

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2757

Wednesday, November 1, 2017, 1:30 p.m.

City Council Chamber

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

Members Present	Members Absent	Staff Present	Others Present
Adams	Carnes	Foster	Ling, COT
Covey	Millikin	Hoyt	VanValkenburgh, Legal
Dix		Miller	
Doctor		Sawyer	
Fretz		Ulmer	
Krug		Wilkerson	
Reeds			
Shivel			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, October 26, 2017 at 3:42 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 1:27 p.m.

REPORTS:

Chairman's Report: None

Work Session Report: None

Director's Report:

Ms. Miller reported on the Subdivision Regulations that were discussed at work session and the timeline for getting those to Planning Commission for the December meeting. Ms. Miller also discussed City Council and actions taken and other special projects.

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1. Minutes:

Approval of the minutes of October 16, 2017 Meeting No. 2756

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Adams, Covey, Dix, Doctor, Fretz, Krug, Reeds, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Carnes, Millikin, “absent”) to **APPROVE** the minutes of the meeting of October 16, 2017, Meeting No. 2756.

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. **LS-21071** (Lot-Split) (CD 8) – Location: Southeast corner of South 77th East Avenue and East 105th Street South
3. **LS-21072** (Lot-Split) (CD 3) – Location: South of the southeast corner of East Apache Street and North Yale Avenue
4. **LS-21073** (Lot-Split) (CD 2) – Location: Southeast corner of South 32nd West Avenue and West 48th Street South (Related to LC-946)
5. **LC-946** (Lot-Combination) (CD 2) – Location: Southeast corner of South 32nd West Avenue and West 48th Street South (Related to LS-21073)
6. **LS-21074** (Lot-Split) (CD 4) – Location: Southeast corner of South Lewis Place and East 16th Street South
7. **LC-948** (Lot-Combination) (CD 1) – Location: South of East Virgin Street between North Quincy Avenue and North Rockford Avenue

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Adams, Covey, Dix, Doctor, Fretz, Krug, Reeds, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Carnes, Millikin, “absent”) to **APPROVE** Items 2 through 7 per staff recommendation.

* * * * *

Item 8 was removed from Consent Agenda and placed on Public Hearing

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

PUBLIC HEARINGS:

Mr. Covey stated continuances would be addressed first.

15. CPA-70 Lou Reynolds (CD 6) Location: North of the northwest corner of East 51st Street South and South 177th East Avenue requesting to amend the Comprehensive Plan Land Use Map from **New Neighborhood** to **Neighborhood Center** (Related to Z-7412) (Continued from October 4, 2017) **(Neighboring property owner requests a continuance to December 6, 2017)**

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Adams, Covey, Dix, Doctor, Fretz, Krug, Reeds, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Carnes, Millikin, “absent”) to **CONTINUE** CPA-70 to December 6, 2017.

16. Z-7412 Lou Reynolds (CD 6) Location: North of the northwest corner of East 51st Street South and South 177th East Avenue requesting rezoning from **AG** to **CS** (Related to CPA-70) (Continued from October 4, 2017) **(Neighboring property owner requests a continuance to December 6, 2017)**

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Adams, Covey, Dix, Doctor, Fretz, Krug, Reeds, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Carnes, Millikin, “absent”) to **CONTINUE** Z-7412 to December 6, 2017.

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Item 8 was removed from Consent Agenda and placed on the Public Hearing

8. PUD-604-3 Julius Puma (CD 8) Location: Southwest corner of South Sheridan Road East 84th Street South and requesting a **PUD Minor Amendment** to increase dwelling and chimney height

STAFF RECOMMENDATION:

SECTION I: PUD-604-3 Minor Amendment

STAFF RECOMMENDATION

Amendment Request: Modify the PUD Development Standards to increase the maximum dwelling and chimney height.

The applicant is requesting to increase the allowable dwelling height from 35 feet to 40 feet and increase the allowable chimney height from 45 feet to 49 feet.

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-604 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to increase the allowable dwelling height from 35 feet to 40 feet and increase the allowable chimney height from 45 feet to 49 feet.

The applicant indicated his agreement with staff’s recommendation.

INTERESTED PARTIES:

Lynda Tippeconnic 8433 South Kingston Avenue, Tulsa, OK 74137

Ms. Tippeconnic stated her objection is not the height of the house if it was on the original ground before the area was built up 6 feet. Ms. Tippeconnic stated the applicant cut down a wall and that will be great and look good but the applicant took all the dirt and moved it to where the house will be located. Ms. Tippeconnic stated this will make the house 5 to 6 feet higher.

Mr. Covey asked Ms. Tippeconnic where the wall was located.

Ms. Tippeconnic stated the wall was on South Sheridan. Ms. Tippeconnic stated if the house was on the original ground the height would be fine.

Mr. Covey stated in the pictures it looks like the applicant took out a substantial amount of dirt.

Ms. Tippeconnic stated the dirt was removed and leveled out and the house will be built on the removed dirt.

Mr. Reeds stated it is common practice to cut the dirt and use it to level the pad where the house will sit.

Ms. Tippeconnic stated if they would have leveled it out from the original ground then the house would not be that tall.

Mr. Covey stated to Mr. Reeds that the wall on the right looks as if the applicant has cut about a significant amount of dirt.

Mr. Reeds stated it looked to be about 12 to 14 feet.

Ms. Tippeconnic stated "yes" and it would have been okay if the applicant had leveled it out.

Mr. Reeds stated it appears that the applicant has.

Ms. Tippeconnic stated it goes up hill and they added dirt, they didn't haul any dirt off.

Mr. Reeds stated that is correct because they leveled the site by cutting into the hill.

Ms. Tippeconnic stated that's right and now they have a six-foot edge around the house area.

Mr. Reeds stated if they had not cut into the hill to level the site they would have built higher.

Mr. Walker asked Ms. Tippeconnic if her objection was the height.

Ms. Tippeconnic answered "yes" the all over height. It will be higher than anything else in the subdivision and you will be able to see the base of the house from the road. Ms. Tippeconnic stated her objection was the height and the look of the neighborhood.

Tonya Shaw 8232 South Kingston Avenue, Tulsa, OK 74137

Ms. Shaw stated she is President of the Home Owners Association and the covenants for the subdivision stated the maximum height is 35 feet and the HOA would like to keep it at that height so they are objecting to the change. Ms. Shaw stated she would think the covenants would override the change.

Mr. Covey stated covenants are a private issue between the homeowners and the individual developer so the Planning Commission does not consider covenants. That doesn't mean the HOA doesn't have a right to enforce this against the individual homeowners but that would be done in district court.

Ms. Shaw stated she would like to object as a homeowner and would like the applicant to follow the covenants and the look of the neighborhood.

Ms. VanValkenburgh stated to Ms. Shaw she was unsure if the Homeowners Association had a private covenant that talked about the height in addition to the covenants of the PUD restrictions.

Mr. Covey asked Ms. Shaw if she was referring to the PUD.

Ms. Shaw stated she was referring to the PUD.

Mr. Covey asked if homeowners had individual rights.

Ms. VanValkenburgh stated as homeowners you would have the right to enforce the zoning restrictions but if the PUD gets amended then its amended. Ms. VanValkenburgh stated she didn't believe there would be separate right but that would be for Ms. Shaw to discuss with a private attorney.

Mr. Covey asked if the PUD covered the entire addition.

Ms. VanValkenburgh stated it would be shown on the zoning map.

Mr. Dix asked Ms. Shaw if the applicant had submitted the plans to the Homeowners association.

Ms. Shaw stated the applicant had submitted some rough plans but had not received the final plans.

David Tippeconnic 8433 South Kingston Avenue, Tulsa, OK 74137

Mr. Tippeconnic stated based on what has been discussed at this meeting it seems if the Planning Commission changes the heights it would also change the subdivisions covenants because Mr. Tippeconnic believes they are the same thing. Mr. Tippeconnic stated there isn't any additional covenants.

Ms. VanValkenburgh stated as a private covenant you may have architectural control. There may be a separate document on record at the county clerk's office that provides private covenants.

Mr. Tippeconnic stated the subdivision does have that and it is spelled out in the covenant document.

Ms. VanValkenburgh suggested Mr. Tippeconnic speak with private counsel about that document.

Mr. Tippeconnic stated a law firm drafted the document and he would check with them. If the Planning Commission approves this application before Mr. Tippeconnic finds out if there are private covenants would it fall on the HOA to follow through.

Ms. VanValkenburgh stated she didn't know what the rights would be under the private covenants Mr. Tippeconnic would need to discuss this with a private attorney.

Mr. Tippeconnic stated he thought the HOA needed time to research the private covenants.

Mr. Covey stated to Ms. VanValkenburgh he thought Mr. Tippeconnic concern was if planning commission amended the PUD it amended not only the subject property but the entire PUD.

Ms. VanValkenburgh stated the decision of the Planning Commission would only apply to the subject property.

Mr. Dix asked staff what height is allowed under the PUD.

Staff stated "35 feet".

Mr. Dix stated what is the height requested.

Staff answered "40 feet".

Nick Puma 4205 South Detroit Avenue, Tulsa, OK

Mr. Puma stated he has requested 35 feet for the middle section between the two chimney's. To maintain the pitch that is required in the covenants which is a 9/12 pitch the house must be at the height requested. Mr. Puma also stated as to the cut and fill, the subject property was cut 17 feet down. Mr. Puma stated the house is sitting roughly where the bottom of the hill is. Mr. Puma stated a lot of the houses in this area are built on hills and are well over 35 feet.

Mr. Dix asked the applicant based on 17-foot line which is the level line, where is the wall on Sheridan.

Mr. Puma stated it is 17 feet down.

Mr. Dix asked the applicant about how many feet above the top of the wall would the 17 foot line fall.

Mr. Puma answered "7 to 10 feet".

Mr. Dix asked if the foundation wall of the house would be 7 to 10 feet above the top of the wall.

Mr. Puma stated "yes".

Mr. Dix asked where is the house in relation to street level at the front of the house.

Mr. Puma stated just a little above the street, maybe 4 or 5 feet.

Mr. Dix stated that was street level grade.

Mr. Puma stated "yes".

Mr. Reeds asked the applicant how he knew the other houses in the neighborhood were built taller than 35 feet.

Mr. Puma stated on the backside of the properties they look like they are three levels.

Mr. Dix asked if the drawings will be submitted to the Homeowners Association.

Mr. Puma stated absolutely.

Mr. Walker asked the applicant what happens if the covenants disallowed this drawing.

Mr. Puma stated the plan is to get it approved at TMAPC first and then the Homeowners Association. If the HOA has issues Mr. Puma believes an agreement can be reached.

Mr. Dix asked if Mr. Puma has looked at the covenants to see the reasons for declining an application.

Mr. Puma stated the only thing he read was a stucco and rock issue.

Mr. Dix stated so if the subject property meets the requirements of the PUD then the HOA would have to approve your design.

Mr. Puma answered "yes".

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Adams, Covey, Dix, Doctor, Fretz, Krug, Reeds, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Carnes, Millikin, “absent”) to **APPROVE** minor amendment PUD-604-3 per staff recommendation.

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9. Storage Center I Amended (CD 2) Minor Subdivision Plat, Location: East of the southeast corner of East 101st Street South and South Delaware Avenue

STAFF RECOMMENDATION:

This plat consists of 1 lot, 1 block on 4.5 ± acres.

The Technical Advisory Committee (TAC) met on October 5, 2017 and provided the following conditions:

1. **Zoning:** Approved as submitted.
2. **Addressing:** Approved as submitted.
3. **Transportation & Traffic:** Approved as submitted.
4. **Sewer:** Off-site easement required to be recorded and reflected on final plat. Previously established utility easement by plat #5308 was never recorded and must be in place.
5. **Water:** Approved as submitted.
6. **Engineering Graphics:** Ensure proper basis of bearing is reflected on the face of the plat.
8. **Stormwater, Drainage, & Floodplain:** Approved as submitted.
9. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All release letters have been received. Oil & Gas certificate was submitted.

Waivers of Subdivision Regulations:

1. None Requested

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

All conditions must be met prior the release and filing of the plat.

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**, the TMAPC voted 9-0-0 (Adams, Covey, Dix, Doctor, Fretz, Krug, Reeds, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Carnes, Millikin, “absent”) to **APPROVE** the Minor Subdivision Plat Storage Center I Amended per staff recommendation.

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10. ML Jones (CD 3) Preliminary Plat, Location: West of the northwest corner of East Admiral Place and North Garnett Road

STAFF RECOMMENDATION:

This plat consists of 1 lot, 1 block on 2.28 ± acres.

The Technical Advisory Committee (TAC) met on October 19, 2017 and provided the following conditions:

1. **Planning & Zoning:** The property is currently zoned CS (Commercial – Shopping). All lots proposed on the preliminary plat conform to the lot regulations of the CS district. Provide language to accommodate the planned Cooley Creek trail north of the existing sanitary sewer easement.
2. **Addressing:** Graphically label each lot with the assigned address by the City of Tulsa on the final plat. Provide address caveat on face of the plat.
3. **Transportation & Traffic:** No additional dedications are required.
4. **Sewer:** Show or dedicate easement for proposed 8” sanitary sewer line extension on face of the plat.
5. **Water:** Approved as submitted.
6. **Engineering Graphics:** Submit subdivision data control sheet with final plat. Under the basis of bearings heading state the coordinate system used to survey the property and include/state the bearing angle between two known points. Add all platted properties to the location map and label all other land unplatted within the section. Remove all parcel lines from the location map and only include platted boundaries. Provide a north arrow for the location map. Label the point of beginning (POB). Add “State of” before Oklahoma in the plat subtitle. Remove contours from final plat.
8. **Stormwater, Drainage, & Floodplain:** Approved as submitted.
9. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All release

letters have been received. Oil & Gas certificate was submitted.

Waivers of Subdivision Regulations:

1. None Requested

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Adams, Covey, Dix, Doctor, Fretz, Krug, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Millikin, "absent") to **APPROVE** the ML Jones Preliminary Plat per staff recommendation.

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11.Z-7395 Plat Waiver (CD 6) Location: North of the northeast corner of East 21st Street South and South Garnett Road

STAFF RECOMMENDATION:

The platting requirement for this property is being triggered by an approved rezoning from RS-3 to OM with an optional development plan.

The Technical Advisory Committee met on October 19, 2017 and the following items were determined:

1. All required right-of-way dedications have been made to comply with the Major Street and Highway Plan.
2. Necessary utilities are all in place and no additional easements will be needed at this time.
3. No additional construction is proposed at this time.
4. No divisions of the property are proposed.
5. There is significant floodplain on the eastern portion of the property. The floodplain is restricted within the optional development plan and should be placed in an easement.

Staff recommends **approval** of the plat waiver with the following conditions:

- A. The approved optional development plan standards be filed of record with the Tulsa County Clerk's office.
- B. The regulatory floodplain existing on the property be placed in the recommended easement.

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**, the TMAPC voted 9-0-0 (Adams, Covey, Dix, Doctor, Fretz, Krug, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Millikin, "absent") to **APPROVE** Z-7395 Plat Waiver per staff recommendation.

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12. CZ-462 Lou Reynolds (CD 2) Location: North and west of the northwest corner of West 51st Street and South 49th West Avenue requesting rezoning from **AG/RS** to **IM** to permit an Industrial Park.

STAFF RECOMMENDATION:

SECTION I: CZ-462

DEVELOPMENT CONCEPT: Rezone from AG and RS to IM in order to permit the development of an industrial park. Current planned uses include storage and warehousing, however other, compatible uses may be included when the park becomes fully developed.

DETAILED STAFF RECOMMENDATION:

CZ-462 is non injurious to the existing proximate properties and;

CZ-462 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends Approval of CZ-462 to rezone property from AG, RS to IM.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The subject lots are located within Special District 6 of the Tulsa County District 9 Plan. The plan states that industrial development should be encouraged to locate within this district, provided they do not have external impacts such as noise, smoke, fumes, etc.

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 49th W Ave is designated as a secondary arterial.

Trail System Master Plan Considerations: The site is located within ¼ mile of the Gilcrease West

Small Area Plan: Tulsa County District 9 Plan

Special District Considerations: Tulsa County District 9 Plan, Special District 6. Industrial uses encouraged.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is elevated above the surrounding area. Two single-family homes and a barn structure currently exist on the site.

Environmental Considerations: Tulsa County District 9 plan states that industry in this area not have external impacts such as noise, smoke, fumes, etc.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South 49 th West Ave	Secondary Arterial	100 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	IM	N/A	N/A	Concrete Plant
South	IL / RS	N/A	N/A	Self-Storage / Machine Shop
East	IM	N/A	N/A	Manufacturing
West	RS	N/A	N/A	Gilcrease Expressway

SECTION III: Relevant Zoning History

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

Subject Property: No relevant history

Surrounding Property:

CZ-291 October 22, 2001: All concurred in **approval** of a request for rezoning a 9.8± acre tract of land from RS to IL on property located west of the northwest corner of West 51st Street South and South 49th West Avenue.

CZ-240 February 1998: All concurred in **approval** of a request for rezoning a 1± acre tract of land from IL to RS for residential use on property located north and west of the northwest corner of West 51st Street South and South 49th West Avenue.

CBOA-1117 November 1992: The Board of Adjustment **approved** a *special exception* to allow a manufactured home in an RS-zoned district for three years and subject to the manufactured home being removed when the single-family dwelling construction is completed. The property is located west of the southwest corner of West 50th Street and South 49th West Avenue.

CBOA-0632 January 1986: The Board of Adjustment **approved** a *variance* of the required 75' setback from an R-zoned district to allow for a building in an IL-zoned district. The property is located west of the northwest corner of West 51st Street and South 49th West Avenue.

Z-5375 April 8, 1980: All concurred in **approval** of a request for rezoning a 2.8± acre tract of land from RS-1 to IL on property located north of the northwest corner of West 51st Street South and South 49th West Avenue.

Z-4105 March 30, 1972: All concurred in **approval** of a request for rezoning a 80± acre tract of land from AG to IM on the NE/4 of the NW/4, and the NW/4 of the NE/4, LESS the North 250' in Section 32, Township 19 North, Range 12 East, Tulsa County, Oklahoma; and to IL on the north 250' of the NE/4 of the NW/4, and the NW/4 of the NE/4 in Section 32, township 19 North, Range 12 East, Tulsa County, Oklahoma on property located west of the southwest corner of West 51st Street South and South 49th West Avenue.

The applicant indicated his agreement with staff's recommendation.

Mr. Dix asked applicant if the application included the triangle tract of land next to the Gilcrease Expressway.

The applicant stated "yes".

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Adams, Covey, Dix, Doctor, Fretz, Krug, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Millikin, "absent") to **APPROVE** CZ-462 per staff recommendation.

Legal Description of CZ-462:

Lot One (1), Block Two (2), LESS Highway Right-of-Way to the State of Oklahoma, and Lots Three (3) and Four (4), Block One (1), all in BRIDGES HEIGHTS ADDITION, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, LESS AND EXCEPT the following described property to-wit: BEGINNING at the Southwest corner of said Lot Three (3); thence North along the West line of said Lot Three (3) a distance of 305.88 feet to the Northwest corner of said Lot Three (3); thence South 44°29'22" East a distance of 422.91 feet to a point on the South line of said Lot Three (3); thence West along said South line a distance of 292.23 feet to the POINT OF BEGINNING; AND The North Half of the North Half of the North Half of the Southeast Quarter of the Southeast Quarter (N/2 N/2 N/2 SE/4 SE/4) and the North Half of the South Half of the North Half of the North Half of the Southeast Quarter of the Southeast Quarter (N/2 S/2 N/2 N/2 SE/4 SE/4) and the South Half of the South Half of the North Half of the North Half of the Southeast Quarter of the Southeast Quarter (S/2 S/2 N/2 N/2 SE/4 SE/4) and the North Half of the South Half of the South Half of the Southeast Quarter of the Southeast Quarter (N/2 S/2 N/2 SE/4 SE/4), all in Section Twenty-Nine (29), Township Nineteen (19) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government survey thereof; AND Lot One (1) and Lot Two (2) of Block One (1) of BRIDGES HEIGHTS, according to the last Government Survey thereof.

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13. Z-7415 Helen Barbre-Stephens (CD 2) Location: West of the southwest corner of West 51st Street and South Union Avenue requesting rezoning from **RS-3 to CS**

STAFF RECOMMENDATION:

SECTION I: Z-7415

DEVELOPMENT CONCEPT:

The property is zoned RS-3 and has never been rezoned for commercial uses. The request is to allow commercial uses on this highway frontage property.

DETAILED STAFF RECOMMENDATION:

Z-7415 requesting CS zoning is consistent with the Comprehensive Plan for the City of Tulsa and,

Use categories allowed in a CS zoning district are consistent with the expected development pattern in the area and,

Use categories allowed in a CS zoning district are non-injurious to the surrounding property therefore,

Staff recommends Approval of Z-7415 to rezone property from RS-3 to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: CS zoning allows building placement as recognized in the Mixed-Use Corridor however it does not require building placement as recognized in the comprehensive plan. The uses allowed in CS district are consistent with the anticipated uses in a the Mixed-Use corridor areas.

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: None

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is undeveloped and abuts streets on three sides.*

Street view from northeast corner of site looking southwest.



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>
West 51 st Street	Residential Collector	60 feet	3 lanes one lane each direction with 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 W. 51st	OL	Mixed Use Corridor	Area of Growth	Office/Residential and Funeral Home
East	CS	Mixed Use Corridor	Area of Growth	Restaurant
South Across I-44	CG / PUD 314	Employment	Area of Growth	Auto Service
West	OL	Mixed Use Corridor	Area of Growth	Vacant

Across on highway ramps				
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SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11822 dated June 26, 1970, established zoning for the subject property.

Subject Property: No relevant history

Surrounding Property:

BOA-21561 April 2013: The Board of Adjustment **approved** a *special exception* to allow a Tire Shop (Use Unit 17) in a CS District (Section 701, Table 1), subject to the conceptual site plan the applicant submitted April 23, 2013. There is to be no outdoor storage of tires or other merchandise and all signage is to be per code on property located on the southwest corner of West 51st Street South and South Union Avenue.

BOA-21448-A November 2012: The Board of Adjustment **approved** a *request for a modification* of previously approved site plan to show building and parking moved 80 feet to the west; and confirm *reconsideration of the variance* of the screening requirement (BOA-21448) along westerly boundary of site (Section 1303.E). Find that the movement of the building to the west was due to the drainage easement and that variance of the screen requirement originally granted will still stand on property located west of the subject property.

BOA-21448 July 2012: The Board of Adjustment **approved** a *special exception* to allow a youth sanctuary and multi-purpose youth center in an OL district (Section 601); *Variance* of the one-story building height in an OL district to allow a 2-story youth center building with a maximum building height of 35 feet (Section 603); *Variance* to waive the screening fence requirement along the east, west, and south property lines (Section 1303.E); *Special exception* to allow use of up to 30 parking stalls on an off-site lot of record (Section 1301.D); *Special Exception* to allow use of up to 30 parking stalls in an RS-3 district (principal church parking lot) (Section 401); *Special exception* to allow a 6 foot (cyclone) fence in a front yard for the easterly 220 feet of the site (Section 210.B) on property located west of the subject property.

BOA-19636 August 2003: The Board of Adjustment **approved** a *special exception* to allow church expansion project on principal church property site; a *variance* to allow proposed sanctuary height of 55 feet on principal church property site located west of the subject property.

Z-4264 October 1972 : All concurred in **approval** of a request for rezoning a .17± acre tract of land from RM-3 to OL on property located north of the subject property.

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**, the TMAPC voted 9-0-0 (Adams, Covey, Dix, Doctor, Fretz, Krug, Reeds, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Carnes, Millikin, “absent”) to **APPROVE** Z-7415 per staff recommendation.

Legal Description of Z-7415:

BEG 50S & 365.6W NEC NE TH W194.46 SE91.64 SE94.83 E93.66 N149.13
POB SEC 34 19 12 .55AC, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

14. Z-7416 Lou Reynolds (CD 8) Location: Northwest corner of East 66th Street South and South Yale Avenue requesting rezoning from **OM** to **CH**

STAFF RECOMMENDATION:

SECTION I: Z-7416

DEVELOPMENT CONCEPT:

Rezoning is requested to support an existing business that is relocating to make room for a new business entering the Tulsa market. The new business will relocate a long standing existing lab in the same building. The lab relocation will require rezoning to continue their operations in the same building at a different location. The building permit office has determined that the existing lab in a new location cannot be approved without rezoning the site.

DETAILED STAFF RECOMMENDATION:

Z-7416 requesting CH zoning is consistent with the Regional Center land use designation in the Tulsa Comprehensive Plan and,

CH zoning is consistent with the anticipated development pattern in this area and,

CH zoning is non-injurious to the existing proximate properties therefore,

Staff recommends Approval of Z-7416 to rezone property from OM to CH.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is in the middle of a large Regional Center south of 61st on both sides of Yale Avenue. Uses permitted in a CH district are consistent with the Regional Center vision.

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. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.”

Transportation Vision:

Major Street and Highway Plan: None that affect the site

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: An existing multi story office building with access from a private street on the west side of the property.

Street View from northeast corner of tract looking southwest



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>
Richard Shinn Blvd (South Toledo Ave)	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	CH	Regional Center	Growth	Multi story medical clinic and undeveloped tract
East	OM / PUD 435-D	Regional Center	Growth	Multi Story Medical Office
South	OM	Regional Center	Growth	Multi Story Offices
West	RS-2	Existing Neighborhood	Stability	Single Family Residential

SECTION III: Relevant Zoning History

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

Subject Property:

BOA-11258 November 1980: The Board of Adjustment **approved** a *special exception* to permit a transmitting tower in an OM district, per plot plan, on the subject property.

Surrounding Property:

PUD 435-D April 2000: All concurred in **approval** to modify the boundary of PUD 435 removing 2.34 acres on the east and adding 0.94 acres on the north boundary. The amendment also provides a summary of existing and proposed building floor area and removes perimeter building setbacks, on property located on the northeast corner of South Yale Avenue and East 66th Street South.

PUD-435-C December 1997: All concurred in **approval** to amend the boundaries of PUD-435-B and PUD-285-B into one PUD. The property is located on the south side of East 66th Street, between South Yale Avenue and South Fulton Avenue. The development standards were also modified for signage limitations.

BOA-17682 April 1997: The Board of Adjustment **approved** a *variance* of the number, height, and display surface area of signage within a PUD in an OM and OL district on property located south of the southeast corner of East 61st Street and South Yale Avenue.

PUD-435-A July 1988: All concurred in **approval** of a proposed Major Amendment to PUD-435 on a 71± acre tract of land for the following changes and additions. To relocate a public service substation within the PUD tract; to increase the hospital floor area from the initially-approved 150,000 square feet to 200,000 square feet; to increase the allowable height for hospital buildings to three stories; to allow the stormwater detention area on the property to be constructed in phases with the final phase being a permanent lake area and for an internal setback between the hospital and doctors office buildings on property located on the southeast corner of East 66th Street South and South Yale Avenue.

PUD-435 January 1988: All concurred in **approval** of the request to rezone approximately 71 acres located on the southeast corner of East 66th Street South and South Yale Avenue from OM, OL, and RS-3 to PUD for the development of a hospital and medical complex with the southeast portion of the PUD for single-family development.

PUD-407 October 1985: All concurred in **approval**, subject to conditions, of a request for a PUD on a 22± acre tract of land for on property located on the northwest corner of East 68th Street south and South Yale Avenue. The request maintained the existing OM zoning and was for the purpose of possible future sales of office units or complexes and construction of two new office buildings.

Mr. Dix asked staff if there were any changes to the building.

Staff answered “no” only the interior of the building.

Lou Reynolds 2727 East 21st Street, Tulsa, OK

Mr. Reynolds stated a letter was sent to the neighbors to invite them to a meeting and 2 came to meeting. Mr. Reynolds stated the neighbors asked the applicant to move the staging area and the applicant has done that, and they asked the applicant to have sure a gate was secure but the applicant did not have control over that gate but the tenant that did was contacted and now the gate is secure.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Adams, Covey, Dix, Doctor, Fretz, Krug, Reeds, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Carnes, Millikin, “absent”) to **APPROVE** Z-7416 per staff recommendation.

Legal Description of Z-7416:

Lot Two (2), SECOND AMENDED PLAT OF WARREN CENTER, an Addition in Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, LESS AND EXCEPT the Easterly Ten (10) feet thereof. More particularly described as follows to-wit: Beginning at the Southwest corner of said Lot 2, said point of

beginning being the Southwest corner of the E/2 NE/4 of Section 4, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma: Thence N 0 deg. 03' 56" W along the West boundary of said E/2 NE/4 a distance of 657.53 feet to the Northwest corner of said Lot 2; Thence S 89 deg. 57' 29" E a distance of 1270.49 feet to the Northeast corner of said Lot 2; Thence due South parallel with and 50 feet from the East boundary of the E/2 NE/4 along the East boundary of said Lot 2 a distance of 661.77 feet to the Southeast corner of said Lot 2, said Southeast corner being in the South boundary of said E/2 NE/4; Thence N 89 deg. 46' 00" W along the South boundary of said Lot 2 and said E/2 NE/4 a distance of 1269.74 feet to the point of beginning. LESS the East ten (10) feet thereof previously dedicated to the Public for road purposes.

* * * * *

Items 17 and 18 were heard together.

17. CPA-71 Andrew Shank (CD 7) Location: Southwest corner of East 96th Street South and South Garnett Road requesting to amend the Comprehensive Plan Land Use Map from **New Neighborhood** to **Town Center** (Related to CO-5)

STAFF RECOMMENDATION:

1. PROPERTY INFORMATION AND LAND USE REQUEST

<p>Existing Land Use: <i>New Neighborhood</i> Existing Stability and Growth designation: <i>Area of Growth</i></p>
<p>Proposed Land Use: <i>Town Center</i></p>
<p>Location: <i>SW/c of E. 96th St. S. & S. Garnett Rd.</i></p>
<p>Size: <i>± 58 acres</i></p>

A. Background

The land use assigned for this area at the time of adoption of the 2010 Tulsa Comprehensive plan was *New Neighborhood*, with a Stability and Growth Map designation of *Area of Growth*. The site plan attached to the staff report divides the ± 58-acre tract into Development Area "A", Development Area "B", and Development Area "C". The applicant has requested that all development areas be subject to the Comprehensive Plan amendment application to change the existing *New Neighborhood* to a *Town Center* land use designation. As shown on the site plan,

Development Areas “A” & “B” are essentially separated from Development Area “C” by a ± 19-acre vacant RM-3 zoned tract. The multi-family zoned parcel provides a dividing line through the large AG parcel that separates the Grace Fellowship Church and School Campus on the western portion from the eastern portion that contains an existing billboard advertising the Church’s location.

The applicant has submitted this proposed Comprehensive Plan amendment and a rezoning application (CO-5) to permit future commercial and mixed-use development. The approximately 58-acre site that is subject to this Comprehensive Plan amendment application is located in southeast Tulsa; immediately south of the Creek Turnpike and abuts the Broken Arrow city limits on the east of Development Area “C”. The land use immediately south of the subject lot is single-family residential; the area to the west of Development Area “A” is within a floodplain and designated as a reserve area.

B. Existing Land Use and Growth Designations (Tulsa Comprehensive Plan)

New Neighborhood land use designation was assigned to the area subject to the amendment request at the time of the adoption of the Tulsa Comprehensive Plan in 2010:

“The *New Neighborhood* residential building block is comprised of a plan category by the same name. It is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes, but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity, and shall be paired with an existing or New Neighborhood or Town Center.”

When the new Tulsa Comprehensive Plan was developed and adopted in 2010, the subject tract was designated as an *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.”

C. Proposed Land Use Designation (Tulsa Comprehensive Plan)

The applicant is proposing a *Town Center* land use designation on the subject site.

“*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.”

D. Zoning and Surrounding Uses

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Area of Growth	Existing Use
North	CO north of Turnpike	<i>Regional Center</i>	<i>Area of Growth</i>	Vacant/ B.A. South Loop/ Creek Turnpike
South	RS-3	<i>Existing Neighborhood</i>	<i>Area of Stability</i>	Single-Family Residential
East	RM-3 with optional development plan, then Broken Arrow Corporate Limits	<i>New Neighborhood Garnett Greenway/ Floodplain in Broken Arrow east of Garnett. Includes public</i>	<i>Area of Growth</i>	Vacant/ B.A. South Loop/ Creek Turnpike

		open space park and trail system.		
West	RS-3/ PUD-364	<i>Park and Open Space</i>	<i>Area of Stability</i>	Single family and open space

E. Applicant’s Justification

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

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

The applicant provided the following answers to the above questions below:

HOW CONDITIONS IN THE SUBJECT AREA AND ITS SURROUNDING PROPERTIES HAVE CHANGED:

“The conditions of the property and the surrounding areas were in a state of transition and growth at the time the Comprehensive Plan was implemented. The subject property is the home of the Grace Fellowship Church and School Campus, which existed prior to the Comprehensive Plan. While the Plan designated the area as "New Neighborhood", the surrounding area to the North was developed as medical corridor and designated "Regional Center". The flood plain to the East (in Broken Arrow) and West present obvious obstacles to the ability to develop new residential homes. The current designation of New Neighborhood precludes the current residents from the benefit of nearby amenities contemplated by a Town Center designation.”

HOW THOSE CHANGES HAVE IMPACTED THE SUBJECT AREA TO WARRANT THE PROPOSED AMENDMENT:

“With the completion of the medical corridor projects to the North, the proposed amendment to "Town Center" will act as a logical extension of the Regional Center Corridor district to the North, as well as a buffer and transition area for the existing neighborhoods to the South from the more intense uses to the North.”

HOW THE PROPOSED CHANGE WILL ENHANCE THE SURROUNDING AREA AND THE CITY OF TULSA:

“The proposed request for Town Center planning designation, though a minor change, will provide the residents of the area and the congregation of the Church an opportunity for appropriate development in the area to better serve their localized needs. The long history of actual use of the property by Grace Church and the development patterns of the surrounding area clearly indicate that New Neighborhood is no longer an appropriate designation for this area. Additionally, a Town Center will facilitate and support growth in both Tulsa and Broken Arrow, by planning for sufficient densities of mixed use areas at the city limits.”

F. Staff Summary & Recommendation

The attached development area plan shows the overall site is divided into three Development Areas labeled “A”, “B”, and “C”. When the Comprehensive Plan was adopted in 2010 the subject area included the currently zoned RM-3 parcel, located between Development Area “B” and Development Area “C”, and entire area was designated as *New Neighborhood* and *Area of Growth*. The multi-family parcel was rezoned from AG to RM-3 (Z-7350) in September of 2016 with no change to the Comprehensive Plan’s land use map designation for the site. The planning area immediately to the south is *Existing Neighborhood* and *New Neighborhood*; the area to the west of Development Area “A” is designated as *Parks and Open Space*.

In 2015 The TMAPC approved a Comprehensive Plan Amendment (CPA-38) from *New Neighborhood* to *Regional Center* to accompany a future rezoning application (Z-7320) to allow a medical office corridor use within the planning area, encompassing Development Area “C”. The rezoning request was withdrawn, and the proposed medical office corridor was never developed. In June of 2016, staff recommended that the subject site indicated in the original Comprehensive Plan amendment (CPA-38) approval be included with the 2016 Comprehensive Plan Housekeeping Map Amendments. Without a clear vision for the redevelopment of the AG zoned lot, staff found that the current *Regional Center* designation was no longer in alignment with the existing and intended zoning and use of the site. The 2016 Comprehensive Plan Housekeeping Amendment (CPA-48) changed the land use from *Regional Center* to the original *New Neighborhood* designation.

The applicant has stated that the proposed amendment, "will provide the residents of the area and the congregation of the Church an opportunity for appropriate development in the area to better serve their localized

needs.” The corresponding rezoning (CO-5) application allows for a mix of commercial, office, and entertainment uses to be developed in addition to the existing church and school use in Development Area “A” and “B”. *Town Centers* are typically assigned to mixed-use areas “intended to serve a larger area of neighborhoods than *Neighborhood Centers* with retail, dining, services, and employment options.”

According to the applicant, “[the] long history of actual use of the property by Grace Church and the development patterns of the surrounding area clearly indicate that *New Neighborhood* is no longer an appropriate designation for this area.” *Grace Church* is not a typical neighborhood church and the size and level of services provided may not be appropriately defined within the *New Neighborhood* parameters. The proposed *Town Center* designation for Development Area “A” and “B” appears to be consistent with the land use and development patterns in the surrounding area; and a *Town Center* designation within the existing ± 44.7 church campus could create an appropriate transition from the more intense *Regional Center* designated medical corridor to the north of the Creek Turnpike along the E 91st St S corridor.

The Comprehensive Plan Amendment request also includes Development Area “C”. Because of the large multi-family zoned parcel that separates the church campus from Development Area “C” there is little connectivity with Development Areas “A” and “B”. The Tulsa County Floodplain Map illustrates that the majority of Development Area “C” is located within the floodplain and a billboard and large retention pond lies in the northern portion. *Town Center* does not align with the existing and intended zoning and use of the site.

Staff recommends **Approval** of the *Town Center* land use designation for Development Area “A” and Development Area “B” and **Denial** of the *Town Center* land use designation for Development Area “C”

TMAPC COMMENTS:

Mr. Dix asked staff if the street known as Grace Fellowship Drive had an unusual property line arrangement on the south side and was retained by the applicant as a private drive.

Staff answered there has been a lot of discussion concerning that drive and as part of the requirement of the subdivision plat the developer must dedicate the street as a public street but that plat has not been finished. As it stands today that street is still owned by Grace Fellowship.

Mr. Dix stated it appears that it goes through and connects with South 106th East Avenue.

Staff stated there is a driveway for lack of a better word, but it is not built to City of Tulsa standards but it does connect to South 106th East Avenue.

Mr. Dix asked staff if people were using that drive.

Staff answered there is a gate that is closed at times and as part of this redevelopment all that needs to be a part of the public street system. Staff stated the entire subdivision to the south has only one way in and one way out and this would not be allowed by today's standards.

Mr. Dix stated the apartments that were approved at this site were never built.

Staff answered they are in the design process.

Mr. Dix stated since 2010.

Staff answered "no" it was an optional development plan last year.

Mr. Dix asked if anything was going to be built in Development Area C.

Staff stated all of Development Area C was in a flood plain.

Mr. Covey asked staff how a land owner could ever rely on the Land Use Plan.

Staff stated in this instance you couldn't. Staff stated the original use of New Neighborhood was done without consideration to a regional church on this site. It's not unusual to think of a church being integrated into a neighborhood, especially in the older parts of the city. Staff stated when this was classified as a New Neighborhood in support of that church, Staff believes they didn't get it right.

Mr. Covey stated the area went from New Neighborhood to Regional Center back to New Neighborhood and now changing it to Town Center.

Staff stated "yes".

Mr. Covey stated to staff can you see how that could be frustrating for someone who lives in that area. Mr. Covey stated that 99.99% of all people have no idea that this Land Use Map exists, but if you are a home owner moving into this area and you wanted to know what abuts your property and relied upon this map homeowners could get extremely frustrated.

Staff answered from the City's perspective The Comprehensive Plan is a fluid document and its changed 70 times since it was adopted. Circumstances change and this document changes to reflect those changes.

Applicant's Comments:

Andrew Shank 2727 East 21st Street, Suite 200, Tulsa, OK 74114

Mr. Shank stated in general he agrees with staff's recommendation. Mr. Shanks stated last time he was before TMAPC on this property was for case tract in Development Area C, the church wanted a plan for future development and marketability of that property. In response to staff's comments and concerns of Development Area C in the Comprehensive Plan change the only thing that will ever be on that tract is project detention and accessory signs and applicant is fine with dropping that out of The Comprehensive Plan. Mr. Shak stated he has prepared a Corridor Development Plan that captures the uses that have developed over time on this property then divided it up into three pieces A, B and C. Mr. Shank stated according to the conceptual site plan 18.12 the applicants request for Corridor is based on the properties proximity to the Creek Turnpike and the fact that a plan can be tailored to let everyone know moving forward this is the limited use available on this property. Development Area A uses were limited to religious assembly, wireless communication, schools, parks and recreation and then there is assembly and entertainment and commercial and office, which is limited to business professional office such as medical, dental or health. Mr. Shank stated a year ago when working on this project contact was made with the HOA and with Case and Associates to communicate what was taking place on the subject property. Mr. Shank in response to the neighbors who was concerned about the assembly and entertainment use Mr. Shank stated he was withdrawing that use on all the development areas. Mr. Shank stated the next concern was the street. The street had to be brought up to City standards and dedicated to the City so that the Fire Marshall will have two points of access but the neighbors stated they didn't want people speeding through their neighborhood. Some of the neighbors are excited to have a road that they can use to get in and out of their neighborhood with and some don't like the idea of people driving through their neighborhood. Mr. Shank stated Mr. Cases associates asked about the orientation of the signs. The sign that is out there is 61 feet and that is the same as what Mr. Shank is asking for in this application. The church was approved for a digital 61 feet sign in 2001 and that is what has been there and the new sign will be in the same general area as the original one. Mr. Shank stated the orientation of that sign will be the Creek Turnpike and that means the current sign is a traditional back to back sign and the new sign will be V'ed out so the open part of the sign will be pointed towards the pending apartment project and the existing neighborhood south of Grace Fellowship Drive.

Ms. VanValkenburgh asked the applicant if they were withdrawing the request for assembly and entertainment on Development Area B as well.

Mr. Shank Answered "yes, all areas".

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Adams, Covey, Dix, Doctor, Fretz, Krug, Reeds, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Carnes, Millikin, “absent”) to recommend **ADOPTION** of CPA-71 to amend The Comprehensive Plan to change the land use designation for Development Area “A” and Development Area “B” and **Denial** of the *Town Center* land use designation for Development Area “C” per staff recommendation

* * * * *

18. CO-5 Andrew Shank (CD 7) Location: Southwest corner of East 96th Street South and South Garnett Road requesting **Corridor Development Plan** to allow for redevelopment of the existing uses on the site. (Related to CPA-71)

STAFF RECOMMENDATION:

SECTION I: CO-5

APPLICANT DEVELOPMENT CONCEPT:

The purpose of this Corridor Development Plan is to provide for a unified development of mixed uses consistent with and complementary to the surrounding development (the “Project”).

The Project is comprised of approximately sixty (60) acres of land south and west of the intersection of East 96th Street South and South Garnett Road.

The Project is in the vicinity of a mix of a medical corridor development, agricultural land, single-family and multifamily neighborhoods. The Project is bounded on the North by East 96th Street South and the Creek Turnpike, the East by flood plain and the City of Broken Arrow, the South by East 95th Street South, and the West by flood plain and PUD-364. The Project will extend the corridor development from the North and consist of a mix of uses consistent with and complementary to the surrounding development. The Project is consistent with the Comprehensive Plan and will improve the surrounding area by providing proper accessibility, circulation, functional relationship of uses and compatibility with adjoining and nearby development.

DETAILED STAFF RECOMMENDATION:

CO-5 is not consistent with the current (New Neighborhood) land use designation of the comprehensive plan and,

The applicant has submitted a request for amending the land use designation to a (Town Center) in the comprehensive plan. If the comprehensive plan amendment is approved to include this area as a Town Center then the land use designation then CO-5 will be consistent the plan. The Town Center designation is also consistent with previous decisions by the Board of Adjustment that supported many assembly, school and office uses. Anticipated redevelopment of this site using the existing facility which would allowing expansion can be accomplished through the provisions in Section II of the following staff report in a way that is consistent with the Town Center Vision with the possible exception of the off-premise outdoor advertising sign and,

The Board of Adjustment has allowed significant density for a regional church, school and assembly areas. Previous approvals for the existing regional church site are equal to or less than the requested CO-5 therefore this request is considered to be non-injurious to the proximate properties and,

The requirement for a public street connection is consistent with the Corridor Development concept to provide internal street connections and the development standards are consistent with the Zoning Code therefore,

Staff recommends approval of CO-5 to rezone property from AG to CO-5 as outlined in Section II below.

SECTION II: DEVELOPMENT STANDARDS:

DEVELOPMENT AREA "A"

- A. GROSS LAND AREA:** 631,668 SF 14.501 AC
- B. PERMITTED USES:** Subcategories and specific uses as defined below are the only uses allowed in development area "A". All supplemental regulations as identified in the zoning code will apply.

Public, Civic and Institutional
Parks and Recreation
Wireless Communication Facility
Religious Assembly
School
Commercial

Assembly and Entertainment
 Small (up to 250 person capacity)
 Large (greater than 250 person capacity)
 Office
 Business or professional office
 Medical, dental or health practitioner office
 and uses of a nature customarily accessory thereto.

C. MAXIMUM FLOOR AREA RATIO: 1.25

D. MAXIMUM LAND COVERAGE OF A BUILDING: 30%

E. MAXIMUM BUILDING HEIGHT: NA*

*Provided that any building within 300 FT of the Southern boundary of the Project shall not exceed 35 FT in height.

F. OFF-STREET PARKING:

As specified by the applicable uses and in conformance with the requirements of the Tulsa Zoning Code in effect at the time of Detail Site Plan review.

G. MINIMUM BUILDING SETBACKS:

From the North boundary (E. 96 th St.)	25 FT
From the West boundary (PUD 364)	10 FT
From the South boundary (E. 95 th St.)	25 FT
From the East boundary (Dev. Area B)	0 FT
From internal lot lines	0 FT

DEVELOPMENT AREA “B”

A. GROSS LAND AREA: 1,317,056 SF 30.235 AC

H. PERMITTED USES: Subcategories and specific uses as defined below are the only uses allowed in development area “B”. All supplemental regulations as identified in the zoning code will apply.

Public, Civic and Institutional

Day Care
 Religious Assembly
 School

Commercial

Assembly and Entertainment
 Small (up to 250 person capacity)
 Large (greater than 250 person capacity)

Office
 Business or professional office
 Medical, dental or health practitioner office
 and uses of a nature customarily accessory thereto.

- B. MAXIMUM FLOOR AREA RATIO:** 1.25
- C. MAXIMUM LAND COVERAGE OF A BUILDING:** 30%
- D. MAXIMUM BUILDING HEIGHT:** NA*

*Provided that any building within 300 FT of the Southern boundary of the Project shall not exceed 35 FT in height.

E. OFF-STREET PARKING:

As specified by the applicable uses and in conformance with the requirements of the Tulsa Zoning Code in effect at the time of Detail Site Plan review.

F. MINIMUM BUILDING SETBACKS:

From the North boundary (E. 96 th St.)	25 FT
From the West boundary (Dev. Area A)	10 FT
From the South boundary (E. 95 th St.)	25 FT
From the East boundary (RS-3)	10 FT
From internal lot lines	0 FT

DEVELOPMENT AREA "C"

- I. GROSS LAND AREA:** 577,516 SF 13.258 AC

- J. PERMITTED USE CATEGORIES:** Subcategories and specific uses as defined below are the only uses allowed in development area "C". All supplemental regulations as identified in the zoning code will apply.

"Other Use Category"
 Business Signs and Off-Premise Outdoor Advertising
 and uses of a nature customarily accessory thereto.

Project Accessory Uses, including without limitation Project Stormwater Detention, drainage improvements and business signs as limited in the general provisions section below. The accessory Uses includes all other vehicular access including public street construction. Note that accessory or non-accessory parking is specifically prohibited.

- K. MAXIMUM FLOOR AREA RATIO:** N/A
- L. MAXIMUM LAND COVERAGE OF A BUILDING:** N/A
- M. MAXIMUM BUILDING HEIGHT:** N/A*
 *Provided that any building within 300 FT of the Southern boundary of the Project shall not exceed 35 FT in height.
- N. OFF-STREET PARKING:**
- As specified by the applicable uses and in conformance with the requirements of the Tulsa Zoning Code in effect at the time of Detail Site Plan review.
- O. MINIMUM BUILDING SETBACKS:** N/A

GENERAL PROVISIONS

A. LANDSCAPED AREA; SCREENING:

A minimum of twenty-five percent (25%) of the total area of the Project will be improved as landscaped open space in accordance with the provisions of the Landscape Chapter of the Tulsa Zoning Code in effect at the time of Detail Site Plan review. The minimum landscaped area of each lot shall be established at Detail Site Plan review. The minimum street trees required for each lot shall be as follows: One (1) street tree/50 FT of street frontage. The location of the minimum street trees shall be determined at Detail Site Plan review. The eastern and southern boundaries of the Project shall be appropriately landscaped and/or screened from the abutting RS-3, RM-3 and AG zoned property. The provisions are additional requirements beyond the minimum standards identified in the Landscape Chapter of the Tulsa Zoning Code effective at the time of any building permit.

B. SIGNS:

PROJECT IDENTIFICATION SIGNS:

One (1) Project identification sign will be permitted in Development Area "C" in the Reserve Area along South Garnett near the Project entrance with a maximum of 200 SF

of display surface area and 25 FT in height and shall be lit by constant light.

GROUND SIGNS:

One (1) ground sign will be permitted per lot with a maximum of 75 SF of display surface area and 20 FT in height and shall be lit by constant light.

WALL SIGNS:

Wall signs shall not exceed an aggregate display surface area of three (3) SF per lineal foot of the building wall to which the sign is affixed. No wall sign with lighting shall be located on the southern wall of any building within 300 FT of the Southern boundary of the Project.

OUTDOOR ADVERTISING SIGNS:

One (1) outdoor advertising sign will be permitted in Development Area "C" in the Reserve Area along South Garnett within the Freeway Sign Corridor with a maximum of 672 SF of display surface area and 61 FT in height. The outdoor advertising sign may contain digital technology, including without limitation an LED display surface area conveying changeable copy.

Staff note: A sign was previously allowed as part of a Board of Adjustment decision but the sign was not considered outdoor advertising. That Board case permitted 49 feet in height and 406.25 square feet display surface area.

SIGNS – MISCELLANEOUS:

Signs not visible from a public street, including without limitation, way finding, directional and informational signs, will be permitted without requiring Detail Sign Plan approval.

C. LIGHTING:

All lighting standards including building mounted shall be hooded and directed downward and away from the boundaries of the Project. Shielding of outdoor lighting shall be designed to prevent the light producing element or reflector of the light fixture from being visible to a person standing at ground level in an adjacent residential area. All lighting in the Project shall comply

with the Tulsa Zoning Code Lighting Standards in effect at the time of Detail Site Plan review.

D. TRASH AND MECHANICAL EQUIPMENT AREAS:

All trash, mechanical and equipment areas (excluding utility service transformers, pedestals or equipment provided by franchise utility providers) including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by a person standing at ground level. The screening around the trash receptacles shall consist of masonry materials.

E. TRANSPORTATION SYSTEM IMPROVEMENTS

The private drive commonly known as Grace Chapel Drive shall be constructed or reconstructed to meet City of Tulsa standards for a residential street from South 106th East Avenue to the East edge of Development Area “B” (the remainder of Grace Chapel Drive shall be constructed pursuant to the approved development standards set forth in Case Number Z-7350 (the “Cottages at Cedar Ridge Project”). A minimum right-of-way width of fifty feet (50’) shall be dedicated therewith. The timing of the foregoing street improvements is anticipated to be completed in conjunction with the Cottages at Cedar Ridge Project but, in any event, before any building permit is released for any new building in this Project.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The proposed Town Center land use designation is compatible with the existing neighborhood and new neighborhood land use categories. Staff has recommended denial of the Comprehensive Plan amendment (CPA-71) in Development area C because the entire site is in a floodplain and practically undevelopable.

Land Use Vision:

Land Use Plan map designation:

Existing: Land Use Map New Neighborhood

“The New Neighborhood residential building block is comprised of a plan category by the same name. It is intended for new communities developed

on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes, but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity, and shall be paired with an existing or New Neighborhood or Town Center.”

Proposed: 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:

South Garnett Road is a secondary arterial street that is on the eastern border of Tulsa and the western border of Broken Arrow. Tulsa County maintains South Garnett Road along the entire frontage of this request.

Trail System Master Plan Considerations:

East of 129th Street South in the Floodplain / Greenway zone the City of Broken Arrow has provided an opportunity for pedestrian and bicycle activity that should be accessible to this corridor development area. Sidewalk and pedestrian access to that nature area should be a required with the development plan.

North of East 96th Street South the existing trail system should also be a consideration of the pedestrian system with this project.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site has been occupied by a regional church with associated office, daycare, private school and signage as approved through the City of Tulsa Board of Adjustment Special Exception process. In 2016 the Planning Commission and City Council approved a multifamily development that isolated existing signage from the church site. The existing signage is where the outdoor advertising sign is proposed.

Environmental Considerations: Floodplain on the east portion of this property will prohibit meaningful development in Development Area C. Floodplain west of the site will also limit any future development immediately west of the west boundary of CO-5.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 96 th Street South	Residential Collector	60 feet	2
Grace Fellowship Drive*	Private Drive	NA	2
South 106 th East Avenue	None	50 feet	2

*Grace Fellowship Drive will be dedicated to the public from Garnett to the west approximately 1000 feet prior to construction of the proposed multifamily project abutting CO-5. The redevelopment of CO-5 will require that remainder of the street to be dedicated to the public. Prior to acceptance of the street right of way

the street will be reconstructed to meet City of Tulsa Standards prior to any new development.

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	CO north of the Turnpike	Regional Center	Growth	No development plan has been approved associated with this rezoning
East	RM-3 with optional development plan, then Broken Arrow Corporate Limits	New neighborhood <i>Garnett Greenway / Floodplain in Broken Arrow east of Garnett. Includes public open space park and trail system.</i>	Growth	Vacant
South	RS-3	Existing neighborhood	Stability	Single family residential
West	RS-3 / PUD 364	Existing Neighborhood with Parks and open space adjacent to the west boundary of CO-5	Stability	Single family and open space

SECTION III IV: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11834 dated June 26, 1970, established zoning for the subject property.

Subject Property:

Z-7320 and Z-7320-SP-1 April 2016: A request for rezoning a 26.74± acre tract of land from AG to CO with a Corridor Development Plan, for medical offices,

was made on property located on the east portion of the subject property. Staff was recommending approval, however the applicant withdrew the application on April 19, 2016.

Z-7350 July 2016: All concurred in **approval** of a request for rezoning a 18.69± acre tract of land from AG to RM-3 with an Optional Development Plan on property located within the subject property located on the southwest corner of E. 96th St. S. and S. Garnett Rd.

BOA-21347 December 13, 2011: The Board of Adjustment **approved** a *variance* to exceed the number of permitted signs in an AG district (Section 302.B.2.b); and a variance to exceed the permitted 150 square feet display surface area for a sign in an AG district (Section 302.B.2.b). This large tract of 3,334,803 square feet, contains a very large church structure and additional signage is needed to direct visitors and parishioners. This approval is for the Grace Church sign located approximately 49 feet above the ground elevation on the north and east elevations. It is noted that the building setback is approximately 400 to 1,000 feet from the nearest property, on property located at 9610 S. Garnett Rd. E. and also a part of the subject property. Note: This board case required a private deed restriction to remove the sign if the 80 acre tract were ever split.

BOA-19144 July 2001: The Board of Adjustment **approved** a *variance* to the number, size, and height limitations of the zoning code and to allow flashing illumination, changeable copy, and animation as required, to permit new signs at various locations on the subject property located at the southwest corner of E. 96th St. S. and S. Garnett Rd.

Staff note: This is the case that approved the existing sign at the northeast corner of the 80 acre tract. Allowed additional height and 406.25 square feet of display surface area.

BOA-18936 December 12, 2000: The Board of Adjustment **approved** a *minor special exception* to a previously approved site plan to add a new youth building with an auditorium with seating for approximately 600 people on the subject property.

BOA-18352 March 23, 1999: The Board of Adjustment **approved** a *special exception* to amend a previously approved site plan to include a multi-use church facility with seating for 2,800, four unlighted sports fields, a 4,500 square foot central power plant building and accessory parking and a storm water drainage facility on the subject property.

BOA-17905 January 13, 1998: The Board of Adjustment **approved** a *minor special exception* to amend the previously approved site plan on the subject property.

BOA-17840 October 14, 1997: The Board of Adjustment **approved** a *minor special exception* for an amended site plan to add a 2,708 square foot pavilion on the subject property.

BOA-17863 October 27, 1997: The Board of Adjustment **approved** a *special exception* to permit a 180' monopole; and a *special exception* to reduce the required setback from R district to 50' from the north and 150' from the west; per plan submitted and subject to the 180' monopole replacing the 150' monopole; finding that due to the road design for the South Loop, the property is unlikely to be developed, on property located at 9610 S. Garnett Rd. and also known as a part of the subject property.

BOA-13732 September 12, 1985: The Board of Adjustment **approved** a *variance* to allow three existing signs (one bulletin board and two lighted directional signs) for a church in an AG district; per plot plan, on property located at 9610 S. Garnett Rd. and also known as a part of the subject property.

BOA-13457 February 7, 1985: The Board of Adjustment **approved** a *variance* of the surface area and height requirements to permit a combination bulletin board and sign for an existing church in an AG district; finding that the size and terrain of the subject tract constitutes a hardship; and finding that the size of the sign in relation to the size of the property does not violate the spirit and intent of the Code, on property located at 9610 S. Garnett Rd. and also known as a part of the subject property.

Staff note: A sign was allowed as part of a Board of Adjustment decision but the sign was not considered outdoor advertising. The Board of Adjustment also included a requirement that a deed restriction shall be placed on the property that removed the sign if the parent 80 acre tract was ever split. We have no evidence that the restriction was ever filed.

BOA-11534 August 6, 1981: The Board of Adjustment **approved** a *special exception* to permit a church and school in an AG district (Grace Fellowship Church and School) per plot plan, subject to a subdivision plat, with the record to reflect that this is a private school and a facility of this size with school use and church use approval would not be required to be reviewed again by the Board if a facility such as a day-care center was added in the future, on property located at 9610 S. Garnett Rd. and also known as a part of the subject property.

Surrounding Property:

PUD-778 September 2010: All concurred in **approval** of a proposed Planned Unit Development on a 5± acre tract of land for a personal office/warehouse building and two sports activity buildings for a private volleyball club on property located west of the northwest corner of East 101st St. and South Garnett Rd.

PUD-746 October 2007: All concurred in **approval** of a proposed Planned Unit Development on a 5± acre tract of land for single-family residential on property located west of the northwest corner of East 101st St. and South Garnett Rd.

Z-5954/ PUD-364 January 1984: All concurred in **approval** of a request for rezoning a 114.7± acre tract of land from AG to RS-3/RM-0/CS/PUD for shopping, office, multi-family, townhouses and detached single-family homes on property located on the northeast corner of South Mingo Rd. and East 101st St. S.

INTERESTED PARTIES:

Paul Stanton 10715 East 99th Street Tulsa, OK 74133

Mr. Stanton stated he lives in the neighborhood immediately south of the subject property. Mr. Stanton stated he is very happy the applicant is striking the assembly and entertainment use from the applicant because one of the concerns is that could be interpreted rather loosely and bring in a lot of traffic to the area that residents would not be excited about. Mr. Stanton stated the traffic concerns on Garnett are still an issue, the traffic backs up on Garnett everyday between 5 and 6 to the south Grace Church Drive and even up to 96th Street and people that are trying to turn left when exiting off the Creek Turnpike are making a blind left turn, the traffic going north on Garnett is going fast and could hit one of the cars making the blind left turn. This happens every day so Mr. Stanton's concerns are the roads and traffic infrastructure.

James Coot 9908 South 107th East Avenue, Tulsa, OK 74133

Mr. Coot stated he echo's what Mr. Stanton stated but his real concern is 106th Street. Mr. Coot's stated he has lived in this neighborhood over 25 years and when the church was fully attended the residents couldn't get out of the driveways or neighborhood because of the traffic flowing from the south to the church. Mr. Coot stated he didn't have anything against Grace Church but the City of Tulsa didn't require sidewalks when this neighborhood was built so all the children in the neighborhood must ride their bicycle or scooter in the street and the safety of these kids needs to be taken into consideration by TMAPC or the project should not be approved. Mr. Coots begs this Planning Commission to do something about the streets before approving this application.

Mr. Shivel asked if there was a gate at the top of 106th East Avenue

Mr. Coot stated there is not a gate there, when the church would have a July 4th event or church picnics they would put up barriers along this street but no gate.

Stuart Van De Wiele 320 South Boston, Suite 200, Tulsa, OK 74103

Mr. Van De Wiele stated he represents Case and Associates who have the property in the middle. Mr. Van De Wiele stated Mr. Coot is correct on occasion the church would put up a barrier but not an operable gate. The Grace Chapel

Drive roadway, the small connected piece between area C and area B and a similar portion on the south end will be dedicated to the city by Grace when Mr. Van De Wiele's client files the plat. Mr. Van De Wiele stated Case will be improving the road from Garnett to their western boundary. Mr. Van De Wiele stated his client's issue is with the sign that is currently a Grace Church sign and from a use stand point Mr. Van De Wiele is okay with the sign but his concern is the LED component of the sign. This sign is going from a 400-square foot sign to a 600-square foot sign with LED on both sides. Mr. Van De Wiele stated his client's current plans do have residential structures near the detention pond in development area C and if either side of the sign is visible from client's property then his client objects to this bright of an LED shining into the back of a residential building is a problem. Mr. Van De Wiele stated this residential building is about 400 feet from the sign which sounds like a lot but from a brightness standpoint it isn't if it's an LED.

Mr. Reeds asked Mr. Shank if he knew how bright the sign would be.

Mr. Shank stated he did not.

Mr. Reeds stated he helped write the new sign code rules and regulations and with the right technology you can control brightness and still get your message across.

Mr. Shank stated the protections in the code for digital display next to residential is a buffer zone of 200 feet. As Mr. Van De Wiele mentioned the residential building is 400 feet from the sign. Mr. Shank stated the fact that the sign will be oriented towards the creek he thinks will also minimize the impact the sign has on the residents. Mr. Shank stated traffic and safety is important to every applicant and this development was crafted to be consistent with the way the world has existed in this area since 2001. That was the last major capital campaign and that was 10 years before The Comprehensive Plan. Mr. Shank stated there is over 100,000 square foot of building on the subject property so the plan to bring Grace Chapel Drive up to code will make the project safer and improve connectivity and allow the Fire Marshal access.

Mr. Reeds asked Mr. Shank if 106th East Avenue would be maintained as a connection to the site.

Mr. Shank stated he believes the City will require it.

Mr. Reeds stated that is because if you close it the dead end would be longer than the Fire Marshal would allow. Mr. Reeds asked Mr. Shank how will access be maintained to the subject tract.

Mr. Shanks answered, the dedication would happen and go through all the City processes and there will be access along East 96th Street and through Grace Chapel Drive after its dedicated.

Don West 9833 South 106th East Avenue, Tulsa, OK 74137

Mr. West stated he lives on the corner of South 106th East Avenue and that street whether its torn up or repaired you can put 15 miles an hour on it and the cars still go 50 because there is nothing going up and down this street except the cars. Mr. West stated there was a wreck yesterday on Garnett and every single car that was going around came through this street. There is flooding in this area and if the road is blocked but water the only way the residents on 106th can get out of the neighborhood is through the Grace Fellowship property. Mr. West stated there is a stop sign but very few people stop at it and there are kids playing in the street. Mr. West stated the traffic is his concern and when you have an apartment complex with 300 plus units and 2.8 cars per unit that is a lot of traffic in the neighborhood. Mr. West stated there are no through traffic signs in his yard and in other yards, this made a difference for about 5 or 6 days and then back to all the cars coming through again. Mr. West stated he would prefer to leave the road the way it is and figure out another way to get out of their neighborhood when it floods. Mr. West stated he would like a road built through the church so that the residents could use it to get out of neighborhood when it floods.

Mr. Shank stated the stage in development, planning and technical stage is where everyone talks about all the various issues and weather there is a need for traffic control but that comes later in the process.

Mr. Reeds stated this is hard one for him because of the flooding but he thinks rezoning to a mixed use is appropriate and will coordinate nicely with the Case property.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Adams, Covey, Dix, Doctor, Fretz, Krug, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Millikin, "absent") to **APPROVE** CO-5 per staff recommendation removing the assembly and entertainment use at applicant's request.

Legal Description of CO-5:

A tract of land that is part of Lot One (1), Block One (1), GRACE FELLOWSHIP CHURCH AND SCHOOL, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, said tract of land being described as follows:

Commencing at the Southeast corner of said Lot 1, Block 1, GRACE FELLOWSHIP CHURCH AND SCHOOL; thence North 89°42'42" West along the southerly line of said Lot 1 for 2143.16 feet to the point of

beginning of said tract of land; thence continuing North 89°42'42" West along said southerly line for 442.18 feet to the Southwest corner of said Lot 1; thence North 00°01'51" West along the westerly line of said Lot 1 for 1322.01 feet to the Northwest corner of said Lot 1; thence South 89°42'44" East along the northerly line of said Lot 1 for 315.49 feet to a point on the southerly right-of-way line of the Creek Turnpike; thence South 00°21'35" West along said southerly right-of-way line for 30.00 feet; thence South 89°42'44" East parallel with said northerly line, and along said southerly right-of-way line, for 311.43 feet; thence South 18°27'37" West for 582.59 feet; thence South 00°03'00" East parallel with the easterly line of said Lot 1 for 738.48 feet to the point of beginning of said tract of land.

AND

A tract of land that is part of Lot One (1), Block One (1), GRACE FELLOWSHIP CHURCH AND SCHOOL, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, said tract of land being described as follows:

Commencing at the Southeast corner of said Lot 1, Block 1, GRACE FELLOWSHIP CHURCH AND SCHOOL; thence North 89°42'42" West along the southerly line of said Lot 1 for 1084.14 feet to the point of beginning of said tract of land; thence continuing North 89°42'42" West along said southerly line for 1059.02 feet; thence North 00°03'00" West parallel with the easterly line of said Lot 1 for 738.48 feet; thence North 18°27'37" East for 582.59 feet to a point that is 30.00 southerly of as measured perpendicularly to the northerly line of said Lot 1, the same being a point on the southerly right-of-way line of the Creek Turnpike; thence South 89°42'44" East parallel with said northerly line, and along said southerly right-of-way line, for 874.05 feet; thence South 00°03'00" East parallel with said easterly line for 1292.03 feet to the point of beginning of said tract of land.

AND

A tract of land that is part of Lot One (1), Block One (1), GRACE FELLOWSHIP CHURCH AND SCHOOL, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, said tract of land being described as follows:

Beginning at a point that is the Southeast corner of said Lot 1, Block 1, GRACE FELLOWSHIP CHURCH AND SCHOOL; thence North 89°42'42" West along the southerly line of said Lot 1 for 1084.14 feet; thence North 00°03'00" West parallel with the easterly line of said Lot 1 for 50.00 feet; thence South 89°42'42" East parallel with said southerly line for 665.08 feet; thence North 00°03'00" West parallel with said easterly line for 957.95 feet; thence North 45°03'00" West for 114.88 feet; thence North 00°03'00" West parallel with said easterly line for 96.00 feet; thence North 54°03'07" East for 181.59 feet to a point that is 30.00 southerly of as measured perpendicularly to the northerly line of said Lot 1, the same being a point on the southerly

right-of-way line of the Creek Turnpike; thence South 89°42'44" East parallel with said northerly line, and along said southerly right-of-way line, for 205.07 feet; thence southeasterly along a curve to the right, and along said southerly right-of-way line, with a central angle of 04°40'22", a radius of 2391.93 feet, a chord bearing of South 49°28'48" East, a chord length of 195.01 feet, for an arc length of 195.06 feet to a point on the easterly line of said Lot 1; thence South 00°03'00" East along said easterly line for 1166.08 feet to the point of beginning of said tract of land.

OTHER BUSINESS

19. Adopt a resolution of the Tulsa Metropolitan Area Planning Commission determining that the Downtown Area Economic Development Project Plan is in conformance with the Tulsa Comprehensive Plan and recommending to the City of Tulsa the approval and adoption of the Downtown Area Economic Development Project Plan. Resolution No. 2757:978.

TMAPC COMMENTS:

Mr. Dix asked staff what the fiscal year of the City.

Staff answered July 1st to June 30th.

Mr. Dix asked what is the base line of the TIF.

Staff stated Leslie Batchelor is here to answer those questions.

Leslie Batchelor stated she is working with the City of Tulsa on the Downtown TIF Plan. Ms. Batchelor stated each of the 8 individual TIF district could be triggered at different times. Ms. Batchelor stated she anticipates the first 2 would be triggered upon approval by City Council or January 1, 2018. Ms. Batchelor stated the ad valorem aspect in all 8 of these TIF districts are set as of the date the TIF district is commenced by City Council. Ms. Batchelor stated the sales tax intends to look at one year back before the date of approval.

Mr. Dix stated so you back on the sales tax but on the ad valorem it's when City Council approves it.

Ms. Batchelor stated either way you're trying to get a snapshot as of the date your approving it and since property values are static you can take a moment in time as January 1, 2018. Since your are trying to get the snapshot of the baseline, it's an ongoing activity and a year is the usual measure of taking that snapshot.

Mr. Dix stated so you take an increase in ad valorem taxes.

Ms. Batchelor stated yes but only an increase on the values you still apply the levies as they are, so if there is increased investment and increased property values then the revenues generated by the levies is applied to those increase values is captured.

Mr. Dix stated on the sales taxes you are looking at total generated and increase.

Ms. Batchelor stated that is correct. The goal on both sides is to hold everyone harmless bases on the assumption if we don't put a little something in it, it will stay flat.

Mr. Dix stated he has done TIF's before but had not seen one that combines both sales tax and ad valorem.

Ms. Batchelor stated it gets a little confusing and on some of the TIF districts here the sales tax intended to be captured is limited solely to sales tax on construction materials so that it is focused on the development that's generated. Because of the administrative burden of calculating and capturing every store within the heart of the CBD it's pretty labor intensive for City staff so you want to focus on those you're getting enough value out of that effort to invest back into the district since those are revenues that are going to the City.

Mr. Dix stated if there was a change by additional development in property tax or sales tax like a new business or restaurant would the City receive 100% of that.

Ms. Batchelor stated on the sales tax side there's a little more leeway on how the City Council draws up the resolution with the formula to measure the sales taxes and there are times it is written specifically to capture anything that is coming from entirely new business. Ms. Batchelor stated you are measuring the baseline from all businesses in each area.

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Adams, Covey, Dix, Doctor, Fretz, Krug, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Millikin, "absent") to **ADOPT** a resolution determining that the Downtown Area Economic Development Project Plan is in conformance with the Tulsa Comprehensive Plan and recommending to the City of Tulsa the approval and adoption of the Downtown Area Economic Development Project Plan.

20. Commissioners' Comments

None

* * * * *

ADJOURN

TMAPC Action; 9 members present:

On **MOTION** of **DIX**, the TMAPC voted 9-0-0 (Adams, Covey, Dix, Doctor, Fretz, Krug, Reeds, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Carnes, Millikin, “absent”) to **ADJOURN** TMAPC meeting 2757.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 3:22 p.m.

Date Approved:

Chairman

ATTEST: _____

Secretary