

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2777

Wednesday, September 5, 2018, 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	Fretz	Chapman	Jordan, COT
Dix	Ritchey	Foster	Silman, COT
Doctor		Hoyt	VanValkenburgh, Legal
Fothergill		Miller	
Krug		Sawyer	
Millikin		Wilkerson	
Reeds			
Shivel			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, August 31, 2018 at 8:46 a.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Covey called the meeting to order at 1:30 p.m.

REPORTS:

Chairman’s Report:

Director’s Report:

Ms. Miller stated the receipts for July 2018 are consistent with July of last year. Ms. Miller reported on City Council and Board of County Commission actions taken and other special projects. Ms. Miller stated the City Council reinitiated the Mixed-Use zoning program along the BRT effective until December of 2019.

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1. **Minutes:**

Approval of the minutes of August 15, 2018 Meeting No. 2776

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Covey, Dix, Doctor, Fothergill, Krug, Millikin, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Fretz, Ritchey, "absent") to **APPROVE** the minutes of the meeting of August 15, 2018, Meeting No. 2776.

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. **Crane Carrier Lot 1 Amended** (CD 3) Reinstatement of Preliminary Plat, Location: North of the northeast corner of East 46th Street North and North Mingo Road
3. **PUD-288-18 Richard Winn** (CD 4) Location: East of the Southeast corner of East 26th Place South and South Lewis Avenue requesting a **PUD Minor Amendment** to reduce the rear yard setback from 25 feet to 14 feet 6 inches to permit an addition

STAFF RECOMMENDATION:

SECTION I: PUD-288-18 Minor Amendment

STAFF RECOMMENDATION

Amendment Request: Revise the PUD Development Standards to reduce the rear yard setback in order to permit the construction of an addition to the existing home.

Currently, the development standards of the PUD call for a rear yard setback of 25 feet. The applicant is proposing to reduce the rear yard to 14 feet 6 inches to permit the proposed addition.

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

"Changes in structure heights, building setbacks, yards, open spaces, building coverage and lot widths or frontages, provided the

approved PUD development plan, the approved standards and the character of the development are not substantially altered.”

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the PUD.
- 2) All remaining development standards defined in PUD-288 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to reduce the rear yard setback to 14 feet 6 inches.

Legal Description PUD-288-18:

Lot 11, Block 1 Eight Acres
2660 S Birmingham Ave

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Doctor, Fothergill, Krug, Millikin, Reeds, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Fretz, Ritchey, “absent”) to **APPROVE** Items 2 and 3 per staff recommendation.

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

PUBLIC HEARINGS:

Mr. Covey stated the continuances would be addressed first.

7. **West Park Phase II** (CD 4) Authorization for Accelerated Release of Building Permit, Location: Northeast corner of East 6th Street South and South Lewis Avenue

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Doctor, Fothergill, Krug, Millikin, Reeds, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Fretz, Ritchey, “absent”) to **CONTINUE** West Park Phase II to September 19, 2018 per applicant’s request.

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Related items 9 and 10 were considered together

Mr. Wilkerson stated the applicant has requested a continuance to September 19, 2018.

9. **PUD-847 Tyler Parette** (County) Location: West of the northwest corner of North Peoria Avenue and East 66th Street North requesting a **PUD** to permit a master planned community (related to CZ-473) **(Applicant requests a continuance to September 19, 2018)**

10. **CZ-473 Tyler Parette** (County) Location: West of the northwest corner of North Peoria Avenue and East 66th Street North requesting rezoning from AG to CG to permit a master planned community (related to PUD-847) **(Applicant requests a continuance to September 19, 2018)**

Applicant's Comments:

The applicant stated the continuance is needed to finalize the plan and to further engage the community with accurate information.

Mr. Covey asked the applicant if 2 weeks would be enough time.

Applicant answered "yes".

The following Interested Parties were against the continuance.

INTERESTED PARTIES:

- Richard Shafer** 1027 East 66th Street North, Tulsa, OK 74126
- Randy Walker** 6718 North Norfolk, Tulsa, OK 74126
- Christinea Kearse** 1655 East 73th Street North, Tulsa, OK 74126
- John Hardie** 6341 North St. Louis Avenue, Tulsa, OK 74126
- Clarence Osborn** 608 East 73rd Street North, Tulsa, OK 74126
- Pat McCutchen** 6708 North Norfolk Place, Tulsa, OK 74126
- Jason Turley** 1701 East 63rd Street North, Tulsa, OK 74130
- Terry Lewallen** 1660 East 75th Street North, Tulsa, OK 74126
- Jeff Kirkham** 1727 East 73rd Street North, Tulsa, OK 74130
- Micheal Whitchurch** 6318 North Quaker Avenue, Tulsa, OK 74130
- Robert Utley** 1218 East 73rd Street North, Tulsa, OK 74126
- Kevin Walter** 6606 North Peoria, Tulsa, OK 74126
- Bill Keeta** 6438 North Victor Avenue, Tulsa, OK 74130
- Raymond Cavely** 1638 East 75th Place North, Tulsa, OK 74126
- Don Canann** 1405 East 68th Street North, Tulsa, OK 74126

Jim Habor 6630 North Norfolk Place, Tulsa, OK 74126
Paula Kinks 6207 North Utica Place, Tulsa, OK 74130
Patrick Carter 6471 North Peoria Avenue, Tulsa, OK
Cathy Lang 1414 East 71st Street North, Tulsa, OK 74126
Bonnie Robert 1424 East 71st Street North, Tulsa, OK 74126
Tonja R. Amos 6532 North Johnston, Tulsa, OK 74126
Shannandoah McCall 6306 North Madison Avenue, Tulsa, OK 74126
Frank Oates 1645 East 73rd Street North, Tulsa, OK 74126
Vince Oates 1532 East 69th Street North, Tulsa, OK 74126
Tom Myers 528 East 65th Place North, Tulsa, OK 74126
Pam Myers 528 East 65th Place North, Tulsa, OK 74126
Misty Harvey 1424 East 71st Street North, Tulsa, OK 74126
Randy Mortensen 6306 North Madison Avenue, Tulsa, OK 74126
Wade Vinson 319 West Young Street, Tulsa, OK 74126
Chatty Simons 1526 East 69th Street North, Tulsa, OK 74126
Kimberly Franks 502 South 38th West Avenue, Tulsa, OK 74127
Annette Bachman 1516 East 59th Place North, Tulsa, OK 74126
Heather DuBose 6220 North Utica Place, Tulsa, OK 74130
Sara Nelson 6650 North Norfolk Place, Tulsa, OK 74126
Dakota Cavely 1620 ½ East 75th Place, Tulsa, OK 74126
Manuel Sanchez 6642 North Norfolk Avenue, Tulsa, OK 74126
Rhonda Vinson 7402 North Iroquois, Tulsa, OK 74126
Shelley Neel 6415 North Johnstown Avenue, Tulsa, OK 74126
Shane Fields 6415 North Johnstown Avenue, Tulsa, OK 74126
Daniel Sanko 7539 North Trenton Avenue, Tulsa, OK 74126

The following Interested Parties were in favor of the continuance.

Michelle Bates 9237 Freedom Avenue, Sapulpa, OK 74066

The applicant stated he offered to provide any information about the project but not about specific donor information which would be illegal to provide. The applicant stated he called a member of the Turley Association to let him know he had requested a continuance, so they could better inform the community. The applicant stated more time than was legally required was spent notifying residents. A letter and brochure were sent to everyone within 300 feet of the property and attended a TCA meeting at the request of the Turley Community Association where questions were answered. The applicant encouraged people who supported this project to not come to today's meeting but instead to take off work for the meeting on September 19, 2018. The applicant stated he has a couple of meetings scheduled with churches over the weekend and maybe have a few small group sessions over the next 2 weeks so that people can get accurate information.

Mr. Covey asked if the applicant was sure 2 weeks was enough.

Applicant answered "yes".

Mr. Dix asked staff if the applicant has provided everything for a staff report.

Staff answered "yes".

TMAPC COMMENTS:

Mr. Covey stated generally TMAPC grants a continuance to either the applicant or the protestants the first time around and a lot of times the protestants will request additional time to hire an attorney or to review items. Mr. Covey stated it is standard practice to grant the first continuance.

TMAPC Action; 9 members present:

On **MOTION** of **MILLIKIN**, TMAPC voted **9-0-0** (Covey, Dix, Doctor, Fothergill, Krug, Millikin, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Fretz, Ritchey, "absent") to **CONTINUE** PUD-847 and CZ-473 to September 19, 2018 per applicant's request.

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4. **Storage Solutions Unlimited** (CD 6) Preliminary Plat, Location: East of the southeast corner of East Admiral Place and South 177th East Avenue

STAFF RECOMMENDATION:

Storage Solutions Unlimited - (CD 6)

East of the southeast corner of East Admiral Place and South 177th East Avenue

This plat consists of 1 lot, 1 block on 4.6± acres.

The Technical Advisory Committee (TAC) met on July 5, 2018 and provided the following conditions:

1. **Zoning:** The property is currently zoned CS with an approved Planned Unit Development (PUD-290-A). Development plan number must be shown on the face of the plat and development plan standards filed with the deed of dedication.
2. **Addressing:** Lot address must be provided on the face of the plat. City of Tulsa will assign address. Provide address disclaimer on the face of the plat.
3. **Transportation & Traffic:** Sidewalks are required to be installed along East

Admiral Place prior to any Certificates of Occupancy.

4. **Sewer:** IDP is required for the extension of sewer service to the project site. Offsite easements will be required and IDP must be approved prior to approval of the final plat.
5. **Water:** Approved as submitted.
6. **Engineering Graphics:** Submit a subdivision control data sheet with final plat. Location map should reflect all filed subdivisions. All other property should be labeled as unplatted. Ensure legal description accuracy on the face of the plat and deed of dedication. Show scale both written and graphically. Remove contours from final plat submittal.
7. **Fire:** No comments.
8. **Stormwater, Drainage, & Floodplain:** Detention easement is required for the on-site detention pond required for this site. Covenant language must be provided regarding maintenance of the detention area.
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 the requirements of the Subdivision and Development Regulations.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Doctor, Fothergill, Krug, Millikin, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Fretz, Ritchey, "absent") to **APPROVE** Storage Solutions Unlimited Preliminary Plat per staff recommendation.

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5. **Fire Station No. 33** (CD 6) Preliminary Plat, Location: Southeast corner of East 41st Street South and South 134th East Avenue

STAFF RECOMMENDATION:

Fire Station No. 33 - (CD 6)

Southeast corner of East 41st Street South and South 134th East Avenue

This plat consists of 2 lots, 1 block on 4.83 ± acres.

The Technical Advisory Committee (TAC) met on August 16, 2018 and provided the following conditions:

1. **Zoning:** The property is currently zoned RS-3 with an approved Planned Unit Development (PUD-221-J). Development plan number must be shown on the face of the plat and development plan standards filed with the deed of dedication.
2. **Addressing:** Address assigned for Lot 1 is 4115 S 134 East Ave, Lot 2 is 13444 E 41st St S
3. **Transportation & Traffic:** Required right-of-way dedication accurately shown on the plat. Limits of no access are required along East 41st Street South. Sidewalks as required by the Subdivision and Development Regulations.
4. **Sewer:** Approved extension of the public sanitary sewer system to serve proposed lots is required prior to the final plat approval. Perimeter utility easements required, internal back-to-back easements required between lots.
5. **Water:** Approved as submitted.
6. **Engineering Graphics:** Submit a subdivision control data sheet with final plat. Location map should reflect all filed subdivision boundaries. All other property should be labeled as unplatted. Remove contours from final plat submittal. Provide CA number for engineer with renewal date.
7. **Fire:** No comments.
8. **Stormwater, Drainage, & Floodplain:** Portions of the property are contained within the floodplain. Easements required for all floodplain areas. Any proposed development within the floodplain must meet the floodplain development requirements of the City of Tulsa Revised Ordinances, Title 11-A and Title 51 as well as all City drainage standards. Proposed changes to the floodplain boundaries or flood elevations will be subject to floodplain map revisions. Detention easements required for any on-site detention necessary.
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 the requirements of the Subdivision and Development Regulations.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Doctor, Fothergill, Krug, Millikin, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Fretz, Ritchey, "absent") to **APPROVE** Fire Station No. 33 Preliminary Plat per staff recommendation.

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6. **The Summit at Tulsa Hills** (CD 2) Preliminary Plat, Location: South of the southeast corner of West 71st Street South and South Union Avenue

STAFF RECOMMENDATION:

The Summit at Tulsa Hills - (CD 2)

South of the southeast corner of West 71st Street South and South Union Avenue

This plat consists of 58 lots, 4 blocks, 3 reserve areas on 35.78 ± acres.

The Technical Advisory Committee (TAC) met on August 16, 2018 and provided the following conditions:

1. **Zoning:** The property is currently zoned CO with an approved Planned Unit Development (PUD-636). Development plan number must be shown on the face of the plat and development plan standards filed with the deed of dedication.
2. **Addressing:** Addresses will be assigned to draft final plat. Street names must be adjusted as required by City of Tulsa.
3. **Transportation & Traffic:** Limits of no access are required along South Union Avenue to align with proposed access points. Language required in the deed of dedication.
4. **Water/Sewer:** IDP required for mainline extensions of both water and sewer. Approved IDP is required prior to approval of the final plat. Provide 17.5 utility easement along north lot line of Reserve A and the east lot line of Reserve C.
5. **Airport:** Avigation notice required to be affixed to the face of the plat. Construction evaluation by FAA required prior to final plat approval.

6. **Engineering Graphics:** Submit a subdivision control data sheet with final plat. Location map should reflect all filed subdivision boundaries. All other property should be labeled as unplatted. Remove contours from final plat submittal. Provide distance from section corner to POB in the legal description both on the face of the plat and the deed of dedication. Show section corner used for description on plat. Add "State of" before Oklahoma in the plat subtitle. Add "City of" before Tulsa in the plat subtitle. CA numbers have expired for both engineer and surveyor. Provide updated information with renewal dates. Update common area labels to say "Reserve".
7. **Fire:** No comments.
8. **Stormwater, Drainage, & Floodplain:** All proposed storm sewer and detention areas must be contained within an appropriate easement with language in the covenants.
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 the requirements of the Subdivision and Development Regulations.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Doctor, Fothergill, Krug, Millikin, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Fretz, Ritchey, "absent") to **APPROVE** The Summit at Tulsa Hills Preliminary Plat per staff recommendation.

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8. **Cottages at Cedar Ridge** (CD 7) Authorization for Accelerated Release of Building Permit, Location: West of the southwest corner of East 96th Street South and South Garnett Road

STAFF RECOMMENDATION:

Cottages at Cedar Ridge - (CD 7)

West of the southwest corner of East 96th Street South and South Garnett Road

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. A preliminary plat for the project was approved on April 5, 2017. Infrastructure Development Permits were approved on June 8, 2018.

The applicant has provided the following statement in support of their request for accelerated building permits:

“Case and Associates, Inc. thru one of its entities, COTTAGES GRACE LLC, is developing the COTTAGES AT CEDAR RIDGE AT 96TH and Garnett. IDP plans have been approved since June 8, 2018 and infrastructure is under construction.

Four offsite easements and the dedication of Grace Chapel Drive are required. The revised easement package was delivered to the City May 2, 2018. Additionally, one of the easements has been revised again because Grace Church sold some of its property and that easement package was delivered to the City August 2, 2018.

The adjacent land owners have agreed to sign the easements once they have been prepared.

The easement legal description review needs to be completed. The easement document needs to be prepared. The easements need to be executed by the adjacent landowners. The signed easements need to be returned to the City and placed on a City Council agenda for acceptance. The easements need to be filed and the recording information put on the final plat. The final plat review needs to be completed by City and INCOG. Lastly, the plat needs copied and signed and returned to INCOG for processing thru a City Commission meeting for approval and then signatures.

The remaining items contained in paragraph 5 are above and beyond the control of COTTAGES GRACE LLC and do not appear to be completed in the near future. As this project will take over a year to build, COTTAGES GRACE LLC respectfully requests early release of permits prior to the plat being filed.”

The Technical Advisory Committee met on Thursday, August 16th, 2018 and no objections were raised to the authorization of an accelerated release of a building permit. 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 condition of the *Subdivision and Development Regulations*:

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

The applicant indicated his agreement with staff’s recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Doctor, Fothergill, Krug, Millikin, Reeds, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Fretz, Ritchey, “absent”) to **APPROVE** Cottages at Cedar Ridge Accelerated Release of Building Permit per staff recommendation.

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Items 11 and 12 were presented together

11. **PUD-848 Erik Enyart** (County) Location: South and east of the southeast corner of South Lewis Avenue and East 161st Street South requesting a **PUD** to permit a residential subdivision (related to CZ-474)

STAFF RECOMMENDATION:

SECTION I: PUD-848

DEVELOPMENT CONCEPT: Rezone from AG to RE/PUD-848 to permit a single-family subdivision, Breeze Farms. The development is intended to follow the recommendations of the RE district, with the exceptions noted in the proposed Development Standards of the PUD.

DETAILED STAFF RECOMMENDATION:

PUD-848 is non injurious to the existing proximate properties and;

PUD-848 is consistent with the anticipated future development pattern of the surrounding property;

PUD-848 is consistent with the PUD chapter of the Tulsa County Zoning Code, therefore;

Staff recommends Approval of case PUD-848 to rezone property from AG to RE/PUD-848.

Development Standards:

Breeze Farms shall be developed in accordance with the use and development regulations of the RE district of the Tulsa County Zoning Code, except as noted herein:

Project Gross Land Area:	11,864,301 SF	272.367 AC
Permitted Uses: Uses permitted as a matter of right in RE zoning district in the Tulsa County Zoning Code including, but not necessarily limited to: detached single-family dwellings, landscaped features, reserve areas, neighborhood recreational facilities, and uses customarily accessory to permitted uses.		
Maximum Number of Lots:	350 Lots	
Minimum Lot Width:	120 FT	
Minimum Lot Size:	21,780 SF (1/2 acre)	
Minimum Land Area per Dwelling Unit:	24,780 SF	
Minimum Livability Space per Dwelling Unit:	12,000 SF	
Maximum Building Height:	35 FT	
Off-street Parking:	Minimum two (2) enclosed off-street parking spaces required per dwelling unit.	
Minimum Yard Setbacks		
<i>Front Yard:</i>	35 FT	
<i>Rear Yard:</i>	25 FT	
<i>Side Yard:</i>	10 FT & 10 FT	

STREETS: Streets within this PUD, whether public or private, shall be constructed to Tulsa County standards for minor residential streets. Streets may be designed with borrow ditches or curbs and gutters as per design standards approved by Tulsa County. Divided, boulevard-style entrances may be constructed, provided any median landscaping and other entry features shall be maintained by the mandatory homeowners' association.

ACCESSORY BUILDINGS: Detached accessory buildings shall be permitted subject to Tulsa County Zoning Code regulations and private restrictions as may be imposed by restrictive covenants or other private deed restrictions filed of record by separate instrument.

SIGNS: Subdivision entrance signs shall be permitted at each entrance and shall comply with the accessory use regulations for signage of the Tulsa County Zoning Code. Signage serving residential neighborhood amenities, appropriate for purpose and neighborhood scale, shall be permitted within reserve areas containing neighborhood amenities. Signage shall otherwise comply with the Tulsa County Zoning Code.

FENCING: Fencing along South Lewis Avenue and East 161st Street South will be decorative in nature and consistent with a residential-estate single family subdivision. Fences along the subdivision perimeters, reserve areas, and individual home sites shall comply with fence requirements of the Tulsa County Zoning Code.

GENERAL PROVISIONS

A. ACCESS AND CIRCULATION: Breeze Farms is conceptually planned with two (2) points of access, one each on South Lewis Avenue and East 161st Street South, designed as divided, boulevard-style streets with generous landscaping. Although larger lots would normally allow for longer blocks, Breeze Farms has been designed with relatively shorter blocks and better street connectivity to encourage walkability. The Exhibit B “Conceptual Site Plan” reflects points of access and the conceptual layout for internal streets and pedestrian walking trails.

Limits of No Access (LNA) will be imposed by the future plat along the South Lewis Avenue and East 161st Street South frontages, except at the approved street intersections.

Stub connections to the west and south shall be provided, similar to as illustrated on the Conceptual Site Plan (Exhibit B) included with this report.

B. DRAINAGE AND UTILITIES: The toe of a hill system reaches to South Lewis Ave. along the subject property’s western boundary. The majority of the site drains northeasterly to an upstream tributary of Posey Creek, which exits the subject property at its northeast corner. The northern end of the subject property drains to the northeast across East 161st Street South. All drainageways are ultimately within the Posey Creek drainage basin. Several farm ponds are located within and adjacent to the subject property.

An internal stormwater collection system will be designed and constructed to Tulsa County standards. Conceptual drainage design can be inferred on the

Exhibit B “Conceptual Site Plan,” including onsite stormwater detention ponds, which will be located within reserve areas to be maintained by the mandatory homeowners’ association. Stormwater drainage and detention plans will be prepared and submitted to Tulsa County for review and approval during the engineering process.

Public water is available to the site through waterline extensions and/or replacements. It is yet to be determined whether Creek County Rural Water District # 2 or Okmulgee County Rural Water District # 6 will serve Breeze Farms. Fire hydrant locations will be coordinated with the fire protection agency having jurisdiction.

Public sanitary sewer is not available to the site. Therefore, sewerage will be provided by individual onsite sewage disposal systems approved by the Oklahoma Department of Environmental Quality. The restrictive covenants of the subdivision plat or other such restrictions filed of record by separate instrument may require the maintenance by each lot owner of the individual onsite sewage disposal system according to ODEQ requirements. The covenants may reserve to the developer the right to designate an approved third-party contractor with experience in installing/maintaining individual onsite sewage disposal systems for the purpose of performing regular maintenance and monitoring functions of all such systems within the subdivision, and to provide that the fees for such services may be satisfied through homeowners’ association dues or regular or special assessments imposed upon each lot.

Natural gas, electric, and communications services are available onsite or by extension.

Existing and proposed utilities are shown on Exhibit C of this PUD.

C. ENVIRONMENTAL ANALYSIS AND TOPOGRAPHY: The site is moderately sloped and drains to the northeast, ultimately to Posey Creek.

As represented on Exhibit E “FEMA Floodplain Map,” the entire site is located within Unshaded Zone X – outside of the 500-year (0.2% Annual Chance) Floodplain.

The USDS Soil Survey of Tulsa County, Oklahoma was used to help identify soils types and possible constraints to development. Existing soils on the subject property primarily consist of Okemah- Parsons- Pharoah complex, 0-1% slopes (46.2% of site area), Dennis-Radley complex, 0-12% slopes (29.0% of site area),

Okay silt loam, 0-1% slopes (22.6% of site area), Dennis-Pharoah complex, 1-3% slopes (1.4% of site area), and Eram-Coweta complex, 5-15% slopes and Dennis silt loam, 1-3% slopes (0.4% of site area each). Development constraints associated with these soils will be addressed in the engineering design phase of the project and, if required, a geotechnical report will be performed to recommend paving sections and subgrade design. Soils and topography are shown on Exhibit D "Existing Topography & Soils" of this PUD.

D. ZONING AND LAND USE: This property is currently zoned AG Agriculture District and is currently vacant. It has been used agriculturally.

To facilitate this PUD, a companion application is being filed to rezone the site to RE Residential Single-Family, Estate District. Abutting to the south, a 30-acre tract has recently been rezoned to RE with a PUD; the balance of the surrounding zoning is AG in unincorporated Tulsa County. Existing zoning is shown on Exhibit F, and proposed zoning is shown on Exhibit G. Site and surrounding area land uses are depicted on Exhibit A "Aerial Photography & Boundary Depiction."

E. SITE PLAN REVIEW: No building permit for a residence within Breeze Farms shall be issued until a subdivision plat has been approved by the Tulsa Metropolitan Area Planning Commission as being in compliance with the Planned Unit Development concept and development standards. The plat will also serve as the site plan for all residential lots contained within the plat and must be filed of record with the Tulsa County Clerk.

F. PHASE DEVELOPMENT: Based on market demand, Breeze Farms will be developed in phases starting with either the South Lewis Avenue or East 161st Street South frontage. Coordination with Tulsa County will be maintained in order to provide adequate traffic circulation and utility service.

G. SCHEDULE OF DEVELOPMENT: Initial construction is anticipated to commence once the PUD, engineering design, and subdivision plat have been approved by Tulsa County.

Staff recommends Approval of PUD-848 as outlined in Section I above.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: This area is outside of the City of Tulsa Comprehensive Plan area. The City of Bixby Comprehensive Plan 2001-2020 designated the Northern half of the site as Low Intensity and the Southern half as Corridor.

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: S Lewis Ave and E 161st St S are both Secondary Arterials. The Major Street and Highway Plan also calls out two Residential Collectors that cross the subject lots, which do not currently exist.

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 agricultural land. There are several ponds located on the lots.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
S Lewis Ave	Secondary Arterial	100 Feet	2
E 161 st St S	Secondary Arterial	100 Feet	2

Utilities:

The subject tract has municipal water available through waterline extensions and replacements. Public Sanitary Sewer is not available, but will be provided by individual onsite sewage disposal systems approved by ODEQ.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG	N/A	N/A	AG/Single-Family
South	AG/RE/PUD-846	N/A	N/A	AG/Single-Family
East	AG	N/A	N/A	AG/Single-Family
West	AG	N/A	N/A	AG/Single-Family

SECTION III: Relevant Zoning History

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

Subject Property:

CZ-455 April 2017: The applicant **withdrew** a request for *rezoning* a 55± acre tract of land from AG to RE on property located on east of the southeast corner of East 161st Street South and South Lewis Avenue.

Surrounding Property:

CZ-472 July 2018: TMAPC concurred in **approval** (it has moved on to County Commission for approval) of a request for *rezoning* a 12.08± acre tract of land from AG to AG-R on property located on the northwest corner of East 171st Street South and South Lewis Avenue.

CZ-460/PUD-846 August 2017: All concurred in **approval** of a request for *rezoning* and a proposed *Planned Unit Development* on a 30+ acre tract of land from AG to RS, for single-family development, on property located west of the northwest corner of East 171st Street South and South Harvard Avenue.

CZ-387/PUD-745 October 2007: All concurred in **approval** of a request for *rezoning* and a proposed *Planned Unit Development* on an 80+ acre tract of land from AG to RS, for single-family development, on property located west of southwest corner of East 171st Street South and South Lewis Avenue.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Doctor, Fothergill, Krug, Millikin, Reeds, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Fretz, Ritchey, “absent”) to **APPROVE** PUD-848 to permit a residential subdivision per staff recommendation.

Legal Description of PUD-848:

A TRACT OF LAND LOCATED WITHIN SECTION TWENTY-NINE (29), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, TULSA COUNTY, OKLAHOMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SAID SECTION 29; THENCE SOUTH 1°16'19" EAST AND ALONG THE EAST LINE OF SAID NORTHWEST QUARTER FOR A DISTANCE OF 1318.67 FEET TO A POINT AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW/4 NE/4) OF SAID SECTION 29; THENCE NORTH 88°51'22" EAST AND ALONG THE NORTH LINE OF SAID SW/4 NE/4 FOR A DISTANCE OF 1321.01 FEET TO A POINT AT THE NORTHEAST CORNER OF SAID SW/4 NE/4; THENCE SOUTH 1°16'20" EAST AND ALONG THE EAST LINE OF SAID SW/4 NE/4 AND ALONG THE EAST LINE OF THE NW/4 SE/4 OF SAID SECTION 29 FOR A DISTANCE OF 2637.59 FEET TO A POINT AT THE SOUTHEAST CORNER OF SAID NW/4 SE/4; THENCE SOUTH 88°48'42" WEST AND ALONG THE SOUTH LINE OF SAID NW/4 SE/4 FOR A DISTANCE OF 1321.02 FEET TO A POINT AT THE SOUTHWEST CORNER OF SAID NW/4 SE/4; THENCE SOUTH 88°48'42" WEST AND ALONG THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 29 FOR A DISTANCE OF 1893.71 FEET; THENCE NORTH 1°10'07" WEST FOR A DISTANCE OF 579.25 FEET; THENCE SOUTH 88°48'40" WEST FOR A DISTANCE OF 752.00 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 29; THENCE NORTH 1°10'07" WEST AND ALONG SAID WEST LINE FOR A DISTANCE OF 742.29 FEET TO A POINT AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 29; THENCE NORTH 1°10'27" WEST AND ALONG THE WEST LINE OF SAID NW/4 FOR A DISTANCE OF 582.65 FEET; THENCE NORTH 88°51'22" EAST FOR A DISTANCE OF 800.00 FEET; THENCE NORTH 1°10'27" WEST AND PARALLEL WITH THE WEST LINE OF SAID NW/4 FOR A DISTANCE OF 2055.49 FEET TO A POINT ON THE NORTH LINE OF SAID NW/4; THENCE NORTH 88°52'02" EAST AND ALONG SAID NORTH LINE FOR A DISTANCE OF 1838.83 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 11,864,301 SQUARE FEET OR 272.367 ACRES.

12. **CZ-474 Erik Enyart** (County) Location: South and east of the southeast corner of South Lewis Avenue and East 161st Street South requesting rezoning from AG to RE (related to PUD-848)

STAFF RECOMMENDATION:

SECTION I: CZ-474

DEVELOPMENT CONCEPT: Rezone from AG to RE to permit a single-family subdivision. A new Planned Unit Development, PUD-848, is also proposed to accompany this zoning request.

DETAILED STAFF RECOMMENDATION:

CZ-474 is non injurious to the existing proximate properties and;

CZ-474 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends Approval of CZ-474 to rezone property from AG to RE.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: This area is outside of the City of Tulsa Comprehensive Plan area. The City of Bixby Comprehensive Plan 2001-2020 designated the Northern half of the site as Low Intensity and the Southern half as Corridor.

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: S Lewis Ave and E 161st St S are both Secondary Arterials. The Major Street and Highway Plan also calls out two Residential Collectors that cross the subject lots, which do not currently exist.

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 agricultural land. There are several ponds located on the lots.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
S Lewis Ave	Secondary Arterial	100 Feet	2
E 161 st St S	Secondary Arterial	100 Feet	2

Utilities:

The subject tract has municipal water available through waterline extensions and replacements. Public Sanitary Sewer is not available, but will be provided by individual onsite sewage disposal systems approved by ODEQ.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG	N/A	N/A	AG/Single-Family
South	AG/RE/PUD-846	N/A	N/A	AG/Single-Family
East	AG	N/A	N/A	AG/Single-Family
West	AG	N/A	N/A	AG/Single-Family

SECTION III: Relevant Zoning History

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

Subject Property:

CZ-455 April 2017 : The applicant **withdrew** a request for *rezoning* a 55± acre tract of land from AG to RE on property located on east of the southeast corner of East 161st Street South and South Lewis Avenue.

Surrounding Property:

CZ-472 July 2018: TMAPC concurred in **approval** (it has moved on to County Commission for approval) of a request for *rezoning* a 12.08± acre tract of land from AG to AG-R on property located on the northwest corner of East 171st Street South and South Lewis Avenue.

CZ-460/PUD-846 August 2017: All concurred in **approval** of a request for *rezoning* and a proposed *Planned Unit Development* on a 30+ acre tract of land from AG to RS, for single-family development, on property located west of the northwest corner of East 171st Street South and South Harvard Avenue.

CZ-387/PUD-745 October 2007: All concurred in **approval** of a request for *rezoning* and a proposed *Planned Unit Development* on an 80+ acre tract of land from AG to RS, for single-family development, on property located west of southwest corner of East 171st Street South and South Lewis Avenue.

Applicant's Comments:

Applicant stated what was being proposed is large lot, single family subdivision with aerobic systems. Applicant stated they would be minimum half acre in size. Applicant stated the reason for the PUD is to vary the lot width to a minimum of 120 feet. The property is 272 acres in size and applicant is proposing 350 lots in the PUD. Applicant stated there was a neighborhood meeting and the concerns were larger lots and concerns about the entrances on the conceptual site plan allowing lights from cars shining into the houses. Applicant stated he assured neighbors he would look at this during the platting process to try and rearrange the entrances to fix this problem.

INTERESTED PARTIES:

Marcus Ratcliff 16417 South Lewis Avenue, Bixby, OK 74008

Mr. Ratcliff stated he owns the property to the west of the subject property. Mr. Ratcliff stated he absolutely respects property rights and the owners desire to develop this property the concerns he has is drainage, curbs and guttering. Mr. Ratcliff stated during the original meeting this was presented as having 308 houses and the applicant stated 350 this morning and that changes it some because with that many houses on this land whether it is large lots or not will

create some drainage and water issues. Mr. Ratcliff stated in a nearby development Springhill Farms, it was approved for bar ditches and asphalt and the erosion problems the residents are facing today are significant. Mr. Ratcliff stated having half acre lots does change the feel of this area. He stated Lewis and 161st street are secondary roads that are 2 lanes and really struggle to maintain the current traffic flow and if you layer in another 600 to 700 cars it will be very difficult.

Kenneth Haddock 16530 South Lewis Avenue Bixby, OK 74008

Mr. Haddock stated he has same concerns as Mr. Ratcliff has and he would like to ask where the drainage of the water will go because in heavy rain water stands in the low areas. Mr. Haddock stated he is also concerned about the traffic in the area. He stated 161st Street and South Lewis won't be near as bad as 151st Street and South Lewis because that is a 4 lane road with no traffic lights. Mr. Haddock stated there are 3 ways to get to Tulsa from Bixby that is Memorial, Peoria, and Highway 75 and all three are overloaded with cars and adding 300-400 more cars will make the problem worse. Mr. Haddock stated he has an email from Ron Peters, Tulsa County Commissioner that states the current data shows there is about 305 cars a day on Lewis Avenue and with this proposed development that number would triple. Mr. Haddock stated the road conditions in this area are not in very good shape.

Ethan Knell 2930 East 161st Street South, Bixby, OK 74008

Mr. Knell stated he lives east of the subject property and he saw the sign 2 weeks ago and he didn't get any notice. He thinks there should be more communication with the residents. Mr. Knell stated his concerns are the flooding in the area. He stated it is like a raging river across this property after it rains. Mr. Knell stated he thought you had to have larger lots for an aerobic system to be used. Mr. Knell stated the water is definitely a concern.

Applicant stated he used the 300-foot radius report prepared by INCOG to send out notices for neighborhood meetings and he isn't sure if Mr. Knell's is beyond that 300-foot radius or not. Applicant stated the current plan is to have curb and gutter and not bar ditches which is unique to the area. The applicant states he has spoken with Harry Creech, Tulsa County Engineering and will meet all Tulsa County standards regarding water retention. Applicant stated he has also talked with Tulsa County about the traffic issue on 161st Street and South Lewis, which are secondary arterial roads on the Major Street and Highway Plan which means at some time in the future there will be a 100 foot of dedication and there will be 5 lanes on each of these streets to handle the traffic. The applicant stated the conceptual plan shows 308 lots but its conceptual and always allows room to expand because we don't want to have to come back to the Planning Commission to ask for an amendment to the PUD to add more lots. The exact number of lots won't be determined until platting.

TMAPC COMMENTS:

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Doctor, Fothergill, Krug, Millikin, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Fretz, Ritchey, "absent") to **APPROVE** CZ-474 rezoning from AG to RE per staff recommendation.

Legal Description of CZ-474:

A TRACT OF LAND LOCATED WITHIN SECTION TWENTY-NINE (29), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, TULSA COUNTY, OKLAHOMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SAID SECTION 29; THENCE SOUTH 1°16'19" EAST AND ALONG THE EAST LINE OF SAID NORTHWEST QUARTER FOR A DISTANCE OF 1318.67 FEET TO A POINT AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW/4 NE/4) OF SAID SECTION 29; THENCE NORTH 88°51'22" EAST AND ALONG THE NORTH LINE OF SAID SW/4 NE/4 FOR A DISTANCE OF 1321.01 FEET TO A POINT AT THE NORTHEAST CORNER OF SAID SW/4 NE/4; THENCE SOUTH 1°16'20" EAST AND ALONG THE EAST LINE OF SAID SW/4 NE/4 AND ALONG THE EAST LINE OF THE NW/4 SE/4 OF SAID SECTION 29 FOR A DISTANCE OF 2637.59 FEET TO A POINT AT THE SOUTHEAST CORNER OF SAID NW/4 SE/4; THENCE SOUTH 88°48'42" WEST AND ALONG THE SOUTH LINE OF SAID NW/4 SE/4 FOR A DISTANCE OF 1321.02 FEET TO A POINT AT THE SOUTHWEST CORNER OF SAID NW/4 SE/4; THENCE SOUTH 88°48'42" WEST AND ALONG THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 29 FOR A DISTANCE OF 1893.71 FEET; THENCE NORTH 1°10'07" WEST FOR A DISTANCE OF 579.25 FEET; THENCE SOUTH 88°48'40" WEST FOR A DISTANCE OF 752.00 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 29; THENCE NORTH 1°10'07" WEST AND ALONG SAID WEST LINE FOR A DISTANCE OF 742.29 FEET TO A POINT AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 29; THENCE NORTH 1°10'27" WEST AND ALONG THE WEST LINE OF SAID NW/4 FOR A DISTANCE OF 582.65 FEET; THENCE NORTH 88°51'22" EAST FOR A DISTANCE OF 800.00 FEET; THENCE NORTH 1°10'27" WEST AND PARALLEL WITH THE WEST LINE OF SAID NW/4 FOR A DISTANCE OF 2055.49 FEET TO A POINT ON THE NORTH LINE OF SAID NW/4; THENCE NORTH 88°52'02" EAST AND ALONG SAID NORTH LINE FOR A DISTANCE OF 1838.83 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 11,864,301 SQUARE FEET OR 272.367 ACRES.

* * * * *

13. **Z-7452 Carolyn Back** (CD 4) Location: Northwest corner of East 15th Street South and South St. Louis Avenue requesting rezoning from **CS/CH** to **MX2-U-U**

STAFF RECOMMENDATION:

SECTION I: Z-7452

DEVELOPMENT CONCEPT:

Rezoning required to support a mixed-use redevelopment on a tract of land on Cherry Street west of St. Louis.

DETAILED STAFF RECOMMENDATION:

Z-7452 requesting MX2-U-U is consistent with the Main Street land use designation as outlined in the Tulsa Comprehensive plan and,

MX2-U-U is consistent with the expected development pattern along Cherry Street and,

MX2-U-U is non-injurious to the surrounding property owners therefore,

Staff recommends approval of Z-7452 to rezone property from CS, CH/ to MX2-U-U.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The zoning request is consistent with the Main Street Vision of the Tulsa Comprehensive plan.

Land Use Vision:

Land Use Plan map designation: Main Streets

Main Streets are Tulsa’s classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the

surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.

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: Main Street

Main Streets are Tulsa’s classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide, and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.

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 surface parking and buildings and is all on the north side of 15th street west of St. Louis. All the buildings in the image below are included in this request.



Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 15 th Street South	Main Street (Urban Arterial)	70 feet	2 with angled parking on each side of street
S. St. Louis Street	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	RM-2	Main Street	Growth	Single family residential
East	CS/OL and CH	Main Street	Growth	Commercial building and surface parking
South	CH	Main Street	Growth	Commercial building
West	OL and CH	Main Street	Growth	Commercial building and surface parking

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11815 dated June 26, 1970 and Ordinance Number 13292 dated October 11, 1974, established zoning for the subject property.

Subject Property:

BOA-21433 5.22.2012: The Board of Adjustment **approved** the request for an *Approval of License Agreement* to locate awnings/signs with the right-of-way (Section 1221.C.14), on property located on the subject property.

BOA-21245 4.12.2011: The Board of Adjustment the Board **approved** a variance of the parking requirement for a multi-tenant property from 59 parking spaces (Section 1200) to permit a restaurant use; and a Special Exception to permit required parking on a lot other than the one containing the principal use (Section 1301.D), on property located on the subject property.

Z-4715 October 1974: All concurred in **approval** of a request for *rezoning* a .26± acre tract of land from CH to OL on property located north of the northwest corner of East 15th Street South and South St. Louis Avenue; the subject property. (Ordinance 13292)

BOA-904 9.2.1930: The Board of Adjustment **approved** a *variance* of the required setback line on Lot 12, Block 11; the subject property.

BOA-690 8.13.1929: The Board of Adjustment **approved** a 5" encroachment in the 5' setback, on property located at Lot 12, Block 11; the subject property.

Surrounding Property:

PUD-760-A January 2012: All concurred in **approval** of a proposed *Major Amendment* to PUD on a 1± acre tract of land to add Use Unit 12a to permitted

uses to allow for a bar, on property located on northwest corner of East 15th Street and South Troost Avenue.

PUD-760 October 2008: All concurred in **approval** of a proposed *Planned Unit Development* on a 1.35± acre tract of land for retail and office use on property located on northwest corner of East 15th Street and South Troost Avenue.

BOA-20058 June 14, 2005: The Board of Adjustment **approved** a *Variance* of required 35 ft. setback from centerline of 15th St. to 30 ft. (Section 215); a *Variance* of required parking for restaurant and outdoor dining area from 54 to 41 spaces (Section 1212.D); and a *Special Exception* to allow parking on a lot other than the lot containing the principal use, Section 1301.D, with conditions: a six-foot double-picket fence on the north property line; a tie agreement; a five-foot wide landscaping strip along the north property line, south of the double-picket fence; preserve the large tree on north property line of Lot 36, all other landscaping requirements to be met and no live music in the outside dining area, and the music that is played be of low intensity, on property located at 1525 E. 15th St. S., 1441 S. St. Louis Av. E.

Z-6167 August 1987: All concurred in **approval** of a request for *rezoning* a .16± acre tract of land from OL to CS on property located north of the northeast corner of East 15th Street South and South St. Louis Avenue.

Z-5066 April 1978: All concurred in **approval** of a request for *rezoning* a tract of land from OL to CS on property located north of northwest corner of E. 15th St. and S. Trenton Ave.

TMAPC COMMENTS:

Mr. Reeds asked staff if they did 5 or 6 stories could they conceivably put in structured parking.

Staff stated yes, they could but there is a parking lot on the back side of the subject property and that could take care of the parking.

Applicant's Comments:

The Applicant stated the conceptual plan is showing possible 3 stories with 10-12 apartments, a high-end retail component and possibly a rooftop bar.

INTERESTED PARTIES:

Jim Thomas 7730 South Indian Avenue, Tulsa, OK 74132

Mr. Thomas stated he owns the property to the north of the subject property. Mr. Thomas stated he has never seen the Mixed-Use zoning. Mr. Thomas stated if the building is only going to be 2 stories that is great, but he doesn't think his tenants are going to like a 5-story building butting up against them. Mr. Thomas

stated the developer before this one put in a nice tree line between the two properties and Mr. Thomas would like the tree line to stay. Mr. Thomas stated he would like a little more information than what is being provided before he gets too excited about it.

Stephan Walter 1428 South Rockford Avenue, Tulsa, OK 74120

Mr. Walter stated he has lived in this neighborhood for about 40 years and is about 300 feet from the subject property and he has seen a lot of development along 15th Street. Mr. Walter stated some has been very good and some not so good and parking has always been an issue. Mr. Walter stated he doesn't see why an unlimited height limit would be granted to something so vague. Mr. Walter stated if they had specific plans for what they were going to do, and it fit the area he would say go with it, but the applicant is very vague. Mr. Walter stated he had heard about the rooftop restaurant and is surprised residents from Swan Lake neighbor is not here because rooftop bars and restaurants will create a lot more noise in the neighborhood. Mr. Walter stated he doesn't see any structures that are higher than 2 stories in this area until you get to Utica Avenue, so Mr. Walter doesn't think 3 stories is keeping within the area. Mr. Walters approves of any quality development in the area because it helps his property values also, but he is also greatly concerned about quality of life for his self and his neighbors as far as noise issues and he doesn't believe the applicant has addressed the parking concerns if there are 10 to 15 residential tenants as well as retail. Walters hopes TMAPC will take that into consideration.

Applicant's Comments:

The applicant stated the reason there is only 2 story buildings on Cherry Street is because of the parking, this property is unique because it has parking that goes with the property. The applicant stated to accommodate the parking this building could not go 65 feet high. The applicant stated they have not started the heavy design phase yet because the rezoning is needed to start solidifying the plans and determine what can be parked for the subject development. The applicant stated to address the height issue, this property already has an unlimited height granted to it and for the applicant to apply for a rezone and take away that unlimited height doesn't make sense. The applicant stated the owner fully intends to maintain the trees along the property line. The applicant stated as far as the noise goes there are noise curfews for this reason.

Mr. Covey asked staff the differences of the MX2-U-U versus what is in place now.

Staff answered that the front part of the property is CH zoning and that has no height limitations and the parking requirements have been reduced to match the MX zoning category. Staff stated on the backside the zoning is CS and that is also unlimited height, but it has a maximum floor area ratio. Staff stated MX zoning requires the building to be up closer to the street and provides some architectural guidelines, so it encourages density and a high quality of design.

The benefits from the developers prospective does allow more floor area on the back side and doesn't change any floor area on the front. The benefit to the neighbors is if the building gets taller there are setback limitations that don't currently exist on the CS zoning that is in place now.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **8-0-1** (Covey, Dix, Doctor, Fothergill, Krug, Millikin, Reeds, Shivel, "aye"; no "nays"; Walker, "abstaining"; Fretz, Ritchey, "absent") to **APPROVE** Z-7452 rezoning from CS/CH to MX2-U-U per staff recommendation.

14. **Z-7453 Carolyn Back** (CD 2) Location: Northwest corner of East 91st Street South and South Delaware Avenue requesting rezoning from **IL** to **MX2-V-U**

STAFF RECOMMENDATION:

SECTION I: Z-7453

DEVELOPMENT CONCEPT:

Rezone property for anticipated mixed-use redevelopment.

DETAILED STAFF RECOMMENDATION:

Z-7452 requesting MX2-V-U is consistent with the Main Street land use designation as outlined in the Tulsa comprehensive Plan and,

MX2-V-U is consistent with the expected development pattern in this area and,

MX-2-V-U is non-injurious to the surrounding property owners therefore,

Staff recommends approval of Z-7453 to rezone property from IL to MX2-V-U.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Z-7453 is consistent with the concepts and goals of the Tulsa Comprehensive plan.

Land Use Vision:

Land Use Plan map designation: Regional Center

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

Areas of Stability and Growth designation: Area of Growth

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.

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: It should be noted that the west boundary of the site is adjacent to the River Corridor Overlay area. This site is not that overlay.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: Most of the site is an industrial use that was constructed decades before any long-range land use plan was established and before Riverside Parkway was constructed. The site was operational as an industrial facility when the 1970 city wide rezoning was established. Suburban style development has surrounded the facility.

Street view image from southwest looking northeast: (See following page)



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 Lewis Avenue	Secondary Arterial	100 feet	3 (one lane each direction with a center turn lane)

East 91 st Street South	Secondary Arterial	100 feet	5 (2 lanes each direction with a center turn lane)
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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	IL	Regional Center	Growth	Vacant
East	IL	Regional Center	Growth	Bank
South	AG and CS	Town Center	Growth	Vacant
West	CS / RDO-3	Arkansas River Corridor	Growth	Horticulture Nursery

SECTION III: Relevant Zoning History

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

Subject Property: No relevant history

Surrounding Property:

BOA-21863 3.24.2015: 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-20711-A 9.30.08: 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 6.24.08: 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.

BOA-19634 7.22.03: The Board **approved** a *Variance* of the required number of parking spaces for Home Depot from 595 to 547 spaces, per plan, located on property located on the northwest corner and north of the northwest corner of East 91st Street South and South Delaware Avenue.

Z-6782 September 2000: All concurred in **approval** of a request for *rezoning* a 4.7± acre tract of land from CS/PUD-346 to RM-3/PUD-346-A on property located on the southeast corner of East 88th Street South and South Lewis Avenue.

PUD-346-A September 2000: All concurred in **approval** of a proposed *Major Amendment* to a Planned Unit Development on a 5.2± acre tract of land to add 1.38 acres on the north to the PUD for construction of an 84-unit assisted living and Alzheimer care facility on property located southeast corner East 88th Street South and South Lewis Avenue.

PUD-563 July 1997: All concurred in **approval** of a proposed *Planned Unit Development* on a 10.45± acre tract of land for an apartment complex on property located on the southeast corner of East 91st Street and South Riverside Drive.

Z-6185 March 1995: All concurred in **approval** of a request for *rezoning* a tract of land from AG to CS on property located on the southeast corner of Riverside Parkway and East 91st Street South

BOA-15172 6.15.1989: The Board of Adjustment **approved** a *special exception* for a mini-storage and residential security quarters in a CS district, on property located north of the northeast corner of South Lewis Court and East 91st Street South.

Z-5966 August 1984: All concurred in **approval** of a request for *rezoning* a 1.65± acre tract of land from RS-1 and CS to CS and FD (Floodway District), on property located on the northeast corner of South Lewis Avenue and East 91st Street South (Southwood Landscape Nursery).

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.

PUD-346 December 1983: All concurred in **approval** of a proposed *Planned Unit Development* on a 4.7± acre tract of land for an elderly housing facility. The approval includes an accessory restaurant that provides meals for the residents, on property located on the southeast corner of East 88th Street South and South Lewis Avenue.

PUD-256/Z-5523 May 1981: Request to *rezone* and develop a 6 acre tract located north and east of the northwest corner of East 91st Street South and

South College Avenue from RS-3/0L and RM-O to CS, RM-2 and RM-O. All concurred in **approval** of the request.

Z-4560 March 1974: All concurred in **approval** of a request for *rezoning* a tract of land from AG to CS on property located on the southeast corner of East 91st Street South and South Delaware Avenue.

Z-4603 May 1974: All concurred in **approval** of a request for *rezoning* a tract of land from AG to CS on property located on the southeast corner of Riverside Parkway and East 91st Street South.

Applicant's Comments:

The applicant stated the vision for this property could entail, commercial retail, restaurant, nail salon, mail service, bicycle rental, apartments, garden style apartments, 4-story exposed exterior stairs enclosed parking garage and what is unique is the parking garage is hidden by the apartments in the conceptual drawing. The applicant stated this is a rundown of some of the uses being looked at by the developers.

Mr. Dix asked the applicant if she had an idea how many stories the apartments would be?

Applicant stated 4-stories for the apartments and the parking garage.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Doctor, Fothergill, Krug, Millikin, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Fretz, Ritchey, "absent") to **APPROVE** Z-7453 rezoning from IL to MX2-V-U per staff recommendation.

15. **Z-7454 Robert Wright** (CD 6) Location: Southwest corner of East 17th Place South and South Garnett Road requesting rezoning from **OL** to **CS**

STAFF RECOMMENDATION:

SECTION I: Z-7454

DEVELOPMENT CONCEPT:

Rezoning request to support small commercial business development between existing duplexes and commercial development along Garnett Ave.

DETAILED STAFF RECOMMENDATION:

Existing OL zoning and Z-7454 requesting CS zoning are not consistent with the existing neighborhood land use designation. The land use map designation apparently did not recognize the existing zoning however it did recognize the opportunity for growth at this corner. Staff will initiate a land use designation change as part of a future land use map revision and,

Uses allowed in a CS zoning district are consistent with the anticipated future development at this location and,

The uses allowed by CS zoning are non-injurious to the surrounding property owners therefore,

Staff recommends approval of Z-7454 to rezone property from OL/ to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The existing land use category identifies this area as an existing neighborhood. Unfortunately, there is nothing about this site or properties abutting this site that is consistent with the definition of what an existing neighborhood looks like in our comprehensive plan. The Town Center designation immediately south of this site is consistent with the long term expected development pattern in this area. The comprehensive plan recognized the potential for growth which seems to be in conflict with the concept of preserving an existing neighborhood

Land Use Vision:

Existing 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.

Anticipated future land use plan map: 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 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 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 an empty field with very little terrain. There is no evidence of previous development.

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>
South Garnett Avenue	Secondary Arterial with Multi Modal Corridor	100 feet	5 2 lanes each direction with center turn lane
East 17 th Place South	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	RD	Existing Neighborhood	Growth	Residential Duplex
East	OM with optional development	Town Center	Growth	Religious Assembly, Cultural Community Center

	plan			and Office
South	CS	Town Center	Growth	Restaurant
West	RD	Existing Neighborhood	Growth	Vacant

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 12619 dated October 13, 1972, established zoning for the subject property.

Subject Property:

Z-4186 October 1982: All concurred in **approval** of a request for *rezoning* a tract of land from RS-2 to OL on property located on the southwest corner of East 17th Place South and South Garnett Road; the subject property. (Ordinance 12619 amended Ordinance #11817 dated June 26, 1970)

Surrounding Property:

Z-7395 July 2017: All concurred in **approval** of a request for *rezoning* a 9.82+ acre tract of land from RS-2 to OM with an Optional Development Plan on property located north of the northeast corner of South Garnett Road and East 19th Street South.

Z-5430 October 1980: All concurred in **approval** of a request for *rezoning* a tract of land from RM-1 and RM-2 to CS on property located north of the northeast corner of South Garnett Road and East 19th Street South.

Z-4470 August 1973: All concurred in **approval** of a request for *rezoning* a tract of land from RM-1 to CS on property located on the northeast corner of South Garnett Road and East 19th Street South.

Applicant’s Comments:

The applicant stated this rezoning is needed to accommodate a pharmacy. The applicant stated he has been in the property development business for a lot of years and his projects has never had a negative impact only positive on surrounding area.

INTERESTED PARTIES:

Neil Hunsberger 1112 East 17th Street South, Tulsa, OK 74128

Mr. Hunsberger stated he is against changing the zoning of the subject property because there is enough traffic in this area now. Mr. Hunsberger stated if this is

changed to CS this would require another entrance on to 17th Place to allow the traffic that's wants to go north to 110th and over to 17th Street to light. Mr. Hunsberger stated there is a K-6 school at 110th and these kids are walking to school and there also a line of traffic of parents picking kids up from school in the afternoons. Mr. Hunsberger stated there are a lot of open retail space in the plaza to the south for a pharmacy location. He stated there are 4 pharmacies in this area and the area doesn't need another. Mr. Hunsberger stated if this is approved 17th Place will be blocked.

David Kelley 10912 East 19th Street South, Tulsa, OK 74128

Mr. Kelley stated he echoes Mr. Hunsberger comments about a traffic increase not being good for this neighborhood for all the reasons he just stated. Mr. Kelley stated there is a neighborhood meeting tomorrow night with the applicant to discuss this project and Mr. Kelley believes at this time it would not be good for this application to be approved.

Erin Benuex 1733 South 110th East Avenue, Tulsa, OK 74128

Ms. Benuex stated she agrees with her neighbors. She stated she lives at 17th Place and 110th and there is no traffic light or sidewalk to help keep the children who are walking safe and out of the road. Ms. Benuex stated there are many empty available buildings in which to locate a pharmacy. Ms. Benuex stated she is concerned a child will be hurt or hit by a driver not paying attention.

The applicant stated the subject property is on the corner and he doesn't see the children crossing the street at this corner. The applicant stated there would not be any reason for traffic to go west when exiting the pharmacy.

Kay Saucedo 11030 East 17th Tulsa, OK 74128

Ms. Saucedo stated she has lived in the neighborhood for 30 years and retired from Tulsa Public Schools and she worked at the school in the neighborhood. Ms. Saucedo stated she is against this application. She stated it is not needed in this area where children will be crossing and walking. Ms. Saucedo stated this is where weed will be sold and there is another one less than a half a mile from the subject property. Ms. Saucedo stated there are a lot of empty retail spaces in the area where this could be located, and they would not be within the walking area of the school. Ms. Saucedo stated cars park on both sides of the street and cars must take turns to proceed down the street it is very dangerous, and she is against this rezoning.

TMAPC COMMENTS:

Mr. Reeds asked if the applicant knew the what balance of the 2200 square feet would be retail.

Applicant stated 25 or 30 percent.

Mr. Reeds asked if it was like an Apothecary.

Applicant stated “yes”.

Mr. Reeds asked if the applicant was looking to the future change of laws.

Applicant stated “yes”. The applicant stated Mr. Kelley asked him to check if this would be affiliated with the marijuana law. The applicant stated he checked with the Pharmacy Board and was told marijuana would only be sold through distributors.

Mr. Dix asked staff if side street exit could be prevented without an optional development plan.

Staff stated “no”.

Mr. Dix stated what he hears is the neighbors are not opposed to the use or the located they are opposed to the access on 17th Place.

Mr. Dix asked Ms. VanValkenburgh if Planning Commission had the authority to restrict that access.

Ms. VanValkenburgh answered there are engineering standards about the distance from an intersection where access is allowed but Ms. VanValkenburgh doesn't know what that limitation would be in this instance. Ms. VanValkenburgh stated unless there is an optional development plan there couldn't be any zoning related restrictions.

Mr. Dix asked if they could require an optional development plan.

Staff stated Planning Commission could deny the request for straight zoning and have applicant return with an optional development plan.

Staff stated if Planning Commission chooses to deny and require an optional development plan a sidewalk would be required along 17th Place.

Mr. Covey asked staff if this was New Neighborhood or Existing Neighborhood?

Staff answered, “Existing Neighborhood”.

Mr. Covey stated he was looking at the Land Use Plan and he could make an argument for either one. Mr. Covey stated he could see it being a Town Center because of the area to the east or if you look at 17th Place an argument could be made for Existing Neighborhood.

Staff stated if you look at the Growth and Stability Map it clearly recognizes this as an Area of Growth and recognizes there is an opportunity for future redevelopment in the area.

Mr. Covey asked staff what would be allowed with the current zoning of OL. Staff answered any doctor's office or professional office would work with OL zoning.

Mr. Covey asked why the applicant needed to change the zoning?

Staff answered the applicant has been to the permit office with a request to put a pharmacy in this location and this pharmacy is not a typical Walgreens type store and the Zoning Code classifies pharmacy as retail and retail is not allowed in OL zoning districts.

Mr. Reeds asked if a Pharmacy and an Apothecary Pharmacy was the same thing.

Staff stated under the Zoning Code they are the same.

Mr. Covey asked staff if the applicant put in a professional service could they exit on 17th Place by right.

Staff answered "yes", unless there is an engineering reason such as view obstruction from terrain or another engineering reason, otherwise an exit on 17th Place is allowed.

Mr. Reeds asked if there were minimum distances from the corner before curb cuts are allowed.

Staff stated there are guidelines and during site plan reviews that is looked at but there is nothing limiting that distance.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Doctor, Fothergill, Krug, Millikin, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Fretz, Ritchey, "absent") to **DENY** Z-7454 rezoning from OL to CS.

OTHER BUSINESS

16. Commissioners' Comments

Mr. Dix spoke about the importance of communication between a developer and contractor and how that can affect the finished project if the site plan is not followed.

ADJOURN

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, TMAPC voted **9-0-0** (Covey, Dix, Doctor, Fothergill, Krug, Millikin, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Fretz, Ritchey, "absent") to **ADJOURN** TMAPC meeting 2777.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 3:40 p.m.

Date Approved:

Chairman

ATTEST: _____

Secretary