

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2857

Wednesday, January 5, 2022, 1:00 p.m.

City Council Chamber

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

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Tuesday January 4, 2022 at 8:24 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

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

REPORTS:

Chairman's Report:
None

Director's Report:

Ms. Miller reported on City Council and Board of County Commissioner actions and other special projects. Ms. Miller stated City Council is extending the incentive program for mixed use zoning along the Peoria BRT corridor. She stated the incentive program started in 2017 and City Council is extending it for another two years, which means people whose property is identified along the BRT corridor can apply for a mixed use zoning at no cost. Ms. Miller stated at the January 19, 2022 TMAPC meeting staff will be presenting the Land Use Framework that sets the foundation for the BRT line on route 66 along 11th and jogging up Garnett to 21st Street. Ms. Miller stated Commissioner Adams had to resign and to get ahead of possible Quorum issues County Commissioner Peters appointed Luisa Krug to take her place. Ms. Krug was a former Planning

Commissioner who resigned to take a job in the Planning Office. She recently left to take a position as the Executive Director of the Global District, which is part of the program that she created as the Destination District Manager.

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Minutes:

1. Minutes of December 15, 2021 Meeting No. 2857

Approval of the minutes of **December 15, 2021 Meeting No. 2857**

TMAPC Action; 6 members present:

On **MOTION** of **SHIVEL**, the TMAPC voted 6-0-0 (Bayles, Covey, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Blair, Craddock, Kimbrel, Reeds, “absent”) to **APPROVE** the minutes of December 15, 2021 Meeting No. 2857.

CONSENT AGENDA

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

Item 2 was removed from Consent Agenda and placed on the Public Hearing

PUBLIC HEARING-MINOR AMENDMENTS

2. **PUD-297-2 Pam Willard Lamb** (CD 2) Location: West of the northwest corner of East 67th Street South and South Utica Avenue requesting a **PUD Minor Amendment** to reduce rear yard setback from 10 feet to 6 feet

STAFF RECOMMENDATION:

SECTION I: PUD-297-2 Minor Amendment

Amendment Request: Modify the PUD Development Standards to reduce the rear yard setback to 6 ft.

The current rear setback requirement for PUD-297 is 10 ft. The applicant is proposing to revise this setback on the subject lot to 6 ft in order to permit an enclosed porch addition on the rear of the existing home as illustrated on the drawings provided by the applicant. There is a 6 ft utility easement located in the

rear yard, with the addition would not be able to encroach into. The requested amendment would bring the rear setback even with the edge of the easement.

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-297-2 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-297.
- 2) All remaining development standards defined in PUD-297 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to revise the rear setback from 10 ft to 6 ft.

The applicant was not present.

Interested Parties:

David Vann 1610 East 66th Street, Tulsa, OK 74136

Mr. Vann stated he lives about seven houses north of the subject property. He stated he was the first homeowner in the neighborhood in the 80s. Mr. Vann stated some of the other neighbors in the area ignored the rules and did different things that are questionable. He stated he supports this application and commends the applicant for doing things the right way.

TMAPC Action; 6 members present:

On **MOTION** of **WALKER**, the TMAPC voted 6-0-0 (Bayles, Covey, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Blair, Craddock, Kimbrel, Reeds, “absent”) to **APPROVE** Minor Amendment **PUD-297-2** per staff recommendation.

Legal Description for PUD-297-2

Lot 82, Block 1 Innovare Park

PUBLIC HEARING- COUNTY COMPREHENSIVE PLAN AMENDMENTS

Items 3 and 4 were presented together.

- 3. TCCP-8 Olsson Inc., Joe Pace, PE** (County) Location: North of the northeast corner of East 76th Street North and North Yale Avenue (North Whirlpool Drive) requesting to amend the Land Use Map designation from **Rural Residential/Agricultural** to **Industrial** (related to CZ-527)

STAFF RECOMMENDATION:

**TMAPC Staff Report
TCCP-8
County Comprehensive Plan Amendment**

Property Information and Land use Request

The subject property is a 5.65-acre, unplatted tract of land north of the northeast corner of East 76th Street North and North Yale Avenue (North Whirlpool Drive). The applicant has submitted the following Comprehensive Plan amendment request to amend the land use designation of the of the subject property from *Rural Residential/Agricultural* to *Industrial*. This request is accompanied by a concurrent rezoning request (CZ-527), which proposes a zoning change on the subject tract from AG to IM in order to allow for the development of a new industrial project.

Background

The parcel subject to this Comprehensive Plan amendment request is located in North Tulsa County and is surrounded by vacant agricultural land to the north, south, and east with a zoning designation of AG to the north and east. The property to the south has recently been rezoned from AG to IM (CZ-522). The properties to the north and east have a Rural Residential/Agricultural land use designation while the property to the south was recently changed from a land use designation of Rural Residential/Agricultural to Industrial (TCCP-7). The property to the west is zoned AG with a land use designation of Rural Residential/Agricultural. The land use designation of the subject property and abutting parcels to the west, north, and south were put in place with the adoption of the North Tulsa County area of the Tulsa County Comprehensive Land Use Plan on December 7, 2020 (Resolution Number 2830:1022).

The Major Street and Highway Plan designates East 76th Street North and North Yale Avenue (North Whirlpool Drive) as secondary arterial streets. Highway 75 lies approximately 1000 feet to the west and is designated as a Freeway. The

subject property is not located in the 100- or 500-year floodplain. It is located within the Owasso Public Schools District.

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

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

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

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

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

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

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

Zoning and Surrounding Uses

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

Applicant’s Justification

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

1. How conditions on the subject site have changed, as well as those on adjacent properties and immediate area;
2. How changes have impacted the subject site to warrant the proposed amendment; and;
3. How the proposed change will enhance the surrounding area and Tulsa County.

The applicant submitted the following responses:

Justification of Request

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

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

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

Based upon the above and the attached information, the Applicant respectfully requests approval of this Rezoning and Comprehensive Plan Amendment. Our team is committed to delivering an unrivaled level of service and communication - and we are committed to the City of Tulsa. We look forward to speaking with you about our team and approach.

Additional Information provided by the applicant:

Request

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

Site Characteristics & History

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

The proposed project will entail a new industrial site with two buildings. The site area is 44 acres +/- . The total building area is 559,120 SF +/- .

Under previous case numbers (CZ-522 and TCCP-6) 38 of the 44 acres were rezoned and the comprehensive plan was amended. This submittal will add the additional 6 acres to the already rezoned 38 acres. request approval of this Rezoning and Comprehensive Plan Amendment. Our team is committed to delivering an unrivaled level of service and communication - and we are committed to the City of Tulsa.

Surrounding Uses

North: Residential area
Zoned: RE & AG
South: Whirlpool Corporation (south side of 76th St N & east of Whirlpool Drive)
Zoned: IM
East: Undeveloped
Zoned: AG
West: Cornerstone Christian Academy (west of Whirlpool Dr)
Zoned: AG (school property); RE (north of school)

Staff Summary & Recommendation

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

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

The applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **WALKER**, the TMAPC voted 6-0-0 (Bayles, Covey, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Blair, Craddock, Kimbrel, Reeds, “absent”) to **ADOPT** TCCP-8 as an amendment to the Tulsa County Comprehensive Plan changing the land use designation from Rural Residential/Agricultural to Industrial per staff recommendation.

PUBLIC HEARING-REZONING

- 4. CZ-527 Olsson Inc., Joe Pace, PE** (County) Location: North of the northeast corner of East 76th Street North and North Yale Avenue (North Whirlpool Drive) requesting rezoning from **AG to IM** to permit industrial uses (related to TCCP-8)

STAFF RECOMMENDATION:
SECTION I: CZ-527

DEVELOPMENT CONCEPT: The applicant is proposing to rezone the subject lot from AG to IM to permit industrial uses. The site is located north of a large industrial development area, including Whirlpool, among others and is intended to be integrated into the lot immediately to the south which was recently approved to be rezoned to IM and a Land Use designation of Industrial, as shown on the plan provided by the applicant. The site is currently designated as Rural Residential / Agricultural in the Tulsa County Comprehensive Plan. While the proposal would not be compatible with this designation, a concurrent Tulsa County Comprehensive Plan Amendment case, TCCP-8, proposes to revise the land use designation of the subject lot to Industrial. If TCCP-8 is approved, the proposed rezoning to IM would be consistent with that land use designation.

DETAILED STAFF RECOMMENDATION:

The IM District is designed to group together a wide range of industrial uses, which may produce moderately objectionable environmental influences in their operation and appearance. CZ-527 contemplates rezoning this site from AG to IM which is consistent with the Cherokee Industrial Park south of the site abutting 76th Street North and,

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

CZ-527 is not consistent with the current land use designation however the applicant has submitted an amendment to the Tulsa County Comprehensive Plan Amendment TCCP-8. The applicant has requested revising the land use designation from Rural Residential/Agricultural to Industrial. Staff supports that request therefore,

Staff recommends Approval of CZ-527 to rezone property from AG to IM.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is currently located within the Rural Residential / Agricultural designation of the Tulsa County Comprehensive Plan. The proposed use would not be compatible with this designation, however a Comprehensive Plan Amendment (TCCP-8) is concurrently proposed for this site, which would change the designation to Industrial. The proposed rezoning would be compatible with this designation.

Land Use Vision:

Land Use Plan map designation:

Rural Residential / Agricultural (current designation)

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

Industrial (proposed designation in TCCP-8)

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

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: N Yale Ave is designated as Secondary Arterials

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is currently vacant land*

Environmental Considerations: None

Streets:

<u>Existing Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
N Yale Ave	Secondary Arterial	100 Feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

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

SECTION III: Relevant Zoning History

History:

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

Surrounding Property:

CZ-522 Rel. TCCP-6 November 2021: All concurred in **approval** of a request for *rezoning* a 38.49± acre tract of land from AG to IM on property located.

CBOA-2502 May 2014: The Board of Adjustment **approved** a *Variance* to permit the display surface area from 32 SF for an accessory identification sign in an AG district (Section 320.2.B.2); & a *Variance* for the sign height from 15 ft to 35 ft in an AG district (Section 320.2.B.2), on property located at 7770 N Whirlpool Dr.

CBOA-1669 July 1999: The Board of Adjustment **approved** a *Special Exception* to permit a church and related school (K-12) use in an AG and RE District. Section 310, on property located at 8050 N. Whirlpool Drive.

CBOA-1399 February 1996: The Board of Adjustment **approved** a *Special Exception* to permit a church and school (K through 12) in an AG zoned district – Section 310. Use Unit 5, on property located at 8050 North Yale Avenue.

The applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **WALKER**, the TMAPC voted 6-0-0 (Bayles, Covey, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Blair, Craddock, Kimbrel, Reeds, “absent”) to recommend **APPROVAL** of the IM zoning for CZ-527 per staff recommendation.

Legal Description for CZ-527:

A TRACT OF LAND THAT IS PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW/4 SW/4) OF SECTION TWENTY-SEVEN (27), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY STATE OF OKLAHOMA , ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 27: THENCE NORTH 01°17'38 WEST ALONG THE WESTERLY LINE OF SAID SECTION 27 FOR 1322.32 FEET TO THE SOUTHWEST CORNER OF SAID NW/4 SW/4 SAID POINT BEING THE **POINT OF BEGINNING** OF SAID TRACT OF LAND; THENCE CONTINUING NORTH 01° 17'38 " WEST ALONG SAID WESTERLY LINE OF SECTION 27 FOR 246.67 FEET TO A POINT ON THE SOUTHERLY LINE OF A TRANSMISSION EASEMENT RECORDED IN BOOK 5187, PAGE 1763 IN THE OFFICE OF THE TULSA COUNTY CLERK; THENCE SOUTH 85°55'08 EAST ALONG SAID SOUTHERLY LINE FOR 1329.29 FEET TO A POINT ON THE EASTERLY LINE OF SAID NW/4 SW/4; THENCE SOUTH 01° 17'20" EAST ALONG SAID EASTERLY LINE FOR 125.19 FEET TO THE SOUTHEAST CORNER OF SAID NW /4 SW/4: THENCE SOUTH 88°50'17 " WEST ALONG THE SOUTHERLY LINE OF SAID NW/4 SW/4 FOR 1323.44 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

SAID TRACT OF LAND CONTAINING 5.649 ACRES, MORE OR LESS. BASIS OF BEARINGS: OKLAHOMA STATE PLANE (NORTH ZONE 3501)

- 5. **CZ-528 James Crawford** (County) Location: North of the northwest corner of Highway 412 and South 193rd West Avenue requesting rezoning from **RS to AG** to permit a horticultural nursery

STAFF RECOMMENDATION:

SECTION I: CZ-528

DEVELOPMENT CONCEPT: The applicant is proposing to rezone the subject lot from RS to AG to permit a horticultural nursery. The site is located within the Residential and Commercial designations of the Sand Springs Future Land Use Plan which has been adopted as part of the Tulsa County Comprehensive Plan. The City of Sand Springs has indicated that they would not be in favor of rezoning the subject lot from RS to AG as it would not be compatible with the

Land Use designations of the Comprehensive Plan. There are agricultural uses adjacent and near the subject property, however the City of Sand Springs anticipates this areas future use as residential and have built infrastructure in the vicinity in anticipation of this.

DETAILED STAFF RECOMMENDATION:

CZ-528 is non-injurious to surrounding proximate properties, however;

CZ-528 is not consistent with the anticipated future development pattern of the surrounding property and the Tulsa County/Sand Springs Comprehensive Plans therefore;

Staff recommends Denial of CZ-528 to rezone property from RS to AG.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is located within the fenceline of the City of Sand Springs and is designated as Residential and Commercial. The City of Sand Springs Comprehensive Plan – The Sand Springs 2030 Land Use Master Plan was adopted as part of the Tulsa County Comprehensive Plan on October 6, 2020. The Sand Springs 2030 Land Use Master Plan provides an outline for growth and development in the City of Sand Springs over the next 15 years. It was adopted by the Sand Springs City Council on June 26, 2017 (Resolution 17-25). The Plan consists of a Land Use Plan Map and a supporting text document that contains data, specific goals, action plans, and recommendations for land use and development in the City and surrounding areas within the fenceline. The map illustrates, in a generalized manner, a preferred land use pattern of development for all areas within the City and fenceline. Numerous areas are left as residential as these areas are still relatively natural in state and should be left for future designation as development occurs spurning the need for additional planning efforts.

Land Use Vision:

Land Use Plan map designation: Residential/Commercial

Residential

The Residential category is typically comprised of single-family neighborhoods of varying lot sizes and represents the lowest intensity of all the use categories outside of Agricultural Districts. Dwelling unit densities within the Residential category generally range from 2 to 5 units per acre but density can be as little as

1 or fewer per acre. Planned Unit Developments may also be found in the Residential land use category and may contain various intensities of residential housing. In most cases, the Residential use category is buffered from higher intensity uses such as Commercial with the Transitional use district.

Commercial

The Commercial Land Use District represents areas of retail trade and services. Typically, these areas are located around nodes of arterial street intersections or in some cases, at intersections of collectors and arterials. Commercial Districts can also be found in corridors that have an established commercial use pattern. The Commercial District includes uses that range from small neighborhood convenience shopping areas, single free-standing buildings, big box retailers, restaurants, automotive services centers, and other similar retail uses. Residential Multi-Family uses may be allowed where deemed appropriate as increased density provides support for commercial areas.

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: S 193rd W Ave is designated as a Secondary Arterial. A Residential Collector is shown on the MSHP through the subject lot but does not currently exist.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is currently vacant land with some forested areas primarily concentrated in the west portion of the lot.

Environmental Considerations: None

Streets:

<u>Existing Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
S 193 rd W Ave	Secondary Arterial	100 Feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

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

SECTION III: Relevant Zoning History

History:

ZONING ORDINANCE: Resolution number 152977 dated July 1994, and Resolution number 98254 dated September 15, 1980, established zoning for the subject property.

Subject Property:

CZ-212 July 1994: All concurred in **approval** of a request for *rezoning* a 15± acre tract of land from AG to RS on property located North of the Northwest Corner of 193rd West Avenue and West Keystone Expressway.

Surrounding Property:

CBOA-2127 September 2004: The Board of Adjustment **approved** a *Variance* to permit the required 30 feet of frontage on a public street for a lot used for residential purpose to 0 feet – Section 207. & a *Variance* of Lot Area from required 2 acres to 1.25 and 1.16 acres; & a *Variance* of Land Area from required 2.1 acres to 1.25 and 1.16 acres to permit a lot split – Section 330., on property located at 620 S 193rd Ave West.

CBOA-1665 June 1999: The Board of Adjustment **approved** a *Variance* to permit the required 30' frontage on a public street to 0' to construct a dwelling (Section 207.), on property located at North & West of NW/c Keystone Expressway & 193rd West Avenue.

CBOA-522 December 1984: The Board of Adjustment **approved** a *Special Exception* to permit a temporary weigh station to weigh refuse collection vehicles

which use the Shell Creek Landfill, in an AG zoned district, on property located at N & W of West 8th St. & 177th West Ave.

CBOA-13 November 1980: The Board of Adjustment **approved** a *Variance* to permit the frontage and area requirements in an AG District to permit a lot-split, on property located at 602 South 193rd Ave West.

Mr. Covey asked if staff bases their recommendation on the Comprehensive Plan of the neighboring community where the subject property is located.

Staff stated “yes” in general he looks to the city whose Comprehensive Plan the subject property falls under and tends to lean in that direction.

Applicant Comments:

James Crawford 640 South 193rd West Avenue, Sand Springs OK 74063

The applicant stated there is property all around him zoned AG. He wants to grow pumpkins to sell at a farmers’ market. The applicant stated a neighbor is already doing this. He stated he would also like to grow other produce and his wife likes to grow flowers.

Mr. Walker asked if the applicant contacted the City of Sand Springs about this zoning change.

The applicant stated “no” because the subject property was in Tulsa County outside the city limits of Sand Springs.

TMAPC Comments:

Mr. Covey stated he agrees with the applicant. He stated there is AG zoning all around the subject property.

Staff stated it's within the City of Sand Springs Comprehensive Plan because it's in their fenceline, but it's also in the Tulsa County Land Use Plan that was adopted by the Planning Commission. Staff stated it's not just looking at City of Sand Springs plan it's the TMAPC and Tulsa County Land Use Plan as well.

Mr. Walker asked if the City of Sand Springs just didn't want to down zone the property.

Staff stated “yes”, that is their preference. She stated it's not consistent with their plan or the Tulsa County plan for the future.

Mr. Covey stated but at the same time there is AG everywhere.

Staff stated that's the existing condition and the Comprehensive Plan looks at the future. She stated there's a kind of a struggle between continuing what's there now and, developing something new.

Mr. Zalk in the future if someone wanted to rezone to residential they could come back and do that.

Mr. Covey stated the aerial photo show's nothing in this area and everything around the subject property is AG. He stated he gets that there's a plan but this just screams agricultural versus what the City of Sand Springs Comprehensive Plan shows.

Mr. Shivel stated with the abundance of AG surrounding the subject property he cannot support the staff's position.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **COVEY**, the TMAPC voted 6-0-0 (Bayles, Covey, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Blair, Craddock, Kimbrel, Reeds, "absent") to recommend **APPROVAL** of the AG zoning for CZ-528.

Legal Description for CZ-528:

The South Half of the North Half of the Northeast Quarter of the Southeast Quarter (S/2 N/2 NE/4 SE/4) and the South Half of the Northeast Quarter of the Southeast Quarter (S/2 NE/4 SE/4), of Section Two (2), Township Nineteen (19) North, Range Ten (10) East, of the Indian Base and Meridian, Tulsa County, Oklahoma, LESS AND EXCEPT the following tracts described as: BEGINNING 1643.3 feet North of the Southeast Corner of said Section Two (2). Township Nineteen (19) North, Range Ten (10) East; THENCE South 85°50' West a distance of 375 feet; THENCE South 74°31' West a distance of 102 feet; THENCE South 85°50' West a distance of 750 feet; THENCE North 82°5f West a distance

of 143 feet; THENCE North a distance of 257.9 feet; THENCE East a distance of 1322.8 feet; THENCE South a distance of 169.6 feet, to the place of beginning; AND Less 7.78 acres for highway, more particularly described as follows: A strip, piece or parcel of land lying in the S/2 NE/4 SE/4 of said Section 2, being described by metes and bounds as follows; Beginning at the SE/Corner of said S/2 NE/4 SE/4; Thence West along the South line of said S/2 NE/4 SE/4, a distance of 1322.8 feet to the SW corner of said S/2 NE/4 SE/4; Thence North along the West line of said S/2 NE/4 SE/4 a distance of 234.4 feet; Thence S 82°51' E a distance of 143.0 feet; Thence N 85°50' E a distance of 750.0 feet; Thence N 74°31' E a distance of 102.0 feet; Thence N 85°50' E a distance of 375 feet to a point on the East line of said S/2 NE/4 SE/4; thence South along said East line a distance of 323.3 feet to the point of beginning; LESS AND EXCEPT the North

300.0 feet of the West 290.4 feet of the East 315.15 feet of the South Half of the North Half of the Northeast Quarter of the Southeast Quarter (S/2 N/2 NE/4 SE/4): AND LESS AND EXCEPT the South 150.0 feet of the North 167.4 feet of the West 290.4 feet of the East 315.15 feet of the South Half of the Northeast Quarter of the Southeast Quarter (S/2 NE/4 SE/4), all in Section Two (2), Township Nineteen (19) North, Range Ten (10) East of the

Indian Base and Meridian, Tulsa County, Oklahoma, according to the U.S. Government Survey thereof.

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6. CO-14 Dani Fields (CD 7) Location: South of the southwest corner of East 63rd Street South and South 101st East Avenue requesting rezoning from RS-3 to CO

**STAFF RECOMMENDATION:
SECTION I: CO-14**

APPLICANTS DEVELOPMENT CONCEPT:

Tulsa Hyundai Automobile Dealership, located at 9777 S Memorial Dr, Tulsa, wishes to develop a secure, off-site storage area for overflow vehicle inventory. The subject property is approximately 4 acres, located near East 63rd Street, west of Highway 169. Access is from South 101st East Avenue.

The site is abutted on the west and south by CO zoned properties with the nearest being Oilers Ice Rink, Miller Swim School, and Twisters Gymnastics Training Center. Abutting to the north and east is RS-3 zoning with an older single-family residential area of much lower density than typical RS-3.

The Tulsa Comprehensive Land Use Plan designates this area “Mixed-Use Corridor” in an “Area of Growth.” CO zoning is supported.

The Comprehensive Plan says:

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

The CO rezoning application asks the applicant to address the following three elements:

1) Identify why the proposed development cannot be implemented with any of the other applicable zoning regulations.

This development could happen under CG or other commercial zoning also supported in the Mixed-Use Corridor, but CO provides the benefit of allowing the city to restrict land uses and build in protections along with approval. Much of the surrounding property is already zoned CO so CO zoning on the subject tract is compatible and supported by the Comprehensive Plan.

2) Provide specific information outlining how the development plan will result in a project that is consistent with the City's adopted comprehensive plans that affect the site. This may include the Tulsa Comprehensive Plan, small area plans, sector plans, special studies or other documents that help guide future development in the City of Tulsa.

Expanding the existing CO zoning and allowing this land use with restrictions that protect surrounding residential properties is an appropriate next step in support of the Comprehensive Plan.

This site, being off the main travel routes, is suitable for multifamily housing, small lot, and townhouse developments as stated examples of a stepdown from the more intense uses along the corridor. The proposed development would achieve the same goals under that concept.

This area is in transition toward the vision of the Mixed-Use Corridor. Transitional land uses may be allowed to occur as "placeholders" until market viability increases through improvements to public infrastructure and private development in the larger area.

As land uses transition positively, interim uses such as the proposed storage lot provide a suitable step-up toward the ultimate Plan goals. They help create more demand for infrastructure improvements and increased land value and property taxes, while requiring relatively little capital investment to build and maintain.

Even as such interim uses may not be the types ultimately anticipated, they still do contribute to elevating the visibility and value of the property and those around it when built and maintained in a quality manner. Such uses have a relatively short life and, because the investment isn't huge, can be easily removed and replaced when opportunities emerge for other development to come in and realize the area's full potential.

3) Include details identifying how the development plan will provide a greater public benefit than could be achieved using conventional zoning regulations.

As discussed previously, the public benefit comes from encouraging a land use that establishes a "step-up" transition toward the ultimate vision

of the Comprehensive Plan on property which would otherwise remain unproductive and possibly neglected.

The city should allow such uses that fulfill the objectives described in the Plan. With approval, it should establish appropriate conditions that help ensure compatibility with the development's surroundings, even if "interim" extends for several years. In the meantime, a vacant lot can become more secure through increased activity, development activity begins to stimulate other development activity, and both elevate the profile of the immediate area making it more attractive to investors.

DETAILED STAFF RECOMMENDATION:

Uses and development standards as outlined in CO-14 are consistent with the Mixed-Use Corridor land use designation in the Tulsa Comprehensive Plan; and

The Corridor Development Plan is a unified treatment of the development possibilities of the project site; and

Provisions have been made for future use opportunities, property access, circulation, and functional relationships of uses; and

Permitted Uses, building types and supplemental standards outlined in CO-14 are consistent with the provisions of the Corridor chapter of the Tulsa Zoning Code; and

Anticipated uses, lot and building regulations along with normal supplemental regulations in the Tulsa Zoning Code as provided CO-14 are consistent with the existing development pattern in this area of Tulsa; and

The applicant has provided evidence of a neighborhood engagement process and the proposed development plan provides design elements consistent with neighborhood comments therefore,

Staff recommends Approval of the development plan for CO-14 as outlined in Section II below.

SECTION II: CO-14 DEVELOPMENT PLAN STANDARDS:

CO-14 will conform to the provisions of the Tulsa Zoning Code for development in a CO district and its supplemental regulations as identified in Section 25 in the Tulsa Zoning Code.

All use categories, subcategories or specific uses and residential building types or building types that are not listed below are prohibited.

Permitted Use Categories, Subcategories:

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

Household Living

Three or more households on a single lot only if allowed in the building types identified below.

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

College or University

Day Care

Governmental Service

Library or Cultural Exhibit

Postal Services

Religious Assembly

Safety Service

School

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

Animal Service

Assembly and Entertainment

Commercial Service

Financial Services

Lodging

Office

Parking, Non-accessory

Retail Sales

Studio, Artist, or Instructional Service

Trade School

WHOLESALE, DISTRIBUTION and STORAGE

Equipment and Materials Storage, outdoor

Warehouse

AGRICULTURAL (Use Category and all subcategories and customarily accessory uses allowed only as follows)

Community Garden

Farm, (Market or Community supported)

Building Types for Household Living:

Mixed use building

Vertical mixed-use building

Three or more households on a single lot

Cottage house development

Multi-unit house
Apartment/Condo
Mixed-use building
Vertical mixed-use building

Lot and Building Regulations

Maximum Building Coverage	75%
Minimum Lot Area	43,560 square feet
Maximum Building Height	45 feet
Maximum Floor Area on any lot	65,000 square feet
Minimum lot frontage on a public street	100 feet
Minimum lot area per dwelling unit	1200 square feet
Minimum open space per dwelling unit	200 square feet

Minimum Parking ratios shall conform to the reduced minimums required for each specific use as defined in the Tulsa Zoning Code referenced in CH and MX districts.

Minimum Building Setbacks

From the subject property boundary as defined below

- | | |
|-----------------------|---------|
| 1. East boundary | 25 feet |
| 2. North boundary | 20 feet |
| 3. South boundary | 20 feet |
| 4. West boundary | 30 feet |
| 5. Internal lot lines | 0 feet |

Surface Parking Setbacks

From the subject property boundary as defined below.

- | | |
|--------------------------|---------|
| 1. North | 25 feet |
| 2. East | 30 feet |
| 3. South | 25 feet |
| 4. West | 25 feet |
| 5. Internal lot setbacks | 10 feet |

Vehicular access to South 101st East Avenue:

Vehicular access is prohibited within ~~90~~ 85 feet of the subject property north boundary.

Vehicular access is prohibited within 150 feet of the subject property south boundary.

Landscaping:

Landscaping shall meet or exceed the minimum standards defined as follows:

Street Trees:

1. Large trees shall be installed and maintained with at least one tree for each 25 feet linear feet of street frontage. The street trees shall be installed on the subject property and within 26 feet of the planned street right of way. Trees may be grouped but may not be spaced further than 75 feet from another tree.
2. Street trees shall be a mix of evergreen and deciduous trees. A minimum 60% of street trees shall be evergreen
3. Adjacent to South 101st East Avenue a landscape buffer must include the following:
 - a. A landscape berm with a minimum height of 3 feet must be installed and maintained abutting the planned right of way.
 - b. Fencing shall be on the west side of the berm and a minimum of 25 feet from the planned right of way.

Perimeter Landscape requirements along the north, west and south boundary:

1. Provide a landscape buffer that meets or exceeds the following requirements:
 - a. Opaque fence with a minimum height of 6 feet must be provided as shown on the concept plan.
 - b. A landscape berm with a minimum height of 3 feet.
 - c. Landscape area with a minimum width of 25 feet.
 - d. Large Trees with a maximum spacing of every 30 feet.

Terminal Islands: (As illustrated on parking lot concept drawing)

Terminal islands are required however they must have a minimum width of 20 feet on islands nearest South 101st East Avenue and include two large trees on each island. Terminal islands on the remainder of the site shall have a minimum width of 7 feet and are not required to have trees.

Lighting

Pole lights may not exceed 16 feet in height and may not be closer than 40 25 feet from subject property boundary. Lights must be pointed down and away from any abutting residential use and

conform to the general standards for lighting in the Tulsa Zoning Code as defined in section 67.030.

Screening:

Dumpsters and mechanical equipment shall be screened as defined in the Tulsa zoning code and shall be placed a minimum of 120 feet from any the subject property boundary.

Signage:

Signage shall conform to the provisions of the Tulsa zoning code in a CO district with the following limitations

1. The subject property shall be limited to a single ground sign. The ground sign shall be monument style with a maximum height of 15 feet and 64 square feet of display surface area.
2. Dynamic display signage is prohibited.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The concept identified in the development plan is supported in the Mixed-Use Corridor land use designation. The specific use for outdoor storage of personal vehicles intended as the first phase of development is not consistent with the mixed use corridor land use designation.

Land Use Vision:

Land Use Plan map designation: Mixed-Use Corridor

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

Areas of Stability and Growth designation: Area of Growth

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

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

Transportation Vision:

Major Street and Highway Plan: South 101st East Avenue was platted with a 60-foot wide right of way so the planned right of way and the actual lot line are the same.

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 without significant vegetation almost flat. The site abutted on north, south and east with residential properties.



Environmental Considerations: None that would affect site redevelopment

Streets:

<u>Existing Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South 101 st East Avenue	Collector	60 feet	2 with roadside ditches

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-3	Mixed-Use Corridor	Growth	Detached single family
East	RS-3	Mixed-Use Corridor	Growth	Detached single family
South	CO / Z-6078 / SP-5	Regional Center	Growth	Gym, office and warehousing

West	CO / Z-5903 / SP-1	Regional Center	Growth	Indoor and outdoor skating and training facility
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SECTION IV: Relevant Zoning History

Subject Property:

ZONING ORDINANCE: Ordinance number 11830 dated June 26, 1970, established zoning for the subject property.

Surrounding Property:

BOA-21349 April 2012: The Board of Adjustment **approved** a *Variance* to permit more than one sign (monument sign) in OL district (Section 602.B.4.b); & a *Variance* of the requirement that illumination of a sign shall be by constant light to permit an LED element on a sign in an OL district (Section 602.B.4.f); & a *Variance* to allow a sign with surface area of 132 square feet and a display area of 32 square feet (Section 602.B.4.c), on property located at 6301 South Mingo Road East.

BOA-21018 January 2010: The Board of Adjustment **approved** a *Variance* to permit the maximum permitted land coverage of a building in the CO district from 30% to 38% (Section 803) & a *Variance* of the requirement that any corridor development's access shall be principally from internal collector service streets (Section 804); & a *Modification* of a previously approved plan and conditions related to the building setback from an arterial street (BOA-15242), on property located at NE/c of S. Mingo Road and East 63rd Street.

BOA-20759 August 2008: The Board of Adjustment **deny** a *Variance* to permit the minimum 200 feet commercial building setback in a CO district from the centerline of South Mingo Road to 115 feet (Section 803); & *Variance* of the maximum land coverage for a building from 30% to 37% (Section 803); & *Variance* of the required parking from 293 to 240 parking spaces (Section 1219.D); & *Variance* of the minimum 5 feet landscape area separation of a parking area from abutting residential districts to 2 feet (Section 1002.A.3); all to permit expansion of an existing Ice Center in a CO district, on property located at 6413 South Mingo Road.

BOA-20282-A November 2008: The Board of Adjustment **approved** a *Modification* of a previously approved site plan to permit expansion of an existing Ice Center in a CO District, on property located at 6413 South Mingo Road.

BOA-20574 September 2007: The Board of Adjustment **approved** a *Variance* to permit minimum building setback from the centerline of South Mingo Road from

200 feet to 175 feet. (Section 803), on property located at 6415 South Mingo Road.

BOA-20282 June 2006: The Board of Adjustment **approved** a *Variance* to permit the required 200 feet setback from the centerline of an arterial street to 125 feet; & a *Variance* of the maximum land coverage of a building from 30% to 33%; & a *Variance* of the required 300 parking spaces; all to permit an expansion of an existing Ice Center in a CO district, on property located at 6413 South Mingo Road.

BOA-17491 September 1994: The Board of Adjustment **approved** a *Variance* to permit the requirement that a corridor development's access must be principally from internal collector streets, on property located at 63rd and Mingo Road.

BOA-16872 November 1994: The Board of Adjustment **approved** a *Variance* to permit the requirement that in a corridor development all access shall be principally from an internal collector service street, on property located at Northeast of East 66th Street and South Mingo Road.

BOA-13977 March 1986: The Board of Adjustment **approved** a *Variance* to permit a use variance to permit an existing car repair business in an RS-2 zoned district, on property located at 6301 South Mingo.

BOA-12431 February 1983: The Board of Adjustment **approved** a *Special Exception* to permit request for a waiver of the screening requirements between an OL District and a residential district or an extension of time therefore, on property located at 6500 South Mingo Road.

CO-4 February 2017: All concurred in **approval** of a request for a *Corridor Development Plan* on a 1.82± acre tract of land for on property located South of southeast corner of East 61st St. and South Mingo Road.

Z-5903 March 1984: All concurred in **approval** of a request for *rezoning* an 8.37± acre tract of land from RS-3 to CO on property located South of the SE corner of 63rd Street and Mingo Road.

Z-5775 January 1983: All concurred in **approval** of a request for *rezoning* a 2.0± acre tract of land from RS-3 to OL/RM-1 on property located North of the northeast corner of 66th and Mingo.

Z-6078 November 1985: All concurred in **approval** of a request for *rezoning* a tract of land from RS-3 to CO on property located 9725 East 66th Street South.

SECTION V: APPLICANTS NEIGHBORHOOD ENGAGEMENT PROCESS

Landowner Communications and Contact List and Summary

For purposes of advising neighbors of the attached rezoning application to Corridor (CO) zoning, door-to-door visits were made on November 17, 2021, to advise and receive input from the owners of abutting properties shown on the attached map. Following are our notes from each contact.

- 1) Oilers Ice Center, Jessie Stoops, Skating Director, 918-252-0011, 6413 S Mingo Rd, Tulsa, OK
 - a. Jessie was not available. I left my card and she called the evening of 11/17/21. She was fine with the plans to use the property as an overflow lot and change the zoning. She did not have any questions or concerns.
- 2) Miller Swim School, Chelsea, Office Coordinator, 918-254-1988, 6415 S Mingo Rd, Tulsa, OK
 - a. Spoke with Chelsea. She had no issues with the zoning change or the use of the property. She gave my contact information to the owner and said they would reach out if they had questions.
- 3) Kevin and Shelia Kittell, 9730 E 63rd St S, Tulsa, OK
 - a. Met with Shelia, really nice person. Did not want to give me her number though and said she would reach out to me if her family had any questions, so I left my card. She was thrilled to have the project coming into the area to help keep having so many homeless individuals from living on the empty lot it is now. I informed her that the property would be fenced and have heavy landscaping to give privacy between her and the lot and she thought that would be better than the overgrown lot it is now.
- 4) Pamela C. Woodard, 9914 E 63rd St S, Tulsa, OK
 - a. This property is a rental property. Sent Pamela a letter at 12505 E 27th Pl, Tulsa, OK 74129 on 11/17/2021 and have not heard from her. Tenant said that he was the brother of Pamela. He was happy to see the project coming and would talk to her about it.
- 5) Carrol C Scranton Trust, 9916 E 63rd St S, Tulsa, OK
 - a. This property is a rental property. Sent Carrol a letter at 9010 E 64th St, Tulsa, OK 74133 on 11/24/2021
- 6) Robert A and Vicki A Pierce, 9930 E 63rd St S, Tulsa, OK
 - a. Spoke with Vicki. She was very interested in the project and was happy to have the lot used for something. Loved the idea of having the fencing and landscaping because she believes it would be better than the "junk" that accumulates on the lot since it is vacant.

- 7) Virgilio Maldonada and Sarai Moreno-Maldonado, 6312 S 101 Ave E, Tulsa, OK
 - a. This house has been torn down. I sent a letter to the owners at their mailing address listed online at 1318 S 123rd East Ave, Tulsa, OK 74128 and have not heard from her.

- 8) Russell Finn, 216-469-1454, 6404 S 101 Ave E, Tulsa, OK
 - a. House is abandoned. Reached out to Russell by phone because the neighbor gave me his number. He is happy with the overflow lot going on the property.

- 9) Robert S Sanderson Trust, 6303 S 101 Ave E, Tulsa, OK
 - a. Landowner was happy to see the lots being put to good use and not bare and overgrown like they currently are. He said he would reach out if he thought of anything else.

- 10) Sieu Tang Ting, 918-492-8783, 6307 S 101 Ave E, Tulsa, OK
 - a. Property is vacant land. Sent Ting letter 11/24/2021

- 11) Katharine A. Lucas and James A. Fielder, 6311 S 101st E Ave, Tulsa, OK
 - a. Katharine was excited to see the project coming. She thought the fencing and landscaping would help control the homeless population and cleanup the area since several places around her were abandoned.

- 12) James Edward Lee and Sulli Mariah Helen Trustees, 6335 S 101 E Ave, Tulsa, OK
 - a. Met with Sulli and she had several questions about how it would affect their lots. Once I explained we would have fencing, landscaping for privacy and would have lights no higher than 16 feet tall, she was happy with the use of the property.

It should be noted that Landowners, 9, 11 and 12 mentioned that all the property owners (exact number was not given) along 101st and 63rd met a couple weeks earlier and discussed selling their properties/homes as a package to a developer. They all agreed on the terms of the arrangement and agreed to start looking for a commercial realtor to help them move forward with listing as a package. The date of their next meeting is undetermined. All 3 stated that they believed the development of the overflow lot would assist in selling their properties/homes as a commercial property.

Staff Comment:

The staff report was completed 12.29.2021. At that time, we had not received any correspondence by email, phone or mail.

Applicants Map illustrating contacts referenced above.

DRAFT



TMAPC Comments:

Staff stated the applicant has proposed additional revisions that in general were consistent with the conversations that they were having. He stated there are a few things in the revised proposal that feels a little more like it is site specific and was careful to not include too much site specific detail. Staff stated in general they can support the idea of some of the revisions but staff has not had time to look at the new proposal and he is anxious to hear what Mr. Beach has to say. Staff stated he saw that one of the proposals is to eliminate the three foot berm long 101st Street. He stated staff would not support that change.

Applicant Comments:

Jim Beach, Wallace Design Collective, 123 N Martin Luther King Jr Blvd, Tulsa, OK 74103

The applicant stated this application is for an overflow storage lot for a Hyundai dealership. He stated there will be no sales conducted from this lot and no customers brought over to view cars. The applicant stated it is fully enclosed with a secure fence. He stated the staff report under Lot and Building Regulations states that vehicular access is prohibited within 90 feet of the abutting property north boundary. The applicant proposes 85 feet to align with the drive aisle that's in the parking lot. He stated in conversations with staff on the phone he indicated he wasn't concerned about those five feet and appeared to be willing to accept 85 feet instead of 90 feet. The applicant stated his proposed alterations are considered not materially different from what was presented to the neighbors. He stated they went door to door and had great conversations with all of them that are abutting the property including the three commercial neighbors to the west and southwest. The applicant stated they propose to eliminate the three foot berm along the street. He stated security is important and this lot is currently used by vagrants from time to time and neighbors report there's trash that builds up and the applicant wants to make sure that the subject property is fully enclosed by a screening fence. He stated they propose that fence be out at the street and then the berm would be behind the fence with the trees planted on top of the berm to elevate them above the fence. The applicant stated after talking with staff it their desire for that to appear more like a residential street frontage. He stated staff wanted the fence moved to the back near the parking lot and behind the berm, so the berm and landscaping would be out front. The applicant stated If they do that they don't see any reason for the berm because there would be the trees that are shown and more than adequate landscaping, and a very attractive street frontage all up and down 101st Street in front of this project. He stated the berm doesn't materially add anything to that except some undulation which, of course is attractive.

Mr. Covey asked if the applicant was proposing to either eliminate the berm and go with the fence, not on the street, or push the fence back to the street and half the berm somewhere else.

The applicant stated no it was the opposite. He stated they propose the fence out at the street with the berm and landscaping behind it or push the fence back and eliminate the berm but keep the landscaping. The applicant stated the next thing was under Terminal Islands. He stated the minimum requirement on terminal islands is 7 feet wide. The staff recommendation is for them to be 20 feet wide. The applicant stated there are terminal islands at the end of each of the four rows of parking in the parking lot and they are showing a 10 feet right of away. He stated their recommendation would be for those to be 20 feet on the east of the parked cars which would be closer to the street and then toward the west end where it abuts a wide detention area and has the perimeter trees they would like to go down to seven feet and eliminate the trees in those four islands. He stated under Lighting staff had recommended setback of 40 feet from the property line for the lights which would put them in or near the middle of the parking. The applicant stated if they put them there they have to shine backwards toward the residences in order to light that portion of the subject property. He stated they are proposing a 25 foot setback from the property line, which puts them right at the edge of the parking and then all of the light can be poured away from the residences they wouldn't exceed 16 feet as staff mentions in the staff report.

Staff stated they are okay with the location of the vehicular access on the north side being 85 feet instead of 90 feet. He stated staff is okay with the lighting being 25 feet instead of 40 feet. Staff stated the elimination of the berm out on the 101st East Avenue has been part of the presentation from the very beginning and he thinks it's an important concept that that will help integrate the parking lot and anything else that happens out there into the abutting residential areas. He stated he does not support removing the 3 foot berm. Staff stated regarding the terminal islands, it seems when they are trying to integrate a very large parking lot surrounded by residential areas there should be more landscaping and trees instead of less. That is the reason staff recommends the 20 foot wide islands with trees because of the impact on a residential neighborhood.

Mr. Covey asked staff if they opposed both pathways that the applicant presented for the berm.

Staff stated he would be more inclined to not have a wood fence along 101 Street but require the berm. He stated as it stands there is only one path forward and that is to require the berm. Staff stated If there's an option to be presented with just a fence behind the landscaping they could end with the terminal islands and that would give a better look. He stated it would help integrate it better with the residential component.

Mr. Covey stated he thought the applicant's argument for the fence was going to be for security reasons.

Staff stated they will need some kind of fence. He stated typically, they rely on a wood fence to do that, but those start deteriorating immediately and he would rather rely on berms and landscaping instead of a fence.

Mr. Zalk stated he didn't quite understand the 20 foot terminal islands and mandating the trees. He stated he does not see how that affects much if the trees on the east side of abutting the street are already there.

Staff stated it's another layer of vegetation that would have some impact on what you see from the street. He stated with wider islands, those trees will be more vibrant and bigger trees to soften the impact from 101st Street and from the residents directly across the street.

Ms. VanValkenburgh asked what the parking lot layout was going to look like. She stated the applicant has been talking about east terminal islands and west terminal islands what if they oriented in a north/south direction.

Staff stated they do not know what the parking lot is going to look like.

Ms. VanValkenburgh stated she needs more specifics on what we are saying about the parking lot.

Staff stated there is a concept drawing on page 6.18 of the packet of the parking lot that they're proposing. He stated the dimensions are not exactly what is shown because it's a concept.

Ms. VanValkenburgh stated if we talk about a difference in size of the terminal islands we need to be more specific about distance from 101 East Avenue.

The applicant stated he is okay with the three foot berm he doesn't think that's something they want to press hard on. He stated he talked with staff for about 30 minutes just before the meeting and he may not be remembering what was discussed correctly, but they talked about a wood fence versus a chain link fence or a non-opaque fence and staff seemed okay either way on that. The applicant stated in any case they can accept the three foot berm on the islands but he would still propose the matching islands at the west end of the parking lot be seven feet and can have small trees or no trees. He stated that those islands are further supported by a very wide detention area and trees along the perimeter of the property. The applicant stated he doesn't have the dimensions but maybe 100 feet or more from the edge of the parking lot to the property line on the west side. He stated he doesn't see how 20 foot wide terminal islands really benefited them compared with the cost and the difficulty of maintaining the trees and irrigating them. The applicant stated the neighbors that those benefit the most are commercial properties in CO zoning already. He stated he would stand on

the proposal of 20 feet on the east islands and 7 feet on the west islands with trees on the east and no trees on the west.

Staff stated if this were only going to be submitted, anticipating a parking lot, his recommendation would have been denial from the very beginning. He stated with the idea of expanding those uses and looking forward to development. Opportunities changed the way staff looked at this application and he felt like the landscaping was the best way to integrate something like this into the neighborhood. Staff stated he was not willing to back off of what they recommended on the terminal islands.

Mr. Covey stated to summarize he believes both parties agree with all of staff recommendation with the exception of the terminal islands.

Ms. Bayles stated she has to agree with the applicant. She stated when you look at that overhead picture and see what that terrain looks like now, that would not be injurious to what is anticipated to be a well-designed project. Ms. Bayles complimented the applicant on his neighborhood engagement process because looking at the comments from the neighborhood they are seeing this as an eyesore where the homeless are congregating and this gives them the security that she would like if she was living near or around the subject property. Ms. Bayles stated she appreciates the applicant agreeing to the berm and putting the fencing behind it. She stated she thinks that will give it a very pleasing appearance from the street and also from the adjacent neighborhoods.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **WALKER**, the TMAPC voted 6-0-0 (Bayles, Covey, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Blair, Craddock, Kimbrel, Reeds, “absent”) to recommend **APPROVAL** of the CO zoning for CO-14 per staff report as amended at meeting with the following changes, vehicular access from the site to South 101st East Avenue is decreased from 90 feet to 85 feet from the north boundary, the terminal islands are changed to 20 feet on east side with 2 large trees and 7 feet west side with no trees and the lighting setback is changed from 40 feet from the subject property boundary to 25 feet.

Legal Description for CO-14:

Lot 2 and 3 of Block 7, Union Gardens of Section 6-T18-R15

PUBLIC HEARING-PLATS

7. **East 11th Street Substation** (CD 6) Preliminary Plat, Location: East of the southeast corner of East 11th Street South and South 193rd East Avenue

STAFF RECOMMENDATION:

East 11th Street Substation - (City of Tulsa, CD 6)

East of the southeast corner of East 11th Street South and South 193rd East Avenue

This plat consists of 1 lot, 1 block, on 5 ± acres.

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

1. **Zoning:** The property is currently zoned AG (Agriculture). Proposed use will require special exception approval by the City of Tulsa Board of Adjustment. Lot conforms to the requirements of the AG district.
2. **Transportation & Traffic:** Sidewalks, ADA ramps, and driveways in the public right-of-way require approval of IDP. IDP approval is required prior to final plat approval. Provide standard language for sidewalks and access in the deed of dedication. Limits of no access must be added to East 11th Street to define approved access points. Include right-of-way dedication on the face of the plat; either book and page or “dedicated by this plat”.
3. **Sewer/Water:** Sanitary sewer and water line extensions require IDP approval. IDP approval is required prior to final plat approval. Provide 17.5’ perimeter utility easement on lot.
4. **Engineering Graphics:** Submit a subdivision control data sheet with final plat. Remove contours from final plat submittal. In the plat subtitle, add “City of Tulsa” before Wagoner County and “State of” before Oklahoma. Show all section 7-T19-R15E in the location map. Label section road names and all platted boundaries. Label all other land as “unplatted”. Provide graphically on the face of the plat the address disclaimer/caveat. Under the basis of bearing heading, include the coordinate system used. Provide a bearing angle shown on the face of the plat. Update legal descriptions to ensure accuracy between face of the plat and written description. Check scale for accuracy.
5. **Stormwater, Drainage, & Floodplain:** Public storm sewers and detention pond proposed as part of this project will require IDP approval. IDP approval is required prior to final plat approval. Limits of the Tulsa Regulatory Floodplain must be shown on the face of the plat.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the conditions provided by TAC and the requirements of the Subdivisions Regulations. City of Tulsa release required prior to final plat approval.

The applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **WALKER**, the TMAPC voted 6-0-0 (Bayles, Covey, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Blair, Craddock, Kimbrel, Reeds, “absent”) to **APPROVE** the Preliminary Subdivision Plat for East 11th Street Substation per staff recommendation.

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- 8. North Tulsa Commerce Center** (County) Preliminary Plat, Location:
Northeast corner of East 76th Street North and North Yale Avenue (North Whirlpool Drive)

STAFF RECOMMENDATION:

North Tulsa Commerce Center - (County)

Northeast corner of East 76th Street North and North Yale Avenue

This plat consists of 2 lots, 1 block, on 44.29 ± acres.

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

- 1. Zoning:** The majority of the property is currently zoned IM. The northern area of the property remains zoned AG with a pending request to rezone the remainder (CZ-527) to IM. Lots proposed conform to the requirements of the IM district.
- 2. Transportation & Traffic:** Label all adjacent right-of-way areas with dimensions and recording information. If the right-of-way is being dedicated by plat indicate that on the face of the plat.
- 3. Sewer/Water:** Sanitary sewer extensions require IDP approval by the City of Tulsa Development Services department. IDP approval is required prior to final plat approval. Provide 17.5’ perimeter utility easement on lots. Offsite easements for sanitary sewer extensions must be recorded and shown on the face of the plat.

4. **Engineering Graphics:** Submit a subdivision control data sheet with final plat. Remove contours from final plat submittal. In the plat subtitle add "State of" before Oklahoma. For the location map show entire section and label section road names and all platted boundaries. Label all other land as "unplatted". Provide graphically on the face of the plat the address disclaimer/caveat. Under the basis of bearing heading, include the coordinate system used. Provide a bearing angle shown on the face of the plat. Graphically show all property pins found or set that are associated with the plat.
5. **Stormwater, Drainage, & Floodplain:** Drainage plans must be reviewed and approved by the Tulsa County Engineer prior to final plat approval.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the conditions provided by TAC and the requirements of the Subdivisions Regulations. City of Tulsa and Tulsa County release required prior to final plat approval.

The applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

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

OTHER BUSINESS

9. 2022 Election of Officers- Current Officers:

Michael Covey, Chairman
 Joshua Walker, 1st Vice Chairman
 Ted Reeds, 2nd Vice Chairman
 Joshua Ritchey, Secretary

Mr. Covey stated the proposed slate of officers for 2022 is as follows:

Michael Covey, Chairman
Joshua Walker, 1st Vice Chairman
Ted Reeds, 2nd Vice Chairman
John Shivel, Secretary

TMAPC Action; 6 members present:

On **MOTION** of **COVEY**, TMAPC voted 6-0-0 (Bayles, Covey, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Blair, Craddock, Kimbrel, Reeds, “absent”) to waive the TMAPC Policies and Procedures concerning serving successive terms and elect the following TMAPC officers for 2022: Chair, Michael Covey; 1st Vice Chair, Joshua Walker; 2nd Vice Chair, Ted Reeds; Secretary, John Shivel.

10. Commissioners' Comments

None

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ADJOURN

TMAPC Action; 6 members present:

On **MOTION** of **COVEY**, TMAPC voted 6-0-0 (Bayles, Covey, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Blair, Craddock, Kimbrel, Reeds, “absent”) to **ADJOURN** TMAPC meeting of January 5, 2022, Meeting No. 2857.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 1:50 p.m.

Date Approved:

Chairman

ATTEST: _____

Secretary