

Ordinance

Version 3.4 released on 6/29/23

Use for all Ordinances including: TRO, Budget, Zoning, Declarations,
Trust Indentures, etc.



CITY COUNCIL USE ONLY

Date Received: _____
Committee Date: _____
1st Agenda Date: _____

Tracking #: _____
Committee: _____
Hearing Date: _____
2nd Agenda Date: _____

CITY CLERK USE ONLY

☐ Scanned Date: _____
☐ Posted Item #: _____

All department items requiring Council approval must be submitted through the Mayor's Office.

Primary Details

Dept. Tracking No.
PUD-488-A (related to Z-7735)

Board Approval
Tulsa Metropolitan Area
Planning Commission

Other Board Name

City Council Approval
☒ Yes ☐ No

Department
Department of City Experience

Contact Name
Susan Miller

Email
smiller@cityoftulsa.org

Phone
918-596-7130

Subject (Description)
PUD-488-A to abandon PUD-488

Ordinance Type
Rezoning Land

Section

Township

Range

Lot

Block

Address
Northeast corner of East 33rd Street South and South Peoria Avenue

BA / CT Number

Amending Ord. No.

TRO Title No.

TRO Subtitle

Property/Non-Property
Property

Council District
9

Zoning No.

PUD No.
PUD-488-A

Planning District

Budget

Funding Source(s)

TOTAL:

Enter the funding source(s) using the appropriate Munis funding format: Org (Allocation Code)-Object-Amount (1001211-531401-\$10.00) or Project String-Amount
(144104.AbstrTitle5413102.6001-4043122-541102-\$30,000.01)

Approvals

Department: _____
Legal: _____
Board: _____
Mayor: _____
Other: _____

Date: 9/21/23
Date: _____
Date: _____
Date: _____
Date: _____

Policy Statement

Background Information

Applicant: Stuart VanDeWiele, 521 East 2nd Street, STE 1200, Tulsa, OK 74103, 918-594-0400, svandewiele@rupehelmer.com
Owner: BOKF Foundation, 6242 East 41st Street (18th Floor) Tulsa, OK 74135, 918-588-6414, SFarris@bokf.com

The applicant is requesting abandon PUD-488 on approximately 1.73 acres concurrent with rezoning application Z-7735 (from CH OL, and RS-3 to MX2-V- with an optional development plan) to limit uses, reduce maximum building height and provide enhanced landscape buffers from adjacent residential areas.

Provide background information on the requested action.

Summation of the Requested Action

On September 20, 2023, TMAPC voted 8-0-0 to recommend approval of the abandonment of PUD-488.

Summarize the pertinent details of the requested action.

Emergency Clause?

☐ Yes

☒ No

Reason for Emergency Clause

Explain why you are requesting that the City Council approve this action with an emergency clause.

Processing Information for City Clerk's Office

Post Execution Processing

- ☐ Mail vendor copy (addtl signature copies attached)
- ☐ Must be filed with other governmental entity
- ☐ Addtl governmental entity approval(s) required

Additional Routing and Processing Details



Tulsa Metropolitan Area
Planning Commission

Case Number: PUD-488-A – Abandonment
(Related to Z-7735)

Hearing Date: September 20, 2023 (Case was
originally heard on August 2, 2023.)

Case Report Prepared by:

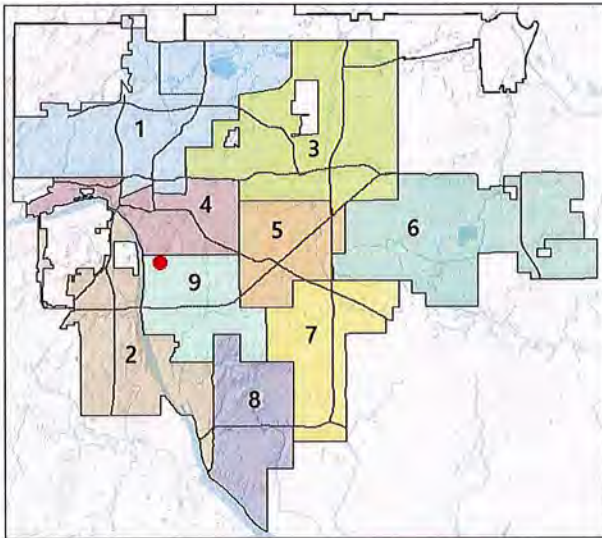
Nathan Foster

Owner and Applicant Information:

Applicant: Hall Estill

Property Owner: BOKF Foundation

Location Map:
(shown with City Council Districts)



Applicant Proposal:

Present Use: Commercial

Proposed Use: Commercial, Shopping, Residential

Concept summary: Abandonment of PUD-488 and rezoning the site from CH, OL, and RS-3 to MX2-V-U with an optional development plan to limit uses, reduce maximum building height, and provide for enhanced landscape buffers from adjacent residential areas

Tract Size: 1.73 ± acres

Location: Northeast corner of East 33rd Street South and South Peoria Avenue

Zoning:

Existing Zoning: CH, OL, RS-3, PUD-488

Proposed Zoning: MX2-V-U with an optional development plan

Comprehensive Plan:

Land Use Map: Multiple Use

Staff Recommendation:

Staff recommends approval of PUD-488-A to abandon PUD-488 with approval of staff's recommendation for Z-7735

Staff Data:

TRS: 9319
CZM: 47

City Council District: 9

Councilor Name: Jayme Fowler

County Commission District: 2

Commissioner Name: Karen Keith

SECTION I: PUD-488-A – Abandonment of PUD-488

This case was originally heard by TMAPC on August 2, 2023. Staff was notified by Tulsa World on August 16, 2023, that the required newspaper notice had not been published. New notices were required to comply with all notice requirements and the case was rescheduled for September 20, 2023.

TMAPC voted 9-0-0 to recommend approval of PUD-488-A on August 2, 2023. Minutes from the previous meeting are attached.

DEVELOPMENT CONCEPT: The applicant is proposing to abandon PUD-488 which was adopted in 1992 to accommodate the development of the existing banking facility. The abandonment is related to Z-7735 which requests to change the underlying zoning of the subject property from CH, OL, RS-3 to MX2-V-U with an optional development plan.

EXHIBITS:

- INCOG Case map
- INCOG Aerial (small scale)
- INCOG Aerial (large scale)
- Tulsa Comprehensive Plan Land Use Map
- PUD-488 Development Standards

DETAILED STAFF RECOMMENDATION:

PUD-488 was adopted in 1992 and established development standards for the construction of the existing building on the subject property.

The applicant is requesting an abandonment of the existing PUD in order to accommodate a mixed-use development on the site. Development standards for the new development are outlined in the optional development plan included with Z-7735.

Staff recommends approval of PUD-488-A to abandon PUD-488.

Staff recommendation is contingent upon the approval of the associated rezoning under Z-7735.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The entire subject property is designated as “Multiple Use” by the Comprehensive Plan land use map. The proposed MX2 district aligns with the recommendations of the “Multiple Use” land use designation.

Land Use Vision:

Multiple Use

Multiple Use areas are “Mostly Commercial or Retail Uses” which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local Centers being more commonplace in newer parts of the city. For single properties that are commercial but surrounded by Neighborhood, Multiple Use is the preferred designation.

Transportation Vision:

Major Street and Highway Plan: South Peoria Avenue at this location is considered an Urban Arterial with a Main Street classification. Urban Arterials require a minimum of 70' for right-of-way dedications. The anticipated use of Urban Arterials with Main Street designations are primary traffic ways with a high level of pedestrian infrastructure and traditional building patterns. The proposed MX district would align the land use with the main street classification found in the major street and highway plan.

Trail System Master Plan Considerations: The GO Plan calls for an off-street shared use path along Crow Creek from South Peoria Avenue to the Arkansas River. The subject property should accommodate bicycle and pedestrian traffic through the implementation of sidewalks and bicycle facilities.

Small Area Plan: Brookside Infill Plan (2002)

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is currently an operational financial institution with parking and drive through lanes for bank services. The property is adjacent to Crow Creek on the north, residential uses to the east, and commercial uses within the Brookside corridor to the south and west.

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Peoria Avenue	Urban Arterial	70'	4
East 33 rd Street South	Residential	50'	2

Utilities:

The subject tract has municipal water and sewer available.

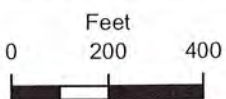
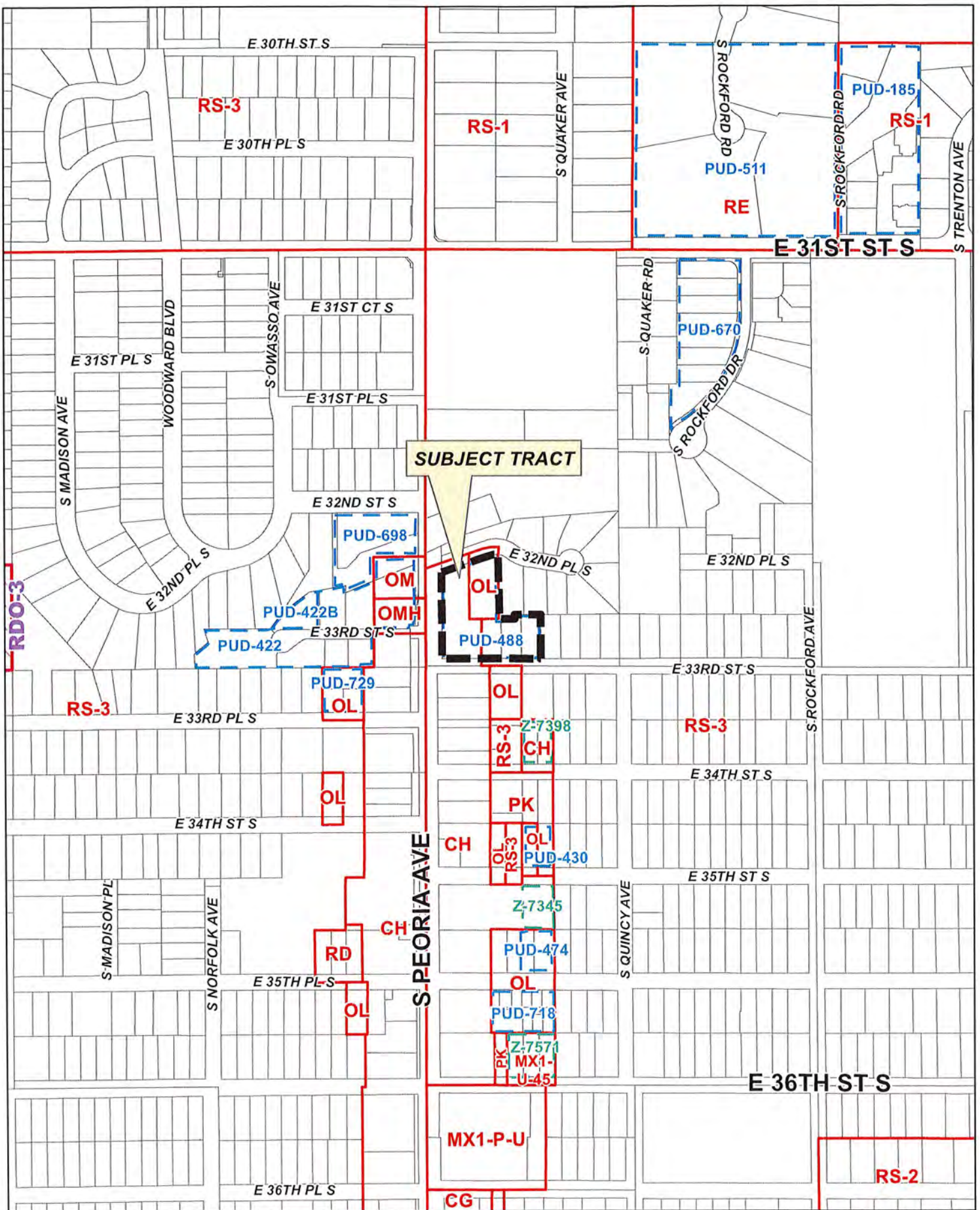
Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Existing Use
North	RS-3	Neighborhood	Crow Creek
South	CH	Multiple Use	Commercial/Restaurant
East	RS-3	Neighborhood	Single-Family Residential
West	CH/OMH	Multiple Use	Office/Coffee Shop

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11823 dated June 26, 1970, established zoning for the subject property.

PUD-488: Approved by TMAPC on April 22, 1992. Approved by City Council on June 4, 1992. Ordinance No. 17727, dated June 11, 1992.



Z-7735/PUD-488-A

19-13 19





0 200 400
Feet



Subject
Tract

Z-7735/PUD-488-A

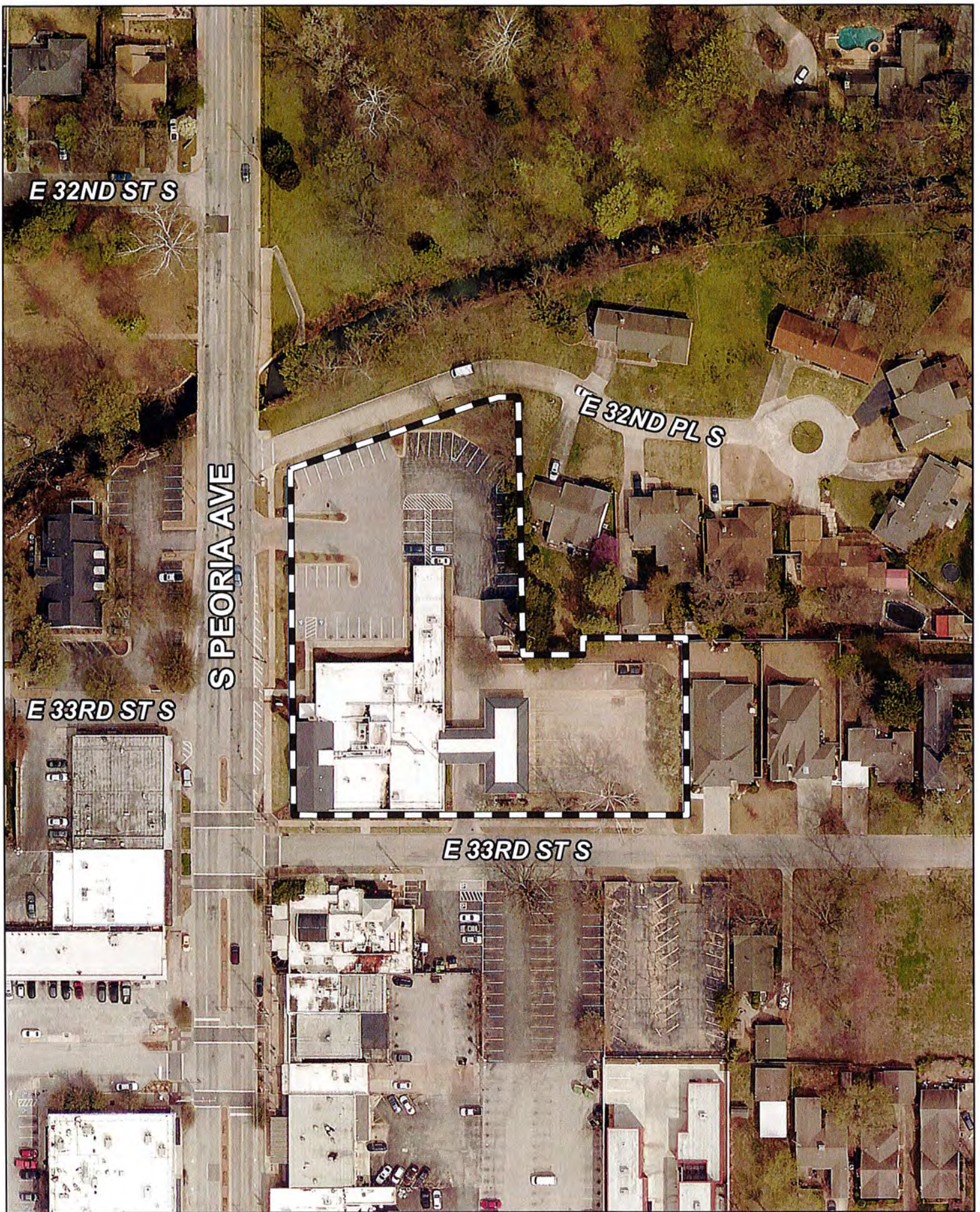
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2021



6.5

19-13 19



E 32ND ST S

S PEORIA AVE

E 33RD ST S

E 32ND PL S

E 33RD ST S

0 50 100
Feet



Subject
Tract

Z-7735/PUD-488-A

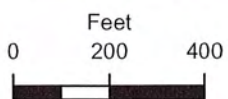
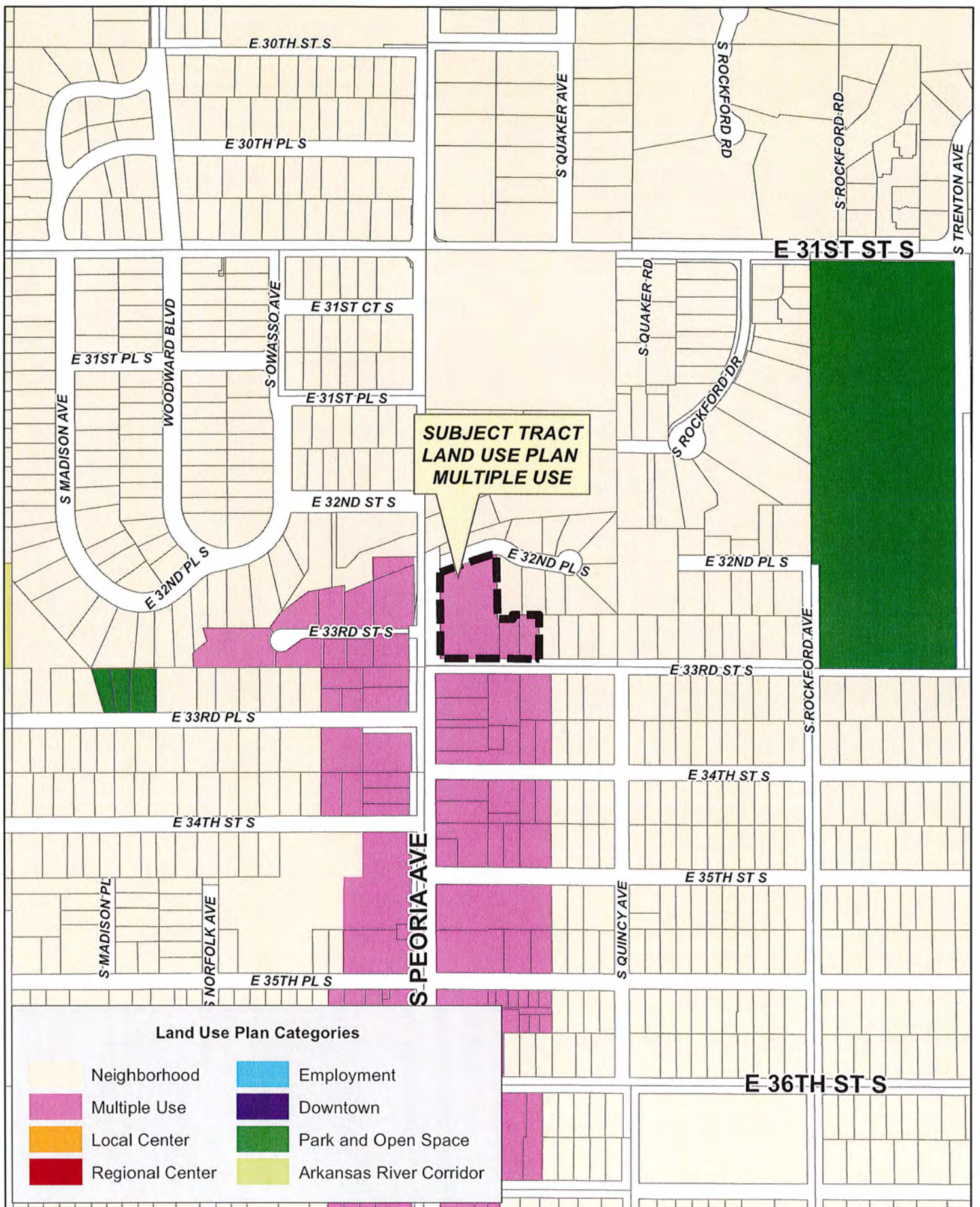
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2021



6.6

19-13 19



Z-7735/PUD-488-A

19-13 19



Items 6 and 7 were presented together.

6. **PUD-488-A Stuart VanDeWiele, Hall Estill** (CD 9) Location: Northeast corner of East 33rd Street South and South Peoria Avenue requesting a **PUD Major Amendment** to abandon PUD-488 (**Related to Z-7735**)

STAFF RECOMMENDATION:

SECTION I: PUD-488-A – Abandonment of PUD-488

DEVELOPMENT CONCEPT: The applicant is proposing to abandon PUD-488 which was adopted in 1992 to accommodate the development of the existing banking facility. The abandonment is related to Z-7735 which requests to change the underlying zoning of the subject property from CH, OL, RS-3 to MX2-V-U with an optional development plan.

DETAILED STAFF RECOMMENDATION:

PUD-488 was adopted in 1992 and established development standards for the construction of the existing building on the subject property.

The applicant is requesting an abandonment of the existing PUD in order to accommodate a mixed-use development on the site. Development standards for the new development are outlined in the optional development plan included with Z-7735.

Staff recommends approval of PUD-488-A to abandon PUD-488.

Staff recommendation is contingent upon the approval of the associated rezoning under Z-7735.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The entire subject property is designated as "Multiple Use" by the Comprehensive Plan land use map. The proposed MX2 district aligns with the recommendations of the "Multiple Use" land use designation.

Land Use Vision:

Multiple Use

Multiple Use areas are “Mostly Commercial or Retail Uses” which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local Centers being more commonplace in newer parts of the city. For single properties that are commercial but surrounded by Neighborhood, Multiple Use is the preferred designation.

Transportation Vision:

Major Street and Highway Plan: South Peoria Avenue at this location is considered an Urban Arterial with a Main Street classification. Urban Arterials require a minimum of 70' for right-of-way dedications. The anticipated use of Urban Arterials with Main Street designations are primary traffic ways with a high level of pedestrian infrastructure and traditional building patterns. The proposed MX district would align the land use with the main street classification found in the major street and highway plan.

Trail System Master Plan Considerations: The GO Plan calls for an off-street shared use path along Crow Creek from South Peoria Avenue to the Arkansas River. The subject property should accommodate bicycle and pedestrian traffic through the implementation of sidewalks and bicycle facilities.

Small Area Plan: Brookside Infill Plan (2002)

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is currently an operational financial institution with parking and drive through lanes for bank services. The property is adjacent to Crow Creek on the north, residential uses to the east, and commercial uses within the Brookside corridor to the south and west.

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Peoria Avenue	Urban Arterial	70'	4
East 33 rd Street South	Residential	50'	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Existing Use
North	RS-3	Neighborhood	Crow Creek
South	CH	Multiple Use	Commercial/Restaurant
East	RS-3	Neighborhood	Single-Family Residential
West	CH/OMH	Multiple Use	Office/Coffee Shop

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11823 dated June 26, 1970, established zoning for the subject property.

PUD-488: Approved by TMAPC on April 22, 1992. Approved by City Council on June 4, 1992. Ordinance No. 17727, dated June 11, 1992.

TMAPC Action; 9 members present:

On **MOTION** of **CRADDOCK**, the TMAPC voted 9-0-0 (Bayles, Carr, Craddock, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Covey, Zalk, "absent") to recommend **APPROVAL** of the PUD Major Amendment to abandon PUD-488 per staff recommendation.

Legal Description for PUD-488-A:

TRACT 1: LOTS 1 AND 2, ROGERS RE-SUBDIVISION OF LOT ONE, BLOCK ONE, CEDAR HAVEN ADDITION, A SUBDIVISION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, LESS AND EXCEPT THE EAST 25 FEET OF SAID LOT 2

TRACT 2: LOTS 2, 3, 4, AND 5, BLOCK 1, CEDAR HAVEN, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF

* * * * *

7. **Z-7735 Stuart VanDeWiele, Hall Estill** (CD 9) Location: Northeast corner of East 33rd Street South and South Peoria Avenue requesting rezoning from **OL, CH and RS-3 to MX2-V-U with an optional development plan (Related to PUD-488-A)**

STAFF RECOMMENDATION:

SECTION I: Z-7735 with an optional development plan

DEVELOPMENT CONCEPT: The applicant is proposing to rezone the subject property to MX2-V-U to allow for a mix of commercial and residential uses. The application includes an optional development plan that would establish standards for permitted uses, maximum building height, and landscaping.

DETAILED STAFF RECOMMENDATION:

The applicant is proposing a rezoning of the subject property from CH, OL, and RS-3 to MX2-V-U. The proposed zoning district by the applicant includes an unlimited height designation. Staff is supportive of the rezoning to MX2-V but recommends a reduction in the allowable height to align the zoning with the recommendations of the Brookside Infill Plan and ensure compatibility with the existing development pattern in the area.

Staff recommends MX2-V-65 with the optional development plan standards outlined in Section II below to limit the maximum building height to a maximum of 4 stories.

In addition to limitations on the building height, the optional development plan standards outlined in Section II will limit uses by prohibiting medical marijuana dispensaries and vehicle sales and service uses.

Finally, the optional development plan enhances the landscaping standards for the areas adjacent to residential neighborhoods to reduce the impact of the development on the neighborhood.

Staff recommends approval of Z-7735 to rezone the property from CH, OL, RS-3 to MX2-V-65 with the optional development plan outlined in Section II.

SECTION II: Z-7735 OPTIONAL DEVELOPMENT PLAN STANDARDS:

The optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in a MX-2-V-65 district with its supplemental regulations except as further refined below. All use categories, subcategories or specific uses and building types that are not listed in the following permitted list are prohibited.

Uses with “*” require special exception approval by the City of Tulsa Board of Adjustment.

PERMITTED USE CATEGORIES:

RESIDENTIAL (if in allowed building types identified below)

PUBLIC, CIVIC, AND INSTITUTIONAL

College or University*

Day Care

Fraternal Organization

Governmental Service or Similar Functions*

Hospital*

Library or Cultural Exhibit

Natural Resource Preservation

Parks and Recreation

Postal Services*

Religious Assembly

Safety Service

Utilities and Public Service Facility

Minor

Major*

Wireless Communication Facility

Freestanding Tower*

Building or tower-mounted antenna

COMMERCIAL

Animal Service

- Grooming
- Veterinary

Assembly and Entertainment

Indoor (Requires special exception approval if selling or serving alcoholic beverages and located on a lot within 150 feet of any residential zoning district other than R-zoned street right-of-way)

- Small (Up to 250-person capacity)
- Large (>250-person capacity)

Outdoor*

Broadcast of Recording Studio

Commercial Service

- Building service*
- Business support service*
- Consumer maintenance/repair service
- Personal improvement service
- Research service

Financial Services

Funeral or Mortuary Service

Lodging

- Bed & breakfast
- Short-term rental
- Hotel/motel

Marina

Office

- Business or professional office
- Medical, dental or health practitioner office

Parking, Non-accessory*

Restaurants and Bars

- Restaurant
- Bar (Requires special exception approval if selling or serving alcoholic beverages and located on a lot within 150 feet of any residential zoning district other than R-zoned street right-of-way)

Retail Sales

- Building supplies and equipment*
- Consumer shopping goods
- Convenience goods
- Grocery store
- Small box discount store

Studio, Artist, or Instructional Service

Trade School*

RECYCLING

Consumer Material Drop-off Station*

AGRICULTURAL

Community Garden

OTHER

Drive-in or Drive-through Facility (as a component of an allowed use)*

Oil or Gas Well*

RESIDENTIAL BUILDING TYPES:

HOUSEHOLD LIVING

Two households on single lot

- Townhouses

Three or more households on single lot

- Apartments/Condos
- Townhouses
- Mixed-Use Building
- Vertical Mixed-Use Building

MAXIMUM BUILDING HEIGHT:

The maximum allowable building height will be 65 feet as prescribed by MX2-V-65 with a maximum of 4 occupied stories. Parking structures are limited to one ground level parking area and one additional parking level with a maximum overall height of 20 feet.

LANDSCAPING:

The area on the attached conceptual site plan designated as "Landscape Area A" shall contain eleven (11) trees (one (1) tree per twenty linear feet (20') of edge) which are (at the time of planting) not less than three inches (3") in caliper for deciduous or nine feet (9') in height for evergreen and spaced not more than thirty feet (30') apart. At least one-half ($\frac{1}{2}$) of the required trees shall be evergreen.

The area on the attached conceptual site plan designated as "Landscape Area B" shall contain eleven (11) trees (one (1) tree per twenty linear feet (20') of edge) which are (at the time of planting) not less than three inches (3") in caliper for deciduous or nine feet (9') in height for evergreen and spaced not more than

thirty feet (30') apart. At least one-half (½) of the required trees shall be evergreen.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The entire subject property is designated as “Multiple Use” by the Comprehensive Plan land use map. The proposed MX2 district aligns with the recommendations of the “Multiple Use” land use designation by permitting a range of commercial and residential uses.

Land Use Vision:

Multiple Use

Multiple Use areas are “Mostly Commercial or Retail Uses” which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local Centers being more commonplace in newer parts of the city. For single properties that are commercial but surrounded by Neighborhood, Multiple Use is the preferred designation.

Transportation Vision:

Major Street and Highway Plan: South Peoria Avenue at this location is considered an Urban Arterial with a Main Street classification. Urban Arterials require a minimum of 70' for right-of-way dedications. The anticipated use of Urban Arterials with Main Street designations are primary traffic ways with a high level of pedestrian infrastructure and traditional building patterns. The proposed MX district would align the land use with the main street classification found in the major street and highway plan.

Trail System Master Plan Considerations: The GO Plan calls for an off-street shared use path along Crow Creek from South Peoria Avenue to the Arkansas River. The subject property should accommodate bicycle and pedestrian traffic through the implementation of sidewalks and bicycle facilities.

Small Area Plan: Brookside Infill Development Design Recommendations (2002)

The subject property is located within the boundary of the Brookside Infill Development Design Recommendations adopted in May of 2002. The small area plan provides guidance for new infill development as it relates to scale and interaction with the public right-of-way. With the four-story height restriction

included in the optional development plan the MX2 district is in alignment with the recommendations of the small area plan.

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is currently an operational financial institution with parking and drive through lanes for bank services. The property is adjacent to Crow Creek on the north, residential uses to the east, and commercial uses within the Brookside corridor to the south and west.

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Peoria Avenue	Urban Arterial	70'	4
East 33 rd Street South	Residential	50'	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Existing Use
North	RS-3	Neighborhood	Crow Creek
South	CH	Multiple Use	Commercial/Restaurant
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West	CH/OMH	Multiple Use	Office/Coffee Shop

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11823 dated June 26, 1970, established zoning for the subject property.

PUD-488: Approved by TMAPC on April 22, 1992. Approved by City Council on June 4, 1992. Ordinance No. 17727, dated June 11, 1992.

Discussion:

Applicant Comments:

Stuart Van De Wiele 521 E 2nd Street STE 1200, Tulsa, OK 74120

The applicant stated he represents Fishless Desert, which is the developer of the subject property. He stated he would like to discuss some of the neighbors' concerns. The applicant stated the subject property is about 1.75 acres on the east side of Peoria Avenue and on the north end of Brookside. He stated as part of the acquisition but not a part of this application request is the parking lot that's directly across 33rd Street from the subject property. The applicant stated the project anticipates including a Bank of Oklahoma branch on the ground floor with an ATM drive through that will be underneath the parking deck. He stated there will also be retail, restaurant, and shopping on the ground floor. The applicant stated there will be 3 floors of residential and a ground level plus one parking deck in the rear that will contain approximately 142 parking spaces. He stated the current site plan would require 110 parking spaces per the Zoning Code. They are providing 30 more spaces than the code requires and that is not counting the 33 spots in the lot across 33rd Street. The applicant stated over the last couple of months he and his client have had a tremendous amount of community engagement. He stated they have met with three City Councilors and have held three neighborhood meetings, two were with smaller groups. He stated one meeting was with the residents of the cul-de-sac north of the subject lot. The applicant also stated a larger meeting with Brookside Neighborhood Association and a meeting with the Brookside Business Association of which they have a letter of support. The applicant stated in those meetings they heard three repeating concerns. He stated the height, parking, and traffic. In respect to the height, he wanted to point out that there are 3 other MX designations that have an unlimited height designation all in the same mile to the south as this project and several more up and down Brookside. The applicant stated after neighborhood engagement they brought the height of the proposed development down from unlimited and agreed to the 65-foot designation with an optional development plan that further limits that to 4 stories. As to parking, there are a lot of complaints about parking on Brookside, specifically on street parking in the neighborhood. He stated a few things to keep in mind is that on street parking is legal and it is a way of life in Tulsa. There are some streets that designate one side of the street to parking and there are people that ignore those signs. But that's not this project. The applicant stated overall they will have approximately 175 parking spaces and that is more than what they would be required to provide by code. He stated as to traffic, no one likes it, but a new Comprehensive Plan was approved back in May and adopted by the City Council at the end of June, and it includes a traffic map. The applicant stated the map in the Comprehensive Plan shows 31st Street to 41st Street on Peoria experiences 2500 to 5000 average vehicles per lane per day. He stated it goes on to say that these arterials have low levels of congestion and new development is unlikely to have a noticeable impact on traffic. The applicant stated with the revised zoning and the optional development plan this application is in compliance with the Brookside Infill plan. He stated he believes that this is a great fit for this project.

Mr. Walker stated there is parking in the back of the building and then there is a second deck of parking.

The applicant stated “yes,” there are 2 stories of parking. He stated he wants to point out that the optional development plan includes a call out for two landscape areas and both proposed areas are as wide or wider than what is currently there in the PUD. There is a larger number of trees and a larger caliber of trees.

Mr. Walker stated there is ingress and egress on the north end of Peoria Avenue which is about where the parking lot entrance would be and then there's a ramp on 33rd Street

The applicant stated effectively keeping the same access points as the site currently has.

Mr. Craddock asked if the ramp was just for residents.

The applicant stated the plan is for the upper deck to be for residents.

Mr. Craddock stated he wanted to commend the applicant for his community outreach on this project and the willingness to modify the plan based on the neighbors' concerns.

Ms. Bayles stated she agrees with Mr. Craddock and thinks the optional development plan that the applicant has voluntarily submitted, as well as the results of the neighborhood meetings, is very helpful to Planning Commission.

Interested Parties:

Jody Rogers 1318 East 32nd Place, Tulsa, OK 74105

Ms. Rogers stated the subject property borders the west side and the south side of her property. She stated she would like to thank the developers; they were very transparent with this redevelopment of the former Bank of Oklahoma. Ms. Rogers stated a few of the residents of her cul-de-sac on 32nd Place and a few of the residents on 33rd Street met, and they all sent letters with their concerns, which are the traffic, the parking, and the unique charm of Brookside. She stated the four stories just seems inappropriate. Ms. Rogers stated she opposes this current plan because it personally affects her property. She stated the plans are to build a four-story building and a two-story garage flanking the south and west side of her backyard. Ms. Rogers stated from what she understands this will be an 18 plus month build and she just had a 10 month build with the Crow Creek project. She stated that there were generators pumping water, trucks, and bulldozers in her front yard 24 hours, five and six days a week for 10 months. She stated now she will have this project for 18 months with the same noises from heavy equipment. Ms. Rogers stated she does not want to be surrounded by a parking garage.

Shawn Linfoot 4754 South Cincinnati Avenue, Tulsa, OK 74105

Mr. Linfoot stated he is a 30 resident of Tulsa and architecture is his background. He stated he is currently an 18-year licensed Realtor in the City of Tulsa and wanted to echo the concerns of the neighborhoods. Mr. Linfoot stated he lives further South however, in his circle of friends when told about this potential project coming into that area, the first two things they said was that it was going to create a traffic nightmare and where is everyone going to park. He stated those are the biggest concerns. Mr. Linfoot stated if you go to the area on a Friday or Saturday night, patrons are using the subject property to park because there is nowhere else to park. He stated according to the Tulsa Zoning Code this project meets those requirements. Unfortunately, in the Tulsa Zoning Code, the first 5000 square feet of restaurant doesn't count, for the first 5000 square feet of bar it does not count, and for the first 5000 square feet of retail it does not count. Mr. Linfoot stated that is what will create the problems and the congestion. He stated that will be 17,000 square feet of retail, restaurant and bar that is not even considered in the parking lot ratio. Mr. Linfoot stated at four stories, you need much more parking than what's addressed the code. He stated the reality is if everyone in this room went down there to eat, there is nowhere to park, even with a two-story structure, there's not going to be adequate parking.

Tim Clark Sr. 4129 South Peoria, Tulsa, OK 74105

Mr. Clark stated he is a member of the Brookside Business Association and the Neighborhood Association. He stated the Brookside Business Association was very supportive of the project and the Brookside Neighborhood Association was very opposed to the project. Mr. Clark stated the reality is that we as a city have passed these zoning codes and he is befuddled why they get up and argue over what's going to go where when it is encouraged by the city to have MX zoning on Bus Rapid Transit route. He stated and as presented there are many tracts on Peoria Avenue that are CH without a height limitation. Mr. Clark stated they are very fortunate that applicants of this caliber are wanting to put a project on Peoria to enhance Peoria Avenue as well as the neighborhood. He stated the neighborhood fights these developments and they really help bolster the property values of both. Mr. Clark stated as a resident and as a Brookside Business Association member he supports the project and encourages the Planning Commission to approve the project.

Ann Walker 1334 East 32nd Place Tulsa, OK 74105

Ms. Walker stated she has lived on Brookside for 40 years. She stated she has seen a lot of changes on Brookside. Ms. Walker stated the main concern is parking and as another speaker stated the workers of these businesses, particularly the restaurants, are not considered in parking situations. She stated the applicant said they are adding parking spots, but the second tiered parking garage is for residents only. So, they are not adding any additional parking from her point of view. Ms. Walker stated 32nd Place is only two and a half cars wide and they cannot have parking on both sides of the street. She stated residents

have been blocked in for over two hours because of ignorant people parking on both sides of the street and emergency vehicles could not have gotten to them. Ms. Walker asked the Planning Commission to consider if they would like to live next door to this development.

Applicants Rebuttal:

The applicant stated the comments from speakers are largely what they heard at some of the neighborhood meetings. He stated the construction noise that was heard from the Crow Creek project with the generators that pump water is not the typical construction site. The applicant stated this project would probably go under construction in the middle of 2024 and be a 16-month building process. He stated there will be a landscape buffer with a six-to-eight-foot fence around that side of the property and the additional inclusion of trees, some of which are already there, but there will be new trees planted. The applicant stated Mr. Linfoot certainly wasn't intentionally excluded from the meeting they just didn't go two miles out from the project to invite neighbors. He stated he has covered the parking situation and traffic situation. The Comprehensive Plan is six weeks old, and it specifically addresses traffic in this mile and the impact of what new infill might look like.

TMAPC Comments:

Mr. Humprey asked who would enforce the issue with noise.

Staff stated the City of Tulsa has a noise ordinance that during certain hours if they exceed certain decibels off their lot residents can report this. He stated that he thinks the additional buffer and the wall that would be required between the development and the residential areas are going to help mitigate that during the off hours when maybe the nuisance ordinance was in effect.

Mr. Hood asked staff to explain the buffers within this project.

Staff stated in terms of the optional development plan, there are listed additional requirements for landscaping within the development. He stated this project has more robust and more specific landscaping requirements than most plans they see. Staff stated the area designated as landscape area A shall contain eleven 11 trees, one tree per twenty linear feet of the edge which are, at the time of planting, not less than three inches in caliper for deciduous or nine feet in height for evergreen and spaced not more than thirty feet apart. He stated at least one-half ($\frac{1}{2}$) of the required trees shall be evergreen and it's a similar requirement for landscape area B. Staff stated in most cases a landscape plan for a project can be baby trees that meet the requirements of one tree per 25 feet but the applicant is actually specifying that they would have nine foot trees already installed with a three inch caliper, which is a little bit much more robust than what they have seen in some projects.

Mr. Whitlock stated the applicant has gone above and the minimum requirements.

Ms. Bayles stated not only robust, but these larger trees also provide a significant sound and light buffer between the project and the adjacent neighbors, and she commends the developer on that in particular.

Ms. Carr asked if the plan was modified after the neighborhood meetings and were the changes made based on neighborhood comments.

Staff stated “yes,” that he met with Stuart and the development team shortly after they had their neighborhood meeting last Monday to discuss what they had heard and what they found out in terms of the primary concerns. The height was something they thought was going to be an issue, so they were willing to come to the table and discuss an alternative after they heard from the neighborhood. He stated that is what ultimately led to a reduced overall height, and it was dropped down to 65 feet and incorporated the four-story maximum into the development plan.

TMAPC Action; 9 members present:

On **MOTION** of **CRADDOCK**, the TMAPC voted 9-0-0 (Bayles, Carr, Craddock, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Covey, Zalk, “absent”) to recommend **APPROVAL** of the MX2-V-65 zoning for Z-7735 with the optional development plan per staff recommendation.

Legal Description for Z-7735:

TRACT 1: LOTS 1 AND 2, ROGERS RE-SUBDIVISION OF LOT ONE, BLOCK ONE, CEDAR HAVEN ADDITION, A SUBDIVISION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, LESS AND EXCEPT THE EAST 25 FEET OF SAID LOT 2
TRACT 2: LOTS 2, 3, 4, AND 5, BLOCK 1, CEDAR HAVEN, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF

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