

# TULSA METROPOLITAN AREA PLANNING COMMISSION

## Minutes of Meeting No. 2744

Wednesday, April 19, 2017, 1:30 p.m.

City Council Chamber

One Technology Center – 175 E. 2<sup>nd</sup> Street, 2<sup>nd</sup> Floor

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday, April 17, 2017 at 2:51 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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

## REPORTS:

### Chairman's Report:

### Director's Report:

Ms Miller stated the TMAPC Receipts for the month of March 2017 are consistent with previous reports but that county zoning applications are rising. Ms. Miller reported on the agendas and actions taken of the City Council and Board of County Commissioner's.

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## 1. Minutes:

**Approval of the minutes of April 5, 2017, Meeting No. 2743**

On **MOTION** of **DIX**, the TMAPC voted 7-0-0 (Adams, Covey, Dix, Fretz, Millikin, Reeds, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Doctor, Krug, Shivel, "absent") to **APPROVE** the minutes of the meeting of April 5, 2017, Meeting No. 2743.

**CONSENT AGENDA**

**All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.**

2. **LS-20978** (Lot-Split) (CD 8) – Location: Northwest corner of East 105<sup>th</sup> Street South and South Jamestown Avenue
3. **LC-880** (Lot-Combination) (CD 4) – Location: Southwest corner of South Rockford Avenue and East 2nd Street South
4. **LC-881** (Lot-Combination) (CD 4) – Location: East of the northeast corner of South Rockford Avenue and East 3<sup>rd</sup> Street South
5. **LS-20979** (Lot-Split) (CD 5) – Location: Northeast corner of East 36<sup>th</sup> Street South and South Braden Avenue
6. **LS-20980** (Lot-Split) (CD 4) – Location: Northeast corner of East 21st Street South and South Jamestown Avenue (related to LC-882, LC-883, LC-884, LC-885, LS-20981, & LS-20982)
7. **LC-884** (Lot-Split) (CD 4) – Location: Northeast corner of East 21st Street South and South Jamestown Avenue (related to LC-882, LC-883, LC-885 LS-20980, LS-20981, & LS-20982)
8. **LS-20981** (Lot-Split) (CD 4) – Location: Northeast corner of East 21st Street South and South Jamestown Avenue (related to LC-882, LC-883, LC-884, LC-885, LS-20980, & LS-20982)
9. **LC-882** (Lot-Split) (CD 4) – Location: Northeast corner of East 21st Street South and South Jamestown Avenue (related to LC-883, LC-884, LC-885, LS-20980, LS-20981, & LS-20982)
10. **LS-20982** (Lot-Split) (CD 4) – Location: Northeast corner of East 21st Street South and South Jamestown Avenue (related to LC-882, LC-883, LC-884, LC-885, LS-20980, & LS-20981)

11. **LC-883** (Lot-Split) (CD 4) – Location: Northeast corner of East 21st Street South and South Jamestown Avenue (related to LC-882, LC-884, LC-885, LS-20980, LS-20981, & LS-20982)
12. **LC-885** (Lot-Split) (CD 4) – Location: Northeast corner of East 21st Street South and South Jamestown Avenue (related to LC-882, LC-883, LC-884, LS-20980, LS-20981, & LS-20982)
13. **LS-20984** (Lot-Split) (County) – Location: Northwest corner of South 49<sup>th</sup> West Avenue and West 26<sup>th</sup> Street South
15. **Savannah Crossing** (CD 8) Final Plat, Location: North of the northwest corner of East 121<sup>st</sup> Street South and South Sheridan Road
16. **Parkhill** (CD 9) Correction of Plat and Deed of Dedication, Location: East of the southeast corner of East 51<sup>st</sup> Street South and South Lewis Avenue
- 16a. **Battle Creek Park** (CD 6) Final Plat, Location: East of the northeast corner of South 145<sup>th</sup> East Avenue and East 41<sup>st</sup> Street South
- 16b. **Winchester Park** (CD 2) Final Plat, Location: South of the southwest corner of West 81<sup>st</sup> Street South and South Maybelle Avenue
- 16c. **Holly** (CD 7) Vacation of Plat, Location: Southwest corner of East 61<sup>st</sup> Street South and South Mingo Road

**TMAPC Action; 7 members present:**

On **MOTION** of **DIX**, TMAPC voted **7-0-0** (Adams, Covey, Dix, Fretz, Millikin, Reeds, Walker, “aye”; no “nays”; none “abstaining”; Carnes, Doctor, Krug, Shivel, “absent”) to **APPROVE** Items 2 through 13 and items 15, 16, 16a, 16b, and 16c per staff recommendation

\* \* \* \* \*

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

**CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA:**

**14. PUD-196-6 John Moody** (CD 8) Location: South and west of the southwest corner of East 71<sup>st</sup> Street and South Memorial Drive requesting **PUD Minor Amendment** to increase sign display surface area

**STAFF RECOMMENDATION:**

**SECTION I:** PUD-196-6 Minor Amendment

**STAFF RECOMMENDATION**

Amendment Request: Modify the PUD Development Standards to increase sign display surface area from 1.5 sf per lin. ft. of wall to 2.34 sf per lin. ft. of east face of building.

The applicant proposes to modify the standards to permit signage as shown on the applicant's exhibits. 2.34 sf per lin. ft. of wall was requested in order to permit the proposed 374.22 sf signs shown on the exhibit. This is the minimum sf allowance that would allow the area of signage proposed.

If approved specifically for this tenant location, the proposed would provide a significant signage advantage to the tenants of this space versus tenants in other spaces within the same shopping center, therefore the proposed 2.34 per lin. ft. of wall should be utilized for all tenant spaces within the center. It should be noted that the PUD standards require south and west facing signage to be non-illuminated. If the amendment is approved, this limitation would remain in effect.

*Staff Comment: This request can be considered a Minor Amendment as outlined by Section 30.010.I.2.c(1) of the City of Tulsa Zoning Code.*

*"Modification to approved signage, provided the size, location, number and character (type) of signs is not substantially altered."*

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the PUD.
- 2) The proposed allowable sign area shall apply to all of Development Area C.
- 3) All remaining development standards defined in PUD-196 and subsequent amendment shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to increase allowable signage from 1.5 sf per lin. ft. of wall to 2.34 sf per lin. ft. of wall for Development Area C.

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **DIX**, TMAPC voted **7-0-0** (Adams, Covey, Dix, Fretz, Millikin, Reeds, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Doctor, Krug, Shivel, "absent") to **APPROVE** PUD-196-6 per staff recommendation.

**PUBLIC HEARINGS:**

**19. CPA-56 JR Donelson** (CD 9) Location: North and east of the northeast corner of South Lewis Avenue and East Skelly Drive requesting to amend the Comprehensive Plan Land Use Map from Existing Neighborhood to Mixed-Use Corridor and the Stability and Growth Map from Area of Stability to an Area of Growth (Related to Z-7373) (Continued from February 15, 2017 and March 1, 2017) (**Applicant requests continuance to May 17<sup>th</sup>, 2017**)

**20. Z-7373 JR Donelson** (CD 9) Location: North and east of the northeast corner of South Lewis Avenue and East Skelly Drive requesting rezoning from **RS-1** to **OL** (Related to CPA-56) (Continued from February 15, 2017 and March 1, 2017) (**Applicant requests continuance to May 17<sup>th</sup>, 2017**)

**21. Z-7376 Steven Schuller** (CD 4) Location: South of southwest corner of S. Gary Ave. and E. 15<sup>th</sup> St. (aka 1508 S. Gary Ave. E.) requesting rezoning from **CH** to **RS-3** (Continued from February 15, 2017 and March 1, 2017) (**Applicant requests continuance to May 17<sup>th</sup>, 2017**)

**TMAPC Action; 7 members present:**

On **MOTION** of **DIX**, TMAPC voted **7-0-0** (Adams, Covey, Dix, Fretz, Millikin, Reeds, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Doctor, Krug, Shivel, "absent") to **CONTINUE** items **19, 20** and **21** to **May 17, 2017**

\* \* \* \* \*

**17. LS-20977** (Lot-Split) (County) – Location: South of the Southeast corner of North Memorial Drive and East 126<sup>th</sup> Street North

**STAFF RECOMMENDATION:**

The Lot-Split proposal is to split an existing AG (Agriculture) tract into two tracts. The two resulting tracts will meet the Bulk and Area requirements of the Tulsa County Zoning Code.

The Technical Advisory Committee met on April 6, 2017 and had the following comment. The County Engineer requests a Right-of-Way dedication to total 60' along North Memorial Drive.

The proposed lot-split would not have an adverse affect on the surrounding properties and staff recommends **APPROVAL** of the lot-split and the waiver of the Subdivision Regulations that no lot have more than three side lot lines.

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **DIX**, TMAPC voted **7-0-0** (Adams, Covey, Dix, Fretz, Millikin, Reeds, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Doctor, Krug, Shivel, "absent") to **APPROVE** LS-20977 per staff recommendation

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**18. Jamestown Phase I** (CD 6) Preliminary Plat, Location: West of the northwest corner of East 41<sup>st</sup> Street South and South 161<sup>st</sup> East Avenue

This plat consists of 101 lots, 6 blocks on 32.2± acres.

The Technical Advisory Committee (TAC) met on April 6<sup>th</sup>, 2017 and provided the following conditions:

1. **Zoning:** All property contained within the subdivision should be rezoned to RS-3 to ensure compatibility with the proposed single-family subdivision. A rezoning request has been filed by the applicant and will be heard on May 17<sup>th</sup>, 2017 by TMAPC.
2. **Addressing:** Correct street labels by switching street designation (St, Ct, Ave) with directional call. (e.g. 157<sup>th</sup> E Ave should read 157<sup>th</sup> Ave E)
3. **Transportation & Traffic:** Provide access through Reserve Area B to the proposed school site to the northeast. Legal survey closure form must be provided with final plat.
4. **Sewer:** 15' utility easement must be cleared with all utilities.
5. **Water:** Extension of the 12" water main line along the frontage of the property will be required within the dedicated 50' R-O-W.

6. **Engineering Graphics:** Submit a subdivision control data sheet with final plat. Provide addresses for individual lots. Provide a north arrow for the location map. Under the "Basis of Bearing" heading provide a bearing angle between two known points associated with this plat. Add NAD83 to the coordinate system information stated. Show property pins set/found graphically. Ensure written legal description matches the face of the plat.
7. **Fire:** No comments.
8. **Stormwater, Drainage, & Floodplain:** Portions of the subject property are located within the Adams Creek floodplain. All delineated floodplain boundaries, including City of Tulsa Regulatory Floodplain, should be clearly and accurately shown on the plat with base flood elevations labeled. All public utilities and facilities should be located and constructed to minimize flood damage. Provide a base flood elevation for Timber Creek and provide a hydraulic and hydrologic study of Timber Creek to show fully urbanized floodplain with flood elevations on plat. Additional permits may be required by Army Corp of Engineers. Any proposed development within the floodplain must meet the floodplain development requirements of the City of Tulsa Revised Ordinances, Title 11-A and Title 51 as well as all City drainage standards. Proposed changes to the floodplain boundaries or flood elevations will be subject to floodplain map revisions.
9. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

**Waivers of Subdivision Regulations:**

1. None Requested

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

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

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

**TMAPC Action; 7 members present:**

On **MOTION** of **DIX**, TMAPC voted **7-0-0** (Adams, Covey, Dix, Fretz, Millikin, Reeds, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Doctor, Krug, Shivel, "absent") to **APPROVE** the Preliminary Plat, "Jamestown Phase I", per staff recommendation.

\* \* \* \* \*

Walker out 2:45 pm

**22. CZ-456 Benjamin Krasnyuk** (County) Location: Southeast corner of South 45<sup>th</sup> West Avenue and West 56<sup>th</sup> Street South requesting rezoning from **RS** to **IL**

**STAFF RECOMMENDATION:**

**SECTION I: CZ-456**

**DEVELOPMENT CONCEPT:** The applicant has requested IL zoning in order to permit office and commercial uses on the subject lots. IL zoning is desired so that the lots may be compatible with the IL zones to the north, south and west. This would allow the subject lots to be marketed for office, commercial and light industrial uses.

**DETAILED STAFF RECOMMENDATION:**

CZ-456 is non injurious to the existing proximate properties and;

IL zoning is consistent with the anticipated future development pattern of the surrounding property therefore;

**Staff recommends Approval of CZ-456 to rezone property from RS to IL.**

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: This area is outside of the City of Tulsa Comprehensive Plan area.*

**Land Use Vision:**

*Land Use Plan map designation: N/A*

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

**Transportation Vision:**

*Major Street and Highway Plan: None*

*Trail System Master Plan Considerations: None*



Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The subject lots currently contain manufactures homes and a single-family dwelling. All structures appear to be in need of maintenance.*

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South 45 <sup>th</sup> West Avenue	None	N/A	2
West 56 <sup>th</sup> Street South	None	N/A	2
West 55 <sup>th</sup> Place South	None	N/A	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	IL	N/A	N/A	Auto Repair/Light Industrial
South	RS	N/A	N/A	Single-Family
East	RS	N/A	N/A	Vacant Single-Family/Railroad
West	IL	N/A	N/A	Light Industrial

**SECTION III: Relevant Zoning History**

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

***Subject Property:***

**CBOA-1523 August 19, 1997:** The Board of Adjustment approved a Special Exception to permit a single wide manufactured home in an RS district; per plan and other conditions, on property located at the northeast corner of W. 56<sup>th</sup> St. and S. 45<sup>th</sup> W. Ave. and is located on a part of the subject property.

***Surrounding Property:***

**CZ-419 December 2012:** All concurred in **approval** of a request for *rezoning* a .67± acre tract of land from RS to IL, for parking and storage of trucks, on property located east of northeast corner of W. 56<sup>th</sup> St. and S. 45<sup>th</sup> West Ave.

**CZ-402 December 2009:** All concurred in **approval** of a request for *rezoning* a .8± acre tract of land from RS to IL, for office and garage space, on property located east of southeast corner of South 45<sup>th</sup> West Avenue and West 55<sup>th</sup> Place and abutting north of subject property.

**CZ-315 January 2003:** All concurred in **approval** of a request for *rezoning* a 1.79± acre tract of land from RS to IL for light industrial, on property located west of northwest corner West 57<sup>th</sup> Street South and South 45<sup>th</sup> West Avenue.

**CZ-314 December 2002:** All concurred in **approval** of a request for *rezoning* a tract of land from RS to IL for industrial use, on property located west of the northwest corner West 57<sup>th</sup> Street South and South 45<sup>th</sup> West Avenue

**CZ-307 July 2002:** All concurred in **approval** of a request for *rezoning* a .79± acre tract of land from RS to IL for a lawn service, on property located northeast corner of West 55<sup>th</sup> Street South and South 43<sup>rd</sup> West Avenue.

**CZ-263 February 2000:** All concurred in **approval** of a request for *rezoning* two lots from RS to CH for an existing hotel/motel, located west of the southwest corner of West 56<sup>th</sup> Street and South 45<sup>th</sup> West Avenue.

**CZ-258 December 1999:** All concurred in **approval** of a request to for *rezoning* a lot from RS to IL for light manufacturing use, located east of northeast corner of I-44 and West 57<sup>th</sup> Street South.

**CZ-250 February 1999:** All concurred in **approval** of a request for *rezoning* a tract from RS to IL for a proposed landscape maintenance service business, located on the east side of South 45<sup>th</sup> West Avenue between West 56<sup>th</sup> Place South and West 57<sup>th</sup> Street South.

**CZ-248 December 1998:** All concurred in **approval** of a request for *rezoning* a tract from RS to IL for a body shop, located on the southwest corner of West 55<sup>th</sup> Place and South 41<sup>st</sup> West Court.

**CZ-202 June 1993:** All concurred in **approval** of a request for *rezoning* a .6-acre tract from RS to IL for a truck repair service, located on the northeast corner of West 56<sup>th</sup> Street South and South 45<sup>th</sup> West Avenue.

**CZ-188 June 1991:** All concurred in **approval** of a request for *rezoning* a tract from RS-3 to IL for a fireworks facility, located east of the southeast corner of South 45<sup>th</sup> West Avenue and West 55<sup>th</sup> Street South.

**CZ-142 April 1986:** All concurred in **approval** of a request for rezoning a tract of land from RS to IL on property located on the north side of 55<sup>th</sup> Place and East of 45<sup>th</sup> West Avenue.

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

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

**TMAPC Action; 6 members present:**

On **MOTION** of **DIX**, TMAPC voted **6-0-0** (Adams, Covey, Dix, Fretz, Millikin, Reeds, "aye"; no "nays"; none "abstaining"; Carnes, Doctor, Krug, Shivel, Walker, "absent") to **APPROVE** CZ-456 rezoning from RS to IL per staff recommendation.

**Legal Description for CZ-456**

LTS 3, 4, 5, 6, 7, 8, 9, 10, 11, BLK 3; LT 1 BLK 4, DOCTOR CARVER, an addition to Tulsa County, State of Oklahoma

Walker in 2:49 pm

\* \* \* \* \*

**23.Z-7381 Lou Reynolds** (CD 9) Location: West of the southwest corner of South Peoria Avenue and East 37<sup>th</sup> Place requesting rezoning from **RS-3** to **OL** with **optional development plan**

**STAFF RECOMMENDATION:**

**SECTION I: Z-7381**

**DEVELOPMENT CONCEPT:** The site is currently occupied with a single family residential dwelling that may be used as a small office. The zoning with the optional development plan provides standards for a potentially repurposing the existing home, expansion of the home or a new office. The optional development plan also provides design standards for or a surface parking area.

**SECTION II: Optional Development Plan Standards:**

Z-7381 with the optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in a OL zoning district and its supplemental regulations except as further refined below:

A. Permitted Uses:

Commercial Use Category limited to the subcategories and specific uses defined below and uses that are customarily accessory to the permitted uses.

i. Office

Business or professional office

Medical, dental or health practitioner office

ii. Parking, Non-accessory

B. MAXIMUM PERMITTED FLOOR AREA RATIO:

~~NA-0.40~~

~~(EXISTING BUILDING APPROXIMATELY 1,500 SF)~~

C. MAXIMUM BUILDING HEIGHT:

35 FT

D. MINIMUM BUILDING SETBACKS:

Building Setback from North boundary

15 FT

Building Setback from East boundary

0 FT

Building Setback from South boundary

0 FT

E. VEHICULAR ACCESS:

If used for office purposes:

Only one access point to East 37<sup>th</sup> street is allowed. The maximum driveway width shall not exceed 20 feet within the street right of way.

If used for parking purposes:

Direct Vehicular access to East 37<sup>th</sup> Street is prohibited. The driveway established for the existing home shall be removed. New concrete curb and gutter shall be constructed meeting or exceeding City of Tulsa engineering standards for residential street construction.

F. LANDSCAPE AREA:

If used for office purposes:

A minimum of fifteen percent (15%) of the total net land area and thirty five percent (35%) of the street yard area shall be improved as internal landscaped open space in accordance with the provisions of the Landscape Chapter of the City of Tulsa Zoning Code.

If used for parking purposes:

A minimum of fifteen percent (15%) of the total net land area, and forty percent (40%) of the street yard area shall be improved as internal landscaped open space in accordance with the provisions of the Landscape Chapter of the City of Tulsa Zoning Code.

#### G. SIDEWALK:

A sidewalk with a minimum width shall be installed along East 37<sup>th</sup> Place. The sidewalk shall be placed adjacent to the back of the existing street curb and will extend from the western boundary of the Property to connect with the sidewalk on the west side of East Peoria Avenue. The sidewalk shall be constructed meeting or exceeding City of Tulsa engineering standards.

#### H. SIGNS:

If used for office purposes:

One (1) double-faced sign, excluding the base, with a maximum display surface area of eight square feet (8 SF) per side and a maximum height of five feet (5 FT) will be permitted East 37<sup>th</sup> Place South.

Wall signs shall not exceed three square feet (3 SF) of display surface area on the north and south walls of the building. No east or west facing wall signs are permitted.

All such signs shall be lit by either a constant external light source or an internal light source.

If used for parking purposes:

No signs will be permitted if the Property is used for parking purposes.

#### I. SITE LIGHTING:

Within the west four feet (4 FT) of the Property, light standards shall not exceed sixteen feet (16 FT) in total height. Light source shall be concealed or shielded with a cut-off from the residential property to the west. Within the remainder of the Property, light standards shall not exceed a total height of twenty-five feet (25 FT), with the exception of any non-building lighting located between the north wall of the office building and East 37<sup>th</sup> Place will be bollard lighting and the light-producing element will not exceed four feet (4 FT) in height. All light standards, including building mounted, shall comply with Chapter 65 of the Tulsa Zoning Code.

**J. BOUNDARY LANDSCAPING AND SCREENING PLAN:**

An F1 screening fence shall be installed along the west Property boundary from the north boundary to the south boundary. Such fence shall be an eight (8) foot height wood fence with brick columns. Existing trees are being preserved on the west side of the property. Areas along west property without existing trees shall have trees installed at 1 tree per 25 linear feet, as shown on the Conceptual Site Plan attached hereto as Exhibit "A".

All required landscaping will be provided per the Landscaping Chapter of the Tulsa Zoning Code, with any necessary modifications by alternative compliance plan.

**K. OFF-SITE DUMPSTER:**

The existing dumpsters to the south of the Property will be screened with masonry material and the minimum height of such screening will not be less than six feet (6 FT), but must exceed the dumpster height. The door(s) to such dumpster enclosure will be constructed with a steel frame and cover blocks a minimum of eighty-five percent (85%) of such opening.

A Conceptual Site Plan of the Property developed for office purposes in accordance with this Optional Development Plan is attached hereto as Exhibit "A" and a Conceptual Site Plan of the Property developed for parking purposes in accordance with the Optional Development Plan is attached hereto as Exhibit "B".

**DETAILED STAFF RECOMMENDATION:**

Z-7381 is occupied by a single family residential dwelling zoned RS-3 however the Comprehensive Plan recognized this area as part of the Main Street Land Use Designation. The Brookside Infill Development Design Recommendations recognize that this lot could be used for parking. Additional encroachment into the neighborhood west of this request is not supported by either of those plans and;

OL zoning with the optional development plan as requested by Z-7361 provides design standards for fencing and landscaping that protect the street character. Screening and landscape concepts required by the code and supplemented by the optional development plan are similar to recommendations recognized in the Brookside Infill Development Design Recommendations and;

OL zoning with the optional development plan only allows office and parking with associated vehicular access limitations, landscaping and screening regulations. Neighborhood participants during this process have all considered parking as an

injurious use to the single family residential property west and north of the site. Staff has previously supported several continuances on a recent zoning case for discussion regarding a possible optional development plan and/or a light office rezoning request. This optional development plan represents the efforts of the previous zoning request and;

OL zoning with the optional development plan standards at this location is harmonious with the expected future Main Street Development pattern and are harmonious with the Brookside Infill Development Design Recommendations therefore;

**Staff recommends approval** of Z-7381 to rezone property from RS-3 to OL with the optional development plan outlined in Section II.

### **SECTION III: Supporting Documentation**

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

*Staff Summary: The Brookside Plan suggested a higher quality fence design standard and significant landscaping beyond what is required in the OL district zoned district. Design solutions including access limitations to 37<sup>th</sup> street, improved landscape and screening standards and improvements to the pedestrian circulation system along 37<sup>th</sup> place have been implemented through the optional development plan outlined in Section II. Those standards also help implement the Brookside Infill Development Design Recommendations. Pedestrian improvements from the west end Z-7381 all the way to South Peoria are vitally important to the walkability improvements for the neighborhood.*

#### **Land Use Vision:**

##### *Land Use Plan map designation: Main Street*

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

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

“The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.”

#### Transportation Vision:

*Major Street and Highway Plan:*

*Trail System Master Plan Considerations:* None

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

The plan recommended several design considerations including:

- 1) The boundary between the commercial areas and residential areas should be appropriately screened with fencing, landscaping and buffering materials which include wooden fences with cap-rails and base-rails, trees, plants, or any combination of the above which provides appropriate visual separation, high durability, and long term easy and low maintenance.
- 2) The screening fence should be provided with a wooden fence with Brick, stone or masonry pilasters to be used as the fence support; or
- 3) A brick, stone or masonry wall fence is also a recommended option for screening.



Special District Considerations: None except the provisions identified in the Brookside Infill plan.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The site is currently a single family residential residence with surface parking on the south and east. If the house is removed and the parking lot is constructed it is important to remove the drive approach to the lot from East 37<sup>th</sup> and install a sidewalk.*

*(Street view looking southeast from the northwest corner of the lot):*



Environmental Considerations: None that would affect site development as a parking lot.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 37 <sup>th</sup> Place South	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-3	Main Street	Growth	Single Family Residential
East	PK	Main Street	Growth	Surface Parking Lot
South	RS-3	Main Street	Growth	Surface Parking Lot (re: BOA# 4153 in 1963)
West	RS-3	Existing Neighborhood	Stability	Single Family Residential

#### **SECTION IV: Relevant Zoning History**

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

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

**Z-7361 February 2017:** The applicant **withdrew** the application for a request for *rezoning* a .2± acre tract of land from RS-3 to PK for a parking lot, with the intent to reapply with an optional development plan, on property located west of southwest corner of S. Peoria Ave. and E. 37<sup>th</sup> Pl. and also known as the subject property.

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

**Z-7298 June 2015:** All concurred in **approval** of a request for *rezoning* a .19± acre tract of land from RS-3 to PK for a parking lot, on property located west of the northwest corner of S. Peoria Ave. and E. 37<sup>th</sup> Pl. and northeast of subject property.

**Z-7107 October 2008:** All concurred in **approval** of a request for *rezoning* a .5± acre tract of land from RS-3 to PK for parking lot, on property located west of southwest corner of E. 37<sup>th</sup> St. and S. Peoria Ave.

**Z-6749 March 2000:** All concurred in **approval** of a request for *rezoning* a .457± acre tract of land from RS-3/RM-1 to PK for parking on property located east of northeast corner of S. Peoria Ave. and E. 38<sup>th</sup> St. S.

**BOA-17826 September 23, 1997:** The Board of Adjustment **approved** a *Variance* of the required 5 ft. landscaping strip between parking lot and an R district; and a *Variance* of required 50 ft. setback from abutting street; and a *Variance* of screening required along property lines abutting an R district; per plan submitted; subject to execution of a tie agreement between the subject lot and the parking lot and use to the east, on property located at 1128A & 1128B E. 37<sup>th</sup> Pl. S. and abutting subject property to the east.

**Z-6597 August 1997:** All concurred in **approval** of a request to *rezone* a .19+ acre tract of land from RS-3 to PK for a parking lot, located west of the southwest corner of E. 37<sup>th</sup> Pl. and S. Peoria Ave. and abutting east of subject property.

**BOA-4153 September 1963:** The Board of Adjustment **approved** off-street parking use in a U-1-C district (RS-3) in conjunction with business property on the east, subject to the applicant hard surfacing the lot and fencing the lot, on property located at 1135 E. 38<sup>th</sup> St. and abutting south of subject property.

**BOA-2062 August 10, 1949:** The Board of Adjustment **approved** a church use, on property located at 1132 E. 38<sup>th</sup> St.

Mr. Dix asked staff if the existing house on the property was going to be used for an office or was it going to be torn down.

Mr. Wilkerson stated the conceptual plan is just broad stroke concepts of what could be allowed on the property. Staff stated the site plan probably does not conform to the optional development plan as its written and additional relief would be required. Mr. Wilkerson stated this could be done as part of an Alternative Compliance Landscape Plan. Both uses would be available as part of the optional developmental plan, using the existing house with an expansion or a surface parking lot with additional landscaping and a provision to save existing large trees.

Mr. Dix asked staff what the plan was.

Mr. Wilkerson stated the initial plan submitted was for surface parking. The neighborhood was very interested in preserving the existing house.

Mr. Dix stated he was interested in knowing what was being planned for the existing building to the east.

Mr. Fretz stated to Mr. Wilkerson, if the applicant decides to tear the house down and make a parking lot TMAPC would have no control over that.

Mr. Wilkerson stated with the approval of this optional development plan that would allow the applicant to remove the house and build parking.

Mr. Wilkerson stated if this is developed as a surface parking lot there would be no access allowed to 37<sup>th</sup> Street from the parking lot. Vehicular access would be achieved through the existing parking lot. Some of those kinds of standards are important.

**Applicant's Comments:**

**Lou Reynolds** 2727 East 21<sup>st</sup> Street, Tulsa, OK 74114

Mr. Reynolds stated he represents the WH Allen Company on this rezoning application. Mr. Reynolds stated his client owns the shopping center complex and all the property east to Peoria Avenue. Another detail of the optional development plan is currently the dumpster is not screened and Mr. Reynolds stated the dumpster will be screened in a masonry facility. Mr. Reynolds stated this application started as a rezoning to PK and the neighbors asked if the applicant had considered changing the zoning to include offices. Mr. Reynolds modified the application to rezone the property to OL. Mr. Reynolds stated it is intended to convert the existing house into an office but if that is not feasible Mr. Reynolds client will build a new office. Mr. Reynolds stated the neighbor across the street to the north expressed concern about the car lights shining on her property at night, so the applicant closed off the access to 37<sup>th</sup> Place. Mr. Reynolds stated the applicant would be asking for Alternative Compliance Landscape Plan to finalize the details.

#### **INTERESTED PARTIES COMMENTS:**

**Nathan Leigh** 1119 East 37<sup>th</sup> Place, Tulsa, OK 74105

Mr. Leigh stated he lives across the street from the subject property. Mr. Leigh stated this is a main street area and should be a pedestrian oriented place with generous sidewalks and parking should be mostly on the streets or small off street lots. Mr. Leigh stated the BRT is going to come down Peoria Avenue and servicing this area. The BRT planning document is encouraging MXP zoning for an area like the subject property. Mr. Leigh stated the property is not in compliance with the zoning code in terms of the setback from the street and Mr. Leigh felt this should have been addressed in the optional development plan and was disappointed to see the site plan still included the encroachment. Mr. Leigh stated, Mr. Reynolds stated his client was asking for an Alternative Compliance Landscape Plan to allow additional parking and encroachment and Mr. Leigh feels like that is not an appropriate method. Mr. Leigh stated in chapter 65 is where the 10 foot setback is recommended in the zoning code and also where the Alternative Compliance Landscape Plan occurs and chapter 55 is where the setbacks are located, they are not in the same chapter and the applicants should not be allowed to jump chapters with an Alternative Compliance Landscape Plan to change setbacks. Mr. Leigh thinks the optional development plan should reflect higher expectations and standards.

Mr. Reynolds stated he believes the Alternative Compliance Landscape Plan and the optional development plan will address the majority of the concerns.

Mr. Reeds stated the plan buffers the neighbors quite well and to Mr. Leigh's concerns about the setbacks, Mr. Reeds stated the subject property conforms quite well to the proposed OL designation.

Mr. Dix stated he appreciates the concept plan that Mr. Leigh brought forward but unfortunately the owner is the only one who can submit a site plan so TMAPC must act on the plan the owner has submitted.

**TMAPC Action; 7 members present:**

On **MOTION** of **DIX**, TMAPC voted **7-0-0** (Adams, Covey, Dix, Fretz, Millikin, Reeds, Walker, “aye”; no “nays”; none “abstaining”; Carnes, Doctor, Krug, Shivel, “absent”) to **APPROVE** Z-7381 rezoning from RS-3 to OL with optional development plan per staff recommendation.

**Legal Description for Z-7381**

That portion of the South Half of the Southeast Quarter of the Northeast Quarter of the Southeast Quarter (S/2 SE/4 NE/4 SE/4) of Section Twenty-four (24), Township Nineteen (19) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, being more particularly described as follows, to-wit: BEGINNING at a point 27.5 feet South and 300 feet West of the NE corner of said S/2 SE/4 NE/4 SE/4, thence West and parallel to the South line of said S/2 SE/4 NE/4 SE/4 a distance of 60.0 feet to a point, said point being on the East property line of Rochelle Subdivision, an Addition to the City of Tulsa, thence South and parallel to the East line of said Section a distance of 137.0 feet to a point; thence East and parallel to the South line of said S/2 SE/4 NE/4 SE/4 a distance of 60.0 feet to a point; thence North and parallel to the East line of said Section 24, a distance of 137.0 feet to the Point of Beginning.

\* \* \* \* \*

**24. Z-7382 Roberto Moran** (CD 1) Location: West of the Northwest corner of East Haskell Place and North Norfolk Avenue requesting rezoning from **RM-1** to **IL**

**STAFF RECOMMENDATION:**

**SECTION I: Z-7382**

**DEVELOPMENT CONCEPT:** Concept statement was not provided by the applicant however during the Technical Advisory Committee meeting for a plat waiver request the applicant stated there are no immediate plans for plant expansion of the facility immediately west of this request. The applicant owns and maintains this site and the property adjacent to this case on the north and west.

## **DETAILED STAFF RECOMMENDATION:**

Z-7382 requesting rezoning from RM-1 to IL is consistent with the Downtown Neighborhood vision of the Tulsa Comprehensive Plan and;

Rezoning from RM-1 to IL for speculative industrial development in this neighborhood is disruptive to the residential component of the neighborhood. Z-7382 is included in Sub-Area 3 of the Crutchfield Small Area Plan which recognizes the mixed use character of the neighborhood and recommends Mixed Use Zoning opportunities. IL zoning district with a development plan that includes high quality construction materials, some use limitations and design standards that integrate this facility into a residential neighborhood could be supported. Additional IL zoning on this block or surrounding blocks is injurious to residential development in the area and;

IL zoning is non injurious to the surrounding property primarily because much of the surrounding property is vacant and;

Many re-development opportunities are available to the empty property in the Crutchfield Small Area Plan neighborhood. This particular rezoning request is compatible with the established zoning pattern north and west of Z-7320 however it is important to keep the mixed character of the area stable and allow plenty of room for residential redevelopment. IL zoning on the lots without additional development standards is not consistent with the existing and future development pattern of this neighborhood therefore;

**Staff recommends Denial** of Z-7382 to rezone property from RM-1 to IL.

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: This rezoning request is included in Sub-Area 3 (Residential/industrial) of the Crutchfield Small Area Plan and a Downtown Neighborhood in the Tulsa Comprehensive Plan.*

*The area has a wide variety of industrial, commercial, and residential uses. The Downtown Neighborhood land use vision and sub area 3 in the Crutchfield Small Area Plan both support a mixed land use recognizing the historical development pattern and anticipated redevelopment challenges. The Crutchfield Small Area Plan recognizes the importance of quality redevelopment and suggests development standards for new industrial uses.*

*One of the weaknesses of the neighborhood identified in the Small Area Plan is the high percentage of absentee property owners and vacant lots that are not maintained. This particular industrial user provides a high level of maintenance on the property and could be an asset to the neighborhood. Evidence of a symbiotic relationship with the neighborhood has not been presented.*

#### Land Use Vision:

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

Downtown Neighborhoods are located outside but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium- to high-rise mixed use residential areas. Downtown Neighborhoods are primarily pedestrian-oriented and are well connected to the Downtown Core via local transit. They feature parks and open space, typically at the neighborhood scale.

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

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.”

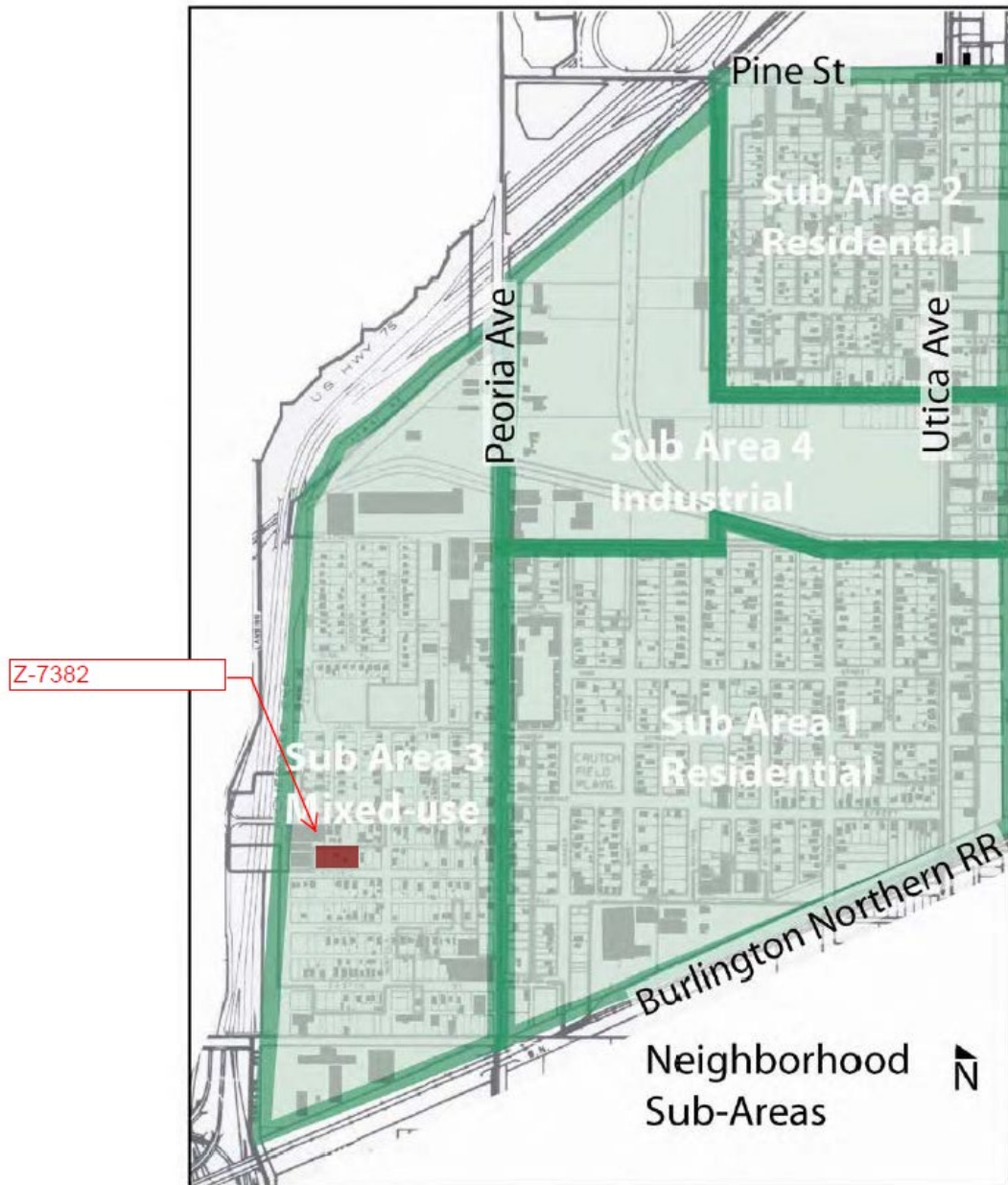
#### Transportation Vision:

*Major Street and Highway Plan considerations:* None that affect the site.

*Trail System Master Plan considerations:* None that affect the site

SMALL AREA PLAN: Crutchfield Small Area Plan

Small Area Plan Sub Area Map illustration: (See following page)



*Statement of Vision of the Crutchfield Neighborhood*

*Members of the Crutchfield Neighborhood Revitalization Planning Team seek to establish a clean, economically viable, safe and secure residential and commercial community for residents and business who are currently located or with to be located in the Crutchfield community.*



This site is on the west edge of Sub Area 3 outlined in the Crutchfield Small Area Plan (2003). Sub Area 3 can be conceptualized as follows.

*“The area has a spotty mix of industrial, commercial, and residential uses. The result is a mixed-use character typical of many older neighborhoods in pre-zoning Tulsa. Historically, this neighborhood provided housing, goods and services, and employment, within a compact, walkable area. Unfortunately, this kind of symbiotic relationship has been rejected by mainstream development for over 50 years. Conventional development favors a strict separation of land-uses, and our 1970’s Zoning Code did not adequately recognize and accommodate mixed-use neighborhoods and offers little guidance as to their future growth.*

*An attempt to retrofit this neighborhood by sorting and segregating land uses in this area would be difficult and not necessarily productive. A locally-appropriate solution would be to embrace and enhance this once-strong relationship between housing and industry.*

*The Crutchfield plan recommends the adoption of new land use practices that encourage a diverse mix of uses with few land use restrictions, allowing a wide variety of compatible housing, office, commercial, and light industrial uses. Compatibility within these areas can be achieved by employing sound urban design principles and the use of high-quality construction materials.”*

*“Crutchfield is a neighborhood with much inherent strength on which to build. The entire area supports a traditional mixed-use development pattern and many opportunities for infill development of almost any sort. The neighborhood is in an outstanding location with respect to downtown, major highways and is affordable. The neighbors and property owners are actively working to improve the area and attract new businesses and residents.”*

Special District Considerations: None

Historic Preservation Overlay: None

#### DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is adjacent to an existing industry supporting the aviation industry in Tulsa which is zoned IL. The current property owner for this site is the same as the adjacent aviation industry. Homes on the site have been removed, the property is fenced and significant trees along the original lot lines are remaining. The site is well maintained but isolated by the chain link fence. Abandoned driveways are in place and should be removed with redevelopment and the sidewalks also need repair.*

Street view from southeast corner looking northwest: (See following page)



Environmental Considerations: None that affect site redevelopment.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East Haskell Place	none	50 feet	2

Utilities:

The subject tract has municipal water and sewer available. During a technical advisory committee meeting for a plat waiver request, many of the utility providers and the City of Tulsa all recognized that the property has unfortunately vacated the original alley but somehow there were concerns that the remaining utilities inside the old alley way were no longer covered by an easement. Future redevelopment of the site will require a new subdivision plat and require easements or utility relocations.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	IL	Downtown Neighborhood	Growth	Vacant
East	RM-1	Downtown Neighborhood	Growth	Single Family Residential
South	RM-1	Downtown Neighborhood	Growth	South of Haskell, single family residential
West	IL	Downtown Neighborhood	Growth	Industrial facility

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11918 dated September 1, 1970, established zoning for the subject property.

***Subject Property:***

*No relevant history.*

***Surrounding Property:***

**Z-6949 September 2004:** All concurred in approval of a request for rezoning a .29± acre tract of land from RM-1 to IL, for retail shopping and warehouse, on property located east of the southeast corner of E. Independence St. and N. Norfolk Ave. and northeast of subject property.

**TMAPC COMMENTS:**

Mr. Covey asked staff if the property located along the north is IL.

Staff stated “yes”

Mr. Covey asked staff if the applicant owned any of that property.

Staff stated “yes” but the applicant could answer this.

Mr. Covey asked staff if the reason staff recommends denial is that the neighborhood is experiencing rejuvenation.

Staff stated “yes” there is more evidence that the neighborhood is rejuvenating than the industrial side. Staff stated there is a problem with vacant industrial buildings in this neighborhood.

Ms. Millikin stated to staff that it appears the IL zoning is consistent with the downtown neighborhood could the IL zoning work with additional development standards and were there any discussions with the applicant about additional standards.

Staff stated additional standards or optional development plan had not been discussed with applicant.

**Applicant’s Comments:**

Mr. Moran stated the initial intent was to rezone 4 lots to create more parking. But it was recommended by staff to rezone all 12 lots. Applicant states there are no plans to do anything with the other eight lots but applicant stated he would only like to rezone the 4 lots adjacent to the property on the east side.

Mr. Covey asked applicant if he only wanted the 4 lots and if he wanted them for parking.

Applicant stated “yes” lots 29, 30, 31 and 32.

Mr. Covey asked applicant if he still interested in all the lots rezoned to IL.

Applicant stated “no” those 4 lots only.

Mr. Dix asked applicant if he was ok with 4 lots because there is an inclination among commissioners to approve the 12 lots.

Applicant states Amy Baker, who owns property in the area called him to voice her concerns and the decision was made to only rezone 4 lots.

Ms Millikin stated to applicant that in the staff recommendation there are notes indicating this may be supported if there were additional development standards.

Applicant stated he was not interested in doing this.

**INTERESTED PARTIES COMMENTS:**

**Bobby Scott** 1037 East Haskell Place, Tulsa, OK 74106

Mr. Scott stated he lives in next to subject property and if applicant is going to change just those 4 lots he was okay with that.

**Amy Baker** PO Box 692010, Tulsa, OK 74169

Ms. Baker stated she is opposed to this rezoning. Ms. Baker stated she owns 12 properties in the neighborhood and has family in the neighborhood. She stated

her and her family invested in the Crutchfield neighborhood trusting that it would continue to be a safe increasingly valued residential neighborhood. Ms. Baker stated industrial zoning violates the approved city plans such as PlaniTulsa and the Crutchfield Revitalization Plan. This is a poor blue collar neighborhood that has been neglected but is on renewed surge of revitalization. Ms. Baker stated the industrial zoning would diminish the value of her properties.

**Mike Weaver** PO Box 691990, Tulsa, OK 74169

Mr. Weaver stated he is a property owner in this neighborhood. This region of Tulsa is almost entirely residential until you reach Peoria Avenue. Mr. Weaver stated this project is recommended for denial by staff, it is contrary to two plans the city has in place and to do something that would further diminish this area from revitalization would be very detrimental to the City of Tulsa. Mr. Weaver stated there doesn't seem to be a shortage of parking around this subject property.

Mr. Covey stated to Mr. Weaver that the applicant has stated he would like to modify the request to just 4 lots and asked Mr. Weaver if he objected to that as well.

Mr. Weaver stated "yes".

Mr. Covey asked Mr. Weaver if he was aware that all the property to the north of independence was zoned industrial.

Mr. Weaver stated that was for another day at the Planning Commission and would suggest that be rezoned for residential.

Mr. Moran stated part of the 4 lots is zoned for residential and he would like those 4 lots 29, 30, 31 and 32 rezoned to IL.

Mr. Reeds stated he understood why staff didn't support the application because it was one of the newest Small Area Plans but because this is on the edge of highway 75 and applicant is willing to keep at 50 foot buffer between himself and the remaining RM-1 lots to the east he will support the application.

Ms. VanValkenburgh stated to staff that on the zoning map it shows 6 parcels are included in the application for rezoning.

Staff stated the legal description states lots 29, 30, 31 and 32. It is 4 lots on the plat but on the county assessor parcel map the 4 platted lots are shown as 2 parcels.

Ms. VanValkenburgh asked if the property it had been replatted or was just combined for tax purposes.

Staff indicated the property had not been replatted but the lots were combined on the Assessor's map for tax purposes.

**TMAPC Action; 7 members present:**

On **MOTION** of **DIX**, TMAPC voted **7-0-0** (Adams, Covey, Dix, Fretz, Millikin, Reeds, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Doctor, Krug, Shivel, "absent") to **APPROVE** rezoning Z-7382, lots 29, 30, 31 and 32 only, from **RM-1** to **IL**

**Legal Description for Z-7382**

LTS 29, 30, 31 & 32, and abutting S10 VAC ALLEY ADJ N of lots, BLK 2, FRISCO ADDN, City of Tulsa, Tulsa County, State of Oklahoma

\* \* \* \* \*

**25. Z-7383 Alan Betchan** (CD 3) Location: South of the Southeast corner of North Garnett Road and East Pine Street requesting rezoning from **RS-3** to **IL**

**STAFF RECOMMENDATION:**

**SECTION I: Z-7383**

**DEVELOPMENT CONCEPT:** The applicant did not provide a development concept however this is one of the few parcels in the area that has not been zoned for industrial uses. Future development as an industrial area is expected to continue.

**DETAILED STAFF RECOMMENDATION:**

Z-7383 to rezone from RS-3 to IL is consistent with the Employment land use designation of the comprehensive plan and;

IL zoning is common in the surrounding area. The adjacent RS-3 zoning south of this site is offered use and setback protection through the Zoning Code therefore IL zoning is considered non injurious to the abutting residential district and;

The other proximate properties are also zoned industrial so IL zoning is considered non injurious to all abutting properties and;

IL zoning is consistent with the anticipated future uses in the area therefore;

Staff recommends Approval of Z-7383 to rezone property from RS-3 to IL.

**SECTION II: Supporting Documentation**

## RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: IL zoning is consistent with the land use designation of the comprehensive plan.*

### Land Use Vision:

#### *Land Use Plan map designation: Employment*

Employment areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity.

Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

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

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.”

### Transportation Vision:

*Major Street and Highway Plan: Multi Modal*

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 that affects the site*

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The site a single family residential dwelling on a large lot. The site is open with a few large trees and gently sloping.*

Environmental Considerations: No known environmental considerations that would affect site development.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North Garnett Road	Secondary Arterial	100 feet	2

Utilities:

The subject tract has municipal water and sewer available.



Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	IL	Employment	Growth	Truck Rental and miscellaneous light industrial businesses
East	IL	Employment	Growth	Vacant
South	RS-3	Employment	Growth	Single Family Residential
West	IL	Employment	Growth	Across Garnett Road large light industrial

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11811 dated June 26, 1970, established zoning for the subject property.

***Subject Property:***

*No relevant history.*

***Surrounding Property:***

**Z-7000 October 2005:** All concurred in **approval** of a request for *rezoning* a 9± acre tract of land from RS-3 to IL for light industrial and warehouse use, on property located north of the northeast corner of N. Garnett Rd. and E. Independence St.

**Z-6996 July 2005:** All concurred in **approval** of a request for *rezoning* a 14.7± acre tract from RS-3 to IL, on property located on the southwest corner of East Independence Street and North Garnett Road.

**Z-6918 February 2004:** All concurred in **approval** of a request for *rezoning* a 2.2± acre tract, from RS-3 to IL for light industrial use, located north of the northwest corner East Newton Street and North Garnett Road.

**Z-6808 March 2001:** All concurred in **approval** of a request for *rezoning* a 7.3± acre tract, from RS-3 to IL, located in the northeast corner of East Independence and North Garnett Road extending from North Garnett Road to North 177<sup>th</sup> East Avenue.

**Z-6687 June 1999:** All concurred in **approval** of a request for *rezoning* a 4.5+ acre tract from RS-3 to IL, for a machine shop, on property located south of the southwest corner of East Pine Street and North Garnett Road.

**Z-6651 October 1998:** All concurred in **approval** of a request for *rezoning* a 4.5+ acre tract from RS-3 to IL, located north of the northwest corner of East Newton Street and North Garnett Road.

**Z-6392 March 1993:** Staff and TMAPC recommended **approval** of a request to *rezone* a lot from RS-3 and IL to OL on the west 184' to only the depth of the adjoining OL lot on the north. The balance of the tract remained IL, located south of the southeast corner East Newton Place North and North Garnett Road.

**Z-6325 October 4, 1991:** All concurred in **approval** of OL *zoning* on a 70' x 167' tract located south of the southeast corner of East Newton Place and North Garnett Road.

**Z-6237 August 1989:** All concurred in **approval** of a request to *rezone* a 10+ acre tract, from RS-3 to IL, located south of the southeast corner of East Newton Place and North Garnett Road.

**INTERESTED PARTIES COMMENTS:**

**Paul Wood** 11355 East Newton Place, Tulsa, OK 74116  
Mr. Wood stated the houses across the street from Mr. Wood was rezoned to IL from AG and businesses were built there and now the residents have to deal with security lights shining in windows and noise from businesses late hours. Mr. Wood stated he is opposed to this rezoning.

**Applicant's Comments:**

Mr. Betchan stated his company was contacted by the owner to apply for the rezoning to hopefully end up with a Mom and Pop user warehouse and small office space. Mr. Betchan stated the zoning being considered today under the new zoning code has more intensive development standards than the previous zoning code for lighting standards and screening to protect the neighbors and create a better buffering.

**TMAPC Action; 7 members present:**

On **MOTION** of **DIX**, TMAPC voted **7-0-0** (Adams, Covey, Dix, Fretz, Millikin, Reeds, Walker, "aye"; no "nays"; none "abstaining"; Carnes, Doctor, Krug, Shivel, "absent") to **APPROVE** rezoning of Z-7383 from **RS-3** to **IL** per staff recommendation.

**Legal Description for Z-7383**

N/2 S/2 NW NW SEC 32 20 14, City of Tulsa, Tulsa County, State of Oklahoma

\* \* \* \* \*

Mr. Walker out at 3:00 pm  
Mr. Fretz out at 3:02 pm  
Mr. Fretz back in at 3:06 pm

**26. Z-7384 Alan Betchan** (CD 2) Location: East of the Southeast corner of East 67<sup>th</sup> Street and South Peoria Avenue requesting rezoning from **OL** to **CS**

**STAFF RECOMMENDATION:**

**SECTION I: Z-7384**

**DEVELOPMENT CONCEPT:**

Applicant has submitted the request to allow CS uses on the entire parcel and is consistent with the Comprehensive Plan land use designation.

**DETAILED STAFF RECOMMENDATION:**

Z-7384 requesting CS zoning is consistent with the Main Street land use designation of the Tulsa Comprehensive Plan and,

CS zoning is consistent with the expected future development pattern of the area and,

CS zoning is not considered injurious to the existing proximate properties therefore,

**Staff recommends Approval of Z-7384 to rezone property from OL to CS.**

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: CS zoning is consistent with the Main Street land use designation in the Tulsa Comprehensive Plan.*

*The Peoria Avenue Bus Rapid Transit Land Use Framework is not part of the Comprehensive Plan however it is an important study providing guidance for future transit oriented zoning opportunities at this location. CS zoning will allow development density as recognized in that plan.*

**Land Use Vision:**

*Land Use Plan map designation: Main Street*

Main Streets are Tulsa's classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street

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

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

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.”

Transportation Vision:

*Major Street and Highway Plan:* None

*Trail System Master Plan Considerations:*

Sidewalk construction along East 67<sup>th</sup> street south is important consideration for completing pedestrian circulation systems to the River Parks Trail system less than 10 minutes walking distance from this site.

Small Area Plan: None

Special District Considerations:

Peoria Avenue Bus Rapid Transit Land Use Framework Public Review Draft 3.22.2017:

This site is considered a development opportunity site in the draft version of the Peoria Avenue Bus Rapid Transit Land Use Framework study. The

draft report also illustrates this site as a potential mixed use corridor that would support future transit oriented development and supports a mixed use zoning designation. This study will not be adopted as part of the Tulsa Comprehensive plan however it is an important document that will identify development opportunities and zoning suggestions along the rapid transit corridor.

**River Design Corridor:**

The parcel being considered is adjacent to the east boundary of RDO-3 however it is outside the design corridor.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The existing site is a single parcel approximately 1.2 acres net in size. The west portion adjacent to South Peoria is zoned CS. The east portion is zoned OL (0.45 ac / net). The site is abutted on the south by apartments with a covered parking near the property line. East of the site is a single family residential home. The site is flat with no significant vegetation except along the east lot line.*

Street view from the northwest corner looking south east (see next page):



Environmental Considerations: No known environmental considerations that would affect site development.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 67 <sup>th</sup> Street.	None	50 feet	2 lanes with no curb and gutter, no sidewalks

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	CS and RM-1 north of East 67 <sup>th</sup> Street South	Main Street	Growth	Retail on the west and vacant on the east
East	RM-2 / PUD 183	Existing Neighborhood	Stability	Single Family Residential
South	RM-2 / PUD 183	Main Street	Growth	Multi Family
West	CS	Main Street	Growth	Vacant property

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

**ZONING ORDINANCE:** Ordinance number 17483 dated April 29, 1991, established zoning for the subject property.

***Subject Property:***

**Z-6215 April 1991:** All concurred in **approval** of a request for *rezoning* a .7± acre tract of land from RM-2 to OL and CS, on property located east of the southeast corner of E. 67<sup>th</sup> St. and S. Peoria Ave. and also known as a part of the subject property.

***Surrounding Property:***

**SA-1September 2016:** All concurred in approval of a request for a Special Area Overlay on multiple properties along the Arkansas River extending from W. 11<sup>th</sup> St. S. to E. 121<sup>st</sup> St. S., to establish the River Design Overlay as a supplemental zoning, RDO-1, RDO-2 or RDO-3, to establish regulations governing form, function, design and use for properties located within the boundaries of the River Design Overlay district. The regulations are generally intended to maintain and

promote the Arkansas River corridor as a valuable asset to the city and region in terms of economic development and quality of life.

**Z-6571 December 1996:** All concurred in **approval** of a request for *rezoning* a tract of land from OM to CS on the west 200 ft. of tract and denial of the remainder, on property located on the northeast corner of E. 67<sup>th</sup> St. and S. Peoria Ave.

**PUD-183 March 1976:** All concurred in **approval** of a proposed *Planned Unit Development* on a 40± acre tract of land for townhouses, patio homes and garden apartments and accessory uses, on property located on the northeast corner of E. 68<sup>th</sup> St. and S. Peoria Ave. and abutting subject property on the south and east.

**BOA-14496 June 11, 1987:** The Board of Adjustment **approved** a Special Exception to allow for office use in an RM-1 district, on property located east of the northeast corner of E. 67<sup>th</sup> St. and S. Peoria Ave. and abutting north of subject property across E. 67<sup>th</sup> St.

#### **INTERESTED PARTIES COMMENTS:**

**Clarence Wroblewshi** 6737 South Peoria Avenue, Tulsa, OK 74136  
Mr. Wroblewshi stated he lives in the 96 condos immediately south of the subject property and he has lived there 26 year and this lot has been a green space all that time and although Mr. Wroblewshi stated he doesn't own the subject lot and doesn't have any right to say it should remain a green space this is what he would like to see. Mr. Wroblewshi stated everyone was familiar with the problems on the South Peoria Avenue and at 67<sup>th</sup> and 68<sup>th</sup> and South Peoria Avenue there is a small island of peace and quiet. Mr. Wroblewshi stated there are no curbs or storm drainage and no visibility from Peoria to support commercial shopping. Mr. Wroblewshi stated if this was an office building it would provide some buffer from the noise coming from the Family Dollar.

#### **Applicant's Comments:**

Mr. Betchan stated this tract is unique because it has split zoning. There is a tract that is 123 x 160 feet that is zoned OL on the east side and after omitting the right-of-way a 150 x 150 square tract on the west side that is zoned CS. Mr. Betchan stated the problems the owner has experienced over the years is that the tract zoned OL is not big enough for an office and the CS doesn't have enough room for a true commercial building. Mr. Betchan stated this zoning change would bring the whole parcel into CS zoning which is in conformance with the Comprehensive Plan.

Mr. Covey asked applicant what development was going on the tract.

Mr. Betchan stated there was an interest but there was not a contract yet.

Mr. Covey asked if the land was for sale.

Mr. Betchan stated “yes”.

Mr. Covey stated so you are changing the zoning to try to sell the property.

Mr. Betchan stated “yes”.

Mr. Dix asked staff if this property would have to be replatted.

Staff stated “yes” or a request for a plat waiver submitted.

**TMAPC Action; 6 members present:**

On **MOTION** of **DIX**, TMAPC voted **5-1-0** (Covey, Dix, Fretz, Millikin, Reeds, “aye”; Adams, “nays”; none “abstaining”; Carnes, Doctor, Krug, Shivel, Walker, “absent”) to **APPROVE** Z-7384 rezoning from **OL** to **CS** per staff recommendation.

**Legal Description for Z-7384**

E123.93 of LT 2, BLK 3; KEIM GARDENS, City of Tulsa, Tulsa County, State of Oklahoma

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**OTHER BUSINESS**

- 27.** Consider adoption of Resolution No. 2744:967 finding the Peoria Avenue Bus Rapid Transit (BRT) Land Use Framework in conformance with the Tulsa Comprehensive Plan

**STAFF RECOMMENDATION:**

- A. Background:** The City of Tulsa Planning Department selected a consultant team led by Lakota Group and including Clue Group, Sam Schwartz, and Duncan Associates, to complete a land use study for land surrounding future transit station areas located along the Peoria Avenue corridor between 38th Street North and the intersection of Lewis Avenue/81st Street. The study evaluated the areas within a quarter mile radius of seven of the future bus rapid transit (BRT) stations, and recommends land use and zoning changes that can maximize public investment. The study will also address which land uses provide the most successful outcomes for private properties that border these BRT station sites.



The consultant team presented an update on the land use study at a January 18, 2017 work session of the Planning Commission. The Peoria Avenue Bus Rapid Transit (BRT) Land Use Framework is considered a functional plan and falls under the category of “other types of plans, studies and initiatives” in the TMAPC Policies and Procedures, which requires that the plan be reviewed for conformance with the Tulsa Comprehensive Plan. Following this action, the City Council will be asked to concur with the finding of conformance.

**B. Comprehensive Plan Conformance:** The Tulsa Comprehensive Plan (PlaniTulsa) contains priorities, goals and policies supporting a variety of transportation options (including bus rapid transit) and the need to create walkable, higher density development within walking distance of transit (see attached for Comprehensive Plan references). The Peoria Avenue Bus Rapid Transit (BRT) Land Use Framework contains specific land use and zoning recommendations designed to achieve these concepts outlined in the Comprehensive Plan. The land use framework will provide guidance as public improvements are made and private properties develop along the Peoria Avenue Corridor. The land use recommendations for mixed use development, specifically through utilization of the mixed-use zoning tool in the City of Tulsa Zoning Code, will implement the Comprehensive Plan’s direction on transit oriented development. Staff finds that based on the above, the Peoria Avenue Bus Rapid Transit (BRT) Land Use Framework is in conformance with the Tulsa Comprehensive Plan.

**C. Staff Recommendation:** Adopt a resolution finding the Peoria Avenue Bus Rapid Transit (BRT) Land Use Framework in conformance with the Tulsa Comprehensive Plan.

**Dawn Warrick** City of Tulsa Planning Director stated she draft a few lines that she feels would be appropriate to add to a page in the study that outlines the relationship between the study and the Comprehensive Plan and other Small Area plans that have a geographical consequence to the Peoria Corridor. Ms Warrick stated she would ask the consultants to include this language in the final document, “The Peoria Avenue BRT Land Use Framework provides strategies for implementation of adopted land use policies by identifying preferred outcomes when changes to property in designated areas are considered. The study compliments but does not supersede adopted land use policies and plans”.

Mr. Covey asked what that meant to Ms. Warrick.

Ms. Warrick stated this is a strategy for implementation but it is not a policy. The policies, The Comprehensive Plan, PlaniTulsa and the Small Area plans are the policies and those take precedence.

Mr. Covey stated he was told at the work session that the Framework is not a plan.

Ms. Warrick responded "It's a study".

Mr. Covey stated to Ms. Warrick when you say Land Use Framework does that include zoning.

Ms. Warrick stated that is the title of the document so she referenced it by its title.

Mr. Covey asked what she meant by preferred outcomes.

Ms. Warrick stated that the preferred outcome is the zoning and the development pattern that hits the ground the way it is described within the document.

Mr. Covey stated by using preferred outcomes your suggesting that you would like this versus something else.

Ms. Warrick stated they would be preferred outcomes only if there is a proposed zoning change. Ms. Warrick further stated if there is not a proposed change the existing zoning is in place and there isn't a discussion on how the applicant's project may hit the ground differently than what is provided in the current regulations for that zoning district.

Mr. Covey asked Ms. Warrick to clarify, when you say compliments but does not supersede the policy documents listed in the section.

Ms. Warrick stated each of those policy documents have guiding principles and vision statements.

Mr. Covey stated that if questions arise in the future, he will respond "Dawn says that The Framework is not a plan"

Ms. Warrick agreed.

Ms Millikin asked Ms. Warrick if there was any benefit to adding the same language that was being added to the study be also added to the resolution that is adopted by the Planning Commission.

Ms. Warrick stated to keep this on track to get to City Council we can add this as a whereas statement in the resolution.

**TMAPC Action; 6 members present:**

On **MOTION** of **COVEY**, TMAPC voted **6-0-0** (Adams, Covey, Dix, Fretz, Millikin, Reeds, "aye"; no "nays"; none "abstaining"; Carnes, Doctor, Krug, Shivel, Walker, "absent") to **ADOPT** Resolution No. 2744:967 finding the Peoria Avenue Bus Rapid Transit (BRT) Land Use Framework in conformance with the Tulsa Comprehensive Plan by adding the language articulated by Dawn Warrick to the BRT Land Use Framework Study and Resolution.

**28. Commissioners' Comments**

**ADJOURN**

**TMAPC Action; 6 members present:**

On **MOTION** of **DIX**, TMAPC voted **6-0-0** (Adams, Covey, Dix, Fretz, Millikin, Reeds, "aye"; no "nays"; none "abstaining"; Carnes, Doctor, Krug, Shivel, Walker, "absent") to **ADJOURN** TMAPC meeting 2744.

**ADJOURN**

There being no further business, the Chair declared the meeting adjourned at 3:25 p.m.

Date Approved:

05-03-2017

  
Chairman

ATTEST:



Secretary