

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
**Minutes of Meeting No. 2847**

Wednesday, August 4, 2021, 1:00 p.m.

City Council Chamber

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

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Adams	Craddock	Foster	Blank, Legal
Blair	McArtor	Hoyt	
Covey		Miller	
Kimbrel		Sawyer	
Reeds		Wilkerson	
Shivel			
Walker			
Whitlock			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, July 29, 2021, at 2:30 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

Applicants and Members of the public were allowed to attend and participate in the TMAPC meeting in person or via videoconferencing and teleconferencing via **Zoom**, 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. Shivel read the opening statement and rules of conduct for the TMAPC meeting.

**REPORTS:**

**Chairman's Report:**

A work session is planned for August 18th, 2021, at 10:00am in the 10th floor north conference room. We will discuss planitulsa update, Route 66 BRT study and proposed zoning code amendments.

**Director's Report:**

Ms. Miller reported on City Council actions and other special projects. She stated there was a meeting with Kirk Bishop from Duncan and Associates for the Tulsa County zoning code update. The county permitting staff and the Assistant District Attorney, who works with staff on zoning matters, and Tulsa Planning Office staff were present. Ms. Miller stated she wanted to update Commissioners on the number of meeting attendees using Zoom to access TMAPC meetings. She stated at the last Planning Commission meeting there was one person and none so far for today's meeting. Ms. Miller stated Commissioners may want to revisit offering this option in the future.

\* \* \* \* \*

**Minutes:**

1. Approval of the minutes of **July 21, 2021, Meeting No. 2846**

**TMAPC Action; 7 members present:**

On **MOTION** of **REEDS**, the TMAPC voted 6-0-1 (Blair, Covey, Kimbrel, Reeds, Walker, Whitlock, "aye"; no "nays"; Shivel, "abstaining"; Adams, Craddock, McArtor, "absent") to **APPROVE** the minutes of July 21, 2021, Meeting No. 2846

**CONSENT AGENDA**

Ms. Adams arrived at 1:10 pm.

**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-828-2 Simmons Homes** (CD 8) Location: North and west of the northwest corner of East 125<sup>th</sup> Street South and South Sheridan Road requesting a **PUD Minor Amendment (Withdrawn by applicant)**

Item 3 was removed from the Consent Agenda and placed on the Public Hearing.

4. **Ford Motor Company Tulsa Glass Plant** (CD 6) Change of Access, Location: North of the northeast corner of East 61<sup>st</sup> Street South and South 129<sup>th</sup> East Avenue

Items 2 and 4 on Consent were approved. City Legal advised item 2 had been withdrawn by applicant and asked Commissioners to make a motion to reconsider the Consent Agenda.

1st Motion:

**TMAPC Action; 8 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 8-0-0 (Adams, Blair, Covey, Kimbrel, Reeds, Shivel, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Craddock, McArtor, “absent”) to **APPROVE** Items 2 and 4 per staff recommendation.

Reconsider:

**TMAPC Action; 8 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 8-0-0 (Adams, Blair, Covey, Kimbrel, Reeds, Shivel, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Craddock, McArtor, “absent”) to **RECONSIDER** Consent Agenda motion and omit item 2 from the motion.

Final Motion:

Mr. Covey stated item 2 was withdrawn by applicant prior to meeting.

**TMAPC Action; 8 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 8-0-0 (Adams, Blair, Covey, Kimbrel, Reeds, Shivel, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Craddock, McArtor, “absent”) to **APPROVE** Item 4 per staff recommendation.

**PUBLIC HEARING-ITEM REMOVED FROM CONSENT AGENDA**

**3. PUD-298-18 Brad Rowell** (CD 7) Location: Southwest corner of East 87<sup>th</sup> Place South and South 87<sup>th</sup> East Avenue requesting a **PUD Minor Amendment** to increase allowable driveway width in the right-of-way

**STAFF RECOMMENDATION:**

**SECTION I:** PUD-298-18 Minor Amendment

Amendment Request: Revise the PUD Development Standards to increase the allowable driveway width in the Right-Of-Way.

The applicant is proposing to increase the allowable driveway width in the Right-Of-Way for the subject lot from 27 ft to 30 ft to permit the addition of a driveway to access an existing accessory building. Driveway width in the Right-Of-Way for lots in RS zoning districts is limited to 27 ft for lots with 75+ ft of lot width, with 30 ft being allowed in the street setback, outside of the Right-Of-Way. Currently, a driveway 18 ft in width exists to access the garage of the home. A new, 12 ft wide drive is proposed to provide access to the accessory building on the lot, which would bring the total driveway width in the Right-Of-Way to 30 ft.

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

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

Staff has reviewed the request and determined:

- 1) PUD-298-18 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-298.
- 2) All remaining development standards defined in PUD-298 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to increase the allowable driveway width in the Right-Of-Way from 27 ft to 30 ft.

**TMAPC Comments:**

Ms. Kimbrel asked if the current driveway was for direct access to the garage.

Staff stated “yes”.

Ms. Kimbrel asked if the proposed new driveway would serve a permitted structure.

Staff stated he is not sure if the applicant has received a permit for the driveway but believe he has for his structure.

Mr Whitlock asked if the building and driveway will be used for commercial purposes.

Staff stated he would have to defer to the applicant to know the actual purpose of the building itself.

Mr. Whitlock asked if the applicant was present.

There was no applicant present.

Mr. Whitlock stated his concern is that this looks like a commercial type of facility he thinks that would add further issues in the neighborhood if that's the case.

Mr. Reeds stated looking at the photographs provided to Planning Commission It looks like a premanufactured shed so it would qualify under a temporary structure and not hard to get a building permit for this type of building.

Mr. Blair stated looking at the picture in the backup material he doesn't think the 30 feet includes the 5 feet where the boat is parked and stored. He stated he has the same perspective as Ms. Kimbrel. He stated we are really talking about two driveways that he thinks would be incompatible with the surrounding homes. Mr. Blair stated one of the neighbor's emails made a point about this area being the access point to the Greenbelt behind and he would be inclined not to recommend approval of this application.

Ms. Kimbrel stated she had questions for the applicant but he is not here.

**The applicant was not present.**

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

**TMAPC Action; 8 members present:**

On **MOTION** of **WHITLOCK**, the TMAPC voted 8-0-0 (Adams, Blair, Covey, Kimbrel, Reeds, Shivel, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Craddock, McArtor, "absent") to **DENY** the PUD minor amendment for PUD-298-18.

## **PUBLIC HEARING-COMPREHENSIVE PLAN AMENDMENTS**

Items 5,6,7 and 8 were presented together. See item 8 for the minutes regarding these four applications.

**5. CPA-94 Springhill Land Company c/o AAB Engineering, Alan Betchan** (CD 2) Location: Southwest corner and Southeast corner of West 61st Street South and Highway 75 requesting to amend the Land Use Map designation from **Mixed-Use Corridor** and **Town Center** to **New Neighborhood** on approximately 144.88 acres and **Neighborhood Center** on approximately 1.26 acres (Related to Z-7609, Z-7610 and PUD-648-E) (continued from July 7, 2021 and July 21, 2021)

### **STAFF RECOMMENDATION:**

#### **Property Information and Land use Request**

The subject property consists of multiple unplatted parcels running south along the east and west side of Highway 75 from West 61<sup>st</sup> Street South, totaling 146.14±acres. The applicant has submitted the following Comprehensive Plan amendment request to amend the land use designation of the subject property

from *Mixed-Use Corridor and Town Center to New Neighborhood and Neighborhood Center*. This request is accompanied by two concurrent re-zoning requests (Z-7609 & Z-7610) and a PUD Major Amendment (PUD-648-E). These requests propose a zoning change on the subject tract falling on the west side of Highway 75 from CO/AG to RS-1/CG (Z-7609), a zoning change on the subject tract falling on the east side of Highway 75 from CO/AG to RS-3, and a Major Amendment to Abandon the northern portion of PUD-648 (southern tip of subject tract located on the east side of Highway 75) in order to permit new residential subdivisions.

## **Background**

While the land use and stability and growth designations for the subject property and abutting parcels were initially made in 2010 with the adoption of the Tulsa Comprehensive Plan, these designations were subsequently updated with the adoption of the West Highlands/Tulsa Hills Small Area Plan to reflect the expanded Mixed-Use Corridor land use designation along West 61<sup>st</sup> Street South and South Elwood Avenue. In addition to this change in land use, the West Highlands/Tulsa Hills Small Area Plan makes specific land use recommendations regarding the preservation of existing neighborhoods and the natural environment through the use of buffers, both ecological (dense tree of native planting) and built (higher density/taller structures), encourage commercial uses in this corridor to further develop the industries in this area, and strengthen/support the vicinity's regional outdoor amenities such as Turkey Mountain and Page Belcher Golf Course, to include coordinating with the future Turkey Mountain Master Plan.

## **Existing Land Use and Growth Designations**

A *Mixed-Use Corridor and Town Center* land use designation was assigned to the area subject to the amendment request at the time of the adoption of the Tulsa Comprehensive Plan in 2010:

“A Mixed-Use Corridor is a plan category used in areas surrounding Tulsa’s modern thoroughfares that pair high-capacity transportation facilities with housing, commercial, and employment uses. The streets usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods.”

“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.”

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

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

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.”

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

The applicant is proposing both a *New Neighborhood and Neighborhood Center* land use designation for the subject property:

“The New Neighborhood residential building block is comprised of a plan category by the same name. It is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity and shall be paired with an existing or New Neighborhood or Town Center.”

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

The applicant plans to maintain the *Area of Growth* designation on the subject property.

**Zoning and Surrounding Uses**

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
N; across E. 61 <sup>st</sup> Street	CS/OL/CO/AG	Mixed-Use Corridor/ Existing Neighborhood/ Parks and Open Space	Growth/Stability	Multi-family/Vacant
S	AG/CO/PUD-648/ PUD-648-A/ PUD-648-D	Mixed-Use Corridor/Town Center	Growth	Large Lot Residential/ Medical Park/Hospital
E	AG/CO without a development plan/RS-3	Mixed-Use Corridor/ New Neighborhood/ Existing Neighborhood/None (HWY 75)	Growth/Stability	Vacant/Single-family Subdivision
W	CS/RM-1/RS-3/PUD-159/PUD-159A/AG	Existing Neighborhood/ Park and Open Space/Town Center/None (HWY 75)	Stability/ None (HWY 75)	Single-family residential neighborhood and page belcher golf course/ HWY 75

**Applicant’s Justification**

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

1. How conditions on the subject site have changed, as well as those on adjacent properties and immediate area;
2. How changes have impacted the subject site to warrant the proposed amendment; and;



3. How the proposed change will enhance the surrounding area and the City of Tulsa.

The applicant provided the following answers to the above questions below:

*“West of Highway 75, the proposed Comprehensive Plan Amendment changes the subject property to “New Neighborhood”. The Mixed-Use Corridor designation is reasonable adjacent to Highway 75. However, the nature of current land use west of Union Avenue is less dense with a more open feeling. Residents in the area have previously opposed multi-family and other higher density developments. The proposed change to “New Neighborhood” allows for a residential use that is more compatible with Page Belcher Golf Course and the generally less dense surroundings while still taking advantage of the Highway 75 frontage. Thus, the proposed change enhances the overall area.*

*East of Highway 75, this Application would change the subject tract to “New Neighborhood” with a small corner of “Neighborhood Center” adjacent to Highway 75 and 61st Street. One acre of Neighborhood Center adjacent to the highway allows for Uses beneficial to the area while the larger New Neighborhood area, 75.67 acres, allows for single-family residential use which fits into surroundings more appropriately. In other words, past commercial development concepts have been opposed while use of the Turkey Mountain recreational area by Tulsa area citizens continues to grow. The increase in use and size of the recreation area is less compatible with Mixed Use Corridor. Thus, the proposed change enhances the area by allowing a residential land use that is more in harmony with the neighborhood desires and the Turkey Mountain area.”*

### **Staff Summary & Recommendation**

The subject property consists of multiple unplatted parcels running south along the east and west side of Highway 75 from West 61<sup>st</sup> Street South, totaling 146.14+acres. The applicant has submitted the following Comprehensive Plan amendment request to amend the land use designation of the subject property from *Mixed-Use Corridor and Town Center* to *New Neighborhood and Neighborhood Center*.

The applicant’s justification states that while a *Mixed-Use Corridor* land use designation is reasonable adjacent to Highway 75, the character of the existing neighborhood west of Union Avenue is “less dense with a more open feeling” and that a *New Neighborhood* land use designation would be “more compatible with Page Belcher Golf Course and the generally less dense surroundings while still taking advantage of the Highway 75 frontage” and would enhance the overall area. On the east side of Highway 75, the applicant states that the one-acre tract adjacent to the highway that is being proposed as *Neighborhood Center* would allow for “uses beneficial to the area,” while the larger *New Neighborhood* area would allow for a “single-family residential use which fits into surroundings more

appropriately” considering the proximity of the site to the Turkey Mountain recreational area and the importance of this area to the community.

The West Highlands/Tulsa Hills Small Area Plan makes specific land use recommendations to foster a Mixed-Use Corridor for economic development and buffering purposes. However, with the recent shift in retail and office trends, there is ample vacant retail and office space in the city and an increased population in the area could help sustain the existing retail in the Tulsa Hills area. In addition to this shift, there has also been increasing concern regarding the preservation and expansion of the Turkey Mountain recreational area. Given these shifts and the limited intensity of single family residential, the New Neighborhood and Neighborhood Center designations are appropriate.

On the east side of Highway 75 significant land contributions have been accepted by the City of Tulsa for expansion of the Turkey Mountain Urban Wilderness area. The comprehensive plan has not been modified to recognize the potential expansion area contemplated in the Turkey Mountain Master Plan that was recently completed. That plan is not part of the current Tulsa Comprehensive plan

Staff recommends **approval** of the *New Neighborhood* land use designation on *144.88 ± acres* and *Neighborhood Center* land use designation on *1.26 ± acres* as requested by the applicant.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **REEDS**, the TMAPC voted 8-0-0 (Adams, Blair, Covey, Kimbrel, Reeds, Shivel, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Craddock, McArtor, “absent”) to **ADOPT** CPA-94 as an amendment to the Tulsa Comprehensive Plan per staff recommendation.

## **PUBLIC HEARING-REZONING**

**6. Z-7609 Springhill Land Company c/o AAB Engineering, Alan Betchan** (CD 2) Location: Southwest corner of West 61st Street South and Highway 75 requesting rezoning from **CO and AG to RS-1 and CG** (Related to Z-7610, PUD-648-E and CPA-94) (Continued from June 2, 2021, July 7, 2021 and July 21, 2021)

**STAFF RECOMMENDATION:**

## **DEVELOPMENT CONCEPT:**

The subject property consists of multiple unplatted parcels running south along the west side of Highway 75 from West 61<sup>st</sup> Street South and contains 79.58± acres. The applicant is requesting a zoning change from CO and AG to RS-1 and CG for a new residential subdivision and commercial development along West 61<sup>st</sup> Street South.

This zoning request is one of two for this project, the other zoning request consisting of multiple unplatted parcels running south along the east side of Highway 75 from West 61<sup>st</sup> Street South and contains 79.67± acres and requesting a zoning change from CO and AG to RS-3 for a new residential subdivision (Z-7610).

Other related cases relevant to this request include the Comprehensive Plan Amendment (CPA-94) that includes all of the area in the rezoning requests (excluding the 7.5-acre CG zoning request). The proposal is to amend these areas from *Mixed-Use Corridor and Town Center to New Neighborhood and Neighborhood Center*.

## **DETAILED STAFF RECOMMENDATION:**

Z-7609 is requesting CG on the northern 7.5 acres and RS-1 on the remaining 69.21 acres of the subject tract for a commercial development and new residential subdivision and,

Lot and building regulations in a CG and RS-1 district are consistent with the surrounding properties and consistent with the anticipated future development pattern of the surrounding property that has not been developed and,

RS-1 zoning is not consistent with the current Mixed-Use Corridor land use designation, but is consistent with the New Neighborhood land use designation requested in the concurrent Comprehensive Plan Amendment request, CPA-94 and,

Given recent shifts in retail and office trends, there is ample vacant retail and office space in the city and an increased population in the area could help sustain the existing retail in the Tulsa Hills area, therefore,

Staff recommends **approval** of Z-7609 to rezone property from CO & AG to CG on the northern 7.5 acres and RS-1 on the remaining 69.21 acres.

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The land use maps along with the stability and growth designations for the subject property and abutting parcels were initially made in

2010 with the adoption of the Tulsa Comprehensive Plan. Those designations were subsequently updated with the adoption of the West Highlands/Tulsa Hills Small Area Plan to reflect the expanded Mixed-Use Corridor land use. In addition to this change in land use, the small area plan makes specific land use recommendations regarding the preservation of existing neighborhoods and the natural environment through the use of buffers, both ecological (dense tree of native planting) and built (higher density/taller structures), encourage commercial uses in this corridor to further develop the industries in this area, and strengthen/support the vicinity's regional outdoor amenities such as Turkey Mountain and Page Belcher Golf Course, to include coordinating with the future Turkey Mountain Master Plan. The zoning application does not have a development plan that provides protection for any of the natural aesthetic of the site that is mentioned throughout the small area plan. The current land use designation recognized this area as a Mixed-Use Corridor and anticipated development that exceeds building density beyond what is proposed in the RS-1 residential development area; however, the Mixed-Use Corridor did anticipate the commercial development as proposed in the CG district near 61<sup>st</sup> Street.

#### Current Land Use Vision:

*Land Use Plan map designation:* Mixed-Use Corridor and Town Center

A **Mixed-Use Corridor** is a plan category used in areas surrounding Tulsa's modern thoroughfares that pair high-capacity transportation facilities with housing, commercial, and employment uses. The streets usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods.

#### Proposed Land Use Vision:

The **New Neighborhood** residential building block is comprised of a plan category by the same name. It is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity and shall be paired with an existing or New Neighborhood or Town Center.

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

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

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are 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:* South Union Avenue is considered a 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:*

The GO Plan recommends a Bike Corridor (Bike lanes when possible, otherwise shared lane markings) that West 61<sup>st</sup> Street South spanning

from South 33<sup>rd</sup> West Avenue to South Elwood Avenue and South Union Avenue from West 51<sup>st</sup> Street South to West 91<sup>st</sup> Street South.

Small Area Plan: West Highlands/Tulsa Hills Small Area Plan (Adopted 2014)

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

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

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The subject tract is undeveloped with significant terrain considerations and heavy vegetation. Significant pipelines bisect the site that may have an impact on site development.*

Environmental Considerations: The terrain of the site encourages larger lots and may affect street patterns in the area. There are no other known site development considerations.

The subject property abuts Highway 75. The normal highway pollutants that affect storm water quality, air quality, noise and light pollution may be mitigated by preserving mature vegetation abutting the highway.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West 61 <sup>st</sup> Street South	Secondary Arterial	100 feet	6 lanes at intersection transitioning to 2 lanes on east edge of site
South Union Avenue	Secondary Arterial with multi modal corridor designation	100 feet	6 lanes at intersection transitioning to 2 lanes on south edge of site

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
N	CS	Existing Neighborhood	Growth	Multi family
S	AG	Mixed-Use Corridor	Growth	Large Lot Residential
E	AG and CO without a development plan	Mixed-Use Corridor	Growth	Undeveloped
W	CS and (RM-1, RS-3 / PUD 159) and (RM-1, RS-3 / PUD 159A)	Existing Neighborhood/ Park and Open Space/ Town Center	Stability with growth on the north and south ends of the application area	Single family residential neighborhood and page belcher golf course

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 15996 dated April 3, 1984 and Ordinance number 11827 dated June 26, 1970 established zoning for the subject property.

***Subject Property:***

**Z-5914-SP-1 May 2014:** All concurred in **denial** of a request for a *Corridor Development Plan* on a 39± acre tract of land for Use Unit 8, Multifamily Dwellings and Similar Uses, on property located north of the northeast corner of South Union Avenue and West 71<sup>st</sup> Street. This property makes up the southern boundary of the subject property.

**Z-5914 March 1984:** All concurred in **approval** of a request for *rezoning* a 39± acre tract of land from AG to CO for multiple uses, on property located on the east side of South Union Avenue, ¼ mile North of East 71<sup>st</sup> Street. This property makes up the southern boundary of the subject property (Ordinance No. 15996, April 3, 1984).

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

**BOA-22772 November 2019:** The Board of Adjustment **accepted** the applicant's *Verification of Spacing* to permit a medical marijuana dispensary subject to the action of the Board being void should another medical marijuana dispensary be established prior to the establishment of this medical marijuana dispensary, on property located at 6130 South Union Avenue West.

**PUD-159-A May 1986:** All concurred in **approval** of a proposed *Major Amendment* to PUD on a 7.9± acre tract of land to decrease units from 65 to 59, with a 166 bed nursing home, increasing the square footage to 50,500, or allow 144 units of apartments as an alternative to a 166 bed nursing home and 59 units of apartments, on property located north of the northwest corner of West 71<sup>st</sup> Street and South Union Avenue.

**PUD-159 June 1974:** All concurred in **approval** of a proposed *Planned Unit Development* on a 597.20± acre tract of land for a golf course, commercial, and mixed residential development (Single-family detached, Single-family attached, & apartment style), on property located between 61<sup>st</sup> and 71<sup>st</sup> Streets and Union and 33<sup>rd</sup> West Avenue, and the Southwest corner of 71<sup>st</sup> Street and Union Avenue.

**PUD-375 September 1984:** All concurred in **approval** of a proposed *Planned Unit Development* on a 112.7± acre tract of land for a residential community with varied housing types and garden office, shopping, and open space amenities, on property located at the northwest corner of 71<sup>st</sup> and Union.

**Z-4608 February 1974:** All concurred in **approval** of a request for *rezoning* a 768± acre tract of land from AG to CS/RM-1/RS-3 on property located between Union Avenue and 33<sup>rd</sup> West Avenue, from West 61<sup>st</sup> Street to South of West 71<sup>st</sup> Street.

**Z-4558 February 1974:** All concurred in **approval** of a request for *rezoning* a 160± acre tract of land from AG to CS/OL/RM-1/RS-3 for commercial, offices, and homes, on property located at the northwest corner of 61<sup>st</sup> Street and Union Avenue.

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

On **MOTION** of **COVEY**, the TMAPC voted 8-0-0 (Adams, Blair, Covey, Kimbrel, Reeds, Shivel, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Craddock, McArtor, "absent") to recommend **APPROVAL** of the RS-1 and CG zoning for Z-7609 per staff recommendation.

### **Legal Description Z-7609:**

RESIDENTIAL TRACT (RS-1):



A TRACT OF LAND SITUATED IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW/4 SW/4), THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SW/4 NW/4), AND LOT FOUR (4) OF SECTION TWO (2), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW/4 SW/4); THENCE NORTH 89°08'21" EAST ALONG THE NORTH LINE THEREOF, A DISTANCE OF 50.00 FEET TO THE EASTERLY RIGHT OF WAY LINE OF S. UNION AVE.; THENCE NORTH 00°41'42" WEST ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 2192.64 FEET; THENCE NORTH 89°18'18" EAST, A DISTANCE OF 1132.28 FEET TO THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 75; THENCE SOUTH 18°34'27" EAST ALONG SAID WESTERLY RIGHT OF WAY, A DISTANCE OF 53.31 FEET; THENCE SOUTH 02°10'27" EAST ALONG SAID WESTERLY RIGHT OF WAY, A DISTANCE OF 668.62 FEET; THENCE SOUTH 18°16'26" WEST, PARALLEL WITH AND 25.00' WEST OF AN EXISTING PIPELINE, A DISTANCE OF 1556.11 FEET TO THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW/4 SW/4); THENCE CONTINUING SOUTH 18°16'26" WEST, PARALLEL WITH AND 25.00 FEET WEST OF AN EXISTING PIPELINE, A DISTANCE OF 171.82 FEET; THENCE SOUTH

01 °56'55" WEST PARALLEL WITH AND 25.00 FEET WEST OF AN EXISTING PIPELINE, A DISTANCE OF 635.54 FEET; THENCE SOUTH 02°03'40" EAST, PARALLEL WITH AND 25.00' WEST OF AN EXISTING PIPELINE, A DISTANCE OF 522.28 FEET TO THE SOUTHERLY LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW/4 SW/4); THENCE SOUTH 89°07'55" WEST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 626.63 FEET TO THE WEST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW/4 SW/4); THENCE NORTH 01°09'41" WEST ALONG SAID WEST LINE, A DISTANCE OF 1319.37 FEET TO THE POINT OF BEGINNING. CONTAINING 3,014,805 SQUARE FEET OR 69.21 ACRES.

COMMERTIAL TRACT (CG):

A TRACT OF LAND SITUATED IN LOT FOUR (4), OF SECTION TWO (2), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, LYING WEST OF U.S. HIGHWAY 75 AND BEING MORE FULLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT FOUR (4); THENCE NORTH 88°59'33" ALONG THE NORTHERLY LINE THEREOF, A DISTANCE OF 88.48 FEET; THENCE SOUTH 00°41'42" EAST, A DISTANCE OF 50.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF W. 61" STREETS. AND THE POINT OF BEGINNING; THENCE NORTH 88°59'33" EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 810.20 FEET; THENCE SOUTH 85°57'27" EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 36.70 FEET; THENCE SOUTH 88°01'36" EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 173.50 FEET TO THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 75; THENCE SOUTH 18°34'27" EAST ALONG SAID WESTER RIGHT OF WAY LINE, A DISTANCE OF 308.19 FEET; THENCE SOUTH 89°18'18" WEST, A DISTANCE OF 1132.28 FEET TO THE EASTERLY RIGHT OF WAY LINE OF S. UNION AVENUE; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE FOR THE NEXT FOUR CALLS; NORTH 00°41'42" WEST, A DISTANCE OF 242.00 FEET; THENCE SOUTH 88°59'33" WEST, A DISTANCE OF 10.00 FEET; THENCE NORTH 01°09'57" WEST, A DISTANCE OF 29.80 FEET; THENCE NORTH 43°52'47" EAST, A DISTANCE OF 39.66 FEET TO THE POINT OF BEGINNING. CONTAINING 326,809 SQUARE FEET OR 7.50 ACRES.

**7. Z-7610 Springhill Land Company c/o AAB Engineering, Alan Betchan** (CD 2) Location: Southeast corner of West 61st Street South and Highway 75 requesting rezoning from **AG to RS-3** (Related to Z-7609, PUD-648-E and CPA-94) (Continued from June 2, 2021, July 7, 2021 and July 21, 2021)

**STAFF RECOMMENDATION:**  
**SECTION I: Z-7610**

**DEVELOPMENT CONCEPT:** The subject property consists of multiple unplatted parcels running south along the east side of Highway 75 from West 61<sup>st</sup> Street South and contains 79.67±acres. The applicant is requesting a zoning change from CO/PUD & AG to RS-3 for a new residential subdivision.

This zoning request is part of a redevelopment plan for a project that includes property on the west side of highway 75 and includes multiple unplatted parcels between South Union and Highway 75 south of West 61<sup>st</sup> Street South. That rezoning request includes 79.58±acres and is simultaneously requesting a zoning change from CO & AG to RS-1 for a new residential subdivision CG for a commercial development near East 61<sup>st</sup> Street South

Other related cases relevant to this request include the PUD Major Amendment to Abandon the portion of PUD-648-A located at the southern tip of the subject property (PUD-648-E) and the Comprehensive Plan Amendment (CPA-94) request that includes all of the area in the rezoning requests (excluding the 7.5 acre CG zoning request). The proposal is to amend these areas from *Mixed-Use Corridor and Town Center to New Neighborhood and Neighborhood Center*.

**DETAILED STAFF RECOMMENDATION:**

Z-7610 is requesting RS-3 zoning for a new single family residential subdivision,

Surrounding properties in the area have not been developed except where the residential development east of this site was developed decades ago. Those existing lots are larger than the minimum lot area allowed in an RS-3 district. The residential development will abut a commercial corridor on the south tip of the subject property. Anticipated future development opportunities east of this site have recently changed with land acquisition expansion of the Turkey Mountain Urban Wilderness area east of this site. Residential development on this site is compatible with the anticipated future expansion of the wilderness area and,

RS-3 zoning is not consistent with the current Mixed-Use Corridor and Town Center land use designation, but is consistent with the New Neighborhood and Neighborhood Center land use designations requested in the concurrent Comprehensive Plan Amendment request, CPA-94 and,

Given recent shifts in retail and office trends, there is ample vacant retail and office space in the city and an increased population in the area could help sustain the existing retail in the Tulsa Hills area, therefore,

Staff recommends **approval** of Z-7610 to rezone property from CO & AG to RS-3.

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: While the land use and stability and growth designations for the subject property and abutting parcels were initially made in 2010 with the adoption of the Tulsa Comprehensive Plan, these designations were subsequently updated with the adoption of the West Highlands/Tulsa Hills Small Area Plan to reflect the expanded Mixed-Use Corridor land use. In addition to this change in land use, the small area plan makes specific land use recommendations regarding the preservation of existing neighborhoods and the natural environment through the use of buffers, both ecological (dense tree of native planting) and built (higher density/taller structures), encourage commercial uses in this corridor to further develop the industries in this area, and strengthen/support the vicinity's regional outdoor amenities such as Turkey Mountain and Page Belcher Golf Course, to include coordinating with the future Turkey Mountain Master Plan. The zoning application does not have a development plan that provides protection for any of the natural aesthetic of the site that is mentioned throughout the small area plan. The current land use designation recognized this area as a Mixed-Use Corridor and anticipated development that exceeds building density beyond what is proposed in the RS-3 residential development area; however, the Mixed-Use Corridor did anticipate the commercial development as proposed in the CG district. While the small area plan makes specific land use recommendations to foster a Mixed-use Corridor for economic development and buffering purposes, since the small area plan was established in 2014, there has been an ongoing shift in land use patterns across the city away from office and commercial spaces, which has only been exacerbated by the recent pandemic. In addition to this shift, there has also been increasing concern regarding the preservation and expansion of the Turkey Mountain recreational area.

### Land Use Vision:

*Land Use Plan map designation:* Town Center, Mixed-Use Corridor

**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.

**Mixed-Use Corridors** are Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

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

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

Transportation Vision:

*Major Street and Highway Plan:* The major street and highway plan does not anticipate an extension of the collector street from Olympia Avenue however during the plat process staff will recommend a street extension from the north end of Olympia to East 61<sup>st</sup> Street. The major street and highway plan anticipates the collector street turning east and tying ultimately to South Elwood.

*Trail System Master Plan Considerations:* The GO Plan recommends a Bike Corridor (bike lanes when possible, otherwise shared lane markings) that West 61<sup>st</sup> Street South spanning from South 33<sup>rd</sup> West Avenue to South Elwood Avenue and South Union Avenue from West 51<sup>st</sup> Street South to West 91<sup>st</sup> Street South.

Small Area Plan: West Highlands/Tulsa Hills Small Area Plan (Adopted 2014)

The recommendations of the small area plan include many references to supporting residential single family uses within a rural context and a rural residential zoning use. Revisions to the Tulsa Zoning Code have implemented those concepts within the AG-R zoning that was added to the code in 2019. The small lots anticipated in this designation will not offer opportunities to preserve existing vegetation and natural character mentioned in the small area plan.

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

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: Undeveloped with significant terrain considerations and heavy vegetation.*

Environmental Considerations: The terrain of the site encourages larger lots and may affect street patterns in the area.

The subject property abuts Highway 75. The normal highway pollutants that affect storm water quality, air quality, noise and light pollution may be mitigated by preserving mature vegetation abutting the highway.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
W. 61 <sup>st</sup> St. S.	Secondary Arterial	100 feet	2
S. Olympia Ave.	Residential Collector	60 feet	2

Utilities:

The subject tract currently municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	CS/OL/CO/AG	Mixed-Use Corridor/ Existing Neighborhood/ Parks and Open Space	Growth/ Stability	Vacant
South	CO/PUD-648/ PUD-648-A/ PUD-648-D	Town Center	Growth	Medical Park/ Hospital
East	AG/RS-3	Mixed-Use Corridor/ New Neighborhood/ Existing Neighborhood	Growth/Stability	Vacant except where abutting a Single-family Subdivision on the south portion of the subject property.
W	AG	None	None	HWY 75

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 21563 dated May 24, 2001 and Ordinance number 11827 dated June 26, 1970 established zoning for the subject property.

***Subject Property:***

**PUD-648-D/Z-6001-SP-4 October 2011:** All concurred in **approval** of a proposed *Major Amendment* to PUD and *Corridor Development Plan* on a 55.63± acre tract of land to add Outdoor Advertising as a permitted use within Development Areas B & D of PUD-648-B, on property located on the northeast corner of Highway 75 and West 71<sup>st</sup> Street.

**BOA-21927 August 2011:** The Board of Adjustment **accepted** the request for a *Verification of Spacing* for and outdoor advertising sign of 1,200 ft from another outdoor advertising sign on the same side of the highway and a *Verification of Spacing* for a digital outdoor advertising sign of 1,200 ft from any other digital outdoor advertising sign facing the same traveled way, on property located at north of the northeast corner of Highway 75 and West 71<sup>st</sup> Street.

**PUD-648-A/Z-6001-SP-2 June 2007:** All concurred in **approval** of a proposed *Major Amendment* to PUD and *Corridor Development Plan* on a 55.63± acre tract of land for a development with six development areas for office, restaurant, hotel, and hospital uses, on property located on the

northeast corner of West 71<sup>st</sup> Street South and Highway 75 South (Ordinance No. 21563, May 24, 2001).

**PUD-648/Z-6001-SP-1 May 2001:** All concurred in **approval** of a proposed *Planned Unit Development and Corridor Development Plan* on a 55.63± acre tract of land for a hospital and office uses, on property located at the northeast corner of West 71<sup>st</sup> Street South and U.S. Highway 75 (Ordinance No. 20134, June 28, 2007).

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

**Z-7296-SP-1 Withdrawn July 2015:** Applicant **withdrew** their request on July 20<sup>th</sup>, 2015 for a *Corridor Development Plan* on a 61.35± acre tract of land for a retail outlet mall, on property located at the northeast corner of Highway 75 and West 61<sup>st</sup> Street.

**Z-7296 Withdrawn July 2015:** Applicant **withdrew** their request on July 20<sup>th</sup>, 2015 to *rezone* a 61.35± acre tract of land from OL/CS/CO to CO for retail outlet mall, on property located at the northeast corner of Highway 75 and West 61<sup>st</sup> Street.

**PUD-648-C August 2011:** All concurred in **approval** of a proposed *Major Amendment to Abandon* a .51± acre portion of PUD-648 and add it to the east, on property located east of the northeast corner of Highway 75 and West 71<sup>st</sup> Street.

**PUD-648-B/Z-6001-SP-3 August 2009:** All concurred in **approval** of a proposed *Major Amendment to PUD and Corridor Development Plan* on a 7.16± to establish permitted uses within development areas, establish bulk and area requirements for former Reserve Areas and to include them within Phase I development, reallocate floor area from Development Area E to Development Areas A and D, and to add Use Unit #13, Convenience Goods and Services, to the permitted uses of Tract 2C, Block 1, Olympia Medical Park II and Development Area E (see Exhibit B), acre tract of land for on property located on the northeast corner of Highway 75 South and West 71<sup>st</sup> Street South.

**Z-7089-SP-1 July 2008:** All concurred in **approval** of a request for a *Corridor Development Plan* on a 50.46± acre tract of land for mixed use, on property located on the northeast corner of West 61<sup>st</sup> Street South and Highway 75 South.

**Z-4594 March 1974:** All concurred in **approval** of a request for *rezoning* a 52± acre tract of land from AG to CG for a shopping center, on property located north and east of 61<sup>st</sup> Street and Okmulgee Beeline Expressway.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 8-0-0 (Adams, Blair, Covey, Kimbrel, Reeds, Shivel, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Craddock, McArtor, "absent") to recommend **APPROVAL** of the RS-3 zoning for Z-7610 per staff recommendation with amended legal description provided by applicant and subject to approval by staff.

**Legal Description Z-7610:**

PROPOSED RS-3 TRACT

A TRACT OF LAND THAT IS A PART OF GOVERNMENT LOTS TWO (2) AND THREE (3), THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE/4 NW/4), AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE/4 SW/4) OF SECTION TWO (2), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT TWO (2); THENCE NORTH 88°57'56" EAST ALONG THE NORTH LINE OF SAID LOT TWO (2), FOR A DISTANCE OF 569.52 FEET; THENCE SOUTH 1°15'51" EAST, FOR A DISTANCE OF 1231.07 FEET TO THE SOUTH LINE OF SAID LOT TWO (2); THENCE SOUTH 89°06'20" WEST AND ALONG THE SOUTH LINES OF SAID LOT TWO (2) AND SAID LOT THREE (3), FOR A DISTANCE OF 652.39 FEET; THENCE SOUTH 01°14'56" EAST, FOR A DISTANCE OF 1319.52 FEET TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE/4 NW/4); THENCE SOUTH 89°08'21" EAST ALONG SAID SOUTH LINE, FOR A DISTANCE OF 82.53 FEET TO THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE/4 SW/4); THENCE SOUTH 01°15'11" EAST ALONG THE EASTERLY LINE THEREOF, FOR A DISTANCE OF 464.78 FEET TO THE PLATTED BOUNDARY OF RESERVE "E" OF OLYMPIA MEDICAL PARK, AN ADDITION TO THE CITY OF TULSA; THENCE SOUTH 52°19'20" WEST ALONG SAID BOUNDARY, FOR A DISTANCE OF 371.74 FEET; THENCE SOUTH 42°08'35" EAST ALONG SAID BOUNDARY, FOR A DISTANCE OF 13.47 FEET; THENCE ALONG SAID BOUNDARY ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 350.86 FEET, A CHORD BEARING OF SOUTH 12°53'34" EAST, A CHORD DISTANCE OF 365.05 FEET, FOR AN ARC DISTANCE OF 383.91 FEET; THENCE NORTH 71°32'45" WEST ACROSS SOUTH OLYMPIA AVENUE, FOR A DISTANCE OF 60.00 FEET TO THE PLATTED BOUNDARY OF RESERVE "B" OF OLYMPIA MEDICAL PARK, AN ADDITION TO THE CITY OF TULSA; THENCE ALONG SAID BOUNDARY OF RESERVE "B" ON A CURVE TO THE LEFT, HAVING A RADIUS OF 291.16 FEET, A CHORD BEARING OF NORTH 13°05'40" WEST, A CHORD DISTANCE OF 304.54 FEET, FOR AN ARC DISTANCE OF 320.47 FEET; THENCE NORTH 42°10'13" WEST ALONG SAID BOUNDARY OF RESERVE "B", FOR A DISTANCE OF 85.00 FEET; THENCE NORTH 47°51'25" EAST, FOR A DISTANCE OF 4.99 FEET; THENCE NORTH 42°09'59" WEST, FOR A DISTANCE OF 52.06 FEET; THENCE ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 250.00 FEET, A CHORD BEARING OF NORTH 23°23'34" WEST, A CHORD DISTANCE OF 160.91 FEET, FOR AN ARC DISTANCE OF 163.83 FEET; THENCE NORTH 04°37'10" WEST, FOR A DISTANCE OF 324.37 FEET; THENCE SOUTH 66°04'22" WEST, FOR A DISTANCE OF 385.09 FEET;



THENCE NORTH 54°49'29" WEST, FOR A DISTANCE OF 74.82 FEET; THENCE NORTH 01°18'03" WEST, A DISTANCE OF 265.54 FEET TO THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE/4 SW/4); THENCE SOUTH 89°08'21" WEST ALONG SAID NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE/4 SW/4) , FOR A DISTANCE OF 72.49 TO THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY 75; THENCE NORTH 01°08'43" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, FOR A DISTANCE OF 449.30 FEET; THENCE NORTH 10°09'17" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, FOR A DISTANCE OF 127.50 FEET; THENCE NORTH 01°08'42" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, FOR A DISTANCE OF 745.08 FEET TO THE SOUTH LINE OF SAID GOVERNMENT LOT THREE (3); THENCE NORTH 89°08'40" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, FOR A DISTANCE OF 2.37 FEET; THENCE NORTH 01°01'56" WEST ALONG SAID EAST RIGHT-OF-WAY LINE, FOR A DISTANCE OF 18.46 FEET; THENCE NORTH 02°17'44" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, FOR A DISTANCE OF 240.50 FEET; THENCE NORTH 25°17'44" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, FOR A DISTANCE OF 313.10 FEET; THENCE NORTH 00°00'44" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, FOR A DISTANCE OF 447.98 FEET; THENCE NORTH 88°49'54" EAST, FOR A DISTANCE OF 228.10 FEET; THENCE NORTH 00°04'33" EAST, FOR A DISTANCE OF 239.42 FEET TO A POINT ON THE NORTH LINE OF SAID LOT THREE (3); THENCE NORTH 88°59'32" EAST ALONG SAID NORTH LINE, FOR A DISTANCE OF 561.46 FEET TO THE NORTHEAST CORNER OF SAID LOT THREE (3) AND THE POINT OF BEGINNING.

CONTAINING 3,283,601 SQUARE FEET OR 75.38 ACRES.

LEGAL DESCRIPTION BASIS OF BEARINGS IS THE OKLAHOMA STATE PLANE COORDINATE SYSTEM WITH THE NORTH LINE OF LOT TWO (2) BEING NORTH 88°57'56" EAST.

THIS LEGAL DESCRIPTION WAS PREPARED ON JULY 21, 2021 BY JAY P. BISSELL, OKLAHOMA LICENSED LAND SURVEYOR NO. 1318.

THIS LEGAL FOR RS-3 ZONING WAS APPROVED AT THE AUGUST 4, 2021 PLANNING COMMISSION MEETING.

**8. PUD-648-E Springhill Land Company c/o AAB Engineering, Alan Betchan**  
(CD 2) Location: South of the southeast corner of West 61st Street South and Highway 75 requesting a **PUD Major Amendment** to abandon PUD-648-E (Related to Z-7609, Z-7610 and CPA-94) (Continued from June 2, 2021, July 7, 2021 and July 21, 2021)

**STAFF RECOMMENDATION:**  
**SECTION I: PUD-648-E**

**DEVELOPMENT CONCEPT:** Located south of the southeast corner of West 61<sup>st</sup> Street South & Highway 75 at the southern tip of Z-7610, the applicant is requesting a Major Amendment to Abandon this 9.36 ± acre portion of PUD-648-A for a new residential subdivision. This request accompanies Z-7610 whose rezoning request contains the subject property and surrounding property along the east side of Highway 75 going north toward West 61<sup>st</sup> Street South, a total

79.67±acres, and proposes a zoning change from CO & AG to RS-3 for a new residential subdivision.

This zoning request is one of several requests and includes zoning request consisting of multiple unplatted parcels running south along the south along the west side of Highway 75 from West 61<sup>st</sup> Street South and contains 79.58±acres and requesting a zoning change from CO & AG to RS-1 & CG for a new residential subdivision (Z-7609).

Other related cases relevant to this request include the PUD Major Amendment to Abandon the portion of PUD-648 located at the southern tip of the subject property (PUD-648-E) and the Comprehensive Plan Amendment (CPA-94) request that includes all of the area in the rezoning requests (minus the CG zoning request). The proposal is to amend these areas from *Mixed-Use Corridor and Town Center to New Neighborhood and Neighborhood Center*.

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

PUD-648-E is requesting a Major Amendment to abandon a portion of PUD-648-A and PUD 648-D for a new residential subdivision. The abandonment ~~of the portion of PUD-648-A~~ is limited to development areas B and C along with a portion of street reserve area and anticipated reserve area illustrated in the exhibit attached. Abandonment of that portion of the PUD does not affect the remainder of PUD-648-A or PUD-648-D and,

The abandonment requested as well as RS-3 rezoning requested in related case Z-7610 are consistent with the anticipated future development of the surrounding property therefore,

The abandonment and rezoning request is not consistent with the current Town Center land use designation, but is consistent with the New Neighborhood land use designation requested in the concurrent Comprehensive Plan Amendment request, CPA-94,

Given recent shifts in retail and office trends, there is ample vacant retail and office space in the city and an increased population in the area could help sustain the existing retail in the Tulsa Hills area, therefore,

Staff recommends **approval** of PUD-648-E to Abandon a portion of PUD-648-A and a portion of PUD 648-D.

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

##### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: While the land use and stability and growth designations for the subject property and abutting parcels were initially made in 2010 with the adoption of the Tulsa Comprehensive Plan, these designations were subsequently updated with the adoption of the West Highlands/Tulsa Hills Small Area Plan to reflect the expanded Mixed-Use Corridor land use. In addition to this change in land use, the small area plan makes specific land use recommendations regarding the preservation of existing neighborhoods and the natural environment through the use of buffers, both ecological (dense tree of native planting) and built (higher density/taller structures), encourage commercial uses in this corridor to further develop the industries in this area, and strengthen/support the vicinity's regional outdoor amenities such as Turkey Mountain and Page Belcher Golf Course, to include coordinating with the future Turkey Mountain Master Plan. The zoning application does not have a development plan that provides protection for any of the natural aesthetic of the site that is mentioned throughout the small area plan. The current land use designation recognized this area as a Mixed-Use Corridor and anticipated development that exceeds building density beyond what is proposed in the RS-1 residential development area; however, the Mixed-Use Corridor did anticipate the commercial development as proposed in the CG district. While the small area plan makes specific land use recommendations to foster a Mixed-use Corridor for economic development and buffering purposes, since the small area plan was established in 2014, there has been an ongoing shift in land use patterns across the city away from office and commercial spaces, which has only been exacerbated by the recent pandemic. In addition to this shift, there has also been increasing concern regarding the preservation and expansion of the Turkey Mountain recreational area.

#### 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.

Transportation Vision:

*Major Street and Highway Plan:* S. Olympia Ave is designated as a Residential Collector

*Trail System Master Plan Considerations:* None

Small Area Plan: West Highlands/Tulsa Hills Small Area Plan (Adopted 2014)

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

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

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: Undeveloped with significant terrain considerations and heavy vegetation.*

Environmental Considerations: None that would affect site development.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
S. Olympia Ave.	Residential Collector	60 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG	Mixed-Use Corridor	Growth	Vacant (Part of rezoning related to this Abandonment)
South	CO/PUD-648/ PUD-648-A/ PUD-648-D	Town Center	Growth	Medical Park/ Hospital
East	AG/RS-3	Mixed-Use Corridor/ New Neighborhood/ Existing Neighborhood	Growth/Stability	Vacant/Single-family Subdivision
West	AG	None	None	Highway 75

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 21563 dated May 24, 2001 and Ordinance number 11827 dated June 26, 1970 established zoning for the subject property.

***Subject Property:***

**PUD-648-D/Z-6001-SP-4 October 2011:** All concurred in **approval** of a proposed *Major Amendment* to PUD and *Corridor Development Plan* on a 55.63± acre tract of land to add Outdoor Advertising as a permitted use within Development Areas B & D of PUD-648-B, on property located on the northeast corner of Highway 75 and West 71<sup>st</sup> Street.

**BOA-21927 August 2011:** The Board of Adjustment **accepted** the request for a *Verification of Spacing* for and outdoor advertising sign of 1,200 ft from another outdoor advertising sign on the same side of the highway and a *Verification of Spacing* for a digital outdoor advertising sign of 1,200 ft from any other digital outdoor advertising sign facing the same traveled way, on property located at north of the northeast corner of Highway 75 and West 71<sup>st</sup> Street.

**PUD-648-A/Z-6001-SP-2 June 2007:** All concurred in **approval** of a proposed *Major Amendment* to PUD and *Corridor Development Plan* on a 55.63± acre tract of land for a development with six development areas for office, restaurant, hotel, and hospital uses, on property located on the

northeast corner of West 71<sup>st</sup> Street South and Highway 75 South (Ordinance No. 21563, May 24, 2001).

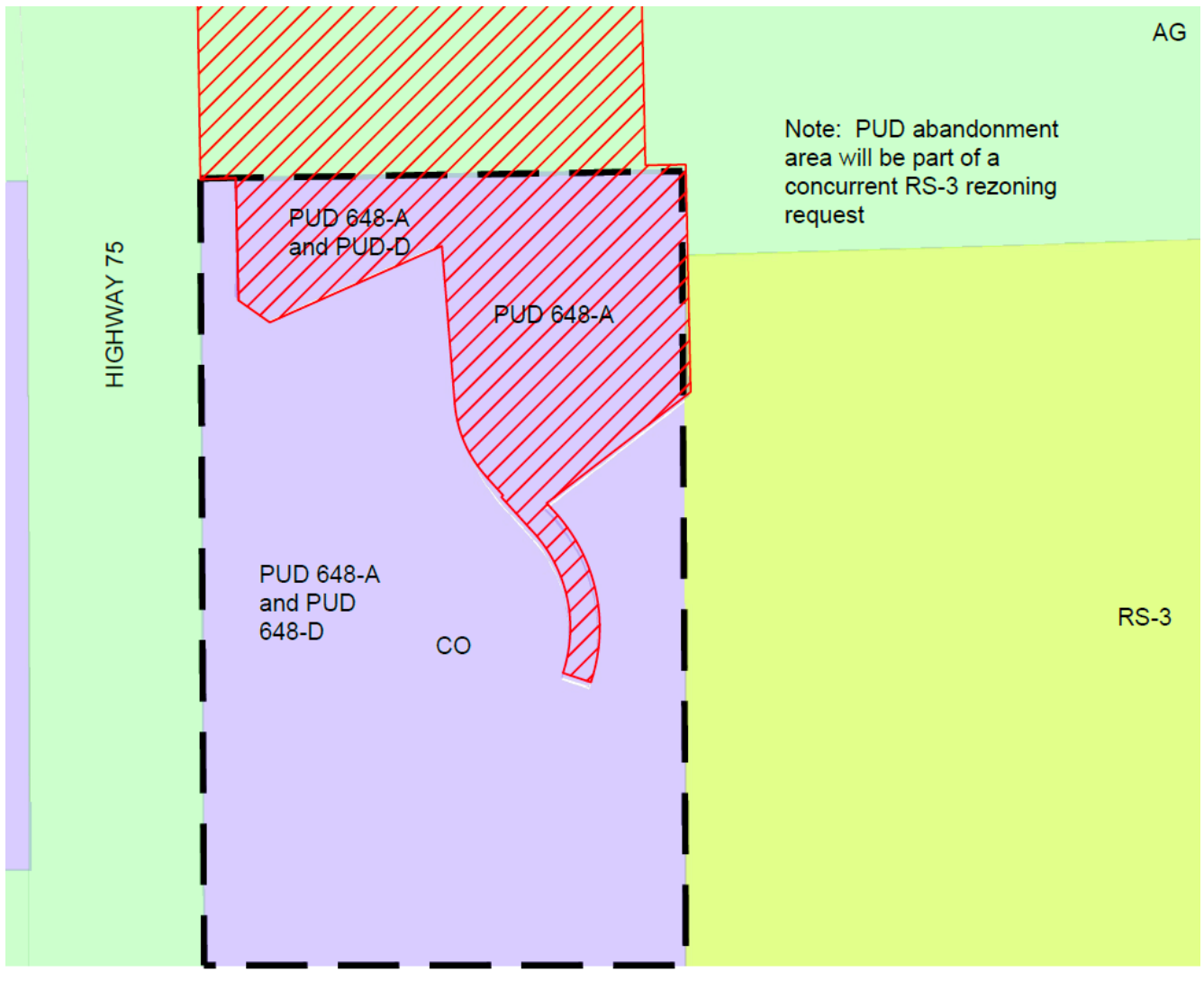
**PUD-648/Z-6001-SP-1 May 2001:** All concurred in **approval** of a proposed *Planned Unit Development and Corridor Development Plan* on a 55.63± acre tract of land for a hospital and office uses, on property located at the northeast corner of West 71<sup>st</sup> Street South and U.S. Highway 75 (Ordinance No. 20134, June 28, 2007).

***Surrounding Property:***

**PUD-648-C August 2011:** All concurred in **approval** of a proposed *Major Amendment to Abandon* a .51± acre portion of PUD-648 and add it to the east, on property located east of the northeast corner of Highway 75 and West 71<sup>st</sup> Street.

**PUD-648-B/Z-6001-SP-3 August 2009:** All concurred in **approval** of a proposed *Major Amendment to PUD and Corridor Development Plan* on a 7.16± to establish permitted uses within development areas, establish bulk and area requirements for former Reserve Areas and to include them within Phase I development, reallocate floor area from Development Area E to Development Areas A and D, and to add Use Unit #13, Convenience Goods and Services, to the permitted uses of Tract 2C, Block 1, Olympia Medical Park II and Development Area E (see Exhibit B), acre tract of land for on property located on the northeast corner of Highway 75 South and West 71<sup>st</sup> Street South.

**PUD abandonment illustration: provided by applicant 8.3.2021**



**TMAPC Comments:**

Mr. Covey asked on page 5.6 of the agenda packet if staff was saying City of Tulsa has acquired the area that has a New Neighborhood designation that is yellow and in future land use amendments that will change to green.

Staff stated “yes”.

Mr. Covey asked if the area designated as a Mixed-Use Corridor that is privately owned and not a part of this application would also be changed.

Staff stated he believes that will change from a Mixed-Use Corridor to something else when the Comprehensive Plan is updated.

Mr. Covey asked if Staff would be working with the landowner.

Staff stated "yes".

Mr. Covey stated planitusa was adopted in 2010 and since that time a West Highlands Small Area Plan was adopted. He stated since the adoption of that plan Planning Commission has heard from the residents in that neighborhood when applications do not adhere to the Small Area Plan recommendations. Mr. Covey stated he realizes it's just a plan but if the plan called for Mixed-Use Corridor and now a developer wants to develop a new neighborhood is staff good with that. He stated his question is timing when does a plan not mean anything.

Staff stated that is the reason staff exists, to keep plans relevant and to make the best decisions possible at the time they're adopted. He stated staff looks at things like police protection, utilities, access, population, and trends to name a few. Staff stated one of the other things they look at is public infrastructure and parks. He would argue in this instance had so much of this property not been part of a big Master Plan study and the City had not acquired that property then maybe it wouldn't be time to change this but there's so much interest in this area as a meaningful urban park and that is a huge deal in land use policy. Staff stated this is the point where we have to decide if we are not going to expand commercial uses and expand the neighborhood then maybe as a city, we shouldn't have accepted that as a part of the project but he thinks that because of the public interest in Turkey Mountain and what it can mean to the City this is hugely important.

Ms. Kimbrel stated she is trying to capture the community's sentiment because the residents of this area have been in front of Planning Commission a few times and were mad because they did not feel planning Commission were listening to them. She stated she is trying to capture what was communicated to residents in the mentioned community engagement. Ms. Kimbrel stated she read in the staff report that this proposal is in harmony with neighborhood desire but she wants to make sure so that the residents don't come back mad.

Staff stated the applicant can address Ms. Kimbrel's question but he knows staff sent out notices to property owners within 300 feet and there's been a fair amount of discussion, but only one neighborhood reached out concerned about the City owned property. He stated they were happy it would be a park.

**Applicant Comments:**

**Lou Reynolds** 2727 South Lewis Ave, STE 200, Tulsa OK

The Applicant stated he has met with the City Councilor for this District and she very graciously put together a neighborhood meeting with over 30 plus people attending. He stated the general consensus was they were very delighted with this project. The applicant stated the neighbors liked the proposed RS-1 zoning



and the larger lots and thought this development was beneficial to their neighborhood. He stated most of the property to the west is single family residential houses and would have houses across from houses.

Ms. Adams asked what the large building at the bottom for page 8.7 of the agenda packet on Olympia Avenue was.

The applicant stated it is a surgical hospital.

The applicant stated there is a new legal description being corrected of the RS-3 zoning on the east side of the road. He stated staff has reviewed it and his surveyors double checked it. It reflects the piece with a cell tower and that's why it was cut out.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 8-0-0 (Adams, Blair, Covey, Kimbrel, Reeds, Shivel, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Craddock, McArtor, "absent") to recommend **APPROVAL** of the PUD major amendment for PUD-648-E per staff recommendation.

**Legal Description PUD-648-E:**

PARTIAL ABANDONMENT OF PUD

A TRACT OF LAND BEING A PART OF THE EAST HALF OF THE SOUTHWEST QUARTER (E/2 SW/4) OF SECTION TWO (2), TOWNSHIP EIGHTEEN (18) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA, COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, SAID TRACT OF LAND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION TWO (2); THENCE SOUTH 01°15'11" EAST ALONG THE EASTERLY LINE THEREOF, A DISTANCE OF 464.78 FEET TO A POINT ON THE PLATTED BOUNDARY OF RESERVE "E" OF OLYMPIA MEDICAL PARK, AN ADDITION TO THE CITY OF TULSA; THENCE SOUTH 52°19'20" WEST ALONG SAID BOUNDARY, A DISTANCE OF 371.74 FEET; THENCE SOUTH 42°41'22" EAST ALONG SAID BOUNDARY, A DISTANCE OF 22.96 FEET; THENCE ALONG SAID BOUNDARY, ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 350.86 FEET, A CHORD BEARING OF SOUTH 12°53'34" EAST, A CHORD DISTANCE OF 365.05 FEET, AND AN ARC DISTANCE OF 374.42 FEET; THENCE NORTH 71°32'45" WEST ACROSS SOUTH OLYMPIA AVENUE, A DISTANCE OF 60.00 FEET TO THE PLATTED BOUNDARY OF RESERVE "B" OF OLYMPIA MEDICAL PARK, AN ADDITION TO THE CITY OF TULSA; THENCE ALONG SAID BOUNDARY OF RESERVE "B" ON A CURVE TO THE LEFT, HAVING A RADIUS OF 291.16 FEET, A CHORD BEARING OF NORTH 13°05'40" WEST, A CHORD DISTANCE OF 304.54 FEET, AND AN ARC DISTANCE OF 320.47 FEET; THENCE

NORTH 42°10'13" WEST ALONG SAID BOUNDARY OF RESERVE "B", A DISTANCE OF 85.00 FEET; THENCE NORTH 47°51'25"EAST FOR A DISTANCE OF 4.99 FEET; THENCE NORTH 42°09'59" FOR A DISTANCE OF 52.06 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 250 FEET, A CHORD BEARING OF NORTH 37°32'49" WEST, A CHORD DISTANCE OF 160.91 FEET, AND AN ARC DISTANCE OF 163.83 FEET; THENCE NORTH 04°57'10" WEST, A DISTANCE OF 324.37.08 FEET; THENCE SOUTH 66°04'22" WEST, A DISTANCE OF 385.09 FEET; THENCE NORTH 54°49'29" WEST, A DISTANCE OF 74.82 FEET; THENCE NORTH 01°18'03" WEST, A DISTANCE OF 265.54 FEET; THENCE NORTH 89°08'21" EAST, A DISTANCE OF 834.56 FEET TO THE POINT OF BEGINNING.

CONTAINING 407,888 SQUARE FEET OR 9.66 ACRES.

LEGAL DESCRIPTION BASIS OF BEARINGS IS THE OKLAHOMA STATE PLANE COORDINATE SYSTEM WITH THE NORTH LINE OF THE SOUTHWEST QUARTER BEING NORTH 89°08'21" EAST.

THIS LEGAL FOR PARTIAL ABANDONMENT OF PUD 648 WAS APPROVED AT THE AUGUST 4, 2021 PLANNING COMMISSION MEETING.

\* \* \* \* \*

**9. Z-7604 Charles Onyechi** (CD 1) Location: East of the southeast corner of Mohawk Boulevard and North Columbia Avenue requesting rezoning from **CS to IL with optional development plan** (Continued from May 19, 2021, June 2, 2021 and July 7, 2021)

**STAFF RECOMMENDATION:**

**SECTION I: Z-7604**

**APPLICANTS DEVELOPMENT CONCEPT:**

- Repurpose the existing building.
- Industrial uses will be prohibited except those allowed by the City of Tulsa Board of Adjustment for light manufacturing facilities necessary for production of medical marijuana edibles using medical marijuana components processed elsewhere and a horticulture nursery.
- The repurposed building and site will conform to the provisions of the CG zoning district.
- Rezoning this site will require conformance with the Subdivision and Development Regulations if zoning is approved.
- The Subject Property was purchased and developed by the previous landlord and used as a mechanic workshop (service garage) from 2016 until recently.

- In 2020, the Applicant, Cinosweatz LLC, purchased the Subject Property. In recent years, the trend in many cities around the country, including Tulsa, has been to repurpose otherwise vacant buildings to retail, commercial, and industrial spaces to accommodate new uses that were otherwise not conceived of at the time many of these buildings were originally developed. In keeping with this trend, the Applicant is seeking to expand the uses allowed on the Subject Property while maintaining the look and feel of a commercial style building/development. a detailed sight pan is attached as Exhibit.
- The Development Plan area measures 5,576 sq. feet (0.13 acres) with address as 2726 E Mohawk BV N, Tulsa. The intent of this Application is to expand the uses allowed in this structure to give the Applicant more flexibility using this building for growing and manufacturing marijuana plants for uses in the community and sale in dispensaries across the city. No exterior changes to the structure are planned other than painting and signage

**Current Use:**

- The Development Plan area is a mechanic area and is a vacant garage due to the decline in demand for mechanic and service garages in the neighborhood, the current restrictions on use on the subject property under the current restrictions on use on the subject property under the current CS zoning. The development plan area has been vacant for more than 10 years.

**Basis of Application:**

- As discussed above, the demand for the shopping center district, the Zoning type (CS) has changed drastically in the last decade. Around the City of Tulsa and nationwide, strip center developments are facing decreased demand. In addition to this change in tenant demand, e-commerce has forced many former brick and mortar retail operations out of business. As such, there are fewer potential tenants. The combined effect of these two shifts, has forced property owners to think differently about development of strip center malls.
- Much like another business owner's successful conversion of the storage buildings next to the properties owned by the Applicant, the Applicant would like to repurpose the Subject Property into a development that is more directed at attracting a different type of use than the original zoning and platting of the Barrett and Evans Subdivision. The Applicant believes that the proposed rezoning and Optional Development Plan will operate to allow a more diversified

mixed use that would potentially drive much higher occupancy at the Subject Property and give the Applicant additional rent roll income with which to make further improvements. In Addition, the Applicant and is a resident in this part of town and would like to see more growth in the area, adding more jobs to the community, thereby improving the lifestyle of members of the community.

- Further, the Applicant believes the proposed rezoning will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

### **DETAILED STAFF RECOMMENDATION:**

The IL district is primarily intended to accommodate established commercial uses, while providing protection to adjacent residential area accommodate the grouping of compatible commercial and light industrial uses. The applicant requested IL zoning with the application associated with Z-7604 but setback limitations in an IL district on a very small site may create an unusable site. Future building permit applications may require board of adjustment variances to remove the 75-foot setback requirements from abutting residential districts. Many uses allowed in an IL district are not compatible with the expected land use development in the area however staff supports IL zoning with optional development plan allowing certain uses and supplemental regulations that are consistent with a Mixed-Use Land Use designation in the Tulsa Comprehensive Plan and,

IL zoning with use limitations identified in the development plan along with supplemental regulations in the zoning code are consistent with expected future development patterns in the area and,

The zoning code does not allow a development plan to reduce setback standards however the uses identified in the development plan outlined in Section II below are consistent with the provisions of the Tulsa Zoning code therefore,

Staff recommends Approval of Z-7604 to rezone property from CS to IL with the optional development plan standards outlined in Section II.

### **SECTION II: OPTIONAL DEVELOPMENT PLAN STANDARDS**

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 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**

### **PUBLIC, CIVIC AND INSTITUTIONAL**

- Safety Service
- Utilities and Public Service Facility
  - Minor
- Wireless Communication Facility
  - Freestanding tower
  - Building or tower-mounted antenna

### **COMMERCIAL**

#### **Animal service**

- Boarding or shelter
- Grooming
- Veterinary

#### **Broadcast or Recording Studio**

#### **Commercial Service**

- Building service
- Business support service
- Consumer maintenance/repair service
- Personal improvement service
- Research service

#### **Financial Services** including personal credit establishment

#### **Lodging**

- Campgrounds and RV parks
- Hotel/motel

#### **Office**

- Business or professional office
- Medical, dental or health practitioner office
- Plasma center

#### **Restaurants and Bars**

- Restaurant

#### **Retail Sales**

- Building supplies and equipment
- Consumer shopping goods
- Convenience goods
- Grocery Store
- Small Box Discount Store
- Medical Marijuana Dispensary

#### **Self-service Storage Facility**

#### **Studio, Artist, or Instructional Service**

#### **Trade School**

#### **Vehicle Service (sales not allowed)**

- Commercial vehicle repair / maintenance
- Fueling station
- Personal vehicle repair / maintenance
- Vehicle part and supply sales

Vehicle body and paint finishing shop  
**WHOLESALE, DISTRIBUTION. & STORAGE**  
Wholesale Sales and Distribution

**INDUSTRIAL**

Low-impact Manufacturing & Industry but limited to production of medical marijuana edibles using medical marijuana components processed elsewhere.

**AGRICULTURAL**

Community Garden  
Farm, Market- or Community-supported  
Horticulture Nursery

**OTHER**

Drive-in or Drive-through Facility (as component of an allowed principal use)

**SECTION III: Supporting Documentation**

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: IL zoning can be expected in some mixed-use corridor land use designation areas in certain circumstances. This site is very small and abuts residential properties on the southeast corner of the site which may create setback limitations identified in our code which could require Board of Adjustment approval of a variance from setback standards for industrial uses.*

Land Use Vision:

*Land Use Plan map designation: Mixed-Use Corridor*

A Mixed-Use Corridor is a plan category used in areas surrounding Tulsa's modern thoroughfares that pair high-capacity transportation facilities with housing, commercial, and employment uses. The streets usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods.

*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 areas 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 except the residential collector designation.

*Trail System Master Plan Considerations:* None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: An existing building will remain on site and that building is expected be converted to a agriculture grow operation.*



Environmental Considerations: None that affect site re-development.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
Mohawk Blvd	Residential Collector	60 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	RS-3	New Neighborhood	Growth	Residential
East	CS and RS-3	Mixed Use Corridor	Growth	Vacant
South	CS and RS-3	Mixed Use Corridor	Growth	Automotive sales, service and possibly salvage.
West	CS	Mixed Use Corridor	Growth	Automotive Sales and Service



## **SECTION IV: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11802 dated June 26, 1970 established zoning for the subject property.

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

No Relevant History.

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

**BOA-23058 January 2021:** The Board of Adjustment **approved** a *Special Exception* to permit Moderate-Impact Medical Marijuana processing in the IL District, subject to a conceptual plan presented at the Board meeting. The site is located at 2623 East 36<sup>th</sup> Street North.

**Z-7307 August 2015:** All concurred in **approval** of a request for *rezoning* a 11.21+ acre tract of land from RMH to AG for agricultural use, on property located north of East Mohawk Boulevard between North Birmingham Avenue and North Columbia Avenue.

**BOA-20847 February 2009:** The Board of Adjustment **approved** a *Special Exception* to permit a manufactured home in the RS-3 district and a *Special Exception* to permit the manufactured home in the RS-3 district for a period of thirty years, subject to the home being set on a permanent foundation, according to manufacturing specifications with tie downs and tying into all existing utilities, there will be a rock or brick wainscot covering the concrete block around the perimeter, a porch will be constructed on the front utilizing a pitched roof and this porch shall be as noted on the plan received today, there shall be a concrete or asphalt driveway from Mohawk Boulevard to the manufactured home with parking for at least two automobiles either stacked or singularly, before this home is set the concrete fence shall be removed or brought back to no more than 4 ft in height, and all debris and clutter particularly along Mohawk Boulevard including the remains of ranch and rail fencing shall be removed, on property located at 2711 East Mohawk Boulevard.

**BOA-17617 January 1997:** The Board of Adjustment **approved** a *Special Exception* to permit an existing nursing home in accordance with as-built survey and in accordance with non-conforming status of initial construction and previous Board permitting expansions as it pertains to setbacks and landscaping, and a *Special Exception* to modify screening requirements, per plan submitted, on property located at the northeast corner of 36<sup>th</sup> Street North and Columbia.

**BOA-15083 March 1989:** The Board of Adjustment **approved** a *Special Exception* to allow or the expansion of an existing nursing home in an RS-3 District and to approve a *Variance* of the lot frontage from 50' to 37' to allow for a lot split, per plot plan submitted, finding that the 37' of land fronting Columbia Avenue was purchased by the owner to allow the existing building to be located within his ownership and maintain a reasonable setback, on property located at the northeast corner of 36<sup>th</sup> Street North and North Columbia Avenue.

**BOA-13177 June 1984:** The Board of Adjustment **approved** a *Special Exception* to permit Use Unit 17 in a CS district under the provisions of Section 1680, a *Variance* of the required screening from an abutting R district, and a *Variance* to permit open air storage or display within 300' of an adjoining R district, subject to it being restricted to auto sales only, and subject to any lighting that is erected being directed inward onto the property, on property located at east of the southeast corner of Columbia Avenue and Mohawk Boulevard.

**BOA-12089 July 1982:** The Board of Adjustment **approved** a *Variance* to waive the screening requirement so long as the ownership remains with this applicant, a *Variance* of the parking requirements and that the applicant will asphalt two (2) parking spaces, and a *Variance* of the frontage requirements from 50' to 20', on property located at 3839 North Columbia Avenue.

**Z-4804 November 1977:** All concurred in **approval** of a request for *rezoning* a 4± acre tract of land from RD to CG for a garage, on property located north of Mohawk Boulevard on North Columbia Avenue.

**Z-4670 January 1975:** All concurred in **approval** of a request for *rezoning* a .5± acre tract of land from RS-3 to CS for a plumbing shop, on property located north of the northeast corner of 36<sup>th</sup> Street North and Columbia Avenue.

**BOA-06562 February 1970:** The Board of Adjustment **approved** CDP No. 79, under the provisions of Section 18, on property located at the northwest corner of Columbia Avenue and Mohawk Boulevard, subject to the following conditions:

1. That a shrubbery screen along the North and East Boundaries of the project be a condition of approval.
2. That the CDP text and plot plan be conditions of approval.
3. That no commercial uses be permitted within the project excepting the customary management office recreational facilities, laundry, and vending services, to be located in the recreation and service area so designated on the plot plan.

4. That a subdivision plat be approved and filed of record in the County Clerk's office before any building permits are issued.
5. That a free-standing sign be permitted along Mohawk Boulevard to identify the park, a maximum of 15 feet in height and 48 square feet in area (6x8) and no flashing lights.

CDP No. 79 has since been expired, pursuant to Section 204 of the 1970 zoning code.

**BOA-05195 September 1966:** The Board of Adjustment **granted** permission to erect an accessory building to be used as a laundry building for Black's Nursing Home in a U-2-B district, on property located on the west 106 feet of the east half of Lot 8, Barrett-Evans Subdivision.

**BOA-02873 September 1956:** The Board of Adjustment **granted** permission to operate a nursing home, on property located on the west 106 feet of the east half of Lot 8, Barrett-Evans Subdivision.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **REEDS**, the TMAPC voted 8-0-0 (Adams, Blair, Covey, Kimbrel, Reeds, Shivel, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Craddock, McArtor, "absent") to recommend **APPROVAL** of rezoning from CS to IL with optional development for Z-7604 plan per staff recommendations.

**Legal Description Z-7604:**

BEG SECR W/2 LT 5 TH W53.65 N90 NELY60.45 S117.85 POB LT 5, BARRETT & EVANS SUB

\* \* \* \* \*

**PUBLIC HEARING-PLATS**

**10. FoodHome** (CD 1) Preliminary Plat, Location: Northwest corner of East Apache Street and North New Haven

**STAFF RECOMMENDATION:**

**FoodHome** - (CD 1)

Northwest corner of East Apache Street and North New Haven

This plat consists of 1 lot, 1 block on 5.01 ± acres.

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

1. **Zoning:** The property is zoned CG. The proposed lot conforms to the requirements of the CG district.
2. **Transportation & Traffic:** ADA compliant sidewalks and ramps are required to be installed/improved by the developer along East Apache Street and North New Haven. Driveways must accommodate ADA sidewalk access. Additional 5 feet of right-of-way required per the Major Street and Highway Plan along North New Haven.
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. Remove contours from final plat. Provide addresses for individual lots. Under the Owner heading include a contact name. Under the Benchmark heading provide the northing/easting coordinates that are associated with the elevation provided. Show coordinate system used under the Basis of Bearing heading. Provide a bearing angle shown on the face of the plat.
6. **Stormwater, Drainage, & Floodplain:** Stormwater detention and drainage improvements are required to obtain IDP approval prior to final plat approval. Easements must be clearly dimensioned and labeled on the face of the plat.
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.

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; 8 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 8-0-0 (Adams, Blair, Covey, Kimbrel, Reeds, Shivel, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Craddock, McArtor, “absent”) to **APPROVE** the Preliminary Subdivision Plat for FoodHome per staff recommendation.

**OTHER BUSINESS**

**11. Commissioners' Comments**

**None**

**ADJOURN**

**TMAPC Action; 8 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 8-0-0 (Adams, Blair, Covey, Kimbrel, Reeds, Shivel, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Craddock, McArtor, "absent") to **ADJOURN** TMAPC meeting of August 4, 2021, Meeting No. 2847.

There being no further business, the Chair declared the meeting adjourned at 1:57 p.m.

Date Approved:

08-18-2021

  
Chairman

ATTEST:

  
Secretary

Secretary