

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2795

Wednesday, June 5, 2019, 1:30 p.m.

City Council Chamber

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

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, March 4, 2019 at 1:45 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:

None

Chairman’s Report:

None

Director’s Report:

Ms. Miller reported on City Council and Board of County Commission actions and other special projects.

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1. **Minutes:**

Approval of the minutes of May 15, 2019 Meeting No. 2794

On **MOTION** of **WALKER**, the TMAPC voted 6-0-1 (McArator, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; Covey, “abstaining”; Doctor, Fothergill, Kimbrel, Ray “absent”) to **APPROVE** the minutes of the meeting of May 15, 2019, Meeting No. 2794.

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. **PUD-773-2 Stephen A. Schuller/GableGotwals** (CD 8) Location: North of the northwest corner of East 101st Street South and South Memorial Drive requesting a **PUD Minor Amendment** to permit an expansion of an existing Quik Trip facility.

STAFF RECOMMENDATION:

SECTION I: PUD-773-2 Minor Amendment

STAFF RECOMMENDATION

Amendment Request: Revise the development standards to permit an expansion of the existing Quik Trip facility.

Currently, the development standards were set up with the intent of allowing an expansion to the Quik Trip facility but limited the placement of canopies to a small area on the subject lot. The proposal would be for that anticipated canopy, but, due to the store and site configuration, the current standards need to be revised to permit the desired design of the expansion and the canopy placement.

Revised landscaping as well as a screening fence along the retaining wall along the western portion of the site, have been included to help mitigate impacts of the proposed expansion.

The applicants proposed revised standards are included with this report.

Staff Comment: *This request can be considered a Minor Amendment as outlined by Section 30.010.I.2.c(9) of the City of Tulsa Zoning Code.*

“Changes in structure heights, building setbacks, yards, open spaces, building coverage and lot widths or frontages, provided the approved PUD development plan, the approved standards and the character of the development are not substantially altered.”

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the PUD.
- 2) All remaining development standards defined in PUD-773 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to revise the development standards to permit an expansion of the existing Quik Trip facility.

Legal Description of PUD-773-2:

Lot 6, Block 1 NGP Business Complex
Development Area B

Item 3 was removed from Consent Agenda and Placed on the Public Hearing.

4. **PUD-703-2 Ryan Wagnon** (CD 4) Location: Northwest corner of East 22nd Street South and South Main Street requesting a **PUD Minor Amendment** to reduce the side setback to permit a covered patio

STAFF RECOMMENDATION:

SECTION I: PUD-703-2 Minor Amendment

STAFF RECOMMENDATION

Amendment Request: Revise the development standards to reduce the required setback from 40 ft to the Centerline of Main St to 0 ft from the property line adjacent to Main St. to permit a covered patio.

Currently, the development standards limit the setback along Main St. to 40 ft from the centerline of Main, or approximately 10 ft from the property line. The applicant is proposing to reduce this to 0 ft in order to construct a proposed covered patio, as illustrated on the renderings and plans submitted by the applicant.

The applicant will need to work with the City of Tulsa and/or franchise utilities if the proposed work falls within an easement.

Staff Comment: *This request can be considered a Minor Amendment as outlined by Section 30.010.1.2.c(9) of the City of Tulsa Zoning Code.*

“Changes in structure heights, building setbacks, yards, open spaces, building coverage and lot widths or frontages, provided the approved PUD development plan, the approved standards and the character of the development are not substantially altered.”

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the PUD.
- 2) All remaining development standards defined in PUD-703 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to reduce the required setback from 40 ft to the Centerline of Main St to 0 ft from the property line adjacent to Main St. to permit a covered patio.

Legal Description of PUD-703-2:

Lot 1, Block 1 Tudors II
1 W 22nd St S

TMAPC Action; 7 members present:

On **MOTION** of **McARTOR**, TMAPC voted **7-0-0** (Covey, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Doctor, Fothergill, Kimbrel, Ray, “absent”) to **APPROVE** Items 2 and 4 per staff recommendation.

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

PUBLIC HEARINGS:

Item 3 was removed from the Consent Agenda and placed on Public Hearing.

3. **PUD-190-A-39 Jackie Bubenik/Tulsa Parks** (CD 8) Location: South and west of the southwest corner of East 71st Street South and South Sheridan Road requesting a **PUD Minor Amendment** to remove the requirement for site plan approval for park alterations

STAFF RECOMMENDATION:

SECTION I: PUD-190-A-39 Minor Amendment

STAFF RECOMMENDATION

Amendment Request: Revise the development standards to remove the requirement for site plan approval for park alterations.

Currently, the development standards require that for each change to the public park at Minshall Park, TMAPC must approve the changes via a site plan approval. This proposal would allow Tulsa Parks to make and approve changes to the park without the need to come to TMAPC for each change that is made. This revised process would be the same as the process for parks not located within a Planned Unit Development, in that Tulsa Parks, themselves, would be the approving body for changes to this park.

Staff Comment: *This request can be considered a Minor Amendment as outlined by Section 30.010.1.2.c(9) of the City of Tulsa Zoning Code.*

“Changes in structure heights, building setbacks, yards, open spaces, building coverage and lot widths or frontages, provided the approved PUD development plan, the approved standards and the character of the development are not substantially altered.”

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the PUD.
- 2) All remaining development standards defined in PUD-190-A and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to remove the requirement for site plan approval for park alterations.

INTERESTED PARTIES:

Lynne Burson 5729 East 75th place Tulsa, OK 74130

Ms. Burson stated there were three homeowner associations and two apartment complexes that met with the applicant to talk about the soccer fields at Mitchell Park remaining soccer fields instead of the proposed playground. Ms. Burson stated the Homeowners Association did not approve of the current application

and are confused why the park is being changed. Ms. Burson stated how do residents get notified of proposed changes to the parks in their neighborhoods. Ms. Burson stated the soccer fields are the only green space in the park and that Anna America (Park Director) told the residents that the playground would not be built where the soccer fields were located and now the applicant is here asking for approval to put in the playground in the soccer field.

Mr. Reeds asked Ms. Burson if she was notified of the proposed change.

Ms. Burson stated “no”, the residents were not notified. Ms. Burson stated she was walking her dog and saw surveyors and asked them what they were doing and they told Ms. Burson that they were surveying for a playground. Ms. Burson stated she asked the surveyor where the playground was going to be and the surveyor told her where the soccer field was located. Ms. Burson stated there are four apartment complexes in the area and every day those young men and women are playing soccer on that field and if it is taken away what are they going to do it’s the only green space in the park.

Staff stated that Tulsa Parks has stated they are not building a playground.

Mr. Covey asked staff if Mitchell Park was a public park?

Staff answered “yes”.

Mr. Covey asked staff what the PUD says regarding the park and the changes.

Staff stated anything within the PUD that is not a residential development requires a site plan review. That is what the Parks Department is trying to change so they have the authority to control their own properties.

Mr. Covey asked staff if that was normal within residential developments.

Staff stated it’s not unheard of.

Mr. McArtor asked if this was just for Mitchell Park.

Staff stated it is just for Mitchell Park.

Mr. McArtor asked why are the requirements being lifted for just this one park?

Mr. Covey asked how many parks in residential areas are located in PUD’s?

Staff stated he did not know the answer to Mr. Covey’s question but that each applicant was reviewed on its own merits.

Ms. Miller stated she didn’t know that specific answer but most of the time parks in the city are typically located in residential areas. Ms. Miller stated the route to approval for a park in a residential area is a special exception from the Board of Adjustment. Ms. Miller stated over time when the parks have gone to the Board of Adjustment they have been approved per plan and then every time they have

any changes to that plan they come back to the Board of Adjustment for modification of the site plans. Ms. Miller stated in the past few years we've been moving in the direction where as long as they're developing commensurate with park like facilities or uses so they don't have to keep coming back to the Board of Adjustment for those adjustments.

Commissioner Reed's stated if they're not building the playground what are they doing?

Staff stated this application is just to allow the Parks Department to approve the site changes in the future.

Applicant's Comments:

The applicant stated this proposal was planned six years ago and he has been with the Parks Department since 2001 and have had to come in front of TMAPC only once. The applicant stated the Parks Department is not planning to install a playground in the Park at this time. The applicant stated they have to get a Board of Adjustment approval "per conceptual plan" versus per site plan required in a PUD. In the future if the Parks Department wants to put in benches or a new shelter or do something at Mitchell Park, the Parks Department wants to be able to do that and eliminate this step along the way.

TMAPC Action; 7 members present:

On **MOTION** of **REEDS**, TMAPC voted **7-0-0** (Covey, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Doctor, Fothergill, Kimbrel, Ray, "absent") to **APPROVE** the PUD-190-A-39 Minor Amendment per staff recommendation.

Legal Description of PUD-190-A-39:

Lot 2, Block 3 Minshall Park II

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- 5. **Z-7480 Charles Higgins** (CD 1) Location: Northwest corner of West King Street and North Main Street requesting rezoning from **RS-4 to RS-5**

STAFF RECOMMENDATION:

SECTION I: Z-7480

DEVELOPMENT CONCEPT:

This site is adjacent to the new Emerson Elementary. The planned duplex is providing an affordable residential option for families. The existing lot is below the minimum lot area for a parcel in an RS-4 district. Rezoning to RS-5 will bring the lot into conformance with the Tulsa Zoning Code.

DETAILED STAFF RECOMMENDATION:

Z-7480 requesting RS-5 zoning is consistent with the Existing Neighborhood land use designation in the Tulsa Comprehensive Plan and,

RS-5 zoning is consistent with the lot pattern in the area and,

Building types allowed in RS-5 zoning include detached homes, cottage homes, townhomes, and duplex buildings. The buildings in this area are eclectic and do not have a distinctive architectural style. The Unity Heritage/Greenwood Neighborhoods Plan encourages density and a mix of quality residential options in this area therefore,

Staff recommends Approval of Z-7480 to rezone property from RS-4 to RS-5.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: RS-5 zoning allows building types that are consistent with the expected development in this area and lot sizes that are consistent with the existing lot pattern.

Land Use Vision:

Land Use Plan map designation: Existing Neighborhood

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

Areas of Stability and Growth designation: Area of Stability

The Areas of Stability includes approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept

of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

Transportation Vision:

Major Street and Highway Plan: None

Trail System Master Plan Considerations: None

Small Area Plan: **Unity Heritage/Greenwood Neighborhoods Plan** was effective in April 2014. The executive summary, which was the basis of this staff report, is labeled as the Greenwood Heritage Neighborhood Plan.

The relevant goals of the sector plan for residential use are:

1) **Enhance the desirability of all neighborhoods in the planning area:**

While the conditions throughout the area vary greatly, all citizens should be provided with a common baseline standard for housing and infrastructure.

2) **Preserve and stabilize the areas healthy neighborhoods:** Many neighborhoods in the Greenwood Heritage area include well maintained housing, attractive streets, and on-going investment. It is critical that these areas maintain their momentum and continue to capitalize on the central location and unique character that define North Tulsa.

3) **Transform and revitalize neighborhoods most impacted by vacancy or poor maintenance**

Special District Considerations: Healthy Neighborhood Overlay

This site is included in the Healthy Neighborhood Overlay. The overlay requires spacing for small box discount stores and does not affect residential development decisions.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The lot is empty and does not meet the minimum lot width or lot area standards for RS-3 properties.*

*STREET VIEW SNIPPET: (See next page)
View from Main street looking west*



Environmental Considerations: None that would affect site redevelopment

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North Main Street	Residential Collector	60 feet	2 plus on street parking on both sides

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-4	Existing Neighborhood	Stability	Detached Home
East	RS-4	Existing Neighborhood	Stability	Emerson Elementary

South	RS-4	Existing Neighborhood	Stability	Detached Home
West	RS-4 with Brady Heights HP designation	Existing Neighborhood	Stability	Detached Home

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11918 dated September 1, 1970 established RM-2 zoning for the subject property.

Subject Property:

SA-3 April 2018: Healthy Neighborhoods Overlay **approved** by City Council, including subject property.

Z-6373 October 1992: All concurred in **approval** of a request for rezoning a 195± acre tract of land from RM-2 to RS-4, initiated by City Council due to the area remaining predominately single-family residential (96% of land use), on property located north of the northeast corner of East Latimer Street and North Main Street on the subject property as part of a larger blanket rezoning study.

Surrounding Property:

BOA-22489 August 2018: The Board of Adjustment **approved** a *variance* to permit a reduced building street setback from 20 feet to 5 feet in an RS-5 District, on property located at the Northeast corner of East Latimer Street and North Boston Avenue.

Z-7427 December 2017: All concurred in **approval** of a request for *rezoning* a tract of land from RM-3/CS/PUD-786 to MX1-U-45 on property located at the Northeast corner of East Latimer Street and North Main Street.

Z-7426/PUD-786-A December 2017: All concurred in **approval** of a request for *rezoning* a tract of land from RM-3/CS/PUD-786 to RS-5 and a proposed *Major Amendment* to PUD-786 on a tract of land for a plat waiver on property located at the Northeast corner of East Latimer Street and North Main Street.

Z-7179 September 2011: All concurred in **approval** of a request for rezoning a 2.32± acre tract of land from RS-3/CS to RM-3/CS on property located north and east of the northeast corner of East Latimer Street and North Main Street on the subject property.

Z-7178 September 2011: All concurred in **approval** of a request for rezoning a .315± acre tract of land from RS-4 to RM-3/CS on property located north of the

northeast corner of East Latimer Street and North Main Street on the subject property.

There was no applicant present.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **McArtor**, TMAPC voted **7-0-0** (Covey, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Doctor, Fothergill, Kimbrel, Ray, “absent”) to recommend **APPROVAL** of the RS-5 zoning for Z-7480 per staff recommendation.

Legal Description of Z-7480:

LT 4 BLK 16, BURGESS HILL ADDN, City of Tulsa, Tulsa County, State of Oklahoma

6. **Z-7481 Dana Fitzgerald** (CD 5) Location: East of the northeast corner of East 31st Street South and South Mingo Road requesting rezoning from **OM to CS**

STAFF RECOMMENDATION:

SECTION I: Z-7481

DEVELOPMENT CONCEPT:

Rezoning is requested to allow commercial uses similar to surrounding properties.

DETAILED STAFF RECOMMENDATION:

Z-7481 requesting CS zoning is consistent with the Town Center land use designation in the Tulsa Comprehensive Plan and,

Uses allowed in a CS zoning districts are consistent with the expected development in the areas east, south and west of the properties and,

Uses allowed in a CS district are considered non-injurious to the proximate properties therefore,

Staff recommends Approval of Z-7481 to rezone property from OM to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The requested CS zoning is consistent with the Town Center vision of the Tulsa Comprehensive Plan

Land Use Vision:

Land Use Plan map designation: Town Center

Town Centers are medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

Areas of Stability and Growth designation: Area of Growth

The purpose of 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 Corridor

Multi-modal streets emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located in high intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and

bicyclists because of landscaped medians and tree lawns. Multi-modal streets can have on-street parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses. Transit dedicated lanes, bicycle lanes, landscaping and sidewalk width are higher priorities than the number of travel lanes on this type of street. To complete the street, frontages are required that address the street and provide comfortable and safe refuge for pedestrians while accommodating vehicles with efficient circulation and consolidated-shared parking.

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

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The existing site is occupied by office buildings.

STREET VIEW SNIPPET FROM 31st looking north (See next page)



Environmental Considerations: None except the north boundary is defined by a large drainage channel. Any redevelopment should be aware of any flood concerns.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 31 st Street South	Secondary Arterial with Multi Modal Corridor	100 feet	4 lanes

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North (across creek channel)	RS-3 (CPD-21)	Existing Neighborhood	Stability	Single Family Residential
East	CS	Town Center	Growth	Office
South (across 31 st Street)	CS	Town Center	Growth	Retail and restaurant
West	CS	Town Center	Growth	Office

SECTION III: Relevant Zoning History

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

Subject Property:

BOA-16703 July 1994: The Board of Adjustment **approved** a *variance* of the maximum display surface area for a sign and a *variance* of the number of signs permitted, subject to conditions, located on subject property.

BOA-7282 January 1972: The Board of Adjustment **approved** a *variance* to waive the sign requirements to permit two 90 sq. ft. wall signs as per drawing in an OM District, located on subject property.

Surrounding Property:

BOA-19811 April 2004: The Board of Adjustment **approved** a *special exception* to permit an auto car wash in a CS district, on property located East of the Southeast corner of East 31st Street South and South Mingo Road.

BOA-19753 January 2004: The Board of Adjustment **approved** a *special exception* to allow a transmission repair shop and a variance of a condition of BOA 13112 that does not allow a metal building to expand the existing building with an additional metal building, on property located East of the Southeast corner of East 31st Street South and South Mingo Road.

BOA-18819 July 2000: The Board of Adjustment **approved** a *variance* of the 150-foot street frontage requirements with conditions, on property located at the Northeast corner of East 31st Street South and South Mingo Road.

BOA-16060 June 1992: The Board of Adjustment **approved** a *special exception* to permit auto sales in a CS district, on property located East of the South east corner of East 31st Street South and South Mingo Road.

BOA-14352 January 1987: The Board of Adjustment **approved** a *variance* of signage measurements and illumination subject to conditions, on property located at the Southeast corner of East 31st Street South and South Mingo Road.

BOA-12517 April 1983: The Board of Adjustment **approved** a *special exception* to permit Use Unit 15 (Other Trades and Services) and to delete Use Unit 17 (Automotive and Allied Activities) request; a *special exception* to remove the screening requirement from the abutting R District, on property located East of the Northeast corner of East 31st Street South and South Mingo Road.

BOA-9907 April 1978: The Board of Adjustment **approved** a *special exception* to permit a car wash, on property located East of the Northeast corner of East 31st Street South and South Mingo Road.

The applicant indicated her agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **McARTOR**, TMAPC voted **7-0-0** (Covey, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Doctor, Fothergill, Kimbrel, Ray, "absent") to recommend **APPROVAL** of the CS zoning for Z-7481 per staff recommendation.

Legal Description of Z-7481:

E3 LT 5 BLK 1 & LT 1 LESS E237.75 THEREOF BLK 2, LONGVIEW LAKE ESTATES CTR ADDN AMD, LONGVIEW LAKE ESTATES B1-14, City of Tulsa, Tulsa County, State of Oklahoma

7. **Z-7482 Lou Reynolds** (CD 4) Location: South of the southeast corner of West 15th Street South and South Denver Avenue requesting rezoning from RM-2 to OL

STAFF RECOMMENDATION:
SECTION I: Z-7482

DEVELOPMENT CONCEPT: The existing building originally constructed as a home is currently zoned RM-2. The request for OL zoning will permit light office uses similar to many other structures along Denver between 15th and Riverside Drive.

DETAILED STAFF RECOMMENDATION:

Z-7482 request OL zoning and is consistent with the Downtown Neighborhood land use designation in the Tulsa Comprehensive Plan and,

Uses allowed in an OL zoning district are considered non-injurious to the surrounding property owners and,

OL zoning is consistent with the expected development pattern in the area therefore,

Staff recommends Approval of Z-7482 to rezone property from RM-2 to OL.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The request for OL zoning is consistent with the Downtown Neighborhood land use designation.

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: South Denver Avenue is considered an Urban Arterial. No additional designation is shown on the plan.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: Existing two-story residence.

Environmental Considerations: None that would affect site redevelopment

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
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South Denver Avenue	Urban Arterial	70 feet	4 lane
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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	OL	Downtown Neighborhood	Growth	Light Office
East	RM-2	Downtown Neighborhood	Growth	Surface Parking lot
South	OL	Downtown Neighborhood	Growth	Light Office
West	OL	Downtown Neighborhood	Growth	Light Office

SECTION III: Relevant Zoning History

History: Z-7482

ZONING ORDINANCE: Ordinance number 11814 dated June 26, 1970 established zoning for the subject property.

Subject Property:

No relevant history.

Surrounding Property:

BOA-19972 January 2005: The Board of Adjustment voted to **uphold** the *appeal* of Administrative Officials determination of requirements for off-site parking, on property located at the Southeast corner of West 15th Street South and South Denver Avenue.

Z-6311 July 1991: All concurred in **approval** of a request for *rezoning* a tract of land from CH and OL to CS on property located at the Northeast corner of South Denver Avenue and West 15th Street. (Ordinance 17530)

Z-6074 October 1985: All concurred in **approval** of a request for *rezoning* a tract of land from RM-2 to OL on property located at the Northwest corner of South Denver Avenue and West 16th Street. (Ordinance 16464)

BOA-13793 October 1985: The Board of Adjustment **approved** a *special exception* to allow parking in an RM-2 district and a variance to allow off-site parking located on the subject tract, on property located at the Southeast corner of West 15th Street South and South Denver Avenue.

BOA-13617 June 1985: The Board of Adjustment **approved** a *special exception* to allow a barber and beauty shop in an OL zoned district; and **approved** a *variance* to allow off-street parking on a lot other than the principal lot subject to conditions on property located at the Southeast corner of West 15th Street South and South Denver Avenue.

BOA-13120 May 1984: The Board of Adjustment **approved** a *special exception* to modify the screening requirement to allow screening the parking lot only, on property located South of the Southwest corner of West 15th Street South and South Carson Avenue.

Z-5746 November 1982: All concurred in **approval** of a request for *rezoning* a tract of land from RM-2 to OL on property located South of the Southwest corner of South Denver Avenue and West 15th Street. (Ordinance 15514)

Z-5476 February 1981: All concurred in **approval** of a request for *rezoning* a tract of land from RM-2 to OL on property located at the Southeast corner of South Denver Avenue and West 15th Street. (Ordinance 14965)

Z-5439 October 1980: All concurred in **approval** of a request for *rezoning* a tract of land from RM-2 to OL on property located at the Northeast corner of South Denver Avenue and West 16th Street. (Ordinance 14873)

Z-5408 July 1980: All concurred in **approval** of a request for *rezoning* a tract of land from RM-2 to OL on property located at the Southeast corner of West 15th Street South and South Denver Avenue. (Ordinance 14800)

Z-5407 July 1980: All concurred in **approval** of a request for *rezoning* a tract of land from RM-2 to OL on property located at the Northeast corner of South Denver Avenue and West 16th Street. (Ordinance 14801)

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **McArtor**, TMAPC voted **7-0-0** (Covey, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Doctor, Fothergill, Kimbrel, Ray, "absent") to recommend **APPROVAL** of the OL zoning for Z-7482 per staff recommendation.

Legal Description of Z-7482:

LT 15 BK 3, STONEBRAKER HGTS ADDN, City of Tulsa, Tulsa County, State of Oklahoma

- 8. **Z-7483 Malek Elkhoury** (CD 2) Location: Northeast corner of East 75th Street South and South Lewis Avenue requesting rezoning from **RS-1 to OL**

STAFF RECOMMENDATION:

SECTION I: Z-7483

DEVELOPMENT CONCEPT:

DETAILED STAFF RECOMMENDATION:

The subject tract is designated as a Neighborhood Center by the Tulsa Comprehensive Plan. OL zoning would permit small-scale offices, studios, and services. Building heights in OL zoning are limited to 35 feet which mirrors the allowable building height within the surrounding residential zoning areas. Adjacent residential properties are higher density non-traditional single-family uses such as condominiums and duplexes. The vacant property west of this site is zoned RD with two separate Planned Unit Developments that permit different uses. The southern half of the property would permit additional duplexes while the northern half of the property has been approved for additional office uses in conjunction with the existing office complex located on South Lewis Avenue.

The proposed OL zoning is consistent with the land use vision in the comprehensive plan.

Staff recommends approval of Z-7483 to rezone property from RS-1 to OL.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: OL zoning is consistent with the Neighborhood Center land-use designation and compatible with the surrounding uses.

Land Use Vision:

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

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.

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.

Transportation Vision:

Major Street and Highway Plan: East 75th Street is designated as a residential collector street. Typical residential collector streets require a 60' right-of-way dedication; however, East 75th Street has been dedicated at 80' which is the standard for commercial collector streets.

Trail System Master Plan Considerations: None.

Small Area Plan: None

Special District Considerations: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: There is one existing single-family residence on the 2+ acre subject tract. The remainder of the 2 acres is vacant and undeveloped.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 75 th Street South	Residential Collector	60'	2 lanes with 80' of existing right-of-way

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/PUD-124	Existing Neighborhood	Stability	Gated condominiums
South	RS-1	Regional Center	Growth	Single-family residential
East	RS-3/PUD-182	Existing Neighborhood	Stability	Gated duplex community
West	RD/PUD-293/PUD-293-A/PUD-329-A	Neighborhood Center	Growth	Undeveloped, Office uses permitted at north end of property, duplexes allowed on south end

SECTION III: Relevant Zoning History

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

Subject Property:

No relevant history.

Surrounding Property:

PUD-293-A February 2013: All concurred in **approval** of a proposed *Major Amendment* to abandon Tract B of PUD-293 and combine it with PUD-329-A per staff recommendation on property located at the Northeast corner of South Lewis Avenue and East 75th Street South.

PUD-329-A February 2013: All concurred in **approval** of a proposed *Major Amendment* to combine properties and expand boundaries of PUD-329 for uses allowed by right in the OM District with conditions, on property located north of the northeast corner of East 75th Street and South Lewis Avenue.

Z-7069 September 2007: All concurred in **approval** of a request for *rezoning* a .81± acre tract of land from OM to OL for office use and to enable splitting of a portion of the site for development, on property located at the Southeast corner of East 73rd Street and South Lewis Avenue.

BOA-20278 June 2006: The Board of Adjustment **denied** a *variance* of the required 100 feet of frontage on an arterial street in the OM district to 75 feet, on

property located South of the Southeast corner of East 71st Street South and South Lewis Avenue.

BOA-17705 May 1997: The Board of Adjustment **approved** a *variance* of average lot width in an RS-1 district from 100 feet to 81 feet to allow a lot split, on property located at East of the Southeast corner of South Lewis Avenue and East 75th Street South.

Z-5805/PUD-329 September 1983: All concurred in **approval** of a request to rezone a 1.5± acre tract from RS-1 to OM with a PUD for office development, located north of the northeast corner of East 75th Street and South Lewis Avenue.

Z-5672/PUD-293 November 1982: All concurred in **approval** of a proposed *Planned Unit Development* on a tract of land for a townhouse apartment complex use with RD zoning, on property located at the Northeast corner of South Lewis Avenue and East 75th Street South.

BOA-9197 November 1976: The Board of Adjustment **approved** a *special exception* to permit the use of the property for university purposes, subject to conditions, on property located at East of the Southeast corner of South Lewis Avenue and East 75th Street South.

Z-4845/PUD-182 February 1976: All concurred in **approval** for *rezoning* a tract of land from RS-1 to RS-3 for a proposed *Planned Unit Development* on a tract of land for 12 duplexes, on property located East of the Northeast corner of East 75th street South and South Lewis Avenue.

Z-4248/PUD-124 August 1972: All concurred in **approval** for *rezoning* a tract of land from CS to RS-3 for a proposed *Planned Unit Development* on a 19± acre tract of land for 85 one-story development of attached patio home units, with conditions, on property located South of the Southeast corner of East 71st Street and South Lewis Avenue.

The applicant indicated his agreement with staff's recommendation.

INTERESTED PARTIES:

Martha Thomas PO Box 52385 Tulsa, OK 74152

Ms. Thomas stated she is 45-year real estate broker here in the city and has a contingent offer on something in the neighborhood. Ms. Thomas stated her concern is once office use has started it will continue further into the residential area because its already 3 properties deep. Ms. Thomas stated she is positive the applicant would build something that looks a little bit better than the torn down house currently there. Ms. Thomas stated her objection concerns the gated community just down the street that has about 20 residents. Ms. Thomas stated

she thinks it would really affect those properties and other properties because the precedent has been set so what keeps the next person from doing the same thing and encroaching on the neighborhood.

Commissioner Reed asked Ms. Thomas if she thought this proposal would have an effect on the Esplanade subdivision property values?

Ms. Thomas stated she didn't think it would affect the Esplanade property values but thinks it could affect the traffic in that area.

Applicant's Comments:

The applicant stated the subject property is an existing home that is going to be utilized as an office. The owner is an accountant and he's not going to build any new buildings but will add some parking space to meet the code requirements

TMAPC COMMENTS:

Mr. Covey stated he believes what would keep this zoning from encroaching on the neighborhood is the Land Use designation "Neighborhood Center" ends at the subject property and everything east is designated as "Existing Neighborhood".

TMAPC Action; 7 members present:

On **MOTION** of **McArtor**, TMAPC voted **7-0-0** (Covey, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Doctor, Fothergill, Kimbrel, Ray, "absent") to recommend **APPROVAL** of the OL zoning for Z-7483 per staff recommendation.

Legal Description of Z-7483:

LT 2 & S30 VAC STREET ADJ ON N BLK 1, SOUTH LEWIS PLAZA AMENDED RESUB PRT LT 1 BLK 1 SOUTH LEWIS PLAZA & ALL LT 1 BLK 1 SOUTHERN HILLLS ESTATES, SOUTHERN HILLS ESTATES RESUB B1-3 LA VELLE HGTS, City of Tulsa, Tulsa County, State of Oklahoma

9. **Z-7484 Malek Elkhoury** (CD 5) Location: East of the northeast corner of South 89th East Avenue and East 21st Street South requesting rezoning from **RS-1 to OL**

STAFF RECOMMENDATION:

SECTION I: Z-7484

DEVELOPMENT CONCEPT:

DETAILED STAFF RECOMMENDATION:

The subject tract is located within a functioning mixed-use corridor with a range of commercial, office, industry, and residential uses. The subject tract is adjacent to East 21st Street South, a primary arterial, and immediately adjacent to additional OL zoned property to the east. The property to the immediate west houses a power substation maintained by PSO.

Rezoning from RS-1 to OL is consistent with the land use vision for Mixed-use Corridors in the Tulsa Comprehensive Plan.

Staff recommends approval of Z-7483 to rezone property from RS-1 to OL.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: OL zoning is consistent with the Mixed-Use Corridor designation by the Tulsa Comprehensive Plan and would be compatible with surrounding properties.

Land Use Vision:

Land Use Plan map designation: **Mixed-Use Corridor**

Mixed-Use Corridors are Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

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.

Transportation Vision:

Major Street and Highway Plan:

Trail System Master Plan Considerations: South 89th East Avenue is designated as a signed bike route by the Tulsa GO Plan. New developments should consider the installation of bike racks and other amenities for those choosing to utilize the signed bike route.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The subject property is totally vacant and undeveloped. There are existing sidewalks on both East 21st Street and South 89th East Avenue.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 21 st Street South	Primary Arterial	120'	4
South 89 th East Avenue	Residential Collector	60'	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	Existing Neighborhood	Stability	Residential
South	CS/PUD-550	Employment	Growth	Office/Industry
East	OL	Mixed-use Corridor	Growth	Credit Union & Parking
West	RS-3	Mixed-use Corridor	Growth	PSO Station

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11816 dated June 26, 1970 established zoning for the subject property.

Subject Property:

No Relevant History.

Surrounding Property:

Z-6689/PUD-439-A May 1999: All concurred in **approval** of a proposed *Major Amendment* to PUD-439 to permit the addition of a 2.33 acre tract to the west of existing PUD-439, subject to conditions, and **approval** of a request for *rezoning* a tract of land from OL an RS-1 to CS zoning on property located at the Northwest corner of East 21st Street South and South 89th East Avenue.

Z-6559/PUD-550 December 1996: All concurred in **approval** of a request for *rezoning* a 59.4± acre tract of land from RS-3 and OL to CS/IL/PUD for a mixed use development that would also accommodate a post office distribution center, on property located at the Southwest corner of East 21st Street and South 91st East Avenue. (Ordinance 1884)

BOA-16799 September 1994: The Board of Adjustment **approved** a *variance* of the required frontage on an arterial street to permit a lot split, subject to conditions, on property located at the Northeast corner of East 21st Street South and South 93rd East Avenue.

Z-6446 June 1994: All concurred in **approval** of a request for *rezoning* a tract of land from RD and RM-1 to OL on property located at the Northeast corner of East 21st Street South and South 93rd East Avenue. (Ordinance 18241)

Z-6203/PUD-439 November 1988: All concurred in **approval** of a request for *rezoning* a 2.39± acre tract of land from OL to CS/PUD for office and small product fabrication, processing and repair, on property located at the Northeast corner of East 21st Street South and South 89th East Avenue.

Z-4863 April 1976: All concurred in **approval** of a request for *rezoning* a tract of land from AG to OM on property located at the Northeast corner of East 21st Street South and South 93rd East Avenue. (Ordinance 13602)

Z-4689 August 1974: All concurred in **approval** of a request for *rezoning* a tract of land from RS-3 to OL on property located at the Southwest corner of East 21st Street and South 91st East Avenue. (Ordinance 13258)

Z-4577 January 1974: All concurred in **approval** of a request for *rezoning* a tract of land from OL to RD on property located at the Northeast corner of East 21st Street South and South 93rd East Avenue. (Ordinance 13062)

BOA-6467 October 1969: The Board of Adjustment **approved** a *special exception* to permit operating a day nursery in a church building and maintaining a 4' x 4' sign in a U-1C district, on property located at the Southwest corner of East 21st Street South and South 92nd East Avenue.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **WALKER**, TMAPC voted **7-0-0** (Covey, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Doctor, Fothergill, Kimbrel, Ray, "absent") to recommend **APPROVAL** of the OL zoning for Z-7484 per staff recommendation.

Legal Description of Z-7484:

The North 310 feet of the South 360 feet of the West 290 feet of the Southeast Quarter (SE/4) of the Southwest Quarter (SW/4) of the Southeast Quarter (SE/4) of Section 12, Township 19 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey Thereof; LESS & EXCEPT the south 10 feet for street right-of-way

OTHER BUSINESS

10. Commissioners' Comments

None

ADJOURN

TMAPC Action; 7 members present:

On **MOTION** of **WALKER**, TMAPC voted **7-0-0** (Covey, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Doctor, Fothergill, Kimbrel, Ray, "absent") to **ADJOURN** TMAPC meeting June 5, 2019 Meeting No. 2795.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 2:05 p.m.

Date Approved:

06-19-2019


Chairman

ATTEST:

John H. Howard (SECRETARY)
Secretary