

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2851

Wednesday, October 6, 2021, 1:00 p.m.

City Council Chamber

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

Members Present	Members Absent	Staff Present	Others Present
Blair	Adams	Davis	Silman, COT
Covey	Craddock	Foster	Skates, COT-R
Shivel	Kimbrel	Hoyt	VanValkenburgh, Legal
Walker	Reeds	Miller	
Whitlock		Sawyer	
Zalk		Wilkerson	

R=Remote

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday September 30, 2021 at 4:00 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 1:07 p.m.

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

REPORTS:

Chairman’s Report:
None

Director’s Report:
None

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Minutes:

1. Minutes of September 15, 2021 Meeting No. 2850

TMAPC Action; 6 members present:

Approval of the minutes of **September 15, 2021 Meeting No. 2850**

On **MOTION** of **WALKER**, the TMAPC voted 6-0-0 (Blair, Covey, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Adams, Craddock, Kimbrel, Reeds, “absent”) to **APPROVE** the minutes of September 15, 2021 Meeting No. 2850

CONSENT AGENDA

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

2. **The Land Phase One** (County) Amendment of Deed of Dedication, Location: Southeast corner of West 41st Street South and Gilcrease Expressway

TMAPC Action; 6 members present:

On **MOTION** of **WALKER**, TMAPC voted 6-0-0 (Blair, Covey, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Adams, Craddock, Kimbrel, Reeds, “absent”) to **APPROVE** Consent Agenda Item 2 per staff recommendation.

PUBLIC HEARING-PLATS

3. **Whisper Lane** (County) Preliminary Plat and Modification of the Subdivision & Development Regulations to extend allowable cul-de-sac and block length, Location: East of the southeast corner of East 151st Street South and South Lewis Avenue

STAFF RECOMMENDATION:

Whisper Lane – (Tulsa County)

East of the southeast corner of East 151st Street South and South Lewis Avenue

This plat consists of 31 lots, 3 blocks on 36.44 ± acres.

The Technical Advisory Committee (TAC) met on September 2, 2021 and provided the following comments:

1. **Zoning:** The subject tract is currently zoned AG. TMAPC recommended approval of a rezoning to RE (CZ-518) with an associated planned unit development (PUD-859) on September 15, 2021. Lots are required to conform to the final approved development standards for PUD-859 and development standards must be included with the final plat.
2. **Addressing:** Final address assignments by INCOG must be shown on the face of the final plat.
3. **County Engineering:** Private streets are required to obtain approval from Tulsa County Engineering prior to final plat approval. Plans for stormwater and drainage are required to be approved and completed prior to final plat approval.
4. **Sewer/Water:** On-site sewage disposal must be approved by the Oklahoma Department of Environmental Quality. Water service to be provided by Creek County Rural Water District No. 2. Water line extensions must be completed and final plat must be released by the rural water district including capacity for any required fire systems to be installed by the developer.
5. **Fire:** Extended dead-end will require an approved turnaround. Cul-de-sacs extending beyond 750' are limited to 30 lots unless approved sprinkler systems are installed in structures exceeding that limit.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Release letters are required from all utilities serving the site. Provide certificate of records from Oklahoma Corporation Commission related to oil & gas activity on the site.

Modification of Subdivision Regulations:

1. Modification to extend the allowable block length of 1,500 feet and the allowable cul-de-sac length of 750'.

Staff recommends **APPROVAL** of the preliminary plat and the modification to the Subdivision & Development Regulations due to the recommendation of approval for private streets. Streets located within the subdivision would not provide any opportunity for connectivity for public street networks and are required to be maintained by an approved homeowner's association. Approval is subject to the conditions provided by TAC and the requirements of the Subdivisions Regulations.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **COVEY**, TMAPC voted 6-0-0 (Blair, Covey, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Adams, Craddock, Kimbrel, Reeds, "absent") to **APPROVE** the Preliminary Subdivision Plat and the

modification to the Subdivision & Development Regulations for Whisper Lane per staff recommendation.

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4. Costco North Tulsa (CD 3) Preliminary Plat, Location: Northeast corner of East 46th Street North and Highway 169

STAFF RECOMMENDATION:

Costco North Tulsa - (CD 3)

Northeast corner of East 46th Street North and Highway 169

This plat consists of 1 lot, 1 block on 27.07 ± acres.

The Technical Advisory Committee (TAC) met on September 16, 2021 and provided the following conditions:

1. **Zoning:** The property is zoned IM (Industrial – Moderate). The proposed lot conforms to the requirements of the IM district.
2. **Addressing:** City of Tulsa address and street names must be assigned and affixed to the face of the final plat.
3. **Transportation & Traffic:** New dedication for North Garnett Road will require a 100' ultimate width. Approved turnaround required where Garnett Road will dead-end. Sidewalks will be required per Title 35. Provide limits of no access along each adjacent street frontage except where proposed drives enter North Garnett Road. IDP for new street construction including sidewalks and ADA ramps must be approved prior to final plat approval.
4. **Sewer/Water:** Easements must be provided as required to cover existing/proposed public infrastructure. All easements are required to be labeled and dimensioned on the face of the final plat. Any required IDP must obtain approval prior to final plat approval.
6. **Engineering Graphics:** Submit subdivision data control sheet with final plat submittal. Provide subdivision statistics (lots, blocks, acreage) on the face of the plat. Remove contours from final plat submittal. Update engineer and surveyor information to include CA number, email, and other relevant contact information. Under the basis of bearings information include the coordinate system used. Provide a bearing angle shown on the face of the plat. Provide symbology for property pins found or set under legend.
7. **Stormwater, Drainage, & Floodplain:** There is existing floodplain on the subject property that must be accurately delineated on the face of the plat and contained within an overland drainage easement. Floodplain shall be plotted based on actual flood elevations and contours and labeled appropriately. All drainage must be contained within appropriate easements. Final stormwater plans must be approved through the IDP process prior to final plat approval.

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

Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the conditions provided by TAC and all other requirements of the Subdivision and Development Regulations. City of Tulsa release letter including Development Services, City Legal, and Engineering Services is required prior to final plat approval.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **WALKER**, TMAPC voted 6-0-0 (Blair, Covey, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Adams, Craddock, Kimbrel, Reeds, "absent") to **APPROVE** the Preliminary Subdivision Plat for Costco North Tulsa per staff recommendation.

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Items 5 and 6 were presented together.

- 5. River West Phase V & VI** (CD 2) Preliminary Plat and Modification of the Subdivision & Development Regulations to remove requirements for performance guarantees, Location: Southeast corner of West 21st Street South and Southwest Boulevard (Related to River West Phase V & VI Accelerated Release Request)

STAFF RECOMMENDATION:

River West Phase V & VI - (CD 2)

Southeast corner of West 21st Street South and Southwest Boulevard

This preliminary plat review consists of 2 phases:

1. River West Phase V– 1 lot, 1 block, 5.99 ± acres
2. River West Phase VI – 1 lot, 1 block, 4.66 ± acres

The Technical Advisory Committee (TAC) met on September 16, 2021 and provided the following conditions:

- 1. Zoning:** The property is zoned MX1-U-55. Proposed lots conform to the requirements of the MX district.
- 2. Addressing:** City of Tulsa will assign addresses to each lot as phasing begins. Assigned address is required to be affixed to the face of the final

plat prior to approval.

3. **Transportation & Traffic:** Sidewalks are required to be installed along all streets. Indicate which street rights-of-way are dedicated by plat and recording information and dimensions for any existing dedications to remain.
4. **Sewer/Water:** Sewer and water extension are being constructed through a capital project with public funds. Publicly funded infrastructure must have final plans for infrastructure prepared prior to final plat approval and filing to ensure accuracy of all easements/ROW.
5. **Engineering Graphics:** Submit a subdivision control data sheet with final plat. Show all platted properties in the location map and label all other property has unplatted. Label subject property. Graphically show all property pins found or set associated with this plat. Provide a bearing angle from the face of the plat to be basis of bearing. .
6. **Stormwater, Drainage, & Floodplain:** Publicly funded infrastructure must have final plans for infrastructure prepared prior to final plat approval and filing to ensure accuracy of all easements/ROW. Any privately funded improvements to the stormwater system must obtain IDP approval prior to final plat approval.
7. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

Modification to the Subdivision & Development Regulations:

The applicant has requested a modification to Section 10-110.6-C of the *Subdivision and Development Regulations* which would require the developer to submit a financial guarantee to the City of Tulsa for outstanding infrastructure improvements required for the project. The public infrastructure supporting this project is being done through a publicly funded capital improvement project. Because the infrastructure is already being funded by the City, the performance guarantee would not be necessary. Staff supports the request for modification.

Staff recommends **APPROVAL** of the preliminary subdivision plat and the modification to the Subdivision & Development Regulations subject to the conditions provided by TAC and all other requirements of the Subdivisions Regulations. City of Tulsa release letter is required prior to final plat approval.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **WALKER**, TMAPC voted 6-0-0 (Blair, Covey, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Adams, Craddock, Kimbrel, Reeds, “absent”) to **APPROVE** the Preliminary Subdivision Plat and the modification to the Subdivision & Development Regulations to remove requirements for performance guarantees for River West Phase V & VI per staff recommendation.

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- 6. **River West Phase V & VI** (CD 2) Authorization for Accelerated Release of Building Permits, Location: Southeast corner of West 21st Street South and Southwest Boulevard (Related to River West Phase V & VI Preliminary Plat)

TMAPC Action; 6 members present:

On **MOTION** of **WALKER**, TMAPC voted 6-0-0 (Blair, Covey, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Adams, Craddock, Kimbrel, Reeds, “absent”) to **APPROVE** River West Phase V & VI Accelerated Release of a Building Permit per staff recommendation.

PUBLIC HEARING-COMPREHENSIVE PLAN AMENDMENTS

- 7. **CPA-96 Tulsa City Council** (CD 9) Location: Southeast corner East 31st Street South and South Peoria Avenue requesting to amend the Area of Stability and Growth Map from **Area of Growth** to an **Area of Stability**

STAFF RECOMMENDATION:

**TMAPC Staff Report
CPA-96
Comprehensive Plan Amendment**

A. Property Information and Request

The subject property is a 7.01-acre tract of land on the southeast corner of East 31st Street South and South Peoria Avenue. Most recently, this property has been a topic of discussion among residents in the neighboring area in response to a Master Plan Development (MPD-3) application submitted to TMAPC in July 2020 for a mixed-use development. The application was subsequently withdrawn in September of 2020 and no application for rezoning is currently pending. The

Comprehensive Plan land use designation on this site is *Existing Neighborhood* and the Area of Stability and Growth designation is an *Area of Growth*. The residents in the surrounding area submitted research from the 2010 PLANiTULSA review and approval and indicated that this site was intended to be an *Area of Stability* instead of an *Area of Growth*. As a result, at their meeting on August 11, 2021, Tulsa City Council voted unanimously on a motion for "...Council initiation of a potential Comprehensive Plan amendment to the City's Stability & Growth Map for property located at the southeast corner of East 31st Street and South Peoria Avenue, which is currently designated as an Area of Growth".

B. 2010 PLANiTULSA approval timeline relating to SE corner of 31st & Peoria

Staff summary of research: Tulsa Planning Office staff researched the official TMAPC records from the PLANiTULSA approval process which are housed in our office. In addition to the research presented by the neighbors, staff also located other information from the process, including audio recordings and the final document as presented to the City Council and recorded in the office of the City Clerk. Staff research was largely intended to understand the nature of the special meetings and the decisions made during those meetings. Clarified by the audio recordings, it became clear that these were not official decisions, rather the intent was that these changes would be reflected on the map to be presented at the time of TMAPC adoption. Unfortunately, the unchanged maps appear to have gone unnoticed as the document proceeded through the TMAPC approval process on July 6, 2010. In conclusion, despite the notes included in the consent log, discussed in TMAPC special meetings and the intent expressed by the Mayor (District 9 Councilor at the time- see attached memo), the Areas of Stability and Growth Maps adopted in the July 2010 Tulsa Comprehensive Plan (PLANiTULSA) pursuant to TMAPC Resolution No. 2581:900 showed the area at the southeast corner of E. 31st Street South and South Peoria as an Area of Growth.

Staff has consulted with City Legal to confirm that the necessary process to make a change on the map is through the comprehensive plan amendment process. Below outlines the timeline of the PLANiTULSA approval process relating to this site:

March 31, 2010 TMAPC Special Meeting

Item #58 in the consent log was a comment from the public and it read: "Stability – Change Map has the southeast corner of 31st and Peoria listed as Change. It is a 1920's era Tulsa Mansion Estate. It seems that it would be more appropriate to have it be stability like the surrounding historic neighborhoods which surround it."

Suggested Action: The PLANiTULSA team recommends amending the Area of Stability and Change Map to designate this property as an area of Stability.

On MOTION of LEIGHTY, TMAPC voted 10-0-0 (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Shivel "absent") to ADOPT Items 1-143 of the consolidated table of consent items, less the following: 3, 8, 14, 15, 16, 17, 22, 26, 28, 29, 30, 32, 33, 34, 36, 37, 38, 39, 40, 41, 50, 51, 53, 54, 54, 56, 59, 60, 61, 62, 63, 64, 76, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 89, 90,91, 92,93, 115,117,120,121,122,123,125,133,134,136. (Note: Item #58 was not pulled from this list).

Audio of the meeting states the following: Chair Michelle Cantrell said: *"I'm going to make it real clear. We are going to make some decisions about what we want to see in the final draft. But once again, even once those decisions are made, it is still a draft, and we will still be taking public comments in April and at that point we may make further changes. So, I don't want anyone to think that any vote today is in any way final."*

After deciding which items to pull from the Consent Log, one of the commissioners said, "I move to approve the consent items..." The Chair stated, *"We don't have to take a vote today but we can."*

Some inaudible discussion happened and then another commissioner seconded the motion.

April 28, 2010 TMAPC Special Meeting

Item #58, now referred to as Item #9, shows up on the Map Changes Consent Log

The Suggested Action (as written in the log): No Action needed; this item has been folded into the Proposed Maps at April 28th Session.

On MOTION of CANTRELL, TMAPC voted 8-0-0 (Cantrell, Dix, Leighty, Marshall, McArtor, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes, Liotta, Midget "absent") consent items: apart from those items that conflict with previous motions, it is moved that all other suggested changes be made.

Mr. Boulden stated that for the record, the Blair Mansion vote without dimensions and knowing how far wide or deep it goes, he believes that dimensions should be provided. He doesn't know how anyone could tell what that was. Ms. Cantrell moved that prior to the redrafting of the maps the consultant attempt to come up with some specific dimensions.

On MOTION of CANTRELL, TMAPC voted 8-0-0 (Cantrell, Dix, Leighty, Marshall, McArtor, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes, Liotta, Midget "absent") that in the process of rewriting the land use plan for the Blair Mansion property that the specific property lines be defined.

NOTE: There were two other map items listed in the Map Change Consent Log on April 28, 2010 Special Meeting that appear to have been overlooked when the final Growth and Stability Map was presented for adoption in July 2010. Those other two items were as follows:

- #7, property to the southwest of the southwest corner of E. 31st St. S. and I-44

The Suggested Action (as written in the log): Given limited access and constraints on the subject property, designation as Area of Change with plan category of Neighborhood Center is likely an oversight. The PLANiTULSA team recommends amending the Areas of Stability and Change Map to designate this property as an area of Stability.

The Growth and Stability Map was adopted in 2010 leaving this property as an Area of Growth.

- #10, property referred to The Blair Property, north of Riverside Dr & E. 31st St. S.

The comment, from City of Tulsa, read - *Clerical #2 – The Blair Property needs to be changed to S/C: “Change” and Plan Map: “New Neighborhood”.*

The Suggested Action (as written in the log): No Action needed; this item has been folded into the Proposed Maps.

The Growth and Stability Map was adopted in 2010 leaving this property as an area of Stability.

- Resolution 2680:925 (October 2, 2014) amended the Tulsa Comprehensive Plan to change the designation on the Areas of Stability and Growth map from an area of Stability to an area of Growth as part of the creation of the Arkansas River Corridor land use designation and discussion of the River Design Overlay.

The Resolution reads as follows: CPA-11: Amend designation on Land Use Map from "Existing Neighborhood" and "Mixed Use Corridor" to "Park and Open Space" and designation on Areas of Stability and Growth designation from "Area of Stability" to "Area of

Growth" on approximately 66.5 acres located along Riverside Drive from East 26th Street South to East 33rd Place (1st Phase Gathering Place).

July 6, 2010 TMAPC Public Hearing

On the Agenda (This item was removed from the consent agenda.): #11 Comprehensive Plan Revision and Amendments – To consider adopting revisions and amendments to the Comprehensive Plan of the Tulsa Metropolitan Area. Resolution 2581:900

Staff Recommendation: Mr. Boulden presented the proposed resolution and also submitted alternative language for Section 3. Mr. Boulden informed the Planning Commission that prior to the start of the meeting, he was informed that in Section 1, the list failed to include the housing provisions. He corrected the list by adding "Housing" in Section 1 immediately following "Economic Development".

TMAPC Comments: After a lengthy TMAPC discussion, it was determined to add "Housing" to Section 1 and the alternative language for Section 3 as amended by the Planning Commission.

Section 1 of the Resolution was corrected to read:

That the Comprehensive Plan of the Tulsa Metropolitan Area, as originally adopted by the Tulsa Metropolitan Area Planning Commission of June 26, 1960 and as amended from time to time, shall be and is hereby amended, regarding portions of the Tulsa Metropolitan area within the incorporated city limits of the City of Tulsa, situated within Tulsa, Osage, and wagoner Counties, to include the following planning guidelines, goals and policies:

- Our Vision for Tulsa
- Land Use
- Transportation
- Economic Development
- Housing (added)
- Parks Trails and Open Space
- Appendices:
 - Land Use: Small Area Planning
 - Transportation I: Context-Sensitive Solutions and Design
 - Transportation II: Urban Corridors
 - Transportation III: Sustainable Network Initiative
 - Housing: Methodology and Assumptions
- Glossary

Section 3 of the Resolution added the following underlined alternative language and eliminated the language with a strikethrough:

That all provisions or parts of provisions of the Comprehensive Plan of the Tulsa Metropolitan Area, adopted by the Planning Commission of June 29, 1960, as amended, are hereby expressly superseded by the guidelines, goals and policies adopted by this Resolution; provided that the following existing plans that have been adopted by the Planning Commission shall not be superseded and shall continue, to the extent they are not in conflict with the guidelines, goals and policies adopted by this Resolution: the Tulsa City-County Major Street and Highway Plan; the Tulsa Metropolitan Area Trails Master Plan and Map; Arkansas River Corridor Master Plans; Tulsa University (TU) master plans and maps; master drainage, flood, and stormwater and similar plans and maps; and hazard mitigation and similar plans and maps.

On MOTION of LEIGHTY, TMAPC voted 8-0-0 (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Wright "aye"; no "nays"; none "abstaining"; Carnes, Shivel, Walker "absent") to recommend APPROVAL of a resolution of the Tulsa Metropolitan Area Planning Commission (TMAPC), pursuant to Title 19 Oklahoma Statutes, Section 863.7; Adopting Revisions and Amendments to the "Comprehensive Plan of the Tulsa Metropolitan Area", Originally adopted on June 29, 1960 and as Subsequently Amended; Amending the Comprehensive Plan for portions of the Tulsa Metropolitan Area within the incorporated City limits of the City of Tulsa, Situated within Tulsa, Osage, and Wagoner Counties, in the State of Oklahoma, Resolution No. 2581:900 per staff recommendation and adding the alternative language as amended by the Planning Commission. (Language with a strike-through has been deleted and language with an underline has been added.)

July 22, 2010 City Council Meeting

City Council voted 8-0-0 for "Approval of TMAPC Resolution No. 2581:900, adopting PLANiTULSA revisions and amendments to the Comprehensive Plan", which included The FINAL DRAFT, July 2010 Tulsa Comprehensive Plan (PLANiTULSA), showing the southeast corner of 31st and Peoria as an Area of Growth.

July 26, 2010 - Resolution No. 2581:900 filed in the Office of the City Clerk with a copy of the July 2010 Tulsa Comprehensive Plan (PLANiTULSA)

C. Land Use and Stability and Growth Area Designations

When the Tulsa Comprehensive Plan was adopted in 2010, this site was designated as an *Existing Neighborhood* and an *Area of Growth*:

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

“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.”

Research of the details of the 2010 Comprehensive Plan approval process shows the intent was that this site be designated as an *Area of Stability*, though this change was not carried through to adoption.

“The ***Areas of Stability*** includes approximately 75% of the city’s total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the *Areas of Stability*. The ideal for the *Areas of Stability* is to identify and

maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.”

The Comprehensive Plan includes descriptions on when transitioning from an Area of Stability to an Area of Growth or an Area of Stability to an Area of Growth may be appropriate.

“From Stability to Growth: As the comprehensive plan is implemented, many areas currently designated as stability may transition to those that should support growth. Where appropriate, this may be accomplished with small area plans, master development plans, and planned unit developments.”

“From Growth to Stability: As the comprehensive plan is implemented, many areas currently designated as growth will transition to those that should remain stable. This will occur particularly in new communities that develop on vacant land, but also where redevelopment successfully revitalizes main streets or centers.”

There are specific criteria listed in the Comprehensive Plan (LU-57) for selecting *Areas of Growth*.

- Underutilized land, especially surface parking lots or vacant buildings downtown or along corridors
- Areas already undergoing positive change which is expected to continue
 - Areas adjacent to transit and around transit stations, existing and planned
 - Areas along corridors with frequent bus service that can accommodate development on underutilized land
 - Locations where appropriate infill development will promote shorter and less frequent auto trips
 - Areas with special opportunities such as where major public or private investments are planned”

D. Zoning and Surrounding Uses:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
N	RS-1	Existing Neighborhood	Stability	Single-family
S	RS-3	Existing Neighborhood	Growth	Single-family
E	RS-3	Existing Neighborhood	Stability	Single-family
W	RS-3	Existing Neighborhood	Stability	Single-family

E. Staff Summary & Recommendation

On August 11, 2021, the City Council initiated a” potential Comprehensive Plan amendment to the City’s Stability & Growth Map for property located at the southeast corner of East 31st Street and South Peoria Avenue, which is currently designated as an *Area of Growth.*” The focus of the discussion was to determine the intent during adoption of the 2010 Comprehensive Plan and if designating this site as an *Area of Stability* in the final map at the time of an adoption was an oversight or if it was clearly identified as an *Area of Stability* on the final map but did not get updated afterwards. After researching the issue (as outlined earlier in the staff report), it was clear that the intent was for the site to be designated as an *Area of Stability*, but the maps were not changed prior to TMAPC adoption of the Comprehensive Plan. Therefore, an amendment is required.

The scope of this staff review is limited amending the plan to reflect the 2010 intent as expressed by the City Council at their August 11, 2021 meeting. If asked to reconsider if an *Area of Growth* is appropriate for this site in 2021, staff could make an recommendation whether this site meets the *Area of Growth* criteria in the Comprehensive Plan on page LU-57.

Based on staff research and the information presented in this report, staff recommends approval of the proposed amendment to an Area of Stability, to reflect the intent established in the TMAPC special meetings leading to adoption of the 2010 Comprehensive Plan.

Interested Parties:

Robert Brejcha 2909 South Quaker Avenue, Tulsa, OK 74114

Mr. Brejcha stated he lives two blocks north of the subject property. He stated he appreciates the work the staff has done getting this error brought to Commissioner's attention. Mr. Brejcha stated he appreciates the Mayor's letter to the staff regarding the intent to have this area designated an Area of Stability in accordance with the Brookside infill Plan. He stated the Commission and the City Council needs to be cognizant of the specifics with respect to the subject area, as provided on page 65 of the Brookside infill Plan. Mr. Brejcha stated the plan provides that this portion of Brookside is to remain residential in use and existing residences should be maintained, rehabilitated, and reused, where feasible and appropriate. He stated new and replacement residences are to reflect the unique character that include compatible design features of the urban residential neighborhood. Mr. Brejcha stated there's been many residential renovations in that area and he is planning on doing his own renovations on his property. He stated he moved to the area in 2003 and did a mass renovation following the Brookside Infill Plan adoption in 2002. Mr. Brejcha stated he would like this to be recorded that the area is a part of a residential neighborhood in the Brookside Infill Plan for which specific designation was made for residential use.

Jacqueline Bowman 1384 East 26th Place, Tulsa, OK 74114

Ms. Bowman stated the Citizens of Tulsa in this neighborhood provided documentation to INCOG as well as City Council. She stated this documentation was from 2010 Comprehensive Plan meetings that states the seven acre tract that's in question at the southeast corner of 31st in Peoria was to remain residential, and to be an Area of Stability. Mrs. Bowman stated in 2010 City Council approved that area to remain Area of Stability and to remain residential. She stated in the final documentation an error occurred that incorrectly documented the subject property as an Area of Growth on the map. Mrs. Bowman stated the error does need to be corrected. She stated a lot of homeowners put a lot of time and energy and money into their properties and would appreciate this item corrected to what was approved in 2010. Mrs. Bowman stated this needs to be done before any new City plans are made moving forward.

David Porch 3177 South Rockford Avenue, Tulsa, OK 74118

Mr. Porch stated he has lived there since 1993 and his property abuts the south property line of the subject property. He stated he fully supports the proposed amendment to change the Comprehensive Plan map to an Area of Stability from an Area of Growth which was the original intent in 2010. Mr. Porch stated he understands the City is conducting a new effort to revise the Comprehensive Plan but believes it is necessary to have the correct starting point before going forward.

Teresa Meinders Burkett 1224 East 30th Place, Tulsa, OK 74114

Ms. Burkett stated she lives just west of the subject property and supports the staff recommendation to amend the 2010 Comprehensive Plan to reflect the

subject tract as an Area of Stability and she appreciates the effort to narrow the issue to that point.

Keith Franklin 3135 South Rockford Drive, Tulsa, OK 74105

Mr. Franklin stated he has lived in the neighborhood since 1988. He stated he appreciates the time that staff has spent to research the deep remote archives to find all the information to verify the 2010 information and he supports the staff recommendation and hopes the Commission approves it.

Joseph Farris 1335 East 35th Place, Tulsa, OK 74105

Mr. Farris stated he represents the landowners of the subject property and his first question for the Commission is about the scope of the proceedings today. He stated he wants to be very clear and hopes that the Commission will with him also. Mr. Farris stated today is to consider whether or not back in 2010 the subject property was to be designated as an Area of Growth versus an Area of Stability. He stated he thinks the record reflects that the reason we are here today is because it's not clear and there was no official vote. So, if the Commission's scope today is to say back in 2010 this area mistakenly was designated as the Area of Growth that is one thing, but if the Commission today purports that based on the criteria in LU-57 the area should be designated an Area of Growth, that's a different issue altogether. Mr. Farris stated if the latter were the Commission's intent, they would respectfully request a continuance. He stated if the decision today is as narrow as he believes it to be then that's a different matter. Mr. Farris stated if it's the Commission's intent to say that we are going to designate this an Area of Growth we will vigorously oppose and request a continuance.

Mr. Covey stated he can't speak for the entire Commission and doesn't know what the motion will be. He stated he has heard the request for continuance if the vote goes one way.

Mr. Farris stated the specific criteria listed in the Comprehensive Plan LU-57 before selecting Areas of Growth include underutilized land, in which he submits this tract is, areas undergoing positive change, which is expected continue, and Brookside certainly is. He stated he put his money where his mouth is and built a new home a block off 35th Place in the past year. Mr. Farris stated other criteria include areas adjacent to transit, and around transit stations. He stated one of the new Aero bus stops is across the street with frequent bus service that can accommodate development on underutilized land. Mr. Farris stated a year ago his clients were considering a Master Plan development for this area. He stated he would like to refer to Mayor Bynum's letter of August 9, 2021, where he clearly says that he believes his recollection of the attempt 11 years ago was to designate this as an Area of Stability, but in the paragraph preceding that he also says, the Brookside Infill Plan is nearly two decades old and was created before The Gathering Place or the Bus Rapid Transit (BRT) route were even contemplated. Mr. Farris stated the maps have been designated for 11 years as

an Area of Growth and that's got to have some meaning in the process that it hasn't been corrected for that long of a period.

TMAPC Comments:

Mr. Blair stated he appreciated all the comments and he thinks it's pretty clearly articulated in the staff notes and would like to reiterate that staff is recommending approval of the proposed amendment to an Area of Stability to reflect the intent established in the TMAPC special meetings leading to the adoption of the 2010 Comprehensive Plan. He stated he thinks it is narrowly phrased and framed and agrees with staff recommendation. Mr. Blair stated he appreciates all the research both from the constituents and staff to make that clear.

Mr. Covey stated everybody knows that words matter and one of the things that he was confused by was what Planning Commission was actually being asked to do. He stated so much so that he went back and watched the City Council August 11, 2021, meeting twice. Mr. Covey stated there's a lot of talk about scriveners errors and things of that nature but when it came time to actually make the motion, the motion didn't say anything about scriveners errors. He stated the motion was really broad and the motion as articulated at the City Council meeting isn't reflected in the staff report. Mr. Covey stated he could see where somebody could misinterpret or misconstrue what was being asked of Planning Commission. He stated he didn't know where this item was going to go today but was there a scriveners error, he believes there was and is going to vote in support of staff recommendation but that by no means reflects his intent on what he believes that property should be articulated as today or in the future. Mr. Covey stated that is a completely separate issue, a completely separate question, one that staff has not addressed because staff didn't believe they were asked to do that.

Mr. Blair stated he agrees with Mr. Covey and thinks Planning Commission is not being asked today to apply those standards to the property as it sits today and with the surrounding circumstances narrowly framed, He thinks it's appropriate to approve staff recommendation.

Mr. Walker asked staff if the Stability and Growth Map is going away in nine months when the new Comprehensive Plan update is approved.

Staff stated that will be staff recommendation when the new Comprehensive Plan update moves forward.

Mr. Walker asked if Planning Commission acts today is it just a nine month action that will have no meaning on this property in nine months so what will be accomplished.

Staff stated she thinks that the neighbors are concerned about what happens in the next nine months. She stated in the new Comprehensive Plan there are more specific safeguards. Staff stated but she can't answer that for the neighbors. She stated the Growth and Stability Map is very hard to administer and there's inconsistencies all over the map and it's not helpful.

Mr. Walker stated but it begs the question, should we do anything right now or wait until the amended Comprehensive Plan is approved.

Ms. Miller stated that's not a question for her to answer but there's a time gap between now whatever time the plan comes back to the Planning Commission.

Mr. Covey asked if the decision today will in any way affect the new Comprehensive Plan.

Staff stated "no".

Mr Blair stated to some extent he thinks there is value in being clear with regard to the 2010 intent, because a lot of community input went into that process and it was an extensive citywide engagement process over several years. He stated so he thinks there's value in understanding and recognizing that original intent and he thinks it does roll forward, not just for the next nine months but having that recognized, and ratified is important. Mr. Blair state he agrees that it's a clumsy metric Stability versus Growth it's kind of a binary either or that isn't always helpful. But he thinks in this particular case with the Brookside Infill Plan and other planning a lot went into this he thinks there's value in recognizing that.

Mr. Covey asked if Mr. Farris's client is wanting to do something with this property in the next nine months.

Mr. Farris stated "no" there are no plans in the next nine months.

TMAPC Action; 6 members present:

On **MOTION** of **BLAIR**, TMAPC voted 5-1-0 (Blair, Covey, Shivel, Whitlock, Zalk, "aye"; Walker, "nays"; none "abstaining"; Adams, Craddock, Kimbrel, Reeds, "absent") to **ADOPT** CPA-96 as an amendment to the Tulsa Comprehensive Plan per staff recommendation but according to the TMAPC policies and procedures per 2.5(c), an amendment to the Tulsa Comprehensive Plan, including the Area of Stability and Growth Map, shall require six (6) affirmative votes by the Commission.

* * * * *

Items 8 and 11 were presented together.

Item 8 case number was changed to TCCP-6 at the meeting.

8. **TCCP-6 Olsson Inc., Joe Pace, PE** (County) Location: Northeast corner of East 76th Street North and North Whirlpool Drive requesting to amend the Land Use Map designation from **Rural Residential/Agricultural** to **Industrial** (Related to CZ-522)

STAFF RECOMMENDATION:

**TMAPC Staff Report
TCCP-6
County Comprehensive Plan Amendment**

Property Information and Land use Request

The subject property is a 38.49-acre, unplatted tract of land on the northeast corner of East 76th Street North and North Yale Avenue (North Whirlpool Drive). The applicant has submitted the following Comprehensive Plan amendment request to amend the land use designation of the of the subject property from *Rural Residential/Agricultural* to *Industrial*. This request is accompanied by a concurrent re-zoning request (CZ-522), which proposes a zoning change on the subject tract from AG to IM in order to allow for the development of a new industrial project.

Background

The parcel subject to this Comprehensive Plan amendment request is located in North Tulsa County and is surrounded by vacant agricultural land to the north and east with a zoning designation of AG. The properties to the north and east have a Rural Residential/Agricultural land use designation. The property to the west is zoned AG with a private school use and a land use designation of Rural Commercial. The property to the south is zoned IM and it is the site of the Whirlpool Distribution Center. It has an Industrial land use designation. The land use designation of the subject property and abutting parcels were put in place with the adoption of the North Tulsa County area of the Tulsa County Comprehensive Land Use Plan on December 7, 2020 (Resolution Number 2830:1022).

The Major Street and Highway Plan designates East 76th Street North and North Yale Avenue (North Whirlpool Drive) as secondary arterial streets. Highway 75 lies approximately 1000 feet to the west and is designated as a Freeway. The subject property is not located in the 100- or 500-year floodplain. It is located within the Owasso Public Schools District.

The area south of East 76th Street South and extending to approximately one-half mile south of East 66th Street South and between North Yale Avenue and North Memorial Drive has historically been used for industrial purposes (Cherokee Expressway Industrial District). In 1994, 988± acres in the described area were rezoned from Industrial Light to Industrial Moderate for Industrial Mixed uses (CZ-217). Until now, there have not been any requests for rezoning properties in the immediate area north of East 76th Street South for industrial uses.

Existing Land Use Designation (Tulsa County Comprehensive Land Use Plan)

A *Rural Residential/Agricultural* land use designation was assigned to the parcel subject to the amendment request at the time of the adoption of the North Tulsa County area of the Tulsa County Comprehensive Land Use Plan on December 7, 2020:

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

Proposed Land Use Designation (Tulsa County Comprehensive Land Use Plan)

The applicant is proposing the *Industrial land* use designation for the entirety of the subject property:

“The **Industrial** designation category is designed to accommodate industrial uses as well as wholesaling, warehousing, and distribution facilities, which tend to require large buildings and generate more large-truck traffic than other types of land uses.”

Zoning and Surrounding Uses

Location	Existing Zoning	Existing Land Use Designation	Existing Use
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N	AG	Rural Residential/Agricultural	Vacant
S	IM	Industrial	Industrial
E	AG	Rural Residential/Agricultural	Vacant
W	AG	Rural Residential/Agricultural	School

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 Tulsa County.

The applicant submitted the following responses:

Justification of Request

The Comprehensive Plan says its objectives are to encourage and promote quality development and utilize existing infrastructure and City services. We believe this project meets these objectives.

While the property is zoned Agricultural, it is no longer a suitable zoning for the site as industrial companies are choosing to locate further north of Tulsa or in or around the existing Cherokee Industrial Park.

However, the subject property is an excellent in-fill location for this multi-building industrial project with convenient access to existing services and utilities. Also, the property is in a central location with excellent access to major roadways and to the several of the premier residential areas to include Owasso, Collinsville, and Sperry. In addition, this project will substantially increase the Property Tax roll value of the property.

Based upon the above and the attached information, the Applicant respectfully request approval of this Rezoning and Comprehensive Plan Amendment. Our team is committed to delivering an unrivaled level of service and communication - and we are committed to the City of Tulsa.

The applicant has submitted the following additional information:

Request

Van Trust Real Estate, LLC is requesting to rezone the subject property from AG (Agricultural) to IM (Industrial) to allow for the development of a new industrial project. The Future Land Use of the property is Light Industrial and General Commercial.

Site Characteristics & History

The property is under contract by VanTrust Real Estate, LLC. It is currently an undeveloped piece of land located at the northeast corner of East 76th Street North and Whirlpool Drive, approximately 400' east of an existing school building (Cornerstone Christian Academy). There are existing overhead power lines just north and east of the proposed project area.

The proposed project will entail a new industrial site with two buildings. The site area is 38 acres +/- . The total building area is 559,120 SF +/- .

Surrounding Uses

North: Residential area
Zoned: RE & AG

South: Whirlpool Corporation (south side of 76th St N & east of Whirlpool Drive)
Zoned: IM

East: Undeveloped
Zoned: AG

West: Cornerstone Christian Academy (west of Whirlpool Dr)
Zoned: AG (school property); RE (north of school)

Staff Summary & Recommendation

The applicant is requesting to amend the land use designation from Rural Residential/Agricultural to Industrial. They have submitted a concurrent request to rezone the property from Agriculture to Industrial Moderate. The proposed rezoning will increase an opportunity for more industrial development opportunities in an area where there are already existing industrial developments. The property is in close proximity to a major transportation network.

Staff recommends **approval** of the Industrial land use designation as requested by the applicant.

The applicant indicated his agreement with staff’s recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **WALKER**, TMAPC voted 6-0-0 (Blair, Covey, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Adams, Craddock, Kimbrel, Reeds, “absent”) to **ADOPT** TCCP-6 as an amendment to the Tulsa County Comprehensive Plan per staff recommendation.

PUBLIC HEARING-REZONING

- 9. **CZ-521 Ryan McCarty** (County) Location: South of the southeast corner of East 171st Street South and South Yale Avenue requesting rezoning from **AG to RE** to permit a single-family residential subdivision(Related to PUD-860) **(Staff requests a continuance to October 20, 2021)**

TMAPC Action; 6 members present:

On **MOTION** of **COVEY**, TMAPC voted 6-0-0 (Blair, Covey, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Adams, Craddock, Kimbrel, Reeds, “absent”) to **CONTINUE** Item CZ-521 to October 20, 2021.

10. PUD-860 Ryan McCarty (County) Location: South of the southeast corner of East 171st Street South and South Yale Avenue requesting a **Planned Unit Development** (Related to CZ-521) (**Staff requests a continuance to October 20, 2021**)

TMAPC Action; 6 members present:

On **MOTION** of **COVEY**, TMAPC voted 6-0-0 (Blair, Covey, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Adams, Craddock, Kimbrel, Reeds, “absent”) to **CONTINUE** Item PUD-860 to October 20, 2021.

* * * * *

11. CZ-522 Olsson Inc., Joe Pace, PE (County) Location: Northeast corner of East 76th Street North and North Whirlpool Drive requesting rezoning from **AG to IM** to permit industrial uses (Related to TCCP-6)

STAFF RECOMMENDATION:
SECTION I: CZ-522

DEVELOPMENT CONCEPT: The applicant is proposing to rezone the subject lot from AG to IM to permit industrial uses. The site is located immediately north of a large industrial development area, including Whirlpool, among others. The site is currently designated as Rural Residential / Agricultural in the Tulsa County Comprehensive Plan. While the proposal would not be compatible with this designation, a concurrent County Comprehensive Plan Amendment case, TCCP-6, proposes to revise the land use designation of the subject lot to Industrial. If TCCP-6 is approved, the proposed rezoning to IM would be consistent with that land use designation.

DETAILED STAFF RECOMMENDATION:

The IM District is designed to group together a wide range of industrial uses, which may produce moderately objectionable environmental influences in their operation and appearance. CZ-522 contemplates rezoning this site from AG to IM which is consistent with the Cherokee Industrial Park immediately south of the site abutting 76th Street North and,

The allowed uses in an IM district will have little environmental impact on surrounding properties and.

CZ-522 is not consistent with the current land use designation however the applicant has submitted an amendment to the Tulsa County Comprehensive Plan Amendment TCCP-6. The applicant has requested revising the land use designation from Rural Residential/Agricultural to Industrial. Staff supports that request therefore,

Staff recommends Approval of CZ-522 to rezone property from AG to IM.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is currently located within the Rural Residential / Agricultural designation of the Tulsa County Comprehensive Plan. The proposed use would not be compatible with this designation, however a Comprehensive Plan Amendment (TCCP-6) is concurrently proposed for this site, which would change the designation to Industrial. The proposed rezoning would be compatible with this designation.

Land Use Vision:

Land Use Plan map designation:

Rural Residential / Agricultural (current designation)

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

Industrial (proposed designation in TCCP-6)

This land use category is designed to accommodate industrial uses as well as wholesaling, warehousing, and distribution facilities, which tend to require large buildings and generate more large-truck traffic than other types of land uses.

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: E 76th St S and S Yale Ave are designated as Secondary Arterials

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is currently vacant land

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
E 76 th St N	Secondary Arterial	100 Feet	4
N Yale Ave	Secondary Arterial	100 Feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG	Rural Residential/ Agricultural	N/A	Vacant
South	IM	Industrial	N/A	Industrial
East	AG	Rural Residential/ Agricultural	N/A	Vacant
West	AG	Rural Commercial	N/A	School

SECTION III: Relevant Zoning History

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

Surrounding Property:

CBOA-2502 June 2014: The Board of Adjustment approved a *Variance* to permit the display surface area from 32 square feet to 378 square feet for an accessory identification sign in an AG District (Section 320.2.B. 2); and approve a *Variance* for the sign height from 15 feet to 35 feet in an AG District (Section 320.2B.2), with the hardship being the fact that a 32 foot sign is posted next to a highway rendering it illegible by highway traffic, on property located at 7770 North Whirlpool Drive.

CBOA-1669 July 1999: The Board of Adjustment approved a *Special Exception* to permit a church and related school with a mandatory curriculum (Preschool and K-12) use in an AG and RE District, on property located at NW/c 76th Street North and Whirlpool Dr.

CBOA-1444 August 1996: The Board of Adjustment approved a *Special Exception* to permit a children's day care in an AG zoned district, on property located at 4702 East 76th Street North.

CBOA-1399 February 1996: The Board of Adjustment approved a *Special Exception* to permit a church and school (K through 12) in an AG zoned district, on property located at 8050 North Yale Avenue.

CBOA-1200 November 1993: The Board of Adjustment approved a *Variance* to permit two dwelling units on one lot of record, on property located at 4702 East 76th Street North.

CBOA-535 January 1985: The Board of Adjustment approve a *Variance* to permit two dwelling units (one house, one mobile home) per lot of record in an Ag zoned district; subject to Health Department approval and a Building Permit; and subject to a five-year time limitation, on property located SE/c Hwy. 75 & 76th Street North.

TMAPC Action; 6 members present:

On **MOTION** of **WALKER**, TMAPC voted 6-0-0 (Blair, Covey, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Adams, Craddock, Kimbrel, Reeds, "absent") to recommend **APPROVAL** of the IM zoning for CZ-522 per staff recommendation.

Legal Description for CZ-522:

SW SW LESS S50 THEREOF FOR RD SEC 27 21 13 38.485ACS

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12. CZ-519 Nathalie Cornett (County) Location: Northwest corner of West 166th Street South and Highway 75 requesting rezoning from **AG to IM** to permit industrial uses

STAFF RECOMMENDATION:
SECTION I: CZ-519

DEVELOPMENT CONCEPT: The applicant is proposing to rezone the subject lot from AG to IM to permit industrial uses. The site is immediately south of existing IM zoning. The Tulsa County Comprehensive Plan and the City of Glenpool Comprehensive Plan designate this site and the sites immediately north of the existing industrial zoned lots adjacent to the subject lot, as well as those to the east of US Highway 75 and those to the south as US 75 Corridor. This designation is intended to encourage industrial and commercial development along US Highway 75, which this proposed rezoning would be compatible with.

DETAILED STAFF RECOMMENDATION:

CZ-519 is non-injurious to surrounding proximate properties;

CZ-519 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends Approval of CZ-519 to rezone property from AG to IM.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is located within the fenceline of the City of Glenpool and is designated as US 75 Corridor. The City of Glenpool Comprehensive Plan – The Glenpool 2030 Plan was adopted as part of the Tulsa County Comprehensive Plan on August 15, 2019. The Glenpool 2030 PLAN was officially adopted (Resolution Number 10-07-01) on July 6, 2010 with an Interim Update adopted (Resolution Number 17013) on November 14, 2017. The Comprehensive Plan is meant to serve as the general policy guide for future physical and economic development of the City based on present and future needs.

Land Use Vision:

Land Use Plan map designation: US 75 Corridor

The following is language from the 2017 Supplemental Report from the Interim Update of the Glenpool 2030 Plan:

- The relatively underdeveloped US-75 Corridor from SH-67 (151st Street) south to 201st Street is incrementally being recognized and utilized for its commercial and light industrial potential.
- Glenpool is also seeking to attract industrial growth and business, as well as highway-oriented commercial and potential office development, as a part of its economic development program.

Areas of Stability and Growth designation: None

Transportation Vision:

Major Street and Highway Plan: US Hwy 75 is designated as a Freeway. The MSHP shows a potential Residential Collector running towards the western portion of the subject lot. No street currently exists in this area.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is currently vacant, with a cellular tower located on the western side of the subject lot

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
W 166 th St S	None	50 feet	2
US Hwy 75	Freeway	Per ODOT requirements	4

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	IM	None	N/A	Industrial
South	CG	US 75 Corridor	N/A	Vacant
East	CG	US 75 Corridor	N/A	Vacant
West	RS-3	Suburban Residential	N/A	Shale Extraction

SECTION III: Relevant Zoning History

History:

ZONING ORDINANCE: Ordinance number 11841 dated June 26, 1970, established zoning for the subject property.

Subject Property:

CBOA-1452 September 1996: The Board of Adjustment approved a Special Exception to permit a telecommunications tower 150' in height; Use Unit 4; per plan submitted, on property located at South of 161st Street South and West of U.S. 75.

Surrounding Property:

CZ-451 March 2017: All concurred in approval of a request for *rezoning* a 30+ acre tract of land from AG to IM on property located S. Hwy 75 and W. 161st St. South.

The applicant indicated her agreement with staff’s recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **WALKER**, TMAPC voted 6-0-0 (Blair, Covey, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Adams, Craddock, Kimbrel, Reeds, “absent”) to recommend **APPROVAL** of the IM zoning for CZ-519 per staff recommendation.

Legal Description for CZ-519:

S/2 of the S/2 of the SE/4 of the NE/4 Section 27 Township 17 Range 12

* * * * *

13. CZ-520 Mark Bales (County) Location: East of the northeast corner of South 137th West Avenue and West 41st Street South requesting rezoning from **RE to AG** to permit agricultural uses

STAFF RECOMMENDATION:
SECTION I: CZ-520

DEVELOPMENT CONCEPT: The applicant is proposing to rezone from RE to AG to permit agricultural uses on the subject lot. The site is located within the Residential designation of the Tulsa County Comprehensive Plan and the Sand Springs Future Land Use Plan. The Residential designation is the lowest intensity designation found in the Sand Springs Future Land Use Plan. The site is adjacent to existing AG zoned parcels to the north, south and west and would be compatible with the existing zoning pattern in the surrounding area.

DETAILED STAFF RECOMMENDATION:

CZ-520 is non-injurious to surrounding proximate properties;

CZ-520 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends Approval of CZ-520 to rezone property from RE to AG.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is located within the fence line of the City of Sand Springs and is designated as Residential. The City of Sand Springs Comprehensive Plan – Sand Springs 2030 Land Use Master Plan was adopted as part of the Tulsa County Comprehensive Plan on October 26, 2020. The Sand Springs 2030 Land Use Master Plan provides an outline for growth and development in the City of Sand Springs over the next 15 years. It was adopted by the Sand Springs City Council on June 26, 2017 (Resolution 17-25). The Plan consists of a Land Use Plan Map and a supporting text document that contains data, specific goals, action plans, and recommendations for land use and development in the City and surrounding areas within the fence line. The map illustrates, in a generalized manner, a preferred land use pattern of development for all areas within the City and fence line. Numerous areas are left as residential as these areas are still relatively natural in state and should be left for future designation as development occurs spurning the need for additional planning efforts.

Land Use Vision:

Land Use Plan map designation: Residential

The Residential category is typically comprised of single-family neighborhoods of varying lot sizes and represents the lowest intensity of all the use categories outside of Agricultural Districts. Dwelling unit densities within the Residential category generally range from 2 to 5 units per acre but density can be as little as 1 or fewer per acre. Planned Unit Developments may also be found in the Residential land use category and may contain various intensities of residential housing. In most cases, the Residential use category is buffered from higher intensity uses such as Commercial with the Transitional use district.

Areas of Stability and Growth designation: None

Transportation Vision:

Major Street and Highway Plan: W 41st St S is designated as a Primary Arterial

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site currently contains a single-family residence. Anderson Creek crosses the northwest portion of the subject lot.

Environmental Considerations: The northwest portion of the lot is located within the 100 year flood plain. If any development happens in this area, the applicant will need to work with the Tulsa County Engineering department to help mitigate any impacts.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
W 41 st St S	Primary Arterial	120 Feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG	Residential	N/A	Vacant
South	AG	Residential	N/A	Vacant
East	RE	Residential	N/A	Single-Family
West	AG	Residential	N/A	Agricultural/ Single-Family

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11819 dated June 26, 1970, established zoning for the subject property.

Subject Property:

Surrounding Property:

CBOA-2843 September 2000: The Board of Adjustment **fails to motion an approval** to permit a Use Variance to permit Use Unit 3, Agriculture, for a Horticulture Nursery in a Residential District (Section 410, Table1), on property located at 13609 West 41st Street South.

CBOA-2772 October 2019: The Board of Adjustment **approved** a *Use Variance* to permit Use Unit 3, Agriculture, in a Residential District (Section 410, Table 1), limiting the approval to the existing 704 square foot building. There is to be no commercial transport in or out of the property. The Board finds the hardship to be the size and topography, and the fact that it is a very deep parcel of land over 2 ½ acres that is surrounded by AG on virtually three of the four sides. Finding by reason of extraordinary or exceptional conditions or circumstances, which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; on property located at 13523 West 41st Street South.

CBOA-1525 September 1997: The Board of Adjustment **approved** a *Variance* to permit 3 dwelling units on 1 lot of record. (Section 208.1), Use Unit 9; per plan submitted; subject to tie downs and skirting; subject to the Health Department approval and a building permit; finding that the property owner does not want to split the land and would like to keep the land under one ownership; on property located at 3913 South 137th West Avenue.

CBOA-1524 September 1997: The Board of Adjustment **approved** a *Special Exception* to permit a single-wide mobile home in an RS district. (Section 410) Use Unit 9 per plan submitted; subject to tie downs and skirting subject to the

Health Department approval and building permit, located 10921 West 57th Street South.

CBOA-1095 July 1992: The Board of Adjustment **approved** a *Special Exception* to permit an insurance agency as a home occupation in an AG zoned district (Section 310.) Use Unit 11; per Home Occupation Guidelines; and subject to ingress and egress being on 137th West Avenue; on property located at NE/c of W. 41st St. and S. 137th W. Ave.

The applicant indicated his agreement with staff’s recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **WALKER**, TMAPC voted 6-0-0 (Blair, Covey, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Adams, Craddock, Kimbrel, Reeds, “absent”) to recommend **APPROVAL** of the AG zoning for CZ-520 per staff recommendation.

Legal Description for CZ-520:

A tract of land situated in the Southeast Quarter (SE/4) of Section Twenty-one (21), Township Nineteen (19) North, Range Eleven (11) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U. S. Government Survey thereof, more particularly described as follows, to-wit: BEGINNING 2,310 feet West of the Southeast Comer of said Section Twenty-one (21); thence West along the South line of said Section, a distance of 330 feet; thence North along center line of said section, a distance of 660 feet; thence East on a line parallel to the South line of said Section, a distance of 330 feet; thence South on a line parallel to the East line of said Section, a distance of 660 feet to the Point of Beginning.

* * * * *

14. PUD-585-A Lou Reynolds (CD 7) Location: South of the southwest corner of East 61st Street South and South Memorial Drive requesting a **PUD Major Amendment** to add Animal service as an allowable use

STAFF RECOMMENDATION:

SECTION I: PUD-585-A

DEVELOPMENT CONCEPT: The applicant is proposing to revise the Permitted Uses for the subject lot to add Animal Service – Boarding and Shelter as a permitted use. A major amendment to the PUD is required to add this use, since it is considered a Special Exception use in the underlying CS zoning, with major

amendments being required anytime a Special Exception use is added to a PUD after its original approval.

The applicant is also proposing to revise the language of the use restrictions for Development Area A of the PUD to remove the reference to Use Units, which are no longer used by the City of Tulsa Zoning Code and to update the language to reflect the language of the current Zoning Code.

DETAILED STAFF RECOMMENDATION:

PUD-585-A is consistent with the Town Center vision of the Tulsa Comprehensive Plan and,

PUD-585-A is consistent with the expected development of surrounding properties and,

All remaining development standards defined in PUD-585 and subsequent amendments shall remain in effect, therefore,

Staff recommends **Approval** of PUD-585-A to add Animal Service – Boarding and Shelter and to revise the language of the use restrictions for Development Area A.

PUD-585-A DEVELOPMENT STANDARDS:

Permitted Uses:

Uses permitted as a matter of right in CS – Commercial Shopping Center District, and Animal Service – Boarding and Shelter, except no Assembly and Entertainment, Bar or Sexually Oriented Business Establishment Uses.

All remaining development standards defined in PUD-585 and subsequent amendments shall remain in effect.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The subject area is located with the Town Center designation of the City of Tulsa Comprehensive Land Use Plan.

Land Use Vision:

Land Use Plan map designation: Town Center

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

Areas of Stability and Growth designation: Area of Growth

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

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

Transportation Vision:

Major Street and Highway Plan: S Memorial Dr is designated as a Primary Arterial and Commuter Corridor

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site currently contains a vacant restaurant

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
S Memorial Dr	Primary Arterial	120 Feet	4

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	CS/PUD-585	Town Center	Growth	Restaurant
South	CS/PUD-202-A	Town Center	Growth	Medical Office
East	CS	Town Center	Growth	Shopping Center
West	CS/PUD-202	Town Center	Growth	Office Building

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11829 dated June 26, 1970, established zoning for the subject property.

Subject Property:

PUD-585 May 1998: The Tulsa Metropolitan Area Planning Commission unanimously recommended approval of PUD 585 on April 1, 1998. The City Council unanimously approved PUD 585 as recommended by the Planning Commission on April 30, 1998. Ordinance 19263 was adopted May 14, 1998.

Surrounding Property:

BOA-20889 April 2009: The Board of Adjustment **approved** a *Variance* to permit the parking requirement for a commercial shopping center (Section 12-11-14 & 19) & a *Special Exception* to permit a Use Unit 12a use (night club) within 150 ft. or R zoned land (Section 701); and **ACCEPT** a *Verification of the spacing requirement for an adult entertainment establishment from an R district, church,*

school, park and another adult entertainment establishment (Section 1212.a.C.3); to permit a night club in an existing commercial center, on property located at SE/c of East 61st Street and South Memorial Dr.

BOA-19516 February 2003: The Board of Adjustment **approved** a *Special Exception* to permit a 90' monopole tower 68' from an adjoining RS-3 zoned district, per plan, on property located at SE/c E. 61st St. & Memorial Dr.

BOA-16490 November 1993: The Board of Adjustment **approved** a *Special Exception* to permit a heliport in a CS District, on property located at 6140 South Memorial Drive.

BOA-15658 February 1991: The Board of Adjustment **approved** a *Variance* to permit the number of required off-street parking spaces from 60 spaces to 53 spaces to permit a second-floor addition to an existing building, on property located at 6140 South Memorial Drive.

BOA-14487 May 1987: The Board of Adjustment **approved** a *Special Exception* to permit a dry-cleaning plant in a CS zoned district; and to **approve** a *Variance* to permit the maximum floor area from 3000 sq. ft. to 5200 sq ft to allow for a dry-cleaning plant, on property located at SE/c 61st Street and Memorial Drive.

BOA-14221 October 1986: The Board of Adjustment **approved** a *Variance* to permit the required number of parking spaces in a CS District; per plot plan submitted, on property located at SE/c East 61st Street and South Memorial Drive.

Z-5996 November 13, 1984: All concurred in **approval** of a request for *rezoning* a tract of land from OM to CS on property located 6140 South Memorial Drive East.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **WALKER**, TMAPC voted 6-0-0 (Blair, Covey, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Adams, Craddock, Kimbrel, Reeds, "absent") to recommend **APPROVAL** of the PUD Major Amendment for PUD-585-A per staff recommendation.

Legal Description for PUD-585-A:

A tract of land that is all of Block Two (2) and a part of Reserve "A" of SOUTHBRIDGE EAST OFFICE PARK, a Subdivision in the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, said tract of land being more particularly described as follows, to wit:

STARTING at the Southwest Corner of SOUTHBRIDGE EAST OFFICE PARK; THENCE N 00°05'05" W along the Westerly line of SOUTHBRIDGE EAST OFFICE PARK for 273.91 feet to the Point of Beginning of said tract of land; THENCE continuing N 00°05'05" W along said Westerly line for 276.00 feet; THENCE N 89°54'55" E for 270.00 feet to a point on the Easterly line of

SOUTHBRIDGE EAST OFFICE PARK; THENCE S 00°05'05" E along said Easterly line for 276.00 feet; THENCE S 89°54'55" W for 270.00 feet to the POINT OF BEGINNING of said tract. LESS AND EXCEPT THE NORTH 90.00 FEET THEREOF.

* * * * *

15.Z-7619 Lou Reynolds (CD 1) Location: West and South of the southwest corner of East 36th Street North and North Yale Avenue requesting rezoning from **IL and AG to IM**

STAFF RECOMMENDATION:
SECTION I: Z-7619

DEVELOPMENT CONCEPT: Continued expansion of the existing industrial use may not comply with IL zoning that is on the site. The applicant has met with building permit officials who have determined that the existing use is consistent with IM zoning expectations.

DETAILED STAFF RECOMMENDATION:

The applicant for case Z-7619 has requested IM zoning. The IM district is primarily intended to group together a wide range of industrial uses that may produce some moderate adverse land use or environmental impacts in terms of their operation and appearance and,

The industrial uses surrounding Z-7619 are classified as light and moderate industrial uses. Uses that are allowed in IM zoning districts are consistent with the expected development in the surrounding area and,

Much of the surrounding property was an abandoned coal strip mine and City dump that is now being use for industrial uses that fall within the IL and IM zoning categories. The comprehensive plan encourages aggregation of existing industrial areas but does not provide guidance on where future heavy industrial should be in Tulsa. The comprehensive plan recognizes that the heaviest industrial uses are expected to be on the periphery of Tulsa and possibly not in Tulsa at all but encourages regional coordination and,

IM zoning are both consistent with the Employment land use vision identified the Tulsa Comprehensive Plan and is compatible with the surrounding properties and,

The building permit office has reviewed the facility operations and determined that IM zoning is appropriate for expected expansion opportunities for this use and that is compatible with the expected development in this area therefore,

Staff recommends Approval of Z-7619 to rezone property from IL and AG to IM.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary:

Excerpts from the Economic Development priorities section of the Comprehensive Plan:

“Industrial development is an important component of a strong economy. Industrial firms provide high-paying jobs, and produce goods for export, bringing new money into the local economy. It can be challenging however, to provide adequate land for industrial uses. In the past these firms required lots of space on flat affordable land and needed be located away from residential commercial areas, as they often generate noise, heavy truck traffic and air pollution. With modern pollution laws and other regulations, the line between industrial uses and other commercial uses is blurred. Industrial uses have an increasing need for high accessibility, visibility, and multimodal transportation connections.

Staff has met with the building permit office and determined that this facility could also be supported through the special exception process at the Board of Adjustment.

Land Use Plan map designation: Employment

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

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

Areas of Stability and Growth designation: Area of Growth

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of

Growth 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 that affects industrial expansion.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is the headquarters for a large energy equipment manufacturing company that transports, manufactures, and assembles large equipment for the energy sector. The site is covered by several large warehouse style buildings and ships assembled and partially assembled heat exchangers across the nation. The site appears to be constructed on top of a coal strip mine and City of Tulsa dump. Much of the large assembly is done at their assembly operation located at the Port of Catoosa. Several undeveloped street rights of way are included in this zoning application.

Environmental Considerations: None that would be affected further industrial expansion.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
Toledo Avenue	Residential Collector	60 feet	2
East 36 th Street North	Secondary Arterial	100 feet	2
North Yale Avenue	Primary Arterial Residential Collector near 36 th Street	120 feet 60 feet	2
Gilcrease Expressway Ramps on and off expressway from N. Yale	Expressway	As needed	4+ divided highway

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG	New Neighborhood	Growth	Large single family residential parcels
East	IL	Employment	Growth	vacant
South	IL	Employment	Growth	Light industrial uses
West	RS-3 and AG	New Neighborhood	Growth	Vacant residential subdivision with no infrastructure

SECTION III: Relevant Zoning History

ZONING ORDINANCE:

Ordinance number 14704 dated March 11, 1980, established zoning on a portion of the subject property.

Ordinance number 14325 dated December 5, 1978, established zoning on a portion of the subject property.

Ordinance number 12802 dated April 24, 1973, established zoning on a portion of the subject property.

Subject Property:

Z-7466 March 2019: *The Planning Commission recommended approval of IM zoning however the applicant ultimately withdrew that application and has purchased additional land.*

BOA-16734 July 1994: The Board of Adjustment **approved** a *variance* of the required number of parking spaces from 45 to 10 (Section 1225.D) subject to the use remaining an equipment manufacturing business; subject to the execution of a tie contract between the subject property and the lot containing the business offices (across the street), on property located east of the northeast corner of the Gilcrease Expressway and North Pittsburg Avenue; on a parcel within the subject tract.

Z-5369 March 1980: All concurred in **approval** of a request for *rezoning* a tract of land from AG to IL on property located south of the southeast corner of East 36th Street North and North Pittsburg Avenue; this is part of the subject property. (Ordinance #14704)

Z-5071 December 1978: All concurred in **approval** of a request for *rezoning* a 2.97± acre tract of land from AG to IL on property located north of the northwest corner of the Gilcrease Expressway and North Toledo Avenue; this is part of the subject property. (Ordinance #14325)

BOA-8457 January 1975: The Board of Adjustment **approved** a *special exception* to permit the operation of a welding shop for fabrication of oil field equipment units, separators and heaters, in an IL district, on property located north and east of the northeast corner of the Gilcrease Expressway and North Pittsburg Avenue; on a parcel within the subject tract.

Z-4340 April 1973: All concurred in **approval** of a request for *rezoning* a tract of land from AG to IL on property located south of the southeast corner of East 36th Street North and North Pittsburg Avenue; this is part of the subject property. (Ordinance #12802)

Surrounding Property:

BOA-20816 December 2008: The Board of Adjustment **approved** a *special exception* to allow (Use Unit 26) indoor sand blasting operation in an IL district, on property located at the southeast corner of the Gilcrease Expressway and North Pittsburg Avenue.

Z-6637 June 1998: All concurred in **denial** of a request for *rezoning* an 8.7± acre tract of land from IL to IH on property located south of the southwest corner of East 36th Street North and North Yale Avenue.

BOA-14679 December 1987: The Board of Adjustment **denied** a *special exception* to allow for an existing landfill in an IL zoned district; finding that the

landfill has been in operation for a number of years and has proved to be incompatible with the area, on property located south of the southeast corner of East 36th Street North and North Yale Avenue.

Z-5548 July 1981: All concurred in **approval** of a request for *rezoning* a tract of land from AG to IL on property located on the southeast corner of the Gilcrease Expressway and North Pittsburg Avenue.

IM zoning on property located on the southeast corner of East 36th Street North and North Pittsburg Avenue appears to have been zoned IM with Ordinance number 11809 on June 26, 1970. Maps from April 4, 1971 and February 7, 1973 both indicate that the property was already zoned IM at that time.

Applicant Comments:

Lou Reynolds 2727 East 21st Street, Tulsa OK

The applicant stated he represents Heater Specialists who owns a little over 99 acres of land. He stated they don't own any land north of the railroad track. Mr. Reynolds stated north of the subject property is zoned IM and was the original heat transfer vessel site. He stated Heater Specialist started making heat treat vessels for refineries and chemical plants in 1958 on the north side of the railroad track then sometime around 1980 or 1981, after being annexed into the City, it was rezoned from IL to IM. The applicant stated the Spartan dump operated in this location from 1950 to 1979 and barely missed being a Superfund site because it was found to contain mostly municipal solid waste and not industrial waste. He stated the site is near highways, rail systems and the Port of Catoosa. The applicant stated much of what they ship goes out on a barge, because they are a worldwide vendor. He stated there is a five acre tract that the owner has been trying to buy for about four or five years and they closed on that property in December. The applicant stated he sent out neighborhood letters to 11 people that live in houses to the north of the subject property with project information. He said they were people that they spoke with quite a bit at the last Planning Commission meeting back on March 2019. The applicant stated a total of five people came and met with the applicant and the CEO of Heater Specialist. He stated they had good discussion and thinks they understand what they are doing and why. Mr. Reynolds stated he has included a Noise Assessment Report, the City of Tulsa floodplain review for the area and the Traffic study.

Mr. Zalk asked what byproducts were released into the environment as a result of this manufacturing.

The applicant stated they make equipment for refineries and they don't have much byproduct.

Interested Parties:

Brenda Alford 3639 North New Haven Avenue, Tulsa, OK 74115

Ms. Alford stated she attended the meeting in 2019 the first time the subject property came before Planning Commission. She stated the application was withdrawn at that time because there were various community members who had questions and concerns about the process. Ms. Alford stated at that time they requested a meeting be held with the residents in the community to basically discuss this process and what effects that may or may not have on the community. She stated that meeting never took place. Ms. Alford stated she did not receive a letter from the applicant as others did even though she spoke in 2018. She stated she heard that the applicant spoke with other neighbors near Winston Street. Ms. Alford stated she is concerned about that the residents are informed appropriately about this development. She stated she was glad to see that there was an environmental impact study done as requested and this should be shared with the community as well. Ms. Alford stated they are proud to be a part of the rejuvenation of North Tulsa and want this area to be a place that people want to come and live and try to experience a wonderful way of life. She stated they just would like to have some more questions answered regarding this process to the community directly if that is possible.

Mr. Zalk asked if that was a request for a continuance.

Ms. Alford stated if that is a possibility. She stated she would like to have a continuance to get the community members together and the company come out to speak with them as requested in 2018 and that was not done. Ms. Alford stated she does appreciate the overview that was given today and would like the community as a whole to be able to hear it. She stated they just want to make sure there is transparency for the community.

Mr. Zalk asked what the negative impacts from this development to the community are.

Ms. Alford stated degradation of the roadway, the noise impact. She stated she works for OSHA and would like to know if there are any type of situations that neighbors need to be concerned about.

The applicant stated they sent out letters and invited 11 of their closest neighbors. He stated he didn't have Ms. Alford's address, but they presented the information to those neighbors. The applicant stated he would be happy to visit with her or send her copies of their plans and everything that they have submitted.

Ms. Alford stated she did obtain a list of where the request or the basically notification of this meetings were sent and they weren't sent to her community at all. She stated there were 23 sent to Heater Specialists, seven to the State of Oklahoma, 5 to one family and 4 to another family. Ms. Alford stated none of those families reside in the area that she is representing today.

The applicant stated Ms. Alford is correct in saying no one in her community was notified because they were not within 300 feet of the subject property. He stated no one in the letters he sent out was within 300 feet but he knew them all from the previous TMAPC meeting.

TMAPC Action; 6 members present:

On **MOTION** of **WHITLOCK**, TMAPC voted 6-0-0 (Blair, Covey, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Adams, Craddock, Kimbrel, Reeds, "absent") to recommend **APPROVAL** of the IM zoning for Z-7619 per staff recommendation.

Legal Description for Z-7619:

A TRACT OF LAND THAT IS A PART OF THE NORTH HALF OF (N/2) OF SECTION TWENTY-ONE (21), TOWNSHIP TWENTY (20) NORTH, RANGE THIRTEEN (13) 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 NORTHEAST CORNER OF LOT 1, BLOCK 8, "GILCREASE FREEWAY INDUSTRIAL PARK, BLOCKS 3-10", ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 2543), COUNTY OF TULSA, STATE OF OKLAHOMA; THENCE SOUTH 1°20'03" EAST AND ALONG THE EAST LINE OF BLOCK 7 AND 8, SAID "GILCREASE FREEWAY INDUSTRIAL PARK, BLOCKS 3-10" FOR A DISTANCE OF 1245.19 FEET; THENCE SOUTH 89°02'23" WEST FOR A DISTANCE OF 30.00 FEET; THENCE SOUTH 1°20'03" EAST FOR A DISTANCE OF 335.17 FEET; THENCE SOUTH 88°39'57" WEST FOR A DISTANCE OF 1.00 FEET; THENCE ALONG A 437.47 FOOT RADIUS CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 1°16'33" EAST, A CENTRAL ANGLE OF 70°31'46", A CHORD BEARING AND DISTANCE OF SOUTH 33°59'20" WEST FOR 505.15 FEET, FOR AN ARC DISTANCE OF 538.51 FEET; THENCE SOUTH 75°25'21" WEST FOR A DISTANCE OF 96.81 FEET; THENCE SOUTH 88°40'42" WEST FOR A DISTANCE OF 191.02 FEET TO A POINT AT THE NORTHWEST CORNER OF LOT 4, SAID BLOCK 7, "GILCREASE FREEWAY INDUSTRIAL PARK, BLOCKS 3-10"; THENCE SOUTH 1°22'57" EAST AND ALONG THE WEST LINE OF SAID LOT 4, FOR A DISTANCE OF 45.71 FEET; THENCE SOUTH 75°22'02" WEST AND ALONG THE NORTH LINE OF THE TRACT OF LAND DESCRIBED IN WARRANTY DEED, RECORDED DECEMBER 6, 1984, IN BOOK 4832, AT PAGE 1145, COUNTY OF TULSA, STATE OF OKLAHOMA RECORDS, FOR A DISTANCE OF 308.28 FEET; THENCE NORTH 86°29'22" WEST FOR A DISTANCE OF 472.57 FEET TO A POINT ON THE WEST LINE OF LOT 5, SAID BLOCK 7, "GILCREASE FREEWAY INDUSTRIAL PARK, BLOCKS 3-10"; THENCE NORTH 40°44'16" WEST FOR A DISTANCE OF 78.68 FEET ; THENCE SOUTH 88°55'58" WEST FOR A DISTANCE OF 1149.12 FEET TO A

POINT ON THE WEST LINE OF THE NORTHEAST QUARTER (NE/4) OF SAID SECTION 21; THENCE NORTH 1°10'22" WEST AND ALONG SAID WEST LINE FOR A DISTANCE OF 1602.43 FEET TO A POINT AT THE NORTHWEST CORNER OF LOT 1, BLOCK 1, "NORTH TOLEDO INDUSTRIAL PARK", AN ADDITION TO THE CITY OF TULSA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 3522); THENCE NORTH 80° 26' 23" EAST AND ALONG THE NORTH LINE OF SAID LOT 1, BLOCK 1, "NORTH TOLEDO INDUSTRIAL PARK" FOR A DISTANCE OF 863.10 FEET; THENCE NORTH 9°33'37 WEST AND CONTINUING ALONG SAID NORTH LINE FOR A DISTANCE OF 50.00 FEET; THENCE NORTH 80°26'23" EAST CONTINUING ALONG SAID NORTH LINE AND ALONG THE NORTH LINE OF SAID LOT 1, BLOCK 8, "GILCREASE FREEWAY INDUSTRIAL PARK, BLOCKS 3-10" FOR A DISTANCE OF 1744.37 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT

LOT 2, BLOCK 8, "GILCREASE FREEWAY INDUSTRIAL PARK, BLOCKS 3-10", ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 2543), COUNTY OF TULSA, STATE OF OKLAHOMA.

SAID TRACT CONTAINS 4,310,619 SQUARE FEET OR 98.958 ACRES.

* * * * *

16.Z-7620 Timothy Nall (CD 2) Location: Southeast corner of West 36th Street South and South Maybelle Avenue requesting rezoning from **RS-3 to IL**

STAFF RECOMMENDATION:
SECTION I: Z-7620

DEVELOPMENT CONCEPT: Rezone a residential lot that is adjacent to the oil refineries to support light industrial redevelopment.

DETAILED STAFF RECOMMENDATION:

IL zoning is consistent with the anticipated future development in the area and,

IL zoning is consistent with the Employment land use designation in the Tulsa Comprehensive Plan and,

IL zoning is considered non injurious to the proximate properties therefore,

Staff recommends Approval of Z-7620 to rezone property from RS-3 to IL.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: IL zoning is consistent with the Employment land use designation in the area.

Land Use Plan map designation: Employment

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

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

Areas of Stability and Growth designation: Area of Growth

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

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

Transportation Vision:

Major Street and Highway Plan: None

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is vacant and nearly flat. The property was originally a single-family residential development that has been abandoned partially because of its proximity to the refinery northwest of the site and it is also in a floodplain. A few single-family residences remain south of this subject property.

Environmental Considerations: None except the site is across the street from an oil refinery operation and rail system.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
W. 36 th Street South	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	IH	Employment	Area of Growth	Refinery
East	RS-3	Employment	Area of Growth	vacant
South	RS-3	Employment	Area of Growth	vacant
West	IL	Employment	Area of Growth	Light industrial

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11822 dated June 26, 1970, established zoning for the subject property.

Subject Property:

BOA-14252 October 1986: The Board of Adjustment **approved** a *Special Exception* to permit the time regulation from 1 year to permanently; finding that there are numerous mobile homes in the area and the granting of the requests will not be detrimental to the area and that the use does not violate the spirit and intent of the Code or the Comprehensive Plan, on property located at Lot 34, Block 7, Garden City Addition.

BOA-3266 August 1959: The Board of Adjustment **grants** permission to extend non-conforming use by adding 18 x 26 to present building in a U-1-C District on, being for variety store and Post Office, on property located at Lot 34, Block 7, Garden City Addition.

Surrounding Property:

BOA-21800 December 2014: The Board of Adjustment **approved** a *Variance* to reduce the required setback from the centerline of W. 36th Street from 45 feet to 35 feet to permit a detached accessory building in the required rear yard; *Variance* to increase the permitted square footage of a detached accessory building from 500 square feet to 1,760 square feet; *Variance* to increase the permitted height of a detached accessory building from 18 feet to 20 feet to permit the construction of a proposed carport for a recreation vehicle. The Board has found that the property in question has industrial property fronting on two sides to the north and to the east, and vacant residential lot to the south. The subject property is more narrow than the typical RS-3 lot. This approval is subject to the conceptual plan; on property located at 3601 South Nogales Avenue.

BOA-20485 May 2007: The Board of Adjustment **approved** a *Verification* of spacing requirements for an outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the south; and **deny** *Verification* of spacing requirements for an outdoor advertising sign to the north, involving tribal lands; and to **approve** a *Variance* of the spacing requirement from an outdoor advertising sign on the north, which is less than 1,00 ft. from the sign on tribal lands; finding the billboard to the north is located on tribal lands, which circumstance is not specifically defined in the zoning code; finding that in granting the variance, the extraordinary or exceptional conditions or circumstances which are peculiar to the land, specifically involving tribal lands, the literal enforcement of the terms of the Code would result in unnecessary hardship; on property located at 9001 S. Union Ave.

BOA-19864 July 2004: The Board of Adjustment **approved** a *Refund* of \$303.00, finding no relief is needed according to the site plan submitted this day, on property located at 3615 S. Maybelle.

BOA-19641 August 2003: The Board of Adjustment **approved** a *Special Exception* to permit a manufactured home in an RS-3 zoned district, with conditions to be skirted, tie-downs, and all required permits be obtained; and a *Special Exception* to allow it for thirty years, per plan, on property located at 3645 S. Lawton.

BOA-19171 August 2001: The Board of Adjustment **approved** a *Special Exception* to permit manufactured home in an RS-3 district; and a *Special Exception* to extend the one-year time limit to 30 years, with condition of a tie-agreement between Lots 4 and 5, tie-downs, skirting, DEQ approval, and building permit, on property located at 3636 S. Jackson.

BOA-19168 August 2001: The Board of Adjustment **approved** a *Special Exception* to permit a manufactured home in an RS-3 zoned district; and a *Special Exception* to extend the time limit to 30 years, finding that it will be in harmony with the spirit and intent of the Code, on property located at 3704 S. Jackson.

BOA-18894 October 2000: The Board of Adjustment **approved** a *Special Exception* to permit a manufactured home in an RS district; and a *Special Exception* of the one-year time limit to indefinite, on condition that all requirements be met for permits, inspections, tie-downs, and skirting, on property located at NE of W. 37th Pl. & S. Nogales.

BOA-18619 December 1999: The Board of Adjustment **approved** a *Special Exception* to permit a manufactured home in an RS-3 zoned district and a *Special Exception* to allow the manufactured dwelling permanently, on property located at 3623 S. Maybelle.

BOA-18264 November 1998: The Board of Adjustment **deny** a *Special Exception* to permit a tower setback 23% from a residential district, rather than 110%, on property located at N. 36th St. W. & S. Jackson Ave.

BOA-15278 October 1989: The Board of Adjustment **approved** a *Special Exception* to permit an existing mobile home in a RS-3 District; and to **approve** a *Variance* of the one-year time limitation to permanently; per plat of survey; finding that the mobile home has been at this location for approximately four years and has proved to be compatible with the surrounding neighborhood, on property located at 3651 S. Maybelle.

BOA-15037 January 1989: The Board of Adjustment **approved** a *Variance* to permit two dwelling units to locate on one lot of record in an RS-3 zoned district; per plot plan submitted; finding a hardship imposed on the applicant by the large size of the tract, and the fact that the property could be split into two individual lots if a sanitary sewer was available, on property located at 3607 and 3615 S. Lawton Avenue.

BOA-14273 November 1986: The Board of Adjustment **approved** a *Special Exception* to permit to renew permission for a mobile home in an RS-3 District and to **approve** a *Variance* to extend the one year time limitation to 3 years from the time of this hearing; finding that there are other mobile homes in the area; and finding that the mobile home has been in place for a period of 1 year and has proved to be compatible with the neighborhood, on property located at 3651 S. Maybelle.

BOA-14267 November 1986: The Board of Adjustment **approved** a *Special Exception* to permit a mobile home in an RS-3 zoned district; and to **approve** a *Variance* to waive the one-year time limit to permanently; subject to Health Department approval; finding that the mobile home has been located on the lot

for a period of one year has proved to be compatible with the area, on property located at 3639 S. Maybelle.

BOA-13798 October 1985: The Board of Adjustment **approved** a *Special Exception* to permit a mobile home in an RS-3 zoned district; and to **deny** a *Variance* of the one-year time limitation; subject to posting of Removal Bond; subject to Health Department approval and Building Permit, on property located at 3651 S. Maybelle.

BOA-13779 October 1985: The Board of Adjustment **approved** a *Special Exception* to permit mobile home in an RS-3 zoned district; and to **deny** a *Variance* of the time regulation from 1 year to permanent; subject to removal bond; finding that there are other mobiles in the area and that the granting of the special exception requested will not be injurious to the neighborhood and will be in harmony with the spirit and intent of the Code and the Comprehensive Plan, on property located at 3639 S. Maybelle.

BOA-12693 July 1983: The Board of Adjustment **approved** a *Special Exception* to permit to permit three (3) mobile homes on three (3) separate lots under the provisions of Section 1680, to **approve** a *Variance* of the one-year time limitation and the customary removal bond under the provisions of Section 1670, and to **approve** a request for a refund of filing fees, on property located at 3701 S. Nogales Ave.

BOA-11195 September 1980: The Board of Adjustment **approved** a *Special Exception* to permit the mobile home in an RS-3 District with no time limit and no removal bond required, on property located at 3621 South Nogales Avenue.

BOA-11172 September 1980: The Board of Adjustment **approved** a *Special Exception* to permit location of a mobile home in an RS-3 District and for a *Variance* to permit more than one mobile home on a lot with no time limit, on property located at 3701 S. Nogales Avenue.

BOA-9751 November 1977: The Board of Adjustment **approved** a *Special Exception* to permit two mobile homes in an RS-3 District for a period of one year with a removal bond of \$1,000 being sufficient for both mobile homes, on property located at 3701 S. Nogales Avenue.

BOA-8036 September 1973: The Board of Adjustment **approved** a *Special Exception* to permit two mobile homes for a period of one year, bond required, in an RS-3 District, on property located at 3636 S. Maybelle Avenue.

BOA-7454 April 1972: The Board of Adjustment **approved** a *Special Exception* to permit the erection of a garage across a lot line in an RS-3 District, subject to the plot plan submitted, on property located at 3637 S. Nogales.

BOA-5985 August 1968: The Board of Adjustment **granted** a *Special Exception* to permit modifying the setback requirements of U-4A to permit building 10' from the West, South and East property lines, and waived the public hearing, on property located at SW corner of 36th and Jackson.

Mr. Zalk asked if Tree Service meant they would talk logs and refine them into something else.

Staff stated in the Zoning Code this could be an office but it is more likely to be where logs are stored or equipment on the site.

Mr. Zalk asked if there was a chance, they would mill wood on the site and if so, would there be a noise impact.

Staff stated “no”, Light industrial is the least objectional category and there is very little noise.

The applicant indicated his agreement with staff’s recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **WALKER**, TMAPC voted 6-0-0 (Blair, Covey, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Adams, Craddock, Kimbrel, Reeds, “absent”) to recommend **APPROVAL** of the IL zoning for Z-7620 per staff recommendation.

Legal Description for Z-7620:

LT 34 BLK 7, GARDEN CITY

Mr. Covey stated the Commissioners were going to take a quick break. Break was 2:30pm to 2:33pm.

Staff requested a continuance on item 17.

17. Z-7621 A & S Multi-Family LLC (CD 5) Location: East of the southeast corner of South Memorial Drive and East 41st Street South requesting rezoning from **IL to CH**

TMAPC Action; 6 members present:

On **MOTION** of **COVEY**, TMAPC voted 6-0-0 (Blair, Covey, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Adams, Craddock, Kimbrel, Reeds, “absent”) to **CONTINUE** Item Z-7621 to October 20, 2021.

18. Z-7623 Malcolm Rosser (CD 6) Location: South and east of the southeast corner of East Admiral Place and South Lynn Lane Road requesting rezoning from **AG to RS-5**

All interested parties supported a continuance.

TMAPC Action; 6 members present:

On **MOTION** of **COVEY**, TMAPC voted 6-0-0 (Blair, Covey, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Adams, Craddock, Kimbrel, Reeds, “absent”) to **CONTINUE** Item Z-7623 to October 20, 2021.

* * * * *

19. Z-7624 Hall Estill, Stuart VanDeWiele (CD 8) Location: Southeast corner of East 111th Street South and South Yale Avenue requesting rezoning from **AG to CH with optional development plan**

The neighborhood asked for a continuance to October 20, 2021 to get additional information on the project.

The applicant stated he didn’t know what additional information was needed and didn’t know what could come out of an additional 2 weeks.

Mr. Covey stated it was this Commission’s standard policy to grant a continuance for either the applicant or neighborhood.

All interested parties supported the continuance.

TMAPC Action; 6 members present:

On **MOTION** of **COVEY**, TMAPC voted 6-0-0 (Blair, Covey, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Adams, Craddock, Kimbrel, Reeds, “absent”) to **CONTINUE** Item Z-7624 to October 20, 2021.

* * * * *

Items 20 and 21 were presented together.

20. PUD-299-D Lou Reynolds (CD 8) Location: Northeast corner of East 81st Street South and South Harvard Avenue requesting a **PUD Major Amendment** to abandon PUD-299 (Related to Z-7625)

STAFF RECOMMENDATION:
SECTION I: PUD-299-D

APPLICANTS DEVELOPMENT CONCEPT:

The Project that is the subject of this Application is comprised of 2 lots located at the northeast corner of East 81st Street South at South Harvard Avenue. The corner lot (Lot 6, Block 3, Timbercrest Addition) is currently zoned OL/RD/PUD-299-C. The adjacent lot to the east (Lot7, Block 3, Timbercrest Addition) is

currently zoned RS-1. The Applicant has filed applications to rezone the project to Office Medium (OM) and impose development standards over the Project with an Optional Development Plan and abandon PUD-299-C.

PUD-299 was originally adopted in 1982 for a townhouse and office development on Lot 6. The PUD was subsequently amended in 2000 to accommodate single-family residences and again in 2002 for an office development. The proposed developments never came to fruition and Lot 6 remains vacant. Lot 7 is also vacant.

The property owner desires to rezone the project to Office-Medium (OM) and to abandon the PUD in order to construct a recording studio that is focused on video and film production. The studio will be located on Lot 6 with parking to serve the studio on part of Lot 7. A conceptual Site Plan of the Project is included and attached as Exhibit "A-1. As shown on the conceptual Site Plan to buffer the Project, a substantial portion of Lot 7 will remain natural.

The Applicant proposes to subject the project to an Optional Development Plan to maintain substantially similar development standards as were imposed by the PUD, which were intended to preserve portions of the existing vegetation and provide screening and privacy to the residential neighborhood east and north of the Project. Except as provided in the Optional Development Plan included in Z-7625 all other standards of the OM Zoning District shall apply.

DETAILED STAFF RECOMMENDATION:

PUD 299-C was approved with uses and supplemental regulations that are no longer clearly identified in the Tulsa Zoning Code that was adopted in 2016 and,

Zoning Code standards for landscaping, lighting, signage and all other details referenced in the original PUD and the office districts are more robust than the original PUD process contemplated and,

The proposed uses identified in Z-7625 are consistent with Neighborhood Center land use designation and,

The zoning code does not allow expansion of previous PUD boundaries therefore,

Staff recommends Approval of PUD-299-D which will abandon PUD-299-C. Staff only recommends approval of PUD-299D if the related zoning is changed from RD and OL to OM with the optional development plan defined in Z-7625.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Abandonment of PUD 299-C along with all previous versions of the PUD then rezoning with OM and the optional development plan is consistent with the previously approved PUD and zoning and is also consistent with the Neighborhood Center Land use designation in the Comprehensive Plan.

Land Use Vision:

Land Use Plan map designation: Neighborhood Center

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

Areas of Stability and Growth designation: Area of Growth

An area of growth is a designation 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 Harvard Avenue is considered a multi-modal corridor. Future development should emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located in high intensity mixed-use commercial, retail, and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists because of landscaped medians and tree lawns. Multi-modal streets can have on-street parking and wide sidewalks depending

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

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

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is wooded with a steep terrain. The low point on the site is at the intersection of East 81st Street South and South Harvard with the highest point being north and east of the site.

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>
East 81 st Street South	Secondary Arterial	100 feet	6 lanes at intersection tapering to 2 lanes east of the site
South Harvard Avenue	Secondary arterial with multi modal corridor designation	100 feet	6 lanes at intersection tapering to 2 lanes north 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
North	RS-1	Existing neighborhood	Stability	Single family residential
East	RS-1	Existing Neighborhood	Stability	Single family residential
South	CS, RS-2 and PUD 168-A	Neighborhood Center	Growth	Shopping center and single family residential
West	RS-2	Neighborhood Center	Stability	Single family residential

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 19958 dated August 19th 2002, and Ordinance number 11828 dated June 26, 1970 established zoning for the subject property.

Subject Property:

Z-6864/PUD-299-C August 2002: All concurred in **approval** of a request to rezone a 2.58± acre tract of land from RD/RM-1/PUD-299-B to OL/RD/PUD-299-C on property located Northeast corner of East 81st Street and South Harvard.

Z-5759 December 1982: All concurred in **approval** of a request for *rezoning* a 4.5± acre tract of land for low-intensity residential and surrounded on three sides by low-intensity residential, on property located 1918 E. 51st Street.

Z-4758 June 1975: All concurred in **approval** of a request for *rezoning* a tract of land from AG/RS-2 to OL on property located Northeast corner of East 81st Street and South Harvard.

Surrounding Property:

BOA-22545 December 2018: The Board of Adjustment **approved** a *Special Exception* to permit a bar on a lot within 150 feet of an R-zoned lot (Section 15.020-G); and **approved** *Verification* of the 300-foot spacing requirement for a bar from public parks, schools, other bars, religious assemblies, and sexually oriented business establishments and the public entrance doors 50 feet from an R-zoned lot (Section 40.050), on property located at 8281 South Harvard Avenue East.

BOA-22543 December 2018: The Board of Adjustment **accept** verification of spacing for the proposed bar subject to the action of the Board being void should another conflicting use be established prior to this bar and to **approve** the request for a *Special Exception* permit a bar on a lot within 150 feet of an R-zoned lot (Section 15.020-G) and **approve** a *Variance* of the screening

requirements (Section 4.050-C & Section 65.060-C.2), subject to a conceptual plan, on property located at 8101 South Harvard East.

PUD-168-A July 2015: All concurred in **approval** of a proposed *Planned Unit Development* on a 8.99+ acre tract of land for on property located Southeast corner of East 81st Street and South Harvard Avenue.

BOA-21411 April 2012: The Board of Adjustment **approved** a *Variance* to permit required 327 parking spaces to the existing 302 parking spaces (Sections 1211, 1213, 1214, 1219). There are many diverse businesses in the center, most of which are not open at the same time. There are currently three restaurants. The board believes that the diversity will allow for adequate parking, on property located at 8110 South Harvard Avenue.

BOA-19555 April 2003: The Board of Adjustment **approved** a *Special Exception* to permit U.S Cellular to increase its ground space and add outside BTS cabinet, per plan, on property located at East 81st Street & Harvard.

BOA-17603 January 1996: The Board of Adjustment **approved** a *Special Exception* to permit the setback requirements from R district to allow a 70' wooden monopole tower, on property located at East 81st Street South & Harvard Avenue.

BOA-17253 December 1995: The Board of Adjustment **approved** a *Variance* to permit the maximum height for a ground sign from 25' to 30' (Section 1221.E.1) CG, CH, CBD, IL, IM and IH Use Conditions for Business Signs, per plan and photographs submitted; finding that the sign structure is existing and only one panel (6'1" by 2') will be added, on property located at 8108 South Harvard.

BOA-14103 June 1986: The Board of Adjustment **approved** a *Variance* to permit the 5' side yard setback to allow for an addition to an existing dwelling unit; per plot plan submitted; finding a hardship demonstrated by the large size and irregular shape of the lot, on property located at 7794 South Indianapolis.

BOA-12419 January 1983: The Board of Adjustment **approved** a *Special Exception* to permit a car wash in a CS District, per drawing submitted, on property located at Southwest corner of 81st Street and Harvard Avenue.

BOA-12314 December 1982: The Board of Adjustment **deny** a *Special Exception* to permit car wash in a CS district, on property located at Southwest corner of 81st Street and Harvard Avenue.

BOA-9444 April 1977: The Board of Adjustment **deny** a *Variance* to permit the front setback requirements from 35' to 10' to permit the erection of a porte-cochere in an RS-1 District, on property located at 8000 Block of South Jamestown Avenue.

BOA-8683 August 1975: The Board of Adjustment **approved** a *Variance* to permit of setback requirements from 35' to 22' on the south, per plot plan, in a RS-2 District, on property located at 8104 South Louisville Avenue.

TMAPC Action; 6 members present:

On **MOTION** of **WALKER**, TMAPC voted 6-0-0 (Blair, Covey, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Adams, Craddock, Kimbrel, Reeds, “absent”) to recommend **APPROVAL** of the PUD Major Amendment for PUD-299-D per staff recommendation.

Legal Description for PUD-299-D:
LT6 BLK 3, TIMBERCREST ADDN

* * * * *

21. Z-7625 Lou Reynolds (CD 8) Location: Northeast corner of East 81st Street South and South Harvard Avenue requesting rezoning from **RD, OL and PUD-299-C to OM with an optional development plan** (Related to PUD-299-D)

STAFF RECOMMENDATION:
SECTION I: Z-7625

APPLICANTS DEVELOPMENT CONCEPT:

The Project that is the subject of this Application is comprised of 2 lots located at the northeast corner of East 81st Street South at South Harvard Avenue. The corner lot (Lot 6, Block 3, Timbercrest Addition) is currently zoned OL/RD/PUD-299-C. The adjacent lot to the east (Lot 7, Block 3, Timbercrest Addition) is currently zoned RS-1. The Applicant has filed applications to rezone the project to Office Medium (OM) and impose development standards over the Project with an Optional Development Plan and abandon PUD-299-C.

PUD-299 was originally adopted in 1982 for a townhouse and office development on Lot 6. The PUD was subsequently amended in 2000 to accommodate single-family residences and again in 2002 for an office development. The proposed developments never came to fruition and Lot 6 remains vacant. Lot 7 is also vacant.

The property owner desires to rezone the project to Office-Medium (OM) and to abandon the PUD in order to construct a recording studio that is focused on video and film production. The studio will be located on Lot 6 with parking to serve the studio on part of Lot 7. A conceptual Site Plan of the Project is included and attached as Exhibit “A-1. As shown on the conceptual Site Plan to buffer the Project, a substantial portion of Lot 7 will remain natural.

The Applicant proposes to subject the project to an Optional Development Plan to maintain substantially similar development standards as were imposed by the PUD, which were intended to preserve portions of the existing vegetation and provide screening and privacy to the residential neighborhood east and north of

the Project. Except as provided in the Optional Development Plan included in Z-7625 all other standards of the OM Zoning District shall apply.

DETAILED STAFF RECOMMENDATION:

The OM district is primarily intended to accommodate medium-intensity office development, together with community facilities typically found in conjunction with offices, the proposed development identified is consistent with that goal and,

The optional development plan standards include clearly defined uses, setbacks, height, and landscape standards that are anticipated in a Neighborhood Center and expected infill on the edges of an existing neighborhood and,

~~Terrain considerations and preservation of the existing tree cover on the north and east side of this site is an important consideration and the screening requirements. The development standards have will help preserve the existing tree canopy on the north and east edges of the site.~~

The proposed development is consistent with the previously expected development identified in PUD 299-C and the expected surrounding development area.

The development plan is consistent with the provisions of the Tulsa Zoning Code therefore,

Staff recommends Approval of Z-7625 to rezone property from RD, RS-1,OL to OM with the optional development plan standards identified in Section II below.

SECTION II: Z-7625 OPTIONAL DEVELOPMENT STANDARDS:

The optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in an OM district with its supplemental regulations except as further refined below.

All use categories, subcategories or specific uses and residential building types that are not listed in the following permitted uses categories are prohibited.

~~Terrain and preservation of the existing tree cover on the north and east side of this site is an important consideration and the screening requirements will be irrelevant if the screening is not placed on top of the retaining walls adjacent to the residential properties.~~

RETAINING WALL AND TERRAIN CONSIDERATIONS

Retaining walls including footings, tie-backs, wall drainage must be placed outside of the 25 foot buffer areas defined below:

LANDSCAPING AND SCREENING:

In addition to the Landscape standards required in an OM district the site shall provide the following:

Twenty-five-foot-wide landscape buffers shall be required as follows:

1. The North 25 feet of Lot 6
2. The East 25 feet of the North 90 feet of Lot 6
3. The North 25 feet of the West 220 feet of lot 7
Note: These three buffer areas shall meet or exceed the F-1 screening standards defined in the Chapter 65 of the Tulsa Zoning Code.
4. The easterly 180 feet of Lot 7 will be left in its natural state and no improvements will be constructed except for screening and retaining walls, including gate entrances, landscaping required to be planted and utility purposes.

Minimum Landscape Area shall not be less than 25% of the total development area.

PERMITTED USE CATEGORY

Residential

Household Living (~~as if~~ allowed in building types ~~identified~~ ~~referenced~~ below)

Two or more households on a single lot

Three or more households on a single lot

PUBLIC, CIVIC and INSTITUTIONAL

College or University

Hospital

Religions assembly

School

Commercial

Broadcast or Recording Studio

Financial Services (excludes personal credit establishments)

Office

Business or professional office

Medical, dental or health practitioner office

Studio, Artist or Instructional Service

RESIDENTIAL BUILDING TYPES

Residential

Household Living

Two or more households on a single lot

Mixed use building

Vertical Mixed-use building

Three or more households on a single lot
Mixed use building
Vertical Mixed-use building

Lot and Building Regulations:

Maximum Building Height:

Lot 6

- Within 180 feet of north boundary ~~One-story not to exceed~~ 30 feet
- Greater than 180 feet from north boundary ~~Three Stories not to exceed~~ 60 feet

Lot 7

- Anywhere within Lot 7 ~~One story not to exceed~~ 30 feet

Refer to Exhibit "A.2 for an illustration of Lot 6 and 7

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Z-7625 with the optional development plan along with the abandonment of PUD 299-C is consistent with the Neighborhood Center and Existing Neighborhood Land use designations in the Comprehensive Plan.

Land Use Vision:

Land Use Plan map designation: Neighborhood Center and Existing Neighborhood

Lot 6 is included in the Neighborhood Center: This land use designation should include 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.

Lot 7 is included in the Existing Neighborhood: The Existing Neighborhood category is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so

residents can better access parks, schools, churches, and other civic amenities.

Areas of Stability and Growth designation: Area of Growth and Area of Stability
Lot 6 is included in the area of Growth: An area of growth is a designation 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.”

Lot 7 is included in the areas of stability: That map designation includes approximately 75% of the city’s total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

Transportation Vision:

Major Street and Highway Plan:

South Harvard Avenue is considered a multi-modal corridor. Future development should emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located in high intensity mixed-use commercial, retail, and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists because of landscaped medians and tree lawns. Multi-modal streets can have on-street parking and wide sidewalks depending

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

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

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is wooded with a steep terrain. The low point on the site is at the intersection of East 81st Street South and South Harvard with the highest point being north and east of the site.

Environmental Considerations: None that would affect site development

SECTION IV: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 19958 dated August 19th, 2002, and Ordinance number 11828 dated June 26, 1970 established zoning for the subject property.

Subject Property:

Z-6864/PUD-299-C August 2002: All concurred in **approval** of a request to rezone a 2.58-± acre tract of land from RD/RM-1/PUD-299-B to OL/RD/PUD-299-C on property located Northeast corner of East 81st Street and South Harvard.

Z-5759 December 1982: All concurred in **approval** of a request for *rezoning* a 4.5± acre tract of land for low-intensity residential and surrounded on three sides by low-intensity residential, on property located 1918 E. 51st Street.

Z-4758 June 1975: All concurred in **approval** of a request for *rezoning* a tract of land from AG/RS-2 to OL on property located Northeast corner of East 81st Street and South Harvard.

Surrounding Property:

BOA-22545 December 2018: The Board of Adjustment **approved** a *Special Exception* to permit a bar on a lot within 150 feet of an R-zoned lot (Section 15.020-G); and **approved** *Verification* of the 300-foot spacing requirement for a bar from public parks, schools, other bars, religious assemblies, and sexually oriented business establishments and the public entrance doors 50 feet from an R-zoned lot (Section 40.050), on property located at 8281 South Harvard Avenue East.

BOA-22543 December 2018: The Board of Adjustment **accept** verification of spacing for the proposed bar subject to the action of the Board being void should another conflicting use be established prior to this bar and to **approve** the request for a *Special Exception* permit a bar on a lot within 150 feet of an R-zoned lot (Section 15.020-G) and **approve** a *Variance* of the screening requirements (Section 4.050-C & Section 65.060-C.2), subject to a conceptual plan, on property located at 8101 South Harvard East.

PUD-168-A July 2015: All concurred in **approval** of a proposed *Planned Unit Development* on a 8.99+ acre tract of land for on property located Southeast corner of East 81st Street and South Harvard Avenue.

BOA-21411 April 2012: The Board of Adjustment **approved** a *Variance* to permit required 327 parking spaces to the existing 302 parking spaces (Sections 1211, 1213, 1214, 1219). There are many diverse businesses in the center, most of which are not open at the same time. There are currently three restaurants. The board believes that the diversity will allow for adequate parking, on property located at 8110 South Harvard Avenue.

BOA-19555 April 2003: The Board of Adjustment **approved** a *Special Exception* to permit U.S Cellular to increase its ground space and add outside BTS cabinet, per plan, on property located at East 81st Street & Harvard.

BOA-17603 January 1996: The Board of Adjustment **approved** a *Special Exception* to permit the setback requirements from R district to allow a 70' wooden monopole tower, on property located at East 81st Street South & Harvard Avenue.

BOA-17253 December 1995: The Board of Adjustment **approved** a *Variance* to permit the maximum height for a ground sign from 25' to 30' (Section 1221.E.1) CG, CH, CBD, IL, IM and IH Use Conditions for Business Signs, per plan and photographs submitted; finding that the sign structure is existing and only one panel (6'1" by 2') will be added, on property located at 8108 South Harvard.

BOA-14103 June 1986: The Board of Adjustment **approved** a *Variance* to permit the 5' side yard setback to allow for an addition to an existing dwelling unit; per plot plan submitted; finding a hardship demonstrated by the large size and irregular shape of the lot, on property located at 7794 South Indianapolis.

BOA-12419 January 1983: The Board of Adjustment **approved** a *Special Exception* to permit a car wash in a CS District, per drawing submitted, on property located at Southwest corner of 81st Street and Harvard Avenue.

BOA-12314 December 1982: The Board of Adjustment **deny** a *Special Exception* to permit car wash in a CS district, on property located at Southwest corner of 81st Street and Harvard Avenue.

BOA-9444 April 1977: The Board of Adjustment **deny** a *Variance* to permit the front setback requirements from 35' to 10' to permit the erection of a porte-cochere in an RS-1 District, on property located at 8000 Block of South Jamestown Avenue.

BOA-8683 August 1975: The Board of Adjustment **approved** a *Variance* to permit of setback requirements from 35' to 22' on the south, per plot plan, in a RS-2 District, on property located at 8104 South Louisville Avenue.

Applicant Comments:

The applicant stated his applicant owns Oklahoma Studios which is the name of this project. He stated his client intends to build a recording studio on this property. The applicant stated this proposal is comprised of 2 lots, lot 6 is zoned OL and duplex and has PUD-299-C over laid on it. He stated under PUD-299-C a 45 foot building or 3 stories is allowed. The applicant stated the other lot 7 is zoned RS-1. He stated these lots in the Plat were reserved for commercial development. The applicant stated the topography on the southwest corner of this property to the northeast corner is between an 80 to 90 foot drop and makes it a challenge and controls the use on this site. He stated they have had meeting with the residents to the north of the subject property and they like what they are doing. The applicant stated Councilor Cue arranged a meeting with the neighbors and most of them were supportive of this application and the ones that weren't are here today. He stated in December of last year they submitted a site plan to build on this site. The applicant stated the new site plan is a very similar building that was approved to build by right in PUD-299-C. He learned in January that lot 6 was for sale and this was a lot he had tried to buy previously. He stated after buying the lot they went back to the architect and redesigned his project to include lot 6. The applicant stated they reconfigured the building and made it a little bigger and pushed it back to the east and added a more decorative entry feature. He stated an Atrium was added to the front of the building that increased the height on the front of the building.

Interested Parties:

City Councilor Jeannie Cue 175 E 2nd Street, Tulsa, OK 74103

Councilor Cue stated she set a meeting up with her residents but wasn't sure if they ever really concluded. She stated she knows the building itself is not part of the discussion today but the concern for her residents is windows looking down into residents property, they would be losing their privacy. Councilor Cue stated she hopes before this item gets to City Council there will be an understanding that would benefit everyone.

Christopher Holt 8214 South Marion Avenue, Tulsa, OK 74137

Mr. Holt stated he supports this rezoning and feels like the building and its function will add to the neighborhood He stated the film industry would give Tulsa a boost to the economy in that area. Mr. Holt stated he feels like the movie industry in Oklahoma is actually a thriving business, recently a movie was shot in

Oklahoma “Killers of the Flower Moon” that's probably going to be an Academy Award winner. He stated he thinks this project would be a great addition to Tulsa.

Bruce Denny 905 South Lynn Lane Road, Tulsa, OK 74108
Mr. Denny was not present.

James Capshaw 109 South Lynn Lane, Tulsa, OK 74108
Mr. Capshaw was not present.

Nikki Burress 109 South Lynn Lane, Tulsa, OK 74108
Ms. Burress was not present.

Mike Brewster 8049 S Gary Place, Tulsa, OK 74138
Mr. Brewster stated he lives directly across from where this building is planned to be built. Mr. Brewster stated this building will be about 100 feet from his back fence and as Councilor Cue mentioned there are privacy concerns. He stated he is against the rezoning because it's connected with property that will have this building on it. Mr. Brewster stated the building is 45 feet tall and runs the full length of his property and has multiple windows facing directly into his backyard. He stated after contacting Councilor Cue last week she contacted the builder to say there needs to be a meeting with the neighbors. Mr. Brewster stated he would like to ask if there was a notice sent out to homeowners in the area for the December 2020 meeting because the first time he had heard about any rezoning was for today's meeting. He stated he was not here because he missed the boat last time. He is here because he received notice in the mail saying there's going to be a brand new recording studio being built on the corner. Mr. Brewster stated there are about five to six homes that will end up with the same view as he will but he will take the brunt of it being in the closest proximity.

The applicant stated the subject property has been zoned OL since 1975. He stated there has been three iterations of the PUD. The first 2 were office buildings that were designed for this site and not built, and the third one was his client's building that did not need a hearing because the property was already zoned for it. The applicant stated it was only by happenstance that his client purchased lot seven to the east. He stated he is not asking for anything that stretches out what was already approved, everything they asked for is back to the east and has no effect on the neighbors to the west.

Mr. Covey stated the staff report shows the subject property has been zoned OL since June of 1975. He stated it's been zoned for something other than residential since 1975 and the only reason for this coming before TMAPC is the lot to expand the lot to the east instead of the north, but the west line isn't changing at all. Mr. Covey stated if this is not approved today that does not affect what can be done on the west side because that can be done by right.

The applicant stated, “that is correct”.

TMAPC Action; 6 members present:

On **MOTION** of **WHITLOCK**, TMAPC voted 6-0-0 (Blair, Covey, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Adams, Craddock, Kimbrel, Reeds, “absent”) to recommend **APPROVAL** of rezoning to OM with optional development plan for Z-7625 per staff recommendations.

Legal Description for Z-7625:

LT6 and LT7 BLK 3, TIMBERCREST ADDN

* * * * *

22. Z-7626 Mike Thedford (CD 4) Location: Southwest corner of East 18th Street South and South Cincinnati Avenue requesting rezoning from **RM-2 and OL to MX1-U-45 with optional development plan**

STAFF RECOMMENDATION:

SECTION I: Z-7626

APPLICANTS DEVELOPMENT CONCEPT:

This development plan anticipates redevelopment of the subject property with improvements that are sensitive to the area along with appropriate use categories. The intent of the project will be to update and modernize the existing structures for a new restaurant, office, and small-scale service use on the corner closest to 18th Street and Cincinnati Avenue. The redevelopment of this site will be for improvements to the existing structures, accentuation of the historical features and enhancement of the overall appearance of the property as shown and included the attached architectural renderings

Conceptual plans illustrate streetscape improvements with café style outdoor dining for the restaurant use. Outdoor dining is an important part of the concept however that will require coordination with City of Tulsa Engineering Department to modify street, curb and sidewalk quality and re-configuration.

DETAILED STAFF RECOMMENDATION:

Z-7626 request rezoning from RM-2 and OL to MX1-U-45 with an optional development plan. MX1 zoning is considered a Neighborhood Mixed-use district and is intended to accommodate small scale retail, service and dining uses that serve nearby residential neighborhoods. The district also allows a variety of residential uses and building types. MX1 zoning is generally intended for application in areas designated by the Comprehensive Plan as Neighborhood Centers, Main Streets, and Mixed-Use Corridors. The uses allowed in the MX1 zoning category are consistent goals of the Neighborhood Center land use designation, and

The allowed building types along with the lot and building regulations defined in the Urban Character Zone are consistent with the expected future development in the area, and

The development plan is consistent with the provisions of the Tulsa Zoning Code and reflects the intent of the current site redevelopment however staff supports rezoning the site with MX1-U-45 with or without the development plan submitted and,

The 45-foot-tall maximum building height designation is consistent with the expected development pattern and is consistent with existing multifamily construction in the immediate area therefore,

MX1-U-45 is consistent with the Neighborhood Center land use designation therefore,

Staff recommends Approval of Z-7626 to rezone property from RM-2 and OL to MX1-U-45 with or without the development plan defined in section II below.

SECTION II: Z-7626 DEVELOPMENT PLAN STANDARDS:

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

PERMITTED USE CATEGORY

Residential

Household Living (as if allowed in building types identified referenced below)

Commercial

Commercial Service

Consumer maintenance / repair service

Personal improvement service

Financial Services (excludes personal credit establishments)

Office

Business or professional office

Medical, dental or health practitioner office

Restaurants and Bars

Restaurants

Bar (Requires a special exception approval)

Retail Sales

Consumer shopping goods

Convenience Goods

Grocery Store

Studio, Artist or Instructional Service

DESIGN STANDARDS

Lot and Building Regulations

- a. New building construction and lot development will conform to the provision of the urban character zone.
- b. Existing buildings may be used and remodeled inside and out. Those buildings are exempt from compliance with build-to zone requirements, ground floor ceiling height and transparency regulations.

BUILDING TYPES

- a. Vertical mixed-use and mixed-use buildings
- b. Commercial buildings
- c. Townhouses

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: MX1-U-45 allows uses, building types and requires new building placement, and design standards that are consistent with the Neighborhood Center land use designation. The applicant has chosen to add additional development limitations to the application that are also consistent with the Neighborhood Center land use designation.

Land Use Vision:

Land Use Plan map designation: Neighborhood Center

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

Areas of Stability and Growth designation: Area of Growth

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

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the

city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.”

Transportation Vision:

Major Street and Highway Plan: None

Trail System Master Plan Considerations: None except that this site is less than one block from the Midland Valley Trail System. Bicycle parking should be an important part of the site redevelopment plan.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is a collection of single-story underutilized buildings.*

Environmental Considerations: None that would affect site redevelopment.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Cincinnati Avenue	Residential Collector	60 feet	2 (southbound only)
East 18 th Street South	Residential Collector	60 feet	3 (one westbound, two eastbound with right turn lane)

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use	Area of Stability or	Existing Use
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		Designation	Growth	
North	CS and RM-2	Neighborhood Center	Growth	Single Family and Multi Family and Commercial north of 18 th .
East	RS-3 / HP	Existing Neighborhood	Stability	Single Family Residential
South	RM-2	Neighborhood Center	Growth	Office
West	RM-2 RMT and CS	Neighborhood Center	Growth	Residential

SECTION IV: Relevant Zoning History

Subject Property:

ZONING ORDINANCE: Ordinance number 14152 dated June 1978, and Ordinance number 11814 dated June 26,1970 established zoning for the subject property.

Surrounding Property:

Z-7594 May 30, 2021: All concurred in **approval** of a request for *rezoning* a 0.17+ acre tract of land from OL to RM-2 on property located N. of the NW/c of E. 18th St. S & S. Cincinnati Ave.

BOA-21327 September 27 2011: The Board of Adjustment **approved** a *Variance* to permit the parking requirements for a public school (UU1) from 55 to 44 (Section 1201.D) & a *Variance* of the building setback for a *Special Exception* use in an R District from another R District from 25' to 12' (Section 404.F.4) and a *Minor Special Exception* to reduce the required setback from a public street for a special exception use in an RM-2 District from 10' 6.3; on property located at ALL OF BLK 16 17, SOUTH SIDE ADDN, SECOND SOUTH SIDE.

BOA-20911 May 2009: The Board of Adjustment **approved** a *Variance* to permit the parking requirement to permit commercial uses within an existing building in a CG district (Section 1200), on property located at 118 E. 18th St S.

BOA-19915 September 2004: The Board of Adjustment **approved** a *Variance* to permit required 300 foot spacing from another Adult Entertainment Establishment, finding other such variances approved in the area, and other establishments where the 300' was not adhered to in this neighborhood, on property located at 1747 S. Boston Ave E.

BOA-18140 August 1998: The Board of Adjustment **approved** a *Variance* to permit the structure height of accessory building from one story to two story and a Variance of the size of accessory building from 750 Sf to 1,168 SF. Per plan submitted with the condition that no second dwelling be allowed and nothing that the request would have to go before the Historic Preservation Society for approval, on property located at 1719 S. Cincinnati Pl.

BOA-17727 June 1997: The Board of Adjustment **approved** a *Special Exception* to modify a previously approved site plan, on property located at NW/c 21st & Cincinnati.

BOA-16558 January 1994: The Board of Adjustment **approved** a *Special Exception* to permit school use in an Rs-3 zoned district, on property located at 1920 South Cincinnati Ave.

BOA-15422 April 1990: The Board of Adjustment **approved** a *Variance* to permit required parking spaces to be located on a lot other than the lot containing the principal use for 30 days only; per plan submitted, on property located at 112 East 18th Street.

BOA-13388 November 1984: The Board of Adjustment **deny** a *Variance* to permit the number of parking spaces for a private club from 24 to 5 in a CH zoned district; & a *Variance* to permit off-site parking for a private club in a CH zoned district, all under Section 1670, on property located at NW and NE corners of 18th and Boston Avenue.

BOA-12280 December 1982: The Board of Adjustment **approved** a *Special Exception* to permit office use in an RM-2 District, on property located at 1820 South Cincinnati Ave.

BOA-1535 January 1943: The Board of Adjustment **grants permission** to convert dwelling, on property located at Lots 54-55, Blk 7, South Side Addition.

BOA-2886 November 1956: The Board of Adjustment **grants permission** to erect a substation on lot, on property located at Lot 122, Block 15, Southside Second.

BOA-2793 January 1956: The Board of Adjustment **grants** a *permission* to extend garage apartment approximately 12 feet, on property located at Lot 57, Block 7, Southside Addition.

BOA-1233 May 1938: The Board of Adjustment **grants permission** for approval of private school, on property located at Lots 34-35-36-37, Block 6, South Side Addition.

The applicant indicated his agreement with staff's recommendation.

Interested Parties:

Debbie Robinson 140 East 18th Street, Tulsa, OK 74119

Ms. Robinson stated she had no plans to speak and is in way over head. She stated she is most affected by the development because her bedroom and bathroom window are probably 20 feet from what she hears is a proposed patio for a restaurant and bar. Ms. Robinson stated that means she will have people right outside her bedroom window making noise and probably overhead lights. She stated she would like to propose that her house be soundproofed. Ms. Robinson stated she also doesn't understand where the people are going to park.

Applicant Comments:

Mike Thedford 123 Martin Luther King Jr Boulevard, Tulsa, OK 74103

The applicant stated most of the patio area is going to be to the east of the building along Cincinnati. He stated there will be some grassy area shown on the concept so most of the noise, if there is going to be a certain decibel level noise, would be concentrated with the eastern part of the building.

Elliott Nelson 1008 Sunset Drive, Tulsa OK

Mr. Nelson stated he is the owner. He stated the renderings are just conceptual and Robinson's son reached out to him about her concerns this morning. Mr. Nelson stated they were not going to build anything that affects her bedroom or keeps her up at night. He stated it's not in his best interest if the neighbors don't like them and it makes it harder to run a business. Mr. Nelson stated he told Ms. Robinson's son they we will work with her to try and find a solution and if there isn't one their backyard becomes an empty space.

TMAPC Action; 6 members present:

On **MOTION** of **WALKER**, TMAPC voted 6-0-0 (Blair, Covey, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Adams, Craddock, Kimbrel, Reeds, "absent") to recommend **APPROVAL** of rezoning to MX1-U-45 with optional development plan for Z-7626 per staff recommendations.

Legal Description for Z-7626:

THE NORTH 40 FEET OF LOTS ELEVEN (11), TWELVE (12) AND THIRTEEN (13), BLOCK THREE (3), AND THE SOUTH 10 FEET OF VACANT ALLEY NORTH AND SOUTH 4 FEET OF THE NORTH 10 FEET OF VACANT ALLEY ABUTTING LOTS 15 AND 16, SOUTH SIDE ADDITION TO TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 142.

AND

THE SOUTH FORTY (40) FEET OF LOTS FIFTEEN (15) AND SIXTEEN (16) AND THE NORTH SIX (6) FEET OF THE VACATED ALLEY ADJOINING SAID LOTS FIFTEEN (15) AND SIXTEEN (16) ON THE SOUTH, IN BLOCK THREE

(3), SOUTH SIDE ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 142.
AND
THE NORTH 100 FEET OF LOT SIXTEEN (16), BLOCK THREE (3), SOUTH SIDE ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 142.

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23. Z-7627 Jordan Droz (CD 8) Location: East of the northeast corner of East 91st Street South and South Sheridan Road requesting rezoning from **OL to CS**

STAFF RECOMMENDATION:
SECTION I: Z-7627

DEVELOPMENT CONCEPT: The site is currently zoned OL and only allows office uses inside the existing building. The anticipated repurpose of the building will include all uses allowed in the CS district including a bakery.

DETAILED STAFF RECOMMENDATION:

The CS district is primarily intended to accommodate convenience, neighborhood, subcommunity, community, and regional shopping centers providing a range of retail and personal service uses. Uses allowed in a CS district are consistent with the Neighborhood Center Land Use designation and,

The lot and building regulations along with the supplemental regulations for site and building development in a CS district are developed to provide adequate consideration for abutting properties and,

Repurposing the site to allow more uses that what was previously included in the OL district is appropriate at this location therefore,

Staff recommends Approval of Z-7627 to rezone property from OL to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Uses allowed in a CS zoning district are generally consistent with the Neighborhood Center land use designation.

Land Use Vision:

Land Use Plan map designation: Neighborhood Center

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

Areas of Stability and Growth designation: Area of Growth

An area of growth is a designation 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:

East 91st Street South is classified as a multi-modal corridor. Future development should emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located in high intensity mixed-use commercial, retail, and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists because of landscaped medians and tree lawns. Multi-modal streets can have on-street parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses. Transit dedicated lanes, bicycle lanes, landscaping and sidewalk width are higher priorities than the number of travel lanes on this type of street. To complete the street, frontages are required that address the street and provide comfortable and safe refuge for pedestrians while accommodating vehicles with efficient circulation and consolidated-shared parking.

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

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site was originally constructed as a surface parking lot and recently an office building was added to the site. Information has not been provided to know if the site has adequate parking for CS uses. That detail will be managed during the building permit process.

View from south looking north:

(Refer to following page)



Environmental Considerations: None that would affect site redevelopment

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 91 st Street South	Secondary Arterial with multi modal	100 feet	Taper from 5 lanes to 2 lanes

	corridor street designation		
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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	RD	Existing neighborhood	Stability	Residential Duplex
East	RS-3	Existing Neighborhood	Stability	Residential Single Family
South	PUD 166D CS, PUD-166B RM-1	Existing Neighborhood and town center	Growth	Commercial and Multi Family
West	CS	Neighborhood center	Growth	Commercial

SECTION III: Relevant Zoning History

Subject Property:

ZONING ORDINANCE: Ordinance number 11829 dated June 26, 1970, established zoning for the subject property.

Surrounding Property:

Z-5870 October 1983: All concurred in **approval** of a request for *rezoning* a tract of land from AG to RM-1 on property located 6748 East 91st Street.

PUD-166-K October 1997: All concurred in **approval** of a proposed *Planned Unit Development* on a tract of land for on property located 6508 East 91st Street South.

PUD-166-D July 1986: All concurred in **approval** of a proposed *Planned Unit Development* on an acre tract of land for on property located Southeast corner of 91st and Sheridan.

PUD-166-C July 1983: All concurred in **approval** of a proposed *Planned Unit Development* on a 1.0± acre tract of land for on property located SE/c 91st and Sheridan.

PUD-166-B May 1983: All concurred in **approval** of a proposed *Planned Unit Development* on a 6.69± acre tract of land for on property located East of the Southeast Corner of 91st and Sheridan.

PUD-166 November 1974: All concurred in **approval** of a proposed *Planned Unit Development* on a 100.87± acre tract of land for on property located SE/c 91st Street and Sheridan Road.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **COVEY**, TMAPC voted 6-0-0 (Blair, Covey, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Adams, Craddock, Kimbrel, Reeds, "absent") to recommend **APPROVAL** of rezoning to CS for Z-7627 per staff recommendations.

Legal Description for Z-7627:

THE EAST ONE HUNDRED SEVENTEEN (117.00) FEET OF LOT ELEVEN (11), BLOCK ONE (1), A RE-SUBDIVISION OF LOT FOURTEEN (14), BLOCK TWO (2), CHIMNEY HILLS SOUTH EXTENDED, AN ADDITION IN THE CITY OF TULSA, COUNTY OF TULSA, AND STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

24. ZCA-21 Various amendments to the City of Tulsa Zoning Code in the following sections: **Chapter 5 Residential Districts:** Section 5.020 Use Regulations, Table 5-2: R District Use Regulations; **Chapter 10 Mixed-use Districts:** Section 10.020 Use Regulations, Table 10-2: MX District Use Regulations; Section 10.030 Character Designations, Table 10-4: Lot and Building Regulations for -P Character Zones, Figure 10-3: MX District Lot and Building Regulations (-P Character Zone), Table 10-5: Lot and Building Regulations for -U Character Zones, Table 10-6: Lot and Building Regulations for -V Character Zones; **Chapter 15 Office, Commercial and Industrial Districts:** Section 15.020 Use Regulations, Table 15-2: O, C, and I District Use Regulations; **Chapter 20 Overlay Districts:** Section 20.080 NIO, Neighborhood Infill Overlay; Figure 20-2: Parking Prohibited between Building and Street Right-of-way **Chapter 25 Special Districts:** Section 25.020 AG, Agricultural District and AG-R, Agricultural-Residential District, Table 25-1: AG and AG-R District Use Regulations; Section 25.040 CO, Corridor District, Table 25-4: CO District Use Regulations; Section 25.050 SR, Scientific Research District, Table 25-5: SR District Use Regulations; Section 25.060 IMX, Institutional Mixed-Use, Table 25-7: IMX District Use Regulations; **Chapter 45 Accessory Uses and Structures:** Section 45.130 Parking and Storage of Commercial Trucks; **Chapter 55 Parking:** Section 55.020 Minimum Parking Ratios, Table 55-1: Minimum Motor Vehicle Parking Ratios;

Section 55.050 Parking Exemptions and Credits; **Chapter 60 Signs:** Section 60.020 Prohibited Signs and Sign Characteristics; Section 60.100 Dynamic Displays; **Chapter 65 Landscaping and Screening:** Section 65.080 Landscape and Screening Material; **Chapter 70 Review and Approval Procedures:** Section 70.010 Common Provisions, Table 70-1: Review and Decision-making Authority Summary Table; Section 70.020 Zoning Code Text Amendments; Section 70.040 Development Plans; Section 70.080 Zoning Clearance and Permits; Section 70.140 Appeals of Administrative Decisions; Figure 70-7: Appeals of Administrative Decisions (Generally); **Chapter 95 Definitions:** Section 95.040 Terms Beginning with “A”, Arterial

STAFF RECOMMENDATION:

Item

Discuss various proposed amendments to the City of Tulsa Zoning Code in the following sections:

- **Chapter 5 Residential Districts:** Section 5.020 Use Regulations, Table 5-2: R District Use Regulations
- **Chapter 10 Mixed-use Districts:** Section 10.020 Use Regulations, Table 10-2: MX District Use Regulations; Section 10.030 Character Designations, Table 10-4: Lot and Building Regulations for -P Character Zones, Figure 10-3: MX District Lot and Building Regulations (-P Character Zone), Table 10-5: Lot and Building Regulations for -U Character Zones, Table 10-6: Lot and Building Regulations for -V Character Zones
- **Chapter 15 Office, Commercial and Industrial Districts:** Section 15.020 Use Regulations, Table 15-2: O, C, and I District Use Regulations
- **Chapter 20 Overlay Districts:** Section 20.080 NIO, Neighborhood Infill Overlay; Figure 20-2: Parking Prohibited between Building and Street Right-of-way
- **Chapter 25 Special Districts:** Section 25.020 AG, Agricultural District and AG-R, Agricultural-Residential District, Table 25-1: AG and AG-R District Use Regulations; Section 25.040 CO, Corridor District, Table 25-4: CO District Use Regulations; Section 25.050 SR, Scientific Research District, Table 25-5: SR District Use Regulations; Section 25.060 IMX, Institutional Mixed-Use, Table 25-7: IMX District Use Regulations
- **Chapter 45 Accessory Uses and Structures:** Section 45.130 Parking and Storage of Commercial Trucks
- **Chapter 55 Parking:** Section 55.020 Minimum Parking Ratios, Table 55-1: Minimum Motor Vehicle Parking Ratios; Section 55.050 Parking Exemptions and Credits
- **Chapter 60 Signs:** Section 60.020 Prohibited Signs and Sign Characteristics; Section 60.100 Dynamic Displays
- **Chapter 65 Landscaping and Screening:** Section 65.080 Landscape and Screening Material

- **Chapter 70 Review and Approval Procedures:** Section 70.010 Common Provisions, Table 70-1: Review and Decision-making Authority Summary Table; Section 70.020 Zoning Code Text Amendments; Section 70.040 Development Plans; Section 70.080 Zoning Clearance and Permits; Section 70.140 Appeals of Administrative Decisions; Figure 70-7: Appeals of Administrative Decisions (Generally)
- **Chapter 95 Definitions:** Section 95.040 Terms Beginning with “A”, Arterial

Background

The City of Tulsa Zoning Code became effective on January 1, 2016. During the development of the zoning code, staff anticipated that cleanup items would be identified as implementation began in 2016. In early 2016, a zoning code implementation team was established and began meeting regularly to discuss situations where inconsistencies existed, clarification was needed, intent was not fully accomplished, and unintended consequences occurred. Since the effective date of the zoning code, staff has brought several rounds of general clean-up amendments through the approval process. The zoning code implementation team meets biweekly and consists of members of the Tulsa Planning Office, Development Services Department, and City Legal.

The amendments are a result of the zoning code implementation team’s work. The proposed amendments are located in Chapters 5, 10, 15, 20, 25, 45, 55, 60, 65, 70, and 95 of the zoning code. Most proposed amendments are minor in nature. Staff presented the proposed amendments at the August 18, 2021, work session. Since then, two new amendments have been proposed and are included in Attachment I.

The amendments proposed to the City of Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, are shown in ~~strike-through~~/underline/**highlight** in **Attachment I**. Amendments that have been added or altered since the work session are noted in **blue**.

TMAPC Action; 6 members present:

On **MOTION** of **COVEY**, TMAPC voted 6-0-0 (Blair, Covey, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Adams, Craddock, Kimbrel, Reeds, “absent”) to recommend **ADOPTION** of ZCA-21 per staff recommendation.

OTHER BUSINESS

25. Commissioners' Comments

None

ADJOURN

TMAPC Action; 6 members present:

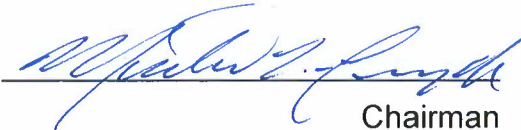
On **MOTION** of **COVEY**, TMAPC voted 6-0-0 (Blair, Covey, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Adams, Craddock, Kimbrel, Reeds, "absent") to **ADJOURN** TMAPC meeting of October 6, 2021, Meeting No. 2851.

ADJOURN

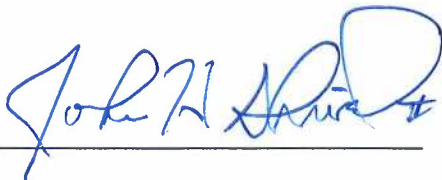
There being no further business, the Chair declared the meeting adjourned at 3:34 p.m.

Date Approved:

10-20-2021


Chairman

ATTEST:


Secretary

Secretary