



Tulsa Metropolitan Area
Planning Commission

Case Number: CPA-93
Comprehensive Plan Amendment
(Related to Z-7589)

Hearing Date: March 17, 2021
(Continued from February 3, 2021 & December 16, 2020. Moved from February 17, 2021)

Case Report Prepared by:

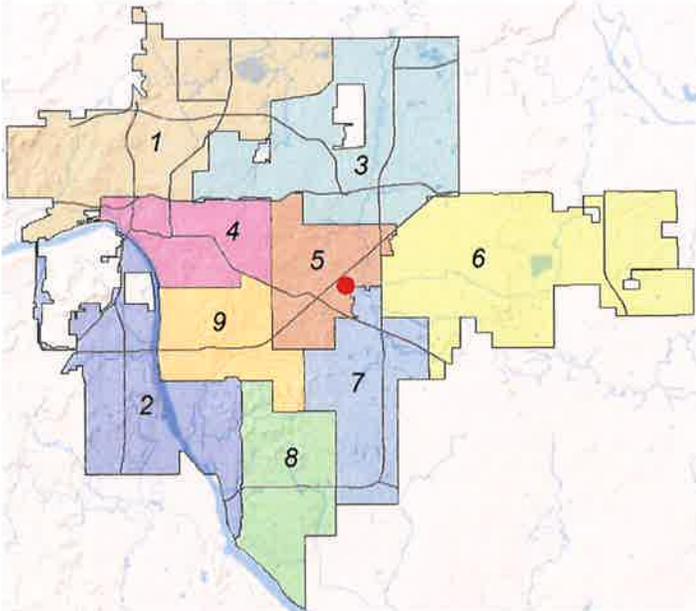
Jani Wertin

Owner and Applicant Information:

Applicant: Erasmo Moreno

Property Owner: Same

Location Map:
(shown with City Council Districts)



Applicant Proposal:

Land Use Map change from **Existing Neighborhood** to **Neighborhood Center** and Growth & Stability Map Change from **Area of Stability** to **Area of Growth**.

Tract Size: .82 + acres

Location: West of the northwest corner of East 31st Street South & South 87th East Avenue

Comprehensive Plan:

Land Use Map

Existing: *Existing Neighborhood*

Proposed: *Neighborhood Center*

Stability and Growth Map

Existing: *Area of Stability*

Proposed: *Area of Growth*

Zoning

Existing Zoning: RS-2

Proposed Zoning: OL

Staff Recommendation:

Staff recommends **approval** of *Neighborhood Center* and *Area of Growth* designations.

City Council District: 5

Councilor Name: Mykey Arthrell-Knezek

County Commission District: 3

Commissioner Name: Ron Peters

TMAPC Staff Report
CPA-93
Comprehensive Plan Amendment

Property Information and Land use Request

The property in question is a 0.82-acre, unplatted, tract of land that is only accessible from East 31st Street South. The applicant has submitted the following Comprehensive Plan amendment request to amend the land use designation of the of the subject property from *Existing Neighborhood* to *Neighborhood Center*, as well as the stability and growth designation from *Area of Stability* to *Area of Growth*. This request is accompanied by a concurrent re-zoning request (Z-7589), which proposes a zoning change on the subject tract from RS-2 to OL in order to permit an existing tax and multi-services business.

Background

The parcel subject to this Comprehensive Plan amendment request is located in east Tulsa and surrounded by single-family residential neighborhoods with an Existing Neighborhood and Area of Stability designations and a zoning designation of RS-2 or RS-3 zoning. Both the land use and stability and growth designation for the subject property and abutting parcels were made in 2010 with the adoption of the 2010 Tulsa Comprehensive Plan. As this property does not fall within a small area plan which would offer additional guidance through land use recommendations, the 2010 Tulsa Comprehensive Plan solely provides guidance regarding land use for this area. The Major Street and Highway Plan designates E. 31st Street as both a secondary arterial street, as well as a multi-modal corridor, indicating that any future street improvements should follow the multi-modal street cross sections and will focus expanding travel choices for pedestrians, bicyclists, and transit users, making these choices attractive through design and proximity to mixed-use commercial, retail and residential areas with substantial pedestrian activity.

Existing Land Use and Growth Designations

An *Existing 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 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.”

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

Proposed Land Use Designation (Tulsa Comprehensive Plan)

The applicant is proposing the *Neighborhood Center land* use designation for the subject property:

“Neighborhood Centers are small-scale, one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services. They can include apartments, condominiums, and townhouses, with small lot single family homes at the edges. These are pedestrian-oriented places served by transit, and visitors who drive can park once and walk to number of destinations.”

The applicant is also proposing an *Area of Growth* designation for the subject property:

“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.”

Zoning and Surrounding Uses

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
N	RS-2	Existing Neighborhood	Stability	Single family detached homes
S; across E. 31 st Street	RS-3	Existing Neighborhood	Stability	Single family detached homes
E	RS-2	Existing Neighborhood	Stability	Single family detached homes
W	RS-2	Existing Neighborhood	Stability	Single family detached homes

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.

While the applicant did not provide a written justification, Staff was able to meet with the applicant and talk through some of the details of her request and the property.

Based off this conversation, the applicant indicated:

- The subject property was vacant for a number of years prior to her purchase of the property.
- The applicant bought the property approximately three years ago and started using the house for her tax and multi-services business.
- The property is unique in that it is not integrated in the street system of the surrounding neighborhood; rather, it has sole access from East 31st Street South.
- The applicant submitted Comprehensive Plan amendment and rezoning applications in response to a notice of violation issued by a City of Tulsa Code Enforcement officer.

Staff Summary & Recommendation

The 0.82± acre subject parcel is located in east Tulsa, west of the northwest corner of East 31st Street South and South 87th East Avenue and abuts single-family residential neighborhoods on all sides. The applicant has requested both a Comprehensive Plan amendment and a concurrent rezoning (Z-7589) to change the land use designation from Existing Neighborhood to Neighborhood Center, the stability and growth designation to Area of Growth, as well changing the zoning from RS-2 to OL in order to permit an existing tax and multi-services business.

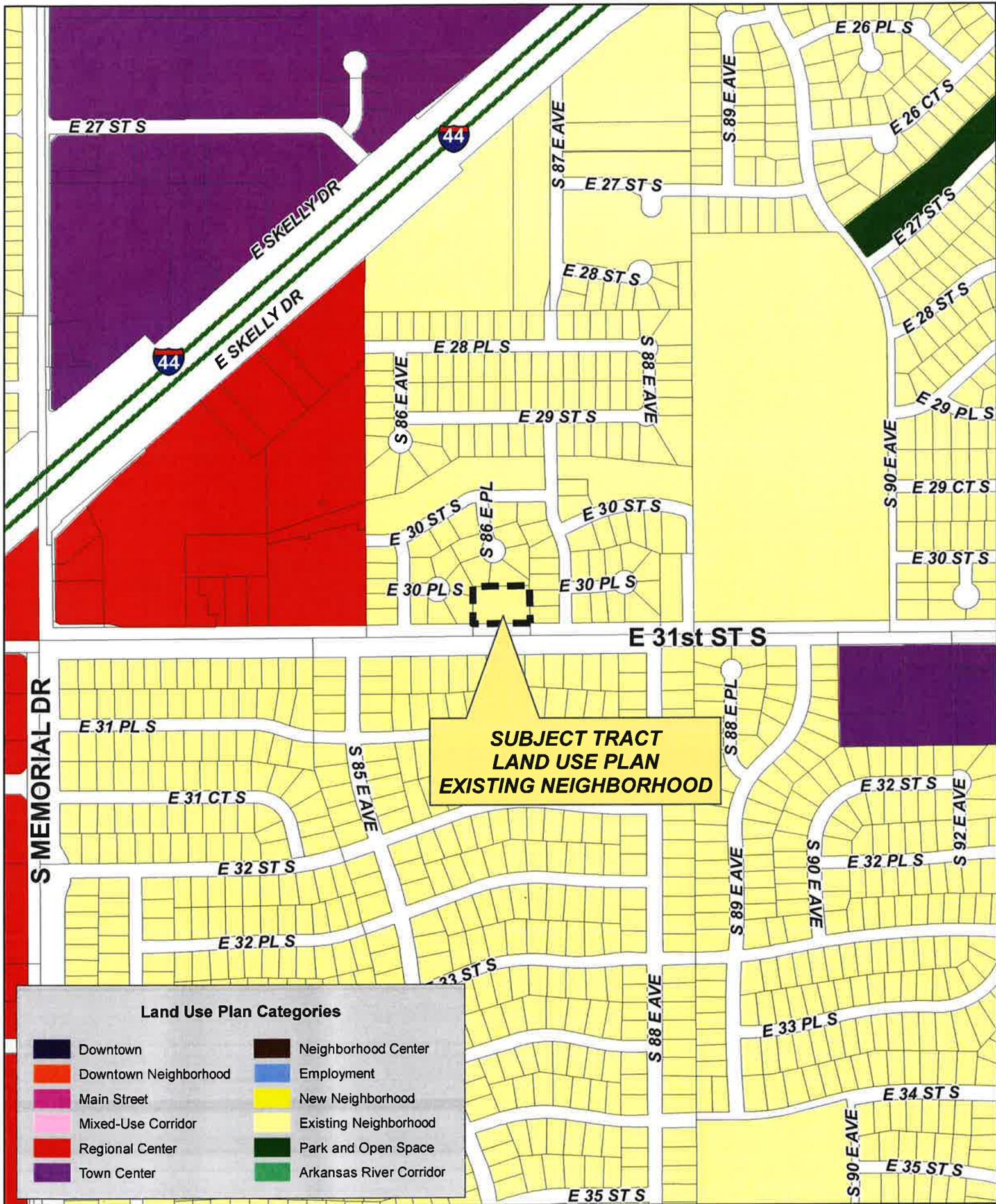
While the applicant did not submit a written justification answering the questions above, a few observations of the property provide support for these proposed changes. The subject property is unique and not a part of abutting subdivision. The subject property is unplatted, it is much larger than the lots around it (±.82 vs ±.2), and unlike the rest of the subdivision which have access to the network of streets that serve the subdivision and are oriented to face these streets, the subject property is oriented to face, and only has access through, East 31st Street South.

Down East 31st Street South to the east (8801 East 31st Street South) is another property with similar conditions to the subject property: has a business operating out of an existing house (Drapery business), larger lot, unplatted, oriented towards and has access through East 31st Street South.

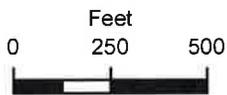
While the presence of another non-conforming business or the length of time a non-conforming business has been established does not give those non-conforming businesses the right to operate in zoning districts where they are prohibited (unless the business can be proven to have existed before 1970), when combined with the unique characteristics of the subject lot, the future

plans for East 31st Street South as a multi-modal corridor, a land use and stability and growth designation of Neighborhood Center and Area of Growth would appear to be appropriate.

Staff recommends **approval** of the *Neighborhood Center* land use designation and the stability and growth designation of *Area of Growth* as requested by the applicant.



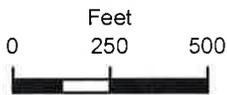
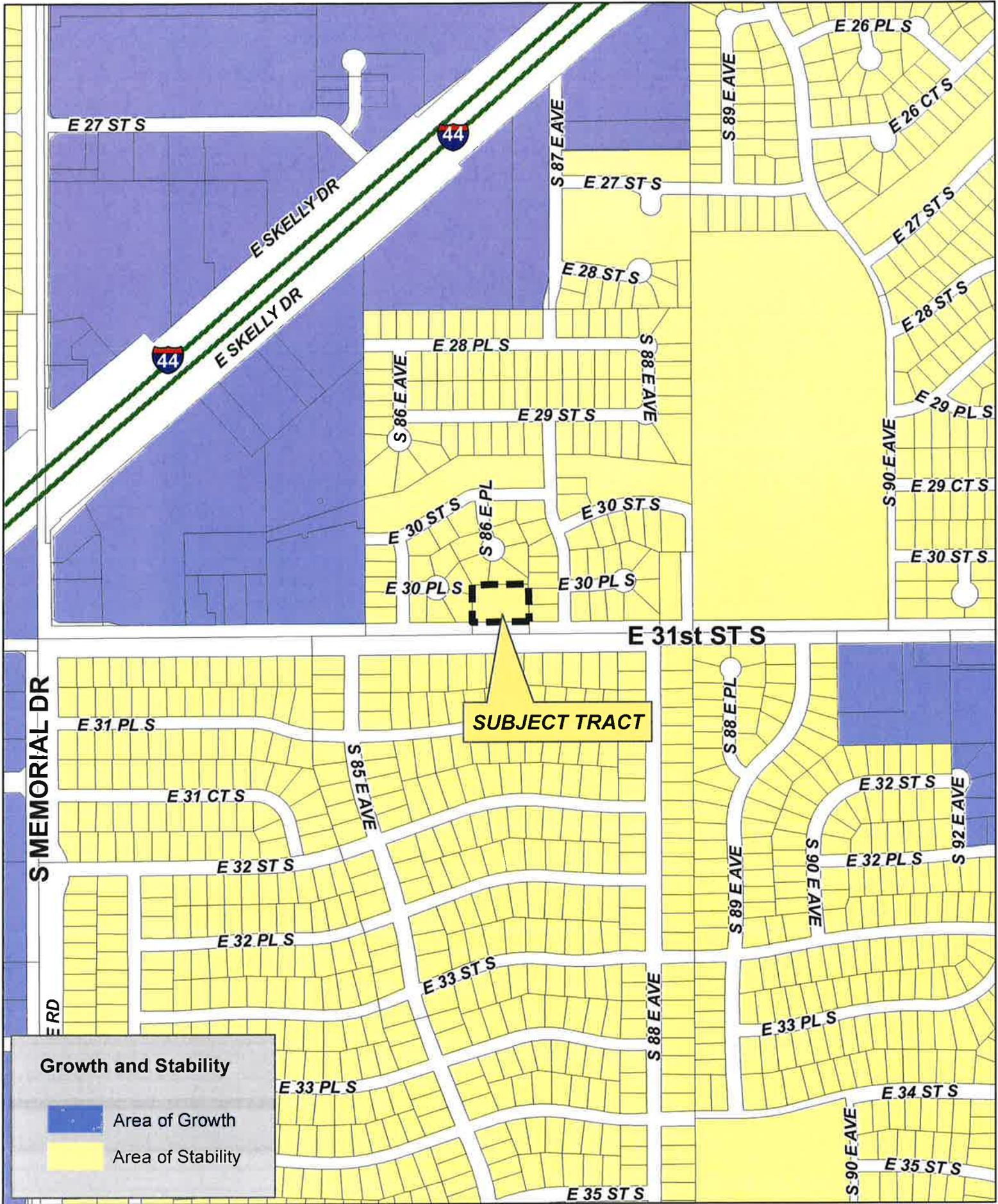
**SUBJECT TRACT
LAND USE PLAN
EXISTING NEIGHBORHOOD**



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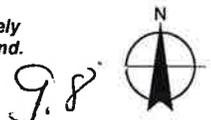
Subject Tract

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

Aerial Photo Date: February 2018





E 30 ST S

S 86 E PL

E 30 ST S

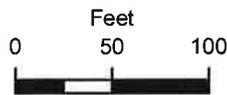
E 30 PLS

E 30 PLS

S 87 E AVE

E 31st ST S

SERVICE RD



Subject Tract

CPA-93

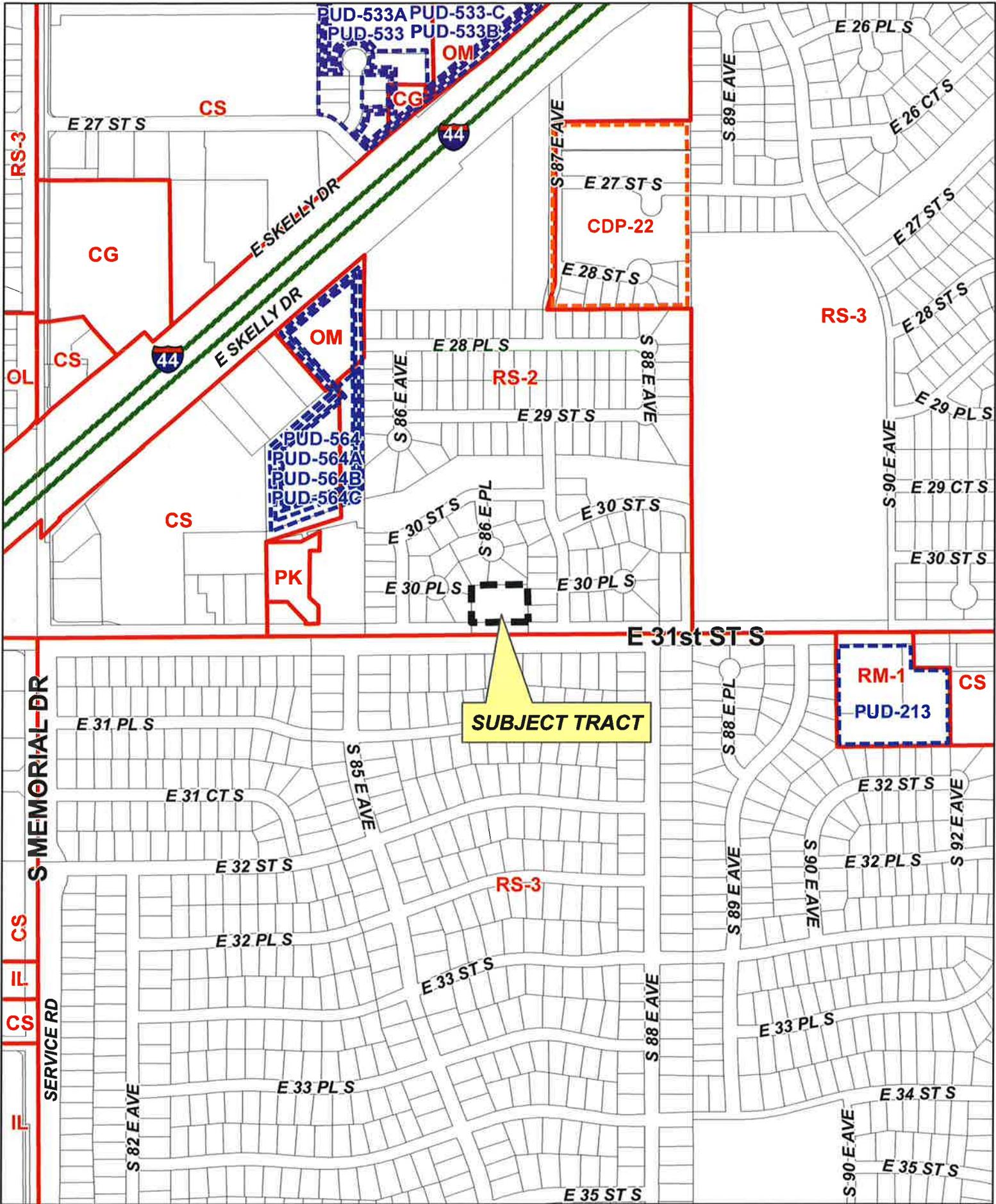
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Aerial Photo Date: February 2018

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