

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2825

Wednesday, September 2, 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-R	Kimbrel	Foster-P	Jordan, COT-P
Craddock-P		Hoyt-R	Silman, COT-R
Doctor-R		Miller-P	Skates, COT-R
McArtor-R		Sawyer-P	VanValkenburgh, Legal-R
Reeds-R		Wilkerson-P	
Ritchey-R			
Shivel-R			
Van Cleave-R			
Walker-R			

R=Remote P=in Person

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, August 31, 2020 at 12:48 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 stated that over the weekend the governor extended the executive order for 30 days that allows the Planning Commissioners to attend these meetings virtually. The order now expires late September 2020. Ms. Miller reported on City Council and Board of County Commissioner actions and other special projects.

* * * * *

Minutes:

1. Approval of the minutes of August 5, 2020 Meeting No. 2823

On **MOTION** of COVEY, the TMAPC voted 9-0-0 (Covey, Craddock, Doctor, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Kimbrel, "absent") to **APPROVE** the minutes of the meeting of August 5, 2020, Meeting No. 2823.

Minutes:

2. Approval of the minutes of August 19, 2020 Meeting No. 2824

On **MOTION** of COVEY, the TMAPC voted 9-0-0 (Covey, Craddock, Doctor, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Kimbrel, "absent") to **APPROVE** the minutes of the meeting of August 19, 2020, Meeting No. 2824.

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-803-7 Erik Enyart, Tanner Consulting, LLC** (CD 8) Location: South and east of the southeast corner of East 121st Street South and South Yale Avenue requesting a **PUD Minor Amendment** to allow smaller lots

STAFF RECOMMENDATION:

SECTION I: PUD-803-7 Minor Amendment

Amendment Request:

Amend the development standards to revise bulk and area requirements to allow for smaller lots within the development.

As shown on the applicant's minor amendment text, included with this report, the applicant is proposing to revise the maximum number of lots, the lot width, lot area/lot area per unit, livability space, front, rear and garage setbacks as well as the maximum driveway width. The PUD currently allows either public or private streets, so the proposed gated nature of the smaller lots, would currently be allowed.

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 revise the development standards to allow smaller lots within the development.

TMAPC Action; 9 members present:

On **MOTION** of **COVEY**, TMAPC voted **9-0-0** (Covey, Craddock, Doctor, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Kimbrel, "absent") to **APPROVE** Item 3 per staff recommendation.

Legal Description for:

A TRACT OF LAND THAT IS A PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE/4 NW/4) AND ALL OF GOVERNMENT LOT SIX (6) OF SECTION THREE (3), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING ON THE EAST LINE OF SAID SE/4 NW/4 AT THE SOUTHEAST CORNER OF "THE ESTATES AT THE RIVER II", A SUBDIVISION WITHIN THE CITY OF TULSA, TULSA COUNTY, STATE OF

OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 6840); THENCE SOUTH 0°57'49" EAST AND ALONG SAID EAST LINE OF SAID SE/4 NW/4 FOR A DISTANCE OF 422.21 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 0°57'49" EAST AND ALONG SAID EAST LINE OF SAID SE/4 NW/4 AND ALONG THE EAST LINE OF SAID GOVERNMENT LOT 6 FOR A DISTANCE OF 1639.69 FEET TO A POINT, SAID POINT BEING THE SOUTHEAST CORNER OF LOT 6; THENCE SOUTH 88°52'18" WEST AND ALONG THE SOUTH LINE OF LOT 6, FOR A DISTANCE OF 1215.17 FEET TO A POINT ON THE EAST MEANDER LINE OF THE ARKANSAS RIVER; THENCE NORTH 45°39'23" WEST AND ALONG SAID MEANDER LINE, FOR A DISTANCE OF 55.31 FEET; THENCE NORTH 28°09'23" WEST AND CONTINUING ALONG THE MEANDER LINE, FOR A DISTANCE OF 143.83 FEET TO A POINT ON THE WEST LINE OF LOT 6; THENCE NORTH 0°55'36" WEST AND ALONG THE WEST LINE OF LOT 6 AND THE WEST LINE OF THE SE/4 NW/4 FOR A DISTANCE OF 1305.34 FEET TO A POINT; THENCE NORTH 88°54'54" EAST FOR A DISTANCE OF 1216.45 FEET TO A POINT; THENCE NORTH 0°57'49" WEST FOR A DISTANCE OF 168.01 FEET TO A POINT; THENCE NORTH 89°02'11" EAST FOR A DISTANCE OF 102.50 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 1,952,353 SQUARE FEET OR 44.820 ACRES.

* * * * *

PUBLIC HEARINGS

Mr. Reeds left at 1:24 PM.

4. **MPD-3 Katy O'Meilie, Planning Design Group** (CD 9,4) Location: Southeast corner of East 31st Street South and South Peoria Avenue requesting a Master Plan Development for mixed use community (**Staff requests a continuance to October 7, 2020**)

TMAPC Comments:

Staff stated they have received requests asking for a continuance that range from 120 to 180 days. He said requests also have been received to continue until after the new City Councilor is in place for this District. Staff stated with the new information that's been presented to staff by the applicant and the conversations he has had with neighbors he would request a continuance to October 7, 2020.

Mr. Covey asked the applicant to confine their comments to the continuance request.

Applicant Comments:

The applicant stated the application was turned in to The Planning Office on July 23 and since then there has been several public engagement meetings. She

stated they have met with the Brookside Business Association twice and have their full endorsement. The applicant stated they also met with the Brookside Neighborhood Association and that meeting was both in person and streamed via Facebook Live, about 115 people participated. She stated there was a presentation by the applicant about the project and then a pretty substantial question and answer period that can be found on the Brookside Neighborhood Association Facebook page. The applicant stated they have met with the Museum District Neighborhood Association and the Maple Ridge Neighborhood Association. City Councilor McKee participated in the conversation with the Maple Ridge Neighborhood Association. The applicant stated in addition to the formal meetings they have fielded about 60 to 65 emails and about the same number of conversations over the phone. She stated there was a meeting at the applicant's office for community members that wanted to come in and talk directly with them. The applicant stated they feel like we have provided a lot of project information and received a lot of feedback. She stated in response to that feedback they have submitted a couple of revisions. The applicant stated a meeting is scheduled with neighbors to the east of the project on September 10 and they would obviously need a continuance to meet with them but feel like they would be ready to come back to TMAPC on September 16th but given the controversy and the magnitude of this decision they would support staffs recommendation for October 7, 2020.

Mr. Covey stated to clarify, the applicant would be ready to go on September 16, 2020 but would be fine to wait until October 7, 2020 and would have additional meeting before returning to TMAPC.

The applicant stated "yes".

Mr. Covey stated there are a number of speakers signed up for item 4 and he requests that speakers keep their comments about the continuance.

Interested Parties:

David Poarch 3177 South Rockford Drive, Tulsa, OK 74105

Mr. Poarch stated he has lived in the area since 1993. He stated his property backs up to the south side of the Patterson property which is the subject property asking for zoning change. Mr. Poarch stated he is here to speak on behalf of The Rockford Drive Neighborhood Association and a collaboration of concerned property owners and also the neighborhoods that are directly affected by this conceptual proposal for the rezoning of the Patterson Estate. He stated the staff recommendation is for a continuance to October 7, 2020 but over 200 requests from Tulsa citizens have been received to request a 120 day continuance. Mr. Poarch stated this would enable public participation for area residents to meet with the property representatives to help them understand the impact this concept will have on established and historic residential areas. He stated as Commissioners hear public comments today, please consider the mission statement of TMAPC. This mission statement is the one that his neighbors and

himself embrace and thinks supports 120 day continuance. Mr. Poarch stated the TMAPC process recommendations advise project managers to work with their neighbors and to let the neighbors know about plans ahead of time and work with them to alleviate any concerns they may have. He stated again, this is a process his neighbors and he embrace but it is not a standard that has been met by this project manager or the property owners. Mr. Poarch stated the applicant submitted the application to TMAPC for the zoning change on July 22, and INCOG staff advised that it was received July 23. He stated The Commission's process guidelines regarding neighborhood outreach were disregarded. Area residents and neighborhood associations received no direct outreach for at least two weeks after the application's submission. Members present today and those joining virtually learned about this proposed zoning change through social media. Mr. Poarch learned about it from a friend on August 4th. Contact by the project manager to the Brookside Neighborhood Association first occurred August 6th. That meeting was held on August 17th. There were substantial technical problems that interfered with the public's participation. Mr. Poarch stated staff held a Planning Review Committee meeting on August 6th where the project manager stated the first priority was to achieve the underlying zoning change before moving past a conceptual proposal. He stated area residents were advised that the PRC meeting was a public meeting, but attendance was listening mode only. Mr. Poarch stated meetings were scheduled with the Museum District and Maple Ridge neighborhoods but the Rockford and Quaker neighbors were unable to coordinate with the applicant's schedule before this this meeting due to her time out of the office and her personal commitments. He stated his neighborhood meeting is scheduled for September 10th. Mr. Poarch stated most of the neighbors have worked at least 20 hours each week since August 5th to gather and share information, meet with INCOG staff, research the current zoning code and the MPD designation, review prior MPD applications and collaborate with one another about how to communicate land use plans adopted by the City to preserve the residential character of established and stable neighborhoods. He stated after reviewing the agenda back up material he noticed there were some requests to delay the Planning Commission meeting until the new City Council is seated in December. Mr. Poarch stated that is certainly not the focus or emphasis in his comments today. He stated the rationale for a 120 day request is supported by the lack of detail in the concept, the lack of engagement with citizens in a real process as recommended by the Commission's own policies, the perspective that this is only the third MPD proposal to come before the Commissioners, both of the previous MDP's were greenfield sites, and a lack of consistency with the Comprehensive Plan and the Brookside Infill study that remain unexplained. Mr. Poarch stated another important reason to grant the 120 day continuance is we are in the middle of a pandemic and it is difficult to coordinate effective meetings. He stated this infill development as proposed for a sensitive and solely residential area will establish an overriding precedent for infill development in established neighborhoods. Mr. Poarch stated it is worth time, analysis, and a serious review of how the Zoning

Code and all of the existing planning documents provide a framework and he asks that Planning Commission approve a 120 day continuance.

Robert Brejcha 2909 S. Quaker Avenue, Tulsa, OK 74114

Mr. Brejcha stated he is the president of the Museum Neighborhood Association and the association is located in an area containing approximately 250 households and the Philbrook Museum of Art. Mr. Brejcha stated and has lived in the immediate area for the past 32 years. He stated his remarks here summarize a written statement to the Planning Commission for the record. Mr. Brejcha stated the property owners within the association represent a lifetime of investment in their neighborhood, the association has a southern border that abuts the subject property. He stated as an attorney by trade he focused on the process here, especially in light of the applications extraordinary nature and far reaching consequences and he thinks that we should embrace the principle of transparency and make sure the results here represent a process that's logical in decision making. Mr. Brejcha stated the associations goal is to assure both transparency and a record which affords all parties reasonable due process. He stated they believe the record should reflect the magnitude of the application. He stated the application is a novel request to rezone over seven acres of property held in a trust, which is zoned residential and located in an established neighborhood and that's a proposed zoning action affecting an area over 30 times the average lot size in the neighborhood. Mr. Brejcha stated the application proposes to create a development for commercial retail and high density residential use which will be surrounded on all four sides by an established neighborhood of developed residential housing and legacy infrastructure. He stated the limited history of similar developments in Tulsa was for Greenfield sites and those sites had limited effect on third parties. In both those cases, extensive continuances were offered. Mr. Brejcha stated he thinks a 120 day continuance is appropriate in this case and has the following questions with respect to the application itself and whether it's complete for processing. He asked why is the application not a part of today's agenda? It's not in the record. What individual or organization is the trustee for the Patterson trust property? Who is that person or organization?

Mr. Covey stated he can appreciate the questions but asked Mr. Brejcha to stick to the request for a continuance.

Mr. Brejcha stated the failure to have answers to these questions is the basis for the continuance. He stated that evidence should be presented to the Commission that the trustee of the subject property is acting within its powers under the trust. Mr. Brejcha stated who are the beneficiaries of the trust and has the Commission received any legal advice regarding the trustee's authority. He stated the application doesn't specify whether the proposal is a significant deviation from the Comprehensive Plan. Mr. Brejcha stated the application fails to address whether the owner consents to the application and fails to specify the development groups relationship to the owner. He stated has this application

been endorsed with a statement of intent signed by the applicant. Again, the only thing we have for the record is the statement from staff today endorsing a 30 day extension. Mr. Brejcha stated he believes these questions support a request for a 120 day continuance and he reiterated that this continuance is asked to achieve good governance that's tied with transparency and meaningful public participation.

Jameson Walker 3120 South Quaker Road, Tulsa, OK 74105

Mr. Walker stated he represents the James M. Walker and Janice Updike Walker Revocable Trust under the property at 3120 South Quaker Road. He stated he is submitting an exhibit of his statement along with photos, which has a view of the subject property from his property. Mr. Walker stated the second page is what the property may look like after construction since most of the trees will be removed. He stated he speaks on behalf of the neighbors of Quaker Road, south of 31st Street and those whose property abuts the subject property to the east. Mr. Walker stated he would like to request a 120 day continuance of the application to allow time to understand the impact. He stated due to the project manager's time constraints the Quaker neighborhood and the Rockford neighborhood have not had the opportunity to meet directly with the applicant on this project. Mr. Walker stated his home is unique in design it's a single residence that has an adjoining wall with the neighbor to the north. He stated together they own and maintain the private Street Quaker Road. Mr. Walker stated he purchased his home in 2007 and followed TMAPC's recommendations of due diligence. He stated he researched the zoning of his property as RS-2, as well as the subject property at RS-3. Mr. Walker stated the information showed that the subject property was held in a trust and would remain RS-3. He stated had he known or been informed that the zoning could change to Mixed Use and include commercial properties, perhaps he would have made a different decision on purchasing this property.

Teresa Knox 3168 South Rockford Drive, Tulsa, OK 74105

Ms. Knox stated she is a small business owner and a real estate developer. She is requesting a 100 day continuance and the need to have a process by which the rezoning of the area occurs so there is meaningful public participation and including her own particular case because 30 days is not a sufficient amount of time because she is currently in the middle of a new home construction. Ms. Knox stated her property is nearly an acre and is adjacent to the subject property. She stated she purchased the land in October of 2019 and they are four months from completion. Ms. Knox stated due to the significant financial investment prior to the closing of the purchase last October, she conducted over 30 days of due diligence and part of that process included the evaluation of the zoning of the floodplain because they are on Crow Creek. She stated they looked at the Brookside Infill Plan and also analyzed in great detail the Growth and Stability Map of her site and of the neighboring properties. Ms. Knox stated she has researched the area as a native Tulsan and Oklahoma history enthusiast and based upon her experience in real estate development she was confident in

moving forward with residential construction and trusted the integrity of this century old residentially zoned area. She stated having lived in Brookside three times prior to this upcoming move they were comfortable in their decision to build their final home in the area. Ms. Knox stated they were not contacted by the Patterson family or affiliates prior to going public she learned of the zoning change from a text that a friend sent her. She stated she loves Tulsa and she loves progress. Ms. Knox stated she loves development because it is the career that she works in and she wants what is best for Tulsa and her community but in a way that honors our history and preserves the unique beauty. She stated it protects the integrity of her and her neighbor's investment in the area. Ms. Knox stated but most importantly she wants a process that follows the proper process set forth by the existing protocols of the City of Tulsa that fit the use of the area.

Keith Franklin 3135 South Park Drive, Tulsa, OK 74105

Mr. Franklin stated he is president of Land Planning Consultants and he has been asked to speak to Planning Commission because he does planning for a living. He stated he has over 35 years of experience facilitating public input on projects, like the Tulsa Metro Trails Master Plan, Norman Downtown, Creek Turnpike Trail, 36th Street North Small Area Plan and many others. Mr. Franklin stated all of these projects have taught him one thing that public consensus is the key to success. He stated for example 36th Street North had over six months of community engagement to reach an acceptable consensus. Mr. Franklin stated look at the success of the Gathering Place. The developers engaged the public from the onset which achieved a compromise and gave us an acclaimed worldwide park. He stated for this application 120 days is a modest request, especially in light of the Covid-19 pandemic. Mr. Franklin stated the subject property is highly visible and whatever eventually is built there will be impactful to all of Brookside. He stated it is the first MPD proposed for a fully developed residential area and the process chosen to follow will be a template for all future infill wanting MPD zoning. Mr. Franklin stated this is a precedent setting case. He stated from his point of view it's not off to a great start because what he is seeing is a rushed effort to minimize attempts at community outreach. Mr. Franklin stated he received his first notice of this rezoning August 12, 2020 and this time is not adequate and the reason can be found in the Brookside Infill Plan. He stated this plan established the guidelines for the area including the north end of Peoria from Crow Creek to 31st Street. Mr. Franklin stated developing the plan was an intensive year-long effort involving numerous public meetings and the end result was an infill plan approved by both TMAPC and the City Council. He stated the previous speaker Teresa Knox mentioned that she understood that the Comprehensive Plan and the Brookside Infill Plan would be the guide for zoning in the future. Mr. Franklin stated a quote from the plan says, it is inevitable in years to come the city and the landowners will desire to rezone land. In cases where a Small Area Plan already exists, rezoning should be guided by that Small Area Plan, page 59. He stated the Brookside Plan was a collaborative city planning effort, with hundreds of citizens supporting good development for a better Brookside and Now it seems that we're being asked to consider and give

our blessings to amendments to the plan that significantly change the approved guidelines made by this body and the City Council in 2002. Mr. Franklin stated it looks like TMAPC is expecting residents to accomplish this task in the next few weeks but area neighbors need time to examine what's actually being proposed in this MPD. He stated it's actually more of a development smorgasbord than a common concept. Mr. Franklin stated 120 days continuance is modest request and if this were his firm's project, he would propose a similar timeline for a project like this.

Victoria Schulz 1715 South Troost Avenue, Tulsa OK 74120

Ms. Schulz stated she is for continuance and agrees with previous speakers Mr. Poarch and Robert Brejcha. She stated knowing this property is in a trust this rezoning should not be rushed because it is not known what has been signed off by the main trustee. Ms. Schulz stated the trustee has been named to protect the property.

Mike Nunlee 6721 South Evanston, Tulsa, OK 74136

Mr. Nunlee chose not to speak.

Tim Clark 1339 E 41st Place, Tulsa, OK 74105

Mr. Clark chose not to speak.

Bob Waterstradt 1254 East 31st Court, Tulsa, OK 74105

Mr. Waterstradt stated his west neighbor would be the subject property. He stated the applicant said that they have a meeting set up with all their neighbors to the east. Mr. Waterstradt stated him and his neighbor have not heard anything about that meeting. He stated he is not for 120 days delay he is for a 20 year delay because he doesn't want to see this rezoning happen at all.

Lisa Weatherholt 3320 South Yorktown Avenue, Tulsa, OK 74105

Ms. Weatherholt stated she lives just over a half mile from this acreage. She stated she doesn't have anything new to add but just one more voice to throw in. Ms. Weatherholt stated there's been not adequate time and effort made to notify and include the input of the neighbors. She stated she would also ask for a 120 day continuance.

Stuart Harper 1534 East 33rd Street, Tulsa, OK 74105

Mr. Harper stated he is 25 years old and his parents moved to this neighborhood back in the 80s. He stated he has watched this neighborhood go from fairly modest homes to giant and in his personal opinion, very unattractive homes. Mr. Harper stated he is in school to become an architect and values community input and considerations for the environment. He stated he is incredibly enthusiastic about something that would enhance the urban character and increase density. Mr. Harper stated he it seems that the developer is not getting proper input from the neighbors and he supports the 120 day delay.

Denise Adams 1251 East 30th Place, Tulsa, OK 74105

Ms. Adams stated her and her husband has owned their home in the area since 2007. She stated she can stand and look across out to the subject property from her yard. Ms. Adams stated she supported the 120 day continuance. She stated she like several others, did not receive notification about this change. Ms. Adams stated in fact, if it was not for the actions of a local neighbor, she would not have known about this project at all. She stated it's notable that at the time she was told, individuals whose homes were located within 300 feet of the property were notified with a flyer and she did not receive a flyer at her home. Ms. Adams stated she can, indeed attest that this will have an impact to the neighborhood and would appreciate an extension of 120 days to allow the neighbors to better understand what this program proposal is and what is intended to be approved by this committee.

Joe Farris 1335 East 35th Place, Tulsa, OK 74105

Mr. Farris stated he represents the applicant in this case and what he thinks is most significant about what's been said today is what staff said about the continuance to October 7, 2020 and believes the merits of this case could be addressed at that time including all the input from the neighborhood associations. He stated what he finds most remarkable about the comments today is the lack of specific reasons given for the 120 day continuance. Mr. Farris stated it's clear that the opponents want 120 days but they haven't said what's going to happen in that 120 days that's going to change the spots on this leopard. He stated for example Ms. Knox said there's a meeting September 10th at Harweldon, a place that she owns and has developed beautifully, for neighbors to have another opportunity to discuss this project. Mr. Farris stated there have been many opportunities for neighbors to provide their input. He stated he would be at the Harweldon meeting along with the other representatives. Mr. Farris stated there have been at least 4 Neighborhood Associations who have had meetings and again, most of the speakers today have addressed not to continuance reasons but to the merits of this application. He stated he finds it totally inconsistent, that they want 120 days yet they come in here fully loaded to talk about the merits of the case. Mr. Farris stated he would respectfully request the continuance be until October 7 to support the staff's recommendation. He stated in the meantime they will continue to meet with Neighborhood Associations and individuals to address the concerns that they may have. Mr. Farris stated that staff said there were 300 plus emails received and that tells you the word is out so they would like to proceed as soon as they can with this application.

Mr. McArtor stated there seems to be a consensus about a continuance but 120 days seems excessive but he would not object to a 60 day continuance that seems reasonable to him. He stated he thinks they can have enough meetings within 60 days and if they need more time they can come back and ask for another continuance.

Mr. Craddock stated this is an extremely important part of the City of Tulsa and a very big issue that the neighbors and property owners have to wrestle with and he thinks a little more time would be amenable to all and probably in the best interest of all. He would agree on the 60 day continuance.

Mr. Covey stated he agrees that it's an important issue. He stated Planning Commission's standard practice is granting a continuance for both sides one time and that is usually two weeks. Mr. Covey stated so if we gave two weeks to the applicant, if they wanted to continue and another two weeks to the interested parties if they wanted a continuance that would be a continuance of a month. He stated it's an unwritten rule of granting a continuance to both sides and making them come back and Planning Commission hears the case at that time. Mr. Covey stated he doesn't really want one to sit through hearing people ask for continuances again in 30 days, which no doubt will happen, but he thinks that is what he will support and thinks it's more than enough time. He stated it falls in line with what Planning Commission usually does. Mr. Covey stated he doesn't think just because this case happens to be at 31st and Peoria, as opposed to 1st and Harvard that it warrants any additional time.

Mr. Shivel was experiencing issues with audio and did not vote.

TMAPC Action; 7 members present:

On **MOTION** of **McARTOR**, TMAPC voted **5-1-1** (Craddock, Doctor, McArtor, Ritchey, Van Cleave, "aye"; Covey, "nay"; **Walker**, "recused" none "abstaining"; Kimbrel, Reeds, "absent") to **CONTINUE** Item 4 to November 4, 2020.

Directed by Planning Commission to correct the record per October 6, 2021
TMAPC meeting.

5. **River West Phase III & IV** (CD 2) Preliminary Plat & Modification of the Subdivision & Development Regulations to remove requirements for performance guarantees, Location: Northwest corner of West 21st Street South and South Jackson Avenue (Continued from August 19, 2020)

STAFF RECOMMENDATION:

River West Phase III-IV - (CD 2)
(Continued from August 19, 2020)

Northwest corner of West 23rd Street South and South Jackson Avenue

This preliminary plat review consists of 2 phases:

1. River West Phase III – 2 lots, 1 block, 6.08 ± acres
2. River West Phase IV – 2 lots, 1 block, 4.72 ± acres

1. **Zoning:** The property is zoned MX1-U-55. Proposed lots conform to the requirements of the MX district.
2. **Addressing:** City of Tulsa will assign addresses to each lot as phasing begins. Assigned address is required to be affixed to the face of the final plat prior to approval.
3. **Transportation & Traffic:** Sidewalks are required to be installed along all streets. Indicate which street rights-of-way are dedicated by plat and recording information for any existing dedications to remain.
4. **Sewer/Water:** Sewer and water extension are being constructed through a capital project with public funds. Publicly funded infrastructure must have final plans for infrastructure prepared prior to final plat approval and filing to ensure accuracy of all easements/ROW. Designate mutual access easement as utility/sanitary sewer easement between building 4 and 5. Reserve A along 23rd Street must also be a utility easement.
5. **Engineering Graphics:** Submit a subdivision control data sheet with final plat. Show all platted properties in the location map and label all other property has unplatted. Label subject property. Graphically show all property pins found or set associated with this plat. Provide a bearing angle from the face of the plat to be basis of bearing. Surveyor CA is expired and will need to be updated.
6. **Stormwater, Drainage, & Floodplain:** Publicly funded infrastructure must have final plans for infrastructure prepared prior to final plat approval and filing to ensure accuracy of all easements/ROW. Any privately funded improvements to the stormwater system must obtain IDP approval prior to final plat approval.
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.

Modification to the Subdivision & Development Regulations:

The applicant has requested a modification to Section 10-110.6-C of the *Subdivision and Development Regulations* which would require the developer to submit a financial guarantee to the City of Tulsa for outstanding infrastructure improvements required for the project. The public infrastructure supporting this project is being done through a publicly funded capital improvement project. Because the infrastructure is already being funded by the City, the performance guarantee would not be necessary. Staff supports the request for modification.

Staff recommends **APPROVAL** of the preliminary subdivision plat and the modification to the Subdivision & Development Regulations subject to the

conditions provided by TAC and all other requirements of the Subdivisions Regulations. City of Tulsa release letter is required prior to final plat approval.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

Mr. Shivel was experiencing issues with audio and did not vote.

TMAPC Action; 7 members present:

On **MOTION** of **COVEY**, TMAPC voted **7-0-0** (Covey, Craddock, Doctor, McArtor, Ritchey, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Kimbrel, Reeds, "absent") to **APPROVE** the Preliminary Subdivision Plat and the modification to the Subdivision & Development Regulations for River West Phase III & IV per staff recommendation.

6. **The Estates at the River IV-VI** (CD 8) Preliminary Plat, Location: South of the southwest corner of East 121st Street South and South Hudson Avenue

STAFF RECOMMENDATION:

The Estates at the River IV-VI - (CD 8)

South of the southwest corner of East 121st Street South and South Hudson Avenue

This plat consists of 124 lots, 13 blocks, 44.82 ± acres done in 3 phases as follows:

Phase IV – August 2021

Phase V – August 2022

Phase VI – August 2023

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

1. **Zoning:** The property is zoned RS-3 with an adopted Planned Unit Development (PUD-803). As shown, the lots do not conform to the PUD standards. Approval of the lots as shown is contingent on the approval of the associated minor amendment (PUD-803-7). Lots conform to the proposed standards of the minor amendment. Prior to final plat approval, applicant must submit conceptual layout for the private trail system and connections to the planned future trail system located in Reserve B as required by the PUD. Plans will be reviewed to ensure public access through the development to the trail system.

2. **Addressing:** Provide lot address graphically on the face of the final plat along with standard address disclaimer. City of Tulsa will assign addresses.
3. **Transportation & Traffic:** Approval of entry gates and drive configuration required by Development Services and Tulsa Planning Office prior to final plat approval. Temporary turnarounds will be required between phases where streets do not connect. Add trail easement language to deed of dedication.
4. **Sewer:** Sanitary sewer extensions must be approved through the IDP process prior to final plat approval. Provide recording information for any U/E not being dedicated by the plat.
5. **Water:** Water main extensions must be approved through the IDP process prior to final plat approval.
6. **Engineering Graphics:** Submit a subdivision data control sheet with final plat submittal. Graphically show all pins found or set associated with this plat. Add legend entries for found/set property pins. Platted subdivisions at the time of final plat approval must be shown in the location map. All other property should be labeled unplatted. Label plat location as "Site" or "Project Location".
7. **Fire:** Gated entry features must be reviewed and approved by the Fire Marshal prior to final plat approval.
8. **Stormwater, Drainage, & Floodplain:** Regulatory floodplain boundaries must be shown on the face of the plat based on contours and base flood elevations. Development in floodplain areas is subject to additional regulations and will be required to comply with all standards.
9. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

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

TMAPC Comments:

Mr. Craddock stated there are two subdivisions that before Planning Commission today that are going to be adding a lot of residential homes and traffic to the area and that area wrestles with the Infrastructure being adequate for the existing property owners. He asked if there are any plans from the City that staff is aware that will help with the infrastructure issues, including the roads and the bridges, or anything that would provide additional safety issues, and better transportation.

Staff stated at this time he is not familiar with any city led projects in the area but there are representatives from Development Services on the call and they may have additional information. Staff stated as a part of the preliminary plats final plat approval process moves forward, there will be requirements for all of the

infrastructure to serve those plats to be installed by this developer including Hudson Avenue improvements all the way down from 121st Street. He stated they have continued to work with the developer to the east to ensure that throughout time a high level of connectivity between Sheridan and 121st Streets remains through all of these neighborhoods. Staff stated there is a planned collector street that will eventually connect east/west to allow for traffic to flow out to the other arterials without going straight to 121st Street. Staff stated he would defer to the applicant to see if they have any additional information to add.

Mr. Craddock stated but staff is not aware of any additional infrastructure tying in from across the river or any bridges or anything like that.

Staff stated “no”.

The applicant indicated his agreement with staff’s recommendation.

There were no interested parties wishing to speak.

Mr. Shivel was experiencing issues with audio and did not vote.

Mr. Doctor did not vote.

TMAPC Action; 6 members present:

On **MOTION** of **COVEY**, TMAPC voted **5-1-0** (Covey, McArtor, Ritchey, Van Cleave, Walker, “aye”; Craddock, “nays”; none “abstaining”; Kimbrel, Reeds, “absent”) to **APPROVE** the Preliminary Subdivision Plat for The Estates at the River IV-VI per staff recommendation.

* * * * *

7. **Islamic Cemetery** (County) Minor Subdivision Plat, Location: South of the southeast corner of East 191st Street South and South Memorial Drive

STAFF RECOMMENDATION:

Islamic Cemetery – (Tulsa County)

South of the southeast corner of East 191st Street South and South Memorial Drive

This plat consists of 1 lot, 1 block on 21.78 ± acres.

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

1. **Zoning:** Approved as submitted.

2. **Addressing:** Approved as submitted.
3. **County Engineering:** Final release required for drive configuration.
4. **Sewer/Water:** Lots will be served by on-site sewage disposal approved by Oklahoma Department of Environmental Quality. Water service available through the rural water district.
5. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All release letters have been received. Oil & Gas certificate was submitted.

Waivers of Subdivision Regulations:

1. None Requested

Staff recommends **APPROVAL** of the minor subdivision plat subject to the requirements of the Subdivision & Development Regulations.

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 **8-0-0** (Covey, Craddock, Doctor, McArtor, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Kimbrel, Reeds, "absent") to **APPROVE** the Minor Subdivision Plat for Islamic Cemetery per staff recommendation.

* * * * *

Mr. Doctor left at 2:19 pm.

8. **Z-7562 Janet McKinney** (CD 1) Location: East of the northeast corner of East Apache Street and North Peoria Avenue requesting rezoning from **RS-3** to **CS**

STAFF RECOMMENDATION:

SECTION I: Z-7562

DEVELOPMENT CONCEPT: The anticipated use defined by the applicant is to start a local restaurant and provide delivery meal opportunities. At this time, it appears that the existing building will be removed.

DETAILED STAFF RECOMMENDATION:

Z-7562 is requesting CS zoning and is not consistent with the Existing Neighborhood Land Use designation however immediately west and south of this property the land use designation is Neighborhood Center and east of the site is

a Mixed-Use Corridor. Staff will address the land use map as part of the Comprehensive Plan update and,

Uses allowed in a CS district are consistent with the normal opportunities that are expected along a secondary arterial near a major intersection and,

The residential neighborhood north of this site has several empty lots and It is unlikely that a residential structure will be constructed on the site abutting Apache Street and the small scale of this site will support a small neighborhood business

Uses that are allowed in a CS district are consistent with the expected land use map changes that staff will propose therefore,

Staff recommends Approval of Z-7562 to rezone property from RS-3 to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The zoning request is not consistent with the existing land use map however staff will address the land use map for this site as part of the Comprehensive Plan update This property could be included in a Mixed-Use Corridor or a Neighborhood Center land use designation.

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: None

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: This site is part of the Healthy Neighborhood Overlay. Uses allowed in a CS zoning districts are not affected by that Overlay except that small box discount store placement may be limited.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site included a residential use and has been a dilapidated structure.*

Refer to the next page for street view image looking north east from southwest corner.



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 Quaker	None	50 feet	2
East Apache	Secondary Arterial	100 feet	4 two east bound, two westbound and a center turn lane transition area

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	Growth	Empty lot
East	OL	Mixed Use Corridor	Growth	Surface parking for office use

South	RS-3	Neighborhood Center	Growth	Empty lot
West	CH	Neighborhood Center	Growth	Empty lot

SECTION III: Relevant Zoning History

History: Z-7562

ZONING ORDINANCE: Ordinance number 11809 dated June 26, 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 and most of the surrounding area.

Surrounding Property:

BOA-22856 March 2020: The Board of Adjustment **approved** a *Special Exception* to permit low-impact manufacturing and industry use in a CG District for medical marijuana processing, subject to conceptual plan 3.10, on property located at 1216 East Apache Street North.

BOA-22692 July 2019: The Board of Adjustment **accepted** the applicant's *Verification of Spacing* to permit a medical marijuana dispensary, subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary, on property located at 1216 East Apache Street North.

Z-6941 May 2004: All concurred in **denial** of a request for *rezoning* a .32+ acre tract of land from RS-3 to CS and **approval** of OL for an Office-Non-profit Organization, on property located northeast corner of East Apache Street and North Quaker Avenue.

Z-6746 February 2000: All concurred in **approval** of a request for *rezoning* a

.52+ acre tract of land from RS-3/CH to CH for a dry cleaning business, on property located west of the southwest corner of East Apache Street and North Owasso Avenue.

TMAPC Comments:

Mr. Covey asked if this was the only residential lot on the northern side.

Staff stated it's the only residential lot that abuts Apache. He stated everything north of that is still residential.

Mr. Covey asked if staff could envision this location going back to residential.

Staff stated there is the designation for a Mixed-Use Corridor all the way down the street and although we can't speculate on what might happen if somebody else comes in with an application, he could certainly see Mixed-Use Corridor expanding that far north. If you're looking at it from Peoria, he could see the Neighborhood Center land use designation all the way to Quaker Avenue. Staff stated it is an area that's in transition and staff feels like there's some opportunity for growth there.

Interested Parties:

Joyce Brown 2537 North Quaker, Tulsa, OK 74106

Ms. Brown stated she opposes the rezoning request for Apache Street and North Quaker Avenue from RS-3 to CS to establish a local restaurant and provide delivery meal opportunities. She stated no information or data is provided to project area growth such as traffic counts or demographic growth. Ms. Brown stated there is no site plan, building design or environmental studies by either the applicant or TMAPC. Staff and Planning Commission are putting the cart before the horse. Ms. Brown stated this land area is inadequate to accommodate a restaurant and parking. She stated it will also disrupt the Apache westbound traffic at the Apache and Peoria intersection and cause noise pollution in the surrounding residential neighborhood. Ms. Brown stated TDA has torn swaths of inactive vacant land throughout Tulsa County and the community is not conducive to sustainable businesses of this category and trend toward abandoned sites such as Latimers BBQ, Wilson's Barbecue, Chicken Hut and the dash U which was once a QuikTrip with food items. She stated this is not a stable area. The combination of prime drug activity, multiple liquor and cannabis retailers, absentee landlords, multiple dwellings in transient housing significantly contribute to the erosion of this community and is continuously fueled by the City of Tulsa, the Planning Commission and Tulsa Development Authority. The Peoria and Apache traffic mass is south and northbound on Peoria with clusters of customers patronizing the Tropical Smoothie, The Shops at Peoria and Popeyes Chicken. Ms. Brown stated available land exists at Pine and Peoria's northwest region as well as renting space at the Shops at Peoria where there's increased traffic for more customers and a better business climate than the proposed area. She stated a small neighborhood business on this small scale site will not

maintain support from the community or have sustainability at the proposed site and the TMAPC staff is misguided to think this proposed restaurant will increase economic activity in the area to benefit existing residents and businesses and provide the stimulus to redevelop. Ms. Brown stated to prevent another abandoned structure and to ensure business success she hopes the applicant will relocate to a stable area with an established market that already supports businesses. She stated the Tulsa Metropolitan Area Planning Commission and other entities within the City of Tulsa need to stop approving and creating projects that are destined to become blight. She stated she wants to point out that she is not opposed to rezoning to commercial and it would be nice if that entire swath of lots from Apache and Lewis to Apache and Cincinnati were commercial, but to piecemeal things that we know from the past 50 years have contributed to blight and abandoned sites have contributed to this community.

Mr. Craddock stated that he is confused, Ms. Brown said that the neighbors would like to see a commercial corridor, and this application before Planning Commission is for commercial zoning. He asked why is this one not good. Mr. Craddock asked why this application wouldn't be a good rehab of a property that looks fairly dilapidated and boarded up well as blighted.

Ms. Brown stated what she has written it is very clear. She hopes that Commissioners will read her report and at this time the structure on that property has been tore down.

Mr. Craddock stated the Commissioners have that report and he has read it.

Ms. Brown stated she gave a list of things, the land area is inadequate, the community is not conducive to substantially support the business.

Mr. Craddock asked why Planning Commission would approve any commercial zoning for the area if it's not conducive to substantially support the business.

Ms. Brown stated she was pretty sure Mr. Craddock did not live in the area. She stated she has lived in the area all her life. She stated she knows the 60 years of experience that have gone into what had been there and what has not been there, and what may work and what, may not work.

Mr. Craddock stated he understands the thought process and he doesn't live in the neighborhood but he is extremely familiar with the area. He stated as Commissioners who don't live in each neighborhood we have to discuss and vote on and it is incumbent upon us to get familiar with those areas. Mr. Craddock stated we do want public input and we do want the neighbor's input as you've witnessed today, we take these requests extremely serious. He stated we do want to balance that by giving a property owner the ability to make a better product for the neighborhood.

Applicant Comments:

The applicant stated she has been a part of the community where she wants to open her restaurant. She stated this community has been a progress denied community for so many years and she would like to break that cycle. The applicant stated she wants to revitalize North Tulsa and offer people the opportunity to come and dine at the proposed restaurant and even shop at the proposed meat market that the applicant believes is so needed in the area. She stated they are no grocery stores or meat markets within a 15 mile radius. The applicant stated this will give individuals in the community the opportunity for part-time jobs. She stated she has a site plan and a building plan that has been drafted. The applicant stated in addition she is anticipating purchasing the other part of this property to expand the restaurant as well as the meat market and add a meat storage facility because she also contracts government jobs with the U.S. Government to provide meats and food to the Department of Justice.

Mr. Shivel was experiencing issues with audio and did not vote.

TMAPC Action; 6 members present:

On **MOTION** of **CRADDOCK**, TMAPC voted **6-0-0** (Covey, Craddock, McArtor, Ritchey, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Doctor, Kimbrel, Reeds, "absent") to recommend **APPROVAL** of CS zoning for Z-7562 per staff recommendation.

Legal Description for Z-7562 :

LT 7 LESS BEG SEC W5 NE TO EL S5 TO BEG FOR STREET BLK 4, CLIFF VIEW
ADDN

9. **Z-7569 Tulsa City Council** (CD 2) Location: Multiple properties north of West 81st Street South and South of West 78th Street South between South 33rd West Avenue and South Union Avenue and south of the southeast corner of West 81st Street South and South 33rd West Avenue requesting rezoning from **RS-3** to **AG-R**

STAFF RECOMMENDATION:

SECTION I: Z-7569

DEVELOPMENT CONCEPT: This is the third group of zoning request is part of the City Council initiated program to allow AG-R rezoning at no charge to interested property owners in the West Highlands/Tulsa Hills Small Area Plan.

DETAILED STAFF RECOMMENDATION:

Z-7569 requests AG-R zoning. The parcels 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 north of West 81st Street South and west of South Union Avenue. A much greater lot density is allowed in this area and was established in 1970 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 voluntary rezoning program for property owners to rezone properties in this area to AG-R at no cost, this request is part of that program. The lot setbacks and building regulations of properties included in this AG-R request meet or exceed the standards defined in the Tulsa Zoning Code therefore,

Staff recommends **Approval** of Z-7569 to rezone properties from RS-3 to AG-R.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The property owners have taken advantage of voluntarily rezoning opportunities for their parcels to AG-R to establish neighborhood stability for large lots consistent with the West Highlands/Tulsa Hills Small Area Plan.

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 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:

Multi-modal streets emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are 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 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: There are no historic preservation overlays that require consideration in this area.

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *All the parcels included in this application are one acre or larger and are currently zoned RS-3.*

Environmental Considerations: None that would affect rezoning considerations for a larger lot.

Streets: Much of this property was subdivided without street infrastructure decades ago. Some street right of way has been dedicated to the City but no street improvements have ever been constructed and some private drives appear to be in the street right of way.

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South 33 rd West Avenue	Secondary Arterial	100 ft.	2 lanes
South 30 th West Avenue	None	50 ft.	2 lanes and some unimproved
South 28 th West Avenue	None	50 ft.	2 lanes
South 23 rd West Avenue	None	50 ft.	2 lanes and some unimproved
South Waco Avenue	None	50 ft.	2 lanes and some unimproved
West 81 st Street South	Secondary Arterial	100 ft.	2 lanes

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-3	Existing Neighborhood	Stability	Single Family
South	RS-3/AG	Existing Neighborhood	Stability	Single Family
East	RS-3/AG	Existing Neighborhood	Stability	Single Family
West	RS-3	Existing Neighborhood	Stability	Single Family

SECTION III: Relevant Zoning History

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

Subject Property:

No Relevant History.

Surrounding Property:

Z-7568 Approved by TMAPC August 5th, 2020: A request to rezone 137.38± acres of land from AG to AG-R for Single-family residential as a part of Phase III of the AG-R rezoning program initiated by City Council, on multiple properties located north of West 86th Street South & South of West 77th Street South between South 33rd West Avenue & South Union Avenue, and northeast corner of West 77th Street South & South 33rd West Avenue

Z-7558 Transmitted July 6th, 2020: A request to rezone 32.62± acres of land from AG to AG-R for Single-family residential as a part of Phase I & Phase II of the AG-R rezoning program initiated by City Council was approved by TMAPC June 17th, 2020 on properties located north of the northwest corner of West 81st Street South and South Union Avenue.

Z-7549 Transmitted May 27th, 2020: A request to rezone a 3.7± acre tract of land from AG to AG-R for Single-family Residential was approved by TMAPC May 6th, 2020 and transmitted to City Council for property located at the southeast corner of West 81st Street South and South 33rd West Avenue.

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-22587 February 2019: The Board of Adjustment **approved** a *Variance* to allow a 50'-0" x 80'-0" detached accessory single-story structure to exceed 500 square feet or 40% of the floor area of the principal structure, to be increased from 2,400 square feet to 4,000 square feet, subject to conceptual plan 8.22 of the agenda packet, finding the hardship to be the large lot and vertical gain or loss of the subject property, on property located at 7615 South 26th West Avenue.

BOA-20256 May 2006: The Board of Adjustment **approved** a *Variance* of the maximum permitted size of an accessory building in an RS-3 District and a *Variance* of the maximum height of the top plate for an accessory building from 10 ft to 12 ft, subject to there being no commercial activities, no living quarters, the existing buildings are removed, and the total square footage of the accessory buildings does not exceed 1,500 sq. ft., finding the hardship to be the large lot size, on property located at 8025 South 28th Avenue West.

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, noting that no hardship was stated, on property located at 2951 West 81st Street.

BOA-16885 December 1994: The Board of Adjustment **approved** a *Variance* of the maximum 750 sq. ft. for a detached accessory, per plan submitted, subject to a maximum of two accessory buildings on the property containing a total of 1999 sq. ft., no bathing or cooking facilities being installed and no commercial use, finding that the tract is large and approval won't be a detriment, on property located at 2627 West 79th Street.

BOA-16223 December 1992: The Board of Adjustment **approved** a *Variance* of the maximum square footage allowed for a detached accessory building from 750 sq. ft. to 2281 sq. ft., per plan submitted, subject to no commercial use of the building, finding that the tract is large enough to accommodate the proposed structure and there are other buildings in the residential area that are similar in size, on property located at 2509 West 79th Street.

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 at 3011 West 80th Street.

BOA-15604 December 1990: The Board of Adjustment **approved** a *Special Exception* to permit a wedding flower business as a home occupation, subject to Home Occupation Guidelines and hours of operation being from 9:00 a.m. to 7:00 p.m., on property located at 1712 West 78th Street.

There were no interested parties wishing to speak.

Mr. Shivel was experiencing issues with audio and did not vote.

TMAPC Action; 6 members present:

On **MOTION** of **COVEY**, TMAPC voted **6-0-0** (Covey, Craddock, McArtor, Ritchey, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Doctor, Kimbrel, Reeds, "absent") to recommend **APPROVAL** of AG-R zoning for Z-7569 per staff recommendation.

Legal Description for Z-7569 :

W/2 SW NW SW SE SEC 10 18 12 1.25AC; E/2 N221 S442 W495 NW NW SEC 15 18 12 1.256ACS; NE NW SW SE SEC 10 18 12; NW NW SE SE SEC 10 18 12; BEG 165S NWC NW SW TH E1320 S165 W1320 N165 POB SEC 15 18 12; NE NW SE SE LESS S25 THEREOF SEC 10 18 12 2.31AC; NW NE SE SE SEC 10 18 12 2.51AC; BEG 121.3W NEC SE SE NE SW TH S209.48 W209.52 N209.48 E209.51 TO POB SEC 10 18 12 1AC; NW SE SW SW SEC 10 18 12 2.5AC; N165 NW SW SEC 15 18 12

* * * * *

Items 10 and 11 were presented together.

10. **PUD-490-A Alan Betchan, AAB Engineering LLC** (CD 8) Location: Southwest corner of East 131st Street South and South Sheridan Road requesting a Major Amendment to abandon PUD-490 (related to Z-7570)

STAFF RECOMMENDATION:
SECTION I: PUD-490-A

DEVELOPMENT CONCEPT: The applicant plans to develop the site with detached single-family homes. This application is to abandon PUD 490 and is concurrent with a rezoning application to RS-4. That PUD was approved for a golf course community south of 131st and was approved in 1992. The requested zoning is consistent with the lot sizes and configuration for recent property development north and east of the site.

DETAILED STAFF RECOMMENDATION:

PUD 490-A is a major amendment requesting abandonment for all of PUD 490. A concurrent rezoning request for RS-4 has been submitted for this site. Staff does not recommend abandonment of the PUD without the concurrent rezoning request.

Abandonment of the PUD is consistent with the major amendment processes defined in the Tulsa zoning code and,

The anticipated development will conform to RS-4 minimum lot sizes are consistent with the existing development pattern in the surrounding property north of this site in the City of Tulsa and east of this site in the City of Bixby and

RS-4 rezoning is consistent with the New Neighborhood land use designation in the Tulsa Comprehensive Plan therefore,

Staff recommends Approval of PUD-490-A which is a major amendment to abandon PUD 490 and concurrently rezone the property to RS-4.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Abandonment of the PUD without a concurrent rezoning would allow uses that may not be consistent with the New Neighborhood vision.

Land Use Vision:

Land Use Plan map designation: New Neighborhood

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

Areas of Stability and Growth designation: Area of Growth

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

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

Transportation Vision:

Major Street and Highway Plan: The Major Street and Highway Plan illustrates a residential collector street network that may no longer be relevant. Discussion regarding the proper arrangement of a collector street system during the plat process will not match the concept shown on the current map illustration.

Trail System Master Plan Considerations: Go Plan

This site is affected by the City of Tulsa Bicycle and Pedestrian Master Plan “Go Plan” which was adopted and approved in 2017. The plan illustrates a trail system connection through this site with two significant considerations.

1. Provide a trail connection to the Bixby trail system along 131st.
2. Provide a trail opportunity to the northwest along the Arkansas River that ultimately connects to the river trail system.

Those trails systems will be an integral part of the plat process.

Small Area Plan: None

Special District Considerations: None

Staff Note: The subject property is not in the Arkansas River Corridor land use designation. The subject property is not in the River Corridor Overlay

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is at the southern tip of the City of Tulsa with the Arkansas River and Jenks on the West and Bixby on the east. The site is largely undeveloped however significant sand excavation has happened at the northwest corner of the site where a sand plant removed sand and never reclaimed the area. 131st Street is currently blocked to prevent trash dumping and the street is in poor condition and will require reconstruction. The remainder of the site is flat wooded floodplain area.

Environmental Considerations: This site is abutting the Arkansas River. The environmental considerations should include riverbank movement, possible eagle habitat, floodplain remapping. At the time of this application this site is shown to be part of the regulatory flood area. Site design and home development will require significant engineering analysis and site modification to remove home from the mapped flood areas.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 131 st Street South	Residential Collector	60 feet	undeveloped
South Sheridan Road	Secondary Arterial	100 feet	2 lane

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zon803ing	Existing Land Use Designation	Area of Stability or Growth	Existing Use
-----------------	-------------------------------	--	--	---------------------

North	RS-3 / PUD 803 and / PUD 812	New Neighborhood	Growth	Detached Single Family Homes
East (City of Bixby)	PUD 64A / RS- 2	Low Density Residential 1.5 to 4 dwelling units per Acre	NA	Detached Single Family Homes
South	AG / Arkansas River	NA	NA	Arkansas River
West	AG / Arkansas River	NA	NA	Arkansas River

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11838 dated June 26, 1970 and Ordinance No.17857 dated January 21, 1993 established the current zoning for the subject property.

Subject Property:

BOA-20956 August 2009: The Board of Adjustment **approved** a *Special Exception* to permit a 150ft communications tower in the AG District and a *Special Exception* to reduce the setback to 30ft for a communications tower from an adjoining lot line of an agriculturally zoned lot to the east to permit a communication tower in the AG District, finding that: it will be in compliance with Section 1204 and its accessory definitions of the tower requirements, it meets the required factors listed in the code, it has the capability of collocating three carriers on the 150ft tower, with a 6ft chain link fence with three strands of barbed wire at the top around the tower and accessory equipment, and will comply with the landscaping requirements, per plan, as shown on page 10.9 of the agenda packet, on property located at 5749 East 131st Street.

BOA-20050 May 2005: The Board of Adjustment **approved** a *Special Exception* to permit Use Unit 24- Mining in an AG (Agricultural) district, with conditions: Operations Monday through Friday, sunrise to sunset and ½ day on Saturdays; no landfill in the excavation area; compliance with all requirements by Department of Mines and all other governmental regulations, including obtaining all licenses and permits; no explosives to be used; and per plan, on property located at 660 ft. west of the northwest corner of East 131st Street and South Sheridan Road.

BOA-19651 August 2003: The Board of Adjustment **approved** a *Special Exception* for soil mining or extraction, with conditions: operations Monday through Friday, sunrise to sunset, and ½ day on Saturdays; no landfill in

the excavation area; compliance with all requirements by Department of Mines and all other governmental regulations, including obtaining all licenses and permits; no explosives to be used; per plan, on property located at northwest corner of East 131st Street and South Sheridan Road.

BOA-18814 July 2000: The Board of Adjustment **approved** a *Special Exception* to allow Use Unit 24 (sand and gravel removal) in an AG zoned district for two years, finding that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on property located at 5629 East 131st Street.

Z-6381/PUD-490 December 1992: All concurred in **approval** of a request to rezone a 25± acre tract of land (out of the total 63 acres) from AG to RS-1 and **approval** of a proposed *Planned Unit Development* on the entire 63 acres for a golf course and 85 Single-family residential dwellings with private streets, on property located at the southwest corner of South Sheridan Road and 131st Street, a portion of the subject area. (Ordinance No. 17857)

BOA-10938 April 1980: The Board of Adjustment **approved** a *Special Exception* to permit a sand extraction operation and a ready-mix concrete plant in an AG District, subject to the following conditions: 1. That the operation meet all the applicable State, County, and City Health Departments environmental requirements; 2. That the letters of approval be placed in the Board of Adjustment file prior to commencement of the operation; 3. That McMichael widen and improve that portion of 131st Street stated by Mr. Johnsen in his presentation (800' west of Sheridan, oil covering); 4. That the operation be limited to 10-hour days, 5-day work week for the activities; 5. That the number of truck trips for the sand operation be limited to 75 loads per day, or 150 trips; 6. That the cement operation be limited and restricted to a maximum of 33 loads per day or 66 trips, for 85-days a year; 7. That loaded trucks be covered as they enter and exit the site; 8. That the operation be restricted to an area beginning 150' west of the present embankment along the west side of the subject tract; 9. That there be no significant tree removal along the riverbank, 10. That the sand extraction and ready-mix concrete plant operations run for the term of the 5-year lease; and 11. Contingent upon approval of the County Commissioner of District 3, as to widening and surfacing, on property located at northwest of 131st Street and Sheridan Road.

Ordinance number 11838 dated June 26, 1970 established zoning for the subject property.

Surrounding Property:

PUD-812 June 2014: All concurred in **approval** of a proposed *Planned Unit Development* on a 10.861± acre tract of land for on property located north of the Northwest corner of East 131st Street and South Sheridan Road.

Z-7257 April 2014: All concurred in **approval** of a request for *rezoning* a 80± acre tract of land from AG to RS-3 for Single-family Residential Development, on property located north of the northwest corner of East 131st Street and South Sheridan Road.

Z-7243/PUD-803 January 2014: All concurred in **approval** of a request to rezone a 122± acre tract of land from AG to RS-3 and **approval** of a proposed *Planned Unit Development* for a Single-family Residential Development, on property located east of the southeast corner of East 121st Street and South Yale Avenue.

Z-7470/CPA-79 March 2019: All concurred in **approval** of a request for *rezoning* a 1.1± acre tract of land from RS-3 to CS and a *Comprehensive Plan Amendment* to change the Land-use designation from New Neighborhood to Neighborhood Center to allow retail, office, food truck operations, or farmer's market to operate in the existing, homeowners association owned, commercial building on property located north of the northwest corner of East 131st Street South and South Sheridan Road.

TMAPC Comments:

Mr. Craddock asked who held the 50 foot strip easement.

Staff stated The City of Tulsa.

Mr. Craddock stated he has looked into elements that it was owned by the City of Tulsa. He asked staff if the assessor site is incorrect.

Staff stated "yes".

Staff stated the applicant is the property owner.

Mr. Craddock stated it is subject to a 50 foot easement.

Staff stated "Correct".

Mr. Craddock asked if part of that easement there is a sewer line.

Staff stated "yes", the entire width of that 50 foot strip is an easement and within that 50 foot strip there is a 24.75 feet of statutory roadway that further limits developments.

Mr. Craddock stated that part of the section of road that has not been opened yet.

Staff stated that is correct. He stated on the east side in Bixby all the lots go to the section line. So, each individual lot owner has ownership of that statutory right of way.

Mr. Craddock asked if staff was saying the City will never develop Sheridan Road to the south.

Staff stated that is correct. He stated there is something on the Major Street and Highway Plan that shows a residential collector street roughly following Sheridan Road but when that project was developed that was not honored. Staff stated the interconnectivity of the subdivision hadn't been developed yet but 131st Street is also considered a residential Collector and that street is in place but it's not drivable.

Mr. Craddock stated he is concerned about the idea of adding additional housing units to infrastructure that is already overloaded and that's there's massive safety issues within this whole corridor that are extremely concerning for people to get around effectively. He stated he is pretty pro development but it concerns him that a lot more housing stock will be added to an area that is in dire need of additional road improvements. He stated he has been told the improvements will be years away because of the funding to be able to get any of these roads dealt with properly.

Staff stated right or wrong that is the way Tulsa has developed. He stated it is very unusual to put a road in an area until the need is there.

Interested Parties:

Jack Hoskins 13306 South 65th E Place Bixby, OK 74008

Mr. Hoskins stated he lives directly east of the proposed property. He would like to know if there have been any environmental impact studies because of the bald eagles that nest in the elm trees, as well as lots of other types of wildlife. Mr. Hoskins would also like to know if there has been any effort to relocate these bald eagles since its somewhat of a national protected animal. He stated his other concern is safety on the roads, as well as the capacity of the schools to house all of the additional children. Mr. Hoskins stated there are about 1000 homes being built in a 1 ½ mile radius and he thinks will tax the system and put homeowners at a disadvantage and has the potential to devalue all of the property.

Applicant Comments:

The applicant stated this is the last piece that gets down into the corner from a development standpoint in southwest Tulsa. He stated it's got a lot of challenges

because 131st Street is a section line and there's a statutory right away that'll have to be developed around. The applicant stated that's part of the reason for an RS-4 designation. The applicant stated the other point that's relevant from a density standpoint is if you look at the adjoining subdivisions, even though they're RS-3, they're actually overlaid with PUD's that have lots within them that are non-conforming to the RS-3 bulk and area requirements so the densities are really in RS-4. He stated PUD's are no longer in the Zoning Code therefore they don't have that same opportunity today. The applicant stated there is a lot of connectivity being built in with the subdivisions to the north so not everything is funneling into one corner at 131st and Sheridan and there's a lot that will go into developing those plans, subdivision plans and the plats. He stated he will be back in front of this Commission in the future as they continue to work through those applications. The applicant stated the first step is getting the underlying zoning in place so that they can build those layouts and concepts. He stated this fits with the neighborhood and the development patterns that are in the area.

Mr. Craddock asked how many lots they were thinking of for this area.

The applicant stated that has not been decided yet. He stated they have done some really rough high level concepts but doesn't remember how many lots were in them. The applicant stated there's a conversation with the development group that this will not be a single product but more like what is at Addison Creek. He stated there's a lot more market study that has to be done.

The applicant indicated his agreement with staff's recommendation.

Mr. Shivel was having audio issues and did not vote.

TMAPC Action; 6 members present:

On **MOTION** of **McARTOR**, TMAPC voted **6-1-0** (Covey, Doctor, McArtor, Ritchey, Van Cleave, Walker, "aye"; Craddock, "nays"; none "abstaining"; Kimbrel, Reeds, "absent") to recommend **APPROVAL** of abandonment of PUD-490-A per staff recommendation.

Legal Description for PUD-490-A :

LEGAL DESCRIPTION OF PARCEL FOR PUD-490-A ABANDONMENT: A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 10, T-17-N, R-13-E OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U. S. GOVERNMENT SURVEY THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS: LOTS 1, 2, AND 5 OF SAID SECTION 10, LESS THE WEST 300' OF THE NORTH 324.75'. SAID TRACT CONTAINING 63 ACRES MORE OR LESS.

* * * * *

11. **Z-7570 Alan Betchan, AAB Engineering LLC** (CD 8) Location: Northwest corner and southwest corner of East 131st Street South and South Sheridan Road requesting rezoning from **AG,RS-1 and PUD-490 to RS-3 and RS-4** (related to PUD-490-A)

STAFF RECOMMENDATION:
SECTION I: Z-7570

DEVELOPMENT CONCEPT: The applicant plans to develop the site with detached single-family homes. PUD 490 will be abandoned concurrently with this rezoning application. That PUD was approved for a golf course community south of 131st and was approved in 1992. The requested zoning is consistent with the lot sizes and configuration for recent property development north and east of the site.

DETAILED STAFF RECOMMENDATION:

Z-7570 is requesting rezoning to RS-3 and RS-4 zoning categories. The request is to allow all uses allowed by right and all building types allowed by right along with the supplemental regulations relevant to those zoning districts. The request is generally consistent with the previously approved PUD and is consistent with the New Neighborhood land use designation and,

RS-3 and RS-4 minimum lot sizes are consistent with the existing development pattern in the surrounding property north of this site in the City of Tulsa and east of this site in the City of Bixby and

RS-3 and RS-4 rezoning is consistent with the New Neighborhood land use designation in the Tulsa Comprehensive Plan therefore,

Staff recommends Approval of Z-7570 to rezone property from AG & RS-1 to RS-3 & RS-4.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: *Abandonment of the PUD and the rezoning request are both consistent with the New Neighborhood land use vision in the Comprehensive Plan.*

Land Use Vision:

Land Use Plan map designation: New Neighborhood

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

Areas of Stability and Growth designation: Area of Growth

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

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

Transportation Vision:

Major Street and Highway Plan: The Major Street and Highway Plan illustrates a residential collector street network that may no longer be relevant. Discussion regarding the proper arrangement of a collector street system during the plat process will not match the concept shown on the current map illustration.

Trail System Master Plan Considerations: Go Plan

This site is affected by the City of Tulsa Bicycle and Pedestrian Master Plan “Go Plan” which was adopted and approved in 2017. The plan illustrates a trail system connection through this site with two significant considerations.

1. Provide a trail connection to the Bixby trail system along 131st.
2. Provide a trail opportunity to the northwest along the Arkansas River that ultimately connects to the river trail system.

Those trails systems will be an integral part of the plat process.

Small Area Plan: None

Special District Considerations: None

Staff Note: The subject property is not in the Arkansas River Corridor land use designation. The subject property is not in the River Corridor Overlay

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is at the southern tip of the City of Tulsa with the Arkansas River and Jenks on the West and Bixby on the east. The site is largely undeveloped however significant sand excavation has happened at the northwest corner of the site where a sand plant removed sand and never reclaimed the area. 131st Street is currently blocked to prevent trash dumping and the street is in poor condition and will require reconstruction. The remainder of the site is flat wooded floodplain area.

Environmental Considerations: This site is abutting the Arkansas River. The environmental considerations should include riverbank movement, possible eagle habitat, floodplain remapping. At the time of this application this site is shown to be part of the regulatory flood area. Site design and home development will require significant engineering analysis and site modification to remove home from the mapped flood areas.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 131 st Street South	Residential Collector	60 feet	undeveloped
South Sheridan Road	Secondary Arterial	100 feet	2 lane

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 / PUD 803 and / PUD 812	New Neighborhood	Growth	Detached Single Family Homes
East (City of Bixby)	PUD 64A / RS-2	Low Density Residential 1.5 to 4 dwelling units per Acre	NA	Detached Single Family Homes
South	AG / Arkansas River	NA	NA	Arkansas River
West	AG / Arkansas River	NA	NA	Arkansas River

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11838 dated June 26, 1970 and Ordinance No.17857 dated January 21, 1993 established the current zoning for the subject property.

Subject Property:

BOA-20956 August 2009: The Board of Adjustment **approved** a *Special Exception* to permit a 150ft communications tower in the AG District and a *Special Exception* to reduce the setback to 30ft for a communications tower from an adjoining lot line of an agriculturally zoned lot to the east to permit a communication tower in the AG District, finding that: it will be in compliance with Section 1204 and its accessory definitions of the tower requirements, it meets the required factors listed in the code, it has the capability of collocating three carriers on the 150ft tower, with a 6ft chain link fence with three strands of barbed wire at the top around the tower and accessory equipment, and will comply with the landscaping requirements, per plan, as shown on page 10.9 of the agenda packet, on property located at 5749 East 131st Street.

BOA-20050 May 2005: The Board of Adjustment **approved** a *Special Exception* to permit Use Unit 24- Mining in an AG (Agricultural) district, with conditions: Operations Monday through Friday, sunrise to sunset and ½ day on Saturdays; no landfill in the excavation area; compliance with all requirements by Department of Mines and all other governmental

regulations, including obtaining all licenses and permits; no explosives to be used; and per plan, on property located at 660 ft. west of the northwest corner of East 131st Street and South Sheridan Road.

BOA-19651 August 2003: The Board of Adjustment **approved** a *Special Exception* for soil mining or extraction, with conditions: operations Monday through Friday, sunrise to sunset, and ½ day on Saturdays; no landfill in the excavation area; compliance with all requirements by Department of Mines and all other governmental regulations, including obtaining all licenses and permits; no explosives to be used; per plan, on property located at northwest corner of East 131st Street and South Sheridan Road.

BOA-18814 July 2000: The Board of Adjustment **approved** a *Special Exception* to allow Use Unit 24 (sand and gravel removal) in an AG zoned district for two years, finding that it will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, on property located at 5629 East 131st Street.

Z-6381/PUD-490 December 1992: All concurred in **approval** of a request to rezone a 25± acre tract of land (out of the total 63 acres) from AG to RS-1 and **approval** of a proposed *Planned Unit Development* on the entire 63 acres for a golf course and 85 Single-family residential dwellings with private streets, on property located at the southwest corner of South Sheridan Road and 131st Street, a portion of the subject area. (Ordinance No. 17857)

BOA-10938 April 1980: The Board of Adjustment **approved** a *Special Exception* to permit a sand extraction operation and a ready-mix concrete plant in an AG District, subject to the following conditions: 1. That the operation meet all the applicable State, County, and City Health Departments environmental requirements; 2. That the letters of approval be placed in the Board of Adjustment file prior to commencement of the operation; 3. That McMichael widen and improve that portion of 131st Street stated by Mr. Johnsen in his presentation (800' west of Sheridan, oil covering); 4. That the operation be limited to 10-hour days, 5-day work week for the activities; 5. That the number of truck trips for the sand operation be limited to 75 loads per day, or 150 trips; 6. That the cement operation be limited and restricted to a maximum of 33 loads per day or 66 trips, for 85-days a year; 7. That loaded trucks be covered as they enter and exit the site; 8. That the operation be restricted to an area beginning 150' west of the present embankment along the west side of the subject tract; 9. That there be no significant tree removal along the riverbank, 10. That the sand extraction and ready-mix concrete plant operations run for the term of the 5-year lease; and 11. Contingent upon approval of the

County Commissioner of District 3, as to widening and surfacing, on property located at northwest of 131st Street and Sheridan Road.

Surrounding Property:

PUD-812 June 2014: All concurred in **approval** of a proposed *Planned Unit Development* on a 10.861± acre tract of land for on property located north of the Northwest corner of East 131st Street and South Sheridan Road.

Z-7257 April 2014: All concurred in **approval** of a request for *rezoning* a 80± acre tract of land from AG to RS-3 for Single-family Residential Development, on property located north of the northwest corner of East 131st Street and South Sheridan Road.

Z-7243/PUD-803 January 2014: All concurred in **approval** of a request to rezone a 122± acre tract of land from AG to RS-3 and **approval** of a proposed *Planned Unit Development* for a Single-family Residential Development, on property located east of the southeast corner of East 121st Street and South Yale Avenue.

Z-7470/CPA-79 March 2019: All concurred in **approval** of a request for *rezoning* a 1.1± acre tract of land from RS-3 to CS and a *Comprehensive Plan Amendment* to change the Land-use designation from New Neighborhood to Neighborhood Center to allow retail, office, food truck operations, or farmer's market to operate in the existing, homeowners association owned, commercial building on property located north of the northwest corner of East 131st Street South and South Sheridan Road.

TMAPC Action; 6 members present:

On **MOTION** of **McARTOR**, TMAPC voted **6-1-0** (Covey, Doctor, McArtor, Ritchey, Van Cleave, Walker, "aye"; Craddock, "nays"; none "abstaining"; Kimbrel, Reeds, "absent") to recommend **APPROVAL** of RS-3 and RS-4 zoning for Z-7570 per staff recommendation.

Legal Description for Z-7570:

LEGAL DESCRIPTION OF PARCEL FOR RS-3 ZONING CHANGE

A TRACT OF LAND LOCATED IN THE SOUTH HALF OF THE SOUTHEAST QUARTER (S/2 SE/4) OF SECTION THREE (3), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER (S/2 SE/4); THENCE SOUTH 88°32'43" WEST

ALONG THE SOUTH LINE OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER (S/2 SE/4), A DISTANCE OF 1129.77 FEET; THENCE NORTH 01°27'17" WEST, A DISTANCE OF 145.00 FEET; THENCE SOUTH 88°32'43" WEST, A DISTANCE OF 1042.03 FEET; THENCE NORTH 01°27'17" WEST, A DISTANCE OF 503.68 FEET; THENCE SOUTH 47°30'14" EAST, A DISTANCE OF 336.84 FEET; THENCE NORTH 01°27'17" WEST, A DISTANCE OF 440.95 FEET TO THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER (S/2 SE/4); THENCE NORTH 88°41'45" EAST ALONG SAID NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER (S/2 SE/4), A DISTANCE OF 2424.46 FEET TO THE NORTHEAST CORNER OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER (S/2 SE/4); THENCE SOUTH 01°00'48" EAST ALONG THE EAST LINE OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER (S/2 SE/4), A DISTANCE OF 1317.08 FEET TO THE SOUTHEAST CORNER OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER (S/2 SE/4) AND THE POINT OF BEGINNING. CONTAINING 2,857,396 SQUARE FEET OR 65.60 ACRES.

LEGAL DESCRIPTION BASIS OF BEARINGS IS THE OKLAHOMA STATE PLANE COORDINATE SYSTEM (ZONE 3501 NORTH) WITH THE EAST LINE OF SECTION 3 BEING SOUTH 01°00'48" EAST.

THIS LEGAL DESCRIPTION WAS PREPARED ON JULY 15, 2020 BY JAY P. BISSELL, OKLAHOMA LICENSED LAND SURVEYOR NO. 1318.

LEGAL DESCRIPTION OF PARCEL FOR RS4 ZONING CHANGE

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE/4 NE/4) AND IN GOVERNMENT LOTS ONE (1), TWO (2), AND FIVE (5) OF SECTION TEN (10), AND IN GOVERNMENT LOT EIGHT (8) AND THE SOUTH HALF OF THE SOUTHEAST QUARTER (S/2 SE/4) OF SECTION THREE (3), IN TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION TEN (10); THENCE SOUTH 01°15'23" EAST ALONG THE EAST LINE OF SAID SECTION TEN AND THE EAST LINE OF SAID GOVERNMENT LOT ONE (1), A DISTANCE OF 1334.08 FEET TO THE SOUTHEAST CORNER OF SAID GOVERNMENT LOT ONE (1); THENCE CONTINUING SOUTH 01°15'23" EAST ALONG THE EAST LINE OF SAID SECTION TEN (10) AND THE EAST LINE OF SAID GOVERNMENT LOT FIVE (5), A DISTANCE OF 525.65 FEET; THENCE NORTH 58°23' 12" WEST, A DISTANCE OF 554.85 FEET; THENCE NORTH 81°15'27" WEST, A DISTANCE OF 507.81 FEET; THENCE NORTH 57°44'53" WEST, A DISTANCE OF 642.28 FEET; THENCE NORTH 01°16'14" WEST, A DISTANCE OF 326.12 FEET; THENCE NORTH 60°14'44" WEST, A

DISTANCE OF 794.21 FEET; THENCE NORTH 58°06'06" WEST, A DISTANCE OF 188.70 FEET; THENCE NORTH 01°13'33" WEST, A DISTANCE OF

269.24 FEET TO THE NORTH LINE OF SAID SECTION TEN (10) AND THE NORTH LINE OF SAID GOVERNMENT LOT TWO (2); THENCE SOUTH 88°32'43" WEST ALONG THE NORTH LINE OF SAID SECTION TEN (10) AND THE NORTH LINE OF SAID GOVERNMENT LOT TWO (2), A DISTANCE OF 300.00 FEET TO THE NORTHWEST CORNER OF SAID GOVERNMENT LOT TWO (2) AND THE SOUTHEAST CORNER OF SAID GOVERNMENT LOT EIGHT (8); THENCE SOUTH 88°53'50" WEST ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT EIGHT (8), A DISTANCE OF 63.37 FEET; THENCE NORTH 47°26'07" WEST, A DISTANCE OF 231.62 FEET; THENCE NORTH 37°08'29" WEST, A DISTANCE OF 1434.93 FEET TO THE NORTH LINE OF SAID GOVERNMENT LOT EIGHT (8); THENCE NORTH 88°41'47" EAST ALONG THE NORTH LINE OF SAID GOVERNMENT LOT EIGHT (8), A DISTANCE OF 1078.35 FEET TO THE NORTHEAST CORNER OF SAID GOVERNMENT LOT EIGHT (8) AND THE NORTHWEST CORNER OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER (S/2 SE/4) OF SECTION THREE (3); THENCE CONTINUING NORTH 88°41'45" EAST ALONG THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER (S/2 SE/4), A DISTANCE OF 214.64 FEET; THENCE SOUTH 01°27'17" EAST, A DISTANCE OF 440.96 FEET; THENCE SOUTH 47°30'14" EAST, A DISTANCE OF 336.84 FEET; THENCE SOUTH 01°27'17" EAST, A DISTANCE OF 503.68 FEET; THENCE NORTH 88°32'43" EAST, A DISTANCE OF 1042.03 FEET; THENCE SOUTH 01°27'17" EAST, A DISTANCE OF

145.00 FEET TO THE SOUTH LINE OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER (S/2 SE/4); THENCE NORTH 88°32'43" EAST ALONG THE SOUTH LINE OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER (S/2 SE/4), A DISTANCE OF 1129.77 FEET TO THE THE SOUTHEAST CORNER OF SAID SOUTH HALF OF THE SOUTHEAST QUARTER (S/2 SE/4) AND THE POINT OF BEGINNING. CONTAINING 4,101,048 SQUARE FEET OR 94.15 ACRES.

LEGAL DESCRIPTION BASIS OF BEARINGS IS THE OKLAHOMA STATE PLANE COORDINATE SYSTEM (ZONE 3501 NORTH) WITH THE EAST LINE OF SECTION 10 BEING SOUTH 01°15'23" EAST.

THIS LEGAL DESCRIPTION WAS PREPARED ON JULY 15, 2020 BY JAY P. BISSELL, OKLAHOMA LICENSED LAND SURVEYOR NO. 1318.

* * * * *

Items 12 and 13 were presented together.

12. **CPA-89 CBC Builds c/o AAB Engineering LLC** (CD 9) Location: East of the Northeast corner of East 36th Street South and South Peoria Avenue requesting to amend the Land Use Map designation from Existing Neighborhood to Main Street. (Related to Z-7571)

STAFF RECOMMENDATION:

Property Information and Land use Request

The applicant has submitted this proposed Comprehensive Plan amendment (CPA-89) with a concurrent rezoning request (Z-7571) to request a change in both the Land Use and the Growth and Stability designation of the subject property from *Existing Neighborhood* to *Main Street* and *Area of Stability* to *Area of Growth*. The concurrent zoning request proposes MX1-U-40 from RS-3 for a mixed-use development.

Background

The Land Use and Area of Stability or Growth designations for the subject property were made in 2010 with the adoption of the 2010 Tulsa Comprehensive Plan. At this time, the subject property was assigned a Land Use designation of *Existing Neighborhood* and an Area of Stability or Growth designation of *Area of Growth*. As there are no other plans that cover this area that offer land use recommendations, the 2010 Tulsa Comprehensive Plan solely provides guidance regarding land use for this area.

The site is currently made up of three separate parcels, each with a single-family detached home. The proposed development will remove those homes and construct a mixed-use building that includes commercial on the ground floor and residential units above. The parcels abutting the subject property to the north and west are currently zoned OL/PUD-718 and PK/CH, respectively, both carrying a Land Use Map designation of *Main Street*, as well as an Area of Growth and Stability Map designation of *Area of Growth*. These parcels contain office space and townhomes to the north and a commercial strip mall to the west. The parcel abutting the subject property to the south is zoned MX1-P-U/RS-3 and carries both a *Main Street* and *Existing Neighborhood* Land Use designation, as well as both *Area of Growth* and *Area of Stability* designations due to the location of both single-family detached homes and the Brookside Church. The Brookside Church is zoned MX1-P-U and was rezoned as part of the City Council initiated rezoning opportunities along the Bus Rapid Transit Corridor. The land use designation was changed from *Existing Neighborhood* to *Main Street* in 2019. Abutting to the east are more RS-3 zoned parcels with single-family detached homes that carry a land use designation of *Existing Neighborhood* and a growth designation of *Area of Stability*.

The Brookside Infill Development Design Recommendations was a plan adopted in 2002 that generally provide design guidance for development along and on

either side of South Peoria Avenue immediately west of the subject property. The plan did not specifically make any recommendations to this site.

Existing Land Use and Growth Designations

An *Existing Neighborhood* land use designation was assigned to the area subject to the amendment request at the time of the adoption of the Tulsa Comprehensive Plan in 2010:

“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.”

When the Tulsa Comprehensive Plan was developed and adopted in 2010, the subject tract was designated as an *Area of Stability*:

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

Proposed Land Use and Growth Designations (Tulsa Comprehensive Plan)

The applicant is proposing the *Main Street* land use designation for the subject property:

“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.”

The applicant is also proposing the *Area of Growth*, growth designation for the subject property:

“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.”

Zoning and Surrounding Uses				
Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	OL/PUD-718	Main Street	Area of Growth	Offices and Townhomes
South	MX1-P-U / RS-3	Main Street/ Existing Neighborhood	Area of Growth	Brookside Church and Single-family Residential
East	RS-3	Existing Neighborhood	Area of Stability	Single-family Residential
West	PK/CH	Main Street	Area of Growth	Commercial Strip Center

Applicant's Justification

As part of the amendment application, the applicant is asked to justify their amendment request. Specifically, they are asked to provide a written justification to address:

1. How conditions on the subject site have changed, as well as those on adjacent properties and immediate area;

2. How changes have impacted the subject site to warrant the proposed amendment; and;
3. How the proposed change will enhance the surrounding area and the City of Tulsa.

"To Whom It May Concern,

We have made application to modify the comprehensive plan designation for three lots along the North side of 36th Street and East of Peoria Avenue. We propose to change the designation of these lots from Existing Neighborhood to Main Street and from Area of Stability to Area of Growth as depicted on the attached exhibits. This modification is submitted in conjunction with a request to change the zoning from RS-3 to MX1-U-40.

The three lots are currently used as a single-family residence but are under contract for purchase and redevelopment. As you can see on the exhibits these lots represent a "leave out" from the normally rectangular area of main street designation. The eastern boundary of this designation seems to have followed the existing development patterns regardless of the suitability of these areas for other use. Given that the parcels are currently under contract for redevelopment this area warrants reconsideration as Main Street. The parcels are abutted by a multi-story apartment project to the north which is contained in a PUD and PK/CH zoning to the west. The areas south of 36th Street fronting this tract are zoned MX1-P-U. The surrounding development patterns support the requested re-designation."

Staff Summary & Recommendation

The applicant is currently requesting a *Main Street* land use designation and growth designation of *Area of Growth*, which are the current land use and growth designations held by the parcels abutting this property to the north, south, and west. Main Streets are typically 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. They are also pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities.

Areas of Growth 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. Additionally, 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.

The Comprehensive Plan outlines the following criteria that was used to previously identify areas of growth that can be used to identify new areas of growth:

-Underutilized land, especially surface parking lots or vacant buildings downtown or along corridors

- Areas already undergoing positive change which is expected to continue
- Areas adjacent to transit and around transit stations, existing and planned
- Areas along corridors with frequent bus service that can accommodate development on underutilized land
- Locations where appropriate infill development will promote shorter and less frequent auto trips
- Areas with special opportunities such as where major public or private investments are planned

While the subject property may not necessarily be underutilized or require infill as there are currently houses on them, the property is close to the transit stops along Peoria Avenue and the surrounding area has been undergoing positive change, offering special opportunities such as where major public or private investments. Higher density opportunities, such as this, are appropriate along Bus Rapid Transit Corridors.

Given these descriptions, the character of the abutting developments, the Go Plan's designation of this stretch of 36th Street as a suggested shared bike route and the subject property's proximity to Peoria, which offers access to public transit, the *Main Street* land use designation and *Area of Growth*, growth designation would appear to be an appropriate fit for this property and the neighborhood and help create a more uniform boundary between the existing single-family neighborhood and the Peoria commercial corridor, while also offering commercial or office services that are accessible to the community.

Staff recommends **approval** of the *Main Street* and *Area of Growth* designations.

Mr. Shivel had audio issues and did not vote.

TMAPC Action; 7 members present:

On **MOTION** of **McARTOR**, TMAPC voted **7-0-0** (Covey, Craddock, Doctor, McArtor, Ritchey, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Kimbrel, Reeds, "absent") to **CONTINUE** Item 12 to September 16, 2020.

13. **Z-7571 CBC Builds c/o AAB Engineering LLC** (CD 9) Location: East of the Northeast corner of East 36th Street South and South Peoria Avenue requesting rezoning from **RS-3 to MX1-U-40** (related to CPA-89)

STAFF RECOMMENDATION:

SECTION I: Z-7571

DEVELOPMENT CONCEPT: The applicant is requesting to rezone the subject property from RS-3 to MX1-U-40 to allow a mixed-use development. The applicant has also submitted a subsequent Comprehensive Plan Amendment

request to change the Land-use designation and the Growth and Stability Designation from “Existing Neighborhood” to “Main Street” and “Area of Stability” to “Area of Growth”, respectively.

DETAILED STAFF RECOMMENDATION:

The requested zoning is compatible with the properties north and west of the subject property however it is not consistent with the existing neighborhood land use designation. The applicant has also submitted an amendment to the land use map and growth and stability map in Tulsa’s Comprehensive Plan. Staff supports those changes and,

Establishing MX1-U (neighborhood mixed-use) zoning designation with a 40 foot maximum height provides use limitations and design standards that are consistent with the abutting Main Street designation and,

MX1-U building placement requirements will enhance the pedestrian nature of East 36th Street South and establish a consistent corridor edge on the east side of the main street corridor and,

MX1-U is the least intensive mixed-use zoning district defined in the code and provides appropriate design considerations for abutting adjacent residential uses and,

This designation, combined with the Urban character designation and the height limit of 40 feet, would allow this property a greater variety of neighborhood compatible building types to choose from, while increasing the walkability and access of the neighborhood to goods and services, and protecting neighborhoods from objectionable uses therefore,

Staff recommends Approval of Z-7571 to rezone property from RS-3 to MX1-U-40.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary:

The applicant is currently requesting a *Main Street* land use designation and growth designation of *Area of Growth*, which are the current land use and growth designations held by the parcels abutting this property to the north, south, and west. Main Streets are typically 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. They are also pedestrian-oriented places

with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. The MX1, Neighborhood Mixed-use district is intended to accommodate small scale retail, service and dining uses that serve nearby residential neighborhoods. The district also allows a variety of residential uses and building types. MX1 zoning is generally intended for application in areas designated by the comprehensive plan as neighborhood centers, main streets and mixed-use corridors

Current 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.

Proposed Land Use Vision as supported by staff in CPA-89

Staff supports the applicants request to consider a land use change from existing neighborhood to a 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 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.

Staff also supports the applicants request to consider a change to the existing Area of Stability to an 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 affect site redevelopment. This site is not included in the City Council initiated MX zoning initiative.

Z-7571 is directly affected by the Go Plan’s designation of this stretch of 36th Street as a suggested shared bike route and the subject property’s proximity to Peoria, which offers access to public transit, the *Main Street* would appear to be an appropriate fit for this property. In addition to fitting the description and meshing with the existing developments, especially the office space and townhomes to the north, the proposed land use designation will also help create a more uniform boundary between the existing single-family neighborhood and the Peoria commercial corridor, while also offering commercial or office services that are accessible to the community.

While the subject property may not necessarily be underutilized or require infill as there are currently houses on them, the property is close to the transit stops that dot Peoria Avenue and the surround area itself has been undergoing positive change, offering special opportunities such as where major public or private investments.

Major Street and Highway Plan: None that affect site redevelopment.

Trail System Master Plan Considerations: The Go Plan recommends East 36th Street South from Riverside Drive to South Hudson Avenue as bike path with shared lane markings, which runs along the southern portion of the subject property.

Small Area Plan:

Much of the area immediately west of this site is included in the Brookside Infill Development Design Recommendation plan and was adopted in 2002. The plan and has not been amended. This site is not directly affected by the concepts illustrated in that plan.

Special District Considerations: There are no special districts that require consideration in this area.

Historic Preservation Overlay: There are no historic preservation overlays that require consideration in this area.

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary:

The site is currently made up of three separate parcels, each with a single-family detached home to be demolished and replaced a mixed-use building that includes commercial on the ground floor and apartments up above. Across the street from the subject property to the south are single-family detached homes and the Brookside Church, which was recently re-zoned to MX-1-P-U and had its land use changed from Existing Neighborhood to Main Street in 2019. To the north of the subject property, there is an office space and townhomes, to the west there is a popular commercial strip center which offer a variety of services to the neighborhood, and to the east there are more single-family detached homes.



Figure 1. Street view from directly south of the property facing north.



Figure 2. Street view from the front of the property, facing south.



Figure 3. Street view from directly south of the property facing east.



Figure 4. Street view from the front of the property looking west.

Environmental Considerations: There are no environmental considerations that would affect site re-development.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
E. 36 th St. S.	Residential Collector	60 ft.	2 lanes

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	OL/PUD-718	Mainstreet	Area of Growth	Offices and Townhomes
South	MX-1-P-U/RS-3	Mainstreet/ Existing Neighborhood	Area of Growth	Brookside Church and Single-family Residential
East	RS-3	Existing Neighborhood	Area of Stability	Single-family Residential
West	PK/CH	Mainstreet	Area of Growth	Commercial Strip Center

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11838 dated June 26, 1970 established zoning for the subject property.

Subject Property:

BOA-12466 February 1983: The Board of Adjustment **denied** a *Special Exception* to permit a duplex in an RS-3 District, a *Variance* of the lot area from 9,000 square feet to 7,000 square feet and a *Variance* of the frontage from 75' to 50', on property located at 1333 East 36th Street.

BOA-12422 January 1983: The Board of Adjustment **approved** a *Variance* of the frontage requirement in an RS-3 district from 60' to 50' to permit a lot split, on property located at 1333 East 36th Street.

Surrounding Property:

Z-7478/CPA-83 June 2019: All concurred in **approval** of a request for *rezoning* a 2.14± acre tract of land from RS-3/CH to MX-1-P-U for a church and a *Comprehensive Plan Amendment* to change the Land Use designation from Existing Neighborhood to Main Street, on property located at the southeast corner of East 36th Street South and South Peoria Avenue.

Z-7345 July 2016: All concurred in **approval** of a request for *rezoning* a .51± acre tract of land from OL to CH for a restaurant with an accessory bar, on property located east of the southeast corner of East 5th Street South and South Peoria Avenue.

PUD-718 September 2005: All concurred in **approval** of a proposed *Planned Unit Development* on a .64± acre tract of land for offices and townhomes, on property located east of the southeast corner of East 35th Place South and South Peoria Avenue.

Z-6960 November 2004: All concurred in **approval** of a request for *rezoning* a .32± acre tract of land from RS-3 to OL for an Office, on property located east of the southeast corner of East 35th Place and South Peoria Avenue.

Z-6944 July 2004: All concurred in **approval** of a request for *rezoning* a .32± acre tract of land from RS-3 to OL for an Office, on property located east of the southeast corner of 35th Place and South Peoria Avenue.

BOA-17728 June 1997: The Board of Adjustment **approved** a *Special Exception* to permit school use on the subject tract, finding that the school has existed for 50 years, on property located at the northwest corner of 36th Place and Rockford.

Z-6334 November 1991: All concurred in **approval** of a request for *rezoning* a .16± acre tract of land from RS-3 to CH for a commercial building, on property located east of the northeast corner of East 36th Street and South Peoria Avenue.

Z-6324 October 1991: All concurred in **approval** of a request for *rezoning* a .32± acre tract of land from RS-3 to OL for an office, on property located 1325 East 25th Place.

Z-6326/PUD-474 October 1991: All concurred in **approval** of a request to rezone a 1± acre tract of land from OL to CS and **approval** of a proposed *Planned Unit Development* for mini-storage, on property located east of the southeast corner of South Peoria Avenue and East 58th Street.

Z-6003 December 1984: All concurred in **approval** of a request for *rezoning* a .2± acre tract of land from RS-3 to CH for commercial/office, on property located west of the southwest corner of 35th Place and Peoria Avenue.

BOA-07436 May 1972: The Board of Adjustment **approved** a *Special Exception* to permit parking use for employees and customers, with the restrictions that the lot not be used for retail operations, on property located at 1315 East 36th Street.

BOA-06400 August 1967: The Board of Adjustment **approved** a *Special Exception* to permit establishing off-street parking for church use in a U-1C district, subject to the parking requirements of the Board, on property located at 1331 East 36th Place.

BOA-03878 August 1962: The Board of Adjustment **granted** permission to allow church uses, on property located at Lot 7, Peorian Addition and Lots 4,6-8, Block 1, Peorian Second Addition.

BOA-02164 October 1950: The Board of Adjustment **granted** permission to allow a church, on property located at Lots 8 and 9, Peorian Addition.

BOA-01902 April 1947: The Board of Adjustment **approved** a request for permission to erect an outdoor type electric substation, on property located at E-58' of W-65' of Lot 5, and N-40.87' of E-58' of W-65' of Lot 6, Block 3, Peoria Gardens Addition.

BOA-01606 July 1943: The Board of Adjustment **granted** permission to allow a church, on property located at Lots 10 and 11, Peorian Addition.

TMAPC Comments:

Mr. Covey asked if staff described the property to the north as residential but will allow smaller retail.

Staff stated "yes", there's residential on top and then some smaller retail or office on the bottom floor but it would still be generally a residential use.

Mr. Covey asked if there was a percentage attributed to the retail.

Staff stated "no".

Mr. Covey stated he wanted to make sure he heard staff correctly that the properties to the north are residential yet staff is going with mixed use on the subject property.

Staff stated, "that's correct".

Mr. Craddock asked on 36th Street the properties facing 36th Street from Lewis to the River are there any other properties that face 36th commercial or retail.

Staff stated not until you get to this Peoria corridor.

Mr. Craddock stated for a mile and a half there is zero retail except at Peoria. He stated there's zero commercial and zero retail.

Staff stated "that's correct"

Mr. Craddock stated he lived at 36th and Rockford so he knows the area and walked this entire neighborhood. He stated he is concerned that this is just another example of pushing Peoria east and west. If this is allowed where do you stop, why not just go to Quaker and if not Quaker, why not just go to Rockford. Mr. Craddock stated there are some great homes that have been remodeled and the older homes and there are some beautiful and not so beautiful examples of new construction in the area, but it's all residential. He stated he is very concerned that that we are once again encroaching upon the residential area and trying to allow something that has not yet been done on 36th street outside of the Peoria corridor.

Staff stated he knows we are talking about 36th Street but on Peoria that's all zoned CH which has an unlimited height. He stated if somebody wanted to and they could figure out how to do 100 stories this would be allowed. He stated this application is limited to 40 feet in height which is five feet taller than many of those houses that are there. Staff stated he recognizes the value of those edges and that edge treatment is probably more predictable and more completely defined in MX zoning than anything else.

Mr. Craddock stated he gets that but this would allow something that 36th Street has never had to experience.

The applicant indicated his agreement with staff's recommendation.

Interested Parties:

Jackie Khilling 1340 East 35th Place, Tulsa, OK 74105

Ms. Khilling stated she is a transplant from Fort Smith, Arkansas and has been in this area for 3 years. She stated a week ago she never dreamed she would be standing before Planning Commission. Ms. Khilling stated she lives within the 300 foot radius of the proposed rezoning she was asked to submit a petition to deny or at least delay the rezoning of the subject property. She stated they bought their dream home in 2017 at the urging of my lifelong friend Judy Trickey. She stated her only aspiration at that time was to gently push her 88 year old husband away from 20 years of living on Lake Tenkiller to move to more feasible lifestyle in a neighborhood where they could walk to the shops and restaurants, meet their neighbors, have access to medical facilities and play bridge and go to the bars and restaurants. Ms. Khilling stated every home to the south of 35th Street could be greatly impacted if the urban zoning is approved. She stated they love the quaint neighborhood and just don't want to see any fast-track rezoning until all the neighbors are made aware of the implications. Ms. Khilling stated yesterday she knocked on her neighbor's doors just to see what they knew about this rezoning and no one had even heard about it. They thought everything was focused on 31st and Peoria and asked what they could do about this. She stated by then she was out of time.

Sam Joyner 1335 East 35th Place, Tulsa, OK 74105

Mr. Joyner thanked Commissioners for their service and the opportunity to give his perspective on the application. He stated he lives across the street from the subject property. Mr. Joyner stated he is a retired federal judge and currently conducts arbitrations for the American Arbitration Association. He stated but he does have a personal interest in this particular application, living across the street from where it would be located. Mr. Joyner stated he also appears on behalf of all those signing the petition, which has 37 signatures but could easily have been doubled if they had more time. He stated all of the neighbors strongly oppose this land use change and strongly oppose the rezoning. Mr. Joyner stated the objections to the application is best told with a story of a retired lawyer looking for a retirement home. This lawyer found that home in Brookside where you can pretty much walk anywhere, perfect house, playroom where his grandchildren play when they have the opportunity. He stated the lawyer checked the zoning to make sure it was zoned residential single family and found that of course it was and he knew the zoning laws are there to protect him and he could rely on those laws in his search for a retirement home. Mr. Joyner stated sadly that's where the story ends today the rest of the story is up to Planning Commission. He stated this is not made up it's a true story and the lawyer is Randy Francis. He stated Randy Francis lives next door to the subject property they ask Planning Commission to give Randy and the other 37 people on that list the protection that was intended by the zoning regulations and deny this request. Mr. Joyner stated they asked for a list of the uses allowed under a Main Street designation and the rezoning and were provided with a horrifying list of possible uses for this property. He stated it appears that lawyer Randy Francis and his grandkids could potentially walk up to the subject property to a restaurant, bar or a medical

marijuana dispensary. Mr. Joyner stated and curiously, a sexually oriented business establishment is permitted as well as vehicle sales and service, fueling stations and even an oil and gas well. He stated he will close by reading a part of Planning Commission's mission statement, "to adopt and maintain a comprehensive plan for the metropolitan area, and to provide other planning, zoning and land division services that promote the harmonious development of the Tulsa Metropolitan Area and enhance and preserve the quality of life for the region's current and future residents".

Judy Trickey 3488 South Zunis Avenue, Tulsa, OK 74105

Ms. Trickey thanked Commissioner Craddock for having a great understanding of this community and neighborhood. She stated everyone has been to Doc's and all of the other places that are up and down Peoria. She stated they are already very happy with what they have available on Peoria but they don't want it coming up into the neighborhood and schools. Ms. Trickey stated she lives 5 blocks from the subject property between Utica and Lewis on the corner. She stated there is great blend of neighbors they have elderly, young families, small children, baby buggies and dogs. Ms. Trickey stated it's almost to the point now that they have to separate from their friends who live to the south because you can't get across 36th Street unless you have on your Keds and you're in good shape to get across the street. She stated 36th has been widened and that includes more ability to carry traffic. Ms. Trickey stated it would be a travesty to change the zoning to make it a mixed use neighborhood and a mixed business. She stated Mr. Francis who lives right next door to the subject property is a very limited physically individual and he can hardly get out of his driveway because of the traffic onto 36th Street. Ms. Trickey stated her driveway comes out on 36th Street and all the sensors on the car go off. She stated the other concern is the school. Eliot is one of the finest schools, the parents bring the kids to play on the playground at the school so safety is a concern. Ms. Trickey stated she worked in state government for 40 years understands how things work. She stated it seems like staff is looking for ways to fill in and change this property and she doesn't know if that's Mr. Wilkerson's job to look for spots where there is not a lot of concrete but she feels certain that's not his job but sitting in the crowd and listening it sounded like what was happening. Ms. Trickey stated they don't need any more spots on 36th and Peoria they have a very busy neighborhood already.

Applicant Comments:

The applicant stated in response to Commissioner Craddock's request, the tract east of the church and the lot south of it are not part of the church they are owned by a separate entity and are currently zoned MX and are scheduled for redevelopment as a true mixed use building. He stated north of that there are townhomes but there's also office uses in the same PUD. The applicant stated that PUD was used to create that same kind of mixed use environment. He stated he would stress the fact that you don't have to necessarily do a mixed use building in an MX designation so it can be full residential on all 3 stories If that's

the way it develops. The applicant stated to the concept of the traffic being vastly different, this subject property is unique from the rest of 36th Street. He stated to the north, west and south are mixed use designations and development. The applicant stated there's hard commercial and PK to the west, and there's mixed use zoning across the street. This is the natural edge of what has been created around it. He stated the same argument of this is encroaching into the neighborhood can be made that this is the spot where the neighborhood's encroaching into the mixed use commercial walkable corridor that is Peoria. The applicant stated that 36th Street is unique in that this is one of the places where it makes sense to actually have that pedestrian, specifically MX zoning that allows that walkability allows that connection allows the density that the Comprehensive Plan is so in support of and takes advantage of what is becoming a real jewel of development in the Brookside area and the redevelopment of the bus rapid transit plan. He stated he thinks this an opportunity for the City to utilize a place where this type of development is most effective. The applicant stated that's why they brought it in and that's why the owners have purchased the property and looked at it for this specific use. He stated he thinks it's important to realize that 36th Street and Peoria is different from the rest of 36th Street as a whole as you go east and this is really an inset into that commercial development pattern along the Peoria corridor.

Mr. Craddock asked what the plan was for the property since the applicant mentioned that MX zoning can be full residential.

The applicant stated MX is what is requested and the owners are looking at whether or not the retail viability for the first floor versus just doing the true multi family for all which is still allowed by the MX zoning.

Mr. Craddock stated but the neighbors can't depend on that. He stated he is pro-development and these conversations are a little strange for his own brain. However, he understands the encroaching upon the neighborhood. Mr. Craddock stated looking at the viability and unreliability of zoning he can see why neighbors would say, here we go again. He stated 36th Street and Peoria are both extremely unique Streets in an extremely unique area and the encroachment has to stop somewhere. Mr. Craddock stated he wasn't on Planning Commission when the other properties were zoned MX but he is here now and can have a voice for good or bad on some of this development.

The applicant stated the MX zoning specifically is very rigid as far as form goes, which is what he thinks is so critical for the 36th Street corridor. He stated the buildings are pulled close to the street and you look at those access points to make sure there isn't a sea of parking and a bunch of accesses going south. The applicant stated he doesn't see any way that this develops with the same number of accesses as what is currently there. He stated it would consolidate into two and maybe down to one when you start looking at the footprints of the buildings. Those accesses would be safer because they're not backing accesses on 36th

Street, there would be pullout accesses from parking in the rear. The applicant stated the fact that this is mixed use to the north and mixed use to the south, by virtue of a PUD or by the MX zoning, he thinks supports the edge they are proposing from a practical and planning standpoint.

Mr. Covey asked if the applicant met with any of the neighbors before the meeting today?

The applicant stated the owner has talked to the neighbors to the east and to the southeast but not the neighborhood as a whole.

Mr. Covey asked if the applicant wanted a continuance.

The applicant stated if an optional development plan is something that Planning Commission wishes to consider and staff would support it, he thinks it warrants a continuance of a couple of weeks to look at that and to sit down with the neighbors and talk about specifics.

Staff stated an optional development plan in a MX zoned District has not been done since the zoning designation has been created. He stated staff has been resistant to that because those design standards and uses are adequate so the development plan for additional refinement doesn't make sense.

Mr. Covey asked if he was saying no to an optional development plan.

Staff stated without saying the details it's hard to say no but if MX zoning isn't the right zoning here, instead of a development plan we would look at different zoning and then craft a development plan around CH or whatever that zoning might be.

Mr. Covey stated looking north on 36th Street (page 13.12 of the agenda packet) it looks like there's a hard land use line. He stated in 2010 the City went through the PlaniTulsa process and everyone in the City together to designate what they wanted for the land use. Mr. Covey stated he has been on this Commission for almost 10 years now. He asked staff what land use has changed north of 36th Street. He asked if all of this designation was a part of the original PlaniTulsa, and these three tracks just happened to be carved out or are you going to tell me that in the past 10 years they have encroached more and more to the east.

Staff stated he thinks the only very specific example we have of encroachment to the east is just north of the subject property on the south side of 35th Street, there's Z-7345 that was a rezoning with an optional development plan and that did move that line to the east. He stated that is the only very specific one there. Staff stated you can also tell just by looking at this that on the entire edge with the exception of PK zoning there is either PUD or an optional development plan or something until the mixed use zoning was added to the current code.

Mr. Covey stated he is conflicted on this one. He stated he understands both arguments. There is a land use plan that calls for Existing Neighborhood and it's in an Area of Stability. Mr. Covey stated he also understands the flip side argument that the applicant made. He stated you got it to the north, to the west and to the south.

Mr. Craddock made a motion to deny this application and Mr. Covey seconded the motion.

Mr. McArtor stated he was going to oppose the motion for denial and vote for staff recommendation. He stated however, it is disturbing to him that there was not some consultation with these neighbors. He stated there isn't a motion for a continuance on floor and he guesses no one really wants one but since we had a continuance earlier on a much larger idea in the same area he is not sure why we wouldn't have one now to see if these folks could get together and solve what is clearly a conundrum. Mr. McArtor stated he would note that north of this is a PUD and there's office light and then south of 36th Street there's a mixed use development. He stated it seems to be somewhat consistent with the developmental pattern along this corridor. Mr. McArtor stated he doesn't like the idea that so many of these folks feel like it's being shoved upon them without any consultation.

Mr. Covey asked if this application was continued would the applicant get together with the neighbors or is there hope.

The applicant stated "yes".

Mr. Covey stated he didn't want to continue it otherwise because there is no point.

The applicant stated as far as the neighborhood goes, this application made sense because they only abutting a single home. He stated the neighbor across the street from the subject property is consenting and it's in an MX zoning to the north is the same kind of mixed use. The applicant stated that's the reason why he didn't go in and ask the neighborhood. He stated hearing the Commissioners and the neighbors comments he would be happy to go back and meet with them. The applicant stated he is not certain that there is a consensus if the answer is, they only want residential single family and that's not what we're asking for but by all means we're willing to have the conversation.

Mr. Covey stated he would be interested in the applicant seeing what the neighbors want and seeing if the applicant can accommodate them but if he can't accommodate them have the discussion of residential or mixed use.

Mr. Craddock stated he would withdraw his motion to deny.

Mr. Covey stated he would withdraw his 2nd of the motion.

Mr. Shivel was having audio issues and did not vote.

TMAPC Action; 7 members present:

On **MOTION** of **McARTOR**, TMAPC voted **7-0-0** (Covey, Craddock, Doctor, McArtor, Ritchey, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Kimbrel, Reeds, "absent") to **CONTINUE** Item 13 to September 16, 2020.

* * * * *

14. Consider motion and vote to enter Executive Session pursuant to Title 25 O.S. Section 307(B)(4) for the purpose of allowing confidential communications between the Commission and its legal counsel regarding pending litigation filed by the Tulsa Development Authority in the Tulsa County District Court, Case No. CV-2020-1021, in which the Commission is named as a defendant.

TMAPC Action; 7 members present:

On **MOTION** of **COVEY**, TMAPC voted **7-0-0** (Covey, Craddock, Doctor, McArtor, Ritchey, Van Cleave, Walker, "aye"; "nays"; "abstaining"; Kimbrel, Reeds, Shivel "absent") to enter Executive Session pursuant to Title 25 O.S. Section 307(B)(4) to discuss pending litigation.

Mr. Ritchey left the meeting at 3:40pm the vote on leaving the executive session:

15. Exit the Executive Session following confidential communications between the Commission and its legal counsel regarding pending litigation in Tulsa County District Court Case No. CV-2020-1021, for the purpose of taking any appropriate related actions.

Chair Covey stated that no matter had been discussed during Executive Session other than the matter listed under agenda item 14.

TMAPC Action; 6 members present:

On **MOTION** of **COVEY**, TMAPC voted **6-0-0** (Covey, Craddock, Doctor, McArtor, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Kimbrel, Reeds, Ritchey, Shivel "absent") to leave Executive Session pursuant to Title 25 O.S. Section 307(B)(4).

TMAPC voted Mr. Covey to be their representative to communicate with the City of Tulsa Legal Department to file any necessary pleadings on behalf of the Commission regarding District Court Case No. CV-2020-1021.

* * * * *

OTHER BUSINESS

16. Commissioners' Comments None

* * * * *

ADJOURN

TMAPC Action; 6 members present:

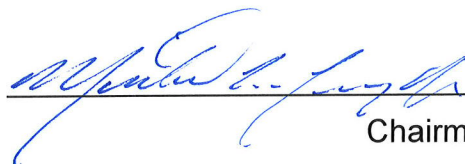
On **MOTION** of **COVEY**, TMAPC voted **6-0-0** (Covey, Craddock, Doctor, McArtor, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Kimbrel, Reeds, Ritchey, Shivel "absent") to **ADJOURN** TMAPC meeting of September 2, 2020, Meeting No. 2825.

ADJOURN

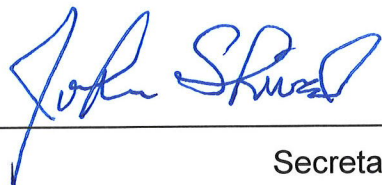
There being no further business, the Chair declared the meeting adjourned at 4:02 p.m.

Date Approved:

01-19-2022


Chairman

ATTEST:



Secretary