

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
**Minutes of Meeting No. 2838**

Wednesday, March 17, 2021, 1:00 p.m.

City Council Chamber

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

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Adams-R	McArtor	Foster-P	Jordan, COT-R
Blair-R	Reeds	Hoyt-R	Silman, COT-R
Covey-P	Whitlock	Miller-P	Skates, COT-R
Craddock-R		Sawyer-P	VanValkenburgh, Legal-R
Kimbrel-R		Wilkerson-P	
Shivel-R			
Van Cleave-R			
Walker-R			

R=Remote    P=in Person

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, March 11, 2021 at 4:37 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

Commissioners, 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.

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

**REPORTS:**

**Chairman's Report:**  
**None**

**Director's Report:**

Ms. Miller reported the Open Meetings Act provision that is tied to an emergency declaration was extended by the governor on Monday March 15, 2021 for 30 more days. This allows Commissioners to continue to participate in these meetings remotely. She stated the way the Open Meetings Act is written, the ability to meet remotely will be in effect an additional 30 days from when the Governor's emergency declaration expires.

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Craddock did not vote due to connection issues.

**Minutes:**

1. Approval of the minutes of **March 3, 2021 Meeting No. 2837**  
On **MOTION** of **COVEY**, the TMAPC voted 7-0-0 (Adams, Blair, Covey, Kimbrel, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; McArtor, Reeds, Whitlock, "absent") to **APPROVE** the minutes of March 3, 2021 Meeting No. 2837

**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-542-9 Thomason Design** (CD 8) Location: South and west of the southwest corner of East 86th Street South and South Sheridan Road requesting a **PUD Minor Amendment** to increase the allowable driveway width.

**STAFF RECOMMENDATION:**

**SECTION I:** PUD-542-9 Minor Amendment

**Amendment Request:** Revise the PUD Development Standards to increase the allowable driveway width.

The current standards for driveway width are based on the zoning code allowances, which limit the driveway width for lots with more than 75 feet of frontage to 27 feet for drives in the right of way and 30 feet for drives in the required setback. The applicant is proposing to construct two circle drives, with each end being 16 feet in width in the right of way and setback, resulting in a total drive width of 64 feet. The lot has approximately 360 feet of frontage, which means the requested drive width would be just under 18% of the total street frontage.

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

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

Staff has reviewed the request and determined:

- 1) PUD-542-9 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-542.
- 2) All remaining development standards defined in PUD-542 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to increase the allowable drive width to 64 feet.

**Legal Description for PUD-542-9 :**

Lot 22, Block 2 Sheridan Oaks Estates

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3. **PUD-313-11 Gus Oliver** (CD 2) Location: South of the southwest corner of West 61st Street South and South 28th West Avenue requesting a **PUD Minor Amendment** to allow a single family home.

**STAFF RECOMMENDATION:**

**SECTION I:** PUD-313-11 Minor Amendment

Amendment Request: Revise the PUD Development Standards to allow a single family residence on the subject lot.

The current standards designate the subject lot as a reserve area to be used for a park. The park has not been developed at this location. The applicant is proposing to utilize the subject lot as a single family residence. The lot, if approved, will be subject to the development standards of PUD-313 for single family residences.

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

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

Staff has reviewed the request and determined:

- 1) PUD-313-11 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-313.
- 2) All remaining development standards defined in PUD-313 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to allow a single family residence on the subject lot.

**Legal Description for PUD-313-11:**

Lot 40, Block 5 Golf Estates II

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4. **PUD-677-A-7 Tim Terral, TEP** (CD 8) Location: North and west of the northwest corner of South Sheridan Road and East 121st Street South requesting a **PUD Minor Amendment** to reduce rear yard setback and increase the allowable driveway width.

**STAFF RECOMMENDATION:**

**SECTION I:** PUD-677-A-7 Minor Amendment

Amendment Request: Revise the PUD Development Standards to reduce the rear yard setback from 25 feet to 20 feet and to increase the allowable driveway width to accommodate a 3 car driveway for the 3 car garage.

The applicant is proposing to reduce the rear yard from 25 feet to 20 feet to accommodate a home that has been constructed 3.67 feet into the rear yard. The reduction of the rear yard to 20 feet would bring the home into compliance.

The current standards for driveway width are based on the zoning code allowances, which limit the driveway width for lots with more than 75 feet of frontage to 27 feet for drives in the right of way and 30 feet for drives in the required setback. The subject lot has approximately 100 feet of frontage. The applicant is proposing to construct a driveway wide enough to accommodate 3 cars in association with a 3 car garage, for 36 feet of driveway width at the right of way and in the required setback.

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

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

Staff has reviewed the request and determined:

- 1) PUD-677-A-7 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-677-A.
- 2) All remaining development standards defined in PUD-677-A and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to reduce the rear yard from 25 feet to 20 feet and increase the allowable driveway width to 36 feet.

**Legal Description for PUD-677-A-7 :**

Lot 5, Block 2 Crestwood At The River II

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5. **PUD-411-C-18 Sack and Associates, Inc.** (CD 7) Location: East of the southeast corner of East 97th Street South and South Memorial Drive requesting a **PUD Minor Amendment** to reduce setback from 55 feet to 20 feet.

**STAFF RECOMMENDATION:**

**SECTION I:** PUD-411-C-18 Minor Amendment

Amendment Request: Revise the PUD Development Standards to reduce the setback along S 84<sup>th</sup> E Ave from 85 feet from the centerline of S 84<sup>th</sup> E Ave to 50 feet from the centerline of S 84<sup>th</sup> E Ave.

The current development standards require a setback of 85 feet from the centerline of abutting streets. The applicant is proposing to reduce this setback to 50 feet from the centerline of S 84<sup>th</sup> E Ave for future development. Commercial zoned properties generally have a street setback of 10 feet, per the City of Tulsa Zoning Code. The requested setback, equivalent to a 20 foot setback from the platted property line, would be more than what would typically be required in a commercial zone.

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

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

Staff has reviewed the request and determined:

- 1) PUD-411-C-18 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-411-C.
- 2) All remaining development standards defined in PUD-411-C and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to reduce the setback from 85 feet from the centerline of S 84<sup>th</sup> E Ave to 50 feet from the centerline.

**Legal Description for PUD-411-C-18 :**

Lot 1, Block 1 Jim Norton Center III  
Development Area 5A

**TMAPC Action; 8 members present:**

On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Adams, Blair, Covey, Craddock, Kimbrel, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; McArtor, Reeds, Whitlock, “absent”) to **APPROVE** Items 2 through 5 per staff recommendation.

**PUBLIC HEARINGS**

6. **CO-10 Lou Reynolds** (CD 2) Location: North of the northwest corner of East 81<sup>st</sup> Street South and South Lewis Avenue requesting **Major Amendment** to a Corridor Development Plan (Continued from December 16, 2020, January 20, 2021, and February 3, 2021. Moved from February 17, 2021) (**Applicant requests a continuance to April 21, 2021**)

**TMAPC Action; 8 members present:**

On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Adams, Blair, Covey, Craddock, Kimbrel, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; McArtor, Reeds, Whitlock, “absent”) to **CONTINUE** Item 6 to April 21, 2021.

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7. **CO-12 Lou Reynolds** (CD 7) Location: West of the southwest corner of East 41<sup>st</sup> Street South and South Garnett Road requesting **Major Amendment** to a Corridor Development Plan (**Neighboring property owner requests a continuance to April 7, 2021**)

**TMAPC Action; 8 members present:**

On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Adams, Blair, Covey, Craddock, Kimbrel, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; McArtor, Reeds, Whitlock, “absent”) to **CONTINUE** Item 7 to April 6, 2021.

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8. **CPA-91 Ricky Powell** (CD 4) Location: North of the northwest corner of East 15<sup>th</sup> Street South and South Evanston Avenue requesting to amend the Land Use Map designation from “Existing Neighborhood” to “Main Street”. (Returned to TMAPC from City Council for further consideration)

**STAFF RECOMMENDATION:**

**TMAPC Staff Report  
CPA-91  
Comprehensive Plan Amendment**

**Property Information and Land use Request**

The applicant has submitted the following Comprehensive Plan amendment request to amend the land use designation of the 0.16 ± acre subject property from *Existing Neighborhood* to *Main Street*. This request is accompanied by a concurrent re-zoning request (Z-7576), which proposes a zoning change from RS-3 to OL for a vertical mixed-use building.

**Background**

The parcel involved in this Comprehensive Plan amendment request is located east of Downtown, north of the northeast corner of East 15<sup>th</sup> Street South and South Evanston Avenue, and abuts residential to the north and west, an autobody paint shop to the east, and parking to the south. While the property directly abutting the subject property to the south is zoned RS-3, only one of the properties between the subject property and East 15<sup>th</sup> Street South is currently being utilized for residential purposes and it is zoned OL. All properties in this strip carry an Area of Growth designation. According to the applicant, the subject property has been utilized since the 1920s as a vertical mixed-use building with a wiring repair service and living quarters sharing the building, which can be seen in the pictures provided.

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.

CPA-91 was originally heard and adopted by TMAPC on January 20, 2021. In a 9-0-0 vote, Council voted to return CPA-91 to TMAPC for further consideration. When initially submitted by the applicant in October 2020, the CPA was concurrent with a rezoning request (Z-7576) for this property from RS-3 to OL in order to permit vertical mixed-use building. The Council voted to deny the rezoning request, but do not have authority to deny Comprehensive Plan amendment requests, per OK Stat § 19-863.7: *The council and/or board may approve the plan in whole or in part or return the plan or any portion thereof to the commission for further consideration.* Therefore, the TMAPC is now asked to consider adoption of this Comprehensive Plan amendment, absent a concurrent rezoning request on this property.

### **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 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 Growth*:

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

### **Proposed Land Use Designation (Tulsa Comprehensive Plan)**



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

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

**Zoning and Surrounding Uses**

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	RS-3	Existing Neighborhood	Growth	Residential
East	RS-3	Existing Neighborhood	Growth	Auto paint shop
South	RS-3	Main Street	Growth	Parking
West	RS-3	Existing Neighborhood	Stability	Single-family Detached

**Applicant’s Justification**

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

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

“It is my understanding conditions in the subject area are planned to receive road upgrades soon in the 15<sup>th</sup> street corridor which would facilitate office light zoning. There are currently no single-family zoned properties between the subject and 15<sup>th</sup> street that are being used as SFR’s. The lot immediately to the south is zoned RS3 and is currently being used as a parking lot. The lots across Evanston are also RS3 and being used for parking. The only residential property between the subject and 15<sup>th</sup> street is a multifamily dwelling 2 lots to the south.

The current use of the surrounding property would be better suited as an office due to the surrounding properties not being used for residential purposes. The subject property has previously been used as a commercial building as shown in provided photos.

The proposed change will enhance the surrounding area and city due to renovations that will take place if office zoning is approved. The city will benefit with new office that meets the business needs of today and is not functionally obsolete. The new office building will have very light traffic and will be an open space on the ground floor with an apartment loft upstairs.”

### **Staff Summary & Recommendation**

The 0.16 + acre subject parcel is located east of Downtown, north of the northeast corner of East 15<sup>th</sup> Street South and South Evanston Avenue, and abuts residential to the north and west, an autobody paint shop to the east, and parking to the south. The applicant has requested both a Comprehensive Plan amendment ~~and a concurrent rezoning (Z-7576)~~ to change the land use designation from *Existing Neighborhood* to *Main Street*, ~~as well as change the zoning from RS-3 to OL in order to permit vertical mixed-use building.~~

According to the applicant, the subject property has been utilized since the 1920s as a vertical mixed-use building, which can be seen in the pictures provided by the applicant. The site’s history, the infrastructure improvements and the transitional location of this property, make the site well suited for a Main Street land use designation. The Area of Growth designation on the property indicates that it was envisioned this be redeveloped and an OL zoning district with a vertical mixed-use building is an appropriate transition between the commercial to the south and the neighborhood to the north.

Despite the absence of a concurrent rezoning application on this site, due to the existing structure on the site, resulting character and Area of Growth designation, an extension of the Main Street land use designation remains appropriate at this location.

Given the existing fabric and mix of uses in the area, staff recommends **approval** of the *Main Street* land use designation as requested by the applicant.

### **TMAPC Comments:**

Mr. Covey stated the applicant came before TMAPC previously and needed zoning and needed land use map change. He stated both were unanimously approved. Mr. Covey stated then this application went before Council and they reject the zoning and would have rejected the land use map change if that was a possibility.

Ms. Miller stated after the City Council meeting the applicant was asked if this was something, he still wanted staff to move forward with or did they want to withdraw it. She

stated the applicant wanted to move forward with it so the application was brought back to Planning Commission because City Council could not deny this application per state statute.

Ms. Kimbrel asked for clarification that the City Council for this district denied this application to support the neighborhood. She asked if the neighborhood has concerns about the zoning change or the land use map change.

Ms. Miller stated she thought the primary issue was the zoning change and this application was kind of along for the ride. She doesn't know if there were specific issues with the land use change itself or possibly because it does set the future of the area.

Mr. Blair asked what the practical impact of application was if Planning Commission votes to approve it. He asked if it could go back to City Council who can then send it back to Planning Commission.

Ms. Miller stated "yes" that could happen.

### **Interested Parties:**

#### **Virginia Rohr** 1228 South Florence Avenue, Tulsa OK

Ms. Rohr stated she sent a letter to the City Council before the previous meeting. She stated the application was based on some false information such as the property across the street was stated as being an auto painting business when in fact it is an empty lot, a green space. Ms. Rohr stated the applicant stated the space to the south was used as parking. She stated that is a city issue and one of the top 10 violations of the city is parking issues. Ms. Rohr stated to change the zoning based on what seems to be a violation is not reasonable. She stated she has lived in the neighborhood for 35 years and it is a very stable neighborhood and houses sell very quickly. Ms. Rohr stated they are flanked on all sides with Main Street designations and do not need this to encroach on the neighborhood any further.

#### **Joseph Rohr** 1228 South Florence Avenue, Tulsa OK

Mr. Rohr stated once you set a precedence, where does it stop, it could be one more property to encroach further into the neighborhood. He stated then there could be people that want to buy in the neighborhood and set up small businesses and he does not want that. Mr. Rohr stated for years a neighbor next door had a small business. After he checked the zoning and found out he could not conduct any form of business at his home he conducted his business off property. Mr. Rohr stated the neighbor was very respectful of the neighborhood and wanted to do everything right. He stated there are a lot of parking problems with the University of Tulsa and cars cut through businesses on 11th Street and he does not think more cars or small businesses are needed in the neighborhood.

Ms. Kimbrel asked if there has been any community engagement or has Mr. Rohr addressed these concerns with the neighborhood organization.

Mr. Rohr stated it has been discussed openly through the Renaissance Neighborhood Association Facebook page and most people oppose it. He stated there are a few people that would like to see small businesses come into the neighborhood, but the majority has been against the rezoning.

Ms. Adams asked if there was any way to verify exactly what the building use is currently.

Staff stated currently it is a residence and that is the only use known. She stated that the building in the past was a business.

Mr. Covey stated we obviously know City Council voted no on the zoning was there any indication on land use.

Staff stated “no”, they denied it at first and she realized that was not an option because of State Statute. She stated that was City Council’s intent but they did not have the ability to do so.

Mr. Blair stated when this application was presented a few weeks ago he thought it was an appropriate use and consistent with the history of the building but as we heard the City Council determined otherwise. He stated bottom line is he is not interested in getting into a tennis match with the City Council so he would vote based on that.

Mr. Craddock asked if the applicant was present.

Mr. Covey stated “no” the applicant was not present. He stated the applicant also did not show up for the City Council meeting.

Staff stated the applicant was renoticed of the hearing today and Mr. Wilkerson had multiple conversations with him.

Mr. Craddock stated decades ago some uses, such as business uses, were historically put into neighborhoods, but right now, he does not see a need to change this Land Use designation especially if the applicant is not present.

**The applicant was not present.**

**TMAPC Action; 8 members present:**

On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Adams, Blair, Covey, Craddock, Kimbrel, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; McArtor, Reeds, Whitlock, “absent”) to **DENY** CPA-91 as an amendment to the Tulsa Comprehensive Plan.

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Items 9 and 10 were presented together.

9. **CPA-93 Erasmo Moreno** (CD 5) Location: West of the northwest corner of East 31<sup>st</sup> Street South and South 87th East Avenue requesting to amend the Land Use Map designation from **Existing Neighborhood** to **Neighborhood Center** and amend the Area of Stability and Growth Map from an **Area of Stability** to an **Area of Growth**. (Related to Z-7589) (Continued from December 16, 2020 and February 3, 2021. Moved from February 17, 2021)

**STAFF RECOMMENDATION:**

**TMAPC Staff Report  
CPA-93  
Comprehensive Plan Amendment**

**Property Information and Land use Request**

The property in question is a 0.82-acre, unplatted, tract of land that is only accessible from East 31<sup>st</sup> Street South. The applicant has submitted the following Comprehensive Plan amendment request to amend the land use designation of the of the subject property from *Existing Neighborhood* to *Neighborhood Center*, as well as the stability and growth designation from *Area of Stability* to *Area of Growth*. This request is accompanied by a concurrent re-zoning request (Z-7589), which proposes a zoning change on the subject tract from RS-2 to OL in order to permit an existing tax and multi-services business.

**Background**

The parcel subject to this Comprehensive Plan amendment request is located in east Tulsa and surrounded by single-family residential neighborhoods with an Existing Neighborhood and Area of Stability designations and a zoning designation of RS-2 or RS-3 zoning. Both the land use and stability and growth designation for the subject property and abutting parcels were made in 2010 with the adoption of the 2010 Tulsa Comprehensive Plan. As this property does not fall within a small area plan which would offer additional guidance through land use recommendations, the 2010 Tulsa Comprehensive Plan solely provides guidance regarding land use for this area. The Major Street and Highway Plan designates E. 31<sup>st</sup> Street as both a secondary arterial street, as well as a multi-modal corridor, indicating that any future street improvements should follow the multi-modal street cross sections and will focus expanding travel choices for pedestrians, bicyclists, and transit users, making these choices attractive through design and proximity to mixed-use commercial, retail and residential areas with substantial pedestrian activity.

**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 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.”

### **Proposed Land Use Designation (Tulsa Comprehensive Plan)**

The applicant is proposing the *Neighborhood Center land* use designation for the subject property:

“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 applicant is also proposing an *Area of 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.”

### **Zoning and Surrounding Uses**

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
N	RS-2	Existing Neighborhood	Stability	Single family detached homes
S; across E. 31 <sup>st</sup> Street	RS-3	Existing Neighborhood	Stability	Single family detached homes
E	RS-2	Existing Neighborhood	Stability	Single family detached homes
W	RS-2	Existing Neighborhood	Stability	Single family detached homes

### Applicant's Justification

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

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

While the applicant did not provide a written justification, Staff was able to meet with the applicant and talk through some of the details of her request and the property.

Based off this conversation, the applicant indicated:

- The subject property was vacant for a number of years prior to her purchase of the property.
- The applicant bought the property approximately three years ago and started using the house for her tax and multi-services business.
- The property is unique in that it is not integrated in the street system of the surrounding neighborhood; rather, it has sole access from East 31<sup>st</sup> Street South.
- The applicant submitted Comprehensive Plan amendment and rezoning applications in response to a notice of violation issued by a City of Tulsa Code Enforcement officer.

### Staff Summary & Recommendation

The 0.82± acre subject parcel is located in east Tulsa, west of the northwest corner of East 31st Street South and South 87th East Avenue and abuts single-family residential neighborhoods on all sides. The applicant has requested both a Comprehensive Plan amendment and a concurrent rezoning (Z-7589) to change the land use designation from Existing Neighborhood to Neighborhood Center, the stability and growth

designation to Area of Growth, as well changing the zoning from RS-2 to OL in order to permit an existing tax and multi-services business.

While the applicant did not submit a written justification answering the questions above, a few observations of the property provide support for these proposed changes. The subject property is unique and not a part of abutting subdivision. The subject property is unplatted, it is much larger than the lots around it ( $\pm.82$  vs  $\pm.2$ ), and unlike the rest of the subdivision which have access to the network of streets that serve the subdivision and are oriented to face these streets, the subject property is oriented to face, and only has access through, East 31<sup>st</sup> Street South.

Down East 31<sup>st</sup> Street South to the east (8801 East 31<sup>st</sup> Street South) is another property with similar conditions to the subject property: has a business operating out of an existing house (Drapery business), larger lot, unplatted, oriented towards and has access through East 31<sup>st</sup> Street South.

While the presence of another non-conforming business or the length of time a non-conforming business has been established does not give those non-conforming businesses the right to operate in zoning districts where they are prohibited (unless the business can be proven to have existed before 1970), when combined with the unique characteristics of the subject lot, the future plans for East 31<sup>st</sup> Street South as a multi-modal corridor, a land use and stability and growth designation of Neighborhood Center and Area of Growth would appear to be appropriate.

Staff recommends **approval** of the *Neighborhood Center* land use designation and the stability and growth designation of *Area of Growth* as requested by the applicant.

**TMAPC Action; 8 members present:**

On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Adams, Blair, Covey, Craddock, Kimbrel, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; McArtor, Reeds, Whitlock, “absent”) to **ADOPT** CPA-93 as an amendment to the Tulsa Comprehensive Plan per staff recommendation.

**Legal Description for CPA-93 :**

THE SOUTH 205 FEET OF THE EAST 230 FEET OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (W/2 SE/4 SW/4) OF SECTION THIRTEEN (13), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEROF, LESS AND EXCEPT THE SOUTH 50 FEET THEREOF.

\* \* \* \* \*

10. **Z-7589 Erasmo Moreno** (CD 5) Location: West of the northwest corner of East 31<sup>st</sup> Street South and South 87th East Avenue requesting rezoning from



**RS-2 to OL** (Related to CPA-93) (Continued from December 16, 2020 and February 3, 2021. Moved from February 17, 2021)

**STAFF RECOMMENDATION:**

**SECTION I: Z-7589**

**DEVELOPMENT CONCEPT:** The property was originally constructed as a detached single family residential home on an un-platted parcel and faces East 31<sup>st</sup> Street South. All vehicular and pedestrian access comes from East 31<sup>st</sup> Street. During the evolution subdivision development around the site the subject property was isolated and is now more suited to some light office development opportunities.

**DETAILED STAFF RECOMMENDATION:**

The applicant is requesting to rezone the subject property from RS-2, a single-family residential designation, to OL for light office use. The OL district is primarily intended to facilitate the development and preservation of low-intensity office development. However single-family residential uses are also allowed. OL zoning supports opportunities for residential uses and for light office development that might be consistent with the neighborhood center land use designation or even in the existing neighborhood context and,

OL zoning in some circumstances may be an appropriate zoning classification in an existing neighborhood land use designation however in this instance it is important to keep the comprehensive plan current and update the plan in conjunction with this application and,

The allowed use regulations, building types and all supplemental standards defined an OL district are consistent with the expected development pattern in the area and,

Introduction of an OL zoning district at this location is consistent with the expected development pattern along this section of East 31<sup>st</sup> Street South therefore,

Staff recommends approval of Z-7589 to rezone property from RS-2 to OL.

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary:* OL zoning requested by the applicant will allow single family residential development and light office use. Related to this application the applicant has submitted a request for a land use map

*amendment. That amendment reflects the existing development pattern on this lot and supports the possible office use for property facing East 31<sup>st</sup> Street South.*

Land Use Vision:

*Land Use Plan map designation:* Existing Neighborhood

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

Proposed Land Use map designation: Neighborhood Center

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

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

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

Transportation Vision:

*Major Street and Highway Plan:*

Multi-modal streets emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are in high intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists because

of landscaped medians and tree lawns. Multi-modal streets can have on-street parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses. Transit dedicated lanes, bicycle lanes, landscaping and sidewalk width are higher priorities than the number of travel lanes on this type of street. To complete the street, frontages are required that address the street and provide comfortable and safe refuge for pedestrians while accommodating vehicles with efficient circulation and consolidated-shared parking.

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

*Trail System Master Plan Considerations: None*

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The building on the site was originally constructed as a residential structure and has recently been used for light office. The property is isolated from surrounding residential development and only has access to East 31<sup>st</sup> street.*

*Street View Image from southeast looking northwest:*



Environmental Considerations: *None that would affect site development or redevelopment.*

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 31 <sup>st</sup> Street South	Secondary Arterial with Multi Modal Corridor Designation	100 feet	4

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	RS-2	Existing Neighborhood	Stability	Single family detached homes
East	RS-2	Existing Neighborhood	Stability	Single family detached homes
South across E. 31 <sup>st</sup> Street	RS-3	Existing Neighborhood	Stability	Single family detached homes

West	RS-2	Existing Neighborhood	Stability	Single family detached homes
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### SECTION III: Relevant Zoning History

**ZONING ORDINANCE:** Ordinance number 11816 dated June 26, 1970 established zoning for the subject property.

***Subject Property:***

No Relevant History.

***Surrounding Property:***

**Z-7600 Pending:** A request for *rezone* a 3.38± acre tract of land from RS-2/PK to CS for a car dealership on property located east of the northeast corner of East 31<sup>st</sup> Street South and South Memorial Drive was submitted January 21<sup>st</sup>, 2021 and is set to be heard at the March 3<sup>rd</sup>, 2021 Planning Commission meeting.

**BOA-19006 March 2001:** The Board of Adjustment **approved** a *Modification* of previously granted Special Exception (BOA-06564) for church use to permit use of church parking for non-church purposes and substitution of revised site plan, with the conditions that parking for non-church uses be limited to the northwest four parking rows, employee parking only and not the storage of vehicles, limit of 50 spaces, and permitted during the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday, 7:00 a.m. to 2:00 p.m. on Saturday, on property located at 8181 East 31<sup>st</sup> Street.

**Z-6806 February 2001:** All concurred in **approval** of a request for *rezoning* a 1.5± acre tract of land from RS-2 to PK for church/parking, on property located east of the northeast corner of East 31<sup>st</sup> Street and South Memorial Drive.

**BOA-12820 October 1983:** The Board of Adjustment **approved** a *Special Exception* to permit operating a day care nursery in an existing church in an RS-2 zoned district- Under the provisions of Section 1680, with the conditions that it be limited to a maximum of 53 children and that if planning for a sign proceeds, that the applicant come back before the Board for approval of size, location, and contents, on property located east of the northeast corner of East 31<sup>st</sup> Street South and South Memorial Drive.

**BOA-11709 November 1981:** The Board of Adjustment **approved** an *Exception* to permit a beauty shop as a home occupation in an RS-2

District, to be in operation between the hours of noon on Saturday mornings, subject to all rules of the home occupation requirements, with no more than 2 patrons there at any one time, to run with this individual only, on property located at 2917 South 87<sup>th</sup> East Avenue.

**BOA-10055 July 1978:** The Board of Adjustment **deny** an *Exception* for permission to operate an electronic lab in a residence, on property located at 8569 East 31<sup>st</sup> Place.

**BOA-06564 February 1973:** The Board of Adjustment **approved** an *Exception* to permit erecting a church in a U-1B district, and to permit a 3'4" x 12' sign subject to the plot plan and subject to the elimination of parking in front of the building line as depicted on the plot plan, on property located at 8181 East 31<sup>st</sup> Street.

**TMAPC Comments:**

Ms. Adams asked if the subject property is changed to an OL zoning designation would a residence still be allowed.

Staff stated "yes" if zoning is approved at this location a detached single family home would still be allowed on that lot.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Adams, Blair, Covey, Craddock, Kimbrel, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; McArtor, Reeds, Whitlock, "absent") to recommend **APPROVAL** of the OL zoning for Z-7589 per staff recommendation.

**Legal Description for Z-7589 :**

THE SOUTH 205 FEET OF THE EAST 230 FEET OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (W/2 SE/4 SW/4) OF SECTION THIRTEEN (13), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEROF, LESS AND EXCEPT THE SOUTH 50 FEET THEREOF.

\* \* \* \* \*

11. **Z-7594 Todd Robinson** (CD 4) Location: North of the northwest corner of South Cincinnati Avenue and East 18<sup>th</sup> Street South requesting rezoning from **OL to RM-2** (Moved from February 17, 2021)

**TMAPC Action; 8 members present:**

On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Adams, Blair, Covey, Craddock, Kimbrel, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; McArtor, Reeds, Whitlock, “absent”) to **CONTINUE** Item 11 to April 7, 2021.

\* \* \* \* \*

12. **Z-7595 City Council** (CD 2) Location: East of the northeast corner of West 77<sup>th</sup> Street South and South 33<sup>rd</sup> West Avenue requesting rezoning from **RS-3 to AG-R** (Moved from February 17, 2021)

**STAFF RECOMMENDATION:**

**SECTION I: Z-7595**

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

**DETAILED STAFF RECOMMENDATION:**

Z-7569 requests AG-R zoning. The parcel will include single households in a detached house. Single family residential uses in this location are consistent with the Existing Neighborhood land use designation in the Comprehensive Plan and in the West Highlands/Tulsa Hills Small Area Plan and,

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

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

AG-R zoning allows lot density that is consistent with the existing and expected land use pattern in the area north of West 81<sup>st</sup> Street South and west of South Union Avenue. A much greater lot density is allowed in this area and was established in 1970 without sanitary sewer availability. The existing zoning in those areas would allow property to be developed with RS-3 lots with a minimum of 6900 square feet when connected to a sanitary sewer system. The City of

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

City Council has initiated a voluntary rezoning program for property owners to rezone properties in this area to AG-R at no cost, this request is part of that program. The lot setbacks and building regulations of properties included in this AG-R request meet or exceed the standards defined in the Tulsa Zoning Code therefore,

Staff recommends **Approval** of Z-7595 to rezone properties from RS-3 to AG-R.

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

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

### Land Use Vision:

*Land Use Plan map designation: Existing Neighborhood*

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

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

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



Transportation Vision:

*Major Street and Highway Plan:* None that affect this site.

*Trail System Master Plan Considerations:* None

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

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

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

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

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary:* The parcel included in this application is one acre or larger and are currently zoned RS-3. The minimum lot size for AG-R zoning potentially allows a single lot split.

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

Streets: Street right of way has been dedicated to the City but streets have not been constructed meeting the current minimum residential street standards.

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary:* The lot is heavily wooded with a single residential home.

Environmental Considerations: None that affect rezoning.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West 77 <sup>th</sup> Street South	None	50 feet	2 without curb or storm sewer

Utilities:

The subject tract has municipal water available. Significant sanitary sewer extensions would be required to provide city sewer service to this site.

Surrounding Properties:

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

**SECTION III: Relevant Zoning History**

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

***Subject Property:***

No Relevant History.

***Surrounding Property:***

**Z-7569 October 2020:** All concurred in **approval** of a request for *rezoning* a 25.82± acre tract of land from AG to AG-R for Single-family residential as a part of Phase IV of the AG-R rezoning program initiated by City Council, on multiple properties located north of West 81<sup>st</sup> Street South & south of West 78<sup>th</sup> Street South between South 33<sup>rd</sup> West Avenue & South Union Avenue, and south of the southeast corner of West 81<sup>st</sup> Street South and South 33<sup>rd</sup> West Avenue.

**Z-7568 September 2020:** All concurred in **approval** of a request for *rezoning* a 137.38± acre tract of land from AG to AG-R for Single-family residential as a part of Phase III of the AG-R rezoning program initiated by

City Council, on multiple properties located north of West 86th Street South & South of West 77th Street South between South 33rd West Avenue & South Union Avenue, and northeast corner of West 77th Street South & South 33rd West Avenue.

**Z-7558 July 2020:** All concurred in **approval** of a request for *rezoning* a 32.62+ acre tract of land from AG to AG-R for Single-family residential as a part of Phase I & Phase II of the AG-R rezoning program initiated by City Council, on properties located north of the northwest corner of West 81<sup>st</sup> Street South and South Union Avenue.

**BOA-19134 July 2001:** The Board of Adjustment **approved** a *Variance* of the required 30' frontage on a public street or right-of-way to 0' to allow construction of a new dwelling on a private street, finding that all of the lots are five acres or greater and the Board has approved the same variance in the past, on property located south of the southeast corner of West 73<sup>rd</sup> Street South and 33<sup>rd</sup> West Avenue.

**BOA-17497 September 1997:** The Board of Adjustment **approved** a *Variance* of the public street frontage requirement (tract derives access from an improved private street), finding that the applicant by the letter of the Code meets the 30' access requirement, but from the practical aspect the development code does not meet the 30' access requirement, on property located southeast of the southwest corner of West 73<sup>rd</sup> and 33<sup>rd</sup> West Avenue.

**BOA-17704 May 1997:** The Board of Adjustment **approved** a *Variance* to permit more than 750 sq. ft. of detached accessory buildings in a residential district, subject to existing storage units being removed, the semi-trailer being removed upon completion of the detached accessory building, the existing outside storage being stored inside the detached accessory building (gooseneck trailer to be parked behind the new building), and there being no commercial activity in the detached accessory building, finding that the existing garage may remain on the subject property the variance would not be injurious, on property located at 3055 West 77<sup>th</sup> Street South.

**BOA-17048 May 1995:** The Board of Adjustment **approved** a *Variance* of the required minimum 30' of frontage on a public street or dedicated ROW for 3 separate abutting parcels, per plan submitted, on property located southeast corner of West 73<sup>rd</sup> Street South and South 33<sup>rd</sup> West Avenue.

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

**Interested Parties:**

**Barbara Standridge** 3003 West 77th Street, Tulsa, OK 74107

Ms. Standridge stated the subject tract is next door to her. She asked what the difference would be between RS-3 and AG-R.

Staff stated RS-3 allows lot sizes down to 6900 square feet. He stated during the Small Area planning process there was a lot of discussion about how to prevent those parcels that are two acres or more in size from being subdivided into very small lots that are out of character with the neighborhood. Staff stated AG-R limits any future subdivision development types on that parcel.

Ms. Standridge stated that was perfect. She did not want the land subdivided and a bunch of houses on that lot.

Staff stated City Council initiated this AG-R zoning and the landowner was able to do the rezoning at no cost if they chose to do so.

**TMAPC Action; 8 members present:**

On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Adams, Blair, Covey, Craddock, Kimbrel, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; McArtor, Reeds, Whitlock, “absent”) to recommend **APPROVAL** of the AG-R zoning for Z-7595 per staff recommendation.

**Legal Description for Z-7595:**

NE NW NW SW LESS S25 FOR RDS SEC 10 18 12

\* \* \* \* \*

13. **Z-7596 JP Hewitt c/o Hippies and Cowboys Property Company, LLC** (CD 1) Location: East of the southeast corner of Charles Page Boulevard and South 39th West Avenue requesting rezoning from **CH to IM** (Moved from February 17, 2021)

**STAFF RECOMMENDATION:**

**SECTION I: Z-7596**

**DEVELOPMENT CONCEPT:** Repurpose existing site to allow industrial and commercial uses similar to surrounding development.

**DETAILED STAFF RECOMMENDATION:**

The IM district is primarily intended to group together a wide range of industrial uses that may produce some moderate adverse land use or environmental impacts in terms of their operation and appearance. Parcels adjacent to this site and in the neighboring area are zoned IM and,

Uses and building types allowed in an IM district are consistent with the Employment land use designation in the Comprehensive Plan and,

IM zoning is consistent with the future development pattern and existing uses in the area therefore,

Staff recommends Approval of Z-7596 to rezone property from CH to IM.

## **SECTION II: Supporting Documentation**

### **RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: The comprehensive plan does not provide guidance for determining the of most environmentally objectionable industrial use areas in Tulsa. As a result, we rely primarily on the existing development pattern and uses for determining appropriate locations for IM and IH zoning districts. The abutting property east of the site is zoned IM. South of the property is the levee system and the Arkansas River. Vehicular access crossing the levee is not an option and development on the south side of the levee would require FEMA approval for development in the Floodway. The corporate limits for the city are not clear at this location however our records illustrate all property south of the levee being outside the City. It is possible that the corporate boundary does not cover all of the site.*

### **Land Use Vision:**

#### *Land Use Plan map designation:* Employment

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

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

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

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

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

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

Transportation Vision:

*Major Street and Highway Plan:*

*Trail System Master Plan Considerations:*

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary:* *Existing single story industrial/commercial building.*

*Please refer to street view on following page. Image is from northwest property corner looking south.*



Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
Charles Page Blvd	Primary Arterial with multi modal corridor designation	120 feet	4

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	CH	Employment	Growth	Industrial building
East	IM	Employment	Growth	Industrial
South	AG (Arkansas River)	NA	NA	Levee
West	CH	Employment	Growth	Industrial and outdoor storage.

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11813 dated June 26, 1970 established zoning for the subject property.

***Subject Property:***

No Relevant History.

***Surrounding Property:***

**BOA-18221 October 1998:** The Board of Adjustment **approved** a *Special Exception* to permit a mobile home in an RS-3 District, a *Variance* to permit a mobile home on a permanent basis, and a *Variance* of all-weather surface to permit gravel drive for a period not to exceed three years, on property located at 54 South 38<sup>th</sup> West Avenue.

**BOA-16856 November 1994:** The Board of Adjustment **approved** a *Variance* of the required setback from the centerline of abutting street from 100' to 50', per plan submitted, finding that the proposed structure will align with buildings to the west, on property located at 3710 Charles Page Boulevard.

**BOA-11137 August 1980:** The Board of Adjustment **approved** an *Exception* to permit an existing mobile home in an RS-3 District and a *Variance* to permit the existing mobile home for a period of 5 years, or so long as the present occupant lives there, whichever is shorter, on property located at 3721 West 6<sup>th</sup> Place.

**BOA-10618 August 1979:** The Board of Adjustment **approved** an *Exception* to locate a mobile home in an RS-3 District, for a period of one year, removal bond required, on property located at 3721 West 6<sup>th</sup> Place.

**BOA-00962 February 1931:** The Board of Adjustment **granted** the permit for the erection of a filling station, on property located on the east 50' of Lot 1, Block 1, Bowen Addition.

**TMAPC Comments:**

Mr. Craddock asked if the dashed line on the drawing on page 13.8 of the packet encroaches upon the building to the east or is that just a misnomer because of the aerial.

Staff stated "yes", the aerial photo is not in perfect alignment with the legal description.

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

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

**TMAPC Action; 8 members present:**



On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Adams, Blair, Craddock, Covey, Kimbrel, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; McArtor, Reeds, Whitlock, "absent") to recommend **APPROVAL** of the IM zoning for Z-7596 per staff recommendation.

**Legal Description for Z-7596 :**

ALL THAT PART OF GOVERNMENT LOT ONE (1), SECTION NINE (9), TOWNSHIP NINETEEN (19) NORTH, RANGE TWELVE (12) EAST OF THE I.B. & M., TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1, SAME BEING THE MEANDER CORNER OF SAID LOT ONE (1); THENCE SOUTH 88°57'29" WEST ALONG THE NORTH BOUNDARY LINE OF LOT ONE (1) FOR 316.75 FEET TO THE POINT AND PLACE OF BEGINNING; THENCE SOUTH 0° 02' 00" EAST FOR 88.00 FEET; THENCE SOUTH 89° 59' 02" EAST FOR 31.70 FEET; THENCE SOUTH 0° 02' 00" EAST FOR 30.60 FEET TO A POINT THAT IS ON THE CITY LIMITS LINE FOR THE CITY OF TULSA AND ON THE SOUTHERLY BOUNDARY LINE OF SAID LOT 1; THENCE SOUTH 68°15'06" WEST ALONG SAID CITY LIMITS LINE AND ALONG THE SOUTHERLY BOUNDARY LINE OF LOT 1 FOR 141.74 FEET TO A POINT WHICH IS 175.37 FEET SOUTH AND 416.70 FEET WEST OF THE NORTHEAST CORNER OF LOT ONE (1); THENCE NORTH 0°02'00" WEST FOR 169.31 FEET TO A POINT ON THE NORTH LINE OF LOT ONE (1) WHICH IS 416.70 FEET WEST OF THE NORTHEAST CORNER OF LOT ONE (1); THENCE NORTH 88°57'29" EAST ALONG THE NORTH BOUNDARY LINE OF LOT ONE (1) A DISTANCE OF 100.00 FEET TO THE POINT AND PLACE OF BEGINNING.

SAID TRACT OF LAND CONTAINS 0.371 ACRES OR 16,199 SQUARE FEET, MORE OR LESS.

\* \* \* \* \*

14. **Z-7598 Gregg Iser** (CD 6) Location: West of the northwest corner of East 21st Street South and South 145th East Avenue requesting rezoning from **CS** to **CG with optional development plan** (Continued from March 3, 2021)

**STAFF RECOMMENDATION:**  
**SECTION I: Z-7598**

## **APPLICANT DEVELOPMENT CONCEPT:**

The Subject Property consists of one parcel within the existing Eastland Plaza Development and is located at 14303 E. 21<sup>st</sup> Street in Tulsa. The property was developed and was operational as a Toys-R-Us store which went out of business at the time the company declared bankruptcy- largely in part due to the rising popularity of E-commerce and fading retail store structure.

In 2021, Applicant (“XXXSIVE LLC”) leased the Subject Property. In recent years, the trend in many cities around the country has been to repurpose otherwise vacant space to accommodate new uses that were otherwise not conceived at the time the facility was developed. In keeping with this trend, the applicant is seeking to expand the uses allowed on the subject property while maintaining the look and feel of the existing commercial development.

The development area consists of the vacant retail space formerly occupied by Toys-R-Us and associated parking area as illustrated on attached exhibits.

## **APPLICANT BASIS OF APPLICATION:**

The demand for CS retail properties have been severely declining over the past decade. In addition to this change in tenant demand, e-commerce has provided cheaper options for shopper/consumers. The combined effect of these two shifts has forced property owners to expand their thoughts about development on CS type properties.

The Applicant proposes a conversion from CS to CG with an optional development plan to repurpose the area and attract different types of tenant mix than originally contemplated. One of the recently available and rapidly growing use now available involves the legal cultivation of cannabis pursuant to the Tulsa Zoning Code.

## **DETAILED STAFF RECOMMENDATION:**

Z-7598 requesting CG zoning with an optional development plan is consistent with the Regional Center land use designation of the Comprehensive Plan and;

CG zoning provides a variety of uses not previously allowed in the failed CS zoned district however the optional development plan limits objectionable uses and requires greater site design standards than would be required under CG zoning standards and;

Z-7598 with an optional development plan is consistent with the anticipated future land development opportunities. CG zoning without the optional

development plan is injurious to the single-family residential area north of the site and;

The optional development plan is consistent with the provision of the Tulsa Zoning Code therefore.

**Staff recommends Approval of Z-7598 to rezone property from CS to CG with the provisions of the optional development plan outlined in section II below.**

**SECTION II OPTIONAL DEVELOPMENT PLAN:**

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

**A) PUBLIC, CIVIC, AND INSTITUTIONAL**

- College or University
- Day Care
- Hospital
- Library or Cultural Exhibit
- Religious Assembly
- Safety Service
- School
- Utilities and Public Service Facility (minor)
- Wireless Communication Facility (includes all specific uses)

**C) COMMERCIAL**

- Animal Service
  - Boarding or shelter
  - Grooming
  - Veterinary
- Broadcast or Recording Studio
- Commercial Service (includes all permitted specific uses)
- Financial Services (includes all permitted specific uses)
- Funeral or Mortuary Service
- Lodging
  - Hotel/motel
- Office
  - Business or professional office
  - Medical, dental or health practitioner office
- Restaurants and Bars (Restaurant only)
- Retail Sales (includes all permitted specific uses)
- Studio, Artist, or Instructional Service

Trade School Vehicle Sales and Service (includes all permitted specific uses)

**D) WHOLESALE, DISTRIBUTION AND STORAGE**

Warehouse Wholesale Sales and Distribution

**E) AGRICULTURAL**

Community Garden

Farm, Market- or Community-supported

Horticulture Nursery

**SCREENING:**

In addition to the minimum standards of the Tulsa Zoning Code the following standards shall apply prior to receipt of any certificate of occupancy permit including interior remodel occupancy.

Install and maintain a screening fence with a minimum height of 6 feet and a maximum height of 8 feet along the entire north boundary of the subject property.

Masonry screening for dumpster enclosures and ground mounted mechanical equipment shall be installed and maintained as required by the Tulsa Zoning Code.

**LANDSCAPING:**

In addition to the minimum standards of the Tulsa Zoning Code the following standards shall apply prior to receipt of any interior remodel occupancy.

Street trees as defined in the Tulsa Zoning code shall be installed and maintained as outlined below:

At least one large tree is required per 30 feet of street frontage. If large trees are not appropriate due to the presence of overhead lines, other obstructions, or site visibility considerations, as determined by the land use administrator, at least one small tree is required per 25 feet of street frontage. Street tree requirements may be satisfied by the installation of new trees or by the preservation of existing trees. The tree list prepared by the planning director (see 65.080-A2) identifies and classifies street trees by size.

Required street trees must be located on the subject property within 20 feet of the planned street right-of-way.

Spacing Street trees are not required to be evenly spaced, but the distance between street trees may not exceed 75 feet.

### **SECTION III: Supporting Documentation**

#### **RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: Repurposing of the existing center into a wider variety of uses is supported in the Regional Center land use vision of the Comprehensive Plan and is anticipated in the Comprehensive Plan. The uses allowed and additional provisions that will require a higher level of screening and landscape standards for future construction.*

#### **Land Use Vision:**

##### *Land Use Plan map designation: Regional Center*

Regional Centers are mid-rise mixed-use areas for large-scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.

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

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

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

#### **Transportation Vision:**

*Major Street and Highway Plan: Multi Modal Corridor*

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

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

*Trail System Master Plan Considerations: None*

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The property is part of a shopping center that has been abandon and repurposed with a small event center. The center is prime for redevelopment opportunities provided by the successful renovation of the old Eastland Mall south of 21<sup>st</sup> street.*

Environmental Considerations: None that would affect redevelopment.

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 21 <sup>st</sup> Street South	Primary Arterial with multi modal overlay	120 feet	4

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	PUD-181 with underlying RS-3 and RD zoned property	Existing neighborhood	Stability	Single Family Residential
East	CS	Regional Center	Growth	Shopping Center
South	CS	Regional Center	Growth	Repurposed shopping center but mostly an office complex.
West	CG with optional development plan	Regional Center	Growth	Climate Controlled Self Storage

### SECTION III: Relevant Zoning History

**ZONING ORDINANCE:** Ordinance number 11812 dated June 26, 1970 established zoning for the subject property.

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

**Z-7326/PUD-844 (Withdrawn April 2016):** A request to *rezone* a 20.75± acre tract of land from CS to CG a proposed *Planned Unit Development* for a mixed-use development on property located north and west of the northwest corner of East 21<sup>st</sup> Street and South 145<sup>th</sup> East Avenue was withdrawn by the applicant April 11, 2016.

**Z-7308/PUD-835 (Withdrawn September 2015):** A request to *rezone* a 20.75± acre tract of land from CS to CG a proposed *Planned Unit Development* for a mixed-use development on property located north and west of the northwest corner of East 21<sup>st</sup> Street and South 145<sup>th</sup> East Avenue was withdrawn by the applicant September 2<sup>nd</sup>, 2015.

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

**BOA-23013 October 2020:** The Board of Adjustment **approved** a *Special Exception* to permit a Horticulture Nursery Use in the CG District, subject to conceptual plan 11.20 of the agenda packet, on property located at 14002 East 21<sup>st</sup> Street South.

**Z-7564 ODP August 2020:** All concurred in **approval** of a request for *rezoning* with an *Optional Development Plan* a 65.95± acre tract of land from CS/RM-1 to CG for commercial, on property located at the southwest corner of East 21<sup>st</sup> Street South and South 145<sup>th</sup> East Avenue.

**Z-7347 ODP July 2016:** All concurred in **approval** of a request for *rezoning* with an *Optional Development Plan* a 7.44± acre tract of land from CS to CG for commercial/retail, on property located west of the northwest corner of East 21<sup>st</sup> Street South and South 145<sup>th</sup> East Avenue.

**BOA-20999 November 2009:** The Board of Adjustment **approved** a *Special Exception* to permit trade school use (Use Unit 15) in the CS district, with conditions for no outside storage or activity around the building and that they conform to the City of Tulsa building and fire codes, on property located at southwest corner of East 21<sup>st</sup> Street and South 145<sup>th</sup> East Avenue.

**BOA-17827 September 1997:** The Board of Adjustment **approved** a *Special Exception* to permit a trade-vocational school in a CS district, per plan submitted, on property located at 14002 East 21<sup>st</sup> Street.

**BOA-14834 May 1988:** The Board of Adjustment **approved** a *Special Exception* to allow for automotive and allied activities (tire storage) in a CS zoned district, subject to no outside storage, and subject to all activities being conducted inside the building, on property located at the northwest corner of 21<sup>st</sup> Street and South 145<sup>th</sup> East Avenue.

**PUD-181 April 1976:** All concurred in **approval** of a proposed *Planned Unit Development* on a 166± acre tract of land that is broken up into Development Areas, to allow for single-family, duplex, townhouses, and garden apartments, and clustered single-family residences, on property located north and west of East 21<sup>st</sup> Street and South 145<sup>th</sup> East Avenue.

**Z-4640 May 1974:** All concurred in **approval** of a request for *rezoning* a 10.49± acre tract of land from RM-1 to CS shopping center, on property located southwest corner of 21<sup>st</sup> Street and 145<sup>th</sup> East Avenue.

**BOA-08139 December 1973:** The Board of Adjustment **approved** an *Exception* to use the property for automotive and allied services, an operation not permitted by right in CS, on property located at southeast corner of East 21<sup>st</sup> Street and 137<sup>th</sup> East Avenue.

**Z-4375 May 1973:** All concurred in **approval** of a request for *rezoning* a 5± acre tract of land from AG to CS for commercial, on property located west of the northwest corner of 21<sup>st</sup> Street and 145<sup>th</sup> East Avenue.



**Z-3821 December 1971:** All concurred in **approval** of a request for *rezoning* a 14.5± acre tract of land from AG to CS/RM-2 for furniture store, on property located north side of 21<sup>st</sup> Street, west of 145<sup>th</sup> East Avenue.

**BOA-06051 November 1968:** The Board of Adjustment **granted** an *Exception* to permit erecting a church in a U-1C district, on property located on the north side of 21<sup>st</sup> Street, ¼ mile west of 145<sup>th</sup> East Avenue.

**TMAPC Comments:**

Mr. Craddock asked if the applicant could give a little bit more detail about the layout and the use of the parking lot and building for this grow facility.

**Tammy Ewing** 751 West 150th Street, Glenpool, OK 74033

Ms. Ewing stated she represents the applicant. She stated she was just retained about 48 hours ago and does not have the answer to that question but the entire facility will be contained within what was the Toys R Us building and it will not have any commercial attraction. In other words, there will not be any people coming to purchase and it's not going to be a dispensary. Ms. Ewing stated the parking situation should not ever be a problem because it will only be for people who work there.

Staff stated the development plan does not specifically limit the subject property to a grow facility inside the existing building, but he has been told that it will be inside the existing building. He stated they have to meet all the parking requirements and those normal things. There is a provision in the CG district that would allow this to be subdivided and used for other buildings and additional buildings could be placed on the site but those would have to meet the typical zoning development standards in the CG district.

Mr. Craddock asked with the current CS zoning would a grow facility be allowed.

Staff stated “no” it is not allowed.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **COVEY**, TMAPC voted **6-2-0** (Adams, Blair, Covey, Shivel, Van Cleave, Walker, “aye”; Craddock, Kimbrel, “nays”; none “abstaining”; McArtor, Reeds, Whitlock, “absent”) to recommend **APPROVAL** of the CG zoning with an optional development plan for Z-7598 per staff recommendation.

**Legal Description for Z-7598:**

PRT LT 1 BEG 952.98E NWC LT 1 TH E203.26 S281.82 E92.38 S318.71 W336.53  
N153.58 W38 N210.27 E78.29 N236.89 POB BLK 1, EASTLAND PLAZA

\* \* \* \* \*

15. **Enclave II at Addison Creek** (CD 8) Preliminary Plat, Location: West of South Sheridan Road at East 123<sup>rd</sup> Street South

**STAFF RECOMMENDATION:**

**Enclave II at Addison Creek** - (CD 8)

West of South Sheridan Road at East 123<sup>rd</sup> Street South

This plat consists of 106 lots, 9 blocks, 27.8 ± acres.

The Technical Advisory Committee (TAC) met on March 4, 2021 and provided the following conditions:

1. **Zoning:** Proposed lot conforms to the requirements RS-3 zoning. Boundary for PUD-828 should be delineated on the face of the plat to indicate which lots are included and subject to the development standards.
2. **Addressing:** Address will be assigned to final plat. Provide lot address graphically on the face of the final plat.
3. **Transportation & Traffic:** Sidewalks on individual lots will be required to be constructed as construction occurs. Sidewalks along reserve areas are required to be installed in conjunction with the final plat. Block 5 exceeds maximum block length allowable by the Subdivision & Development Regulations. Incorporate additional connection to the north to break up block.
4. **Sewer:** IDP approval required prior to final plat approval.
5. **Water:** IDP submittal must be approved prior to approval of the final plat.
6. **Engineering Graphics:** Submit a subdivision data control sheet with final plat submittal. Graphically show all pins found or set associated with this plat. Add legend entries for found/set property pins. Platted subdivisions at the time of final plat approval must be shown in the location map. All other property should be labeled unplatted. Label plat location as "Site" or "Project Location".
7. **Stormwater, Drainage, & Floodplain:** Delineate any remaining floodplain boundaries on the face of the plat. IDP approval for stormwater and drainage is required prior to final plat approval.
8. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the conditions provided by TAC and the requirements of the Subdivisions Regulations. Final plat release from the City of Tulsa 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; 8 members present:**

On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Adams, Blair, Craddock, Covey, Kimbrel, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; McArtor, Reeds, Whitlock, "absent") to **APPROVE** the Preliminary Subdivision Plat for Enclave II at Addison Creek per staff recommendation.

\* \* \* \* \*

**16. The Estates at the River V** (CD 8) Preliminary Plat, Location: South of the southwest corner of East 121<sup>st</sup> Street South and South Hudson Avenue

**TMAPC Action; 8 members present:**

On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Adams, Blair, Covey, Craddock, Kimbrel, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; McArtor, Reeds, Whitlock, "absent") to **CONTINUE** Item 16 to April 7, 2021.

\* \* \* \* \*

**17. Public hearing approving new capital improvement projects** for the Capital Improvement Plan (CIP), Fiscal Year 2022-2026

**STAFF RECOMMENDATION:**

Public hearing approving new capital improvement projects for the Capital Improvement Plan, Fiscal Year 2022 – 2026.

**Background**

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

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

## Staff Analysis

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

A new CIP projects summary is attached. Below is a summarized list of those items, including: the name of requesting Department, the project name, the item number(s) that correspond with the attached chart, and staff comments regarding relationship and consistency with the Comprehensive Plan. Recommendations that are Small Area Plan or Master Plan recommendations are identified with an asterisk (\*).

- **Equipment Management**

1. Public Service Complex

- § Tulsa Police Department Headquarters
- § Tulsa Fire Headquarters
- § Tulsa Police Department "CompStat"
- § Tulsa Area Emergency Management Agency (TAEMA) EOC
- § Municipal Court
- § Jail (60 Beds)
- § Structured Parking appropriate for the facility

**Staff comments:** *These proposed projects represent a new construction project for a Public Service Complex in the City of Tulsa and are consistent with the plan's land use designation of Employment and Area of Growth designations.*

- **Fire**

2. Classroom Building Fire Safety Training Center
3. Refurbish Fire Headquarters
4. Relocate Fire Supply
5. Relocation of Fire Station 12
6. Special Equipment & Storage Warehouse
7. Storage/Classroom for Search and Rescue at North Sewer Treatment

**Staff comments:** *The projects will provide the City of Tulsa Fire Department with improved facilities and equipment. Although no specific guidance is provided in the Comprehensive Plan, the projects will contribute to public safety and maintenance of existing City facilities.*

- **Gilcrease**

8. Amphitheatre
9. Drop-off ADA Parking
10. Earth Plaza
11. Education and Space Addition (Two-Options-360 of Annex)
12. Enclosed Pavilion
13. Gilcrease Bike and Hiking Trail

14. Large Production Facility Option 1
15. Night Garden
16. Open Pavilion
17. Perimeter Fence Replacement
18. Small Production Facility Option 2
19. Berm and Front Landing
20. Street Improvements/Access Drive

**Staff comments:** *These proposed projects represent improvements to an existing museum and surrounding amenities in the City of Tulsa and are consistent with the Plan's focus on enhancing education and improving Tulsans's quality of life. Items 9, 13, & 20 also align with transportation goals identified in the Plan:*

- § Goal 13— *Pedestrians have easy access to jobs, shopping, and recreation.*
- § Goal 14— *Tulsans safely and efficiently use bicycles to go to work, shop, and recreation areas. (p. TR-41)*

- **Police**

21. Tulsa 911 Dispatch Console Furniture Modernization

**Staff comments:** *The project above proposes improvements to existing Police Department facilities. Although no specific guidance is provided in the Comprehensive Plan, the project will contribute to public safety and maintenance of existing City facilities.*

- **Sewer**

22. 21<sup>st</sup> and Riverside Lift Station Improvements- Phase 3
23. Aeration Basin Baffle Addition
24. Anaerobic Feed Blending Improvements
25. Cherry Creek Lift-Station Capacity Enhancements
26. Digester Feed Piping Improvements
27. Digester Liquid Loadout
28. Economic Development Citywide
29. Emergency Sewer Repair, Rehabilitation, and Replacement
30. External Draft Tubes for Digester Mixing
31. Haikey Interceptor Rehab Phase 2
32. Lagoon No. 7 Connection
33. LBC Oxidation Ditch Mixers
34. Manhole Condition Assessment and Rehabilitation Program
35. Northside WWTP Digester Lid Repair (Phase 1)
36. Northside WWTP Digester Lid Repair (Phase 2)
37. Replacement Sludge Transfer Piping
38. Sludge Dewatering Alternative
39. WAS Instrumentation and Piping

**Staff comments:** *The above projects are generally sewer maintenance/improvements. One of the Guiding Principles for Economic Development is "The City invests in the critical infrastructure necessary to*

*develop a robust and diversified economy.” (p. 6) The projects are generally consistent with the Comprehensive Plan’s direction on infrastructure.*

- **Tulsa Convention Center**

- 40. CBC- Elevator Modernization

- Staff comments:** *The proposed improvements/rehabilitation to the Tulsa Convention Center Elevators is consistent with the Comprehensive Plan’s understanding of the downtown core as Tulsa’s “...most intense regional center of commerce, housing, culture and entertainment.” (p. LU-31)*

- **Water**

- 41. ABJ Lab Prep Rooms Remodel

- 42. COT Fiber-56<sup>th</sup> and Garnett to 51<sup>st</sup> and 129<sup>th</sup>

- 43. Raw Water Flowline Repairs – Oologah

- 44. Spavinaw Creek Bridge Replacement

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

### **Staff recommendation**

Approve based on the finding that the new capital improvement projects for the Capital Improvement Plan, FY 2022-2026 are in conformance with the Tulsa Comprehensive Plan.

### **Attachment(s)**

FY 22-26 TMAPC New CIP Projects (table)

#### **TMAPC Action; 8 members present:**

On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Adams, Blair, Craddock, Covey, Kimbrel, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; McArtor, Reeds, Whitlock, “absent”) to recommend **APPROVAL** based on the finding that the new capital improvement projects for the Capital Improvement Plan, FY 2022-2026 are in conformance with the Tulsa Comprehensive Plan.

## **OTHER BUSINESS**

### **18. Commissioners' Comments**

Mr. Shivel stated he very much appreciated the amount of work that goes into the capital improvement programs. He stated they really give a sense of direction, so he appreciates both the work that went into developing it and what INCOG has done with it.

**ADJOURN**

**TMAPC Action; 8 members present:**

On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Adams, Blair, Craddock, Covey, Kimbrel, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; McArtor, Reeds, Whitlock, "absent") to **ADJOURN** TMAPC meeting of March 17, 2021, Meeting No. 2838.

**ADJOURN**

There being no further business, the Chair declared the meeting adjourned at 2:04 p.m.

Date Approved:

04-07-2021

  
Chairman

ATTEST:

  
**ACTING**  
Secretary