

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2877

Wednesday, November 2, 2023, 1:00 p.m.
City Council Chamber
One Technology Center – 175 E. 2nd Street, 2nd Floor

Members Present	Members Absent	Staff Present	Others Present
Bayles	Reeds	Foster	Jordan, COT
Carr	Whitlock	Hoyt	Silman, COT
Covey		Miller	Stephens, Jeff, Legal
Craddock		Sawyer	VanValkenburgh, Legal
Kimbrel		Siers	
Krug		Wilkerson	
Shivel			
Walker			
Zalk			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday October 27, 2022 at 2:31 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Covey called the meeting to order at 1:00 p.m.

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

REPORTS:

Chairman’s Report:
None

Director’s Report:
Ms. Miller reported on City Council actions and other special projects.

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Minutes:

1. Minutes of October 19, 2022 Meeting No. 2876

Approval of the Minutes of **October 19, 2022 Meeting No. 2876**

TMAPC Action; 9 members present:

On **MOTION** of **WALKER**, the TMAPC voted 7-0-2 (Carr, Covey, Craddock, Krug, Shivel, Walker, Zalk, "aye"; no "nays"; Bayles, Kimbrel, "abstaining"; Reeds, Whitlock, "absent") to **APPROVE** the minutes of **October 19, 2022 Meeting No. 2876**

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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.

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

- 2. **PUD-650-A-1 Lori Worthington** (CD 5) Location: North of the northeast corner of South Yale Avenue and East Skelly Drive requesting a **PUD Minor Amendment** to increase allowable wall signage

STAFF RECOMMENDATION:

SECTION I: PUD-650-A-1 Minor Amendment

Amendment Request: Modify the PUD Development Standards to increase the allowable wall signage.

Currently, the development standards for PUD-650-A limit the wall signage to 2 sf per linear foot of building wall to which attached or tenant space width. The applicant has a tenant space 27 ft in width, which would allow a 54 sf sign. They propose to install a sign 63.17 sf in area, which would exceed the area allowed by the PUD.

Wall signs in commercial zones, without a PUD overlay, are allowed 3 sf per linear foot of building wall to which attached or tenant space width. The proposed sign would be just under what would be allowed if the allowable area per linear foot was 2 ½ sf, which would be appropriate for the shopping center.

Staff Comment: *This request is considered a Minor Amendment as outlined by Section 30.010.1.2.c(12) of the City of Tulsa Zoning Code.*

“Modifications to approved signage, provided the size, location, number and character (type) of signs is not substantially altered.”

Staff has reviewed the request and determined:

- 1) PUD-650-A-1 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-650-A.
- 2) All remaining development standards defined in PUD-650-A and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to increase allowable wall signage from 2 to 2 ½ sf per linear foot of building wall to which attached or tenant space width.

Legal Description for PUD-650-A-1:

Lot 7, Block 1 Midtown Village

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4. **PUD-594-1 Darshan Patel** (CD 3) Location: Northwest corner of East Admiral Place and North Harvard Avenue and requesting a **PUD Minor Amendment** to allow a coin based laundromat service

STAFF RECOMMENDATION:

SECTION I: PUD-594-1 Minor Amendment

Amendment Request: Modify the PUD Development Standards to allow a coin based laundromat service.

Currently, the development standards for PUD-594 limit the uses allowed to those within Use Unit 13 – Convenience Goods and Services as established under the previous City of Tulsa Zoning Code, which was replaced by the current City of Tulsa Zoning Code in 2016. Under the previous zoning code, the proposed use would have been classified as Use Unit 14 – Shopping Goods and Services. Under the current zoning code, the proposed use would fall under the Use Category of Commercial Service – Consumer Maintenance/Repair Service.

Staff Comment: *This request is considered a Minor Amendment as outlined by Section 30.010.1.2.c(15) of the City of Tulsa Zoning Code.*

“Changes in an approved use to another use may be permitted, provided the underlying zoning on the particular site within the PUD would otherwise permit such use as of right and the proposed use

will not result in any increase of incompatibility with the present and future use of nearby properties.”

Staff has reviewed the request and determined:

- 1) PUD-594-1 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-594.
- 2) All remaining development standards defined in PUD-594 shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to add Commercial Service – Consumer Maintenance/Repair Service to the allowable uses of the PUD to permit a coin based laundry service.

Legal Description for PUD-594-1:

Lots 11 & 12, Block 1 Pomeroy Hills

TMAPC Action; 9 members present:

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Bayles, Carr, Covey, Craddock, Kimbrel, Krug, Shivel, Walker, Zalk, “aye”; no “nays”; none “abstaining”; Reeds, Whitlock, “absent”) to **APPROVE** Items 2 and 4 per staff recommendation.

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PUBLIC HEARING-Removed form Consent Agenda

Applicant requested a continuance on item 3.

3. **Z-7460a Randy Branstetter** (CD 2) Location: North of the northeast corner of West 91st Street South and South Maybelle Avenue requesting a **ODP Minor Amendment** to allow 7 building permits before the required street extension is complete

STAFF RECOMMENDATION:

SECTION I: Z-7460a Minor Amendment

Amendment Request: Revise the Optional Development Plan Standards to allow 7 building permits before the required street extension is complete.

Currently the Optional Development Plan Standards state that street improvements to South Maybelle Avenue meeting or exceeding the minimum standards of a residential collector street including its required sidewalks shall be completed from the current end of pavement on South Maybelle Avenue to 91st St prior to issuing residential building permits.

The applicant is proposing to allow 7 residential building permits be issued before the street extension is complete. Staff has spoken with the City of Tulsa Development Services Department, who has expressed concern about allowing residential building permits before the required street improvements have been completed.

Staff Comment: This request is considered a Minor Amendment as outlined by Section 70.040.I.1.a(1) of the City of Tulsa Zoning Code.

“Any deviation expressly authorized at the time of development plan approval.”

Staff has reviewed the request and determined:

- 1) Z-7460a represents a significant departure from the approved development standards in the Optional Development Plan.
- 2) If approved, all remaining development standards defined in Z-7460 shall remain in effect.

With considerations listed above, staff recommends **denial** of the minor amendment to allow 7 building permits before the required street extension is complete.

TMAPC Action; 9 members present:

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Bayles, Carr, Covey, Craddock, Kimbrel, Krug, Shivel, Walker, Zalk, “aye”; no “nays”; none “abstaining”; Reeds, Whitlock, “absent”) to **CONTINUE** Item 3 to November 16, 2022.

PUBLIC HEARING-PLATS

5. **Admiral Ranch** (CD 6) Preliminary Plat and Modification of Subdivision and Development Regulations to remove temporary turnaround requirement for stub street exceeding 150 feet and increase maximum block length, Location:

North of the northeast corner of East 11th Street South and South 177th East Avenue

STAFF RECOMMENDATION:

Admiral Ranch - (CD 6)

North of the northeast corner of East 11th Street South and South 177th East Avenue

This plat consists of 280 lots, 18 blocks, 90.03 ± acres. The applicant has proposed 3 phases as illustrated on the attached phasing plan.

The Technical Advisory Committee (TAC) met on October 20, 2022, and provided the following conditions:

1. **Zoning:** The property is zoned RS-4 with an optional development plan, Z-7623. The optional development plan restricts the use of the lots to single-family homes and requirements for open space. Calculations for open space must be provided on the face of the plat. Include development standards for Z-7623 in the deed of dedication.
2. **Addressing:** City of Tulsa will assign final addresses to the plat. Address assignments must be shown on the face of the final plat along with the standard address disclaimer.
3. **Transportation & Traffic:** New public streets are required to obtain IDP approval. For temporary dead-ends “stub streets” a sign must be posted indicating the use of the stub street as a “Future Street Extension”. The developer is required to provide sidewalks adjacent to South 177th East Avenue and adjacent to reserve areas within the plat. Sidewalks on individual lots are required per Title 35, Section 602, Tulsa Revised Ordinances. ADA ramps are required at street intersections. Label and dimension right-of-way adjacent to the site. Provide recording information for previously dedicated right-of-way and label any areas being dedicated by the plat. Provide limits of no access along South 177th East Avenue. Temporary dead-end streets “stub streets” greater than 150 feet in length are required to provide temporary turnarounds. Block lengths are required to comply with the block length maximums in the Subdivision & Development Regulations unless modified by TMAPC. IDP approval is required prior to final plat approval.
4. **Sewer/Water:** Water and sanitary sewer extensions are required to obtain IDP approval prior to release of the final plat. Adequate easement must be provided to cover all proposed extensions. Any required offsite easements must be recorded and reflected on the final plat. Increase perimeter easements to 17.5 feet where required by Development Services.
5. **Engineering Graphics:** Submit a subdivision control data sheet with final plat. In the location map, label all platted properties and label the plat location as “project location” or “site”. Provide the date or range of dates of the last site visit by the surveyor. Add notation required by Section 5-060.5 to temporary dead-end streets.

6. **Stormwater, Drainage, & Floodplain:** Drainage plans must be submitted and approved through the IDP process. Approval for any required IDP must be obtained prior to approval of the final plat. There are existing FEMA and City of Tulsa Regulatory Floodplains on the site. Development of these areas must comply with City floodplain ordinances and the optional development plan. If offsite easements are needed for drainage purposes, those easements must be recorded and shown on the face of the final plat prior to final 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.

Modifications of the Subdivision & Development Regulations:

Section 5-060.5 – A.1 Temporary Dead-End Streets “Stub Streets”

Temporary turnarounds must be provided at the end of stub streets if the stub street is more than 150 feet in length.

The applicant has requested a modification to remove the requirement for a temporary turnaround on a stub street 152 feet in length. City of Tulsa has objected to the modification. 150 feet is the maximum length allowable without a temporary turnaround. The plat should be revised to include areas for temporary turnarounds as required by the regulations or to reduce stub street length to 150 feet.

Section 5-030.3 Block Length

Block length maximums are established by the Subdivision & Development Regulations depending upon the size along the block face. For lots with an average width of 50-60 feet, the maximum block length allowed is 700 feet.

The applicant has requested a modification to allow an extended block length for the areas currently shown as Block 1, Block 2, and Block 3 on the preliminary plat. Due to the existing drainage areas and the requirements for untouched open space in the development plan, staff supports the request for an extended block length only for the areas described. Staff supports the modification with a condition that an additional stub street be added east of Reserve A to provide connectivity to the south.

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

Staff recommends **DENIAL** of the modification of the Subdivision & Development Regulations to remove the requirement for temporary turnarounds on stub streets longer than 150 feet.

TMAPC Comments:

Mr. Zalk asked which stub street was modified.

Staff stated the western stub street on the northwestern side of the property. He stated that stub street extends to 152 feet.

Mr. Zalk asked if the purpose was to have a temporary turn around.

Staff stated it would provide a way for traffic to turn around until that street is later extended and connected to another street.

Mr. Zalk asked if the purpose of not having one direct street is because of traffic.

Staff stated the block length is intended to break up block faces and create additional connectivity but they also help with slowing down traffic.

Applicant Comments:

Megan Pasco 5323 South Lewis Avenue, Tulsa, OK

Ms. Pasco stated she is with Tanner Consulting. She stated they are in agreeance with staff recommendation for the block length modification, they are willing to add a stub street to the south to add the connectivity for Reserve A. Ms. Pasco stated the stub street that they are requesting the modification to the maximum length is the stub for East 3rd Street South. She stated all other stub streets will either be under or at 150 feet or there will be a temporary turnaround. Ms. Pasco stated they are specifically asking for this modification to this stub street because they have made the lots along the west side of this subdivision 140 feet deep as opposed to our typical 120 to 125 feet deep. She stated this was done due to the overwhelming response from the neighbors who have over and over again asked them to provide some sort of buffer from their lots to this neighborhood. Ms. Pasco stated they have been before the Planning Commission 4 times and before City Council twice. She stated they have met with the neighbors outside of these public meetings 3 times and every single time at every single meeting they asked how they could be buffered from this neighborhood and that is how they are attempting to do that for them. Ms. Pasco stated there is no financial gain for the developer for this, they can easily move things and have this stub street under 150 feet and that doesn't change the lot count or the infrastructure costs. She stated they are asking for this modification for the neighbors. Ms. Pasco stated they have reached out to the Assistant Fire Marshal and he approves of the modification and he doesn't see a problem with the stub street being over 150 feet in this particular case. She stated they have also had a TAC meeting and a predevelopment meeting with City staff and the Streets and Stormwater Department was also present and they did not speak at either one of those meetings. Ms. Pasco stated she would request TMAPC consider approving

the preliminary plat with both modifications, the block length, and the stub street length without the turnaround. She stated they are also okay with staff recommendation, but they were just trying to work with the neighbor's requests.

Ms. Carr asked if the staff recommendation included the changes for the neighbors.

Mr. Covey stated the staff recommendation recommends denial for the modification that the neighbors requested, but the applicant is okay with the staff recommendation but would like to include the neighbors' request.

Mr. Craddock asked staff if they were only talking about 3rd Street.

Staff stated, "that is correct".

Mr. Craddock asked if 8th Street will have a cul-de-sac.

Staff stated everything else that extends beyond 150 feet will have a temporary turnaround installed. He stated while he understands the argument related to buffering from the neighbors, the difference is going to be visually minimal.

Ms. Pasco stated she believes that the Subdivision Regulations state that the stub street length is measured from center lines. She stated if that is correct, if the modification does not get approved, they will have to shift the lots 27 feet. Ms. Pasco stated the subdivision regulation requires you to measure it from the centerline of the intersecting streets not from the projection of the face of curb. Ms. Pasco stated it will feel like when you're in your car, a difference of two feet. She stated these lots go from 140 feet deep to 120 feet deep so it's a 20 foot difference.

Mr. Craddock stated the 2 lots that are on the south side of the 3rd Street would either be lost or shrunk to compensate for having to do the turnaround.

Ms. Pasco stated that is correct. If this modification is not approved, they will shift 3rd Street to the west 20 feet and those lots will become 120 feet deep to make the stub street under 150 feet long and then they do not have to put in a turnaround.

Mr. Zalk stated for 2 feet difference he thinks it is worth approving the modification request. He stated he is also sensitive to the fact the City staff that the applicant tried to connect with were not responsive.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **ZALK**, the TMAPC voted 9-0-0 (Bayles, Carr, Covey, Craddock, Kimbrel, Krug, Shivel, Walker, Zalk, "aye"; no "nays"; none "abstaining"; Reeds, Whitlock, "absent") to **APPROVE** the Preliminary Subdivision Plat for Admiral

Ranch and the modification of the Subdivision & Development Regulations for block lengths per staff recommendation and to **APPROVE** the modification of the Subdivision & Development Regulations to remove the requirement for temporary turnarounds on stub streets longer than 150 feet for the stub street shown as East 3rd Street on the preliminary plat.

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6. **8Q Addition** (CD 4) Preliminary Plat, Location: Southeast corner of East 8th Street South and South Quincy Avenue

STAFF RECOMMENDATION:

8Q Addition - (CD 4)

Southeast corner of East 8th Street South and South Quincy Avenue

This plat consists of 6 lots, 1 block, 0.28 ± acres.

The Technical Advisory Committee (TAC) met on October 20, 2022, and provided the following conditions:

1. **Zoning:** The property is zoned RM-2 (Residential Multifamily). Lots comply with the lot and building regulations for townhouses.
2. **Addressing:** City of Tulsa will assign addresses to the plat. Address assignments must be shown on the face of the final plat along with the standard address disclaimer.
3. **Transportation & Traffic:** Sidewalks are required per Title 35, Section 602, Tulsa Revised Ordinances. ADA ramps are required at street intersections. Label and dimension right-of-way adjacent to the site. Provide recording information for previously dedicated right-of-way and label any areas being dedicated by the plat. IDP approval is required prior to final plat approval.
4. **Sewer/Water:** Water and sanitary sewer extensions are required to obtain IDP approval prior to release of the final plat. Adequate easement must be provided to cover all proposed extensions. Any required offsite easements must be recorded and reflected on the final plat.
5. **Engineering Graphics:** Submit a subdivision control data sheet with final plat. Remove contours from final plat submittal. In the location map, label all platted properties and label the plat location as “project location” or “site”. Provide graphically on the face of the plat all property pins found or set associated with the plat. Under the basis of bearing information include the coordinate system used and provide a bearing angle shown on the face of the plat. Graphically label the point of beginning (POB) and point of commencement (POC) on the face of the plat. Provide a date of preparation. Provide the date or range of dates of the last site visit by the surveyor.

6. **Stormwater, Drainage, & Floodplain:** Drainage plans must be submitted and approved through the IDP process. Approval for any required IDP must be obtained prior to approval of the final plat. This site does not contain any FEMA or City of Tulsa Regulatory floodplain. If offsite easements are needed for drainage purposes, those easements must be recorded and shown on the face of the final plat prior to final 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.

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

The applicant indicated his agreement with staff’s recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **BAYLES**, the TMAPC voted 9-0-0 (Bayles, Carr, Covey, Craddock, Kimbrel, Krug, Shivel, Walker, Zalk, “aye”; no “nays”; none “abstaining”; Reeds, Whitlock, “absent”) to **APPROVE** the Preliminary Subdivision Plat for 8Q Addition per staff recommendation.

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Items 7 and 8 were presented together.

7. **Replat of Lot 1 in Woodland Hills Mall** (CD 7) Preliminary Plat, Location: North of the northeast corner of East 71st Street South and South Memorial Drive (Related to Replat of Lot 1 in Woodland Hills Mall Accelerated Release of Building Permits)

STAFF RECOMMENDATION:

Replat of Lot 1 Woodland Hills Mall - (CD 4)

North of the northeast corner of East 71st Street South and South Memorial Drive

This plat consists of 6 lots, 1 block, 0.28 ± acres.

The Technical Advisory Committee (TAC) met on October 20, 2022, and provided the following conditions:

1. **Zoning:** The property is currently zoned OL and CG. TMAPC

recommended approval of a rezoning (Z-7677) to CG for the entire site on October 5, 2022.

2. **Addressing:** City of Tulsa will assign addresses to the plat. Address assignments must be shown on the face of the final plat along with the standard address disclaimer.
3. **Transportation & Traffic:** New building construction will require compliance with the Sidewalk requirements of Title 35, Section 602, Tulsa Revised Ordinances. Provide easement for sidewalk across driveway at Memorial Drive.
4. **Sewer/Water:** Water line relocation is required prior to new building construction. Dimension all easements and right-of-way either on-site or adjacent to the site. Any required offsite easements must be recorded and reflected on the final plat prior to approval.
5. **Engineering Graphics:** Submit a subdivision control data sheet with final plat. Remove contours from final plat submittal. In the location map, label all platted properties and label the plat location as “project location” or “site”. Provide graphically on the face of the plat all property pins found or set associated with the plat. Provide date/range of dates for last visit of surveyor to site. Provide email address for project surveyor.
6. **Stormwater, Drainage, & Floodplain:** Onsite storm sewer is private and will tie to existing private storm sewers. No floodplain is present on the site.
7. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

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

The applicant indicated his agreement with staff’s recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Bayles, Carr, Covey, Craddock, Kimbrel, Krug, Shivel, Walker, Zalk, “aye”; no “nays”; none “abstaining”; Reeds, Whitlock, “absent”) to **APPROVE** the Preliminary Subdivision Plat for Replat of Lot 1 Woodland Hills Mall per staff recommendation.

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8. **Replat of Lot 1 in Woodland Hills Mall** (CD 7) Request for Accelerated Release of Building Permits and Modification of Subdivision and Development Regulations to defer dedication of easements and financial guarantees to final plat, Location: North of the northeast corner of East 71st Street South and South Memorial Drive (Related to Replat of Lot 1 in Woodland Hills Mall Preliminary Plat)

STAFF RECOMMENDATION:

Replat of Lot 1 in Woodland Hills Mall- (CD 7)

North of the northeast corner of East 71st Street South and South Memorial Drive

The subject property is required to obtain full compliance with the Subdivision & Development Regulations due to the rezoning case on the site, Z-7677. A portion of the site was required to be rezoned from an existing OL designation due to the proposed construction of a larger building on the site.

The applicant has requested that the Planning Commission authorize the City of Tulsa to issue building permits prior to the filing of a final plat. The *Subdivision & Development Regulations* require the approval of a preliminary plat prior to authorization for an accelerated release of building permits. The preliminary plat has been submitted and reviewed by the Technical Advisory Committee and is being presented concurrently with this request.

The subject tract was previously platted in 1975 as a part of Lot 1 of the Woodland Hills Mall addition. The proposed development on the site will be vacating easements dedicated by that original plat and dedicating new easements for the relocation of a public water line.

The Technical Advisory Committee met on October 20th, 2022 and had no objections to the authorization for accelerated release of building permits.

If approved, this authorization only removes the requirement that the final plat be filed prior to building permits being issued. All other codes and requirements of the City of Tulsa remain in place.

Modification to the Subdivision & Development Regulations:

The applicant has requested a modification to Section 10-110.6-B and C that require the dedication of all required ROW and easements and the submittal of a performance guarantee for outstanding infrastructure. Staff is supportive of the modification request with the condition that these requirements remain in place prior to final plat approval.

The public infrastructure work for this project includes the relocation of a public water line that is required to be relocated prior to the issuance of any building permits. All other infrastructure for the project is in place.

Staff recommends **approval** of the accelerated release of a building permit and the requested modification with the following conditions:

1. If an accelerated release is approved, no final inspection of buildings or structures may occur, and no certificate of occupancy may be issued until a final plat for the subject property has been approved and recorded.
2. Requirements for performance guarantees on any outstanding public infrastructure remain in place but are deferred to final plat approval.
3. Required easements must be reflected on the final plat.

The applicant indicated his agreement with staff’s recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Bayles, Carr, Covey, Craddock, Kimbrel, Krug, Shivel, Walker, Zalk, “aye”; no “nays”; none “abstaining”; Reeds, Whitlock, “absent”) to **APPROVE** Replat of Lot 1 Woodland Hills Mall Accelerated Release of a Building Permit per staff recommendation.

PUBLIC HEARING - REZONING

9. **MPD-4 Stephen Schuller** (CD 2) Location: Northeast corner of East 81st Street South and South Lewis Avenue requesting rezoning to a Master plan Development that anticipates future development opportunities (**Staff requests a continuance to December 7, 2022**)

TMAPC Action; 9 members present:

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Bayles, Carr, Covey, Craddock, Kimbrel, Krug, Shivel, Walker, Zalk, “aye”; no “nays”; none “abstaining”; Reeds, Whitlock, “absent”) to **CONTINUE** MPD-4 to December 7, 2022.

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10. **PUD-636-E/ Z-5457-SP-5 Mark Capron, Wallace Design Collective** (CD 2) Location: North of the northeast corner of West 81st Street South and South Union Avenue requesting a **PUD Major Amendment** to revise the allowable floor area, landscape, and setbacks from the east boundary (Continued from October 5, 2022 and October 19, 2022)

STAFF RECOMMENDATION:

SECTION I: PUD-636-E / Z-5457-SP-5

DEVELOPMENT CONCEPT: The applicant is proposing to revise the development standards of the PUD/ Corridor to increase the allowable floor area from 20,000 sf to 25,289 sf as well as revise the minimum building setback from the east boundary from 50 ft to 25 ft. In addition, the applicant is proposing to revise the landscape requirements to increase the total landscaped area from 10% to 30%, revise the Interior Parking Lot landscaping requirement from 35 sf per space to 18 sf per space and to remove the requirement for a landscaped end cap from the parking area.

Staff Note: Staff supports amending the provisions of the landscape standards in the PUD to conform the chapter 65 of the Tulsa Zoning Code. Except as noted in the Detailed Staff recommendation the original provisions of PUD 636-B will apply.

DETAILED STAFF RECOMMENDATION:

The provisions of PUD-636-E / Z-5457-SP-5 are consistent with the provisions of the PUD and Corridor Provisions of the of the Tulsa Zoning Code and,

Staff has reviewed the corridor district provisions and determined that this amendment does not have an adverse effect on the surrounding property owners therefore,

Staff recommends Approval of PUD-636-E / Z-5457-SP-5 as follows.

The maximum floor area for PUD-636-E: 30,000 sq. ft.

Minimum Building setback:
25 feet from east line of lot-1, block-1 abutting highway 75

Landscape standards:
Landscape and screening standards shall conform to the provisions of chapter 65 of the Tulsa zoning code.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site currently contains a veterinary hospital/pet care facility.

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.

Transportation Vision:

Major Street and Highway Plan: W 78th St S does not have a designation.

Trail System Master Plan Considerations: None

Small Area Plan: West Highlands Tulsa Hills

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site currently contains a veterinary facility.*

Environmental Considerations: None

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
W 78 th St S	None	N/A	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	CO/PUD-636	Town Center	Growth	Multifamily
South	CO/PUD-636	Town Center	Growth	Multifamily
East	AG (Hwy 75)/CO	N/A / Regional Center	Growth	Highway/Retail
West	CO/PUD-636	Town Center	Growth	Multifamily

SECTION III: Relevant Zoning History

History: PUD-636-E

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

Subject Property:

PUD-636 October 2000: Ordinance number 19935 dated October 2, 2000. All concurred in **approval** of a request to rezone a 108± acre tract of land from CO to CO/PUD-636 and **approval** of a proposed *Planned Unit Development* for a mixed-use development on 108 acres, on property located Northwest corner of US Highway 75 and West 81st Street South.

PUD-636-B/ CO/Z-5457-SP-4 January 2014: Ordinance number 23029 dated January 20, 2014. All concurred in **approval** of a request to rezone a 2.3± acre tract of land from CO/PUD-636 to CO/PUD-636-B/Z-5457-SP-4 and **approval** of a proposed *Planned Unit Development* for multi-family purposes & commercial purposes, on property located north of the northwest corner of West 81st street and Highway 75.

Surrounding Property:

CO/Z-5457-SP-3/PUD-636-A January 2014: All concurred in **approval** of a request to rezone a 6.1± acre tract of land from CO/PUD-636 to CO/PUD-636-A/Z5457-SP-3 and **approval** of a proposed *Planned Unit Development* for multifamily and commercial purposes, on property located north of northwest corner of West 81st Street and US highway 75.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Bayles, Carr, Covey, Craddock, Kimbrel, Krug, Shivel, Walker, Zalk, “aye”; no “nays”; none “abstaining”; Reeds, Whitlock, “absent”) to recommend **APPROVAL** of the PUD major amendment for PUD-636-E/ Z-5457-SP-5 per staff recommendation.

Legal Description for PUD-636-E/ Z-5457-SP-5:

Lot 1, Block 1, Nickel Creek Phase III, City of Tulsa, State of Oklahoma

* * * * *

11. Z-7681 Llon Clendenen (CD 9) Location: East of the northeast corner of South Harvard Avenue and East 45th Street South requesting rezoning from **RS-1 to OL**

STAFF RECOMMENDATION:

SECTION I: Z-7681

DEVELOPMENT CONCEPT: The applicant has request rezoning a lot east of the existing dental office with the idea that the medical practice is expanding and needs additional parking.

DETAILED STAFF RECOMMENDATION:

OL zoning is consistent with the Mixed-Use Corridor land use designation and the Area of Growth however staff has received some objection to the request and,

The uses permitted in an OL district are intended to facilitate the development and preservation of low-intensity office development uses in this zoning district are intended to promote neighborhood employment uses and services and,

The development standards in the OL district are adequate to provide adequate design and development standards for building size and parking design to help mitigate the encroachment into the existing neighborhood and

This site is at the eastern side of the Mixed-Use Corridor land use designation and the Area of Growth that recognizes appropriate infill development therefore,

Staff recommends approval of Z-7681 to rezone property from RS-1 to OL.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: *Mixed-Use Corridor and the Area of Growth both support the idea of appropriate small infill development.*

Land Use Vision:

Land Use Plan map designation: Mixed-Use Corridor

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

Areas of Stability and Growth designation: Area of Growth

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

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary:

The site was originally zoned for detached single family dwelling. The home has been removed and gravel spread on a portion of the site. Large trees have been preserved and the site is gently sloping to the south toward a street with no curb and no visible underground drainage solution.

The image below is street view taken in March 2022 from the southwest corner of the subject property looking northeast.



Environmental Considerations: None that would affect site redevelopment.

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 45 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	CS/PUD-351-A	Mixed-Use Corridor	Growth	Office
East	RS-1	Existing Neighborhood	Stability	Detached Single Family
West	OL	Mixed-Use Corridor	Growth	Office
South	RS-1	Mixed-Use Corridor	Growth	Detached Single Family

SECTION III: Relevant Zoning History

History: Z-7681

Subject Property:

ZONING ORDINANCE: Ordinance number 11823 dated June 26, 1970, established zoning for the subject property.

Surrounding Property:

BOA-22795 December 2019: The Board of Adjustment **approved** a *Variance* to permit two additional wall signs on the East elevation in an OL District with one street frontage, on property located at 4436 South Harvard Avenue East.

BOA-21811 December 2014: The Board of Adjustment **approved** a *Variance* to permit wall sign to exceed the permitted display surface area from 36 square feet to 39.5 square feet along East 44th Street; & a *Variance* to permit two signs to be erected per street frontage of a lot and to exceed the permitted display surface area from 32 square feet to 55.49 square feet along South Harvard Avenue, on property located at 4408 South Harvard Avenue.

BOA-21785 October 2014: The Board of Adjustment **approved** a *Variance* to increase the cubic content of a non-conforming structure & a *Variance* to allow a two-story building in an OL District & a *Variance* to reduce the setback from 100 feet to 65 feet from the centerline of South Harvard Avenue, on property located at 3305 East 45th Street.

BOA-20240 March 2006: The Board of Adjustment **denied** a *Special Exception* to permit a .40 Floor Area Ratio in an OL district; and a *Variance* to permit a 3-story building in an OL district, on property located at 4416 South Harvard.

BOA-18568 October 1999: The Board of Adjustment **approved** a *Variance* to permit maximum building height in OL zoned district from one-story to two-stories & a *Special Exception* to increase F.A.R. from .30 to .34, on property located at 4416 South Harvard.

BOA-17817 September 1997: The Board of Adjustment **approved** a *Special Exception* to permit the screening requirement along the E. property line, on property located at NE/c 45th Street & South Harvard.

BOA-14453 April 1987: The Board of Adjustment **approved** a *Variance* to permit setback from the centerline of South Harvard Avenue from 50' to 45' to allow for a sign, on property located at 4436 South Harvard.

BOA-13545 May 1985: The Board of Adjustment **approved** a *Special Exception* to permit a satellite dish to be used with an existing insurance office in an OL zoned district, on property located at 4412 South Harvard.

BOA-11092 July 1980: The Board of Adjustment **denied** a *Variance* to permit a 3' x 5' sign on a lot that has three other signs in an OL District, on property located at 4515 South Harvard Avenue.

BOA-11082 September 1980: The Board of Adjustment **approved** a *Special Exception* to permit .40 floor area ratio, and a building height of two stories in an OL District, on property located at 4520 S. Harvard Ave.

BOA-11058 June 1980: The Board of Adjustment **approved** a *Special Exception* to permit the screening requirement where existing physical features provide visual separation of uses (on the north and the west), on property located at 4412 South Avenue.

BOA-11036 May 1980: The Board of Adjustment **approved** a *Special Exception* to permit the screening requirements where an alternative screening will provide visual separation of uses, on property located at 4416 South Harvard Avenue.

BOA-10673 September 1979: The Board of Adjustment **approved** a *Variance* to permit the setback requirements from 100' to 99' from the centerline of Harvard Avenue, on property located at south and east of 45th street and Harvard Avenue.

BOA-10386 April 1979: The Board of Adjustment **approved** a *Special Exception* to permit a floor area ratio of .40 and a building height of two stories in an OL District, on property located at 4404-4427 South Harvard Avenue.

Z-5315 September 1979: All concurred in **approval** of a request for *rezoning* a tract of land from RS-1 to OL on property located 4503 S. Harvard Ave E.

Z-5246 April 1979: All concurred in **approval** of a request for *rezoning* a tract of land from RS-1 to OL on property located 4415 S. Harvard Ave E.

Z-5284 August 1979: All concurred in **approval** of a request for *rezoning* a tract of land from RS-1 to OL on property located 3305 East 45th St S.

Z-5094 April 1978: All concurred in **approval** of a request for *rezoning* a tract of land from OL & RS-1 to OL on property located 4503 S. Harvard Avenue E.

Z-5134 September 1978: All concurred in **approval** of a request for *rezoning* a tract of land from RS-1 to OL on property located 4436 S. Harvard Ave E.

Z-4969 April 1977: All concurred in **approval** of a request for *rezoning* a tract of land from RS-1 to OL on property located 4516 S. Jamestown Ave E.

Z-4817 November 1975: All concurred in **approval** of a request for *rezoning* a tract of land from RS-1 to OL on property located 4408 S. Harvard Avenue E.

Z-4721 October 1974: All concurred in **approval** of a request for *rezoning* a tract of land from RS-1 to OL on property located 4520 S. Harvard Avenue E.

Z-5284 August 1979: All concurred in **approval** of a request for *rezoning* a tract of land from RS-1 to OL on property located 3305 East 45th St S.

The applicant indicated his agreement with staff's recommendation.

Staff stated they have received a fair amount of neighborhood correspondence about this application.

Mr. Craddock asked if staff was aware of any proposed development plan or layout of the subject property.

Staff stated "no", the request came in for straight OL zoning and staff didn't feel there was a reason to get into a restrictive development plan.

Mr. Craddock asked what the requirements for OL zoning was when it abuts an RS district as far as setback or landscape requirements.

Staff stated it depends on what the use is, but assuming that it is going to be some kind of a parking lot expansion there's a screening wall and landscape buffers that can either be a masonry wall with trees, or it can be something other than masonry, with trees and shrubs on the east side.

Applicant Comments:

Lion Clendenen 3101 East 45th Street, Tulsa, OK

Mr. Clendenen stated he is looking to rezone the subject property to OL. He stated it is currently a vacant empty lot. Mr. Clendenen stated he owns the dental office and also lives in the neighborhood across the street. He stated he wanted to improve parking for his patients. Mr. Clendenen stated he currently sees patients 3 days a week and feels like this is the first step in figuring out what would be best for the property. He stated he bought the land as an investment and was thinking of using it for another dentist office or some other business that would make sense with the current corridor and his office being next door. Mr. Clendenen stated he is more than willing and would desire to have neighborhood friendly landscaping.

Mr. Covey asked if his plan is for a parking lot and maybe a building.

Mr. Clendenen stated he would like to see a building, another dental office or eye doctor and parking. He stated the parking would be cooperative with his office to minimize the number of trees that would need to be removed.

Ms. Kimbrel asked currently when there are parking challenges where does the clients park.

Mr. Clendenen stated currently there are not any parking issues but he foresees them as they continue to grow.

Mr. Craddock asked if Mr. Clendenen met with staff about the process. He asked if staff encouraged him to have some community engagement.

Mr. Clendenen stated staff recommended that if future parking was his concern that it would be best to rezone to OL.

Mr. Craddock stated it appears that staff always encourages applicants to reach out to the neighbors. He stated the importance of having those communications upfront to try to alleviate their concerns.

Mr. Clendenen stated he probably could have done more as far as neighborhood communication.

Ms. Kimbrel asked if it was fair to assume that you do not know what your neighbors would prefer for this property.

Mr. Clendenen stated he sent out an email to the Neighborhood Association about a fence that was falling down. He stated he paid for the repairs and told

them he cared about how the neighborhood looked. Mr. Clendenen stated he put up a picnic table for his staff to eat lunch under one of the big trees.

Ms. Kimbrel stated there is a fair amount of neighborhood opposition and asked if this was a surprise to him.

Ms. Carr asked if everything around the subject property is zoned office light.

Mr. Covey stated most everything to the north, the south and to the west is office.

Mr. Clendenen stated the only reason he had the confidence to think that this zoning was ideal is that 46th Street to the south is commercial 3 lots deep into the neighborhood and several other streets are 2 lots deep.

Tadd Bogan 15 East Fifth Street, Suite 3800, Tulsa, OK 74103

Mr. Bogan stated he represents Ryan and Melissa Heron, who are the owners of the home just east of the subject property at 3323 East 45th Street, which is visible on pages 11.4 and 11.9 of the agenda packet. He stated the Heron's object to the application to rezone this property from RS-1 to OL. He stated the development concept of this property is unclear. The application was indicative of a parking lot and the expansion of the dental office that exists currently. Mr. Bogan stated that is not what they heard today. He stated his client has told him there was no communication with the neighborhoods regarding this proposal and the applicant did sign the packet that references communication with the neighbors. Mr. Bogan stated that did not occur. He stated the request for OL zoning is not consistent with the code, he understands this is a mixed use corridor, but a parking lot is not infill, a parking lot is not growth. Mr. Bogan stated a parking lot does not add jobs or services. He stated if the goal is adding a building on the subject lot, that has another set of issues with the size of the lot and things of that nature. Mr. Bogan stated this is not what planners have in mind when they are talking about how to better develop the City. He stated the home that was on this lot was demolished by the applicant and since then it's been an empty lot. He stated the applicant had asphalt poured for parking. Mr. Bogan stated having a parking lot is going to divert traffic, rather than turning off Harvard into their south parking lot the applicant's patients would be turning on 45th Street and almost immediately into this parking lot that is very close to the Herons driveway. He stated traffic will increase on 45th Street and go much deeper into the neighborhood than they do currently. Mr. Bogan stated this will create a public safety, health, and welfare issue for those living in this neighborhood. He stated the applicant's dumpsters are picked up between 4 and 5am on Tuesdays and Thursdays and if this application is approved the dumpsters will get pushed back onto this property the pick-ups will further disturb the residents in this neighborhood. Mr. Bogan stated the applicant has already received a variance to have a 5700 square foot 2 story building on this lot which is not allowed in OL. He stated when is enough going to be enough.

Ken Schaffer 3312 East 45th Street, Tulsa, OK 74135

Mr. Schaffer stated he lives across the street from the subject property. He stated he has lived in that neighborhood for 30 years and it is a great up and coming neighborhood in the Patrick Henry area. Mr. Schaffer stated the original seller of that property to the applicant was Bob Bryant, who is a known appraiser in Tulsa. He stated the initial plan was to put in a small office building but he couldn't get property zoned correctly and he realized that he couldn't encroach into the neighborhood any farther. He stated there is transient traffic coming from behind the building to the north of this subject property because there is no screening. Mr. Schaffer stated they are bathing in the water faucet on the east side of the applicant's office. He stated he obtained signatures on a protest petition that was emailed and not one single person was in favor of this application. Mr. Schaffer stated they don't want the additional traffic into the neighborhood. He stated the applicant has plenty of parking places without adding parking on this lot.

Ms. Bayles asked if Mr. Schaffer knew his property was identified on the Land Use Plan as a Mixed-Use Corridor.

Mr. Schaffer stated "yes", the back half of his lot is zoned OL and so is his neighbor's lot.

Mr. Shivel asked if Mr. Schaffer reached out to the applicant about his concerns.

Mr. Schaffer stated "no, he did contact the City of Tulsa, about the screening being knocked down and transient traffic. He stated commercial properties are required to put up screening where it abuts residential but residential isn't required to put up screening so it is up to the commercial properties to speak with neighbors.

Eric Mosley 3324 East 45th Street, Tulsa, Ok 74135

Mr. Mosley stated he owns the property to the south and east of the subject property. He stated he agrees with a lot of what has already been said but he will say changing the zoning is only going to help the applicant and it will hurt the rest of the neighborhood. Mr. Mosley stated the subject project will increase traffic and will be a detriment to the look of the neighborhood. He stated he would encourage Commissioners to consider that they are changing something for one person at the detriment of a neighborhood.

Terry Turner 4501 South Jamestown, Tulsa, OK 74135

Mr. Turner stated he lives 4 houses east and downhill from the subject property. He stated the current parking area at the applicant's office has created a water flow down 45th Street that runs right into his yard and goes almost up to his front door. Mr. Turner stated to add another parking lot on the east side is only going to exasperate it more. He stated there is a dental office across the street that has a tremendous amount of parking and you may see only 2 cars in the parking lot

all day. Mr. Turner stated there are light office buildings for lease in the area and they don't need any more encroaching into our neighborhood.

Mr. Craddock asked if there were curb and gutters in this area.

Mr. Turner stated that is correct.

Ms. Kimbrel asked what the applicant could do that would alleviate the detriment to the neighborhood regarding development on this street.

Mr. Turner stated the applicants current building has created a water issue and that needs to be addressed. He stated he could build a pony wall all the way down the property line and that could help.

Mr. Clendenen stated he wants to be a good neighbor. He stated he has access to Harvard from his current lot and traffic could be guided in and out of the subject lot through that parking lot. He stated they could block off the side road entrance into the subject so that it's no longer a shortcut. Mr. Clendenen stated his vision would be to have a park like setting with landscaping and that was wonderful to look at versus the vacant, empty dusty lot. He stated the house that was on the lot needed to be bulldozed because it was a health concern. Mr. Clendenen stated he is happy to up his level of communication with the neighbors.

Mr. Zalk stated Google Maps shows the house was demolished in 2016 or 2017. He stated do we expect someone to put another residential house up or will it forever remain an empty lot. Mr. Zalk stated without some sort of development plan or more discussion with the neighborhood he would have to vote to deny this application because he thinks it needs way more consideration and some sort of idea that the applicant can present to the neighbors as to what would go in here and what would mitigate some of their concerns.

Mr. Covey stated things that weigh on my mind regarding this application is that there is OL to the north OL to the south, and OL to the west. He stated it is surrounded by OL. Mr. Covey stated the bigger factor to him is that the subject property is in a Mixed-Use Corridor. He stated if his mapping skills are correct, all of Mr. Shaffers property is in the Mixed-Use Corridor and 100 feet of the backyard of Mr. Mosley's property is in the Mixed-Use Corridor. Mr. Covey stated the Comprehensive Plan is indicating that that at some point, they want this area to go Mixed-Use Corridor with regard to those subject tracts. He stated this is why it's so important for community engagement to happen so residents can be involved to weigh in on Comprehensive Plans. Mr. Covey stated there is a Comprehensive Plan review underway right now and if this is a big issue for this neighborhood the community needs to get involve. He stated based on the Comp Plan and the zoning he will probably vote to approve the application.

Ms. Carr stated because of all the OL surrounding this property she believes the subject property at some point will be OL unless someone wants to buy it from the applicant and build a house.

Mr. Craddock stated he wishes the applicant had met with the neighbors to come to an agreement and there may still be that opportunity. He stated the neighbors may not want this but there is a Comprehensive Plan that says what should go in this area. Mr. Craddock stated he is currently against this because he would like to see more neighborhood engagement and working out of any differences, if at all possible.

Mr. Zalk asked if this application is denied what is the process for resubmitting a revised application with other things that make it less of an unknown.

Mr. Covey stated the applicant has to wait 6 months to resubmit the application.

Mr. Zalk stated in that time period he could do preliminary development and engage the community to reduce some of the anxiety and fear associated with this.

Ms. Carr asked if this application could be continued instead of denied so he doesn't have to wait 6 months.

Ms. Bayles stated she agrees with Mr. Covey in respect to the Land Use map. She stated she also agrees with Mr. Zalk. Ms. Bayles stated she thinks the problem with this particular property is its orientation, if its front facade was facing Harvard Avenue she thinks they would be talking about a couple of different things. She stated she thinks a problem is that the parking to the north makes it difficult for patrons and clients to come around to the south to get in. Ms. Bayles stated she would like to see some kind of a development plan.

Mr. Covey asked the applicant if he would like to continue this application to engage his neighbors and alleviate some of their concerns.

The applicant stated he would like a least six months to give him time to create a plan and speak with his neighbors.

TMAPC Action; 9 members present:

On **MOTION** of **CARR**, the TMAPC voted 9-0-0 (Bayles, Carr, Covey, Craddock, Kimbrel, Krug, Shivel, Walker, Zalk, "aye"; no "nays"; none "abstaining"; Reeds, Whitlock, "absent") to **CONTINUE** Item 11 to May 3, 2023.

* * * * *

The applicant requested a continuance on items 12 and 13 to December 21, 2022.

12. CZ-535 John Parks (County) Location: Northwest of intersection of Highway 75 and East 66th Street North requesting rezoning from **AG to IL** (related to TCCP-11) (Continued from September 7, 2022, September 21, 2022 and October 5, 2022)

STAFF RECOMMENDATION:
SECTION I: CZ-535

DEVELOPMENT CONCEPT: The applicant is proposing to rezone the subject lot from AG to IL to permit an Industrial Park. The site is located within the Rural Residential/Agricultural land use designation of the Tulsa County Comprehensive Plan, which this proposal would not be compatible with, however a concurrent application has been submitted (TCCP-11) to amend the land use designation from Rural Residential/Agricultural to Industrial which this proposal would be compatible with. The comprehensive plan designates the property immediately to the east and south, across Highway 75, as Industrial, so the proposed use and land use designation would be compatible with the future land use of the area.

DETAILED STAFF RECOMMENDATION:

CZ-535 request IL zoning for a 187-acre tract. The uses allowed in the IL district may be appropriate however the request does not provide adequate supplemental standards for IL uses that abut residential and agricultural areas north and west of the site. Staff recommends approval of IL zoning on the majority of the site except for a buffer area along the west boundary, and

The uses typically allowed in an IL district will have little environmental impact on surrounding properties, and

Existing highway infrastructure and the Major Street and Highway Plan supports the idea of industrial development in this area however,

The Tulsa fence line and the statutory right of way on east side of the west boundary of the subject tract will prohibit development 86.5 feet east of the west boundary of the subject tract. In an effort to provide a reasonable buffer from abutting property owners west of Harvard Avenue, staff concludes that east of Harvard Avenue right-of-way should remain Agricultural and Rural Residential with a width that allows rural residential development east of the future location of North Harvard Avenue and,

CZ-535 is not consistent with the current land use designation however the applicant has submitted an amendment to the Tulsa County Comprehensive Plan Amendment, TCCP-11. The applicant has requested revising the land use designation from Rural Residential/Agricultural to Industrial. Staff supports that request except along the west boundary therefore,

Staff recommends Approval of CZ-535 to rezone property from AG to IL except the west 200 feet of the north 2640 feet +/- shall remain AG.

SECTION II: Supporting Documentation

REGIONAL ENGAGEMENT: The applicant has provided a list of the Regional Outreach Contacts that he has been working with to confirm the need for this type of development in the Tulsa Metropolitan Area.

- Stacy Smith- Tulsa Regional Chamber of Commerce
- Stan Sallee- District 1 County Commissioner
- Mike Craddock- Chief Deputy County Commissioner of District 1
- Michelle Barnett- Partner Tulsa Senior VP of Economic Development
- Ashley Chaney- Partner Tulsa Business Liaison Services Manager
- Austin Britt- Partner Tulsa Economic Development Specialist
- Leisha Pearson- Oklahoma Commerce Dept./ Aerospace and Defense/ ACES Program Manager
- Dan Luton- Programs Director for Oklahoma Center for the Advancement of Science and Technology
- Heather McDowell- Northeast Ok Rep. for Oklahoma Center for the Advancement of Science and Technology
- Kristina Wadley- Oklahoma Manufacturing Alliance

NEIGHBORHOOD ENGAGEMENT:

Staff has received correspondence from surrounding property ownership and the applicant has organized a neighborhood meeting to discuss this rezoning and comprehensive plan change effort.

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, Comprehensive Plan Amendment (TCCP-11) 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: This site is included in the Turley section of the Tulsa County Comprehensive Land Use Plan and was adopted by the Board of County Commissioners in December 2022 and is currently designated as a Rural Residential / Agricultural area.

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.

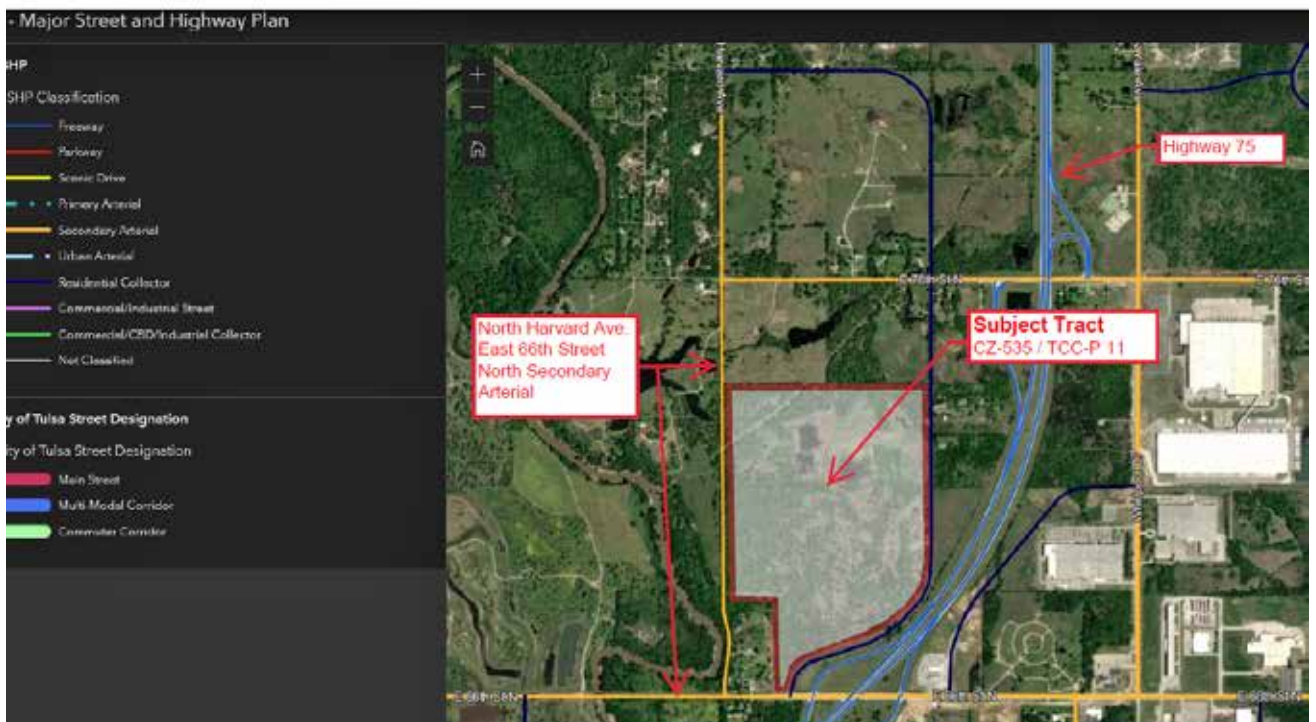
Industrial (proposed designation in TCCP-11)

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:

The snippet on the following page illustrates the existing and planned transportation system surrounding this site. The east side of Highway 75 is the Cherokee Industrial Park that is served by the same transportation network.



Major Street and Highway Plan:

North Pittsburg Ave is designated as a Residential Collector.

East 66th St North is designated as a Secondary Arterial.

North Harvard Avenue is undeveloped; however, it is considered a secondary arterial street in the Tulsa Major Street and Highway plan. The planned location of this arterial street is along the west boundary of the subject tract and is partially inside the Tulsa fence line. The fence line is 70 feet wide and is the east 70 feet of the west 86.5 feet of the subject tract.

When Harvard is fully developed, and the right of way is dedicated the building setback will be 35 feet as defined in current zoning code standards. 200 feet of AG zoned land as measured from the section line will provide approximately 78.5 feet of area for home or building construction between the future North Harvard Street setback and the rear zoning line.

Trail System Master Plan Considerations: The Go Plan calls for a side path to be constructed along E 66th St N as well as indicating a sidewalk gap along E 66th St N.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is currently vacant, forested land with evidence that a portion of the property has been excavated or mined.

Environmental Considerations: None

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
E 66 th St N	Secondary Arterial	100 Feet	4
N Pittsburgh Ave	Residential Collector	60 Feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use

North	AG	Rural Residential/Agricultural	N/A	Vacant
South	AG	Rural Residential/Agricultural	N/A	Vacant/Hwy 75
East	AG	Rural Residential/Agricultural	N/A	Vacant/Single-Family/Hwy 75
West	AG	Rural Residential/Agricultural	N/A	Vacant/Single-Family

SECTION III: Relevant Zoning History

History: CZ-535

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

Surrounding Property:

CBOA-351 April 1983: The Board of Adjustment **approved** a *Variance* to permit two dwelling units (2 mobile homes) per lot of record, on property located at South of the SE corner of 76th Street North and Pittsburg Avenue.

Applicant Comments:

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

Mr. Reynolds stated the applicant has hired him to prepare a PUD for this project. He stated that would help to address some of the concerns of the neighborhood. Mr. Reynolds stated he just needs more time to receive documents back from the engineers.

Interested Parties:

Tom McCoy 7590 North Harvard Avenue, Sperry, OK 74073

Mr. McCoy stated he is opposed to the continuance and their main concern is the change to the future Land Use. He stated a Planning Commissioner asked for the continuance on October 5, 2022, the applicant and the neighborhood were ready to proceed and Chairman Covey had to encourage the applicant to go along with Commissioner Craddock's request. Mr. McCoy stated the applicant has had plenty of time to prepare and he feels like they are just playing games. He stated the stress of preparing for these meetings is very burdensome on him, his family, and the neighborhood. Mr. McCoy stated the applicant has not been diligent in seeking counsel and he does not think they have a valid reason for a continuance.

Brad Fritts 4016 East 76th Street North, Sperry, OK 74073

Mr. Fritts stated he agrees with Mr. McCoy. He stated he has had to take off several times to attend these meetings and then it is continued to another date. Mr. Fritts stated the applicant has had ample time to prepare.

TMAPC Comments:

Mr. Craddock stated when he requested the continuance he felt some additional discussion time was needed. He stated the applicant has now hired legal counsel and that adds a different element. He stated he is okay with moving forward.

Mr. Covey stated there were 2 continuances from staff and 1 continuance from Mr. Craddock. Mr. Covey stated it is an unwritten TMAPC policy that a continuance is granted once for each side and this would be the applicants first continuance request. He stated he would vote in favor of the continuance but understands the burden on the property owners and if the neighborhood requested the continuance he would support that also.

Ms. Carr asked if this is the first time the applicant had engaged legal counsel.

Mr. Covey stated “yes”.

Ms. Carr stated she would be in favor of a continuance also.

TMAPC Action; 9 members present:

On **MOTION** of **COVEY**, the TMAPC voted 9-0-0 (Bayles, Carr, Covey, Craddock, Kimbrel, Krug, Shivel, Walker, Zalk, “aye”; no “nays”; none “abstaining”; Reeds, Whitlock, “absent”) to **CONTINUE** Item 12 to December 21, 2022.

* * * * *

PUBLIC HEARING-COMPREHENSIVE PLAN AMENDMENTS

13.TCCP-11 John Parks (County) Location: Northwest of intersection of Highway 75 and East 66th Street North requesting a land use amendment from **Rural Residential/Agriculture to Industrial** (related to CZ-535) (Continued from September 7, 2022, September 21, 2022 and October 5, 2022)

STAFF RECOMMENDATION:

Property Information and Land Use Request

The subject property is approximately 187-acre, unplatted tract of land located northwest of the intersection of Highway 75 and East 66th Street North. 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 rezoning request (CZ-535),

which proposes a zoning change on the subject tract from AG to IL in order to allow an industrial use for an industrial park.

Background

The parcel subject to this Comprehensive Plan amendment request is located within the area of Turley and abuts AG (Agricultural) zoning and to the north, south, east, and west. The Turley area extends to the east beyond the subject parcel to Highway 75 and to the north beyond the subject parcel to 76th Street North. The Major Street and Highway Plan designates East 66th Street North as a Secondary Arterial and North Pittsburg Avenue as a Residential Collector.

The land use of the subject property was designated as Rural Residential/Agricultural in the Tulsa County Comprehensive Land Use Plan, which was adopted November 18, 2020, (Resolution 2830:1020) by Tulsa Metropolitan Area Planning Commission and approved by the Board of County Commissioners on December 7, 2020.

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

The **Rural Residential/ Agricultural** designation is defined in the Tulsa County Comprehensive Land Use Plan as follows: 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 is defined in the Tulsa County Land Use Plan as follows: The Industrial 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.

The area surrounding the subject property west of Highway 75, within the area of Turley, has only agricultural zoning with a Rural Residential/Agricultural land use designation. However, there are several parcels zoned as Industrial in an area immediately east of Highway 75. This area extends from East 76th Street North to south of East 66th Street North and from Highway 75 on the west nearly to North Memorial Drive in the northeast. There are already several existing industrial businesses operating in this area just across Highway 75 from the subject area.

Rezoning the subject area to Industrial would not be inconsistent with development already occurring in the vicinity.

Zoning and Surrounding Uses

Location	Existing Zoning	Existing Land Use Designation	Existing Use
N	AG	Agricultural	Vacant/Agricultural
S	AG	Agricultural	Agricultural
E	AG	Agricultural	Agricultural
W	AG	Agricultural	Vacant/Agricultural

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

The applicant submitted the following responses:

Justification of Request

“The subject property has been idle for its entire existence as far back as I personally can remember, aside from a small oil and gas production facility that no longer exist. The subject property is a well-known and highly desirable highway frontage that sits adjacent to Highway 75 and west of the highly popular and well known existing Cherokee Industrial Park. The surrounding properties in this particular area, as of late has adjusted to accommodate the vast growing needs that continue to fill the industrial footprint that is within the boundaries of Cherokee Industrial Park. While the subject property lies on the west edge of the Cherokee Industrial Park, there is no doubt that the expansion of the requested entitlements for the subject property as well as the surrounding properties on the west side of highway 75 will be needed to maintain the areas potential growth and viability as being an attractive area for future large-scale job creating industrial and Commercial tenants. The area wide conditions are more favorable

to the westward expansion of the industrial market and will be less intrusive to the neighboring residents and accommodating to developing industries on the vast amounts of unused agriculture land that is sitting idle at this time.

The ever-expanding need for commercial and industrial in the area is outpacing available property, so the need to expand the industrial footprint is needed for Tulsa County to keep expanding its horizons in these areas and express its availability to attract high profile tenants. The current rate of development and the need for commercial and industrial property in Tulsa County remains at a critically low level at this current time, so making the requested amendments to a property such as the subject area property will only help Tulsa County alleviate the vacancy pressures and strengthen the tax revenue, as well as increased and higher wage paying jobs. By granting the requested changes these amenities can be brought to the area to help it continue to flourish in the commercial and industrial markets.

The subject area lies in a highly beneficial corridor that will attract high end tenants due to the proximity to Tulsa proper as well as its alignment to Highway 75 frontage. Being able to attract high profile corporations to the area will not only bring hundreds if not over a thousand top wage job positions to the area it will increase the quality of life to an area which is still in need of overall social and economic benefits. The subject area property would help contribute to a long-standing use of increased taxes purposed for the county as well as creating an even more attractive landscape for the other available properties in the area to supply buildable acreage to developers so that Tulsa can become a premier attraction for large scale commercial and industrial tenants.”

Additional Information provided by the applicant:

“Tetra OK Holdings LLC, a local development and consulting firm and its Development Partners have assembled a design concept in an attempt to orchestrate a newly revised rezoning and redevelopment plan for the Bird Creek Industrial Park Site. Tetra OK Holding LLC and its Development partners has collaborated with a host of business professionals, community stake holders, community outreach organizations to assist in addressing the needs and concerns of the community. Together with community input, and our team of professionals we will be transforming Bird Creek Industrial Park (approximately 185.7 acres of space) into a revenue producing asset to the area.

Over the past six months there has been several design concepts to redevelop the Bird Creek Industrial Park into a different economic engine that could increase tax base to the City of Tulsa or Unincorporated areas of Tulsa County. After the first concepts considering a full residential development, we quickly found that this was not in the best interest of the community or its surrounding

neighbors. The new plan for redevelopment includes a gorgeous water feature dedicated sanctuary where local residents and local workers can enjoy its green space amenities. Amenities which include reflection ponds with shaded walking paths spanning the development.

Spanning the frontage road along the Pittsburgh Avenue exposure of the development, will include a beautifully landscaped frontage, boarding proposed restaurant and retail buildings. The expected tenant mix includes restaurants, banks, Coffee shops, and other Miscellaneous facilities. Boarding he Northern portion of the site parallel to interstate 75 will be a proposed Two large 750 sf warehouse facilities sitting on 100 acres with roads and landscaping throughout. These warehouse facilities will be a welcome complement to the existing commercial and industrial park east of our location.

On the remaining 58 Acres surrounded by all of the above listed facilities and green space development will be other smaller Commercial and industrial warehousing district. This district will be constructed to house Multiple vendors and vendor products as well as space for possible manufacturing facilities.

Tetra and Its Partners are dedicated and understand that a development of this magnitude requires a well-planned and designed infrastructure system. This system will include an elaborate traffic lighting system with up-to-date technology. The site itself will include a energy saving platform and design that will allow its tenants to enjoy large savings on their operating cost. The external and internal digital revolution in motion and technology will include multi-functional designs, renewable energies from solar and water.

This dynamic development plan is prepared and poised to bring hundreds if not thousands of short- and long-term sustainable employment opportunities and benefits, including tax relief to governing bodies and community residents. Tetra and its Development partners are totally committed to working with Local contractors and local workforces. Tetra will be actively seeking a welcomed partnership within the commercial environment. Tetra understands that keeping community assets (through deposits) within the community makes the partnership a very important tool for a development of this magnitude.

Tetra and its Partners, considers it paramount in developing a comprehensive project plan that will attract and retain both growing and established environmentally friendly businesses. Tetra and its Partners conceptualizes plans that includes companies that are property owners or leasers operating in an eco-industrial park, mixed use, sustainable, environmentally friendly Plan Unit Development.”

Staff Summary & Recommendation

The applicant is requesting an amendment to the land use designation from Rural Residential Agricultural to Industrial for the entire site. It is staff's recommendation to respect the current land use designation around the perimeter of the subject tract with a generous buffer separating proposed industrial uses from abutting property owners west and north of the subject property.

The zoning code allows two options to provide transition guidelines between the applicants request and abutting property owners. 1) Rezoning request could include a Planned Unit Development that provides use and design limitations between new industrial development and the existing agricultural properties. 2) The zoning boundary could be significantly set back in an effort to allow some level of confidence that industrial development would not significantly adversely affect abutting properties that are currently considered agricultural and residential uses. The applicant has submitted a concurrent request to rezone the property from Agricultural to Industrial (CZ-535).

This site was included in the Tulsa County Land use map study that was adopted in 2020. The conditions east of the subject site across Highway 75 have changed with recent industrial growth beyond what was anticipated at that time. The proposed rezoning associated with this comprehensive plan amendment will increase an opportunity for industrial development to extend west of Highway 75. The existing industrial park located east of Highway 75 has provided employment and manufacturing jobs for Tulsa County and this land use change opens an opportunity to use the existing highway and utility infrastructure in the area for further industrial development. Private residential properties exist abutting the subject property to the North, West, and Southwest.

Staff recommends **approval** of the Industrial land use designation as requested except the west 200 feet of the north 2640 feet +/- of the subject tract should remain Rural Residential/Agricultural to serve as a natural buffer-zone between this site and adjacent residential properties west and north of the northwest corner of the subject tract.

TMAPC Action; 9 members present:

On **MOTION** of **COVEY**, the TMAPC voted 9-0-0 (Bayles, Carr, Covey, Craddock, Kimbrel, Krug, Shivel, Walker, Zalk, "aye"; no "nays"; none "abstaining"; Reeds, Whitlock, "absent") to **CONTINUE** Item 13 to December 21, 2022.

OTHER BUSINESS

Commissioners' Comments

None

ADJOURN

TMAPC Action; 9 members present:

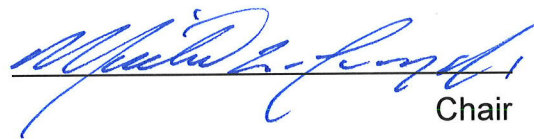
On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Bayles, Carr, Covey, Craddock, Kimbrel, Krug, Shivel, Walker, Zalk, "aye"; no "nays"; none "abstaining"; Reeds, Whitlock, "absent") to **ADJOURN** TMAPC meeting of November 2, 2022, Meeting No. 2877.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 2:30 p.m.

Date Approved:

11-16-2022


Chair

ATTEST:



Secretary