

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2827

Wednesday, October 7, 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
Blair-R	Walker	Foster-P	Jordan, COT-R
Covey-P		Jones-P	Silman, COT-R
Craddock-P		Miller-P	Skates, COT-R
Kimbrel-R		Sawyer-P	VanValkenburgh, Legal-R
McArtor-R		Wilkerson-P	
Reeds-R			
Ritchey-R			
Shivel-R			
Van Cleave-R			

R=Remote P=in Person

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, October 1, 2020 at 4:10 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:

Mr. Covey stated many of you know that Commissioner Nick Doctor who was the Mayor's designee for Planning Commission is no longer with the City of Tulsa. He welcomed the new Mayor designee Jack Blair. Mr. Covey stated a work session is scheduled for 10am on October 21, 2020 via zoom to discuss the Plan 66 (Route 66 Master Plan); Route 66 Bus Rapid Transit (BRT) Study; and the County Comprehensive Plan update for the areas of North Tulsa County, Turley and West Central Tulsa County.

Director's Report:

Ms. Miller stated the Governor's executive order that allows virtual participation has been extended another 30 days to October 25, 2020. The Executive Order itself expires on November 15, 2020 and it's not expected to be extended past that date. She stated some legislators have expressed the desire to amend the Open Meetings Act permanently but they won't be in session until next year and they are probably not going to call a special session. Ms. Miller stated there will likely be a gap between November 15 and the next session and everyone is looking for creative options to allow people to participate safely but still be in the building. The Open Meetings Act now allows for people to participate remotely, such as from home, however your home address would need to be published on the agenda and you would need to give the public access to your home so that is not a very usable situation. She stated there are multiple kinds of outreach efforts going on but again having to be creative. For the update of Planitulsa there will be a series of three development roundtable discussions. The first one was Monday afternoon and it was very well attended and was a very good discussion. The first one was focused on infill the missing middle housing. Ms. Miller stated the second one, which is Monday, October 19, 2020 will be focusing on The Tulsa Planning Office and the processes and how they can improve services to the public. She stated the third one will be a similar discussion to be held on November 2, 2020, but about Development Services and their processes and improvements there. Ms. Miller reported on City Council and Board of County Commissioner actions and other special projects.

Ms. Kimbrel asked how community members can express input on the update for the Comprehensive Plan and what is the outreach strategy to participate in any roundtable discussions?

Ms. Miller stated at this point outreach has been very targeted and they are waiting to see what other opportunities are possible and as things progress there may be a broader community discussion. Ms. Miller stated there's been a lot of reaching out to different entities or representative of entities, leaders of communities, different partners, different experts in their field. She stated this is an extension of that with the development community. So as far as just the community at large, that is still to be determined. Because we know that to solely

have things virtually, they will probably miss some people in that regard. So, we are still trying to figure that out.

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Minutes:

1. Approval of the minutes of September 2, 2020 Meeting No. 2825

On **MOTION** of **COVEY**, the TMAPC voted 9-0-0 (Blair, Covey, Craddock, Kimbrel, McArtor, Reeds, Ritchey, Shivel, Van Cleave, “aye”; no “nays”; none “abstaining”; Walker, “absent”) to **APPROVE** the minutes of the meeting of September 2, 2020, Meeting No. 2825.

Minutes:

2. Approval of the minutes of September 16, 2020 Meeting No. 2826

On **MOTION** of **COVEY**, the TMAPC voted 9-0-0 (Blair, Covey, Craddock, Kimbrel, McArtor, Reeds, Ritchey, Shivel, Van Cleave, “aye”; no “nays”; none “abstaining”; Walker, “absent”) to **APPROVE** the minutes of the meeting of September 16, 2020, Meeting No. 2826.

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.

NONE

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PUBLIC HEARINGS

Items 3 and 4 were withdrawn by applicant.

- 3. CPA-88 KKT Architects, Trey Wilson (CD 4) Location: South of the southwest corner of East 5th Street South and South Victor Avenue requesting to amend the Land Use Map designation from “Existing Neighborhood” to “Employment”. (Related to Z-7560) (Continued from July 15, 2020 and August 19, 2020) **(Withdrawn by applicant September 28, 2020)****

4. **Z-7560 KKT Architects, Trey Wilson** (CD 4) Location: South of the southwest corner of East 5th Street South and South Victor Avenue requesting rezoning from **RS-4 to IL** (Related to CPA-88) (Continued from July 15, 2020 and August 19, 2020) (**Withdrawn by applicant September 28, 2020**)

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5. **TCCP-3** consider adoption of an amendment to the **Comprehensive Plan of the Tulsa Metropolitan Area** for the unincorporated areas of Tulsa County lying within the fencelines of Broken Arrow and Sand Springs; and unincorporated areas in South Tulsa County, lying between 201st Street South and 211th Street South and in the Keystone area, lying west of the Sand Springs fenceline.

STAFF RECOMMENDATION:

Item

TCCP-3 consider adoption of an amendment to the Tulsa County Comprehensive Land Use Plan for unincorporated areas within the fencelines of Broken Arrow and Sand Springs, along with the unincorporated areas of South Tulsa County and Keystone.

Background

The Tulsa County Comprehensive Land Use Plan will serve as a guide to decision makers when determining Land Use decisions in unincorporated areas of Tulsa County. The following unincorporated areas within the fenceline of these municipalities were adopted by Tulsa Metropolitan Area Planning Commission on June 19, 2019 and approved by Tulsa County Commission on August 15, 2019: Bixby, Glenpool, Jenks, Owasso, and Skiatook (TCCP-1). Additionally, the unincorporated areas within the fenceline of the following municipalities were adopted by Tulsa Metropolitan Area Planning Commission on August 21, 2019 and approved by Tulsa County Commission on September 9, 2019: Collinsville and Sperry (TCCP-2).

Comprehensive Land Use Maps and accompanying descriptions of Land Use Designations have been prepared for adoption if the following areas within the unincorporated areas of Tulsa County:

- Broken Arrow (Adopted by Broken Arrow City Council August 6, 2019 – Resolution 1255)
- Sand Springs (Adopted by Sand Springs June 26, 2017 – Resolution 17-25)

- South Tulsa County (the southernmost portion of unincorporated Tulsa County, lying between 201st Street South and 211th Street South)
- Keystone (the Keystone area of unincorporated Tulsa County, lying west of the Sand Springs fenceline)

The areas we are calling South Tulsa County and Keystone are areas within Tulsa County which were never included in the Tulsa County Metropolitan Area Comprehensive Plan. Both areas have received public input into the desired Land Use Plan and are being considered for adoption at this time. Public engagement was through community surveys, input through an advisory team, one-on-one discussions with community members, social media, and virtual community meetings.

Remaining are the areas of North Tulsa County, Turley, and West Central Tulsa County. We anticipate a work session in October with a request for adoption in November. It is anticipated that the process of completing the Tulsa County Comprehensive Land Use Plan will be completed by December 2020.

Staff Recommendation

Staff recommends that TMAPC adopt an amendment to the Comprehensive Plan of the Tulsa Metropolitan Area for the unincorporated areas of Tulsa County lying within the fencelines of Broken Arrow and Sand Springs, along with the unincorporated areas of South Tulsa County and Keystone.

TMAPC Comments:

Mr. Craddock stated staff has done a great job and the citizens and communities will definitely benefit from this in the future.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **CRADDOCK**, TMAPC voted 9-0-0 (Blair, Covey, Craddock, Kimbrel, McArtor, Reeds, Ritchey, Shivel, Van Cleave, “aye”; no “nays”; none “abstaining”; Walker, “absent”) to **ADOPT** TCCP-3 as an amendment to the Comprehensive Plan of the Tulsa Metropolitan Area per staff recommendation.

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6. Woodward Acres (County) Minor Subdivision Plat, Location: Northwest corner of East 171st Street South and South Harvard Avenue

STAFF RECOMMENDATION:

Woodward Acres - (County)

Northwest corner of East 171st Street South and South Harvard Avenue

This plat consists of 8 lots, 1 block on 20 ± acres.

The Technical Advisory Committee (TAC) met on August 6, 2020 and provided the following comments:

1. **Zoning:** Proposed lots conform to the requirements of the AG district.
2. **Addressing:** Addresses provided by INCOG must be shown on face of the plat.
3. **Transportation & Traffic:** Approved as submitted.
4. **Sewer/Water:** On-site sewage disposal. Water service to be provided by Creek County Rural Water District #2. Any improvements to existing water lines must be approved through the RWD.
5. **Stormwater, Drainage, & Floodplain:** Approved as submitted.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All release letters have been received. Oil & Gas certificate was submitted.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **COVEY**, TMAPC voted 9-0-0 (Blair, Covey, Craddock, Kimbrel, McArtor, Reeds, Ritchey, Shivel, Van Cleave, "aye"; no "nays"; none "abstaining"; Walker, "absent") to **APPROVE** the Minor Subdivision Plat for Woodward Acres per staff recommendation.

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7. **River West Phase III-IV** (CD 2) Authorization for accelerated release of building permits, Location: Northwest corner of West 23rd Street South and South Jackson Avenue

STAFF RECOMMENDATION:

River West Phase III-IV - (CD 2)

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

The applicant has requested that the Planning Commission authorize the City of Tulsa to issue building permits prior to the filing of a final plat. The *Subdivision &*

Development Regulations require the approval of a preliminary plat prior to authorization for an accelerated release of building permits. The preliminary plat was approved by the Tulsa Metropolitan Area Planning Commission on September 2, 2020.

This project is being managed by the Tulsa Housing Authority in partnership with the City of Tulsa and the U.S. Department of Housing and Urban Development along with other private partners. The site was awarded a federal CHOICE neighborhood grant through HUD that seeks to revitalize areas through the creation of affordable, walkable, and safe neighborhoods. The required infrastructure will be funded by the City of Tulsa and the implementation projects will be managed by Engineering Services. Any additional infrastructure not funded by the City of Tulsa will be required to obtain IDP approval.

As part of the platting process there will be relocation of existing utilities and expansions of new infrastructure as well as a need to close and vacate several underlying easements and existing rights-of-way. The associated grant with this project requires construction to begin on a specific timeline where delays could create issues. The applicant has requested deferring the requirement for the plat to be filed to the certificate of occupancy in order to prevent delays on building permits. The Technical Advisory Committee met on Thursday, September 17, 2020 and no objections were raised to the authorization of an accelerated release of building permits.

If approved, this authorization only removes the requirement that the final plat be filed prior to building permits being issued. All other codes and requirements of the City of Tulsa remain in place.

Staff recommends **approval** of the accelerated release of a building permit

TMAPC Comments:

Mr. Reeds asked why the city could not release the permits. He stated what the applicant is installing right now is the infrastructure and the utilities, which is a separate permit from a building permit. Mr. Reeds asked why the applicant has to get an accelerated release.

Staff stated due to the zoning code requirement since the project had to be rezoned to accommodate the proposal that was on the site. He stated the zoning code will trigger platting requirements as soon as a rezoning is effective. So, what this does is take that platting requirement associated with the rezoning and just defers it to their Certificates of Occupancy in order to allow them to continue with building while they are working on that preliminary plat process.

Mr. Reeds stated that is what ties it to the building permit.

Staff stated “yes”, the zoning requirement.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **COVEY**, TMAPC voted 9-0-0 (Blair, Covey, Craddock, Kimbrel, McArtor, Reeds, Ritchey, Shivel, Van Cleave, "aye"; no "nays"; none "abstaining"; Walker, "absent") to **APPROVE** River West Phase III-IV Accelerated Release of a Building Permit per staff recommendation.

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Items 8 and 9 were presented together.

8. **CPA-90 Russell Muzika** (CD 1) Location: West of the southwest corner of East 36th Street North and North Garrison Avenue requesting to amend the Land Use Map designation from "New Neighborhood" to "Main Street". (Related to Z-7572)

STAFF RECOMMENDATION:

**TMAPC Staff Report
CPA-90
Comprehensive Plan Amendment**

Property Information and Land use Request

The property in question is a 1.86 acre tract of land made up of two separate parcels, which the applicant wishes to combine through the platting process. The applicant has submitted the following Comprehensive Plan amendment request to amend the land use designation of the southern 1.05 acre tract of the subject property from *New Neighborhood* to *Main Street*. This request is accompanied by a concurrent re-zoning request (Z-7571), which proposes a zoning change on the entire 1.86 acre tract from RM-1 to CS in order to permit an existing convenience store and proposed auto-repair shop.

Background

The parcel involved in this Comprehensive Plan amendment request is located in North Tulsa, just south of 36th Street North, and abuts a single-family residential neighborhood to the east and south, a single-family residential home and vacant lot to the west, as well as a service station and convenience store to the north. This segment of the 36th Street North also contains a mixture of commercial retail, non-profit, and religious assembly uses.

In October of 2013, the 36th Street North Corridor Small Area Plan was adopted and the land use designations of specific parcels were amended to reflect land

uses that more closely aligned with the vision of this plan. This included changing the land use designation of the Osage Casino from Town Center to Regional Center, the parcels abutting 36th Street North between Osage Prairie Trail and North Elgin Avenue from Town Center to Main Street, and expanding the Town Center land use designation to more parcels around the intersection of 36th Street North and Peoria Avenue and further south along Peoria Avenue. Despite these changes to the surrounding land uses and the subject property's proximity to 36th Street North, the land use designation for the northern parcel with the existing service station and convenience store was changed to Main Street, while the southern parcel remained the same, retaining both the land use designation and growth and stability designation it was assigned by the Comprehensive Plan in 2010, *New Neighborhood* and *Area of Growth*.

The 36th Street North Corridor Small Area Plan aims to identify major capital improvements and public/private investments that will spur positive change and help draw attention to the area's many attractions, fostering this image of 36th Street North as a bustling commercial center minutes from downtown, that is a diverse, attractive place to live and invest. This vision includes the fostering of an entertainment district around the Osage Casino, increasing connectivity and access to goods and services through a walkable Main Street, and transit-oriented developments on Peoria Avenue. In order to achieve this vision, the 36th Street North Corridor Small Area Plan proposes policies that improve and expand the local trail system, encourage economic development and diverse housing options, and increase connectivity and walkability through improvements to transit, bicycle, and pedestrian infrastructure, as well as streetscapes.

Existing Land Use and Growth Designations

A *New 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 New Neighborhood designation 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."

When the Tulsa Comprehensive Plan was developed and adopted in 2010, the subject tract was designated as an *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.”

Proposed Land Use Designation (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.”

Zoning and Surrounding Uses

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
N	RM-1	Main Street	Area of Growth	Service Station and convenience store
S	RS-3	Existing Neighborhood	Area of Stability	Single-family Residential
E	RS-3	Existing Neighborhood	Area of Stability	Single-family Residential
W	MX 1-U-55/AG	Main Street/New Neighborhood	Area of Growth	Vacant/ Single-family Residential

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,

Mr. Kahn's convenience store, known as "Jerrod Grocery" is in an area that does not appear to have changed and is stable. Mr. Kahn purchased two parcels (as depicted by the Tulsa County Assessor) together as one parcel with the store in 2015. The convenience store and gas pumps appear to have been operating since 1982. Both parcels have been owned and sold under the same vesting deeds since 1982 and are both currently zoned RM-1. While the assessor shows two parcels, the northerly parcel being the store and a southerly parcel being vacant, they are inextricably tied together and owned by Mr. Kahn under one warranty deed. The southerly parcel cannot be accessed except through the northerly parcel. The "36th Street North Corridor Small Area Plan" Shows the recommendation for the parcels fronting 36th Street North in that area to be "Main Street" designation. However, the plan shows the north and south parcel as separate parcels and designated the southerly parcel as "New Neighborhood". We believe these two parcels should be recognized as one parcel and thereby allowing the change to the southerly parcel to be "Main street" and allowing the zoning change of both parcels to become CS and subsequent plat of both together. We believe this request is not changing the essence or vision of the area, but more so adjusting the two parcels to be more appropriate for actuality. Mr. Kahn is investing in the area and believes he serves the locals with convenience and a good neighbor spirit."

Staff Summary & Recommendation

The 1.05 acre parcel involved in this Comprehensive Plan amendment is located in North Tulsa, just south of 36th Street North, and abuts a single-family residential neighborhood to the east and south, a single-family residential home and vacant lot to the west, as well as a service station and convenience store to the north. Despite changes to the land use designation of some neighboring parcels, the land use designation and growth and stability designation assigned to this parcel by the Comprehensive Plan in 2010 has remained the same, *New Neighborhood* and *Area of Growth*.

The applicant has requested both a Comprehensive Plan amendment and a concurrent re-zoning (Z-7571) to change the land use designation of the

southern 1.05 acre tract from *New Neighborhood* to *Main Street*, as well as change the entire 1.86 acre tract from RM-1 to CS in order to permit an existing convenience store and proposed auto-repair shop.

According to the applicant, the convenience store and gas pumps have both been operating, as well as owned and sold under the same vesting deeds since 1982 and the area does not appear to have changed. The applicant believes that “while the assessor shows two parcels, the northerly parcel being the store and a southerly parcel being vacant, they are inextricably tied together and owned by Mr. Kahn under one warranty deed,” and should be recognized as one parcel, noting that the southerly parcel cannot be accessed except through the northerly parcel. The applicant further suggests that these requests would not change the “essence or vision of the area,” but would more so be an “adjustment of the two parcels to be more appropriate for actuality.” While these parcels may have been sold together throughout the years, unless the parcels have been through the lot combination or platting process, the lots are still legally separate and are considered separately on issues of land use and zoning.

This is an important area of the City that is undergoing transformation. There is significant City focus and investment in this corridor, starting with the adoption of the 36th Street North Corridor Small Area Plan. As implementation of that plan, the City is rebuilding this segment of 36th Street North which will include a pedestrian oriented streetscape project anticipated to begin construction in Spring of 2021.

Without a development plan that offers more detail on the development, how it will impact the adjacent neighborhoods, and what may be done to mitigate any negative impacts on abutting residential uses, there is a need to limit the depth of the expansion of the Main Street land use designation. Given the extreme terrain south and west on the site, future residential expansion at this location is limited and a natural buffer is provided to abutting residential. The single home on top of a hill in the AG district southwest of this site and is separated by over 90 feet of elevation change. Staff cannot support an amendment to the entire parcel, however because of this physical barrier on the southern portion of the property, staff recommends ***approval*** of the proposed *Main Street* land use designation **for the north 45 feet of the subject tract**. Staff does not recommend approval of a land use change for the remainder of the tract south of that line.

TMAPC Comments:

Mr. Craddock asked if that was a creek through the property.

Staff stated “no”, there is a pretty good elevation drop. He stated in fact, that is a hill. Staff stated on page 9.5 of the agenda packet shows the elevation drop. He stated that is a physical barrier for future development.

Mr. Craddock asked if staff chose to line it up with the property to the west or left to help the property owner get most of what he wants without having change the zoning on the entire thing.

Staff stated if you look at it on the map it makes sense because the rezoning to the west has already happened. He stated it was a way that staff could define the recommendation in a very clear and concise way and still be protective of the studies that have happened in the area and the abutting property owners to the southeast. Staff stated on the north side of the subject property there's a small regulatory floodplain but it's not anything that would prohibit development but there are some engineering design standards that would have to be worked through.

Ms. Kimbrel stated the applicant is requesting the boundary that is shaded to be Main Street and to be commercial.

Staff stated "correct".

Ms. Kimbrel stated but staff is recommending the change for the north part and not the south part but also recommending the zoning change for the south part.

Staff stated "correct".

Mr. Reeds asked if essentially staff is making an existing non-conforming use conforming to a zoning that it can exist.

Staff stated "yes", there are some other non-conformities that this won't remedy. Such as a gas canopy in front of the building and a couple of fuel dispensing stations and those are in the building setback area. Staff stated those are in the planned right away for 36th Street North so it would not remedy those encroachments but would remedy the non-conformance for the use.

Applicant Comments:

Russell Muzika stated his company is Geodeca Land Survey and he is the applicant representing the Khan family. The applicant stated he doesn't agree with the illusion of keeping that single parcel separated into two different zoning classifications. He stated on page 8.6 on the agenda packet, just east of the subject property it shows a situation that is similar to what he is asking for. The applicant stated to the east of the subject property the Main Street Land Use designation goes as far south as basically what he is asking for and is encapsulating the parcels in whole and that's what he is asking to do. The applicant stated when the Comprehensive Plan was created it appears that the subject property was treated as two separate parcels and it's really not two separate parcels it's one parcel, and in fact, the vesting deed is one parcel. He stated historically he thinks it was two parcels and it merged into one vesting deed. The applicant stated there's no way to access that piece from the south

and from the east so using it as neighborhood would not be possible unless you went to some extraordinary lengths. He stated the owner of this property is trying to get into compliance and have proper parcels. The applicant stated the owner doesn't have a plan for the subject property yet. He stated the owner has a grocery store right now and maybe Mr. Kahn will expand that to a larger grocery store. The applicant stated isn't that what we want in these neighborhoods is walkable grocery stores and something that people can access.

Mr. Reeds stated it appears that the shallower depth of the Main Street in the original Comprehensive Plan was set topographically because essentially there's a cliff there and it's very steep and turns into agriculture just south of the site. He stated the back third of the subject property has a drop of what is probably 15 feet and 100 feet. Mr. Reeds stated it's not something that can be built on easily. He stated it looks like there is about 200 feet by 100 feet in CS, and then the remainder 250 by 100 will remain residential. He stated if you went back two thirds of the subject site, which would be about 300 feet, you'd have a pretty good flat site. Mr. Reeds asked if that would be amenable to the applicant.

The applicant asked if Mr. Reeds is saying to go back a little further until the topography starts rising.

Mr. Reeds asked if the applicant discussed that with staff.

The applicant stated there was a good discussion with staff as far as the topography was concerned and how one would actually access an RM-1 situation at the back, having CS to the north, and residential to the east and south and it didn't seem practical to split the lot into two zones.

Mr. Reeds stated he understands the applicants point but the depth doesn't matter whether the Main Street is walkable or not. It's the use that he is talking about and he understands why the Main Street was set shallower on one side of Garrison and deeper on the other side. The topography clearly dictates that and it turns into a cliff and that's why it remained agricultural. Mr. Reeds stated It's not arbitrary where they set the line dividing the property. He stated the applicant could get a bigger site to make it more developable, whether you are left with a tail of RM-1 doesn't matter because it isn't buildable on that part.

The applicant stated he understands what Mr. Reeds is saying, get what you can that's buildable with notable applications and he can't argue with that. He stated he understands why this was split into 2 different zones even though they really are one parcel. The applicant stated he thinks it would be smart to have the entire parcel available for commercial.

Ms. Kimbrel asked if the applicant could speak to whether or not the Khan family participated in the 36th Street Small Area Plan planning process.

The applicant stated he did not know.

Ms. Kimbrel asked if the owner had spoken to neighbors in the area about his vision.

The applicant stated he spoke with Ms. Tracy Chandler with the Phoenix Neighborhood Association who is very active in the area.

Interested Parties:

Therese Anderson 3407 North Lansing Avenue, Tulsa, OK

Ms. Anderson stated she is with the Anderson Trust and they are to the south of the subject property. She stated their neighborhood meetings are on the first Monday of the month and they were encouraged to listen and attend the TMAPC meeting today. This particular project doesn't impact her property but she lives right off 36th Street North on Lansing Avenue. She stated she is very concerned about what plans are for 36th Street North in the future.

Myrtus Kirk 520 East 36th Street North Tulsa Oklahoma 74106

Ms. Kirk stated she is the one single house zoned agricultural. She is concerned about the rezoning and if it would affect her agricultural environment.

TMAPC Comments:

Mr. Craddock stated this piece of land that's almost in no man's land, which is not uncommon at times. He stated the land being all one tract would make sense because if split then Planning Commission would need to dictate where that line is located. He stated he doesn't think that is appropriate in this case, because of the surrounding land. Mr. Craddock stated it makes sense to combine it and make it all the same land use versus trying to split it up by an arbitrary line in his opinion.

Mr. Covey stated it seems like we see a lot of comparing what you would call the development line in Midtown, specifically the one that came up a couple of weeks ago was at 36th and Peoria. He stated it is hard for his eye not to drift over to the east and see that it's coming down quite a bit south. Mr. Covey stated he realizes that these are completely different situations because there's a hard neighborhood separating the two areas, the east area and the west area. Mr. Covey asked staff if they could expand on why that application doesn't work here and if that doesn't work could it be extended farther south. He stated the applicant stated it's going to be hard to develop that southern area so does it make any difference whether it's commercial or residential.

Staff stated that the land use maps and other things that were looked at historically in 2010 did not consider physical character of the property. He stated land use kind of ignored floodplains or if there was a steep edge many times topographic changes were not contemplated when they looked at the property. Staff stated there appears to be a pretty normal concept of looking at parcel lines to define the edge and he thinks the idea of that being a parcel line back in the

day is possible. He stated this neighborhood is a very active neighborhood and staff felt that they needed to be respectful of all of the effort that went into that on a much bigger scale. Staff stated there is an existing neighborhood to the east and south that they felt like needed to have a zoning buffer.

Mr. McArtor asked how staff recommendation lined up with the 36th Street North Small Area Plan.

Staff stated the current Land Use designation is what the Small Area Plan recommends. He stated the recommendation today is moving the South boundary of Main Street south about 45 feet. Staff stated that would change the Small Area Plan by about 45 feet on the Main Street side. Staff stated the biggest concerns was being respectful to all the work that has gone into that 36th Street North Small Area planning process.

TMAPC Action; 9 members present:

On **MOTION** of **REEDS**, TMAPC voted 8-1-0 (Blair, Covey, Kimbrel, McArtor, Reeds, Ritchey, Shivel, Van Cleave, “aye”; Craddock, “nays”; none “abstaining”; Walker, “absent”) to **ADOPT** CPA-90 as an amendment to the Tulsa Comprehensive Plan per staff recommendation.

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- 9. **Z-7572 Russell Muzika** (CD 1) Location: West of the southwest corner of East 36th Street North and North Garrison Avenue requesting rezoning from **RM-1 to CS** (Related to CPA-90)

STAFF RECOMMENDATION:

SECTION I: Z-7572

DEVELOPMENT CONCEPT: The applicant has submitted a request to rezone the subject property from RM-1 to CS and has a concurrent comprehensive plan amendment request to change the current land use designation from New Neighborhood to Main Street in order to allow an existing convenience store, as well as an auto-repair shop. The applicant has mentioned that the convenience store and gas pumps appear to have been operating since 1982 and both parcels have been sold and utilized as one property since that time as well. The applicant plans to formally combine these parcels through the platting process.

DETAILED STAFF RECOMMENDATION:

Z-7572 is fully contained by the 36th Street North Corridor Small Area Plan was adopted in October of 2013 and amended in September 2016. At that time the land use designations for most parcels abutting 36th Street North between Osage

Prairie Trail and North Elgin Avenue were changed from Town Center to Main Street to reflect the goals of the plan to create a well-connected, walkable main street with access to goods and services, diverse housing options, and public transportation. CS zoning provides uses and opportunities to accomplish those goals and,

CS zoning is consistent with many of the parcels abutting East 36th Street North are commercially zoned (either CS or CH) and is consistent with the Main Street Land use designation along that corridor. and,

Commercial parcels along this corridor are spaced beyond what would normally be considered a Main street vision. The separation appears to be more of a function of these parcels' current state of development rather than an intentional distancing, meaning that these parcels have the potential to further develop in the future. Appropriate infill along this corridor is important to achieve the goals of the Main Street land use designation and CS zoning supports opportunities to achieve that goal and,

CS zoning allows a variety of low impact, service oriented commercial uses and allows residential building types such as townhouses, mixed-use, and apartments, meaning that a diverse range of housing options could also be developed and,

CS zoning may be appropriate on the subject property where the convenience store is located on the subject tracts closest to 36th Street North however the uses allowed in a CS district would adversely affect abutting residential uses south, east and west of the site and it is not consistent with the Main Street Vision of the Comprehensive plan, however

Due to the extreme terrain south and west on the site, future residential expansion at this location is limited and a natural buffer is provided to abutting residential, therefore,

Staff recommends Approval of Z-7572 to rezone the north 260 feet of the subject property from RM-1 to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary:

The north portion of the subject property currently has a Land Use designation of Main Street/*New Neighborhood* and an Area of Stability or Growth designation of *Area of Growth*, as assigned by the Comprehensive Plan in 2010. As the subject area is within the bounds of the 36th Street North Corridor Small Area Plan which was originally adopted in October of

2013 and amended in September 2016, this small area plan aims to identify major capital improvements and public/private investments that will spur positive change and help draw attention to the area's many attractions, fostering this image of 36th Street North as a bustling commercial center minutes from downtown, that is a diverse, attractive place to live and invest. This vision includes the fostering of an entertainment district around the Osage Casino, increasing connectivity and access to goods and services through a walkable Main Street, and transit-oriented developments on Peoria Avenue. In order to achieve this vision, the 36th Street North Corridor Small Area Plan proposes policies that improve and expand the local trail system, encourage economic development and diverse housing options, and increase connectivity and walkability through improvements to transit, bicycle, and pedestrian infrastructure, as well as streetscapes.

The subject property lies within the stretch of 36th Street North designated to be a walkable Main Street. As implementation of the small area plan, the City is rebuilding this segment of 36th Street North which will include a pedestrian oriented streetscape project anticipated to begin construction in Spring of 2021.

Land Use Vision:

Land Use Plan map designation: New Neighborhood on South and Main Street on North

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 New Neighborhood designation 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.

Transportation Vision:

Major Street and Highway Plan: None affecting site redevelopment however anticipated reconstruction of East 36th Street North is currently funded and construction will begin next year.

Trail System Master Plan Considerations: None affecting site redevelopment.

Small Area Plan: 36th Street North Corridor Small Area Plan

Special District Considerations: This site is included in the Healthy Neighborhood Overlay.

The purpose of the healthy neighborhoods overlay (HNO) is to modify and supplement regulations in a specified area where there is a desire for greater diversity in retail options and convenient access to fresh meats, fruits and vegetables. These regulations are intended to:

- a. Avoid and reduce over-concentration of small box discount stores in the area.
- b. Encourage and streamline grassroots access to fresh meats, fruits and vegetables
- c. Encourage a greater diversity of retail activity and purchasing options within the area.
- d. Allow for a more community-based approach to distributing and purchasing fresh meats, fruits and vegetables in a specified area.
- e. Promote investment and development in a community where change is desired.

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

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary:

The subject property includes two separate parcels. The north parcel includes the existing convenience store and fueling station. That parcel boundary is approximately 165 feet from the planned right of way.

The second parcel is south and land-locked, undeveloped and extends approximately 240 feet south from the north parcel. The applicant plans to combine these parcels through the platting process. This property also abuts a bus route with a stop directly in front of the convenience store on E. 36th Street North.

Northland Commercial Strip Center is located on the north side of 36th Street North and is occupied by a variety of commercial and non-profit businesses. East and south of the site is a subdivision with single-family detached homes. West of the subject tract is a piece of land which was rezoned to MX1-U-55 in 2016 but remains undeveloped and AG zoned property with a single residence at the top of the hill.

Extreme terrain south and west will limit future residential expansion at this location. The single home on top of a hill in the AG district southwest of this site and is separated by over 90 feet of elevation change.

The north portion of the site is included in a Tulsa Regulatory flood plain. (Refer to exhibit on following page for graphics)



2' Contour and Tulsa Regulatory Floodplain exhibit above:



Figure 1. Street view from the northern edge of the property facing south.



Figure 2. Bus stop directly north of the property facing east.



Figure 3. Street view from the front of the property looking north.



Figure 4. Street view from the front of the property looking east/southeast.



Figure 5. View from the western edge of the parking lot and northern edge of the property looking west.

Environmental Considerations: There are no specific environmental considerations that would affect redevelopment of the site.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
E. 36 th St. N.	Secondary Arterial	100 ft	4 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
N	CH	Main Street	Area of Growth	Commercial Strip Center
S	RS-3	Existing Neighborhood	Area of Stability	Single-family Residential
E	RS-3	Existing Neighborhood	Area of Stability	Single-family Residential

W	MX 1-U-55/AG	Main Street/New Neighborhood	Area of Growth	Vacant/ Single-family Residential
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Neighborhood Engagement:

The Tulsa Planning Office has mailed notices to property owners within 300 feet of the subject property, contracted a sign company to install a change of zoning notice sign, and published notice in the local newspaper. The planning office also has mapped current pending zoning cases in our website at tulsaplanning.org.

Staff is not aware of a formal neighborhood engagement process between the applicant and property owners. Also, staff is not aware of any neighborhood correspondence about the possible change in the 36th Street North Small Area Plan.

SECTION III: Relevant Zoning History

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

Subject Property:

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

BOA-14542 August 1987: The Board of Adjustment **approved** a *Variance* of the required screening along the west boundary of the property in question, finding that the subject tract is abutted by vacant land on the west lot line, on property located 558 East 36th Street North.

Surrounding Property:

Z-7336 May 2016: All concurred in **approval** of a request for *rezoning* a 2.18± acre tract of land from AG/CS to MX1-U-55 for mixed use, on property located west of the southwest corner of East 36th Street North and North Garrison Avenue.

Z-7318 Withdrawn November 2015: Request to rezone a 2.18± acre tract of land from AG/CS to CH for mixed-use, on property located west of the southwest corner of East 36th Street North and North Garrison Avenue, was withdrawn November 24th, 2015.

Z-7294 Withdrawn March 2015: Request to rezone a 2.18± acre tract of land from AG/CS to CH for mixed-use, on property located west of the southwest corner of East 36th Street North and North Garrison Avenue, was withdrawn March 26th, 2015.

BOA-20477 April 2007: The Board of Adjustment **approved** a *Verification of the 300ft spacing requirement* for an adult entertainment establishment, as presented on agenda pages 11.7 and 11.8, and a *Special Exception* to permit an adult entertainment establishment on a lot within 150ft of an R district to permit a coffee house/beer bar, subject to a time limit of three years for this space only, as shown on agenda page 11.6, subject to no outside consumption areas designated, nor music or other outside entertainment, and no food preparation within the facility, on property located at 567 East 36th Street North.

BOA-13861 December 1985: The Board of Adjustment **approved** a *Special Exception* to allow a light industrial use in a CH, on property located at the northwest corner of 36th Street North and Hartford Avenue.

BOA-07460 May 1972: The Board of Adjustment interpreted that the requested use falls within Use Unit 5 of the Zoning Ordinance, and **approved** an *Exception* to permit using property for a nonprofit educational corporation for the training of persons engaged in the field of household employment in order to further the education and improve the working conditions of these persons, on property located at 506 East 36th Street North.

BOA-02963 July 1957: The Board of Adjustment **approved** a request for permission to establish a church, on property located at Pt. NW, NE, NW, SEC 24-20-12.

TMAPC Action; 9 members present:

On **MOTION** of **REEDS**, TMAPC voted 8-1-0 (Blair, Covey, Kimbrel, McArtor, Reeds, Ritchey, Shivel, Van Cleave, “aye”; Craddock, “nays”; none “abstaining”; Walker, “absent”) to recommend **APPROVAL** of CS zoning for the North 260 feet of Z-7572 per staff recommendation.

Legal Description for Z-7572:

A tract of land beginning at the Northwest corner of the East Half of the Northeast Quarter of the Northwest Quarter (E/2 NE/4 NW/4) of Section Twenty-four (24),

Township Twenty (20) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the US Government Survey thereof; thence 190 feet East to the Northeast corner of the tract hereby conveyed; thence South a distance of 450 feet to a point, the Southeast corner of the tract hereby conveyed; thence West 190 feet to a point, the Southwest corner of the tract hereby conveyed; thence North a distance of 450 feet to the Point of Beginning, and the Northwest corner of the tract hereby conveyed, LESS AND EXCEPT the North 27 feet thereof.

* * * * *

Mr. Ritchey left at 2:13 pm.

10. Z-7573 Tulsa City Council (CD 9) Location: Southwest corner of East 38th Street South and South Peoria Avenue requesting rezoning from **RS-3 and CH to MX1-P-65 and MX1-P-U**

STAFF RECOMMENDATION:
SECTION I: Z-7573

DEVELOPMENT CONCEPT: The applicant is requesting to rezone the subject property from RS-3 and CH to MX1-P-65 and MX1-P-U to allow a mixed-use development. The request is consistent with the Comprehensive Plan and with the City Council initiated rezoning along the bus rapid transit corridor.

DETAILED STAFF RECOMMENDATION:

The requested zoning is consistent with the expected zoning and land use patterns along this section of the Bus Rapid Transit Study area and on the west side of Peoria. The height transitional standards and development requirements with MX zoning abutting residential areas provides adequate and predictable results for abutting residential properties and,

Establishing MX1-P (neighborhood mixed-use) zoning designation with a 65-foot maximum height on the west portion of the property provides use limitations and design standards that are consistent with the abutting Main Street designation and,

MX1-P building placement requirements will enhance the pedestrian nature of the abutting streets and establish a consistent corridor edge on South Peoria Avenue and,

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

Staff recommends Approval of Z-7573 to rezone property from RS-3 and CH to MX1-P-65 on west portion of the site and MX1-P-U on the east part.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: MX1 is considered a Neighborhood Mixed-Use and is the least intensive MX-district in our code. The use is intended to accommodate small-scale retail, service and dining uses that serve nearby residential neighborhoods. The district allows a variety of residential uses and building types and is generally intended for application in areas designated by the Comprehensive Plan as Neighborhood Centers, Main Streets, and Mixed-Use Corridors. This section of Peoria has a Main Street land use designation. MX1 zoning with the P character zone and height limitations of 40 feet abutting residential uses (at the minimum setback) with a maximum of 65 feet on the west and unlimited height on the east are consistent with the expected development pattern along Peoria. Existing CH zoning is unlimited in height.

Land Use Vision:

Land Use Plan map designation: Main Street

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

Areas of Stability and Growth designation: Area of Growth

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

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

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are 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: Main Street and Urban Arterial

Trail System Master Plan Considerations: None

Small Area Plan: Brookside Infill Design Recommendations

The Brookside Infill Design Recommendation primarily identifies design concepts in the street right of way and does not provide significant guidance for land use infill strategies. 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: none except the provisions of the Brookside infill design recommendations and the Bus Rapid Transit Study.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is currently occupied with a single-family home, cell tower and two-story church building with surface parking. The church building is vacant.

Street View from northeast corner looking west



Street view from northwest corner looking north:



Street view from northwest corner looking southeast:



Environmental Considerations: None that would affect site redevelopment

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Peoria (Frontage but no access)	Main Street and Urban Arterial	70 feet	5 (2 each direction with center turn lane)
38 th Street	None	50 feet	2
38 th Place and Alley	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	CH and RS=3	Main Street	Growth	Retail, office, and surface parking

East	CH	Main Street	Growth	Office, restaurant, retail office and surface parking
South	CH and RS-3	Main Street	Growth	Detached Single Family and drive-in restaurant
West	RS-3	Existing Neighborhood	Stability	Detached Single Family

Neighborhood Engagement:

The Tulsa Planning Office has mailed notices to property owners within 300 feet of the subject property, contracted a sign company to install a change of zoning notice sign, and published notice in the local newspaper. The planning office also has mapped current pending zoning cases in our website at tulsaplanning.org.

Staff is not aware of a formal neighborhood engagement process between the applicant and property owners however we are aware of phone conversations between property owners and the applicant.

During the Bus Rapid Transit System process land use recommendations and study with a broad public engagement process beginning as early as 2011. The land use recommendation was presented and adopted by the Planning Commission in 2017. The MX1-P zoning classification is consistent with the Land Use Recommendation in that plan.

The City Council adopted an incentive program to encourage MX zoning along this route. The current incentive ends in December 2021.

SECTION III: Relevant Zoning History

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

Subject Property:

BOA-17260 December 1995: The Board of Adjustment **approved** a *Special Exception* to permit a 70' monopole tower used primarily to support antennas and the related operations building in an RS-3 zoned district, per plan submitted, on property located at 1132 East 38th Street.

BOA-02062 July 1949: The Board of Adjustment **granted** approval of a church, on property located W 150' of the N1/2 of the E1/2 of Track 1, Brockman's Sub.

Surrounding Property:

Z-7438 May 2018: All concurred in **approval** of a request for *rezoning* a 1.43± acre tract of land from CH/PK to MX1-P-U for park and future development, on property located at the southeast corner of South Peoria Avenue and East 37th Place South.

Z-7381 ODP August 2017: All concurred in **approval** of a request for *rezoning* a .2± acre tract of land from RS-3 to OL for office or packing, on property located west of the southwest corner of East 37th Place and South Peoria Avenue.

Z-7361 Withdraw February 2017: A request to *rezone* a .2± acre tract of land from RS-3 to PK for parking, on property located west of the southwest corner of South Peoria Avenue and East 37th Place was withdrawn February 15th, 2017 by the applicant.

Z-6886 April 2003: All concurred in **approval** of a request for *rezoning* a .165± acre tract of land from RS-3 to OL for a consulting office, on property located west of the northwest corner of East 39th Street South and South Peoria Avenue.

Z-6749 February 2000: All concurred in **approval** of a request for *rezoning* a .457± acre tract of land from RS-3/RM-1 to PK for parking, on property located east of South Peoria Avenue fronting East 37th Place and East 38th Street South.

Z-6597 August 1997: All concurred in **approval** of a request for *rezoning* a .19± acre tract of land from RS-3 to PK for parking, on property located west of the southwest corner of East 37th Place South and South Peoria Avenue.

PUD-535 June 1995: All concurred in **approval** of a proposed *Planned Unit Development* on a 4.5± acre tract of land for a movie rental store, on property located at the southwest corner of East 39th Street South and South Peoria Avenue.

PUD-491-A Abandonment February 1995: All concurred in **approval** of a proposed *Major Amendment to Abandon* PUD-491 on a 1.37± acre tract of land, on property located at the southwest corner of East 39th Street South and South Peoria.

PUD-491 July 1992: All concurred in **approval** of a proposed *Planned Unit Development* on a 1.37± acre tract of land for mini-storage, on property located southwest corner of South Peoria Avenue and East 39th Street.

BOA-14272 November 1986: The Board of Adjustment **approved** a *Special Exception* to allow a crematory associated with an existing funeral home in a CH district, per specifications submitted, per Health Department approval, on property located at the northeast corner of 39th Street and Peoria.

BOA-14111 July 1986: The Board of Adjustment made an **interpretation** that a measurement is taken in a straight line from the nearest portion of one structure to the nearest portion of another structure, which in this case measures a distance of 350' from the nearest church and not 558' as indicated by the applicant. The Board of Adjustment **denied** a *Variance* of the required 500' setback from a church for a sexually oriented business, **denied** a *Variance* to permit a sexually oriented business within 300' of a non-arterial street providing access to an R district, **withdrew** a *Variance* of the setback from 1,000' to 518' of another sexually oriented business, and **denied** a *Variance* to permit business within 300' of an R district, finding that the variance request for the setback from another sexually oriented business is no longer needed since the business in question has been ordered to close August 1, 1986 and that hardship was not demonstrated that would justify the granting of the remaining variances, on property located at 3819 South Peoria.

BOA-13577 May 1985: The Board of Adjustment **denied** a *Variance* of the 500' setback from a church, **denied** a *Variance* of the 300' setback from a non-arterial street which provides access to a residentially zoned district in a CH zoned district, finding that the application failed to demonstrate a hardship that would permit the operation of a club of this nature at this location, on property located at 3741 South Peoria.

BOA-09010 May 1976: The Board of Adjustment **approved** an *Exception* to erect a duplex, **approved** a *Variance* of the minimum lot area requirements from 9,000 sq. ft. to 8,494 sq. ft., and **approved** a *Variance* of the frontage requirements from 75' to 62', as presented per plot plan in an RS-3 district, on property located at 1128 East 37th Place.

BOA-07203 October 1971: The Board of Adjustment **approved** a *Variance* to permit operating an office in an RM-1 District for a period of 1 year, on property located at 1318-A East 38th Place.

BOA-06729 October 1969: The Board of Adjustment **approved** a *Variance* to modify the Major Street setback requirements to permit placing service station pumps 47.5 ft from the centerline of Peoria Avenue, as well as a pole sign, subject to the execution of right-of-way removal agreement, on property located at 3820 South Peoria Avenue.

BOA-03103 October 1958: The Board of Adjustment **granted** permission to establish a beauty shop, on property located Lot 2, Block 4, South Brookside Addition.

BOA-02829 April 1956: The Board of Adjustment **granted** a request for permission to convert a dwelling into a duplex, on property located Lot 18 & the S 3' of Lot 1, Block 1, Newport Addition.

TMAPC Comments:

Mr. Reeds asked if this item is approved will the next phase going to be public parking to take the load off of the neighborhood parking.

Staff stated there is nothing in the Bus Rapid Transit study or in the proposed zoning designation that would require public parking.

Mr. Reeds asked what mechanism does TMAPC have to require the applicant to provide public parking.

Staff stated "none".

Mr. Reeds stated he loves the Brookside area but this is going to increase the density of the area and more public parking is needed.

Interested Parties:

Blaine Gearhart 1124 East 38th Street, Tulsa, OK 74105

Mr. Gearhart stated he currently lives in the house directly on the west side of subject property on 38th Street. He stated he agrees with Mr. Reed's point in regard to parking. Mr. Gearhart stated the current parking lot is used mainly by employees of Charleston's restaurant as well as the other businesses in the area and he is curious where parking will be diverted if this building is developed. He stated this development will drive parking onto his street.

Ken Williams 320, South Boston, Suite 200, Tulsa 74103

Mr. Williams stated he is the attorney representing the owners and they support this application and have not heard any kind of objection.

Applicant Comments:

The applicant stated the developers are excited to develop this property. But there are no plans currently. The applicant stated in regard to Mr. Gearhart's comments, she has had a conversation with the property owner and the landlord for Charleston. She stated they are in communication with them so that is on her radar and it's certainly something they are taking into consideration and working in conversation with them.

The applicant indicated her agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **MCARTOR**, TMAPC voted 8-0-0 (Blair, Covey, Craddock, Kimbrel, McArtor, Reeds, Shivel, Van Cleave, "aye"; no "nays"; none "abstaining"; Ritchey, Walker, "absent") to recommend **APPROVAL** of the MX1-P-U zoning for Z-7573 per staff recommendation.

Legal Description for Z-7573 :

Tract 1:

The South one hundred fifty-six and eight hundred seventy-five thousandths (156.875) feet of the East ninety (90) feet of the West one hundred fifty (150) feet of the East three hundred thirteen and seventy-five hundredths (313.75) feet of Lot One (1) and the West one hundred fifty (150) feet of the North Half (N/2) of the East three hundred thirteen and seventy-five hundredths (313.75) feet of Lot One (1), less the North twenty-five (25) feet thereof, BROCKMAN'S SUB-DIVISION, Tulsa County, State of Oklahoma, according to the recorded plat thereof;

AND

Tract 2:

The North one hundred fifty-six and eighty-nine hundredths (156.89) feet of the East one hundred sixty-three and seventy-five hundredths (163.75) feet of Lot One (1), BROCKMAN'S SUB-DIVISION, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

AND

Tract 3:

The West sixty (60) feet of the South one hundred fifty-six and eight hundred seventy-five thousandths (156.875) feet of the West one hundred fifty (150) feet of the East three hundred thirteen and seventy-five hundredths (313.75) feet of Lot One (1), BROCKMAN'S SUB-DIVISION, Tulsa County, State of Oklahoma, according to the recorded plat thereof, less the South twenty-five (25) feet thereof.

* * * * *

Mr. Reeds stepped out and did not vote on item 11.

11.Z-7574 Arborstone Land Holdings, AAB Engineering, LLC (CD 6)

Location: North and west of the northwest corner of East 41st Street South and South Garnett Road requesting rezoning from **AG to CS**

STAFF RECOMMENDATION:

SECTION I: Z-7574

DEVELOPMENT CONCEPT: The property owner has learned that much of the AG zoned portion of his property is no longer in the mapped flood plain and has plans to expand his business into the area outside the newly mapped flood plain. Prior to building permit approval, the applicant will also be required to go to the Board of Adjustment for a self-storage use if the CS zoning is approved. CG zoning would allow self-storage, but that zoning designation allows many uses that are not allowed surrounding land uses.

DETAILED STAFF RECOMMENDATION:

Z-7574 requesting CS zoning will allow uses that are not consistent with the Existing Neighborhood land use designation. Staff recognizes the uses allowed in a CS district are consistent with the provisions outlined in the Town Center land use vision and the Area of Growth provisions of the Tulsa Comprehensive Plan and,

Uses allowed in the CS zoning district are consistent with the expected future development of the subject property and,

CS zoning allows a wide range of uses and provides development guidelines that provide a predictable outcome important to the abutting residential properties, therefore

Staff recommends Approval of Z-7574 to rezone property from AG to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The Existing Neighborhood land use designation appears to be a mapping error. The site has never been part of planned open space or integrated into any existing neighborhood. Staff will correct this during the update of the Comprehensive 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.

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

Current 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.

Anticipated future designation will be similar to an Area of Growth,

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

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa

with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.”

Transportation Vision:

Major Street and Highway Plan: None

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The majority of the site has been removed from the City of Tulsa regulatory floodplain and will be available for development opportunities. The site is undeveloped at this time.

Environmental Considerations: The proximity of the site to the remaining creek and flood plain will require careful site engineering and grading design however it is anticipated that there are no significant barriers to development opportunities.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
Private drive access to 41 st Street	None	None	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-3	Existing Neighborhood	Stability	Single Family Detached homes

East	RS-3 and AG	Existing Neighborhood with Park and Open Space	Stability	Single family detached homes
South	CS	Town Center	Growth	Self-Storage
West	AG and CS	Town Center	Growth	Self-Storage and sports field

Neighborhood Engagement:

The Tulsa Planning Office has mailed notices to property owners within 300 feet of the subject property, contracted a sign company to install a change of zoning notice sign, and published notice in the local newspaper. The planning office also has mapped current pending zoning cases in our website at tulsaplanning.org. Additional engagement process by the application has not been provided.

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 14814 dated July 28,1980 and Ordinance number 15000 dated April 20,1981 established the current zoning for the subject property.

Subject Property:

Z-5504 March 1981: All concurred in **approval** of a request for *rezoning* a 5± acre tract of land from AG to CS/FD for commercial, on property located 41st Street, west of South Garnett Road. This rezoning includes part of the subject property and part of the surrounding area. (Ordinance No. 15000, dated April 20,1981)

Z-5413 July 1980: All concurred in **approval** of a request for *rezoning* a 4.77± acre tract of land from AG to CS/FD for commercial, on property located west of the northwest corner of 41st Street and Garnett Road. This rezoning includes part of the subject property and part of the surrounding area. (Ordinance No. 14814, dated July 28, 1980)

Z-5048 December 1977: All concurred in **approval** of a request for *rezoning* a 137.9± acre tract of land from RM-3/OM/CS to AG/RM-2/OM/CS, on property located south and west of the southwest corner of 41st Street and Garnett Road. This rezoning includes part of the subject property and part of the surrounding area. (Ordinance No.14034, dated January 31, 1978)

Z-3622 February 1971: All concurred in **approval** of a request for *rezoning* a 239.21± acre tract of land from AG to CS/RM-1/RS-3 for

commercial, residential, and multifamily uses, on property located on the northwest corner of 41st . (Ordinance No. 12067, dated March 5, 1971)

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

Surrounding Property:

BOA-21588 July 2013: The Board of Adjustment **approved** a *Special Exception* of the tower setback of 110% (137.5 feet) to 7% (9.7 feet) adjoining an AG zoned district, per plan on 11.7, on property located at 10863 East 41st Street South.

BOA-20379 November 2006: The Board of Adjustment **approved** a *Special Exception* to permit a carwash facility in a CS district, subject to the entire lot consist of concrete or asphalt surface, lighting directed down and away from entire the adjoining motel, access curb cut be made somewhere along the eastern boundary of the property in question, per conceptual plan, on property located north of the intersection of 41st Street and 109th East Avenue.

BOA-19301 February 2002: The Board of Adjustment **approved** a *Special Exception* to permit a drive in restaurant in a CS district, per plan, providing it meets landscape requirements, on property located East 41st Street South and East of US-169.

Z-6776 July 2000: All concurred in **approval** of a request for *rezoning* a 15± acre tract of land from AG to AG/CS for commercial, on property located northeast corner of East 41st Street and Mingo Valley Expressway. This request excluded the north 260' of both tracts, as requested by the applicant and staff was directed to amend the comprehensive plan accordingly.

BOA-18676 March 2000: The Board of Adjustment **approved** a *Variance* of the required frontage from 150' on an arterial street to 15' for two lots, per plan, finding the hardship to be the existing configuration of the lot and with the condition that only one driveway access to 41st Street to serve the connecting lots, on property located on the northwest corner of East 41st Street and South 109th East Avenue.

BOA-18429 June 1999: The Board of Adjustment **approved** a *Special Exception* to allow a mini-storage in a CS zoned district, on property located at the northeast corner of East 41st Street and US Highway 169.

BOA-18321 February 1999: The Board of Adjustment **approved** a *Special Exception* to permit the expansion of a church in an AG district, on property located at 10811 East 41st Street South.

BOA-15445 May 1990: The Board of Adjustment **approved** a *Special Exception* to permit the operation of a dog grooming business as a home occupation, subject to a maximum of five dogs being groomed per day, subject to days and hours of operation being Monday through Friday, 7:00 a.m. to 5:00 p.m., subject to no overnight boarding of dogs, and subject to all dogs being kept inside the home, finding that the applicant has been grooming dogs at this location for approximately 14 years, and that the home occupation, as presented, is compatible with the residential area, on property located 3720 South 110th East Avenue.

BOA-06988 April 1971: The Board of Adjustment **approved** an *Exception* to permit using the site for church and other related uses, subject to the condition that the church sanctuary and related buildings be built on the south 5 acres of the tract, per plot plan, on property located at 11100 East 41st Street.

TMAPC Comments:

Mr. Craddock asked if the zoning could move forward without addressing the Land Use Map change.

Staff stated there really is no reason to change the Land Use Map as part of this application. He stated it is definitely something that staff will deal with in the future. Staff stated keep in mind that the Land Use Plan is something we take very seriously and the Comprehensive Plan is something staff puts thousands of hours into but it is not a regulatory document. Staff stated there was obviously something that staff can't explain how it got there or why it should be something else, but it didn't make sense so there was there was no reason to put that in the applicant's lap to try to sort out.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **COVEY**, TMAPC voted 7-0-0 (Blair, Covey, Craddock, Kimbrel, McArtor, Shivel, Van Cleave, "aye"; no "nays"; none "abstaining"; Reeds, Ritchey, Walker, "absent") to recommend **APPROVAL** of CS zoning for Z-7574 per staff recommendation.

Legal Description for Z-7574:

RESERVE A, SHANNON PARK SIXTH, RAVENWOOD

* * * * *

12. Z-7575 Jesse Fulcher (CD 6) Location: North of the northeast corner of East 41st Street South and South 145th East Avenue requesting rezoning from **RS-3 to RS-4**

STAFF RECOMMENDATION:

SECTION I: Z-7575

APPLICANTS DEVELOPMENT CONCEPT:

This request is to rezone approximately 5.61 acres from RS-3 to RS-4, for approximately 28 lots identified in the preliminary plat for the Crossings at Battle Creek Phase 5. This request is being made to provide some lot variety within our development and respond to consumer demand. Additionally, this rezoning will help us coordinate with an adjacent development to the south that needs a secondary point of access to meet Fire Code requirements. Further, we feel that this requested zoning is compatible with the single-family lots in Crossings at Battle Creek and the planned duplex development directly south of our development.

DETAILED STAFF RECOMMENDATION:

Z-7575 requesting RS-4 zoning allows single family residential uses that are compatible with the surrounding properties and,

Lot and building regulations in a RS-4 district allow a greater density than the abutting RS-3 zoned properties however RS-4 zoning is consistent with the anticipated future development pattern of the surrounding property and,

RS-4 zoning is consistent with the New Neighborhood land use designation of the Comprehensive Plan therefore,

Staff recommends Approval of Z-7575 to rezone property from RS-3 to RS-4.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: RS-4 zoning is primarily used for a smaller lot single family residential use and is consistent with the New Neighborhood land use designation.

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 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 subject property is part of a preliminary plat that is in the construction phase. No additional streets or considerations for access is contemplated in the major street and highway plan.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is being developed and currently in the construction phase and Infrastructure Development Plan process. Another development immediately south of this site is being developed for duplex construction and an anticipated stub street will be constructed to provide connectivity to that development.

Environmental Considerations: None that affect site development.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South 145 th East Avenue	Primary Arterial	120 feet	2
South 148 th East Avenue	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-3	New Neighborhood	Growth	Residential subdivision in construction phase
East	RS-3	New Neighborhood	Growth	Residential subdivision in construction phase
South	RM-0 with an Optional Development plan for duplex only	New Neighborhood	Growth	Detached single family homes
West	RS-3	New Neighborhood	Growth	Single-family

SECTION III: Relevant Zoning History

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

Subject Property:

No Relevant History.

Surrounding Property:

Z-7521 February 2020: All concurred in **approval** of a request for *rezoning* a 18.21± acre tract of land from RS-3 to RM-0 for residential duplexes, on property located north of the northeast corner of East 41st Street South and South 145th East Avenue.

Z-7388 June 2017: All concurred in **approval** of a request for *rezoning* a 12.9± acre tract of land from RM-0/CS to RM-2 for multifamily residential, on property located north and east of the northeast corner of East 41st Street South and South 145th East Avenue.

Interested Parties:

Jim Basteri 3325 S 140th E Avenue, Tulsa, OK 74134

Mr. Basteri stated he lives in the Summerfield subdivision. He stated his concern is traffic on 41st Street and 145th Street. Mr. Basteri stated there are subdivisions everywhere and there are only 2 lanes. Recently there was a commercial rezoning project approved across the street. He stated there is no way the streets can handle the traffic between the apartments, all the subdivisions coming in, and now this subject property. Mr. Basteri would also like to know what the applicant is going to build on the subject property. He stated shouldn't the roads go in before anyone develops this property.

Christian Bengel 13173 East 29th Street, Tulsa, OK 74134.

Mr. Bengel stated listening to previous items before this commission obviously, you're thoughtful about the traffic concerns that surround some of these rezoning requests. He stated unfortunately the current infrastructure doesn't support new developments, even if they were are commercial. Mr. Bengel stated the sign in front of the subject property states this will be apartments and that is a big concern because the infrastructure can't support that. He stated putting more traffic on the cross streets of 41st and 145th will certainly cause more congestion.

Applicant Comments:

The applicant stated he thinks the main questions from the neighbors are maybe about land use and sign suggesting apartments. He stated no apartments are planned for this site just single family homes. The applicant stated what

necessitated this rezone, going back to staffs comments, they already had construction plans in the final phase of their project, when the developer to the south submitted a plat for a duplex development that needed a street connection out of their north property line into the subject property. He stated if that developer is not able to get that street connection, they will have to install sprinklers for all of their units. The applicant stated between staff and the adjacent developer an idea came up to rezone the single family lots to a slightly different size that allow us to adjust lot lines over and provide that to the developer to the south. He stated he has driven through the area many times and knows there's a lot of development out there and a lot of traffic but his change is just a couple of lots from what was approved and what's under review by the City. The applicant stated it will be a very minimal impact to the neighborhood and surroundings.

TMAPC Comments:

Mr. Craddock stated he knows traffic is bad in that area unfortunately the good and bad with development is the developers typically are a lot quicker than the cities and municipalities in getting the roads built out there. He stated the neighborhoods can call City Engineering or the Mayor's office to say please build these roads because they are needed here. Mr. Craddock stated if we're allowing more development, which will increase the tax base, which will help to build the infrastructure. He stated he is a County representative and he knows very well, those phone calls help.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **CRADDOCK**, TMAPC voted **8-0-0** (Blair, Covey, Craddock, Kimbrel, McArtor, Reeds, Shivel, Van Cleave, "aye"; no "nays"; none "abstaining"; Ritchey, Walker, "absent") to recommend **APPROVAL** of the RS-4 zoning for Z-7575 per staff recommendation.

Legal Description for Z-7575 :

A TRACT OF LAND LOCATED IN A PART OF THE SW/4 OF SECTION TWENTY-TWO (22), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDAIN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTHWEST CORNER OF THE SW/4 OF SAID SECTION TWENTY-TWO (22).

THENCE ALONG THE WEST LINE THEREOF S 01° 28' 58" E 1202.25 FEET TO THE POINT OF BEGINNING;

THENCE LEAVING SAID WEST LINE N 88° 31' 02" E 150.00 FEET;

THENCE 39.27 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 25.00 AND A LONG CHORD OF S 46° 28' 58" E 35.36 FEET;
THENCE S 01° 28' 58" E 180.00 FEET;
THENCE 117.81 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 75.00 AND A LONG CHORD OF S 46° 28' 58" E 106.07 FEET;
THENCE N 88° 31' 02" E 1610.00 FEET;
THENCE 39.27 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 25.00 AND A LONG CHORD OF S 46° 28' 58" E 35.36 FEET;
THENCE S 01° 28' 58" E 81.70 FEET;
THENCE S 88° 43' 42" W 1885.01 FEET TO THE WEST LINE OF THE SW/4 OF SAID SECTION TWENTY-TWO (22).
THENCE ALONG THE WEST LINE THEREOF N 01° 28' 58" W 379.75 FEET TO THE POINT OF BEGINNING, CONTAINING 5.61 ACRES, MORE OR LESS. SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

THE BASIS OF BEARINGS FOR SAID TRACT IS N 01°28'58" W ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY-TWO (22), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA. OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE 3501, NAD 83.

Mr. Reeds left meeting before vote on item 13.

OTHER BUSINESS

- 13.** Consider designation of TMAPC member to coordinate with the City Attorney's office in representing TMAPC in Tulsa County District Court case number CV-2020-1179, Randle et al v. City of Tulsa, et al.

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-2020-1179.

TMAPC Action; 7 members present:

On **MOTION** of **CRADDOCK**, TMAPC voted **7-0-0** (Blair, Covey, Craddock, Kimbrel, McArtor, Shivel, Van Cleave, "aye"; no "nays"; none "abstaining"; Reeds, Ritchey, Walker, "absent") to **APPOINT** Chairman Michael Covey to communicate with City Legal and file any necessary pleadings on behalf of Planning Commission regarding District Court Case No. CV-2020-1179.

14. Proposed 2021 TMAPC Meeting Dates

2021 Proposed SCHEDULE

Tulsa Metropolitan Area Planning Commission (TMAPC)

Regular meetings of the TMAPC are held on the first and third Wednesday of each month at 1:00 p.m. in the One Technology Center, 175 E. 2nd Street, City Council Chambers, 2nd Level, Tulsa, Oklahoma.

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

JANUARY	FEBRUARY	MARCH
6	3	3
20	17	17
APRIL	MAY	JUNE
7	5	2
21	19	16
JULY	AUGUST	SEPTEMBER
7	4	1
21	18	15
OCTOBER	NOVEMBER	DECEMBER
6	3	1
20	17	15

TMAPC Action; 7 members present:

On **MOTION** of **CRADDOCK**, TMAPC voted **7-0-0** (Blair, Covey, Craddock, Kimbrel, McArtor, Shivel, Van Cleave, "aye"; no "nays"; none "abstaining"; Reeds, Ritchey, Walker, "absent") to **APPROVE** the proposed 2021 TMAPC meeting dates per staff recommendation.

15. Commissioners' Comments

None

ADJOURN

TMAPC Action; 7 members present:

On **MOTION** of **COVEY**, TMAPC voted **7-0-0** (Blair, Covey, Craddock, Kimbrel, McArtor, Shivel, Van Cleave, "aye"; no "nays"; none "abstaining"; Reeds, Ritchey, Walker, "absent") to **ADJOURN** TMAPC meeting of October 7, 2020, Meeting No. 2827.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 2:53 p.m.

Date Approved:

10-21-20


Chairman

ATTEST:


Acting Secretary