

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2808

Wednesday, December 18, 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	Ray	Davis	Jordan, COT
Doctor		Foster	Silman, COT
Fothergill		Hoyt	VanValkenburgh, Legal
Kimbrel		Miller	
McArtor		Sawyer	
Reeds		Wilkerson	
Ritchey		Wertin	
Shivel			
Van Cleave			
Walker			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday December 12, 2019 at 2:50 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:

Mr. Covey stated he has been informed that this meeting will be Mr. Fothergill's last meeting and he is going to be replaced by Michael Craddock. Mr. Covey announced that the first meeting in January there will be officer elections if anyone is interested in serving.

Director's Report:

Ms. Miller reported on City Council and Board of County Commissioner actions and other special projects. Ms. Miller stated the Renaissance neighborhood has approached Nathan about a possible overlay for their neighborhood. She stated this was brought about by the driveway discussion. Ms. Miller stated instead of initiating an overlay for their neighborhood specifically, there is talk about first having Council initiate a neighborhood character overlay template that could create this foundation and then once that is created, staff could start working with the neighborhood. Ms. Miller introduced Jani Wertin who is a new Planner in the Tulsa Planning Office.

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Minutes:

1. Approval of the minutes of November 6, 2019 Meeting No. 2805

On **MOTION** of **REEDS**, the TMAPC voted 10-0-0 (Covey, Doctor, Fothergill, Kimbrel, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Ray, “absent”) to **APPROVE** the minutes of the meeting of November 6, 2019, Meeting No. 2805.

CONSENT AGENDA

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

NONE

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

PUBLIC HEARINGS:

- 2. Z-7515 GC Real Estate (CD 1) Location: Multiple parcels south and west of the southwest corner of East Latimer Place and North Peoria Avenue requesting rezoning from **IL, RM-1 and IM to CH with an optional development plan** to support a Mixed-Use development (Continued from December 4, 2019)(Applicant has requested a continuance to January 22, 2020)**

TMAPC Action; 10 members present:

On **MOTION** of **REEDS**, TMAPC voted 10-0-0 (Covey, Doctor, Fothergill, Kimbrel, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Ray, “absent”) to **CONTINUE** Item 2 to January 22, 2020.

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3. **SR-1** Amend the Tulsa Metropolitan Area Subdivision and Development Regulations to align with the recently approved City of Tulsa Sidewalk Ordinance

STAFF RECOMMENDATION:

Item

SR-1 – Amendment to the Subdivision and Development Regulations to align with the recently approved City of Tulsa Sidewalk Ordinance

Background

The City of Tulsa adopted new Subdivisions and Development Regulations in May of 2018. The intent of this update was to align the City’s regulatory policy with the goals and objectives of the Tulsa Comprehensive Plan.

Historically, sidewalks were only required to be installed by a developer if the project was going through a subdivision plat process. As a part of the updated regulations, the sidewalk requirements of the Subdivision & Development Regulations were applied to all properties seeking permits for new construction through an associated zoning code amendment. The result is a requirement for sidewalk installation on the following street classifications:

1. Arterials designated by the Major Street & Highway Plan
2. Collectors designated by the Major Street & Highway Plan
3. Residential streets with curb & gutter

By applying this standard, all residential infill construction is required to install sidewalks if the neighborhood has curb and gutter. This creates a situation where individual lots within existing subdivisions are required to install a sidewalk when no other sidewalks exist within the area. If property owners wish to seek relief of the sidewalk requirement, they are subjected to the modification procedures of the Subdivision & Development Regulations. Over the past year, 19 requests for modification have been approved and have fully removed the requirement for sidewalks from properties being developed.

In order to capture the resources for sidewalks without requiring sidewalks in areas where they are considered impractical, City staff has prepared a new ordinance for sidewalks that would allow property owners in non-critical areas to pay a fee-in-lieu of the sidewalk requirement. Those funds would be collected by the City and then allocated within specified areas to priority sidewalk projects.

Additionally, the newly proposed ordinance would relocate the existing sidewalk requirements currently found in the Subdivision & Development Regulations and Tulsa Zoning Code to a stand-alone ordinance that defines both requirements and relief for sidewalks within the City of Tulsa. Sidewalk requirements for Tulsa County would remain in the Subdivision & Development Regulations.

Staff presented these amendments to the Planning Commission at the November 20, 2019 TMAPC meeting. The proposed amendments remove the currently listed sidewalk requirements for the City of Tulsa and provides a reference to the new Sidewalk Ordinance approved by City Council on December 11, 2019. The Sidewalk Ordinance should take effect by mid-January, 2020.

Staff Recommendation

Approve amendments to the Subdivision & Development Regulations as shown on Attachment I

TMAPC Comments:

Mr. McArtor asked staff if Planning Commission votes to amend the regulations how does that impact item number 5 on the agenda.

Staff stated the amendments to the Subdivision & Development Regulations will not be effective until the date that the new ordinance is effective. So as of right now Planning Commission will still operate under the non-amended language of the Subdivision Regulations and January 14 is the date when the new ordinance will come into effect.

Mr. McArtor asked if we vote to amend the Subdivision Regulations and approve SR-1 the old Subdivision Regulations would still be in effect as we consider item 5.

Staff stated, "that's correct".

Mr. Shivel stated he is delighted to see this finally resolved. This was a contentious item when he started on the commission in 2006.

Mr. Doctor thanked Mr. Foster on the incredible amount of work that he put into this to resolve such a systemic change from a policy perspective.

Mr. Foster stated he had a lot of help. He stated City Legal was highly involved as well as Streets and Stormwater, Engineering Services and the Mayor's Office. Mr. Foster stated there was a lot of communication between us to develop what we think is going to be a good solution.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **REEDS**, TMAPC voted **10-0-0** (Covey, Doctor, Fothergill, Kimbrel, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Ray, “absent”) to **APPROVE** SR-1 as shown in Attachment 1 to the staff report to amend the Tulsa Metropolitan Area Subdivision and Development Regulations to align with the recently approved City of Tulsa Sidewalk Ordinance per staff recommendation.

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4. **Coyote Crossing** (County) Minor Subdivision Plat and Modification to the Subdivision & Development Regulations to permit flag lots, Location: East of the southeast corner of East 161st Street South and South Lewis Avenue

STAFF RECOMMENDATION:

Coyote Crossing - (County)

East of the southeast corner of East 161st Street South and South Lewis Avenue

This plat consists of 7 lots, 1 block on 46.95 ± acres.

The Technical Advisory Committee (TAC) met on December 5, 2019 and provided the following conditions:

1. **Zoning:** Proposed lots conform to the requirements of the AG-R district in the Tulsa County Zoning code. Newly approved AG-R zoning must be effective prior to endorsement and filing of plat.
2. **Addressing:** Addresses provided by INCOG must be shown on face of the plat.
3. **Transportation & Traffic:** Due to the flag lot configuration, shared access points are required to limit direct access to the public right-of-way.
4. **Sewer/Water:** On-site sewage disposal. Water service to be provided by Creek County Rural Water District #2. Any improvements to existing water lines must be approved through the RWD.
5. **Stormwater, Drainage, & Floodplain:** Approved as submitted.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All release letters have been received. Oil & Gas certificate was submitted.

Modification of Subdivision Regulations:

1. Modification to allow the use of flag lots within the proposed subdivision

Staff recommends **APPROVAL** of the minor subdivision plat and the modification to the Subdivision & Development Regulations subject to the conditions provided by TAC and the requirements of the Subdivisions Regulations.

All conditions of the Tulsa County Engineer must be met and a final plat release must be provided prior to the endorsement and filing of the plat.

TMAPC Comments:

Ms. Kimbrel asked staff to explain any safety considerations in terms of allowing flag lots.

Staff stated a direct concern is how many driveways ultimately come out of a 30-foot strip. In a 50-foot lot with a 30-foot strip there are conflicts along an arterial street with driveways and curb cuts on to that arterial. He stated the County as well as the Planning Office has been trying to constrain those access points even in a situation where there are multiple users. Staff stated those safety concerns would be typical in this situation but in a more urban scenario, flag lots can also become a pretty big conflict with pedestrian ways as driveways come across the sidewalk.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **McARTOR**, TMAPC voted **10-0-0** (Covey, Doctor, Fothergill, Kimbrel, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Ray, "absent") to **APPROVE** the Minor Subdivision Plat and the modification to the Subdivision & Development Regulations for Coyote Crossing per staff recommendation.

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5. **MR-23** (CD 9) Modification to the Subdivision & Development Regulations to remove the sidewalk requirement for a new single-family residence, Location: North of the northwest corner of East 38th Street South and South Victor Avenue

STAFF RECOMMENDATION:

MR-23 – 3724 S. Victor Ave. - (CD 9)

North of the northwest corner of East 38th Street South and South Victor Avenue

Lot 6 Block 16, Highland Park Estates Amended

The applicant has requested that the Planning Commission remove the requirement that the property owner construct a sidewalk as part of the

construction of a new home. The newly adopted Subdivision and Development Regulations require sidewalks to be constructed on any new development requiring both new construction building permits and a certificate of occupancy.

In reviewing requests for modifications of the sidewalk requirements, staff evaluates whether the property falls within areas where pedestrian demands are high or where sidewalk connections are likely to be made in the future. The following areas have been deemed critical sidewalk areas:

1. Properties abutting streets designated as arterial streets, parkways, scenic drives, commercial/industrial streets, or collector streets in the Tulsa Metropolitan Area Major Street and Highway Plan.
2. Properties within 528 feet (1/10 of a mile) of the following pedestrian generators:
 - a. Schools, whether public or private, providing compulsory education;
 - b. Public parks;
 - c. Public transit stops;
 - d. Public libraries;
 - e. Religious assemblies;
3. Properties within 528 feet (1/10 of a mile) of existing sidewalks.
4. New subdivisions or replats of existing subdivisions.

The subject property is located outside all areas deemed critical sidewalk areas.

Staff recommends **approval** of the modification of the Subdivision and Development Regulations to remove the requirement for sidewalk construction on this property.

TMAPC Comments:

Ms. Kimbrel asked if there would be any benefit to continuing this so it could fall under the new regulations.

Staff stated it would be a benefit to the City for the applicant to pay a fee in lieu but the applicant may argue that he has filed his application and met the deadlines to have it heard today.

The applicant stated he was opposed to continuing because he has met the deadline to have it heard today.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **SHIVEL**, the TMAPC voted **8-2-0** (Covey, Doctor, Fothergill, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; Kimbrel, McArtor, “nays”; none “abstaining”; Ray, “absent”) to **APPROVE** MR-23 Modification of the Subdivision and Development Regulations to remove sidewalk requirement per staff recommendation.

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Mr. Doctor left at 1:54 PM.

Mr. Fothergill left at 1:55 PM and returned at 1:57 PM.

Items 6 and 7 were presented together

6. **CPA-84 Felix Ruiz** (CD 6) Location: East of the southeast corner of East 11th Street South and South 177th East Avenue requesting to amend the Land Use Map designation from “Employment” to “New Neighborhood”. **(related to Z-7518)**

STAFF RECOMMENDATION:

**CPA-84
Comprehensive Plan Amendment**

Property Information and Land use Request

The applicant has submitted this proposed Comprehensive Plan amendment (CPA-84) and a concurrent rezoning application (Z-7518) to request a change in the Land Use designation from *Employment* to *New Neighborhood*, as well as rezone from IL to AG to permit the building of a single-family residence on a 13.66± acre property, located east of the southeast corner of East 11th Street South & South 177th East Avenue.

Background

The Land Use and Area of Stability or Growth designations for the subject property were made in 2010 with the adoption of the 2010 Tulsa Comprehensive Plan. At this time, the subject property was assigned a Land Use designation of *New Neighborhood* and an Area of Stability or Growth designation of *Area of Growth*. As this property does not fall within a small area plan which would offer additional guidance through land use recommendations, the 2010 Tulsa Comprehensive Plan solely provides guidance regarding land use for this area.

In October of 2014, the land use designation for the subject property was changed from *New Neighborhood* to *Employment* via CPA-27. This comprehensive plan amendment was initiated after a request to rezone the subject property from AG to IL (Z-7250) was recommended denial by both staff and the Planning Commission due to the incompatibility between the proposed

industrial use and the existing New Neighborhood Land Use designation. Following this meeting, the applicant continued conversations with TMAPC staff, City of Tulsa Planning staff, City Council staff, and adjacent property owners about other potential land use scenarios for the area. The applicant then appealed the TMAPC recommendation of denial to City Council. The City Council voted to approve the land use change to *Employment*, as well as the rezoning request to IL (Z-7250) for the site. Following these approvals, it was determined by the City of Tulsa Permit Center that the use proposed by the applicant was an IM use, not IL as originally thought, and would not be permitted by right in an IL district. The applicant then went before the Board of Adjustment to seek relief, requesting a Special Exception to permit a fabrication facility (Industrial/Moderate Manufacturing Industry) in an IL district, which was denied in March of 2016.

The current owner has requested to rezone the property back to AG (Z-7518) and change the Land Use designation back to *New Neighborhood* to allow the development of a single-family residence, which is not allowed in an IL district.

All surrounding properties are zoned AG with properties to the north, south, and east carrying a Land Use and Area of Growth or Stability designation of *New Neighborhood* and *Area of Growth*, with properties to the west carrying a Land Use and Area of Growth or Stability designation of *Employment* and *Area of Growth*.

Existing Land Use and Growth Designations (Tulsa Comprehensive Plan)

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

An *Employment* land use designation was approved for the area subject in CPA 27 in October of 2014:

“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.”

Proposed Land Use Designations (Tulsa Comprehensive Plan)

The applicant is proposing a *New Neighborhood* land use designation and to maintain the *Area of Growth* designation on the subject site.

“The New Neighborhoods Residential Building Block is comprised of a plan category by the same name. It is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity and shall be paired with an existing or new Neighborhood or Town Center.”

Zoning and Surrounding Uses:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG	<i>New Neighborhood</i>	<i>Area of Growth</i>	Commercial/ Single-family Residential
South	AG	<i>New Neighborhood</i>	<i>Area of Growth</i>	Agricultural
East	AG	<i>New Neighborhood</i>	<i>Area of Growth</i>	Vacant
West	AG	<i>Employment</i>	<i>Area of Growth</i>	Vacant/ Single-family Residential

Applicant’s Justification:

As part of the amendment application, the applicant is asked to justify their amendment request. Specifically, they are asked to provide a written justification to address:

1. How conditions on the subject site have changed, as well as those on adjacent properties and immediate area;
2. How changes have impacted the subject site to warrant the proposed amendment; and;
3. How the proposed change will enhance the surrounding area and the City of Tulsa.

The applicant provided the following justification as part of their application:

- The properties in the area have not seen any recent changes.
- Because there has been no change, and the proposed development is residential, this warrants a rezoning and comprehensive plan amendment.
- The property will be developed as originally intended and be in line with the surrounding properties.

Staff Summary & Recommendation

While the land use and zoning designation for the subject property was changed from *New Neighborhood* to *Employment* and AG to IL in October of 2014 via CPA-27 and Z-7520, the current owner has requested to change the land use designation and zoning of the subject property back to *New Neighborhood* and AG (Z-7518) to allow the development of a single-family residence, which is not currently permitted in an IL zoned district.

The subject property is a 13.66+ acre IL zoned lot and is currently vacant. The abutting properties are all zoned AG, with the abutting properties to the north containing a single-family residence and auto garage, abutting properties to the south containing an out building for animals and is being utilized for agricultural purposes, and properties to the east and west being largely vacant with one parcel to the east containing a single-family residence. This has not changed since 2014.

When CPA-27 was originally approved, it was thought that this area would experience increased interest and development as an employment center that would benefit the area. As the area has not changed since 2014 and not experienced non-residential growth as originally anticipated, the land use change may have been premature. Taking into consideration both the land use and zoning designations, as well as active uses of the properties surrounding the subject property, the request made by the Applicant to change the Land Use designation from *Employment* to *New Neighborhood* appears to be in-line with the current character of the area, as well as available infrastructure. As for the

rest of the properties assigned *Employment* as their Land Use designation through CPA-27, this area will be re-evaluated as part of the update to the Tulsa Comprehensive Plan.

Staff recommends **approval** of the *New Neighborhood* land use designation as submitted by the applicant.

TMAPC Comments:

Mr. McArtor asked if the Land Use Map had to be changed to change the zoning.

Staff stated “no”.

Ms. Kimbrel asked if staff could speak about the general conversation that they had with the applicant because she is concerned that an applicant may be advised that in order to get the zoning needed for their property, they would apply for a complete land use change.

Staff stated in this application that was a part of the conversation. He stated most of the time the land use and the zoning are done together.

Mr. Reeds asked if there was any discussion with the applicant to make the subject property AG-R.

Staff stated when this application was made AG-R was not an option it was still going through the process.

The applicant indicated her agreement with staff’s recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **McARTOR**, TMAPC voted **9-0-0** (Covey, Fothergill, Kimbrel, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Doctor, Ray, “absent”) to **ADOPT** CPA-84 as an amendment to the Tulsa Comprehensive Plan per staff recommendation.

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7. **Z-7518 Felix Ruiz** (CD 6) Location: East of the southeast corner of East 11th Street South and South 177th East Avenue requesting rezoning from IL to AG **(related to CPA-84)**

STAFF RECOMMENDATION:

SECTION I: Z-7518

DEVELOPMENT CONCEPT:

The applicant has submitted a request to rezone the property from IL to AG to permit the development of a single-family detached home.

DETAILED STAFF RECOMMENDATION:

Staff recommends Approval of Z-7518 to rezone property from IL to AG.

The land use and zoning designation for the subject property was changed from *New Neighborhood* to *Employment* and AG to IL in October of 2014 via CPA-27 and Z-7520. The developer was not able to develop the site as intended however the land use designation is still valid and,

The current owner has requested to change the land use designation and zoning of the subject property back to *New Neighborhood* and AG (Z-7518) to allow the development of a single-family residence which is not currently permitted in an IL zoned district and,

The subject property is a 13.66+ acre IL zoned lot and is vacant. The abutting properties are all zoned AG, with the abutting properties to the north containing a single-family residence and auto garage, abutting properties to the south containing an out-building for animals and is being utilized for agricultural purposes, and properties to the east and west being largely vacant with one parcel to the east containing a single-family residence. The surrounding property uses have not changed in character since 2014 and,

AG zoning is primarily intended to accommodate agricultural, mining or mineral processing uses in rural areas. The district allows very low density residential and other uses and serves as a holding zone pending an orderly transition to more urban development that can be efficiently served by public facilities and services therefore,

Staff recommends **approval** of the proposed AG zoning. In order to permit all agricultural uses and building types.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: In October of 2014, the land use designation for the subject property was changed from New Neighborhood to Employment via CPA-27. This comprehensive plan amendment was initiated after a

request to rezone the subject property from AG to IL (Z-7250) was recommended denial by both staff and the Planning Commission due to the incompatibility between the proposed industrial use and the existing New Neighborhood Land Use designation. Following this meeting, the applicant continued conversations with TMAPC staff, City of Tulsa Planning staff, City Council staff, and adjacent property owners about other potential land use scenarios for the area. The applicant then appealed the TMAPC recommendation of denial to City Council. The City Council voted to approve the land use change to Employment, as well as the rezoning request to IL (Z-7250) for the site. Following these approvals, it was determined by the City of Tulsa Permit Center that the use proposed by the applicant was an IM use, not IL as originally thought, and would not be permitted by right in an IL district. The applicant then went before the Board of Adjustment to seek relief, requesting a Special Exception to permit a fabrication facility (Industrial/Moderate Manufacturing Industry) in an IL district, which was denied in March of 2016.

The current owner has requested to change the land use designation and zoning of the subject property back to New Neighborhood and AG (Z-7518) to allow the development of a single-family residence. That use is not currently permitted in an IL zoned district. The subject property is a 13.66+ acre IL zoned lot and is currently vacant. The abutting properties are all zoned AG, with the abutting properties to the north containing a single-family residence and auto garage, abutting properties to the south containing an out building for animals and is being utilized for agricultural purposes, and properties to the east and west being largely vacant with one parcel to the east containing a single-family residence. This has not changed since 2014.

When CPA-27 was originally approved, it was thought that this area would experience increased interest and development as an employment center. The area did not experience the development that was originally anticipated.

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 in 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: The Comprehensive Plan designates East 11th Street South as a secondary arterial.

Trail System Master Plan Considerations: As a part of the GO-Plan, this part of East 11th Street South is designated as a Signed Bike Route.

Small Area Plan: There is no small area plan that requires consideration in this area.

Special District Considerations: There are no special districts that require consideration in this area.

Historic Preservation Overlay: There are no historic preservation overlays that require consideration in this area.

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary:

The subject property is a 13.66± acre IL zoned lot and is currently vacant. The abutting properties are all zoned AG, with the abutting properties to the north containing a single-family residence and auto garage, abutting properties to the South containing an out building for animals and is being utilized for agricultural purposes, and properties to the east and west being largely vacant with one parcel to the east containing a single-family residence.

Environmental Considerations: The 100-year floodplain runs between East 11th Street South and East 15th Street South, spanning from beyond South Lynn Lane Road to South 193rd East Avenue and crossing the southern end of the subject property.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 11 th Street South	Secondary Arterial	100 ft.	2

Utilities:

The subject tract has municipal water service. Sanitary sewer is not available at this time. A private septic system will be required.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG	<i>New Neighborhood</i>	<i>Area of Growth</i>	Commercial/ Single-family Residential
South	AG	<i>New Neighborhood</i>	<i>Area of Growth</i>	Agricultural
East	AG	<i>New Neighborhood</i>	<i>Area of Growth</i>	Vacant
West	AG	<i>Employment</i>	<i>Area of Growth</i>	Vacant/ Single-family Residential

SECTION III: Relevant Zoning History

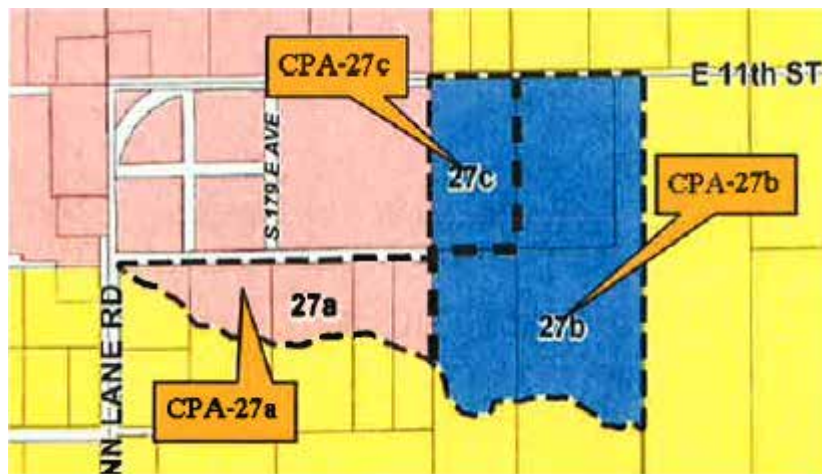
ZONING ORDINANCE: Ordinance number 11818 dated June 26, 1970 established zoning for the subject property.

Subject Property:

BOA-22041 March 2016: The Board of Adjustment **denied** a *Special Exception* to permit a fabrication facility (Industrial/Moderate Manufacturing Industry) in the IL District, on property located at 18280 East 11th street South.

Z-7250 January 2014: All concurred in **denial** of a request for *rezoning* a 13± acre tract of land from AG to IL on property located east of the southeast corner of East 11th Street and South 177th East Avenue. This decision was overturned by City Council, and the request was ultimately **approved** on October 2nd, 2014.

CPA-27b September 2014: All concurred in **approval** to *adopt* an amendment to CPA-27, amending the land use from New Neighborhood to Employment on property located east of the southeast corner of East 11th Street and South 177th East Avenue.



Surrounding Property:

Z-7319 October 2015: All concurred in **denial** of a request for rezoning a 2.5± acre tract of land from AG to IL, on property located south of the southeast corner of East 11th Street and South 177th East Avenue.

The applicant indicated her agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **McARTOR**, TMAPC voted **9-0-0** (Covey, Fothergill, Kimbrel, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Doctor, Ray, “absent”) to recommend **APPROVAL** of the AG zoning for Z-7518 per staff recommendation.

Legal Description for CPA-84 and Z-7518:

BEG 451.37W NEC NW TH SW110 S645 SW411.43 S1005 NE521.19 N1650 POB SEC 12 19 14 13.656ACS, , City of Tulsa, Tulsa County, State of Oklahoma

- 8. **Z-7519 Brian Elliott** (CD 4) Location: North of the northwest corner of West 21st Street South and South Boulder Avenue requesting rezoning from **RM-2 to CH**

STAFF RECOMMENDATION:

SECTION I: Z-7519

DEVELOPMENT CONCEPT:

The applicant is planning to redevelop the exiting building into a hotel use with possible mixed uses that are consistent with the Downtown Area Master Plan and the Downtown Neighborhood land use designation.

DETAILED STAFF RECOMMENDATION:

CH zoning as requested by the applicant provides the greatest flexibility of uses and is consistent with the land use designation shown in the comprehensive plan and,

The Downtown Area Master Plan recognizes the subject tract as an area that can be developed with a density that is greater than has previously been used and encourages development for mixed-uses, retail, residential and offices,

Repurposing the existing building will provide stability to the surrounding area and is consistent with the expected growth pattern between development inside the inter-dispersal loop and the river corridor, therefore,

Staff recommends Approval of Z-7519 to rezone property from RM-2 to CH.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary:

The CH zoning district is consistent with the Downtown Neighborhood vision and is also consistent with the redevelopment opportunities identified in the Downtown Area Master plan.

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: None that affect site redevelopment

Trail System Master Plan Considerations: None that affect site redevelopment however the subject property is very close to the River Parks trail system and the Midland Valley Trail.

Small Area Plan: Downtown Area Master Plan

.The subject property is specifically identified in the Downtown Master Plan as follows:

- Not identified as a historic resource
- Located in a Near Downtown area and a Transit Corridor in the Downtown Area Master Plan
- Included in a Development opportunity area that encourages significant infill along with residential, entertainment, business and mixed-use opportunities.
- Near a downtown gateway where opportunities to develop attractive front doors through landscaping, signs, fountains, greenspace, art and other appropriate urban design features.
- Recognizes this area as an Arkansas River – Downtown Connector with on-street transit system and rolling stock.

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is an existing multifamily building and has been used for business school, residential and some offices use. The site has limited parking and may require alternative parking solutions including shared parking and access with abutting property owners.

Street View Snippet from southeast corner of site looking northwest:



Environmental Considerations:

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Boulder Park Drive	Urban Arterial	70 feet	4

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	OM and OH	Downtown Neighborhood	Growth	Office
East	RM-2	Parka and Open Space	Stability	Veterans Park

South	OL	Downtown Neighborhood	Growth	Office
West	RS-4	Downtown Neighborhood	Stability	Single Family Residential

SECTION III: Relevant Zoning History

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

Subject Property:

BOA-05574 September 1967: The Board of Adjustment **approved** a *Variance* of Section 7(1) to permit a sign consistent with the applicant’s specifications in a U-2B district on property located 1840 South Boulder.

BOA-05328 January 1967: The Board of Adjustment **approved** a request for permission to convert building for use by Draughon’s Business College with the two lower floors and part of the basement designated for the school and the top six floors designated for a dormitory in a U-2-B District, on property located on the North 30 feet of Lot 32, all of lots 33-37, and the South 15 feet of Lot 38, Block 6 Buena Vista Park Addition.

BOA-01908 May 1947: The Board of Adjustment **approved** a request to extends a non-conforming use to permit the erection of a radio antenna on the property adjoining the present studio, on property located Lot 32, Block 6, Buena Vista Park.

Surrounding Property:

BOA-22348 October 2017: The Board of Adjustment **approved** a Special exception to allow a bed and breakfast (Airbnb) in an RS-4 District and a Variance to allow cooking facilities in a guestroom in a bed and breakfast for no more than 5 years, finding the hardship to be the structure was originally designed and constructed as a detached garage apartment with cooking facilities already existing in the structure on property located at 1929 South Cheyenne Avenue West.

Z-6331 January 1992: All concurred in **approval** of a request for *rezoning* a 120’x120’x120’x280’± acre tract of land from RM-2/OM/OH to HP, on property located on the north and south sides of West 18th Street at South Cheyenne Avenue.

Z-5938 August 1984: All concurred in **approval** of a request for *rezoning* a 1.04± acre tract of land from OM to OH, on property located west of the southwest corner of 18th Street and South Boulder Avenue.

Z-4704 July 1974: All concurred in **approval** of a request for *rezoning* a .87± acre tract of land from RM-2 to OM on property located south of 18th Street at Cheyenne Avenue.

TMAPC Comments:

Mr. Reeds stated he works next door to the subject property and he thinks this is great.

Mr. McArtor asked if the building was vacant.

Mr. Reeds stated the building was vacant.

Staff stated as this building is repurposed, parking will have to be addressed because it is not adequate.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **REEDS**, TMAPC voted **9-0-0** (Covey, Fothergill, Kimbrel, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Doctor, Ray, "absent") to recommend **APPROVAL** of the CH zoning for Z-7519 per staff recommendation.

Legal Description for Z-7519:

N30 LT 32 & ALL LTS 33-37 & S20 LT 38 BLK 6, BUENA VISTA PARK, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

Mr. Doctor returned at 2:04PM.

Items 9 and 10 were presented together.

9. **CPA-85 Tyler Collier** (CD 2) Location: West of the southwest corner of West 42nd Place South and South 34th West Avenue requesting to amend the Land Use Map designation from "Existing Neighborhood" to "Employment".
(related to Z-7520)

STAFF RECOMMENDATION:

**TMAPC Staff Report
CPA-85
Comprehensive Plan Amendment**

Property Information and Land use Request

The applicant has submitted this proposed Comprehensive Plan amendment (CPA-85) and a concurrent rezoning application (Z-7520) to request a change in the Land Use designation from *Existing Neighborhood* to *Employment*, as well as rezone from RS-3 to CS in order to permit an existing non-conforming medical marijuana dispensary on a .23± acre property, located west of the southwest corner of West 42nd Place South & South 34th West Avenue.

Background

As the subject area is located in southwest Tulsa, it falls within the bounds of the Southwest Tulsa Neighborhood Plan. Adopted in May of 2009, this small area plan was created to assist and progress the revitalization of this area, presenting a vision, needs, and goals for the area. With these goals, the small area plan attempts to improve existing housing stock, revitalize underdeveloped areas, and increase accessibility to amenities, goods, and services through the implementation of sidewalks and business practices to attract retail and grocery stores to the area. It should be noted that while this plan presents a vision, needs, and goals for the southwest Tulsa area, the plan does not make any clear or specific land use recommendations to aid in achieving these goals, nor this particular area in which the subject property is located. Instead, it focuses on presenting proposed capital improvement projects along Route 66, Southwest Boulevard, OSU campus, as well as the Cherry creek and Mooser creek trail system.

The Land Use and Area of Stability or Growth designations for the subject property were made in 2010 with the adoption of the 2010 Tulsa Comprehensive Plan. At this time, the subject property was assigned a Land Use designation of *Existing Neighborhood* and an Area of Stability or Growth designation of *Area of Growth*. As there are no land use recommendations offered by the Southwest Tulsa Neighborhood Plan and there are no other plans that cover this area, the 2010 Tulsa Comprehensive Plan solely provides guidance regarding land use for this area.

The parcels abutting the subject property in all cardinal directions are currently zoned RS-3 with parcels abutting the subject property from North and West carrying a Land Use and Area of Growth or Stability designation of *Existing Neighborhood* and *Area of Stability*, and parcels from South and East carrying a Land Use and Area of Growth or Stability designation of *Employment* and *Area of*

Growth. The parcels abutting the subject property to the North and West are currently being utilized for Single-Family residential homes, while the parcels abutting the subject property from the East and South are currently being utilized for a post office. Directly abutting this post office to the East is a CS and IL District that are currently being used for a neighborhood convenience shopping center and an industrial warehouse/ gas station and convenience store. These districts share an *Employment* and *Area of Growth* Land Use and Area of Growth or Stability designation with the abutting post office.

Existing Land Use and Growth Designations

An *Existing Neighborhood* land use designation was assigned to the area subject to the amendment request at the time of the adoption of the Tulsa Comprehensive Plan in 2010:

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

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

Proposed Land Use Designation (Tulsa Comprehensive Plan)

The applicant is proposing *Employment* land use designation on the subject site.

“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.”

Zoning and Surrounding Uses

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-3	<i>Existing Neighborhood</i>	<i>Area of Stability</i>	Single-Family Residential
South	RS-3	<i>Employment</i>	<i>Area of Growth</i>	Post Office
East	RS-3	<i>Employment</i>	<i>Area of Growth</i>	Post Office
West	RS-3	<i>Existing Neighborhood</i>	<i>Area of Stability</i>	Single-Family Residential

Applicant’s Justification

As part of the amendment application, the applicant is asked to justify their amendment request. Specifically, they are asked to provide a written justification to address:

1. How conditions on the subject site have changed, as well as those on adjacent properties and immediate area;
2. How changes have impacted the subject site to warrant the proposed amendment; and;
3. How the proposed change will enhance the surrounding area and the City of Tulsa.

The applicant provided the following answers to the above questions below:

*“To whom concerned:
 The property has never changed. It has always hosted commercial businesses. Prior to us, it was a laundromat and a mechanic shop. The post office is located right next to the property and the other side of the post office is commercially zoned property. The land use was employment. I believe the original owners of the property opted out of paying the proper fees for that lot*

to be zoned correctly. I was approved for a license and waited for OBN number approval before opening. We were the first dispensary to open and actively give back to the community. This is our first run at a business, and we hope to become a business like QT.

The subject area is being provided with more tax revenue, and provides a regulated and safer approach for patients to obtain medical grade product from licensed entities, instead of the black market. Additionally, I am from the area and want to give back to my community. I would like to get better established and begin a fundraising effort to redo the reed park community center. I served in the National Guard and would like to give other veterans another option for treatment of PTSD. I am currently a 3rd Year medical student, and would like to return to the area on completion of residency. We have had two schools shutdown in the area, and the area needs new development.

The business will continue to provide community support by hosting ongoing food and school supplies drives, and additionally developing other avenues of giving back to the community, while increasing tax revenue on a previously dead commercial property and dead commercial area.”

Staff Summary & Recommendation

The applicant is proposing to change the land use designation from Existing Neighborhood to Employment on the subject property in order to permit an existing medical marijuana dispensary.

The subject property is an RS-3 zoned lot with a Land Use designation of *Existing Neighborhood* and a Growth and Stability designation of *Area of Growth*. All areas abutting the parcel are zoned RS-3, with parcels directly abutting the subject property from the north and west designated as *Existing Neighborhood* and *Area of Stability*, while parcels directly abutting the subject property from the south and east designated as *Employment* and *Area of Growth* as of 2010 when the Comprehensive Plan was adopted. The parcels abutting the subject property to the North and West are currently being utilized for Single-Family residential homes, while the parcels abutting the subject property from the East and South are currently being utilized for a post office.

While there may be concerns that changes in land use designations will destabilize existing residential uses on adjacent properties, in examining the history of the subject property and the surrounding area, it is unlikely that this will occur. From a service garage to a non-conforming grocery store, non-conforming laundromat, non-conforming mechanic shop, and now a medical marijuana dispensary, this property has a long history of commercial uses dating back to the 1940s when the existing structure on this property was originally built.

Additionally, there are other properties in the surrounding area that were established in the 1920-30s that were later rezoned in the 1960-70s to allow their uses and become compliant. Given how long ago these uses were established and how they have altered the character of the area, the subject property and its utilization as a commercial property is an established part of the neighborhood's fabric that would be unlikely to change regardless of whether CS zoning for this property was approved or not.

The subject property's established history and character as a commercially utilized property not only conflicts with the property's land use designation of *Existing Neighborhood*, but also makes it fundamentally more similar in character to the commercial and industrial zoned parcels around it that carry an *Employment* and *Area of Growth* designation than the established neighborhood. While the subject property may not exactly match the description in the 2010 Tulsa Comprehensive Plan of what an *Employment* Land Use designation consists of, the subject property shares more similarities with the *Employment* Land Use than other Land Use designations outlined by the Comprehensive Plan, it has access to major roadways such as South 33rd West Ave (Urban Arterial) and Southwest Boulevard (Multi-Modal Corridor/Secondary Arterial), and is a direct neighbor to properties with long established uses that are considered *Employment* and have both an *Employment* and *Area of Growth* designation.

Additionally, the concurrent rezoning request will trigger landscaping and screening requirements between the subject property and the existing residential to the west, as well as parking requirements that will help to shield residence from the commercial use and help to preserve the neighborhood.

Being that the subject property has been utilized for non-conforming commercial purposes since the 1940s, is located next to a post office with commercial and industrial uses to the east, and shares an *Area of Growth* designation with these parcels to the east, Staff finds that a land use designation of *Employment* would be more appropriate than *Existing Neighborhood* and in-line with the character of the neighborhood.

Staff recommends **approval** of the *Employment* land use designation as submitted by the applicant.

TMAPC Comments:

Mr. Covey stated if he looks at the growth and stability map and at the land use map, they both make sense but when he gets over to the zoning map and it's all RS-3.

Staff stated all of property where the post office is zoned RS-3 and after the approval at the Board of Adjustment it was left RS-3.

Mr. Covey asked if staff knew when that Board of Adjustment action happened.

Staff stated, "around 1970".

Mr. Fothergill stated there seems to be a little remnant lot to the south on the west side that looks like an alleyway.

Staff stated "yes", there is a platted alleyway but he doesn't think you can drive through it.

Ms. Kimbrel asked if the current land use is preventing the desired use of the property.

Staff stated the Comprehensive Plan is not regulatory but a guide for development in the area. He stated that is one step of the many things that staff looks at when trying to resolve the issue but he wouldn't say it prohibits the rezoning or the use of the property but makes it a little more challenging.

Ms. Kimbrel asked if the zoning prevents the desired use of the property.

Staff stated the desired use as it stands today is all the uses that are allowed by right in a CS district. He stated the use at the moment is for a dispensary and none of those uses are allowed without changing the zoning.

Ms. Kimbrel stated that is what its currently operating as, correct?

Staff stated that is his understanding.

Ms. Kimbrel asked if staff could help her understand the non-conforming language.

Staff stated there are a couple of different ways to think about nonconformities. There are non-conforming uses for a use that was established long before some other process or a use that was allowed before there was a Zoning Code. He stated and there are non-conforming structures and those are the same type of things where it's a lawfully non-conforming use that was built by whatever Code there was at the time.

Ms. Kimbrel asked if staff would be recommending the land use change without the application for rezoning.

Staff stated "yes"

Mr. Fothergill asked what a Post Office would be zoned today and is there any way to do a dispensary with Board of Adjustment action

Staff stated it is a governmental use that can be allowed by Special Exception in most zoning districts. He stated a dispensary can not be allowed by Board of Adjustment action.

Mr. Reeds stated he was not familiar with the adjacency laws with new dispensary's but asked if they have to be a certain distance from a church or school.

Staff stated the only separation distance of a dispensary is that has to be 1000 feet from another dispensary. He stated there are some state law limitations.

Ms. Kimbrel asked if the zoning needed for a typically dispensary aligned with an Existing Neighborhood land use designation.

Staff stated the Existing Neighborhood land use designation would not support any commercial zoning.

Applicant Comments:

The applicant stated he is not really familiar with zoning. He stated he found a place to start a dispensary and thought it was a great idea to take a structure that was failing and not providing any tax revenue to the City or the State and turn into a positive change for the community. The applicant stated his business has sent 10 kids to Falls Creek and sponsored food drives for the community. He stated they do a lot for the community and would like to continue to operate.

Mr. Ritchey asked if all they had all the state permits required to operate.

The applicant stated "yes", they are approved.

Mr. Ritchey asked if the applicant knows what was in that location before his business.

The applicant stated "yes", it was a mechanic shop at one time and also a laundromat. He stated the building was built in the 1940's or 1950's.

Mr. Ritchey asked if the applicant could give a brief overview of the hours of operation and what a typical day looks like.

The applicant stated people come and go but the hours of operation are from 10 am to 10 pm. He stated the volume varies a lot but the busiest time is between 3 pm and 10 pm.

Ms. Kimbrel asked what the implications are if this application is not granted.

The applicant stated they would have to close the doors and 5 employees would be without jobs.

Ms. Kimbrel asked if the applicant was a part of the Southwest Tulsa Small Area Plan process.

The applicant stated he was not and he is not really familiar with how this works.

Ms. Kimbrel asked if the applicant has talked to any of the surrounding neighbors.

The applicant stated "yes" and one of the issues is going to be parking. He stated he isn't sure how to apply for parking permits. He stated there is an area in the back of the building for parking but needs an access road.

Ms. Kimbrel asked if there were any other concerns that were raised by the neighbors.

The applicant stated not that he is aware of.

Mr. Reeds asked how long the applicant had been at this location.

The applicant stated they acquired the property in February but were not able to open till mid-April.

Mr. Reeds asked if that was when the applicant found out they had to go through this rezoning process.

The applicant stated upon renewal of the license OMMA required a Certificate of Occupancy for a license to be granted. He stated this was a new requirement from the initial application. The applicant stated when applying for the Certificate of Occupancy he found out about these other issues.

Interested Parties:

Otis Baker PO Box 9826, Tulsa, OK 74157

Mr. Baker stated he opposes the request to change the zoning on this property. He stated the property is not large enough to accommodate parking of the customers. At the present time they have a driveway and frontage that will accommodate two cars. Mr. Baker stated the customers have been parking on the grassy areas on both sides of the building and in the Post Office parking lot which they were prohibited from doing by the posted no parking signs. Mr. Baker stated there is no shortage in this area of dispensaries there is another dispensary less than a half a mile from this location that is located in a commercial area with adequate parking for the customers. Mr. Baker stated a rezoning sign was posted on this property for the proposed change and the owner immediately removed the sign from the T post and displayed it at the front door of the business and the parked the car in front of the sign which made it impossible to read the sign. He stated he is convinced that this was a way to discourage protests. Mr. Baker stated 42nd Place is a narrow neighborhood

Street and there's not really room for 2 cars to get down the street with cars parked along the street.

Mr. Fothergill asked if the applicant resolved their parking and was able to park behind the building would Mr. Baker be all right with the dispensary.

Mr. Baker stated "no", because the parking will still be in front of the building also because there is not an adequate way to access the back.

Mr. Fothergill stated a picture in the staff report shows multiple vehicles parked in the back of the building.

Mr. Baker stated those cars were left there from a car repair shop that was in business in the same building and then they found out that it wasn't zoned correctly so they shut it down.

Mr. Fothergill stated there is room to park 15-20 cars from what he can see from the picture.

Mr. Baker stated there's room to park there but they continue to park on the grass and in front of the building and in the Post Office parking lot.

Mr. Reeds stated as part of the process of making this conforming to a zoning designation the applicant will have to get a parking plan approved that coincides with a CS zoned property.

Mr. Baker stated he believes they should have gone through the proper process before they started to obtain a zoning change to the property rather than just instituting it.

Mr. Reeds stated he agrees.

Glenn Barnes 4223 South 34th West Ave, Tulsa, OK 74107

Mr. Barnes stated he is right across from the post office. He stated he has lived there 42 years and the subject property was a laundry mat and then a grow facility. He stated kids broke in and stole the marijuana. Mr. Barnes stated there was also a chop shop located on the subject property. Mr. Barnes stated his kids can't go out and play in the street because the people that are leaving that dispensary are speeding down his street and cussing at his children. He stated he has watched people come from the nearby bar and QuikTrip and buy and then deliver it back to people waiting in cars. Mr. Barnes stated he has set up cameras because he and his family doesn't feel safe. He stated he has lived here all his life and he doesn't think he deserves to have a place like that around the neighborhood.

Ms. Kimbrel asked if Mr. Barnes was opposed to the proposed use of that property and was he opposed to any of the prior uses of that property.

Mr. Barnes stated there wasn't near as much traffic late at night and strange people.

Ms. Kimbrel asked if he was opposed to any commercial properties in any area.

Mr. Barnes stated "no".

Harlin Greer 3820 West 42nd Street, Tulsa, OK 74107

Mr. Greer stated he has lived in the neighborhood since 1966. He stated there has been a lot of commercial businesses in that location and there are 5 homes within 60 to 75 feet of that front door. He stated if the applicant had adequate parking, they wouldn't use it. They park on the wrong side of the street facing the wrong way. Mr. Greer stated unless they're leaving their open sign on accidentally, he has seen the place open as late as midnight. Mr. Greer stated there are a lot of people in the neighborhood not happy about this particular business because of the traffic. He stated West 42nd Place is more or less a main avenue in and out of the addition. Most of the people use that street to access the neighborhood. Mr. Greer stated the parking area behind the subject property is all grass and the cars in the picture are parked on the grass. He stated as Mr. Baker said there's two slots to park two cars off the road in the front. Mr. Greer stated this road has a lot of pedestrian traffic also with kids going to school. He stated he walked to school on this road and went to QuikTrip or Mr. Swiss an old hamburger stand that used to be down by QuikTrip. Mr. Greer stated he is here to represent his neighbors and voice his opinion on this matter.

Ms. Kimbrel asked if Mr. Greer was opposed to any other uses of that property.

Mr. Greer stated it has not had a lot of occupancy in that building since the 70's. He stated when it was a mechanic shop there wasn't anybody in and out except for the individual that worked there.

Ms. Kimbrel asked if he would be opposed to any commercial businesses.

Mr. Greer stated "no" if it made the neighborhood better.

Ms. Kimbrel asked if Mr. Greer was involved in the Small Area Plan for Southwest Tulsa?

Mr. Greer stated "no", this is all new to him. He stated he had an aunt that was a City Councilor years ago Darla Hall, but this is his first involvement with TMAPC.

Mr. Reeds asked Mr. Greer what uses were in the strip center west of QuikTrip.

Mr. Greer stated there is a bar, a dog groomer and a second-hand appliance store. He stated QuikTrip use to be located in the east end of the strip center and a hamburger place was where QuikTrip is now.

Mr. Reeds asked if there was a lot of traffic generated by the QuikTrip.

Mr. Greer stated there has always been a lot of traffic because most people use that street to enter the addition.

Sandra Wright 3508 West 43rd Place, Tulsa, OK 74107

Ms. Wright stated this is concerning to her. She stated there is a lot of places that the customers could park in the back but like the rest of the neighbors have stated that is the street going into the neighborhood and they want their families to be safe while driving, walking or playing in the neighborhood. She stated it's like a one lane road through there and they are parked on both sides of the road. Ms. Wright stated this business can be put in a shopping center and there are several places that are available. She stated she has lived there since 2005 and is buying her home and since the dispensary has opened there has been a lot of mischief in the neighborhood. Ms. Wright stated she can't blame it on the dispensary but does believe a lot of it is coming from their patrons because you see them cruising the neighborhood and then hear about that same vehicle causing trouble on the neighborhood social media page.

Ms. Kimbrel asked if Ms. Wright opposed any of the prior uses of this property.

Ms. Wright stated she has only been there since 2005 and there hasn't been a whole lot since then. She stated when it was a mobile car repair, she didn't really care for that. It was dirty and a nuisance.

Ms. Kimbrel asked if she opposed the commercial designation for that area.

Ms. Wright stated in her opinion the building needs to be tore down. She stated they closed the alleyways in between the neighborhoods to stop a lot of traffic before she bought her house and she feels like the alleyway behind the subject property would be incorporated into the Post Office or the existing homes that are adjacent. She stated she is not opposed to the despensary but not in this neighborhood. She said she would like to see it flourish in another place.

Ms. Kimbrel asked if she was involved in the Southwest Tulsa Small Area Plan.

Ms. Wright stated "no".

Applicant's Comments:

The applicant stated the sign was blown over by the wind and they picked it up and moved it next to the door until it could be reinstalled. He stated sometimes they get busy and cars may have parked in front of the sign. The applicant stated he would like to have a more open dialogue addressing the issues of the community because he is a reasonable person. The applicant stated he grew up on the west side and with QuikTrip the road has always been busy. He stated people speed into the neighborhood. The applicant stated his customers typically go towards the highways when leaving towards Southwest Boulevard or 33rd

West Avenue, not necessarily driving through the neighborhood. He stated they are open to working with the community about the parking issue and will go through the process to make a parking lot.

Mr. Shivel asked if the vehicles shown on the aerial view still on the premises.

The applicant stated they have been removed.

Mr. Covey asked if there was a telephone pole in the middle of where you would actually drive to get to the parking lot in the back.

The applicant stated "yes" but you can get to the back from both sides of the building. He stated he would think a new access would need to be built.

Ms. Kimbrel asked staff if they could explain what the community wanted in the Small Area Plan. She stated she is trying to get it to what is desired by her understanding of the Small Area Plan. She stated she wanted to know if that the community and the residents in that area worked to develop that and therefore you have an additional guide of how they wish their community to be.

Staff stated the Small Area Plan was done in 2009 and it was done under a different thought process than Small Area Plans are done today. He stated it was more about placemaking and it was about streetscapes, parks and some employment ideas. Staff stated it didn't translate directly into our land use maps that we use today. The Plan talked about things like improving Moosier Creek and other things but didn't really have a specific goal for this area. So, there is not a clear idea of what the expectations are from the commercial development standpoint.

Ms. Kimbrel asked staff to help her understand what data or information staff is using to make the guidance for an Employment Designation.

Staff stated primarily the uses that had been there since the building was built in 1940.

Ms. Kimbrel stated meaning that those were commercial uses.

Staff stated there were commercial uses and some automotive uses allowed by right or by a Special Exception.

Ms. Kimbrel asked if an automotive use is consistent with RS-3 or did the applicant need to rezone.

Staff stated they needed to rezone.

Ms. Kimbrel asked staff if the building was being used however people wanted to use it.

Staff answered "yes".

Mr. Covey stated for a dispensary it can't go to Board of Adjustment it has to be TMAPC.

Staff stated, "that's correct".

Mr. Covey stated what's interesting to him is in August of 1974, a rezoning application from RS-3 to CS was denied for the post office.

Staff stated "yes".

Mr. Covey stated maybe TMAPC was good with the post office but not good with anything else that could go CS.

Staff stated part of all of that conversation centered around the development of the commercial property east of the subject property. The strip center and QuikTrip were evolving.

Mr. Covey stated TMAPC Board predecessors rejected rezoning that post office from RS-3 to CS and then went back to the Board of Adjustment and received permission for the post office. He stated everything else to the north happened either by Special Exception or otherwise.

Staff stated "correct".

Ms. Kimbrel asked if these properties were operating inconsistent with the current zoning at that time.

Staff stated with the research found that is a true statement.

Ms. Kimbrel stated staff is asking TMAPC to consider the prior uses of that property that was technically not supposed to be operating in that way.

Staff stated it goes a little further than that, because the building was built in 1940 and the idea of zoning was different than it is now. He stated when the zoning maps changed in 1970 to the standard used today some form of commercial establishment has been in place there for 30 years before the zoning and it was a lawful use for decades.

Ms. Kimbrel stated just to be clear throughout the years there was no resident or community engagement that could be used as data to help inform us how residents view commercial zoning in that area.

Staff stated not that he is aware of.

Mr. Reeds stated there are still little markets in the heart of residential districts in Tulsa that have been there since the '20s. He stated they are existing non-conforming but their use is legal. Mr. Reeds stated this building was built prior to even a zoning map existing in the City of Tulsa and it makes its use legal but the zoning is not.

Ms. Kimbrel asked technically what should have happened, should the owners have applied for the appropriate zoning?

Mr. Fothergill stated another perspective would be when the Zoning Code was established for all of the City of Tulsa in 1970 this should have been brought in as commercial.

Mr. Ritchey stated it's really important to think of what we're here to do as a Commission and looking at page 9.7 of the packet why is this existing neighborhood. He stated the argument could be made that the subject property should be employment. Mr. Ritchey stated he is in full support of CPA-85 making this employment. He stated it's going to abut some houses because that's how the world works at some point you end a commercial district then you start to have some residential districts. Mr. Ritchey stated the next issue is the zoning change. He stated it's important to take the idea of marijuana out of the consideration he understands people still may feel that's not an appropriate use or they don't want to be neighbors to that but the chance to have that voice was at the ballot box two years ago. Mr. Ritchey stated as a society we have said this is something the State of Oklahoma is going to allow and now we have medical marijuana growing operations and dispensaries. Mr. Ritchey stated this is kind of just the pharmacy portion of a Walgreens. It's a small pharmacy where you have to have a certain certification to sell this product and a certain certification, doctor's note to purchase the product. He stated to him it's not an illogical idea to extend the CS shopping center that already exists for a business who's trying to do the right thing. Mr. Ritchey stated he understands the neighbor's position. He stated the applicants will have more work to do. They will have to submit a proper parking plan and getting the Certificate of Occupancy is no small feat. He stated it's very difficult to hear the neighbors come and explain how difficult this has been but as a Commissioner it's important to realize we are supposed to look at zoning and would this be appropriate for where it's located. Mr. Richey stated and he feel like yes, this use would be appropriate.

Mr. McArtor stated he thinks that just because we voted for medical marijuana in Oklahoma does not necessarily mean we have to approve it everywhere in the City of Tulsa. He stated that we have to take each individual case on its own. Mr. McArtor stated it is this Commission's job to decide the zoning and what's important for him is the fact that the subject property has been a commercial operation for longer than probably most of us have been alive. He stated the property has had numerous different kinds of uses. There hasn't been any objections and it seems the objection here is because it's marijuana and the issue of parking which will be dealt with later on down the line. Mr. McArtor stated given the way that this piece of property has been used over a period of 70 years it will be difficult not to approve the change in land use and or the change in zoning because it seemed to be consistent with what's been going on for a while.

Ms. Kimbrel stated she is uncomfortable with this application because she tries to look for and gain insight about how the community wants to see the geography and unfortunately there were prior uses of that facility that were legal but did not go through the proper channels to reflect the appropriate land use and the appropriate zoning. She stated she is uncomfortable with using that as a precedent for changing the entire zoning when the residents nearby articulate that this is not their vision of how they want to see their community.

Mr. Shivel stated in terms of commercial here was an inconsistency between page 9.7 and page 9.8 of the packet one shows the neighborhood as an area of growth.

Staff stated that is something seen on the edges of land uses and boundaries don't look like they line up. He stated there are places where the area of growth was looking out into the future of how a piece of property might evolve. Staff stated on the subject property he thinks it's likely that somebody may have seen that particular parcel was something other than what it is today. He stated maybe there's an Existing Neighborhood and they thought a grocery store or a laundry mat fit into the neighborhood better. Staff stated the neighborhood commercial uses can make sense on the edges.

Mr. Covey asked what is less intense than CS in a commercial zoning.

Staff stated "nothing" in commercial zoning. He stated typically an office use is thought of being less intense than CS.

Ms. Kimbrel asked if an optional development plan would be a consideration for this application.

Staff stated in this instance he didn't think an optional development plan really accomplishes anything.

TMAPC Action; 10 members present:

On **MOTION** of **REEDS**, TMAPC voted **8-2-0** (Doctor, Fothergill, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; Covey, Kimbrel, "nays"; none "abstaining"; Ray, "absent") to **ADOPT** CPA-85 as an amendment to the Tulsa Comprehensive Plan per staff recommendation.

* * * * *

10. **Z-7520 Tyler Collier** (CD 2) Location: West of the southwest corner of West 42nd Place South and South 34th West Avenue requesting rezoning from **RS-3 to CS (related to CPA-85)**

STAFF RECOMMENDATION:
SECTION I: Z-7520

DEVELOPMENT CONCEPT:

The applicant has submitted a request to rezone the property from RS-3 to CS to permit an existing non-conforming dispensary. The structure has never been used as a residential building and has historically been auto repair, grocery and other commercial uses since it was constructed decades ago.

DETAILED STAFF RECOMMENDATION:

As the subject area is located in southwest Tulsa, it falls within the bounds of the Southwest Tulsa Neighborhood Plan. That plan was adopted in May of 2009. This small area plan was created to assist and progress the revitalization of this area, presenting a vision, needs, and goals for the area.

With these goals, the small area plan attempts to improve existing housing stock, revitalize underdeveloped areas, and increase accessibility to amenities, goods, and services through the implementation of sidewalks and business practices to attract retail and grocery stores to the area. It should be noted that while this plan presents a vision, needs, and goals for the southwest Tulsa area, the plan does not make any clear or specific land use recommendations to aid in achieving these goals, nor this particular area particular area in which the subject property is located. Instead, it focuses on presenting proposed capital improvement projects along Route 66, Southwest Boulevard, OSU campus, as well as the Cherry creek and Mooser creek trail system.

As the small area plan lacks any specific land-use recommendations, the 2010 Tulsa Comprehensive Plan solely provides guidance regarding land use for this area. That being said the subject property is currently zoned RS-3 with a Land Use designation of *Existing Neighborhood* and an Area of Stability or Growth designation of *Area of Growth*. While CS zoning is not consistent with the current land use designation of *Existing Neighborhood*, it would be consistent with the *Employment* land use designation as requested by the applicant in concurrent case CPA-85.

Being that the subject property has been utilized for non-conforming commercial purposes since the 1940s, is located next to a post office with commercial and industrial uses to the east, and shares an Area of Growth designation with these parcels to the east, Staff finds that a land use designation of *Employment* would be more appropriate than *Existing Neighborhood* and recommends approval of the *Employment* designation as submitted by the applicant.

In addition to the considerations of a new land use designation the uses allowed in a CS zoning is consistent with the historic use of the property and expected uses at this location therefore,

Staff recommends Approval of Z-7520 to rezone property from RS-3 to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary:

According to the County Assessor, the existing structure on this property was built in 1940 as a service garage and has since then been a non-conforming grocery store, non-conforming laundromat, non-conforming mechanic shop, and now a non-conforming medical marijuana dispensary. The post office east of the subject property was one parcel that was split for post office development. While the subject tract and the post office site were one large parcel, the developer of the post office filed a request to rezone from RS-3 to CS/OL, which was denied by council in August 1970, followed by a special exception and variance of side yard requirements to allow the post office, which was approved in September 1970. The subject tract was never rezoned to allow commercial uses.

Within the surrounding area of the subject property there is an IL district abutting the southeast corner of the post-office and a CS district abutting the northeast corner of the post office site. The parcel containing the CS district was rezoned for a neighborhood shopping center. In 1970 both the IL district and the RM-2 district located to the north of the shopping center across West 42nd Place South were rezoned in order to legally permit non-conforming uses that have existed since the 1920s and 1930s.

Based off this information it appears that, conforming or not, both the subject property and the area east of this request has a long-established history of non-residential use and would not likely be developed as residential in the future. Additionally, while a CS zoning district does not fit the land use designation of Existing Neighborhood, which “intends to preserve single family neighborhoods”, it does fit the Area of Growth designation that it was also assigned which “aims to increase economic activity in the area to benefit existing resident and businesses.”

Land Use Vision:

Land Use Plan map designation: Existing Neighborhood

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

Areas of Stability and Growth designation: Area of Growth

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

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are in 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: No special street designations have been assigned along any of the abutting streets.

Trail System Master Plan Considerations: There are no trail system designations that require consideration in this area.

Small Area Plan: As the subject area is located in southwest Tulsa, it falls within the bounds of the Southwest Tulsa Neighborhood Plan. Adopted in May of 2009, this small area plan was created to assist and progress the revitalization of this area, presenting a vision, needs, and goals for the area.

With these goals, the small area plan attempts to improve existing housing stock, revitalize underdeveloped areas, and increase accessibility to amenities, goods, and services through the implementation of sidewalks and business practices to attract retail and grocery stores to the area. It should be noted that while this plan

presents a vision, needs, and goals for the area, it does not make any clear or specific land use recommendations to aid in achieving these goals, nor this particular area.

Special District Considerations: There are no special districts that require consideration in this area.

Historic Preservation Overlay: There are no historic preservation overlays that require consideration in this area.

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The building on site was originally constructed in 1940 as a service garage and was renovated in 2017. A Medical Marijuana Dispensary currently occupies the structure. To the north and west are single-family residential housing (as pictured in Figures 1 & 2), to the east is a post office and commercial shopping center with houses across the street to the north (as pictured in Figures 3 & 4), and a storage warehouse also to the east, but closer to the train tracks (not pictured). It should be noted that while renovations have been made to the building, there is currently no parking available on this site.



Figure 1. Street view from the front of the property looking north.



Figure 2. Street view from the front of the property looking north.



Figure 3. Street view from directly north of the property facing south



Figure 4. Street view from the front of the property facing east.

Environmental Considerations: There are no environmental considerations that would affect site re-development.

Streets:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
West 42 nd Place South	Undesignated	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	<i>Existing Neighborhood</i>	<i>Area of Stability</i>	Single-Family Residential
South	RS-3	<i>Employment</i>	<i>Area of Growth</i>	Post Office
East	RS-3	<i>Employment</i>	<i>Area of Growth</i>	Post Office
West	RS-3	<i>Existing Neighborhood</i>	<i>Area of Stability</i>	Single-Family Residential

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11821 dated June 26, 1970 established zoning for the subject property.

Subject Property:

No Relevant History.

Surrounding Property:

Z-3792 September 1970: All concurred in **approval** of a request for *rezoning* a 4.326± acre tract of land from RS-3 to CS/RM-2/IL on properties located on the west side of 42nd Place and 33rd West Avenue, finding that the three tracts were approved CS, IL, and RM-2 previous to July 1, 1970, but the Comprehensive Zoning Maps did not reflect the correct zoning districts.

BOA-06760 September 1970: The Board of Adjustment **approved** a *Special Exception* to permit erecting a Post Office in an RS-3 District as per plot exhibited and a *Variance* waiving the side yard requirements on the Western boundary to 10', on property located at 3408 West 42nd Place.

Z-3752 August 1970: All concurred in **denial** of a request for *rezoning* a 1.47± acre tract of land from RS-3 to CS for a post office on property located on the south side 42nd Place, East side 35th West Avenue. This parcel includes both the subject area and area surrounding.

Z-2209 December 1963: All concurred in **approval** of a request for *rezoning* a 0.78± acre tract of land from U1-C to U-3D for shopping center on property located at the southwest corner of 33rd West Avenue and 42nd Place West.

Z-2147 August 1963: All concurred in **approval** of a request for *rezoning* a .96± acre tract of land from U-1C to U-2B for duplexes, on property located southwest corner of 42nd Place and South 33rd West Avenue.

Z-2031 October 1962: All concurred in **approval** of a request for *rezoning* a 2.5± acre tract of land from U-1C to U-4A for general manufacturing, on property located 4240 South 33rd West Avenue.

TMAPC Action; 10 members present:

On **MOTION** of **REEDS**, TMAPC voted **8-2-0** (Doctor, Fothergill, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; Covey, Kimbrel, "nays"; none

“abstaining”; Ray, “absent”) to recommend **APPROVAL** of the CS zoning for Z-7520 per staff recommendation.

Legal Description for CPA-85 and Z-7520:

W47.5 LTS 1 THRU 6 & 20 VAC ALY ADJ ON W BLK 23, YARGEE ADDN, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

Mr. Doctor left at 3:07 PM.

11. **Z-7521 KKT Architects-Nicole Watts** (CD 6) Location: North of the northeast corner of East 41st Street South and South 145th East Avenue requesting rezoning from **RS-3 to RM-0 with optional development plan**

STAFF RECOMMENDATION:

SECTION I: Z-7521

DEVELOPMENT CONCEPT: The applicant is proposing to rezone from RS-3 to RM-0 with an optional development plan to permit residential duplexes to be constructed. The proposed rezoning will be in conjunction with existing RM-0 zoning immediately to the south.

DETAILED STAFF RECOMMENDATION:

The proposed rezoning is compatible with the New Neighborhood designation of the Comprehensive Plan as well as the area of Growth, however;

The requested optional development plan does not conform to the requirements of the City of Tulsa Zoning Code in that it attempts to lessen the restrictions on the subject lots. Optional development plans may only restrict the required zoning standards. If relief is sought for the items requested in the plan, a variance from the City of Tulsa Board of Adjustment would be required.

The proposal without the requested optional development plan is compatible with the existing proximate properties, therefore;

Staff recommends Approval of Z-7521 to rezone property from RS-3 to RM-0 excluding the requested optional development plan.

DEVELOPMENT STANDARDS:

Minimum Lot Width for Duplexes:	60 Feet. Allow lots 9 and 10, Block 2 to be less than required 60 Feet at the ROW line due to being on the eyebrow of the street. <i>(Note 60 Feet required by Zoning Code regardless of location)</i>
Street Setback: <i>by Zoning Code)</i>	20 Feet <i>(Note: 25 Feet Required)</i>

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: *The subject site is located in a New Neighborhood designation as well as an area of growth.*

Land Use Vision:

Land Use Plan map designation: New Neighborhood

The New Neighborhood is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes, but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity, and shall be paired with an existing or new Neighborhood or Town Center.

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: S 145th E Ave is designated as a Primary Arterial.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is currently vacant land

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
S 145 th E Ave	Primary Arterial	120 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	New Neighborhood	Growth	Vacant
South	RM-0	New Neighborhood	Growth	Vacant
East	RS-3	New Neighborhood	Growth	Single-Family

West	AG	New Neighborhood	Growth	Vacant
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SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11826 dated June 26, 1970 established zoning for the subject property.

Subject Property:

BOA-22006 January 2016: The Board of Adjustment **approved** a *Variance* of the allowed structure height in the RS-1 District from 35 feet to 40 feet and a *Special Exception* to increase the allowable fence height in the required front yard from 4 feet to 6 feet to allow a wrought iron fence with stone columns, subject to conceptual plans 8.12-8.15 on property located at 4321 South Lewis Avenue East.

Surrounding Property:

Z-7388 June 2017: All concurred in **approval** of a request for *rezoning* a 12.9+ acre tract of land from RM-0/CS to RM-2 to permit multi-family use, on property located north and east of the northeast corner of East 41st Street South & South 145th East Avenue.

TMAPC Comments:

Ms. Kimbrel asked if staff wanted the optional development plan.

Staff stated it violates the Zoning Code.

Ms. Kimbrel asked if the applicant wanted the optional development plan.

Staff stated “yes”

Ms. Kimbrel asked if staff has explained this to the to the applicant.

Staff stated “yes”.

Ms. Kimbrel asked if the optional development plan limits anything.

Staff stated no, it seeks relief and you can't do that with an optional development plan.

Applicant Comments:

The applicant stated they agree with staff recommendation. She stated there was a miscommunication and staff didn't contact her to discuss before they did the

staff report. The applicant contacted staff and talked through it. The applicant stated they are removing the optional development plan and asking for straight zoning.

Mr. Reeds stated on 11.10 Exhibit A the cul-de-sac show's a future connection or is there already something that connects.

The applicant stated it is a future connection. She stated the Pre-Development meeting City show future plans for subdivisions to the north and so the City has requested continuing connection between all the developments so there won't be a dead-end street.

Mr. Reeds asked if the those would be RS-3.

The applicant stated, "yes sir".

Interested Parties:

Steven Gustwiller 3932 South 148th East Avenue, Tulsa, OK 74134

Mr. Gustwiller stated his property is close to this and his concern is just that what was going to be built. He stated they just bought the property a couple years ago. He stated he wanted to know if it would tie in to 48th and become a through street. Mr. Gustwiller stated he came here to find out what the plans are going forward. He stated he is not against the building per se, as long as they are building something similar to what's being built in their development. Mr. Gustwiller asked if this was going to be condos.

The applicant stated they will be duplexes. She stated it's the same developer who's doing Battle Creek Park to the east so they will stay with the same development standards as what's previously out there.

TMAPC Action; 9 members present:

On **MOTION** of **REEDS**, TMAPC voted **9-0-0** (Covey, Fothergill, Kimbrel, McArtor, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; "nays"; none "abstaining"; Doctor, Ray, "absent") to recommend **APPROVAL** of the RM-0 zoning for Z-7521 per staff recommendation.

Legal Description for Z-7521:

A PART OF THE SOUTH HALF OF (S/2) OF SECTION TWENTY-TWO (22), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 17, BLOCK 1 BATTLE CREEK PARK BLOCKS 1-4, ACCORDING TO THE RECORDED PLAT NO. 6739; THENCE S 01° 29' 01" E A DISTANCE OF 116.49 FEET; THENCE S 88° 43' 38" W A DISTANCE OF 908.00 FEET; THENCE N 01° 29' 01" W A DISTANCE OF 116.49 FEET; THENCE N88° 43' 39" E A DISTANCE OF 908.00 FEET TO THE **POINT OF BEGINNING**;

SAID TRACT OF LAND CONTAINING 2.43 ACRES / 105,771.903 SQUARE FEET.

THE BASIS OF BEARING BEING S 88° 44' 15" W ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY-TWO (22), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

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Mr. Reeds left at 3:35 PM.

12. **Z-7522 KKT Architects-Nicole Watts** (CD 1) Location: Northwest corner of East 30th Street North and North Louisville Avenue requesting rezoning from **RS-3 to CG**

STAFF RECOMMENDATION:
SECTION I: Z-7522

DEVELOPMENT CONCEPT: The applicant is proposing to rezone from RS-3 to CG to permit a farm and food distribution at the subject location for Food Home. Food Home is part of Food on the Move a non-profit that distributes fresh produce in food desert areas. Food will be grown on site and sold to the surrounding community in a small neighborhood market. The market will also be used to allow local farmers to sell their products, grown off-site.

DETAILED STAFF RECOMMENDATION:

Rezoning to CG for a farm and market is compatible with the Regional Center land use designation. It would provide a source of produce and other food products for the local area;

The proposed use is compatible with the existing properties in the vicinity;

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

Staff recommends Approval of Z-7522 to rezone property from RS-3 to CG.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is located within the Regional Center designation of the City of Tulsa Comprehensive Plan as well as an area of growth.

Land Use Vision:

Land Use Plan map designation: Regional Center

Regional Centers are mid-rise mixed-use areas for large-scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.

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: East 30th St N is designated as a Residential Collector. N Louisville Ave does not have a designation.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is currently vacant land located between the Gilcrease Expressway and Tulsa Community College Campus.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 30 th St N	Residential Collector	60 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	N/A	N/A	Gilcrease Expressway
South	RS-3/AG	Regional Center	Growth	Single-Family/College Campus
East	RS-3	Regional Center	Growth	Single-Family
West	RS-3	Regional Center	Growth	Single Family/Gilcrease Expressway

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11809 dated June 26, 1970 established zoning for the subject property.

Subject Property:

No Relevant History.

Surrounding Property:

BOA-08678 August 1975: The Board of Adjustment **approved** an *Exception* to use property for Tulsa Junior College in an AG district, on property located at northeast of Apache Street and Harvard Avenue.

Applicant Comments:

The applicant stated this rezoning application is for a new home for Food on the Move. She stated Food on the Move is a nonprofit that provides resources here in Tulsa. The applicant stated this will be called Food Home. She stated it's an agricultural use that will have aquaponics for growing and also raised beds for growing as well. There will be community gardens there will be places for Reach Out for Education, community development and there will be a small neighborhood market. She stated the reason they are requesting CG is because in phase 2 there will be a small transportation hub that will allow neighbor farmers from the region to be able to bring in their produce and sell. The applicant stated that's what kicked the zoning up from CS. The applicant stated they had a neighborhood meeting last week and a handful of neighbors came. She stated some for it, some are against it. The applicant stated she has letters of support from the neighbors to the east and there are a few people here today to discuss their concerns as well. She stated one of the things that was discussed was their concerns about safety and access. The applicant stated 30th Street North is a narrow road and talking with the City of Tulsa they will be required to bring that street up to City of Tulsa standards with 24-foot-wide width. She stated hours of operation will be 9-5, Monday through Saturday and there will be roughly five employees and a neighborhood market on Saturday mornings that will attract probably more people than normal during the week. The applicant stated the largest trucks that will be there will be refrigerated trucks there will be no semi-trucks accessing this development. She stated they want to keep it to a minimal to be less intrusive to the neighborhood. The applicant stated to the west on 130th Street there is a church and a daycare. She stated there are residential neighbors to the west off of Jamestown Avenue and there will not be planning any access toward those houses all the vehicular access will be off of 30th Street North. The applicant stated they are in conjunction with Bama and Tulsa Community College (TCC) and they have been great partners for this. She stated TCC has agreed to keep the security going across this area and that was one of the concerns of neighbors. The applicant stated Kevin Harper, who's the executive director is here to discuss the process more if you have any questions for him.

Ms. Kimbrel stated the applicant talked about concerns from the community. She asked the applicant if she could talk about anything that the community is looking forward to with this project.

The applicant stated she can't speak for the community but there was a mix of people who were excited about the development and some that were opposed.

Orville Baul 3340 East 30th Place North, Tulsa, OK 74115

Mr. Baul stated he has no concern with the vision of this food distribution but opposes the location in which they want to build. He stated he has lived in the community since 1987. Mr. Baul stated he knows it's going to change the geography and the character of the neighborhood and there will be a lot more traffic coming into that community and he is concerned about the safety issue. He stated had he known TCC was interested in selling this property he would have been interested in purchasing. Mr. Baul stated he will support this on some level because of the good they will do but he doesn't agree that it should be located in the neighborhood. Mr. Baul stated the noise was a concern with some people and he is concerned with that as well.

Ms. Kimbrel asked if Mr. Baul has any knowledge of where communities and residents in his area get food.

Mr. Baul stated there is a church just the just west of the neighborhood and a few neighbors that have small gardens who sell items from those gardens.

Ms. Kimbrel asked if he is opposed to the use or opposed to the to the zoning.

Mr. Baul stated he is opposed to the zoning.

Ms. Kimbrel asked if he had a problem with any commercial facility use in that area.

Mr. Baul stated he would have preferred TCC to expand to this area.

Ms. Kimbrel asked if Mr. Baul thinks this use fills a need or void in the community.

Mr. Baul stated the North Tulsa area as we know has been described as a food desert when it comes to produce and food so there is always a need but that particular location is the concern.

Beverly Baul 3340 East 30th Place North, Tulsa, OK 74115

Ms. Baul stated the first time we heard about this project was a week and a half ago. She stated a sign was put up on the property and ended up on the ground. Ms. Baul stated she hoped that TCC would eventually do something with this property but didn't think that they would sell it for a farm. Ms. Baul stated the plans show a structure that looks like greenhouses. She stated this is not what a

neighborhood would envision their neighbors to be. Ms. Baul stated when the school across the street was built, they had to petition the neighbors for approval and she doesn't know if that has changed in our City because the neighbors had to agree that this school would be placed in the neighborhood in order for the school to be built. She stated the school is a charter school and was built in honor of a race riot survivor. Ms. Baul stated this is a small neighborhood with only a few residents. She stated she doesn't see how this will improve our food desert issue by putting up greenhouses and providing food, just build a store. She stated we need stores in North Tulsa not greenhouses that's going to produce some fruit trees or open gardens that has been tried already. Ms. Baul stated one of the gentlemen that spoke in this meeting does not live in the neighborhood he lives in Broken Arrow and just owns a few properties in this area. She stated it took 40 years to get a tar street built and it's taken us 40 more years to get it resurfaced. Ms. Baul stated it has cost the residents a lot of money to be in this neighborhood and then something like this project was decided for us. She stated this is not the answer for the north Tulsa food desert.

Ms. Kimbrel asked if Ms. Baul was opposed to any other commercial zoning in that area?

Ms. Baul stated that it depends on what it is.

Ms. Kimbrel asked what would be appropriate for you.

Ms. Baul stated several people have tried to purchase property in that area for homes. She stated that is what she envisions coming into that community.

Ms. Kimbrel asked if she would you be opposed if it was a grocery store.

Ms. Baul stated "yes" because it's not accessible. It's a small road into a rural community. She stated a grocery store should be out where people in the community can get to it.

Ms. Kimbrel asked do you feel that the residents in your community should have access to food.

Ms. Baul stated definitely but we are not talking about a grocery store. We are not talking about a Walmart. We are not talking about Albertson.

Ms. Kimbrel asked if it was one of those stores Albertsons or Walmart would be appropriate.

Ms. Baul stated it would not fit into that community and would not be accessible.

Mr. Reeds asked if it was at North Harvard and East 30th Street North would she object to that location.

Ms. Baul stated if it's on the corner where it could be accessible, she would be fine with that.

Mr. Reeds stated so your problem is really not with the idea but the accessibility to it,

Sean Weins 6111 East Skelly Drive Tulsa, OK 74135

Mr. Weins stated he is with Tulsa Community College came prepared primarily to speak a little bit about TCC's interactions and relationship with Food Home or Food on the Move. He stated he appreciates and respects the comments made by community members and neighborhood members across the street and this has been a learning experience and a new process for him as well. Mr. Weins stated Food on the Move has been on the TCC campus in various capacities for several years. He stated the school has students with food insecurity issues at all of the campuses and they have attempted to address some of those challenges with things like food pantries and advocacy resource centers so students have really a place to go when they have other needs that interrupt their educational process. Mr. Weins stated if you have challenges getting food, it's really tough to focus on academics and to be successful in school. He stated Food on the Move would bring their food truck and be at the campus for a few days out of the year on specific dates and it's been kind of a drop in the bucket of making an impact in terms of addressing food insecurity and food desert challenges. Mr. Weins stated this property was available and Food on the Move approached TCC about purchasing it. Mr. Weins stated the primary point that he can speak to today is just their level of dedication and commitment to this issue, it's a very real mission for that organization, at least with the problem he has observed. Mr. Weins stated if you have ever talked to Taylor Hanson for five minutes about food desert issues or food insecurity issues, he is part of the leadership team with Food Home and is 100% committed to this project.

Ms. Kimbrel asked what data or information Mr. Weins has to indicate that this is a need for your students and any surrounding neighborhood residents.

Mr. Weins stated he can speak more to the data that we might have for our students. He stated they have had faculty and staff on all campuses conduct, welfare and research in terms of surveying students. Mr. Weins stated it's tough for students to admit that they need food. He stated he was a TCC student and his record on Top Ramen was maybe two weeks straight but it's a challenging subject and it wasn't something 20 plus years ago that he even thought there'd be an opportunity to go ask for help.

Angela Sexton 3140 East 47th Street, Tulsa, OK 74105

Ms. Sexton did not wish to comment.

Applicant's Comments:

The applicant stated she would address some of the concerns. She stated 30th Street North would be brought up to City Code and they would minimize the trucks. The applicant stated the subject property is backed up against the Gilcrease Expressway and is not right on 30th Street. She stated with this area being an Area of Growth they meet the Comprehensive Plan and everything is being pushed against the expressway as much as possible. She stated the access is minimal as well. The applicant stated the project will be completely fenced and gated. She stated the hours are daytime hours. The applicant would like Kevin Harbor to speak about the project.

Mr. Shivel asked the applicant what kind of traffic she expects in this area.

The applicant stated they haven't done a traffic study yet. She stated phase one is just the gardens and that is only five employees that will be traveling there during the day. Once the Farmers Market is open on Saturday morning it depends on how many people walk or drive in.

Kevin Harbor 7909 North 122nd Street, Owasso, OK

Mr. Harbor stated he is excited about this project because food insecurity obviously is a big issue. He stated growing aquaponics is a great aspect of it because they can grow year-round in greenhouses but also, they are using 90% less water and everything is organic and it grows 30% faster. He stated it's like science meets agriculture. Mr. Harbor stated urban farming is becoming a big trend and there's a lot of hydroponic farms going in around the Tulsa area. He stated one thing they are doing with this project is using it for a training ground to teach people how to do this so they can go on and get jobs that would start at least a livable wage or more or become an entrepreneur and open their own section and become a farmer with a little market. He stated that's a training ground for retail. Mr. Harbor stated not only are we growing and addressing the food insecurity issue but we're also offering job training and placements for people.

TMAPC Action; 8 members present:

On **MOTION** of **McARTOR**, TMAPC voted **8-0-0** (Covey, Fothergill, Kimbrel, McArtor, Ritchey, Shivel, Van Cleave, Walker, "aye"; "nays"; none "abstaining"; Doctor, Ray, Reeds, "absent") to recommend **APPROVAL** of the CG zoning for Z-7522 per staff recommendation.

Legal Description for Z-7522:

A TRACT OF LAND IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NE/4 NW/4 SW/4) OF SECTION TWENTY-ONE (21), TOWNSHIP TWENTY (20) NORTH RANGE THIRTEEN EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NE/4 NW/4 SW/4; THENCE S 1°09'46" E ALONG THE WESTERLY LINE OF SAID NE/4 NW/4 SW/4 A DISTANCE OF 146.56 FEET TO A POINT ON THE SOUTHERLY LINE OF THE GILCREASE EXPRESSWAY AND THE POINT OF BEGINNING; THENCE N 50°41'36" E ALONG SAID SOUTHERLY LINE OF THE GILCREASE EXPRESSWAY A DISTANCE OF 38.13 FEET TO A POINT; THENCE N 67°17'02" E ALONG SAID SOUTHERLY LINE OF THE GILCREASE EXPRESSWAY A DISTANCE OF 89.85 FEET TO A POINT; THENCE N 88°49'52"E ALONG SAID SOUTHERLY LINE OF THE GILCREASE EXPRESSWAY A DISTANCE OF 546.43 FEET TO A POINT ON THE EASTERLY LINE OF SAID NE/4 NW/4 SW/4; THENCE S 1°09'46" E ALONG SAID EASTERLY LINE OF THE NE/4 NW/4 SW/4 A DISTANCE OF 541.55 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF EAST 30TH STREET NORTH, SAID POINT BEING 30.00 FEET N 1°09'46" W OF THE SOUTHEAST CORNER OF SAID NE/4 NW/4 SW/4; THENCE S 88°49'52" W ALONG SAID NORTHERLY RIGHT OF WAY LINE OF EAST 30TH STREET NORTH AND PARALLEL WITH THE SOUTHERLY LINE OF SAID NE/4 NW/4 SW/4 A DISTANCE OF 146.00 FEET TO A POINT; THENCE N 1°09'46" W AND PARALLEL WITH THE EASTERLY LINE OF SAID NE/4 NW/4 SW/4 A DISTANCE OF 270.00 FEET TO A POINT; THENCE S 88°49'52" W AND PARALLEL WITH THE SOUTHERLY LINE OF SAID NE/4 NW/4 SW/4 A DISTANCE OF 513.99 FEET TO A POINT; THENCE N 1°09'46" W ALONG THE WESTERLY LINE OF SAID NE/4 NW/4 SW/4 A DISTANCE OF 215.00 FEET TO THE PONT OF BEGINNING.

SAID TRACT OF LAND CONTAINING 4.96 ACRES / 215,919.02 SQUARE FEET.

THE BASIS OF BEARING BEING S 1° 09' 46" E ALONG THE WESTERLY LINE OF THE NORTHEAST QUARTER (NE/4) OF THE NORTHWEST QUARTER (NW/4) OF THE SOUTHWEST QUARTER (SW/4) OF SECTION TWENTY-ONE (21), TOWNSHIP TWENTY (20) NORTH, RANGE THERTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF.

* * * * *

13. **Z-7523 Amanda Lowe** (CD 4) Location: East of the southeast corner of East 3rd Street South and South Quincy Avenue rezoning from **CH to IL with optional development plan**

STAFF RECOMMENDATION:

SECTION I: Z-7523

DEVELOPMENT CONCEPT: The applicant is requesting to rezone from CH to IL with an optional development plan in order to permit a Horticulture Nursery for a Medical Marijuana Growing facility. The facility is intended to be located within the existing building currently on site.

The proposed facility will be required to follow all city and state requirements for a medical marijuana cultivation facility. The City of Tulsa zoning code requires the facility to be indoors with an air filtration / ventilation system installed that prevents odors from being detected from outside the boundaries of the lot. An

electronic security system and surveillance camera are also required to be installed.

DETAILED STAFF RECOMMENDATION:

The subject lot is located within a Mixed-Use corridor designation of the City of Tulsa Comprehensive plan and the Pearl District Small Area Plan, which this proposal is compatible with;

The proposed allowable uses, as listed below, are compatible with the surrounding proximate properties and;

The proposal is consistent with the anticipated future development patterns of the surrounding area, therefore;

Staff recommends Approval of Z-7523 to rezone property from CH to IL with optional development plan.

Z-7523 DEVELOPMENT STANDARDS:

Permitted Uses:

Use Categories are limited to the subcategories and specific uses defined below and uses that are customarily accessory to the permitted uses:

Residential

- a. Household Living
- b. Public, Civic and Institutional
- c. Safety Service
- d. Utilities and Public Service Facility (Minor)
- e. Wireless Communication Facility
 - i. Freestanding Tower
 - ii. Building or Tower-Mounted Antenna

Commercial

- a. Animal Service
- b. Broadcast or Recording Studio
- c. Commercial Service

Financial Services (all uses permitted by right)

Funeral or Mortuary Service (all uses permitted by right)

Office (all uses permitted by right)

Restaurants and Bars

a. Restaurant

Retail Sales (all uses permitted by right)

Self-Service Storage Facility

Studio, Artist or Instructional Service

Trade School

Vehicle Sales and Service Section (all uses permitted by right except
Truck Stop)

Wholesale, Distribution & Storage (all uses permitted by right)

Industrial

a. Low-Impact Manufacturing & Industry

Agricultural

a. Horticulture Nursery

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is located within a Mixed-Use Corridor and Area of Growth designation of the Tulsa Comprehensive Plan and Pearl District Small Area Plan.

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. 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: E 3rd St S is designated as a Commercial/CBD/Industrial Collector

Trail System Master Plan Considerations: None

Small Area Plan: The site is in the Pearl District Small Area Plan which contains recommendations about infill development and redevelopment of properties.

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site currently contains an existing commercial building.*

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>

E 3 rd St S	Commercial/CBD/Industrial Collector	80 Feet	4
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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	CH	Mixed-Use Corridor	Growth	Commercial
South	IM	Employment	Growth	Commercial/Industrial
East	CH	Mixed-Use Corridor	Growth	Commercial
West	CH	Mixed-Use Corridor	Growth	Commercial

SECTION III: Relevant Zoning History

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

Subject Property:

No Relevant History

Surrounding Property:

Z-7144 December 2009: All concurred in **approval** of a request for *rezoning* a .33± acre tract of land from RM-2 to IL on property located 1408 and 1412 East 2nd Street.

BOA-15187 July 1989: The Board of Adjustment **approved** a *Special Exception* to permit a machine shop in a CH zoned district per plot plan submitted, subject to hours of operation being 8:00 a.m. to 6:00 p.m., Monday through Friday, finding that there are multiple zoning classifications in the area and numerous uses similar to the one in question, on property located west of the north west corner of 3rd Street and Rockford Avenue.

Z-6117 September 1986: All concurred in **approval** of a request for *rezoning* a .1± acre tract of land from RM-2 to IL on property located southeast corner of East 2nd Street and South Quincy Avenue.

Z-6035 May 1985: All concurred in **approval** of a request for *rezoning* a tract of land from RM-1 to IL on property located northeast corner of East 4th Street and South Rockford Avenue.

BOA-11223 October 1980: The Board of Adjustment **approved** a *Special Exception* to operate a machine shop in a CH District with all work to be performed inside the building, on property located at 1326 E 3rd St.

The applicant indicated her agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Comments:

Ms. Kimbrel stated for dispensary commercial zoning is needed and to grow industrial zoning or agricultural is needed. She stated this application is an IL with no optional development plan.

Staff stated this application has an optional development plan under the recommendation.

Ms. Kimbrel stated the optional development plan limits other injurious industrial uses that would otherwise be allowed.

Staff stated that is correct.

Ms. Kimbrel asked staff if they find an IL with an optional development plan is more appropriate than AG.

Staff stated "yes", because of the space requirements of agriculture and this is industrial zoning and they want to grow in an existing building.

TMAPC Action; 8 members present:

On **MOTION** of **McARTOR**, TMAPC voted **8-0-0** (Covey, Fothergill, Kimbrel, McArtor, Ritchey, Shivel, Van Cleave, Walker, "aye"; "nays"; none "abstaining"; Doctor, Ray, Reeds, "absent") to recommend **APPROVAL** of the IL zoning with the optional development plan for Z-7523 per staff recommendation.

Legal Description for Z-7523:

LTS 8-9 BLK 18, LYNCH & FORSYTHE'S ADDN, City of Tulsa, Tulsa County, State of Oklahoma

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OTHER BUSINESS

14. Commissioners' Comments

Mr. Fothergill stated he wanted to thank the staff for tremendous work and that makes it easy on Commissioners. He stated they try to condense everything in a reasonable manner and he appreciates that very much. Mr. Fothergill stated thanks to his fellow Commissioners he has never had a cross word with any one of the Commissioners and that's always nice to come away from an adventure like that. Mr. Fothergill stated he is leaving the County Commissioner's office and will be the First Deputy for County Treasurer office. He stated Keri Fothergill will be replacing him at the County and will work for Commissioner Keith and Mike Craddock will be replacing him on TMAPC with Vicki Adams still being the backup.

* * * * *

ADJOURN

TMAPC Action; 8 members present:

On **MOTION** of **WALKER**, TMAPC voted **8-0-0** (Covey, Fothergill, Kimbrel, McArtor, Ritchey, Shivel, Van Cleave, Walker, "aye"; "nays"; none "abstaining"; Doctor, Ray, Reeds, "absent") to **ADJOURN** TMAPC meeting of December 18, 2019, Meeting No. 2808.

There being no further business, the Chair declared the meeting adjourned at 3:53 p.m.

CD = Council District

NOTE: If you require special accommodation pursuant to the Americans with Disabilities Act, please notify Tulsa Planning Office (918) 584-7526. Exhibits, Petitions, Pictures, etc., presented to the Planning Commission may be received and deposited in case files to be maintained at Tulsa Planning Office.

Date Approved:

2-5-26

Jawah (acting)
Chairman

ATTEST:

[Signature]
Secretary