

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2883

Wednesday, February 1, 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
Bayles	Shivel	Foster	Silman, COT
Carr	Whitlock	Miller	Skates, COT
Covey		Sawyer	Stephens, Jeff, Legal
Craddock		Siers	VanValkenburgh, Legal
Krug		Wilkerson	
Walker			
Zalk			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, January 26, 2023 at 3:21 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 1:03 p.m.

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

REPORTS:

Chairman’s Report:
None

Director’s Report:
Ms. Miller reported on City Council and Board of County Commissioner actions and other special projects. She stated there are 2 more open house meetings for the Planitulsa update. Ms. Miller stated a Work Session will be held on March 22, 2023 to talk about current and upcoming projects.

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Minutes:

1. Minutes of January 18, 2023 Meeting No. 2882

Approval of the Minutes of **January 18, 2023 Meeting No. 2882**

TMAPC Action; 6 members present:

On **MOTION** of **WALKER**, the TMAPC voted 6-0-0(Bayles, Covey, Craddock, Krug, Walker, Zalk, “aye”; no “nays”; none “abstaining”; Carr, Shivel, Whitlock, “absent”) to **APPROVE** the minutes of **January 18, 2023 Meeting No. 2882**

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Commissioner Carr arrived at 1:06pm.

Consent Agenda item 2 was continued to February 15, 2023.

CONSENT AGENDA

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

- 2. **PUD-559-3/Z-5888-SP-1c C. Joseph Watt** (CD 7) Location: North of the northeast corner of East 91st Street South and South Mingo Road requesting a **PUD Minor Amendment and Corridor Minor Amendment** to increase allowed uses, establish updated development standards, and consolidating the southern portion of development area B into development area C (Continued from January 18, 2023) (**Applicant requests a continuance to February 15, 2023**)

TMAPC Action; 7 members present:

On **MOTION** of **CRADDOCK**, the TMAPC voted 7-0-0(Bayles, Carr, Covey, Craddock, Krug, Walker, Zalk, “aye”; no “nays”; none “abstaining”; Shivel, Whitlock, “absent”) to **CONTINUE** Item 2 to February 15, 2023.

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Item 3 was removed from the Consent Agenda and placed on Public Hearing per Mr. Craddock’s request.

**PUBLIC HEARING – MINOR AMENDMENT
(Removed from Consent Agenda)**

- 3. **Z-7140-SP-1j TCGH, LLC** (CD 2) Location: South of the Southwest corner of South Maybelle Avenue and West 81st Street South requesting a **Corridor Minor Amendment** to allow a separation distance of less than 10’ between two homes.

STAFF RECOMMENDATION:

SECTION I: Z-7140-SP-1j Minor Amendment

Amendment Request: Modify the Corridor Plan to reduce separation distance between two buildings.

The current requirements for side yards within Hyde Park are either 0 ft on one side and 10 ft at the other or 5ft at one side and 5 ft at the other. The applicant has constructed a home on Lot 24 that is 5ft from the property line and a home on Lot 23 that is 0' feet from the property abutting Lot 24. The structure on Lot 23 puts both properties out of compliance with the separation requirement within the corridor plan. Since the separation between the two homes is only 5', the applicant needs to modify the corridor plan so that the separation distance between two buildings can be 5' as opposed to 10'.

Staff Comment: This request can be considered a Minor Amendment as outlined by Section 25.040D.3.b(5) of the Corridor District Provisions of the City of Tulsa Zoning Code.

“Minor amendments to an approved corridor development plan may be authorized by the Planning Commission, which may direct the processing of an amended development plan and subdivision plat, incorporating such changes, so long as substantial compliance is maintained with the approved development plan. “

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in Z-7140-SP-1.
- 2) Z-7140-SP-1j is consistent with the provisions for administration and procedures of a corridor development plan in section 25.040.E.5.
- 3) All remaining development standards defined in Z-7140-SP-1 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to allow a separation distance of less than 10' between two homes.

TMAPC Comments:

Mr. Craddock asked if there is something staff can review on the remaining lots to keep them from having the same issue as the current minor amendment.

Staff stated there are setback requirements for all the lots that prevent this from happening in the future.

Mr. Craddock stated if there is another variance would it need to come before TMAPC.

Staff stated “yes”. He stated he thinks it is possible to build a home on lot 23 if there was a 5 foot side yard on both sides. But since this one is directly on the property line to the north, the applicant is asking for the 10 foot and 0 foot setback.

Ms. Bayles asked if there is a reason the history of the August 2022 Minor Amendment is not in the agenda packet.

Staff stated PUD Minor Amendments don’t have a history like zoning changes. He stated it was a Minor Amendment for the setback as opposed to the separation distance. He stated the permitting office requested that the applicant submit a Minor Amendment with this specific wording in order to put both the homes in compliance.

The applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

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

Legal Description for Z-7140-SP-1j:

Lot 24 and Lot 23, Block 2 Hyde Park at Tulsa Hills

PUBLIC HEARING - PLATS

- Saint Francis Hospital South** (CD 7) Request for Accelerated Release of Building Permits, Location: Northeast corner of East 91st Street South and Highway 169 (Continued from January 18, 2023)

STAFF RECOMMENDATION:

Saint Francis Hospital South - (CD 7)

Northeast corner of East 91st Street South and Highway 169

The subject property is required to obtain full compliance with the Subdivision & Development Regulations due to a rezoning to PUD-586-A that occurred in December of 2001. A portion of the property was platted following the original approval, but the remainder of the tract is still subject to the platting requirements in the Tulsa Zoning Code Section 70.080.

The applicant has requested that the Planning Commission authorize the City of Tulsa to issue building permits prior to the filing of a final plat. The *Subdivision & Development Regulations* require the approval of a preliminary plat prior to authorization for an accelerated release of building permits. The preliminary plat for this project was approved on April 6, 2022.

The project is seeking to abandon and reconfigure existing public infrastructure that impacts that site. The abandonment of certain public infrastructure will include the closure and vacation of existing public utility easements that impact the project site. No construction will be permitted within the existing easements until closure of the easements has been completed. If approved, this application would allow work to begin on portions of the project that exist within the previously unplatted areas while the process to close and vacate existing easements continues. Closed easements will be depicted on the final plat. Any easements that have completed the vacation process will be removed from the final plat.

The Technical Advisory Committee met on January 5, 2023 and had no objections to the authorization for accelerated release of building permits.

If approved, this authorization only removes the requirement that the final plat be filed prior to building permits being issued. All other codes and requirements of the City of Tulsa remain in place.

Staff recommends **approval** of the accelerated release of a building permit with the following conditions:

1. If an accelerated release is approved, no final inspection of buildings or structures may occur, and no certificate of occupancy may be issued until a final plat for the subject property has been approved and recorded.

Staff has determined that circumstances related to the subject property reasonably preclude the future use or improvement of the area for which dedication of right-of-way and easements would be required and recommend TMAPC include these findings to defer those dedications to the final plat.

TMAPC Action; 7 members present:

On **MOTION** of **CRADDOCK**, the TMAPC voted 7-0-0(Bayles, Carr, Covey, Craddock, Krug, Walker, Zalk, “aye”; no “nays”; none “abstaining”; Shivel, Whitlock, “absent”) to **CONTINUE** Item 4 to February 15, 2023.

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5. **City Lights** (CD 1) Preliminary Plat, Location: East of the southeast corner of East 46th Street North and North Peoria Avenue

STAFF RECOMMENDATION:

City Lights - (CD 1)

East of the southeast corner of East 46th Street North and North Peoria Avenue

This plat consists of 2 lots, 2 blocks on 22.44 ± acres.

The Technical Advisory Committee (TAC) met on January 19th and provided the following conditions:

1. **Zoning:** The property is currently zoned RS-3 and RM-2. Proposed lots conform to the requirements of the underlying zoning districts.
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 approval is required for proposed new streets, sidewalks, ADA ramps, and other improvements in the public right-of-way. Provide public street names on the face of the plat.
4. **Sewer:** IDP approval is required for sanitary sewer main extensions to serve the subdivision. Label and dimension easements, both existing and those being dedicated by the plat. Any offsite easements to cover public infrastructure extensions required by this project are required to be filed and reflected on the face of the plat.
5. **Water:** IDP approval is required for water main extensions to serve the subdivision. Label and dimension easements, both existing and those being dedicated by the plat. Any offsite easements to cover public infrastructure extensions required by this project are required to be filed and reflected on the face of the plat.
6. **Engineering Graphics:** Submit subdivision control sheet with final plat. Remove contours from final plat submittal. Add "City of Tulsa" before Tulsa County in the plat subtitle. Update location map to include platted boundaries and label all other areas as unplatted. Include coordinate system used under Basis of Bearing heading and provide a bearing angle shown on the face of the plat. Graphically show all pins found or set associated with the plat. Provide date of last site visit by the surveyor.
8. **Stormwater, Drainage, & Floodplain:** IDP approval for public storm sewer improvements is required prior to final plat approval. No floodplain on-site.
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 required prior to final plat approval.

TMAPC Comments:

Mr. Craddock asked if the platting process required neighbors to be notified.

Staff stated in the case of Preliminary Plats the requirement is to notify adjacent neighbors. He stated there is no posting of a sign like in zoning cases just a mailing to the immediately adjacent properties.

Mr. Craddock asked whether it mattered what the use was for notification. He feels this is a way around notification for objectional uses.

Staff stated the plat would be unrelated in that regard. He stated the plat process is just establishing the lots as they are proposed and ensuring that the City infrastructure is adequate to serve those lots. Staff stated the zoning piece such as the use would be determined when permits are applied for and it's his understanding that the subject use has been considered a residential development of apartments so the current RM-2 zoning allows for apartment uses. He stated if other services were offered on the subject site that would then trigger the applicant to go through the Board of Adjustment process and get a Special Exception for that use.

Mr. Craddock asked if the adjacent property owners or interested parties protest or send letters of concern does staff have the developer contact those protestants to discuss the project.

Staff stated plats can certainly have an impact on adjacent neighbors if a stub street or something else that may impact their future use of their property is planned. He stated but to be clear when they are talking about plats they are not talking about uses because there's not a zoning change associated with this plat. Staff stated this is like a conformance review to ensure that the lots are going to meet the regulations and that the infrastructure can serve it. However, all that being said, anytime staff receives any kind of correspondence from neighbors or interested parties, they get that to the applicant. He stated there were some emails received on this application that were emailed to Commissioners and provided to the applicant. Staff stated the applicant has reached out to the neighbor that had sent the email and they're hoping to schedule a meeting to talk with them about the project. He stated the applicant, in their email to staff, said that this had no bearing on the plat and the process in which the plat is going

through and asks that this not be continued but move forward with the decision today.

Mr. Craddock stated he understands the frustration for the people that live around the subject property that have to deal with the impact of the decision. He stated it feels like sometimes they are dealing with applicants that have found a way around notice requirements in order to get something done that impacts the neighbors and does not fit within the area.

Staff stated the zoning on this property has existed going back to 1970. He stated there is a proposal to build multifamily on a multifamily tract. He stated if he tore down his single family house and built a new house he would have the right to do so. Staff stated the zoning entitles the property owner to do that as long as they follow the requirements of that zoning district. There is not a reason for those public hearings that would happen if they were changing the zoning or asking for some kind of variance.

Applicant Comments:

Mark Capron Wallace Design 123 North MLK Jr. Boulevard, Tulsa, OK

Mr. Capron stated staff explained things pretty well. He stated they are not working around anything with this plat they are just platting the property. Mr. Capron stated this property was selected per the zoning so his client would not need to rezone. He stated they looked for property that was zoned to match what they were trying to do. Mr. Capron stated this development is a multifamily development on a piece of property that that is zoned for that very thing. He stated they received an email this morning that was forwarded by staff with concerns and they are in the process of setting a meeting up with his client and that interested party. Mr. Capron stated they will meet with the people in the area to discuss their concerns so they have the opportunity to let us know what they are concerned about and also let them know what is planned. He asks that Planning Commission approve application as recommended by staff.

Interested Parties:

Regina Goodwin 762 North Denver, Tulsa, Oklahoma

Ms. Goodwin thanked the Commissioners for all they do. She stated they have to come out and listen to the concerns of communities. Ms. Goodwin stated when she looks at the application it is very evident that the whole process has been to circumvent the will and wishes of the community that is already oppressed or depressed and doesn't have the necessary services that is needed in the area. She stated in 2018 this same development was attempted in another area and that community said not in their backyard. Ms. Goodwin stated in the black community it is always in their backyard. She stated the applicant was very clever and found zoning already in place so they wouldn't have to go through the zoning process or go through City Council. Ms. Goodwin stated that way they would not have to hear from neighbors that might be very concerned about the

location. She stated she appreciates the mission. There are unhoused people, homeless people that need to have affordable housing. But the difficulty is why is that in the middle of a community that is already depressed. Ms. Goodwin stated she understands the fight that the applicant had with the Turley community and they thought they could get around the North Tulsa community and have a big ribbon cutting and act like everything is great, that is not the case. Ms. Goodwin stated on the application she saw that the applicant has 6000 square feet for an apartment or condo and the community has been hearing the talk about tiny homes. She asked if someone could explain to them the difference between the tiny home and an apartment or is that not accurate on this application Ms. Goodwin stated she has also heard talk of a triplex and would like to know what that is. She asked if it was 3 tiny homes together and then does that then make it an apartment. Ms. Goodwin stated the applicant has said that they will talk with the individual who sent in the email but meeting with an individual does not get the word out to the community. She stated they would like the applicant to have a meeting with the community because the community is going to be impacted as well as the landowners adjacent to this land who did not know when they bought their property that they could potentially have 150 people and 75 units next to them and that is a big impact on the community. Ms. Goodwin asks Planning Commission to continue this item so that the neighborhood can get an understanding of what is an apartment. What are the tiny homes. What is the cost. She stated they would like to know those details.

Mr. Craddock asked if the subject property fell within Representative Goodwin's district.

Ms. Goodwin stated "yes, and she knew nothing about it. She stated she knows it's a private deal but if you're going to be neighborly, and going to impact the community it seems like the very least you would do is shine a light on the issue.

Joi McCondichie 5427 North Johnstown Avenue, Tulsa, OK 74126

Ms. McCondichie stated she is a leader in the community. She stated she works in this community and the City has already deemed this area to be on the inequality studies and therefore is the last to get anything. Ms. McCondichie stated in the past three years work she has worked with several different organizations to try and get sidewalks, lighting, and improvements to the trail, which is immediately adjacent to this property and they haven't been able to do that with the city. She stated that trail serves as transportation for transients and homeless that they already have in the community. Ms. McCondichie stated the community has embraced the homeless in this area and have given them jobs. She stated the application does not say anywhere that this is a tiny home colony program for the rest of the city and the country to model and follow. Ms. McCondichie stated that would be fine in a community that could sustain 150 homeless, out of reach people, who not only are suffering with homelessness, but mental issues, financial issues, income, and in her community they have praying and fighting for economic development. She asked how 150 people who

are on Social Security or Disability are going to benefit her community. Ms. McCondichie stated what she sees is increased crime. She is asking Planning Commission to continue this application because she believes that it is ambiguous and misleading.

Mr. Capron stated he understands the concerns that the neighborhood has and they will address those concerns but feels like it is redundant right now. He stated they are not here to talk about the zoning because the zoning is in place. Mr. Capron stated this is the Preliminary Plat and they will be back in front of Planning Commission when they have the Final Plat. He stated there will be some groundwork with the neighborhood in the future but the plat has nothing to do with the use of the property.

Mr. Craddock stated he personally has a problem with the appearance of a workaround. He stated he gets it and would try to do the same thing if I was trying to do something like this. Mr. Craddock stated sometimes you don't want to have the public input because people have different opinions but the impact to the community from this Preliminary Plat is huge and he cannot in good conscience tell his neighbors that this is good without at least knowing a lot of the behind the scenes facts of the organization. He stated he thinks that would be a good process to have a continuance.

Ms. Carr asked if this was a tiny home development.

Mr. Craddock stated that is what it states on the City Lights website.

Ms. Carr asked if continued is Planning Commission going to require some sort of public meetings. She stated if not what is the purpose of continuing this.

Mr. Covey stated he is not sure Planning Commission can require the applicant to have a public meeting but he thinks it would be a good faith effort by the applicant that if this item is continued they would engage the community before they come back to TMAPC. Mr. Covey stated it is standard practice to grant a continuance to either side, at least one time if they request it. He stated the interested parties are requesting a continuance in hopes of discussing it with the applicant before moving forward.

TMAPC Action; 7 members present:

On **MOTION** of **WALKER**, the TMAPC voted 7-0-0(Bayles, Carr, Covey, Craddock, Krug, Walker, Zalk, “aye”; no “nays”; none “abstaining”; Shivel, Whitlock, “absent”) to **CONTINUE** Item 5 to February 15, 2023.

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Commissioner Walker stepped out at 1:37pm.

6. **33rd Center** (CD 2) Minor Subdivision Plat, Location: North of the northeast corner of South 33rd West Avenue and Southwest Boulevard

STAFF RECOMMENDATION:

33rd Center - (CD 2)

North of the northeast corner of South 33rd West Avenue and Southwest Boulevard

This plat consists of 1 lot, 1 block on 1.98 ± acres.

The Technical Advisory Committee (TAC) met on January 19th and provided the following comments:

1. **Zoning:** Approved as submitted.
2. **Addressing:** Approved as submitted.
3. **Transportation & Traffic:** Approved as submitted.
4. **Sewer:** Approved as submitted.
5. **Water:** Approved as submitted.
6. **Engineering Graphics:** No comments.
7. **Fire:** No comments.
8. **Stormwater, Drainage, & Floodplain:** Approved as submitted.
9. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities release letters have been received.

Staff recommends **APPROVAL** of the minor subdivision plat.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **CRADDOCK**, the TMAPC voted 6-0-0(Bayles, Carr, Covey, Craddock, Krug, Zalk, "aye"; no "nays"; none "abstaining"; Shivel, Walker, Whitlock, "absent") to **APPROVE** the Minor Subdivision Plat for 33rd Center per staff recommendation.

Commissioner Walker returned at 1:39pm.

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PUBLIC HEARING-COMPREHENSIVE PLAN AMENDMENTS

Items 7, 8, and 9 were presented together.

- 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, December 21, 2022 and January 4, 2023)

STAFF RECOMMENDATION:

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.

The motion was made to approve TCCP-11, CZ-535 and PUD-865 per staff recommendation but the applications failed with 4 nay votes.

TMAPC Action; 7 members present:

On **MOTION** of **WALKER**, the TMAPC voted 3-4-0(Carr, Walker, Zalk, “aye”; Bayles, Covey, Craddock, Krug, “nays”; none “abstaining”; Shivel, Whitlock, “absent”) to **APPROVE** TCCP-11 as an amendment to the Comprehensive Plan of the Tulsa Metropolitan Area per staff recommendation, resulting in a denial.

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, December 21, 2022 and January 4, 2023)

STAFF RECOMMENDATION:

SECTION I: CZ-534

DEVELOPMENT CONCEPT: The applicant is proposing to rezone from AG to CG to permit commercial development on the subject lot. Per the applicant, there are currently no specific plans for the future uses of the commercial development. The subject lot is located within the Rural Commercial land use designation of the Tulsa County Comprehensive Land Use Plan, specifically within the South Tulsa County area plan. The South Tulsa County area plan was adopted as part of the Tulsa County Comprehensive Land Use Plan on October 26, 2020.

The proposal would be compatible with the general future land use of the area, which designates a Rural Commercial land use designation to the north, south, east and west of the subject lot.

DETAILED STAFF RECOMMENDATION:

CZ-534 is non-injurious to surrounding proximate properties;

CZ-534 is compatible with the Rural Commercial land use designation of the Tulsa County Comprehensive Land Use Plan;

CZ-534 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends **Approval** of CZ-534 to rezone property from AG to CG.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is located within the Rural Commercial land use designation of the Tulsa County Comprehensive Plan as identified in the Unincorporated Tulsa County Land Use Designations (South Tulsa County) portion of the Comprehensive Plan.

Land Use Vision:

Land Use Plan map designation: Rural Commercial

This designation provides for a mix of retail and service uses that are typically needed by residents in rural areas and surrounding agricultural operations. Developments in Rural Commercial designated areas may include a mix of uses, recognizing that separation of uses is not practical in a rural setting.

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: US Highway 75 is designated as a Freeway.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is currently vacant.

Environmental Considerations: None

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
US Hwy 75	Freeway	Per ODOT Standards	4

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area Stability Growth	of or	Existing Use
North	AG	Rural Commercial	N/A		Vacant
South	CS	Rural Commercial	N/A		Commercial
East	AG	Rural Commercial	N/A		Single-Family/Agricultural
West	AG	Rural Commercial	N/A		Single-Family

SECTION III: Relevant Zoning History

History: CZ-534

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

Surrounding Property:

CBOA-2306 August 2008: The Board of Adjustment **approved** a *Use Variance* to permit a taxidermist (Use Unit 15) in an AG district, on property located at NE/c Hwy 75 and W. 211th St.

CBOA-1729 April 2000: The Board of Adjustment **approved** a *Use Variance* to permit agriculture sales in an AG zoned district, on property located at 20601 South US Hwy-75.

CBOA-1711 March 2000: The Board of Adjustment **approved** an Appeal from determination of County Inspector, classifying proposed use in Use Unit 15; & a request for a Special *Exception* to permit Use Unit 15 use in CS zoned district, to permit sales of instruments, supplies and equipment for use in measurement of natural gas, including testing and calibration of instruments equipment and products, on property located at 20600 South Vancouver.

CBOA-1499 April 1997: The Board of Adjustment **approved** a *Special Exception* to permit mobile home sales in a CS district, on property located at 20612 South Highway 75.

CBOA-791 December 1987: The Board of Adjustment **approved** a *Special Exception* to permit an automotive and allied activity in a CS zoned district, on property located at 206th Street South and US Highway 75.

CBOA-561 June 1985: The Board of Adjustment **approved** a *Variance* to permit to permit two dwelling units per lot of record in an AG zoned district, on property located at 201st Street and 75 Highway.

Applicant Comments:

Mr. Covey stated the Land Use designation for the area is Rural Residential/Agriculture and that was approved by TMAPC in November 2020 and BOCC in December 2020. He stated that was 2 years ago and now staff is recommending that it change again.

Staff stated the applicant has requested a Land Use change from the Rural Residential to Industrial and a rezoning from Agriculture to Light Industrial. He stated from staff perspective this change works because there is a huge industrial park right across the expressway that uses the same vehicular access. Staff stated just looking at the map, it looks out of context, but when step back and look at the county as a whole this is a small expansion of the existing employment area on the east side. He stated with the floodplain area on the west he feels like it is a fairly isolated request. Staff stated Mr. Covey is correct that two years ago this area was contemplated to be residential.

Mr. Covey asked if staff saw Highway 75 as a hard barrier separating industrial from residential.

Staff stated that is certainly a logical barrier but the Bird Creek boundary to the west is a much more significant barrier to development than the highway and he believes because the highway is there, that actually provides a higher level of transportation service than they would expect to see for a Rural Residential development. He stated the other interesting part is that in the rural residential development at this location there are no services such as grocery stores immediately close or other things that a typical residential neighborhood would

hope to have close by. Staff stated so the question is does the commercial services come first or the people come first or, in this essence, does the industry come first and industry coming first made some sense.

Ms. Bayles stated she heard staff say they thought there was adequate infrastructure already in place for approval of this application and asked if they would identify what that was.

Staff stated primarily the highway and the access to the highway from the subject property. He stated on the eastside is North Pittsburgh Avenue, it is a collector Street, and it goes all the way from 76th Street North down to 66th Street North. It is admittedly a two lane street but the Comprehensive Plan calls that an industrial and residential collector. Staff stated the access to highway 75 is a full interchange at the north and south end of the site. He stated sanitary sewer is probably the biggest question. There is sanitary sewer available to the east.

Applicant Comments:

Lou Reynolds 2727 East 21st Street, Suite 200, Tulsa, OK 74114

Mr. Reynolds stated he represents Tetra Development. He stated John Parks from Tetra is present if needed. Mr. Reynolds stated this case is exactly what comprehensive planning is about. He stated the Comprehensive Plan is a policy document and serves as a guide for future growth and development. Mr. Reynolds stated he is reading from the Comprehensive Plan and it goes on to say communities participate in the comprehensive planning process to be proactive about growth and to take advantage of opportunities to further enhance community quality of life today and in the future. He stated that is what is before Planning Commission today. Mr. Reynolds stated right now the property is designated Rural Residential/Agriculture. He stated the City has completed a giant water line loop around the city limits that runs around the south side of this property and water and sewer are readily available now for this property. He stated there is also electrical service and communication services available. Mr. Reynolds stated the current designation doesn't mean the property should be developed as Rural Residential/Agriculture. He stated the properties to the east and south are both designated as industrial. Mr. Reynolds stated the existing highway infrastructure and the Major Street and Highway Plan both support industrial development in this area and Cherokee Industrial Park is on the other side of the road and shares the exact same type of transportation network while the subject property.

Mr. Craddock stated he wanted to make a point that the AG zoning designation in the Comprehensive Plan for Tulsa County is not the means to an end. He stated it is not just a holding place until zoned something else it is an extremely important zoning classification.

Mr. Covey asked if the applicant met with the neighbors.

Mr. Reynolds stated he personally met with a few but Mr. Parks met with them before Mr. Reynolds was involved in the case.

Interested Parties:

Tom McCoy 7590 North Harvard Avenue, Sperry, OK 74073

Mr. McCoy stated this whole process is simply a big fishing expedition on behalf of the applicant to put up a big sign that says, will build to suit. He stated they do not have an end user and they want to throw a whole bunch of other stuff into the PUD. Mr. McCoy stated he found it ironic that in Mr. Reynolds comments he said that this is "going to enhance the community quality as indicated in the Tulsa Comprehensive Land Use Plan." He stated there are a tremendous number of signatures of people that are opposed to this application in this very neighborhood. Some of those neighbors are unable to attend this but their signatures in the agenda packet represent how they feel. Mr. McCoy stated and his presentation today speaks for the neighborhood. He stated the Land Use Plan was adopted about two years ago with significant public input and significant public input is a key to this process and it gives merit to the plan. Mr. McCoy stated residents, businesses and future landowners rely on this document to make land decisions. This is proactive planning and it allows the the County to prevent land use conflicts before they materialize and guide sustainable development. He stated it also provides a predictable business environment, protecting residents from environmental harm, and setting consistent expectations in the County. Mr. McCoy asked so what has changed in the last two years. He stated that would be a logical question. He stated the applicant said that the ever expanding need for commercial and industrial land in this area is outpacing available property but the evidence supports the opposite. There are undeveloped tracts all around the subject property and on the other side of Highway 75. Mr. McCoy stated the closest parcels of land to the subject property has sat there without any development plans 3 and a half years after the zoning was approved at TMAPC. He stated is development outpacing available property, he does not think so. Mr. McCoy stated the applicant has included a list of regional outreach contacts in the staff report that the applicant has been working with that he says confirmed the need for this type of development within the Tulsa Metropolitan Area. He stated would you expect any of these people to say no, we don't need this. This is simply a list of people whose job it is to promote economic development, not evidence that this type of project is needed.

Mr. Covey asked Mr. McCoy if there are actual specifics that he doesn't like or does he not wasn't the project at all.

Mr. McCoy stated there are three items that are not being effectively addressed in the PUD, there are screening, noise, lighting, and he would add traffic.

Mr. Covey asked if he was in support of the subject property going industrial.

Mr. McCoy stated "no", they are not in support they are opposing it. The document that protects the people of the county is a long term land use plan, not a PUD. He stated if you change the long term land use plan in an area where there's significant opposition to it that means you can go change this anywhere you want. He stated there is not a demonstrated need for the change and the people in the area do not want it.

Brad Fritz 4016 East 76th Street North, Sperry, OK 74073

Mr. Fritz stated he lives at the north end of the subject property. He stated the applicant was talking about water being available on the north side. That would be coming from rural water out of Collinsville and when Mr. Fritz purchased his acreage he had to fight for that water tap deed and was told that would be the last available water tap coming out of that water district. Mr. Fritz stated he is trying to raise a family there and if this is allowed it will significantly impact his property.

James Piland 3341 East 76th Street North, Sperry, OK 74073

Mr. Piland stated his home is just north of the subject property along 76th Street North. He stated he has concerns about the visual pollution. Mr. Piland stated he has made a significant investment in his home with a front porch that he can sit on and look at trees and countryside and he doesn't want to look at the side of tall warehouses. Mr. Piland stated this morning on his way to the meeting he passed a neighbor who lives on Pittsburgh, who he sees frequently pulling a trailer with a water tank headed to town to go get water for his house. He doesn't have a water tap and Mr. Piland sees him do it all the time so to say that it's available and it's there, someone needs to tell that gentleman who pulls water in a truck every day for his family. Mr. Piland stated he wants to see development and economic growth in Tulsa County but it baffles him that there is a large Industrial Park just for that across a highway which is a significant barrier to residential but they want to change the Land Use Plan that staff has spent time and money and effort to develop and say well, let's just throw that out and let's just extend it. He stated he does not think that should happen.

Mr. Reynolds stated everything that he has heard from the interested parties is addressed in the PUD. He stated the gentleman that doesn't have water will have water after they bring the water line there. He stated there is sanitary sewer available. Mr. Reynolds stated this PUD does all the things they talked about with the neighbors in earlier meetings. He stated the vacancy rates of industrial spaces are just ridiculously low in our community.

Mr. Zalk stated he suspects that the economic justification for building an industrial park in the applicant's eyes are merited. He asked the applicant why he thinks there are so many unused parcels and undeveloped acres that are not being developed for industrial use.

Mr. Reynolds stated the rate of vacancies is 3.9% and that is not much vacancy.

TMAPC Comments:

Mr. Zalk stated they heard a lot of opposition, the most compelling being that there is other property that the land use and zoning are in place in the neighborhood and nothing's being utilized for industrial use. He stated the change in the Comprehensive Plan to Industrial is also a significant objection since it was just changed 2 years ago to Rural Residential/Agricultural.

Mr. Covey stated he struggles with all of the statistics and data points that were referenced. He stated weren't those considered two years ago when the County approved the Comprehensive Plan. Mr. Covey stated Rural Residential/Agriculture has a hard barrier separating the industrial portion to the east by Highway 75. He stated why does TMAPC approve Comp plans or approve land use designations for areas if that's not what the plan is. Mr. Covey stated residents, business owners, and public officials, have to rely on something and that is what the Comp plan does. He stated and a document that was approved just two years ago says that this area should be residential/agricultural. Mr. Covey stated he understand that plans change but that is a significant change and what do we tell these residents. Mr. Covey stated significant public input was taken into account in creating the Comprehensive Plan, just like the significant public input with the city plan that's currently underway. He stated he struggles with what's changed in the last two years.

Ms. Bayles she agrees with Chairman Covey. She stated given the number of continuances that have occurred on this case she had the opportunity to drive 76th Street North and 66th Street North east and west of Highway 75 once in a large SUV and once in a small compact car and there was a lot of traffic. Ms. Bayles stated she didn't feel good about 66th Street North while driving that compact car. She stated she does not see any substantial change from what occurred in 2020 when this Comprehensive Plan was adopted that warrants changing it now.

Ms. Carr stated this Comprehensive Plan was approved before she was on this Commission. She stated she thinks Mr. Reynolds plans are well thought out and has a lot of great aspects to it. Ms. Carr stated at the City they are always talking about more places for development so it's hard for her to think that no more is needed. She stated they spend so much time and money and federal dollars on getting more business parks and development parks but she gets everyone's hesitations with the Comprehensive Plan being only 2 years old.

Mr. Craddock stated he wrestled with the fact that this was approved 2 years ago. He stated when the Comprehensive Plan was revised everyone was fully aware that all the industrial development was happening on the other side of

Highway 75 and they still said the subject property was residential. To him that is the biggest part. Mr. Craddock he has been consistent that the property owners need to rely as much as possible on what their zoning is and trust that we will support those designations and to him this is a major change. He stated he loves development, but the volume of people and the volume of change to this area, and the newness of the change to him is very troubling.

Mr. Walker asked if staff was considering this development as an extension of the Cherokee Industrial Park going to the West and that Highway 75 is not a hard barrier.

Staff stated he wouldn't say that it's an extension of the Cherokee Industrial Park, but was suggesting is that this is adjacent to a very large employment center, and that there is plenty of vehicular access. He stated he was trying to say that the highway isn't always the boundary that sometimes it's something more than a highway and in this instance he felt like that the floodplain was really the barrier and that it could be considered a more stable barrier than a highway edge.

The motion was made to approve CZ-535 per staff recommendation but the application failed with 4 nay votes.

TMAPC Action; 7 members present:

On **MOTION** of **WALKER**, the TMAPC voted 3-4-0(Carr, Walker, Zalk, "aye"; Bayles, Covey, Craddock, Krug, "nays"; none "abstaining"; Shivel, Whitlock, "absent") to **APPROVE** CZ-535, resulting in a denial.

* * * * *

- 9. PUD-865 Lou Reynolds** (County) Location: Northwest of intersection of Highway 75 and East 66th Street North requesting rezoning from **AG to IL and PUD-865 (Related to CZ-535 and TCCP-11)** (Continued from January 4, 2023)

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.

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.

- Use Unit 17: Automotive and Allied Activities; to include Electric Vehicle Charging Station.
- Use Unit 19: Hotel, Motel, and Recreational Facilities.
- Use Unit 21: 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 boundary	90 Feet
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 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 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 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 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 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.

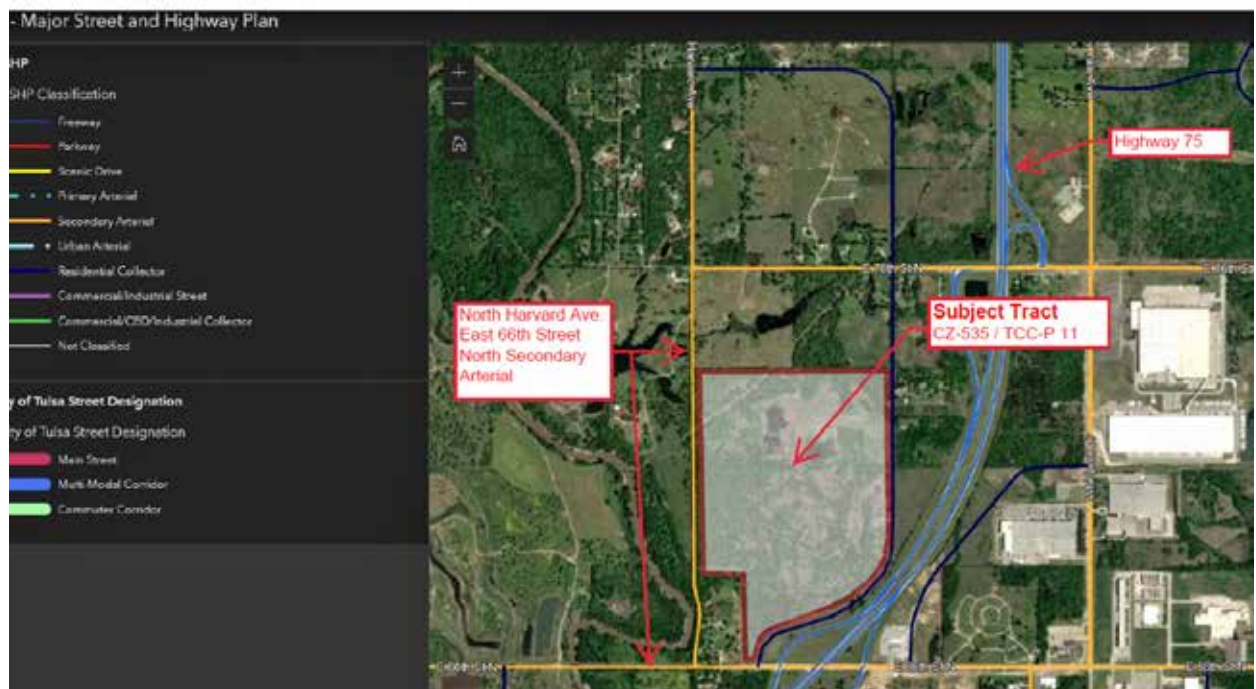
Industrial (proposed designation in TCCP-11)

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.

The motion was made to approve PUD-865 per staff recommendation but the applications failed with 4 nay votes.

TMAPC Action; 7 members present:

On **MOTION** of **WALKER**, the TMAPC voted 3-4-0(Carr, Walker, Zalk, “aye”; Bayles, Covey, Craddock, Krug, “nays”; none “abstaining”; Shivel, Whitlock, “absent”) to **APPROVE** the PUD-865, resulting in denial.

* * * * *

10.Z-7691 Whitaker Architects, PC (CD 6) Location: North and east of the northeast corner of East 11th Street South and South 193rd East Avenue requesting rezoning from **AG to IM**

STAFF RECOMMENDATION:

SECTION I: Z-7691

DEVELOPMENT CONCEPT: The subject property was annexed into the City Limits of Tulsa with AG designation and has never been changed. The site and buildings on the property are being used for industrial purposes. The applicant has stated that the business is planning an expansion that cannot be achieved with the AG zoning.

DETAILED STAFF RECOMMENDATION:

The subject tract and surrounding properties are located within an Employment Land Use designation in the City of Tulsa Comprehensive plan. The site was annexed into the City of Tulsa with AG zoning and is not part of a small area plan that might provide additional guidance and,

Zoning compliance has not been determined by the City of Tulsa however staff is confident that the uses allowed in an IM district are consistent with the existing and planned uses on the site.

The normal IM zoning district along with normal supplemental regulations are compatible with the surrounding proximate properties and,

Staff anticipates a wide range of industrial uses that may produce some moderate adverse land use or environmental impacts in terms of their operation and appearance and,

The optional development plan that was contemplated by the applicant in the original application is not necessary at this location and staff supports IM zoning on the subject property therefore,

Staff recommends Approval of Z-7691 to rezone property from AG to IM without an optional development plan.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Industrial zoning categories are generally consistent with Employment land use designation. The Tulsa Comprehensive plan does not provide clear guidance for locating moderate or heavy industrial uses. This unplatted neighborhood has been an established industrial area for decades and its anticipated expansion is consistent with the expected development pattern on the west, north and east.

Land Use Vision:

Land Use Plan map designation: Employment

Employment areas contain office, warehousing, light manufacturing, and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity.

Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

Areas of Stability and Growth designation: Area of Growth

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

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

Transportation Vision:

Major Street and Highway Plan: None

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None except that property was annexed in 2001 as AG zoned property and has never been rezoned.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary:

The property has two single story metal buildings with gravel parking and outdoor storage area. The building and site development is similar to the other industrial sites that have been developed along 6th Street. The zoning code requires setbacks from AG and R zoned districts. In this instance the rezoning will create a non-conforming building because the adjacent properties are all zoned AG.

See snippet below from northeast corner looking south:



Environmental Considerations: None that would affect site redevelopment.

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 6 th Street South	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available with services to the existing building.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area Stability or Growth	Existing Use
North	AG	Employment	Growth	Industrial
East	AG	Employment	Growth	Industrial
South	AG	Neighborhood Center	Growth	Undeveloped
West	AG	Employment	Growth	Undeveloped

SECTION III: Relevant Zoning History

Subject Property:

ZONING ORDINANCE: Ordinance number 20244 dated November 20, 2001 established zoning for the subject property.

No records could be found for the subject property or properties within 300 ft of the subject property other than the ordinance above which annexed this property (as well as many others into the City of Tulsa’s corporate limits from Wagoner County).

Wagoner County was subsequently contacted to see if there were any records for this property prior to its annexation into the City of Tulsa. Staff was directed to the plats of the property: Port Area Industrial Park Plat (approved 1980) and Port Area Industrial Park Replat (approved 1984). Both plats list a restriction and/or limitation that states “All lots in the tract shall be known, described, and used as general commercial and industrial lots. Seeing as zoning was not established in Wagoner County until July of 1981, it would appear that the covenant or deed restriction listed on the plat to restrict the land to commercial general and industrial uses was not only used to regulate development but continued to run with the land even though it may not have been enforceable due to the introduction of the new code. Additionally, as Wagoner County’s original mylar zoning map shows the subject property and the surrounding subdivision as having AG zoning and the ordinance that annexed this land into the City of Tulsa’s corporate limits indicated that all properties included in this ordinance were zoned AG and remained AG upon their annexation, it would appear that the land was never been re-zoned and is therefore non-conforming.

Surrounding Property:

Z-7592 March 2021: All concurred in **approval** of a request for *rezoning* a 1+ acre tract of land from AG to IH on property located North & East of the Northeast corner of East 11th Street South & South 193rd East Avenue, Wagoner County.

Z-7567 October 2020: All concurred in **approval** of a request for *rezoning* a 1+ acre tract of land from AG to IH on property located North & East of the Northeast corner of East 11th Street South & South 193rd East Avenue on 6th Street.

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(Bayles, Carr, Covey, Craddock, Krug, Walker, Zalk, "aye"; no "nays"; none "abstaining"; Shivel, Whitlock, "absent") to recommend **APPROVAL** of the IM zoning for Z-7691 per staff recommendation.

Legal Description for Z-7691 :

The West 253.25 Feet of Lot thirteen(13) Port Area Industrial Park a subdivision of Part of Lot ten (10) and part of the northeast quarter of the southwest quarter (NE4/ SW14) of Section Six (6) Township Nineteen(19) North, Range Fifteen(15) East of the Indian Meridian, Wagoner County, State of Oklahoma,

* * * * *

11. Z-7692 Trisha White (CD 1) Location: East of the southeast corner of Martin Luther King Jr Blvd and East Young Place requesting rezoning from **RS-3 to RS-4**

STAFF RECOMMENDATION:

SECTION I: Z-7692

DEVELOPMENT CONCEPT: The existing lot is 50' wide and approximately 140 feet deep. The lot width dimension is non-conforming for RS-3 lot. RS-3 minimum lot width is 60 feet. RS-4 minimum lot width is 50 feet. The applicant has applied for rezoning for two reasons.

- 1) Change the zoning classification so the lot can match the RS-4 lot standards.
- 2) RS-4 zoning provides an opportunity to build a duplex if approved at the board of adjustment with a special exception approval.

DETAILED STAFF RECOMMENDATION:

The uses along with the lot and building regulations defined in the RS-4 zoning district is consistent with the Tulsa comprehensive plan for an existing neighborhood land use designation and,

All of the surrounding property owners are zoned RS-3 however all of the lots in the block and on both sides of East Young Place between Martin Luther King Jr. Boulevard are 50' wide lots. This zoning designation is consistent with the lot size that was originally platted and,

Z-7692 is in the Unity Heritage neighborhood sector plan which was adopted as part of the Tulsa Comprehensive Plan in 2016. Part of that plan goal is to provide a mix of housing opportunities. This area is included in the medium density residential area identified in the sector plan. The zoning classification is consistent with that goal therefore,

Staff recommends Approval of Z-7692 to rezone property from RS-3 to RS-4.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: *Lot and building regulations in the RS-4 district are consistent with the Unity Heritage Neighborhoods Neighborhood plan and the Existing Neighborhood land use designation.*

Land Use Vision:

PlaniTulsa Land Use Plan map designation: Existing Neighborhood

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

Unity Heritage Neighborhood Plan for Medium density residential areas:

These areas generally include detached single-family houses representative of the traditional neighborhood pattern. Lot sizes tend to be consistent, though the scale of housing varies. Throughout the area, medium density residential area could include small townhouses or apartment buildings, through such development should be integrated into the character of the neighborhood in terms of scale and form.

PlaniTulsa Areas of Stability and Growth designation: Area of Stability

The Areas of Stability includes approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of

an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

Transportation Vision:

Major Street and Highway Plan: None

Small Area Plan: Unity Heritage Neighborhoods Sector Plan

The Unity Heritage Plan was adopted in 2016 and adopted 8 goals and 58 implementation measures. About 45% of those implementation measures are complete or ongoing as of July 1,2020.

Special District Considerations: The Unity Heritage Neighborhoods plan recognizes appropriate infill and suggest new building construction similar to the existing neighborhood scale and form.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The property is vacant, and the house has been removed see image below.



Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
East Young Place	Residential street	50'	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area Stability Growth	of or	Existing Use
North	RS-3	Existing Neighborhood	Area Stability	of	Residential
East	RS-3	Existing Neighborhood	Area Stability	of	Residential
South	RS-3	Existing Neighborhood	Area Stability	of	Residential
West	RS-3	Existing Neighborhood	Area Stability	of	Residential

SECTION III: Relevant Zoning History

History: Z-7692

ZONING ORDINANCE: Ordinance number 11918 dated September 1, 1970, established zoning for the subject property.

Subject Property:

SA-3 April 2018: All concurred in **approval** at Tulsa City Council (TMPAC recommended **denial**) to apply supplemental zoning, HNO (Healthy Neighborhoods Overlay), to multiple properties within the plan area boundaries of Greenwood Heritage Neighborhoods Sector Plan (also known as the Unity Heritage Neighborhoods Plan), 36th Street North Corridor Small Area Plan, and The Crutchfield Neighborhood Revitalization Master Plan (related to ZCA-7).

Surrounding Property:

Z-7480 July 2019: All concurred in **approval** of a request for *rezoning* a 0.15+ acre tract of land from RS-4 to RS-5 on property located Northwest corner of West King Street and North Main Street.

SA-3 April 2018: All concurred in **approval** at city council (TMPAC recommended **denial**) to apply supplemental zoning, HNO (Healthy Neighborhoods Overlay), to multiple properties within the plan area boundaries of Greenwood Heritage Neighborhoods Sector Plan (also known as the Unity Heritage Neighborhoods Plan), 36th Street North Corridor Small Area Plan, and The Crutchfield Neighborhood Revitalization Master Plan (related to ZCA-7).

BOA-15327 December 1989: The Board of Adjustment **approved** a *Variance* to permit the required 20' setback from Detroit Avenue to 11', on property located at NW/c North Detroit and East Young Street.

Mr. Covey stated so this will be a spot of RS-4 in a sea of RS-3.

Staff stated that is the reason he wanted to point out that all of these lots are non-conforming RS-3 in size. He stated he doesn't see this as anything other than getting the correct zoning on this lot.

Mr. Craddock asked if the houses were before the RS-3 zoning. He asked if the houses were already there when the zoning was applied to the lots.

Staff stated he believes so.

Mr. Craddock stated so its not that the houses are non-compliant its that the noncompliance was created by the zoning. He stated to change one lot in the middle of a neighborhood is odd.

Staff stated there are places all over the city that are like this. He stated there are places in Brookside that are zoned RS-3 and then someone has come along and assembled some lots and rezoned it to RS-4.

Mr. Craddock stated he is looking at the consistency of single family residential where the neighbors are relying upon single family residence to be rebuilt in the neighborhood.

Staff stated there is a separate process to get there.

Mr. Craddock stated he understands that but they are helping them in that process.

Staff stated he would add that this is part of the Unity Heritage Neighborhood Sector Plan. He stated in that Sector Plan it is specific about appropriate new infill development and this is a single opportunity to help with one of those goals.

Mr. Craddock asked if that plan anticipate single family houses or multifamily houses.

Staff stated both. He stated the plan suggests whatever gets built to be compatible and to scale. Staff stated the houses around the subject property are small, but they have vertically oriented tall roofs and those are the kind of things he would expect to see whether it's a single family home or a duplex.

Ms. Krug asked if this is not approved does it continue to be an RS-3 lot in the midst of legal non-conforming RS-3 lots. She asked if the lot is big enough to build a house on legally.

Staff stated "yes", on a non-conforming lot there are some provisions in the Zoning Code that reduce open space requirements and so it could be significantly different than what is there with the existing zoning.

Tricia White 1447 West Boston Avenue, Tulsa, OK

Ms. White stated she has been working closely with INCOG about what can be done on the subject lot. She stated in the Unity Heritage Neighborhood Plan it talked about having different types of housing. Ms. White stated they want to do a duplex. She stated she has lived in North Tulsa all her life except for four years in Texas. Ms. White stated she does not know about zoning but there are duplexes in the area that looks good among the single family houses. She stated she wanted to increase opportunities for people who may be moving out on their own for the first time and maybe can't afford a single family home just yet.

Mr. Craddock asked if the applicant has had any community engagement.

Ms. White stated "yes", they had gone throughout the neighborhood and passed out flyers about what they were wanting to develop. she stated they did not have any one call and complain. Ms. White stated one neighbor called and just asked some more questions but did not have a problem with it.

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(Bayles, Carr, Covey, Craddock, Krug, Walker, Zalk, "aye"; no "nays"; none "abstaining"; Shivel, Whitlock, "absent") to recommend **APPROVAL** of the RS-4 zoning for Z-7692 per staff recommendation.

Legal Description for Z-7692 :

LOT-3-BLK-2, RESERVOIR VIEW ADDN SUB B3 ACRE GARDENS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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12. Z-7693 Trisha White (CD 1) Location: South of the southeast corner of East Virgin Street and North Frankfort Avenue requesting rezoning from **RS-4 to RS-5**

STAFF RECOMMENDATION:
SECTION I: Z-7693

DEVELOPMENT CONCEPT: The existing lots exceed the minimum lot standard for RS-4 and RS-5. The parcels are at the end of a block and well suited to integrate smaller lots into the neighborhood without disturbing the character of the area. RS-5 minimum lot width is 30 feet. The applicant has applied for rezoning for two reasons.

- 1) Change the zoning classification so the parcels can be redeveloped to provide a variety of housing options
- 2) Repurpose vacant properties.

DETAILED STAFF RECOMMENDATION:

The uses along with the lot and building regulations defined in the RS-5 zoning district is consistent with the Tulsa comprehensive plan for an existing neighborhood land use designation and

All of the surrounding property owners are zoned RS-4 and include a wide variety of lot sizes. RS-5 lot sizes are smaller than may of the lots in the area however the variety of lot sizes does not establish a pattern that would be disruptive to the neighborhood character and,

The subject tracts identified in Z-7693 are in the Unity Heritage neighborhood sector plan which was adopted as part of the Tulsa Comprehensive Plan in 2016. Part of that plan goal is to provide a mix of housing opportunities and,

This area is included in the medium density residential area identified in the sector plan. The zoning classification is consistent with that goal and,

The applicant has provided evidence that she has engaged in a neighborhood engagement process therefore,

Staff recommends Approval of Z-7693 to rezone property from RS-4 to RS-5.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: *Lot and building regulations in the RS-5 district are consistent with the Unity Heritage Neighborhoods Neighborhood plan and the Existing Neighborhood land use designation.*

Land Use Vision:

Land Use Plan map designation: Existing Neighborhood

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

Areas of Stability and Growth designation: Area of Stability

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

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: *Lot and building regulations in the RS-5 district are consistent with the medium density residential vision of the Unity Heritage Neighborhoods Neighborhood plan and the Existing Neighborhood land use designation.*

Land Use Vision:

Tulsa Comprehensive Plan land use map designation: Existing Neighborhood

The Existing Neighborhood category is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and

transit so residents can better access parks, schools, churches, and other civic amenities.

Unity Heritage Neighborhood Plan for Medium density residential areas:

These areas generally include detached single-family houses representative of the traditional neighborhood pattern. Lot sizes tend to be consistent, though the scale of housing varies. Throughout the area, medium density residential area could include small townhouses or apartment buildings, through such development should be integrated into the character of the neighborhood in terms of scale and form.

Tulsa Comprehensive Plan Areas of Stability and Growth designation:
Area of Stability

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

Transportation Vision:

Major Street and Highway Plan: None

Small Area Plan: Unity Heritage Neighborhoods Sector Plan

The Unity Heritage Plan was adopted in 2016 and adopted 8 goals and 58 implementation measures. About 45% of those implementation measures are complete or ongoing as of July 1,2020.

Special District Considerations: The Unity Heritage Neighborhoods plan recognizes appropriate infill and suggest new building construction similar to the existing neighborhood scale and form.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The subject properties are vacant and buildings have been removed.*

See snippet below: View is from northwest corner looking southeast.



Environmental Considerations:

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
East Ute Place	Residential Street	50'	2
North Frankfort Avenue	Residential Street	50'	2
East Ute Street	Residential Street	50'	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-3	Existing Neighborhood	Area of Stability	Residential
East	RS-4	Existing Neighborhood	Area of Stability	Residential
South	RS-4	Existing Neighborhood	Area of Stability	Residential
West	RS-3	Existing Neighborhood	Area of Stability	Residential

SECTION III: Relevant Zoning History

History: Z-7693

Subject Property:

ZONING ORDINANCE: Ordinance number 11918 dated September 1, 1970, established zoning for the subject property.

SA-3 April 2018: All concurred in **approval** at Tulsa City Council (TMPAC recommended **denial**) to apply supplemental zoning, HNO (Healthy Neighborhoods Overlay), to multiple properties within the plan area boundaries of Greenwood Heritage Neighborhoods Sector Plan (also known as the Unity Heritage Neighborhoods Plan), 36th Street North Corridor Small Area Plan, and The Crutchfield Neighborhood Revitalization Master Plan (related to ZCA-7).

BOA-13884 December 1985: The Board of Adjustment **denied** a *Special Exception* to permit a home occupation (car repair shop) in an RM-1 zoned district, on property located at 504 East Ute Street.

Surrounding Property:

SA-3 April 2018: All concurred in **approval** at city council (TMPAC recommended **denial**) to apply supplemental zoning, HNO (Healthy Neighborhoods Overlay), to multiple properties within the plan area boundaries of Greenwood Heritage Neighborhoods Sector Plan (also known as the Unity Heritage Neighborhoods Plan), 36th Street North Corridor Small Area Plan, and The Crutchfield Neighborhood Revitalization Master Plan (related to ZCA-7).

BOA-22113 August 2016: The Board of Adjustment **approved** a *Special Exception* to permit a manufactured home in the RS-4 district & a *Special Exception* to extend the one-year time limit on manufactured homes to allow the home permanently, on property located at 517 E. Ute Street North.

BOA-16094 August 1992: The Board of Adjustment **denied** a *Special Exception* to permit a church in a residential district, on property located at 439 E. Ute.

BOA-10413 April 1979: The Board of Adjustment **approved** a *Variance* to permit building across a lot line in an RS-3 District, on property located at 436 East Virgin Street.

BOA-6826 November 1970: The Board of Adjustment **approved** a *Special Exception* to permit using property for church purposes in an RM-1 district, on property located at 548 East Virgin Street.

BOA-5968 August 1968: The Board of Adjustment **approved** a *Special Exception* to permit off-street parking for church purposes in a U-1C district, on property located at the SW corner of Frankfort Place and Virgin Street.

Mr. Craddock asked if RS-5 zoning was anticipated in the Unity Heritage Neighborhood Plan.

Staff stated there is nothing specific in the plan about any certain zoning classification. He stated but there is language about medium density residential areas. Staff stated in the plan it says that could include small townhouses or apartment buildings and that those type of structures should be integrated into the neighborhood.

Tricia White 1447 West Boston Avenue, Tulsa, OK

Ms. White stated they want to put in duplexes. She stated she wants to increase the opportunities for people who are aging out of their parents homes but want to remain in the same area and need affordable housing. Ms. White stated she passed out flyers explaining what she wanted to do. She also spoke with the President of the Neighborhood Association, and he gave her a letter of approval.

Ms. Carr stated she thinks this is great project to try and keep people in the community. She stated the City of Tulsa is looking for ways to have more housing, and this falls in line with having mixed use.

James Alexander Jr. 431 East Ute Street, Tulsa, OK 74106

Mr. Alexander stated he is a long time resident of the area. He stated this plan is one of the worst plans because it took the citizens out of the plan. He stated this area is a federal entitlement area set up by the United States in 1969, with federal money for that area which promote home ownership. Mr. Alexander stated he is for development, but it has to be the right development for the right area. He stated all the duplexes on Ute have been converted to single family houses. He is not in favor of duplexes.

Mr. Zalk asked if Mr. Alexander received a flyer from the applicant.

Mr. Alexander stated "yes".

Bernice Alexander 431 East Ute Street, Tulsa, OK 74106

Ms. Alexander stated a lot of new development is taking place in this area. She stated the name of the game in this area is home ownership. Ms. Alexander stated she objects to duplexes being built in the area and she will continue to

advocate for the people to be able to own their homes in that area. She stated they are going to continue to advocate for that area to be developed in the way that the people requested that it be developed. Ms. Alexander stated they are for development but in the way that it is supposed to be developed and we're very concerned about people wanting to come in to build duplexes when the goal is for people to become homeowners.

Ms. White stated she was also a resident of this area for most of her life, so she knows what's going on in the area. She stated she has seen all the properties that are vacant and deteriorating and it saddens her. Ms. White stated she started working on purchasing these lots about 15 years ago. She stated she wants duplexes because there are some people who don't know how to own a home. She stated the her project is called Stepping Stone Homes and it is like an incubator for young people who are aging out of their parents houses but can't afford a home. She stated there will be an optional program where they have a partnership with community resources, bankers that teach them how to manage their credit and finances. Ms. White stated they have to cut the yard and there's an opportunity to transition slowly into homeownership, because that's what she wants for everyone is homeownership. She stated she wants to pass down generational wealth.

Ms. Bayles stated diversity of housing types benefit a neighborhood. She stated during her meetings with GTAR, the realtors, and the home builders they would say there were not enough duplexes in the City of Tulsa to address the need. Ms. Bayles stated the applicant is correct that the very specific need of a duplex is not what homeownership is about for some people. So having an opportunity to benefit all sizes and styles of homes and people is really rewarding and she applauds Ms. White for taking that risk in her neighborhood and in her hometown because it is sorely needed.

TMAPC Action; 7 members present:

On **MOTION** of **WALKER**, the TMAPC voted 7-0-0(Bayles, Carr, Covey, Craddock, Krug, Walker, Zalk, "aye"; no "nays"; none "abstaining"; Shivel, Whitlock, "absent") to recommend **APPROVAL** of the RS-5 zoning for Z-7693 per staff recommendation.

Legal Description for Z-7693 :

LOT-16-BLK-1; LOT-17-BLK-1; N. 73' LOT-18-BLK-1, MEADOWBROOK ADDN,
City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

OTHER BUSINESS

13. Commissioners' Comments

None

ADJOURN

TMAPC Action; 7 members present:

On **MOTION** of **WALKER**, the TMAPC voted 7-0-0(Bayles, Carr, Covey, Craddock, Krug, Walker, Zalk, "aye"; no "nays"; none "abstaining"; Shivel, Whitlock, "absent") to **ADJOURN** TMAPC meeting of February 1, 2023, Meeting No. 2883.

There being no further business, the Chair declared the meeting adjourned at 3:21 p.m.

Date Approved:

02-15-2023


Chair

ATTEST: _____

Secretary