

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2817

Wednesday, May 6, 2020, 1:00 p.m.

City Council Chamber

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

Members Present	Members Absent	Staff Present	Others Present
Covey-P	Doctor	Foster-P	Silman, COT-R
Craddock-P	Walker	Hoyt-R	Skates, COT-R
Kimbrel-R		Miller-P	VanValkenburgh, Legal-R
McArtor-P		Sawyer-P	
Ray-R		Wilkerson-P	
Reeds-R			
Ritchey-R			
Shivel-R			
Van Cleave-R			

R=Remote (Audio and/or Video) P=In Person

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday May 1, 2020 at 2:00 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

TMAPC held this meeting in person and by videoconferencing and teleconferencing via **GoToMeeting**, an online meeting and web conferencing tool.

Commissioners and members of the public were allowed to attend and participate in the TMAPC meeting in person or via videoconferencing and teleconferencing by joining from a computer, tablet or smartphone.

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

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

REPORTS:

Chairman's Report:

None

Director's Report:

Ms. Miller reported there would not be TMAPC meetings on May 20, 2020 and June 3, 2020 and the next regular meeting would be June 17, 2020.

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TMAPC Action; 7 members present:

Minutes:

Approval of the minutes of April 1, 2020 Meeting No. 2815

On **MOTION** of **COVEY**, the TMAPC voted 7-0-0 (Covey, Craddock, Kimbrel, Reeds, Ritchey, Shivel, Van Cleave, "aye"; no "nays"; none "abstaining"; Doctor, McArtor, Ray, Walker, "absent") to **APPROVE** the minutes of the meeting of April 1, 2020, Meeting No. 2815.

TMAPC Action; 7 members present:

Minutes:

Approval of the minutes of April 15, 2020 Meeting No. 2816

On **MOTION** of **COVEY**, the TMAPC voted 7-0-0 (Covey, Craddock, Kimbrel, Reeds, Ritchey, Shivel, Van Cleave, "aye"; no "nays"; none "abstaining"; Doctor, McArtor, Ray, Walker, "absent") to **APPROVE** the minutes of the meeting of April 15, 2020, Meeting No. 2816.

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.

3. **PUD-494-2 PRW Construction, Allison Payne** (CD 8) Location: Northeast corner of South Erie Avenue and East 110th Place South requesting a **PUD Minor Amendment** to increase allowable driveway width (Continued from April 1, 2020)

STAFF RECOMMENDATION:

SECTION I: PUD-494-2 Minor Amendment

Amendment Request:

The applicant is requesting to increase the allowable driveway width for the subject lot. Currently a 36.5 ft driveway exists and the applicant would like to increase this by 9 ft. Currently the driveway width is restricted to 30 ft for a lot with 75+ ft of frontage, per section 55.090 of the City of Tulsa Zoning Code, with the option of being able to increase this if approved by an amendment to the PUD. The applicant has followed this requirement and is requesting a total of 45.5 ft in driveway width for the subject lot. The applicant has approximately 130 ft of frontage along Erie Ave, where the proposed drive widening would occur.

Staff Comment: *This request is considered a Minor Amendment as outlined by Section 30.010.I.2.c(9) of the City of Tulsa Zoning Code.*

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

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in PUD-494.
- 2) All remaining development standards defined in PUD-494 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to increase the allowable driveway width of the subject lot to 45 ½ ft.

Legal Description for PUD-494-2 :

Lot 24, Block 6 Southern Woods Estates

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4. **PUD-803-6 Nick Puma** (CD 8) Location: East of the southeast corner of South Darlington Avenue and East 124th Place South requesting a **PUD Minor Amendment** to reduce rear yard and garage setback (Continued from April 1, 2020)

STAFF RECOMMENDATION:

SECTION I: PUD-803-6 Minor Amendment

Amendment Request:

Amend the development standards to reduce the required rear setback from 20 ft to 15 ft and reduce the required garage setback from 20 ft to 15 ft.

Currently the development standards specify a 20 foot rear yard and a 15 foot building setback when a side yard abuts a public street. It does not specifically limit garages to a 20 foot setback, however it is a standard requirement of the underlying zoning of RS-3. The applicant is requesting these modifications to allow the construction of a single family home, whose footprint is shown on the included exhibit from the applicant.

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) The requested amendment does not represent a significant departure from the approved development standards in PUD-803.
- 2) All remaining development standards defined in PUD-803 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to reduce the rear yard from 20 ft to 15 ft and the garage setback from 20 ft to 15 ft.

Legal Description for PUD-803-6:

Lot 18, Block 8 Estates at the River, Phase 2

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5. **PUD-624-5 Jeareld Edwards** (CD 1) Location: Northwest corner of North Gilcrease Museum Road and West Apache Street requesting a **PUD Minor Amendment** to add single family residential as an allowable use (Continued from April 1, 2020)

STAFF RECOMMENDATION:

SECTION I: PUD-624-5 Minor Amendment

Amendment Request:

Amend the development standards to add single family residential as an allowable use.

The subject lot is located within three separate development areas of the PUD A-4, E-2 and C-2 as well as lying within three underlying zones, RS-3, RM-1 and CS. Area A-4 currently allows single family residential development, E-2 allows multifamily and C-2 commercial uses. The applicant would like to add single family housing as an allowable uses to areas E-2 and C-2 so that the subject lot may be used to construct a new home.

Staff Comment: *This request is considered a Minor Amendment as outlined by Section 30.010.1.2.c(15) of the City of Tulsa Zoning Code.*

“Changes in an approved use to another use may be permitted, provided the underlying zoning on the particular site within the PUD would otherwise permit such use as of right and the proposed use will not result in any increase of incompatibility with the present and future use of nearby properties.”

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in PUD-624.
- 2) Bulk and area requirements for Single Family residences shall be per the RS-3 district.
- 3) All remaining development standards defined in PUD-624 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to add single family residence as an allowed use.

Legal Description for PUD-624-5:

2712 N Gilcrease Museum Rd
Development Areas A-4, E-2 & C-2

TMAPC Action; 7 members present:

On **MOTION** of **COVEY**, TMAPC voted **7-0-0** (Covey, Craddock, Kimbrel, Reeds, Ritchey, Shivel, Van Cleave, “aye”; no “nays”; none “abstaining”; Doctor, McArtor, Ray, Walker, “absent”) to **APPROVE** Items 3 through 5 per staff recommendation.

PUBLIC HEARINGS

Item 6 was withdrawn by the applicant.

6. **Z-7533 Christopher McHenry** (CD 3) Location: Southwest corner and southeast corner of East Tecumseh Street North and North Irvington Avenue East requesting rezoning from **CH** to **IH** with an **optional development plan** (Continued from February 5, 2020, February 19, 2020 and March 4, 2020 to April 8, 2020. This item was on the March 18, 2020 agenda for reconsideration and continuance to April 15, 2020 but that meeting was canceled. At the April 1 meeting staff requested a reconsideration and continuance to May 6, 2020) **Applicant has withdrawn the application.**
7. **Z-7548 John Fothergill** (CD 4) Location: Northwest corner of East 5th Street South and South Norfolk Avenue requesting rezoning from **IL, CH and RM-2** to **CH** (**Staff requests a continuance to June 17, 2020**)

TMAPC Action; 7 members present:

On **MOTION** of **COVEY**, TMAPC voted **7-0-0**(Covey, Craddock, Kimbrel, Reeds, Ritchey, Shivel, Van Cleave, "aye"; no "nays"; none "abstaining"; Doctor, McArtor, Ray, Walker, "absent") to **CONTINUE** Z-7548 to June 17, 2020.

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Ray present remotely at 1:15 p.m.

8. **Sheridan Crossing Phase IV** (County) Preliminary Plat, Location: North and east of the intersection of East 86th Street North and North Sheridan Road (Continued from March 4, 2020, March 18, 2020 and April 1, 2020)

STAFF RECOMMENDATION:

PRELIMINARY SUBDIVISION PLAT

Sheridan Crossing Phase IV - (County)

North and east of the intersection of East 86th Street North and North Sheridan Road

This plat consists of 44 lots, 8 blocks, 4 reserve areas on 44± acres.

The Technical Advisory Committee (TAC) met on February 20, 2020 and provided the following conditions:

1. **Zoning:** The property is zoned RE (Residential – Estate). The proposed lots comply with the bulk and area requirements of the Tulsa County Zoning Code

2. **Transportation & Traffic:** A stub street is required to be provided to the east to provide connectivity to future development.
3. **Sewer:** Proposed aerobic systems must be reviewed and approved by the Oklahoma Department of Environmental Quality.
4. **Water:** Submit plans for water to Rural Water District No. 3, Washington County and provide release.
5. **Engineering Graphics:** Submit a subdivision control data sheet with final plat. In the Location Map, remove individual parcel lines. Only show platted subdivision boundaries and label each. All other land should be labeled as "Unplatted". Provide the basis of bearings with a specific bearing angle between two known points associated with this plat. Graphically label all plat boundary pins that were found or set. Provide street names associated with the plat. Add "State of" before Oklahoma in the plat subtitle. Spell out Indian Base & Meridian in the plat subtitle.
6. **Stormwater, Drainage, & Floodplain:** No comments.
7. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

Waivers of Subdivision Regulations:

1. None Requested

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

Applicant Comments:

The applicant stated in 2017 he had a Preliminary Plat approved. There was a delay in construction to allow builders extra time. The applicant stated he would like to mirror the plat from 2017. He stated the 2017 plat has been submitted to Tulsa County Engineering staff and the Rural Water District and was approved. The applicant stated he believes there are enough stub streets for access. The development to the east, where the stub street would go, is different in density and the type of homes but it's also a curb and gutter subdivision and this project is a rural development.

TMAPC Comments:

Mr. Covey asked when the original plat was approved?

The applicant stated May of 2017.

Mr. Covey asked what happened with the project from 2017 to present.

The applicant stated there was 45 lots in phase 3 and he didn't want to open up another phase before those lots were sold. The builders are now finishing up the last few lots.

Mr. Covey stated since this plat was approved new subdivision regulations were adopted.

The applicant stated that is correct.

Mr. Craddock asked what the City of Owasso's viewpoint was since this was in the City of Owasso and not the County.

The applicant stated the City of Owasso Fire Department supported the 2017 plat and the City of Owasso planner was also in agreement.

Mr. Ray stated he went out and drove the area and believes the original plat is sufficient. He asked the applicant if Phase 3 and Phase 4 were similar in nature.

The applicant stated the covenants from phase 1 to phase 4 mirror each other and has no significant change.

Ms. Kimbrel asked what makes the subdivision to the east different from the subject property from an engineering perspective.

The applicant stated Sheridan crossing has ½ acre lots with open bar ditches and the project to the east has curb and gutter, underground storm drain, sanitary sewer and the lots are 1/3 of the size of the Sheridan Crossing lots.

Mr. Reeds asked if Owasso Engineering has approved the drainage plan.

The applicant stated he would let Mr. Swann answer that question.

Interested Parties:

Harley Swann, Kellogg Engineering 6755 South 4080 Road, Talala, OK
Mr. Swann is the Engineer for this project. He stated there will be 3 detention ponds that will be owned and maintained by the Sheridan Crossing HOA. Mr. Swann stated connecting an open bar ditch system with a curb and gutter has issues and he feels it is not necessary for this development.

Mr. Reeds asked if there will be any runoff to adjacent properties.

Mr. Swann stated the runoff in this development will stay in this development.

Mr. Ray stated from a safety standpoint he doesn't see any issues for emergency vehicles and supports using the original plat that was approved.

Mr. Craddock stated the Tulsa County Engineers have looked at this plat and agree that the stub street is not needed.

Mr. Covey asked staff what happens if Engineering disagrees with staff recommendation.

Staff stated Planners and Engineers often disagree, most of the time they are on the same page, but in this case its just a difference in opinion.

Mr. Covey stated there is an email from the Owasso City Planner opposing the stub street for this project. Mr. Covey stated it is his understanding that the Planner lives in this addition.

Staff stated "yes" he lives in Phase 3.

Mr. Covey asked if that was a conflict of interest.

Staff stated that question would need to be directed to him.

Mr. Covey stated the planner who lives in the addition stated he didn't want the stub street. Mr. Covey stated he doesn't give that much credence to that thought since the Planner lives in the neighborhood.

Mr. Craddock stated he would argue that maybe that Planner had more knowledge of the development since he lived there.

Mr. Reeds stated he believes an open barre ditch and a closed system could easily be connected. He stated he is in favor of the original plat from 2017.

TMAPC Action; 8 members present:

On **MOTION** of **REEDS**, TMAPC voted **8-0-0** (Covey, Craddock, Kimbrel, Ray, Reeds, Ritchey, Shivel, Van Cleave, "aye"; no "nays"; none "abstaining"; Doctor, McArtor, Walker, "absent") to **APPROVE** the Preliminary Subdivision Plat for Sheridan Crossing Phase IV removing the requirement in number 2 requiring a stub street be provided to the east.

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8a. QuikTrip No. 0031/Alan Betchan (CD 9) Preliminary Plat, Location:
Southwest corner of East 51st Street South and South Sheridan Road

STAFF RECOMMENDATION:

PRELIMINARY SUBDIVISION PLAT

QuikTrip No. 0031 - (City of Tulsa, CD 9)

Southwest corner of East 51st Street South and South Sheridan Road

This plat consists of 1 lot, 1 block, on 1.7 ± acres.

The Technical Advisory Committee (TAC) met on March 19, 2020 and provided the following conditions:

1. **Zoning:** The subject property is zoned CS (Commercial – Shopping). The proposed lot conforms to the requirements of the CS district.
2. **Transportation & Traffic:** IDP required for paving and access changes within the right-of-way. Sidewalks required along all street frontages.
3. **Sewer/Water:** Provide utility easement along west property line. Monuments shown within proposed U/E will require agreements to construct.
4. **Engineering Graphics:** Submit a subdivision control data sheet with final plat. In the Location Map, only show platted subdivision boundaries and label each. All other land should be labeled as “Unplatted”. Graphically label all plat boundary pins that were found or set.
5. **Stormwater, Drainage, & Floodplain:** Removes proposed storm sewer easement and retain as private.
6. **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.

Waivers of Subdivision Regulations:

1. None Requested

Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the conditions provided by TAC and the requirements of the Subdivisions Regulations. City of Tulsa release required prior to final plat approval.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **CRADDOCK**, TMAPC voted **8-0-0** (Covey, Craddock, Kimbrel, Ray, Reeds, Ritchey, Shivel, Van Cleave, “aye”; no “nays”; none “abstaining”;

Doctor, McArtor, Walker, "absent") to **APPROVE** the Preliminary Subdivision Plat for QuikTrip No. 0031 per staff recommendation.

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9. **Z-7539 Baxter Investments c/o AAB Engineering, LLC** (CD 6) Location: Southwest corner of East 41st Street South and South 177th East Avenue requesting rezoning from **AG to RS-4** (Continued from March 18, 2020 and April 15, 2020)

STAFF RECOMMENDATION:
SECTION I: Z-7539

DEVELOPMENT CONCEPT: The applicant is proposing a new single-family residential subdivision that will meet or exceed the RS-4 standards and supplemental regulations identified in the Tulsa Zoning Code.

DETAILED STAFF RECOMMENDATION:

This site is on the edge of a Neighborhood Center. The Neighborhood Center land use designation contemplates small lot single family homes on the edges. RS-4 zoning is consistent with the Neighborhood Center land use designation on the edges and,

RS-4 zoning allows single family residential uses that are compatible with the surrounding properties and,

Lot and building regulations in an RS-4 district allow slightly smaller lots with potential for greater density than the abutting RS-3 zoned properties south of this site however RS-4 is consistent with the abutting properties on the west and is consistent with the anticipated future development pattern in the area and,

RS-4 zoning on the edges of a Neighborhood Center is consistent with the land use designations of the Comprehensive Plan therefore,

Staff recommends Approval of Z-7539 to rezone property from AG to RS-4.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: This site is on the edge of a Neighborhood Center. Development of this site could include vehicular, bicycle and pedestrian access to the surrounding neighborhood center. Connectivity to the

commercial areas would allow access to the commercial areas without forcing all the local traffic to the arterial streets.

Land Use Vision:

Land Use Plan map designation: Neighborhood Center

Neighborhood Centers are small-scale, one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services. They can include apartments, condominiums, and townhouses, with small lot single family homes at the edges. These are pedestrian-oriented places served by transit, and visitors who drive can park once and walk to number of destinations.

Areas of Stability and Growth designation: Area of Growth

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

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

Transportation Vision:

Major Street and Highway Plan: East 41st is a secondary arterial with multi modal corridor designation. South 177th East Avenue is a secondary arterial and does not have another designation.

Multi-modal streets emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located in high intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists because of landscaped medians and tree lawns. Multi-modal streets can have on-street parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses. Transit dedicated

lanes, bicycle lanes, landscaping and sidewalk width are higher priorities than the number of travel lanes on this type of street. To complete the street, frontages are required that address the street and provide comfortable and safe refuge for pedestrians while accommodating vehicles with efficient circulation and consolidated-shared parking.

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

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is undeveloped with scattered tree cover.

Environmental Considerations: None that would affect site development

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 41 st Street South	Secondary Arterial with Multi modal corridor	100 feet	2
South 177 th East Avenue (S. Lynn Lane)	Secondary Arterial	100 feet	2
South 175 th East 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	AG	Neighborhood Center	Growth	Undeveloped
East	AG and RM-0	Neighborhood Center	Growth	Undeveloped

South	RS-3	Existing Neighborhood	Stability	Detached House Single Family Residential
West	RS-4	New Neighborhood	Growth (Subdivision construction and rezoning did not change land use or growth and stability map).	Detached House Single Family Residential

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11826 dated June 26, 1970 established zoning for the subject property.

Subject Property:

No Relevant History

Surrounding Property:

PUD-793 June 2012: All concurred in **approval** of a proposed *Planned Unit Development* on an 82± acre tract of land for single-family homes, on property located west of southwest corner of East 41st Street and South 177th East Avenue. This PUD proposed the development of single-family homes with three-car garages on larger lots, as well as modifications to various RS-4 lot standards in order to achieve this, to include increasing the minimum lot size was from 5500 square feet to 6900 square feet, increasing the minimum street frontage from 50 to 60 feet, increasing the allowable driveway width to 27 feet (but limiting the physical pavement area to 550 square feet in the required street yard), and increasing the maximum building height to 40ft.

PUD-779 October 2010: All concurred in **approval** of a proposed *Planned Unit Development* on a 56.69± acre tract of land for single-family residential, on property located south of the southwest corner of East 41st Street and South 177th East Avenue. This PUD proposed single-family residential homes that follow the lot and building standards of its underlying zoning district (RS-3), with the exception of the driveway width, which they proposed to increase to 28 feet in order to accommodate the attached three-car garages included as a part of these homes.

PUD-733 January 2007: All concurred in **approval** of a proposed *Planned Unit Development* on a 13.6± acre tract of land for commercial and residential development, on property located at the northeast corner of 177th East Avenue and East 41st Street South. The related rezoning case, Z-7033, was withdrawn September 6th, 2006.

The applicant indicated his agreement with staff's recommendation.

Interested Parties:

Lindsey Cotton 4189 South 173rd East Ave, Tulsa, OK

Ms. Cotton stated her house backs up to the subject property. She stated when she purchased the property there was an agreement that the subject property behind her would stay AG because of the wildlife. Ms. Cotton is also concerned about the wildlife in the area, the traffic on 41st Street and Lynn Lane since it has a 4 way stop and it's a 2 lane street. She stated adding anymore development is going to create a significant challenge. Ms. Cotton stated another concern is the school system is at capacity. She stated the lots in her neighborhood are not selling and she is concerned about increasing the amount of lots in the neighborhood when the empty ones are not selling.

The applicant stated he didn't know what agreement Ms. Cotton may have had with the developer about the land remaining AG but there was not a deed restriction. The applicant stated this development is in alignment with the Comprehensive Plan. He stated there is a good drainage area that runs through the middle of the property which is why they are asking for RS-4 zoning. The applicant stated the traffic is what the traffic is and this development isn't going to change or modify the traffic patterns. He stated he thinks this is a good project.

Cherie Mann 4223 South 173rd East Avenue, Tulsa, OK

Ms. Mann stated she has the same concerns as Ms. Cotton.

TMAPC Action; 8 members present:

On **MOTION** of **CRADDOCK**, TMAPC voted **8-0-0** (Covey, Craddock, Kimbrel, Ray, Reeds, Ritchey, Shivel, Van Cleave, "aye"; no "nays"; none "abstaining"; Doctor, McArtor, Walker, "absent") to recommend **APPROVAL** of the RS-4 zoning for Z-7539 per staff recommendation.

Legal Description for Z-7539 :

A TRACT OF LAND IN THE NORTHEAST QUARTER (NE/4) OF SECTION TWENTY-SIX (26), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 626.25 FEET SOUTH OF THE NORTHEAST CORNER OF THE NORTHEAST QUARTER; THENCE SOUTH 114.68 FEET; THENCE WEST 1257.39 FEET; THENCE NORTH FOR 740.93 FEET; THENCE EAST 846.50 FEET; THENCE SOUTH 626.25 FEET; THENCE EAST 417.50 FEET TO THE POINT OF BEGINNING.

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Craddock and Ray left the meeting at 1:52pm.

10. **Z-7540 Kyle Gibson** (CD 4) Location: Southeast corner of East 2nd Street South and South Rockford Avenue requesting rezoning from **RM-2 to MX2-U-35** (Continued from March 18, 2020 and from April 15, 2020)

STAFF RECOMMENDATION:
SECTION I: Z-7540

DEVELOPMENT CONCEPT:

The applicant plans to repurpose an existing building into a facility that will be a mixed-use building. Existing buildings are exempt from compliance with build-to-zone (BTZ), ground floor ceiling height and transparency regulations.

DETAILED STAFF RECOMMENDATION:

Uses and density supported by MX2-U-35 zoning is consistent with the expected land use designation identified in the Pearl District Small Area Plan and,

MX2-U-35 zoning allows uses are consistent with the existing development pattern in the area and,

MX2-U-35 zoning is consistent with Employment land use designation of the Tulsa Comprehensive Plan land use designation therefore,

Staff recommends approval of Z-7540 to rezone property from RM-2 to MX2-U-35.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Mixed-use development supporting re purposing of an existing building is consistent with the Employment Land Use designation. The MX2, Community Mixed-use district is intended to accommodate retail, service, entertainment and employment uses that serve many surrounding neighborhoods. The district also allows a variety of residential uses and building types. MX2 zoning is generally intended for application in areas designated by the comprehensive plan as town centers, main streets and mixed-use corridors.

Land Use Vision:

Land Use Plan map designation: Employment

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

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

Areas of Stability and Growth designation: Area of Growth

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

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

Transportation Vision:

Major Street and Highway Plan: None

Trail System Master Plan Considerations: None

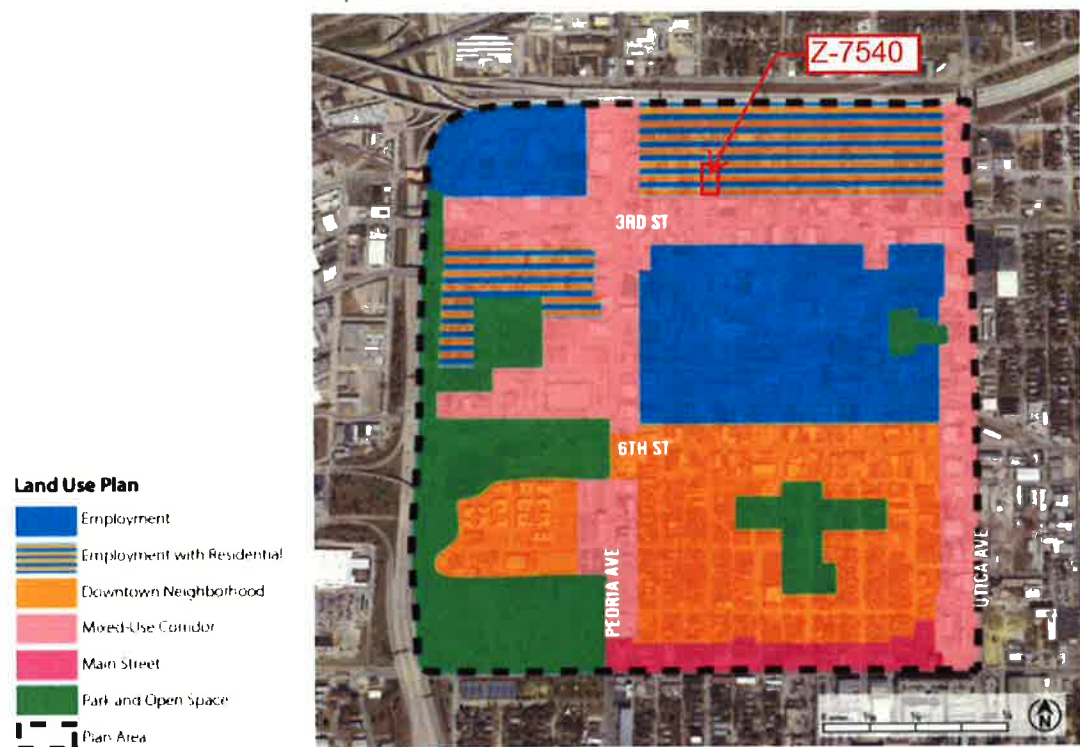
Small Area Plan: Pearl District Small Area Plan

The Pearl District Small Area Plan was updated, and the Executive Summary was adopted by the Tulsa Metropolitan Area Planning commission in July 2019 and replaced the 6th Street Infill Plan that was adopted in 2006.

The Pearl District Small Area Plan is a guide for the future development of the Tulsa neighborhood, located East of Highway 75, South of I-244, north of 11th Street and west of South Utica Ave. This site is near the north boundary of the plan area east of Peoria and north of 3rd Street. The subject property is included in the Land Use Plan area identified as Employment with Residential areas.

Employment with residential areas contain office, warehousing, light manufacturing and high tech uses such as manufacturing or information technology. These areas may also have residences, residential and office lofts in industrial buildings, and more extensive commercial activity. Employment with residential areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic. Since residential and industrial uses are allowed in this district, extensive screening and buffering between these uses within the district are not required for many of the existing uses.

Map 3 Pearl District Small Area Plan — Land Use Plan



Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is an existing single-story brick building. The site has no evidence that on-site parking has ever been provided. The applicant expects to provide required on street parking as allowed by the Tulsa Zoning Code.

See next page for Street view from Northwest looking southeast:



Environmental Considerations: There are no known environmental concerns that that would affect site and building redevelopment

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Rockford Avenue	None	50 feet	4 including on street parking
East 2 nd Street South	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	IL	Employment	Growth	Outdoor Storage
East	RM-2	Employment	Growth	Single Family
South	CH	Mixed Use Corridor	Growth	Mixed Use building
West	RM-2	Employment	Growth	Detached Single Family

SECTION III: Relevant Zoning History

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

Subject Property:

BOA-14909 August 1988: The Board of Adjustment **approved** a *Variance* of the setback from the centerline of the 4th Place from 50' to 45' to allow for an addition (8' x 10') to an existing building, per plot plan submitted, finding that the small addition will not protrude as far into the setback as other buildings along 4th Place, on property located at the southeast corner of 4th Place and Rockford Avenue.

Surrounding Property:

Z-7358 October 2016: All concurred in **approval** of a request for *rezoning* a 1.46± acre tract of land from RM-2 to IL for light industry and specifically commercial service uses. This included several properties located west of the southwest corner of East 1st Street and South Utica Avenue.

Z-6820 June 2001: All concurred in **approval** of a request for *rezoning* a .16± acre tract of land from RM-2 to IL for a heating and cooling company, on property located southwest corner of East 1st Street and South Rockford.

Z-5682 June 1982: All concurred in **approval** of a request for *rezoning* a .47± acre tract of land from RM-2 to IL for an office and warehouse, on

property located north and west of the northwest corner of 2nd Street and Rockford Avenue.

Z-4909 September 1976: All concurred in **approval** of a request for *rezoning* a .96± acre tract of land from RM-2 to IL for manufacturing, on property located southwest corner of 2nd Street and Trenton Avenue.

Z-4838 January 1976: All concurred in **approval** of a request for *rezoning* a 2.75 ± acre tract of land from RM-2 to IL for a Transportation Service Center, on property located southeast corner of 1st Street and Rockford.

Z-4201 August 1972: All concurred in **approval** of a request for *rezoning* a .48± acre tract of land from RM-2 to CS for a Strip Shopping Center, on property located west of the southwest corner of 1st Street and Rockford Avenue.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **COVEY**, TMAPC voted **6-0-0** (Covey, Kimbrel, Reeds, Ritchey, Shivel, Van Cleave, "aye"; no "nays"; none "abstaining"; Craddock, Doctor, McArtor, Ray, Walker, "absent") to recommend **APPROVAL** of the MX2-U-35 zoning for Z-7540 per staff recommendation.

Legal Description for Z-7540 :

LT 12 BLK 4, MIDWAY ADDN, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

11. **Z-7541 Shane Morgan** (CD 3) Location: Southwest corner of East Tecumseh Street and North Kingston Place requesting rezoning from **CH to IL with optional development plan** (Continued from April 1, 2020)

STAFF RECOMMENDATION:

SECTION I: Z-7541

DEVELOPMENT CONCEPT: The applicant has requested rezoning of CH to IL with an optional development plan that is consistent with the Tulsa Comprehensive Plan. The proposed rezoning will facilitate the use of the property for an indoor medical marijuana growing facility. The proposed rezoning is consistent with the current use of the neighboring properties in the area, which

are currently occupied by an aluminum hard coating facility, an auto repair shop, and a storm shelter manufacturing facility.

SECTION II: OPTIONAL DEVELOPMENT PLAN STANDARDS

Z-7541 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 use categories, subcategories or specific uses and residential building types that are not listed below are prohibited.

PERMITTED USE CATEGORY

A) RESIDENTIAL (see allowed residential building types below)

Household Living

Two households on a single lot

Three or more households on single lot

B) PUBLIC, CIVIC, AND INSTITUTIONAL

College or university

Day Care

Fraternal Organization

Library or cultural exhibit

Parks and recreation

Religious Assembly

Safety Service

C) COMMERCIAL

Animal Service (includes all specific uses)

Assembly and entertainment

Other indoor (small up to 250-person capacity)

Broadcast or Recording Studio

Commercial Service (includes all permitted specific uses)

Financial Services (includes all permitted specific uses)

Funeral or Mortuary Service

Office (includes all specific uses)

Parking, non-accessory

Restaurants and bars (include all permitted specific uses)

Retail sales (includes all permitted specific uses)

Self-service Storage Facility

Studio, Artist, or Instructional service

Trade School

Vehicle Sales and Service

- Commercial vehicle repair and maintenance
- Commercial vehicle sales and rentals
- Personal vehicle repair and maintenance
- Personal vehicle sales and rentals
- Vehicle part and supply sales
- Vehicle body and paint finishing shop

D) WHOLESALE, DISTRIBUTION AND STORAGE

- Equipment and Materials Storage, Outdoor Warehouse
- Wholesale Sales and Distribution

E) AGRICULTURAL

- Community garden
- Farm, market or community-supported Horticulture Nursery

RESIDENTIAL BUILDING TYPES: The following building types are prohibited unless allowed through the Special Exception process at the Board of Adjustment

RESIDENTIAL Use Category

Household Living Subcategory

- Two households on a single lot
 - Mixed-Use building
 - Vertical mixed-use building
- Three or more households on a single lot
 - Mixed-Use building
 - Vertical mixed-use building

DETAILED STAFF RECOMMENDATION:

Z-7541 requests rezoning property from CH to IL with an optional development plan. The uses outlined in Section II are consistent with the existing and proposed Main Street land use designation of the Comprehensive Plan. IL zoning without the associated optional development plan is not consistent with the land use designation and;

IL zoned property without use limitations does not provide appropriate land use limitations to integrate with the surrounding properties on the east and south however the design standards required in our zoning are appropriate and;

The provisions of the optional development plan outlined in Section II above are consistent with the development plan provisions of section 70.040 of the Tulsa Zoning Code, therefore;

Staff recommends Approval of Z-7541 to rezone property from CH to IL with the provisions of the optional development outlined in section II of this report.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The zoning request with the optional development plan is consistent with the Main Street Land use designation.

Land Use Vision:

Land Use Plan map designation: Main Street

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

Areas of Stability and Growth designation: Area of Growth

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

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

Transportation Vision:

Major Street and Highway Plan: Residential Collector

Residential collector streets strengthen neighborhood cohesion, promote alternative transportation, calm traffic and connect recreational destinations. They typically can be applied in two instances: in new residential neighborhoods or as retrofits in existing residential or downtown streets that may be wide, but do not provide sufficient parking, bicycle and pedestrian accommodations or traffic calming measures. These streets place a higher priority on landscape medians, tree lawns, sidewalks, on-street parking, and bicycle lanes than the number of travel lanes.

Residential streets consist of two or four travel lanes but place a much higher priority on pedestrian bicycle friendliness than on auto mobility.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is an existing single story building with parking in the rear.*

Street View from Northwest looking southeast



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>
North Kingston Place	North Kingston Place	60 Feet	4 lane width but only 2 striped lanes
East Tecumseh Street	Residential Collector	60 Feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	CH	Main Street	Growth	Surface parking area.

East	CH	Main Street	Growth	Commercial tornado shelter supply
South	CH	Railroad Right of way (Existing Neighborhood)	Rail Line	Rail line
West	CH	Main Street	Growth	Commercial building supply

SECTION IV: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11910 dated June 26, 1970 established zoning for the subject property.

Subject Property:

BOA-21287 September 2015: The Board of Adjustment **denied** a *Variance* of the required off-street parking from 8 spaces to 0 spaces in the CH District for an event center, finding a lack of a hardship, on property located at 1826 North Kingston Place East.

BOA-03789 February 1962: The Board of Adjustment **approved** a request for permission to operate a light industrial machine shop in a U-3-E District, on Lots 1 & 2, Block 15, O.T. of Dawson.

Surrounding Property:

BOA-21287 June 2011: The Board of Adjustment **approved** a *Special Exception* to allow a machine shop (Use Unit 25) in a CH district, on property located at 6033 East Tecumseh Street North. The Board found that the RM-1 zoning to the north is not a residential property (it is and office), the hours of operation are limited to 7:00am to 7:00pm, weekdays and weekends, and the existing shade cloth fence to remain on the west and on the south side be maintained in good condition.

Z-5609 April 1981: All concurred in **approval** of a request for *rezoning* a .23± acre tract of land from RM-1 to CH for a warehouse and garage, on property located southeast corner of Tecumseh Avenue and Kingston Place.

BOA-05343 February 1967: The Board of Adjustment **approved** a request for permission to extend a non-conforming use (machine shop) in a U-3-E District to permit a 45' x 103' addition, on Lots 1,2,3, Block 16, Dawson Addition.

BOA-04694 June 1965: The Board of Adjustment **approved** a request for permission to operate an automobile paint and body shop in conjunction with general auto repair shop in a U-3-E District, on Lots 8, Block 15, Dawson Addition.

BOA-04525 November 1964: The Board of Adjustment **approved** a request for permission to extend a non-conforming use (machine shop) 35' x 24' to the south of Lots 1 & 2, Block 16, Dawson a U-3-E District.

BOA-03849 July 1962: The Board of Adjustment **approved** a request for permission to relocate welding shop from building next door in a U-3-E District on Lot 5, Block 17, O.T. of Dawson.

The applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **COVEY**, TMAPC voted **6-0-0** (Covey, Kimbrel, Reeds, Ritchey, Shivel, Van Cleave, "aye"; no "nays"; none "abstaining"; Craddock, Doctor, McArtor, Ray, Walker, "absent") to recommend **APPROVAL** of the IL zoning with an optional development plan for Z-7541 per staff recommendation.

Legal Description for Z-7541 :

LTS 1 & 2 BLK 15, DAWSON AMD (ORIGINAL TOWNSITE), City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

Ray returned to meeting at 2:05pm.

12. **Z-7542 James Boswell** (CD 7) Location: South and east of the southeast corner of East 61st Street South and South Sheridan Road requesting rezoning from **AG to CS and PK** (Continued from April 1, 2020)

STAFF RECOMMENDATION:

SECTION I: Z-7542

DEVELOPMENT CONCEPT: The applicant has encroached on public property with existing parking and proposes new parking on public property. Rezoning is necessary as part of a license agreement prior to issuing a building permit.

DETAILED STAFF RECOMMENDATION:

This rezoning request includes two strips of land. One strip of land is privately owned and is requesting CS zoning. The second strip of land that is owned by the City of Tulsa with a request for PK zoning. Both strips are included in an Existing Neighborhood land use designation in the Tulsa Comprehensive Plan and,

PK zoning only allows parking. Normally that specific use would not be appropriate in an Existing Neighborhood land use designation however the unique nature of this site and the agreement with multiple departments inside the City of Tulsa support non-accessory parking and vehicular access on City owned property. Non-Accessory parking use is not injurious to the surrounding property and supports local business expansion and,

The CS zoned strip has same ownership as the property abutting this request on the west side and will be included in a future update of the land use plan as part of the Town Center Land use designation therefore,

Staff recommends Approval of Z-7542 to rezone property from AG to CS and PK.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Both tracts are considered part of an Existing Neighborhood however the site is part of a large City of Tulsa water distribution and storage tank facility. The previous administration entered into an agreement to all surface parking for expansion of a restaurant site. As part of that process the property will require rezoning to support the building permit for the parking area.

Land Use Vision:

Land Use Plan map designation: 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.”

Transportation Vision:

Major Street and Highway Plan: South Sheridan Avenue and East 61st Street South are both considered Secondary Arterial with a Multi Modal Overlay .

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

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

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is wooded with steep terrain and adjoins commercial property on the west and north sides. The property on the east is steep and wooded with large water tanks and is owned by the City of Tulsa.

Environmental Considerations: Steep terrain

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 61 st Street South	Secondary Arterial with multi modal corridor	100 feet	4
South Sheridan Avenue	Secondary Arterial with multi modal corridor	100 feet	4

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	CS	Town Center	Growth	Commercial and restaurant
East	AG	Existing Neighborhood	Stability	Major utility infrastructure
South	AG	Existing Neighborhood	Stability	Major utility infrastructure
West	CS	Town Center	Growth	Commercial and restaurant

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11829 dated June 26, 1970 established zoning for the subject property.

Subject Property:

BOA-16089 October 1992: The Board of Adjustment **denial** of a *Special Exception* to permit a transmitting tower in an AG zoned district, on property located at east of Sheridan, south side of 61st Street. The subject property is a small piece of the original property involved in this case.

BOA-13959 March 1986: The Board of Adjustment **approved** a *Use Variance* to allow an aggregate storage site and a 50' x 30' prefab metal equipment building for city use in an AG zoned district, per plot plan, finding a hardship demonstrated by the large size of the lot and the fact that this use is not clearly set forth in the content of the Code, on property located at east of the southeast corner of 61st Street South and Sheridan Avenue. The subject property is a small piece of the original property involved in this case.

Surrounding Property:

BOA-21577 June 2013: The Board of Adjustment **approved** a *Variance* of the parking requirement from 108 spaces to 88 spaces, a *Variance* to reduce the building setback from 100 feet to 90 feet to enclose an existing canopy on the north side of the building in the CS District subject to conceptual plans on pages 5.25 and 5.26, on property located at 6125 South Sheridan Road East. The Board has found the existing shopping center and existing parking spaces therein, and the requested relief is necessary due to the recent leasing of this space on the north end of the property.

BOA-20219 March 2006: The Board of Adjustment **approved** a *Variance* of the parking requirements from 104 to 86 spaces, based on current occupancy, to permit a bar, subject to hours of operation being Monday through Friday, 5:00pm to 2:00am, Saturday and Sunday 12:00 noon to 2:00am, and regular clean-up of the lot around the property and regular patrolling around the property, on property located at 6125-G South Sheridan Road.

BOA-20189 January 2006: The Board of Adjustment **deny** a *Variance* of the parking requirements from 118 to 86 spaces to permit an Adult Entertainment Establishment (bar) and to **approve** a *Spacing Verification* for an Adult Entertainment Establishment, on property located at 6125-G South Sheridan Road East.

Z-6758 May 2000: All concurred in **approval** of a request for *rezoning* a 2.03± acre tract of land from RM-3 to OL for an office, on property located southeast corner of 62nd Street and Maplewood Avenue.

BOA-17374 May 1996: The Board of Adjustment **deny** a *Special Exception* to reduce the parking requirements in a shopping center to permit expansion of an adult entertainment establishment, on property located at 6214 South Sheridan Road.

BOA-16252 February 1993: The Board of Adjustment **approved** a *Variance* of the required number of off-street parking from 146 to 95 for an existing shopping center, per plot plan submitted, subject to hours of operation being 5:30pm to midnight, Monday through Sunday, finding that the club and many businesses in the center have different hours of operation, on property located at 6125-K South Sheridan Road.

BOA-09965 June 1978: The Board of Adjustment **approved** an *Exception* for a waiver of the screening requirements on the north, south and west, **denied** a *Variance* of the parking requirements, and determined the fitness center to be a Use Unit 5, private club use, with parking requirements being utilized per the Use Unit 5 classification, in a CS District, on property located at the southwest corner of 62nd Street and South Sheridan.

TMAPC Comments:

Mr. Reeds asked staff if the City access to the water tower would be affected.

Staff stated “no”.

Mr. Reeds asked if the current agreement with the City will allow the owner enough parking area.

Staff stated this is not an optional development plan but one of the provisions of a license agreement states all of the required parking has to be on the property owners land.

The applicant indicated his agreement with staff’s recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of COVEY, TMAPC voted **7-0-0** (Covey, Kimbrel, Ray, Reeds, Ritchey, Shivel, Van Cleave, “aye”; no “nays”; none “abstaining”; Craddock,

Doctor, McArtor, Walker, "absent") to recommend **APPROVAL** of the CS and PK zoning for Z-7542 per staff recommendation.

Legal Description for Z- 7542:

TRACT A(PK zoning 2.97 ac City of Tulsa)

A TRACT OF LAND LYING IN GOVERNMENT LOT 4 OF SECTION TWO (2), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT TWO (2), BLOCK ONE (I) GRAVATT TABOR CENTER; THENCE S89°52'40"E AND ALONG THE SOUTH LINE SAID BLOCK ONE (I) FOR A DISTANCE OF 344.75 FEET TO THE EAST LINE OF SAID BLOCK ONE (I); THENCE N00°00'00"W AND ALONG THE EAST LINE OF SAID BLOCK ONE (1) FOR A DISTANCE OF 634.75 FEET TO THE SOUTH RIGHT OF WAY LINE OF EAST 61 ST STREET SOUTH; THENCE N90°00'00"E AND ALONG THE SOUTH LINE OF SAID RIGHT OF WAY FOR A DISTANCE OF 40.00 FEET; THENCE S00°00'00"E FOR A DISTANCE OF 674.84 FEET; THENCE N89°52'40"W FOR A DISTANCE OF 384.75 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF SOUTH SHERIDAN ROAD; THENCE N00°00'00"E AND ALONG THE EAST LINE OF SAID RIGHT OF WAY FOR A DISTANCE OF 40.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT TWO (2) AND THE POINT OF BEGINNING; SAID TRACT CONTAINS 2.97 ACRES, OR 129,314 SQ. FT. MORE OR LESS.

TRACT B(CS zoning 0.48 ac Henry Hughes)

THE EAST FORTY (40.00) FEET OF THE WEST THREE HUNDRED NINETY-FOUR AND SEVENTY-FIVE HUNDREDTHS (394.15) FEET OF THE SOUTH SIX HUNDRED THIRTY-FOUR AND SEVENTY-FIVE HUNDREDTHS (634.15) FEET OF THE NORTH SIX HUNDRED EIGHTY-FOUR AND SEVENTY-FIVE HUNDREDTHS (684.15) FEET OF LOT FOUR (4), OF SECTION TWO (2), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF.

* * * * *

McArtor arrived at 2:22pm.

13. **Z-7543 Keith Robertson** (CD 1) Location: Northeast corner of East 36th Street North and North Lansing Place requesting rezoning from **OL to CH** (Continued from April 1, 2020)

STAFF RECOMMENDATION:

SECTION I: Z-7543

DEVELOPMENT CONCEPT: The applicant has submitted a rezoning request to change zoning from OL to CH for all commercial uses. No optional development plan has been provided.

DETAILED STAFF RECOMMENDATION:

Z-7543 requesting CH zoning is consistent with the Main Street Land Use Designation in the Tulsa Comprehensive Plan and,

Uses allowed in a CH zoning are consistent with the Land Use recommendations and the goals identified in the 36th Street North Small Area Plan however the density of development allowed at this location may not be appropriate for the abutting residential neighborhood and,

Uses allowed with CH with the optional development plan are not consistent with the expected development pattern for the proximate residential properties therefore,

Staff recommends Denial of Z-7543 to rezone property from OL to CH. However the uses and supplemental standards for abutting residential properties in a CS district are more consistent with the anticipated growth on this site. Staff recommends Approval of rezoning from OL to CS..

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Rezoning this site to a commercial use is consistent with the Main Street Vision of the Tulsa Comprehensive Plan.

Land Use Vision:

Land Use Plan map designation: Main Street

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

Areas of Stability and Growth designation: Area of Growth

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

increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

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

Transportation Vision:

Major Street and Highway Plan:

Trail System Master Plan Considerations: The subject property is abutting the Osage Trail that leads directly to Downtown and north to Skiatook. New development should connect directly to the trail and provide ample bicycle parking opportunities. Fencing along the trail should not be part of this development.

Small Area Plan: 36th Street North Small Area Plan (Amended 2016)

36th Street North Small Area Plan recommendations include for land use priorities that are supported by this rezoning request.

Special District Considerations: This site is not part of the Voluntary MX rezoning program for Peoria Avenue Bus Rapid Transit.

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *This property was developed prior to any standards for site development and is a single-story office building.*

See Street view snippet on next page.

View is from southwest corner looking northeast.



Environmental Considerations: None that would affect site redevelopment

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 36 th Street North	Secondary Arterial	100 feet	4
North Lansing Place	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	CH	Town Center	Growth	Church
South	CH	Main Street	Growth	Vacant Building
West	CS	Main Street	Growth	Commercial

SECTION III: Relevant Zoning History

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

Subject Property:

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

Surrounding Property:

Z-7538 ODP (Pending): Located west of the southwest corner of East 36th Street North and North Peoria Avenue, there is a pending request to *rezone* a 8.51± acre tract of land from MX-2-F-65/MX2-V-65 to MX-2-F-65/CH for a Community Center, School, Church, Vertical Mixed-use Building and Residential. This case was approved by TMAPC on March 4th, 2020.

Z-7534 (Pending): Located at the northeast and southeast corner of East 36th Street North and North Peoria Avenue, there is a pending request to *rezone* a 36.823± acre tract of land from CS/RM-1/AG to RM-1/MX-1-U-U/MX-2-V-65/MX-2-U-U/MX-3-V-45 for a mixed-use development. This case was approved by TMAPC on February 19th, 2020.

Z-7462 December 2018: All concurred in **approval** of a request for *rezoning* a 9.29± acre tract of land from CS to MX2-F-65/MX2-V-65 for mixed-use, on property located west of the southwest corner of East 36th Street North and North Peoria Avenue.

Z-6098 June 1986: All concurred in **approval** of a request for *rezoning* a 1.66± acre tract of land from RS-3 to CS, on property located west of the southwest corner of East 36th Street North and North Peoria Avenue.

Z-5478 February 1981: All concurred in **approval** of a request for *rezoning* the north approximate 589 ft of a 5.8± acre tract of land from RS-3 to CS for a medical clinic, on property located west of the southwest corner of 36th Street North and Peoria Ave.

Z-4268 November 1972: All concurred in **approval** of a request for *rezoning* a 1.55± acre tract of land from RS-3 to CS for a private club and

barber shop, on property located west of the northwest corner of East 36th Street North and Lansing Avenue.

BOA-03609 March 1961: The Board of Adjustment **approved** a request for permission to operate a home beauty shop on property located Lot 5, Block 3, Chandler-Frates Second Addition.

TMAPC Comments:

Ms. Kimbrel asked staff if the applicant agrees with the CS zoning change.

Staff stated he believes the applicant in in support of CS but the applicant could speak to that.

Ms. Kimbrel asked staff if the applicant is asking for CH zoning and the notification goes out with that information on it and then after a consultation with staff the zoning recommendation is changed to CS would another notification go out to the residents showing that change.

Staff stated for a less intense zoning change the Zoning Code states the application doesn't need to be advertised. He stated staff has been in conversation with some of the residents about the change.

Ms. Kimbrel asked if it would be fair to say some of the Interested Parties in attendance today would be hearing the recommendation of CS for the first time.

Staff stated "yes" that is possible. He stated the proposal on this site has been presented as a dispensary and most callers have been more concerned about the dispensary use instead of the commercial zoning on that site.

Ms. Kimbrel asked if a dispensary is allowed in CS.

Staff stated "yes".

Staff stated what staff is most concerned about is CH on such a small site opens up some objectionable uses that staff battle next to neighborhoods all the time, such as used car lots and tire shops. He stated staff believes CS zoning is more appropriate for this site.

Ms. Kimbrel asked staff how the building on the subject lot was used previously.

Staff stated some kind of office use.

Mr. Covey asked what other types of businesses could go in CS zoning.

Staff stated CS zoning is typical for what goes on a corner just like this one. He stated a convenience store or a restaurant.

Applicant Comments:

Keith Robertson stated he is the Architect of this project. Mr. Roberson stated the building was previously a doctor's office. Mr. Robertson stated the use he is asking for will have to follow the guidelines of the OMMA. He stated there will be security on the premises.

Interested Parties:

Charles Townsend 3914 North Lansing Place, Tulsa, OK 74106

Mr. Townsend stated he opposed to this application. He stated the neighbors were told to get a petition of others in the neighborhood who felt the same way as they did and over 500 signatures were acquired. Mr. Townsend stated the only entrance to the neighborhoods is located near the subject lot. He stated this lot is zoned for OL and that is a better fit for this neighborhood. Mr. Townsend stated there is another dispensary just down the street from this one about 2 blocks away.

Mr. Covey read a letter from the Walt Whitman Neighborhood Association opposing the application and requesting that TMAPC deny the rezoning request.

Carolyn McConnell 3947 North Lansing Place, Tulsa, OK 74106

Ms. McConnell stated she is a 36 year resident of this neighborhood. She stated in the past there have been businesses that weren't what the residents would approve of and she would request that the zoning change be denied. Ms. McConnell stated she would like something like a learning center or something that would bring the neighborhood up. She stated there are 2 other dispensaries less than a mile away.

Terry Goff 3788 North Lansing Place, Tulsa, OK 74106

Ms. Goff stated she has an endorsement letter to deny the application from Goodwin and Goodwin, Attorney at law. She stated it is addressed to Michael Covey. Ms. Goff read the letter to Commissioner's. Ms. Goff stated she is opposed to the rezoning because it would have a negative impact on the neighborhood and the children in the neighborhood.

Richard Baxter 226 East Seminole Place Tulsa, OK 74106

Mr. Baxter stated he is a paralegal and filed the paperwork for the business owners. He stated he is also a North Tulsa resident. Mr. Baxter he is here to address the concerns of the neighborhood. Mr. Baxter stated a previous speaker Mr. Townsend spoke about the entrance into the neighborhood being affected but he was not opposed to any business being in that location but is opposed to the application because it is a marijuana business. Mr. Baxter stated the residents are not opposed to the CS zoning they are opposed to the use and the use should not be considered in the rezoning. Mr. Baxter stated the security that the dispensary has to have would bring security and protection to the

neighborhood. Mr. Baxter stated it is his understanding that a lot of the people who signed the petition were given false information. He stated the rumor was that kids in the neighborhood would be offered samples of medical marijuana. Mr. Baxter stated this building was zoned as a medical facility and this would be rezoned as a different type of medical facility.

Kamau Williams 3402 North Harvard, Tulsa, OK 74115

Mr. Williams stated he grew up in this community. Mr. Williams stated they won't be any samples distributed to the kids. He stated they will follow the OMMA guidelines. Mr. Williams stated people need treatment and relief that this type of business would provide.

Sara Short 2445 North Yorktown Tulsa, OK

Ms. Short stated she would be a co-owner in this dispensary. She stated she is a current co-owner of another business in the Kendall-Whittier District and the goal of this business is to bring the community together. Ms. Short stated they will offer another way, besides opioids, for the sick to seek a natural form of treatment. Ms. Short stated she is also a North Tulsa resident.

Tracie Chandler 554 East 39th Street North, Tulsa, OK

Ms. Chandler stated she is President of the Phoenix Development Council and she understands that marijuana helps things like seizures. She stated this can still be done there is another dispensary 2 blocks from this site. Ms. Chandler stated the Development council worked 2 years on a survey to decide what kind of businesses they wanted in the area. She stated this was not one of the things residents wanted. Ms. Chandler stated because the business has to have security that indicates that there is a problem. She stated across the street from the subject lot is a grocery store that has a criminal element and if the residents could figure out how to get rid of that business they would. Ms. Chandler stated residents are willing to work with the applicants to find something that would be acceptable for this neighborhood. Ms. Chandler stated the only thing that separates this business from a church is railroad tracks. Ms. Chandler stated this is not what they want in their community.

Terri Gateward 711 East Virgin Street , Tulsa, OK 74106

Ms. Gateward stated she agrees that the community is being saturated with these types of businesses. She stated she knows medical marijuana has its benefits but a lot of people who have the proper cards to for medical marijuana are selling it on the streets. Ms. Gateward stated it is still illegal to smoke marijuana without a prescription. Ms. Gateward stated there is a dispensary on every corner.

The applicant stated one of the speakers spoke about the access to the facility. He stated the access would be in a place where customers could safely enter and exit the facility. The applicant stated there is no city or state requirement to be a certain distance from a church facility. He stated there is a distance

requirement from a school and if there is a school that opens across the street from the subject property the dispensary would have to close.

Mr. Baxter stated a speaker mentioned resell of product on the street. He stated that is not something any pharmaceutical business can control. He stated places like CVS, Walgreens or any other drugstore cannot control this.

Ms. Kimbrel asked if the applicant has spoke with the community about what would be appropriate for this site.

Mr. Baxter stated "yes" he was put on the agenda for the Phoenix Development Council meeting.

Ms. Kimbrel asked what the outcome was of that meeting.

Mr. Baxter stated he was told they didn't want to consider a medical marijuana business but they are willing to consider any other type of business. He stated they are not opposed to the lot being zoned CS for business.

Mr. Ritchey asked staff when these applications come before TMAPC why some of them have a proposed use and some of them do not. He stated his question is more about influential uses such as medical marijuana. Mr. Ritchey stated if the applicant had just applied to change from OL to CS this would have flown through without any issues. He stated his question why we see things that could be prejudicial and sometimes we don't.

Staff stated sometimes it is just what we know from the applicant's submittal. He stated in this instance the applicant was very open and transparent about their goals from the beginning. Since staff was aware of what the plan was, he thought it should be included in the staff report.

Mr. Ritchey asked staff to show him on page 13.6 of the packet where a dispensary would be allowed by right if everything were zoned just as it was today.

Staff stated anything zoned CH or CS, so on the north and south side of 36th Street North would be allowed by right to have a dispensary.

Mr. Richey stated only 2 tracts would it not be allowed.

Staff stated that is correct. He stated there is a strip of RS-3 further to the south that it would not be allowed.

Mr. Ritchey stated he appreciates the residents concerns and thanks them for coming but this is the Tulsa Metropolitan Area Planning Commission and it is not entirely within our scope to dictate what a business owner wants to do with their

property if its an approved use in that zoning category. Mr. Ritchey stated this is a rezoning application to switch from OL to CS and it is surrounded by much higher uses than CS. He stated it has CH and CS around it and no matter how he feels about marijuana as an industry this is a zoning board and the citizens of Tulsa had an opportunity to vote on medical marijuana and it was an overwhelming yes and if this business owner wants to use his land as a medical marijuana facility they should have the opportunity to do so.

Mr. Reeds stated the subject lot is surrounded by CS and determining the use is not really the Planning Commissions job. He stated he agrees with Mr. Ritchey.

Mr. McArtor stated if he lived in the neighborhood, he wouldn't want the dispensary either but he agrees with Mr. Ritchey. He stated that a lot of them will go away soon and this one will go away if the school opens across the street. Mr. McArtor stated everything along this street is commercial and if marijuana had not been attached to this application it would have flown through as Mr. Ritchey said.

Ms. Kimbrel asked staff what the pattern is when there is residential near dispensaries.

Staff stated first thing is does the zoning make sense with the Comprehensive Plan and the dispensary is a commercial business just like any other retail store. Staff stated the zoning is different if it's a growing or processing facility.

Ms. Kimbrel stated she will not be voting in favor of this because she believes that communities are the experts of what is best for their communities and they did not envision this type of commercial activity in their community.

Mr. Covey asked staff if any of the neighborhood plans ever get into types of businesses they would like to see.

Staff stated every plan is a little different in how businesses are viewed and what their expectations are. He stated in the 36th Street North Plan there isn't anything that states they don't want specific types of businesses.

Mr. Covey asked staff if the community could petition their City Councilor to do an overlay just as it has been done with small box discount stores.

Staff stated "yes".

Mr. Covey stated he agrees with Mr. Ritchey and others given the zoning that surrounds the subject property. He stated Mr. Ritchey is correct if the application had come through without stating the use it would have flown through. Mr. Covey stated CS is appropriate for the neighborhood and he will be voting yes.

TMAPC Action; 8 members present:

On **MOTION** of **McARTOR**, TMAPC voted **7-1-0** (Covey, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, “aye”; Kimbrel, “nays”; none “abstaining”; Craddock, Doctor, Walker, “absent”) to recommend **APPROVAL** of the CS zoning for Z-7543 per staff recommendation.

Legal Description for Z-7543 :

LTS 41 & 42 BLK 8, CHANDLER-FRATES FIFTH ADDN, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

14. **Z-7544 Lou Reynolds** (CD 3) Location: Southeast corner of East Apache Street and North Sheridan Road requesting rezoning from **IL to IM with an optional development plan** (Continued from April 1, 2020)

STAFF RECOMMENDATION:

SECTION I: Z-7544

DEVELOPMENT CONCEPT:

The applicant respectfully requests that, pursuant to Section 70.040-B.2 of the Tulsa Zoning Code, the development of the Property be approved with the additional development limitations defined in the development plan standards.

The use of the Property will be limited to those uses permitted as a matter of right and those uses that may be permitted by special exception (with the approval of the City of Tulsa Board of Adjustment) in the Industrial Light District and the following uses allowed in the IM District:

Moderate-impact Medical Marijuana Processing and High-impact Medical Marijuana Processing (with the approval of the City of Tulsa Board of Adjustment),

DETAILED STAFF RECOMMENDATION:

The subject lot is located within an Employment land use designation in the City of Tulsa Comprehensive plan. Many uses allowed in an IM zoning district are not consistent with the Employment land use vision of the area abutting the Tulsa International Airport and,

IM zoning has been established on Airport Authority property located north of the Gilcrease Expressway and east of this site however the airport has constructed surface parking in much of that area. Private aircraft hangers have also been constructed in the proximate properties where IM zoning was established. Uses

allowed in an IM district could produce objectionable environmental and visual impacts that are not currently allowed in this area and,

IM zoning without a development plan to provide use restrictions at this location could be disruptive to the airport operations and be objectionable to proximate property and,

The proposed allowable uses identified in Section II are compatible with the surrounding proximate properties and;

The proposal is consistent with the anticipated future development patterns of the surrounding area, therefore;

Staff recommends Approval of Z-7544 to rezone property from IL to IM with the provisions outlined in Section II.

SECTION II: OPTIONAL DEVELOPMENT PLAN STANDARDS

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

PERMITTED USE CATEGORY

A) RESIDENTIAL (see allowed residential building types below)

* indicates specific uses that are only allowed through the special exception process

Household Living

Single household

Two households on a single lot

Three or more households on single lot

Group Living (only if allowed through the special exception process)

* Homeless center

* Re-entry facility

* Residential treatment center

* Shelter, emergency and protective

* Transitional living center

B) PUBLIC, CIVIC, AND INSTITUTIONAL

* indicates specific uses that are only allowed through the special exception process

*College or University

- *Day Care
- *Detention and Correctional Facility
- *Fraternal Organization
- *Governmental Service
- *Hospital
- *Library or Cultural Exhibit
- Natural Resource Preservation
- *Parks and Recreation
- *Postal Services
- *Religious Assembly
- Safety Service
- *School
- Utilities and Public Service Facility (minor)
- *Utilities and Public Service Facility (major)
- Wireless Communication Facility (includes all specific uses)

C) COMMERCIAL

* indicates specific uses that are only allowed through the special exception process

- Animal Service
 - Boarding or shelter
 - Grooming
 - Veterinary
- Assembly and entertainment
 - *Indoor gun club
 - *Other indoor
 - *(small; up to 250-person capacity)
- Broadcast or Recording Studio
- Commercial Service (includes all permitted specific uses)
- Financial Services (includes all permitted specific uses)
- Funeral or Mortuary Service
- Lodging (includes all permitted specific uses)
- Office (includes all permitted specific uses)
- Parking, Non-accessory
- Restaurants and Bars
 - Restaurant
 - *Bar
 - *Brewpub
- Retail Sales (includes all permitted specific uses)
- Self-service Storage Facility
- Studio, Artist, or Instructional Service
- Trade School
- Vehicle Sales and Service (includes all permitted specific uses)

E) WHOLESALE, DISTRIBUTION AND STORAGE

Equipment and Material Storage, Outdoor
Trucking and Transportation Terminal
Warehouse
Wholesale Sales and Distribution

F) INDUSTRIAL

*indicates specific uses that are only allowed through the special exception process

Low-impact Manufacturing and Industry
Moderate Impact Manufacturing and Industry but only for the Moderate-Impact medical Marijuana Processing Facility use
*High-impact manufacturing and industry but only for the High-Impact Medical Marijuana Processing Facility

G) Recycling

* indicates specific uses that are only allowed through the special exception process

*Construction or Demolition Debris
Consumer Material Drop-off Station
Consumer Material Processing

H) AGRICULTURAL

Community Garden
Farm, Market or Community-supported
Horticulture Nursery

I) OTHER

Drive-in or Drive-through Facility (as a component of an allowed principal use)

PERMITTED RESIDENTIAL BUILDING TYPES

Household Living

Single household

* indicates building types that are only allowed through the special exception process

*Manufactured housing unit

*Mixed-use building

*Vertical mixed-use building

Two households on a single lot

*Mixed-use building

*Vertical mixed-use building

Three or more households on a single lot

*Mixed-use building

*Vertical mixed-use building

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: IM zoning is not specifically identified as a potential zoning category in the Employment land use designation area.

Land Use Vision:

Land Use Plan map designation: Employment

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

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

Areas of Stability and Growth designation: Area of Growth

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

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

Transportation Vision:

Major Street and Highway Plan: None

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is occupied by a two-story office and manufacturing building. In 1971 the Board of Adjustment allowed an aluminum smelter on this site. In today's zoning code a small smelter would be considered a high impact industrial use only allowed by special exception in an IM district or by right in a high impact industrial zoning category.

STREET VIEW (from northeast corner looking southwest)



Environmental Considerations: None that would affect site redevelopment except the proximity to the Tulsa International Airport. This site is at the south end of runway 36L and abuts east Apache and North Sheridan Road.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East Apache Street	Industrial Collector	60	2
North Sheridan Road	Secondary Arterial	100 feet	4

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	IL	Employment	Growth	Office
East	IL	Employment	Growth	Airport runway
South	IM across expressway	Employment	Growth	Expressway
West	CS	Employment	Growth	Surface Parking outdoor storage

SECTION IV: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11910 dated June 26, 1970 established zoning for the subject property.

Subject Property:

BOA-06930 March 1971: The Board of Adjustment **approved** a *Variance* to permit and occupy a building in which a smelting use, incidental to the manufacturing operation, will be conducted in an IL district, with the maximum limitation of 1,000 lbs of aluminum ingots to be smelted per week, also that the pot should not be any larger than described, i.e. approximately 2' in diameter and approximately 4' in height, on property located at 6540 East Apache Street.

Surrounding Property:

Z-7087 February 2008: All concurred in **approval** of a request for *rezoning* a 148.94± acre tract of land from RS-3 to IM for airport related car rental, airplane repair, etc., on property located around the Tulsa International Airport.

Z-6664 December 1998: All concurred in **approval** of a request for *rezoning* a 4.09± acre tract of land from RS-3 to IL for light industrial, on property located north of the northwest corner of East Apache Street and North Sheridan Road.

Z-6316 July 1991: All concurred in **approval** of a request for *rezoning* a 2.92± acre tract of land from RS-3 to IM for car rental and parking, on property located at the northwest corner of East Apache Street and North Sheridan Road.

BOA-15687 April 1991: The Board of Adjustment **approved** a *Special Exception* to permit a car rental business in a CS zoned district, a *Variance* to waive the screening requirement along the north property line, and a *Variance* to allow open air storage or display of merchandise offered for sale within 300' of an adjoining R District, subject to the use being restricted to car rental only, finding that there are numerous car rental agencies surrounding Tulsa International Airport, and the property to the north is planned for industrial uses, on property located at 6415 South Sheridan.

BOA-12401 January 1983: The Board of Adjustment **approved** a *Special Exception* to locate a restaurant in an IL District, per drawings and documents submitted, on property located at 3012 North 74th East Avenue.

BOA-10434 April 1979: The Board of Adjustment **approved** an *Exception* to use the property for airport use, per plot plan and the "Approved Layout Plan", in the vicinity of 7777 East Apache Street.

BOA-08358 September 1974: The Board of Adjustment **approved** an *Exception* to use property for airport use in an IL District, on property located at north and east of Sheridan Road and Apache Street.

Z-4549 November 1973: All concurred in **approval** of a request for *rezoning* a .62± acre tract of land from RS-3 to CS for commercial, on property located on the southwest corner of Sheridan Road and Apache Street.

Z-4460 February 1973: All concurred in **approval** of a request for *rezoning* a 1.32± acre tract of land from IR to CG for a motel, on property located on the northeast corner of 46th Street and Darlington Avenue.

BOA-07723 December 1972: The Board of Adjustment **approved** an *Exception* to operate a rent-a-car business with the understanding that a car wash will be included in the operation in a CS District, on property located at the northwest corner of Zion Street and Sheridan Road.

The applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **McARTOR**, TMAPC voted **8-0-0** (Covey, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, "aye"; no "nays"; none "abstaining"; Craddock, Doctor, Walker, "absent") to recommend **APPROVAL** of the IM zoning with an optional development plan for Z-7544 per staff recommendation.

Legal Description for Z-7544:

A tract of land situated in the Northwest Quarter of the Northwest Quarter (NW/4 NW/4) of Section 26, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, and being more particularly described as follows, to-wit: Beginning at a point 743 feet East and 50 feet South of the Northwest Corner of Section 26, thence West a distance of 611.77 feet to a point; thence South 65°29'53" West, a distance of 0.00 to a point of curvature; thence to the left around said curve whose radius is 165 feet, a distance of 96.94 feet to a point; thence South along a line parallel to and 60 feet equidistant East of the West line of Section 26, a distance of 547.35 feet; thence East parallel to the North line of Section 26, a distance of 683 feet; thence North parallel to the West line of Section 26, a distance of 610 feet to the point of beginning, LESS the area beginning at a point 60 feet East of the Southwest Corner of the North Half of the Northwest Quarter of the Northwest Quarter (NW/4 NW/4), thence North 107.83 feet, thence South 79°10'11" East, a distance of 184.1 feet, thence South 30°3'21" East, a distance of 78.54 feet to a point on the South line of the North Half of the Northwest Quarter of the Northwest Quarter (NW/4 NW/4), thence West 217.76 feet to the point of beginning, according to the U.S. Survey thereof.

* * * * *

15. **Z-7545 Molly Jones** (CD 2) Location: South of the southeast corner of East 71st Street South and South Quincy Avenue requesting rezoning from **RT to RM-2** (Continued from April 15, 2020)

STAFF RECOMMENDATION:

SECTION I: Z-7545

DEVELOPMENT CONCEPT: Last year this site was rezoned to allow townhouse development. The concept has not significantly changed however the developer had determined that the site can also be developed as a condominium project. Infrastructure development of this concept is a more cost-effective solution on this site than the original townhouse development idea. The anticipated cohousing style of the development has not changed.

DETAILED STAFF RECOMMENDATION:

Case Z-7545 requests RM-2 zoning is consistent with the expected development pattern in the area and,

RM-2 zoning is not injurious to the surrounding property owners and,

RM-2 zoning is consistent with the Town Center land use vision in the Tulsa Comprehensive Plan therefore,

Staff recommends approval of Z-7545 to rezone property from RT to RM-2.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Residential town home style condominium development as a lifestyle community is consistent with the Town Center land use designation and the Area of Growth. Staff notes that if RM-2 zoning is approved the building setback from Quincy is 10 feet from the right of way line. Should the applicant choose to move the buildings closer to the street the building placement would be consistent with the Town Center Vision of 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.

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: None that would affect site redevelopment. River parks and the associated trail is approximately 750 feet from the west boundary.

Major Street and Highway Plan: None

Trail System Master Plan Considerations: The only public access to the trail from this site is from East 71st Street South. The south end of Quincy is currently constructed as a dead-end street with no access to Riverside Drive or to the park and trail system. Staff suggest a street and trail connection to this site from the south end of Quincy.

Small Area Plan: None

Special District Considerations: None however it should be noted that Quincy is the east boundary of the Arkansas River Corridor Overlay.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is generally flat with no known conditions that would affect site development.*

Environmental Considerations: None that would affect site development

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Quincy single public access provided to East 71 st Street South. Quincy ends approximately ¼ mile south.	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	RM-1 / PUD 357-A	Town Center	Growth	Vacant adjacent to north boundary Commercial retail further north in PUD 357-A
East	RM-1	Existing Neighborhood	Stability	Duplex
South	OM	Town Center	Growth	Family Medical Clinic
West	RS-2 / RDO-3	Arkansas River Corridor	Growth	Vacant

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 24065 dated January 7, 2019 established the current zoning for the subject property.

Subject Property:

Z-7461 December 2018: All concurred in **approval** of a request for *rezoning* a 4.79± acre tract of land from OM/MX-2-V-U to RT for townhouse development, on property located south of the southeast corner of East 71st Street South and South Quincy Avenue. (Ordinance 24065)

Z-7430 January 2018: All concurred in **approval** of a request for *rezoning* a 2.39± acre tract of land from OM to MX-2-V-U for mixed-use, on property located south of the southeast corner of East 71st Street South and South Quincy Avenue. (Ordinance 23865)

Z-7074 November 2007: All concurred in **approval** of a request for *rezoning* a 11.97± acre tract of land from RS-2/RS-4 to OM for office, on property located south of the southeast corner of East 71st Street South and South Quincy Avenue. This includes a part of the subject property and the abutting property to the south. (Ordinance 21682)

Ordinance number 11828 dated June 26, 1970 established the zoning for the subject property.

Surrounding Property:

SA-1 September 2016: All concurred in **approval** of a request for a Special Area Overlay on multiple properties along the Arkansas River extending from W. 11th St. S. to E. 121st St. S., to establish the River Design Overlay as a supplemental zoning, RDO-1, RDO-2, or RDO-3 and regulations to govern the form, function, design and use of the properties located within the boundaries of the River Design Overlay District. These regulations are generally intended to maintain and promote the Arkansas River corridor as a valuable asset to the city and region in terms of economic development and quality of life. The properties directly abutting the subject property to the west and south carry a designation of RDO-3, which is primarily intended to apply to properties that do not have direct access to the river, but are visible from the riverfront and benefit from their proximity, contributing to the overall visual environment of the riverfront area. **PUD-808 April 2014:** All concurred in **approval** of a proposed *Planned Unit Development* on a 14± acre tract of land for a family medical clinic/TPD Riverside Drive, on property located south of the southeast corner of East 71st Street and South Riverside Drive.

PUD-691-A April 2007: All concurred in **approval** of a proposed *Planned Unit Development* on a 1.81± acre tract of land for a drive-thru/lobby bank, on property located south of the southeast corner of East 71st Street South and Riverside Parkway.

Z-7066 September 2007: All concurred in **approval** of a request for *rezoning* a 4.78± acre tract of land from RS-2 to OM for office, on property located northeast corner 75th Place South and Riverside Drive.

Z-6908/PUD-691 October 2003: All concurred in **approval** of a request to rezone a 1.81± acre tract of land from RS-2 to OL and **approval** of a proposed *Planned Unit Development* for office, on property located south of the southeast corner of East 71st Street and South Riverside.

Z-6619 January 1998: All concurred in **approval** of a request for *rezoning* a 3.3± acre tract of land from RS-3 to CS for a church, on property located northwest corner East 61st Street South and South Mingo Road.

PUD-545-A Abandonment December 1997: All concurred in **approval** of a proposed *Planned Unit Development* on a 6.3± acre tract land to abandon PUD-545 for a multi-use development, on property located south and east of the southeast corner of 71st Street and Riverside.

PUD-545 May 1996: All concurred in **approval** of a proposed *Planned Unit Development* on a 6.3± acre tract of land for a theater and parking, on property located south of the southeast corner of 71st Street and Riverside.

Z-6313 May 1991: All concurred in **approval** of a request for *rezoning* a 5.25± acre tract of land from RS-2 to RS-4 for single-family residential, on property located north of the northeast corner of 75th Place and South Quincy Avenue.

Z-6070 October 1985: All concurred in **approval** of a request for *rezoning* a 4± acre tract of land from RM-2/RD to CS for commercial, on property located southeast corner of 71st and Peoria.

Z-6005/PUD-357-A December 1984: All concurred in **approval** of a proposed *Planned Unit Development* on a 8± acre tract of land for on property located east of the southeast corner of 71st Street and Quincy Avenue.

PUD-357 May 1984: All concurred in **approval** of a proposed *Planned Unit Development* on a 8.5± acre tract of land for a commercial/office complex, on property located east of the southeast corner of 71st Street and Quincy Avenue

Z-5785 February 1983: All concurred in **approval** of a request for *rezoning* a .3± acre tract of land from RS-2 to RM-1 for garden office building, on property located south of the southeast corner of 71st Street and Quincy.

Z-5400 June 1980: All concurred in **approval** of a request for *rezoning* a .89± acre tract of land from RS-2 to RM-1 for apartments, on property located south of the southeast corner of West Edison Street and North 25th West Avenue.

PUD-128-A November 1979: All concurred in **approval** of a proposed *Planned Unit Development* on a 118± acre tract of land for single-family and multi-family residential units, on property located south of 71st Street and West of the Joe Creek Channel.

Z-4667 June 1974: All concurred in **approval** of a request for *rezoning* a 4.07± acre tract of land from RM-2 to RM-2/CS for commercial shopping, on property located east of the southeast corner of 71st Street and Peoria Avenue.

The applicant indicated her agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **McARTOR**, TMAPC voted **8-0-0** (Covey, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, "aye"; no "nays"; none "abstaining"; Craddock, Doctor, Walker, "absent") to recommend **APPROVAL** of the RM-2 zoning for Z-7545 per staff recommendation.

Legal Description for Z-7545:

LT 2 BLK 1; LT 3 BLK 1, RIVER GROVE SUB, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

16. **Z-7546 JR Donelson** (CD 7) Location: West of the southwest corner of East 55th Place South and South Garnett Road requesting rezoning from **RS-3 to IL**

STAFF RECOMMENDATION:

SECTION I: Z-7546

DEVELOPMENT CONCEPT: The subject property is surrounded by IL zoning and abuts a regional stormwater detention facility. Rezoning is requested to support light industrial development. The stormwater facility east of the site zoned RS-3.

DETAILED STAFF RECOMMENDATION:

Case Z-7546 request IL zoning and is consistent with the expected development pattern in the area and,

Uses normally associated with IL zoning are not injurious to the surrounding property owners and,

IL zoning is consistent with the Employment land use vision in the Tulsa Comprehensive Plan therefore,

Staff recommends approval of Z-7546 to rezone property from RS-3 to IL.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: IL zoning at this location is consistent with the Employment land use vision of the Tulsa Comprehensive Plan.

Land Use Vision:

Land Use Plan map designation: Employment

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

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

Areas of Stability and Growth designation: Area of Growth

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

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

Transportation Vision:

Major Street and Highway Plan: None

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The subject property is at the end of a dead-end street. No opportunities are available for a future extension and the property abuts Mingo Creek on the north and a regional stormwater facility on the east. Recreational opportunities are not visually available in the facility.

Environmental Considerations: None that affect site development or rezoning request.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South 107 th East Avenue	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	IL	Employment	Growth	Light industry
East	RS-3	Park and open space	Stability	City of Tulsa Regional Stormwater Detention Facility
South	IL	Employment	Growth	Light industry
West	IL	Employment	Growth	Light industry

SECTION III: Relevant Zoning History

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

Subject Property:

No Relevant History.

Surrounding Property:

BOA-20118 September 2005: The Board of Adjustment **approved** a *Special Exception* to permit a public park on the subject property, subject to the Public Works and/or Parks Department submitting a site plan addressing the parking facilities and/or fencing according to the wishes of the neighborhood, on property located at 10901 East 61st Street South.

BOA-18849 September 2000: The Board of Adjustment **approved** a *Special Exception* to permit a manufactured home in an IL zoned district, on property located at 5624 South 107th East Avenue.

Z-6762 June 2000: All concurred in **approval** of a request for *rezoning* a 1± acre tract of land from RS-3 to IL for a warehouse, on property located south of the southeast corner of East 56th Street & South 107th East Avenue.

Z-6574 January 1997: All concurred in **approval** of a request for *rezoning* a .93± acre tract of land from RS-3 to IL for trucking/storage, on property located south of the southeast corner of East 56th Street South and South 107th East Avenue.

BOA-17368 May 1996: The Board of Adjustment **approved** a *Special Exception* to permit a transitional living center in an IL zoned district, per plan submitted, subject to 12 residents at this time, on property located at 5624 South 107th East Avenue.

Z-6308 February 1991: All concurred in **approval** of a request for *rezoning* a 1.28± acre tract of land from RS-3 to IL for storage/parking, on property located northwest corner of South 107th East Avenue and East 56th Street.

Z-6164 July 1987: All concurred in **approval** of a request for *rezoning* a 4.91± acre tract of land from RS-3 to IL for industrial, on property located south of East 56th Street South and west of South 107th East Avenue.

Z-5849 September 1983: All concurred in **approval** of a request for *rezoning* a 2.3± acre tract of land from RS-3 to IL for industrial, on property located 5635 South 107th East Avenue.

Z-5647 February 1982: All concurred in **approval** of a request for *rezoning* a 2.5± acre tract of land from RS-3 to IL for industrial, on property located south and east of 56th Street and 107th East Avenue.

Z-5614 October 1981: All concurred in **approval** of a request for *rezoning* a 4.77± acre tract of land from RS-3 to IL industrial, on property located north of the northwest corner of East 61st Street South and South 107th East Avenue.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **McARTOR**, TMAPC voted **8-0-0** (Covey, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, "aye"; no "nays"; none "abstaining"; Craddock, Doctor, Walker, "absent") to recommend **APPROVAL** of the IL zoning for Z-7546 per staff recommendation.

Legal Description for Z-7546:

Lot 1, Block 1, Golden Valley, Less the following; beginning at the northeast corner, thence South 161.50, thence west 385.22, thence North 161.48, thence East 383.53 feet to the point of beginning for Detention Basin.

* * * * *

17. Z-7547 Stephan Schuller (CD 2) Location: South of the southeast corner of Southwest Boulevard and South 33rd West Avenue requesting rezoning from **IL and RS-3 to CS**

STAFF RECOMMENDATION:
SECTION I: Z-7547

DEVELOPMENT CONCEPT: Applicant has submitted a request for CS zoning. Concurrently a request for abandonment of South 32nd West Avenue is being processed.

DETAILED STAFF RECOMMENDATION:

Case Z-7547 request CS zoning and is consistent with the expected development pattern in the area and,

Uses normally associated with CS zoning are not injurious to the surrounding property owners and,

CS zoning is consistent with the Town Center land use vision in the Tulsa Comprehensive Plan and the Existing Neighborhood Land use designation

abutting highway I-244 will be modified in a future land use map update therefore,

Staff recommends Approval of Z-7547 to rezone property from IL and RS-3 to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: CS zoning is consistent with the Town Center land use designation of the Comprehensive Plan. A portion of the site is considered an Existing Neighborhood. That area is adjacent to I-244 and 33rd West Avenue. The Existing Neighborhood land use designation on this site will be re-evaluated in the Comprehensive Plan update process.

Land Use Vision:

Land Use Plan map designation: Town Center, Existing Neighborhood (south of 32nd West Ave.)

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.

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 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: Urban Arterial without any special designation.

Trail System Master Plan Considerations: None

Small Area Plan: Southwest Tulsa Neighborhood Revitalization Plan

This plan was effective in two phases. Phase 1 was effective in May 2009. Phase 2 was effective June 2011. This plan provides general guidance for Southwest Boulevard Design Considerations related to Capital Improvements plans and vision projects. The intersection of 33rd West Avenue at Southwest Blvd is considered a node and Gateway opportunity for future redevelopment opportunities. Several places in the plan mention opportunities for sidewalk improvements and walkability improvements.

Special District Considerations: This site is part of the Route 66 Corridor Overlay which supports neon signage beyond what is allowed in other parts of the City.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is generally underutilized with a substandard street and substandard street right of way in the middle of the site, Building shown on the aerial photo have been removed.*



Environmental Considerations: No environmental concerns that would affect site redevelopment.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
33 rd West Avenue	Urban Arterial	70 feet	4

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	IL	Town Center	Growth	Commercial
East	IL and CS	Town Center	Growth	Commercial
South	RS-3 (Highway right of way)	Existing Neighborhood	Growth	Expressway
West	IL	Town Center	Growth	Mixed commercial and office uses

SECTION III: Relevant Zoning History

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

Subject Property:

BOA-15474 July 1990: The Board of Adjustment **approved** a *Minor Variance* of the rear yard setback requirement from 25' to 20' to permit construction of an attached garage, per plot plan submitted, finding a hardship demonstrated by the corner lot location, with required major setbacks from two streets, on property located at 1203 East 25th Street.

BOA-15059 February 1989: The Board of Adjustment **approved** a *Special Exception* to allow for a restaurant in an IL zoned district and a *Variance* of setback from the centerline of 33rd West Avenue from 100' to 65', per plot plan submitted, finding that there are other structures in the immediate area that are closer to the street than the proposed building, on property located at 4407 South 33rd West Avenue.

BOA-13474 February 1985: The Board of Adjustment **approved** a *Variance* of the required setback from the centerline of the abutting streets to permit expansion of an existing service station in an IL zoned district, finding that the irregular shape of the lot and the existing setbacks allow insufficient space for the structure, on property located at 3204 West 45th Street South.

Surrounding Property:

BOA-19491 December 2002: The Board of Adjustment **approved** a *Variance* of the requirement that a funeral home which provides a chapel or assembly area shall have a minimum lot area of one acre, contingent upon permission to use the 31 additional parking spaces available no matter who owns that property, finding the applicant had all the approvals by the City of Tulsa and State of Oklahoma to operate a funeral home and that there are numerous funeral homes operating on less than one acre in the City of Tulsa, on property located at 4424 South 33rd West Avenue.

Z-6787 October 2000: All concurred in **approval** of a request for *rezoning* a 2.3± acre tract of land from IL to CS for commercial, on property located south side of Southwest Boulevard between West 42nd Street and West 43rd Street.

BOA-17596 December 1996: The Board of Adjustment **approved** a *Special Exception* allow retail sales (automotive parts) in an IL district, on property located at 4363 Southwest Boulevard.

BOA-12205 September 1982: The Board of Adjustment **approved** a *Special Exception* to operate Use Unit 13- Convenience Goods and Services and Use Unit 14- Shopping Goods and Services in an IL zoned district and a *Variance* of the setback from the centerline of Southwest Boulevard, per plans submitted, on property located at north and east of the northeast corner of 45th Street and 34th West Avenue..

BOA-09159 August 1976: The Board of Adjustment **approved** an *Exception* to operate a restaurant with expansion per plot plan in an IL District, on property located at 4335 Southwest Boulevard.

BOA-08854 December 1975: The Board of Adjustment **approved** an *Exception* to operate uses permitted in Use Units 13 and 14 in an IL District, on property located at 4422 South 33rd West Avenue.

BOA-08699 August 1975: The Board of Adjustment **approved** an *Exception* to operate a restaurant in an IL District, on property located at 4422 South 33rd West Avenue.

BOA-07134 September 1971: The Board of Adjustment **approved** a *Special Exception* to erect and operate a Goodyear Service Store in an IL District, on property located at Lost, 4,5,6 and the Northeasterly Half of Lot 7, Block 8, Park Addition to the City of Tulsa, Oklahoma.

BOA-05734 March 1968: The Board of Adjustment **approved** an *Exception* to permit a children's day nursery in conjunction with church use in a U-1C, on property located at 3311 East 41st Street.

The applicant indicated his agreement with staff's recommendation.

Interested Parties:

Lawrence Pyle 5408 East 108th Street, Tulsa, OK 74146

Mr. Pyle stated he owns the property at 3208 West 43rd Place it is the old Crystal City Bowling Alley and he wanted to know if the road would be closed to access the shopping center.

The applicant stated the closing of the street is separate from the zoning request. The street closing is still pending with the City of Tulsa. The applicant stated the bowling alley will still have plenty of access from Southwest Boulevard.

Mr. Pyle asked if there would be a separate notice sent out for the closing of the street.

The applicant stated "yes" there would be a separate notice.

TMAPC Action; 8 members present:

On **MOTION** of **McARTOR**, TMAPC voted **8-0-0** (Covey, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, "aye"; no "nays"; none "abstaining"; Craddock, Doctor, Walker, "absent") to recommend **APPROVAL** of the CS zoning for Z-7547 per staff recommendation.

Legal Description for Z-7547:

Lots Twelve (12) and Thirteen (13), and the Southeasterly Five (5) feet of Lot Fourteen (14) adjoining 32nd West Avenue [formerly Cedar Avenue], all in Block Eight (8), AND the adjoining street rights of way of 33rd West Avenue, 45th Street, and 32nd West Avenue, AND a long-abandoned remnant of 45th Street [formerly Interurban Street], situated between and adjoining Lot Eight (8), Block Nine (9), and an undesignated parcel to the South and Southwest thereof, extending Southeasterly from 32nd West Avenue [formerly Cedar Avenue] to the highway right of way, AND the adjoining street right of way of 32nd West Avenue [formerly Cedar Avenue] to the center line thereof, AND the street right of way of 32nd West Avenue [formerly Cedar Avenue] abutting and adjoining a part of Lots Five (5), Six (6), Seven (7) and Eight (8), Block Nine (9), described as follows: Beginning at the Northwest corner of said Lot Five (5), thence South 43°28'59" East along the northerly line of said Lot Five (5) for a distance of 73.43 feet to the highway right of way, thence South 48°29'04" West along said right of way for a distance of 233.59 feet; thence North 64°40'49" West for a distance of 70.15 feet to the Southwest corner of said Lot Eight (8); thence North 46°30'56" East along the westerly line of said Block Nine (9) for a distance of 258.82 feet to the Point of Beginning, between such property and the center line of 32nd West Avenue [formerly Cedar Avenue],

All in PARK ADDITION to Red Fork, now City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof; AND a tract of land that is partly in the North One Hundred Fifty (150) feet of the Southwest Quarter of the Southwest Quarter of the Northwest Quarter (SW/4 SW/4 NW/4) and partly in the Northwest Quarter of the Southwest Quarter of the Northwest Quarter (NW/4 SW/4 NW/4) of Section Twenty-seven (27), Township Nineteen (19) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States government survey thereof, said tract being described by distance and Oklahoma State Plane Coordinate System Bearings as follows, to-wit: Beginning at a point on the Northerly line of said SW/4 of the SW/4 of the NW/4, said point being 50 feet easterly of the Northwest corner thereof; thence southerly parallel to the West line thereof for 80 feet; thence South 42°36'45" East for 53.93 feet; thence North 47°23'15" East for 260.20 feet; thence North 56°42'29" West for 76.52 feet; thence southwesterly and southerly along a curve to the left with radius of 107.85 feet for 102.24 feet to a point on the northerly line of said SW/4 of the SW/4 of the NW/4; thence westerly along the northerly line for 154.54 feet to the Point of Beginning, AND the adjoining street rights of way of 33rd West Avenue, 45th Street, and 32nd West Avenue, **All as more particularly and precisely described as follows** (this legal description was prepared on February 17, 2020 by Jay P. Bissell, Oklahoma Licensed Land Surveyor No. 1318), **encompassing the lands described above:**

A tract of land that is part of the Southwest Quarter of the Southwest Quarter of the Northwest Quarter (SW/4 SW/4 NW/4), and part of the Northwest Quarter of the Southwest Quarter of the Northwest Quarter (NW/4 SW/4 NW/4), and all of Lots Twelve (12) and Thirteen (13) of Block Eight (8), and part of Lot Fourteen (14) of Block Eight (8), Park Addition to Red Fork, now an addition to the City of Tulsa, Tulsa County, Oklahoma; and the vacated portions of South 32nd West Avenue and West 45th Street situated in Park Addition, all in Section Twenty-Seven (27), Township Nineteen (19) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof and being more fully described as follows: Beginning at a Point on the northerly line of said SW/4 SW/4 NW/4 and the southerly line of said South 32nd West Avenue, said point being 50 feet easterly of the Northwest corner thereof; thence North 00°51'20" West parallel with the west line thereof, a distance of 32.98 feet to the northerly line of South 32nd West Avenue and the southerly line of said Lot 12; thence South 89°03'45" West along said line, a distance of 20.00 feet to the Southwest corner of said Lot 12; thence North 00°51'20" West along the West line of said Lots 12 and 13, a distance of 120.00 feet to the Northwest corner of said Lot 13; thence South 73°52'11" East along the northerly line of said Lot 13, a distance of 149.19 feet; thence on a curve to the right being parallel with and 5.00 feet northwesterly of the southeasterly line of said Lot 14, having a radius of 166.00 feet, a chord bearing and distance of North 39°14'50" East, 42.40 feet, for an arc distance of 42.51 feet to the northeasterly line of said Lot 14; thence South 45°31'45" East

along said northeasterly line, a distance of 5.00 feet to the southeasterly corner of said Lot 14; thence North 46°30'58" East along the southerly line of said Block Eight (8), a distance of 195.00 feet; thence South 43°31'37" East, a distance of 49.98 feet to the northeasterly corner of Lot Seven (7) of said Block Nine (9); thence South 46°30'56" West along the northerly line of said Block Nine (9), a distance of 158.82 feet, thence South 64°40'49" East, a distance of 70.15 feet to the northerly right of way of Red Fork Expressway; thence South 50°54'51" West along said northerly right of way, a distance of 62.33 feet; thence South 46°31'55" West along said northerly right of way, a distance of 260.20 feet; thence North 43°28'05" West, a distance of 53.93 feet; thence North 00°51'20" West parallel with the West line of said SW/4 SW/4 NW/4, a distance of 80.00 feet to the Point of Beginning, containing 51,798.32 square feet or 1.19 acres.

* * * * *

18. **Z-7549 Mark Capron** (CD 2) Location: East of the southeast corner of West 81st Street South and South 33rd West Avenue requesting rezoning from **AG** to **AG-R**

STAFF RECOMMENDATION:
SECTION I: Z-7549

DEVELOPMENT CONCEPT: The applicant has requested rezoning to allow large lot single-family residential development on property abutting W. 81st Street South.

DETAILED STAFF RECOMMENDATION:

Z-7549 requests AG-R zoning without a development plan for residential development. The planned development will include single households in a detached house. Single family residential uses in this location are consistent with the Existing Neighborhood land use designation in the Comprehensive Plan and in the West Highlands/Tulsa Hills Small Area Plan and,

One of the goals of the West Highlands/Tulsa Hills Small Area Plan included AG-R zoning as an option for rural residential uses recommended by the West Highlands/Tulsa Hills Small Area Plan and,

AG-R zoning is consistent with the provisions identified in an Area of Stability as outlined in the Tulsa Comprehensive Plan, and is consistent with the large lot neighborhood character expected in the small area plan and,

AG-R zoning allows a lot density that is consistent with the existing and expected land use pattern in the area south of West 81st Street South. A much greater lot density is allowed north of this site and was established years ago without sanitary sewer availability. The existing zoning in those areas would allow property to be developed with RS-3 lots with a minimum of 6900 square feet when connected to a sanitary sewer system. The City of Tulsa has recently

completed sanitary sewer construction south of this site that would allow much greater density on property that is currently zoned RS-3 and,

City Council has initiated a volunteer rezoning program for property owners to rezone properties in this area to AG-R at no cost, but this request is not part of that program. The lot setbacks and building regulations included in the property included in this AG-R request meet or exceed the standards defined in the Tulsa Zoning Code therefore,

Staff recommends approval of Z-7549 to rezone property from AG to AG-R.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Within the West Highlands/Tulsa Hills Small Area Plan a development concept illustrates a single family residential development with a variety of lot sizes, greenspace wildlife corridor for local fauna and a perimeter greenspace buffer that summarize the goals for a context sensitive neighborhood. Without using an optional development plan or recommending a larger lot zoning designation staff does not have any regulatory method to support the visioning concepts illustrated in the plan.

Land Use Vision:

Land Use Plan map designation: Existing Neighborhood

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

Areas of Stability and Growth designation: Area of Stability

The Areas of Stability includes approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability.

The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the

unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

Transportation Vision:

Major Street and Highway Plan: None that would affect site development

Trail System Master Plan Considerations: None that affect site development

Small Area Plan: West Highlands Small Area Plan (Adopted 2014)

The recommendations of the small area plan include many references to supporting residential single family uses within a rural context and a rural residential zoning use. Revisions to the Tulsa Zoning Code have implemented those concepts within the AG-R zoning that was added to the code in 2019.

Special District Considerations: None except those design considerations recommended in the West Highlands/Tulsa Hills Small Area Plan

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site abuts property on the south that does not have a public connection to any street. The preliminary plat will require access to the West 81st Street South anticipating future development. Street connectivity is an important consideration in the West Highlands/Tulsa Hills Small Area Plan and in the Tulsa Comprehensive Plan.

Environmental Considerations: The subject property is part of an ongoing stormwater drainage study by the City of Tulsa that may affect building placement and lot configurations.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West 81 st Street South	Secondary Arterial	100 feet	2

Utilities:

The subject tract has municipal water available.

A City of Tulsa sanitary sewer extension will be required to serve this site from approximately ½ mile south of the south boundary of the site.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-3	Existing Neighborhood	Stability	Large lot single family homes
East	AG	Existing Neighborhood	Stability	One single family home
South	AG	Existing Neighborhood	Stability	Undeveloped
West	RS-3	Existing Neighborhood	Stability	Single family homes

SECTION III: Relevant Zoning History

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

Subject Property:

Z-7471 ODP July 2019: All concurred in **denial** of a request for *rezoning* a 14.69± acre tract of land from AG to RS-1 for Single-family residential, on property located east of the southeast corner of West 81st Street South and South 33rd West Avenue.

Z-7446 ODP July 2018: All concurred in **denial** of a request for *rezoning* a 14.69± acre tract of land from AG to RS-1 for Single-family residential, on property located east of the southeast corner of West 81st Street South and South 33rd West Avenue.

Z-7421 ODP February 2018: All concurred in **denial** of a request for *rezoning* a 15± acre tract of land from AG to RS-2 for Single-family residential, on property located east of the southeast corner of West 81st Street South and South 33rd West Avenue.

BOA-11166 September 1980: The Board of Adjustment **approved** an *Exception* to permit a mobile home in an AG District for a period of 10-years, or until such time as the dairy ceases to operate, whichever comes first, on property located at 3006 West 81st Street.

Surrounding Property:

BOA-17934 February 1998: The Board of Adjustment **denied** a *Variance* to allow 2 dwelling units on one lot of record, a *Special Exception* to allow a manufactured home in an RS-3 zoned district, and a *Variance* of the one year time limit to allow the manufactured home permanently, on property located east of the northeast corner of West 81st Street South and South 33rd West Avenue.

BOA-15954 February 1992: The Board of Adjustment **denied** a *Special Exception* to permit a community group home in an RS-3 zoned district, on property located east of the northeast corner of West 81st Street South and South 33rd West Avenue.

The applicant indicated his agreement with staff's recommendation.

Interested Parties:

Sylvia Powell 8611 South 33rd West Avenue, Tulsa, OK 74132

Ms. Powell left a message via Go To Meeting chat. Mr. Foster read her comment into the record.

Ms. Powell stated she had a prior commitment and would like to ask committee members to deny this request until City of Tulsa stormwater studies are complete. She stated the subject property is north of her pasture and the run-off already causes flooding to her property and north and south. Ms. Powell stated there is a sewer line but it is not accessible to this area. She stated stormwater management does not protect property owners with acreage, these are not regular lot sizes.

The applicant stated with regards to stormwater design and sanitary sewer these are always things people are concerned about for good reason. He stated this will be followed with a lot split and that would be the time Engineering Services will review the engineering plan including stormwater. The applicant stated his client doesn't have any plans at this time to do anything with the property.

TMAPC Action; 8 members present:

On **MOTION** of **McARTOR**, TMAPC voted **8-0-0** (Covey, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, "aye"; no "nays"; none "abstaining"; Craddock, Doctor, Walker, "absent") to recommend **APPROVAL** of the AG-R zoning for Z-7549 per staff recommendation.

Legal Description for Z-7549:

A TRACT OF LAND IN THE NORTHWEST QUARTER (NW/4) OF SECTION 15, 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, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NW/4; THENCE SOUTH 88°31'48" WEST ALONG THE NORTH LINE OF SAID NW/4 FOR 1656.70 FEET TO THE POINT OF BEGINNING; THENCE S01°16'21"E FOR A DISTANCE OF 341.00 FEET; THENCE

S88°31'49"W FOR A DISTANCE OF 495.00 FEET; THENCE N01°16'22"W FOR A DISTANCE OF 341.00 FEET; THENCE N88°31'48"E A DISTANCE OF 495.00 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINS 168,794 SQUARE FEET OR 3.87 ACRES MORE OR LESS.

LEGAL DESCRIPTION WAS PREPARED ON MARCH 19, 2020 BY CLIFF BENNETT, PLS #1815 WITH THE BEARINGS BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 15 T-18-N, R-12-E AS S88°31'48"W.

* * * * *

Items 19 and 20 were presented together. Mr. Ray was having audio issues and did not vote on these items.

19. **Z-7551 Tanner Consulting, LLC/Erik Enyart** (CD 7) Location: Southeast corner of East 61st Street South and South 76th East Avenue requesting rezoning from **CS and RS-3 to CS, (related to PUD-202-F)**

STAFF RECOMMENDATION:
SECTION I: Z-7551

DEVELOPMENT CONCEPT: The applicant is proposing to abandon a portion of PUD-202 (Case PUD-202-F) and rezone that portion from CS and RS-3 to CS in order to permit the construction of a new office building at this location. If approved, the current PUD development standards would no longer apply to the subject area and new development would be required to comply with the zoning requirements of the CS zone.

Per the analysis provided by the applicant, if this portion of PUD-202 is abandoned, the remainder of PUD-202, Development Area H, which the subject site is currently a portion of, would have a remaining available floor area of 83,339 SF, which would allow for the future development of PUD-202 Development Area H.

DETAILED STAFF RECOMMENDATION:

The rezoning request included in Z-7551 is consistent with the land use vision in the Tulsa Comprehensive Plan and,

Rezoning request is non-injurious to the existing proximate properties and,

CS rezoning requested is consistent with the anticipated future development of the surrounding property therefore,

Staff recommends Approval of Z-7551 to rezone property from CS and RS-3 to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The subject site is located in a Town Center Land Use designation and an Area of Growth. An office building, as proposed, would be compatible with the Town Center designation by providing spaces for various business and provide employment to the area.

Land Use Plan map designation: Town Center

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

Areas of Stability and Growth designation: Area of Growth

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

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

Transportation Vision:

Major Street and Highway Plan: E 61st 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 contains a former convenience/gas station.*

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
E 61 st St S	Secondary Arterial	100 Feet	5

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	CH/RS-3	Existing Neighborhood	Growth/Stability	Multifamily
South	CS	Town Center	Growth	Commercial/Office
East	CS	Town Center	Growth	Commercial/Office
West	CS	Town Center	Growth	Convenience Store

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 12459 dated May 8, 1972 and Ordinance number 13996 dated December 5, 1977 established the current zoning for the subject property.

Subject Property:

PUD-202 November 1977: All concurred in **approval** of a proposed *Planned Unit Development* on a 46.35± acre tract of land for commercial, office, and church uses, on property located southwest corner of 61st Street and Memorial Boulevard (this area includes the subject property and the surrounding area), subject to the following conditions (Ordinance No.13996):

1. That the applicant's text and plot plan be incorporated as conditions of approval unless modified herein.
2. Development Area "H" (commercial) standards.
 - a. Net site area: 20.45 acres
 - b. Permitted uses: uses permitted by right in the CS District
 - c. Maximum floor area: 445,000 square feet
 - d. Building height, parking, and setbacks: as provided in the CS District, and appropriate use unit category, except no building structure of greater than two stories shall be permitted within the western 400' of the PUD.
3. Development Area "I" (office) standards.
 - a. Net site area: 14.44 acres
 - b. Permitted uses: uses permitted by right in the OM District
 - c. Maximum floor area: 314,000 square feet
 - d. Building height, parking, and setbacks: as provided in the OM District, and appropriate use unit category, except no building structure of greater than two stories shall be permitted within the western 400' of the PUD.
4. Development Area "J" (church) standards.
 - a. Net site area: .74 acres. This portion of the tract is to be added to a larger church site to the south and developed as a unit.
 - b. Permitted uses: church and accessory uses
 - c. Building height, yards, setback, parking, and livability space: as provided in the RM-1 District
5. That a detailed site plan be submitted and approved by the TMAPC for each development area prior to the issuance of any building permit.
6. That a minimum of 14% of the net site area be reserved and maintained as landscaped open space and shall not include vehicular parking or vehicular accessways.
7. That the drainage and detention plans be approved by the City Engineer; and that the City Traffic Engineer approve the traffic circulation and access points.

8. That the commercial ground signs shall comply with Section 1130.2 (b) of the Tulsa Zoning Code and be submitted for TMAPC review and approval prior to issuance of any permit.
9. That Sections 1100-1170 of the Tulsa Zoning Code shall apply.
10. That a subdivision plat covering the total PUD area be approved by the TMAPC and filed of record in the County Clerk's office prior to the issuance of any building permits, incorporating within the restrictive covenants the PUD conditions of approval and that the City of Tulsa be made beneficiary to those covenants.

Z-4109 April 1972 : All concurred in **approval** of a request for *rezoning* a 278.3± acre tract of land from CS/OM/RS-3 to AG for Commercial, Office, and Single-family residential, on property located East 61st Street South to East 71st Street South and South Sheridan to South Memorial. This rezoning includes the subject property, as well as surrounding areas. (Ordinance No. 12459)

Ordinance number 11829 dated June 26, 1970 established zoning for the subject property.

Surrounding Property:

Z-7407 October 2017: All concurred in **approval** of a request for *rezoning* a 7.77± acre tract of land from RS-3 to CG for commercial, on property located south of the southeast corner of South 75th East Avenue and East 61st Street.

Z-7393 ODP Withdrawn July 2017 : A request for *rezoning* a 6.5± acre tract of land from RS-3 to CG for mini-storage and carwash, on property located south of the southeast corner of South 75th East Avenue and East 61st Street was filed April 6th, 2017 and withdrawn July 11th, 2017.

PUD-93-C June 2006: All concurred in **approval** of a proposed *Major Amendment* to PUD on a 32.166± acre tract of land for the closure, privatization, and gating of public streets for a gated community, on property located northwest of the northwest corner of East 61st Street South and South Memorial Drive.

Z-7335 ODP May 2016: All concurred in **approval** of a request for *rezoning* a 2.16± acre tract of land from RS-3 to CS for a Quiktrip, on property located southwest corner of East 61st Street South and South 76th East Avenue.

PUD-202-E October 2011: All concurred in **approval** of a proposed *Major Amendment* to PUD on a 5± acre tract of land for the addition of

Antenna and Supporting Structure within Use Unit 4- Protection and Utilities as a permitted use within PUD-202 to allow an antenna to be placed atop one of the multi-story office buildings, on property located southwest corner of East 63rd Street and South Memorial Drive. This action is limited to the properties identified as Lots 1 and 2, Block 2 Shadow Mountain II with all other terms and conditions of PUD-202 and subsequent amendments remaining effective unless modified herein.

PUD-202-D December 2002: All concurred in **approval** of a proposed *Major Amendment* to PUD on a 5± acre tract of land to allow some Use Unit 15- Other Trades and Services uses in accessory to the principal office use and limited use of the detention facility for the testing of rods and reels, on property located northeast corner of East 63rd Street and South 76th East Avenue, subject to the following conditions:

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.

2. Development Standards

Permitted Uses:

Those uses permitted by right in an CS district, and the testing of fishing rods and reels as included in Use Unit 15 as an accessory use to the principal office use.

Maximum Building Floor Area of Use Unit 15 Uses:

Five percent of the actual floor area of the principal office use.

Outdoor testing of Rods and Reels:

There shall be no testing along the north boundary of the detention facility.

Detention Area:

No fence, wall planting, building, or other obstruction may be placed or maintained within the detention area without written approval of the City of Tulsa.

3. Except as above modified, the development standards established pursuant to the initial approval of PUD-202 shall remain applicable.

PUD-585 May 1998: All concurred in **approval** of a proposed *Planned Unit Development* on a 3.59± acre tract of land for a hotel and office building, including Use Unit 4 in permitted uses, on property located southwest corner of East 61st Street and South Memorial Drive.

PUD-202-C December 1982: All concurred in **approval** of a proposed *Major Amendment* to PUD on a 2.3± acre tract of land for a private club on the ground floor of the office building, on property located southwest corner of East 63rd Street and South Memorial Drive.

PUD-202-B September 1981: All concurred in **approval** of a proposed *Major Amendment* to PUD on a 15.943± acre tract of increase the maximum allowable office floor area to 273,104 square feet, on property located southwest corner of 63rd Street and Memorial Drive. As the square footage could be transferred, the applicant's requested amendment was within the square footage amounts permitted by the underlying zoning, and the amendments stand on their own zoning properties, this amendment was approved with the following conditions:

1. That the applicant's requested footages, parking, and landscape are figures shall apply per Site Plan submitted.
2. That office development on Lot 1, Block 3 be limited to 2 stories in height per PUD-202.
3. That Detailed Site Plans be submitted and approved by TMAPC before issuance of building permits for Lots 1 & 2, Block 2 and Lot 1, Block 3.
4. That amended covenants, as approved by the TMAPC and City Legal Department, be filed of record in the County Clerk's Office prior to development of Lots 1 & 2, Block 2 and Lot 1, Block 3.

PUD-202-A May 1981: All concurred in **approval** of a proposed *Major Amendment to Abandon* a portion of PUD-202, on a 5.92± acre tract of land located southwest corner of 61st Street and Memorial Drive. This left PUD-202 with a remainder of 40.44 acres and reduced the maximum floor area to 744,397 square feet, of which 672,500 square feet had been allocated (428,000 square feet to Crow-Dobbs Office Park and 244,500 square feet to Shadow Mountain II).

Z-5996 October 1984: All concurred in **approval** of a request for *rezoning* a 1± acre tract of land from OM to CS for Commercial, on property located south of the southwest corner of 61st Street and Memorial Drive.

PUD-93 September 1970: All concurred in **approval** of a proposed *Planned Unit Development* on a 27± acre tract of land for single-family residences, duplexes, and apartments, on property located northwest of the northwest corner of East 61st Street South and South Memorial Drive.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **COVEY**, TMAPC voted **7-0-1** (Covey, Kimbrel, McArtor, Reeds, Ritchey, Shivel, Van Cleave, "aye"; no "nays"; Ray, "abstaining"; Craddock, Doctor, Walker, "absent") to recommend **APPROVAL** of the CS zoning for Z-7551 per staff recommendation.

Legal Description for Z-7551:

PART OF LOT 4, BLOCK 1, "TRIAD CENTER", A SUBDIVISION IN THE NORTH HALF OF THE NORTHEAST QUARTER (N/2 NE/4) OF SECTION TWO (2), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 4665), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT NORTHEAST CORNER OF SAID LOT 4; THENCE SOUTH 88°42'38" WEST AND ALONG THE NORTHERLY LINE OF SAID LOT 4, FOR A DISTANCE OF 449.39 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 1°17'22" EAST FOR A DISTANCE OF 129.04 FEET; THENCE SOUTH 43°36'53" WEST FOR A DISTANCE OF 100.19 FEET; THENCE SOUTH 88°42'38" WEST FOR A DISTANCE OF 304.28 FEET TO A POINT ON THE WEST LINE OF SAID LOT 4; THENCE NORTH 1°17'22" WEST AND ALONG SAID WEST LINE, FOR A DISTANCE OF 170.00 FEET TO A POINT OF CURVATURE; THENCE ALONG A 30.00 FOOT RADIUS CURVE TO THE RIGHT AND CONTINUING ALONG SAID WEST LINE, HAVING A CENTRAL ANGLE OF 90°00'00", A CHORD BEARING AND DISTANCE OF NORTH 43°42'38" EAST FOR 42.43 FEET, FOR AN ARC DISTANCE OF 47.12 FEET TO THE POINT OF TANGENCY, SAID POINT BEING ON THE NORTH LINE OF SAID LOT 4; THENCE NORTH 88°42'38" EAST AND ALONG SAID NORTH LINE, FOR A DISTANCE OF 345.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINING 72,299 SQUARE FEET OR 1.660 ACRES.

* * * * *

20. **PUD-202-F Tanner Consulting, LLC/Erik Enyart** (CD 7) Location: Southeast corner of East 61st Street South and South 76th East Avenue requesting a **PUD Major Amendment** to abandon **PUD-202 (related to Z-7551)**

STAFF RECOMMENDATION:

SECTION I: PUD-202-F

DEVELOPMENT CONCEPT: The applicant is proposing to abandon a portion of PUD-202, in association with a rezoning request (Z-7551) for CS zoning in order to construct an office building. The remainder of PUD-202 would retain the same development standards that currently exist, with the exception that the allowable floor area for Development Area H would be reduced by 27,369 SF due to the loss of the subject site and its allocation of allowable floor area. Based on the analysis provided by the applicant and included with this report, PUD-202, Development Area H would have a remaining 83,339 SF of available floor area after the subject site is abandoned.

DETAILED STAFF RECOMMENDATION:

The abandonment request included in PUD-202-F is consistent with the land use vision in the Tulsa Comprehensive Plan and,

Rezoning/Abandonment request is non-injurious to the existing proximate properties and,

Abandonment requested as well as CS rezoning requested in related case Z-7551 are consistent with the anticipated future development of the surrounding property therefore,

Staff recommends Approval of PUD-202-F to abandon a portion of PUD-202.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The subject site is located in a Town Center land use designation and an Area of Growth. An office building, as proposed, would be compatible with the Town Center designation by providing spaces for various business and provide employment to the area.

Land Use Vision:

Land Use Plan map designation: Town Center

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

Areas of Stability and Growth designation: Area of Growth

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

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

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

Transportation Vision:

Major Street and Highway Plan: E 61st 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 contains a former convenience/gas station.*

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
E 61 st St S	Secondary Arterial	100 Feet	5

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing	Existing Land	Area of	Existing Use
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	Zoning	Use Designation	Stability or Growth	
North	CH/RS-3	Existing Neighborhood	Growth/Stability	Multifamily
South	CS	Town Center	Growth	Commercial/Office
East	CS	Town Center	Growth	Commercial/Office
West	CS	Town Center	Growth	Convenience Store

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 12459 dated May 8, 1972 and Ordinance number 13996 dated December 5, 1977 established the current zoning for the subject property.

Subject Property:

PUD-202 November 1977: All concurred in **approval** of a proposed *Planned Unit Development* on a 46.35± acre tract of land for commercial, office, and church uses, on property located southwest corner of 61st Street and Memorial Boulevard (this area includes the subject property and the surrounding area), subject to the following conditions (Ordinance No.13996):

1. That the applicant's text and plot plan be incorporated as conditions of approval unless modified herein.
2. Development Area "H" (commercial) standards.
 - a. Net site area: 20.45 acres
 - b. Permitted uses: uses permitted by right in the CS District
 - c. Maximum floor area: 445,000 square feet
 - d. Building height, parking, and setbacks: as provided in the CS District, and appropriate use unit category, except no building structure of greater than two stories shall be permitted within the western 400' of the PUD.
3. Development Area "I" (office) standards.
 - a. Net site area: 14.44 acres
 - b. Permitted uses: uses permitted by right in the OM District
 - c. Maximum floor area: 314,000 square feet
 - d. Building height, parking, and setbacks: as provided in the OM District, and appropriate use unit category, except no building structure of greater than two stories shall be permitted within the western 400' of the PUD.
4. Development Area "J" (church) standards.

- a. Net site area: .74 acres. This portion of the tract is to be added to a larger church site to the south and developed as a unit.
 - b. Permitted uses: church and accessory uses
 - c. Building height, yards, setback, parking, and livability space: as provided in the RM-1 District
- 5. That a detailed site plan be submitted and approved by the TMAPC for each development area prior to the issuance of any building permit.
- 6. That a minimum of 14% of the net site area be reserved and maintained as landscaped open space and shall not include vehicular parking or vehicular accessways.
- 7. That the drainage and detention plans be approved by the City Engineer; and that the City Traffic Engineer approve the traffic circulation and access points.
- 8. That the commercial ground signs shall comply with Section 1130.2 (b) of the Tulsa Zoning Code and be submitted for TMAPC review and approval prior to issuance of any permit.
- 9. That Sections 1100-1170 of the Tulsa Zoning Code shall apply.
- 10. That a subdivision plat covering the total PUD area be approved by the TMAPC and filed of record in the County Clerk's office prior to the issuance of any building permits, incorporating within the restrictive covenants the PUD conditions of approval and that the City of Tulsa be made beneficiary to those covenants.

Z-4109 April 1972 : All concurred in **approval** of a request for *rezoning* a 278.3± acre tract of land from CS/OM/RS-3 to AG for Commercial, Office, and Single-family residential, on property located East 61st Street South to East 71st Street South and South Sheridan to South Memorial. This rezoning includes the subject property, as well as surrounding areas. (Ordinance No. 12459)

Ordinance number 11829 dated June 26, 1970 established zoning for the subject property.

Surrounding Property:

Z-7407 October 2017: All concurred in **approval** of a request for *rezoning* a 7.77± acre tract of land from RS-3 to CG for commercial, on

property located south of the southeast corner of South 75th East Avenue and East 61st Street.

Z-7393 ODP Withdrawn July 2017 : A request for *rezoning* a 6.5± acre tract of land from RS-3 to CG for mini-storage and carwash, on property located south of the southeast corner of South 75th East Avenue and East 61st Street was filed April 6th, 2017 and withdrawn July 11th, 2017.

PUD-93-C June 2006: All concurred in **approval** of a proposed *Major Amendment* to PUD on a 32.166± acre tract of land for the closure, privatization, and gating of public streets for a gated community, on property located northwest of the northwest corner of East 61st Street South and South Memorial Drive.

Z-7335 ODP May 2016: All concurred in **approval** of a request for *rezoning* a 2.16± acre tract of land from RS-3 to CS for a Quiktrip, on property located southwest corner of East 61st Street South and South 76th East Avenue.

PUD-202-E October 2011: All concurred in **approval** of a proposed *Major Amendment* to PUD on a 5± acre tract of land for the addition of Antenna and Supporting Structure within Use Unit 4- Protection and Utilities as a permitted use within PUD-202 to allow an antenna to be placed atop one of the multi-story office buildings, on property located southwest corner of East 63rd Street and South Memorial Drive. This action is limited to the properties identified as Lots 1 and 2, Block 2 Shadow Mountain II with all other terms and conditions of PUD-202 and subsequent amendments remaining effective unless modified herein.

PUD-202-D December 2002: All concurred in **approval** of a proposed *Major Amendment* to PUD on a 5± acre tract of land to allow some Use Unit 15- Other Trades and Services uses in accessory to the principal office use and limited use of the detention facility for the testing of rods and reels, on property located northeast corner of East 63rd Street and South 76th East Avenue, subject to the following conditions:

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.

2. Development Standards

Permitted Uses:

Those uses permitted by right in an CS district, and the testing of fishing rods and reels as included in Use Unit 15 as an accessory use to the principal office use.

Maximum Building Floor Area of Use Unit 15 Uses:

Five percent of the actual floor area of the principal office use.

Outdoor testing of Rods and Reels:

There shall be no testing along the north boundary of the detention facility.

Detention Area:

No fence, wall planting, building, or other obstruction may be placed or maintained within the detention area without written approval of the City of Tulsa.

3. Except as above modified, the development standards established pursuant to the initial approval of PUD-202 shall remain applicable.

PUD-585 May 1998: All concurred in **approval** of a proposed *Planned Unit Development* on a 3.59± acre tract of land for a hotel and office building, including Use Unit 4 in permitted uses, on property located southwest corner of East 61st Street and South Memorial Drive.

PUD-202-C December 1982: All concurred in **approval** of a proposed *Major Amendment* to PUD on a 2.3± acre tract of land for a private club on the ground floor of the office building, on property located southwest corner of East 63rd Street and South Memorial Drive.

PUD-202-B September 1981: All concurred in **approval** of a proposed *Major Amendment* to PUD on a 15.943± acre tract of increase the maximum allowable office floor area to 273,104 square feet, on property located southwest corner of 63rd Street and Memorial Drive. As the square footage could be transferred, the applicant's requested amendment was within the square footage amounts permitted by the underlying zoning, and the amendments stand on their own zoning properties, this amendment was approved with the following conditions:

1. That the applicant's requested footages, parking, and landscape are figures shall apply per Site Plan submitted.
2. That office development on Lot 1, Block 3 be limited to 2 stories in height per PUD-202.
3. That Detailed Site Plans be submitted and approved by TMAPC before issuance of building permits for Lots 1 & 2, Block 2 and Lot 1, Block 3.

4. That amended covenants, as approved by the TMAPC and City Legal Department, be filed of record in the County Clerk's Office prior to development of Lots 1 & 2, Block 2 and Lot 1, Block 3.

PUD-202-A May 1981: All concurred in **approval** of a proposed *Major Amendment to Abandon* a portion of PUD-202, on a 5.92± acre tract of land located southwest corner of 61st Street and Memorial Drive. This left PUD-202 with a remainder of 40.44 acres and reduced the maximum floor area to 744,397 square feet, of which 672,500 square feet had been allocated (428,000 square feet to Crow-Dobbs Office Park and 244,500 square feet to Shadow Mountain II).

Z-5996 October 1984: All concurred in **approval** of a request for *rezoning* a 1± acre tract of land from OM to CS for Commercial, on property located south of the southwest corner of 61st Street and Memorial Drive.

PUD-93 September 1970: All concurred in **approval** of a proposed *Planned Unit Development* on a 27± acre tract of land for single-family residences, duplexes, and apartments, on property located northwest of the northwest corner of East 61st Street South and South Memorial Drive.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **COVEY**, TMAPC voted **7-0-1** (Covey, Kimbrel, McArtor, Reeds, Ritchey, Shivel, Van Cleave, "aye"; no "nays"; Ray, "abstaining"; Craddock, Doctor, Walker, "absent") to recommend **APPROVAL** of the Abandonment for PUD-202-F per staff recommendation.

Legal Description for PUD-202-F:

PART OF LOT 4, BLOCK 1, "TRIAD CENTER", A SUBDIVISION IN THE NORTH HALF OF THE NORTHEAST QUARTER (N/2 NE/4) OF SECTION TWO (2), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 4665), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT NORTHEAST CORNER OF SAID LOT 4; THENCE SOUTH 88°42'38" WEST AND ALONG THE NORTHERLY LINE OF SAID LOT 4, FOR A DISTANCE OF 449.39 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 1°17'22" EAST FOR A DISTANCE OF 129.04 FEET; THENCE SOUTH 43°36'53" WEST FOR A DISTANCE OF 100.19 FEET; THENCE SOUTH 88°42'38" WEST FOR A DISTANCE OF 304.28 FEET TO A POINT ON THE WEST LINE OF SAID LOT 4; THENCE NORTH 1°17'22" WEST AND ALONG SAID WEST LINE, FOR A DISTANCE OF 170.00 FEET TO A POINT OF CURVATURE; THENCE ALONG A 30.00 FOOT RADIUS CURVE TO THE RIGHT AND CONTINUING ALONG SAID WEST LINE, HAVING A

CENTRAL ANGLE OF 90°00'00", A CHORD BEARING AND DISTANCE OF NORTH 43°42'38" EAST FOR 42.43 FEET, FOR AN ARC DISTANCE OF 47.12 FEET TO THE POINT OF TANGENCY, SAID POINT BEING ON THE NORTH LINE OF SAID LOT 4; THENCE NORTH 88°42'38" EAST AND ALONG SAID NORTH LINE, FOR A DISTANCE OF 345.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINING 72,299 SQUARE FEET OR 1.660 ACRES.

* * * * *

Mr. Ray worked out his audio issues and has resumed voting.

21. **ZCA-17** Consider various amendments to the City of Tulsa Zoning Code in the following sections: Chapter 15 Office, Commercial and Industrial Districts: Section 15.020 Use Regulations, Table 15-2: O, C, and I District Use Categories; Chapter 35 Building Types and Use Categories: Section 35.040 Public, Civic and Institutional Use Category, Section 35.040-G Governmental Service; Chapter 45 Accessory Uses and Structures: Section 45.080 Fences and Walls; Chapter 65 Landscaping and Screening: Section 65.060 Vehicular Use Area Buffers; Section 65.070 Screening; Section 65.080 Landscape and Screening Material; Chapter 67 Outdoor Lighting: Section 67.030 General Standards; Section 67.040 Lighting Plans; Chapter 70 Review and Approval Procedures: Section 70.080 Zoning Clearance and Permits; Section 70.110 Spacing and Separation Distance Verification; Chapter 95 Definitions: Section 95.220 Terms Beginning with "S" Sign, Campaign (Continued from April 1, 2020)

STAFF RECOMMENDATION:

Item

Consider various amendments to the City of Tulsa Zoning Code in the following sections: Chapter 15 Office, Commercial and Industrial Districts: Section 15.020 Use Regulations, Table 15-2: O, C, and I District Use Categories; Chapter 35 Building Types and Use Categories: Section 35.040 Public, Civic and Institutional Use Category, Section 35.040-G Governmental Service; Chapter 45 Accessory Uses and Structures: Section 45.080 Fences and Walls; Chapter 65 Landscaping and Screening: Section 65.060 Vehicular Use Area Buffers; Section 65.070 Screening; Section 65.080 Landscape and Screening Material; Chapter 67 Outdoor Lighting: Section 67.030 General Standards; Section 67.040 Lighting Plans; Chapter 70 Review and Approval Procedures: Section 70.080 Zoning Clearance and Permits; Section 70.110 Spacing and Separation Distance Verification; Chapter 95 Definitions: Section 95.220 Terms Beginning with "S" Sign, Campaign

Background

The City of Tulsa Zoning Code became effective on January 1, 2016. During the development of the zoning code, staff anticipated that cleanup items would be identified as implementation began in 2016. In early 2016, a zoning code implementation team was established and began meeting regularly to discuss situations where inconsistencies existed, clarification was needed, intent was not fully accomplished, and unintended consequences occurred. Since the effective date of the zoning code, staff has brought several rounds of general clean-up amendments through the approval process.

After a brief hiatus, the zoning code implementation team reconvened in November 2019 to address ongoing issues. The zoning code implementation team meets biweekly and consists of members of the Tulsa Planning Office, Development Services Department, and City Legal.

The amendments are a result of the zoning code implementation team's work. The proposed amendments are located in Chapters 15, 35, 45, 65, 67, 70, and 95 of the zoning code. Many proposed amendments are minor in nature. Staff presented the proposed amendments at the March 4, 2020 work session.

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

Staff Recommendation

Approval of the proposed amendments to the City of Tulsa Zoning Code as shown in the attachment

TMAPC Comments:

Ms. Kimbrel stated on page 21.5 number 3 of the packet the proposed change is to allow a Horticulture Nursery as a Special Exception in CG and CH zoning districts. Mr. Kimbrel stated currently there a grow facility is allowed in IL or IM with an optional development plan. She stated the suggested change is to allow a grow facility in CG and CH which is currently not allowed.

Staff stated it would be allowed by Special Exception which is heard at the Board of Adjustment on a case by case basis to see if it appropriate for that location. Staff stated if its in a CG or a CH zoning designation it takes it out of Planning Commission purview. She stated the applicant wouldn't have to rezone they would need to apply for a Special Exception instead.

Ms. Kimbrel asked if a medical marijuana dispensary had to go through Board of Adjustment to obtain a Spacing Verification and is it a public hearing.

Staff stated "yes".

Ms. Kimbrel stated by voting to make this administrative change are we removing the public's ability to speak on the Spacing Verifications for medical marijuana dispensaries.

Staff stated that is true but there is a problem that happens in that process. The BOA does not have the authority to say a dispensary is not appropriate for a specific location. She stated it's not about if a dispensary is an appropriate use it's about if its within a 1000 feet of another dispensary. Staff stated because it is a public meeting people will come and oppose that use when the Board doesn't have any authority to turn down the use. It is just for the applicant to present an exhibit of a map to show there is not another dispensary within that 1000 feet. Staff stated the Permit Center will look at a survey the applicant provides as part of the permit package versus sending the applicant back to a 45 day public hearing process to verify the 1000 feet requirement. Staff stated it avoids a lot of confusion for the public because currently a notice is sent out to the public only to have them come to the meeting and learn there is nothing that can be done as long as it is acceptable.

Ms. Kimbrel asked if the public would get notification if it is approved by the administration body.

Staff stated "no".

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Covey, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, "aye"; no "nays"; none "abstaining"; Craddock, Doctor, Walker, "absent") to recommend **ADOPTION** of ZCA-17 per staff recommendation.

* * * * *

22. **GO Plan** Consider adopting amendments to the GO Plan (Regional Bicycle/Pedestrian Master Plan) as an amendment to the Tulsa Comprehensive Plan.

STAFF RECOMMENDATION:

Item:

Consider adopting amendments to the GO Plan (Regional Bicycle/Pedestrian Master Plan) as an amendment to the Tulsa Comprehensive Plan.

Background:

The GO Plan is a guide to determine street design, but engineering constraints and planning judgements will be considered as street projects are designed and implemented, with connectivity of the overall network of bicycle and pedestrian facilities as the primary goal. During implementation, GO Plan recommendations will be cross-referenced with the latest version of the Highway Capacity Manual Multimodal Level of Service (MMLOS), Major Street and Highway Plan, Downtown Walkability Analysis, the Comprehensive Plan and other City of Tulsa planning documents to ensure the best levels of service are achieved for all users in the design process, and in choosing appropriate bicycle and pedestrian improvements.

The GO Plan was adopted by the TMAPC on August 16, 2017 and approved by City Council on August 30, 2017. Since adoption, several proposed amendments have been identified. The initial group of amendments, CPA-74, were adopted by the Tulsa Metropolitan Area Planning Commission with a resolution on August 15, 2018 and approved by City Council on September 12, 2018 (TMAPC Resolution No. 2776:985). The plan document can be found at <http://tulsaplanning.org/resources/plans/>.

There is a total of twenty City of Tulsa changes that are recommended for the 2019 cycle. These amendments were recommended by members of the Tulsa Planning Office, the Bicycle Pedestrian Advisory Committee, the City of Tulsa Engineering Services, the City of Tulsa Streets and Stormwater Division, and members of INCOG's Transportation Department. These requests came from recommendations found in the 11th & Lewis Streetscape Plans, the 36th Street North Small Area Plan, the Crutchfield Small Area Plan, the Unity Heritage Neighborhoods Plan, the Downtown Area Master Plan, and the current GO Plan. The amendment requests and their impacts are as follows:

*For locations, refer to GO Plan Recommended Amendments Maps – 2019.

- **Locations 1-4:** Provide connections between the Osage Prairie Trail and the proposed signed route on Hartford Ave. as well as connections to Walt Whitman Elementary School; recommendation from 36th St. North Small Area Plan.
- **Location 5:** Establish a connection from the BMX park and signed route on Archer with the proposed bike lanes on N. Peoria Ave.
- **Location 6:** Complement the streetscape project happening on 36th St. North; connect 36th St. North to the Osage Prairie Trail, the Mohawk

Business Park, and the surrounding area as outlined in the Comanche Park Envision planning process; utilize the NACTO planning grant aimed at creating safer streets for children.

- **Location 7:** Establish a connection between the Osage Prairie Trail and Booker T. Washington High School.
- **Locations 9-13:** Implement the Crutchfield Small Area Plan which calls for safe, multi-modal connections from the neighborhood to surrounding neighborhoods as well as to downtown Tulsa.
- **Location 14-15:** Make a connection between downtown Tulsa and the Midland Valley Trail as well as to the North Maple Ridge neighborhood.
- **Location 16:** This will be a part of the 11th Street & Lewis Ave. Streetscape Project. The wider sidewalks cause the road to narrow here, which means the bike lane ends and sharrows begin.
- **Location 18:** This amendment will create a connection from the proposed bike lanes at Mohawk Blvd. & N. Lewis Ave. as well as a connection from the Mohawk Business Park to the Kendall-Whittier District.
- **Location 19:** There is currently a bike lane proposed from Pine Street up to 46th St. North. This would extend that connection up to Owasso/Mohawk Trail/66th St. North.
- **Location 20:** This would connect the proposed bike lanes on Pine Street with the Tulsa Zoo.
- **Location 21:** The purpose would be to connect the existing bike lanes at the Sunset Plaza Apartments with the proposed bike lanes and sharrows at Pine Street.
- **Location 22:** Connect the existing bike lanes on North Harvard Ave. with the proposed bike lanes on Mohawk Blvd.

Tulsa Planning Office staff presented the proposed amendments to Commissioners at their March 4, 2020 work session.

Staff Recommendation

Staff recommends that the Tulsa Metropolitan Area Planning Commission adopt the GO Plan (Bicycle/Pedestrian Master Plan) as an amendment to the Comprehensive Plan.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **McARTOR**, TMAPC voted **8-0-0** (Covey, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, “aye”; no “nays”; none “abstaining”; Craddock, Doctor, Walker, “absent”)to recommend **ADOPTION** of CPA-86 *GO Plan* (Bicycle/Pedestrian Master Plan) amendment to the Comprehensive Plan per staff recommendation.

* * * * *

23. **Public hearing approving new capital improvement projects** for the Capital Improvement Plan (CIP), Fiscal Year 2021-2025 (Continued from March 18, 2020 and April 1, 2020)

STAFF RECOMMENDATION:

Item

Public hearing approving new capital improvement projects for the Capital Improvement Plan (CIP), Fiscal Year 2021 – 2025.

Background

The Capital Improvement Plan (CIP), containing recommended capital projects for the next five years, is a tool to implement the Comprehensive Plan. State Statutes provide that once a comprehensive plan has been adopted, no capital project shall be constructed or authorized without approval of its location, character and extent by the Planning Commission.

City departments generated the list of new capital improvements in the plan. The City of Tulsa prepares an annual Capital Improvement Plan that is published with the fiscal year budget. The Planning Commission generally reviews any new additions proposed for inclusion in the proposed capital plan before the draft budget and capital plan are published.

Staff Analysis

TMAPC staff reviewed the new proposed Capital Improvement Plan projects for consistency with the City of Tulsa’s Comprehensive Plan. In general, the improvements listed are consistent with the Comprehensive Plan.

A new CIP with the attached chart, and staff comments regarding relationship and consistency with the Comprehensive Plan are included in this report. Recommendations related to Small Area Plan or Comprehensive Plan/Master Plan recommendations are identified with an asterisk (*).

- **Performing Arts Center**

- 1. TPAC Hot Water Steam Repair Upgrade

Staff comments: The proposed improvement to the Performing Arts Center (PAC) is consistent with the Comprehensive Plan's understanding of the downtown core as Tulsa's "...most intense regional center of commerce, housing, culture and entertainment." (p. LU-31); including:

- Policy 3.7: Enhance visual enjoyment of public spaces and art.
 - Civic institutions and community events, such as street fairs, parades, farmers markets and live performances, all give Tulsa an important cultural and urban flair. (p.LU-79)
- Policy 3.2: Encourage a balance of land uses within walking distance of each other.
 - Focus downtown development on increasing urban-style housing, retail, parks, cultural and arts amenities and entertainment to create an active, vibrant 24-hour urban core. (p.LU-79)

- **Equipment Management: Facilities**

- 2. Asset Management Department (AMD) Security Building Renovation
 - 3. OTC Facilities Maintenance

Staff comments: The proposed projects are upgrades to existing facilities and assets. Although no specific guidance is provided in the Comprehensive Plan, the project will contribute to public safety and the maintenance of existing City investments.

- **Parks**

- 4. Zoo: Back of House Support Facilities

Staff comments: Based on the below and similar policies regarding parks, the proposed project is in conformance with the Tulsa Comprehensive Plan.

- Parks, Trails and Open Space – Priority 5: Improve Access and Quality of Parks and Open Space
 - Goal 14: Parks and recreational facilities are updated to address changing needs and desires.
 - Policy 14.1: Add comfort and convenience features to parks. (p. PA-29)
 - Policy 14.2: Identify parks components that need to be updated or replaced and develop a schedule, budget and methodology to complete improvements. (p. PA-29)

- *Policy 14.4: Identify Parks throughout the City for upgrade and develop an action plan to accomplish upgrades. (p. PA-29)*

- **Public Works: Water**

- 5. River West Choice Neighborhoods Improvements

Staff comments: *The above project is congruent with one of the Guiding Principles for Economic Development in The Comprehensive Plan: “The City invests in the critical infrastructure necessary to develop a robust and diversified economy.” (p. 6)*

Furthermore, the above project includes water distribution improvements for a 25-acre redevelopment area included in the Eugene Field Small Area Plan (2013).*

- **Public Works: Sewer**

- 6. Catoosa Interceptor Relief
 - 7. Spunky Creek MS North LS Relief
 - 8. River West Choice Neighborhoods Improvements
 - 9. Haikey Creek WWTP Oxidation Ditch Demolition
 - 10. Haikey Creek Lift Station
 - 11. Northside/LBC WWTP Electrical Improvements

Staff comments: *The above projects are generally sewer maintenance/improvements. One of the Guiding Principles for Economic Development is “The City invests in the critical infrastructure necessary to develop a robust and diversified economy.” (p. 6) The projects are generally consistent with the Comprehensive Plan’s direction on infrastructure.*

Furthermore, the River West Choice Neighborhoods Improvements are consistent with planning for a redevelopment area included in the Eugene Field Small Area Plan (2013); specifically, the Action Item:

- *Public Improvements – Development #22: “Rebuild stormwater infrastructure in redevelopment area.” (P. 85)**

- **Gilcrease Museum**

- 12. On-going building maintenance and repairs

Staff comments: *These proposed projects represent improvements to an existing museum in the City of Tulsa and are consistent with the Plan’s Vision, “Our Vision for Tulsa”, focus on supporting education and learning:*

- *“Tulsans want to encourage healthy lifestyles for our children and families, in a city that is conducive to learning, with...cultural resources and museums.” (p.11)*

Staff recommendation

Approve based on the finding that the new capital improvement projects for the Capital Improvement Plan, FY 2021-2025 are in conformance with the Tulsa Comprehensive Plan.

Attachment

FY 21-25 TMAPC New CIP Projects (table)

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **McARTOR**, TMAPC voted **8-0-0** (Covey, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, “aye”; no “nays”; none “abstaining”; Craddock, Doctor, Walker, “absent”) to recommend **APPROVAL** based on the finding that the new capital improvement projects for the Capital Improvement Plan, Fiscal Year 2021-2025 are in conformance with the Tulsa Comprehensive Plan.

* * * * *

OTHER BUSINESS

24. Consider adopting revised TMAPC Policies and Procedures (Continued from March 18, 2020 and April 1, 2020)

POLICIES AND PROCEDURES OF THE TULSA METROPOLITAN AREA PLANNING COMMISSION

ARTICLE 1 MEMBERSHIP AND OFFICERS

1.1 Name. The name of this Commission is the Metropolitan Area Planning Commission of Tulsa County, Oklahoma, commonly referred to as the Tulsa Metropolitan Area Planning Commission (the "Commission" or "TMAPC").

1.2 Number of Commissioners. In accordance with the provisions of OKLA. STAT. tit. 19, §863.5, the TMAPC shall consist of eleven (11) members (individually a "Commissioner"),

selected as follows: Six (6) are appointed by the Mayor of the City of Tulsa and approved by the City Council, and three (3) are appointed by the Board of County Commissioners of Tulsa County. The Mayor (or a person designated by the Mayor as an alternate) and the Chair of the Board of County Commissioners (or a person designated by the Chair of the Board as an alternate) shall be ex officio members of the Commission and shall be entitled to vote on all matters.

1.3 Term / Vacancies / Compensation. Appointed Commissioners shall serve for terms of three (3) years, and shall continue to serve until their successors are appointed by the Mayor for City appointees or by the County Commission for County appointees. Vacancies occurring, otherwise than through the expiration of a term, shall be filled only for the unexpired term in the same manner as set out in Section 1.2 above. All appointed Commissioners shall serve without compensation and shall hold no other municipal or County office.

1.4 Removal. Once qualified, a Commissioner can thereafter be removed during such Commissioner's term of office only for cause and after a public hearing held before the governing body by which such Commissioner was appointed.

1.5 Absentees. In order to properly conduct business, Commissioners must attend as many meetings as practical. If a Commissioner fails to attend ten (10) regularly scheduled meetings (excluding work sessions) during a twelve (12) month period, the Commission may contact the appointing body to request that the Commissioner be removed and replaced.

1.6 Officers.

(a) Annually, at the first regular meeting in January, the Commission shall elect from its appointed members a Chair, a First Vice-Chair, a Second Vice Chair and a Secretary. No Commission member shall hold the same office for more than two (2) consecutive full one-year terms. Any vacancy in office shall be filled by the Chair for the unexpired term only.

(b) The duties of the Chair shall include:

(1) Presiding over meetings when present, unless the Chair designates another member to preside;

(2) Appointing Commissioners to serve on other governmental agency boards and committees;

(3) Establishing ad hoc committees as the Chair deems necessary and appointing members and chairs to those committees;

(4) Signing official documents of the Commission; and

(5) Representing the Commission before other governmental bodies, unless the Chair designates another Commissioner or a member of the TMAPC staff.

(c) The First Vice-Chair shall assume all of the duties of the Chair during the Chair's absence.

(d) The Second Vice-Chair shall assume all of the duties of the Chair during the Chair's and the First Vice Chair's absence.

(e) The Secretary shall assume all duties of the Chair in the event the Chair, First Vice-Chair and Second Vice-Chair are absent. In addition, the Secretary shall:

(1) Read the opening statement and rules of conduct prior to the public hearing portion of the agenda;

(2) Collect and stamp exhibits of each meeting for the official record; and

(3) Attest the Chair's signature on all documents.

In the event the Secretary is not present, the Chair or acting Chair may appoint another Commissioner to assume the Secretary's duties.

(f) Each of the officers named above shall be entitled to participate in discussion and vote on any question before the Commission, whether occupying the position of the Chair or not.

ARTICLE 2

MEETING PROCEDURES

2.1 Meeting Schedule and Agenda.

(a) The Commission shall meet regularly in accordance with its approved calendar, generally on the first and third Wednesday of each month in the Tulsa City Council Chambers or in another designated location.

(b) Special meetings may be called at the request of the Chair. Such meetings shall be held in the regular meeting place of the Commission or in another designated location.

(c) Items to be placed on the TMAPC agenda shall meet the cut-off dates as specified on the official TMAPC schedule. Unless authorized by the Chair or the Director of the Tulsa Planning Office, new items shall not be added to the final agenda after the agenda packet is mailed to the Commission.

2.2 Notification. The Commission shall consider only public hearing items that have been properly advertised, as required by law, and only those items in which all fees have been paid, including fees for legal advertising.

2.3 General Procedures.

(a) If a meeting procedure is not addressed by these Policies and Procedures, the Chair shall decide the procedure based on the tradition of the Commission. The Commission may by majority vote establish a procedure differing from the procedure recommended by the Chair. The Chair and the Commission may refer to any book or treatise on rules of order or parliamentary procedure for guidance.

(b) A member of TMAPC staff shall serve as TMAPC Recording Secretary. The TMAPC Recording Secretary shall keep complete minutes of all public hearings of the Commission and shall receive all District Court appeals from any Commission action.

(c) When the public wishes to communicate with members of the Commission, the most appropriate way is through letter or e-mail correspondence to the TMAPC Recording Secretary, who will deliver it to the Commissioners. If an individual wishes to speak personally with the Commissioners, the individual must call the TMAPC Recording Secretary and leave a message to that effect. TMAPC staff will not release addresses or telephone numbers of Commissioners without the approval of the particular Commissioner. Ex parte communication is discouraged. (See Section 5.3 hereof)

(d) The Commission may grant a continuance of a scheduled public hearing or other business item at the request of the applicant, TMAPC staff, or another interested party. Except for requests by TMAPC staff, a request for a continuance should be made in writing and must contain the reasons for the request. In considering the request, the Commission may consider the timeliness of the request, the reasons given for the request, and the inconvenience created.

2.4 Public Hearing Procedures.

(a) TMAPC staff recommendation on advertised matters shall be written and made part of the file (public record) five (5) days in advance of the advertised public hearing date.

(b) Commissioners shall address only the presiding Chair for recognition and shall confine their remarks to the question under debate.

(c) Any member of the public may address the Commission at a regular or special meeting after signing in for a specific item. When recognized by the Chair, a member of the public should state his or her name and address. Speakers will be given five (5) minutes to speak on an item; however, the Chair may further limit that time based on the number of speakers for an item or impose an aggregate time for all speakers.

(d) The Chair may rule a comment out of order if it is redundant, irrelevant, indecorous or untimely.

(e) The order of business for a public hearing shall be determined by the Chair; however, the following is provided as a guide:

(1) The Chair announces the application.

(2) The Chair asks TMAPC staff for a summary of the case and the physical facts of the area involved. TMAPC staff presents its recommendation, together with the reasons for the recommendation, and whether the request is in conformance with the Comprehensive Plan.

(3) The Chair calls on the applicant for a presentation, not to exceed fifteen (15) minutes. If the applicant presents a significantly changed application from that submitted for TMAPC staff review (as determined by TMAPC staff and the Commission at the time of the presentation), such action is considered grounds for continuance.

(4) The Chair calls on interested parties or protestants. Those wishing to speak must use the sign-in sheet. Each speaker is allowed five (5) minutes to speak on an item; provided, however, the Chair may further limit that time based on the number of speakers for an item or impose an aggregate time for all speakers.

(5) The applicant is given the opportunity to rebut, and is allowed no more than ten (10) minutes to speak. If the applicant, in the Chair's opinion, should present new facts or information, the Chair may allow the protestants time to rebut same.

(6) The Chair announces the public hearing is closed on the case and opens the review session, during which the Commissioners will discuss the case among themselves and make a recommendation.

(7) During the review session, which shall be open and public, no new evidence shall be admitted unless specifically requested by a member of the Commission and permitted by the Chair.

(8) The vote shall be taken and the Chair shall announce the vote.

(f) Before a motion is made, there shall be an opportunity for discussion of the case by the Commissioners and for each Commissioner to make comments. After a motion is made, there shall be further opportunity for discussion by the Commissioners, and the maker of the motion may refine the terms of the motion pursuant to such discussion. When the motion is formalized, the Chair shall restate the motion, state the name of the maker of the motion and the member seconding the motion, and call for a vote. If a Commissioner desires to amend the motion following the Chair's restatement of the motion but prior to the Chair's call for a vote, the Commissioner suggesting the amendment may ask unanimous consent to modify the motion. If any Commissioner objects to the modification of the motion, the Commissioner proposing the amendment shall move that the motion be amended. The motion to amend must be seconded, is debatable, and must be adopted by a majority vote of the members present.

(g) The Commission shall not consider and staff shall not accept a new zoning application on the same property with the same request for a period of six (6) months after action on the application has been taken by the Commission.

(h) The transmittal of applications for a zoning map amendment to the City Council or County Commission in those instances where the applicant, TMAPC staff and Commission are all in agreement and there are no interested parties will occur following the Commission hearing without minutes. All other applications will be transmitted when the meeting minutes are drafted.

(i) A motion to reconsider an item on which a vote has been taken may be made only by a Commissioner who voted with the prevailing side and can only be heard during the same meeting where the vote was taken or the next succeeding meeting. If a motion to reconsider is adopted, the Commissioners shall consider the need for additional notice to interested persons before a vote is taken on the item being reconsidered.

2.5 Quorum and Votes Required.

(a) Six (6) Commissioners shall constitute a quorum for the conduct of any Commission business, except at work sessions where four (4) Commissioners shall constitute a quorum.

(b) A modification of the Tulsa Metropolitan Area Subdivision and Development Regulations (Subdivision Regulations) shall require six (6) affirmative votes by the Commission. See Section 1-100 of the Subdivision Regulations.

(c) An amendment to the Tulsa Comprehensive Plan, including the Tulsa City/County Major Street and Highway Plan, shall require six (6) affirmative votes by the Commission. See OKLA. STAT. tit. 19, § 863.7.

(d) Except as set forth above or as otherwise required by applicable law, any matter (zoning related or otherwise) coming before the Commission shall be decided by a majority vote of the Commissioners present.

(e) In the event the final vote on any zoning matter before the Commission results in a tie, such tie vote shall result in the matter being transmitted to the City Council or County Commission as a tie vote, without recommendation.

2.6 Work Sessions.

(a) The Commission shall meet as a committee of the whole in a special meeting (work session) at the call of the Chair when applicable work items or educational opportunities arise. The Chair or the Chair's designee shall preside.

(b) The purpose of the work session shall be to discuss work items and Commission issues, to share other information and determine whether work items are ready to be considered at regular TMAPC meetings. Work sessions may also be used to

provide educational opportunities and to allow Commissioners a forum to discuss various planning matters outside of their normal work items.

(c) The Commission shall take no final action on work items while in work sessions.

(d) Public comments are not allowed at work sessions unless approved by the Chair prior to the meeting. The appropriate process is for a member of the public to contact TMAPC staff (Director of the Tulsa Planning Office) who will communicate the request to the Chair.

ARTICLE 3 DEVELOPMENT REVIEW POLICIES

3.1 Applications.

(a) Sufficient supporting information shall be filed with an application in order for the TMAPC staff and Commission to evaluate the proposal. If TMAPC staff concludes that sufficient supporting information has not been provided, TMAPC staff shall consider the application as incomplete and shall not place the item on the agenda.

(b) In order to help alleviate potential conflicts and assure that interested parties have adequate information, the Commission encourages applicants in zoning cases to meet with owners of property in the area prior to public hearings. Failure of the applicant to meet with the neighbors may result in a continuance by the Commission.

(c) In cases where the mandatory or optional development plan that is recommended by the Commission differs from the plan that was submitted by the applicant, a revised plan reflecting the Commission's recommendation shall be prepared and submitted to the TMAPC staff for transmittal to the City Council or County Commission with the minutes of the meeting.

3.2 Zoning Initiated by TMAPC. As a general rule, the TMAPC will not initiate applications for zoning changes without the consent of the owner or his agent, unless such application is requested by the City Council or County Commission.

3.3 Consent Agenda. The Director of the Tulsa Planning Office may designate certain matters that are routine or minor in nature for placement on the consent agenda, including but not limited to development plan minor amendments, plans for change of access, and covenants implementing approved development plans.

ARTICLE 4 CITY OF TULSA COMPREHENSIVE PLAN

The TMAPC derives its authority to adopt and amend a comprehensive plan under the provisions of OKLA. STAT. tit. 19, § 863.7. The Comprehensive Plan of the Tulsa Metropolitan Area was originally adopted on June 29, 1960, and was subsequently amended on numerous

occasions. The current Comprehensive Plan for the City of Tulsa was adopted by the TMAPC on July 6, 2010 and approved by the Tulsa City Council on July 22, 2010 and retains various small area and functional plans. The 2010 Comprehensive Plan has been and will likely continue to be amended from time to time.

4.1 Regularly Scheduled Updates and Maintenance. The Comprehensive Plan states that the Land Use Plan and Stability and Growth Map “should be updated at five year intervals with projections toward the future. Housekeeping updates and maintenance to reflect development approvals should be made annually.” (p. LU-77) TMAPC staff will establish a system to track all housekeeping amendments needed to reflect development approvals and present a Comprehensive Plan amendment to the TMAPC annually, generally in July. These annual amendments will include updates to the Land Use Plan and, if necessary, changes to the Areas of Stability and Growth Map. It is expected that the Tulsa Planning Office will prepare an update to the Comprehensive Plan in five (5) year intervals based on new data and updated projections and recommending adjustments to the Plan.

4.2 Small Area Plan Adoption process. The Comprehensive Plan outlines a process for adoption of small area plans in the Appendix, pp. 9 & 10. It generally states that when the small area plan has been drafted, following the multi-agency review and public participation process, the draft plan document will be presented to the TMAPC at a work session. At the work session, the TMAPC will review the small area plan for content and consistency with the Comprehensive Plan. Also, the TMAPC will announce if and when the document is ready for public hearing. Notice must be published at least fifteen (15) days prior to the public hearing. The TMAPC will conduct the public hearing, consider the plan based on the findings of fact and public testimony presented, and consider adoption of the small area plan as an amendment to the Comprehensive Plan.

4.3 Privately initiated Comprehensive Plan amendments.

(a) Amendments of the Comprehensive Plan Generated by Proposed Zoning Changes. During the initial review of a zoning application to the TMAPC, TMAPC staff shall determine if the proposal is consistent with the Comprehensive Plan map designation. If TMAPC staff determines that the proposal is inconsistent with the Comprehensive Plan map designation, and further determines that the deviation from the purpose and intent of the Comprehensive Plan is minor in nature, the zoning application shall be set for hearing by the TMAPC and, if approved, the Comprehensive Plan shall be amended to reflect the approved land use as a part of the annual housekeeping amendments. If TMAPC staff determines that the proposal is inconsistent with the Comprehensive Plan map designation, and further determines that the proposal represents a significant deviation from the purpose and intent of the Comprehensive Plan, an application to amend the Comprehensive Plan shall be required to run concurrently with the zoning application. In such instance, TMAPC staff shall inform the applicant, within fifteen (15) days of receipt of the zoning application, that an application to amend the Comprehensive Plan is required and shall provide an application form for completion by the applicant. The requirement for a concurrent application for Comprehensive Plan amendment may necessitate an extended timeframe of review.

(b) Other Amendments to the Comprehensive Plan. Other amendments to the Comprehensive Plan may be initiated by the TMAPC upon request of TMAPC staff or an applicant. Should any person or entity request a text amendment of the Comprehensive Plan or a small area plan or a map amendment that pertains to property that is not under their ownership, the party requesting the amendment shall submit a Comprehensive Plan amendment application on the form provided by the TMAPC staff. The TMAPC staff shall review and present the application to the TMAPC within thirty (30) days of receipt of the application, and the TMAPC shall determine whether to initiate the requested amendment. Should the TMAPC initiate the requested amendment, the TMAPC staff shall prepare a timeline for TMAPC staff review and recommendation regarding the proposal and shall submit the timeline to the TMAPC at its next scheduled meeting.

4.4 Relationship of various initiatives to the Comprehensive Plan. It is the purpose and intent that the Comprehensive Plan be a guide for many initiatives, however, few necessitate being adopted as a comprehensive plan amendment. The table below provides guidance on how various initiatives should be reviewed and/or included in the Comprehensive Plan.

Items	Adopt as an Amendment	Issue Conformance statement
Small area plans & neighborhood plans		
Plan and Land Use Map	X	X
Goals, objectives, policies, recommendations	X	X
Major Street and Highway Plan	X	X
GO Plan	X	X
Other types of plans, studies & initiatives		X
Capital Improvement Plans		X
Sector Plans (former Urban Renewal Plans)		X
Tax Increment Financing (TIF) Project Plans		X

4.5 Comprehensive Plan and amendment notification process. OKLA. STAT. tit. 19, §863.26 requires that notice is provided for all Comprehensive Plan public hearings by one publication in a newspaper of general circulation at least fifteen (15) days prior to the date of the hearing. The Commission has established additional notification procedures to inform nearby property owners of public hearings to consider adoption of Comprehensive Plans or amendments.

Comprehensive Plan or amendment	Newspaper notice	300' radius mailing	Sign posted on the property
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Comprehensive Plan or amendment with citywide implications	X		
Not concurrent with a zoning case	X	X	
Concurrent with a zoning case	X	X	X*

*Signs only posted when required by concurrent zoning application

**ARTICLE 5
CODE OF ETHICS**

5.1 Definitions.

(a) "Private benefit" means a direct or indirect benefit not shared by the general public that could be reasonably expected to impair a Commissioner's objectivity or independent judgment.

(b) "Organizational interest" exists when a Commissioner is an officer, director or board member of a company, business, or organization that takes an official position before the Commission.

(c) "Ex parte communication" means a private communication with a Commissioner from a party with an interest, financial or otherwise, in a particular matter before the Commission.

5.2 Conflict of Interest.

(a) A conflict of interest exists whenever a Commissioner:

(1) may receive a private benefit; or

(2) has an organizational interest regarding a matter before the Commission; or

(3) has any economic interest, directly or indirectly, in a matter before the Commission or in action to be taken by the Commission.

The possibility, not the actuality, of a conflict of interest governs. *The question is, "Would a reasonable person believe me to be unbiased and impartial?"*

(b) A Commissioner experiencing a conflict of interest shall declare such Commissioner's interest publicly, abstain from voting on the matter, and shall refrain from any deliberations on the matter. When possible, the Commissioner should leave the public hearing room.

(c) A Commissioner experiencing a conflict of interest shall not discuss the matter in any venue with any fellow Commissioner, TMAPC staff or other officials involved in decision making on the matter for the purpose of influencing a decision thereon.

5.3 Ex Parte Communication.

(a) Although not forbidden, ex parte communication has the potential to influence a Commissioner's decision on matters before the Commission. The Commissioner who receives ex parte communication must disclose such ex parte communication prior to or at the commencement of public discussion of the subject matter.

(b) The Commissioner shall also evaluate whether, as a result of this communication, such Commissioner can remain unbiased and impartial and should either abstain or participate accordingly. As with a potential conflict of interest, the appearance, not the actuality, of bias should govern.

5.4 Release of Information.

(a) No Commissioner or TMAPC staff member shall use or transmit to others for private benefit any information derived from Commission activities unless and until such information is made available to the public at large.

(b) No Commissioner or any person appearing before the Commission shall knowingly misrepresent facts or distort or omit information for the purpose of achieving a desired outcome.

5.5 Appearance of Commissioners at City Council.

(a) Only a Commissioner designated by the Chair shall be the official spokesperson for the Commission. The official spokesperson for the Commission shall, to the best of his or her ability, present an unbiased record of the proceedings and the decision of the Commission. The official spokesperson shall not present new facts or arguments that were not made available at the hearing before the Commission.

(b) Nothing herein would deprive a Commissioner of the right to speak at a public hearing in the Commissioner's individual capacity subject to the following. If a Commissioner chooses to speak at a public hearing, and he or she has not been designated as the spokesperson by the Chair, that Commissioner must state that:

(1) Though they are a Commissioner, they are before the City Council as an individual, and not on behalf of the Commission; and

(2) They have no authority to make representations regarding the Commission's public meetings, thought processes, or decision-making.

If a Commissioner other than the one designated by the Chair intends to speak at a public hearing on a matter upon which the Commission has previously voted, he or she must notify all members of the Commission of that intention at least twenty (24) hours prior to the public hearing.

[Remainder of page intentionally left blank; signature page follows]

Date Adopted: _____, 2020

Chair

ATTEST:

Secretary

[Signature Page to Policies and Procedures of TMAPC]

TMAPC Action; 8 members present:

On **MOTION** of **McARTOR**, TMAPC voted **8-0-0** (Covey, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, "aye"; no "nays"; none "abstaining"; Craddock, Doctor, Walker, "absent") to **APPROVE** the adoption of the revised "TMAPC Policies and Procedures" per staff recommendation.

25. Commissioners' Comments

None

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ADJOURN

TMAPC Action; 8 members present:

On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Covey, Kimbrel, McArtor, Ray, Reeds, Ritchey, Shivel, Van Cleave, "aye"; no "nays"; none "abstaining"; Craddock, Doctor, Walker, "absent") to **ADJOURN** TMAPC meeting of May 6, 2020, Meeting No. 2817.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 4:07 p.m.

Date Approved:

06-17-2020


Chairman

ATTEST: 
Acting Secretary