

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2834

Wednesday, January 20, 2021, 1:00 p.m.

City Council Chamber

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

Members Present	Members Absent	Staff Present	Others Present
Adams	Craddock	Foster	Jordan, COT-R
Blair	Kimbrel	Hoyt-R	Silman, COT-R
Covey	McArtor	Miller	Skates, COT-R
Reeds	Van Cleave	Sawyer	VanValkenburgh, Legal-R
Shivel		Wilkerson	
Walker			

R=Remote

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, January 14, 2021 at 11:20 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 1:00 p.m.

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

REPORTS:

Chairman's Report:

Chairman Covey welcomed new Commissioner Ashley Adams.

Director's Report:

Ms. Miller reported The Tulsa Planning Office is having 30 public meetings in January and February with different topics related to planning. It is being called Planuary. She stated nothing has changed with the Open Meetings Act, but the hope is that the State Legislature make an amendment to it when they convene regular sessions in early February to allow Commissioners to attend remotely and participate in meetings. Ms. Miller reported on City Council and Board of County Commissioner actions and other special projects.

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Minutes:

1. Approval of the minutes of December 16, 2020 Meeting No. 2832

On **MOTION** of **SHIVEL**, the TMAPC voted 6-0-0 (Adams, Blair, Covey, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Craddock, Kimbrel, McArtor, Van Cleave, "absent") to **APPROVE** the minutes of December 16, 2020 Meeting No. 2832

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-6538-SP-2b Aaron Shupp (CD 7) Location: South of the southeast corner of East 91st Street South and South Mingo Avenue requesting a **Corridor Minor Amendment** to add personal improvement service to permitted uses**

Staff Recommendation:

SECTION I: Z-6538-SP-2b Minor Amendment

Amendment Request: Modify the Corridor Plan to add Personal Improvement Service to the permitted uses.

The current Corridor Development standards for this site restrict the uses to Medical and General Offices. The applicant is proposing to add the Personal Improvement Service use in order to allow a health club/gym to be constructed on the site.

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 Z-6538-SP-2.
- 2) All remaining development standards defined in Z-6538-SP-2 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to add Personal Improvement Service to the permitted uses.

Legal Description for Z-6538-SP-2b:

Lot 1, Block 1 Mingo Medical Center

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3. **Z-6051-SP-2d Crown Neon Signs** (CD 7) Location: Northeast corner of South Mingo Road and East 82nd Place South requesting a **Corridor Minor amendment** to increase the allowable sign height from 12 feet to 20 feet

Staff Recommendation:

SECTION I: Z-6051-SP-2d Minor Amendment

Amendment Request: Modify the Corridor Plan to increase allowable ground sign height from 12 feet to 20 feet.

Currently, signs for Development Area B are limited, by the development standards of the corridor, to a ground sign that is a maximum of 12 feet in height. The applicant is proposing to increase this allowance to 20 feet. The applicant does not propose to increase the allowable display area of the sign. Commercial zoning allows a sign height of 25 feet. The proposed increase to 20 feet is 5 feet shorter than what could otherwise be allowed.

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 Z-6051-SP-2.
- 2) All remaining development standards defined in Z-6051-SP-2 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment request to increase allowable ground sign height from 12 feet to 20 feet for Development Area B.

Legal Description for Z-6051-SP-2d:

LT 4 LESS BEG SECR THEREOF TH W180.72 N188 E190.72 S125.50 W10 S62.50 POB BLK 1, SOUTH MINGO PLAZA

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- 4. **PUD-440-4 J. Kory Myers** (CD 8) Location: Northwest corner of East 102nd Place South and South Braden Avenue requesting a **PUD Minor Amendment** to modify the rear yard setback

Staff Recommendation:

SECTION I: PUD-440-4 Minor Amendment

Amendment Request: Revise the PUD Development Standards to reduce the setback requirements for the rear yard.

The applicant is proposing to reduce the rear yard setback from 25 ft to 12 ft in order to permit the construction of a covered patio as illustrated on the site plan provided by the applicant, included with this report. There is currently a 12 ft easement along the rear yard that construction would not be permitted within. If approved all portions of the covered patio, including foundation and structure will need to remain outside of the existing 12 ft easement.

Staff Comment: *This request is considered a Minor Amendment as outlined by Section 30.010.1.2.c(9) of the City of Tulsa Zoning Code.*

“Changes in structure heights, building setbacks, yards, open spaces, building coverage and lot widths or frontages, provided the approved PUD development plan, the approved standards and the character of the development are not substantially altered.”

Staff has reviewed the request and determined:

- 1) PUD-440-4 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-440.
- 2) All remaining development standards defined in PUD-440 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to revise the rear yard setback from 25 ft to 12 ft.

Legal Description for PUD-440-4:

Lot 11, Block 1 Wexford Addition

TMAPC Action; 6 members present:

On **MOTION** of **WALKER**, TMAPC voted **6-0-0** (Adams, Blair, Covey, Reeds, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Craddock, Kimbrel, McArtor, Van Cleave, “absent”) to **APPROVE** Items 2 through 4 per staff recommendation.

PUBLIC HEARINGS

5. **Jamestown Phase I** (CD 6) Preliminary Plat, Location: West of the northwest corner of East 41st Street South and South 161st East Avenue (Staff requests a continuance to February 3, 2021)

TMAPC Action; 6 members present:

On **MOTION** of **WALKER**, TMAPC voted **6-0-0** (Adams, Blair, Covey, Reeds, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Craddock, Kimbrel, McArtor, Van Cleave, “absent”) to **CONTINUE** Item 5 to February 3, 2021.

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Items 6 and 7 were presented together.

6. **Z-7588 Tanner Consulting, LLC-Eric Enyart** (CD 8) Location: Northwest corner of East 121st Street South and South Yale Avenue requesting rezoning from **CS/RS-1/PUD-526 to RS-4/CG/OL with an optional development plan** (Related to PUD-526-A) (Continued from December 16, 2020)

STAFF RECOMMENDATION:

SECTION I: Z-7588

APPLICANTS DEVELOPMENT CONCEPT:

Tulsa Zoning Code Section 70.040-A Purpose

Development plans are required with some property owner-initiated rezoning's and are optional with other property owner-initiated rezoning's. The purpose is to depict a property owner's generalization plan for the type, amount and character of development proposed on the subject property. By providing certainty about development proposals, development plans provide review and decision-making bodies with additional information on which to base a rezoning decision.

The final layout and design of the uses within this ODP will be in substantial compliance with Wind River Plaza Conceptual Masterplan submitted herewith.

Staff Notes:

The rezoning request is established with three different zoning categories and three development areas.

DETAILED STAFF RECOMMENDATION:

The optional development plan outlined in the staff report is consistent with the provisions of the development plan standards in the Tulsa Zoning Code and,

Z-7588 requesting RS-4, CG, and OL zoning with an optional development plan on all three areas allows uses that are compatible with the existing surrounding properties and,

Street connections to 119th Street South will be reviewed during the plat process. East 119th Street is a single lane concrete street. Significant changes to the street pattern illustrated in the development concept provided in the development plan application are anticipated. During the plat process it is possible that gates will not be permitted across private streets. Public access may be required across this property from East 119th Street South to East 121st Street South,

Lot and building regulations in each of the development areas are consistent with the expected future development and area surrounding the property,

RS-4, CG and OL with the limitations provided by the optional development plan outlined in Section II below is consistent with the Neighborhood Center land use designation of the Comprehensive Plan therefore,

Staff recommends Approval of Z-7588 to rezone property from AG to RS-4, CG and OL with the provisions of the development plan standards outlined in Section II below.

SECTION II: Z-7588 Optional Development Plan Standards

Single Family development area:

The optional development plan standards in the single-family development area will conform to the provisions of the Tulsa Zoning Code for development in an RS-4 district with its supplemental regulations and accessory use provisions except as further refined below. All uses categories, subcategories or specific uses and residential building types that are not listed in the following permitted uses categories are prohibited:

Development Standards:

All Lot and Building Regulations in the City of Tulsa Zoning Code RS-4 zoning unless amended herein below.

Permitted Uses:

Residential use category
Household Living (Limited to building type identified below)
Single Household

Minimum Lot Width:

55 Feet

Minimum Lot Area:

7,150 Square Feet

Minimum Side Yard Setbacks:

As set forth in the City of Tulsa Zoning Code for RS-4, provided that side yards separated from a street by a reserve area shall meet the setbacks of a corner lot.

Streets:

Streets may be public or private and gated.

1) Private streets and gate systems shall conform to the standards outlined for minor residential streets in the Tulsa Subdivision and Development regulations effective May 10, 2018 except as those standards may have been amended at the time the subdivision plat is submitted for consideration by the Tulsa Metropolitan Area Planning Commission.

2) Any gate assembly on a private street must receive a building permit from the City of Tulsa building permit office prior to construction. Prior to issuance of a building permit the Tulsa Planning Office shall approve the site plan but will not approve the site plan until receipt of a letter approval from relevant departments in the City of Tulsa.

Permitted Residential Building Types

Residential use category

Household Living subcategory

Single household specific building types

Detached House

Patio House

Commercial Development Area:

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

Development Standards:

All Lot and Building Regulations as set forth in the City of Tulsa Zoning Code for CG Commercial Shopping district zoning unless amended herein below.

Permitted Uses:

The following list of Use Categories, Subcategories and Specific uses shall be permitted within this development plan area.

Residential Use Category

Household living (only if allowed in the building type section below)

Single household

Two households on a single lot

Three or more households on a single lot.

Public, Civic and Institutional Use Category

Day Care

maintained Parks and Recreation but limited to a privately owned and park

Commercial Use Category:

Assembly and Entertainment subcategory

Small indoor assembly and entertainment (up to 250-person capacity)

Broadcast or Recording studio

Food truck court. Food trucks shall not be powered by gas generators. Electrical connections will be provided for each food truck space.

Commercial Service subcategory

Business support service

Personal improvement service

Financial services, excluding personal credit establishments
Lodging
 Bed & breakfast
 Hotel
 Short term rental as an accessory use to Mixed-use and Vertical mixed-use buildings, subject to all supplemental regulations identified in the zoning code.
Office
 Business or professional office
 Medical, dental, and health practitioner offices
Restaurants and Bars
 Restaurant
 Bar (Note: this use requires special exception approval if alcoholic beverages are sold or served, and the subject lot is located within 150 feet of any residential zoning district other than R-zoned street right of way).
Retail Sales
 Consumer shopping goods
 Convenience goods
 Grocery store
Studio, Artist, or Instructional Service

Agricultural
 Farm, Market or Community Supported garden.
Other
 Drive-through Facility (as a component of an allowed principal use)

Maximum Floor Area Ratio (FAR):

0.75

Streets:

Streets may be public or private and gated.

1) Private streets and gate systems shall conform to the standards outlined for minor residential streets in the Tulsa Subdivision and Development regulations effective May 10, 2018 except as those standards may have been amended at the time the subdivision plat is submitted for consideration by the Tulsa Metropolitan Area Planning Commission.

2) Any gate assembly on a private street must receive a building permit from the City of Tulsa building permit office prior to construction. Prior to issuance of a building permit the Tulsa Planning Office shall approve the site plan but will not approve the site plan until receipt of a letter approval from relevant departments in the City of Tulsa.

Signs:

Ground signage in the west 310 feet of the Commercial Tract shall be monument style signage and limited to 12 feet in height. In this area dynamic display signage of any kind is prohibited.

Illuminated or dynamic display wall signage is prohibited on the west wall of any building.

Building Type Regulations for Household Living

Residential use category

Household Living subcategory

One household on a single lot | specific building type

- a. Mixed-use building
- b. Vertical mixed-use building

Two households on a single lot | specific building type

- a. Mixed-use building
- b. Vertical mixed-use building

Three or more households on a single lot | specific building type

- a. Mixed-use building
- b. Vertical mixed-use building

Office development area standards:

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

Development Standards:

The office development area shall conform to the lot and building regulations as set forth in City of Tulsa Zoning Code for OL Office-Low district zoning unless amended herein below.

Permitted Uses:

The following list of principal uses permitted within an OL Office-Low district by City of Tulsa shall be permitted.

- A) Residential Use Category
 - a. Mixed-use building
 - b. Vertical mixed-use building
- C) Commercial Use Category:
 - b. Recording studio

- f. Financial services, excluding personal credit establishments
- g. Short-term rental as an accessory use to Mixed-use and Vertical mixed-use buildings, subject to all requirements
- h. Business or professional office
- i. Medical, dental, and health practitioner offices
- j. Studio, Artist or Instructional Service

Maximum Floor Area Ratio (FAR):

0.40

Streets:

Streets may be public or private and gated.

1) Private streets and gate systems shall conform to the standards outlined for minor residential streets in the Tulsa Subdivision and Development regulations effective May 10, 2018 except as those standards may have been amended at the time the subdivision plat is submitted for consideration by the Tulsa Metropolitan Area Planning Commission.

2) Any gate assembly on a private street must receive a building permit from the City of Tulsa building permit office prior to construction. Prior to issuance of a building permit the Tulsa Planning Office shall approve the site plan but will not approve the site plan until receipt of a letter approval from relevant departments in the City of Tulsa.

Signage Limitations:

All freestanding or ground signage shall be monument style signage and shall not exceed 25 feet in height.

~~Ground signage in the west 310 feet of the Commercial Tract shall be monument style signage and limited to 12 feet in height. In this area dynamic display signage of any kind is prohibited.~~

~~Illuminated or dynamic display wall signage is prohibited on the west wall of any building.~~

Building Type Regulations for Household Living

Residential use category

Household Living subcategory

One household on a single lot | only as allowed by the following specific building type

- a. Mixed-use building
- b. Vertical mixed-use building

Two households on a single lot | only as allowed by the following specific building types

- a. Mixed-use building
- b. Vertical mixed-use building

Three or more households on a single lot | only as allowed by the following specific building types.

- a. Mixed-use building
- b. Vertical mixed-use building

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: All three of the zoning categories with the provisions of the optional development plan are consistent with the Neighborhood Center Land Use Designation.

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 and are in close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to

focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.”

Transportation Vision:

Major Street and Highway Plan: South Yale Avenue and East 121st Street south are both considered a Multi Modal Corridor.

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

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

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: Undeveloped with little topographic change and almost no tree cover. Property is surrounded by single family residential

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>
South Yale Ave	Secondary Arterial with Multi modal	100 feet	2

	corridor		
East 121 st Street South	Primary Arterial with Multi Modal Corridor	120 feet	2
East 119 th Street South	None	50 feet	1

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-1	Existing Neighborhood	Growth	Single Family Residential
East	RS-3 / RS-2 / CS / PUD 527 and 527-B	Neighborhood Center	Growth	Single Family Residential and undeveloped commercial
South	CS / RS-2	Park and Open Space	Stability	Open Space
West	RS-1 / PUD 804	New Neighborhood	Growth	Single Family

SECTION IV: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 18391 dated February 2, 1995 established the current zoning for the subject property.

Subject Property:

Z-6452/PUD-526 January 1995: All concurred in **approval** of a request to rezone a 13± acre tract of land from RS-1 to CS/PUD and **approval** of a proposed *Planned Unit Development* for commercial and single-family residential, on property located on the northwest corner of East 121st Street South and South Yale Avenue. (Ordinance No. 18391)

Ordinance number 11832 dated June 26, 1970 established zoning for the subject property.

Surrounding Property:

SA-1 September 2016: The Board of Adjustment **approved** a request for a Special Area Overlay on multiple properties along the Arkansas River extending from W. 11th St. S. to E. 121st St. S., to establish the River Design Overlay as a supplemental zoning, RDO-1, RDO-2, or RDO-3, to establish regulations governing form function, design and use for properties located within the boundaries of the River Design Overlay District. The regulations are generally intended to maintain and promote the Arkansas River corridor as a valuable asset to the city and region in terms of economic development and quality of life. The subject property has a River Design Overlay designation of RDO-1 which is primarily intended to apply to park, recreation, and open space adjacent to the river, helping to promote development that is compatible with public parks and green space, as well as complements park uses.

BOA-21452 July 2015: The Board of Adjustment **approved** a *Special Exception* to permit a public park (Use Unit 5) to be located in an RS-2/CS/AG zoned district (Cousins Park), on property located at 4514 East 121st Street South. This approval is subject

Z-7244/PUD-804 December 2013: All concurred in **approval** of a request to rezone a 20± acre tract of land from RS-1 to RS-2/PUD and **approval** of a proposed *Planned Unit Development* for residential single-family, on property located west of the northwest corner of 121st Street and South Yale Avenue.

PUD-528-A Abandonment August 2012: All concurred in **approval** of a proposed *Major Amendment* to abandon PUD-528 to allow a public park use on a 43.45± acre tract of land, on property located southwest corner of South Yale Avenue and East 121st Street.

PUD-686 July 2003: All concurred in **approval** of a proposed *Planned Unit Development* on a 260± acre tract of land for single family development, on property located east of South Delaware and north of East 121st Street.

PUD-527-B August 2001: All concurred in **approval** of a proposed *Major Amendment* to PUD to abandon PUD-527-A and revert back to the standards of the original PUD-527 approved in February 1995, on a 9± acre tract of land, on property located northeast corner of East 121st Street and South Yale Avenue.

Z-6800/PUD-527-A March 2001: All concurred in **approval** of a request to rezone a 9± acre tract of land from RS-1 to RS-2 and **approval** of a proposed *Major Amendment* to PUD to increase the number of single-family dwellings and reconfiguration of development areas of original PUD on property located northeast corner of East 121st Street and South Yale Avenue.

Z-6454/PUD-528 January 1995: All concurred in **approval** of a request to rezone a 43.45± acre tract of land from AG to CS/RS-2 per staff recommendation and **approval** of a proposed *Planned Unit Development* for commercial/residential, on property located southwest corner of South Yale Avenue and East 121st Street. The original request included rezoning from AG to RS-3/RM-0/CS (29.95 acres/8.50 acres/5.00 acres), but staff recommended CS and RS-2 instead.

Z-6453/PUD-527 January 1995: All concurred in **approval** of a request to rezone a 20± acre tract of land from RS-1 to CS/PUD and **approval** of a proposed *Planned Unit Development* for commercial development with the balance of the property to remain RS-1 for single-family development, on property located on the northeast corner of East 121st Street South and South Yale Avenue.

Z-6274 December 1989: All concurred in **denial** of a request for *rezoning* a 13.5± acre tract of land from AG to CS/RM-0 for a shopping center and multifamily, on property located southwest corner of East 121st Street and South Yale Avenue.

Z-6273 December 1989: All concurred in **denial** of a request for *rezoning* a 12± acre tract of land from RS-1 to CS/RM-0 for commercial and multifamily on property located northeast corner of East 121st Street and South Yale Avenue.

Z-5937/PUD-358 May 1984: All concurred in **approval** of a request to rezone a 54± acre tract of land from AG to RS-3 and **approval** of a proposed *Planned Unit Development* for single-family dwellings, on property located north and east of the northeast corner of East 121st Street and South Yale Avenue.

BOA-08396 October 1974: The Board of Adjustment **approved** an *Exception* to operate a horticulture nursery and erect three accessory greenhouse structures, per plot plan, as presented with no retail permitted, in an RS-1 district, on property located at 120th Street and Yale Avenue.

Z-6848 February 2002: All concurred in **approval** of a request for *rezoning* a 20± acre tract of land from RS-1 to AG for a barn, on property located north of the northwest corner of East 121st Street South and South Yale Avenue.

TMAPC Comments:

Mr. Reeds asked if the southern end entry to the residential area was gated.

Staff stated that detail has not been provided by applicant but the idea it could be gated is one of the reasons for the development plan. He stated there is an

opportunity for private streets without a gate but if it is gated it would have to come back to for staff to review.

Mr. Blair asked what is currently allowed as it relates to the uses.

Staff stated the development areas are a little different from the old PUD but the idea of having a mix of uses inside the PUD is very similar to what is being presented today. He stated the old rule was 10% landscaping was required but it wasn't clear what that landscaping and screening standard looked like. There were no provisions for any kind for a dynamic display. Staff stated the Code has evolved so much that it wasn't as much about the uses as it was the design standards and what the end result was going to look like.

Mr. Blair asked about the change from RS-1 to RS-4 and CS to CG.

Staff stated the old way of thinking about zoning can mish mash all of those land use densities together and those numbers were liberally managed in the PUD. He stated as part of the current development standards it is less dense and have less impact on the neighborhood than the PUD had.

Applicant Comments:

The applicant stated this application was continued to today by a request from Mr. Grey an attorney. He stated he reached out to Mr. Grey three different times and was unable to reach him. The applicant stated he agreed with staff's recommendation. The applicant stated the old PUD allows residential and over 108,000 square feet, the PUD that was approved back in 1995 was pretty unrestricted and allowed a lot of uses that were restricted then. The applicant stated he met with staff in June 2020 and have been working to refine the new rezoning and optional development plan and it is a better tool than the PUD that's in place.

Mr. Blair asked what the height limitations were under the PUD and if there were any height limitations in the current application.

The applicant stated when meeting with staff one of the things talked about was higher density. He stated in the PUD it is a maximum two story in the commercial and that is what he is proposing. The applicant stated in the residential single family it would be the standard height requirements that are permitted in the RS-4.

Interested Parties:

Jacob Heisten 1194 South Urbana Avenue Tulsa, OK 74137

Mr. Heisten stated he is concerned with the rezoning of the subject property at 121st and Yale Avenue because of the increase in traffic intensity that would result from a commercial development. He stated the area is greatly stressed already and cannot support additional traffic. Mr. Heisten stated the area is only

accessible from three different directions because the south is blocked off by the river so all traffic will be funneled from Riverside Drive where it connects to 101st Street and that is the closest stop light from that direction. He stated if you go north up the hill the next closest stoplight is 101st and Yale Avenue. Then to east down Sheridan Avenue there is a stoplight there at 121st and Sheridan and that is the closest commercial development area to the subject property. The applicant stated all of the closest stoplights do have commercial development near them but there is no commercial development in between the subject property and the closest stoplights. He stated without a stoplight at 121 and Yale Avenue he would be extremely concerned about the increase in traffic intensity that will result from a commercial development.

Mr. Reeds asked if 121st Street had a stoplight would Mr. Heisten support the project.

Mr. Heisten stated it would greatly alleviate some of the concerns. He stated traffic flow is something he thinks is already stressed in the area.

Pam Harris 11736, South Canton Avenue, Tulsa, OK 74137

Ms. Harris stated she was a member of the Hunter Hills neighborhood at 117th and Yale. She stated the previous speaker covered all the concerns about the traffic flow and stoplights but another concern is turning left in high traffic areas and they would like a left turn lane to help with traffic flow. She stated they are also concerned about the wording, "dynamic signage" because she is not exactly sure what those terms exactly mean to the neighborhood surrounding that area.

The applicant stated they had met with traffic engineering and are working with them on a solution for 119th Street, Riverside Drive and Yale Avenue. He stated Riverside Drive is designated as a primary arterial and Yale Avenue is designated as a secondary arterial on the Major Street and Highway Plan but at some point, in time those will be improved. But currently the roadway will be sufficient to handle the increase in any commercial traffic or residential traffic and he is confident that Major Street and Highway Plan has that covered.

Staff stated in response to the question about dynamic display, there is an allowance for dynamic display which is an electronic sign on a business. He stated this development plan prohibits dynamic displays facing west toward the residential areas and that is the only reason it's even discussed in this development plan.

TMAPC Action; 6 members present:

On **MOTION** of **REEDS**, TMAPC voted **6-0-0** (Adams, Blair, Covey, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Craddock, Kimbrel, McArtor, Van Cleave, "absent") to recommend **APPROVAL** of the RS-4/CG/OL zoning with an optional development plan for Z-7588 per staff recommendation.

Legal Description for Z-7588:

RS-4: A TRACT OF LAND THAT IS PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (E/2 SE/4 SE/4) OF SECTION THIRTY-THREE (33), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID E/2 SE/4 SE/4; THENCE SOUTH 88°51'38" WEST AND ALONG THE SOUTH LINE OF THE E/2 SE/4 SE/4, FOR A DISTANCE OF 663.91 FEET; THENCE NORTH 1°12'16" WEST, INTERSECTING AND ALONG THE EAST LINE OF "WIND RIVER CROSSING", A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 6605), FOR A DISTANCE OF 224.60 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 1°12'16" WEST AND ALONG SAID EAST LINE, FOR A DISTANCE OF 740.32 FEET TO A POINT ON THE PRESENT SOUTH RIGHT-OF-WAY LINE OF EAST 119TH STREET SOUTH; THENCE NORTH 88°51'15" EAST AND ALONG SAID SOUTH RIGHT-OF-WAY LINE, FOR A DISTANCE OF 310.00 FEET; THENCE SOUTH 1°12'16" EAST AND PARALLEL WITH SAID EAST LINE, FOR A DISTANCE OF 740.00 FEET; THENCE SOUTH 88°47'44" WEST AND PERPENDICULAR TO THE EAST LINE, FOR A DISTANCE OF 310.00 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 229,449 SQUARE FEET OR 5.267 ACRES.

CG: A TRACT OF LAND THAT IS PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (E/2 SE/4 SE/4) OF SECTION THIRTY-THREE (33), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID E/2 SE/4 SE/4; THENCE SOUTH 88°51'38" WEST AND ALONG THE SOUTH LINE OF THE E/2 SE/4 SE/4, FOR A DISTANCE OF 25.00 FEET; THENCE NORTH 1°14'19" WEST AND PARALLEL WITH THE EAST LINE OF THE E/2 SE/4 SE/4, FOR A DISTANCE OF 50.00 FEET TO A POINT ON THE PRESENT NORTH RIGHT-OF-WAY LINE OF EAST 121ST STREET SOUTH, SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTH 88°51'38" WEST AND ALONG SAID NORTH RIGHT-OF-WAY LINE, FOR A DISTANCE OF 638.88 FEET TO A POINT, SAID POINT BEING THE SOUTHEAST CORNER OF "WIND RIVER CROSSING", A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 6605); THENCE NORTH 1°12'16" WEST AND ALONG THE EAST LINE OF SAID SUBDIVISION, FOR A DISTANCE OF 174.60 FEET; THENCE NORTH 88°47'44" EAST FOR A DISTANCE OF 310.00 FEET; THENCE NORTH 1°12'16" WEST AND PARALLEL WITH SAID EAST LINE, FOR A DISTANCE OF 470.00 FEET; THENCE NORTH 88°51'15" EAST FOR A DISTANCE OF 328.50 FEET TO A POINT ON THE PRESENT WEST RIGHT-OF-WAY LINE OF SOUTH YALE AVENUE; THENCE SOUTH 1°14'19" EAST AND ALONG SAID WEST RIGHT-OF-WAY LINE, FOR A DISTANCE OF 644.99 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 266,174 SQUARE FEET OR 6.111 ACRES.

OL: A TRACT OF LAND THAT IS PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (E/2 SE/4 SE/4) OF SECTION THIRTY-THREE (33), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S.

GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID E/2 SE/4 SE/4; THENCE NORTH 1°14'19" WEST AND ALONG THE EAST LINE OF THE E/2 SE/4 SE/4, FOR A DISTANCE OF 694.99 FEET; THENCE SOUTH 88°51'15" WEST FOR A DISTANCE OF 25.00 FEET TO A POINT ON THE PRESENT WEST RIGHT-OF-WAY LINE OF SOUTH YALE AVENUE, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 88°51'15" WEST FOR A DISTANCE OF 328.50 FEET; THENCE NORTH 1°12'16" WEST FOR A DISTANCE OF 270.00 FEET TO A POINT ON THE PRESENT SOUTH RIGHT-OF-WAY LINE OF EAST 119TH STREET SOUTH; THENCE NORTH 88°51'15" EAST AND ALONG SAID SOUTH RIGHT-OF-WAY LINE, FOR A DISTANCE OF 328.34 FEET TO A POINT ON SAID WEST RIGHT-OF-WAY LINE; THENCE SOUTH 1°14'19" EAST AND ALONG THE WEST RIGHT-OF-WAY LINE, FOR A DISTANCE OF 270.00 FEET TO THE POINT OF BEGINNING; SAID TRACT CONTAINING 88,672 SQUARE FEET OR 2.036 ACRES.

* * * * *

- 7. **PUD-526-A Tanner Consulting, LLC-Eric Enyart** (CD 8) Location: Northwest corner of East 121st Street South and South Yale Avenue requesting a **PUD Major Amendment** to abandon PUD-526 (Related to Z-7588) (Continued from December 16, 2020)

STAFF RECOMMENDATION:
SECTION I: PUD-526-A

APPLICANTS DEVELOPMENT CONCEPT:

Development plans are required with some property owner-initiated rezoning's and are optional with other property owner-initiated rezoning's. The purpose is to depict a property owner's generalization plan for the type, amount and character of development proposed on the subject property. By providing certainty about development proposals, development plans provide review and decision-making bodies with additional information on which to base a rezoning decision.

Staff Notes:

The rezoning request is established with three different zoning categories and three development areas.

DETAILED STAFF RECOMMENDATION:

The abandonment of PUD 526 is an appropriate re-zoning concept only if the optional development plan outlined in the related staff report Z-7588 is approved with the development plan standards in the Tulsa Zoning Code and,

PUD 526 was developed in 1995, and the PUD standards are outdated regarding landscape standards, sign standards, permitted uses, and screening standards and,

When the PUD is abandoned the Lot and building regulations identified in each of the development areas defined in Z-7588 are consistent with the expected future development and area surrounding the property,

When PUD 526 is abandoned the requested RS-4, CG and OL zoning with the limitations provided by the optional development plan outlined in Z-7588 is consistent with the Neighborhood Center land use designation of the Comprehensive Plan therefore,

Staff recommends Approval of PUD 526-A which will abandon all of PUD 526.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: All three of the zoning categories with the provisions of the optional development plan are consistent with the Neighborhood Land Use Designation.

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: South Yale Avenue and East 121st Street south are both considered a Multi Modal Corridor.

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

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

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: Undeveloped with little topographic change and almost no tree cover. Property is surrounded by single family residential.

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>
South Yale Ave	Secondary Arterial with Multi modal	100 feet	2

	corridor		
East 121 st Street South	Primary Arterial with Multi Modal Corridor	120 feet	2
East 119 th Street South	None	50 feet	1

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-1	Existing Neighborhood	Growth	Single Family Residential
East	RS-3 / RS-2 / CS / PUD 527 and 527-B	Neighborhood Center	Growth	Single Family Residential and undeveloped commercial
South	CS / RS-2	Park and Open Space	Stability	Open Space
West	RS-1 / PUD 804	New Neighborhood	Growth	Single Family

SECTION IV: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 18391 dated February 2, 1995 established the current zoning for the subject property.

Subject Property:

Z-6452/PUD-526 January 1995: All concurred in **approval** of a request to rezone a 13± acre tract of land from RS-1 to CS/PUD and **approval** of a proposed *Planned Unit Development* for commercial and single-family residential, on property located on the northwest corner of East 121st Street South and South Yale Avenue. (Ordinance No. 18391)

Ordinance number 11832 dated June 26, 1970 established zoning for the subject property.

Surrounding Property:

SA-1 September 2016: The Board of Adjustment **approved** a request for a Special Area Overlay on multiple properties along the Arkansas River extending from W. 11th St. S. to E. 121st St. S., to establish the River Design Overlay as a supplemental zoning, RDO-1, RDO-2, or RDO-3, to establish regulations governing form function, design and use for properties located within the boundaries of the River Design Overlay District. The regulations are generally intended to maintain and promote the Arkansas River corridor as a valuable asset to the city and region in terms of economic development and quality of life. The subject property has a River Design Overlay designation of RDO-1 which is primarily intended to apply to park, recreation, and open space adjacent to the river, helping to promote development that is compatible with public parks and green space, as well as complements park uses.

BOA-21452 July 2015: The Board of Adjustment **approved** a *Special Exception* to permit a public park (Use Unit 5) to be located in an RS-2/CS/AG zoned district (Cousins Park), on property located at 4514 East 121st Street South. This approval is subject

Z-7244/PUD-804 December 2013: All concurred in **approval** of a request to rezone a 20± acre tract of land from RS-1 to RS-2/PUD and **approval** of a proposed *Planned Unit Development* for residential single-family, on property located west of the northwest corner of 121st Street and South Yale Avenue.

PUD-528-A Abandonment August 2012: All concurred in **approval** of a proposed *Major Amendment* to abandon PUD-528 to allow a public park use on a 43.45± acre tract of land, on property located southwest corner of South Yale Avenue and East 121st Street.

PUD-686 July 2003: All concurred in **approval** of a proposed *Planned Unit Development* on a 260± acre tract of land for single family development, on property located east of South Delaware and north of East 121st Street.

PUD-527-B August 2001: All concurred in **approval** of a proposed *Major Amendment* to PUD to abandon PUD-527-A and revert back to the standards of the original PUD-527 approved in February 1995, on a 9± acre tract of land, on property located northeast corner of East 121st Street and South Yale Avenue.

Z-6800/PUD-527-A March 2001: All concurred in **approval** of a request to rezone a 9± acre tract of land from RS-1 to RS-2 and **approval** of a proposed *Major Amendment* to PUD to increase the number of single-family dwellings and reconfiguration of development areas of original PUD

on property located northeast corner of East 121st Street and South Yale Avenue.

Z-6454/PUD-528 January 1995: All concurred in **approval** of a request to rezone a 43.45± acre tract of land from AG to CS/RS-2 per staff recommendation and **approval** of a proposed *Planned Unit Development* for commercial/residential, on property located southwest corner of South Yale Avenue and East 121st Street. The original request included rezoning from AG to RS-3/RM-0/CS (29.95 acres/8.50 acres/5.00 acres), but staff recommended CS and RS-2 instead.

Z-6453/PUD-527 January 1995: All concurred in **approval** of a request to rezone a 20± acre tract of land from RS-1 to CS/PUD and **approval** of a proposed *Planned Unit Development* for commercial development with the balance of the property to remain RS-1 for single-family development, on property located on the northeast corner of East 121st Street South and South Yale Avenue.

Z-6274 December 1989: All concurred in **denial** of a request for *rezoning* a 13.5± acre tract of land from AG to CS/RM-0 for a shopping center and multifamily, on property located southwest corner of East 121st Street and South Yale Avenue.

Z-6273 December 1989: All concurred in **denial** of a request for *rezoning* a 12± acre tract of land from RS-1 to CS/RM-0 for commercial and multifamily on property located northeast corner of East 121st Street and South Yale Avenue.

Z-5937/PUD-358 May 1984: All concurred in **approval** of a request to rezone a 54± acre tract of land from AG to RS-3 and **approval** of a proposed *Planned Unit Development* for single-family dwellings, on property located north and east of the northeast corner of East 121st Street and South Yale Avenue.

BOA-08396 October 1974: The Board of Adjustment **approved** an *Exception* to operate a horticulture nursery and erect three accessory greenhouse structures, per plot plan, as presented with no retail permitted, in an RS-1 district, on property located at 120th Street and Yale Avenue.

Z-6848 February 2002: All concurred in **approval** of a request for *rezoning* a 20± acre tract of land from RS-1 to AG for a barn, on property located north of the northwest corner of East 121st Street South and South Yale Avenue.

TMAPC Action; 6 members present:

On **MOTION** of **REEDS**, TMAPC voted **6-0-0** (Adams, Blair, Covey, Reeds, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Craddock, Kimbrel, McArtor,

Van Cleave, "absent") to recommend **APPROVAL** of the Major Amendment for PUD-526-A per staff recommendation.

Legal Description for PUD-526-A:

PUD Abandonment: A TRACT OF LAND THAT IS PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (E/2 SE/4 SE/4) OF SECTION THIRTY-THREE (33), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID E/2 SE/4 SE/4; THENCE SOUTH 88°51'38" WEST AND ALONG THE SOUTH LINE OF THE E/2 SE/4 SE/4, FOR A DISTANCE OF 25.00 FEET; THENCE NORTH 1°14'19" WEST AND PARALLEL WITH THE EAST LINE OF THE E/2 SE/4 SE/4, FOR A DISTANCE OF 50.00 FEET TO A POINT ON THE PRESENT NORTH RIGHT-OF-WAY LINE OF EAST 121ST STREET SOUTH, SAID POINT BEING THE POINT OF BEGINNING;

THENCE SOUTH 88°51'38" WEST AND ALONG SAID NORTH RIGHT-OF-WAY LINE, FOR A DISTANCE OF 638.88 FEET TO A POINT, SAID POINT BEING THE SOUTHEAST CORNER OF "WIND RIVER CROSSING", A SUBDIVISION IN THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF (PLAT NO. 6605); THENCE NORTH 1°12'16" WEST AND ALONG THE EAST LINE OF SAID SUBDIVISION, FOR A DISTANCE OF 914.92 FEET TO A POINT ON THE PRESENT SOUTH RIGHT-OF-WAY LINE OF EAST 119TH STREET SOUTH; THENCE NORTH 88°51'15" EAST AND ALONG SAID SOUTH RIGHT-OF-WAY LINE, FOR A DISTANCE OF 638.34 TO A POINT ON THE PRESENT WEST RIGHT-OF-WAY LINE OF SOUTH YALE AVENUE; THENCE SOUTH 1°14'19" EAST AND ALONG SAID WEST RIGHT-OF-WAY LINE, FOR A DISTANCE OF 914.99 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 584,295 SQUARE FEET OR 13.414 ACRES.

* * * * *

Staff received an amended development plan just before the meeting. This development plan is included for reference only. No action was taken on this item.

- 8. **CO-10 Lou Reynolds** (CD 2) Location: North of the northwest corner of East 81st Street South and South Lewis Avenue requesting **Major Amendment** to a Corridor Development Plan (Continued from December 16, 2020)

STAFF RECOMMENDATION:
SECTION I: CO-10

APPLICANTS DEVELOPMENT CONCEPT: Refer to applicant submittal dated 1.20.2021

~~The Applicant request a Major Amendment to a Corridor Plan Z-7498-SP-2 to add permitted uses to the Corridor Development Plan for property located at 7902 S. Lewis Ave. (the "Property"). The Property is comprised of approximately five (5) acres of land and lies north of the northwest corner of East 81st Street and South Lewis Avenue. Today, the Property is surrounded by development on all sides; to the east by Oral Roberts University ("ORU"), to the north by Victory Christian Center and to the west by a Wal-Mart Super Center. The Legal Description of the property was attached to the application.~~

~~The Corridor District zoning and the Corridor Development Plan for the Property were originally established in 1981 for the development of a hotel in conjunction with the then planned expansion of the ORU campus and the development of the City of Faith medical complex (now the CityPlex office towers). These plans were abandoned, and the Property was sold by ORU in 1995. Currently, the only permitted use of the Property in the Corridor Development Plan is Hotel use, with daycare services to hotel employees.~~

~~The Applicant Veterans Services USA, desires to amend the Permitted Uses in the Corridor Development Plan to be consistent with the development pattern in the South Lewis Corridor and to repurpose the existing Crown Plaza Hotel for veterans and senior housing, education and training programs, healthcare and mental health services and adult day care.~~

~~A conceptual site plan is attached.~~

DETAILED STAFF RECOMMENDATION:

Uses and development standards outlined in CO-10 are consistent with the Regional Center land use designation in the Tulsa Comprehensive Plan; and

The Corridor Development Plan is a unified treatment of the development possibilities of the project site; and

Provisions have been made for property access, circulation, and functional relationships of uses; and

Permitted Uses, building types and supplemental standards outlined in CO-10 are consistent with the provisions of the Corridor chapter of the Tulsa Zoning Code and,

Anticipated development as allowed in CO-10 is consistent with the existing development pattern in this area of Tulsa; and

Staff recommends Approval of a Major Amendment to CO-10 as outlined in Section II below.

SECTION II: CO-10 DEVELOPMENT STANDARDS:

CO-10 Replaces all previous zoning and site plan approvals on this site.

CO-10 will conform to the provisions of the Tulsa Zoning Code for development in a CO district and its supplemental regulations as identified in Section 25 in the Tulsa Zoning Code.

All use categories, subcategories or specific uses and residential building types that are not listed below are prohibited.

Permitted Use Categories, Subcategories.

Refer to applicant submittal dated 1.20.21

~~All Specific uses listed in the zoning code for each of the subcategories listed below and customarily accessory uses to the allowed principal uses are allowed in this Corridor District.~~

~~Residential (use category)~~

~~Household living (sub-categories as follows)~~

~~Three or more households on a single lot only if allowed in the building types identified below~~

~~Group Living~~

~~Public, Civic and Institutional Use Categories and all subcategories~~

~~College or University~~

~~Day Care~~

~~Governmental Service~~

~~Hospital~~

~~Postal Services~~

~~Religious Assembly~~

~~Safety Service~~

~~School~~

~~Wireless Communication Facility (Building mounted only)~~

~~Commercial (Use category and all subcategories)~~

~~Animal Service~~

~~Assembly and Entertainment~~

~~Commercial Service~~

~~Financial Services~~

~~Lodging~~

~~Office~~

~~Restaurants and Bars~~

~~Retail Sales~~

~~Studio, Artist, or Instructional Service
Trade School
Agricultural
Community Garden
Farm, (Market or Community-Supported)~~

~~**Building Types** for household living~~

~~Residential Use Category
Single household subcategory
Townhouse specific use
3-unit townhouse
Mixed use building
Vertical mixed-use building
Three or more households on a single lot
Cottage house development
Multi-unit house
Apartment / Condo
Mixed-use building
Vertical mixed-use building~~

Lot and Building Regulations

Maximum Building Coverage	75%
Minimum lot area	22,000 square feet
Maximum Building Height	120 feet
Open space per dwelling unit is not required while repurposing the existing building as identified on the concept plan provided.	
Open space for any new multi-family construction will require 200 square feet per dwelling unit.	
Minimum Building Setbacks	
Street Setback	20 feet from planned right
of way	
From north boundary	20 feet
From south boundary	20 feet
From west boundary	20 feet
Internal lot lines	0 feet

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The existing use and proposed uses along with the scale of allowed uses is consistent with the comprehensive plan.

Land Use Vision:

Land Use Plan map designation: Regional Center

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

Areas of Stability and Growth designation: Area of Growth

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

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

Transportation Vision:

Major Street and Highway Plan: Multi Modal Corridor

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

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

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is currently developed as a multi-story hotel.

Street View from northeast corner looking southwest



Environmental Considerations: None that would affect site redevelopment

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Lewis Ave	Secondary Arterial with multi modal corridor designation	100 feet	5 lanes 2 lanes each direction with center turn lanes
Un-named private drive on north boundary of site	None	None	3 lanes, one west bound lane and two northbound lanes at signalized intersection

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	OM	Regional Center	Growth	Church
East	RS-3 with board action for university use	Regional Center	Growth	ORU Campus
South	CS / PUD 495	Regional Center	Growth	Walmart / Murphy Gas
West	OM / PUD 495	Regional Center	Growth	Walmart

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 17848 dated January 14, 1993 established the current zoning for the subject property.

Subject Property:

Z-6376/PUD-495/Z-5498-SP-2 December 1992: All concurred in **approval** of a request to *rezone* the east 780' of the south 656.33' of Z-6376 for CS zoning and the remainder for OM zoning, **approval** of new *Planned Unit Development*, PUD-495, with a reduction of the minimum

building setback for the loading dock to 110' and that a wall screening the loading area be erected parallel to 81st Street, and **approval** of Z-5498-SP-2, an amendment to previously approved *Corridor Site Plan and Detail Site plan Z-5498-SP-1*, on property located north of the northwest corner of South Lewis Avenue and East 81st Street (a 4.97± acre tract of land).

The purpose of the proposed amendment to the previously approved Corridor Site Plan and Detailed Site Plan is to delete the west 217.80 feet of Lot one, Block one, The Directory (Tract I-Exhibit A), and to add a slightly larger parcel on the north side of Lot One, Block One, The Directory (Tract II-Exhibit A), to the Corridor Site Plan and Detailed Site Plan. Off-Street parking will be provided within Tract II to replace existing off-street parking with Tract I which presently serves the Grandview Hotel. (Ordinance No. 17848)

The Directory (783) June 1981: All concurred in **final approval** and release of The Directory, subject to the following restrictions and covenants to ensure the orderly development of The Directory in accordance with the approved Corridor Site Plan:

- A. 1. All property within The Directory shall be used only for hotel and customarily related accessory and recreational uses and for off-street parking of automobiles.
2. The maximum aggregate floor area of all buildings constructed within The Directory shall not exceed 165,700 square feet.
3. That the maximum height of any building within The Directory shall be 120 feet.
4. A minimum of one off-street parking space shall be provided for each hotel sleeping room and a minimum of one additional off-street parking space shall be provided for each 225 square feet of accessory facilities such as restaurants, meeting and assembly rooms.
5. No more than one ground sign shall be permitted which shall not exceed 25 feet in height and 12 feet in width. Internal directional signs shall not exceed eight feet in height. The design of all such signs shall be subject to the approval of the Tulsa metropolitan area planning commission prior to other installation.
6. All exterior lighting shall be directed downward and away from any residence located within The Directory until the time when any such residence is removed from the directory. Such residence shall be

screened by a 6 foot solid surface fence from any abutting recreational areas and/or uses.

- B. No building or parts thereof, except open porches and terraces shall be constructed and maintained in the addition nearer to the front lot line than the building line established on the recorded plat of said addition. No building nor any projection thereof shall be erected or maintained nearer to any lot line than permitted by zoning district requirements. (Plat #4166)

Z-5498-SP May 1981: The Planning Commission voted 7-0-0 April 1981 to recommend **approval** of a *Corridor Development Plan* on a 30± acre tract of land for a hotel to the Board of City Commissioners (who approved the plan May 1981), on property located north and west of 81st Street and South Lewis Avenue, subject to the conditions including the condition that lighting for the parking and recreation area be directed in a downward manner to prevent spillover on adjacent properties. These conditions include:

- 1) That the applicant's Site Plan be approved as submitted (any changes to the Site Plan will require the approval of the TMAPC).
- 2) That the remaining acres of Z-5498 is subject to the approval of a site plan to determine the development use and intensity.
- 3) That the hotel and related accessory uses be approved for the site. The existing residence will remain on the property for an indefinite period and at the termination of the residential use the property will then convert to off-street parking.
- 4) That the maximum floor area for Phase I be 165,700 square feet.
- 5) That the maximum height be 120 feet.
- 6) That the minimum parking spaces be 1 per hotel sleeping room and 1 per 225 square feet of accessory use located within the hotel.
- 7) That two ground signs be permitted, one on each arterial street front-age not to exceed 25 feet in height and 12 feet in width. Internal direction signs shall not exceed 8 feet in height. All signs shall be subject to TMAPC approval prior to the installation.
- 8) That a subdivision plat be approved by TMAPC, incorporating within the restrictive covenants the Site Plan conditions of approval, making the City of Tulsa beneficiary to said covenants, and filed of record in the County Clerk's Office.

9) That lighting for the parking and recreation areas be directed in a downward manner to prevent spillover on adjacent properties. (Ordinance No. 15012)

Z-4236/PUD-127 & Z-4245/PUD-128 : All concurred in **approval** of a request to *rezone* and a new *Planned Unit Development* 67.99-± acre tract of land from RS-2 to RM-1/RD/RS-3, as well as a request to *rezone* a 348.09-± acre tract of land from AG to RS-2/RM-2/RM-1/CS/OM, and a new *Planned Unit Development* on a 275.48-± acre tract of land from RS-2 to RM-1/RD/RS-3 for a large scale development, on properties located west of the northwest corner of 71st Street and Lewis Avenue, and south of the southwest corner of 71st Street and Lewis Avenue. This includes the subject property and a large portion of the surround area to the north and west. (Ordinance No. 12614)

Ordinance number 11828 dated June 26, 1970 established zoning for the subject property.

Surrounding Property:

PUD-495-A August 1994: All concurred in **approval** of a proposed *Major Amendment* to PUD on a 1± acre tract of land for a drive-in restaurant, on property located at the northwest corner of East 81st Street South and South Lewis Avenue.

BOA-07769 February 1973: The Board of Adjustment **approved** an *Exception* for permission to operate the 40 acre tract of Mabee Center as a Community Service, Cultural, and Recreational facility under Use Unit 5 in an RS-3 District and **approved** a *Variance* to vary the constant light requirements to permit a sign for the John Mabee Center in accord with plans and specifications submitted, subject to the condition that 90% of the lighted portion of the sign not be changed more than once every 24 hours and that the remaining 10%, which represents six squares be changed as needed to portray the scores of basketball games, in an RS-3 District, on property located at 81st and Lewis Avenue.

BOA-07819 March 1973: The Board of Adjustment **approved** an *Exception* to operate and conduct a construction facility for the improvement of South Lewis Avenue as a public work for a period of six months, subject to a legal description being provided of the portion of tract being used for the facility in an AG District, on property located at 7700 South Lewis Avenue.

BOA-03760 February 1962: The Board of Adjustment **granted** permission to use the property for school uses, on property located Pt. SW, of Section 8-18-13.

All interested parties, staff and applicant agreed to continue item to February 3, 2021 to allow the City Councilor time to meet with the neighbors and discuss the revisions proposed by the applicant.

TMAPC Action; 6 members present:

On **MOTION** of **REEDS**, TMAPC voted **6-0-0** (Adams, Blair, Covey, Reeds, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Craddock, Kimbrel, McArtor, Van Cleave, “absent”) to **CONTINUE** Item 10 to February 3, 2021.

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Items 9 and 10 were presented together but voted on separately.

9. **CPA-91 Ricky Powell** (CD 4) Location: North of the northwest corner of East 15th Street South and South Evanston Avenue requesting to amend the Land Use Map designation from “Existing Neighborhood” to “Main Street”. (Related to Z-7576) (Continued from December 2, 2020 and moved from January 6, 2021 Cancelled Meeting)

STAFF RECOMMENDATION:

**TMAPC Staff Report
CPA-91
Comprehensive Plan Amendment**

Property Information and Land use Request

The applicant has submitted the following Comprehensive Plan amendment request to amend the land use designation of the 0.16 ± acre subject property from *Existing Neighborhood* to *Main Street*. This request is accompanied by a concurrent re-zoning request (Z-7576), which proposes a zoning change from RS-3 to OL for a vertical mixed-use building.

Background

The parcel involved in this Comprehensive Plan amendment request is located east of Downtown, north of the northeast corner of East 15th Street South and South Evanston Avenue, and abuts residential to the north and west, an autobody paint shop to the east, and parking to the south. While the property directly abutting the subject property to the south is zoned RS-3, only one of the properties between the subject property and East 15th Street South is currently being utilized for residential purposes and it is zoned OL. All properties in this strip carry an Area of Growth designation. According to the applicant, the subject

property has been utilized since the 1920s as a vertical mixed-use building with a wiring repair service and living quarters sharing the building, which can be seen in the pictures provided.

As there are no other plans that cover this area that offer land use recommendations, the 2010 Tulsa Comprehensive Plan solely provides guidance regarding land use for this area.

Existing Land Use and Growth Designations

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

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

When the Tulsa Comprehensive Plan was developed and adopted in 2010, the subject tract was designated as an *Area of Growth*:

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

Proposed Land Use Designation (Tulsa Comprehensive Plan)

The applicant is proposing the *Main Street* land use designation for the subject property:

“Main Streets are Tulsa’s classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-

oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.”

Zoning and Surrounding Uses				
Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-3	Existing Neighborhood	Growth	Residential
East	RS-3	Existing Neighborhood	Growth	Auto paint shop
South	RS-3	Main Street	Growth	Parking
West	RS-3	Existing Neighborhood	Stability	Single-family Detached

Applicant’s Justification

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

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

“It is my understanding conditions in the subject area are planned to receive road upgrades soon in the 15th street corridor which would facilitate office light zoning. There are currently no single-family zoned properties between the subject and 15th street that are being used as SFR’s. The lot immediately to the south is zoned RS3 and is currently being used as a parking lot. The lots across Evanston are also RS3 and being used for parking. The only residential property between the subject and 15th street is a multifamily dwelling 2 lots to the south.

The current use of the surrounding property would be better suited as an office due to the surrounding properties not being used for residential purposes. The subject property has previously been used as a commercial building as shown in provided photos.

The proposed change will enhance the surrounding area and city due to renovations that will take place if office zoning is approved. The city will benefit with new office that meets the business needs of today and is not functionally

obsolete. The new office building will have very light traffic and will be an open space on the ground floor with an apartment loft upstairs.”

Staff Summary & Recommendation

The 0.16 + acre subject parcel is located east of Downtown, north of the northeast corner of East 15th Street South and South Evanston Avenue, and abuts residential to the north and west, an autobody paint shop to the east, and parking to the south. The applicant has requested both a Comprehensive Plan amendment and a concurrent re-zoning (Z-7576) to change the land use designation from *Existing Neighborhood* to *Main Street*, as well as change the zoning from RS-3 to OL in order to permit vertical mixed-use building.

According to the applicant, the subject property has been utilized since the 1920s as a vertical mixed-use building, which can be seen in the pictures provided by the applicant. The site’s history, the infrastructure improvements and the transitional location of this property, make the site well suited for a Main Street land use designation. The Area of Growth designation on the property indicates that it was envisioned this be redeveloped and an OL zoning district with a vertical mixed-use building is an appropriate transition between the commercial to the south and the neighborhood to the north.

Given the existing fabric and mix of uses in the area, staff recommends **approval** of the *Main Street* land use designation as requested by the applicant.

TMAPC Action; 6 members present:

On **MOTION** of **REEDS**, TMAPC voted **6-0-0** (Adams, Blair, Covey, Reeds, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Craddock, Kimbrel, McArtor, Van Cleave, “absent”) to **ADOPT** CPA-91 as an amendment to the Tulsa Comprehensive Plan per staff recommendation.

Legal Description for CPA-91:

LTS 15-16, BLK 6, ROSEMONT HGTS

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- 10. **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** (Related to CPA-91) (Continued from October 21, 2020, December 2, 2020 and moved from January 6, 2021 Cancelled Meeting)

STAFF RECOMMENDATION:

SECTION I: Z-7576

DEVELOPMENT CONCEPT: The applicant has submitted a request to rezone from RS-3 to OL to allow a vertical mixed-use building with office downstairs and apartment upstairs. The applicant proposes to repurpose an existing building.

DETAILED STAFF RECOMMENDATION:

Z-7576 requesting OL zoning allows uses and building types that are not consistent with the Existing Neighborhood land use designation however the existing building has been part of the neighborhood edge for decades and repurposing the building as allowed in an OL district is consistent with the expected future development pattern in the area and the proposed Main Street land use designation that has been submitted by the applicant and,

The Area of Growth anticipates redevelopment opportunities however the uses and building types in an OL zoning district are not consistent with the anticipated development pattern in an Existing Neighborhood land use designation and,

The optional development plan provisions outlined in Section II are consistent with the development plan provisions defined in the Tulsa Zoning Code therefore,

Staff recommends approval of Z-7576 to rezone property from RS-3 to OL but only with concurrent approval of land use map amendment to Main Street. Staff supports the applicant's efforts to work with the neighborhood and supports OL zoning with the provisions of the optional development plan outlined in section below.

SECTION II: OPTIONAL DEVELOPMENT PLAN

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

1. Permitted Uses: (Note: Uses that may requires more than 8 parking spaces require a major amendment to the development plan).
 - a. Residential
 - i. Single household
 - b. Office
 - i. Business or professional office
 - ii. Medical, Dental or Health Practitioner
 1. Medical marijuana grow facilities, dispensaries or processing facilities shall be prohibited from use.
2. Hours of Operation: Office uses may not be open to the public except at the following times.
 - a. Monday through Friday 7:30 am – 6:00 pm
 - b. Saturday 7:30 am – 1:00 pm
3. Signage
 - a. One monument sign shall be permitted at street side near Evanston not to exceed 16 square feet and not to exceed 5 feet in vertical

- height and shall comply with any additional city ordinance or code relating to signage.
 - b. Wall and/or projecting signage attached to any building shall prohibited.
 - c. No banners or temporary signage related to the property's business shall be permitted.
4. Lighting
- a. Pole lights are prohibited.
 - b. All lighting shall be pointed down or directly at the building. The light emitting element shall be shielded from view from any abutting property or street right-of-way.
5. Trash Disposal
- a. Dumpsters shall not be permitted. Residential style trash bins provided by city of Tulsa if applicable or comparable when not applicable shall be used for storage of refuse.
6. Vehicular Parking
- a. Off street vehicular parking cannot exceed 8 spaces

Building Type Regulations for Household Living

- a. Residential use category
 - i. Household Living subcategory
 - 1. Single household on a single lot | specific building type limited as follows.
 - Detached House
 - Mixed-use building
 - Vertical mixed-use building

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: OL zoning can sometimes be a suitable transition edge between a commercial corridor and a residential neighborhood. In this instance the Comprehensive Plan recognizes this as an Area of Growth with anticipated redevelopment opportunities, but the Existing Neighborhood land use designation does not support the concept of light office zoning. The property abuts a Main Street land use designation and staff supports amending the land use map to expand the Main Street land use designation that supports the idea of OL zoning on this property.

Land Use Vision:

Land Use Plan map designation: Existing Neighborhood

The Existing Neighborhood category is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these

areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

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

Transportation Vision:

Major Street and Highway Plan: None

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site includes a two-story building with gravel parking in the front. The access to the site appears to be shared with the abutting property owner to the north.



Environmental Considerations:

Streets:

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

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-3	Existing Neighborhood	Growth	Residential
East	RS-3	Existing Neighborhood	Growth	Fenced empty lot for adjacent auto paint shop
South	RS-3	Main Street	Growth	Parking
West	RS-3	Existing Neighborhood	Stability	Single Family Detached

SECTION IV: Relevant Zoning History

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

Subject Property:

BOA-21854 March 2015: The Board of Adjustment **approved** the request for a *Variance* of the allowed driveway coverage in the required front yard from 34% to 44% and a *Variance* to allow two (2) unconnected parking areas (Section 1301.C and Section 1303.D), subject to the conceptual plan on page 3.9, finding that the property has historically been used for commercial parking and the changes to be made are less impactful than would be as the property is historically a parking lot, on property located at 1428 South Evanston. This case includes the subject property and some surrounding properties.

Surrounding Property:

BOA-22719 August 2019: The Board of Adjustment **denied** the applicant's *Verification of Spacing* to permit a medical marijuana dispensary, due to the presence of another medical marijuana dispensary within 1,000 feet of the proposed dispensary, on property located at 1444 South College Avenue East.

BOA-22628 May 2019: The Board of Adjustment **approved** the applicant's *Verification of Spacing* to permit a medical marijuana dispensary, on property located 2811 East 15th Street South & 1442 South Delaware Place East.

Z-7306 July 2015: All concurred in **approval** of a request for *rezoning* a .16± acre tract of land from RS-3 to OL for a medical office and parking, on property located north of the northwest corner of South Delaware Place and East 15th Street.

Z-7293 June 2015: All concurred in **approval** of a request for *rezoning* a .24± acre tract of land from RS-3 to OL for a medical office and parking, on property located north of the northeast corner of South Delaware Avenue and East 15th Street.

PUD-234 June 1980: All concurred in **approval** of a proposed *Planned Unit Development* on a .85± acre tract of land for an existing autobody and repair shop, as well as proposed expansion to this shop, on property located northeast corner of 15th Street and Evanston Avenue.

BOA-06019 September 1968: The Board of Adjustment **approved** a *Variance* of the permitted use provisions of U-3E Section 5 (n), to permit the operation of a sign shop, on property located 2834 East 15th Street.

BOA-06016 September 1968: The Board of Adjustment **approved** a *Variance* of the permitted use provisions of U-3E Section 5 (n), to permit a

sign business, including the manufacture of signs as specified by the applicant, on property located at 2915 East 15th Street.

BOA-02862 August 1956: The Board of Adjustment **granted** a permission to extend a non-conforming use (being used for paint and body shop), on property located at Lots 27 & 28, Block 7, Rosemont Heights.

Mr. Reeds asked if the Area of Growth map shows what is existing today.

Staff stated "yes".

Mr. Reeds stated when he looks at the Land Use Map the property to the north of the subject property and the subject property is in an Area of Growth and Existing Neighborhood. He asked how did that discrepancy arise.

Staff stated when mapping the entire city, it's easy to look at an area and make assumptions about what that piece of property has been or what it might be in the future in a very broad scale. But when you get down to a microscopic look of a single line it does look awkward but we can't explain why that happened. Staff stated they recommended approval primarily because the nature of the building that has been on the site since the 1920s. Somewhere along the way the mapping group that was working on where that Area of Growth should be recognized that there was an opportunity for change there but didn't really give any guidance on what had changed. He stated the other idea to protect the neighborhood would be to change the Area of Growth to be more consistent with the existing network but then it's not really an Existing Neighborhood it's an old commercial building.

Mr. Reeds stated which would be existing non-conforming and if it changed it would have to be brought into conformance.

The applicant indicated his agreement with staff's recommendation.

Applicant Comments:

Ricky Powell 5415 East 15th Street, Tulsa, OK

The applicant stated he would like to add the property that was referenced to the north is residential and he owns that one as well. So fortunately, there's not a neighbor that's affected on the immediately bordering property. He stated most of the concern that he has heard from the neighbors is based upon information that they were trying to rezone all 4 lots, but the south 2 lots are the two referenced in this proposal. The applicant stated the north 2 lots were left out of the proposal to intentionally to create a barrier. He stated while going through this process he learned the taxation on the property by the County has been commercial going back forever on all 4 lots. He stated they have made a request to the County to change taxation to residential use.

Interested Parties:

Tom Neal 2507 East 11th Place, Tulsa, OK 74104

Mr. Neal stated he is wearing two hats because he is here representing Renaissance Neighborhood Association, which has one position and then he will be speaking for himself as a long term resident of the neighborhood. He stated there has been quite a bit of discussion directly with the applicant. He stated Andrew Carlson who I has submitted a statement and myself met with the applicant on the subject property site to look at it, and the board discussed everything remotely and there was a close vote with a slight majority in opposition. Mr. Neal stated It's been the boards position over the years to oppose intrusions into the neighborhood, particularly the Campbell Hotel and the Tulsa Woodworking School that was formerly an auto paint & body shop on the edge of the neighborhood. So, his initial approach was to say no, this is too far it's halfway up the block. But when you get on site, and you're standing you're looking at Barron & Harts parking lots it feels a little bit differently. He stated in discussion with the applicant, who has been very cordial with talking about his intentions, he emphasized some landscaping and fencing to separate the parking lot visually and putting that in line with the existing street line of houses. Mr. Neal stated himself and Mr. Carlson felt that there could be a reasonable compromise on this. He stated the Renaissance Neighborhood Association board is opposing this but speaking as an individual and a 20 plus year resident of the neighborhood and design professional he thinks this is going to be okay and personally supports it.

TMAPC Action; 6 members present:

On **MOTION** of **REEDS**, TMAPC voted **6-0-0** (Adams, Blair, Covey, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Craddock, Kimbrel, McArtor, Van Cleave, "absent") to recommend **APPROVAL** of the OL zoning for Z-7576 per staff recommendation.

Legal Description for Z-7576:

LTS 15-16, BLK 6, ROSEMONT HGTS

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- 11. **Z-7590 Paul Nosak** (CD 1) Location: West of the northwest corner of East Ute Street and North Lewis Avenue requesting rezoning from **RS-3 to IL** (Moved from January 6, 2021 Cancelled Meeting)

STAFF RECOMMENDATION:

SECTION I: Z-7590

DEVELOPMENT CONCEPT: Rezone to allow uses consistent with the employment land use designation and allow uses that are consistent with the expected development in the area.

DETAILED STAFF RECOMMENDATION:

Z-7590 requesting IL zoning allows uses and building types that are consistent with the Employment land use designation.

Uses allowed in an IL district are consistent with the expected development pattern of the surrounding properties.

The Area of Growth anticipates redevelopment opportunities and IL zoning supports uses that are included in that concept therefore,

Staff recommends Approval of Z-7590 to rezone property from RS-3 to IL.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Uses and development standards identified in the IL zoning district is consistent with the Employment land use designation.

Land Use Vision:

Land Use Plan map designation: Employment

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

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

Areas of Stability and Growth designation: Area of Growth

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

increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

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

Transportation Vision:

Major Street and Highway Plan: None

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is vacant and abuts highway 75 and a railroad on the west and north edge of the site. Industrial uses area also abutting the site on the north and east. South across Ute Street property is being used for single family residential homes. There are no known site conditions that would affect site redevelopment.

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 Ute Street	None	50 feet	2 (street ends at west property line)

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	CH and RS-3 across highway 75 and railroad	Existing neighborhood across highway 75	Stability across highway 75	Single Family Residential
East	IL	Employment	Growth	Industrial
South	CH and RS-3	Existing Neighborhood	Growth and Stability	Residential and vacant
West	CH across highway 75 and railroad	Park and open space across highway 75	Stability	City Park

SECTION III: Relevant Zoning History

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

Subject Property:

No Relevant History.

Surrounding Property:

Z-7104 October 2008: All concurred in **approval** of a request for *rezoning* a 1.07± acre tract of land from RS-3 to IL for industrial uses, on property located south and east of Highway 75 South and East Ute Street.

Z-7103 October 2008: All concurred in **approval** of a request for *rezoning* a .32± acre tract of land from RS-3 to IL for industrial uses, on property located west of northwest corner of East Ute Street and North Lewis Avenue.

BOA-14165 August 1986: The Board of Adjustment **approved** a *Variance* to allow 2 dwelling units (temporary) on one lot of record, subject to a time limit of 3 years, finding a hardship demonstrated by the size and narrow shape of the lot and the destruction of the main structure by fire, and finding that the smaller structure will be a temporary dwelling unit, on property located at 2140 East Ute.

BOA-13790 October 1985: The Board of Adjustment **approved** a *Special Exception* to allow for a mobile home in an IL zoned district, subject to a removal bond, subject to Building Permit and Health Department approval, subject to a time limitation of 1 year, on property located at west of the northwest corner of Ute Street and Lewis Avenue.

BOA-12549 April 1983: The Board of Adjustment **denied** a *Special Exception* to locate a mobile home in an RS-3 District and a *Variance* to locate two dwelling on one lot of record, on property located at 2104 East Ute Street.

BOA-02274 October 1951: The Board of Adjustment **granted** permission to erect three duplexes on each of two lots, on property located at Lots 6 & 13, Block 4, Conservation Acres Addition.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **REEDS**, TMAPC voted **6-0-0** (Adams, Blair, Covey, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Craddock, Kimbrel, McArtor, Van Cleave, "absent") to recommend **APPROVAL** of the IL zoning for Z-7590 per staff recommendation.

Legal Description for Z-7590:

PRT LT 6 BEG 215W SECR TH N190.1 SW187.45 SE25 SW75.2 E178.99 POB BLK 1; W65 OF E215 LT 6 BLK 1, CONSERVATION ACRES SUB

* * * * *

12. **Z-7591 Dave Anderson** (CD 3) Location: Northeast corner of East Newton Place and North Garnett Road requesting rezoning from **RS-3 to CG** (Moved from January 6, 2021 Cancelled Meeting)

STAFF RECOMMENDATION:

SECTION I: Z-7591

DETAILED STAFF RECOMMENDATION:

The applicant is requesting to rezone an approximately 0.86 acre tract at the northeast corner of North Garnett Road and East Newton Place. The request is to rezone the tract from **RS-3**, a single-family residential designation, to **CG**, a general commercial designation.

The CG district is primarily intended to accommodate the establishment of commercial uses, while providing protection to adjacent residential areas and accommodate a grouping of compatible commercial and light industrial uses while limiting the more impactful uses found in higher intensity commercial and industrial districts. New commercial buildings constructed in the CG district are

required to be setback 10 feet from adjacent residentially zoned districts. An additional 2 feet of setback is required for each foot of building height exceeding 15' to ensure an appropriate transition from residential to commercial. Commercial uses established adjacent to residentially zoned districts will be required to install appropriate screening per the requirements of the zoning code. Typical screening requirements are defined as F1 screening comprised of opaque, 6 foot tall fences with one tree required for every 25 feet of fence; or, the installation of a full masonry wall with a minimum height of 6'.

In the immediate vicinity of the subject tract, there is a range of established light industrial uses to the north and west. Existing residential property is adjacent to the east boundary of the subject tract.

Relationship to the Comprehensive Plan:

The City's Comprehensive Plan designates this area as **Employment** and an **Area of Growth**. Employment areas can contain a variety of uses including offices, warehouses, light manufacturing, and tech uses. Employment areas require access to arterial streets or interstates to ensure appropriate access for commercial uses.

Areas of Growth are parts of the City where general agreement exists that development or redevelopment is beneficial with a goal of increasing economic activity.

Staff has found the request for **CG** to be consistent with the goals and recommendations of the Comprehensive Plan.

Staff recommends APPROVAL of Z-7591 as outlined in Section I above.

SECTION II: Supporting Documentation

Land Use Vision:

Land Use Plan map designation: **Employment**

Areas of Stability and Growth designation: **Area of Growth**

Small Area Plan: **East Tulsa Phase II Planning Area**

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: In the immediate vicinity of the subject tract, there is a range of established light industrial uses to the north and west. Existing residential property is adjacent to the east boundary of the subject tract.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North Garnett Road	Secondary Arterial	100'	2
East Newton Place	Non-classified	50'	2

Utilities:

The subject tract has access to municipal water and sewer.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	IL	Employment	Growth	Vacant
West	IL	Employment	Growth	Light Industrial
South	RS-3/OL	Employment	Growth	Vacant
East	RS-3	Employment	Growth	Detached House

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11811 dated June 26, 1970 established zoning for the subject property.

Subject Property:

No Relevant History.

Surrounding Property:

Z-7383 May 2017: All concurred in **approval** of a request for *rezoning* a 20± acre tract of land from RS-3 to IL for industrial, on property located south of the southeast corner of North Garnett Road and East Pine Street.

Z-6808 March 2001: All concurred in **approval** of a request for *rezoning* a 7.33± acre tract of land from RS-3 to IL for light industrial manufacturing, on property located at the northeast corner of East Independence Street and North Garnett Road.

Z-6687 June 1999: All concurred in **approval** of a request for *rezoning* a 4.5± acre tract of land from RS-3 to IL for a machine shop, on property

located at the southwest corner of East Pine Street and North Garnett Road.

Z-6651 August 1998: All concurred in **approval** of a request for *rezoning* a 4.5± acre tract of land from RS-3 to IL on property located south of the southwest corner of East Pine Street and North Garnett Road.

Z-6392 April 1993: All concurred in **approval** of a request for *rezoning* a .8± acre tract of land from RS-3/IL to OL for office use, on property located at the southeast corner of Newton Place and Garnett Road.

Z-6325 August 1991: All concurred in **approval** of a request for *rezoning* a .27± acre tract of land from RS-3 to OL for office uses, on property located 1303 N. Garnett Road.

Z-6392 February 1989: All concurred in **approval** of a request for *rezoning* a 10± acre tract of land from RS-3 to IL for industrial uses, on property located south of the southeast corner of North Garnett Road and East Newton Place.

BOA-13716 September 1985: The Board of Adjustment **denied** a *Use Variance* to permit storage of construction equipment in an RS-3 zoned district, finding that the granting of the request would be detrimental to the neighborhood and would not be in harmony with the Code and the Comprehensive Plan, on property located east of the southeast corner of Garnett and Newton Place.

BOA-13467 February 1985: The Board of Adjustment **approved** a *Special Exception* for a home occupation to allow office machine repair in an RS-3 zoned district, subject to the rules and regulations of home occupations, and subject to the hours of operation being from 9:00am until 5:00pm, on property located at 11316 East Newton Place.

Z-5744 October 1982: All concurred in **approval** of a request for *rezoning* a 4.16± acre tract of land from RS-3 to IL for an office and warehouse, on property located 1310 North Garnett Road.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **REEDS**, TMAPC voted **6-0-0** (Adams, Blair, Covey, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Craddock, Kimbrel, McArtor, Van Cleave, "absent") to recommend **APPROVAL** of the CG zoning for Z-7591 per staff recommendation.

Legal Description for-7591:

LT 1-3 BLK 1, MODERN ACRES ADDN, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

13. **Z-7592 Riverton Properties** (CD 6) Location: North and east of the northeast corner of East 11th Street South and South 193rd East Avenue requesting rezoning from **AG to IH with optional development plan** (Moved from January 6, 2021 Cancelled Meeting)

STAFF RECOMMENDATION:

SECTION I: Z-7592

DEVELOPMENT CONCEPT: Establish zoning for the site after the 2011 annexation.

In connection with the rezoning to the Industrial-Heavy District (IH District), the Applicant respectfully requests that pursuant to Section 70.040-B.2 of the Tulsa Zoning Code, the development of the Property be approved with the additional development limitations as follows:

DETAILED STAFF RECOMMENDATION:

The subject tract and surrounding properties are located within an Employment Land Use designation in the City of Tulsa Comprehensive plan. The site was annexed into the City of Tulsa with AG zoning and is not part of a small area plan that might provide additional guidance and,

The request for IH zoning along with normal supplemental regulations and limited uses identified in the optional development plan is consistent with the anticipated land use. Staff does not support IH zoning without the provisions of a development plan and,

Uses allowed in the proposed IH zoning district along with normal supplemental regulations and limited uses identified in the optional development plan is compatible with the surrounding proximate properties and,

The optional development plan outlined in section II below is consistent with the provisions of the Tulsa Zoning Code therefore,

Staff recommends Approval of Z-7592 to rezone property from AG to IH but only with the optional development plan outlined in Section II below.

SECTION II OPTIONAL DEVELOPMENT PLAN

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

PERMITTED USE CATEGORY

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

A) RESIDENTIAL (see allowed residential building types below)

Household Living
Single household

Group Living
*Homeless center
*Re-entry facility
*Residential treatment center
*Shelter, emergency and protective
*Transitional living center

B) PUBLIC, CIVIC, AND INSTITUTIONAL

*College or University
*Day Care
*Detention and Correctional Facility
*Fraternal Organization
*Governmental Service or Similar Functions
*Hospital
*Library or Cultural Exhibit
*Parks and Recreation
*Postal Services
*Religious Assembly
Safety Service
*School
Utilities and Public Service Facility (minor)
*Utilities and Public Service Facility (major)
Wireless Communication Facility (includes all specific uses)

C) COMMERCIAL

Animal Service
Boarding or shelter
Grooming
Veterinary
Assembly and entertainment
*Indoor gun club
*Other indoor

*(small; up to 250-person capacity)

*Other outdoor

Broadcast or Recording Studio

Commercial Service (includes all permitted specific uses)

Financial Services (includes all permitted specific uses)

Funeral or Mortuary Service

Lodging

Short-term rental

Campgrounds and RV parks

*Hotel/motel

Office (includes all permitted specific uses)

Restaurants and Bars

Restaurant

*Bar

*Brewpub

Retail Sales (includes all permitted specific uses)

Self-service Storage Facility

*Sexually Oriented Business Establishment

Studio, Artist, or Instructional Service

Trade School

Vehicle Sales and Service (includes all permitted specific uses)

D) WHOLESALE, DISTRIBUTION AND STORAGE

Equipment & Materials Storage, Outdoor

Trucking and Transportation Terminal

Warehouse Wholesale Sales and Distribution

E) INDUSTRIAL

Low-impact Manufacturing & Industry

Moderate-impact Manufacturing & Industry

High-impact Manufacturing & Industry, but only for a High-Impact

Medical Marijuana Processing Facility

F) RECYCLING

Consumer Material Drop-off Station

Consumer Material Processing

G) AGRICULTURAL

Animal Husbandry

Community Garden Farm, Market- or Community-supported

Horticulture Nursery

H) OTHER

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

Off-Premise Outdoor Advertising Sign

PERMITTED RESIDENTIAL BUILDING TYPES

Household Living

Single household

* Manufactured housing unit

~~* Mixed-use building~~

~~* Vertical mixed-use building~~

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Industrial zoning categories are generally consistent with Employment land use designation. The Tulsa Comprehensive plan does not provide clear guidance for locating heavy industrial uses. This small tract with the provisions of the optional development plan is consistent with the employment land use designation and consistent.

Land Use Vision:

Land Use Plan map designation: Employment

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

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

Areas of Stability and Growth designation: Area of Growth

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

increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

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

Transportation Vision:

Major Street and Highway Plan: None

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None except that property was annexed in 2001 as AG zoned property and has never been rezoned.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS: The site has access from an undeveloped road right of way. Aerial photos illustrate a single-story commercial / industrial building with unimproved parking areas. The redevelopment of this site and rezoning will require the site to meet current zoning and development standards.

Staff Summary: *The property is occupied by a single underutilized building.*

Environmental Considerations: None that would affect site redevelopment.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
Un-named stub street with right of way connection to the cul-de-sac on East 6 th Street	None	50 feet	2 no curb and gutter or improved drainage system.
East 6 th Street	None	50 feet	2

Utilities:

The subject tract has municipal water service. Municipal sanitary sewer service is not available. The existing

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG	Employment	Growth	Contractor supply pipe yard and outdoor storage
East	AG	Employment	Growth	Unknown (single story metal building)
South	IH with optional development plan	Employment	Growth	industrial
West	AG	Employment	Growth	industrial

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 20244 dated November 20, 2001 established zoning for the subject property.

No records could be found for the subject property or properties within 300 ft of the subject property other than the ordinance above which annexed this property (as well as many others into the City of Tulsa's corporate limits from Wagoner County).

Wagoner County was subsequently contacted to see if there were any records for this property prior to its annexation into the City of Tulsa. Staff was directed to the plats of the property: Port Area Industrial Park Plat (approved 1980) and Port Area Industrial Park Replat (approved 1984). Both plats list a restriction and/or limitation that states "All lots in the tract shall be known, described, and used as general commercial and industrial lots. Seeing as zoning was not established in Wagoner County until July of 1981, it would appear that the covenant or deed restriction listed on the plat to restrict the land to commercial general and industrial uses was not only used to regulate development, but continued to run with the land even though it may not have been enforceable due to the introduction of the new code. Additionally, as Wagoner County's original mylar zoning map shows the subject property and the surrounding subdivision as having AG zoning and the ordinance that annexed this land into the City of Tulsa's corporate limits indicated that all properties included in this ordinance

were zoned AG and remained AG upon their annexation, it would appear that the land was never been re-zoned and is therefore non-conforming.

Surrounding Property:

Z-7567 August 2020: All concurred in **approval** of a request for *rezoning* a 1.08± acre tract of land from AG to IH for industrial uses as permitted in an optional development plan, on property abutting the south boundary of Z-7592.

The applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **REEDS**, TMAPC voted **6-0-0** (Adams, Blair, Covey, Reeds, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Craddock, Kimbrel, McArtor, Van Cleave, “absent”) to recommend **APPROVAL** of the IH zoning with an optional development plan for Z-7592 per staff recommendation.

Legal Description for-7592:

Lot Two (2), Block One (1), a replat of Lots 3, 4, 5, 6, 7, 8, 10 and 11 of PORT AREA INDUSTRIAL PARK, a part of Lot 10 and part of NE/4 SW/4 of Section 6, Township 19 North, Range 15 East of the Indian Base and Meridian, Wagoner County, Oklahoma.

* * * * *

Items 14 and 15 were presented together.

- 14. **Z-7593 C. Brody Glenn** (CD 7) Location: West of the southwest corner of East 71st Street South and South 101st East Avenue requesting rezoning from **OM/CS/PUD-498 to OMH/PUD-498-D** (Related to PUD-498-D)

STAFF RECOMMENDATION:

SECTION I: Z-7593

DEVELOPMENT CONCEPT: The applicant is proposing to rezone from OM/CS to OMH in conjunction with Major Amendment Application PUD-498-D in order to permit the development of a self-storage facility.

The applicant, as part of their major amendment application, has requested an increase of the allowable floor area from 45,000 sf to 130,000 sf. The current underlying zoning of OM/CS has a Floor Area Ratio of 0.5, which, given the size of the subject lot, would not allow the requested floor area increase. The proposed OMH zone has a Floor Area Ratio of 2.0, which would allow for the requested floor area increase.

DETAILED STAFF RECOMMENDATION:

Requested OMH zoning is consistent with the Regional Center vision of the Tulsa Comprehensive Plan and,

OMH zoning is consistent with the expected development of surrounding properties and,

Uses allowed by OMH zoning and PUD-498-D are non-injurious to proximate properties therefore,

Staff recommends **Approval** of Z-7593 to rezone property from OM/CS to OMH.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The subject area is located with the Regional Center designation of the City of Tulsa Comprehensive Land Use Plan.

Land Use Vision:

Land Use Plan map designation: Regional Center

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

Areas of Stability and Growth designation: Area of Growth

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

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or

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

Transportation Vision:

Major Street and Highway Plan: E 71st St S is classified as a Primary Arterial

Trail System Master Plan Considerations: None. The site is located approximately 1,100 Feet west of the Mingo Trail.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site currently contains a vacant retail building and associated parking areas.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
E 71 st St S	Primary Arterial	120 Feet	6

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	CS	Regional Center	Growth	Commercial/Retail
South	CO	Existing Neighborhood	Growth	Hotel

East	CS/RM-2/PUD-521	Regional Center	Growth	Commercial/Retail
West	CS/OM/PUD-498	Regional Center	Growth	Commercial/Retail

SECTION III: Relevant Zoning History

Ordinance number 17952 dated June 21, 1993 established the current zoning for the subject property.

Subject Property:

Z-6402/PUD-498 June 1993: All concurred in **approval** of a request to rezone a 11.4± acre tract of land from CO to CS and **approval** of a proposed *Planned Unit Development* for commercial development, on property located east of the southeast corner of Mingo Road and 71st Street South. This includes the subject property and surrounding property. (Ordinance No. 17952)

Ordinance number 11830 dated June 26, 1970 established zoning for the subject property.

Surrounding Property:

PUD-498-B/Z-6714-SP-1a February 2001: All concurred in **approval** of a proposed *Major Amendment* to PUD and *Minor Amendment* to CO on a 1.24± acre tract of land to increase the maximum building floor area from 27,500 SF to 34,000 SF, on property located southwest corner of East 73rd Street South and South 101st East Avenue.

Z-6714/PUD-498-A/Z-6714-SP-1 October 1999: All concurred in **approval** of a request to rezone a 1.24± acre tract of land from OM/PUD-498 to CO, **approval** of a *Major Amendment* to PUD, and **approval** of a proposed *Corridor Development Plan* for hotel uses, on property located southwest corner of East 73rd Street South and South 101st East Avenue.

Z-6469/PUD-521 January 1995: All concurred in **approval** of a request to rezone a 8.1± acre tract of land from CO/OL to CS/RM-2 and **approval** of a proposed *Planned Unit Development* for a shopping and restaurant development, on property located west and south of the southwest corner of East 71st Street South and Mingo Valley Expressway.

Z-6357/PUD-489 May 1992: All concurred in **approval** of a request to rezone a 34± acre tract of land from CO/CS to CS and **approval** of a proposed *Planned Unit Development* for shopping center, on property located northeast corner of East 71st Street South and Mingo Road.

Z-6345/PUD-481 February 1992: All concurred in **approval** of a request to rezone a 2.5± acre tract of land from CO/CS to CS to extend CS zoning and **approval** of a proposed *Planned Unit Development* on a 35± acre tract of land for a shopping center, on property located northwest corner of 71st Street and Mingo Valley Expressway.

BOA-15112 April 1989: The Board of Adjustment **approved** a *Special Exception* to permit a temporary off-site concrete facility (concrete batch plant) in a CS zoned district for a period of nine-months only, per map submitted, on property located east of the southeast corner of 71st Street and South Mingo Road.

Z-4657 August 1974: All concurred in **approval** of a request for *rezoning* a 80± acre tract of land from AG to CS/RM-2 for commercial or multi-family, on property located east of the southeast corner of 71st Street and Mingo Road.

The applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **REEDS**, TMAPC voted **6-0-0** (Adams, Blair, Covey, Reeds, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Craddock, Kimbrel, McArtor, Van Cleave, “absent”) to recommend **APPROVAL** of the OMH/PUD-498-D zoning for Z-7593 per staff recommendation.

Legal Description for Z-7593:

LT 1 BLK 1, BABY SUPERSTORE, City of Tulsa, Tulsa County, State of Oklahoma

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15. **PUD-498-D C. Brody Glenn** (CD 7) Location: West of the southwest corner of East 71st Street South and South 101st East Avenue requesting a **PUD Major Amendment** to increase allowable floor area to 130,000 square feet to permit a self storage facility (Related to PUD-498-D)

STAFF RECOMMENDATION:

SECTION I: PUD-498-D

DEVELOPMENT CONCEPT: The applicant is proposing a major amendment to increase the allowable floor area from 45,000 sf to 130,000 sf to permit the development of a self-storage facility.

The applicant has also requested to rezone the subject area from OM/CS to OMH (rezoning case Z-7593). The current underlying zoning of OM/CS has a Floor Area Ratio of 0.5, which, given the size of the subject lot, would not allow for the requested floor area increase, which is why the applicant is requesting to rezone the underlying zoning to OMH which has a higher Floor Area Ratio allowance of 2.0. If approved, the proposed OMH zone, would allow for the requested floor area increase.

DETAILED STAFF RECOMMENDATION:

PUD-498-D is consistent with the Regional Center vision of the Tulsa Comprehensive Plan and,

PUD-498-D is consistent with the expected development of surrounding properties and,

All remaining development standards defined in PUD-498 and subsequent amendments shall remain in effect, therefore,

Staff recommends **Approval** of PUD-498-D to increase allowable floor area to 130,000 sf.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The subject area is located with the Regional Center designation of the City of Tulsa Comprehensive Land Use Plan.

Land Use Vision:

Land Use Plan map designation: Regional Center

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

Areas of Stability and Growth designation: Area of Growth

The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or

redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop.

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

Transportation Vision:

Major Street and Highway Plan: E 71st St S is classified as a Primary Arterial

Trail System Master Plan Considerations: None. The site is located approximately 1,100 Feet west of the Mingo Trail.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site currently contains a vacant retail building and associated parking areas.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
E 71 st St S	Primary Arterial	120 Feet	6

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	CS	Regional Center	Growth	Commercial/Retail
South	CO	Existing Neighborhood	Growth	Hotel
East	CS/RM-2/PUD-521	Regional Center	Growth	Commercial/Retail
West	CS/OM/PUD-498	Regional Center	Growth	Commercial/Retail

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 17952 dated June 21, 1993 established the current zoning for the subject property.

Subject Property:

Z-6402/PUD-498 June 1993: All concurred in **approval** of a request to rezone a 11.4± acre tract of land from CO to CS and **approval** of a proposed *Planned Unit Development* for commercial development, on property located east of the southeast corner of Mingo Road and 71st Street South. This includes the subject property and surrounding property. (Ordinance No. 17952)

Ordinance number 11830 dated June 26, 1970 established zoning for the subject property.

Surrounding Property:

PUD-498-B/Z-6714-SP-1a February 2001: All concurred in **approval** of a proposed *Major Amendment* to PUD and *Minor Amendment* to CO on a 1.24± acre tract of land to increase the maximum building floor area from 27,500 SF to 34,000 SF, on property located southwest corner of East 73rd Street South and South 101st East Avenue.

Z-6714/PUD-498-A/Z-6714-SP-1 October 1999: All concurred in **approval** of a request to rezone a 1.24± acre tract of land from OM/PUD-498 to CO, **approval** of a *Major Amendment* to PUD, and **approval** of a proposed *Corridor Development Plan* for hotel uses, on property located southwest corner of East 73rd Street South and South 101st East Avenue.

Z-6469/PUD-521 January 1995: All concurred in **approval** of a request to rezone a 8.1± acre tract of land from CO/OL to CS/RM-2 and **approval** of a proposed *Planned Unit Development* for a shopping and restaurant

development, on property located west and south of the southwest corner of East 71st Street South and Mingo Valley Expressway.

Z-6357/PUD-489 May 1992: All concurred in **approval** of a request to rezone a 34± acre tract of land from CO/CS to CS and **approval** of a proposed *Planned Unit Development* for shopping center, on property located northeast corner of East 71st Street South and Mingo Road.

Z-6345/PUD-481 February 1992: All concurred in **approval** of a request to rezone a 2.5± acre tract of land from CO/CS to CS to extend CS zoning and **approval** of a proposed *Planned Unit Development* on a 35± acre tract of land for a shopping center, on property located northwest corner of 71st Street and Mingo Valley Expressway.

BOA-15112 April 1989: The Board of Adjustment **approved** a *Special Exception* to permit a temporary off-site concrete facility (concrete batch plant) in a CS zoned district for a period of nine-months only, per map submitted, on property located east of the southeast corner of 71st Street and South Mingo Road.

Z-4657 August 1974: All concurred in **approval** of a request for *rezoning* an 80± acre tract of land from AG to CS/RM-2 for commercial or multi-family, on property located east of the southeast corner of 71st Street and Mingo Road.

The applicant was not present.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **REEDS**, TMAPC voted **6-0-0** (Adams, Blair, Covey, Reeds, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Craddock, Kimbrel, McArtor, Van Cleave, “absent”) to recommend **APPROVAL** of the Major Amendment for PUD-498-D per staff recommendation.

Legal Description for PUD-498-D:

LT 1 BLK 1, BABY SUPERSTORE, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

16. **PUD-592-D Lou Reynolds** (CD 9) Location: Northeast corner of East 41st South and South Harvard Avenue requesting a **PUD Major Amendment** to add Religious Assembly as a permitted use

STAFF RECOMMENDATION:

SECTION I: PUD-592-D

DEVELOPMENT CONCEPT: The applicant is proposing to add Religious Assembly to the allowable uses as well as accessory uses customarily associated with the principal allowed uses. This would permit a church to be located on the subject lot.

Currently, the site contains a funeral home and associated parking / drives. The applicant is proposing to add Religious Assembly to permit a church to be located in the subject lot, which would be compatible with the Mixed-Use Corridor land use designation.

DETAILED STAFF RECOMMENDATION:

PUD-592-D is consistent with the Mixed-Use Corridor vision of the Tulsa Comprehensive Plan and,

PUD-592-D is consistent with the expected development of surrounding properties and,

All remaining development standards defined in PUD-592 and subsequent amendments shall remain in effect, therefore,

Staff recommends **Approval** of PUD-592-D to revise the allowable uses to permit Religious Assembly as well as uses customarily associated with principal allowed uses.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The subject lot is located within a land use designation of Mixed-Use Corridor. The proposed addition of uses is compatible with the Mixed-Use Corridor designation.

Land Use Vision:

Land Use Plan map designation: Mixed-Use Corridor

Mixed-Use Corridors are Tulsa's modern thoroughfares that pair high capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. Mixed-Use Corridors usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The

pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

Areas of Stability and Growth designation: Area of Growth, Area of Stability

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

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

Transportation Vision:

Major Street and Highway Plan: E 41st St S is designated as a Secondary Arterial.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site currently contains a funeral home and associated parking and drives.*

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
E 41 st St S	Secondary Arterial	100 Feet	4

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-3/CH/PUD-592-B	Mixed-Use Corridor / Existing Neighborhood	Growth/Stability	Commercial/Single-Family
South	CS/PUD-761-B	Neighborhood Center	Growth	Commercial
East	RS-3/PUD-592-C	Mixed-Use Corridor	Growth	Commercial
West	CS/RS-3	Mixed-Use Corridor	Growth	Commercial

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 20602 dated June 12, 2003 established the current zoning for the subject property.

Subject Property:

PUD-592-C May 2003: All concurred in **approval** of a proposed *Major Amendment* to PUD on a 3.08± acre tract of land for a one-story bank with drive-in facilities, on property located east of the northeast corner of East 41st Street and South Harvard Avenue.

BOA-19128 July 2001: The Board of Adjustment **approved** a *Variance* to permit linear parking for funeral home, as depicted on the site plan

submitted, finding it to be the standard for the industry, on property located at east of the northeast corner of East 41st Street and South Harvard.

Z-6818/PUD-592-B June 2001: All concurred in **approval** of a request to rezone a 5.73± acre tract of land from CH/RS-3 to OL and **approval** of a proposed *Major Amendment* to PUD to permit a funeral home, on property located north and east of the northeast corner of East 41st Street and South Harvard Avenue. (Ordinance No. 20152 & 20153):

Z-6804/PUD-592-A Withdrawn March 2001: The applicant submitted a request to *rezone* a 2.09± acre tract of land from RS-3 to OM and a *Major Amendment* to PUD to change the use from church to funeral home on property located north and east of the northeast corner of East 41st Street and South Harvard. The request was ultimately withdrawn by the applicant on March 21st, 2001.

BOA-18181 September 1998: The Board of Adjustment **approved** a *Variance* of the required parking for offices and church use from 306 to 210 parking spaces per PUD-592 and site plan, on property located at 3939 South Harvard.

PUD-592 August 1998: All concurred in **approval** of a proposed *Planned Unit Development* on a 5.73± acre tract of land for office and a church, on property located at the northeast corner of 41st Street South and South Harvard Avenue: (Ordinance No. 19351)

BOA-06891 February 1971: The Board of Adjustment **approved** an *Exception* to permit using property for church purposes (an extension of an existing church use), on property located at 3339 East 41st Street.

BOA-02507 February 1954: The Board of Adjustment **granted** American Lutheran Church permission to erect a church on property located at SW, SW, SW of Section 21-19-13.

Ordinance number 11823 dated June 26, 1970 established zoning for the subject property.

Surrounding Property:

PUD-761-B December 2012: All concurred in **approval** of a proposed *Major Amendment* to PUD on a 4.5± acre tract of land for a specialty grocery store and retail development, on property located at the southeast corner of East 41st Street South and South Harvard Avenue.

PUD-761-A August 2010: All concurred in **approval** of a proposed *Major Amendment* to PUD on a 6.87± acre tract of land to add Dry Cleaner Use, Use Unit 15, on property located at the southeast corner of East 41st Street South and South Harvard Avenue.

Z-7106/PUD-761 November 2008: All concurred in **approval** of a request to rezone a 6.87± acre tract of land from RM-2/OL/CS/RS-1 to RS-1/OL/CS and **approval** of a proposed *Planned Unit Development* for mixed use development, on property located at the southeast corner of East 41st Street South and South Harvard Avenue.

PUD-642 January 2001: All concurred in **approval** of a proposed *Planned Unit Development* on a 1.89± acre tract of land for an office park, subject to a six-foot fence and supplemental standards with additional changes, subject to the building height, no more than one-and-a-half-story as presented by the applicant, on property located 4137 South Harvard.

BOA-17925 February 1998: The Board of Adjustment **denied** a *Variance* to allow required parking on a lot other than lot containing the principal use, on property located at 3939 South Harvard.

BOA-08148 December 1973: The Board of Adjustment **approved** an *Exception* to establish off-street parking for church use in an RS-3 District per the customary Board requirements pertaining to lighting, screening, paving, etc., on property located at 3353 East 41st Street.

Z-4084 February 1972: All concurred in **approval** of a request for *rezoning* a 3.79± acre tract of land from RS-1 to OL for office, on property located south of the southeast corner of 41st Street and Harvard Avenue.

BOA-04189 September 1963: The Board of Adjustment **granted** permission to place gasoline pumps in a U-3-A district, on property located at part of the SW1/4, SW1/4, Section 21-19-13.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **SHIVEL**, TMAPC voted **6-0-0** (Adams, Blair, Covey, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Craddock, Kimbrel, McArtor, Van Cleave, "absent") to recommend **APPROVAL** of the Major Amendment for PUD-592-D per staff recommendation.

Legal Description for PUD-592-D:

LT 2, BLK 1, FORTY-FIRST PLACE

* * * * *

17. **Yellowstone Estates** (County) Minor Subdivision Plat and Modification of Subdivision & Development Regulations to permit a flag lot, Location: South of the southeast corner of East 161st Street South and South Lewis Avenue

STAFF RECOMMENDATION:

Yellowstone Estates – (Tulsa County)

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

This plat consists of 5 lots, 1 block on 36.65 ± acres.

The Technical Advisory Committee (TAC) met on January 7, 2021 and provided the following comments:

1. **Zoning:** The subject tract is zoned AG-R. Lots conform to the requirements of the AG-R district. Approved as submitted.
2. **Addressing:** Final address assignments by INCOG must be shown on the face of the final plat.
3. **County Engineering:** Approved as submitted.
4. **Sewer/Water:** Lots will be served by on-site sewage disposal approved by Oklahoma Department of Environmental Quality. Water service to be provided by Creek County Rural Water District No. 2.
5. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** Updated release letters required prior to final plat execution. Oil & Gas certificate was submitted.

Modification of Subdivision Regulations:

1. Modification to allow the use of a flag lot in order to establish Lot 5.

Staff recommends **APPROVAL** of the minor subdivision plat and the modification to the Subdivision & Development Regulations finding the flag lot to be an existing tract previously approved by TMAPC as a flag lot. Approval is subject to the conditions provided by TAC and the requirements of the Subdivisions Regulations.

The applicant indicated his agreement with staff’s recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **SHIVEL**, TMAPC voted **6-0-0** (Adams, Blair, Covey, Reeds, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Craddock, Kimbrel, McArtor,

Van Cleave, “absent”) to **APPROVE** the Minor Subdivision Plat and the modification to the Subdivision & Development Regulations for Yellowstone Estates per staff recommendation.

* * * * *

18. **ZCA-20** Consider an amendment to Chapter 40, Section 40.225-E of the City of Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, to remove the prohibition of drive-through windows and drive-through lanes for Medical Marijuana Dispensaries.

STAFF RECOMMENDATION:

Item

Consider ZCA-20, an amendment to Chapter 40, Section 40.225-E of the City of Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, to remove the prohibition of drive-through windows and drive-through lanes for Medical Marijuana Dispensaries.

Background

On June 26, 2018 Oklahoma voters passed State Question 788 which established law by which medical marijuana use is permitted in Oklahoma. As a follow up to approval of State Question 788, the Oklahoma State Department of Health developed rules to further govern medical marijuana. A working group, which comprised representatives from the Mayor’s office, City Council, Tulsa Police Department, City Legal and INCOG, researched regulations from other jurisdictions and proposed a series of amendments to the Zoning Code. After public hearings and the incorporation of changes requested by the TMAPC and City Council, amendments to the Zoning Code establishing regulations for medical marijuana uses were adopted with emergency by the City Council on November 28, 2018 and became effective on December 9, 2018. Among those regulations was the prohibition of drive-through windows and drive-through lanes for all medical marijuana uses.

In early 2020 the United States began to identify its first cases of COVID-19, and Tulsa’s first positive case was reported in March 2020. Many businesses have limited in-person services and offered curbside or drive-through options in response to COVID-19 concerns. Because of the nature of medical marijuana dispensaries as cash-only businesses distributing prescribed medication, some owners of dispensaries in Tulsa have expressed concern about the safety of their staff when conducting business curbside. On November 18, 2020 the Tulsa City Council voted to initiate a zoning code amendment to permit drive-through windows and drive-through lanes for Medical Marijuana Dispensaries. The attached draft amendment reflects this requested change.

The amendment proposed to Chapter 40, Section 40.225-E of the City of Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, is shown in ~~strike~~ through/underline in **Attachment I**.

Staff Recommendation

Approval of the proposed amendment to the City of Tulsa Zoning Code removing the prohibition of drive-through windows and drive-through lanes for Medical Marijuana Dispensaries

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **REEDS**, TMAPC voted **6-0-0** (Adams, Blair, Covey, Reeds, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Craddock, Kimbrel, McArtor, Van Cleave, “absent”) to recommend **ADOPTION** of ZCA-20 per staff recommendation to remove the prohibition of drive-through windows and drive-through lanes for Medical Marijuana Dispensaries.

* * * * *

OTHER BUSINESS

19. 2021 Election of Officers- Current Officers:

- Michael Covey, Chairman
- Joshua Walker, 1st Vice Chairman
- Ted Reeds, 2nd Vice Chairman
- Joshua Ritchey, Secretary

Mr. Covey stated the proposed slate of officers is as follows:

- Michael Covey, Chairman
- Joshua Walker, 1st Vice Chairman
- Ted Reeds, 2nd Vice Chairman
- John Shivel, Secretary

TMAPC Action; 6 members present:

On **MOTION** of **COVEY**, TMAPC voted **6-0-0** (Adams, Blair, Covey, Reeds, Shivel, Walker, “aye”; no “nays”; none “abstaining”; Craddock, Kimbrel, McArtor, Van Cleave, “absent”) to waive the TMAPC Policies and Procedures concerning serving successive terms and elect the following TMAPC officers for 2021: Chair, Michael Covey; 1st Vice Chair, Joshua Walker; 2nd Vice Chair, Ted Reeds; Secretary, John Shivel.

20. Commissioners' Comments

Mr. Covey welcome new Commissioner Ashley Adams.

ADJOURN

TMAPC Action; 6 members present:

On **MOTION** of **COVEY**, TMAPC voted **6-0-0** (Adams, Blair, Covey, Reeds, Shivel, Walker, "aye"; no "nays"; none "abstaining"; Craddock, Kimbrel, McArtor, Van Cleave, "absent") to **ADJOURN** TMAPC meeting of January 20, 2021, Meeting No. 2834.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 2:10 p.m.

Date Approved:

02-03-2021


Chairman

ATTEST:


Secretary

Secretary