

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2806

Wednesday, November 20, 2019, 1:30 p.m.

City Council Chamber

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

Members Present	Members Absent	Staff Present	Others Present
Covey		Davis	Jordan, COT
Doctor		Foster	Silman, COT
Fothergill		Hoyt	VanValkenburgh, Legal
Kimbrel		Miller	
McArtor		Sawyer	
Ray			
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, November 18, 2019 at 11:05a.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.

\* \* \* \* \*

Mr. Ray arrived late to the meeting.

**Minutes:**

**1. Approval of the minutes of October 16, 2019 Meeting No. 2804**

On **MOTION** of **REEDS**, the TMAPC voted 9-0-1 (Covey, Doctor, Fothergill, Kimbrel, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; McArtor "abstaining"; Ray "absent") to **APPROVE** the minutes of the meeting of October 16, 2019, Meeting No. 2804.

**CONSENT AGENDA**

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

2. **75 South Mini Storage** (CD 2) Change of Access, Location: Northeast corner of West 91<sup>st</sup> Street South and South Union Avenue

**TMAPC Action; 10 members present:**

On **MOTION** of **WALKER**, TMAPC voted **10-0-0** (Covey, Doctor, Fothergill, Kimbrel, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Ray "absent") to **APPROVE** Item 2 per staff recommendation.

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

**PUBLIC HEARINGS:**

**Mr. Covey stated item 11 was withdrawn by applicant.**

11. **MR-22** (CD 9) Modification to the Subdivision & Development Regulations to remove the sidewalk requirement for a new single-family residence, Location: Southeast corner of East 37<sup>th</sup> Place South and South Rockford Avenue

\* \* \* \* \*

Items 3 and 4 were presented together

3. **CZ-494 Alan Betchan** (County) Location: Northeast corner of East 106<sup>th</sup> Street North and North Memorial Drive requesting rezoning from **RE to RS** to permit a single-family subdivision (Related to 106<sup>th</sup> ~ Memorial Preliminary Plat and PUD-855) (Continued from October 16, 2019)

**STAFF RECOMMENDATION:**  
**SECTION I: CZ-494**

**DEVELOPMENT CONCEPT:** The applicant is requesting to rezone from RE to RS to permit a single-family subdivision that will be completed in several phases. A PUD (PUD-855) is being concurrently proposed with this rezoning to establish the allowable use as well as bulk and area requirements. Lots will need to be large enough to provide sewer systems on each lot and meet Oklahoma Department of Environmental Quality regulations but are smaller than RE Districts require for lot size.

**DETAILED STAFF RECOMMENDATION:**

CZ-494 requesting RS zoning is consistent with the residential land use designation identified in the Tulsa County Comprehensive Lands Use plan with or without a Planned Unit Development. Near the intersection of 106<sup>th</sup> street and North Memorial Avenue the plan supports a greater intensity and illustrates Commercial and Transitional uses and;

CZ-494 is consistent with the Tulsa County Land Use Plan in much of the subject tract except where it will limit potential commercial and transitional land use designations identified in the comprehensive land use plan and;

CZ-494 allows lots sizes and uses that are consistent with the anticipated future development pattern of the surrounding property has lot sizes that are only slightly smaller than those in the existing RE zoning districts however, terrain and stormwater detention considerations support the idea of a Planned Unit Development to allow greater flexibility and creativity within the development to best utilize the unique physical features of the particular site;

CZ-494 is consistent with the anticipated future development pattern of the surrounding property therefore;

**Staff recommends Approval of CZ-494 to rezone property from RE to RS in conjunction with PUD -855.**

**SECTION II: Supporting Documentation**

## RELATIONSHIP TO THE COMPREHENSIVE PLAN:

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

## Land Use Vision:

*Tulsa County Land Use Plan map designation:* Residential, Commercial and Transitional

The Owasso land use master plan contemplates the maximum density that might be considered within the Owasso Fence Line.

This site is primarily defined as a residential development area but near the intersection of 106<sup>th</sup> Street North at North Memorial the land use map includes potential uses for Commercial and Transitional uses that could include small neighborhood convenience shopping areas restaurants, automotive service centers and transitional land use districts that could include duplexes, apartments, offices and other uses that act as a buffer between higher intensity uses and residential districts.

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

## Transportation Vision:

*Major Street and Highway Plan:* North Memorial Drive and East 106<sup>th</sup> Street North are both designated as Secondary Arterials

*Trail System Master Plan Considerations:* None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: Vacant land with agricultural landcover containing vegetation, ponds, and cleared spaces. The site includes some steep terrain on the east and south portions of the site that will impact future development and connectivity.*

Environmental Considerations: None

Streets:

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

Utilities:

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

Surrounding Properties:

<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-R	Residential	N/A	Residential Single-family
East	AG	Residential	N/A	Large Lot Residential
South	RE/AG	Residential	N/A	Residential Single Family / Large Lot Residential
West	AG	Agriculture	N/A	Agriculture

**SECTION III: Relevant Zoning History**

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

***Subject Property:***

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

***Surrounding Property:***

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

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

\* \* \* \* \*

4. **PUD-855 Alan Betchan** (County) Location: Northeast corner of East 106<sup>th</sup> Street North and North Memorial Drive requesting rezoning from **RE to RS/PUD-855** to permit a single-family subdivision (Related to 106<sup>th</sup> ~ Memorial Preliminary Plat and CZ-494)

**STAFF RECOMMENDATION:**  
**SECTION I: PUD-855**

**DEVELOPMENT CONCEPT:** The applicant is requesting to rezone from RE to RS with a PUD overlay to permit a single-family subdivision. A rezoning is being concurrently proposed with this PUD (CZ-494). The proposed PUD will establish the allowable use as well as bulk and area requirements. Lots will need to be large enough to provide sewer systems on each lot and meet Oklahoma Department of Environmental Quality regulations but are smaller than RE Districts require for lot size.

## **DETAILED STAFF RECOMMENDATION:**

Uses allowed in PUD-855 are consistent with the residential land use designation identified in the Tulsa County Comprehensive Lands Use plan. Near the intersection of 106<sup>th</sup> street and North Memorial Avenue the plan supports a greater intensity and anticipated Commercial and Transitional uses and;

PUD-855 allows lots sizes and uses that are consistent with the anticipated future development pattern of the surrounding property;

PUD-855 allows lots sizes and uses that are consistent with the anticipated future development pattern of the surrounding property has lot sizes that are only slightly smaller than those in the existing RE zoning districts however, terrain and stormwater detention considerations support the idea of a Planned Unit Development to allow greater flexibility and creativity within the development to best utilize the unique physical features of the particular site

PUD-855 is consistent with the provisions of the PUD chapter of the Tulsa County Zoning Code, therefore;

**Staff recommends Approval of PUD-855 to rezone property from RE to RS/PUD-855.**

## **Development Standards**

The project shall be governed by the Tulsa County Zoning Ordinance use and dimensional standards as established by the RE district except as hereinafter modified:

Minimum Lot Width	115 feet
Minimum Lot Size	21,780 square feet
Minimum Side Yard	10 feet

## **Street Design and Access Limitations**

All streets shall be constructed to meet or exceed the minimum standards for Tulsa County residential street .

## **Platting**

Prior to issuance of a building permit for any habitable structure, the area within the PUD shall have a subdivision plat approved by the Planning Commission and County Commission and filed of record at the Tulsa County Courthouse. The deed of dedication of the required subdivision plat shall include covenants of record, enforceable by Tulsa County, setting forth the development standards of the approved Planned Unit Development.

## SECTION II: Supporting Documentation

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

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

### Land Use Vision:

*Tulsa County Land Use Plan map designation:* Residential, Commercial and Transitional

The Owasso land use master plan contemplates the maximum density that might be considered within the Owasso Fence Line.

This site is primarily defined as a residential development area but near the intersection of 106<sup>th</sup> Street North at North Memorial the land use map includes potential uses for Commercial and Transitional uses that could include small neighborhood convenience shopping areas restaurants, automotive service centers and transitional land use districts that could include duplexes, apartments, offices and other uses that act as a buffer between higher intensity uses and residential districts.

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

### Transportation Vision:

*Major Street and Highway Plan:* North Memorial Drive and East 106<sup>th</sup> Street North are both designated as Secondary Arterials



*Trail System Master Plan Considerations: None*

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: Vacant land with agricultural landcover containing vegetation, ponds, and cleared spaces. The site includes some steep terrain on the east and south portions of the site that will impact future development and connectivity.*

Environmental Considerations: None

Streets:

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

Utilities:

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

Surrounding Properties:

<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-R	Residential	N/A	Residential Single-family
East	AG	Residential	N/A	Large Lot Residential
South	RE/AG	Residential	N/A	Residential Single Family / Large Lot Residential
West	AG	Agriculture	N/A	Agriculture

**SECTION III: Relevant Zoning History**

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

***Subject Property:***

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

***Surrounding Property:***

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

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

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

**Interested Parties:**

**Noble Sokolosky** 4444 South Lewis Avenue, Tulsa, OK 74105

Mr. Sokolosky stated he is the owner and his engineer is technically the applicant. He stated this is the third time he has tried to rezone this property. Mr. Sokolosky stated once while it was in Tulsa County and then he took the property into the city limits and because it's in the Washington Rural Water District there wasn't adequate pressure for the densities. Mr. Sokolosky stated there was a change in the City government and the new City Manager said that they would not allow a half-acre burrow ditch aerobic subdivision, which was the plan all along. He stated he de-annexed the subject property and now he is back. Mr. Sokolosky stated the applicant told him he was going to rezone to RS. He stated that's what he tried to rezone to the last time which was 15 years ago. Mr. Sokolosky stated at that time the vote was 5-2 on the motion to decline. He stated since that time the Comprehensive Plan was changed and when they left the city limits, they assumed RE zoning. Mr. Sokolosky stated this property was zoned RS-3 in the City of Owasso 15 years ago. He doesn't know how the

Comprehensive Plan, which has been amended three times, ever came to show commercial. He stated but I can tell you why the City supports this, the whole point of getting out of the City of Owasso was so we could do larger homes on larger lots. Mr. Sokolosky stated the reason that the city is in favor of this is the commercial land use on the Comprehensive Plan. He stated the way that showed up is a mystery to him because it violates all of the core values that the Comprehensive Plan self declares. Mr. Sokolosky stated among those is the availability of sanitary sewer which this corner doesn't have. Another one is a diversification of the tax base not only advalorem but by allowing to build more expensive homes but a diversification of the income tax base. Mr. Sokolosky stated City leaders in Owasso have been screaming for years for developers to bring more expensive houses so that people presumably have higher disposable income and they can spend their money at the commercial developments that Mr. Ray spent years developing.

**TMAPC Action; 10 members present:**

On **MOTION** of **REEDS**, TMAPC voted **10-0-0** (Covey, Doctor, Fothergill, Kimbrel, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Ray "absent") to recommend **APPROVAL** of the **RS** zoning for CZ-494 and **RS/PUD-855** for PUD-855 per staff recommendation.

**Legal Description for CZ-494 and PUD-855:**

THE SOUTHWEST QUARTER (SW4) OF SECTION TWELVE (12), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

*LESS AND EXCEPT*

A TRACT OF LAND THAT IS IN THE SOUTHWEST QUARTER (SW/4) OF SECTION 12, TOWNSHIP 21 NORTH, RANGE 13 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT THAT IS 826.92 FEET NORTH OF THE SOUTHWEST SECTION CORNER OF SAID SECTION 12, THENCE NORTH ALONG THE WEST LINE OF SECTION 12 A DISTANCE OF 608.13 FEET, THENCE N 89°37'17" E A DISTANCE OF 227.64 FEET, THENCE S 65°14'52" E A DISTANCE OF 651.28 FEET, THENCE S 47°04'18" E A DISTANCE OF 84.93 FEET, THENCE S 3°56'14" E A DISTANCE OF 257.74 FEET, THENCE S 88°02'35" W A DISTANCE OF 126.34 FEET, THENCE S 88°41'28" W A DISTANCE OF 772.89 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 9.895 ACRES, MORE OR LESS.

\* \* \* \* \*

5. **106<sup>th</sup> ~ Memorial** (County) Preliminary Plat, Location: Northeast corner of East 106<sup>th</sup> Street North and North Memorial Drive (Related to CZ-494 and PUD-855) (Continued from October 16, 2019)

**STAFF RECOMMENDATION:**

**106<sup>th</sup> ~ Memorial** - (County)

Northeast corner of East 106<sup>th</sup> Street North and North Memorial Drive

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

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

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

8. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the conditions provided by TAC and all other requirements of the Subdivision and Development Regulations.

**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 **REEDS**, TMAPC voted **10-0-0** (Covey, Doctor, Fothergill, Kimbrel, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Ray "absent") to **APPROVE** the Preliminary Subdivision Plat for 106<sup>th</sup> ~ Memorial per staff recommendation.

\* \* \* \* \*

Mr. Ray arrived at 2:45 pm

6. **Z-7506 Mike Thedford** (CD 2) Location: South of the southeast corner of West 81<sup>st</sup> Street South and South Maybelle Avenue requesting rezoning from **AG to RS-4** to permit single-family homes (Continued from October 16, 2019 – original application requested RS-5)

**STAFF RECOMMENDATION:**  
**SECTION I: Z-7506**

**DEVELOPMENT CONCEPT:** The applicant is proposing to rezone the subject lots from AG to RS-4 for Single-family residential lots.

Per the City of Tulsa Zoning Code, RS-4 has a minimum lot area of 5,500 sf and a minimum lot width of 50 feet for a detached single-family home. Currently, in the immediate area of the subject lots, there exists RS-2, RS-3 and RS-4 single-family developments. If approved, RS-4 would provide a development in line with those of the immediate surrounding area and would help provide housing compatible with the currently existing homes in the area. This proposal is also compatible with the recommendations of the West Highlands / Tulsa Hills Small Area plan for providing a variety of zoning/use options east of Union Avenue.

**DETAILED STAFF RECOMMENDATION:**

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

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

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

Staff recommends **Approval** of Z-7506 to rezone property from AG to RS-4.

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The subject lots are designated as a New Neighborhood Land Use and an Area of Growth and is located within the West Highlands / Tulsa Hills Small Area Plan area. The plan encourages zoning changes, east of Union Ave, from Agricultural zoning to corridor, commercial, office, mixed-use and/or residential zoning. This request is located east of Union and is compatible with this stated vision of the small area plan for having a mix of uses and densities on the east side of Union Ave.*

### Land Use Vision:

*Land Use Plan map designation:* New Neighborhood

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

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

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

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

Transportation Vision:

*Major Street and Highway Plan:* None

*Trail System Master Plan Considerations:* None

Small Area Plan: West Highlands Small area plan as approved July 10<sup>th</sup>, 2019

One stated goal of the West Highlands Small Area Plan is to support zoning changes east of Union Avenue, from Agricultural zoning to corridor, commercial, office, mixed-use and/or residential zoning (should a private request be filed, Goal 2.4 of Plan).

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

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

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

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

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

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

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

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

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

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

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

Priority 5: Protect public welfare and safety.

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

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

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

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
S Maybelle Ave	N/A	N/A	2

Utilities:



The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG	New Neighborhood	Growth	Single-Family
South	AG	New Neighborhood	Growth	Single-Family/AG
East	AG	New Neighborhood	Growth	Single-Family
West	CO	Regional Center	Growth	Retail/Commercial

**SECTION III: Relevant Zoning History**

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

***Subject Property:***

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

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

***Surrounding Property:***

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

**Z-7140 SP-1 December 2009:** All concurred in **approval** of a request for *rezoning* a 41± acre tract of land from AG to CO and a *Corridor Site Plan* for residential use, garden and patio homes, on property located south of

southwest corner of South Maybelle Avenue and West 81<sup>st</sup> Street and abutting south of subject property. The TMAPC recommended approval per staff recommendation and subject to adding Use Unit 1, to impose the additional buffer along the north end across to the detention pond. City Council approved the applications per TMAPC recommendation with condition of Maybelle getting upgraded in accordance with the Major Street and Highway Plan and per City of Tulsa design standards within the project limits, and resurfaced to 22' wide with improved borrow ditch from the northern boundary of the subdivision to West 81<sup>st</sup> Street.

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

**BOA- 20039 June 2005:** The Board of Adjustment **approved** a *Variance* of the minimum required frontage on a public street from 30' to 0', finding that the circumstances surrounding this land is peculiar to these tracts and the enforcement code would result in an unnecessary hardship to the property owner, on property located 8511 South Maybelle Avenue.

**TMAPC Comments:**

Mr. Covey asked staff to refresh his memory of why this application was continued from October 16, 2019 meeting.

Staff stated the original request was for RS-5 and this was considered to dense for the neighbors in attendance. He stated the applicant wanted to do something that was a little more compatible with the area.

Ms. Kimbrel asked if staff would point out where there is RS-4 in the subject area.

Staff stated Hyde Park that is to the immediate west.

**Applicant Comments:**

Mike Thedford stated he is representing Chris Key the developer of this project. He stated since the last TMAPC meeting there was a meeting the City Councilor Jeannie Cue on October 8, 2019 and at that time Councilor Cue had not heard of any concerns. The applicant stated there were concerns about this project that were brought up at the TMAPC meeting and the applicant decided to look at down zoning the subject property. He stated on November 12, 2019 there was a Town Hall Meeting with Councilor Cue and there was a good mix of residents

that were immediately adjacent to the project. The applicant stated the application was presented with RS-5 with the optional development plan to limit all other options except some specifics with lot area requirements. He stated he didn't come away with a feeling that what was presented was acceptable. He stated maybe there was a trust factor there. The applicant stated after the town hall meeting on the 12th they decided to go for the straight zoning RS-4. The applicant stated there was a meeting Monday with Hyde Park residents and other adjacent owners to inform them that they were going to ask for RS-4 and presented a concept to demonstrate the density, and to show some of the reserve areas. He stated Mr. Key has been contacted by some of the adjacent owners about some sort of access to the acreage to the east and that is shown on the conceptual drawing. The applicant stated there are some big trees and one specific big tree that they would like to save. The applicant stated lot size, which is the minimum of 5500 square feet is 1000 square feet bigger than what the minimum is in Hyde Park so these are larger lots. The applicant stated this general layout may change but that's where they are at today. He stated obviously with the planning process he would get into the engineering and the drainage he would have more specific dimensions. The applicant stated at the initial TMAPC meeting there was some chatter about traffic in that area and the applicant stated they did a traffic analysis if anyone wants to see it. He stated he wanted to read part of that report, "a helpful factor for the proposed neighborhood is a double route through the shopping center to access traffic signals located on Olympia Avenue when making left turns to go west during busy traffic periods". He stated traffic from the neighborhood intending to travel east on 81<sup>st</sup> Street would most likely stay on Maybelle Avenue to 81<sup>st</sup> Street and make a right turn since there are separate left turn and right turn lanes on Maybelle approaching 81<sup>st</sup> Street. The applicant stated given the intensity of traffic on 81<sup>st</sup> Street being generated by Tulsa Hills Shopping Center it is our opinion the traffic that would be added by the proposed residential development would not be a significant factor and would not likely trigger requirements for off-site improvements. The applicant stated many of us have been to Tulsa Hills at certain periods and it's pretty intense but he would just like to point out that there are certain parts of Tulsa at certain periods of time that everyone feels the traffic. He stated he personally has to wait sometimes five minutes to get out of his neighborhood at 101<sup>st</sup> Street because there's Costco and Target right there.

Ms. Kimbrel asked if the applicant in his community engagement meetings walk away feeling that there was consensus among the residents that they were okay with RS-4.

The applicant stated he would say there was a better feeling coming away from the second meeting. But there are differing opinions on every possible project. He stated some are concerned with traffic. There are some that are immediately adjacent to the project that are more concerned about their property values. The applicant stated he spent an hour talking in the meeting, and then probably spent

another 45 minutes and then some talking to some others. He stated it was all very good conversation and open dialogue.

Ms. Kimbrel asked if the applicant presented the traffic report to the residence?

The applicant stated it was discussed and he said if anybody wants to see it, he had it on his computer. No one requested it. The applicant stated the big screen didn't work at the Town Hall but he did have his computer.

Mr. Reeds asked if anyone want smaller lots at the meeting.

The applicant stated "no".

Mr. Reeds asked if anyone wanted one acre or more lots.

The applicant stated there was a couple of comments like that but that wasn't the primary discussion.

Mr. Reeds asked how the applicant arrived at RS-4.

The applicant stated they spoke with the residents and received a lot of feedback and that was a very helpful conversation. He stated if they back up from the big picture and look at what they trying to do, there is a market to serve.

**Mike Kyser** 8414 South Nogales Avenue, Tulsa, OK 74132

Mr. Kyser stated he lives in Hyde Park. Mr. Kyser stated he called yesterday to notify staff he was going to present today and disagrees with some of the conclusions that were made in the staff report itself. He stated he is not against development and he thinks RS-4 is adequate and has no problem with that. Mr. Kyser stated the problem he has is the infrastructure is not capable of supporting the traffic loads that exist in this area. He stated he went to school with the engineer of this project and he admires him, he is a great engineer, but he doesn't think the engineer has been to the 81<sup>st</sup> and Maybelle intersection in the time frames that the traffic is backed up and residents can't get out of the neighborhood. Mr. Kyser stated the idea of having to use the commercial development to cut through to get to a city street because the traffic backs suggests that this is not a good option for a long-term solution. He stated Highway 75 is going to be reconstructed and the bridge is going to be taken out and Maybelle Avenue is not connected to the South and there is one access onto Maybelle. Mr. Kyser stated he has personally been there many times when traffic backs up on Maybelle and you cannot turn left onto 81<sup>st</sup> Street. He stated at Christmas residents can't get out of their complex. Mr. Kyser stated with the addition of another development Maybelle needs to be at least a 3-lane road up to the entrance into the subject development. Mr. Kyser stated when looking at the staff report he can't see how staff can say improved the local connections to the Metropolitan Transportation System based on the limited access and the

congestion. That just doesn't make sense to him. He asked if Maybelle is blocked how will the welfare and safety of the residents be protected and how the fire engines will get to the residences. Mr. Kyser stated there needs to be better access on the transportation system to support any more development in that area.

Ms. Kimbrel asked if Mr. Kyser had any recommendations on how to improve traffic access and who does he think is responsible for implementing those recommendations.

Mr. Kyser stated the City of Tulsa Engineering Department needs to look at the system and he would be happy to meet with the developer or applicant on site to make sure he does the traffic count during the Christmas season and when the church lets out. Mr. Kyser stated residents should not have to go through a commercial establishment to have access on the 81st Street. That's not good traffic planning.

**Peggy Knight** 8408 South Elwood, Tulsa, OK 74132

Ms. Knight stated this was an emotional thing for her. She stated as to the RS-4 based on the fact that an RS-4 already exists, she would like to point out when Hyde Park was proposed this was corridor zoning and Maybelle Avenue was the only street and it was all AG zoning. In order for this developer to get approval for Hyde Park, the developer agreed to fix Maybelle, which he did. Ms. Knight stated he was made to leave a green space and he did and it's beautifully maintained. She stated there were no neighbors for Hyde Park except Highway 75 and Maybelle and now you want to justify RS-4 for the subject property which is in the middle of all of us who have acreage and single homes on property.

Ms. Knight stated the applicant wants to cram as many houses as they can in this spot. She stated at the very least she is asking if this is approved that the trees along the shared fence line of Ms. Knight's property and the subject property remain intact. Ms. Knight stated Mr. Key has stated on record he's a tree person and I don't see how it would impact his development. She stated she was hoping Planning Commission could put stipulations on this if approved this application. Ms. Knight stated she would also say that Mr. Key is currently building two high density developments on Elwood Avenue, he's cramming as many houses he can on that and doing the same thing on the east side of Elwood and it doesn't fit the rest of us living here. She stated surely Wallace Engineering with all their talent could come up with a plan that uses fewer houses, more green space and amenities that will make it appealing to buyers and the neighbors. Ms. Knight stated in a sea of Cookie Cutter \$300,000 houses do we really need 80 more. She stated she gets that Mr. Key wants to make as much money as he can but this is an opportunity to do something better, beyond the cutting edge, to seamlessly insert housing into a rural area that enhances not detracts from what's already there. She stated she has owned her land for 36 years and they are the new kids. Her neighbors are third generation. Ms. Knight stated the Beellers on the north side have been in the area for quite a while.

They are on 3 acres each and none of us have any plans for development as they value their open space, it is an oasis of green and their roots are firmly planted there.

Ms. Kimbrel asked if Ms. Knight attended the community meetings with applicant.

Ms. Knight stated "yes".

Ms. Kimbrel asked if Ms. Knight expressed her concerns around the protection of the green space and the trees that she has highlighted today to the applicant.

Ms. Knight stated she doesn't think they ever got to that point the meeting was pretty contentious. It was more about the traffic and cramming too many houses in RS-5 and we were assured that he wouldn't do anything like that. She stated she is new to this process if this application is granted what's to say the applicant is going to do what he says. Ms. Knight asked what her recourse is if the applicant mows down the trees after he says he won't. She stated nothing was really accomplished at that meeting.

Mr. McArtor asked if the trees on the north side of Ms. Knight's property are on her property.

Ms. Knight stated some are and some aren't. It's a fence line that she shares with her neighbor. She stated it's a lovely, very natural barrier and you couldn't build a better one.

Mr. Covey asked if Ms. Knight was aware of the West Highlands/Tulsa Hills Small Area Plan.

Ms. Knight stated she has seen it but she didn't think it applied to her area, it was all the stuff on Union Avenue.

Mr. Covey stated it covered Ms. Knight's area, it covers from 61<sup>st</sup> Street to 91<sup>st</sup> Street and all the way over to Elwood Avenue. He stated this plan was adopted March 19, 2014 and asked if Ms. Knight was aware that she was subject to that plan.

Ms. Knight stated "no", but even if she was what's her recourse on that.

Mr. Covey stated under that Small Area Plan it makes certain statements that in new developed areas East of Union Avenue to support zoning changes from agricultural to residential, to support multifamily developments that mix in smaller multifamily buildings into single family neighborhoods, to support zoning changes and zoning adjustments that support senior living, which he assumes would be smaller neighborhoods. Mr. Covey stated one other thing that's in the Small Area Plan is to extend Maybelle Avenue from 81<sup>st</sup> to 91<sup>st</sup>.

Ms. Knight stated that doesn't remedy the traffic situation because there's no access to Highway 75 from 91st Street.

Mr. Covey stated he just wanted to know if Ms. Knight was aware of the Plan, or if she knew her property was subject to it.

Ms. Knight stated she did not know.

**Linda Mares** 8359 South Maybelle, Tulsa, OK 74132

Ms. Mares stated she shares the same fence line as Ms. Knight and developer. She stated her fence line extends Ms. Knight's and is also concerned about the trees. Ms. Mares stated her first issue is the density of the development and the traffic. She stated the applicant's traffic report said the traffic wasn't that bad but if they have to go through the commercial development to get out on to 81st Street it's bad. Ms. Mares stated she tried to go somewhere Friday evening and couldn't get out onto 81st Street so she went through the commercial development and had to wait through three stoplights to get to 81st Street. Ms. Mares stated 700 cars have already been allowed with these two subdivisions and you want to add more congestion to it. Ms. Mares stated she didn't know if Commissioners had been on this road but it's just a little road not even a mile long and you've already put in 2 big subdivisions and she just doesn't think Maybelle Avenue can handle it. She stated Ms. Knight had a good point that the west side of Maybelle Avenue is commercial but the east side of Maybelle is not RS-4 it's agriculture and there's 6 houses that are RS-2 and that is all that's on the east side of Maybelle Avenue. Ms. Mares stated the RS-4 is on the west side. She stated she was looking at the Small Area Plan and she knows that her area is not exactly included in the part from Union Avenue but she did notice staff's wording about encourage substantial buffering between commercial and residential and she feels like to go from RS-4 to agricultural there should be some kind of buffer. Ms. Mares is concerned about her trees and the fence line and wants the applicant to leave some kind of buffer because there is a difference between the 3 houses that were on the subject property and the number of houses the applicant wants to put on the property now. She stated she is on one and a half acres and she is requesting some kind of buffer.

Mr. Covey asked how long Ms. Mares has lived in the area.

Ms. Mares stated "30 years"

Mr. Covey asked if Ms. Mares realized that her property was subject to the Small Area Plan.

She stated "yes".

Mr. Covey asked if she realized it applied to her area when it was passed in 2014.

Ms. Mares stated no that most of it seemed to apply to the other side of Highway 75. She stated the east side of Highway 75 has big acreage the same as the west side does with animals also. Ms. Knight has 20 horses behind her. Ms. Mares stated that the eastside of Highway 75 was kind of thrown under the bus with all the commercial development on their side.

**Darrell Beeller** 8223 South Maybelle Avenue, Tulsa, OK 74132

Mr. Beeller stated his property abuts the subject property to the north and he is representing his brothers and father who also have property there. He stated his dad lived there on the property with 12 acres and there are four homes. Mr. Beeller stated everyone knows that traffic is one of the biggest issues with this. He stated he retired from the Fire Department with 34 years and the closest fire station is 71st and Union, Station 6, and the response time will be an issue right now with traffic getting through that intersection where they have to come down Union to 81<sup>st</sup> Street and that time will increase with more people. Mr. Beeller stated if you've been in that area, you know the traffic's horrible. He stated he has lived in the area 27 years and when he moved in there was nothing there. He stated that's why he moved out there. Mr. Beeller stated he understands development and he is all for it. He stated he was a city employee so he gets the tax base and he gets the Small Area Plan. Mr. Beeller stated but when do you stop developing and get the streets to fit the development, that is his issue with this. He stated RS-4 doesn't fit the area in his eyes but that's for Planning Commission to decide. Mr. Beeller stated he understands the developments on the west side of Maybelle but that's not what's on the east side of Maybelle. Where do you stop, if RS-4 is allowed here what happens to the next guy that comes in and has 80 acres and wants RS-4. Mr. Beeller stated how do you say no it's the same streets, same issues. He stated when do you catch the roads up before you keep developing?

**Susan Beeller** 8223 South Maybelle Avenue, Tulsa, OK 74132

Ms. Beeller stated Mr. Key has two developments that are less than a mile from her and they're both zoned RS-3. She stated one almost directly across from the new elementary and one right by the new apartments almost to 71<sup>st</sup> Street on Elwood. Ms. Beeller stated both are zoned RS-3 so it doesn't make sense to put RS-4 in her location. She stated If he's got RS-3 there why can't he do RS-3, here. Ms. Beeller stated on the signs of those two properties she just mentioned say Jenks schools starting at \$300,000 and the name of it is an Elwood Villas. She stated she doesn't know how many acres they are but she is curious as to what the sign will say on the subject property because they can't seem to pin anybody down on size and they would like to know the numbers.

Ms. Kimbrel asked if Ms. Beeller attended any of the community engagement meetings.



Ms. Beeller stated she attended the one on Monday the 18th.

Ms. Kimbrel asked if Ms. Beeller asked about rezoning to RS-3.

Ms. Beeller stated "no", she learned at the meeting that those two properties were RS-3.

Ms. Kimbrel asked if Ms. Beeller would be okay with RS-3.

Ms. Beeller stated she isn't okay with it but RS-3 would be better than RS-4. She stated the math does not add up. There cannot be 80 homes on 16 acres and all 16 acres can't be built on.

**Don Crow** 902 West 84<sup>th</sup> Place, Tulsa, OK 74132

Mr. Crow stated he lives in Hyde Park and attended both of the meetings referred to by the applicant. He stated he did propose to them acre lots, he thinks it's still too much and he agrees with everything that's been said. He stated Ms. Knight did a fabulous job and the picture that she has with the greenspace is a unique road. Mr. Crow stated he understands the Small Area Plan development process, but he doesn't think he states it has to be a certain residential code It just says residential houses. Mr. Crow stated the traffic is horrendous, even Councilor Cue came and spoke about the traffic issues. Mr. Crow stated he did not get a copy of the traffic study and he doesn't remember the applicant providing that document. He stated the application is still contentious and there is about 100 people that are opposed to this concept. He stated RS-3 would be better, but he would like to see Maybelle Avenue extended down to 91<sup>st</sup> Street. Mr. Crow stated as he understands from Commissioner Cue, there was a requirement of The Estates at Tulsa Hills, which is across the street from Winchester, that they were to extend 91<sup>st</sup> Street and there's been extensive work to do that. He stated unfortunately the builder or the developer of that particular project has some personal issues and cannot extend the road. Mr. Crow stated the developer is not going to start the project so Maybelle Avenue is not going to be extended, but he wouldn't mind seeing if this would be approved for RS-3. He stated he would rather see him pay to extend Maybelle to 91<sup>st</sup> Street at least that would give residents another access out of our neighborhood.

Mr. Covey asked if Mr. Crow was aware of the Small Area Plan.

Mr. Crow stated he has only been in the neighborhood since right about the time the Small Area Plan was developed and he was aware of it after attending the meeting on the 12th.

**Harry Dandellis** 2112 East 60th Street, Tulsa, OK 74105

Mr. Dandellis stated ironically, he runs a senior community called Garden Park. He stated he represents by default the developer of Hyde Park. He stated there

were some questions that came up at the meeting on October 16, 2019 so he is here to give some reminders of what was done at Hyde Park. The developer who is now deceased was a pioneer on the west side. Nearly \$600,000 was spent paving Maybelle Avenue to get to the south border of their property. Mr. Dandellis stated they were reimbursed \$150,000 by the people who owned what is now Tulsa Walk which is just to the north. He stated they also had to put in an expanded sanitary sewer from one mile east of 81<sup>st</sup> Street and Maybelle down to Hyde Park. Mr. Dandellis stated it started out at an 8-inch line and went to a 10-inch line and then 12 inches. He stated that was another \$230,000 to put in that sanitary sewer. Mr. Dandellis stated they were reimbursed by the builders of the school which is further south on Maybelle by \$87, 000. He stated they weren't reimbursed by Winchester people or by the City. Mr. Dandellis stated he just wanted to reiterate, they have 165 lots on 41 acres. Those lots are 5500 to 7500 square feet and there are currently 73 occupants. He stated there are about 18 properties under construction so they haven't reached the full density of their allotment. Mr. Dandellis stated south of Hyde Park is the Winchester property. He stated he hasn't spoken with them but it's moving along fairly quickly as well. Mr. Dandellis stated he thinks it may be 60 to 70% developed but Hyde park is still at 50% because just to reiterate he is in a unique position because he represents the developer and the property owners because he is a property manager as well. Mr. Dandellis stated he was sure they're concerned about the traffic it's a 55 plus senior development so ambulances and fire trucks are a major concern. He stated the properties are probably in the range of \$350,000 to \$650,000. He stated most are in the \$400,000 to \$450,000-dollar range. Mr. Dandellis stated he is not against rezoning or competition he just has to be careful that he is telling Commissioners that he represents himself as the de facto developer now that Mr. Lewis passed away, he is his trustee and personal representative. Mr. Dandellis stated that is why he is speaking. But he is also the property manager and is representing homeowners and future homeowners.

Mr. Reeds asked if the City requested the developer put in the infrastructure and street improvements.

Mr. Dandellis stated he thinks it is what's required of the developer to do that. He would have to check because he is not sure.

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

Ms. Cole stated she was sure Commissioners recognize some of the neighbors. She stated they were here just a couple of weeks ago talking about a property that was on the west side of Highway 75. That property that was before TMAPC the applicant was asking for RS-3 zoning and staff recommendation and TMAPC approved for the developer to go back and try and do RE zoning because that is what the Small Area Plan was asking for. Ms. Cole stated she has heard comments about the modification of the Small Area Plan, East versus West and she wants to give a little bit of information as far as the Small Area Plan. She stated the participants of the Small Area Plan didn't have an East versus West

intention the participants had some people from the neighborhood of Turkey Mountain, 61<sup>st</sup> and Elwood and one or two showed up to a couple of meetings but never made it to the committee and kind of dropped out. Ms. Cole stated a couple of people in this neighborhood by Ms. Knight that came to a couple of meetings but never stayed to make it onto the committee and then did not stay through the whole two and a half years that the Small Area plan was developed. Ms. Cole stated the majority that were on the committee that actually stayed and battled with this were on the west side of town. She stated the density that the developer is asking for was not intended to be either east or west. The density was supposed to be in adjacent to neighborhood properties. Ms. Cole stated the subject property was three properties with three homes on 16 acres. She stated everything around it is one large piece of property. Ms. Cole stated they talked about Hyde Park and Winchester. She stated these 2 developments happened as the Small Area Plan was finishing up so they slid in with their RS-4 zoning at that time. Ms. Cole stated the two developments that they mentioned on Elwood kind of did the same thing, there were no neighborhood meetings. She stated there was a quick sign that popped up. Ms. Cole stated she is asking Planning Commission to help keep some of what they tried to accomplish with the Small Area Plan. Ms. Cole stated when the applicant first submitted for RS-5 zoning there was supposed to be an optional development plan but now that they have moved to RS-4 zoning they said they want to do straight zoning. She asked if there could be an optional development plan if possible. Ms. Cole stated there are issues with traffic and yes, there are issues with buffering and everything else that's there. She stated the big portion of this is even if it is possible to use the Small Area Plan as a guideline for this property RS-4 is still not appropriate. Ms. Cole stated the six properties that are direct south and connected to this property are RS-2.

Mr. Covey stated Ms. Cole you said you were aware of the Small Area Plan. He asked Ms. Cole if she served on the Citizen Advisory Team.

Ms. Cole stated her husband did.

Mr. Covey asked if Ms. Cole was aware that we recently did an amendment to the Small Area Plan.

Ms. Cole stated yes and she thought that Amendment was where some of the verbiage came from for the East versus West. She stated it was never the intention for us. Our thought process when we when we tried getting the verbiage corrected was for the adjacent densities to match going north to south because it was a bigger issue than east to west because it's a little bit more dense from 61st to 71st and then going south they get to be bigger properties as you go and that was our intention on both sides of Highway 75.

**Jane Duenner** 2320 West 92nd Street, Tulsa, OK 74132

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

The applicant stated he has just a few points based on some comments. He stated the drive through The Walk is actually a public drive it's not a private drive. The applicant stated he isn't saying it's the best option but it is a possible route to reach that light. He stated everyone knows that in high traffic periods we have to deal with the long lights driving anywhere. The applicant stated the large space on the west side of Maybelle that was referenced is a pipeline easement. The applicant stated someone mentioned the home size of 1500 square feet, that's never been part of the discussion. He stated Mr. Key has said all along that he's looking at a certain range and it's in the range of 2500 to 3000 square feet minimum. The applicant stated he is not sure exactly where the conveyance will land but they will handle that plus all the engineering and all the drainage in the planning process. The applicant stated he forgot to mention that he found the approved IDP plans for the engineering of the Maybelle Avenue extension to 91<sup>st</sup> Street and he has emailed that to some of the neighbors as well. The applicant

stated those plans are approved to be done when that developer actually comes back online. He stated the lot count for the subject development was never 175 nor was it townhomes. The applicant stated he thinks there's a mix up coming from someone else. He stated the application started with RS-5 and there was not an optional development plan as part of that submittal and now they are down to 80 lots. The applicant stated they went from RS-5 and 120 lots to RS-4 and 80 lots. He stated the platting process will take care of the engineering, detentions, drainage, all the requirements for the City of Tulsa standards.

Mr. Reeds asked if there was any discussion with the City about doing an assessment district.

The applicant stated not at this point.

Mr. Reeds asked if there was any discussion with the City in terms of boundary separation between AG and RS-3.

The applicant stated as far as the buffering, no it was not part of the discussion. They were just going through the Zoning Code for the requirements. He stated he would say based on conversations Mr. Key had that the applicant witnessed with some adjacent property owners he told them he would do the best he could to avoid the trees even on his side. The applicant stated obviously he's not going to go over on someone else's property and destroy trees. He would like to try to avoid as many trees as he can because that enhances development.

Mr. Reeds asked the applicant if he had any discussions with Mr. Key about paying to widen the street on Maybelle to take care of increasing traffic.

The applicant stated no not a serious discussion.

Mr. Reeds asked if the applicant would have any trouble in terms of loads on sewer or infrastructure.

The applicant stated not at this time, they have done some feasibility studies and they have a couple of options for sewer routing and it just depends on where the City might want us to tie in.

Mr. Reeds stated he knows the applicant is aware of the Small Area Plan because he is trying to meet it. He asked the applicant if he feels as though this meets the intent of the Small Area Plan.

The applicant stated "yes".

Ms. Kimbrel asked if after hearing the concerns of your surrounding residents in terms of the density and there were recommendations regarding RE zoning or

coming down to RS-3 and an optional development plan provision is the applicant open to modifying the zoning request?

The applicant stated speaking on behalf of Mr. Key, the developer, at this time they feel like they have compromised and the answer to that question is no. Mr. Walker stated another application was denied two weeks ago had a staff recommendation of 1 acre lots why doesn't this application have the same.

Staff stated this application is located east of Union Avenue and the Small Area Plan recommends this area to have commercial transitional zones with residential multifamily various types of residential mixed into that.

Ms. Kimbrel asked if staff could remind the audience what some of the highlights of the new amendments to the Small Area Plan were.

Staff stated there were new zoning category called AG-R and that was primarily west of Union Avenue.

Ms. Kimbrel stated she is looking at Priority 2 on page 6.3 on the TMAPC agenda packet that says: Prioritize the preservation of open space and the natural environment in future development. She stated as the planning team and in the conversations with the community on adopting these priorities can staff talk about what some of the recommendations were to operationalize or implement some of these priorities or preserve or protect these priorities.

Staff stated as far as the development of this density it would be making sure the applicant maintains their open space requirements that is required for a lot within that zone. He stated there are square footage requirements, open area requirements, minimum block sizes and things like that.

Mr. Covey stated he is out in this area all the time. His kids go to school in the area. One of his kids play soccer so he is at the Titan Complex constantly. Mr. Covey stated he would say he is in this area two to three times a day. He stated he went and drove the area both yesterday and today just to make sure he wasn't missing anything. Mr. Covey stated on page 6.8 of the agenda packet is the Tulsa Comprehensive Plan and this shows the entire area north, south and east of the subject property all being designated as a New Neighborhood designation. He stated that's not an Existing Neighborhood designation but a New Neighborhood designation. Mr. Covey stated when the Comprehensive Plan was adopted, this is what people said they wanted, they wanted this area to be New Neighborhood. He stated also this entire area is governed by the Small Area Plan. He stated the Small Area Plan was adopted in 2014 and it had a Citizens Advisory Team consisting of 20 or so individuals and as he has read before, some of the items that were included in the Small Area Plan, some of the purposes and the recommendations were the new developments east of Union Avenue supports zoning changes from agricultural to residential zoning should a

request be filed. Mr. Covey stated the Small Area plan also supports zoning changes and zoning adjustments that support senior housing. He stated he thinks that at least one person acknowledged that the Small Area Plan exactly separated east to west based on Union Avenue. Mr. Covey stated its separated areas that were residential in nature. He stated the Small Area Plan shows west of Union Avenue should try and retain a rural character while those east of Union Avenue should go commercial or residential and smaller zoning requirements. Mr. Covey stated while the Small Area Plan was adopted in 2014 an amendment was approved on May 15, 2019 and was just approved by City Council. He stated for five years every application that's come before this Commission has dealt with residential areas west of Union Avenue and that's all that's been heard for five years is residents wanting residential west of Union. Mr. Covey stated residents want existing neighborhoods, not new neighborhoods, and we want to keep that character rural in nature. He stated he doesn't believe Planning Commission has received an application where everybody's come down for an application that's east of Union Avenue, because the Small Area Plan says, and the Amendment says, it doesn't apply with regard to traffic. Mr. Covey stated he agrees the traffic is horrendous, traffic is a major issue and he would encourage the residents to fight that battle at City Hall with your City Councilor because traffic regardless if this development goes in or not, traffic is an issue and needs to be resolved now. He stated to him this is a rezoning application and he doesn't know that traffic comes into play for his personal opinion unless they wanted to put manufacturing in or something like that. Mr. Covey stated one of the speakers said, when's it going to stop, and Mr. Covey thinks that's a great question to ask. He stated he doesn't have an answer for him because the market is going to dictate when it stops. Mr. Covey stated his vote will be to approve this application based on what's in the Small Area Plan, what's in the amendment to the Small Area Plan and what's in the Tulsa Comprehensive Plan. He stated he thinks the best argument in his opinion going forward is that there is no RS-4 zoning to the east of Maybelle currently.

Mr. Ritchey stated he certainly appreciates and respects Commissioner Coveys comments and he thinks his reasoning and logic are definitely sound. He stated he follows that same path of reasoning and logic but he reaches a different conclusion when he gets to the end. Mr. Ritchey stated when he reads the Small Area Plan and sees things like residential development, he thinks residential development is great but it needs to be done properly and maybe on a slightly smaller scale. He stated for him it all comes down to RS-4 and he thinks RS-4 is wildly inappropriate for that area. Mr. Ritchey stated if you walk around Tulsa you can pull up the zoning map and there is no RS-4 on the other side of the river there's no RS-4 in Cherry Street or in any downtown adjacent neighborhood it's all RS-3. He stated where he lives at 8<sup>th</sup> and Peoria it's about as dense as you could imagine but that's also RS-3. Mr. Ritchey stated he thinks RS-4 after it's been agricultural and the residents have voiced their concerns, these hundred people think RS-4 is a little too dense as well so for him it's a no on this exact

request. He stated the application in front of him is asking to go from AG to RS-4 and he thinks that is inappropriate.

Mr. Reeds stated he agrees with Mr. Ritchey about the density. I think RS-3 is more appropriate for this site. Although RS-4 is across the street and in a couple of hundred lots total. He feels it's like trying to make a large piece of salami if you go with RS-4 you're shoving too much stuff into the casing. Mr. Reeds stated he thinks RS-3 more appropriate particularly given the fact that the street is not appropriate currently. He stated if we're going to put more heat on the street then it should be RS-3.

Mr. McArtor stated the Commission doesn't have an RS-3 application in front of them. The application is for RS-4 and when you look at the map there is RS-4 south and east on Maybelle, so there's RS-4 in the area. He stated RS-4 is not inconsistent with a Small Area Plan and the distinction between RS-3 and RS-4 is not going to be huge when it comes to the Small Area Plan on the east side of Union. Mr. McArtor stated it seems to him if there's anything that's going to motivate the city to do something about traffic in this area it's to develop the area. Mr. McArtor stated he doesn't know what these folks are going to do if their application is denied they may just walk away. He stated the residents want it to stay AG and he understands that but the likelihood the demography is this area is going to be developed it is just a matter of time. Mr. McArtor stated we have to decide which way we're going to go and the Small Area Plan does seem to give a trajectory for more density in this particular area. He stated if we had an RS-3 application that would be great but we don't and there's going to be development here. Mr. McArtor stated it's better take what is being presented and make it as good as we can and the City is going to have to step in and do some development on the streets.

Mr. Covey asked if the applicant if his client owns the property or is it under contract.

The applicant stated there is one piece that is 16 acres and three other different pieces. There's one his client owns and then the other two are under contract to close.

Mr. Covey asked if it contingent on what today's outcome is.

The applicant stated "yes".

Mr. Covey stated Ms. Kimbrell asked the applicant given what was said does your client have any interest in changing the application or just go with what happens today.

The applicant stated he believes he knows what his client would say.



**Chris Key**

Mr. Keys stated last time we were asked to go from a RS-5 to an RS-4 and we had to work out the math. He stated there are some neighbors asking why isn't the applicant saying what he's going to do on the property? Mr. Key stated he has to know the size of the lots and the zoning before he can determine what's needed. He stated he thought this was a good transitional area because of the movie theater and super dense parking lots across the street. Mr. Key stated in order to say, Okay, we'll put big, beautiful homes on half acre lots they didn't feel that was appropriate knowing directly across the street there would be all the headlights from the movie theater. Mr. Key stated they are trying to do some affordable housing, there is RS-3 on a couple of developments within a mile and he trying to give some other options to some buyers that aren't buying price point homes like the other developments in the area. He stated there are trying to bring the price down in some areas and this property abuts commercial and that's why we're trying to put a lower price point in there. Mr. Key stated at this point we have to do what's best for us and he thinks that is RS-4. He stated if the only option is RS-3 he will probably try to make it work and the difference would be maybe 10 homes when you go from a RS-4 to an RS-3. Mr. Key stated not a huge difference. He stated but he has not worked the numbers on a RS-3 but they went from a RS-5 to a RS-4.

**TMAPC Action; 11 members present:**

On **MOTION** of **COVEY**, TMAPC voted **8-3-0** (Covey, Doctor, Fothergill, McArtor, Ray, Shivel, Van Cleave, Walker, "aye"; Kimbrel, Reeds, Ritchey, "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of **RS-4** zoning for Z-7506 per staff recommendation.

**Legal Description for Z-7506**

THE SOUTH FIVE (5) ACRES OF THE WEST TEN (10) ACRES OF THE SOUTH TWENTY-SIX AND 2/3 (26 2/3) ACRES OF THE NORTH HALF OF THE NORTHEAST QUARTER (N/2 NE/4); THE NORTH FIVE (5) ACRES OF THE WEST TEN (10) ACRES OF THE SOUTH TWENTY-SIX AND 2/3 (26 2/3) ACRES OF THE NORTH HALF OF THE NORTHEAST QUARTER (N/2 NE/4); THE EAST SIX (6) ACRES OF THE WEST 16 ACRES OF THE SOUTH TWENTY-SIX AND 2/3 (26 2/3) ACRES OF THE NORTH HALF OF THE NORTHEAST QUARTER (N/2 NE/4); ALL IN SECTION 14, TOWNSHIP 18 NORTH, RANGE 12 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF

\* \* \* \* \*

Mr. Fothergill left at 3:35 pm before the vote on item 7.

7. **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-F-U** (Continued from October 16, 2019 and November 6, 2019 – original application requested MX1-U-U)

**STAFF RECOMMENDATION:**  
**SECTION I: Z-7503**

**DEVELOPMENT CONCEPT:** This request for rezoning is responsive to a City Council initiative to encourage mixed-use development along the bus rapid transit system. The west half of the block is currently zoned CH and does not have a building height restriction. The east half of the block is zoned RS-4. The Mixed-Use rezoning request as originally submitted and as currently requested is for unlimited height.

The City of Tulsa initiated a land use study that resulted in zoning recommendations on property within ½ a mile of proposed enhanced stations along the bus rapid transit (BRT) route. The subject property was included in that recommendation and the owner of that property has opted-in to a voluntary rezoning program initiated by the Tulsa City Council.

The BRT study recommended MX1-P zoning on this site without height limitations. This request for MX1-F is not consistent with that land use recommendation.

The site has been acquired anticipating a multi-story mixed use building. .

**DETAILED STAFF RECOMMENDATION:**

Z-7503 request MX1-F-U which is not consistent with the expected building placement pattern in the area and,

MX1F-U allows uses as anticipated in the Pearl District Small Area Plan however the requirement for buildings to be placed adjacent to street right of way is not part of this character designation and,

The bus rapid transit study recommended MX1-P without a height recommendation on this site. The uses and build-to-zone requirements of the rezoning request is consistent with the Bus Rapid Transit System study and its land use recommendations and,

MX1-F-U is consistent with the Mixed-Use Corridor land use vision in the Tulsa Comprehensive Plan therefore,

Staff recommends APPROVAL of Z-7503 to rezone property from CH and RS-3 to MX1-F-U.

## SECTION II: Supporting Documentation

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

#### Staff Summary:

*MX1-U-U as originally submitted is consistent with the land use vision in the Tulsa Comprehensive Plan and is also consistent with the goals, objectives and strategies of the Executive Summary of the Pearl District Small Area Plan as adopted in July 2019. The Urban character zone requires building placement within 10 feet of the planned right of way.*

*MX1-F-U as currently requested supports the uses anticipated by the BRT study and by the applicant however the flexible character designation removes the build-to-zone requirements that were part of the City Council initiated MX zoning. Building placement is crucial to the density of development anticipated along the South Peoria BRT route.*

#### Land Use Vision:

*Land Use Plan map designation:* Downtown Neighborhood, Mixed-Use Corridor

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.

A Mixed-Use Corridor is a plan category used in areas surrounding Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. The streets usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods.

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

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

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

Transportation Vision:

*Major Street and Highway Plan:* South Peoria Avenue is classified as Multi Modal Corridor.

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

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

*Trail System Master Plan Considerations:* None

### Small Area Plan: Pearl District Small Area Plan

The small area plan was updated July 3<sup>rd</sup>, 2019. The land use designations are Mixed Use Corridor and Downtown neighborhood. The priorities of the small area plan and some of the redevelopment goals of that plan include:

Priority 1: Stabilize and revitalize existing residential areas, promote homeownership and housing affordability and increase housing choice.

Priority 2: Promote development that retains existing businesses and increases employment, mixed-use, commercial and retail opportunities

Goal 6: Revitalize and redevelop vacant properties

Goal 7: Provide more retail, dining, and entertainment options

Goal 8: Encourage higher density development in transit rich areas

Goal 9: Improve commercial transportation access

Goal 10: Ensure adequate parking supply using shared parking approach in the Pearl District.

Action Items:

10.1 Work with businesses to develop a shared parking approach to provide adequate parking as corridors redevelop.

10.2 Identify potential sites for off-street shared parking lots, especially within walking distance to major destinations and Aero BRT transit station areas.

10.3 Create a public/private parking strategy that includes a centrally located parking structure.

10.4 Explore the use of alleys for private parking, as feasible.

Priority 3: Increase safety and security throughout the district.

Priority 4: Improve targeted infrastructure to support health and wellness and catalyze development.

### Special District Considerations:

This site is included in the Bus Rapid Transit Corridor Study area along Peoria. MX1-U zoning was recommended along the west half of this block.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The site west of the alley is empty. East of the alley only two homes on the northeast corner of the block remain. The alley is not maintained by the city but is paved and utilities are in the alley. The northwest corner of the block is not included in this development and it is unlikely that the alley could be vacated unless the remaining property owners agree to removal of the alley.*

*Remaining driveways and repair curb during development. Sidewalks are also in poor condition and will require reconstruction.*

*View from southeast corner of site looking northwest:*



View from Northeast Corner of site looking southwest:  
(See next page)



Environmental Considerations: None that affect site redevelopment

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Peoria Avenue	Secondary arterial with multi modal corridor	100 feet	4
East 8 <sup>th</sup> Street South	None	50 feet	2
East 10 <sup>th</sup> Street South	None	50 feet	2
South Quaker Avenue	None	50 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 and CS	Mixed use corridor / downtown neighborhood	Growth	Single story office buildings
East	RS-4	Downtown neighborhood	Growth	Single family residential
South	CH and RM-2	Mixed use corridor / downtown neighborhood	Growth	Office and surface parking
West	MPD-FBC1	Park and open space/ mixed use corridor	Growth	Cemetery across Peoria Avenue

### SECTION III: Relevant Zoning History

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

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

**CPA-81 July 2019:** All concurred in **approval** to *adopt* CPA-81, The Pearl District Small Area Plan as an amendment to the Tulsa Comprehensive Plan. The plan area boundary is located east of Downtown Tulsa, bordered by Interstate 244 to the north, Utica Avenue to the east, 11<sup>th</sup> Street to the south, and Highway 75 to the west.

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

**SA-4 (Route 66 Overlay) June 2018:** All concurred in approval to apply supplemental RT66 (Route 66 Overlay) zoning to multiple properties along South 193<sup>rd</sup> East Avenue, East 11<sup>th</sup> Street, South Mingo Road, East Admiral Boulevard, East Admiral Place, West 11<sup>th</sup> Street South, and Southwest Boulevard.

**BOA-22410 March 2018:** The Board of Adjustment **approved** a request for a *variance* to allow required accessible parking spaces to be located off site from the principal use, on property located at 1007 South Peoria Avenue East.

#### **TMAPC Comments:**

Mr. McArtor asked staff to explain what a build to requirement is.

Staff stated in RS-4 there's always the setback requirement from the street. In the MX zoning it actually requires buildings to be placed closer to the street,



instead of requiring it to be set further way. He stated the MXU zoning would have a strip of land in this roughly 10 feet wide wall on the edge and a portion of the lot frontage is required to be build inside that strip. Staff stated that's what the build to zone is, it requires the building to be up next to the street. Staff stated in this particular request there is no build to zoning requirement but there is also no building setback requirement. He stated it allows that applicant to build the building anywhere on the property.

Mr. Reeds stated on page 7.14 of the agenda packet it shows a building on the corner of 10<sup>th</sup> Street and a building on the corner of 5<sup>th</sup> Street. He asked staff if that is the intent of the applicant.

Staff stated the last time he talked with the applicant they expressed that one of those buildings they did not own but had a vision that at some point that existing building would be part of a development that would hold that corner but that's not part of this application. Staff stated the applicant talked about the idea that if the subject property was developed in a way that they hope there would be parking available on the east side of the alley but that alley would ultimately go away for them to accomplish that goal, but that's really not part of the conversation for the northwest corner.

Mr. Reeds asked what governs the building height.

Staff stated inside the Mixed-Use zoning there are provisions that allow you to customize a building height. He stated in this instance they are requesting an unlimited height because CH zoning has no height limitation on Peoria now. Staff stated the applicants request is for unlimited height for the entire site. There are some building transitional height requirements only when a site abuts a residential lot and, in this instance, it does not abut a residential lot across the street. He stated if this zoning is approved this entire block would have no height limit.

Mr. Doctor stated staff mentioned the amount of surface parking that's part of this project is that required by the MX zoning.

Staff stated "no, this is developer driven. He stated there is some parking requirements but he couldn't begin to estimate how much of that is part of the code requirement versus what the developer is anticipating.

Mr. Covey asked if staff was good with putting a parking lot in a Downtown Neighborhood as shown on the map.

Staff stated the Downtown Neighborhood is a very eclectic description it was ultimately viewed as a site that would probably not be a parking lot, however, being on the edge of a very small strip of land as a part of a Mixed Use Corridor

he doesn't think it's out of the realm of possibility to think that some surface parking could have been put on that edge.

Mr. Covey asked staff which Small Area Plan this application fell under.

Staff stated "The Pearl District".

Mr. Covey stated it seems like a lot of the Pearl District Small Area Plan called for no parking lots. He stated the plan called for on street parking and alley ways.

Staff stated the plan recognizes that there were places where the parking management strategy could be very valuable. He stated he can't speak to the applicants thought of the parking but he thinks that it's anticipated that there's going to be parking at some point and it's unlikely that the parking would end up on Peoria. Staff stated the edges of corridors are always the challenging part.

Mr. Reeds stated to Mr. Coveys point, even in the CBD we're doing everything we can to avoid doing more surface parking. He stated this almost seems like we're committing the same mistakes we did in Urban Renewal. Mr. Reeds stated he thought they reformed the parking requirements and it seems contrary to the intent that we're all trying to accomplish which is a more walkable, livable city, not based on cars.

Mr. Covey stated if this was in south Tulsa, he wouldn't have said a thing about it, but since there is this huge issue with the form-based code in the Pearl District, Small Area Plan that is the only reason he brought it up.

Staff stated one thing that he would just add to that conversation is that the Small Area Plan contemplated parking such as even City sponsored parking in certain places in the Small Area Plan. He stated as part of the Zoning Code there are provisions that allow shared parking for underutilized areas. Staff stated if this were built and 11th Street continues to develop as we think it is, he thinks it's likely that if there's shared parking on this property it will let some of the smaller businesses potentially share this if there is an arrangement that can be made but that is not part of this proposal.

Mr. McArtor asked if Planning Commission was being asked to approve the site plan on page 7.14 of the agenda packet.

Staff stated no this is just a rezoning application. He stated to be clear on the other character designations it would require a building to be built along the perimeter of all of the streets. Staff stated this would be a multi-story building so if the flexible character designation is not granted and you went back to one the urban characters it would require that street wall be constructed along the perimeter of that site.

The applicant stated he would to defer his presentation to the owner's representative and the architect.

**Applicant Comments:**

**Tom Darden** 1328 East 43<sup>rd</sup> Street, Tulsa, OK

Mr. Darden stated he is the Director of Property Management for Morgan Properties, as well as the director of IT for Noriega Corporation. He stated he has been working with Jim Fitch who is the owner of this company and this development for over 15 years. Mr. Darden stated he knows Mr. Fitch very well. He stated Mr. Fitch is a community minded man and has lived and worked in the Midtown area. He stated Mr. Fitch knows the Pearl District very well. Mr. Darden stated Noriega Corporation is a company that most people don't recognize but they are celebrating their 21st anniversary this week. He stated they are an engineering consulting firm. Mr. Darden stated they do work for both domestic and international. He stated they produce a magazine in an industry called machinery vacation. Mr. Darden stated they also have 2 annual conferences. He stated they provide online private and public seminars for large manufacturing across the nation. Noriega Properties started looking for property to move the headquarters of the corporation and this was what spurred this entire endeavor over the last three years and they love the Pearl District area and they found the location at 10th and Peoria and thought it worked great for them. As they have been acquiring the property and looking at different ways to develop it he stated they will become owner occupied at this location, not a developer from out of state and look forward to what they are going to be able to bring to the Pearl District. Mr. Darden stated they have met over the last three years and he has gone to all in the Pearl District Association meetings sharing with them the plans and showing them diagrams and answering questions along the way. Mr. Darden stated he was the main presenter at the Pearl District Association this month and have overwhelming support from that organization which is made up of business owner's homeowners and renters in the area. He stated with any kind of a project like this, you will have some detractors but they feel like this is going to bring something new to the Pearl District and will be tying in the 6<sup>th</sup> Street area and the 11th Street area. Mr. Darden stated Mr. Yoakum was a gentleman who sent in a letter not too long ago for October 16<sup>th</sup>, 2019 TMAPC meeting that was continued. He stated he spent some time with the Mr. Yoakum and thinks he's a nice young man who has a birthday coming up in January and he will be 93. Mr. Darden stated they are excited about this opportunity and they will be able to build at this site.

Mr. Fothergill stated the site plan shows 2 green boxes and an empty square on the top right, what is that thought process

**Tim Beckman** 1401 South Denver, Tulsa, OK 74103

Mr. Beckman stated he is an architect at CJC Architects. He stated he will present some of the early parameters of this project. He stated Noriega Corporation met with CJC wanting to locate their corporate offices in the Pearl District. Mr. Beckman stated they currently own all but two lots on this block and they really wanted to see if they could just develop the south half of this block so the site plan originally submitted with your package was a very early version of possibilities. Mr. Beckman stated they liked the architecture of the Pearl District and he also wanted something that had kind of a sidewalk feel and makes the building kind of the anchor to that corner and to not have parking between the street in the building but to have the parking behind the building. He stated the current plan is to build 30,000 square feet of office space and on the bottom floor have about 10,000 square feet which could need for restaurants or retail use, a mixed-use type. Mr. Beckman stated those shops or restaurants would have access to the sidewalk space. He stated with those parameters, a 40,000 square foot building, 30,000 square foot of office, they landed based on the site dimensions of a four-story building and three floors of office and one floor for retail side and parking on the east side of the building. He stated he realizes that there's a residential lot next to it and they would put the landscape buffer between the parking and the residential to comply with the Zoning Code.

Mr. Shivel asked Mr. Beckman how many employees would be in the building.

Mr. Beckman stated 50-75 per floor. He stated around 150 employees could be in office space.

Mr. Beckman stated they have done some calculations as to shared parking in the Zoning Code such as different operating hours for restaurants and offices, and we've applied those to reduce the parking.

Mr. Covey asked if Mr. Beckman said 50 to 75 people per floor.

Mr. Beckman stated "yes".

Mr. Covey asked where the employees would park.

Mr. Beckman stated that would be the maximum.

Mr. Doctor stated the zoning designation category started out as MX-U which has an urban characteristics, it was switched to MX-F and Mr. Doctor would like staff to speak about that change. Mr. Doctor stated from his perspective, it's that kind of walkability and not having as many curb cuts and where the parking is located up against Peoria particular is really where the challenges are. He stated is a walkable corridor with the BRT lines.

Mr. Beckman stated the western side of this block with this proposed development would already comply with the build zone requirements of the urban

character designation. Mr. Beckman stated the issue is on Quaker with an urban character destination the requirement would be to build 30% of the frontage and you have to build within 20 feet of the street intersection. He stated so there needs to be a building on the corner of Quaker and 10<sup>th</sup> Street with that designation.

Mr. Reeds stated he just wanted to put in a plug for CJC Architects that he does not work for or have ever worked with but he does know that they do good work and whatever building goes on this site will respect the industry.

### **Interested Parties:**

**Sarah Hetherington** 1335 E 10<sup>th</sup> Street, Tulsa, OK

Ms. Hetherington stated her property is roughly 200 feet away from the subject property. She stated they purchased their home in December and before the closing date they met not only with an architect but also with INCOG to discuss our future building plans specific to this location, what they could do, what they couldn't, setbacks, height, where the driveway was allowed to go; what the neighbors could do, what they couldn't; what might be commercially developed nearby and how city plans might affect them. They looked at the Land Use Map and learned about the bus routes. She stated they took all of this into account and made their decision. Ms. Hetherington stated they have happily been transforming their small cottage in the Pearl District into a cozy home with a garden. She stated location was an important part of the decision and they chose to live near highways but not next to them. She stated they chose to live near 11th and Peoria but not on either of them. Ms. Hetherington stated there were a few properties available but in less desirable spots such as next door to the parking lot behind Ike's Chili, backing up to QuikTrip, etc. She stated they intentionally bought a place that was in the neighborhood nestled among other houses with an absolutely breath-taking view of the skyline that they knew couldn't be obstructed because between them and downtown there are residential zones capped at 3 stories, the city's oldest cemetery, lovely Centennial Park, and commercial properties along Peoria so small that they couldn't possibly be developed very large. Ms. Hetherington stated as they were making these plans, abiding by the rules that the City has in place they had no idea that another plan in direct opposition to them was already in motion. She stated these plans negate choices that they made as citizens, property owners, and residents. Ms. Hetherington stated two huge items that are missing from the developer's application are in their submissions, the boxes for the yes/no responses alongside the question "Is proposal a significant deviation from comprehensive plan?" are left unchecked, there is no response. She stated the area is almost entirely 1-2 story homes and this plan doesn't preserve or enhance the surrounding community. There's no harmony with the neighborhood and it doesn't retain any of the character in the area in form, scale, or proportion. Ms. Hetherington stated the second item is calling the residential lots "vacant" is extremely misleading. She stated for the last century until very recently the strip

of empty lots had houses on them. The applicant bought up those 8 residential addresses and bulldozed all but 2 homes. She stated in at least one of these cases the demolition permits were filed before the sale even went through. These homes were purchased to be destroyed. Ms. Hetherington stated The Pearl District Small Area Plan lists Priority 1 as Stabilize and revitalize existing residential areas, promote home-ownership & housing affordability, and increase housing choices. She stated it's hard to get into the Pearl District, there aren't many options and properties often only show up in searches after it's under contract or the sale has been finalized. Ms. Hetherington stated around 45 properties are tied up in the eminent domain issue. She stated homes surrounding the Laura Dester site and the future beautiful canal have been bought up by the City and opportunities for home-ownership are disappearing. Ms. Hetherington stated available properties are sold before an MLS listing is ever created. This area is in high demand and they can't afford to lose more of it. Ms. Hetherington stated while homes are in high demand with few available that's not the case with commercial and mixed-use properties. One drive through the area and you'll see vacant lots, unused warehouses, and empty properties, already zoned commercial. She stated Priority 2 of the plan is listed as "Revitalize and redevelop vacant properties." A reminder that these were not vacant properties, but homes for the past 100 years. Ms. Hetherington stated Priority 3 of the plan lists "Increase safety and security throughout the district", which she states will not occur if these 8 residential lots are allowed to become an empty parking lot each night. Ms. Hetherington stated they believe in the Pearl District Small Area Plan. She stated in the case report attached to today's agenda the section Areas of Stability and Growth Designation states that this is an Area of Growth and goes on to state that "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." Ms. Hetherington stated while these residents were bought out, not displaced, the residences have been entirely eliminated. This is neither the development nor the revitalization of a neighborhood this is the destruction of one. Ms. Hetherington stated she will say at the Pearl District Association meeting she was the only person in the room who lives there all the others are business owners and of course, they have a stake in the neighborhood but it is a financial stake. She stated they are not making decisions in the best interest of residences. The applicant came to meeting and of course, people were excited because it's business owners. She stated she was the only one that was upset. Ms. Hetherington stated the applicant wants to build 2 four-story buildings on the subject property and when she was upset that she might lose her view the applicant told her that maybe she could see glimpses of it between their 2 four-story buildings. She stated it's a potentially unsafe neighborhood but the more people looking out for each other the better it will be. Ms. Hetherington stated this is all commercial and office it's going to be empty every single night.

Mr. Ritchey wants to thank Mr. and Ms. Hetherington for doing their research and coming to participate in the civic process. He stated he was there 10 years ago

when he fought for the Pearl District and lost that time but now, he is a part of this Commission and he is excited to see more residents engaged in the process. Mr. Ritchey stated if Ms. Hetherington as a resident of this area is okay with what she sees along Peoria then we truly have her area. He stated he hoped the people Ms. Hetherington talked to explained commercial high density(CH). Mr. Ritchey stated there is no height requirement anybody could build CH if they build parking structures below ground or above ground, you could have a parking structure and then add stories to the sky so the question of your view being protected unfortunately that's just not true. Mr. Ritchey asked Ms. Hetherington now that she has seen the rendering of that particular building does if she feels like that would be a decent fit for your vision of the Pearl District with bottom level shops, restaurants, that sort of thing, kind of a vibrant, hopeful nightlife. And then offices above.

Ms. Hetherington stated there's a possibility. But if they're saying potentially 150 people per floor and there's three floors of that, none of them are going to be taking the bus that's outside their door. She stated regardless of really what that building looks like she accepted that as commercial and she understands she can't put her limitations on it. Ms. Hetherington stated her main concern is safety the QuikTrip at 10th in Utica is terrifying at night and security is there to protect QuikTrip so when they are issues security is shoos them back into her neighborhood. She stated there's another huge empty parking lot every single night on the other side of the neighborhood and she is between the two and that's terrifying. Ms. Hetherington stated when they moved in, they knew it wasn't the best neighborhood but were excited because there was a lot of good stuff in the area. She stated they just want this place to get better and are excited about where it is now and where it's going and this just seems like it's the opposite. Ms. Hetherington stated this neighborhood is at 12% owner occupied residences there the rest is all rentals. She stated it seems like this is just becoming a shopping strip it's all income properties. It's companies that are running the Pearl District Association. Ms. Hetherington stated she really deviated from the question. Commercial in Peoria is good but giant parking lot is not good. Ms. Hetherington stated to Ms. Kimbrel that she did go to both of the meeting that the applicant attended, and also emailed back and forth with Dwayne Wilkerson a few times. She stated they are the only residents aside from Stephen Yoakum.

**Adam Hetherington** 1335 E 10<sup>th</sup> Street, Tulsa, OK

Mr. Hetherington stated he is just across Quaker from this development which is vacant lots but were homes when he moved into the area. He stated they are now vacant lots that don't get mowed. Mr. Hetherington stated the plan that the applicant presented is fiction. The applicant mentioned the bus but the employees are not taking the bus to a brand-new class A office building with unobstructed downtown office view. He stated he knows it's an unobstructed downtown view because when they showed him the first rendering of the building

which has changed 3 times in 5 weeks it was 2 buildings and the 2<sup>nd</sup> building was in the green space. Mr. Hetherington stated his wife pointed out that the view shown in the rendering was their view and the applicant said maybe they could still see a little of it between the buildings. Mr. Hetherington stated a month ago there was a meeting about the Elm Creek Detention Pond and at that meeting someone from the City stood up and said the Centennial Park is necessary, the East Elm Basin is necessary, the future Laura Dester retention pond is necessary and there will a canal of some sort on 6<sup>th</sup> Street. Mr. Hetherington stated how can the City on one hand say 3 retention ponds (Centennial, Laura Dester, Elm Creek Basin) plus a canal on 6<sup>th</sup> is required and then a half a mile away they allow the applicant to pour a football field of concrete in this neighborhood. He stated 10<sup>th</sup> Street has a lot of foot traffic but not the kind this Commission try to encourage and its not going to get better if he lives next door to a parking lot.

The applicant stated they are very excited about being in the Pearl District and they have employees excited about living close by and using the bus and so I don't know what the ratio how many will use it but there are employees excited about the whole district and know the benefits. He stated there are many employees that live very close by. The applicant stated Mr. Yoakum mentioned on channel 23 that he thinks it's a safe neighborhood and in fact the applicant walked over to his house and he was asleep on his front porch and he thinks that's great. The applicant stated he woke Mr. Yoakum up and talked to him about his neighbor's concern with the trees. The applicant stated they have owned the property for over three years and he is the guy who's in charge of getting it mowed. He stated sometimes it's hard to find the right guy to go out there and get it mowed and have struggled a bit with that. The applicant stated he is out there every week checking on the remaining two homes that are boarded up to make sure nobody's living in them. The applicant stated he knows that the building that is proposed will not be an eyesore for the residents nearby because they are going to be in the area and are not going to be a large slab of concrete like a Walmart sitting on the corner. It's going to be pretty, it's going to be nice and the Property Management will be tasked with making sure that its safe not only during the day but also at night.

Mr. Reeds asked if the applicant in future developments on the site the possibility of doing perhaps a structured shared parking with the new building, and then perhaps some lower scale townhomes or homes along Quaker.

The applicant stated at this time they don't anticipate use of townhomes on Quaker but of course the zoning does not keep us from doing that. He stated depending on what the interest is because this is the first time that a project of likeness has come to the Pearl District area. The applicant stated they are hopeful and anticipate that there will be a huge demand and if that demand does come it is possible that they do look at that northern side and develop, tying in



with the Pearl District design to make sure that it truly fits as well as possible to that neighborhood and keep the walkability of the retail on the first floor.

**Jim Fitch** 2839 East 26<sup>th</sup> Place Tulsa, OK

Jim Fitch stated he is a business owner not really a real estate developer. He likes real estate and has been living in Tulsa very long time in Midtown. He stated he raised four kids here and they have given him a lot of grandkids and he cares a lot about Tulsa. Mr. Fitch stated as business owner he has to have a place for his employees. He stated they have in the range of about 50 employees but have some pretty big plans to grow so they need a new home being a services company. Mr. Fitch stated in order for services company to grow they have to hire more people and they have to attract and retain them. He stated they need a place that they are interested in and most people that work for a corporation are young people they are millennials and younger and they like the downtown environment and several areas around downtown.

Mr. Ritchey stated he has 2 larger concerns as a city what are we required to do. He stated notifications of various changes are sent out to owners of properties within 300 feet of the proposed change but if that notification only reaches say 13% because some are relatively absentee landlords that's just going into a PO Box. Mr. Ritchey stated it's going to a mailbox in Texas or California or wherever. He stated its concerning how are we going to have real community engagement if these letters are just being delivered to nowhere. Mr. Ritchey stated a larger concern he has is MX1-F-U the zoning designation allows them to place the building wherever on site they do not have to follow the actual build to lot line on Peoria.

Staff stated the applicant can place the building inside the flexible character designation. He stated they would be able to place the building anywhere inside the boundary that is shown. Staff stated there is not a requirement for it to be close to the street or a certain distance from the street.

Mr. Ritchey stated he likes the applicants site plan and but as we often run into Planning Commission is not here to approve this specific site plan. He stated they are running into an issue they always run into where we just write this blank check and now trusting the applicant and they obviously seem trustworthy to him, but he is very uncomfortable. Mr. Ritchey stated having fought for this type of zoning to exist for so long and now we finally have this zoning along Peoria and the City seems very invested in having this mixed-use corridor and he thinks everyone should take advantage of it. He stated he doesn't think this is a really great use of that mixed-use zoning consideration if it allows this building to be placed anywhere and not just this building the future buildings also. Mr. Ritchey stated if we just sold this property as is and things go well, which he hopes they do go well but then we have relinquished any control to making sure the neighborhood's taken care of as to where the other buildings might be placed. He

stated he doesn't think this is necessarily bad he just thinks maybe it's not where he would like to see it. He wants more detail.

Mr. Doctor asked staff what the recommendation was for the Land Use Study that was done for the Peoria BRT envisioning this Peoria corridor. Mr. Doctor stated on page 7.13 of the packet it calls for MX-P for pedestrian designation as opposed to the MX-F-U.

Staff stated the bottom left corner of that site there is a legend and anything that's in the green area was an MX-1-P so it was a pedestrian character zone and along the entire east side of Peoria there was a pedestrian zone that required those buildings to be closer to the abutting streets.

Mr. Doctor stated that has a really strict build to zone especially on main streets. He stated he thinks for this particular site plans and development he loves both the building designs. He stated the applicant is looking at investing in the Peoria District and the way it is built to that corner speaks to exactly what they are hoping to get with the MX zoning. Mr. Doctor stated he shares a lot of Commissioner Ritchey's concerns about from a straight rezoning perspective with the poorly named FU zoning category it really removes any kind of build to zone for this entire property side. He stated part of the solution that he wants to get to be something that recognizes that pedestrian recommendation along Peoria in particular is what they are looking for to build out that corridor and make that much more walkable. Mr. Doctor stated also some of the concerns of the residents immediately behind that development mentioned. He stated he would be comfortable with an unlimited height recommendation right along Peoria on the western side of that block but then stair step back down to the neighborhoods on the eastern side.

Staff stated on the west side of the property west of the alley that was allowed to have an unlimited height building. He stated if you chose to say everything east of that had been contemplated with RS-4 for instance that is the maximum building height of 35 feet in the zoning code now. Staff stated you could potentially make a recommendation for MX1 flexible characters with the maximum height of 45 feet on the east side of the alley. He stated Planning Commission can refine it that way as part of the motion as part of this conversation

Mr. Doctor stated he would like to do is an MX-P or U with an unlimited height on the western half of the property or the western half of the alley, and then for the eastern side he is okay with the flexible nature. Mr. Doctor asked if an MX-F designation on the eastern side still had pretty minimal percentages for a build to zone up against a secondary street like that.

Staff stated there's still some build to zone.

Mr. Doctor asked if they did an MX-F on the eastern half of that property with a height requirement would this more accurately reflect build to requirements heights consistent with an RS-4.

Staff stated it would be consistent with what could technically be built at this site.

Mr. Doctor stated something like a MX-P or an MX-U-U on the western half and then MX-F-45 or something on the eastern side. He stated he thinks that should get to the principles for the BRT corridor while still allowing some of that flexibility. Mr. Doctor stated in a lot of ways it accommodates at least the site plan that the applicant put forward so far but also putting some pretty substantial build to requirements on the northern half of that block to make sure especially the Peoria corridor in particular has that strong build to zone. Mr. Doctor stated he doesn't know if the applicant has talked about something like that or if they have thoughts on that option but he thinks that's much closer to what he would be comfortable supporting.

The applicant stated they looked at a lot of options in the MX1-U-U on the west side of the property and that is not a problem and the MX1-F-U is not a problem on the east side assuming the change doesn't change how he can use it for parking.

Mr. Doctor asked staff if that would still allow for the parking.

Staff stated "yes".

The applicant stated regarding lowering the height on the east side of the property the MX1-P build to zone requirements don't apply on MX-F but there is still a requirement possible for 18 feet. He stated there's a top floor minimum height on the MX that he thinks that's 18 feet and what they have talked about is possibly in the future if they were to build a building kind of in the center of the east half that we'd like to build one that is maybe 3 stories. The applicant stated to do that and have the 18 feet first floor they feel it has to be a pinnacle 55-foot limit. He stated if they don't want to build anything on it and it's always a parking lot then obviously, they would not have a problem with a lower height. But thinking long term and the fact that this area is evolving and we expect if all goes positive to grow in intensity and they would like to have some flexibility to actually put a building in that lot, maybe structured parking or something like that. But even if it's structured parking the Mixed-Use category requires some sort of liner building along the face and they have to consider all that stuff. The applicant stated they wouldn't object at all to the MX-U on the west side and MX-F on the east side, just maybe we could compromise and not go all the way down to 35 feet and go to 55 feet.

Mr. Doctor asked if MX-P on the western side is too far into the build to zone shift.

The applicant stated right now they are at the 60% build out as the site plan shows and they are planning on having this property replatted and this development will be one parcel lot and they are at that 60%. The applicant stated to be at 80% they lose their access on to Peoria Avenue to accommodate that.

Mr. Doctor stated if the entire block is being rezoned it would limit you to one access point on Peoria. He stated he thinks one access point can be maintained if they did MX-P and give 20% of that block back.

The applicant stated MX is difficult for phase construction because you have to get it all in the first phase. He stated maybe get it in the second phase that might work but he doesn't think it works on the north side of the lot. They don't own that property yet. The applicant stated the MX-U urban the west half of the site does apply to that. He stated they haven't discussed all these options. He stated there's no development plans whatsoever other than to have parking on the side. He stated it's perfectly okay if they can get the MX-F designation but with the height limitation of 35 feet. The applicant stated the intention is only to provide parking for an office space that will be built along Peoria. He stated they are going to bring employees into these buildings and they have to have a place to park otherwise we would have a problem. The applicant stated that's why that land was purchased there long Quaker just as a practical matter and that's their intentions. He stated they don't have any big plans to put buildings along Quaker on the east side.

Mr. Doctor stated he would love to see future development happen there and he doesn't want to prohibit the future development from happening.

The applicant stated he is thinking 3-stories.

Mr. Doctor stated a three story might be tough since he could see the neighbors could have concerns being up against a 3-story building but he wouldn't want to limit something to two stories coming into that spot. He stated 35 works within RS-4 but what is a fair height amount to allow for a two-story building that allows for that stepping down and doesn't provide some very tall structures meeting against residential would be his desired goal.

Mr. Covey stated a few of the Commissioners sat through the Pearl District Small Area Plan and engraved in his head is that the residents wanted on street parking and behind access parking. He stated obviously none of those people are here today to fight for that. Mr. Covey asked staff what happened to that.

Staff stated he thought the idea is more about creating a street wall along Peoria. He stated anytime someone wants to develop on Peoria or core corridors, lots are so narrow that if you build the building on the subject piece of property and the required parking will typically take up two thirds of that property if you kept it

constrained right along Peoria. Staff stated with any parking requirement you face the challenge of do you build a building here and occupy the street frontage or do you start to find another place for parking, whether that's structure parking, or whether its deeper into the neighborhood. But that is the dilemma and it's always a challenge.

Mr. Covey stated his question is both of the conceptual drawings we've seen accessing Peoria. He stated why wouldn't staff make the access points 8<sup>th</sup> and 10<sup>th</sup> Streets.

Staff stated that was the goal of MX1-U character designation.

Mr. Covey stated in both iterations the applicant is accessing Peoria. He stated he would think staff would want to prohibit that.

Staff stated he can't just prohibit it unless we decide that the MX-1-U character designation which has 80% of the frontage that is required today along Peoria. He stated if that's the standard that we're going to enforce then it forces the parking to the back side and force the access out to 10<sup>th</sup> Street.

Mr. Covey asked City Legal if that could be made a part of the motion.

Ms. VanValkenburgh stated she was checking if non accessory parking was permitted within MX1.

Staff stated none of that parking is allowed unless the alley is vacated and combined.

Ms. VanValkenburgh stated she didn't know if staff had talked to the City about that but she was not sure that is possible.

Mr. Covey asked Ms. VanValkenburgh if this application needed to be continued because what he heard was there is no parking.

Ms. VanValkenburgh stated accessory parking is not allowed in MX1 so that would mean that the alley would need to be vacated. She stated the City does not usually permit unless the entire Alley is vacated.

Mr. Covey stated his question is as part of the motion could we say that parking could not access on Peoria.

Staff stated not unless there is an optional development plan.

Mr. Covey stated he is confused because typically we say we want things and this is completely within our control so why would we give up the frontage on Peoria.

Staff stated maybe in this instance the concept of having one building on the corner in a configuration similar to what the developer has shown is not something at staff level they have analyzed so maybe it makes sense to continue this application to let staff look at it in that circumstance.

Mr. Beckman stated they did have a pre development meeting with the City early on to talk about site issues such as vacating the alley and utility requirements and the big complication was fire vehicle access. He stated to vacate the alley they will not be able to vacate the overhead electrical wires on either Peoria or in the alley and the fire truck according to the Fire Marshall, there has to be fire vehicle access, aerial access on the north side of the building.

Mr. Reeds stated the optional development plan was suggested and he thinks perhaps this needs to be continued so the concerns of the neighbors and Planning Commission could be met.

Mr. Doctor asked staff to speak specifically to the staging question because that's something he wants to make sure that he fully understands that was raised as a concern. He asked if they did something like MX1-P, does that allow them to go for something like the concept they have now perhaps one single entry point but still need that 80% percent build to zone to restrict the rest of that block face not to be used in that build to zone. Mr. Doctor stated with phasing perspective would they be able to have that access point with parking provided that parking was no more than 20% of that block face and everything else would be required to be built up to Peoria.

Staff stated there are other design considerations that the applicant look at it doesn't necessarily have to be a driveway. He stated the fire code has lots of options other than just the street, maybe there is a mountable curb as long as that fire access is allowed, he thinks there's more flexibility than would typically be used for a parking lot. Staff stated he thinks the idea of using one of the character zones like a P or a U that requires that building to be closer to the street would limit what that access point looked like.

Mr. Doctor stated he would be comfortable supporting a continuance and giving some direction to staff. He asked if everyone would be comfortable with doing something like an MX1-P-U for the western half of this block and something like an MX-F-35 or 45 whatever would be appropriate for a 2-story built on the eastern side of this property. Mr. Doctor stated to him that preserves the recommendation of the Land Use Study that requires a strong build to zone on the Peoria side. He stated It also allows for a more flexible use on the backside but make sure that the height stair steps down to the neighborhood appropriately. Mr. Doctor stated he would be in support of something like that provided a motion like that can be made if they actually get to that point today. He stated if there are

other things that would be more effective to work out over time with staff from staff perspective or something like an optional development plan would give this group more comfort with the continuance, he would support that as well.

Ms. Kimbrel stated she would support the continuance because the last case there was a situation where in review Planning Commission made several recommendations of different zoning and that does not give ample amount of time for the residents who oppose the initial application to consider the new zoning recommendations as we are in review so she is very uncomfortable not allowing that due diligence for bringing this back to the developers to kind of reset and for the residents to have ample time to respond. She stated she would support the continuance.

Mr. Doctor stated Ms. Kimbrel convinced him and he would like to support a continuance.

Mr. Reeds stated he really likes the design, he likes the intent and direction. He stated his concern is the future of the site and particularly Peoria.

**TMAPC Action; 10 members present:**

On **MOTION** of **McARTOR**, TMAPC voted 10-0-0 (Covey, Doctor, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Fothergill, “absent”) to **CONTINUE** Item Z-7503 to December 4, 2019.

\* \* \* \* \*

8. **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** (Continued from November 6, 2019)

**STAFF RECOMMENDATION:**  
**SECTION I: Z-7508**

**DEVELOPMENT CONCEPT:**

The applicant has submitted a zoning request to allow a horticulture nursery and medical marijuana processing facility in an existing underutilized building.

The zoning code only allows processing facilities in industrial uses and only allows a horticulture nursery in AG, IL, IM and IH zoning districts.

The only option for the applicant at this location is to request IL zoning with an optional development plan that prohibits all industrial uses except a horticulture

nursery and medical marijuana processing facilities as may be permitted in an IL district.

### **DETAILED STAFF RECOMMENDATION:**

IL zoning without a development plan is not consistent with the Town Center Land Use designation in the comprehensive plan and,

This site is not included within the boundaries of a small area plan, so the Town Center land use designation is all the guidance we have in the comprehensive plan and,

IL zoning without an optional development plan allows low-impact manufacturing and industry uses that may be considered injurious to the proximate properties and,

IL zoning without an optional development plan allows low-impact manufacturing and industry uses that are not consistent with the expected development of the surrounding properties however,

The optional development plan outlined in Section II prohibits uses in the Industrial Use Category uses except medical marijuana processing as may be allowed in an IL district and,

All other uses and residential building types allowed in Section II are consistent with the expected Town Center land use designation of the comprehensive plan however,

The uses allowed in the optional development plan are considered non-injurious to the proximate properties however integration of IL zoning into this site could provide a sense of instability to surrounding property owners therefore,

Staff recommends denial of Z-7508 to rezone property from RS-3 to IL and recommends denial of the optional development plans standards outlined below.

### **SECTION II: OPTIONAL DEVELOPMENT PLAN STANDARDS**

Z-7508 with the optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in an IL district and its supplemental regulations except as further refined below. All uses categories, subcategories or specific uses and residential building types that are not listed in the following permitted uses categories are prohibited:

#### **PERMITTED USE CATEGORY**



A) RESIDENTIAL (see allowed residential building types below)

Household Living

Three or more households on single lot

Group Living

Assisted living facility

Community group home

Elderly/retirement center

Room/boardings house

B) PUBLIC, CIVIC, AND INSTITUTIONAL

College or University

Library or Cultural Exhibit

Parks and recreation

Religious Assembly

Safety Service

C) COMMERCIAL

Animal Service

Grooming

Veterinary Clinic

Assembly and entertainment

Other indoor

(small up to 250-person capacity)

Broadcast or Recording Studio

Office (includes all specific uses)

Retail Sales (includes all permitted specific uses)

Studio, Artist, or Instructional Service

Trade School

D) WHOLESALE, DISTRIBUTION AND STORAGE

Warehouse

E) INDUSTRIAL

Low-impact Manufacturing and Industry but limited to production of medical-marijuana edibles using medical marijuana.

F) AGRICULTURAL

Community Garden

Farm, Market or Community-supported

Horticulture Nursery but limited to indoor growing facilities.

RESIDENTIAL BUILDING TYPES

A) Household Living

Three or more households on single lot

Multi-unit House

Apartment / Condo

Mixed-use building

Vertical Mixed-use building

SIGNAGE STANDARDS:

- A) Illuminated signage or any digital display is prohibited
- B) Wall Signage is prohibited on north, west and east facing building walls
- C) Wall signage on the south face of a building wall is allowed but shall not exceed 128 square feet of display area.
- D) One ground sign is allowed but only within 50 feet of the south boundary of the subject property and is limited to 12 feet in height with a display area of not greater than 128 square feet.

### **SECTION III: Supporting Documentation**

#### **RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: The existing building and site has been approved for several non residential uses since 1955. The current request for rezoning this site would allow commercial, office and some residential uses that are consistent with the previously approved decisions supported by the Board of Adjustment. The previously approved uses and the uses outlined in the optional development plan are consistent with the Town Center Land Use designation. Industrial uses are not part of the history of this site and are not consistent with the Town Center Land Use Designation.*

#### **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.

###### **Existing Neighborhood:**

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

residents can better access parks, schools, churches, and other civic amenities.

*Areas of Stability and Growth designation:*

*Area of Growth:*

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

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

*Area of Stability*

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

*Transportation Vision:*

*Major Street and Highway Plan:* No special street designations have been contemplated along any of the abutting streets.

*Trail System Master Plan Considerations:* None

Small Area Plan: This site is not included in a small area plan.

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The site is generally flat with a single-story brick building and surface parking. The surrounding property is all single family residential except areas abutting the north side of East 46<sup>th</sup> street North. Vehicular access to the building is granted from North Detroit and From North Elgin. No vehicular access has been constructed along East 46<sup>th</sup> Street North.*

**Street view from southeast looking northwest:**

(See next page)



Environmental Considerations: None that would affect site re-development

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North Detroit	None	50 feet	2
East 46 <sup>th</sup> Street North	Primary Arterial	100 feet	4
North Elgin Avenue	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-3	Existing Neighborhood	Stability	Single Family residential
East	RS-3 and CS	Existing Neighborhood and Town Center	Stability and Growth	Single Family residential and restaurant
South	RS-3	Existing Neighborhood	Stability	Single Family residential
West	RS-3 and CS	Existing Neighborhood and Town Center	Stability and Growth	Single Family residential and commercial / personal improvement services

**SECTION IV: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11914 dated September 1,1970 established zoning for the subject property.

***Subject Property:***

**BOA-17205 October 1995:** The Board of Adjustment **approved** a *Special Exception* to permit a group home for the elderly (50 years or older, with no mentally handicapped) in an RS-3 District, on property located at 4610 North Elgin.

**BOA-13869 January 1986:** The Board of Adjustment **approved** a *Special Exception* to allow for a Drivers Examination Station affiliated with the Oklahoma Department of Public safety, on property located at 4600 North Elgin.

**BOA-07651 October 1972:** The Board of Adjustment **approved** an *Exception* for permission to use church property as a day nursery in an RS-3 District, on property located at 4610 North Elgin Avenue.

**BOA-05392 April 1967:** The Board of Adjustment **granted** an *Exception* to permit off-street parking on Lots 1,2,3 and expansion of present church building on Lots 8,9,10, subject to hard surfacing of the parking area and

construction of a low masonry fence, on property located at 4610 North Elgin.

**BOA-02691 June 1955:** The Board of Adjustment **granted** permission to erect a church, on Lots 4-7 & 11, Block 12 permit, Fairhill Second Addition.

***Surrounding Property:***

**Z-6796 November 2000:** All concurred in **approval** of a request for *rezoning* a .43± acre tract of land from OL & RS-3 to CS for a restaurant on property located northwest corner of East 46<sup>th</sup> Street North and North Cincinnati Place.

**BOA-13080 April 1984:** The Board of Adjustment **approved** a *Special Exception* to permit auto repair with a service station in a CS District under the provisions of Section 1680, subject to the following conditions: (1) that all work be done inside; (2) that there be no outside storage parts; (3) that there be a maximum of five cars waiting to be repaired; and (4) that the operation be limited to Monday through Saturday from 6:30 a.m. to 7:30 p.m., on property located at northeast corner of Cincinnati Place & 46<sup>th</sup> Street North.

**PUD-361 July 1984:** All concurred in **approval** of a proposed *Planned Unit Development* on a .97± acre tract of land for a comprehensive Dentistry/Medical Office Complex on property located at northwest corner of Frankfort Avenue and 46<sup>th</sup> Street North.

**Z-5925 March 1984:** All concurred in **approval** for parking on the center lot and **denial** of a request for *rezoning* a .5± acre tract of land from RS-3 to OL for Dr. & Dentist Offices, which would allow for PUD application, on property located north of the northwest corner of 46<sup>th</sup> Street North & Frankfort Avenue.

**Z-5890 October 1983 :** All concurred in **approval** of a request for *rezoning* a 5± acre tract of land from RS-3 to CS for a service station on property located northeast corner of 46<sup>th</sup> Street North and Cincinnati Place.

**TMAPC Comments:**

Ms. Kimbrel asked staff if the subject property was currently vacant.

Staff stated “yes”.

Ms. Kimbrel asked staff if the subject property was a former school.

Staff stated "yes".

Ms. Kimbrel asked staff what exactly they are recommending be denied because she is confused

Staff stated his biggest concern is establishing some sense of stability in this neighborhood is super important. He is concerned that with the IL zoning even though all the industrial uses have been prohibited except for medical marijuana use, he is concerned that would contribute to a feeling of instability in the area by opening the door and allowing the appearance of IL even though those uses are not allowed in the development.

Ms. Kimbrel asked staff if he was saying it was inconsistent with the Comprehensive Plan.

Staff stated if you look at IL by itself those uses are not typically contemplated as part of a Town Center Land Use its more of a commercial type use. He stated like many of these decisions the edges are the most challenging.

#### **Applicant Comments:**

The applicant stated he needs to thank the gentleman here with him Mr. Charles Taylor, Mr. Albert Hutton and a gentleman the applicant calls "G". The applicant stated he is here for zoning a medical marijuana company and they plan on being the best in the state and possible the country. He stated Mr. G has 50 years' experience in the healthcare field 37years as a CEO. The applicant stated Mr. G after running companies for several years he went back to school to get his Master's Degree just to make himself better, a better leader and better at running different companies. The applicant stated this is the staff for his medical marijuana company. He stated his company has been and is now a lawful and legal organization approved by the OMMA Oklahoma Medical Marijuana Authority. The applicant stated they have been approved for and by OMMA at this location for a grow facility as well as a process facility since November 26, 2018 and want to continue what they started. He stated they we want to continue with the hundreds of hours they put into this particular company for research. The applicant stated there is commercial property all around them and that was what they thought was needed to continue what they were doing. He stated they were to continue to run their operation they would need to be zoned Industrial.

Mr. Walker asked if the applicant saw staff recommendation.

The applicant stated he saw the recommendation for denial. He asked if he could have commercial zoning.

Mr. Walker stated they are running out of time because City Council has their meeting but he may need to continue this and talk to staff. Mr. Walker stated Planning Commission is a recommending body with a staff recommendation and then it ultimately goes to City Council so if you were unaware of the staff recommendation this may need to be continued to revisit it.

Mr. Reeds stated the applicant has impressive credentials of your team and he fully appreciates that but the issue right now is that the staff recommends denial and that is primarily because manufacturing requires IL zoning for what your product is. Mr. Reeds stated if we put IL zoning in this area it's in the middle of everything it's what we refer to as spot zoning. He stated he thinks the applicant should continue this and get back with staff to resolve the issue.

Mr. Ritchey stated as a point of order there's a lot of people that came to speak is it possible to move through some of the other speakers and then we could still continue but it would be fresh in our mind so that when we all revisit if they're not able to come back the next time we at least have heard from them.

**Interested Parties:**

**Jane Malone** 4735 North Detroit, Tulsa, OK 74126

Ms. Malone thanked Planning Commission for allowing her the time to speak. She stated she doesn't have any credentials she is a homeowner, mother, grandmother, and a great grandmother. She stated she lives a block away from the subject property. Ms. Malone stated Planning Commission already has her letter but she would like to read it with emphasis and make you aware that she was not notified except for being the President of the Chamberlain Neighbors Association otherwise she would not have even known and she lives a block away. Ms. Malone stated a few days before this hearing signs were put up on the Detroit side of the property. She stated she lives on Detroit, and on the 46th Street North side also. Ms. Malone stated the Vice President of the neighborhood organization lives next door to Ms. Malone and she did not receive a notice either. Ms. Malone stated she wanted her letter placed on record as opposing the City rezoning and the continuance. Ms. Malone would like Planning Commission to only allow the presence of RS-3 and deny the IL for the so-called horticultural nursery, and all other light industrial uses. She stated the intent is for the growing and processing of medical marijuana to be located at the northwest corner on 46<sup>th</sup> Street North between Detroit and Elgin. Ms. Malone stated this location is across from The Burger King and west of the new Parent Resource Center for Tulsa Public Schools located at the former Epcot Elementary School building. She stated the current property owner wants the property that has been vacant for many years to generate income, but she opposes this particular business and the concern is that there would be a possible increase in crime and traffic in the neighborhood. Ms. Malone stated they are a quiet neighborhood and the Parks Department is currently repairing and remodeling Chamberlain Recreation



Center for positive images, not drug images. She stated the residents purchased their homes to remain as a single-family not for growing and processing medical marijuana. Ms. Malone stated approving this rezoning we will have a negative impact, destroying years of working to uplift this community and bringing wealth prosperity, higher income residents upscale commercial, retail, clothing and restaurants to this area to spur continued growth patterns further north, east and west to the Osage County boundary line. She stated they want the neighborhood to become known as a competitive, beautiful and wealthy place to live for moderate upper income level families and they cannot make this claim to fame when we allow the growing and processing of marijuana in a single-family residential area. Ms. Malone stated the neighborhood organization; Chamberlain area neighbors has worked tremendously hard and feels that the approval of the proposed rezoning will lessen the opportunities for development to occur in this neighborhood that is currently an area that is making a comeback. She stated members of our neighborhood association was ready to come but this was continued so then they were unable to be here today. Ms. Malone stated there is good attendance at the neighborhood meeting.

**Edwin Malone** 4735 North Detroit, Tulsa, OK 74126

Mr. Malone stated the neighborhood association has been active for almost 30 years, and they have seen it grow. He stated they see people come together. Notices of meeting are put out each month for people to attend the meetings and inform us of the changes. Mr. Malone stated the applicant has never met with the neighbors to inform them of what he wants to do or ask what your thoughts are. Mr. Malone stated the residents have a lot of ideas that the subject property could be used for. Mr. Malone stated he hopes Planning Commission will deny this application.

**Albert Hutton** 2812 North Boston Place, Tulsa, OK 74106

Mr. Hutton stated he has lived in the area for 50 years and purchased this property from Ms. Bryant who owned the entire property. Mr. Hutton stated the neighborhood association was started 30 years ago and he contributed when it was getting started to the individual. He stated he lives where he lives for 2 things, because it's clean and safe. Mr. Hutton stated when he bought the property it was overgrown. He stated he cleaned it up and tried to be a good neighbor. He stated he has been a good neighbor and would be open to this particular type of facility should it be allowed to be changed to the commercial aspect as originally intended. Mr. Hutton stated there would be no increase in traffic. He stated he was surprised to hear what was being said here today.

The applicant stated he spoke fast earlier and he was told to slow down. The applicant stated he wanted to address a few comments such as traffic and dispensaries being broken into overnight. He stated they are not a dispensary and will be dealing with businesses not individuals. He stated they will deal with what are hopefully multimillionaires that are running all these companies, that is what we will deal with. The applicant stated they don't deal with individual people,

that was a particular choice that they made as a company, as an organization that we wanted to deal with the businesses instead of individual people so there will no additional traffic, there will be no signage, the building will look the same. The applicant stated they have been approved since September 26, 2018 and have not seen any additional traffic or additional crime.

Mr. Shivel stated he saw on the staff report that staff has actually requested the continuance of this from today.

Staff stated that is correct when they first took the application the applicant didn't quite understand the nuances of the optional development plan so they worked with him to prepare the optional development plan with IL zoning and that is the applicants only path forward.

Mr. Doctor asked staff if he was saying it is at the end of what is possible for this use to remain in this space.

Staff stated he is happy to meet with the applicant again but it's just going to be the same conversation, the only way forward for him as with IL zoning and staff can't even come close to recommending the IL zoning by itself so they developed an optional development plan if Planning Commission chooses to move forward with IL zoning.

Mr. Doctor stated he didn't know what a continuance would accomplish so he would support staff recommendation.

Mr. Ritchey stated optional development plans are done all the time one was just done at 11th and Hudson right next to a neighborhood. He stated he certainly understands the neighbors' concerns. Mr. Ritchey stated this is a business that the state of Oklahoma has said is legal and not about the marijuana as a product. He stated he almost feels like there is this new zoning designation that is IL with an optional development plan and this is almost like rezoning from RS-3 to AG and TMAPC has done it over and over. Mr. Ritchey stated he doesn't know why 46 Street North is any different than 11 street or Admiral or any other places he understands it's right next to some homes but if we're being fair, he doesn't see that this is going to have a distinct impact on this area any more than the other ones that have already approved would impact their area. Mr. Ritchey stated he would disagree with staff's recommendation but if he is alone that's fine.

Ms. Van Cleave stated she feels the same way and remembers an almost identical case. She stated she would want a continuance so she could go back and review the other case because she thought it was virtually the same thing with an optional development plan. Ms. Van Cleave stated she would vote against staff recommendation.

**TMAPC Action; 10 members present:**

On **MOTION** of **WALKER**, TMAPC voted **6-4-0** (Covey, Doctor, Kimbrel, McArtor, Shivel, Walker “aye”; Ray, Reeds, Ritchey, Van Cleave “nays”; none “abstaining”; Fothergill, “absent”) to recommend **DENIAL** of IL zoning with optional development plan for Z-7508 per staff recommendations.

\* \* \* \* \*

A motion was made by Doctor to adjourn the TMAPC meeting at 4:50 PM and to reconvene at 5:05 PM in the 10 north conference room to allow City Council to begin their meeting, it was seconded by Reeds and the vote was unanimous. The meeting was adjourned at 4:50 PM.

The meeting was called to order at 5:05PM in the 10 north conference room.

9. **Z-7512 Timothy Johnson** (CD 1) Location: East of the southeast corner of East 56<sup>th</sup> Street North and North Lewis Avenue requesting rezoning from **RS-3 to AG**

**STAFF RECOMMENDATION:**  
**SECTION I: Z-7512**

**DEVELOPMENT CONCEPT:** Rezone the property to allow agricultural uses that may be permitted by ordinance in an AG district.

**DETAILED STAFF RECOMMENDATION:**

AG zoning is not consistent with the new neighborhood land use vision in the Tulsa Comprehensive Plan however the subject property and proximate properties are consistent with the AG lot and building regulations and has not seen development since the property was originally zoned in 1970 and,

The property is surrounded by large lot residential properties on the east; south and west however the zoning has been established as RS-3 for decades. The AG uses that might be permitted by city ordinances are not normally considered objectionable in an area that been developed on low density on the edge of the City limits and,

The general purpose of AG districts is primarily intended to accommodate agricultural uses in rural areas. The district allows very low density residential and other uses that serves as a holding zone pending an orderly transition to more urban development that can be efficiently served by public facilities and services therefore,

**Staff recommends Approval of Z-7512 to rezone property from RS-3 to AG.**

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: AG zoning is not normally consistent with the New Neighborhood land use designation however large lot residential uses may be consistent with that land use designation. Some uses that could be permitted by special exception at the Tulsa Board of Adjustment include mining and mineral processing among are not consistent with the new neighborhood land use designation and would not be supported by staff.*

### Land Use Vision:

#### *Land Use Plan map designation:*

##### New Neighborhood

The New Neighborhood residential building block is comprised of a plan category by the same name. It 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:* 56<sup>th</sup> street north is a secondary arterial and is the northern edge of Tulsa City limits.

*Trail System Master Plan Considerations:* None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary:* Single family home with barn.

*Street view from northwest corner looking south:*



Environmental Considerations: None that affect agricultural uses.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 56 <sup>th</sup> Street North	Secondary Arterial	100 feet	2

Utilities:

The subject tract has municipal water but municipal sewer service is not 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	AG	Tulsa County / no designation	NA	Radio towers
East	RS-3	New Neighborhood	Growth	Large lot residential
South	RS-3	New	Growth	Large lot residential

		Neighborhood		
West	RS-3	New Neighborhood	Growth	Large lot residential

### SECTION III: Relevant Zoning History

**ZONING ORDINANCE:** Ordinance number 11802 dated June 26, 1970 established zoning for the subject property.

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

**BOA-21821 January 2015:** The Board of Adjustment **approved** the request for *Variance* of the all-weather material requirement for parking, subject to conceptual plan 13.7, finding that the applicant is using the existing gravel driveway that has been in existence since the 1960s, and is not constructing a new driveway, on property located at 2452 East 56<sup>th</sup> Street North.

**BOA-12437 February 1983:** The Board of Adjustment **approved** a *Variance* to allow more than 750 square feet of detached accessory building on a lot, subject to the execution of a restrictive covenant being filed with the County Clerk to appear in the abstract that there is no business permitted in the garage, on property located at 2452 East 56<sup>th</sup> Street North.

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

**BOA-12153 September 1982:** The Board of Adjustment **approved** a *Variance* to raise and/or keep horses in an RS-3 District and a *Variance* to erect a utility building on a lot of its own, limiting the size of the pole barn to 650 square feet, subject to approval by the City Commission, on property located at 5504 North Birmingham Avenue.

#### **TMAPC Action; 10 members present:**

On **MOTION** of **McARTOR**, TMAPC voted 10-0-0 (Covey, Doctor, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Fothergill, "absent") to **APPROVE** rezoning of Item Z-7512 from RS-3 to AG per staff recommendation.

#### **Legal Description for Z-7512**

BEGINNING 660E AND 30S NORTH WEST CORNER SECTION THENCE  
S1059 E209 N1059 W209 POB SECTION 8, TOWNSHIP 20 RANGE 13 AND  
KNOWN AS 2452 EAST 56TH STREET NORTH

\* \* \* \* \*

10. **CZ-497 John Denham** (County) Location: West of the southwest corner of West 51<sup>st</sup> Street South and South 85<sup>th</sup> West Avenue requesting rezoning from RS to AG

**STAFF RECOMMENDATION:**  
**SECTION I: CZ-497**

**DEVELOPMENT CONCEPT:** The applicant is proposing to rezone from RS to AG in order to permit agricultural uses on the subject lot. The applicant is currently proposing to install storage containers on his property for the future use of his children. He has also stated that a medical marijuana growing facility may be a possible use of the site. If a growing facility is intended, the facility will be required to comply with all state and county requirements for such an establishment.

**DETAILED STAFF RECOMMENDATION:**

CZ-497 is non-injurious to surrounding proximate properties;

CZ-497 is consistent with the anticipated future development pattern of the surrounding property therefore;

**Staff recommends Approval of CZ-497 to rezone property from RS to AG.**

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: The subject property is not a part of any Comprehensive Plan. It is considered a 'gap area' that is not currently a part of the Tulsa County Comprehensive Plan. The Planning Department's goal for 2020 is to complete an analysis of the area and develop a Land Use Plan which will include public participation.*

**Land Use Vision:**

*Land Use Plan map designation: None*

*Areas of Stability and Growth designation: None*

**Transportation Vision:**



*Major Street and Highway Plan:* W 51<sup>st</sup> St S is designated as a Secondary Arterial

*Trail System Master Plan Considerations:* None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

**DESCRIPTION OF EXISTING CONDITIONS:**

*Staff Summary: The site 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>
W 51 <sup>st</sup> St S	Secondary Arterial	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	AG	Residential (Sand Springs)	N/A	Vacant/AG
South	RS	N/A	N/A	Vacant
East	RS	N/A	N/A	Single-Family
West	AG	N/A	N/A	Single-Family/AG

**SECTION III: Relevant Zoning History**

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

***Subject Property:***

No Relevant History.

***Surrounding Property:***

No Relevant History.

**TMAPC Action; 10 members present:**

On **MOTION** of **McARTOR**, TMAPC voted 10-0-0 (Covey, Doctor, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Fothergill, “absent”) to **APPROVE** rezoning of Item CZ-497 from RS to AG per staff recommendation.

**Legal Description for: CZ-497**

N/2 W/2 E/2 NW NE SEC 36 19 11 5ACS, City of Tulsa, Tulsa County, State of Oklahoma

Item 11 was withdrawn by applicant.(See number 11 at beginning of the Public Hearing.)

\* \* \* \* \*

**OTHER BUSINESS**

11. Discuss proposed **Subdivision and Development Regulations** amendments to align with the proposed Sidewalk Ordinance

**Item**

Discuss proposed Subdivision and Development Regulations amendments to align with the proposed Sidewalk Ordinance

## **Background**

The City of Tulsa adopted new regulations on subdivisions and development regulations in May of 2018. The intent of this update was to align the City's regulatory policy with the goals and objectives of the Tulsa Comprehensive Plan.

Historically, sidewalks were only required to be installed by a developer if the project was going through a subdivision plat process. As a part of the updated regulations, the sidewalk requirements of the Subdivision & Development Regulations were applied to all properties seeking permits for new construction through an associated zoning code amendment. The result is a requirement for sidewalk installation on the following street classifications:

1. Arterials designated by the Major Street & Highway Plan
2. Collectors designated by the Major Street & Highway Plan
3. Residential streets with curb & gutter

By applying this standard, all residential infill construction is required to install sidewalks if the neighborhood has curb and gutter. This creates a situation where individual lots within existing subdivisions are required to install a sidewalk when no other sidewalks exist within the area. If property owners wish to seek relief of the sidewalk requirement, they are subjected to the modification procedures of the Subdivision & Development Regulations. Over the past year, 19 requests for modification have been approved and have fully removed the requirement for sidewalks from properties being developed.

In order to capture the resources for sidewalks without requiring sidewalks in areas where they are considered impractical, City staff has prepared a new ordinance for sidewalks that would allow property owners in non-critical areas to pay a fee-in-lieu of the sidewalk requirement. Those funds would be collected by the City and then allocated within specified areas to priority sidewalk projects. Additionally, the newly proposed ordinance would relocate the existing sidewalk requirements currently found in the Subdivision & Development Regulations and Tulsa Zoning Code to a stand-alone ordinance that defines both requirements and relief for sidewalks within the City of Tulsa. Sidewalk requirements for Tulsa County would remain in the Subdivision & Development Regulations.

The proposed amendment removes the currently listed requirements for the City of Tulsa and provides a reference to the newly proposed ordinance under consideration by the City Council.

## **Staff Recommendation**

Discuss proposed amendments to the Subdivision & Development Regulations as shown on Attachment I in advance of a December 18, 2019 TMAPC Public Hearing.

## 12. Commissioners' Comments

\*\*\*\*\*

### ADJOURN

#### **TMAPC Action; 10 members present:**

On **MOTION** of **WALKER**, TMAPC voted **10-0-0** (Covey, Doctor, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Fothergill, "absent") to **ADJOURN** TMAPC meeting of August 21, 2019, Meeting No. 2800.

### ADJOURN

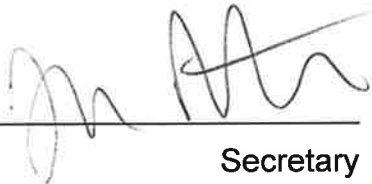
There being no further business, the Chair declared the meeting adjourned at 5:43 p.m.

Date Approved:

01-08-2020

  
Chairman

ATTEST:

  
Secretary