

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
**Minutes of Meeting No. 2813**

Wednesday, March 4, 2020, 1:00 p.m.

City Council Chamber

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

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

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, February 27, 2020 at 3:00 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. She reported the AG-R rezoning program was initiated by City Council and there has been one application submitted. Ms. Miller stated Short-Term Rentals have been discussed in depth at City Council. The TMAPC recommendation was presented to City Council and then Commissioner Doctor presented the license agreement that he and others in the City have been working on for a year. City Councilor Kimbro presented what he would like to see as far as amendments to the TMAPC recommendation. She stated the desire of at least a few counselors is that the BOA hearing is not a requirement for Short-Term Rentals. They would like the license agreement to take care of the issues that the BOA review and approval may address. Ms. Miller stated The Tulsa

Planning Office Destination Districts program is hosting an International Festival in East Tulsa. She stated 2 Destination Districts have been identified, East Tulsa and Greenwood and staff is focusing on helping build their capacity for the business organization and what the goals are for their districts. Ms. Miller stated Luisa Krug is the Manager of that program. She stated the International Festival will be April 4, 2020 at 21st and Garnett and will highlight a lot of good things in the area from the culture to the food. There will be entertainment and different kinds of activities. Ms. Miller stated another Work Session will be needed in a few months.

\* \* \* \* \*

1. **Minutes:**

**Approval of the minutes of February 19, 2020 Meeting No. 2812**

On **MOTION** of **REEDS**, the TMAPC voted 8-0-0 (Covey, Craddock, Doctor, Ray, Reeds, Ritchey, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Kimbrel, McArtor, Shivel "absent") to **APPROVE** the minutes of the meeting of February 19, 2020, Meeting No. 2812.

**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. **Z-7101-SP-2a Tulsa Pain Consultants, INC.** (CD 7) Location: South and west of the southwest corner of East 41st Street South and South Garnett Road requesting a **Corridor Minor Amendment** to add Research Services as an allowable use

**STAFF RECOMMENDATION:**

**SECTION I:**      Z-7101-SP-2a Minor Amendment

**STAFF RECOMMENDATION**

Amendment Request: Amend the development standards to add "Research Service" to the allowable uses.

The applicant is proposing to add Research Service so that they may conduct Medical Marijuana Testing. The facility already performs medical testing at this location but would like to expand the services offered to include testing of

Medical Marijuana, which falls under the Research Service use in the City of Tulsa Zoning Code.

Staff Comment: *This request can be considered a Minor Amendment as outlined by Section 25.040D.3.b(5) of the Corridor District Provisions of the City of Tulsa Zoning Code.*

“Minor amendments to an approved corridor development plan may be authorized by the Planning Commission, which may direct the processing of an amended development plan and subdivision plat, incorporating such changes, so long as substantial compliance is maintained with the approved development plan. “

Staff has reviewed the request and determined:

- 1) The requested amendment does not represent a significant departure from the approved development standards in the Corridor.
- 2) All remaining development standards defined in Z-7101-SP-2 shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to add Research Service to allowable uses.

**TMAPC Action; 8 members present:**

On **MOTION** of **REEDS**, TMAPC voted **8-0-0** (Covey, Craddock, Doctor, Ray, Reeds, Ritchey, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Kimbrel, McArtor, Shivel “absent”) to **APPROVE** Item 2 per staff recommendation.

**Legal Description for Z-7101-SP-2a**

Part of Lots 2 and 3 in Block 2 of TOWNE CENTRE II, a Subdivision in the City of Tulsa, Tulsa County, Oklahoma, according to the recorded Plat thereof, being more particularly described as follows, to-wit:

Commencing at the Southeast corner of said Lot 2; thence North 56°39'34" West a distance of 284.94 feet to the Point of Beginning, said point being on the Southerly boundary of Lot 2; thence North 19°39'20" East a distance of 65.88 feet; thence North 15°37'28" East a distance of 300.00 feet; thence North 74°22'36" West a distance of 35.00 feet; thence North 15°37'38" o a distance of 110.00 feet; thence North 51°27'39" West a distance of 71.76 feet; thence North 09°15'46" East a distance of 0.00 feet; thence northeasterly along a curve to the right having a radius of 204.55 feet for a distance of 78.54 feet; thence North 36°59'39" East a distance of 129.56 feet; thence North 37°00'03" East a distance of 2.50 feet; thence North 51°22'31" West a distance of 89.68 feet; thence northwesterly along a curve to the right having a radius of 651.73 feet for a

distance of 2.32 feet; thence South 38°48'42" West a distance of 21.10 feet; thence North 68°22'17" West a distance of 0.00 feet; thence westerly along a curve to the left having a radius of 482.98 feet for a distance of 189.56 feet; thence South 89°08'29" West a distance of 10.00 feet; thence westerly along a curve to the right having a radius of 566.38 feet for a distance of 177.93 feet; thence North 72°51'31" West a distance of 135.27 feet; thence South 17°08'29" West a distance of 130.00 feet; thence South 52°07'28" West a distance of 120.67 feet; thence South 37°52'32" East a distance of 489.96 feet; thence South 46°16'09" East a distance of 313.83 feet; thence South 56°39'34" East a distance of 50.00 feet to the Point of Beginning.

\* \* \* \* \*

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

#### **PUBLIC HEARINGS**

Mr. Covey stated the continuances would be addressed first.

6. **Sheridan Crossing Phase IV** (County) Preliminary Plat, Location: North and east of the intersection of East 86th Street North and North Sheridan Road

#### **TMAPC Action; 8 members present:**

On **MOTION** of **REEDS**, TMAPC voted 8-0-0 (Covey, Craddock, Doctor, Ray, Reeds, Ritchey, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Kimbrel, McArtor, Shivel "absent") to **CONTINUE** Item 6 to March 18, 2020.

\* \* \* \* \*

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 and February 19, 2020)

#### **TMAPC Action; 8 members present:**

On **MOTION** of **REEDS**, TMAPC voted 8-0-0 (Covey, Craddock, Doctor, Ray, Reeds, Ritchey, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Kimbrel, McArtor, Shivel "absent") to **CONTINUE** Item 3 to April 8, 2020.

\* \* \* \* \*

4. **Z-7537 Benjamin Frausto** (CD 6) Location: East of the southeast corner of East 11th Street South and South 149th East Avenue requesting rezoning from **RS-3** to **AG**

**STAFF RECOMMENDATION:**  
**SECTION I: Z-7537**

**DEVELOPMENT CONCEPT:** The long-term vision for this area is a neighborhood center. The requested AG zoning is not consistent with that goal however that zoning classification is intended to accommodate agricultural, mining or mineral processing uses in rural areas. This district allows very low density residential and other uses and serves as a holding zone pending an orderly transition to more urban development that can be efficiently served by public facilities and services.

The property is currently two lots. The individual lots do not meet the lot standards for AG zoning however the applicant is currently working through the lot combination process.

**DETAILED STAFF RECOMMENDATION:**

AG zoning is not consistent with the Neighborhood Center land use vision in the Tulsa Comprehensive Plan however the subject property and proximate properties are consistent with the AG lot and building regulations. The property has not seen development since the property was originally zoned in 1970 and,

The property is surrounded by large lot residential properties on the east and south. Abutting properties on the west are developed with communications towers, however the zoning has been established as RS-3 for decades. The AG uses that might be permitted by city ordinances are not normally considered objectionable in an area that been developed on low density on the edge of the City limits and,

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

Staff recommends approval of Z-7537 to rezone property from RS-3 to AG.

**SECTION II: Supporting Documentation**

## RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary:* AG zoning is not normally consistent with the Neighborhood Center land use designation. The existing RS-3 is not consistent with that land use designation. As this area develops some type of zoning action will be required to meet the goals of a Neighborhood Center. Some uses that could be permitted by special exception at the Tulsa Board of Adjustment include mining and mineral processing among are not consistent with the New Neighborhood land use designation and would not be supported by staff.

### 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 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:* 11th street is considered a Secondary 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 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: Route 66 Overlay:

The north portion of the subject property is included in the Route 66 Corridor overlay. The Route 66 Overlay establishes zoning regulations and incentives intended to ensure the enhancement, development, and revitalization of the authentic Route 66 through the promotion of historic and historically inspired signage, especially neon, along and adjacent to the two alignments of Route 66 in Tulsa. The regulations are generally intended to guide the character of both public and private development as it occurs along Route 66.

Historic Preservation Overlay: None

#### DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The site was previously used for parking of trucks and maintenance sheds were constructed on the property near 11th Street. The majority of the property has been used as pasture.*

Environmental Considerations: The majority of the site is included in the Tulsa regulatory floodplain area. Development for residential or commercial uses will require significant infrastructure improvements.

Streets:

| <u>Exist. Access</u>   | <u>MSHP Design</u> | <u>MSHP R/W</u> | <u>Exist. # Lanes</u> |
|------------------------|--------------------|-----------------|-----------------------|
| East 11th Street       | Secondary Arterial | 100 feet        | 2                     |
| East 12th Street South | None               | 50 feet         | unimproved            |

Utilities:

The subject tract has municipal water. Sanitary sewer is not available. New development will require on site disposal systems or significant sanitary sewer infrastructure.

Surrounding Properties:

| <b>Location</b> | <b>Existing Zoning</b> | <b>Existing Land Use Designation</b> | <b>Area of Stability or Growth</b> | <b>Existing Use</b>                       |
|-----------------|------------------------|--------------------------------------|------------------------------------|---|
| North           | AG                     | Existing Neighborhood                | Area of Growth                     | Single family residential and undeveloped |
| East            | RS-3                   | Neighborhood Center                  | Area of Growth                     | Single family residential                 |
| South           | RS-3                   | New Neighborhood                     | Area of Growth                     | Single Family residential                 |
| West            | RS-3                   | Neighborhood Center                  | Area of Growth                     | Communications transmission towers        |

**SECTION III: Relevant Zoning History**

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

***Subject Property:***

**Z-7356 August 2016:** All concurred in **denial** of a request for *rezoning* a 4.38± acre tract of land from RS-3 to CG for the parking of trucks and trailers and light mechanical work, on property located west of the southwest corner of East 11th Street South and South 157th East Avenue.

***Surrounding Property:***

**BOA-21637 October 2013:** The Board of Adjustment **denied** a Special Exception to allow for mining limestone by surface & stripping methods

(Use Unit 24) in an AG district (Section 301), on property located at 15115 East 11th Street and northwest of subject property.

**Applicant Comments:**

**Jose Hernandez** 20977 East 36th Street South, Broken Arrow, OK 74014

Mr. Hernandez stated he is representing the applicant who is his father-in law. He stated he is rezoning after the City Inspector told the applicant last year that the commercial rezoning would not work on the subject property and he would recommend changing the zoning to agriculture if the applicant wanted to possibly build a house on the property and have horses and that is what they decided to pursue.

Mr. Covey asked if there are any plans for the property or an intended use.

Mr. Hernandez stated "no".

**Interested Parties:**

**Jeff Erb** 15520 East 11th Street, Tulsa, OK 74108

Mr. Erb stated he lives just east of the subject property. He stated all the property in the area is zoned residential at this time and he doesn't see any reason to change that. Mr. Erb stated the applicant is running horses and other livestock on the property now. He stated there are several buildings located on the property. Mr. Erb stated the property is currently being used however the applicant wants to use it. He stated he would like to keep the current zoning for all the properties on that side of the street.

**Mary Erb** 15520 East 11th Street, Tulsa, OK 74108

Ms. Erb stated she has lived in the area for a long time and she sold the subject property to the applicant. She stated they are going to build a house at 15518 East 11th Street. Ms. Erb stated this is Route 66 and a lot of people from all over the world come here. She stated this is the last part of Tulsa that is still rural. Ms. Erb stated with trucks going in and out of the subject property it will be hard for her to build a house and listen to that noise because this is residential. She stated if she wanted Midtown and all the traffic she would be living there. Ms. Erb stated if someone wants AG, she encourages them to go further such as Porter, OK because there's plenty of land out that way.

Mr. Hernandez stated he understands what Ms. Erb is saying about the trucks but that has nothing to do at all with this. He stated his father-in-law wants to put a house on the land in the foreseeable future. Mr. Hernandez stated as far as commercial vehicles they would not be doing any of that.

### **TMAPC Comments:**

Mr. Craddock asked how long the subject property had been zoned RS-3.

Staff stated "since 1970".

Mr. Covey asked if RS-3 prohibits the applicant from putting a horse on the property?

Staff stated as long as you have an acre of residential property that you can put a horse on it, but there's limitations on the total number of horses you can have on residential versus AG.

Mr. Covey asked if there is anything that the applicant would be able to do with AG versus RS-3 as far as the land uses go?

Staff stated they can have a barn as a principal structure instead of just a house. He stated if there's a barn currently on the property and it is zoned residential it is a non-conforming building.

Mr. Covey asked if rezoning this to AG gets them any closer to operating a trucking company on the subject property.

Staff stated "no", if there were some reason to believe that this property was going to be more densely developed, AG requires a minimum lot size of 2 acres. He stated the applicant is currently working to combine two parcels and that would require those lots to stay large. Staff stated with the current zoning the applicant could split the property into 6900 square foot lots if he could sort out the engineering challenges.

Mr. Craddock stated he thinks this land has a historic value since it's on Route 66. He stated the surrounding areas have been RS-3, since 1970 and he thinks that this area needs to stay RS-3 because going back to AG is not conducive for the neighbors and for the neighborhood. Mr. Craddock stated he will vote to deny the zoning change.

Mr. Reeds stated he noticed there is AG zoning near the subject property and when you look at the overhead you see that it's pasture and to the west. Mr. Reeds stated the significance of changing this to AG is nothing and he will support the application.

### **TMAPC Action; 8 members present:**

On **MOTION** of **REEDS**, TMAPC voted **7-1-0** (Covey, Doctor, Ray, Reeds, Ritchey, Van Cleave, Walker, "aye"; Craddock, "nays"; none "abstaining"; Kimbrel, McArtor, Shivel "absent") to recommend **APPROVAL** of the AG zoning for Z-7537 per staff recommendation.

### **Legal Description for Z-7537:**

LT 4 BLK 1; LT 3 BLK 1, RADIO HGTS, City of Tulsa, Tulsa County, State of Oklahoma

\* \* \* \* \*

5. **Z-7538 Justin Picard** (CD 1) Location: West of the southwest corner of East 36th Street North and North Peoria Avenue requesting rezoning from **MX2-F-65** and **MX2-V-65** to **MX2-F-65** and **CH** with an **optional development plan**

**STAFF RECOMMENDATION:**

**SECTION I: Z-7538**

**DEVELOPMENT CONCEPT:** This site was recently rezoned as part of the City Council Initiated BRT zoning initiative. Unfortunately, the MX zoning that was requested and approved do not fully support the Crossover Community Center uses, building design and operational goals. The only zoning district that supports the plans for the Community Center is CH. CH zoning allows uses, lot and building placement that is not consistent with the vision of the 36th street North Small Area Plan and the expected development in the area. To remedy those concerns the optional development plan standards have been applied that are similar to the previous MX zoning standards.

**DETAILED STAFF RECOMMENDATION:**

Z-7538 requesting MX2-F-65 and CH with the optional development plan are both consistent with the Town Center Land Use Designation in the Tulsa Comprehensive Plan and,

MX2-F-65 and CH with the optional development plan are both consistent with the Land Use recommendations and the goals identified in the 36th Street North Small Area Plan and,

MX2-F-65 and CH with the optional development plan is consistent with the goals of the Healthy Neighborhood Overlay and,

MX2-F-65 and CH with the optional development plan are consistent with the recommendations offered by the Bus Rapid Transit System study and,

MX2-F-65 and CH with the optional development plan are consistent with the expected development pattern for the proximate properties therefore,

Staff recommends Approval of Z-7538 to rezone property from MX2-F-65 and MX2-V-65 to CH with the optional development plan as outlined in Section II below and MX2-F-65 on a tract identified in the applicants attached legal descriptions.

## **SECTION II: CH ZONING - OPTIONAL DEVELOPMENT PLAN STANDARDS:**

### **GENERAL PROVISIONS:**

All district use regulations, supplemental regulations, building types, lot and building regulations, along with other relevant regulations shall conform with the provision of the Tulsa Zoning Code for development in a CH zoning district except as further limited below.

### **PERMITTED USES**

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

#### **A. Residential**

- a. Household Living
  - i. Single Household
  - ii. Two households on a single lot
  - iii. Three or more households on a single lot
- b. Group Living
  - i. Assisted living facility
  - ii. Community group home
  - iii. Elderly retirement center
  - iv. Life care retirement center
  - v. Rooming/boarded house

#### **B. Public, Civic and Institutional**

- a. College or University
- b. Day Care
- c. Hospital
- d. Library or Cultural Exhibit
- e. Natural Resource Preservation
- f. Parks and Recreation
- g. Religious Assembly
- h. Safety Service
- i. School
- j. Utilities and Public Service Facility
  - i. Minor
- k. Wireless Communication Facility
  - i. Freestanding tower
  - ii. Building or tower mounted antenna

C. Commercial

- a. Animal Service and all specific uses
- b. Assembly and Entertainment
  - i. Other indoor uses
    - 1. Small (up to 250-person capacity)
- c. Broadcast or Recording Studio
- d. Commercial Service and all specific uses
- e. Financial Services
  - i. (personal credit establishment)
- f. Lodging
  - i. Bed and Breakfast
  - ii. Hotel / motel

D. Office

- a. Business or professional office
- b. Medical, dental or health practitioner office
- c. Plasma Center

E. Restaurants and Bars

- a. Restaurant
- b. Bar

F. Retail Sales with all specific uses

G. Studio, Artist or instructional Service

H. Trade School

I. Wholesale, Distribution and Storage

- a. Warehouse

J. Recycling

- a. Consumer Material Drop-off Station

K. Agricultural

- a. Community Garden
- b. Farm Market or Community-Supported garden
- c. Horticulture Nursery

PERMITTED RESIDENTIAL BUILDING TYPES:

A. Household Living

- a. Single household
  - i. Townhouse limited to 45 feet in height
  - ii. Mixed-use building
  - iii. Vertical mixed-use building
- b. Two households on a single lot
  - i. Mixed-use building
  - ii. Vertical mixed-use building
- c. Three or more households on a single lot
  - i. Apartment / condo

- ii. Mixed-use building
- iii. Vertical mixed-use building

**LOT AND BUILDING REGULATIONS:**

|                         |                  |
|-------------------------|------------------|
| Minimum lot area        | 7500 square feet |
| Minimum lot width       | 50 feet          |
| Minimum street frontage | 20 feet          |

|                                      |                 |
|--------------------------------------|-----------------|
| Minimum open space per dwelling unit |                 |
| Townhouse                            | 200 square feet |
| Apartment/condo/mixed use            | 100 square feet |

|                                  |         |
|----------------------------------|---------|
| Minimum Building Setback         |         |
| Street                           | 10 feet |
| Abutting R district              | 10 feet |
| Abutting nonresidential district | 0 feet  |

|   |        |
|---|--------|
| Build-to-zone (BTZ) (Minimum / Maximum in feet) | 10/100 |
| East 36th Street North BTZ (%)                  | 40     |

|                             |         |
|-----------------------------|---------|
| Minimum Parking Setbacks    |         |
| Street or R Zoning district | 10 feet |

|                                     |           |
|-------------------------------------|-----------|
| Minimum Ground Floor Ceiling Height | 9 14 feet |
|-------------------------------------|-----------|

|                          |  |
|--------------------------|--|
| Minimum Transparency (%) | Existing building as illustrated on concept plan is exempt from transparency requirements. |
| Ground floor             | 30   |
| Upper floors             | 0  |

Street Facing Entrance is not required

Sidewalk requirements

In addition to the sidewalk requirement along 36th street north, a sidewalk shall connect to the Osage Prairie Trail as illustrated on the concept plan.

**SECTION III: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: CH zoning with the optional development plan outlined in Section II 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 abuts the Osage Trail which is classified as a Bikeway and Multi-use trail on the west side of the site. Building placement, and orientation should not turn their back to the trail or place obstructions for access.

Small Area Plan: 36th Street North Small Area Plan (Amended 2016)

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

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 January 2020. The program expires in December 2021.

Historic Preservation Overlay: None

**DESCRIPTION OF EXISTING CONDITIONS:**

*Staff Summary: Undeveloped property except where the Crossover Health Services building is located at the northwest corner of the site adjacent to the existing trail.*

Environmental Considerations: None that affect site redevelopment

Streets:

| <u>Exist. Access</u>   | <u>MSHP Design</u> | <u>MSHP R/W</u> | <u>Exist. # Lanes</u> |
|------------------------|--------------------|-----------------|-----------------------|
| East 36th Street North | Secondary Arterial | 100 feet        | 4                     |

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

| <b>Location</b> | <b>Existing Zoning</b> | <b>Existing Land Use Designation</b> | <b>Area of Stability or Growth</b> | <b>Existing Use</b>                             |
|-----------------|------------------------|--------------------------------------|------------------------------------|---|
| North           | CH/RS-3/CS with HNO    | Town Center                          | Growth                             | Church<br>Commercial uses                       |
| East            | CS with HNO            | Town Center                          | Growth                             | Fire Department<br>Convenience store and School |
| South           | AG with HNO            | New Neighborhood Park and Open Space | Growth and Stability               | School and Hawthorne Park                       |
| West            | RS-3/OL/CH with HNO    | Main Street Existing Neighborhood    | Growth and Stability               | Undeveloped Detached single family              |

### SECTION III: Relevant Zoning History

**ZONING ORDINANCE:** Ordinance number 24070 dated January 20, 2019 established zoning for the subject property.

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

**Z-7462 January 2019:** All concurred in **approval** of a request for *rezoning* a 9.29± acre tract of land from CS to MX-2-F-65 and MX-2-V-65 for mixed-use, on property located west of the southwest corner of East 36th Street North and North Peoria Avenue.

**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). Both the subject property and surrounding properties within 300' ft fall under this overlay.

**Z-6098 June 1986:** All concurred in **approval** of a request for *rezoning* a 1.66± acre tract of land from RS-3 to CS, on property located west of the southwest corner of East 36th Street North and North Peoria Avenue.

**Z-5478 March 1981:** All concurred in **approval** of a request for *rezoning* a 6.8± acre tract of land from RS-3 to CS, on property located west of the southwest corner of East 36th Street North and North Peoria Avenue.

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

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

**Z-7534 Pending:** Located at the northeast corner and southeast corner of East 36th Street North and North Peoria Avenue, there is a pending request to *rezone* a 8.51± acre tract of land from MX-2-F-65/MX-2-V-65 to CH/ MX-2-F-65 for Mixed-use. This case was heard and approved by the TMAPC on February 19th, 2020.

**BOA-17957 March 1998:** The Board of Adjustment **approved** a *Special Exception* to allow a community center with meeting room, Tulsa foodbank distribution, office, and day-care center, subject to there being no more than 80 children, the hours of operation being from 7:00 am to 10:00 pm,

and screening requirements be lifted, on property located at 1125 East 36th Street North.

**BOA-17674 March 1997:** The Board of Adjustment **approved** a *Special Exception* to approve an amended site plan to construct an addition to Hawthorne School, on property located at East 33rd Street North and North Peoria.

**BOA-17237 November 1995:** The Board of Adjustment **approved** a *Minor Special Exception* to permit one classroom trailer at a public school in an RS-3, on property located at 1105 East 33rd Street North.

**BOA-16555 January 1994:** The Board of Adjustment **approved** a *Special Exception* to permit school use in an RS-3 zoned district, on property located at 1105 East 33rd Street North.

**BOA-13357 November 1984:** The Board of Adjustment **approved** a *Special Exception* to allow a carwash in a CS zoned district and **denied** a *Variance* of the 100' setback to 56.5' from the centerline of 36th Street North to permit construction of a car wash, finding that the applicant did not meet the burden of proof to demonstrate a hardship, on property located on the northwest corner of 36th Street North and Peoria.

**Z-5395 July 1980:** All concurred in **approval** of a request for *rezoning* a 1.66± acre tract of land from RS-3 to CS, on property located west of the southwest corner of East 36th Street North and North Peoria Avenue.

**BOA-08880 December 1975:** The Board of Adjustment **approved** a *Exception* for a public park with improvements to consist of a junior pool complex, picnic shelter, playground development and water fountain, two picnic grills, four picnic tables, outdoor gym, and 5,120' of sidewalk and landscaping, subject to the site plan submitted, in an RS-3 District, on property located at 33rd Street North and Madison Avenue.

**Z-4268 November 1972:** All concurred in **approval** of a request for *rezoning* a 1.55± acre tract of land from RS-3 to CS for a private club and barber shop, on property located west of the northwest corner of East 36th Street North and Lansing Avenue.

**BOA-07302 February 1972:** The Board of Adjustment **approved** a *Exception* to permit maintaining a boat and marine sales business in a CS District, per plot plan, on property located at 3606 North Peoria Avenue.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **RITCHEY**, TMAPC voted **8-0-0** (Covey, Craddock, Doctor, Ray, Reeds, Ritchey, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Kimbrel, McArtor, Shivel "absent") to recommend **APPROVAL** of rezoning to MX2-F-65 and CH with optional development plan for Z-7538 per staff recommendation.

**Legal Description for Z-7538:**

**CH with optional development plan**

**EXHIBIT "A"**

LOT ONE (1), BLOCK ONE (1), NORTHSIDE CLINIC, A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE/4 NE/4) OF SECTION TWENTY FOUR (24), TOWNSHIP TWENTY (20) NORTH, RANGE TWELVE (12) EAST, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, PLAT NO. 4543.

AND

BEGINNING AT A POINT FIFTY (50) FEET SOUTH AND SIX-HUNDRED THIRTY-FIVE (635) FEET WEST OF THE NORTHEAST CORNER OF SECTION TWENTY FOUR (24), TOWNSHIP TWENTY (20) NORTH, RANGE TWELVE (12) EAST, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, THENCE S01°08'58"E FOR A DISTANCE OF 539.04 FEET; THENCE S88°37'13"W FOR A DISTANCE OF 194.52 FEET; THENCE N01°09'54"W FOR A DISTANCE OF 539.20 FEET; THENCE N88°40'04"E FOR A DISTANCE OF 194.67 FEET TO THE POINT OF BEGINNING.

**MX2-F-65**

**EXHIBIT "B"**

BEGINNING AT A POINT ONE-HUNDRED NINETY-FIVE (195) FEET SOUTH AND SIX- HUNDRED THIRTY-FIVE (635) FEET WEST OF THE NORTHEAST CORNER OF SECTION TWENTY FOUR (24), TOWNSHIP TWENTY (20) NORTH, RANGE TWELVE (12) EAST, CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, THENCE N88°40'04"E FOR A DISTANCE OF 219.85 FEET THENCE S01°08'58"E FOR A DISTANCE OF 393.86 FEET; THENCE S88°37'13"W FOR A DISTANCE OF 219.85 FEET; THENCE N01°08'58"W FOR A DISTANCE OF 394.04 FEET TO THE POINT OF BEGINNING.

\* \* \* \* \*

Item 6 was moved to beginning of Public Hearing

Items 7 and 8 were presented together.

7. **Tulsa Honor Academy** (CD 5) Preliminary Plat, Location: Northeast corner of East 15th Street South and South Sheridan Road (Related to Tulsa Honor Academy Authorization for Accelerated Release of Building Permits)

**STAFF RECOMMENDATION:**

**Tulsa Honor Academy** - (CD 5)

Northeast corner of East 15th Street South and South Sheridan Road

This plat consists of 1 lot, 1 block, 11.44 ± acres.

The Technical Advisory Committee (TAC) met on February 20, 2020 and provided the following conditions:

1. **Zoning:** The subject property is zoned CH and IM. There was a special exception approved by the City of Tulsa Board of Adjustment to permit a school use on the site.
2. **Addressing:** Address will be assigned to final plat. Provide lot address graphically on the face of the final plat.
3. **Transportation & Traffic:** Sidewalks required to be installed adjacent to all public streets prior to the issuance of a certificate of occupancy. ROW permits will be required for construction of sidewalks. Required ROW dedications are shown on the preliminary plat. Reduce limits of access width at the northwest corner of the property to align with the existing drive.
4. **Sewer/Water:** Label water meter easement as "Dedicated by plat" or provide recording information for existing easement.
5. **Engineering Graphics:** Submit a subdivision data control sheet with final plat submittal. Update location map to include all platted boundaries and label all other property as unplatted. Show scale both graphically and written on the face of the plat. Under the basis of bearing information include the coordinate system used and provide a bearing angle preferably shown on the face of the plat. Graphically show all pins found or set that are associated with the plat. Remove contours from final plat.
6. **Fire:** Gated entry and access should be reviewed and approved by the Fire Marshal prior to final plat approval.
7. **Stormwater, Drainage, & Floodplain:** There is no floodplain on the property. No additional impervious surface proposed at this time.
8. **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 Subdivision &

Development Regulations. Final plat must be released by the City of Tulsa prior to approval.

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

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

**TMAPC Action; 8 members present:**

On **MOTION** of **REEDS**, TMAPC voted **8-0-0** (Covey, Craddock, Doctor, Ray, Reeds, Ritchey, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Kimbrel, McArtor, Shivel "absent") to **APPROVE** the Preliminary Subdivision Plat for Tulsa Honor Academy per staff recommendation.

\* \* \* \* \*

8. **Tulsa Honor Academy** (CD 5) Authorization for Accelerated Release of Building Permits and Modification of the Subdivision & Development Regulations to defer performance guarantees and right-of-way dedications to the final plat, Located: Northeast corner of East 15th Street South and South Sheridan Road (Related to Tulsa Honor Academy Preliminary Plat)

**STAFF RECOMMENDATION:**

**Tulsa Honor Academy-** (CD 5)

Northeast corner of East 15th Street South and South Sheridan Road

The applicant has requested that the Planning Commission authorize the City of Tulsa to issue building permits prior to the filing of a final plat. The *Subdivision & Development Regulations* require the approval of a preliminary plat prior to authorization for an accelerated release of building permits. The preliminary plat has been submitted and reviewed by the Technical Advisory Committee and is being presented concurrently with this request.

The subject property is required to obtain subdivision compliance due to the approval of a special exception by the City of Tulsa Board of Adjustment to permit a school on the property. The school will be utilizing the existing buildings on the property and have no immediate plans for additional structures. At this time, no Infrastructure Development Permits are required due to existing infrastructure being in place.

As part of the plat, the applicant will be required to dedicated additional ROW along 15th Street and South Sheridan Road to comply with the Major Street and Highway Plan. Sidewalks will be required to be installed prior to the issuance of a

certificate of occupancy. The Technical Advisory Committee met on February 20th and had no objections to the authorization for accelerated release of building permits on the existing buildings.

If approved, this authorization only removes the requirement that the final plat be filed prior to building permits being issued. All other codes and requirements of the City of Tulsa remain in place.

#### **Modification to the Subdivision & Development Regulations:**

The applicant has requested a modification to Section 10-110.6-B and C that require the dedication of all required ROW and easements and the submittal of a performance guarantee for outstanding infrastructure. Due to the fact that the ROW dedications are not being made for the purpose of any immediate infrastructure, staff supports a deferral of this requirement so that the ROW can be dedicated by plat. Given that sidewalks are the only required infrastructure and no main extensions or other improvements are required for the existing buildings, staff also supports the deferral of performance guarantee requirements to the final plat.

Staff recommends **approval** of the accelerated release of a building permit and the requested modification with the following conditions:

1. If an accelerated release is approved, ~~no final inspection of buildings or structures may occur, and~~ no certificate of occupancy may be issued until a final plat for the subject property has been approved and recorded.
2. Accelerated permits shall only be allowed for the existing structures shown on the conceptual site plan to include interior remodeling, exterior improvements, and accessory improvements.

#### **Applicant Comments:**

The applicant stated he supports staff recommendation with the modification of the wording on condition number one on page 8.2 of the packet. He stated as currently written it says, "if an accelerated release is approved, no final inspection of buildings or structures may occur and no Certificate of Occupancy may be issued until a final plan is recorded". The applicant would request to remove the language about the final inspection because they on such a tight timeline and he would like to have the final inspection take place, then hold the Certificate of Occupancy until the plat is filed.

Staff stated with regard to that condition, that is the standard language that is included on previous accelerated release provisions. He stated he doesn't necessarily object to removing that sentence as long as we maintain the hold on the Certificate of Occupancy. Staff stated they will work with Development Services to make sure that is flagged and that the Certificate of Occupancy will be held. .

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

**TMAPC Action; 8 members present:**

On **MOTION** of **REEDS**, TMAPC voted **8-0-0** (Covey, Craddock, Doctor, Ray, Reeds, Ritchey, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Kimbrel, McArtor, Shivel "absent") to **APPROVE** Tulsa Honor Academy Accelerated Release of a Building Permit and Modification of the Subdivision & Development Regulations to defer performance guarantees and right-of-way dedications to the final plat with the amendment that on page 8.2., Item 1 remove the words "no final inspections of buildings or structures may occur and".

**OTHER BUSINESS**

**9. Commissioners' Comments**

\*\*\*\*\*

**ADJOURN**

**TMAPC Action; 8 members present:**

On **MOTION** of **WALKER**, TMAPC voted **8-0-0** (Covey, Craddock, Doctor, Ray, Reeds, Ritchey, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Kimbrel, McArtor, Shivel "absent") to **ADJOURN** TMAPC meeting of March 4, 2020, Meeting No. 2813.

**ADJOURN**

There being no further business, the Chair declared the meeting adjourned at 1:35 p.m.

Date Approved:

04-01-2020

  
Chairman

ATTEST:

  
Acting Secretary