

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2812

Wednesday, February 19, 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 | McArtor | Davis | Jordan, COT |
| Craddock | | Hoyt | Silman, COT |
| Doctor | | Miller | Skates, COT |
| Kimbrel | | Sawyer | VanValkenburgh, Legal |
| Ray | | Wilkerson | |
| Reeds | | | |
| Ritchey | | | |
| Shivel | | | |
| Van Cleave | | | |
| Walker | | | |

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, February 13, 2020 at 11:06 a.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:

Chairman Covey reported there will be a work session on March 4, 2020 at 10:30 am in the 3rd floor presentation room.

Director's Report:

Ms. Miller reported on City Council actions and other special projects. Ms. Miller stated as Mr. Covey mentioned there will be a work session on March 4, 2020. She stated Council may initiate a voluntary program for rezoning in the West Highlands/Tulsa Hills neighborhood.

Mr. Covey asked if there will be safeguards to verify the owners of the property are the applicant.

Ms. Miller stated there is a consent form that will need to be signed and the accessor property records will be checked. She stated this is the process that is used currently for other applications.

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Minutes:

1. Approval of the minutes of January 22, 2020 Meeting No. 2810

On **MOTION** of **REEDS**, the TMAPC voted 10-0-0 (Covey, Craddock, Doctor, Kimbrel, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; McArtor, "absent") to **APPROVE** the minutes of the meeting of January 22, 2020, Meeting No. 2810.

2. Approval of the minutes of February 5, 2020 Meeting No. 2811

On **MOTION** of **REEDS**, the TMAPC voted 10-0-0 (Covey, Craddock, Doctor, Kimbrel, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; McArtor, "absent") to **APPROVE** the minutes of the meeting of February 5, 2020, Meeting No. 2811.

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

3. **Z-7533 Christopher McHenry** (CD 3) Location: Southwest corner and southeast corner of East Tecumseh Street North and North Irvington Avenue East requesting rezoning from **CH to IH with an optional development plan** (Continued from February 5, 2020) (**Staff requests a continuance to March 4, 2020**)

TMAPC Action; 10 members present:

On **MOTION** of **WALKER**, TMAPC voted 10-0-0 (Covey, Craddock, Doctor, Kimbrel, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; McArtor, “absent”) to **CONTINUE** Item Z-7533 to March 4, 2020.

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4. **PUD-738-A Ashton-Gray, LLC** (CD 2) Location: South and west of the southwest corner of West 71st Street South and South Elwood Avenue requesting a **PUD Major Amendment** to abandon a portion of PUD-738 to permit a lot line adjustment

STAFF RECOMMENDATION:

SECTION I: PUD-738-A

DEVELOPMENT CONCEPT: The applicant is proposing to abandon a small portion of PUD-738-A, located near the Northwest corner of the PUD. The intention of the abandonment is to combine the subject area with adjacent lots to create a site for a medial office park. The applicant has filed a Lot Line Adjustment application in order to accomplish the combination.

The subject tract is approximately 1/3rd of an acre and is noted as Tract 3a in the exhibits provided by the applicant. If the abandonment is approved, the subject site would revert to the underlying zoning, which is primarily CS, with a small portion of RS-3 located at the southern edge.

DETAILED STAFF RECOMMENDATION:

PUD-738-A request for a partial abandonment is non-injurious to surrounding proximate properties;

PUD-738-A is consistent with the Town Center land use designation of the Comprehensive Plan and the West Highlands Tulsa Hills small area plan;

PUD-738-A is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends Approval of PUD-738-A to abandon a portion of PUD-738.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is located within a Town Center and an Area of Growth as well as within the West Highlands Tulsa Hills small area plan.

Land Use Vision:

Land Use Plan map designation: Town Center

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

Areas of Stability and Growth designation: Area of Growth

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

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

Transportation Vision:

Major Street and Highway Plan: W 71st St S is designated as a Primary Arterial and a Commuter Corridor.

Trail System Master Plan Considerations: None

Small Area Plan: West Highlands Small area plan as approved July 10th, 2019

One stated goal of the West Highlands Small Area Plan is to support zoning changes east of Union Avenue, from Agricultural zoning to corridor, commercial, office, mixed-use and/or residential zoning (should a private request be filed, Goal 2.4 of Plan). This request would be compatible with that goal and will utilize existing CS zoning.

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is currently vacant, forested land.

Environmental Considerations: A small area of floodplain is located near the subject area.

Streets:

| <u>Exist. Access</u> | <u>MSHP Design</u> | <u>MSHP R/W</u> | <u>Exist. # Lanes</u> |
|-------------------------|--------------------|-----------------|-----------------------|
| W 71 st St S | Primary Arterial | 120 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 | CS | Town Center | Growth | Single Family |
| South | RS-3/PUD-738 | Town Center | Growth | Vacant |
| East | CS/RS-3/PUD-738 | Town Center | Growth | Vacant |
| West | CS | Town Center | Growth | Vacant |

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 21530 dated June 4, 2007 established CS/RM-0/RS-3/PUD-738 zoning on the subject property.

Subject Property:

Z-7052/PUD-738 May 2007: All concurred in **approval** of a request to rezone a 39.19± acre tract of land from AG to CS/RM-0/RS-3/PUD-738 and **approval** of a proposed *Planned Unit Development* for a mixed-use development, on property located southwest corner of West 71st Street and South Elwood Avenue.

Ordinance number 11827 dated June 26, 1970 established zoning for the subject property.

Surrounding Property:

BOA-22137 December 2016: The Board of Adjustment **approved** a *Special Exception* to permit a self-storage facility in a CS district, on property located at the southeast corner of South Jackson Avenue and West 71st Street.

Z-7353 September 2016: All concurred in **approval** of a request for *rezoning* a 2.58± acre tract of land from RS-3 to CS for self-storage, on property located south of the southeast corner of South Jackson Avenue and West 71st Street.

Z-7286 January 2015: All concurred in **approval** of a request for *rezoning* a 3.52± acre tract of land from RS-3 to CS for commercial property marketing business, on property located southeast of West 71st Street South and South Jackson Avenue.

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 **REEDS**, TMAPC voted **10-0-0** (Covey, Craddock, Doctor, Kimbrel, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; McArtor, "absent") to recommend **APPROVAL** of the PUD major amendment for PUD-738-A per staff recommendations.

Legal Description for PUD-738-A:

A tract of land located in the Northeast Quarter of the Northeast Quarter (NE/4 NE/4) of Section Eleven (11) of Township Eighteen (18) North and Range Twelve

(12) East of the Indian Base and Meridian (I.B.&M.), according to the U.S. Government Survey, thereof, Tulsa County, State of Oklahoma; being more particularly described as follows:

Commencing at the NW corner of the NE/4 of Sec. 11, T-18-N, R-12-E, I.B.&M.; Thence N 89°09'10" E along the north line of said NE/4 a distance of 1327.82 feet to the NW corner of the NE/4 of said NE/4; Thence S 01°18'39" E along the west line of said NE/4 NE/4 a distance of 218.75 feet to the Point of Beginning; Thence N 89°09'10" E a distance of 96.60 feet; Thence N 01°18'39" W a distance of 10.00 feet; Thence N 89°09'10" E a distance of 31.94 feet; Thence S 23°33'18" W a distance of 167.59 feet; Thence S 78°29'50" W a distance of 59.00 feet to the west line of said NE/4 NE/4; Thence N 01°18'39" W along the west line of said NE/4 NE/4 a distance of 153.53 feet to the Point of Beginning, and containing 0.312 acres, more or less.

* * * * *

5. **Z-7534 Tulsa City Council C/O Tulsa Housing Authority** (CD 1) Location: Northeast and southeast of East 36th Street North at North Peoria Avenue requesting rezoning from **AG, RM-1 and CS to MX1-U-U, MX2-V-65, MX2-U-U and MX3-V-45**

STAFF RECOMMENDATION:
SECTION I: Z-7534

DEVELOPMENT CONCEPT: Redevelopment of Comanche Park property near the intersection of 36th street north at North Peoria Avenue. The subject property is a multi-family residential property. The new development will replace the current structures and will integrate commercial and residential uses into the site. The MX zoning will require buildings closer to the street in a way that is consistent with the BRT transit study and the 36th Street North Small Area Plan

DETAILED STAFF RECOMMENDATION:

Z-7534 requesting MX1-U-U, MX2-U-U, MX2-V-65 and MX3-V-45 are generally consistent with the BRT land use recommendations in the area. The area of the zoning request is larger than was contemplated with those recommendations and;

MX1-U-U, MX2-U-U, MX2-V-65 and MX3-V-45 are consistent with the Town Center Land Use Designation in the Tulsa Comprehensive Plan and the 36th Street North Small Area Plan,

All of the zoning classifications in this request are consistent with the goals of the Healthy Neighborhood Overlay and,

Uses and development standards defined by MX1-U-U, MX2-U-U, MX2-V-65 and MX3-V-45 are consistent with the expected development pattern for the proximate properties therefore

Staff recommends Approval of Z-7534 to rezone property from AG, RM-1 and CS to MX1-U-U, MX2-U-U, MX2-V-65 and MX3-V-45

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: MX zoning is consistent with the Town Center and Area of Growth designations of the Tulsa Comprehensive Plan.

Land Use Vision:

Land Use Plan map designation: Town Center

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

Areas of Stability and Growth designation: Area of Growth

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

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

will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.”

Transportation Vision:

Major Street and Highway Plan: None

Trail System Master Plan Considerations: The site is approximately ¼ mile from the Osage Trail which is classified as a Bikeway and Multi-use trail west of the site.

Small Area Plan: The subject property is at the core of the 36th Street North Small Area Plan which was originally adopted in 2013 and amended in September 2016.

36th Street North Small Area Plan recommendations include for land use priorities that are supported by this rezoning request.

The small area plan specifically identifies the property at or near Comanche Park that could be within walking distance of transportation to jobs and services throughout the metropolitan area. A community garden, northeast of the transit hub, would provide food and recreation opportunities locally.

The transit-oriented development aspirational building footprint illustration on the following page provided guidance for the anticipated redevelopment of the intersection of 36th Street North at North Peoria.

All of the MX zoning designations requested are precisely what the plan envisioned.

Figure 3.2: Transit-oriented development aspirational building footprint



Special District Considerations: This site is part of the Voluntary MX rezoning program for Peoria Avenue Bus Rapid Transit that was reauthorized by City Council in December 2019. The program expires in December 2021. The subject property is also included in the Healthy Neighborhood Overlay area.

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The subject property is a garden style apartment development except at the southwest corner of the site and the parcel south of 36th Street North. Those properties are vacant are not developed are zoned CS on the north side of East 36th Street North and AG on the south side of East 36th Street North. 36th Street North is 2 lane road with drainage ditches on each side of the street. Pedestrian access along 36th Street North is complicated by that street and drainage configuration.

The subject property is served by the Tulsa Bus Rapid Transit System with stops on North Peoria for north and south bound routes.

Environmental Considerations: None that affect site redevelopment. The southeast corner of 36th Street North at North Peoria Avenue is heavily wooded. Redevelopment in a way that would save some of the existing tree canopy should be a consideration.

Streets:

| <u>Exist. Access</u> | <u>MSHP Design</u> | <u>MSHP R/W</u> | <u>Exist. # Lanes</u> |
|--------------------------------------|--|-----------------|-----------------------|
| North Peoria Avenue The BRT route | Secondary Arterial with Multi-modal corridor designation | 100 feet | 4 |
| East 36 th Street North | Secondary arterial | 100 feet | 2 |

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

| Location | Existing Zoning | Existing Land Use Designation | Area of Stability or Growth | Existing Use |
|-----------------|------------------------|--|------------------------------------|------------------------|
| North | AG | Town Center | Growth | Not developed |
| East | RM-1 | New Neighborhood | Growth | Not developed |
| South | AG | Town Center with some park and open space in flood plain areas | Growth | Not developed |
| West | CS | Town Center | Growth | Mix of commercial uses |

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11802 dated June 26, 1970 and Ordinance number 11809 dated June 26, 1970 established zoning for the subject property.

Subject Property:

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). This overlay includes the subject property, as well as the surrounding area.

BOA-15016 December 1988: The Board of Adjustment **approved** a *Special Exception* to allow for modifications of approval for an existing day care center in an RM-1 zoned district, subject to a maximum of 14 children with ages ranging from birth to 12 years, finding that the day care operation has been in existence for several months and has proved to be compatible with the area, on property located at 3008 North Quaker Avenue.

BOA-14898 August 1988: The Board of Adjustment **approved** a *Special Exception* to allow for a daycare center (head start program) in an existing school building in an RS-3 zoned district, on property located at 3608 North Quaker Avenue.

BOA-14867 August 1988: The Board of Adjustment **approved** a *Special Exception* to permit a day care center in an RM-1 zoned district, subject to the day care serving children between ages two and twelve and the days and hours of operation being limited to Monday through Friday, 7:00 a.m. to 8:00 p.m., on property located at 3608 North Quaker Avenue.

Surrounding Property:

Z-7462 December 2018: All concurred in **approval** of a request for *rezoning* a 9.29± acre tract of land from CS to MX2-F-65/MX2-V-65 for mixed-use, on property located west of the southwest corner of East 36th Street North and North Peoria Avenue.

Z-5395 July 1980: All concurred in **approval** of a request for *rezoning* a 2± acre tract of land from CS to IL for machine shop specialized in oil well pipe fittings, on property located south of the southwest corner of East 36th Street North and North Peoria Avenue.

BOA-8686 August 1975: The Board of Adjustment **approved** an *Exception* to permit the operation of a trade school and an *Exception* to waive the screening requirement to the west in a CS District, on property located at 3802 North Peoria Avenue.

BOA-06119 January 1969: The Board of Adjustment **approved** CDP No. 46 under the provisions of Section 18 for the development of a mobile home park, subject to conditions, on property located ¼ mile east of the northeast and southeast corners of 36th Street North and Peoria Avenue. Planning Commission had recommended approval of U-3D zoning, subject to a CDP for the development of the mobile home park.

TMAPC Comments:

Mr. Reeds asked if the existing layout of the housing will be torn down or could it be adapted to new.

Staff stated everything will be torn down but he thinks the applicant can address the details. He stated he knows that one of the things that has been discussed at length is what happens to the residents. Staff stated the first phase of development will be at the southeast corner of the intersection were 170 units would be built and residents would move there while other parts of the development is built.

Mr. Reeds asked if this was originally built with federal money.

Staff stated he would let the applicant answer that question.

Ms. Kimbrel asked staff to explain how this request supports the Healthy Neighborhood Overlay?

Staff stated the Healthy Neighborhood Overlay is was implemented to limit the density of small box retail. Staff stated this development would be its integrating that into a larger building mass and he doesn't feel that this application is in conflict with the Overlay. Staff stated this helps provide more of a stable neighborhood environment without taking a big chunk out and sticking a store in the middle that really wasn't appropriate in that overlay.

Applicant Comments:

Jeff Hall 201 West 5th Street, Tulsa, OK 74103

Mr. Hall stated this application was a committee led master plan, it is a vision for this corridor and for this acreage and it's going to be an incremental approach. He stated he doesn't anticipate building the whole thing in two years. Mr. Hall stated pending approval of zoning they will start on the south parcel by this summer or fall. He stated the intent is to create a very bite size approach by funding the first phase with 4% tax credits and bonds and self-funding. Mr. Hall stated the first phase would be 100 units. He stated based on acreage they have that is not in the floodplain they would move at least 30 existing families to the new units and that would allow them to then tear down the buildings that are placed where the second phase will go, in the northern corner. Mr. Hall stated to Mr. Reeds point, the property is public housing and was built with federal funds in 1969. He stated they are in the process of getting rid of the declaration of trust that HUD has on the property which allows them to acquire the property but that does come with federal requirements that existing families have the right to be there and continue to have affordable housing. Hall stated that is what they want to make sure happens and that what they come back with you can see the complete master plan. He stated it does call for an increase in the density.

Ms. Kimbrel asked if Mr. Hall could speak about the numerous community engagement opportunities that occurred throughout the process and what were some of the specific concerns of existing Comanche residents?

Mr. Hall stated most of the concerns were the residents would have to move away while this was being built and come back after completion. He stated they created a phased approach as to minimize this. Mr. Hall stated they are also doing detailed infrastructure studies so that if they find all the water and sewer cannot continue or it's not survivable, they may have to make decisions and they will go back to the community for their input. He stated they still have quarterly community meetings as they implement the master plan. Mr. Hall stated there will be opportunities to bring quality commercial businesses to this part of Tulsa, which just doesn't exist right now. He stated a former Comanche Park resident is one of the speakers and she can probably talk a little bit more about that. Mr. Hall stated they kicked off the master planning October of 2018 and had over 30 public work sessions and public meetings on the property and off property. Residents and stakeholders helped with the actual physical design process and they took a group of residents and stakeholder to Dallas to see how it's been done before and incorporated what they liked into the master plan. He stated that staying with single family homes was a big call from neighborhood.

Interested Parties:

Monica Fox 4641 North Harford Avenue, Tulsa, OK 74126

Ms. Fox stated she is a former Comanche Park apartment resident and lived there about 20 years. She stated when she found out about the rebuilding it made her want to move back to Comanche to a part of something that's great and will change people's lives including hers. Ms. Fox stated she plans to move back after this development is completed. She stated her mother was a big part of the history of Comanche and the City of Tulsa honored her for her participation with the community and she would like to keep a part of her mother's history by living in the neighborhood that she fought hard for.

Mr. Reeds asked why Ms. Fox wanted to move back.

Ms. Fox stated this is a great design plan and everything that is being offered with the new buildings and the businesses coming she wants to be a part of helping this become a productive neighborhood and maybe work to purchase one of the house's that's there.

Mr. Doctor thanked the Tulsa Housing Authority team for this monumental project. He stated the community led process they have been engaged in has been remarkable and will hopefully lead to a real powerful transformation for this site and the first of several steps into THA is taking. Mr. Doctor stated from the

city's perspective this is very exciting, it's linked to Tulsa Technology Center and the Bus Rapid Transit line.

TMAPC Action; 10 members present:

On **MOTION** of **RITCHEY**, TMAPC voted **10-0-0** (Covey, Craddock, Doctor, Kimbrel, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; McArtor, “absent”) to recommend **APPROVAL** of the MX1-U-U, MX2-V-65, MX2-U-U and MX3-V-45 zoning for Z-7534 per staff recommendation.

Legal Description for Z-7534:

Parcel “A”: (MX2-V-65) The Northerly 572.68 feet and the Westerly 275 feet of the Southwest Quarter of the Southwest Quarter of Section 18, Township 20 North, Range 13 East of the Indian Base and Meridian in the City of Tulsa, County of Tulsa, State of Oklahoma.

Parcel “B”: (MX2-U-U) The Southerly 700 feet and the Westerly 275 feet of the Southwest Quarter of the Southwest Quarter of Section 18, Township 20 North, Range 13 East of the Indian Base and Meridian in the City of Tulsa, County of Tulsa, State of Oklahoma.

Parcel “C”: (RM-1) The Northerly 250 feet and the Easterly 835 feet of the Southwest Quarter of the Southwest Quarter of Section 18, Township 20 North, Range 13 East of the Indian Base and Meridian in the City of Tulsa, County of Tulsa, State of Oklahoma.

Parcel “D”: (MX3-V-45) The Southerly 712 feet south of the Northerly 250 feet and the Easterly 835 feet of the Southwest Quarter of the Southwest Quarter of Section 18, Township 20 North, Range 13 East of the Indian Base and Meridian in the City of Tulsa, County of Tulsa, State of Oklahoma.

Parcel “E”: (MX2-V-65) The Southerly 310 feet and the Easterly 839 feet of the Southwest Quarter of the Southwest Quarter of Section 18, Township 20 North, Range 13 East of the Indian Base and Meridian in the City of Tulsa, County of Tulsa, State of Oklahoma.

Southern Property: (MX1-U-U) The Northerly 300 feet of the Westerly 300 feet of Section 19, Township 20 North, Range 13 East of the Indian Base and Meridian in the City of Tulsa, County of Tulsa, State of Oklahoma, less land dedicated to public rights-of-way, containing 1.54 acres, more or less.

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6. **Z-7535 Bob Stinchcomb** (CD 5) Location: Northwest corner of East 12th Street South and South 107th East Avenue requesting rezoning from **CS to IL with an optional development plan**

STAFF RECOMMENDATION:

SECTION I: Z-7535

DEVELOPMENT CONCEPT: Repurpose a vacant building that was used for a rock-climbing training and recreational facility. The optional development plan does not provide additional development limitations other than the use limitations in Section II.

DETAILED STAFF RECOMMENDATION:

The Mixed-Use Corridor land use designation does not encourage light manufacturing or warehouse uses and,

The surrounding property has been developed with standards and uses allowed in a CS district and a variety of special exceptions that allow light industrial uses in a CS district 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 development plan is consistent with the Mixed-Use Corridor land use designation for the area therefore,

Staff recommends approval of Z-7535 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) PUBLIC, CIVIC, AND INSTITUTIONAL
 - Utilities and Public Service Facility (minor)
 - Wireless Communication Facility (includes all specific uses)

- B) COMMERCIAL
 - Animal Service
 - Boarding or shelter

Grooming
Veterinary
Broadcast or Recording Studio
Commercial Service (includes all permitted specific uses)
Financial Services (includes all permitted specific uses)
Office (includes all permitted specific uses)
Parking, Non-accessory
Restaurants and Bars
 Restaurant
Retail Sales (includes all permitted specific uses)
Studio, Artist, or Instructional Service
Trade School
Vehicle Sales and Service (includes all permitted specific uses)

- D) INDUSTRIAL
 Low Impact Manufacturing and Industry but only for a Low-Impact
 medical Marijuana Processing Facility use
- F) AGRICULTURAL
 Horticulture Nursery but limited to indoor growing operations.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The uses outlined in Section II are consistent with the Mixed-Use Corridor land use designation.

Land Use Vision:

Land Use Plan map designation: Mixed-Use Corridor

A Mixed-Use Corridor is a plan category used in areas surrounding Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. The streets 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. 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.

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: No special street designations have been assigned along any of the abutting streets.

Trail System Master Plan Considerations: As a part of the GO Plan, the part of East 11th Street South that connects with South 107th East Avenue is designated as a Bike Route with painted Bike lane, though the cross streets that give access to the subject property do not carry a trail and/or route designation.

Small Area Plan: There are no small area plans that require 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 existing site will not significantly change. An existing single-story building will be repurposed.

Street view from southeast looking northwest:



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

Streets:

| <u>Exist. Access</u> | <u>MSHP Design</u> | <u>MSHP R/W</u> | <u>Exist. # Lanes</u> |
|-------------------------------------|--------------------|-----------------|-----------------------|
| East 12 th Street | Undesignated | 50 feet | 2 |
| South 107 th East Avenue | 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 | CS | Mixed-Use | Area of Growth | Addco Electric |

| | | | | |
|-------|----|--------------------|----------------|--|
| | | Corridor | | |
| South | CS | Mixed-Use Corridor | Area of Growth | Mobile Home Park/Accurate Fire Equipment Company |
| East | CS | Mixed-Use Corridor | Area of Growth | Mobile Home Park/ James Transmissions |
| West | CS | Mixed-Use Corridor | Area of Growth | A&A Mini Storage |

SECTION IV: Relevant Zoning History

Staff Summary:

Of the Special Exceptions that have been granted for and around the subject property, most are now permitted by right in a CS district, although all of these previously approved uses (excluding the variance to allow a mobile home park in a CS district) are allowed by right in all other commercial and industrial zoning districts. These uses include: Self-service Storage facilities, Wholesale and distribution, Personal Vehicle Sales and Rentals, Building Services, Building Supplies and Equipment, Personal Vehicle Repair and Maintenance, Warehouses, Convenience goods, and Fueling Station. While the proposed zoning of IL would be limited to the of growing medical marijuana and uses that would be allowed in a commercial district, this use is classified Horticulture Nursery, which is limited strictly to Industrial zoning districts and Agriculture.

One of the key differences between commercial and industrial zoned districts is the allowance of light industry uses (such as manufacturing, horticultural nurseries, etc.) that would not be permitted in commercial. Though it could be argued that this area looks like an industrial district due to most of the uses permitted in CS also being permitted in industrial districts, it should be noted that the Special Exceptions that were granted were for activities that would have been permitted by right in CG and there has not been any action taken to rezone or request a Special Exception for any uses more intensive than what would be permitted in a commercially zoned district until now.

Commercial and Industrial districts have very different and distinct characteristics. According to our code, a CS district is “primarily intended to accommodate convenience, neighborhood, subcommunity, community, and regional shopping centers by providing a range of retail and personal service uses” and an IL district is “primarily intended to provide areas suitable for manufacturing, wholesaling, warehousing, and other industrial activities that have few if any adverse land use or environmental impacts”. Additionally, the subject property and surrounding properties within 300’ ft carry a land use designation of Mixed-Use Corridor. As outlined by the City of Tulsa’s Comprehensive Plan, Mixed-Use Corridors are described as “modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment

uses” and land uses such as “multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods.” By rezoning to IL, the land use intensity would effectively step up, which directly in conflict with the vision for this area set forth by the City of Tulsa’s Comprehensive Plan.

IL has a fundamentally different character to CS as a result of the additional, higher intensity uses that it allows that do not complement the spirit and character of this neighborhood in terms of zoning or land use.

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

Subject Property:

BOA-10285 January 1979: The Board of Adjustment **approved** an *Exception* to permit Use Unit 15 in a CS District, subject to the building being a tilt-up concrete panel construction, earth-tone in color, and for warehousing and office combination, on property located at the northwest corner of 12th Street and 107th East Avenue.

Surrounding Property:

PUD-843 February 2016: All concurred in **approval** of a proposed *Planned Unit Development* on a 4.37± acre tract of land for commercial, on property located west of the southwest corner of East 11th Street and South Garnett Road.

BOA-21889 May 2015: The Board of Adjustment **approved** a *Special Exception* to permit Use Unit 15 (other trades & services), Use Unit 16 (mini-storage) in a CS District (Section 701), on the condition that all the Use Units referred both in 15, 16, 12, and 14 are referenced in the letter from Tanner Consulting dated May 26th, 2015, on property located at 10880 East 11th Street.

BOA-20871 February 2009: The Board of Adjustment **approved** a *Special Exception* to permit a mini-storage facility (Use Unit 16) in a CS district (Section 701) with the conditions that the new units be painted to match the existing storage units and have no open air storage, on property located at 10540 East 11th Street.

BOA-20056 June 2005: The Board of Adjustment **approved** a *Special Exception* to allow the sale of manufactured homes in a CS-zoned district within a mobile home park, on property located at 1211 South 107th Avenue East.

BOA-18957 January 2001: The Board of Adjustment **approved** a *Special Exception* to allow RV and trailer sales in a CS zoned district and a *Variance* of

the required all-weather surface parking to allow gravel parking for a period not to exceed one year from the date of the hearing, on property located at 10740 East 11th Street.

BOA-18668 March 2000: The Board of Adjustment **approved** a *Special Exception* allow electrical contractor business (Use Unit 15) in a CS district, on property located 1136 South 107th East Avenue.

BOA-13911 January 1986: The Board of Adjustment **approved** a *Special Exception* to allow a retail, building material sales business with minor wholesaling in a CS district, per plot plan submitted, on property located on the southeast corner of 11th Street and 107th East Avenue.

BOA-13804 October 1985: The Board of Adjustment **approved** a *Special Exception* to allow automobile sales in a CS zoned district, subject to a maximum of 12 cars being parked on the northeast portion of the subject lot and said cars being parked no further south than the southern boundary of the restaurant, on property located at 10724 East 11th Street.

BOA-12703 July 1983: The Board of Adjustment **approved** an *Exception* for storage and office space for electrical contractors in a CS zoned district, under provisions of Section 1680, with the condition that there be no outside storage at all, on property located at the southeast corner of 107th East Avenue and 11th Street.

BOA-11875 April 1982: The Board of Adjustment **approved** a *Variance* to allow a mobile home park in a CS District and a *Variance* of the setback from the west property line from 50' to 30' from 107th East Avenue, with a solid screening fence to be erected on the north property line, on property located at the northeast corner of 12th Street and 107th East Avenue.

BOA-11028 May 1980: The Board of Adjustment **approved** an *Exception* to permit automobile repair in a CS District, subject to the insertion in the lease that the property not be used for junk or salvage automobiles or any outside work or repair and that the Board be furnished a copy of the lease for the file, on property located at 10532 East 12th Street.

BOA-10798 November 1979: The Board of Adjustment **approved** an *Exception* to permit mini-storage buildings in a CS District and **approved** an *Exception* to remove the screening requirement where existing physical features provide visual separation of uses, per plot plan submitted, with the units painted earth tones, on property located at southeast of 11th Street and Mingo Valley.

BOA-10265 December 1978: The Board of Adjustment **approved** an *Exception* to use the property for Use Unit 15, other trades and services, per plot plan

submitted, for an office-warehouse, on property located southwest of 12th Street and 107th East Avenue.

BOA-10264 December 1978: The Board of Adjustment **approved** an *Exception* to permit Use Unit 15, other trades and services, the site to be used for warehousing and offices as presented, with the stipulation that the applicant return to the Board with his final plans prior to the issuance of a building permit, on property located at the southeast corner of 12th Street and Mingo Valley Expressway.

BOA-10208 November 1978: The Board of Adjustment **approved** an *Exception* to permit Use Unit 15 (other trades and services) in a CS District and a *Variance*, of the setback requirements from 25' to 0' on the south, per plot plan submitted, on property located south and east of 11th Street and Mingo Valley Expressway.

BOA-07774 February 1973: The Board of Adjustment found that a florist operation is permitted by right in a CS District and found the warehousing (storage) and wholesale activities to be accessory to the principal retail operation and permitted the use, on property located at 12th Street and Mingo Valley Expressway.

BOA-07212 November 1971: The Board of Adjustment **approved** an *Exception* to permit operating a sales and service of travel trailers (camping trailers) and articles incidental to recreation and camping activities, on property located at 10884 East 11th Street.

TMAPC Comments:

Applicant Comments:

Bob Stinchcomb 3609 East 31st Street, Tulsa, OK

Mr. Stinchcomb stated he has a medical marijuana dispensary at 31st and Yale Avenue and he stated he is very up to date and knowledgeable about the qualifications of things that is required to comply with OMMA. He stated this is not a facility that people will be coming in and out of other than employees. Mr. Stinchcomb stated there's no retail whatsoever in this particular location.

Ms. Kimbrel stated there are concerns about safety from the neighboring residents. She asked if he had talked to neighboring residents?

Mr. Stinchcomb stated "no", he had not.

Ms. Kimbrel asked if he had thought about ways to improve or modify the development area to address safety?

Mr. Stinchcomb stated growing is all they are going to be doing and they are not looking to do any other kinds of business. He stated the OMMA is quite detailed

in the information that they require the applicant to provide them to make the certifications necessary.

Mr. Ritchey asked if the applicant could take them through the daily operations such as shipping and receiving and what he expects the traffic to be in addition to just the daily workers,

Mr. Stinchcomb stated there would not be any outside people coming in or doing delivery. Mr. Stinchcomb stated he has done some development and research and has spent four and a half months in Israel a couple of years ago and this is really a passion for him because he sees it helping a lot of people and he is really excited about the opportunity to help.

Mr. Ritchey stated to help us kind of see the scale of this if he understands correctly the applicant is growing and then that product goes to the dispensaries. He asked if the applicant was taking it in a car or do, they bring a semi-truck and they're taking it tons at a time.

Mr. Stinchcomb stated it will be by car and you have to have a transport license. He stated there will an 8 foot fence around the property and they are required to have ventilation for the property.

Interested Parties:

Jennifer Rios 1211 South 107th East Avenue, Trailer #30, Tulsa, OK 74128

Ms. Rios stated she was the Manager of the Park East Mobile Home Park and has lived in this neighborhood for 13 years. She stated she has watched her neighborhood fall apart. Ms. Rios stated there is government housing addition behind the mobile home park that was formerly known as Sierra Point and is now known as Oak Brooks Crossing. She stated there is a lot of homeless people in the area and she gets phone calls from residents who need help dealing with the issues that arise with vandalism and homeless sleeping on porches or in storage sheds. Ms. Rios stated they had 4 vehicles stolen from their property last year and 4 home break ins. She stated this community is falling apart and needs help they don't need a medical marijuana dispensary. Ms. Rios stated Tulsa Public Schools just announced it cutting bus routes and transportation to the students so children will be walking further to school or will be using public transportation on East 11th Street. She stated the cars speed down the road and this is not safe for the children who are walking to school and Ms. Rios is asking that Planning Commission deny this request.

Mr. Shivel asked if the speeding cars are on 107th East Ave.

Ms. Rios stated "yes", there are speeding cars that come in and out of Sierra Point and you can hear the engines all the way into the office. She stated there is trash all over the place and if maintenance and herself didn't pick up the trash along South 107th East Ave. it would look like a landfill. Ms. Rios stated a Dollar

General store just opened and she had to put up an eight foot tall sheet metal fence that cost \$30,000 last year to keep the residents from the apartment complex from cutting through 11th and 12th Street and breaking into people's cars on their way to Dollar General.

Ms. Kimbrel asked if Ms. Rios has spoken with the applicant about her concerns?

Ms. Rios stated she believes the owner sent an email and she tried calling the number but didn't get any response.

Ms. Kimbrel stated so the applicant is not aware of the concerns.

Ms. Rios stated "no".

Mr. Stinchcomb stated he would like to say thank you to Ms. Rios for being concerned. He stated this is not a dispensary and there won't be any public coming into the facility. He stated his friends and his wife will be there. Mr. Stinchcomb stated there will be an eight foot fence that goes around the property that's required by the OMMA. He stated other requirements they will comply with is a video security system so there will be video of the persons causing the trouble in the neighborhood so they can be prosecuted. He stated it will be almost like Fort Knox. Mr. Stinchcomb stated they have a medical marijuana dispensary now and he is very familiar with the laws and the requirements that are necessary.

Mr. Craddock stated he had a few concerns. One of the main concerns is the mixed-use corridor that has been placed on this property and the need for IL zoning. He stated once again we are taking an area that the master plan calls for mixed-use corridor and are wanting to do different things to it. He stated the neighbors actually should be able to rely on the plan that is implemented for that area. Mr. Craddock stated he did not see a need to push this to the IL zoning and he doesn't think the change complies with the mixed-use corridor. He stated he doesn't support this application.

Ms. Kimbrel stated she agreed with Mr. Craddock's concerns. She stated from her understanding Planning Commission has to assess that the zoning not be injurious to the neighborhood and the surrounding community and she feels like there is ample evidence that this application could be injurious, and they are already dealing with a lot of concerns. Ms. Kimbrel stated she would like to have seen a little bit more engagement, response and support for addressing these concerns between the applicant and the surrounding community considering the issues that have been presented to us if we granted this zoning change.

Mr. Ritchey stated he wanted to clarify that the IL zoning request is with an optional development limiting the uses. He stated this state overwhelmingly said that medical marijuana is something they wanted and to him a medical marijuana grow facility would be the same as a medical prescription compounding

pharmacy or anything else that's going to have a use that probably is appropriate in CS. He stated however, zoning laws were created that said this can only occur in IL zoning. Mr. Ritchey stated he thinks a hybrid area was found of having IL with optional development. He stated he understands the concerns of residents but this is a legal business that the citizens of Oklahoma overwhelmingly voted for and the applicant has explained that there are no semi-trucks, they are not going to have hundreds of thousands of dollars in cash, tempting people to come in there and break in. He stated it's not open to the public and will be an 8AM-5PM nursery basically. Mr. Ritchey stated as long as he keeps seeing the optional development plans and knows that staff is taking a strong look, he will be voting in support of these moving forward unless he sees that it's just such a ridiculous thing that wouldn't even belong in a CS zoned area. He stated he certainly respected everyone's opinions and understands the concerns.

Mr. Craddock stated he understands the use but what he is looking at specifically at, again, modifying zoning areas and saying, let's just change it again. He stated this has been done for decades and the neighbors need to be able to rely on staff and Planning Commission to provide consistencies or we are going to end up with the same result again and again. Mr. Craddock stated it has nothing to do with the use of the product, but it's very specifically to do with what is being done to the neighborhood and trying to alter the zoning already.

Mr. Reeds stated while he agrees that there is an optional development plan on top of an IL and it's essentially the same as a CS or CG, which is what surrounds the subject property he believes this is spot zoning for the sake of getting a use that fits the needs of the owners proposed grow facility. He stated he doesn't have any objection to medical marijuana grow facilities and he supports the industry as well but he won't support this application because he feels like they are making it too easy.

Mr. Covey stated he will try to be consistent with how he voted in the past or at least the past few weeks. He stated he thinks a business at this location is fine whether its medical marijuana related or not he thinks it could be a stabilizing force for the neighborhood and any business that would provide jobs and help the neighborhood he thinks would be a good thing. Mr. Covey stated however, when medical marijuana was approved Planning Commission was presented with regulations that said if it was a growing facility it would only be allowed in existing IL or IM district. Mr. Covey stated what he has seen over the past few weeks and months is a up zoning approach, where there is a CS and the request is for IL with an optional development plan. He stated this is not how this was presented to Planning Commissioners when the regulations were enacted. Mr. Covey stated there's not a bit of IL zoning anywhere to be found on the zoning map where the subject property is located and he will second Mr. Reeds comments on spot zoning. Mr. Covey stated he would take this position going

forward with regard to matters similar to this one. He stated there is no IL zoning on the map and doesn't believe there should be IL zoning. Mr. Covey stated his vote is going to be no and if those regulations need to be looked at again in another capacity or something along that line then he is open to that but that's not how the current regulations were presented.

Mr. Ritchey asked staff if a dispensary allowed by right in CS zoning?

Staff stated "yes", it does have to go through the spacing verification but it is allowed.

Mr. Ritchey stated with the three types of businesses that exist surrounding medical marijuana the only one not allowed in CS is growing. He asked if there was anything that differentiates a large scale versus a small scale grow operation. Mr. Ritchey stated he understands we want to protect the residents; they should know what they're getting when they move into a neighborhood, but he thinks this maybe doesn't necessarily belong in IL only.

Staff stated it's not just medical marijuana that this would deal with it's also a horticultural nursery. He stated if you were growing tomatoes you couldn't do that here unless it was IL with a development plan.

Ms. VanValkenburgh stated Mr. Ritchey asked about the types of businesses that needed the IL zoning surrounding the medical marijuana and growing was mentioned but processing also needs Industrial zoning.

Mr. Ray stated there have been several of these applications lately and he has supported all of them that he could but he cannot support this one. He stated he thinks the IL portion of the optional development plan is being moved one block to close and he will be voting no.

TMAPC Action; 10 members present:

On **MOTION** of **CRADDOCK**, TMAPC voted **6-4-0** (Covey, Craddock, Doctor, Kimbrel, Ray, Reeds, "aye"; Ritchey, Shivel, Van Cleave, Walker, "nays"; none "abstaining"; McArtor, "absent") to **DENY** the rezoning to IL with the optional development plan for Z-7335.

* * * * *

7. **Z-7536 James Spoon** (CD 9) Location: South of the southwest corner of East 34th Street South and South Yale Avenue requesting rezoning from **OL to CS**

STAFF RECOMMENDATION:

SECTION I: Z-7536

DEVELOPMENT CONCEPT: The applicant has requested rezoning from OL to CS without a development plan to allow all uses and supplemental regulations in a CS district.

DETAILED STAFF RECOMMENDATION:

Z-7536 requesting CS zoning is consistent with the Mixed-Use Corridor land use designation and,

Uses allowed in a CS district are consistent with the existing development in this area properties and,

Uses and development requirements that are defined in a CS district are compatible with the abutting multi-family residential property west of the site and will define the south edge of the mixed-use corridor land use designation at this location on South Yale therefore,

Staff recommends Approval of Z-7536 to rezone property from OL to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: CS request is consistent with the uses normally associated with the Mixed Use Corridor.

Land Use Vision:

Land Use Plan map designation: Mixed-Use Corridor

A Mixed-Use Corridor is a plan category used in areas surrounding Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. The streets 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. 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.

Areas of Stability and Growth designation: Area of Growth

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

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

Transportation Vision:

Major Street and Highway Plan: South Yale is classified as a Primary Arterial with a Multi Modal Corridor designation.

Multi-modal streets emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located in high intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists because of landscaped medians and tree lawns. Multi-modal streets can have on-street parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses. Transit dedicated lanes, bicycle lanes, landscaping and sidewalk width are higher priorities than the number of travel lanes on this type of street. To complete the street, frontages are required that address the street and provide comfortable and safe refuge for pedestrians while accommodating vehicles with efficient circulation and consolidated-shared parking.

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

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site was a single use building with a pharmacy. The building is empty and is be repurposed for commercial uses as allowed in a CS district.

See the following page for a street view image from South Yale looking west.



Environmental Considerations: None that would affect site redevelopment.

Streets:

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

| | | | |
|------------------------------------|------------------|----------|---------------------------------|
| South Yale Avenue | Primary Arterial | 120 feet | 4 with protected left turn lane |
| East 34 th Street South | Not Classified | 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 | Mixed Use Corridor | Growth | Commercial building |
| East | RM-1 | Mixed Use Corridor | Growth | Retail |
| South | RS-3 | Exiting Neighborhood | Stability | Single Family Dwelling |
| West | RM-2 | Mixed Use Corridor | Growth | Multi-family |

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number Ordinance No. 11823 dated June 26, 1970 established zoning for the subject property.

Subject Property:

BOA-16610 March 1994: The Board of Adjustment **approved** a *Variance* of the required setback from the centerline of South Yale Avenue from 60' to 50' to permit a ground sign, per plan submitted, finding that numerous existing signs in the area have been set at 50' and the sign will be in the parking lot if installed at the required setback, on property located at 3404 South Yale Avenue.

BOA-16550 January 1994: The Board of Adjustment **approved** a *Variance* of the maximum square footage permitted for a sign from 32 sq ft to 72 sq ft (total all signs) to permit two wall signs and one ground sign, subject to the ground sign, which will be shared by other tenants, being installed on Yale Avenue frontage and being limited to 36 sq ft and one wall sign being permitted on the portion of the building facing 34th Street and one on the portion facing Yale Avenue (a total of 36 sq ft for both wall signs) for a total of 72 sq ft of display surface area for all 3 signs, subject to any other signs being removed, on property located at 3404 South Yale Avenue.

BOA-15004 December 1988: The Board of Adjustment **approved** a *Variance* to allow for a 16 sq. ft. awning sign in an OL district, per sign plan submitted, subject to all existing signs being removed from the property finding that the proposed awning sign will contain approximately the same square footage as the existing sign and that the corner lot location with frontage on two streets would allow the business to have two wall signs by right, on property located at 3404 South Yale Avenue.

BOA-14717 January 1988: The Board of Adjustment **denied** a *Variance* of the size of a business sign from 32 sq. ft. to 86 sq. ft., finding that the applicant failed to demonstrate a hardship that would justify the granting of the amount of the variance request, on property located at 3404 South Yale Avenue.

BOA-03910 October 1962: The Board of Adjustment **approved** a request for permission to erect a sign approximately 4' x 8' in size in a U-3-B district, on property located on Lots 1&2, Block 2.

Surrounding Property:

PUD-514-A October 2006: All concurred in **approval** of a proposed *Major Amendment* to PUD on a 1.89± acre tract of land for a cell tower, on property located 3259 South Yale Avenue.

BOA-16899 December 1994: The Board of Adjustment **denied** a *Special Exception* to permit automobile sales in a CS zoned district, on property located at 3310 South Yale Avenue.

PUD-514 July 1994: All concurred in **approval** of a proposed *Planned Unit Development* on a 3.5± acre tract of land for retail, on property located 3259 South Yale Avenue.

Z-5880/ PUD-340 November 1983: All concurred in **approval** of a request for *rezoning* a 2.5± acre tract of land from RM-1 to CS and **approval** a proposed *Planned Unit Development* on .93± acre tract of land for a hotel, on property located north of the northwest corner of 11th Street and South Garnett Road.

Z-5726/PUD-291 August 1982: All concurred in **approval** of a request to rezone a .52± acre tract of land from RS-3/RS-2 to RM-1 for an office building and **denial of** a proposed *Planned Unit Development* on .77± acre tract of land for small light office park, on property located 3400 South Yale Avenue.

BOA-10662 August 1979: The Board of Adjustment **approved** an *Exception* to permit vehicle repair in a CS district and a *Variance* of the setback requirements from 110' to 91' from the centerline of Yale Avenue, per plot plan submitted,

based on the representations as presented by the applicant, no outside work or storage , the use to be confined to the tune-up of engines and oil changes, on property located at the northwest corner of 34th Street and Yale Avenue.

BOA-09949 May 1978: The Board of Adjustment **approved** an *Exception* to operate a rental outlet for U-Haul Trucks and trailers as presented, subject to the hours of operation from 7:00 am to 7:00 pm, 6 days a week, and on Sundays from 9:00 am to 5:00pm, one sign of constant lighting 7’x12’ or 84 sq ft in display surface area to be erected on Yale Avenue, a fence along the east property line to be agreed to by the 2 abutting property owners to be filed with the Board of Adjustment, the maximum number of trucks be ten trucks and no more than eighteen trailers, that they do not block the view of traffic along Yale or 33rd Street, and that a 7’ fence be erected along the south property line, on property located at 3303 South Yale Avenue.

INTERESTED PARTIES:

Pat Bacon 3402 South Winston Avenue Tulsa, OK 74135

Ms. Bacon left the meeting before this case was heard.

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 **CRADDOCK**, TMAPC voted **10-0-0**(Covey, Craddock, Doctor, Kimbrel, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; McArtor, “absent”)) to recommend **APPROVAL** of rezoning to CS for Z-7536 per staff recommendations.

Legal Description for Z-7536:

Lots one (1) and two (2), Block two (2), Conway Park 2nd Addition to the City of Tulsa, Tulsa County, State of Oklahoma according to the recorded plat thereof;

OTHER BUSINESS

8. Commissioners' Comments

Mr. Reeds would like to thank Mr. Doctor for speaking at a meeting of Architect’s. He stated that Mr. Doctor gave a State of the City presentation in terms of planning and he did a great job.

* * * * *

ADJOURN

TMAPC Action; 10 members present:

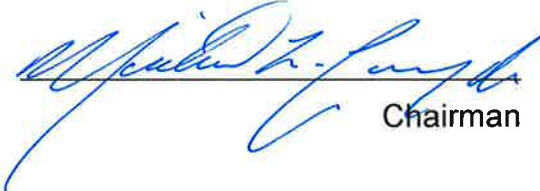
On **MOTION** of **REEDS**, TMAPC voted **10-0-0** (Covey, Craddock, Doctor, Kimbrel, Ray, Reeds, Ritchey, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; McArtor, "absent") to **ADJOURN** TMAPC meeting of February 19, 2020, Meeting No. 2812.

ADJOURN

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

Date Approved:

03-04-2020


Chairman

ATTEST:


Secretary