

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2832

Wednesday, December 16, 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	Craddock	Foster	Jordan, COT-R
Covey	Kimbrel	Hoyt-R	Silman, COT-R
McArtor	Reeds	Miller	Skates, COT-R
Shivel	Ritchey	Sawyer	VanValkenburgh, Legal-R
Van Cleave		Wilkerson	
Walker			

R=Remote

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, December 10, 2020 at 3:10 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.

Staff and members of the public were allowed to attend and participate in the TMAPC meeting in person or via videoconferencing and teleconferencing via **GoToMeeting**, an online meeting and web conferencing tool.

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

REPORTS:

Chairman's Report:

None

Director's Report:

Ms. Miller stated the TMAPC meeting for January 6, 2021 had been cancelled. She stated staff has been asked to refrain from having meetings until after the first week of January in hopes that the legislators will hold a special session to consider amending the Open Meetings Act to allow remote meetings on

permanent basis. Ms. Miller stated she appreciates Commissioners coming out for today's meeting and the next meeting will be January 20, 2021. Ms. Miller reported on City Council and Board of County Commissioner actions and other special projects.

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Minutes:

1. Approval of the minutes of December 2, 2020 Meeting No. 2831

On **MOTION** of **COVEY**, the TMAPC voted 6-0-0 (Blair, Covey, McArtor, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Craddock, Kimbrel, Reeds, Ritchey, "absent") to **APPROVE** the minutes of the meeting of December 2, 2020, Meeting No. 2831.

CONSENT AGENDA

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

- 2. PUD-481-13 Midwest Global (CD 7) Location: Northwest corner of East 71st Street South and Highway 169 requesting a **PUD Minor Amendment** to increase allowable wall signage**

STAFF RECOMMENDATION:

SECTION I: PUD-481-13 Minor Amendment

Amendment Request:

Increase the allowable wall sign display area from 2 square feet of display area per linear foot of building wall to which attached to 3 square feet of display area per linear foot of building wall to which attached. This request would be in line with the current signage allowance for a commercially zoned parcel in the City of Tulsa Zoning Code, which allows businesses 3 square feet of display area per linear foot of building wall to which attached

Staff Comment: This request is considered a Minor Amendment as outlined by Section 30.010.1.2.c(12) of the City of Tulsa Zoning Code.

“Modifications to approved signage, provided the size, location, number and character (type) of signs is not substantially altered.”

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in PUD-481.
- 2) All remaining development standards defined in PUD-481 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to increase the allowable wall sign display area from 2 square feet of display area per linear foot of building wall to which attached to 3 square feet of display area per linear foot of building wall to which attached.

The applicant indicated his agreement with staff’s recommendation.

There were no interested parties wishing to speak.

Legal Description for PUD-481-13:

NW/c of E 71st St S and Highway 169

TMAPC Action; 6 members present:

On **MOTION** of **COVEY**, TMAPC voted **6-0-0** (Blair, Covey, McArtor, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Craddock, Kimbrel, Reeds, Ritchey, “absent”) to **APPROVE** Item 2 per staff recommendation.

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

PUBLIC HEARINGS

Items 3 and 4 were continued to February 3, 2021.

3. **CPA-93 Erasmo Moreno** (CD 5) Location: West of the northwest corner of East 31st Street South and South 87th East Avenue (Related to Z-7470)(**Applicant requests a continuance to February 3, 2021**)

4. **Z-7589 Erasmo Moreno** (CD 5) Location: West of the northwest corner of East 31st Street South and South 87th East Avenue requesting rezoning from **RS-2 to OL** (Related to CPA-93) (**Applicant requests a continuance to February 3, 2021**)

TMAPC Action; 6 members present:

On **MOTION** of **COVEY**, TMAPC voted **6-0-0** (Blair, Covey, McArtor, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Craddock, Kimbrel, Reeds, Ritchey, “absent”) to **CONTINUE** Items 3 and 4 to February 3, 2021.

* * * * *

Items 5 and 6 were presented together.

5. **CPA-89 CBC Builds c/o AAB Engineering LLC** (CD 9) Location: East of the Northeast corner of East 36th Street South and South Peoria Avenue requesting to amend the Land Use Map designation from **Existing Neighborhood** to **Main Street** and amend the Areas of Stability and Growth Map from an **Area of Stability** to an **Area of Growth**. (Related to Z-7571) (Continued from September 2, 2020, September 16, 2020 and October 21, 2020 and November 18, 2020)

STAFF RECOMMENDATION:

**CPA-89
Comprehensive Plan Amendment**

Property Information and Land use Request

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

Background

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

recommendations, the 2010 Tulsa Comprehensive Plan solely provides guidance regarding land use for this area.

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

The Brookside Infill Development Design Recommendations was a plan adopted in 2002 that generally provide design guidance for development along and on either side of South Peoria Avenue immediately west of the subject property. The plan did not specifically make any recommendations to this site.

Existing Land Use and Growth Designations

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

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

bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.”

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

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

Proposed Land Use and Growth Designations (Tulsa Comprehensive Plan)

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

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

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

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

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

Zoning and Surrounding Uses

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

Applicant’s Justification (Refer to additional information supplied by applicant’s representative at the end of this staff report)

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

1. How conditions on the subject site have changed, as well as those on adjacent properties and immediate area;
2. How changes have impacted the subject site to warrant the proposed amendment; and;
3. How the proposed change will enhance the surrounding area and the City of Tulsa.

“To Whom It May Concern,

We have made application to modify the comprehensive plan designation for three lots along the North side of 36th Street and East of Peoria Avenue. We propose to change the designation of these lots from Existing Neighborhood to

Main Street and from Area of Stability to Area of Growth as depicted on the attached exhibits. This modification is submitted in conjunction with a request to change the zoning from RS-3 to MX1-U-45.

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

Staff Summary & Recommendation

The applicant is currently requesting a *Main Street* land use designation and growth designation of *Area of Growth*, which are the current land use and growth designations held by the parcels abutting this property to the north, south, and west. Main Streets are typically comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide and includes much lower intensity residential neighborhoods situated behind. They are also pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities.

Areas of Growth direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Additionally, a major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

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

- Underutilized land, especially surface parking lots or vacant buildings downtown or along corridors
- Areas already undergoing positive change which is expected to continue
- Areas adjacent to transit and around transit stations, existing and planned

- Areas along corridors with frequent bus service that can accommodate development on underutilized land
- Locations where appropriate infill development will promote shorter and less frequent auto trips
- Areas with special opportunities such as where major public or private investments are planned

While the subject property may not necessarily be underutilized as there are currently houses on them, the property is close to Bus Rapid Transit (BRT) stops along Peoria Avenue and the surrounding area has been undergoing positive change, offering special opportunities with both existing and planned major public or private investments. Higher density opportunities, such as this, are appropriate along BRT corridors.

The character of the abutting developments, the Go Plan's designation of this stretch of 36th Street as a suggested shared bike route and the subject property's proximity to Peoria Avenue, which offers BRT access, the *Main Street* land use designation and *Area of Growth*, growth designation would appear to be an appropriate fit for this property and the neighborhood and help create a more uniform boundary between the existing single-family neighborhood and the Peoria Avenue commercial corridor.

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

Additional Information provided by applicant representative follows:

INTRODUCTION

Brookside is one of Tulsa's unique assets – an “urban village” with its own distinctive character, community, and development pattern. Since the adoption of PLANiTulsa (the “Plan”) in 2010, Brookside has been adopting the Plan's vision and adapting to the design considerations contemplated therein. Incorporated into the Plan are the Brookside Infill Development Design Recommendations (the “Brookside Infill Plan”), which was adopted in 2002 after extensive community engagement.

The guiding principles of the Plan call for “pockets of density to provide more livable, pedestrian-friendly and cost-efficient communities,” “future development creating new mixed-use centers,” and “opportunities for a full range of housing types to fit every income, household, and preference.” The Brookside Infill Plan establishes a distinct boundary between Residential Areas and Business Areas

along Brookside. Attached hereto is “Exhibit 25” to the Brookside Infill Plan which shows the boundary lines. As depicted thereon, the subject Property is located within the Northern Business Area. The overall design policies of the Brookside Infill Plan include protecting and enhancing the pedestrian environment, minimizing curb cuts, and encouraging high quality mixed-use infill development in the business areas.

HOW CONDITIONS OF THE SUBJECT AREA AND ITS SURROUNDING PROPERTIES HAVE CHANGED.

The principles and policies of the Plan and Brookside Infill Plan are on full display on Brookside today. Since the adoption of the Brookside Plan in 2002, Brookside has undergone an urban revitalization. With the Plan incorporating and recognizing the Brookside Plan in 2010, the revitalization along Peoria has continued – the notable arrival of Trader Joe’s in 2016, and most recently, the new Aero Bus Rapid Transit (BRT) being just a couple of highlights. The residential neighborhoods to the east and west of Peoria have also undergone significant transformation, with many older, declining homes torn down and a wider variety and style of housing returning in their place. For example, townhomes were built directly north of the subject Property about 12 years ago and a couple of blocks north at 34th Street, an office/townhouse duo was erected in 2018.

In 2019, the Brookside Church and the house to the east of the Church at 1326 E. 36th Street, located directly south of the subject Property across 36th Street, rezoned its property from RS-3/CH to MX1-P-U. That rezoning also included an amendment to the Plan for the house from Existing Neighborhood to Main Street. The zoning was part of the ongoing City-led initiative for property owners on and near the new BRT route to voluntarily rezone their properties to MX. There have been multiple, similar re-zonings along Brookside under the incentive program. Most recently, the Park Church of Christ site and adjacent residence, just two blocks south of the subject Property on the west side of Peoria, requested to be rezoned from RS-3/CH to MX to develop the site as a mixed-use development. The rezoning (Z-7573) was unanimously recommended for approval by the Planning Commission on October 7, 2020 and approved by the City Council on November 18, 2020.

The subject Property is located just across the street from the 36th Street BRT stop and directly aligns with the purpose of the program, i.e., to encourage higher density development in and around the BRT route, using MX zoning which allows for finely tuned, context sensitive development.

HOW THOSE CHANGES HAVE IMPACTED THE SUBJECT AREA TO WARRANT THE PROPOSED AMENDMENT.

The subject Property is currently designated as an Area of Stability/Existing Neighborhood. The Plan did little to plan the area nor did it follow the boundaries established by the Brookside Infill Plan. Instead, it followed the then-existing development pattern and “planned” the residential areas as an Existing Neighborhood and the commercial-zoned areas as Main Street. This lack of planning has resulted in a piecemeal and checkered land use map. The Main Street designation along the east side of Peoria is deeper at every other block except the subject Property and the Areas of Growth to the south of 36th Street extend the entire block from Peoria to Quincy. The proposed change will help create a more uniform boundary between the Brookside corridor Area of Growth and the Existing Neighborhood to the east. The change will also realign the Property with the vision of the Brookside Infill Plan of this area as part of the Northern Business District.

The Plan provides various factors to consider in designating Areas of Growth: areas undergoing positive changes expected to continue, areas adjacent to transit and transit stations, areas with frequent bus service, and where appropriate infill will promote shorter and less frequent auto trips (LU 57) are all recommended for the growth designation.

With ever-improving pedestrian amenities and new rapid transit, development along Brookside and the adjacent neighborhoods is expected to continue and likely increase, particularly due to their proximity to the Gathering Place. The BRT’s frequent service increases foot traffic to Brookside and provides commute alternatives to both current and future residents. In short, the proposed amendment is warranted by the *actual* growth and development pattern occurring in the area.

HOW THE PROPOSED CHANGE WILL ENHANCE THE SURROUNDING AREA AND THE CITY OF TULSA.

The proposed change is in line with recommendations of the Brookside Infill Plan and the City’s own ongoing effort to adopt zoning categories that support infill development strategies that will encourage design and building placement to create an urban fabric on Brookside. The BRT has made many of the goals of the Plan and Brookside Infill Plan into a reality and dramatically enhanced the pedestrian environment of Brookside. The proposed change will allow for the

subject Property to be developed as originally contemplated by the Brookside Infill Plan as part of the Northern Business Area.

The MX zoning will provide the necessary, built-in protections to the single-family residential areas to the east and act as a buffer from the more intense commercial activity on Peoria. The mixed-use development will provide complementary uses to its residents and the neighborhood. The high quality, mixed-use residential will replace existing, lower value single family homes and attract residents that prefer a walkable lifestyle in lieu of automobile reliance.

36th Street is a residential collector street which the Major Street and Highway Plan places a high priority on pedestrian and bicycle friendliness over auto mobility. The proposed amendment will encourage the goals of all of the applicable plans that have been implemented and considered in the past two decades – allowing for a mixed-use development that provides pedestrian scale features, reduced curb cuts, added urban amenities, small scale retail and dining to serve the neighborhood, housing choices, and excellent access to efficient transportation.

This motion failed to get the required 6 votes needed for approval.

TMAPC Action; 6 members present:

On **MOTION** of **WALKER**, TMAPC voted **4-2-0** (Blair, Shivel, Van Cleave, Walker, “aye”; Covey, McArtor, “nays”; none “abstaining”; Craddock, Kimbrel, Reeds, Ritchey, “absent”) to **ADOPT** CPA-89 as an amendment to the Tulsa Comprehensive Plan per staff recommendation but according to the TMAPC policies and procedures per 2.5(c) An amendment to the Tulsa Comprehensive Plan, including the Tulsa City/County Major Street and Highway Plan, shall require six (6) affirmative votes by the Commission.

Item 6 is related to item 5 but was approved with the needed majority vote.

6. **Z-7571 CBC Builds c/o AAB Engineering LLC** (CD 9) Location: East of the Northeast corner of East 36th Street South and South Peoria Avenue requesting rezoning from **RS-3 to MX1-U-45 with optional development** (related to CPA-89) (Continued from September 2, 2020 and September 16, 2020 to re-notice a modified request to 45’ in height and October 21, 2020 and November 18, 2020)

STAFF RECOMMENDATION:

SECTION I: Z-7571

DEVELOPMENT CONCEPT: The applicant is requesting to rezone the subject property from RS-3 to MX1-U-45 and has included an optional development plan after the previous public hearing for this zoning case.

In addition to the zoning request with the optional development plan the applicant has submitted a Comprehensive Plan Amendment to change the Land-use designation and the Growth and Stability designation from “Existing Neighborhood” to “Main Street” and “Area of Stability” to “Area of Growth”, respectively.

This staff report and the comprehensive plan amendment request have both been edited to reflect neighborhood engagement process.

DETAILED STAFF RECOMMENDATION:

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

Establishing MX1-U (neighborhood mixed-use) zoning designation with a 45-foot maximum height provides use limitations and design standards that are consistent with the abutting Main Street designation and,

Neighborhood engagement has been an important part of this process and the Planning Commission public hearing has been continued several times. As a result of that process the applicant has submitted an optional development plan that only limits the use allowed on the site. This is the first optional development plan that is part of a mixed-use zoning application and normally staff does not support that as a consideration in an MX district. In this instance all the remaining standards in the MX district remain and staff supports the development plan request because of the neighborhood engagement process.

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

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

This designation, combined with the Urban character designation and the height limit of 45 feet, would allow this property a greater variety of neighborhood

compatible building types to choose from, while increasing the walkability and access of the neighborhood to goods and services, and protecting neighborhoods from objectionable uses therefore,

Staff recommends Approval of Z-7571 to rezone property from RS-3 to MX1-U-45 with or without the provisions of the optional development plan provided below.

SECTION II: OPTIONAL DEVELOPMENT PLAN:

Z-7571 with the optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in an MX1-U-45 district and its supplemental regulations except as further refined below. All use categories, subcategories or specific uses and residential building types that are not listed below are prohibited.

PERMITTED USE CATEGORY

RESIDENTIAL (See allowed residential building types below)

Household Living

Three or more households on a single lot

PERMITTED RESIDENTIAL BUILDING TYPES

Apartment/Condo

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary:

The applicant is currently requesting a *Main Street* land use designation and growth designation of *Area of Growth*, which are the current land use and growth designations held by the parcels abutting this property to the north, south, and west. Main Streets are typically comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide and includes much lower intensity residential neighborhoods situated behind. They are also pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. The MX1, Neighborhood Mixed-use district is intended to accommodate small scale retail, service and dining uses that serve nearby residential neighborhoods. The district also allows a variety of residential uses and building types. MX1 zoning is generally intended for application in areas designated by the comprehensive plan as neighborhood centers, main streets and mixed-use corridors

Current Land Use Vision:

Land Use Plan map designation: Existing Neighborhood

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

Areas of Stability and Growth designation: Area of Stability

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

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

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

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

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

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

Transportation Vision: This site is not included in the City Council initiated MX zoning initiative.

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

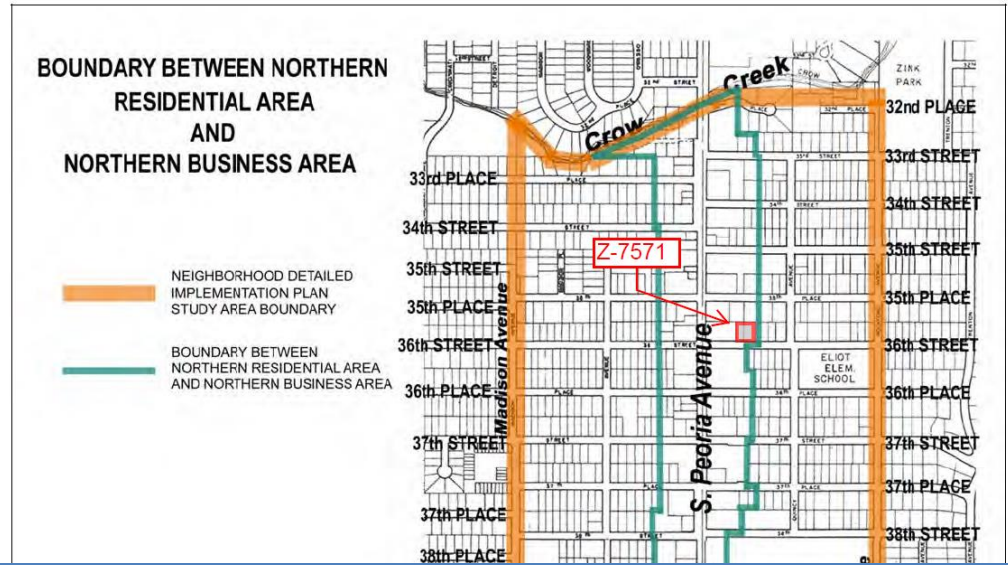
Trail System Master Plan Considerations: The Go Plan recommends East 36th Street South from Riverside Drive to South Hudson Avenue as bike path with shared lane markings, which runs along the southern portion of the subject property.

Small Area Plan:

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

SMALL AREA PLAN EXHIBIT: (See following page)

EXHIBIT 25 -



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

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

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary:

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



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



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



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



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

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

Streets:

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

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

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

SECTION III: Relevant Zoning History

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

Subject Property:

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

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

Surrounding Property:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TMAPC Comments:

Mr. Covey asked if mixed use with commercial on ground floor and residential on higher floors as indicated in the original applicant was off the table now.

Staff stated “yes”.

Mr. Covey asked if it was all residential now with apartments and condos.

Staff stated “correct”.

Mr. Covey asked when the infill development plan on page 6.5 of the packet was established.

Staff stated in 2002.

Mr. Covey asked if the Brookside Infill Plan came before planitulsa.

Staff stated “yes”.

Mr. Covey stated on page 6.5 of the packet it shows a blue boundary, things inside the blue boundary should go commercial things outside the blue boundary should go residential.

Staff stated that was the vision at that time.

Mr. Covey stated if you move forward to planitulsa which was in 2010. The land use designation on page 5.10 and 5.11 of the packet was Existing Neighborhood. He asked if the plan in 2002 was to have this area as commercial why in 2010 would staff put it as Existing Neighborhood and not some other designation.

Staff stated we probably will never know exactly what happened on those three or four lots but the timeline is correct and is what is seen in the records today. There is nothing that shows why these lots weren't included in the commercial or Main Street in the current land use map.

Mr. McArtor asked if staff has seen other parcels that were designated with certain growth and stability designations or land use planning categories that didn't seem to be consistent after the Comprehensive Plan was adopted in 2010.

Staff stated “yes”, we routinely see that. He stated when the maps were drawn in 2010 there was a lot of neighborhood engagement, but a lot of times they were just looking at an aerial photo to see if the parcels were being used for residential or commercial and some of those boundaries were probably defined based on the existing conditions at the time.

Mr. McArtor asked if the designations could be in error considering what the Comprehensive Plan seemed to intend.

Staff stated there are times that there is obviously an error but when you are looking at the entire city versus a very particular parcel it would be hard to pick this out of the entire city and say that should or should not be a certain land use. He stated the edges of zoning designations are always important but if he were going to speculate, he would say that it looked like they were mapping the existing character of that street instead of really being visionary along Peoria at that location. When an applicant submits for a Comprehensive Plan Amendment, staff wants to make sure that whatever changes are happening in the neighborhood are considered in decisions.

Mr. Covey asked if he extrapolates that hard line of Main Street all the way down is all of this appropriate for commercial.

Staff stated he wouldn't necessarily think that is what's going to happen all the way to the south, but he thinks it's reasonable to expect that the eastern edge of commercial development would follow what's happened on the subject block and to the north.

Applicant Comments:

Lou Reynolds 2727 East 21st Street, STE 200 Tulsa OK 74114

Mr. Reynolds stated he represents the applicant CBC Builds. He stated this property is about a half a block east of the northeast corner of 36th and Peoria Avenue and is comprised of about a half an acre. Mr. Reynolds thinks it's important to talk first about the Comprehensive Plan Amendment because there's something that is left out that needs to be said. He stated the map on page 5.9 of the packet shows the Brookside Infill Plan. Mr. Reynolds stated the unique thing about the Brookside Infill Plan is that it was incorporated into planitulsa as a Small Area Plan. He stated this is a controlling document for this area. Mr. Reynolds stated 18 months ago this board was asked in connection with zoning change to approve MX zoning and a Comprehensive Plan Amendment on the south side of 36th Street bringing one lot over to the east side of line and both were approved. He stated in planitulsa it was designated as an Area of Growth. Mr. Reynolds stated on page 5.13 of the packet if you follow the easterly line and extend the perpendicular lines 90 degrees north all the way to 33rd Street everything on the west side of that line is not residential, it's parking lots, commercial and offices. He stated on page 5.14 of the packet it shows the subject properties back up to the higher density development. Mr. Reynolds stated all of this is planned is Main Street designation and the lot that was approved 18 months ago was added to the Main Street designation and all are zoned mixed use with unlimited height. He stated since 2002, this area has been planned for some non-residential office or commercial development. Mr. Reynolds stated that what's been planned for is it's exactly what's requested in this application. He stated a year ago the Main Street designation was amended

to the south and that speaks to how the Brookside plan is working as well as the desire for MX zoning. Mr. Reynolds stated both the Brookside Infill Plan and the Comprehensive Plan both call for mixed use in this area. He stated there were 2 neighborhood meeting and at the October meeting the applicant learned the biggest objection that neighbors had with the project was the potential for commercial use. Mr. Reynolds stated they went back to a project architect and asked if the subject properties could be reconfigured and restrict uses to apartment or condominiums. He stated many people at the neighborhood meeting said they would have no objection to this use. Mr. Reynolds stated at the November neighborhood meeting the applicant introduced the all residential designation but the neighbors were concerned because there was nothing to restrict it to all residential. Mr. Reynolds stated he proposed an optional development plan to restrict the uses to residential. He stated an optional development plan is included in the application before Planning Commission today and it is up to Planning Commission to include it or not.

Mr. Blair asked if the height of the other mixed use buildings in the area is what the applicant was looking at for this development.

Mr. Reynolds stated this development is a little taller than those. He stated the existing mixed use is 3 stories and the subject development will be 3 stories but in the MX zoning there is a requirement that the 1st floor have 14 feet of clear height and that adds 3 or 4 feet to the building.

Interested Parties:

Stephen Carr 24495 North 43 Road, Bartlesville, Oklahoma

Mr. Carr stated he is here at the request of the protestants or representative's attorney. He stated in 2000 the City of Tulsa did an infill study for the community. Mr. Carr stated there was significant participation on the part of the Brookside Business Association and Brookside Neighborhood Association. He stated after two years a plan that was agreed to by all property owners that participated and that plan was developed. He stated at that time there is tremendous concern about infringement into the residential neighborhood by commercial development and it was not attractive commercial development along Peoria as there is now. Mr. Carr stated the desire was to have quality development with residential and business development. He stated there was the idea of transitional uses from business to multifamily and this plan was recognized by the Comprehensive Plan in 2010. Mr. Carr stated the Brookside Infill Plan served as a catalyst for the 2010 Comprehensive Plan and residents were assured that the goals and objectives and policies of these plans would be adopted and essentially, they have been. He stated if you look and see what's developing in the single family development it's quality single family. And the reason for that is stability and understanding on the part of the community. Mr. Carr stated the section on community participation in the Comprehensive Plan is pretty critical and important because people continue to rely on the plan, and the definition of the boundaries by the lines represent the different land uses that were in existence at the time of the plan's

adoption. He stated the real boundary was not just a line drawn schematically with old zoning boundaries it was the land use that was designated and existed in that part of the community. Mr. Carr stated he has heard comments made that the zoning has changed and the Comprehensive Plan has changed but the intent and purpose of land use in the Brookside Infill Plan as well as he understood when it was presented again for the 2010 Comprehensive Plan update the both of the land uses, the residential areas, and the business areas will have the same boundary in existence at that time. He stated he encourages the recognition of the residential areas, and the business area boundaries remain and if they've changed since the context of what is existing now should remain.

Mr. McArtor asked if on page 6.5 of the packet does the subject tract appear to be within the business district of the Brookside Plan.

Mr. Carr stated it does show the subject property within the blue boundary and that was why the 2010 Comprehensive Plan update would reflect the intent of the plan was to show the existing land uses at the time of the infill development plan and to show residential. He stated when he went through that 2010 planning update it was a requirement that we define more clearly than it was shown on the map. Mr. Carr stated the Brookside Infill Plan adoption resolution from 2002 there is a zoning boundary shown that recognizes the property's use at that time. He stated that area is an area that was changed in the 2010 Comprehensive Plan to reflect those land uses that were in existence and intended. Mr. Carr stated the boundary is not correct because it didn't show the zoning that was in existence, the stable residential single family that's developed and continues to develop in a residential area and the business area that is currently growing again that was not at the time when the plan was originally adopted. He stated what is growing is attempts to intrude zoning commercial office development into those neighborhoods. That's why that boundary and plan was initially developed to stabilize both areas.

Mr. Walker asked if the red square on the map is incorrect.

Mr. Carr stated "yes", when the 2010 Comprehensive Plan update was done the neighbors asked that the area be designated as part of a stable residential neighborhood, and the business area whether it's mixed use or commercial office be the boundary as it is expressed in the 2010 Comprehensive Plan.

Mr. Covey asked if Mr. Carr could give a little background as to how he was involved in the 2010 Comprehensive Plan update

Mr. Carr stated he had worked for the City of Tulsa previously and was brought back in 2000 to help with the Brady District Plan, and the Brookside Infill Plan. He stated both of those plans were adopted. Mr. Carr stated in 2010 he worked with the consultant on The Comprehensive Plan.

Sam Joyner 1331 East 35th Place, Tulsa, OK 74105

Mr. Joyner stated he lives across the street from the subject property. He stated when he built his home in the area, he checked the zoning designation just to ensure that the planning for the subject property was single family residential because he would never make such a substantial investment in a piece of property without having confirmed that designation. He stated the zoning laws are meant to protect us as well as to manage development and a person needs to be able to rely upon what he sees in the land use plan when investing their money. Mr. Joyner stated his objections to this application are best told through the story of a retired lawyer looking for a retirement home. He stated the lawyer found the home of his retirement dreams in the Brookside area where you can pretty much walk anywhere. Mr. Joyner stated it was the perfect house with a playroom over the garage for his grandchildren. The lawyer checked the zoning to make sure that it was all zoned single family residential and having done that he invested his money. The lawyer knew the zoning laws were there to protect him and he could rely on those laws in his search for a retirement home. Mr. Joyner stated sadly the story doesn't end there, the rest of the story is up to Planning Commission. Mr. Joyner stated this is not a made up story it's a true story and the lawyer is Randy Francis, who couldn't be here because he has a severe disability which causes him not to be able to attend. He stated Mr. Francis lives next door to the subject property. Mr. Joyner stated he asks that Planning Commission give Randy and himself and all the other objectors here today the protection that zoning means and deny this request.

Ross Snider 1337 East 36th Street, Tulsa, OK 74105

Mr. Snider stated he is a retired IT manager and purchased his house January 2006. He stated his house is on the north side of 36th Street and to the east of the subject property. Mr. Snider stated he is just 75 feet east of the eastern boundary of this project and the lawyer, Randy Francis, lives in the house between Mr. Sniders and the subject property. Mr. Snider stated if you drive down 36th Street from Harvard to Riverside there's not a single building that's built up to the edge of the sidewalk which is what is allowed by the rezoning request. He stated the retail strip that's immediately to the west of the property along Peoria, which contains Bank of the West, Jimmy John's and Tulsa Hair Company. Mr. Snider stated the QuikTrip on the southwest corner of 36th and Peoria and the veterinary facility on the northwest corner all have setbacks that fit in with the existing residential construction as you go up and down East 36th Street. He stated he opposes the requested rezoning request to MX-U-45 because it allows placements of buildings adjacent to the sidewalk and that conflicts with all the existing building setbacks on 36th Street. Mr. Snider stated those setbacks are vital to the residential feel of the 36th Street neighborhood and he requests that Planning Commission deny the proposed zoning change.

Clark Plost 1330 East 36th Street, Tulsa, OK 74105

Mr. Plost stated he lives directly across from the three subject lots. He stated he was raised in Tulsa and spent six years living in Austin, Texas and five and a half

years living in Oklahoma City before buying a dental practice and rerouting back to Tulsa. Mr. Plost stated he would like to speak from a millennial's perspective. He stated he purchased his home this past February at the age of 29 and has several friends who are also millennials who have purchased homes in this neighborhood. Mr. Plost stated one of the greatest things about Tulsa compared to cities like Austin, Denver and Dallas is that millennials can afford to own our homes. He stated that building in mixed use spaces that encroach on the neighborhood east of Peoria as the way to attract millennials into Brookside is flawed thinking. Mr. Plost stated there are many millennials that want to own homes in this vibrant neighborhood and he asks Planning Commission to encourage and promote these mixed use concepts to thrive along the Brookside corridor between 31st and 51st but facing Peoria Avenue. He stated he may be young, naive and inexperienced with local politics, but his jaw hit the floor when he heard Lou Reynolds stand before Planning Commission at the November 18 meeting and misrepresent the compromises and outreach to the neighbors that he claimed the developers had made. Mr. Plost asked Planning Commission to ask anyone who attended those meetings other than Bob David and Clark Neely who are with CBC Builds and Lew Reynolds for an honest recount of events. He stated the applicant has intentionally misrepresented the outreach to neighbors to appease the decision makers. Mr. Plost stated not once did the developers come to those meetings with an open minded compromise but instead showed up with a premeditated decision and having the meetings was simply to check off a box saying they made attempts to work with the neighbors. He stated the second meeting with the developers Bob David and Clark Neely presented their amended plan, the all residential project, which was their major compromise, with the caveat of maintaining the request for an MX zoning designation and building the proposed structure to MX specifications. Mr. Plost stated Lou Reynolds tossed out the idea of requesting an optional development plan restricting the land use to residential, however, not once did Mr. Reynolds or the developers follow up with the neighbors to inform them that they in fact had applied for the optional development plan. He stated the neighbors found out by reading the application for the meeting. Mr. Plost stated he wanted to be clear to the Commissioners that the neighborhood wanted all three RS-3 properties to remain zoned single family residential for a plethora of reasons. He stated at the November 18 hearing Mr Reynolds referenced the financial holdup and hardship for the developers by dragging this process out. Mr. Plost stated he would like to remind everyone that Bob David and Clark Neely with CBC Builds purchased three single family homes on 36th Street, that are zoned RS-3 which are all occupied by renters at this time. This must have been a risk they were willing to take when making such an investment. He stated the applicant did not purchase mixed use space. Mr. Plost stated he purchased his house on February 28, 2020 for \$604,950, which is more than CBC Builds spent on all three subject properties in total. He stated he bought his home in the Brookside neighborhood with three single family homes across the street and he would not have bought his home if a mixed use building was across the street. Mr. Plost stated no one has more of a financial investment in this area than the neighbors that own their

homes. He stated he speaks for all the residents within a 300 foot radius to this project when he says the neighbors are pro development along the Brookside corridor from 31st to 51st and Peoria Avenue, facing Peoria, and that's what that new church development is that was approved for MX zoning 18 months ago. Mr. Plost stated the three subject lots are single family residential homes and the neighborhood wants them to remain that way.

Dr. Laura Dempsey 1341 East 36th Street, Tulsa, Ok 74105

Ms. Dempsey stated she lives two homes west of the subject properties. She stated she is a third generation Tulsan and a fourth generation Oklahoman who loves her hometown very much. Ms. Dempsey stated she grew up close to 36th Street at 33rd and Lewis Avenue where her family built a home and she attended Tulsa Public Schools. She stated she graduated with three graduate degrees the last from Cornell with a PhD to come back and serve as an executive with three United Way agencies, over the last many decades. Ms. Dempsey stated she said all this with hopes that Planning Commission understands that she like all who are here protesting this application are considerate responsible citizens who are very concerned about their contributions to Tulsa, their homes and the Brookside neighborhood. She stated during my tenure with the Community Service Council she was a Senior Planner and participated in the planitulsa process. Ms. Dempsey stated the fact that the 36th Street corridor was sustained as a neighborhood residential avenue with bike paths and walkable sidewalks for good reasons. She stated 36th Street is an older narrower neighborhood street and it has always served the neighborhood as a smaller boulevard providing access to Brookside homes starting from Riverside Drive and going down just past Yale Avenue to a turnabout. Ms. Dempsey stated when you drive down 36th Street there are nothing but homes lining the street much like Terwilliger or Woodward Boulevard. She stated 36th Street was correctly designated in the 2010 planning process as one preserving stable healthy family life and neighborhood beauty as the Brookside founders intended, as you may have read in the Tulsa World. Ms. Dempsey stated as a seasoned planner working with Tulsans for years she recognizes that today both planners and citizens who trusted the planitulsa civic involvement process might also be interested to learn that according to two reputable search engines guiding those looking for vacant apartments in Tulsa today, you will see there's over 1000 vacant apartments in the Brookside area. She stated there's plenty of apartments available for those who want to live in Brookside and there's plenty of exciting commitment to commercial mixed use development more appropriately located on Peoria Avenue and open to commercial proposals. Ms. Dempsey stated for these reasons she asks Planning Commission to oppose this application and to preserve the beauty and quality of family life on 36th Street, a street developed uniquely for single family homes.

Ms. Dempsey read a letter from Randy Francis, who resides next to the subject properties into the record.

Letter from Randy Francis

Randy Francis a retired attorney 30 year veteran in Tulsa. Mr. Francis stated he would like to point out that the current development plan is a ploy and is demonstrated in developer applications that do not provide for trash removal, in any manner, making it impossible to provide for multifamily units. It is clear that the developer does not plan to build what has been shown to Brookside neighbors. He stated the developer wants to secure his requested zoning changes to be able to flip the property and sell to another party who could do whatever they wanted with the property.

Judy Trickey 3488 South Zunis Avenue, Tulsa, OK 74105

Ms. Trickey stated she has lived in the area for 33 years and is retired from the Oklahoma Department of Human Services. She stated she was responsible for county operations in northeastern Oklahoma that consist of 17 counties and 700 staff. Ms. Trickey stated she has worked with many groups and commissions and prepared monthly reports to the Oklahoma State Department of Human Services Commission, which is the only state constitutional initiated commission in the state so she knows how important this Commission is for the citizens who are here today and want to help Commissioners to understand where the neighborhood is coming from. She stated she is very opposed to the application to come into the neighborhood with this proposal by Mr David, CBC Builds and Mr. Reynolds. Ms. Trickey stated when the residents bought their homes and made their investments in property, they leaned on the Tulsa leadership to help them pursue honesty, accountability, trust, respect, transparency, fair and equal treatment and inclusivity in all areas of their living and governing. She stated they lean on Tulsa leadership to embrace and reinforce these values and they are here today to ensure that their voices are heard. Ms. Trickey stated while serving in governing positions she hopes one of the first questions Commissioners ask themselves will the decisions they make today serve the wishes and best interests of the neighbors present at this meeting and many others who were fearful of coming here today because of the COVID virus. She stated will your vote today be against further encroachment into this unique residential neighborhood and ensure these citizens keep their core current quality of life.

TJ Martin 1330 East 36th Street, Tulsa, Ok 74105

Mr. Martin stated he is a young professional who is in opposition of this rezoning application. He stated this type of zoning opens the floodgates to a plethora of building outcomes that do not match the current one story shopping to the west of the subject properties and the single family residential homes to the east and to the south. Mr. Martin stated there is currently a three story complex to the north, which has been discussed, but that building is a lower density and complimentary and a transitional structure between Brookside businesses and the current neighborhood. He stated a major reason that he was enticed to stay in Tulsa versus moving to a larger city, such as Houston or Denver was because he would have the ability to afford to live in a single family home with a yard and

garage, rather than apartment complex. Mr. Martin stated he agrees that high end apartment units are needed and are a good addition to Tulsa but this is not the correct placement for this type of structure. He stated he can speak firsthand that the type of clientele that the builder is trying to reach does not want to be squeezed into a small footprint with no amenities such as a green space, pool and covered and secured parking, many of the features that the Enclave, just a few blocks south already and has vacancies. Mr. Martin stated he is asking Planning Commission to consider denying this request as there are other lots in close vicinity to the subject properties that make more sense for this type of project.

Creda Moran 3607 South Yorktown Place, Tulsa, OK 74105

Ms. Moran would like to relinquish her time to Mr. Gray the attorney representing the neighborhood.

Claudia Arthrell 3539 South Zunis Place, Tulsa, Ok 74105

Ms. Arthrell stated she has lived the last 45 years in the area and this is her neighborhood. She stated she is retired and was the senior program director at Family and Children's Services for 41 years. Ms. Arthrell stated this community is very important to her and she is against the proposed zoning changes.

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

Ms. Khilling stated she is here again to request denial of the petition to rezone the subject lots. She stated when she moved to the Brookside area, she never dreamed that she would be at Planning Commission to protest changing the zoning of single family homes in her neighborhood. Ms. Khilling stated she was here in September with some of her neighbors to present the signatures of the neighbors opposing the rezoning. She stated at that initial hearing there were two Commissioners who were physically present and heard the arguments from both the developer and the neighbors that were directly affected. Commissioner Craddock said that in all his years of serving on the Planning Commission, he repeatedly heard the song and dance of if commercial development comes into a neighborhood it's going to decrease the property values. She stated that this was the first time Commissioner Craddock said he would agree that this subject application would have a negative effect on the property values and he voted to deny the application. Ms. Khilling stated she believes the chairman followed with a second but the sigh of relief was short lived because when the other Commissioners were called upon to cast their votes a continuance was requested by the Commission and a mandate was given to the developers to hold a meeting with the neighbors to show what they propose to do at the subject site. She stated at that meeting things didn't go very well. Ms. Khilling stated she respectfully requests the denial of this application.

Pam Schloeder 3481 South Zunis Avenue, Tulsa, OK 74105

Ms. Schloeder stated she has lived in the neighborhood for 37 years. She stated 36th Street runs down the south side of her lawn. Ms. Schloeder stated she a

retired commercial vendor for a locally owned bank and her concerns regarding the proposed zoning changes relates to Mr David's financial strength and past business dealings, which will directly impact his ability to attract partners and financing for the proposed project. She stated a review of the public records reflects Mr David has petitioned for personal bankruptcy more than once. The most recent filing includes a seven figure foreclosure sale and multiple transfer of deeds in lieu of foreclosure, the largest having a value of \$6 million dollars. Ms. Schloeder stated financial institutions will do the necessary due diligence to discover the information and may not be willing to loan money directly to Mr. David based upon past performance. Mr David could get financing through a partner using their good credit but if problems occur the project could be stalled and remain an eyesore or hazardous during months or years of litigation. She stated this could result in the project being directed to the hands of another developer who has no understanding or concern for the existing neighborhood and their aspirations. Ms. Schloeder stated Mr David's financial position or lack thereof directly impacts the possible success or failure of this project. She stated for this reason she does not believe the neighbors can go forward with a high degree of confidence with the zoning change request and proposed project.

Cindy Woodward 1334 East 36th Street, Tulsa, OK 74105

Ms. Woodward stated she lives directly across the street and one house east of this proposed development. She stated she purchased and moved into her home in January of 1996 and she has worked in health care in Tulsa her entire career. Ms. Woodward stated for the last several years she has been the president of the Brookside Neighborhood Association. She stated the neighbors in the area are concerned, worried, impacted residents. Ms. Woodward stated some are long term residents and some are recent additions to the neighborhood. She stated there are business owners, health care providers, community activists and retirees. Some neighbors are just beginning their careers and some have retired. Ms. Woodward stated all specifically chose Brookside and invested in a neighborhood of single family houses zoned RS-3. She stated and now those residents face the reality that the premise on which many made the single largest investment of their lives is subject to change. Ms. Woodward stated she is asking Planning Commission to preserve and protect the neighborhood and their quality of life. She stated this neighborhood is and has always been an Existing Neighborhood not a Main Street. Ms. Woodward stated this area is the lower intensity residential neighborhood situated behind the Main Street designation. The properties in this zoning request will never face Main Street Peoria. She stated there will never be a part of this development that faces Main Street Peoria, these properties will always reside in a neighborhood of single family residences. Ms. Woodward stated this neighborhood was specifically left out of the Area of Growth in 2010 and that should not change. She stated what has changed is that a wealthy developer sees an opportunity for great profit at the expense of the people who have invested significantly in the area. Ms. Woodward stated when reviewing the new additions to the agenda packet she noticed that there are four emails that Mr Wilkerson forwarded to Kim Sawyer to

distribute to Commissioners, all 4 of these emails are in support of this application but none of those people live on 36th Street and none live within the 300 foot circumference of these properties. Ms. Woodward stated and one of them doesn't even live in Brookside. She asks Planning Commission to deny these changes.

Marcia Roctia 1615 East 36th Street, Tulsa, OK 74105

Ms. Roctia stated she has been a part of this community for 16 years. She stated she is an Engineer and been working as a structural engineer for the last 12 years for the oil industry here in Tulsa. Ms. Roctia stated she is opposed to the zoning change in Z-7571 and CPA-89. She stated the neighbors are concerned that the zoning change from single family to mixed use will modify the wonderful experience this neighborhood provides to the community. She stated the reason people buy houses in the area for a million dollars or more is not because of the commercial area. Ms. Roctia stated the high population density is only because the area continues to have stable residential areas that are unique and well maintained. She stated it's important that the homeowners are assured that the property values will continue to grow in the future because it is more than evident that the rental tenants who do not invest as much as the homeowners do not care. Ms. Roctia stated 36th Street from Yale Avenue to Riverside there is no commercial and there is no 45 foot building. She asks that Commissioners deny the rezoning change.

Dr. Joseph Bessler 1341 East 36th Street, Tulsa, OK 74105

Mr. Bessler stated he is here to kind of conclude and summarize the concerns. He stated an oversized building that cannot provide adequate parking and the street parking mess that results from it is a concern. Mr. Bessler stated commercial buildings right up against the sidewalk are problematic in a residential neighborhood and adequate street size for additional traffic and building access and costly infrastructure are other concerns. He stated a neighborhood school a stone's throw away with child safety at risk, business and apartment units creating significant rodent problems for the neighbors. Mr. Bessler stated these are all concerns that he would ask Planning Commission to consider as well as a decline in the value of our homes, which are our most important personal investments, and a deep decline in the future quality of this neighborhood. He stated this decline will drive many of the good neighbors away. Mr. Bessler stated from developers they have heard in recent weeks that it was an oversight in the Comprehensive Plan that didn't allow the encroachment of businesses up to an alleged parallel line running across all East West streets feeding into Peoria, and that is not so. He stated the designers of the Comprehensive Plan had their eyes wide open and wanted to preserve this neighborhood of single family homes so close to a neighborhood school even as 36th Street now has added a bike path. Mr. Bessler stated the stable character of the neighborhood needs to be preserved and not add more traffic to it from developers. He stated they have heard the claim that this area needs high end renters and this is not so there are plenty of available upscale apartments in the

neighborhood. Mr. Bessler stated they have heard that millennials are drawn to Tulsa and want to own their own homes. He stated the mission of this body is to strive for transparency but the neighbors have not seen that transparency. Mr. Bessler stated from the developers, it has been a changing story and what they are proposing is inappropriate for this neighborhood. He asked that Planning Commission consider seriously the reports and analysis they have heard to shut this development proposal down.

Jack Spradling 20108 East 33rd Place South, Broken Arrow, OK 74014

Mr. Spradling stated it has been several years since he has appeared before Planning Commission. He stated his experience as an engineer here has been with municipalities in the design and development of subdivisions that are residential, commercial, and industrial. Mr. Spradling stated he has worked all over northeast Oklahoma and out of state. He stated after reviewing the subject application he thinks the density that's being requested is too high for this particular area. Mr. Spradling stated he agrees that this is a single family residential area and, in his opinion, should stay that way. He stated he was concerned about the parking spaces because 36th Street cannot handle any on street parking. Mr. Spradling stated if this development goes forward it must contain enough parking spaces to serve the people involved and if commercial is allowed, he doesn't think that will happen. He stated people going to a commercial building don't look for a difficult parking space they want to park right at the front door, which means they want to park on the street. Mr. Spradling stated the area was developed residential which is why the school exists a half a block away, they didn't build a school to serve a commercial area it was built to serve residential.

Stephen Gray 2400 West Detroit, Broken Arrow, OK 74012

Mr. Gray stated he is a lifelong Tulsan native and attended Tulsa Public Schools. He stated years ago when he was a boy there was a big neighborhood dispute at 21st and Lewis Avenue. Mr. Gray stated there was a beautiful dutch colonial three story estate right at the southeast corner of 21st and Lewis where Reeders Texaco gas station is located. Texaco threatened to move their corporate headquarters to Oklahoma City if they didn't get that property to build a mid-rise building. He stated the homeowners in that neighborhood did not want a mid-rise office building or commercial uses of any kind. Mr. Gray stated the Planning Commission and the City of Tulsa promised the neighborhood that if they supported this mid-rise building there would be no more high rises built along 21st Street. He stated if you go up and down 21st Street you can see that this was a pie crust promise, easily made and readily broken. Mr. Gray stated he doesn't attribute anything that happened then to what the Commission does today but you cannot guarantee what a future Commission 10, 15, or 20 years from now will do. He stated today the application is for a first of its kind in this area, allowing a multifamily complex between 31st Street and 36th Street between Peoria and between Utica. Mr. Gray stated there are apartment units up and down Peoria as Ms. Dempsey stated earlier and there is no need for more

apartment complexes in this area. Mr. Gray stated the residents are not opposed to sensible development. But in this instance, this is a unique neighborhood and the people have a sense of community and pride in their neighborhood. He stated these residents are investing their money in maintaining their primary homes and that is very important. Mr. Gray stated his clients have complained that there is already a lot of overflow traffic that parks up and down those streets at times and that impacts the quality of their life. He stated but as Mr Spradling stated there is no way a 3 story apartment building on less than half an acre with 10 to 14 units with 20 plus parking spaces won't have overflow of cars parking in the neighborhood, whether its people having parties or just visitors. Mr. Gray stated one of the most important things about zoning that he found compelling is that some of the previous speakers talked about checking the zoning to see what would be allowed before buying their home. He stated he would remind Commissioners that the Comprehensive Plan merely a policy guideline and not a regulatory document that Commissioners are bound by. Mr. Gray stated he reviewed the plan updates for 2010 and saw that staff solicited the respondents and stakeholders who live in the neighborhood. He stated they were invited to provide their input as citizens committees and help establish guiding principles for what they saw for the future of this community. Mr. Gray stated the citizens participated and they provided their insight. Mr. Carr, who was the City of Tulsa planner was very involved in the Brookside Plan has stated that these three properties were not in error they were deliberately carved out to preserve the residential character of that area. He stated that was not a mistake, as was suggested by some of the staff comments. Mr. Gray stated one of the major priorities of the Comprehensive Plan is to protect the character, the viability and the livability of the neighbors of these neighborhoods and that needs to continue. He stated this is a residential single family area and he respectfully requests that Planning Commission recognize that and maintain it. Mr. Gray stated his clients are not opposed to bigger houses on those small lots but they are opposed to commercial, or multifamily 45 foot tall structures here.

Shane Saunders 427 South Boston, STE 706, Tulsa, OK 74103

Mr. Saunders stated he has two children who attend school at Elliot Elementary just down the street, a first grader and a fourth grader. He stated he serves as the Treasurer of the PTA at Elliot and as a Director on the board of the foundation. That's why he became interested in this project. Mr. Saunders stated after reflecting on it, and meeting with the developers he is totally in favor of and support approval of the rezoning. He stated it will bring young families, into our school which Elliot would welcome. Mr. Saunders stated in previous comments a list of apartment complexes in the neighborhood were mentioned. He stated what was not said is that those are not exactly desirable housing units, and also not suitable for young families and given that Elliott is a free and reduced lunch school there aren't many families that can afford a \$600,000 starter home. Mr. Saunders stated he thinks this development would add an appropriate mix of housing into the neighborhood and into the school community. He stated it's a better use for the land than what's presently there and he thinks the developers

have come up with a good plan. Mr. Saunders stated he thinks it will grow the tax base which ultimately supports the school and they could use every last dollar that they could get their hands on. He stated he didn't attend the first neighborhood meeting but did attend the second one and in looking at the plans, it looks like the developer went to great lengths to try to minimize its impact on parking and traffic. Mr. Saunders stated the sad reality is that the pandemic is closing businesses in Brookside and he thinks that a shovel ready project of this caliber, in this current economic environment should be celebrated. He stated as a city this type of project should not be regulated but should be welcomed and encouraging that type of growth. Mr. Saunders stated if we can't get behind this kind of energy and entrepreneurship then he really doesn't know what we're doing as a City.

Applicant Comments:

The applicant stated across the street to the south of the subject project there is a property zoned MX with an unlimited height limitation. He stated this building will be built to the street on Peoria Avenue and will be built to the street on 36th Street. Mr. Reynolds stated the placement of the building is within a building line to 5 feet of the street. He stated the limitation on the size of the building will be what determine the parking but it will comply with code standards. Mr. Reynolds stated MX zoning is like a PUD that's been put in place with appropriate consideration from its setbacks between a residential neighborhood. He stated the Comprehensive Plan and The Brookside Infill Plan both call for using mixed use zoning to take care of these situations between residential and commercial uses. Mr. Reynolds stated these plans call for pockets of density to provide for livable pedestrian friendly and cost efficient communities and that is exactly what this development offers. He stated they call for future development creating mixed use centers and that is in this plan. Mr. Reynolds stated he would like to remind Commissioners the optional development plan has been added to this application so there would be no commercial component to this project. He stated that commercial component cannot be added back into the project without coming before Planning Commission and City Council. Mr. Reynolds stated public notices would have to be sent out also.

Mr. Shivel asked if the applicant had access to traffic studies for the area. He stated the issue of traffic volumes have been raised by a number of residents on 36th Street.

Mr. Reynolds stated the project on this half acre lot will not have any noticeable impact on the traffic on 36th Street but a traffic study has not been done on 36th Street.

McArtor left room at 3:07 pm and this broke quorum.

Meeting was stopped while Commissioner McArtor left the room.

McArtor returned to room 3:09 pm and the meeting continued.

Ms. Miller stated last year in 2019 staff reviewed all the Small Area Plans in existence prior to the Comprehensive Plan adoption in 2010. Work sessions were held for Planning Commission to review the information and at a TMAPC meeting a resolution was adopted regarding the status of those things. Ms. Miller stated she just wanted to bring that to light since that is by far the most recent action regarding the Brookside Infill Plan. She stated the resolution clearly shows a discrepancy between the Brookside Infill Plan and the Comprehensive Plan and it's hard to know 10 years ago or 18 years ago which was meant to be.

Mr. Covey asked what you say to a homeowner who is buying a house and they've looked at the Comprehensive Plan.

Staff stated the entire reason that we have this process established is to consider making any changes. He stated he thinks that it's entirely appropriate to look at a piece of property and see what the long range plan is anywhere in the city, but it's also entirely appropriate to go through a very public discussion about making any changes to that property and that's what the applicant is doing.

Mr. McArtor stated thanked everyone for their presentations. He stated he has known Mr. Reynolds for many years and has known him to be an honorable man and do not believe for one moment that he would ever misrepresent anything in a community. Mr. McArtor stated he is very thankful that there are wealthy developers who want to make a buck in Tulsa. That is not a bad thing. That is a wonderful thing and Tulsa needs more of them. He stated the applicant held community meetings and took out the commercial aspect of the application and Mr. McArtor thinks this was a serious accommodation to the property owners. Mr. McArtor stated he thinks that the applicants should be thanked for their efforts in doing so. He stated anytime there's a rezoning application the argument is made that property values are going to be reduced and although he understands the argument, he thinks generally it's pretty speculative and cannot be proven. Mr. McArtor stated he certainly understands that when you buy your property you look at zoning, and you buy your property often times based upon the zoning plans and regulations. He stated you want Comprehensive Plans to be reliable however, it must also be said that zoning changes. It's always subject to change. There are rezoning applications before this commission regularly and they are granted regularly. Mr. McArtor stated in 2002 the Brookside Infill Plan, which is found on page 6.5 of the packet indicates that this piece of property is in a commercial area. This was a plan that was put together by the Brookside residents many years ago. He stated this resolution (referring to the 2019 TMAPC Resolution) indicates that we are to continue to consider this plan in our deliberations.

Mr. Walker stated he agrees with what Mr Saunders said, and the east line, fictitious or not, is the boundary that he interprets. He stated property values aren't going down in Brookside in his lifetime as well as his kid's lifetime. Mr. Walker stated he also agrees with staff because they put a lot of time into their recommendation.

Ms. Van Cleave stated she supports Mr. Walker's interpretation. She stated the one consistency is change in our lives and she doesn't see any indication of property values declining but she would be glad to consider that if it could be proven.

Mr. Shivel stated he has been a member of the Planning Commission for a number of years and has seen on a number of occasions this exact issue where there was a notch that appeared in the Comprehensive Plan. He stated this was reassessed and were made typically positive in respect to the applicant. Mr. Shivel stated in this particular case he believes that there is a valid reason for doing this.

Mr. Blair stated a lot of good points made today and he thinks this is kind of a transitional zone with mixed expressions of intent over the years from 2002 to 2010 and then into 2019. He stated there were three genuine concerns raised today about height, traffic and parking. Mr. Blair stated he thinks, as it relates to height, that this development will really be kind of a mirror image of the development that is immediately adjacent to the north. He stated with regard to traffic he agrees with Mr Saunders and doesn't see significant additional traffic. Mr. Blair stated as it relates to parking the code requires parking compatible with the use. He stated he wants to make one final point, there's a petition in the back of the exhibit that was handed out, which is compelling in its own right but he think's in the zoning code there is an actual petition process and legal requirements for a petition that could have an actual legal impact on the council's consideration and require a three fourths vote of the council. Mr. Blair stated he would urge the neighbors to look at that provision in the code and make sure that the petition meets those requirements if the intent is to trigger that enhanced voting threshold in the city council.

Mr. Covey stated the arguments that didn't persuade him was the traffic argument and the parking argument. He stated the argument that it's not facing Peoria or Brookside doesn't persuade him or the whole argument of how many apartments and things of that nature also doesn't persuade him. Mr. Covey stated people buy property all the time for speculative value to do all sorts of things. He stated we live in a capitalistic society and if somebody wants to buy a piece of property and build whatever they want to there as long as it's falls within the applicable rules, regulations and codes they have the right to do so. Mr. Covey stated one of the speakers talked about whether the applicant was financially stable or not and that bears no weight on his decision today. He stated the there is a Brookside Small Area Plan that was put into effect in 2002 and you

have to acknowledge that the subject property is inside the line separating commercial from residential. Mr. Covey stated in 2010 planitulsa is adopted and the newest version of the Comprehensive Plan and for whatever reason this was different. He stated he doesn't know what happened but the maps were not consistent with the Brookside Small Area Plan. Mr. Covey stated so which is correct the Brookside Small Area Plan or the Comprehensive Plan. He stated he has to go with the Comprehensive Plan because it's the most recent. Mr. Covey stated the applicant removed the commercial from the application and now is asking for residential because the neighbors were against the commercial use so that takes out the business realm and puts it into the residential realm, but RS-3 is not the right zoning that's not what the developer needs to do this residential development. The question is does the higher density fall within this particular area of Brookside. He stated he would be voting to deny the application. Mr. Covey stated this is just a recommendation to the City Council who will have to consider everything and make final approval.

TMAPC Action; 6 members present:

On **MOTION** of **WALKER**, TMAPC voted **4-2-0** (Blair, Shivel, Van Cleave, Walker, "aye"; Covey, McArtor, "nays"; none "abstaining"; Craddock, Kimbrel, Reeds, Ritchey, "absent") to recommend **APPROVAL** of the MX1-U-45 zoning with an optional development plan for Z-7571 per staff recommendation.

Legal Description for Z-7571:

E 1/2 OF LT 12 BLK 4; W50 LT 11 BLK 4; E50 LT 11 BLK 4, OLIVERS ADDN

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7. **Maybelle Villas** (CD 2) Preliminary Plat, Location: South of the southeast corner of West 81st Street South and South Maybelle Avenue (Continued from December 2, 2020)

STAFF RECOMMENDATION:

Maybelle Villas - (CD 2)

South of the southeast corner of West 81st Street South and South Maybelle Avenue

This plat consists of 59 lots, 7 blocks on 16.03 ± acres.

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

1. **Zoning:** The subject tract is zoned RS-3 with an approved optional development plan, Z-7506. The development plan permits the use of private

streets within the subdivision. Proposed lots conform to the zoning requirements.

2. **Addressing:** City of Tulsa addresses and street names must be assigned and affixed to the face of the final plat along with an address disclaimer.
3. **Transportation & Traffic:** Private streets are required to be constructed to the same standard as public streets per the Subdivision & Development Regulations. Sidewalks are required per Title 35, Section 602 of the Tulsa Revised Ordinances. Sidewalks and ADA ramps, where required along common areas/reserves, are required to be installed by the developer prior to building permits on individual lots. Property owner's association will be required to be established for purposes of common maintenance of private improvements. Sidewalks, where required, will need to be covered by the common maintenance provisions and appropriate easement language for access. Establish limits of access and limits of no access along Maybelle Avenue to align with final drive configuration.
4. **Sewer/Water:** Infrastructure development plans (IDP) for sewer and water main extensions are required to be approved prior to final plat approval. Performance guarantees will be required for any infrastructure not installed prior to final plat recording.
5. **Fire:** Emergency secondary access is required to be provided. Offsite emergency access easements must be recorded and reflected on the final plat.
6. **Airport:** Avigation notice is required to be affixed to the face of the plat due to the subject tract being located within a recognized flight path.
7. **Engineering Graphics:** Submit subdivision data control sheet with final plat submittal. Add "City of" before Tulsa in the plat subtitle. Under the surveyor heading add the name and an email address for the surveyor. Remove contours from the final plat submittal. Update the location map to reflect all platted property in the section. Label all other property as "Unplatted" and label the subject tract as "Site" or "Project Location". Graphically show all property pins found or set that are associated with the plat. Replace all references to Maybelle Estates with Maybelle Villas.
8. **Stormwater, Drainage, & Floodplain:** City of Tulsa Regulatory Floodplain exists on the northern portion of the property. Overland drainage easement will be required for any on-site floodplain. Any development proposed in the future within the floodplain area will be required to comply with all city floodplain ordinances and criteria.
9. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

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

Services, City Legal, and Engineering Services is required prior to final plat approval.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **COVEY**, TMAPC voted **6-0-0** (Blair, Covey, McArtor, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Craddock, Kimbrel, Reeds, Ritchey, "absent") to **APPROVE** the Preliminary Subdivision Plat for Maybelle Villas per staff recommendation.

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- 8. **Z-7587 Planning Design Group-Katy O'Meilia** (CD 6) Location: Southwest corner of East 31st Street South and South 193rd East Avenue requesting rezoning from **AG to RS-5**

STAFF RECOMMENDATION:

SECTION I: Z-7587

DEVELOPMENT CONCEPT: Rezoning a tract of land to allow a variety of lot sizes for single family homes. RS-5 zoning allows single family homes, cottage home development, townhomes and patio homes.

DETAILED STAFF RECOMMENDATION:

Z-7587 requesting RS-5 zoning allows single family residential uses that are compatible with the surrounding properties and,

Lot and building regulations in a RS-5 district allow a greater density than the abutting RS-3 zoned properties in Broken Arrow however RS-5 zoning is consistent with the anticipated future development pattern of the surrounding property and,

RS-5 zoning is consistent with the New Neighborhood land use designation of the Comprehensive Plan therefore,

Staff recommends Approval of Z-7587 to rezone property from AG to RS-5.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The residential density, variety of building types and uses allowed are consistent with the land use designation in the comprehensive plan.

Land Use Vision:

Land Use Plan map designation: Neighborhood Center and New Neighborhood

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

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: East 31st Street South and South 193rd E. Avenue are illustrated as a secondary arterial and primary arterial respectively. No additional considerations are shown on the 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 gently sloping with drainage generally flowing from west to east into the Spunky Creek Floodplain and Floodway along the eastern edge of the site. The floodway near the intersection of S. 193rd at East 31st will create significant challenges for commercial development as illustrated on the comprehensive plan. The site is bisected by a regulatory floodplain and is lightly wooded.

Environmental Considerations: None except the floodplain limitations along the eastern edge of the site.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 31 st Street South	Secondary Arterial	100 feet	2
South 193 rd East Avenue	Primary Arterial	120 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use

North	AG	New Neighborhood and neighborhood center	Growth	Vacant
East Broken Arrow	RS-3/PUD and A-1	Urban Residential and Greenway/Floodplain Broken Arrow Comprehensive plan adopted 08.06.2019	Identified as a potential growth area	Single Family residential
South	AG	New Neighborhood	Growth	Vacant
West	AG	New Neighborhood	Growth	Vacant

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:

BAZ-1969/PUD-256, Whiskey Ridge February 2017: The City of Broken Arrow Planning Commission all concurred in approval of a request to rezone a 142.16± acre tract of land from A-1 to RS-3 and approval of a proposed *Planned Unit Development* for a Single-family residential subdivision (450 single family detached homes) with the west part of the property that is located in the 100-year flood plain being left as open space and the remaining property to be developed according accordance with the Broken Arrow Zoning Ordinance and the use and development regulations of the RS-3 district except for the following modifications: Front yard setback reduced from 25 feet to 20 feet, rear yard setback along Rockford Street reduced from 35 feet to 20 feet, minimum lot size reduced from 7,000 square feet to 6,000 square feet, straight streets in excess of 900 feet in length will be allowed, subject to subject to the property being platted and the portion of the property that is located inside the 100-year floodplain re-zoned to FD and not RS-3, on property located on the southeast corner of East 31st Street South and South 193rd Avenue East.

The applicant indicated her agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **COVEY**, TMAPC voted **6-0-0** (Blair, Covey, McArtor, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Craddock, Kimbrel, Reeds, Ritchey, "absent") to recommend **APPROVAL** of the RS-5 zoning for Z-7587 per staff recommendation.

Legal Description for Z-7587:

A tract of land being the Northeast Quarter (NE/4) of Section Twenty-four (24) in Township Nineteen (19) North and Range Fourteen (14) East of the Indian Base and Meridian (I.B.&M.), according to the U.S. Government Survey, thereof; Tulsa County, State of Oklahoma; being more particularly described as follows:

Beginning at the NE corner of the NE/4 of Sec. 24, T-19-N, R-14-E, I.B.&M.;
Thence S01°17'29" E a distance of 2645.67 feet to the SE corner of said NE/4;
Thence S88°33'41" W a distance of 2638.39 feet to the SW corner of said NE/4;
Thence N 01°21'33" W a distance of 2643.27 feet to the NW corner of said NE/4;
Thence N 88°30'34" E a distance of 2641.52 feet to the Point of Beginning, and containing 160.268 acres, more or less.

* * * * *

Items 9 and 10 were continued to January 20, 2021.

9. **Z-7588 Tanner Consulting, LLC-Eric Enyart** (CD 8) Location: Northwest corner of East 121st Street South and South Yale Avenue requesting rezoning from **CS-RS-1/PUD-526 to RS-4/CG/OL with an optional development plan** (Related to PUD-526-A)

The applicant was not present for items 9 and 10.

All interested parties agreed to the continuance.

10. **PUD-526-A Tanner Consulting, LLC-Eric Enyart** (CD 8) Location: Northwest corner of East 121st Street South and South Yale Avenue

requesting a **PUD Major Amendment** to abandon PUD-526 (Related to Z-7588)

TMAPC Action; 6 members present:

On **MOTION** of **COVEY**, TMAPC voted **6-0-0** (Blair, Covey, McArtor, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Craddock, Kimbrel, Reeds, Ritchey, “absent”) to **CONTINUE** Items 9 and 10 to January 20, 2021.

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The neighborhood requested a continuance to January 20, 2021

11. **CO-10 Lou Reynolds** (CD 2) Location: North of the northwest corner of East 81st Street South and South Lewis Avenue requesting **Major Amendment** to a Corridor Development Plan

The applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **COVEY**, TMAPC voted **6-0-0** (Blair, Covey, McArtor, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Craddock, Kimbrel, Reeds, Ritchey, “absent”) to **CONTINUE** Item 11 to January 20, 2021.

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12. **CZ-509 Smalygo Properties, INC** (County) Location: Northwest corner of East 146th Street North and North 97th East Avenue requesting rezoning from **AG to CG** to permit commercial development

STAFF RECOMMENDATION:

SECTION I: CZ-509

DEVELOPMENT CONCEPT: The applicant is proposing to rezone from AG to CG to permit commercial development on the subject lots. Per the applicant, there are currently no specific plans for the future uses of the commercial development. The subject lots are located within the Commercial and Residential land use designations of the Tulsa County Comprehensive Land Use Plan and the City of Collinsville Comprehensive Plan. The City of Collinsville Comprehensive Plan was adopted as part of the Tulsa County Comprehensive Land Use Plan on September 9, 2019.

While portions of the subject area lie within the Residential land use designation, the proposal would be compatible with the general future land use of the area, which calls for commercial uses at all four corners of the intersection of E 146th St N and N 97th E Ave. Additionally, the City of Collinsville has reviewed the proposed request and has indicated that they do not have any objections to the proposed rezoning request.

DETAILED STAFF RECOMMENDATION:

CZ-509 is non-injurious to surrounding proximate properties;

CZ-509 is compatible with the Commercial land use designation of the Tulsa County Comprehensive Land Use Plan and is not objectionable to also incorporate those portions located within the Residential land use designation;

CZ-509 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends **Approval** of CZ-509 to rezone property from AG to CG.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is located within the fenceline of the City of Collinsville. The City of Collinsville 2030 Comprehensive Plan was adopted as part of the Tulsa County Comprehensive Plan on September 9, 2019. The planning process for the update of the 2030 Plan was developed by the City Planning Staff and Planning Commission and formalized by the City Commission. Citizen participation in the planning process was sought in a variety of ways. General coverage was given in the local Collinsville News regarding the initiation and progress of the study. The Steering Committee was appointed by the City Commission and included elected and appointed officials and citizen representatives of the business and lay community. The committee hosted public

forums and conducted an on-line public survey to solicit input on planning and land use related matters pertaining to the update.

The Land Use Master Plan designates this area as Residential and Commercial. See the attached Land Use Map. Residential land use includes single-family homes, duplexes, townhouses, apartment units, and manufactured homes. Commercial land use includes the retail and service commercial establishments and service areas located within the planning area.

Land Use Vision:

Land Use Plan map designation: Residential / Commercial

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: E 146th St North is designated as a Primary Arterial. N 97th E Ave is designated as a Secondary Arterial

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site currently contains two single family residences and vacant land.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
E 146 th St North	Primary Arterial	120 Feet	2
N 97 th E Ave	Secondary Arterial	100 Feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG	Residential	N/A	Vacant
South	AG	Residential / Commercial	N/A	Vacant
East	AG	Residential / Commercial	N/A	Vacant
West	AG	Public and Quasi Public	N/A	Vacant

SECTION III: Relevant Zoning History

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

Subject Property:

No Relevant History.

Surrounding Property:

BOA-08992 April 1976: The Board of Adjustment **approved** a *Special Exception* to use property for headquarters facilities for the Verdigris Valley Electric Cooperative, per plot plan and rendering submitted, in an AG district, on property located at north and west of 146th Street North and Mingo Road.

The applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **COVEY**, TMAPC voted **6-0-0** (Blair, Covey, McArtor, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Craddock, Kimbrel, Reeds, Ritchey, “absent”) to recommend **APPROVAL** of the CG zoning for CZ-509 per staff recommendation.

Legal Description for CZ-509:

THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (S/2 NE/4 SE/4 SE/4) OF

SECTION TWENTY-FOUR (24), TOWNSHIP TWENTY-TWO (22) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

AND

THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (E/2 SE/4 SE/4 SE/4) OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 13 EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

AND

THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (W/2 SE/4 SE/4 SE/4) OF SECTION TWENTY-FOUR (24), TOWNSHIP TWENTY-TWO (22) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

* * * * *

13. **CZ-510 Ray Green** (County) Location: Southwest corner of West 60th Street South and South 62nd West Avenue requesting rezoning from **CS to RS** to permit residential construction

STAFF RECOMMENDATION:
SECTION I: CZ-510

DEVELOPMENT CONCEPT: The applicant is proposing to rezone from CS to RS for a single family residence. The subject area and the surrounding neighborhood are currently used for single family uses. The Tulsa County Comprehensive Land Use Plan designates the subject area and the surrounding neighborhood as Rural Residential / Agricultural, which primarily consists of agricultural and single family uses. The proposed RS zoning would be compatible with this land use designation and would help to remove a portion of the existing commercial zoning from the area designated as Rural Residential / Agricultural.

DETAILED STAFF RECOMMENDATION:

CZ-510 is non-injurious to surrounding proximate properties;

CZ-510 is compatible with the Rural Residential / Agricultural Land Use designation of the Tulsa County Comprehensive Land Use Plan;

CZ-510 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends **Approval** of CZ-510 to rezone property from CS to RS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is located within the plan area of the Tulsa County Comprehensive Plan. The Land Use Plan has designated the subject area and the surrounding area as Rural Residential / Agricultural. This area is within the Unincorporated Tulsa County Land Use Designations established as part of the Tulsa County Comprehensive Plan.

Rural Residential / Agricultural is described as land that is sparsely occupied and used primarily for farmland, agricultural uses, and single-family homes on large lots. Residential lots generally range from one-half acre or greater and may use on-site services where public utilities are not available.

Land Use Vision:

Land Use Plan map designation: Rural Residential / Agriculture

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: W 60th St S does not have a designation.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site currently contains a single family residence.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
W 60 th St South	N/A	N/A	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS	Rural Residential / Agriculture	N/A	Single Family
South	RS	Rural Residential / Agriculture	N/A	Single Family
East	RS	Rural Residential / Agriculture	N/A	Vacant
West	CS	Rural Residential / Agriculture	N/A	Single Family

SECTION III: Relevant Zoning History

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

Subject Property:

CBOA-02847 September 2020: The County Board of Adjustment failed to motion to **deny** the request for a *Use Variance* to allow a manufactured home in a CS District, on property located at 6204 West 60th Street South.

Surrounding Property:

CBOA-02439 September 2012: The request for a *Use Variance* to allow a mobile home in a CS District for a ten year period, on property located at 6006 South 63rd Avenue West, was **withdrawn** by the applicant September 12th, 2012 before it was to be heard by the County Board of Adjustment.

CBOA-01879 July 2001: The Board of Adjustment **approved** a *Use Variance* to allow a manufactured home in a CS zoned district, with conditions to remove the old manufactured home, to have skirting, tie-downs, DEQ approval for a sewage system, and all permits, on property located at the northeast corner of West 60th Street and South 63rd West Avenue.

CBOA-01286 September 1994: The Board of Adjustment **approved** a *Special Exception* to permit a mobile home in an RS zoned district, per plan submitted, subject to a building permit and Health Department approval, and subject to the mobile unit being skirted and tied down, on property located at 6015 South 65th West Avenue.

CBOA-00955 July 1990: The Board of Adjustment **approved** a *Special Exception* to allow a mobile home as a dwelling in a CS district for a period of 2 years only, finding that there are other mobile homes in the area and that a commercial use could operate at this location by right, on property located at the southwest corner of West 60th Street South and South 63rd West Avenue.

CBOA-00880 April 1989: The Board of Adjustment **approved** a *Use Variance* to allow for a mobile home to locate in a CS zoned district for a period of one year only, subject to a Building Permit and subject to all debris and graffiti being removed within a 30-day period from this date, on property located at the southwest corner of West 60th Street and South 63rd West Avenue.

CBOA-00760 August 1987: The Board of Adjustment **approved** a *Use Variance* to allow for a mobile home in a CS zoned district, subject to the applicant acquiring Health Department approval and a Building Permit, finding that there are mixed zoning classifications in the area, with many mobile homes already in place, on property located at east of the northeast corner of 63rd West Avenue and 60th Street South.

CBOA-00348 April 1983: The Board of Adjustment **approved** a *Variance* to allow a mobile home in a CS District for a three (3) year period, subject to obtaining a Building Permit and approval of the Tulsa City-County Health Department, to allow one dwelling unit and an existing accessory building, on property located at the southwest corner of West 60th Street South and South 63rd West Avenue.

CBOA-00091 July 1981: The Board of Adjustment **approved** an *Exception* to permit a mobile home in an RS District, subject to Tulsa City-County Health Department approval, on property located at West 58th Place and 52nd West Avenue.

CBOA-00043 March 1981: The Board of Adjustment **approved** an *Exception* to locate a mobile home in an RS District and to continue any consideration for a bond requirement to April 21, 1981, at which time a time-limit for the mobile home will also be considered, on property located at 6021 South 64th West Avenue. The Board of Adjustment **approved** a *Variance* of the one-year time limitation, requiring no time limit, and subject to all the regulations set out but the Tulsa City-County Health Department at the April 21, 1981 meeting.

CBOA-00004 October 1980: The County Board of Adjustment **approved** a *Variance* to permit a mobile home in a CS District and to tie the approval to the applicant's use of the property, whether it be leased or purchased, on property located at the northeast corner of 60th Street and 63rd West Avenue.

Z-4894 January 1977: All concurred in **approval** of a request for *rezoning* a 1.07± acre tract of land from RS-3 to CS/P for a shopping center, service station, and parking on property located at the northeast corner, southeast corner, and southwest corner of South 63rd West Avenue and West 60th Street.

BOA-09251 October 1976: The Board of Adjustment **approved** an *Exception* to locate a double width mobile home on a permanent foundation, and a *Variance* to locate a double width mobile home across a lot line, for one year, bond required, in an RS-3 District, on property located northeast of 61st Street and 62nd West Avenue.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **COVEY**, TMAPC voted **6-0-0** (Blair, Covey, McArtor, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Craddock, Kimbrel, Reeds, Ritchey, “absent”) to recommend **APPROVAL** of the RS zoning for CZ-510 per staff recommendation.

Legal Description for CZ-510:

LOTS-1-2-3-4-5 BLK-10, NEW TANEHA

OTHER BUSINESS

14. Commissioners' Comments

None

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ADJOURN

TMAPC Action; 6 members present:

On **MOTION** of **WALKER**, TMAPC voted **6-0-0** (Blair, Covey, McArtor, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Craddock, Kimbrel, Reeds, Ritchey, “absent”) to **ADJOURN** TMAPC meeting of December 16, 2020, Meeting No. 2832.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 3:35 p.m.

Date Approved:

Chairman

ATTEST: _____
Secretary