

TULSA METROPOLITAN AREA PLANNING COMMISSION  
Minutes of Meeting No. 2829

Wednesday, November 4, 2020, 1:00 p.m.

City Council Chamber

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

Members Present	Members Absent	Staff Present	Others Present
Covey		Davis	Jordan, COT
Craddock		Foster	Silman, COT
Doctor		Hoyt	Skates, COT
Kimbrel		Miller	VanValkenburgh, Legal
McArtor		Sawyer	
Reeds		Wilkerson	
Ritchey			
Shivel			
Van Cleave			
Walker			

R=Remote P=in Person

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, October 29, 2020 at 1:00 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

TMAPC held this meeting in person and by videoconferencing and teleconferencing via **GoToMeeting**, an online meeting and web conferencing tool.

Commissioners and members of the public were allowed to attend and participate in the TMAPC meeting in person or via videoconferencing and teleconferencing by joining from a computer, tablet or smartphone.

After declaring a quorum present, Chair Covey called the meeting to order at 1:00 p.m.

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

**REPORTS:**

**Chairman’s Report:**

**None**

**Director’s Report:**

Ms. Miller reported on City Council and Board of County Commissioner actions and other special projects. Ms. Miller stated the Open Meetings Act amendment that allows the Commissioners to meet virtually expires on November 15, which is before the next meeting. She stated Commissioners won't be able to meet virtually after this date. Ms. Miller stated it's not going to be extended as we understand it so staff is meeting with Council staff and TGOV staff to figure out some type of solution. She stated it appears at least in the short term that the Commissioners won't be able to participate remotely after this meeting. Ms. Miller stated per the Open Meeting Act, in order for Commissioners to participate in the vote the locations of Commissioners would need to be posted in the agenda and be open to the public. She stated some of those addresses would be Commissioners home addresses, which is not feasible. Ms. Miller stated the GoTo Meeting links will continue to be on the agenda for applicants and the public to participate.

\* \* \* \* \*

(Blair, Covey, Craddock, Kimbrel, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; none “absent”)

**Minutes:**

**1. Approval of the minutes of October 21, 2020 Meeting No. 2828**

On **MOTION** of **COVEY**, the TMAPC voted 9-0-0 (Blair, Covey, Craddock, Kimbrel, McArtor, Reeds, Ritchey, Shivel, Van Cleave, “aye”; no “nays”; none “abstaining”; Walker, “absent”) to **APPROVE** the minutes of the meeting of October 21, 2020, Meeting No. 2828.

**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.**

**NONE**

## PUBLIC HEARINGS

Items 2 and 3 were withdrawn by applicant.

2. **MPD-3 Katy O’Meilia, Planning Design Group** (CD 9,4) Location: Southeast corner of East 31<sup>st</sup> Street South and South Peoria Avenue requesting a Master Plan Development for mixed use community (Continued from September 2, 2020)**(Withdrawn by applicant September 21, 2020)**
3. **Z-7581 Robert Parker** (CD 4) Location: East of the southeast corner of East 2nd Street South and South Quincy Avenue requesting rezoning from RM-2 to IL **(Withdrawn by applicant October 19, 2020)**

Walker arrived at 1:10 P.M.

4. **Kahn Addition** (CD 1) Preliminary Plat, Location: East of the southeast corner of East 36<sup>th</sup> Street North and North MLK Jr. Boulevard **(Continued from October 21, 2020)**

### **STAFF RECOMMENDATION:**

#### **Kahn Addition** - (CD 1)

East of the southeast corner of East 36<sup>th</sup> Street North and North MLK JR. Boulevard

This plat consists of 1 lot, 1 block on 1.8 ± acres.

The Technical Advisory Committee (TAC) met on September 17, 2020 and provided the following conditions:

1. **Zoning:** TMAPC recommended approval (Z-7572) of CS zoning for the north 260 feet of the subject tract with RM-1 being retained for the remainder of the tract. Lot conforms to the requirements of the zoning districts.
2. **Addressing:** City of Tulsa addresses and street names must be assigned and affixed to the face of the final plat along with an address disclaimer.
3. **Transportation & Traffic:** Dedication of 50 feet of right-of-way for East 36<sup>th</sup> Street North as required by the Major Street and Highway Plan. Existing improvements located within the planned right-of-way are required to obtain license agreement approval or be removed prior to the filing of the final plat. Limits of no access must be added to the final plat and approved by City Traffic Engineering. Include sidewalk language in the deed of dedication.
4. **Sewer/Water:** Easements must be provided as required to cover existing/proposed public infrastructure. All easements are required to be labeled and dimensioned on the face of the final plat. Perimeter easements

to be shown on the final plat as required by Development Services.

6. **Engineering Graphics:** Submit subdivision data control sheet with final plat submittal. Remove contours and improvements from final plat. Provide surveyors name and email address. Provide engineer, if applicable, with contact information. Graphically label the POB and POC. Add signature block. Update location map to reflect only platted property boundaries; label all other property as "Unplatted". Provide a basis of bearing heading with information providing a bearing angle shown on the face of the plat.
7. **Stormwater, Drainage, & Floodplain:** City of Tulsa Regulatory Floodplain exists on the northern portion of the property. Overland drainage easement will be required for any on-site floodplain. Any development proposed in the future within the floodplain area will be required to comply with all city floodplain ordinances and criteria.
8. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the conditions provided by TAC and all other requirements of the Subdivision and Development Regulations. City of Tulsa release letter including Development Services, City Legal, and Engineering Services is required prior to final plat approval.

**The applicant was not present.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 10 members present:**

On **MOTION** of **CRADDOCK** , TMAPC voted **10-0-0** (Blair, Covey, Craddock, Kimbrel, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; none "absent") to **APPROVE** the Preliminary Subdivision Plat for Kahn Addition per staff recommendation.

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5. **CZ-507 Brad Avedon** (County) Location: South and east of the southeast corner of East 126th Street North and North Garnett Road requesting rezoning from **IL/AG to IL**

**STAFF RECOMMENDATION:**

**SECTION I: CZ-507**

**DEVELOPMENT CONCEPT:** The applicant is proposing to rezone from IL/AG to IL to permit the construction of a new self-storage facility. This would be an

extension of an existing self-storage facility located on the lot immediately to the west. The site is located within the Commercial Land Use designation of the Tulsa County Comprehensive plan and the City of Owasso Comprehensive Plan. Based on this designation, the proposed IL zoning for a self-storage use would be compatible with the long term land use plans for the immediate area.

The City of Owasso has indicated that they do not have an issue with the proposed development. They have requested that, when constructed, screening be provided along the eastern boundary of the subject lot, since the lot to the east is designated as a Transition Zone in the Comprehensive Plan, which may contain residential uses. This is not a Tulsa County Zoning Code requirement for the use or the existing adjacent zoning but has been requested by the City of Owasso based on possible future uses of the adjacent lot.

#### **DETAILED STAFF RECOMMENDATION:**

CZ-507 is non-injurious to surrounding proximate properties;

CZ-507 is compatible with the Commercial Land Use designation of the Tulsa County Comprehensive Plan;

CZ-507 is consistent with the anticipated future development pattern of the surrounding property therefore;

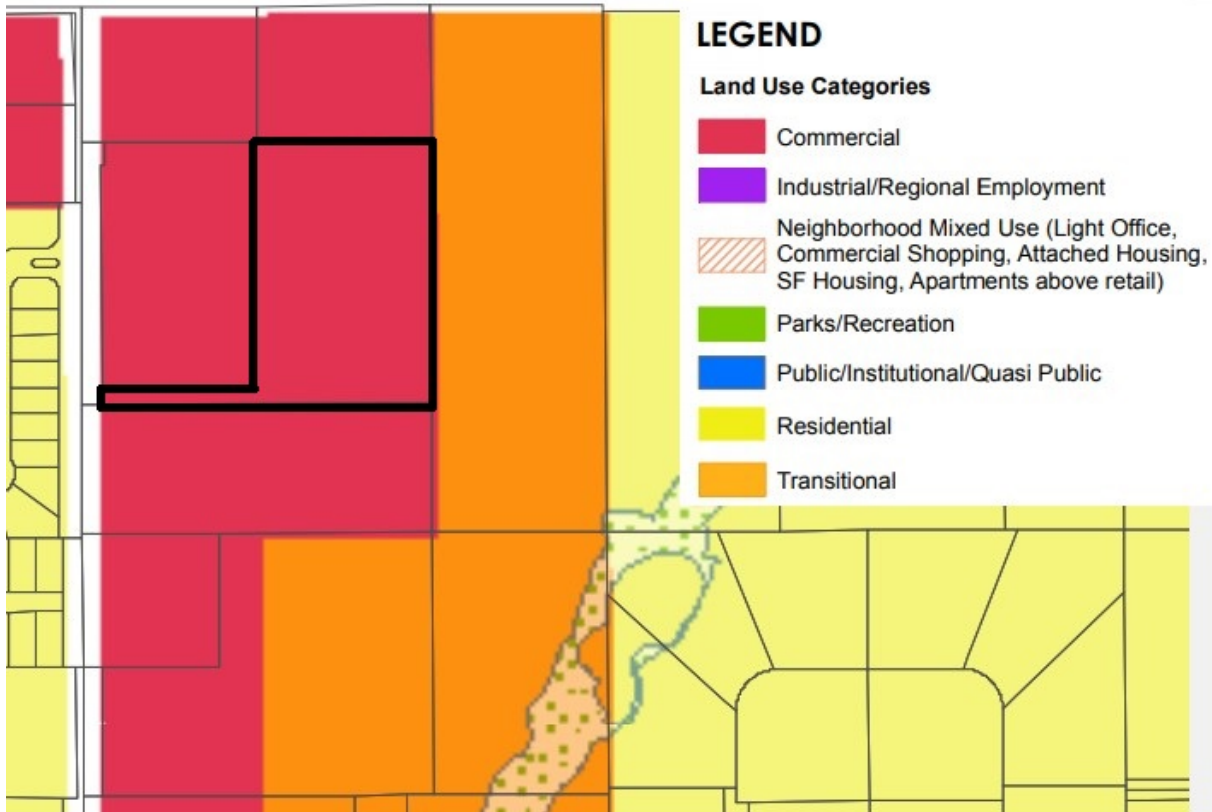
**Staff recommends Approval of CZ-507 to rezone property from IL/AG to IL.**

#### **SECTION II: Supporting Documentation**

##### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The subject property is located within the fenceline of Owasso. The Tulsa County Comprehensive Land Use Plan (adopted July 2019) and the Owasso Comprehensive Plan (adopted in 2014 and amended in 2016 and 2018) designates the land use as Commercial. This designation is meant to serve as a guide for planners and related decision-*

making bodies. The Commercial designation supports retail trade and services, which this proposal is compatible with.



Land Use Vision:

*Land Use Plan map designation:* Commercial

*Areas of Stability and Growth designation:* N/A

Transportation Vision:

*Major Street and Highway Plan:* N 113<sup>th</sup> East Ave is designated as a Secondary Arterial.

*Trail System Master Plan Considerations:* None

Small Area Plan: N/A

Special District Considerations: N/A

Historic Preservation Overlay: N/A

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site currently contains a single family residence.*

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
N 113 <sup>th</sup> East Ave	Secondary Arterial	100 Feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	AG	N/A	N/A	Single Family
South	AG	N/A	N/A	Single Family
East	AG	N/A	N/A	Agriculture
West	IL	N/A	N/A	Self-Storage

**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:***

**CBOA-01303-A November 2012:** The County Board of Adjustment approved a *Modification* to previously approved Special Exception (CBOA-1303) to permit a church in an AG District for proposed expansion

of existing Sanctuary for new Fellowship Hall and to adopt the conceptual site plan as submitted as the new governing document for future growth, on property located at 12215 North Garnett Road East.

**CBOA-01721 May 2000:** The County Board of Adjustment **approved** a *Special Exception* to permit a home occupation (beauty shop) in an AG district, on property located at 12505 North 113<sup>th</sup> East Avenue.

**CBOA-01662 July 1999:** The County Board of Adjustment **approved** a *Special Exception* to allow a seasonal sales (outdoor) fireworks stand in an AG zoned district, on property located at north of the northeast corner of East 121<sup>st</sup> Street North and North Garnett.

**CBOA-01303 October 1994:** The County Board of Adjustment **approved** a *Special Exception* to permit a church in an AG zoned district and a *Variance* to permit gravel parking, per plan submitted, subject to platting, building permit and Health Department approval, and temporary gravel parking being permitted for one year after church opening, on property located at north of the northeast corner of North Garnett Road and East 121<sup>st</sup> Street North.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 10 members present:**

On **MOTION** of **CRADDOCK**, TMAPC voted **10-0-0** (Blair, Covey, Craddock, Kimbrel, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; none "absent") to recommend **APPROVAL** of the IL zoning for CZ-507 per staff recommendation.

**Legal Description for CZ-507 :**

LT 2 BLK 1, NORTH GARNETT COMMERCIAL CENTER

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Mr. Walker did not vote on item 6.

6. **Z-7579 Cody Brandt** (CD 4) Location: West of the southwest corner of East 8th Street South and South Utica Avenue requesting rezoning from **RS-4** to **MX1-U-35**

**STAFF RECOMMENDATION:**

**SECTION I: Z-7579**



### **DETAILED STAFF RECOMMENDATION:**

The applicant is requesting to rezone an approximately 0.3 acre site west of South Utica Avenue on East 8<sup>th</sup> Street. The request is for MX1-U-35 which translates to a neighborhood level mixed-use district with an urban character and an overall height limitation of 35 feet.

MX1, Neighborhood Mixed-use is intended to accommodate small-scale retail, service, and dining uses in addition to a variety of residential uses and building types. Examples of non-residential uses permitted within the MX1 district are offices, restaurants, retail sales, and studios. Residential uses permitted include apartments and townhouses. Building types and form are controlled by the "Urban" character designation selected by the applicant. Urban character zones pull building facades to the front of the lot through a required build-to zone of 0 feet to 20 feet. Vertical mixed-use buildings including a mix of commercial and residential uses are required to provide a minimum of 40% transparency on the ground floor in order to accommodate a more active street. Buildings intended purely for residential uses would be required a minimum of 20% transparency on the ground floor to accommodate more privacy for ground-floor residential units. The applicant has requested a 35 foot height limitation on new structures which aligns with the current height restriction of the RS-4 district.

In the immediate vicinity of the subject parcel, there is a mix of commercial uses including a convenience store and a pawn shop along the Utica Avenue frontage. Neighborhood parcels are comprised of a mixture of duplexes, a multi-unit house, a single-family home, and a neighborhood religious assembly.

### **RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The City's Comprehensive Plan designates this area as a **Downtown Neighborhood** and an **Area of Growth**. Downtown neighborhoods are located outside but are tightly integrated with the Downtown Core. The plan intends these areas to evolve into areas that are pedestrian-oriented where people can both work and live which supports the concept of a neighborhood mixed-use zoning allowing for small-scale commercial uses or medium density housing opportunities.

Staff has found the request for MX1-U-35 to be consistent with the goals and recommendations of the Comprehensive Plan and non-injurious to the surrounding approximate properties.

**Staff recommends APPROVAL of Z-7579 to rezone property from RS-4 to MX-1-U-35.**

### **SECTION II: Supporting Documentation**

Land Use Vision:

*Land Use Plan map designation:* **Downtown Neighborhood**

*Areas of Stability and Growth designation:* **Area of Growth**

Small Area Plan: **Pearl District Small Area Plan**

The Pearl District Small Area Plan was adopted on July 3, 2019 and maintained the importance of this area as a “Downtown Neighborhood” and supporting the concept of additional housing choice, mixture of uses, and the revitalization of existing neighborhood areas.

*Priority 1:* Stabilize and revitalize existing residential areas, promote homeownership and housing affordability, and increase housing choice.

*Priority 2:* Promote development that retains existing businesses and increases employment, mixed-use, commercial, and retail opportunities.

The options afforded under the MX1-U-35 zoning requested are supported by the goals and recommendations of the small area plan for downtown neighborhood areas.

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary:* In the immediate vicinity of the subject parcel, there is a mix of commercial uses including a convenience store and a pawn shop along the Utica Avenue frontage. Neighborhood parcels are comprised of a mixture of duplexes, a multi-unit house, a single-family home, and a neighborhood religious assembly.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East. 8 <sup>th</sup> Street	Residential	50'	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use</b>	<b>Area of Stability or</b>	<b>Existing Use</b>
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		<b>Designation</b>	<b>Growth</b>	
West	RS-4	Downtown Neighborhood	Growth	Multi-unit house
North	RS-4	Downtown Neighborhood	Growth	Duplexes
East	RS-4	Mixed-Use Corridor	Growth	Detached House
South	RS-4/PUD-588-A	Mixed-Use Corridor	Growth	Convenience Store

### **SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11815 dated June 26, 1970 established zoning for the subject property.

***Subject Property:***

No Relevant History.

***Surrounding Property:***

**PUD-588-A May 2012:** All concurred in **approval** of a proposed *Major Amendment* to PUD on a 3.35± acre tract of land to allow a 1.35 acre tract of land located north of the existing PUD to be added to the PUD to allow for the redevelopment of the property with a larger store and greater service capacity, on property located northwest corner of East 11<sup>th</sup> Street and South Utica Avenue.

**Z-7109 September 2008:** All concurred in **approval** of a request for *rezoning* a .32± acre tract of land from RS-4 to OL for accessory parking, on property located southeast corner of South Troost Avenue and East 10<sup>th</sup> Street.

**BOA-19667 September 2003:** The Board of Adjustment **approved** a *Special Exception* to allow a church in an RS-4 District, a *Variance* of the required one acre lot size, and a *Variance* of the required parking from 42 spaces to 14, finding it is an existing building, with ample parking space, on property located at 810 & 802 South Troost.

**PUD-588 June 1998:** All concurred in **approval** of a proposed *Planned Unit Development* on a 2± acre tract of land for a convenience store (Quik Trip), on property located on the northwest corner of East 11<sup>th</sup> Street South and South Utica Avenue.

**BOA-12909 December 1983:** The Board of Adjustment **approved** a *Special Exception* to permit a Pythian Benevolent Association in an RM-2 zoned district under the provisions of Section 1680, subject to the type of building built on the property being a tilt-up brick veneer building as submitted by the applicant, on property located at the southwest corner of Troost Avenue and 8<sup>th</sup> Street.

**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 **CRADDOCK**, TMAPC voted **9-0-0** (Blair, Covey, Craddock, Kimbrel, McArtor, Reeds, Ritchey, Shivel, Van Cleave, "aye"; no "nays"; none "abstaining"; Walker, "absent") to recommend **APPROVAL** of the MX1-U-35 zoning for Z-7579 per staff recommendation.

**Legal Description for Z-7579 :**

W2.5 LT 12 ALL LT 13 & E22 1/2 LT 14 BLK8; LT 11 & E22 1/2 LT 12 BLK 8, PARK DALE AMD

\* \* \* \* \*

Mr. Walker returned at 1:20 PM.

Mr. Reeds left at 1:22 PM.

7. **Z-7580 Mark Bahlinger** (CD 6) Location: Southwest corner of East 21<sup>st</sup> Street South and South 120<sup>th</sup> East Avenue **RD to CS**

**STAFF RECOMMENDATION:**

**SECTION I: Z-7580**

**DEVELOPMENT CONCEPT:**

The applicant has submitted a rezoning request to allow commercial development at the Southwest corner of East 21<sup>st</sup> Street and South 122<sup>nd</sup> East Avenue.

**DETAILED STAFF RECOMMENDATION:**

The applicant has requested CS zoning for the entire parcel. The north 220 feet of the site is consistent with the Tulsa Comprehensive Plan and,

The existing Neighborhood Land use designation on the south portion does not support CS zoning and,

Uses allowed in a CS zoning district are consistent with the anticipated uses along the Multi Modal Corridor and,

The site is environmentally challenging however it is our understanding that development in the Tulsa Regulatory Flood Plain can be designed in a way that will not adversely affect surrounding property owners therefore,

Staff recommends Approval of Z-7580 to rezone the north 220 feet of the subject property from RD to CS.

Staff recommends denial of the request for the remainder of the property south of that line.

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The north 220 feet of the property is included in the Mixed-Use Corridor and the uses allowed in a CS district are consistent with the vision of that land use designation. The Major street and highway plan recognizes the importance of commercial uses along a Multimodal corridor.*

### Land Use Vision:

*Land Use Plan map designation:* Mixed-Use Corridor and Existing Neighborhood

The north 220 feet is included in 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.

The south portion of the tract is included in the Existing Neighborhood category is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be

limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

*Areas of Stability and Growth designation: Area of 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 proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.”

Transportation Vision:

*Major Street and Highway Plan: Multi Modal Corridor*

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

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

*Trail System Master Plan Considerations: None*

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

**DESCRIPTION OF EXISTING CONDITIONS:**

*Staff Summary: The site is undeveloped and east of a small box discount store. West of a communications company minor utility. The property is included in the Tulsa Regulatory Floodplain for Tupelo Creek. New Building construction for the uses allowed in a CS district will require careful engineering analysis prior to site development.*

*Street View from northeast looking southwest:*



**Environmental Considerations:** The site appears to be included in the Tupelo Creek, City of Tulsa regulatory floodplain. The creek area is generally wooded and in a natural condition at this location. The developer will be encouraged to keep the wooded character of the area on both sides of the creek and significant engineering analysis will be required prior to issuing a building permit.

Streets:

<u>Exist. Access</u>	<u>MSHP Designation</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 21 <sup>st</sup> Street South	Primary Arterial	Primary Arterial	2 lanes each direction with center median and turn lane.
South 120 <sup>th</sup> East Avenue	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	RS-3	Existing Neighborhood	Stability	Single family residential
East	RD	Mixed use corridor and existing neighborhood	Growth	Communications company minor utility facility
South	RS-3	Existing Neighborhood	Growth	Single family and multi family
West	RM-1, PUD-800/CS	Mixed use corridor and existing neighborhood	Growth	Multifamily and small box discount store

**SECTION III: Relevant Zoning History**

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

***Subject Property:***

**BOA-17534 October 1996:** The Board of Adjustment **approved** a *Special Exception* to permit a telecommunications building in an RD district, subject to the building meeting the required 35' setback and the approval of the Department of Public Works relating to stormwater runoff, on property located East 21<sup>st</sup> Street and South 120<sup>th</sup> East Avenue.



### ***Surrounding Property:***

**Z-7239/PUD-800 August 2013:** All concurred in **approval** of a request to rezone a 1.97± acre tract of land from OL to OL/CS and **approval** of a proposed *Planned Unit Development* for Use Unit 13 (Convenience Goods and Services) and Use Unit 14 (Shopping Goods and Services), on property located west of the southwest corner of East 21<sup>st</sup> Street and South 120<sup>th</sup> East Avenue.

**BOA-20053 June 2005:** The Board of Adjustment **upheld** the determination of a neighborhood building inspector that a taxi/limousine business is not a use by right in a residential district and **deny** the appeal, on property located 11911 East 22<sup>nd</sup> Place South.

**BOA-19395 July 2002:** The Board of Adjustment **approved** a *Special Exception* to permit a cable television utility facility in an RD district, per plan, with conditions there be no communications tower on the site, no storage of vehicles, any lighting would be shielded away from the neighborhood, limit approval to the north 215' of the site, and a generator will operate only during emergencies and at such times needed to keep it operational, on property located at 2115 South 120<sup>th</sup> East Avenue.

**BOA-17441 July 1996:** The Board of Adjustment **approved** a *Special Exception* to allow church uses in a RD district, subject to the applicant returning with a detailed site plan for approval meeting the code, a letter from Development Services of the City of Tulsa indicating the property can be developed in the manner the applicant proposes on the detailed site plan, on property located at the southeast corner of South 120<sup>th</sup> East Avenue and East 21<sup>st</sup> Street South.

**BOA-09084 July 1976:** The Board of Adjustment **approved** an *Exception* to operate a children's nursery, subject to the drainage plans being approved by the City Engineer prior to the issuance of any building permits, and to the conceptual plot plan, in an RD District, on property located southeast of 120<sup>th</sup> East Avenue and 21<sup>st</sup> Street.

**BOA-07788 March 1973:** The Board of Adjustment **denied** an *Exception* to operate a children's nursery, on property located at the northwest corner of 120<sup>th</sup> East Avenue and 21<sup>st</sup> Street.

**Z-4251 September 1972:** All concurred in **approval** of a request for *rezoning* a 7.2± acre tract of land from RM-1/RS-3 to RD/OL for duplexes and offices, on property located east of the southeast corner of 21<sup>st</sup> Street and Garnett Road.

**BOA-04243 December 1963:** The Board of Adjustment **granted** a request for permission to construct and operate a public school in a U-1-B District, on property located on the W1/2, SW1/4, SE1/4, of Section 8, Township 19 North, Range 14 East, Tulsa County, Oklahoma.

**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 **COVEY**, TMAPC voted **9-0-0** (Blair, Covey, Craddock, Kimbrel, McArtor, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Reeds, "absent") to recommend **APPROVAL** of the CS zoning for the north 220 feet of Z-7580 per staff recommendation.

**Legal Description for Z-7580 :**

BEGINNING at a point on the North line of the East Half of the Northwest Quarter (E/2 NW /4) of said Section 17, said point being 190.00 feet due West of the Northeast corner of said East Half (E/2); thence South 00°05'41 "East along the West line of South 120th East Avenue, a distance of 500.00 feet to a point, said point being the Northeast corner of Block 3, LESLIE LEIGH SECOND ADDITION; thence due West along the North line of said Block 3 a distance of 140.00 feet to a point, said point being the Southeast corner of Lot 1, Block 2, BRIANA ANN ADDITION; thence North 00°05'41 "West along the East line of said Lot 1 a distance of 500.00 feet to a point on the North line of said East Half (E/2); thence due East along said North line a distance of 140.00 feet to the Point of Beginning, LESS the North Sixty (60) feet thereof.

\*\*\*\*\*

Mr. Blair left at 1:26 PM.

8. **Z-7582 Carolyn Back** (CD 5) Location: North of the northeast corner of East 51st Street South and South 72nd East Avenue requesting rezoning from **CDP and RS-3 to OM with an optional development plan**

**STAFF RECOMMENDATION:**

**SECTION I: Z-7582**

**APPLICANTS DEVELOPMENT CONCEPT:**

The continued evolution of this site over the last several years has opened opportunities for expanded uses for this site. As the school use is coming to a close, a new use for the neighborhood is emerging.

Today's aging population will live longer than any other generation in history. The outlook for aging is both exciting and challenging. With a sharpened mission focus, LIFE Senior Services is poised to lead our community into a future where its older residents remain independent, healthy, and engaged longer.

Since 1973, LIFE Senior Services has provided programs, facilities and services designed to meet the needs of older adults across the continuum of care with choices and opportunities. The greater Tulsa community is unique in having a nonprofit senior service provider that integrates and links a comprehensive group of resources under one umbrella organization. LIFE's reputation as a respected leader in aging services is grounded in our ability to address emerging needs as well as provide an efficient and effective one-stop shop approach to service delivery.

Services offered on this site will include:

### **LIFE's Adult Day Health**

LIFE's Adult Day Health program provides a safe, friendly and therapeutic setting for at risk seniors and adults with disabilities. Enriching daily activities are designed to maintain and enhance physical and mental capabilities. The program also offers health and nursing services, therapy, medication management and personal care. In addition, Adult Day Health makes respite for family caregivers possible and is a reliable source of support and encouragement.

LIFE's Adult Day Health Centers are accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF). With more than 800 standards, CARF holds the highest international standards for service providers. Because the Adult Day program, facilities and staff meet the rigorous CARF standards, our participants and their families are assured the highest quality care.

### **LIFE PACE**

LIFE PACE, a Program of All-Inclusive Care for the Elderly, is a comprehensive, coordinated senior healthcare program. Qualifying participants in the LIFE PACE program are transported to the LIFE PACE/Adult Day Health Center to receive healthcare, social services, nutritious meals and to participate in various rehabilitative and recreational activities. The heart of LIFE PACE is the care that is provided throughout our system by the interdisciplinary team of nurses, nutritionists, social workers, pharmacists, occupational therapists and primary care physicians who jointly develop care plans to maximize function and independence for participants. PACE's unique team-based approach results in positive health outcomes and dramatically reduces hospitalization and fall rates.

### **LIFE's Senior Center**

LIFE's Senior Center serve as a gateway to the area's aging network – connecting older adults to a variety of programs that support healthy aging. Monthly activity calendars are filled with a lively combination of

social, creative, educational and fitness activities. Line dancing, picnics under permanent shaded-covering, and raised-bed community gardens are just a few of the activities offered.

Compared with their peers, senior center members are healthier and have higher levels of social interaction and life satisfaction. Many members feel that the secret to remaining independent involves staying active, learning new things and sharing time with friends. Recognized by the Older Americans Act as community focal points, senior centers are integral parts of aging well and one of the most widely used services among older adults.

#### **DETAILED STAFF RECOMMENDATION:**

Chapter 30.020-C of the Tulsa Zoning code indicates that CDP-53 is active. The abandonment of a portion of CDP-53 for this application will not affect the provisions of the remaining CDP development area. The Board of Adjustment approved this abandonment at the 10.27.2020 meeting.

OM zoning is the lightest zoning option available for the Adult Day Care and Active Senior Service available however the zoning without the development plan standards and use limitations is not appropriate or consistent with the original concept for this development and,

The development plan outlined in Section II of this report is consistent with the provision of the Development plan standards of the Tulsa Zoning Code and,

The uses and building types are consistent with the Existing Neighborhood Land Use Designation in the Tulsa comprehensive plan therefore,

Staff recommends Approval of Z-7582 to rezone property from RS-3 with CDP-53 to OM with the optional development plan standards outlined in Section II below.

#### **SECTION II: OPTIONAL DEVELOPMENT PLAN STANDARDS**

The Optional Development Plan standards will conform to the provisions of the Tulsa Zoning Code for development in an Office Medium (OM) district with its supplemental regulations except as further refined below. (Note: All uses categories, subcategories, specific uses and building types that are not listed in the following permitted uses categories are prohibited.)

#### **GENERAL PROVISIONS:**

Lot and Building Regulations:

Minimum Lot area shall not be less than 1 acre

Minimum street frontage shall not be less than 100 feet

Maximum Floor area ratio shall be 1.0

Maximum building height shall be limited to 35 feet.

Building setbacks shall be 50 feet from any R district and 20 feet from the street right of way.

**PERMITTED USE CATEGORIES:**

**GROUP LIVING**

Assisted Living Facility

Convent/Monastery/Novitiate

Elderly/retirement center

Life care retirement center

**PUBLIC, CIVIC AND INSTITUTIONAL**

Day Care

Parks and Recreation

\*Governmental Service or Similar Functions Special Exception only

School

Established on or before Jan. 1, 1998

Others

**Utilities and Public Service Facility**

Minor

**Wireless Communication Facility**

Building or tower-mounted antenna

**COMMERCIAL**

Broadcast or Recording Studio

**Office**

Business or professional office

Medical, dental or health practitioner office

**Restaurants and Bars**

Restaurant In-house , (limited to an In-house cafeteria) no fee for participants

**AGRICULTURAL**

Community Garden

## **PERMITTED SIGNAGE**

Free standing signs must be a monument style sign. Pole signs are prohibited. One (1) monument sign will be allowed on each lot. Each lot is allowed one monument sign.

Monument signs are limited to a maximum height of 15 feet.

Monument signs may not exceed 32 square feet of display surface area

Monument signage may not be located closer than 20 feet to any street right of way.

Monument signage may not be located closer than 150 feet to any R zoned district.

Dynamic display signage is prohibited

Wall Signs – A maximum of three (3) wall signs will be allowed with one wall sign allowed on the wall immediately above any building entrance.

The maximum wall sign size shall not exceed 32 square feet, or 0.30 square feet of sign area per linear foot of street frontage whichever is smaller.

Directional Signs - Various small signs throughout the property for wayfinding purposes

## **SECTION II: Supporting Documentation**

### **RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: The uses and provisions of the development plan are consistent with the existing neighborhood land use designation.*

### **Land Use Vision:**

*Land Use Plan map designation:* Existing Neighborhood

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

*Areas of Stability and Growth designation:* Area of Stability

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

Transportation Vision:

*Major Street and Highway Plan:* None

*Trail System Master Plan Considerations:* None

Small Area Plan: None

Special District Considerations: This site is included in (Community Development Plan) CDP-53 which is one of the legacy districts in the zoning code. The school site was originally included in that district with an underlying zoning of RS-3. The zoning code provides guidance that the Board of Adjustment is given authority to modify those plans however it is not given the authority to add uses to that plan. In this instance the applicant has requested an amendment to CDP-53. The amendment is to abandon the portion of the CDP that was illustrated as a school site and was approved in August 1968.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The property includes a single-story school site and associate parking.*



Environmental Considerations: None that would affect site redevelopment.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South 72 <sup>nd</sup> East Avenue	Residential Collector	60 feet	2
East 49 <sup>th</sup> Street South	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	RS-3 / CDP-53	Existing Neighborhood	Stability	Single Family
East	RM-1	Town Center	Growth	Multi Family
South	RS-3 / CDP-53	Town Center	Growth	Multi Family
West	RS-3 / CDP-53	Existing Neighborhood	Stability	Single Family Residential and Duplex



### SECTION III: Relevant Zoning History

**ZONING ORDINANCE:** Ordinance number 11824 dated June 26, 1970 established zoning for the subject property.

#### ***Subject Property:***

**BOA-23019 Pending:** The applicant filed an application amend Community Development Project 53 to remove Lot 1, Block 11, Park Plaza Seventh Amended Addition, on property located at 4821 South 72<sup>nd</sup> East Avenue. The application is set to be heard October 27, 2020 by the Board of Adjustment. The Board approved the abandonment with the provision that the abandonment of the CDP is not effective until the Zoning Ordinance is effective.

**BOA-20995 November 2009:** The Board of Adjustment **approved** a *Special Exception* to permit a school use in an RS-3 district, on property located at 4821 South 72<sup>nd</sup> East Avenue.

**BOA-17486 August 1996:** The Board of Adjustment **approved** a *Special Exception* to permit a church in an RS-3 district to occupy an abandoned school, per plan submitted, on property located at 4821 South 72<sup>nd</sup> East Avenue.

**BOA-12618 June 1983:** The Board of Adjustment **approved** a *Special Exception* to allow Bates Elementary School to be utilized by Oklahoma College of Business and Technology, Inc., as a junior college, per plot plan, including 100 additional parking spaces as represented and subject to the applicant returning to the Board if and when any expansion is proposed, on property located at 4821 South 72<sup>nd</sup> East Avenue.

**BOA-11909 March 1982:** The Board of Adjustment **approved** a *Special Exception* for a children's day care center in an RS-3 District, that no sign be allowed, subject to a maximum of 25 children, and that the hours of operation be from 6:30 am to 6:30 pm, on property located at 4821 South 72<sup>nd</sup> East Avenue.

**BOA-08622 July 1975:** The Board of Adjustment **approved** an *Exception* to for an extension of time for a period of three years for the completion of CDP 53, located in an RS-3 District, on property located at northwest of 51<sup>st</sup> Street and 73<sup>rd</sup> East Avenue. This application includes the subject tract and surrounding properties.

**BOA-06173/CDP-53 February 1969:** All concurred in **approval** of a proposed *Community Development Project* on a 75.19± acre tract of land for single-family, duplexes, and garden apartments, on property located

51<sup>st</sup> and South 72<sup>nd</sup> East Avenue. This application includes the subject tract and surrounding properties, and approval was subject to the following conditions recommended by Staff:

1. That the total number of dwelling units not to exceed 400,
2. That single-family, duplex, and apartment units be permitted as designated in the CDP text, also an elementary school, excluding any commercial or nonresidential uses,
3. That Block 9 permit a maximum of 180 multifamily units,
4. That the specifications of the CDP text and plot plan be incorporated as conditions of approval, and
5. That CDP approval be subject to the filing of a satisfactory subdivision plat

Chapter 30.020-C of the Tulsa Zoning code indicates that CDP-53 is active. The abandonment of a portion of CDP-3 for this application will not affect the provisions of the remaining CDP development area.

***Surrounding Property:***

**BOA-11312 December 1980:** The Board of Adjustment **approved** a *Special Exception* to allow a beauty shop as a home occupation in an RM-1 District, subject to all home occupation regulations and to operate under this lessee only, on property located at 7348 East 50<sup>th</sup> Place.

**BOA-10185 October 1978:** The Board of Adjustment **approved** an *Exception* to for an extension of time for a period of three years to complete construction of duplex buildings in CDP No. 53, on property located northwest of 51<sup>st</sup> Street and 73<sup>rd</sup> East Avenue.

**BOA-05433/CDP-17 June 1967:** All concurred in **approval** of a *Community Development Project* on a 59.25± acre tract of land for multiplexes to abandon and replace part of the previous Chapter 30.020-B of the Tulsa Zoning code indicates that CDP-17 is no longer applicable, and all the zoning district regulations apply.

**BOA-04961/CDP-11 April 1966:** All concurred in **approval** of a *Community Development Project* on a 101± acre tract of land for a mix of residential ranging from single-family to four-plexes or town homes to multi-story apartments. Chapter 30.020-B of the Tulsa Zoning code

indicates that CDP-11 is no longer applicable, and all the zoning district regulations apply.

**The applicant indicated her agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **CRADDOCK**, TMAPC voted **8-0-0** (Blair, Covey, Craddock, Kimbrel, McArtor, Ritchey, Shivel, Van Cleave, "aye"; no "nays"; none "abstaining"; Reeds, Walker, "absent") to recommend **APPROVAL** of the OM zoning with an optional development plan for Z-7582 per staff recommendation.

**Legal Description for Z-7582:**

LT 1 BLK 11, PARK PLAZA SEVENTH AMD

**OTHER BUSINESS**

**9. Commissioners' Comments**

**NONE**

\* \* \* \* \*

**ADJOURN**

**TMAPC Action; 8 members present:**

On **MOTION** of **COVEY**, TMAPC voted **8-0-0** (Covey, Craddock, Kimbrel, McArtor, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Blair, Reeds, "absent") to **ADJOURN** TMAPC meeting of November 4, 2020, Meeting No. 2829.

**ADJOURN**

There being no further business, the Chair declared the meeting adjourned at 1:33 p.m.

Date Approved:

\_\_\_\_\_

\_\_\_\_\_

Chairman

ATTEST: \_\_\_\_\_

Secretary

DRAFT