

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2809

Wednesday, January 8, 2020, 1:00 p.m.

City Council Chamber

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

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Covey		Davis	Jordan, COT
Craddock		Foster	Silman, COT
Doctor		Hoyt	Stephens, 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, January 2, 2020 at 1:50 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Covey called the meeting to order at 1:00 p.m.

### **REPORTS:**

#### **Chairman's Report:**

Mr. Covey announced that TMAPC has a new Commissioner Mr. Mike Craddock.

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

Ms. Miller reported that City Council has not met for a few weeks so there were no new items approved. Ms. Miller stated the sidewalk fee in lieu of ordinance was adopted and will be effective January 14, as well as the changes to the subdivision regulations. She reported the dumpster and recyclable

materials/donation bin ordinance will be effective on January 21. She will be sending out an email in the next couple weeks asking who needs new hard copies of the Zoning Code. Ms. Miller also reported on Board of County Commissioner actions.

\* \* \* \* \*

1. Minutes of November 20, 2019, Meeting No. 2806

**Minutes:**

**Approval of the minutes of November 20, 2019 Meeting No. 2806**

On **MOTION** of **REEDS**, TMAPC voted 11-0-0 (Covey, Craddock, Doctor, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; none “absent”) to **APPROVE** the minutes of the meeting of November 20, 2019, Meeting No. 2806.

**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. **CO-5-1 Stuart Van DeWiele** (CD 7) Location: Southwest of the southwest corner of East 96<sup>th</sup> Street South and South Garnett Road requesting a **Corridor Minor amendment** to revise the timing of construction of Grace Chapel Drive in Development Area B

**STAFF RECOMMENDATION:**

**SECTION I:** CO-5-1 Minor Amendment

**STAFF RECOMMENDATION**

Amendment Request: Amend the development standards to revise the required timing of Grace Chapel Drive in Development Area B.

The applicant is proposing to revise the timing of the road construction so that construction and permitting of the road in Development Area B from 106<sup>th</sup> E Ave to the East edge of the Development Area will be required to coincide with

construction and permitting for any new building structure in Development Area B.

Previously, this portion of the road was called out to be constructed before any building permit is released for any new building in the project.

*Staff Comment: This request can be considered a Minor Amendment as outlined by Section 25.040D.3.b(5) of the Corridor District Provisions of the City of Tulsa Zoning Code.*

“Minor amendments to an approved corridor development plan may be authorized by the Planning Commission, which may direct the processing of an amended development plan and subdivision plat, incorporating such changes, so long as substantial compliance is maintained with the approved development plan. “

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the Corridor.
- 2) Any deviation from the requirement to construct Grace Chapel Drive shall require a Major Amendment.
- 3) All remaining development standards defined in CO-5 shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to revise the timing of the construction of Grace Chapel Drive.

\* \* \* \* \*

3. **PUD-397-B-3 Woodland Valley Development, LLC c/o AAB Engineering, LLC** (CD 7) Location: South of the southeast corner of East 61<sup>st</sup> Street South and South 90<sup>th</sup> East Avenue requesting a **PUD Minor Amendment** to revise the open space, lot area and lot width requirements

**STAFF RECOMMENDATION:**

**SECTION I:** PUD-397-B-3 Minor Amendment

Applicants Amendment Request:

Amend the development standards to remove the livability space requirement identified in PUD 397-B-2 and replace with open space of 600 sf per unit in accordance with the underlying zoning of RM-1 and remove the reference to "Exhibit A" in PUD 397-B-2

## **STAFF RECOMMENDATION**

Staff does not support the request for minimum open space on a lot to 600 sf, however staff does support an amendment request for 2,000 sf of open space on each lot. That open space is consistent with the required building setback standards and maximum driveway coverage allowed in the zoning code.

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

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

Staff has reviewed the request and determined:

- 1) PUD 367-B-3 outlined in Section II does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD 397-B.
- 2) The Staff Recommendations outlined above are consistent with the anticipated development provided on the preliminary plat that has been prepared by the applicant.
- 3) All remaining development standards defined in PUD-397-B and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment as outlined in Section II.

## **SECTION II: PUD 397-B-3:**

Minimum Lot Area:	4,900 sf
Minimum Open Space per Unit:	2,000 sf
Minimum Lot Width:	50 ft

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- 4. **The Shoppes on Peoria** (CD 1) Change of Access, Location: North of the northeast corner of North Peoria Avenue and East Pine Street

**TMAPC Action; 11 members present:**

On **MOTION** of **WALKER**, TMAPC voted **11-0-0** (Covey, Craddock, Doctor, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; none “absent”) to **APPROVE** Items 2 through 4 per staff recommendation.

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

**PUBLIC HEARINGS:**

Item 5 was withdrawn by applicant.

- 5. **Z-7505 Mark Capron** (CD 8) Location: Northwest of the northwest corner of East 111<sup>th</sup> Street South and South Memorial Drive requesting rezoning from **AG to RS-3 and RT** to permit single-family homes and townhouses (Continued from October 16, 2019 and November 6, 2019)**(Withdrawn by applicant)**

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- 10. **Z-7525 Margaret Rosene Robinson** (CD 3) Location: South and west of the southwest corner of East Admiral Place and South Garnett Road requesting rezoning from **CS to IL**

**TMAPC Action; 11 members present:**

On **MOTION** of **REEDS**, TMAPC voted 11-0-0 (Covey, Craddock, Doctor, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; none “absent”) to **CONTINUE** Item Z-7525 to January 22, 2020.

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Items 6, 7 and 8 were presented together.

6. **CZ-498 Rob Miles** (County) Location: South of the southeast corner of West 111<sup>th</sup> Street South and South 33rd West Avenue requesting rezoning from **AG to RS** (Related to PUD-856 and Stone Creek Estates)

**STAFF RECOMMENDATION:**

**SECTION I: CZ-498**

**DEVELOPMENT CONCEPT:** The applicant is requesting to rezone from AG to RS to permit a single-family subdivision. A PUD (PUD-856) is being concurrently proposed with this rezoning to establish the allowable use and the bulk and area requirements. The lots are intended to be half acre minimum in size. Sewer is proposed to be provided through aerobic systems. A small portion of the lot is within the 100 year floodplain. The applicant will need to work with Tulsa County to mitigate any impact if development is to occur in this area.

**DETAILED STAFF RECOMMENDATION:**

CZ-498 requesting RS zoning in conjunction with the requested PUD, is consistent with the Low Intensity land use designation identified in the Tulsa County Comprehensive Lands Use plan.

CZ-498 allows lots sizes and uses that are consistent with the anticipated future development pattern of the surrounding property, has lot sizes approximately equal to those in the RE district, however terrain and flooding 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-498 is consistent with the anticipated future development pattern of the surrounding property therefore;

**Staff recommends Approval of CZ-498 to rezone property from AG to RS in conjunction with PUD-856.**

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

**Staff Summary:**

The subject property is located within the fenceline of Jenks. On June 19, 2019, TMAPC voted 6-0-0 to adopt TCCP-1, which included the Jenks Comprehensive Plan which covers the area within their fenceline but outside of Jenks corporate limits, as an amendment to the Comprehensive

Plan of the Tulsa Metropolitan Area. It was approved by County Commission on July 15, 2019.

The Tulsa County Comprehensive Land Use Plan designation is Low Intensity on the west and the east portions of the parcel with a designation of Development Sensitive through the center of the property. There is a creek running through the portion that is Development Sensitive and it is in the 100 Year Floodplain (see attached map labeled Comprehensive Plan).

**Low Intensity as related to residential properties:** Low Intensity covers all of the area within the areas of anticipated urbanization with the exception of those specified for medium intensity. The average residential density within the Low Intensity areas would be four dwelling units per acre.

**Development Sensitive:** These areas identify property subject to flooding as determined by the Flood Insurance Administration. The purpose of this designation is to specify which areas of the community need special regulatory devices to ensure the health, safety, and welfare of the community.

**Relevant Policies related to Residential Areas:**

3.3.3.3 - Allow no residential construction in floodplains, except as approved by Federal Emergency Management Agency guidelines.

3.3.3.4 – Design residential subdivisions considering the topography of the site.

3.3.3.5 – Require special design treatment of subdivisions in areas where slopes are greater than 15%.

**Relevant Policies related to Development Sensitive Areas:**

3.6.3.1 – Residential development in floodplain areas should be prohibited, except as permitted for by FEMA regulations.

3.6.3.4 – Development within areas designated as within a boundary of a 100-year floodplain should require that no adverse impact be produced to the floodplain by the development.

Land Use Vision:

*Land Use Plan map designation:* Low Intensity / Development Sensitive

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

Transportation Vision:

*Major Street and Highway Plan:* S 33<sup>rd</sup> W Ave is designated as a secondary arterial.

*Trail System Master Plan Considerations:* None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary:* The site is currently contains a barn structure and pond on the non-forested western portion of the lot. A forested area and stream are located adjacent, to the east.

Environmental Considerations: Due to the stream located adjacent to the site, a small portion of the lot is located within the 100 year flood plan. The applicant will need to work with the proper governing authorities to mitigate any impact of construction within this flood plain area, if developed.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
S 33 <sup>rd</sup> West Avenue	Secondary Arterial	100 Feet	2

Utilities:

The subject tract will receive water from Creek Rural Water District 2 and sewer will be via aerobic systems.

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	Low Intensity/Development Sensitive	N/A	Single Family / Agriculture
South	AG/RS	Low Intensity/Development	N/A	Single Family / Agriculture



		ent Sensitive		
East	AG	Low Intensity/Development Sensitive	N/A	Single Family / Agriculture
West	A/HR (Sapulpa)	Rural Residential	N/A	Single Family / Vacant

**SECTION III: Relevant Zoning History**

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

***Subject Property:***

No Relevant History.

***Surrounding Property:***

**CZ-442/PUD-839 October 2015:** All concurred in **approval** of a request to rezone a 5.097± acre tract of land from AG to RE and **approval** of a proposed *Planned Unit Development* for Single-family residential, on property located south of the southeast corner of West 111<sup>th</sup> Street and South 33<sup>rd</sup> West Avenue.

**TMAPC Comments:**

Mr. McArtor asked why a PUD?

Staff stated the applicant wanted to establish lot sizes greater than what RS would allow. He stated the applicant would like to have half acre lots and establish private roads.

Ms. Kimbrel asked staff to talk about the land use as it relates to low intensity and development sensitivity around flood areas.

Staff stated lower density developments in which this applicant would qualify because its half-acre lots. He stated to go larger in a residential zone the zoning would need to be AG. Staff stated the development sensitive areas are generally around the flood prone areas and let people know that if they build in that area they will have to work with FEMA and Tulsa County to mitigate any impacts of flooding in that area. He stated if anything is developed in that development sensitive area, they would need to do something to mitigate the flood issue.

Ms. Kimbrel asked if staff knew what the plan was to mitigate the flood issues.

Staff stated as part of the platting requirement there will be a drainage report for that site.

Mr. Craddock stated he has passed this application on to Alex Mills who is a County Engineer to review the flooding issue.

**The applicant was not present.**

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

**TMAPC Action; 11 members present:**

On **MOTION** of **WALKER**, TMAPC voted **11-0-0** (Covey, Craddock, Doctor, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; none “absent”) to recommend **APPROVAL** of the RS zoning for CZ-498 per staff recommendation.

\* \* \* \* \*

- 7. PUD-856 Rob Miles** (County) Location: South of the southeast corner of West 111<sup>th</sup> Street South and South 33rd West Avenue requesting **PUD-856** (Related to CZ-498 and Stone Creek Estates)

**STAFF RECOMMENDATION:**  
**SECTION I: PUD-856**

**DEVELOPMENT CONCEPT:** The applicant is requesting to rezone from AG to RS to permit a single-family subdivision. A rezoning (CZ-498) is being concurrently proposed with this PUD. The lots are intended to be half acre minimum in size. The proposed PUD will establish the allowable use as well as bulk and area requirements. Sewer is proposed to be provided through aerobic systems. A small portion of the lot is within the 100 year floodplain. The applicant will need to work with Tulsa County to mitigate any impact if development is to occur in this area.

**DETAILED STAFF RECOMMENDATION:**

Uses allowed in PUD-856 are consistent with the Low Intensity land use designation identified in the Tulsa County Comprehensive Land Use plan.

PUD-856 allows lots sizes and uses that are consistent with the anticipated future development pattern of the surrounding property, has lot sizes approximately equal to those in the RE district, however terrain and flooding 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-856 is consistent with the provisions of the PUD chapter of the Tulsa County Zoning Code, therefore;

**Staff recommends Approval of PUD-856 to rezone property from AG to RS/PUD-856.**

**DEVELOPMENT STANDARDS:**

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

Maximum Dwelling Units:	17
Permitted Uses: incidental uses.	Use Unit 6 and customarily
Private Streets:	Internal street network will be paved meeting or exceeding the minimum standards for Tulsa County residential street construction. Minimum frontage standards may be provided on the private street network. The streets will be included in a reserve area with provisions for common maintenance for all lots within the PUD
Minimum Lot Size:	22,780 square feet (0.50 Acre)
Minimum Average Lot Width:	100 feet
Minimum livability space per lot:	12,000 square feet
Minimum lot frontage:	30 feet
Minimum Building Setbacks	
Front:	25 feet
Rear Yard:	20 feet

Side Yards:		
	Abutting a Private Street:	25 feet
	Internal side yards	15 feet
Yards Abutting 33 <sup>rd</sup> West Avenue:		35 feet
Maximum Building Height:		35 feet <sup>(1)</sup>
	Accessory Buildings:	35 feet

<sup>(1)</sup> Architectural decorative features such as chimneys and cupolas may extend beyond 35 feet, but no habitable portion of any dwelling may exceed the 35-foot height limitation.

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

#### Staff Summary:

The subject property is located within the fence line of Jenks. On June 19, 2019, TMAPC voted 6-0-0 to adopt TCCP-1, which included the Jenks Comprehensive Plan which covers the area within their fence line but outside of Jenks corporate limits, as an amendment to the Comprehensive Plan of the Tulsa Metropolitan Area. It was approved by County Commission on July 15, 2019.

The Tulsa County Comprehensive Land Use Plan designation is Low Intensity on the west and the east portions of the parcel with a designation of Development Sensitive through the center of the property. There is a creek running through the portion that is Development Sensitive and it is in the 100 Year Floodplain (see attached map labeled Comprehensive Plan).

**Low Intensity as related to residential properties:** Low Intensity covers all of the area within the areas of anticipated urbanization with the exception of those specified for medium intensity. The average residential density within the Low Intensity areas would be four dwelling units per acre.

**Development Sensitive:** These areas identify property subject to flooding as determined by the Flood Insurance Administration. The purpose of this designation is to specify which areas of the community need special regulatory devices to ensure the health, safety, and welfare of the community.

**Relevant Policies related to Residential Areas:**

3.3.3.3 - Allow no residential construction in floodplains, except as approved by Federal Emergency Management Agency guidelines.

3.3.3.4 – Design residential subdivisions considering the topography of the site.

3.3.3.5 – Require special design treatment of subdivisions in areas where slopes are greater than 15%.

**Relevant Policies related to Development Sensitive Areas:**

3.6.3.1 – Residential development in floodplain areas should be prohibited, except as permitted for by FEMA regulations.

3.6.3.4 – Development within areas designated as within a boundary of a 100-year floodplain should require that no adverse impact be produced to the floodplain by the development.

Land Use Vision:

*Land Use Plan map designation:* Low Intensity / Development Sensitive

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

Transportation Vision:

*Major Street and Highway Plan:* S 33<sup>rd</sup> W Ave is designated as a secondary arterial.

*Trail System Master Plan Considerations:* None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is currently contains a barn structure and pond on the non-forested western portion of the lot. A forested area and stream are located adjacent, to the east.*

Environmental Considerations: Due to the stream located adjacent to the site, a small portion of the lot is located within the 100 year flood plan. The applicant will need to work with the proper governing authorities to mitigate any impact of construction within this flood plain area, if developed.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
S 33 <sup>rd</sup> West Avenue	Secondary Arterial	100 Feet	2

Utilities:

The subject tract will receive water from Creek Rural Water District 2 and sewer will be via aerobic systems.

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	Low Intensity/Development Sensitive	N/A	Single Family / Agriculture
South	AG/RS	Low Intensity/Development Sensitive	N/A	Single Family / Agriculture
East	AG	Low Intensity/Development Sensitive	N/A	Single Family / Agriculture
West	A/HR (Sapulpa)	Rural Residential	N/A	Single Family / Vacant

**SECTION III: Relevant Zoning History**

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

***Subject Property:***

No Relevant History.

***Surrounding Property:***

**CZ-442/PUD-839 October 2015:** All concurred in **approval** of a request to rezone a 5.097± acre tract of land from AG to RE and **approval** of a

proposed *Planned Unit Development* for Single-family residential, on property located south of the southeast corner of West 111<sup>th</sup> Street and South 33<sup>rd</sup> West Avenue.

**The applicant was not present.**

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

**TMAPC Action; 11 members present:**

On **MOTION** of **WALKER**, TMAPC voted **11-0-0** (Covey, Craddock, Doctor, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; none “absent”) to recommend **APPROVAL** of PUD-856 per staff recommendation.

**Legal for CZ-498 and PUD-856:**

A TRACT OF LAND THAT IS PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SW/4 NW/4) OF SECTION THIRTY-FOUR (34), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE NW/4 OF SAID SECTION 34; THENCE NORTH 01°02'34" WEST ALONG THE WEST LINE THEREOF 794.06 FEET; THENCE NORTH 88°50'16" EAST 552.64 FEET; THENCE SOUTH 21°05'23" EAST 190.46 FEET; THENCE SOUTH 12°04'45" EAST 225.00 FEET; THENCE SOUTH 63°49'01" EAST 30.00 FEET; THENCE SOUTH 26°10'59" WEST 242.61 FEET; THENCE SOUTH 88°50'17" WEST 114.83 FEET; THENCE SOUTH 01°09'43" EAST 164.80 FEET TO THE SOUTH LINE OF THE NW/4 OF SAID SECTION 34; THENCE SOUTH 88°50'17" WEST ALONG SAID SOUTH LINE 462.19 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINS 467,735.85 SQUARE FEET OR 10.74 ACRES.

\* \* \* \* \*

- 8. **Stone Creek Estates** (County) Preliminary Plat, Location: South of the southeast corner of West 111<sup>th</sup> Street South and South 33<sup>rd</sup> West Avenue (Related to CZ-498 & PUD-856)

**STAFF RECOMMENDATION:**

**Stone Creek Estates** - (County)

South of the southeast corner of West 111<sup>th</sup> Street South and South 33<sup>rd</sup> West Avenue

This plat consists of 17 lots, 2 blocks on 10 ± acres.

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

1. **Zoning:** There is a pending request to rezone the property under application to RS (Residential Single-Family) with an associated planned unit development (PUD-856) to permit the use of private streets. The rezoning must be approved and in effect prior to the approval of a final plat. Lots do not conform to the existing AG zoning.
2. **Addressing:** INCOG will assign addresses to final plat. Graphically show addresses on the face of the final plat submittal and include address disclaimer/caveat.
3. **Transportation & Traffic:** An approved turnaround is required for the dead-end street that terminates at the east boundary of the plat. Local fire service or state fire Marshall will be required to approve single point of access as shown on the conceptual layout. Gated entry, if proposed, must be given final approval by County Engineer.
4. **Sewer:** Lots will be served by on-site sewage disposal and will need approval from Oklahoma Department of Environmental Quality.
5. **Water:** Service connections will be made to existing main line for Rural Water District #2 in Creek County. Release letter will need to be provided prior to final plat approval.
6. **Engineering Graphics:** Remove contours from final plat submittal. Graphically label the point of beginning on the face of the plat. Provide graphically the bearing angle associated with the 50' from POC to POB on the face of the plat.
7. **Stormwater, Drainage, & Floodplain:** Drainage report required by Tulsa County. Any necessary drainage or known flood areas will be required to be placed in an appropriate easement.
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 was not present.**

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

**TMAPC Action; 11 members present:**



On **MOTION** of **WALKER**, TMAPC voted **11-0-0** (Covey, Craddock, Doctor, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; none “absent”) to **APPROVE** the Preliminary Subdivision Plat for Stone Creek Estates per staff recommendation.

\* \* \* \* \*

9. **Z-7524 Sally Moseby** (CD 4) Location: East of the southeast corner of South Lewis Avenue and East 6<sup>th</sup> Street South requesting rezoning from **MX1-U-45** to **RM-2**

**STAFF RECOMMENDATION:**  
**SECTION I: Z-7524**

**SECTION I: Z-7524**

**DEVELOPMENT CONCEPT:** One of the missing residential options for redevelopment in this evolving neighborhood is a duplex development. After further research it was determined that duplex building types may be the best fit for the neighborhood fabric. Unfortunately, MX1-U zoning does not allow duplex development, so the applicant has requested RM-2.

**DETAILED STAFF RECOMMENDATION:**

Case Z-7524 requesting RM-2 zoning is consistent with the expected development pattern in the and,

RM-2 zoning is non-injurious to the surrounding property owners and,

RM-2 zoning is consistent with the Existing Neighborhood land use vision identified the Tulsa Comprehensive Plan and,

RM-2 zoning is consistent with the Kendall Whittier Small Area Plan therefore,

**Staff recommends Approval of Z-7524 to rezone property from MX1-U-45 to RM-2.**

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: RM-2 zoning supports the concept that mixed residential types are vital to the success of the Kendall Whittier Small Area Plan and the Tulsa Comprehensive Plan.*

Land Use Vision:

*Land Use Plan map designation:* Existing Neighborhood. (Mixed residential in Kendall Whittier Small area Plan)

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."

Transportation Vision:

*Major Street and Highway Plan:* None affecting site redevelopment

*Trail System Master Plan Considerations:* None affecting site redevelopment

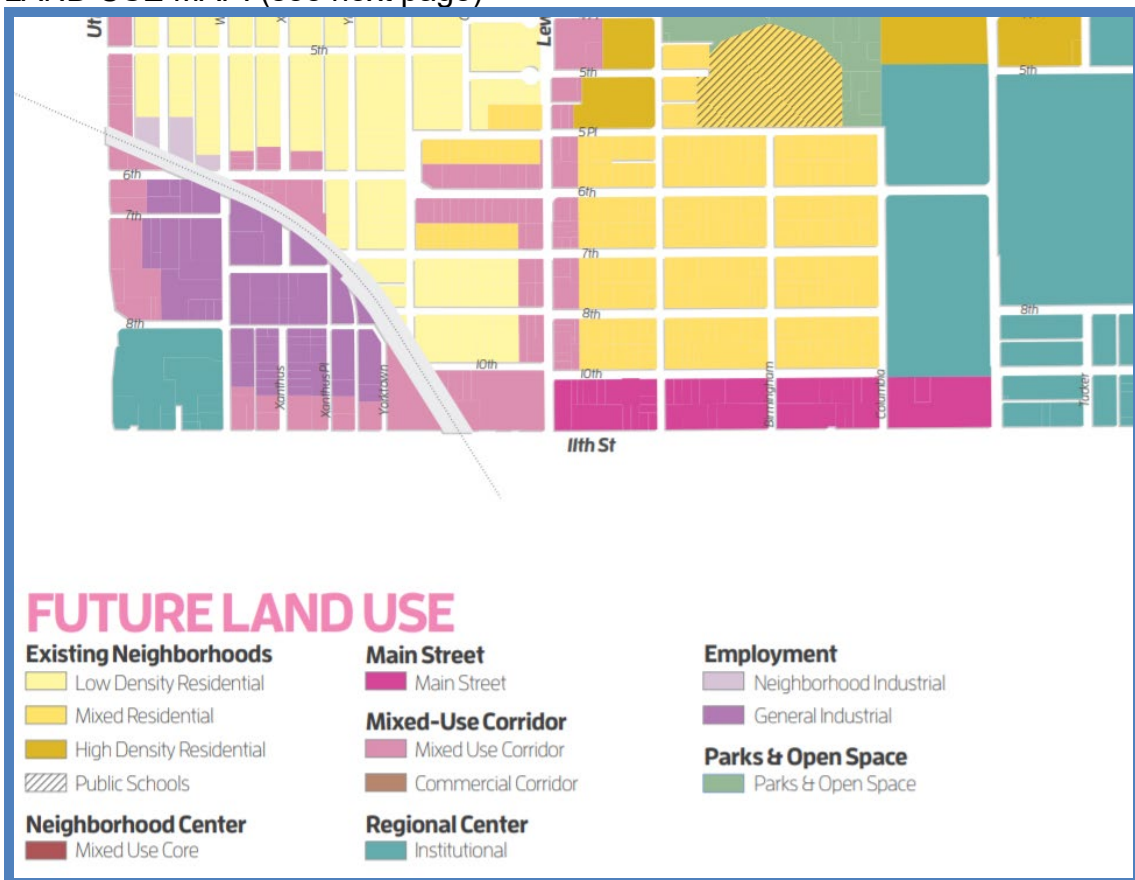
Sector Plan: This area is included in the Kendall-Whittier Sector Plan that was adopted November of 2016.

The small area plan provides a land use table demonstrating the relationship between the sector plan and the Tulsa Comprehensive plan. In this instance the existing neighborhood anticipated low, medium and high density residential uses. This mixed-use development is expected to be a medium density residential with some possible commercial or office component. At least two goals in the recognize the importance of high quality redevelopment opportunities in this area

Goal 1 in the plan recommends supporting the development of quality high-density residential development that appeals to a broad spectrum of potential tenants including students, seniors, young professionals and families of mixed incomes around the University of Tulsa.

Goal 4.2 specifically recognizes that senior and multifamily housing should be assessed on and approved on a case by case basis, especially in areas where it is expected to increase housing choice within Kendall Whittier and supports nearby commercial or public uses.

**KENDALL WHITTIER SECTOR PLAN  
LAND USE MAP: (see next page)**



Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The site is vacant land with single family residential homes on the southeast corner. The site was originally platted with small lots. The surrounding properties have been developed with a mix of small scale multifamily and single family residential.*

Environmental Considerations: None that would affect site redevelopment

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
6 <sup>th</sup> Street South	Residential Collector	60 feet	2 with additional lanes for on street parking
7 <sup>th</sup> Street South	None	50 feet	2 lanes

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 across 6 <sup>th</sup> street	RM-2	Existing Neighborhood	Growth	Empty land and single family residential
East	RM-2	Existing Neighborhood	Growth	Multifamily and single family residential
South across 7 <sup>th</sup> Street	RM-2	Existing Neighborhood	Growth	Single family residential
West	RM-2 and CS	Mixed Use Corridor and Existing Neighborhood	Growth	Office and multi family

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

**ZONING ORDINANCE:** Ordinance number 23908 dated May 5, 2018 established zoning for the subject property.

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

**Z-7436 April 2018** : All concurred in **approval** of a request for *rezoning* a 1.21± acre tract of land from RM-2 to MX1-U-45 for a mixed use development with retail/office/restaurant use on the ground floor with multi-family residential units on the ground floor and upstairs, on property located east of the southeast corner of South Lewis Avenue and East 6<sup>th</sup> Street South.

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

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

**Z-7450 August 2018:** All concurred in **approval** of a request for *rezoning* a 4.24± acre tract of land from RM-2/CS to MX1-U-45 for multifamily housing, on property located northeast corner of South Lewis Avenue and East 6<sup>th</sup> Street South.

#### **TMAPC Comments:**

Ms. Kimbrel asked for examples of the type of residential development that can occur in mixed use.

Staff stated apartments are the residential use option for that particular district.

Ms. Kimbrel asked if in terms of multifamily you can do apartments but you can't do duplexes?

Staff stated "yes".

Mr. Ritchey stated as Tulsa continues to grow throughout the Pearl and Kendall-Whittier areas mixed use is a great thing but his question is about the setbacks. He stated Tulsa is looking for a more cohesive, everyone build to the sidewalk and parking in back type of scenario. Mr. Ritchey asked what this plan is going to look like and what are they allowed to do versus what they could have done with mixed use.

Staff stated the big difference isn't where the building can be in relation to the street but where it's required to be. He stated with the MX zoning category the buildings are actually required to be constructed in a build to zone closer to the

street. Staff stated with a RM-2 district that requirement is not there it's more of a setback and that setback is fairly small. He stated it's consistent with the other buildings that are along 6th Street but it is not required for those buildings to be placed there. Staff stated the site plans he has seen from the developer is very sensitive to the idea of how this is being developed on the north side of 6<sup>th</sup> Street and all those buildings are up close to the street. There is no real enforcement capability but the conceptual plan shows the building close to the street with parking in the back.

Mr. Reeds asked if the applicant would be able to better maximize the lot if they built closer to the street.

Staff stated "yes".

**The applicant was not present.**

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

**TMAPC Action; 11 members present:**

On **MOTION** of **REEDS**, TMAPC voted **11-0-0** (Covey, Craddock, Doctor, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the RM-2 zoning for Z-7524 per staff recommendation.

**Legal Description for Z-7524:**

Lots Fifteen (15) and Sixteen (16), Block Ten (10) COLLEGE VIEW ADDITION AMENDED, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof; [Parcel # 09175-93-05-05840] The North 61 feet of the East Half (E/2) of Lot Two (2), Block One (1), HIGHLANDS ADDITION, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof; [Parcel # 18550-93-05-11490] The West 75 feet of the North 61 feet of Lot Three (3), Block One (1), HIGHLANDS ADDITION, and the West Half (W/2) of Lot Seven (7) AND all of Lot Eight (8), Block Ten (10) COLLEGE VIEW ADDITION AMENDED, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof; [Parcel # 09175-93-05-05820]

The West Half (W/2) of Lot Six (6) and the East Half (E/2) of Lot Seven (7) Block Ten (10), COLLEGE VIEW ADDITION AMENDED, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof; [Parcel # 09175-93-05-05810] The West 25 feet of the North 61 feet of Lot Four (4) and the East 25 feet of the North 61 feet of Lot Three (3) Block One (1), HIGHLANDS ADDITION, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof; [Parcel # 18550-93-05-11570] The East 75 feet of the North 61 feet of Lot Four (4), Block One (1), HIGHLANDS ADDITION AND All of Lot Five (5), and the East Half (E/2) of Lot Six (6), Block Ten (10) COLLEGE VIEW ADDITION AMENDED, an Addition to the City of

Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof;  
[Parcel # 09175-93-05-05800]

The West Half (W/2) of the South 150 feet of Lot Four (4) Block One (1),  
HIGHLANDS ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma,  
according to the recorded Plat thereof; [Parcel # 18550-93-05-11560]

The East Half (E/2) of the South 150 feet of Lot Four (4) Block One (1),  
HIGHLANDS ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma,  
according to the recorded Plat thereof; [Parcel # 18550-93-05-11550]

\* \* \* \* \*

**11. Z-7526 Mike Thedford** (CD 4) Location: Northwest corner of East 11<sup>th</sup> Street  
South and South Lewis Avenue requesting rezoning from **RM-2 and MX2-P-45 to MX2-P-U**

**STAFF RECOMMENDATION:**

**SECTION I: Z-7526**

**DEVELOPMENT CONCEPT:**

Rezone property to allow a harmonious mixed-use development for multiple tracts at and near 11<sup>th</sup> Street at South Lewis Avenue. The mixed-use zoning category will support the anticipated redevelopment of property east of the railroad tract and abutting previously approved MX-2-U rezoning. The unlimited building height is consistent with the abutting properties.

**DETAILED STAFF RECOMMENDATION:**

Z-7526 abuts two areas that are the same land use designation (MX-2) and the pedestrian character designation (P) and,

The request is consistent with the Mixed-Use Corridor land use vision in the Tulsa Comprehensive Plan and,

MX2-P-U is consistent with the anticipated development in the proximate properties and,

Uses, building types and heights are compatible with the existing and proposed surrounding properties therefore,

Staff recommends Approval of Z-7526 to rezone property from RM-2/MX2-P-45 to MX2-P-U.

**SECTION II: Supporting Documentation**

## RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The Mixed-use zoning categories were integrated into the Tulsa Zoning Code specifically to provide zoning district opportunities that could be used in parts of Tulsa where the suburban style zoning code of the 1970's conflicted with the original development pattern. Mixed-use zoning at this location is precisely the type of redevelopment opportunity that was anticipated in the comprehensive plan.*

### Land Use Vision:

*Land Use Plan map designation: Mixed-Use Corridor*

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

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

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

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



Transportation Vision:

*Major Street and Highway Plan:* None

*Trail System Master Plan Considerations:* None

Small Area Plan: None

Special District Considerations: This site is part of the Route 66 overlay that allows a different signage type that is supportive of the overall desire to redeveloped property along the old Route 66 that is now 11<sup>th</sup> Street .

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The land surrounding this application and the property included in this zoning designation includes a wide variety of commercial and industrial uses with some open land and large parking lots. The buildings have been removed and building slabs are being used as parking areas that do not meet current zoning code standards.*

Environmental Considerations: None that will affect site redevelopment

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 10 <sup>th</sup> Street	None	50 feet	2 lane dead end street

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 of 10 <sup>th</sup>	RS-4	Existing Neighborhood	Growth	Single Family residential
East	MX2-P-U	Mixed Use Corridor	Growth	Vacant
South	MX2-P-U	Mixed Use	Growth	Vacant

		Corridor		
West (across rail track)	IM	Mixed Use Corridor	Growth	Miscellaneous light industrial and commercial uses

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 23794 dated November 4, 2017 established zoning for the subject property.

***Subject Property:***

**Z-7405 October 2017:** All concurred in **approval** of a request for *rezoning* a 8.29± acre tract of land from RM-2/OL/CH/IM to MX2-P-45/MX2-P-U on property located northwest corner and southwest corner and south of the southeast corner of East 11<sup>th</sup> Street and South Lewis Avenue. This rezoning case includes both the current subject property, as well as property to the south of the subject property that is currently home to mother road market.

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

***Surrounding Property:***

**Z-6415 October 1993:** All concurred in **approval** of a request for *rezoning* a 24± acre tract of land from RM-2 to RS-4 on property located between 6<sup>th</sup> Street and 10<sup>th</sup> street, Xanthus Place and Lewis Avenue.

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

**TMAPC Comments:**

Ms. Kimbrel asked everything is similar besides the height restriction.

Staff stated “yes”, the very northwest corner was zoned RM-2. He stated multifamily and duplexes can be built here but not a mixed-use building on that corner. Staff stated the idea is to expand that mixed use across the entire block.

Mr. McArtor asked if the zoning north of 10<sup>th</sup> Street is RS-4.

Staff stated “yes”, single family homes. He stated he would point out that is the Land Use Map in the Comprehensive Plan shows everything south of 10th Street to be a Mixed-Use Corridor and it recognized that everything north was staying Existing Neighborhoods. He stated this is consistent with the concept that 10<sup>th</sup> Street was the dividing line.

**Interested Parties:**

**Curtis Andrew Beckwith** 2231 East 10<sup>th</sup> Street, Tulsa, OK 74136

Mr. Beckwith stated he has been a homeowner in this neighborhood for almost six years. He stated he barely knows what any of the zoning categories mean. He stated he attended the meeting held at Mother Road Market a couple of weeks ago. Beckwith stated he first received warning that this new development was going to occur last summer when the landowner and a couple of assistants were prowling around the neighborhood. He stated he asked what they were doing because he knew they weren't from the area. Mr. Beckwith stated they told him they were looking at the TDA property on Lewis but really didn't give much other information at that time. He stated there are 12 houses on this street and all but two of them are occupied and those are all occupied by the homeowners. Mr. Beckwith stated he has talked with whoever he could about what's being proposed but he is here today to speak for a tree. He stated the tree in question is a Northern Red Oak. Mr. Beckwith stated he mentioned four trees to the property owner when he met him last summer at the meeting at the Mother Road Market and he recognized Mr. Beckwith and told him he had been thinking about that tree. He stated so it is at least in his mind. Mr. Beckwith stated he has spoken with the Oklahoma Forestry Service, they are in charge of champion trees. He referred Mr. Beckwith to an Urban Forester. Mr. Beckwith stated he has had a good conversation with both of these guys and they have both looked at the tree and agree it's the second largest in the state. He stated at eye level it's over 15 foot around but it's only a little bit above 70 feet. Mr. Beckwith stated part of its crown has been cut, by the railroad most likely. He stated it is probably 200 years old and predates all of our City, all of our State, and probably any destination of the Indian Nation as Indian Territory. He stated it's been there since the time of the Santa Fe Trail. Mr. Beckwith stated he doesn't know what to do other than continue to try to build a community around the trees preservation and speak out for it because it doesn't have a voice. He stated he could be speaking on other matters such as how the construction is going to impact this neighborhood, how another 200 plus new neighbors are going to impact the neighborhood between 11<sup>th</sup> Street, the train tracks, Lewis Avenue and 6<sup>th</sup> Street. Mr. Beckwith stated the is gentrification at its finest and he knows he has a role to play and responsibilities as a homeowner. He stated at the meeting at Mother Road Market they had an opportunity to express their concerns about the height and whether or not the residents were going to be impacted by traffic. Mr. Beckwith stated if TMAPC approves the rezoning of the parcels as anything

other than RM-2 that will probably create a cause for the tree to be killed or cut down. He stated he doesn't think this application is in character with the rest of the neighborhood.

**Applicant Comments:**

The applicant stated they have had numerous discussions with the owner. He stated the tree was mentioned and at this point in time as far as the rezoning goes there are no specific plans. He stated when the owner did the rezoning initially, there was interest in keeping a transition zoning area for the residential piece that is in the northwest corner of the site. The owner has since acquired those two properties. The applicant stated the action was to essentially transition or protect that area. He stated the intent of the project has changed to a certain point and the acquisition of those 2 properties opens it up for opportunities. The applicant stated as far as the tree goes, he would say that there is interest.

**Chris Ellison** 172 Cervantes Boulevard in San Francisco, California 94123.

Mr. Ellison stated he was the owner of the property and in terms of the trees the hope would be to keep it and they don't foresee putting a building in the location of the tree. He stated it's very close to the railroad tracks and they have not started the process with the architects yet. Mr. Ellison stated the goal would be working with the neighbors. He stated there was a community meeting and the feedback was fantastic and he would hope to work to take their concerns, put them into the site and preserve the tree.

Mr. Reeds stated as part of your development you'll have to comply with the Landscape Ordinance and Mr. Reeds asked if Mr. Ellison could get a credit for saving the tree.

Staff stated "yes".

Mr. McArtor stated he wanted to thank Mr. Beckwith for stepping up and arguing for a tree because that's pretty remarkable around here and reminds him of Supreme Court Justice William O. Douglas, who said that trees should have standing to sue. He was in the minority but he appreciates that.

**TMAPC Action; 11 members present:**

On **MOTION** of **McARTOR**, TMAPC voted **11-0-0** (Covey, Craddock, Doctor, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the MX2-P-U zoning for Z-7526 per staff recommendation.

**Legal Description for Z-7526:**

LOTS ONE (1), TWO (2), THREE (3), FOUR (4) AND FIVE (5), HILLCREST PARK ADDITION TO TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO 309.

## OTHER BUSINESS

### 12. 2020 Election of Officers- Current Officers:

Michael Covey, Chairman  
Joshua Walker, 1<sup>st</sup> Vice Chairman  
Ted Reeds, 2<sup>nd</sup> Vice Chairman  
Joshua Ritchey, Secretary

Mr. Covey stated the proposed slate of officers is as follows:

Michael Covey, Chairman  
Joshua Walker, 1<sup>st</sup> Vice Chairman  
Ted Reeds, 2<sup>nd</sup> Vice Chairman  
Joshua Ritchey, Secretary

### TMAPC Action; 11 members present:

On **MOTION** of **McARTOR**, the TMAPC voted 11-0-0 (Covey, Craddock, Doctor, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; none “absent”) to waive the TMAPC Policies and Procedures concerning serving successive terms and elect the following TMAPC officers for 2020: Chair, Michael Covey; 1<sup>st</sup> Vice Chair, Joshua Walker; 2<sup>nd</sup> Vice Chair, Ted Reeds; Secretary, Joshua Ritchey.

\* \* \* \* \*

### 13. Commissioners' Comments

## ADJOURN

### TMAPC Action; 11 members present:

On **MOTION** of **WALKER**, TMAPC voted **11-0-0** (Covey, Craddock, Doctor, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; none “absent”) to **ADJOURN** TMAPC meeting of January 8, 2020, Meeting No. 2809.

## ADJOURN

There being no further business, the Chair declared the meeting adjourned at 1:38 p.m.

Date Approved:

2-5-26

Jawah (acting)  
Chairman

ATTEST:

[Signature]  
Secretary