

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
**Minutes of Meeting No. 2863**

Wednesday, April 6, 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>
Blair	Bayles	Foster	Jordan, COT
Covey	Zalk	Hoyt	Silman, COT
Craddock		Miller	VanValkenburgh, Legal
Kimbrel		Sawyer	
Krug		Siers	
Reeds		Wilkerson	
Shivel			
Walker			
Whitlock			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday April 4, 2022 at 1:00 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.

**REPORTS:**

**Chairman’s Report:**

Mr. Covey congratulated Mr. Blair on his appointment as City Attorney.

**Director’s Report:**

Ms. Miller reported on City Council actions. She stated the City Council initiated a voluntary AG-R program on the east side that is similar to the one in the Tulsa Hills area and has received 20 applications so far. She stated work continues on the Tulsa County Zoning Code update.

Mr. Craddock asked if there are any thoughts about engaging the County Commissioners in the process.

Ms. Miller stated “yes”, a group made up of Tulsa Planning Office staff and Tulsa County Inspection staff have been meeting and Teresa Tosh with the County will schedule meetings with each of the County Commissioners to talk about their issues.

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**Minutes:**

1. Minutes of March 2, 2022 Meeting No. 2861

Approval of the minutes of **March 2, 2022 Meeting No. 2861**

**TMAPC Action; 9 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Blair, Covey, Craddock, Kimbrel, Krug, Reeds, Shivel, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Bayles, Zalk, “absent”) to **APPROVE** the minutes of March 2, 2022 Meeting No. 2861

**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-329-A-1 Lori Worthington** (CD 2) Location: South of the southeast corner of South Lewis Avenue and East 71st Street South requesting a **PUD Minor Amendment** to add a monument sign to allowable signage

**STAFF RECOMMENDATION:**

**SECTION I:** PUD-329-A-1 Minor Amendment

Amendment Request: Modify the PUD Development Standards to add a monument sign to the allowable signage.

The current PUD development standards refer to signage allowed in the OM zone, which limits the PUD to one sign, which can be a wall, projecting or freestanding sign. There is one existing wall sign located on the one building within the subject lot. The applicant is proposing that, in addition to the wall sign, a monument sign be allowed displaying the names of the tenants of the building as shown on the exhibit provided by the applicant.

The monument sign shall be limited to 10 ft in height and 50 sf in area. Wall signs shall be allowed with a maximum area of 32 sf in area or 0.30 sf per linear foot of street frontage, whichever is greater, but in no case exceed 150 sf in area, which is the allowable sign area for lots located in the OM zone per Section 60.060-C of the City of Tulsa Zoning Code.

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

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

Staff has reviewed the request and determined:

- 1) PUD-329-A-1 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-329-A.
- 2) All remaining development standards defined in PUD-329-A shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to add a monument sign to the allowable signage of the PUD.

**Legal Description for PUD-329-A-1 :**

Lot 1, Block 1 South Lewis Plaza Amended

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3. **PUD-429-2 Michael Scarbrough** (CD 9) Location: Northwest corner of East 71st Street South and South Canton Avenue requesting a **PUD Minor Amendment** to add car wash as an allowable use

**STAFF RECOMMENDATION:**

**SECTION I:** PUD-429-2 Minor Amendment

Amendment Request: Modify the PUD Development Standards to add Car Wash as an allowable use.

The current PUD development standards allow offices, restaurants, convenience goods and services, shopping goods and services and automobile and related activities but limited to fuel sales. The applicant is proposing to add Car Wash as an allowable use, which would fall under the Personal Vehicle Repair and Maintenance subcategory of the City of Tulsa Zoning Code. This use is permitted by right in the CS district, which is the underlying zoning of PUD-429.

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

*“Changes in an approved use to another use may be permitted, provided the underlying zoning on the particular site within the PUD would otherwise permit such use as of right and the proposed use will not result in any increase of incompatibility with the present and future use of nearby properties.”*

Staff has reviewed the request and determined:

- 1) PUD-429-2 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-429.
- 2) All remaining development standards defined in PUD-429 shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to add Car Wash as an allowable use.

**Legal Description for PUD-429-2 :**

PRT LT 1 BEG SECR LT 1 TH W300 N200 E300 S200 POB BLK 2 BURNING HILLS

**TMAPC Action; 9 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Blair, Covey, Craddock, Kimbrel, Krug, Reeds, Shivel, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Bayles, Zalk, “absent”) to **APPROVE** Items 2 and 3 per staff recommendation.

**PUBLIC HEARING – PLATS**

4. **Windrush II** (County) Minor Subdivision Plat, Location: South of the southeast corner of East 131<sup>st</sup> Street South and South Mingo Road

**STAFF RECOMMENDATION:**

**MINOR SUBDIVISION PLAT**

**Windrush II** - (County)

South of the southeast corner of East 131<sup>st</sup> Street South and South Mingo Road

This plat consists of 5 lots, 1 block on 2.436 ± acres.

The Technical Advisory Committee (TAC) met on March 17, 2022 and provided the following conditions:

1. **Zoning:** Property is zoned RM-2 (Residential Multifamily). Proposed lots conform to the requirements of the RM-2 district.
2. **Addressing:** Addresses provided by INCOG must be shown on face of the plat.

3. **Transportation & Traffic:** Approved as submitted.
4. **Sewer/Water:** City of Bixby serves the site with water/sewer. Release letter from the City of Bixby has been received and indicates all water/sewer is in place.
5. **Stormwater, Drainage, & Floodplain:** Approved as submitted.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All release letters have been received. Oil & Gas certificate was submitted.

Staff recommends **APPROVAL** of the minor subdivision plat subject to the conditions provided by TAC and the requirements of the Subdivisions Regulations.

**The applicant was not present.**

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

**TMAPC Action; 9 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Blair, Covey, Craddock, Kimbrel, Krug, Reeds, Shivel, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Bayles, Zalk, “absent”) to **APPROVE** the Minor Subdivision Plat for Windrush II per staff recommendation

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5. **Saint Francis Hospital South** (CD 7) Preliminary Plat, Location: Northeast corner of East 91<sup>st</sup> Street South and Highway 169

**STAFF RECOMMENDATION:**

**Saint Francis Hospital South** - (CD 7)

Northeast corner of East 91<sup>st</sup> Street South and Highway 169

This plat consists of 2 lots, 1 block on 40.93 ± acres.

The Technical Advisory Committee (TAC) met on March 17, 2022 and provided the following conditions:

1. **Zoning:** The subject tract is zoned CO (Corridor) and is located within an approved Planned Unit Development (PUD-586-A).

2. **Addressing:** City of Tulsa addresses and street names must be assigned and affixed to the face of the final plat along with an address disclaimer.
3. **Transportation & Traffic:** Sidewalks and ADA accessible ramps will be required along East 91<sup>st</sup> Street South and require approval of an IDP. IDP approval is required prior to final plat approval. Include sidewalk language in deed of dedication. Lot 2 currently has no access. Provide access solution on final plat.
4. **Sewer/Water:** Easements must be provided as required to cover existing/proposed public infrastructure. All easements are required to be labeled and dimensioned on the face of the final plat. Sanitary sewer and water extensions require approval of an IDP. IDP approval is required prior to final plat approval.
6. **Engineering Graphics:** Submit subdivision data control sheet with final plat submittal. In the plat subtitle, add "City of Tulsa" before Tulsa County. In the location map, show all platted boundaries, label all other property as unplatted and label the plat location as "project location" or "site". Under Basis of Bearing information include coordinate system used. Provide a bearing angle preferably shown on the face of the plat. Ensure bearing angles shown on the face of the plat match the written legal description. Add signature block for City officials.
7. **Stormwater, Drainage, & Floodplain:** Storm sewer improvements are required for the proposed development and must be approved through the IDP process. Easements, as required, must be shown on the face of the plat with labels and dimensions. IDP approval is required prior to final plat approval.
8. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

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

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Blair, Covey, Craddock, Kimbrel, Krug, Reeds, Shivel, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Bayles, Zalk, "absent") to **APPROVE** the Preliminary Subdivision Plat for Saint Francis Hospital South per staff recommendation.

## PUBLIC HEARING-COMPREHENSIVE PLAN AMENDMENTS

Items 6 and 7 were presented together.

- 6. TCCP-9 Donald Leblanc** (County) Location: Southeast corner of South 81st West Avenue and West 18th Street South requesting to amend the Land Use Map designation of the subject property from **Residential to Industrial/Regional Employment** (Related to CZ-530)

### **STAFF RECOMMENDATION:**

#### **Property Information and Land Use Request**

The subject property is a 0.64-acre, unplatted tract of land on the Southeast corner of South 81st West Avenue and West 18th Street South. The applicant has submitted the following Comprehensive Plan amendment request to amend the land use designation of the of the subject property from *Residential* to *Industrial/Regional Employment*. This request is accompanied by a concurrent rezoning request (CZ-530), which proposes a zoning change on the subject tract from RM-2 to IM in order to allow an industrial use for a wrecker business.

#### **Background**

The parcel subject to this Comprehensive Plan amendment request is located within the fenceline of Sand Springs and abuts IM (Industrial Moderate) zoning and uses to the north, west, and south. It abuts RS zoning to the east with a residential use. The abutting properties to the north, west, and south have a land use designation of Industrial/Regional Employment. The land use designation for the property to the east is Residential.

The land use designation of the subject property was designated as Residential in the 2030 Sand Springs Land Use Master Plan which was adopted June 26, 2017. It was later adopted on October 7, 2020 (Resolution 2817:1015) by Tulsa Metropolitan Area Planning Commission and approved by the Board of County Commissioners on October 26, 2020, as part of the Tulsa County Comprehensive Land Use Plan.

The Major Street and Highway Plan designates South 81<sup>st</sup> West Avenue as a Residential Collector. US Highway 412 lies approximately 2000 feet to the north and is designated as a Freeway. The subject property is located in the 500-year floodplain. The subject area is located within the Sand Springs Public Schools District.

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

“The **Residential** designation is defined in both the 2030 Sand Springs Master Land Use Plan and the Tulsa County Land Use Plan as follows: 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.

Sewer is the dependent variable in terms of the type of density the neighborhood may have. Densities within future developments within the Residential category will depend greatly on the availability of sanitary sewer service. Most of the higher density single family neighborhoods can be found near available sanitary sewer service. One area of concern is the need to expand or extend sewer services into areas of potential growth to allow for more development options and densities to occur. Other areas of the fenceline area may not develop to densities any greater than 1 or 2 dwelling units per acre because of the expense of bringing sewer to these locations. As a result of the many variables involved, the Residential category was not broken apart into two different categories, such as rural or urban.

Land availability can be an issue within Sand Springs as large parcels of land are owned by various entities, trusts, and individuals. However, there is available land for development, but unlike other communities, Sand Springs does have some geological, topographical, and developmental challenges. None of which are insurmountable but do require additional prep work and design considerations compared with other communities in the Tulsa Metropolitan Area.

In some instances, duplexes or townhomes may be appropriate in the Residential land use category. The use of these residential densities can provide for more housing stock while utilizing less land in more developed areas. These uses can serve as good transitional housing when located near higher intensity uses or provide for redevelopment/infill housing opportunities when located in proper locations. Considering this, duplex



and townhome uses may be appropriate in some locations within the Residential land use district.”

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

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

“The **Industrial/Regional Employment** designation is defined in both the 2030 Sand Springs Master Land Use Plan and the Tulsa County Land Use Plan as follows: The Industrial/Regional Employment Land Use District represents the highest intensity of Land use in Sand Springs. The Plan calls for industrial uses to be targeted around existing patterns of industrial activity. Most of Sand Springs’ current industrial activity includes light industrial, warehousing, storage facilities, small manufacturing shops, and numerous larger manufacturing and industrial uses. Some of the larger uses are in the manufacturing of steel pipes, fabrication, and oil refinement industries. Historically, Sand Springs has been a manufacturing community full of industry, but with economic, technological, and numerous other factors, the community has seen a downturn in industrial industry jobs in recent years. Some higher intensity commercial uses may be appropriate in the Industrial/Regional Employment Use District. These may include higher intensity auto and truck repair, truck rental facilities, lumber yards, etc., but other commercial uses, when located in appropriate areas, should be considered as many industrial areas are being cleared for redevelopment or are being underutilized.

There are numerous areas located within the City of Sand Springs fenceline that might be appropriate for additional industrial development or that are currently being used for Industrial purposes. These properties have been displayed on the Land Use Map for the purpose of identifying additional areas of industrial growth.”

**Zoning and Surrounding Uses**

Location	Existing Zoning	Existing Land Use Designation	Existing Use
N	IM	Industrial/Regional Employment	Fabrication Welding Shop
S	IM	Industrial/Regional Employment	Vacant (previously automotive scrap yard)

E	RM-2	Residential	Single-family home
W	IM	Industrial/Regional Employment	Asphalt Plant (City of Sand Springs)

### **Applicant's Justification**

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

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

The applicant submitted the following responses:

#### **Justification of Request**

“While the property is zoned RM-2, it is no longer a suitable zoning for the site as the surrounding area has turned mostly industrial as the area has become dilapidated with burnt out and junk single-family homes and mobile home trailers. However, the property is in a tremendous location for a wrecker service to service the Sand Springs area with city services around the corner, Sand Springs animal welfare, Sand Springs water treatment Center and a Sand Spring maintenance yard for city vehicles. The zoning change will increase property tax roll value.”

#### **Additional Information provided by the applicant:**

##### **Request**

Request to rezone the subject property from RM-2 to IM to allow the development of property to be a Wrecker Service to service Sand Springs and tow for the Sand Springs Police Department.

##### **Site History**

The property is owned by Semper Irrevocable Trust. It was bought in late 2021 from William Brian Wickett. The previous owner lived on the property in multiple mobile home trailers. They decided to sell the property after the last two mobile home trailers they had on the property had fires resulting in total losses from each fire.

### **Staff Summary & Recommendation**

The applicant is requesting to amend the land use designation from Residential to Industrial/Regional Employment. They have submitted a concurrent request to rezone the property from Residential to Industrial Moderate. Staff contacted the Planning Director in Sand Springs, Brad Bates, for comments. Mr. Bates reviewed the request and stated that The City of Sand Springs did not have any issues with the proposed change. The conditions surrounding the subject site have changed over time into more of an industrial area. The proposed rezoning will increase an opportunity for an industrial development where there are already existing industrial uses.

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

### **TMAPC Action; 9 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Blair, Covey, Craddock, Kimbrel, Krug, Reeds, Shivel, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Bayles, Zalk, “absent”) to **ADOPT** TCCP-9 as an amendment to the Tulsa County Comprehensive Plan per staff recommendation.

## **PUBLIC HEARING - REZONING**

- 7. CZ-530 Donald Leblanc** (County) Location: Southeast corner of South 81st West Avenue and West 18th Street South requesting rezoning from **RM-2** to **IM** to permit a wrecker service (Related to TCCP-9)

### **STAFF RECOMMENDATION:**

#### **SECTION I: CZ-530**

**DEVELOPMENT CONCEPT:** The applicant is proposing to rezone the subject lots from RM-2 to IM to permit a wrecker service. The site is located within an area of containing multiple industrial uses. The lots to the north, south and west are currently zoned IM. The site is currently designated as Residential in the Tulsa County Comprehensive Plan. While this proposal would not be compatible

with this designation, a concurrent Tulsa County Comprehensive Plan Amendment case, TCCP-9, proposes to revise the land use designation of the subject lot to Industrial/Regional Employment. If TCCP-9 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-530 contemplates rezoning this site from RM-2 to IM which is consistent with the surrounding current uses.

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

CZ-530 is not consistent with the current land use designation however the applicant has submitted an amendment to the Tulsa County Comprehensive Plan Amendment, TCCP-9. The applicant has requested revising the land use designation from Residential to Industrial/Regional Employment. Staff supports that request therefore,

**Staff recommends Approval of CZ-530 to rezone property from RM-2 to IM.**

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

***Staff Summary:*** *The site is located within the Residential designation of the 2030 Sand Springs Land Use Plan, which was adopted as part of the Tulsa County Comprehensive Land Use Plan on October 26th, 2020. The proposed use would not be compatible with this designation, however a Comprehensive Plan Amendment (TCCP-9) is concurrently proposed for this site, which would change the designation to Industrial/Regional Employment. The proposed rezoning would be compatible with this designation.*

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

*Land Use Plan map designation:*

Residential (current designation)

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.

#### Industrial/Regional Employment (proposed designation in TCCP-9)

The Industrial/Regional Employment Land Use District represents the highest intensity of Land use in Sand Springs. The Plan calls for industrial uses to be targeted around existing patterns of industrial activity. Most of Sand Springs' current industrial activity includes light industrial, warehousing, storage facilities, small manufacturing shops, and numerous larger manufacturing and industrial uses. Some of the larger uses are in the manufacturing of steel pipes, fabrication, and oil refinement industries. Historically, Sand Springs has been a manufacturing community full of industry, but with economic, technological, and numerous other factors, the community has seen a downturn in industrial industry jobs in recent years. Some higher intensity commercial uses may be appropriate in the Industrial/Regional Employment Use District. These may include higher intensity auto and truck repair, truck rental facilities, lumber yards, etc., but other commercial uses, when located in appropriate areas, should be considered as many industrial areas are being cleared for redevelopment or are being underutilized.

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

#### Transportation Vision:

*Major Street and Highway Plan:* S 81<sup>st</sup> W Ave is designated as a Residential Collector. W 18<sup>th</sup> St S does not have a designation.

*Trail System Master Plan Considerations:* The Go Plan illustrates a proposed shared use path along the edge of the Arkansas River approximately 1/8<sup>th</sup> mile to the south and a sidewalk gap along the entire length of S 81<sup>st</sup> W Ave to the north of the Arkansas River.

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: The site is located within the 500 year flood plain of the Tulsa County Flood Plain Map.

Streets:

<u>Existing Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
S 81 <sup>st</sup> W Ave	Residential Collector	60 Feet	2
W 18 <sup>th</sup> St S	No designation	N/A	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	IM	Industrial/Regional Employment	N/A	Fabrication Welding Shop
South	IM	Industrial/Regional Employment	N/A	Vacant (previously automotive scrap yard)
East	RM-2	Residential	N/A	Single-Family Home
West	IM	Industrial/Regional Employment	N/A	Asphalt Plant

**SECTION III: Relevant Zoning History**

**History:**

**ZONING ORDINANCE:** Resolution number 11813 dated June 26, 1970, established zoning for the subject property.

***Surrounding Property:***

**CBOA-2498 May 2004:** The Board of Adjustment **approved** a *Special Exception* to permit asphalt refining and manufacturing, concrete repurposing and recycling, and oil, asphalt, and polymer storage (Use Unit 27) in an IM District (Section 910, Table 1), on property located at 1900 South 81<sup>st</sup> Avenue West.

**CBOA-2407 September 2011:** The Board of Adjustment **approved** a *Special Exception* to permit a manufactured home (Use Unit 9) in a RM-2 district, on property located at 7912 West 17<sup>th</sup> Street South.

**CBOA-1667 August 1999:** The Board of Adjustment **approved** a *Special Exception* to permit one manufactured home on each of three separate lots in the RM district, on property located at 7904-7906-7908 West 18<sup>th</sup> Street.

**CBOA-784 May 1996:** The Board of Adjustment **approved** an Appeal (Section 1650 – Appeals from the Decision of the Building Inspector – Use Unit 1226) an appeal from the decision of the Building Inspector in denying a permit for a Use unit 26; subject to the installation of an 8’ screening fence around the entire yard and processing area; finding that the metal processing business is a use similar to those in Use Unit 26 and is to be classified under that Use Unit, on property located at SE/c 19<sup>th</sup> Street and South 81<sup>st</sup> West Avenue.

**CBOA-636 February 1986:** The Board of Adjustment **approved** a *Special Exception* to permit a mobile home in an RM zoned district, on property located at 7906 West 18<sup>th</sup> Street.

**CBOA-360 June 1983:** The Board of Adjustment **approved** a *Special Exception* to permit a mobile home in an RM District, on property located at 7830 West 18<sup>th</sup> Street.

**TMAPC Comments:**

Mr. Craddock stated the Future Land Use Map shows a lot of residential in this area and everything except due north Industrial or Regional Employment. He stated a lot of the surrounding uses are not residential.

Staff stated this is within the Sand Springs fence line and if approved they will consider changing their Comprehensive Plan also.

Mr. Craddock asked if Sand Springs would be changing other areas in their Comprehensive Plan or just this one.

Staff stated he was not sure about other areas; they specifically noted this site.

Mr. Covey stated the Industrial/Regional Employment just to the north of this site on Page 6.8 of the agenda packet it looks like the little segment to the north is an outlier. He asked when that occurred, was it recently or a while back.

Staff stated he did not know.

Mr. Covey stated it looks like a hard line was drawn to the south and now we are starting to encroach into a neighborhood. He stated the argument is someone let that happen and his question is, when did it happen or was it always like that.

Staff stated he did not know and the history did not cover that.

Mr. Reeds stated looking at the aerial view on page 6.7 or 6.6 of the agenda packet and while it is residential behind the proposed zoning change, it doesn't look very residential. He stated he thinks it is similar to what was happening in Berryhill, where it may be zoned residential but everyone's running a shop in their backyard. He stated he does not have any objection to this application.

Mr. Covey stated his question was that he did not know what was residential because he could not tell.

**Applicant Comments:**

**Donald LeBlanc** 28902 Blue Ridge Drive, Sand Springs, Oklahoma 74063

Mr. LeBlanc stated he and his brother run a wrecker service out of Tulsa. He stated they have been in business for about 8 years and their current lot is small and they would really like to expand to the Sand Springs area. Mr. LeBlanc stated some of their current customers are the Oklahoma Highway Patrol, Jenks Police Department, Glenpool Police Department, Jenks Public Schools and White Horse Police and they are looking to expand to have somewhere else they can put cars after automotive accidents. He stated to service Sand Springs they have to have a yard within 4 or 5 miles from the intersection in front of the Police Station and this property is within that parameter. Mr. LeBlanc stated this property is zoned residential, but everywhere around it is industrial. He stated across the street and in the area is an asphalt company, a fence company, a steel manufacturer and at one time an automotive recycling and salvage yard along with several other industrial type businesses. Mr. LeBlanc stated he knows it's zoned residential but because of what is around it he thinks a wrecker service there would be a good fit. He asks that Planning Commission approve this application and consider what is currently in the area so they we can grow their business and serve the Sand Springs area.

The applicant helped identify where all the industrial uses surrounding the subject property were located for Mr. Covey.

Mr. Blair asked what the neighbor to the east thought of the applicants rezoning.

The applicant stated his neighbor had no problem with what the applicant wanted to do. He stated everyone was fine with it but the neighbor that has the fab shop directly across the street lives in a house next door to the fab shop asked the applicant to put up fencing that was solid so that she didn't have to look at the cars. He stated they are planning to put an 8 foot steel fence like the one adjacent to the subject property.

Ms. Kimbrel asked if the applicant talked with the neighbors that oppose the use.

The applicant stated he didn't look at the signup sheet for this meeting and doesn't know if there were anyone signed up against this application. He has not



talked to any neighbors that have objected besides the person at the fab shop and he assured her that a fence would be put up and she did not object.

**Interested Parties:**

**Jack Seawright** 1601 S 81st West Avenue, Tulsa, OK 74127

Mr. Seawright stated he lives two blocks to the north of the subject property. He stated this area is distressed, smokey, dusty and awful. He stated 300 trucks a day use this road and the road is torn up because of it. Mr. Seawright stated during the day you can't live in this area because of the dust and the traffic. He stated one resident's road is flooding because the asphalt plant has raised their area up 10 to 20 feet by hauling in gravel and asphalt. Mr. Seawright stated this is a terrible mess. He stated he has lost \$20,000 because of this area. He stated he has tried to sell his home and there is a person who wants to buy it but he doesn't want it to be residential. Mr. Seawright stated he would like Commissioners to consider making the whole area Industrial and if they aren't willing to do that, to deny this application because it adds to the existing problem.

Mr. Covey asked if Mr. Seawright was speaking for or against this application.

Mr. Seawright stated he is speaking against this and is against everything in this area.

Mr. Craddock asked what Mr. Seawright thought the property should be zoned.

Mr. Seawright stated he was good with IM if it was approved for the whole area but not for this particular application.

**Rob Ragan** 21915 West 14th Street South, Sand Springs, OK 74063

Mr. Ragan stated he is a past customer and a personal friend of the wrecker service and have visited this area. He stated considering the dilapidated state of the residential areas the wrecker yard could be a nice addition and their business will be a nice addition to the City of Sand Springs.

**Brian Bullard** 21829 West 11th Street South, Sand Springs, Oklahoma 74063

Mr. Bullard stated he was also a friend of the wrecker service and a former and probably future customer and is here to speak in support of the application. He stated he understands Mr. Seawright's concerns with the asphalt company and as a friend of the wrecker service he can get this Commission his assurances that they are not going to cause pollutants or a bunch of dust in the air, as a matter of fact, they will most likely help the area become more of an industrial area.

**Applicants Rebuttal:**

The applicant stated regarding the dust that Mr. Seawright mentioned, his plan is to use asphalt millings not gravel. He stated asphalt millings is old asphalt that is

ground up like gravel but completely dustless. He stated he didn't know there were any objections so that is a little bit of a surprise to him. The applicant stated it sounds like Mr. Seawright is upset about the whole area being industrial and he understands because he would not want to live by all the industrial either, but that is the reason they bought the subject property because it was an industrial area and they wanted to turn it into a wrecker service. He stated the whole area is nothing but industrial and the houses that are there are very old houses and very dilapidated. The applicant stated he wants to be a good neighbor and wanted to say that there shouldn't be a dust issue.

**TMAPC Action; 9 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Blair, Covey, Craddock, Kimbrel, Krug, Reeds, Shivel, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Bayles, Zalk, "absent") to recommend **APPROVAL** of the IM zoning for CZ-530 per staff recommendation.

**Legal Description for CZ-530 :**

LT 9 BLK 4; LT 8 BLK 4; LT 7 BLK 4; LT 6 BLK 4, LAKE SUB, City of Tulsa, Tulsa County, State of Oklahoma

\* \* \* \* \*

8. **Z-7643 Steve Dakil** (CD 5) Location: South of the southwest corner of East 15th Street South and South Sheridan Road requesting rezoning from **CS** to **CH** to support a wider variety of uses and allow more floor area

**STAFF RECOMMENDATION:**

**SECTION I: Z-7643**

**DEVELOPMENT CONCEPT:** The applicant has requested rezoning to support a wider variety of uses and support more floor area.

**DETAILED STAFF RECOMMENDATION:**

The CH district is primarily intended to accommodate high-intensity commercial and related uses primarily in the core area of the city. CH zoning encourages uses of properties and existing buildings along older commercial corridors and minimizes encroachments and adverse land use impacts on stable residential neighborhoods.

CH zoning allows uses that are consistent with the Town Center land use designation as contemplated in the Tulsa Comprehensive Plan and,

The building types and lot and building area regulations are consistent the future development pattern at this location and is consistent with the primary purpose of redevelopment along the commercial corridors of Tulsa therefore,

Staff recommends Approval of Z-7643 to rezone property from CS to CH.

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

**Staff Summary:** CH zoning uses and land development consideration for building types and supplemental standards for landscaping, signage, lighting and other zoning code provisions are consistent with the 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:***

**South Sheridan Road** 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.

**East 17<sup>th</sup> Street** is considered a Residential Collector:

Residential collector streets strengthen neighborhood cohesion, promote alternative transportation, calm traffic and connect recreational destinations. They typically can be applied in two instances: in new residential neighborhoods or as retrofits in existing residential or downtown streets that may be wide, but do not provide sufficient parking, bicycle and pedestrian accommodations or traffic calming measures. These streets place a higher priority on landscape medians, tree lawns, sidewalks, on-street parking, and bicycle lanes than the number of travel lanes.

Residential streets consist of two or four travel lanes but place a much higher priority on pedestrian bicycle friendliness than on auto mobility.

***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 property is undeveloped and abuts East 17<sup>th</sup> Street and South Sheridan Road. East 17<sup>th</sup> Street is a residential collector street into a large single family residential area approximately 600 feet west of Sheridan Road.

**Street view from Southeast corner looking northwest:**



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

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Sheridan Road	Secondary Arterial with multimodal corridor	100 feet	<b>5 Lanes</b> (2 southbound lanes) (3 northbound lanes)
East 17 <sup>th</sup> Street South	Residential Collector	60 feet	2

**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:**

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	CH	Town Center Employment (abutting northwest corner)	Growth	Retail and office
East	CS	Town Center	Growth	Retail
South	CS	Town Center	Growth	Office (Bank with drive thru aisles abutting East 17 <sup>th</sup> Street
West	CS	Town Center	Growth	Surface parking for industrial uses northwest of the subject property

**SECTION III: Relevant Zoning History**

**History: Z-7643**

***Subject Property:***

**ZONING ORDINANCE:** Ordinance number 11816 dated June 26, 1970, established zoning for the subject property.

***Surrounding Property:***

**BOA-20102 August 2005:** The Board of Adjustment **approved** a *Special Exception* to remove the required screening – Section 212.C.4, on property located at 1725, 1731 & 1737 South Sheridan Road.

**BOA-19129 July 2001:** The Board of Adjustment **approved** a *Variance* to permit a bar within 300' of a church & a *Special Exception* for a bar to be within 150' of a residential zoned district, on property located at 1707 South Sheridan.

**BOA-13905 January 1986:** The Board of Adjustment **approved** a *Variance* to permit temporary outdoor storage of building materials in a CS zoned district, on property located at 6308 East 17<sup>th</sup> Street.

**BOA-11788 January 1982:** The Board of Adjustment **approved** a *Special Exception* to permit an automobile rental service in a CS District at, on property located at 1725 South Sheridan Road.

**BOA-10843 January 1980:** The Board of Adjustment **approved** a *Special Exception* to permit vending machine sales and services in a CS District, on property located at 1535 South Sheridan Road.

**BOA-6043 October 1968:** The Board of Adjustment **approved** a *Special Exception* to permit extending a U-4B use 30 feet into a U-3E district and request for a waiver of the public hearing, on property located at 6308 East 15<sup>th</sup> Street.

**BOA-4519 November 1964:** The Board of Adjustment **approved** request for a modification of set-back requirements in a U-4-B District to permit building 10 feet from a U-1-C District, on property located at 6308 East 15<sup>th</sup> street South.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Blair, Covey, Craddock, Kimbrel, Krug, Reeds, Shivel, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Bayles, Zalk, "absent") to recommend **APPROVAL** of the CH zoning for Z-7643 per staff recommendation.

**Legal Description for Z-7643:**

The east two hundred eight-one and eighty six hundredths (281.86) Feet of Lot one (1), Block One (1), Lynn Addition, An Addition in Tulsa County

\* \* \* \* \*

9. **Z-7644 Patrick Crisp** (CD 1) Location: East of the northeast corner of East 46th Street North and Martin Luther King Junior Boulevard requesting rezoning from **OL to CS** to allow more opportunities to repurpose the existing building

**STAFF RECOMMENDATION:**

**SECTION I: Z-7644**

**DEVELOPMENT CONCEPT:** The applicant has requested rezoning for a property that contains an existing office building. The site is currently limited to office uses in an OL district. CS zoning allows a wider choice of use that would support opportunities to repurpose the existing building.

**DETAILED STAFF RECOMMENDATION:**

The CS district is primarily intended to accommodate convenience, neighborhood, subcommunity, community, and regional shopping centers providing a range of retail and personal service uses.

CS zoning allows uses that are consistent with the Town Center land use designation as contemplated in the Tulsa Comprehensive Plan and,

The building types and lot and building area regulations are consistent the future development pattern at this location and is consistent with the primary purpose of redevelopment along the commercial corridors of Tulsa therefore,

**Staff recommends Approval of Z-7644 to rezone property from OL to CS.**

## **SECTION II: Supporting Documentation**

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

**Staff Summary:** CS zoning uses and land development consideration for building types and supplemental standards that include landscaping, signage, lighting and other zoning code provisions are consistent with the 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 except the secondary arterial status on East 46<sup>th</sup> Street North.

***Trail System Master Plan Considerations:*** This site is less than one mile from the Osage Trail which is a 14.5-mile trail from Skiatook to Downtown Tulsa.

**Small Area Plan:** None

**Special District Considerations:** None

**Historic Preservation Overlay:** None

**DESCRIPTION OF EXISTING CONDITIONS:**

**Staff Summary:** *The subject property is developed with a single story small business.*

**Street view from southeast corner of lot looking northwest**



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

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 46 <sup>th</sup> Street North	Secondary Arterial	100 feet	4
North Cincinnati Place	None	50 feet	2

**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:**

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	CS	Town Center	Growth	Empty lot
East	CS	Town Center	Growth	Commercial
South	CS and RS-3	Town Center	Growth	Commercial
West	CS	Town Center	Growth	Empty lot

### SECTION III: Relevant Zoning History

**History: Z-7644**

***Subject Property:***

**ZONING ORDINANCE:** Ordinance number 11914 dated September 1, 1970, established zoning for the subject property.

***Surrounding Property:***

**BOA-19547 April 2003:** The Board of Adjustment **approved** a *Special Exception* to permit Use Unit 13 in an OM zoned district as accessory uses to office use, on property located at 4637 & 4641 North Cincinnati.

**BOA-19241 November 2001:** The Board of Adjustment **approved** a *Variance* to permit required setback from 89' to 78.5' to permit an addition to an existing building, on property located at 4603 North Cincinnati Place.

**BOA-14024 April 1986:** The Board of Adjustment **approved** a *Special Exception* to permit a single-family dwelling in an OL district, on property located at 4610 North Detroit Avenue.

**BOA-13080 April 1984:** The Board of Adjustment **approved** a *Special Exception* to permit auto repair with a service station in a CS district under the provisions of Section 1680, on property located at NE corner Cincinnati Pl. & 46<sup>th</sup> St. North.

**BOA-12561 May 1983:** The Board of Adjustment **approved** a *Special Exception* to permit to allow a tent revival from July 3<sup>rd</sup> to August 20, 1983, on property located at northeast corner of 46<sup>th</sup> Street North and Cincinnati Avenue.

**Z-5890 December 1983:** All concurred in **approval** of a request for *rezoning* a tract of land from RS-3 & OL to CS on property located 4603 North Cincinnati.

**BOA-10816 December 1979:** The Board of Adjustment **approved** a *Special Exception* to permit the parking and storage of automobiles in a CS district, on property located at SE of 46<sup>th</sup> Street North and Cincinnati Avenue.

**BOA-13080 April 1984:** The Board of Adjustment **approved** a *Special Exception* to permit auto repair with a service station in a CS district under the provisions of Section 1680, on property located at NE corner Cincinnati Pl. & 46<sup>th</sup> St. North.

**TMAPC Comments:**

Mr. Covey asked what type of business is currently in the building.

Staff stated, "It is a hair salon". He stated he doesn't know if the salon occupies the entire building or not.

Mr. Covey asked how big the building was.

Staff stated the building was about 1200 square feet.

Ms. Kimbrel asked if the salon was consistent with the existing OL zoning.

Staff stated "no".

Ms. Kimbrel asked if the salon was consistent with the proposed zoning of CS.

Staff stated "yes".

Mr. Craddock asked if the uses outlined in the opposition letters are allowed in OL or would they be allowed in CS.

Staff stated the uses that the opposition letters are concerned about are not allowed in OL, but if it were changed to CS they would be allowed unless there is an optional development plan restricting uses.

Mr. Craddock asked if staff had received the opposition letters before the staff report was complete would they have thought more about doing a development plan or not.

Staff stated this is such a small site completely surrounded with CS zoning that he would have had a hard time justifying the optional development plan. He stated talking to the neighborhood and having that neighborhood engagement and involvement with people that are involved and live there is important. He spoke with the property owner before the meeting, about the possibility of doing a continuance to develop a plan and the property owner wasn't particularly interested in that and wasn't convinced that it would help the neighborhood that much to put that in place.

Ms. Kimbrel asked from staff's interaction with the residents and the surrounding community do they prefer OL or CS or are they hoping if it does go to CS then they can get an optional development plan.

Staff stated his belief is that there was not a real opposition to the CS zoning but the opposition felt like it was important to restrict some of the uses.

Mr. Reeds asked given the fact that there is CS zoning on all sides of the subject property are there any existing shops there now.

Staff stated to the southwest there is some commercial development but he couldn't tell you what that is exactly.

Mr. Craddock stated he is familiar with the area and to answer Mr. Reeds question, to the south there's a convenience store and a carwash, there is also 2 dispensaries. He stated there is development there.

**Applicant Comments:**

**Amber Peckio Garrett** 2727 E. 21st Street, Suite 100, Tulsa, Ok 74114

Ms. Garrett stated she represents the applicant Patrick Crisp who owns the subject property and lives in the neighborhood. She stated they are requesting this change to be in compliance with the use that is already there. She stated the subject property has been in the Crisp family for 39 years and was a drugstore back in the 50s. Ms. Garrett stated the property has been through many uses in the past and since the Crisp family are local to the neighborhood they have a substantial interest in making sure that this area rises and making generational wealth for the families that are there so that it can be more of a prosperous area of town. She stated the area is dilapidated as you look to the south but there is as mentioned CS zoning already in the area. Ms. Garrett stated the property owner right now has a generational salon on the subject property and just became aware that it was zoned OL as opposed to CS. She stated that is why the change is needed. Ms. Garrett stated other changes that were made, the building though it is small they believe there can be multiple uses for it and have updated the address into a Suite A and a Suite B and that was approved last week. She stated they understand that the community is going to be concerned with anything that comes into that neighborhood but as mentioned there is CS currently in this neighborhood with no restriction on those developments. Ms. Garrett stated they are very interested in being good neighbors and believes most of the opposition comes from a strong neighborhood presence at Chamberlain Park, which is around 1500 feet from this development or about a third of a mile. She stated they want to be able to bring that area up and have a family hair salon and believes this is the best and most efficient use of the property.

Ms. Kimbrel asked if the expected use would remain a hair salon.

Ms. Garrett stated they have not ruled out anything else but as of right now they are going to continue with the hair salon and barber shop. She stated her client is rather gifted as a barber if you need one.

Ms. Kimbrel asked if Ms. Garrett or her client speak to any residents or any neighborhood organizations or community development organizations in the area.

Ms. Garrett stated they did not know that there would be an opposition to it from the neighborhood. She stated they did speak to 3 of the 4 commercial

businesses and they gave them permission, if they wanted, to put in a medical marijuana dispensary. Ms. Garrett stated the consensus of that area is that this is a good piece of property and they respect Mr. Crisp and his family for maintaining it throughout the years and wanting to continue its development in that area.

Mr. Blair stated a medical marijuana dispensary has spacing requirements of 1000 feet between dispensaries and it looks like there are already 2 on the corner of 46th Street North and MLK Boulevard. He stated one or the other of those may already be in violation of the spacing requirements and then there's the school, North Star Academy, there is a spacing requirement for it also. Mr. Blair stated he thinks having a dispensary there would be very challenging if not impossible.

Ms. Garrett stated she appreciates Mr. Blair's comment, one of the dispensaries to the south has gone out of business and the gentleman who owned it has died and the family is looking into other uses for that property. She stated they have checked and they are well above 1000 feet from that newer school and don't come into contact with any educational facility. Ms. Garrett stated OMMA has already cleared both of those based on the level of business and the revenues there appears to be a need in that neighborhood. She stated Mr. Blair is correct about the spacing requirements, however, these two buildings were grandfathered in. Ms. Garrett stated OMMA made those changes back in 2021 and they were enacted in November but both of these already had established license prior to moving to change the zoning.

Ms. Kimbrel stated she wanted to be clear in her understanding. She stated she asked what the intended use was going to be and Ms. Garrett said a hair salon and now she is hearing is that the use will be medical marijuana.

Ms. Garrett stated what she meant to say is they will continue using it as a hair salon in Suite B but for Suite A they are not sure what they are going to use the space for but they are looking for the highest and best use to help the neighborhood.

Ms. Kimbrel asked if the applicant would be open to an optional development plan.

Ms. Garrett stated she did not believe so, they would like to be able to use it as the best use just as the rest of the community around there does without any restrictions.

**Interested Parties:**

**Jane Malone** 4735 North Detroit Avenue, Tulsa, Oklahoma 74126

Ms. Malone stated she lives about a block and a half from the subject property and she didn't hear until yesterday that it was confirmed as a marijuana place. She stated they are not opposed to expanding business interests, but they don't want certain things coming into their area. Ms. Malone stated the Neighborhood Association wants to try and prohibit certain uses that would not be positive development for the community. Ms. Malone stated supporting studies provided evidence that marijuana use is correlated with an increase in violent or aggressive behaviors. She stated Ms. Garrett said the applicant lives in the neighborhood but the address on the application says he lives in Broken Arrow so that is a concern. Ms. Malone stated there some problems in the area, every area has problems, but they don't need additional problems and marijuana is not one of the things that they want in the area.

Ms. Kimbrel asked what the expected development pattern of this area was.

Staff stated the Land Use designation of Town Center is really all about commercial development, that support the surrounding neighborhood as a small scale and kind of a locally owned businesses that are pedestrian friendly.

Ms. Kimbrel asked what the pathway is for community organizations, children's organizations, neighborhood organizations, that have aspirational goals related to addressing historical concerns, disinvestment, violence, issues of racial inequality to prohibit land development and business development that does not meet the very specific goals of that community.

Staff stated that question is probably way outside typical zoning but in the very simplest way that he sees it in zoning conversations is establishment of good neighborhood communities like have happened here and having very specific involvement with neighborhoods. He stated it is important for there to be eyes on the street and for the people that are there to be engaged in the processes that affect land use.

Ms. Kimbrel stated that requires the neighbors to be a watchdog for every use that comes up and they have to keep coming here to express their concerns. She stated she knows that is probably the public policy discourse that is outlined and the freedoms of the property owners versus community goals and desires.

Mr. Covey stated years ago he was adamantly opposed to an overlay in the North Tulsa area that limited businesses that sell the majority of their items under a dollar. He asked if the same thing could be done with medical marijuana businesses.

Ms. Kimbrel stated maybe in a geographical area.

Mr. Covey stated what Ms. Kimbrel is asking is what mechanism does the North Tulsa community need to use to limit medical marijuana businesses in their area. Is it an overlay or is it some other mechanisms.

Staff stated there may be other mechanisms outside of the zoning code, but what they typically talk about as far as having any real regulatory authority is an overlay. He stated he thinks the only real option for that is to go through all kinds of planning efforts such as, Small Area Plans and things that are recommendations and are visionary that might help invigorate a community or a protected community. He stated but those are not regulatory documents, and the only way to really do that for a regulatory standpoint is through some kind of an overlay. Staff stated he thinks, on a more nuanced approach, the idea that the neighborhood engagement and keeping Code Enforcement involved and making sure that the businesses that are there are playing by the rules that are set in place is important, and that is something outside of The Planning Office world. He stated Code Enforcement is complaint based, that is the way that office works.

Ms. Kimbrel asked in terms of an overlay, what type of education does the Planning Office provide as an option because they have seen Ms. Jane Malone come to TMAPC time after time, on the same issues. At what point is there some type of community intervention that provides a pathway or resource for this overlay because there are several organizations that have written letters about these concerns and she doesn't think the organizations know where to turn or the buzz language to use to get help to achieve what they are trying to achieve.

Staff stated if everyone were as great to work with as Ms. Malone is, the Planning Office would be full of people with interests on how to make things better. He stated the Planning Office has an open door policy encouraging people to come and talk with them. He stated if an overlay is going to happen it would generally come through the City Council's office, but he would encourage anyone that has a thought about how to manage improving standards in a neighborhood to come and talk to him.

Mr. Reeds stated he was going to try to give her a different take on this. He stated it's not just a problem on the north side. He has friends who are from Washington State and from California State, and they hear about the plethora of marijuana stores in Tulsa, even though we're not a recreational state, only medical, they can't believe that. Mr. Reeds stated he thinks Tulsa will meet a max on supply and just through the natural forces of capitalism, and by the way, they do provide remarkable tax revenue for education. He stated he thinks that in due course, this will take care of itself no matter what neighborhood it's in, because it's everywhere.

Ms. Kimbrel stated in all due respect, and she doesn't want to speak for Ms. Jane Malone, but she feels the people in that community feel like that they cannot wait



the course and this is an issue for them that is disrupting their pathway toward neighborhood progress.

Mr. Reeds stated they are attempting to control their own destiny and he values that and is not belittling it, but on the other hand, if we as a city impose an overlay and the special exceptions on everything that that is going on, in a certain part of the city, then we're no different than Big Brother.

Ms. Kimbrel stated she isn't convinced but she gets it.

**Applicant's Rebuttal:**

Ms. Garrett stated as someone who is the chair of the Oklahoma Bar Association, Cannabis Law Committee, some of the things that they are seeing as a state is the struggles between what they want to achieve and how they get there and how to make the supplies safe. She stated as someone who uses cannabis, the term marijuana is actually a racist term used as derogatory towards the Mexican and Hispanic populations, so medical cannabis is the correct term as its intended purpose. Ms. Garrett stated she is also a cancer survivor and use medical cannabis for her pain and to manage her symptoms. She stated this is what the people of Oklahoma decided they wanted to legalize. It was a vote of the people and it was not something that they took lightly. In fact, the national studies show 91% of Americans actually are for medical marijuana in their communities and this is a great way to fund educational reforms, social reforms, and things like that. Ms. Garrett stated her client is a member of that community, his mother and grandmother have lived there for many generations and if we want to continue to make sure that this population prospers, they need to be able to choose their own destinies as the property owners. Ms. Garrett stated there is CS right next to the subject property and she thinks a governing body should not be over handed with going forward with limitations in this industry, there are a lot of medical marijuana industries in this state but as Mr. Reeds said with capitalism, it is going to run its course. She stated at this point they believe that CS zoning is the best and highest use for the subject property and ask that Planning Commission approve CS zoning.

**TMAPC Comments:**

Ms. Kimbrel stated she did not mean for this discussion to lead into a debate about medical cannabis her line of questions and concerns was about what the public policy pathway for a community was to reach its shared goals and shared aspirations for development, for business, for land use, and wanting to make sure that Ms. Jane Malone and the organizations and many people that she represent understands that pathway. She stated she feels like her appointment to this Commission is to help provide awareness and to be a resource to communities that typically would not have access to information and that is what her goal is and what she aims to do. Ms. Kimbrel stated she will be voting no against staff recommendation, primarily, because she wants to stand by a process for achieving broad community goals related to economic and business

development, specifically considering what North Tulsa in this specific community has experienced.

Mr. Blair stated he wanted to emphasize the investment that the Chamberlain area neighbor's, Ms. Malone, and various other organizations are making in the area. He stated the City in the last three years. is reinvesting in Chamberlain Park substantially to added staff, added programming, and revitalizing the community center, the recreation center, which the Mayor and the City Council renamed after Ms. Malone for her decades of work in the area. Mr. Blair stated there is a large grant on today's City Council agenda to add additional programming for this area so from his perspective, any change to the status quo, in this case, change of zoning from OL to CS has to meet the threshold of not interfering with or not conflicting with the substantial improvements that are underway that neighbors are engaged in. He stated and for some of the reasons discussed, but more than that, he thinks just for the way that this was approached, he is not convinced that this would accomplish that or meet that threshold. Mr. Blair stated from his perspective, his inclination would be to consider CS with the optional development plan as outlined in the letter from the Chamberlain Area Neighbors or in the alternative to deny the application.

Mr. Covey stated City Councilor Vanessa Hall Harper would be the neighbors first stop for an overlay, she was the leader to get the overlay that restricted Dollar Stores in the North Tulsa community. He stated as Mr. Reeds pointed out there is CS zoning all around the subject property. Mr. Covey stated this is a little 1200 square foot house/office building that that is zoned OL and if the applicant is guilty of anything its only of being honest in what they're going to do. He stated how many times we have applicants come before us and say they're going to do something just to get the zoning and then something else gets done. Mr. Covey stated if the applicant would have said they were going to make it a hair salon he certainly wouldn't have questioned a thing. He stated the vote to allow this use happened years ago and that was the time to stop it. Mr. Covey stated as the applicant said, the voters of the State of Oklahoma spoke and now we're dealing with the consequences of that vote. He stated he would be voting yes in favor of it simply because there is CS everywhere and he would have a hard time not approving the CS zoning.

**TMAPC Action; 9 members present:**

On **MOTION** of **REEDS**, the TMAPC voted 4-4-1 (Covey, Reeds, Shivel, Walker, "aye"; Blair, Craddock, Kimbrel, Krug, "nays"; Whitlock, "abstaining"; Bayles, Zalk, "absent") to recommend **APPROVAL** per staff recommendation, but because the abstention vote counts as a no vote the CS zoning for Z-7644 failed.

**Legal Description for Z-7644 :**

E 50 LT 15 BLK 10, Fairhill 2<sup>nd</sup> Addition

\* \* \* \* \*

**10. ZCA-22** Various amendments to the City of Tulsa Zoning Code in the following sections: **Chapter 20 Overlay Districts:** Section 20.080-C Residential Building Types for Household Living, Table 20-4.5 Notes, [1]; Section 20.080-E Parking Regulations, 2. Location; **Chapter 5 Residential Districts:** Section 5.030-B Table Notes, [4]; **Chapter 40 Supplemental Use and Building Regulations:** Section 40.030 Apartments/Condos; **Chapter 55 Parking:** Section 55.080-C Parking Setbacks

### **STAFF RECOMMENDATION:**

#### **Item**

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

- **Chapter 20 Overlay Districts:** Section 20.080-C Residential Building Types for Household Living, Table 20-4.5 Notes, [1]; Section 20.080-E Parking Regulations, 2. Location
- **Chapter 5 Residential Districts:** Section 5.030-B Table Notes, [4]
- **Chapter 40 Supplemental Use and Building Regulations:** Section 40.030 Apartments/Condos
- **Chapter 55 Parking:** Section 55.080-C Parking Setbacks

#### **Background**

On June 16, 2021, TMAPC recommended approval of an amendment to the Tulsa Zoning Code to create the Neighborhood Infill Overlay (NIO). The overlay is intended to expand the types of housing that can be developed in the near-downtown neighborhoods to address the lack of “missing middle” housing identified by the 2019 Downtown & Surrounding Neighborhoods Housing Study & Strategy (DSNHSS). Following City Council approval, the ordinance was published on August 1, 2021, and became effective on August 31, 2021.

On June 16, 2021, The City Council initiated zoning map amendments to apply NIO zoning to properties in alignment with the DSNHSS boundaries, excluding properties located within the Inner Dispersal Loop (IDL). Due to a high level of opposition, several areas were removed from the proposed map amendment during public engagement and public hearings. The final map (attached SA-5 maps) was approved and became effective on December 7, 2021.

During the map amendment process, Councilor McKee committed to revisiting the allowable number of apartments within single-family residential districts and consider a text amendment to reduce the maximum number from 8 units to 6 units. During a review of the adopted text, other items were identified that needed clarification or adjustments based on feedback received from interested parties. The amendments are a result of the zoning code implementation team’s work to address the follow-up items and clarify the adopted text. The proposed amendments are in Chapters 5, 20, 40, and 55 of the zoning code. The

proposed amendments were presented to the TMAPC at a work session on February 16, 2022.

The amendments proposed to the City of Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, are shown in ~~strike through~~/underline in **Attachment I**.

**Staff Recommendation**

Approval of the proposed amendments to the City of Tulsa Zoning Code as shown in the attachment

**TMAPC Action; 9 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 9-0-0 (Blair, Covey, Craddock, Kimbrel, Krug, Reeds, Shivel, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Bayles, Zalk, “absent”) to recommend **ADOPTION** of ZCA-22 per staff recommendation for the following sections: **Chapter 20 Overlay Districts:** Section 20.080-C Residential Building Types for Household Living, Table 20-4.5 Notes, [1]; Section 20.080-E Parking Regulations, 2. Location; **Chapter 5 Residential Districts:** Section 5.030-B Table Notes, [4]; **Chapter 40 Supplemental Use and Building Regulations:** Section 40.030 Apartments/Condos; **Chapter 55 Parking:** Section 55.080-C Parking Setbacks

\* \* \* \* \*

**OTHER BUSINESS**

**11. Commissioners' Comments**

Mr. Craddock stated he felt the Commission went pretty far afield on the last vote because to him it bothers him when people say the State voted to allow a use therefore that use has to be allowed wherever. He stated that does not make sense because there is a Zoning Code and State Statutes that allows us to have a zoning department and zoning issues. Mr. Craddock stated just because we had a state wide vote on one specific item doesn't mean that we have to then allow that one specific item wherever or whenever that item is brought before us. He stated if that is correct then there shouldn't be a Planning Department or this Commission. Mr. Craddock stated is that how Planning Commission wants to approach this by dealing with their own personal positions on those issues.

Mr. Covey stated that's not how he view's it, he tries to give everyone their 5 or 10 minutes to speak. He stated everything he heard was relevant to the conversation and as long as it's relevant to the conversation he will let it go. Mr. Covey stated he didn't hear anybody get out of line or raise their voice. He stated

it was not his intent to articulate any personal feelings that he has one way or another, so if he offended Mr. Craddock he apologizes.

Mr. Reeds stated the applicant did bring in how the law passed but that was part of making her case.

Mr. Covey stated the applicant was getting paid to do a job and she's doing it to the best of her ability and she has her 5 or 10 minutes and as long as speakers are not belittling Commissioners or using inappropriate language from his perspective they have their time.

\* \* \* \* \*

DRAFT

**ADJOURN**

**TMAPC Action; 9 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Blair, Covey, Craddock, Kimbrel, Krug, Reeds, Shivel, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Bayles, Zalk, “absent”) to **ADJOURN** TMAPC meeting of April 6, 2022, Meeting No. 2863.

**ADJOURN**

There being no further business, the Chair declared the meeting adjourned at 2:33 p.m.

Date Approved:

\_\_\_\_\_

\_\_\_\_\_

Chair

ATTEST: \_\_\_\_\_

Secretary