or professional office
- C. 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
- B. Two households on a single lot
 - a. Mixed-use building
 - b. Vertical mixed-use building
- C. Three or more households on a single lot
 - a. Apartment / Condo
 - b. Mixed-use building
 - c. Vertical mixed-use building

VEHICULAR ACCESS:

- A. Vehicular access will be provided by a privately owned and maintained street.
- B. Private streets will conform to the City of Tulsa engineering standards for a minor residential street.
- C. Private streets will conform to the Subdivision Regulations for the City of Tulsa.

SIDEWALKS:

Sidewalks will be required and constructed as defined in the Subdivision and Development Regulations for the Tulsa Metropolitan area. Sidewalks in the public street right-of-way and adjacent to private streets where they abut common open space shall be constructed prior to issuance of any building permit for residential building types.

LOT AND BUILDING REGULATIONS:

Setbacks:

Minimum side lot line 5 feet

Minimum rear lot line	11 feet
Front yard	10 feet
Garage entrance (from sidewalk)	20 feet

SIGNAGE:

All signage is prohibited except as may be allowed in an RM-2 district.

DUMPSTER AND TRASH COLLECTION:

Any commercial style dumpsters shall be enclosed with a masonry enclosure and self-closing gate. Gate must be constructed of a solid material without openings. Gate and enclosure must be at least one foot taller than the trash bin.

Dumpsters must be placed a minimum of 100 feet from the east boundary of the subject property.

LANDSCAPING: Street trees shall be installed and maintained as follows:

- A. Trees shall be installed and maintained so the maximum spacing of the trees shall not exceed 35 feet. At the time the trees are planted the minimum height shall be 12 feet with a minimum caliper of 2.5 inches.
- B. Trees shall be on the lot or within 7 feet of the lot line in the public street right of way.
- C. Required street trees shall be installed and maintained as part of the property owner's association.
- D. Additional trees and landscaping may be installed however the required trees required cannot be Crepe Myrtle, Bradford Pear or Ash.
- E. All street yards and right of way where trees are required shall be irrigated with an underground automatic irrigation system.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: This project is included in the West Highlands Small Area Plan.

The anticipated uses are consistent with the small area plan vision. The gated community with private streets is not necessarily consistent with the goals of the small area plan to encourage vehicular connectivity. This site is surrounded by other development that has not provided connectivity. As a result of previous street pattern decisions, it is not necessary to require a public street at this location.

Land Use Vision:

Land Use Plan map designation: Neighborhood Center

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

Areas of Stability and Growth designation: Area of Growth

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

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

Transportation Vision:

Major Street and Highway Plan: None

Trail System Master Plan Considerations: None

Small Area Plan: West Highlands Small Area Plan

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is a tract of land that is undeveloped between a commercial shopping center on the west and single-family residential

development on the east. That residential development area is part of the Pager Belcher development. The site is sloping from the west to the east.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South 33 rd West Avenue	Secondary Arterial	100 feet	Tapers from 4 to 2 lanes
West 61 st Street South	Secondary Arterial	100 feet	Tapers from 4 to 2 lanes

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	Neighborhood center	Growth	Commercial
East	RM-1 / PUD 159	Existing neighborhood	Stability	Single family
South	RM-1 / PUD 159	Neighborhood center	Stability	Multi family
West	Creek county A-1	Creek county (no designation)	Creek county (no designation)	Single family residential

SECTION III: Relevant Zoning History

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

Subject Property:

No relevant history.

Surrounding Property:

BOA-20497 August 2007: The Board of Adjustment **approved** a *verification* of the spacing requirement for a liquor store of 300 ft. from blood banks, plasma centers, day labor hiring centers, pawn shops and another liquor store, on property located at the Southeast corner of West 61st Street South and South 33rd West Avenue.

BOA-19430 August 2002: The Board of Adjustment **approved** a *special exception* to permit a car wash in a CS District, per plan, on property located at the Southeast corner of West 61st Street South and South 33rd West Avenue.

BOA-18559 January 2000: The Board of Adjustment **approved** a *variance* to permit off-street parking on non-all-weather surface; **denied** the *special exception* for the number of spaces; and **approved** the *special exception* to modify the screening requirement from an abutting R district, on property located at the Northeast corner of West 61st Street South and South 33rd West Avenue.

BOA-18534 October 1999: The Board of Adjustment **approved** a *variance* of the required 297 parking spaces for shopping center to 226 actual parking spaces, on property located at the Southeast corner of West 61st Street South and South 33rd West Avenue.

BOA-16845 November 1994: The Board of Adjustment **approved** a *variance* of the required frontage in a CS zoned district to permit a lot split per plan submitted, on property located at the Northwest corner of West 61st Street South and South 33rd West Avenue.

BOA-14207 September 1986: The Board of Adjustment **approved** a *special exception* to allow a dry cleaning/laundry in a CS zoned district, on property located at the Southeast corner of West 61st Street South and South 33rd West Avenue.

BOA-13050 March 1984: The Board of Adjustment **approved** a *special exception* to permit a car wash in a CS zoned district and **approved** a *variance* of the required 110-foot setback from the centerline of West 61st Street South to 68 feet on property located at the Northeast corner of West 61st Street South and South 33rd West Avenue.

PUD-159 June 1974: All concurred in **approval** of a proposed *Planned Unit Development* on a 595.3± acre tract of land for a neighborhood with a 36-hole golf course on property located South and East of the Southeast corner of West 61st Street South and South 33rd West Avenue.

The applicant indicated her agreement with staff's recommendation.

TMAPC Comments:

Mr. Reeds asked staff if the minimum garage is 20 feet on a 30-foot lot.

Staff stated the setback from the garage entrance is 20 feet.

Mr. Fothergill stated on the north end of the west side it looks like the property line cuts into the shopping center, is there relief for the shopping center.

Staff stated if you're going to have a gated entrance into a private street there has to be an exit if you can't get into the gate and this is one option that could happen. Staff stated that it would require some kind of agreement with the shopping center to access their back-property line. Staff stated the gate configuration could be different as long as it satisfies the engineering and fire code standards.

Mr. Fothergill asked staff if sidewalks would be required since it was a private street.

Staff answered "yes" along 33rd West Avenue.

Mr. McArtor asked staff if this was a zoning change.

Staff answered the zoning is already in place. But the Development Plan has to be associated with the zoning consideration so its processed as a zoning application but the zoning is already in place and this is really just the development plan.

Mr. McArtor asked what if the person who wants to put this development in decides to scrap it and they move on. The property is still CS but is it still subject to these development standards?

Staff stated "yes", if they decide to back out and withdraw this application for some reason before the ordinance has been prepared the CS zoning with the development standards would still apply.

Applicant Comments:

The applicant stated this development is going to be a three-story development. There will be a variety of floor plans but a lot of the design elements are still in process. The applicant stated a community meeting was held on June 18, 2019 at the Zarrow Public Library and 27 community members were in attendance and the site plan that was presented. The applicant stated there was a lot of discussion back and forth but at the end the community unanimously voted that they would like the private street option to be a part of the development. The applicant stated she was not here to ask for zoning, because zoning is already in place but to allow the development to be gated and have the private street. The applicant stated there was some feedback from the neighbors to put the main entrance on South 33rd West Avenue instead of 61st West Avenue. So, the site plan was revised to reflect that change. The applicant stated to answer Mr.

Fothergill' s question about the property line, the dotted line is the setback line and the property line is the solid line. The applicant stated each unit will have a two-car garage and most of the units are 4-bedroom units.

Interested Parties:

Iophus Graves 2936 West 61st Place South, Tulsa, OK 74132

Mr. Graves stated these apartments are 3 story buildings and they are very close to Mr. Graves house. Mr. Graves stated the applicant stated they would not be a retaining wall or anything to buffer these apartments from his house. Mr. Graves stated there is a lot of noise from the two bars in the area, one across the street and another in the shopping center. Mr. Graves stated he doesn't know if these apartments will be low income or Section 8 but he doesn't want crime at his back door. Mr. Graves stated he has lived in the area for 20 years and this area is two lane roads and traffic will cut through the neighborhood coming from I-44 to US 75 and that's an accident that's waiting to happen. Mr. Graves stated he doesn't feel comfortable with these apartments at his back door. Mr. Graves stated this introduces more traffic into the area and when you put apartments in that location without places where people can go and eat or go and grocery shop. There is nothing to support more people and Mr. Graves stated his philosophy has always been you put people in places to support it.

Mr. Reeds asked Mr. Graves if the apartments that are south and west of him give him any issues?

Mr. Graves stated "no", they are far away from him.

Mr. Fothergill asked if Mr. Graves understood that the zoning was already allowed for the applicant to build apartments and the only thing Planning Commission is considering is whether or not the street is private or public.

Mr. Graves stated "yes", he does understand that.

Mr. Fothergill asked what Mr. Graves would prefer.

Mr. Graves stated he is more concerned with the traffic.

Mr. Reeds asked Mr. Graves if moving the main entrance to 33rd West Avenue helped to relief some of his concerns.

Mr. Graves stated it helps some but it doesn't matter if you're going in or coming out traffic will be high and he has seen a few accidents.

Chase Thomas 2935 West 61st Place South, Tulsa, OK 74132

Mr. Thomas stated he didn't understand that the zoning was already in place to allow apartments. Mr. Thomas stated the application appears to be a rezoning

but his main concern is property values. Mr. Thomas stated he has lived in his home 3 years and the property values have been on an incline of about 2%. But in the last 30 days there has been a 4% drop so it appears like property value is definitely going to down and construction hasn't even started. Mr. Thomas stated the plan looks good and he would prefer duplex style houses. Mr. Thomas stated it appears that after getting the road approved, they could build apartments. Mr. Thomas stated this is not going to be a pretty view looking out the back window and that's Mr. Thomas's concern.

The applicant stated she definitely appreciates Mr. Gray's and Mr. Thomas coming today to voice their concerns. The applicant stated these units are going to be condo units and she doesn't have the exact price point right now but they're going to average around 250,000-dollar range. The applicant stated in regard to the main entrance and the traffic that Mr. Graves referred to, that was the reason the main entrance was switched because that was also the concerns whenever the applicant spoke to the community members at the meeting. The applicant stated she is sensitive to some type of buffer behind the units and believes a tree buffer might help to alleviate some of the concerns. The applicant stated she is here to ask for the private streets so there can be nicer units and she would prefer that a gated community and the community members would also.

Mr. Reeds stated given the fact that the applicant is asking for CS and it adjoins a residential district the applicant would be required to put in a buffer there according to the Zoning Code.

Ms. Kimbrel stated this is going to be a condo development meaning each unit will have an owner.

The applicant stated "yes".

Ms. Kimbrel stated, "not renters" and no apartments.

The applicant stated they will be condo's that will be sold as individual units. Ms. Kimbrel stated she wanted to address Mr. Graves concerns about it being low income housing.

Mr. Fothergill stated he understands Mr. Graves concern because he grew up in this neighborhood and his backyard looked up to a three-story apartment so when Mr. Fothergill looked out his back door all he saw was apartments. Mr. Fothergill stated it's not the best but unfortunately when you buy your house, you don't get to buy the view. That's what the other property owner gets to take away from you when you don't own the other property. Mr. Fothergill stated he apologizes but that's the way it is. Mr. Fothergill stated this application is not to decide whether or not the condos should be built but whether or not it should have a private street or not and since most of the residents that showed up to the public meeting requested a private street that's how he will vote.

TMAPC Action; 7 members present:

On **MOTION** of **McARTOR**, TMAPC voted **7-0-0** (Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Van Cleave, “aye”; no “nays”; none “abstaining”; Covey, Doctor, Shivel, Walker, “absent”) to recommend **APPROVAL** of the rezoning to CS with optional development plan for Z-7490 per staff recommendations.

Legal Description Z-7490:

PT NW NW BEG NWC NW TH E687.61 S470.91 SW804.56 N885.48 POB LESS BEG NWC NW NW TH E527 S380 SW207.5 W380 N527 & LESS N50 THEREOF & LESS W50 THEREOF SEC 3 18 12 4.01ACS, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

8. **MR-12** (CD 9) Modification to the Subdivision & Development Regulations to remove the sidewalk requirement for a new single-family residence, Location: North of the northeast corner of East 49th Street South and South Columbia Avenue

STAFF RECOMMENDATION:

MR-12 – 4687 S. Columbia Ave. - (CD 4)

North of the northeast corner of East 49th 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 connects to the Interstate-44 frontage road that does not have sidewalks.
4. There are no major pedestrian destinations within the walkable area of the property.

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.

TMAPC Comments:

Ms. Kimbrel stated the Planning Commissioner's appreciate staff's hard work on the Sidewalk Waiver requirements and she tries to review all the notes and all of the minutes from previous meetings. Ms. Kimbrel stated she is sifting through so much information and trying to make sense of it all. Ms. Kimbrel asked staff if the last memo had any implications for what is being reviewed today.

Staff stated what staff has tried to do when looking at these requests is to explain if staff thought a property would have been eligible, for example, to pay a fee in lieu because it didn't make sense at that time to install the sidewalk. Staff will mostly recommend approval in those situations and the City loses a bit because we don't get a sidewalk, they don't get a fee because the ordinance hasn't been established. Staff stated but at the same time the burden hasn't been tossed to the property owner to put in that sidewalk when it's very likely that in a matter of a few months there will be an option for other property owners to pay a fee. Staff stated to come down on a very hard stance and mandate individual residential lots install sidewalk where there are no sidewalks and where they're not going to connect to something when the City in just a matter of time might offer up an alternative so not to continue getting those one-off sidewalks. Staff stated in scenarios where the sidewalk would be so far detached from any existing pedestrian infrastructure it seems almost too much to make this 1 owner build the sidewalk knowing that there is an alternative in the pipeline.

Mr. Reeds asked if the building to the south shown on 8.5 of the packets is built by the same builder.

Staff stated “no”, it is not. Staff stated the applicant does not own the lot to the south. Staff stated the builder of the house to the south has not made an application for a sidewalk waiver but the same requirement that was placed on this applicant will be applied to that one as they go through their development process.

Mr. Fothergill stated he would hate to have somebody to the south having a sidewalk that goes nowhere to the north when Planning Commission could have made a sidewalk in there.

Staff stated that is a fair point.

Mr. McArtor stated there's a way to solve that and that's to enforce the subdivision regulation which is kind of Planning Commission's job.

Mr. Fothergill stated but only if all the other houses in this subdivision get rebuilt in the next Millennia.

Applicant Comments:

The applicant stated the neighbor to the left does not plan on installing a sidewalk but has not made an application yet. The applicant stated he is very pro sidewalks but there are a ton of mature trees where the sidewalk would go and other various elements that would make it a very strategic thing to keep the integrity of the urban neighborhood intact when installing a sidewalk. The applicant stated putting a sidewalk to nowhere really does hurt the neighbors and messes up the flow of the neighborhood.

Mr. McArtor stated he heard two different things and is probably confused. Mr. McArtor stated the applicant spoke about the sidewalk would basically not be possible because of the trees and the meters and that kind of thing.

The applicant stated it would be possible however, it would be a jagged sidewalk and you would want it to be a straight sidewalk and there would be other variables.

Mr. McArtor stated so it's possible but, in your opinion, just not aesthetically or functionally a good idea.

The applicant stated “yes”, it would stand out like a sore thumb.

Ms. VanValkenburgh asked the applicant if there were curbs and gutters in front of subject property.

The applicant answered “yes”.

Interested Parties:

Dan Eagle 1714 South Madison Avenue, Tulsa, OK 74104.

Mr. Eagle stated he would like to add that the location of where the sidewalk would go is next to one of the big mature trees in the front yard and that tree may have to be removed over time that is why they think it would be a detriment to the neighborhood.

Mr. Ritchey stated this is his first time speaking today, which is a rarity. Mr. Ritchey stated he was originally on camp build sidewalks, sidewalks are always good but he has switched a little bit and the number one thing is he doesn't feel like sidewalks in this piecemeal type of plan should be the responsibility of the homeowner. Mr. Ritchey stated he thinks it's a City plan and there should be a city-wide initiative that should push forward sidewalks in neighborhoods that could use them. Mr. Richey stated in his opinion if there was ever a neighborhood where it would make sense to not force a sidewalk on somebody, it would be this one. Mr. Ritchey stated there are no sidewalks period. He stated in this particular neighborhood with giant lots no one needs to walk anywhere. Mr. Ritchey stated his parents live in this neighborhood and some people do ride bikes but per the law you should not ride bikes on sidewalks. He stated he doesn't think it affects anything and this would be a perfect example, to not enforce the sidewalk requirement and grant a sidewalk waiver.

Mr. McArtor stated he certainly appreciates Mr. Ritchey's comments and he has a friend who lives off of Martin Luther King BLVD and there are some beautiful large new homes in that area and they have sidewalks in front of them and they go nowhere. Mr. McArtor stated he looked at those homes and thought they were beautiful and the sidewalk enhances the beauty of the of the home. Mr. McArtor stated he quotes Commissioner Rodney Ray on this point, "we should not see it as a sidewalk to nowhere, we should see it as a starter sidewalk to somewhere". Mr. McArtor stated that's where the Comprehensive Plan leads and that's where the subdivision regulation leads us to. Mr. McArtor stated unless there are some who continue to want to enforce the regulation as it is, even in situations where it doesn't seem to be rational, he is afraid there won't be any movement to change this and he would rather at this point do away with the subdivision regulation. It bothers him sitting on a Commission like this that is supposed to be enforcing these regulations and routinely not doing so. Mr. McArtor thinks its very bad public policy. Mr. McArtor stated he is going to continue to vote no on these waivers not only because he thinks sidewalks are a good idea even if they don't appear to be the right thing at the right time but to push this system on as quickly as possible so that a regulation can be enforced with more integrity.

Ms. Kimbrel asked staff where they were in the process of the fee in lieu program. She continues to see that the City aspires for a fee in lieu but it feels aspirational. Ms. Kimbrel asked if staff could provide some context on how much of that is going to be realistic anytime soon.

Staff stated the concept was presented to Planning Commission at the last meeting and it was requested that we bring that to a work session on August 7, 2019 for discussion. Staff stated in terms of how aspirational, there's been a lot of work done. Staff stated a process has to occur before we can have the proposal adopted and utilized and he believes pending a major disruption that will have this thing in place by the end of the year. Staff stated he understands the principal approach to this as a planner, sidewalks are incredibly important to walkability and accessibility of the City. But he also understands the need to be practical in the way this is done if we want the walkable network to be effective. Staff stated after the discussion at the work session everyone will feel a little bit better about the direction we're heading in with this.

Mr. Ritchey stated he is an attorney as well and he takes these things very seriously. But the number one thing you learn in law school is there's always some caveats to every law so for Mr. Ritchey he is comfortable with these situations because there is a staff that's very dedicated to looking at these waivers and have set up their own criteria which Planning Commission is given. Mr. Ritchey stated staff say they recommend granting this modification because number one, the property is in the middle of an established neighborhood with no existing sidewalks. Number two, it's in the middle of the block far away from anything else and number three, it's close to I-44, and number four, there's no pedestrian destination. Mr. Ritchey stated that's what is important to him when looking at Tulsa. There's a lot of places in Tulsa where you're not going to walk anywhere. Mr. Ritchey stated wouldn't it be cool if we could just start over and have sidewalks for people that want to walk miles and miles, that would be great but right here at 49th and Columbia Avenue nobody is walking anywhere whether you build all the sidewalks in the world or not. Mr. Ritchey stated he follows staff's recommendation 99% of time and he appreciates what they do, so he will vote yes to grant the modification to not require the sidewalk.

Mr. Ray stated everyone knows where he is on the sidewalk waiver but he does want to make it clear that he believes there is a practical side to his position to make decision on this and he doesn't believe it's an irresponsible position.

Mr. Ray stated he thinks the more we try to keep the process moving forward the better off we are.

Mr. Fothergill stated he would remind the Commissioners that if a fee in lieu program is established there still would not be a sidewalk in front of this house, it would be cash in the coffers of the City of Tulsa that would then establish a sidewalk in the areas that they designate the most needing of those sidewalks,

Mr. Ray stated he would also say that if we don't start somewhere, like a fee in lieu program, we will never get anywhere. If you want a walkable City let's start the fee in lieu of and there would not be a sidewalk in this location but there would eventually be a sidewalk somewhere.

TMAPC Action; 7 members present:

On **MOTION** of **FOTHERGILL**, TMAPC voted **4-3-0** (Fothergill, Reeds, Ritchey, Van Cleave, "aye"; Kimbrel, McArtor, Ray, "nays"; none "abstaining"; Covey, Doctor, Shivel, Walker, "absent") to **APPROVE** MR-12 Modification of the Subdivision and Development Regulations to remove sidewalk requirement per staff recommendation.

Item 9 was moved to the beginning of the Public Hearing.

OTHER BUSINESS

10. Commissioners' Comments

None

ADJOURN

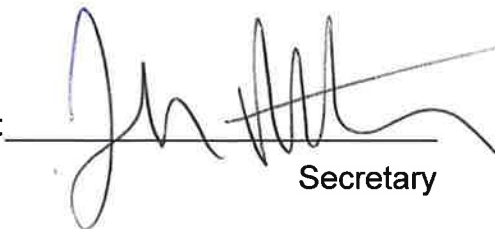
A motion was made by McArtor and a second by Fothergill to adjourn the meeting of July 17, 2019 Meeting No. 2798 at 3:07pm.

Date Approved:

08-07-2019


Chairman

ATTEST:


Secretary