

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2875

Wednesday, October 5, 2022, 1:00 PM
City Council Chamber
One Technology Center – 175 E. 2nd Street, 2nd Floor

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday September 29, 2022 at 11:53 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. Covey read the opening statement and rules of conduct for the TMAPC meeting.

REPORTS:

Chairman's Report:
None

Director's Report:
Ms. Miller reported on Board of County Commissioner actions and other special projects. Ms. Miller stated on the next Planning Commission Meeting which is October 19, 2022, she hopes to present the Kirkpatrick Heights/ Greenwood Master Plan at the end of that agenda so Commissioners can become familiar with it before it comes back for some kind of action.

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CONSENT AGENDA

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

Mr. Covey stated Item 1 and item 6 were withdrawn by Applicants.

1. **Z-7625a Lou Reynolds** (CD 8) Location: Northeast corner of East 81st Street South and South Harvard Avenue requesting an **Optional Development Plan Minor Amendment** to allow retaining wall tie-backs to be located in a portion of the 25 foot landscape buffer (Continued from August 3, 2022 and August 17, 2022)

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Items 2 and 3 were moved from the Consent Agenda to the Public Hearing.

Mr. Walker arrived after the Continuances on numbers 8, 10 and item 11 were voted on.

PUBLIC HEARING - REZONING

2. **Z-7492a Amy Wightman** (CD 3) Location: North of the northeast corner of South Hudson Avenue and East 11th Street South requesting a **PUD Minor Amendment** to allow Low-Impact Manufacturing and Industry by right and Moderate-Impact Manufacturing and Industry by Special Exception

STAFF RECOMMENDATION:

SECTION I: Z-7492a Minor Amendment

Amendment Request: Revise the Optional Development Plan Standards to allow Low-Impact Manufacturing and Industry by right and Moderate-Impact Manufacturing and Industry by Special Exception.

Currently the Optional Development Plan Standards limit the allowable uses for the subject lot and does not include Low-Impact Manufacturing and Industry or Moderate-Impact Manufacturing and Industry. The underlying zoning, IL, would permit Low-Impact Manufacturing and Industry by right and Moderate-Impact Manufacturing and Industry by Special Exception. The applicant is proposing to add Low-Impact Manufacturing and Industry as a use by right and Moderate-Impact Manufacturing and Industry as a use allowed by Special Exception as would be allowed by the underlying zoning. The applicant intends to conduct marijuana processing at this location.

The existing development standards of the ODP are as follows:

PERMITTED USE CATEGORIES

- i. PUBLIC, CIVIC, AND INSTITUTIONAL
 - Safety Service

- ii. COMMERCIAL
 - Animal Service (includes all specific uses)
 - Broadcast or Recording Studio
 - Commercial Service (includes all permitted specific uses)
 - Financial Services (includes all specific uses)
 - Funeral or Mortuary Service
 - Office (includes all specific uses)
 - Parking, Non-accessory
 - Restaurant
 - Retail Sales (includes all specific uses)
 - Self-service Storage Facility
 - Studio, Artist, or Instructional Service
 - Trade School
 - Vehicle Sales and Service
 - Commercial vehicle repair/maintenance
 - Commercial vehicle sales/rentals
 - Fueling Station
 - Personal vehicle repair and maintenance
 - Personal vehicle sales and rentals
 - Vehicle parts and supply sales
 - Vehicle body and paint finishing shop

- iii. WHOLESALE, DISTRIBUTION AND STORAGE
 - Warehouse
 - Wholesale Sales and Distribution

- iv. RECYCLING
 - Consumer Material Drop-off Station

- v. AGRICULTURAL
 - Community Garden
 - Farm, Market- or Community-supported
 - Horticulture Nursery

- vi. OTHER
 - Drive-in or Drive-through Facility (as a component of an allowed principal use)

No other restrictions have been placed on the subject lot as part of the Optional Development Plan.

Staff Comment: This request is considered a Minor Amendment as outlined by Section 70.040.I.1.a(4) of the City of Tulsa Zoning Code.

“Limitation or elimination of previously approved uses, provided the character of the development is not substantially altered.”

Staff has reviewed the request and determined:

- 1) Z-7492a does not represent a significant departure from the approved development standards in the Optional Development Plan.
- 2) If approved, all remaining development standards defined in Z-7492 shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to allow Low-Impact Manufacturing and Industry by right and Moderate-Impact Manufacturing and Industry by Special Exception.

Mr. Craddock asked if the existing development standards allowed manufacturing.

Staff stated “no.”

Mr. Craddock asked if staff knew why the existing zoning excluded manufacturing.

Staff stated to lessen the impact of the zoning.

Mr. Craddock asked if this type of application would normally be a Minor Amendment.

Staff stated “yes,” the use is allowed by the underlying zoning so as defined by the Zoning Code anything that is allowed by the underlying zoning can be processed as a Minor Amendment.

Mr. Craddock stated this is not IL zoning because it has the optional development plan.

Staff stated it is still considered by the underlying zoning which is IL.

Interested Parties:

Donald Farris 5515 East Ninth Street, Tulsa, OK 74112

Mr. Farris stated he is on the northwest corner of ninth and Hudson which is directly across from the subject property. He stated he was not aware of what was going on so he is attending to hear what was going to be happening on this lot. He stated he has lived here since 1946 and aware of the history of the area.

Mr. Farris stated in 2002 he had 2 major problems with the Planning Commission and the City of Tulsa on the property across the street. He stated someone took over the property that used to be Oklahoma Fixture Company and started manufacturing styrene cabinets and there were a lot of fumes that would seep into their home. Mr. Farris stated this was after the Planning Commission denied the request to change the zoning. He stated he had to get newspaper and TV stations involved to help to get it stopped. Mr. Farris stated that is why he attends every meeting he gets a notice for. He stated he is not against any business or whatever they want to do but when he hears about moderate and low impact manufacturing, as long as there is no fumes, smells, pollution, or noise that leaves their property he has no problem with it. Mr. Farris stated if he smells fumes in his home then he will be totally opposed to it. He stated his other concern is when you say by right and by exception. He stated he thinks his understanding is by right if someone were to move out of the property that was already zoned that way, someone else can move in and do whatever they want to do that falls within that zoning. He stated by exception would just be for the marijuana growing. Mr. Farris stated he is not just concerned about what this applicant is going to do but this property changes hands so often that he is concerned about the future also.

Mr. Stephen, City Legal, stated he wanted to advise the Planning Commission that they could decide to make this a Major Amendment if they chose to do so.

Mr. Craddock asked if this application was considered a Major Amendment would the Staff report be more robust than what they currently have before them.

Staff stated the notice requirements would be different.

Mr. Stephens stated the application would need to be renoticed as a Major Amendment and then be forwarded to City Council.

Applicant Comments:

Amy Wightman 3705 South Tamarack Avenue, Broken Arrow, Oklahoma 74112
Ms. Wightman stated their processing license from OMMA is a nonhazardous license. She also has a statement from the property owner that states he will not allow any processing to happen on his property that is hazardous, now or in the future. Ms. Wightman stated he has owned the property for 11 years. She stated their processing is done with water and ice, no chemicals.

Ms. Carr asked if there were any fumes. She stated that is what the previous speaker was concerned about.

Ms. Wightman stated there are no fumes just the smell of the flower.

Ms. Carr stated she thinks there are other laws that address the fumes.

TMAPC Comments:

Mr. Craddock stated his only issue is really not what they are doing but to him this should be a Major Amendment. He stated historically Planning Commission has said no manufacturing at this site, because of the proximity to the nursing home behind them and the neighborhood to the north. Mr. Craddock stated his vote would be no to remain consistent with the reasons in the past.

Ms. Carr stated there is a grow facility already on this property. She asked if that is different than manufacturing.

Staff stated the grow facility is considered a horticulture nursery which is already allowed by the optional development plan. The grow facility is where they grow the product and then the applicant is taking the finished product after it is tested and processing it.

Mr. Zalk asked if a special exception transfers to future owners.

Staff stated it stays with lot if approved.

Ms. Krug asked if she could have an example of something else that would be low impact manufacturing because that is what would be allowed.

Staff stated any kind of manufacturing that does not produce any objectionable exhaust or fumes or materials from their site. He stated it would be contained internally to the structure itself.

The applicant indicated her agreement with staff’s recommendation.

TMAPC Action; 9 members present:

On **MOTION** of **WHITLOCK**, the TMAPC voted 7-2-0 (Carr, Covey, Kimbrel, Krug, Walker, Whitlock, Zalk, “aye”; Bayles, Craddock, “nays”; none “abstaining”; Reeds, Shivel, “absent”) to **APPROVE** Item 2 per staff recommendation.

Legal Description for Z-7492a:

North of the NEC South Hudson Ave and E 11th St S

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3. PUD-435-C-2 Mike Thedford (CD 9) Location: East of the northeast corner of East 68th Street South and South Yale Avenue requesting a **PUD Minor Amendment to increase allowable square footage for buildings**

STAFF RECOMMENDATION:

SECTION I: PUD-435-C-2 Minor Amendment

Amendment Request: Revise the PUD Development Standards to increase the allowable square footage for buildings.

Currently the maximum building floor area for Development Area A is 222,000 sf. The applicant is proposing to increase this to 232,000 sf or just under a 5% increase in allowable floor area to permit and expansion of the Laureate Psychiatric Clinic as indicated on the plans provided by the applicant.

Staff Comment: *This request is considered a Minor Amendment as outlined by Section 30.010.1.2.c(4) of the City of Tulsa Zoning Code.*

“Increases in permitted nonresidential floor area, provided the increased floor area is permitted by the underlying zoning and the floor area of a development area is not increased more than 15%”

Staff has reviewed the request and determined:

- 1) PUD-435-C-2 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-435.
- 2) All remaining development standards defined in PUD-435 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to increase allowable square footage for buildings from 222,000 sf to 232,000 sf.

Interested Parties:

Masahiko Murahami 6443 East 66th Street, Tulsa, OK 74136

Mr. Murahami stated he signed up to speak but at this time does not have anything to say about the development.

The applicant indicated his agreement with staff’s recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

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

Legal Description for PUD-435-C-2:

Lot 1, Block 1 Laureate Extended
Development Area A

* * * * *

Items 4, 5 and 12 were presented together.

4. CZ-536 Ryan McCarty (County) Location: Southwest corner of East 171st Street South and South Sheridan Road requesting rezoning from **AG to RE** to permit a single-family residential subdivision (**Related to PUD-863 and Magnolia Crossing Preliminary Plat**)

STAFF RECOMMENDATION:
SECTION I: CZ-536

DEVELOPMENT CONCEPT: The applicant is requesting to rezone from AG to RE to permit single-family subdivisions. A PUD (PUD-863) is being concurrently proposed with this rezoning to establish the allowable use and the bulk and area requirements. The lots within the PUD area are intended to be half acre minimum in size. Sewer is proposed to be provided through aerobic systems. The proposal lies within the Rural Residential designation of the City of Bixby Comprehensive Plan, which has been adopted as part of the Tulsa County Comprehensive Plan. This proposal, along with the accompanying PUD are compatible with this designation.

DETAILED STAFF RECOMMENDATION:

CZ-536 is non-injurious to surrounding proximate properties and consistent with the Tulsa County Comprehensive Plan;

CZ-536 is consistent with the anticipated future development pattern of the surrounding property therefore,

Staff recommends Approval of CZ-536 to rezone property from AG to RE.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

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

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

Land Use Vision:

Land Use Plan map designation: Rural Residential/Neighborhood Commercial

Rural Residential

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

Neighborhood Commercial

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

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: E 171st St S is designated as a Primary Arterial. S Sheridan Rd is designated as a Secondary Arterial. A Residential Collector is called out along the east and south boundaries of the subject area.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is currently vacant.

Environmental Considerations: None

Streets:

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

Utilities:

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

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG	Rural Residential/Industrial/Neighborhood Commercial	N/A	Vacant
South	AG	Rural Residential	N/A	Vacant/Single-Family
East	AG	Rural Residential/Neighborhood Commercial	N/A	Vacant/Single-Family/Public Utility
West	AG/RE	Rural Residential	N/A	Vacant

SECTION III: Relevant Zoning History

History: CZ-536 Rel. PUD-863

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

Surrounding Property:

CZ-521/ PUD-860 December 2021: All concurred in **approval** of a request for *rezoning* a 56.52± acre tract of land from AG to RE with a PUD overlay on a portion of rezoning area to permit a single-family residential subdivision on property located South of the southeast corner of East 171st Street South and South Yale Avenue.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WALKER**, TMAPC voted **9-0-0** (Bayles, Carr, Covey, Craddock, Kimbrel, Krug, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Reeds, Shivel, "absent") to recommend **APPROVAL** of the RE zoning for CZ-536 per staff recommendation.

Legal Description for CZ-536:

CZ-536

Legal Description

A TRACT OF LAND THAT IS PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER (S/2 NW/4) AND THE NORTHEAST QUARTER (NE/4) OF SECTION THIRTY-FOUR (34), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NE/4 OF SAID SECTION 34; THENCE SOUTH 00°57'39" EAST ALONG THE EAST LINE THEREOF A DISTANCE OF 903.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°57'39" EAST A DISTANCE OF 202.26 FEET TO THE NORTHEAST CORNER OF TRACT NO. 2 OF MAGNOLIA ESTATES, A SUBDIVISION IN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 7019; THENCE S 89°02'21" W ALONG THE NORTHERLY LINE OF SAID TRACT NO. 2 A DISTANCE OF 50.00 FEET; THENCE S 44°52'47" W AND ALONG SAID NORTHERLY LINE A DISTANCE OF 607.18 FEET; THENCE S 00°57'39" E ALONG THE WEST LINE OF SAID TRACT NO. 2 A DISTANCE OF 1110.51 FEET TO THE SOUTHWEST CORNER OF SAID TRACT NO. 2 AND TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION

34; THENCE SOUTH 88°45'41" WEST ALONG THE SOUTH LINE THEREOF A DISTANCE OF 2605.73 FEET; THENCE N 01°14'19" WA DISTANCE OF 173.73 FEET; THENCE N 19°10'20" WA DISTANCE OF 529.07 FEET; THENCE N 38°49'21" WA DISTANCE OF 611.82 FEET; THENCE N 01°13'57" WA DISTANCE OF 156.74 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 34; THENCE N 88°46'03" E ALONG SAID SOUTH LINE A DISTANCE OF 975.15 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 34; THENCE N 01°07'33" WALONG SAID WEST LINE A DISTANCE OF 822.97 FEET TO THE SOUTHWEST CORNER OF TRACT NO. 1 OF MAGNOLIA ESTATES; THENCE N 88°46'40" E ALONG THE SOUTH LINE OF SAID TRACT NO. 1 A DISTANCE OF 1200.00 FEET; THENCE N 01°07'33" WA DISTANCE OF 435.60 FEET; THENCE N 88°46'40" E A DISTANCE OF 271.29 FEET; THENCE S 01°07'33" EA DISTANCE OF 435.60 FEET; THENCE N 88°46'40" E A DISTANCE OF 676.98 FEET TO THE SOUTHEAST CORNER OF SAID TRACT NO. 1; THENCE S 42°02'27" EA DISTANCE OF 536.61 FEET; THENCE N 89°14'24" EA DISTANCE OF 160.12 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 34 AND THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 5,892,248.98 SQ. FEET OR 135.27 ACRES.

BEARINGS ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, (ZONE 3501 OK NORTH), NORTH AMERICAN DATUM 1983 (NAD83) USING THE EAST LINE OF THE NE/4 OF SECTION 34, T17N, R13E AS SOUTH 00°57'39" EAST.

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5. PUD-863 Ryan McCarty (County) Location: Southwest corner of East 171st Street South and South Sheridan Road requesting **PUD-863 (Related to CZ-536 and Magnolia Crossing Preliminary Plat)**

STAFF RECOMMENDATION:
SECTION I: PUD-863

DEVELOPMENT CONCEPT: The applicant is requesting to rezone from AG to RE with a PUD overlay to permit a single-family subdivision. A rezoning is being concurrently proposed with this PUD (CZ-536). The proposed PUD will establish the allowable use as well as bulk and area requirements. Lots will need to be large enough to provide sewer systems on each lot and meet Oklahoma Department of Environmental Quality regulations.

DETAILED STAFF RECOMMENDATION:

Uses allowed in PUD-863 are consistent with the Rural Residential land use designation identified in the Tulsa County Comprehensive Land Use plan.

PUD-863 allows lots sizes and uses that are consistent with the anticipated future development pattern of the surrounding property;

PUD-863 is consistent with the provisions of the PUD chapter of the Tulsa County Zoning Code, therefore;

Staff recommends Approval of PUD-863 to rezone property from AG to RE/PUD-863.

DEVELOPMENT STANDARDS:

Permitted uses: All uses allowed by right in the RE zoning district specifically Use Unit 6 – Single Family Dwelling and customary facilities and amenities.

Maximum dwelling units (residential lots) allowed by this PUD:..... 160

Minimum lot width (at building setback line):..... 110 feet *

*Lots with cul-de-sac frontage may have a minimum width of 30 feet at the right-of-way line but shall meet the minimum requirements for lot area as specified in this PUD.

Minimum lot area: 22,500 square feet

Minimum land area per dwelling unit:..... 26,250 square feet

Maximum structure height: 35 feet

Off-Street Parking:..... Three (3) enclosed off-street parking spaces per dwelling unit

Front yard: 35 feet

Rear yard: 25 feet

Side yard: 7.5 feet

No residence shall be built nearer than seven and one-half (7.5) feet to any side lot on one side, and seven and one-half (7 .5) feet on the other

side, thus requiring a combined total of at least fifteen (15) feet between the residences.

Signage

Two entry identification signs shall be permitted with a maximum of 64 square feet of display signage surface. Additional signage for amenities will be allowed with a maximum of 16 square feet.

Access and Circulation

The subject tract shall be accessed from the west through the existing neighborhood (The Reserve at Magnolia), from the north at East 17th Street South or from the east at South Sheridan Road. Interior vehicular access shall be derived from the three entrance locations with public streets (24 feet in width) throughout. Cul-de-sacs shall have a pavement diameter of 96 feet. Stub streets shall be provided along the north and south property lines for future residential street connections to this property.

SECTION II: Supporting Documentation

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Land Use Plan map designation: Rural Residential/Neighborhood Commercial

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Neighborhood Commercial

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

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: E 171st St S is designated as a Primary Arterial. S Sheridan Rd is designated as a Secondary Arterial. A Residential Collector is called out along the east and south boundaries of the subject area.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is currently vacant.*

Environmental Considerations: None

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
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Utilities:

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

Surrounding Properties:

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The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WALKER**, TMAPC voted **9-0-0** (Bayles, Carr, Covey, Craddock, Kimbrel, Krug, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Reeds, Shivel, "absent") to recommend **APPROVAL** of PUD-863 per staff recommendation.

Legal Description for PUD-863:

PUD-836

Legal Description

A TRACT OF LAND THAT IS PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER (S/2 NW/4) AND THE NORTHEAST QUARTER (NE/4) OF SECTION THIRTY-FOUR (34), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NE/4 OF SAID SECTION 34; THENCE SOUTH 00°57'39" EAST ALONG THE EAST LINE THEREOF A DISTANCE OF 903.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°57'39" EAST A DISTANCE OF 202.26 FEET TO THE NORTHEAST CORNER OF TRACT NO. 2 OF MAGNOLIA ESTATES, A SUBDIVISION IN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 7019; THENCE S 89°02'21" W ALONG THE NORTHERLY LINE OF SAID TRACT NO. 2 A DISTANCE OF 50.00 FEET; THENCE S 44°52'47" W ALONG SAID NORTHERLY LINE A DISTANCE OF 607.18 FEET; THENCE S 00°57'39" E ALONG THE WEST LINE OF SAID TRACT NO. 2 A DISTANCE OF 1110.51 FEET TO THE SOUTHWEST CORNER OF SAID TRACT NO. 2 AND TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 34; THENCE SOUTH 88°45'41" WEST ALONG THE SOUTH LINE THEREOF A DISTANCE OF 2605.73 FEET; THENCE N 01°14'19" W A DISTANCE OF 173.73 FEET; THENCE N 19°10'20" W A DISTANCE OF 529.07 FEET; THENCE N 38°49'21" W A DISTANCE OF 611.82 FEET; THENCE N 01°13'57" W A DISTANCE OF 156.74 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 34; THENCE N 88°46'03" E ALONG SAID SOUTH LINE A DISTANCE OF 975.15 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 34; THENCE N 01°07'33" W ALONG SAID WEST LINE A DISTANCE OF 822.97 FEET TO THE SOUTHWEST CORNER OF TRACT NO. 1 OF MAGNOLIA ESTATES; THENCE N 88°46'40" E ALONG THE SOUTH LINE OF SAID TRACT NO. 1 A DISTANCE OF 1200.00 FEET; THENCE N 01°07'33" W A DISTANCE OF 435.60 FEET; THENCE N 88°46'40" E A DISTANCE OF 271.29 FEET; THENCE S 01°07'33" E A DISTANCE OF 435.60 FEET; THENCE N 88°46'40" E A DISTANCE OF 676.98 FEET TO THE SOUTHEAST CORNER OF SAID TRACT NO. 1; THENCE S 42°02'27" E A DISTANCE OF 536.61 FEET; THENCE N 89°14'24" E A DISTANCE OF 160.12 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 34 AND THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 5,892,248.98 SQ. FEET OR 135.27 ACRES.

BEARINGS ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, (ZONE 3501 OK NORTH), NORTH AMERICAN DATUM 1983 (NAD83) USING THE EAST LINE OF THE NE/4 OF SECTION 34, T17N, R13E AS SOUTH 00°57'39" EAST.

* * * * *

Item 6 was withdrawn by applicant.

6. Z-7669 Brian Letzig (CD 9) Location: East of the southeast corner of South Canton Avenue and East 68th Street South requesting rezoning from **OL to CG with optional development plan** (Continued from August 3, 2022 and September 7, 2022)

* * * * *

7. ZCA-18 Amendment of Chapter 20 of the Zoning Code (Overlay Districts), adding Section 20.090, to establish the regulations of a special area overlay district to be titled “Neighborhood Character Overlay” (“NCO”), for properties which may subsequently be supplementally rezoned to NCO.

STAFF RECOMMENDATION:

Public hearing to provide a recommendation to the City Council regarding amending the City of Tulsa Zoning Code, Title 42 Revised Ordinances, to add Section 20.090 establishing the regulations of a Neighborhood Character Overlay (NCO) district.

Background

Over the past few years residential infill development has increased within existing neighborhoods in the City of Tulsa. The Tulsa Planning Office was contacted by representatives of the Renaissance Neighborhood with concerns about the impact of new homes on the established neighborhood character. The purpose of the Neighborhood Character Overlay district is to establish zoning regulations consistent with the existing neighborhood scale and to prevent the negative impact of oversized infill development on existing established neighborhoods.

On June 22, 2022, the Tulsa City Council initiated an effort to develop zoning code amendments that would establish a Special Area Overlay as defined by the City of Tulsa Zoning Code in Section 20.010:

“As the name implies, overlay districts ‘over-lay’ applicable base zoning district classifications to alter some or all of the base zoning district regulations that apply to particular sites. Overlay zoning districts work to modify or supplement the regulations imposed by the base zoning district when necessary to address special situations or accomplish specific city goals. Overlay zoning is intended to be used when the base zoning district applied to an area remains generally appropriate, but when an additional, modified or eliminated requirement could help implement the city’s planning goals or address an area-specific planning, design, or land use regulations issue.”

The first step in the adoption of any overlay district is a zoning code text amendment to codify the provisions of the overlay. If adopted under ZCA-18, the Neighborhood Character Overlay district must then be applied to neighborhood areas through the zoning map amendment procedures of the Tulsa Zoning Code. As part of the original initiation, the City Council included an initiation of zoning map amendments for the areas known as the Renaissance Neighborhood. Staff will prepare a proposed boundary for the zoning map amendments and present those to TMAPC at a later hearing date.

Public Engagement

Throughout the development of the proposed Zoning Code amendments, Tulsa Planning Office met with leadership of the Renaissance Neighborhood Association and the overall neighborhood on several occasions to present the proposed standards. 930 notices were sent to property owners within the neighborhood inviting them to the meetings:

- Renaissance Neighborhood Association Leadership – February 1, 2022
- Renaissance Neighborhood (in-person at Campbell Hotel) – August 4, 2022
- Renaissance Neighborhood (virtual via Zoom) – August 19, 2022

Staff Analysis

The standards in the proposed ZCA-18 are consistent with the requested initiation by the Tulsa City Council. If applied through the zoning map amendment procedures, the standards set forth in ZCA-18 will align the zoning regulations with the existing neighborhood scale. The changes are consistent with the Zoning Code's general purposes (Section 1.050) and the stated purpose and intent of the applicable overlay.

Staff Recommendation

Approval of the proposed amendments to the City of Tulsa Zoning Code as shown in Attachment II.

TMAPC Comments:

Ms. Krug asked if a different neighborhood wanted a Neighborhood Character Overlay with different guidelines would that be possible.

Staff stated "yes," they would use the Renaissance as a base and create a new overlay with different text that Planning Commission would then adopt. He stated he thinks that is a possibility because he has been approached by other neighborhoods. Staff stated these provisions have been kept simple enough that

it may work in another neighborhood just as written to address the same concerns that the Renaissance neighborhood has.

Mr. Zalk stated there has been opposition to this overlay. He asked if anyone had voiced their concerns at meetings directly with staff.

Staff stated "yes." He stated a lot of the emails came in shortly after they had the meetings with the neighborhood. Staff stated the first draft was presented to the neighborhood residents at that time. He stated since that time adjustments to provisions in the overlay were made including enhancing the height. So those concerns have been addressed as they went through this draft. Staff stated the map amendment component of this Overlay is next and the neighborhood will be noticed. He stated there will be meetings to explain what the final set of regulations are and they will have the opportunity to continue to object if it is that they just do not want to be included at that time. Staff stated he thinks that as far as concerns directly related to the draft presented today they have addressed the concerns. He stated there is going to be some who do not want to be a part of it at all and some that are supportive and want to be in it and that will be a discussion around the map amendment when they start that process.

Interested Parties:

Tom Neal 2507 East 11th Place, Tulsa, OK 74104

Mr. Neal stated he is there to represent a contrast to the seven or so people who objected. He stated he is a 25 year long member of the Renaissance Board and has recently stepped down from that role. Mr. Neal stated he also served with Mr. Craddock on the Preservation Commission in years past. He stated he was speaking for himself and he does not want to go full Historic Preservation because it is pretty restrictive. Mr. Neal stated he is concerned about the potential McMansions like they have seen in lower Brookside where modest appropriately scaled houses get bulldozed and the zoning envelope absolutely maxed out at 35 feet high and almost no lawn or garden left. He stated this very thing happened. He stated he lives on 11th Place near 918 Coffee and he woke up last week to see a perfectly sound 1926 bungalow bulldozed to the ground. It's been purchased by somebody who has a history of building things that are, in his opinion as an associate member of the American Institute of Architects, a better designer in his mind than some of the rest of us thinks. Mr. Neal stated he thinks this is the silent majority case where many people in the neighborhood are supportive of this. He stated he does want to praise Staff they have been very diligent about engaging with the neighborhood.

TMAPC Action; 9 members present:

On **MOTION** of **COVEY**, TMAPC voted **7-2-0** (Carr, Covey, Kimbrel, Krug, Walker, Whitlock, Zalk, "aye"; Bayles, Craddock, "nays"; none "abstaining"; Reeds, Shivel, "absent") to recommend **ADOPTION** of ZCA-18 per staff recommendation to amendment Chapter 20 of the Zoning Code (Overlay

Districts), adding Section 20.090, to establish the regulations of a special area overlay district to be titled "Neighborhood Character Overlay" ("NCO"), for properties which may subsequently be supplementally rezoned to NCO.

* * * * *

Mr. Walker arrived late and did not vote on this item.

Item 8 was continued to October 19, 2022

8. PUD-636-E Mark Capron, Wallace Design Collective (CD 2) Location: North of the northeast corner of West 81st Street South and South Union Avenue requesting a **PUD Major Amendment** to revise the allowable floor area, landscape and setbacks from the east boundary

TMAPC Action; 9 members present:

On **MOTION** of **COVEY**, the TMAPC voted 8-0-0 (Bayles, Carr, Covey, Craddock, Kimbrel, Krug, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Walker, Reeds, Shivel, "absent") to **CONTINUE** Item 8 to October 19, 2022.

* * * * *

9. Z-7677 Mark Capron, Wallace Design Collective (CD 7) Location: North of the northeast corner of East 71st Street South and South Memorial Drive requesting rezoning from **OL and CG to CG**

STAFF RECOMMENDATION:
SECTION I: Z-7677

DEVELOPMENT CONCEPT:

The subject tract is the west end of Woodland Hills Mall and is a separate parcel and separate ownership from the rest of the mall area. The applicant is proposing removal of the existing building and replacement with a larger building that extends into the OL district near the ring road surrounding the mall. The perimeter of the mall was zoned OL and also PK zoning districts that was apparently established as an effort to establish some limit to the possible expansion of the commercial development in this area.

DETAILED STAFF RECOMMENDATION:

The CG district is primarily intended to accommodate established commercial uses, while providing protection to adjacent residential area and to accommodate the grouping of compatible commercial and light industrial uses and,

Permitted Uses and the supplemental regulations allowed in the CG district are consistent with the expected future development of the Woodland Hills Mall Area and,

The proposed zoning map amendment is consistent with the policy and intent of the comprehensive plan therefore,

Staff recommends Approval of Z-7677 to rezone property from OL and CG to CG.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Rezoning the entire parcel is consistent with the Regional Center Land Use Designation. The existing OL zoning limits retail development and not consistent with the expected development pattern in the area.

Staff note: After the application was advertised it was determined that the driveway access to South Memorial Avenue included in two zoning areas were not advertised. That small area included AG and CS zoning districts. The applicant made the decision to proceed with the area that was properly noticed knowing that some of the site is still not zoned to meet the standards for CG development. Staff will support rezoning the driveway panhandle portion of the property at the earliest possible opportunity.

Land Use Vision:

Land Use Plan map designation: Regional Center

Regional Centers are mid-rise mixed-use areas for large-scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.

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 Memorial Drive is considered a commuter corridor and is the most widespread commercial street type. These arterials typically serve commercial areas that contain many small retail strip centers with buildings set back from front parking lots. Because of this, strip commercial arterials have many intersections and driveways that provide access to adjacent businesses. Historically, this type of street is highly auto oriented and tends to discourage walking and bicycling. On-street parking is infrequent.

Commuter streets are designed with multiple lanes divided by a landscaped median, or a continuous two way left turn lane in the center. Commuter streets are designed to balance traffic mobility with access to nearby businesses. However, because there are so many intersections and access points on commuter streets, they often become congested. Improvements to these streets should come in the form of access management, traffic signal timing and creative intersection lane capacity improvements.

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 subject property is on the west end of Woodland Hills Mall which was developed with multiple zoning districts. The majority of the land area for the mall was zoned CG. The area near the ring road was zoned OL. It is unknown why the OL district was part of the original zoning action. The site was originally developed long before the city had*

landscape, lighting, and screening standards in the zoning code and does not represent current land development practices in Tulsa. The zoning for the entire Woodland Hills Mall Area includes AG, CS, OL, PK and CG districts. Those districts are not in alignment with the parcels and staff supports unraveling the unnecessary zoning constraints for the entire mall site. This is the first step rezoning the site Woodland Hills mall area in a way that anticipates site redevelopment.

The zoning code is clear that reconstruction of this parcel will require the subject property to be developed satisfying the current zoning code standards.

Environmental Considerations: None that would affect site redevelopment.

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Memorial Drive	Primary Arterial with Commuter Corridor Street designation	120 feet	7 lanes (4 north bound 3 south bound)

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	CS, OL and CG	Regional Center	Growth	Commercial Shopping
East	CG and OL	Regional Center	Growth	Woodland Hills Mall
South	CS, OL and CG	Regional Center	Growth	Commercial Shopping
West	CS	Regional Center	Growth	Commercial shopping

SECTION III: Relevant Zoning History

History: Z-7677

Subject Property:

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

Surrounding Property:

BOA-23134 June 2021: The Board of Adjustment **approved** a *Variance* to permit 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary, on property located at 7033 South Memorial Drive East.

PUD-379-E April 2018: All concurred in **approval** of a proposed *Planned Unit Development* on a 21.16± acre tract of land for Assembly and Entertainment greater than 250-person occupancy on property located South of Southwest corner of East 66th Street South and South Memorial Drive.

Z-7402/PUD-379-D August 2017: All concurred in **approval** of a request to rezone a 21.15± acre tract of land from PK/CS/PUD-379 to CS/CG for a microbrewery business to allow a tasting room and brew pub in the shopping center, and **approval** of a proposed *Planned Unit Development* for major amendment limits objectionable uses that could be allow in a CG district and also reflects changes that have been made in previous minor and major amendments, on property located south of the southwest corner of East 66th street South and South Memorial Drive.

BOA-22118 August 2016: The Board of Adjustment **approved** a *Special Exception* to permit a 4,000 square foot temporary tent as a primary use for a period of 45 days annually for 10 years, on property located at 7021 South Memorial Drive East.

BOA-21692 April 2014: The Board of Adjustment **denied** a *Variance* to permit an EMC sign to be within 50 feet of a signalized intersection, on property located at 7035 South Memorial Drive East.

BOA-20491 May 2007: The Board of Adjustment **approved** a *Special Exception* to reduce parking requirements 10% for a mixed-use commercial center, on property located at 6808 South Memorial Drive.

BOA-19595 May 2003: The Board of Adjustment **approved** a *Variance* to permit the area for display and height of new pole sign, on property located at 6827 South Memorial Drive.

BOA-19403 July 2002: The Board of Adjustment **approved** a *Variance* to permit sign display area and height in an AG district from 32 square feet and 20' in height to 98.6 square feet and 25' in height, on property located at 6825 S. Memorial.

BOA-19198 August 2001: The Board of Adjustment **approved** a *Variance* to permit the maximum sign height from 20' to 26'-3", on property located at 6841 South Memorial Drive.

BOA-17807 August 1997: The Board of Adjustment **approved** a *Variance* to permit frontage requirements within CG and PK districts, on property located at North NE/c 71st & Memorial.

BOA-17144 August 1995: The Board of Adjustment **approved** a *Variance* to permit a pylon sign with a maximum 85 sq ft of display surface area and 9' in height to be located in the 68th Street ROW at 68th Street and Memorial Drive & a *Variance* to permit a pylon sign in an AG zoned district and a pylon sign 30' in height and 99 sq ft of display surface area in the AG and Cs zoned district, at the principal entrance to the mall on South Memorial Drive & a *Variance* to permit a pylon sign with a display surface area of 85 sq ft in the AG District, located at the west entrance to the mall on 71st Street & a *Variance* to permit a pylon sign 30' high with a display surface area of 100 sq ft in the OL District, on property located at northeast corner East 71st Street and South Memorial Drive.

BOA-16149 October 1992: The Board of Adjustment **approved** a *Variance* to permit the maximum square footage permitted for a sign to permit an 80 sq. ft sign, on property located at 6827 S. Memorial Drive.

BOA-15298 June 1990: The Board of Adjustment **approved** a *Special Exception* to permit Use Unit 17 uses & a *Variance* to permit the required 200' frontage to 177.94' and 142' to permit a lot split on property located at East of NE/c 71st Street and South Memorial Drive.

BOA-15258 September 1989: The Board of Adjustment **approved** a *Variance* to permit a projecting roof and flashing sign as a part of a motion picture theater marquee within a PUD, on property located at 6800 South Memorial.

BOA-14944 October 1988: The Board of Adjustment **approved** a *Variance* to permit sign height, *Variance* of permitted square footage and a *Variance* to allow two electronic message center and identification signs & a *Variance* to allow a flashing sign with greater than 25-watt bulbs, on property located at North and East of NE/c 71st and Memorial.

BOA-13835 November 1985: The Board of Adjustment **approved** a *Variance* to permit frontage on a public or dedicated street for two lots to allow for a lot-split, on property located at the NE/c of 71st and Memorial.

TMAPC Comments:

Mr. Whitlock stated this is a fantastic project.

Mr. Covey asked if the 3 strips of OL to the north and south, will remain OL.

Staff stated “yes,” they are working with the Simon management group and the other property owners to clean up the zoning.

Mr. Walker stated Scheels was in town yesterday in front of the Local Development Act Review Committee and they recommended approval of the project plan, which will be sent to the City Council for their approval.

Applicant Comments:

Mark Capron, Wallace Design Collective, 123 N. MLK, Jr. BLVD, Tulsa, OK 74103

Mr. Capron stated this is an exciting project. He stated what is needed is density. He stated in addition to the footprint they need the density of CG zoning. Mr. Capron stated the new building is larger than what is there now. He stated they are aware that there's movement to get the zoning cleaned up but their schedule just needs to be move forward more quickly than that.

The applicant indicated his agreement with staff’s recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WHITLOCK**, TMAPC voted **9-0-0** (Bayles, Carr, Covey, Craddock, Kimbrel, Krug, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Reeds, Shivel, “absent”) to recommend **APPROVAL** of the CG zoning for Z-7677 per staff recommendation.

Legal Description for Z-7677:

**Woodland Hills Mall
Rezone Legal Description**

A PARCEL OF LAND LYING IN THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 18 NORTH, RANGE 13 EAST OF THE INDIAN BASE AND MERIDIAN.

COMMENCING AT A POINT 864.04 FEET NORTH AND 60.93 FEET EAST OF THE SOUTHWEST CORNER OF SECTION 1, TOWNSHIP 18 NORTH, RANGE 13 EAST, SAID POINT BEING 60.00 FEET EAST OF THE WEST LINE OF SECTION 1, TOWNSHIP 18 NORTH, RANGE 13 EAST; THENCE N00°03'42"E, ALONG A LINE 60.00 FEET FROM AND PARALLEL TO THE WEST LINE OF SECTION 1, TOWNSHIP 18 NORTH, RANGE 13 EAST, A DISTANCE OF 100.00 FEET; THENCE ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 50.00 FEET, AND CENTER OF SAID CURVE BEING LOCATED 994.00 FEET NORTH AND 100.07 FEET EAST OF THE SOUTHWEST CORNER OF SECTION 1, TOWNSHIP 18 NORTH, RANGE 13 EAST, A DISTANCE OF 46.42 FEET; THENCE DUE EAST, A DISTANCE OF 190.95 FEET TO THE **POINT OF BEGINNING**;

THENCE N00°03'42"E A DISTANCE OF 179.53 FEET TO A POINT OF TANGENCY WITH A CURVE;

THENCE ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 139.00 FEET, A DISTANCE OF 148.14 FEET;

THENCE N61°07'30"E A DISTANCE OF 357.32 FEET;

THENCE S30°00'00"E A DISTANCE OF 332.15 FEET;

THENCE DUE EAST A DISTANCE OF 65.00 FEET;

THENCE S30°00'00"E A DISTANCE OF 51.89 FEET;

THENCE DUE SOUTH A DISTANCE OF 343.06 FEET;

THENCE DUE WEST, A DISTANCE OF 26.28 FEET;

THENCE S30°00'00"W A DISTANCE OF 121.24 FEET;

THENCE DUE WEST A DISTANCE OF 66.97 FEET;

THENCE S30°00'00"W A DISTANCE OF 391.39 FEET TO A POINT OF TANGENCY WITH A CURVE;

THENCE ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 364.00 FEET, AND CENTER OF SAID CURVE BEING LOCATED 655.00 FEET NORTH AND 655.71 FEET EAST OF THE SOUTHWEST CORNER OF SECTION 1, TOWNSHIP 18 NORTH, RANGE 13 EAST, A DISTANCE OF 500.42 FEET;

THENCE N00°03'42"E A DISTANCE OF 288.61 FEET TO THE **POINT OF BEGINNING**;

* * * * *

Commissioner Craddock requested a continuance on items 10 and 11 to November 2, 2022.

10. CZ-535 John Parks (County) Location: Northwest of intersection of Highway 75 and East 66th Street North requesting rezoning from **AG to IL (Related to TCCP-11)** (Continued from September 7, 2022 and September 21, 2022)

Mr. Craddock stated the zoning changes are such a major impact that he wanted to have a full understanding of the impact. He stated he knows there is opposition and he wanted to make sure that everybody is copacetic with that change.

Mr. Covey asked if the applicant was in favor of the continuance or opposed to it.

The applicant stated they are opposed to it at the moment.

Mr. Covey asked if they would rather have a vote today.

The applicant asked if they could get a little bit more understanding on why the continuance is being requested. He stated they want to be respectful of everyone on the Commission so he is fine if a continuance is needed; however the preference is to hear it today.

Mr. Covey stated a number of speakers signed up and he asked if those Interested parties agreed to the continuance.

Interested Parties:

Betty Gruenwald 3165 East 76th Street N, Sperry, OK 74073
Ms. Gruenwald stated she would pass.

James Piland 3341 East 76th Street North, Sperry, OK 74073
Mr. Piland stated he would prefer to hear the case today.

Mr. Covey stated Mr. Craddock is asking for the continuance to gather more information to help him understand the issues better.

Thomas McCoy 7590 North Harvard Avenue, Sperry, OK 74073
Mr. McCoy stated he is in favor of continuance but he is the significant protest organizer and he will be out of town for the next Planning Commission meeting and would prefer it to be continued to the November 2, 2022 meeting.

Brad Fritts 4016 East 76th Street North, Sperry, OK 74073
Mr. Fritts stated he is in favor of the continuance as long as Mr. McCoy can be there to represent the opposing side.

Mr. Covey asked if the applicant is in favor of continuing the case to the November 2, 2022 meeting.

The applicant stated they had already had 2 staff continuances to work on some buffer setbacks as far as rezoning goes. He stated they would prefer October 19, 2022.

Mr. Covey stated this is the first time he has had a Commissioner request a continuance. He stated he wants to give Mr. Craddock his continuance but also understands others concerns also.

Mr. Craddock stated he was hoping that they would have some additional time since this is the first time Planning Commission has seen this application.

Mr. Whitlock stated if this were voted on today he would vote no for lack of information.

Mr. Covey stated he has read item 10 and 11 and knows how he is voting. He asked if Mr. Craddock wanted to hear it today since all the parties are already here or does he want to go ahead and make a motion.

TMAPC Action; 9 members present:

On **MOTION** of **CRADDOCK**, the TMAPC voted 8-1-0 (Bayles, Carr, Craddock, Kimbrel, Krug, Walker, Whitlock, Zalk, “aye”; Covey, “nays”; none “abstaining”; Reeds, Shivel, “absent”) to **CONTINUE** Item 10 to November 2, 2022.

PUBLIC HEARING-COMPREHENSIVE PLAN AMENDMENTS

11. TCCP-11 John Parks (County) Location: Northwest of intersection of Highway 75 and East 66th Street North requesting a land use amendment from **Rural Residential/Agriculture to Industrial (Related to CZ-535)** (Continued from September 7, 2022 and September 21, 2022)

TMAPC Action; 9 members present:

On **MOTION** of **CRADDOCK**, the TMAPC voted 8-1-0 (Bayles, Carr, Craddock, Kimbrel, Krug, Walker, Whitlock, Zalk, “aye”; Covey, “nays”; none “abstaining”; Reeds, Shivel, “absent”) to **CONTINUE** Item 11 to November 2, 2022.

PUBLIC HEARING – PLATS

12. Magnolia Crossing (County) Preliminary Plat, Location: South and east of East 171st Street South and South Yale Avenue (**Related to CZ-536 and PUD-863**)

STAFF RECOMMENDATION:

Magnolia Crossing – (Tulsa County)

South and east of East 171st Street South and South Yale Avenue

This plat consists of 24 lots, 5 blocks on 20.01 ± acres.

The Technical Advisory Committee (TAC) met on September 8, 2022, and provided the following comments:

- 1. Zoning:** The subject tract is currently zoned AG (Agriculture). The concurrent proposal for rezoning (CZ-536) to RE (Residential-Estate) and a planned unit development (PUD-863) is required to be approved and effective prior to final plat approval to ensure conformance with all applicable development standards.

2. **Addressing:** Final address assignments by INCOG must be shown on the face of the final plat.
3. **County Engineering:** Public street construction requires approval and acceptance by Tulsa County prior to final plat approval. Plans for stormwater and drainage are required to be approved and completed prior to final plat approval.
4. **Sewer/Water:** On-site sewage disposal must be approved by the Oklahoma Department of Environmental Quality. Water service to be provided by Okmulgee County Rural Water District 6. Water line extensions must be completed, and final plat must be released by the rural water district.
5. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Release letters are required from all utilities serving the site. Provide certificate of records from Oklahoma Corporation Commission related to oil & gas activity on the site.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

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

13. Commissioners' Comments

None

* * * * *

ADJOURN

TMAPC Action; 9 members present:

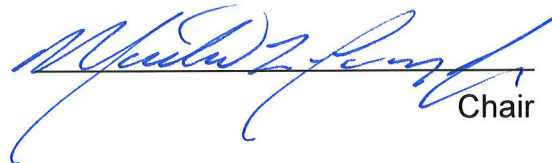
On **MOTION** of **COVEY**, TMAPC voted **9-0-0** (Bayles, Carr, Covey, Craddock, Kimbrel, Krug, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Reeds, Shivel, "absent") to **ADJOURN** TMAPC meeting of October 5, 2022, Meeting No. 2875.

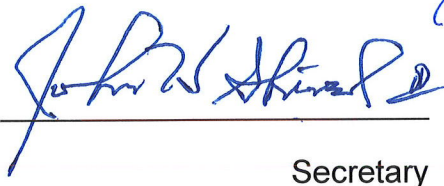
ADJOURN

There being no further business, the Chair declared the meeting adjourned at 1:49 p.m.

Date Approved:

10-19-2022


Chair

ATTEST: 
Secretary