

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2831

Wednesday, December 2, 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
Blair	Craddock	Foster	Jordan, COT-R
Covey	McArtor	Hoyt-R	Silman, COT-R
Kimbrel	Ritchey	Miller	Skates, COT-R
Reeds		Sawyer	VanValkenburgh, Legal-R
Shivel		Wilkerson	
Van Cleave			
Walker			

R=Remote

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Tuesday, November 24, 2020 at 2:45 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

TMAPC held this meeting in person.

Staff and members of the public were allowed to attend and participate in the TMAPC meeting in person or via videoconferencing and teleconferencing via **GoToMeeting**, an online meeting and web conferencing tool.

After declaring a quorum present, Chair Covey called the meeting to order at 1:03 p.m.

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

REPORTS:

Chairman's Report:
None

Director's Report:

Ms. Miller reported on City Council actions and other special projects.

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Minutes:

1. Approval of the minutes of November 18, 2020 Meeting No. 2830

On **MOTION** of **COVEY**, the TMAPC voted 7-0-0 (Blair, Covey, Kimbrel, Reeds, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Craddock, McArtor, Ritchey, "absent") to **APPROVE** the minutes of the meeting of November 18, 2020, Meeting No. 2830.

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. **M&M Properties** (CD 3) Change of Access, Location: Northwest corner of East Admiral Place and North 129th East Avenue

TMAPC Action; 7 members present:

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

PUBLIC HEARINGS

- 3. **Maybelle Villas** (CD 2) Preliminary Plat, Location: South of the southeast corner of West 81st Street South and South Maybelle Avenue (Staff requests a continuance to December 16, 2020)

TMAPC Action; 7 members present:

On **MOTION** of **COVEY**, TMAPC voted 7-0-0 (Blair, Covey, Kimbrel, Reeds, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Craddock, McArtor, Ritchey, "absent") to **CONTINUE** Item 3 to December 16, 2020.

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4. **181 Harvard** (County) Minor Subdivision Plat, Location: Northeast corner of East 181st Street South and South Harvard Avenue

STAFF RECOMMENDATION:

181 Harvard - (County)

Northeast corner of East 181st Street South and South Harvard Avenue

This plat consists of 3 lots, 1 block on 10.01 ± acres.

The Technical Advisory Committee (TAC) met on November 19, 2020 and provided the following comments:

1. **Zoning:** Proposed lots conform to the requirements of the AG district.
2. **Addressing:** Addresses provided by INCOG must be shown on face of the plat.
3. **Transportation & Traffic:** Approved as submitted.
4. **Sewer/Water:** On-site sewage disposal. Water service to be provided by Okmulgee County Rural Water District #6.
5. **Stormwater, Drainage, & Floodplain:** Approved as submitted.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Final release letters required prior to execution of final plat.

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

TMAPC Comments:

Mr. Reeds asked if this could be handled by staff.

Staff stated if it were able to be done through a lot split, it could be handled purely by staff as an administrative approval. He stated there's a statutory limitation on how many times you can divide a parent tract property and this is part of a previous division that has now triggered that statutory requirement to go through a platting process. Staff stated that's why these are reviewed as minor subdivision plats because they are lot splits at their core. He stated there's just a few additional restrictions like the access that can be incorporated into the plat.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **COVEY**, TMAPC voted 7-0-0 (Blair, Covey, Kimbrel, Reeds, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Craddock, McArtor, Ritchey, “absent”) to **APPROVE** the Minor Subdivision Plat for 181 Harvard per staff recommendation.

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5. **Glory Meadows Estates** (County) Preliminary Plat and Modification to Subdivision and Development Regulations, Location: East of the northeast corner of East 171st Street South and South Elwood Avenue

STAFF RECOMMENDATION:

Glory Meadows Estates - (County)

East of the northeast corner of East 171st Street South and South Elwood Avenue

This plat consists of 4 lots, 1 block on 23.9± acres.

The Technical Advisory Committee (TAC) met on November 19, 2020 and provided the following comments:

1. **Zoning:** Final lots must conform to the requirements of the AG district in the Tulsa County Zoning Code.
2. **Addressing:** Addresses provided by INCOG must be shown on face of the plat.
3. **Transportation & Traffic:** ~~South 4th East Avenue currently stubs into the north property line of the subject tract. Provide a public street alignment that connects to the provided stub and continues south to East 171st Street South in order to provide efficient movement of traffic and avoid isolation of the intended street connection.~~
4. **Sewer/Water:** On-site sewage disposal must be approved by Oklahoma Department of Environmental Quality. Add DEQ sign-off to deed of dedication. Water service to be provided by Okmulgee County Rural Water District #6.
5. **Stormwater, Drainage, & Floodplain:** Plans for drainage and any required improvements must be approved by the Tulsa County Engineer and comply with all Tulsa County drainage standards. No floodplain on site.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Final release letters required prior to final plat approval. Oil & Gas Records by the Oklahoma Corporation Commission required to be submitted prior to final plat approval.

Modification to Subdivision & Development Regulations:

The applicant has requested a modification of the Subdivision & Development Regulations to permit two separate flag lots, Lot 2 and Lot 4. Staff reviewed the request for modification and found that it does not satisfy the approval criteria defined in the Subdivision & Development Regulations. Additionally, if previously stated conditions are met and a street connection is provided from South 4th East Avenue to East 171st St South, the flag lot configurations would not be needed and each lot would be served off of the extension of South 4th East Avenue.

Staff recommends **denial** of the modification request.

Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the conditions above provided by TAC and the requirements of the Subdivisions Regulations. A final release letter will also be required from Tulsa County prior to final plat approval.

JR Donelson 12820 South Memorial Drive, Bixby, OK

Mr. Donelson stated this particular project is one that similar to the previous application in that the owner of this 23 acres purchased this property and was not aware that there was a lot split requirement for this 23 acre tract. He stated the owner of the property sold lot 3 earlier this year. Mr. Donelson stated the owner thought she could do a lot split because she had the 23 acres and she thought she was following the rules. He stated lot 3 has already been sold and the individual filed the deed and then applied for a building permit with Tulsa County and was informed by Tulsa County inspections that there's an issue because they believe that the entire property, including the 23 acres has exceeded the amount of times a property can be split which is 4 times in 5 years. Mr. Donelson stated neither the new buyer nor the original owners had any idea this was an issue. Mr. Donelson stated the owner doesn't understand how the County can ask that a street run through someone's property because the owner thought they had 23 acres that they could split up in two or three tracks and sell it individually. He stated the owner would ask as the property owner, not a developer, to allow her to go through with the minor subdivision plat with no street extension. Mr. Donelson stated at the TAC meeting the representative from Tulsa County engineering had no objection to a cul-de-sac and he had no recommendation of expanding 4th Street down to East 171st Street.

Ms. Kimbrel asked if the applicants changes addressed the connectivity issues staff highlighted.

Mr. Donelson stated it did not address the issues of connectivity between the subdivision of Elwood Crossing and 171st Street. He stated the owner's question is, how can one assume that a development to the north of the subject property had to have connectivity through the owner's property at the owner's expense.

Mr. Blair asked staff how they address that issue of how to meet the requirement of the plat to bring the stub street down when you don't have ownership of the property.

Staff stated there are frequent requests when reviewing preliminary plats when there's adjacent undeveloped or unplatted land to include what are just called stub streets or temporary dead end streets outside of that subdivision that would accommodate a future connection so that a street network can continue rather than creating isolated subdivisions that can't connect to one another. He stated as a part of the Elwood Crossing review they went through their proposal staff did request that they include stub streets to the south where there was unplatted and undeveloped land so that in the future those connections could be accommodated and eventually begin diffusing that traffic to both arterial streets rather than essentially just creating one entrance and one exit for that subdivision to the north.

Mr. Blair asked how that is accomplished when lot 2 has been sold.

Staff stated beyond the notice to neighbors when that initial preliminary plat was reviewed? He stated this does not impact the Southern property with the exception of the stub terminating at the property line so there wouldn't have been a requirement of consent from the owner of that lot for that stub street which is a very common request when going through plat reviews.

Mr. Reeds asked if this street was a public street.

Staff stated "yes".

Mr. Reeds asked if this needs to comply with fire access.

Staff stated the street connection was not a requirement of the Elwood Crossing plat so that access wasn't mandated to be a part of their plat or they would have had to build the street all the way to 171st Street. He stated the only requirement Elwood Crossing had was the actual stub going to the south to ensure that future plats require the street to connect 171st Street.

Mr. Reeds stated if Planning Commission were to approve this with a cul-de-sac, how does the fire access this? Are there going to be private streets on lots 4, 2 and 1.

Staff stated there would be access to lot 3 from the cul-de-sac and they would be addressed off of 4th Street and each of those other lots would be addressed off of East 171st Street and they each will have a designated panhandle of 30 feet that reach out to the arterial street. He stated they would each be assigned an address off of that frontage and he believes the applicants proposal and as shown on plat there would be a mutual access easement where they can have a shared driveway to serve each of those lots in the back.

Mr. Reeds stated staff mentioned that it did cross the threshold for a number of lots of splits and that's what got the owner to this point so what is that threshold?

Staff stated over the period of five years, a single parent tract cannot be divided into more than four tracts. He stated this particular property has been actually divided much more than that. Some of this property used to be connected all the way over to Elwood Avenue. Staff stated on the parcel map in the packet it shows each of these tracts have all been divided from a single tract over a period of less than 5 years. He stated that is what created the initial trigger for a subdivision plat to be submitted before any further division.

Mr. Reeds asked if this had been the same owner who had developed the tracts.

Staff stated he would defer to the applicant to tell what the history is on who and when they acquired this property but at a point in time less than five years ago, this was all assembled as one parent track that's been divided without going through a lot split procedure or a subdivision plat which violates that statute.

Mr. Reeds asked if they could do the cul-de-sac and then wait another five years and then formally split to the other three lots.

Staff stated "yes", per the Subdivision Regulations they would be able to pursue a lot split after that window closes.

Interested Parties:

Ms. Samuels 17502 South Elwood Avenue, Mounds, OK 74047

Ms. Samuels stated when she got into this, she didn't know she was doing anything wrong. She stated she has been informed today that they are responsible for a cul-de-sac and all these issues. She stated her father-in-law owns the property across the street and she doesn't know if he's just going to sit on it and wait it out or if he wants to do something. She stated she hired Mr. Donelson to do things correctly and play by the rules. Ms. Samuels stated the developers of Elwood Crossing wants to buy the property but she stated she didn't want to do that. She stated they just wanted to do something small.

Mr. Reeds asked if the applicant could extend the street to lot 3 and eliminate the cul-de-sac.

Staff stated the staff recommendation is that the street be connected to the stub and provide a connection for all of the lots being created through this subdivision, versus having to give them relief to create flag lots that reach all the way up to 171st. In order to accomplish the current proposal the applicant is actually asking to change the rules to allow those flag lots and staff is saying no, we don't think it's a good idea to allow the modification of the rules to allow flag lots, we would rather see a street connection be made. He stated so that's where the staff

recommendation is coming from on this and it's not something that is required because of the previous plat or the subdivision that's north of this, this is purely a result of a requirement happening on this property as part of a subdivision process.

Mr. Covey asked staff how long the applicant would have to wait before they could do the lot splits.

Staff stated with this configuration, regardless of how long they wait, the applicant would still need relief from the subdivision regulations to allow for the modification of those lots. They would also still be required to build the cul-de-sac, per the subdivision regulations. He stated they would not be subject to the platting process, which is probably going to add a little bit more restriction to this. But they would still have to seek relief from the subdivision regulations to ever accomplish the lots that are shown on this plat.

Mr. Covey asked how long would that be? Do you know?

Staff stated he believes about three or four years.

Mr. Walker asked if staff was recommending the street be connected from 171st Street to the stub out.

Staff stated "yes", from the stub South all the way down and 171st Street,

Mr. Walker asked if it needed to go in a straight line or on the eastern border of all the lots.

Staff stated the alignment could be proposed by the applicant staff is just looking to make that connection. He stated basically staff made a request that they provide us a street connection and how they align it would be up for discussion just like they discuss any street, and that would obviously go through the County Engineer's office for review as well.

Mr. Walker asked if it went go up the eastern border from 171st Street to the northern border, and then turn west to the stub would that work?

Staff stated that would not give the frontage needed for those proposed lots on the west side. He stated so the idea would be to provide an internal street that serve the lots so that they don't have to ask for flag lot relief.

Ms. Kimbrel asked staff to explain the problem with flag lots.

Staff stated overtime flag lots can become fairly messy when it comes to access being shared between multiple property owners. He stated each of the large tracts would have a 30 foot panhandle out to the street and creates concerns when it comes to different types of services that have to be provided including

emergency services, addressing and trying to find where these properties are located. It also creates a need for multiple access points to that street through that mutual access easement. Staff stated in the subdivision regulations, there are criteria defined for what can be used to approve a flag lot. Those are to limit direct access on to a major street. He stated if you are going to flag off the back of a lot so you can connect to a residential street instead of coming out onto a main arterial that would be a justification. Also providing greater protection of central sensitive natural resource areas which hasn't been shown in this particular project. Higher conceal utility building substations, radio, television, telecommunication towers. Staff stated if you're building a cell tower a flag lot may be allowed so that you can do it at the back of a lot and still access it appropriately. He stated and the last one would be to avoid substantial hardship to the property owner due to the property's topography, which is also not shown on this particular plan. Staff stated they did not find that the request to modify the subdivision regulations met the required criteria and therefore requested denial of the modification and in conjunction with that added a condition that the street be provided so that the lots doesn't need the relief and they would be served off of an internal street.

Mr. Reeds stated these lots are zoned AG and are big lots. He stated he is assuming that the lots next door through its PUD was rezoned from agricultural to RE some time ago, and those lots are about a six to one ratio to the size of the lots to the south that border 171st Street. Mr. Reeds asked if there is any consideration of context when the lots are connected in terms of size of lots, in terms of quality of life issues.

Staff stated they review it in context with what that zoning allows. If you look at the proposal for this particular plan the tracts are still quite large even for the AG district. He stated they are 8.2, 5.1 and 5.19 acres and theoretically under the agriculture zoning these could be divided even further once it's allowed for them to do that. Staff stated what the internal street would do would be to allow this to be divided further in the future so more lots could be created if they ever wish to. But they would also have a proper connection to a public street and access that would allow them to flow out to Elwood as well as the neighborhood to the north to flow out to 171st Street. He stated there's a lot of benefits to creating that connection and it becomes beneficial for everyone in the future to have that connection and not to permanently dead-end that stub street in the subdivision to the north.

TMAPC Action; 7 members present:

On **MOTION** of **REEDS**, TMAPC voted 5-2-0 (Covey, Reeds, Shivel, Van Cleave, Walker, "aye"; Blair, Kimbrel, "nays"; none "abstaining"; Craddock, McArtor, Ritchey, "absent") to **APPROVE** the Preliminary Subdivision Plat and the modification to the Subdivision & Development Regulations removing condition 3 based on an undue hardship on the owner to provide a through street from a subdivision.

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The applicant was not present on items 6 and 7. These 2 items were continued to January 6, 2021 to allow a development plan to be prepared.

6. **CPA-91 Ricky Powell** (CD 4) Location: North of the Northwest corner of East 15th Street South and South Evanston Avenue (Related to Z-7576)

TMAPC Action; 7 members present:

On **MOTION** of **COVEY**, TMAPC voted 7-0-0 (Blair, Covey, Kimbrel, Reeds, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Craddock, McArtor, Ritchey, “absent”) to **CONTINUE** Item 6 to January 6, 2021.

7. **Z-7576 Ricky Powell** (CD 4) Location: North of the Northwest corner of East 15th Street South and South Evanston Avenue requesting rezoning from **RS-3 to OL** (Continued from October 21, 2020) (Related to CPA-91)

TMAPC Action; 7 members present:

On **MOTION** of **COVEY**, TMAPC voted 7-0-0 (Blair, Covey, Kimbrel, Reeds, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Craddock, McArtor, Ritchey, “absent”) to **CONTINUE** Item 7 to January 6, 2021.

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8. **Z-7584 Tulsa City Council** (CD 1) Location: Southeast corner of East 36th Street North and North Peoria Avenue requesting rezoning from **AG to MX1-U-U**

STAFF RECOMMENDATION:

SECTION I: Z-7584

DEVELOPMENT CONCEPT:

DETAILED STAFF RECOMMENDATION:

Z-7584 requesting MX1-U-U, is consistent with the BRT land use recommendations in the area. The area of the zoning request is larger than was originally contemplated with those recommendations and;

MX1-U-U, is consistent Town Center Land Use Designation in the Tulsa Comprehensive Plan and the 36th Street North Small Area Plan,

The uses allowed in MX1-U are consistent with the goals of the Healthy Neighborhood Overlay and,

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

Staff recommends Approval of Z-7584 to rezone property from AG and MX1-U-U to MX1-U-U.

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.

Transit oriented development aspirational building footprint on following page.

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.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is vacant with some floodplain on the east edge. Part of the property has already been zoned MX-1-U-U but the proposed development is now larger than originally contemplated. The exhibit on the following page illustrates the “expansion area” from what was originally considered.

See site plan concept on following Page:



Figure 2 The dimensions of the original rezoning were approximately 300' X 300'. This request is for a larger, 420' x 420' district, which more concisely fits the dimensions of the design and recently platted parcel.

Environmental Considerations: None except the possible floodplain on the east side

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	MX-2-U	Town Center	Growth	Multi-family

East	AG	Park and Open Space	Growth	Vacant flood plain area
South	AG	Town Center	Growth	Vacant
West	CS and IL	Town Center	Growth	Convenience Store and Fire station

SECTION III: Relevant Zoning History

History: Z-7584

ZONING ORDINANCE: Ordinance number 11809 dated June 26, 1970 and Ordinance number 24343 dated May 15, 2020 established the current zoning for the subject property.

Subject Property:

Z-7534 March 2020: All concurred in **approval** of a request for *rezoning* a 36.823± acre tract of land from CS/RM-1/AG to MX1-U-U/MX2-V-65/MX2-U-U/MX3-V-45 for mixed use, on property located at the northeast corner and southeast corner of East 36th Street North and North Peoria Avenue. (Ordinance No. 24343)

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.

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

Surrounding Property:

Z-7543 June 2020: All concurred in **approval** of a request for *rezoning* a .44± acre tract of land from OL to CS for commercial/medical marijuana dispensary, on property located at the northeast corner of East 36th Street North and North Lansing Place.

Z-7538 March 2020: All concurred in **approval** of a request for *rezoning* a 8.51± acre tract of land from MX2-F-65/MX2-V-65 to MX2-F-65/CH for community center, school, church, vertical mixed use building, and residential, on property located west of the southwest corner of East 36th Street North and North Peoria Avenue.

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.

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.

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.

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.

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-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.

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.

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.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **WALKER**, TMAPC voted 7-0-0 (Blair, Covey, Kimbrel, Reeds, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Craddock, McArtor, Ritchey, “absent”) to recommend **APPROVAL** of the MX1-U-U zoning for Z-7584 per staff recommendation.

Legal Description for Z-7584 :

The North 420.00 feet of the West 420.00 feet of Lot One (1), LESS AND EXCEPT the West Fifty 50) feet thereof, in Section Nineteen (19), Township Twenty (20) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.

AND LESS AND EXCEPT:

A tract of land beginning Fifty (50) feet East of the Northwest Corner of the Northwest Quarter (NW/4); thence South Thirty-nine (39) feet; thence East Thirty (30) feet; thence North Thirty-nine (39) feet; thence West Thirty (30) feet to the point of beginning, in Section Nineteen (19), Township Twenty (20) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.

* * * * *

9. **Z-7585 Robert Parker** (CD 4) Location: Southeast corner of East 2nd Street South and South Quincy Avenue requesting rezoning from **IL to CH**

STAFF RECOMMENDATION:

SECTION I: Z-7585

DEVELOPMENT CONCEPT: The site is currently zoned IL and abutting zoning is RM zoning. Buildings on an IL lot abutting RM zoning requires a 75-foot building setback which makes the site unusable for building construction. CH zoning supports the anticipated uses on the site and removes the setback requirements.

DETAILED STAFF RECOMMENDATION:

Much of the surrounding property is zoned CH and was approved without additional use limitations or design standards. Considerations for a development plan on this small tract would not have a significant effect on the anticipated larger development area and,

The warehouse use identified by the applicant is consistent with the expected development pattern in this area and is consistent with the Employment land use designation in the Pearl District Small Area Plan therefore,

Staff recommends Approval of Z-7585 to rezone property from IL to CH.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The small area plan and land use map are consistent with the wide range of uses that are allowed in the CH zoning district that exist in the area.

Land Use Vision:

Land Use Plan map designation: Employment

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

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

Areas of Stability and Growth designation: Area of Growth

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

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the

city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.”

Transportation Vision:

Major Street and Highway Plan: None

Trail System Master Plan Considerations: None

Small Area Plan: Pearl District Small Area Plan

The Pearl District was adopted by the Planning July 3, 2019. CH zoning allows uses, building placement and building types that are consistent with the goals of the small area plan.

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: vacant property with a mix of uses in the neighborhood.

Environmental Considerations: None that would affect site development

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 2 nd Street South	None	50 feet	2
South Quincy Ave	None	50 feet	2
Alley	None	NA	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use	Area of Stability or	Existing Use
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		Designation	Growth	
North	CH	Employment	Growth	Unknown commercial
East	RM-2	Employment	Growth	vacant
South	CH	Mixed-use Corridor	Growth	Roofing Company
West	RM-2	Employment	Growth	Residential and wood shop

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 16679 dated September 24, 1986 and Ordinance number 22183 dated December 31, 2009 established the current zoning for the subject property.

Subject Property:

Z-7144 December 2009: All concurred in **approval** of a request for *rezoning* a .33± acre tract of land from RM-2 to IL for classic car storage, on property located 1408 and 1412 East 2nd Street. (Ordinance No. 22183)

Z-6117 September 1986: All concurred in **approval** of a request for *rezoning* a .1± acre tract of land from RM-2 to IL for commercial, on property located southwest corner of East 1st Street and South Rockford. (Ordinance No.16679)

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

Surrounding Property:

Z-7531 March 2020: All concurred in **approval** of a request for *rezoning* a .16± acre tract of land from RM-2 to IL for horticulture nursery, on property located east of the northeast corner of East 2nd Street South and South Peoria Avenue.

Z-7523 February 2020: All concurred in **approval** of a request for *rezoning* a .32± acre tract of land from CH to IL for horticulture nursery, on property located east of the southeast corner of East 3rd Street South and South Quincy Avenue.

Z-7182 September 2011: All concurred in **approval** of a request for *rezoning* a .48± acre tract of land from RM-2 to IL for industrial, on

property located east of southeast corner of South Peoria Avenue and East 2nd Street and east of the northeast corner of South Peoria Avenue and East 2nd Street.

BOA-19204 September 2001: The Board of Adjustment **approved** a *Special Exception* to allow Use Unit 25 (roofing contractor) in a CH district and a *Special Exception* to waive screening to the north property, with the condition that no vehicular access be permitted from the alley to the building, on property located at 1411 East 3rd Street.

Z-6820 June 2001: All concurred in **approval** of a request for *rezoning* a .16± acre tract of land from RM-2 to IL for a Heating and Air Conditioning shop, on property located southwest corner of East 1st Street and South Rockford.

BOA-18317 February 1999: The Board of Adjustment **approved** a *Variance* of the setback from an R district boundary from 75' required to 60' on the northside, from 75' to 10' on the east side, and from 75' to 70' on the west side, on property located west of the southwest corner of East 2nd Street and South Quincy.

Z-6625 March 1998: All concurred in **approval** of a request for *rezoning* a .48± acre tract of land from RM-2 to IL for a warehouse, on property located west of the southwest corner of East 2nd Street and South Quincy.

BOA-15555 September 1990: The Board of Adjustment **approved** a *Variance* of the required setbacks from an R District on the north, measured from the centerline of the alley from 75' to 27.8', on the east measured from the property line from 75' to 57', **approved** a *Variance* of the required setback from the centerline of Second Street from 80' to 54', and **approved** a *Variance* of the screening requirement along the north, east, and south property lines (except at access points) abutting R Districts, per plot plan submitted, finding that the addition will align with the existing building and that the entire area is planned for industrial in the future, on property located 123 South Peoria Avenue.

Z-6290 July 1990: All concurred in **approval** of a request for *rezoning* a 2.12± acre tract of land from RM-2 to IL for industrial, on property located east of the northeast corner of East 2nd Street South and South Peoria Avenue.

BOA-15187 July 1989: The Board of Adjustment **approved** a *Special Exception* to allow a machine shop in a CH zoned district, per plot plan submitted, subject to the hours of operation being 8:00am to 6:00pm, M-F, finding that there are multiple zoning classifications in the area and

numerous uses similar to the one in question, on property located west of the northwest corner of 3rd Street and Rockford Avenue.

BOA-14411 March 1987: The Board of Adjustment **approved** a *Variance* of setback from east property line from 75' to 48', from the west property line from 75' to 0, and the north property line of Lot 20 from 75' to 20', **approved** a *Variance* of the screening requirements along the west, east, north, and south property lines, and **approved** a *Variance* of the required all weather surface to allow for gravel parking, per plot plan submitted, finding a hardship imposed on the applicant by the narrow shape of the lots and finding that the area is in transition from RM-2 to Industrial use and there are multiple zoning classifications along Second Street, on property located Lot 21 & 21, Block 14, Lynch Forsythe.

BOA-13690 August 1985: The Board of Adjustment **denied** a *Use Variance* to allow an existing bar (private club) in an RM-2 zoned district, finding that a hardship was not demonstrated by the applicant which would warrant the granting of the use variance, on property located at 1421 East 1st Street.

Z-5682 June 1982: All concurred in **approval** of a request for *rezoning* a .47± acre tract of land from RM-2 to IL for office and warehouse use, on property located north and west of the northwest corner of 2nd Street and Rockford Avenue.

BOA-12011 June 1982: The Board of Adjustment **approved** a *Variance* of the building setback to permit the building to be 18 inches from the lot line instead of on the lot line and a *Variance* of the screening requirements when abutting an R District, on property located at 1433 East 2nd Street.

BOA-09871 March 1978: The Board of Adjustment **approved** a *Variance* of the setback requirements on the north, west, and south from an R District, a *Variance* of the setback requirements on the east from 25' to 3', and a *Special Exception* to modify the screening requirements where an alternative screening building wall will provide visual separation of uses in accordance with the plot plan submitted, on property located at 1333 East 2nd Street.

Z-5090 February 1978: All concurred in **approval** of a request for *rezoning* a .32± acre tract of land from RM-2 to IL, on property located southwest corner of East 1st Street and South Rockford.

Z-5078 February 1978: All concurred in **approval** of a request for *rezoning* a .34± acre tract of land from RM-2 to IL, on property located southwest corner of East 1st Street and South Rockford.

Z-4201 August 1972: All concurred in **approval** of a request for *rezoning* a .48± acre tract of land from RM-2 to IL for a strip shopping center, on property located west of the southwest corner of 1st Street and Rockford Avenue.

BOA-05881 August 1968: The Board of Adjustment **approved** a *Variance* of the permitted use provisions of U-2B to permit an office with four employees, subject to no storage and no signs on the premises, on property located at 1439 East 2nd Street.

BOA-04695 June 1965: The Board of Adjustment **granted** a request for permission to extend a non-conforming use to permit a 14' x 28' addition to present building to be used for a woodworking shop, on property located Lot 1, Block 16, Lynch Forsythe.

BOA-04493 October 1964: The Board of Adjustment **granted** a request for permission to change a non-conforming use which was built as a grocery store and has been used for a church, to permit a wood shop in a U-2-B District, on property located Lot 1, Block 16, Lynch Forsythe.

BOA-04102 July 1963: The Board of Adjustment **granted** a request for permission to extend a non-conforming use in a U-2-B District for storage for a casket company, on property located Lot 11, Block 14, Lynch Forsythe.

BOA-01658 March 1944: The Board of Adjustment **granted** an *appeal* of the Building Inspector's decision to refuse to issue a certificate of occupancy (the proposed use, compounding of roach powder, was considered a U-4 use), with the understanding that no chemical or mechanical processes be used, on property located Lot 11, Block 14, Lynch Forsythe.

BOA-00646 May 1929: The Board of Adjustment **granted** a permit for the fifty-five-foot extension of the building for business purposes, provided that a 10ft setback is observed, on property located Lot 10, Block 18, Lynch Forsythe.

BOA-00033 March 1924: The Board of Adjustment **granted** an *appeal* of the Building Inspector's decision to refuse to issue a building permit for the extension of existing building to allow a combination garage and addition to an existing, non-conforming carpenter shop, on property located 1340 East 2nd Street.

The applicant indicated her agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **REEDS**, TMAPC voted 7-0-0 (Blair, Covey, Kimbrel, Reeds, Shivel, Van Cleave, Walker, “aye”; no “nays”; none “abstaining”; Craddock, McArtor, Ritchey, “absent”) to recommend **APPROVAL** of the CH zoning for Z-7585 per staff recommendation.

Legal Description for Z-7585:

LT 11 BLK 15 & LT 10 BLK 15, LYNCH & FORSYTHE'S ADDN

* * * * *

10. **Z-7586 Albanidia Perez** (CD 3) Location: South of the southwest corner of East Independence Street and North Mingo Road requesting rezoning from **RS-3 to CG**

STAFF RECOMMENDATION:

SECTION I: Z-7586

DEVELOPMENT CONCEPT: Rezoning to CG for a new construction company office with outdoor storage opportunities

DETAILED STAFF RECOMMENDATION:

Z-7586 is requesting CG zoning and allows uses that may be objectionable to abutting residential uses however the site also abuts an expressway and arterial street that provides a high level of transportation connectivity for employment uses and,

Z-7586 is fully covered by a FEMA flood plain. Site development will be required to meet the city standards for development in a flood plain and,

Uses allowed in a CG zoning district are consistent with the normal expectations of Mixed-Use Corridor,

Development standards in a CG district provide adequate screening and design considerations abutting residential districts therefore

Staff recommends Approval of Z-7586 to rezone property from RS-3 to CG.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: CG zoning districts are generally considered appropriate in a Mixed-Use Corridor supporting employment opportunities. In this instance a high level of engineering analysis and lengthy permitting times should be expected because of the floodplain that covers the site. The Comprehensive Plan does not recognize the complications of site development in the floodplain.

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: None

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary:

Environmental Considerations: The site is covered in trees and totally covered by a FEMA floodplain. The floodplain considerations and engineering analysis will be difficult part of the building permit process.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North Mingo	Secondary Arterial	100 feet	4 with median

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	RMH and CS	Mixed-Use Corridor	Growth	Mobile Home Park
East	IL	Mixed-Use Corridor	Growth	Mingo Road/Vacant
South	RMH	Mixed-Use Corridor	Growth	Mobile Home Park (Pool area)
West	RMH	Mixed-Use Corridor	Growth	Mobile Home Park

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11910 dated June 26, 1970 established zoning for the subject property.

Subject Property:

No Relevant History.

Surrounding Property:

Z-6678 August 1999: All concurred in **approval** of a request for *rezoning* a .57± acre tract of land from RS-3 to IL for a roofing supply business, on property located south of the southwest corner of East Latimer Street and North Mingo Road.

BOA-15670 March 1991: The Board of Adjustment **approved** a *Special Exception* to allow Use Unit 13 (convenience store) to remain in an industrial district, per plan submitted, finding that the store has been operating at the current location since 1982, and has proved to be compatible with the area, on property located at 765 North Mingo Road.

BOA-15637 January 1991: The Board of Adjustment **approved** a *Special Exception* to permit Use Unit 17 (mobile home sales use) in a CS zoned district, **approved** a *Special Exception* to waive the screening requirements along the property line abutting an R District, and **approved** a *Variance* to allow open air storage or display of merchandise offered for sale within 300' of an adjoining R district, subject to the property being used for mobile home office and sales only, the screening requirements being waived on the west boundary line only if the property is used for mobile home sales, hours of operation being Monday through Saturday, 9:00am-9:00pm and Sunday 23 noon to 9:00 om, and subject to Storm Water Management approval, finding the use to be compatible with those in the surrounding area, on property located at 700 North Mingo.

BOA-15452 June 1990: The Board of Adjustment **approved** a *Special Exception* to permit construction of a heliport, subject to Federal Aviation Authority and Stormwater Management approval and restricting the heliport to an accessory use to the principal use on the property, finding the use, as presented, will be compatible with the surrounding area, on property located at 1010 North Mingo Road.

BOA-12759 August 1983: The Board of Adjustment **approved** a *Variance* to locate a mobile home in an IL zoned district as long as the travel trailer park is located on the subject property, on property located at 801 N. Mingo Rd.

BOA-12238 October 1982: The Board of Adjustment **approved** a *Variance* for temporary mini-storage buildings in an RM-1 District, for a period of two (2) years, subject to the applicant providing a dust proof surface parking lot with a maximum of 100 skid mounted storage units, subject to the lighting being directed inwardly toward the subject property, that the applicant erect the chain link fence with stone columns on the subject tract, and that the applicant submit a copy of the site plan to the Board prior to development, on property located at the northeast corner of Latimer Place and 94th East Avenue.

BOA-09147 August 1976: The Board of Adjustment **denied** a *Special Exception* to operate a home beauty shop in an accessory metal building in an RMH District, as the building is located on a separate lot and is a principal use, as well as being located within the recently adopted moratorium, so no permit could be issued to permit the use, on property located at 828 North 91st East Place.

BOA-08005 August 1973: The Board of Adjustment **approved** a *Special Exception* to operate a welding shop in a CH District, on property located at 1010 North Mingo.

BOA-07411 April 1972: The Board of Adjustment **approved** a *Special Exception* to permit operating a day nursery in a mobile home park, on property located at 710 North 102nd East Avenue.

The applicant indicated her agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 7 members present:

On **MOTION** of **WALKER**, TMAPC voted 7-0-0 (Blair, Covey, Kimbrel, Reeds, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Craddock, McArtor, Ritchey, "absent") to recommend **APPROVAL** of the CG zoning for Z-7586 per staff recommendation.

Legal Description for Z-7586 :

S/2 N/2 NE SE SE SEC 36 20 13 2.50ACS

* * * * *

11. **CZ-508 Ashley Hacker** (County) Location: West of the northwest corner of West Long Street and South Broad Street requesting rezoning from **RS to CG**

STAFF RECOMMENDATION:
SECTION I: CZ-508

DEVELOPMENT CONCEPT: The applicant is proposing to rezone from RS to CG to permit an office/warehouse building. There is an existing garage/warehouse building on site which the applicant intends to remodel into the proposed office/warehouse. The site is located within the Commercial land use designation of the City of Sand Springs Comprehensive Plan. Based on this designation, the proposed CG zoning for an office/warehouse use would be compatible with the long term land use plans for the immediate area.

DETAILED STAFF RECOMMENDATION:

CZ-508 is non-injurious to surrounding proximate properties;

CZ-508 is compatible with the Commercial land use designation of the Tulsa County Comprehensive Land Use Plan and City of Sand Springs Comprehensive Plan;

CZ-508 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends **Approval** of CZ-508 to rezone property from RS to CG.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary:

The subject property is located within the fenceline of Sand Springs. The 2030 Sand Springs Land Use Master Plan was adopted June 26, 2017 and was adopted as part of the Tulsa County Comprehensive Plan October 26, 2020. The City of Sand Springs Planning Department engaged citizens in the Comprehensive Planning process. They initiated a community survey that was available in electronic format via social media and the City's website. The survey was also available in a hard copy that citizens could acquire at several locations. In addition, a web based Interactive Map was launched to obtain citizen participation.

The Land Use Master Plan designates this area as Commercial. See the attached Land Use Map. The Commercial Land Use District represents areas of retail trade and services. Typically, these areas are located around nodes of arterial street intersections or in some cases, at

intersections of collectors and arterials. Commercial Districts can also be found in corridors that have an established commercial use pattern. The Commercial District includes uses that range from small neighborhood convenience shopping areas, single free-standing buildings, big box retailers, restaurants, automotive services centers, and other similar retail uses. Residential Multi-Family uses may be allowed where deemed appropriate as increased density provides support for commercial areas.

Land Use Vision:

Land Use Plan map designation: Commercial

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: W Long Street does not have a designation

Trail System Master Plan Considerations: The site is located approximately 300 ft from the Katy Trail Wekiwa Linkage along Wekiwa Road. The Go Plan calls for shared automobile/bicycle lanes along Broad Street, approximately 200 ft to the east of the subject lot.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site currently contains a single garage building.*

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
W Long Street	None	N/A	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS	Commercial	N/A	Single Family
South	RS	Commercial	N/A	Single Family
East	CG	Commercial	N/A	Single Family
West	RS	Commercial	N/A	Single Family

SECTION III: Relevant Zoning History

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

Subject Property:

No Relevant History.

Surrounding Property:

CZ-506 October 2020: All concurred in **approval** of a request for *rezoning* a .34± acre tract of land from RS to CG for office warehouse, on property located west of the northwest corner of West Long Street and South Broad Street.

CZ-505 October 2020: All concurred in **approval** of a request for *rezoning* a .44± acre tract of land from RS to CG for office warehouse, on property located east of the southeast corner of West Wekiwa Road and South River City Parks Road.

CBOA-02547 September 2015: The Board of Adjustment **approved** a *Special Exception* to permit a mobile home in an RS District and a *Variance* to allow two dwellings on one RS zoned lot record, subject the trailer house being skirted and tied down, and there be an 8'0" x 10'0" asphalt or concrete pad for parking, on property located 825 West Katy Street South.

CBOA-02142 November 2004: The Board of Adjustment **approved** a *Special Exception* to permit a firework stand in an RS District from December 15th, 2004 through January 2nd, 2005 and June 15th, 2005 through July 5th, 2005, as requested, on property located 810 West Katy Street South.

CBOA-00844 September 1988: The Board of Adjustment **approved** an *Exception* to allow for a mobile home in an RS District, subject to Health

Department approval and Building Permit, the installation of tie-downs and skirting, finding that there are a number of mobile homes in the area, on property located 813 Long Street.

CBOA-00734 April 1984: The Board of Adjustment **approved** a *Special Exception* to allow for a mobile home and a *Variance* to allow 2 dwelling units on one lot of record, subject to the Building Permit and Health Department approval of the septic system, finding that there are numerous mobile homes in the area, as well as lots with more than one dwelling unit, on property located south of Keystone Expressway, West of Highway 97.

CBOA-00551 April 1985: The Board of Adjustment **approved** a *Special Exception* to allow a home occupation for a mechanic shop in a RS zoned district, a *Variance* of the 50' setback from the centerline of Katy to 25' and of the rear yard setback from 20' to 10' to permit construction of an accessory building, and a *Variance* to permit a 1200 sq. ft. accessory building to be located in the side yard, finding that a hardship imposed on the applicant by the narrow shape of the lot and the fact that the lot is also adjacent to the expressway, subject to no placement of a sign on the property, no outside storage of materials, and the garage closing by 10pm, on property located at 816 Katy Street.

CBOA-00083 July 1981: The Board of Adjustment **approved** an *Exception* to allow for a mobile home in an RS District, subject to city-county Health Department approval, on property located 310 Broad Street.

The applicant indicated his agreement with staff's recommendation.

TMAPC Comments:

Interested Parties:

Barbara Shockley 202 Broad Street, Sand Springs, OK

Ms. Shockley stated she opposed Mr. Hackers previous zoning changes and opposes this one also. She stated the neighborhood does not want commercial zoning. Ms. Shockley stated she has lived in the neighborhood 54 years. She stated she doesn't know why Mr. Fothergill is supporting the applicant and she doesn't believe he should be involved at all. She stated the applicant tried to put in a marijuana facility in this neighborhood and Ms. Shockley opposed that and she believes this is all backlash because of her opposition. She stated she believes that this neighborhood can be revived and doesn't need commercial zoning.

John Fothergill 3410 South 73rd West Ave, Tulsa, Oklahoma 74107

Mr. Fothergill stated he appreciates the Commissioners time today. He stated he is speaking as an individual in Tulsa County. Mr. Fothergill stated he worked with the applicant and he helped clean up this neighborhood. He stated there are some properties that are well kept but the majority are not. Mr. Fothergill stated he is in support of the applicant's proposal and in favor of them continuing to put nice properties to better uses.

Mr. Reeds asked if the applicant had tried to develop this property as residential.

The applicant stated the property is residential now and nobody wants to buy a new house or remodel the house 300 feet from Walmart or other commercial properties. He stated he has tried for 13 years. The applicant stated it is just not viable as residential anymore due to its proximity to the surrounding commercialization on all four sides of property.

Brian Jackson 700 Jamaica Drive Sand Springs, OK 74063.

Mr. Jackson stated as a citizen he sees what the applicant is trying to accomplish and he would like to commend him for cleaning up subsequent properties. He stated the development is in alignment with Sand Springs Comprehensive Plan and business development for the area.

Ms. Shockley stated that Mr. Jackson is a Sand Springs City Councilman and is the only one that voted for a marijuana facility in this neighborhood. She stated the homes in this area have residents who have lived in the area for a long time. Ms. Shockley stated Planning Commission has already rezoned several lots in the area and she feels that was not right to rezone them commercial.

Ms. Kimbrel asked staff to explain the land use vision for this area.

Staff stated the entire neighborhood has been designated commercial for future land use and that is consistent with the Sand Springs Comprehensive Plan.

TMAPC Action; 7 members present:

On **MOTION** of **COVEY**, TMAPC voted 7-0-0 (Blair, Covey, Kimbrel, Reeds, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Craddock, McArtor, Ritchey, "absent") to recommend **APPROVAL** of the CG zoning for CZ-508 per staff recommendation.

Legal Description for CZ-508:

LT 4, BLK 1, HALLS GARDEN ADDN

OTHER BUSINESS

12. Commissioners' Comments

NONE

ADJOURN

TMAPC Action; 7 members present:

On **MOTION** of **WALKER**, TMAPC voted 7-0-0 (Blair, Covey, Kimbrel, Reeds, Shivel, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Craddock, McArtor, Ritchey, "absent") to **ADJOURN** TMAPC meeting of December 2, 2020, Meeting No. 2831.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 2:13 p.m.

Date Approved:

12-16-2020


Chairman

ATTEST:


ACTIC Secretary