

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2881

Wednesday, January 4, 2023, 1:00 p.m.
City Council Chamber
One Technology Center – 175 E. 2nd Street, 2nd Floor

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday December 29, 2022 at 3:05 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

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

REPORTS:

Chairman’s Report:

None

Director’s Report:

Ms. Miller handed out the Tulsa Planning Office annual report from last fiscal year. She stated the annual report talks about the work of the Planning Office and Planning Commission. Ms. Miller stated the PlaniTulsa meetings for January have not been finalized yet and Ms. Miller will send the information to Commissioners after they have been scheduled. She stated a Work Session for March 22, 2023 is needed to discuss projects that will be coming to Planning Commission later this year.

* * * * *

Minutes:

1. Minutes of December 7, 2022 Meeting No. 2879

Approval of the Minutes of **December 7, 2022 Meeting No. 2879**

TMAPC Action; 6 members present:

On **MOTION** of **WALKER**, the TMAPC voted 6-0-0 (Covey, Kimbrel, Krug, Shivel, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Carr, Bayles, Craddock, Reed, Zalk, “absent”) to **APPROVE** the minutes of **December 7, 2022 Meeting No. 2879**

* * * * *

2. Minutes of December 21, 2022 Meeting No. 2880

Approval of the Minutes of **December 21, 2022 Meeting No. 2880**

TMAPC Action; 6 members present:

On **MOTION** of **WALKER**, the TMAPC voted 5-0-1 (Covey, Krug, Shivel, Walker, Whitlock, “aye”; no “nays”; Kimbrel, “abstaining”; Carr, Bayles, Craddock, Reed, Zalk, “absent”) to **APPROVE** the minutes of **December 21, 2022 Meeting No. 2880**

* * * * *

Commissioner Carr arrived at 1:04 PM.

CONSENT AGENDA

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

3. **PUD-468-10 PB2 Architecture and Engineering** (CD 7) Location: West of the northwest corner of East 71st Street South and South Mingo Road requesting a **PUD Minor Amendment** to reduce the required minimum setback along the west boundary from 60 feet to 45 feet

STAFF RECOMMENDATION:

SECTION I: PUD-468-10 Minor Amendment

Amendment Request: PUD minor amendment to reduce the required minimum setback along the west boundary from 60 ft to 45 ft.

Currently, the development standards require a minimum 60 ft setback along the west boundary line. The applicant is requesting a minor amendment to reduce the west boundary line setback from 60 ft to 45 ft to allow for a new cooler box.

Staff Comment: *This request is considered a Minor Amendment as outlined by Section 30.010.1.2.c(9) of the City of Tulsa Zoning Code.*

“Changes in structure heights, building setbacks, yards, driveway coverage measured by width, square footage or percentage of the yard, open spaces, building coverage and lot widths or frontages, provided the approved PUD development plan, the approved PUD standards and the character of the development are not substantially altered.”

Staff has reviewed the request and determined:

- 1) PUD-468-10 is consistent with the provisions for administration and procedures of a PUD in section 30.010-H.
- 2) PUD-468-10 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-468.
- 3) All remaining development standards defined in PUD-468 and previous amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to reduce the required minimum setback along the west boundary from 60 ft to 45 ft.

Legal Description for PUD-468-10:

Lt 1 Blk 1 Sam’s Center, City of Tulsa, Tulsa County, State of Oklahoma

4. **PUD-345-4 Mark Capron** (CD 9) Location: East of the southeast corner of East 31st Street South and South Harvard Avenue requesting a **PUD Minor Amendment** to add an accessory use drive through facility as an allowable use and amend the setbacks to accommodate drive through canopy.

STAFF RECOMMENDATION:

SECTION I: PUD-345-4 Minor Amendment

Amendment Request: Modify the PUD Development Standards to add an accessory use drive through facility as an allowable use and amend the setbacks accommodate drive through canopy.

Currently, the development standards allow for uses permitted in an OL district per the 1980 city of Tulsa zoning code. The applicant is requesting that accessory-use drive-through bank facilities be added to the permitted uses. There is also a proposal to amend the setbacks. The current setback is 4 ft from the property line for the portion located within 212 ft from the Centerline of S New Haven Ave and 60 ft for the remainder to the West. The applicant is proposing to amend the setbacks to 4 feet from the property line for the portion located within 350 ft from the Centerline of S New Haven Ave. This change would only increase the distance from the centerline of S New Haven Avenue that the 4ft setback is in place.

Staff Comment: *This request is considered a Minor Amendment as outlined by Section 30.010.1.2.c(9) and Section 30.010.1.2.c(15) of the City of Tulsa Zoning Code.*

“Changes in structure heights, building setbacks, yards, driveway coverage measured by width, square footage or percentage of the yard, open spaces, building coverage and lot widths or frontages, provided the approved PUD development plan, the approved PUD standards and the character of the development are not substantially altered.”

“Changes in an approved use to another use may be permitted, provided the underlying zoning on the particular site within the PUD would otherwise permit such use as of right and the proposed use will not result in any increase of incompatibility with the present and future use of nearby properties.”

Staff has reviewed the request and determined:

- 1) PUD-345-4 is consistent with the provisions for administration and procedures of a PUD in section 30.010-H.
- 2) PUD-345-4 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-345.
- 3) All remaining development standards defined in PUD-345 shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to add an accessory use drive through facility as an allowable use and amend the setbacks accommodate drive through canopy.

Legal Description for PUD-345-4:

LOT 3, EAST HALF OF LOT 4. ALBERT PIKE SUBDIVISION LE SS THE NORTH 20 FEET OF LOTS 3 AND 4 THEREOF , City of Tulsa, Tulsa County, State of Oklahoma

TMAPC Action; 7 members present:

On **MOTION** of **WALKER**, the TMAPC voted 7-0-0 (Carr, Covey, Kimbrel, Krug, Shivel, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Bayles, Craddock, Reed, Zalk, “absent”) to **APPROVE** Items 3 and 4 per staff recommendation.

PUBLIC HEARING – PLATS

5. **Woodland Valley** (CD 7) Preliminary Plat, Location: South of the southeast corner of East 61st Street South and South 90th East Avenue

STAFF RECOMMENDATION:

Woodland Valley - (CD 7)

South of the southeast corner of East 61st Street South and South 90th East Avenue

This plat consists of 40 lots, 3 blocks on 7.28 ± acres.

The Technical Advisory Committee (TAC) met on December 22, 2022, and provided the following conditions:

1. **Zoning:** The property is currently zoned RM-1 with an approved Planned Unit Development (PUD-397-B). A minor amendment to the PUD was approved in June of 2017 (PUD-397-B-2) to permit single-family residential on the project site.
2. **Addressing:** City of Tulsa addresses and street names must be assigned and affixed to the face of the final plat along with the address disclaimer. Ensure addresses match assignments given by City of Tulsa.
3. **Transportation & Traffic:** IDP for construction of private streets has been approved and inspections have been completed.
4. **Sewer:** IDP for sewer extensions has been approved and inspections have been completed.
5. **Water:** IDP for water extensions has been approved and inspections have been completed.
6. **Engineering Graphics:** Approved as submitted.
7. **Fire:** Approved as submitted.

8. **Stormwater, Drainage, & Floodplain:** IDP for storm sewer has been approved and inspections have been completed. No floodplain comments.
9. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the conditions provided by TAC and all other requirements of the Subdivision and Development Regulations. City of Tulsa release letter has been received.

The applicant indicated his agreement with staff’s recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **WALKER**, the TMAPC voted 7-0-0 (Carr, Covey, Kimbrel, Krug, Shivel, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Bayles, Craddock, Reed, Zalk, “absent”) to **APPROVE** the Preliminary Subdivision Plat for Woodland Valley per staff recommendation.

* * * * *

Item 6 was withdrawn by Applicant prior to meeting.

6. **Tulsa Classical Academy** (CD 8) Request for Accelerated Release of Building Permits, Location: North of the northeast corner of South Sheridan Road and East 101st Street South

PUBLIC HEARING-COMPREHENSIVE PLAN AMENDMENTS

The applicant’s attorney was ill and unable to attend meeting. Items 7, 8 and 9 were continued to February 1, 2023.

7. **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 and PUD-865)** (Continued from September 7, 2022, September 21, 2022, October 5, 2022, November 2, 2022 and December 21, 2022)

STAFF RECOMMENDATION:

**TMAPC Staff Report
TCCP-11
County Comprehensive Plan Amendment**

Property Information and Land Use Request

The subject property is approximately 187-acre, unplatted tract of land located northwest of the intersection of Highway 75 and East 66th Street North. The applicant has submitted the following Comprehensive Plan amendment request to amend the land use designation of the of the subject property from *Rural Residential/ Agricultural* to *Industrial*. This request is accompanied by a concurrent rezoning request (CZ-535), which proposes a zoning change on the subject tract from AG to IL in order to allow an industrial use for an industrial park.

Background

The parcel subject to this Comprehensive Plan amendment request is located within the area of Turley and abuts AG (Agricultural) zoning and to the north, south, east, and west. The Turley area extends to the east beyond the subject parcel to Highway 75 and to the north beyond the subject parcel to 76th Street North. The Major Street and Highway Plan designates East 66th Street North as a Secondary Arterial and North Pittsburg Avenue as a Residential Collector.

The land use of the subject property was designated as Rural Residential/Agricultural in the Tulsa County Comprehensive Land Use Plan, which was adopted November 18, 2020, (Resolution 2830:1020) by Tulsa Metropolitan Area Planning Commission and approved by the Board of County Commissioners on December 7, 2020.

Existing Land Use Designation (Tulsa County Comprehensive Land Use Plan)

The **Rural Residential/ Agricultural** designation is defined in the Tulsa County Comprehensive Land Use Plan as follows: land that is sparsely occupied and used primarily for farmland, agricultural uses, and single-family homes on large lots. Residential lots generally range from one-half acre or greater and may use on-site services where public utilities are not available.

Proposed Land Use Designation (Tulsa County Comprehensive Land Use Plan)

The applicant is proposing the **Industrial** land use designation for the entirety of the subject property:

The **Industrial** designation is defined in the Tulsa County Land Use Plan as follows: The Industrial land use category is designed to accommodate industrial uses as well as wholesaling, warehousing, and distribution facilities, which tend to require large buildings and generate more large-truck traffic than other types of land uses.

The area surrounding the subject property west of Highway 75, within the area of Turley, has only agricultural zoning with a Rural Residential/Agricultural land use designation. However, there are several parcels zoned as Industrial in an area immediately east of Highway 75. This area extends from East 76th Street North to south of East 66th Street North and from Highway 75 on the west nearly to North Memorial Drive in the northeast. There are already several existing industrial businesses operating in this area just across Highway 75 from the subject area. Rezoning the subject area to Industrial would not be inconsistent with development already occurring in the vicinity.

Zoning and Surrounding Uses (no changes to surrounding properties)

Location	Existing Zoning	Existing Land Use Designation	Existing Use
N	AG	Agricultural	Vacant/Agricultural
S	AG	Agricultural	Agricultural
E	AG	Agricultural	Agricultural
W	AG	Agricultural	Vacant/Agricultural

Applicant’s Justification

As part of the amendment application, the applicant is asked to justify their amendment request. Specifically, they are asked to provide a written justification to address:

1. How conditions on the subject site have changed, as well as those on adjacent properties and immediate area.
2. How changes have impacted the subject site to warrant the proposed amendment.
3. How the proposed change will enhance the surrounding area and Tulsa County.

The applicant submitted the following responses:

Justification of Request

“The subject property has been idle for its entire existence as far back as I personally can remember, aside from a small oil and gas production facility that no longer exist. The subject property is a well-known and highly desirable highway frontage that sits adjacent to Highway 75 and west of the highly popular and well known existing Cherokee Industrial Park. The surrounding properties in this particular area, as of late has adjusted to accommodate the vast growing needs that continue to fill the industrial footprint that is within the boundaries of Cherokee Industrial Park. While the subject property lies on the west edge of the Cherokee Industrial Park, there is no doubt that the expansion of the requested entitlements for the subject property as well as the surrounding properties on the west side of highway 75 will be needed to maintain the areas potential growth and viability as being an attractive area for future large-scale job creating industrial and Commercial tenants. The area wide conditions are more favorable to the westward expansion of the industrial market and will be less intrusive to the neighboring residents and accommodating to developing industries on the vast amounts of unused agriculture land that is sitting idle at this time.

The ever-expanding need for commercial and industrial in the area is outpacing available property, so the need to expand the industrial footprint is needed for Tulsa County to keep expanding its horizons in these areas and express its availability to attract high profile tenants. The current rate of development and the need for commercial and industrial property in Tulsa County remains at a critically low level at this current time, so making the requested amendments to a property such as the subject area property will only help Tulsa County alleviate the vacancy pressures and strengthen the tax revenue, as well as increased and higher wage paying jobs. By granting the requested changes these amenities can be brought to the area to help it continue to flourish in the commercial and industrial markets.

The subject area lies in a highly beneficial corridor that will attract high end tenants due to the proximity to Tulsa proper as well as its alignment to Highway 75 frontage. Being able to attract high profile corporations to the area will not only bring hundreds if not over a thousand top wage job positions to the area it will increase the quality of life to an area which is still in need of overall social and economic benefits. The subject area property

would help contribute to a long-standing use of increased taxes purposed for the county as well as creating an even more attractive landscape for the other available properties in the area to supply buildable acreage to developers so that Tulsa can become a premier attraction for large scale commercial and industrial tenants.”

Additional Information provided by the applicant:

“Tetra OK Holdings LLC, a local development and consulting firm and its Development Partners have assembled a design concept in an attempt to orchestrate a newly revised rezoning and redevelopment plan for the Bird Creek Industrial Park Site. Tetra OK Holding LLC and its Development partners has collaborated with a host of business professionals, community stake holders, community outreach organizations to assist in addressing the needs and concerns of the community. Together with community input, and our team of professionals we will be transforming Bird Creek Industrial Park (approximately 185.7 acres of space) into a revenue producing asset to the area.

Over the past six months there has been several design concepts to redevelop the Bird Creek Industrial Park into a different economic engine that could increase tax base to the City of Tulsa or Unincorporated areas of Tulsa County. After the first concepts considering a full residential development, we quickly found that this was not in the best interest of the community or its surrounding neighbors. The new plan for redevelopment includes a gorgeous water feature dedicated sanctuary where local residents and local workers can enjoy its green space amenities. Amenities which include reflection ponds with shaded walking paths spanning the development.

Spanning the frontage road along the Pittsburgh Avenue exposure of the development, will include a beautifully landscaped frontage, boarding proposed restaurant and retail buildings. The expected tenant mix includes restaurants, banks, Coffee shops, and other Miscellaneous facilities. Boarding he Northern portion of the site parallel to interstate 75 will be a proposed Two large 750 sf warehouse facilities sitting on 100 acres with roads and landscaping throughout. These warehouse facilities will be a welcome complement to the existing commercial and industrial park east of our location.

On the remaining 58 Acres surrounded by all of the above listed facilities and green space development will be other smaller Commercial and

industrial warehousing district. This district will be constructed to house Multiple vendors and vendor products as well as space for possible manufacturing facilities.

Tetra and Its Partners are dedicated and understand that a development of this magnitude requires a well-planned and designed infrastructure system. This system will include an elaborate traffic lighting system with up-to-date technology. The site itself will include a energy saving platform and design that will allow its tenants to enjoy large savings on their operating cost. The external and internal digital revolution in motion and technology will include multi-functional designs, renewable energies from solar and water.

This dynamic development plan is prepared and poised to bring hundreds if not thousands of short- and long-term sustainable employment opportunities and benefits, including tax relief to governing bodies and community residents. Tetra and its Development partners are totally committed to working with Local contractors and local workforces. Tetra will be actively seeking a welcomed partnership within the commercial environment. Tetra understands that keeping community assets (through deposits) within the community makes the partnership a very important tool for a development of this magnitude.

Tetra and its Partners, considers it paramount in developing a comprehensive project plan that will attract and retain both growing and established environmentally friendly businesses. Tetra and its Partners conceptualizes plans that includes companies that are property owners or leasers operating in an eco-industrial park, mixed use, sustainable, environmentally friendly Plan Unit Development.”

Staff Summary & Recommendation

The applicant is requesting an amendment to the land use designation from Rural Residential Agricultural to Industrial for the entire site. It is staff’s recommendation to respect the current land use designation around the perimeter of the subject tract with a generous buffer separating proposed industrial uses from abutting property owners west and north of the subject property.

The zoning code allows two options to provide transition guidelines between the applicants request and abutting property owners. 1) Rezoning request could include a Planned Unit Development that provides use and design limitations between new industrial development and the existing agricultural properties. 2) The zoning boundary could be significantly set back in an effort to allow some level of confidence that industrial development would not significantly adversely affect

abutting properties that are currently considered agricultural and residential uses. The applicant has submitted a concurrent request to rezone the property from Agricultural to Industrial (CZ-535).

This site was included in the Tulsa County Land use map study that was adopted in 2020. The conditions east of the subject site across Highway 75 have changed with recent industrial growth beyond what was anticipated at that time. The proposed rezoning associated with this comprehensive plan amendment will increase an opportunity for industrial development to extend west of Highway 75. The existing industrial park located east of Highway 75 has provided employment and manufacturing jobs for Tulsa County and this land use change opens an opportunity to use the existing highway and utility infrastructure in the area for further industrial development. Private residential properties exist abutting the subject property to the North, West, and Southwest.

Staff recommends **approval** of the Industrial land use designation as requested except the west 200 feet of the north 2640 feet +/- of the subject tract should remain Rural Residential/Agricultural to serve as a natural buffer-zone between this site and adjacent residential properties west and north of the northwest corner of the subject tract.

TMAPC Action; 7 members present:

On **MOTION** of **COVEY**, the TMAPC voted 7-0-0 (Carr, Covey, Kimbrel, Krug, Shivel, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Bayles, Craddock, Reed, Zalk, “absent”) to **CONTINUE** Item 7 to February 1, 2023.

* * * * *

PUBLIC HEARING - REZONING

- 8. **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 & PUD-865)** (Continued from September 7, 2022, September 21, 2022, October 5, 2022, November 2, 2022 and December 21, 2022)

STAFF RECOMMENDATION:
SECTION I: CZ-535

DEVELOPMENT CONCEPT: The applicant is proposing to rezone the subject lot from AG to IL to permit an Industrial Park. The site is located within the Rural Residential/Agricultural land use designation of the Tulsa County Comprehensive Plan, which this proposal would not be compatible with, however a concurrent

application has been submitted (TCCP-11) to amend the land use designation from Rural Residential/Agricultural to Industrial which this proposal would be compatible with. The comprehensive plan designates the property immediately to the east and south, across Highway 75, as Industrial, so the proposed use and land use designation would be compatible with the future land use of the area.

DETAILED STAFF RECOMMENDATION:

CZ-535 request IL zoning for a 187-acre tract. The uses allowed in the IL district may be appropriate however the request does not provide adequate supplemental standards for IL uses that abut residential and agricultural areas north and west of the site. Staff recommends approval of IL zoning on the majority of the site except for a buffer area along the west boundary, and

The uses typically allowed in an IL district will have little environmental impact on surrounding properties, and

Existing highway infrastructure and the Major Street and Highway Plan supports the idea of industrial development in this area however,

The Tulsa fence line and the statutory right of way on east side of the west boundary of the subject tract will prohibit development 86.5 feet east of the west boundary of the subject tract. In an effort to provide a reasonable buffer from abutting property owners west of Harvard Avenue, staff concludes that east of Harvard Avenue right-of-way should remain Agricultural and Rural Residential with a width that allows rural residential development east of the future location of North Harvard Avenue and,

CZ-535 is not consistent with the current land use designation however the applicant has submitted an amendment to the Tulsa County Comprehensive Plan Amendment, TCCP-11. The applicant has requested revising the land use designation from Rural Residential/Agricultural to Industrial. Staff supports that request except along the west boundary therefore,

Staff recommends Approval of CZ-535 to rezone property from AG to IL except the west 200 feet of the north 2640 feet +/- shall remain AG.

SECTION II: Supporting Documentation

REGIONAL ENGAGEMENT: The applicant has provided a list of the Regional Outreach Contacts that he has been working with to confirm the need for this type of development in the Tulsa Metropolitan Area.

- Stacy Smith- Tulsa Regional Chamber of Commerce
- Stan Sallee- District 1 County Commissioner

- Mike Craddock- Chief Deputy County Commissioner of District 1
- Michelle Barnett- Partner Tulsa Senior VP of Economic Development
- Ashley Chaney- Partner Tulsa Business Liaison Services Manager
- Austin Britt- Partner Tulsa Economic Development Specialist
- Leisha Pearson- Oklahoma Commerce Dept./ Aerospace and Defense/ ACES Program Manager
- Dan Luton- Programs Director for Oklahoma Center for the Advancement of Science and Technology
- Heather McDowell- Northeast Ok Rep. for Oklahoma Center for the Advancement of Science and Technology
- Kristina Wadley- Oklahoma Manufacturing Alliance

NEIGHBORHOOD ENGAGEMENT:

Staff has received correspondence from surrounding property ownership and the applicant has organized a neighborhood meeting to discuss this rezoning and comprehensive plan change effort.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is currently located within the Rural Residential / Agricultural designation of the Tulsa County Comprehensive Plan. The proposed use would not be compatible with this designation however, Comprehensive Plan Amendment (TCCP-11) is concurrently proposed for this site, which would change the designation to Industrial. The proposed rezoning would be compatible with this designation.

Land Use Vision:

Land Use Plan map designation: This site is included in the Turley section of the Tulsa County Comprehensive Land Use Plan and was adopted by the Board of County Commissioners in December 2022 and is currently designated as a Rural Residential / Agricultural area.

Land that is sparsely occupied and used primarily for farmland, agricultural uses, and single-family homes on large lots. Residential lots generally range from one-half acre or greater and may use on-site services where public utilities are not available.

Industrial (proposed designation in TCCP-11)

This land use category is designed to accommodate industrial uses as well as wholesaling, warehousing, and distribution facilities, which tend to require large buildings and generate more large-truck traffic than other types of land uses.

Areas of Stability and Growth designation: N/A

Transportation Vision:

The snippet on the following page illustrates the existing and planned transportation system surrounding this site. The east side of Highway 75 is the Cherokee Industrial Park that is served by the same transportation network.



Major Street and Highway Plan:

North Pittsburgh Ave is designated as a Residential Collector.

East 66th St North is designated as a Secondary Arterial.

North Harvard Avenue is undeveloped; however, it is considered a secondary arterial street in the Tulsa Major Street and Highway plan. The planned location of this arterial street is along the west boundary of the subject tract and is partially inside the Tulsa fence line. The fence line is 70 feet wide and is the east 70 feet of the west 86.5 feet of the subject tract.

When Harvard is fully developed, and the right of way is dedicated the building setback will be 35 feet as defined in current zoning code standards. 200 feet of AG zoned land as measured from the section line will provide approximately 78.5 feet of area for home or building construction between the future North Harvard street setback and the rear zoning line.

Trail System Master Plan Considerations: The Go Plan calls for a side path to be constructed along E 66th St N as well as indicating a sidewalk gap along E 66th St N.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is currently vacant, forested land with evidence that a portion of the property has been excavated or mined.

Environmental Considerations: None

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
E 66 th St N	Secondary Arterial	100 Feet	4
N Pittsburgh Ave	Residential Collector	60 Feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	TCCP-11 Proposed Land Use Designation	Existing Use
North	AG	Rural Residential/Agricultural	No Change	Vacant
South	AG	Rural Residential/Agricultural	No Change	Vacant/Hwy 75
East	AG	Rural Residential/Agricultural	No Change	Vacant/Single-Family/Hwy 75
West	AG	Rural Residential/Agricultural	No Change	Vacant/Single-Family

SECTION III: Relevant Zoning History

History: CZ-535

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

Surrounding Property:

CBOA-351 April 1983: The Board of Adjustment **approved** a *Variance* to permit two dwelling units (2 mobile homes) per lot of record, on property located at South of the SE corner of 76th Street North and Pittsburg Avenue.

TMAPC Action; 7 members present:

On **MOTION** of **COVEY**, the TMAPC voted 7-0-0 (Carr, Covey, Kimbrel, Krug, Shivel, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Bayles, Craddock, Reed, Zalk, “absent”) to **CONTINUE** Item 8 to February 1, 2023.

* * * * *

- 9. PUD-865 Lou Reynolds** (County) Location: Northwest of intersection of Highway 75 and East 66th Street North requesting rezoning from **AG to PUD-865 (Related to CZ-537 and TCCP-11)**

STAFF RECOMMENDATION:

SECTION I: DEVELOPMENT STATEMENT:

The Planned Unit Development (“ PUD”) is a supplemental Zoning District authorized by Chapter 11, Section 1100 of the Tulsa County Zoning Code. A PUD establishes the regulatory framework, including permitted uses, development standards and design guidelines, for a particular project (“the Development Standards”) A PUD may only modify the provisions of the Tulsa County Zoning Code and does not modify any other Tulsa County laws, regulations, or requirements.

A PUD may include background information and narrative discussion, including purpose and intent statements that are intended to illustrate the overall character and vision for the Project. Such statements, unless expressly part of the Development Standards are not regulatory and are not requirements to be enforced by Tulsa County.

The Development Standards apply to all property within the PUD project boundaries. The Development Standards supersede and replace all applicable Tulsa County Zoning Code requirements. If there is a conflict between the Development Standards and the Tulsa County Zoning Code, the Development Standards shall apply. If a provision is not addressed by the PUD, then the Tulsa County Zoning Code controls.

Applicants exhibits:

- PUD Legal Description
- Exhibit A: Aerial Photograph
- Exhibit B: Existing Zoning
- Exhibit C: Proposed Zoning
- Exhibit D: Conceptual Site Plan
- Exhibit E: Landscape Buffer and Screening
- Exhibit F: Conceptual Landscape Plan
- Exhibit G: Access and Circulation Plan
- Exhibit H: Existing Soils Map
- Exhibit I: Existing and Proposed Utility

DETAILED STAFF RECOMMENDATION:

PUD 865 has been prepared in conjunction with CZ-535 which request IL zoning for a 187-acre tract. The uses allowed in the IL district may be appropriate however the request does not provide adequate supplemental standards for IL uses that abut residential and agricultural west of the site and,

The neighborhood engagement process has been significant and many property owners in the area have objected to the change from the beginning of the process. The applicant has prepared PUD 865 to help provide long term assurances that proposed zoning district will support a higher quality development than traditional county zoning requirements. We have not seen evidence of neighborhood support for this request and,

PUD 865 is consistent with the provisions of the PUD chapter in the Tulsa Zoning Code and,

The uses typically allowed in an IL district will have little environmental impact on surrounding properties, and

Existing highway infrastructure and the Major Street and Highway Plan supports the idea of industrial development in this area however,

The Tulsa fence line and the statutory right of way on east side of the west boundary of the subject tract will prohibit development 86.5 feet east of the west boundary of the subject tract. In an effort to provide a reasonable buffer from abutting property owners west of Harvard Avenue, staff concludes that east of Harvard Avenue right-of-way should remain Agricultural and Rural Residential with a width that allows rural residential development east of the future location of North Harvard Avenue and,

PUD 865 in conjunction with CZ-535 is not consistent with the current land use designation however the applicant has submitted an amendment to the Tulsa County Comprehensive Plan Amendment, TCCP-11. The applicant has requested

revising the land use designation from Rural Residential/Agricultural to Industrial. Staff supports that request except along the west boundary therefore,

Staff recommends Approval of PUD 865 but only if CZ-535 is also approved and the west 200 feet of the subject tract will remain AG and the west boundary of the PUD will be 200 feet from the Harvard Section line.

SECTION II PUD-865

DEVELOPMENT CONCEPT:

The proposed Bird Creek Business and Tech Park is located on approximately 173 acres bounded on the east by North Pittsburg Avenue, on the south by East 66th Street North, on the west by a 200 FT buffer strip within the site parcel and on the balance of the westerly line by an unplatted tract fronting East 66th Street North, containing approximately 19 acres, and on the north by large tracts of agricultural land and rural residentially developed land. No single-family zoning or platted residential subdivisions abut the Project. To buffer the rural residential tracts to the west and north, the west 200 FT of the site parcel is excluded from PUD-865 and will remain zoned AG – Agriculture District, and deep setbacks and landscape buffer strips will be provided along the north line of the Project. A 35-foot-wide pipeline easement bisects the northwestern site corner from the balance of the site. To further enhance buffering of the rural residential tracts, PUD-865 will restrict any building from being constructed within the area west of the easement. Altogether, the areas restricted from building development total 23.425 acres (12.6% of net site parcel area). The Project is out of the Bird Creek Flood Plain.

Exhibit “A” is an **Aerial Photograph** that shows the location of the Bird Creek Business and Tech Park.

PUD-865 proposes a major employment district consisting of light industrial, office, technology, manufacturing, and other employment and related uses.

The purpose of PUD-865 is to create a regulatory framework for the development of the business park that will attract high wage jobs in technology, office, warehousing and distribution, light manufacturing and industrial, and related uses. Specific users, building locations, building design and overall layout will be refined as future uses materialize. The Development Standards establish land use entitlements flexibility and design expectations to encourage and attract future users and ensure compatibility with the area.

This PUD-865 provides a framework for a well-planned, cohesive project that integrates and permits employment in technology, office, warehousing and distribution, light manufacturing and industrial, and related uses into a connected and aesthetically pleasing and unified development. As shown on **Exhibit “B”**, **Existing Zoning**, the site is currently zoned AG – Agriculture District, Tulsa County’s least intensive zoning designation. The purpose of this request, along with companion application CZ-535, is to rezone the site to IL – Industrial Light District overlaid with the supplemental zoning district PUD-865 to establish a flexible supplemental Zoning District with a variety of compatible land uses and

facilitate the site's development as an industrial and employment hub. See **Exhibit "C"**, **Proposed Zoning**.

The Tulsa County Comprehensive Land Use Plan designates the site as Rural Residential/Agricultural. A companion application, TCCP-11, is pending to redesignate the site to Industrial. Upon approval of TCCP-11, both the requested IL underlying zoning and PUD-865 will be fully consistent with the Comprehensive Plan. Additionally, PUD-865 will be consistent with the existing surrounding development and future uses contemplated for the undeveloped and underdeveloped remainder of the surrounding area.

PUD-865 provides for a variety of complementary Permitted Uses. The flexibility and design established by the PUD offers a desirable environment over conventional zoning standards and directly promotes the appropriate and efficient use of land and infrastructure. PUD-865 establishes the foundation for a superior development that is both respectful of and protective of the existing development in the area and will provide future users with a cohesive environment comprised of a variety of related, compatible uses.

PUD-865 uses substantial buffering, landscaping and design details to ensure the integration of the Project into the surrounding area. Special emphasis has been applied to buffering the west (section line) and north boundaries, which are shared with rural residential land use. The west 200 FT of the site parcel is excluded from PUD-865 and will remain zoned AG – Agriculture District, and buildings are restricted within or west of the pipeline easement. On the north, buffering includes, but is not limited to: 90-foot building setbacks, building height restrictions with additional height limitations, 50-foot minimum landscape screening buffer, a restriction on any buildings within or west of the pipeline easement, a screening fence requirement, lighting restrictions, and signage restrictions. Also, PUD-865 enhances the natural features of the Property and incorporates many of them into amenities for the Project.

Bird Creek Business and Tech Park will have multiple Reserve Areas for stormwater drainage and detention that will also be developed as Project amenities, including outdoor recreation, walking paths, landscaping, and natural areas. A property owners' association will be established to provide for the maintenance and repair of the Reserve Areas and the improvements and landscaping of such Areas.

The **Conceptual Site Plan** for the Project is shown on **Exhibit "D"**.

The Project will have access to North Pittsburg Avenue and will provide stub streets to facilitate access to and development of adjoining properties as required by the TMAPC Subdivision and Development Regulations.

Sidewalks will be extended along North Pittsburg Avenue as well as along all of the interior streets in accordance with the TMAPC Subdivision and Development Regulations.

Right-of-way for North Pittsburg Avenue will be dedicated, as necessary, during platting to comply with the Tulsa City-County Major Street and Highway Plan.

The Project is out of the REMA 500-year Floodplain except approximately 1/10th of 1 acre along the westerly line located within REMA Zone AE, the 100-year Floodplain

The Project will have up to two (2) project ground signs along North Pittsburg Avenue that will be available to businesses located within the Project in accordance with a private sign easement agreement.

Detailed Landscape Plans will be submitted to the County for approval at the time of the Site Plan Review.

DEVELOPMENT STANDARDS:

LAND AREA:

Gross:	7,780,976 Square Feet	178.627 Acres
Net:	7,547,347 Square Feet	173.263 Acres

PERMITTED USES:

<u>Use Unit 1:</u>	Area-Wide Uses by Right; limited to Public Uses, including but not limited to Open Space, Trails, and Landscaping Buffer.
<u>Use Unit 2:</u>	Area-Wide Special Exception Uses; limited to Post Office.
<u>Use Unit 4:</u>	Public Protection and Utilities Facilities.
<u>Use Unit 5:</u>	Community Services and Similar Uses; Excluding Day Camp, Emergency and Protective Shelter, Residential Treatment Center, Sanitarium, and Transitional Living Center.
<u>Use Unit 10:</u>	Off-Street Parking Areas.
<u>Use Unit 11:</u>	Offices and Studios.
<u>Use Unit 12:</u>	Eating Places Other Than Drive-Ins.
<u>Use Unit 13:</u>	Convenience Goods and Services; excluding liquor stores.
<u>Use Unit 14:</u>	Shopping Goods and Services.
<u>Use Unit 15:</u>	Other Trades and Services.
<u>Use Unit 16:</u>	Mini-Storage.
<u>Use Unit 17:</u>	Automotive and Allied Activities; to include Electric Vehicle Charging Station.
<u>Use Unit 19:</u>	Hotel, Motel, and Recreational Facilities.
<u>Use Unit 21:</u>	Business Signs and Outdoor Advertising.

- Use Unit 22: Research and Development.
- Use Unit 23: Warehousing and Wholesaling.
- Use Unit 24(a): Oil and Gas Extraction.
- Use Unit 25: Light Manufacturing Industry; and Uses Customarily Accessory to the Permitted Principal Uses, provided no exterior storage shall be permitted.

MAXIMUM BUILDING FLOOR AREA RATIO (PROJECT):

0.40

MAXIMUM BUILDING FLOOR AREA RATIO (PER LOT):

0.75

MAXIMUM BUILDING HEIGHT:

Within 200 FT of the West or North PUD Boundaries

48 Feet*

All other buildings

55 Feet*

* Architectural elements (elements extending above the building roofline):

(i) Within 200 feet from the West (section line) or North boundary lines of the Project shall be permitted 10 additional feet for unoccupied architectural features, subject to Detail Site Plan approval; and (ii) greater than 200 feet from the West or North boundary lines of the Project, shall be permitted up to 20 additional feet for unoccupied architectural features, subject to Detail Site Plan approval.

OFF-STREET PARKING:

As required by the applicable Use Unit of the Tulsa County Zoning Code.

MINIMUM BUILDING SETBACKS:

From the north boundary	90 Feet
From North Pittsburg Avenue**	50 Feet
From East 66 th Street North**	50 Feet
From the west (section line) boundary	90 Feet

From the westerly, non-section line boundaries	Per IL Zoning
Internal streets	25 feet
Internal non-street boundaries	0 feet
From northwest corner of Project,	No Buildings West of Pipeline Easement

** Setback shall be measured from the greater of (a) the existing street right-of-way and (b) 1/2 of the ultimate right-of-way per the Major Street and Highway Plan adopted by Tulsa County.

LANDSCAPING REQUIREMENTS:

A minimum of ten percent (10%) of the total net area of each Lot shall be improved and maintained as internal landscape open space, consisting of sod or planting beds.

Along all streets, each lot shall install and maintain shade trees with an average of one (1) tree per 40 linear feet of street frontage. Parking lots shall install and maintain one (1) shade tree per 10 parking spaces. One (1) additional shade tree shall be installed and maintained per each 10,000 square feet, or fraction thereof, of building floor area. Tree counts shall be rounded to the nearest whole number. A majority of the required trees shall be focused toward the street frontage of the lot.

Ornamental trees may be substituted for shade trees at a 2:1 ratio.

Irrigation shall be provided to all required landscaping.

SIGNS:

INDIVIDUAL GROUND SIGNS:

One (1) ground sign shall be permitted on each lot with frontage on North Pittsburg Avenue with a maximum of one (1) SF of display surface area per linear foot of street frontage and 25 FT in height between the street and the minimum required building setback and 40 FT in height if located behind the building setback. For lots without frontage on North Pittsburg Avenue, one (1) ground sign shall be permitted on each lot with a maximum of one (1) SF of display surface area per linear foot of frontage on an interior street

and 15 FT in height. Provided, however, no ground sign shall be located within 150 FT of the west (section line) or north PUD boundaries.

WALL SIGNS:

Wall signs shall not be permitted to exceed two (2) SF of display surface area per linear foot of building wall to which attached.

PROJECT GROUND SIGNS:

Two (2) Project ground signs along North Pittsburg Avenue may be used to advertise businesses in the Project, each with a maximum of 300 SF of surface display area and 50 FT in height. The Project ground signs shall be permitted in addition to the ground sign permitted within each lot as specified above, provided a minimum of 100 FT of separation shall be met between all ground signs. Project ground signs shall include landscape features.

BUILDING COLORS, MATERIALS AND DESIGN:

The color palette for the overall development shall consist of natural and subdued earth colors and tones. All structural elements such as buildings, walls, fences, accessory structures and signs shall exhibit a cohesive architectural theme and style throughout the Project. The overall development shall incorporate a minimum of two (2) of the following building materials: Brick, stone, concrete, stucco, corrugated, galvanized panels, painted steel or heavy lumber. Primary entrances along major facades shall be clearly defined with facade variances, porticos, roof variation, recesses or other projections or other integral building forms. Building facades facing public streets shall have enhanced architecture by incorporating a minimum of three (3) different building materials, with no more than sixty-five percent (65%) of the total facade being covered with any one (1) single material. Except for windows, doors, other openings, awnings, and covered porches, all buildings shall have a minimum of eight feet (8 FT) of masonry skirting consisting of brick, stone, concrete or stucco applications, including any exterior columns.

SECURITY FENCING:

When security fencing is required adjacent to streets, it will consist of wrought iron, tubular steel, or similar materials.

LANDSCAPE BUFFER AND SCREENING:

Along the west (section line) and north boundaries of the PUD, a minimum 50 FT-wide landscape screening buffer shall be preserved or installed, and a screening wall or fence meeting or exceeding

Tulsa County Zoning Code Section 250 shall be installed, provided, however, the screening wall or fence may be installed along the south or east line, as the case may be, of the required landscape screening buffer. Within this required landscape screening buffer, landscaping trees shall be preserved or installed with a minimum of 50 FT on center within each lot; preserved trees must measure at 4 IN in caliper and of suitable species and new trees must measure at least 2.5 IN in caliper or 10 FT in height at the time of installation. The details of such landscaping and screening are shown on **Exhibit "E"**.

Exhibit "F" is the **Conceptual Landscape Plan**.

Required landscaping and screening shall be installed on each lot prior to the issuance of a Certificate of Occupancy for any structure upon the lot. Required landscaping and screening may be further phased if approved as a part of the required PUD Detail Landscape Plan.

LIGHTING:

Within the north 90 FT and the west 90 FT (measured from the section line) of the Project, only building-mounted and bollard style light standards shall be permitted. Light standards shall not exceed 30 FT in height within the remainder of the Project.

All light standards, including building mounted, shall be hooded and directed downward and away from the boundaries of the Project. Shielding of outdoor lighting shall be designed so as to prevent the light producing element or reflector of the light fixture from being visible to a person standing at ground level in the adjacent north or west property. Topography must be considered in such calculations.

Additionally, as part of the Detail Site Plan Review, an accurate Lighting Plan shall be submitted, illustrating locations of light poles and fixtures. For all lots abutting the west (section line) or north PUD boundaries, the required Lighting Plan shall include a photometric plan illustrating that the lighting for the Project does not exceed -0-footcandles at the west (section line) or north boundaries of the Project. All Project lighting shall otherwise comply with Tulsa County Zoning Code provisions pertaining to lighting.

TRASH AND MECHANICAL AREAS:

All trash, mechanical and equipment areas (excluding utility service transformers, pedestals or other equipment provided by franchisee utility holders, including building mounted) shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.

Trash dumpster areas shall be screened by masonry construction and steel framed doors. The doors shall be covered with an appropriate covering containing a minimum of 90% opacity of the gate frame.

NO OUTSIDE STORAGE:

There shall be no outside storage of recycling material, trash or similar materials outside of a screened receptacle. Truck trailers and shipping containers shall not be used for storage.

ACCESS AND CIRCULATION:

RIGHTS-OF-WAY:

Rights-of-way for North Pittsburg Avenue and East 66th Street North will be dedicated, as necessary, during platting to comply with the Major Street and Highway Plan. All traffic into the Project will be directed by appropriate signage to use the East 66th Street North corridor. Limits of No Access and access openings will be determined during civil engineering design, permitting, and platting.

PROJECT STREETS:

Interior streets will be public and designed and constructed in accordance with the design requirements of Tulsa County and the TMAPC Subdivision and Development Regulations. Stub streets will be determined during civil engineering design, permitting, and platting.

SIDEWALKS:

Sidewalks will be extended along North Pittsburg Avenue and East 66th Street North as well as along the sides of all interior streets in accordance with TMAPC Subdivision and Development Regulations.

A map of the Access and Circulation for the Project is attached hereto as **Exhibit "G"**, Access and Circulation Plan.

SITE PLAN REVIEW:

No Building Permit will be issued for any building within Bird Creek Business and Tech Park until a Detail Site Plan and Detail Landscape Plan for the lot or parcel have been submitted to the Land Use Administrator for Tulsa County and approved as being in compliance with the approved PUD Development Standards.

SECTION III: Supporting Documentation

REGIONAL ENGAGEMENT: The applicant has provided a list of the Regional Outreach Contacts that he has been working with to confirm the need for this type of development in the Tulsa Metropolitan Area.

- Stacy Smith- Tulsa Regional Chamber of Commerce
- Stan Sallee- District 1 County Commissioner
- Mike Craddock- Chief Deputy County Commissioner of District 1
- Michelle Barnett- Partner Tulsa Senior VP of Economic Development
- Ashley Chaney- Partner Tulsa Business Liaison Services Manager
- Austin Britt- Partner Tulsa Economic Development Specialist
- Leisha Pearson- Oklahoma Commerce Dept./ Aerospace and Defense/ ACES Program Manager
- Dan Luton- Programs Director for Oklahoma Center for the Advancement of Science and Technology
- Heather McDowell- Northeast Ok Rep. for Oklahoma Center for the Advancement of Science and Technology
- Kristina Wadley- Oklahoma Manufacturing Alliance

NEIGHBORHOOD ENGAGEMENT:

Staff has received correspondence from surrounding property ownership and the applicant has organized a neighborhood meeting to discuss this rezoning and comprehensive plan change effort.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is currently located within the Rural Residential / Agricultural designation of the Tulsa County Comprehensive Plan. The proposed use would not be compatible with this designation however, Comprehensive Plan Amendment (TCCP-11) is concurrently proposed for this site, which would change the designation to Industrial. The proposed rezoning would be compatible with this designation.

Land Use Vision:

Land Use Plan map designation: This site is included in the Turley section of the Tulsa County Comprehensive Land Use Plan and was adopted by the Board of County Commissioners in December 2022 and is currently designated as a Rural Residential / Agricultural area.

Land that is sparsely occupied and used primarily for farmland, agricultural uses, and single-family homes on large lots. Residential lots generally range from one-half acre or greater and may use on-site services where public utilities are not available.

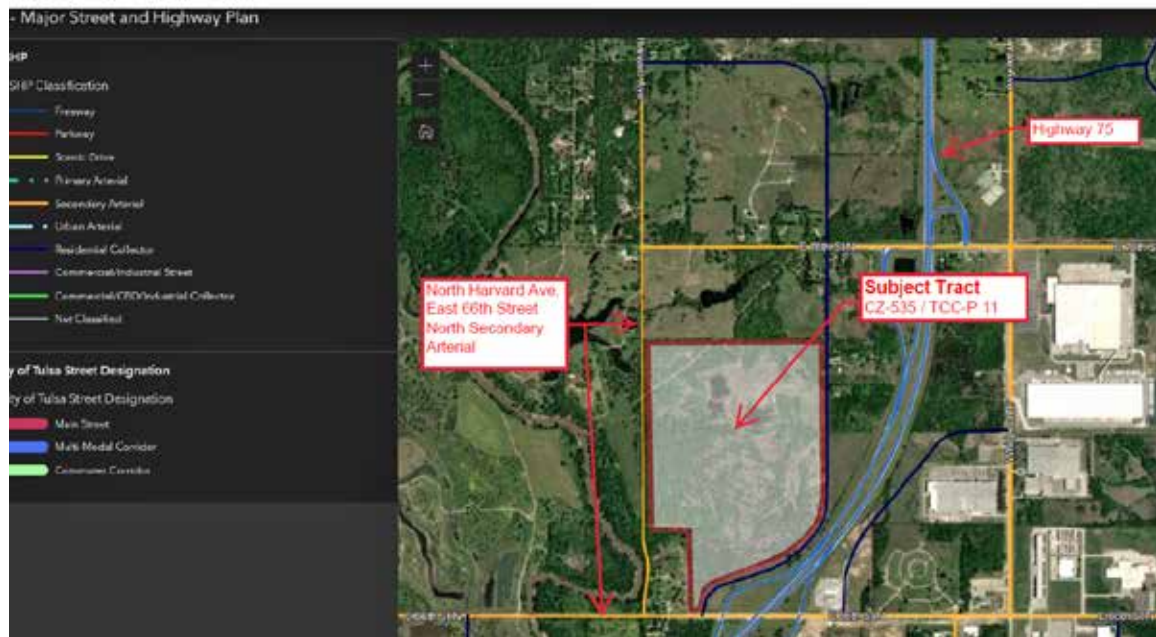
Industrial (proposed designation in TCCP-11)

This land use category is designed to accommodate industrial uses as well as wholesaling, warehousing, and distribution facilities, which tend to require large buildings and generate more large-truck traffic than other types of land uses.

Areas of Stability and Growth designation: N/A

Transportation Vision:

The snippet on the following page illustrates the existing and planned transportation system surrounding this site. The east side of Highway 75 is the Cherokee Industrial Park that is served by the same transportation network.



Major Street and Highway Plan:

North Pittsburg Ave is designated as a Residential Collector.

East 66th St North is designated as a Secondary Arterial.

North Harvard Avenue is undeveloped; however, it is considered a secondary arterial street in the Tulsa Major Street and Highway plan. The planned location of this arterial street is along the west boundary of the subject tract and is partially inside the Tulsa fence line. The fence line is 70 feet wide and is the east 70 feet of the west 86.5 feet of the subject tract.

When Harvard is fully developed, and the right of way is dedicated the building setback will be 35 feet as defined in current zoning code standards. 200 feet of AG zoned land as measured from the section line will provide

approximately 78.5 feet of area for home or building construction between the future North Harvard Avenue street setback and the rear zoning line.

Trail System Master Plan Considerations: The Go Plan calls for a side path to be constructed along E 66th St N as well as indicating a sidewalk gap along E 66th St N.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is currently vacant, forested land with evidence that a portion of the property has been excavated or mined.

Environmental Considerations: None

Topography and soils:

The Custom Soil Resource Report for Tulsa County, Oklahoma, published by the United States Department of Agriculture/Natural Resources Conservation Services provides that the Property contains Niotaze-Bigheart-Rock outcrop complex, 3% - 15% slopes (approximately 55% of Project), Dennis Silt Loam, 1% - 3% slopes (approximately 25% of Project), Dennis Silt Loam, 3%- 5% slopes, eroded (approximately 10% of Project), and Coweta-Bates Complex , 3% - 5% slopes, Dennis-Radley Complex, 0% - 12% slopes, and Okemah-Parsons-Pharoah complex, 0% - 1% slopes, very stony (balance of site). Any development constraints associated with these soils will be addressed during the engineering design, permitting, and platting of the Project.

Existing topography and soils are represented on **Exhibit "H", Existing Topography and Soils** attached hereto.

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
E 66 th St N	Secondary Arterial	100 Feet	4

N Pittsburg Ave	Residential Collector	60 Feet	2
-----------------	-----------------------	---------	---

Utilities:

The subject tract has municipal water and sewer available. **Exhibit "I"** illustrates existing and Proposed Utility infrastructure improvements anticipated.

There is a 24-inch (24 IN) waterline along the west side of North Pittsburg Avenue and north side of East 66th Street North, which has sufficient capacity to serve the Project. Part or all of the site may be located within the Washington County Rural Water District# 3 water service area. Ultimate water service is to be determined during civil engineering design, permitting, and platting.

Sanitary sewer lines are located east of U.S. Highway 75 and to the southwest in O'Brien Park and will have to be extended to serve the site. Internal storm sewers and onsite stormwater drainage and detention facilities will be constructed to serve the development. Maintenance of the stormwater drainage and detention facilities will be the responsibility of the mandatory property owners' association. Ultimate sanitary sewer and storm sewer design will be determined upon civil engineering design, permitting, and platting.

SCHEDULE OF DEVELOPMENT:

The development within Bird Creek Business and Tech Park is planned to begin within the Summer of 2023, after approval of the planning and development, platting and Detail Site Plan approval.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	TCCP-11 Proposed Land Use Designation	Existing Use
North	AG	Rural Residential/Agricultural	No Change	Vacant
South	AG	Rural Residential/Agricultural	No Change	Vacant/Hwy 75
East	AG	Rural Residential/Agricultural	No Change	Vacant/Single-Family/Hwy 75
West	AG	Rural Residential/Agricultural	No Change	Vacant/Single-Family

SECTION III: Relevant Zoning History

History: CZ-535

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

Surrounding Property:

CBOA-351 April 1983: The Board of Adjustment **approved** a *Variance* to permit two dwelling units (2 mobile homes) per lot of record, on property located at South of the SE corner of 76th Street North and Pittsburg Avenue.

TMAPC Action; 7 members present:

On **MOTION** of **COVEY**, the TMAPC voted 7-0-0 (Carr, Covey, Kimbrel, Krug, Shivel, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Bayles, Craddock, Reed, Zalk, “absent”) to **CONTINUE** Item 9 to February 1, 2023.

* * * * *

Item 10 was withdrawn by applicant.

10. Z-7460a Randy Branstetter (CD 2) Location: North of the northeast corner of West 91st Street South and South Maybelle Avenue requesting a **ODP Minor Amendment** to allow 7 building permits before the required street extension is complete(Continued from November 2, 2022, November 16, 2022 and December 7, 2022)

* * * * *

11. MPD-4 Stephen Schuller (CD 2) Location: Northeast corner of East 81st Street South and South Lewis Avenue requesting rezoning to a Master Plan Development that anticipates future development opportunities (Continued from November 2, 2022 and December 7, 2022)

STAFF RECOMMENDATION:

SECTION I: APPLICANTS MPD DEVELOPMENT CONCEPT MPD-4

The subject property consists of approximately 240 Acres of land and is located on the North side East 81st Street and the East side of South Lewis Avenue, in

the City of Tulsa. The property has served as the campus for Oral Roberts University since the 1960s.

The ORU campus is situated principally in an “RS-3” Residential Single Family Zoning District, with areas along the North and East perimeters situated in an “RS-1” Residential Single Family Zoning District. Approval for the use of the property as the Oral Roberts University campus was granted by the Board of Adjustment case # 3760-A in 1962. The continued development of the ORU campus has evolved well beyond the original approval, and any original site plan is no longer even available. The current development of the campus is shown in the satellite image appended hereto as “Attachment 1.”

The Legal Description of the property in the aggregate is appended hereto as “Attachment 2.”

The MPD zoning district designation for the entire ORU campus is proposed to provide guidance for the long-term development of the campus and remove any uncertainty with regard to future development opportunities as they might pertain to the original Board of Adjustment approval and subsequent approvals and amendments, all of which shall be incorporated into and superseded by this MPD zoning district designation. One intention of adopting this zoning designation is to avoid the multiple, repetitive Board of Adjustment cases for amendments or modifications of a long-lost original site plan upon which variances or special exceptions have been sought and granted. Moreover (and more importantly), an MPD zoning district designation will provide for a more comprehensive, unified zoning treatment of the university campus than a basic zoning designation such as “Office” or “Commercial” (with repetitive Board of Adjustment approvals of variances or special exceptions), and it would be consistent with the City of Tulsa’s Comprehensive Plan.

In the near-term, some campus development plans have already been approved and are under way. For example, a “Welcome Center” has been previously approved and is currently under construction in an area near the main entrance to the ORU campus. A new Media Arts Center and a Library & Holy Spirit Research Center have also been previously approved and are under construction nearby the campus entrance, and the previously approved Mike Carter Athletic Center is under construction near the Mabee Center.

Long-term plans for the campus are still under consideration but have not been developed. For example, new science building is planned for an area near the main entrance to the ORU campus, and a new campus cafeteria and men’s and women’s dormitories are planned for areas nearer to the center of the campus.

All such further development of the ORU campus will be subject to the terms, conditions and provisions of this MPD zoning district designation.

All the public infrastructure is located on-site and included in easements for maintenance and public access.

The campus contains a significant drainage channel that has been developed and serves as an amenity for the University through the eastern and southern portions of the property. The drainage channel and the affected flood plain, trails bridge crossings etcetera is not affected by this development plan

Applicant Exhibits:

Attachment 1: Satellite image of ORU campus

Attachment 2: Legal description

Attachment 3: Existing free-standing signs (excluding identification signs, pedestrian- or traffic-directional signs, and campus informational signs), some or all of which have been previously approved in Board of Adjustment Actions, where applicable:

Monument signs on either side of main entry driveway [Billy Joe Daugherty Circle and Drive]

Mabee Center

Small monument sign at Lewis Avenue/81st street intersection

Ground sign mounted on berm along 81st street frontage, near University Avenue

Case Soccer Complex monument sign along 81st Street frontage

DETAILED STAFF RECOMMENDATION:

The proposed development of the site under MPD-4 is consistent with the Regional Center designation of the Comprehensive Plan and meets the standards for a master planned development of Section 25.070-A and,

MPD-4 will promote:

1. Compact, mixed-use development patterns anticipated for university expansion and development.

2. Creative and flexible uses and building density that responds to changing social, economic, and market conditions and,

MPD-4 will accommodate the expected improvement or growth of a University Campus including large-scale assembly & entertainment uses proposed and existing on the site, uses and building types that are limited by existing residential zoning and previous board of adjustment decisions however MPD-4 is consistent with the Regional Center land use designation therefore,

Staff recommends approval of MPD-4 to rezone property from RS-1 and RS-3 to MPD-4 with the development standards outlined in Section II,

SECTION II: MPD-4 DEVELOPMENT STANDARDS

The MPD shall allow only those principal uses, subcategories and specific uses as identified below, along with customary accessory uses including but not limited to the accessory uses included in section II. The Tulsa Planning Office, or its successor, will review and approve submitted site plans for compliance with the MPD prior to the release of any building permit.

Applications for minor or major amendments to this MPD must be submitted to the Tulsa Planning Office, or its successor by an authorized representative of the property owner. The property owner will provide to the Tulsa Planning Office or its successor, and keep an updated, a list of authorized representatives.

The following modifications may be considered minor amendments to the MPD:

1. Limitation or elimination of previously approved specific functions and uses provided the character of the development is not substantially altered.
2. Addition of other specific functions and uses not contemplated but may be deemed appropriate uses requested by authorized representative of the University.
3. Modification of supplemental regulations defined in the Zoning Code.

A change of the permitted principal use will require major amendment.

General Provisions:

Vehicular Access and Circulation from public streets shall be limited as follows:

- A. The campus will have vehicular access from adjacent public streets:
 - Billy Joe Daugherty Circle and Drive along the Lewis Avenue frontage
 - Mabee Center parking lot driveways along Lewis Avenue and 81st Street frontages, including University Avenue
 - Private gated access driveway along the Evanston Avenue frontage forming a portion of the eastern boundary of the university campus
 - Private gated access driveways along the 75th Street frontage forming the northern boundary of the university campus
- B. Site, Landscape and Signage Plan Review:

No building permit shall be issued for any building within the MPD until a Detail Site Plan has been submitted and approved administratively by the Tulsa Planning Office as consistent with the Development Standards included herein.
- C. Fencing or screening around the perimeter of the campus is not required.
- D. Pedestrian access or provisions for micro mobility devices are encouraged at all public streets abutting the subject property.
 - a. *Note: Micromobility refers to a range of small lightweight vehicles operating at a speed typically below 25 mph and includes but not limited to bicycles, e-bikes, electric scooters, and shared bicycle fleets or other mobility devices as may be approved by university staff.*

Permitted Principal Use: College or University

Permitted Accessory Uses: All customary accessory uses, which shall include but are not limited to all Use Categories, Subcategories and Specific Uses listed below. The accessory uses listed below are subject to the supplemental use regulations of the Tulsa Zoning Code as if they were principal uses.

RESIDENTIAL:

Household Living: (if in allowed building types listed below)

Single household

Two households on a single lot

Three or more households on a single lot

Group Living:

Rooming and Boarding Houses for University Student

Housing (commonly known as dormitories)

Fraternity / Sorority Houses

PUBLIC, CIVIC, and INSTITUTIONAL

College or University

Day Care

Hospital

Library or Cultural Exhibit

Religious Assembly

Safety Service

School

Utilities and Public Service Facilities

Minor

Wireless Communication Facility

Freestanding Tower

(Freestanding wireless communication towers must be set
back at least 150 feet from the north or east boundaries)

Building mounted antenna

COMMERCIAL Use Category

Animal Service

Boarding or shelter

Grooming

Veterinary

Assembly and Entertainment

Indoor: Large and small

Outdoor: Large and small

Broadcast or Recording Studio

Commercial Service

Building Service

Research Service

Lodging

Short Term Rental

Hotel/Motel

Office

Business or professional offices

- Medical, dental or health practitioner office
- Restaurant (restaurant only)
- Retail Sales
 - Consumer shopping goods
 - Convenience goods
 - Grocery store
- Studio, Artist or Instructional Service
- Trade School
- AGRICULTURAL Use Category
 - Community Garden
 - Farm, Market or Community Supported
 - Horticulture greenhouse

DEVELOPMENT AREA REGULATIONS AND LIMITATIONS

Maximum Building Coverage:	None
Maximum Building Height:	35 feet for buildings and portions of buildings if closer than 150 feet to the North and East boundaries of the MPD 200 feet on remainder of property
Minimum Building Setbacks from Perimeter Boundaries of the MPD:	
From the East boundaries	20 feet
From the North boundaries	20 feet
From the South boundary	20 feet
From the West boundary	20 feet

Parking:

Parking is not required

New parking areas installed or constructed within 125 feet of the South Lewis Avenue and East 81st Street rights of way shall conform to the design standards outlined in section 55.090 of the Tulsa Zoning Code.

New parking areas installed or constructed within 125 feet of the South Lewis Avenue and East 81st Street rights of way shall exceed or at a minimum conform to the interior Parking Lot Landscape standards provided in Section 65.050 of the Tulsa Zoning Code.

New parking shall be prohibited within 30 feet of the north and east boundaries.

Minimum Bicycle Parking Spaces:

Short-term bicycle parking is not required.

Other Lot and Building Regulations:

Minimum Lot Area	None
Minimum Street Frontage	None
Maximum Floor Area Ratio	None
Minimum Lot Area Per Dwelling Unit:	None
Minimum Open Space per Dwelling Unit:	None

Landscape requirements:

Except as set forth herein, landscaping is not required.

- 1) Landscaping for all new parking and building construction within 125 feet of the South Lewis Avenue and East 81st Street rights of way shall conform to Chapter 65 of the Tulsa Zoning Code.

Signs:

Signage shall conform to the following requirements:

- Signage erected or installed within 50 feet of and visible from the perimeter boundaries of the campus shall conform to the provisions of Chapter 60 of the Tulsa Zoning Code.
- One ground sign identifying the campus shall be permitted at each vehicular entrance from a public or private street with a maximum display of 100 square feet of surface area and a maximum height of 25 feet. (except for the signs on either side of the Billy Joe Daugherty Circle main entrance drive shall not exceed 200 square feet).
- Other signs throughout the campus, such as building identification signs, pedestrian- or traffic-directional signs, and campus informational signs shall be subject to approval

of the property owner represented by a written statement of such approval accompanying an application for a building or construction permit.

- In addition, all signage illustrated on attachment 3 and all other signage approved on or before the date the ordinance is adopted rezoning the property MPD-4 and all previous approvals of the signage for the Mabee Center, as well as the nearby Global Learning Center and the Mike Carter Athletic Center in the southwestern quadrant of the university campus, are authorized by the MPD.
- Illuminated signage is prohibited on all North- and East-facing building walls within 50 feet of the North and East property boundaries, respectively.
- Off-premises Outdoor Advertising Signage is prohibited.

All applications for modification of such signage requirements must be submitted by an authorized representative of the property owner, and the property owner will provide to the Tulsa Planning Office or its successor, and keep updated, a list of authorized representatives as defined herein.

Lighting:

Lighting shall conform to the provisions of Chapter 67 of the Tulsa Zoning Code except as follows:

Pole lighting above 16 feet in height is prohibited within 50 feet of the north and east boundaries of the MPD.

Trash, Mechanical, and Equipment Areas:

Within 150 feet of the perimeter of the MPD Screening of trash, mechanical and equipment areas or uses shall conform to the provisions of Section 65.070 of the Tulsa Zoning Code except as follows:

Trash enclosures, storage, or processing of trash of any kind shall be prohibited within 150 feet of the perimeter of the subject site.

Elsewhere on the site screening of trash or mechanical equipment is not required.

RESIDENTIAL BUILDING TYPES

Building types for household living are limited to the following:

Single Household

Detached House

Townhouse
Mixed-Use Building
Vertical Mixed-Use Building
Two Households on Single Lot
Mixed-Use Building
Vertical Mixed-Use Building
Three Households on Single Lot
Apartment/Condo
Mixed-Use Building

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: *The University campus has been established since the 1960s and has been classified as a Regional Center. The expected growth that is allowed in MPD-4 is consistent with the concept of the Regional Center land use designation. The major street and highway plan street concept has anticipated high density development.*

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: None except the Multi Modal Corridor designation along South Lewis Avenue.

South Lewis 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:

A trail is planned on the University Campus that is roughly shown in the Fred Creek alignment. Site plan redevelopment should always consider pedestrian and alternative transportation mode options to connection points outside the campus.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is an existing college campus bisected by Fred Creek which is a significant green space opportunity with trails and landscaping.*

Environmental Considerations: None except the Fred Creek flood area that would affect site redevelopment plans during the building permit process.

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Lewis Avenue	Secondary Arterial with Multi Modal Corridor designation	100 feet	Divided with median 6 lanes north side of intersection 5 lanes south of intersection
East 81 st Street South	Secondary Arterial	100 feet	6 lanes near intersection with Lewis transitioning to 5 lanes near east end of subject tract
South Evanston Avenue	Residential Collector	60 feet	2
East 75 th Street South	Residential Collector	60 feet	2
Private Drive (Billy Joe Daugherty Circle)	None	None	4 lanes 2 each direction with median

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	OM, RD/PUD 293-A, OL, RS-3/PUD-182, RS-3, RS-2/PUD409, RS-1	Neighborhood Centers and Existing Neighborhood	Area of Growth and Area of Stability	Minor utility (cellular service utility)/office and detached single family
East	RS-2	Existing Neighborhood	Area of Stability	detached single family

South	RS-3, OM	Existing Neighborhood and Regional Center	Area of Growth	detached single family, duplex and City Plex towers (approximately 60 floors / 650 feet tall)
West	CS/PUD-495&495-A/CO for hotel use only	Regional Center	Area of Growth	Mixed use property with 10 +/- floor hotel, big box discount store, drive in restaurant and fueling station, private school, and medical office building

SECTION III: Relevant Zoning History

History: MPD-4

ZONING ORDINANCE: Ordinance number 11828 dated June 26, 1970, established zoning for the subject property.

Subject Property:

BOA-23369 May 2022: The Board of Adjustment **approved** a *Special Exception* to permit a previously approved site plan for a university in a residential district; & a *Variance* to increase the maximum permitted height of 35-feet in an RS-3 District, on property located at 7777 S. Lewis Avenue.

BOA-23193 October 2021: The Board of Adjustment **approved** a *Special Exception* to permit a previously approved site plan for a university in a residential district; & a *Variance* to increase the maximum permitted height of 35 feet in an RS-3 District, on property located at 7777 South Lewis Avenue East.

BOA-23170 August 2021: The Board of Adjustment **approved** a *Special Exception* to permit previously approved site plan for a university in a residential district; & a *Variance* to increase the maximum permitted height of 35-feet in an RS-3 District, on property located at 7777 S. Lewis Avenue East.

BOA-21443-A July 2012: The Board of Adjustment **approved** a *Variance* to permit the requirement that a sign be lit by constant light in the OM, OMH district; & a *Variance* to allow more than one sign in an OM, OMH district; & a *Variance* to exceed total square feet of display surface area from 880 square feet to 985 square feet, on property located at 2440 East 81st Street, 8101 South Lewis Avenue, 8100 South Lewis Avenue.

BOA-21495 November 2012: The Board of Adjustment **approved** a *Variance* to permit two (2) wall signs in an RS district, on property located at 7777 South Lewis Avenue.

BOA-21488 October 2012: The Board of Adjustment **approved** a *Variance* to permit a wall sign in a Residential District, on property located at 2601 East 81st Street.

BOA-17831-A December 2015: The Board of Adjustment **approved** a modification of a previously approved site plan, on property located at 7777 South Lewis Avenue.

BOA-21443 June 2012: The Board of Adjustment **approved** a *Variance* to permit more than one sign in an OM district; & a *Variance* to exceed total square feet of display surface area from approximately 100 square feet to 880 square feet; & a *Variance* of maximum sign height in the OM district from 20 feet to 30 feet, on property located at 2440 East 81st Street, 8101 South Lewis Avenue, 8100 South Lewis Avenue.

BOA-17831 September 1997: The Board of Adjustment **approved** a *Special Exception* to permit a previously approved special exception; & a *Variance* of the maximum 15 SF of sponsor sign, on property located at East side of South Lewis Avenue, North of East 81st Street.

BOA-17403 June 1996: The Board of Adjustment **approved** a *Special Exception* to permit a dry-cleaning pick-up facility in an OMH and OM zoned district, on property located at 2448 East 81st Street.

BOA-16741 July 1994: The Board of Adjustment **approved** a *Special Exception* to permit convenience goods and services/shopping goods and services in an OM zoned district, on property located at SE/c of East 81st street and South Lewis Avenue.

BOA-11738 December 1981: The Board of Adjustment **approved** a *Special Exception* to permit a heliport in an IR District, on property located at SE of 81st Street and Lewis Avenue.

BOA-9273 November 1976: The Board of Adjustment **uphold the appeal** to the building inspector from decision of the building inspector for refusing to issue a zoning clearance permit to construct quarters on the University Campus to be operated in conjunction with the University Medical Campus, on property located at Northwest of 81st Street and Delaware Avenue.

BOA-9810 January 1978: The Board of Adjustment **approved** a *Variance* to permit in an IR District a reaching hospital as a part of the City of Faith Medical Complex to be constructed as a part of the campus of Oral Roberts University; and an Interpretation of the zoning text, on property located at SE of 81st Street and Lewis.

BOA-8066 October 1973: The Board of Adjustment **approved** a *Variance* to permit 40 units on one lot in an RM-1 district, on property located at South and east of 81st Street and Lewis Avenue.

BOA-7769 February 1973: The Board of Adjustment **approved** a *Special Exception* to permit a community service, cultural and recreation facility in a residential district; & *Variance* to vary the requirements of the constant light requirements to permit a sign for the John Mabee Center in accord with plans and specifications submitted, in a RS-3 District, on property located at 81st St. and Lewis Avenue.

BOA-7721 January 1973: The Board of Adjustment **approved** a *Minor Variance* to permit modification of height and size of a sign (48' high and size 28' 6" x 48') in an RS-3 District, on property located at 7777 South Lewis Avenue.

BOA-3760-A February 1962: The Board of Adjustment **approved** the subject property for school purposes, on property located at 7777 South Lewis Avenue.

Surrounding Property:

BOA-23315 April 2022: The Board of Adjustment **approved** a *Special Exception* to permit a fence to exceed 4-feet in height inside the required street setback; & a *Special Exception* to allow a barbed-wire fence in an OM district, on property located at W of the intersection of E. 75th St. South & South Lewis Ave.

CO-10 December 2020: Applicant withdrew a request for a *Corridor Development Plan* on a 5.16± acre tract of land for on property located North of the NW/c of East 81st Street South & South Lewis Avenue.

BOA-22604 March 2019: The Board of Adjustment **approved** a *Variance* to permit increased allowable number of signs in an OM District to permit two signs per street frontage, on property located at 7700 South Lewis Avenue East.

Z-7483 July 2019: All concurred in **approval** of a request for *rezoning* a 2.43± acre tract of land from RS-1 to OL on property located Northeast corner of East 75th Street South and South Lewis Avenue.

BOA-22083 June 2016: The Board of Adjustment **approved** a *Variance* to permit exceeded display area of a sign to allow a 72 square foot dynamic display sign in the O District, on property located at 7700 South Lewis Avenue.

BOA-21255 April 2011: The Board of Adjustment **approved** a *Variance* to permit the maximum display surface area for a sign in the OM district to 240 sq. ft; & a *Variance* of the maximum permitted height for a sign in the OM district from 20 ft. to 30 ft.; & a *Variance* of the requirement that illumination of a sign in the OM district shall be by constant light to permit a digital changeable copy sign; & all to permit a ground sign on East 81st Street, on property located at 2702 East 81st Street.

BOA-20163 December 2005: The Board of Adjustment **approved** a *Special Exception* to permit reduced combined required parking for a commercial mixed-use development by 10%; & a *Variance* of required parking of 7 spaces, on property located at 8102-8222 South Lewis Avenue.

BOA-18996 February 2001: The Board of Adjustment **approved** a *Special Exception* to permit parking on a lot other than principle use lot for a special event (U.S. Open) from June 11 to June 18, 2001, on property located at NE/c & SE/c East 81st & Lewis Avenue.

BOA-18509 September 1999: The Board of Adjustment **approved** a *Variance* to permit maximum display surface area of a sign from 150 square feet to 307 square feet; & a *Variance* of the requirement of constant light to allow an electronic message center, on property located at 7800 South Lewis.

BOA-18058 May 1998: The Board of Adjustment **approved** a *Special Exception* to permit the lighting of an existing outdoor soccer and athletic field according to a lighting plan, lighting specifications and use restrictions approved by the Board, on property located at North side of East of Delaware Ave.

BOA-17935 February 1998: The Board of Adjustment **approved** a *Special Exception* to permit the construction of 376 dwelling units for elderly housing; & a *Variance* of the maximum floor area ratio of .50 subject to livability space being required for each dwelling unit as required in the RM-2 district, on property located at West Side South Lewis Avenue & East 75th Street.

BOA-17862 October 1997: The Board of Adjustment **approved** a *Special Exception* in an OM and OL district to permit amended previously approved site plan to add an addition to the existing church and school buildings containing 22,000 SF, on property located at 7700 South Lewis Avenue.

BOA-22604 March 2019: The Board of Adjustment **approved** a *Variance* to permit increased allowable number of signs in an OM District to permit two signs per street frontage, on property located at 7700 South Lewis Avenue East.

BOA-16749 July 1994: The Board of Adjustment **approved** a *Special Exception* to permit an open-air activity (tent) for a temporary period, on property located at 7502 South Lewis.

PUD-495-A August 1994: All concurred in **approval** of a proposed *Major Amendment* to PUD on a 17.065± acre tract of land for on property located 2019 East 81st Street South.

Z-6376/PUD-495: All concurred in **approval** of a request to rezone a 28± acre tract of land from CO & AG to CS & OM and **approval** of a proposed *Planned Unit Development* for vehicle repair and service and customary accessory uses, on property located 2019 East 81st Street South.

BOA-15979 March 1992: The Board of Adjustment **approved** a *Minor Special Exception* to permit amended previously approved plot plan by less than 15%, on property located at 7700 South Lewis.

Z-6152 April 1987: All concurred in **approval** of a request for *rezoning* a 38.21± acre tract of land from AG & RM-1 to OL on property located 7700 South Lewis Avenue East.

BOA-14394 March 1987: The Board of Adjustment **approved** a *Special Exception* to permit a church and related uses in an RM-1 zoned district, on property located at West side of Lewis Avenue at 75th Street.

PUD-217-A March 1987: All concurred in **approval** of a proposed *Planned Unit Development Abandonment* on an 8.96± acre tract of land for on property located West of South Lewis at 75th Street.

BOA-14244 October 1986: The Board of Adjustment **approved** a *Minor Variance* to permit front yard setback from 55' to 54' to allow for existing dwelling unit in order to clear the title, on property located at 8312 East 80th Place.

Z-6075 December 1985: All concurred in **approval** of a request for *rezoning* a ± acre tract of land from RS-1 to RS-2 on property located 2608 E. 74th Street South & 2614 E. 74th Place South.

BOA-12808 October 1983: The Board of Adjustment **approved** a *Variance* to permit lot width from 60' to 47.2', 50.2', 44.7' & 47.8 respectively; & a *Variance* of lot area from 6,900 to 5459, 5757, 5175 and 5487 square feet; & a *Variance* of livability space per dwelling unit from 4000 to 2783, 2982, 2770 and 2811 square feet; & a *Variance* of the side yard requirement from 5 to 0, 4.9 and 4.8 feet to permit splitting 2 existing duplexes in an RS-3 zoned district, on property located at South and East of the SE corner of East 81st Street South and Delaware Avenue.

BOA-11792 February 1982: The Board of Adjustment **approved** a *Variance* to permit the area requirements from 9,000 square feet to approximately 5,625 square feet; & a Variance of the frontage requirement from 75' to 18' on Tract I; & a Variance of the frontage requirements on Tract II from 75' to 20' to permit a lot-split in an RS-3 District, on property located at West of the Northwest corner of 74th Court and Birmingham Avenue.

BOA-11608 September 1981: The Board of Adjustment **approved** a *Variance* to permit frontage requirements to permit a lot split, on property located at Northwest corner of East 74th Court and south Birmingham Avenue.

BOA-10823 December 1979: The Board of Adjustment **approved** a *Special Exception* to permit duplexes in an RS-3 District; & a Variance of the front setback requirements from 25' to 20'; the rear setback from 81st Street from 35' to 20'; and on corner lots from 25' to 15', on property located at Southeast of 81st Street and Delaware Avenue.

BOA-9810 January 1978: The Board of Adjustment **approved** a *Variance* to permit an IR District a teaching hospital as a part of the City of Faith Medical Complex to be constructed as a part of the campus of Oral Roberts University; and an Interpretation of the zoning text, on property located at Southeast of 81st Street and Lewis Avenue.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **WALKER**, the TMAPC voted 7-0-0 (Carr, Covey, Kimbrel, Krug, Shivel, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Bayles, Craddock, Reed, Zalk, "absent") to recommend **APPROVAL** of the Master Plan Development rezoning for MPD-4 per staff recommendation.

* * * * *

12. Z-7689 Lou Reynolds (CD 4) Location: East of the northeast corner of South Harvard Avenue and East 27th Street South requesting rezoning from **RS-3 to CG**

STAFF RECOMMENDATION:
SECTION I: Z-7689

DEVELOPMENT CONCEPT:

The applicant has proposed rezoning the site to allow all uses allowed in the CG zoning district.

DETAILED STAFF RECOMMENDATION:

The CG district is primarily intended to accommodate the establishment of commercial uses, while providing protection to adjacent residential areas and accommodate a grouping of compatible commercial and light industrial uses while limiting the more impactful uses found in higher intensity commercial and industrial districts.

Supplemental standards for buildings constructed in the CG district in this neighborhood are adequate for appropriate commercial integration into this location and,

Uses allowed in a CG district are consistent with the Town Center Land use designation and,

The properties near the subject tract include a wide range of commercial properties and residential uses. East 27th Street south is the main on-ramp for access to east bound traffic on the Broken Arrow Expressway and,

CG zoning is consistent with the goals and recommendations of the Comprehensive Plan therefore,

Staff recommends Approval of Z-7689 to rezone property from RS-3 to CG.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: *Development standards and uses allowed in a CG zoning district are consistent with the Town Center land use designation.*

Land Use Vision:

Land Use Plan map designation: Town Center

Town Centers are medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods, and can

include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

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: None

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 undeveloped but appears to have been two lots with single family dwellings with remnants of driveway construction and fence line vegetation between lots.

Environmental Considerations: None that would affect site redevelopment for commercial uses. The Broken Arrow Expressway immediately north of the subject property is a significant challenge for future residential development allowed in an RS-3 district.

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 27 th Street South	none	none	One way east bound traffic for access to Broken Arrow Expressway.

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	CH	Town Center	Growth	Surface Parking Lot for auto repair business
East	RS-3	Town Center	Growth	Undeveloped
South	RS-3	Mixed Use Corridor	Growth	Single Family
West	RS-3	Mixed Use Corridor	Growth	Single family / office

SECTION III: Relevant Zoning History

History: Z-7689

Subject Property:

ZONING ORDINANCE: Ordinance number 11815 dated June 26, 1970, established zoning for the subject property.

BOA-7777 February 1973: The Board of Adjustment **denied** a *Special Exception* to permit off-street parking for Spraker Volkswagen in an RS-3 District, on property located at 3327 and 3329 East 27th Street.

Surrounding Property:

Z-7341 August 2016: All concurred in **approval** of a request for *rezoning* a 0.8+ acre tract of land from OL to CH to construct a car wash on property located East of northeast corner E. 27th Street & South Harvard Ave.

Z-7313 October 2015: All concurred in **approval** of a request for *rezoning* a 0.34+ acre tract of land from OL to CG concurrent with PUD-841 to permit a private automobile collection to be stored indoors on property located East of the southeast corner of South Harvard Avenue and East 27th Street South.

PUD-841 October 2015: All concurred in **approval** of a proposed *Planned Unit Development* on a 0.34+ acre tract of land for a private automobile collection to be stored indoors on property located East of the southeast corner of South Harvard Avenue and East 27th Street South.

BOA-21535 February 2013: The Board of Adjustment **approved** a *Variance* to permit reduced parking requirement from 7 spaces to 6 spaces, on property located at 3321 East 27th Street South.

BOA-18904 November 2000: The Board of Adjustment **approved** a *Special Exception* to permit an auto painting shop within 150' of an R district, on property located at 2615 South Harvard.

BOA-15253 October 1989: The Board of Adjustment **approved** a *Variance* to permit an existing on-premises sign within the 10' setback within an "R" zoned district which is on expressway, on property located at 2615 South Harvard.

BOA-15221 August 1989: The Board of Adjustment **denied** a *Variance* to permit setback from an R district (highway) to allow for an outdoor advertising sign, on property located at 2615 South Harvard Avenue.

BOA-15130 May 1989: The Board of Adjustment **approved** a *Variance* to permit spacing between outdoor advertising signs from 1200' to 685', on property located at 2615 South Harvard Avenue.

BOA-15023 January 1989: The Board of Adjustment **approved** a *Variance* to permit spacing between outdoor advertising signs from 1200' to 900' and a *Variance* of setback from an R district from 150' to 13' to allow for said sign, on property located at 2615 South Harvard Avenue.

BOA-7886 January 1973: The Board of Adjustment **approved** a *Special Exception* to permit a home beauty shop in an RS-3 District, on property located at 3338 east 27th Street.

The applicant indicated his agreement with staff's recommendation.

Interested Parties:

Cash Eddy 3325 E 27th Street, Tulsa, OK 74114

Mr. Eddy stated he knows the proposed use is a man cave but feels it's a vague description. He stated he is concerned with how many properties have been recently bought in this area and that this proposed man cave could change to something else by the end of the project. Mr. Eddy stated he owns the house that is in between the proposed project and a mineralogist that is commercial zoned also. He stated his property is RS-3. Mr. Eddy stated there is a man cave across the street from his property that is a massive structure and worries that the applicant will build something like it next to his house.

Mr. Covey asked what the man cave across the street was used for.

Mr. Eddy stated it appears to be storage for vehicles. He stated having commercial property nearby is what attracted him to the property but he didn't think that the property immediately adjacent would become commercial.

Ms. Kimbrel asked if Mr. Eddy had spoken with the property owner about their plan for the property.

Mr. Eddy stated he was unable to contact the applicant but did talk with the current owner of the property who told Mr. Eddy that he was selling the property and that the proposed use was a place to store vehicles. He stated he has had multiple offers for his property, and several other people in the neighborhood that have interests on that same side of the street have also received offers for their property. Mr. Eddy stated because of the amount of property that is receiving offers it concerns him that this area eventually will become something else.

Applicant Comments:

Nathalie Cornett 2727 East 21st Street, Tulsa, OK

The applicant stated she could not speak to the offers being made on property in the area or the expansion of that area. She stated the request is in conformance with the current Comprehensive Plan designations for the property. She stated if the Commission would like her to take a pause and speak with the neighbor she would be happy to do so, but she thinks the proposed uses of CG zoning as well as the specific use that's been proposed is in line with the development pattern of the area.

TMAPC Comments:

Ms. Kimbrel asked if Staff could remind the Commission and guests what the typical uses are in a CG designation.

Staff stated they are normal commercial uses such as a grocery store or office space, and most retail settings would be in the CG district. He stated if you look at the differences between CS and CG zoning you start to see opportunities for things like a car lot in CG. Staff stated the big difference is the size of the building. He stated there's no height limit on either the CS or CG, but there is a maximum floor area that is a little larger in CG than CS.

Ms. Kimbrel asked if staff spoke with the applicant about using a different zoning designation other than CG such as an office designation.

Staff stated in the original conversation with the applicant office zoning districts would not have been consistent with what they were trying to accomplish on the site. He stated office uses are allowed in a CG designation.

Ms. Kimbrel asked if the applicant had any retail plans for this site.

Staff stated the proposal is for straight CG zoning but he doesn't know if the applicant has plans for retail.

Mr. Covey asked if the subject property was not going to be a man cave would staff support all the other uses in a CG designation.

Staff stated "yes".

Mr. Covey asked if that was because this is designated as a Town Center in the Land Use Plan. He asked if staff would classify a Town Center as denser.

Staff stated "yes".

Ms. Carr asked if the Comprehensive Plan calls for this to be a Town Center does that mean that eventually this will become a Town Center.

Staff stated the term Town Center designation is in essence, intended to be something that is commercialized and close together. He stated it is a place that you can park and walk to the different uses instead of driving. This idea could include some multifamily uses.

Mr. Covey stated the Land Use plan shows this area as a Town Center and a Town Center is defined as medium scale, one to five story mixed use areas. intended to serve a larger area of neighborhoods than the Neighborhood Centers. He stated he understands Mr. Eddy's concerns and if he had property there he would be expressing the same concerns. Mr. Covey stated unfortunately his property is in a Town Center designation and at some point the Comprehensive Plan tells us this entire area in the future is going to go commercial.

TMAPC Action; 7 members present:

On **MOTION** of **WALKER**, the TMAPC voted 6-1-0 (Carr, Covey, Krug, Shivel, Walker, Whitlock, “aye”; Kimbrel, “nays”; none “abstaining”; Bayles, Craddock, Reed, Zalk, “absent”) to recommend **APPROVAL** of the CG zoning for Z-7689 per staff recommendation.

Legal Description Z-7689:

LT 4 & 5 BLK 6, KIRKMOORE ADDN, An Addition to the City of Tulsa, Tulsa County, Oklahoma

OTHER BUSINESS

13.2023 Election of Officers- Current Officers:

Michael Covey, Chairman
Joshua Walker, 1st Vice Chairman
Ted Reeds, 2nd Vice Chairman
John Shivel, Secretary

Mr. Covey stated the proposed slate of officers for 2023 is as follows:

Michael Covey, Chairman
Joshua Walker, 1st Vice Chairman
Luisa Krug, 2nd Vice Chairman
John Shivel, Secretary

TMAPC Action; 7 members present:

On **MOTION** of **COVEY**, the TMAPC voted 7-0-0 (Carr, Covey, Kimbrel, Krug, Shivel, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Bayles, Craddock, Reed, Zalk, “absent”) to waive the TMAPC Policies and Procedures concerning serving successive terms and elect the following TMAPC officers for 2023: Chair, Michael Covey; 1st Vice Chair, Joshua Walker; 2nd Vice Chair, Luisa Krug; Secretary, John Shivel.

14. Commissioners' Comments

None

ADJOURN

TMAPC Action; 7 members present:


On **MOTION** of **WALKER**, the TMAPC voted 7-0-0 (Carr, Covey, Kimbrel, Krug, Shivel, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Bayles, Craddock, Reed, Zalk, "absent") to **ADJOURN** TMAPC meeting of January 4, 2023, Meeting No. 2881.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 1:36 p.m.

Date Approved:

01-18-2023


Chair

ATTEST: Joshua H. Welch (acting)
Secretary