

**TULSA METROPOLITAN AREA PLANNING COMMISSION  
Meeting No. 2897**

**September 6, 2023, 1:00 PM  
175 East 2nd Street, 2nd Level, One Technology Center  
Tulsa City Council Chamber**

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Carr	Bayles	Chapman	Jordan, COT
Covey	Zalk	Foster	Silman, COT
Craddock		Hoyt	Stephens, Jeff, Legal
Hood		Miller	
Humphrey		Sawyer	
Krug		Siers	
Shivel		Tauber	
Walker			
Whitlock			

The notice and agenda of said meeting were posted in the Office of the City Clerk, as well as in the Office of the County Clerk on August 31, 2023, at 11:59 a.m.

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 the City Council and Board of County Commissioner actions and other special projects.

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**Minutes:**

1. Minutes of August 2, 2023 Meeting No. 2895

Approval of the Minutes of **August 2, 2023 Meeting No. 2895**

**TMAPC Action; 9 members present:**

On **MOTION** of **SHIVEL**, the TMAPC voted 9-0-0 (Carr, Covey, Craddock, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Bayles, Zalk, "absent") to **APPROVE** the minutes of August 2, 2023 Meeting No. 2895

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2. Minutes of August 16, 2023 Meeting No. 2896

Approval of the Minutes of **August 16, 2023 Meeting No. 2896**

**TMAPC Action; 9 members present:**

On **MOTION** of **SHIVEL**, the TMAPC voted 9-0-0 (Carr, Covey, Craddock, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Bayles, Zalk, "absent") to **APPROVE** the minutes of August 16, 2023 Meeting No. 2896

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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.**

3. **PUD-855-1** (County) Location: North of the Northeast corner of East 106<sup>th</sup> Street North and North Memorial Drive requesting a **PUD Minor Amendment** to reduce the required lot area and frontage in order to create an HOA reserve for landscape and irrigation

**STAFF RECOMMENDATION:**

**PUD-855-1** (County) Location: North of the Northeast corner of East 106<sup>th</sup> Street North and North Memorial Drive requesting a **PUD Minor Amendment** to reduce the required lot area and frontage in order to create an HOA reserve for landscape and irrigation.

**STAFF RECOMMENDATION:**

## **SECTION I:**

**Amendment Request:** Minor amendment to reduce the required lot area and frontage in order to create an HOA reserve for landscape and irrigation.

Currently the PUD requires a minimum lot area of 21,780 sf and a minimum lot width of 115 ft. The applicant is proposing to reduce the minimum lot area on the subject lot to 420 sf, remove the minimum width requirement and add a minimum frontage of 35 feet. The amendment is intended to allow an HOA owned reserve area for landscape and irrigation purposes only. This amendment would apply only to the portion of the subject lot illustrated as Tract A in the document provided by the applicant. The remainder of the subject lot would comply with the existing standards of PUD-855.

**Staff Comment:** *This request is considered a Minor Amendment as outlined by Section 1170.7 of the Tulsa County Zoning Code.*

*“Minor changes in the PUD may be authorized by the Planning Commission, so long as a substantial compliance is maintained with the outline development plan and the purposes and standards of the PUD provisions hereof. Changes which would represent a significant departure from the outline development plan shall require compliance with the notice and procedural requirements of an original Planned Unit Development.”*

Staff has reviewed the request and determined:

- 1) PUD-855-1 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-855.
- 2) Proposed changes would apply only to the reserve area shown as Tract A.
- 3) All remaining development standards defined in PUD-855 shall remain in effect.

### **Legal description for PUD 855-1:**

Lot 1, Block 5 Meadows I Amended

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

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Carr, Covey, Craddock, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Bayles, Zalk, “absent”) to **APPROVE** Item 3 per staff recommendation.

## **PUBLIC HEARING-REZONING**

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

- 4. Z-7738 Club Carwash Operating, LLC (CD 7) Location: Southeast corner of South Memorial Drive and East 68<sup>th</sup> Street South requesting rezoning from **AG, OL, OM and CS to CS****

### **STAFF RECOMMENDATION:** **SECTION I: Z-7738**

**DEVELOPMENT CONCEPT:** The applicant is proposing to rezone the property to CS to permit redevelopment of the site. The property currently has four separate zoning designations, CS, AG, OL, and OM. The proposal to rezone the entire property to CS would provide one set of zoning regulations that would be consistent with other zoning districts in the area.

### **DETAILED STAFF RECOMMENDATION:**

The application would rezone a property that currently has four separate zoning districts into one zoning district.

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

CS zoning would align with the land use designation of "Regional Center" by allowing for a range of commercial and residential uses. CS is listed as the least intensive commercial zoning district.

**Staff recommends approval of Z-7738 to rezone the property from CS, AG, OL, and OM to CS.**

### **SECTION II: Supporting Documentation**

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

**Staff Summary:** The land use designation for this site is "Regional Center". The designation is supportive of commercial uses, including

those that would be permitted by the CS district. The proposed rezoning would be consistent with the comprehensive plan.

**Land Use Vision:**

**Regional Center**

Existing regional trip generators define the Regional Centers in contrast to Local Centers. These centers should be the most connected land use pockets outside of downtown for public transit access and high-capacity arterial streets. New regional trip generators should be permitted in the area with special consideration given to the transportation access and circulation. Regional trip generators include universities, malls, large medical campuses, casinos, big-box shopping centers, and very large churches.

**Transportation Vision:**

**Major Street and Highway Plan:** South Memorial Drive is classified as a primary arterial street which requires 120' of right-of-way. The existing street consists of 6 driving lanes with turn lanes and a signalized intersection with East 68<sup>th</sup> Street South.

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

**Small Area Plan:** None

**Special District Considerations:** None

**Historic Preservation Overlay:** None

**DESCRIPTION OF EXISTING CONDITIONS:**

**Staff Summary:** There is currently a vacant restaurant space on the property. There are commercial uses on all sides and the property has frontage on South Memorial Drive which serves as a primary arterial street and East 68<sup>th</sup> Street which serves as a primary entrance to Woodland Hills Mall.

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Memorial Drive	Primary Arterial	120'	6
East 68 <sup>th</sup> Street South	None	50'	4

**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:**

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Existing Use</b>
North	CS/PUD-470-A	Regional Center	Office
South	CS/OL	Regional Center	Drive-through Restaurant
East	CS	Regional Center	Automotive Parts Store
West	CS/PUD-379-A	Regional Center	Commercial

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11829 dated June 26, 1970, established zoning for the subject property.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Carr, Covey, Craddock, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Bayles, Zalk, "absent") to recommend **APPROVAL** of the CS zoning for Z-7738 per staff recommendation.

**Legal Description for Z-7738:**

TRACT 1:

All that part of Lot One (1), Block Two (2), WOODLAND HILLS MALL, Blocks 2, 3, 4 and 5, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat No. 3627, more particularly described as follows, to-wit:

BEGINNING AT A POINT in the West boundary of said Lot 1, 559.96 feet from the Southwest Corner thereof;

THENCE North 0 deg. 03'42" East along the West boundary of said Lot 1, a distance of 160.0 feet;

THENCE North 45 deg. 05'33" East a distance of 28.33 feet;

THENCE due East along the North boundary of said Lot 1, a distance of 217.96 feet;

THENCE South 0 deg. 03'42" West a distance of 191.0 feet;

THENCE due West a distance of 123.0 feet;

THENCE North 0 deg. 03'42" East a distance of 11.0 feet;

THENCE due West a distance of 115.0 feet to the POINT OF BEGINNING.

AND

TRACT 2:

All that part of Lot One (1), Block Two (2), WOODLAND HILLS MALL, Blocks 2, 3, 4 and 5, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat No. 3627, being more particularly described as follows, to-wit:

BEGINNING at a point in the West boundary of said Lot 1, 160.00 feet from the South-Northwest corner thereof;

THENCE due East a distance of 115.0 feet;

THENCE South 00°03'42" West a distance of 11.00 feet;

THENCE due East a distance of 123.00 feet;

THENCE North 00°03'42" East a distance of 12.50 feet;

THENCE due East a distance of 12.00 feet;

THENCE South 00°03'42" West a distance of 0.00 feet;

THENCE on a curve to the left having a radius of 121.38 feet a distance of 30.83 feet;

THENCE South 14°29'34" East a distance 87.96 feet;

THENCE due West a distance of 276.00 feet to a point in the West boundary of said Lot 1;

THENCE North 00°03'42" East along the West boundary of said Lot 1 a distance of 114.17 feet to the POINT OF BEGINNING.

\* \* \* \* \*

Items 5 and 6 were presented together.

5. **Z-7737 Deborah K. Palinskee** (CD 8) Location: North of the northeast corner of South Sheridan Road and East 78<sup>th</sup> Street South requesting rezoning from RS-3 to OL (Related to CPA-108)

**STAFF RECOMMENDATION:**

**SECTION I: Z-7737**

**DEVELOPMENT CONCEPT:** Applicant is seeking rezoning of the property from RS-3 to OL to develop a low-intensity office park with the stated intent to place the eastern portion into a conservation easement.

**DETAILED STAFF RECOMMENDATION:**

The application is related to CPA-108 which proposes to change the land use designation from "Neighborhood" to "Multiple Use". There is currently a creek that bisects the property making the west portion more favorable to development. The applicant has noted their intent to place the east portion of the property inside a conservation easement which would limit the development of that area. The proposed conservation easement is not considered by staff in their recommendation and the City of Tulsa does not have any mechanism to require it be put into a conservation easement.

Staff supports a change to Multiple Use and a rezoning to OL on the western portion of the property. The western portion of the lot has frontage on South Sheridan Road which is a secondary arterial. OL zoning would permit small-scale office uses that are consistent with existing uses along the Sheridan corridor including a day care, a nail salon, and a religious assembly. Staff has recommended denial of the rezoning to OL and land use change for the eastern 623.45-feet of property. The change for the eastern portion of the property would support commercial development interior to an established neighborhood. Allowed uses approved through zoning should remain residential in nature for the portion of the property that that far back into the neighborhood.

The OL district is primarily intended to facilitate the development and preservation of low-intensity office development and is compatible with a "Multiple Use" land use Designation. Residential zoning districts are primarily intended to create, maintain, and promote a variety of housing opportunities for individual households and to maintain and promote the desired physical character of existing and developing neighborhoods. Maintaining the existing RS-3 Zoning on the property is consistent with the "Neighborhood" Land Use designation.

Staff recommends **approval** of OL on the West 646.29-feet and **denial** of OL zoning on the East 623.45-feet of the property, contingent on the approval of



CPA-108 per staff recommendation to change the land use designation from “Neighborhood” to “Multiple Use” the Western portion of the property.

## **SECTION II: Supporting Documentation**

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

***Staff Summary:*** Staff is in support of the Comprehensive plan amendment to change the land use designation to “Multiple Use” on the West 646.29-feet of the property and denial of the of the Comprehensive plan amendment on the East 623.45-feet of the property.

### **Land Use Vision:**

#### **Existing:**

#### **Neighborhood**

Neighborhoods are “Mostly Residential Uses” which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low-intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off of an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access off of a lower-order street separated from the arterial, then it would be considered Neighborhood.

#### **Proposed in CPA-108:**

#### **Multiple Use**

Multiple Use areas are “Mostly Commercial or Retail Uses” which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local Centers being more commonplace in newer parts of the city. For single properties that are commercial but surrounded by Neighborhood, Multiple Use is the preferred designation.

### **Transportation Vision:**

***Major Street and Highway Plan:*** South Sheridan Road is designated as a Secondary Arterial Street and the and the ultimate right-of-way is in place for the Major Street and Highway plan at this location.

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

**Development Era:**

**Late Automobile Era:** The properties surrounding the subject tract began to develop during the Late Automobile Era (1950-present): In the late 1950s and early 1960s the suburbs grew at a tremendous rate in the Tulsa metropolitan area. It was at this time that surrounding communities, such as Broken Arrow, began to grow at a rapid pace. At this time, the City of Tulsa annexed more than 100 square miles, and neighborhood subdivisions began to proliferate from the core of the city toward the suburban communities. This property was never included in a subdivision though the majority of the pretty in the square mile section of land have been platted.

**Small Area Plan:** None.

**Special District Considerations:** None.

**Historic Preservation Overlay:** None.

**DESCRIPTION OF EXISTING CONDITIONS:**

**Staff Summary:** The property contains a non-conforming beauty salon in the front of the property and single-family structures in the rear. The majority of the property is currently undeveloped and rich with mature trees. The Little Haikey Creek Tributary runs through the property and bisects the property leaving the rear portion accessible by a bridge. Property current has access to South Sheridan Road and is bounded by single family subdivision on three sides.

**Environmental Considerations:**

The eastern side of the property is cut-off from the Western portion by the Little Haikey Creek Tributary which makes development of the East side of the property considerably more challenging than development on the West Side. The property contains a roughly 36% tree canopy coverage which is evidenced from the aerial imagery provided in the staff report.



*Taken from the City of Tulsa Floodplain Atlas*

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
S. Sheridan Road	Secondary Arterial	100-feet	4 lanes

**Utilities:** City utilities are available to the subject site from S. Sheridan Road.

**Zoning and Surrounding Uses:**

Location	Existing Zoning	Existing Land Use Designation	Existing Use
North	AG and RS-3	Neighborhood	Single-family Residential Subdivision and Single large acre single family lot on the Sheridan frontage
West	RS-3 inside PUD-290	Neighborhood	Single-family Residential Subdivision
South	AG and RS-3	Neighborhood	Day care, Religious Assembly and Single-family Residential Subdivision
East	RS-3	Neighborhood	Single-family Residential Subdivision

**Relevant Zoning History:**

**ZONING ORDINANCE:** Ordinance number 20779 dated February 6, 2004 established RS-3 zoning for the subject property. Previous ordinance number 11829 dated June 26<sup>th</sup>, 1970 established AG zoning on the subject property.

**Board of Adjustment History:**

**BOA-8260:**

On 05.16.74 the Board **approved** a daycare and pre-kindergarten school in the AG District.

**BOA-14332:**

On 01.08.87 the Board **approved** an appeal and reversed the code enforcement Officer decision finding a beauty salon was not a legally non-conforming use.

**Applicant Comments:**

**Henry Penix** PO Box 701320, Tulsa, OK 74170

Mr. Penix stated he thought it would be a great use to rezone the subject property to OL and convert the back half of the property to a conservation easement. He stated when you convert a property to a conservation easement, it increases the value of the properties around it. So, it's a very positive thing for the neighborhood. And it ensures that nothing will ever be developed there. Mr. Penix stated that staff recommended denial of the OL for the back half of the property because the City does not have any other mechanism that would guarantee that the applicant would put in a conservation easement. He stated rezoning to OL will give a higher value to the conservation easement and that would help him offset the cost to develop the front part of the property. Mr. Penix stated he needs that value to be higher to make the whole thing work financially. He stated this would help him and the neighbors.

Mr. Craddock asked if he agreed with staff recommendation or did he still want the entire tract OL.

The applicant stated he wanted the OL on the entire tract.

Staff stated it is important to the appraiser to have the OL to give the property the value that is needed to complete the development.

Mr. Covey asked if zoning the entire site to OL is necessary to get the tax credits needed to develop the front half of the property.

Mr. Penix stated "yes," that would make the economics work.

Mr. Covey asked if the rezoning was approved on the front half of the property and denied on the back half per staff recommendation would that still work for the applicant.

The applicant stated he would have to look at everything again but thinks that the economics would not work if only half of the subject property is rezoned OL.

Mr. Covey asked staff if they could use an optional development plan to limit the use of the back half of the property.

Staff stated using an optional development plan would not help the applicant. He stated the property would be the same as it is currently. He stated his understanding of conservation easements is that if it is still required to meet the landscape code that can't count towards a conservation easement if it is an actual City requirement that hurts the value.

**Interested Parties:**

**Wanda Prewett** 706 FM 991, Texarkana, TX 75501

Ms. Prewett stated she owns an adjacent property. She stated she has no objections to the OL zoning for the front half of the property but is opposed to the OL for the back half. Ms. Prewett stated that she has a lot of questions about the conservation easement such as how it would be maintained. She stated she was on the property today and to my knowledge it has not been maintained at all this year and it is very grown up. She asked who would have access to the area, would it be the general public, would it be like a park. Ms. Prewett stated she does not want it to be an attraction for homelessness.

**Ron Wyatt** 7605 S Sheridan Road, Tulsa, OK 74133

Mr. Wyatt indicated he did not wish to speak.

**Anna Bowe** 7612 S 69<sup>th</sup> East Place, Tulsa, OK 74133

Ms. Bowe stated she also lives adjacent to the subject property. She stated she is okay with the rezoning for the front half also but asked if the back half is rezoned will there be fences to block off the houses on the east side. She asked if the neighbors would be allowed on the property. She stated will there be an office in her backyard.

**Jeff Stephens, City Legal** 175 E 2<sup>nd</sup> Street, Tulsa, OK 74103

Mr. Stephens represents the City of Tulsa, Legal Department and wants to make sure the Planning Commission is focused on the land use. He stated there is no mechanism to enforce this becoming a conservation easement. Mr. Stephens stated if the Planning Commission voted to rezone the entire tract, whether that conservation easement happens is out of your hands and who knows when or if it will happen or not. He stated the focus needs to be on land use and is it appropriate for the area.

Mr. Covey stated he thinks the applicant is trying to do something good for the neighborhood and it sounds like all the neighbors agree that they are okay with OL for the front half of the subject property. Mr. Covey stated if an optional

development plan is not possible then a continuance might give the applicant more time to try and figure out how to ensure that if approving the rezoning, he will create the conservation easement.

Staff stated the applicant is not going to agree with a development plan because it will further restrict his development so there is no real win with putting a development plan on this tract now. He stated but going back to City Legal's point, the other element of this is a Comprehensive Plan amendment that would be required to support an OL zoning and staff does not support the change in the land use plan that far back on the tract. Staff stated that has nothing to do with whether it would be a conservation easement or not, it's just related to the fact that they don't perceive that Comprehensive Plan change to be appropriate.

Mr. Humphrey stated the conservation easement is about forfeiting the right to develop this property. He stated in his experience, these tend to be limited areas that are not very attractive to develop. He stated it's not that it couldn't be developed. Mr. Humphrey asked when it comes to the zoning for the subject property is there anything that Planning Commission can do like having the applicant sign an agreement that he would create the conservation easement and that he would be forfeiting the right drive to develop the property. He stated he was trying to see if the two can coincide.

Staff stated the staff recommendation on the land use is based on what the City can enforce. He stated the conservation easement is not a part of how staff got to their decision and not something that would be a consideration. Staff stated they look at the Comprehensive Plan to make their recommendation.

Mr. Craddock asked once the applicant applied for the conservation easement what is the guarantee that it would be approved.

The applicant stated 100%. He stated Michael Patton with Land Legacy files the documents with the federal government.

**TMAPC Comments:**

Mr. Covey stated he thinks the applicant is trying to do a good thing, but he is not sure how to go about doing it. He stated he has a lot of what ifs, what if the OL zoning is approved today for the entire tract and the land use map is changed to Multiple Use and what if the sale doesn't go through or the conservation easement is not approved. He stated what if this conservation easement wasn't even in play, how would he vote. He stated he would vote with staff recommendation. He thinks that is the right thing to do. Mr. Covey stated he doesn't want Multiple Use going all the way to the back half of the property. He stated he is fine with it on the west half but not the east half.

Ms. Carr stated she is uncomfortable deciding just for the benefit of one person, even though she thinks the decision could benefit others. She stated she agrees with Mr. Covey and will vote for the staff's recommendation.

Mr. Hood stated he loves the idea and it's the kind of compromise that he would like to see in these developments, especially in areas of residential density, but there is nothing that is enforceable. He stated he appreciates the applicants 50 years in Tulsa and that he gives his word, and he thinks that's an important thing for somebody to put out there.

Mr. Humphrey stated it pains to vote against this application because he does see what the applicant is trying to do for the area.

Mr. Craddock asked if the applicant was willing to do a continuance to see if there is a way to work through some of the issues and even potentially get other documentation.

Mr. Stephens stated he wants to bring it back to the land use again. He stated at the end of the day, unless there's something he does not know, there will still be the enforceability problem. The applicant doesn't own the property yet. Mr. Stephens stated the focus is what's before you today.

**TMAPC Action; 9 members present:**

On **MOTION** of **CRADDOCK**, the TMAPC voted 9-0-0 (Carr, Covey, Craddock, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Bayles, Zalk, "absent") to **CONTINUE** Item 5 to September 20, 2023.

## **PUBLIC HEARING-COMPREHENSIVE PLAN AMENDMENTS**

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

- 6. CPA-108 Deborah K. Palinskee** (CD 8) Location: North of the northeast corner of South Sheridan Road and East 78<sup>th</sup> Street South requesting to amend the Land Use Map designation from **Neighborhood** to **Multiple Use (Related to Z-7737)**

### **STAFF RECOMMENDATION:**

#### **TMAPC Staff Report CPA-108 Comprehensive Plan Amendment**

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

The applicant has submitted this proposed Comprehensive Plan amendment (CPA-108) with a concurrent rezoning request (Z-7737) to request a change in the Land Use designation of the subject property from *Neighborhood* to *Multiple Use* for the entirety of the site. The concurrent zoning request proposes a change from RS-3 to OL to support redevelopment of the subject property.

### **Background**

The property contains a non-conforming beauty salon in the front of the property and single-family structures in the rear. The majority of the property is currently undeveloped and rich with mature trees. The Little Haikey Creek Tributary runs through the property and bisects the property leaving the rear portion accessible by a bridge. Property currently has access to South Sheridan Road and is bounded by single family subdivisions on three sides.

### **EXISTING LAND USE:**

#### **Neighborhood**

Neighborhoods are “Mostly Residential Uses” which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low-intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off of an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access off of a lower-order street separated from the arterial, then it would be considered Neighborhood. Neighborhood development in Future Growth areas should be well connected to the arterial network and setup with street stubs to accommodate future connectivity to surrounding



subdivisions. Higher density is only preferred when adjacent to developed areas, e.g. “leapfrog” subdivisions should be low density to not strain public service distribution.

**PROPOSED LAND USE IN CPA-108:**

**Multiple Use**

Multiple Use areas are “Mostly Commercial or Retail Uses” which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local Centers being more commonplace in newer parts of the city. For single properties that are commercial but surrounded by Neighborhood, Multiple Use is the preferred designation. In general, commercial and retail uses in Future Growth areas should be located on arterial streets or on existing or planned streets that are easily accessed by the arterial street grid. Where development is occurring at the intersection of significant streets, local center is the preferred designation.

**Zoning and Surrounding Uses**

Location	Existing Zoning	Existing Land Use Designation	Existing Use
North	AG and RS-3	Neighborhood	Single-family Residential Subdivision and Single large acre single family lot on the Sheridan frontage
West	RS-3 inside PUD-290	Neighborhood	Single-family Residential Subdivision
South	AG and RS-3	Neighborhood	Day care, Religious Assembly and Single-family Residential Subdivision
East	RS-3	Neighborhood	Single-family Residential Subdivision

**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; and;

3. How the proposed change will enhance the surrounding area and the City of Tulsa.

**How conditions have changed:**

The site has not been developed. The surrounding area has developed around it. North and east of the site has developed into a residential neighborhood. South of the property is a church and a preschool. The property faces Sheridan. West of Sheridan is a regional detention pond and another residential neighborhood.

**How those changes have impacted the property:**

The way the properties around the site have developed makes it difficult to develop to meet the RS-3 zoning along with the presence of City of Tulsa Regulatory Floodplain on the site.

**How the proposed change will enhance the area:**

The easterly portion of this property is in the City of Tulsa Regulatory Floodplain will be in a conservation easement. This conservation easement ensures that it will not be developed. It will be left in its current condition or become a more natural area. The area near Sheridan will be developed into offices, possibly housing medical offices. This will enhance the area and bring needed office space to this area of Tulsa.

The office park coupled with leaving the floodplain and easterly part of the property as natural as possible would be an improvement to the area.

**STAFF SUMMARY & RECOMMENDATION**

Staff supports a change to Multiple Use on the western portion of the property. The western portion of the lot has frontage on South Sheridan Road which is a secondary arterial. Staff has recommended denial of the land use change for the eastern 623.45-feet of property. The change for the eastern portion of the property would support commercial development interior to an established neighborhood. Allowed uses approved through zoning should remain residential in nature for the portion of the property that far back into the neighborhood.

There is currently a creek that bisects the property making the west portion more favorable to development. The applicant has noted their intent to place the east portion of the property inside a conservation easement which would limit the development of that area. The proposed conservation easement is not considered by staff in their recommendation and the City of Tulsa does not have any mechanism to require it be put into a conservation easement.

Staff recommends **approval** of *Multiple Use* land use designation on the West 646.29- feet of the property and recommends **denial** of Multiple Use land use designation on the East 623.45-feet.

**TMAPC Action; 9 members present:**

On **MOTION** of **CRADDOCK**, the TMAPC voted 9-0-0 (Carr, Covey, Craddock, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Bayles, Zalk, “absent”) to **CONTINUE** Item 6 to September 20, 2023.

DRAFT

## PUBLIC HEARING - PLATS

7. **Stone Lake Phase V** (County) Preliminary Plat, Location: West of the southwest corner of North Sheridan Road and East 136th Street North

### **STAFF RECOMMENDATION:**

This plat consists of 32 lots, 4 blocks on 23.31 ± acres.

The Technical Advisory Committee (TAC) met on August 17<sup>th</sup>, 2023, and provided the following comments:

1. **Zoning:** Proposed lots conform to the requirements of the RE district. Planning Services will provide comments prior to the final plat release.
2. **Addressing:** Addresses provided by INCOG must be shown on face of the final plat.
3. **Sewer/Water:** On-site sewage disposal must be approved by the Oklahoma Department of Environmental Quality. Water service to be provided by Rural Water District #3, Washington County. Any improvements to existing water lines must be approved through the RWD.
4. **County Engineering:** Plat should include detention area as part of plat.
5. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Release letters are required from all utilities serving the site.

### **Modifications of the Subdivision & Development Regulations:**

#### *Section 5-070.2 Sidewalks – Unincorporated Tulsa County*

Sidewalks are required to be installed on both sides of all arterial, collector and residential streets with curb and gutter. They are to be installed prior to issuance of a certificate of occupancy, installed within the right-of-way line or an alternative location approved by the county engineer and installed per the standards and specifications of Tulsa County.

The applicant has requested a modification to eliminate the requirement for sidewalks within the area of this plat. County Engineering has indicated that they will not require sidewalks as part of this development and plat.

Staff recommends **APPROVAL** of the preliminary plat and modification of the Subdivision & Development Regulations for sidewalks subject to the conditions provided by TAC all other requirements of the Subdivisions Regulations.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Carr, Covey, Craddock, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Bayles, Zalk, “absent”) to **APPROVE** the Preliminary Subdivision Plat and modification of the Subdivision & Development Regulations for Stone Lake Phase V per staff recommendation.

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DRAFT

8. **Magnolia Farms** (County) Preliminary Plat, Location: South of the southwest corner of South Sheridan Road and East 171st Street South

**STAFF RECOMMENDATION:**

**Magnolia Farms** (County) Preliminary Plat, Location: South of the southwest corner of South Sheridan Road and East 171st Street South

This plat consists of 32 lots, 2 blocks on 41.5 ± acres.

**STAFF RECOMMENDATION:**

The Technical Advisory Committee (TAC) met on August 17<sup>th</sup>, 2023, and provided the following comments:

1. **Zoning:** Proposed lots conform to the requirements of the RE district and PUD-863. Planning Services will provide comments prior to the final plat release.
2. **Addressing:** Addresses provided by INCOG must be shown on face of the final plat.
3. **Sewer/Water:** On-site sewage disposal must be approved by the Oklahoma Department of Environmental Quality. Water service to be provided by Okmulgee County Rural Water District #6. Any improvements to existing water lines must be approved through the RWD.
4. **County Engineering:** Provide Right-Of-Way along South Sheridan Road.
5. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Release letters are required from all utilities serving the site.

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

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Carr, Covey, Craddock, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Bayles, Zalk, "absent") to **APPROVE** the Preliminary Subdivision Plat for Magnolia Farms per staff recommendation.

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9. **41 East Apartments** (CD 6) Preliminary Plat, Location: North and east of the northeast corner of East 41<sup>st</sup> Street South and South 145<sup>th</sup> East Avenue

**STAFF RECOMMENDATION:**

**PRELIMINARY SUBDIVISION PLAT**

**41 East Apartments** - (CD 6)

North and east of the northeast corner of East 41<sup>st</sup> Street South and South 145<sup>th</sup> East Avenue

This plat consists of 1 lot, 1 block on 12.91 ± acres.

The Technical Advisory Committee (TAC) met on August 17<sup>th</sup> and provided the following conditions:

1. **Zoning:** The property is currently zoned RM-3 with an optional development plan, Z-7683. The proposed lot conforms to the requirements of the development plan. Optional development plan number must be included on the face of the plat and the approved development standards are required to be incorporated into the deed of dedication.
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.
3. **Transportation & Traffic:** Sidewalks and appropriate ADA compliant ramps are required along all street frontages adjacent to the property. Right-of-way permits will be required for driveways connecting to public streets. IDP approval is required prior to final plat approval. Label and dimension all street right-of-way adjacent to the site with either recording information or "dedicated by plat". Right-of-way dedications are required to comply with major street and highway plan. Align limits of access and no access dimensions with proposed driveway. Fire access roads will require a minimum 28 feet inside turning radius. Ensure proper right of way dedication is made for turn lane extension.
4. **Sewer/Water:** Label and dimension all required or existing easements. Any required offsite easements are required to be recorded and recording information must be provided on the final plat. Internal lines that serve only this project should be made private.
5. **Engineering Graphics:** Submit subdivision control data sheet with final plat. Provide the date of the surveyor's last visit or range if consecutive days. Update surveyor/engineer heading with valid expiration date.
6. **Stormwater, Drainage, & Floodplain:** IDP approval for storm sewer improvements is required 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.

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

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Carr, Covey, Craddock, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Bayles, Zalk, "absent") to **APPROVE** the Preliminary Subdivision Plat for 41 East Apartments per staff recommendation.

\* \* \* \* \*

**OTHER BUSINESS**

**10. Commissioners' Comments**

None



**ADJOURN**

**TMAPC Action; 9 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Carr, Covey, Craddock, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Bayles, Zalk, "absent") to **ADJOURN** TMAPC meeting of September 6, 2023, Meeting No. 2897.

**ADJOURN**

There being no further business, the Chair declared the meeting adjourned at 1:56 p.m.

Date Approved:

\_\_\_\_\_

\_\_\_\_\_

Chair

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

Secretary