

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
**Minutes of Meeting No. 2839**

Wednesday, April 7, 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>
Blair-R	Adams	Foster-P	Jordan, COT-R
Covey-P	McArtor	Hoyt-R	Silman, COT-P
Craddock-R	Van Cleave	Miller-P	Skates, COT-R
Kimbrel-R	Walker	Sawyer-P	Blank, Legal-R
Reeds-R		Wilkerson-P	
Shivel-R			
Whitlock-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, April 1, 2021 at 2:34 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 GO Plan amendments that was discussed in the work session on March 17, 2021 have been put on hold and will be combined with next year's amendments. Ms. Miller stated she sent Commissioners an email asking about expectations on public engagement and what things might help with that process. She stated Planning Commission continues to operate under an emergency declaration that expires next week unless extended by the Governor. Ms. Miller 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.

\* \* \* \* \*

**Minutes:**

**1. Approval of the minutes of March 17, 2021 Meeting No. 2838**

On **MOTION** of **COVEY**, the TMAPC voted 6-0-1 (Blair, Covey, Craddock, Kimbrel, Reeds, Shivel, "aye"; no "nays"; Whitlock, "abstaining"; Adams, McArtor, Van Cleave, Walker, "absent") to **APPROVE** the minutes of March 17, 2021, Meeting No. 2838

**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-839-1 Tyler Meek (County) Location: South of the southeast corner of West 111<sup>th</sup> Street South and South 33rd West Avenue requesting a **PUD Minor Amendment** to permit an accessory building in the side yard**

**STAFF RECOMMENDATION:**

**SECTION I:** PUD-839-1 Minor Amendment

Amendment Request: The applicant is proposing to amend the PUD to allow the construction of an accessory building in the side yard of an existing residence.

The Tulsa County Zoning code allows accessory buildings to be located in the rear yard of a residential lot, but does not allow them in the front or side yards. The applicant is proposing to build an accessory building that will encroach into the side yard. See applicant site plan, included with this report. This amendment, if approved, would serve to remove the restriction on accessory buildings in side yards of the subject lot. The accessory building will still comply with the remaining requirements of the PUD and Zoning Code including required building

setbacks for accessory structures. Accessory buildings shall not be constructed closer than 3 feet to the side lot line.

*Staff Comment: This request is considered a Minor Amendment as outlined by Section 1170.7 of the Tulsa County Zoning Code.*

*“Minor changes in the PUD may be authorized by the Planning Commission, which may direct the processing of an amended subdivision plat, incorporating such changes, so long as a substantial compliance is maintained with the outline development plan and the purposes and standards of the PUD provisions hereof. Changes which would represent a significant departure from the outline development plan shall require compliance with the notice and procedural requirements of an original Planned Unit Development.”*

Staff has reviewed the request and determined:

- 1) PUD-839-1 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-839.
- 2) All remaining development standards defined in PUD-839 shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to allow an accessory building in the side yard.

**Legal Description PUD-839-1:**

Lot 2, Block 1 Meadow Creek

**TMAPC Action; 7 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 7-0-0 (Blair, Covey, Craddock, Kimbrel, Reeds, Shivel, Whitlock, “aye”; no “nays”; none “abstaining”; Adams, McArtor, Van Cleave, Walker, “absent”) to **APPROVE** Item 2 per staff recommendation.

**PUBLIC HEARINGS**

3. **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 (Continued from March 17, 2021)

**STAFF RECOMMENDATION:**

**SECTION I: CO-12**

**APPLICANTS DEVELOPMENT CONCEPT:**

The Applicant requests a Major Amendment to a Corridor Plan Z-5444 SP-1 to add permitted uses to the Corridor Development Plan for property located at 10918 East 41<sup>st</sup> Street South (the "Property"). The Property is comprised of approximately 232,530 SF of improvements on 7.10 acres of land and lies west of the southwest corner of East 41<sup>st</sup> Street and South Garnett Road. Today, the Property is surrounded by development on all sides: to the east by Quik Trip Kitchens and Applebee's Grill and Bar, to the south by the Huntington Hollow Apartments, to the west by the Shady brook Apartments and Yale Cleaners, and to the north by the Crossbow Shopping Center.

The Legal Description of the Property is attached hereto as Exhibit "A".

The Corridor District zoning and the Corridor Development Plan for the Property were originally established in 1982 for the development of an 11-story Hyatt Hotel (today, Wyndham Hotel). Currently, the only permitted use of the Property in the Corridor Development Plan is Hotel Complex and related uses.

The Applicant, Exact Capital Group, desires to amend the Permitted Uses in the Corridor Development Plan to be consistent with the development pattern in the East 41<sup>st</sup> Street Corridor and to repurpose the existing Wyndham Hotel for senior housing.

The Corridor Site Plan for the Rosewood Park Seniors Housing Project is attached hereto as Exhibit "B".

#### **DETAILED STAFF RECOMMENDATION:**

Uses and development standards as outlined in CO-12 are consistent with the Regional Center land use designation in the Tulsa Comprehensive Plan; and

The Corridor Development Plan is a unified treatment of the development possibilities of the project site; and

Provisions have been made for property access, circulation, and functional relationships of uses; and

Permitted Uses, building types and supplemental standards outlined in CO-12 are consistent with the provisions of the Corridor chapter of the Tulsa Zoning Code.

Anticipated uses, lot and building regulations along with normal supplemental regulations in the Tulsa Zoning Code as provided CO-12 are consistent with the existing development pattern in this area of Tulsa; and

Staff recommends Approval of the development plan for CO-12 as outlined in Section II below.

## **SECTION II CO-12 DEVELOPMENT STANDARDS:**

CO-12 replaces all previous zoning and site plan approvals on this site.

CO-12 will conform to the provisions of the Tulsa Zoning Code for development in a CO district and its supplemental regulations as identified in Section 25 in the Tulsa Zoning Code.

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

### **Permitted Use Categories, Subcategories.**

All specific uses listed in the zoning code for each of the subcategories listed below and customarily accessory uses to the allowed principal uses are allowed in this Corridor District.

#### **RESIDENTIAL (Use Category and subcategories as follows)**

##### **Household Living**

Three or more households on a single lot only if allowed in the building types identified below.

##### **Group Living**

##### **Elderly/Retirement Center**

#### **PUBLIC, CIVIC AND INSTITUTIONAL (Use Category and subcategories as follows)**

##### **College or University**

##### **Day Care**

##### **Governmental Service**

##### **Hospital**

##### **Library or Cultural Exhibit**

##### **Postal Services**

##### **Religious Assembly**

##### **Safety Service**

##### **School**

##### **Wireless Communication Facility (building mounted only)**

#### **COMMERCIAL (Use Category and subcategories as follows)**

##### **Animal Service**

##### **Assembly and Entertainment**

##### **Commercial Service**

##### **Financial Services**

##### **Lodging**

##### **Office**

##### **Restaurants and Bars**

##### **Retail Sales**

Studio, Artist, or Instructional Service  
Trade School

**AGRICULTURAL (Use Category and all subcategories)**

Community Garden  
Farm, (Market- or Community-supported)

**Building Types for Household Living**

Single household  
Townhouse  
3+-unit townhouse

Mixed use building  
Vertical mixed-use building

Three or more households on a single lot

Cottage house development  
Multi-unit house  
Apartment/Condo  
Mixed-use building  
Vertical mixed-use building

**Lot and Building Regulations**

Maximum Building Coverage 75%  
Minimum Lot Area 300,000 square feet  
Maximum Building Height 140 feet  
Maximum Floor Area 235,000 square feet  
Minimum Building Setbacks

Street Setback (41<sup>st</sup> Street) 25 feet from the north lot line of the subject property.  
From west boundary 20 feet  
From south boundary 20 feet  
From east boundary 20 feet  
Internal lot lines 0 feet

Open space per dwelling unit is not required while repurposing the existing building as identified on the concept plan provided. Open space for any new multi-family construction will require 200 square feet per dwelling unit.

**SECTION III: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: The proposal for repurposing the existing hotel as outlined in Section II is consistent with the Town Center Land Use designation. Additional uses and standards identified that might be added*

*to the site that are also included in the development plan are consistent with the Town Center Land Use designation.*

Land Use Vision:

*Land Use Plan map designation: Town Center*

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

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

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

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

Transportation Vision:

*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 site is fully developed with the hotel that was anticipated in the previous corridor site plan.*

*Applicant's image:*



Environmental Considerations: None that affect site development

Streets:



<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 41 <sup>st</sup> Street South	Secondary Arterial with Multi Modal Corridor designation	100 feet	5 (two lanes each direction plus a center turn lane)

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	CS	Town Center	Growth	Shopping Center
East	CS	Town Center	Growth	Restaurant and QuikTrip Kitchens
South	RM-2	Existing Neighborhood	Growth	Multi-family
West	CS	Town Center	Growth	Multi family and cleaners

**SECTION IV: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 14889 dated November 5, 1980 established the current zoning for the subject property.

***Subject Property:***

**BOA-12943 December 1983:** The Board of Adjustment **approved** a *Variance* to permit a satellite dish as an accessory use in a CO zoned district under the provisions of Section 1670, and a *Variance* of the 60' height limitation to permit a satellite dish in a CO zoned district under the provisions of Section 1670, as presented by the applicant that it will be on the roof of the Marriott Hotel, that it will have wind resistance up to 100 miles an hour, on property located at the southeast corner of South 109<sup>th</sup> East Avenue and East 41<sup>st</sup> Street.

**Z-5444-SP-1 April 1982:** All concurred in **approval** of a request for a *Corridor Development Plan* on a 7.12± acre tract of land for a hotel and related uses, on property located west of the southwest corner of 41<sup>st</sup> Street South and Garnett Road.

**Z-5444 October 1980:** All concurred in **approval** of a request for *rezoning* a 27+ acre tract of land from CS to CO, on property located on the southwest corner of 41<sup>st</sup> Street and Garnett Road. (Ordinance No. 14889)

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

***Surrounding Property:***

**PUD-801 November 2013:** All concurred in **approval** of a proposed *Planned Unit Development* on a 9.1± acre tract of land for the redevelopment of Crossbow Shopping Center on property located northwest corner of South Garnett Road and East 41<sup>st</sup> Street.

**BOA-20499 May 2007:** The Board of Adjustment **approved** a *Special Exception* to permit Other Trades and Services in a CS district, subject to: the proposed building to contain administrative offices; training space with an interior store mock-up of convenience store for training purposes; permitting also, business machine repair; computer repair; data processing machine repair; electrical repair; and electronic components repair; no outside storage of materials or equipment; all driving and parking surfaces be concrete or asphalt; all repairs to the services mentioned to be made inside the facility; no drive-through services with this approval; maintain screening to all of the apartments on the south and to the R district on the southwest corner; Kennebunkport formula to be used for any lighting, and landscaping according to the zoning code, on property located at - 4200 block of South Garnett Road

**BOA-20402 January 2007:** The Board of Adjustment **approved** a *Special Exception* to permit a car wash in a CS district, adjoining a convenience store, on property located at 11120 East 41<sup>st</sup> Street.

**BOA-20379 November 2006:** The Board of Adjustment **approved** a *Special Exception* to permit a car wash facility in a CS District, per conceptual plan, subject to a curb cut to the east and lighting away from the hotel, on property located north of the intersection of 41<sup>st</sup> Street and 109<sup>th</sup> East Avenue.

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

**Z-6582 February 1997:** All concurred in **approval** of a request for *rezoning* a 10.9± acre tract of land from CO to CS for retail, on property located at the southwest corner of East 41<sup>st</sup> Street and South Garnett Road.

**Z-5444-SP-4 November 1995** All concurred in **approval** of a request for a *Corridor Development Plan* on a 10± acre tract of land to allow access for apartment complex from Garnett Road, increase the maximum height from 34' to 45', increase the setback from the north and south boundaries from 25' to 45', and increase the west boundary from 25' to 75', on property located south of the southwest corner of East 41<sup>st</sup> Street and South Garnett Road.

**Z-5444-SP-3 November 1994:** All concurred in **approval** of a request for a *Corridor Development Plan* on a 10± acre tract of land for a 200 unit apartment complex, on property located south of the southwest corner of 41<sup>st</sup> Street and Garnett Road.

**Z-5444-SP-2 October 1994:** All concurred in **approval** of a request for a *Corridor Development Plan* on a 1.61± acre tract of land for a dry cleaners, on property located southeast corner of East 41<sup>st</sup> Street and South 109<sup>th</sup> East Avenue.

**Z-5413 July 1980:** All concurred in **approval** of a request for *rezoning* a 4.77± acre tract of land from AG to CS/FD for commercial, on property located north and west of 41<sup>st</sup> Street and South Garnett Road.

**Z-5048 December 1978:** All concurred in **approval** of a request for *rezoning* a 137.9± acre tract of land from RM-3/OM/CS to AG/RM-2/OM/CS on property located south and west of the southwest corner of 41<sup>st</sup> Street and Garnett Road. (Ordinance No. 14034, February 2, 1978).

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

**TMAPC Comments:**

Mr. Reeds stated this was a good use of a site that is under used.

**Applicant Comments:**

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

The applicant stated Exact Capital Group is the developer of this project. Exact Capital has not had a project in Tulsa so Mr. Reynolds shared a little biography of their business. Exact Capital is under contract to buy Wyndham Hotel 10009 East 41st Street in Tulsa. The applicant stated as staff stated it is a little bit over seven acres of land on southwest corner of 41st and Garnett Road. He stated this hotel is located near Highway 169 and the Broken Arrow Expressway and is very much a transportation rich corridor which is keeping with the corridor zoning of the property. The applicant stated the subject property has access to two bus routes with one that runs down 41st Street and one that runs down Garnett. He stated immediately to east of the subject property the Applebee's Bar and Grill,

and there are other businesses like Discount Tire, QuikTrip Kitchen, Reasor's, Yale Cleaners and many others. There are apartments to the west. The applicant stated there is a pool that will be for the tenants in this project. He stated there are 42 trees on this site currently and another 48 trees will be added to bring the landscaping up to code standards. The applicant stated the building is approximately 230,000, square feet and it is an 11 story building. This project is an adaptive reuse of this existing building. He stated there is a restaurant space like any typical full service hotel and there will be a restaurant, catering service, banquet area and convention area that will be open to the public. The applicant stated there is plenty of parking to support both the housing and the entertainment venue. He stated there will be approximately 171 senior dwelling units and two floor plans that have 609 square feet and 660 square feet. The halls are wide, the doors are wide, they are all designed to be wheelchair accessible so seniors can move around them easily. The applicant stated they expect to have a pretty successful business and to treat seniors with dignity, as well as be a contributing part of this community. He stated the project conforms with the Comprehensive Plan and is consistent with the zoning and the development pattern in the area. He stated it is also consistent with Tulsa's housing policy of having both a diversity of housing types as well as affordability levels and it is an adaptive reuse of existing building. The applicant stated it is a mixed use development and is readily accessible to public transportation.

Ms. Kimbrel asked if the applicant could elaborate on the types of business that would be located on the subject property. She stated the primary use is senior housing and stated there would be gymnasium for the tenants that would include a pool and lounging area and other common spaces for tenants but would like to hear about the businesses planned for the property.

The applicant stated the plan for the existing part of the business would include a restaurant, a banquet hall, and a catering business.

Ms. Kimbrel stated there has been several continuances that were granted from the neighboring businesses and from the neighborhood requesting further consultation with the applicant and the client. She asked what came out of those meetings.

The applicant stated they had several discussions with the owner as well as legal counsel for the Crossbow Shopping Center and have not been able to resolve all of the differences with them but it was a good discussion and a good with them. He stated the shopping center has counsel here today to speak.

Mr. Blair asked if the applicant could talk about the allowed uses under the application. He stated this would allow elderly retirement center but would not allow homeless centers, meaning like the Day Center or Salvation Army type use.

The applicant stated “yes”, that is correct. He stated those uses are specifically excluded and would not be allowed.

Mr. Blair stated it would allow governmental offices but that is defined in the code to include food pantries but that is not the intended use.

The applicant stated “no”, that is not the intended use.

Mr. Blair stated it still allows hotel use, which is short term lodging 30 days or less, paid by the day of the week.

The applicant stated, “Yes sir” That's correct.

**Interested Parties:**

**Nathan Cross** 2 West 2nd Street, Suite 700, Tulsa, OK 74103

Mr. Cross stated he represents Techridge Office Park located west of Highway 169 on 41st Street. He stated his client owns and leases 550 square feet of office space in the area and there are a lot of concerns related to the current use. He stated he believes a lot of the objection to this project is born in a way out of the current use which is to house the homeless. Mr. Cross stated a lot of neighbors believe that the current use was approved without any input from the community. He stated there is a little bit of vagueness as to how all that works, and what exactly is going on right now at that site. Mr. Cross stated that is not to say that what Mr. Reynolds is asking for is the same thing, but it leads to a little bit of distrust in process. He stated the applicant will undoubtedly hear specific comments about specific concerns from other speakers. Mr. Cross stated that the applicants request is an extraordinarily broad request. He stated Corridor Districts are a unique animal, they were invented in the 80s and they were effectively the wild west. Mr. Cross stated there is no underlying zoning except for the allowed use instead of rezoning to one specific zoning district that has a lot of uses. He stated he is trying to address the issue by making it broader, there is a long list of things that are requested as allowed uses by right and many of them are not consistent with what the applicant is saying is the primary use in his application. He stated he thinks that is what a lot of the concerns with this application is about. Mr. Cross stated there is a large amount of flexibility being created that could lead to a project that is nothing like what is being presented today.

Mr. Covey asked when referring to the existing use is it hotel.

Mr. Cross stated he thinks it is being used as a hotel to help reduce the homeless population and also as an emergent situation during COVID to help people find temporary housing.

Mr. Covey stated looking at the history all this was done back in the early 80s.

Mr. Cross stated he does not know how it was done but thinks the hotel use went away at some point, he thinks due to Covid but he is not directly aware of that. He stated since the hotel has gone out of business it has been repurposed for a temporary housing and he believes there is a sunset on that. Mr. Cross stated the City has come in and is housing the homeless population in a hotel type setting.

Mr. Covey stated based on what you have heard from the applicant the objection is the uses are too broad but does Mr. Cross have any specific objection to anything that the applicant proposed here today.

Mr. Cross stated he does not know what the applicant is proposing, he knows what he is hearing and having been in the applicant's shoes he does not have an objection to that per se. He stated he does not have a lot of confidence that is exactly what is going on here today based on the laundry list of uses that are being requested in this application.

Mr. Blair stated he would like to clarify the City is not providing services in this hotel but as he understands it Housing Solutions, a nonprofit organization is providing services under hotel use meaning short term lodging.

Ms. Kimbrel asked Mr. Cross what his concerns are. She stated she understands that there is a concern about the existing use but does Mr. Cross have a concern about the existing zoning, or the proposed zoning.

Mr. Cross stated he has a concern about the proposed zoning. He stated there has been an economic renaissance in this area and there is some concern that whatever is going to happen will interfere with the large amount of new development.

Mr. Craddock asked if the current hotel zoning use would be a higher density or more impact than a retirement center. He stated when the hotel was full it had a big impact in the neighborhood and he thinks the proposed would have a much less impact to the neighborhood.

Mr. Cross stated density is not a dirty word in this case, for the surrounding commercial businesses density is a benefit. He stated the concern is because there is a large number of things that can happen based on this application.

Mr. Craddock stated he knows the hotel industry fairly well, and they took a dramatic decrease in occupancy directly related to Covid. He stated many of those hotels will not come back and will end up being a shell of a building with no use as a direct result of Covid. Mr. Craddock stated he thinks the ability to get a property owner to make a property viable versus a potential sale is a good use versus an empty 11 story building that may have to be bulldozed.

Ms. Kimbrel asked if this building is only primarily used for senior housing, and nothing else would his client still have issues.

Mr. Cross stated he did not think so, but it is not clear what Planning Commission is being asked to approve today. He stated he knows how it is being presented but there is a list of uses that are being asked for approval today that would give the applicant the ability to do other things.

Ms. Kimbrel asked if the "other things" is what Mr. Cross is objecting to.

Mr. Cross stated he is saying if this is the development plan there are other ways to slice this besides making it a Frankenstein zoning district that does not exist anywhere else for the City of Tulsa.

Mr. Covey stated to be clear Mr. Cross is not objecting to anything that the applicant has presented here today. His concern is that he does not know that is actually what is going to happen.

**Robert Getchell** 100 West Fifth Street, Suite 1100, Tulsa, OK 74103

Mr. Getchell stated he is here on behalf of HW Allen company LLC, the owner of the Crossbow Shopping Center. Mr. Phil Allen and Mr. Andy Allen, a principal in that company is present today. He stated he does not want to simply repeat Mr. Crosses arguments but he would like to object to the development plan and the proposed amendment as it is proposed today. Mr. Getchell stated the concerns they have the very broad and very flexible additional development standards that are being proposed on senior living center. He stated he has not seen any of the latest amendments that the Staff has made since yesterday and he does not know what has changed but the additional public civic and institutional uses and many of the commercial uses would open the door to a number of things that may not be desirable or consistent with the current development along this corridor. He stated he did not know if a senior housing project could be considered consistent with the development as it is immediately along 41st Street. Mr. Getchell stated its primarily restaurants, retail, and other commercial businesses. He stated there are some apartments to the south that are residential but those do not butt up to 41st Street. Mr. Getchell stated they did a lot of research on Exact Capital and cannot find a track record of this type of development in this part of the country that they have been involved in and that is a concern. He stated he understands that Staff has recommended approval, and has determined that the proposed uses are consistent, but he does not think that they are necessarily beneficial and based on the number of improvements and the amount of capital that his clients and others have invested in the properties that surround the subject property a detailed analysis of what might be beneficial to all and can add in synergy with one another, would be helpful, and probably the responsible thing to do. Mr. Getchell stated this area already has within a half a mile of this radius of this proposed project 2500 units of subsidized housing. He stated adding this project raises that number by about 10% and that is quite a

shift. Mr. Getchell stated they have worked with the applicant to try to come up with some development standards that all can live with but have not agreed on those yet. He stated if this goes forward with the Commission and then on with approval to the City Council, we would like to see it restricted to exactly what Mr. Reynolds talked about in his application and his presentation. Mr. Getchell stated that might be a lot more palatable to his client, than a carte blanche to do whatever. He stated out of fairness for the neighboring businesses and some consideration given to their investment and their property values, if the application is not denied it should at least be limited to the specific uses the applicant presented.

Mr. Craddock stated he brought up to Mr. Cross earlier about the potential of having a building that is vacant versus a use that seems extremely appropriate from what information that we have. He asked if there was a concern about having a large vacant building that would be a detriment to the surrounding area versus having a use, it may not be exactly what you want but is actually a decent use in a good neighborhood.

Mr. Getchell stated they would prefer that the building not be vacant. He stated he does not think anybody wants to see that property sit there and deteriorate and not be used. He stated the use as Mr. Reynolds described, if it were narrowed to only that might be comfortable to his clients.

Mr. Shivel asked if he could have a little more specificity on what particulars would be objected to because it seems to be implied that the applicant is not going to follow through on what he is actually saying, but no more specifics.

Mr. Getchell stated the concerns are prompted by the current use of the facility and about a transition to something other than just senior housing. He stated there are a lot of other uses that would be allowed in this corridor zoning that would be extremely detrimental to the neighborhood such as mentioned earlier transitional living. The homeless shelter, as temporary as it may be, is certainly impacting in a negative way the businesses in his clients shopping center.

**Maruf Celebi** 4115 South 100th East Avenue, Tulsa, OK 74146,

Mr. Celebi stated there have been problems with getting into his building, which is in the Techridge Office Park because of homeless. He stated at the beginning of this application he heard this hotel was going to be a homeless shelter and not senior housing. He stated he does not have an objection to senior housing, but objects to a homeless shelter.

**John Rothrock** 4006 East 119 Street, Tulsa Oklahoma 74137

Mr. Rothrock stated he is the owner of Yale Cleaners. He stated he came to discuss the homeless shelter that has a dramatic impact on his business from a safety standpoint. Mr. Rothrock stated he has not seen a huge change in the numbers yet but it has been a really big problem for the safety of his staff. He



stated he does not have an objection to a senior living housing but if it is the highest and best use for the property, he cannot comment on that. He would much prefer the hotel when it was in its heyday than its current state. Mr. Rothrock stated he has some of the same concerns that others have. The zoning changes are a little too broad and should be narrowed slightly but it is not his place to say what can and cannot be done with the building. He stated the homeless shelter that is currently there is causing major problems for the entire community and not just his business. He stated he knows Mr. Reynolds personally and he is a good friend who has often worked on zoning cases for his business and he believes him to be a man of his word and he says this excludes a homeless shelter and that is good enough for him.

**Jennifer Robertson** 4326 South 172nd East Avenue, Tulsa, OK 74134

Ms. Robertson stated she lives in Sunset Hills subdivision off of 41st Street. She stated she has a heart for the homeless and has worked with City Lights Foundation. Ms. Robertson stated she would like clarification that under the proposed zoning could the homeless shelter, the current use of the building, continue. She stated the applicant stated several uses for the building but was not being specific on how it will be utilized. Ms. Robertson stated if the subject property is permanently rezoned to senior living is there a possibility it will turn into possibly another homeless housing entity without going through another approval process. Ms. Robertson stated there are issues with more crime in the area and people that are homeless come into the neighborhood on a daily basis. She stated there is definitely a larger homeless population and crime is huge issue.

**Amy Wabaunsee** 4115 South 100th East Avenue

Ms. Wabaunsee stated she is from Dove School Discovery and they are moving into the area next summer. She stated the school is PreK to 8th and she is concerned about the homeless shelter but has no objections to the senior housing.

**Julie Jones** 16631 East 43rd Street, Tulsa OK 74134

Ms. Jones stated she is a resident in Sunset Hills Estate south of 41st Street. She stated she has concerns about the current use and the hotel being used for homeless shelter. Ms. Jones stated she would like to know what this means for residents in the future with the zoning being so broad. She asked if the senior living use falls through what this property will become. She stated she feels the property owners need more security in knowing exactly what those uses would be and can they be offered any type of guarantee or commitment that it would not be used for a homeless shelter in the future. Ms. Jones stated as a mother of three, who came from California two years ago she knows what it is like to have a homeless population in our neighborhood. It is not safe for the kids, it does not make you feel good, it does not help property values. She stated it is nerve wracking to let the children go out and play in the front yard because of the increase of homeless people coming down 41st Street and into the

neighborhood. Ms. Jones stated there is one person in particular who has been asked to leave by police multiple times in the past two weeks and taken back to this homeless shelter on 41st, and he just keeps coming back. She asked what kind of commitment the residents can get that subject property would not be used for this type of housing in the future.

**Lori Dector-Wright** 175 East 2nd Street, Tulsa, OK 74103

Ms. Dector-Wright stated she is the City Councilor for District 7 where the subject property is located. She stated the subject property is an interesting property because the dividing line between District 7 and District 6 is 41st Street. So, in terms of the use of the property that is in District 7 but in terms of interested Parties today some live in District 6 represented by Councilor Connie Dodson. Ms. Dector-Wright stated for those of you who may have seen the Tulsa World article this was the first time that it came to her attention that there were any complaints about what is going on at the hotel because most of the complaints had gone to Councilor Dodson. She stated in terms of District 7 constituents she has not heard any concerns about this rezoning request nor the current use of the hotel. Ms. Dector-Wright stated she would like to echo the sentiments of Commissioner Blair that the hotel is being operated by a nonprofit, as a hotel right now and it is her understanding that will end at the end of May so it will not interfere with this rezoning request. She stated her major concern as the District 7 councilor is she does not want an 11 story building sitting vacant and further blighting. Ms. Dector-Wright stated as discussed previously this hotel was already in decline before Covid and that pushed it over the edge. Ms. Dector-Wright stated she wanted to Planning Commission today to say she has not received any pushback as it pertains to this rezoning request from anyone who lives in District 7 and she supports the application. She stated she followed up with Major Marco Mercado the commanding officer of the Mingo Valley Division of the Tulsa Police Department, and he has made it clear that the one individual, that tends to be the focus of the complaints in the area is not associated to the clients that are being housed at the hotel, and that the police department and Family and Children's Services has a plan in place to specifically outreach him and get him moved into services.

The applicant stated the only possible use objection he has heard is governmental service and he would be happy to have that use stricken from this request. He stated many of the other uses already exist in the area.

Staff stated the staff report centered around the concept of what a Town Center is and the long range land use designation on the site. He stated the Town Center is consistent with all those uses identified in the development plan. The applicant stated the majority of the properties surrounding the subject property are zoned CS except for multifamily to the south. He stated the surrounding property owners have the right within CS zoning to all the same uses that are in the development plan, that is how a benchmark was established when working

on the development plan. Staff stated something that the old corridor zoning did not have that this one does is very specific requirements for sign limitations. He stated the current zoning code not only integrates the standards of the current zoning code but it also is consistent with CS uses that are allowed by right in the CS districts that surround the subject property. The exception to that is the governmental service in a CS district is required to have a special exception use but staff felt like those things that are a part of the governmental service use are consistent with the Town Center designation.

Mr. Covey asked if he had an opinion about striking governmental services from the application.

Staff stated having a single use allowed on the property was just a bad idea and staff felt strongly that expanding allowed uses, just like all the other commercial sites around was important. He stated taking out governmental service would be fine.

Mr. Craddock asked if the corridor zoning in general allows for the flexibility, it is not a wild west program, but specifically does give a little bit more freedom for a developer or property owner to do things just like they are wanting to do on the subject property. He stated the zoning change is really to bring the old corridor in to compliance with current corridor zoning, would that be a pretty correct statement.

Staff stated in a very broad generalization that would be correct.

Mr. Craddock asked if government services include homeless shelters and other things that residents are concerned about.

Staff stated he does not have an exact definition pulled up of all of those things that seem to be part of the concerns listed in the Group Living category in the zoning code. He stated that category includes assisted living, community group home, convent/monastery, elderly/retirement center, fraternity/sorority, homeless center, life care retirement center, reentry facility, residential treatment center, rooming/ boarding house, emergency and protective shelter, and a transitional living center. Staff stated most of those things are allowed in a CS zoning district but in this application the only use allowed in that Group Living category is Elderly/Retirement Center. He stated homeless centers and transitional living group homes and those kinds of things are prohibited in this application.

Mr. Craddock stated so government services does not deal with the homeless,

Staff stated "correct".

Mr. Craddock stated knocking out government services does not knock out the ability to have a homeless shelter, because that is a whole different group.

Mr. Reeds asked if the underlying corridor district is the reason staff did not look at creating an MX district with special provisions which has been done numerous times after amending the zoning code.

Staff stated they looked at the possibility of straight zoning early in the discussion but felt like the corridor zoning category was the best fit because how it had been presented historically. He stated they did not look at any MX zoning to see if that makes sense on the site or not. Staff stated with the included development plan it is a similar concept as the MX district without the architectural standards that the zoning requires.

Mr. Craddock stated he knows this area very well and this hotel was built in the early 80s as Marriot. He stated he is concerned that if there is not a change of use this could become a blighted property and he really does not want to tear down another building. Mr. Craddock stated he would like to adapt the use and he thinks this is a good adaptive use for the building.

**TMAPC Action; 7 members present:**

On **MOTION** of **REEDS**, the TMAPC voted 7-0-0 (Blair, Covey, Craddock, Kimbrel, Reeds, Shivel, Whitlock, “aye”; no “nays”; none “abstaining”; Adams, McArtor, Van Cleave, Walker, “absent”) to recommend **APPROVAL** of the Major Amendment to a Corridor Development Plan for CO-12 per staff recommendation.

**Legal Description CO-12:**

LT 1 BLK 1, ATRIA ONE

\* \* \* \* \*

Mr. Reeds left at 2:24 pm.

- 4. **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 and continued from March 17, 2021)

**STAFF RECOMMENDATION:**

**SECTION I: Z-7594**

**DEVELOPMENT CONCEPT:** This site is already zoned OL and allows multifamily development. The street, trail and utility infrastructure can support the additional density anticipated on the lot.

Apartment/Condo Density summary for 0.17-acre lot.

	Minimum	Minimum	Maximum	Minimum	<b>Maximum</b>
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	land area per du	open space per dwelling unit	building height	street setback	dwelling units allowed
Existing OL	1100 sf	1200 sf	35 feet	10 feet	3 +/-
Proposed RM-2	1100 sf	200 sf	35 feet	10 feet	5 +/-

**DETAILED STAFF RECOMMENDATION:**

Z-7574 is in the Neighborhood Center land use designation. RM-2 zoning is consistent with the goals of the plan to create a well-connected, walkable neighborhood with access to goods and services, diverse housing options, and public transportation. RM-2 zoning provides uses and opportunities to accomplish those goals and,

The existing OL zoning allows apartment/condo development however OL zoning requires 1200sf of open space per dwelling unit. RM-2 zoning only requires 200 square feet of open space per dwelling unit. This site abuts the Midland Valley trail system and provides direct access to the park north of the site and direct access to Gathering Place south of this site. Increased opportunities for density on the site are mitigated by a 35 foot tall building height in both the OL and RM-2 zoning district and,

RM-2 zoning allows uses and building types that are consistent with the Neighborhood Center land use designation therefore,

Staff recommends approval of Z-7594 to rezone property from OL to RM-2.

**SECTION II: Supporting Documentation**

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: RM-2 zoning allows uses and building types that are consistent with the Neighborhood Center land use designation.*

Land Use Vision:

*Land Use Plan map designation:* Neighborhood Center  
 Neighborhood Centers are small-scale, one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services. They can include apartments, condominiums, and townhouses, with small lot single family homes at the edges. These are pedestrian-

oriented places served by transit, and visitors who drive can park once and walk to number of destinations.

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

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

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

Transportation Vision:

*Major Street and Highway Plan:*

*Trail System Master Plan Considerations:*

Midland Valley Trail System abuts this property. Direct connection to the trail should be provided to this site.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The site is a small undeveloped empty parcel abutting the Midland Valley Trail system. Vehicular access to this site is limited to South Cincinnati Avenue which is a one-way street for southbound traffic.*

Environmental Considerations: None that affect site redevelopment opportunities.

Streets and Trails:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Cincinnati Avenue	Residential Collector	60 feet	2 southbound only
Midland Valley Trail	NA	NA	Pedestrian and bicycle access only

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	RM-2	Neighborhood Center	Growth	Single Family home
East	RS-2	Existing Neighborhood	Stability	HP neighborhood
South	CS	Neighborhood Center	Growth	Convenience Store
West	CH	Park and Open Space	Stability	Midland Valley Trail System

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 13912 dated August 4, 1977 established zoning for the subject property.

***Subject Property:***

**Z-5005 August 1977:** All concurred in **approval** of a request for *rezoning* a .17± acre tract of land from RM-2 to OL, on property located north of the northwest corner of East 18th Street South and South Cincinnati Avenue (Ordinance No. 13912).

Ordinance number 11814 dated June 26, 1970 established zoning for the subject property.

***Surrounding Property:***

**BOA-18909 November 2000:** The Board of Adjustment **approved** a *Special Exception* to permit Use Unit 6 in a CH zoned district, the request for *Variance* of the requirement that core living area be a minimum of 20' x 20' was withdrawn, on property located at 1733 South Boston Avenue.

**BOA-16983 March 1995:** The Board of Adjustment **approved** a *Special Exception* to permit a public park in an RS-3 zoned district, per plan submitted, finding the park improvements to be compatible with the neighborhood, on property located at 404 East 15<sup>th</sup> Street South.

**Z-6378 March 1993:** All concurred in **approval** of a request for *rezoning* a large, multi-acre tract of land with various zoning districts to establish an Historic Preservation Overlay and design guidelines for the review and approval of applications for Certificate of Appropriateness, on properties located in the Maple Ridge area between 15<sup>th</sup> and 21<sup>st</sup> Streets South and Peoria Avenue and old right-of-way of the Midland Valley Railroad.

**Z-5116 June 1978:** All concurred in **approval** of a request for *rezoning* a .11± acre tract of land from RM-2 to OL, on property located at the southwest corner of East 18<sup>th</sup> Street South and South Cincinnati Avenue.

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

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

**TMAPC Action; 6 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 6-0-0 (Blair, Covey, Craddock, Kimbrel, Shivel, Whitlock, "aye"; no "nays"; none "abstaining"; Adams, McArtor, Reeds, Van Cleave, Walker, "absent") to recommend **APPROVAL** of the RM-2 zoning for Z-7594 per staff recommendation.

**Legal Description Z-7594:**

LT 20 & N10 VAC ALLEY ADJ ON S BLK 4, SOUTH SIDE ADDN

\* \* \* \* \*

- 5. 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 (Continued from March 17, 2021)

**STAFF RECOMMENDATION:**

**The Estates at the River V** - (CD 8)

South of the southwest corner of East 121<sup>st</sup> Street South and South Hudson Avenue



39 lots, 4 blocks, 35.29 ± acres

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

1. **Zoning:** The property is zoned RS-3 with an adopted Planned Unit Development (PUD-803). PUD-803 requires pedestrian and bicycle connections to be provided to the planned multi-use trail area at the southwest area of the subdivision. Planned connections and improvements are required to obtain PUD site and landscape plan approval prior to approval of the final plat. Improvements must be shown on the final set of infrastructure development plans (IDP). The Estates at the River Phase IV is dependant on Phase V to meet all open space requirements of the PUD. Phase IV and V should be combined into phase IV for the purpose of final plat approval and recordation.
2. **Addressing:** Provide lot address graphically on the face of the final plat along with standard address disclaimer. City of Tulsa will assign addresses.
3. **Transportation & Traffic:** Language needs to be updated to ensure all phases of The Estates of the River incorporating private streets are provided access to other private street areas. Subdivision and Development Regulations call for the following when designing new streets not shown on the Major Street and Highway Plan:
  - a. Create an integrated system of streets and nonmotorized transportation facilities that provide for safe and efficient access to lots and movement of people;
  - b. Provide for the efficient movement of through traffic by providing an interconnected network of streets and nonmotorized transportation facilities to avoid isolation of areas and over-reliance on major streets and highways; and
  - c. Be uncomplicated, so that emergency services, public services, and visitors can find their way to intended destinations.

The current street design consisting of a hammerhead on South Granite Avenue and a cul-de-sac at the end of East 127<sup>th</sup> Street creates two areas of isolation that could be resolved by connecting two dead ends with a through north/south street parallel to other streets in the subdivision. Staff recommends elimination of the cul-de-sac and hammerhead and the incorporation of a through street to meet the intent of the Subdivision and Development Regulations.

4. **Sewer:** Sanitary sewer extensions must be approved through the IDP process prior to final plat approval. Provide recording information for any U/E not being dedicated by the plat.
5. **Water:** Water main extensions must be approved through the IDP process prior to final plat approval.
6. **Engineering Graphics:** Submit a subdivision data control sheet with final plat submittal. Graphically show all pins found or set associated with this plat. Add legend entries for found/set property pins. Platted subdivisions at

the time of final plat approval must be shown in the location map. All other property should be labeled unplatted. Label plat location as "Site" or "Project Location".

7. **Stormwater, Drainage, & Floodplain:** Any remaining regulatory floodplain boundaries must be shown on the face of the plat based on contours and base flood elevations. Development in floodplain areas is subject to additional regulations and will be required to comply with all standards.
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 by the City of Tulsa is required prior to final plat approval.

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

**Applicant Comments:**

**Ricky Jones**, Tanner Consulting, LLC 5323 South Lewis Avenue, Tulsa, OK

The applicant stated generally he agrees with the staff recommendation but there are a couple things he wants to clarify. He stated he wanted to thank staff for all the time they have spent to help work out the issues. The applicant stated one of the recommendations is a combination of phases 4 and 5. He stated he believes they meet the open space requirement by their calculations and are okay with combining those two. The applicant stated there is a requirement that the trail connection be shown on the IDP plan. He stated they are dedicating to River Parks and to the City a location for a future River Parks trail continuation. He stated what he is proposing is to extend a walking trail from the subdivision down around the pond and that would connect to the trail and that is what will show on the IDP plan. The applicant stated they agree to adding the trail but they are going to construct the trail shown in red (on the exhibit submitted) coming out of the subdivision to the east and then going south and looping and connecting in around the trail. He stated the reason they are doing that circuitous route there is an existing detention pond and that is going to be enlarged. The applicant stated there is a pedestrian trail on the southwest corner of the subject property and there were discussions about connecting that to the river trail but the engineers said that during the 100 year event, there would be 650 cubic feet per second of water possible. He stated from an engineering standpoint they thought it was not safe to try to connect to that in case a child might get washed away. The applicant stated they have to come back for PUD detailed site plan approval but they want to be sure that the private improvements do not need to be put on the IDP. He stated to the extent that the private improvements for the amenities do not need to be shown they agree with staff. The applicant stated the last item that was under discussion was the connection of the two streets. He stated it was the desire of the developers to have a small pocket of 13 lots that were served by a

hammerhead and a cul-de-sac on the larger lots on the south side. The applicant stated there is nothing in the subdivision regulations that prohibit them from doing what they are doing. He stated he understands that staff would prefer that the streets be connected but trying to go along with what staff prefers rather than what is required they will connect those two streets.

Staff stated the recommendation from staff standpoint as well as from the City was that there be a connected street that goes north/south on the east end of the subdivision and eliminate the two dead end areas including the Hammerhead.

Mr. Covey asked if Staff agreed with what the applicant has proposed.

Staff stated there are not prescriptions for the design of the trail system in the subdivision recommendation so Planning Commission is not being asked to consider how that is designed today. That is a requirement of the PUD and that is why that is referred to a PUD site plan review and landscape plan review. He stated he wanted to be clear that just because this was shown today staff isn't saying that is the final design that would be approved for that trail, in terms of meeting the PUD standard. Staff stated the only private improvements staff is asking them to reflect will be the actual connections to that trail area. He stated they want to make sure they are meeting the intent of that original PUD and connecting the subdivision and its residents to the future trail area.

**TMAPC Action; 6 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 6-0-0 (Blair, Covey, Craddock, Kimbrel, Shivel, Whitlock, "aye"; no "nays"; none "abstaining"; Adams, McArtor, Reeds, Van Cleave, Walker, "absent") to **APPROVE** the Preliminary Subdivision Plat The Estates at the River V subject to the conditions provided by TAC and the requirements of the Subdivisions Regulations per staff recommendation.

\* \* \* \* \*

Items 6 and 7 were presented together.

- 6. **CZ-511 Greg Hollinger** (County) Location: South of the southwest corner of East 161st Street South and South Lewis Avenue requesting rezoning from **RE to AG** (Related to PUD-852-A)

**STAFF RECOMMENDATION:**  
**SECTION I: CZ-511**

**DEVELOPMENT CONCEPT:** The applicant is proposing to rezone from RE to AG in conjunction with the abandonment of PUD-852 to permit a single family residence.

PUD-852 with RE zoning was established to permit a Residential Estate development, which has not been developed at this time. The applicant wishes to take the zoning of the subject lot back to AG, which is had been previously. They propose to utilize the lot for a single-family residence.

The subject lot is located within the Rural land use designation of the Tulsa County Comprehensive Plan. The proposed rezoning and PUD abandonment would be compatible with this designation.

#### **DETAILED STAFF RECOMMENDATION:**

CZ-511 is non-injurious to surrounding proximate properties;

CZ-511 is compatible with the Rural land use designation of the Tulsa County Comprehensive Land Use Plan;

CZ-511 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends **Approval** of CZ-511 to rezone property from RE to AG

#### **SECTION II: Supporting Documentation**

##### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The subject lot is located in an area designated as Rural in the Tulsa County Comprehensive Plan and the City of Glenpool Comprehensive Plan. The City of Glenpool Comprehensive Plan was adopted as part of the Tulsa County Comprehensive Plan July, 2019.*

##### Land Use Vision:

*Land Use Plan map designation: Rural*

The Rural designation consists of lands that are sparsely developed, with mainly agricultural and very low-density residential as the primary uses. This category provides its residents with the choice of relative seclusion within the countryside and away from a more developed setting. Glenpool has extensive rural lands within its City limits relative to cities that have this mostly beyond their jurisdiction, except in areas that have been annexed for eventual development, or to preserve rural character through the protections afforded by agricultural zoning. Floodplain areas may also retain their rural character over the long term given their unsuitability for any intensive land development.

*Areas of Stability and Growth designation: None*

Transportation Vision:

*Major Street and Highway Plan:* S Lewis Ave is designated as a Secondary Arterial

*Trail System Master Plan Considerations:* None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary:* The site currently contains a single-family residence

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
S Lewis Ave	Secondary Arterial	100 feet	2

Utilities:

The subject tract has municipal water available. A septic system will be required for sewer service.

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	AG	Rural	N/A	Single-Family/AG
South	AG	Rural	N/A	Single-Family/AG
East	AG	N/A	N/A	Single-Family
West	AG	Rural	N/A	Single-Family/AG

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Resolution number 247350 dated March 18, 2019 established zoning for the subject property.

**Subject Property:**

**CZ-482/PUD-852 March 2019:** All concurred in **approval** of a request to rezone a 10± acre tract of land from AG to RE and **approval** of a proposed *Planned Unit Development* for a Single-family subdivision, on property located south of the southwest corner of East 161<sup>st</sup> Street South and South Lewis Avenue. (Resolution No. 247350)

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

**Surrounding Property:**

No Relevant History.

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

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

**TMAPC Action; 6 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 6-0-0 (Blair, Covey, Craddock, Kimbrel, Shivel, Whitlock, “aye”; no “nays”; none “abstaining”; Adams, McArtor, Reeds, Van Cleave, Walker, “absent”) to recommend **APPROVAL** of the AG zoning for CZ-511 per staff recommendation.

**Legal Description CZ-511:**

SE NE NE SEC 30 17 13

\* \* \* \* \*

- 7. **PUD-852-A Greg Hollinger** (County) Location: South of the southwest corner of East 161st Street South and South Lewis Avenue requesting a **PUD Major Amendment** to abandon PUD-852 (Related to CZ-511)

**STAFF RECOMMENDATION:**

**SECTION I: PUD-852-A**

**DEVELOPMENT CONCEPT:** The applicant is proposing to abandon PUD-852 in conjunction with rezoning case CZ-511, requesting a rezone from RE to AG, to permit a single family residence. The Residential Estate development that was proposed for PUD-852 was never constructed.

The subject lot is located within the Rural land use designation of the Tulsa County Comprehensive Land Use Plan. The proposed PUD abandonment and rezoning would be compatible with that designation.

## **DETAILED STAFF RECOMMENDATION:**

PUD-852-A is non-injurious to surrounding proximate properties;

PUD-852-A is compatible with the Rural land use designation of the Tulsa County Comprehensive Land Use Plan;

PUD-852-A is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends **Approval** of PUD-852-A to abandon PUD-852.

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The subject lot is located in an area designated as Rural in the Tulsa County Comprehensive Plan and the City of Glenpool Comprehensive Plan. The City of Glenpool Comprehensive Plan was adopted as part of the Tulsa County Comprehensive Plan July, 2019.*

### Land Use Vision:

*Land Use Plan map designation: Rural*

The Rural designation consists of lands that are sparsely developed, with mainly agricultural and very low-density residential as the primary uses. This category provides its residents with the choice of relative seclusion within the countryside and away from a more developed setting. Glenpool has extensive rural lands within its City limits relative to cities that have this mostly beyond their jurisdiction, except in areas that have been annexed for eventual development, or to preserve rural character through the protections afforded by agricultural zoning. Floodplain areas may also retain their rural character over the long term given their unsuitability for any intensive land development.

*Areas of Stability and Growth designation: None*

### Transportation Vision:

*Major Street and Highway Plan: S Lewis Ave is designated as a Secondary Arterial*

*Trail System Master Plan Considerations: None*

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The site currently contains a single-family residence*

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
S Lewis Ave	Secondary Arterial	100 feet	2

Utilities:

The subject tract has municipal water available. A septic system will be required for sewer service.

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	AG	Rural	N/A	Single-Family/AG
South	AG	Rural	N/A	Single-Family/AG
East	AG	N/A	N/A	Single-Family
West	AG	Rural	N/A	Single-Family/AG

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Resolution number 247350 dated March 18, 2019 established zoning for the subject property.

***Subject Property:***

**CZ-482/PUD-852 March 2019:** All concurred in **approval** of a request to rezone a 10± acre tract of land from AG to RE and **approval** of a proposed *Planned Unit Development* for a Single-family subdivision, on property located south of the southwest corner of East 161<sup>st</sup> Street South and South Lewis Avenue. (Resolution No. 247350)



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

***Surrounding Property:***

No Relevant History.

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

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

**TMAPC Action; 6 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 6-0-0 (Blair, Covey, Craddock, Kimbrel, Shivel, Whitlock, “aye”; no “nays”; none “abstaining”; Adams, McArtor, Reeds, Van Cleave, Walker, “absent”) to recommend **APPROVAL** of the PUD major amendment for PUD-852-A.

**Legal Description PUD-852-A:**

SE NE NE SEC 30 17 13

\* \* \* \* \*

- 8. **CZ-512 Tanner Consulting, LLC-Erik Enyart** (County) Location: Southeast corner of East 136th Street North and North Sheridan Road requesting rezoning from **AG to AG-R**

**STAFF RECOMMENDATION:**

**SECTION I: CZ-512**

**DEVELOPMENT CONCEPT:** The applicant is proposing to rezone from AG to AG-R to permit multiple single-family residences. AG zoning requires 2.1 Acres per dwelling unit, while AG-R requires 1.1 Acres per dwelling unit. The subject lots are located within the Residential land use designation of the Tulsa County Comprehensive Land Use Plan. The proposed rezoning from AG to AG-R would be compatible with the Residential land use designation.

**DETAILED STAFF RECOMMENDATION:**

CZ-512 is non-injurious to surrounding proximate properties;

CZ-512 is compatible with the Residential land use designation of the Tulsa County Comprehensive Land Use Plan;

CZ-512 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends **Approval** of CZ-512 to rezone property from AG to AG-R.

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

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

*The Land Use Master Plan designates this area as Residential. See the attached Land Use Map. Residential land use includes single-family homes, duplexes, townhouses, apartment units, and manufactured homes.*

### Land Use Vision:

*Land Use Plan map designation: Residential*

Residential Land Uses includes single-family homes, duplexes, townhouses, apartment units and manufactured homes.

*Areas of Stability and Growth designation: N/A*

### Transportation Vision:

*Major Street and Highway Plan: E 136<sup>th</sup> St N is designated as a Secondary Arterial*

*Trail System Master Plan Considerations: None*

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The subject lots are currently vacant agricultural land.*

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
E 136 <sup>th</sup> St N	Secondary Arterial	100 feet	2

Utilities:

The subject tract has municipal water available. Sewer will be provided by an aerobic system on the lots.

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	AG/RE	Residential	N/A	Single-Family/Vacant
South	AG	Residential	N/A	Vacant
East	AG	Residential	N/A	Single-Family
West	AG	Residential	N/A	Single-Family/Vacant

**SECTION III: Relevant Zoning History**

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

***Subject Property:***

No Relevant History.

***Surrounding Property:***

**CZ-449 January 2017:** All concurred in **approval** of a request for *rezoning* a 44.5± acre tract of land from AG to RE for a Single-family residential subdivision, on property located east of the northeast corner of East 136<sup>th</sup> Street North and North Sheridan Road.

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

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

**Interested Parties:**

**Joseph Walker** 13824 North 71st Avenue, Collinsville Oklahoma

Mr. Walker stated he was curious about the nature of this split out because the tract of land looks like it is divided into two parcels and would like to know if this is one subject track on the northwest corner or two separate tracts.

Staff stated there is 2 separate tracts.

Mr. Walker asked if the subject property will be designated for a lot split.

**Applicant Comments:**

**Ricky Jones**, Tanner Consulting, LLC 5323 South Lewis Avenue, Tulsa, OK

The applicant states his client owns both of the tracts and the property to the south as well. He stated this is a rezoning of those two applications and then they return with either a lot split or a Preliminary Plat to show how that property is going to be configured. He stated it will be subdivided in some form or fashion, either by lot split or subdivision in the future.

Mr. Walker asked what the orientation and the size of this development was and will it single family lots. He asked if there would be covenants. Mr. Walker stated there is drainage and the ground is not very permeable and water just sits for weeks.

The applicant stated they do not have the exact configuration yet of how they will be split but they will be single family lots in some science or fashion. He stated they will be a minimum of 1.1 acres and there will be a future rezoning application to the property to the south of AG for something smaller.

**TMAPC Action; 6 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 6-0-0 (Blair, Covey, Craddock, Kimbrel, Shivel, Whitlock, "aye"; no "nays"; none "abstaining"; Adams, McArtor, Reeds, Van Cleave, Walker, "absent") to recommend **APPROVAL** of the AG-R zoning for CZ-512 per staff recommendation.

**Legal Description CZ-512:**

PER WARRANTY DEED DATED DECEMBER 18, 2020 AND FILED OF RECORD DECEMBER 30, 2020 AS DOCUMENT NO. 2020129790 IN THE RECORDS OF THE COUNTY CLERK OF TULSA COUNTY, OKLAHOMA:

A TRACT OF LAND THAT IS PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION THIRTY-FIVE (35), TOWNSHIP TWENTY-TWO (22) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NW/4 OF SAID SECTION 35; THENCE NORTH 89°54'52" EAST ALONG THE NORTH LINE OF THE NW/4 A DISTANCE OF 988.0 FEET; THENCE SOUTH 00°05'35" WEST 360.00 FEET; THENCE SOUTH 89°54'52" WEST 988.0 FEET TO THE WEST LINE OF THE NW/4; THENCE NORTH 00°05'35" EAST ALONG SAID WEST LINE 360.00 FEET TO THE POINT OF BEGINNING.

AND ALSO:

PER WARRANTY DEED DATED DECEMBER 18, 2020 AND FILED OF RECORD DECEMBER 30, 2020 AS DOCUMENT NO. 2020129791 IN THE RECORDS OF THE COUNTY CLERK OF TULSA COUNTY, OKLAHOMA:

A TRACT OF LAND THAT IS PART OF THE NORTHWEST QUARTER (NW/4) OF SECTION THIRTY-FIVE (35), TOWNSHIP TWENTY-TWO (22) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NW/4 OF SAID SECTION 35; THENCE NORTH 89°54'52" EAST ALONG THE NORTH LINE OF THE NW/4 A DISTANCE OF 1048.0 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89°54'52" EAST 939.18 FEET; THENCE SOUTH 00°03'37" WEST 360.00 FEET; THENCE SOUTH 89°54'52" WEST 939.38 FEET; THENCE NORTH 00°05'35" EAST A DISTANCE OF 360.00 FEET TO THE NORTH LINE OF THE NW/4 AND THE POINT OF BEGINNING.

\* \* \* \* \*

- 9. Z-7602 John Moody (CD 6) Location: Southeast corner of East Skelly Drive and South 123rd East Avenue requesting rezoning from **CO to IL with optional development plan****

**STAFF RECOMMENDATION:**  
**SECTION I: Z-7602**

**APPLICANTS STATEMENT OF INTENT:**

Coates Commercial Properties, LLC is acquiring the former Seychelles Organics bottling and distribution plant located at 123020 E. Skelly Drive, Tulsa, OK, to lease for low impact manufacturing and industry businesses, including offices and warehouses.

The plant is located in an Employment land use designation and has been vacant for several years. The property is now zoned Corridor District (CO). The existing CO zoning has made it difficult to market because CO is not favored by tenants and businesses. The applicant states that in their experience that potential buyers, tenants and brokers-particularly from out of state-representing businesses looking for industrial property in Tulsa generally will not look at properties that are zoned CO. In order to better market the property, the applicant is requesting to rezone the property from CO to IL-Low Impact Manufacturing & Industry District.

**DETAILED STAFF RECOMMENDATION:**

The subject tract and properties north, south, and west are within an Employment land use designation in the City of Tulsa Comprehensive plan. The current IL zoning request provides a site-specific development plan that expands redevelopment opportunities, and the current zoning code provides predictable results for the surrounding property owners providing supplemental regulations that will continue to help integrate this site into the surrounding neighborhood and,

Uses allowed in the proposed in the development plan with normal supplemental regulations are consistent with the Employment land use designation in the City of Tulsa Comprehensive Plan and,

Uses allowed in the proposed development plan and IL zoning district along with normal supplemental regulations additional limitations identified in the optional development plan is compatible with the surrounding proximate properties and,

The optional development plan outlined in section II below is consistent with the provisions of the City of Tulsa Zoning Code therefore,

Staff recommends Approval of Z-7602 to rezone property from CO zoning to IL but only with the optional development plan as defined in section II.

## **SECTION II: Development Plan**

The optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in an IL 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:

### Permitted Use Categories, Subcategories and Specific Uses

- A) Public, Civic, and Institutional
  - Safety Service
  - Utilities and Public Service Facility
    - Minor
  - Wireless Communication Facility
    - Freestanding Tower
    - Building tower mounted antenna
- B) Commercial
  - Broadcast or Recording Studio
  - Research Service
  - Office
    - Business or professional office
    - Medical, dental or health practitioner office
- C) Wholesale, Distribution and Storage
  - Warehouse
  - Wholesale Sales and Distribution
- D) Industrial (all industrial uses must be located inside a building)
  - Low-impact manufacturing and industry.
- E) Agriculture
  - Community Garden
  - Market or Community supported Farm,
  - Horticulture Nursery

### Building Height

Maximum building height shall not exceed 40 feet

### Landscape standards

Where an F1 screen is required the minimum landscape width shall be 10 feet and the fence shall be a minimum height of 6 feet with a maximum height of 8 feet.

### Hours of operation:

Truck Traffic shall be prohibited between the hours of 11:00pm and 7:00am.

## **SECTION III: Supporting Documentation**

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

*Staff Summary: Uses allowed in a light manufacturing (IL) zoning district are normally consistent with the Employment land use designation. Where IL districts are adjacent to residentially zoned properties the zoning code provides predictable screening and outdoor use limitations that are contemplated in the comprehensive plan.*

### **Land Use Vision:**

*Land Use Plan map designation:* Employment

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

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

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

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

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



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

Transportation Vision:

*Major Street and Highway Plan:* None

*Trail System Master Plan Considerations:* None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The building on the site was originally constructed for a bottling plant and includes warehousing, office and some light manufacturing.*

*Street view from west edge of property on East Skelly Drive looking East.*



Environmental Considerations: None that affect site development.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
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East Skelly Drive	Residential Collector	60 feet	Two lanes, both lanes are one way east bound traffic
South 123 <sup>rd</sup> East Avenue	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North across I-44	IL	Employment	Growth	Light industrial uses
East	RS-2 and CS	Existing Neighborhood	Stability	Large lot single family residential
South	RS-2	Employment	Growth	Single Family homes
West	CS	Employment	Growth	Religious Assembly

**SECTION IV: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 14292 dated October 30, 1978 established the current zoning for the subject property.

***Subject Property:***

**Z-5110 October 1978:** All concurred in **approval** of a request for *rezoning* a 7± acre tract of land from RS-2 to CO, on property located at the southeast corner of the Intersection of the Skelly Bypass and South 123<sup>rd</sup> East Avenue (Ordinance No. 14292). The site plan was approved in case Z-5110 SP-1 at the City Council September 14<sup>th</sup>, 1995. Several amendments have been filed with the last public hearing for a site plan amendment in 2015. The following standards have been applied to the current site plan approval.

1. 8' screening fence abutting each adjacent residential lot.
2. Maximum building height of 37'.
3. Warehousing (truck traffic) operations from 7:00 a.m. to 11:00 p.m. only.
4. Security lighting to be directed down into the space to be secured and away from residential areas.

5. Uses restricted to those allowed under Use Units 11 and 23. (Manufacturing and retail sales are not permitted.)
6. Submittal and approval of detail landscape plans by TMAPC prior to issuance of building permits.
7. Submittal and approval of detail sign plans by TMAPC prior to issuance of any sign permits.
8. 10' minimum parking setback from westerly property line.
9. Dedication of an additional 5' of right-of-way on the side East 123<sup>rd</sup> Street South

**BOA-06870 January 1971:** The Board of Adjustment **approved** a *Variance* to permit erecting a sign 10' x 44' and 10' high in an RS-2 district, on property located at 12316 East Skelly Drive.

Ordinance number 11817 dated June 26, 1970 established zoning for the subject property.

***Surrounding Property:***

**BOA-18392 April 1999:** The Board of Adjustment **denied** a *Special Exception* to permit auto tune-up as a home occupation in an RS-2 District, a *Variance* of the required all-weather surface to permit gravel parking area, a *Variance* to permit two dwelling units per lot of record on a 2.3 acre tract, a *Special Exception* to permit a double-wide manufactured home in an RS-2 District, and a *Special Exception* of the one year time limit for a mobile home to permanent, on property located at 442 South 127<sup>th</sup> East Avenue.

**BOA-18261 December 1998:** The Board of Adjustment **approved** a *Special Exception* to allow Use Unit 15 in a CS zoned district, limiting the approval to the sale of partition flooring materials and the incidental fabricating of plastic materials, on property located at south of the southeast corner of East 4<sup>th</sup> Place South and Skelly Bypass.

**Z-6577 January 1997:** All concurred in **approval** of a request for *rezoning* a 1.24± acre tract of land from CS to IL for outdoor advertising sign, on property located west of the southwest corner of East 4<sup>th</sup> Place and East Skelly Drive.

**Z-6533 May 1996:** All concurred in **approval** of a request for *rezoning* a 1.9± acre tract of land from RS-2 to CS for commercial, on property located 412-430 South 127<sup>th</sup> East Avenue.

**Z-6520 January 1996:** All concurred in **approval** of a request for *rezoning* a 3± acre tract of land from OM/RS-3 to CS for commercial, on property located at the northwest corner of East 7<sup>th</sup> Street and South 123<sup>rd</sup> East Avenue.

**Z-6480/PUD-539 August 1995:** All concurred in **approval** of a request for *rezoning* a 13.67± acre tract of land from RM-1/RM-3 to CS and **approval** of a proposed *Planned Unit Development* for storage buildings, on property located at the southeast corner of South 123<sup>rd</sup> East Avenue and East 7<sup>th</sup> Street South.

**Z-5599 September 1981:** All concurred in **approval** of a request for *rezoning* a 1.6± acre tract of land from RS-2 to CS for commercial, on property located west of 127<sup>th</sup> East Avenue and South Skelly Drive.

**BOA-07290 January 1972:** The Board of Adjustment **approved** a *Variance* to modify the bulk and area requirements to permit a 60,000 sq. ft. building on two acres of land with a restaurant facility in an OM District, on property located at the northwest corner of 7<sup>th</sup> Street and 123<sup>rd</sup> West Avenue.

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

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

**TMAPC Action; 6 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 6-0-0 (Blair, Covey, Craddock, Kimbrel, Shivel, Whitlock, "aye"; no "nays"; none "abstaining"; Adams, McArtor, Reeds, Van Cleave, Walker, "absent") to recommend **APPROVAL** of the IL zoning with the optional development plan for Z-7602 per staff recommendation.

**Legal Description Z-7602:**

LT 1 BLK 1, ROCKLAND CENTER

## **OTHER BUSINESS**

### **10. Commissioners' Comments**

None

**ADJOURN**

**TMAPC Action; 6 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 6-0-0 (Blair, Covey, Craddock, Kimbrel, Shivel, Whitlock, "aye"; no "nays"; none "abstaining"; Adams, McArtor, Reeds, Van Cleave, Walker, "absent") to **ADJOURN** TMAPC meeting of April 7, 2021, Meeting No. 2838.

**ADJOURN**

There being no further business, the Chair declared the meeting adjourned at 3:03 p.m.

Date Approved:

04-21-2021

  
Chairman

ATTEST:

  
Secretary