



Tulsa Metropolitan Area
Planning Commission

Case Number: CPA-96

Hearing Date: October 6, 2021

Case Report Prepared by:

Susan Miller, AICP

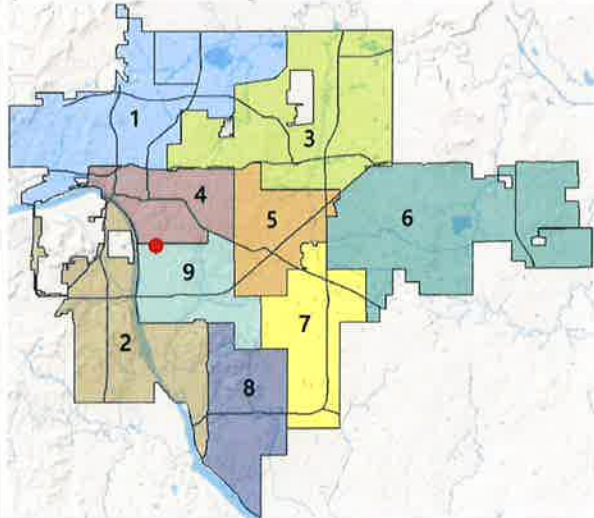
Owner and Applicant Information:

Applicant: Tulsa City Council

Property Owners:

- Cadijah Patterson Frizzell, an individual;
- Sabrina Patterson Nunnelee as Trustee of the Shannon Tara Patterson 2012 Gift Trust;
- Sabrina Patterson Nunnelee as Trustee of the Robert E. Patterson, II 2012 Gift Trust; and
- Sabrina Patterson Nunnelee, an individual

Location Map:
(shown with City Council Districts)



Site / Application information:

Present Use: Single Family Home

Proposed Use: Nothing currently proposed

Summary: Research 2010 Comprehensive Plan adoption process and determine if the site should have been designated as an *Area of Stability* and the appropriate process if an oversight was made.

Tract Size: 7.01± acres

Location: Southeast corner of East 31st Street South and South Peoria Avenue

Zoning:

Existing Zoning: RS-3

Comprehensive Plan:

Existing Land Use: Existing Neighborhood

Existing Stability and Growth Map:
Area of Growth

Proposed Stability and Growth Map:
Area of Stability

Staff Recommendation:

Staff recommends approval of the proposed amendment to an *Area of Stability* to reflect the intent established in the TMAPPC special meetings leading to adoption of the 2010 Comprehensive Plan.

Staff Data:

TRS: 9319
CZM: 47

City Council District: 9

Councilor Name: Jayme Fowler

County Commission District: 2

Commissioner Name: Karen Keith

7.1

TMAPC Staff Report
CPA-96
Comprehensive Plan Amendment

A. Property Information and Request

The subject property is a 7.01-acre tract of land on the southeast corner of East 31st Street South and South Peoria Avenue. Most recently, this property has been a topic of discussion among residents in the neighboring area in response to a Master Plan Development (MPD-3) application submitted to TMAPC in July 2020 for a mixed-use development. The application was subsequently withdrawn in September of 2020 and no application for rezoning is currently pending. The Comprehensive Plan land use designation on this site is *Existing Neighborhood* and the Area of Stability and Growth designation is an *Area of Growth*. The residents in the surrounding area submitted research from the 2010 PLANiTULSA review and approval and indicated that this site was intended to be an *Area of Stability* instead of an *Area of Growth*. As a result, at their meeting on August 11, 2021, Tulsa City Council voted unanimously on a motion for "...Council initiation of a potential Comprehensive Plan amendment to the City's Stability & Growth Map for property located at the southeast corner of East 31st Street and South Peoria Avenue, which is currently designated as an Area of Growth".

B. 2010 PLANiTULSA approval timeline relating to SE corner of 31st & Peoria

Staff summary of research: Tulsa Planning Office staff researched the official TMAPC records from the PLANiTULSA approval process which are housed in our office. In addition to the research presented by the neighbors, staff also located other information from the process, including audio recordings and the final document as presented to the City Council and recorded in the office of the City Clerk. Staff research was largely intended to understand the nature of the special meetings and the decisions made during those meetings. Clarified by the audio recordings, it became clear that these were not official decisions, rather the intent was that these changes would be reflected on the map to be presented at the time of TMAPC adoption. Unfortunately, the unchanged maps appear to have gone unnoticed as the document proceeded through the TMAPC approval process on July 6, 2010. In conclusion, despite the notes included in the consent log, discussed in TMAPC special meetings and the intent expressed by the Mayor (District 9 Councilor at the time- see attached memo), the Areas of Stability and Growth Maps adopted in the July 2010 Tulsa Comprehensive Plan (PLANiTULSA) pursuant to TMAPC Resolution No. 2581:900 showed the area at the southeast corner of E. 31st Street South and South Peoria as an Area of Growth.

Staff has consulted with City Legal to confirm that the necessary process to make a change on the map is through the comprehensive plan amendment process. Below outlines the timeline of the PLANiTULSA approval process relating to this site:

March 31, 2010 TMAPC Special Meeting

Item #58 in the consent log was a comment from the public and it read: "Stability – Change Map has the southeast corner of 31st and Peoria listed as Change. It is a 1920's era Tulsa Mansion Estate. It seems that it would be more appropriate to have it be stability like the surrounding historic neighborhoods which surround it."

Suggested Action: The PLANiTULSA team recommends amending the Area of Stability and Change Map to designate this property as an area of Stability.

7.2

On MOTION of LEIGHTY, TMAPC voted 10-0-0 (Cantrell, Carnes, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Walker, Wright "aye"; no "nays"; none "abstaining"; Shivel "absent") to ADOPT Items 1-143 of the consolidated table of consent items, less the following: 3, 8, 14, 15, 16, 17, 22, 26, 28, 29, 30, 32, 33, 34, 36, 37, 38, 39, 40, 41, 50, 51, 53, 54, 54, 56, 59, 60, 61, 62, 63, 64, 76, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 89, 90,91, 92,93, 115,117,120,121,122,123,125,133,134,136. (Note: Item #58 was not pulled from this list).

Audio of the meeting states the following: Chair Michelle Cantrell said: *"I'm going to make it real clear. We are going to make some decisions about what we want to see in the final draft. But once again, even once those decisions are made, it is still a draft, and we will still be taking public comments in April and at that point we may make further changes. So, I don't want anyone to think that any vote today is in any way final."*

After deciding which items to pull from the Consent Log, one of the commissioners said, "I move to approve the consent items..." The Chair stated, *"We don't have to take a vote today but we can."*

Some inaudible discussion happened and then another commissioner seconded the motion.

April 28, 2010 TMAPC Special Meeting

Item #58, now referred to as Item #9, shows up on the Map Changes Consent Log

The Suggested Action (as written in the log): No Action needed; this item has been folded into the Proposed Maps at April 28th Session.

On MOTION of CANTRELL, TMAPC voted 8-0-0 (Cantrell, Dix, Leighty, Marshall, McArtor, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes, Liotta, Midget "absent") consent items: apart from those items that conflict with previous motions, it is moved that all other suggested changes be made.

Mr. Boulden stated that for the record, the Blair Mansion vote without dimensions and knowing how far wide or deep it goes, he believes that dimensions should be provided. He doesn't know how anyone could tell what that was. Ms. Cantrell moved that prior to the redrafting of the maps the consultant attempt to come up with some specific dimensions.

On MOTION of CANTRELL, TMAPC voted 8-0-0 (Cantrell, Dix, Leighty, Marshall, McArtor, Shivel, Walker, Wright "aye"; no "nays"; none "abstaining"; Carnes, Liotta, Midget "absent") that in the process of rewriting the land use plan for the Blair Mansion property that the specific property lines be defined.

NOTE: There were two other map items listed in the Map Change Consent Log on April 28, 2010 Special Meeting that appear to have been overlooked when the final Growth and Stability Map was presented for adoption in July 2010. Those other two items were as follows:

- #7, property to the southwest of the southwest corner of E. 31st St. S. and I-44

The Suggested Action (as written in the log): Given limited access and constraints on the subject property, designation as Area of Change with plan category of Neighborhood Center is likely an oversight. The PLANiTULSA team recommends amending the Areas of Stability and Change Map to designate this property as an area of Stability.

The Growth and Stability Map was adopted in 2010 leaving this property as an Area of Growth.

7.3

- #10, property referred to The Blair Property, north of Riverside Dr & E. 31st St. S.

The comment, from City of Tulsa, read - *Clerical #2 – The Blair Property needs to be changed to S/C: “Change” and Plan Map: “New Neighborhood”.*

The Suggested Action (as written in the log): No Action needed; this item has been folded into the Proposed Maps.

The Growth and Stability Map was adopted in 2010 leaving this property as an area of Stability.

- Resolution 2680:925 (October 2, 2014) amended the Tulsa Comprehensive Plan to change the designation on the Areas of Stability and Growth map from an area of Stability to an area of Growth as part of the creation of the Arkansas River Corridor land use designation and discussion of the River Design Overlay.

The Resolution reads as follows: CPA-11: Amend designation on Land Use Map from "Existing Neighborhood" and "Mixed Use Corridor" to "Park and Open Space" and designation on Areas of Stability and Growth designation from "Area of Stability" to "Area of Growth" on approximately 66.5 acres located along Riverside Drive from East 26th Street South to East 33rd Place (1st Phase Gathering Place).

July 6, 2010 TMAPC Public Hearing

On the Agenda (This item was removed from the consent agenda.): #11 Comprehensive Plan Revision and Amendments – To consider adopting revisions and amendments to the Comprehensive Plan of the Tulsa Metropolitan Area. Resolution 2581:900

Staff Recommendation: Mr. Boulden presented the proposed resolution and also submitted alternative language for Section 3. Mr. Boulden informed the Planning Commission that prior to the start of the meeting, he was informed that in Section 1, the list failed to include the housing provisions. He corrected the list by adding “Housing” in Section 1 immediately following “Economic Development”.

TMAPC Comments: After a lengthy TMAPC discussion, it was determined to add “Housing” to Section 1 and the alternative language for Section 3 as amended by the Planning Commission.

Section 1 of the Resolution was corrected to read:

That the Comprehensive Plan of the Tulsa Metropolitan Area, as originally adopted by the Tulsa Metropolitan Area Planning Commission of June 26, 1960 and as amended from time to time, shall be and is hereby amended, regarding portions of the Tulsa Metropolitan area within the incorporated city limits of the City of Tulsa, situated within Tulsa, Osage, and wagoner Counties, to include the following planning guidelines, goals and policies:

- Our Vision for Tulsa
- Land Use
- Transportation
- Economic Development
- Housing (added)
- Parks Trails and Open Space

7.4

Appendices:
Land Use: Small Area Planning
Transportation I: Context-Sensitive Solutions and Design
Transportation II: Urban Corridors
Transportation III: Sustainable Network Initiative
Housing: Methodology and Assumptions
Glossary

Section 3 of the Resolution added the following underlined alternative language and eliminated the language with a strikethrough:

That all provisions or parts of provisions of the Comprehensive Plan of the Tulsa Metropolitan Area, adopted by the Planning Commission of June 29, 1960, as amended, are hereby expressly superseded by the guidelines, goals and policies adopted by this Resolution; provided that the following existing plans that have been adopted by the Planning Commission shall not be superseded and shall continue, to the extent they are not in conflict with the guidelines, goals and policies adopted by this Resolution: the Tulsa City-County Major Street and Highway Plan; the Tulsa Metropolitan Area Trails Master Plan and Map; Arkansas River Corridor Master Plans; Tulsa University (TU) master plans and maps; master drainage, flood, and stormwater and similar plans and maps; and hazard mitigation and similar plans and maps.

On MOTION of LEIGHTY, TMAPC voted 8-0-0 (Cantrell, Dix, Leighty, Liotta, Marshall, McArtor, Midget, Wright "aye"; no "nays"; none "abstaining"; Carnes, Shivel, Walker "absent") to recommend APPROVAL of a resolution of the Tulsa Metropolitan Area Planning Commission (TMAPC), pursuant to Title 19 Oklahoma Statutes, Section 863.7; Adopting Revisions and Amendments to the "Comprehensive Plan of the Tulsa Metropolitan Area", Originally adopted on June 29, 1960 and as Subsequently Amended; Amending the Comprehensive Plan for portions of the Tulsa Metropolitan Area within the incorporated City limits of the City of Tulsa, Situated within Tulsa, Osage, and Wagoner Counties, in the State of Oklahoma, Resolution No. 2581:900 per staff recommendation and adding the alternative language as amended by the Planning Commission. (Language with a strike-through has been deleted and language with an underline has been added.)

July 22, 2010 City Council Meeting

City Council voted 8-0-0 for "Approval of TMAPC Resolution No. 2581:900, adopting PLANiTULSA revisions and amendments to the Comprehensive Plan", which included The FINAL DRAFT, July 2010 Tulsa Comprehensive Plan (PLANiTULSA), showing the southeast corner of 31st and Peoria as an Area of Growth.

July 26, 2010 - Resolution No. 2581:900 filed in the Office of the City Clerk with a copy of the July 2010 Tulsa Comprehensive Plan (PLANiTULSA)

C. Land Use and Stability and Growth Area Designations

When the Tulsa Comprehensive Plan was adopted in 2010, this site was designated as an *Existing Neighborhood* and an *Area of Growth*:

“The ***Existing Residential Neighborhood*** category is intended to preserve and enhance Tulsa’s existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.”

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

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

Research of the details of the 2010 Comprehensive Plan approval process shows the intent was that this site be designated as an *Area of Stability*, though this change was not carried through to adoption.

“The ***Areas of Stability*** includes approximately 75% of the city’s total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the *Areas of Stability*. The ideal for the *Areas of Stability* is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.”

The Comprehensive Plan includes descriptions on when transitioning from an Area of Stability to an Area of Growth or an Area of Stability to an Area of Growth may be appropriate.

7.4

“From Stability to Growth: As the comprehensive plan is implemented, many areas currently designated as stability may transition to those that should support growth. Where appropriate, this may be accomplished with small area plans, master development plans, and planned unit developments.”

“From Growth to Stability: As the comprehensive plan is implemented, many areas currently designated as growth will transition to those that should remain stable. This will occur particularly in new communities that develop on vacant land, but also where redevelopment successfully revitalizes main streets or centers.”

There are specific criteria listed in the Comprehensive Plan (LU-57) for selecting *Areas of Growth*.

- Underutilized land, especially surface parking lots or vacant buildings downtown or along corridors
- Areas already undergoing positive change which is expected to continue
- Areas adjacent to transit and around transit stations, existing and planned
- Areas along corridors with frequent bus service that can accommodate development on underutilized land
- Locations where appropriate infill development will promote shorter and less frequent auto trips
- Areas with special opportunities such as where major public or private investments are planned”

D. Zoning and Surrounding Uses:

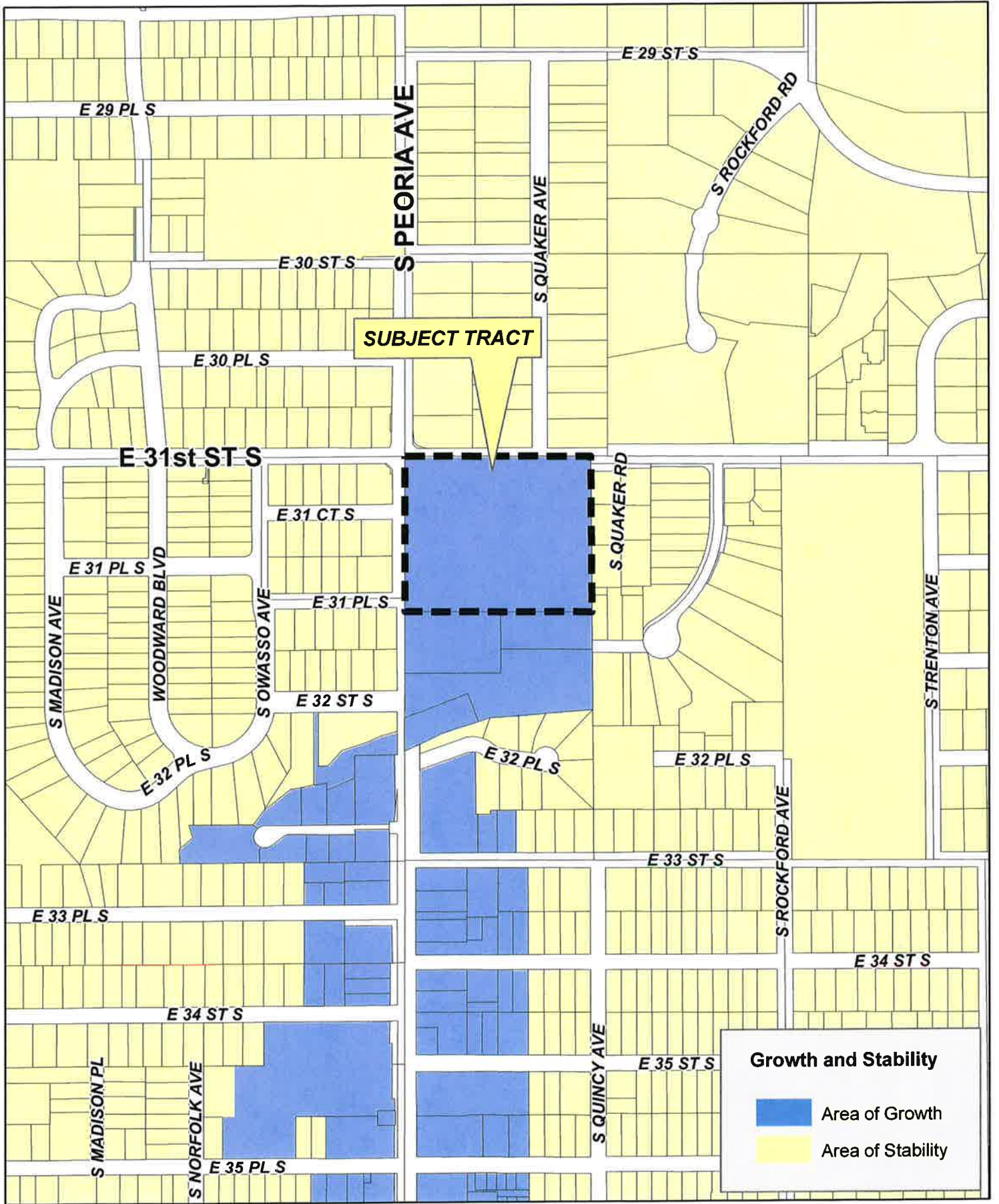
Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
N	RS-1	Existing Neighborhood	Stability	Single-family
S	RS-3	Existing Neighborhood	Growth	Single-family
E	RS-3	Existing Neighborhood	Stability	Single-family
W	RS-3	Existing Neighborhood	Stability	Single-family

E. Staff Summary & Recommendation

On August 11, 2021, the City Council initiated a" potential Comprehensive Plan amendment to the City's Stability & Growth Map for property located at the southeast corner of East 31st Street and South Peoria Avenue, which is currently designated as an *Area of Growth*." The focus of the discussion was to determine the intent during adoption of the 2010 Comprehensive Plan and if designating this site as an *Area of Stability* in the final map at the time of an adoption was an oversight or if it was clearly identified as an *Area of Stability* on the final map but did not get updated afterwards. After researching the issue (as outlined earlier in the staff report), it was clear that the intent was for the site to be designated as an *Area of Stability*, but the maps were not changed prior to TMAPC adoption of the Comprehensive Plan. Therefore, an amendment is required.

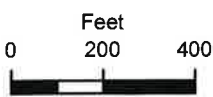
The scope of this staff review is limited amending the plan to reflect the 2010 intent as expressed by the City Council at their August 11, 2021 meeting. If asked to reconsider if an *Area of Growth* is appropriate for this site in 2021, staff could make an recommendation whether this site meets the *Area of Growth* criteria in the Comprehensive Plan on page LU-57.

Based on staff research and the information presented in this report, staff recommends approval of the proposed amendment to an Area of Stability, to reflect the intent established in the TMAPC special meetings leading to adoption of the 2010 Comprehensive Plan.



Growth and Stability

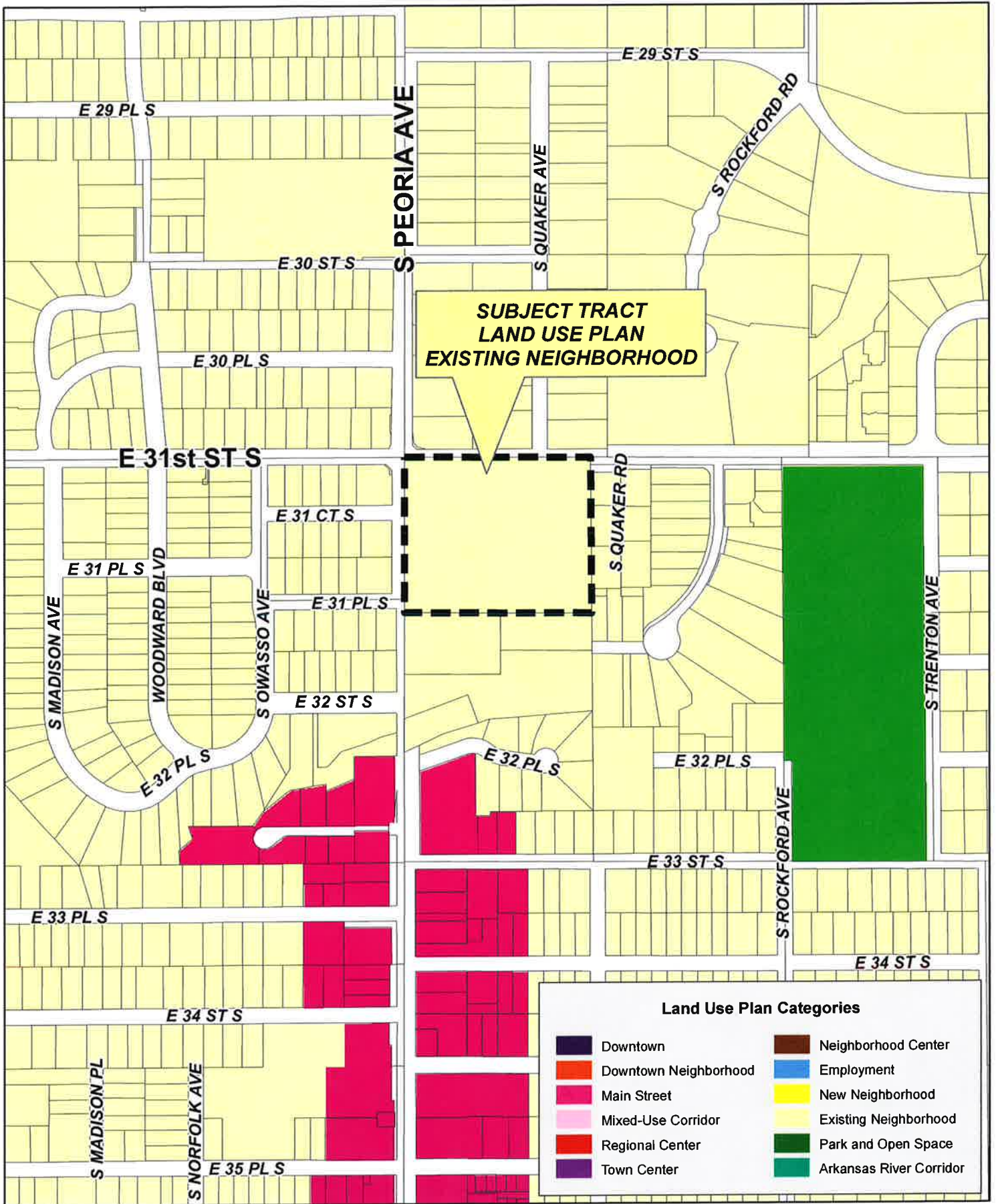
- Area of Growth
- Area of Stability



CPA-96

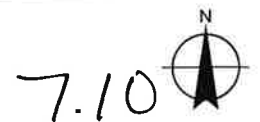
19-13 19

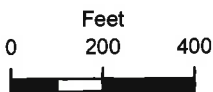




CPA-96

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 Subject Tract

CPA-96

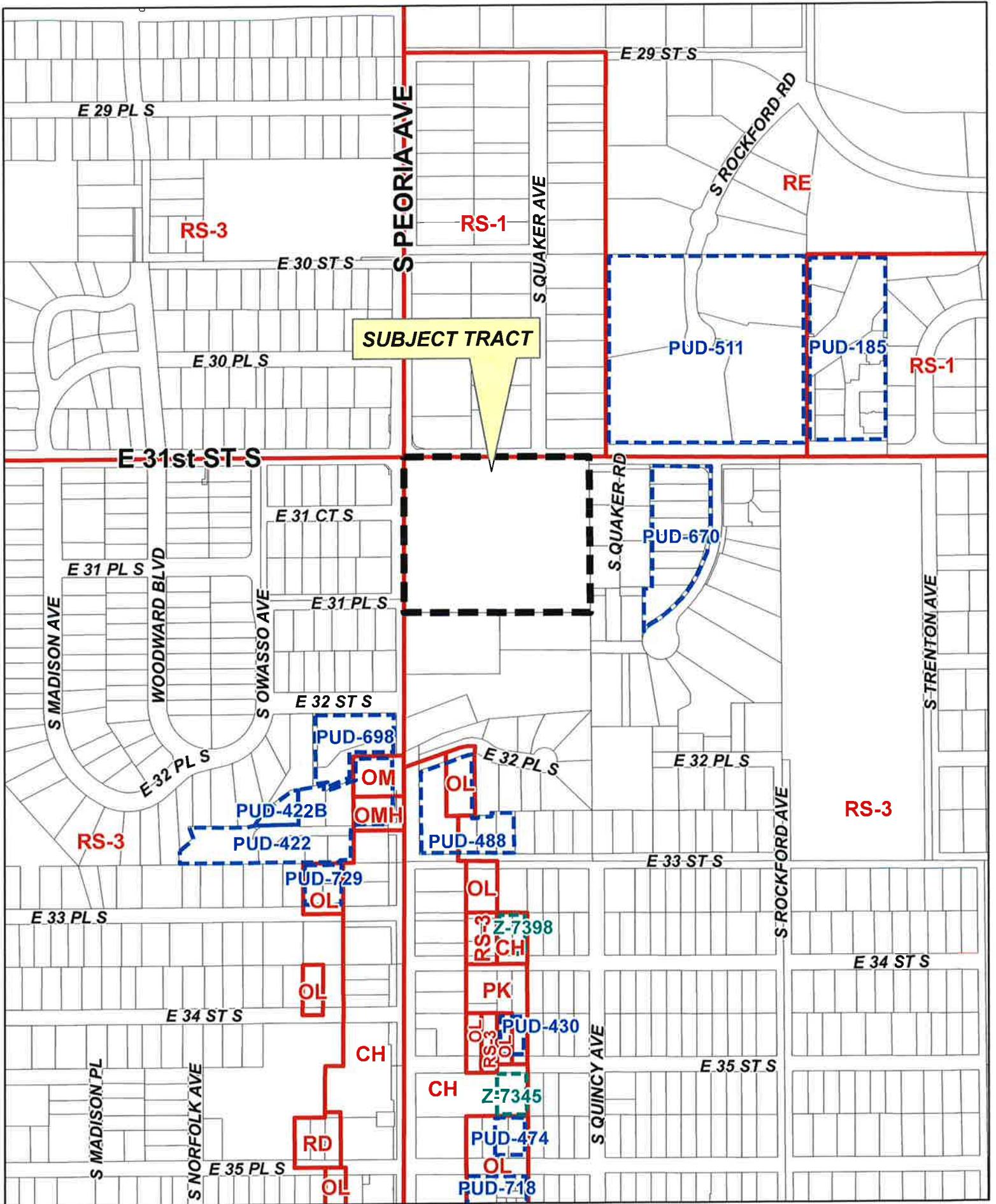
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Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021



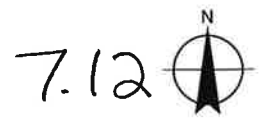
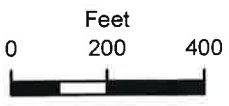
7.11



SUBJECT TRACT

CPA-96

19-13 19





G.T. Bynum
OFFICE OF THE MAYOR

August 9, 2021

The Honorable Jayme Fowler
Tulsa City Council
175 E 2nd Street
Tulsa, OK 74103

Dear Councilor Fowler:

I watched the Council committee discussion last week regarding the comprehensive plan as it relates to Brookside. One councilor mentioned that they did not know what councilors were contemplating at the time of the plan's adoption, and it occurred to me that I was in fact the councilor for the area in question at that time.

I wanted to follow up by way of this letter to let you know that my goal for Brookside as the councilor for District 9 when PlaniTulsa was being developed was that it should incorporate what was commonly known as the "Brookside Infill Plan". The Brookside Infill Plan was developed by Brookside neighborhood leaders, business owners, and City planners prior to my election to the Council but I know that a great deal of work went into it. I wanted that work to be reflected in our long term planning, and thus made the case with the team developing PlaniTulsa that it should be incorporated.

The full Brookside Infill Plan can be viewed here: <https://tulsaplanning.org/wp-content/uploads/2019/06/brookside-infill-plan.pdf>

I am attaching a segment of the plan that highlights the specific property in question. As you will see, the recommendation within the Brookside Infill Plan was to "Preserve and enhance the residential character of this Select Area".

Given this, I am confident the intent at the time was to designate this as an Area of Stability.

I send this without any comment on potential or previously proposed developments. I respect the deliberative process anything of that nature must go through before it reaches my desk for consideration. I would also note that at this point the Brookside Infill Plan is nearly two decades old and was created before the Gathering Place or our bus rapid transit line were even contemplated.

But on the question of what the intent of the councilor for this area was when our comprehensive plan was established, I can say definitively that it was intended as an Area of Stability.

Thank you for your service to our city.

Best regards,

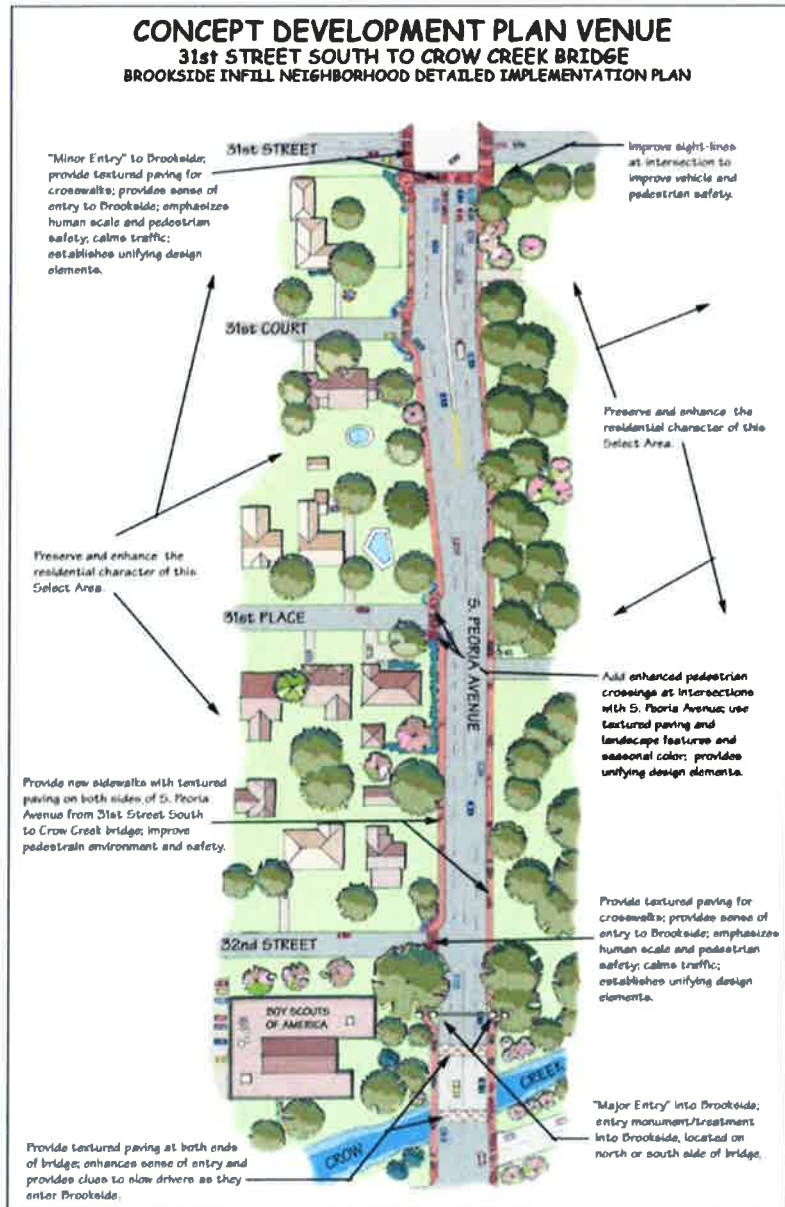
G.T. Bynum
Mayor
City of Tulsa

cc:

Susan Miller, Tulsa Planning Office
Jack Blair, Chief Operating Officer

Brookside Infill Development Design Recommendation - A Component of the Brookside Infill Neighborhood Detailed Implementation Plan

EXHIBIT 38



7.14

Miller, Susan

From: PS Gotcher <pamelagotcher@gmail.com>
Sent: Monday, September 27, 2021 1:49 PM
To: Miller, Susan; esubmit
Cc: David Poarch; keith franklin; ssavage52@aol.com; Teresa Burkett; Robert Brejcha; Jacqueline Bowman
Subject: Request Re: Oct 6th Hearing

Dear Susan and INCOG staff:

The Comp Plan Timeline of July 2010 covering the subject property described research of the TMAPC staff and included the following conclusion:

"Unfortunately, the unchanged maps appear to have gone unnoticed as the document proceeded through the TMAPC approval process on July 6, 2010. In conclusion, despite the notes included in the consent log, discussed in TMAPC special meetings and the intent expressed by the mayor (who was District 9 Councilor at the time), the Areas of Stability and Growth Maps adopted in the July 2010 Tulsa Comprehensive Plan (PLANiTULSA) pursuant to TMAPC Resolution No. 2581:900 showed the area at the southeast corner of E. 31st Street South and South Peoria as an Area of Growth.

Staff has consulted with City Legal to confirm that the necessary process to make a change on the map is through the comprehensive plan amendment process. "

Based on all the research provided by this group of concerned citizens and residents and the research INCOG has provided, with the City's decision that the map change needs to occur through the Comp Plan amendment process, we request INCOG to introduce this issue at the scheduled meeting as limited to the narrow issue of the 2010 map and Comp Plan archival history and the map amendment to reflect the same.

We request INCOG to announce at the meeting their specific request to TMAPC to limit the issues for discussion and review at that meeting, including public comment to this narrow issue and to exclude any public comment or advocacy about the future of the property. We also ask INCOG to recommend to TMAPC the map subject to Case Number CPA-96 be amended to accurately reflect the area, as an Area of Stability, in accordance with the statutory process.

This is a fair and reasonable request, considering the year long process and many hours of research and work undertaken by many concerned citizens trying to correct the record in a straightforward and logical manner. We want to avoid an unnecessary public referendum or debate about potential development of the property, as this meeting is not the time or place to address any possible future development of this particular property. There is a process to be adhered to if zoning changes or other changes to properties are contemplated and we ask that the process is respected.

Respectfully,

Concerned Citizens and Neighbors of the Patterson Property

