

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2884

Wednesday, February 15, 2023, 1:00 p.m.
City Council Chamber
One Technology Center – 175 E. 2nd Street, 2nd Floor

Members Present	Members Absent	Staff Present	Others Present
Carr (Ewing)	Bayles	Foster	Jordan, COT
Covey	Krug	Hoyt	Silman, COT
Craddock	Whitlock	Miller	Stephens, Jeff, Legal
Hood	Zalk	Sawyer	VanValkenburgh, Legal
Shivel		Siers	
Walker		Wilkerson	

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday February 9, 2023 at 4:36 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:

Mr. Covey welcomed Shane Hood to the Planning Commission. He also introduced Blake Ewing who was the alternate appointee for the Mayor’s Office in Commissioner Carr’s absence.

Director’s Report:

None

Minutes:

1. Minutes of February 1, 2023 Meeting No. 2883

Approval of the Minutes of **February 1, 2023 Meeting No. 2883**

TMAPC Action; 6 members present:

On **MOTION** of **WALKER**, the TMAPC voted 6-0-0(Covey, Craddock, Ewing, Hood, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Bayles, Krug, Whitlock, Zalk, “absent”) to **APPROVE** the minutes of **February 1, 2023 Meeting No. 2883**

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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.

2. **PUD-559-3/Z-5888-SP-1c C. Joseph Watt** (CD 7) Location: North of the northeast corner of East 91st Street South and South Mingo Road requesting a **PUD Minor Amendment and Corridor Minor Amendment** to combine part of development area B and C and name the development area C.1, clarify uses allowed in the combined development area and confirm that development will conform to current zoning code supplemental standards and regulations in a CO district. (Continued from January 18, 2023 and February 1, 2023)

STAFF RECOMMENDATION:

SECTION I: **CONCEPT STATEMENT**

PUD-559-3 and Z-5888-SP-1c Minor Amendment

Amendment Request: The applicant has submitted a minor amendment application for the PUD and Corridor site plan. The request is limited to a reconfiguration of development area boundaries and providing clarity on the uses allowed across the combined development area.

For the purposes of this staff report the combined development area will be called Development Area C.1 and the development standards outlined below will replace all of the standards outlined in the original PUD-559 and Z-5888-SP-1

The subject property is split with two development plan areas outlined in PUD 559. Previous modifications to the surrounding areas in the original PUD have not changed the original supplemental development standards or uses allowed.

The remnant standards in PUD 559 and Z-5888-SP-1 allowed multi-family and office uses in the north portion of the subject tract that was included in Development Area B. The applicant proposes an amendment to the PUD and corridor site plan to clarify that a mental health facility (considered a hospital in the current zoning code) is allowed and will be allowed for the entirety of the subject tract (Development Area C.1).

Staff Comment: This request can be considered a Minor Amendment as outlined by Section 30.010.1.2.c) (15) (1) (9) of the City of Tulsa Zoning Code and by Section 25.040.E.5 of the City of Tulsa Zoning Code.

“Changes in an approved use to another use may be permitted, provided the underlying zoning on the particular site within the PUD would otherwise permit such use as of right and the proposed use will not result in any increase of incompatibility with the present and future use of nearby properties.” (The underlying zoning is CO and it appears the hospital, office and other uses outlined in Section II below are included in the original approvals)

“Adjustment of internal development area boundaries, provided the allocation of land to particular uses and the relationship of uses within the project are not substantially altered.”

“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.”

Minor amendments to an approved corridor development plan may be authorized by the Planning Commission, which may direct the processing of an amended development plan and subdivision plat, incorporating such changes, so long as substantial compliance is maintained with the approved development plan. “

SECTION II: MINOR AMENDMENT PUD-559-3 and Z-5888-SP-1C
DEVELOPMENT STANDARDS (Development area C.1)

Development shall conform to the supplemental use regulations in a CO district. All standards for parking design, signage in a corridor district, lighting, landscaping, and screening requirements will need to meet or exceed the standards in the current City of Tulsa Zoning Code.

Net Land Area Development Area C.1: 8.26 acres

Permitted uses Categories, Subcategories and Specific Uses:

PUBLIC, CIVIC AND INSTITUTIONAL – Limited to the subcategories listed below.

- Government Service or Similar Functions
- Hospital
- Day Care

COMMERCIAL

- Office (includes all subcategories)

MAXIMUM BUILDING COVERAGE: 34.5% of net lot area

MAXIMUM BUILDING HEIGHT: 75ft

MINIMUM BUILDING SETBACKS FROM PERIMETER OF SUBJECT TRACT:

From the east boundary	25 feet
From the north boundary	25 feet
From the south boundary	25 feet
From the west boundary	25 feet

MINIMUM OFF STREET PARKING SPACES:

Uses shall not be a consideration for determining the on-site parking requirement. The subject property shall have a minimum 115 parking spaces on the subject tract.

SECTION III: Staff Recommendation

Staff has reviewed the request and determined:

- 1) PUD-559-3 and Z-5888-SP-1c is consistent with the provisions for administration and procedures of a PUD in section 30.010-H and of a corridor development plan in section 25.040.E.5.
- 2) PUD-559-3 and Z-5888-SP-1c does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-559 and Z-5888-SP-1.
- 3) The minor amendment will not affect any of the remnant parts of PUD 559 and Z-5888-SP-1

With considerations listed above, staff recommends **approval** of the minor amendment as outlined in Section II to combine two development areas and clarify allowed uses and update development standards.

Legal Description for PUD-559-3/Z-5888-SP-1c:

Tract 1:

Legal: PRT SW BEG 1405.50N SWC SW TH E50 CRV LF 46.96 SE130
SE150.72 E546.79 CRV RT 148.07 CRV LF 46.45 CRV LF 59.79 N246.09
W1105.24 S APR 230.42 POB LESS W24.75 THEREOF FOR RD & LESS BEG
APROX 1635.92N & 741.44E SWC SW TH E388.42 S246.09 CRV RT 59.79
CRV RT 46.45 CRV LF 148.07 W189.99 N TO POB SEC 18 18 14 4.208ACS
Section: 18 Township: 18 Range: 14

Tract 2:

Legal: BEG 730.89S NWC GOV LT 3 TH E1135.11 S273.68 W1135.24 N273.68
POB LESS W24.75 THEREOF FOR RD & LESS BEG 730.89S & 741.44E NWC
GOV LT3 TH E418.42 S273.63 W APR 418.42 N APR 273.63 POB SEC 18 18
14 4.348ACS
Section: 18 Township: 18 Range: 14

3. **PUD-397-B-4 AAB Engineering, LLC** (CD 7) Location: South and east of the southeast corner of East 61st Street South and South Memorial Drive requesting a **PUD Minor Amendment** to remove the previous staff recommendation requirements that a cul-de-sac or other turn around shall be provided within the boundaries of PUD-397-B to allow traffic approaching outside the gate at the northeast corner to turn around.

STAFF RECOMMENDATION:

SECTION I: PUD-397-B-4 Minor Amendment

Amendment Request: PUD minor amendment to remove the previous staff recommendation requirements that a cul-de-sac or other turn around shall be provided within the boundaries of PUD-397-B to allow traffic approaching outside the gate at the NE corner to turn around.

The PUD went through a minor amendment in 2017. Within the staff report for that amendment, it states "that a cul-de-sac or other turn around should be provided within the boundaries of the PUD". The applicant today wants to remove that requirement.

Staff Comment: This request can be considered a Minor Amendment as outlined by Section 30.010.1.2.c(5) of the City of Tulsa Zoning Code:

Modification of the internal circulation system, provided the system is not substantially altered in design, configuration or location;

Staff has reviewed the request and determined:

- 1) PUD-397-B-4 is consistent with the provisions for administration and procedures of a PUD in section 30.010-H.

- 2) PUD-397-B-4 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-397-B
- 3) All remaining development standards defined in PUD-397-B and previous amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the PUD minor amendment to remove the previous staff recommendation requirements that a cul-de-sac or other turn around shall be provided within the boundaries of PUD-397-B to allow traffic approaching outside the gate at the NE corner to turn around.

Legal Description for PUD-397-B-4:

Exhibit A

A TRACT OF LAND THAT IS PART OF THE NW/4 OF THE NE/4 OF SECTION 1, T-18-N, R-13-E, OF THE INDIAN BASE AND MERIDIAN, CITY OF TULSA, TULSA COUNTY, OKLAHOMA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT ON THE EASTERLY LINE OF SAID NW/4 OF THE NE/4, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 1, BLOCK 3, "WOODLAND VALLEY OFFICE PARK", A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, OKLAHOMA; THENCE SOUTH 01°21'05" EAST ALONG SAID EASTERLY LINE FOR 483.46' TO A POINT, SAID POINT BEING THE NORTHEAST CORNER OF LOT 1 IN BLOCK 6 OF "BLOCKS 4, 5 AND 6 OF GLENEAGLES", SAID POINT ALSO BEING THE SOUTHEAST CORNER OF THE NW/4 OF THE NE/4; THENCE SOUTH 88°31'21" WEST ALONG THE NORTHERLY LINE OF SAID LOT 1 AND THE SOUTHERLY LINE OF THE NW/4 OF THE NE/4 FOR 650.00' TO A POINT THAT IS THE NORTHWEST CORNER OF SAID LOT 1, SAID POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH 90TH EAST AVENUE; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE AS FOLLOWS: NORTH 01°28'39" WEST FOR 310.00' TO A POINT OF CURVE; THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 31°42'40" AND A RADIUS OF 330.00' FOR 182.64' TO A POINT, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF BLOCK 2 OF SAID "WOODLAND VALLEY OFFICE PARK"; THENCE NORTH 88°31'21" EAST ALONG THE SOUTHERLY LINE OF SAID BLOCK 2 FOR 700.33' TO THE "POINT OF BEGINNING" OF SAID TRACT OF LAND.

SAID PARCEL CONTAINS 317,266 SQUARE FEET OR 7.28 ACRES.

TMAPC Action; 6 members present:

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

PUBLIC HEARING - PLATS

- 4. Saint Francis Hospital South** (CD 7) Request for Accelerated Release of Building Permits, Location: Northeast corner of East 91st Street South and Highway 169 (Continued from January 18, 2023 and February 1, 2023)

STAFF RECOMMENDATION:

ACCELERATED RELEASE OF BUILDING PERMIT

Saint Francis Hospital South - (CD 7)

Northeast corner of East 91st Street South and Highway 169

The subject property is required to obtain full compliance with the Subdivision & Development Regulations due to a rezoning to PUD-586-A that occurred in December of 2001. A portion of the property was platted following the original approval, but the remainder of the tract is still subject to the platting requirements in the Tulsa Zoning Code Section 70.080.

The applicant has requested that the Planning Commission authorize the City of Tulsa to issue building permits prior to the filing of a final plat. The *Subdivision & Development Regulations* require the approval of a preliminary plat prior to authorization for an accelerated release of building permits. The preliminary plat for this project was approved on April 6, 2022.

The project is seeking to abandon and reconfigure existing public infrastructure that impacts that site. The abandonment of certain public infrastructure will include the closure and vacation of existing public utility easements that impact the project site. No construction will be permitted within the existing easements until closure of the easements has been completed. If approved, this application would allow work to begin on portions of the project that exist within the previously unplatted areas while the process to close and vacate existing easements continues. Closed easements will be depicted on the final plat. Any easements that have completed the vacation process will be removed from the final plat.

The Technical Advisory Committee met on January 5, 2023 and had no objections to the authorization for accelerated release of building permits.

If approved, this authorization only removes the requirement that the final plat be filed prior to building permits being issued. All other codes and requirements of the City of Tulsa remain in place.

Staff recommends **approval** of the accelerated release of a building permit with the following conditions:

1. If an accelerated release is approved, no final inspection of buildings or structures may occur, and no certificate of occupancy may be issued until a final plat for the subject property has been approved and recorded.

Staff has determined that circumstances related to the subject property reasonably preclude the future use or improvement of the area for which dedication of right-of-way and easements would be required and recommend TMAPC include these findings to defer those dedications to the final plat.

TMAPC Action; 6 members present:

On **MOTION** of **CRADDOCK**, the TMAPC voted 6-0-0(Covey, Craddock, Ewing, Hood, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Bayles, Krug, Whitlock, Zalk, “absent”) to **CONTINUE** Item 4 to March 1, 2023.

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5. **City Lights** (CD 1) Preliminary Plat, Location: East of the southeast corner of East 46th Street North and North Peoria Avenue (Continued from February 1, 2023)

STAFF RECOMMENDATION:

PRELIMINARY SUBDIVISION PLAT

City Lights - (CD 1)

East of the southeast corner of East 46th Street North and North Peoria Avenue

This plat consists of 2 lots, 2 blocks on 22.44 ± acres.

The Technical Advisory Committee (TAC) met on January 19th and provided the following conditions:

1. **Zoning:** The property is currently zoned RS-3 and RM-2. Proposed lots conform to the requirements of the underlying zoning districts.
2. **Addressing:** City of Tulsa addresses and street names must be assigned and affixed to the face of the final plat along with the address disclaimer. Ensure addresses match assignments given by City of Tulsa.
3. **Transportation & Traffic:** IDP approval is required for proposed new streets, sidewalks, ADA ramps, and other improvements in the public right-of-way. Provide public street names on the face of the plat.
4. **Sewer:** IDP approval is required for sanitary sewer main extensions to serve the subdivision. Label and dimension easements, both existing and those being dedicated by the plat. Any offsite easements to cover public infrastructure extensions required by this project are required to be filed and

reflected on the face of the plat.

5. **Water:** IDP approval is required for water main extensions to serve the subdivision. Label and dimension easements, both existing and those being dedicated by the plat. Any offsite easements to cover public infrastructure extensions required by this project are required to be filed and reflected on the face of the plat.
6. **Engineering Graphics:** Submit subdivision control sheet with final plat. Remove contours from final plat submittal. Add "City of Tulsa" before Tulsa County in the plat subtitle. Update location map to include platted boundaries and label all other areas as unplatted. Include coordinate system used under Basis of Bearing heading and provide a bearing angle shown on the face of the plat. Graphically show all pins found or set associated with the plat. Provide date of last site visit by the surveyor.
8. **Stormwater, Drainage, & Floodplain:** IDP approval for public storm sewer improvements is required prior to final plat approval. No floodplain on-site.
9. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

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

Interested Parties:

TMAPC Comments:

Mr. Ewing asked if Planning Commission was evaluating whether or not the plat is compliant with the regulations.

Staff stated "yes".

Mr. Ewing stated it is not a question of whether or not this is a good development or bad development it is a technical question.

Staff stated "that's correct," at its core it is a review of lot configurations, infrastructure and the development of the site. He stated it includes building permits, use determinations, and everything else that would have to happen before anything could be constructed. Staff stated the plat would still have to go through all the procedures that include use determinations and meet building code requirements but that isn't what is being considered in this application. He stated what is being considered in this application is whether or not the lots and the infrastructure comply with the regulations and Staff has found that they do and recommended approval.

Mr. Ewing asked if Planning Commission should disagree with professional Staff about whether or not this plat complies does it go to the City Council for them to weigh in.

Staff stated if Planning Commission were to deny the subdivision plat the opportunity for an appeal would go directly to District Court. He stated in that appeal, they would have to say where an error was made by the Planning Commission or others in making that decision. Staff stated a preliminary plat is like a rough draft and it is staffs opportunity to look at the layouts and make comments. If the applicant comes back with a final plat later to address any of those comments it goes to the City Council and to the Mayor for a signature that is simply an acceptance by the City of Tulsa of those rights-of-way and easements and any other dedications that are happening on the plat. He stated even when the plat arrives to the City Council and the Mayor it is not them being discretionary of whether they want to approve it or not, it is them accepting those dedications on behalf of the City of Tulsa.

Mr. Ewing stated to be clear, there is about an hour and a half of speakers on this item and he assumes that some of the speakers are opposing this project and they are going to stand up and ask this Planning Commission to vote no hoping that that keeps this project from happening but what staff is saying is even if this group votes no that this plat is not compliant with regulations, which would be a disagreement with professional staff. He stated the application could then be appealed to a judge for a determination of whether or not Planning Commissions no vote was based on compliance with the regulations.

Staff stated it would go to a judge if the property owner decided to appeal it to a judge. But he thinks a more likely scenario would be they would pursue this without a plat at that point in time because it's not required that they plat the property

Mr. Ewing stated so there's nothing keeping this applicant from developing any kind of multifamily housing on the RM lot.

Staff stated if a proposal on this site is deemed by the Building Permit Office to be strictly multifamily housing, as described in our Zoning Code, be it apartments and condos or otherwise, that's a use that is permitted by right on this property and would be allowed to move forward even without a subdivision plat. They would have a lot of dedications and infrastructure work to do, but it wouldn't have to be done with a subdivision plat.

Mr. Ewing stated he wanted to understand the responsibilities that they have as Commissioners to base the decisions that they make not on external pieces of information, but on facts. He stated this is not a subjective question necessarily, they are determining whether or not this plat is compliant with clearly stated regulations.

Staff stated “correct,” this is a compliance review for Subdivision Regulations and the Zoning Code. He stated he has tried to communicate that to anyone who talked to him going back to before the previous continuance on this item that this isn't a discretionary application. He stated it is not a zoning change, like we see so often at these boards and people are very familiar with because in a zoning application as we just witnessed, you are talking about the appropriateness of the use, you're talking about whether it should be allowed where they're proposing it in this instance, there is roughly 10 acres of land that is already zoned for Multifamily Residential and can be used for Multifamily Residential without any additional approvals. It's just a matter of whether we want to let them cleanly set the property up with infrastructure or make them jump through a few more hoops to get that infrastructure taken care of.

Mr. Craddock stated it is always helpful to educate ourselves. He stated Planning Commission is a group that decides if an application is good or bad and he thinks the public does rely on them to look at things. Mr. Craddock stated one of the main reasons he pushed for a continuance last meeting was he felt that the people impacted needed to be heard at a higher level and he felt that was not happening. He stated he appreciate the information but he thinks Planning Commission is fully aware of the Preliminary Plat and what it is and what it's not.

Applicant Comments:

Lou Reynolds 2727 East 21st Street, Tulsa, OK 74114

Mr. Reynolds stated he represents City Lights and their Executive Director Sarah Grounds is here. He stated what is before Commissioners today is an application for a Preliminary Plat. He stated staff did a good job of saying this is an administrative decision and Planning Commissioners decision is does this plat comply with the Comprehensive Plan. Mr. Reynolds stated this Preliminary Plat has been looked at by the Development Services Department at the City of Tulsa and it's been looked at by the Technical Advisory Committee. He stated this plat has complied with all rules, regulations and codes and procedurally speaking all the notice that was required for this type of application was given. He stated besides the required notice there is documentation that more notice was given in the last two weeks. Mr. Reynolds stated no one has made an attempt to hide this project. He stated this application is recommended for approval by staff and he respectfully requests Commissioners approve this application.

Councilor Vanessa Hall Harper (submitted letter read by Councilor Lori Decter Wright) 175 E 2nd Street, Tulsa, OK 74103

City Councilor Decter Wright read a letter from District 1 City Councilor Vanessa Hall Harper. Councilor Hall Harper apologized to constituents for not being present in person for this meeting and stated she was on a business trip that was planned well before she learned about the meeting today. She stated she understands and appreciates the concerns of the community related to the City

Lights project. Ms. Hall Harper stated all projects will have those who support and those who do not support it and she respects everyone and their right to disagree with the City Lights Village affordable housing project. She stated this is a project that she supports for District 1 for several reasons. Ms. Hall Harper stated most are fully aware of the affordable housing crisis that the nation, city and neighborhoods are experiencing and two years ago she had the very unique opportunity to visit and spend the night at a similar housing project in Austin, Texas, before COVID hit. She stated she knows by experience that the fears some citizens have about the project are certainly understandable but not warranted. The City Lights Village affordable housing project is a secured gated community with cameras much like a secured Homeowners Association. Ms. Hall Harper stated this community will be one of the safest in the city. Residents must be vetted for the program and accepted, they must be the right fit for the project and ready to live in the community. Residents must sign a lease agreeing to comply with the established rules. She stated this is not free housing and residents must have an income and pay the monthly \$400 rent to reside in the village. Ms. Hall Harper stated she has heard several negative terms used to describe this affordable housing project like homeless encampment shacks, or shanty houses but she thinks that nothing could be further from the truth. She stated it's 400 square feet with one bedroom and there will be three of those units in each triplex. Ms. Hall Harper stated each residence will be a fully furnished affordable unit with all amenities much like a studio apartment. This project is a scaled down version of the Community First Village in Austin, Texas and Councilor Hall Harper encourages folks to look at their YouTube videos to better understand that model. She stated even with the best of intentions and a solid project plan she understands the importance of engaging with neighbors who can be impacted by the project so she has personally worked with City Light Staff and have walked the neighborhood three times knocking and engaging with neighbor's face to face, who live next door and in the immediate neighborhood across 46th Street. Ms. Hall Harper stated they were able to engage with about 85 residents thus far and she can say without hesitation that after explaining what the project for affordable housing is and what it is not the neighbors were overwhelmingly supportive of it. She stated of the residents they spoke with only three were adamantly opposed to the project and refuse to engage whatsoever. Everyone else were very appreciative of being informed and understood the need for the affordable housing projects. We will continue to engage with neighbors and ensure that questions and concerns are addressed now and in the future, Respectfully Vanessa Hall Harper District 1 City Councilor.

Councilor Lori Decter Wright 175 E 2nd Street, Tulsa, OK 74103

Councilor Decter Wright stated she traveled with Councilor Hall Harper to Austin to visit with the Community First project in Austin, Texas of which the subject development is modeled and she just wants to say that this is the planning process. She stated the zoning is already there so at this point they can either choose to streamline the process or put the developer through a series of extended back and forth to get it done but either way the plan in place. Councilor

Decter Wright stated she has heard some comments about putting a tiny home village somewhere else and there are plans to do that in District 4. She stated in her District 7 they don't have 23 acres zoned multi-family but they do have hotels that they are rezoning for housing. Councilor Decter Wright stated it's going to take a community response to solve the housing crisis and this is one solution in one part of town. She stated she supports City Lights, they are local, they do the work that a lot of people don't want to do, they serve the community that needs it the most. Councilor Decter Wright stated she knows they will be good faith partners to the neighbors.

Dr. Lana Turner Addison 2426 West Oklahoma Street, Tulsa, OK 74127

Dr. Turner Addison thanked Commissioners for their service and for allowing her to speak. She stated the North Tulsa Economic Development Initiative and others in the community are advocating for North Tulsa quality of life enhancements in North Tulsa. Dr. Turner Addison stated they have raised their families and invested their time and hard work in hopes that they will built a better future for the North Tulsa community. She stated this development is hurtful to our community and it demonstrates that the City officials are not listening to what the community desires. Nonetheless, they remain full of hope and will continue to believe that brighter days are coming. Dr. Turner Addison stated they have hope through recent endeavors; from Envision Comanche, NTEDi Peoria Connection project, Alfresco Development, and the 36th North Corridor. She stated the City Lights Project will set the North Tulsa Community back, by discouraging future development in the area. She stated it is their recommendation that City Lights Foundation, look at other areas of the City of Tulsa to locate. Dr. Turner Addison stated they desire the opportunity to be a part of solution in their community that promotes healthy living, wealth building, and provides a safe place to live, work and play. She stated their desire is that the north Tulsa community be attractive to new business development, particularly near 46th Street North and North Peoria and the request by the applicant on behalf of City Lights Foundation does nothing to support the desires of most residents in north Tulsa. Dr. Turner Addison stated they would not have expected City officials to be in support of this application being located in the proposed area. She stated it seems like from hearing what others before her have said that the decision has already been made. Dr. Turner Addison stated and yes they want to make it harder for them to be able to stuff it down their throat. She stated they would like answers to two questions. Who truly benefits from the City Lights project being located adjacent to 46th Street North and the North Peoria; and is this in alignment with the City of Tulsa Comprehensive Plan. Dr. Turner Addison stated they would welcome the opportunity to work with others to identify suitable areas to help the homeless population in Tulsa, Oklahoma. She stated they continue to hear from people in all areas of Tulsa. We are hearing them say no repeatedly to the City Lights Foundation, tiny homes project to house homeless individuals. A representative from City Lights Foundation was requested to attend a neighborhood meeting on February 11, 2023 but refused to attend the Chamberlain Area Neighborhood meeting to hear from the community so that we had a real opportunity to ask

questions. Dr. Turner Addison stated they are concerned that if this request is approved, it will negatively stigmatize their community even further. She stated it has a high probability of creating an unsafe environment for children and area residents. Their purpose for advocating in opposition of this zoning request is in support of a North Tulsa diverse community striving to rebuild with coastal community.

Jane Malone, President of Chamberlain Area Neighbors

Ms. Malone stated during their meetings they are considerate and respectful, and attempt to bring information for the good of the group. She stated she heard about City Lights while watching the news in November. Ms. Malone stated City Lights was an entity wanting to place 75 tiny homes with 2 people to house in their neighborhood for the homeless. She stated she has called Sarah Grounds, the CEO of City Lights and asked her to meet with Chamberlain Area Neighbors as suggested by Planning Commission at the last meeting. Ms. Malone stated that Ms. Grounds told her that she would only meet with one or two because she was afraid of being attacked. She then informed Ms. Grounds that they do not attack anyone at their neighborhood meetings. She stated they do ask questions and expect truthful and honest answers. Ms. Malone stated they are trying to keep their neighborhood and community safe by having positive improvements and they welcome positive growth. She stated they do not want it in their backyard. Ms. Malone stated if Ms. Grounds wants this development she needs to put it next to her. She stated they know that the homeless or the unhoused need somewhere to stay but they could repurpose other buildings that are vacant where they would have access to needed resources. There's plenty of other land available rather than devaluing their property. Ms. Malone stated they are trying to build up our community. She stated this development should be located closer to facilities and resources to help the homeless. Ms. Malone stated she has a petition signed by 92 community people opposing this project.

Angela Chambers PO Box 6426, Tulsa, OK 74148

Ms. Chambers stated it is unfair for Planning Commission and the City of Tulsa to continue to do whatever they want to North Tulsa. She stated they are saying no and that they should have a voice. Ms. Chambers stated whether it's zoned for this type of structure or not, the neighborhood doesn't want it. She stated if approved this would be putting the homeless in a horrible situation. Ms. Chambers stated the North Tulsa community still struggles with the lack of grocery stores in the area. She stated she heard the subject development would be equipped with gates and cameras that that feels like they are building a little prison for the homeless. Ms. Chambers stated they would be moving them away from downtown where all their resources are located and then there would need to be a way to get them from 46th Street North back to downtown. She stated it is a terrible situation and this is not a good idea.

Pastor Francetta Mays 1740 West Haskell Place Tulsa, Oklahoma 74127

Pastor Mays stated she is the new associate pastor of the Vernon AME Church. She stated she is also the newly elected NAACP President. She stated economically no one's talking about what is going to be brought to an already disenfranchised community and that's the heart of the problem. Pastor Mays stated there are other areas in Tulsa that this development could go where they could substantiate this application. She stated they have the stores, they have the shops, they have the jobs, they have the transportation, they have the bus system. Pastor Mays stated North Tulsa has represented a dumping ground for the homeless community. She stated as a pastor at Vernon AME church they have fed about 700,000 homeless and would welcome this project to that area.

D'Marria Monday 6202 North Cheyenne Avenue Tulsa, OK 74126

Ms. Monday stated she would like to thank Planning Commission for taking the time to listen to the neighbors. She stated she does want to address something that was said about the zoning. She stated she wasn't able to find the square footage of what is considered multifamily, but with a one bedroom that has 400 square feet how many families are being accommodated. Ms. Monday stated she is the director of Block Builders and the president of the North Gate Neighborhood Association. She stated she is a longtime resident of North Tulsa and advocate for North Tulsa and an advocate for people experiencing homelessness. She stated she works with others to find housing solutions. Ms. Monday stated she has an entire team of people that she works with to rehab houses in North Tulsa to increase the value in neighborhoods. She stated for years North Tulsa has suffered staggering inequities. These inequities reduce their lifespans. Ms. Monday stated North Tulsa has higher unemployment rates, lower education attainment, mass incarceration rates that create the inequities that put North Tulsa at a disadvantage. Ms. Monday stated to bring additional people into a community that is already suffering is an injustice to everyone involved and it sets people up for failure. She stated she is not going to sit here and say that they don't need good and affordable housing solutions, but they need community led solutions that value the voices of the community. Ms. Monday stated the applicant needs to work with them instead of telling them that there's nothing that the neighbors can do about it. She stated there is something they can do about it and that is why they are here today and why Planning Commission is listening to them. Ms. Monday stated Commissioners have an opportunity to help shape solutions in a community where everyone can thrive. She stated don't create a community within the community because that doesn't serve anyone. She asked Commissioners to listen to the community's voice.

Miracle Cooper 4671 North Troost Avenue Tulsa, Oklahoma 74126

Ms. Cooper stated she is a homeowner and when she found out about this project her stomach just knotted up because she moved in her home when she was 19. She stated she is now 43 and have seen the area go downhill. Ms. Monday stated they don't have a lot of resources in North Tulsa. The Walgreens pharmacy on the corner of 46th Street North and Peoria Avenue has not had a pharmacist on staff in a month so residents have to travel to another store to pick

up prescriptions. She stated to go to the grocery stores you need transportation because there are only a few choices. Ms. Monday stated she doesn't have a problem with housing for homeless but there are no resources in the area to help them and it feels like a setup for failure. She stated she is against this development.

Regina Goodwin 762 North Denver Ave, Tulsa, OK 74106

Ms. Goodwin stated she is the State Representative House District 73 which is the community that is being intruded upon without communication or regard for the very folks that live there. Representative Goodwin stated at the last meeting they asked questions such as if this will be condos or apartments and how do 3 tiny homes constitute an apartment. She stated they asked will these tiny homes be located on a lot and what does that look like. She stated they did not get any answers. Representative Goodwin stated the City Lights representative had refused to meet with the community when they left the last meeting and the continuance was based on that. The community then reached out to invite City Lights to their have a community meeting. Those representatives then refused to meet with the community that had more than 100 people at a meeting and they did not show up and said they were afraid that they might be attacked. Representative Goodwin stated they only wanted to meet with the community in ones or twos. She stated the applicant also wanted the community to tour the tiny home. Representative Goodwin stated if the community had agreed to this according to the applicants schedule, they would have only met with 20 people and that does not constitute a community meeting. So, the very reason TMAPC continued this application at last meeting has not happened. She stated as it relates to the acreage, some of it has been zoned for multifamily but the rest of it has not. Representative Goodwin asked is this a setup for when the 75 homes are completed and the applicant will return to TMAPC to ask for rezoning of the rest of the land. She stated they appreciate the mission as many of the people here today work with the homeless population. They are engaged daily and trying to bring solutions to the problem but it's the location that is the issue. Representative Goodwin stated someone will say, we have to share the load, but it is not in their backyard it is in their front yard, it is always in their front yard. She stated these tiny homes are 400 square feet and cost \$55,000 and according to the people she has talked with that is a bit pricey. Representative Goodwin stated the other homes that are in the neighborhood are 1200 square feet and they are only getting \$55,000 so what will this do to the valuations of the property. She stated please don't say they are going to go up immediately because that is not what is going to happen.

Kaleb Logan 4603 North Trenton Avenue, Tulsa, OK 74106

Ms. Logan stated she lives which is directly across from the subject property. She stated directly after the community meeting that City Lights did not attend she found information in her mailbox about the project. Ms. Logan stated she understands that the zoning happened in 1970 but multifamily and tiny homes were not a thing back then and should not apply today. She stated this neighborhood has nothing to offer, they don't have sidewalks or street lights and

without those items the homeless will walk in the street that will be dark and be in danger of getting hit by a car. Ms. Logan asked how this development will benefit North Tulsa. She stated in closing any business or organization or public official, that speaks community building, but doesn't reach out to the community to build and not be trusted.

Eyon Lewis 5916 North Peoria Avenue, Tulsa, OK 74126

Ms. Lewis stated she is an insurance agent. She stated she has been in business for 8 years and tries to encourage different businesses to come into the community. Ms. Lewis stated a lot of companies will not come to North Tulsa because there's not a lot of ownership and the high crime rate in the area. She stated also everyone was afraid of gentrification but with this application they will go from low income to even lower and it will disable the community.

Myshaunna Terry 4244 North Frankfort Avenue, Tulsa, OK 74106

Ms. Terry stated she has the same concerns as everyone else. This is an underserved community and there are not a lot of businesses. She stated they love movies and sit in restaurants and those would be nice to have. Ms. Terry stated this community is not good enough for those types of developments but they are good enough for someone to say they are going to put these 75 tiny homes here to help the homeless. She stated the homeless have a responsibility just like everyone else. Ms. Terry stated a lot of them have income but if they are not paying for homes now how are they going to pay \$400 a month for this. She stated she would like to see the City encourage people to complete job or skills programs to the homeless. Ms. Terry stated pay for someone to go to VoTech and learn a skill. She stated City Lights was asked if people within the community were going to help build these homes. Ms. Terry stated the community was told by City Lights that they would hire Engineers. She stated there could be Engineers in this community that would like the job. Ms. Terry stated they want the best for their families just as everyone else does. She stated they are not opposed to people needing a place to stay but there are better equipped areas.

Byron Watson 8828 East 37th Street, Tulsa, Oklahoma 74145.

Mr. Watson stated he was there to address the subdivision plat errors and omissions contained therein. He stated there are 3 areas of concern that he wants to address. Mr. Watson stated the first one is the preliminary plat application itself. He stated the application shows the zonings sought are RS-3 and RM-2 residential structures. Mr. Watson stated what is being proposed is basically a trailer home as a mobile home and when you look at the definition of a trailer home, it is a type of structure which is built upon a metal frame consisting of wheels. He stated the model at 46th Street North and Peoria is a trailer home consisting of a metal frame and six wheels. Mr. Watson stated if you look at the community initiatives throughout North Tulsa, probably one of the oldest ones being the District 25 plan that was a part of Vision 2000 with 25 year planning increments. He stated on the map it shows that there is no plan and he will take opposition to that. Mr. Watson stated not only does this plan exist, but

also the East 36th Street North Corridor plan and The Economic Roundtable of the NAACP Chapter, which the Planning Office helped with because the community could not do any of the plans for North Tulsa down through the years without the Planning Department and TMAPC and he thanks them for their service. He stated is asking TMAPC to review the document. He stated there are misleading statements and information within this document as relates to apartments, housing, and condos. Mr. Watson stated If the applicant is seeking certain designations then they need to come to TMAPC and ask for the proper designation because what is on the property is trailer homes and the designation they are seeking does not cover trailer homes. Mr. Watson stated next is the most important component, community involvement. He stated he grew up in this community and attended school there. Mr. Watson stated he owns his own business, Watson and Associates, a transaction brokerage firm specializing in building relationships and that is what this board is about. He asks that TMAPC review the document and he is asking for a year extension so that the community can be involved and become partakers in the growth of this community.

Scott Phillips 4343 North Peoria Avenue, Tulsa, OK

Mr. Phillips stated he is the manager of the Green Country Qualified Opportunity Fund, a qualified opportunity fund chartered under Federal Opportunity Zone guidelines. He stated he is here today because they own close to 30 continuous acres immediately adjacent to the proposed development. Mr. Phillips stated City Lights wants the residents to believe they are providing the homeless with the American dream, a porch, a yard and a white picket fence just on a smaller scale. He stated this certainly sounds idyllic but it is the same bill of goods sold to returning servicemen after WWII, the only difference is that today they know that single family suburbia is a failure. Mr. Phillips stated cities are breaking under the strain of too much infrastructure per capita, and the idyllic image of a porch, a yard and a white picket fence is the reason. He stated it is easy to think that any and all efforts to house the homeless are good. The problem is instead of asking how they should house homeless people they should be asking why is our city failing these folks, and how do we build a city that works for them. Mr. Phillips stated in answering these questions, it's easy to see the real problems are that Tulsa is a car centric city where car ownership is all but required. He stated and there is not have enough housing. Mr. Phillips stated a constricted housing stock artificially inflates housing costs and pricing marginalized folks out of the market, and inadequate public transit significantly restricts their job opportunities. Mr. Phillips asked how we build a city that works for everyone. He stated they must strategically build significantly more housing in a mixed use, mixed income setting where people can live, work, and play and realize that it can't happen city wide overnight. Mr. Phillips stated NIMBYism makes doing this all but impossible, so it is imperative that they are laser focused and strategic in where and how they do this. He stated in the square mile bounded by 36th & 46th Street North, between Peoria and Lewis there is the Peoria BRT, the unprecedented volume of undeveloped land, the fact that the entire square mile is an Opportunity Zone, the Peoria-Mohawk TIF, the Dirty Butter Creek Recreation Area, and the \$190 million

already being invested into mixed use, mixed income redevelopment of Comanche Park. He stated this square mile offers the greatest opportunity we have to showcase something truly transformational for Tulsa. The City Lights development would derail this opportunity. Mr. Phillips stated beyond this, what gives him real pause is the semantics they are using as they attempt to convince everyone that they are not building a mobile home park. He stated they have indicated their dwellings will be fully built in Missouri and towed to the site. Mr. Phillips stated are their proposed dwellings RVs, are they mobile homes, are they manufactured homes, are they modular homes, are they modular triplex homes, or are they Apartments/Condos. Mr. Phillips stated it appears today to achieve the plat approval; they are representing them to be three unit apartment buildings. He stated if this is the designation his understanding is they will fall under International Building Code(IBC) and be subject to multiple requisite rough-in inspections during construction. Mr. Phillips stated how will this be accomplished if they plan to roll in ready to occupy dwellings built in Missouri. He stated based on the IBC; it appears they will have an RM-2 use which would require them to be fully sprinkled. Mr. Phillips stated City Lights further indicates that their development will have wrap-around services including mental and physical health, and other support services. He stated it is his understanding that those onsite support services would be outside the use cases allowed in RM-2 zoning. Mr. Phillips stated City Lights has indicated they will participate in the Housing Voucher System, and their units will allow double occupancy. But at 70 square feet, their bedrooms do not meet the HUD standards for double occupancy. He stated these questions are just a few of a long list of questions that need to be answered about this proposed development and he therefore asks TMAPC to deny or defer this application.

Dr. Jennettie Marshall 2337 West Oklahoma Street, Tulsa, OK 74101

Dr. Marshall stated she is the pastor for Living Sanctuary Evangelistic Ministries at 6536 North Peoria Avenue. She stated this application has been presented before because Turley defeated this application. Dr. Marshall stated she is the Tulsa Public Schools, District 3 elected representative for the Board of Education. Today she stated the continuous hope of a community is being doused with an attempt to override it with dispensaries, with drug companies, Drug Rehabs, outreach places for inmates that have gotten out of prison, and anything that is derogatory to a community that runs down the hope and the presence of a community. Dr. Marshall stated they have stood by Mrs. Malone over the years to help better the community with positive development. She stated in this situation the applicant is trying to put tiny homes in a place where you have schools all around. She stated the applicant has also indicated their fear of meeting with the community because they're afraid of being attacked. Dr. Marshall stated when you look statistically at the data, in the homeless population, over 98% of them suffer with mental health issues. They suffer with schizophrenia and bipolar disease and the city councilors stated that they have cameras and a gate and fence that protects those on the inside. But what about those on the outside. She stated they don't have cameras all over their

community. Dr. Marshall stated that means that the few businesses that they have will be overrun with loitering and they will run the risk of the children who don't ride the bus in that area being attacked. She asked what the criteria is for vetting these individuals and who is doing the vetting. Dr. Marshall stated how many times do we have to start with things that are negative in North Tulsa. She stated the applicant has already referred to North Tulsa in a negative light in saying that they are afraid they will be attacked. Dr. Marshall stated all things that meet certain criteria may not be good for the people that you're inflicting it upon.

Joi McCondichie 5427 North Johnstown Avenue, Tulsa, Oklahoma 74126

Ms. McCondichie stated she lives 0.7 miles from this development. She stated they are honest, hardworking, middle class people that go to work. Ms. McCondichie stated as before she is here to ask for the application to be postponed or denied. She stated she understands that whether they approve, don't approve, or deny the applicant can, within the law, do whatever they want to do in her community. Ms. McCondichie stated and that is wrong but if that's what the law entails, then they are law abiding citizens. She stated the community would like to meet with the applicant and has made several phone calls requesting a meeting. Ms. McCondichie stated she has contacted Wallace Engineering who is the company laying out the plans. She stated they are not the construction company. Ms. McCondichie stated she has reached out to Sarah Grounds to set up a meeting also. She stated the application says the developer is going to put it in the public streets, the water main, the sewer main, the detention pond, and sidewalks on 46th Street. She stated the only way to fix this is to ask City Lights to withdraw their application.

Darryl Bright 1138 North Vancouver Avenue Tulsa, OK 74127

Mr. Bright stated he agrees that this proposal by City Lights needs to be retracted. He stated he has seen these meetings where they can talk and evaluate at nauseam about an ordinance change but when it comes to people seeing these people who are homeless as human beings. Mr. Bright stated they talk about getting them off the street because they don't like the way it makes Tulsa look but they don't care them as human beings. He stated he can attest to that. Mr. Bright stated he can't tell you how many meetings he has been to that the African American community has been left out or spoken to like they are not citizens of Tulsa. He stated there has to be a serious look at the root cause of homelessness. Mr. Bright stated they need to look at what a strain that's going to put on the already limited resources in this community. He asked what about the health needs of these individuals that are going to be there. Mr. Bright stated this sounds like a concentration camp to him.

Adam Martin, P.O. Box 33564, Tulsa, OK 74153

Mr. Martin stated he has sat watched the founder Sarah Grounds and the person next to her laugh and mock every speaker that has spoken. He asked what kind of leadership is that. Mr. Martin stated we have to do better for this community. Mr. Martin stated as the people from the community speak take notes and listen

to these people to understand the pain that this community has gone through. He stated he is from Wagoner and he understands that if he wants to build on his land he needs to meet with different people in the community. He stated he wanted to put apartments on his land did not build them because the people in the area did not want the traffic. Mr. Martin stated so you go to the next step of what can be done to bring value to your investment. He stated always listen to this community.

Applicant Rebuttal:

The applicant stated there has been quite a bit of talk and emotion but not a single legal reason for not approving. He stated this is preliminary plat, it complies with the law and the subdivision regulations. It has been reviewed by the Technical Advisory Committee, the City of Tulsa Development Services and is recommended for approval by the City Councilor of this District. The applicant stated he would respectfully request Planning Commission approve this plat as recommended by staff.

Mr. Ewing stated that one of the speakers raised the question about the building type whether it was an apartment, or a modular or mobile home. He asked which housing type this is classified by the City's Development Services Department.

The applicant stated it will be determined that it is a triplex. He stated but that is not what's before Planning Commission, it is a plat for a multifamily project.

Mr. Ewing stated what type of classification these units receive effects the plat. He stated he thinks it would help everybody to understand the process that the applicant had to go through and what was evaluated by City staff to determine which of those classifications applied to this particular development. Mr. Ewing stated the triplex counts as a multifamily unit and does not qualify as an apartment. He stated even though these units are built off site and then brought in they are not qualified as mobile homes, they qualify as modular homes. Mr. Ewing stated these are modular triplex homes. He stated within the question that Planning Commission is being asked to evaluate on the plat, they have to look at what housing types are allowed by right within multifamily zoning. Mr. Ewing stated if it was mobile home with wheels that would require a Special Exception and that would require another legislative process before a different body. But because these are not mobile homes, they're modular triplexes, and the details matter, they are allowed by right within the multifamily zoning. He stated he thinks this clarification is important because again, what they are evaluating is whether or not these housing types are allowed by right within the zoning laid out on this particular plat.

The applicant stated they have to have a plat first and then they file their building permit application to the City for exactly what they want to do and City staff will determine if the application complies with the Zoning Code, and the intention is to build triplexes.

Mr. Ewing stated if the applicant wanted to put mobile homes the City would not allow it because it's not a permitted use of this property. He asked if the model unit on the site is the same tiny home that will be installed on the site.

The applicant stated it is close it's a single unit, not a triplex

Mr. Covey asked if staff had heard anything that would change the recommendation.

Staff stated "no," the recommendation was based purely on the subdivision plat, and the compliance that it shows with the regulations. He stated he thinks the questioning to Mr. Reynolds and the questions presented by Mr. Phillips are good ones. Staff stated once this lot is established building permits will have to be obtained before anything can be constructed and the development of the lot can continue. He stated those buildings will have to comply with the building code requirements for multifamily structures. He stated there is no change to the recommendation on the preliminary plat.

TMAPC Comments:

Mr. Covey stated as Staff has reiterated the preliminary plat complies with the rules, the regulations and notices. He stated this is not a zoning question and they are not the City Council. Mr. Covey stated the preliminary plat does in fact comply with those rules, regulations, and applicable notices and as the Technical Staff stated. He stated he will be supporting the application.

Mr. Ewing stated he is a relative newcomer to the Planning Commission but when he was a City Councilor he dealt with similar tensions. He stated new development is almost always accompanied by a tension of some kind. He stated he saw it in Bixby at 171st Street and Yale Avenue. Mr. Ewing stated whether you're in the middle of the City or you're as far away from the City as you can be within Tulsa County there is tension and as there should be, communities have hopes and dreams for themselves and should want the best for their community. He stated part of being in the community means a responsibility not just to the person next door but to the community as a whole. Mr. Ewing stated Planning Commission exists, and he was quite appreciative of as the City Councilor, to evaluate these things before it came before the Council for consideration to evaluate the recommendations against the Zoning Code and the City's Comprehensive Plan. He stated he agrees with Mr. Covey that the question they are being asked today is, is this consistent with the regulation. Mr. Ewing stated he appreciates the process of public engagement and understands that this particular question didn't allow the community to express that anywhere else and he thinks that is unfortunate. He stated it is his hope that in this matter, as Staff expressed earlier that the applicant will engage in communication, collaboratively with the neighbors. Mr. Ewing stated there is not a regulatory process or an administrative process that can keep the development from happening. He stated

then the question becomes, how do they move forward in the most neighborly way possible to make sure that the development is the best that it can be as it relates to the surrounding neighborhood. Mr. Ewing stated he encourages the applicant to have those conversations and to meet with the neighbors with as much transparency as possible and to try to work through those issues together the best you can.

TMAPC Action; 6 members present:

On **MOTION** of **WALKER**, the TMAPC voted 5-1-0(Covey, Ewing, Hood, Shivel, Walker, “aye”; Craddock, “nays”; none “abstaining”; Bayles, Krug, Whitlock, Zalk, “absent”) to **APPROVE** the Preliminary Subdivision Plat for City Lights per staff recommendation.

* * * * *

- 6. Cardinal Pointe** (County) Preliminary Plat and Modification of the Subdivision & Development Regulations for block length, Location: Northeast corner of East 136th Street North and North Memorial Drive

STAFF RECOMMENDATION:

PRELIMINARY SUBDIVISION PLAT

Cardinal Pointe - (County)

Northeast corner of East 136th Street North and North Memorial Drive

This plat consists of 103 lots, 11 blocks, 80.03 ± acres.

The Technical Advisory Committee (TAC) met on February 2, 2023, and provided the following conditions:

- 1. Zoning:** The property is zoned RE (Residential – Estate) with an approved Planned Unit Development (PUD-864). Zoning change was recommended for approval by TMAPC on December 7, 2022. Resolution #20230154 was approved and adopted by the Board of County Commissioners on January 30, 2023. PUD number should be included on the face of the plat and adopted PUD standards should be referenced in the deed of dedication. *Official zoning map updates had not been completed as staff prepared this recommendation.*
- 2. Addressing:** Addresses to be assigned by INCOG. Add address assignments to the face of the plat and include address disclaimer. Street names must be approved by the County Engineer.
- 3. Transportation & Traffic:** New public streets are required to obtain plan approval from the Tulsa County Engineer. Block 9 exceeds the allowable block length defined in the Subdivision & Development Regulations. Modification approval for block length is required for final plat approval. Add notation required by Section 5-060.5 to temporary dead-end streets.

4. **Sewer/Water:** On-site sewage disposal must be approved by the Oklahoma Department of Environmental Quality and signature must be included on plat for final plat approval. Water to be served by Washington County Rural Water District #3. Rural water district must approve all plans and release the plat prior to final plat approval.
5. **Airport:** Avigation notice is required on the face of the plat.
6. **Stormwater, Drainage, & Floodplain:** Drainage plans must be submitted and approved by the Tulsa County Engineer prior to final plat approval.
7. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

Modifications of the Subdivision & Development Regulations:

Section 5-030.3 Block Length

Block length maximums are established by the Subdivision & Development Regulations depending upon the lot size along the block face. For lots with an average width of greater than 125 feet, the maximum block length allowed is 1500 feet.

The applicant has requested a modification to allow an extended block length for Block 9 on the preliminary plat. Due to the existing drainage areas and a jurisdictional stream, the applicant has dedicated an overland drainage easement which makes a connection to the east impractical per the modification requirements of Section 5.030-C. Staff supports the request for an extended block length only for the areas described.

Staff recommends **APPROVAL** of the preliminary plat and the modification of the Subdivision & Development Regulations for block lengths subject to the conditions provided by TAC and all other requirements of the Subdivision and Development Regulations. Tulsa County release letter is required prior to approval of the final plat.

The applicant indicated her agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **WALKER**, the TMAPC voted 6-0-0(Covey, Craddock, Ewing, Hood, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Bayles, Krug, Whitlock, Zalk, "absent") to **APPROVE** the Preliminary Plat and Modification of the Subdivision & Development Regulations for Cardinal Pointe per staff recommendation.

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PUBLIC HEARING – REZONING

7. **CZ-538 Ryan McCarty** (County) Location: Southwest corner of 171st Street South and South Sheridan Road requesting rezoning from **AG to CS** to permit a mini-storage facility and office.

STAFF RECOMMENDATION:

SECTION I: CZ-538

DEVELOPMENT CONCEPT: The applicant has requested to rezone from AG to CG to permit all uses that are allowed in a CG district. The immediate goal is to construct a mini-storage facility with an office and would be allowed in the CG district. The proposal lies primarily within the Commercial and Neighborhood Commercial land use designation however two small portions of the subject tract are located in Rural Residential designation of the City of Bixby Comprehensive Plan, which has been adopted as part of the Tulsa County Comprehensive Plan. This proposal is compatible with these designations, with the exception of the two small portions of the subject area located in Rural Residential. Staff has contacted the City of Bixby who has stated they have no issues or concerns with the proposed zoning change.

DETAILED STAFF RECOMMENDATION:

CZ-538 is non-injurious to surrounding proximate properties and consistent with the Tulsa County Comprehensive Plan;

CZ-538 is consistent with the anticipated future development pattern of the surrounding property therefore,

Staff recommends Approval of CZ-538 to rezone property from AG to CG.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: *The site is located within the fenceline of the City of Bixby and is designated as “Commercial/Neighborhood Commercial/Rural Residential.” The City of Bixby’s Comprehensive Plan – Bixby 2030 Our Vision, Our Future was adopted as part of the Tulsa County Comprehensive Plan on August 15, 2019. The Plan follows the City of Bixby’s fenceline which includes unincorporated areas of Tulsa County. A city’s fenceline is an area preserved for future annexation by virtue of a*

narrow annexation strip which encloses the area of municipal influence and prevents annexation by other cities. One of the most critical components of a comprehensive plan update is community engagement. Participation by a broad cross section of interests increases the likelihood that the plan's goals and policies will be based on community consensus, which increases the likelihood for successful plan implementation. Gaining community input was achieved through the following public engagement efforts: Stakeholder Interviews, Steering Committee Meetings, Community Kiosks, Informal Brochures, Project Website, Surveys, and Public Workshops.

Land Use Vision:

Land Use Plan map designation: Commercial/Neighborhood Commercial/Rural Residential

Commercial

The Commercial designation denotes areas that create retail and commercial destinations for City residents, as well as others throughout the region. This designation may also support offices and business parks. Development shall have direct access to major roads and transit.

Neighborhood Commercial

The Neighborhood Commercial designation denotes areas that provide goods and services to meet the frequent shopping needs of residents. Development shall have access to major roads and provide opportunities for walking and biking from nearby residential areas.

Rural Residential

The Rural Residential designation denotes areas that have large-lot detached residential development in natural / rural portions of the City. Development in this designation should retain the rural character of the area and will be relatively low in density. However, these areas should offer sufficient access to schools, parks, trails, and open spaces to maintain the quality of life in the rural setting and may allow limited commercial uses that support the surrounding rural area.

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: E 171st St S is designated as a Primary Arterial. S Sheridan Rd is designated as a Secondary Arterial.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is currently vacant agricultural land.*

Environmental Considerations: None

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
E 171 st St S	Primary Arterial	120 Feet	2
S Sheridan Rd	Secondary Arterial	100 Feet	2

Utilities:

The subject tract has municipal water available. Sewer will be by ODEQ approved septic system.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG	Commercial/Neighborhood Commercial/ Rural Residential	N/A	Vacant
South	AG/RE/PUD-863	Neighborhood Commercial/Rural Residential	N/A	Vacant
East	AG	Commercial/Neighborhood Commercial/ Rural Residential	N/A	Vacant/Electrical Substation
West	AG/RE/PUD-863	Neighborhood Commercial/Rural Residential	N/A	Vacant

SECTION III: Relevant Zoning History

History: CZ-538

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

Surrounding Property:

CZ-536/PUD-863 December 2022: All concurred in **approval** of a request to rezone a 135.27± acre tract of land from AG to RE and **approval** of a proposed *Planned Unit Development* for a single-family residential subdivision, on property located Southwest corner of East 171st Street south and South Sheridan Road.

TMAPC Comments:

Mr. Covey asked if the Tulsa County Comprehensive Plan was approved for this area about two years ago.

Staff stated it was a part of Bixby's Comprehensive Plan but was adopted as part of the Tulsa County Comprehensive Plan about 2 years ago.

Applicant Comments:

Ryan McCarty PO Box 548, Bixby OK

Mr. McCarty stated staff outlined all the parameters of the application. He stated this is a cut and dry zoning case. The applicant stated traditionally the corners of an arterial street have commercial zoning and that is what they are seeking today. He stated this is for a mini storage and some office opportunities. The applicant stated they were notified and there was quite a few people in the area that were objecting to this application so they put together a map. He stated two of the neighbors to the east Kevin King and Joey Newton called him and he had discussions with both of them. The applicant stated they are both inside the 300 foot radius around the property. He stated the remaining 40 plus people are anywhere from a half mile to a mile away from the subject property. The applicant stated he understands their concerns.

Mr. Covey asked if the applicant's client already owns the property.

The applicant stated, "that's correct."

Mr. Covey asked if it is a contract to purchase or is he looking to actually build on the property.

The applicant stated the property is going to be sold to a mini storage building company.

Mr. Covey asked if the applicant was doing the development plan and then it was being sold.

The applicant stated "correct."

Mr. Craddock asked what the red lines on the map were.

The applicant stated those are high voltage, electric transmission lines there is a substation just east of the property.

Interested Parties:

Richard Tuggle 17487 South 67 East Avenue Bixby, OK 74008

Mr. Tuggle stated he lives in the Rock Hill Estates addition. He stated his property is within a half a mile of the subject property. Mr. Tuggle stated he is the father of four children and has lived in Rock Hill Estates since December of 2012. He stated as is the case with many of our neighbors, they picked the location to build their home because it had a rural look and feel. Mr. Tuggle stated this will change with the construction of this proposed mini storage on the corner. He stated although the area subject property falls within the fenceline of the City of Bixby it is not a part of the City of Bixby and it will not be incorporated into the City of Bixby without opposition. Mr. Tuggle stated according to the Staff report for this item one of the most critical components of the Comprehensive Plan update is community engagement however, the stakeholders that would be directly affected by this change were never consulted and had no idea this was under consideration. He stated a large commercial operation at the proposed location is entirely out of character with the surrounding area. This is simply an effort to establish a mini storage business on land that was purchased at a highly discounted rate. Mr. Tuggle stated the introduction of this proposed facility will be a black eye on their otherwise rural setting, it will draw unwanted traffic and noise into the area as well as change the way they allow their kids to play in the area. He stated he is particularly concerned because he personally had an encounter on his property with a member of a theft ring that was using mini storages to store their stolen property. Mr. Tuggle stated he doesn't like the idea of having this facility right across from the neighborhood bringing in people that typically would not be there it creates an opportunity for problems. He stated if this proposed business were something that people would want or that would improve the property values. Mr. Tuggle stated he would respectfully urge the members of this board to consider our valid objections to the proposed rezoning.

Ruth Hartje 17691 South Sheridan Road, Bixby Oklahoma 74008

Ms. Hartje stated she looked at the Bixby Comprehensive Plan that was introduced in 2019. Ms. Hartje stated she is quite offended that area neighbors weren't consulted about this plan. Ms. Hartje stated they didn't move out there to be part of the City of Bixby so are not going to go look at the City of Bixby website to get the information about this change. She stated this is unincorporated area inside Bixby's fenceline. Ms. Hartje stated she didn't know

what a fence line was until this application and now it concerns her because it's like they don't have a voice. She stated she looked at the City of Bixby public input and it talks about City Staff members input, community leaders input and community kiosks which she does not remember seeing any of those. Ms. Hartje stated she doesn't remember the informational brochures, were those at the City of Bixby, which she does not go to. She stated she is upset that the area neighbors were not informed. Ms. Hartje stated she looked at their plan which shows they are going to do the exact same thing to 161st and Sheraton and Yale and she would like to know how they are going to accomplish that because the landowners are not going to give up their land. She stated why don't they stay on their corridors that they talked about in their plan. Ms. Hartje stated the major corridors are 151st Street and Memorial Avenue. She stated there is zero commercial development between 151st Street and 181st Street. She stated zero commercial development between Memorial and Yale. Ms. Hartje stated why should they be first, why not put the subject project on 151st where it belongs. She stated the last speaker had a good point, it is discounted land for an investment but it will destroy their rural setting. Ms. Hartje stated she has lived in the area for 19 years. She stated she homeschools her kids and they love being outdoors. She stated she commutes 35 minutes a day to come downtown because that is what she chose to do. Ms. Hartje stated according to Bixby Comprehensive Plan new development needs to be in context with the existing land uses but this is development is extremely injurious to the surroundings. The Bixby Comprehensive Plan also states commercial areas should contain the same cohesive look as the surrounding neighborhoods. Ms. Hartje stated they have no idea what this will look like all they know is when it is CG they can do whatever they want with the property. She stated the plan stated they should preserve AG zoning but how can they preserve AG with this new development. Ms. Hartje stated the plan says compatible development should protect scenic locations. She stated not only is our rural environment scenic, but the elevation that we are at, 700 feet, they can see Leonard Mountain. Ms. Hartje stated if this is based on their surroundings and being incorporated by the City of Bixby they will never be incorporated by the City because they will fight it every single step of the way.

Jason Randall 6618 East 171 Street, Bixby, OK 74008

Mr. Randall stated he is the first driveway to the east of the subject property. He stated he has been in the area about a year. He stated they doubled their mortgage for a house that was 10 years older, with the hope that this would be a place that they could raise their girls in a country like environment. Mr. Randall stated he commutes 50 miles every single day to work and he is okay with that because they want to be able to go out and escape the city. Mr. Randall stated this new development will bring with it new lights, billboards, and extra traffic. He stated they can't trust that their girls would be okay playing in the front yard anymore. Mr. Randall stated he doesn't think that this application is in the county's best interest and its outside the City of Bixby city limits. He thinks the

county has a lot more opportunity to rezone 151 Street. Mr. Randall stated he is opposed to the rezoning.

Mr. Covey asked when Mr. Randell bought his property.

Mr. Randall stated March of last year.

Mr. Covey asked if he checked the Comprehensive Plan before purchasing the property.

Mr. Randall stated he looked at the city zoning but it didn't look like it was applicable as far as being a commercial area.

Kevin King 17195 South Sheridan Road, Bixby, OK 74008

Mr. King stated he is building his house and supposed to move in three weeks. He stated he was hoping that he wouldn't move into a mini storage across the street. Mr. King stated he bought the property in January of last year and checked the zoning and saw it was zoned AG. He stated the area feels very rural and that is what he loves about it. Mr. King stated like another said you are up on a hill and can see farther than you need to. He stated it's frustrating to him that he doesn't live there yet and there is the potential for commercial across the street. Mr. King stated the Newtons on the corner bought their lot about a year ago and 2 weeks ago they put it up for sale because they saw this commercial development proposed. He stated that is a pretty direct reflection of how the commercial will affect residential values. Mr. King stated he does not like that water runoff and light pollution that comes with commercial zoning. Mr. King stated he sells real estate and can see from the investor's perspective how getting this rezoned commercial for the next buyer benefits the seller because if the buyer backs out it doesn't matter they have a commercial lot that they can flip to anybody.

Lacey Randall 6618 East 171 Street, Bixby, OK 74008

Ms. Randall asked if Commissioners received a packet of the signatures of the area neighbors opposing this application. She stated there were around 48 signatures. Ms. Randall stated she is the mom of two little girls and married to Jason Randall. She stated they moved out there to give their girls a country experience knowing that they still enjoy the Tulsa area. She stated she is a lifelong Oklahoman and grew up in rural Oklahoma. Ms. Randall stated she loves the attributes that come from a rural community in a rural culture and that's the beauty of Bixby, Oklahoma you can get both and they live right on that line. She stated in front of them is the City of Bixby and on their front porch is Tulsa County and you're out of city limits. Ms. Randall stated she just wanted to ask that Planning Commissioners to help preserve the agricultural environment of the area. Like the last speaker said, the applicant this not building it on his front porch because he knows that it wouldn't be an asset to his property. Ms. Randall

stated she would like you to consider opposing this development on behalf of the people of that area.

Applicant Comments:

The applicant stated the Randall's live just to the east of the intersection, and I'm not sure if they're aware that there's going to be over 320 houses that have a 1500 square foot minimum that have been approved by the City of Bixby out their front door. He stated Magnolia Crossing which was approved by this board last December is 160 houses. So, there are 400 Plus houses in these two projects alone. The applicant stated there will also be homes in the Robinson Ranch development and the Conrad Farms development. He stated overall there will be around 1000 rooftops in the next two years within a mile of this intersection. The applicant stated the Comprehensive Plan shows these hard corners should be commercial zoning for reason, because they are reserved for commercial. He stated there was a comment made that the developer wouldn't want this in his front yard but the developer has multiple partners and one partner is building a house in Magnolia Estates inside the 300 foot radius. The applicant stated one of the speakers, Kevin King, contacted him in January and asked what was going to be built on the subject lot and the applicant responded a mini storage or man cave and he was okay with that.

Mr. Craddock asked if staff had any knowledge of what the zoning was before it was revised in 2020.

Staff stated it was the same as it is now but staff isn't sure about the Comprehensive Plan. Staff stated this is typical of the development in rural areas.

Mr. Craddock stated a comment was made that there were no other commercial properties in this area. He stated he understands that but a county barn facility is a mile to the west.

Mr. Covey stated on page 7.7 of the agenda packet on the northeast corner the Land Use Plan says commercial. He stated the picture presented with the power lines show the PUD and that northeast corner does not look commercial to him, it looks like it is going residential.

Staff stated the City of Bixby approved a residential subdivision there. He stated you can have residential and commercial land use it happens quite often.

Staff stated it just came to their attention that there is a discrepancy in the agenda versus the request. She stated the request is to CG which is a higher intensity commercial use than CS in the agenda. Staff stated this item will need to be continued to be posted on the agenda correctly.

TMAPC Action; 6 members present:

On **MOTION** of **COVEY**, the TMAPC voted 6-0-0(Covey, Craddock, Ewing, Hood, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Bayles, Krug, Whitlock, Zalk, “absent”) to **CONTINUE** Item 4 to March 1, 2023.

OTHER BUSINESS

8. Commissioners' Comments

None

DRAFT

ADJOURN

TMAPC Action; 6 members present:

On **MOTION** of **WALKER**, the TMAPC voted 6-0-0(Covey, Craddock, Ewing, Hood, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Bayles, Krug, Whitlock, Zalk, “absent”) to **ADJOURN** TMAPC meeting of February 15, 2023, Meeting No. 2884.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 3:26 p.m.

Date Approved:

Chair

ATTEST: _____

Secretary