

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2800

Wednesday, August 21, 1:30 p.m.

City Council Chamber

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

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, August 15, 2019 at 3:44 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 the next TMAPC meeting will include the Public Hearing for the zoning code amendments recommended in the West Highlands/Tulsa Hills Small Area Plan. Ms. Miller stated staff is drafting some changes regarding dumpster, donation box and recyclable material screening regulations. Ms. Miller stated a Work Session would be needed for late September. Ms. Miller stated in the Wilson vs TMAPC lot split case the judge ruled in favor of the plaintiff and if Commissioners have any questions on that you can speak with Janine VanValkenburgh. Ms. Miller stated she presented the FY end of the year report to City Council and provided a copy of that to Commissioners.

1. **Minutes:**

Approval of the minutes of August 7, 2019 Meeting No. 2799

On **MOTION** of **SHIVEL**, the TMAPC voted 6-0-0 (Covey, Fothergill, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Doctor, Kimbrel, McArtor, Ray, Van Cleave, “absent”) to **APPROVE** the minutes of the meeting of August 7, 2019, Meeting No. 2799.

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-806-2 Doug Walker** (CD 8) Location: North of the northwest corner of East 121st Street South and South Sheridan Road requesting a **PUD Minor Amendment** to allow an 8-foot fence in the front yard

TMAPC COMMENTS:

Mr. Covey stated there is a request from the adjoining landowner to continue this case to September 4, 2019.

The applicant indicated his agreement with continuing the case to September 4, 2019.

TMAPC Action; 6 members present:

On **MOTION** of **REEDS**, TMAPC voted 6-0-0 (Covey, Fothergill, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Doctor, Kimbrel, McArtor, Ray, Van Cleave, “absent”) to **CONTINUE** Item 2 to September 4, 2019.

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

PUBLIC HEARINGS:

3. **TCCP-2** consider adoption of an amendment to the **Comprehensive Plan of the Tulsa Metropolitan Area** for the unincorporated areas of Tulsa County lying within the fencelines of **Collinsville and Sperry**.

STAFF RECOMMENDATION:

Item

TCCP-2 consider adoption of an amendment to the **Comprehensive Plan of the Tulsa Metropolitan Area** for the unincorporated areas of Tulsa County lying within the fencelines of **Collinsville and Sperry**.

Background

Historically, Tulsa County communities would submit their Comprehensive Plans to TMAPC for adoption so that they might be considered in land use decisions in surrounding unincorporated areas by TMAPC and Tulsa County. The adopted plans were then used as a guide to inform decision makers when planning for the physical development of the unincorporated areas of Tulsa County. Unfortunately, the practice of adopting these community Comprehensive Plans as they were updated fell by the wayside. The existing District Plans have also become outdated and they are no longer a true representation of the community’s desires.

In 2018, Tulsa County recognized the need to have an adopted Comprehensive Land Use Plan for the unincorporated areas of Tulsa County and to update or establish plans as necessary for the remainder of Tulsa County.

The first step of the process is the adoption of the existing Comprehensive Plans from the municipalities in Tulsa County. The next step will be to develop new Land Use Plans for the remaining areas in unincorporated Tulsa County.

Staff Recommendation

Staff recommends that TMAPC adopt an amendment to the Comprehensive Plan of the Tulsa Metropolitan Area for the unincorporated areas of Tulsa County lying within the fencelines of Collinsville and Sperry.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **REEDS**, TMAPC voted 6-0-0 (Covey, Fothergill, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Doctor, Kimbrel, McArtor, Ray, Van Cleave, “absent”) to **ADOPT** TCCP-2 as an amendment to the Comprehensive Plan of the Tulsa Metropolitan Area per staff recommendation.

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- 4. **MR-14** (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-14 – 4621 S. Columbia Ave. - (CD 9)

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 was not present.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **REEDS**, TMAPC voted 6-0-0 (Covey, Fothergill, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Doctor, Kimbrel, McArtor, Ray, Van Cleave, “absent”) to **APPROVE** MR-14 Modification of the Subdivision and Development Regulations to remove sidewalk requirement per staff recommendation.

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5. **MR-15** (CD 4) Modification to the Subdivision & Development Regulations to remove the sidewalk requirement for a new single-family residence, Location: North of the northwest corner of East 31st Street South and South Delaware Avenue

STAFF RECOMMENDATION:

MR-15 – 2952 S. Delaware Ave. - (CD 4)

North of the northwest corner of East 31st Street South and South Delaware 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 an established neighborhood with no existing sidewalks.

2. South Delaware Avenue is a dead-end cul-de-sac that provides no access to pedestrian destinations.
3. East 31st Street is the nearest primary arterial and does not have sidewalks to connect to.
4. There are no major pedestrian destinations within the walkable area of the property.
5. Several new homes have completed construction in the vicinity prior to the adoption of the sidewalk regulations.

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

The applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **REEDS**, TMAPC voted 6-0-0 (Covey, Fothergill, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Doctor, Kimbrel, McArtor, Ray, Van Cleave, “absent”) to **APPROVE** MR-15 Modification of the Subdivision and Development Regulations to remove sidewalk requirement per staff recommendation.

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6. **MR-17** (CD 4) Modification to the Subdivision & Development Regulations to remove the sidewalk requirement for a new single-family residence, Location: East of the northeast corner of South Florence Avenue and East 27th Street South

STAFF RECOMMENDATION:

MR-17 – 3115 E. 27th St. - (CD 4)

East of the northeast corner of South Florence Avenue and East 27th Street South

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.

This application was previously **denied** by TMAPC due to a tie 3-3 vote on June 19, 2019. The applicant has made a new application in order to be considered by a full Planning Commission.

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. East 27th Street does not provide connections to vital destinations within the neighborhood.
4. Planning Commission has approved requests for modification on several other properties within the same neighborhood with similar circumstances.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **REEDS**, TMAPC voted 6-0-0 (Covey, Fothergill, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Doctor, Kimbrel, McArtor, Ray, Van Cleave, "absent") to **APPROVE** MR-17 Modification of the Subdivision and Development Regulations to remove sidewalk requirement per staff recommendation.

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7. **MR-18** (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 West 44th Street South and South 23rd West Avenue

STAFF RECOMMENDATION:

MR-18 – 2325 W. 44th St. - (CD 2)

West of the northwest corner of West 44th Street South and South 23rd West 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 at the end of a cul-de-sac in an established neighborhood.
2. There are no other sidewalks in the neighborhood.
3. West 44th Street is a dead-end that does not provide access to any pedestrian destinations.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **REEDS**, TMAPC voted 6-0-0 (Covey, Fothergill, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Doctor, Kimbrel, McArtor, Ray, Van Cleave, “absent”) to **APPROVE** MR-18 Modification of the Subdivision and Development Regulations to remove sidewalk requirement per staff recommendation.

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8. **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** (Continued from July 17, 2019)

STAFF RECOMMENDATION:
SECTION I: Z-7489

DEVELOPMENT CONCEPT:

Applicant plans to construct an office warehouse on an empty lot. The property has two zoning categories and needs to be changed to a single category. The Downtown Neighborhood land use designation supports commercial zoning and CH is in the surrounding area.

DETAILED STAFF RECOMMENDATION:

Uses and density supported by CH zoning is non-injurious to the surrounding properties and,

CH zoning allows uses are consistent with the anticipated development pattern in the area and,

CH zoning is consistent with Downtown Neighborhood land use designation and,

Staff has recently learned that The City of Tulsa is acquiring property with anticipated construction of this facility within 5 years, therefore,

Staff recommends **Denial** of Z-7489 to rezone property from RM-2 and IL to CH

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The planning effort on this area of Tulsa has been extensive. The current Small Area Plan and the Tulsa Comprehensive Plan supports the rezoning request for CH zoned uses. CH zoning does not have a maximum floor area ratio, building heights or building setbacks.

Many of these uses and the unlimited floor area are generally consistent with the Downtown Neighborhood vision in the Comprehensive Plan and the Auto Oriented Commercial designation in the 6th Street Infill Plan.

Land Use Vision:

Land Use Plan map designation: The site is completely inside the Downtown Neighborhood designation.

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

Areas of Stability and Growth designation: The site is completely inside the Area of Growth designation.

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

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

Transportation Vision:

Major Street and Highway Plan:

East 5th Street South and South Norfolk Avenue are not illustrated on the major street and highway plan. 5th Street South connects to Peoria just east of this site where transit riders can connect to the Bus Transit system on Peoria approximately two blocks from the is site.

Trail System Master Plan Considerations: None

RELATIONSHIP TO THE SMALL AREA PLAN: (PEARL DISTRICT – 6TH STREET INFILL PLAN)

Small Area Plan Land Use Vision:

The site is completely included an Auto Oriented Commercial District defined in the 6th Street Infill Plan which was amended in April 2014. This Auto Oriented Commercial District was originally mixed-use infill supporting the anticipated public investment in the regional detention facility. This site appears to be in the planned storm water detention area. When that facility is constructed it is likely this lot and building will be demolished.

The Auto Oriented Commercial district is defined as “Commercial, Office, high-intensity Residential, Institutional, Manufacturing and Warehousing; usually located on primary arterial streets & highways. This economic model depends on vehicular access and visitors from throughout the region”

Small Area Plan-6th Street Infill Plan Land Use Map:

Latest amendments approved by Tulsa City Council on 4/3/2014 indicate that this site is included in the Mixed Use Infill area. The entire small area plan could be broadly defined as a commercial, office, high-intensity residential institutional, manufacturing and warehousing area which is usually located on primary arterial streets and highways. This economic model depends on vehicular access and visitors from throughout the region. The plan recognized that a storm water detention pond could be constructed in this area and recognized that the specific site could be mixed use infill could be residential, commercial, office, manufacturing, warehousing, reuse of existing structures, smaller-scale, compatible infill.

ELM CREEK STUDY



Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is nearly flat and there are no existing structures.*

Environmental Considerations: The subject property is in a planned regional stormwater detention facility and is in an area where the City of Tulsa is currently acquiring property for construction of this pond.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
S. Norfolk Avenue	None	50 feet	2
East 5 th Street	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	CH	Downtown Neighborhood	Growth	Industrial uses
East	IL	Downtown Neighborhood	Growth	Parking lot for industry
South	RM-2	Downtown Neighborhood	Growth	Empty lot
West	RM-2	Downtown Neighborhood	Growth	Single family residential

SECTION III: Relevant Zoning History

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

Subject Property:

Z-5027 October 1977: All concurred in **approval** of a request for *rezoning* a tract of land from RM-2 to IL on property located on subject property. (Ordinance 13951, October 1977)

Surrounding Property:

BOA-22212 March 2017: The Board of Adjustment **approved** a *special exception* to permit low-impact manufacturing and industry (microbrewery) in the CH District, subject to conceptual plan 7.15, on property located at Northwest corner of South Peoria Avenue and East 5th Street South.

PUD-817-A June 2015: All concurred in **approval** of a proposed *Major Amendment* to PUD on a 0.5± acre tract of land to add Use Unit 12A (Adult Entertainment establishments) and Use Unit 20 (Commercial Recreation) on property located at the Southeast corner of East 4th Street South and South Madison Avenue.

BOA-21868 May 2015: The Board of Adjustment **approved** a *special exception* to permit a food truck court and an outdoor event venue in the CH District; **approved** a *variance* of the allowable days for open air activities; **approved** a *variance* of the requirement that all motorized vehicles be parked on all-weather surface, subject to conditions, on property located at Northwest corner of South Peoria Avenue and East 5th Street South.

PUD-817 / Z-7277 August 2014: All concurred in **approval** of a proposed *Planned Unit Development* on a 0.5± acre tract of land for uses allowed in a CH district and Use Unit 26, limited to a micro-brewery, and all concurred in

approval of a request for *rezoning* a 0.5± acre tract of land from CH to IL on property located at the Southeast corner of East 4th Street South and South Madison Avenue.

BOA-21612 August 2013: The Board of Adjustment **approved** a *variance* of required parking from 10 spaces to 0 spaces in a CH District, on property located West of the Southwest corner of South Peoria Avenue and East 4th Street South.

TMAPC Comments:

Mr. Ritchey asked staff what type of development is typically seen in a downtown neighborhood.

Staff stated a downtown neighborhood has very eclectic mixed-use development opportunity and he would expect to see light industrial use possibly mixed with some residential uses. Staff stated there could be mixed-use buildings and, in some instances, some high intensity commercial use could be allowed.

Mr. Ritchey stated the more recent map from the Pearl District Small Area Plan shows employment with residential surrounding the area, is this application a similar use you would expect in employment with residential.

Staff stated employment with residential is a little more specific than just the CH zoning category. He thinks some of the area that is shown as a Mixed-Use Corridor or Main Street could be CH.

Mr. Covey asked if this area was a part of the 6th Street Infill Plan?

Staff stated “yes”.

Mr. Covey asked when was the 6th Street Infill Plan approved.

Staff stated it was originally approved in 2006 and amended in 2014.

Mr. Covey asked if the original plan called for downtown neighborhood.

Staff stated he was unsure what the original plan for this area was.

Mr. Covey asked if it changed in 2014 to Open Space.

Staff stated during that time there were some plans that were being developed that included a concept that this would be developed into some part of the Elm Creek Master Plan. He stated that's really more of an engineering and land use type of development but this was a part of that old master plan reference, or the old Small Area Plan reference.

Mr. Covey stated his concern is the plans have changed over the years and if this really is going to happen, how long is it going to take to happen? Mr. Covey stated the letter in the packet on page 8.13 states that the project is being funded through revenue bond. Mr. Covey asked if the revenue bonds have already been approved.

Staff stated he met with Ms. Caviness of the City Engineering Department and the developers as part of the continuance request and had this exact conversation. Staff stated the Engineering Department has been given directions to start that process, but those bonds have not been issued yet.

Mr. Covey stated the letter states the design is 60% complete, is that contingent upon funding also.

Staff stated he didn't think the design is contingent on funding.

Mr. Covey asked if the design was being outsourced?

Staff stated all the capital improvement projects like this are typically outsourced.

Mr. Covey stated how many things can go wrong, before the applicant can actually go through with this project? Mr. Covey stated he acknowledges that the plan as it sits today calls for Park and Open Space. He asked staff if they met with the applicant.

Staff stated "yes", between the time that was originally scheduled for the public hearing and today. Staff stated they spoke about the timeline and whether it made sense to reconfigure the pond. Staff stated they spoke about how confident everyone was that this project was really going to happen.

Mr. Covey asked if reconfiguring the pond was that an option or not?

Staff stated anything was an option, in fact, the most recent information that he has received is the infrastructure of the existing storm sewer and the inflow and outflow has formed the shape of the pond. Staff stated in the engineer's eyes, this seems to be the most efficient use of the existing infrastructure and that's how the shape was created. He stated he believes that conversation exists and there's been a lot of public money allocated to the design and that is part of the discussion.

Mr. Covey stated but it says an offer has not been made to the property owner, why has an offer not been made to the property owner?

Staff stated he did not know. But the applicants are here, and they may have had other conversations. There is an acquisition plan in the packet and that acquisition plan includes the applicant's property.

Mr. Reeds stated there was a meeting a few years ago and this property was going to be bought for flood control and so by building this pond properties downstream would be removed from the floodplain, correct?

Staff stated, "that is correct".

Applicant Comments:

Kyle Gibson 551 South Quaker Avenue, Tulsa, OK 74120

Mr. Gibson stated he represents the applicant and his clients are fully aware of the City's plans moving forward with this project. The only major part is it's unclear as to when. Mr. Gibson stated this plan has been in the works for a decade or more now and there's still nothing happening. He stated there's no acquisition offers and if the City is looking at 5 to 10 more years before they get this going it's worth his clients time to go ahead and invest in getting the property rezoned and building their proposed building.

Mr. Covey asked if Mr. Gibson has had any conversations with the City of Tulsa about purchasing the property.

Mr. Gibson stated not until recently, when this application was filed. Mr. Gibson stated there has been no offers made. Mr. Gibson stated the City has allowed people to come in and invest in the area but they have certain properties that they want to acquire and they are not coordinating that with investors.

Mr. Covey asked if Mr. Gibson's client is fully aware that if this gets rezoned and they build whatever they build the City could come in and take it at some point.

Mr. Gibson stated his client is aware and believes that it's worth their time.

Mr. Walker asked what the intended use of the property would be?

Mr. Gibson stated office and warehouse space.

Derald Wofford 1117 East 4th Street, Tulsa, OK 74120

Mr. Wofford stated he is the applicant. Mr. Wofford stated owns the subject property and has known the City was supposed to develop this a long time ago. Mr. Wofford stated he bought the house next door just before the TMAPC meeting date on July 17, 2019 so he asked for a continuance to this meeting so that property could be included in the rezoning. He stated during this time he was notified by the Stormwater Department that they would like to meet with him. Mr. Wofford stated the Stormwater Department told him that his property was in the Master plan for the area. Mr. Wofford stated this is only a plan and plans can be changed. He stated the subject property is very close to 4th Street were

everything is staying and they are only taking a small part of his land in the back. Mr. Wofford stated there is a lot of things that could be done differently in the area by the time the Plan is 100% complete. Mr. Wofford stated he just wants to get the rezoning and move forward.

Mr. Covey asked when Mr. Wofford purchased the property.

Mr. Wofford stated the last one was purchased in June 2019.

Mr. Covey stated Mr. Gipson made the argument that if the ponds go in, that would be okay with Mr. Wofford.

Mr. Wofford stated yes we are good with that.

Mr. Covey asked if the property is taken after Mr. Wofford invests the money into it, he would be ok with that.

Mr. Wofford stated, "He was good with that". But he still believes the City could change the plan.

Mr. Covey stated he forgot to mention that Mr. Fothergill has recused himself from this application and that's why he stepped out, sorry.

Ms. VanValkenburgh stated she had not noticed. She stated without Mr. Fothergill there was not a quorum.

Mr. Covey asked City Legal if the Interested Parties could continue to talk as long as a vote was not held.

Ms. Van Valkenburgh stated "yes"

Mark Wofford 1117 East 4th Street, Tulsa, OK 74120

Mr. Wofford stated the previous speakers pretty well covered everything.

Mr. Covey stated he thought quorum was to start the meeting.

Mr. Reeds stated he understands the applicant's conundrum. He has owned property like this in other cities as well. But given the fact that whether the applicant knew it or not that was always the plan to use this property as control or as a part of the Small Area Plan. He stated he would support the staff recommendation of denial.

Mr. Ritchey stated he shares a lot of those sentiments as well and thinks the thing to look at is this area has certainly been a focal point for the City of Tulsa for over 10 years. He stated each time a plan is either modified or a plan is

introduced there's a lot of civic engagement that goes into this. Mr. Ritchey stated there are public meetings open to everyone but specifically in the neighborhood. Neighbors go to these meetings and that's where these plans come from. He stated that area, specifically just barely east of downtown, is trying to grow into something and that something is small, mixed-use developments with probably more of a focus on residential. Mr. Ritchey stated one part of him says that's what we're looking for this area. He stated a lot of time was spent working on this plan. Mr. Ritchey stated the other side of that coin is the applicant is a business owner and if he is willing to take that risk then. Mr. Ritchey asked if there was an option to move on to a PUD, some sort of land development, because if the applicant states he is going to build a super nice building that will match the same brick as the Central Park condos then he would be in support of that. Mr. Ritchey stated but he would need to see that in writing before the zoning is changed. Mr. Ritchey stated the other problem is if your zoning is changed and you decide to sell that property there is no guarantee that someone's not going to build some junk in there. Mr. Ritchey stated he is on the fence as a whole but feels like Mr. Reeds that he would support staff recommendation because he doesn't think the plan is ready yet.

Mr. Covey stated from his standpoint he didn't expect the applicant to say they understood the risk and were willing to build it anyway and if it gets taken by eminent domain or whatever they are fine with that. He stated the argument that they're going to try and build it nice and work with Engineering Services to say please don't take this property and ask them to redesign something else, he understands that but he thinks Engineering Services has a design and a plan. Mr. Covey stated the more plausible argument is that the applicant goes in eyes wide open and they stated they are willing to invest the money. Mr. Covey stated if Planning Commission allows them to build the building are we not just costing the taxpayers more money because it's going to cost more money to buy it back from them? Mr. Covey asked Ms. VanValkenburgh if she had an answer regarding the quorum issue.

Ms. VanValkenburgh asked if Mr. Fothergill could come back into the room so a vote could be made and he can abstain from voting.

Mr. Covey went to talk with Mr. Fothergill.

Ms. VanValkenburgh stated if Mr. Fothergill has decided that it's better for him not to join then she thinks the thing to do would be to have Mr. Fothergill come back to vote to continue the case for another meeting where there could be a quorum without his vote because there needs to be 6 voting people in the room.

Mr. Covey stated what's going on is that we didn't have a quorum and need a quorum to take to take a vote. He stated the only vote that Planning Commission will be able to take that Mr. Fothergill feels good about sitting in on is to continue this item to September 4, 2019.

TMAPC Action; 6 members present:

On **MOTION** of **REEDS**, TMAPC voted 5-0-1 (Covey, Reeds, Ritchey, Shivel, Walker, “aye”; no “nays”; Fothergill, “abstaining”; Doctor, Kimbrel, McArtor, Ray, Van Cleave, “absent”) to **CONTINUE** Z-7489 to September 4, 2019.

* * * * *

9. **Z-7493 Richard Barnard** (CD 3) Location: South of the southwest corner of East 4th Place South and South Memorial Drive requesting rezoning from **OL to CG** (Continued from August 7, 2019)

STAFF RECOMMENDATION:
SECTION I: Z-7493

DEVELOPMENT CONCEPT:

The original application for this case was CG. After further discussions and meetings with staff the applicant is requesting CS zoning to allow a wider range of uses on this property.

DETAILED STAFF RECOMMENDATION:

The applicant originally requested CG zoning with his application for Z-7493. Staff met with the applicant and during the discussion the applicant agrees to modify his request. The zoning code, in section 70.010 and Section 98.150, allows modification to a less intensive district without a new notice. The current request is to change the zoning on the subject tract from OL to CS. Uses allowed in a CS district are consistent with the Mixed-Use Corridor land use designation and,

This site is surrounded by office and residential uses with a small area of CS adjacent to the northeast corner of the site and,

Uses allowed in a CS zoning district are consistent with the expected future development along Memorial Drive in this area and,

CS zoning allows uses that are not injurious to the existing residential and office properties surrounding the site therefore,

Staff recommends approval of Z-7493 to rezone property from OL to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Uses normally seen in a CS district are consistent with the land use vision of a 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:

The most widespread commercial street type is the strip commercial arterial, these arterials typically serve commercial areas that contain many small retail strip centers with buildings set back from front parking lots. Because of this, strip commercial arterials have many intersections and driveways that provide access to adjacent businesses. Historically, this type of street is highly auto oriented and tends to discourage walking and bicycling. On-street parking is infrequent.

Commuter streets are designed with multiple lanes divided by a landscaped median or a continuous two-way left turn lane in the center. Commuter streets are designed to balance traffic mobility with access to nearby businesses. However, because there are so many intersections and access points on commuter streets, they often become congested. Improvements to these streets should come in the form of access management, traffic signal timing and creative intersection lane capacity improvements.

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 flat with little vegetation*

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Memorial Drive	Primary Arterial with Commuter Corridor	120 feet	5

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	RM-2 / CS		Growth	Multi family / Tavern
East	OL		Growth	Daycare / education
South	OL		Growth	Religious Assembly
West	RS-3		Stability	Single family residential

SECTION III: Relevant Zoning History

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

Subject Property:

No relevant history.

Surrounding Property:

PUD-820 / Z-7282 October 2014: All concurred in **approval** of a request for *rezoning* a tract of land from OL, CS, CH to CH; All concurred in **approval** of a proposed *Planned Unit Development* on a 25.8± acre tract of land for a beverage warehouse and distribution center, subject to conditions, on property located East of the Northeast corner of South Memorial Drive and East 4th Place South.

BOA-20993 October 2009: The Board of Adjustment **approved** a *special exception* to permit a single family dwelling in the OL district (in the existing structure); a *variance* of the requirement that parking spaces shall be positioned so that each parking space can be entered without passing through another parking space, on property located at the Southeast corner of East 4th Place South and South Memorial Drive.

BOA-20624 January 2008: The Board of Adjustment **approved** a *special exception* to permit church use in the OL district, on property located at the Northeast corner of East 7th Street South and South Memorial Drive.

BOA-18643 February 2000: The Board of Adjustment **approved** a *special exception* to permit elderly housing in OL and CS zoned districts,

per plan submitted, on property located at Northwest corner of East 7th Street South and South Memorial Drive.

BOA-18274 January 1999: The Board of Adjustment **approved** a *special exception* to permit elderly housing in OL and CS zoned districts, per plan submitted, on property located at the Northwest corner of East 7th Street South and South Memorial Drive.

BOA-17888 November 1997: The Board of Adjustment **approved** a *special exception* to allow church and accessory uses in an OL zoned district, on property located at the Northwest corner of East 7th Street South and South Memorial Drive.

BOA-13673 July 1985: The Board of Adjustment **approved** a *special exception* to allow a 975 sq. ft. accessory building for a nonconforming use (Residence) in an OL zoned district, on property located at the Southeast corner of East 4th Place South and South Memorial Drive.

BOA-11596 September 1981: The Board of Adjustment **approved** an *exception* to permit a day care center in an OL District with the height of the top sign to be no more than 5 feet above ground level, per plan submitted, on property located South of the Southeast corner of East 4th Place South and South Memorial Drive.

BOA-11327 January 1981: The Board of Adjustment **approved** an *exception* to permit apartments in OL and CS districts; a *variance* of the number of dwelling units on one lot, on property located at the Northwest corner of East 7th Street South and South Memorial Drive.

The applicant indicated his agreement with staff's recommendation.

Interested Parties:

Rich Barnard 6620 South I-35 Service Road, Oklahoma City, OK 73149
Mr. Barnard stated he didn't wish to speak.

Sara Andrews 704 West Sheridan, Oklahoma City, OK 73120
Ms. Andrews stated she didn't wish to speak.

TMAPC Action; 6 members present:

On **MOTION** of **REEDS**, TMAPC voted 6-0-0 (Covey, Fothergill, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Doctor, Kimbrel, McArtor, Ray, Van Cleave, "absent") to recommend **APPROVAL** of the CS zoning for Z-7493 per staff recommendation.

Legal Description Z-7493:

BEG 717.89N & 50W SECR NE SE TH W10 N141.89 W297 N141.90 E307 S283.79 LESS E10 THEREOF FOR ST SEC 2 19 13 .968AC; BEG 859.78N SECR NE SE TH W357 S141.89 E357 N141.89 POB LESS E60 THEREOF SEC 2 19 13 .967ACS, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

Items 10 and 11 were presented together.

10. **Z-7494 Mark Capron** (CD 2) Location: Southeast corner of Southwest Boulevard and West 21st Street South requesting rezoning from **RM-1, RM-2, CS and CH to MX1-U-45** (Related to PUD-796-A) (Continued from August 7, 2019)

STAFF RECOMMENDATION:

SECTION I: Z-7494

DEVELOPMENT CONCEPT: The rezoning application is for a tract of land that is north of West 23rd street south and is located in the core of the Eugene Field Small Area Plan east of Southwest Boulevard. Abandoning the PUD and rezoning to MX1-U-55 will help simplify the development process. MX1-U-55 will allow uses and require building placement similar to the expected development outlined in PUD 794.

DETAILED STAFF RECOMMENDATION:

MX1-U-45 as requested by the applicant is consistent with the multiple land use designations in the comprehensive plan. The subject property includes a mix of neighborhood center, parks and open space, and a mixed-use corridor. MX-1 is a neighborhood scale zoning designation and the urban character designation allows uses consistent with the vision of the small area plan and the concept plan shown. The applicant requests a 45' maximum height however staff supports a 55-foot height to allow a greater density development in this area and construct buildings similar to those shown in the small area plan and,

MX1-U-55 is non injurious to the proximate properties and,

MX1-U-55 accomplishes the same goals as defined in the Planned Unit Development that will be abandon in conjunction with this zoning request and,

MX1-U-55 is consistent with the expected development pattern in the area therefore,

Staff recommends Approval of Z-7494 to rezone property from RM-1, RM-2, CS, CH to MX1-U-55.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The existing PUD-796 was prepared prior to the adoption of our current zoning code in 2016. Our current zoning code supports mixed use development opportunities that could not developed with a “straight” zoning category prior to the 2016 adoption date. MX-1-U in our current code provides all the flexibility and zoning regulations for the planned Eugene Fields project that was contemplated at the time. The proposed redevelopment strategy of this area has not significantly changed but future development can proceed without additional public hearings and detailed site plan approval by the planning commission staff. Requested rezoning is consistent with the small area plan and with the Tulsa Comprehensive Plan.

The implementation of this development area may warrant a consideration for amending the land use designation from multiple categories to a single neighborhood center. Staff will review the land use plan map and make further recommendations during the annual review of the land use plan maps.

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.

Park and Open Space

This building block designates Tulsa’s park and open space assets. These are areas to be protected and promoted through the targeted investments, public-private partnerships, and policy changes identified in the Parks, Trails, and Open Space chapter. Zoning and other enforcement mechanisms will assure that recommendations are implemented. No park and/or open space exists alone: they should be understood as forming a network, connected by green infrastructure, a transportation system, and a trail system.

Parks and open space should be connected with nearby institutions, such as schools or hospitals, if possible. This designation includes neighborhood-serving parks, golf courses, and other public recreation areas. Amenities at these park facilities can include playgrounds, pools, nature trails, ball fields, and recreation centers. With the exception of private golf establishments, these areas are meant to be publicly used and widely accessible, and infrastructure investments should ensure as much. Local parks are typically surrounded by existing neighborhoods and are designated areas of stability.

Destination and cultural parks. These areas include Turkey Mountain Urban Wilderness Area, Woodward Park, River Parks, the Gathering Place, Mohawk Park & Zoo, LaFortune Park and similar places. These parks offer a range of amenities over a large, contiguous area. Amenities at these parks include not only outdoor facilities, but also events spaces, museums, club houses, zoos, and park-complementing retail and service establishments which do not egregiously encroach into protected natural areas. These parks draw visitors from around the metro area and have the highest tourism potential. Ensuring public access (and appropriate infrastructure investments) is a major facet of planning for these establishments. Destination and cultural parks are large scale, dynamic parks that draw residents and visitors from the region and may be designated as an area of growth.

Local parks. This designation includes neighborhood-serving parks, golf courses, and other public recreation areas. Amenities at these park facilities can include playgrounds, pools, nature trails, ball fields, and recreation centers. With the exception of private golf establishments, these areas are meant to be publicly used and widely accessible, and infrastructure investments should ensure as much. Local parks are typically surrounded by existing neighborhoods and are designated areas of stability.

Open spaces are the protected areas where development is inappropriate, and where the natural character of the environment improves the quality of life for city residents. These include environmentally sensitive areas (e.g., floodplains or steep contours) where construction and utility service would have negative effect on the city's natural systems. Open space tends to have limited access points and is not used for recreation purposes. Development in environmentally sensitive areas is uncharacteristic and rare and should only occur following extensive study which shows that development will have no demonstrably negative effect. Open space also includes cemeteries, hazardous waste sites, and other similar areas without development and where future land development and utility service is inappropriate. Parcels in the city meeting this description of open space are designated as areas of stability.

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.

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 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.”

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:

West 23rd is considered a Multi Modal Corridor.

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

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

Trail System Master Plan Considerations:

This development is located adjacent to the West Bank Park and ultimately connects to the River Parks Trail System. Abundant non-vehicular access should be provided for access to that park.

Small Area Plan:

Eugene Field Small Area Plan (adopted May 2013)

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is a diverse mix of housing, education and open space. Special consideration will be made for drainage improvements to the Arkansas river

Environmental Considerations: None that affect site development opportunities

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West 21 st Street South	None	50 feet	2
South Jackson Avenue	None	50 feet	2
West 23 rd Street South	Primary Arterial with multimodal corridor	120	4 with 5 th protected left turn in some areas.
Southwest Boulevard	Secondary Arterial	100 feet	4 with center turn lane
South Phoenix Avenue	None	50 feet	2
South Olympia Avenue	None	50 feet	2
South Nogales Avenue	None	50 feet	2
West 22 nd Street South	None	50 feet	2
West 22 nd Place south	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
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North	RM-1 and RS-3	Existing Neighborhood	Growth and Existing Neighborhood	
East	IL	Arkansas River Corridor	Growth	Concrete Plant, industrial office/warehouse
South	CH, RM-1, CS	Mixed Use Corridor and Existing Neighborhood	Growth and area of Stability	Restaurant, Elementary School, vacant industrial, commercial
West	CH, IL and RS-3	Main Street	Growth	Mixed industrial uses Religious Assembly

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 22903 dated July 23, 2013 and Ordinance number 11814 dated June 26, 1970 established zoning for the subject property.

Subject Property:

SA-4 (Route 66 Overlay) June 2018: All concurred in **approval** to apply supplemental *RT66 (Route 66 Overlay) zoning* to multiple properties along South 193rd East Avenue, East 11th Street, South Mingo Road, East Admiral Boulevard, East Admiral Place, West 11th Street South, and Southwest Boulevard, on a portion of the subject property along Southwest Boulevard.

PUD-796 June 2013: All concurred in **approval** of a proposed *Planned Unit Development* on a 26.75± acre tract of land for mixed use (apartments, retail, and offices) on property located south and east of the southeast corner of Southwest Boulevard and West 21st Street. (Ordinance 22903 July 23, 2013)

Z-7226 June 2013: All concurred in **approval** of a request for *rezoning* a 2.57± acre tract of land from RM-1 to CS on property located at the southeast corner of Southwest Boulevard and West 21st Street. (Ordinance 22903)

BOA-21204 January 2011: The Board of Adjustment **approved** a *variance* of the front yard requirement in an RM-1 district to permit a replacement guard shack, subject to conditions, located on subject property.

BOA-15785 July 1991: The Board of Adjustment **approved** a *special exception* to permit a Salvation Army recreation center in an RM-1 zoned district, per plan submitted, located on subject property.

BOA-9047 June 1976: The Board of Adjustment **approved** an *exception* to modify the screening requirements where an alternative screening will provide visual separation of uses, subject to an agreement between the property owners being made a part of the record, located on subject property.

BOA-8625 June 1975: The Board of Adjustment **approved** an exception to use property as a public park with facilities as presented, per plot plan, located on subject property.

BOA-8114 November 1973: The Board of Adjustment **approved** an exception to use property for a Salvation Army Family Center with playgrounds for all ages in an RM-1 District, located on subject property.

Z-4241 June 1973: All concurred in **approval** of a request for *rezoning* a tract of land from AG, IL, IM, CH, and RM-1 to AG, OM, CS, IL, RM-1, RM-3, and RS-3, partially located on subject property. (Ordinance 12869 June 1973)

Surrounding Property:

BOA-21724 June 2014: The Board of Adjustment **approved** a *variance* of the required parking from 35 spaces to 31 spaces for light manufacturing/industry, subject to plan, on property located at the Northwest corner of West 21st Street South and Southwest Boulevard.

BOA-20716 July 2008: The Board of Adjustment **approved** a *special exception* to permit a community and educational services to include an accessory retail food outlet (Use Unit 5) in the RM-1 district; and a *variance* of the minimum building setback of 25 feet from an abutting R zoned property, on property located at 2232 South Nogales Avenue.

BOA-20679 May 2008: The Board of Adjustment **approved** a *special exception* to permit a church use in an IL district to permit an accessory gym addition to an existing church, on property located at the Northwest corner of West 22nd Street South and Southwest Boulevard.

Z-6815 June 2001: All concurred in **approval** of a request for *rezoning* a 1.63± acre tract of land from CH/OL to CH on property located on the south side of West 22nd Place between South Nogales and South Maybelle Avenue.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

Applicant Comments:

The applicant stated staff did a good job of explaining the application. The applicant stated he knew they couldn't expand the PUD so they had to go to the new code and find something that fit the different pieces that were in this application. He stated it's a very complicated process outside of the zoning as well.

TMAPC Action; 6 members present:

On **MOTION** of **WALKER**, TMAPC voted 6-0-0 (Covey, Fothergill, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Doctor, Kimbrel, McArtor, Ray, Van Cleave, "absent") to recommend **APPROVAL** of the MX1-U-55 zoning for Z-7494 per staff recommendation.

Legal Description Z-7494:

A TRACT OF LAND LYING IN BLOCK FOUR (4) AND BLOCK SIX (6) OF RIVERVIEW PARK ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK FOUR (4); THENCE N89°24'57"E AND ALONG THE NORTH LINE OF SAID BLOCK FOUR (4) FOR A DISTANCE OF 645.00 FEET TO THE EAST LINE OF SAID BLOCK FOUR (4); THENCE S00°40'03"E AND ALONG THE EAST LINE OF SAID BLOCK FOUR (4) FOR A DISTANCE OF 433.00 FEET TO THE NORTH LINE OF BLOCK FIVE (5) RIVERVIEW PARK ADDITION; THENCE S89°24'57"W AND ALONG THE NORTH LINE OF SAID BLOCK FIVE (5) FOR A DISTANCE OF 335.00 FEET TO THE WEST LINE OF SAID BLOCK FIVE (5); THENCE S00°40'03"E AND ALONG THE WEST LINE OF SAID BLOCK FIVE (5) FOR A DISTANCE OF 167.00 FEET; THENCE S89°24'57"W FOR A DISTANCE OF 35.00 FEET TO THE EAST LINE OF BLOCK FOUR (4); THENCE S00°40'03"E AND ALONG THE EAST LINE OF BLOCKS FOUR (4) AND SIX (6) FOR A DISTANCE OF 510.00 FEET TO THE SOUTH LINE OF SAID BLOCK SIX (6); THENCE S89°24'57"W AND ALONG THE SOUTH LINE OF SAID BLOCK SIX (6) FOR A DISTANCE OF 275.00 FEET TO THE WEST LINE OF SAID BLOCK SIX (6); THENCE N00°40'03"W AND ALONG THE WEST LINES OF BLOCKS SIX (6) AND FOUR (4) FOR A DISTANCE OF 1110.00 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 10.82 ACRES MORE OR LESS. AND A TRACT OF LAND LYING IN BLOCK THIRTY- THREE (33) AMENDED WEST TULSA ADDITION AND BLOCK THREE (3) RIVERVIEW PARK ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE RECORDED PLAT THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT

THE NORTHWEST CORNER OF SAID BLOCK THIRTY-THREE (33) AMENDED WEST TULSA ADDITION; THENCE N89°24'57"E AND ALONG THE NORTH LINE OF SAID BLOCK THIRTY-THREE (33) AMENDED WEST TULSA ADDITION AND BLOCK THREE (3) RIVERVIEW PARK ADDITION FOR A DISTANCE OF 466.01 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE; SAID CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 156°55'18"; HAVING A RADIUS OF 50.00 FEET; A DISTANCE OF 136.94 FEET AND WHOSE LONG CHORD BEARS N89°24'57"E FOR A DISTANCE OF 97.98 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENTIAL LINE; SAID LINE BEING ON THE NORTH LINE OF SAID BLOCK THREE (3); THENCE N89°24'57"E AND ALONG THE NORTH LINE OF SAID BLOCK THREE (3) FOR A DISTANCE OF 411.40 FEET; THENCE N00°35'03"W FOR A DISTANCE OF 10.25 FEET; THENCE N89°24'57"E AND ALONG THE NORTH LINE OF SAID BLOCK THREE(3) FOR A DISTANCE OF 123.86 FEET TO THE EAST LINE OF SAID BLOCK THREE (3); THENCE S21°54'03"E AND ALONG THE EAST LINE OF SAID BLOCK THREE (3) FOR A DISTANCE OF 212.36 FEET; THENCE S23°44'44"E AND ALONG THE EAST LINE OF SAID BLOCK THREE (3) FOR A DISTANCE OF 169.37 FEET; THENCE S38°16'37"E AND ALONG THE EAST LINE OF SAID BLOCK THREE (3) FOR A DISTANCE OF 176.82 FEET TO THE SOUTH LINE OF SAID BLOCK THREE (3); THENCE S89°58'50"W AND ALONG THE SOUTH LINE OF SAID BLOCK THREE (3) FOR A DISTANCE OF 574.62 FEET; THENCE S00°34'57"E FOR A DISTANCE OF 142.43 FEET TO THE SOUTH LINE OF SAID BLOCK THREE (3); THENCE S89°25'04"W AND ALONG THE SOUTH LINE OF SAID BLOCK THREE (3) FOR A DISTANCE OF 210.35 FEET; THENCE N00°35'01"W FOR A DISTANCE OF 19.97 FEET TO THE SOUTH LINE OF SAID BLOCK THREE (3); THENCE S89°24'57"W AND ALONG THE SOUTH LINE OF SAID BLOCK THREE (3) RIVERVIEW PARK ADDITION AND THE SOUTH LINE OF BLOCK THIRTY-THREE (33) AMENDED WEST TULSA ADDITION FOR A DISTANCE OF 565.36 FEET TO THE WEST LINE OF SAID BLOCK THIRTY THREE (33); THENCE N00°40'03"W AND ALONG THE WEST LINE OF SAID BLOCK THIRTY-THREE (33) FOR A DISTANCE OF 600.00 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 15.50 ACRES MORE OR LESS. BLOCK ONE (1) OF RIVERVIEW PARK ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF

11. **PUD-796-A Mark Capron** (CD 2) Location: Southeast corner of Southwest Boulevard and West 21st Street South requesting a **PUD Major Amendment** to abandon PUD-796-A (Related to Z-7494) (Continued from August 7, 2019)

STAFF RECOMMENDATION:
SECTION I: PUD-796-A

DEVELOPMENT CONCEPT: The abandonment of PUD 796 with a concurrent rezoning application outlined in Z-7494 is for a tract of land that is north of West 23rd Street South and is in the core of the Eugene Field Small Area Plan east of Southwest Boulevard. Abandoning the PUD and rezoning to MX1-U-55 will simplify the development process. MX1-U-55 will allow uses and require building placement similar to the expected development outlined in PUD 794. The general configuration of the proposed development changed over the last several years and included land outside the PUD. The zoning ordinance does not allow an expansion of the boundary of the PUD. As a result of that limitation it was determined that rezoning the entire tract was the best comprehensive solution.

DETAILED STAFF RECOMMENDATION:

Abandonment of PUD-796 and rezoning the entire property to MX1-U-45 as requested by the applicant is consistent with the multiple land use designations in the comprehensive plan. The subject property includes a mix of neighborhood center, parks and open space, and a mixed-use corridor. MX-1 is a neighborhood scale zoning designation and the urban character designation allows uses consistent with the vision of the small area plan and the concept plan shown. The applicant requests a 45' maximum height however staff supports a 55 foot height to allow a greater density development in this area and construct buildings similar to those shown in the small rea plan and,

MX1-U-55 is non injurious to the proximate properties and,

MX1-U-55 accomplishes the same goals as defined in the Planned Unit Development that will be abandon in conjunction with this zoning request and,

MX1-U-55 is consistent with the expected development pattern in the area therefore,

Staff recommends Approval of Z-796-A which abandons all of the provisions of PUD 796 but only if Z-7494 is approved.

**SECTION II: Supporting Documentation
(REFER TO Z-7494 FOR ALL SUPPORTING DOCUMENTATION)**

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The existing PUD-796 was prepared prior to the adoption of our current zoning code in 2016. Our current zoning code supports mixed use development opportunities that could not developed with a "straight" zoning category prior to the 2016 adoption date. MX-1-U in our current code provides appropriate zoning regulations for the

planned Eugene Fields project that was contemplated at the time. The proposed redevelopment strategy of this area has not significantly changed but future development can proceed without additional public hearings and detailed site plan approval by the planning commission staff. Requested rezoning is consistent with the small area plan and with the Tulsa Comprehensive Plan.

The request on the subject property may warrant future consideration for amending the land use designation from multiple categories to a single neighborhood center. Staff will review the land use plan map and make further recommendations during the annual review of the land use plan maps.

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 22903 dated July 23, 2013 established zoning for the subject property.

Subject Property:

SA-4 (Route 66 Overlay) June 2018: All concurred in **approval** to apply supplemental *RT66 (Route 66 Overlay) zoning* to multiple properties along South 193rd East Avenue, East 11th Street, South Mingo Road, East Admiral Boulevard, East Admiral Place, West 11th Street South, and Southwest Boulevard, on a portion of the subject property along Southwest Boulevard.

PUD-796 June 2013: All concurred in **approval** of a proposed *Planned Unit Development* on a 26.75± acre tract of land for mixed use (apartments, retail, and offices) on property located south and east of the southeast corner of Southwest Boulevard and West 21st Street. (Ordinance 22903 July 23, 2013)

Z-7226 June 2013: All concurred in **approval** of a request for *rezoning* a 2.57± acre tract of land from RM-1 to CS on property located at the southeast corner of Southwest Boulevard and West 21st Street. (Ordinance 22903)

BOA-21204 January 2011: The Board of Adjustment **approved** a *variance* of the front yard requirement in an RM-1 district to permit a replacement guard shack, subject to conditions, located on subject property.

BOA-15785 July 1991: The Board of Adjustment **approved** a *special exception* to permit a Salvation Army recreation center in an RM-1 zoned district, per plan submitted, located on subject property.

BOA-8625 June 1975: The Board of Adjustment **approved** an exception to use property as a public park with facilities as presented, per plot plan, located on subject property.

BOA-8114 November 1973: The Board of Adjustment **approved** an exception to use property for a Salvation Army Family Center with playgrounds for all ages in an RM-1 District, located on subject property.

Z-4241 June 1973: All concurred in **approval** of a request for *rezoning* a tract of land from AG, IL, IM, CH, and RM-1 to AG, OM, CS, IL, RM-1, RM-3, and RS-3, partially located on subject property. (Ordinance 12869 June 1973)

Surrounding Property:

BOA-21724 June 2014: The Board of Adjustment **approved** a *variance* of the required parking from 35 spaces to 31 spaces for light manufacturing/industry, subject to plan, on property located at the Northwest corner of West 21st Street South and Southwest Boulevard.

BOA-20716 July 2008: The Board of Adjustment **approved** a *special exception* to permit a community and educational services to include an accessory retail food outlet (Use Unit 5) in the RM-1 district; and a *variance* of the minimum building setback of 25 feet from an abutting R zoned property, on property located at 2232 South Nogales Avenue.

BOA-20679 May 2008: The Board of Adjustment **approved** a *special exception* to permit a church use in an IL district to permit an accessory gym addition to an existing church, on property located at the Northwest corner of West 22nd Street South and Southwest Boulevard.

Z-6815 June 2001: All concurred in **approval** of a request for *rezoning* a 1.63± acre tract of land from CH/OL to CH on property located on the south side of West 22nd Place between South Nogales and South Maybelle Avenue.

BOA-9047 June 1976: The Board of Adjustment **approved** an *exception* to modify the screening requirements where an alternative screening will provide visual separation of uses, subject to an agreement between the property owners being made a part of the record, located at the northwest corner of West 23rd Street South and South Jackson Avenue.

TMAPC Action; 6 members present:

On **MOTION** of **WALKER**, TMAPC voted 6-0-0 (Covey, Fothergill, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Doctor, Kimbrel, McArtor, Ray, Van Cleave, "absent") to recommend **APPROVAL** of PUD-796-A Major Amendment per staff recommendation.

Legal Description PUD-796-A:

A TRACT OF LAND LYING IN BLOCK FOUR (4) AND BLOCK SIX (6) OF RIVERVIEW PARK ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK FOUR (4); THENCE N89°24'57"E AND ALONG THE NORTH LINE OF SAID BLOCK FOUR (4) FOR A DISTANCE OF 645.00 FEET TO THE EAST LINE OF SAID BLOCK FOUR (4); THENCE S00°40'03"E AND ALONG THE EAST LINE OF SAID BLOCK FOUR (4) FOR A DISTANCE OF 433.00 FEET TO THE NORTH LINE OF BLOCK FIVE (5) RIVERVIEW PARK ADDITION; THENCE S89°24'57"W AND ALONG THE NORTH LINE OF SAID BLOCK FIVE (5) FOR A DISTANCE OF 335.00 FEET TO THE WEST LINE OF SAID BLOCK FIVE (5); THENCE S00°40'03"E AND ALONG THE WEST LINE OF SAID BLOCK FIVE (5) FOR A DISTANCE OF 167.00 FEET; THENCE S89°24'57"W FOR A DISTANCE OF 35.00 FEET TO THE EAST LINE OF BLOCK FOUR (4); THENCE S00°40'03"E AND ALONG THE EAST LINE OF BLOCKS FOUR (4) AND SIX (6) FOR A DISTANCE OF 510.00 FEET TO THE SOUTH LINE OF SAID BLOCK SIX (6); THENCE S89°24'57"W AND ALONG THE SOUTH LINE OF SAID BLOCK SIX (6) FOR A DISTANCE OF 275.00 FEET TO THE WEST LINE OF SAID BLOCK SIX (6); THENCE N00°40'03"W AND ALONG THE WEST LINES OF BLOCKS SIX (6) AND FOUR (4) FOR A DISTANCE OF 1110.00 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 10.82 ACRES MORE OR LESS.

AND A TRACT OF LAND LYING IN BLOCK THIRTY- THREE (33) AMENDED WEST TULSA ADDITION AND BLOCK THREE (3) RIVERVIEW PARK ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE RECORDED PLAT THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK THIRTY-THREE (33) AMENDED WEST TULSA ADDITION; THENCE N89°24'57"E AND ALONG THE NORTH LINE OF SAID BLOCK THIRTY-THREE (33) AMENDED WEST TULSA ADDITION AND BLOCK THREE (3) RIVERVIEW PARK ADDITION FOR A DISTANCE OF 466.01 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE; SAID CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 156°55'18"; HAVING A RADIUS OF 50.00 FEET; A DISTANCE OF 136.94 FEET AND WHOSE LONG CHORD BEARS N89°24'57"E FOR A DISTANCE OF 97.98 FEET TO A POINT OF INTERSECTION WITH A NON- TANGENTIAL LINE; SAID LINE BEING ON THE NORTH LINE OF SAID BLOCK THREE (3);

THENCE N89°24'57"E AND ALONG THE NORTH LINE OF SAID BLOCK THREE (3) FOR A DISTANCE OF 411.40 FEET; THENCE N00°35'03"W FOR A DISTANCE OF 10.25 FEET; THENCE N89°24'57"E AND ALONG THE NORTH LINE OF SAID BLOCK THREE(3) FOR A DISTANCE OF 123.86 FEET TO THE EAST LINE OF SAID BLOCK THREE (3); THENCE S21°54'03"E AND ALONG THE EAST LINE OF SAID BLOCK THREE (3) FOR A DISTANCE OF 212.36 FEET; THENCE S23°44'44"E AND ALONG THE EAST LINE OF SAID BLOCK THREE (3) FOR A DISTANCE OF 169.37 FEET; THENCE S38°16'37"E AND ALONG THE EAST LINE OF SAID BLOCK THREE (3) FOR A DISTANCE OF 176.82 FEET TO THE SOUTH LINE OF SAID BLOCK THREE (3); THENCE S89°58'50"W AND ALONG THE SOUTH LINE OF SAID BLOCK THREE (3) FOR A DISTANCE OF 574.62 FEET; THENCE S00°34'57"E FOR A DISTANCE OF 142.43 FEET TO THE SOUTH LINE OF SAID BLOCK THREE (3); THENCE S89°25'04"W AND ALONG THE SOUTH LINE OF SAID BLOCK THREE (3) FOR A DISTANCE OF 210.35 FEET; THENCE N00°35'01"W FOR A DISTANCE OF 19.97 FEET TO THE SOUTH LINE OF SAID BLOCK THREE (3); THENCE S89°24'57"W AND ALONG THE SOUTH LINE OF SAID BLOCK THREE (3) RIVERVIEW PARK ADDITION AND THE SOUTH LINE OF BLOCK THIRTY-THREE (33) AMENDED WEST TULSA ADDITION FOR A DISTANCE OF 565.36 FEET TO THE WEST LINE OF SAID BLOCK THIRTY THREE (33); THENCE N00°40'03"W AND ALONG THE WEST LINE OF SAID BLOCK THIRTY-THREE (33) FOR A DISTANCE OF 600.00 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 15.50 ACRES MORE O.R LESS.

12. **CZ-489 Hawk-I Properties** (County) Location: Southwest corner of North Highway 169 and North 143rd East Avenue requesting rezoning from **AG to CS** to permit a professional office

STAFF RECOMMENDATION:
SECTION I: CZ-489

DEVELOPMENT CONCEPT: The applicant is proposing to rezone from AG to CS in order to permit a professional office on the subject lot.

This site is outside of Tulsa County Comprehensive Plans, however it is located within the area of the City of Collinsville Comprehensive Plan 2030. This Plan calls out the subject lot as Residential, Medium Intensity. Based on the land use vision of the City of Collinsville and the residential and rural characteristics of the surrounding area, the proposed CS zoning would not be appropriate for the subject lot.

DETAILED STAFF RECOMMENDATION:

CZ-489 is not consistent with the City of Collinsville Comprehensive Plan;

CZ-489 could be injurious to surrounding proximate properties;

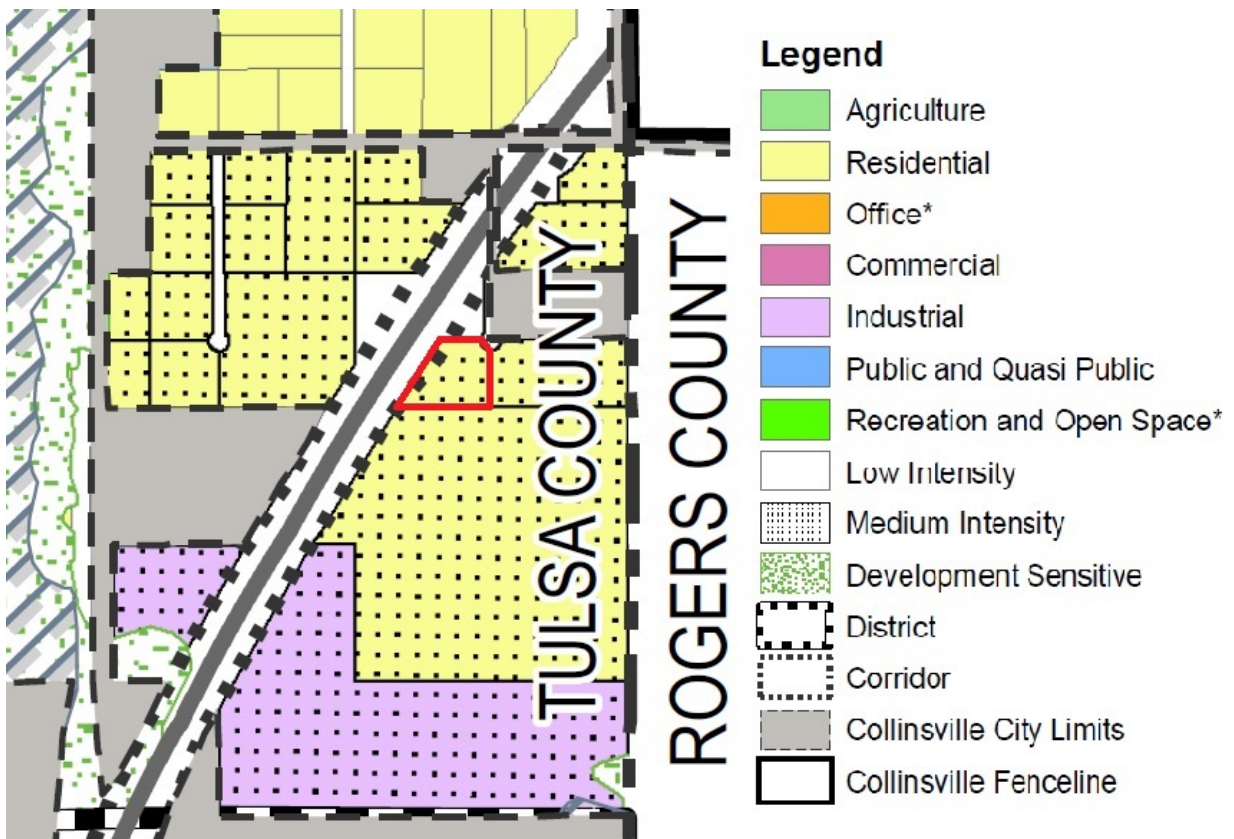
CZ-489 is not consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends Denial of CZ-489 to rezone property from AG to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is located within the City of Collinsville 2030 Comprehensive Plan area and is designated as Residential/Medium Intensity in their Land Use Categories.



Land Use Vision:

Land Use Plan map designation: Residential / Medium Intensity per City of Collinsville 2030 Comprehensive Plan

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: N 143rd E Ave does not have an MSHP designation

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 currently contains a single family residence and agricultural area.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
N 143 rd E Ave	None	None	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG	None	N/A	Vacant/Hwy 169
South	AG	Residential (Collinsville)	N/A	Vacant / Agricultural
East	AG	Residential (Collinsville)	N/A	Residential

West	AG	Residential (Collinsville)	N/A	Hwy 169
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SECTION III: Relevant Zoning History

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

Subject Property: No relevant history

Surrounding Property:

CZ-410 November 2011 : All concurred in **denial** of a request for *rezoning* a 2.5± acre tract of land from AG to CG; all concurred in **approval** of a request for *rezoning* a 2.5± acre tract of land from AG to CS on property located south of the southwest corner of East 156th Street North and Highway 169.

TMAPC Comments:

Mr. Ritchey asked if staff knew when the recent zoning or the Collinsville Comprehensive Plan went into effect. Mr. Ritchey stated from the overview map there appears to be a giant scrap yard and he can't imagine that is what the city intended and the applicant is just trying to build a small light office.

Staff stated the plan was adopted in 2008. There are areas to the south designated as industrial.

Applicant Comments:

The applicant stated he owns the subject property. He stated the Collinsville Comprehensive Plan was done in 2008 and a lot has changed since then. The applicant stated over the last five years there has been an increase of 326 new residential permits within city limits. He stated during the last Chamber of Commerce meeting City Manager Pam Polk stated there were nearly 800 lots under construction or in the planning phases inside the City of Collinsville. The applicant stated US 169 has a traffic count of over 15,000 cars a day and Collinsville has between 300 and 400 feet of highway frontage. He stated the salvage was there before ODOT widened the highway to four lanes in 1997. This split the salvage in half. The applicant stated the tract of land immediately south of the subject property has about 700 foot of frontage and he believes this will remain commercial. He stated immediately south is IM with a new building on it and then further south is CG. The applicant stated immediately across the highway from the subject property ODOT owns. He stated to the north of ODOT is CS and CG. The applicant stated he had visited with all the neighbors down

143rd which is a cul-de-sac with 3 houses and all three agree with the applicant. He stated he also contacted County Commissioner Stan Sallee, who is a resident of Collinsville has been there for his whole life and he agrees on the zoning change hoping that the service road will be tied in also. The applicant stated he talked to the City Manager Pam Polk who has been city manager for about 13 years and she gave the applicant her support.

Mr. Covey stated on 12.3 there is industrial to the south that immediately abuts residential?

Staff answered "yes".

Mr. Covey asked when the applicant bought the property.

The applicant stated 20 years ago.

Mr. Ritchey stated he is always hesitant to go against staff's recommendation they have their procedures they follow and they do a fantastic job. Mr. Ritchey stated if you just look at the map and do your job as staff has done the recommendation would be denial as it is in this application. He stated but as reasonable people that are allowed to look at things from a more humanist logic standpoint. Mr. Ritchey stated this is Highway 169 and this area between Tulsa and Collinsville is filling in and isn't Collinsville still one of the highest growing cities in the world or United States. He stated it just seems crazy that we're going to designate residential areas along the highway where you would expect some sort of buffer between residential, such as commercial. Mr. Ritchey stated someone with a plan to do a light office on this property seems like a reasonable use of the land alongside Highway 169.

Mr. Reeds stated he would echo those comments. He stated no one wants to live next to Highway 169 that's logically a commercial or an office use. Mr. Reeds stated he would support the applicant.

Mr. Fothergill stated he would say this a plan Collinsville had and as we know plans change from time to time. Mr. Fothergill stated obviously the concept of having residential right up next to a highway is rather absurd in my opinion as the best and highest use for that land.

Mr. Covey stated he drives Highway 169 a lot around the Creek Turnpike and around the southern end there are housing additions all up and down southern Highway 169 and up and down the Creek Turnpike also. He stated granted, the argument with the Creek Turnpike is those houses were already there when it was built, he doesn't know if that same argument can be made for the southern part of Highway 169. Mr. Covey asked if staff had spoken with the City of Collinsville Planner.

Staff stated he talked with Ms. Fernandez and while she wasn't comfortable with commercial, she thought that light office would be a fit here.

Ms. Miller stated that Collinsville has approached the Tulsa Planning Office to update to their Comprehensive Plan.

Mr. Covey stated staff has recommended denial

Ms. Miller stated just because she is saying it's in need of a refresh doesn't mean she is saying that this will change as a result of that. She stated she is just saying they recognize there's a need to reevaluate things.

Mr. Fothergill stated if the city manager says that this plan is all right for Collinsville, they usually don't go out on limbs very often because they can lose their jobs. He stated if Ms. Polk is saying this is good for Collinsville, he would assume she has the City Council behind her.

TMAPC Action; 6 members present:

On **MOTION** of **RITCHEY**, TMAPC voted 5-1-0 (Fothergill, Reeds, Ritchey, Shivel, Walker, "aye"; Covey, "nays"; none "abstaining"; Doctor, Kimbrel, McArtor, Ray, Van Cleave, "absent") to recommend **APPROVAL** of the CS zoning for CZ-489.

Legal Description CZ-489:

A tract of land in the North Half of the Northeast Quarter in Section Twenty-One, Township Twenty-Two North, Range Fourteen East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, more particularly described as follows, to-wit:

Beginning at point on the South line of said North Half of the Northeast Quarter, said point 661.46 feet West of the Southeast Corner of the North Half of the Northeast Quarter; Thence North 331.37 feet; Thence West 661.51 feet; Thence South 331.07 feet; Thence East 661.46 feet to Point of Beginning.

Less and Except:

A tract deeded for Highway, more particularly described as follows, to wit:

Beginning at point on the South line of said North Half of the Northeast Quarter, said point being 1122.10 feet West of the Southeast Corner of said North Half; Thence West a distance of 200.82 feet; Thence North a distance of 331.07 feet; Thence East a distance of 410.08 feet; Thence Southwesterly along a curve to the left (R-21, 355.92 feet) a distance of 253.01 feet, Thence South 28° 40' 42' West a distance of 140.10 feet to the Point of Beginning.

OTHER BUSINESS

13. Commissioners' Comments

Commissioner Ritchey expressed interest in learning more about the status of the City's plans for a pond in the Pearl District. Mrs. VanValkenburgh suggested that knowledgeable City staff be invited to attend the next Planning Commission meeting for the discussion in Case No. Z-7489.

ADJOURN

TMAPC Action; 6 members present:

On **MOTION** of **WALKER**, TMAPC voted **6-0-0** (Covey, Fothergill, Reeds, Ritchey, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Doctor, Kimbrel, McArtor, Ray, Van Cleave, "absent") to **ADJOURN** TMAPC meeting of August 21, 2019, Meeting No. 2800.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 2:43 p.m.

Date Approved:

09-04-2019


Chairman

ATTEST: 
Secretary