

TULSA METROPOLITAN AREA PLANNING COMMISSION  
**Minutes of Meeting No. 2878**

Wednesday, November 16, 2022, 1:00 p.m.  
City Council Chamber  
One Technology Center – 175 E. 2nd Street, 2nd Floor

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Wednesday November 9, 2022 at 2:55 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

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

**REPORTS:**

**Chairman's Report:**  
**None**

**Director's Report:**

Ms. Miller reported on City Council actions and other special projects. She stated staff is scheduling nine planitulsa meetings (one in every City Council District). There are 3 scheduled in December.

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**Minutes:**

1. Minutes of November 2, 2022 Meeting No. 2877

Approval of the Minutes of **November 2, 2022 Meeting No. 2877**

**TMAPC Action; 6 members present:**

On **MOTION** of **CRADDOCK**, the TMAPC voted 6-0-0(Bayles, Covey, Craddock, Kimbrel, Krug, Shivel, “aye”; no “nays”; none “abstaining”; Carr, Reeds, Walker, Whitlock, Zalk, “absent”) to **APPROVE** the minutes of **November 2, 2022 Meeting No. 2877**

\* \* \* \* \*

**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.**

Mr. Covey stated item 2 would be removed from the Consent Agenda and placed on the Public Hearing.

3. **PUD-713-9 Bell Land Use, LLC** (CD 8) Location: Southeast corner of South Kingston Avenue and East 118th Street South requesting a **PUD Minor Amendment** to decrease setback along East 118<sup>th</sup> Street South and increase allowable driveway width in the street setback and right-of-way

**STAFF RECOMMENDATION:**

**SECTION I:** PUD-713-9 Minor Amendment

Amendment Request: Revise the PUD Development Standards to decrease the required setback along 118<sup>th</sup> St and increase the allowable driveway width within the street setback and the street right-of-way.

The development standards of the PUD currently require a 30 ft setback along 118<sup>th</sup> St. The applicant is proposing to reduce this setback to 20 ft to permit the construction of a home as illustrated on the site plan provided by the applicant. That applicant has stated that there is a 20 ft drainage easement along the southern lot line of the property that prevents the home from being relocated so that it can comply with the current 30 ft setback requirement.

Currently driveways in RS zoned lots with a width of 75+ feet cannot exceed 50% of the lot frontage or 27 ft of driveway width in the right-of-way and 30 ft within the street setback, whichever is less. The applicant is proposing a circle drive along S Kingston Ave, with the two ends at 10 ft in width each. They are also proposing a driveway along the cul-de-sac on 118<sup>th</sup> St approximately 39 ft in width. This would bring the total driveway width at the frontage to 59 ft. Due to the curve of the circle drive as shown on the site plan, the width would be slightly wider than 10 ft for each side of the drive, there for staff recommends allowing 65 ft of driveway width in both the street setback and the right-of-way.

The subject lot is a corner lot and has approximately 275 ft of total frontage. This would bring the total requested drive width to 23.6% of the total frontage.

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

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

Staff has reviewed the request and determined:

- 1) PUD-713-9 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-713.
- 2) All remaining development standards defined in PUD-713 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to reduce the required setback along 118<sup>th</sup> St from 30 ft to 20 ft and to increase the total allowable driveway width to 65 ft in both the street setback and the right-of-way.

**Legal Description for PUD-713-9:**

Lot 14, Block 2 Estates of River Oaks Amended

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4. **PUD-828-4 Tanner Consulting, LLC** (CD 8) Location: South of the southwest corner of East 121<sup>st</sup> Street South and South Sheridan Road requesting a **PUD Minor Amendment** to disable all development standards

**STAFF RECOMMENDATION:**

**SECTION I:** PUD-828-4 Minor Amendment

Amendment Request: Revise the PUD Development Standards to eliminate the PUD specific development standards on the subject lots. (See attached PUD-828 Current Development Standards)

The applicant is proposing to eliminate the development standards of the PUD on the subject lots and to make those lots subject to the Zoning Code requirements of the RS-3 district, which is the underlying zoning of the PUD. Currently the development standards of the PUD allow for a smaller lot width (50 ft vs 60 ft), lot size (5,000 sf vs 6,900 sf) and front yard (20 ft vs 25 ft) than would be allowed in an RS-3 district.

The applicant has also applied for a Major Amendment to the PUD which is currently scheduled to be heard at the December 7<sup>th</sup> TMAPC meeting which would remove the same subject lots from PUD-828 completely, leaving them subject to the requirements of the RS-3 district. Per the letter provided by the applicant, they have proposed the Minor Amendment prior to the Major Amendment so that they may move forward with filing the Plat for Enclave II at Addison Creek before the Major Amendment would go into effect, if approved.

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

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

Staff has reviewed the request and determined:

- 1) PUD-828-4 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-828.
- 2) All remaining development standards defined in PUD-828 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to eliminate the PUD development standards from the subject lots, which would then be subject to RS-3 requirements.

**Legal Description for PUD-828-4:**

**TMAPC Action; 6 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 6-0-0(Bayles, Covey, Craddock, Kimbrel, Krug, Shivel, “aye”; no “nays”; none “abstaining”; Carr, Reeds, Walker, Whitlock, Zalk, “absent”) to **APPROVE** Items 3 and 4 per staff recommendation.

Ms. Carr arrived at 1:08pm.

**PUBLIC HEARING – Removed from Consent Agenda**

Item 2 was removed from Consent Agenda and placed on the Public Hearing and then continued to December 7, 2022

- 2. Z-7460a Randy Branstetter** (CD 2) Location: North of the northeast corner of West 91<sup>st</sup> Street South and South Maybelle Avenue requesting a **ODP Minor Amendment** to allow 7 building permits before the required street extension is complete (Continued from November 2, 2022)

**STAFF RECOMMENDATION:**

**SECTION I:** Z-7460a Minor Amendment

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

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

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

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

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

Staff has reviewed the request and determined:

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 7-0-0 (Bayles, Carr, Covey, Craddock, Kimbrel, Krug, Shivel, “aye”; no “nays”; none “abstaining”; Reeds, Walker, Whitlock, Zalk, “absent”) to **CONTINUE** Item 2 to December 7, 2022.

**PUBLIC HEARING – REZONING**

5. **Z-7670 ODP Lou Reynolds** (CD 1) Location: West of the northwest corner of North Harvard Avenue and East 36<sup>th</sup> Street North requesting rezoning from **RS-3 to CS with an optional development plan**

**STAFF RECOMMENDATION:**

**SECTION I: Z-7670 ODP**

**DEVELOPMENT CONCEPT:** The applicant originally submitted a zoning request from RS-3 to IL to be consistent with the employment land use designation. After a neighborhood engagement process the current application has been prepared requesting CS with an optional development plan.

**DETAILED STAFF RECOMMENDATION:**

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

applicant has coordinated efforts with the neighborhood to limit uses on the property. Staff supports the efforts in the neighborhood engagement and supports the provisions of the optional development plan outlined in section II.

The supplemental regulations and development standards that are included in the Zoning Code for permitted uses are intended to help integrate potential development with the surrounding property owners and,

The anticipated development of this site as outlined is expected to be compatible with that use therefore,

Staff recommends Approval of Z-7670 ODP to rezone property from RS-3 to CS with the provisions of the optional development plan.

## **SECTION II OPTIONAL DEVELOPMENT PLAN STANDARDS:**

The optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in a CS district with its supplemental regulations and accessory use provisions except as further refined below.

All uses categories, subcategories or specific uses and residential building types that are not listed in the following permitted uses categories are prohibited.

### Permitted Use Categories

#### Residential

Household Living (only if allowed in residential building types identified below)

Single household

Three or more households on a single lot

#### Office

Business or professional office

#### Agricultural

Community Garden

Farm, Market- or Community-supported

### Residential Building Types Allowed

#### Household Living

Single household

Detached house (only if allowed by special exception)

Townhouse

Three or more households on a single lot

Mixed Use building

Vertical Mixed-Use building

Site development limitations

1. Access to and through this site will be limited to allow a private access road with landscaping, lighting, monument-style signage, gates, and accessory uses that are customarily incidental for an access road.
2. The private access road will be constructed with concrete or asphaltic materials.
3. Vehicular access is limited to one driveway onto East 36<sup>th</sup> Street North at the location shown on Exhibit "A", attached hereto, and incorporated herein by reference.
4. Pole mounted lighting shall not exceed 16 feet in height in the southern 100 feet in the Property and shall not exceed 25 feet in the remainder of the Property. All exterior lights shall be designed so that no light extends beyond the property line, and lights on poles will be shielded.

LOT AND BUILDING REGULATIONS shall conform to CS district except as modified below:

Minimum lot area:	4 acres
Minimum street frontage	200 feet
Maximum floor area ratio	0.2
Building setbacks	35 feet from East 36 <sup>th</sup> street north
planned right of way	100 feet from west parcel line
	25 feet from east parcel line
Maximum building height	35 feet

**SECTION III: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

**Staff Summary:** CS zoning as requested by applicant is consistent with the Employment land use designation in the comprehensive plan.

**Land Use Vision:**

***Land Use Plan map designation: Employment***

Employment areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas



are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity.

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

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

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

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

**Transportation Vision:**

***Major Street and Highway Plan:*** None

***Trail System Master Plan Considerations:*** None

**Small Area Plan:** None

**Special District Considerations:** None

**Historic Preservation Overlay:** None

**DESCRIPTION OF EXISTING CONDITIONS:**

**Staff Summary:** *The site is mostly vacant land with a detached single-family home.*

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

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 36 <sup>th</sup> Street North	Secondary Arterial	100 feet	Transitions from 2 lanes on east boundary to 4 lanes with median on west boundary

**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	IL	Employment	Growth	Vacant and light industrial uses
East	RS-3	Employment	Growth	Vacant and single family homes on large lots
South	RS-3	Employment	Growth	Single family homes on large lots
West	IL	Employment	Growth	Highway 75

**SECTION IV: Relevant Zoning History**

**History: Z-7670-ODP**

***Subject Property:***

**ZONING ORDINANCE:** Ordinance number 11802 dated June 26, 1970, established zoning for the subject property.

**Z-7670 August 2022** was originally submitted as a rezoning request including approximately 18 acres. The Planning Commission recommended rezoning to IL for the entire 18 acres. After the Planning Commission meeting the City Council

approved the north portion of the site for IL zoning but remanded the south portion of the site to planning commission for an optional development plan consideration. Z-7670-ODP was readvertised for IL zoning with the optional development plan. The applicant submitted a development plan with CS zoning.

***Surrounding Property:***

**Z-6914 December 2003:** All concurred in **approval** of a request for *rezoning* a tract of land from RS-3 to IL on property located Lots 1,2, and 3, Block 10 and Lots 4,5,6 and 7, Block 11, LAKE VIEW HEIGHTS ADDITION

**BOA-18080 June 1998:** The Board of Adjustment **approved** a *Special Exception* to permit an animal shelter in a RS-3 district, on property located at 2910 Mohawk Blvd.

**BOA-17549 October 1996:** The Board of Adjustment **approved** a *Variance* to permit a sign with a display surface area larger than 300 SF, which is visible from an R district to be located with 200' of the R district, on property located at 2932 East 38<sup>th</sup> Street North.

**BOA-15537 September 1990:** The Board of Adjustment **approved** a *Variance* to permit the minimum setback from expressway (US 75) from 10' to 0.2', & a *Variance* of the minimum setback from a nonarterial street from 25' to 21.4' & a *Special Exception* to waive the requirement for a screening fence along the southerly property line abutting an RS-3 District, on property located at 3000 North Mohawk Boulevard.

**Z-6293 September 1990:** All concurred in **approval** of a request for *rezoning* a tract of land from RS-3 to IL on property located East 38<sup>th</sup> Street North.

**Z-6289 August 1990:** All concurred in **approval** of a request for *rezoning* a tract of land from RS-3 to IL on property located 3000 East Mohawk Blvd North.

**BOA-14437 April 1987:** The Board of Adjustment **approved** a *Special Exception* to permit an existing mobile home in an RS-3 zoned district & a *Variance* of the time regulation from 1 year to permanently, on property located at 3630 North Harvard Avenue.

**BOA-11352 February 1981:** The Board of Adjustment **approved** a *Special Exception* to permit a mobile home in an RS-3 District, on property located at 3630 North Harvard Avenue.

**BOA-11851 March 1982:** The Board of Adjustment **approved** a *Special Exception* to permit a mobile home in an RS-3 District & *Variance* to leave mobile home indefinitely on the subject property indefinitely, on property located at 3630 North Harvard.

Ms. Kimbrel asked how this application went from IL zoning to CS with an optional development plan.

Staff stated in the Zoning Code there is a process that's identified for making a recommendation for a less intensive zoning designation within that zoning group. He stated they re-noticed for the new designation and then added additional restrictions with the optional development plan.

Ms. Kimbrel asked if it was to provide relief for the neighbors.

Staff stated "yes".

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **SHIVEL**, the TMAPC voted 7-0-0 (Bayles, Carr, Covey, Craddock, Kimbrel, Krug, Shivel, "aye"; no "nays"; none "abstaining"; Reeds, Walker, Whitlock, Zalk, "absent") to recommend **APPROVAL** of the CS zoning for Z-7670 with the optional development plan per staff recommendation.

**Legal Description for Z-7670 ODP :**

The NW/4 of the SE/4 of the SE/4 of Section 17, Township 20 North, Range 13 East, except the North 25 feet thereof Formerly known as all of Blocks 13 and 14 LAKE VIEW HEIGHTS ADDITION in Tulsa County, State of Oklahoma, according to the U.S. Government survey thereof

AND

PART of the E/2 of the E/2 of the SW/4 of the SE/4 of Section 17, T-20-N, R-13-E of the I.B.&M., Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof; being more particularly described as follows:

Beginning at the NE corner of said E/2 E/2 SW/4 SE/4; Thence N 89°55'12" W on the North line of said E/2 E/2 SW/4 SE/4 a distance of 58.42 feet; Thence S 62°06'03" W parallel with and 0.6 foot Southeasterly from an existing metal building, a distance of 88.35 feet; Thence N 89°55'12" W a distance of 27 feet, more or less, to the East Right-of-Way line of U.S. Highway 75; Thence S 1°15' E on said East R/W a distance of 89 feet, more or less, to a point of curve; Thence Southeasterly on a curve to the left having a Radius of 698.5 feet on said East R/W, a distance of 476.8 feet; Thence S 28°37' E on said East R/W, a distance of 16.3 feet; Thence S 17°18' E on said East R/W, a distance of 204 feet; Thence S 28°37' E on said East R/W, a distance of 37.3 feet; Thence Southeasterly on a curve to the right having a Radius of 297 feet on said East R/W, a distance of 45.8 feet to a point on the East line of said E/2 E/2 SW/4 SE/4; Thence North on the East line of said E/2 E/2 SW/4 SE/4, a distance of 879.1 feet more or less to the Point of Beginning. Containing 2.5 acres, more or less.

ALSO KNOWN AS:

All that part of the East Half of the East Half of the Southwest Quarter of the Southeast Quarter (E/2 E/2 SW/4 SE/4) of Section Seventeen (17), Township Twenty (20) North, Range Thirteen (13) East, lying and situated East of the right-of-way limits of the Cherokee Expressway, consisting of 2.51 acres, More or Less, or otherwise described as the East Half of the East Half of the Southwest Quarter of the Southeast Quarter (E/2 E/2 SW/4 SE/4) of Section Seventeen (17), Township Twenty (20) North, Range Thirteen (13) East, LESS AND EXCEPT that part taken for highway purposes by Tulsa County, Oklahoma, in Case No. C-70-85 in the District Court of Tulsa County, described as a tract or parcel by metes and bounds as follows:

BEGINNING at the Southwest Corner of said East Half of the East Half of the Southwest Quarter of the Southeast Quarter (E/2 E/2 SW/4 SE/4); Thence North along the West line of said E/2 E/2 SW/4 SE/4 a distance of 1320.4 feet to the Northwest Corner of the said E/2 E/2 SW/4 SE/4; Thence East along the North line of said E/2 E/2 SW/4 SE/4 a distance of 168.4 feet; Thence South  $10^{\circ}30'$  West a distance of 2.9 feet; Thence South  $1^{\circ}15'$  East a distance of 127.7 feet; Thence Southeasterly on a curve to the left having a radius of 698.5 feet a distance of 476.8 feet; Thence South  $28^{\circ}37'$  East a distance of 16.3 feet; Thence South  $17^{\circ}18'$  a distance of 204 feet; Thence South  $28^{\circ}37'$  East a distance of 37.3 feet; Thence Southeasterly on a curve to the right having a radius of 297 feet a distance of 45.8 feet to a point on the East line of said E/2 E/2 SW/4 SE/4; Thence South along said East line a distance of 440.9 feet to the Southeast Corner of said E/2 E/2 SW/4 SE/4; Thence West along the South line of said E/2 E/2 SW/4 SE/4 a distance of 330.1 feet to point of beginning, all in Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, consisting of 2.51 acres, more or less.

LESS AND EXCEPT THAT TRACT DESCRIBED AS FOLLOWS:

A TRACT of land in the E/2 E/2 SW/4 SE/4 of Section 17, T-20-N, R-13-E of the I.B.&M., Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows:

Commencing at the Northeast corner of said E/2 E/2 SW/2 SE/4; Thence N  $89^{\circ}55'12''$  W on the North line of said E/2 E/2 SW/4 SE/4, a distance of 58.42 feet, to the POINT OF BEGINNING; Thence N  $89^{\circ}55'12''$  W on the North line of said E/2 E/2 SW/4 SE/4, a distance of 103 feet, more or less, to the East Right of Way of U.S. Highway 75; Thence Southwesterly on the East line of said Right of Way, a distance of 2.9 feet; Thence Southerly on the East line of said Right of Way a distance of 39 feet, more or less; Thence S  $89^{\circ}55'12''$  E a distance of 27 feet, more or less; Thence N  $62^{\circ}06'03''$  E parallel to and 0.6 foot Southeasterly from an existing metal building, a distance of 88.35 feet to the point of beginning containing 0.06 acre, more or less.

AND

The West 127 feet of the Southwest Quarter of the Southeast Quarter of the Southeast Quarter (SW/4 SE/4 SE/4) of Section Seventeen (17), Township Twenty (20) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of

Oklahoma, according to the U.S. Government Survey thereof, LESS part sold to State of Oklahoma, described as follows, to-wit:

BEGINNING at the Southwest Corner of said SW/4 SE/4 SE/4; THENCE North along the West line of said SW/4 SE/4 SE/4 a distance of 440.90 feet; THENCE Southeasterly on a curve to the right having a radius of 297.0 feet a distance of 96.2 feet; THENCE South 1°14' East a distance of 246.4 feet; THENCE North 88°46' East a distance of 23.6 feet; THENCE South 79°55' East a distance of 89.8 feet; THENCE South a distance of 82.4 feet to a point on the South line of said SW/4 SE/4 SE/4; THENCE West along the South line a distance of 127.0 feet to the POINT OF BEGINNING.

AND

The East 127 feet of the West 254 feet of the South Half of the Southeast Quarter of the Southeast Quarter (S/2 SE/4 SE/4) of Section Seventeen (17), Township Twenty (20) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma according to the U.S. Government survey thereof, LESS AND EXCEPT:

A strip of land lying in a part of the Southwest Quarter of the Southeast Quarter of the Southeast Quarter (SW/4 SE/4 SE/4) for highway, said highway easement being more particularly described in metes and bounds, to-wit:

BEGINNING AT A POINT on the South line of said SW/4 SE/4 SE/4, distance of 127 feet East of the Southwest Corner of said SW/4 SE/4 SE/4; THENCE East along said South line a distance of 127.0 feet; THENCE North a distance of 57.0 feet; THENCE North 79°55' West a distance of 129.5 feet; THENCE South a distance of 82.4 feet to the POINT OF BEGINNING.

AND

The East 127 feet of the West 381 feet of the Southwest Quarter of the Southeast Quarter of the Southeast Quarter (SW/4 SE/4 SE/4) of Section Seventeen (17) Township Twenty (20) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof LESS AND EXCEPT:

BEGINNING at a point on the South line of said SW/4 SE/4 SE/4 a distance of 254.0 feet East of the Southwest corner of SW/4 SE/4 SE/4; THENCE East along said South line a distance 127.0 feet North a distance of 50.0 feet; THENCE S 88°46' W a distance of 92.1 feet; THENCE N 79°55' W a distance of 35.6 feet; THENCE South a distance of 57.0 feet to the POINT OF BEGINNING

AND

The East 254 feet of the West 635 feet of the South Half of the Southeast Quarter of the Southeast Quarter (S/2 SE/4 SE/4), Section 17, Township 20 North, Range 13 East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U.S. Government Survey thereof.

Less and Except

The Northwest Quarter of the Southeast Quarter of the Southeast Quarter (NW/4 SE/4 SE/4) of Section 17, Township 20 North, Range 13 East, Less and Except the North 25 feet thereof. Formerly known as all of Blocks 13 and 14 LAKE VIEW HEIGHTS ADDITION in Tulsa County, State of Oklahoma, according to the U.S. Government survey thereof. Said tract of land containing approximately 9.62 acres more or less.

\* \* \* \* \*

- 6. Z-7682 Lou Reynolds** (CD 3) Location: North and west of the northwest corner of East Pine Street and North Memorial Drive requesting rezoning from **IL to CH**

**STAFF RECOMMENDATION:**  
**SECTION I: Z-7682**

**DEVELOPMENT CONCEPT:** Expand opportunities for redevelopment of site currently occupied with a surface parking area. The current IL zoning prohibits hotel uses that would be allowed with a CH zoning district.

**DETAILED STAFF RECOMMENDATION:**

Z-7682 request CH zoning which is broadly consistent with the Employment land use designation of the Comprehensive Plan and also allows multi-family residential uses and lodging opportunities that can support surrounding business and employment centers and,

The CH district is primarily intended to accommodate high-intensity commercial and related uses primarily in the core area of the city; encourage use of properties and existing buildings along older commercial corridors; and minimize encroachment and adverse land use impacts on stable residential neighborhoods and,

CH zoning will support repurposing existing properties and encourage a wider variety of uses near the airport and,

Supplemental regulations in the CH district provide predictable development patterns that are appropriate near the airport and,

Development anticipated in a CH district are similar and consistent with the expected development of surrounding IL properties therefore,

**Staff recommends Approval of Z-7682 to rezone property from IL to CH.**

**SECTION II: Supporting Documentation**

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

**Staff Summary:** *CH zoning categories allows uses and development standards that are consistent with the Employment land use designation. The uses in a CH district will support development of lodging opportunities near the airport entrance that are not currently allowed.*

### **Land Use Vision:**

#### ***Land Use Plan map designation: Employment***

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

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

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

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

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



**Transportation Vision:**

***Major Street and Highway Plan:*** None except the Multi Modal Corridor on Pine Street.

East Pine Street is considered a multi-modal corridor. Future development should emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located in high intensity mixed-use commercial, retail, and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists because of landscaped medians and tree lawns. Multi-modal streets can have on-street parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses. Transit dedicated lanes, bicycle lanes, landscaping and sidewalk width are higher priorities than the number of travel lanes on this type of street. To complete the street, frontages are required that address the street and provide comfortable and safe refuge for pedestrians while accommodating vehicles with efficient circulation and consolidated-shared parking.

Streets on the Transportation Vision that indicate a transit improvement should use the multi-modal street cross sections and priority elements during roadway planning and design.

***Trail System Master Plan Considerations:*** None

**Small Area Plan:** None

**Special District Considerations:** None

**Historic Preservation Overlay:** None

**DESCRIPTION OF EXISTING CONDITIONS:**

***Staff Summary:*** *The property has been used for surface parking for a variety of uses from car rental to bus storage however it has been a vacant surface lot for several years.*

**Environmental Considerations:**

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
North Memorial Drive	Secondary Arterial	100 feet	5 - 6 lanes

			<b>2 northbound, 2 Southbound Miscellaneous turn lanes</b>
<b>East Pine Street</b>	<b>Secondary Arterial with Multi Modal Corridor</b>	<b>100 feet</b>	<b>5 lanes 2 eastbound 2 westbound Center turn lanes each side of intersection with Memorial</b>
<b>East Reading Street</b>	<b>None</b>	<b>None</b>	

**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:**

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	IL	Employment	Growth	Industrial
East	RS-3 (ODOT-Highway right of way)	Employment	Growth	Undeveloped across North Memorial
South	CS and RS-3	Town center and existing neighborhood	Growth and stability in neighborhood area near southwest corner of site	Undeveloped at intersection. Union Hall approximately 1000 feet south  Single family home.
West	IL	Employment	Growth	Mixed industrial and outdoor storage.

**SECTION III: Relevant Zoning History**

**History: Z-7682**

***Subject Property:***

**ZONING ORDINANCE:** Ordinance number 11910 dated June 26, 1970, established zoning for the subject property.

**BOA-16584 February 1994:** The Board of Adjustment **approved** a *Variance* to permit parking on a gravel lot and a *Variance* of the required setback from the centerline of E. Pine from 100' to 95', on property located at 7735 E. Pine.

**BOA-6174 January 1969:** The Board of Adjustment **approved** a *Variance* to permit the construction of a single-family residence on a tract, on property located at 7924 East Reading.

**BOA-2607 October 2607:** The Board of Adjustment **approved** a *request for permission to use the S. ½, of SE ¼, NE ¼, SE ¼, SE ¼, of Section 26, Township 20 North, Range 13 East for church purposes.*

***Surrounding Property:***

**BOA-9788 December 1977:** The Board of Adjustment **approved** a *Variance* to permit frontage requirements in an IL District to permit a lot-split, on property located at 7711 East Pine Street.

**BOA-6432 September 1969:** The Board of Adjustment **approved** a *Variance* to permit the erection of a two-story motel that will be 30 feet in height (Ordinance permits only one-story, not to exceed 30 feet in height), on property located at the Southwest corner of Pine and Memorial.

**BOA-2995:** The Board of Adjustment **approved** a *request for permission* to erect a dwelling in a U-4-A District on a tract of land 180 feet by 140 feet out of the SE ¼, SE ¼ of Section 26-20-13.

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **CRADDOCK**, the TMAPC voted 7-0-0 (Bayles, Carr, Covey, Craddock, Kimbrel, Krug, Shivel, "aye"; no "nays"; none "abstaining"; Reeds, Walker, Whitlock, Zalk, "absent") to recommend **APPROVAL** of the CH zoning for Z-7682 per staff recommendation.

**Legal Description for Z-7682:**

The East Half of the of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (E/2 SE/4 SE/4 SE/4) and the East 54.9 feet of the Northwest Quarter of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (NW/4 SE/4 SE/4 SE/4) and the Southwest Quarter of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SW/4 SE/4 SE/4 SE/4) LESS AND EXCEPT the West 30 feet thereof, all in Section Twenty-six (26), Township Twenty (20) North, Range Thirteen (13)

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

AND

The Northwest Quarter of the Northwest Quarter of the Southeast Quarter of the Southeast Quarter- of. the Southeast Quarter (NW/4 NW/4 SE/4 SE/4 SE/4) LESS AND EXCEPT a strip 15 feet wide on the North side thereof, in Section Twenty-six (26), Township Twenty (20) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.

AND

The Southwest Quarter of the Northwest Quarter of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (SW/4 NW/4 SE/4 SE/4 SE/4) of Section Twenty-six (26), Township Twenty (20) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, LESS AND EXCEPT the South 10 feet of the West 30 feet thereof.

AND

The West 54.9 feet of the East Half of the Northwest Quarter of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (E/2 NW/4 SE/4 SE/4 SE/4) of Section Twenty-six (26), Township Twenty (20) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, Oklahoma, according to the U.S. Government Survey thereof,.

AND

The West 54.9 feet of the East 109.8 feet of the East Half of the Northwest Quarter of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (E/2 NW/4 SE/4 SE/4 SE/4) of Section Twenty-six (26), Township Twenty (20) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof,.

AND

The South Half of the Southeast Quarter of the Northeast Quarter of the Southeast Quarter of the Southeast Quarter (S/2 SE/4 NE/4 SE/4 SE/4) of Section Twenty-six (26), Township Twenty (20) North, Range Thirteen

(13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.

AND

A part of the North Half of the Southeast Quarter of the Northeast Quarter of the Southeast Quarter of the Southeast Quarter (N/2 SE/4 NE/4 SE/4 SE/4) of Section Twenty-six (26), Township Twenty (20) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows, to-wit:

BEGINNING at the Southwest corner of said N/2 SE/4 NE/4 SE/4 SE/4; Thence North along the West line

thereof a distance of 165.00 feet to the Northwest corner of said N/2 SE/4 NE/4 SE/4 SE/4; Thence

East along the North line thereof a distance of 54.56 feet to a point; Thence South 32°19' 06" East

a distance of 192.78 feet to a point on the South line of said N/2 SE/4 NE/4 SE/4 SE/4; Thence West

along the South line a distance of 152.94 feet to the POINT OF BEGINNING.

LESS AND EXCEPT EACH OF THE FOLLOWING DESCRIBED TRACTS:

The East 60 feet of the SE/4 of the SE/4 of the SE/4 and the East 60 feet of the South Half of the

SE/4 of the NE/4 of the SE/4 of the SE/4 in Section 26, Township 20 North, Range 13 East, Tulsa

County, Oklahoma,

And

The South 40 feet of the W/2 of the SW/4 of the SE/4 of the SE/4 of the SE/4 and the South 40 feet

of the W/2 of the E/2 of the SW/4 of the SE/4 of the SE/4 of Section 26, Township 20

North, Range 13 East, Tulsa County, Oklahoma,

And

The South 50 feet of the E/2 of the E/2 of the SW/4 of the SE/4 of the SE/4 of the SE/4 of Section

26, Township 20 North, Range 13 East, Tulsa County, Oklahoma.

And

A tract of land described as Beginning at a point 645 feet North of the Southeast Corner of the

Southeast Quarter (SE/4) of Section 26, Township 20 North, Range 13 East of the Indian

Base and Meridian, according to the Government Survey thereof in Tulsa County, Oklahoma;

thence West a distance of 690 feet; thence North a distance of 180 feet; thence East a

distance of 30 feet; thence South a distance of 150 feet; thence East a distance of 660 feet;

thence South a distance of 30 feet to the Point of Beginning, said tract having been conveyed to

Tulsa County, Oklahoma for road purposes by Quit Claim Deed recorded in Book 1431 at Page 1

\* \* \* \* \*

- 7. Z-7683 Erik Enyart (CD 6) Location: Northeast of the northeast corner of South 145th East Avenue and East 41<sup>st</sup> Street South requesting rezoning from **RM-2 to RM-3 with an optional development plan****

**STAFF RECOMMENDATION:**

## **SECTION I: Z-7683**

### **APPLICANTS DEVELOPMENT CONCEPT:**

*“Development plans are required with some property owner-initiated rezonings and are optional with other property owner initiated rezonings. The purpose is to depict a property owner’s generalization plan for the type, amount and character of development proposed on the subject property. By providing certainty about development proposals, development plans provide review and decision-making bodies with additional information on which to base a rezoning decision.”*

### **DETAILED STAFF RECOMMENDATION:**

The applicant is requesting RM-3 zoning with an optional development plan that is consistent with the uses currently allowed on the property in the RM-2 district.

The three-story development is currently allowed with a maximum height of 35 feet. That development could only be accomplished with a flat roof design and could be constructed with a 10-setback abutting single family residential lot lines and,

The optional development plan provides significant setbacks from abutting RS-3 lots in an effort to mitigate the additional height request for a roof pattern that is more consistent with the surrounding residential development and,

The optional development plan in Section II is consistent with the provisions of the Tulsa Zoning Code therefore,

Staff recommends approval of Z-7683 to rezone property from RM-2 to RM-3 but only with the provisions of the optional development plan included in Section II below.

### **SECTION II OPTIONAL DEVELOPMENT STANDARDS:**

The optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in RM-3 district with its supplemental regulations and accessory use provisions except as further refined below.

All uses categories, subcategories or specific uses and residential building types that are not listed in the following use categories are prohibited:

### **PERMITTED USE CATEGORIES**

#### **Residential Use Category**

Household Living only if allowed in the residential building types section identified below:

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

**Residential building types:**

- Single household
  - Detached house
  - Patio House
  - Townhouse
    - 2-unit townhouse
    - 3+ - unit townhouse
- Three or more households on a single lot
  - Cottage house development
  - Multi-unit house
  - Apartment/Condo

**District Lot and Building regulations**

Lot and building regulations shall conform to the provisions of the RM-3 district except as outlined below:

- Building setbacks abutting RS-3 zoning on the east boundary of the subject tract shall be greater than 80 feet.
- Minimum open space per dwelling unit 200 sq ft.
- Maximum building height 45 feet

**SECTION III: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

**Staff Summary:** *RM-3 zoning with the optional development plan is consistent with the expected development in a Neighborhood Center with the provisions outlined in the optional development plan and is generally consistent with the expected development pattern in Broken Arrow on the south side of East 41<sup>st</sup> Street.*

**Land Use Vision:**

***Land Use Plan map designation: Neighborhood Center at Southwest corner of subject property and New Neighborhood on remainder***

The New Neighborhood residential building block is comprised of a plan category by the same name. It is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of



internal and external connectivity and shall be paired with an existing or New Neighborhood or Town Center.

Neighborhood Centers: This land use designation should include small-scale, one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services. They can include apartments, condominiums, and townhouses, with small lot single family homes at the edges. These are pedestrian-oriented places served by transit, and visitors who drive can park once and walk to number of destinations.

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

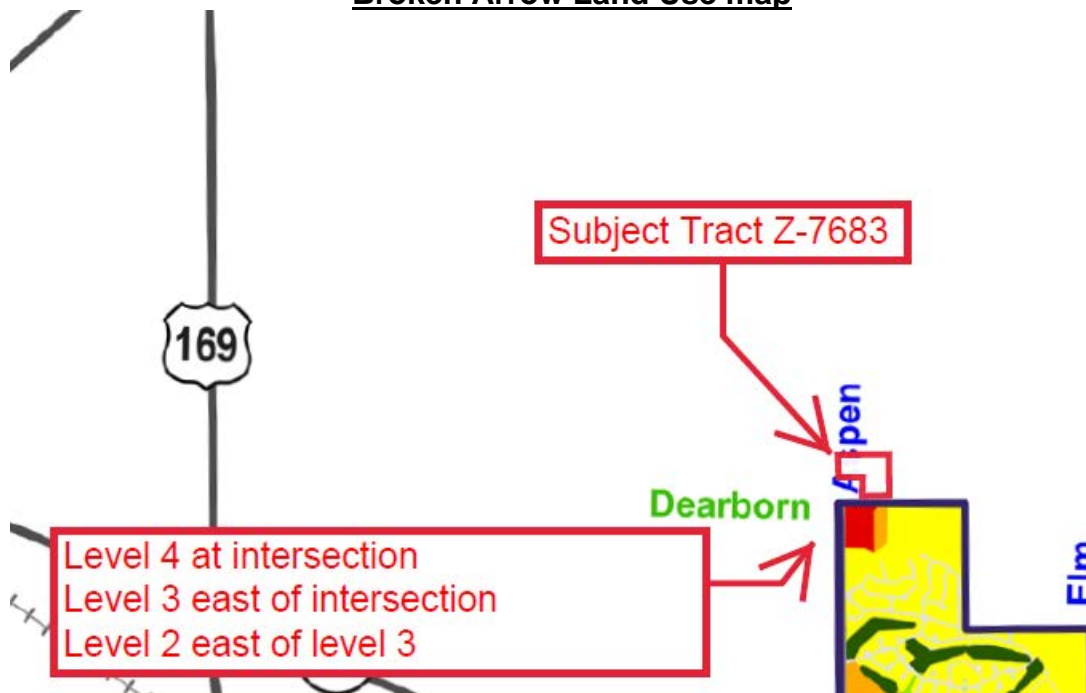
The subject property is considered an area of growth which is a designation to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where 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.”

**Broken Arrow Land Use Summary: The land use plan for Broken Arrow includes three levels of development anticipated abutting East 41<sup>st</sup> Street South.**

- Level 2 represents an area that is typically a residential subdivision development
- Level 3 represents an area that transitions from strictly residential to strictly nonresidential. The principal uses would be higher density single-family, detached residential some multi family apartments, neighborhood offices and planned office parks.
- Level 4 represents the typical local commercial and office intensity of land use in Broken Arrow. This area generally designates commercial or office activities that have developed in nodes around arterial street intersections.

## Broken Arrow Land Use map



### Transportation Vision:

#### **Major Street and Highway Plan:**

East 41<sup>st</sup> street south (Dearborn in Broken Arrow) is considered a multi-modal corridor. Future development should emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located in high intensity mixed-use commercial, retail, and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists because of landscaped medians and tree lawns. Multi-modal streets can have on-street parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses. Transit dedicated lanes, bicycle lanes, landscaping and sidewalk width are higher priorities than the number of travel lanes on this type of street. To complete the street, frontages are required that address the street and provide comfortable and safe refuge for pedestrians while accommodating vehicles with efficient circulation and consolidated-shared parking.

Streets on the Transportation Vision that indicate a transit improvement should use the multi-modal street cross sections and priority elements during roadway planning and design.

**Trail System Master Plan Considerations:** None

**Small Area Plan:** None

**Special District Considerations:** None

**Historic Preservation Overlay:** None

**DESCRIPTION OF EXISTING CONDITIONS:**

**Staff Summary:** *Undeveloped property with single family residential development on the east and north.*

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

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
South 145 <sup>th</sup> east avenue	Primary Arterial	120 feet	2
East 41 <sup>st</sup> street south	Secondary Arterial with multi modal corridor street designation	100 feet	2

**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:**

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RM-0	New Neighborhood	Growth	Multi family
East	RS-3	New Neighborhood	Growth	Detached single family
South	City of Broken Arrow PUD-94	Level 4 (Commercial/employment node) Level 3 (Transition area) Level 2 (Urban Residential area)	City of Broken Arrow	Undeveloped
West	CS and AG	New neighborhood and neighborhood center	Growth	Undeveloped

## SECTION IV: Relevant Zoning History

**History: Z-7683**

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

**ZONING ORDINANCE:** Ordinance number 23730 & 24312 dated July 12, 2017 & March 8, 2020, established zoning for the subject property.

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

**Z-7388 July 2017:** All concurred in **approval** of a request for *rezoning* a 12.9± acre tract of land from RM & CS to RM-2 for potential development of a multi-family development. The rezoning request will reduce the CS zoned property at the corner from approximately 9.5 acres to approximately 2.9 acres. The proposal will align the RM-2 boundary with property ownership and increase the land area for multi-family and number of allowable units, on property located 5323 South Lewis Avenue.

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

**Z-7575 December 2020:** All concurred in **approval** of a request for *rezoning* a 5.61± acre tract of land from RS-3 to RS-4 for approximately 28 lots. This request is being made to provide some lot variety within the development and respond to consumer demand. Additionally, this rezoning will help the applicant coordinate with an adjacent development to the south that needs a secondary point of access to meet Fire Code requirements. Lot and building regulations in a RS-4 district allow a great density than the abutting RS-3 zoned properties however RS-4 zoning is consistent with the anticipated future development patten of the surrounding property and the New Neighborhood land use designation of the Comprehensive Plan on property located 4058 North College Avenue.

**Z-7521 March 2020:** All concurred in **approval** of a request for *rezoning* a 18.21± acre tract of land from RS-3 to RM-0 to permit residential duplexes. The proposed rezoning will be in conjunction with existing RM-0 zoning immediately to the south. The proposed rezoning is compatible with the New Neighborhood designation of the Comprehensive Plan as well as the Area of Growth on property located North of the northeast corner of East 41<sup>st</sup> street South & South 145<sup>th</sup> East Avenue.

**BOA-22206 February 2017:** The Board of Adjustment **approved** a *Variance* to permit a 9-foot-high masonry wall within the street right-of-way; & a *Special Exception* to permit a fence and/or wall height greater than 4 feet within the required street setback of East 41<sup>st</sup> Street South, on property located at 14815 East 41<sup>st</sup> Street South.

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **SHIVEL**, the TMAPC voted 7-0-0 (Bayles, Carr, Covey, Craddock, Kimbrel, Krug, Shivel, "aye"; no "nays"; none "abstaining"; Reeds, Walker, Whitlock, Zalk, "absent") to recommend **APPROVAL** of the RM-3 zoning with an optional development plan for Z-7683 per staff recommendation.

**Legal Description for Z-7683 :**

A TRACT OF LAND THAT IS A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW/4 SW/4) OF SECTION TWENTY-TWO (22), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW/4) OF SAID SECTION 22; THENCE SOUTH 88°44'17" WEST AND ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER FOR A DISTANCE OF 1728.81 FEET TO THE POINT OF BEGINNING.

THENCE SOUTH 88°44'17" WEST AND CONTINUING ALONG SAID SOUTH LINE FOR A DISTANCE OF 528.00 FEET; THENCE NORTH 1°28'54" WEST AND PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER FOR A DISTANCE OF 330.00 FEET; THENCE SOUTH 88°44'17" WEST AND PARALLEL WITH SAID SOUTH LINE FOR A DISTANCE OF 380.00 FEET TO A POINT ON THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE NORTH 1°28'54" WEST AND ALONG SAID WEST LINE FOR A DISTANCE OF 427.89 FEET; THENCE NORTH 88°43'42" EAST FOR A DISTANCE OF 908.00 FEET; THENCE SOUTH 1°28'54" EAST AND PARALLEL WITH SAID WEST LINE FOR A DISTANCE OF 758.05 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 562,832 SQUARE FEET OR 12.921 ACRES.

\* \* \* \* \*

8. **Z-7684 Erik Enyart** (CD 6) Location: Northeast of the northeast corner of South 152<sup>nd</sup> East Avenue and East 41<sup>st</sup> Street South requesting rezoning from **RS-4 to RS-5 with an optional development plan**

**STAFF RECOMMENDATION:**  
**SECTION I: Z-7684**

**DEVELOPMENT CONCEPT:**

The applicant has submitted a request to consider rezoning from RS-4 zoning which requires a minimum lot width of 50 feet and a minimum lot size of 5500 square feet to RS-5 zoning that requires a minimum lot width of 30 feet and minimum lot size of 3300 sq. ft. In conjunction with the zoning request the applicant has submitted an optional development plan to set minimum lot standards larger than the minimum allowed. The subject tract is anticipated to be the next phase of The Crossing at Battle Creek and off-site street construction will be required for access prior to completion of this phase of the development.

**DETAILED STAFF RECOMMENDATION:**

Z-7684 requesting RS-5 zoning allows single family residential uses that are compatible with the surrounding properties and,

Lot and building regulations in a RS-5 district allow a greater density than the abutting RS-3 zoned properties however RS-5 zoning is consistent with the anticipated future development pattern of the surrounding property and,

RS-5 zoning is consistent with the New Neighborhood land use designation of the Comprehensive Plan therefore,

Staff recommends **Approval** of Z-7553 to rezone property from RS-4 to RS-5 with or without the optional development plan standards.

**SECTION II: OPTIONAL DEVELOPMENT PLAN STANDARDS:**

The optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in an RS-5 district with its

supplemental regulations and accessory use provisions except as further refined below.

All uses categories, subcategories or specific uses and residential building types that are not listed in the following permitted uses categories are prohibited.

**PERMITTED USE CATEGORIES, SUBCATEGORIES AND SPECIFIC USES:**

**Household Living**

Residential  
Single household  
Detached House

<b>Minimum Lot Width:</b>	40 feet
<b>Minimum Lot Area:</b>	4,300 square Feet
<b>Minimum Lot Area per Unit:</b>	4,300 square feet
<b>Minimum Street Frontage:</b>	30 feet
<b>Minimum Building Setbacks:</b>	
Street	25 feet
Corner lot side street	15 feet (except street facing garage door entrance must be 20 feet from lot line).
<b>Minimum Open Space per Unit:</b>	1,550 Square Feet
<b>Maximum building height:</b>	25 feet

**RESIDENTIAL BUILDING TYPES:**

- Household living**
- Single household  
    Detached house

**SECTION III: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: RS-5 zoning is primarily used for a smaller lot single family residential use and is consistent with the New Neighborhood land use designation.*

**Land Use Vision:**

*Land Use Plan map designation: New Neighborhood*

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

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

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

The east side of the site abuts a planned arterial street and adequate street right of way should be dedicated as part of the plat process. The street does not exist, and the applicant should be aware that some access to the south along that right of way may be required for redevelopment of this site.

*Trail System Master Plan Considerations: None*



Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The site is undeveloped with some tree cover and gently sloping terrain. The east side of the site is at the upper end of Adams Creek drainage basin and may be sensitive to wetlands and water quality considerations. Terrain around the creek is steeper and may be more challenging for home site development.*

Environmental Considerations: Adams Creek stream channel is near the east boundary of the site. During the plat process considerations for creek preservation and development on the fringes of the floodplain will be necessary to preserve the water quality in the basin. The alignment of East 161<sup>st</sup> Street may not follow the typical section line arrangement and we will recommend alignment considerations during the plat process and recommend further discussions with City Engineering early in the plat process to discuss street construction and alignment possibilities.

Streets:

<u>Existing Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South 157 <sup>th</sup> East Avenue (construction phase)	None	50 feet	2
South 159 <sup>th</sup> East Avenue (construction phase)	NA	50 feet	2
<u>Future Access requirements</u>			
161 <sup>st</sup> Street South (East boundary of subject property)	Secondary Arterial	100 feet	This planned street has not been constructed

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-4	New Neighborhood	Growth	Undeveloped
East	RS-3	New Neighborhood	Growth	Undeveloped
South	RS-3	New Neighborhood	Growth	Undeveloped
West	RS-4	New Neighborhood	Growth	Single-family

**SECTION IV: Relevant Zoning History**

**History: Z-7684**

***Subject Property:***

**ZONING ORDINANCE:** Ordinance number 24424 dated August 16, 2020, established zoning for the subject property.

**Z-7553 August 2020:** All concurred in **approval** of a request for *rezoning* a 68.28± acre tract of land from RS-3 to RS-4 in order to achieve smaller lot sizes for a new single family residential subdivision. RS-3 zoning requires a minimum lot width of 60 feet and a minimum lot size of 6900 square feet compared to RS-4 zoning that requires a minimum lot width of 50 feet and minimum lot size of 5500 sq. ft. on property located.

***Surrounding Property:***

**Z-7577 December 2020:** All concurred in **approval** of a request for *rezoning* a 27.62± acre tract of land from RS-3 to RS-4 for single family development on property located East of the northeast corner of east 41<sup>st</sup> Street south & South 145<sup>th</sup> East Avenue.

**Z-7392 September 2017:** All concurred in **approval** of a request for *rezoning* a 5.5± acre tract of land from AG/RM-0 to RS-3 for single family development on property located West of northwest corner of East 41<sup>st</sup> Street & South 161<sup>st</sup> East Avenue.

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **CRADDOCK**, the TMAPC voted 7-0-0 (Bayles, Carr, Covey, Craddock, Kimbrel, Krug, Shivel, "aye"; no "nays"; none "abstaining"; Reeds, Walker, Whitlock, Zalk, "absent") to recommend **APPROVAL** of the RS-5 zoning with an optional development plan for Z-7684 per staff recommendation.

**Legal Description for Z-7684:**

A TRACT OF LAND THAT IS A PART OF THE SOUTHEAST QUARTER (SE/4) OF SECTION TWENTY-TWO (22), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SE/4; THENCE SOUTH 88°43'43" WEST AND ALONG THE NORTH LINE OF THE SE/4, FOR A DISTANCE OF 544.38 FEET; THENCE SOUTH 1°16'17" EAST AND PERPENDICULAR TO SAID NORTH LINE, FOR A DISTANCE OF 556.38 FEET; THENCE SOUTH 19°17'54" WEST FOR A DISTANCE OF 96.79 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 19°17'54" WEST FOR A DISTANCE OF 198.42 FEET; THENCE SOUTH 1°36'38" EAST FOR A DISTANCE OF 341.71 FEET; THENCE SOUTHEASTERLY ALONG A 52.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, HAVING AN INITIAL TANGENT BEARING OF SOUTH 45°31'15" EAST, A CENTRAL ANGLE OF 81°14'09", WITH A CHORD BEARING AND DISTANCE OF SOUTH 4°54'11" EAST FOR 67.71 FEET, FOR AN ARC DISTANCE OF 73.73 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG AN 18.00 FOOT RADIUS CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 37°19'32", WITH A CHORD BEARING AND DISTANCE OF SOUTH 17°03'08" WEST FOR 11.52 FEET, FOR AN ARC DISTANCE OF 11.73 FEET TO A POINT OF TANGENCY; THENCE SOUTH 1°36'38" EAST FOR A DISTANCE OF 202.10 FEET; THENCE SOUTH 88°43'42" WEST FOR A DISTANCE OF 632.26 FEET; THENCE NORTH 83°02'50" WEST FOR A DISTANCE OF 48.78 FEET; THENCE NORTH 58°37'23" WEST FOR A DISTANCE OF 139.92 FEET; THENCE NORTH 73°16'33" WEST FOR A DISTANCE OF 169.33 FEET; THENCE SOUTH 88°43'42" WEST FOR A DISTANCE OF 10.00 FEET; THENCE NORTH 1°16'18" WEST FOR A DISTANCE OF 144.21 FEET; THENCE NORTH 23°20'28" EAST FOR A DISTANCE OF 142.22 FEET; THENCE NORTH 1°16'17" WEST FOR A DISTANCE OF 399.80 FEET; THENCE NORTH 88°43'43" EAST FOR A DISTANCE OF 975.99 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 736,818 SQUARE FEET OR 16.915 ACRES.

\* \* \* \* \*

**PUBLIC HEARING-COUNTY ZONING CODE AMENDMENTS**

Kirk Bishop, Duncan and Associates and Susan Miller presented item 9 to Planning Commission.

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

**STAFF RECOMMENDATION:**

**Item**

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

**Background**

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

Once the new code format was created, a Technical Team was formed to review the initial draft. The Technical Team consisted of staff members from Tulsa Planning Office, Tulsa County Inspections Department, and an attorney from the Tulsa County District Attorney's Office. Suggested edits were submitted and discussed during virtual meetings. Changes included adding regulations governing Marijuana-related uses, revising accessory building size regulations, adding two new "RS" districts (RS-1 and RS-2), incorporating new animal-keeping regulations in residential districts, and the addition of RV-living and accessory dwelling unit (ADU) regulations. The Technical Team also helped proofread, and review content for accuracy between the old Code and the updated Code.

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

On August 17, 2022, the consultant presented an update of the progress on the Tulsa County Zoning Code at a Work Session. A link to the draft of the document was later emailed to the Planning Commissioners so they could review the

document and provide feedback at the Work Session meeting on October 5, 2022. During the second work session, the consultant, Kirk Bishop, gave a presentation of the draft of the Tulsa County Zoning Code update.

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

#### **Staff Recommendation**

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

#### **Next Step**

- December – BOCC public hearing

#### **Interested Parties:**

**Sherry Barbour** 18622 S 62<sup>nd</sup> East Avenue, Bixby, OK 74008

Ms. Barbour asked what it would take to have a side by side comparison of the original document and the proposed document. She stated the document is very lengthy. Ms. Barbour stated the Zoning Code document was not posted until Monday. She stated she owns 3 businesses 2 of them in Tulsa County and one that is in Bixby city limits. Ms. Barbour stated the document looks like it wasn't really worked on but is a copy of the Tulsa Zoning Code. She stated she would like to see this given more time to be reviewed. She stated very few of her comments that she took the time to enter into the review document were posted. Ms. Barbour stated they do a lot of special exceptions and the wording in the document about Special Exceptions for fireworks businesses gives the authority to 1 or 2 people to say approved or denied and to have one person make that decision isn't right. She stated she took something to the Tulsa County Board of Commissioners and after she presented it an employee came back to her and told her that even if the Tulsa County Board of Commissioners vote yes she would not issue her approval on that item. Ms. Barbour stated they had to get legal counsel and represent the item. She stated she likes rules, but don't make them up as you go along.

Mr. Craddock asked what web page Ms. Barbour was looking on for the Tulsa County Zoning Code.

Ms. Barbour stated she had a hard time finding it but did find it on the TMAPC website but it was not updated. She stated but all of the notes were not included.

Mr. Craddock stated the process has not been in a vacuum. He stated he and Commissioner Bayles served on the Work Group that worked through that document. Mr. Craddock stated there were individuals that were property owners and business owners also on the Work Group. He stated there was a very broad group of people and he wanted Ms. Barbour to know that this was driven by outsiders and not staff. Mr. Craddock stated what all these people brought to the table was a different approach than the City Zoning Code. He stated they have spent hours and hours on this document.

Ms. Barbour asked if there was anyone from her industry, which is fireworks, represented. She asked if there was anyone that owns containers represented. Ms. Barbour stated she doesn't feel they were fully represented. She stated in the current language, it is very specific, that they are still going to make up the rules as they go. She stated there is no set rules over the Special Exceptions.

Mr. Craddock stated the level of attention that was provided on this document was extremely high and no they didn't have a specific fireworks person but they also didn't have every specific business represented. He stated they could not have a representative from every type of business they could never get it done. Mr. Craddock stated however, as a County employee he knows specifically about the fireworks issue. He stated he is very comfortable that this document is a very good guide for the County.

Ms. Barbour stated the power is given to 1 or 2 people and bypasses the Board of County Commissioners. She stated her fireworks applications can be axed by an opinion held by someone that has already said if it was up to them fireworks would be illegal in the state of Oklahoma and that is personal. Ms. Barbour stated no notices were sent out and she is supposed to go to Facebook to find out about the update. She stated she saw it in June but was in the middle of fireworks and did not look at it. Ms. Barbour stated can they see the document before the changes and compare it to the document now.

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

Ms. Torkleson thank Commissioners for the opportunity to share how this document affects her as a business owner and a 43 year old resident of Tulsa County. She stated she has a big interest in what is being approved here today. Ms. Torkleson stated she would like Commissioners to ask themselves how this would affect your business or how would this affect your residence and look at it through that lens. Ms. Torkleson stated she is concerned about the regulations on container storage units they have 2 pieces of property in Tulsa County, one

west and one south and has a container which is 40 foot in length at both sites. She stated they do seasonal sales and those containers are used to store her pumpkin patch supplies. Ms. Torkleson stated if she is not allowed to keep them at her business, what are her other options, her residence, which is also in Tulsa County. She stated the revisions to the County Code that were made on the draft comments did not take into consideration some of the professional suggestions from a company that she purchased her containers from. Ms. Torkleson stated these containers come in 20 and 40 foot sections and she asks that Commissioners take a closer look at the container components of the document. She stated she would ask that Commissioners also review all of Section 14 as it pertains to the power and the authority that is given to one to two people because that is a very important part of their livelihood. Ms. Torkleson stated they have done this for almost 40 years in Tulsa County and they are happy to follow the rules and love it when those rules are spelled out for them. She stated there are wonderful committees that are designed to provide oversight and input and 1 or 2 people should not get to decide to approve or deny an application. Ms. Torkleson stated she noticed there were 2 questions regarding containers that were not addressed on the review draft comments. She stated one of them was her comment and one of them was a comment by a lady named Lisa Pillars. She stated those can found on the INCOG website. Ms. Torkleson stated she appreciates their thorough review of this document that affects every business and every resident in Tulsa County in some way. She asks that Commissioners review the document knowing that it carries that much weight.

#### **TMAPC Comments:**

Mr. Craddock asked if the strikethrough redline draft document being reviewed today is basically the original code and then as it went through the process the changes are red.

Mr. Bishop stated “yes”, as much as humanly possible. He stated the nature of the reorganization and reformatting prevented them from presenting a classic legislative format with strikethrough, but they endeavor to show all the proposed substantive changes through red line strikeout, and occasionally where a change addressed an entire section we used a footnote within the document and pointed out proposed changes. Mr. Bishop stated it is the intent to make this process as transparent as humanly possible, given the level of reorganization and formatting.

Mr. Covey asked if Mr. Bishop wanted to give any response to the public comments expressed here today.

Mr. Bishop stated there were a few things that he respectfully has a different opinion about. He stated one is the nature of the special exception process and the approval process. He knows of no instances in the draft document where the power or power to granted is discretionary approval in the form of a special

exemption or variance is delegated to 1 or 2 individuals, specifically with regard to fireworks retailers, the regulations are the same in the draft document as they are in County practice today. Mr. Bishop stated Tulsa County Inspection officers make use of provisions that allow them to grant any number of temporary uses. He stated they have developed permit forms and checklists for applicants that specify the dates in which fireworks retailers can operate that are consistent with state Fire Marshall laws. Mr. Bishop stated currently those are not codified but are counter handouts. He stated that information was pulled into the code to provide a consistent level playing field for all who come into contact with zoning regulations with regard to fireworks retail sales. Mr. Bishop stated the comment sheet does point that out and the proposal that they eliminate the size restrictions on temporary storage containers. He stated there are no changes to the special exception process.

Ms. Bayles stated she received her draft on Saturday morning as a hardcopy and did not know until Monday that there had been a misstep in the process and that the link was not available on the Tulsa County Facebook page or the TMAPC website. She stated she thinks that is for individuals who are looking for this to be able to review it in its entirety. Ms. Bayles stated she finds after having read all five drafts, finding something different in each and every draft because there is no mechanism for track changes between these drafts so you literally have to read it word for word and line by line. She stated she asked one Commissioner if he had a chance to read the draft before he came to this meeting, and he said no and she understands that but it is important that we each have the opportunity to review it and to put our perspective on it because she knows she came into the Work Group, really looking at it from an industry and business point of view and was not looking at fireworks or storage containers. Ms. Bayles stated she is not an expert and she is very glad that the participants who were active gave the rural perspective the attention that it deserved, but this is also a suburban district. She stated businesses that hope to operate and work as a team with either the elected officials or Staff may find it difficult because it's a highly prescriptive document that mirrors a lot of what is seen in the Tulsa City Zoning Code. Ms. Bayles is afraid there's been a misstep in the process in terms of advertising, this public hearing draft to the public and for that reason she would ask for a continuance of this item.

Staff stated the intent is always to have all the documented materials online 6 days before the hearing, the legal requirement for regular scheduled meetings is 24 hours and that requirement was met. She stated it was attached to the wrong link online but was corrected on Tuesday morning.

Mr. Covey asked to be clear, from a legal standpoint if they wanted to act today they could, but it's more of allowing more time for public review.

Staff stated "yes".



Mr. Craddock stated since Tulsa County was unable to post the document on their website or Facebook page, he would feel more comfortable continuing this item to allow more time for the public to review.

Ms. Carr stated she agrees with Mr. Craddock. She stated one of the most important things they do in the city is zoning, because it does affect day-to-day lives so she would definitely support a continuance.

Mr. Bishop stated he would be happy to provide a track changes version between the last draft that Ms. Bayles went through word by word and that might be helpful to see into the document itself as opposed to a summary.

Ms. Bayles stated she doesn't think it's the track changes between the 2 drafts that Ms. Barbour is concerned about. She stated property owners, residents and others are used to the original Tulsa County Zoning Code in the green binder and they are looking for the track changes from that document to the current proposed changes. Ms. Bayles stated every time she reads it she sees something different and she just wants to get it right.

Mr. Bishop stated let us endeavor to ensure that the correct draft is posted and received and that the summary is as clear as possible. He stated that we have attempted to clearly identify all substantive changes from the current code and make sure that that's the version in your packet for the next time and that's available on the website for the public to read. Mr. Bishop stated that is the best that he can promise in terms of tracking it from the green, three ring binder to today. He stated but, he thinks it's a transparent and accurate summary of the substantive changes in this document, because by and large, it's substantively the same code that is currently being used today or codifies the same practices that is used today through the county inspection office.

**TMAPC Action; 7 members present:**

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

**PUBLIC HEARING-COMPREHENSIVE PLAN CONFORMANCE**

Review and possible approval, approval with modifications, denial, or deferral of the following:

10. TMAPC consideration of adoption of Resolution No. 2878:1044 finding the Kirkpatrick Heights Greenwood Master Plan in conformance with the Tulsa Comprehensive Plan

## **STAFF RECOMMENDATION:**

### **Item**

TMAPC consideration of adoption of Resolution No. 2878:1044 finding the *Kirkpatrick Heights Greenwood Master Plan* in conformance with the Tulsa Comprehensive Plan

### **Background**

Over the past year, PartnerTulsa, the City of Tulsa, Tulsa Planning Office and the 11-member Leadership Committee appointed by Mayor Bynum have worked with a consultant group led by WRT out of Philadelphia, to create a vision and framework for redevelopment of 56 acres of publicly owned land in the Kirkpatrick Heights Greenwood area of North Tulsa. The planning process was supported by local engagement partners World Won Development and Standpipe Hill Strategies, as well as the Tulsa Planning Office and planning and landscape architecture firm TSW.

This community-led planning process kicked off in August 2021 and included a series of community workshops in October 2021, followed by pop-ups at community events, focus group sessions, virtual community meetings that included young entrepreneurs and stakeholders in creative industries, and a series of charettes in April 2022 that included student workshops at area schools and hands on workshops for the wider public. The community feedback and priority themes that emerged from these sessions were used to define the vision for the Kirkpatrick Heights Greenwood Master Plan and shaped the design concepts for Sites 1, 2, and 3 and reinvestment strategies for implementation.

In June 2022, the Leadership Committee and City staff began to review the plan narrative and draft development concepts in detail leading up to a community presentation attended by over 200 residents at the Greenwood Cultural Center on June 28th. Following a formal plan presentation, community members had the opportunity to provide direct feedback through keypad polling using Mentimeter and a Q+A session with comment cards. The draft plan that emerged from that process was presented to TMAPC on October 19, 2022. Simultaneously, the draft was hosted online at OurLegacyTulsa.org for a 2-week Public Review Period with comment period closing October 31st.

Updates have been made to the plan based on additional public comment received. A summary of changes is attached to this report.

The *Kirkpatrick Heights Greenwood Master Plan* is considered a functional plan and falls under the category of “other types of plans, studies and initiatives” in the TMAPC Policies and Procedures, which requires that the plan be reviewed for conformance with the Tulsa Comprehensive Plan. Following this action, the City Council will be asked to concur with the finding of conformance.

## **Comprehensive Plan Conformance**

In this conformance review, *Kirkpatrick Heights Greenwood Master Plan* was reviewed against the *Tulsa Comprehensive Plan (planitulsa)* and *Greenwood Heritage Neighborhoods Sector Plan*. After conformance review of relevant recommendations in these plans (see below), staff finds that the *Kirkpatrick Heights Greenwood Master Plan* is in conformance with *planitulsa* and *Greenwood Heritage Neighborhoods Sector Plan*.

### ***Tulsa Comprehensive Plan (planitulsa)***

*Planitulsa* contains priorities, goals and policies supporting economic development, housing choices, walkable, higher density, and mixed-use development. The most relevant sections of *planitulsa* are included below. Staff finds that the *Kirkpatrick Heights Greenwood Master Plan* is in conformance with *planitulsa*.

***Land Use Priority 3: Focus redevelopment, revitalization and enhancement programs on areas that have been severely economically disadvantaged.***

***Goal 9—Tulsa North’s economy is at least as robust, sustainable and as stable as the remainder of Tulsa’s economy. Policies to support this goal include:***

***9.1 Focus planning, reinvestment and rehabilitation programs in Goal 8 in the Tulsa North area to provide opportunities for residents and businesses to improve economic stability.***

***9.2 Enhance the quality of the built and natural environment consistent with the measures outlined in Goal 3 (See below).***

***Goal 10—The life expectancy levels in Tulsa North are consistent with the regional averages. Policies to support this goal include:***

***10.1 Address access to adequate medical care by providing transit service to medical facilities.***

***10.2 Partner with schools and community centers to address health issues and healthy lifestyles.***

***10.3 Create walkable communities and enhance recreational areas to encourage walking and biking.***

***Goal 3—New development is consistent with the PLANiTULSA building blocks. Policies to support this goal include:***

***3.1 Promote pedestrian-friendly streetscapes by designing pedestrian-friendly streetscapes and encouraging new developments to provide pedestrian-oriented amenities and enhancements, including:***

- Arcades, awnings and other architectural features to provide a human scale and offer protection from rain and the summer heat;***

- *Pedestrian plazas and green open space that offer interesting public places for people to enjoy the street experience. These should incorporate water features, sculptures, art or other architectural objects or focal points;*
- *Public art, benches, trash receptacles, bike racks and other amenities that enhance the quality of the pedestrian experience;*
- *Walkways and sidewalks that differentiate the pedestrian space from the auto realm;*
- *Pedestrian-oriented street lighting to increase the sense of safety and reduce the impact of light pollution;*
- *Trees and other landscaping to visually enhance the space as well as provide shade and a cooler microclimate. Native or drought resistant species should be encouraged;*
- *Walkways leading directly to the street from building entrances;*
- *Moving overhead wires to underground locations and relocating other utilities to the rear of the development to improve the area's appearance.*

**3.2 Encourage a balance of land uses within walking distance of each other.**

- *Integrate and balance land uses, so they complement the surrounding area.*
- *Focus downtown development on increasing urban-style housing, retail, parks, cultural and arts amenities and entertainment to create an active, vibrant 24-hour urban core.*
- *Support the creation of higher density mixed-use areas at major centers served by transit.*
- *Transform commercial strips along Multi-modal Corridors into mixed-use boulevards.*
- *Create pedestrian-oriented, mixed-use campus areas that will serve student populations, faculty, and surrounding neighborhoods.*
- *Support ground floor retail along main streets along with upper story housing and offices.*
- *Build neighborhood facilities, such as schools, libraries and community centers, within walking distance of transit stations and homes.*

**3.3 Work with utility providers to increase options for street light fixtures that encourage walking and safety, to increase options for trees, and to resolve maintenance issues.**

**3.4 Allocate City funds and find other funding to enhance pedestrian amenities on streets in priority areas.**

**3.5 Place buildings adjacent to the street with generous sidewalks; sidewalk cafes, attractive landscaping, and pedestrian areas.**

- *Mass buildings with common parking lots rather than situated individually surrounded by private lots.*

- *Provide ground floor retail, professional service, and/or professional office storefronts on parking lots that front the street.*
- *Enhance parking structure facades when ground floor uses cannot be provided.*
- *Provide building entrances and windows to offer “eyes on the street,” improving security and pedestrian access.*
- *Sidewalks should accommodate pedestrian seating and other amenities.*
- *Place parking lots, garage doors, loading zones and mechanical equipment away from streets.*

**3.6 Encourage complementary building height, scale, design and character.**

- *Create a sense of place by encouraging development of buildings, structures and landscapes that complement the character and scale of their setting.*
- *Encourage new development to be appropriate to the context of its location in density, massing, intensity and size, particularly when adjacent to existing residential areas and historic districts.*
- *Design buildings to be compatible in height, scale, bulk and massing to the urban context and established character of the surrounding area.*
- *Design parking lot location, configuration, access points and screening to minimize spillover and mitigate any negative effects.*

**3.7 Enhance visual enjoyment of public spaces and art.**

- *Civic institutions and community events, such as street fairs, parades, farmers markets and live performances, all give Tulsa an important cultural and urban flair.*
- *Continue to support the Tulsa Arts Commission and the Arts and Humanities Council of Tulsa and the one percent public art program fund. Consider increasing incrementally to fund a long-term arts maintenance program.*
- *Site art in locations targeted for mixed-use, pedestrian environments.*

***Greenwood Heritage Neighborhoods Sector Plan***

The *Kirkpatrick Heights Greenwood Master Plan* area is within the boundaries of the *Greenwood Heritage Neighborhoods Sector Plan*. This plan was adopted in 2016 as an amendment to *planitulsa*. The community vision and guiding principles in the *Kirkpatrick Heights Greenwood Master Plan* closely align with the vision statement/guiding principles in the *Greenwood Heritage Neighborhoods Sector Plan*:

*Be a symbol of the city’s history and its future, an area that invokes the echoes of Black Wall Street and Brady Heights, while becoming a preferred choice for an attractive urban lifestyle.*

- *Continue to build upon the legacy of previous residents and icons by celebrating history as the basis for progress.*

- *Provide local goods and services for residents in easy-to-access shopping areas with businesses operated by residents of the community.*
- *Host a variety of housing that allows families, professionals, and seniors to be important members of the community.*
- *Capitalize on the proximity of Downtown Tulsa, interstate access, trails, transit, and other assets to become a destination within the Tulsa region.*
- *Support innovation and education through local schools, colleges and universities, major employers, and community-based entrepreneurs.*
- *Demonstrate the power of collaboration among City leadership, institutions, communities of faith, and businesses to achieve a collective vision.*

*The Greenwood Heritage Neighborhood Plan contains specific goals relating to the future of this area:*

**Goal # 4: Capitalize on OSU-Tulsa, Langston University Tulsa, and proximity to Downtown to spur redevelopment of the southern edge of the Greenwood Heritage area.** *Collectively, these represent major anchors that may provide the stimulus for new institutional and spin-off*

**Goal # 6: Celebrate the area's history and strengthen its character.** *North Tulsa has a wealth of local history, from the legacy of "Black Wall Street" to the prominence of a more contemporary citizens who have made significant national and global contributions. Celebrating this history is critical not only to attract new investment from outside of North Tulsa, but also to build the sense of community pride from within.*



### **Staff Recommendation**

Adopt a resolution finding the Kirkpatrick Heights Greenwood Master Plan in conformance with the Tulsa Comprehensive Plan.

### **TMAPC Comments:**

Ms. Kimbrel stated she knows the conformance is based on the current Comprehensive Plan which is in the process of an update. She stated the proposed new Tulsa Comprehensive Plan has a lot of implementation pieces

related to economic development. Ms. Kimbrel asked how the new Kirkpatrick Heights Greenwood Master Plan fairs with the new Comprehensive Plan.

Staff stated unlike the new Comprehensive Plan the current Comprehensive plan has a specific geographic reference to North Tulsa. She stated the only part of the Land Use Chapter focused on any specific geography it talks about North Tulsa but its very broad otherwise. Staff stated the proposed update is more specific about things to achieve and programs to develop and implement. She stated it would still be in conformance but it will be very different because of the different nature of the plan.

Mr. Craddock stated he would like to commend everyone who worked on this plan. He stated the plan was a very good document with a lot of substance.

Jonathon Butler, thanked everyone involved in bringing this plan together and gave credit to Ms. Kimbrel for her contribution to the project.

Ms. Kimbrel stated a lot of credit goes to PartnerTulsa for leading this extensive process along with WRT. She stated there was through community engagement and it was something she was proud to be involved in.

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

**TMAPC Action; 7 members present:**

On **MOTION** of **CRADDOCK**, the TMAPC voted 7-0-0(Bayles, Carr, Covey, Craddock, Kimbrel, Krug, Shivel, “aye”; no “nays”; none “abstaining”; Reeds, Walker, Whitlock, Zalk, “absent”) to **ADOPT** a resolution finding the Kirkpatrick Heights Greenwood Master Plan in conformance with the Tulsa Comprehensive Plan.

## **OTHER BUSINESS**

### **11. Commissioners' Comments**

Ms. Bayles stated the Kirkpatrick Heights Greenwood Master Plan is a powerful document and long overdue for Tulsa and for North Tulsa in particular. She thinks as Commissioners, although not elected, are members of this community. Ms. Bayles stated most of the Commissioners in some way, shape or form, have relationships with the development community and she thinks this is an opportunity to champion this plan. She stated to make sure that everyone knows about it. She stated taking a plan and putting it into implementation is well worth the effort on behalf of the City of Tulsa, and Greenwood and Kirkpatrick Heights in particular.

**ADJOURN**

**TMAPC Action; 7 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 7-0-0(Bayles, Carr, Covey, Craddock, Kimbrel, Krug, Shivel, “aye”; no “nays”; none “abstaining”; Reeds, Walker, Whitlock, Zalk, “absent”) to **ADJOURN** TMAPC meeting of November 16, 2022, Meeting No. 2878.

**ADJOURN**

There being no further business, the Chair declared the meeting adjourned at 2:20 p.m.

Date Approved:

\_\_\_\_\_

\_\_\_\_\_

Chair

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

Secretary