

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2801

Wednesday, September 4, 2019 1:30 p.m.

City Council Chamber

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

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, August 29, 2019 at 12:32 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:

Mr. Covey stated he would like to remind Commissioners to please refrain from hitting the reply all on any emails that they send. He also asked that Commissioners wait to be recognized before speaking and remember to turn on the microphone to make the drafting of the minutes easier. Mr. Covey reported

there would not be a work session before the next TMAPC meeting as originally planned.

Director's Report:

Ms. Miller reported on City Council and Board of County Commissioner actions and other special projects. Ms. Miller stated as Mr. Covey announced there will not be a work session before the next meeting because some items were still were not ready. Ms. Miller stated a big focus of our planning office is implementation of plans and that's really important since members of the public spend a lot their time and energy developing these plans. Ms. Miller stated Ms. Krug is leading those efforts, and she's doing an amazing job and at a future TMAPC meeting there will be a Implementation Report that will be handed out that will highlight some of those projects. Ms. Miller stated this will be done on an annual basis. Ms. Miller stated an implementation steering committee with representatives from several City departments will be formed to help keep things moving and see how we can work with them on implementation. Ms. Miller stated Friday is the United Way Day of Caring and INCOG submitted a project to implement a recommendation in the Crutchfield Small Area Plan. She stated there will be about 50 people in that neighborhood made up of Tulsa Planning Office, INCOG and a few Parks Department representatives. There will also be a few people from Tulsa Development Authority and some from the Outsiders House Museum. Ms. Miller introduced Jani Wertin as a new staff member in the Tulsa Planning Office. Ms. Wertin graduated from Texas A&M she has her Master's degree in planning.

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1. Minutes:

Approval of the minutes of August 21, 2019 Meeting No. 2800

On **MOTION** of **REEDS**, the TMAPC voted 9-0-1 (Covey, Doctor, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; McArtor, "abstaining"; Shivel, "absent") to **APPROVE** the minutes of the meeting of August 21, 2019, Meeting No. 2800.

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.

Mr. Covey stated item 2 will be moved from the Consent Agenda to the Public Hearing to consider a continuance request.

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

PUBLIC HEARINGS:

Item 2 was moved from the Consent Agenda to the Public Hearing.

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 (Continued from August 21, 2019)

Staff Comments:

Mr. Covey stated there is a request for continuance on item 2 and asked staff if they would like to speak. Staff stated the continuance is being requested by the neighboring property owner who had requested a continuance at the previous meeting and would like an additional continuance.

The applicant was not present.

Interested Parties:

Marc Bullac 1633, East 119 Street Tulsa, OK 74137

Mr. Bullac stated he asked for a continuance at the last meeting because he wanted to see a set of plans for the proposed 8-foot masonry wall that crosses over an overland drainage easement that is about 30 feet wide. Mr. Bullac stated currently there is a 4-foot fence that obstructs this drainage easement and it is causing a lot of damage to his property and his neighbors as well. Mr. Bullac stated he has asked staff if the applicant had provided actual drawings and specifics of what he is wants to do and he was told by staff that the applicant had not submitted any specifics.

Mr. Covey stated his understanding is that it's a minor amendment to go from a 4-foot wall to an 8-foot wall.

Mr. Bullac stated the applicant has already installed this wall and it's over the drainage easement which is causing the damage to the neighborhood. Mr. Bullac stated he is working with Development Services to try to address the issue. Mr. Bullac stated he was trying to determine how the drainage flow that's happening can be checked.

Mr. Covey asked if this was a height issue?

Mr. Bullac stated; “no”,

Mr. Covey stated his understanding is all the applicant is seeking is to go up to an 8-foot wall from a 4-foot wall that is already in place. Mr. Covey asked if a 4-foot wall is already in place the applicant has that zoning, how would the extra height affect the drainage.

Mr. Bullac stated the current 4-foot wall is in the 30-foot overland drainage easement and this is causing problems. He stated and the applicant is proposing to do a larger taller masonry wall. Mr. Bullac stated the current wall is wrought iron and there is some water flow, but the wall should not be there in the first place. Mr. Bullac stated he would like to look at the specs to see how the applicant is going to stay within that 30 feet. He stated this is an easy request and he made it several weeks ago.

Staff stated the original PUD prohibited the applicant from building over the drainage easement.

TMAPC Action; 10 members present:

On **MOTION** of **REEDS**, TMAPC voted **10-0-0** (Covey, Doctor, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Shivel, “absent”) to **CONTINUE** PUD-806-2 to October 2, 2019.

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3. **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 and August 21, 2019)

Mr. Covey stated a little background information for those Commissioners not here last time. This item was continued for lack of a quorum.

The applicant stated he is requesting another continuance to September 18, 2019. He stated every time the item is put on the agenda new information concerning the plans for the pond and the Pearl District Master Plan. The applicant stated he is trying to gather as much detail as he can to come at the next meeting with a more comprehensive plan.

Ms. VanValkenburgh stated representatives from the Engineering Services Department are here in case Commissioners have any questions.

Mr. Covey asked if a representative from Engineering Services attended the TMAPC meeting regularly?

Ms. VanValkenburgh stated representatives from Development Services are normally in attendance but not Engineering Services and they're more knowledgeable about this particular project.

Mr. Covey asked if City Legal advice would be if Planning Commission has any questions, we should ask them today?

The representatives from Engineering Services indicated they could return at the next TMAPC meeting to answer questions regarding this application.

TMAPC Action; 10 members present:

On **MOTION** of **McARTOR**, TMAPC voted **10-0-0** (Covey, Doctor, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Shivel, "absent") to **CONTINUE** Z-7489 to September 18, 2019.

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5. **Z-7492 Mohamad Soukieh** (CD 5) Location: North of the northeast corner of South Hudson Avenue and East 11th Street South requesting rezoning from **CH to IM** (Continued from August 7, 2019) (**Applicant requests continuance to September 18, 2019**)

The applicant was not present and there were no interested parties to speak.

TMAPC Action; 10 members present:

On **MOTION** of **REEDS**, TMAPC voted **10-0-0** (Covey, Doctor, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Shivel, "absent") to **CONTINUE** Z-7492 to September 18, 2019 per applicant's request.

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4. **Z-7491 Michael Carr** (CD 4) Location: Northwest corner of East 12th Place South and South Lewis Avenue requesting rezoning from **RS-3 and OM to MX1-U-45** (Continued from August 7, 2019)

STAFF RECOMMENDATION:

SECTION I: Z-7491

DEVELOPMENT CONCEPT: Requested rezoning for possible mixed-use building.

DETAILED STAFF RECOMMENDATION:

Z-7491 originally requested MX-1-U-U. Several interested neighbors met with the applicant during the process and ended up with a general consensus that a 45-foot height limitation was more appropriate at this site. MX-1 is a neighborhood mixed-use zoning category and considered the least intensive MX district. The urban character designation allows vertical mixed use, commercial and civic/institutional buildings and the height is unlimited. The building types, building placement and building height are consistent with the Main Street land use designation in the comprehensive plan.

MX1-U-45 allows uses that are consistent with the Tulsa Comprehensive Plan and,

MX1-U-45 is consistent with the anticipated redevelopment of this area and,

MX1-U-45 is considered non injurious to the surrounding properties therefore,

Staff recommends Approval of Z-7491 to rezone property from RS-3 & OM/ to MX1-U-45.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: MX1-U-U is consistent with the Main Street Land Use designation in the Tulsa Comprehensive Plan.

Land Use Vision:

Land Use Plan map designation: Main Street

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

Areas of Stability and Growth designation: Area of Growth

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

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

Transportation Vision:

Major Street and Highway Plan: Lewis avenue is considered a Multi Modal Corridor.

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

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

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: Three existing single-story buildings facing south and a Vacant lot. South Lewis has recently been reconstructed. No additional right of way is necessary to accommodate re-development.

See Snippet on following page:

Street view from southwest looking north east:



Street view snippet from southeast looking northwest:



Environmental Considerations: None that affect site redevelopment.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Lewis Ave. (frontage but no access)	Multi Modal Corridor	100 feet	4
East 12 th Street South	None	50 feet	2
Gillette Avenue	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	IL	Main Street	Growth	Light industry
East	CH	Main Street		
South	OM	Main Street and Existing Neighborhood	Growth	Single Family
West	RS-3	Existing Neighborhood	Stability	Single family

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 12158 dated July 2, 1971 and 11816 dated June 26, 1970 established zoning for the subject property.

Subject Property:

BOA-22447 June-July 2018: The Board of Adjustment first **approved** a *special exception* to allow a personal improvement use in an OM district, then voted to **reconsider** the *special exception* to allow a personal improvement use, and finally voted to modify the prior approval to remove the provision allowing for the fortune telling use, located on subject property.

Z-3940 July 1971: All concurred in **approval** of a request for *rezoning* a tract of land from RS-3 to OM on property located on subject property. (Ordinance 12158 July 1971)

BOA-485 June 1928: The Board of Adjustment **approved** to permit a filling station on part of lots 4-5-6, subject to a temporary permit for two years period for a non-conforming use, on property located on subject property.

Surrounding Property:

BOA-22669 June 2019: The Board of Adjustment **approved** a *special exception* to permit a business support service use to allow for a catering service, subject to conditions, on property located North of the Northeast corner of East 12th Street South and South Lewis Avenue.

BOA-22592 March 2019: The Board of Adjustment **approved** a *variance* to increase the allowed display surface area for a sign from 48 square feet to 80 square feet and to permit the sign to be oriented along South Lewis Avenue; a *variance* to permit a dynamic display sign to be located within 200 feet of an R district subject to conditions, on property located at the Southwest corner of South Lewis Avenue and East 12th Street South.

Z-7405 August 2017: All concurred in **approval** of a request for *rezoning* a 8.29± acre tract of land from OL, CH,IM,RM-2 to MX2-P-45 and MX2-P-U per staff recommendation on property located at the Northwest, Southeast and Southwest corners of East 11th Street South and South Lewis Avenue.

PUD-810 April 2014: All concurred in **approval** of a proposed *Planned Unit Development* on a .3± acre tract of land for commercial and industrial on property located at the Northeast corner of East 12th Street South and South Lewis Avenue.

BOA-17168 September 1995: The Board of Adjustment **approved** a *variance* of the setback from the centerline of Lewis Avenue from 100' to 27.5'; a *variance* of the required setback from an abutting R district from 75' to 34' to permit an existing building; a *variance* of the required screening from an abutting R district, per plan submitted, on property located at the Southeast corner of South Lewis Avenue and East 12th Place South.

BOA-10312 January 1979: The Board of Adjustment **approved** a *variance* to permit parking on a lot not containing the use; a *variance* of the number of required parking spaces, per plan submitted, on property located at the Southwest corner of South Lewis Avenue and East 12th Street South.

The applicant indicated his agreement with staff's recommendation.

TMAPC Comments:

Mr. Fothergill stated in the staff report recommendation it's mentioned that there is a general consensus on the 45-foot height. How does staff define general consensus?

Staff stated he didn't want to sound like he had talked to everybody in the neighborhood but the vast majority were in favor of the 45-foot height limitation.

Mr. Reeds asked if there were any problems with parking given the mixed-use parking normally is on the side.

Staff stated the side is very small, but the MX zoning requirements for parking is reduced. Staff stated the proposed development should satisfy the City parking requirement.

Interested Parties:

Peter DeBois 2240 East 12th Place, Tulsa, OK 74130

Mr. DuBois stated he lives across the street from the subject property. Mr. DuBois stated the streets are very narrow. He stated if this proposal is approved this street could experience parking issues. Mr. DuBois asked since Lewis Avenue only has two lanes so what is the impact going to be on the traffic. Mr. DuBois stated he has concerns about the privacy of homeowners because with the 45-foot height tenants could look down into people's property. Mr. DuBois stated some type of environmental impact study would be helpful. Mr. DuBois stated he would like the applicant to define the height, is it going to be 35 or 45 and where on the lot will the building be located. Mr. DuBois stated he polled about 12 neighbors in the area and he is echoing what they said and that is a very small portion of the neighborhood.

Ms. Kimbrel asked if Mr. DuBois expressed his concern to the applicant.

Mr. DuBois stated "no".

Applicant Comments:

The applicant stated he understood Mr. DuBois's concerns about the parking and the traffic. The applicant stated he doesn't have a site plan just a rough sketch of the building. The applicant stated there's a brewery across the street on 12th Street that is about the same height that the applicant would like to build. The applicant stated he needed to get the zoning in place first before he can have plans drawn but thinks there is plenty of space for parking. He stated If you were

to bring the building all the way forward that would allow for double stack parking all the way along the backside of the property. The applicant stated there would be 3 exits, one on Gillette Street that separates the neighborhood property from the rest of the property. Another exit would be going westbound down 12th Street and of course the other exit would be off Lewis Avenue. The applicant stated the traffic pattern in the neighborhood puts most people going south bound to get on the highway.

TMAPC Action; 10 members present:

On **MOTION** of **REEDS**, TMAPC voted **10-0-0** (Covey, Doctor, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Shivel, “absent”) to recommend **APPROVAL** of the MX1-U-45 zoning for Z-7491 per staff recommendation.

Legal Description Z-7491:

LOTS 2-4 BLOCK 7 TERRACE DRIVE ADDN AMD SUB B2,3 & 7 & PRT VAC
RR R/W BEG 86.51SE MOST NLY NEC LT 4 BLK 7 TERRACE DRIVE ADDN
TH SE53.61 N23 W12.75 NW15.89 NW12.52 POB SEC 7 19 13 .005AC

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6. **CZ-490 Tye Smith** (County) Location: South of the southeast corner of North Mingo Road and East 66th Street North rezoning from **AG to IL**

STAFF RECOMMENDATION:

SECTION I: CZ-490

DEVELOPMENT CONCEPT: The applicant is proposing to rezone the subject property from AG to IL in order to permit a Boat and RV storage facility.

The subject property is located outside of a comprehensive plan area for Tulsa County or a local jurisdiction. The site is currently vacant agricultural land and is adjacent to IM (Industrial Moderate) zoned land along its western and southern boundaries. The proposed IL (Industrial Light) would be a less intense use, particularly with the proposed Boat and RV storage use intended for this property.

DETAILED STAFF RECOMMENDATION:

CZ-490 is non-injurious to surrounding proximate properties;

CZ-490 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends Approval of CZ-490 to rezone property from AG to IL.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is located outside of Tulsa County Comprehensive Plans as well of those of neighboring jurisdictions.

Land Use Vision:

Land Use Plan map designation: N/A

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: Mingo Road is designated as a Secondary Arterial

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is currently vacant agricultural land without existing structures.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
N Mingo Rd	Secondary Arterial	100 Feet	2

Utilities:

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

Surrounding Properties:

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

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:

CBOA-2603 October 2016: The Board of Adjustment **approved** a *special exception* to permit surface mining for top-soil and fill dirt (Use Unit 24) in the AG District, on property located east of the southeast corner of East 66th Street North & North Mingo Road East.

CBOA- 2427 March 2012: The Board of Adjustment **approved** a *Special Exception* to allow Use Unit 2 in an IM District to allow open air music festivals; and a *variance* from the requirement that parking (for special events) be on an all-weather surface; and the Board **denied** a *special exception* to permit Use Unit 19a in an IM district to allow a dance hall, on property located at the southeast corner of East 61st Street North & North Mingo Road.

CBOA-2380 July 2010: The Board **approved** a *Special Exception* to permit mining and dirt removal (Use Unit 24) in the AG district; located NE/c of E 66 St N and S Mingo Rd.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **McARTOR**, TMAPC voted **10-0-0** (Covey, Doctor, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Shivel, “absent”) to recommend **APPROVAL** of the IL zoning for CZ-490 per staff recommendation.

Legal Description CZ-490:

A tract of land being a part of Lot Five (5) of Section Six (6), Township Twenty (20) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, and being more particularly described as follows, to wit:

BEGINNING at the Southwest corner of Lot 5; THENCE North 88° 52' 20" East along the South line of Lot 5 a distance of 330.00 feet to a 1/2" iron pin; THENCE North 01° 15' 54" West 900.00 feet to a 1/2" iron pin; THENCE South 88° 44' 06" West 259.43 feet to a 1/2" iron pin on Right-of-Way line of Mingo Road; THENCE South a distance of 183.60 feet to a 1/2" iron pin; THENCE North 89° 34' 41" West 70.60 feet to a MAG nail on the West line of Lot 5; THENCE South 01° 15' 54" East 717.69 feet to the POINT OF BEGINNING.

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7. **Z-7495 Will Keith** (CD 9) Location: East of the northeast corner of East Skelly Drive and South Utica Avenue rezoning from **OL to CS**

STAFF RECOMMENDATION:

SECTION I: Z-7495

APPLICANTS DEVELOPMENT CONCEPT:

Rezoning requested to allow a medical marijuana dispensary.

DETAILED STAFF RECOMMENDATION:

Z-7495 requesting CS zoning may be consistent with the Mixed-Use Corridor in certain areas where CS zoning has been integrated into a commercial district however in this instance all property on the north side of the I-44 from South Rockford to South Yorktown has been zoned RS-3, RM-2, OL or OM therefore uses allowed in a CS district are not consistent with the expected development pattern in the area and

Uses allowed in a CS district are injurious to the abutting residentially zoned properties therefore,

Staff recommends Denial of Z-7495 to rezone property from OL/ to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: CS zoning may be consistent with the Mixed-Use Corridor in certain areas where CS zoning has been integrated into a commercial district. In this location all proximate properties on the north side of the I-44 from South Rockford to South Yorktown has been zoned RS-3, RM-2, OL or OM. This site is on the edge of a Mixed-Use Corridor land use designation and the Comprehensive Plan generally supports lower intensity uses such as multifamily, townhomes, and office uses that are similar to the existing development pattern. Uses allowed in a CS district are not consistent with the concept of decreasing intensity closer to the edges where offices, commercial and residential areas coexist.

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: Residential Collector

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 occupied with an existing single-story building with a gravel parking area.*

Street view from south west looking north east. (See next page)



Environmental Considerations: None that would affect site redevelopment

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East Skelly Drive	Residential Collector	60 feet	2 west bound lanes only

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	Mixed Use Corridor	Growth	Church
East	OM	Mixed Use Corridor	Growth	Empty lot

South	CS on the south of I-44	Existing Neighborhood south of I-44	Stability south of I-44	Multi family south of I-44
West	OL	Mixed Use Corridor	Growth	Office

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 13233 dated July 16, 1974 established zoning for the subject property.

Subject Property:

Z-4681 July 1974: All concurred in **approval** of a request for *rezoning* a tract of land from RS-3 to OL on property located on the northwest corner of South Utica Avenue and East Skelly Drive, part of the subject property.

Surrounding Property:

No relevant history

TMAPC Comments:

Mr. Covey asked if because I-44 intersects between the north and the south this is the reason the CS zoning on the south side of I-44 is not considered.

Staff stated, “yes”, sometimes it matters if there's a street like Lewis, or that can be crossed with vehicular traffic but there's no way to get there unless you go to the south side of the expressway.

Mr. McArtor asked what some of those CS uses would be that would be injurious to residential districts if it was repeatedly approved.

Staff stated a CS district can be any commercial site, it can be a gas station, it can be a convenience store, it can be all of those things that most people wouldn't want to live right next to in a residential area.

Mr. McArtor asked what use the applicant wanted?

Staff stated the request is for a marijuana dispensary.

Applicant Comments:

The applicant stated he and his wife purchased the property in 2004. It was the Southside Mower location, they sold and repaired lawn mower equipment. He stated it was a retail space and he bought it and his intent was to make it an office warehouse combination. The applicant stated there would be four individual units for lease and one would occupy the applicant's construction business that he has owned for the last 20 years. The applicant stated his daughter and son-in-law wanted to have a dispensary and he would like to accommodate them in one of the office spaces but have areas to lease as well. The applicant stated he thought it would be good to have an office and warehouse combination because Skelly Drive between Harvard and Peoria is decimated. He stated many of the big office buildings are closed or can't be leased. Some are torn down and single offices built on the property. The applicant stated several people have come to his office in the last 15 years and asked if he would be willing to lease or sell his property because it's an office and warehouse. The applicant stated in 2014 he built a facility like this at 5th and Victor and within 2 months there were no vacancies. The applicant stated he thinks there is a need for more office and warehouse capabilities for young entrepreneurs that have the ability to store some things and still have office space.

Mr. Covey stated he didn't think it was the office warehouse use, he thinks it was the commercial use as a dispensary that's getting the denial recommendation.

The applicant stated he is a contractor but his daughter and son-in-law are the ones that want to start the business and he hopes that he would be able to lease the space to them. He stated he was being upfront, this is what the intent is.

Mr. Covey stated a couple of options to consider could be a vote today or continue this item and visit with staff about the office warehouse concept for some other purpose other than dispensary.

Ms. Kimbrel stated the proposed zoning is commercial and she was led to believe that any type of commercial use would be inconsistent with future land use. She stated it's not only just the dispensary, but any use related to a commercial.

Staff stated, "that is correct".

Mr. Reeds stated this was the Toro dealership. He asked if it's an existing retail can it be maintained as an existing nonconformity?

Staff stated there is not an existing dealership there currently and there is no record that there was ever one allowed by right. He stated the subject property has been zoned office for a long time and he can't explain how the dealership was there.

Mr. Ray asked if staff could explain the main difference between an Area of Growth and an Area of Stability.

Staff stated the easiest way to think about it is in the Comprehensive Plan, almost anything that was zoned residential is an Area of Stability and if it were multifamily, commercial or office it was looked at as an Area of Growth. He stated the general concept is our Comprehensive Plan centers around the idea that we want to protect and stabilize our single-family residential neighborhoods.

Mr. Ray asked if the two lots considered an Area of Growth, west of the subject property were residential.

Staff stated he thinks that the existing neighborhood is considered an area of stability but there are details like this all over the city where for some reason, someone thought there might be an opportunity for growth. He stated those boundaries are not a nice, clean, tidy edge.

Mr. Ray stated staff's recommendation for denial wasn't about the particular use it was about the multitude of uses that could go in a CS District.

Staff stated that is correct. The subject property is zoned OL and there could be another office use on the site today. Staff stated the edges are the most challenging and we try not to allow commercial uses on those edges.

Mr. Reeds stated there is a lot of multifamily in this area. He stated there's more multifamily homes near this site than single family homes that are occupied. Mr. Reeds stated to him the argument doesn't hold because he sees just as many multifamily homes as there are single family homes.

Mr. Covey asked if putting the dispensary argument aside is there a PUD or MPD to use to protect the surrounding area?

Staff stated to get to an office warehouse type of use the zoning has to be more intense than CS zoning. He stated if you were going to go down that path it would have to be CG to allow by right.

Mr. Ray asked if a warehouse was allowed in a CS District.

Staff stated. "no".

Mr. McArtor asked the applicant what kind of construction company he was operating out of the subject property.

The applicant stated general contractor since 1999.

Interested Parties:

Ron Stage 1903 East Skelly Drive, Tulsa, OK 74105

Mr. Stage stated he owns the building west of the subject property. He stated the applicant and his wife have been great neighbors. Mr. Stage stated he wants to mention that he has not had a struggle keeping our office building 100% occupied there are no vacancies. Mr. Stage stated his tenants are concerned about the type of business going on the subject site. Mr. Stage stated these are professionals and that they have people coming into their office all the time. He stated he is concerned that they are going to want out of their leases because a dispensary would be located next door. Mr. Stage stated he saw the need for warehousing type of businesses or construction could be beneficial in that area but not a dispensary. He asked are we short on dispensaries in Tulsa? Mr. Stage stated the reason he came to say his building is not struggling to stay occupied.

Mr. Ritchey stated his position is if the land is zoned appropriately, you should be able to put whatever you want there and the fact that it's a marijuana dispensary means nothing, the more marijuana the better. Mr. Ritchey stated but the larger concern is the CS zoning for any commercial purpose. He stated he doesn't care if its an apartment or a nice house you probably don't want a Quik Trip in your backyard. This would allow a Quik Trip to buy this land from the applicant and build whatever they want there or a 7-11 if we're allowed to have those. Mr. Ritchey stated he thinks the CS is a little too intense of a use for this area, office seems more appropriate. He stated he will support staff recommendation.

Mr. Reeds stated he would respectfully disagree with that. Mr. Reeds stated a having a dispensary fits the area because of all of the multifamily and there is not a dispensary in the area. Mr. Reeds stated he is not saying there needs to be a liquor store on every corner or a dispensary on every corner but competition will weed it out. Mr. Reeds stated he would be supporting the applicants request.

Mr. Ray stated he supports the applicant because when looking at a map it appears that this is going to be a transitional neighborhood for a long time. He stated he doesn't see the harm in CS zoning.

Mr. McArtor stated it seems that some activities have been going on with the subject property for years that may not be consistent with the land use. Whether it's the lawn mower business or the construction business it seems to have evolved into an appropriate use over a period of time. Mr. McArtor stated it seems like the only objection is the dispensary use. He stated he understands that going forward a Quik Trip would be allowed. But dispensaries are in the community and they seem to be orderly and stable. Mr. McArtor stated he would support the applicant and vote against staff recommendation.

Mr. Doctor stated he agrees with Mr. Ritchey it's not about the dispensary. Mr. Doctor thinks Planning Commission has intentionally found ways to allow dispensaries. Mr. Doctor stated for him it's the straight zoning that allows for those other users to come in. He stated if there was something that could be

used that could mirror something like an MPD that can be done creatively as it has been with the application north of I-244 he would be open to a conversation like that. But doing straight zoning and considering staffs concerns as well opens up a lot of other uses that goes beyond a dispensary that could be injurious to that neighborhood. Mr. Doctor stated he will be voting in line with staff recommendations.

Mr. Covey stated he will be voting for staff's recommendation as well because of the straight zoning aspect. Mr. Covey stated there is no CS zoning going to the north of I-44. There is CS south but I-44 acts as a barrier. Mr. Covey stated he believes this would open it up to a lot of things that potentially the neighbors would not be susceptible to.

TMAPC Action; 10 members present:

On **MOTION** of **McARTOR**, TMAPC voted **5-5-0** (Fothergill, McArtor, Ray, Reeds, Walker, "aye"; Covey, Doctor, Kimbrel, Ritchey, Van Cleave, "nays"; none "abstaining"; Shivel, "absent") to recommend **APPROVAL** of the CS zoning for Z-7495.

Legal Description Z-7495:

N230 LT 10 LESS BEG NL HWY 44 & WL LT 10 TH E110 N25.10 SW110.46
S15 POB FOR RD, PERRY'S 27207 SUB, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Covey stated this was a 5-5-0 vote so the application will go to City Council with no recommendation.

Mr. Ritchey asked if City Council meetings were open to the public and who would get notifications of that meeting.

Ms. VanValkenburgh stated "Yes", anyone who spoke will be getting a notice.

* * * * *

8. **Z-7496 John Ngo** (CD 2) Location: Southeast corner of South 33rd West Avenue and West 48th Street rezoning from **OM to CS**

STAFF RECOMMENDATION:

SECTION I: Z-7496

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.

DETAILED STAFF RECOMMENDATION:

Z-7496 request CS zoning that is consistent with the Neighborhood Center vision of the Tulsa Comprehensive Plan and,

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

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

Staff recommends **Approval** of Z-7496 to rezone property from OM 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 abutting residential uses on the east and south.*

Environmental Considerations: None that would affect site development

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South 33 rd West Avenue	Primary Arterial	120 feet	4
West 48 th Street South	Residential Collector	60 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	CS	Neighborhood Center	Growth	Restaurant
East	OM	Neighborhood Center	Growth	residential
South	OM	Neighborhood Center	Growth	Residential
West	RS-3	Neighborhood Center and existing neighborhood	Growth	Empty lot and residential

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11822 dated June 26, 1970 established zoning for the subject property.

Subject Property: No relevant history

Surrounding Property:

(Pending Case Z-7487): On 7.17.19, TMAPC concurred in **approval** of a request for *rezoning* a .39± acre tract of land from RS-3 to CS on property located on the northwest corner of West 48th Street South and South 33rd West Avenue.

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.

TMAPC Comments:

Mr. Covey mentioned the previous application and how this one seems to be similar.

Staff stated in some ways they are except the previous applications were on a much larger scale and it is on the very western edge of that Mixed-Use Corridor. Staff stated the Mixed-Use Corridor land use designation is something that recognizes all kinds of uses. He stated the overall vision of a neighborhood center is a small neighborhood business friendly type of a place that you can

walk to, and access services. Staff stated this area has seen some recent redevelopment and there is a restaurant on the north side. Staff stated if this ultimately builds out as identified in the Comprehensive Plan this will be just one of the few Neighborhood Centers in the city.

Mr. Walker stated the CS zoning made more sense on the previous application than this one.

Staff stated it's based on the Land Use Map and what the expected development is for the area.

Mr. Covey stated the previous application was a Mixed-Use Corridor is staff saying that CS can't be Mixed-Use Corridor?

Staff stated it could be, but there's no commercial zoning anywhere near the previous application but in this application, there is one across the street. He stated the expected development pattern is commercial.

Ms. Kimbrel stated she is seeing a distinction in this application spelled out as a true Neighborhood Center, whereas the last application did not have a true Neighborhood Center. She stated based on the future development of this community it is envisioned based on the Comprehensive Plan that it's moving in that direction.

Staff stated, "That is correct".

Mr. Reeds stated both applications were in areas of growth the only difference is that this is a proposed Neighborhood Center and the other one ended up on the edge of an area and that is the only difference.

The applicant indicated her agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **McARTOR**, TMAPC voted **10-0-0** (Covey, Doctor, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Shivel, "absent") to recommend **APPROVAL** of the CS zoning for Z-7496 per staff recommendation.

Legal Description Z-7496:

LTS 1 2 3 & 4 BLK 3, CARBONDALE, City of Tulsa, Tulsa County, State of Oklahoma

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9. **Z-7497 Lou Reynolds** (CD 4) Location: West of the northwest corner of East 5th Street and South Peoria Avenue rezoning from **RM-2 to CH**

STAFF RECOMMENDATION:

SECTION I: Z-7497

DEVELOPMENT CONCEPT:

The applicant is requesting a rezoning to CH to support expansion of the health clinic to the south.

DETAILED STAFF RECOMMENDATION:

Many of the uses that are allowed in a CH district could be inconsistent with the goals of the Pearl District Small area plan and the anticipated redevelopment around a regional detention facility planned west of this site and,

Much of the surrounding property is zoned CH and was approved without additional use limitations or design standards. Considerations for a development plan on this small tract would not have a significant effect on the anticipated larger development area for the proposed medical center and,

The medical center use identified by the applicant is consistent with the expected development pattern in this area and is consistent with the employment and residential land use designation in the Pearl District Small area plan therefore,

Staff recommends Approval of Z-7497 to rezone property from RM-2/ to CH.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The medical center use identified by the applicant is consistent with the expected development pattern in this area and is consistent with the employment and residential land use designation.

Land Use Vision:

Land Use Plan map designation: Employment with residential

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

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

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

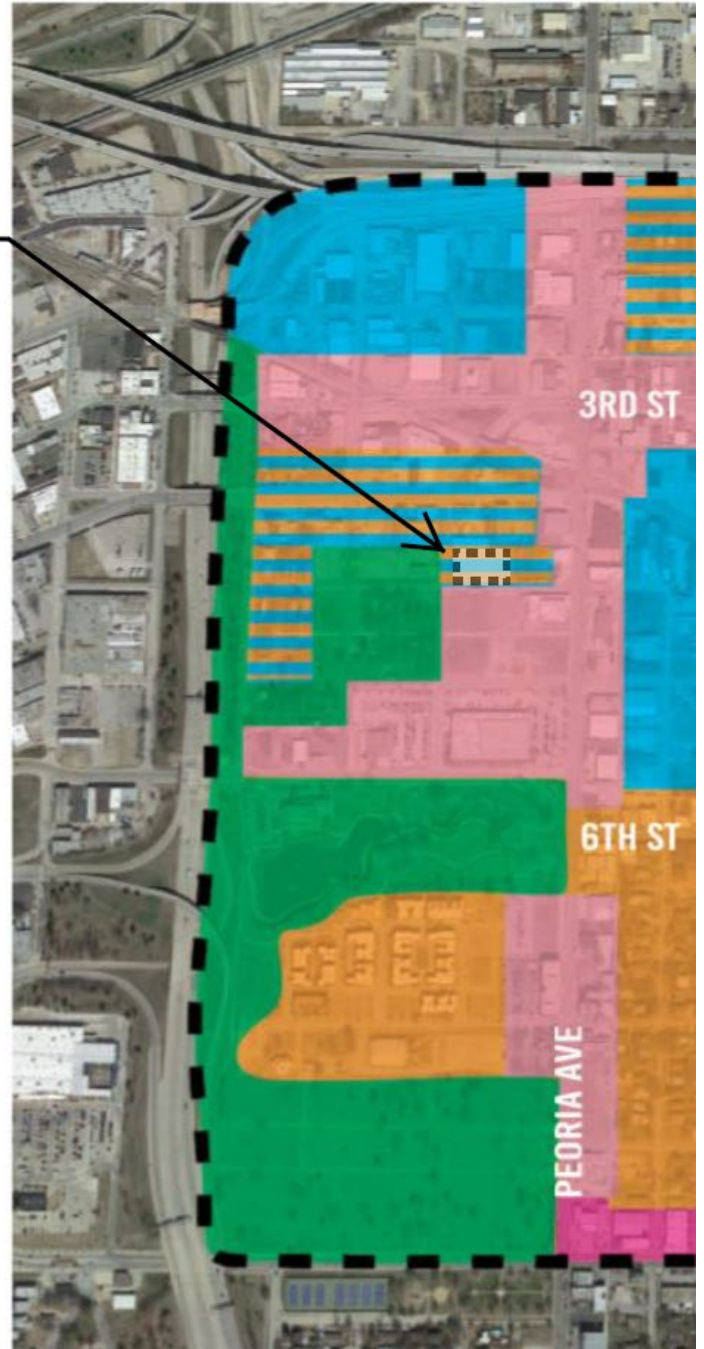
Trail System Master Plan Considerations: None

Small Area Plan: Pearl District Small Area Plan Adopted August 2019

Map 3: Pearl District Small Area Plan

Approximate
location of Z-7497

Land Use Plan



Special District Considerations: None except the West Pond included in the Elm Creek master plan. Construction is anticipated to begin in 2020.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS: The site is empty.

Staff Summary: The site is empty

Environmental Considerations:



Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
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		Growth	Light industrial
East	CH		Growth	Micro Brewery
South	CH		Growth	Empty lot
West	IL		Growth	Empty Lot

SECTION III: Relevant Zoning History

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

Subject Property: No relevant history

Surrounding Property:

Z-7489 July 2019 (pending): Staff has recommended denial of a 0.37-acre tract of land at the northwest corner of S. 5th Street at S. Norfolk from IL/RM-2 to CH. The zoning request conflicts with the land use plan identified in Pearl District Small area plan. The Planning Commission public hearing has been continued for further discussion.

Z-7447 August 2018: All concurred in **approval** of a request for *rezoning* a .65± acre tract of land from OL/RM-2 to CH on property located on the southwest corner of South Peoria and East 5th Street South.

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

BOA-21952 September 2015: The Board of Adjustment **approved** a *variance* to allow a digital sign within 200 feet of an R District; a *variance* to allow a digital sign within 20 feet of the driving surface of a public street; a *variance* to allow construction of a sign in the City right-of-way, on property located at 1228 East 6th Street South.

BOA-21868 May 2015: The Board **approved** a *special exception* to permit a food truck court and a outdoor event venue in the CH zoning district; variance of the allowable days for open air activities from 179 days to year round; and variance of the requirement that all motorized vehicles be parked on an all-weather surface to permit parking of food trucks on a gravel surface, on property located on the northwest corner of East 5th Street South and South Peoria Avenue.

BOA-21612 August 2013: The Board of Adjustment **approved** a *variance* of required parking from 10 spaces to 0 spaces (Use Unit 11) in a CH District, on property located north of the northeast corner of South Owasso Avenue and East 5th Place South.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Comments:

Mr. Reeds asked if an expansion of the Indian Health Care Center had been approved a few years ago.

Staff stated the applicant could answer that question in a lot more detail. But there have been several properties north of the subject property that have been rezoned within the last few years to CH.

Ms. Kimbrel asked if staff could help her understand what uses would be injurious under CH.

Staff stated if you look at the uses that are allowed there are so many things that aren't really part of a walkable neighborhood and the one staff thinks is the most injurious would be the car dealership, that is not what this neighborhood is about. Staff stated unfortunately with the way that the zoning has evolved here all of that is already allowed.

Ms. Kimbrell asked if Planning Commission approves this zoning is there anything that can be done to reconcile the uses that might be injurious under CH zoning. She stated if this CH is allowed and Planning Commission wanted to be consistent, we would allow all other CH uses.

Staff stated, "that's correct" if you look at the existing zoning in the area there is industrial zoning and that's really not what staff likes to see but this just happens to be in a part of town when there is an evolution of changes happening. Staff stated we like to think that the developers and property owners in this area are making moves in a very positive direction. Staff stated the potential user of this property based on past interactions has done really nice work and now that our landscape standards are much higher a lot of those things are better than they have been in the past. Staff stated by changing this zoning he doesn't think there is a great risk of an objectionable use from this particular user but that risk is there.

Mr. McArtor asked if CH was more intensive than CS.

Staff answered "yes".

Mr. McArtor asked if there was something about a medical center that necessitates a CH zoning.

Staff stated he would let the applicant answer that. He stated from staff's perspective it's more about the size of the structure you can build a much larger building with CH than CS.

Mr. McArtor stated on page 9.7 of the packet he noticed on South Peoria at East 5th Court there is a block of CH in the middle of an IM area and asked staff what was located there.

Staff stated he didn't know what that was but the whole area is evolving from what was the original industrial core of Tulsa into something more of a livable neighborhood.

Mr. McArtor stated he understands why staff would want a medical center in this area but why CH instead of CS.

Staff stated it was more about the density.

Mr. Reeds stated with the final Pearl District Small Area Plan, we will get a plan that looks like page 9.5 of the packet.

Staff stated that page came out of the Elm Creek Master Plan study. It was done as part of the hydrology study that sized the pond and identified how it could be developed in a very urban setting. Staff stated what came out of the Pearl District Small Area Plan on page 9.4 of the packet has been adopted.

Mr. Fothergill stated in the detailed staff recommendation, the first paragraph seems to say that CH would be in conflict with the Pearl District Small Area Plan. The third paragraph seems to say that it would be in conformance with the Pearl District Small Area Plan.

Staff stated some of the users that are allowed by right in a CH district would not be consistent with the employment and residential land use designation on this property. So, if the theoretical car dealership came in and wanted to build right there, that would not be consistent with what is expected but many of the uses that are allowed by right in a CH district totally support that. Staff stated without development design guidelines and standards there are times when the CH zoning allows things that are not the goals of the Small Area Plan. But in this instance, there's so much CH zoning that's already been approved having a more refined design and use limitation didn't make sense for this one small tract.

TMAPC Action; 10 members present:

On **MOTION** of **WALKER**, TMAPC voted **10-0-0** (Covey, Doctor, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Shivel, "absent") to recommend **APPROVAL** of the CH zoning for Z-7497 per staff recommendation.

Legal Description Z-7497:

LTS 5 6 & 7 BLK 1; LT 8 BLK 1, CENTRAL PARK PLACE, City of Tulsa, Tulsa County, State of Oklahoma

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10. **Sunwest Highlands** (CD 2) Preliminary Plat and Request for Modification of the Subdivision & Development Regulations to partially waive sidewalk requirements Location: Southeast corner of South 33rd West Avenue and West 61st Street South

STAFF RECOMMENDATION:

Southeast corner of South 33rd West Avenue and West 61st Street South

This plat consists of 12 lots, 3 blocks on 4 ± acres.

The Technical Advisory Committee (TAC) met on August 15, 2019 and provided the following conditions:

1. **Zoning:** The property is currently zoned CS which permits the residential uses; however, the pending development plan (Z-7490) must be approved and effective prior to approval of a final plat that includes a private street.
2. **Addressing:** Obtain lot addresses from City of Tulsa and label each lot with the appropriate address on the final plat.
3. **Transportation & Traffic:** Private street requires approval of pending development plan. Sidewalks are required on both sides of the residential street and along each arterial street adjacent to the property.
4. **Sewer:** Sewer main extensions are required to be reviewed through the IDP process. IDP must be approved prior to approval of the final plat. Conceptual improvements plan shows a sewer line crossing the 50' pipeline easement to the south, permissions will be required by the easement owner for crossings.
5. **Water:** Water main extensions are required to be reviewed through the IDP process. IDP must be approved prior to approval of the final plat. Other improvements are not permitted in restricted waterline easements. Provide appropriate clearance and easements for extensions.
6. **Engineering Graphics:** Submit a subdivision control data sheet with final plat. Show all platted properties in the location map and label all other property has unplatted. Label subject property. Add "City of Tulsa" in the plat subtitle before Tulsa County, State of Oklahoma.
7. **Stormwater, Drainage, & Floodplain:** Existing drainage patterns must be similarly maintained with increased runoff directed to the proposed detention ponds. Notate which storm sewer infrastructure is public and what is private.
8. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

Modification of Subdivision and Development Regulations:

1. Section 5.070.1 – Sidewalks must be installed on both sides of all arterial streets and on both sides of all collector streets and residential (local) streets with curb and gutter.

The applicant has requested a waiver of the requirement to install a sidewalk on one side of the internal private streets ~~in the areas adjacent to Reserve C~~ as shown on the conceptual improvements plan due to conflicts with the existing 50' pipeline easement.

Staff recommends **DENIAL** of the modification to the Subdivision & Development Regulations finding the sidewalks essential to the internal connectivity of the development. The existing easement conflicts with a number of proposed improvements on this project and will be required to be addressed. Sidewalks should be included.

Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the conditions provided by TAC and the requirements of the Subdivisions Regulations.

Applicant Comments:

The applicant stated he agrees with staff recommendations for the approval of the plat. He stated he also agrees that the neighborhoods need to be served with sidewalks. The applicant stated on page 10.5 of the packet this is an older area and there is a subdivision to the east and a shopping center that kind of cradles the western portion of the site. The applicant stated there's an apartment complex to south. He stated the surrounding neighborhoods do not have sidewalks and that doesn't matter but, in this project, there are sidewalks proposed on the arterial. The applicant stated he wants to make sure everyone understands he is not trying to get out of doing arterial sidewalks but they are not totally built out. The applicant stated staff spoke about the conceptual improvements plan and in order to make that a little bit easier to understand color was added to it. He stated there are 45 units within this subdivision that is a gated with private streets and he is proposing to build the areas shown in blue on the conceptual improvements plan and the area in orange is what the applicant is asking that they not have to build. The applicant stated there are sidewalks in front of all the units and sidewalks that go through the subdivision from one end of the arterial to the other end. He stated this is just a few units and there won't be a lot of traffic and it won't be moving very fast. The applicant stated there is an exit only on the north side and the main entrance will be on the western side. The applicant stated the gas line is one of the issues, the property is kind of a pinch property and is definitely a hardship to get everything that is needed into the area. He stated between the gas line and the commercial development that

happened a long time ago, the commercial property took the property needed and they kind of left us this little piece. The applicant stated his client wants to develop this property that's been sitting there for decades without being useful to anyone. And we're just trying to get a little bit more room.

Mr. McArtor asked if the sidewalk was not there what would it be.

The applicant stated it would be a few feet of green space and allow the ability for a pedestrian to walk from one end to the other with the sidewalk on the other side of the street. The applicant stated there is a sidewalk that goes all the way through and there are only 4 units on the south side.

Mr. McArtor asked if the applicant was saying that the sidewalk over the gas line would be a danger.

The applicant stated it could be, the gas line company has not approved the plan yet. He stated gas companies like to have grass growing over their gas lines because the grass dies when there's a leak present making it easier to identify. The applicant stated there's a high point in this area that interferes with grades. He stated if it is brought all the way to the property line, they don't have the ability to retain walls in the area.

Ms. Kimbrel asked if the applicant had spoken with the gas company about putting the sidewalk there.

The applicant stated they are asking a lot of questions and they have not approved it yet. The applicant stated the gas company is asking for profiles of our crossings. He stated they do have the right to cross the gas line with their sewer lines and things like that.

Ms. Kimbrel stated the gas company has not told you that there's a problem.

The applicant stated "no".

Mr. Covey asked if the property on the south side and the east side going to be fenced or open.

The applicant stated he believe there's an existing fence there now and there will be additional fencing.

Mr. Covey asked if there would be any access to the sidewalk from the multi family area.

The applicant stated "no", it's a gated community.

Mr. Reeds asked if there would be children living in this community or is it an independent living community.

The applicant stated there's no age limit, so there may be kids.

TMAPC Comments:

Mr. Ritchey stated there's no reason for there to be sidewalks on the bottom part of the drawing because it doesn't connect anything. He stated he thinks there's more than enough easy ways to get where you need to go and would be in support of the approval of the plat and approving the modification.

Ms. Kimbrel stated she is in supportive of staff recommendation and would have liked to see a little bit more due diligence from the applicant related to some conversation around safety with the gas line company.

Mr. McArtor stated as far as the connectivity unless he is seeing this wrong the proposed sidewalk actually connects the other two sidewalks so there is it seems clear connectivity and that's one of the things we try to look at when we look at the sidewalk.

Mr. Ritchey stated he wants to distinguish how he feels about City of Tulsa residential streets versus private streets. He stated he is surprised that Planning Commission has anything to say about it if it's a private street. Mr. Ritchey stated it's not a big deal to require people to literally walk across a very low traveled private street.

Mr. Reeds stated he doesn't like gated communities because they disconnect from the area land and they are not part of the community.

Ms. Kimbrel stated with respect to Mr. Ritchey's comment, if it's not that big of a deal then it's not that big of a deal to put the sidewalk in.

TMAPC Action; 10 members present:

On **MOTION** of **McARTOR**, TMAPC voted **6-4-0** (Doctor, Fothergill, Kimbrel, McArtor, Ray, Reeds, "aye"; Covey, Ritchey, Van Cleave, Walker, "nays"; none "abstaining"; Shivel, "absent") to **APPROVE** the Preliminary Subdivision Plat and **DENY** the modification to the Subdivision & Development Regulations to waive sidewalk requirements for Sunwest Highlands per staff recommendation.

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Mr. Covey stated items 11 and 12 would be presented together.

11. **BMX Headquarters** (CD 1) Preliminary Plat, Location: Northwest corner of East Archer Street and North Lansing Avenue (Related to BMX Headquarters – Authorization for Accelerated Release of Building Permits)

STAFF RECOMMENDATION:

BMX Headquarters - (CD 1)

Northwest corner of East Archer Street and North Lansing Avenue

This plat consists of 1 lot, 1 block on 22.34 ± acres.

The Technical Advisory Committee (TAC) met on August 15, 2019 and provided the following conditions:

1. **Zoning:** The property is zoned IM (Industrial – Moderate). The use of the property as Outdoor Assembly & Entertainment was approved by the City Board of Adjustment on November 13, 2018 (BOA-22539). Special exception approvals for Outdoor Assembly & Entertainment subject the property to full compliance with the *Subdivision & Development Regulations*.
2. **Addressing:** City of Tulsa will assign lot address to Lot 1. Label lot with address prior to final plat submittal.
3. **Transportation & Traffic:** East Archer Street is a designated commercial collector street that requires installation of sidewalks. Provide recording information for all adjacent ROW or indicate dedication by plat.
4. **Sewer:** Sewer main extensions will be completed through a capital improvement project managed by City of Tulsa Engineering Services. Final plans must be approved prior to the approval of the final plat to ensure accuracy of all easements and ROW.
5. **Water:** Water main extensions will be completed through a capital improvement project managed by City of Tulsa Engineering Services. Final plans must be approved prior to the approval of the final plat to ensure accuracy of all easements and ROW.
6. **Engineering Graphics:** Submit a subdivision control data sheet with final plat. Show all platted properties in the location map and label all other property has unplatted. Label subject property. Add “City of Tulsa” in the plat subtitle before Tulsa County, State of Oklahoma. Graphically provide the bearing angle/distance from point of commencement (POC) to point of beginning (POB).
7. **Stormwater, Drainage, & Floodplain:** Storm sewer system will be completed through a capital improvement project managed by City of Tulsa Engineering Services.
8. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the conditions provided by TAC and the requirements of the Subdivisions Regulations.

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12. **BMX Headquarters** (CD 1) Authorization for Accelerated Release of Building Permits and Modification of the Subdivision & Development Regulations to waive performance guarantee requirements, Location: Northwest corner of East Archer Street and North Lansing Avenue (Related to BMX Headquarters Preliminary Plat)

STAFF RECOMMENDATION:

BMX Headquarters - (CD 1)

Northwest corner of East Archer Street and North Lansing Avenue

The applicant has requested that the Planning Commission authorize the City of Tulsa to issue building permits prior to the filing of a final plat. The *Subdivision & Development Regulations* require the approval of a preliminary plat prior to authorization for an accelerated release of building permits. The preliminary plat has been submitted and reviewed by the Technical Advisory Committee and is being presented concurrently with this request.

This project is being managed by the City of Tulsa and was funded through an allocation of Vision Tulsa funds. The site is currently encumbered by a number of easements, right-of-way, and previous subdivision plats that are required to be vacated prior to the approval and filing of a final plat. It is anticipated that those processes will take an extended amount of time and could cause significant delays for completion of the plat.

The Technical Advisory Committee met on Thursday, August 15, 2019 and no objections were raised to the authorization of an accelerated release of a building permit with the condition that any authorization for accelerated release be tied only to the portion of the property presented in the conceptual improvements plan.

If approved, this authorization only removes the requirement that the final plat be filed prior to building permits being issued. All other codes and requirements of the City of Tulsa remain in place.

Modification to the Subdivision & Development Regulations:

The applicant has requested a modification to Section 10-110.6-C of the *Subdivision and Development Regulations* which would require the developer to submit a financial guarantee to the City of Tulsa for outstanding infrastructure improvements required for the project. Due to the nature of the project being publicly funded and managed, the financial guarantees would be impractical and unnecessary.

Staff recommends **approval** of the accelerated release of a building permit and the requested modification with the following conditions:

1. If an accelerated release is approved, no final inspection of buildings or structures may occur and no certificate of occupancy may be issued until a final plat for the subject property has been approved and recorded.

2. Any authorizations approved are tied to the area of property shown on the conceptual improvements plan provided by the applicant with the preliminary plat

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **WALKER**, TMAPC voted **10-0-0** (Covey, Doctor, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Shivel, "absent") to **APPROVE** the Preliminary Subdivision Plat, authorization for Accelerated Release of a Building Permit and the modification to the Subdivision & Development Regulations to waive the performance guarantee requirement for BMX Headquarters per staff recommendation.

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Mr. Covey stated items 13 and 14 would be presented together.

13. **River West Phase I – River West Park – River West Phase II** (CD 2)
Preliminary Plat, Located: Southwest corner of West 21st Street South and South Jackson Avenue (Related to River West Authorization for Accelerated Release of Building Permits)

STAFF RECOMMENDATION:

River West Phase I – River West Park – River West Phase II - (CD 2)

Southwest corner of West 21st Street South and South Jackson Avenue

This preliminary plat review consists of 3 phases:

1. River West Phase I – 1 lot, 1 block, 3.87 ± acres
2. River West Park – 1 lot, 1 block, 5.44 ± acres
3. River West Phase II – 2 lots, 2 blocks, 4.15 ± acres

The Technical Advisory Committee (TAC) met on August 15, 2019 and provided the following conditions:

1. **Zoning:** The property is currently zoned RM-1, RM-2. Phase I and River West Park are both included in an approved Planned Unit Development (PUD-796). There is a pending request to rezone all property included within the development to MX-1-U-55 and abandon the existing PUD. All proposed lots would conform with the MX district requirements.
2. **Addressing:** City of Tulsa will assign addresses to each lot as phasing begins. Assigned address is required to be affixed to the face of the final plat prior to approval.
3. **Transportation & Traffic:** Sidewalks are required to be installed along all streets. Indicate which street rights-of-way are dedicated by plat and

recording information for any existing dedications to remain.

4. **Sewer/Water:** Privately funded infrastructure improvements will be required to obtain IDP approval prior to final plat approval. Publicly funded infrastructure must have final plans for infrastructure prepared prior to final plat approval and filing to ensure accuracy of all easements/ROW.
5. **Engineering Graphics:** Submit a subdivision control data sheet with final plat. Show all platted properties in the location map and label all other property has unplatted. Label subject property. Provide a bearing angle from the face of the plat to be basis of bearing.
6. **Stormwater, Drainage, & Floodplain:** Relocation of stormwater facilities and design for new storm sewer system will be required to obtain IDP approval prior to final plat if privately funded; if publicly funded, plans are required to be finalized prior to approval and filing of the final plat.
7. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the conditions provided by TAC and the requirements of the Subdivisions Regulations.

* * * * *

14. **River West Phase I – River West Park – River West Phase II** (CD 2)
Authorization for Accelerated Release of Building Permits and Modification of the Subdivision & Development Regulations to waive performance guarantee requirements, Located: Southwest corner of West 21st Street South and South Jackson Avenue (Related to River West Preliminary Plat)

STAFF RECOMMENDATION:

River West Phase I - River West Park - River West Phase II - (CD 2)

Southwest corner of West 21st Street South and South Jackson Avenue

The applicant has requested that the Planning Commission authorize the City of Tulsa to issue building permits prior to the filing of a final plat. The *Subdivision & Development Regulations* require the approval of a preliminary plat prior to authorization for an accelerated release of building permits. The preliminary plat has been submitted and reviewed by the Technical Advisory Committee and is being presented concurrently with this request.

This project is being managed by the Tulsa Housing Authority in partnership with the City of Tulsa and the U.S. Department of Housing and Urban Development along with other private partners. The site was awarded a federal CHOICE

neighborhood grant through HUD that seeks to revitalize areas through the creation of affordable, walkable, and safe neighborhoods. A portion of the required infrastructure will be funded by the City of Tulsa and the implementation projects will be managed by Engineering Services. Any additional infrastructure not funded by the City of Tulsa will be required to obtain IDP approval.

As part of the platting process there will be relocation of existing utilities and expansions of new infrastructure as well as a need to close and vacate several underlying easements and existing rights-of-way. The associated grant with this project requires construction to begin on a specific timeline where delays could create issues. The applicant has requested deferring the requirement for the plat to be filed to the certificate of occupancy in order to prevent delays on building permits. The Technical Advisory Committee met on Thursday, August 15, 2019 and no objections were raised to the authorization of an accelerated release of building permits.

If approved, this authorization only removes the requirement that the final plat be filed prior to building permits being issued. All other codes and requirements of the City of Tulsa remain in place.

Modification to the Subdivision & Development Regulations:

The applicant has requested a modification to Section 10-110.6-C of the *Subdivision and Development Regulations* which would require the developer to submit a financial guarantee to the City of Tulsa for outstanding infrastructure improvements required for the project. Due to the nature of the project being partially publicly funded and managed, the financial guarantees would be impractical and unnecessary.

Staff recommends **approval** of the accelerated release of a building permit and the requested modification with the following conditions:

1. If an accelerated release is approved, no final inspection of buildings or structures may occur and no certificate of occupancy may be issued until a final plat for the subject property has been approved and recorded.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **McARTOR**, TMAPC voted **10-0-0** (Covey, Doctor, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Shivel, "absent") to **APPROVE** the Preliminary Subdivision Plat, authorization for Accelerated Release of a Building Permit and the modification to the Subdivision & Development Regulations to waive the

performance guarantee requirement for River West Phase I – River West Park – River West Phase II per staff recommendation.

* * * * *

15. **ZCA-15** Consider amending the Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, to establish the regulations for a new agricultural-residential (AG-R) zoning district and to establish the regulations for accessory dwelling units (ADU) to be allowed by special exception.

STAFF RECOMMENDATION:

Item

Consider amendments to the Tulsa Zoning Code, Title 42 Revised Ordinances, regarding the addition of an Agricultural- Residential (AG-R) zoning designation and Accessory Dwelling Units (ADUs) by special exception.

Background

In April 2014, the City Council approved the West Highlands/Tulsa Hills Small Area Plan. During this planning process, there was concern voiced by the residents regarding the effects of continual infill development consistent with the RS-3 zoning in the area west of Union Avenue. RS-3 zoning was broadly applied to this area by the City of Tulsa in 1970. During the small area planning process, a number of residents were of the opinion that a larger lot zoning district would be more appropriate to reflect the current development pattern and desired lifestyle.

As development has progressed in the planning area, staff was asked by City Council and Planning Commission to evaluate recommendations in the Small Area Plan that would address issues voiced by the community. Simultaneously, staff evaluated other recommendations that could be implemented through zoning changes. Due to recent development pressure in the area bordered by: West 71st Street South; West 91st Street South; South 33rd West Avenue; and South Union Avenue, staff evaluated the below recommendations contained in the Small Area Plan for possible implementation.

Recommendation 4.6: Revise zoning code to include a “rural residential” district which allows a limited number of livestock and horses as a use by right and has larger minimum lot sizes. This can be done by either amending an existing district or creating a new one.

Recommendation 2.7: Support a change to the zoning code that enables a property owner to construct and rent an accessory dwelling unit (commonly known as “mother-in-law flat”) on their residential-zoned property. Support Board of Adjustment applications asking for such uses in this area.

On April 3, 2019, at a TMAPC work session, staff discussed the options for a new citywide Agricultural-Residential zoning designation and Accessory Dwelling Units zoning changes. A public meeting with community members in the West Highlands/Tulsa Hills planning area was held on April 23, 2019 to solicit feedback and discuss the initial proposal. A second TMAPC work session was held on August 7, 2019 to discuss proposed zoning code amendments.

The proposed amendments were developed by staff as a mechanism to implement the above recommendations throughout the City of Tulsa. The proposal would establish a new citywide "Agricultural-Residential" (AG-R) zoning designation and allow the opportunity for accessory dwelling units (ADUs) on residentially zoned lots through the special exception process.

Staff Recommendation

Approval of the proposed amendments to Tulsa Zoning Code as shown in Attachments I and II

Mr. Covey asked if there would be some type of program for the application to change the zoning for people in the West Highland area?

Staff stated that would be a discussion for Councilor Cue.

Mr. Covey stated this is just to update the zoning code.

Staff stated; "yes".

Mr. Reeds asked if accessory dwelling units could be leased them to other people.

Staff stated "yes".

Mr. Reeds asked if the property owner could keep this as one lot and sell the accessory to an individual.

Ms. VanValkenburgh stated there would need to be a lot split first.

Mr. Doctor stated his understanding is this is to provide a clearer process to allow the accessory dwelling units. This will provide affordability and density benefits to the City as they are thinking about the housing stock and how to make the city an affordable place to live. Mr. Doctor stated the general concern with ADU is how many parked cars you're going to and the traffic coming in and out of neighborhoods. Mr. Doctor stated in the current zoning code allows for 2 households on a single lot, which is what is being proposed with ADU. Mr. Doctor stated those are allowed by right for RD through RMH categories. He asked if there was reason why they wouldn't allow ADU by right for those same

residential categories, and essentially just provide a different mechanism to allow for two households on a single lot.

Staff stated because there's really no way to get to an ADU now, we really just kind of wanted to take the first step of allowing them by the special exception. Staff stated there maybe additional regulations that go into allowing ADU in the higher zoning categories. Staff stated she doesn't know if all of these regulations would be the same as those regulations but that's something they can look at it

Mr. Doctor stated he would be curious about allowing for those ADU to occur by right in those categories for households on a single lot. Mr. Doctor stated if we're allowing for two households to live on a single lot by right for those zoning categories it should be reflected in our ADU policy as well.

Ms. Miller stated there are people that are that are waiting on the AGR district and Counselor Cue is going to put together some kind of initiative on behalf of Council. Ms. Miller stated the ADU and AG-R could be separated and staff can continue to look into the accessory dwelling unit questions and issues and a recommendation for AG-R to move forward.

Ms. VanValkenburgh stated she thinks staff will need to do some cleanup in the AGR because it was anticipated that these would be two would be adopted at the same time. It might cleaner to bring them back together.

Mr. Fothergill asked if Planning Commission could pass both of them today and then at some point, come back and revisit the Board of Adjustment requirement.

Ms. VanValkenburgh asked if Mr. Fothergill was suggesting approving it, as currently recommended and then come back with a subsequent Zoning Code change.

Mr. Fothergill stated if there is an abundance of Board of Adjustment requests and not simply a one-off exception.

Mr. Doctor stated he would be comfortable with the approach of approving what's been proposed today by this board, but then asking staff to do that research and to come back with a Zoning Code change that reflects that approach with allowing as a use by right in some categories. If that works with staff.

Ms. Miller stated it does. She asked if Mr. Doctor wanted the duplex issues to be part of that additional research.

Mr. Doctor stated he would like to know changes need to be made to allow for accessory dwelling units by right on a single lot.

Ms. Miller stated staff can do that research and bring it back at the next meeting. She stated that is probably the simplest way just to get all that tied up before a TMAPC recommendation.

TMAPC Action; 10 members present:

On **MOTION** of **COVEY**, TMAPC voted **10-0-0** (Covey, Doctor, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Shivel, "absent") to **CONTINUE** ZCA-15 to September 18, 2019.

OTHER BUSINESS

16. Commissioners' Comments

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ADJOURN

TMAPC Action; 10 members present:

On **MOTION** of **WALKER**, TMAPC voted **11-0-0** (Covey, Doctor, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Shivel, "absent") to **ADJOURN** TMAPC meeting of September 4, 2019, Meeting No. 2801.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 3:27 p.m.

Date Approved:

10-16-2019


Chairman

ATTEST:


Secretary