

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2874

Wednesday, September 21, 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	Carr	Foster	Blank, Legal
Covey	Kimbrel	Hoyt	Jordan, COT
Craddock	Reeds	Miller	Silman, COT
Krug	Walker	Sawyer	Skates, COT
Shivel	Zalk	Siers	Stephens, Jeff, Legal
Whitlock		Wilkerson	VanValkenburgh, Legal

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday September 19, 2022 at 10:22 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

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

REPORTS:

Chairman's Report:

Chairman Covey stated a work session will be held October 5, 2022, at 10:30 am in the 10th floor north conference room to discuss Tulsa County Zoning Code update, Planitulsa update, Neighborhood Conditions Index and Kirkpatrick Heights/Greenwood Master Plan

Director's Report:

Ms. Miller reported on City Council and Board of County Commissioner actions and other special projects. Ms. Miller stated there will be a work session on October 5, 2022 and she will be sending Commissioners links to some of the documents that will be presented. She stated if anyone needs a paper copy to let her know.

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Minutes:

1. Minutes of September 7, 2022 Meeting No. 2873

Approval of the Minutes of **September 7, 2022 Meeting No. 2873**

TMAPC Action; 6 members present:

On **MOTION** of **SHIVEL**, the TMAPC voted 5-0-1 (Covey, Craddock, Krug, Shivel, Whitlock, "aye"; no "nays"; Bayles, "abstaining"; Carr, Kimbrel, Reeds, Walker, Zalk, "absent") to **APPROVE** the minutes of **September 7, 2022 Meeting No. 2873**

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2. Amend the minutes of July 20, 2022 Meeting No. 2870 to correct legal of PUD-181-B and related Z-7660. (page 17 and page 23)

Approval of the amended minutes of **July 20, 2022 Meeting No. 2870** to correct legal of PUD-181-B and related Z-7660. (page 17 and page 23)

TMAPC Action; 6 members present:

On **MOTION** of **SHIVEL**, the TMAPC voted 6-0-0 (Bayles, Covey, Craddock, Krug, Shivel, Whitlock, "aye"; no "nays"; none "abstaining"; Carr, Kimbrel, Reeds, Walker, Zalk, "absent") to **APPROVE** the amended minutes of **July 20, 2022 Meeting No. 2870**

CONSENT AGENDA

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

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

PUBLIC HEARING

3. **Z-7492a Amy Wightman** (CD 3) Location: North of the northeast corner of South Hudson Avenue and East 11th Street South requesting a **Optional Development Plan Minor Amendment** to allow Low-Impact Manufacturing and Industry by right and Moderate-Impact Manufacturing and Industry by Special Exception

STAFF RECOMMENDATION:

SECTION I: Z-7492a Minor Amendment

Amendment Request: Revise the Optional Development Plan Standards to allow Low-Impact Manufacturing and Industry by right and Moderate-Impact Manufacturing and Industry by Special Exception.

Currently the Optional Development Plan Standards limit the allowable uses for the subject lot and does not include Low-Impact Manufacturing and Industry or Moderate-Impact Manufacturing and Industry. The underlying zoning, IL, would permit Low-Impact Manufacturing and Industry by right and Moderate-Impact Manufacturing and Industry by Special Exception. The applicant is proposing to add Low-Impact Manufacturing and Industry as a use by right and Moderate-Impact Manufacturing and Industry as a use allowed by Special Exception as would be allowed by the underlying zoning. The applicant intends to conduct marijuana processing at this location.

Staff Comment: This request is considered a Minor Amendment as outlined by Section 70.040.I.1.a(4) of the City of Tulsa Zoning Code.

“Limitation or elimination of previously approved uses, provided the character of the development is not substantially altered.”

Staff has reviewed the request and determined:

- 1) Z-7492a does not represent a significant departure from the approved development standards in the Optional Development Plan.
- 2) If approved, all remaining development standards defined in Z-7492 shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to allow Low-Impact Manufacturing and Industry by right and Moderate-Impact Manufacturing and Industry by Special Exception.

TMAPC Comments:

Mr. Craddock asked if there is information on what the original optional development plan contained or is that something they can look at. He stated he was unaware of why the optional development plan was included and what are the constraints.

Staff stated it was to limit other uses as well but he didn't have the actual development plan in the packet.

Mr. Craddock stated it is hard for him to decide on this one because there is no background information.

Mr. Covey asked staff if there is there anything that is out of the ordinary regarding this request?

Staff stated “no”, it would be allowed if there wasn't an optional development plan by right and the applicant is wanting to go back to what would be allowed in the underlying zoning without the development plan but keep the other restrictions that were put in place by the optional development plan. He stated the applicant wanted the Low-Impact

Manufacturing and Industry by right and to get Board of Adjustment approval for a Special Exception for Moderate-Impact Manufacturing and Industry.

Mr. Craddock stated he would like to continue item 3 to review what the previous restrictions were. He asked if notices went out to property owners within 300 feet of the proposal.

Staff stated "yes".

The applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **CRADDOCK**, the TMAPC voted 6-0-0 (Bayles, Covey, Craddock, Krug, Shivel, Whitlock, "aye"; no "nays"; none "abstaining"; Carr, Kimbrel, Reeds, Walker, Zalk, "absent") to **CONTINUE** Z-7492a to October 5, 2022.

PUBLIC HEARING - PLATS

4. **Buena Vida Addition** (CD 3) Preliminary Plat, Location: South of the southwest corner of East Admiral Place and South 89th East Avenue

STAFF RECOMMENDATION:

Buena Vida Addition - (CD 3)

South of the southwest corner of East Admiral Place and South 89th East Avenue

This plat consists of 19 lots, 1 block, 4.81 ± acres.

The Technical Advisory Committee (TAC) met on September 8, 2022 and provided the following conditions:

1. **Zoning:** The property is currently zoned RS-4. Lots must conform to the requirements of the RS-4 district.
2. **Addressing:** City of Tulsa will assign addresses to the plat. Address assignments must be shown on the face of the final plat. Provide address disclaimer.
3. **Transportation & Traffic:** Street construction and paving will require approval of an infrastructure development permit (IDP). City of Tulsa right-of-way permits will be required for new driveways. Sidewalks will be required on all lots as part of new construction. Developer is required to install sidewalks adjacent to South 89th East Avenue, East 2nd Street, and adjacent to reserve areas.

4. **Sewer/Water:** IDP approval must be obtained prior to release of the final plat for required sewer and water extensions. Adequate easement must be provided to cover all proposed extensions. Any required offsite easements must be recorded and reflected on the final plat.
5. **Engineering Graphics:** Submit a subdivision data control sheet with final plat. Remove contours from final plat submittal.
6. **Stormwater, Drainage, & Floodplain:** Stormwater improvements will require IDP approval prior to final plat approval. Required easements must be reflected on the face of the plat.
7. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **SHIVEL**, the TMAPC voted 6-0-0 (Bayles, Covey, Craddock, Krug, Shivel, Whitlock, "aye"; no "nays"; none "abstaining"; Carr, Kimbrel, Reeds, Walker, Zalk, "absent") to **APPROVE** the Preliminary Subdivision Plat for Buena Vida Addition per staff recommendation.

5. **Tulsa Hills Marketplace** (CD 2) Preliminary Plat, Location: Northwest corner of West 71st Street South and South Elwood Avenue

STAFF RECOMMENDATION:

Tulsa Hills Marketplace - (CD 2)

Northwest corner of West 71st Street South and South Elwood Avenue

This plat consists of 6 lots, 1 block, 16 ± acres.

The Technical Advisory Committee (TAC) met on September 8, 2022 and provided the following conditions:

1. **Zoning:** The property is currently zoned AG. TMAPC recommended approval of a rezoning from AG to CS (Z-7667) on July 20, 2022. The rezoning must be approved and effective prior to final plat approval.
2. **Addressing:** City of Tulsa will assign addresses to the plat. Address assignments must be shown on the face of the final plat. Provide address disclaimer.
3. **Transportation & Traffic:** City of Tulsa right-of-way permits will be required for new driveways. Sidewalks will be required adjacent to West 71st Street and South Elwood Avenue. Considerations should be made for bicycle and pedestrian traffic from the nearby Turkey Mountain Urban Wilderness.
4. **Sewer/Water:** IDP approval must be obtained prior to release of the final plat for required sewer and water extensions. Adequate easement must be provided to cover all proposed extensions. Any required offsite easements must be recorded and reflected on the final plat.
5. **Engineering Graphics:** Submit a subdivision data control sheet with final plat. Remove contours from final plat submittal. Add missing platted properties to the location map.
6. **Stormwater, Drainage, & Floodplain:** Stormwater improvements will require IDP approval prior to final plat approval. Required easements must be reflected on the face of the plat. Floodplain areas should be drawn based on contours and contained within an overland drainage easement.
7. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

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

The applicant indicated his agreement with staff's recommendation.

Interested Parties:

Zach Howard 777 West 67 Street, Tulsa, OK 74132

Mr. Howard stated he is the Vice President of the Turkey Mountain Neighborhood Association. He stated they are a little bit late to the game and were not present for the zoning approval. He stated they had a neighborhood meeting with City Councilor Jeanne Cue, the developer, Paul Zachary, and Kurt Kraft a few weeks after the zoning request was approved. Quite a few individuals showed up and voiced concerns about a few things associated with this application. Mr. Howard stated probably the biggest concern was traffic. Turkey Mountain is very popular. It's a great place to go on

weekends. He stated there are a lot of people that park their cars in the neighborhood and then walk across Elwood Avenue. Mr. Howard stated there is a lot of vehicle traffic but there should be considerations made for bicycle and pedestrian traffic from nearby Turkey Mountain Urban Wilderness also. Mr Howard stated some of the data from INCOG shows a high number traffic accidents occur on 71st Street and therefore the neighbors would like to see a protected left hand turn on 71st Street going south and north on Elwood Avenue. He stated the subject development is going to increase the traffic on Elwood Avenue and there needs to be plans associated with it to mitigate the traffic issue and he doesn't see anything on the preliminary plat to address this.

Mr. Craddock asked if he wanted to see a protected left turn lane.

Mr. Howard stated "yes" heading south and north.

Mr. Shivel asked what Mr. Zachary's comments were regarding the traffic issue.

Mr. Howard stated that Mr. Zachary understood it was a concern and they were looking at the traffic study and considering upgrading the intersection.

Applicant Comments:

Mark Capron, Wallace Design Collective 123 North MLK, Jr. Blvd., Tulsa, OK 74103

The applicant stated they had a meeting that was hosted by Councilor Cue. After that meeting they realized that not everybody was invited to the meeting so Councilor Cue held a second meeting but that meeting happened after the Planning Commission meeting but before City Council heard the case on zoning. He stated there has been a lot of meetings and discussion about the traffic and also stormwater and other things. The applicant stated there is a traffic study that's being done right now. He stated those decisions about how the lanes are configured and what gets built where will get decided after that traffic study is completed. He stated this a preliminary plat, there will be a final plat that goes before the City Council and once they get to that point they will have their IDP plans or public improvement plans developed and that will include the results of the traffic study.

Mr. Craddock asked if right-of-way was being dedicated.

The applicant stated that are donating the full dedication of right-of-way.

Michael Skates, Director of Development Services 175 E 2nd Street, Tulsa, OK 74103.

Mr. Skates stated Development Services has not seen the traffic study but typically infrastructure is not tied to the plat, it is tied to the IDP. He stated once that traffic study is completed they will review it and those recommendations that are in that traffic study will be implemented. Mr. Skates stated there is this commercial development happening here and another on the southwest corner and it is also anticipated with both of those traffic studies that left turn lanes and improvements on Elwood Avenue north and south will be implemented along with left turns into these developments.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 6 members present:

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

PUBLIC HEARING – REZONING

6. **Z-7673/MPD-5 Nia James, PartnerTulsa** (CD 1) Location: Southwest corner of East Independence Street and North Lansing Avenue requesting rezoning from **IM to MPD-5**

STAFF RECOMMENDATION:
SECTION I: Z-7673/MPD-5

APPLICANTS DEVELOPMENT CONCEPT:

The subject property is comprised of approximately 22.32 acres of land and is located at the southwest corner of North Lansing Avenue and East Independence Street.

The property is currently zoned IM. In November of 2018, the Board of Adjustment approved a special exception to permit an assembly & entertainment use for the BMX Headquarters on the northern half of the site. A request for proposals was issued by PartnerTulsa on the southern half of the site in September of 2021 and a developer was selected in May of 2022. The proposal for the southern half of the property includes a range of commercial and residential uses. The development of this site does not align with the existing industrial zoning. The MPD is proposed to align the existing zoning regulations with the intended use of the site and establish long-term guidance for future development.

A preliminary plat for the site that includes 2 lots has been approved. The final plat is expected to be completed following the zoning process. Both lots will be served by City of Tulsa utilities.

The purpose of MPD-5 is primarily intended to:

- a. Accommodate and encourage the most desirable, most productive, most intense use of land, without regard to the regulation of building height, floor area, land coverage and parking requirements, within the central core area of the city.

- b. Encourage a diversity of high intensity uses that mutually benefit from close proximity to, and from the available services of, the high transportation carrying capacity afforded by locations within the boundaries of the Inner Dispersal Loop; and
- c. Preserve and promote the public and private investment of the existing central core area.

DETAILED STAFF RECOMMENDATION:

The proposed development of the site under MPD-5 is consistent with the Regional Center designation of the Comprehensive Plan and meets the standards for a master planned development of Section 25.070-A.

MPD-5 will promote:

- 1. Compact, mixed-use development patterns where residential, commercial, employment, civic, and open space areas are located in close proximity to one another.
- 2. Flexibility and creativity in responding to changing social, economic, and market conditions.

MPD-5 will accommodate the large-scale assembly & entertainment uses proposed and existing on the site that are limited by other similar zoning designations, but that are consistent with the Regional Center land use designation.

Staff recommends **approval** of Z-7673/MPD-5 with the development standards outlined in Section II.

SECTION II: MPD-5 DEVELOPMENT STANDARDS:

MPD-5 shall allow only those uses identified, below, along with customary accessory uses, and subject to the supplemental regulations of the Tulsa Zoning Code except as modified below.

Uses identified below are permitted as of right.

Uses that cannot be reasonably interpreted to fall within a permitted use, as stated in 35.020E of the Tulsa Zoning code are prohibited.

The Tulsa Planning Office will review all site plans for compliance with MPD-5 prior to release of any building permit.

The following use modifications may be considered minor amendments:

- 1) Limitation or elimination of previously approved specific functions and uses provided the character of the development is not substantially altered.
- 2) Addition to previously approved uses, provided the character of the development is not substantially altered.

PERMITTED Use Categories, Subcategories and Specific uses:

RESIDENTIAL Use Category:

Household Living Subcategory (if in allowed building type identified below):

Specific Use:

Single household

Two households on single lot

Three or more households on single lot

PUBLIC, CIVIC, and INSTITUTIONAL Use Category:

Cemetery

College or University

Day Care

Government Service or Similar Function

Hospital

Library or Cultural Exhibit

Natural Resource Preservation

Parks and Recreation

Postal Service

Religious Assembly

School

Utilities and Public Service Facility

Minor

Wireless Communication Facility

COMMERCIAL Use Category:

Animal Service

Boarding or shelter

Grooming

Veterinary

Assembly and Entertainment (Gun Clubs, outdoor or indoor, are prohibited)

Other Indoor,

Small (up to 250-person capacity)

Large (>250-person capacity)

Other Outdoor

Broadcast or Recording Studio

Commercial Service

Building Service

Business Support Service

Consumer Maintenance/Repair Service

Personal Improvement Service

Research Service

Financial Service

Lodging

Bed & Breakfast

- Short-term rental
- Campgrounds and RV parks
- Hotel / Motel
- Office
 - Business or professional office
 - Medical, dental or Health practitioner office
- Restaurants and Bars
 - Restaurant
 - Bar (Bars in MPD-5 are not subject to spacing requirements of 40.050-A)
 - Brewpub
- Retail Sales
 - Consumer shopping goods
 - Convenience goods
 - Grocery Store
 - Small Box Discount Store
- Studio, Artist or Instructional Service
- Trade School
- Vehicle Sales and Service
 - Personal Vehicle Rentals only
- Agricultural
 - Community Garden,
 - Farm, Market or Community Supported
- INDUSTRIAL Use Category:
 - Low Impact Manufacturing and Industry

RESIDENTIAL BUILDING TYPES

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

MPD-5 LOT & BUILDING REGULATIONS

Minimum Lot Area: N/A

Minimum Street Frontage: N/A

Maximum Floor Area Ration (FAR): N/A

Minimum Lot Area per Unit: N/A

Minimum Open Space per Unit: N/A

Building Setbacks: N/A

Maximum Building Coverage: N/A

Maximum Building Height: N/A

PARKING:

Minimum off-Street Parking Spaces:

Parking is not required however when parking is constructed it shall conform to the design standards outlined in section 55.090 of the Tulsa Zoning Code.

Minimum Bicycle Parking Spaces:

Short-term bicycle parking is required per Section 55.060-B of the Tulsa Zoning Code. Bicycle parking shall conform to the design standards outlined in Section 55-060-D of the Tulsa Zoning Code

LANDSCAPING AND SCREENING:

Landscaping and screening for the project shall conform to the requirements identified in the Tulsa Zoning Code, Chapter 65.

For the purposes of administering landscaping regulations, MPD-5 shall follow the requirements for the CBD zoning district.

Screening requirements for specific uses shall conform to the Supplemental Use & Building Regulations identified for specific uses in the Tulsa Zoning Code, Chapter 40.

SIGNS:

Signage for the project shall conform to the sign regulations identified in Chapter 60 of the Tulsa Zoning Code. For the purposes of administering sign regulations, MPD-5 shall follow the requirements for the CBD zoning district.

Off-premise Outdoor Advertising Signs are prohibited.

SIDEWALKS:

Sidewalks shall be installed and maintained along streets designated by and in accordance with the subdivision regulations and City of Tulsa ordinances.

LIGHTING:

Lighting for the project must comply with applicable City of Tulsa Zoning Code regulations. Final Lighting design standards will be determined upon detailed Site Plan and detail Landscape Plan approval.

GENERAL PROVISIONS:**A. Site, Landscape and Signage Plan Review:**

No building permit shall be issued for any building within MPD-5 until a Detail Site Plan and a Detail Landscape Plan have been approved that is consistent with the Development Standards included.

B. Compliance with Subdivision & Development Regulations

No building permit or zoning clearance permit shall be issued for any building within MPD-5 until a subdivision plat has been approved and recorded. Subdivision plat must include development standards for MPD-5 in the deed of dedication.

SECTION III: Supporting Documentation**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

Staff Summary: MPD-5 is consistent with the expected use for a Regional Center under the Tulsa Comprehensive Plan. The development of the site, including the existing BMX Headquarters, will attract visitors from around the region and beyond. The MPD accommodates large-scale assembly and entertainment uses that are limited in other zoning classifications found in the City of Tulsa Zoning Code.

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

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

Areas of Stability and Growth designation: Area of Growth

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

Transportation Vision:***Major Street and Highway Plan:***

East Archer Street is designated as a Commercial/CBD/Industrial collector adjacent to the south end of the subject property.

Trail System Master Plan Considerations:

East Archer Street, North Lansing Avenue, and East Independence Street adjacent to the site are planned as “Signed Bicycle Routes”. Accommodations for bikes and additional bike infrastructure should be considered in development of the site.

Small Area Plans:

Downtown Area Master Plan

Unity Heritage Neighborhoods Sector Plan

Special District Considerations:

Healthy Neighborhood Overlay

Neighborhood Infill Overlay

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

The site under application is adjacent to Highway 75 on the east side, Interstate 244 on the south side, a railroad corridor to the west, and existing industrially zoned property to the north.

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
North Lansing Avenue	Not Classified	50'	2 vehicle lanes
East Archer Street	Commercial/CBD/Industrial Collector	60'	2 vehicle lanes 2 bicycle lanes
East Independence Street	Not Classified	60'	2 vehicle lanes

Utilities:

The subject tract has municipal water and sewer available.

SECTION IV: Relevant Zoning History

History: Z-7673/MPD-5

ZONING ORDINANCE: Ordinance number 11918 dated September 1, 1970, established zoning for the subject property.

Subject Property:

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

SA-3 April 2018: All concurred in **approval** at city council (TMAPC recommended **denial**) to apply supplemental zoning, HNO (Healthy Neighborhoods Overlay), to multiple properties within the plan area boundaries of Greenwood Heritage Neighborhoods Sector Plan (also known as the Unity Heritage Neighborhoods Plan), 36th Street North Corridor Small Area Plan, and The Crutchfield Neighborhood Revitalization Master Plan (related to ZCA-7).

BOA-22539 November 2018: The Board of Adjustment **approved** a *Special Exception* to permit an outdoor assembly & entertainment use; & a *Variance* to reduce the required number of parking spaces, on property located at SW/c of East Independence Street North & North Lansing Avenue

Surrounding Property:

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

SA-3 April 2018: All concurred in **approval** at city council (TMPAC recommended **denial**) to apply supplemental zoning, HNO (Healthy Neighborhoods Overlay), to multiple properties within the plan area boundaries of Greenwood Heritage

Neighborhoods Sector Plan (also known as the Unity Heritage Neighborhoods Plan), 36th Street North Corridor Small Area Plan, and The Crutchfield Neighborhood Revitaliation Master Plan

Interested Parties:

Bob Jackman 8131 South Lakewood Place, #7 Tulsa, OK 74137

Mr. Jackman stated he is going to ask Planning Commission to defer any decision on this case until they have heard the full story. He stated recently there was a detailed very accurate report in The Black Wall Street Times that explains the complex issues that surround this particular property. Mr. Jackman stated amongst the city in the northern sector, where his property is located, there is a potential disaster. There are literally 20 to maybe as high as 40 tank carloads of butane coming into Tulsa. He stated it is trans loaded over on to semi-trucks which drive through Tulsa to Glenpool, OK to what is called the Explorer Pipeline. Mr. Jackman stated butane is extremely toxic to human health. It is heavier than air so a leak from one of those tanks can travel near the ground for over a mile before something ignites it. He stated he is trying to scare people because it is a very serious situation that has more or less gone unexplained of why and how this was allowed to happen. Mr. Jackman stated in the Vision 2025 package back in April of 2016 voters were promised that the BMX headquarters would be located in Tulsa on the Tulsa fairgrounds, which is probably one of the safer places in Tulsa. He stated the fairground had a contract with a soft drink brand that heads the concessions at the fairgrounds but BMX had a contract with an opposing soft drink company and therefore the BMX headquarters could not be located on the fairgrounds but instead was located adjacent to the subject property. Mr. Jackman stated he is a geologist and been in the business for 40 years. He stated the butane comes in to be mixed with crude oil further up in Chicago. Mr. Jackman stated he has no financial interest in this but this is a serious matter that the City Council will be confronted with.

Mr. Craddock asked if Mr. Jackman knew how long those tanks have been coming in and out of the area.

Mr. Jackman stated since 2015 and it's a continuous 24 hour day, seven days a week, 365 days a year they are coming in, they are unloaded and semi-trucks are loaded. He stated they then drive through Tulsa so that is another area of exposure. Mr. Jackman stated the dangers have not been thoroughly looked at which is a shame on the current administration of the City of Tulsa.

Mr. Craddock stated Planning Commission only looks at the neighboring tract as far as zoning and what the impact that change would have on adjacent property. He stated they don't really look at how does that impact the subject property from a safety standpoint.

Mr. Jackman stated he realizes Planning Commissions limitations but each of the Commissioners are citizens of Tulsa and have a big responsibility to look at this in depth and make a report on the situation.

Fred Storer 420 S Main Street, STE 205, Tulsa, OK 74103

Mr. Storer stated he objects to the proposal to rezone the Evans Fintube site from Industrial Moderate to Master Plan Development (MPD). He stated he has also submitted written comments which he trusts Commissioners have read. Mr. Storer stated he has been an Oklahoma registered Professional Engineer for 47 years and his declared discipline is Chemical and Environmental Engineering. He stated as he and his wife were considering selling their home and moving to an apartment downtown he wrote to Mayor Bynum on October 23 2017 to express his concern about a butane transloading facility that was operating between the OSU Tulsa campus and the Evans Fintube brownfield site. He stated the butane transloader has been operating since 2015 and involves space for 26 railcars, unloading apparatus and semis which move the butane to the Explorer Pipeline, Glenpool tank farm. Mr. Storer stated 3 semi trips are required for each railcar. He stated before the first rail cars arrived in 2015, the operator of the facility reported to the United States EPA the consequences of a vapor cloud explosion from the release of the contents of a single railcar. Mr. Storer stated a vapor cloud explosion from a release of the content's scenario is called an off-site consequence analysis by the EPA. He stated when the Evans Fintube site was selected for the BMX Headquarters, the obvious safety conflict was recognized and reported in local media. Mr. Storer stated in June 2018 it appeared that some understanding had been reached between the facility operator and the City of Tulsa because just before the BMX ribbon cutting, which was in February, the transloader operator relocated to a site zoned Industrial Light on the north side of Pine Street between Yale Avenue and Sheridan Road. He stated the can was just kicked down the road. Mr. Storer stated a few weeks later the 2018 understanding with the City proved not to be durable, so Watco the parent company of the Southern Kansas Oklahoma Line, who owns the rail spur, began transloading themselves on the original site so now there are two butane transloading operations within the City, both operating in violation of the city's Zoning Code. He stated completion and financing of the master plan development on the subject site is highly unlikely when a known hazard compromises the property. Mr. Storer stated the losing proposal from Greenwood Phoenix Development Group for completing the Evans Fintube redevelopment recognizes on page four of their 112 page report when it states the undoubtedly, largest source of environmental concern is the existing Watco butane transloading facility. He stated in conclusion USA BMX deserves a facility free of unusual hazards and rezoning to Master Plan Development should be deferred pending elimination of the butane hazard and the City should enforce its zoning code.

Mr. Craddock asked just to clarify the offloading started in 2015.

Mr. Storer stated "yes", the environmental studies were done for the redevelopment of the Evans Fintube site, but when they do that they just sort of look at what's on the

ground. He stated they were looking for lead and contamination and so forth. But they didn't bother to look over the fence and say what's going on here.

Applicant Comments:

Nia James 175 East Second Street, Tulsa, OK 74103

Ms. James stated the selected developer is doing their due diligence on the site related to the rail line and the butane tanks. She stated if they haven't already, they do intend to contact the operators of the railcars to coordinate any environmental remediation efforts even though the site has already had its own remediation, they plan to do their own but they are aware of the tanks and are taking that into consideration with their development.

Jeff Stephens 175 Est 2nd Street, Tulsa, OK 74103

Mr. Stephens stated he is in the City Legal Department and he has done some study on the issue of the butane tanks next to the BMX site. He stated there's federal law at play here. He stated the Surface Transportation Board has exclusive jurisdiction over transportation by rail carriers and the Interstate Commerce Commission Termination Act of 1995 preempts state and local laws which come within the jurisdiction of the Surface Transportation Board. Mr. Stephens stated there are federal cases that say that the federal preemption of state and local regulations regarding operations and rail carriers includes transloading operations, whether those are performed by a rail carrier, or the rail carrier farms out its own service to a third party. He stated with respect to this specific site, even though it's not the site that's under consideration for the rezoning request it appears that the operations knowing what we know now are preempted by federal law from City's zoning regulations.

Mr. Craddock asked if City legal was aware of the regulations that the railroad has to follow.

Mr. Stephens stated "yes".

Mr. Craddock asked to his knowledge were the rail car operators following those rules.

Mr. Stephens stated he didn't personally know but he knows that the Fire Marshal's office monitors these transloading sites.

Interested Parties:

Shane Matson 1016 East 19th Street, Tulsa, Oklahoma 74120

Mr. Matson stated he appreciates everyone that has spoken today because the project at hand is important. He stated there isn't a person in Tulsa that doesn't want to see the Evans Fintube site redeveloped and continue the economic engine in the Greenwood District but the lack of technical questions to Mr. Storer who the expert in this subject is shocking. Mr. Matson stated he appreciates the City Attorney's comments but he's not a chemical engineer nor has he reviewed the documents submitted by Mr. Dickman (the

previous operator of the butane site in Greenwood). He stated this butane site is an incredible hazard and there has been a \$100 million investment within that four tenths of a mile into harm's way. Mr. Matson stated he is a petroleum geologist, not an activist, but accidents in the petroleum industry happen around the world every day. He stated they can occur from mechanical failure, chemical accident, or they can be deliberate. Mr. Matson stated of the two proposals for the Greenwood District, Team Alchemy, and Greenwood Phoenix only one of them recognizes Wallace Engineering failed to recognize in their 200 page plus document that this facility existed. He stated every week there are events at BMX USA bringing students and families around the country in to entertain and compete within 300 yards of this facility. Mr. Matson stated he would encourage Planning Commission to defer this application until there is an open dialogue to discuss the dangers. He stated the applicant who spoke earlier is not fully aware that there is nothing that the developer can do because it is a federal issue. Mr. Matson stated if the city doesn't fight this issue, and fight the federal regulations on it, then everybody that's invested a single dime which are some of Tulsa's wealthiest and most influential families are putting good money into a dangerous situation.

TMAPC Comments:

Mr. Covey asked from a zoning point should Planning Commission take into consideration what is being said today, is it applicable to the zoning. He stated he understands that if approved the project will continue to move forward but looking at the overall plan he is not sure it's applicable.

Ms. VanValkenburgh stated normally Planning Commission looks at the surrounding neighborhood for what is appropriate in the neighborhood and they have to consider the larger neighborhood in this case, what's the current zoning, what's happening right next door, what's happening in the neighborhood. She stated she would like to emphasize that the City is truly preempted from zoning regulations of these transloading sites and to suggest that the City needs to fight the preemption would be an exercise in futility in her opinion. Ms. VanValkenburgh stated zoning a property does not mean that it has to be used in the way that it is being zoned, you are zoning it to permit it to be used that way. She stated anyone who is making an investment in that property will decide about whether that is what they want to do.

Mr. Covey stated usually when he is looking at the rezoning he is looking at how does that rezoning effect the other surrounding property and this feels like it is almost in reverse.

Ms. VanValkenburgh stated "yes" and as she said the rezoning does not say you have to build something here it says you may build something here.

Mr. Stephens stated the railroad use of the adjoining property appears to be a lawful use of the property.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **WHITLOCK**, the TMAPC voted 5-1-0 (Bayles, Covey, Krug, Shivel, Whitlock, "aye"; Craddock, "nays"; none "abstaining"; Carr, Kimbrel, Reeds, Walker, Zalk, "absent") to recommend **APPROVAL** of the MPD-5 zoning for Z-7673/MPD-5 per staff recommendation.

Legal Description for Z-7673/MPD-5:

KNOW ALL MEN BY THESE PRESENTS:

THE CITY OF TULSA, AN OKLAHOMA MUNICIPAL CORPORATION, HEREINAFTER REFERRED TO AS "OWNER", IS THE OWNER OF THE FOLLOWING DESCRIBED REAL ESTATE IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA:

A TRACT OF LAND THAT IS PART OF LOT TWO (2), SECTION ONE (1), TOWNSHIP NINETEEN (19) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW/4 SE/4) OF SECTION THIRTY-SIX (36), TOWNSHIP TWENTY (20) NORTH, RANGE TWELVE (12) EAST OF THE INDIAN BASE AND MERIDIAN, AND PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER (NW/4 NE/4) OF SECTION ONE (1), TOWNSHIP NINETEEN (19) NORTH, RANGE TWELVE (12) EAST, OF THE INDIAN BASE AND MERIDIAN, ALL IN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF; SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF BLOCK FORTY-NINE (49) OF THE ORIGINAL TOWNSITE OF TULSA, SAID POINT BEING 34.94 FEET EASTERLY OF THE SOUTHWEST CORNER OF LOT TWO (2), BLOCK FORTY-NINE (49), SAID POINT ALSO BEING ON THE EASTERLY ATCHISON, TOPEKA & SANTA FE RAILROAD RIGHT-OF-WAY LINE; THENCE N 00° 27' 51" W AND ALONG THE EASTERLY RAILROAD RIGHT-OF-WAY LINE FOR A DISTANCE OF 511.37 FEET; THENCE N 05° 24' 22" E AND ALONG THE EASTERLY RAILROAD RIGHT-OF-WAY LINE FOR A DISTANCE OF 610.55 FEET; THENCE N 06° 11' 18" E AND ALONG THE EASTERLY RAILROAD RIGHT-OF-WAY LINE FOR A DISTANCE OF 803.65 FEET; THENCE N 88° 58' 50" E FOR A DISTANCE OF 180.00 FEET; THENCE S 00° 58' 20" E FOR A DISTANCE OF 30.00 FEET TO A POINT; THENCE N 88° 58' 50" E FOR A DISTANCE OF 255.00 FEET; THENCE S 45° 59' 49" E FOR A DISTANCE OF 70.68 FEET; THENCE S 00° 58' 20" E FOR A DISTANCE OF 611.94 FEET; THENCE N 88° 54' 41" E FOR A DISTANCE OF 11.03 FEET; THENCE S 01° 11' 17" E FOR A DISTANCE OF 282.47 FEET; THENCE S 12° 14' 47" W FOR A DISTANCE OF 332.52 FEET; THENCE S 89° 08' 39" W FOR A DISTANCE OF 15.00 FEET; THENCE S 01° 11' 17" E FOR A DISTANCE OF 10.11 FEET TO THE BEGINNING OF A NON-TANGENTIAL CURVE, SAID CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 47° 38' 16", HAVING A RADIUS OF 125.40 FEET, A LENGTH OF 104.26 FEET AND WHOSE LONG CHORD BEARS S 39° 17' 42" W FOR A DISTANCE OF 101.29 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENTIAL LINE; THENCE S 01° 11' 14" E FOR A DISTANCE OF 189.63 FEET; THENCE S 27° 47' 12" W FOR A DISTANCE OF 169.78 FEET; THENCE S 55° 38' 34" W FOR A DISTANCE OF 25.00 FEET; THENCE S 65° 09' 17" W FOR A DISTANCE OF 35.71 FEET; THENCE S 79° 46' 16"

W FOR A DISTANCE OF 4.92 FEET; THENCE S 65° 28' 16" W FOR A DISTANCE OF 407.79 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINS 973,072 SQUARE FEET OR 22.34 ACRES, MORE OR LESS.

* * * * *

7. **Z-7674 Tulsa City Council** (CD 4) Location: The area generally bounded on the north by East 11th Street South, on the east by South Peoria Avenue, on the south by East 13th Street South, and on the west by Highway 75, commonly referred to as the Tracy Park Neighborhood and excluding the commercially zoned properties along South Peoria Avenue requesting rezoning **HP Overlay**

STAFF RECOMMENDATION:

Item

Public hearing to consider an Historic Preservation Zoning Map Amendment to establish an Historic Preservation (HP) Overlay in the Tracy Park neighborhood

Background

Historic Preservation (HP) Overlay districts are one of several types of overlay districts established by the Tulsa Zoning Code. Within HP Overlays, an HP permit is required for most exterior work to buildings, structures, and lots. The Tulsa Preservation Commission (TPC) reviews applications for HP Permits based on the Unified Design Guidelines, which provide guidance on the treatment of properties within HP Overlays. On behalf of the Tracy Park Neighborhood Association, the Tulsa City Council initiated the process to establish an HP Overlay for the Tracy Park neighborhood on April 20, 2022. Tulsa Preservation Commission staff then explored existing conditions within the district, mapped potential boundaries, and notified owners within those boundaries. The TPC held a public informational session during its regular meeting on June 9, 2022. At its regular meeting on June 28, 2022, the TPC recommended approval of the HP Overlay along with proposed boundaries and recommended that no additional design guidelines specific to the Tracy Park HP Overlay be adopted. The attached report describes the TPC's findings and recommendations in detail, as well as the process and public engagement efforts leading up to the TPC meeting on June 28, 2022.

Public Engagement since June 28

Prior to the TMAPC public hearing, notices were mailed to property owners within 300 feet of the recommended boundaries, sign notices were posted throughout the neighborhood, and a newspaper notice was published in the Tulsa World. TPC staff presented information about the proposed HP Overlay during the TMAPC work session on August 17, 2022.

In anticipation of the TMAPC public hearing, the Tracy Park Neighborhood Association facilitated a Q&A session with a preservation commissioner during their neighborhood meeting on Saturday, August 20, 2022 (18 attendees). As of September 14, there is an ongoing neighborhood-led effort to canvas the district and collect input from property owners through a petition.

In response to public comments during the TPC informational meeting on June 9, staff requested feedback from the City of Tulsa's Parks, Culture & Recreation department about the inclusion of Tracy Park in the proposed HP Overlay, and the department provided comments in late August. The Parks, Culture & Recreation department, in consultation with the mayor's office, has requested that Tracy Park be excluded from the proposed HP Overlay due to planned improvements to the park. As this feedback was received after the TPC public meeting, the TPC's recommended boundaries include Tracy Park.

Staff Analysis

The proposed HP Overlay is consistent with the Existing Neighborhood and Area of Stability designations of the Comprehensive Plan. The proposed overlay also allows for the implementation of multiple goals and policies within the Comprehensive Plan. The HP zoning map amendment is consistent with the zoning code's general purposes (Section 1.050), the stated purposes and intents of HP Overlays (Section 20.020-A), and the HP zoning approval criteria (Section 70.060-J).

Staff Recommendation

Staff recommends **approval** of Z-7674 to supplementally rezone properties to Historic Preservation (HP) Overlay zoning within the boundaries recommended by the TPC, **excluding the 3.54-acre property comprising Tracy Park**. Staff agrees with the TPC recommendation that there be no additional design guidelines that apply within the HP Overlay.

Interested Parties:

Steven Lassman

Mr. Lassman stated he is the Parks Planner for the City of Tulsa Parks Department. He stated this application was discussed internally at the Parks Department, City Legal and the Mayor's Office. Mr. Lassman stated the Parks Department would prefer not to be included in the HP Overlay request. He stated after looking through the request they believe that it would offer no advantages to the park itself or to park users and would only hamper their ability to make needed park repairs or improvements in a timely fashion. Mr. Lassman stated they would request that the park be excluded from the Historic Preservation Overlay.

Nathalie Cornett 2727 East 21st Street, Tulsa, OK 74114

Ms. Cornett stated she represents the property owner who owns the property to the south and her client agrees with staff's recommendation to have 13th Street as the southern boundary of the district.

Jeff Richardson 1132 South Newport Avenue , Tulsa, OK 74120

Mr. Richardson states he supports a majority of the plan. He stated there was a lot of back and forth with the developer to the south and he feels like they have an agreement with him to not be included in the plan but the only thing that kind of has gotten slipped in on the residents is the Parks Department wanting to exclude the park itself, Tracy Park, their namesake, without knowing what all that includes it would be hard to get his support behind excluding the Park.

Chip Atkins 1638 East 17th Street, Tulsa, OK 74120

Mr. Atkins stated his family was one of the 12 families that formed Tracy Park. He stated he has a long history of this neighborhood and the Park. Mr. Atkins stated he felt the backhand of the City of Tulsa and Anna America coming to the Mayor's office and INCOG asking for the park to be removed for the lame excuse of repairs not happening in timely manner as insulting. He stated there has been plenty of time to voice these concerns at the Tulsa Preservation Commission (TPC) meetings. Mr. Atkins stated he pulled up the TPC agendas from previous meetings and there has been no discussion since 2021 of Tracy Park being removed or even a discussion of it being removed. He stated the Parks Board has had no knowledge of this either. Mr. Atkins stated he feels this is really a slap in the face to the Tulsa Preservation Commission as well as the Parks Board to pull Tracy Park from the plan without any public input at all on their decision. He stated Swan Lake, as far as he knows, has never had an issue with repairs not being approved in a timely matter. Mr. Atkins stated Ms. Tracy who donated or sold this land to make this neighborhood included the Park as part of the plat. He stated a 30 day to 60 day wait to get approval of repairs is not going to hamper the City of Tulsa or the Parks Board. Mr. Atkins stated he requests that Planning Commission approve this application per Tulsa Preservation Commission's recommendation to include Tracy Park. He stated that would be like excluding Swan Lake from the Swan Lake neighborhood.

Kara Joy McKee 175 East 2nd Street, Tulsa, OK 74103

Councilor McKee stated it's an honor and a privilege to be able to bring this before Planning Commission. She stated as mentioned, when they talked about the HP Overlay and Tracy Park asked to be excluded from the missing middle overlay we immediately took them out because they didn't want to be there. The neighborhood conversation was reignited about who are we as a neighborhood and what do we want to be. Councilor McKee stated it's rare to find such an intact neighborhood right in the middle of Tulsa with so many beautiful homes, many with accessory dwellings that have that historic flavor and character that's been maintained by so many loving homeowners. She stated she was enthusiastic to support them in this Historic Overlay. Councilor McKee stated she has heard from Mr. Atkins and Ms. Cook and others who will speak that are not in this neighborhood as well as from Ms. Cavarra and others who

are in the neighborhood. Some are concerned about excluding Tracy Park and that's a tough call because she loves historic places and feels enthusiastic that it could be really nice to afford to keep all our historic places preserved. She stated she attended a Swan Lakel night meeting last night and they talked about the \$1.3 million they have to restore that fountain to historic specifications. Councilor McKee stated it's something the voters wanted but it can't be done every time. She stated there is a fountain in Tracy Park right now that isn't being used because they have seen time and again that it will be used as a location for bathing for the unsheltered neighbors. Councilor McKee stated if it were required to be historic, she fears that there would be more of that. She stated there are some real needs for updates in this park but the wheels of government turn slowly. Councilor McKee stated she shares concerns that some of the very much needed updates to the park such as playground equipment might slow down if the Historic Overlay were there.

Mr. Covey asked if Ms. McKee was for against Tracy Park being in the Historic Overlay.

Ms. McKee stated she doesn't think the Park should be in the overlay. She stated staff has worked hard on this and this was a surprise to them. Councilor McKee stated unfortunately, she was not aware that the Park was being considered as part of the overlay and that was her fault because she wasn't in all of the meetings. She stated she wished she had asked more questions sooner because that would have raised red flags.

Jen Cavarra 1218 South Newport Avenue, Tulsa, OK 74120

Ms. Cavarra stated she is new to the City of Tulsa and to Tracy Park but have since become the President of the Neighborhood Association. She stated the neighbors have had this conversation extensively since right when she moved in they faced the Neighborhood Infill Overlay, which prompted the conversation as already stated about who they are as a neighborhood and what they want for their future. Ms. Cavarra stated about at that same time one of the houses in the neighborhood was torn down and they are rebuilding another house. She stated It's becoming a nicer part of town and homeowners are moving in to take care of their houses. Ms. Cavarra stated they understand that taking on the HP Overlay will put more of a responsibility on the owners to maintain their homes at a higher standard and they are willing to pay for that. She stated she supports including Tracy Park in the Historic Preservation Overlay. Ms. Cavarra stated she has talked to many of the residents of the neighborhood who oppose removing the Park and if there had been more time before finding out the City wanted the park excluded, there would have been much stronger opposition than what is present in this room.

Cherie Cook, Post Office Box 521144, Tulsa 74152

Ms. Cook stated she normally doesn't sign up to speak but this is shifting the conversation a bit. She thinks they have forgotten the significance of what is being talked about on this park and asked if any of the tribes were notified, because there is a parcel that is still available that is supposed to be an old burial ground. Ms. Cook stated

these are things that they consider important because they are the history of the neighborhood.

Mr. Craddock asked if Ms. Cook lives in the neighborhood

Ms. Cook stated "no".

Dale Lawton 1232 South Owasso Ave, Tulsa, OK 74120

Mr. Lawton stated what concerns him is when he hears the representative from the Parks Department talk about not wanting the Park included because that will make it harder for repairs and Park improvements. He stated he assumes that is because it will have to go through other channels for permits and approval at a higher level. Mr. Lawton stated what does that mean for homeowners. Will it be hard for them to make repairs in a timely fashion or improvements. He stated he understands the need for permits and the City overlooking improvements but is concerned that this will cost him a fortune. Mr. Lawton stated every time he wants to paint something or do something is there going to be an expensive permit. He stated it kind of scares him that the Parks Department is cautious and saying whoa this is going to make it hard for them, so how hard will it be for the homeowners to do what they're trying to do.

Ms. Bayles asked the Neighborhood Association President to come back to the podium.

Ms. Bayles stated there are 68 parcels that are under consideration for the HP Overlay and the first map dated September 15, there were quite a few parcels that were not shown as supporting the Overlay. She stated a week later there is a map that shows about half and half with 31 being no responses and 32 in support and six opposed with the park. Ms. Bayles stated Councilor McKee said this was a neighborhood initiated conversation and she asked if Ms. Cavarra knew why the neighborhood were still half and half right now.

Ms. Cavarra stated in her experience in the neighborhood, there's a group of people who are concerned about the neighborhood and where it's going they want to be part of the regular meetings that they have, they come out when there is a barbecue and they want to participate in the yard sale. She stated they have a Facebook group where they have about 40 people despite having 69 parcels. She stated those other people don't want to be bothered. They don't want to answer the door. They get the notifications that there will be a meeting, but they don't have time. Ms. Cavarra stated she has heard from a lot of residents that they don't have time they are taking their kids to soccer and they don't have time to get involved in the neighborhood and she thinks that is their prerogative. She stated she takes their non-participation despite knowing what's going on as accepting that this might become the reality. Ms. Cavarra stated for everybody who participated, there was an overwhelming "yes", and they noted every person that who said yes or who said no when they went door to door. She stated they talked to 30 people, one of them had COVID but sent in an email and the other 29 signed the petition. Ms. Cavarra stated she thinks that shows that the people who want to

participate and have a voice about this say yes. She stated the speaker who was worried that the process would take longer she would like to say, they have been assured that taking on this HP Overlay would not really slow things down that the HP Commission has really worked at becoming easier to work with and have built in these processes to make it so that their projects aren't delayed. That is why it doesn't make sense that in this conversation we are talking about delaying the Parks Department.

Mr. Craddock asked if there was a percentage of the property owners or parcels needed to disapprove or approve.

Felicity Good Historic Preservation Officer at The Tulsa Planning Office.

Ms. Good stated “no”, there is no specific percentage required to approve. She stated the HP zoning map amendment was initiated by City Council and it will go all the way through to City Council despite what recommendation Planning Commission makes today. Ms. Good stated there is no percentage needed. She stated the Zoning Code does give allowances for protest petitions. If 20% of the owners within the proposed boundaries file a petition to protest then it would require a super majority vote at Council.

Mr. Craddock stated there is a huge difference between being listed on the National Register of Historic Places, which does not dictate what property owners can and cannot do to their property yards, buildings additions. He stated but HP zoning does.

Ms. Good stated “That is correct”. She stated the Tracy Park Historic District is listed on the National Register already, so it does have that owner area designation. Ms. Good stated it is a Federal Honorary Designation for a neighborhood or a district and was nominated at the local level of significance to Tulsa in architecture and community planning. She stated she would like to add that the Zoning Code requires that the Preservation Commission approve Historic Preservation permits within 30 days of a completed application. And those applications are free. There's no charge currently for those.

Ms. Krug stated she was curious how the HP design guidelines would impact the park.

Ms. Good stated there are two sets of guidelines one for residential properties and then another set of guidelines for commercial and mixed use properties. She stated generally in the unified design guidelines, you'll see a lot of themes which is retain any original historic characteristics of the property and if you're going back with a replacement, try to make that in line with the scale and the context of the neighborhood, specifically the historic aspects of the neighborhood.

Mr. Covey asked if the same time fits for commercial or for Tracy Park.

Ms. Good stated “yes”, there's no differentiation, it's 30 days unless the property owner agrees to or requests an extension for that period of time.

Mr. Covey asked if Ms. Good had a position on whether the park should be included or not.

Ms. Good stated she is the Historic Preservation Officer to the Staff to the Preservation Commission. She stated she drafted the Preservation Commission's recommendation and that included the park in the overlay.

Mr. Covey asked if Ms. Good believed the City of Tulsa would be extraordinarily burdened by having the park in the overlay.

Ms. Good stated there are examples of other parks and HP overlays in the City. She stated Council Oak actually is its own overlay and has its own set of guidelines. Swan Lake Park is another example of a park in the City of Tulsa that is in an HP Overlay district. Ms. Good stated if the Parks Department were included in the overlay they would be treated like any other applicant.

Mr. Lassman stated a point of clarification, a few people have mentioned a Pickleball court was being considered for Tracy Park and he wanted to say they have no plans to convert the courts to pickleball. He stated also both Swan Lake and Council Oak are parks that do not have courts or playgrounds right now, which may also be affected by the Historic Preservation Overlay which is causing a concern.

Councilor McKee stated she wanted to clarify that her concerns are less about the timeliness because she agrees The Preservation Commission has done a really great job of improving their processes to make it smooth. She stated she was more concerned about the contents of the park and some of the potential requirements to restore certain historic aspects or not add things that might be more beneficial for that area. Councilor McKee stated she didn't mention but it occurred to her this is at the edge of the current BRT route, and the new route 66 BRT route, it's a really important neighborhood, and it's really important to her that the park is the best neighbor it can be to these neighbors. She stated some of what could make it a better neighbor might include some things that aren't historic but could be really helpful and she thinks they might need more flexibility with the park. Councilor McKee stated she also respects Ms. Good's recommendation and knows she thinks about this a lot. She stated last night at a Swan Lake meeting there were residents there that were saying, why can't we get a cheaper fountain, why are we spending this much money on the fountain. Councilor McKee stated it came down to the historic aspect of it and those were neighbors who wanted the fountain restored.

TMAPC Comments:

Mr. Whitlock stated he is going to vote to include the Park. He stated it makes no sense to incorporate the neighborhood and not include this historic Park.

Mr. Craddock stated he loved the history that Mr. Adkins shared. He stated he likes the fact that this was one of the first platted neighborhoods that provided deed restrictions that homeowners had to adhere to, and obviously to him it looks like they did a good job. Mr. Craddock stated the neighborhood's housing stock is high quality and has continued to be high quality, regardless of whether HP is there or not. He stated he just wants the neighbors to know if HP is approved there will be additional requirements that they will have to ask a board for permission to do.

Ms. Krug asked if a motion can be made that would include the Park.

Mr. Covey stated he had the same question as Ms. Krug. He stated he doesn't want to hold this application up and the residents will want it to be historic. Mr. Covey stated this is their neighborhood and it's their overlay and their park.

Ms. VanValkenburgh stated a motion can be made to recommend approval per the Preservation Commission recommendation.

Ms. Bayles stated the relevant issue for Planning Commission is that they have received an email from the Parks Department asking that the Park be excluded which means that by the time this application gets to City Council maybe there will be more relevant information to support that argument, but it's not in front of us now. Ms. Bayles stated she is supporting this application, including the park as well.

TMAPC Action; 6 members present:

On **MOTION** of **KRUG**, the TMAPC voted 6-0-0 (Bayles, Covey, Craddock, Krug, Shivel, Whitlock, "aye"; no "nays"; none "abstaining"; Carr, Kimbrel, Reeds, Walker, Zalk, "absent") to recommend **APPROVAL** of Z-7674 to rezone properties to Historic Preservation (HP) Overlay zoning within the boundaries recommended by the Tulsa Preservation Commission, including the 3.54-acre property comprising Tracy Park and that there be no additional design guidelines that apply within the HP Overlay.

Legal Description for Z-7674:

LOTS 1, 2, 3, 4, 5, 6, 7, 8, 13, 14, 15, 16, BLOCK 2;

AND PART OF LOTS 9 THROUGH 11 BEGINNING AT THE SOUTHEAST CORNER OF LOT 9, THENCE NORTH 150 FEET; THENCE WEST 114.77 FEET; THENCE SOUTHEAST 164.78 FEET; THENCE EAST 50 FEET TO THE POINT OF BEGINNING, BLOCK 2;

AND LOT 12 LESS BEGINNING AT THE SOUTHWEST CORNER, THENCE NORTH 25 FEET; THENCE SOUTHEAST 27.08 FEET; THENCE WEST 10.67 FEET TO THE POINT OF BEGINNING, BLOCK 2;

AND ALL OF BLOCK 3;

AND LOTS 9, 11, 12, 13, 14, AND 15, BLOCK 4;

AND LOT 10 AND THE NORTH 30 FEET OF VACATED 12TH STREET ADJACENT ON THE SOUTH, BLOCK 4;

AND LOT 16 AND THE SOUTH 30 FEET OF VACATED 11TH PLACE ADJACENT ON THE NORTH, BLOCK 4;

AND LOTS 12, 13, 14, 15, 16, 17, 18, 19, 20, AND 21, BLOCK 5;

AND LOT 22 AND THE SOUTH 30 FEET OF VACATED 12TH STREET ADJACENT ON THE NORTH, BLOCK 5;

AND ALL OF BLOCK 6;

AND LOTS 1, 2, AND 3, BLOCK 7;

AND LOTS 4 AND 5 LESS BEGINNING AT THE SOUTHWEST CORNER OF LOT 5, THENCE NORTH 70 FEET, THENCE SOUTHEASTERLY APPROXIMATELY 80.26 FEET; THENCE WEST 39.57 FEET TO THE POINT OF BEGINNING, BLOCK 7;

AND TRACY PARK AND PART OF VACATED 11TH PLACE BEGINNING AT THE SOUTHEAST CORNER OF TRACY PARK, THENCE SOUTH 30 FEET, THENCE WEST 300.3 FEET, THENCE NORTH 30 FEET, THENCE EAST 300.3 FEET TO THE POINT OF BEGINNING;

ALL IN RIDGEWOOD ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF

* * * * *

8. **Z-7676 Mark Gorman** (CD 4) Location: South of the southeast corner of East 18th Street South and South Boston Avenue requesting rezoning from **RM-2 to CH**

STAFF RECOMMENDATION:

SECTION I: Z-7676

DEVELOPMENT CONCEPT: Rezoning to support new development opportunities that are allowed in a CH zoning district.

DETAILED STAFF RECOMMENDATION:

Z-7676 request rezoning several tracts of land from RM-2 to CH. The CH district is primarily intended to accommodate high-intensity commercial and related uses primarily in the core area of the city; encourage use of properties and existing buildings along older commercial corridors; and minimize encroachment and adverse land use impacts on stable residential neighborhoods. The goals of the CH zoning district are consistent with the Downtown Neighborhood land use designation,

Uses that are allowed in the CH district are consistent with the expected development pattern west of the Midland Valley Trail Corridor and,

The supplemental regulations for uses in a CH district provide adequate standards to minimize any adverse land use impact on adjoining properties therefore,

Staff recommends Approval of Z-7676 to rezone property from RM-2 to CH.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

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

Land Use Vision:

Land Use Plan map designation: Downtown Neighborhood

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

Areas of Stability and Growth designation: Area of Growth

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

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

choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.”

Transportation Vision:

Major Street and Highway Plan: None

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

Small Area Plan: None

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

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

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

Environmental Considerations: None that would affect site redevelopment.

Streets:

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

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	CH	Downtown Neighborhood	Growth	Fire station
East	RM-2	Park and open space	Stability	Midland Valley Trail
South	RM-2	Downtown Neighborhood	Growth	Townhouses
West	CH and OL	Downtown Neighborhood	Growth	Surface parking for banking and church uses

SECTION III: Relevant Zoning History

History: Z-7676

Subject Property:

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

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

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

street parking area be surfaced with an all-weather material, to permit the use of concrete grass paver blocks in a residentially-zoned district on property located at 1907 S. Boston Ave.

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

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

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

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

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

Surrounding Property:

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

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

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

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

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

BOA-20911 May 2009: The Board of Adjustment **approved** a *Variance* to permit the parking requirement to permit commercial uses within an existing building in a CH district, on property located at 118 East 18th Street.

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

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

BOA-16558 January 1994: The Board of Adjustment **approved** a *Special Exception* to permit school use in an RS-3 zoned district, on property located at 541 South 43rd W. Ave.

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

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

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

BOA-12875 November 1983: The Board of Adjustment **approved** a *Special Exception* to permit office use in an RM-2 zoned district & a *Variance* of the screening requirement

on the south side; & a *Variance* of lot coverage from 50% to 60%, & a *Variance* of lot frontage from 50' to 45' & a *Variance* of the parking requirements from 11 to 9 spaces & a *Variance* of the minimum side yard requirement from abutting residential districts from 10' to 1.8 and 6.2' in an RM-2 zoned district, on property located at North of the Northeast corner of East 21st Street South and South Boston Avenue.

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

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

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

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

Mr. Craddock asked if there had been any comments from the neighborhood engagement.

Staff stated they did receive some email correspondence with some property owners immediately to the south. He stated he believes the applicant has had some conversations with them but he doesn't know the details. Staff stated there is a multifamily neighborhood just immediately south of this site and an existing log cabin on the side that the applicant wants to repurpose and convert into an Assembly and Entertainment use. He stated the applicant wants to use that area for a dog park and if this application moves forward it would be classified as that use inside the Zoning Code. Staff stated the only way to get that use is with the CH district.

Mr. Craddock stated CH seems to be a pretty intense zoning classification next to this residential neighborhood. He asked if the Dog Park was going to be a public use.

Staff stated it would be a privately operated business that the City is not involved with.

Interested Parties:

William Courtney 1907 South Boston Avenue, Tulsa, OK 74119

Mr. Courtney stated he is a retired NYPD detective and moved to Tulsa two years ago. He stated he purchased a condo at 1907 South Boston and did so knowing that it was a residential neighborhood. Mr. Courtney stated the subject lot was supposed to be phase two of the condo's he currently lives in but he thinks they ran out of money because they were never built. He stated the subject lot, a parking lot and the log cabin is the only thing that buffers the condos from all the commercial businesses that run on 18th Street. Mr. Courtney stated there are two nightclubs that have music and alcohol, obviously, four restaurants with some with outdoor patios. He stated the quality of life for the residents in the evening is a little tough and the people that get over served that walk through this neighborhood at night are a little bit hard to deal with. Mr. Courtney stated It's not the type of problem that they have reached out to the police about but it is kind of that problem that you get from living near a commercial neighborhood, so they are grateful to have the big parking lot that separates them from the businesses. Mr. Courtney stated the applicant apparently built a dog run about six months ago on the side of the nightclub called The Shrine so this is an existing dog run that was built six months ago. He stated there is no signage and it is not open to the public. He stated now they are hearing they want to put a dog run literally right outside their door. Mr. Courtney stated these lots are very narrow so the condos were built up high with low square footage, but the living areas overlook everything and they hear every noise. He asked how Commissioners would feel if somebody wanted to build a dog park next to your house, or a restaurant or coffee shop immediately next to your house. Mr. Courtney stated no one reached out to them at all and he was shocked to hear that someone said they had talked the neighbors. He stated it is only five units and he came today to represent the HOA because everyone else was working. He stated they have first responders who live in the facility that have a variety of different hours and different days off and something like this would be a problem for them. Mr. Courtney stated a neighbor had a dog that barked nonstop and they tried to deal with her and ask her politely to stop the dog from barking and ended up having to make a complaint to the City. He stated this is a residential block and the only thing that's not residential is the firehouse on the corner. There are no commercial properties on their block at all and he thinks staff is misrepresenting this the way he presents it.

Chris Fling 123 East 21st Street, Tulsa, OK 74114

Mr. Fling stated he lives across the trail from the subject property. He stated he has not been contacted by the applicants about this development either other than the notice. Mr. Fling stated they have been concerned that something commercial might develop here. This is a very quiet neighborhood and their side is residential. He stated they are concerned about parking and traffic. Mr. Fling stated the trail itself is mostly an unmaintained disaster and has been a problem for a long time. He stated they have called WIN about the trail multiple times. Mr. Fling states the City has made some efforts recently to try to do something about the problem but it is still sort of a mess and there are a lot of vagrants through there. He stated he doesn't think that a full commercial property at that site is appropriate.

Shane Matson 1016 East 19th Street, Tulsa, OK

Mr. Matson stated he lives three blocks east of this location, and it's nice to meet new neighbors. He stated he is thrilled that they have a retired detective in the neighborhood. Mr. Matson stated this is an aggressive application of rezoning. He stated the south end is a commercial district and the north end is a residential district. Mr. Matson stated a dog park seems curious and disingenuous since he believes the applicant paid \$2.8 million for the property and you don't make a return on a dog park of \$2.8 million. He stated so obviously there's something bigger in mind for this property. Mr. Matson stated this area's largely been neglected and having some appropriate development would be welcomed by most everyone. He stated recently he was in Kansas City staying for a couple of days and the hotel where he stayed was next to Kansas City's number one dog school and every morning at 7:05am the dogs started barking. Mr. Matson stated you definitely don't want to live next to this and if you think one dog next door is bad, then you can imagine what happens on Saturday mornings with 10. He stated he would encourage Commissioners to defer this decision and assess how the zoning impacts the neighbors.

Brian Elliot 1632 South Cheyenne Avenue, Tulsa, OK 74120

Mr. Elliot stated he represents the owner David Sharp of Sharp Development. He stated he counted 38 lots between 18th and 21st Street along Boston Avenue. He stated two thirds are zoned commercial of some form and 13 are residential. Mr. Elliot stated he understands the dog barking concern. He stated he has scanned through the condo declaration and the owners are allowed 2 dogs per unit and there doesn't seem to be any kind of recourse or anything associated with dogs creating a nuisance. Mr. Elliot stated there are quite a few dogs that walk along the Midland Valley Trail that are barking at each other, squirrels and rabbits, and everything else along the trail. He stated he agrees there are quite a few vagrants in the area. Mr. Elliot stated they don't have a plan in place will carry the costs until they are ready to do a multifamily project on the other lots there. He stated several people spoke about not being contacted about this development but they left that up to the applicant. Mr. Elliot stated he believes the applicant reached out to the condo owners and received support from three of the five condo owners. So, 60% seem to approve of his idea. He stated another concern he heard was property values deteriorating next to a dog park. He stated he lives on Cheyenne Avenue across from Creek Stickball Park, basically a dog park, and the homes in that part of town, some right across the street from the park, are selling for 18% higher than previous sales. Mr. Elliot stated the developer, Sharp Development is a long term investor has had several properties for 40 years. He stated they have turned down more short term gains with more of an eye on what's good for the neighborhood.

Mr. Covey asked if Mr. Elliot represents the property owner.

Mr. Elliot stated "yes".

Mr. Covey stated on the proposed use, the applicant has listed coffee shop, dog park, and multifamily.

Mr. Elliot stated the coffee shop and dog park will be on the property with the log cabin there. Mr. Elliot stated the lots to the north, one is already CH and long term they are looking at a multifamily project from the alley south up to the grass lot.

Mark Gorman 1332 South Knoxville, Tulsa, Oklahoma

Mr. Gorman stated he grew up in Tulsa and lives by the Fairgrounds instead of Downtown because he has three dogs and nowhere to take them. He stated Downtown Partnership ran a survey in 2020 and the number one and number two thing that was requested by residents of downtown was a dog park. Mr. Gorman stated the closest one is Joe Station along Charles Page Boulevard. He stated it is a sketchy side of town next to the old Juvenile Detention Center, or Hunter Park which is about 15 minutes away from downtown. Mr. Gorman stated they spent a little over a year trying to select a site that would contribute to a dense and urban development for downtown where the interest is making it walkable, which is facilitated by the trails. He stated working with David Sharp on these lots that they just purchased late last year they came up with a plan to keep the existing building and revamp it a little bit to make it more modern, not such a blight but offer an amenity not just to the neighbors here in Riverview, but also contribute to what's become a booming commercial district. Mr. Gorman stated Welltown Brewing and McNellie's are putting in restaurants near here. That area is growing and a lot of people have moved in with that intention. He stated he has been in the neighborhood for the last month knocking on doors and passing out business cards. Mr. Gorman stated he updated their website with renderings as soon as he had them and made up flyers to pass out to anyone who would take them. He stated the overwhelming majority of neighbors from the subject property all the way down to 21st on both sides of the street has been supportive. Mr. Gorman stated the plan is a dog park with a coffee bar in it with a half-acre of green space. He stated currently there is nowhere within a 5 to 10 minute drive of Downtown Tulsa to take your dogs if you live in any of the new buildings. Mr. Gorman stated their plan is not to disrupt their neighbors but to weave their self into the fabric of the neighborhood, not to cause a nuisance.

Mr. Craddock asked Mr. Gorman in his experience how many square feet are allowed or how many dogs can go into a dog park.

Mr. Gorman stated there's nothing in the City guidelines as it stands. There are only about 200 of these privately managed dog parks across the country. He stated they have been working with the City to get the correct zoning and they are the ones who recommended the CH with the assembly and entertainment use. Mr. Gorman stated this is designed as a relaxing environment for people to bring their dogs when they live downtown and have a drink and hang out.

Mr. Craddock asked the proposed dimensions of the dog park are.

Mr. Gorman stated the building itself is 900 square feet and he doesn't have the dimensions for the dog park, but the whole lot is just under half an acre. He stated part of it being privately managed is that there's a membership required and that helps with

the upkeep of the park itself. Mr. Gorman stated the dogs have to be vaccinated and fixed to be able to come in. There are very strict rules around behavior on whether or not your dog will be allowed back in if it's a problem.

TMAPC Comments:

Mr Craddock asked what could be built in CH zoning.

Staff stated in a CH zoning district the height is unlimited. He stated the parking requirements in CH zoning are reduced from the other parts of the city depending on what is being built. Staff stated there is a long list of uses that are allowed in an assembly and entertainment use which is what the building permit office classifies this application as. He stated there's still some debate on the building permit side of how they are going to look at this private dog park.

Ms. Bayles stated she has ridden her bike and driven this two block area as a cut through from 21st Street to 18th Street hundreds of times. She stated the change from the current zoning to CH will ravage this neighborhood regardless of what is built there. Ms. Bayles stated she finds it inconsistent to try to mesh the proposed use with the zoning that's being requested. She stated her vote will be no.

Mr. Craddock stated he agrees with Ms. Bayles. He stated his biggest concern is the zoning change from RM-2 to the CH because once you have CH the applicant can do almost anything and he is fearful of what could happen.

Mr. Covey stated he also will be voting no and can't articulate it any better than Ms. Bayles and Mr. Craddock.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **WHITLOCK**, the TMAPC voted 6-0-0 (Bayles, Covey, Craddock, Krug, Shivel, Whitlock, "aye"; no "nays"; none "abstaining"; Carr, Kimbrel, Reeds, Walker, Zalk, "absent") to **DENY** the CH zoning for Z-7676 per staff recommendation.

Legal Description for Z-7676:

LT 6 BLK 3 SIEG ADDN; LT 20 -23 BLK 2, BOSTON ADDN, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

- 9. **CZ-535 John Parks** (County) Location: Northwest of intersection of Highway 75 and East 66th Street North requesting rezoning from **AG to IL** (related to TCCP-11)

(Continued from September 7, 2022) **(Neighborhood requests a continuance to October 5, 2022)**

TMAPC Action; 6 members present:

On **MOTION** of **COVEY**, the TMAPC voted 6-0-0 (Bayles, Covey, Craddock, Krug, Shivel, Whitlock, “aye”; no “nays”; none “abstaining”; Carr, Kimbrel, Reeds, Walker, Zalk, “absent”) to **CONTINUE** Item 9 to October 5, 2022.

PUBLIC HEARING-COMPREHENSIVE PLAN AMENDMENTS

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

TMAPC Action; 6 members present:

On **MOTION** of **COVEY**, the TMAPC voted 6-0-0 (Bayles, Covey, Craddock, Krug, Shivel, Whitlock, “aye”; no “nays”; none “abstaining”; Carr, Kimbrel, Reeds, Walker, Zalk, “absent”) to **CONTINUE** Item 10 to October 5, 2022.

OTHER BUSINESS

11. LC-363 Nathalie Cornett Approval of Disclaimer of Zoning Jurisdiction

The applicant indicated her agreement with staff’s recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **COVEY**, the TMAPC voted 6-0-0 (Bayles, Covey, Craddock, Krug, Shivel, Whitlock, “aye”; no “nays”; none “abstaining”; Carr, Kimbrel, Reeds, Walker, Zalk, “absent”) to **APPROVE** Disclaimer of Zoning Jurisdiction per staff recommendation.

12. Commissioners' Comments

None

ADJOURN

TMAPC Action; 6 members present:

On **MOTION** of **COVEY**, the TMAPC voted 6-0-0 (Bayles, Covey, Craddock, Krug, Shivel, Whitlock, “aye”; no “nays”; none “abstaining”; Carr, Kimbrel, Reeds, Walker, Zalk, “absent”) to **ADJOURN** TMAPC meeting of September 21, 2022, Meeting No. 2874.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 3:16 p.m.

Date Approved:

Chair

ATTEST: _____

Secretary