

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2810

Wednesday, January 22, 2020, 1:00 p.m.

City Council Chamber

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

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, January 16, 2020 at 3:40 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 1:00 p.m.

REPORTS:

Chairman's Report:

None

Director's Report:

Ms. Miller reported on City Council and Board of County Commissioner actions and other special projects. Ms. Miller stated a work session is needed on March 4, 2020.

1. **Minutes:**

Approval of the minutes of December 4, 2020 Meeting No. 2807

On **MOTION** of **SHIVEL**, the TMAPC voted 7-0-0 (Covey, McArtor, Ray, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Craddock, Doctor, Kimbrel, Reeds “absent”) to **APPROVE** the minutes of the meeting of December 4, 2020, Meeting No. 2807.

CONSENT AGENDA

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

2. **PUD-705-3 Mike Thedford** (CD 1) Location: Northeast corner of North Peoria Avenue and East Reading Street requesting a **PUD Minor Amendment** to reduce west setback from 25 feet to 0 feet

TMAPC Action; 7 members present:

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

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

PUBLIC HEARINGS:

3. **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 and December 18, 2019) (**Staff and Applicant requests a continuance to February 5, 2020**)

TMAPC Action; 7 members present:

On **MOTION** of **McARTOR**, TMAPC voted 7-0-0 (Covey, McArtor, Ray, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Craddock,

Doctor, Kimbrel, Reeds “absent”) to **CONTINUE** Item Z-7515 to February 5, 2020.

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4. **CAP Delaware Indoor Storage** (CD 2) Preliminary Plat, Location: West of the southwest corner of East 91st Street South and South Delaware Avenue

STAFF RECOMMENDATION:

CAP Delaware Indoor Storage - (CD 2)

West of the southwest corner of East 91st Street South and South Delaware Avenue

This plat consists of 1 lot, 1 block, 2.25 ± acres.

The Technical Advisory Committee (TAC) met on January 2, 2020 and provided the following conditions:

1. **Zoning:** Lot conforms to the requirements of the CG zoning district. Optional development plan standards for Z-7477 must be included in restrictive covenants for final plat and referenced on the face of the plat.
2. **Addressing:** Address assigned by the City of Tulsa must be provided on the face of the plat.
3. **Transportation & Traffic:** Sidewalk is required to be in place along East 91st Street South. Sidewalk language required to be included in the deed of dedication as provided by the Technical Advisory Committee.
4. **Sewer:** Sanitary sewer extension required to serve subject site. IDP must be approved prior to release of the final plat.
5. **Water:** No comments.
6. **Engineering Graphics:** Submit a subdivision data control sheet with final plat submittal. Add “City of Tulsa” before Tulsa County in the plat subtitle. Label plat location in the location map as “project location” or “site”. Update location map with all platted properties and label all other property as unplatted. Define coordinate system used under basis of bearing heading. Provide a bearing angle shown on the face of the plat.
7. **Fire:** Emergency access required at the south end of the property.
8. **Stormwater, Drainage, & Floodplain:** Stormwater system extensions are required. IDP must be approved prior to release of the final plat.
9. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation

Commission to verify no oil & gas activity on the site.

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **McARTOR**, TMAPC voted 7-0-0 (Covey, McArtor, Ray, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Craddock, Doctor, Kimbrel, Reeds "absent") to **APPROVE** the Preliminary Subdivision Plat for CAP Delaware Indoor Storage per staff recommendation.

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5. **Buena Vida Addition** (CD 3) Preliminary Plat, Location: South of the southwest corner of East Admiral Place and South 89th East Avenue

STAFF RECOMMENDATION:

Buena Vida Addition - (CD 3)

South of the southwest corner of East Admiral Place and South 89th East Avenue

This plat consists of 19 lots, 1 block, 4.81 ± acres.

The Technical Advisory Committee (TAC) met on January 2, 2020 and provided the following conditions:

1. **Zoning:** Subject property has been rezoned to RS-4. Lots shown on the preliminary plat conform to the requirements of the RS-4 district.
2. **Addressing:** Address assigned by the City of Tulsa must be provided on the face of the plat.
3. **Transportation & Traffic:** Sidewalks are required along East 2nd Street, East 3rd Street, and South 89th East Avenue. Plans for East 3rd Street must be approved prior to the release of the final plat.
4. **Sewer:** Sanitary sewer extension required to serve subject site. IDP must be approved prior to release of the final plat.
5. **Water:** Water main extension is required to serve all proposed lots. IDP must be approved prior to the release of the final plat.
6. **Engineering Graphics:** Submit a subdivision data control sheet with final plat submittal. Add "City of Tulsa" before Tulsa County in the plat subtitle.

Label plat location in the location map as “project location” or “site”. Update location map with all platted properties and label all other property as unplatted. Define coordinate system used under basis of bearing heading. Provide a bearing angle shown on the face of the plat.

7. **Fire:** No comments.
8. **Stormwater, Drainage, & Floodplain:** Stormwater system extensions are required. IDP must be approved prior to release of the final plat.
9. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

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

The applicant indicated his agreement with staff’s recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **McARTOR**, TMAPC voted 7-0-0 (Covey, McArtor, Ray, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Craddock, Doctor, Kimbrel, Reeds “absent”) to **APPROVE** the Preliminary Subdivision Plat for Buena Vida Addition per staff recommendation.

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6. **CZ-499 Tanner Consulting, LLC/Erik Enyart** (County) Location: East of the southeast corner of Weaver Road and South 157th West Avenue requesting rezoning from **AG to AG-R**

STAFF RECOMMENDATION:

SECTION I: CZ-499

DEVELOPMENT CONCEPT: The applicant is proposing to rezone from AG to AG-R to permit single family homes on the subject lot. The Tulsa County Zoning Code requires a minimum of 1 Acre lot area for AG-R with a minimum lot area per dwelling unit of 1.1 Acres. The site is located within the Residential Land Use category of the City of Sand Springs Land Use Master Plan. Based on the proposed use and minimum lot area requirements, the applicant’s proposal is compatible with the recommendations of the Land Use Master Plan for this area.

The subject lot is also currently undergoing a Lot Line Adjustment to split the portion of the lot that is the subject of this rezoning request from the remainder of the lot to the south, which will then be combined with the larger parcel south of the remainder of the lot. This will provide a 30 ft wide access from the combined parcel to West Weaver Road.

DETAILED STAFF RECOMMENDATION:

CZ-499 is non-injurious to surrounding proximate properties;

CZ-499 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends Approval of CZ-499 to rezone property from AG to AG-R.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary:

The subject property is located within the fenceline of Sand Springs. The 2030 Sand Springs Land Use Master Plan was adopted June 26, 2017. The City of Sand Springs Planning Department embarked on a community outreach effort to engage citizens in the Comprehensive Planning process. They initiated a community survey that was available in electronic format via social media and the City's website. The survey was also available in a hard copy that citizens could acquire at several locations. In addition, a web based Interactive Map was launched to obtain citizen participation.

The Land Use Master Plan designates this area as Residential. The Residential category is typically comprised of single-family neighborhoods of varying lot sizes and represents the lowest intensity of all the use categories outside of Agricultural Districts. Dwelling unit densities within the Residential category generally range from 2 to 5 units per acre but density can be as little as 1 or fewer per acre. Areas within the fenceline may not develop to densities any greater than 1 or 2 dwelling units per acre because of the expense of bringing sewer to these locations. As a result of the many variables involved, the Residential category was not broken apart into two different categories, such as rural or urban.

Land Use Vision:

Land Use Plan map designation: Residential

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: S 15th W Ave does not have a designation in the Major Street and Highway Plan

Trail System Master Plan Considerations: The site is located within 500 feet of a signed bicycle route along S 157th W Ave

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site currently contains a single family residence and associated barns/storage.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
S 154 th W Ave	None	N/A	2

Utilities:

The subject tract has municipal water available from the City of Sand Springs. Septic will be utilized for sewer.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG	Residential	N/A	Vacant

South	AG	Residential	N/A	Vacant/Agricultural
East	AG	Residential	N/A	Single Family/Agricultural
West	AG	Residential	N/A	Vacant

SECTION III: Relevant Zoning History

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

Subject Property:

No Relevant History.

Surrounding Property:

No Relevant History.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **McARTOR**, TMAPC voted 7-0-0 (Covey, McArtor, Ray, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Craddock, Doctor, Kimbrel, Reeds "absent") to recommend **APPROVAL** of the AG-R zoning for CZ-499 per staff recommendation.

Legal Description for CZ-499:

THE NORTH ONE (1) ACRE OF THE FOLLOWING DESCRIBED TRACT OF LAND IN TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE LAST GOVERNMENT SURVEY THEREOF:

BEGINNING 30 FEET SOUTH OF THE NORTHWEST CORNER OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (E/2 SE/4 SW/4) AND ALONG THE WEST LINE OF SAID E/2 SE/4 SW/4 OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 11 EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF;

THENCE EAST 210 FEET; THENCE SOUTH 630 FEET; THENCE WEST 210 FEET; THENCE NORTH 630 FEET TO THE POINT OF BEGINNING.

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7. **Z-7525 Margaret Rosene Robinson** (CD 3) Location: South and west of the southwest corner of East Admiral Place and South Garnett Road requesting rezoning from **CS to IL with an optional development plan** (Continued from January 8, 2020)

STAFF RECOMMENDATION:
SECTION I: Z-7525

APPLICANTS DEVELOPMENT CONCEPT:

The existing building and most, if not all, of the surrounding buildings are metal warehouse buildings used for various automotive and light industrial services. Services and business in the area include Goodyear Tire, Danco Pump and Supply, an aeronautic repair and welding station, several construction contractors, and vehicle and transmission repair shops, to name a few.

The proposed medical marijuana processing and growing uses are not permitted in the CS district but are permitted in the IL district and are consistent with the development pattern of the area and the comprehensive plan designations of the area of employment and area of growth. This development plan will allow for the specific IL uses identified above but otherwise preserve the CS zoning, thereby maintaining the requirement of Board of Adjustment approval for uses such as vehicle services and warehousing.

DETAILED STAFF RECOMMENDATION:

The employment land use designation encourages light manufacturing and high tech uses for clean manufacturing and warehouse uses and,

The surrounding property has been developed with standards and uses only allowed in a CS district and a variety of special exceptions that allow vehicular uses and repair and,

The architectural style of the development in this area is similar to many light industrial development areas and the proposed zoning change with the provisions of the optional plan is consistent with the employment land use designation for the area therefore,

Staff recommends approval of Z-7525 to rezone property from CS to IL with the optional development plan standards outlined in Section II below.

SECTION II: OPTIONAL DEVELOPMENT PLAN STANDARDS

The optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in an IL district with its supplemental regulations except as further refined below. All uses categories, subcategories or specific uses and residential building types that are not listed in the following permitted uses categories are prohibited:

PERMITTED USE CATEGORY

A) RESIDENTIAL (see allowed residential building types below)

Household Living

Single household

Two households on a single lot

Three or more households on single lot

Group Living

*indicates specific uses that are only allowed through the special exception process

*Homeless center

~~*Re-entry facility~~

Re-entry facility

~~* Residential treatment center~~

Residential treatment center

*Shelter, emergency and protective

~~*Transitional living center~~

Transitional living center

B) PUBLIC, CIVIC, AND INSTITUTIONAL

* indicates specific uses that are only allowed through the special exception process

*College or University

*Day Care

*Detention and Correctional Facility

*Fraternal Organization

*Governmental Service

*Hospital

*Library or Cultural Exhibit

Natural Resource Preservation

*Parks and Recreation

*Postal Services

*Religious Assembly

Safety Service

*School

Utilities and Public Service Facility (minor)

*Utilities and Public Service Facility (major)
Wireless Communication Facility (includes all specific uses)

C) COMMERCIAL

* indicates specific uses that are only allowed through the special exception process

Animal Service
Boarding or shelter
Grooming
Veterinary
Assembly and entertainment
*Indoor gun club
*Other indoor
*(small; up to 250-person capacity)
Broadcast or Recording Studio
Commercial Service (includes all permitted specific uses)
Financial Services (includes all permitted specific uses)
Funeral or Mortuary Service
~~Lodging (includes all permitted specific uses)~~
Office (includes all permitted specific uses)
Parking, Non-accessory
Restaurants and Bars
Restaurant
*Bar
*Brewpub
Retail Sales (includes all permitted specific uses)
* Self-service Storage Facility
Studio, Artist, or Instructional Service
Trade School
Vehicle Sales and Service (includes all permitted specific uses)

E) WHOLESALE, DISTRIBUTION AND STORAGE

*Equipment and Material Storage, Outdoor
*Trucking and Transportation Terminal
*Warehouse
*Wholesale Sales and Distribution

F) INDUSTRIAL

*indicates specific uses that are only allowed through the special exception process

~~*All low-impact manufacturing and industry uses require a special exception approval at the board of adjustment except that a Low-Impact Medical Marijuana Processing is a permitted use.~~

Low Impact Manufacturing and Industry but only for the Low-Impact medical Marijuana Processing Facility use

*Moderate-impact manufacturing and industry but only for a Moderate-Impact Medical Marijuana Processing Facility.

G) Recycling

* indicates specific uses that are only allowed through the special exception process

*Construction or Demolition Debris
Consumer Material Drop-off Station

*Consumer Material Processing

H) AGRICULTURAL

Community Garden
Farm, Market or Community-supported
Horticulture Nursery

I) OTHER

Drive-in or Drive-through Facility (as a component of an allowed principal use)

PERMITTED RESIDENTIAL BUILDING TYPES

Household Living

Single household

* indicates building types that are only allowed through the special exception process

*Manufactured housing unit

*Mixed-use building

*Vertical mixed-use building

Two households on a single lot

*Mixed-use building

*Vertical mixed-use building

Three or more households on a single lot

*Mixed-use building

*Vertical mixed-use building

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: IL zoning may be appropriate in many areas of Tulsa that are included in areas of employment. In this instance all the surrounding properties and the expected development pattern will continue to be those uses allowed by right or by special exception in a CS district. IL zoning

with the optional development plan will continue to give the property owner the opportunity to develop most uses that are allowed in a CS district and provides further opportunities to request some special exception uses that have been previously granted in the neighborhood. The employment land use designation is consistent with that concept of expanded employment growth opportunities.

Land Use Vision:

Land Use Plan map designation: Employment

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

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

Areas of Stability and Growth designation: Area of Growth

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

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

Transportation Vision:

Major Street and Highway Plan: None that affect rezoning decisions or future development considerations

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The existing building and many of the surrounding buildings are moderately sized warehouse style buildings. Many of the structures are being used for automotive repair facilities and other warehouse uses that are allowed uses or have been allowed through the special exception process at the Board of Adjustment

Street view from southeast looking northwest:



Environmental Considerations: None that affect site development or rezoning decisions

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South 111 th Street South	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	CS	Employment	Growth	Auto Repair
East	CS	Employment	Growth	Truck Repair
South	CS	Employment	Growth	Empty lot
West	CS	Employment	Growth	Plumbing and Mechanical

SECTION IV: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11812 dated June 26, 1970 established zoning for the subject property.

Subject Property:

No Relevant History.

Surrounding Property:

BOA-20487 April 2007: The Board of Adjustment **approved** a *Special Exception* to permit automotive restoration in a CS District with conditions for 5 years, on property located at 107 South 111th Avenue.

BOA-18421 May 1999: The Board of Adjustment **approved** a *Special Exception* to allow automotive related uses in a CS district to include: sale of automobiles, motorcycles, personal watercraft, boats, motorcycle parts, and motorcycle accessories, as well as the service and repair of motorcycles, subject to no outside storage or sale of any products and no on-street parking related to the use, on property located at 102 South 111th East Avenue.

BOA-16740 July 1994: The Board of Adjustment **denied** a *Special Exception* to permit Use Unit 17 (Automotive and Allied Activities) in a CS zoned district and a *Variance* of the all-weather surface requirement for parking, finding the use to be inappropriate and inconsistent with the

Board's original requirement for a 150' buffer area, due to the proximity to the residential neighborhood, on property located at 10922 East 2nd Street.

BOA-15275 November 1989: The Board of Adjustment **approved** a *Special Exception* to permit automobile sales, service and accessory body shop in a CS zoned district, subject to all automobile repairs being conducted inside the building and no outside storage of parts or inoperable automobiles, on property located at 40 South Garnett.

BOA-13053 March 1984: The Board of Adjustment **approved** a *Variance* to permit Use Unit 1225 (automotive painting) to permit antique automobile restoration in a CS District under the provisions of Section 1670, with the conditions that there be no outside storage of vehicles, that it be for this owner only, and that the painting not become the principal use of the property, on property located south of the southwest corner of Admiral and South 111th East Avenue.

BOA-12945 January 1984: The Board of Adjustment **approved** a *Special Exception* to permit a four-bay car wash in a CS District under the provisions of Section 1680, limited to the north-west 102' by 80' of the lot per pictures and plans submitted, with the structure being brick with a mansard roof and with the color of the brick matching as closely as possible the color of the brick used in the shopping center, on property located at west of the southwest corner of Admiral Place and 111th East Avenue.

BOA-12848 November 1983: The Board of Adjustment **denied** a *Special Exception* to permit restoring antique cars in a CS zoned District under the provisions of Section 1680, on property located south of the southwest corner of South 109th East Place and Admiral Place. Since the motion did not have three affirmative votes, Mr. Chappelle made a motion to APPROVE the application. The motion died for lack of a second, so the application was DENIED.

TMAPC Comments:

Mr. Covey asked if medical marijuana processing facilities needed to be zoned IL or IM?

Staff stated "that is correct, IL, IM or IH.

Mr. Covey stated he thought that when the regulations regarding medical marijuana were passed staff gave a presentation that looked where all the zoning was and staff said that marijuana processing facilities need to go in areas that zoned Industrial. He stated staff is not putting them in Industrial zoned districts

but in CS zoned districts. Mr. Covey stated he thought the point was to move them out and it seems like more and more they are coming in.

Staff stated they have heard that concern a lot from here and City Council. He stated City Council has asked staff to look at possibly changing the Zoning Code to allow some medical marijuana facilities in Commercial Districts with a Special Exception. Staff stated that process is not finished yet but he thinks that this is a transition time between when this will be allowed through the Special Exception process, but right now that is not available.

Mr. Covey stated if he takes out the medical marijuana aspect and asks if IL zoning should go where the subject property is located, there is not any IL zoning anywhere near this application.

Staff stated when he first looked at the application that was exactly what he thought but after a conversation with the applicant's attorney who put together the optional development plan this would be the only thing that staff would comfortable with.

Mr. Covey stated with regard to the development plan there's no further setbacks, it's just simply the uses.

Staff stated "Correct".

Staff stated the applicant's representative will have a lot more to say about this. He stated the building character is a very industrial kind of look, it's a light industrial development. Staff stated looking at the existing building on page 7.6. of the packet it is consistent with a lot of the architectural style of the buildings in the area. He stated there are several Board of Adjustment cases that have allowed some car repair places and there is some history in this area of light industrial type uses in a CS district. Staff stated from a historical perspective, they felt like this was not completely out of character with everything that has been developed around this property.

Mr. Covey asked if he heard staff say that there's currently undergoing a process to allow processing facilities in CS districts.

Staff stated they are looking at those options for grow facilities and some processing facilities also. He stated if that moves forward it would be presented to the Board of Adjustment as a Special Exception but it would be months before this happens.

Mr. Covey stated he hates to bring up sidewalks but with sidewalks the Planning Commission took the position that until the process ran its course. Mr. Covey stated if there's a process that's currently in place he thinks Planning Commission should take a position on all of these medical marijuana cases.

Applicant Comments:

The applicant stated staff pointed out that this area is CS but it's got a long history back to the 80's of light industrial uses. She stated in the aerial on page 7.9 of the agenda packet all of the buildings are metal warehouses with metal roofs with a wide range of light industrial uses from Goodyear tires, welding places, construction, contractors and vehicle repair shops, etc. The applicant stated they think that medical marijuana or light industrial uses is appropriate for the area and the processing that's going to take place is cold press processing that involves water extraction. She stated it won't be anything that the code considers high industrial processing methods. The applicant stated the owners are here and have more information about the tenant if needed.

Mr. Ritchey stated he thinks the optional development plan makes sense. He stated he understands the original idea that these types of processes should be in industrial but he thinks that's to protect neighbors. Mr. Ritchey stated this process is not what he calls very intense they are not creating chemicals or putting fumes into the air. He stated the bigger issue would be they may be receiving larger trucks coming and going. Mr. Ritchey stated he thinks there's no perfect way to categorize the type of zoning that's required to do the processing and he thinks this is a great workaround for the time being. He stated he thinks there will be a time where even with an optional development it may not make sense like if this application was not clearly contained in an industrial area or maybe it's too close to neighbors to have a light industrial type use. But for now, this is fine with an optional development to protect the things that need to be protected.

Mr. Covey stated back in '83 the Board of Adjustment denied a Special Exception for storing antique cars in this area. Mr. Covey stated what's going to happen in the future if a case comes back up and there is a zoning map that shows IL and then it's like if there's IL here why not IL there and suddenly this entire area is IL. He stated if that's what we want it to be then that's fine but this is how it starts. Mr. Covey stated he respects other Commissioner's opinions. He stated if there is a process going on, just like the sidewalks he doesn't know why staff wouldn't take a position just like they did on the sidewalks.

Mr. Shivel asked if optional development plans trump spot zoning.

Staff stated optional development plans can only tighten up the restrictions. He stated there is nothing in the policies and procedures that says you can't do spot zoning but it is good practice to always look at the surrounding properties but in this instance it's just like old PUD's use to be the underlying zoning is manipulated all the time and this just tightens that up.

Mr. McArtor asked given Mr. Covey's concerns that this is a slippery slope in that area, what does the optional development plan do to help us slip away?

Staff stated the optional development plan is a zoning ordinance and there are procedures for changing the optional development plan but it has to go through very public process just like this.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **McARTOR**, TMAPC voted 6-1-0 (McArtor, Ray, Ritchey, Shivel, Van Cleave, Walker, "aye"; Covey "nays"; none "abstaining"; Craddock, Doctor, Kimbrel, Reeds "absent") to recommend **APPROVAL** of the IL zoning with optional development for Z-7525 per staff recommendation.

Legal Description for Z-7525:

LT 12 BLK 2, WAGON WHEEL TRADE CENTER, City of Tulsa, Tulsa County, State of Oklahoma

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8. **Z-7527 Nathan Cross** (CD 2) Location: East of the northeast corner of West 61st Street South and South 33rd West Avenue requesting rezoning from **RS-3 to CS**

STAFF RECOMMENDATION:

SECTION I: Z-7527

DEVELOPMENT CONCEPT: The applicant has submitted a request to rezone the subject property to CS for commercial development consistent. Commercial uses are generally consistent with the Neighborhood Center land use designation in the Tulsa Comprehensive Plan. The site is undeveloped and is currently zoned OL and RS-3.

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 and,

The uses allowed in a CS district are consistent with the Tulsa Comprehensive plan Neighborhood Center land use designation therefore,

Staff recommends approval of Z-7527 to rezone property from RS-3, OL to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: This site is on the north and east edges of the Neighborhood Center land use designation and abuts and existing neighborhood on the north and east edges.

Land Use Vision:

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

Areas of Stability and Growth designation: Area of Growth
The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are

parts of the city where general agreement exists that development or redevelopment is beneficial. 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: West 61st Street South is a secondary arterial. No additional considerations have been assigned to this street.

Trail System Master Plan Considerations: None

Small Area Plan: Southwest Tulsa Neighborhood Plan was approved by resolution 2546:896 on May 14, 2009 prior to the format provided in Planitulsa which was adopted in 2010. The plan was an implementation plan that focused on public infrastructure and did not contemplate specific land use goals or land use recommendations for this location.

The total plan can be found at <http://tulsaplanning.org/wp-content/uploads/2019/06/Southwest-Tulsa-Neighborhood-Plan.pdf>.

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The property is vacant and adjacent to commercial property on the west, a bar and single family residential on the east and north. The site is generally flat with little vegetation.

Street View Snippet: View from SW corner of site looking northeast (see next page)



Environmental Considerations: No known environmental considerations that would affect site redevelopment and zoning decisions.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West 61 st Street South	Secondary Arterial	100 feet	4
South 32 nd West Avenue	None	50 feet	2 with drainage ditches on each side

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-3	Existing Neighborhood	Stability	Single family residential
East	RS-3 and CS	Existing Neighborhood and Neighborhood	Stability and Growth	3 lots with single family residential homes and a bar at the intersection of S.

		Center		32 nd W. Avenue and W. 61 st Street
South	CS	Neighborhood Center	Growth	Shopping Center and vacant property
West	CS	Neighborhood Center	Growth	Shopping center

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 19794 dated March 16, 2000 established zoning for the subject property.

Subject Property:

Z-6750 March 2000: All concurred in **denial** of a request for *rezoning* a .87± acre tract of land from RS-3 to CS for commercial/ office use, recommending **approval** of OL zoning on the south 118' fronting West 61st Street (Lot 17) to a depth that would be in alignment with the existing zoning to the east, with the rest of the tract to remain RS-3, on property located northwest corner of West 61st Street and South 32nd West Avenue.

Ordinance number 11822 dated June 26, 1970 established zoning for the subject property.

Surrounding Property:

Z-7490 August 2019: All concurred in **approval** of a request for *rezoning* a 4± acre tract of land from CS to CS with an Optional Development Plan for apartments/condos, on property located on the southeast corner of South 33rd West Avenue and West 61st Street South.

Z-7305 July 2015: All concurred in **approval** of a request for *rezoning* a .71± acre tract of land from RS-3 to CS for an office, on property located northwest corner of South 33rd West Avenue and West 59th Street South.

BOA-20497 August 2007: The Board of Adjustment **approved** a *verification* of the spacing requirement for a liquor store of 300 ft. from blood banks, plasma centers, day labor hiring centers, pawn shops and another liquor store, on property located at the Southeast corner of West 61st Street South and South 33rd West Avenue.

BOA-19430 August 2002: The Board of Adjustment **approved** a *special exception* to permit a car wash in a CS District, per plan, on property located at the Southeast corner of West 61st Street South and South 33rd West Avenue.

Z-6543/CZ-266 August 1996: All concurred in **approval** of a request for *rezoning* a 1± acre tract of land from RS-3 to CS for a laundromat, on property located south of the southwest corner of West 59th Street South and South 33rd West Avenue.

Z-6298 May 1991: All concurred in **denial** of a request for *rezoning* a 5± acre tract of land from RS-3 to CG for commercial, recommending **approval** of CS and directing staff to revise the shape of the five acres nodes at the northeast corner of 61st Street South and 33rd West Avenue to incorporate the lots and the lot to the north of this request without exceeding five acres, on property located north of West 61st Street South and East of South 33rd West Avenue.

BOA-14207 September 1986: The Board of Adjustment **approved** a *special exception* to allow a dry cleaning/laundry in a CS zoned district, on property located at the Southeast corner of West 61st Street South and South 33rd West Avenue.

Z-6091 February 1986: All concurred in **approval** of a request for *rezoning* a .5± acre tract of land from RS-3 to CS, on property located in the northeast corner of West 61st Street South and South 33rd West Avenue.

BOA-13050 March 1984: The Board of Adjustment **approved** a *special exception* to permit a car wash in a CS zoned district and **approved** a *variance* of the required 110 foot setback from the centerline of West 61st Street South to 68 feet on property located at the Northeast corner of West 61st Street South and South 33rd West Avenue.

BOA-11944 May 1982: The Board of Adjustment **approved** a *Special Exception* to allow church use and activities in an RS-3, on property located at 5900 South 33rd West Avenue.

Z-4936 January 1977: All concurred in **approval** of a request for *rezoning* a .46± acre tract of land from RS-3 to CS for commercial, on property located west side of South 33rd West Avenue and 210' North of West 61st Street.

PUD-159 June 1974: All concurred in **approval** of a proposed *Planned Unit Development* on a 595.3± acre tract of land for a neighborhood with a 36-hole golf course on property located South and East of the Southeast corner of West 61st Street South and South 33rd West Avenue.

Z-4496 October 1973: All concurred in **approval** of a request for *rezoning* a .38± acre tract of land from RS-3 to CS for commercial, on property located at the northeast corner of 32nd West Avenue and 61st Street.

Z-4377 April 1973: All concurred in **approval** of a request for *rezoning* a .48± acre tract of land from RS-3 to CS for a Commercial Garage, on property located northwest corner of 61st Street and South 33rd West Avenue.

Z-3791 September 1970: All concurred in **approval** of a request for *rezoning* a .4± acre tract of land from RS-3 to CS for commercial, on property located northwest corner of 61st Street and South 33rd West Avenue.

TMAPC Comments:

Mr. Covey asked if this was in the West Highland/Tulsa Hills Small Area Plan?

Staff stated the boundary of the West Highland/Tulsa Hills Small Area Plan is West 61st Street but this is in the Southwest Tulsa Neighborhood Plan that was approved in May of 2009 before the current Comprehensive Plan was effective. He stated in this plan the land uses were secondary and the study was more about infrastructure improvements.

Mr. Covey stated if just looking at the zoning he has concern about the subject property going into obviously a residential area but when he looks at the overhead, and the land use map it calls for Neighborhood Center.

Staff stated when the Land Use Plan was adopted someone recognized that this corner could ultimately be a Neighborhood Center and CS zoning is consistent with that vision.

Applicant Comments:

Nathan Cross 2 West 2nd Street STE 700, Tulsa, OK 74103

Mr. Cross stated this is a vacant piece of land. He stated his client bought it in 2015, which was after the adoption of the 2010 Comprehensive Plan. Mr. Cross stated his client has had a lot of issues trying to find somebody to develop the subject property. He stated because of the proximity to the street and because of the surrounding area and including the CS to the west it's not right necessarily for single family home development. Mr. Cross stated he knows Ms. Price is going to voice her opinion and tell you that is not correct. But his client would have sold it a long time ago to a developer if an opportunity had presented itself. Mr. Cross stated in conjunction with staff there has been a lot line adjustment, they have made this one lot pending the outcome of this application for purposes of

creating some level of retail or restaurant development either in the immediate future or the distant future. He stated it takes lots that are hard to move or develop into something that's more powerful in the marketplace and gives more options to the land. The applicant stated as it's been discussed everything we're asking for is very consistent with Comprehensive Plan and in fact, it's exactly what the Comprehensive Plan foresees for this area. He stated he has no doubt that Ms. Price is going to stand up and say that this is an intrusion into her neighborhood and he would counter that by saying that his clients own this property and what they are asking for is exactly what the City of Tulsa has told him he could do by what was adopted in the Comprehensive Plan. The applicant stated the original zoning was done in the '70's when the Zoning Code was put into place. In 2000 there was a recognition that something different needed to be done. The request in 2000 was part approval, part denial, but that resulted in the OL on the frontage.

Mr. Covey asked if the zoning change is approved is the applicant going to market the property or develop it?

The applicant stated he thinks there might be a chance to develop it but the plan right now is to market it and they are in agreement with staff position that the restrictions that are in the code with regard to screening and landscaping allows somebody to put in a very attractive and beneficial commercial development.

Interested Parties:

Joyce Kaye Price 5815 S. 31st West Avenue, Tulsa, OK 74107

Ms. Price stated her home is on the street directly behind the subject property. She stated the neighborhood would have no problem leaving the property like it's shown and like they told Planning Commission in 2000. Ms. Price stated there is a bar directly across the street from the OL zoning. She stated there is a small warehouse that fronts South 31st Street that is presently not in use. Ms. Price stated when she came to the neighborhood in 1978 it was an illegal auto salvage that ran for four blocks deep and it took her 10 years to get rid of it and there are new houses there now. She stated for someone to say that it is appropriate to invade the perimeters of an existing neighborhood she finds unbelievable. Ms. Price stated she is here to remind Planning Commission of the other times she has been here counting Summit Park as the poster child of what the City of Tulsa has always wanted. Infill with affordable housing. Ms. Price stated there are 93 homes in this area and 14 of them have been built in the last decade. All of the homes have been in the middle-income price range of \$120,000 to \$150,000. She stated there are nine new homes surrounding the subject area, 6 directly across the street and 3 that sit adjacent to the property was abandoned 20 years ago and it took years to get the homes down. Ms. Price stated she would like for Commissioners to pay particular attention to the efforts that she has gone through for the mapping exhibit she brought. She stated what she finds crazy

about wanting to change the zoning is if you examine the property that lies parallel to it but faces 33rd West Avenue this property would back right up to it. It is completely unoccupied. The whole thing is vacant except the very end is used for storage. Ms. Price stated West Highland Plaza is directly across the street and the entire shopping center has very low occupancy. It's been that way for quite a while. She stated a lot of restaurants open in the corner and they have all failed. Ms. Price stated there is no want or need for this in this neighborhood. She stated the neighborhood has no problem with him reselling those lots and putting more houses there. Ms. Price stated almost everybody in the neighborhood are blue collar workers and a very high level of retired people which is why very few people are here but she has spoken with a number of them. She stated she has lived in this neighborhood since 1978 and worked really hard to clean up a lot of code violations and to promote infilling of it. The fact that we have anything other than single family residential is obscene. People who live in this neighborhood don't leave, they work really hard and have proven that it is a viable infill neighborhood

The applicant stated he spoke with Ms. Price before the meeting. He stated he thinks his client would be open to pragmatic solutions to building a commercial development that addresses what concerns the neighborhood has. The applicant stated he doesn't think that just because it's commercial it's necessarily going to damage the neighborhood. If there wasn't a market for it his client wouldn't be undertaking this process.

Carine Kipoliongo 5947 South 32nd West Avenue, Tulsa, OK 74107

Ms. Kipoliongo stated she lives across from the subject property and she doesn't know anything about zoning but she is not comfortable living next to commercial places because she has two young children. She stated her husband works very hard and she works and is trying to finish her degree. Ms. Kipoliongo stated she needs a stable place to raise her children. She stated she finally has that place and it is better for to have a place to live than to be homeless. Ms. Kipoliongo stated placing commercial property next to her is not appropriate for her family.

The applicant stated he appreciates the willingness to be able to come here and talk and his client is willing to have the discussion about what works but not to belabor the point but this is a use that is consistent with the Comprehensive Plan and his client bought this property knowing that it is consistent with Comprehensive Plan.

Mr. Covey asked if the applicant's client has tried to market the property.

The applicant stated in the last 2 years they have tried to market it with no interest. He stated the idea that this is developable property and they are just doing it wrong, he wished that were the case because if that were true, he wouldn't be here. This is an attempt to try to make it marketable.

Mr. McArtor stated he wants to thank these ladies for coming in here, especially with children on a day like this. It's remarkable and this is what makes Tulsa a great place. He stated given the fact that this is an Area of Growth, given the fact that it's a Neighborhood Center and given the fact that it's been OL for 2 decades and nothing has been done. It seems that it's time for changes. Mr. McArtor stated it could actually increase property values.

Mr. Ritchey stated just south of the subject property a development was just approved for residential so there is quite a bit of interest in new residential building in this area. He stated he wanted to clarify that a Neighborhood Center designation has a vast multitude of uses according to what the Land Use map might be looking for.

Staff stated there's nothing that says that it can only be commercial uses, but that there is a statement that we put into the staff report that says this can include apartments, condominiums and single family homes on the edges but they can also be a 1-3 story mixed use area.

Mr. Ritchey stated aesthetics wise he appreciates the case we had last time on Peoria that they were concerned about going too deep into a neighborhood. He stated this application has frontage on 61st Street that's already OL but he doesn't know why there is a need to go deeper into an existing neighborhood with residential zoning and change that to a commercial zoning.

Mr. McArtor stated the application itself is asking about developing that part of the land and there's nothing there. He stated its designated as an Area of Growth and this is an application to develop the area and he thinks it's good that somebody is interested.

Mr. Covey stated he usually is the one that brings up going farther into the neighborhood. He stated we have a clearly defined use map that is calling for that piece of land to be a Neighborhood Center. Mr. Covey stated in 2010 somebody had to get together and designate that they wanted that to be a Neighborhood Center.

TMAPC Action; 7 members present:

On **MOTION** of **WALKER**, TMAPC voted 5-2-0 (Covey, McArtor, Ray, Van Cleave, Walker, "aye"; Ritchey, Shivel, "nays"; none "abstaining"; Craddock, Doctor, Kimbrel, Reeds "absent") to recommend **APPROVAL** of the CS zoning for Z-7527 per staff recommendation.

Legal Description for Z-7527:

TRACT 1: Lot Seventeen (17) Less the South Ten (10) Feet Thereof, Block One (1), SUMMIT PARKS, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

TRACT 2: Lot Eighteen (18) and the South Twenty-five (25) feet of Lot Nineteen (19), Block One (1), SUMMIT PARKS, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

TRACT 3: The North Fifty (50) Feet of Lot Nineteen (19) and the South Fifty (50) Feet of Lot Twenty (20), Block One (1), SUMMIT PARKS, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

* * * * *

9. **Z-7528 Alberto Perez** (CD 1) Location: West of the southwest corner of East Latimer Place at Martin Luther King Jr. Boulevard requesting rezoning from **RS-4 to RS-5**

STAFF RECOMMENDATION:
SECTION I: Z-7528

DEVELOPMENT CONCEPT: This site is north of the new Emerson Elementary. The planned duplex will provide an affordable residential option for families. The existing lot is approximately 42 feet wide. The minimum lot width for a lot width in an RS-4 district is 50 feet. Minimum lot width on an RS-5 lot is 30 feet. Duplex construction is allowed with a special exception in the RS-4 and RS-5 district. Board of Adjustment special exception approval will be required for duplex use on the property.

DETAILED STAFF RECOMMENDATION:

Z-7528 requesting RS-5 zoning is consistent with the Existing Neighborhood land use designation in the Tulsa Comprehensive Plan and,

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

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

Staff recommends Approval of Z-7528 to rezone property from RS-4 to RS-5.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

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

Land Use Vision:

Land Use Plan map designation: Existing Neighborhood

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

Areas of Stability and Growth designation: Area of Stability

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

Transportation Vision:

Major Street and Highway Plan: None

Trail System Master Plan Considerations: None

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

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

1) **Enhance the desirability of all neighborhoods in the planning area:**
While the conditions throughout the area vary greatly , all citizens should be provided with a common baseline standard for housing and infrastructure.

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

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

Special District Considerations: Healthy Neighborhood Overlay

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

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The lot is empty and does not meet the minimum lot width or lot area standards for RS-4 properties.*

STREET VIEW SNIPPET:

View from Main street looking southwest(see next page):



Environmental Considerations: None that would affect site development

Streets:

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

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-4	Existing Neighborhood	Stability	Detached Single family home
East	RS-4	Existing Neighborhood	Growth	Vacant lot

South	RS-4	Existing Neighborhood	Stability	Vacant lot
West	RS-4	Existing Neighborhood	Stability	Vacant lot

SECTION III: Relevant Zoning History

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

Subject Property:

No Relevant History.

Surrounding Property:

BOA-22745 October 2019: The Board of Adjustment **approved** a *Special Exception* to permit a duplex in an RS-5 District, a *Variance* of the 25ft setback for a Special Exception Use from R-zoned lots occupied by residential uses, and a *Variance* of the required number of parking spaces, subject to conceptual plan 3.6, on property located at 11012 North Main Street.

Z-7480 July 2019: All concurred in **approval** of a request for *rezoning* a .15± acre tract of land from RS-4 to RS-5 for a duplex, on property located on the northwest corner of West King Street and North Main Street.

SA-3 April 2018: All concurred in **approval** at city council (TMPAC recommended **denial**) to apply supplemental zoning, HNO (Healthy Neighborhoods Overlay), to multiple properties within the plan area boundaries of Greenwood Heritage Neighborhoods Sector Plan (also known as the Unity Heritage Neighborhoods Plan), 36th Street North Corridor Small Area Plan, and The Crutchfield Neighborhood Revitalization Master Plan (related to ZCA-7).

Z-7426/Z-7427/PUD-786-A January 2018: All concurred in **approval** of a request to rezone a 2.05± acre tract of land from RM-3/CS to RS-5 and a .58± acre tract of land from RM-3/CS to MX2-U-45, as well as **approval** of a proposed *Major Amendment* to Abandon PUD-786, on property located northwest corner of East Latimer Street and North Boston Avenue.

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

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

PUD-786 September 2011: All concurred in **approval** of a proposed Planned Unit Development on a 2.63± acre tract of land for on property located north and east of the northeast corner of East Latimer Street and North Main Street.

PUD-727 March 2006: All concurred in **approval** of a proposed *Planned Unit Development* on a 7.63± acre tract of land for a Single-family (gated) Subdivision on property located west side of North Cincinnati Avenue between East Latimer Place North and East Oklahoma Street North.

Z-5158/PUD-212 October 1978: All concurred in **approval** of a request to rezone a 10.5± acre tract of land from RM-1/RS-3 to RM-2 and **approval** of a proposed *Planned Unit Development* for apartments, on property located southeast corner of East 24th Street and South 83rd East Avenue. This action abandoned PUD-90.

Z-6373 October 1992: All concurred in **approval** of a request for *rezoning* a 195± acre tract of land from RM-1 to RS-4 on property located north of the northeast corner of East Latimer Street and North Main Street on the subject property as part of a larger blanket rezoning study.

The applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **McARTOR**, TMAPC voted 7-0-0 (Covey, McArtor, Ray, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Craddock, Doctor, Kimbrel, Reeds “absent”) to recommend **APPROVAL** of the RS-5 zoning for Z-7528 per staff recommendation.

Legal Description for Z-7528:

W21 LT 7 & E22 LT 8 LESS N25 THEREOF BLK 1, KIRKPATRICK HGTS, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

10. **Z-7529 Lou Reynolds** (CD 7) Location: South of the southeast corner of East 41st Street South and South 87th East Avenue requesting rezoning from **IL to IM with an optional development plan**

STAFF RECOMMENDATION:

SECTION I: Z-7529

DEVELOPMENT CONCEPT:

The applicant respectfully requests that, pursuant to Section 70.040-B.2 of the Tulsa Zoning Code, the development of the Property be approved with the additional development limitations as follows:

Use. The use of the Property will be limited to those uses permitted as a matter of right and special exception (with the approval of the City of Tulsa Board of Adjustment) in the Industrial Light District and the following uses allowed in the IM District:

Moderate-impact Medical Marijuana Processing and High-impact Medical Marijuana Processing (limited to butane and propane based extraction) (with the approval of the City of Tulsa Board of Adjustment),

DETAILED STAFF RECOMMENDATION:

The subject lot is located within an Employment land use designation of the City of Tulsa Comprehensive plan. The site is not part of a small area plan that might provide additional guidance however this request is consistent with the anticipated land use designation and;

The proposed allowable uses identified in Section II 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-7529 to rezone property from IL to IM with the optional development plan standards outlined in Section II below.

SECTION II: OPTIONAL DEVELOPMENT PLAN STANDARDS

The optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in an IM district with its supplemental regulations except as further refined below. All uses categories, subcategories or specific uses and residential building types that are not listed in the following permitted uses categories are prohibited:

PERMITTED USE CATEGORY

A) RESIDENTIAL (see allowed residential building types below)

* indicates specific uses that are only allowed through the special exception process

Household Living

Single household

Two households on a single lot

Three or more households on single lot

Group Living (only if allowed through the special exception process)

* Homeless center

* Re-entry facility

* Residential treatment center

* Shelter, emergency and protective

* Transitional living center

B) PUBLIC, CIVIC, AND INSTITUTIONAL

* indicates specific uses that are only allowed through the special exception process

*College or University

*Day Care

*Detention and Correctional Facility

*Fraternal Organization

*Governmental Service

*Hospital

*Library or Cultural Exhibit

Natural Resource Preservation

*Parks and Recreation

*Postal Services

*Religious Assembly

Safety Service

*School

Utilities and Public Service Facility (minor)

*Utilities and Public Service Facility (major)

Wireless Communication Facility (includes all specific uses)

C) COMMERCIAL

* indicates specific uses that are only allowed through the special exception process

Animal Service

Boarding or shelter

Grooming

Veterinary

Assembly and entertainment
*Indoor gun club
*Other indoor
*(small; up to 250-person capacity)
Broadcast or Recording Studio
Commercial Service (includes all permitted specific uses)
Financial Services (includes all permitted specific uses)
Funeral or Mortuary Service
Lodging (includes all permitted specific uses)
Office (includes all permitted specific uses)
Parking, Non-accessory
Restaurants and Bars
Restaurant
*Bar
*Brewpub
Retail Sales (includes all permitted specific uses)
Self-service Storage Facility
Studio, Artist, or Instructional Service
Trade School
Vehicle Sales and Service (includes all permitted specific uses)

E) WHOLESALE, DISTRIBUTION AND STORAGE

Equipment and Material Storage, Outdoor
Trucking and Transportation Terminal
Warehouse
Wholesale Sales and Distribution

F) INDUSTRIAL

*indicates specific uses that are only allowed through the special exception process

Low-impact Manufacturing and Industry

~~*All moderate-impact manufacturing and industry require a special exception approval at the board of adjustment except that a Moderate-Impact Medical Marijuana Processing is a permitted use. Moderate Impact Manufacturing and Industry but only for the Moderate-Impact medical Marijuana Processing Facility use~~

*High-impact manufacturing and industry but only for the High-Impact Medical Marijuana Processing Facility

G) Recycling

* indicates specific uses that are only allowed through the special exception process

*Construction or Demolition Debris

Consumer Material Drop-off Station
Consumer Material Processing

H) AGRICULTURAL

Community Garden
Farm, Market or Community-supported
Horticulture Nursery

I) OTHER

Drive-in or Drive-through Facility (as a component of an allowed principal use)

PERMITTED RESIDENTIAL BUILDING TYPES

Household Living

Single household

* indicates building types that are only allowed through the special exception process

*Manufactured housing unit

*Mixed-use building

*Vertical mixed-use building

Two households on a single lot

*Mixed-use building

*Vertical mixed-use building

Three or more households on a single lot

*Mixed-use building

*Vertical mixed-use building

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The employment land use designation anticipated light industrial uses. The anticipated redevelopment is consistent with the general concept of employment land use vision. The zoning and its optional development plan provided are consistent with the expected land use designation. In this instance the applicant did not provide any additional standards for current supplemental regulations therefore all current zoning code requirements will be used during site redevelopment.

Land Use Vision:

Land Use Plan map designation: Employment

Employment areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes

big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity.

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

Areas of Stability and Growth designation: Area of Growth

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

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

Transportation Vision:

Major Street and Highway Plan: None

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is an existing single story building and is surrounded by single story buildings that are a mix of uses that all seem to be consistent with uses allowed in a light industrial zoning district. The south side of the site is adjacent to a rail line. This site does not have spur access.

Environmental Considerations: None that would affect site redevelopment

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 43 rd street south	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	IL	Employment	Growth	Mixed light industrial and auto repair
East	IL	Employment	Growth	Auto repair and light industrial uses
South across railroad	IL	Employment	Growth	Mixed light industrial
West	IL	Employment	Growth	Automotive repair and bridal shop

SECTION IV: Relevant Zoning History

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

Subject Property:

No Relevant History.

Surrounding Property:

BOA-17567 November 1996: The Board of Adjustment **approved** a *Special Exception* to permit Use Unit 2 (crematory) in an IL zoned district subject to unloading of carcasses inside the building, carcasses being frozen when they arrive, and carcasses being delivered in a covered truck, on property located at 8714 East 43rd Street.

BOA-16652 May 1994: The Board of Adjustment **approved** a *Special Exception* to permit a bridal shop in an IL zoned district per plot plan submitted, subject to the use being limited to a 1500 sq ft bridal shop and accessory office only, on property located at 8702 East 43rd Street.

BOA-07999 August 1973: The Board of Adjustment **approved** an *Exception* to permit the manufacturing of process heaters in an IL district, thereby upholding the decision of the building inspector for refusing to permit the extension of a building used for the manufacturing of process heaters in an IL district due to the operation being a heavier use than a light manufacturing plant, requiring an exception via the Board, on property located at 8199 East 44th Street.

TMAPC Comments:

Mr. Walker asked staff how they defined high impact?

Staff stated they would let the applicant talk about that.

Applicant Comments:

Lou Reynolds 2727 East 21st Street Tulsa, OK

Mr. Reynolds stated in this particular case what makes something high impact is the method in which they process the marijuana. He stated in this case they are using butane and propane. Mr. Reynolds stated the subject lot is located next to auto repair shops where paint is being sprayed. Mr. Reynolds stated this is basically a paint booth inside. He stated there's nothing unusual about this process, it's how they extract perfumes and how they manufacture medication. Mr. Reynolds stated the process has been around forever and a lot of different industries use this process.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **McARTOR**, TMAPC voted 5-2-0 (McArtor, Ray, Ritchey, Van Cleave, Walker, “aye”; Covey, Shivel, “nays”; none “abstaining”; Craddock, Doctor, Kimbrel, Reeds “absent”) to recommend **APPROVAL** of the IM zoning with an optional development plan for Z-7529 per staff recommendation.

Legal Description for Z-7529:

Lot Twenty (20), LESS the East 0.5 feet of the South 50.04 feet thereof, Block One (1), SOUTHPLACE INDUSTRIAL PARK, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat No. 3371.

OTHER BUSINESS

11. Commissioners' Comments

* * * * *

ADJOURN

TMAPC Action; 7 members present:

On **MOTION** of **McARTOR**, TMAPC voted **7-0-0** (Covey, McArtor, Ray, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Craddock, Doctor, Kimbrel, Reeds “absent”) to **ADJOURN** TMAPC meeting of January 22, 2020, Meeting No. 2810.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 2:04 p.m.

Date Approved:

02-19-2020


Chairman

ATTEST:


Secretary