

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2805

Wednesday, November 6, 2019, 1:30 p.m.

City Council Chamber

One Technology Center – 175 E. 2<sup>nd</sup> Street, 2<sup>nd</sup> Floor

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, October 31, 2019 at 3:40 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

### **REPORTS:**

**Chairman's Report:**  
**None**

### **Director's Report:**

Ms. Miller reported on City Council and Board of County Commissioner actions and other special projects. Ms. Miller stated the sidewalk fee in lieu of ordinance is moving

forward and today at City Council Public Works Committee the ordinance will be discussed. Ms. Miller stated that is why staff has asked for some items on the agenda to be moved to the beginning so staff members can attend that meeting. She stated that ordinance should be in effect by the end of the year. Ms. Miller stated staff needs to prepare some Subdivision Regulation Amendments to show Planning Commission what those changes would look like at the next meeting and then bring those back for adoption on December 18, 2019.

\* \* \* \* \*

## 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.

1. **PUD-660-3 Mary Lynn Saurino** (CD 2) Location: East of the southeast corner of West 71<sup>st</sup> Street South and South Elwood Avenue requesting a **PUD Minor Amendment** to remove the requirement for a screening fence

### **STAFF RECOMMENDATION:**

**SECTION I:** PUD-660-3 Minor Amendment

### **STAFF RECOMMENDATION**

Amendment Request: The applicant is proposing to remove the requirement for a screening fence. Currently, the PUD calls for a screening fence to be located along the east, west and south property lines, except at points of vehicular access. Since the current use of the lot was originally established, commercial properties have been created to the east and west sides of the subject lot. The City of Tulsa zoning code requires a screening fence for the use of the subject lot, if that use abuts a residentially zoned property. This site is bounded on the east and west by CG zoned lots and on the south by an AG zoned lot. If this site were located within its existing CS zone, without a PUD overlay, they would not be required to provide a screening fence. The applicant wishes to eliminate the requirement for a screening fence, which would be in line with the requirements of the zoning code for the current use of the subject lot.

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) All remaining development standards defined in PUD-660 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to remove the requirement for a screening fence.

**Legal Description PUD-660-3:**

220 W 71<sup>st</sup> St S

2. **PUD-696-B-5 Ashton Gray, LLC** (CD 2) Location: South of the southwest corner of East 91<sup>st</sup> Street South and South Delaware Avenue requesting a **PUD Minor Amendment** to reallocate floor area to permit a lot split

**STAFF RECOMMENDATION:**

**SECTION I:** PUD-696-B-5 Minor Amendment

**STAFF RECOMMENDATION**

Amendment Request: The applicant is proposing to reallocate floor area in order to permit a lot split on the subject lot. The development currently has 25,798 sf of floor area available. The applicant is proposing allocating 4,500 sf of that allowance to the southern portion of the subject lot so that it may be split off from the remainder of the current lot.

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) All remaining development standards defined in PUD-696-B and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to reallocate floor area to permit a lot split.

**Legal Description PUD-696-B-5**

9314 S Delaware Ave

**TMAPC Action; 11 members present:**

On **MOTION** of **WALKER**, the TMAPC voted **11-0-0** (Covey, Doctor, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; none “absent”) to **APPROVE** Consent Agenda Items 1 and 2 per staff recommendation.

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

Mr. Covey stated the continuances would be addressed first.

**PUBLIC HEARINGS:**

3. **Z-7503 David Henke/City Council** (CD 4) Location: North of the Northeast corner of East 11th Street South and South Peoria Avenue requesting rezoning from **RS-4 and CH to MX1-U-U a** (Continued from October 16, 2019)

**Interested Parties:**

**Adam Hetherington** 1335 East 10th Street, Tulsa, OK 74120

Mr. Hetherington asked how many times can the applicant request a continuance?

Mr. Covey stated normally unofficially one is granted to each side and this would be the applicant's 2<sup>nd</sup> continuance and if Mr. Hetherington wants to oppose it that would be within his right to do so.

Mr. Hetherington stated he was ok with a continuance.

**Sarah Hetherington** 1335 East 10th Street, Tulsa, OK 74120

Ms. Hetherington stated she agrees with the continuance.

**TMAPC Action; 11 members present:**

On **MOTION** of **REEDS**, TMAPC voted 11-0-0 (Covey, Doctor, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; none “absent”) to **CONTINUE** Item Z-7503 to November 20, 2019.

\*\*\*\*\*

- 7. **Z-7508 AC Hutton** (CD 1) Location: Northwest corner of East 46<sup>th</sup> Street North and North Elgin Avenue requesting rezoning from **RS-3 to IL with optional development plan (Applicant requests continuance to November 20, 2019)**

**TMAPC Action; 11 members present:**

On **MOTION** of **McArtor**, TMAPC voted 11-0-0 (Covey, Doctor, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; none “absent”) to **CONTINUE** Item Z-7508 to November 20, 2019.

\*\*\*\*\*

- 5. **Z-7505 Mark Capron** (CD 8) Location: Northwest of the northwest corner of East 111<sup>th</sup> Street South and South Memorial Drive requesting rezoning from **AG to RS-3 and RT** to permit single-family homes and townhouses (Continued from October 16, 2019)

Mr. Covey stated the applicant has requested a continuance until January 8, 2019 and an email from the attorney for Bridle Trails and Raven Crossing was received that he agrees with that continuance. Mr. Covey asked if there was anyone who wished to speak on the continuance that's not a member of Bridle Trails or Ravens Crossing. No one else came forward to speak on the continuance request.

**TMAPC Action; 11 members present:**

On **MOTION** of **REEDS**, TMAPC voted 11-0-0 (Covey, Doctor, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; none “absent”) to **CONTINUE** Item Z-7505 to January 8, 2020.

\*\*\*\*\*

- 14. **MR-19** (CD 1) Modification to the Subdivision & Development Regulations to remove the sidewalk requirement for a new single-family residence, Location: West of the northwest corner of North Quanah Avenue and West Xyler Street

**STAFF RECOMMENDATION:**

**MR-19 – 1327 W. Xyler St.** - (CD 1)

West of the northwest corner of North Quanah Avenue and West Xyler Street

Lot 11 Block 15, Gilcrease Hills

The applicant has requested that the Planning Commission remove the requirement that the property owner construct a sidewalk as part of the construction of a new home. The newly adopted Subdivision and Development Regulations require sidewalks to be constructed on any new development requiring both new construction building permits and a certificate of occupancy.

In reviewing requests for modifications of the sidewalk requirements, staff evaluates whether the property falls within areas where pedestrian demands are high or where sidewalks connections are likely to be made in the future. The following areas have been deemed critical sidewalk areas:

1. Properties abutting streets designated as arterial streets, parkways, scenic drives, commercial/industrial streets, or collector streets in the Tulsa Metropolitan Area Major Street and Highway Plan.
2. Properties within 528 feet (1/10 of a mile) of the following pedestrian generators:
  - a. Schools, whether public or private, providing compulsory education;
  - b. Public parks;
  - c. Public transit stops;
  - d. Public libraries;
  - e. Religious assemblies;
3. Properties within 528 feet (1/10 of a mile) of existing sidewalks.
4. New subdivisions or replats of existing subdivisions.

The subject property is located outside all areas deemed critical sidewalk areas.

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

**The applicant was not present.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 11 members present:**

On **MOTION** of **FOTHERGILL**, the TMAPC voted **8-3-0** (Covey, Doctor, Fothergill, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; Kimbrel, McArtor, Ray, “nays”; none “abstaining”; none “absent”) to **APPROVE** MR-19 Modification of the Subdivision and Development Regulations to remove sidewalk requirement per staff recommendation.

\* \* \* \* \*

15. **MR-20** (CD 1) Modification to the Subdivision & Development Regulations to remove the sidewalk requirement for a new single-family residence, Location: North of the northeast corner of East Queen Street and North Norfolk Avenue

**STAFF RECOMMENDATION:**

**MR-20 – 1609 N. Norfolk Ave.** - (CD 1)

North of the northeast corner of East Queen Street and North Norfolk Avenue

W/2 Lot 7 Block 5, Booker Washington

The applicant has requested that the Planning Commission remove the requirement that the property owner construct a sidewalk as part of the construction of a new home. The newly adopted Subdivision and Development Regulations require sidewalks to be constructed on any new development requiring both new construction building permits and a certificate of occupancy.

In reviewing requests for modifications of the sidewalk requirements, staff evaluates whether the property falls within areas where pedestrian demands are high or where sidewalks connections are likely to be made in the future. The following areas have been deemed critical sidewalk areas:

1. Properties abutting streets designated as arterial streets, parkways, scenic drives, commercial/industrial streets, or collector streets in the Tulsa Metropolitan Area Major Street and Highway Plan.
2. Properties within 528 feet (1/10 of a mile) of the following pedestrian generators:
  - a. Schools, whether public or private, providing compulsory education;
  - b. Public parks;
  - c. Public transit stops;
  - d. Public libraries;
  - e. Religious assemblies;
3. Properties within 528 feet (1/10 of a mile) of existing sidewalks.
4. New subdivisions or replats of existing subdivisions.

The subject property is located one lot away from a newly constructed sidewalk located on East Queen Street. This places the subject property within a critical sidewalk area as defined by criteria #3.

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

**The applicant was not present.**

**There were no interested parties wishing to speak.**

Ms. Kimbrel asked if there had been any sidewalk waivers granted in this area?

Staff stated “no”.

**TMAPC Action; 11 members present:**

On **MOTION** of **REEDS**, the TMAPC voted **10-1-0** (Doctor, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; Covey, “nays”; none “abstaining”; none “absent”) to **DENY** MR-20 request for Modification of the Subdivision and Development Regulations to remove sidewalk requirement per staff recommendation.

\* \* \* \* \*

16. **MR-21** (CD 1) Modification to the Subdivision & Development Regulations to remove the sidewalk requirement for a new single-family residence, Location: North of the northwest corner of East Queen Street and North Owasso Avenue

**STAFF RECOMMENDATION:**

**MR-21 – 1610 N. Norfolk Ave.** - (CD 1)

North of the northeast corner of East Queen Street and North Owasso Avenue

E/2 Lot 7 Block 5, Booker Washington

The applicant has requested that the Planning Commission remove the requirement that the property owner construct a sidewalk as part of the construction of a new home. The newly adopted Subdivision and Development Regulations require sidewalks to be constructed on any new development requiring both new construction building permits and a certificate of occupancy.

In reviewing requests for modifications of the sidewalk requirements, staff evaluates whether the property falls within areas where pedestrian demands are high or where sidewalks connections are likely to be made in the future. The following areas have been deemed critical sidewalk areas:

1. Properties abutting streets designated as arterial streets, parkways, scenic drives, commercial/industrial streets, or collector streets in the Tulsa Metropolitan Area Major Street and Highway Plan.
2. Properties within 528 feet (1/10 of a mile) of the following pedestrian generators:
  - a. Schools, whether public or private, providing compulsory education;
  - b. Public parks;
  - c. Public transit stops;
  - d. Public libraries;
  - e. Religious assemblies;
3. Properties within 528 feet (1/10 of a mile) of existing sidewalks.
4. New subdivisions or replats of existing subdivisions.

The subject property is located one lot away from a newly constructed sidewalk located on East Queen Street. This places the subject property within a critical sidewalk area as defined by criteria #3.



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

**The applicant was not present.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 11 members present:**

On **MOTION** of **McARTOR**, the TMAPC voted **10-1-0** (Doctor, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; Covey, “nays”; none “abstaining”; none “absent”) to **DENY** MR-21 request for Modification of the Subdivision and Development Regulations to remove sidewalk requirement per staff recommendation.

\* \* \* \* \*

4. **Z-7504 Erik Enyart** (CD 2) Location: South of the southwest corner of West 81<sup>st</sup> Street South and South Union Avenue requesting rezoning from **AG to RS-3 with optional development plan** to permit single-family subdivision (Continued from October 16, 2019)

**STAFF RECOMMENDATION:**  
**SECTION I: Z-7504**

**DEVELOPMENT CONCEPT:**

This application has been submitted prior to approval of the AG-R zoning district option in the Tulsa Zoning Code. The development plan standards have been prepared by staff to support single family residential development that is primarily intended for areas of the city that are generally located on the outer edge of urbanized development. The development plan standards identify land uses that are more restrictive than the anticipated AG-R use regulations.

**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 an RE 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
      - 1. Detached house
- B. Agricultural
  - a. Community Garden

**LOT AND BUILDING REGULATIONS**

Minimum lot area:	1 acre
Minimum lot width:	150 feet
Minimum lot frontage:	30 feet
Minimum Building Setbacks:	
Arterial street:	35 feet from planned right of way
Non arterial street:	25 feet
Side :	15 feet
Maximum Building Height:	35 feet

**DETAILED STAFF RECOMMENDATION:**

Z-7504 requesting RS-3 zoning and the provisions of the applicant’s submittal are not consistent with the West Highlands/Tulsa Hills Small Area Plan.

The uses and standards outlined in RE districts with the standards outlined in Section II are consistent with the West Highlands/Tulsa Hills Small Area Plan and,

The residential density allowed in an RS-3 district is not consistent with the expected development pattern in the area however the provisions outlined in Section II are consistent with the expected development pattern west of US-75 as outlined in the West Highlands/Tulsa Hills Small Area Plan therefore,

Staff recommends denial of Z-7504 to rezone property from AG to RS-3 as submitted by the applicant.

Staff recommends approval of Z-7504 to rezone the property from AG to RE with the development plan outlined in Section II of this report.

**SECTION III: Supporting Documentation**

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: This site is part of the West Highlands/Tulsa Hills Small Area Plan. One of the components of that plan is to establish a zoning category to support large lot development. As a result of that plan staff has prepared a new zoning designation called AG-R that is expected to be approved by the end of*

*2019. This development is consistent with the general provisions of that expected new zoning classification and the goals of the small area plan.*

Land Use Vision:

*Land Use Plan map designation:* Existing Neighborhood from West Highlands Small Area Plan

The updated comprehensive land use map removed any 'new neighborhood' designations from the west side of US-75 and changed them to 'existing neighborhood'. In these areas, 'area of growth was changed to 'area of stability.' It also removed this designation from currently existing neighborhoods on the east side of US-75. This is reflective of desire to maintain rural character, especially on the west side of US-75.

*Areas of Stability and Growth designation:* Area of Stability

The Areas of Stability includes approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

Transportation Vision:

*Major Street and Highway Plan:* None

*Trail System Master Plan Considerations:* None

Small Area Plan: West Highlands/Tulsa Hills Small Area Plan as amended July 10<sup>th</sup>, 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 except the small area plan considerations.

Historic Preservation Overlay: None

#### DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The site is open and undeveloped however it is well known that part of the property was used as a landfill decades ago. The development of residential development will be restricted to areas outside the boundary of the land fill area.*

Environmental Considerations: The land fill area will require special consideration regarding location of utilities, streets and structures.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Union	Secondary Arterial with a multi modal corridor	100 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	RS-3	Existing Neighborhood	Stability	Residential
East	CO	Mixed Use Corridor	Growth	Office and residential
South	AG	Existing Neighborhood	Stability	Church and residential
West	AG	Existing Neighborhood	Stability	Residential and Agricultural

**SECTION IV: Relevant Zoning History**

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

***Subject Property:***

No Relevant History.

***Surrounding Property:***

**Z-7115/ Z-7115-SP-1 February 2009:** All concurred in **approval** of a request for *rezoning* a 25.97± acre tract of land from AG to CO and a proposed Corridor Site Plan for mixed use development with 122, 512 square feet of retail and office, 152.40 square feet of hotel and 320 multifamily dwelling units, on property located on the southwest corner of Highway 75 South and West 81<sup>st</sup> Street South and west of subject property across Highway 75.

Mr. Covey asked if the AG-R zoning was available would staff have recommended that?

Staff stated "Yes".

Mr. Covey asked if the reason staff didn't recommend it was because it technically is not in effect.

Staff stated "correct", he thinks it will be available by the end of the year.

**Applicant Comments:**

The applicant stated staff did a very good job as they always do in explaining but here are a few more specifics of the case. He stated this is a very unique tract in that this 80 acres is the location of a Tulsa landfill. The applicant stated some pretty extensive geotechnical testing has been done to identify the exact limits of the landfill and he thinks they have done that. He stated he has a conceptual plan of what they are wanting to do. The applicant stated of the 80 acres approximately 32 acres that is either encumbered with landfill or wetlands and they can't build on wetlands. He stated staff mentioned the sanitary sewer that is being installed in this area. The applicant stated he has a copy of the City of Tulsa Atlas Map that shows the sanitary sewer line and right now the existing sanitary sewer line is about 800 feet from the corner of the subject property. He stated he believes one of the reasons the City stopped there is they anticipated this large tract being developed. The applicant stated they are going to put in the internal sanitary sewer system and bring the system up through the subject property and extended it north. He stated the city has spent millions of dollars to build several thousands of feet of sanitary sewer line to accommodate higher densities and it is in conflict with a Small Area Plan. The applicant stated this application is for RS-3 with an optional development plan. He stated what he is asking for isn't an RS-3 size lot. What he is asking for under the optional development plan is a minimum of a 68-foot-wide lot but they would really want 70 feet. He stated they need a little bit of room for cul-de-sacs and things like that and a 9000 square foot lot. The applicant stated he is asking for RS-3 zoning with the optional development plan that establishes minimum lot width of 68 feet and 9000 square feet lots. He stated in the case of an old PUD what he would do is take that intensity and move it back into the developable area. The applicant stated they believe they have done enough testing and have enough reports that the open space will be Park land, walking trails,

that type of amenities. He stated they are not just going to abandon that 32 acres it is actually used for meaningful open space. The applicant stated that was the concept behind our RS-3 with an optional development plan. He stated they are familiar with the Small Area Plan and he represents both the owners of the land and the potential buyers and developers of the land and he asked them if they were aware of the Small Area Plan on their property and they were not aware of it. They asked the applicant why shouldn't one of the largest landowners on the west side be apprised of what's going on with their property? The applicant stated he was sure it was advertised and noticed but they don't have to personally notify anyone. He stated they were a little surprised that the Small Area Plan had been applied to them without their consent and knowledge because they have owned the property for a number of years, long before the Small Area Plan was developed. The applicant stated they would like to develop it in something more of about a 70-foot-wide lot, 9000 square feet and take the density that would go in that space that was now occupied by the landfill and move that to the developable area. He stated that gives a total what's left over the proposed 125 lots of about 1.6 dwelling units to the acre. The applicant stated its still very low density but it certainly isn't one-acre lot size that's been recommended by staff. He stated they probably wouldn't have a problem with the one-acre lot size however, in the Subdivision Regulations they are required to install the sanitary sewer line. The applicant stated if we could do an aerobic systems the project might work. But because they are limited to one-acre size, have to install the sanitary sewer line that may or may not connect, that is an extra burden that they have to carry. He stated when you look at the developable acres of about 48 acres, and minimum one-acre lot, that's only about 48 lots and it just doesn't work in this area. The applicant stated he would respectfully ask that Planning Commission approve the rezoning request and the optional development plan as submitted.

Mr. Covey asked if the applicant wants to go with his original application of RS-3?

The applicant stated, "that's correct".

Mr. Covey asked if the applicant was interested in the RE zoning that staff recommended.

The applicant stated if that is the will of the Commission then he will have to go back to his client and say, this is what we asked for and this is what the Planning Commission recommended. He stated his client can appeal to the City Council, which he would suspect would not get approved or the client can just withdraw the application. The applicant stated but he is asking for his original request of RS-3.

Mr. Covey stated he was just trying to determine if that was something the applicant was interested in if it came to deny the RS-3 outright.

The applicant stated wants Planning Commission to consider the staff recommendation. He stated he has worked with staff and he went to a neighborhood meeting with Councilor Cue and he understands the resident's position. The applicant

stated if Planning Commission is inclined to approve staff's recommendation he will go back to his client and let him decide.

Mr. Reeds stated he knows the applicant did studies to determine the feasibility of the soil but did he look at bringing in any structural dirt to create more usable square footage.

The applicant stated "no", from the reports they have the recommendation is to avoid that area and create a buffer from it.

Mr. McArtor asked if the applicant agrees that the application for RS- 3 is not consistent with a Small Area Plan?

The applicant stated they recognize that the request is not consistent.

Mr. McArtor asked if the applicant said that putting in the sewer and that kind of thing would not be feasible with the 48 lots instead of what was proposed are, they are saying it not economically feasible.

The applicant stated both economically and from a practical design standpoint, it doesn't make sense to have the option if he goes above a half-acre in the county or in the city that he is allowed to have aerobics systems instead of sanitary sewer. However, in the Subdivision Regulations it specifically says that the internal collection system has to be installed. But if he doesn't have to install the internal collection system that requires a waiver by this Planning Commission on the Subdivision Plat then the project may be more economically and engineering feasible. The applicant stated if he has to do both then it's not. He stated he can't ask for a waiver today of the Subdivision Regulations because that's not what's before Planning Commission and he doesn't have a Plat. The applicant stated to be honest he wouldn't grant the waiver if he was on the Planning Commission. He stated he thinks it's important that sanitary sewers are extended to allow development that's what the City has obviously said by going spending millions of dollars to extend the sewer. The applicant stated when he brought that up at the neighborhood meeting the answer he got was they didn't want the sanitary sewer out there. He stated he was sorry but the City is already out there building it and they want the applicant to extend it and he wants to extend it to allow a development and that line is sized for RS-3 development. The applicant stated the sewer line that is going in is a 24-inch line and to say only one acre lots will be allowed makes it look like a misuse of some tax monies. The applicant stated staff said it best and politically correct that the Small Area Plan and what the City is doing out there is in conflict with each other.

Ms. Kimbrel asked if the applicant could talk about any feedback that the residents had at the neighborhood meeting regarding lot size?

The applicant stated he is sure they will speak for themselves. He stated Councilor Cue who is always very good to work with was shown the plan first as is typically



done. Her and her staff set up a Town Hall neighborhood meeting and with several items discussed besides the proposed applications. The applicant stated the neighborhood doesn't want this level of density and at that time they didn't want the one-acre lots either. The residents also stated they didn't want sanitary sewer either.

Mr. Reeds asked if the applicant looked at doing more density along Union Avenue and then going to a one acre plus as you go west? He stated he knew it was contrary to the Small Area Plan. Mr. Reeds stated the applicant is good at doing new urbanism, but this conceptual drawing is 1952 and it's not the Small Area Plan.

The applicant stated he thought about it but as much as he likes it, it is different and he didn't think that the residents or the City Councilor would support it. He stated they knew this conventional development would be a stretch. The applicant stated different options were looked at but we thought this was the best option that they could work with the neighbors and the counselors to achieve.

**Interested Parties:**

**Jana Davis** PO Box 702773, Tulsa, OK 74170

Ms. Davis stated here she is again continuing to fight and we will continue to fight for the Rural Plan for this area. She stated this is an area between 71<sup>st</sup> and 91<sup>st</sup> West Avenue and Union Avenue to 33<sup>rd</sup> West Avenue and it's an unusual area of the City of Tulsa and they want to keep it that way. Ms. Davis stated the Commissioners should have been forwarded emails that contained a survey that she sent to residents of the community who overwhelmingly stated they did not want this subject development and are not in favor of anything less than an acre. Ms. Davis stated the Small Area Plan specifically calls for a minimum of an acre and she personally doesn't want anything less than two and a half acres. She stated the area residents have already compromised and that compromise is large. Ms. Davis stated sanitary sewer is being installed and the residents do not want it. She stated she has been in the area for 45 years as most out here have or its second and third generation and as far as she knows that sewer is not coming across that land because landowners won't allow it. She stated they don't want it. Aerobic systems are fine. Most are still on septic systems. Ms. Davis stated she is glad to hear that they have recommended not to build on the dump area.

**John Campbell** 8260 South Yukon, Tulsa, OK 74132

Mr. Campbell stated his property immediately joins the subject property. He stated the neighborhood is generally large lots, there are a few smaller ones but the neighbors would prefer to keep it somewhat agricultural and large.

Mr. Fothergill asked how Mr. Campbell felt about sewer in the area.

Mr. Campbell stated he didn't care about it and he was on septic. He stated he thought most everyone that's been there any period of time is on septic.

**Angelle Cole** 2440 West 81<sup>st</sup> Street, Tulsa, OK 74132

Ms. Cole stated she wants to say thank you to Commissioners for allowing the interested parties to have a voice and to staff for their recommendation of denial. She stated this area is a little bit different it stretches from 61<sup>st</sup> to 91<sup>st</sup> and from Elwood Avenue to 33<sup>rd</sup> West Avenue. Ms. Cole stated they encapsulate the east and the west side of Highway 75. She stated each of the quadrants are a little different. They each have their own amenities and challenges. Ms. Cole stated her section is between the 81<sup>st</sup> and 91<sup>st</sup> and Elwood to 33<sup>rd</sup> West Avenue section. She stated the residents gladly participated in the Small Area Plan and survived two and a half years of working on this Plan. The big thing to residents were lot sizes. Ms. Cole stated 61<sup>st</sup> Street and Union Avenue is RS-3 it is small lots and that is fine for that section of the quadrant. She stated as you go further south, the lots get bigger and when you get to 71<sup>st</sup> Street they get to be half acre, an acre to 2 acres. Ms. Cole stated when you get down to West 78<sup>th</sup> Street the whole neighborhood started off as 2-4 acre lots. She stated she ended up on the south side of 81<sup>st</sup> Street on a 5-acre lot that was developed with 4 houses each having 1.25 acres. Ms. Cole stated she is probably one of the smallest lots of her neighbors. She stated to the west of her is a horse farm that is 105 acres. Ms. Cole stated to the other side of her was The Tomato Man who everyone in town seem to know. She stated his property encapsulated most of that area and has been cut up into smaller pieces. Ms. Cole stated when you look at the density surrounding the subject property compared to what the applicant wants to build it just doesn't seem right.

**Tish Dingmon** 2828 West 81<sup>st</sup> Street, Tulsa, OK 74132.

Ms. Dingmon stated her family owns the largest area in the Small Area Plan at 105 acres. Ms. Dingmon stated the residents have agreed to 1 acre lots and that's what they are trying to keep it at. Ms. Dingmon stated the subject property backs up to half of her pasture. She stated you can't really stop development and she have commercial real estate, so they understand all that. But Ms. Dingmon stated she doesn't want to go back through all of this again, it took a long time with Chris Key just to get to the 1 acre lots and that doesn't seem right. She stated she grew up running around on the landfill property because her best friend lived on 91<sup>st</sup> Street and they would just walk across the landfill. Ms. Dingmon stated they were told there's too much mercury on that property to build on and she was curious if that's what they found and why they can't develop on certain areas.

**Jane Duenner** 2320 West 92<sup>nd</sup> Street, Tulsa, OK 74132

Ms. Duenner stated District 2 has a lot of undeveloped acreage. She stated there are more Section 8 apartments than any other District in Tulsa. Ms. Duenner stated her neighbors moved here because of the wide-open places and some have livestock. She stated If you've ever been out to Johansen Acres between 21<sup>st</sup> and 31<sup>st</sup> and Sheridan and Memorial, all of those lots are 1 to 2.5 acre lots and it was a covenant of that land. Ms. Duenner stated that is what residents would like to see in keeping with the existing neighborhood. She stated the soil is clay and does not perk well, it also tends to flood. Ms. Duenner stated the city doesn't ever seem to have any funds to improve the infrastructure as regards to traffic, police and fire. She would suggest you

try to navigate west on 81<sup>st</sup> Street from US 75 on a busy day. The West Highlands Small Area Plan made changes to limit the density to one acre per lot, although we would all love to see two and a half acres per lot but will compromise with one acre lots. Ms. Duenner stated she would like to respectfully request the Planning Commission adhere to those changes. She stated this development is 125 units or 145 units on 80 acres, or 9000 square foot lots. She stated that is .2 acres and she would like Planning Commission to adhere to one acre per lot.

The applicant stated he would address some of the speakers concerns. He stated there was no mercury found. The applicant stated there would be no Section 8 housing, rather single family detached homes starting in the \$350, 000 range. He stated no multi family is proposed. The applicant stated they are aware of flooding in the area and if this development is approved and goes forward a subdivision plat would be filed on the property and one of the things that a subdivision plat contains is hydrology analysis and detention. He stated the subdivision plat is not approved until the City approves it. The applicant stated the reason there's flooding in this area is because it was not done with a subdivision plat. It was done via a lot split so there was no review. He stated if we go through the subdivision platting process, flooding will need to be addressed. The water can't be released any faster than already being released and the City will have to approve the hydrology reports.

Mr. McArtor asked Mr. Jones if his application for RS-3 is not approved, as far as you're concerned it may as well stay AG.

The applicant stated they have requested is RS-3 with an optional development plan that's what's before the Planning Commission and that's what the applicant would like to have. He stated he would like to walk out of this meeting with whatever the Planning Commission feels is appropriate, whether it's his request or the staff recommendation. He stated he would then go back to his client and say, Okay, here's what we requested and here's what the Planning Commission approved and explain to the client his options. The applicant stated he would like Planning Commission to consider and walk out of here with one of those two things approved and then the decision lies with him.

### **TMAPC Comments:**

Mr. Covey stated he will be voting in favor of staff recommendation and was going to ask City Legal if it could be bumped up to AG-R. Mr. Covey stated there is a Small Area Plan that staff has worked on all this time to get, it's been approved by Planning Commission and it's been approved by City Council the only reason it's not in effect yet is for a waiting period.

Mr. McArtor stated he likes the idea but technically AG-R is not available yet.

Ms. VanValkenburgh stated she doesn't believe that can be done because of the notice. She stated there wouldn't be proper notice for Planning Commission to

consider that and it doesn't exist yet. Ms. VanValkenburgh stated one option would be to continue the case until it is in existence and to give notice.

Mr. McArtor asked staff what the functional difference between RE and AG.

Staff stated he didn't have the specifics of AG-R in front of him and what was ultimately approved. He stated driving down the street, what you would actually see on the ground, there's very little difference between the RE with an optional development plan that is shown and what AG-R will be.

Mr. McArtor asked if the AG-R would be an acre a lot.

Staff stated "Correct".

Mr. McArtor stated the only difference would be a detached building.

Staff stated he believes there may be some differences on the setbacks that are actually smaller than what is in the optional development plan. But he thinks if you drove down a subdivision street that had this development standard in it and drove down an AG-R subdivision he doesn't think you would see any real difference. He stated the house will be set back the same from the street and you may be able to have a horse or something if it's AG-R.

Mr. Ray stated he supports the applicants position he doesn't think a strong case has been made, other than his concern about the Small Area Plan or denying that but, if there is some opportunity for us to continue that case without creating a problem for both sides he would like to know if we could reach some compromise and wait until AG-R is in effect. He stated he didn't know if the applicant was interested in that option.

Mr. Covey stated he thinks AG-R is going the opposite direction of what the applicant wants.

Mr. Ray stated if that's the case, he will be voting for the applicant because he thinks what they are asking for is reasonable and he doesn't see how it's going to harm the residents in that area. He stated he can't look at the map and determine that it's going to be a lot different than what it is now.

Mr. Covey stated he will be voting in favor of this motion unless there's a strong desire to continue this and go with AG-R.

Mr. McArtor stated he doesn't know if there's a strong desire but what he is hearing is there's not going to be that much difference between AG-R or what staff is recommending in this situation. He stated he thinks they should proceed.

Mr. Reeds stated one thing that should be noted is that directly to the north there are 6 or 7 homes that he has counted that are RS-3. Mr. Reeds stated the subject property is adjacent to a zoned RS-3. He stated and across the street on 81<sup>st</sup> Street is also RS-3 for future development.

Mr. Ritchey stated he would like to make one point of clarification, he believes that RS-3 has come up a million times and he thinks the city zoned this area RS-3 in the 70's without their knowledge so he can understand since then we have now come back and said we have a Small Area Plan. He stated he personally leans more towards a modern recently created Small Area Plan that kind of supersedes the zoning that exists but it seems to show the will of the neighborhood. Mr. Ritchey stated so he is support of the optional development plan for one-acre minimum lots.

**TMAPC Action; 11 members present:**

On **MOTION** of **REEDS**, TMAPC voted **10-1-0** (Covey, Doctor, Fothergill, Kimbrel, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; Ray "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of rezoning from AG to RE with optional development for Z-7404 plan per staff recommendations.

**Legal Description Z-7404:**

THE SOUTH HALF OF THE NORTHEAST QUARTER (S/2 NE/4) OF SECTION FIFTEEN (15), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN MERIDIAN, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF

\*\*\*\*\*

Mr. Doctor left at 2:30 P.M.

6. **CZ-495 Brandon Conrad** (County) Location: Northwest of the northwest corner of East 56<sup>th</sup> Street North and North 145<sup>th</sup> East Avenue requesting rezoning from **RS** to **AG** to permit agricultural uses

**STAFF RECOMMENDATION:**

**SECTION I: CZ-495**

**DEVELOPMENT CONCEPT:** The applicant is proposing to rezone from RS to AG to permit agricultural uses on the subject lot. The site currently contains a single-family residence. The applicant intends to use the site for the raising of farm animals as permitted by Tulsa County and requires AG zoning to permit the intended use.

**DETAILED STAFF RECOMMENDATION:**

AG zoning is non injurious to the existing proximate properties and;

AG zoning is consistent with the anticipated future development pattern of the surrounding property;

AG zoning is consistent with the Tulsa County Zoning Code, therefore;

**Staff recommends Approval of CZ-495 to rezone property from RS to AG.**

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: The subject lot is located outside of the City of Tulsa Comprehensive Plan and the Comprehensive Plans of local municipalities. It is located just south of the City of Owasso fence line but does not have a land use designation.*

**Land Use Vision:**

*Land Use Plan map designation: N/A*

*Areas of Stability and Growth designation: N/A*

**Transportation Vision:**

*Major Street and Highway Plan: E 60<sup>th</sup> Place North does not have a designation in the Major Street and Highway Plan.*

*Trail System Master Plan Considerations: None*

*Small Area Plan: None*

*Special District Considerations: None*

*Historic Preservation Overlay: None*

**DESCRIPTION OF EXISTING CONDITIONS:**

*Staff Summary: The site currently contains a single-family residence.*

*Environmental Considerations: None*

**Streets:**

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
E 60 <sup>th</sup> PI North	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	RS	N/A	N/A	Single-Family
South	RS	N/A	N/A	Single-Family
East	RS	N/A	N/A	Single-Family/Agricultural
West	AG	N/A	N/A	Agricultural

**SECTION III: Relevant Zoning History**

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

***Subject Property:***

**CBOA-1743 June 2000:** The County Board of Adjustment **approved** a *Special Exception* to permit a single-wide mobile home in an RS district for an undesignated period of time, subject to DEQ approval, county building permit, skirting, and tie-down requirements, on property located at 13716 East 59<sup>th</sup> Street North.

***Surrounding Property:***

**BOA-8023 September 1973 (Denied):** The Board of Adjustment **denied** an *Appeal* for refusing to permit a garage business in an RS-3 District, on property located at 59<sup>th</sup> Street North and 145<sup>th</sup> East Avenue.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 110 members present:**

On **MOTION** of **McARTOR**, TMAPC voted **10-0-0** (Covey, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Doctor "absent") to recommend **APPROVAL** of the AG zoning for CZ-495 per staff recommendation.

**Legal Description CZ-495:**

A TRACT OF LAND LYING IN THE SOUTHEAST QUARTER (SE/4) OF SECTION FOUR (4) , TOWNSHIP TWENTY (20) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES BEGINNING AT A POINT ON THE WEST LINE OF SAID SE/4 AND 1976 FEET NORTH OF THE SW CORNER THEREOF; THENCE EAST AND PARALLEL WITH THE SOUTH LINE OF SAID SE/4 A DISTANCE OF 323.39 FEET; THENCH NORTH AND PARALLEL WITH THE WEST LINE OF SAID SE/4 A DISTANCE OF 357.89 FEET; THENCH WEST AND PARALLEL WITH THE SOUTH LINE OF SAID SE/4 A DISTANCE OF 60.00 FEET; THENCE NORTH AND PARALLEL WITH THE WEST LINE OF SAID SE/4 A DISTANCE OF 10.00 FEET; THENCE WEST AND PARALLEL WITH THE SOUTH LINE OF SAID SE/4 A DISTANCE OF 263.39 FEET TO POINT ON THE WEST LINE OF SAID SE/4; THENCE SOUTH ALONG SAID WEST LINE A DISTANCE OF 367.89 FEET TO THE POINT OF BEGINNING.

\* \* \* \* \*

8. **Z-7509 Alberto Perez** (CD 1) Location: South of the southeast corner of East Newton Street and North Main Street requesting rezoning from **RS-4 to RS-5**

**STAFF RECOMMENDATION:**  
**SECTION I: Z-7509**

**DEVELOPMENT CONCEPT:** The applicant is proposing to rezone the subject lot from RS-4 to RS-5, with the intention of constructing a duplex. A duplex use is a special exception in RS-5 and will need to be approved by the City of Tulsa Board of Adjustment before a duplex can be built on the lot.

**DETAILED STAFF RECOMMENDATION:**

The proposed duplex use will require a Special Exception from the City of Tulsa Board of Adjustment;

RS-5 zoning is consistent with the anticipated future development pattern of the surrounding property;

RS-5 zoning is consistent with the City of Tulsa Zoning Code, therefore;

**Staff recommends Approval of Z-7509 to rezone property from RS-4 to RS-5.**

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: The site is located in an Existing Neighborhood land use designation as well as an area of Stability. The site is also located within the Unity Heritage Sector Plan. One vision is to provide a variety of housing types to "allow families, professionals and seniors to be important members of the*



*community.” The plan also calls for the future land use of medium density residential on the subject lot.*

Land Use Vision:

*Land Use Plan map designation Comprehensive Plan: Existing Neighborhood*

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

*Future Land Use Plan per Unity Heritage Sector Plan: Medium Density Residential*

These areas generally include detached single-family houses representative of the traditional neighborhood pattern. Lot sizes tend to be consistent, though the scale of housing varies, with the southwest portion having two-story houses and most of the remaining area having one-story houses. Throughout the area, medium density residential areas could include small townhouses or apartment buildings, though such development should be well integrated into the character of the neighborhood in terms of scale and form. These areas also include neighborhood public uses, such as Emerson Elementary School, Carver Middle School, Burroughs Elementary School, Booker T. Washington High School and religious places.

*Areas of Stability and Growth designation: Area of Stability*

The Areas of Stability includes approximately 75% of the city’s total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. 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: N Main Street is designated as a Residential Collector*

*Trail System Master Plan Considerations: None*

Small Area Plan: Unity Heritage Neighborhoods Sector Plan (Adopted November 2016)

Special District Considerations: The site is located within the Healthy Neighborhoods Overlay. This overlay applies to small box stores and does not apply to residential development.

Historic Preservation Overlay: None

**DESCRIPTION OF EXISTING CONDITIONS:**

*Staff Summary: The site is currently vacant*

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
N Main Street	Residential Collector	60 Feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	RS-4	Existing Neighborhood	Stability	Vacant
South	RS-4	Existing Neighborhood	Stability	Single-Family
East	RS-4	Existing Neighborhood	Stability	Vacant
West	RS-4	Existing Neighborhood	Stability	Single-Family

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11918 dated September 1, 1970 established zoning for the subject property.

***Subject Property:***

**SA-3 April 2018** : All concurred in **approval** at city council (TMPAC recommended **denial**) to apply supplemental zoning, HNO (Healthy Neighborhoods Overlay), to multiple properties within the plan area boundaries of Greenwood Heritage Neighborhoods Sector Plan (also known as the Unity Heritage Neighborhoods Plan), 36th Street North Corridor Small Area Plan, and The Crutchfield Neighborhood Revitalization Master Plan (related to ZCA-7).

***Surrounding Property:***

No Relevant History.

**TMAPC Comments:**

Ms. Kimbrel asked staff if the RS-5 is consistent with the Unity Heritage Neighborhood Plan.

Staff stated “Yes” it encourages a variety of housing types throughout that area, So a variety of different types of people with different levels to all in inhabit that same area. He stated it encourages housing for small families, professionals and seniors and all specifically called out as being a desired family housing type. Staff stated they found the duplex would accommodate that sort of development.

Mr. Ritchey asked if a duplex not allowed by Special Exception in an RS-4.

Staff stated it is, but the lot width is the limiting factor.

Mr. Covey stated when he looks at the zoning map there is one little track of RS-5 right in the middle of a huge swath of RS-4.

Staff stated “yes” the lot width is what is determining that.

Mr. Covey stated so the lot width is what is driving all this.

Staff stated the lot is too narrow to be an RS-4 with a Special Exception.

Mr. Reeds asked if this could have been done with RS-4 with an optional development plan and reduce the lot width requirement.

Staff stated “no”, you can only get more restrictive not less.

**The applicant was not present.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 10 members present:**

On **MOTION** of **McARTOR**, TMAPC voted **10-0-0** (Covey, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Doctor “absent”) to recommend **APPROVAL** of the RS-5 zoning for Z-7509 per staff recommendation.

**Legal Description Z-7509:**

LT 14 BLK 1, HUDSON ADDN, City of Tulsa, Tulsa County, State of Oklahoma

\* \* \* \* \*

9. **Z-7510 Boomtown Development Co.** (CD 3) Location: South of the southwest corner of East Admiral Place and South 89<sup>th</sup> East Avenue requesting rezoning from **RS-2 to RS-4**

**STAFF RECOMMENDATION:**

**SECTION I: Z-7510**

**DEVELOPMENT CONCEPT:** The applicant is proposing to rezone from RS-2 to RS-4 to permit a single-family housing development. The proposed development will be a single-family development that will be constructed by Habitat for Humanity. RS-4 is being requested due to the desired lot sizes of the proposal. For a detached, single-family home, RS-4 required a minimum lot size of 5,500 SF and a minimum lot width of 50 Feet.

**DETAILED STAFF RECOMMENDATION:**

Z-7510 allows uses that are non-injurious to surrounding proximate properties;

Z-7510 is consistent with the anticipated future development pattern of the surrounding property;

Z-7510 is consistent with the New Neighborhood land use designation of the Comprehensive Plan, therefore

**Staff recommends Approval of Z-7510 to rezone property from RS-2 to RS-4.**

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: The subject lots are located within the New Neighborhood Land Use designation of the City of Tulsa Zoning Code.*

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:* S 89<sup>th</sup> East Ave is classified as a Residential Collector

*Trail System Master Plan Considerations:* None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The site currently contains an abandoned single-family residence. The remainder of the lot is vacant.*

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
S 89 <sup>th</sup> East Ave	Residential Collector	60 Feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	CH/RS-3	Employment/Existing Neighborhood	Growth/Stability	Commercial/Single-Family
South	RS-2	New Neighborhood	Growth	Single-Family
East	RS-3	Existing Neighborhood/New Neighborhood	Growth	Single-Family
West	CH	New Neighborhood/Employment	Growth	Commercial

**SECTION III: Relevant Zoning History**

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

***Subject Property:***

**BOA-19142 July 2001:** The Board of Adjustment **approved** a *Variance* of the maximum allowable size of accessory building from the required 750 sq. ft. to 4,800 sq. ft. on a tract of 2.4 acres zoned RS-2, per plan, on conditions the accessory building be restricted to personal use no commercial use, have 12' sidewalls and 3:12 pitched roof, finding the hardship is the size of the lot, and **deny** a *Special Exception* for a home occupation (carpet cleaning and construction cleanup) to permit storage of business vans on trailers in an enclosed building in an RS-2 district, on property located at 206 South 89<sup>th</sup> East Avenue.

***Surrounding Property:***

**Z-7282/PUD-820 December 2014:** All concurred in **approval** of a request for *Rezoning* and a *Planned Unit Development* on a 26± acre tract of land from OL/ CS/CH to CH/PUD-820, for a beverage warehouse and distribution center, on property located south and east of the southeast corner of South Memorial Drive and East Admiral Place.

**BOA-14607 September 1987:** The Board of Adjustment **approved** a *Variance* of lot width from 60' to 50' to allow for a lot split; per plan submitted; finding that there are smaller lots in the area, on property located at 219 South 89<sup>th</sup> East Avenue.

**Z-6853 June 2002 :** All concurred in **approval** of a request for *rezoning* a 1.44± acre tract of land from CS to RS-3 on property located northwest corner of East 2<sup>nd</sup> Street and South 89<sup>th</sup> East Avenue.

**TMAPC Comments:**

Mr Covey stated he didn't see RS-4 anywhere else in the area. He asked staff what was driving the RS-4 requested.

Staff stated the requested number of lots and the size of the lots that the applicant wants to build.

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

**Applicant Comments:**

The applicant stated she is with Tulsa Habitat for Humanity but this development is being done a subsidiary which is Boomtown Development Company. She stated Boomtown addresses a different Area Median Income (AMI) than the traditional Habitat families. The applicant stated there is no structures on the subject property and it is just short of 5 acres and they are hoping for 20-22 lots. She stated the rezoning is needed for the lot size and width. The applicant stated they typically build on 50-foot lots and in order to make this application financially feasible they are asking for RS-4 to get the 50-foot lots. The applicant stated there was a neighborhood meeting on October 29<sup>th</sup> and the residents came in concerned about property values, infrastructure and drainage but by the end of the meeting everyone was happy. She stated this property will be platted and the applicant will have to meet all the City rules for Subdivisions.

Ms. Kimbrel asked what some of the concerns were the neighbors had.

The applicant stated the residents were concerned government housing was going in and decrease property values. She stated after showing the neighbors the renderings of the subject development some stated they would like to buy a house in that subdivision.

Ms. Van Cleave asked if the applicant could explain what she means by there being 2 different AMI's.

The applicant stated Tulsa Habitat for Humanity sells homes to individuals who make between 50% to 80% of the AMI and Boomtown addresses workforce housing which is 80% to 120% of the AMI. She stated there could be a couple of houses in the development that could be Habitat houses.

Mr. Reeds asked the applicant what the average square foot of the homes would be.

The applicant stated 1500 to 1800 square feet, one story and hopefully 2 car garage.

**Interested Parties:**

**John Strimple** 219 South 89<sup>th</sup> East Avenue, Tulsa OK 74112

Mr. Strimple stated he lives directly across from the property and he thought there were going to be 4 houses. He stated the applicant said 22 houses and there is no sewer and there are drainage problems.

Ms. Kimbrel asked Mr. Strimple if he was opposed based on the number of houses.

He stated "yes".

Ms. Kimbrel asked what he thought was appropriate for that area

Mr. Strimple stated "4".



**Barbara James** 920 South 89<sup>th</sup> East Avenue, Tulsa, OK 74112

Ms. James stated she lives in the addition south of the subject property. She stated because she was not part of their addition, she was never a part of any of the neighborhood meetings and she has a list of things she would like to ask. Ms. James stated she wanted to find out how many homes, price range of homes, are they single story and what the lot size will be. She stated the applicant has answered most of that. Ms. James stated she assumes new roads will be built, sidewalks and street lights. Ms. James stated she also wants to know what's going to happen to the stretch of 89<sup>th</sup> that sets south of the subject property. She stated there is a Boulevard there and a school, there are ditches in the neighborhood and water drainage is a huge issue and she would like to know this will be addressed. Ms. James asked if there's 20 houses built there are, they going to put lights on Admiral and 89<sup>th</sup> Street. She stated her concern is that Boulevard adds huge value to that neighborhood and if there's all this traffic it will be a highway not a Boulevard. Ms. James stated she was under the impression that this was Habitat for Humanity homes and so that concerns her a little bit that down the road they may be bought by investors and turned into rental properties. She stated there is a lot of rental properties across the street on the east side of 89<sup>th</sup> Street by Boeing Park. Ms. James stated another issue, if there are a lot of children in the proposed neighborhood, the motel is on Admiral and 89<sup>th</sup> and there's a lot of questionable activities that occur there. She stated has never seen a Comprehensive Plan for this area and would like to see one.

The applicant stated they will go through the platting process and it will address drainage. She stated they recognize there's no sewer there and will be doing a short sewer extension to subject property. The applicant stated they will be taking care of sidewalks. She stated addressing the concerns that the Habitat or Boomtown turning into rental. A common misunderstanding is that Habitat gives away homes, she stated they sell homes and homeowners have 30-year notes and once they're done with our program they are just like every other homeowner, they are just income qualified. The applicant stated in addition to the note, Habitat files a deed restriction on these properties so if a homeowner wants to sell the home 10 years down the road, Habitat has the option to buy that back. She stated Habitat has a long term say on how this neighborhood looks and how it performs. The applicant stated there will be an HOA and everything a normal neighborhood would have. She stated the plan is for the same high standard our other neighborhoods have. The applicant stated they used the 300-foot notification radius to contact people for the neighborhood meeting. The applicant realized after reviewing the list that there's a lot of renters in that area so she did a little bit of door knocking and apologizes if she didn't reach everyone. But there was a decent showing at the neighborhood meeting.

Mr. Fothergill asked if there would be internal streets.

The applicant stated "yes".

**TMAPC Action; 10 members present:**

On **MOTION** of **McARTOR**, TMAPC voted **10-0-0** (Covey, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Doctor, “absent”) to recommend **APPROVAL** of the RS-4 zoning for Z-7510 per staff recommendation.

**Legal Description Z-7510:**

LT 1-2 BLK 7, DAY SUBURBAN ACRES, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

Items 10 and 11 were presented together

10. **PUD-367-A Stuart Van De Wiele** (CD 6) Location: South of the southeast corner of East 31<sup>st</sup> Street South and Highway 169 requesting rezoning from **PUD-367 to PUD-367-A (Related to Z-7511)**

**STAFF RECOMMENDATION:**

**SECTION I: PUD-367-A**

**DEVELOPMENT CONCEPT:** The applicant is proposing to rezone a portion of the subject lot to IL, within the context of an existing PUD which is proposed to be amended concurrently with a rezoning request (Z-7511). If approved, the PUD development standards set forth by this amendment will establish the use, site and building requirements for the proposal.

The applicant is proposing a medical marijuana grow facility on the subject lot as well as allowing other potential future uses. The facility will be required to conform to the development standards established by this amendment as well as the requirements set forth by the City of Tulsa Zoning Code for such facilities.

**DETAILED STAFF RECOMMENDATION:**

PUD-367-A is non injurious to the existing proximate properties and;

PUD-367-A is consistent with the anticipated future development pattern of the surrounding property;

PUD-367-A is consistent with the PUD chapter of the City of Tulsa Zoning Code, therefore;

**Staff recommends Approval of PUD-367-A to rezone property from CS, RM-1, PUD-367 to PUD-367-A**

**Development Standards:**

AREA (Gross):

510,401 SF

Acres 11.717  
(Net): 488,562 SF  
11.216

Acres

**GENERAL PROVISIONS:**

All district use regulations, supplemental regulations, building types, lot and building regulations, along with other relevant regulations shall conform to the provision of the Tulsa Zoning Code for development in the IL zoning district.

**PERMITTED USES:**

Use Categories are limited to the subcategories and specific uses defined below (including those allowed by special exception) and uses that are customarily accessory to the permitted uses (including those allowed by special exception):

- A. Residential
  - a. Household Living (all specific uses allowed, including uses by special exception)
- B. Public, Civic and Institutional
  - a. College or University
  - b. Day Care
  - c. Fraternal Organization
  - d. Governmental Service
  - e. Hospital
  - f. Library or Cultural Exhibit
  - g. Postal Services
  - h. Religious Assembly
  - i. Safety Service
  - j. School
  - k. Utilities and Public Service Facility (Major and Minor)
  - l. Wireless Communication Facility
    - i. Freestanding Tower
    - ii. Building or Tower-Mounted Antenna
- C. Commercial
  - a. Animal Service (all specific uses allowed, including uses by special exception)
  - b. Broadcast or Recording Studio
  - c. Commercial Service Section (all specific uses allowed, including uses by special exception)
  - d. Financial Services
  - e. Funeral or Mortuary Service
  - f. Office (all specific uses allowed, including uses by special exception)
  - g. Restaurants and Bars (all specific uses allowed, including uses by special exception)
  - h. Retail Sales (all specific uses allowed, including uses by special exception)
  - i. Self-Service Storage Facility
  - j. Sexually Oriented Business Establishment
  - k. Studio, Artist or Instructional Service

- I. Trade School
- m. Vehicle Sales and Service Section
  - i. Commercial Vehicle Repair / Maintenance
  - ii. Commercial Vehicle Sales and Rentals
  - iii. Personal Vehicle Repair and Maintenance
  - iv. Vehicle Part and Supply Sales
- D. Wholesale, Distribution & Storage
  - a. Equipment & Materials Storage, Outdoor
  - b. Trucking and Transportation Terminal
  - c. Warehouse
  - d. Wholesale Sales and Distribution
- E. Industrial
  - a. Low-Impact Manufacturing & Industry
  - b. Moderate-Impact Manufacturing & Industry: **Limited to moderate-impact medical marijuana processing facilities**
- F. Agricultural
  - a. Horticulture Nursery
- G. Other
  - a. Off-Premise Outdoor Advertising Sign

MAXIMUM PERMITTED FLOOR AREA- All Uses: 216,000 SF

MAXIMUM BUILDING HEIGHT (above finished floor elevation measured at front entrance):  
 South 200 feet 18 Ft.  
 Remainder of property 30 Ft.

MINIMUM BUILDING SETBACKS:  
 From South property line 90 Ft.  
 From East property line (South 108 East Avenue) 80 Ft.  
 From West property line (Mingo Valley Expressway) 65 Ft.  
 From North property line 50 Ft.

LANDSCAPING:

Minimum internal landscaped open space of 10% - Internal landscaped open space includes street frontage landscaped areas, landscaped parking islands, landscaped yards and plazas and pedestrian areas but does not include any parking, building or driveway areas.

The landscaped area adjacent to South 108<sup>th</sup> East Avenue shall be a minimum of 15 feet in width from the back of the existing curb.

The landscaped area adjacent to the South boundary of the property shall include trees and shrubs, and the remainder of the landscaped areas shall include treed and shrubbed areas and a variety of landscaping materials.

OFF-STREET PARKING:

As required for the actual uses by the Tulsa Zoning Code

SIGNAGE:

No roof, projecting, flashing, animated or revolving signs shall be permitted and no ground signs shall be located within 100 feet of the South boundary of the property.

Three ground signs shall be permitted along the East boundary of the property and shall not exceed 20 feet in height and shall not exceed 200 square feet in display area. Ground signs along the westerly boundary (Mingo Valley Expressway) shall comply with the provisions and restrictions for ground signs within the IL District.

The aggregate display surface area of wall and canopy signs shall not exceed 1.5 square feet per each lineal foot of the building wall to which the sign or signs are affixed. Wall or canopy signs shall not exceed the height of the building.

Directory signs intended to inform visitors as to the location within the property of a tenant may be free-standing if not exceeding 12 feet in height. The design of directory signs shall be uniform throughout the property.

Otherwise, signage shall be as allowed by the Tulsa Zoning Code in the IL zoning district.

#### LIGHTING:

Within the South 150 feet of the property, no free-standing lights in excess of 15 feet in height shall be permitted. All lighting with the South 150 feet of the property shall be directed away from the residential area.

Remainder of property, as permitted by the Tulsa Zoning Code in the IL zoning district

#### SCREENING:

Screening for the property shall include a masonry column and wood fence 6 feet in height along the South boundary of the property Center with extensive landscaping on the interior side of the fence within a landscaped area at least 15 feet in width as shown on the Landscape Detail, Exhibit "C".

#### ROOF-MOUNTED MECHANICAL EQUIPMENT:

Any roof-mounted mechanical equipment shall be set back from the nearest building wall a distance equal to at-least 20% of the roof depth.

**Staff recommends Approval of PUD-367-A as outlined in Section I above.**

## SECTION II: Supporting Documentation

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The site is located within the Town Center land use designation as well as an area of growth. The proposal as presented would be compatible with the Town Center concepts of a medium-scale mixed use area, with opportunities for retail, dining, services and employment serving the larger local area.*

### Land Use Vision:

*Land Use Plan map designation: Town Center*

Town Centers are medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods, and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

*Areas of Stability and Growth designation: Area of Growth*

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

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

Transportation Vision:

*Major Street and Highway Plan:* S 108<sup>th</sup> E Ave is classified as a Residential Collector

*Trail System Master Plan Considerations:* None. The site is approximately 2/3 of a mile from the Mingo Trail.

Small Area Plan: East Tulsa Phase I Planning Area (Adopted November 30, 2005)

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site currently contains a commercial office park.*

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
S 108 <sup>th</sup> E Ave	Residential Collector	60 Feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	RM-1/OL/RS-3	N/A / Town Center	N/A / Growth	Hwy 169 / Commerical
South	RS-3	Existing Neighborhood	Stability	Single-Family Residential
East	RM-1	Town Center	Growth	Multifamily
West	RS-3	N/A	N/A	Hwy 169

### **SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11825 dated June 26,1970 established zoning for the subject property.

#### ***Subject Property:***

**Z-5967/PUD-367 August 1984:** All concurred in **approval** of a proposed *Planned Unit Development* on a 11.23± acre tract of land and **approval** of 5.7 acres out of the original 7.4 acres requested for *Rezoning* from RM-1 to CS for an Office/Warehouse/Commercial Trade Center, on property located south of the southwest corner of East 31<sup>st</sup> Street and South 108<sup>th</sup> East Avenue.

**Z-3784 October 1970:** All concurred in **approval** of a request for *rezoning* a 7.56± acre tract of land from RS-3 to RM-1 on property locates west side 108<sup>th</sup> East Avenue at 33<sup>rd</sup> Street.

#### ***Surrounding Property:***

**Z-7283 December 2014:** All concurred in **approval** of a request for *rezoning* a 1.78± acre tract of land from OL/CS to CS on property located west of southwest corner of East 31<sup>st</sup> Street & South Garnett Road.

**BOA-21781 October 2004:** The Board of Adjustment **approved** the request for a *Special Exception* to permit a car wash in a CS District, subject to per conceptual plan with the clarification that the legal stated in the application covers the entire property this approval only affects that which is currently zoned CS, on property located at 10910 East 31<sup>st</sup> Street.

**Z-6495 July 1995:** All concurred in **approval** of a request for *rezoning* a 0.04± acre tract of land from OL to CS on property located east of the southeast corner of 108<sup>th</sup> East Avenue & 31<sup>st</sup> Street South.

**Z-5865 September 1983:** All concurred in **approval** of a request for *rezoning* a 3.9± acre tract of land from OL to CS on property located east of the southeast corner of 108<sup>th</sup> East Avenue & 31<sup>st</sup> Street.

**Z-4472 August 1973:** All concurred in **approval** of a request for *rezoning* a 3.5± acre tract of land from RM-1/CS to CS on property located southwest corner of 31<sup>st</sup> Street & 108<sup>th</sup> East Avenue.

**TMAPC Comments:**

Mr. Fothergill asked staff if the IL zoning could be limited to agricultural purposes such as horticultural nursery only.

Staff stated “yes”, the Planning Commission could do that but the applicant wanted to include possible future uses.

Mr. McArtor asked what is the amendment to the PUD.

Staff stated its to allow specific uses and set building standards. He stated to restrict uses.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**Applicant Comments:**

Mr. Fothergill asked if the applicant would be willing to limit the IL zoning.

The applicant stated there has been warehousing and manufacturing, distribution going on in the area for decades that not all of which were specifically included in the laundry list of the original PUD. He stated there is really no rhyme or reason to the



uses of the original PUD and that is why the applicant went back to the current use units in the new Zoning Code and carved away the uses that Planning Commission might be concerned with. The applicant stated what was left in is what was happening in the area currently that wouldn't be objectionable.

Mr. Fothergill asked if that was the list on 10.3 of the agenda packet.

The applicant stated "yes", but it starts on 10.2 of the agenda packet. He stated under the industrial category the two the applicant would use is low impact and moderate impact.

Mr. Fothergill stated they are currently in the wild, wild, west phase of the marijuana industry and at some point, there will be a draw down of the number of businesses that are out there. He stated if IL is approved and this business closes down and someone comes along and decides to manufacture widgets at this location

The applicant stated there is manufacturing but not high intensity manufacturing if that is the concern.

Mr. Fothergill asked if the applicant would consider just AG, no moderate impact manufacturing.

The applicant stated if there is something that goes on in the area now under the old PUD, he doesn't want to rezone that away. He stated if their specific things that Planning Commission wants to restrict, that would be an easier approach.

Mr. Fothergill asked if the applicant would consider taking out the Moderate-Impact Manufacturing and Industry on page 10.3 in the agenda packet.

The applicant stated other than the medical marijuana uses, yes. The applicant stated he would suggest restricting in the applicant's development plan to state there cannot be any noticeable off-site impacts in terms of noise, smoke, particulate matter, odors, or vibration and limit the use to medical marijuana processing facility.

Mr. Reeds stated he likes the location near an off ramp and doesn't see the impact of noise.

### **The motion and legal is combined with related item 11**

**11. Z-7511 Stuart Van De Wiele (CD 6) Location: South of the southeast corner of East 31<sup>st</sup> Street South and Highway 169 requesting rezoning from **CS and RM-1 to IL, CS and RM-1(Related to PUD-367-A)****

### **STAFF RECOMMENDATION:** **SECTION I: Z-7511**

**DEVELOPMENT CONCEPT:** The applicant is proposing to rezone a portion of the subject lot to IL, within the context of an existing PUD which is proposed to be amended concurrently with this rezoning request (PUD-367-A). If approved, the PUD development standards set forth by the amendment would establish the use, site and building requirements for the proposal.

**DETAILED STAFF RECOMMENDATION:**

Z-7511 with a PUD overlay is non-injurious to surrounding proximate properties;

Z-7511 with a PUD overlay is consistent with the anticipated future development pattern of the surrounding property;

Z-7511 with a PUD overlay is consistent with the Town Center land use designation of the Comprehensive Plan, therefore;

**Staff recommends Approval of Z-7511 to rezone property from CS, RM-1/ to IL, RM-1, CS.**

**SECTION II: Supporting Documentation**

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The site is located within the Town Center land use designation as well as an area of growth.*

Land Use Vision:

*Land Use Plan map designation: Town Center*

Town Centers are medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods, and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

*Areas of Stability and Growth designation: Area of Growth*

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

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

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

Transportation Vision:

*Major Street and Highway Plan:* S 108<sup>th</sup> E Ave is classified as a Residential Collector

*Trail System Master Plan Considerations:* None. The site is approximately 2/3 of a mile from the Mingo Trail.

Small Area Plan: East Tulsa Phase I Planning Area (Adopted November 30, 2005)

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The site currently contains a commercial office park.*

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
S 108 <sup>th</sup> E Ave	Residential Collector	60 Feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use</b>	<b>Area of Stability or</b>	<b>Existing Use</b>
-----------------	------------------------	--------------------------	-----------------------------	---------------------

		<b>Designation</b>	<b>Growth</b>	
North	RS-3/RM-1/OL	N/A	N/A	Hwy 169
South	RM-1/RS-3	Town Center	Growth	Commercial
East	CS/RM-1	Town Center	Growth	Commercial
West	RS-3	N/A	N/A	Hwy 169

### **SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11825 dated June 26, 1970 established zoning for the subject property.

#### ***Subject Property:***

**Z-5967/PUD-367 August 1984:** All concurred in **approval** of a proposed *Planned Unit Development* on a 11.23± acre tract of land and **approval** of 5.7 acres out of the original 7.4 acres requested for *Rezoning* from RM-1 to CS for an Office/Warehouse/Commercial Trade Center, on property located south of the southwest corner of East 31<sup>st</sup> Street and South 108<sup>th</sup> East Avenue.

**Z-3784 October 1970:** All concurred in **approval** of a request for *rezoning* a 7.56± acre tract of land from RS-3 to RM-1 on property located west side 108<sup>th</sup> East Avenue at 33<sup>rd</sup> Street.

#### ***Surrounding Property:***

**Z-7283 December 2014:** All concurred in **approval** of a request for *rezoning* a 1.78± acre tract of land from OL/CS to CS on property located west of southwest corner of East 31<sup>st</sup> Street & South Garnett Road.

**BOA-21781 October 2004:** The Board of Adjustment **approved** the request for a *Special Exception* to permit a car wash in a CS District, subject to per conceptual plan with the clarification that the legal stated in the application covers the entire property this approval only affects that which is currently zoned CS, on property located at 10910 East 31<sup>st</sup> Street.

**Z-6495 July 1995:** All concurred in **approval** of a request for *rezoning* a 0.04± acre tract of land from OL to CS on property located east of the southeast corner of 108<sup>th</sup> East Avenue & 31<sup>st</sup> Street South.

**Z-5865 September 1983:** All concurred in **approval** of a request for *rezoning* a 3.9± acre tract of land from OL to CS on property located east of the southeast corner of 108<sup>th</sup> East Avenue & 31<sup>st</sup> Street.

**Z-4472 August 1973:** All concurred in **approval** of a request for *rezoning* a 3.5± acre tract of land from RM-1/CS to CS on property located southwest corner of 31<sup>st</sup> Street & 108<sup>th</sup> East Avenue.

**TMAPC Action; 10 members present:**

On **MOTION** of **FOTHERGILL**, TMAPC voted **10-0-0** (Covey, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Doctor “absent”) to recommend **APPROVAL** of the **IL, RM-1, CS** zoning for Z-7511 and **PUD-367-A** for PUD-367 with the exception on page 10.3 of the agenda packet under E-b be limited to marijuana facilities.

**Legal Description PUD 367-A and Z-7511:**

Entire Property

All of FREEPORT TRADE CENTER, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

Area to be Rezoned to IL

A part of Lot 1 of Block 1 of FREEPORT TRADE CENTER, an addition to the City of Tulsa, Tulsa County, State of Oklahoma according to Plat Number 4534 filed in the records of the Tulsa County Clerk. Said part of Lot 1 of Block 1 being more particularly described as follows:

COMMENCING at the Southwest corner of said Lot 1 of Block 1 of FREEPORT TRADE CENTER; Thence N 18°15'22" E along the Westerly line of said Lot 1 and the Easterly right-of-way line of the Mingo Valley Expressway for a distance of 210.60 feet to the POINT OF BEGINNING; Thence along said Westerly lot line and Easterly right-of-way line for the next three calls as follows; Thence continuing N 18°15'22" E for a distance of 219.84 feet; Thence N 42°34'30" E for a distance of 259.40 feet; Thence N 34°54'13" E for a distance of 157.27 feet to the Northwest corner of said Lot 1; Thence S 00°00'00" E and parallel with the Easterly line of said Lot 1 for a distance of 528.77 feet to a point 200.00 feet perpendicularly distant from the Southerly line of said Lot 1; Thence N 90°00'00" W and parallel with said Southerly line for a distance of 334.36 feet to the POINT OF BEGINNING. Basis of Bearings is the record bearing DUE SOUTH (S 00°00'00" E) long the easterly line of the aforementioned Lot 1 of Block 1 of FREEPORT TRADE CENTER, an addition to the City of Tulsa, Tulsa County, State of Oklahoma according to Plat Number 4534 filed in the records of the Tulsa County Clerk.

Said tract contains 102,369.69 square feet or 2.350 acres more or less.

\* \* \* \* \*

Items 12 and 13 were presented together

12. **PUD-848-A Ryan McCarty** (County) Location: South and east of the southeast corner of East 161<sup>st</sup> Street South and South Lewis Avenue requesting **PUD Major Amendment** to abandon PUD-848 (**Related to CZ-496**)

**STAFF RECOMMENDATION:**  
**SECTION I: PUD-848-A**

**DEVELOPMENT CONCEPT:** The purpose of this abandonment request is to increase development opportunities for two property owners. Both property owners agree to collectively reverse the previous action and abandon the entire acreage defined in PUD 848. The underlying zoning is RE and the proposal concurrently request rezoning the properties to AG-R.

**DETAILED STAFF RECOMMENDATION:**

Abandonment of PUD-848 and development of the site with the AG-R zoning would remove some of the opportunities for flexible and creative site development to best utilize the unique physical features of the site however,

The Tulsa County Zoning Code provides lot, bulk and area provisions in an AG-R district that are consistent with the expected density defined in the Bixby land use designations and,

The PUD, as written, did not require development of the subject property with continuity of function and design and,

The Tulsa Subdivision Regulations and Development standards provide guidance on appropriate street connectivity and layout that will be implemented during the plat process therefore,

**Staff recommends Approval of PUD-848-A to rezone property from RE/PUD-848 to AG-R**

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: This site is included in The City of Bixby 2030 Comprehensive Plan which designates northern portion of the site as low intensity residential and the southern portion as rural residential. The comprehensive plan anticipated residential uses but did not consider this area as an agricultural use area.*

**Land Use Vision:**

January of 2019 the City of Bixby adopted their most current comprehensive plan, **Bixby 2030 Our Vision, Our Future**, provides guidance for land use decisions in this

area. The Land Use Plan map designation for this area includes Rural Residential and Low Density Residential uses:

The Low Density Residential designation denotes areas on the fringe of the urbanized area of the City. Development in this designation should remain low in density and mostly consist of detached single-family units. Although, this designation may allow land uses that support neighborhood functions such as parks and neighborhood scaled shops that are cohesive with the residential character.

The Rural Residential designation denotes areas that have large-lot detached residential development in natural / rural portions of the City. Development in this designation should retain the rural character of the area and will be relatively low in density. These areas should offer sufficient access to schools, parks, trails, and open spaces to maintain the quality of life in the rural setting and may allow limited commercial uses that support the surrounding rural area.

Transportation Vision:

*Major Street and Highway Plan:* S Lewis Ave and E 161<sup>st</sup> St S are both Secondary Arterials. The Major Street and Highway Plan also illustrates two Residential Collectors that cross the subject property. Residential collector streets contemplated in the major street and highway plan have not been constructed.

*Trail System Master Plan Considerations:* None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary:* The site is currently vacant agricultural land. There are several ponds located on the lots.

Environmental Considerations: None that would affect site development

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
S Lewis Ave	Secondary Arterial	100 Feet	2
E 161 <sup>st</sup> St S	Secondary Arterial	100 Feet	2

Utilities:

The subject tract has municipal water available through waterline extensions and replacements. Public sanitary sewer is not available but will be provided by individual onsite sewage disposal systems approved by ODEQ.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG	N/A	N/A	AG/Single-Family
South	AG/RE/PUD-846	N/A	N/A	AG/Single-Family
East	AG	N/A	N/A	AG/Single-Family
West	AG	N/A	N/A	AG/Single-Family

**SECTION III: Relevant Zoning History**

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

***Subject Property:***

**CZ-474/PUD848 September 2018:** All concurred in **approval** of a proposed *Planned Unit Development* on a 272± acre tract of land and **approval** of a request for *rezoning* of 10± acres from AG to RE/PUD-852 for a single-family subdivision, on property located south and east of the southeast corner of East 161<sup>st</sup> Street South and South Lewis Avenue.

**CZ-455 April 2017:** The applicant **withdrew** a request for *rezoning* a 55± acre tract of land from AG to RE on property located on east of the southeast corner of East 161<sup>st</sup> Street South and South Lewis Avenue.

***Surrounding Property:***

**CZ-472 July 2018:** TMAPC concurred in **approval** (it has moved on to County Commission for approval) of a request for *rezoning* a 12.08± acre tract of land from AG to AG-R on property located on the northwest corner of East 171<sup>st</sup> Street South and South Lewis Avenue.

**CZ-460/PUD-846 August 2017:** All concurred in **approval** of a request for *rezoning* and a proposed *Planned Unit Development* on a 30+ acre tract of land from AG to RS, for single-family development, on property located west of the northwest corner of East 171<sup>st</sup> Street South and South Harvard Avenue.



**CZ-387/PUD-745 October 2007:** All concurred in **approval** of a request for *rezoning* and a proposed *Planned Unit Development* on an 80+ acre tract of land from AG to RS, for single-family development, on property located west of southwest corner of East 171st Street South and South Lewis Avenue

Motion and legal description is combined with item 13

\* \* \* \* \*

13. **CZ-496 Ryan McCarty** (County) Location: South and east of the southeast corner of East 161<sup>st</sup> Street South and South Lewis Avenue requesting rezoning from **RE to AG-R (Related to PUD-848-A)**

**STAFF RECOMMENDATION:**  
**SECTION I: CZ-496**

**DEVELOPMENT CONCEPT:** In conjunction with the zoning application for AG-R zoning the applicant has requested an abandonment of PUD 846-A. The applicant has stated that the abandonment request is to increase development opportunities for two property owners. Both property owners agree to collectively reverse the previous action and abandon the entire acreage defined in PUD 848. The underlying zoning is RE and the proposal concurrently request rezoning the properties to AG-R.

**DETAILED STAFF RECOMMENDATION:**

In conjunction with the rezoning request to AG-R the applicant is requesting the abandonment of PUD 848 in its entirety. Abandonment of PUD 848 will remove innovative land development opportunities and require all lot development to have access to a public street and,

Abandonment of PUD-848 and development of the site with the AG-R zoning would remove some of the opportunities for flexible and creative site development that might best utilize the unique physical features of the site however,

The Tulsa County Zoning Code provides lot, bulk and area provisions in an AG-R district that are consistent with the expected density defined in the Bixby land use designations and,

The PUD, as written, did not require development of the subject property with continuity of function and design and,

The Tulsa Subdivision Regulations and Development Regulations provide guidance on appropriate street connectivity and layout that will be implemented during the plat process therefore,

**Staff recommends Approval of the request to rezone the site to AG-R without a PUD.**

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: This site is included in The City of Bixby 2030 Comprehensive Plan which designates northern portion of the site as low intensity residential and the southern portion as rural residential. The comprehensive plan anticipated residential uses but did not consider this area as an agricultural use area.*

### Land Use Vision:

January of 2019 the City of Bixby adopted their most current comprehensive plan, **Bixby 2030 Our Vision, Our Future**, provides guidance for land use decisions in this area. The Land Use Plan map designation for this area includes Rural Residential and Low Density Residential uses:

The Low Density Residential designation denotes areas on the fringe of the urbanized area of the City. Development in this designation should remain low in density and mostly consist of detached single-family units. Although, this designation may allow land uses that support neighborhood functions such as parks and neighborhood scaled shops that are cohesive with the residential character. The anticipated development density in this land use designation is up to 4 dwelling units per acre.

The Rural Residential designation denotes areas that have large-lot detached residential development in natural / rural portions of the City. Development in this designation should retain the rural character of the area and will be relatively low in density. These areas should offer sufficient access to schools, parks, trails, and open spaces to maintain the quality of life in the rural setting and may allow limited commercial uses that support the surrounding rural area. The anticipated development density in this land use designation is up to 1.5 dwelling units per acre.

### Transportation Vision:

*Major Street and Highway Plan:* S Lewis Ave and E 161<sup>st</sup> St S are both Secondary Arterials. The Major Street and Highway Plan also illustrates two Residential Collectors that cross the subject property. Residential collector streets contemplated in the major street and highway plan have not been constructed.

*Trail System Master Plan Considerations:* None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The site is currently vacant agricultural land. There are several ponds located on the lots.*

Environmental Considerations: None that would affect site development

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
S Lewis Ave	Secondary Arterial	100 Feet	2
E 161 <sup>st</sup> St S	Secondary Arterial	100 Feet	2

Utilities:

The subject tract has municipal water available through waterline extensions and replacements. Public sanitary sewer is not available but will be provided by individual onsite sewage disposal systems approved by ODEQ.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	AG	N/A	N/A	AG/Single-Family
South	AG/RE/PUD-846	N/A	N/A	AG/Single-Family
East	AG	N/A	N/A	AG/Single-Family
West	AG	N/A	N/A	AG/Single-Family

**SECTION III: Relevant Zoning History**

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

***Subject Property:***

**CZ-474/PUD848 September 2018:** All concurred in **approval** of a proposed *Planned Unit Development* on a 272± acre tract of land and **approval** of a request for *rezoning* of 10± acres from AG to RE/PUD-852 for a single-family subdivision, on property located south and east of the southeast corner of East 161<sup>st</sup> Street South and South Lewis Avenue.

***Surrounding Property:***

**CZ-482/PUD-852 March 2019:** All concurred in **approval** of a proposed *Planned Unit Development* on a 10.0± acre tract of land and a request for *rezoning* from AG to RE/PUD-852 for a Single-family subdivision on property located south of the southwest corner of East 161<sup>st</sup> Street South and South Lewis Avenue.

**CZ-472 July 2018:** All concurred in **approval** of a request for *rezoning* a 12.08± acre tract of land from AG to AG-R to permit a residential development on property located northwest corner of East 171<sup>st</sup> Street South and South Lewis Avenue.

**CZ-460/PUD-846 July 2017:** All concurred in **approval** of a proposed *Planned Unit Development* on a 30± acre tract of land and a request for *rezoning* from AG to RE for a Single-family subdivision on property located west of northwest corner of East 171<sup>st</sup> Street South and South Harvard Avenue.

**CBOA-2624 March 2017:** The County Board of Adjustment **approved** a request for *Variance* to reduce the required lot width to 149 feet to permit a lot split, on property located at south of the southwest corner of East 161<sup>st</sup> Street South and South Harvard Avenue.

**CBOA-01741 June 2000:** The County Board of Adjustment **approved** a request for *Variance* of the required average lot width in an AG district from 200' to 151.19', on property located 16710 South Lewis.

**CBOA-01544 November 1997:** The County Board of Adjustment **approved** a request for *Variance* of lot width from 200' to permit a lot split creating three lots with street frontage of 165', 135', and 30', per plan submitted, finding that there has been a previous lot split and the hardship has already been met, on property located 2980 East 161<sup>st</sup> Street South.

**BOA-09844 February 1978:** The Board of Adjustment **approved** a *Minor Variance* of the frontage area requirements in an AG district to permit a lot-split, on property located at 2900 Block East 161<sup>st</sup> Street.

**TMAPC Comments:**

Mr. Ray asked if staff had contacted the Bixby City Planner for input in this case.

Staff stated "yes", this is inside Bixby fence line and they supported this application.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 10 members present:**

On **MOTION** of **McARTOR**, TMAPC voted **10-0-0** (Covey, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Doctor "absent") to recommend **APPROVAL** of the Major Amendment to Abandon **PUD-848-A** and the **APPROVAL** of **AG-R** zoning for CZ-496 per staff recommendation.

**Legal Description for PUD-848-A and CZ-496:**

A TRACT OF LAND LOCATED WITHIN SECTION TWENTY-NINE (29), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, TULSA COUNTY, OKLAHOMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SAID SECTION 29; THENCE SOUTH 1°16'19" EAST AND ALONG THE EAST LINE OF SAID NORTHWEST QUARTER FOR A DISTANCE OF 1318.67 FEET TO A POINT AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW/4 NE/4) OF SAID SECTION 29; THENCE NORTH 88°51'22" EAST AND ALONG THE NORTH LINE OF SAID SW/4 NE/4 FOR A DISTANCE OF 1321.01 FEET TO A POINT AT THE NORTHEAST CORNER OF SAID SW/4 NE/4; THENCE SOUTH 1°16'20" EAST AND ALONG THE EAST LINE OF SAID SW/4 NE/4 AND ALONG THE EAST LINE OF THE NW/4 SE/4 OF SAID SECTION 29 FOR A DISTANCE OF 2637.59 FEET TO A POINT AT THE SOUTHEAST CORNER OF SAID NW/4 SE/4; THENCE SOUTH 88°48'42" WEST AND ALONG THE SOUTH LINE OF SAID NW/4 SE/4 FOR A DISTANCE OF 1321.02 FEET TO A POINT AT THE SOUTHWEST CORNER OF SAID NW/4 SE/4; THENCE SOUTH 88°48'42" WEST AND ALONG THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 29 FOR A DISTANCE OF 1893.71 FEET; THENCE NORTH 1°10'07" WEST FOR A DISTANCE OF 579.25 FEET; THENCE SOUTH 88°48'40" WEST FOR A DISTANCE OF 752.00 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 29; THENCE NORTH 1°10'07" WEST AND ALONG SAID WEST LINE FOR A DISTANCE OF 742.29 FEET TO A POINT AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 29; THENCE NORTH 1°10'27" WEST AND ALONG THE WEST LINE OF SAID NW/4 FOR A DISTANCE OF 582.65 FEET; THENCE NORTH 88°51'22" EAST FOR A DISTANCE OF 800.00 FEET; THENCE NORTH 1°10'27" WEST AND PARALLEL WITH THE WEST LINE OF SAID NW/4 FOR A DISTANCE OF 2055.49 FEET TO A POINT ON THE NORTH LINE OF SAID NW/4; THENCE NORTH 88°52'02" EAST AND ALONG SAID NORTH LINE FOR A DISTANCE OF 1838.83 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 11,864,301 SQUARE FEET OR 272.37 ACRES.

## OTHER BUSINESS

17. Adopt a resolution of the Tulsa Metropolitan Area Planning Commission determining that the First Amended Downtown Area Economic Development Project Plan is in conformance with the Tulsa Comprehensive Plan and recommending to the City of Tulsa the approval and adoption of the First Amended Downtown Area Economic Development Project Plan. Resolution No. 2805:1007.

### **STAFF RECOMMENDATION:**

#### **Item**

Adopt a resolution of the Tulsa Metropolitan Area Planning Commission determining that the **First Amended Downtown Area Economic Development Project Plan** is in conformance with the Tulsa Comprehensive Plan and recommending to the City of Tulsa the approval and adoption of the First Amended Downtown Area Economic Development Project Plan.

#### **Background**

As defined by the Tulsa Comprehensive Plan, a Tax Increment Financing District (TIF) is “a redevelopment tool used to provide dedicated funding within well-defined districts for public investments such as infrastructure improvements, by capturing the future increase in tax revenue generated by appreciation in property values as a result of those improvements.”

The Oklahoma Constitution authorizes special financing tools to assist with the development or redevelopment of areas determined by a city, town, or county to be unproductive, undeveloped, underdeveloped, or blighted. The Local Development Act provides those tools and guidelines limiting their use to areas where investment, development, and economic growth are difficult but possible if the Act is used.

One of the Act’s tools is tax increment financing, which allows a city, town or county to direct the apportionment of an increment of certain local taxes and fees to finance public project costs in order to stimulate development in the defined area. The sales tax increment is the portion of sales taxes collected each year that are generated by the project(s) in the increment district, as determined by a formula approved by the governing body. The increment district is established by the development and approval of a project plan, which specifies the project area, the boundaries of the increment district, the objectives for the project area, the activities to be carried out in furtherance of those objectives, and the costs.

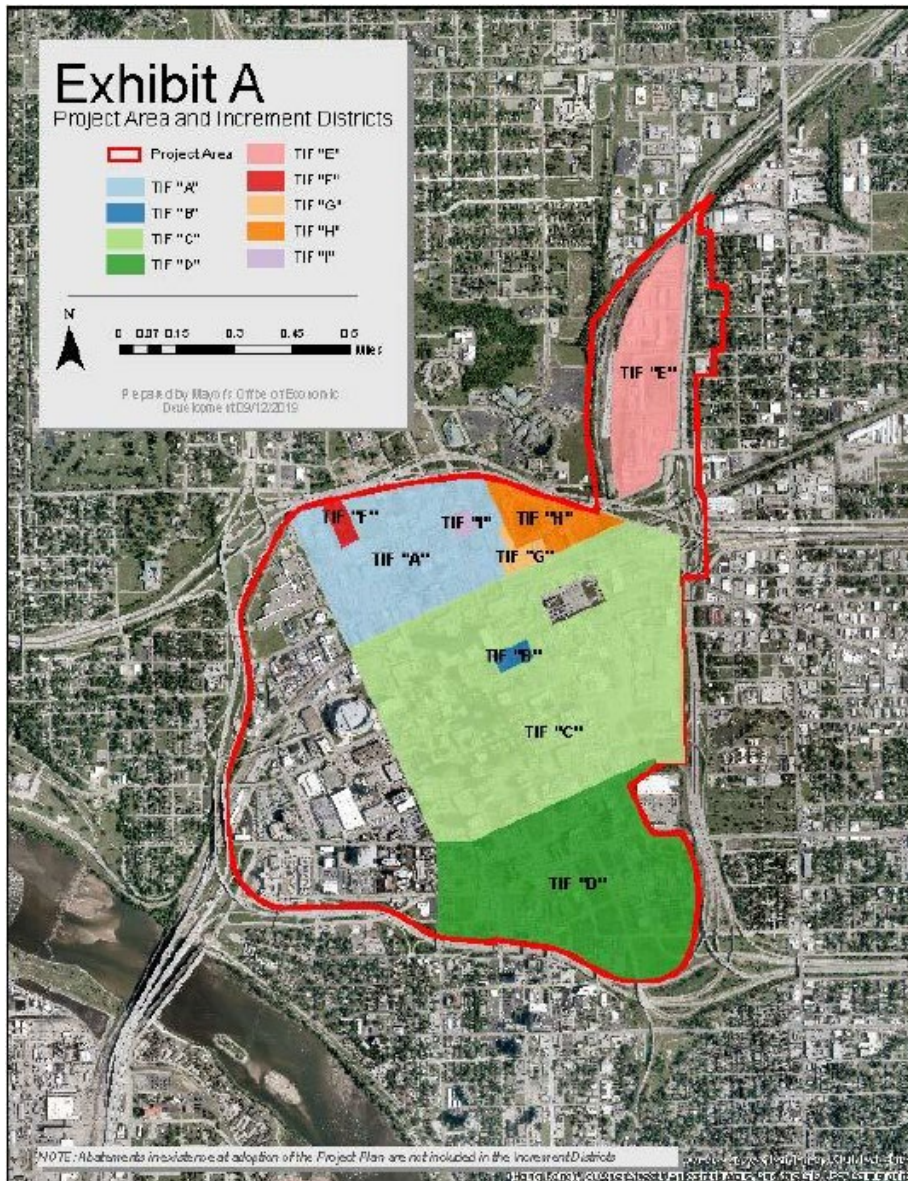
On November 1, 2017 TMAPC adopted a resolution that the Downtown Area Economic Development Plan was in conformance with the Tulsa Comprehensive Plan. The Downtown Area Economic Development Plan included eight increment districts:

- INCREMENT DISTRICT A: The Arts TIF District
- INCREMENT DISTRICT B: PAC TIF District

- INCREMENT DISTRICT C: East End TIF District
- INCREMENT DISTRICT D: Cathedral TIF District
- INCREMENT DISTRICT E: Evans-Fintube TIF District
- INCREMENT DISTRICT F: Western Supply TIF District
- INCREMENT DISTRICT G: Ball Park Area TIF District
- INCREMENT DISTRICT H: Greenwood TIF District

On October 8, 2019, the Review Committee reconvened to evaluate a proposed project on a key site in the Arts District, based on eligibility of the area for designation as a tax increment district, and assess the financial impacts on the taxing jurisdictions and business activities where the new tax increment district is proposed. After this meeting, the Review Committee recommended the **amended** Downtown Area Economic Development Plan with the addition of proposed Increment District I, as shown in the map below.





## Analysis

Prior to submittal to City Council, the TMAPC is asked to review the Project Plan and adopt a resolution stating that the plan is in conformance with the adopted Tulsa Comprehensive Plan. Staff analysis will focus on four aspects of the Tulsa Comprehensive Plan:

- a) Economic Development Chapter
- b) Land Use Map of Downtown Area
- c) Downtown Area Master Plan
- d) Land Use Chapter



## A. Economic Development Chapter

The Economic Development chapter of the Comprehensive Plan provides a framework for guiding and assisting growth throughout the city, and particularly to support an “aggregation of employers downtown and in neighborhood and regional centers” (ED-9). The Amendment of the Downtown Area Economic Development Project Plan to include the proposed Increment District “I” (WPX Headquarters) aligns with numerous goals and policies within the chapter including:

**Economic Development Goal 1:** “Businesses have easy access to a full range of economic development assistance.”

**Economic Development Goal 4:** “Investment strategies support existing and emerging industry clusters.”

Individual relevant policies to support this goal include:

- 1.2 Prioritize infrastructure projects that support retention and expansion of businesses in target clusters.
- 1.3 Utilize land within the city effectively by taking advantage of existing infrastructure, assistance programs and tools to help existing clusters expand and nourish the next generation of clusters.

**Economic Development Goal 6:** “Downtown Tulsa is the core of the regional economy.” Individual relevant policies to support this goal include:

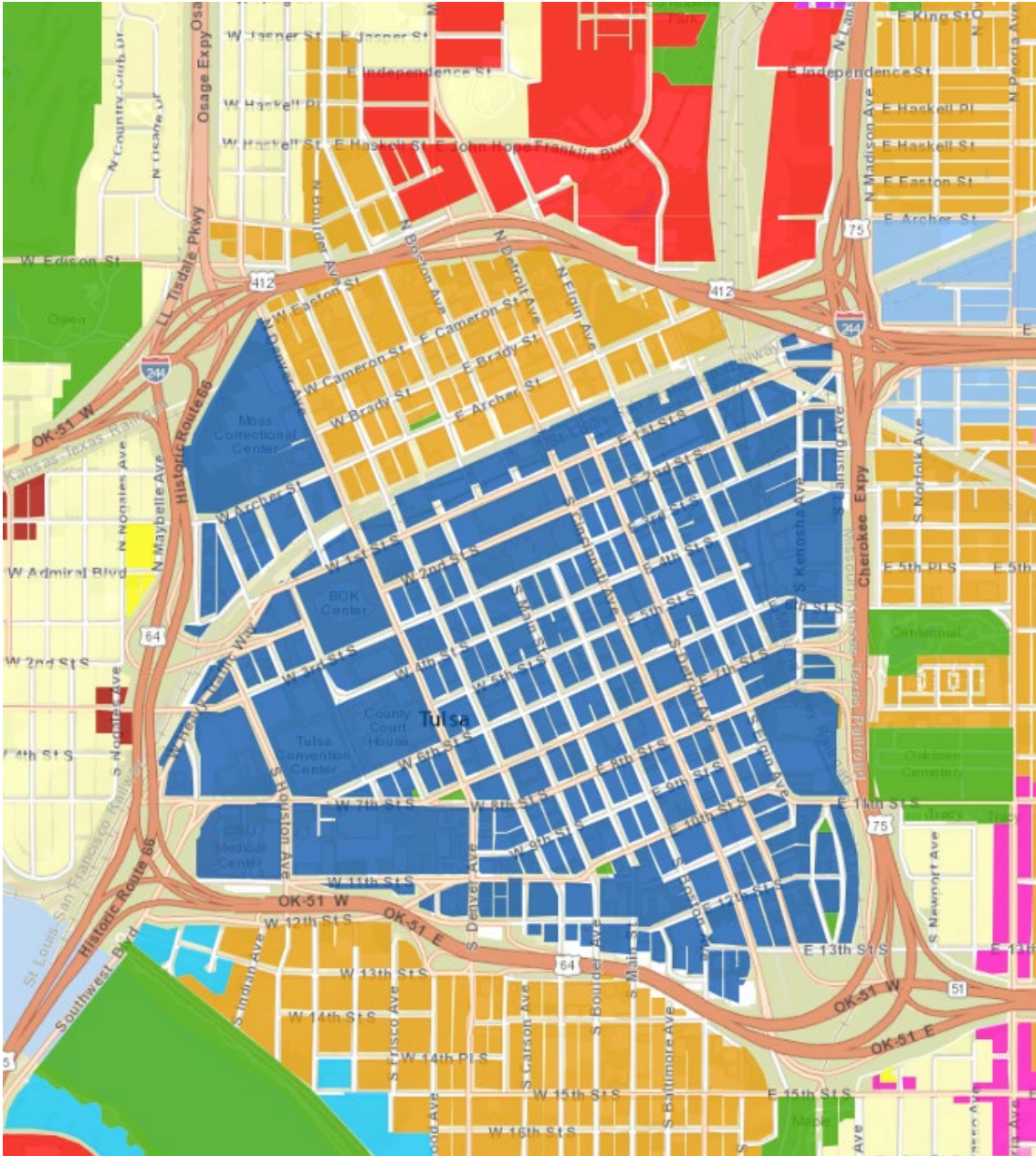
- 6.2 Enter into partnerships and provide appropriate tools that will bring about more new, sustainable mixed-use, and residential development on vacant or underutilized sites owned by the private sector, public agencies and religious institutions.

Along with the explicitly listed goals, the vision for the economic development component of the comprehensive plan aligns with the Amended Downtown Area Economic Development Project Plan and proposed Increment District “I” (WPX Headquarters) through the following stated priorities (33):

- Pursue business retention and recruitment efforts that build on existing and emerging industry clusters
- Stimulate aggressive redevelopment in downtown, town centers, corridor and existing industrial areas.
- Expand existing business ventures, recruit new ones, develop a more vibrant, sustainable downtown and new centers.
- Ensure that the city captures its share of regional job growth, about 40,000 new jobs.

## B. Land Use Map

The primary land use designations in the Project Plan Area are Downtown (blue) and Downtown Neighborhood (gold.). There are also a few pockets of Park and Open Space (green).



The land use designations of *Downtown*, *Downtown Neighborhood* and *Parks and Open Space* are found in the Downtown Area Economic Development Project Plan area. They are described in the *Tulsa Comprehensive Plan* as:

“Downtown Tulsa is a unique area, the centerpiece of the city and region with the highest intensity of uses. Many uses are attracted to the centralized location –government entities, major employers, regional entertainment venues, unique

restaurants, specialty stores, nightclubs, cultural entertainment and hotels. Downtown is a significant employment center. Downtown also is a unique and eclectic neighborhood offering a special variety of housing for people who prefer to live in the midst of the activity and amenities.”

“Downtown Core is Tulsa’s most intense regional center of commerce, housing, culture and entertainment. It is an urban environment of primarily high density employment and mixed-use residential uses, complemented by regional-scale entertainment, conference, tourism and educational institutions. Downtown core is primarily a pedestrian-oriented area with generous sidewalks shaded by trees, in-town parks, open space, and plazas. The area is a regional transit hub. New and refurbished buildings enhance the pedestrian realm with ground-floor windows and storefronts that enliven the street. To support downtown’s lively and walkable urban character, automobile parking ideally is located on-street and in structured garages, rather than in surface parking lots.”

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

“Parks and Open Space are areas to be protected and promoted through the targeted investments, public-private partnerships, and policy changes identified in the Parks, Trails, and Open Space chapter. Zoning and other enforcement mechanisms will assure that recommendations are implemented. No park and/or open space exists alone: they should be understood as forming a network, connected by green infrastructure, a transportation system, and a trail system. Parks and open space should be connected with nearby institutions, such as schools or hospitals, if possible.”

The “Objectives” and “Statement of Principal Actions” in the Amended Downtown Area Economic Development Project Plan and proposed additional Increment District “I”, City of Tulsa are fully consistent with the land use designations. The Amended Plan will contribute to the intended land use of the downtown area through the WPX Headquarters’ intended pedestrian infrastructure, and its function as a high-density employer.

### C. Downtown Area Master Plan

Adopted as an amendment to the *Tulsa Comprehensive Plan* in 2010, the *Downtown Area Master Plan* provides guidance in the revitalization of downtown, connection of the downtown’s districts to one another, and creation of an active center of the City through several large-scale private developments, multiple smaller-scale private

developments, and public infrastructure improvements throughout downtown. The Amended Downtown Area Economic Development Project Plan provides a tool to implement objectives and a project aligned with the intended vision of the Downtown Area Master Plan.

The Amended Plan and proposed Increment District “I” (WPX Headquarters TIF District) aligns with the following policy issues cited in “**Appendix 5: Top Ten Policy issues for Downtown Tulsa**” of the Downtown Area Master Plan:

- We should be creating more density of development, adding buildings, providing fewer surface parking lots, creating more mixed-use environments downtown. We should be making downtown dense, busy, crowded, intense, fun, and interesting.
- Mixing land uses (residential, commercial, office, assembly/manufacturing, etc.) is appropriate and should be encouraged downtown.
- Convert surface parking lots to other productive land uses while strategically placing mixed-use structured parking facilities within the downtown area to serve identified parking needs.
- We should provide incentives, such as the existing tax incentive district, no cost/low cost building permits, enhanced building permit review processes, enhanced/speedier inspection processes, etc., to encourage new development and significant rehabilitation downtown. Make it less costly, faster and more economical to develop downtown than elsewhere in the city.

#### D. Land Use Chapter

The *Tulsa Comprehensive Plan’s Land Use Chapter* contains multiple priorities, goals and policies to promote economic development, and encourage appropriate and pedestrian friendly urban form and development. Below are portions of the Chapter (not all encompassing) that align with the objectives of the Amended Downtown Area Economic Development Project Plan, and the proposed Increment District “I” (WPX Headquarters TIF District).

**Land Use Goal 3:** “New development is consistent with the PLANiTULSA building blocks.” Policies to support this goal include:

#### **3.1** Promote pedestrian-friendly streetscapes by designing pedestrian-friendly streetscapes and encouraging new developments to provide pedestrian-oriented amenities and enhancements, including:

- Arcades, awnings and other architectural features to provide a human scale and offer protection from rain and the summer heat;
- Pedestrian plazas and green open space that offer interesting public places for people to enjoy the street experience. These should incorporate water features, sculptures, art or

other architectural objects or focal points;

- Public art, benches, trash receptacles, bike racks and other amenities that enhance the quality of the pedestrian experience;
- Walkways and sidewalks that differentiate the pedestrian space from the auto realm;
- Pedestrian-oriented street lighting to increase the sense of safety and reduce the impact of light pollution;
- Trees and other landscaping to visually enhance the space as well as provide shade and a cooler microclimate. Native or drought resistant species should be encouraged;
- Walkways leading directly to the street from building entrances;
- Moving overhead wires to underground locations and relocating other utilities to the rear of the development to improve the area's appearance.

**3.2** Encourage a balance of land uses within walking distance of each other.

- Create pedestrian-oriented, mixed-use campus areas that will serve student populations, faculty, and surrounding neighborhoods.
- Build neighborhood facilities, such as schools, libraries and community centers, within walking distance of transit stations and homes.

**3.6** Encourage complementary building height, scale, design and character.

- Create a sense of place by encouraging development of buildings, structures and landscapes that complement the character and scale of their setting.

**Land Use Goal 5:** "Tulsa's regulatory programs support desired growth, economic development, housing, a variety of transportation modes and quality of life priorities." Policies to support this goal include:

**5.6** Coordinate land use and economic development efforts to achieve the redevelopment and economic goals of the community including job growth and retention, business retention, and the creation of a thriving environment for entrepreneurs.

### **Staff Recommendation**

Approval of the **First Amended Downtown Area Economic Development Project Plan**, finding it to be in conformance with the Tulsa Comprehensive Plan and recommending to the City of Tulsa the approval and adoption of the First Amended Downtown Area Economic Development Project Plan.

**There were no interested parties wishing to speak.**

### **TMAPC Comments:**

Mr. Walker stated he sits on the Local Development Act review committee and Leslie, James and Michael do a great job and make these items easy to understand.

**TMAPC Action; 10 members present:**

On **MOTION** of **REEDS**, TMAPC voted **10-0-0** (Covey, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Doctor “absent”) to **ADOPT** a resolution finding the First Amended Downtown Area Economic Development Project Plan in conformance with the Tulsa Comprehensive Plan

\*\*\*\*\*

18. Proposed 2020 TMAPC Meeting Dates

## 2020 SCHEDULE

### Tulsa Metropolitan Area Planning Commission (TMAPC)

Regular meetings of the TMAPC are held on the first and third Wednesday of each month at 1:30 p.m. in the One Technology Center, 175 E. 2<sup>nd</sup> Street, City Council Chambers, 2<sup>nd</sup> Level, Tulsa, Oklahoma.

Work sessions of the TMAPC are held, as necessary, typically prior to regular TMAPC business in the One Technology Center, 175 E. 2<sup>nd</sup> Street, in a room location to be announced at the time an agenda is posted.

JANUARY	FEBRUARY	MARCH
*8 <sup>th</sup>	5 <sup>th</sup>	4 <sup>th</sup>
*22 <sup>nd</sup>	19 <sup>th</sup>	18 <sup>th</sup>
APRIL	MAY	JUNE
1 <sup>st</sup>	6 <sup>th</sup>	3 <sup>rd</sup>
15 <sup>th</sup>	20 <sup>th</sup>	17 <sup>th</sup>
JULY	AUGUST	SEPTEMBER
1 <sup>st</sup>	5 <sup>th</sup>	2 <sup>nd</sup>
15 <sup>th</sup>	19 <sup>th</sup>	16 <sup>th</sup>

OCTOBER	NOVEMBER	DECEMBER
7 <sup>th</sup>	4 <sup>th</sup>	2 <sup>nd</sup>
21 <sup>st</sup>	18 <sup>th</sup>	16 <sup>th</sup>

\*January 2020 Meetings are the 2<sup>nd</sup> and 4<sup>th</sup> Wednesday due to Holiday

**TMAPC Action; 10 members present:**  
 On **MOTION** of **REEDS**, TMAPC voted **10-0-0** (Covey, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Doctor “absent”) to **APPROVE** the proposed 2020 TMAPC meeting dates per staff recommendation.

**19. Commissioners' Comments**

Mr. Reeds he would like to commend Commissioners on a job well done with some of the more difficult items on today’s agenda.

\*\*\*\*\*

**ADJOURN**

**TMAPC Action; 10 members present:**  
 On **MOTION** of **WALKER**, TMAPC voted **10-0-0** (Covey, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Doctor “absent”) to **ADJOURN** TMAPC meeting of November 6, 2019, Meeting No. 2805.

**ADJOURN**

There being no further business, the Chair declared the meeting adjourned at 3:15 p.m.

Date Approved:

12-18-2019

  
Chairman

ATTEST:

  
Secretary