

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2841

Wednesday, May 5, 2021, 1:00 p.m.

City Council Chamber

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

Members Present	Members Absent	Staff Present	Others Present
Adams-R	Kimbrel	Foster-P	Jordan, COT-P
Blair-R		Hulse-R	Silman, COT-P
Covey-P		Miller-P	Skates, COT-R
Craddock-R		Sawyer-P	VanValkenburgh, Legal-R
McArtor-R		Wilkerson-P	
Reeds-P			
Shivel-R			
Van Cleave-R			
Walker-P			
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 Wednesday, April 28, 2021 at 2:47 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 Miller stated the governor rescinded the state of emergency therefore based on the Open Meetings Act Commissioners can attend the meetings virtually through the June 2, 2021 meeting. She stated there is additional pending legislation that may allow that time period to be extended up to a few years. She stated a work session will be needed either in July or August to talk about the PlaniTulsa update, the Route 66 BRT Land Use framework, and some Zoning Code amendments. Ms. Miller reported on Board of County Commissioner actions and other special projects.

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Mr. Walker stepped out of meeting at 1:07pm.

Ms. Van Cleave was experiencing technical difficulties and therefore did not vote until item number 5.

Minutes:

1. Approval of the minutes of **April 21, 2021 Meeting No. 2840**

On **MOTION** of **COVEY**, the TMAPC voted 8-0-0 (Adams, Blair, Covey, Craddock, McArtor, Reeds, Shivel, Whitlock, "aye"; no "nays"; none "abstaining"; Kimbrel, Van Cleave, Walker "absent") to **APPROVE** the minutes of April 21, 2021, Meeting No. 2840

CONSENT AGENDA

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

None

PUBLIC HEARING-PLATS

Review and possible approval, approval with modifications or denial of the following:

Mr. Walker returned at 1:10pm.

2. **Addison Creek Crossing** (CD 8) Preliminary Plat, Location: South of the southeast corner of East 121st Street South and South Hudson Avenue

STAFF RECOMMENDATION:

Addison Creek Crossing - (CD 8)

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

This plat consists of 48 lots, 3 blocks on 20.01 ± acres for use as a single-family residential subdivision.

The Technical Advisory Committee (TAC) met on April 15, 2021 and provided the following conditions:

1. **Zoning:** The property is currently zoned AG. TMAPC recommended approval of a rezoning (Z-7603) to RS-3 on April 21, 2021. Rezoning to RS-3 must be approved and effective prior to final plat approval to ensure compliance for all lots proposed.
2. **Transportation & Traffic:** Sidewalks are required to be installed by the developer along South Hudson Avenue. Sidewalks required along both sides of residential streets to be installed as part of construction on individual lots. IDP approval for required sidewalks must be completed prior to final plat approval. City of Tulsa Streets and Stormwater approval is required for proposed mid-block pedestrian crossings on South Hudson Avenue. Consider additional pedestrian connection to reserve area from South Irvington Avenue cul-de-sac.
3. **Sewer:** Proposed sanitary sewer extensions will require approval of an IDP. IDP approval is required prior to approval of the final plat. Easements and dedications must be clearly dimensioned and labeled on the face of the plat.
4. **Water:** Proposed water main extensions will require approval of an IDP. IDP approval is required prior to approval of the final plat. Easements and dedications must be clearly dimensioned and labeled on the face of the plat.
5. **Engineering Graphics:** Submit a subdivision control data sheet with final plat. Provide addresses for individual lots. Label the property being platted as "site" or "project location" in the location map. Show only filed plats in the location map and label all other property as unplatted. Under the "Basis of Bearing" heading provide a bearing angle between two known points associated with this plat. Graphically show all pins found or set associated with this plat. Graphically label the Point of Beginning and Point of Commencement.
6. **Stormwater, Drainage, & Floodplain:** All delineated floodplain boundaries, including City of Tulsa Regulatory Floodplain, must be clearly and accurately shown on the plat with base flood elevations labeled. It is recommended that the current effective map panels with map effective dates also be placed on

the plat. Any proposed development within the floodplain must meet the floodplain development requirements of the City of Tulsa Revised Ordinances, Title 11-A and Title 51 as well as all City drainage standards. Proposed changes to the floodplain boundaries or flood elevations will be subject to floodplain map revisions. Stormwater improvements are required to obtain IDP approval prior to final plat approval.

7. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

Condition added by staff at TMAPC meeting 5/5/2021:

Any proposed public improvements located within existing easements must receive written permission from easement rights holder or existing easement must be removed prior to final plat approval.

Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the conditions provided by TAC and all other requirements of the regulations. Final plat approval is contingent on a final release from the City of Tulsa including Development Services, City Legal, and City Engineering.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

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

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3. **Wind River Plaza** (CD 8) Preliminary Plat, Location: Northwest corner of East 121st Street South and South Yale Avenue

STAFF RECOMMENDATION:

Wind River Plaza - (CD 8)

Northwest corner of East 121st Street South and South Yale Avenue

This plat consists of 28 lots, 5 blocks on 13.41 ± acres for use as a single-family residential subdivision, office, and commercial space. The subdivision is proposed to be platted in 2 phases with the following expiration dates:

- Phase 1 – Blocks 1, 2, 3, and Block 4 Lot 1: 2 years from preliminary approval
- Phase 2 – Block 5 and Block 4 Lot 2: 4 years from preliminary approval

The Technical Advisory Committee (TAC) met on April 15, 2021 and provided the following conditions:

1. **Zoning:** The property is currently zoned RS-4, CG, and OL with an optional development plan (Z-7588). Optional development standards are required to be included with final plat. Ordinance #24578 was published on March 10, 2021.
2. **Transportation & Traffic:** Sidewalks are required to be installed by the developer along East 121st Street South and South Yale Avenue. Sidewalks required along both sides of residential streets to be installed as part of construction on individual lots. East 119th Street South is required to be improved to public street standards of the City of Tulsa and appropriate turnarounds must be provided at any dead-end. IDP approval for required sidewalks and street improvements must be completed prior to final plat approval. Gate and queuing areas are required to obtain building permits from the City of Tulsa and site plan approval by the Tulsa Planning Office prior to final plat approval. Provide limits of no access on the face of the plat.
3. **Sewer:** Proposed sanitary sewer extensions will require approval of an IDP. IDP approval is required prior to approval of the final plat. Easements and dedications must be clearly dimensioned and labeled on the face of the plat.
4. **Water:** Proposed water main extensions will require approval of an IDP. IDP approval is required prior to approval of the final plat. Easements and dedications must be clearly dimensioned and labeled on the face of the plat.
5. **Engineering Graphics:** Submit a subdivision control data sheet with final plat. Provide addresses for individual lots. Label the property being platted as "site" or "project location" in the location map. Show only filed plats in the location map and label all other property as unplatted. Under the "Basis of Bearing" heading provide a bearing angle between two known points associated with this plat. Graphically show all pins found or set associated with this plat. Graphically label the Point of Beginning and Point of Commencement.
6. **Stormwater, Drainage, & Floodplain:** All delineated floodplain boundaries, including City of Tulsa Regulatory Floodplain, must be clearly and accurately shown on the plat with base flood elevations labeled. It is recommended that the current effective map panels with map effective dates also be placed on the plat. Any proposed development within the floodplain must meet the floodplain development requirements of the City of Tulsa Revised Ordinances, Title 11-A and Title 51 as well as all City drainage standards. Proposed changes to the floodplain boundaries or flood elevations will be subject to floodplain map revisions. Stormwater improvements are required to obtain IDP approval prior to final plat approval.
7. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

Condition added by staff at TMAPC meeting 5/5/2021:

Any proposed public improvements located within existing easements must receive written permission from easement rights holder or existing easement must be removed prior to final plat approval.

Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the conditions provided by TAC and all other requirements of the regulations. Final plat approval is contingent on a final release from the City of Tulsa including Development Services, City Legal, and City Engineering.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

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

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PUBLIC HEARING-COMPREHENSIVE PLAN CONFORMANCE

Review and possible recommendation of approval, approval with modifications, denial or deferral of the following:

4. Adopt a resolution of the Tulsa Metropolitan Area Planning Commission determining that the **36th Street North and MLK Project Plan** is in conformance with the Tulsa Comprehensive Plan and recommending to the City of Tulsa the approval and adoption of the 36th Street North and MLK Project Plan.

STAFF RECOMMENDATION:

Item:

Adopt a resolution of the Tulsa Metropolitan Area Planning Commission (TMAPC) determining that the 36th St N and MLK Tax Increment Finance (TIF) Project Plan is in conformance with the Tulsa Comprehensive Plan and recommending to the Tulsa City Council subsequent approval and adoption.

Background:

As outlined in the *Tulsa Comprehensive Plan*, a TIF is “a redevelopment tool used to provide dedicated funding within well-defined districts for public investments such as infrastructure improvements, by capturing the future increase in tax revenue generated by appreciation in property values as a result of those improvements.”

The Oklahoma Constitution authorizes special financing tools to assist with the development or redevelopment of areas determined by a city, town, or county to be unproductive, undeveloped, underdeveloped, or blighted. The Local Development Act or “Act” provides those tools and guidelines limiting their use to areas where investment, development, and economic growth are difficult but possible if the Act is used.

Tax increment financing is one of the tools mentioned in the Act, which allows a city, town, or county to direct the apportionment of an increment of certain local taxes and fees to finance public project costs to stimulate development in a defined area. The sales tax increment is the portion of sales taxes collected each year that are generated by the project(s) in the increment district, as determined by a formula approved by the governing body. The ad valorem increment shall be those ad valorem taxes from the increment district in excess of the base assessed value as determined by the Tulsa County Assessor. The increment district is established by the development and approval of a project plan, which specifies the project area, the boundaries of the increment district, the objectives for the project area, the activities to be carried out in furtherance of those objectives, and the costs.

The **36th St N and MLK Project Area** is the area in which project activities will take place and project expenditures may also be made. Increment District A is the area from which the increment is generated. The boundaries of the Project Area and Increment A are the same and are generally located along North 36th Street at Martin Luther King Jr. Boulevard.

The project plan consists of a single increment district from which tax increment is generated, Increment District A. Full-size maps of both the project area and increment district are included in the attached Project Plan document.

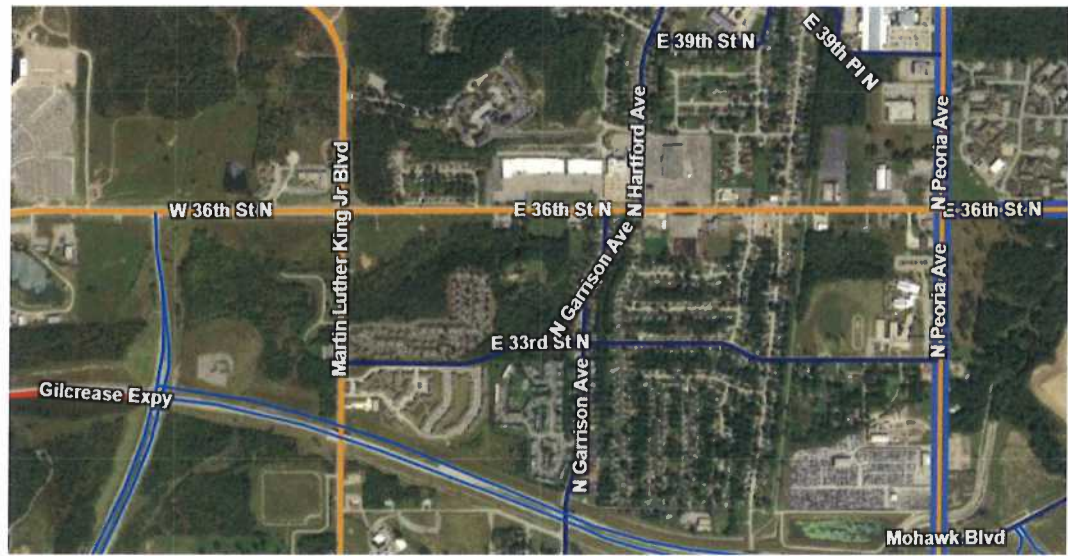
Conformance Review:

Prior to submittal to City Council, the TMAPC is asked to review the Project Plan and adopt a resolution stating that the plan is in conformance with the adopted Tulsa Comprehensive Plan. Staff analysis focused on four major components of the *Tulsa Comprehensive Plan*:

- Major Street and Highway Plan
- Comprehensive Plan – Land Use Designations
- Comprehensive Plan Priorities
- 36th Street North Corridor Small Area Plan

A. Major Street and Highway Plan

The Major Street and Highway Plan (MSHP) classifies the street segments in the Project Plan Area as Secondary Arterial. The typical secondary arterial street is designed to primarily support automotive traffic in large volumes and that is moving at a fast pace. Further east on 36th St N the street classification does transition to Multi-Modal Corridor. This type of street is intended to support various modes of transportation including auto-users and cyclists, as well as encouraging a more active sidewalks with pedestrian activity.



B. Comprehensive Plan- Land Use Designations

The land use designations in the Project Plan Area are Regional Center, Town Center, and Main Street. A land use map of the applicable area is included as an attachment.

These primary land use designations are described in the *Tulsa Comprehensive Plan* as:

"Regional Centers" are mid-rise mixed-use areas for largescale 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.

"Town Centers" 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.

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

The “Objectives” and “Statement of Principal Actions” in the *36th St N and MLK Project Plan and Supporting Increment District, City of Tulsa* are fully consistent with the land use designations. The Project Plan and resulting revenues generated by the TIF will help fund the implementation of adopted plans and policies related to development within the area, including the Comprehensive Plan. Further, the development in the area will provide quality development and placemaking by adding mixed-use projects, and housing in a variety of types and with a range of prices.

C. Comprehensive Plan Priorities

The *Tulsa Comprehensive Plan* contains multiple priorities, goals and policies to promote economic development in order to attract investment, enhance the tax base, stimulate economic growth, and improve the quality of life in and around the City. Below are portions of the Comprehensive Plan (not all encompassing) that align with the objectives of the *36th St N and MLK Project Plan* and can be implemented through the benefits of the Project Plan.

Housing Goal 7 states: “Low-income and workforce housing is available in neighborhoods across the city”. Policies to support this goal include:

- 7.1- Work with for-profit and non-profit developers to encourage new mixed-income developments across the city.

Land Use Goal 8 states: “Underutilized land in areas of growth is revitalized through targeted infill and reinvestment”. Policies to support this goal include:

- 8.1- Create a toolkit to promote desired infill and redevelopment. The toolkit should include the following items:
 - Identify viable financial packages to develop funding strategies
 - Build public/private/nonprofit partnerships to create effective resources

Land Use Goal 3 states: "New development is consistent with the PLANiTULSA building blocks." Policies to support this goal include:

- 3.2 Encourage a balance of land uses within walking distance of each other
 - Support ground floor retail along main streets along with upper story housing and offices.

D. 36th Street North Corridor Small Area Plan

Many of the stated goals and priorities of the Comprehensive Plan are echoed by the adopted 36th Street North Corridor Small Area Plan which is applicable to portions of the project area. Specifically, the project plan focuses on housing and economic development, which align with the goals in the small area plan.

Land Use Goals:

Goal 2 - Promote a mix of uses in new development and redevelopment

Economic Development Goals:

Goal 20 - Promote the plan area as a destination for retail and entertainment services.

Housing Goals:

Goal 23- Encourage a range of housing types, including multi-family, townhomes and traditional single family.

The objectives of the 36th St N and MLK Project Plan align with the goals of the small area plan and the TIF will provide a mechanism to implement these strategies.

Staff Recommendation:

Approval of the 36th St N and MLK Plan, finding it to be in conformance with the Tulsa Comprehensive Plan and recommending to the Tulsa City Council subsequent approval and adoption.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **REEDS**, TMAPC voted **9-0-0** (Adams, Blair, Covey, Craddock, McArtor, Reeds, Shivel, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Kimbrel, Van Cleave, "absent") to **APPROVE** a resolution finding the 36th Street North and MLK Project Plan finding it to be in conformance with the Tulsa Comprehensive Plan and recommending to the City of Tulsa the approval and adoption of the 36th Street North and MLK Project Plan.

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PUBLIC HEARING-REZONING

Review and possible recommendation of approval, approval with modifications, denial or deferral of the following:

Ms. Van Cleave resolved her audio issues.

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

STAFF RECOMMENDATION: **SECTION I: CO-10**

APPLICANTS DEVELOPMENT CONCEPT:

The Applicant requests a Major Amendment to Corridor Plan Z-5498-SP-2 to add permitted uses to the Corridor Development Plan for property located at 7902 S. Lewis Ave. (the "Property"). The Property is comprised of approximately five (5) acres of land and lies north of the northwest corner of East 81st Street and South Lewis Avenue. Today, the Property is surrounded by development on all sides: to the east by Oral Roberts University ("ORU"), to the north by Victory Christian Center and to the west by a Wal-Mart Super 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 1981 for the development of a hotel in conjunction with the then-planned expansion of the ORU campus and the development of the City of Faith medical complex (now the CityPlex office towers). These plans were abandoned, and the Property was sold by ORU in 1995. Currently, the only permitted use of the Property in the Corridor Development Plan is Hotel use, with daycare services to hotel employees.

The Applicant, Veterans Services USA ("VSUSA"), provides a variety of resources and housing to veterans, focusing on those aged 55 and older. VSUSA desires to amend the Permitted Uses in the Corridor Development Plan to be consistent with the development pattern in the South Lewis Corridor and to repurpose the existing Crown Plaza Hotel for long-term housing tailored to veterans and seniors (55+). Services provided to the project's residents and the community will include meal services; social and recreational activities; education, occupational and vocational skills training; counseling and therapy; individualized nutrition and life safety skills training; special assistance and care for dementia, Alzheimer's and similar conditions, as well as for military injuries

and post-traumatic stress; and adult day care. The adult day care facility will be open to both residents of the project and the public and will provide additional services such as nursing care, daily activities, and transportation to local appointments.

A Conceptual Site Plan showing the location of the buildings and other improvements, landscaping, vehicle access and parking, is attached hereto as Exhibit "B".

Except as provided below, all other Development Standards will remain the same and subject to all applicable ordinances, building and occupancy codes and regulations of the City of Tulsa, Oklahoma.

DETAILED STAFF RECOMMENDATION:

Staff fully supports the appropriate redevelopment opportunities, uses and development standards as outlined in CO-10. The redevelopment opportunities are consistent with the Regional Center land use designation in the Tulsa Comprehensive Plan and abutting CS zoned properties; 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-10 are consistent with the provisions of the Corridor chapter of the Tulsa Zoning Code.

After a neighborhood engagement processes the applicant has submitted lease terms, military preferences and age preferences and other concepts that are not normally part of the zoning code standards in the City of Tulsa. In this instance staff has outlined important concepts supported by surrounding property owners in Section III.B that should be private deed restrictions excluded from the development plan. The City of Tulsa has no enforcement mechanism in place to monitor or enforce those provisions.

During the neighborhood engagement process the applicant has agreed to prohibit psychiatric care that is normally part of the Medical, Dental, and Health Practitioner Office subcategory. The City of Tulsa routinely limits uses in development plans and has enforcement capabilities during and after the building permit process.

Uses defined in the development standards with the lot and building regulations and supplemental regulations in the Tulsa Zoning Code are consistent with the existing development pattern in this area of Tulsa; and

Staff recommends Approval of the development plan for CO-10. as outlined in Section II below.

SECTION II: CO-10 DEVELOPMENT STANDARDS:

CO-10 replaces all previous zoning and site plan approvals on this site.

CO-10 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.

The Permitted Uses in Corridor Development Plan Z-5498-SP are hereby deleted in their entirety and replaced with the following Categories, Subcategories, residential building types, building types.

RESIDENTIAL Use Category: (subcategories and customarily accessory uses allowed only as follows)

- Household Living

- Three or more households on a single lot

- Group Living

- Elderly/Retirement Center

PUBLIC, CIVIC, AND INSTITUTIONAL Use Category: (subcategories and customarily accessory uses allowed only as follows)

- Day Care (limited to Adult Day Care, as defined in the Oklahoma Adult Day Care Act, and customarily accessory uses thereto, including, but not limited to shuttle service)

- Wireless Communication Facility (building mounted only)

COMMERCIAL Use Category: (subcategories and customarily accessory uses allowed only as follows)

- Commercial Service

- Personal Improvement Service

Uses that provide personal grooming, cosmetic or health and well-being-related services. Typical uses include barbers, hair and nail salons, tanning salons, day spas, and body art services.

Lodging

Hotel/Motel and normal accessory uses including, but not limited to, swimming facilities and aquatic activities, fitness centers, banquet halls and event spaces, bar and restaurant, and catering services.

Office

Business and Professional Office
Medical, Dental, and Health Practitioner Office
(Psychiatric office and treatment facilities are prohibited).

Restaurant and Bar including the restaurant and bar subcategory.

Retail Sales

Convenience Goods (Package stores are prohibited)

Uses allowed as follows: (1) sundry goods; (2) products for personal grooming and for the day-to-day maintenance of personal health or (3) food or beverages for off-premises consumption, retail bakeries and similar uses that provide incidental and accessory food and beverage service as part of their primary retail sales business. Typical uses include convenience stores, drug stores, specialty food stores, gift shops.

Studio, Artist, or Instructional Service

Uses in an enclosed building that focus on providing individual or small group instruction or training in fine arts, music, dance, drama, fitness, language or similar activities. Also includes dance studios, ballet academies, yoga studios, martial arts instruction, tutoring, artist studios and photography studios.

Note: Some specific uses that are anticipated may also include individualized or small group instruction in nutrition, life safety and similar skills, training and wellness programs that include but are not limited to, therapy, yoga, and meditation.

Trade School

Uses in an enclosed building that focus on teaching the skills needed to perform a particular job. Examples include

schools of cosmetology, modeling academies, computer training facilities, vocational schools, administrative business training facilities and similar uses.

Lot and building regulations:

MAXIMUM BUILDING COVERAGE	75%
MINIMUM LOT AREA	22,000 square feet
MAXIMUM BUILDING HEIGHT	120 feet
OPEN SPACE	<ul style="list-style-type: none">a. Open space for all dwelling units in the existing building will be provided in the open space shown on the concept plan attached.b. Open space for any new separate building that includes a dwelling unit will require an additional 200 square feet per dwelling unit on the lot.

LANDSCAPING

- a. Landscaping for repurposing the existing building will be provided as illustrated on the concept plan "Exhibit B" in this staff report and will be completed prior to issuance of any occupancy permit.
- b. Any new parcel that may be created through the lot split

process will require landscaping as defined in the Zoning Code.

MINIMUM BUILDING SETBACKS

Street Setback of-way	20 feet from planned right-
From north boundary	20 feet
From south boundary	20 feet
From west boundary	20 feet
Internal lot lines	0 feet

PARKING:

- a. A minimum of 250 parking spaces will be provided on the parcel and may be used by all occupants of the existing or future building.
- b. Parking structures are excluded from the maximum building coverage calculation.

Permitted Residential Building Types:

- Three or more households on a single lot
- Apartments /Condo
- Vertical Mixed-Use Building

Permitted Building Types:

- Apartment/Condo
- Mixed-Use Building
- Vertical Mixed-Use Building
- Commercial Building

SECTION III: Supporting Documentation

A. NEIGHBORHOOD ENGAGEMENT:

Neighborhood engagement is an important part of any rezoning process and particular attention to neighborhood involvement is important for any infill project. The applicant has met with many of

the property owners in the area and the results of those meetings are important in the decision-making process for appropriate mandatory development plan provisions of a CO zoning district.

In this instance some of the provisions in the applicant's submittal for a development plan came directly from the neighborhood discussions. Staff does not object to those concepts however we contend that some of the items listed in the applicant's submittal are private property management concerns and fall outside the enforcement capabilities of the City of Tulsa and should not be included in the development plan.

Staff agrees that ideas that came out of the engagement process may be helpful in supporting a successful repurposing the existing building and offers a predictable outcome to the community but many of those restrictions should be managed privately. A summary of surrounding property owner's considerations that are not part of the development plan are listed as follows:

B. NEIGHBORHOOD ENGAGEMENT RESULTS EXCLUDED FROM DEVELOPMENT PLAN:

Permitted Use Categories, Subcategories.

Residential

Permitted household living uses are limited as follows.

Lessees shall be age 55 or older, with preference given to U.S. military veterans.

Lease terms shall be a minimum of six (6) months.

Lessee household income shall be between 40% and 80% of the area medium income (AMI) (or equivalent income index)

Dwelling Units shall consist of one-bedroom and studio apartments.

On-Site Management:

The project shall have daily, 24-hour on-site management.

Office

Acupuncture is a commonly known medical treatment and was a listed use in the applicant's submittal as an allowed use. Staff has removed that for consistency with the zoning code and that service would normally be considered part of the Medical Office use category.

Retail Sales (The following specific uses were specifically excluded from the development plan and are prohibited)

Medical Marijuana Dispensary
Package store sales for off premise consumption

Sexually Oriented Business (This use category has been excluded from the development plan.) The massage parlor specific use is included in this use category and was mentioned in the applicant's submittal as a prohibited use.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The existing use and proposed uses along with the scale of allowed uses is consistent with the comprehensive plan and the existing building onsite.

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 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 currently developed as a multi-story hotel.

Street View from northeast corner looking southwest.



Environmental Considerations: None that would affect site redevelopment.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Lewis Ave	Secondary Arterial with multi modal corridor designation	100 feet	5 lanes 2 lanes each direction with center turn lanes
Un-named private drive on north boundary of site	None	None	3 lanes, one west bound lane and two northbound lanes at signalized intersection

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	OM	Regional Center	Growth	Church
East	RS-3 with board action for university use	Regional Center	Growth	ORU Campus
South	CS / PUD 495	Regional Center	Growth	Walmart / Murphy Gas
West	OM / PUD 495	Regional Center	Growth	Walmart

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 17848 dated January 14, 1993 established the current zoning for the subject property.

Subject Property:

Z-6376/PUD-495/Z-5498-SP-2 December 1992: All concurred in **approval** of a request to *rezone* the east 780' of the south 656.33' of Z-6376 for CS zoning and the remainder for OM zoning, **approval** of new *Planned Unit Development*, PUD-495, with a reduction of the minimum building setback for the loading dock to 110' and that a wall screening the

loading area be erected parallel to 81st Street, and **approval** of Z-5498-SP-2, an amendment to previously approved *Corridor Site Plan and Detail Site plan Z-5498-SP-1*, on property located north of the northwest corner of South Lewis Avenue and East 81st Street (a 4.97-± acre tract of land).

The purpose of the proposed amendment to the previously approved Corridor Site Plan and Detailed Site Plan is to delete the west 217.80 feet of Lot one, Block one, The Directory (Tract I-Exhibit A), and to add a slightly larger parcel on the north side of Lot One, Block One, The Directory (Tract II-Exhibit A), to the Corridor Site Plan and Detailed Site Plan. Off-Street parking will be provided within Tract II to replace existing off-street parking with Tract I which presently serves the Grandview Hotel. (Ordinance No. 17848)

The Directory (783) June 1981: All concurred in **final approval** and release of The Directory, in accordance with the approved Corridor Site Plan. The site plan only allowed a hotel and customarily related accessory and recreational uses. The zoning code did not require an ordinance for the site plan approval. The provisions outlined in the Corridor Site plan for the Directory will be abandoned with CO-10.

Z-5498-SP May 1981: The Planning Commission voted 7-0-0 April 1981 to recommend **approval** of a *Corridor Development Plan* on a 30± acre tract of land for a hotel to the Board of City Commissioners (who approved the plan May 1981), on property located north and west of 81st Street and South Lewis Avenue. (Ordinance No. 15012)

Z-4236/PUD-127 & Z-4245/PUD-128 : All concurred in **approval** of a request to *rezone* and a new *Planned Unit Development* 67.99-± acre tract of land from RS-2 to RM-1/RD/RS-3, as well as a request to *rezone* a 348.09-± acre tract of land from AG to RS-2/RM-2/RM-1/CS/OM, and a new *Planned Unit Development* on a 275.48-± acre tract of land from RS-2 to RM-1/RD/RS-3 for a large scale development, on properties located west of the northwest corner of 71st Street and Lewis Avenue, and south of the southwest corner of 71st Street and Lewis Avenue. This includes the subject property and a large portion of the surround area to the north and west. (Ordinance No. 12614)

Ordinance number 11828 dated June 26, 1970 established zoning for the subject property.

Surrounding Property:

PUD-495-A August 1994: All concurred in **approval** of a proposed *Major Amendment* to PUD on a 1± acre tract of land for a drive-in restaurant, on

property located at the northwest corner of East 81st Street South and South Lewis Avenue.

BOA-07769 February 1973: The Board of Adjustment **approved** an *Exception* for permission to operate the 40 acre tract of Mabee Center as a Community Service, Cultural, and Recreational facility under Use Unit 5 in an RS-3 District and **approved** a *Variance* to vary the constant light requirements to permit a sign for the John Mabee Center in accord with plans and specifications submitted, subject to the condition that 90% of the lighted portion of the sign not be changed more than once every 24 hours and that the remaining 10%, which represents six squares be changed as needed to portray the scores of basketball games, in an RS-3 District, on property located at 81st and Lewis Avenue.

BOA-07819 March 1973: The Board of Adjustment **approved** an *Exception* to operate and conduct a construction facility for the improvement of South Lewis Avenue as a public work for a period of six months, subject to a legal description being provided of the portion of tract being used for the facility in an AG District, on property located at 7700 South Lewis Avenue.

BOA-03760 February 1962: The Board of Adjustment **granted** permission to use the property for school uses, on property located Pt. SW, of Section 8-18-13.

TMAPC Comments:

Mr. Craddock asked if there was any type of homeless shelter use would the applicant need to have an additional application brought forth to use this facility in in that manner.

Staff stated "yes", in the Zoning Code there is several group living opportunities that are outlined, one of them is transitional living. He stated the only use permitted in this development plan is an early retirement center.

Mr. Craddock asked besides recommending approval of the use, Planning Commission does not get into the type of financing allowed.

Staff stated "no", there is nothing in the Zoning Code that regulates how a project is financed or what the rental rates are, those kind of things have to be done outside of the Zoning Code.

Mr. Blair stated he wanted to confirm for everyone listening that the development plan that the Staff is recommending does not include some of the commitments that may have been discussed, such as veteran status, age requirements, minimum lease term or 24 hour on site management. He stated all of those things that have been discussed are not going to be in the recommended development plan.

Staff stated "yes", those enforcement mechanisms do not exist within the Zoning Code, so those things are not in the development plan.

Mr. Walker asked if this specific concept has been proposed before.

Staff stated the only similar proposal was at the last TMAPC meeting and it was the application on 41st Street and South Garnett.

Ms. Adams stated that staff mentioned ORU and Victory Christian were involved in some talks with the applicant, is there a way for Commissioners to know what took place there and if they supported it.

Staff stated the applicant may go into more detail about their thoughts and how that negotiation has evolved over the last few months.

Applicant Comments:

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

The applicant stated Veteran Services USA, SarahCare, Commonwealth Hotels and Lockwood Development are the developers and operators of this project. He stated included in the agenda packet are resumes of the development team and operating team, they have many decades of experience in the real estate industry, including adaptive reuse, multifamily lodging, retail, and daycare. The applicant stated before COVID this hotel had an occupancy of less than 40% so it was not a victim of COVID it was on its way out even if COVID had not happened. He stated this land was all owned by Oral Roberts University and they developed the hotel in conjunction with the City of Faith Medical Complex with the idea regional and international visitors would need a place to stay but it did not quite work out that way. The applicant stated in the mid 90's the University sold the hotel. He stated there is OM and CS zoning around this subject property that allows multifamily use which seems to be the bone of contention in this case. The applicant stated on page 5.14 of the packet is an area photograph that was taken in February about three years ago in 2018 and it is about noon time. He stated there is hardly anyone at the hotel, no one's eating lunch in the restaurant, there is not much going on. He stated he also wanted to point out there is very little landscaping on either side of the hotel. The applicant stated there is not much landscaping at Walmart, the Mabee Center or Victory Christian because they were developed before the landscaping requirements were a part of the Zoning Code. He stated the subject application will bring the landscaping for the subject property up to code. The applicant stated the subject property is categorized as a Regional Center in the Comprehensive Plan and it is surrounded by Regional Center on the north, south, east, and west. He stated on page 5.7 of the packet it states Regional Centers are mixed use areas for large scale employment, retail and civic or educational use. The applicant stated it goes on to say these areas attract workers and visitors from around the region, and their key transit hubs, and working transit zones like station areas can

include housing, retail, entertainment, and other amenities. He stated 81st Street and Lewis Avenue has sidewalks connecting to River Park, the river trail just to the west so residents can bike or walk. The applicant stated the area has four bus routes and that serve this property. This is helpful because veterans can get to the new veteran's hospital and the Ernest Childers VA outpatient clinic. The applicant stated there are 3 night routes and service on Sunday. The applicant stated there will be around 140 rooms on floors 1-6 and qualify as housing for older adults under the Fair Housing that section 807. He stated there will be income restrictions and target 75% of the residential units to households with income between 40% and 120% of the area median income, and the remaining 25% do not have any restriction on it. All be operated in compliance with federal, state, and local fair housing laws, lease terms, initial time for a minimum of six months and will have veterans and senior's programs available to the tenants in the building. He stated the daycare will be operated by SarahCare and will be about 7000 square feet on the first floor of the building addressing seniors needs for exercise, socialization, nutrition, medical and administration monitoring. There will be 24 hour on site management of the project. This will be a first class project. This project makes use of an existing building and it is a mixed use project consistent with Tulsa's housing policy.

Mr. Walker asked what use triggered the application. What use could the applicant not do by right.

The applicant stated only thing they could do by right is the hotel and have daycare for hotel employees only.

Mr. Walker asked if the developers target underperforming hotels as their key model.

The applicant stated the key model is two different types of buildings, closed hospitals, and hotels. He stated based on how they are built and plumbed makes it easier to do these types of conversions.

Mr. Reeds asked if this was the same group as the hotel on 41st Street and Garnett.

The applicant stated "no".

Ms. Adams asked if the fact that it is a different developer from the one on 41st Street and Garnett does that reduce the risk of what happened over there happening here.

The applicant stated the clients for the application at 41st Street and Garnett had nothing to do with what is happening the area and the client for this application had nothing to do with what happened in this area.

Interested Parties:

David Webb 1100 Brickell Bay Drive, Miami, Florida

Mr. Webb stated he is a principal and one of the creators of Veteran Services USA. He stated he lives in Miami, Florida. He stated when someone comes into your community or your neighborhood, he thinks it is fair to ask the question who they are and what ask questions about the organizational plan, the structure, the various zoning requirements needed. Mr. Webb stated he has been working in the veteran's community for 25 years and he serves on the Commission for the Future of Americans Veterans during the Bush administration. He stated at that time he was working with the White House Department of Defense, the VA, and others to improve the VA model in helping Veterans and families where it intersected with private organizations. Mr. Webb stated he serves on a number of boards. He stated this is a next generation step, where there should be veteran's universal services adapted to each area and need. Mr. Webb stated in Tulsa, there is a need, you look at the per capita there are potentially 20,000 or so veterans in the area and as they get older, they should have services to help them to live a good life. He stated they should have housing, residential and community based services, as well as vocational career training if required. Mr. Webb stated SarahCare is a top rated program for adult daycare which goes only to veterans in specific communities. He stated this development would also bring employment to the area not just in the veteran community but in the local community as well and this creates another bond with the community. Mr. Webb stated he understands the opposition, based on lack of information at times, and maybe just not having seen the documents filed with the Tulsa Planning Office that was presented, but they also plan to address key issues working with local law enforcement, improving community safety.

Merle Griff address was inaudible.

Ms. Griff stated she is the CEO and founder of SarahCares. She stated they were founded in 1985 and they take care of seniors and veterans who need daycare during the day and are currently operating in 14 states. Ms. Griff stated they usually operate five days a week, from 7am to 6pm to accommodate working caregivers. She stated SarahCare is a fully accredited body for adult daycare, both nationally and internationally. Ms. Griff stated they provide transportation to and from the center with vans that have wheelchair lifts in them. She stated SarahCare has joined VSUSA as part of their mission of service to veterans, and to the community,

Paul Stanton 100 East River Center Boulevard, Covington Kentucky

Mr. Stanton stated Commonwealth Hotels will be the hotel operator. He stated they have been around 36 years and operate about 50 hotels in 18 different states. Mr. Stanton stated most of the hotels are first class hotels in the upscale category. He stated this is a good opportunity a lot of the big full service hotels that have outlived their useful life can be repurposed for alternative uses. Mr. Stanton stated this will be a fully renovated hotel with a new fitness center to be a shared amenity between the residents and the hotel guests. He stated there will

be a new restaurant and bar area in the hotel that will feature farm to table type menu to kind of play into local ingredients and farmers. Staff will be involved in the community. Mr. Stanton stated the mixed use is going to make everything run much more efficiently. He stated they see this as a great opportunity to revitalize a building that is structurally sound and everything needs to be brought up to modern standards and he hopes they can be a great part of the community going forward.

Mr. Craddock asked if Mr. Stanton has any mixed use projects like this that are currently operating that have the residential element and hotel element together.

Mr. Stanton stated not in the same building but next to each other. He stated they have 14 in the process currently.

Robert Getchell 110 North Elgin, Suite 200, Tulsa Oklahoma 74120

Mr. Getchell stated he is here representing Oral Roberts University which has submitted an official petition in protest to this application as the owner of more than 50% of the area lots within 300 feet of this project. He stated ORU also owns all of the frontage opposite this project and therefore has standing to file such a petition. Mr. Getchell stated ORU does not object to assistance to disadvantaged people and veterans. He stated the university has a long standing commitment to provide service to those classes of people and an unrivaled track record for service to disadvantaged people not only in Tulsa, but around the world. Mr. Getchell stated but they do have some specific objections to this project. He stated since this application was filed in December there have been numerous conversations with representatives of VSUSA and with Mr. Reynolds regarding some of these objections. Mr. Getchell stated there is an uneasy feeling that the ORU administration has about this project. He stated as much as VSUSA wants to cloak this as a veteran's oriented or a veteran's centered project there is nothing in the plan that provides for that. Mr. Getchell stated some of the discussions that seek to provide some of those assurances have been rejected by the applicant because it runs afoul of some of the Federal Housing Standards. He stated the applicant has also admitted that they cannot target veterans specifically and they cannot discriminate based on veteran service. Mr. Getchell stated this concept by the developers own admission is unproven. He stated there are several projects shown on the developer's website but none that are close to being open they all list a target date of close to two years to three years out. Mr. Getchell stated there is no track record to show that this is a viable opportunity or project. The subject property has been a hotel since the 1980's and the plat for this property, specifically required it to be used for hotel purposes. He stated Oral Roberts University placed a restriction on some of its property to preclude it from ever operating a hotel on its property that would be in competition with this one. Mr. Getchell stated another aspect of this application is that the income, or the financing that the applicant is proposing to use to develop the subject property is going to require restrictions be placed on the property for 30 years and that is a double edged sword. He stated the subject

property can be locked in as a low income assisted housing development which ORU thinks limits development opportunities for the property. Mr. Getchell stated ORU has tried to develop standards that was initially agreeable to the City but now those will not be included in the plan because the City either cannot or will not try to enforce those violations. He stated they have looked at the possibility of private deed restrictions but that presents a whole other issue of placing the burden on ORU to monitor and then enforce violations across the street from its campus. Mr. Getchell stated they think that the subject property still presents itself as a viable hotel property and urge Planning Commission to deny this application.

Mr. Covey asked if ORU was unable to reach private deed restrictions with the applicant.

Mr. Getchell stated they have not reached an agreement on anything. He stated the applicant has given him a draft that is under consideration. Mr. Getchell stated there are obviously concerns about the fact that the current owner is not a party to those drafts. He stated there are other issues with respect to how do they even monitor this through deed restrictions. Mr. Getchell stated will ORU have to look at every application and verify all the information to make sure that they comply. That will be very burdensome to have to do.

Mr. Covey asked if ORU approached the current property owner to try and purchase the property.

Mr. Getchell stated in the past ORU has made offers to purchase the property but the asking price at the time was just out of the ballpark.

Mr. Reeds asked if they were okay with the hotel part of the application.

Mr. Getchell stated "yes" and have been for years.

Mr. Craddock stated in the past ORU has made concessions allowing different uses that currently fall within the zoning for the hotel. He stated originally there was no liquor was allowed and food was limited. Mr. Craddock stated they made concessions over the years to allow those uses or maybe remove it from a deed restrictions to actually help the property.

Mr. Getchell stated he is aware of the fact that at one point alcohol was limited. But he is not clear if that was part of the dedication language or if that was just a side agreement.

Mr. Craddock stated his point is that ORU has been willing to help the operator of that hotel in the past so there has been good faith effort to help the owner.

Mr. Reeds stated Mr. Craddock brings up a good point that ORU has worked well with the operators in the past. He asked why the objection to the upper floors being used for housing and the ancillary programs that they will provide. Mr. Reeds stated they are not guaranteeing that they are going to be vets, but they are people that need homes and he does not understand why that irks ORU. He stated they are not going to take criminals and throw them in there, these are human beings that need a place to live and need cared for. Mr. Reeds stated he does not understand because that fits right in with ORU's mission to take care of those that need help.

Mr. Getchell stated he would not say that this irks the University but that they have some concerns mainly stemmed from the fact that when they first talked with the applicant about restrictions to specifically identify what it is that they are going to do there. He stated the applicant said they cannot do that because they do not know if they are going to have to change their concept at some point or if it will have to be a different type of development. Mr. Getchell stated ORU has 4000 plus students on campus and they have to be concerned about what is good for them, and what is good for the university's future.

Mr. Whitlock asked do we just let a property languish that has only been averaging 40% occupancy up until this point and not do anything or create an environment for economic development that will help the entire area including the University. He asked what other options have been presented over the years, he is not aware of any.

Mr. Getchell stated he is not aware of any; this is the first time for an application like this it has always been a hotel. He stated sometimes operated more successfully than others. Mr. Getchell stated he has not examined or audited the books of the hotel so he cannot tell you if it was truly 40% occupancy or not or if that is just a number that was pulled out of the air. He stated when you take a photograph of any hotel parking lot at 12 o'clock and during the day which is after everybody has had to check out and before anybody else can check in the parking lots going to look deserted.

Mr. Walker asked Mr. Getchell if there was anything else he would like to say that he did not get a chance to because he ran up against his time allotment.

Mr. Getchell stated he thinks he has covered everything but again they are very concerned about the lack of a proven concept. He stated if there were other companies that have been doing this, he thinks they would have heard about it and they have not. Mr. Getchell stated he believes there is a good chance that this property will be back for some other type of repurposing in another few years without any of this use ever happening.

Michael Garcia 7902 South Lewis Avenue, Tulsa, Oklahoma 74136

Mr. Garcia stated he is the current General Manager at the former Crowne Plaza Hotel Southern Hills. He stated he is speaking on behalf of the owners and Management Company. Mr. Garcia stated due to the 2020 COVID-19 pandemic, overbuilt hotels in the Tulsa region, and the loss of business the current owners believe it is best to exit the property. He stated since acquiring the property in 2015 the ownership group has lost millions of dollars per year and that does not include debt on the property. Mr. Garcia stated they have also spent \$7 million, renovating the property to maintain a four star Staff. He stated to add to the ongoing challenges, there has been a tremendous amount of new select Service properties built in the last five years in the city and many of these hotels are within the IHG family which dilutes the brand. Mr. Garcia stated if this development plan is not approved the hotel will start decaying and become a blight on the entire Southern Hills neighborhood which will have a very negative impact on the neighbors, including Oral Roberts University, River Spirit Casino, Walmart, churches, and many other businesses. He stated there is already a severe homeless issue that is dealt with on a daily basis and if this hotel is empty that will only get worse.

Roger Erker 7208 South Atlanta Place, Tulsa OK

Mr. Erker stated he lives in a community called Esplanade just about a half a block from the subject property. He stated he would like to invite Mr. Stanton to revive this hotel into upscale hotel as he says he has done in the past, no one would be opposed to that happening again. Mr. Erker stated they are not opposed to a hotel being there. He stated he has seen three different operators at that hotel, none have done a very good job because competition comes in and makes it difficult for them to survive. Mr. Erker stated he has been a realtor in Tulsa for almost 50 years and watched South Tulsa from 61st Street, south and west, to Peoria was empty and then became Prime development for South Tulsa housing with Southern Hills nearby. He stated more recently he watched as government subsidized housing, Section 8 moved into hotels and apartments in the area. Mr. Erker stated it deteriorated whole neighborhoods and residential development has declined. He stated there is no real appreciation of values in that part of South Tulsa which should be a great location but the government subsidized housing has created the problem. Mr. Erker stated his experience with government subsidized, is that you end up with substandard investment. He stated with section 8 housing there is no assurance of what is going to happen with the property. Mr. Erker stated the neighborhood thinks this project would really affect the value of their property and they are vehemently opposed and ask Planning Commission to reject this application.

Paul Landis 7228 South Atlanta Place, Tulsa, OK

Mr. Landis stated he lives in the same subdivision as the previous speaker, he moved in 5 months ago. He stated he lives about a half mile north of the Crowne Plaza. Mr. Landis stated the purpose of the zoning is to create a well-balanced community a worthy goal but it is not easy it is difficult, and he really appreciates the INCOG Staff as well as the Commissioners. Mr. Landis stated the Arkansas

River corridor from I 44 to Jenks OK rental units have been proliferating one complex after another, after another, after another for the past 40 years. He stated City Council District 2 where the subject property is located has 13,341 multifamily rental units. He stated District 2 was seven times the amount in District 3 and 4000 more than Districts 1, 3 and 6 combined. Mr. Landis stated this is way out balance. He stated according to map INCOG prepared showing a 2 mile radius around 81st and Lewis Avenue there is 10,000 rental units in this 5 square miles, which is 3% of Tulsa's total area (200 square miles). Mr. Landis stated this area has 15% of the rental units overall so they are obviously highly concentrated in this area and this area does not need any more. He stated the data from the 2010 census shows 1 mile squared with 81st Street and Lewis Avenue being the center and bordered by 71st on the north, 91st on the south, Arkansas River on the west and Harvard on the east, there is nearly 4000 rental units out of 6500 total housing units in this area. He stated that 62% are rental units and this percentage of rental units is way too high. Mr. Landis stated District 2 has over 4000 possible government subsidized units which is 18% of the city's total 22,600. He stated that is six times what is in District 8, four times what is in District 4, and three times what is in District 3. Mr. Landis stated if this zoning request is approved it could add another 250 up to 350 more rental units. He stated enough is enough and he and 120 of his neighbors have signed a petition requesting CO-10 rezoning proposal be denied.

Councilor Jeannie Cue 175 East 2nd Street, Tulsa, OK 74103

Councilor Cue stated she has had multiple meetings with the residents and Homeowners Associations about this development. She stated she had a virtual meeting with one of the potential owners and he walked out and was very hateful. Councilor Cue stated she deals with the most government subsidized units in any of the Districts and she is out in the areas of 61st and Peoria and 23rd and Jackson weekly trying to make the City better. She stated she has called over 24 people on the list of cities and talked to city officials that are supposedly having apartments or hotels being built by these developers and she did not get a very good response about these companies. Councilor Cue stated we want to make sure that the people that live in rental units have good landlords. She stated that is something she deals with on a constant basis. Councilor Cue stated her husband's a Vietnam veteran and she is a nurse and she does all she can to help veterans but the more she spoke with cities that are working with these developers a big question mark came up in her mind. She stated she works with veteran's agencies; she started the discount for veterans on MTTA. Councilor Cue stated she is getting letters from the VFWs in the area that have concerns about these developers. She stated she goes out into her neighborhoods continually; she goes to Neighborhood Associations and apartment complexes and try to set up meetings to meet with them. Councilor Cue stated she encourages the WIN department to make apartments part of the Neighborhood Association program. She stated six months ago she was at that hotel at a women's meeting so she is a little concerned about saying that the hotel was falling apart because it looked great when she was there. Councilor

Cue stated she is asking Planning Commission for the support of her residents and asked that they do not approve this application because it is about the zoning, it is not about Senior or Veterans Housing it is about the zoning, and you cannot go back. She stated she has talked to HUD in Washington and when you group too many apartment complexes together areas like 23rd and Jackson and 61st and Peoria areas are created with a high crime history and she is working every day to improve it.

Matt Gawey 8555 South Lewis Avenue, Tulsa, OK 74137

Mr. Gawey stated he is the owner operator of University Village retirement community. He stated he does not want to be redundant because a few of the speakers before me have touched on this but there have been an increasingly high number of thefts and problems at his community which is a 40 acre campus right next door to City of Faith. Mr. Gawey stated it is increasing because of the apartments next to University Village. He stated there is a high density of Section 8 and low income housing that directly attributed to the thefts because they see them jump the fence. He stated they have gone from an 8 foot to a 10 foot fence and now they have barbed wire. Mr. Gawey stated they have run an 1800 foot wrought iron fence down all of Lewis and they are about to spend an enormous amount of money on gates and security cameras. He stated he know's some of the guys that built these apartments back in the 70s in the 80s and no developer builds a multifamily unit with the intent of one day failing and then walking away leaving it with the bank. He stated what is the fallback in the event that this business plan does not work and he has not been reassured by what he has read or heard today that they can limit it to only veterans or certain ages. Mr. Gawey stated he does know for a fact that when a certain group moves out an owner developer has to lease that space to somebody and It is not going to be private citizens coming in with a private pay. He stated he thinks the government will be the fallback position and it will be low income section 8. Mr. Gawey stated That's his main concern and if there was a way to alleviate that he probably would not be standing here, but they are high density crime ridden all around us, especially west of Walmart, and south of University Village. He stated he did not know there were five or 6000 units but it sure feels like that to him.

Zack Duvall 7435 South College Place. Tulsa, OK 74136

Mr. Duvall stated many of the speakers have been in opposition of passing the rezoning ordinance and as a resident in somewhat close proximity to this application he shares the same concern. He stated he does not feel the need to rehash them but would just request the application be denied as well.

Mr. Reynolds stated the things that he hears complaints about do not have anything to do with this project. He stated this project is part of the solution not the problem. He stated the request in this application can be done by right all around the subject property. Mr. Reynolds stated the Staff has recommended approval of CO-10 and he agrees with Staff and respectfully request Planning Commission approve CO-10.

Mr. Reeds asked if the corridor plan that is being proposing in lieu of a CO includes by right indigent housing or transient housing.

Staff stated it does not.

Mr. Reeds asked if the proposed use, a mix of hotel, and senior center violate anything in a corridor use.

Staff stated they were very careful in the development plan to make sure that the concept that was presented to staff was allowed in this development plan. He stated what is being proposed would not allow Transitional Living or any of the other group home uses that would be for people trying to reenter society.

Mr. Reeds stated someone brought up a question concerning the applicants financing.

Staff stated there is nothing in the zoning code that considers any financing whether it is, public, private, or personal. He stated staff never looks at the financing structure of any project or the financial capabilities of any property owner.

Mr. Covey asked if the Comprehensive Plan looks at how an applicant is financing a piece of property or look at whether they will be a good landlord or a bad landlord.

Staff stated its strictly land use only. There are other entities inside the City of Tulsa that help with bad management of properties, whether that's multifamily or single family homes or commercial. Staff stated many of the things that have been expressed as concerns are property management issues and not zoning issues.

Mr. Craddock asked if the zoning change is approved, regardless of who owns the building, they can have multiple type of residential uses. He stated this change will open the door for that, correct.

Staff stated "yes".

Mr. Reeds asked Mr Webb if in his communications with the university it was ever brought up that perhaps the applicant could create almost a team with ORU's nursing school for possible nursing internships.

Mr. Webb states that was never discussed. He stated they have worked their attorneys on a private covenant they have a draft of a covenant but ORU has not agreed to sign that covenant.

Mr. Craddock stated he is familiar with this property because he was a broker for years. He stated his main concern is that once this zoning has changed any type of residential use would be allowed. Mr. Craddock stated this property can easily be converted and expanded to add to the apartment units this area. He stated he moves to deny the application.

Mr. Reeds stated he understands 18 percent of our subsidized section 8 housing is in District 2. He stated a lot of that came about because of an oil crash in the early 80s. Mr. Reeds stated developers took advantage of government loans and built subsidized housing. He stated the only available land was in South Tulsa. Mr. Reeds stated this was essentially a result of the economic situation in Tulsa. He stated it was not because they chose it, it was because the land was there, cheap and they built it. Mr. Reeds stated when he looks at the subsidized map there is also subsidized housing in every one of the other City Council Districts particularly in North Tulsa. He stated Commonwealth Management as a hotel company is legitimate and they are good, he knows from his work in the hospitality industry. Mr. Reeds supports the application, because even if they do turn it into residential the alternative is an empty dilapidated building.

Mr. McArtor stated he is not going to add much to what Mr. Reed said other than to say he echo's his comments. He stated worst case scenario the applicant turns it into all apartments, it is something productive, creative, and progressive. Mr. McArtor moves to approve the applicant per staff's recommendation.

Ms. Adams stated she too is conflicted. However, she agrees that if the building is just vacant and empty it is a perfect spot for homeless people to congregate and it could cause bigger issues. She stated even though she has concerns she will support it.

Mr. Shivel stated he is a veteran and the fact that the Childers facility is moving to Tulsa in support of veterans he has to believe that there's sufficient impetus for people to want to have housing available for veterans. He stated he believes this has a viable path forward so he will be in support.

Mr. Covey stated his vote today will be as a Planning Commissioner and has no bearing on what he would think if he was a resident living next to this facility, or if he was a Tulsa City Councilor. He stated Planning Commission's job is merely as a recommending body to send a recommendation to the City Council. Mr. Covey stated he hopes the applicant and the neighborhood are able to resolve their differences but some of the things that popped into his mind immediately were, why did not ORU purchase the building if this development was a concern to them. He stated maybe the price was too high. Mr. Covey stated everybody talks about what is the highest and best use of the property well, right now this is what is on the table. He stated maybe there could be a deed restriction that ORU gets first right of refusal if things do not go well, just something to consider. Mr. Covey stated he is driven by the Comprehensive Plan. He stated case after case after case come before Planning Commission and how they are financed is never

an issue. Mr. Covey stated it does not matter if it is an FHA loan or a VA loan or if its government subsidized or not, it does not matter who the contractor is or the landlord, none of that comes into consideration. He stated Planning Commission is just looking at the zoning and the Comprehensive Plan so he will be supporting staff's recommendation.

Mr. Craddock's motion to deny failed for lack of a second.

TMAPC Action; 10 members present:

On **MOTION** of **McARTOR**, TMAPC voted **6-4-0** (Adams, Covey, McArtor, Reeds, Shivel, Whitlock, "aye"; Blair, Craddock, Van Cleave, Walker, "nays"; none "abstaining"; Kimbrel, "absent") to recommend **APPROVAL** of the Major Amendment for CO-10 per staff recommendation.

OTHER BUSINESS

None

6. Commissioners' Comments

None

* * * * *

ADJOURN

TMAPC Action; 10 members present:

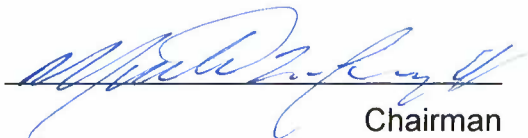
On **MOTION** of **WALKER**, TMAPC voted **10-0-0** (Adams, Blair, Covey, Craddock, McArtor, Reeds, Shivel, Van Cleave, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Kimbrel, "absent") to **ADJOURN** TMAPC meeting of May 5, 2021, Meeting No. 2841.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 3:11 p.m.

Date Approved:

05-19-2021


Chairman

ATTEST:


ACTON
Secretary