

TULSA METROPOLITAN AREA PLANNING COMMISSION  
**Minutes of Meeting No. 2879**

Wednesday, December 7, 2022, 1:00 p.m.  
City Council Chamber  
One Technology Center – 175 E. 2nd Street, 2nd Floor

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Carr	Bayles	Hoyt	Jordan, COT
Covey		Miller	Silman, COT
Craddock		Sawyer	VanValkenburgh, Legal
Kimbrel		Siers	
Krug		Wilkerson	
Reeds			
Shivel			
Walker			
Whitlock			
Zalk			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday December 1, 2022 at 2:51 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:**

Mr. Covey stated the TMAPC elections for officers will be on the January 4, 2023 meeting.

**Director's Report:**

Ms. Miller reported on City Council and Board of County Commissioner actions and other special projects.

\* \* \* \* \*

**Minutes:**

1. Minutes of November 16, 2022 Meeting No. 2878

Approval of the Minutes of **November 16, 2022 Meeting No. 2878**

**TMAPC Action; 9 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 8-0-1 (Covey, Craddock, Kimbrel, Krug, Reeds, Shivel, Walker, Zalk, “aye”; no “nays”; Whitlock, “abstaining”; Bayles, Carr “absent”) to **APPROVE** the minutes of **November 16, 2022 Meeting No. 2878**

\* \* \* \* \*

## CONSENT AGENDA

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

2. **PUD-193-A-1 Jessica Norrid** (CD 4) Location: South and east of the southeast corner of West Edison Street and North Maybelle Avenue requesting a **PUD Minor Amendment** to increase cell tower height from 80 feet to 85 feet

### **STAFF RECOMMENDATION:**

**SECTION I:** PUD-193-A-1 Minor Amendment

Amendment Request: Revise the PUD Development Standards to increase the allowable cell tower height from 80 Feet to 85 Feet.

The applicant is proposing to replace the existing tower on the subject lot. The PUD established a height limit on the cell tower allowed on the site to 80 Feet. The applicant is proposing to add an additional 5 Feet to the allowable height so that the new tower that will replace the existing tower can be 85 Feet in height. The existing tower the proposed replacement are both monopole in design.

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

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

Staff has reviewed the request and determined:

- 1) PUD-193-A-1 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-193-A.
- 2) All remaining development standards defined in PUD-193-A shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to increase the allowable cell tower height from 80 Feet to 85 Feet.

### **Legal Description for PUD-193-A-1:**

A TRACT OF LAND CONTAINED WITHIN LOT FIVE (5), BLOCK ONE (1), OBSERVATION HEIGHTS, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE RECORDED PLAT NO. 263, BEING MORE PARTICULARLY DESCRIBED

AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF LOT SEVEN (7) OF SAID BLOCK ONE (1); THENCE SOUTH 1°24'00" EAST, ALONG THE WEST LINE OF SAID BLOCK ONE (1), A DISTANCE OF 275.18 FEET; THENCE DUE EAST A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 24°03'17" EAST A DISTANCE OF 60.00 FEET; THENCE SOUTH 65°56'43" EAST A DISTANCE OF

40.00 FEET; THENCE SOUTH 24°03'17" WEST A DISTANCE OF 60.00 FEET; THENCE NORTH 65°56'43" WEST A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING. CONTAINING 2,400 SQ. FT.

\*\*\*\*\*

- 3. **PUD-132-3 Nathalie Cornett** (CD 9) Location: East of the southeast corner of South Lewis Avenue and East 31st Street South requesting a **PUD Minor Amendment** to reduce the front setback from 35 feet to 29 feet

**STAFF RECOMMENDATION:**

**SECTION I:** PUD-132-3

Amendment Request: Revise the PUD Development Standards to reduce the front setback from 35 ft to 29 ft.

Currently the development standards require a 35 ft front setback on this lot. The applicant is requesting a minor amendment to allow for the front building setback to be reduced from 35 ft to 29 ft for the portion encroaching the setback on the proposed site plan. This would allow for the construction of a new single-family residence in the location of the existing residence.

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

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

Staff has reviewed the request and determined:

- 1) PUD-132-3 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-132-3.
- 2) All remaining development standards defined in PUD-132 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to reduce the front yard setback from 35 ft to 29 ft but only for the portion encroaching the setback on the proposed site plan.

**Legal Description for PUD-132-3:**

Lot 3, Block 1, The Trees, City of Tulsa, Tulsa County, State of Oklahoma

\*\*\*\*\*

4. **PUD-518-5 Bill Powers** (CD 8) Location: North of the northwest corner of South Sheridan Road and East 91st Street South requesting a **PUD Minor Amendment** to increase allowable driveway width in the street setback

**STAFF RECOMMENDATION:**

**SECTION I:** PUD-518-5 Minor Amendment

Amendment Request: Revise the PUD Development Standards to increase the allowable driveway width within the street setback.

Currently driveways in RS zoned lots with a width of 75+ feet cannot exceed 50% of the lot frontage or 27 ft of driveway width in the right-of-way and 30 ft within the street setback, whichever is less. The applicant is proposing a new drive along S 89<sup>th</sup> St S 21 ft 10 in in width within the right of way and 34 ft 9 ½ in in the street setback. Staff has proposed allowing 35 ft in driveway width within the street setback to allow the proposed drive.

The subject lot has approximately 100 ft of total frontage. This would bring the total requested drive width within the street setback to 35% of the total frontage width.

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

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

Staff has reviewed the request and determined:

- 1) PUD-518-5 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-518.
- 2) All remaining development standards defined in PUD-518 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to increase the total allowable driveway width to 35 ft within the street setback.

**Legal Description for PUD-518-5:**

Lot 9, Block 3 Colefax Hill

\* \* \* \* \*

5. **PUD-803-12 Drew Rees** (CD 8) Location: Southwest of the southwest corner of East 121st Street South and South Sheridan Road requesting a **PUD Minor Amendment** to reduce the front setback from 25 feet to 22 feet

**STAFF RECOMMENDATION:**

**SECTION I:** PUD-803-12

Amendment Request: Revise the PUD Development Standards to reduce the front setback from 25 ft to 22 ft.

Currently, the development standards require a 25 ft front setback on this lot. There was a home built 3 ft over the 25 ft front building setback. The applicant is requesting a minor amendment to allow for the front building setback to be reduced from 25 ft to 22 ft but only for the portion illustrated on the site plan. This will put the newly built home into compliance.

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

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

Staff has reviewed the request and determined:

- 1) PUD-803-12 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-803.
- 2) All remaining development standards defined in PUD-803 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to reduce the front yard setback from 25 ft to 22 ft but only for the portion illustrated on the site plan.

**Legal Description for PUD-803-12:**

Lot Five (5), Block Fourteen (14), THE ESTATES AT THE RIVER III, a Subdivision within the City of Tulsa, Tulsa County, according to the recorded Plat thereof.

**TMAPC Action; 9 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0(Covey, Craddock, Kimbrel, Krug, Reeds, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Bayles, Carr, “absent”) to **APPROVE** Items 2 through 5 per staff recommendation.

**PUBLIC HEARING – REZONING**

**Ms. Carr arrived at 1:05 PM.**

6. **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(Continued from November 2, 2022 and November 16, 2022)

**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 91<sup>st</sup> 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; 10 members present:**

On **MOTION** of **REEDS**, the TMAPC voted 10-0-0 (Carr, Covey, Craddock, Kimbrel, Krug, Reeds, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Bayles, “absent”) to **CONTINUE** Item 6 to January 4, 2023.

\* \* \* \* \*

- 7. **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 (Continued from November 2, 2022)

**STAFF RECOMMENDATION:**

**SECTION I: APPLICANTS MPD DEVELOPMENT CONCEPT MPD-4**

The subject property consists of approximately 240 Acres of land and is located on the North side East 81st Street and the East side of South Lewis Avenue, in the City of Tulsa. The property has served as the campus for Oral Roberts University since the 1960s.

The ORU campus is situated principally in an “RS-3” Residential Single Family Zoning District, with areas along the North and East perimeters situated in an “RS-1” Residential Single Family Zoning District. Approval for the use of the property as the Oral Roberts University campus was granted by the Board of Adjustment case # 370-A in 1962. The continued development of the ORU campus has evolved well beyond the original approval, and any original site plan is no longer even available. The current development of the campus is shown in the satellite image appended hereto as “Attachment 1.”

The Legal Description of the property in the aggregate is appended hereto as “Attachment 2.”

The MPD zoning district designation for the entire ORU campus is proposed to provide guidance for the long-term development of the campus and remove any uncertainty with regard to future development opportunities as they might pertain to the original Board of Adjustment approval and subsequent approvals and amendments, all of which shall be incorporated into and superseded by this MPD zoning district designation. One intention of adopting this zoning designation is to avoid the multiple, repetitive Board of Adjustment cases for amendments or modifications of a long-lost original site plan upon which variances or special exceptions have been sought and granted. Moreover (and more importantly), an MPD zoning district designation will provide for a more comprehensive, unified zoning treatment of the university campus than a basic zoning designation such as “Office” or “Commercial” (with repetitive Board of Adjustment approvals of variances or special exceptions), and it would be consistent with the City of Tulsa’s Comprehensive Plan.

In the near-term, some campus development plans have already been approved and are under way. For example, a “Welcome Center” has been previously approved and is currently under construction in an area near the main entrance to the ORU campus. A new Media Arts Center and a Library & Holy Spirit Research Center have also been previously approved and are under construction nearby the campus entrance, and the previously approved Mike Carter Athletic Center is under construction near the Mabee Center.

Long-term plans for the campus are still under consideration but have not been developed. For example, new science building is planned for an area near the main entrance to the ORU campus, and a new campus cafeteria and men’s and women’s dormitories are planned for areas nearer to the center of the campus. All such further development of the ORU campus will be subject to the terms, conditions and provisions of this MPD zoning district designation.

All the public infrastructure is located on-site and included in easements for maintenance and public access.

The campus contains a significant drainage channel that has been developed and serves as an amenity for the University through the eastern and southern portions of the property. The drainage channel and the affected flood plain, trails bridge crossings etcetera is not affected by this development plan

## **DETAILED STAFF RECOMMENDATION:**

The proposed development of the site under MPD-4 is consistent with the Regional Center designation of the Comprehensive Plan and meets the standards for a master planned development of Section 25.070-A and,

MPD-4 will promote:

1. Compact, mixed-use development patterns anticipated for university expansion and development.
2. Creative and flexible uses and building density that responds to changing social, economic, and market conditions and,

MPD-4 will accommodate the expected improvement or growth of a University Campus including large-scale assembly & entertainment uses proposed and existing on the site, uses and building types that are limited by existing residential zoning and previous board of adjustment decisions however MPD-4 is consistent with the Regional Center land use designation therefore,

Staff recommends approval of MPD-4 to rezone property from RS-1 and RS-3 to MPD-4 with the development standards outlined in Section II,

## **SECTION II: MPD-4 DEVELOPMENT STANDARDS**

The MPD shall allow only those principal uses, subcategories and specific uses as identified below and specifically associated with the ORU campus and university activities and purposes, along with customary accessory uses and categories that include customary accessory uses and categories included in the university's usual and normal maintenance facilities and offices, shops, vehicle maintenance and mechanical service areas, and greenhouses or other facilities for preparing, maintaining and cultivating landscaping features and shall be subject to the regulations of the Tulsa Zoning Code. All of the principal uses will essentially be managed by ORU to serve the ORU population—students, faculty, administration, staff, guests, and clients.

The Tulsa Planning Office will review and approve submitted site plans for compliance with the MPD prior to the release of any building permit.

In addition to the notice requirements under the Zoning Code, notice of any Planning Commission hearing on minor or major amendments to MPD must be submitted to the Tulsa Planning Office staff by an authorized representative of Oral Roberts University.

The following modifications may be considered minor amendments:

1. Limitation or elimination of previously approved specific functions and uses provided the character of the development is not substantially altered.
2. Addition of other specific functions and uses not contemplated but may be deemed appropriate uses requested by authorized representative of the University.



3. Modification of supplemental regulations defined in the Zoning Code.

Uses that may be requested if this site is used by anyone other than as a private college or university will require major amendment.

**General Provisions:**

Vehicular Access and Circulation from public streets shall be limited as follows:

- A. The campus will have vehicular access from adjacent public streets:
  - Billy Joe Daugherty Circle and Drive along the Lewis Avenue frontage
  - Mabee Center parking lot driveways along Lewis Avenue and 81st Street frontages, including University Avenue
  - Private gated access driveway along the Evanston Avenue frontage forming a portion of the eastern boundary of the university campus
  - Private gated access driveways along the 75th Street frontage forming the northern boundary of the university campus
- B. Site, Landscape and Signage Plan Review:

No building permit shall be issued for any building within the MPD until a Detail Site Plan has been submitted and approved administratively by the Tulsa Planning Office as consistent with the Development Standards included herein.
- C. Fencing or screening around the perimeter of the campus is not required.
- D. Pedestrian access or provisions for micro mobility devices are encouraged at all public streets abutting the subject property.
  - a. *Note: Micromobility refers to a range of small lightweight vehicles operating at a speed typically below 25 mph and includes but not limited to bicycles, e-bikes, electric scooters, and shared bicycle fleets or other mobility devices as may be approved by University staff.*

**Permitted Uses:** All Use Categories, Subcategories and Specific Uses listed below

**RESIDENTIAL:**

Household Living: (if in allowed building types listed below)

- Single household
- Two households on a single lot
- Three or more households on a single lot

Group Living:

- Rooming and Boarding Houses for University Student Housing (commonly known as dormitories)
- Fraternity / Sorority Houses

**PUBLIC, CIVIC, and INSTITUTIONAL**

- College or University
- Day Care
- Hospital

- Library or Cultural Exhibit
- Religious Assembly
- Safety Service
- School
- Utilities and Public Service Facilities
- Minor
- Wireless Communication Facility
- Freestanding Tower
  - (Freestanding wireless communication towers must be set back at least 150 feet from the north or east boundaries)
- Building mounted antenna
- COMMERCIAL Use Category
- Animal Service
  - Boarding or shelter
  - Grooming
  - Veterinary
- Assembly and Entertainment
  - Indoor: Large and small
  - Outdoor: Large and small
- Broadcast or Recording Studio
- Commercial Service
- Building Service
- Research Service
- Lodging
  - Short Term Rental
- Hotel/Motel
- Office
  - Business or professional offices
  - Medical, dental or health practitioner office
- Restaurant (restaurant only)
- Retail Sales
  - Consumer shopping goods
  - Convenience goods
  - Grocery store
- Studio, Artist or Instructional Service
- Trade School
- AGRICULTURAL Use Category
  - Community Garden
  - Farm, Market or Community Supported
  - Horticulture greenhouse

## **DEVELOPMENT AREA REGULATIONS AND LIMITATIONS**

Maximum Building Coverage:

None

35 feet for buildings and portions of buildings if closer than 150 feet to the North and East boundaries

200 feet on remainder of property

Minimum Building Setbacks from Perimeter Boundaries:

From the East boundaries	20 feet
From the North boundaries	20 feet
From the South boundary	20 feet
From the West boundary	20 feet

Parking:

Minimum off-Street Parking Spaces:

Parking is not required however when parking is constructed it shall be subject to approval of the ORU University Operations Department as meeting the campus needs, represented by a written statement of such approval accompanying an application for a building or construction permit. New parking areas installed or constructed within 125 feet of the South Lewis Avenue and East 81st Street rights of way shall conform to the design standards outlined in section 55.090 of the Tulsa Zoning Code.

New parking areas installed or constructed within 125 feet of the South Lewis Avenue and East 81st Street rights of way shall exceed or at a minimum conform to the interior Parking Lot Landscape standards provided in Section 65.050 of the Tulsa Zoning Code.

Minimum Bicycle Parking Spaces:

Short-term bicycle parking shall be subject to approval of the ORU University Operations Department as meeting the campus needs, represented by a written statement of such approval accompanying an application for a building or construction permit.

Other Lot and Building Regulations:

Minimum Lot Area	None
Minimum Street Frontage	None
Maximum Floor Area Ratio	None
Minimum Lot Area Per Dwelling Unit:	None
Minimum Open Space per Dwelling Unit:	None

Landscape requirements:

Landscaping for all parking and building construction shall be subject to approval of the ORU University Operations Department as meeting the campus needs, represented by a written statement of such approval accompanying an application for a building or construction permit. Landscaping for all new parking and building construction within 125 feet of the South Lewis Avenue and East 81st Street rights of way shall conform to Chapter 65 of the Tulsa Zoning Code.

## Signs:

Signage shall conform to the following requirements:

- Signage erected or installed within 50 feet of and visible from the perimeter boundaries of the ORU campus shall conform to the provisions of Chapter 60 of the Tulsa Zoning Code.
- One ground sign identifying the ORU campus shall be permitted at each vehicular entrance from a public or private street with a maximum display of 100 square feet of surface area and a maximum height of 25 feet (except for the signs on either side of the Billy Joe Daugherty Circle main entrance drive).
- Other signs throughout the ORU campus, such as building identification signs, pedestrian- or traffic-directional signs, and campus informational signs shall be subject to approval of the ORU University Operations Department represented by a written statement of such approval accompanying an application for a building or construction permit.
- In addition, all signage existing on the date of the establishment of this MPD Master Planned Development Zoning District, and all previous approvals of the signage for the **Mabee Center**, as well as the nearby **Global Learning Center** and the **Mike Carter Athletic Center** (under construction) in the southwestern quadrant of the university campus, are incorporated into the MPD.
- Illuminated signage is prohibited on all North- and East-facing building walls within 50 feet of the North and East property boundaries, respectively.
- Off-premise Outdoor Advertising Signage is prohibited.

Subsequent modifications of such signage shall be subject to approval of the ORU University Operations Department as meeting the campus needs, represented by a written statement of such approval accompanying an application for a sign permit.

## Lighting:

Lighting shall conform to the provisions of Chapter 67 of the Tulsa Zoning Code except as follows:

Lighting for the ORU campus presently conforms to the lighting aesthetic that has been implemented on the university campus and is consistent throughout the campus. New lighting or illumination of the campus or any campus improvements shall be subject to approval of the ORU University Operations Department. Lighting plan submittals for new construction shall include a written statement of such approval accompanying an application for a building or construction permit.

Pole lighting above 12 feet in height is prohibited within 50 feet of the abutting properties North and East of the ORU campus.

## Trash, Mechanical, and Equipment Areas:

Screening of trash, mechanical and equipment areas or uses shall conform to the provisions of Section 65.070 of the Tulsa Zoning Code except as follows:

Trash enclosures, storage or processing of trash of any kind shall be prohibited within 150 feet of the perimeter of the subject site.

All new trash, mechanical and equipment areas (excluding utility service transformers, pedestals, or other equipment provided by franchise utility providers), including building-mounted, shall be screened from public view in such a manner as shall be approved by the ORU University Operations Department, represented by a written statement of such approval accompanying an application for a building or construction permit.

### **RESIDENTIAL BUILDING TYPES**

Building types for household living are limited to the following:

- Single Household
  - Detached House
- Townhouse
  - Mixed-Use Building
  - Vertical Mixed-Use Building
- Two Households on Single Lot
  - Mixed-Use Building
  - Vertical Mixed-Use Building
- Three Households on Single Lot
  - Apartment/Condo
  - Mixed-Use Building

### **SECTION III: Supporting Documentation**

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

***Staff Summary:*** *The University campus has been established since the 1960s and has been classified as a Regional Center. The expected growth that is allowed in MPD-4 is consistent with the concept of the Regional Center land use designation. The major street and highway plan street concept has anticipated high density development.*

#### **Land Use Vision:**

##### ***Land Use Plan map designation: Regional Center***

Regional Centers are mid-rise mixed-use areas for large-scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.

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

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 except the Multi Modal Corridor designation along South Lewis Avenue.

South Lewis 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:***

A trail is planned on the University Campus that is roughly shown in the Fred Creek alignment. Site plan redevelopment should always consider pedestrian and alternative transportation mode options to connection points outside the campus.

**Small Area Plan:** None

**Special District Considerations:** None

**Historic Preservation Overlay:** None

### **DESCRIPTION OF EXISTING CONDITIONS:**

***Staff Summary:*** *The site is an existing college campus bisected by Fred Creek which is a significant green space opportunity with trails and landscaping.*

**Environmental Considerations:** None except Fred Creek flood area that would affect site redevelopment.

**Streets:**

<b>Existing Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
<b>South Lewis Avenue</b>	<b>Secondary Arterial with Multi Modal Corridor designation</b>	<b>100 feet</b>	<b>Divided with median 6 lanes north side of intersection 5 lanes south of intersection</b>
<b>East 81<sup>st</sup> Street South</b>	<b>Secondary Arterial</b>	<b>100 feet</b>	<b>6 lanes near intersection with Lewis transitioning to 5 lanes near east end of subject tract</b>
<b>South Evanston Avenue</b>	<b>Residential Collector</b>	<b>60 feet</b>	<b>2</b>
<b>East 75<sup>th</sup> Street South</b>	<b>Residential Collector</b>	<b>60 feet</b>	<b>2</b>
<b>Private Drive (Billy Joe Daugherty Circle)</b>	<b>None</b>	<b>None</b>	<b>4 lanes 2 each direction with median</b>

**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:**

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	OM, RD/PUD 293-A, OL, RS-3/PUD-182, RS-3, RS-2/PUD409, RS-1	Neighborhood Centers and Existing Neighborhood	Area of Growth and Area of Stability	<b>Minor utility (cellular service utility)/office and detached single family</b>
East	RS-2	Existing Neighborhood	Area of Stability	<b>detached single family</b>
South	RS-3, OM	Existing Neighborhood and Regional Center	Area of Growth	<b>detached single family, duplex and City Plex towers (approximately 60 floors / 650 feet tall)</b>
West	CS/PUD-495&495-A/CO for hotel use only	Regional Center	Area of Growth	<b>Mixed use property with 10 +/- floor hotel, big box discount store, drive in restaurant and fueling station, private school and medical office building</b>

**SECTION III: Relevant Zoning History**

**History: MPD-4**

**ZONING ORDINANCE:** Ordinance number 11828 dated June 26, 1970, established zoning for the subject property.

***Subject Property:***

**BOA-23369 May 2022:** The Board of Adjustment **approved** a *Special Exception* to permit a previously approved site plan for a university in a residential district; & a *Variance* to increase the maximum permitted height of 35-feet in an RS-3 District, on property located at 7777 S. Lewis Avenue.

**BOA-23193 October 2021:** The Board of Adjustment **approved** a *Special Exception* to permit a previously approved site plan for a university in a residential district; & a *Variance*



to increase the maximum permitted height of 35 feet in an RS-3 District, on property located at 7777 South Lewis Avenue East.

**BOA-23170 August 2021:** The Board of Adjustment **approved** a *Special Exception* to permit previously approved site plan for a university in a residential district; & a *Variance* to increase the maximum permitted height of 35-feet in an RS-3 District, on property located at 7777 S. Lewis Avenue East.

**BOA-21443-A July 2012:** The Board of Adjustment **approved** a *Variance* to permit the requirement that a sign be lit by constant light in the OM, OMH district; & a *Variance* to allow more than one sign in an OM, OMH district; & a *Variance* to exceed total square feet of display surface area from 880 square feet to 985 square feet, on property located at 2440 East 81<sup>st</sup> Street, 8101 South Lewis Avenue, 8100 South Lewis Avenue.

**BOA-21495 November 2012:** The Board of Adjustment **approved** a *Variance* to permit two (2) wall signs in an RS district, on property located at 7777 South Lewis Avenue.

**BOA-21488 October 2012:** The Board of Adjustment **approved** a *Variance* to permit a wall sign in a Residential District, on property located at 2601 East 81<sup>st</sup> Street.

**BOA-17831-A December 2015:** The Board of Adjustment **approved** a modification of a previously approved site plan, on property located at 7777 South Lewis Avenue.

**BOA-21443 June 2012:** The Board of Adjustment **approved** a *Variance* to permit more than one sign in an OM district; & a *Variance* to exceed total square feet of display surface area from approximately 100 square feet to 880 square feet; & a *Variance* of maximum sign height in the OM district from 20 feet to 30 feet, on property located at 2440 East 81<sup>st</sup> Street, 8101 South Lewis Avenue, 8100 South Lewis Avenue.

**BOA-17831 September 1997:** The Board of Adjustment **approved** a *Special Exception* to permit a previously approved special exception; & a *Variance* of the maximum 15 SF of sponsor sign, on property located at East side of South Lewis Avenue, North of East 81<sup>st</sup> Street.

**BOA-17403 June 1996:** The Board of Adjustment **approved** a *Special Exception* to permit a dry-cleaning pick-up facility in an OMH and OM zoned district, on property located at 2448 East 81<sup>st</sup> Street.

**BOA-16741 July 1994:** The Board of Adjustment **approved** a *Special Exception* to permit convenience goods and services/shopping goods and services in an OM zoned district, on property located at SE/c of East 81<sup>st</sup> street and South Lewis Avenue.

**BOA-11738 December 1981:** The Board of Adjustment **approved** a *Special Exception* to permit a heliport in an IR District, on property located at SE of 81<sup>st</sup> Street and Lewis Avenue.

**BOA-9273 November 1976:** The Board of Adjustment **uphold the appeal** to the building inspector from decision of the building inspector for refusing to issue a zoning clearance permit to construct quarters on the University Campus to be operated in conjunction with

the University Medical Campus, on property located at Northwest of 81<sup>st</sup> Street and Delaware Avenue.

**BOA-9810 January 1978:** The Board of Adjustment **approved** a *Variance* to permit in an IR District a reaching hospital as a part of the City of Faith Medical Complex to be constructed as a part of the campus of Oral Roberts University; and an Interpretation of the zoning text, on property located at SE of 81<sup>st</sup> Street and Lewis.

**BOA-8066 October 1973:** The Board of Adjustment **approved** a *Variance* to permit 40 units on one lot in an RM-1 district, on property located at South and east of 81<sup>st</sup> Street and Lewis Avenue.

**BOA-7769 February 1973:** The Board of Adjustment **approved** a *Special Exception* to permit a community service, cultural and recreation facility in a residential district; & *Variance* to vary the requirements of the constant light requirements to permit a sign for the John Mabee Center in accord with plans and specifications submitted, in a RS-3 District, on property located at 81<sup>st</sup> St. and Lewis Avenue.

**BOA-7721 January 1973:** The Board of Adjustment **approved** a *Minor Variance* to permit modification of height and size of a sign (48' high and size 28' 6" x 48') in an RS-3 District, on property located at 7777 South Lewis Avenue.

**BOA-3760 February 1962:** The Board of Adjustment **approved** the subject property for school purposes, on property located at 7777 South Lewis Avenue.

***Surrounding Property:***

**BOA-23315 April 2022:** The Board of Adjustment **approved** a *Special Exception* to permit a fence to exceed 4-feet in height inside the required street setback; & a *Special Exception* to allow a barbed-wire fence in an OM district, on property located at W of the intersection of E. 75<sup>th</sup> St. South & South Lewis Ave.

**CO-10 December 2020:** Applicant withdrew a request for a *Corridor Development Plan* on a 5.16± acre tract of land for on property located North of the NW/c of East 81<sup>st</sup> Street South & South Lewis Avenue.

**BOA-22604 March 2019:** The Board of Adjustment **approved** a *Variance* to permit increased allowable number of signs in an OM District to permit two signs per street frontage, on property located at 7700 South Lewis Avenue East.

**Z-7483 July 2019:** All concurred in **approval** of a request for *rezoning* a 2.43± acre tract of land from RS-1 to OL on property located Northeast corner of East 75<sup>th</sup> Street South and South Lewis Avenue.

**BOA-22083 June 2016:** The Board of Adjustment **approved** a *Variance* to permit exceeded display area of a sign to allow a 72 square foot dynamic display sign in the O District, on property located at 7700 South Lewis Avenue.

**BOA-21255 April 2011:** The Board of Adjustment **approved** a *Variance* to permit the maximum display surface area for a sign in the OM district to 240 sq. ft; & a *Variance* of the maximum permitted height for a sign in the OM district from 20 ft. to 30 ft.; & a *Variance* of the requirement that illumination of a sign in the OM district shall be by constant light to permit a digital changeable copy sign; & all to permit a ground sign on East 81<sup>st</sup> Street, on property located at 2702 East 81<sup>st</sup> Street.

**BOA-20163 December 2005:** The Board of Adjustment **approved** a *Special Exception* to permit reduced combined required parking for a commercial mixed-use development by 10%; & a *Variance* of required parking of 7 spaces, on property located at 8102-8222 South Lewis Avenue.

**BOA-18996 February 2001:** The Board of Adjustment **approved** a *Special Exception* to permit parking on a lot other than principle use lot for a special event (U.S. Open) from June 11 to June 18, 2001, on property located at NE/c & SE/c East 81<sup>st</sup> & Lewis Avenue.

**BOA-18509 September 1999:** The Board of Adjustment **approved** a *Variance* to permit maximum display surface area of a sign from 150 square feet to 307 square feet; & a *Variance* of the requirement of constant light to allow an electronic message center, on property located at 7800 South Lewis.

**BOA-18058 May 1998:** The Board of Adjustment **approved** a *Special Exception* to permit the lighting of an existing outdoor soccer and athletic field according to a lighting plan, lighting specifications and use restrictions approved by the Board, on property located at North side of East of Delaware Ave.

**BOA-17935 February 1998:** The Board of Adjustment **approved** a *Special Exception* to permit the construction of 376 dwelling units for elderly housing; & a *Variance* of the maximum floor area ratio of .50 subject to livability space being required for each dwelling unit as required in the RM-2 district, on property located at West Side South Lewis Avenue & East 75<sup>th</sup> Street.

**BOA-17862 October 1997:** The Board of Adjustment **approved** a *Special Exception* in an OM and OL district to permit amended previously approved site plan to add an addition to the existing church and school buildings containing 22,000 SF, on property located at 7700 South Lewis Avenue.

**BOA-22604 March 2019:** The Board of Adjustment **approved** a *Variance* to permit increased allowable number of signs in an OM District to permit two signs per street frontage, on property located at 7700 South Lewis Avenue East.

**BOA-16749 July 1994:** The Board of Adjustment **approved** a *Special Exception* to permit an open-air activity (tent) for a temporary period, on property located at 7502 South Lewis.

**PUD-495-A August 1994:** All concurred in **approval** of a proposed *Major Amendment* to PUD on a 17.065± acre tract of land for on property located 2019 East 81<sup>st</sup> Street South.

**Z-6376/PUD-495:** All concurred in **approval** of a request to rezone a 28± acre tract of land from CO & AG to CS & OM and **approval** of a proposed *Planned Unit Development* for vehicle repair and service and customary accessory uses, on property located 2019 East 81<sup>st</sup> Street South.

**BOA-15979 March 1992:** The Board of Adjustment **approved** a Minor *Special Exception* to permit amended previously approved plot plan by less than 15%, on property located at 7700 South Lewis.

**Z-6152 April 1987:** All concurred in **approval** of a request for *rezoning* a 38.21± acre tract of land from AG & RM-1 to OL on property located 7700 South Lewis Avenue East.

**BOA-14394 March 1987:** The Board of Adjustment **approved** a *Special Exception* to permit a church and related uses in an RM-1 zoned district, on property located at West side of Lewis Avenue at 75<sup>th</sup> Street.

**PUD-217-A March 1987:** All concurred in **approval** of a proposed *Planned Unit Development Abandonment* on an 8.96± acre tract of land for on property located West of South Lewis at 75<sup>th</sup> Street.

**BOA-14244 October 1986:** The Board of Adjustment **approved** a *Minor Variance* to permit front yard setback from 55' to 54' to allow for existing dwelling unit in order to clear the title, on property located at 8312 East 80<sup>th</sup> Place.

**Z-6075 December 1985:** All concurred in **approval** of a request for *rezoning* a --± acre tract of land from RS-1 to RS-2 on property located 2608 E. 74<sup>th</sup> Street South & 2614 E. 74<sup>th</sup> Place South.

**BOA-12808 October 1983:** The Board of Adjustment **approved** a *Variance* to permit lot width from 60' to 47.2', 50.2', 44.7' & 47.8 respectively; & a *Variance* of lot area from 6,900 to 5459, 5757, 5175 and 5487 square feet; & a *Variance* of livability space per dwelling unit from 4000 to 2783, 2982, 2770 and 2811 square feet; & a *Variance* of the side yard requirement from 5 to 0, 4.9 and 4.8 feet to permit splitting 2 existing duplexes in an RS-3 zoned district, on property located at South and East of the SE corner of East 81<sup>st</sup> Street South and Delaware Avenue.

**BOA-11792 February 1982:** The Board of Adjustment **approved** a *Variance* to permit the area requirements from 9,000 square feet to approximately 5,625 square feet; & a *Variance* of the frontage requirement from 75' to 18' on Tract I; & a *Variance* of the frontage requirements on Tract II from 75' to 20' to permit a lot-split in an RS-3 District, on property located at West of the Northwest corner of 74<sup>th</sup> Court and Birmingham Avenue.

**BOA-11608 September 1981:** The Board of Adjustment **approved** a *Variance* to permit frontage requirements to permit a lot split, on property located at Northwest corner of East 74<sup>th</sup> Court and south Birmingham Avenue.

**BOA-10823 December 1979:** The Board of Adjustment **approved** a *Special Exception* to permit duplexes in an RS-3 District; & a *Variance* of the front setback requirements from 25' to 20'; the rear setback from 81<sup>st</sup> Street from 35' to 20'; and on corner lots from 25' to 15', on property located at Southeast of 81<sup>st</sup> Street and Delaware Avenue.

**BOA-9810 January 1978:** The Board of Adjustment **approved** a *Variance* to permit an IR District a teaching hospital as a part of the City of Faith Medical Complex to be constructed as a part of the campus of Oral Roberts University; and an Interpretation of the zoning text, on property located at Southeast of 81<sup>st</sup> Street and Lewis Avenue.

**TMAPC Action; 10 members present:**

On **MOTION** of **REEDS**, the TMAPC voted 10-0-0 (Carr, Covey, Craddock, Kimbrel, Krug, Reeds, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Bayles, “absent”) to **CONTINUE** Item 7 to January 4, 2023.

\*\*\*\*\*

Mr. Zalk recused himself on item number 8.

- 8. **Z-7685 Aras Group, LLC** (CD 5) Location: East of the northeast corner of South Memorial Drive and East 41st Street South requesting rezoning from **IL to CH**

**STAFF RECOMMENDATION:**

**SECTION I: Z-7685**

**DEVELOPMENT CONCEPT:** Convert an under-utilized hotel to multi-family housing. Multi-family housing is not allowed in an IL district. Rezoning is required to achieve the goal of repurposing that hotel.

**DETAILED STAFF RECOMMENDATION:**

Z-7685 requests CH zoning which is consistent with the Employment land use designation of the Comprehensive Plan. CH zoning will provide opportunities to convert the hotel use to multi-family residential uses. That use will support surrounding business and employment centers and,

The CH district is primarily intended to accommodate high-intensity commercial and related uses primarily in the core area of the city; encourage use of properties and existing buildings along older commercial corridors; and minimize encroachment and adverse land use impacts on stable residential neighborhoods. This zoning change will support repurposing existing buildings and has little or no impact on surrounding residential neighborhoods and,

Uses allowed in an CH district are similar and consistent with the expected development of surrounding IL properties,

Staff recommends Approval of Z-7685 to rezone property from IL to CH.

**SECTION II: Supporting Documentation**

**Land Use Vision:**

*Land Use Plan map designation:* Employment

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

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

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

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: Secondary Arterial with Multi Modal Corridor designation:*

East 41<sup>st</sup> Street South 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: This is an existing hotel site with multiple buildings and ample parking. Originally the hotel was constructed with fourteen buildings and used as an extended stay hotel. Staff supports the idea of converting the hotel to multi-family workforce housing. The original extended stay hotel property included 4 buildings south of this site that have previously been converted to office uses.*

**Environmental Considerations:** None that affect site redevelopment

**Streets:**

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 41 <sup>st</sup> Street South	Secondary Arterial with Multi Modal Corridor	100 feet	5 2 each direction with center turn lane

**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:**

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	IL	Employment	Growth	Vehicle sales and service
East	IL	Employment	Growth	AT&T support facility
South	IL	Employment	Growth	Retail /wholesale and vehicle service
West	IL	Employment	Growth	Retail

**SECTION III: Relevant Zoning History**

**History: Z-7685**

***Subject Property:***

**ZONING ORDINANCE:** Ordinance number 11824 dated June 26, 1970, established zoning for the subject property.

***Surrounding Property:***

**BOA-22708 August 2019:** The Board of Adjustment **approved** a *Verification* of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary, on property located at 8153 East 41<sup>st</sup> Street South.

**BOA-18127 August 1998:** The Board of Adjustment **denied** a *Variance* to permit promotional banners to be attached to existing light poles for a period to exceed the allowed maximum 40 days per year and allow the banners on a permanent basis, on property located at 4111 South Memorial.

**BOA-17298 February 1996:** The Board of Adjustment **approved** a *special Exception* to permit the display of automobiles for sale on a surface other than an all-weather material behind the setback line immediately west of the showroom floor limited to no more than ten vehicles at any time, on property located at 3939 South Memorial Drive.

**BOA-17038 May 1995:** The Board of Adjustment **denied** a *Variance* to permit the requirement that vehicles parked, stored or displayed for sale must be on an all-weather surface on or before January 1, 1995 or in the alternative, a *Special Exception* to permit storage and/or display of motorized vehicles on a surface other than one consisting of an all-weather material if located behind the building setback line, on property located at 3939 South Memorial Drive.

**BOA-16627 April 1994:** The Board of Adjustment **approved** an Appeal of the decision of the Administrative Official that the all-weather surface requirement for off-street parking applies to the activities conducted on the site, or in the alternative a *Variance* to permit the placement, parking and display of automobiles on areas not surfaced with all-weather material, on property located at 3939 South Memorial Drive.

**BOA-10519 June 1979:** The Board of Adjustment **approved** a *Special Exception* to permit removal of the screening requirement where the purpose of the screening cannot be achieved, on property located at 3939 South Memorial Road.

**BOA-8245 May 1974:** The Board of Adjustment **approved** a *Special Exception* to permit furniture sales in an IL District, on property located at North & East of 41<sup>st</sup> Street & Memorial.

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

**TMAPC Comments:**

Mr. Covey asked if the Land Use designation, which is Employment, would need to change.

Staff stated in the Employment Land Use designation there are considerations that support the idea of having workforce housing and that does support the employment opportunity for this area.

Mr. Covey asked if multi-family housing is good in an Employment designation anywhere.



Staff stated “no” it not good everywhere but because of the proximity to the expressway on the north and arterial streets around it the idea of including multi-family as a mix of uses in the Employment designation is good in this location. He stated is this instance the subject property was a hotel.

Mr. Craddock asked what the definition of workforce housing was.

Staff stated its not something defined in the Zoning Code but that is intended to be smaller living environment and a little more affordable than multi-family.

Ms. Carr stated her understanding of workforce housing is instead of making the market rate the owner may decide to set the monthly rent a little lower but they are not taking section 8 vouchers.

**Interested Parties:**

**Adam Landis** 3807 S 93<sup>rd</sup> East Avenue, Tulsa, Ok 74145

Mr. Landis stated there are over 400 rental units in this neighborhood. He stated this is an investment area and there are a lot of absentee landowners. He stated he is concerned about affordability. Mr. Landis stated he has friends who rent and their rent goes up at every lease renewal. He stated the same group that purchased the hotel down the street is responsible for the subject property also. Mr. Landis stated his friend has one of those tiny little spaces and it's cheaper than renting a whole house but he is paying more than he used to for the same space. He stated he understands redevelopment and wanting to clean up the area but he is concerned about ordinary people being able to afford these spaces.

Mr. Covey asked if Mr. Landis was for or against this application.

Mr. Landis stated he is not against it he just wants these things considered when building this project.

The applicant was not present.

Mr. Zalk recused and was not present for the hearing or the vote.

**TMAPC Action; 9 members present.**

On **Motion** of **COVEY**, the TMAPC voted 8-0-1 (Carr, Covey, Craddock, Krug, Reeds, Shivel, Walker, Whitlock, “aye”; no “nays”; Kimbrel, “abstaining”; Bayles, “absent”) to recommend **APPROVAL** of the CH zoning for Z-7685 per staff recommendation.

**Legal Description for Z-7685 :**

All that part of Lot Three (3), Block One (1), AMENDED PLAT OF BOND SECOND ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat No. 2646, being more particularly described as follows, to wit:

BEGINNING at the Southeast Corner of said Lot 3, Block 1;

THENCE due West along the South boundary line of said Lot 3, Block 1, a distance of 339.00 feet;  
THENCE due North a distance of 578.64 feet;

THENCE North 87° 57' 43" East a distance of 337.86 feet to a point on the East boundary line of said Lot 3, Block 1;

THENCE South 0° 06' 47" East along said East boundary line a distance of 578.87 feet to the POINT OF BEGINNING.

SAID PREMISES being known as and by 8181 East 41st Street, Tulsa, Oklahoma. LESS AND EXCEPT:

A tract of land that is a part of Lot Three (3), in Block One (1), of Amended Plat of BOND SECOND ADDITION, to 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:

Commencing at the Southeast Corner of said Lot Three (3), in Block (1);

Thence due West along the South boundary line of said Lot Three (3), Block One (1), for 39.00 feet to the Point of Beginning of said tract of land;

Thence continuing due West for 300.00 feet; Thence due North for 185.72 feet;

Thence South 89° 23' 58" East for 48.71 feet;

Thence South 79° 18' 10" East for 36.82 feet;

Thence South 89° 34' 55" East for 104.50 feet;

Thence North 80° 05' 54" East for 34.53 feet;

Thence North 76° 47' 25" East for 19.16 feet;

Thence North 89° 55' 36" East for 57.95 feet;

Thence due South for 187.86 feet to the Point of Beginning of said tract of land.

\* \* \* \* \*

9. **Z-7686 Mark Gorman** (CD 4) Location: South of the southeast corner of East 18th Street South and South Boston Avenue requesting rezoning from **RM-2 to MX2-V-35**

**STAFF RECOMMENDATION:**  
**SECTION I: Z-7686**

DEVELOPMENT CONCEPT: Rezoning to support new development opportunities that are allowed in a MX2-V zoning district with a maximum building height of 35 feet.

**DETAILED STAFF RECOMMENDATION:**

Z-7686 request rezoning a tract of land from RM-2 to MX2-V-35. MX2 mixed use district is intended to accommodate retail service, entertainment and employment uses that may serve many surrounding neighborhoods. This district allows a variety of residential uses and building types that are consistent with the existing development pattern in the surrounding neighborhood and,

The variable character designation is generally intended to be applied in auto-oriented areas where a transition to greater level of walkability is underway or desired. The regulations allow greater flexibility in the siting of buildings and parking areas which can be used for landscape, streetscape elements or limited amounts of parking that is appropriate on this property adjacent to residential uses on the south and CH zoning on the north and,

The supplemental regulations for uses, building placement and building design in a MX2-V-35 district provide adequate standards to minimize any adverse land use impact on adjoining residential properties therefore,

Staff recommends Approval of Z-7686 to rezone property from RM-2 to MX2-V-35.

## **SECTION II: Supporting Documentation**

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

***Staff Summary:*** *The uses and supplemental regulations defined in the MX2 zoning district are consistent with the Downtown Neighborhood land use designation. Boston Avenue is one of the primary connectors to the Central Business District*

*The Variable “V” character designation allows building types and placement that are consistent with the Downtown Neighborhood land use designation.*

### **Land Use Vision:**

#### ***Land Use Plan map designation: Downtown Neighborhood***

Downtown Neighborhoods are located outside but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium- to high-rise mixed use residential areas. Downtown Neighborhoods are primarily pedestrian-oriented and are well connected to the Downtown Core via local transit. They feature parks and open space, typically at the neighborhood scale.

#### ***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:** This site abuts the Midland Valley Trail system. That trail connects to the Central Business District and connects to Gathering Place and the River Parks trail system. Future development should consider taking advantage of the trail system as an amenity and encourage trail users to enter and exit commercial development. Site plan and building placement should limit vehicular conflicts with the trail and encourage pedestrian and bicycle connectivity.

**Small Area Plan:** None

**Special District Considerations:** This subject property is near the southeast corner of the Neighborhood Infill Overlay. The overlay provides development opportunities for residential infill in the near downtown neighborhoods and the overlay allows for a variety of residential housing types in a manner that is compatible, in mass and scale, with the character of surrounding properties. The regulations are also intended to promote housing types that accommodate households of varying sizes and income levels and provide for a more efficient use of residential land. MX2-V-35 districts are exempt from the provisions of the overlay.

**Historic Preservation Overlay:** None

**DESCRIPTION OF EXISTING CONDITIONS:**

**Staff Summary:** The subject property includes a log cabin style building, open space and surface parking. All of the lots are adjacent to the trail system and South Boston Avenue.

**Environmental Considerations:** None that would affect site redevelopment.

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Boston Avenue	None	50 feet	2
Midland Valley Trail	none	none	Multipurpose trail system

**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	RM-2	Downtown Neighborhood	Growth	Surface Parking
East	RM-2	Park and open space	Stability	Midland Valley Trail

South	RM-2	Downtown Neighborhood	Growth	Townhouses
West	OL and OM	Downtown Neighborhood	Growth	Surface parking for banking and church uses

## SECTION III: Relevant Zoning History

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

### **History: Z-7686**

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

**Z-7676 September 2022:** All concurred in **denial** of a request for *rezoning* a 1± acre tract of land from RM-2 to CH on property located South of the Southeast corner East 18<sup>th</sup> street South & South Boston Avenue.

**SA-5 (Neighborhood Infill Overlay) August 2021:** All concurred in **approval** of a request for a Special Area Overlay on multiple properties along the multiple properties located within certain neighborhoods adjacent to downtown to establishes zoning regulations that are intended to promote the development of alternative infill housing in established neighborhoods. The overlay allows for a variety of residential housing types in a manner that is compatible, in mass and scale, with the character of surrounding properties. The regulations are also intended to promote housing types that accommodate households of varying sizes and income levels and provide for a more efficient use of residential land and available public infrastructure.

**BOA-18547 November 1999:** The Board of Adjustment **approved** an *appeal from determination of City of Tulsa Zoning Official* that concrete grass paver blocks do not constitute “all-weather material”, as defined by the provisions of Section 1800 of the Zoning code; request for interpretation that such material does constitute “all-weather material” permitted for use in surfacing off-street parking areas in residentially zoned districts in the alternative, & a *Variance* from the requirement that an unenclosed off street parking area be surfaced with an all-weather material, to permit the use of concrete grass paver blocks in a residentially zoned district on property located at 1907 S. Boston Ave.

**BOA-18156 August 1998:** The Board of Adjustment **approved** a *Special Exception* to permit the use of the subject property for offices & a *Variance* from the requirement for the location of off-street parking spaces on the lot containing the use for which such parking spaces are provided & a *Variance* of the setback requirement for parking spaces from the centerline of the abutting street & *Variance* of the requirement for a screening wall or fence along the lot lines in common with the abutting R District, on property located at 1903-1907 S. Boston Ave.

**BOA-17037 May 1995:** The Board of Adjustment **approved** a *Special Exception* to permit a physical therapy office in an RM-2 District & a *Special Exception* to modify the screening requirement, on property located at 1829 S. Boston Ave.

**BOA-17037 May 1995:** The Board of Adjustment **approved** a *Special Exception* to permit a physical therapy office in an RM-2 District & a Special Exception to modify the screening requirement, on property located at 1829 S. Boston Ave.

**BOA-16699 April 1993:** The Board of Adjustment **approved** a *Special Exception* to permit required parking on a lot other than the lot containing the principal use, & a *Special Exception* to permit parking in an RM District, on property located at 1817-1825 South Boston Ave.

**BOA-4800 October 1965:** The Board of Adjustment **grants** permission to establish off-street parking, on property located at Lot 20, Block 2, Boston Addition.

**BOA-3811 May 1962:** The Board of Adjustment **grants** permission to establish off-street parking, on property located at Lot 6, Block 3, Seig Addition

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

**SA-5 (Neighborhood Infill Overlay) August 2021:** All concurred in **approval** of a request for a Special Area Overlay on multiple properties along the multiple properties located within certain neighborhoods adjacent to downtown to establishes zoning regulations that are intended to promote the development of alternative infill housing in established neighborhoods. The overlay allows for a variety of residential housing types in a manner that is compatible, in mass and scale, with the character of surrounding properties. The regulations are also intended to promote housing types that accommodate households of varying sizes and income levels and provide for a more efficient use of residential land and available public infrastructure.

**Z-7626 December 2021:** All concurred in **approval** of a request for *rezoning* a .41± acre tract of land from RM-2 & OL to MX1-U-45 with optional development plan on property located Southwest corner of East 18<sup>th</sup> Street South & South Cincinnati Avenue.

**BOA-22208 February 2017:** The Board of Adjustment **approved** a *Special Exception* to permit Low-Impact Manufacturing and Industry in the CH district to permit a microbrewery, on property located at 108 East 18<sup>th</sup> Street South.

**BOA-21539 February 2013:** The Board of Adjustment **approved** a *Special Exception* to permit a trapeze, on property located at 1918 South Boston Avenue East.

**BOA-21327 September 2011:** The Board of Adjustment **approved** a *Variance* to permit the parking requirements for a school in an RM-2 District & a *Variance* of building setback from an R District for a Special Exception use from 25' to 12', on property located at 1920 South Cincinnati.

**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 CH district, on property located at 118 East 18<sup>th</sup> Street.

**BOA-19915 September 2004:** The Board of Adjustment **approved** a *Variance* to permit 300 feet spacing from another Adult Entertainment Establishment; & a *Special Exception* to permit required parking on a lot other than that containing the use, on property located at 1747 South Boston Avenue East.

**BOA-18164 September 1998:** The Board of Adjustment **approved** a *Special Exception* to permit an adult entertainment establishment within 150' of an R District & a *Variance* to permit an adult entertainment establishment within 300' of another adult entertainment establishment & a *Variance* to permit parking on a lot other than lot on which Use Unit 1212 (a) is located, on property located at 112 & 116 East 18<sup>th</sup> Street.

**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 541 South 43<sup>rd</sup> W. Ave.

**BOA-16292 April 1993:** The Board of Adjustment **approved** a *Variance* to permit the required setback from the centerline of East 18<sup>th</sup> street from 35' to 32' to permit an existing sign, on property located at 112 East 18<sup>th</sup> Street.

**BOA-15422 April 1990:** The Board of Adjustment **approved** a *Variance* to permit required parking spaces to be, on property located at 112 East 18<sup>th</sup> Street.

**BOA-13388 November 1884:** The Board of Adjustment **approved** a *Variance* to permit the number of parking spaces for a private club from 24 to 5 in a CG zoned district & a *Variance* to permit off-site parking for a private club in a CG zoned district, on property located at on the Northwest and Northeast corners of 18<sup>th</sup> and Boston Avenue.

**BOA-12875 November 1983:** The Board of Adjustment **approved** a *Special Exception* to permit office use in an RM-2 zoned district & a *Variance* of the screening requirement on the south side; & a *Variance* of lot coverage from 50% to 60%, & a *Variance* of lot frontage from 50' to 45' & a *Variance* of the parking requirements from 11 to 9 spaces & a *Variance* of the minimum side yard requirement from abutting residential districts from 10' to 1.8 and 6.2' in an RM-2 zoned district, on property located at North of the Northeast corner of East 21<sup>st</sup> Street South and South Boston Avenue.

**BOA-12760 August 1983:** The Board of Adjustment **approved** a *Special Exception* to permit office use in an RM-2 zoned district & a *Special Exception* to waive the screening requirements from abutting residential district & a *Variance* of the setback requirement from abutting residential district from 10' to 4.22' & a *Variance* & a *Variance* of the required all-weather parking surface requirement, on property located at 123<sup>rd</sup> East 21<sup>st</sup> Street.



**BOA-11854 March 1982:** The Board of Adjustment **approved** a *Special Exception* to permit office use in an RM-2 District & a *Variance* of the screening requirement when abutting an R district, on property located at 1921 South Boston Avenue.

**BOA-11728 December 1981:** The Board of Adjustment **approved** a *Special Exception* to permit offices in an RM-2 District, on property located at 1921 South Boston Avenue.

**BOA-4781 September 1965:** The Board of Adjustment **granted** permission to replace residential garage in rear yard on a U-3-B District, on property located at Lot 20, Block 1, Boston Addition.

**TMAPC Comments:**

Mr. Covey stated this application was denied in September 2022.

Staff stated it was a larger piece of land when it was before Planning Commission last time. He stated this new application removes the request for CH on the northside and is just focusing on redevelopment of the existing building with MX zoning.

Mr. Covey stated he didn't think this property could come back before Planning Commission for 6 months.

Staff stated it was a different application. He stated the geography is different and the zoning request is different.

Mr. Craddock asked if the uses reviewed in September are still the same uses in today's application.

Staff stated the big part of the conversation last time was centered around a dog park. He stated that this application is for an Assembly and Entertainment Use that just happens to allow dogs and that made sense for the Assembly and Entertainment Use. Staff stated the idea is to repurpose the existing building for a restaurant that allows dogs just like Home Depot.

Ms. Kimbrel asked if staff could give some examples where the MX zoning addresses some of the neighbor's concerns where CH did not.

Staff stated in a CH district there is no building height limit or provisions on how to design and build the site. He stated in MX zoning the building is limited to 35 feet like any residential use. Staff stated CH zoning has a very broad set of uses and part of the concern of last time was if CH is approved and the business does not last what happens to the land that is now zoned CH. The MX zoning tightens up the uses.

Ms. Krug asked if the buffer between the properties was more extensive in MX versus CH.

Staff stated there is not much difference between them.

Ms. Carr asked if the applicant had spoken to the neighborhood.

Staff stated "yes".

**Applicant Comments:**

**Mark Gorman** 1332 South Knoxville Avenue, Tulsa, OK

The applicant stated in September they requested CH zoning without thinking through the effect on the neighborhood and when the neighbors opposed the application at the last meeting it was a surprise to him. He stated the neighbor's concerns were important and if he was in their shoes he would have felt the same way. The applicant stated after the meeting in September they held 3 neighborhood meetings that were well attended. He stated at the meeting they answered questions and there was a lot of support for their project. The applicant stated this development is designed to be a walkable amenity. He stated this is not a destination it is meant to be part of the daily routine. The applicant stated these kinds of projects is what the city should be pushing for this area, commercial heavy, it doesn't make sense for a lot of the downtown districts mixed use has all the restrictions in place that will make people comfortable and it can limit uses. He stated in October or November City Council approved another Mixed Use restaurant about 300 yards away from the subject property so the MX zoning perfectly aligns with the precedent that's already been set over the last couple of months.

Mr. Covey asked if the applicant reached out to all of the protesters that showed up at the last meeting.

The applicant stated they met personally with all of them except Mr. Courtney who was difficult to get in touch with him. He stated he taped postcards to everybody's door and made every attempt that I can to talk to everyone.

Mr. Craddock stated he is familiar with the different zoning designations but the reason that he voted to deny last time was not that it was CH but because of the uses requested. He stated he does not feel it's appropriate for this RS-2 district. Mr. Craddock stated he is very protective of the zoning so that the neighbors can rely on that zoning and what we, as officials, say we think the proper zoning for that area is.

The applicant stated the Mixed Use zoning still allows for residential to be built so they are not sealing this off as somewhere where houses could never be built. He stated this is a small tail off of a commercial district that the City has already invested millions into, it is not going into the center of the neighborhood.

**William Courtney** 1907 South Boston Avenue, Tulsa, OK 74119

Mr. Courtney stated he lives next to the subject property. He stated the applicant has a Facebook page where he advertises that alcohol will be served at this site. That they will put lights up so they can stay open late. Mr. Courtney stated they are a residential building and they have no buffer and it is located 20 feet from their property. He stated there are a lot of liquor licenses floating around this neighborhood and they don't want anymore. He stated this

affects their quality of life and the value of their homes and he is asking for Planning Commission to deny the application.

**Brian Elliot** 1362 South Cheyenne Avenue, Tulsa, OK 74119

Mr. Elliot stated he works for the group that owns the subject property under consideration today. He stated they are obviously supportive of Mr. Gorman's efforts. Mr. Elliot stated what they learned last time at Planning Commission was that CH zoning was too aggressive for the property as a whole. Since then, they have paired that back to MX zoning for just 2 lots with a height restriction of 35 feet. He thinks that is better for the neighborhood. Mr. Elliot stated he has heard anything negative from anybody at any of the site meetings. He stated he did contact Mr. Courtney, after one of the meetings but nothing really came of that.

**Kimberly Honea** 1541 South Owasso Avenue, Tulsa OK 74120

Ms. Honea stated she is there representing herself and as a board member of Maple Ridge Neighborhood Association and a resident in the area. She stated she lives and works in the area and moved back here 7 years ago, specifically for Maple Ridge. Ms. Honea stated the 18<sup>th</sup> and Boston district is near and dear to her heart and has been an entertainment district for as long as most of us can remember. She stated this dog park and Mixed Use zoning will be an asset to the neighborhood. Ms. Honea stated she can have a coffee, walk her dog, and take her kid to school. She thinks it fits perfectly with the neighborhood and the neighborhood specifically North Maple Ridge supports it.

Ms. Kimbrel asked how many members of the Neighborhood Association approved of this application.

Ms. Honea stated it was probably 10 of the 17 Board Members. She stated a few of them including herself wrote support letters and sent them to the applicant.

Mr. Craddock stated he gets very concerned about the zoning that we have in place and trying to be very judicious in our zoning so that the neighbors know what they are buying when they move in and he would be very protected of Maple Ridge and North Maple Ridge in the same manner. He stated if one of the neighbors came to Planning Commission and said they wanted to bulldoze a house and put in a dog park he would have to question this. Mr. Craddock stated he knows that there is a lot of commercial and this is a very unique area but this area and he is very protective of this residential designation.

Ms. Honea stated she thinks that saving this cabin as opposed to building a 70 foot apartment complex that we have no idea what the design is going to be is the better choice, if it was in the middle of the neighborhood that would be a little different story but this is an already established entertainment district.

The applicant stated part of the reason they picked this location was because they wanted to preserve the history instead of tearing it down and building apartment buildings. He stated this is currently an empty parking lot with a decrepit log cabin, that is a blight on the neighborhood. He stated across the street, they have already torn out blighted houses in an effort to revitalize this neighborhood. The applicant stated a lack of multifamily housing is not

what this area is hurting for there are 6 brand new, very beautiful, very high end multifamily apartment complexes and condos that have been built on 19<sup>th</sup> Street. He stated the problem is there's nothing for them to do within walking distance, there are no restaurants and there are very few watering holes. The applicant stated South Boston fills a need for that community, because it is separated from it. He stated they are not asking to build a skyscraper in the middle of a Historic neighborhood or to bulldoze half of a neighborhood in order to build apartment complexes. It is an empty parking lot that will stay an empty parking lot unless someone tries to do something with it and they are trying to find a creative way to use a space that already exists, that adds to the community and doesn't take away anything.

Mr. Reeds asked how far the fence sits from the property line.

The applicant stated it's a little scary because there's actually a property line that runs down the middle of the condo driveway to the right of this development and they have a permanent access easement. He stated because of their permanent access easement, the buffer fence will be placed along the grass edge, which is about three feet. He stated the intention is to leave that permanent access easement open for the residents of those condos and not hinder that in any way.

Mr. Craddock made a motion to deny the application, that motion failed.

**TMAPC Action; 10 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 9-1-0 (Carr, Covey, Kimbrel, Krug, Reeds, Shivel, Walker, Whitlock, Zalk, "aye"; Craddock, "nays"; none "abstaining"; Bayles, "absent") to recommend **APPROVAL** of the MX2-V-35 zoning for Z-7686 per staff recommendation.

**Legal Description for Z-7686:**

LT 22 & 23 BLK 2, BOSTON ADDN, City of Tulsa, Tulsa County, State of Oklahoma

\* \* \* \* \*

Items 10 and 11 were presented together.

- 10. CZ-537 Nathan Cross** (County) Location: Northeast corner of East 136th Street North and North Memorial Drive requesting rezoning from **AG to RE and PUD-864 (Related to PUD-864)**

**STAFF RECOMMENDATION:**  
**SECTION I: CZ-537**

**DEVELOPMENT CONCEPT:** The applicant is requesting to rezone from AG to RE to permit a single-family subdivision. A PUD (PUD-864) is being concurrently proposed with this rezoning to establish the allowable use and the bulk and area requirements. The lots are intended to be half acre minimum in size. Sewer is proposed to be provided with sewer systems on each lot and are to meet Oklahoma Department of Environmental Quality

regulations. The proposal lies within the Residential designation of the City of Collinsville Comprehensive Plan, which has been adopted as part of the Tulsa County Comprehensive Plan. This proposal, along with the accompanying PUD are compatible with this designation.

**DETAILED STAFF RECOMMENDATION:**

CZ-537 is non-injurious to surrounding proximate properties;

CZ-537 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends **Approval** of CZ-537 to rezone property from AG to RE

**SECTION II: Supporting Documentation**

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary:

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

Land Use Vision:

*Land Use Plan map designation: Residential*

*Residential land use includes single-family homes, duplexes, townhouses, apartment units, and manufactured homes.*

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

Transportation Vision:

*Major Street and Highway Plan: Both N Memorial Dr and E 136<sup>th</sup> St N 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 agricultural land*

Environmental Considerations: None

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
N Memorial Drive	Secondary Arterial	100 Feet	2
E 136 <sup>th</sup> Street S	Secondary Arterial	100 Feet	2

Utilities:

The subject tract has municipal water available sewer will by an ODEQ approved system.

Surrounding Properties:

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

**SECTION III: Relevant Zoning History**

**History: CZ-537 Rel to PUD-864**

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

***Subject Property:***

**CZ-533 Withdrawn July 2022:** Request to rezone a 78.5+ acre tract of land from AG to RE for Single-family Residential on property located Northeast corner of E. 136<sup>th</sup> Street North and North Memorial Drive.

***Surrounding Property:***

**BOA-1996 August 2002:** The Board of Adjustment **approved** a *Variance* to permit land area per dwelling unit from 2.1 to 2.01 acres in an AG district, on property located at 13920 N. 86<sup>th</sup> E. Ave.

**BOA-10728 October 1979:** The Board of Adjustment **approved** a *Special Exception* to permit a mobile home in an AG district; & a *Variance* of the 5-acre minimum for a mobile home in an agriculture district, on property located at 86<sup>th</sup> East Avenue and 137<sup>th</sup> Street North.

**BOA-11080 July 1980:** The Board of Adjustment **approved** a *Special Exception* to permit a mobile home in an AG district; & a *Variance* of the 5-acre minimum for a mobile home in an agriculture district, on property located at South of 136<sup>th</sup> street, North on 83<sup>rd</sup> East Avenue.

**BOA-9181 September 1976:** The Board of Adjustment **approved** a *Variance* to permit the front footage requirements from 300' to 164' to permit a lot-split in an AG District, on property located at East of the Northeast corner of Memorial Boulevard and 136<sup>th</sup> street North.

**CBOA-2155 December 2004:** The Board of Adjustment **approved** a *Variance* to permit Land Area Per Dwelling Unit, from 2.1 acres per dwelling unit to 1.3 acres, on property located at 9019 East 142<sup>nd</sup> Street North.

Mr. Craddock asked if the subject property fell within the City of Collinsville Comprehensive Plan.

Staff stated it falls within their fenceline and the City of Collinsville Comprehensive Plan has been adopted as part of the Tulsa County Comprehensive Plan.

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

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

**TMAPC Action; 10 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 10-0-0 (Carr, Covey, Craddock, Kimbrel, Krug, Reeds, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Bayles, "absent") to recommend **APPROVAL** of the RE zoning for CZ-537 per staff recommendation.

**Legal Description for CZ-537:**

THE WEST HALF (W/2) OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY-FIVE (25), TOWNSHIP TWENTY-TWO (22) NORTH, RANGE THIRTEEN (13) EAST OF

THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA,  
ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF

\* \* \* \* \*

**11. PUD-864 Nathan Cross** (County) Location: Northeast corner of East 136th Street North and North Memorial Drive requesting rezoning from **AG to RE and PUD-864 (Related to CZ-537)**

**STAFF RECOMMENDATION:**  
**SECTION I: PUD-864**

**DEVELOPMENT CONCEPT:** The applicant is requesting to rezone from AG to RE with a PUD overlay to permit a single-family subdivision. A rezoning is being concurrently proposed with this PUD (CZ-537). The proposed PUD will establish the allowable use as well as bulk and area requirements. Lots will need to be large enough to provide sewer systems on each lot and meet Oklahoma Department of Environmental Quality regulations.

**DETAILED STAFF RECOMMENDATION:**

Uses allowed in PUD-864 are consistent with the Residential land use designation identified in the Tulsa County Comprehensive Land Use plan.

PUD-864 allows lots sizes and uses that are consistent with the anticipated future development pattern of the surrounding property;

PUD-864 is consistent with the provisions of the PUD chapter of the Tulsa County Zoning Code, therefore;

Staff recommends **Approval** of PUD-864 to rezone property from AG to RE, PUD-864.

**DEVELOPMENT STANDARDS:**

**Permitted Uses:** Uses permitted as a matter of right in RE zoning district in the Tulsa County Zoning Code including, but not necessarily limited to detached single-family dwellings, landscaped features, reserve areas, neighborhood recreational facilities, and uses customarily accessory to permitted uses.

**Maximum Number of Lots:** 111 Lots

**Minimum Lot Width:** 120 FT

**Minimum Lot Size:** 21,780 SF (1/2 acre)

**Minimum Land Area per Dwelling Unit:** 24,780 SF



Minimum Livability Space per Dwelling Unit: 12,000 SF\*

Maximum Building Height: 35 FT\*\*

Off-street Parking: Minimum two (2) enclosed off-street parking spaces required per dwelling unit.

Minimum Yard Setbacks

Front Yard: 35 FT

Rear Yard: 25 FT

Side Yard: 10 FT & 10 FT

\* Livability space may be located on a lot or contained within common open space of the development, as per Section 1140.3 of the Tulsa County Zoning Code.

\*\* Architectural features such as chimneys and cupolas may extend to a maximum height of 45 feet, however, no habitable portion of any dwelling shall exceed the 35' limitation.

**STREETS:** Streets within this PUD, whether public or private, shall be constructed to Tulsa County standards for minor residential streets. Streets may be designed with borrow ditches or curbs and gutters as per design standards approved by Tulsa County. Divided, boulevard-style entrances may be constructed, provided any median landscaping and other entry features shall be maintained by the mandatory homeowners' association.

**ACCESSORY BUILDINGS:** Detached accessory buildings shall be permitted subject to Tulsa County Zoning Code regulations and private restrictions as may be imposed by restrictive covenants or other private deed restrictions filed of record by separate instrument.

**SIGNS:** Subdivision entrance signs shall be permitted at each entrance and/or street frontage and shall comply with the accessory use regulations for signage of the Tulsa County Zoning Code. Signage serving residential neighborhood amenities, appropriate for purpose and neighborhood scale, shall be permitted within reserve areas containing neighborhood amenities. Signage shall otherwise comply with the Tulsa County Zoning Code.

## **SECTION II: Supporting Documentation**

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

#### **Staff Summary:**

*The site is located within the fenceline of the City of Collinsville. The City of Collinsville 2030 Comprehensive Plan was adopted as part of the Tulsa County Comprehensive Plan on September 9, 2019. The planning process for the update of the 2030 Plan was developed by the City Planning Staff and Planning Commission and formalized by the City Commission. Citizen participation in the planning process was sought in a variety of ways. General*

coverage was given in the local Collinsville News regarding the initiation and progress of the study. The Steering Committee was appointed by the City Commission and included elected and appointed officials and citizen representatives of the business and lay community. The committee hosted public forums and conducted an on-line public survey to solicit input on planning and land use related matters pertaining to the update.

Land Use Vision:

*Land Use Plan map designation: Residential*

*Residential land use includes single-family homes, duplexes, townhouses, apartment units, and manufactured homes.*

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

Transportation Vision:

*Major Street and Highway Plan: Both N Memorial Dr and E 136<sup>th</sup> St N 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 agricultural land*

Environmental Considerations: None

Streets:

<b>Existing Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
N Memorial Drive	Secondary Arterial	100 Feet	2
E 136 <sup>th</sup> Street S	Secondary Arterial	100 Feet	2

Utilities:

The subject tract has municipal water available sewer will by an ODEQ approved system.

Surrounding Properties:

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

**SECTION III: Relevant Zoning History**

**History: CZ-537 Rel to PUD-864**

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

***Subject Property:***

**CZ-533 Withdrawn July 2022:** Request to rezone a 78.5± acre tract of land from AG to RE for Single-family Residential on property located Northeast corner of E. 136<sup>th</sup> Street North and North Memorial Drive.

***Surrounding Property:***

**BOA-1996 August 2002:** The Board of Adjustment **approved** a *Variance* to permit land area per dwelling unit from 2.1 to 2.01 acres in an AG district, on property located at 13920 N. 86<sup>th</sup> E. Ave.

**BOA-10728 October 1979:** The Board of Adjustment **approved** a *Special Exception* to permit a mobile home in an AG district; & a *Variance* of the 5-acre minimum for a mobile home in an agriculture district, on property located at 86<sup>th</sup> East Avenue and 137<sup>th</sup> Street North.

**BOA-11080 July 1980:** The Board of Adjustment **approved** a *Special Exception* to permit a mobile home in an AG district; & a *Variance* of the 5-acre minimum for a mobile home in an agriculture district, on property located at South of 136<sup>th</sup> street, North on 83<sup>rd</sup> East Avenue.

**BOA-9181 September 1976:** The Board of Adjustment **approved** a *Variance* to permit the front footage requirements from 300' to 164' to permit a lot-split in an AG District, on property located at East of the Northeast corner of Memorial Boulevard and 136<sup>th</sup> street North.

**CBOA-2155 December 2004:** The Board of Adjustment **approved** a *Variance* to permit Land Area Per Dwelling Unit, from 2.1 acres per dwelling unit to 1.3 acres, on property located at 9019 East 142<sup>nd</sup> Street North.

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

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

**TMAPC Action; 10 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 10-0-0 (Carr, Covey, Craddock, Kimbrel, Krug, Reeds, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Bayles, "absent") to recommend **APPROVAL** of PUD-864 per staff recommendation.

**Legal Description for PUD-864 :**

THE WEST HALF (W/2) OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY-FIVE (25), TOWNSHIP TWENTY-TWO (22) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF

\* \* \* \* \*

12. **PUD-828-A Erik Enyart** (CD 8) Location: South of the southwest corner of East 121st Street South and South Sheridan Road requesting a **PUD Major Amendment** to abandon a portion of PUD-828

**STAFF RECOMMENDATION:**

**SECTION I: PUD-828-A**

**DEVELOPMENT CONCEPT:** The applicant is proposing to abandon a portion of PUD-828. The lots in the subject area would be subject to the zoning code requirements of the underlying zoning, RS-3. A previous minor amendment (PUD-828-4) was approved on November 16<sup>th</sup> which removed the development standards of the PUD from the subject lots.

**DETAILED STAFF RECOMMENDATION:**

PUD-828-A is consistent with the New Neighborhood vision of the Tulsa Comprehensive Plan and,

PUD-828-A is consistent with the expected development of surrounding properties and,

All remaining development standards defined in PUD-828 and subsequent amendments shall remain in effect for the portions of the PUD not being abandoned, therefore,

**Staff recommends Approval of PUD-828-A to abandon the PUD as proposed.**

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The subject area is located with the New Neighborhood designation of the City of Tulsa Comprehensive Land Use Plan.*

#### Land Use Vision:

*Land Use Plan map designation: New Neighborhood*

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

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

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the City where general agreement exists that development or redevelopment is beneficial.

#### Transportation Vision:

*Major Street and Highway Plan: South Sheridan Road is designated as a secondary arterial.*

*Trail System Master Plan Considerations: The subject area is located adjacent to the Adison Creek Trail*

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 subdivision that is under construction.*

Environmental Considerations: None

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Sheridan Road	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	New Neighborhood	Growth	Vacant
South	RS-3	New Neighborhood	Growth	Single-Family / Detention Pond
East	RS-3/PUD-828	New Neighborhood	Growth	Single-Family
West	RS-3	New Neighborhood	Growth	Vacant

**SECTION III: Relevant Zoning History**

**History: PUD-828-A Rel.**

**ZONING ORDINANCE:** Ordinance number 23307 dated June 19, 2015, established zoning for the subject property.

***Subject Property:***

**Z-7295/PUD-828 April 2015:** All concurred in **approval** of a request to rezone a 30± acre tract of land from AG to RS-3 and **approval** of a proposed *Planned Unit Development* for single-family subdivision, on property located South of southwest corner of East 121<sup>st</sup> Street and South Sheridan Road.

***Surrounding Property:***

**Z-7470 April 2019:** All concurred in **approval** of a request for *rezoning* a 1.1± acre tract of land from RS-3 to CS with an optional development plan, on property located North of the northwest corner of East 131<sup>st</sup> Street South and South Sheridan Road.

**Z-7337 June 2016:** All concurred in **approval** of a request for *rezoning* a 64.01± acre tract of land from AG to RS-3 on property located South of the southwest corner of East 121<sup>st</sup> Street and South Sheridan Road.

**BOA-12274 November 1982:** The Board of Adjustment **approved** a *Special Exception* to permit a mobile home along with an existing single-family dwelling in an AG district, on property located at north of the northwest corner of 131<sup>st</sup> and Sheridan Road.

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

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

**TMAPC Action; 10 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 10-0-0 (Carr, Covey, Craddock, Kimbrel, Krug, Reeds, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Bayles, "absent") to recommend **APPROVAL** to abandon a portion of PUD-828 per staff recommendation.

**Legal Description for PUD-828-A:**

A TRACT OF LAND THAT IS PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION THREE (3), TOWNSHIP SEVENTEEN (17) 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: COMMENCING AT THE NORTHWEST CORNER OF "ENCLAVE AT ADDISON CREEK", A SUBDIVISION WITHIN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 6802); THENCE SOUTH 1°05'06" EAST, AND ALONG THE WESTERLY BOUNDARY LINE OF SAID "ENCLAVE AT ADDISON CREEK", FOR A DISTANCE OF 61.05 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE WESTERLY BOUNDARY LINE OF SAID "ENCLAVE AT ADDISON CREEK", FOR THE FOLLOWING EIGHT (8) COURSES: SOUTH 1°05'06" EAST FOR A DISTANCE OF 118.95 FEET; THENCE SOUTH 88°54'54" WEST FOR A DISTANCE OF 79.02 FEET; THENCE SOUTH 1°01'02" EAST FOR A DISTANCE OF 563.28 FEET; THENCE SOUTH 21°55'55" WEST FOR A DISTANCE OF 181.06 FEET; THENCE SOUTH 43°19'07" WEST FOR A DISTANCE OF 131.80 FEET; THENCE SOUTH 34°00'00" WEST FOR A DISTANCE OF 202.64 FEET; THENCE SOUTH 56°00'00" EAST FOR A DISTANCE OF 116.93 FEET; THENCE SOUTH 34°00'00" WEST FOR A DISTANCE OF 135.00 FEET TO A POINT, BEING THE SOUTHWEST CORNER OF SAID "ENCLAVE AT ADDISON CREEK", SAID POINT ALSO BEING ON THE NORTHERLY BOUNDARY LINE OF "ADDISON CREEK BLOCKS 1-9", A SUBDIVISION WITHIN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 6833); THENCE NORTH 56°00'00" WEST, AND ALONG THE NORTHERLY BOUNDARY LINE OF SAID "ADDISON CREEK BLOCKS 1-9", FOR A DISTANCE OF 74.22 FEET; THENCE NORTH 1°01'02" WEST FOR A DISTANCE OF 1243.41 FEET; THENCE NORTH 88°50'52" EAST FOR A DISTANCE OF 400.35 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 325,048 SQUARE FEET, OR 7.531 ACRES.

\* \* \* \* \*

Items 13 and 14 were presented together.

13. **Z-7668 Mike Thedford** (CD 2) Location: South of the southeast corner of East 71st Street South and South Quincy Avenue requesting rezoning from **RM-1 and PUD-357-A to CS and PUD-357-C (Related to PUD-357-C)**

**STAFF RECOMMENDATION:**  
**SECTION I: Z-7668**

**DEVELOPMENT CONCEPT:**

The original PUD 357 and base zoning was approved in 1984 and included approximately 8 acres that was partially developed with a mix of retail, and office uses. This major amendment and rezoning is limited to the south 2.8 acres +/- of the original PUD. That area was referenced as an office use development area and the underlying zoning was established as RM-1. The "office area" was never developed and the applicant has submitted a proposal that includes assembly and entertainment uses. The PUD never contemplated that use and the underlying zoning is not appropriate therefore a major amendment has been presented for approval.

The PUD and Underlying zoning will convert this area from the 1984 zoning code standards to current zoning code standards and current process and supplemental regulations that are allowed in the PUD Legacy District chapter of the code. Modifying the underlying zoning and preparing a major amendment to the PUD is expected to allow uses that were not contemplated in the remove barriers for many development opportunities on this site.

This rezoning application from RM-1 to CS and Major amendment PUD 357-C will replace all previous ordinances and minor amendments or other zoning approvals that have been contemplated on this site. The major amendment will make references to the current zoning code.

**DETAILED STAFF RECOMMENDATION:**

Uses and supplemental regulations that are defined in the CS district are consistent with the comprehensive plan and,

The CS district with the provisions of PUD-357-C is in harmony with the existing and expected development in the area and,

The CS district and related PUD provide unified treatment of the development possibilities of the site and does not affect the remainder of the original PUD and,



The zoning request along with the PUD are consistent with the stated purposes and standards of the PUD chapter of the Tulsa Zoning code therefore,

Staff recommends Approval of Z-7668 to rezone property from RM-1 to CS but only with the provisions of PUD 357-C.

## **SECTION II: Supporting Documentation**

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

***Staff Summary:*** CS zoning with the provisions of PUD 357-C is consistent with the Town Center vision in the Tulsa Comprehensive 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***

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 is undeveloped.

**Environmental Considerations:** None that would affect site development.

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Quincy Avenue	None	50 feet	2

**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:**

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	PUD-357-A / RM-2	Town Center	Growth	office
East	RM-1	Town Center and Existing Neighborhood	Growth and area of Stability	Multifamily and duplex
South	RM-2	Town Center	Growth	Co-housing development (in construction phase)
West	PUD-A / OL	Arkansas River Corridor	Growth	Drive through bank

**SECTION III: Relevant Zoning History**

**History: Z-7668 related to PUD-357-C**

***Subject Property:***

**ZONING ORDINANCE:** Ordinance number 15629 dated March 4<sup>th</sup>, 1983 & Ordinance number 16070 dated June 24<sup>th</sup>, 1984, established the current zoning for the subject property.

**Z-5785 February 1983:** All concurred in **approval** of a request for *rezoning* a .3± acre tract of land from RS-2 to RM-1 for garden office building, on property located south of the southeast corner of 71S1 Street and Quincy.

**PUD-357-B June 1986:** All concurred in **denial** of a proposed *Planned Unit Development* on tract of land for single-office and multi-family projects on property located Lot 2 Block 1 Valley Bend Park Resub L2-4 Valley Bend & L1 B1 River Grove.

**PUD-357 May 1984:** All concurred in **approval** of a proposed *Planned Unit Development* on a 8.5± acre tract of land for a commercial/office complex, on property located east of the southeast corner of 71S1 Street and Quincy Avenue

***Surrounding Property:***

**BOA-22979 August 2020:** The Board of Adjustment **approved** a *Special Exception* to permit alternative compliance parking ratios in an RM-2 District to reduce the required number of parking spaces for an apartment use, on property located at 7131 & 7141 South Quincy Avenue East.

**Z-7545 June 2020:** All concurred in **approval** of a request for *rezoning* a 4.79± acre tract of land from RT to RM-2 on property located South of the southeast corner of east 71<sup>st</sup> Street South and South Quincy Avenue.

**Z-7461 December 2018:** All concurred in **approval** of a request for *rezoning* a 4.79. ± acre tract of land from OM/MX-2-V-U to RT for townhouse development, on property located south of the southeast corner of East 71st Street South and South Quincy Avenue. (Ordinance 24065)

**Z-7430 January 2018:** All concurred in **approval** of a request for *rezoning* a 2.39. ± acre tract of land from OM to MX-2-V-U for mixed-use, on property located south of the southeast corner of East 71st Street South and South Quincy Avenue. (Ordinance 23865)

**SA-1 September 2016:** All concurred in **approval** of a request for a Special Area Overlay on multiple properties along the Arkansas River extending from W. 11<sup>th</sup> St. S. to E. 121<sup>st</sup> St. S., to establish the River Design Overlay as a supplemental zoning, RDO-1, RDO-2, or RDO-3 and regulations to govern the form, function, design and use of the properties located within the boundaries of the River Design Overlay District. The regulations are generally intended to maintain and promote the Arkansas River corridor as a valuable asset to the city and region in terms of economic development and quality of life.

**BOA-18569 November 1999:** The Board of Adjustment **approved** a *Special Exception* to permit a mini-storage facility in CS-zoned and RM-1 zoned districts & a Variance to permit the increase in floor area from .5 FAR to .75 FAR, on property located at 1424 East 71<sup>st</sup> Street.

**PUD-545 May 1996:** All concurred in **approval** of a proposed *Planned Unit Development* on a 6.3±. acre tract of land for a theater and parking, on property located south of the southeast corner of 71st Street and Riverside.

**BOA-16005 April 1992:** The Board of Adjustment **approved** a *Special Exception* to permit eliminating the screening requirement where existing trees will provide a visual separation, on property located at Southeast Corner of east 71<sup>st</sup> Street and Riverside Drive.

**PUD-545-A Abandonment December 1997:** All concurred in **approval** of a proposed *Planned Unit Development* on a 6.3±. acre tract land to abandon PUD-545 for a multi-use development, on property located south and east of the southeast corner of 71st Street and Riverside.

**Z-6070 October 1985:** All concurred in **approval** of a request for *rezoning* a 4.±. acre tract of land from RM-2/RD to CS for commercial, on property located southeast corner of 71S1 and Peoria.

**Z-6005/PUD-357-A December 1984:** All concurred in **approval** of a proposed *Planned Unit Development* on a 8±. acre tract of land for on property located east of the southeast corner of 71st Street and Quincy Avenue.

**PUD-128-A October 1983:** All concurred in **approval** of a proposed *Planned Unit Development* on a 118± acre tract of land for multifamily development on property located South of 71<sup>st</sup> Street and West of the Joe Creek Channel.

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

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

**TMAPC Action; 10 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 10-0-0 (Carr, Covey, Craddock, Kimbrel, Krug, Reeds, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Bayles, "absent") to recommend **APPROVAL** of the CS zoning for Z-7668 per staff recommendation.

**Legal Description for Z-7668:**

LOT 2, BLOCK 1 - VALLEY BEND PARK, City of Tulsa, Tulsa County, State of Oklahoma

\* \* \* \* \*

**14. PUD-357-C Mike Thedford** (CD 2) Location: South of the southeast corner of East 71st Street South and South Quincy Avenue requesting a **PUD Major Amendment** to allow assembly and entertainment (**Related to Z-7668**)

**STAFF RECOMMENDATION:**  
**SECTION I: PUD-357-C**

**DEVELOPMENT CONCEPT:**

The original PUD 357 and base zoning was approved in 1984 and included approximately 8 acres that was partially developed with a mix of retail, and office uses. This major amendment and rezoning is limited to the south 2.8 acres +/- of the original PUD. That area was referenced as an office use development area and the underlying zoning was established as RM-1. The "office area" was never developed and the applicant has submitted a proposal that includes assembly and entertainment uses. The PUD never contemplated that use and the underlying zoning is not appropriate therefore a major amendment has been presented for approval.

The PUD and Underlying zoning will convert this area from the 1984 zoning code standards to current zoning code standards and current process and supplemental regulations that are allowed in the PUD Legacy District chapter of the code. Modifying the underlying zoning and preparing a major amendment to the PUD is expected to allow uses that were not contemplated in the remove barriers for many development opportunities on this site.

This rezoning application from RM-1 to CS and Major amendment PUD 357-C will replace all previous ordinances and minor amendments or other zoning approvals that have been contemplated on this site. The major amendment will make references to the current zoning code.

**DETAILED STAFF RECOMMENDATION:**

Uses and supplemental regulations that are defined in the CS district are consistent with the comprehensive plan and,

The CS district with the provisions of PUD-357-C is in harmony with the existing and expected development in the area and,

The CS district and related PUD provide unified treatment of the development possibilities of the site and does not affect the remainder of the original PUD and,

The zoning request along with the PUD are consistent with the stated purposes and standards of the PUD chapter of the Tulsa Zoning code therefore,

Staff recommends Approval of Z-7668 to rezone property from RM-1 to CS but only with the provisions of PUD 357-C.

Staff recommends Approval of PUD-357-C to rezone property from RM-1 / PUD-357-A to CS / PUD-357-C.

## **SECTION II: Major Amendment for PUD 357-C Development Standards**

PUD 357-C and rezoning replaces all the previously approved development standards defined in the office area of PUD 357 and PUD 357-A.

Uses that are not included in the permitted use list below are allowed. Uses, subcategories and specific uses in the underlying zoning and those uses that may be allowed by a special exception in the CS district may be approved through the minor amendment process.

**Land Area** 2.83 acres (referred to the “office area” in the original PUD)

### **Permitted Uses:**

#### **Residential Use Category**

Household living (only if included in the residential building types defined in building type paragraph below)

Single household

Two households on a single lot

Three or more households on a single lot

Group Living

Assisted living facility

Convent/monastery novitiate

Elderly/retirement center

#### **Public, Civic and Institutional**

Day Care

Hospital

Library or Cultural Exhibit

Natural Resource Preservation

Parks and Recreation

Religious Assembly

Safety Service

School

Utilities and Public Service Facility

Minor

Wireless Communication Facility

Building or tower-mounted antenna

#### **Commercial**

Animal Service

Grooming

Veterinary

Assembly and Entertainment

Small Indoor (up to 250-person capacity)

Large Indoor (Greater than 250-person capacity)

**Broadcast or Recording Studio**

**Commercial Service**

Personal Improvement Service

**Financial Services**

Personal credit establishment

**Office**

Business or professional office

Medical, dental or health practitioner office

**Retail Sales**

Convenience goods

**Studio, Artist, or Instructional Service**

**Residential Building Types:**

**Household Living**

Single household

Townhouse

Two 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:**

Minimum lot area for mixed use or commercial building	None
Minimum street frontage	50 ft
Maximum floor area ratio	0.75
Minimum lot area per dwelling unit	1,600sq ft
Minimum open space per dwelling unit	200 sq ft
Building Setbacks	
Street	50 feet
South boundary	17 feet
Maximum building coverage	None
Maximum building height	40 feet

**Parking ratio** as required in Chapter 55 of the Tulsa Zoning Code

**Screening and landscaping**

Screening and landscaping shall conform to the provisions of Chapter 65 of the Tulsa zoning code. In addition to the landscape requirements of Chapter 65 the minimum landscape area on any lot must exceed 15% as stated in chapter 30.010-E.5 of the Tulsa zoning Code

**Outdoor lighting**

All outdoor lighting shall conform to the provisions of chapter 67 of the Tulsa zoning code except the maximum fixture height of all pole or wall mounted fixtures shall not exceed 16 feet.

**Signage:**

Signage shall conform to the provision of Chapter 60 of the Tulsa zoning code except as follows:

Wall signage

1. Illuminated wall signage is prohibited on the east and south wall of any structure
2. Wall signage shall be limited to 1.5 square feet of display surface area per linear foot of building wall which is attached.
3. Dynamic display wall signage is prohibited

Ground signage

Quincy Signage

1. Ground signage shall be limited to one sign on the development area boundary and within 150 feet of the Quincy Street right-of-way
2. Ground signage shall be monument style with a maximum height of 8 feet and a display surface area not exceeding 68 square feet.

Exiting Tenant Ground Sign on 71<sup>st</sup> Street

A tenant sign was constructed as part of the original PUD 367 and allowed tenants in this development area to use that sign. PUD 367-C allows tenant use of that sign but does not increase the maximum sign size or display area of the 71st street sign.

**SECTION III: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

**Staff Summary:** *CS zoning with the provisions of PUD 357-C is consistent with the Town Center vision in the Tulsa Comprehensive 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***



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 is undeveloped.

**Environmental Considerations:** None that would affect site development.

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Quincy Avenue	None	50 feet	2

**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:**

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	PUD-357-A / RM-2	Town Center	Growth	office
East	RM-1	Town Center and Existing Neighborhood	Growth and area of Stability	Multifamily and duplex
South	RM-2	Town Center	Growth	Co-housing development (in construction phase)
West	PUD-A / OL	Arkansas River Corridor	Growth	Drive through bank

#### SECTION IV: Relevant Zoning History

**History: PUD-357-C Rel. Z-7668**

***Subject Property:***

**ZONING ORDINANCE:** Ordinance number 15629 dated March 4<sup>th</sup>, 1983 & Ordinance number 16070 dated June 24<sup>th</sup>, 1984, established the current zoning for the subject property.

**Z-5785 February 1983:** All concurred in **approval** of a request for *rezoning* a .3±. acre tract of land from RS-2 to RM-1 for garden office building, on property located south of the southeast corner of 71S1 Street and Quincy.

**PUD-357-B June 1986:** All concurred in **denial** of a proposed *Planned Unit Development* on tract of land for single-office and multi-family projects on property located Lot 2 Block 1 Valley Bend Park Resub L2-4 Valley Bend & L1 B1 River Grove.

**PUD-357 May 1984:** All concurred in **approval** of a proposed *Planned Unit Development* on a 8.5±. acre tract of land for a commercial/office complex, on property located east of the southeast corner of East 71<sup>st</sup> Street South and Quincy Avenue

**PUD-357-A August 1984:** All concurred in **approval** of a major amendment on a 8.5±. acre tract of land for a commercial/office complex, on property located east of the southeast corner of East 71<sup>st</sup> Street South and Quincy Avenue. The major amendment increased the allowed density for commercial use area only and did not affect the office area portion of the PUD.

***Surrounding Property:***

**BOA-22979 August 2020:** The Board of Adjustment **approved** a *Special Exception* to permit alternative compliance parking ratios in an RM-2 District to reduce the required number of

parking spaces for an apartment use, on property located at 7131 & 7141 South Quincy Avenue East.

**Z-7545 June 2020:** All concurred in **approval** of a request for *rezoning* a 4.79± acre tract of land from RT to RM-2 on property located South of the southeast corner of east 71<sup>st</sup> Street South and South Quincy Avenue.

**Z-7461 December 2018:** All concurred in **approval** of a request for *rezoning* a 4.79. ± acre tract of land from OM/MX-2-V-U to RT for townhouse development, on property located south of the southeast corner of East 71st Street South and South Quincy Avenue. (Ordinance 24065)

**Z-7430 January 2018:** All concurred in **approval** of a request for *rezoning* a 2.39. ± acre tract of land from OM to MX-2-V-U for mixed-use, on property located south of the southeast corner of East 71st Street South and South Quincy Avenue. (Ordinance 23865)

**SA-1 September 2016:** All concurred in **approval** of a request for a Special Area Overlay on multiple properties along the Arkansas River extending from W. 11<sup>th</sup> St. S. to E. 121<sup>st</sup> St. S., to establish the River Design Overlay as a supplemental zoning, RDO-1, RDO-2, or RDO-3 and regulations to govern the form, function, design and use of the properties located within the boundaries of the River Design Overlay District. The regulations are generally intended to maintain and promote the Arkansas River corridor as a valuable asset to the city and region in terms of economic development and quality of life.

**BOA-18569 November 1999:** The Board of Adjustment **approved** a *Special Exception* to permit a mini-storage facility in CS-zoned and RM-1 zoned districts & a Variance to permit the increase in floor area from .5 FAR to .75 FAR, on property located at 1424 East 71<sup>st</sup> Street.

**PUD-545 May 1996:** All concurred in **approval** of a proposed *Planned Unit Development* on a 6.3±. acre tract of land for a theater and parking, on property located south of the southeast corner of 71st Street and Riverside.

**BOA-16005 April 1992:** The Board of Adjustment **approved** a *Special Exception* to permit eliminating the screening requirement where existing trees will provide a visual separation, on property located at Southeast Corner of east 71<sup>st</sup> Street and Riverside Drive.

**PUD-545-A Abandonment December 1997:** All concurred in **approval** of a proposed *Planned Unit Development* on a 6.3±. acre tract land to abandon PUD-545 for a multi-use development, on property located south and east of the southeast corner of 71st Street and Riverside.

**Z-6070 October 1985:** All concurred in **approval** of a request for *rezoning* a 4.±. acre tract of land from RM-2/RD to CS for commercial, on property located southeast corner of 71S1 and Peoria.

**Z-6005/PUD-357-A December 1984:** All concurred in **approval** of a proposed *Planned Unit Development* on an 8± acre tract of land for on property located east of the southeast corner of 71st Street and Quincy Avenue.

**PUD-128-A October 1983:** All concurred in **approval** of a proposed *Planned Unit Development* on a 118± acre tract of land for multifamily development on property located South of 71<sup>st</sup> Street and West of the Joe Creek Channel.

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

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

**TMAPC Action; 10 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 10-0-0 (Carr, Covey, Craddock, Kimbrel, Krug, Reeds, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Bayles, "absent") to recommend **APPROVAL** of the PUD Major Amendment for PUD-357-C per staff recommendation.

**Legal Description for PUD-357-C:**

LOT 2, BLOCK 1 - VALLEY BEND PARK, City of Tulsa, Tulsa County, State of Oklahoma

**PUBLIC HEARING - COUNTY ZONING CODE AMENDMENTS**

- 15. Tulsa County Zoning Code-** Review and make recommendation to the Board of County Commissioners (BOCC) on adoption of a new zoning code, repealing and replacing the existing Tulsa County Zoning Code (Continued from November 16, 2022)

**STAFF RECOMMENDATION:**

**Item**

Public hearing to provide a recommendation to the Board of County Commissioners regarding adopting the update to the Tulsa County Zoning Code.

**Background**

The Tulsa County Zoning Code was first adopted in 1980. Through the years, amendments were made but the structure and basics of the code remained unchanged over the years. In July 2021, Duncan Associates, was retained to help lead the code update effort.

Once the new code format was created, a Technical Team was formed to review the initial draft. The Technical Team consisted of staff members from Tulsa Planning Office, Tulsa County Inspections Department, and an attorney from the Tulsa County District Attorney's Office. Suggested edits were submitted and discussed during virtual meetings. Changes included adding regulations governing Marijuana-related uses, revising accessory building size regulations, adding two new "RS" districts (RS-1 and RS-2), incorporating new animal-

keeping regulations in residential districts, and the addition of RV-living and accessory dwelling unit (ADU) regulations. The Technical Team also helped proofread, and review content for accuracy between the old Code and the updated Code.

The next step was the creation of a Work Group to serve as a sort of “sounding board” for review and discussion of key code changes before releasing a draft for public review. Each County Commissioner recommended three people to be a part of the Work Group. The group met in-person a total of five times and provided helpful feedback on a variety of issues, particularly as related to ensuring that the new code is not overly burdensome on farmers and rural landowners.

On August 17, 2022, the consultant presented an update of the progress on the Tulsa County Zoning Code at a Work Session. A link to the draft of the document was later emailed to the Planning Commissioners so they could review the document and provide feedback at the Work Session meeting on October 5, 2022. During the second work session, the consultant, Kirk Bishop, gave a presentation of the draft of the Tulsa County Zoning Code update.

The draft was open for public review and comments from October 7-21, 2022. The public was notified through various methods including emails to residents of unincorporated Tulsa County who subscribe to Tulsa Planning Office and the County Commissioners email lists, a press release was issued and Fox 23 and Channel 6 featured stories about it, Tulsa Planning Office created a webpage that directed interested parties to the review draft, Tulsa County shared the information on their News and Inspections webpage, and a link to the draft was posted on the Facebook pages of Tulsa Planning Office and Tulsa County.

The consultant gave a presentation at the November 16, 2022, Planning Commission meeting. The Commission voted to continue the item to December 7, 2022, to allow more time for review and to understand any remaining issues.

#### **Staff Recommendation**

Staff recommends that TMAPC recommend approval of the Tulsa County Zoning Code update.

#### **Next Step**

- December – BOCC public hearing

**Kirk Bishop** with Duncan Associates is the Consultant for this project. He presented the project.

Mr Bishop stated the draft posted December 1, 2022 on the website is the most recent draft. He stated it is highlighted in yellow to reflect changes made since the November draft. Mr. Bishop stated those changes were made in response to the comments made in the Public Hearing in November and follow up conversations with parties that spoke at that hearing.

**TMAPC Comments:**

Ms. Kimbrel stated at the last meeting there was concern about notices for the most updated plan and tracking of what was changed.

Staff stated they have it on The Planning Office website on the Tulsa County Update page.

Ms. Kimbrel stated in the proposed Tulsa County Zoning Code in Section 14.0.10 E related to hearing notices and neighbor communications it is clear to her that they are talking about the applicant being encouraged to engage in neighborhood communication. She stated when it goes to Notices she does not see where that responsibility lies. Ms. Kimbrel stated it is confusing what the applicants are supposed to do versus what The Planning Office is supposed to do.

Staff stated the neighborhood engagement language is to encourage the applicants to reach out to neighbors. She stated the Public Hearing mailed notice, the newspaper notice, and the sign posted on the subject property is The Planning Office responsibility and is a part of the application fee. She stated a lot of times the applicant will ask staff to send them the mailing label list for their application so that they can also notify residents.

Ms. Kimbrel asked if there was any type of notice that was legally required of the applicant.

Staff stated just as part of the application that they pay for and staff executes.

Ms. Kimbrel stated that was not clear to her and may need to be clarified in the document.

**Interested Parties:**

**Melissa Torkleson** 637 S 193<sup>rd</sup> West Avenue, Sand Springs, OK 74063

Ms. Torkleson stated she was glad that staff and Mr. Bishop continued discussions with her after the meeting in November. However, she is still advocating on behalf of 2 of the concerns that they have. She stated one of them is the non-conforming to conforming use and the ability to go back before the BOA to reestablish conforming use if we were to lose our non-conforming use. She stated her concern is that she does seasonal events and it's not

uncommon for fireworks facilities to do themed events that include firework sales, such as for the month of October they could do a Halloween themed sale inside of their establishment. Ms. Torkleson stated so it's not uncommon for retailers like herself who do seasonal endeavors to do multiple things. She stated one of her questions was to consider a dual occupancy because her concern is that she would lose her non-conforming status. Ms. Torkleson stated Mr. Bishop told her she could go back before the BOA to reestablish that status but she does events maybe 3 times a year that would put her going before the BOA 2 to 4 times a year to request that non-conforming status back. She stated a Tulsa County Fire Marshal who she has met with on a regular basis brought up the concept of a dual occupancy. Ms. Torkleson stated they meet the highest level of occupancy in her Sand Springs facility and that means they have all the fire suppression and all the safety measures are in place. She stated they want to host their indoor birthday parties that they been doing for the last 10 years. She stated they are small, private, and under 50 people. Ms. Torkleson stated she is not a big fan of having to pay a fee to transition from that non-conforming to conforming every time they need to switch from fireworks to parties. She stated she has had dozens of requests for birthday parties starting in January, which is when she kicks off their winter season for indoor parties and unfortunately she has had to put those customers on hold until this process is finished. Ms. Torkleson stated she has had two conversations one with a business owner in Mr. Sallee's district, and one with a business owner in Ms. Karen Keith's district both of which knew nothing about this document. She stated she would echo what she said the last time which is she doesn't believe that the community is aware of these changes that are about to take place. Ms. Torkleson stated she is on an email list for her County Commissioner and was told back in October that she should have gotten an email related to these zoning changes and she gets the INCOG newsletter to inform residents of things happening and she has not seen an email of any kind related what's going on with this document.

Mr. Reeds asked if there were any discussions on doing a special permit that the applicant could just go to Staff and get it instead of going through BOA.

Ms. Torkleson stated for the last year she has been required to go before the inspections office to submit a building occupancy change. She stated she does that a couple times a year and pay \$300 to switch every time. Ms. Torkleson stated that she has only done that for the last year and a half.

Mr. Reeds stated he has been in other communities where you go and get a special permit for a party.

**Nick Lombardi** 1516 South Boston, STE 214 Tulsa, Oklahoma 74119

Mr. Lombardi stated he is here on behalf of NAIOP Oklahoma and CCIM Oklahoma. He stated they are commercial real estate organizations that represent hundreds of millions of dollars of improvements and millions of square feet in the Tulsa area. Mr. Lombardi stated he would like to echo the previous speakers points about lack of notification. He stated he became aware of this Zoning Code update about a week ago and believes that it should be continuance is warranted for this particular action and request a work session with INCOG in order to have industry review and feedback on this revision to the Tulsa County Zoning Code.

Mr. Bishop stated that Ms. Torkleson's situation where a lawful non-conforming use is always supplanted by an approved temporary use like the party facility she correctly pointed out that provisions were added that would in all cases allow an applicant or property owner to seek approval from the Board of Adjustment to reestablish a non-conforming use after it is temporarily or permanently for that matter, replaced by some other type of use. He stated probably lost in his explanation is language that has been added on 16-4 of the draft document Section 16.040 B where it explains that temporarily removing a lawful non-conforming use and replacing it with a temporary use does not constitute a change in use for the purpose of the Zoning Ordinance and it doesn't prevent the owner, as of right, replacing that non-conforming use temporarily. Mr. Bishop stated Board of Adjustment approval would not be required. He stated if later the applicant determined that they wanted to seek relief at the Board of Adjustment then they would submit the application and pay the fees. Mr. Bishop stated he thinks that the language added on the graph and highlighted in yellow maybe what Ms. Torkleson is referring to as dual occupancy. He stated in any case this is more flexible than the county's current zoning regulation but it's important to keep in mind that both the existing regulations and the proposed regulations before Planning Commission state that when a non-conforming use is replaced by a conforming use the rights to reestablish the non-conforming use are lost. Mr. Bishop stated nothing they have done exacerbates the issue raised by Ms. Torkleson and in fact they have tried to address and provide her more rights under the revisions to Section 16.040.

Mr. Craddock asked if the Tulsa County Zoning Officer had reviewed the latest draft of the Tulsa County Zoning Code. He stated he is having an issue with the volume of changes and wants to make sure the Zoning officers understand the importance of this document.

**Kerrick Edenborough** 218 W. 6th St., 2nd Floor, Tulsa, Oklahoma 74119

Mr. Edenborough stated he is a Tulsa County Zoning Officer and has reviewed the latest draft and he believes it adds more value to what the residents are allowed to do and will hopefully make their job easier.

Mr. Craddock stated this is a huge project for the County and he is still not comfortable enough to approve it. He stated he shares some concerns that others have expressed about the volume of changes. Mr. Craddock stated he would like to take the current draft back to the Working Group.

Mr. Whitlock asked when the last update to the Tulsa County Zoning Code was.

Staff stated there have been some amendments over time but the last big rewrite of the code was 42 years ago in 1980. She stated they would need to engage Mr. Bishop through the end of the process and she is not sure where they are on that budget. Staff stated to have the Work Group convene doesn't address Nick Lombardi's comments if that's something that the Commission is entertaining.

Mr. Craddock asked if TMAPC recommends approval to the Board of County Commissioners and it goes before them can the BOCC make any changes.



Staff stated “yes” the Board of County Commissioners have the right to make changes and it does not need to come back to the Planning Commission.

Mr. Craddock stated that would then give the county the ability to review and work out any issues.

Staff stated “yes” if that were the path she would like to coordinate with the BOCC on what that looks like.

Mr. Whitlock suggested another work session for Planning Commission because it is not coming back in front of TMAPC again.

Mr. Walker asked if they would get NAIOP Oklahoma and CCIM Oklahoma comments at that time.

Staff stated “yes”.

Mr. Covey stated he is fine taking it back to a work session but there have already been 2 work sessions. He stated there has been a working group that met for months that included Home Builders Association (HBA) representation and County representation. Mr. Covey stated Ms. Krug brought it up last time, when she asked how many more times it gets kicked down the road. He stated there is now a new group coming before TMAPC today, and if they are appeased, what's the next group that's going to pop up and how far does it get kicked down the road.

Mr. Whitlock stated he is just saying once you throw it over the fence, it's gone.

Mr. Covey stated he gets it.

Staff stated the code they are working under now in the County is the 1980 code. She stated with the City Code, which was more recently updated there is an ongoing Zoning Code implementation team conversation every two weeks to discuss Zoning Code Amendments. She stated they have not attempted to do that with the 1980 code because it is more than they can wrap their brain around because it is so outdated. Staff stated after this code gets updated she can see this same process happening with the new code when issues arise.

Mr. Shivel asked what the possible public involvement is if TMAPC passes it on to the BOCC and the County makes changes to it.

Staff stated that is what she was talking about with Commissioner Craddock but they would need to figure out what that is.

Mr. Covey asked if Mr. Lombardi's association is a big association and if so, how is it possible that they did not know this process was going on. He stated he is not saying that they did know he is taking him at his word, but more of the process of how is that possible. Mr. Covey stated it would be like the HBA not knowing about the update.

Mr. Craddock stated he obviously cannot answer that question, but the thought about taking this back to the working group was because there were a lot of changes that were made after they passed it on.

Ms. Kimbrel asked when the last time the work group saw this draft.

Mr. Craddock stated the Working Group has not seen this draft.

Ms. Kimbrel stated as someone who was on a leadership team for 2 major planning efforts on the side of the City she was very adamant that the leadership committee in the working group needs to see final version because they are shepherds and stewards of the strategy. She stated she is concerned because Commissioner Bayles had a lot of concerns last time.

Staff stated every group associated with some kind of planning initiatives is different, for instance, Ms. Kimbrel's role on the Kirkpatrick Heights Master Plan was a leadership role. She stated the Working Group for the Tulsa County Zoning Code is called a sounding board on the changes to the code. Staff stated there have not been big changes to the code they are more like refinements.

Ms. Krug stated the processes that have been discussed she doesn't have an opinion on but it's feels like if it goes to the Working Group or a work session and comes back to TMAPC it will be the same situation where there is public comment for the first time at that point and then if it's going to be incorporated into the document that takes time. She stated it feels like regardless of the choices, sending it to BOCC or keeping it at Planning Commission the community piece needs to happen outside of this room so that any changes could be made or considered before they get back to TMAPC because if not, they will keep having the same situation every time it comes back here.

Ms. Kimbrel asked if it was feasible to reconvene the Working Group.

Staff stated the work group consists of a group of citizens that the County Commissioners chose and those meetings were facilitated by Tulsa Planning Office.

Mr. Craddock asked if this could be continued to January. He would like the Working Group to read it.

Staff stated they could send it out to the Working Group.

**TMAPC Action; 10 members present:**

On **MOTION** of **CRADDOCK**, the TMAPC voted 10-0-0 (Carr, Covey, Craddock, Kimbrel, Krug, Reeds, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Bayles, "absent") to **CONTINUE** Item 15 to January 18, 2023.

\* \* \* \* \*

## OTHER BUSINESS

### 16. Commissioners' Comments

None

**ADJOURN**

**TMAPC Action; 10 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 10-0-0 (Carr, Covey, Craddock, Kimbrel, Krug, Reeds, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Bayles, "absent") to **ADJOURN** TMAPC meeting of December 7, 2022, Meeting No. 2879.

**ADJOURN**

There being no further business, the Chair declared the meeting adjourned at 3:07 p.m.

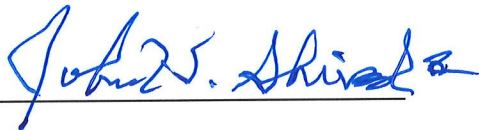
Date Approved:

01-04-2023



Chair

ATTEST:



Secretary