

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2804

Wednesday, October 16, 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	Doctor	Davis	Jordan, COT
Fothergill	McArtor	Foster	Silman, COT
Kimbrel	Shivel	Hoyt	VanValkenburgh, Legal
Ray	Walker	Jones	
Reeds		Miller	
Ritchey		Sawyer	
Van Cleave			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, October 10, 2019 at 3:29 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 the agenda was lengthy for today's Planning Commission meeting and City Council has the room for their meeting this evening. Mr. Covey stated everyone will need to be out of this room by 4:45 PM so the items at the end of the agenda may be continued to another meeting due to time constraints.

Director's Report:

Ms. Miller reported on City Council and County Commissioner actions and other special projects. Ms. Miller stated City Council hasn't met in a few weeks so their agenda was large this week and TMAPC had a number of items on their agenda so she will report on those items next time. Ms. Miller stated the Quad State Conference was a success and several Board Members and Commissioners was able to attend. Ms. Miller stated Luisa Krug co-chaired the event and did an

amazing job of organizing everything. There were about 450 in attendance and all the Planners did a great job.

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Minutes:

1. Approval of the minutes of September 4, 2019, Meeting No. 2801

On **MOTION** of **REEDS**, the TMAPC voted 7-0-0 (Covey, Fothergill, Kimbrel, Ray, Reeds, Ritchey, Van Cleave, “aye”; no “nays”; none “abstaining”; Doctor, McArtor, Shivel, Walker, “absent”) to **APPROVE** the minutes of September 4, 2019, Meeting No. 2801

2. Approval of the minutes of September 18, 2019, Meeting No. 2802

On **MOTION** of **REEDS**, the TMAPC voted 7-0-0 (Covey, Fothergill, Kimbrel, Ray, Reeds, Ritchey, Van Cleave, “aye”; no “nays”; none “abstaining”; Doctor, McArtor, Shivel, Walker, “absent”) to **APPROVE** the minutes of September 18, 2019, Meeting No. 2802

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 there is one speaker signed up to speak on item number 3 so he is moving that item to the public hearing.

4. **Roan-Shire Estates** (County) Vacation of Plat & Termination of Deed of Dedication, Location: Northeast corner of East 161st Street South and South Peoria Avenue (Originally scheduled for October 2, 2019)
5. **NGP Business Complex** (CD 8) Amendment to Deed of Dedication and Restrictive Covenants to align with approved PUD standards, Location: North of the northwest corner of East 101st Street South and South Memorial Drive

TMAPC Action; 7 members present:

On **MOTION** of **REEDS**, TMAPC voted 7-0-0 (Covey, Fothergill, Kimbrel, Ray, Reeds, Ritchey, Van Cleave, “aye”; no “nays”; none “abstaining”; Doctor, McArtor, Shivel, Walker, “absent”) to **APPROVE** Items 4 and 5 per staff recommendation.

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

PUBLIC HEARINGS:

Mr. Covey stated the continuances would be addressed first.

16. **Z-7503 David Henke/City Council** (CD 4) Location: North of the Northeast corner of East 7th Street South and South Peoria Avenue requesting rezoning from **RS-4 and CH to MX1-U-U** as part of the mixed-use zoning initiative associated with the Bus Rapid Transit System along Peoria Avenue

TMAPC Action; 7 members present:

On **MOTION** of **REEDS**, TMAPC voted 7-0-0 (Covey, Fothergill, Kimbrel, Ray, Reeds, Ritchey, Van Cleave, “aye”; no “nays”; none “abstaining”; Doctor, McArtor, Shivel, Walker, “absent”) to **CONTINUE** item Z-7503 to November 6, 2019 per applicant’s request.

17. **Z-7504 Erik Enyart** (CD 2) Location: South of the southwest corner of West 81st Street South and South Union Avenue rezoning from **AG to RS-3 with optional development plan** to permit single-family subdivision (**Applicant has requested continuance to November 6, 2019**)

TMAPC Action; 7 members present:

On **MOTION** of **REEDS**, TMAPC voted 7-0-0 (Covey, Fothergill, Kimbrel, Ray, Reeds, Ritchey, Van Cleave, “aye”; no “nays”; none “abstaining”; Doctor, McArtor, Shivel, Walker, “absent”) to **CONTINUE** item Z-7504 to November 6, 2019 per applicant’s request.

18. **Z-7505 Mark Capron** (CD 8) Location: Northwest of the northwest corner of East 111th Street South and South Memorial Drive requesting rezoning from **AG to RS-3 and RT** to permit single-family homes and townhouses

TMAPC Action; 7 members present:

On **MOTION** of **REEDS**, TMAPC voted 7-0-0 (Covey, Fothergill, Kimbrel, Ray, Reeds, Ritchey, Van Cleave, “aye”; no “nays”; none “abstaining”; Doctor, McArtor, Shivel, Walker, “absent”) to **CONTINUE** item Z-7505 to November 6, 2019 per applicant’s request.

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Item number 3 was moved from the Consent Agenda to the Public Hearing.

3. **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, September 4, 2019 and October 2, 2019)

STAFF RECOMMENDATION:

SECTION I: PUD-806-2 Minor Amendment

STAFF RECOMMENDATION

Amendment Request: Revise the development standards to allow an 8 ft wall/fence in the required front yard.

The applicant intends to construct an 8 ft precast concrete fence along the front yard of the subject property. This fence is to match the existing 8 ft precast concrete fence located along the frontage of the properties to the south in both style and height.

Staff Comment: *This request can be considered a Minor Amendment as outlined by Section 30.010.1.2.c(9) of the City of Tulsa Zoning Code.*

“Changes in structure heights, building setbacks, yards, open spaces, building coverage and lot widths or frontages, provided the approved PUD development plan, the approved standards and the character of the development are not substantially altered.”

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the PUD.
- 2) If approved, the design and layout of the 8 ft fence shall be subject to a detail site plan review.
- 3) All remaining development standards defined in PUD-806 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to allow an 8 ft fence in the required front yard.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Comments:

Mr. Reeds asked if the fence was beyond the required easement.

Staff stated he believes so.

Interested Parties:

Ted Sack stated he was in favor of the application.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **REEDS**, TMAPC voted **7-0-0** (Covey, Fothergill, Kimbrel, Ray, Reeds, Ritchey, Van Cleave, "aye"; no "nays"; none "abstaining"; Doctor, McArtor, Shivel, Walker, "absent") to **APPROVE** PUD-806-2 **PUD Minor Amendment** per staff recommendation.

Legal Description for PUD-806-2:

11908 S Sheridan Rd

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6. **ZCA-16** Consider amendments to the City of Tulsa Zoning Code, Title 42, revised ordinances, regarding dumpster and recyclable material bins/donation bins.

STAFF RECOMMENDATION:

Item

Consider amendments to the City of Tulsa Zoning Code, Title 42 Revised Ordinances, regarding dumpsters and recyclable material bins/donation bins.

Background

The City of Tulsa Zoning Code became effective on January 1, 2016. Included in the Zoning Code were new regulations regarding dumpsters and recyclable material bins that were not in the previous code. A key component of the regulations was a retroactive screening requirement for all dumpsters and recyclable material bins, stating a compliance date of November 1, 2017. A proactive effort to enforce this provision took place earlier in 2019 and several businesses received notice that their dumpsters were not in compliance. These

businesses contacted elected officials at City Hall about the issues resulting from these regulations. A few key issues identified were:

- In existing development, there may not be enough space to place the dumpster/screening out of view from streets and abutting properties.
- Recyclable Material Bins will not be visible if required to be screened, which will impact donations.
- Dumpsters in alley rights-of-way should be exempt from screening requirements.

In order to address these and other related issues, the zoning code implementation team convened to address the identified issues. The zoning code implementation team is comprised of members of Tulsa Planning Office, Development Services Department and City Legal.

Tulsa Planning Office staff presented the proposed ordinance to the Planning Commission at the end of their September 18, 2019 meeting. Also, at the request of the Tulsa Authority for the Recovery of Energy (TARE) Board, staff presented the proposed ordinance at their September 24, 2019 meeting. To date, all interested parties have expressed support for the proposal.

The amendments proposed to the City of Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, are shown in ~~strike through~~/underline in Attachment II.

Staff Recommendation

Approval of the proposed amendments to the City of Tulsa Zoning Code as shown in Attachment II.

TMAPC Comments:

Mr. Fothergill stated on 6.6 of the agenda packet there seems to be a couple items that are in conflict with the M.E.T.'s operation.

Staff stated the M.E.T. facilities don't meet this classification of recyclable materials and donation bins. She stated they are a consumer material drop off station so these requirements would not apply to them because their 3 facilities are manned at least 20 hours a week. Staff has met with the Executive Director of the M.E.T. on multiple occasions and they support this proposal.

Interested Parties:

Paul Ross 1420 West 35th Street, Tulsa, Oklahoma 74107

Mr. Ross stated he is Vice President American Waste Control and on behalf of several thousand Tulsa customers and 250 employees, he would like to say

thank you and they support the changes. He stated thanks goes to Susan and her staff and other city staff for their help, it is appreciated.

John Rothrock 4006 East 119th Street, Tulsa OK 74137

Mr. Rothrock would like to echo what Mr. Ross stated. Mr. Rothrock stated he is excited about the proposals, they address all of his concerns and even go a little further and make it better for both current building and future development. He would like to thank everyone for listening to his concerns.

TMAPC Action;7 members present:

On **MOTION** of **REEDS**, TMAPC voted **7-0-0** (Covey, Fothergill, Kimbrel, Ray, Reeds, Ritchey, Van Cleave, “aye”; no “nays”; none “abstaining”; Doctor, McArtor, Shivel, Walker, “absent”) to recommend **ADOPTION** of ZCA-16 per staff recommendation.

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7. **SMG Maybelle (Formerly GCC Maybelle)** (CD 2) Preliminary Plat, Location: South of the southwest corner of West 41st Street South and South Maybelle Avenue (Originally scheduled for October 2, 2019)

STAFF RECOMMENDATION:

SMG Maybelle (Formerly GCC Maybelle) - (CD 2)

South of the southwest corner of West 41st Street South and South Maybelle Avenue

This plat consists of 1 lot, 1 block on 9.47 ± acres.

The Technical Advisory Committee (TAC) met on September 19, 2019 and provided the following conditions:

1. **Zoning:** All property included within the subdivision plat is zoned IM (Industrial – Moderate). The proposed lot conforms to the requirements of the IM district.
2. **Addressing:** City of Tulsa addresses and street names must be assigned and affixed to the face of the final plat.
3. **Transportation & Traffic:** Label all right-of-way and easement information with recording information or indicated “by plat” for any new dedications. Easement required for Cherry Creek Trail encroachment within west property line. Trail easement will be adjacent to utility easement. Language for easement will be provided by Tulsa Planning Office.

4. **Sewer:** Existing sewer service adjacent to South Maybelle Avenue.
5. **Water:** Existing water service adjacent to South Maybelle Avenue.
6. **Engineering Graphics:** Submit a subdivision control data sheet with the final plat. CA number shown on the face of the plat for Surveyor/Engineer has expired. Graphically show all property pins found or set that are associated with the plat. Correct location map to include all platted properties and label all other property as "Unplatted". Remove parcel lines from location map. Indicate "Subject Tract" in location map. Ensure consistency between legal description and face of the plat.
7. **Fire:** No comments.
8. **Stormwater, Drainage, & Floodplain:** Modifications or expansions to existing City of Tulsa drainage facilities will require IDP approval and appropriate easements.
9. **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 all other requirements of the Subdivision and Development Regulations.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **REEDS**, TMAPC voted **7-0-0** (Covey, Fothergill, Kimbrel, Ray, Reeds, Ritchey, Van Cleave, "aye"; no "nays"; none "abstaining"; Doctor, McArtor, Shivel, Walker, "absent") to **APPROVE** the Preliminary Plat for SMG Maybelle (Formerly GCC Maybelle) per staff recommendation.

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8. **CZ-492 Matt King** (County) Location: Southwest corner of West 51st Street South and West Skyline Road requesting rezoning from **AG to CS** to allow a marijuana dispensary (Originally scheduled for October 2, 2019)

STAFF RECOMMENDATION:
SECTION I: CZ-492

DEVELOPMENT CONCEPT: The applicant is requesting to rezone the subject property from AG to CS in order to allow a medical marijuana dispensary to operate at that location. CS zoning is limited in the area although there is property to the east in the Sand Spring City limits that is considered as Industrial use according to the County Assessor's records.

DETAILED STAFF RECOMMENDATION:

CZ-492 is non-injurious to the existing proximate properties and;

CZ-492 is consistent with the Sand Springs Future Land Use Map;

CZ-492 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends Approval of CZ-492 to rezone property from AG to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is located in the fenceline of Sand Springs and according to the Sand Springs Comprehensive Plan, the future land use designation is Commercial. The Sand Springs Comprehensive Plan was adopted in 2017.

Commercial Description (from Sand Springs Comprehensive Plan):

The Commercial Land Use District represents areas of retail trade and services. Typically, these areas are located around nodes of arterial street intersections or in some cases, at intersections of collectors and arterials. Commercial Districts can also be found in corridors that have an established commercial use pattern. The Commercial District includes uses that range from small neighborhood convenience shopping areas, single free-standing buildings, big box retailers, restaurants, automotive services centers, and other similar retail uses.

Land Use Vision:

Land Use Plan map designation: Commercial (Sand Springs)

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: West 51st Street South is classified 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 a large flat parcel with little vegetation. There is an existing single-story building on the property. The building is a 2,930 square foot metal building according to the site plan provided by the applicant.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West 51 st Street South	Secondary Arterial	100 feet	2

Utilities:

The subject tract does not have municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RE	Residential – Sand Springs Fenceline	n/a	Single-family
South	AG	n/a	n/a	Scissortail Farms – Retail Sales
East	AG	Residential - City of Sand Springs	n/a	vacant

West	AG	Residential – City of Sand Springs	n/a	agricultural
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SECTION III: Relevant Zoning History

ZONING ORDINANCE: Resolution number 227583 dated May 10, 2013 established zoning for the subject property.

Subject Property:

CZ-424 May 2013: All concurred in **approval** of a request for *rezoning* a 3.3± acre tract of land from RE to AG on property located on the southeast corner of West 51st Street and West Skyline Drive.

CBOA-2459 March 2013: The County Board of Adjustment **approved** a request for *Use Variance* to permit Use Unit 13 in an AG District (section 310), on property located at 8302 West 51st Street South.

CZ-378 March 2006: All concurred in **approval** of a request for *rezoning* a 25.31± acre tract of land from AG to RE on property located on the northwest corner of West 51st Street and South 81st West Avenue (including the subject property). Applicant was asking for RS zoning, but staff could only support RE zoning.

Surrounding Property:

CBOA-2482 November 2013: The County Board of Adjustment **approved** a request for *Use Variance* to allow retail sales (Use Unit 13) in an in an AG District for produce and gift shop items, on property located 8450 West 51st Street.

CBOA-2428 April 2012: The County Board of Adjustment **denied** a request for *Special Exception* to permit dirt extraction (borrow fill pit) within Use Unit 24- Mining & Mineral Processing- in an AG District, on property located South of the SE/c of West 51st Street South & South 85th West Avenue.

CBOA-1511 June 1997: The County Board of Adjustment **denied** a request for *Use Variance* to permit sign fabrication and auto repair as a home occupation in an AG District (section 310), on property located at 7300 West 51st Street.

Mr. Fothergill stated he thought the auto body shop to the east had burned about 4 years ago.

Staff stated the existence of the Auto Body shop could have been the reasoning for commercial being recommended in this area for the Land Use Plan.

Ms. Kimbrel asked if the staff always know what the proposed use is for a zoning request?

Staff stated When an applicant comes in to fill out an application they can say its just for a commercial use without going into any more detail but, the majority of the time they will go into more detail but they don't have to.

Ms. Kimbrel stated so sometimes the use is not known when a request is made.

Staff stated "correct".

Mr. Covey asked on 8.8 of the agenda packet what does the Tulsa Comprehensive Plan call for on the property to the south of the subject property.

Staff stated that area doesn't have a plan on it. This is part of a gap area that will be addressed soon.

Mr. Covey stated there is all residential to the north of the red which is commercial. He stated typically before going straight CS, there is some increment type zoning. He asked if that would be applicable here.

Staff stated just going by what was recommended with the land use plan there was not a recommendation for a type of transitional zoning.

Mr. Ray asked if staff had any dialogue with the city staff of Sand Springs

Staff stated she has not talked to the City of Sand Springs.

Mr. Ray stated in cases like this he would like to see some dialogue between the staff and the planner for whatever area the subject property is located in such as Sand Springs to make sure something that we don't see may be there. Mr. Ray would encourage staff to do that.

The applicant indicated his agreement with staff's recommendation. But stated he had a concern.

Mr. King stated he had contacted the City of Sand Springs and they said this was clearly in Tulsa County and not in Sand Springs so he had to approach this with the County. He stated all of the drawings being prepared for this particular project is for the County not to Sand Springs.

Mr. Ray stated the purpose of his comment was not to indicate his position it was to attempt to establish the dialogue between this staff and other city staff. Mr. Ray stated it clearly is in Tulsa County, but it lies within the future city limits of the City of Sand Springs.

Mr. Fothergill stated when they do a fenceline, they don't have to bring it inside the city except for the little bit of blue parts on page 8.5 of the agenda packet which is the southern boundary of the applicant's lot which is inside the City of Sand Springs. Mr. Fothergill stated he is not an attorney, but City Legal might tell you that if you build in the blue part, you will be subject to the City of Sand Springs building regulations, but if you build in the white part then you'll be under Tulsa County.

The applicant stated the owner brought this issue up from the very beginning that the building is actually straddling the blue and the white right now and the applicant had to do some investigating because the dimensions of the property to the building were not working out. The applicant stated they found out that there was a small piece that jumped down into Sand Springs on the southern border of the property. He stated the building already exists and it straddles those two sides.

Interested Parties:

David Cornelius 4630 South 81st West Avenue.

Mr. Cornelius stated he opposed the rezoning from agriculture to commercial. He stated 51st Street is a 2-lane road and there's five curves coming from the east going west toward the sun. Mr. Cornelius stated there has been three deaths in the last four years at the subject area. Mr. Cornelius stated there are 33 houses in the Teal Ridge subdivision that are being built and will use 81st Street to get to Skyline Drive and then to 51st Street. He stated there are another 85 houses proposed according to the Teal Ridge website. Mr. Cornelius stated that will cause more traffic down 81st to hit the intersection of 51st and Skyline Drive and that is going to be a traffic jam. Mr. Cornelius stated on the east side there's only 100 feet visual distance before you see a car as you pull out of Skyline Drive. Mr. Cornelius stated his recommendation as a citizen would be to get an engineer study to handle the traffic, if it goes commercial or do a traffic counter and that would prove the point that the area will not tolerate or handle commercial area. Mr. Cornelius stated there is agriculture all around the subject property and this is going to be commercial right in the middle of agricultural and agricultural residential. Mr. Cornelius stated not too long ago to the north of 51st there was a proposed pipeline company that was going to go in and that was vetoed. Mr. Cornelius stated he would close with something he read on the website that he thinks is moving. The goal of the Zoning Code is to create a diverse community with compatible land uses a safeguard public health, safety, peace, more comfort, convenience, prosperity, order, and general welfare. Mr. Cornelius

stated he would like to say he is not against commercial nor is he against anything but he is in this area.

Gary Patton 4721 South 81st West Avenue

Mr. Patton stated he lives a quarter mile from the subject property and he is here to ask that the zoning change not be granted. Mr. Patton stated he has lived in the area for about 38 years and built his house in 1981. Mr. Patton stated he picked this area because of the beauty of the woods, the countryside, the pastures and that rural setting that everybody loves. Mr. Patton stated he raised four daughters there and they were able to have cows and horses and all kinds of animals. They could explore the woods and have a really great upbringing. Mr. Patton stated when he moved there, there was no reason to ever think of it changing he was far away from other commercial development and no idea that it would ever change zoning. Mr. Patton stated he is over two miles away from any other commercial development and the few roads that serve our community are relatively remote and won't support anything other than residential development. Mr. Patton stated both 51st Street and Skydrive are both two lane no shoulder, no lighting. Mr. Patton stated over the past several years other families have discovered this area with the same desires and built really nice homes all around that area and enjoy that lifestyle, never faced with a request to change the zoning of the neighborhood. Mr. Patton stated he believes the zoning change would open the door to all the things these families moved out here to avoid. Mr. Patton stated the door for other commercial enterprises to move in would be opened and he doesn't think it will be like Utica Square or Cherry Street or something like that. He stated it will be more like what is further east on 51st Street, pipe yard, flea markets, just real eyesores like the racetrack. Mr. Patton stated right now the flea market further east on the 51st Street had a fire that burned down one of the circus tents about three or four weeks ago and the mess and debris is still there. Mr. Patton stated the auto body shop that was mentioned that was on the curvy section of 51st Street that burned down about four or five years ago is still a big pile of debris. Mr. Patton stated he is afraid that is the kind of commercial development that this area will get if this change is allowed. Mr. Patton stated the owner of the land just west of 83rd Street, the big pasture, wanted to move his pipeline equipment company to his property and that was vetoed. Mr. Patton stated he is afraid that if subject property is rezoned commercial it will make it easier for the pipeline company to get that property rezoned and relocate the huge pipeline business. Mr. Patton stated he urges Planning Commission to deny the rezoning request and so residents can maintain the flavor of the rural character in the community and avoid the extra traffic.

The applicant stated he has a great deal of respect for what's being said because he doesn't live there or travel West 51st Street. The applicant stated he did meet

with the County to find out what had been done in that area. He stated the road had been straightened and changed and had less curves because everyone's concerned about traffic. The applicant stated this particular property, as it turns out, was previously CS or commercial and was changed back to agriculture. So it was already classified as commercial at one time. The applicant stated it was designed to be a farm store which is a retail store. The applicant stated this means there would be traffic coming there to buy product, hay bales or chemicals or rakes or whatever it may be. He stated there is some history with this particular piece of land that justifies what the applicant is trying to do.

Mr. Reeds asked if the applicant had any plans to build more buildings on the property.

The applicant stated he didn't think that was the case. He stated there are a lot of dispensaries and the applicant doesn't believe a lot of people will necessarily be traveling great lengths to get to the facility he thinks maybe local people will be utilizing that facility.

Mr. Fothergill stated it was mentioned the subject property was zoned CS but the staff report does not mention that it shows it was RE and then back to AG.

The applicant stated he thought he heard in the presentation that it was commercial at one time and then back to agriculture.

Mr. Covey stated the County Board of Adjustment approved a request for use variance permit, Use Unit 13 and an AG district. But he doesn't see anything that says commercial.

The applicant stated he apologized he thought the previous owner had zoned to CS.

TMAPC Comments:

Mr. Covey asked staff on page 8.5 of the agenda packet if everything in the box that is white in Tulsa County?

Staff stated it is unincorporated Tulsa County.

Mr. Covey stated do they need to be working both with the City of Sand Springs and Tulsa County.

Staff stated there have been cases like this before, and the actual building was in Tulsa County so that is who they need to be working with.

Mr. Covey asked on page 8.8 of the agenda packet it shows all residential, is this from the Tulsa Comprehensive Plan.

Staff stated this is the Sand Springs Comprehensive Plan that has not been adopted by TMAPC as of now. Staff stated everything north of 51st would be the Comprehensive Plan from Sand Springs even if its Tulsa County.

Mr. Covey stated regardless if it's within Sand Springs fenceline right now or not, at some point, they may incorporate it and that's what their plan is going to be.

Mr. Fothergill stated if you look at page 8.5 the eastern boundary of the fence line is not shown. He stated eventually the only place the area could go is be incorporated by the City of Sand Springs or stay unincorporated by the Tulsa County. Mr. Fothergill stated when you do a fenceline you have a plan that states they will incorporate this area in the future.

Mr. Covey asked if Tulsa County had anything that would be contradictory in this area.

Mr. Fothergill stated "no", this area does not have an adopted plan.

Mr. Reeds asked when the Sand Springs Comprehensive Plan was completed.

Staff stated "2017".

Ms. Kimbel stated to clarify, Sand Springs determines a land use for an area that they have not identified whether or not they are going to incorporate correct?

Staff stated "correct".

Mr. Reeds stated he would assume that when Sand Springs did their Comprehensive Plan, they would have spoke to those affected by the plan.

Staff stated "yes" there would have been public engagement meetings that people were invited to talk about their concerns. Staff can't speak specifically to exactly which doors were knocked on or how they went about that process.

Ms. Kimbrel asked if staff was certain that Sand Springs had some type of community engagement?

Staff stated, "yes".

Ms. Kimbrel stated but staff doesn't know how.

Staff stated "no", not at this moment.

Ms. Kimbrel asked if staff knew when the public engagement would have occurred.

Staff stated it would have been 2016 to 2017 time period up to the adoption.

Ms. Kimbrel stated it has been established that staff had not had a conversation with the Sand Springs planning team.

Staff stated that is correct.

Ms. Kimbrel asked how staff knows that Sand Springs engaged in community engagement.

Staff stated because she has been writing all of the Comprehensive Plans for all of the different municipalities and she has pulled everyone's plan and gone through the public engagement piece of it. She stated the plan for Sand Springs is not ready to adopt yet but it is written and it includes how they went through the public engagement process. Staff stated because of the recent flooding this plan has not been brought before TMAPC yet.

Ms. Kimbrel asked if there are reports submitted to staff about Sand Springs community engagement.

Staff stated she has the Comprehensive Plan that lists how that process was done.

Mr. Covey asked how far in either direction to the next commercial property.

Staff stated she was unsure.

Mr. Fothergill stated to the north its about a mile. To the east is about a mile and to the west is about 3 miles to Highway 97. He wasn't sure about the south. Mr. Fothergill stated having served on the Sand Springs City Council prior to the Comprehensive Plan he doesn't think the intention was to bring this commercial except there was an existing situation with the auto body shop at one point. Mr. Fothergill stated there was supposed to be a Farmers Market which was allowed as Use Unit 13 but he doesn't think it was ever really developed or opened as a Farmers Market. Mr. Fothergill stated if you look at the map of the uses today, he thinks it is clearly spot zoning if there is this one piece zoned commercial because there are no other commercial developments within a mile. He stated he would not be supporting this application.

Ms. Kimbrel stated she in good confidence cannot support this application due to the inconsistencies heard today. She stated she asks very in depth questions about cities community engagement processes and she cannot do that because a conversation was not had amongst the staff. Ms. Kimbrel stated given the inconsistency on the land use vision, confusion around the land use governments lack of information and lack of conversation it leaves her with a lot of uncertainty to really know what the land use vision is for this area.

Mr Reeds stated he agrees with Mr. Fothergill that it looks like spot zoning but a lot of time in 2017 was put into developing this Comprehensive Plan to call it spot zoning and he respectfully disagrees with Mr. Fothergill. Mr. Reeds stated regardless of what use was there the City of Sand Springs wanted this to be commercial and he will be supporting this application.

Mr. Ray stated on the agenda packet page 8.8 the red color area is under the Sand Springs Comprehensive Plan and is designated commercial. Mr. Ray stated while he doesn't believe spot zoning is a good idea he doesn't believe this is consistent with what he would define spot zoning because of the transportation system there. Mr. Ray stated if Sand Springs put it in their plan to be commercial that's what they wanted and he will be supporting the application.

Mr. Ritchey stated he wants to read into the record what CS zoning actually is. Mr. Ritchey stated he thinks as staff a better job could be done defining the different zoning designations. Mr. Ritchey stated according to zoning code, CS is primarily intended to accommodate convenience, neighborhood, community and regional shopping centers providing a range of retail and personal service uses. He stated the concerns of what can go in a CS district it can't be an oil company or some crazy thing that's going to change the appearance or the feel of your neighborhood. Mr. Ritchey stated to him it's a Farmers Market, It's a regional center. He stated he tries to not get hung up in the use if you're against marijuana or for marijuana to him it doesn't really matter it is a CS district where it's supporting a regional shopping center providing a range of retail and personal services.

Mr. Covey stated he is torn on this one half of him says Sand Springs Comprehensive Plan states commercial. He stated the other part of him looks around to the zoning that's there right now and there's not any commercial zoning anywhere to be found. Mr. Covey stated it's all AG or residential. He stated if we take Mr. Fothergill at his word there's no other commercial anywhere around. Mr. Covey asked is it an accident that Sand Springs did this just based on what was there in the past thinking that it was commercial. He stated he didn't know.

Commissioner Ray stated he has spent most of my life in local government and he would urge Commissioners not to believe that the City of Sand Springs in their process of developing a Comprehensive Plan accidentally let that go or overlooked it. He stated he understands what Mr. Covey is saying because the commercial designation is odd in this area but the traffic transportation plan and the infrastructure makes it an odd district but he would encourage Commissioners to defer to what Sand Springs wanted the area to be.

Mr Ritchey stated according to Google Maps it is point five miles from Whispering Vines Vineyard which I've been to and is a relatively large commercial operation. He stated a vineyard requires a lot of employees they have a tap room and a tasting room, they do private events. Mr. Ritchey stated he shares the neighborhoods concerns of traffic but he doesn't think it's the type of place where thousands of people are going to come all day every day.

Mr. Covey stated in the future he hopes on items similar to this that staff would reach out to the municipality and verify what they want in the area. Mr. Covey stated because he guesses because Sand Springs has it in their plan, he will be supporting the application.

TMAPC Action; 7 members present:

On **MOTION** of **REEDS**, TMAPC voted **5-2-0** (Covey, Ray, Reeds, Ritchey, Van Cleave, "aye"; Fothergill, Kimbrel, "nays"; none "abstaining"; Doctor, McArtor, Shivel, Walker, "absent") to recommend **APPROVAL** of rezoning from AG to CS for CZ-492 per staff recommendations.

Legal Description CZ-492:

Tract 1:

A part of the North Half of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (N/2 NW/4 NE/4 NE/4) and the Northwest Quarter of the Northeast Quarter of the Northeast Quarter of the Northeast Quarter (NW/4 NE/4 NE/4 NE/4) of Section 36, Township 19 North, Range 11 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S.

Government survey thereof, being more particularly described as follows:

Commencing at the Northeast Corner of the Northeast Quarter (NE/4) of said Section 36; thence South 89°40'58" West along the North line of said Section 36, a distance of 672.53 feet to the point of beginning; thence due South a distance of 24.75 feet; thence North 89°40'58" East a distance of 344.15' to a point on the East line of said NW/4 NE/4 NE/4 NE/4; thence North 00°35'49" West a distance of 24.75 feet to a point on the North line of Section 36; thence South 89°40'58" West along the North line of said Section 36 a distance of 343.89 feet to the point of beginning.

Tract 3:

A part of the south 1,320 feet of the East 839.29 feet of the Southeast Quarter of the Southeast Quarter (SE/4 SE/4) of Section 25, township Nineteen (19) North, Range Eleven (11) of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the US Government Survey thereof, being more particularly described as follows: Beginning at the Southeast corner of the SE/4 of said Section 25; thence due north along the East line of said SE/4 a distance of 299.22 feet to a point in the centerline of West 51st Street; thence North 82°35'51" West along said centerline a distance of 38.39 feet; thence Westerly along said centerline on a curve to the left, said curve having a central angle of 27°43'42" and radius of 442.94 feet, for an arc distance of 214.36 feet; thence continuing westerly along said centerline on a curve to the left, said curve having a central angle of 17°19'34" and a radius of 650 feet, for an arc distance of 196.56'; thence South 52°20'53" West along said centerline a distance of 84.69'; thence Westerly along said centerline on a curve to the right, said curve having a central angle of 18°37'41" and a radius of 650 feet, for an arc distance of 211.33'; thence due south a distance of 37.49 feet to the South line of said Section 25; thence North 89°40'58" East along said south line a distance of 672.53 feet to the point of beginning.

* * * * *

9. **CZ-493 Richard Peek** (County) Location: Southwest corner of Highway 51 and South 241st West Avenue requesting rezoning from **AG to IL** to allow light industrial uses (Originally scheduled for October 2, 2019)

STAFF RECOMMENDATION:
SECTION I: CZ-493

DEVELOPMENT CONCEPT: Applicant is requesting to rezone the property from AG to IL in order to permit indoor and outdoor storage and industrial space rentals. All uses permitted in Industrial Light zoning would be permitted with approval of CZ-493.

DETAILED STAFF RECOMMENDATION:

The IL District is designed to provide areas suitable for manufacturing, wholesaling, warehousing, and other industrial activities which have no objectionable environmental influences. Therefore, given the proposed use and context of the subject lot, IL zoning would be appropriate and would be non-injurious to the existing proximate properties and;

CZ-493 is consistent with the anticipated future development pattern of the surrounding property;

CZ-493 has vehicular access from South 241st West Avenue available for industrial uses, therefore;

Staff recommends Approval of CZ-493 to rezone property from AG to IL.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: This area is outside of the City of Tulsa Comprehensive Plan area. It is not located in an area where there is a Comprehensive Plan in place. It was never included in the Tulsa Metropolitan Area District Plans.

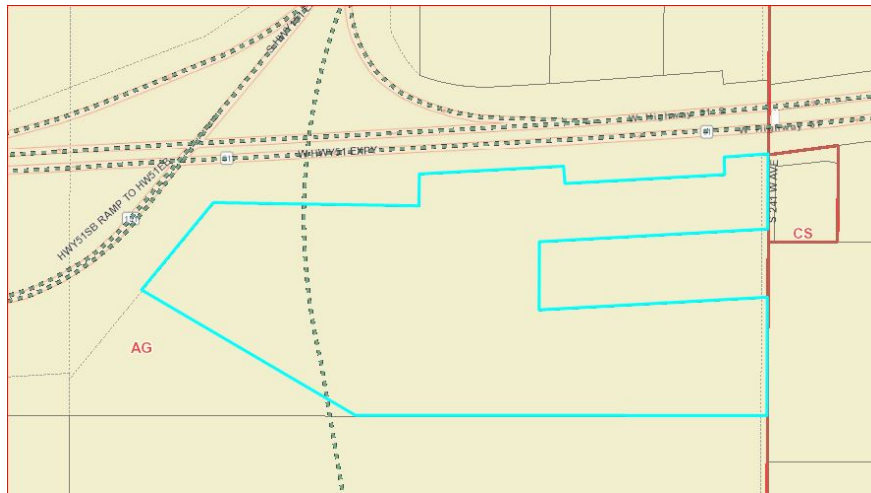
Land Use Vision:

Land Use Plan map designation: N/A

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: Highway 51 is a Primary Arterial and the Major Street and Highway Plan shows a planned Primary Arterial cutting through the west side of the subject property. These are often conceptual drawings and will be given consideration when going through the platting process.



Subject property showing a Primary Arterial crossing the west portion of the property.

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 has an earth change permit, issued March 4, 2019, to bring in dirt from a state project.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West Highway 51 Expressway	Primary Arterial	120 Feet	Divided highway with 2 lanes each direction

South Avenue	241 st	West	none	none	2 (road is gated)
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Utilities:

The subject tract has municipal water available and does not have sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG	n/a	n/a	Agricultural & Single-family
South	AG	n/a	n/a	Agricultural
East	CS & AG	n/a	n/a	Keystone Schools Baseball Field
West	AG	n/a	n/a	HWY 51

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: No Relevant History.

There were no interested parties wishing to speak.

TMAPC Comments:

Ms. Kimbrel stated staff doesn't have any future Land Use for this property.

Staff stated "correct".

Ms. Kimbrel asked if that is what this application is determining. She stated staff is saying the only anticipated future land similarities is based on the surrounding property.

Staff states "correct".

Applicant Comments:

The applicant stated he would like to put in indoor and outdoor storage on that piece of property and some small 3000 to 6000 square foot buildings for small industries. He stated he has the support from the neighbor to the east and the property behind him is AG. The applicant stated the Corp of Engineers is on the southwest. He stated he would have room for 4 different businesses. The applicant stated everything would be fenced and a 12-inch waterline has been installed. Fire hydrants will be installed and donated back to the City of Sand Springs.

TMAPC Action; 7 members present:

On **MOTION** of **REEDS**, TMAPC voted **7-0-0** (Covey, Fothergill, Kimbrel, Ray, Reeds, Ritchey, Van Cleave, "aye"; no "nays"; none "abstaining"; Doctor, McArtor, Shivel, Walker, "absent") to recommend **APPROVAL** of rezoning from AG to IL for CZ-493 per staff recommendations.

Legal Description CZ-493:

JAMES B. MARSHALL, PLS, SURVEY DATED 11-9-2013

"A TRACT OF LAND LYING IN THE NORTHEAST QUARTER (NE/4) OF SECTION 17, TOWNSHIP 19 NORTH, RANGE 10 EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, OKLAHOMA AND FURTHER DESCRIBED AS COMMENCING AT THE NORTHEAST CORNER OF SAID NE/4; THENCE S00°44'03"E ALONG THE EAST LINE OF SAID NE/4 FOR A DISTANCE OF 832.80 FEET TO THE POINT OF BEGINNING SAID POINT LYING ON THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY NUMBER 51; THENCE S00°44'03"E ALONG SAID EAST LINE OF THE NE/4 FOR A DISTANCE OF 1002.09 FEET; THENCE S88°50'33"W FOR A DISTANCE OF 1670.70 FEET TO THE EAST BOUNDARY OF KEYSTONE RESERVOIR BOUNDARY; THENCE N57°02'13"W ALONG SAID EAST BOUNDARY OF KEYSTONE RESERVOIR FOR A DISTANCE OF 823.19 FEET; THENCE N43°31'55"E ALONG THE SAID EAST BOUNDARY OF KEYSTONE RESERVOIR FOR A DISTANCE OF 588.36 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY NUMBER 51; THENCE N85°45'11"E ALONG SAID SOUTH RIGHT-OF-WAY LINE FOR A DISTANCE OF 1096.48 FEET; THENCE NORTHEASTERLY ALONG SAID SOUTH RIGHT-OF-WAY LINE ON A CURVE TO THE LEFT HAVING A RADIUS OF 21,650.93 FEET, WITH A CHORD BEARING AND DISTANCE OF N85°08'33"E, 101.55 FEET, HAVING AN ARC DISTANCE OF 101.55 FEET, THENCE S04°30'42"E ALONG SAID SOUTH RIGHT-OF-WAY LINE FOR A DISTANCE OF 60.00 FEET; THENCE NORTHEASTERLY ALONG SAID SOUTH RIGHT-OF-WAY LINE ON A CURVE TO THE LEFT HAVING A RADIUS OF 21,710.93 FEET, WITH A CHORD BEARING AND DISTANCE OF N84°28'35"E, 606.28 FEET, HAVING AN ARC DISTANCE OF 606.28 FEET; THENCE N08°05'42"W ALONG SAID SOUTH" (CONTINUING LEGAL DESCRIPTION BASED ON SURVEY PLAT DRAWING BY JAMES B. MARSHALL, PLS, DATED 11-9-2013) RIGHT-OF-WAY LINE FOR A DISTANCE OF 60.00 FEET; THENCE NORTHEASTERLY ALONG SAID SOUTH RIGHT-OF-WAY LINE ON A CURVE TO THE LEFT HAVING A RADIUS OF 21,650.93 FEET, HAVING AN ARC

DISTANCE OF 149.44 FEET, TO THE POINT OF BEGINNING, CONTAINING 43.6457 ACRES, MORE OR LESS.

LESS AND ACCEPT;

A TRACT OF LAND LYING IN THE NORTHEAST QUARTER (NE/4) OF SECTION 17, TOWNSHIP 19 NORTH, RANGE 10 EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, OKLAHOMA AND FURTHER DESCRIBED AS COMMENCING AT THE NORTHEAST CORNER OF SAID NE/4; THENCE S00°44'03"E ALONG THE EAST LINE OF SAID NE/4 FOR A DISTANCE OF 832.80 FEET TO A POINT LYING ON THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY NUMBER 51; THENCE S00°44'03"E ALONG SAID EAST LINE OF THE NE/4 FOR A DISTANCE OF 704.62 FEET TO THE POINT OF BEGINNING; THENCE S89°13'55"W FOR A DISTANCE OF 314.50 FEET; THENCE S00°41'15"E FOR A DISTANCE OF 299.61 FEET; THENCE N88°50'33"E FOR A DISTANCE OF 314.75 FEET; THENCE N00°44'03"W FOR A DISTANCE OF 297.47 FEET TO THE POINT OF BEGINNING, CONTAINING 2.15 ACRES, MORE OR LESS.

Item 10 and related item 11 were heard together.

10. **CZ-494 Alan Betchan** (County) Location: Northeast corner of East 106th Street North and North Memorial Drive requesting rezoning from **RE to RS** to permit a single-family subdivision (Related to 106th ~ Memorial)

STAFF RECOMMENDATION:

SECTION I: CZ-494

DEVELOPMENT CONCEPT: The applicant is requesting to rezone from RE to RS to permit a single-family subdivision that will be completed in several phases. Lots will need to be large enough to provide sewer systems on each lot and meet Oklahoma Department of Environmental Quality regulations but are smaller than RE Districts require for lot size.

Section 430, Table 3	RE	RS
Lot Width (Min. Ft.)	150	60
Lot Area (Min. SF)	22,500	6,900
Land area per dwelling unit (Min. SF)	26,250	8,400

Subdivision Statistics			
Phase 1 Subdivision contains 45 Lots in 6 Blocks			
Three Reserve Areas contain a total of 48.54 acres			
Block / Reserve	Size	Number of Lots	Average Size of Lots

Block 1	5.82 acres	10 Lots	25,352 sq. ft.
Block 2	13.20 acres	15 Lots	38,333 sq. ft.
Block 3	7.12 acres	12 Lots	25,846 sq. ft.
Block 4	1.32 acres	2 Lots	28,750 sq. ft.
Block 5	1.41 acres	2 Lots	30,710 sq. ft.
Block 6	2.45 acres	4 Lots	26,681 sq. ft.
Reserve Area "A"	0.59 acres		
Reserve Area "B"	1.27 acres		
Reserve Area "C"	5.03 acres		

DETAILED STAFF RECOMMENDATION:

CZ-474 is non injurious to the existing proximate properties and;

CZ-474 is consistent with the Tulsa County Land Use Plan in much of the proposed subdivision;

CZ-474 has lot sizes in Phase 1 that are only slightly smaller that those in RE zoning districts;

CZ-474 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends Approval of CZ-494 to rezone property from RE to RS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: This area is outside the City of Tulsa Comprehensive Plan area. It is located in the recently adopted Tulsa County Land Use Plan which is consistent with the Owasso Land Use Plan. As shown on the attached Future Land Use Map, Residential is recommended for the majority of the area. Commercial and Transitional land uses are recommended on the northeast corner of North Memorial Drive and East 106th Street North.

Land Use Vision:

Land Use Plan map designation:

Residential: The Residential category represents the most predominant character of development in Owasso. This category typically is comprised of single-family neighborhoods of varying lot sizes and represents the

lowest intensity of all the use categories. Dwelling unit densities within the Residential category generally range from 2 to 5 units per acre. In some locations, particularly the eastern portions of the fence line in Rogers County, density can be as little as 1 or fewer units per acre. Planned Unit Developments may also be found in the Residential land use category and may contain various intensities of residential housing. In most cases, the Residential use category is buffered from higher intensity uses such as Commercial with the Transitional use district.

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: North Memorial Drive and East 106th Street North are both designated as Secondary Arterials

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: Vacant land with agricultural landcover containing vegetation, ponds, and cleared spaces

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North Memorial Drive	Secondary Arterial	100 Feet	2
East 106 th Street North	Secondary Arterial	100 Feet	2

Utilities:

The subject tract has municipal water and sanitary sewer will be provided on each lot by homeowners.

Surrounding Properties:

Location	Existing	Existing Land	Area of	Existing Use
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	Zoning	Use Designation	Stability or Growth	
North	AG-R	Residential	N/A	Residential Single-family
East	AG	Residential	N/A	Large Lot Residential
South	RE/AG	Residential	N/A	Residential Single Family / Large Lot Residential
West	Agriculture	Agriculture	N/A	Agriculture

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Resolution number 182368 dated October 17, 2001 established zoning for the subject property.

Subject Property:

CZ- 286 August 2001: In a vote of 5-2-0, the board recommended the **denial** of a request for *rezoning* a 175± acre tract of land from AG to RS, recommending **approval** of RE *zoning*, on property located northeast corner and east of southeast corner of East 106th Street North and North Memorial. When those who voted nay were asked if they were indicating their approval for RS zoning, they stated that they did not approve of RS or RE zoning for CZ-286.

Surrounding Property:

CZ- 441 July 2015: All concurred in **approval** of a request for *rezoning* a 17.59± acre tract of land from AG to RE, on property located east of the southeast corner of East 106th Street North and North Memorial Drive.

CZ- 262 March 2000: All concurred in **denial** of a request for *rezoning* a 36± acre tract of land from AG to RS and approval of RE, on property located east of the southeast corner of East 106th Street North and North Memorial Drive.

11. **106th ~ Memorial** (County) Preliminary Plat, Location: Northeast corner of East 106th Street North and North Memorial Drive (Related to CZ-494)

STAFF RECOMMENDATION:

106th ~ Memorial - (County)

Northeast corner of East 106th Street North and North Memorial Drive

This plat consists of 45 lots, 5 blocks on 48.54 ± acres.

The Technical Advisory Committee (TAC) met on September 19, 2019 and provided the following conditions:

1. **Zoning:** Property included in the subdivision is currently under application to be rezoned to RS from the current RE designation. Proposed lots will require RS zoning prior to final plat approval.
2. **Addressing:** Label all lots with assigned addresses on final plat submittal. Addresses will be assigned by INCOG.
3. **Transportation & Traffic:** Provide clear boundary for right-of-way area being dedicated by plat and provide recording information for any previous dedications. Provide street names on final plat.
4. **Sewer/Water:** Rural water district will be required to provide a release prior to approval of the final plat. Department of Environmental Quality will be required to approve on-site sewage disposal systems.
6. **Engineering Graphics:** Submit subdivision data control sheet with final plat submittal. Update location map with all platted subdivision boundaries and label all other property "unplatted". Graphically show all pins found or set associated with this plat. Graphically label the point of beginning. Remove contours from final plat. Provide bearing angle from face of the plat under Basis of Bearing heading.
7. **Stormwater, Drainage, & Floodplain:** All drainage plans must comply with Tulsa County drainage standards and must be approved prior to the approval of the final plat. Any easements required for drainage must be shown on the final plat.
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 all other requirements of the Subdivision and Development Regulations.

TMAPC Comments:

Ms. Kimbrel stated this is under the Tulsa County Comprehensive Plan correct?

Staff stated it is under Tulsa County as it has been adopted from the City of Owasso.

Ms. Kimbrel asked if the City of Owasso had a Land Use Plan for this area. She asked if there were anything contradictory, from the Owasso Plan and the Tulsa County Plan

Staff stated "no".

Mr. Ritchey stated we're used to seeing the various RS 1,2,3 or 4 this is just RS is that an Owasso designation.

Staff stated its County.

Mr. Reeds stated looking at their Land Use Plan the southwest corner where staff has commercial and transitional and then comparing that to 11.5 of the agenda packet which is Owasso's developed proposed site plans there is no commercial on the corner.

Staff stated that is correct it is all part of the subdivision.

Mr. Reeds stated so the development that's proposed is contrary to the future Land Use Plan.

Staff stated that is correct. She called the planner for the City of Owasso to discuss that particular obstacle and they were fine going to all residential.

Applicant Comments:

The applicant stated he is asking for this change because of the shape of the property size and the elevation changes in the terrain. He stated there is a gas line that runs diagonal across the site and several streams that need to be preserved. The applicant is asking for a little bit of flexibility in order to make the shapes they need to meet the requirements.

Mr. Reeds stated on 11.5 of the agenda packet he sees the natural gas line cutting across the property. He asked the applicant if the reason he is not developing the subject property per the future land use plan of Owasso was because of the terrain. He asked if it is too steep a corner. Mr. Reeds stated the lower left corner is commercial and transitional and the applicant's proposal is all RS. Mr. Reeds stated he realizes that staff has talked to the City of Owasso but this being Memorial and 106th that's a future major intersection for Owasso. So he is amazed that Owasso would say you can do it all residential.

Herb Genatowski 8913 East 105th Street North, Owasso, OK 74055

Mr. Genatowski stated his property is located east of the proposed development, representing the Ranch Creek Homeowners Association. Mr. Genatowski stated he has a concern about the density to the lot sizes. He stated 150 foot lots does not really specify how big a lot is, most of the other lots are at least a half-acre. Mr. Genatowski stated the information the residents have indicated commercial is what is suppose to go on this corner and we've had no indication in the past of

that. Mr. Genatowski stated and there is no other commercial property within at least a mile or two of that area. It's also a dangerous area with the intersection Memorial and 106th Street. Mr. Genatowski stated another concern is ingress egress because there are a lot of curvy 2 land roads along this property. He stated there is a lot of water run-off causing additional flooding. Mr. Genatowski stated as far as he could tell he was the only one who received a notice of the development in his neighborhood and he did not receive any notice on item 11 that is related to this one. Mr. Genatowski stated the ditches along 106th Street are starting to fill up with silt and causing water run-off and he thinks the subject proposal will cause additional problems. Mr. Genatowski stated he doesn't think there is enough information in the proposal for Planning Commission to approve this today he thinks the neighbors need a better presentation from the engineers.

Mr. Reeds stated on page 10.2 of the agenda packet the average proposed lot size is 25,352 feet which is larger than a half-acre.

Matt Slaven 11028 North 92nd East Avenue, Tulsa, OK 74055

Mr. Slaven stated he owns the property directly east of the subject property. He stated this is the property with the downslope. Mr. Slaven stated he has a pond on his property that he has had for a quarter century that has a nice dock with a fire pit and he hangs out there all the time. He stated he is very concerned about the potential for runoff because that property feeds his pond. Mr. Slaven stated he is concerned about either wiping it out with the flood or drying it up by removing the water around it or polluting it so he can't fish anymore. He asked if there were any sort of assurances that this would be taken care of or prevented? Mr. Slaven stated he is not opposed to development he is opposed to having his property devastated by development.

The applicant stated he plans to preserve all the streams and Mr. Slavens pond will remain the same with the same flow.

TMAPC Comments:

Ms. Kimbrel asked staff if she could provide a short sentence about the differences between RS from RE zoning.

Staff stated the lot widths in RS typically have to be 60 feet minimum, RE is 150 feet minimum. The lot are in a RE district is 22,500 feet whereas RS is 6900 feet. Staff stated it's more dense in RS than it is in RE.

Mr. Fothergill asked if this is zoned RS what prevents the applicant from making this 60 foot lot widths and 6900 minimum lot size.

Staff stated currently Planning Commission is approving phase one and the plat will come before them.

Mr. Fothergill stated there is not a plat at this moment.

Staff stated what will automatically kind of regulate is going to be the sewer system has to be according to the Department of Environmental Quality.

Mr. Fothergill stated but we don't take that into consideration when we're doing zoning. Mr. Fothergill stated if we zone it RS and they get some waiver from DEQ, or they somehow get sewer they could do 60 foot lots with 6900 square foot lots. He asked if there was a way to do an optional development plan on this or a PUD?

Staff stated in the County staff could look at a PUD.

Mr. Fothergill stated he would not feel comfortable without some kind of reassurance because as you know, plans are just that they change all the time. He stated if this is zoned CS and something happens and they decided to do smaller lots, this creates a very big problem.

Mr. Reeds stated if I'm going to be consistent with the last case he would have to oppose this application because it's contrary to the City of Owasso Comprehensive Plan.

Mr. Covey stated he agrees with Commissioner Reeds that if he is going to be consistent with how he voted on Item 8 he would support the Tulsa County Comprehensive Plan that has been approved by Owasso. Mr. Covey stated this property calls for commercial that is what the Comprehensive Plan calls for so he will be voting against this item

Mr. Ritchey stated he is going to disagree with Mr. Reeds and Mr. Covey based on the rights of the landowner and assuming this person has owned this parcel for however long, what do we expect them to do develop all of this parcel except for a corner. Mr. Ritchey stated If you look at the Google Maps and zoom out a little bit all the other neighborhoods go all the way to the road, and he understands those are existing neighborhoods but he doesn't think it's strange for 106th and Memorial to have a larger lot neighborhood going all the way to the major street. Mr. Ritchey stated he would rather see this continued so that they could get a some sort of development plan to assure that there's going to be larger lots out there. He stated that's the bigger concern for him.

Mr. Fothergill stated he will not be supporting this application simply because there are no guarantees that if we give them RS that those will be the larger size lots.

Mr. Ray stated this is conflicting for him also but the single difference that he see's here is that staff contacted the Owasso staff who represented the City of Owasso's position to TMAPC staff. Mr. Ray stated he is not opposed to down

zoning that corner at all. He stated he thinks it's short sighted on the developer's part by not looking at the future of their investment, but that's not my property and it's not my investment.

Mr. Ritchey stated he is concerned procedurally if this is denied are they just out of luck or can we allow someone the opportunity to withdraw their application to talk with staff further.

Mr. Covey stated the item could be continued.

TMAPC Action; 7 members present:

On **MOTION** of **WALKER**, TMAPC voted **7-0-0** (Covey, Fothergill, Kimbrel, Ray, Reeds, Ritchey, Van Cleave, "aye"; no "nays"; none "abstaining"; Doctor, McArtor, Shivel, Walker, "absent") to **CONTINUE** CZ-494 rezoning and Preliminary Plat 106~Memorial to November 20, 2019 per applicant's request.

12. **Z-7498 Malcolm Rosser** (CD 6) Location: South of the southeast corner of East 11th Street South and East Skelly Drive rezoning from **CS to IL with optional development plan** to permit a mixed-use facility (Continued from September 18, 2019)

STAFF RECOMMENDATION:

SECTION I: Z-7498

DEVELOPMENT CONCEPT: The applicant is proposing to rezone from CS to IL with an optional development plan in order to permit a mixed-use facility within the designated area of the subject lot. The proposed uses would include office, retail shopping outlets and storefronts, a medical marijuana grow facility and a higher end hotel, with the intention of making the property a destination for medical marijuana conventions and classes.

The subject lot is contained within an area designated by the City of Tulsa Comprehensive Plan as an area of Employment, which would support the proposed IL zoning, particularly with the proposed optional development plan incorporated.

The requested IL zoning will be limited to the portions of the lot illustrated on the attached redlined aerial and defined by the legal descriptions provided by the applicant.

SECTION II: OPTIONAL DEVELOPMENT PLAN STANDARDS

The optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in an IL district with its supplemental regulations except as further refined below. All uses categories, subcategories or specific uses and residential building types that are not listed in the following permitted uses categories are prohibited:

PERMITTED USE CATEGORY

- A) RESIDENTIAL (see allowed residential building types below)
 - Household Living
 - Single household
 - Two households on a single lot
 - Three or more households on single lot

- B) PUBLIC, CIVIC, AND INSTITUTIONAL
 - Safety Service
 - Utilities and Public Service Facility (minor)
 - Wireless Communication Facility (includes all specific uses)

- C) COMMERCIAL
 - Animal Service (includes all permitted specific uses)
 - Broadcast or Recording Studio
 - Commercial Service (includes all permitted specific uses)
 - Financial Services (includes all permitted specific uses)
 - Funeral or Mortuary Service
 - Lodging (includes all permitted specific uses except Bed & Breakfast)
 - Office (includes all specific uses)
 - Parking, Non-accessory
 - Restaurant
 - Retail Sales (includes all permitted specific uses)
 - Studio, Artist, or Instructional Service
 - Trade School
 - Vehicle Sales and Service
 - Fueling Station
 - Personal vehicle repair and maintenance
 - Vehicle part and supply sales

- D) WHOLESALE, DISTRIBUTION AND STORAGE
 - Warehouse
 - Wholesale Sales and Distribution

- E) AGRICULTURAL
 - Community Garden
 - Farm, Market or Community-supported
 - Horticulture Nursery

- F) OTHER
Off-Premise Outdoor Advertising Signs

DETAILED STAFF RECOMMENDATION:

IL zoning with an optional development plan is compatible with the Comprehensive Plan;

IL zoning with an optional development plan would be non-injurious to the surrounding proximate properties;

IL zoning with an optional development plan would be consistent with the expected development in the area;

IL zoning will be limited to the portions of the lot illustrated on the attached redlined aerial and defined by the legal descriptions provided by the applicant.

Staff recommends approval of Z-7498 to rezone the defined portions of the property from CS to IL with an optional development plan.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The subject lot is located within an Area of Employment and an Area of Growth.

Land Use Vision:

Land Use Plan map designation: Employment

Employment areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity.

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

Areas of Stability and Growth designation: Area of Growth

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

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

Transportation Vision:

Major Street and Highway Plan: E Skelly Drive is designated as a Residential Collector

Trail System Master Plan Considerations: None

Small Area Plan: East Tulsa Phase I

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is currently occupied by a former hotel structure.*

Environmental Considerations: A small portion of the SW corner of the site is located within FEMA Zone AE Floodplain. It appears the existing building, which is to be utilized for this proposal is outside of that floodplain.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
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E Skelly Drive	Residential Collector	60 Feet	3
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Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	CS	Employment	Growth	Restaurants
South	CS/RM-1	Employment/Park and Open Space	Growth/Stability	Vacant/Drainage
East	CS/RS-2	Employment	Growth	Warehouse/Church
West	RS-3	N/A	N/A	I-44

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11817 dated June 26, 1970 established zoning for the subject property.

Subject Property:

BOA- 17399 June 1996: The Board of Adjustment **approved** a *variance* of the maximum allowed surface area for a sign from 468 SF to 519.88 SF permit **additional signage a medical marijuana** dispensary on property located at 11620 East Skelly Drive.

BOA- 16294 April 1993: The Board of Adjustment **approved** a *variance* of the maximum sign height from 50' to 60' to permit the alteration of an existing ground sign, on property located at 11620 East Skelly Drive.

BOA- 16274 February 1993: The Board of Adjustment **approved** a *variance* of the 10' setback from the freeway to permit the alteration of the existing ground sign, finding that the sign structure has been at the same location for 15 years, and that only the sign face will be changed, with the size and height remaining the same, on property located at 11620 East Skelly Drive.

BOA- 7393 April 1972: The Board of Adjustment **approved** a *variance* to permit erecting a pole sign 60' high in a CS District, subject to a plot plan, on property located at 11720 East 11th Street.

Surrounding Property:

BOA- 22703 August 2019: The Board of Adjustment **accepted** the applicant's *verification of spacing* to permit a medical marijuana dispensary, on property located at 11730 East 11th Street South.

BOA- 21620 September 2013: The Board of Adjustment **approved** the request for *Special Exception* to allow an auto auction use in a CS District, per conceptual site plan, on property located 11910 East 11th Street South.

BOA- 20852 February 2009: The Board of Adjustment **approved** the applicant's *verification of spacing* between outdoor advertising signs, on property located at 11320 East Skelly Drive.

BOA- 20280 June 2006: The Board of Adjustment **approved** the applicant's *verification of spacing* requirement of 1200 feet from another outdoor advertising sign, on property located at 11520 East Skelly Drive South.

BOA- 19181 August 2001: The Board of Adjustment **approved** the request for *Special Exception* to allow an auto repair use in a CS District, with the conditions for days and hours of operation to be Monday through Friday, 8:00 a.m. to 6 p.m., that no cars for repair be stored for more than 48 hours, and meet all screening and landscaping requirements, finding that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on property located 3165 South Mingo Road.

TMAPC Comments:

Mr. Covey asked staff if they were getting to the IL zoning through the optional development plan.

Staff stated "yes" without it there would be too many open uses.

Mr. Covey stated so the optional development plan is narrowing the uses down to very specific exactly uses and that's how you're getting IL zoning

Ms. Kimbrel stated the optional development plan narrows the uses and that means the applicant must be consistent with those uses.

Staff stated "yes" the applicant will have to stay within those restrictions.

Applicant Comments:

The applicant stated the property is the former Oak Tree Hotel at I-44 and 11th Street. He stated his client purchased it in July of this year. The applicant stated at that time it was distressed property and the hotel had closed. The applicant stated before closing a few rooms were operating and it was well known in the neighborhood and to the Tulsa Police Department as a problem property. There was prostitution, drugs, violent crime and the owners had been cited for several code violations and at one point almost shut down. The applicant stated the property has now been completely vacated and his clients have been putting together a plan to redevelop it into a multi-use facility including office retail storefronts, residential as well as a medical marijuana grow facility. Their long-term concept is this property would become a destination for among other things, medical marijuana conventions. The grow facility would not only produce income but would be in essence a demonstration lab for those conventions and classes. The applicant stated one thing to note is that the entire growing process is required by law to be within an enclosed building. The applicant stated the property is currently zoned CS and medical marijuana growing is an agricultural use. So that's the reason for the requested change in zoning. He stated to avoid all the other potential industrial uses that could come along with that we're agreeing to the optional development plan that in essence allows only one industry use and that would be medical marijuana growing. This avoids the other objectionable industrial uses. The applicant stated his clients have reached out to the neighbors in the area, they have had meetings with the neighbors and its safe say that most of the neighbors are in support of this. He believes one of them might be here today to speak. The applicant stated they have also met quite a few times with the City, including Councilor Dodson and Code Enforcement folks and are working closely with them. He stated he can safely say that there is support generally from the City for them to do this. The applicant stated page 12.12 in the agenda packet shows the overall area outlines in red that the applicant is requesting be rezoned. The applicant stated they would like a little more flexibility in the industrial use. He stated the aerial Exhibit A-2 he distributed to the Planning Commissions today depicts the area he is seeking to zone IL. A lot of it will be parking. The applicant stated in terms of the building use itself it would extend more toward the front roof of the building but still wouldn't be the entire set of buildings. He stated this would be a good development for the area and certainly takes a blighted property and turns it around and makes a good use of it. So he would request that the Planning Commission recommend approval of the rezoning that the applicant proposed on the hand-out Exhibit A-2.

Mr. Reeds asked how many jobs would be created if approved.

The applicant stated there will be more and better jobs than there are right now.

Mr. Fothergill stated page 12.12 in the agenda packet was the original request for IL zoning.

The applicant stated "yes", it was something that was put together very quickly.

Mr. Fothergill stated and now the area has been doubled.

The applicant stated it's hard to tell because the way that the parking is included.

Mr. Fothergill stated on page 12.2 the applicant listed some other services they wanted to keep under the permit and use category, such as animal service.

The applicant stated they tried to preserve most of the uses that are allowed in the current zoning which is CS. He stated he believes most but not all of these uses are currently allowed under the existing CS zoning. The applicant stated staff may know more about that, but the goal was to continue the existing CS zoning and do IL where it is just sufficient to allow the medical marijuana grow facility to be included.

Mr. Fothergill stated it may be his ignorance but he doesn't see where IL is listed as a permitted use category. He asked if it was the warehouse and distribution category.

The applicant stated the particular use is on page 12.3 of the agenda packet, Section E, horticultural nursery is the actual use of a marijuana grow facility

Mr. Fothergill stated that's the IL part. He asked if the warehouse, sales and distribution is IL as well.

Staff stated "yes".

Mr. Fothergill asked if the applicant was asking for that as well or can that be portioned out and just use the agricultural horticultural nursery. He stated his fear is in two or three years this boom on medical marijuana is gone and we have this large industrial zoned lot that now can be a warehouse and warehouse sales and distribution which is not the intent of the application as far as he can tell. But he stated he has to look out in perpetuity on this property and what can happen. Mr. Fothergill stated would the applicant be willing to take that out of the proposal.

The applicant stated he thinks some of that use is necessary for the grow facility in the sense that once the product is grown you're going to have to warehouse it before you ship it out. He stated maybe that use can be limited to the horticulture nursery activity.

The applicant stated that would be fine.

Staff stated he tried to make sure that any other industrial uses as defined in the Zoning Code would be limited and not allowed at this site. He stated the

underlying zoning is simply for the fact that it was required for the horticultural nursery and that's what drove the IL zoning.

Mr. Fothergill asked the applicant of the buildings that aren't covered in the Tanner Consulting Exhibit A-2 what are the intentions of those.

The applicant stated that is the plans for the wing that faces I-44 and that would include a retail strip mall with offices or perhaps residential included. He stated behind that to the southeast there could be additional residential lofts or office or a combination of those things as was anticipated. The applicant stated of course, those same uses as well as a restaurant use could also be in the IL area. The northwest portion of the structures will certainly be for a restaurant type of use and of course a hotel. He stated although the number of rooms will not be anywhere near what it is right now it will be much smaller.

Interested Parties:

Tim Borgmann 7815 South Memorial Drive

Mr. Borgmann stated he supports this application. He stated he is one of the friendly neighbors. If you look at exhibit A-2 his partners location is in the top right corner. Mr. Borgmann stated he has been developing that property for about the last six months and has been open for business as a medical marijuana dispensary for three weeks. He stated during the entire development he had trash thrown around the property and John's dropping off their women or attempting to pick them up on Mr. Borgmanns property. There were break ins behind the property at a caster company and the donut factory. The applicant stated when they finally got to the point in the development to install security camera systems a lot of that ended but it compelled the caster company to also put up security cameras. The applicant stated when the doors were recently opened for business they were the first 24 hour dispensary in Tulsa. Channel 8 news came out and made a point of using this subject property to point out why we were out of our minds because it was so dangerous. The applicant stated there was so much revenue being wasted there before this property purchase and now the Police doesn't have to spend as much time on this three or four block area between the QuikTrip and the other hotels that are further west and this subject property. Mr. Borgmann stated from the moment that the purchase went through and the evictions were enforced the illegal activity stopped. It has already made the neighborhood better and there have been no further break ins. Mr. Borgmann stated they believe that just in the nature of everything that the applicant has to work out with zoning, it's incredibly beneficial to the neighborhood with jobs and tax revenue but also with security to a portion of town that needs it.

Edward Sabrel 6008 Muirfield Drive, Edmond, Oklahoma 73025

Mr. Sabrel stated he acquired this property as part a larger transaction with previous owners. He stated he was not familiar with the area and following the purchase he found out that the property is in an economically very depressed zone. Mr. Sabrel stated the median income is low and it's a high crime area. He stated this particular property is or has been historically blighted and regular lenders who are normally more than eager to provide funding with any development, will not touch this property with a 10-foot pole. So, he had to come up with a creative way of generating revenue in order to redevelop the entire property. Mr. Sabrel stated the approximate cost of the development of this property is about \$5 million which the banks are not willing to lend. He stated the thought process was to use the grow facility as a cash generating vehicle to develop the two things that are going to be retail and the hotel. Mr. Sabrel stated then eventually to address the Commissioners concerns by turning the industrial portion back into condos, hotel and commercial property. Mr. Sabrel stated it is something that just takes time and revenue which he didn't have and quite frankly because of the location of the property it's something that the financial markets are not available to do anything it's this or nothing. He stated the reason for the slightly bigger footprint than originally submitted in the application was that following the zoning request for approval of the two buildings on the back end of the property, he was so pleased with the reception that he got from the community that he discussed it with some of the people who were trying to do a project in Oklahoma City, and convinced them to come and partner up here in Tulsa. He stated that is why he asked for the larger footprint so he can potentially bring in other people. Mr. Sabrel stated he has been in touch with the Health Department, Police and the Fire Department and the reception was sufficiently welcoming. Mr. Sabrel stated hopefully this will speed up the process in renovating. He stated he is anticipating that this is going to be over within the next two years and he hopes this will help property values in the entire area.

TMAPC Action; 7 members present:

On **MOTION** of **REEDS**, TMAPC voted **7-0-0** (Covey, Fothergill, Kimbrel, Ray, Reeds, Ritchey, Van Cleave, "aye"; no "nays"; none "abstaining"; Doctor, McArtor, Shivel, Walker, "absent") to recommend **APPROVAL** of rezoning from CS to IL for Z-7498 with an optional development plan on the property depicted on exhibit A-2 that was presented at meeting with the revision to the optional development plan that the warehouse sales and distribution be limited to the horticultural nursery use.

Legal Description Z-7498:

A TRACT OF LAND THAT IS A PART OF LOT ONE (1), BLOCK ONE (1), "SHO-ME ADDITION", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 3446), SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE ALONG THE NORTHERLY AND EASTERLY LINES OF SAID LOT 1 THE FOLLOWING FOUR COURSES; NORTH 89°01'44" EAST FOR A DISTANCE OF 280.88 FEET; THENCE SOUTH 1°07'06" EAST FOR A DISTANCE OF 100.00 FEET; THENCE NORTH 89°47'30" EAST FOR A DISTANCE OF 140.00 FEET; THENCE SOUTH 1°07'06" EAST FOR A DISTANCE OF 297.07 FEET; THENCE SOUTH 88°46'55" WEST FOR A DISTANCE OF 26.06 FEET; THENCE NORTH 69°12'45" WEST FOR A DISTANCE OF 126.64 FEET; THENCE NORTH 62°54'12" WEST FOR A DISTANCE OF 51.20 FEET; THENCE NORTH 27°05'48" EAST FOR A DISTANCE OF 17.80 FEET; THENCE NORTH 62°54'12" WEST FOR A DISTANCE OF 359.77 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 1; THENCE NORTH 27°01'46" EAST FOR A DISTANCE OF 161.98 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 119,754 SQUARE FEET OR 2.749 ACRES.

THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM 1983 (NAD83); SAID BEARINGS ARE BASED LOCALLY UPON FIELD-OBSERVED TIES TO THE FOLLOWING MONUMENTS:
(1) 3/8" IRON PIN FOUND AT THE NORTHWEST CORNER OF LOT 1, BLOCK 1, "SHO-ME ADDITION";
(2) 3/8" IRON PIN FOUND AT THE NORTHEAST CORNER OF LOT 1, BLOCK 1, "SHO-ME ADDITION";
THE BEARING BETWEEN SAID MONUMENTS BEING NORTH 89°01'44" EAST.

* * * * *

13. **Z-7500 John Madden** (CD 9) Location: East of the northeast corner of East 30th Street South and South Harvard Avenue requesting rezoning from **RS-3 and CH to CH with optional development plan** limiting uses and providing site design standards (Originally scheduled for October 2, 2019)

STAFF RECOMMENDATION:
SECTION I: Z-7500

DEVELOPMENT CONCEPT:

J. Madden Homes plans to use the property as their business office. The optional development plan covers two lots. The west lot (part of Block-2 Kirkmore Second Addition) is zoned CH and does not require rezoning. The east lot (Lot-7, Block 3 Bellaire Heights Addition) requires rezoning for the proposed development. Both lots are included in the development plan

guidelines for an integrated solution for future site development. The planned development of this site includes a new building in the north end of the west lot, a fenced area on the east lot with a low impact development standards for site development throughout.

SECTION II: OPTIONAL DEVELOPMENT PLAN STANDARDS:

GENERAL PROVISIONS:

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

PERMITTED USES:

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

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

PERMITTED RESIDENTIAL BUILDING TYPES:

- A. Household Living
 - a. Single household
 - i. Townhouse
 - ii. Mixed-use building
 - iii. Vertical mixed-use building

VEHICULAR ACCESS:

- A. A single point of vehicular access is allowed within the development area frontage on East 30th Street South with a maximum width of 25 feet.
- B. The east curb of the access drive must be a minimum of 30 feet from the east line of lot 7.

LOT AND BUILDING REGULATIONS:

Minimum building setbacks from East 30th Street South shall be 25 feet from the lot lines as they exist with this application.

LANDSCAPE AND SCREENING:

- A. Landscaping shall be installed and maintained as approved through the alternative compliance landscape plan process identified in the zoning code. The plan shall conform to the conceptual plan included in this packet. The landscaping shall be installed prior to receipt of any occupancy permit.
- B. Fencing along the north and east lot line of lot 7 shall be a screening fence with wood or masonry construction and a minimum height of 6 feet and a maximum height of 9 feet.
- C. Masonry screening if used shall be constructed of a material similar to the principal building.
- D. Outdoor equipment and materials storage shall be screened from abutting residential and office lots.
- E. All outdoor equipment and materials storage shall be on an all-weather surface.

SIGNAGE:

All signage is prohibited except as may be allowed in an OL district.

LIGHTING:

- A. Outdoor lighting shall not exceed 16 feet in height.
- B. All lighting shall be pointed down and away from abutting residentially zoned lots
- C. Pole mounted light fixtures shall not be closer than 25 feet from the east line of lot 7.

DUMPSTER AND TRASH COLLECTION:

Dumpsters, collection boxes and any other trash collection shall be set back from the south lot line a minimum of 100 feet and at least 25 feet from the east line of lot 7.

BUILDING DESIGN:

- A. Maximum building height shall not exceed 35 feet.

DETAILED STAFF RECOMMENDATION:

Z-7500 requesting CH zoning with the optional development plan as outlined in Section II is consistent with the Mixed-Use Corridor and Main Street land use designation of the Tulsa Comprehensive Plan and,

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

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

Staff recommends Approval of Z-7500 as outlined in Section II above.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: This site abuts the west edge of an existing neighborhood. The development standards provide screening, and development limitations beyond what is required in the zoning code. CH zoning along with the use and development standards as identified in Section II are consistent with the land use designation of the Tulsa Comprehensive Plan.

Land Use Vision:

Land Use Plan map designation: Mixed-Use Corridor on east lot, Main Street on west lot

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.

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: 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 existing property includes an office building with asphalt parking

Street view from southeast corner looking northwest:



Environmental Considerations: None that would affect site re-development

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 30 th Street South	None	50 feet	2 lanes

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	CH and RS-3	Main Street and Mixed-Use Corridor	Growth	Office parking lot and vacant lot
East	RS-3	Existing Neighborhood	Growth	Single family residential
South	CH and OL	Town Center	Growth	Warehouse building and Parking Lot
West	CH	Main Street	Growth	Office uses

SECTION IV: Relevant Zoning History

History: Z-7500

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

Subject Property:

BOA- 14677 December 1987: The Board of Adjustment **approved** a request for *Use Variance* to allow for both an air conditioner repair shop and off-street parking in an RS-3 zoned district, on property located at 3322 East 30th Street.

Surrounding Property:

BOA- 3729 November 1961: The Board of Adjustment **approved** a request for permission to operate a home beauty shop in a U-1-C District, on property located on Lot 10, Block 6, Bellaire Heights Addition.

The applicant indicated his agreement with staff’s recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **REEDS**, TMAPC voted **7-0-0** (Covey, Fothergill, Kimbrel, Ray, Reeds, Ritchey, Van Cleave, “aye”; no “nays”; none “abstaining”; Doctor, McArtor, Shivel, Walker, “absent”) to recommend **APPROVAL** of rezoning from RS-3 and CH to CH with an optional development plan for Z-7500 per staff recommendations.

Legal Description Z-7500:

E 52 S 135 BLK 2, KIRKMOORE SECOND ADDN; LT 7 BLK 3, BELLAIRE HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

14. **Z-7501 William Kerr** (CD 3) Location: Northwest corner of East Tecumseh Street and North Fulton Avenue requesting rezoning from **CH to IL** to permit light industrial uses (Originally scheduled for October 2, 2019)

STAFF RECOMMENDATION:

SECTION I: Z-7501

DEVELOPMENT CONCEPT: The applicant is proposing to rezone from CH to IL to permit general light industrial uses on the subject lots.

The proposed light industrial uses would be buffered by a 75 ft setback from R and AG zoned properties. For most IL uses, excluding agricultural uses, they are also required F1 screening along lot lines in common with R and AG zoned properties. F1 screening consists of a 6 ft high screening fence along with trees spaced at 25 ft O.C. or a 6 ft high masonry wall.

DETAILED STAFF RECOMMENDATION:

Z-7501 allows uses that are non-injurious to surrounding proximate properties;

Z-7501 is consistent with the anticipated future development pattern of the surrounding property;

Z-7501 is consistent with the Main Street land use designation of the Comprehensive Plan, therefore;

Staff recommends **Approval** of Z-7501 to rezone property from CH to IL.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The subject lots are located within the Main Street Land Use designation as well as both the Area of Growth and Area of Stability designations.

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, Area of Stability

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.

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. 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: E Tecumseh St is designated 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 contains a former small storage lot and masonry building.

Environmental Considerations: None

Streets:

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

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-4	Existing Neighborhood	Stability	Vacant
South	CH	Main Street	Growth	Vacant
East	RM-1/CH	Main Street	Growth	Salvage Yard
West	IL/RS-4	Main Street/Existing Neighborhood	Growth/Stability	Industrial

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 23916 dated May 19, 2018 established zoning for the subject property.

Subject Property:

Z-7437 April 2018: All concurred in **approval** of a request for *rezoning* a 0.31± acre tract of land from RS-4 to CH on property located north of the northwest corner of North Fulton Avenue and East Tecumseh Street.

BOA- 4770 September 1964: The Board of Adjustment **approved** a request for permission to operate a light machine shop in a U-3-E District, on property located on East 88 feet of Lots 10, 11, 12 Block 27, O.T. of Dawson.

Surrounding Property:

No Relevant History.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **RITCHEY**, TMAPC voted **7-0-0** (Covey, Fothergill, Kimbrel, Ray, Reeds, Ritchey, Van Cleave, "aye"; no "nays"; none "abstaining"; Doctor, McArtor, Shivel, Walker, "absent") to recommend **APPROVAL** of rezoning from CH to IL for Z-7501 per staff recommendations.

Legal Description Z-7501:

S 22 LT 5 ALL LT 6 BLK 27; LTS 7 8 BLK 27; LTS 9 THRU 12 BLK 27, DAWSON AMD (ORIGINAL TOWNSITE), City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

15. **Z-7502 Brian Carbajal Carranza** (CD 3) Location: South of the southeast corner of Dawson Road and North Harvard Avenue requesting rezoning from **RM-2 and CS to IL** to permit a medical marijuana cultivation facility

STAFF RECOMMENDATION:

SECTION I: Z-7502

DEVELOPMENT CONCEPT: The applicant is proposing to rezone from RM-2/CS to IL in order to permit a medical marijuana cultivation facility on the subject lots.

The proposed facility will be required to follow all city and state requirements for a medical marijuana cultivation facility. The City of Tulsa zoning code requires the facility to be indoors with an air filtration / ventilation system installed that prevents odors from being detected from outside the boundaries of the lot. An

electronic security system and surveillance camera are also required to be installed.

DETAILED STAFF RECOMMENDATION:

Z-7502 allows uses that are non-injurious to surrounding proximate properties;

Z-7502 is consistent with the anticipated future development pattern of the surrounding property;

Z-7502 is consistent with the Employment land use designation of the Comprehensive Plan, therefore;

Staff recommends **Approval** of Z-7502 to rezone property from RM-2/CS to IL.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is located within the Employment Land Use and Growth designation of the City of Tulsa Comprehensive Plan.

Land Use Vision:

Land Use Plan map designation: Employment

Employment areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity.

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

Areas of Stability and Growth designation: Area of Growth

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or

redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

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

Transportation Vision:

Major Street and Highway Plan: N Harvard Ave is designated as a Secondary Arterial and Multi-Modal Corridor.

Trail System Master Plan Considerations: None

Small Area Plan: Sequoyah Neighborhood Implementation Plan

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site contains an auto body shop and small car lot.*

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
N Harvard Ave	Secondary Arterial	100 Feet	4

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RM-2/CS	N/A	N/A	Railroad ROW
South	RM-2	Employment	Growth	Community Center
East	RM-2	Employment	Growth	Single Family
West	IM	Employment	Growth	Industrial

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11809 dated June 26, 1970 established zoning for the subject property.

Subject Property:

BOA-22093 June 2016: The Board of Adjustment **approved** a *Special Exception* to permit used car sales in the CS District; a *Variance* to allow outdoor storage and display of merchandise within 300 feet of the abutting R District, subject to conceptual plan, on property located 1307 North Harvard Avenue East. Additionally:

1. Although the conceptual plan designates an auto paint area there is no approval for the painting of vehicles on the subject property.
2. The Board approved a maximum of 20 cars for sale on the subject property excluding the customer parking.
3. There are no inoperable vehicles.
4. There is to be no auto repair work performed on the vehicles outside.
5. There is to be no tires stored outside.
6. The applicant must meet the Section 55.090 for the parking standards required.
7. The approval for the Special Exception and Variance is for a period of 10 years from today's date, expiring on June 28, 2026.

BOA-21040- A March 2011: The Board of Adjustment **approved** a *Special Exception* to permit automotive repair and mechanical repair in a CS district; and a *Modification of Conditions* to a previous approval to #1 and #2 permit mechanical repair, #7 permit limited outside storage of tires, #8 eliminate or amend the condition to asphalt or concrete the gravel on the most southernly building 1307, #10 to modify the time limitation; and amend the site plan, on property located 1307 and 1315 North Harvard Avenue. Specifically, the board is modifying the earlier decision of March 23,2020 as follows:

1. Permitting by Special Exception auto body repair and painting under Use Unit 17, no other Use Unit 17 activities are authorized. The Special Exception does not include the sale of automobiles. It is to permit auto body painting within 150'-0" of R zoned land, it is noted that approximately 94 feet of the R zoned land is under common ownership.
2. The Special Exception to modify the screening requirement on all the east and south property lines is modified as follows: the Board understands that an eight foot board fence has been constructed. That any storage of tires shall not exceed a height of eight feet, and that any such tires on racks shall be screened from the R zoned property to the south.
3. All driving and parking surfaces around the building to the south, north, and back will be asphalt or concrete.
4. There shall be no outside storage of batteries or other implements.
5. The gravel around the most southerly building, 1307 North Harvard, shall be covered with concrete or asphalt if it is intended for use as a driving or parking surface.
6. The Board reiterates that no damaged vehicles shall be parked on the lot for more than 30 days.
7. The Board is modifying the approval on all Special Exceptions and the Variance and specifying it shall remain in effect for a six-year period, from March 23, 2010 to March 22, 2016.

8. The hours of operation for either body work, tire shop, or mechanical work shall be 7:00 a.m. to 7:00 p.m.

BOA-21040 March 2010: The Board of Adjustment **approved** a *Special Exception* to permit auto body repair and painting in a CS district; a *Special Exception* to permit auto body painting on a lot within 150 feet of an R zoned land; a *Special Exception* to modify the screening requirement along the east and south property lines, and a *Variance* to permit open-air storage within 300 ft. of an adjoining R district to the east, on property located 1307 and 1315 North Harvard Avenue with the following conditions:

1. The special exception is permitting auto body repair and painting only under Use Unit 17.
2. This special exception does not include mechanical repair or the sale of automobiles.
3. This special exception is to permit auto body painting within 150ft. of R zoned land, it is noted that approximately 94 feet of the R zoned land is under common ownership.
4. The special exception to modify the screening requirement along the east and south property lines; the Board is modifying this and providing for an 8ft. board fence along the R zoned property from the southeast corner of the combined properties along the east boundary approximately 180 ft. or at least beyond the existing gate in the chain link fence.
5. The R zoned land and the garage /storage building in the southeast corner cannot be used for commercial purposes (i.e. the body shop and painting business).
6. All driving and parking surfaces around the building the south, north, and back particularly will be asphalted or concrete.
7. There should be no outside storage of batteries, tires, or other such implements on the lot.

8. The gravel on the most southerly building 1307 specifically shall be asphalt or concrete.
9. No damaged vehicles shall be parked on the lot for more than thirty days.
10. This approval on all the special exceptions and the variance shall remain in effect for a three-year period from March 23, 2010.

BOA-7237 December 1971: The Board of Adjustment **determined** that the use as presented is found in Use Unit 17, Automotive and Allied Activities, and approved an Exception to permit operating a trailer hitch and part sales and installation in a CS District, on property located 1315 North Harvard Avenue.

Surrounding Property:

Z-4913 December 1976: All concurred in **approval** of a request for *rezoning* a 2.2± acre tract of land from RM-2 to IL on property located west of the NW corner of Newton Street and Knoxville Avenue.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Comments:

Ms. Kimbrel asked staff if he could explain how this consistent with the future land use?

Staff stated the employment use is what staff looks for industrial zoning. Staff stated it is the optimal choice for a land use category for industrial use.

Ms. Kimbrel stated the application refers to the Sequoyah Neighborhood Implementation Plan. She asked staff to clarify why that reference was made.

Staff stated if a site is located in a Small Area Plan whether or not it's relevant to the specific items in the case. Staff stated we always make sure it's noted so that everyone is aware of what is happening. Staff stated the plan was checked and he saw nothing that was contradictory.

TMAPC Action; 7 members present:

On **MOTION** of **REEDS**, TMAPC voted **7-0-0** (Covey, Fothergill, Kimbrel, Ray, Reeds, Ritchey, Van Cleave, “aye”; no “nays”; none “abstaining”; Doctor, McArtor, Shivel, Walker, “absent”) to recommend **APPROVAL** of rezoning from RM-2 and CS to IL for Z-7502 per staff recommendations.

Legal Description Z-7502:

BEG ON WL OF SEC & SL FRISCO R/W TH S66 E160 N128 TO R/W TH SWLY172 POB SEC 33 20 13; BEG 30N & 40E SWC SW NW NW TH N150 E150 S150 W150 POB SEC 33 20 13; ALL THAT PART OF E94 W284 NW NW LYING S FRISCO R/W SEC 33 20 13, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

- 19. **Z-7506 Mike Thedford** (CD 2) Location: South of the southeast corner of West 81st Street South and South Maybelle Avenue rezoning from **AG to RS-5** to permit single-family homes

STAFF RECOMMENDATION:
SECTION I: Z-7506

DEVELOPMENT CONCEPT: The applicant is proposing to rezone the subject lots from AG to RS-5 for Single-family residential lots.

RS-5 provides the smallest allowable lots for a Residential Single-Family zoning category with a minimum lot area of 3,300 sf and a minimum lot width of 30 feet for a detached single-family home. Currently, in the immediate area of the subject lots, there exists RS-2, RS-3 and RS-4 single-family developments. If approved, RS-5 could provide a more dense development, than those existing developments, which would help provide a variety of home types for the surrounding area.

DETAILED STAFF RECOMMENDATION:

Z-7506 is non-injurious to surrounding proximate properties;

Z-7506 is consistent with the anticipated future development pattern of the surrounding property;

Z-7506 is consistent with the New Neighborhood land use designation of the Comprehensive Plan, therefore;

Staff recommends **Approval** of Z-7506 to rezone property from AG to RS-5.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The subject lots are designated as a New Neighborhood Land Use and an Area of Growth

Land Use Vision:

Land Use Plan map designation: New Neighborhood

The New Neighborhood is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes, but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity, and shall be paired with an existing or new Neighborhood or Town Center.

Areas of Stability and Growth designation: Area of Growth

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

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

Transportation Vision:

Major Street and Highway Plan: None

Trail System Master Plan Considerations: None

Small Area Plan: West Highlands Small area plan as approved July 10th, 2019

Priorities are listed below and the goals in Priority #'s 1 and 2 that may be specific to this redevelopment area.

Priority 1: Proposed land uses balance West Highlands/ Tulsa Hills stakeholder vision with Planitulsa vision.

3.1 Encourage substantial buffering in C0-zoned lands between U5-75 and Union Avenue, including, but not limited to, dense tree or native plantings along Union Avenue, commensurate with degree of land use intensity.

Priority 2: Prioritize the preservation of open space and the natural environment in future development.

4.1 For new construction in New and Existing Neighborhood land-use areas, and Town and Neighborhood Center each 1,500 square feet of street yard should have three trees. The Zoning Code (Section 1002.C.1) currently requires only one (1) tree.

4.2 Facilitate partnerships between neighborhood stakeholders, developers and regional land trusts such as Land Legacy.

4.3 Develop easily understood, coherent standards for conservation subdivisions which will allow developers to apply conservation subdivision design for new home construction, while minimizing the need to apply for new zoning.

4.4 Develop and implement code updates to more easily allow low-impact development (LID) practices, by identifying current elements of zoning, building and other regulatory codes that do not allow LID practices. Ensure developer incentives, such as a streamlined development review process.

4.5 Develop a matrix (or checklist), to be used by City of Tulsa Planning staff, of rural design elements which can be used to easily measure how well new construction integrates with bucolic aesthetic. These design elements should pertain less to actual design of homes, and more to the units' siting, green space preservation, screening and the use of other nonstructural design material, such as fencing materials.

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.

4.7 Support planting of shade trees in public right-of-way during road construction.

Priority 3: Sustain area's economic Growth through the future.

Priority 4: Improve local connections to the metropolitan transportation system.

Priority 5: Protect public welfare and safety.

Priority 6: Ensure implementation of recommendations of West Highlands/Tulsa Hills Small Area Plan.

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site currently contains single-family residences on large lots.*

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
S Maybelle Ave	N/A	N/A	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	New Neighborhood	Growth	Single-Family
South	AG	New Neighborhood	Growth	Single-Family/AG
East	AG	New Neighborhood	Growth	Single-Family
West	CO	Regional Center	Growth	Retail/Commercial

SECTION III: Relevant Zoning History

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

Subject Property:

BOA- 13131 June 1984: The Board of Adjustment **approved** a *Variance* of the required 30' of frontage to 0' in an AG district under the provisions of Section 1670, subject to the execution of a mutual access easement, on property located south and west of 81st Street and Elwood Avenue.

BOA- 8418 December 1974: The Board of Adjustment **denied** an application of *Exception* to permit a mobile home in an AG district, on property located south and west of 81st Street and Elwood Avenue.

Surrounding Property:

Z-7164 SP-1 March 2011: All concurred in **approval** of a request for *rezoning* a 30± acre tract of land from AG/OL/CS to CO and a *Corridor Site Plan* for neighborhood and pedestrian oriented office and commercial mixed-use development, on property located on southeast corner of Highway 75 South and West 81st Street. The TMAPC recommended approval with the amendments that include the six-foot masonry wall and the lighting requirements as provided by staff.

Z-7140 SP-1 December 2009: All concurred in **approval** of a request for *rezoning* a 41± acre tract of land from AG to CO and a *Corridor Site Plan* for residential use, garden and patio homes, on property located south of southwest corner of South Maybelle Avenue and West 81st Street and abutting south of subject property. The TMAPC recommended approval per staff recommendation and subject to adding Use Unit 1, to impose the additional buffer along the north end across to the detention pond. City Council approved the applications per TMAPC recommendation with condition of Maybelle getting upgraded in accordance with the Major Street and Highway Plan and per City of Tulsa design standards within the project limits and resurfaced to 22' wide with improved borrow ditch from the northern boundary of the subdivision to West 81st Street.

BOA- 16312 April 1993: The Board of Adjustment **approved** a *Variance* of the required 30' of frontage on a dedicated right-of-way to 13' to permit a lot-split, subject to a maximum of three residences on the tract, with each having 13' of frontage on Maybelle, finding that the request is consistent with the area, on property located east of Maybelle and south of 81st Street.

BOA- 20039 June 2005: The Board of Adjustment **approved** a *Variance* of the minimum required frontage on a public street from 30' to 0', finding that the circumstances surrounding this land is peculiar to these tracts and

the enforcement code would result in an unnecessary hardship to the property owner, on property located 8511 South Maybelle Avenue.

TMAPC Comments:

Mr. Reeds stated because of the proposed large size lots could this be AG-R zoned.

Staff stated “no”.

The applicant stated the subject property is just south of Life Church near the intersection of 81st and Maybelle. He stated the intention right now is to really focus on the use and he has done some conceptual plans. The applicant stated they are looking at doing patio home type development with the lot width of about 30 to 40 feet with a possible depth of 85 feet. The applicant stated it would have 2 entrances and a loop from east to west. He stated near the east boundary there are a couple of nice-looking trees that they want to try to preserve. The applicant stated it's a pretty straightforward residential development. He stated he is asking for RS-5 and thinks that the market is underserved in in this area and really all over Tulsa. The applicant stated he believes there is a possibility of being able to get this area served with that size lot and is looking at a transitional zoning type area because there is commercial that's directly across the street and a church on the corner. He stated there is only one piece of property between the proposed one and the church. The applicant stated there have been a lot of questions about traffic, which he understands but that is something that is really beyond the purview of the developer at this point. He stated just to the south there are plans to eventually build Maybelle to 91st Street. But at this time that's not really anything that he can speak to.

Mr. Reeds asked if the applicant would be coming back to TMAPC with a plat.

The applicant stated “yes”.

Mr. Reeds asked if the applicant had any problems with runoff. He stated he knew the applicant was going to follow the guidelines.

The applicant stated they don't perceive any problems with runoff.

Mr. Reeds stated in this area TMAPC continuously hears about issues with runoff and that the creeks are not holding enough capacity to deal with the water.

The applicant stated they are going to meet all the requirements in the City of Tulsa.

Mr. Reeds asked if the applicant thought he would have to have some onsite retention?

The applicant stated "yes".

Interested Parties Comments:

Don Crow 902 West 84th Place Tulsa, OK 74132

Mr. Crow stated he represents several residents that are here with me today that are opposing this project. He stated he lives in Hyde Park, it's a 55 plus neighborhood and the house values are anywhere from \$300,000 to \$600,000. Mr. Crow stated there's another development that has 165 lots that has been flooded. He stated that development is not completed yet it has about 70 residents there with more development. Mr. Crow stated south of there is another development, Winchester and it has 175 lots with home values of about \$300,000 to \$600,000 as well. Mr. Crow stated the development placed on hold is west of Winchester. He believes it will eventually turn into rental property and what's going to end up happening is the value of those homes is going to deteriorate because rentals are not taken care of. Mr. Crow stated we are not against change or progress but he hopes the Commissioners will recognize their position from the standpoint that we would really like to see development that has a smaller number of houses on this land.

Mr. Fothergill asked Mr. Crow if rent houses were allowed in Hyde Park.

Mr. Crow stated yes rent houses were allowed.

Mr. Ritchey asked if Mr. Crow knew the average lot size of the lots in Hyde Park.

Mr. Crow stated he did not.

Jeannie Cue 175 East 2nd Street, Tulsa, OK 74103

Councilor Cue stated she had a meeting with Development Services and her concern for that area is traffic. She stated her and the Mayor get weekly emails because of the traffic problems at the subject property location. Councilor Cue stated the Mayor has stood at the corner of 81st and Olympia to watch the traffic flow with Councilor Cue and there's a real concern until there is an 8-year plan for Highway 75. She stated with the traffic flow if add another 175 townhouses how that will affect the area. Councilor Cue stated she thought the neighbors were very gracious in agreeing with the Winchester Park development. She stated there's another private development that is on hold right now because of stormwater issues. Councilor Cue stated adding the constant flow of traffic on a two-lane road that already is overwhelmed with traffic is a big concern. She stated the concern is not only for the people of Hyde Park, but all the other emails that I have received from Stoney Brook. Councilor Cue stated she doesn't know how they can stand much more traffic in that area.

Peggy Knight 8408 South Elwood, Tulsa, OK 74132

Ms. Knight stated she has a horse pasture adjacent to the subject property. Her concern is the cramming all those houses in such a small area. Ms. Knight stated she thinks they will eventually become rental property transient people and they have no pride of place and she doesn't want them on her property. Ms. Knight stated she has no intentions of selling or developing and wants to keep her green oasis. She stated her 5 acres stays underwater when it rains because of the drainage issues. The elevation along Elwood is almost flat so it doesn't drain very fast and if you add more water or pavement it will render her property useless. Ms. Knight stated half the time she has lakefront property because it doesn't drain. She stated she is adamantly opposed to so many houses on a small piece of property. If you're going to give the applicant a zoning change, change it to something where the minimum lot size is an acre and decent houses that go with what's in the area.

Linda Mares 8359 South Maybelle, Tulsa, OK 74132

Ms. Mares stated she shares a property line with this proposal. She stated she has lived there for 30 years. Ms. Mares stated most of the other properties are an acre and a half. She stated the developer said there was nothing between Life Church. She stated there are five houses on large lots or acreages and they are opposed to this application she stated she has spoken to them. Ms. Mares stated she doesn't understand why a staff person stated there was RS-5 in the area. She stated there's no RS-5 but there is RS-2 and one is a million-dollar home. Ms. Mares stated this proposal is not keeping with what's already in the neighborhood. She stated there would be no buffer between her 1.5 acres which has a herd of 10 deer in her backyard. Ms. Mares stated the staff recommendation said it wouldn't be injurious but it would be injurious to her quality of life and her safety with 175 homes being built right on top of her with no buffer at all. She stated also the traffic, to get out on to Maybelle on a Saturday she has to cut through the shopping center and sometimes that is backed up so she has to go through to Tulsa Hills and turn around and come back out to wait on another light to get on to 81st Street. It's gridlock on Saturday and she just dreads the Christmas season. Ms. Mares stated Hyde Park is not full yet but has 165 homes, Winchester Park is not full yet but 175 homes there. She stated that could be 700 cars on this little Street. Ms. Mares stated she met Jeannie Cue and was told that Maybelle Avenue was not going to go through to 91st Street, so all the traffic has to go out 81st Street and the application would add 300 more cars a day. She stated this 22-foot-wide little residential street can't handle that amount of traffic. That kind of townhome and that high density should be on a street that's more open to traffic that can handle it. Not a short residential street that doesn't go through anywhere.

Mike Kyser 8414 South Nogales West Avenue, Tulsa, Ok 74132

Mr. Kyser stated he has lived in Hyde Park for 6 years and has seen it developed. Mr. Kyser stated he is the Director of Construction and Engineering for Broken Arrow. He stated his position is to describe the engineering components. Mr. Kyser stated the infrastructure that is currently in place is not capable of handling the traffic that will happen because of the proposed change that was described today, it does not have the capability to handle what's there now. Mr. Kyser stated traffic backs up on Olympia blocking access on to Maybelle Avenue. He stated this is a 55 and older community that averages two to three runs at least a year at of EMSA vehicles and the subdivision is only half completed. If you double that he doesn't think a fire engine or EMSA vehicle can get into that neighborhood because of the traffic. Mr. Kyser stated right now when they're developing across from Hyde Park the construction workers park on the street and you can barely get another car past them. He stated he is concerned and have reported to the City that the vertical site distance on Maybelle Avenue as you turn northbound the oncoming cars can't be seen. He stated he has yet to have anybody from the City return a call and tell him if anything needs to be done. He stated he thinks the speed limit needs to be dropped and some warning signals added so that people that have driveways don't have cars going 40 and 45 mile an hour through this neighborhood. Mr. Kyser stated he would also like to see if the Fire Department has weighed in on adding more vehicles and more traffic in this area because last night, he tried to go up to 71st Street and it took him about seven minutes to even exit out of Maybelle to get on 81st Street. He stated when he went to Elwood, he counted 16 cars going northbound he was number 9 and he counted 9 cars coming southbound and over 9 cars coming from the west to the east. Mr. Kyser stated that is a four way stop and there is no room for a fire engine or an emergency vehicle to come down that street in matter of emergencies.

Kaye Price 5815 South 31st West Avenue, Tulsa, OK 74132

Ms. Price stated she sees a lot of new faces on TMAPC but 2 or 3 of the Commissioners know her and know she fought so hard for Tulsa Hills and believed in it so much. She stated It's one of the most profitable TIF's in the country but it's going to get shut down because of crap like this development and she is calling BS on staff. She stated there were 100-150 people who spent two and a half years doing a Small Area Plan and over and over and over and over these people get dragged up to Planning Commission to bring things to Commissioners that are most definitely against what was asked for in the Comprehensive Plan. She stated if you doubt it, please read it. Ms. Price stated the people who live out here are multi-generational and West Tulsa is known for that. She stated she is a fourth generation Tulsan but wasn't raised on the west side she was raised on the north side. Ms. Price stated for many, many years the westside was known as the redheaded stepchild. She stated if you know West Tulsa you know for a very long time the City dumped everything, they didn't want

on the westside. Ms. Price stated the refineries, the sewage treatment plant, the PSO complex, the railroad tracks and a landfill which by the way, they are fixing to build houses on. She stated they have every nasty thing is the City of Tulsa didn't want. Ms. Price stated the people out there are a real community. She stated she has lived there since 1978. Ms. Price stated this community is tight because there is a handful of elementary schools that feed into one junior high, which the City's trying to close, and one high school that makes them truly like a small town. She stated the crime rate was extremely low. Ms. Price stated her brother is retired Tulsa Police Department and tells her the westside doesn't have much trouble. She said she would tell him it's kind of hard to murder or rob from your family. Ms. Price stated its because they all grew up together in the same school systems and they married each other. This is a small town and the City of Tulsa is bent on destroying what is left of it. Ms. Price stated these people have repeatedly said we have as much right to an agriculturally residential area as anybody has for their lifestyle whether you want to be in the Pearl District or Downtown. She stated we want animals on our property and people bought that land for that reason. It's not right after we specifically asked going into the Small Area Plan for a specified Zoning Overlay and we're still waiting for it. Ms. Price stated it would provide the cover that residents come down to Planning Commission over and over and tell Commissioners that they want. She stated it is in the Small Area Plan which is 2 acre lots that allow animals. Here we are 10 years later still waiting. Ms. Price stated she knew that this was going to get bigger than anybody wanted. She stated they just wanted a place to shop without having to go across the river. This is not what anybody over there envisioned. This is people who come from other parts of town to instead of dumping all the junk on the westside, now they're going to come and see what's left of the crown jewels.

Bobette Downing 8184 West 84th Street, Tulsa, OK 74132

Ms. Downing stated she is with Coldwell Banker Select and represents owners that abuts up next to the subject property and two others. Ms. Downing stated they have a road and an easement that goes all the way through to Elwood. Ms. Downing stated they are not opposed to the development. Ms. Downing stated as she listens to people talk, it's become very apparent through the years that there has been problems going through all the way and her clients would like to revisit what INCOG had looked at before because there are City vehicles and so on that go through all the way from Maybelle to Elwood on that private tongue and cheek road. Ms. Downing stated as the pieces of land that have all been in various family are being sold, other people will be using the roads and the easements and this private road and the public ones could actually join up and provide a way to get from east to west all the way through to Elwood. Ms. Downing stated as far as the number of homes and so on, she is a realtor so she looks for the highest and best use and doesn't have any information to know that

these are going to be cheap homes. She stated she showed a house this morning in a gated community of patio homes, which she thinks there is not have enough of, that were very high end. The lots were small, the homes were very nice. But there are not enough of those. Ms. Downing stated when you join next to a commercial area you do have to have some buffer. We can't have all of the homes \$300, 000-\$400,000 and up to a million right on Maybelle and spill out onto Maybelle. Ms. Downing stated she understands that there may be traffic problems but as far as highest and best development there are people looking at these parcels that are for sale right now. She stated if they remain AG and remain as they are beautiful and nothing but trees and so on there is one group looking since there is an old mobile home, they are looking to put a few more, so right behind this could be several more double wide. Ms. Downing stated she wouldn't call that highest and best use as a realtor, nor would her owners. Ms. Downing stated her clients like the idea of the property continuing to develop and would like to assist in that. Ms. Downing stated they are not opposed to the development they would just like to know more about what was going in there.

Darrell Bealer 8223 South Maybelle Avenue, Tulsa, OK 74132

Mr. Bealer stated he represents himself, his two brothers and his Dad. Mr. Bealer stated they are the property that is between Life Church and the subject property. Mr. Bealer stated Planning Commission is listening to everyone talk and he thinks Commissioners would be the same way. He stated he has lived there 25 years and he came in built nice houses and everybody around him has nice houses and came to the area for the room and now they are going to try to put 175 houses in this one little area that doesn't fit with anything around the existing houses. Mr. Bealer stated his backyard is about 75 feet from the applicant's property line. He stated he would essentially have houses behind him looking into his windows. Mr. Bealer stated when he bought this property, he, as all these people around here, bought it to be secluded. He stated Tulsa Hills came in, and he gets the tax base, if they want to come in built nice homes that doesn't kill all the other property values, especially mine. Mr. Bealer stated he has a 3200 square foot house with three and a half acres that would literally have somebody looking into his back windows. Mr. Bealer stated even if you build big nice homes there will still be traffic problems. He stated when he moved to the area Highway 75 had one on ramp and one-off ramp. After building and developing this area all that has been done is add an extra entrance and exit. Mr. Bealer stated they didn't widen the roads, they didn't do anything else. He stated if you travel this area at five o'clock or when Live Church is letting out or on weekends you may be backed up all the way to 81st and Elwood. Mr. Bealer stated he is asking for Commissioner's to put themselves in the resident's shoes. He stated he has been there 25 years and his whole family's there and now we're looking at possibly having something with a 30-foot frontage and very small homes come in and kill the property values and kill the traffic in the area.

Mr. Fothergill asked if Mr. Bealer's property was the same size and width of the subject property when he bought it.

Mr. Bealer stated "No", the subject lot was actually three plots. He stated he bought 12 acres and put 4 homes on it.

Jane Duenner 2320 West 92nd Street.

Ms. Duenner stated District 2 has a lot of undeveloped acreage. She stated she became a neighborhood activist since becoming aware of Sonoma Grande. Ms. Duenner stated the developer Mr. Key has at least 7 or 8 current developments either in or around District 2. She stated Briar Creek which is half acre lots at West 33rd West Avenue and Creek County, a second one on Elwood between 71st and 81st a third one on 33rd West Avenue between 71st and 81st and Creek County and all she knows is there's just a big elaborate gate and no signs at all about what it is, The Estates at Copper Creek on 81st east of Union and she thinks they were recently successful at holding him to one acre lots. The Elwood Villas on Elwood between 71st and 81st first starting at \$300,000 per lot, Stone Creek Hollow west of Elwood between 71st and 81st starting at \$400,000 and that is close to the new Jenks school 30 lots on 5.4 acres, that is .18 acre lots that's already approved. Ms. Duenner stated the proposed condos and then some proposed condos on the northwest corner of 81st and 33rd West Avenue that she just heard about and this 16-acre lot on Maybelle where he plans to build these high-density townhomes. Ms. Duenner stated she thought Ms. Knight and her neighbors would benefit from the West Highland Small Area Plan change that was made to limit density to one acre although really, they would like two and a half acres out in the area. She stated if Mr. Keys wants to build 16 homes on 16 acres that would be fine. Ms. Duenner stated but not the high density that he is planning here. She stated it seems like the city has no extra money for added infrastructure, streets, stormwater management, police and fire access for this higher density of population. Ms. Duenner stated District 2 already has the most section 8 developments of any other District. She stated the Knights moved out here because it's rural and they would like to retain the property values. Ms. Duenner stated she is not against all development she just believes that the residents should have a say to how it is developed. She stated they would love to see two and a half acres lot or very minimum of 1 acre. Ms. Duenner stated let Mr. Key build is high density developments in some other District not District 2.

Max Owen 836 West 84th Street, Tulsa, OK 74132

Mr. Owen stated contrary to Ms. Downing the private road that goes from Maybelle to Elwood every once a while has a fire truck that will go down it but there's no intention of making this a public road. He stated all this land is his wife's family and they also occupy a house. Mr. Owen stated one of the houses was built in 1945 and was his wife's grandmother's. He stated he has brothers

and sisters and a nephew that own this property so he doesn't know what Ms. Downing thought about everybody selling property because there are no plans on that happening. Mr. Owen stated he has lived here since 1995 after retiring from the Army. He stated there is a problem with the traffic it is terrible he was late for this meeting because he had to wait to get out on 81st Street. Mr. Owen stated with all the construction and traffic on Highway 75 at five o'clock the traffic's backed up past the Jenks School. He stated also flooding is an ongoing problem he has 2 and a half acres adjacent to Ms. Knight's and his horses look like motorboats when it rains and it has gotten worse over the years with some development. Mr. Owen stated he is not against development either but he thought like everyone else here that there was a restriction of 2 and a half acre plots. He stated he owns eight acres but had a couple of relatives who had to get a variance to allow homes to be built.

Applicant Comments:

The applicant stated he would first like to clarify a few things. He stated they don't know the number of lots and never said 175. The applicant stated they have met with Councilor Cue never mentioned a number of lots so he doesn't know where that 175 derived from as well as RT zoning was never mentioned. He stated the price point of these homes is \$350,000 which is very similar if not exceeding Hyde Park. The applicant stated they are trying to get past this first hurdle because the process is to take care of the land use. He stated aside from all the previous development that's occurred this is a pretty minor problem compared to the traffic problem but what they are wanting to do is not necessarily anything different than what has been previously through here along Maybelle. The applicant stated City Engineering is going to be taking care of the planning process as far as drainage and we will meet the requirements. The applicant stated his firm actually did the Life Church so he was familiar with the area and RS-4 is directly across the street and he believes that the zoning ordinance has changed a couple of times since then but it's really very similar to that type of development.

Mr. Reeds asked if there is very little difference why did the applicant ask for RS-5 instead of RS-4.

The applicant stated as he said the zoning ordinance has changed slightly and, he is looking at some flexibility.

Mr. Reeds stated he knows the City does not have Traffic Impact Fees to improve infrastructure and roads when you to put more pressure on existing infrastructure but his understanding is that when Hyde Park was built the developers essentially had to build the road themselves to gain access to it. He asked if the applicant be willing to improve Maybelle in order to go ahead as an RS-4.

The applicant stated he would have to defer to the developer but doesn't think that is something that's on the table at this point.

Mr. Reeds stated what is amazing is when Tulsa Hills was built the City gave them millions of dollars in different packages to develop a commercial entity and he understands it's an economic center but no money was given to the residences that work off of it. Mr. Reeds stated the applicant should expect to pay an impact fee and expect to work out the roads yourselves as developers because the City is not going to help you. Mr. Reeds stated the 8-year plan is going to turn into a 15-year plan and that's just rule of thumb doubling the money.

The applicant stated he can't say he disagrees. He stated developers are given a certain set of guidelines to follow and we are going to follow those requirements. The applicant stated we're not going to volunteer to pay for a road. to serve other residents?

Ms. Kimbrel asked if the applicant could find any opportunities to address the concerns of their fellow neighbors? She asked if there was any compromise that could be reached based on the nine neighbors' concerns. Ms. Kimbrel asked if there were any opportunities that the applicant could find to come to a compromise on anything?

Chris Key

Mr. Key stated he is the developer of this project and some of the other projects in the neighborhood. He stated one of the compromises is the number of units that the residents have been told is not accurate it is only about half of that number. Mr. Key stated he doesn't know the exact number yet and have not published that number. Mr. Key stated there needs to be a bridge type price point in the community. Mr. Key stated as far as the road there is not a lot of traffic coming out of Maybelle Avenue the traffic is on 81st coming from Tulsa Hills and Highway 75. Mr. Key stated if Maybelle is 4 lanes, he doesn't believe that fixes the problem on 81st of Highway 75.

Ms. Kimbrel asked if the applicant was willing to come down on the zoning intensity.

Mr. Key stated he believes the RS-5 is close to what is there now and will overlap the RS-4.

Ms. Kimbrel asked if that was a "no".

Mr. Key stated at this point he doesn't think it's needed.

Ms. Kimbrel stated she had a few follow up questions but she was trying to be respectful. She asked if the applicant or his representative meet with any of these people today to try to compromise and to try to hear their concerns?

Mr. Key stated he met with Councilor Cue and published one email and asked Councilor Cue if she had any emails. Or any questions. Mr. Key stated typically well have some feedback with almost every development.

Ms. Kimbrel asked if Mr. Key know any of these issues before he came here today?

Mr. Keys stated the issues meaning the number of people that would show up.

Ms. Kimbrel stated the number of people and the other content they have expressed several grievances related to privacy, buffering, traffic and block size.

Mr. Key stated he has made numerous developments that fall right in the middle of the Small Area Plan and have been turned down. So, the applicant feels like the no one is living by the Small Area Plan.

Ms. Kimbrel stated her question was, did Mr. Key know about any of these issues that the residents raised prior to coming here?

Mr. Key stated he feels like he knows the area. He stated he lives in the area and develops there.

Mr. Key stated he knew about the traffic but doesn't believe there's any type of water problem with detention. He stated there are developments across the street and they are doing fine, no flooding issues. Mr. Key stated some of the issues they are talking about he will remedy or he doesn't feel like there's an issue. Mr. Key stated engineering will take care of the traffic and that is an issue that will come over time.

Ms. Kimbrel stated so you believe that there are issues? Because that was her first question. She asked if there is anything that Mr. Key is willing to compromise on to address the grievances and concerns of his fellow neighbors? Ms. Kimbrel stated she thought she heard Mr. Key say he is willing to remedy something.

Mr. Key stated "Yeah".

Ms. Kimbrel stated can you say what those are? Where are there compromising.

Mr. Key stated within his boundaries that all he is in control of. He stated so that would be basically the density, the volume, and it's not the 175. Mr. Key stated he thinks if residents had been given an accurate number he doesn't think this volume of people would be here today protesting.

Mr. Reeds stated if you were to do 175, you could probably get 3300 square feet a lot. But if you do half of that you can do RS-3. Would you be willing to do RS-3. He stated you would still get 75 to 80 units.

Mr. Key stated that's a wonderful number but he would like to have more green here. He stated there's two or three really big beautiful trees and he is a tree

hugger. Mr. Key stated they are planning on having a large dog park area and a more green area. So if we eat up some of the lots, it'll eat into that area. He stated he would rather go RS-4 or RS-5 and have a park area. Mr. Key stated that's what the customers and consumers are wanting. He stated he would go to an RS-4 but we're listening to the market and we have RS-4 across the street.

The applicant stated they met with Councilor Cue last week and now he is hearing there was another meeting after that one. He stated he was not aware of that meeting and up to yesterday he had received one email.

Mr. Ray asked staff if application is in conformance with the Master Plan and the Land Use Plan.

Staff stated "yes" in his opinion it is.

Mr. Ray stated it is his understanding that it is unlawful to require development impact fees here in Oklahoma. He stated its not lawful to require but if a developer wants to do something they can do it is that correct?

Ms. VanValkenburgh stated she isn't able to give Mr. Ray a full legal opinion on that she would have to research the cases that he is talking about. She stated the City does have some impact fees such as stormwater and the City is developing a sidewalk fee in lieu ordinance. Ms. VanValkenburgh stated so there is already some of those elements. She stated there is a statute that permits the City to adopt impact fees. Ms. VanValkenburgh stated You have to adopt an ordinance that takes into consideration studies and outlines areas and so forth.

Mr. Ray asked if the City of Tulsa has done that.

Ms. VanValkenburgh stated they have not, but your question is fairly open ended and I don't feel right about giving you a legal opinion.

Mr. Ray stated he sympathizes with the folks who came here because he really understands their concerns.

Ms. Kimbrel asked staff if he could help make sense of how the staff is interpreting the level of intensity that is consistent with the surrounding areas and whether or not that there could be considerations.

Staff stated we evaluate what the Comprehensive Plan states as a new neighborhood, the surrounding area with the RS-4 close by and compare it to things that have a similar nature in the area to kind of get the context and then evaluate what would seem like a decent location for that density of a residential development.

Ms. Kimbrel asked if there is any RS-5 anywhere?

Staff stated "no", there's RS-2, RS-3 and RS-4 but currently no RS-5.

Mr. Covey stated the Small Area Plan was just amended and a new Agricultural-Residential zoning district was added. He asked staff if there is there some intent that lots be a certain size in this area.

Staff stated the applicable part is on 19.4 of the agenda packet.

Mr. Covey asked if the Agricultural-Rural Residential District applies throughout this area?

Staff stated everything covered by the Small Area Plan.

Mr. Covey stated that's just creating a Agricultural-Rural Residential District. What's the intent? Where's that supposed to go?

Staff stated the Agricultural-Rural Residential District highlights the area that staff has been dealing with a lot further west. She stated when staff wrote the AG-R zoning designation that's going through the process, it talks about the outlying edges of the city. As planners, we look at this area and it definitely doesn't have that consistent large lot rural character. She stated it has RS-4 for smaller lots, sort of in between a lot of commercial along the arterials it does not have that same character overall as the area on the other side of Highway 75 and that's what staff looks. Staff stated it would make no sense to apply a one acre minimum everywhere in the Small Area Plan when that's not in the context of the surrounding environment.

Mr. Reeds stated if traffic were able to handle this new proposed density, he would be good with it but he does think that the City will get a handle on the stormwater because they are pretty good at that. He stated given the fact that it's just going to clog things up even further to him RS-5 is too dense for this site and he can't support it.

Mr. Ray stated he disagrees with Mr. Reeds. He stated somebody owns the property, somebody wants to develop it and It's consistent with the Plan in the area and the applicant has met everything he's supposed to meet. Mr. Ray stated we can't force him to build streets and other things. We can't force him to take care of the stormwater. He stated the applicant will have to submit a plat to address these issues. Mr. Ray stated he thinks the applicant should be granted the zoning change.

Mr. Fothergill stated he pulled up the original Hyde Park request to TMAPC from 2012. He stated he looked at the land and how it was seven years ago and It's pretty amazing the development that's happened out there. Tulsa Hills has been a huge success and is doing what it was intended to do. Mr. Fothergill stated the whole idea of a city is to grow and to get bigger. He stated he doesn't know if he would support RS-5 but he would support RS-4 since that's exactly what the rest of the neighborhoods are built out as. Mr. Fothergill stated RS-5 is denser and if

approved would set a precedence for everything else. He stated he could do RS-4.

Mr. Covey stated he is not going to support RS-5. He stated if you look at the Land Use Map it calls for New Neighborhood and that sort of like the case, we just had the Land Use was Employment but It didn't say what zoning designation was supposed to go there because it was a Land Use. Mr. Covey stated this Land Use is New Neighborhood is this applicant presenting us with a New Neighborhood? He stated yes, he is but, he can also present us with a New Neighborhood using the existing zoning which is AG. Mr. Covey stated could present us with a New Neighborhood with zoning that is the new Rural Residential District. He could present us with RS-4, RS-3, RS-2 or RS-1, he could present us with a lot of things. Mr. Covey stated he is sympathetic to the neighbors that like to live in large open spaces and they have large lots. So, he will be voting against this application.

Ms. Kimbrel stated she can't support this application because she believes in strong community engagement for public policy. She stated just like Commissioner Ray commented that the applicant did what he was supposed to do. I feel like the residents did what they were supposed to do in terms of a Small Area Plan, in terms of contacting their City Councilor, in terms of having community engagement to express their desires for this geography and the applicant has testified that he has had limited engagement in working collaboratively with this community and having a shared vision of this geography.

Mr. Ray stated he is still learning about the procedures here but he thinks it is appropriate for us to look at something that might work. He asked if it is appropriate at this point to ask the applicant if he would be in agreement to rezoning to RS-4.

The applicant stated he would be fine with an RS-4.

Mr. Covey stated that doesn't change his position.

Mr. Reeds stated it does change his position.

Ms. Kimbrel stated there was a process where Mr. Key was asked repeatedly if is he willing to remedy and he said "no". She stated if concessions are going to be made now after Commissioners have already expressed your positions and whether or not you guys are going to negotiate on certain zoning then I would like to ask everybody who spoke to come back up and ask if they are willing to accept his RS-4 for voting. Ms. Kimbrel stated there's some inconsistencies in the process that I think is unfair to our residents. If we're going to negotiate that let's negotiate on everything.

Mr. Fothergill stated or this could be continued and a public meeting could be held Councilor Cue and hash it out there and then come back here.

Ms. Kimbrell stated she could support that.

Councilor Cue stated November 20th would be good. Councilor Cue stated she had told the applicant about the meeting on November 11th if this was not resolved that a community meeting was already scheduled. She stated it's November 11 at 6:00PM at Goodwill.

TMAPC Action; 7 members present:

On **MOTION** of **WALKER**, TMAPC voted **7-0-0** (Covey, Fothergill, Kimbrel, Ray, Reeds, Ritchey, Van Cleave, "aye"; no "nays"; none "abstaining"; Doctor, McArtor, Shivel, Walker, "absent") to **CONTINUE** Z-7506 to November 20, 2019.

* * * * *

20. Consider a motion and vote to enter Executive Session pursuant to Title 25 OS. Section 307(B)(4) to discuss pending litigation in case of Wilson et al v TMAPC et al, Tulsa County District Court Case No. CV-2019-13, for the purpose of allowing confidential communications between a public body and its attorney concerning a pending claim, investigation, or litigation. (Originally scheduled for October 2, 2019)

TMAPC Action; 7 members present:

On **MOTION** of **REEDS**, TMAPC voted **7-0-0** (Covey, Fothergill, Kimbrel, Ray, Reeds, Ritchey, Van Cleave, "aye"; no "nays"; none "abstaining"; Doctor, McArtor, Shivel, Walker, "absent") to enter Executive Session pursuant to Title 25 O.S. Section 307(B)(4) to discuss pending litigation.

21. Leave Executive Session on discussion of pending litigation in case of Wilson et al v. TMAPC et al, Tulsa County District Court Case No. CV-2019-13 for the purpose of taking any appropriate related actions. (Originally scheduled for October 2, 2019)

TMAPC Action; 7 members present:

On **MOTION** of **FOTHERGILL**, TMAPC voted **7-0-0** (Covey, Fothergill, Kimbrel, Ray, Reeds, Ritchey, Van Cleave, "aye"; no "nays"; none "abstaining"; Doctor, McArtor, Shivel, Walker, "absent") to leave Executive Session pursuant to Title 25 O.S. Section 307(B)(4).

Mr. Covey stated TMAPC has exited the Executive Session and nothing was discussed other than the items listed in item 20. There are no follow up actions to be taken at this time and therefore there will not be any actions under item 21.

OTHER BUSINESS

22. Commissioners' Comments

NONE

ADJOURN

TMAPC Action; 7 members present:

On **MOTION** of **FOTHERGILL**, TMAPC voted **7-0-0** (Covey, Fothergill, Kimbrel, Ray, Reeds, Ritchey, Van Cleave, "aye"; no "nays"; none "abstaining"; Doctor, McArtor, Shivel, Walker, "absent") to **ADJOURN** TMAPC meeting of October 16, 2019 Meeting No. 2804.

There being no further business, the Chair declared the meeting adjourned at 4:45 p.m.

Date Approved:

12-03-2019


Chairman

ATTEST:


Secretary