

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2792

Wednesday, April 17, 2019, 1:30 p.m.

City Council Chamber

One Technology Center – 175 E. 2nd Street, 2nd Floor

Members Present	Members Absent	Staff Present	Others Present
Covey	Reeds	Chapman	Jordan, COT
Doctor	Ritchey	Foster	Silman, COT
Fothergill		Hoyt	VanValkenburgh, Legal
McArtor		Miller	
Millikin		Sawyer	
Ray		Wilkerson	
Shivel			
Van Cleave			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, April 11, 2019 at 3:25 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 1:30 p.m.

REPORTS:

Chairman's Report: Mr. Covey stated at the April 3, 2019 meeting there was a lot of controversy regarding short term rentals but he thought all the Commissioners did a fabulous job of stating their opinions and he would like to commend everyone the Commissioners and the homeowners who spoke. Mr. Covey stated Ms. Millikin would be leaving the Planning Commission within the next couple of meetings and a secretary will need to be appointed to take over.

Work Session Report: Mr. Covey stated a work session will be held on May 1, 2019 at 11:30 am to discuss Strategic Planning, Revisions to TMAPC Policies and Procedures and Tulsa County Comprehensive Plan amendments.

Director's Report: Ms. Miller reported on City Council and Board of County Commission actions taken and other special projects. Ms. Miller stated the May 1, 2019 Work Session may be cancelled and those items consolidated on the June 5, 2019 Work Session but Ms. Miller will send out email to inform everyone.

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1. **Minutes:**

Approval of the minutes of March 20, 2019 Meeting No. 2790

On **MOTION** of **WALKER**, the TMAPC voted 8-1-0 (Covey, Doctor, Fothergill, McArtor, Millikin, Shivel, Van Cleave, Walker, "aye"; Ray, "nays"; none "abstaining"; Reeds, Ritchey, "absent") to **APPROVE** the minutes of the meeting of March 20, 2019, Meeting No. 2790.

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-713-8 Nick Puma** (CD 8) Location: Southeast corner of East 117th Place South and South Kingston Avenue requesting a **PUD Minor Amendment** to reduce required front setback from 30 feet to 25 feet
3. **PUD-148-6 Carolyn Back/KKT Architects** (CD 6) Location: South and east of the Southeast corner of East 31st Street South and South 129th East Avenue requesting a **PUD Minor Amendment** to allow dynamic display sign
4. **PUD-714-A-2 John Krumme/Riverside Lots, LLC** (CD 2) Location: Southeast corner of South Delaware Avenue and East 101st Street South requesting a **PUD Minor Amendment** to increase the allowable driveway width
5. **Crosstown Industrial No. 2** (CD 3) Reinstatement of Preliminary Plat, Location: East of the southeast corner of East Pine Street and North Garnett Road

TMAPC Action; 9 members present:

On **MOTION** of **WALKER**, TMAPC voted **9-0-0** (Covey, Doctor, Fothergill, McArtor, Millikin, Ray, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Reeds, Ritchey, “absent”) to **APPROVE** Items 2 through 5 per staff recommendation.

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Ms. Millikin read the opening statement and rules of conduct for the TMAPC meeting.

PUBLIC HEARINGS:

- 8. **MPD-2 Nathan Cross** (CD 1) Location: West and north of the northwest corner of West Edison Street and North 41st West Avenue requesting a **Master Plan Development** for private street mixed-use community (Continued from February 20, 2019, March 6, 2019 and March 20, 2019) **(Staff requests a continuance to May 1, 2019)**

TMAPC Action; 9 members present:

On **MOTION** of **WALKER**, TMAPC voted **9-0-0** (Covey, Doctor, Fothergill, McArtor, Millikin, Ray, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Reeds, Ritchey, “absent”) to **CONTINUE** MPD-2 to May 1, 2019

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- 6. **Z-7475 Sheena Grewal** (CD 7) Location: South of the southeast corner of East 61st Street South and South 75th East Avenue requesting rezoning from **RS-3 to OL** (Related to PUD-187-A) (Continued from March 20, 2019) **(Staff requests a continuance to May 15, 2019)**

TMAPC Action; 9 members present:

On **MOTION** of **WALKER**, TMAPC voted **9-0-0** (Covey, Doctor, Fothergill, McArtor, Millikin, Ray, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Reeds, Ritchey, “absent”) to **CONTINUE** Z-7475 to May 15, 2019.

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- 7. **PUD-187-A Sheena Grewal** (CD 7) Location: South of the southeast corner of East 61st Street South and South 75th East Avenue requesting a **PUD Major Amendment** to allow office use (Related to Z-7475) (Continued from March 20, 2019) **(Staff requests a continuance to May 15, 2019)**

TMAPC Action; 9 members present:

On **MOTION** of **WALKER**, TMAPC voted **9-0-0** (Covey, Doctor, Fothergill, McArtor, Millikin, Ray, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Reeds, Ritchey, “absent”) to **CONTINUE** PUD-187-A to May 15, 2019.

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9. **Z-7473 Phil Frazier** (CD 6) Location: South of the southeast corner of East 4th Place South and South 129th East Avenue rezoning from **RS-2 to CG with optional development plan** (Continued from April 3, 2019)

STAFF RECOMMENDATION:

SECTION I: Z-7473

DEVELOPMENT CONCEPT: The trucking company has been a non-conforming use on the property for several years and it has come to the attention of the property owner that the site must be zoned to bring the use into compliance. The request from the applicant is for CG zoning but limits the uses to a trucking company.

SECTION II: Z-7473 Development Plan Standards

The following Use Categories, Subcategories and Specific Uses shall be allowed in conjunction with all supplemental regulations and all other zoning regulations as defined in the Tulsa Zoning Code except as further limited below:

PERMITTED USE CATEGORIES:

~~Commercial Use Category:~~ Limited to the following Use Categories, Subcategories and specific uses

~~1. a.~~ Public, Civic and Institutional: **limited to the following subcategories and specific uses**

- i. College or University
- ii. Day Care limited to the following subcategories
- iii. Hospital
- iv. Library or Cultural Exhibit
- v. Religious Assembly
- vi. Safety Service
- vii. School
- viii. Utilities and Public Service Facility (Minor)

~~2. b.~~ Commercial: **limited to the following subcategories and specific uses**

- i. Animal Service and all specific uses
- ii. Assembly and Entertainment (Small)
- iii. Broadcast or Recording Studio

- iv. Commercial Service and all specific uses
 - v. Financial Services and all specific uses
 - vi. Funeral or Mortuary Service
 - vii. Lodging (Hotel/motel)
 - viii. Office and all specific uses
 - ix. Restaurants and Bars and all specific uses
 - x. Retail Sales with all specific uses
 - xi. Studio, Artist or Instructional Service
 - xii. Trade School
- 3. 2. Wholesale, Distribution and Storage: limited to the following subcategories and specific uses**
- i. Equipment and Materials Storage Outdoor
 - ii. Trucking and Transportation Terminal

VEHICULAR ACCESS AND PARKING:

Vehicular access to and from East 4th Place and South 130th East Avenue is prohibited for all uses in the Wholesale, Distribution and Storage Use Category of the Zoning Code.

All parking and outside storage areas shall be paved with an all-weather dust free surface

All gravel or pavement in the planned right of way shall be removed and replaced with top soil and sod except for a single access to S. 129th East Avenue.

SCREENING

A screening fence with a minimum height of 6 feet is required along the property line adjoining and adjacent to property which is currently zoned RS and OL.

DETAILED STAFF RECOMMENDATION:

Z-7473 requesting CG with the development plan provisions outlined in Section II above are consistent with the Mixed-use land use designation in the Tulsa Comprehensive Plan and,

Z-7473 is consistent with the expected development pattern in the area and,

The development plan restrictions outlined in section II provide additional screening and access provisions from the abutting property while being used for wholesale, distribution and storage and is non-injurious to the surrounding property owners therefore,

Staff recommends approval of Z-7473 to rezone property from RS-2 to CG but only with the optional development plan.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Z-7473 is consistent with the Mixed-use Corridor land use designation.

Land Use Vision:

Land Use Plan map designation: Mixed-use Corridor

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

Areas of Stability and Growth designation: Area of Growth

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: Secondary arterial with no Tulsa street designation.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The property includes a residential structure with gravel parking and storage area for a trucking and transportation business. The use is not allowed in the existing RS-2 zoning district.

Street view snippet from southwest looking northeast:



Street view snippet from intersection of 4th PI at S. 130th East Avenue looking west:



Environmental Considerations: None that would affect site redevelopment

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South 129 th East Avenue	Secondary Arterial	100 feet	4
East 4 th Place	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	CG /PUD 537	Mixed-use Corridor	Growth	Mini Storage
East	CG /PUD 537 and RS-2	Mixed-use Corridor and New Neighborhood	Growth	Mini Storage and Church
South	CG /PUD 537	Mixed-use Corridor	Growth	Single family residence
West	IL/PUD 618 and CO (No development plan)	Mixed-use Corridor	Growth	Commercial

SECTION IV: Relevant Zoning History

History: Z-7473

ZONING ORDINANCE: Ordinance number 11817 dated June 26, 1970 established zoning for the subject property.

Subject Property:

BOA-13649 July 1985: The Board of Adjustment **denied** a *variance* of the conditions of approval to allow access on 5th Street and outside repair of vehicles in an RS-2 zoned district, on property located South of the Southeast corner of East Skelly Drive and South 129th East Avenue.

BOA-11497 August 1981: The Board of Adjustment **approved** an *exception* to permit the operation of a truck repair business in an RS-2 District and a **variance** to *permit the operation* of a truck repair business in an RS-2 District subject to conditions, on property located South of the Southeast corner of East Skelly Drive and South 129th East Avenue.

Surrounding Property:

BOA-18759 May 2000: The Board of Adjustment **approved** a *special exception* to allow a church and related uses in an RS-2 zoned district, with conditions of landscaping and other building requirements be met, on property located at the Southeast corner of East 4th street and 130th East Avenue.

PUD-623/Z-6726 November 1999 : All concurred in **approval** of a proposed *Planned Unit Development* on a tract of land for CG zoning on property located at the Southeast corner of South 129th East Avenue and East 5th Place South.

PUD-618/Z-6720 October 1999: All concurred in **approval** of a proposed *Planned Unit Development* on a 2.12± acre tract of land from CO to IL zoning on property located South of the Southwest corner of the Skelly By-pass (I-44) and South 129th East Avenue.

BOA-18380 April 1999: The Board of Adjustment **approved** a *variance* of the 200' setback requirement for an arterial collector street in a CO zoned district, on property located at the Southwest corner of South 129th East Avenue and I-44E.

BOA-17749 June 1997: The Board of Adjustment **approved** a *variance* of the required parking spaces for outdoor/open-air display area from 221-30, on property located at the Southwest corner of South 129th East Avenue and I-44E.

PUD-537/Z-6485 June 1995: All concurred in **approval** of a proposed *Planned Unit Development* on a tract of land for CG zoning on property located at the Southeast corner of South 129th East Avenue and East 4th Place South.

PUD-509/Z-6439 April 1994: All concurred in **approval** of a proposed *Planned Unit Development* on a tract of land for CG zoning on property located South of the Southeast corner of South 129th East Avenue and East 5th Place South.

Z-6217 March 1989: All concurred in **approval** of a request for *rezoning* a tract of land from RS-2 to OL on property located South and East of the Southeast corner of East Skelly Drive and South 129th East Avenue.

Z-5763 February 1983: All concurred in **approval** of a request for *rezoning* a tract of land from RS-2 to CO on property located South of the Southwest corner of the Skelly By-pass (I-44) and South 129th East Avenue.

Applicant Comments:

The applicant stated this subject property has been used for about 30 years for parking. The applicant stated he agrees with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WALKER**, TMAPC voted **9-0-0** (Covey, Doctor, Fothergill, McArtor, Millikin, Ray, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Reeds, Ritchey, "absent") to **RECOMMEND APPROVAL** of rezoning from RS-2 to CG with optional development plan for Z-7473 plan per staff recommendation.

Legal Description Z-7473:

LT 18 BLK 3; LT 12 BLK 3; LT 13 BLK 3, City of Tulsa, Tulsa County, State of Oklahoma

10. **Z-7477 C. Brody Glenn** (CD 2) Location: West of the southwest corner of East 91st Street South and South Delaware Avenue rezoning from **AG to CG** with optional development plan

STAFF RECOMMENDATION:

SECTION I: Z-7477

DEVELOPMENT CONCEPT:

The applicant proposes to construct a climate controlled self-storage facility on property that is currently zoned AG. The self-storage use is allowed by right in a CG district however other uses that are objectionable to the surrounding properties are also allowed in that classification. The development plan will restrict the property to uses compatible to the area and provide architectural guidelines that are also suitable for the abutting property owners.

DETAILED STAFF RECOMMENDATION:

CG zoning with the optional development plan identified in Section II is consistent with the provisions of the Tulsa Zoning Code and,

Z-7477 is consistent with the Town Center vision of the Comprehensive Plan and,

Z-7477 is considered non injurious to the proximate properties and,

Z-7477 is consistent with the anticipated future development of this area therefore,

Staff Recommends approval of Z-7477 to change zoning from AG to CG but only with the optional development plan as defined in Section II.

SECTION II: OPTIONAL DEVELOPMENT PLAN STANDARDS:

Z-7477 with the optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in a CG zoning district and its supplemental regulations except as further refined below. All uses categories, subcategories or specific uses outside of the permitted uses defined below are prohibited.

PERMITTED USE CATEGORIES:

Commercial

- a. Office (includes all subcategories)
- b. Self-Storage Facilities

BUILDING REQUIRMENTS:

- a. Buildings shall not exceed 3 stories and will not exceed 45 feet height as measured from the finished floor elevation of the first floor.

LIGHTING and SIGNAGE REQUIREMENTS:

Lighting:

- a. All lighting shall conform to the Lighting standards in the Tulsa Zoning Code except that all lighting shall be limited to a maximum height of 16 feet.

Signage:

- a. No signage shall be placed on any west or south facing walls or fences.
- b. One monument sign with a maximum height of 25 feet and display surface area not exceeding 250 square feet will be allowed. Monument signs are prohibited on the lot except that it is allowed on the lot within 50 feet of the planned right of way for East 91st Street South.
- c. Pole signs are prohibited

SELF-STORAGE ARCHITECTURAL REQUIREMENTS: (refer to site plan and building elevations attached)

- a. Self-storage uses shall be consistent with the architectural style represented in the conceptual plan.
- b. Overhead doors for vehicular access to an individual storage unit are prohibited on the North, West and South side of a building. A single vehicular access overhead door is allowed on the West and East side as illustrated on the concept plan and building elevations.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The commercial uses proposed at this location are consistent uses that can be normally found in a Town Center. The optional development plan provides appropriate site design standards that help integrate this project into the edges of a residential neighborhood and Arkansas River Corridor.

Land Use Vision:

Land Use Plan map designation: Town Center

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

Areas of Stability and Growth designation: Area of Growth

The purpose of an Area 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 in 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:

East 91st Street South is a secondary arterial with no particular street designation.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None except that this site abuts the east edge of the Arkansas River Corridor

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is an undeveloped flat site and heavily wooded.*

Environmental Considerations: None that would affect site development

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 91 st Street South	Secondary Arterial	100 feet	5 (4 with a center turn lane)

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 across E. 91 st Street South	MX2-V-U	Regional Center	Growth	Industrial use that has been recently rezoned for new mixed-use development

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11832 dated June 26, 1970 established zoning for the subject property.

Subject Property: *No relevant history.*

Surrounding Property:

Z-7453 September 2018: All concurred in **approval** of a request for *rezoning* a tract of land from IL to MX2-V-U on property located at the Northeast corner of South Lewis Avenue and East 91st Street South.

SA-1 September 2016: The Board of Adjustment **approved** a request for a Special Area Overlay on multiple properties along the Arkansas River extending from W. 11th St. S. to E. 121st St. S., to establish the River Design Overlay as a supplemental zoning, RDO-1, RDO-2, or RDO-3, to establish regulations governing form function, design and use for properties located within the boundaries of the River Design Overlay District. The regulations are generally intended to maintain and promote the Arkansas River corridor as a valuable asset to the city and region in terms of economic development and quality of life.

BOA-21863 March 2015: The Board of Adjustment **accepted** a verification of the *spacing requirement* for a proposed liquor store, on property located at the southeast corner of East 91st Street South and South Delaware Avenue.

BOA-21427 May 2012: The Board of Adjustment **approved** a *variance* of the 100 feet of separation between ground signs within a PUD with conditions, on property located South of the Southeast corner of Riverside Parkway and East 91st Street South.

PUD-696-B April 2011: All concurred in **approval** of a proposed *Major Amendment* to PUD-696 on a tract of land for the development of upscale apartments on property located South of the Southeast corner of Riverside Parkway and East 91st Street South.

BOA-20711-A September 2008: The Board **approved** a *Variance* of the frontage requirement on an arterial street from 150 ft. to 18 ft. to permit a lot split in an IL district, on property located on the northwest corner and north of the northwest corner of East 91st Street South and South Delaware Avenue.

BOA-20711 June 2008: The Board **approved** a *Variance* of the minimum required frontage on an arterial street in an IL district from 150 ft. to 50 ft. and a *Variance* of the required building setback from the centerline of S. Delaware Ave. from 100 ft. to 90 ft., on property located on the northwest corner and north of the northwest corner of East 91st Street South and South Delaware Avenue.

PUD-696 January 2004: All concurred in **approval** of a proposed *Planned Unit Development* on a tract of land for retail use on property located South of the Southeast corner of Riverside Parkway and East 91st Street South.

Z-6923 January 2004: All concurred in **approval** of a request for *rezoning* a tract of land from AG to CS on property located South of the Southeast corner of Riverside Parkway and East 91st Street South.

BOA-18266 December 1998: The Board of Adjustment **approved** a *variance* of height requirement in RS-1 district from 35' to 40', on property located at the Northeast corner of Riverside Parkway and East 91st Street South.

PUD-563 August 1997: All concurred in **approval** of a proposed *Planned Unit Development* on a tract of land on property located at the Southeast corner of Riverside Parkway and East 91st Street South (Ordinance 19054).

PUD-563 July 1997: All concurred in **approval** subject to supplemental development standards of a proposed *Planned Unit Development* on a 10.45± acre tract of land to permit multifamily apartments on property located at the Southeast corner of Riverside Parkway and East 91st Street South.

Z-6185 March 1985: All concurred in **approval** of a request for *rezoning* a tract of land from AG to CS and OL on property located at the Southeast corner of Riverside Parkway and East 91st Street South (Ordinance 18420).

Z-5986 October 1984: All concurred in **approval** of a request for *rezoning* a tract of land from AG to CS on property located on the southwest corner of East 91st Street South and South Delaware Avenue (Ordinance 16167)

Z-5966 October 1984: All concurred in **approval** of a request for *rezoning* a tract of land from RS-1 and CS to CS on property located at the Northeast corner of Riverside Parkway and East 91st Street South (Ordinance 16175).

Z-4934 January 1977: All concurred in **approval** of a request for *rezoning* tract of land from RS-1 to CS on property located at the Northeast corner of Riverside Parkway and East 91st Street South (Ordinance 13769).

Z-4603 April 1974: All concurred in **approval** of a request for *rezoning* a tract of land from AG to CS on property located at the Southeast corner of Riverside Parkway and East 91st Street South (Ordinance 13126).

Applicant Comments:

The applicant stated he has 2 facilities in Tulsa under construction. The applicant stated the self-storage is a little different than other self-storage facilities because they have eliminated any access to the storage units themselves from the exterior and eliminated all the gates. The applicant stated there is a vehicular drive through where customers pull their car through the building. The applicant stated he has met with neighbors to the south and to the west of the facility.

Interested Parties:

Pat Thomas 3106 East 87th Place, Tulsa, OK 74137

Ms. Thomas stated she has questions. Ms. Thomas asked where the signage on the east would be located and will there be anything that buffers the 3-story building to the east such as landscaping.

The applicant stated there is a large row of trees to the east that will be kept and also trees to the south will be kept. The applicant stated they will meet all the landscape ordinances and will have landscaping in and around the parking area and between the building and 91st Street. The applicant stated he has not completed a sign plan yet but they need signs but not huge signs since this is not a retail space.

TMAPC Action; 9 members present:

On **MOTION** of **MILLIKIN**, TMAPC voted **9-0-0** (Covey, Doctor, Fothergill, McArtor, Millikin, Ray, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Reeds, Ritchey, “absent”) to **RECOMMEND APPROVAL** of rezoning from AG to CG with optional development plan for Z-7477 per staff recommendations.

Legal Description Z-7477:

A part of the Northeast Ten (10) acres of Lot One (1), Section Twenty (20), Township Eighteen (18) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, more particularly described as follows, to-wit:

In the North line of said Section, BEGINNING at a point 464.893 feet West of the NE corner of Lot 1, in Section 20, Township 18 North, Range 13 East; THENCE South parallel to the half Section line 277.78 feet to a point; THENCE West parallel to the North line of said Section 47.96 feet to a point; THENCE South parallel to the half Section line 382.22 feet to a point; THENCE West parallel to the North line of said Section 147.147 feet; THENCE North parallel to the half Section line 660.00 feet to a point in the North line of said Section; THENCE East along the Section line 195.107 feet to the Point of Beginning.

LESS a parcel of land lying in Lot 1 of Section 20, T-18-N, Range 13 East, Tulsa County, Oklahoma, according to the U.S. Government Survey thereof, and more particularly described as follows:

Beginning at a point 464.89 feet West and 24.75 feet South of the Northeast corner of said Lot 1 of said Section 20, and hereinafter referred to as the Point of Beginning; Thence South and parallel to the East line of said Lot 1 a distance of 40.25 feet to a point that is 65.00 feet South of the North line of said Lot 1; Thence West and parallel to the North line of said Lot 1 a distance of 194.90 feet to a point; Thence North and parallel to the East line of said Lot 1 a distance of 40.25 feet to a point that is 24.75 feet South of the North line of said Lot 1; Thence East and parallel to the North line of said Lot 1 a distance of 194.90 feet more or less to the Point of Beginning.

* * * * *

Mr. Doctor left at 2:50 pm

11. **CZ-486 John Sayre** (County) Location: Southeast corner of North Harvard Avenue and East 96th Street North rezoning from **AG to RE**

STAFF RECOMMENDATION:
SECTION I: CZ-486

DEVELOPMENT CONCEPT: The applicant is proposing to rezone the subject lots from AG to RE and CS. No specific concept was presented for the CS lots requested. A preliminary layout of the RE lots and possible roadways has been presented on the Site Sketch provided by the applicant.

Without a Planned Unit Development, staff feels that the possible uses and impacts of the proposed CS zoning would not be compatible with the existing area. The RE zoning, however would be appropriate and is supported by the

Residential designation in the North Tulsa County Comprehensive Plan (1980-2000).

The applicant has agreed to remove the proposed CS lots from consideration in this request.

DETAILED STAFF RECOMMENDATION:

CS zoning is not compatible with the existing area and has been removed from the request;

RE zoning is non-injurious to the existing proximate properties and;

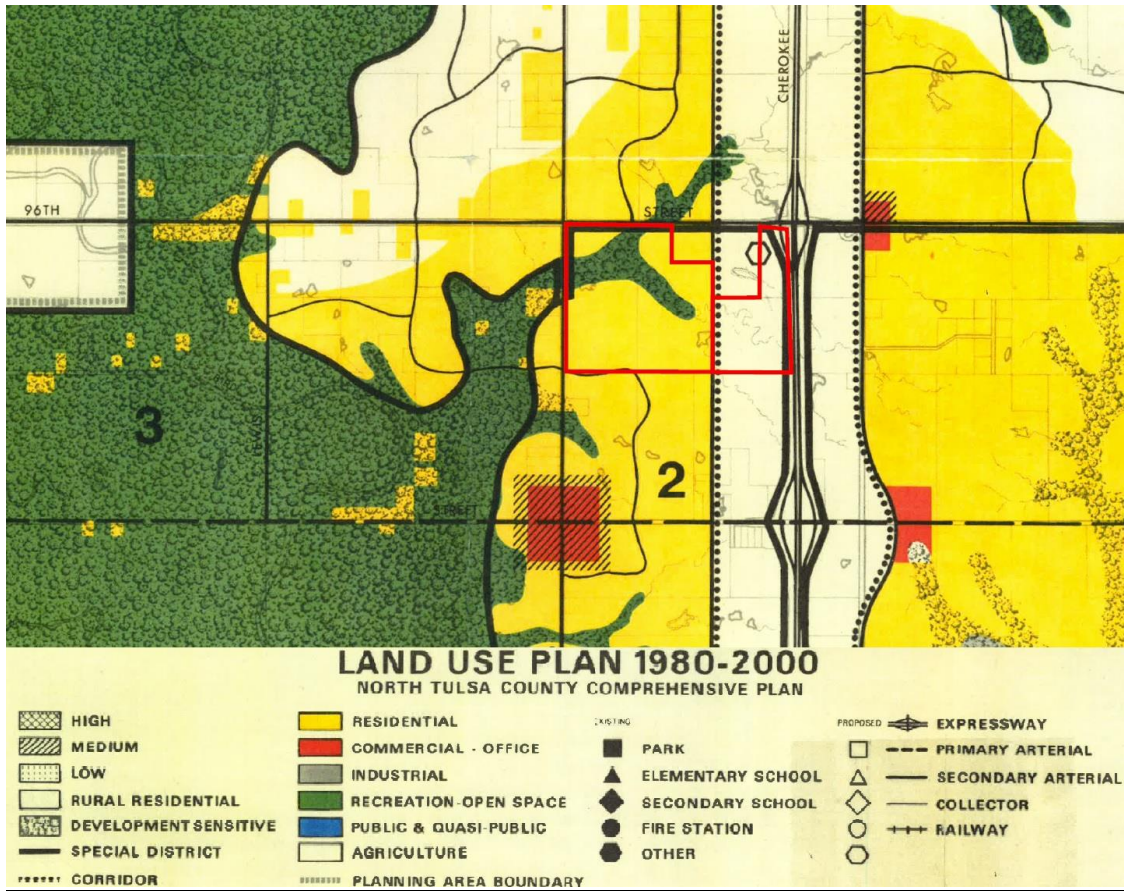
RE zoning is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends Approval of CZ-486 to rezone the revised subject lots from AG to RE, with the lots previously proposed as CS removed from this zoning request.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: This area is outside of the City of Tulsa Comprehensive Plan area, but is located within the boundaries of the North Tulsa County Comprehensive Plan 1980-2000. The lots within the proposed RE zoning area are designated as Residential / Recreation-Open Space, which is compatible.



Land Use Vision:

Land Use Plan map designation: N/A

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: E 96th St N is designated as a Secondary Arterial

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 land with some forested areas.*

Environmental Considerations: Portions of the site are within the Tulsa County 100 year floodplain. The applicant will need to work with Tulsa County in order to mitigate any impacts or issues if developing within these areas.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
E 96 th St N	Secondary Arterial	100 Feet	2

Utilities:

The subject tract has municipal water available. Sewer is anticipated to be provided by ODEQ approved septic system.

Surrounding Properties:

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

SECTION III: Relevant Zoning History

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

Subject Property:

CBOA-999 November 1990: The County Board of Adjustment **approved** a *variance* to waive the all-weather surfacing requirement for a parking lot for a period of one year only; **approved** a *special exception* to permit a mobile unit to

be used as an office for a period of five years only, on property located East of the Southeast corner of East 96th Street North and North Harvard Avenue.

CBOA-67 May 1981: The County Board of Adjustment **approved** a *variance* (Section 1224 (a) .3 – Oil and Gas Extraction) to permit drilling closer than 300' from any residence, subject to conditions, on property located South and East of the Southeast corner of East 96th Street North and North Harvard Avenue.

Surrounding Property:

CZ-464 December 2017: All concurred in **approval** of a request for *rezoning* a 16.48+ acre tract of land from AG to CS on property located property located at the Northeast corner of Highway 75 and East 96th Street North.

CBOA-2570 March 2016: The County Board of Adjustment **approved** a *special exception* to permit mini-storage in the CS District with conditions, on property located at the Northeast corner of Highway 75 and East 96th Street North.

CZ-444 September 2015: All concurred in **approval** of a request for *rezoning* the western half of the property as measured along the north property line of land from AG to CS and recommend **denial** of *rezoning* the eastern portion of the property to CS, on property located at the Northeast corner of Highway 75 and East 96th Street North.

CBOA-1959 May 2002: The County Board of Adjustment **approved** a *special exception* to allow Use Unit 2 (fireworks stand) in a CS zoned district with conditions, on property located East of the Northeast corner of North Harvard Avenue and East 96th Street North.

CBOA-1841 April 2001: The County Board of Adjustment **approved** a *special exception* to permit a mini-storage in a CS district; **approved** a *special exception to permit* a dwelling unit in a CS district to provide security for a mini storage with conditions, on property located East of the Northeast corner of North Harvard Avenue and East 96th Street North.

CBOA-1677 August 1999: The County Board of Adjustment **approved** a *variance* of the minimum lot area in the AG district from 2 acres to 1.48 acres; **approved** a *variance* of the minimum land area per dwelling unit in the AG district from 2.2 acres to 1.7 acres, on property located at the Southwest corner of North Harvard Avenue and East 96th Street North.

CBOA-1626 March 1999: The County Board of Adjustment **approved** a *use variance* per section 1670.2 to permit a boarding kennel in an AG district, subject to conditions, on property located at the Northeast corner of East 96th Street North and North Harvard Avenue.

CBOA-999 November 1990: The County Board of Adjustment **approved** a *variance* to waive the all-weather surfacing requirement for a parking lot for a period of one year only; **approved** a *special exception* to permit a mobile unit to be used as an office for a period of five years, on property located at the Southwest corner of Highway 75 and East 96th Street North.

CBOA-329 March 1983: The County Board of Adjustment **approved** a *special exception* to permit a mobile home in an RS zoned district, on property located at the Northeast corner of Highway 75 and East 96th Street North.

CBOA-262 January 1983: The County Board of Adjustment **approved** a *special exception* to allow mobile homes in an RS district subject to conditions; **approved** the final plat, subject to the P.S.O. letter being recorded in the abstract to permit, on property located at the Northwest corner of Highway 75 and East 96th Street North.

CBOA-293 November 1982: The County Board of Adjustment **approved** a *variance* to locate two dwellings on one lot of record, on property located South of the Southwest corner of East 96th Street North and North Harvard Avenue.

BOA-9105 June 1976: The Board of Adjustment **approved** a *special exception* to permit a mobile home for a period of five years; **approved** a *variance* of the five acre minimum for a mobile home in an AG district, on property located South of the Southwest corner of North Harvard Avenue and East 96th Street North.

TMAPC Comments:

Mr. Fothergill asked if the entire property would be RE.

Staff stated “no”, only the RE portions are proposed.

Mr. Ray stated the CS zoning that was removed is abutting Highway 75 is that not considered acceptable within the plan from a major highway.

Staff stated yes but staff was uncomfortable establishing uses in that location without a PUD because CS zoning opens up a lot of uses that would not be desirable in that location.

Mr. Ray stated there seems to be a question of ownership from some of the people who signed the petition.

Staff stated he checked the accessor website just before the meeting and he is listed as the owner of that property so staff feels comfortable saying he is the owner of record.

Mr. Covey stated the Land Use Plan for north Tulsa County shows the property in the corridor zone which is commercial in general.

Staff stated “yes” that is the part that has been removed.

Applicant Comments:

The applicant stated he had no idea that there would be this much opposition to this application. The applicant stated his original application included the 30 acres on 96th Street and that would be commercial. The applicant thinks that 30 acres is the reason for the protest petition and he removed it from the application. The applicant stated he would like to get RE on the rest of the property and build some homes. The applicant stated he wants to do a PUD on the 30 acres at another time and he will visit with the neighbors before he files that application so he can address their concerns.

Interested Parties:

Gary Juby 3296 East 96th Street North, Sperry, OK 74073

Mr. Juby stated his is the 2nd house to the west from the proposed development. Mr. Juby stated he was told this was a contract for deed and he would like to know if that is the case. Mr. Juby stated there is potential for 140 homes on that property. Mr. Juby stated between 106th Street to 86th Street, Highway 75 to Highway 11 there is about 4000 acres and of that 4000 acres there is 3700 acres zoned AG. Mr. Juby stated 204 acres of that 4000 acres is zoned residential. Mr. Juby stated the proposed changes are against the characteristics of the area because 92% of land is zoned AG. Mr. Juby stated all the roads surrounding the property is 2 lane roads and not in very good shape and can't accommodate the traffic of another 140 homes. Mr. Juby stated they seldom see Tulsa County Sheriffs because they have a large area to patrol and with additional homes comes additional crimes. Mr. Juby stated the Fire Department is a volunteer Fire Department and they are stretched thin already. Mr. Juby stated there was a petition submitted to TMAPC that had 193 signatures on it. Mr. Juby stated the last sentence of the mission statement says TMAPC will enhance and preserve the quality of life of the regions current and future residents and the only way to do that is to decline the application.

Mr. Covey asked staff if the Land Use Plan included in the packet was the most current for the County.

Staff stated “yes”.

Mr. Covey stated the Land Use Plan lists this property as residential.

Staff stated “yes”.

Mr. Covey stated and residential is what the applicant is asking for.

Staff stated “yes”.

Tom Baker 3821 East 106th Street North, Sperry, OK 74073

Mr. Baker stated he lives 1 mile north of the proposed development application. Mr. Baker stated this morning 2 deer in Tulsa County jumped off a bridge to their death and officials contributed the cause as over development of the environment the deer was used to. Mr. Baker stated this is a similar situation. This is a non-resident applicant who has attained control of the property and he tells the residents he is going to make changes. Mr. Baker stated the applicant also stated he did not know there would be opposition. He doesn't live in the area and he has never asked so how he can know or understand what the residents and land owners want. Mr. Baker stated in the application there is not a site plan or how many homes he plans on building and what size of lots. Mr. Baker stated his point is there are some properties not ready to develop and some developers not ready to work with the neighbors who have been there for years. Mr. Baker stated this is pasture land that has never been developed and if you lived there you would understand why. Mr. Baker stated the City of Tulsa Comprehensive plan does not cover this area but the North Tulsa County Plan of 1980 to 2000 does cover it but we are in 2019 and this area has never been developed and the residents don't want it developed. Mr. Baker stated rural Sperry has a life and identity of its own that needs to be considered in light of any plan or suggestion from the government. Mr. Baker stated the number of signatures on the petition and the number of people here is the audience that have taken off work to attend shows Planning Commission that there is a lot of opposition to this application.

Ms. Millikin asked if Mr. Baker favored any kind of development on this property.

Mr. Baker stated large acre homes and they could do that on an AG designation.

Ms. Millikin stated so you want 1 acre and larger.

Mr. Baker stated he would not be opposed to 10 acres or more.

Ms. Millikin stated that is the only thing you see this land being developed as or just leave as pasture.

Mr. Baker stated that is what fits the neighborhood.

Mr. Fothergill stated on page 11.7 of the packet in the top right corner there is an RS designation and from the aerial view Mr. Fothergill stated he counts about 50 homes on those 2 streets. Mr. Fothergill asked how Mr. Baker reconciled the character of the neighborhood is large acreages.

Mr. Baker stated those houses are 30 years old and was built when highway 75 was widened. Mr. Baker stated that is the only thing that resembles a small lot neighborhood for miles.

Zach Klassen 4316 East 96th Street North, Sperry, OK 74073

Mr. Klassen stated he represents the corner of Highway 75 and 96th Street North that was included in the applicant's original proposal but has since been removed. Mr. Klassen stated he is the pastor of the church on that corner and has been there since the 80's and they love where they are at and is happy to stay there or move if that makes any sense. Mr. Klassen stated this area is being developed and there is no question about that. Mr. Klassen stated they want to remain a part of the community and grow with it.

Mr. Covey asked if the church was on the applicant's land.

Mr. Klassen stated "no" but it was in the proposal to be rezoned on the church's behalf.

Staff stated the church gave permission to the applicant to rezone their property but that was part of the CS that has now been removed.

Mr. Klassen stated there was not an agreement to exchange property in any way it was just for the rezoning of the church property.

Kenneth Bryant 9397 North 42nd East Avenue, Sperry, OK 74073

Mr. Bryant stated he lives next to the church. Mr. Bryant stated the other housing subdivisions that have been mentioned are being served by Owasso Fire and Police and they will not come to this area. Mr. Bryant stated he is one of the residents within 300 feet of the development and he went and talked with his neighbors to ask if they were in opposition or supported this development. Mr. Bryant stated with the exception of one person everyone was against this proposed development. Mr. Bryant stated if there are 140 half acre homes developed on this site the value of his home is reduced and his home 500,000-dollar home. Mr. Bryant stated he knows the CS was removed for the application but that is just for now it will be added back in once the PUD is finished.

Jeremy Lance 9312 North Harvard Avenue, Sperry, OK 74073

Mr. Lance stated he is the newest member of the neighborhood he recently purchased 5 acres directly to the west of the rezoning. Mr. Lance stated there was a house on his property and the fire department did not make it before the house was completely gone. Mr. Lance stated if 80-140 houses go into that area a volunteer fire department can't get there and you can lose an entire neighborhood. Mr. Lance stated livestock could be lost also. Mr. Lance stated there is rural water in this area so there are water pressure issues. Mr. Lance stated he is in a 100-year floodplain that extends into this property and any changes to the landscape will change the natural water flow in the area and

adversely affect Mr. Lance's property. Mr. Lance stated he doesn't know his neighbors very well yet but they seem to be of the same mind set as Mr. Lance, big housing additions cause big problems. Mr. Lance is not opposed to keeping the land AG and building large acreage lots.

Ms. Millikin asked if he wanted the property to stay AG or would he like to see residential developed here.

Mr. Lance stated anything he would like to see done in the area would need to remain AG. Mr. Lance stated he could see 20 large acreage home sites.

Thomas McCause 9200 North Harvard Avenue, Sperry, OK 74073

Mr. McCause stated the creek that runs through several of the properties floods anytime it rains. Mr. McCause stated the water comes out of the banks and floods half of the property. Mr. McCause stated he has cattle and horses and it is a concern that with more concrete comes more flooding. Mr. McCause stated he wants the property AG. Mr. McCause stated the school system cannot support the extra children that the subdivision would bring.

Leroy Broaddrick 5018 East 106th Street North, Sperry, OK 74073

Mr. Broaddrick stated he lives 1 mile from the proposed development. Mr. Broaddrick stated he moved to the country for country living and has been in the area for 34 years. Mr. Broaddrick stated he doesn't want to be in a subdivision or a neighbor to one. Mr. Broaddrick stated there was not any signs posted near the highway where neighbors can see it about this rezoning. Mr. Broaddrick stated he thinks the zoning signs are intentionally hidden.

Debbie King 4105 East 96th Street North, Sperry, OK 74073

Ms. King stated she did not receive a notice and she lives near the subject property. Ms. King stated her family owned the land that Highway 75 was built on, the church land, and everything near there. Ms. King stated the applicant lives in Broken Arrow and just found a good place to buy some land and doesn't know anything about what it feels like to be in the country. Ms. King stated she hopes the area stays country. Ms. King stated not every corner has to be commercialized.

Amy Cox 9902 North 43rd East Avenue, Sperry, OK 74073

Ms. Cox stated she lives in the Park Meadow neighborhood and is in the process of moving because of the high crime in the area. Ms. Cox stated adding a neighborhood like the one that is being proposed will just cause more crime. Ms. Cox stated it could take hours for the Tulsa County Sheriff to respond. Ms. Cox stated she also sees traffic as being an issue on 96th Street North and Highway 75 because there is a stop sign and to make a left turn you have to pull to the middle of the highway and then gun it and go. She said adding additional traffic on the two-lane road will increase traffic enough that the roads will not be able to sustain it. Ms. Cox stated she would prefer the subject property stay AG.

The applicant stated the minimum lot size for AG zoning 2.2 acres and the property he owns between Harvard and Highway 75 is 3/4th of a mile but there is no access so he has proposed the frontage road be extended to 96th Street. The applicant stated he understands the majority of the people want to keep the lots at 10 or 20 acres but there is a subdivision that has 50 to 60 homes nearby and the applicant's development would be half acre lots. The applicant stated it is his intent to build every home as a shelter in place home so in a tornado, earthquake or fire you are in a concrete home and totally protected. The applicant stated it is difficult to take 110 acres and come up with 5 to 10 acre lots. The applicant stated every home will have aerobic systems and will have water access from Washington County Rural Water #3. The applicant stated the fire chief of Sperry has seen what the applicant is proposing and he has no problem with it. The applicant stated the wildlife is important to him and he wants them to stay around. The applicant stated he would ask Planning Commission to approve his application.

Mr. Walker asked the applicant if he had developed a subdivision before?

The applicant answered "no" he had not, he builds steel reinforced concrete.

Mr. Walker asked if the applicant had met with the neighbors before this meeting.

The applicant stated "no".

Mr. Walker asked if the applicant was set on half acre lots.

The applicant stated "yes".

Mr. Covey asked the applicant when he purchased the property.

The applicant answered, October 2017. The applicant stated he bought it from the owners who bought it in 1930.

Mr. Covey asked if the property was listed for sale?

The applicant answered, "yes", but they did not want to split it up.

Mr. Covey stated the property is AG currently and the applicant could put 2.2 acre lots on the 150 acres and that would be about 68 houses by right. Mr. Covey stated the next step down from AG is AG-R which is 1 acre lots. Mr. Covey asked the applicant if he was open to 1 acre lots.

The applicant stated "no", he would rather not. The applicant stated he would like to keep it RE.

Mr. Covey stated as RE at a half-acre would be 300 homes.

The applicant stated he has come up with about 90 homes after removing the road areas and floodplain areas.

Mr. Ray stated it is hard to be opposed to the zoning request because it seems logical but Mr. Ray asked staff if it would be advantageous to require a PUD.

Staff stated it would be allowed but he doesn't think it would be advantageous for the RE portion. Staff stated what the applicant is proposing is reasonable for RE. Staff stated he doesn't see the advantage to requiring a PUD.

Mr. Walker stated the homeowners and the applicant are so far apart on a solution it appears a continuance would not be helpful.

Staff stated he agrees.

Ms. Millikin asked staff to explain what if any options the residents had if this application was approved.

Staff stated if approved the application gets sent to Board of County Commissioners for their approval and any Interested Parties could attend that meeting also. If the County Commissioners approve the rezoning the application would then come back to the Tulsa Planning Office for approval of the Preliminary Plat. At that time all the County Engineers would look at the streets, water and infrastructure. Staff stated after all issues have been worked out in the Engineering process it would come back to TMAPC for approval of the Preliminary and Final Plats.

Mr. McArtor asked when the Land Use Plan adopted.

Staff stated maybe 1980's.

Mr. McArtor asked if this was the only plan for this area.

Staff answered "yes".

Mr. McArtor stated how does the Land Use Plan affect staff's recommendation.

Staff stated in this part of the County the area has not changed much over the years and the plan gives a guideline of how the County sees the area.

Mr. McArtor stated the Land Use Plan is not law or an ordinance it is just arbitrary. Mr. McArtor stated given all that he has heard today it would make it difficult to vote for this application but the Land Use Plan shows this area is planned for residential and when it comes to plans and policy making this is something Planning Commission has to consider. Mr. McArtor stated he would hope if the applicant is approved he would work with the neighbors.

Ms. Millikin stated she is also in favor of the application because it is consistent with the Land Use Plan and the proposed use is reasonable.

Mr. Shivel stated this area has the same issue as Planning Commission has seen with Tulsa County going south and going east. Mr. Shivel stated there is prime property in these areas where there is an expected area of growth. Mr. Shivel stated obviously the City and the County look at rooftops because that is additional revenue. Mr. Shivel stated with developments like this one the City and County pay attention to infrastructure needs. Mr. Shivel stated he will be supporting this application.

Mr. Fothergill stated he lived out west near John Zink Ranch, his parents had 40 acres and when it was sold, it was divided up and 7 houses are built on it today. Mr. Fothergill stated the only way to control who your neighbors are is to buy the land. Mr. Fothergill stated the Zoning Code for Tulsa County states “the Agricultural District is designed encourage and protect agricultural land until an orderly transition to urban development may be accomplished. To discourage wasteful scattering of development in rural areas and obtain economy of public fund expenditures for improvements and services.” Mr. Fothergill stated the AG land is there until it can be developed. Mr. Fothergill stated the subject property is $\frac{3}{4}$ of a mile off of Highway 75 and everything $\frac{3}{4}$ of a mile north or south on Highway 75 has been developed as commercial, industrial or residential and that is the way highways develop. Mr. Fothergill stated there are a lot of smaller lots in the area and it makes sense to approve this application.

Mr. Ray stated he received several calls on this particular application and he is new to the Planning Commission. Mr. Ray drove the area and can't ignore the fact that this is a good zoning case. Mr. Ray stated he is concerned about a piece of property this size being developed by someone who has never developed property before but he knows the Tulsa County engineers will look at the details. Mr. Ray stated he will be voting for the application because he believes this is a consistent plan.

TMAPC Action; 8 members present:

On **MOTION** of **WALKER**, TMAPC voted **8-0-0** (Covey, Fothergill, McArtor, Millikin, Ray, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Doctor, Reeds, Ritchey, “absent”) to **RECOMMEND APPROVAL** of rezoning from AG to RE for CZ-486 per staff recommendations.

Legal Description CZ-486:

TRACT 1 - PRESENTLY ZONED AGRICULTURAL - PROPOSED RESIDENTIAL (RE)

A PARCEL OF LAND IN THE NORTHWEST QUARTER (NW/4) OF SECTION TWENTY-ONE (21), TOWNSHIP TWENTY-ONE (21), RANGE THIRTEEN (13)

EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE US GOVERNMENT SURVEY THEREOF. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

W/2 NW/4 SW/4 NW/4 & W/2 W/2 NW/4 NW/4 SEC 21 TOWNSHIP 21 NORTH RANGE 13 EAST 15 ACRES MORE OR LESS

TRACT 2 - PRESENTLY ZONED AGRICULTURAL – PROPOSED RESIDENTIAL (RE)

A PARCEL OF LAND IN THE NORTHWEST QUARTER (NW/4) OF SECTION TWENTY-ONE (21), TOWNSHIP TWENTY-ONE (21), RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE US GOVERNMENT SURVEY THEREOF. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

E/2 W/2 NW/4 NW/4 & E/2 NW/4 NW/4 SEC 21 TOWNSHIP 21 NORTH RANGE 13 EAST 30 ACRES MORE OR LESS

TRACT 3 - PRESENTLY ZONED AGRICULTURAL - PROPOSED RESIDENTIAL (RE)

A PARCEL OF LAND IN THE NORTHWEST QUARTER (NW/4) OF SECTION TWENTY-ONE (21), TOWNSHIP TWENTY-ONE (21), RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE US GOVERNMENT SURVEY THEREOF. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

W/2 NE/4 NW/4 SEC 21 TOWNSHIP 21 NORTH RANGE 13 EAST 20 ACRES

MORE OR LESS

TRACT 4 - PRESENTLY ZONED AGRICULTURAL - PROPOSED RESIDENTIAL (RE)

A PARCEL OF LAND IN THE NORTHWEST QUARTER (NW/4) OF SECTION TWENTY-ONE (21), TOWNSHIP TWENTY-ONE (21), RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE US GOVERNMENT SURVEY THEREOF. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

SE/4 NE/4 NW/4 SEC 21 TOWNSHIP 21 NORTH RANGE 13 EAST 10 ACRES MORE OR LESS

TRACT 5 - PRESENTLY ZONED AGRICULTURAL - PROPOSED RESIDENTIAL (RE)

A PARCEL OF LAND IN THE NORTHWEST QUARTER (NW/4) OF SECTION TWENTY-ONE (21), TOWNSHIP TWENTY-ONE (21), RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE US GOVERNMENT SURVEY THEREOF. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

E/2 NW/4 SW/4 NW/4 & NE/4 SW/4 NW/4 SEC 21 TOWNSHIP 21 NORTH RANGE 13 EAST 15 ACRES MORE OR LESS

TRACT 6 - PRESENTLY ZONED AGRICULTURAL - PROPOSED RESIDENTIAL (RE)

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION TWENTY-ONE (21), TOWNSHIP TWENTY-ONE (21) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN IN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE/4 NW/4) OF SECTION 21 TOWNSHIP 21 NORTH RANGE 13 EAST. CONTAINING 40 ACRES MORE OR LESS.

TRACT 8 - PRESENTLY ZONED AGRICULTURAL - PROPOSED RESIDENTIAL (RE)

A PARCEL OF LAND IN THE NORTHWEST QUARTER (NW/4) OF SECTION TWENTY-ONE (21), TOWNSHIP TWENTY-ONE (21), RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE US GOVERNMENT SURVEY THEREOF. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

S/2 SW/4 NW/4 SEC 21 TOWNSHIP 21 NORTH RANGE 13 EAST 20 ACRES MORE OR LESS

12. **PUD-633-A Mary Anne Moura** (CD 3) Location: South of the southeast corner of South Sheridan Road and East 4th Street South requesting a **PUD Major Amendment** to allow Personal Vehicle Sales and Rentals

STAFF RECOMMENDATION:

SECTION I: PUD-633-A

DEVELOPMENT CONCEPT:

The applicant has submitted a zoning clearance permit and received a letter of deficiency from the building permit office to allow automotive sales and rental. The PUD on the site prohibits that use.

The original PUD-633 as approved in June 2000 specifically prohibited automotive sales. and the uses were limited to Use Unit 11 (office, studios and support services), Use Unit 13 (convenience goods and services) and Use Unit 14 (shopping goods and services) and Use unit 17 but limited to moving truck and trailer rental with a maximum 20 feet in length.

DETAILED STAFF RECOMMENDATION:

PUD 633-A could be consistent with the Mixed-use corridor land use designation in the Comprehensive Plan however it was specifically prohibited by PUD-633 approximately 19 years ago. land use along this corridor has not significantly changed and,

Uses identified in the letter of deficiency from Development Services indicate that the request is for Commercial/Vehicle Sales and Service/Personal Vehicle Sales and Rentals. Those uses are not consistent with the expected development in the area and,

PUD 633-A request adding a use to the area that is considered injurious to the surrounding property owners therefore,

Staff recommends **denial** of PUD-633-A to rezone property from PUD-633, CS/ to PUD 633-A CS for a request to add Personal Vehicle Sales and Rentals and all specific uses.

SECTION II PUD-633-A PROPOSED DEVELOPMENT STANDARDS:

Add Vehicle Sales and Service subcategory and all specific uses:

All other provisions of PUD-633 as attached to this staff report shall remain in effect.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: *The personal vehicle sales and rentals as requested by the applicant may be considered consistent with some Mixed-use corridors in the City however this particular site is surrounded by uses that are not compatible with the proposed automotive uses.*

Land Use Vision:

Land Use Plan map designation: Mixed-use Corridor

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

Areas of Stability and Growth designation: Area of Growth

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: Multi Modal Corridor

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

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

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is occupied by a residential style office building with a surface parking lot.

Street view snippet from southwest looking northeast:



Environmental Considerations: None that affect site development

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Sheridan Road	Secondary Arterial with Multi Modal Corridor designation	100 feet	4

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	OL	Mixed-use Corridor	Growth	Residential / office
East	RS-3	Existing Neighborhood	Stability	Single family residential
South	CS	Mixed-use Corridor	Growth	automobile repair
West	CS	Mixed-use Corridor	Growth	Residential and commercial

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 14966 dated February 13, 1981 established zoning for the subject property.

Subject Property:

Z-5483 February 1981: All concurred in **approval** of a request for *rezoning* acre tract of land from RS-3 to OL on property located South of the Southeast corner of South Sheridan Road and East 4th Street South (Ordinance 14966).

Surrounding Property:

BOA-17805 April 1998: The Board of Adjustment **approved** a special exception to allow an existing auto body repair shop in a CS district; and a *special*

exception to allow an auto paint shop in a CS district to permit, on property located at the Northeast corner of South Sheridan Road and East 4th Place South.

BOA-17748 June 1997: The Board of Adjustment **denied** a variance of the required 300' from any R district for open air storage or display of merchandise offered for sale finding that the applicant failed to present a hardship unique to the property for granting a variance; and **denied** a special exception to allow auto sales in CS, on property located South of the Southwest corner of East 4th Street South and South Sheridan Road.

Z-6566 December 1996: All concurred in **approval** of a request for *rezoning* a tract of land from RS-3 to OL on property located South of the Southeast corner of South Sheridan Road and East 4th Street South (Ordinance 18885).

BOA-13082 April 1984: The Board of Adjustment **approved** a *special exception* to permit a retail tire center in a CS district with conditions, on property located South of the Southeast corner of South Sheridan Road and East 4th Street South.

Z-4709 October 1974: All concurred in **approval** of a request for *rezoning* a tract of land from RS-3 to OL on property located at the Southwest corner of East 4th Street South and South Sheridan Road (Ordinance 13284).

There were no interested parties wishing to speak.

Applicant Comments:

The applicant stated she is at fault for not checking the zoning before she bought the property but the realtor told her the land could be used to sell cars. The applicant stated the permitted uses show a moving truck and trailer rental so the applicant thought if she could rent trailers she could sell cars. The applicant stated within a half a mile of this property are a lot of used car lots.

TMAPC Comments:

Mr. Covey asked the applicant when she bought the property.

The applicant answered December 28, 2018. She stated the property was a massage parlor and the outside is deteriorating and the applicant wanted to repair the outside of the building with siding.

Mr. McArtor asked how large the property was.

The applicant stated 100x125 feet.

Mr. McArtor asked how many used cars could she get on the property?

The applicant answered, "30".

Mr. McArtor asked the applicant if she can't sell cars on the property what is she doing to do?

The applicant stated she will probably sell the property. She stated she had not checked into what else is allowed on the property.

Mr. Covey stated there is a frame and body shop next door to the subject property and there are used car dealers in the area.

Staff stated there are plenty of used car opportunities on Sheridan but the section of Sheridan where the subject property is located does not have the used car dealers. Staff stated a lot of the thought process was centered around the existing PUD that is there. The uses allowed are offices, studios and convenience goods. Staff stated the character of the neighbor with the exception of that body shop has not changed much and there is no reason to expect the development pattern along this small area of Sheridan to be different.

Mr. Covey asked if the PUD was not in place could the applicant sell cars in CS.

Staff answered "no", the only way to sell cars is with a Special Exception.

Mr. Covey asked what zoning would allow her to sell cars.

Staff stated CG or CH would allow it.

Mr. Covey stated he doesn't see any CG or CH around this subject property.

Mr. McArtor asked what the PUD was for.

Staff stated it was for the trailer rental business but no sales.

Mr. McArtor asked if staff that there was a significant difference.

Staff answered in regard to the Zoning Code it absolutely is different.

The applicant stated the properties to both sides of the subject property are in poor shape. The applicant stated the subject property doesn't have any value and she is willing to take the property and fix it up so that it can be used again.

Mr. Covey asked staff what else was allowed for CS or CG zoning.

Staff answered, Building Services such as Janitorial services would be a Special Exception in CS but allowed in CG. Staff stated any kind of lodging like a campground is allowed in CG but allowed in CS. Staff stated self service storage facility is allowed by Special Exception in CS but by right in CG.

Ms. Millikin stated she is very sympathetic to the applicant but has to support the staff recommendation of denial because the existing zoning does not support the change.

Mr. Covey stated he agrees with Mr. McArtor that he doesn't see a lot of difference between renting trucks and selling cars.

Staff stated in section 15 of the Zoning Code there is a provision that prohibits outdoor storage and display within 300 feet of a residential zoned district.

Mr. Covey asked how the previous owners were allowed to rent trucks on the subject property.

Staff stated that was a previous code and it could have had a different standard.

Mr. Covey told the applicant that her real estate agent provided a great disservice to her.

The applicant stated at the end of the day it was still her fault.

Mr. Ray stated he thinks what the applicant wants to do in the area is needed but he has to be true to the Zoning Code because it is the ultimate guide for Planning Commission.

TMAPC Action; 8 members present:

On **MOTION** of **MCARTOR**, TMAPC voted **6-2-0** (Covey, Fothergill, Millikin, Ray, Shivel, Van Cleave, "aye"; McArtor, Walker, "nays"; none "abstaining"; Doctor, Reeds, Ritchey, "absent") to **DENY** PUD-633-A Major Amendment per staff recommendation.

Legal Description PUD-633-A:

LT 20 BLK G; LT 21 BLK G, CREST VIEW ESTATES, City of Tulsa, Tulsa County, State of Oklahoma

Mr. Ray left meeting at 3:43 pm.

OTHER BUSINESS

13. Consider initiation of revisions and executive summary of West Highlands/Tulsa Hills Small Area Plan (Continued from April 3, 2019)

Item

Consider initiation of proposed revisions and executive summary of West Highlands/Tulsa Hills Small Area Plan, an amendment to the Comprehensive Plan (planitulsa).

Background

The West Highlands/Tulsa Hills Small Area Plan was adopted in 2014 after a two-year community engagement process. The plan area included an area in the southwest corner of Tulsa (approximately 33rd Ave. W. to Elwood Ave and 91st St. S to 61st St. S).

This plan aimed for development predictability and attempts to balance future demand for land development with respect for existing aesthetics, open space preservation, transportation improvements and other key concerns of local stakeholders (residents, business owners, and others). The goal is that West Highlands/Tulsa Hills remains as attractive an area in which to live, locate and invest 20 years from now as it is today.

Recommendations 16.2 and 16.3 state 'Revisit this plan every five (5) years to review progress in implementing these recommendations to achieve the plan's vision' and 'Revise the plan if necessary if benchmarks and indicators show insufficient progress towards vision.'

Additionally, throughout the past five years, there has been continued discussion on the intent of the plan and attempts to clarify a variety of sections that appear contradictory. This plan also does not have an adopted executive summary with recommendations and is therefore inconsistent with the format of other adopted small area plans.

Staff Recommendation

Initiate plan revisions and executive summary of West Highlands/Tulsa Hills Small Area Plan, an amendment to the Comprehensive Plan (planitulsa).

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **FOTHERGILL**, TMAPC voted **7-0-0** (Covey, Fothergill, McArtor, Millikin, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Doctor, Ray, Reeds, Ritchey, "absent") to **INITIATE** plan revisions and executive summary of West Highlands/Tulsa Hills Small Area Plan as an amendment to the Tulsa Comprehensive Plan per staff recommendation.

14. Commissioners' Comments

None

ADJOURN

TMAPC Action; 7 members present:

On **MOTION** of **WALKER**, TMAPC voted **7-0-0** (Covey, Fothergill, McArtor, Millikin, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Doctor, Ray, Reeds, Ritchey, "absent") to **ADJOURN** TMAPC meeting of April 17, 2019 Meeting No. 2792.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 3:45 p.m.

Date Approved:

Chairman

ATTEST: _____

Secretary