

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2861

Wednesday, March 02, 2022, 1:00 p.m.
City Council Chamber
One Technology Center – 175 E. 2nd Street, 2nd Floor

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday February 25, 2022 at 8:49 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

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

REPORTS:

Chairman's Report:
None

Director's Report:

Ms. Miller reported on City Council actions and other special projects. Ms. Miller stated currently there have been no applications received for the March 23, 2022 TMAPC meeting and there is a good chance that the meeting may be cancelled. She stated that she will send an email once official.

* * * * *

Minutes:

1. Minutes of February 16, 2022 Meeting No. 2860

Approval of the minutes of **February 16, 2022 Meeting No. 2860**

TMAPC Action; 10 members present:

On **MOTION** of **COVEY**, the TMAPC voted 10-0-0(Blair, Covey, Craddock, Kimbrel, Krug, Reeds, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Bayles, “absent”) to **APPROVE** the minutes of February 16, 2022 Meeting No. 2860

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-131-F-1 Phil Fitzgerald** (CD 5) Location: Southwest corner of East Skelly Drive and South Garnett Road requesting a **PUD Minor Amendment** to allow dynamic display signs

STAFF RECOMMENDATION:

SECTION I: PUD-131-F-1 Minor Amendment

Amendment Request: Modify the PUD Development Standards to allow a dynamic display sign.

The current PUD development standards allow for a freestanding sign up to 70 ft in height and 2 sf per linear foot of street frontage but does not allow dynamic display signs. The applicant is proposing to revise the development standards to allow dynamic display signs. They are proposing to add a dynamic display sign, 240 sf in area to the existing sign structure. No other changes to the development standards are proposed.

Staff Comment: *This request is considered a Minor Amendment as outlined by Section 30.010.1.2.c(12) of the City of Tulsa Zoning Code.*

“Modifications to approved signage, provided the size, location, number and character (type) of signs is not substantially altered.”

Staff has reviewed the request and determined:

- 1) PUD-131-F-1 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-131-F.

- 2) All remaining development standards defined in PUD-131-F and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to allow dynamic display signs.

Legal Description for PUD-131-F-1:

THE EAST 172.99 FEET OF THE NORTH 160.33 FEET OF LOT TWO (2), BLOCK ONE (1), AND A PART OF LOT THREE (3), BLOCK ONE(1), INTERSTATE PARK, FORMERLY STRAWBERRY CREEK, A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, THAT PART OF LOT 3, BLOCK 1 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3; THENCE DUE WEST ALONG THE SOUTH LINE OF SAID LOT 3 A DISTANCE OF 211.99 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE NORTH 36°57'19" WEST A DISTANCE OF 20.37 FEET; THENCE NORTH 61°02'34" EAST A DISTANCE OF 254.95 FEET; THENCE SOUTH 00°26'30" EAST A DISTANCE OF 139.72 FEET TO THE POINT OF BEGINNING.

TMAPC Action; 10 members present:

On **MOTION** of **WALKER**, the TMAPC voted 10-0-0(Blair, Covey, Craddock, Kimbrel, Krug, Reeds, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Bayles, "absent") to **APPROVE** Item 2 per staff recommendation.

* * * * *

PUBLIC HEARING - REZONING

3. **PUD-364-8 Lyndsay Hightower** (CD 7) Location: East of the southeast corner of South 99th East Avenue and East 97th Street South requesting a **PUD Minor Amendment** to allow a Type 2 home occupation

STAFF RECOMMENDATION:

SECTION I: PUD-364-8 Minor Amendment

Amendment Request: Modify the PUD Development Standards to allow a Type 2 home occupation.

The applicant is proposing to allow a Type 2 home occupation at their residence. Per the City of Tulsa Zoning Code home occupations fall into two categories. Type 1 home occupations allow the resident to use there home as a place of work, but no employees or customers are allowed to come to the home. Type 2 home occupations allows employees and customers to come to the residence. The applicant is proposing to operate a salon from her home, with a small

number of customers at any given time. This would fall under the Type 2 home occupation designation.

Type 2 Home Occupations are defined by the Zoning Code as *“those in which household residents use their home as a place of work and either employees or customers come to the site. Typical examples include tutors, teachers, photographers, counselors, hair cutting/styling and real estate agents.”*

Uses that comply with the regulations of Section 45.100 – Home Occupations of the Zoning code are allowed as of right unless otherwise stated. The prohibited uses are:

Any type of assembly, cleaning, maintenance, painting or repair of vehicles or equipment with internal combustion engines or of large appliances (such as washing machines, clothes dryers or refrigerators); 2. Dispatch centers or other businesses where employees come to the site and are dispatched to other locations; Equipment or supply rental businesses; Taxi, limo, van or bus services; Tow truck services; Taxidermists; Restaurants; Funeral or interment services Animal care, grooming or boarding businesses; Any use involving the use or storage of vehicles, products, parts, machinery or similar materials or equipment outside of a completely enclosed building; and Any use that does not comply with regulations section 45.100.

No more than 3 clients or customers may be present at any one time on the site of a Type 2 home occupation. Family members of the client or customer do not count toward the 3 person limit. All related activities must be located within the principal building or allowed accessory building.

Staff Comment: *This request is considered a Minor Amendment as outlined by Section 30.010.1.2.c(11) of the City of Tulsa Zoning Code.*

“Home occupations that comply with the regulations of Section 45.100.”

Staff has reviewed the request and determined:

1. PUD-364-8 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-364.
2. Type 2 home occupation would be limited to a salon.
3. All remaining development standards defined in PUD-364 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to allow a Type 2 home occupation for the subject lot limited to a salon use.

TMAPC Comments:

Mr. Craddock asked if staff went back and reviewed platting restrictions during staff review.

Staff stated they do not review restrictions not addressed in the Zoning Code.

Ms. Kimbrel asked if Staff would discuss the differences in Type 1 and Type 2 uses.

Staff stated Type 1 is working from home with no customers. Type 2 would allow 3 customers to come to home at a time.

Applicant Comments:

Andy Richardson 4102 East 101st Place, Tulsa, OK 74137

Mr. Richardson stated he represents the applicant, Lyndsay Hightower. He stated Ms. Hightower has lived in her home for 33 years. Mr. Richardson stated the applicant is a single mother who became a hair stylist in 2017. He stated prior to filing this application the applicant approached the Homeowners Association (HOA) about a plan to build a sunroom on the back of her house for the purpose of using it as a salon with herself being the only stylist. Mr. Richardson stated the HOA approved the design for the sunroom. He stated the Woodbine certificate of dedication from 1986, section 2.1 says the home is intended to be used for single family residential and accessory purposes. Mr. Richardson stated the Woodbine covenant recorded in 1987 indicates the lots are for single family residential and associated purposes by owners. He stated the applicant brought this before the HOA Board in September of 2021 and then again in January 2022. The sunroom was approved by the HOA and has been permitted by the City of Tulsa and construction has begun. Mr. Richardson stated the HOA Board after consulting with their attorney requested that the applicant file an application with TMAPC. He stated the applicant filed the application on January 20, 2022. Mr. Richardson stated under the Zoning Code, home occupations are to be treated as Minor Amendments. He stated Section 45.100-B states, "The home occupation regulations of this section are intended to allow Tulsa residents to engage in customary home-based work activities, while also helping to ensure that neighbors are not subjected to adverse operational and land use impacts (e.g., excessive noise or traffic or public safety hazards) that are not typical of residential neighborhoods". He stated according to the staff report this application does not interfere with the intent or purpose of the Woodbine neighborhood. Mr. Richardson stated Section 45.100-E indicates that home occupations described in the Zoning Code are actually allowed as of right. He stated as staff mentioned

Type 2 Home Occupations are where customers come into the home. And incidentally one of the specific Type 2 home occupations mentioned is a hairstyling, haircutting profession. Mr. Richardson stated in order to meet the application requirements, the applicant has to comply with the general regulations in Section 100-H which sets forth regulations for all Type 1 and Type 2 regulations. He stated in addition, the applicant has additional requirements for Type 2 home occupations, including that no more than three clients will be at her home at any one time and a maximum of one nonresident employee at a time and it also has to be entirely within the principal use of the residential building. Mr. Richardson stated a number of comments made on social media that approving this application will allow all kinds of businesses into the neighborhood and that is simply not true and cannot happen under the Tulsa Zoning Code. He stated only Type 1 and Type 2 applications would be allowed and this is a specific application for a specific purpose by the applicant and it does not affect other properties. Mr. Richardson stated another statement has been that if this application is approved it will diminish property values. He stated the home across the street from the applicant was listed for sale last weekend on a Friday and they had a contract on it Monday without regard to the fact that right now the applicant has a big yellow sign in her yard advising interested persons of this TMAPC hearing. Mr. Richardson stated in the last 500 days all homes that have been sold in Woodbine have identified a home office as part of the amenities and obviously, the last two years since the beginning of COVID Tulsans have worked from home and the applicant would like that opportunity as well. He stated the applicant has developed a plan for her hair styling business and has no other employees. He stated typically she sees 3 to 5 clients a day and all traffic to her home would be parked in her driveway. Mr. Richardson stated there will be no signage, no flag poles and there really wouldn't be any evidence of a business use from the street. He stated the applicant has built a sunroom addition on the back of her house and there will be a concrete sidewalk that connects the driveway to the sunroom. Mr. Richardson stated this is a Minor Amendment approving the home occupation for one individual. The Tulsa Zoning Code explicitly encourages the opportunity to work from home and the applicant's business is fully compliant with all home occupation guidelines and is a right under the Zoning Code. He stated hairstyling is expressly categorized as a Type 2 home occupation.

Mr. Craddock asked if there were 500 businesses operating in this neighborhood or there is a room that someone's designated as a home office.

Mr. Richardson stated he has an expert realtor who lives in his household and his wife looked at the sales of homes in Woodbine during the last 500 days and during that period of time, all of the listings had home offices.

Mr. Craddock asked if he was saying that those are offices that are illegally being operated or are you just saying that there is a room called a home office like a room called a kitchen or a room called a den.

Mr. Richardson stated, "yes".

Mr. Craddock asked if there was a definition of accessory purposes.

Mr. Richardson stated he did not find any definition in the documents for the Woodbine subdivision that would further describe that term.

Mr. Craddock asked if it is Mr. Richardson's opinion that a hair salon would fall under that term.

Mr. Richardson stated certainly the primary use of this property is for the applicant to live and to raise her children but he believes allowing her to work from home would be an accessory use.

Mr. Craddock stated Mr. Richardson mentioned that the applicant should be allowed to have the salon in her home by right and he does not understand that viewpoint because if it's by right there is no need to come before Planning Commission.

Mr. Richardson stated they are here asking for permission but he thinks Type 1 and Type 2 activities that meet the guidelines of the Tulsa Zoning Code are therefore a right and the applicant he believes meets all of the criteria.

Ms. Kimbrel asked if the applicant is currently working in her home.

Mr. Richardson stated she works down the street from her home in a commercial building.

Lyndsay Hightower 9916 East 97th Street South, Tulsa, OK 74133

Ms. Hightower stated she would like this amendment approved in order for her to work from home as a hairstylist. She stated her reason is to create job stability for herself and to be more available to the care and educational needs of her 5 and 7 year old children. She stated in the current climate many commercial salons are not sustainable and 3 upscale salons that she has worked for have gone out of business in the last year. Ms. Hightower stated her current salon owner who she rents a space from is unsure if he can continue at the current location and has made it known he will need to downsize within the year. She stated there is the necessity for her to be available to her children, as the school situation continues to change day to day and between holiday, snow days and virtual days her kids have been out of school 15 days in the last two months 10 of which were distance learning. Ms. Hightower stated It's become increasingly difficult to balance parenting, educating, and providing for her family. She stated her business is a small private business and is by appointment only. She stated she has never advertised and most of her clients have been with her for over 5 years. Ms. Hightower stated her clients are community leaders and professionals

who she is grateful to know and work with. She stated her current hours are Monday and Tuesday 11 to 6, Wednesday through Friday 9 to 2, and every other Saturday 9 to 3. These are her available hours but they are not always fully booked and many weeks she works less than those hours. Ms. Hightower stated she can see between 3 and 5 clients per working day and the types of services she provides are considered luxury services such as specialty colors. She stated she also does cuts and event hair styling. She stated she never has more than 2 clients at a time and clients would park in the driveway and walk to the backyard and into the sunroom. Ms. Hightower stated she is building the space and will follow the State Board of Cosmetology guidelines as this will help my clients and neighbors feel comfortable knowing my space follows all of the sanitarian safety regulations. She stated she has applied for an establishment license through the State Board of Cosmetology so they will be overseeing her operations. Ms. Hightower stated her understanding is that the amendment itself does not affect property values, and that the regulations within the Zoning Code along with the HOA bylaws and covenants protect the neighborhood from any noticeable change that would detract from the character in terms of the neighborhood. She stated she is committed to maintaining the private and peaceful atmosphere they are accustomed to as this neighborhood is one she takes great pride in.

Mr. Covey asked Ms. VanValkenburgh (City Legal) if the HOA covenants are private covenants enforceable by either the Homeowners Association or the individual homeowners themselves and Planning Commission doesn't look at any purview with regard to those whatsoever.

Ms. VanValkenburgh stated, "that is correct". She stated Commissioner Craddock was kind of getting to some of her questions as the presentation was being made, and that was there was some question as to whether a Type 2 Home Occupation would be permitted by right in a residential zoning district and to answer that question, it would not. The applicant would have to get a Special Exception or come before Planning Commission.

Mr. Craddock asked if Ms. VanValkenburgh was saying a plat was a private agreements.

Ms. VanValkenburgh stated this plat looks like it has some PUD restrictions, which is what Planning Commission is being asked to amend and then there are some private restrictions and it's the private restrictions that are not enforceable by the City and would be up to the homeowners to enforce.

Mr. Craddock asked if Planning Commission can amend the PUD restrictions,

Ms. VanValkenburgh stated, "yes".

Mr. Covey asked no matter what decision Planning Commission were to reach today, that would not necessarily affect either the HOA or a homeowner living in

the additions rights regarding enforcing those covenants against the applicant. He stated he was not saying that the covenants are either for or against the applicant just that it's a private cause of action that that's up to the HOA and homeowners.

Ms. VanValkenburgh stated "yes", the covenants would be a private cause of action.

Mr. Craddock stated under the Plan Unit Development restrictions it reads "the inclusive of the additions shall be listed for use for single family residences and accessory purposes". He asked if staff had a definition of what that means.

Staff stated Home Occupations would be considered an accessory use as the presenter stated earlier the primary use would be residence and then the Home Occupation would be considered accessory.

Mr. Craddock asked if it's an accessory use, why does the applicant have to have a Minor Amendment.

Staff stated because any Home Occupation requires some sort of board approval. He stated if the property did not have a PUD, it would require a Special Exception by the Board of Adjustment and because it's a PUD it requires Planning Commission approval.

Ms. Kimbrel asked if the Minor Amendment versus Major Amendment change was communicated to the residents.

Staff stated the notification requirements are more robust for Major Amendment. He stated more residents were notified than were required for a Minor Amendment but the request was still the same. Staff stated nothing changed it was just a matter of procedure.

Ms. Kimbrel asked what was communicated in the actual notice.

Staff stated it was originally communicated as a Major Amendment that was in error.

Mr. Covey asked if this application gets approved does that approval transfer with the applicant if she sells her property or would it stay with the property. He also asked if the approval would be specific to hair styling.

Staff stated the approval would stay with the property and be specific to hairstyling.

Ms. Kimbrel asked if we are saying that the decision today will continue to follow the property which will be restricted to the salon use only if approved what does that mean for the next person who has interpreted what they can do under an accessory use.

Staff stated if it was a different property within the same PUD development they would have to do the same thing this applicant had to do which is file an application for a Minor Amendment and come before Planning Commission. He stated each individual lot requires approval for a Minor Amendment.

Ms. Kimbrel asked if the next owner of the subject property wanted to have a childcare business in their home, would that be considered an accessory and will they have to come back for approval.

Staff stated "yes", they would need an amendment as well.

Mr. Zalk asked if the applicant or new owners of the property wanted to remove the Minor Amendment from the property what would be the process.

Staff stated another application for a Minor Amendment to remove the restriction would need to be filed.

Interested Parties:

Lori Decter Wright 175 East 2nd Street, Tulsa, OK 74103

Ms. **Decter** Wright stated considering the amount of contact her office received regarding this request, she felt compelled to come speak today. She stated her main concern is when that yellow sign was put up on the subject property and notified the neighborhood through that sign it was going to be a Major Amendment and that was not changed until Monday of this week. She stated as Planning Commissioners know when it's a Minor Amendment the application stops at Planning Commission but if it's a Major Amendment it is heard by City Council for consideration. Ms. **Decter** Wright stated whatever discussion happens today she would like Commissioners to consider including this as a Major Amendment so that this can be heard at City Council. She stated Woodbine neighborhood has 149 households and she heard from 15 of them. Ms. **Decter** Wright stated the character of the neighborhood is a very suburban style neighborhood. There's a main entrance in between the KinderCare and Cedar Ridge Elementary School and because of that the neighborhood experiences daily extra traffic because of the pickup and drop off situations, especially at the elementary school. She stated that neighborhood already absorbs a lot of visitors on a daily basis when you talk about traffic in and out of the neighborhood. Ms. **Decter** Wright stated this has been an ongoing concern for this neighborhood and the areas nearby because Mingo Road gets very backed up. She stated the applicant said that her client base would be parking in the driveway but she also heard that you could have up to three clients and that

would be 3 cars so unless there's a triple wide driveway that she is not aware of that would be at least one car on the street. Ms. Decter Wright stated her primary concern is that she doesn't feel that it fits the character of the neighborhood. It is a mandatory HOA and an ungated community and that is not very common, so she thinks there's an expectation of residents when they all agree to those covenants, whether the city or TMAPC is required to consider them or not the residents have considered them when they purchased a home in that neighborhood. Ms. Decter Wright stated she usually doesn't get involved with TMAPC on these things unless she feels really compelled and normally the decisions or recommendations TMAPC make do arrive on her desk in her capacity for consideration. But the quick shift to a Minor Amendment has removed that option, so she wanted to make Commissioners aware of her position. Ms. Decter Wright asked Commissioners to consider making this application a Major Amendment as it was announced to the neighborhood so that it can go through the full process.

Mr. Reeds asked if the emails were all negative.

Ms. Decter Wright stated "yes", 15 against including one of the neighbors that's most proximate to the property, none in support.

Mr. Reeds asked if Ms. Decter Wright looked at the letters staff had in support of the application. He stated TMAPC received a lot more support emails.

Don Akin 9914 East 98th Street, Tulsa, OK 74133

Mr. Akin stated he has lived in Woodbine for 30 years and before he moved to the neighborhood he did his homework on the neighborhood and discovered there was a PUD. Mr. Akin stated he loved the idea that it was a dedicated single family residential neighborhood and was huge in his assessment of whether to buy a home in this neighborhood or not. He stated he discovered a sign on the wall of the neighborhood saying covenant controlled neighborhood and after reading the covenants documents it further helped the decision to buy that home. Mr. Akin stated there is a sense in which he relied in good faith on both the PUD and the covenants. He stated the covenants clearly state in Section 5.1 that no lot shall be occupied, used, or improved for other than detached single family residential and associated purposes. Mr. Akin stated not accessory uses, those are 2 different terms, and associated purposes is not defined in the covenants. He stated in his research on Google he found the term associated purposes means fences, outbuildings, pool houses, the sort of things that go with the property as a single family residence, not multi-use. Mr. Akin stated he has no problem with the applicant and he would be opposed to this application regardless of who it was in the neighborhood because he draws the line at customers coming to the neighborhood.

Rebecca Johnson 9919 East 97th Street, Tulsa, OK 74133

Ms. Johnson stated she agrees they have a lot of traffic on 97th Street especially being the main entrance into the neighborhood and they do have a lot of cars that park in the street but most of the homes are 5 bedroom homes with a two car garage and as the children get older and start driving cars will have to go in the street. She stated she believes the majority of the problem with the traffic and the cars on the street is within their own homeowners and unfortunately that's just the way that the homes were designed in the 90's. Ms. Johnson stated she lives across the street from the applicant and supports her application and would like it approved. She stated she would hate to see something be unfairly considered or unfairly presented just because having this amended back to a Major Amendment instead of a Minor. It seems unfair that other applicants would likely still have just a Minor Amendment because the City Councilor wants to be able to fight this one and the only way to do that is to make it a Major Amendment and that's not the purpose of this process in this application. Ms. Johnson stated it's not so that this application will be easier to fight.

Mr. Whitlock asked if there were any speed bumps in the neighborhood.

Ms. Johnson stated "no".

Mr. Whitlock stated he has driven through that neighborhood and it is a high traffic area at 7 or 8 o'clock in the morning.

Ms. Johnson stated it is hard to turn left out of the neighborhood onto Mingo Road in the morning, especially when its school drop off time. She stated at the beginning of every school year there is an issue with parents parking near the entrance to the neighborhood and letting children out to walk to Cedar Ridge Elementary but they don't actually live in Woodbine. Ms. Johnson stated the applicant is not going to be having clients at 7:20am when the kids are being dropped off at school. She stated she doesn't think that the applicant's client's cars will even be noticeable if she is being honest.

Mr. Whitlock stated that's what he was alluding to because everyone knows the dreaded pickup line at the elementary school and it doesn't matter which elementary school it is.

Jeremy Henry 9915 East 97th Street, Tulsa, OK 74133

Mr. Henry stated he lives directly across from the subject property. He stated he submitted his objection to the rezoning or the amendment to the zoning. He stated he agrees with what's been presented as far as objections regarding property values, and traffic concerns. Mr. Henry stated he wants to talk a little more about some of the traffic situations that already exists. He stated in the mornings there are nonresidents and residents parking in no parking zones along the entrance to the neighborhood. He stated this is something that they had to petition the City to put in a sidewalk along the first 5 houses on the south side of the entrance to allow the neighborhood children to walk to school. Mr. Henry

stated there are a lot of nonresidents that come into that entrance and park in the new parking area and they have asked the school on numerous occasions to help with this because of the blind spot there are kids moving in and out of cars as they move around. He stated there are cars parked both directions on the wrong side of the road. Mr. Henry stated in the evenings it's a challenge as well because when people are coming home the area from 91st to the Creek Turnpike is five lanes and then reduces to three lanes right in front of the neighborhood. He stated there is a stoplight right at the school that backs up general traffic and that in addition to people dropping off their kids in the morning and picking them up in the evening, residents in the adjacent neighborhoods that cut through the addition to avoid the school zone and the traffic light creates a dangerous situation around the entrance. Mr. Henry stated the applicant has set hours for operation but there's no limitations on hours that are set. She can basically work anytime she wants including on weekends. He stated he lives across the street from the subject property and he is concerned about where the applicant's clients will park because if she is allowed three customers in her house at one time and 2 are parking in the driveway that puts the third one parking in the street in front of her house which is directly behind his driveway. Mr. Henry stated he objects to this application and asks that it be denied.

Charles McSoud 601 South Boulder Avenue, Ste. 500, Tulsa, OK 74119

Mr. McSoud stated he is counsel for Mr. John Doak who is the next door neighbor of the applicant and the addition can be viewed from Mr. Doak's kitchen window. He stated he believes that he can understand and articulate some of the arguments and responses some of the Commissioners and Council members may have with regard to what can the codes do and what an accessory use is. Mr. McSoud stated it should be noted, and he can speak for Mr. Doak and a number of his neighbors that they have nothing but admiration and respect for the applicant and her work ethics. She is trying to do what she feels is best for her family. He stated this neighborhood has an HOA is probably the pain of a lot of this Commission's issues. Mr. McSoud stated there is a specific HOA code which has been alluded to regarding what is allowed in the addition, it specifically speaks to single family uses of the property and its accessory uses. He asked what does accessory mean. According to the Tulsa Zoning Code it is something that is subordinate and in support of the primary use of the property, such as a pool, pool house, a mother in law quarters, a tool shed or a pole barn. Mr. McSoud stated it could be anything but it does not account for a separate commercial business enterprise and you don't have to take his word for it because it specifically states in the Zoning Code under Chapter 45, Section 45.010 B, that accessory structures are customarily found in conjunction with the subject principal use or principal structure. He stated unquestionably the principal use in this case is a single family residential dwelling. Mr. McSoud stated a hair salon, a commercial enterprise, is not subordinate and in support of the primary use of the property. He stated it's been suggested that this Commission cannot interfere in covenants or private agreements, however, Chapter 1, Section 1.080-C specifically states that the zoning code does not interfere with, abrogate, or

annul any easement, covenant, deed restriction or other agreement between private parties. If the provisions of this zoning code impose a greater restriction than imposed by an agreement or covenant among private parties, the provisions of this zoning code shall govern. Mr. McSoud stated in other words, if the HOA covenant is more restrictive, which it is in this case, you cannot use your residential property as a commercial enterprise, then that is what is to be allowed. He stated whether it is a Major Amendment, a Minor Amendment or whatever else if this Commission allows this property to be used as a commercial enterprise, it would specifically abrogate the HOA covenants for the Woodbine edition. Mr. McSoud stated it was previously mentioned by Councilor **Decter** Wright that a Minor Amendment stops at Planning Commission and he would disagree with that because the code specifically talks about how this can be taken up by the City Council whether or not is a Major or a Minor Amendment.

Jill Burke 9912 East 98th Street, Tulsa, OK 74133

Ms. Burke stated she did not come here today to speak but was asked to speak. She stated she would like to add that she has absolutely no ill will towards the applicant, her house is beautiful and it's immaculate. Ms. Burke stated they built their home in 1992 in this neighborhood and loved the covenants and how tucked away it was. There was nothing really established around us other than this neighborhood and Cedar Ridge Golf Course to the south. She stated they bought it specifically because it had easy access to the highway. Ms. Burke stated in the course of 30 years so much has changed in the area. She stated she now doesn't leave downtown until 6:30 because you can't hardly get off the Creek Turnpike without there being a traffic back up. Ms. Burke stated they have had to modify the way they do things with all the change around us. She stated when you start bringing that change into the neighborhood it's going to create more confusion. Ms. Burke stated she is still confused on this whole process and has sent a message to the HOA board but has not heard back from them yet. She stated she wants to know exactly how everything's going to be monitored and who's going to make sure everything is in line. Ms. Burke stated she can understand and sympathize with the applicant wanting to take care of her family but sometimes you have to consider when you're approving something for one person would that be allowed for everybody else in the neighborhood and what would happen if everybody did the same thing. She stated you have to look at it as a whole and decide are we doing this for the best of the neighborhood or are we doing it to help one person out.

Asimuh Skerton 9928 E 97th Street, Tulsa, OK 74133

Ms. Skerton stated she lives in Woodbine and it's a beautiful community. she stated everyone gets along and they are great neighbors. Ms. Skerton stated she lives two houses down from the applicant and has to pass her home to get to Ms. Skerton's home. she stated there is traffic all over the place and the applicant is not close to the school where the large traffic. Ms. Skerton stated she believes the applicant should be approved, she has room for 4 cars in her driveway and there are other families already parking in the street.

John Doak 9910 East 97th Street, Tulsa, OK 74133

Mr. Doak stated he lives next door to the applicant. He stated he thinks it's interesting to note that the covenants were put in place in 1986 and there has never been an issue in Woodbine neighborhood so you have to ask yourself why. Mr. Doak stated it's because the HOA board members have a duty to represent the homeowners to adhere to the bylaws. He stated he is the past president of the Homeowners Association and the bylaws clearly state that the subject property is a single family dwelling. Mr. Doak stated him and his wife did not buy their home, over 20 years ago, to live next door to a Beauty Salon in the middle of a residential area. He stated many people who spoke said in today's day and time with a lot of people working remotely they did not have an issue with this application. But you can use all the social issues that you want but this is completely different when you have commercial traffic coming in and out of a residential home. Mr. Doak stated he doesn't care about the addition of a sunroom which the HOA board approved but the board did not approve a business. He stated there is plenty of places in Tulsa Oklahoma, that he could buy a mixed-use home and do exactly what the applicant wants to do and it is Planning Commission's job to protect the neighborhood from this and it's not appropriate to put his property values at risk. Mr. Doak stated he has spoken with realtors and not one of them say that this is going to increase the value of his home. He stated he may have a cause of action against the Homeowners Association due to a conflict of interest from the President who mishandled this, in his opinion, because she is a realtor and didn't give good guidance and actually encouraged this process along the way if you read the HOA minutes. Mr. Doak stated when entering this addition there is a big sign that says covenant controlled neighborhood. He stated he has had to step into the shoes of the Homeowners Association and hire an attorney because they are not representing him. Mr. Doak stated he wants the applicant to have a livelihood but down the street in a commercial zone not in the middle of a residential area.

Applicant's Rebuttal:

Mr. Richardson stated he appreciates the careful consideration that the Commissioners have given to the applicant but as he has listened to some of the arguments he can't help but reach the conclusion that it seems like they are talking about something else other than this application. He stated he and Ms. Hightower have been perfectly clear that she would like an application to perform a Home Occupation as authorized by the Tulsa Zoning Code which specifically calls out a hair salon. Mr. Richardson stated the staff has looked at this and has determined that it would not affect the character and nature of this neighborhood. He stated Planning Commission has been shown the applicants plans to enter beside her driveway to the backyard and into the sunroom. The applicant will be the only person working there. She will typically have one person at most two people at a time, although the zoning code says you can have three she does not anticipate that will ever happen, because she's just one person. Mr. Richardson stated this is her application to do what she is authorized to do under the Tulsa

Zoning Code. He stated he has heard some comments about traffic but again the applicant will have only one, maybe two people at a time so this will not be an issue. He stated there was reference to the start time of Cedar Ridge Elementary School 7:20am and that was a particularly bad time for traffic along Mingo but the applicant does not plan to assist customers until 9am she has defined hours and all of her customers will be parking in her driveway. Mr. Richardson stated there been discussion about homeowner's covenants and it is clear that there is not one suggestion that what Lindsay is applying for under the zoning code in any way violates any covenant or any restriction of the Woodbine Homeowners Association. He stated he hasn't heard one provision that the applicants subordinate secondary accessory home occupation would in any way affect or be touched on by the covenants or the restrictions for the neighborhood homeowner's association. Mr. Richardson stated Councilor Decter Wright is a personal friend of his and has suggested that this go back to being treated as a Major Amendment and he would encourage Commissioners to reject that because it was misclassified in the beginning and quite candidly that yellow sign stating this was a Major Amendment had neighbors thinking that somehow this single resident family residential dwelling was going to be used as a commercial property and be rezoned to affect the entire character of the neighborhood. He stated the applicant is seeking a Type 2 Home Occupation authorization from this Commission. Mr. Richardson stated the applicant has gone through an extraordinary effort to ensure that her house, which had been described as being meticulous, upholds the character of the neighborhood. He stated she developed this idea for the sunroom with that in mind. He stated It's within Lindsay's right to use her home for this purpose and Mr. Richardson would ask that the Commission approve the application for a Type 2 Home Occupation.

Mr. Reeds asked if in the research Mr. Richardson did on home occupations did most have a separate entry.

Mr. Richardson stated he does not know the answer to that.

Mr. Reeds asked if the applicant went through City of Tulsa Permit Center for the sunroom.

Mr. Richardson stated "yes".

Mr. Reeds stated everyone needs to understand that this is not an accessory dwelling it is just an addition to a house where she wants to cut hair. He stated this is a simple addition connected onto the back of the house.

Mr. Richardson stated that is correct. He stated he wanted to mention that Counsel for Mr. Doak mentioned another provision which was from Chapter 45 section 10-B that are applicable regulations for a Home Occupation, but even if the applicant was required to meet those she would clearly meet all those standards. Mr. Richardson stated we don't have to rely on those general

standards because you have the separate regulations in Section 100 for Home Occupations.

Mr. Zalk asked for a rundown of what steps the applicant has taken with the Homeowners Association and what they approved.

Mr. Richardson stated the applicant met with the Homeowners Association in November of last year bringing up this possibility of a salon. He stated in January 2022 the HOA authorized the building of her sunroom.

Mr. Zalk asked if they were asked to approve anything related to her having a business in the neighborhood.

Mr. Richardson stated this goes back to his comment earlier under the covenants and restrictions there is no prohibition against what the applicant is asking to do. He stated nobody is pointing to that and whether they approved or disapproved. Mr. Richardson stated one final point is if it was not for that yellow sign that appeared in the applicant's yard and the individual communications to neighbors that the applicant had he doesn't think anybody would ever have noticed what the applicant was doing. But she as the homeowner did everything she was supposed to do.

Mr. Covey asked Ms. VanValkenburgh if it was possible to make this application a Major amendment instead of a Minor amendment as Councilor **Decter** Wright suggested.

Ms. VanValkenburgh stated there is a provision in chapter 30, The Legacy Districts that talks about PUD'S and it says "if the Planning Commission determines that the proposed minor amendment, if approved, will result in a significant departure from the approved PUD development plan, or otherwise change the character of the PUD significantly, or that the cumulative effect of a number of minor amendments substantially alters the approved PUD development plan, then the amendment must be deemed a major amendment to the PUD development plan". She stated the part that would pertain to this application would be if Planning Commission determined that it would result in a significant departure from the approved PUD development plan or change the character of the PUD significantly then Commissioners could determine that it would be a major amendment with their actions.

Mr. Covey asked If Commissioners chose to do that with their actions would that be precedent on future applications within this neighborhood if for example, six months from now some other residents were to come before us with another application would they have to make that a major amendment as well.

Ms. VanValkenburgh stated she thinks Planning Commission would be hard pressed not to.

Mr. Covey stated just to be clear, Planning Commission purview is not the restrictive covenants its what is in the PUD.

Ms. VanValkenburgh stated that is correct.

Mr. Covey asked Mr. Craddock if he would read the development restriction section from the Woodbine Deed of Dedication.

Mr. Craddock stated he is reading from Section 2.1 The Planned Unit Development restrictions, "Use of all lots and blocks 1 through 4 inclusive of the addition shall be limited to the use for detached single family residence and accessory purposes".

Mr. Covey stated he believes there is a dispute as to what is an accessory purposes. He asked if Ms. VanValkenburgh could give guidance on what an accessory purpose is.

Ms. VanValkenburgh stated if looking at this particular application, what is being requested is a Type 2 Home Occupation. The accessory use provisions of the zoning code that are found in Chapter 45 distinguish between a Type 1 and Type 2, and in a Type 2 Home Occupation approval is needed. She stated this is coming to Planning Commission for approval as an amendment to the PUD.

Ms. Kimbrel stated regarding the major amendment vs minor amendment issue, she is concerned that what was advertised was a major amendment and the people who spoke are speaking based on this a major amendment. She stated but staff is saying they made an error and therefore Commissioners need to make a decision based on a minor amendment. Ms. Kimbrel asked if there is anything that staff must uphold to the original notification that went out. She stated she is worried that there are inconsistencies based on errors that will interfere in the normal course of the due process.

Mr. Walker asked why it went from a major to minor on Monday.

Ms. VanValkenburgh stated that is a question for the Staff. She stated she did not know why the timing was like that.

Mr. Covey stated a mistake was made by staff. He asked if there was anything that TMAPC could do at this point to remedy that mistake, or have we done what needs to be done.

Ms. VanValkenburgh stated in terms of looking at the adequacy of notice she thinks the notice was adequate because more people were probably notified since it was noticed as a major amendment versus fewer people notified if it had started out as a minor amendment. She stated there was the sign with a major

amendment also. Ms. VanValkenburgh stated the notice also listed the application was for a Type 2 Home Occupation so in that respect she thinks the staff's decision that adequate notice was provided is correct. Ms. VanValkenburgh stated she thinks what Ms. Kimbrel is concerned about is that some members of the public thought that this was only going to be a recommending body and that the application was going to go to City Council and will some people disadvantaged by that and should Planning Commission try to do something to remedy that. She stated she would like to point out that there is an appeal from a minor amendment. Whatever action Commissioners take on the minor amendment, deny or approve, that decision can be appealed to City Council by either party.

Ms. Kimbrel asked if the Planning Office can change, a notice and amendment status on a notice after the notice has gone out.

Ms. VanValkenburgh stated that's a little bit of a theoretical question. She stated that depends on the change. She stated if they first noticed for a minor and then it turns out to be a major which happens not infrequently then new notice must be given.

Ms. Kimbrel asked if there was an error at the Planning Office and they attempted to correct that error why wasn't another notice sent out saying that this is an error and that it was changed to a minor amendment. She stated that she doesn't feel good voting on something that the Planning Office changed that gave misinformation to the public and that was not corrected. Ms. Kimbrel stated and now staff is saying to Commissioners they made the change. She stated but people here are responding to what went out to them. She believes the natural recourse should have been that the correction was made in the public and they were adequately notified or is it that staff thinks this is so small that it's okay.

Mr. Covey stated it's because staff noticed for the major amendment which requires more notice and got more people interested than had it been noticed as a minor amendment. He stated it had the effect of actually doing what you want them to do and that is get more public engaged because it was a major, and that's why notice was sufficient.

Ms. Kimbrel stated but the course of action is still being asked for Commissioners to act on a minor amendment and she still takes issue with it, because the public were responding to a major amendment and that changes the course of what happens next.

Ms. VanValkenburgh stated it does in the terms of the process because if it's a minor the way to get to the City Council is through an appeal. She stated If it's a major and Planning Commission approves it, it automatically goes to the City Council or if a major is denied that also can be appealed.

Ms. Kimbrel asked if there is anything in the zoning code that will disallow categorical use of Type 2 Home Occupations. She stated Commissioners are being asked to consider each Type 2 Home Occupations individually, is there any recourse that a community can take to say they don't want any consideration of a Type 2 Home Occupation and what recourse does neighborhoods have to say based on our covenant we don't want any Type 2 Home Occupation.

Ms. VanValkenburgh stated that's only in a private covenant.

Staff stated if everyone in the neighborhood agreed they could amend the PUD to prohibit Type 2 Home Occupations.

Mr. Craddock stated in has been in real estate for 30 plus years and he always hears about property values going down but in 30 years he has never seen it unless there is a major downfall in the economy and that is not one person's fault so that to him has never been a big issue. He stated the issues with parking and driving through neighborhoods, these are public streets, so that is the City of Tulsa traffic engineering as far as helping with those issues. Mr. Craddock stated for him this application has nothing to do with any of the personalities that are here it is a very controlled, specific PUD restricted neighborhood and the integrity of the neighborhood and the ability of every property owner to have comfort in the reliance of use based on this PUD therefore he will vote no on this application.

Ms. Kimbrel stated there's several things that she is uncomfortable with and there's just so much inconsistency or ambiguity. She stated she is concerned about how notices and how information is being communicated and that interferes with the due process of what is in Planning Commissions purview so she will not be voting because she feel likes there is information that is not clear.

Mr. Reeds stated this isn't Mayberry RFD, the applicant isn't not going to have people sitting in there all day talking about the neighborhood. He stated she will get people in and out and at most have two cars in a two car driveway so he doesn't see that as an issue. Mr. Reeds stated anyone can add a sunroom on the back of their house and provide a separate gate entry to that sunroom but he thinks the whole issue is that the application was mislabeled a major amendment and how this should be approached. He stated it's a minor amendment to allow a Type 2 Home Occupation and it is allowed under our zoning code. He stated several of his neighbors have home occupations and it really doesn't affect anything going on and it has had zero impact on the value of his home. Mr. Reeds stated he will support it.

Mr. Zalk stated the major objection that he heard was a traffic issue and he feels that that issue is unrelated to this particular minor amendment and would be a neighborhood issue. He stated he doesn't think the applicants' clients would

make a noticeable difference in the traffic or that this application would be injurious to the neighborhood.

Mr. Blair stated some of the speakers in favor spent time talking about the notion of telecommuting, which he thinks is very different than inviting clients and customers into the home and he thinks the location of this particular home, really central in the detached single family residential subdivision makes a difference. He stated the subject property has detached single family homes surrounding it and is several lots deep into the neighborhood and not on the perimeter near a commercially zoned area. Mr. Blair stated he doesn't think the burden of changing the pattern of zoning use allowed by the PUD has been met by the applicant. He stated he agrees with the concern about the notice of a major amendment and being responsive to Councilor **Decter** Wrights suggestion. He stated his preference would be to include in the motion a finding that this application would be a significant departure from the approved PUD development plan so that it could be classified by that finding as a major amendment and would therefore not require an appeal to go to City Council but would go automatically and not require an appeal.

Mr. Covey asked if Mr. Blairs motion be limited to that specific instance because he would hate to set a precedence for future applicants because of the mistake on the notice.

Mr. Blair stated the circumstances in this particular neighborhood with a tightly controlled restrictive covenants he thinks is a factor but he also thinks the incorrect notice is a factor that would distinguish this case.

Mr. Craddock made a motion to deny the minor amendment for PUD 364-8.

Mr. Blair suggested a friendly amendment to that motion to add a finding that this represents a significant departure from the approved PUD development plan and would therefore be a major amendment specific to this case, because of mistake in notice.

Mr. Craddock did not accept the amendment to the motion.

TMAPC Action; 10 members present:

On **MOTION** of **CRADDOCK**, the TMAPC voted 6-4-0(Blair, Covey, Craddock, Kimbrel, Walker, Whitlock, "aye"; Krug, Reeds, Shivel, Zalk, "nays"; none "abstaining"; Bayles, "absent") to **DENY** Minor Amendment PUD-364-8.

* * * * *

4. **Z-7641 Vladimir Logvinov** (CD 9) Location: West of the northwest corner of East 61st Street South and South Peoria Avenue requesting rezoning from **OL** to **RM-2**

STAFF RECOMMENDATION:
SECTION I: Z-7641

APPLICANTS DEVELOPMENT CONCEPT: The existing property is occupied by a single-family home. The site is not anticipated to be used for office uses except in the circumstances where a home occupation may be allowed. Rezoning the property to a residential use will satisfy concerns with lending agencies.

DETAILED STAFF RECOMMENDATION:

The uses allowed in RM-2 zoning are consistent with the New Neighborhood land use designation in the Tulsa Comprehensive Plan and,

The property is consistent with the lot and building regulations defined in the Tulsa Zoning Code for a single-family residential lot and would also support multi-family development opportunities and,

The surrounding property is developed with multi-family and commercial development so RM-2 zoning is consistent with the existing development pattern and,

The building types allowed in an RM-2 district are consistent with the existing structure on the lot therefore,

Staff recommends Approval of Z-7641 to rezone property from OL to RM-2.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: *RM-2 zoning and the anticipated single family residential use are consistent with the New Neighborhood Land use designation.*

Land Use Vision:

Land Use Plan map designation:

New Neighborhood: The New Neighborhood residential building block is comprised of a plan category by the same name. It is intended for new communities developed on vacant land. These neighborhoods are

comprised primarily of single-family homes on a range of lot sizes but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity and shall be paired with an existing or New Neighborhood or Town Center.

Areas of Stability and Growth designation:

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

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

Transportation Vision:

Major Street and Highway Plan:

Multi Modal Corridor: East 61st Street South is considered a multi-modal corridor. Future development should emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located in high intensity mixed-use commercial, retail, and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists because of landscaped medians and tree lawns. Multi-modal streets can have on-street parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses. Transit dedicated lanes, bicycle lanes, landscaping and sidewalk width are higher priorities than the number of travel lanes on this type of street. To complete the street, frontages are required that address the street and provide comfortable and safe refuge for pedestrians while accommodating vehicles with efficient circulation and consolidated-shared parking.

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

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None except its proximity to the River Parks system and Johnson Park at 61st and Riverside.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The subject property is at the intersection of South Newport Avenue and East 61st Street south and has a single-family home on the site. The home has been on the property for decades.*

Street View Snippet from Newport looking west:



Environmental Considerations: None

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Newport Avenue	None	50 feet	2

East 61 st Street South	Secondary Arterial with multi modal corridor designation	100 feet	2
------------------------------------	--	----------	---

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RM-2	New Neighborhood	Growth	Multi-family residential
East	CS	Mixed-Use Corridor	Growth	Commercial
South	RM-2	Existing Neighborhood	Growth	Multi-family residential
West	RM-2	New Neighborhood	Growth	Detached Single-family residential

SECTION III: Relevant Zoning History

History: Z-7641

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

Subject Property:

Z-4688 November 1974: All concurred in approval of a request for *rezoning* a tract of land from RM-2 to OL on property located 6044 South Newport Ave East.

Surrounding Property:

BOA-22048 March 2016: The Board of Adjustment **approved** a *Variance* to permit the minimum lot width from 60 feet to 50 feet to permit a duplex, per lot, in the RM-2 District (Section 5.030-A), on property located at N of NW/c of South Newport Avenue & East 61st Street.

BOA-20267 May 2006: The Board of Adjustment **withdrawal** a *Variance* to permit the minimum lot width for duplex use in an RM-2 district, on property located at 6030 South Newport and 6019 South Madison Place.

BOA-19038 April 2001: The Board of Adjustment **approved** a *Minor Variance* to permit the required RM-2 setbacks to allow RS-3 setbacks (5' and 5' for side yards) for single-family homes, on property located at SE/c East 60th Street and Madison Pl. and South of SW/c East 60th Street and Newport.

BOA-18866 September 2000: The Board of Adjustment **approved** a *Variance* to permit the required rear yard from 10' to 9.6. & a Variance of required side yard from 10' to 8.9', on property located at 6031 South Newport.

BOA-18360 March 1999: The Board of Adjustment **approved** a *Variance* to permit the required parking from 66.5 spaces to existing, on property located at 6031 South Newport.

BOA-17268 December 1995: The Board of Adjustment UPHOLD the decision of an administrative official in denying permission to rebuild a nonconforming ground sign-SECTION 1605. APPEALS FROM AN ADMINSTRATIVE OFFICIAL; and to **approve** a **variance** of the requirement that if a nonconforming sign is damaged or partially destroyed to the extent of more than 50% of its current replacement cost at the time of the damage, the sign shall be removed or made to conform – SECTION 1403.A.3 and to **approve** a **variance** to permit the maximum aggregate display surface area for ground signs of 1 square foot per lineal foot of street frontage , on property located at 1115 East 61st Street.

BOA-16426 September 1993: The Board of Adjustment **approved** a *Variance* to permit the setback from the centerline of East 61st Street from 50' to 40' to permit a ground sign, on property located at 1115 East 61st Street.

BOA-15107 April 1989: The Board of Adjustment **approved** a *Special Exception* to permit expanded office uses in an RM-2 zoned district, on property located at 1050 East 61st Street.

BOA-14590 August 1987: The Board of Adjustment **approved** a *Special Exception* to permit office uses in an RM-2 zoned district, on property located at SW/c of 61st Street and South Peoria Avenue.

BOA-12318 December 1982: The Board of Adjustment **approved** a *Variance* to permit the Major Street Plan setback from 50' to 46' for gas pump canopies, on property located at 1115 East 61st Street.

BOA-9843 February 1978: The Board of Adjustment **approved** a *Special Exception* to permit apartments in a CS District; and an *Exception* for a removal

of the screening requirements where the purpose of the screening requirements cannot be achieved; and a *Variance* to build across lot lines and more than 40 units on a lot in a CS and RM-2 District, on property located at 60th Street and Newport Avenue.

BOA-8144 December 1973: The Board of Adjustment **approved** a *Special Exception* to permit apartments in a CS District; and an Exception for permission to remove the screening requirements where the purpose of the screening requirements cannot be achieved in an RM-2 and CS District, on property located at 60th Street and Newport Avenue.

BOA-7566 August 1972: The Board of Adjustment **approved** a *Variance* to permit a commercial mini-storage business in a CS District for apartment dwellers, on property located at 60th Street and Owasso Avenue.

BOA-7492 June 1972: The Board of Adjustment **approved** a *Variance* to permit the front and exterior side yards in the RM-1, RM-2 and RM-3 Districts, no more than one vehicle shall be parked for each 600 square feet of area contained in the front or exterior side yards and a *Variance* to waive the setback requirements for parking from the centerline of Newport and Madison Place and a *Variance* to permit building over lot line in an RM-2 District as per plot plan, on property located at 6031 South Madison Place.

BOA-5876 May 1968: The Board of Adjustment **approved** a *Variance* to permit use provisions of U-3A (Section 5 (h) (1)) to permit a sign 51 feet from the centerline of Memorial (Memorial Boulevard is on the Major Street Plan as a 120' primary arterial), on property located at 4404 South Memorial.

BOA-3438 June 1960: The Board of Adjustment **grants** permission to erect church on a property for church purposes, on property located at 1050 East 61st Street.

Z-2986 March 1969: All concurred in **approval** of a request for *rezoning* a tract of land from U-1C to U-2B on property located 1140 East 61st Street.

Z-3172 July 1968: All concurred in **approval** of a request for *rezoning* a tract of land from U-1C to U-3D on property located 1104 East 61st Street.

The applicant's representative indicated the applicant's agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **WALKER**, the TMAPC voted 10-0-0(Blair, Covey, Craddock, Kimbrel, Krug, Reeds, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none

“abstaining”; Bayles, “absent”) to recommend **APPROVAL** of the RM-2 zoning for Z-7641 per staff recommendation.

Legal Description for Z-7641:

LTS 11 & 12 LESS S10 LT 12 BLK 6, BROADVIEW HGTS ADDN

* * * * *

5. **Z-7642 Walter Hall** (CD 1) Location: North of the northeast corner of East 46th Street North and North Peoria Avenue requesting rezoning from **CS to CG**

STAFF RECOMMENDATION:

SECTION I: Z-7642

DEVELOPMENT CONCEPT: The uses allowed in a CG district provide additional site development opportunities that are currently allowed in a CS district. The site is not fully developed but CG zoning provides opportunities for additional uses and additional floor area than is currently allowed. CG zoning if approved also provides additional opportunities for special exception uses to be considered by the Board of Adjustment.

DETAILED STAFF RECOMMENDATION:

Uses allowed in a CG district may be consistent with vision of the Mixed-Use Corridor land use designation in certain circumstances; however, in this instance Z-7642 is an isolated parcel on the east side of North Peoria. The properties on the east and south side of the subject property are Tulsa Public School ownership for McClain High School and the north boundary of the site is adjacent to single family residential development that could be adversely affected by uses allowed in a CG district and,

CG zoning allows uses in the Vehicle Sales and Service sub-category that may not be compatible with the surrounding properties and are not consistent with the existing budling styles on the site and,

CG zoning allows uses in the Wholesale, Distribution and Storage use category that are not consistent with the existing properties north and south of the site therefore,

Staff recommends Denial of Z-7642 to rezone property from CS to CG.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: *Uses allowed in the CG zoning category are not consistent with expected development pattern for the surrounding properties.*

Land Use Vision:

Land Use Plan map designation:

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

Areas of Stability and Growth designation:

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

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

Transportation Vision:

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

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

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The property is developed with 7 single story retail/office style buildings.*

Street View from North Peoria looking east:



Environmental Considerations:

None that affect site development.

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
North Peoria Avenue	Secondary Arterial with Multi Modal Corridor	100 feet	4

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-3	Existing Neighborhood	Stability	Single Family Homes
East	CS	Existing Neighborhood	Stability	McLain High School
South	RS-3 with special exception for high school	Existing Neighborhood	Stability	McLain High School
West	CH	Mixed-use corridor	Growth	Office and Retail

SECTION III: Relevant Zoning History

History: Z-7642

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

Subject Property:

BOA-18827 August 2000: The Board of Adjustment **deny** a *Special Exception* to permit an adult entertainment establishment within 150' of an R district and a *Variance* of 300' spacing from another adult entertainment establishment to 270', from a church to 290' and from a school to 200', on property located at 5035 North Peoria.

BOA-16777 September 1994: The Board of Adjustment **approved** a *Special Exception* to permit auto repair facility in a CS zoned district, on property located at 5003 North Peoria.

BOA-7978 July 1973: The Board of Adjustment **approved** a *Variance* to permit spread parking from one platted lot to another; and a *Variance* to pass from a public street through a required parking space to get to another parking space in a CS District, on property located at 5000 North Peoria Avenue.

Z-4490 September 1973: All concurred in **approval** of a request for *rezoning* a tract of land from OM & RS-3 to CS on property located 5000 North Peoria Avenue.

Surrounding Property:

BOA-22333 September 2017: The Board of Adjustment **approved** a *Special Exception* to permit maximum building height of a field house from 35 feet to 49 feet, on property located at 4929 North Peoria Avenue East.

BOA-21165 November 2010: The Board of Adjustment **approved** a *Variance* to permit the requirement that illumination of a sign shall be by constant light to permit an LED element on a sign for a school in the RS-3 district; and a *Variance* of the maximum permitted height of a sign in the R district from 20 ft. to 21'-4", on property located at 4929 North Peoria Avenue.

BOA-21152 October 2010: The Board of Adjustment **approved** a *Special Exception* to permit a building addition to an existing athletic stadium/field and to permit modifications to the same stadium, on property located at 4929 North Peoria Avenue.

BOA-17267 January 1996: The Board of Adjustment **approved** a *Special Exception* to permit Christmas tree sales and a tent in a CS zoned district, on property located at 5108 North Peoria Ave.

BOA-15565 October 1990: The Board of Adjustment **approved** a *Special Exception* to permit sales of automobiles only in a CS zoned district, on property located at 5033 North Peoria.

BOA-13409 December 1984: The Board of Adjustment **approved** a *Special Exception* to permit an automobile maintenance garage for the existing automobile sales lot in a CS zoned district, on property located at 5102 North Peoria.

BOA-12862 November 1983: The Board of Adjustment **approved** a *Special Exception* to permit a Y.W.C.A. building and an exception to permit a daycare center in a CS and RM-1 zoned district under the provisions of Section 1680, on property located at South of the SE corner of 52nd Street North and Owasso Avenue.

BOA-12359 December 1982: The Board of Adjustment **approved** a *Variance* to permit a dog kennel in an RS-3 District, on property located at 1347 East 51st Street North.

BOA-11809 February 1982: The Board of Adjustment **approved** a *Special Exception* to permit permission to locate an auto sales agency in a CS District, on property located at 5102 North Peoria Avenue.

BOA-11185 September 1980: The Board of Adjustment **approved** a *Special Exception* to permit permission to use property as a playground for school age children in supervised programs and some staff parking, on property located at 51st Place North and Owasso Avenue.

BOA-10094 October 1980: The Board of Adjustment **approved** a *Special Exception* to permit permission to use property for church use and related activities, on property located at Northwest of 50th Place North and Peoria Avenue.

BOA-5493 July 1967: The Board of Adjustment **approved** a *Special Exception* to permit off-street parking 46 feet into a U-1C district, on property located at Northwest corner of 50th Street North and Peoria Avenue.

Z-2712 March 1966: All concurred in **approval** of a request for *rezoning* tract of land from U-1C to U-2A on property located 1210 East 52nd Street North.

The applicant was not present.

Interested Parties:

Jack Henderson 2014 North Rosedale, Tulsa, OK 74127

Mr. Henderson thanked Commissioners for giving him the opportunity to stand before Planning Commission in opposition to this application. He stated he is very much satisfied that staff recommendation is denial. Mr. Henderson stated this application is next door to a school and next to residential neighbors on the north side. He stated he belongs to an organization that's trying to redevelop that North Tulsa/Peoria connection and spend a lot of time trying to attract businesses that's going to uplift the community and not tear it down. Mr. Henderson stated he thinks this type of facility next door to a school would be totally ridiculous. He stated he fears for the students and the community if something like that was allowed to happen. Mr. Henderson asked Planning Commission to deny this application.

Claiborne Taulbert 10915 East 74th Street, Tulsa, OK 74133

Mr. Taulbert stated he was here to speak in opposition and was happy to see that staff recommended denial. He stated he had experience with this, someone wanted to rent houses to grow marijuana and the smell is really bad and it also creates an environment for rodents and pests because of what you are growing. He stated he is opposed to this application.

Jane Malone 4735 North Detroit Ave, Tulsa, OK 74126

Ms. Malone stated the City renamed the recreation center in her area, The Jane A Malone Center. She stated this is at Chamberlain Park, which is not far from the subject property. Ms. Malone stated she sent a letter to Planning Commission that she would like to read:

4735 N. Detroit Ave.
Tulsa, OK 74126
February 27, 2022

TMAPC

Via: esubmit@incog.org

Re: TMAPC Meeting No. 2861
March 2, 2022 – 1:00 p.m.
Agenda Item 5 – Z-7642

Dear Commissioners of TMAPC:

This communication is an **Opposition Letter** regarding an application of Walter Hall to rezone an area from CS (Commercial Shopping) to CG (Commercial General). As president of Chamberlain Area Neighbors (C.A.N.), I am asking that you not approve this Proposed Rezoning which would allow for some industrial uses, such as the cultivation of Medical Marijuana. If approved, the Zoning Request would allow for medical marijuana to be cultivated (grown) inside a facility located in the Northridge Center (next to McLain High School).

It is realized the current property owner wants the property, that has been vacant for many years, to generate income, but we oppose this particular business. Our concerns are there would possibly be an increase in crime and traffic into the area. We have a quiet neighborhood, and we are trying to keep it that way by having positive improvements and not negative impacts in our area. We want "positive" images, not "drug" images.

If you have questions or need additional information, please call me at home (918/425-4756).

I will make every attempt to attend the meeting. If I am unable to be in attendance, I would like for this letter to be read and considered, asking that this Proposed Zoning Change be denied

Thank you very much for your assistance in this matter.

Very truly yours,

Jane Malone
President

Chamberlain Area Neighbors (C.A.N.) Association
Meet Monthly at by Telephone Conference
May return to in person at
4940 North Frankfort Avenue
Tulsa, Oklahoma 74126

Ms. Malone stated she had her son drive her by the subject property and the applicant was not honest and stated it would be located where the theater used to be and that it would be an adult club. She stated this type of business affects the local community in a negative way. Ms. Malone stated she realizes that the current property owner wants the property that has been vacant for many years to generate income, but they oppose this particular business. She stated their concerns are that there would be an increase in crime and traffic in the area. Ms. Malone stated they have a quiet neighborhood and they are trying to keep it that way by having positive improvements and not negative impacts in the area. She thanked Commissioners for listening.

Mary Williams 1304 S Frisco Ave, Tulsa, OK 74119

Ms. Williams stated she is a native Tulsan. She stated she loves Tulsa and is particularly interested in the growth of North Tulsa and other blighted areas. Ms. Williams stated she has quote for Commissioners, "When nothing is sure everything is possible". She stated Commissioners have heard from each person today in protest of turning and rezoning the subject property to CG zoning. Ms. Williams stated if it were approved it means that there will be a new type of

massacre. She stated all can relate to the 1921 massacre but there's also another type of massacre, a massacre of identity, a massacre of hope, and a massacre of positive potential. Ms. Williams stated she believes with staff's recommendation of denial and the comments heard here today that together they can look forward to revitalizing North Tulsa and especially in this community to value the cultural climate and also to promote socio economic positive growth.

Applicant Comments:

Dwight Duggar 1644 N Norfolk Ave, Tulsa OK 74106

Mr. Duggar stated he supports this rezoning. He stated there are about 10 buildings in this shopping center and about seven of those buildings have been empty for a long time. Mr. Duggar thinks rezoning would help to better the neighborhood. He stated maybe it could bring in other businesses such as retail store, a Daycare Center, as well as things like a gym. He stated he thinks it would be a great thing for the community.

TMAPC Action; 10 members present:

On **MOTION** of **CRADDOCK**, the TMAPC voted 10-0-0(Blair, Covey, Craddock, Kimbrel, Krug, Reeds, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Bayles, "absent") to **DENY** the CG zoning for Z-7642 per staff recommendation.

Legal Description for Z-7642:

LT 1 BLK 1, NORTHRIDGE CENTER, NORTHRIDGE CTR AMD RESUB

L1-3 & PRT L4 B1 NORTHRIDGE CTR

* * * * *

6. **Z-7623 (Amended) Malcolm Rosser** (CD 6) Location: South and east of the southeast corner of East Admiral Place and South Lynn Lane Road requesting rezoning from **AG to RS-4 with an optional development plan** to allow single residential development with a wide range of lot sizes (City Council remanded back to Planning Commission for reconsideration of less intense residential zoning) (Continued from February 2, 2022)

STAFF RECOMMENDATION:

SECTION I: Z-7623 (Amended)

APPLICANTS DEVELOPMENT CONCEPT:

Development of 90-acre parcel for residential single-family homes, with a variety of lot sizes. Property is currently zoned AG. Overall density will be lower due to significant floodplain areas on the property that will limit the amount of developable area in the property. Retaining that open space will result in

significantly lower housing density than if the flood plain and drainage areas channels were placed underground

DETAILED STAFF RECOMMENDATION:

Z-7623 requesting RS-4 zoning allows single family residential uses that are compatible with the existing surrounding properties and,

Lot and building regulations identified in the provisions of the optional development plan allow larger lot sizes than minimum RS-4 requirements and those lot and building regulations are consistent with the anticipated future development pattern of the surrounding property and,

The optional development standards defined in Section II is consistent with the development plan standards defined in the Tulsa Zoning Code and,

Lot and building regulations in Z-7623 are consistent with the New Neighborhood land use designation of the Comprehensive Plan therefore,

Staff recommends Approval of Z-7623 to rezone property from AG to RS-4 with the provisions outlined in the optional development plan defined below.

SECTION II: OPTIONAL DEVELOPMENT PLAN

The optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in an RS-4 district with its supplemental regulations, except as further refined and restricted below. All use categories, subcategories or specific uses and residential building types that are not listed in the following permitted uses categories are prohibited:

PERMITTED USE CATEGORY

- A) RESIDENTIAL
 - Household Living (if in allowed building type identified below)
 - Single household
- B) PUBLIC, CIVIC, AND INSTITUTIONAL
 - Natural Resource Preservation
 - Safety Service
 - Utilities and Public Service Facility (minor)
 - Wireless Communication Facility (building or tower-mounted antenna)
- C) COMMERCIAL
 - Lodging (short-term rental)

D) AGRICULTURAL
Community Garden

RESIDENTIAL BUILDING TYPES

Single household
Detached house

OPEN SPACE

The areas that are include the flood plain and those areas illustrated on the concept plan provided will remain undisturbed except where street crossings, multipurpose trails, utilities and where stormwater detention areas are required. The vegetative undergrowth, trash, flood debris may be cleared and cleaned but tree cover in these areas will remain undisturbed. The exact boundary of the open space area has not been provided however the minimum open space preserved on the site shall not be less than 25 acres and be determined in the preliminary plat process.

Preservation of open space is an important part of the application and will be maintained as part of the Optional Development Plan standards.

SECTION III: Neighborhood Engagement

The applicant and neighborhood representatives have both participated in public meetings about the proposed residential development and have met privately.

The neighborhood engagement process has been robust. The property owners in the area have been organized and involved with planning commission staff during entire process.

The applicant has met with Councilor Dodson and the neighbors. In response to those meetings the applicant and has provided a simple development plan that allows single family detached housing and commits to large open space areas.

During the process leading up to the planning commission meeting staff has also independently met with members of the surrounding properties.

Staff Summary: Property owners in the surrounding community are generally opposed to the lot sizes being proposed. It is clear that the surrounding property owners are not opposed to residential development and generally support development with AG-R or RE sized lots as an effort to integrate residential uses into the rural residential area especially along Lynn Lane.

Much of the opposition included discussions about lack of public infrastructure that may not support increased population and housing density. Lynn Lane (S. 177th East Avenue) and 11th street are flooded during heavy rain events.

SECTION IV: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site abuts existing neighborhood land uses and is bisected by a flood plain that will significantly affect site development opportunities. The abutting RS-3 properties were developed with stub streets that anticipated street connectivity. Street connectivity is an important component of the comprehensive plan and connection to those existing stub streets will be required during the subdivision development process. The proposed RS-4 district allows lots as small as 5500 square feet and is consistent with the New Neighborhood land use designation.

Land Use Vision:

Land Use Plan map designation: New Neighborhood

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

Areas of Stability and Growth designation: Area of Growth

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

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

choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.”

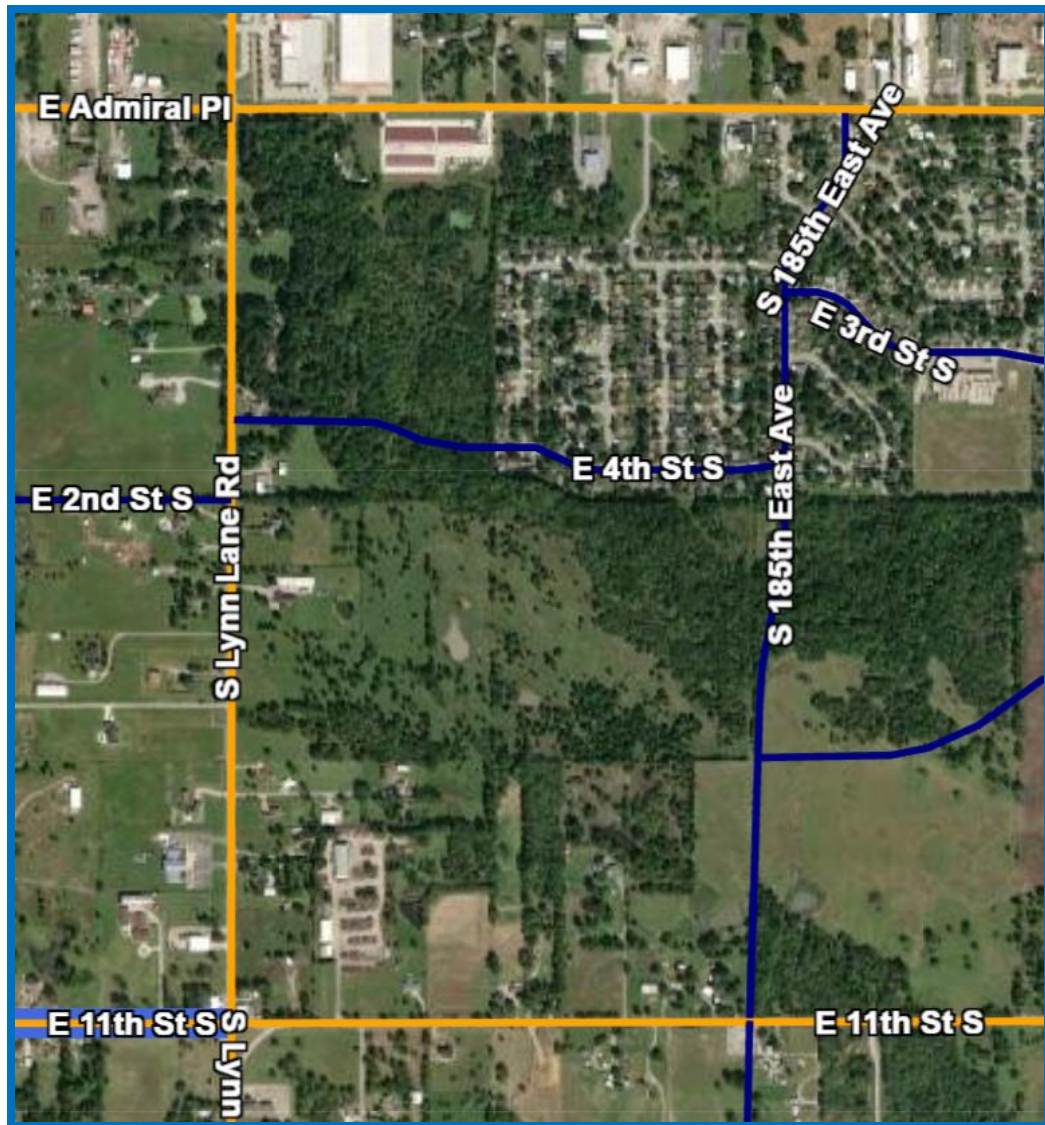
Transportation Vision:

Major Street and Highway Plan:

South Lynn Lane Road and East 11th Street are both considered a secondary arterial and planned for 4 lane traffic as population increases. Street right of way will be dedicated for future planned arterial street improvements. The City of Tulsa arterial street improvements are not generally included as part of the developer infrastructure requirements and staff is not aware of immediate plans for widening of Lynn Lane.

4th Street is considered a residential collector and the major street and highway plan and currently stubs into the east boundary of this site. The collector street requires a minimum of 60 feet of street right-of-way and wider pavement than the minimum residential street section.

East 4th Street and South 185th East Avenue are considered a residential collector. 4th street will be constructed by the developer as part of this planned development but will end up in a different configuration than shown on the major street and highway plan. Those alignments will be identified during the subdivision compliance review process.



Trail System Master Plan Considerations: The trail system master plan does not provide guidance for trail plans in the flood plain area however the regulatory flood plain provides an opportunity for developers to include park and trail amenities that can be used by the surrounding property owners.

Small Area Plan: This site is included in the East Tulsa Neighborhood plan that was adopted in 2005. That plan has not been included in the current Tulsa Comprehensive plan however the plan is still referenced as part of any zoning consideration if it is included in the detailed study area. This site is approximately 2 miles east of the detailed study so no additional recommendations are included in the zoning analysis.

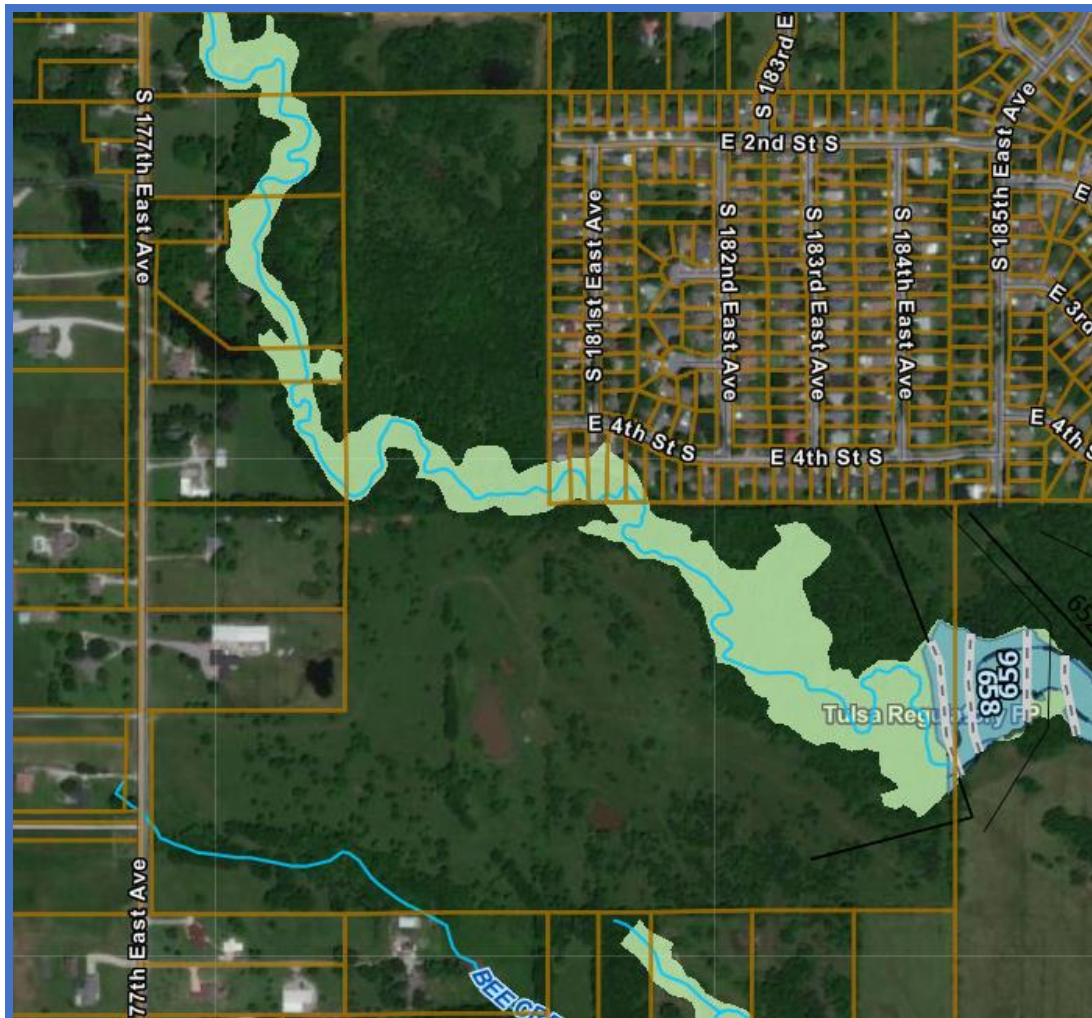
Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is undeveloped with rolling terrain and a mix of wooded areas and open fields on the north and east portions of the site and in the spunky creek tributary flood plain areas.

Environmental Considerations: This site is bisected by a tributary of Spunky Creek and the site design will be affected regulatory flood plain. Current flood maps show the FEMA flood hazard mapping ending near the east edge of this property. Preservation of the natural character of the flood plain and drainage areas is an important part of the development plan for this site. Preservation of the open space as illustrated on the concept plan included in this staff report is part of the Optional Development Plan standards in Section II.



Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Lynn Lane Road	Secondary Arterial	100 feet	2
East 2 nd Street South	None	50 feet	2
East 4 th Street South	Residential Collector	60 feet	2

Utilities:

The subject tract has municipal water and sewer available. Sanitary sewer main line extensions are anticipated.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-1 and RS-3	Mixed Use Corridor and existing neighborhood	Stability where the existing neighborhood abuts the site: Growth in all other locations	Single family residential in the northeast quadrant of the site Undeveloped elsewhere
East	RD, RS-3 and AG	Existing and New Neighborhood	Stability where the existing neighborhood abuts the site: Growth in all other locations	Single family residential in the northeast quadrant of the site Undeveloped elsewhere
South	RS-3 and AG	New Neighborhood	Growth	Large lot undeveloped and residential
West	RS-1 and AG	New Neighborhood	Growth	Large lot undeveloped and residential

SECTION V: Relevant Zoning History

Staff Summary of recent history: The original application for Z-7623 sought RS-5 zoning for the subject property. The applicant subsequently amended the application to provide development standards with an Optional Development

Plan. The TMAPC recommended denial of the application, and the applicant sought a hearing by the City Council. At its meeting on December 8, the City Council voted to remand the case to the TMAPC for consideration of a less intensive zoning classification. A less intensive zoning classification would include any of the following: RS-4, RS-3, RS-2, RS-1 or RE.

The neighborhood engagement process has identified AG-R or AG as an acceptable option. The public notice process has never included those options and would require a new application.

Subject Property:

ZONING ORDINANCE: Ordinance number 11818 dated June 26, 1970, established zoning for the subject property.

Surrounding Property:

Z-7327 June 2016: All concurred in approval of a request for *rezoning* a 4.6+ acre tract of land from AG/OL to CS on property located East of SE/c South 177th East Ave. and East Admiral PI N.

BOA-20554 August 2007: The Board of Adjustment **approved** a *Variance* to permit minimum average lot width required in the AG district (Section 303), per plan, with condition for a copy of the right-of-way dedication to be submitted for the record after City Council approval; finding the hardship to be topographic because of the nature of the drainage and existing pond and finding by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; on property located at 345 South Lynn Lane Road East.

BOA-19817 May 2004: The Board of Adjustment **approved** a *Special Exception* to permit a church and accessory uses in an AG zoned district, with conditions: no daycare center or school; comply with all codes and meet all requirements of Storm Water Management Department and Department of Environmental Quality regarding sewage system, on property located at 944 South 177th East Avenue.

Z-5719 June 1982: All concurred in **approval** of a request for *rezoning* a 4.59+ acre tract of land from RS-1 to CS & AG on property located East of the SE corner of South 177th East Avenue and East Admiral Place.

BOA-9891 March 1978: The Board of Adjustment **approved** a *Variance* to permit the rear yard requirements from 20' to 16' per plot plan submitted, on property located at 18106 East 3rd Street.

BOA-9460 April 1977: The Board of Adjustment **approved** a *Variance* to permit the side yard requirements from 10' to 5' to permit 5' on each side of the structures, subject to the elevations of Lots 17-21, Block 7, being approved by

the City Engineer, in an RD District, on property located at South 181st East Avenue between 2nd Street and 4th Street.

BOA-4891 December 1965: The Board of Adjustment **grants** a *permission* to permit off street parking for church use in a U-2-A District on Lots 17 through 24, inclusive, Block 11, Capitol Hill Second Addition, on property located at Lots 17-24, Block 11, Capitol Hill 2nd ADDN.

Ms. Kimbrel asked if staff could talk about what changes were made to this application that was different from the prior application.

Staff stated the applicant will talk about that in detail but it is a different application and they are asking for RS-4 zoning. He stated originally there were some lots that were proposed as RS-5 and could have been a 35 foot wide lot for a small house development. Staff stated currently the minimum lot width is 50 feet and that's the significant change. He stated other changes are the provision that only single family homes will be built and there's more open space requirement and the standards of how that area would be used.

Applicant Comments:

Mac Rosser 321 S Boston, STE 500 Tulsa, OK 74103

The applicant stated this application has been before Planning Commission several times. He stated at the most recent meeting on February 2, 2022, the Commission suggested that that the applicant and the neighbors have a sit down meeting to try and reach some type of agreement. The applicant stated they did have that meeting on February 17, 2022 at the Martin Regional Library, it was a good meeting, very cordial, with quite a lot of discussion. He stated at that meeting the applicant wanted to present some type of compromise proposal to the neighbors to try to kickstart some discussion. The applicant stated they wanted a proposal that would keep their lot count about the same, but at the same time, we would do whatever we could to address the neighbors' concerns. He stated the engineers came up with a revised plan that we passed out at that meeting, simply a starting point for discussion. The applicant stated the neighbors did not find it acceptable, so nothing ever came of it. He stated Mr Denny made a big deal about their plan and has mentioned it so he feels obligated to talk about a little bit about it today. The applicant stated but to keep some things in some semblance of chronological order and given the long history that this application has he will start at the beginning. He stated it's important to look at the overall history and the number of concessions that the developer has made along the way. The applicant stated the original application asked for straight RS-5 zoning and that was based primarily on the RS-5 zoning that the Planning Commission and City Council had unanimously approved for the area near 31st Street and Lynn Lane a couple of miles or so to the south of the subject property. He stated in that application, staff recommended approval of the straight RS-5 zoning and the applicant set up a meeting with the neighbors. On September 30, 2021 the neighbors objected to RS-5 so the applicant came up with a revised plan. The applicant stated in October 2021, they presented a

revised application that called for 50 foot wide lots around the perimeter of the proposed subdivision with 35 foot wide lots on the interior. He stated they also added the optional development plan that showed the layout of the lots and included required greenspace. As part of that, the applicant also agreed to limit the types of structures that could be built essentially just to single family residential. The applicant stated staff also recommended approval of that plan. He stated that was the first concession the applicant made going from straight RS-5 down to RS-5 with a development plan. The applicant stated these concessions were not made in order to get staff approval because staff had already recommended approval, they made them because they wanted to try to address the concerns of the neighbors. The applicant stated this is the plan that Commissioners voted to recommend denial so they appealed that decision to the City Council but instead of hearing the application, the City Council voted to remand it back to the Planning Commission for a less intense residential zoning. He stated that brings them to the current plan. Mr. Rosser stated they decided to submit yet another application that is before Planning Commission today asking for RS-4 zoning but again with the same optional development plan with no RS-5 zoning. He stated this was their second concession and this application like the previous 2 was recommended for approval by staff. Mr. Rosser stated in this process they have made concessions numerous times in an attempt to come up with something that would meet the developer's needs, but also hopefully address the neighbors' concerns. He stated the developer has made all the concessions that he is able to do. Mr. Rosser stated circling back a little bit he mentioned earlier a plan that was circulated at the most recent meeting with the neighbors and that's on page 6.21 of the packet. He stated this was only for discussion and they are not proposing this concept at all because it was a non-starter. Mr. Rosser stated in the previous hearings there was a desire for transition from the edges and especially from the Lynn Lane neighbors and by Ms. Best. He stated in the conceptual they added a 50 foot green space buffer along the entire boundary of the Lynn Lane owners from the north end along the west side of the property all the way down to where it turns and heads back to the west out to Lynn Lane. Mr. Rosser stated it would be a permanent greenspace maintained by the Homeowners Association and it would serve as a buffer between the neighbor's property and the new homes so that they would not have any residences that would backup directly to their property. Mr. Rosser stated they moved the entrance drive along Lynn Lane to the north and increased the green space in that corner of the subject property. He stated they completely eliminated lots on the northeast side of the floodplain area along the south boundary of the Indian Hills Estates edition Mr. Rosser stated along the west side of Indian Hills Estates addition they had 60 foot wide lots in that area and those would be lined up with the lot lines for the existing homes in Indian Hills Estates so that those houses would only have one house behind it. He stated finally they rearranged the street access a little bit to have access from 2nd Street and 4th Street into Indian Hills Estates addition with stub streets to the north and west. Mr. Rosser stated the conceptual plan had smaller lots in the center of the property and the perimeter lots would be either 50 feet or 60 feet

wide and the interior would also include some 40 foot wide lots and that allowed the applicant to have approximately the same number of lots in the previous proposal. They felt like it included a more significant concession and attempts to address what the neighbors are concerned about. He stated at the neighborhood meeting the neighbors told the applicant that this plan would not be acceptable and that put an end to this proposal. Mr. Rosser stated they are very appreciative of the opportunity to meet with the neighbors but not able to reach an agreement with them. He stated the neighbors told the applicant in the final meeting that the only arrangement they would be willing to agree to would be a combination of RE zoning and RS-2 zoning. Mr. Rosser stated he doesn't think they have actually had that engineered but they are thinking it would produce about 160 lots and that number unfortunately is only like 59% of the roughly 270 or so lots that the developer needs in order to make this development profitable. He stated because they were not able to reach agreement with the neighbors, they are sticking with our existing application for the RS-4 rezoning with the same optional development plan that they previously submitted. He stated it would make sense to mention the concessions that they have made with respect to the type of structures that will be allowed on the property. He stated under regular RS-4 zoning in addition to detached single family residences and patio houses are permitted as of right and 2 unit townhomes, manufactured housing units, and duplexes are allowed by Special Exception under the terms of their optional development plan they are agreeing to not allow any of those types of structures and limiting it to single family residences. Mr. Rosser stated the RS-5 zoning that was unanimously approved along 31st Street South of the subject property, one of the statements he has heard is nobody showed up to object on that one so that's why it was approved so it's not relevant to this application. The fact is you can't say that the zoning is different simply because nobody showed up to object. He stated that is not a legitimate reason for a project to be approved or disapproved. Oklahoma law is clear on this question. The court of civil appeals laid it out pretty clearly in Pate versus City of Bethany, " zoning fights particularly lend themselves to becoming gang fights where often the one who procures the most signatures prevails; given the fact that a City Council is the legislative body and should be responsive to the will of the people. When it comes to such matters of zoning, Council has a duty to legislate for a purpose that transcends the particular interests of individuals or groups and aims at promoting the general welfare of the public at large. To refuse to rezone merely because a large number of people are against it is as condemnable as granting rezoning merely because no one appears to be protesting it". Mr. Rosser stated in terms of this particular application, while they very much respect the neighbors and their concerns, and their concerns should and must be considered by the Planning Commission, you can't distinguish this application from the RS-5 zoning to the south solely on that basis, each application has to be considered on its own merits and not based on the number of people who object, only whether the development works. He stated it works both ways, you can't deny an application simply because a lot of people show up to object to it. He stated RS-3 zoning in this area was recently approved at 11th and 161st Streets and as he mentioned

RS-5 zoning to the south was recently approved. Mr. Rosser stated if you look at this zoning map there's existing duplex zoning immediately adjacent to the property at the west end of Indian Hills Estates edition and that is more intense than RS-5, much less RS-4 so this application is clearly in line with the density. He said another thing that seems almost self-evident is the fact that the Planning Commission can only decide on the application that is submitted to them. Neighbors and others may have their own ideas about what they think might be best. But frankly, it's not the job of the Planning Commission to evaluate alternatives and then pick the one they think is best. Mr. Rosser stated he is not saying the Planning Commission shouldn't try to discuss possible alternatives but in the final analysis, the job of the Planning Commission is to consider and evaluate the application that it has before them even if the Commissioners have some idea about some other arrangement and questions and whether that application is appropriate and should be approved. He stated they are asking for RS-4 zoning with the optional development plan that's been discussed. Mr. Rosser stated if in the future on another piece of property someone comes in and submits an application for the combination of RS-2 and RE rezoning which is what the neighbors would like to see and places like that Planning Commission can certainly approve it, but that's not the application before Planning Commission today. He stated this development would benefit not only the area but the city and honestly, if the application is denied, he thinks it will mean Planning Commission will be effectively prohibiting starter homes in an AG area that's being rezoned for residential development and he doesn't think that's a path the city wants to go down.

Mr. Blair asked just to clarify the proposal that's in front of us today is not the conceptual master plan 3, but it's conceptual master plan 2, which is the RS-4.

Mr. Rosser stated, "that's right".

Mr. Blair asked and the reason for that is that the neighbors rejected concept 3.

Mr. Rosser stated he is not sure he would go so far as to say it was a solid proposal but something they want to discuss with the neighbors that they might be interested in.

Mr. Blair stated to Mr. Rosser's earlier point, aside from the acceptance of the neighbors in terms of the acceptance of the Commission, if concept 3 were more acceptable in terms of some of the attributes that you pointed out from the first application to this concept 3 it is an increase of five acres of green space, reduction of 73 lots, the 50 foot landscape buffer and the perimeter fence which are key from his perspective. He stated everything he has heard in terms of the compatibility with neighbors, particularly to the west, he thinks that is really an attractive feature and if that were the proposal, he would be more inclined to support it. But you're saying that's not on the table and not being offered.

Mr. Rosser stated "no", it's not being offered because the neighbors said they would not support it. He stated another issue is it does involve some 40 foot wide lots, which he understands that require a new application because the current application was all for 50 foot wide lots.

Mr. Reeds stated he agrees with Mr. Blair, that 6.21 and concept number 3 is closer to what he would envision for this area. He stated he was not sure if Planning Commission were even in a position where they can ask whether he would object to it being discussed or not.

Mr. Covey stated that Mr. Rosser, just told Planning Commission not to consider anything that's not in the application and what he said in the application is that he is submitting number 2. Mr. Covey stated what he is hearing is Mr. Rosser basically wants an up or down vote on this. They are not interested in discussing anything else. Is that correct?

Mr. Rosser stated Mr. Covey makes that sound like a bad thing. But he does think they need to talk about the current application which is RS-4 with the optional development plan.

Mr. Covey stated back in October he told Mr. Rosser that he would be interested in straight RS-3 zoning. He stated at the meeting on February 2, 2022, which Mr. Covey missed but read the minutes, Mr. Rosser made the comment to Mr. Walker that the neighbors won't even consider RS-3 zoning, yet the applicant has never put anything before Planning Commission that resembles RS-3 zoning and what Mr. Rosser said today was that he doesn't want Planning Commission to consider anything that's not in the application. He stated to him that says Mr. Rosser just wants an up or down vote on this application.

Mr. Rosser asked what Mr. Covey what he would propose.

Mr. Covey stated you can't say don't propose or talk about anything that's not in the application then want to know what Commissioner's think, that's not the application. Mr. Covey stated from day 1 he has said he would support RS-3.

Mr. Rosser stated he thinks the bottom line is that is not acceptable to the applicant or to the neighbors.

Mr. Covey stated and as an attorney Mr. Rosser knows to reach compromise and settlement usually both parties aren't happy.

Mr. Rosser stated if RS-3 were approved he doesn't think either party would be happy. He stated he does honestly believe they have made significant concessions and the neighbors may feel that way also.

Mr. Covey stated he understands but the applicant, like Commissioner Blair said, has taken the open space and the landscape buffer off the table and what you want Planning Commissioner to consider for the vote today is RS-4 with an optional development plan that includes 275 lots.

Mr. Rosser stated he told the engineers that the neighbors were going to like some of the stuff in page 6.21 of the packet and asked if that could be done. He stated they told him that the 50 foot buffer would take up too much space and they wouldn't be able to do that. Mr. Rosser stated the entrance road can be moved to the north pretty easily so that one is not a problem.

Megan Pascoe 5323 South Lewis Avenue, Tulsa, OK

Ms. Pascoe stated her firm, Tanner Consulting is the civil engineer for this project. She stated the reason she likes site plan number 3 better and knew that Commissioners would like it also is if we had gone to the neighborhood meeting and talked with the neighbors and they had said yes, they liked this plan and felt like it was an appropriate compromise, then this would have delayed this meeting another 30 days to renote and they could not delay the additional 30 days.

Ms. Kimbrel asked if the community had seen the conceptual model master plans 1 through 3.

Mr. Rosser stated the community saw all of them and did not like any of them.

Interested Parties:

Carl Cannizzaro 8321 East 61st Street, Suite 205, Tulsa, OK 74133

Mr. Cannizzaro stated he is with BBB engineering and represents a number of developers who own significant land on the east side of Tulsa and they have been interested in seeing the east side of Tulsa grow and develop and their interest is in commercial property. He stated in order to be able to achieve commercial property and entice commercial development they need houses and population in the area that is going to use that commercial area. Mr. Cannizzaro stated what's being presented here today is consistent with the needs of the area. He stated the argument over density seems to be the issue here. Mr. Cannizzaro stated having done this work for many years he is well aware of the increase in costs, especially construction costs of housing and in order to make a development viable, what used to be RS-3 zoning probably needs to be RS-4 zoning because you need to be able to get enough houses on a smaller area and keep the price of those houses down so that they are affordable to the people you're trying to attract to that area.

Connie Colvin 18132 East Admiral Place, Tulsa, OK 74015

Ms. Colvin stated she has 6 acres of residential on Admiral. She stated her father bought the property in 1964 and she is the fifth child and she lives on the property. Ms. Colvin stated she has watched Rolling Hills develop from pasture.

She stated she is 100% in favor of starter homes but she is afraid that the manner in which the community has developed is not up to where it could handle more starter homes. Ms. Colvin stated she is on the backside of the subject property which is second street and be a through street to get to the subject property. She stated this area is wall to wall cars with a narrow path and there is a lot of crime on that whole strip. Ms. Colvin stated when they heard what the size of the lots would be for this application it scared her because its more of the same. She stated she supports the community and will do all she can to ensure the development in the area is not smaller. Ms. Colvin stated going smaller so they can get all those houses in to make it affordable does not make sense to the community and she is proud of the community for standing up for this and having a voice.

Ms. Krug left at 3:42PM.

Doug Colvin 18132 East Admiral Place, Tulsa, OK 74015

Mr. Colvin stated he agrees 100% with the last speaker. He stated the builder is looking to make money. Mr. Colvin stated they back right up to the subject property. He stated the crime has really gone up since the smaller homes were built and the builder just wants to make you know as much money as they can make by putting in lower cost and smaller homes and he opposes it.

Carol Best 535 South Lynn Lane Road Tulsa, Oklahoma 74108.

Ms. Best stated her property is directly to the west of the subject property. She stated she has horses and one of the concerns with the green space that the applicant is proposing sounds great in theory but in actuality, that means instead of having six families with access to my back fence as with the first application they would now have 170 families with access to her back fence and potentially to her horses. Ms. Best stated from the very start she has had six houses directly up against her property line and to her that is alot. She stated one of the things the applicant said he heard from the neighbors was that the RS-5 at 31st Street was different because nobody opposed it. Ms. Best stated that is not what she said, what she said was there are no existing homes around those two areas that got the RS-5 for comparison and blending and things like that. Ms. Best stated they have big, nice homes and big, nice properties and the applicant is proposing to put in these little, tiny lots and yes, there is some green space but it's not near the big houses with acreage. She stated the lot sizes along her fence line have not changed from the very start. So, the applicant talked about making concessions but she doesn't really see those concessions. Ms. Best stated she is opposed to the application and will remain opposed to it. She stated she would not have been happy about RS-3 she would have been much more acceptable than RS-4. Ms. Best stated she has concerns that if they are starter homes, how strong a Homeowners Association would be and it is her understanding is that a Homeowners Association gets together makes the decisions on what can be done. Ms. Best stated what's being proposed under a Homeowner's Association now might not be the case in five years. She stated she would love to see this

area developed with nice homes that fit in with what's already there, but obviously it's not going to be five and 10 acre lots, but RS-2, RS-3 or RE all would be much better than straight RS-4. Ms. Best stated she understands the developer needs to get alot for the property but as somebody who already owns property in this area she is not particularly worried about what the developer wants. Ms. Best stated she has to take off work and cancel appointments to be here because she thinks it's important, but she thinks it's time to decide and stop postponing this because it's obvious that they are not going to find a middle ground on what is suitable to all of us.

Mr. Craddock left at 3:45PM.

Dennis Henson 726 South Lynn Lane, Tulsa, OK 74108

Mr. Henson stated him and his sons all live in the area. He stated the quote by the Applicant was " 270 lots were needed to be profitable" but that's if you're selling them for cheap prices and if they are sold for cheap prices, you are going to have a different kind of a homeowner and less likelihood of being a higher quality neighborhood. Mr. Henson stated at the February 17 neighborhood meeting with Mr. Rosser and Tanner Consulting the residents asked to have an example of a development so that they could see what they are actually producing rather than just have a diagram. The applicant said they would do that but the residents never heard back from them. He stated the applicant has said that if Commissioners deny this application that they are effectively killing starter homes but that is not true because in the last year Planning Commission has approved two RS-5 in the 31st Street area. Mr. Henson stated the reason that those were not effectively fought against was that there are no houses in that area around those developments. He stated the current application does not fit in the area and he would ask Commissioners to deny the application.

Matt Edwards 532 South Lynn Lane Road, Tulsa, OK 74108

Mr. Edwards stated he lives on the west side of Lynn Lane. He stated he doesn't think he needs to reargue the point of density because we are here for the third time and density has been an issue from the beginning and the reason it has been denied. Mr. Edwards stated the applicant started talking about all of the concessions they made and he is referring to the buffer space, but then he turns back and says after all those concessions he told Commissioners about, they are not even considering that plan. The one he is considering doesn't have the buffer. Mr. Edwards stated at the meeting the neighbors asked the applicant to bring something to them that was a compromise, but instead they cut some houses out for economic reasons, and then brought them a plan that quite frankly, when they put this plan in front of him he just wanted to get up and walk out of the library because it was worse than the last plan. He stated Planning Commission has repeatedly expressed to the applicant on numerous occasions that RS-3 was the only thing that they were going to consider. Mr. Edwards stated he is shocked that the applicant came back because they can't wait another 30 days to renote this application but they told neighbors this project

would take three years. He stated they all have jobs and if Planning Commission votes it down then the applicant will appeal it to the City Council again and then City Council will remand it back to Planning Commission and the neighbors have to start all over again. It's becoming a burden on the neighborhood. Mr. Edwards stated repeatedly the applicant said make a counter offer on this property and they have. He stated the school will not accept any offers on the property because it's under contract. Mr. Edwards stated they now know the property is for sale and the minute this gets voted down and people know that it's available a new developer do something that meets the area because it's already been done over and over again. He asks that Commissioners vote no on this application like they have done before.

Bruce Denny 905 South Lynn Lane Road, Tulsa, OK 74108

Mr. Denny stated he was speaking for himself and the Lynn Lane Neighborhood Association. He stated there was at least 60 signatures against this as it's being presented as an RS-4. He stated there are people who could not be here today because of work. Mr. Denny stated they are not against new neighbors as long as it's a good fit for the area. He stated about 85% of this area is surrounded by AG and RS-1 and most are 3 acre lots. Mr. Denny stated this has been the trend has been for the last 25 years. He stated this is the 4th time neighbors have had to speak on this application, October 6, 2021, October 20, 2021, February 2, 2022 and today March 2, 2022. Mr. Denny stated Z-7623 amazes him how it keeps being presented in different varieties and different remixes. He stated there has been three neighborhood meetings with Mr. Rosser that have made virtually no change to the density. Mr. Denny stated they have asked for larger lots and less houses. They have considered one acre lots, half acres and even considered RS-2 at the meeting on February 2 and Mr. Rosser was not interested in that. He stated the applicant has gone from 264 houses on February 2 and now at 270, maybe 275. Mr. Denny stated on October 20 TMAPC voted 100% to deny the RS-5, the applicant appealed to City Council and they remanded it back to Planning Commission for a lesser density. He stated this just doesn't fit here, this would not enhance and would not preserve the quality of life for the region's current and future residents. Mr. Denny stated please consider the words reasonable and compatible. He stated consider Commissioner Walker's comments on February 2 to the applicant, "The neighbors make a compelling argument". Mr. Denny stated there was a neighborhood meeting with the applicant on February 17th at the library and the residents presented RS-2 as a consideration to Mr. Rosser but he was not at all interested in talking about that designation. He stated the applicant is not interested in any concession at this point, frankly neither are the residents. Mr. Denny stated the neighbors are preparing a 300 foot property owners formal protest petition that would require a 3/4 majority vote at City Council. He stated if this goes to City Council they will be there. Mr. Denny stated he believes that if TMAPC had voted on February 2, it would have been a 100% denial and he is asking them to do that very thing today.

Mr. Walker asked if his preference would be RE.

Mr. Denny stated they originally wanted two acres minimum but to compromise they suggested 1 acre AG-R. He stated staff mentioned that those can't be mixed those within an RE so they were even thinking half acre lots on the 7th Street entrance because that is where they were concerned about having larger lots. He stated the applicant has since decided to remove that area and he thinks it's for economic reasons and having to deal with the regulatory floodplain because it is causing all kinds of problems in that area. Mr. Denny stated so they were looking at RS-2 with some bigger lots.

Cindy Robson PO Box 14332 Catoosa, OK 74104

Ms. Robson stated her family has quite a bit of history with this property. She stated her husband's aunt gave the property to the School of the Ozarks and was very philanthropic and most of the property in this area belongs to her husband's family. Ms. Robson stated her husband, herself and Stan Crocky built Catoosa Hills. She stated it is a \$298 million project that is almost paid for. Ms. Robson stated all of her friends in Tulsa begged and pleaded with her not to do the project. They never dreamed they would get the Hard Rock Casino or any of the other commercial businesses in the area. She stated in the last 15 years, they put \$67 million in the Catoosa Public School system that was recently paid off, and another \$54 million grant to improve our school system. Ms. Robson stated she is 60 years old and has done development for 40 years with some guys that really know what they're doing. She stated they would never let anyone do a development that would deteriorate the value of the property. Ms. Robson stated when they started this process there were mobile homes on 193rd Street to the east of these neighbors. She stated this is a rebuilding area. Ms. Robson stated when the city lost Tesla to Austin, one of the reasons they were lost was because there was not a readymade workforce like if you were close to Tinker Air Force Base in Norman or San Antonio or somewhere where young professional people want to come. She stated she owns 200 acres around Albertsons warehouse and have quite a bit of business they are getting ready to bring there but do not have anywhere to put the people there is a housing shortage. Ms. Robson stated when she was working on the Catoosa Hills shopping center there were these kinds of opinions that it was going to ruin everybody and they didn't want it. She stated sometimes you have to build something new to clean up a neighborhood or to get the other industries.

Mr. Covey asked if Ms. Robson was the developer.

Ms. Robson stated "no" but her husband's family was the property owner and the School of the Ozarks was given the property as a charitable gift so the money will be going to help the School of the Ozarks.

Jim Turner 1719 South Rockford Avenue, Tulsa OK

Mr. Turner stated he is here representing his father's estate at 631 South Lynn Lane. Mr. Turner stated his property is in the elbow on the map, and so is probably the most effected properties around the development because it's wrapping around two sides of the development. He stated at a previous meeting Commissioners threw out RS-4 and RS-5 and he thinks they were leaning towards RS-3 but that that never went forward. Mr. Turner stated at the meeting a month ago neighbors were encouraged by the feedback that they got from the Commissioners because it seemed like they were listening to neighbors and noted that the neighbors and the developer were too far apart from a compromise. He stated so they went back to the table and met with the applicant again. Mr. Turner stated he feel likes the neighborhood has been very consistent in what they have asked for, they have said too many houses too dense. He stated they have asked can you do bigger houses and bigger lots. Mr. Turner stated so he was very hopeful going into the meeting on February 17th that the applicant was going to have something that the neighbors could deal with and make compromise. He stated the developer actually came back with more density than what they had looked at previously and had added the 50 foot buffer that they are now withdrawing and going back to one of the plans that Planning Commission had previously rejected, so it was very disappointing. Mr. Turner stated a lot of us were very disappointed in that meeting because they went there thinking the applicant would come up with something. They did not. He stated the statement was made at the meeting that the development did not make enough money for them to do larger lots. Mr. Turner stated the neighbors did ask if there was a similar development in Tulsa that they could tour and they indicated that they would show them one but they never saw one. He stated the main concern that the neighbors have is that the applicant is still not addressing their concerns which is density. Mr. Turner stated they have large horses, large tracts and large animals and AG properties don't mix well with high density. He stated they are not against residential development in the neighborhood they have always assumed that there would be residential development there. They just want to see it done in such a way that it is not going to adversely affect the quality of life that everybody moved out there for and he thinks they have made the point several times that everything that has been developed in the last 25 years has been larger houses on larger lots with more expensive houses, not small dense development.

Applicant's Rebuttal:

Mr. Rosser stated just a couple of things to set the record straight about some of the comments that have been made. He stated in terms of whether they want to drag this out, he can assure everyone that they do not want to drag this out because they have a piece of property that's under contract and if you run up to the end of that contract you have to go back and beg the seller for more time. Mr. Rosser stated this is the last time they want to do this although they are willing to talk about anything. He stated a comment was made that in the course of these three neighborhood meetings, there's been virtually no change in the number of houses, but he would disagree with that. Mr. Rosser stated from the beginning

when they applied for RS-5 zoning, with staff recommendation, they didn't have a conceptual plan because they didn't have an optional development plan at that time. He stated but using the same number of developable acres that would have been around 792 homes, straight RS-5 zoning. He stated the first plan that they came in with was 343 lots. Mr. Rosser stated the second plan which is the current one is for 270 lots also a reduction of lots. He stated is not saying that neighbors have not made concessions also, they certainly have. Mr. Rosser stated he thinks both sides have but they just have not been able to come to a point that both sides can agree on and that just happens sometimes, no matter how hard you try.

Mr. Walker stated this application started with RS-5 and are now asking for RS-4 with an optional development plan.

Mr. Rosser stated "yes".

Mr. Covey asked if the lots in the northeast were going to be developed.

Mr. Rosser stated that would have been the case if the conceptual plan with the green space had any traction with the neighbors.

Mr. Walker stated staff has recommendation for approval.

Staff stated the recommendation is for approval of RS-4 with an optional development plan that's in the packet. He stated he would remind Commissioners that the specific details of the site plan are not a part of the development plan, it's just a graphic illustration of what might be done within the context of that zoning, so don't get too hung up on the street pattern or the green space because that is going to change.

Mr. Walker stated if you look at the Comprehensive Plan this area is designated New Neighborhood. Mr. Walker asked if we're not doing this infill then what infill are we doing. He stated if we are not doing this do they need to look at the Comprehensive Plan.

Staff stated that is part of why staff recommendation is for approval, because the Comprehensive Plan is not specific about what that infill looks like, but it places emphasis on the neighborhood engagement process. He stated when staff looks at it, we have to look at it in a very sterile way on how it fits the future of Tulsa for workforce housing and the nature of what new neighborhood development is.

Mr. Covey asked if any new neighborhood would go on the subject property.

Staff stated the surrounding property owners have made a very good presentation that a large lot neighborhood would go there. He stated but he thinks an argument could be made that a very wide mix of large lots and small

lots even some multifamily type of stuff could be there also. Staff stated with the idea of the New Neighborhood land use designation there's a lot of flexibility in what that residential development can look like.

Mr. Covey stated staff recommended approval of RS-5 and if you're just looking at the Comprehensive Plan and it says it's a New Neighborhood in a residential area. He stated staff would have approved RE, RS-1,2,3,4 or 5 and maybe even throw in some RM-1 or 2.

Staff stated that's true. He stated the reasons staff recommended approval of RS-5 in the beginning is because there are some different housing types that are available such as cottage homes and patio homes, things other than single family residential. Staff stated they felt like in this location a wide variety of housing types was important but that's really off the table now, although that was something that was important to staff in the very beginning. He stated he doesn't think the developers were ever planning on that, but the zoning would have supported that if they chose to go that route.

Mr. Walker asked what a motion looked like at this point.

Staff stated if Commissioners are inclined to approve per staff recommendation just say that but if you want to approve it to something less, which means a bigger lot, you could approve RS-3 or RS-2 and then decide if the development plan is important and that development plan limits it to single family dwellings and a fair amount of open space. He stated if you go to RS-3 there's no reason to have the development plan because single family homes are all that is allowed.

Mr. Reeds asked if staff discussed conceptual plan 3 with the applicant at all.

Staff stated not really, there was discussion about some very broad concepts of what it might look like with larger lots on the perimeter and more density for the interior, but they didn't get into specifics.

Ms. Kimbrel asked if staff recommendation for RS-4 with the optional development plan include limits on the total number of homes.

Staff stated it is only limited to single family residential homes and not a specific lot number limitation.

Ms. Kimbrel asked if this Commission happens to approve the application based on staff recommendation can the applicant still do what they want in increasing the number of units as long as it meets those written standards and the development plan even though they present conceptual plans to the community.

Staff stated as long as it meets the standards in the development plan. He stated that is reason it's important to not think too much about those conceptual

drawings because it will change. Staff stated the street pattern is likely to change, the floodplain boundaries are likely to change, it will be something different than concept presentations.

Mr. Rosser stated if it would make the deal work they could agree to a specific lot limitation like 270.

TMAPC Comments:

Mr. Zalk stated it's important to acknowledge that there's a massive housing shortage in the City of Tulsa and that makes it unpalatable for new residents of Tulsa to find any accommodation. He stated they certainly can't find reasonably priced accommodation. Mr. Zalk stated he hears stories all the time of people putting multiple offers in for a home and getting rejected. He thinks at some level, there needs to be concessions because we need housing. Mr. Zalk stated this is not going to be a solution to housing needs today, but if something isn't done then there won't be any housing in three years. He stated he supports the application.

Mr. Whitlock stated there were comments about the Mid America Business Park and all the economic development that's going on out east but there are not any houses. He stated people that are working at Mid America are living in Muskogee, Coweta and Wagner and making those commutes. Mr. Whitlock stated for Tulsa to continue to prosper they need houses.

Mr. Covey stated he is going to vote no. From the time the applicant came before Planning Commission in October 2021 they stood still at RS-5. He stated at that meeting he asked would the applicant even consider RS-4 and the applicant took a break to call his client and his answer was no, they were unwilling to consider anything else. Mr. Covey stated they wanted to roll the dice and they were voted down 8-0. He stated they appealed to the City Council and the City Council apparently didn't like it so they sent it back to Planning Commission and now the applicant has offered up something else. Mr. Covey stated the current proposal is not what he expected and he doesn't think it's what the neighbors expected. He stated as Mr. Walker said at the last meeting, "the neighbors make a compelling argument". Mr. Covey stated the neighbors didn't want to hear that he would consider RS-3 but he told them from the very beginning that he would consider RS-3 because he thought that was what was proper for the area based on zoning in the area. But that has not been proposed.

Mr. Reeds stated the applicant has come down on lots from the original in October of 343 to conceptual plan 2 which has 275 lots. He stated but they are not locked in to that 275 they are only locked into the zoning which is RS-4. Mr. Reeds stated unless limited to 275 he is having trouble voting in favor of the application as well.

Mr. Covey stated for him this is an economic issue. He stated the applicant has their numbers that they need to meet. Mr. Covey stated maybe they go back to the seller and say they need to put in less lots what is the purchase price to do something different. He stated it's a negotiation, but it's not the neighbor's fault they entered into a contract for X amount of money and they need to put X number lots to meet their economics.

Mr. Reeds stated what he liked about conceptual plan 3 was they were beginning to recognize larger lots on the perimeter and more density in the middle, almost new urbanist, which would have provided an equal number of homes. He stated if they had come with that he would have no trouble supporting it today.

TMAPC Action; 8 members present:

On **MOTION** of **WALKER**, to approve, RS-4 zoning for Z-7623 the TMAPC voted 3-5-0(Walker, Whitlock, Zalk, "aye"; Blair, Covey, Kimbrel, , Reeds, Shivel, "nays"; none "abstaining"; Bayles, Craddock, Krug "absent") resulting in **DENIAL** of the motion.

Legal Description for Z-7623:

The Northeast Quarter of the Southwest Quarter and the South Half of the Northwest Quarter of the Southwest Quarter and the Northeast Quarter of the Northwest Quarter of the Southwest Quarter and the East Half of the Southwest Quarter of the Northwest Quarter, all in Section One, Township Nineteen North, Range Fourteen East, containing 90 acres more or less, according to the U.S. Government Survey thereof

* * * * *

The meeting had to be adjourned and moved to 10th floor North Conference room as City Council entered the Council Chambers for their 5:00 meeting.

TMAPC Action; 8 members present:

On **MOTION** of **COVEY**, the TMAPC voted 8-0-0(Blair, Covey, Kimbrel, Reeds, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Bayles, Craddock, Krug "absent") to **ADJOURN** the meeting at 4:45 pm and move it to the 10th Floor North Conference Room.

After moving to the 10th floor North Conference room, the Meeting was called to order by Commissioner Covey at 4:50pm.

PUBLIC HEARING – PLATS

7. **The Estates at Tulsa Hills** (CD 2) Preliminary Plat, Location: North of the northeast corner of West 91st Street South and South Maybelle Avenue

STAFF RECOMMENDATION:

The Estates at Tulsa Hills - (CD 2)

North of the northeast corner of West 91st Street South and South Maybelle Avenue

This plat consists of 39 lots, 3 blocks on 40.457 ± acres.

The Technical Advisory Committee (TAC) met on February 17, 2022 and provided the following conditions:

1. **Zoning:** The property is currently zoned AG (Agriculture). Rezoning is being requested under (Z-7460) with an optional development plan to permit the use of private streets in the subdivision. The rezoning request must be approved and effective prior to the approval of a final plat. TMAPC recommended approval of the rezoning on November 19, 2018. The rezoning is pending City Council approval.
2. **Addressing:** City of Tulsa addresses and street names must be assigned and affixed to the face of the final plat.
3. **Transportation & Traffic:** Subdivision & Development Regulations require call boxes to be located 60 feet from the curb line of the public street from which the private street is accessed. Vehicle turn-around is required before the entrance gate that allows passenger vehicles to complete a turn-around completely outside of the right-of-way of the intersecting public street. As a requirement of this project, South Maybelle Avenue is required to connect to West 91st Street. IDP for both the Maybelle project and the site must be approved prior to approval of final plat. Limits of No Access must be provided along South Maybelle Avenue and access points require approval through the City of Tulsa Streets & Stormwater department. Provide width of Maybelle right-of-way and include filing information.
4. **Sewer/Water:** Main line extensions are required to serve the subdivision. Easements must align with approved IDP plans. IDP approval for water and sewer are required prior to final plat approval.
6. **Engineering Graphics:** Submit subdivision control data sheet with the final plat submittal. Add "City of Tulsa" to the plat subtitle before Tulsa County. Ensure accuracy of point of beginning and point of commencement and correct spelling. Provide information for surveyor and engineer on the face of the plat including name, address, phone, email address, and CA number with renewal date. Update location map to reflect only platted property boundaries and label all other property as unplatted.
7. **Stormwater, Drainage, & Floodplain:** All drainage structures must be contained within easements. Overland drainage easements are required for any outflow to offsite areas. Covenant language must include HOA maintenance of all drainage easements as well as Reserve C.
8. **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.

9. **Airport:** Subject tract is located within multiple FAA flight paths. Avigation notice provided by the airport must be affixed to the face of the final plat.

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. Release of the final plat by City of Tulsa is required prior to final plat approval.

Interested Parties:

Kenneth White 7777 East Apache, Tulsa, OK 74115

Mr. White stated he was with the Tulsa Airport Improvement Trust. He stated this location is in the Land use Impact Zone 6 and this calls for a avigation notice to be placed on the face of the plat. Mr. White stated this area is criss crossed by numerous flight paths.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **COVEY**, the TMAPC voted 8-0-0 (Blair, Covey, Kimbrel, Reeds, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Bayles, Craddock, Krug "absent") to **APPROVE** the Preliminary Subdivision Plat for The Estates at Tulsa Hills per staff recommendation.

* * * * *

8. **The Flats II** (County) Preliminary Plat, Location: South of the southeast corner of East 136th Street North and North Sheridan Road

STAFF RECOMMENDATION:

The Flats II - (County)

South of the southeast corner of East 136th Street North and North Sheridan Road

This plat consists of 55 lots, 5 blocks on 44.55 ± acres.

The Technical Advisory Committee (TAC) met on February 17, 2022 and provided the following conditions:

1. **Zoning:** Property has been rezoned to RS (Residential – Single-Family). Proposed lots conform to the requirements of the RS district.
2. **Addressing:** Addresses provided by INCOG must be shown on face of the plat.
3. **Transportation & Traffic:** Tulsa Planning Office and the Tulsa County Engineer will require a connection to East 136th Street North prior to final plat approval.

The 60 foot strip of land left between blocks 1 and 2 of The Flats first phase must be utilized as a dedicated right-of-way and access for The Flats II. The second point of access will provide relief for South Sheridan Avenue by providing access to the arterial street to the north and will satisfy fire code requirements for a second point of access. The County Engineer will not approve a second point of access on Sheridan. Engineering plans for street construction must be approved and streets must be accepted by the Tulsa County Engineer prior to final plat approval.

4. **Sewer/Water:** On-site sewage disposal requires approval by Oklahoma Department of Environmental Quality. Add ODEQ certificate to deed of dedication. Water service to be provided by Washington County Rural Water District #3. Any improvements to existing water lines must be approved through the RWD.
5. **Stormwater, Drainage, & Floodplain:** Improvements related to stormwater and drainage must be approved and accepted by the Tulsa County Engineer prior to final plat approval.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site or located on site must provide a release letter 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. Release of the final plat by Tulsa County is required prior to final plat approval

The applicant indicated her agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **COVEY**, the TMAPC voted 8-0-0 (Blair, Covey, Kimbrel, Reeds, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Bayles, Craddock, Krug "absent") to **APPROVE** the Preliminary Subdivision Plat for The Flats II per staff recommendation.

* * * * *

9. **Elwood Crossing III-IV** (County) Preliminary Plat, Location: South of the southeast corner of East 161st Street South and South Elwood Avenue

STAFF RECOMMENDATION:

Elwood Crossing III-IV - (County)

South of the southeast corner of East 161st Street South and South Elwood Avenue

This plat consists of 97 lots, 11 blocks on 80.24 ± acres.

The Technical Advisory Committee (TAC) met on February 17, 2022 and provided the following conditions:

1. **Zoning:** TMAPC recommended approval of a rezoning from AG to RS/PUD-861 on December 15, 2021. Zoning must be effective and all lots must conform to the final approved zoning prior to final plat approval.
2. **Addressing:** Label all lots with assigned addresses on final plat submittal. Addresses will be assigned by INCOG.
3. **Transportation & Traffic:** Label and dimension all right-of-way being dedicated by plat and provide recording information for any previously dedicated right-of-way. Engineering plans for street construction must be approved and new streets must be accepted by the Tulsa County Engineer prior to final plat approval.
4. **Sewer/Water:** Rural water district will be required to provide a release prior to approval of the final plat. Department of Environmental Quality will be required to approve on-site sewage disposal systems. Add ODEQ certification to the deed of dedication.
6. **Engineering Graphics:** Submit subdivision data control sheet with final plat submittal. Update location map with all platted subdivision boundaries and label all other property "unplatted". Graphically show all pins found or set associated with this plat. Graphically label the point of beginning. Remove contours from final plat. Provide bearing angle from face of the plat under Basis of Bearing heading.
7. **Stormwater, Drainage, & Floodplain:** All drainage plans must comply with Tulsa County drainage standards and must be approved prior to the approval of the final plat. Any easements required for drainage must be shown on the final plat.
8. **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. Final release from Tulsa County is required prior to final plat approval.

The applicant indicated her agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **COVEY**, the TMAPC voted 8-0-0 (Blair, Covey, Kimbrel, Reeds, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Bayles, Craddock, Krug “absent”) to **APPROVE** the Preliminary Subdivision Plat for Elwood Crossing III-IV per staff recommendation.

* * * * *

10. The Meadows II (County) Preliminary Plat, Location: North of the northeast corner of East 106th Street North and North Memorial Drive

STAFF RECOMMENDATION:

The Meadows II - (County)

North of the northeast corner of East 106th Street North and North Memorial Drive

This plat consists of 84 lots, 5 blocks on 66.74 ± acres.

The Technical Advisory Committee (TAC) met on February 17, 2022 and provided the following conditions:

1. **Zoning:** Property is zoned RS (Residential – Single-Family) with a Planned Unit Development (PUD-855). Lots are required to conform to the requirements of the zoning prior to final plat approval.
2. **Addressing:** Label all lots with assigned addresses on final plat submittal. Addresses will be assigned by INCOG.
3. **Transportation & Traffic:** Label and dimension all right-of-way being dedicated by plat and provide recording information for any previously dedicated right-of-way. Engineering plans for street construction must be approved and new streets must be accepted by the Tulsa County Engineer prior to final plat approval.
4. **Sewer/Water:** Rural water district will be required to provide a release prior to approval of the final plat. Department of Environmental Quality will be required to approve on-site sewage disposal systems. Add ODEQ certification to the deed of dedication.
6. **Engineering Graphics:** Submit subdivision data control sheet with final plat submittal. Update location map with all platted subdivision boundaries and label all other property “unplatted”. Graphically show all pins found or set associated with this plat. Graphically label the point of beginning. Remove contours from final plat. Provide bearing angle from face of the plat under Basis of Bearing heading.
7. **Stormwater, Drainage, & Floodplain:** All drainage plans must comply with Tulsa County drainage standards and must be approved prior to the approval of the final plat. Any easements required for drainage must be shown on the final plat.

8. **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.
9. **Airport:** Subject tract is located within approach path for Tulsa International Airport. Avigation notice provided by the airport must be affixed to the face of the final plat.

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. Final release from Tulsa County is required prior to final plat approval.

Interested Parties:

Kenneth White 7777 East Apache, Tulsa, OK 74115

Mr. White stated he was with the Tulsa Airport Improvement Trust. He stated this location is in the flight path of the main runway at Tulsa international Airport and this calls for a avigation notice to be placed on the face of the plat.

The applicant was not present but agrees with staff's recommendation.

TMAPC Action; 8 members present:

On **MOTION** of **COVEY**, the TMAPC voted 8-0-0 (Blair, Covey, Kimbrel, Reeds, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Bayles, Craddock, Krug "absent") to **APPROVE** the Preliminary Subdivision Plat for The Meadows II per staff recommendation.

* * * * *

PUBLIC HEARING-CAPITAL IMPROVEMENT PROJECTS

11. **Public hearing approving new capital improvement projects** for the Capital Improvement Plan (CIP), Fiscal Year 2023-2027

STAFF RECOMMENDATION:

Item

Public hearing approving new capital improvement projects for the Capital Improvement Plan, Fiscal Year 2023 – 2027.

Background

The Capital Improvement Plan (CIP), containing recommended capital projects for the next five years, is a tool to implement the Comprehensive Plan. State Statutes provide that once a comprehensive plan has been adopted, no capital project shall be constructed or authorized without approval of its location, character and extent by the Planning Commission.

City departments generated the list of new capital improvements in the plan. The City of Tulsa prepares an annual Capital Improvement Plan that is published with the fiscal year budget. The Planning Commission generally reviews any new additions proposed for inclusion in the proposed capital plan before the draft budget and capital plan are published.

Staff Analysis

TMAPC staff reviewed the new proposed Capital Improvement Plan projects for consistency with the City of Tulsa's Comprehensive Plan. In general, the improvements listed are consistent with the Comprehensive Plan.

A new CIP projects summary is attached. Below is a summarized list of those items, including: the name of requesting Department, the project name, the item number(s) that correspond with the attached chart, and staff comments regarding relationship and consistency with the Comprehensive Plan.

- **BOK Center**

1. BOK-Box Office Upgrades and Systems
2. BOK- Elevator / Escalator Modernization
3. BOK- HVAC Mechanical Improvements
4. BOK- Ice Plant Condenser Barrel Replacement
5. BOK- Kitchen Replacements / Rehabilitations
6. BOK- Operations Equipment / Replacements

Staff comments: *These projects generally involve maintaining and enhancing the existing BOK Center systems and operational equipment. The proposed improvements/rehabilitation to the BOK Center are consistent with the Comprehensive Plan's understanding of the downtown core as Tulsa's "...most intense regional center of commerce, housing, culture and entertainment." (p. LU-31)*

- **Gilcrease**

7. Chain Link Security Fencing/Gates

Staff comments: *This proposed project represents improvements to an existing museum and surrounding amenities in the City of Tulsa and are consistent with the Plan's focus on enhancing education and improving Tulsan's quality of life.*

- **Performing Arts Center (PAC)**

8. Chapman and Williams Elephant door replacement / remodel
9. Chapman Music Hall PIT LIFT system replacement modernization
10. Facility paging and audio program feed repair/upgrade
11. Theater and Stage Comms Systems
12. Theater lighting console replacement
13. Venue Audio Consoles replacement
14. Venue lighting control dimmer racks replacement

Staff comments: *The proposed improvements to the Performing Arts Center (PAC) are consistent with the Comprehensive Plan's understanding of the downtown core as Tulsa's "...most intense regional center of commerce, housing, culture and entertainment." (p. LU-31); including:*

- *Policy 3.7: Enhance visual enjoyment of public spaces and art.*
 - *Civic institutions and community events, such as street fairs, parades, farmers markets and live performances, all give Tulsa an important cultural and urban flair. (p.LU-79)*
- *Policy 3.2: Encourage a balance of land uses within walking distance of each other.*
 - *Focus downtown development on increasing urban-style housing, retail, parks, cultural and arts amenities and entertainment to create an active, vibrant 24-hour urban core. (p.LU-79)*

- **Parks**

15. Berry Park Improvements
16. Central Center Phase II Improvements
17. Chamberlain Rec Center Expansion and Enhancement
18. Chapman/Upper Haikey Master Plan
19. Employee Office Building
20. Helmerich Park/71st & Riverside Improvements
21. Hinch Park Improvements
22. Mohawk Dam and Lagoon System Improvements
23. Nature Exchange/Overnight Camping area
24. New Access Road and New Employee Parking Lot
25. Osage Trail Lighting
26. Outdoor Event Space
27. Owen Rec Center Improvements
28. Parks Wifi / Internet Improvements
29. Pond Repairs and Cleanup
30. Systemwide Lighting Improvements
31. Tree Planting
32. Water Line Replacements
33. Water Works 2nd Floor Improvements

Staff comments: *Based on the below and similar policies regarding parks, the proposed projects are in conformance with the Tulsa Comprehensive Plan.*

- *Parks, Trails and Open Space – Priority 5: Improve Access and Quality of Parks and Open Space*

- *Goal 14: Parks and recreational facilities are updated to address changing needs and desires.*
 - *Policy 14.1: Add comfort and convenience features to parks. (p. PA-29)*
 - *Policy 14.2: Identify parks components that need to be updated or replaced and develop a schedule, budget and methodology to complete improvements. (p. PA-29)*
 - *Policy 14.4: Identify Parks throughout the City for upgrade and develop an action plan to accomplish upgrades. (p. PA-29)*
- **Police**
 - 34. Airbus Helicopter
 - 35. Police Mobile Video Recording System (MVRs, Body Worn and In Car Video)

Staff comments: *The projects will provide the City of Tulsa Police Department with updated technology and improved equipment. Although no specific guidance is provided in the Comprehensive Plan, the projects will contribute to public safety.*

- **Sewer**
 - 36. Aeration Jockey Blower Addition
 - 37. Arc Flash Inspection Sewer
 - 38. Flat Rock Creek Rehabilitation & Relief
 - 39. Jones/Douglas Rehabilitation & Relief
 - 40. Mingo Creek Rehabilitation & Relief
 - 41. Wastewater System Comp Study
 - 42. West Bank Interceptor Improvements

Staff comments: *The above projects are generally sewer maintenance/improvements. One of the Guiding Principles for Economic Development is “The City invests in the critical infrastructure necessary to develop a robust and diversified economy.” (p. 6) The projects are generally consistent with the Comprehensive Plan’s direction on infrastructure.*

- **Water**
 - 43. ArcFlash Inspection Water
 - 44. Bird Creek Pump Station Flow Meter and Oologah Flowlines Valve Replacement
 - 45. Lake Yahola Improvements
 - 46. Oologah Pump Station Chemical Building

- 47.Raw Water SCADA System
- 48.Spavinaw Pump Station 54" Discharge Valve
- 49.Spavinaw WTP Backwash Lagoon Stem Wall
- 50.Water System Comp Study

Staff comments: *The above projects are generally water maintenance, rehabilitation, and improvements. One of the Guiding Principles for Economic Development is “The City invests in the critical infrastructure necessary to develop a robust and diversified economy.” (p. 6) The projects are generally consistent with the Comprehensive Plan’s direction on infrastructure.*

Staff recommendation

Approve based on the finding that the new capital improvement projects for the Capital Improvement Plan, FY 2023-2027 are in conformance with the Tulsa Comprehensive Plan.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **COVEY**, the TMAPC voted 8-0-0 (Blair, Covey, Kimbrel, Reeds, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Bayles, Craddock, Krug “absent”) to recommend **APPROVAL** based on the finding that the new capital improvement projects for the Capital Improvement Plan, FY 2023-2027 are in conformance with the Tulsa Comprehensive Plan.

* * * * *

OTHER BUSINESS

12. Commissioners' Comments

None

* * * * *

ADJOURN

TMAPC Action; 8 members present:

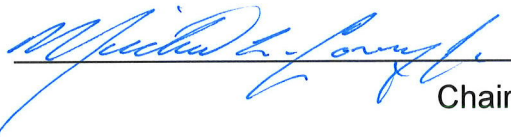
On **MOTION** of **COVEY**, the TMAPC voted 8-0-0 (Blair, Covey, Kimbrel, Reeds, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Bayles, Craddock, Krug "absent") to **ADJOURN** TMAPC meeting of March 2, 2022, Meeting No. 2861.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 4:57 p.m.

Date Approved:

05-04-2022


Chair

ATTEST:



Secretary