

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2880

Wednesday, December 21, 2022 1:00 p.m.
City Council Chamber
One Technology Center – 175 E. 2nd Street, 2nd Floor

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday December 15, 2022 at 2:36 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 and Board of County Commissioner actions and other special projects. She stated there are a lot of zoning related projects and initiatives that will come to Planning Commission in the upcoming months. Ms. Miller stated she hopes to have a Work Session on March 22, 2023.

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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.

1. **PUD-533-C-1 Tanner Consulting, LLC** (CD 5) Location: Northeast of the northeast corner of I-44 East and South Memorial Drive requesting a **PUD Minor Amendment** to allow for the phasing of development including the landscaping plan.

STAFF RECOMMENDATION:

SECTION I: PUD-533-C-1 Minor Amendment

Amendment Request: PUD minor amendment to allow phasing of development including the landscaping plan.

Currently, the provisions within PUD-533-C do not allow for the phasing of development. This minor amendment would support this. The applicant has requested that the development be done in two phases and that the last sentence within Development Area B-2, Section I., Landscaping read as “If paving is phased, required landscaping shall be installed within each phase.”. In conclusion the landscape plan will be phased with the development phases.

Staff Comment: *This request is considered a Minor Amendment as outlined by Section 30.010.1.2.c(13) of the City of Tulsa Zoning Code.*

“Modification to approved screening and landscaping plans, provided the modification is not a substantial deviation from the original approved plan.”

Staff has reviewed the request and determined:

- 1) PUD-533-C-1 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-533-C-1.
- 2) All remaining development standards defined in PUD-533-C and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to allow phasing of development including the landscaping plan.

Legal Description for PUD-533-C-1:

LOT SIX (6), TRI-CENTER VILLAGE, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; LESS AND EXCEPT A TRACT OF LAND SITUATED IN LOT 6, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHEAST CORNER OF LOT THREE (3), SAID TRI-CENTER VILLAGE, SAID POINT BEING THE WEST RIGHT OF WAY LINE OF SOUTH 85TH EAST AVENUE; THENCE NORTH 00°37'30" WEST AND

PARALLEL TO THE WEST LINE OF SAID LOT SIX (6) FOR 20.40 FEET; THENCE NORTH 60°37'30" WEST FOR 0.0 FEET; THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 50.00 FEET FOR 261.80 FEET; THENCE SOUTH 00°37'30" EAST FOR 12.57 FEET TO THE NORTHWEST CORNER OF LOT FOUR (4), SAID TRI-CENTER VILLAGE; THENCE SOUTH 00°37'30" EAST AND ALONG THE WEST LINE OF SAID LOT FOUR (4) FOR 8.00 FEET; THENCE SOUTH 89°34'25" WEST FOR 50.00 FEET TO THE POINT OF BEGINNING.

AND LESS AND EXCEPT BEGINNING AT A POINT ON THE EASTERLY LINE OF SAID LOT SIX (6) A DISTANCE OF 243.34 FEET NORTHEASTERLY OF THE SOUTHEAST CORNER OF SAID LOT SIX (6); THENCE SOUTHEASTERLY ALONG A JOG IN SAID EASTERLY LINE A DISTANCE OF 25.00 FEET; THENCE NORTHEASTERLY ALONG SAID EASTERLY LINE A DISTANCE OF 388.25 FEET; THENCE SOUTH 51°19'53" WEST A DISTANCE OF 389.05 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPT THAT PORTION OF TRACT 'A' DESCRIBED AS FOLLOWS:
A TRACT OF LAND THAT IS PART OF LOT 6 OF TRI-CENTER VILLAGE, FORMERLY PLATTED AS HOLIDAY VILLAGE, A RE-SUBDIVISION OF LOT THREE (3) AND PART OF LOT TWO (2), BLOCK ONE (1), TRI-CENTER, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT NUMBER 4354 THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT THAT IS THE MOST SOUTHERLY SOUTHWEST CORNER OF SAID LOT SIX (6); THENCE N 45°25'35 11 W ALONG THE SOUTHWESTERLY LINE OF LOT SIX (6) FOR 105.26 FEET; THENCE N 45°00'00" E ALONG A WESTERLY LINE OF LOT SIX (6) FOR 5.87 FEET TO A POINT OF CURVE; THENCE NORTHEASTERLY AND NORTHERLY ALONG SAID WESTERLY LINE ON A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 45°37'30" AND A RADIUS OF 143.87 FEET FOR 114.56 FEET TO A POINT OF TANGENCY; THENCE N 00°37'30" W ALONG SAID TANGENCY AND ALONG SAID WESTERLY LINE FOR 3.97 FEET TO A POINT THAT IS A CORNER OF LOT SIX (6), SAID POINT ALSO BEING THE SOUTHWESTERN CORNER OF LOT FIVE (5) OF SAID TRI-CENTER VILLAGE; THENCE N 89°34'25" E ALONG A NORTHERLY LINE OF LOT SIX (6) AND THE SOUTHERLY LINE OF SAID LOT FIVE (5) FOR 106.33 FEET TO A POINT THAT IS THE SOUTHEAST CORNER OF LOT FIVE (5); THENCE N 00°37'30" W ALONG A WESTERLY LINE OF LOT SIX (6) AND THE EASTERLY LINE OF LOT FIVE (S) AND LOT FOUR (4) OF TRI-CENTER FOR 133.00 FEET TO A POINT THAT IS THE NORTHEAST CORNER OF SAID LOT FOUR (4); THENCE S 89°34'25" W ALONG A SOUTHERLY LINE OF LOT SIX (6) AND

THE NORTHERLY LINE OF LOT FOUR (4) FOR 106.33 FEET TO A POINT THAT IS A CORNER OF LOT SIX (6), SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT FOUR (4); THENCE N 00°37'30" W ALONG THE NORTHERLY EXTENSION OF THE WESTERLY LINE OF LOT FOUR (4) FOR 1 2.41 FEET; THENCE N 59°21'43" E FOR 0.00 FEET TO A POINT OF CURVE; THENCE NORTHEASTERLY, NORTHERLY AND NORTHWESTERLY ALONG A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 95°47'01" AND A RADIUS OF 50.00 FEET FOR 83.59 FEET; THENCE N 89°34'25" E AND PARALLEL WITH THE NORTHERLY LINE OF LOT SIX (6) FOR 240.79 FEET; THENCE S00°37'30" E AND PARALLEL WITH THE EASTERLY LINE OF SAID LOTS FOUR (4) AND FIVE (5) FOR 209.35 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 44; THENCE S 52°15'33" W ALONG SAID RIGHT-OF-WAY LINE FOR 56.94 FEET TO A CORNER OF LOT SIX (6); THENCE S 48°34'30" W ALONG THE SOUTHEASTERLY LINE OF LOT SIX (6) FOR 243.34 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

NOW PLATTED AS GRIZZLY MOUNTAIN MERCANTILE, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA.

TMAPC Action; 6 members present:

On **MOTION** of **WALKER**, the TMAPC voted 6-0-0 (Bayles, Covey, Craddock, Shivel, Walker, Zalk, "aye"; no "nays"; none "abstaining"; Carr, Kimbrel, Krug, Reeds, Whitlock, "absent") to **APPROVE** Item 1 per staff recommendation.

PUBLIC HEARING – REZONING

- 2. Z-7687 Hugo Salcedo (CD 3) Location: North of the northwest corner of East 11th Street South and South 101st East Avenue requesting rezoning from **RM-2 to CS****

STAFF RECOMMENDATION:
SECTION I: Z-7687

DEVELOPMENT CONCEPT: The applicant requests rezoning from RM-2 to CS. Uses allowed in the CS districts and with the lot and building standards are consistent with the Town Center Land use designation of the Tulsa Comprehensive 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. Uses and development

patterns contemplated in the Town Center land use designation are consistent with the primary goals of the CS district and,

The Major Street and Highway Plan does not affect site redevelopment opportunities and,

Supplemental regulations, and building types allowed in a CS district are consistent with the expected development pattern, therefore

Staff recommends Approval of Z-7687 to rezone property from RM-2 to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: *The current RM-2 zoning is limited to multifamily development. The Town Center land use designation supports mixed use development that is consistent with CS zoning. CS zoning expands the uses allowed and supports mixed use buildings and multifamily development*

Land Use Vision:

Land Use Plan map designation: Town Center

Town Centers are medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

Areas of Stability and Growth designation: Area of Growth

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

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

Transportation Vision:

Major Street and Highway Plan: None

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is undeveloped. The land is nearly flat and does not have any significant vegetation.*

Environmental Considerations: None that would affect site development

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 101 st Street South	None	50 feet	2 lanes without curb

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RM-2	Town Center	Growth	Residential
East	CS	Town Center	Growth	Lodging / Multi Family
South	CS	Town Center	Growth	Vacant

West	CS	Town Center	Growth	Religious Assembly
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SECTION III: Relevant Zoning History

History: Z-7687

Subject Property:

ZONING ORDINANCE: Ordinance number 11817 dated June 26, 1970, established zoning for the subject property.

Surrounding Property:

BOA-23063 January 2021: The Board of Adjustment **approved** a *Special Exception* to permit a Residential/group Living/Re-entry facility in the CS District, on property located at 10117 East 11th Street South.

BOA-19702 November 2003: The Board of Adjustment **approved** a *Special Exception* to permit Use Unit 12a in a CS district within 150' of an R zoned lot & a *Special Exception* of the required screening on the east and north, on property located at 9801-9897 East Street.

BOA-18381 April 1999: The Board of Adjustment **approved** a *Variance* to permit the required frontage for CS zoned district from 150' to 86' on an arterial street, on property located at 9801 East 11th Street.

BOA-16690 June 1994: The Board of Adjustment **approved** a *Special Exception* to permit automobile repair in a CS zoned district, on property located at 9939 East 11th Street.

BOA-8629 June 1975: The Board of Adjustment **approved** a *Special Exception* to permit a heating and air conditioning services in CS district, on property located at 782 South 101st East Avenue.

BOA-8103 November 1973: The Board of Adjustment **approved** a *Special Exception* to permit a vehicle repair and service installation in a CS district, on property located at north of 11th Street and West of 101st East Avenue.

Z-5076 June 1978: All concurred in **approval** of a request for *rezoning* a tract of land from AG to IL on property located 9897 East 11th Street South.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **WALKER**, the TMAPC voted 6-0-0 (Bayles, Covey, Craddock, Shivel, Walker, Zalk, “aye”; no “nays”; none “abstaining”; Carr, Kimbrel, Krug, Reeds, Whitlock, “absent”) to recommend **APPROVAL** of the CS zoning for Z-7687 per staff recommendation.

Legal Description for Z-7687 :

Lot 1, Blk 1, IRVING ACRES, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, According to the Tax Parcel# 20275-94-06-01530

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3. Z-7688 Lisa Robertson (CD 2) Location: West of the northwest corner of West 51st Street South and South Union Avenue requesting rezoning from **RM-2 and OL to OL**

STAFF RECOMMENDATION:

SECTION I: Z-7688

DEVELOPMENT CONCEPT: The applicant is owner of a parcel of land that is currently zoned RM-2 and OL. The boundary between the zoning districts is not clearly identified. The applicant, with staffs support, has requested a single ordinance to rezone the entire parcel to OL.

DETAILED STAFF RECOMMENDATION:

OL zoning is consistent with the Mixed-Use Corridor land use designation and the Area of Growth and,

The uses permitted in an OL district are intended to facilitate the development and preservation of low-intensity office development uses and are intended to promote neighborhood employment uses and services and,

The development standards in the OL district provide adequate design and development standards for building size and parking design to help mitigate office expansion closer to the existing neighborhood and,

This site is at the north edge of a Mixed-Use Corridor and included in an Area of Growth that recognizes opportunities for appropriate infill development on the abutting properties therefore,

Staff recommends approval of Z-7688 and supports the idea of rezoning the entire property to insure that the parcel included in the legal description is zoned OL.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Use and lot and building regulations allowed in the OL zoning on this tract of land is consistent with the Comprehensive plan.

Land Use Vision:

Land Use Plan map designation: Mixed-Use Corridor

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

Areas of Stability and Growth designation: Area of Growth

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

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

Transportation Vision:

Major Street and Highway Plan: None that affects site development

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 south portion of the site is zoned OL and a single-story office building occupies the site. The north portion of the site is zoned RM-2 and is vacant.

Environmental Considerations: None that affect site development.

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Vancouver Avenue	none	50 feet	2 lane without curb
West 51 st Street South	Residential Collector	60 feet	2 lanes with center median and curbs 1 lane westbound 1 lane east bound

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-3	Existing Neighborhood	Growth	Single household
East	CS	Mixed-Use Corridor	Growth	Restaurant
South (south side of I-44)	CG	Employment	Growth	Recreational vehicle sales and service
West	RS-3	Mixed-Use Corridor	Growth	Single household

SECTION III: Relevant Zoning History

History: Z-7688

ZONING ORDINANCE: Ordinance number 11822 dated June 26, 1970, established zoning for the subject property.

Subject Property:

BOA-15580 November 1990: The Board of Adjustment **approved** a *Variance* to permit the maximum square footage of sign display surface area from 32 sq ft to 64 sq ft to permit replacement of an existing sign and a *Variance* of the required 50' setback from an R district on the west property line to 44' to permit a business sign, on property located at the east 84.3' of the south 164.5' of Lot 5, Block 3, Greenfield Acres Addn.

BOA-7763 January 1973: The Board of Adjustment **approved** a *Special Exception* to permit removal of the screening requirements on the north and west boundary lines in an OL District, on property located at 1801 West 51st Street.

BOA-6240 March 1969: The Board of Adjustment **approved** a *Special Exception* to permit extending a nonconforming use (buying and selling heavy equipment), to permit erecting a 30' x 60' storage building in a U-1C district, on property located at 3935 North Lewis Avenue.

Surrounding Property:

BOA-22687 July 2019: The Board of Adjustment **approved** a *Verification* to permit the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary, on property located at 4948 South Union Avenue West.

Z-7415 January 2018: All concurred in **approval** of a request for *rezoning* a .55+ acre tract of land from RS-3 to CS on property located West of the southwest corner of West 51st Street South & South Union Avenue.

BOA-21561 April 2013: The Board of Adjustment **approved** a *Special Exception* to permit a Tire Shop in a CS district, on property located at 5102 South Union Avenue West.

BOA-21448-A November 2012: The Board of Adjustment **approved** a *Modification* of previously approved site plan to show building and parking moved 80 feet to the west; & Reconsideration of the Variance of the screening requirement (BOA-21448) along westerly boundary of site, on property located at 2020 West 51st Street South.

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

BOA-15608 December 1990: The Board of Adjustment **approved** a *Variance* to permit the sign setback requirements, measured from the centerline of West 51st street and South Union Avenue, from 50' to 41' on both streets to permit the replacement of an existing nonconforming sign, on property located at 4966 South Union.

Z-5737 October 1982: All concurred in **approval** of a request for *rezoning* a acre tract of land from RS-3 & OL to P zoning on property located The south 164.5' of Lot 6, Block 2, Greenfield Acres Addn.

BOA-11676 October 1981: The Board of Adjustment **approved** a *Variance* to permit the size of an accessory building from 750 square feet to 1,400 square feet for a garage in an RS-3 District, on property located at 1809 West 51st Street.

Z-4120 May 1972: All concurred in **approval** of a request for *rezoning* a acre tract of land from RS-3 to OL on property located Lot 6, Block 3, Greenfield Acres Addn.

BOA-6453 October 1969: The Board of Adjustment **approved** a *Variance* to permit the frontage requirements of U-1C, to permit extending a church building 9 feet into the front yard, on property located at 4929 South Waco Avenue.

BOA-5468 June 1967: The Board of Adjustment **approved** a *Special Exception* to permit a children's day nursery at, on property located at 4886 South Vancouver.

BOA-3008 January 1958: The Board of Adjustment **approved** an application of the First Bible Missionary Church for permission to erect a church, on property located at on Lot 7, Block 3, Greenfield Acres Addn.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **WALKER**, the TMAPC voted 6-0-0 (Bayles, Covey, Craddock, Shivel, Walker, Zalk, "aye"; no "nays"; none "abstaining"; Carr, Kimbrel, Krug, Reeds, Whitlock, "absent") to recommend **APPROVAL** of the OL zoning for Z-7688 per staff recommendation.

Legal Description for Z-7688:

The East 84.3 feet of the South 164.5 feet of Lot Five (5), Block Three (3), GREENFIELD ACRES, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof

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Items 4 and 5 were presented together.

- 4. **CZ-535 John Parks** (County) Location: Northwest of intersection of Highway 75 and East 66th Street North requesting rezoning from **AG to IL** (related to TCCP-11) (Continued from September 7, 2022, September 21, 2022, October 5, 2022 and November 2, 2022) **Staff requests a continuance to January 4, 2023**

STAFF RECOMMENDATION:

SECTION I: CZ-535

DEVELOPMENT CONCEPT: The applicant is proposing to rezone the subject lot from AG to IL to permit an Industrial Park. The site is located within the Rural Residential/Agricultural land use designation of the Tulsa County Comprehensive Plan, which this proposal would not be compatible with, however a concurrent application has been submitted (TCCP-11) to amend the land use designation from Rural Residential/Agricultural to Industrial which this proposal would be compatible with. The comprehensive plan designates the property immediately to the east and south, across Highway 75, as Industrial, so the proposed use and land use designation would be compatible with the future land use of the area.

DETAILED STAFF RECOMMENDATION:

CZ-535 request IL zoning for a 187-acre tract. The uses allowed in the IL district may be appropriate however the request does not provide adequate supplemental standards for IL uses that abut residential and agricultural areas north and west of the site. Staff recommends approval of IL zoning on the majority of the site except for a buffer area along the west boundary, and

The uses typically allowed in an IL district will have little environmental impact on surrounding properties, and

Existing highway infrastructure and the Major Street and Highway Plan supports the idea of industrial development in this area however,

The Tulsa fence line and the statutory right of way on east side of the west boundary of the subject tract will prohibit development 86.5 feet east of the west boundary of the subject tract. In an effort to provide a reasonable buffer from

abutting property owners west of Harvard Avenue, staff concludes that east of Harvard Avenue right-of-way should remain Agricultural and Rural Residential with a width that allows rural residential development east of the future location of North Harvard Avenue and,

CZ-535 is not consistent with the current land use designation however the applicant has submitted an amendment to the Tulsa County Comprehensive Plan Amendment, TCCP-11. The applicant has requested revising the land use designation from Rural Residential/Agricultural to Industrial. Staff supports that request except along the west boundary therefore,

Staff recommends Approval of CZ-535 to rezone property from AG to IL except the west 200 feet of the north 2640 feet +/- shall remain AG.

SECTION II: Supporting Documentation

REGIONAL ENGAGEMENT: The applicant has provided a list of the Regional Outreach Contacts that he has been working with to confirm the need for this type of development in the Tulsa Metropolitan Area.

- Stacy Smith- Tulsa Regional Chamber of Commerce
- Stan Sallee- District 1 County Commissioner
- Mike Craddock- Chief Deputy County Commissioner of District 1
- Michelle Barnett- Partner Tulsa Senior VP of Economic Development
- Ashley Chaney- Partner Tulsa Business Liaison Services Manager
- Austin Britt- Partner Tulsa Economic Development Specialist
- Leisha Pearson- Oklahoma Commerce Dept./ Aerospace and Defense/ ACES Program Manager
- Dan Luton- Programs Director for Oklahoma Center for the Advancement of Science and Technology
- Heather McDowell- Northeast Ok Rep. for Oklahoma Center for the Advancement of Science and Technology
- Kristina Wadley- Oklahoma Manufacturing Alliance

NEIGHBORHOOD ENGAGEMENT:

Staff has received correspondence from surrounding property ownership and the applicant has organized a neighborhood meeting to discuss this rezoning and comprehensive plan change effort.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is currently located within the Rural Residential / Agricultural designation of the Tulsa County Comprehensive Plan. The proposed use would not be compatible with this designation however, Comprehensive Plan Amendment (TCCP-11) is concurrently proposed for

this site, which would change the designation to Industrial. The proposed rezoning would be compatible with this designation.

Land Use Vision:

Land Use Plan map designation: This site is included in the Turley section of the Tulsa County Comprehensive Land Use Plan and was adopted by the Board of County Commissioners in December 2022 and is currently designated as a Rural Residential / Agricultural area.

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

Industrial (proposed designation in TCCP-11)

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

Areas of Stability and Growth designation: N/A

Transportation Vision:

The snippet on the following page illustrates the existing and planned transportation system surrounding this site. The east side of Highway 75 is the Cherokee Industrial Park that is served by the same transportation network.



Major Street and Highway Plan:

North Pittsburgh Ave is designated as a Residential Collector.

East 66th St North is designated as a Secondary Arterial.

North Harvard Avenue is undeveloped; however, it is considered a secondary arterial street in the Tulsa Major Street and Highway plan. The planned location of this arterial street is along the west boundary of the subject tract and is partially inside the Tulsa fence line. The fence line is 70 feet wide and is the east 70 feet of the west 86.5 feet of the subject tract.

When Harvard is fully developed, and the right of way is dedicated the building setback will be 35 feet as defined in current zoning code standards. 200 feet of AG zoned land as measured from the section line will provide approximately 78.5 feet of area for home or building construction between the future North Harvard street setback and the rear zoning line.

Trail System Master Plan Considerations: The Go Plan calls for a side path to be constructed along E 66th St N as well as indicating a sidewalk gap along E 66th St N.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is currently vacant, forested land with evidence that a portion of the property has been excavated or mined.

Environmental Considerations: None

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
E 66 th St N	Secondary Arterial	100 Feet	4
N Pittsburgh Ave	Residential Collector	60 Feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG	Rural Residential/Agricultural	N/A	Vacant
South	AG	Rural Residential/Agricultural	N/A	Vacant/Hwy 75
East	AG	Rural Residential/Agricultural	N/A	Vacant/Single-Family/Hwy 75
West	AG	Rural Residential/Agricultural	N/A	Vacant/Single-Family

SECTION III: Relevant Zoning History

History: CZ-535

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

Surrounding Property:

CBOA-351 April 1983: The Board of Adjustment **approved** a *Variance* to permit two dwelling units (2 mobile homes) per lot of record, on property located at South of the SE corner of 76th Street North and Pittsburg Avenue.

Staff Comments:

Staff stated there has been an additional application filed for a Planned Unit Development (PUD) that will provide standard language that will define the allowed uses. He stated it will provide some architectural controls and be a more thoughtful and complete application with the PUD. Staff stated the earliest meeting date to hear this PUD is January 4, 2023 to allow all the legal requirements to be met with notices and signs. He stated the applicant continuance is being requested to move the zoning request and the Comprehensive Plan Amendment to the same meeting as the PUD, January 4, 2023, so that they can all be heard together.

TMAPC Comments:

Mr. Covey stated items 4 and 5 have been continued 4 times previously and this will be the 5th time. He stated there has been 1 continuance requested by Staff, one continuance requested by Mr. Craddock, and 2 continuances requested by the Applicant. He stated the second Applicant continuance was because they had hired legal representation. Mr. Covey stated the current continuance was being requested by the applicant.

Staff stated "yes."

Mr. Covey asked if items 4 and 5 were heard today, and he does not know what the vote would be, but if heard these today and was approved there is the possibility that the applicant could withdraw the PUD before the January 4, 2023 meeting.

Staff stated that is correct.

Mr. Covey stated it sounds like the PUD is actually going to incorporate things that the neighbors want.

Staff stated he cannot speak to what the conversations have been with the neighborhood because he has not been involved with those but yes if this is heard today, and it passed without that PUD, the applicant could then move forward to the Board of County Commission and they would decide based on the straight zoning.

Mr. Covey stated by continuing these items to January 4, 2023 and hearing them with the PUD they will be all approved or all rejected.

Staff stated Planning Commission could also modify it as part of the review.

Mr. Covey stated he wanted to point out the risks of going forward not knowing what the vote would be today. He stated if this went forward and the vote was no today on both items 4 and 5, there is not a need for the PUD, it will be dismissed.

Staff stated if it is denied he would expect the applicant to appeal that decision to the Board of County Commission. He stated if approved it is not likely the PUD would move forward.

Interested Parties:

Tom McCoy 7590 North Harvard, Sperry Oklahoma

Mr. McCoy stated he thinks he understands Mr. Covey's point with respect to the risk of hearing 4 and 5 today. He stated what he is interested in hearing is number 5, the Future Land Use. Mr. McCoy asked if the Commission would entertain an offer to hear only number 5. He stated if the Commission wishes to hear 4 and 5 together they would not be opposed to the January 4, 2023 continuance.

Jack Van 3914 East 76th Street North,

Mr. Van stated since he is only allowed to speak on the continuance he does not have much to say. He stated he has lived in the area 30 years and he is completely against this application. Mr. Van stated there is an industrial area across the street.

Mr. Covey asked Ms. VanValkenburgh, City Legal if the Comprehensive Plan Amendment, which is item 5 on the agenda, would require a certain number of votes to pass instead of a majority and does Planning Commission have the necessary votes to do that today.

Ms. VanValkenburgh stated the Commission would need 6 affirmative votes to amend the Comprehensive Plan.

Mr. Covey stated he feels sympathy toward the neighbors who have had to come down here 4 times and now we are going to make them come down here a fifth time. He stated he understands Mr. McCoy's argument about hearing just item 5. Mr. Covey stated he would rather hear all 3 cases together but he is certainly sympathetic to their plight. He stated If he were them he would not be happy either. Mr. Covey stated not knowing how the vote is going to go he believes it would be in the neighborhoods best interest to hear them all together.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 6 members present:

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

PUBLIC HEARING-COMPREHENSIVE PLAN AMENDMENTS

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

5. **TCCP-11 John Parks** (County) Location: Northwest of intersection of Highway 75 and East 66th Street North requesting a land use amendment from **Rural Residential/Agriculture to Industrial** (related to CZ-535) (Continued from September 7, 2022, September 21, 2022, October 5, 2022 and November 2, 2022) **Staff requests a continuance to January 4, 2023**

STAFF RECOMMENDATION:

**TMAPC Staff Report
TCCP-11
County Comprehensive Plan Amendment**

Property Information and Land Use Request

The subject property is approximately 187-acre, unplatted tract of land located northwest of the intersection of Highway 75 and East 66th Street North. The applicant has submitted the following Comprehensive Plan amendment request to amend the land use designation of the of the subject property from *Rural Residential/ Agricultural* to *Industrial*. This request is accompanied by a concurrent rezoning request (CZ-535), which proposes a zoning change on the subject tract from AG to IL in order to allow an industrial use for an industrial park.

Background

The parcel subject to this Comprehensive Plan amendment request is located within the area of Turley and abuts AG (Agricultural) zoning and to the north, south, east, and west. The Turley area extends to the east beyond the subject parcel to Highway 75 and to the north beyond the subject parcel to 76th Street North. The Major Street and Highway Plan designates East 66th Street North as a Secondary Arterial and North Pittsburg Avenue as a Residential Collector.

The land use of the subject property was designated as Rural Residential/Agricultural in the Tulsa County Comprehensive Land Use Plan, which was adopted November 18, 2020, (Resolution 2830:1020) by Tulsa Metropolitan Area Planning Commission and approved by the Board of County Commissioners on December 7, 2020.

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

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

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

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

The **Industrial** designation is defined in the Tulsa County Land Use Plan as follows: The Industrial land use category is designed to accommodate industrial uses as well as wholesaling, warehousing, and distribution facilities, which tend to require large buildings and generate more large-truck traffic than other types of land uses.

The area surrounding the subject property west of Highway 75, within the area of Turley, has only agricultural zoning with a Rural Residential/Agricultural land use designation. However, there are several parcels zoned as Industrial in an area immediately east of Highway 75. This area extends from East 76th Street North to south of East 66th Street North and from Highway 75 on the west nearly to North Memorial Drive in the northeast. There are already several existing industrial businesses operating in this area just across Highway 75 from the subject area. Rezoning the subject area to Industrial would not be inconsistent with development already occurring in the vicinity.

Zoning and Surrounding Uses

Location	Existing Zoning	Existing Land Use Designation	Existing Use
N	AG	Agricultural	Vacant/Agricultural
S	AG	Agricultural	Agricultural
E	AG	Agricultural	Agricultural
W	AG	Agricultural	Vacant/Agricultural

Applicant's Justification

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

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

The applicant submitted the following responses:

Justification of Request

"The subject property has been idle for its entire existence as far back as I personally can remember, aside from a small oil and gas production facility that no longer exist. The subject property is a well-known and highly desirable highway frontage that sits adjacent to Highway 75 and west of the highly popular and well known existing Cherokee Industrial Park. The surrounding properties in this particular area, as of late has adjusted to accommodate the vast growing needs that continue to fill the industrial footprint that is within the boundaries of Cherokee Industrial Park. While the subject property lies on the west edge of the Cherokee Industrial Park, there is no doubt that the expansion of the requested entitlements for the subject property as well as the surrounding properties

on the west side of highway 75 will be needed to maintain the areas potential growth and viability as being an attractive area for future large-scale job creating industrial and Commercial tenants. The area wide conditions are more favorable to the westward expansion of the industrial market and will be less intrusive to the neighboring residents and accommodating to developing industries on the vast amounts of unused agriculture land that is sitting idle at this time.

The ever-expanding need for commercial and industrial in the area is outpacing available property, so the need to expand the industrial footprint is needed for Tulsa County to keep expanding its horizons in these areas and express its availability to attract high profile tenants. The current rate of development and the need for commercial and industrial property in Tulsa County remains at a critically low level at this current time, so making the requested amendments to a property such as the subject area property will only help Tulsa County alleviate the vacancy pressures and strengthen the tax revenue, as well as increased and higher wage paying jobs. By granting the requested changes these amenities can be brought to the area to help it continue to flourish in the commercial and industrial markets.

The subject area lies in a highly beneficial corridor that will attract high end tenants due to the proximity to Tulsa proper as well as its alignment to Highway 75 frontage. Being able to attract high profile corporations to the area will not only bring hundreds if not over a thousand top wage job positions to the area it will increase the quality of life to an area which is still in need of overall social and economic benefits. The subject area property would help contribute to a long-standing use of increased taxes purposed for the county as well as creating an even more attractive landscape for the other available properties in the area to supply buildable acreage to developers so that Tulsa can become a premier attraction for large scale commercial and industrial tenants.”

Additional Information provided by the applicant:

“Tetra OK Holdings LLC, a local development and consulting firm and its Development Partners have assembled a design concept in an attempt to orchestrate a newly revised rezoning and redevelopment plan for the Bird Creek Industrial Park Site. Tetra OK Holding LLC and its Development partners has collaborated with a host of business professionals,

community stake holders, community outreach organizations to assist in addressing the needs and concerns of the community. Together with community input, and our team of professionals we will be transforming Bird Creek Industrial Park (approximately 185.7 acres of space) into a revenue producing asset to the area.

Over the past six months there has been several design concepts to redevelop the Bird Creek Industrial Park into a different economic engine that could increase tax base to the City of Tulsa or Unincorporated areas of Tulsa County. After the first concepts considering a full residential development, we quickly found that this was not in the best interest of the community or its surrounding neighbors. The new plan for redevelopment includes a gorgeous water feature dedicated sanctuary where local residents and local workers can enjoy its green space amenities. Amenities which include reflection ponds with shaded walking paths spanning the development.

Spanning the frontage road along the Pittsburgh Avenue exposure of the development, will include a beautifully landscaped frontage, boarding proposed restaurant and retail buildings. The expected tenant mix includes restaurants, banks, Coffee shops, and other Miscellaneous facilities. Boarding the Northern portion of the site parallel to interstate 75 will be a proposed Two large 750 sf warehouse facilities sitting on 100 acres with roads and landscaping throughout. These warehouse facilities will be a welcome complement to the existing commercial and industrial park east of our location.

On the remaining 58 Acres surrounded by all of the above listed facilities and green space development will be other smaller Commercial and industrial warehousing district. This district will be constructed to house Multiple vendors and vendor products as well as space for possible manufacturing facilities.

Tetra and Its Partners are dedicated and understand that a development of this magnitude requires a well-planned and designed infrastructure system. This system will include an elaborate traffic lighting system with up-to-date technology. The site itself will include a energy saving platform and design that will allow its tenants to enjoy large savings on their operating cost. The external and internal digital revolution in motion and technology will include multi-functional designs, renewable energies from solar and water.

This dynamic development plan is prepared and poised to bring hundreds if not thousands of short- and long-term sustainable employment opportunities and benefits, including tax relief to governing bodies and community residents. Tetra and its Development partners are totally committed to working with Local contractors and local workforces. Tetra will be actively seeking a welcomed partnership within the commercial environment. Tetra understands that keeping community assets (through deposits) within the community makes the partnership a very important tool for a development of this magnitude.

Tetra and its Partners, considers it paramount in developing a comprehensive project plan that will attract and retain both growing and established environmentally friendly businesses. Tetra and its Partners conceptualizes plans that includes companies that are property owners or leasers operating in an eco-industrial park, mixed use, sustainable, environmentally friendly Plan Unit Development.”

Staff Summary & Recommendation

The applicant is requesting an amendment to the land use designation from Rural Residential Agricultural to Industrial for the entire site. It is staff's recommendation to respect the current land use designation around the perimeter of the subject tract with a generous buffer separating proposed industrial uses from abutting property owners west and north of the subject property.

The zoning code allows two options to provide transition guidelines between the applicants request and abutting property owners. 1) Rezoning request could include a Planned Unit Development that provides use and design limitations between new industrial development and the existing agricultural properties. 2) The zoning boundary could be significantly set back in an effort to allow some level of confidence that industrial development would not significantly adversely affect abutting properties that are currently considered agricultural and residential uses. The applicant has submitted a concurrent request to rezone the property from Agricultural to Industrial (CZ-535).

This site was included in the Tulsa County Land use map study that was adopted in 2020. The conditions east of the subject site across Highway 75 have changed with recent industrial growth beyond what was anticipated at that time. The proposed rezoning associated with this comprehensive plan amendment will increase an opportunity for industrial development to extend west of Highway 75. The existing industrial park located east of Highway 75 has provided employment

and manufacturing jobs for Tulsa County and this land use change opens an opportunity to use the existing highway and utility infrastructure in the area for further industrial development. Private residential properties exist abutting the subject property to the North, West, and Southwest.

Staff recommends **approval** of the Industrial land use designation as requested except the west 200 feet of the north 2640 feet +/- of the subject tract should remain Rural Residential/Agricultural to serve as a natural buffer-zone between this site and adjacent residential properties west and north of the northwest corner of the subject tract.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **WALKER**, the TMAPC voted 6-0-0 (Bayles, Covey, Craddock, Shivel, Walker, Zalk, "aye"; no "nays"; none "abstaining"; Carr, Kimbrel, Krug, Reeds, Whitlock, "absent") to **CONTINUE** Item 5 to January 4, 2023.

OTHER BUSINESS

6. Commissioners' Comments

None

ADJOURN

TMAPC Action; 6 members present:

On **MOTION** of **WALKER**, the TMAPC voted 6-0-0 (Bayles, Covey, Craddock, Shivel, Walker, Zalk, “aye”; no “nays”; none “abstaining”; Carr, Kimbrel, Krug, Reeds, Whitlock, “absent”) to **ADJOURN** TMAPC meeting of December 21, 2022, Meeting No. 2880.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 1:22 p.m.

Date Approved:

Chair

ATTEST: _____

Secretary