

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2843

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

R=Remote P=in Person

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday, May 27, 2021, at 3:12 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

Commissioners, 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:
None

Director’s Report:

Ms. Miller reported on City Council and Board of County Commissioner actions and other special projects. She stated today’s meeting is the last meeting where the Commissioners can participate virtually. Ms. Miller stated the hotel conversion at 41st and Garnett was withdrawn by the applicant during the City Council process. Ms. Miller stated staff has asked the County for funds to update the Tulsa County Zoning Code. The current version is from 1980 and we want to make the County Zoning Code as user friendly and modern as the City Code because long overdue.

Mr. Craddock stated the budget board already approved the INCOG request for the Zoning Code update for the next fiscal year.

Mr. Craddock asked since the Hotel at 41st and Garnett has pulled their application as a homeless shelter and the executive order is no longer in place do, they need to now apply for an exemption to allow to operate as a homeless shelter.

Ms. Miller stated she has spoken with Becky Gligo the Director of Housing Solutions and they have very intentionally made sure that they have operated consistently with the Zoning Code definition for lodging. She stated people are not staying in the hotel over 30 days and they are vacating at the end of July when their contract ends.

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Minutes:

1. Approval of the minutes of May 19, 2021, Meeting No. 2842

On **MOTION** of **COVEY**, the TMAPC voted 11-0-0 (Adams, Blair, Covey, Craddock, Kimbrel, McArtor, Reeds, Shivel, Van Cleave, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; none “absent”) to **APPROVE** the minutes of May 19, 2021, Meeting No. 2842

CONSENT AGENDA

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

2. **PUD-198-A-4 Crown Neon Signs** (CD 9) Location: West of the southwest corner of East 61st Street South and Highway 75 requesting a **PUD Minor Amendment** to increase the allowable size of the ground sign. **(Applicant requests a continuance to June 16, 2021)**

There were no interested parties wishing to speak.

TMAPC Action; 11 members present:

On **MOTION** of **CRADDOCK**, TMAPC voted **11-0-0** (Adams, Blair, Covey, Craddock, Kimbrel, McArtor, Reeds, Shivel, Van Cleave, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; none “absent”) to **CONTINUE** Item 2 to June 16, 2021.

Mr. Walker left at 1:15 pm after voting on continuances.

PUBLIC HEARING-PLATS

3. **Eastern Village** (CD 6) Preliminary Plat, Location: West of the southwest corner of East 21st Street South and South 129th East Avenue

STAFF RECOMMENDATION:

Eastern Village - (CD 6)

West of the southwest corner of East 21st Street South and South 129th East Avenue

This plat consists of 1 lot, 1 block on 3.83 ± acres for use as a multifamily development. The Technical Advisory Committee (TAC) met on May 20, 2021 and provided the following conditions:

1. **Zoning:** The property is currently zoned CS (Commercial – Shopping). Proposed lot conforms to the CS zoning requirements.
2. **Transportation & Traffic:** Sidewalk installation will be required along East 21st Street South. Internal drive must meet fire requirements for turnaround and access. Update right-of-way dedication on 21st Street to a 60 foot dedication to align with Major Street and Highway Plan requirements.
3. **Sewer:** Proposed sanitary sewer extensions will require approval of an IDP. IDP approval is required prior to approval of the final plat. Easements and dedications must be clearly dimensioned and labeled on the face of the plat.
4. **Water:** Proposed water main extensions will require approval of an IDP. IDP approval is required prior to approval of the final plat. Easements and dedications must be clearly dimensioned and labeled on the face of the plat.
5. **Engineering Graphics:** Submit a subdivision control data sheet with final plat. Provide addresses for individual lots. Under the “Basis of Bearing” heading provide a bearing angle between two known points associated with

this plat. Graphically show all pins found or set associated with this plat. Graphically label the Point of Beginning and Point of Commencement.

6. **Stormwater, Drainage, & Floodplain:** All delineated floodplain boundaries, including City of Tulsa Regulatory Floodplain, must be clearly and accurately shown on the plat with base flood elevations labeled. It is recommended that the current effective map panels with map effective dates also be placed on the plat. Any proposed development within the floodplain must meet the floodplain development requirements of the City of Tulsa Revised Ordinances, Title 11-A and Title 51 as well as all City drainage standards. Proposed changes to the floodplain boundaries or flood elevations will be subject to floodplain map revisions. Stormwater improvements are required to obtain IDP approval prior to final plat approval.
7. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the conditions provided by TAC and all other requirements of the regulations. Final plat approval is contingent on a final release from the City of Tulsa including Development Services, City Legal, and City Engineering.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **REEDS**, TMAPC voted **10-0-0** (Adams, Blair, Covey, Craddock, Kimbrel, McArtor, Reeds, Shivel, Van Cleave, Whitlock, "aye"; no "nays"; none "abstaining"; Walker, "absent") to recommend **APPROVAL** of the Preliminary Plat Eastern Village per staff recommendation.

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4. **Comb's Country Estates** (County) Preliminary Plat and Modification of Subdivision & Development Regulations to permit an extended block length, Location: North of the northeast corner of East 116th Street North and North Lewis Avenue

STAFF RECOMMENDATION:

Comb's Country Estates - (County)

North of the northeast corner of East 116th Street North and North Lewis Avenue

This plat consists of 6 lots, 1 block on 61 ± acres.

The Technical Advisory Committee (TAC) met on May 20, 2021 and provided the following conditions:

1. **Zoning:** All property included within the subdivision is AG (Agriculture). All lots conform to the requirements for the AG District.
2. **Addressing:** Label all lots with assigned addresses on final plat submittal. Addresses will be assigned by INCOG.
3. **Transportation & Traffic:** Public street must extend through the length of the property and stub to the east to provide a connection for future development. Turnarounds are required to be installed in accordance with Tulsa County standards. Rural subdivisions are allowed a 1500-foot block length that is exceeded by the proposed street and requires the approval of a modification request by the Planning Commission. Final plat should be updated to reflect 2 blocks due to the division by the right-of-way dedication. Local fire approval is required prior to final plat.
4. **Sewer/Water:** Rural water district approval is required for water line extensions and final plat. Easements must be depicted and appropriately dimensioned on the face of the plat. On-site sewage disposal is required to be approved by the Oklahoma Department of Environmental Quality (DEQ). DEQ certificate must be included in the deed of dedication and signed on the final plat.
6. **Engineering Graphics:** Update location map with all platted subdivision boundaries and label all other property "unplatted". Graphically show all pins found or set associated with this plat. Graphically label the point of beginning. Remove signature box including mayor and vice mayor signature.
7. **Stormwater, Drainage, & Floodplain:** All drainage plans must comply with Tulsa County drainage standards and must be approved prior to the approval of the final plat. Any easements required for drainage must be shown on the final plat.
8. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

Modification of Subdivision and Development Regulations:

1. Section 5.030.3 – Rural residential subdivisions block lengths cannot exceed 1500 feet.

Staff recommends **APPROVAL** of the modification to the Subdivision & Development Regulations due to the nature of the site being primarily large acreage agricultural lots. The extension of the block length allows for the public street to be pulled through to the edge of the subdivision and anticipates connections through future developments. Existing development pattern makes

the inclusion of mid-block pedestrian connections impractical and would not serve a public purpose.

Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the conditions provided by TAC and all other requirements of the Subdivision and Development Regulations.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Comments:

Mr. Craddock asked if there was going to be right-of-way dedication of E. 120th Street N. to allow that a stub out street heading back to the east.

Staff stated, "yes sir", it is a little bit confusing on this preliminary drawing but the condition we have placed on the plat is that the road will go all the way out the east side and later connect to other developments. He stated there will be some sort of turnarounds provided on that street because it is a temporary dead end, but those will be determined by County Engineering as a part of design review.

Mr. Reeds asked the applicant if he considered AG-R zoning since the lots are large.

The applicant stated they decided to stay with the agricultural zoning because it allows a little more flexibility.

TMAPC Action; 10 members present:

On **MOTION** of **COVEY**, TMAPC voted **10-0-0** (Adams, Blair, Covey, Craddock, Kimbrel, McArtor, Reeds, Shivel, Van Cleave, Whitlock, "aye"; no "nays"; none "abstaining"; Walker, "absent") to recommend **APPROVAL** of the Preliminary Plat and Modification of Subdivision & Development Regulations for Comb's Country Estates per staff recommendation.

PUBLIC HEARING-REZONING

Items 5, 6, 7 and 8 were voted on out of order and Mr. Walker was present for the vote. There were no interested parties wishing to speak. All of these items were continued to July 7, 2021.

- 5. Z-7604 Charles Onyechi (CD 1) Location: East of the southeast corner of Mohawk Boulevard and North Columbia Avenue requesting rezoning from **CS to IL with optional development plan** (Continued from May 19, 2021) **(Applicant requests a continuance to July 7, 2021)****

TMAPC Action; 11 members present:

On **MOTION** of **COVEY**, TMAPC voted **11-0-0** (Adams, Blair, Covey, Craddock, Kimbrel, McArtor, Reeds, Shivel, Van Cleave, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; none “absent”) to **CONTINUE** Item 5 to July 7, 2021.

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- 6. Z-7609 Springhill Land Company c/o AAB Engineering, Alan Betchan** (CD 2) Location: Southwest corner of West 61st Street South and Highway 75 requesting rezoning from **CO and AG to RS-1 and CG** (Related to Z-7610 and PUD-648-E) (**Staff requests a continuance to July 7, 2021**)

TMAPC Action; 11 members present:

On **MOTION** of **COVEY**, TMAPC voted **11-0-0** (Adams, Blair, Covey, Craddock, Kimbrel, McArtor, Reeds, Shivel, Van Cleave, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; none “absent”) to **CONTINUE** Item 6 to July 7, 2021.

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- 7. Z-7610 Springhill Land Company c/o AAB Engineering, Alan Betchan** (CD 2) Location: Southeast corner of West 61st Street South and Highway 75 requesting rezoning from **AG to RS-3** (Related to Z-7609 and PUD-648-E) (**Staff requests a continuance to July 7, 2021**)

TMAPC Action; 11 members present:

On **MOTION** of **COVEY**, TMAPC voted **11-0-0** (Adams, Blair, Covey, Craddock, Kimbrel, McArtor, Reeds, Shivel, Van Cleave, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; none “absent”) to **CONTINUE** Item 7 to July 7, 2021.

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- 8. PUD-648-E Springhill Land Company c/o AAB Engineering, Alan Betchan** (CD 2) Location: South of the southeast corner of West 61st Street South and Highway 75 requesting a **PUD Major Amendment** to abandon PUD-648-E (Related to Z-7609 and Z-7610) (**Staff requests a continuance to July 7, 2021**)

TMAPC Action; 11 members present:

On **MOTION** of **COVEY**, TMAPC voted **11-0-0** (Adams, Blair, Covey, Craddock, Kimbrel, McArtor, Reeds, Shivel, Van Cleave, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; none “absent”) to **CONTINUE** Item 8 to July 7, 2021.

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9. **Z-7606 Wallace Engineering, Mike Thedford** (CD 1) Location: North of the northeast corner of East 36th Street North and North Lewis Avenue requesting rezoning from **CS to IH with optional development plan** (Continued from May 19, 2021)

STAFF RECOMMENDATION:
SECTION I: Z-7606

DEVELOPMENT CONCEPT:

In connection with the rezoning to the Industrial-Heavy District (IH District), the Applicant 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 as identified in Section II in the following staff report.

The development plan has been prepared anticipating long term redevelopment opportunities on this site and has included many use opportunities that are consistent with the expected long-term impacts of recent public and private investments and redevelopment strategies that are expected in this area of Tulsa. The development plan allows for expansion of the existing salvage business but also requires significant improvements to the existing facility and will improve the visual quality and operational standards of the existing business. The underlying residential zoning is unlikely at this location. One of the major goals of this zoning request is to remove zoning limitations that will help incentivize future redevelopment opportunities in this area.

As a continued effort to improve the land use development of this area the abutting street right of way east of this site will be closed and vacated removing the city ownership maintenance responsibilities. Any pavement in the old right of way will be removed as part of that closure process.

DETAILED STAFF RECOMMENDATION:

The subject tract is included in a Mixed-Use Corridor land use designation in the Tulsa Comprehensive Plan. The uses allowed in an IH district are not normally associated with that land use. The Comprehensive Plan is not clear on where IH uses should be included or if they should be allowed inside the City. Normally, industrial uses are included in Employment land use designation in the City of Tulsa Comprehensive Plan and,

The existing salvage operation has been operational for decades and was a non-conforming use when the Comprehensive Plan was prepared in 2010. Staff has prepared an industrial site suitable study and has determined that this site and proposed expansion can be integrated into this neighborhood. The development plan will require improvements to the existing facility, supporting future use opportunities and limit industrial uses specific to the existing business. Staff

concludes that the rezoning request with the development plan standards are suitable at this location 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 provision of the update to the City of Tulsa Comprehensive Plan anticipated within the coming year and,

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

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

Staff recommends Approval of Z-7606 to rezone property from RS-3 and CS to IH but only with the development plan outlined in Section II.

SECTION II: 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 identified in the Zoning Code.

A) PUBLIC, CIVIC, AND INSTITUTIONAL

- College or University
- Fraternal Organization
- Natural Resource Preservation
- *Religious Assembly
- Safety Service
- *School
- Utilities and Public Service Facility (minor)
- Wireless Communication Facility (includes all specific uses)

B) COMMERCIAL

- Animal Service
 - Boarding or shelter
 - Grooming
 - Veterinary
- Broadcast or Recording Studio

Commercial Service (includes all permitted specific uses)
Financial Services (includes all permitted specific uses)
Funeral or Mortuary Service
Office
 Business or professional office
 Medical, dental or health practitioner office
Parking, Non-accessory
Restaurants and Bars
 Restaurant
Retail Sales (includes all permitted specific uses)
Studio, Artist, or Instructional Service
Trade School Vehicle Sales and Service (includes all permitted specific uses)

C) WHOLESALE, DISTRIBUTION AND STORAGE

Equipment & Materials Storage, Outdoor
Warehouse Wholesale Sales and Distribution

D) INDUSTRIAL

Low-impact Manufacturing & Industry
Junk or Salvage Yard (limited to automobile salvage operations).

E) RECYCLING

Consumer Material Drop-off Station
Consumer Material Processing

F) AGRICULTURAL

Community Garden Farm, Market- or Community-supported
Horticulture Nursery

G) OTHER

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

Redevelopment requirements on existing facility:

As illustrated on attached exhibit the parking area north of the mini storage shall be improved as follows:

- 1) All of the gravel or paved parking area in the street right of way on North Lewis adjacent to Z-7606 will be removed, graded, covered with topsoil and sod by January 1, 2022. The existing driveways installed by the City of Tulsa in the recent street improvements are exempt from that requirement.
- 2) All the existing parking area on private property east of the right of way line on North Lewis as illustrated on the concept plans will be paved and landscape meeting or exceeding Zoning Code Standards will be completed by July 1, 2022.

- 3) Screening along east boundary of development plan boundary shall be provided in a 20-foot-wide vegetative buffer established and maintained along the entire east boundary of the development plan area and shall meet or exceed the F1 screening standards identified in the Zoning Code. The screen shall be completed by July 1, 2022.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Staff in the Tulsa Planning Office prepared an Industrial Site Suitability analysis in collaboration with the City of Tulsa Mayor's Office of Economic Development and others at INCOG. The industrial Site Suitability Analysis provides guidance for expected changes in the pending update to the City of Tulsa Comprehensive Plan update.

Industrial Site Suitability Analysis:

This site meets the following industrial site suitability criteria:

1. Proximity to existing infrastructure
 - a. The site is near two major highways, within less than a mile of access to Highway 75 and the Gilcrease Expressway.
 - b. The site is located within a 10-minute drive of Tulsa International Airport.
 - c. The site is located within a 20-minute drive of the Tulsa Port of Catoosa.
2. Needed Investment
 - a. The site is well served by the arterial street network, being near the intersection of N. Lewis Ave. and N. 36th St. E., both of which carry less than 2,500 vehicles per lane per day, indicating significant capacity to accommodate new development. There is no additional investment needed in arterial access.
 - b. Portions of the site are within ½-mile of the South Kansas and Oklahoma Railroad. This represents an easy connection to existing infrastructure, and short line expansion would be relatively affordable compared to many locations in Tulsa.
 - c. The site is served by Route 410 of the Tulsa Transit system. There is no need to extend service to the site.
 - d. The site is served with all City utilities, and there is no need to extend service to the site.
3. Incentives
 - a. This property falls within an Opportunity Zone.

- b. This property falls within a New Market Tax Credit area.
- 4. Site Constraints
 - a. The site is free of extreme slope.
 - b. The site is free of exposed bedrock.
 - c. The site is adjacent to a residential housing use, Mohawk Manor to the east.

Given all these criteria, this site is designated as “Most Suitable” for industrial uses contingent on mitigation efforts between the property and the adjacent residential housing development. Conversations with the Tulsa Housing Authority and residents of Mohawk Manor should occur to ensure that expansion efforts are balanced with sensitivity to existing residents.

Current Land Use Vision:

Land Use Plan map designation: Mixed-Use Corridor

A Mixed-Use Corridor is a plan category used in areas surrounding Tulsa’s modern thoroughfares that pair high-capacity transportation facilities with housing, commercial, and employment uses. The streets usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods.

Areas of Stability and Growth designation: Area of Growth

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

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

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

Transportation Vision:

Major Street and Highway Plan:

Trail System Master Plan Considerations: None

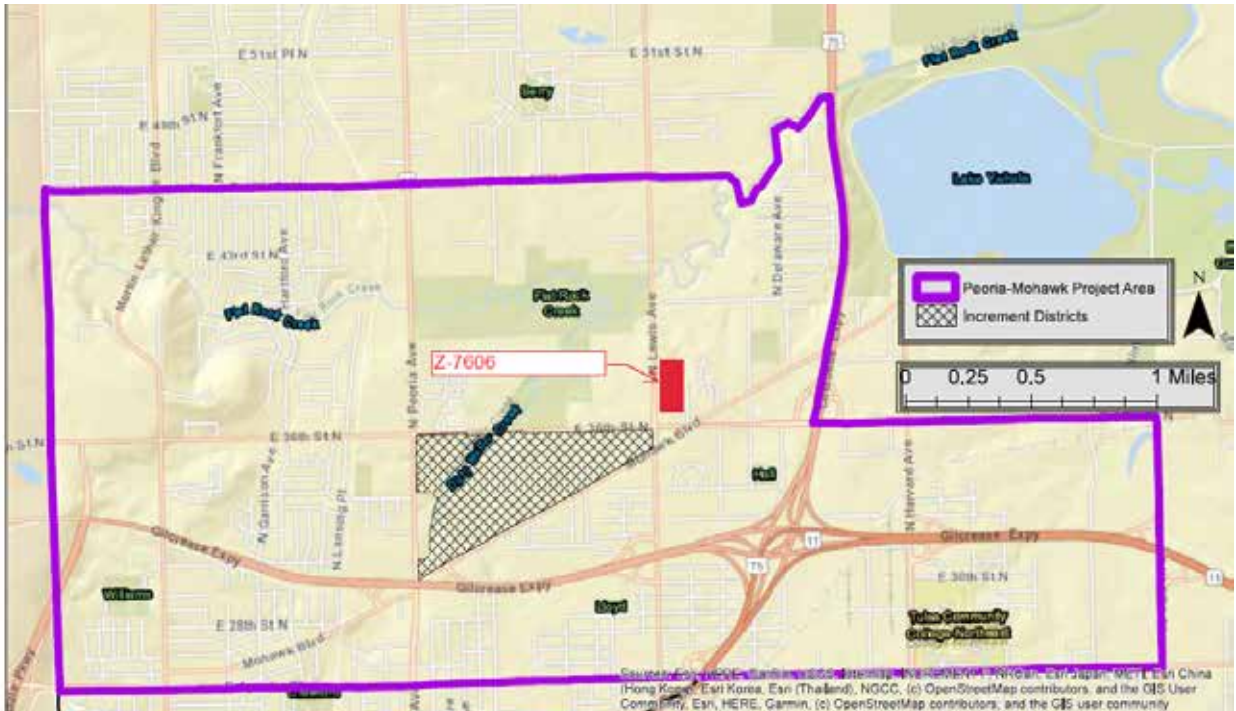
Small Area Plan: None

Special District Considerations:

This site is included in the Peoria-Mohawk Project Plan and Supporting Increment Districts of the City of Tulsa that was recently adopted. This plan area was prepared to support the Increment District provided for the industrial area between 36th Street North and Mohawk Boulevard and between North Peoria Avenue and North Lewis.

The purpose of the Project Plan and the supporting Increment Districts is to leverage the development in the Business Park to effect broader goals and objectives through strategies to increase the availability and improve the quality of housing, including affordable and workforce housing, in the area. Better housing and open green space in the area support the Business Park by making it more attractive for potential employers, who need desirable places nearby for employees to live and play. This project plan seeks to leverage area development to enhance opportunities and outcomes for the area.

TIF District Boundary



Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The property along the east side of N. Lewis Ave., near the intersection with E. 36th St. N. is an existing auto salvage operation on multiple parcels zoned for single family residential uses and has been in place for decades. The uses to the north and south on Lewis include other salvage facilities and self-storage. Southwest of the subject property is the Mohawk-Peoria Industrial Park site, a major investment of industrial employment lands. To the east is a Tulsa Housing Authority complex, Mohawk Manor. This is the most significant residential use in the surrounding area, and industrial activity should be screened for light, noise, and other intrusive elements. It is not uncommon for properties designated *Employment* to abut sites designated *Existing Neighborhood* in Tulsa.

This site's current use is more consistent with the *Employment* land use designation than with the *Mixed-Use Corridor* land use vision. With the introduction of the Mohawk-Peoria Industrial Park and its associated TIF district it is reasonable to consider this area as an extension of that land use and will continue to be an employment area. In the same way that the *Employment*-designated Mohawk-Peoria Industrial Park abuts *Existing Neighborhood* designations, so can this site with proper screening and development considerations.

Environmental Considerations: Site contamination is heavily regulated through the state regulatory authority for salvage operations. Additional screening and operational standards are an important part of integrating this business adjacent to neighborhoods.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North Lewis Avenue	Secondary Arterial	100 feet	5 lanes transitioning to 3 lanes with 2 bike lanes and center turn lane
East 36 th Street North	Secondary Arterial	100 feet	3 lanes transitioning to two lanes
Unimproved Street right of way (east boundary)	None	50 feet	1 lane gravel (to be closed and vacated)

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area Stability or Growth	Existing Use
North	RS-3	Mixed-Use Corridor	Growth	Non-conforming use (heavy equipment parts)
East	RM-1 and CS	Existing Neighborhood and Mixed-Use Corridor	Growth	Multi-family and undeveloped land
South	CS	Mixed-Use Corridor	Growth	Undeveloped and non-conforming auto body shop
West	AG and CS	New Neighborhood and Mixed-Use Corridor.	Growth	Self-Storage and Undeveloped west side of North Lewis

NEIGHBORHOOD ENGAGEMENT:

The applicant has met with the Phoenix neighborhood. Staff has not received input from those meetings.

SECTION IV: Relevant Zoning History

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

Subject Property:

BOA-19583-A May 2010: The Board of Adjustment **approved** a *Modification* of a previous approval to eliminate the condition of a screening fence around the property with the condition the Board accepts the two portions of fence on the north and south screening the west; no salvage, pieces, parts or cars be parked in front of the building, per plan submitted, finding that this modification is in compliance with the original approval of the City Board of Adjustment in Case No. 20033, on property located at 3901 North Lewis Avenue East.

BOA-20033 May 2005: The Board of Adjustment **approved** a *Special Exception* for approval of an amended site plan previously approved May 27, 2003 (BOA-19583), for a building 60' x 160', on property located at 3901 North Lewis Avenue East.

BOA-19583 May 2003: The Board of Adjustment **approved** a *Special Exception* to allow rebuilding a structure containing a non-conforming use, per plan, with conditions for a screening fence on all four sides, minimum 8' height, consistent construction, with a pleasing appearance to the surrounding properties, on property located at 3901 N. Lewis.

BOA-18718 May 2000: The Board of Adjustment **approved** a *Special Exception* to permit auto sales in a CS district, for a period of five years, a *Variance* to permit open air-storage or display of merchandise offered for sale within 300' of an adjoining R district, a *Variance* of required all-weather surface for off-street parking, a *Variance* of off-street parking setback from the centerline of abutting street within 50' of an R district, and a *Special Exception* to modify screening fence requirement from an abutting R district, with condition that fence be immediately constructed on the east property line and that if the sue on the north property line changes from a salvage yard that at that point a screening fence be provided on the north property line, all approvals being for a period of five years, finding the hardship to be that this has been a legal non-conforming use as a salvage yard, on property located at 3813 N. Lewis.

BOA-18152 September 1998: The Board of Adjustment **approved** a *Variance* to allow a residential treatment center and medical care facility in a CS-zoned district, on property located north of the northeast corner of East 36th Street North and North Lewis Avenue. This includes a part of the northern portion of the subject property and some surrounding properties to the west.

BOA-16804 September 1994: The Board of Adjustment **approved** a *Special Exception* to remove the required screening fence, subject to screening being required if Atlanta Avenue is ever improved, finding that a screening fence would be of no advantage, due to the topography of the land abutting the east boundary of the tract and a similar request was approved on another lot in the area, on property located at 3901 North Lewis Avenue.

BOA-16626 April 1994: The Board of Adjustment **approved** a *Special Exception* to modify the screening requirement along the entire southern boundary adjacent to the auto salvage, waiving screening along the entire eastern boundary and the east 300' of the northern boundary as long as the earthen berm remains in place, waiving the screening along the balance of the north boundary extending west to the back of the northwestern-most building, provided this portion between the berm and the northwestern building is screened by planting cedar trees closely together to provide a continuous living screen, and waiving the screening along the entire western boundary provided that cedar trees are planted closely together to provide a continuous living screen between these two existing buildings on the front of the property, except for the existing driveway, subject to equipment displayed between Lewis Avenue and the cedar tree buffer is limited to rolling stock and operable customary and accessory equipment, which is to be attached to the rolling equipment, such as box blades, trenching equipment, etc.; and the Board withdrew an appeal of the decision of the Code Enforcement Officer that the use is a salvage yard, as requested by the applicant of the subject property, on property located at 3935 N. Lewis.

Surrounding Property:

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

Z-7367 ODP February 2017: All concurred in **approval** of a request for *rezoning* a 115± acre tract of land from AG/RS-3/RMH/CS/CH to IM with an optional development plan for an employment center, on property located east of the southeast corner of East 36th Street North and North Lewis Avenue.

BOA-21770 September 2014: The Board of Adjustment **approved** a *Special Exception* to permit auto sales and car/truck rental in the CS District, subject to all driving and parking surfaces be an all-weather surface and the approval is “as built” except for the paving, on property located at 2455 East 36th Street North.

BOA-19344 April 2002: The Board of Adjustment **approved** a *Special Exception* to permit a mini-storage in a CS district, per plan, with the condition that there be no outside storage, on property located at 3737 N. Lewis.

BOA-14574 August 1987: The Board of Adjustment **approved** a *Use Variance* to allow for a mobile home in a CS zoned district, finding that there are multiple zoning classifications in the area and that the use will not be detrimental to the area, on property located at 2405 East Mohawk Boulevard.

BOA-13736 September 1985: The Board of Adjustment **approved** a *Variance* to allow for an existing machine shop in a CS zoned district and to allow for expansion of use, under the provisions of Section 1670, per plot plan submitted, finding a hardship imposed on the applicant by the multiple zoning in the area, on property located at 3637 North Lewis.

BOA-13178 June 1984: The Board of Adjustment **approved** a *Special Exception* to permit used automobile sales including pickups up to ¾ ton on the west 300ft abutting Lewis Avenue of the property located north of the northeast corner of 36th Street North Atlanta.

BOA-10325 February 1979: The Board of Adjustment **approved** a *Special Exception* to operate a cabinet shop in a CS District, per plans submitted, on property located at 3707 North Lewis Avenue.

Z-4740 January 1975: All concurred in **approval** of a request for *rezoning* a 13.5± acre tract of land from RM-1 to RMH for a mobile home subdivision, on property located on the southeast corner of 41st Street North and North Atlanta Avenue.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Comments:

Ms. Kimbrel asked if staff could talk about the industrial sites suitability study and why that is significant for a decision today,

Staff stated it is not something that has been historically done but staff thinks that it is valuable for this site and future decisions on other industrial sites. Staff stated on page 9.4 of the packet there is an outline of what the industrial site suitability analysis is and staff has looked at it in context with the proximity to existing infrastructure. He stated this site is very near to major expressways and is within a 10 minute drive of Tulsa International Airport and a 20 minute drive of the Port of Catoosa. Staff stated the North Lewis Road has recently been improved by the City of Tulsa. He stated 36 Street North is one of the few truck routes that is available for truck traffic that goes to the Port of Catoosa and that was one of the things that is important to the industrial decision just southwest of this side.

Mr. Craddock asked if staff received any comments from the surrounding residential areas and multifamily areas that are in close proximity to this tract.

Staff stated they have not received any positive or negative comments regarding this development.

Mr. Reeds asked if the applicant as part of their process and expansion have a crusher that they utilize.

Staff stated he was not aware of a crusher on the site. He stated it was more of a salvage operation.

Applicant Comments:

The applicant stated he would address a few items that came up during the presentation. He stated they have a claw and a scrubber and they have certain regulations and inspection schedule they have to abide by. The applicant stated it is really more about parting out and storing parts for future sale. He stated the new operation is going to be a pick apart type thing, after all those cars are processed, clean, and drained they will move them to the newer portion of the site. The applicant stated there is a big warehouse on site where they do a lot of online orders. He stated they sell internationally as well. The applicant stated regarding neighborhood engagement from the very beginning they reached out to Councilor Hall-Harper to inform her of the application. He stated he was contacted by Tracy Chandler, who is the chair of the Phoenix Group in that immediate area and they feel like they had a very positive conference call with her. The applicant stated Tracy Chandler had sent an email of the minutes and the applicant read it into the record. He stated he reached out to Josh Miller of the Kaiser Foundation to inform him of the plan. The applicant stated one other

clarification is on page 9.4 of the packet under redevelopment requirements he would like the date of January 1, 2022, changed to July 1, 2022, to align with the rest of the plan.

Mr. Craddock asked if other than reaching out to the Councilor and GKFF and the only other neighborhood outreach was the notice that would have gone out as required.

The applicant stated "yes".

Mr. Craddock asked on the eastern boundary the staff report stated a 20 foot vegetative buffer between the screening and the residential area at Mohawk Manor, what type of screening would be provided.

The applicant stated solid opaque fencing, as well as the vegetative buffer. He stated another thing that he forgot to mention is they are trying to work out a compromise where that right-of-way is closed between Mohawk Manor and the subject property.

Mr. Craddock asked what the hours of the operation were going to be.

The applicant stated 9-5. He stated they do have a high priority for security and have cameras installed.

Ms. Kimbrel asked if they have considered how noise can be mitigated and does any of the screening account for that.

The applicant stated most of the machinery is located closer to Lewis where the action is. He stated the noise is focused further away from the residential properties. The applicant stated there have been studies that say opaque fencing is better than semi opaque fencing for sound buffering, and there's vegetative buffering.

Mr. Covey asked if there is any issue with changing the date on page 9.4 of the packet from January 1, 2022, to July 1, 2022.

Staff stated, "no not really", it was not a typo and his thought was to get some immediate improvements for the existing facility out there was going to show intent to the surrounding property owners so he pushed that schedule, a little bit quicker but he has not heard anything from any interested parties. He stated he would support changing that date.

Mr. Blair stated there were a few things not discussed in the staff report. He stated this is immediately across the street from the 36th Street North Small Area Plan and the 200 acre Flat Rock Creek Wilderness stormwater management area. Mr. Blair asked if there was any consideration to the proximity to that and

more than that it seems like the staff report and the development plan are really intended to kind of mitigate incompatibility of non-conforming use with the adjacent multifamily housing. He asked if this were a vacant and unoccupied site would staff say that this project is compatible, particularly the salvage yard use with neighboring residential uses.

In reference to the wilderness area west of this site, Staff stated improving the visual quality and getting rid of dust and gravel parking in the street right-of-way was super important. He stated it has been that way for decades so staff felt this proposal would result in aesthetic improvements and management of dust. Staff stated they felt that would help water quality in the surrounding stream channels and those kind of things. He stated if this were a vacant site there is no way staff would ever recommend IH zoning and the purpose of the development plan really is to kind of help bring this into some type of use that does allow a lot of uses beyond what the the proposal is today. Staff stated the long term goal is to provide opportunities for redevelopment that are not there today, so zoning without the development plan is not something staff would ever support.

Mr. Blair stated he gets the idea of kind of mitigating a non-conforming use but it seems like there would be a nuisance code enforcement placed as opposed to kind of doubling the footprint of the now non-conforming use extending itself.

Staff stated in the very first conversations that he had with the property owner even before the current consultant was brought in was to deny the request. He stated as they were able to communicate more with a higher level of understanding of what their proposal was and future development pattern, he felt like that there was a way to make this a better site and to support development along that corridor.

Mr. Blair stated he thinks once cars are moved on to the southern half of this site, they will be there for 25 to 50 years. He stated he does not think this is a springboard to a higher and better low impact industrial use, he thinks this application is really about doubling the footprint adjacent to this low income housing development and he is inclined not to support the application.

Mr. Craddock stated he shares Mr. Blair's concerns also on the adding or doubling the footprint of this proposal. He stated looking at the Land Use Plan categories directly across the street is New Neighborhood and you have the Mixed-Use Corridor, his concern is that approving this application increases a use that may not be compatible with the residential that we say we want across the street.

Mr. Reeds stated also agrees with Mr. Craddock and Mr. Blair. He stated we have an existing non-conforming use that we are considering expanding. Mr. Reeds stated he understands the IH with the development plan would limit what the applicant does and that is a good way to handle it but he does not see any

connection to the existing residential areas around it and would have a hard time supporting it.

TMAPC Action; 10 members present:

On **MOTION** of **COVEY**, TMAPC voted **5-5-0** (Covey, McArtor, Shivel, Van Cleave, Whitlock, “aye”; Adams, Blair, Craddock, Kimbrel, Reeds, “nays”; none “abstaining”; Walker, “absent”) to recommend **APPROVAL** of the IH zoning with the optional development plan per staff recommendation, and changing the redevelopment requirements on existing facilities on page 9.4 item 1 from January 1, 2022, date to July 1, 2022, for Z-7606.

This application will be forwarded to City Council without a recommendation because of the tie vote.

Legal Description Z-7606:

TRACT ONE (1)

Legal: BEG SWC SW NW SW TH N244 E660 S242.6 W660 POB LESS W50 & E25 THEREOF FOR RD SEC 17 20 13 3.267ACS

TRACT TWO (2)

Legal: N/2 NW SW SW LESS W50 THEREOF & LESS E25 THEREOF FOR RD SEC 17 20 13 4.431ACS

TRACT THREE (3)

Legal: N/2 S/2 NW SW SW & N.29 E200 OF A TR BEG 726N SWC SW SW TH E250 N100 W250 S100 POB LESS W50 & E25 THEREOF FOR RD SEC 17 20 13 2.216AC

TRACT FOUR (4)

Legal: BEG 351N & 50E SWC SW TH E200 N475 E385 S620 W85 S25 W488.2 N55.02 W12 N116 POB LESS W200 THEREOF (FOR ZONING DEVELOPMENT PLAN) SEC 17 20 13 6.417ACS

* * * * *

10. Z-7608 Matthew Patrick (CD 4) Location: Northwest corner and southwest corner of East 4th Place South and South College Avenue requesting rezoning from **RM-2 to OMH with optional development plan**

STAFF RECOMMENDATION:

SECTION I: Z-7608

DEVELOPMENT CONCEPT:

University United Methodist Church has adopted a new model of ministry called the “Alternate Income Model,” which seeks to increase the amount of revenue and resources available to the church through opening businesses that are community positive and owned and operated by the church. Having more

resources will allow the church to have a greater impact on the community and help meet its social needs.

Business #1: Propel Business and Event Center

Propel Business and Event Center is a commercial office rental and event space rental business. University UMC has a lot of square footage that is not currently utilized due the changing nature of the church. We have decided to repurpose a lot of our open space to commercial offices for community positive businesses and for organizations to host events, both outdoor and indoor.

Business #2: Double Flag Coffee

Double Flag Coffee will be a drive-thru and walk-up coffee shop located in our west parking lot that will be a state-of-the-art coffee experience. There will be a mobile application that will allow customers to order online, order ahead, and quickly pick up there coffee and other items. The Double Flag name is derived from the two separate flags that make up the hurricane warning flag because we are playing into the hurricane theme of Tulsa University.

DETAILED STAFF RECOMMENDATION:

The subject tract and properties north, east, and south are within a Regional Center land use designation in the City of Tulsa Comprehensive plan. The OMH zoning request provides a site-specific development plan that expands redevelopment opportunities, and the current zoning code provides predictable results for the surrounding property owners providing supplemental regulations that will continue to help integrate this site into the surrounding neighborhood and,

Uses allowed in the proposed development plan with normal supplemental regulations are consistent with the Regional Center land use designation in the City of Tulsa Comprehensive Plan and,

Uses allowed in the proposed development plan and OMH zoning district along with normal supplemental regulations additional limitations 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 City of Tulsa Zoning Code therefore,

Staff recommends Approval of Z-7608 to rezone property from RM-2 to OMH with the optional development plan as defined by Section II.

SECTION II: OPTIONAL DEVELOPMENT PLAN STANDARDS

The Optional Development Plan standards will conform to the provisions of the Tulsa Zoning Code for development in an Office Medium High (OMH) district with its supplemental regulations except as further refined below. The development standards are the same on both parcels except as noted in the sign section as follows. All uses categories, subcategories, specific uses and building types that are not listed in the following permitted use categories are prohibited.

GENERAL PROVISIONS:

Lot and Building Regulations:

Minimum Lot Area	None
Minimum Street Frontage	50 feet
Maximum floor area ratio	2.0
Minimum Street Setbacks	10 feet

Minimum Setbacks from an R district	10 feet
When abutting RM-2 and RS-3 zoned lots, 2 feet of additional building setback is required for each foot of building height above 15 feet.	
Maximum Building Coverage	75 % of lot
Maximum Building Height	45 feet

PERMITTED USE CATEGORIES:

GROUP LIVING

- Convent/monastery/novitiate
- Fraternity/Sorority
- Assisted Living Center

PUBLIC, CIVIC AND INSTITUTIONAL

- College or University
- Day Care
- Library or Cultural Exhibit
- Parks and Recreation
- Religious Assembly
- School
- Others
- Utilities and Public Service Facility
- Minor

COMMERCIAL

- Broadcast or recording studio
- Office
 - Business or professional office
 - Medical, dental or health practitioner office
- Restaurants and Bars
 - Restaurant

Restaurant is only permitted as an accessory use. Use must be located entirely within the principal office building or attached to the building and may not occupy more than 5% of the building's floor area.

Studio, Artist, or Instructional Service

AGRICULTURAL

Community Garden

Farm Market or Community supported garden

OTHER

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

ARCHITECTURAL DESIGN STANDARDS:

Integrating this zoning category into the neighborhood is an important consideration for this development plan. The existing structure on the south portion of the site is constructed of stone and masonry and may have historical significance. Efforts to integrate this site into historic preservation efforts are supported by this development plan.

The existing church building illustrated on the pictures may not be removed without a minor amendment process approval at the planning commission.

PERMITTED SIGNAGE:

All signage must be a monument style sign with the following limitations.

1. Monument signs are limited to a maximum height of 8 feet.
2. Monument signs may not exceed 50 square feet of display surface area.
3. One monument sign is allowed on each street frontage with a maximum of 4 signs for the entire development area on the south side of 4th Place.
4. Only one monument sign is allowed on the development area on the north side of 4th Place.
5. Dynamic display signage is prohibited.

Residential Building Types:

Three or more households on a single lot

Mixed-use building

Vertical mixed-use building

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary:

The subject property currently has a Land Use designation of *Regional Center* and an Area of Stability or Growth designation of *Area of Growth*, as assigned by the Comprehensive Plan in 2010. As the subject area is located just east of Downtown Tulsa and north of TU, it falls within the bounds of the Kendall-Whittier Sector Plan. Adopted in November of 2016, the small area plan attempts to improve existing housing stock and expand housing choices, encourage the revitalization and/or redevelopment of key commercial corridors, increase accessibility to opportunity and support of a healthy neighborhood by collaborating with community groups and other neighborhood stakeholders, reconnect across I-244 and create a multi-modal network, preserve Whittier Square, and revitalize industrial uses.

The plan presented by the applicant(s) touches on two policy recommendations listed in this plan,

1.4 Work with churches in the neighborhood to anticipate and develop plans related to long-term impacts pertaining to parking, access and egress, and land needs;

1.6 Encourage local institutions to share facilities and maximize the benefits to the community and effectiveness of public resources;

by proposing an idea of what the future of the University Methodist Church and their relationship with both TU and the neighboring community may look like, to include how as well as allow other local institutions to lease their underutilized space in order to offer the community access to additional resources.

In addition to these policy recommendations, the Kendall-Whittier Sector Plan also offers land-use recommendations through its future land use map, which retained the *Regional Center* land use designation as recommended by the Comprehensive Plan on the subject property and abutting properties to the north, east, and south, but recommended adjusting the designation to *Existing Neighborhood* on the property abutting to the west, which has since been amended in the Comprehensive Plan.

A *Regional Center* land use designation recognizes opportunities to attract workers and visitors from around the region and offer varying amenities. *OMH* zoning with a development plan allows uses and other development opportunities that are consistent with that vision. This development plan

provides design considerations that help mitigate potential adverse impact of a Regional Center abutting an Existing Neighborhood.

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: The abutting streets are residential streets and are not identified on the major street and highway plan.

Trail System Master Plan Considerations: None

Small Area Plan: Kendall-Whittier Sector Plan (Adopted November 2016)

Special District Considerations: None except for the recommendations included in the Kendall-Whittier Sector Plan.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The zoning request is for two parcels. The parcel on the north side of East 4th Street is open space with a butterfly garden and small gazebo area. The parcel on the south side of 4th is the larger parcel and is occupied by surface parking and the original church building with classroom space on 3 floors and a playground area.

View of the north parcel from the intersection of South College Avenue at East 4th Street looking northwest:



View of south parcel from the intersection of South College Avenue at East 5th Street looking northwest:



View of southern parcel from the intersection of South Evanston Avenue at East 5th Street looking northeast:



View of southern parcel from the intersection of South College Avenue at East 4th Street looking southwest:



Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 4 th Place South	None	50 feet	2
South College Avenue	None	50 feet	2
East 5 th Place South	None	50 feet	2
South Evanston Avenue	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area Stability or Growth	Existing Use
North	RS-3 and RM-2	Regional Center	Area of Growth	School
East	RM-2	Regional Center	Area of Growth	University of Tulsa
South	RM-2	Regional Center	Area of Growth	University of Tulsa
West	RM-2	Existing Neighborhood	Area of Stability	University of Tulsa

SECTION IV: Relevant Zoning History

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

Subject Property:

BOA-21993 November 2015: The Board of Adjustment **approved** a *Special Exception* to allow a University Use (Use Unit 5) in the RM-2 district and a *Variance* of the site size from 1 acre to 21,600 square feet, subject to conceptual plan 16.12 for the type of use on the subject property, finding that the adjoining or nearby property that is used as university property is substantially in excess of one acre, on property located at the northwest corner of East 4th Place and South College Avenue.

BOA-09106 July 1976: The Board of Adjustment **approved** an *Exception* to use property for church and University purposes and related off-street parking, subject to no access being provided to Evanston and 4th Place on the north 140' of the western boundary line and the west 140' of the northern boundary line in an RM-2 district, on property located at 4th Place between Evanston and College Avenue.

BOA-02794 February 1956: The Board of Adjustment **granted** the University Methodist Church permission to use the W. 35' of Lots 7 & 8, Block 3 for the Wesley Youth Center, on property located at W. 35' of Lots 7 & 8, Block 3, College Addition.

BOA-00851 July 1930: The Board of Adjustment **granted** a permit for a building with the understanding that the unit that is first built be a complete unit, and the Building Inspector be instructed to prevent any roof going on the building except as a complete unit and providing a setback line of 15' on College, on property located at University M.E. Church College Addition.

Surrounding Property:

BOA-20665 April 2008: The Board of Adjustment **approved** a *Special Exception* to permit a university facility and accessory uses (Use Unit 5) in an RM-2 district, a *Variance* of the maximum building height in an RM-2 district from 35' to 86', and a *Special Exception* to permit required parking on a lot other than the one containing the principal use, subject to the narrative on pages 2.8, 2.9, and 2.10 and Exhibits C, D1, D2, and E of the agenda packet, finding this is part of the Master Plan and this approval

would not harm the area, on property located at west side of South Gary Place between East 5th Place and East 8th Street.

BOA-20383 November 2006: The Board of Adjustment **approved** a *Special Exception* to permit University Use (Use Unit 5) in an RM-2 district and a *Variance* of the required 50' setback for an accessory parking area from the centerline of an abutting street, per plan and elevations submitted, subject to applicant exhibits A, B, C, and D, on property located southwest of the intersection of East 5th Street and South Florence Avenue.

BOA-20287 June 2006: The Board of Adjustment **approved** a *Special Exception* to permit parking accessory to a University (Use Unit 5) in an RM-2 district, a *Variance* of the required setback of a parking area from the centerlines of East 4th Place (from 50' to 30'), per plan submitted, on property located on the north side of East 4th Place between South College Avenue and South Florence Avenue.

BOA-17345 April 1996: The Board of Adjustment **approved** a *Special Exception* to permit a school for preschool children, ages three and four and for kindergarten through eighth grade in an RS-3 zoned district, a *Variance* to reduce the required building front yard on South College Avenue from 25' to 10' from the property line for a part of the building and from 2' to 15' from the property line for a part of the building, a *Variance* to reduce the required north side yard from 25' to 12', a *Variance* to reduce the required landscaped area abutting South College Avenue and South Evanston Avenue from 5' to 0' for a part of the street frontages, per plan submitted, finding the request is in compliance with the University of Tulsa's Master Plan, on property located between South College Avenue and South Evanston Avenue and between East 3rd Street and East 4th Place.

BOA-17171 September 1995: The Board of Adjustment **approved** a *Special Exception* to permit a university housing facility under Use Unit 2 in an RS-3 zoned district, a *Variance* of the required setback from East 4th Place from 25' to 19' for one building, a *Variance* of the required setback from South Evanston from 25' to 20' for one building, a *Variance* of the maximum building height from 35' to 41', a *Variance* to permit required off-street parking to be on a lot other than the lot containing the principal use, a *Variance* to permit unenclosed parking areas to be less than 50' from the centerline of abutting streets, and a *Variance* of the required landscaped area abutting East 3rd Street from 5' to 0' at one point, per plan submitted, subject to the execution of a tie contract on the lot containing the apartments and the parking lot, finding that the use was included as a part of the adopted TU Master Plan, on property located at East 3rd Street to 4th Place and South Delaware to South Evanston.

BOA-11509 June 1981: The Board of Adjustment **approved** an *Exception* to operate a bakery as a home occupation in an RS-3 District, for a period of 2 years, to run with this owner only and during which, no sales can be conducted directly out of the house and limited to advertising of the use, but no address in the advertising, on property located at 318 South College Avenue.

BOA-10930 March 1980: The Board of Adjustment **approved** an *Exception* to use property for Church and related off-street parking, a *Variance* of the minimum lot and area of one acre and minimum lot width of 100' for a church structure, a *Variance* of the parking requirements not on the same lot as the use, per plot plan submitted, on property located at 411 South Evanston Avenue.

BOA-10503 June 1979: The Board of Adjustment **approved** an *Exception* to use property for educational purposes and related off-street parking and a *Variance* of the onsite parking requirements, on property located at 600 South College Avenue.

BOA-09440 April 1977: The Board of Adjustment **granted** an *Exception* to use property for educational purposes and related off-street parking permit and a *Variance* of the requirements of parking spaces on the same lot as the use, with the understanding that no request was made for waiver of any other requirements including screening, in an RM-2 district, on property located at 2119 East 5th Place.

BOA-09313 December 1976: The Board of Adjustment **approved** an *Exception* to use property for educational purposes and related off-street parking and a *Variance* of the parking space requirements on the same lot as the use, on property located at 2817 East 4th Place, 2815 East 5th Street, 805 South College, and 3012 East 8th Street.

BOA-08827 November 1975: The Board of Adjustment **approved** an *Exception* to use property for campus ministry center per plot plan in an RS-3 District, on property located at 332 South College Avenue.

BOA-08708 August 1975: The Board of Adjustment **approved** an *Exception* to use property for educational, cultural, and recreational uses and a *Variance* of required parking spaces on same lot of use, on property located Lot 4, Block 4; Lot 7, Block 2; Lot 6 & 10, Block 25; Lot 12, Block 15 College Addition.

BOA-07800 March 1973: The Board of Adjustment **approved** an *Exception* to use property for educational, cultural, and recreational uses and related off-street parking for the University of Tulsa and a *Variance* of

the onsite parking requirements in RS-3, RM-2, OL, and CH districts, on property located at 600 South College Avenue.

BOA-07005 May 1971: The Board of Adjustment **approved** an *Exception* to permit the erection of a building for University Law School and related off-street parking, on property located at 3119 East 5th Street.

BOA-04388 June 1964: The Board of Adjustment **granted** a *request for permission* to establish a Student Center for the Tulsa University Students in a U-2-B District, on property located on Lot 11, Block 2, College Addition.

BOA-04047 April 1963: The Board of Adjustment **granted** a *request for permission* to erect a building on the 10' building line in a U-2-B District, on property located on Lots 5 & 6, Block 4, College Addition.

BOA-03656 May 1961: The Board of Adjustment **granted** a *request for permission* to erect a Student Center for church in a U-2-B District, on property located on Lots 5 & 6, Block 4, College Addition.

TMAPC Comments:

Mr. Reeds asked if the church was going for a historic preservation designation under architectural design standards. He stated in the staff report it mentions efforts to integrate the site to historic preservation efforts are supported.

Staff stated the church is in the beginning process of what they can do to help with historic preservation or preservation easements to have a better understanding of what that means. He stated Staff was very supportive of that idea it's an interesting building.

Mr. Reeds asked if the new building would be in context with the current one.

Staff stated "no" architectural standards for new construction have not been discussed. He stated the concern is protecting the existing structure and doing what can be done to encourage preservation on that site.

Mr. Reeds stated if you are going to go through the trouble on the TU campus, he would encourage the applicant to respect what is already there and perhaps put in some very simple architectural design standards for anything new.

Mr. Covey asked if the subject property falls within TU campus.

Staff stated if you look at the site you would think that it was on the TU campus, but it is not, it has never been owned by TU. He stated the Land Use Plan recognizes that the TU campus along with this site are part of that Regional

Center Land Use designation so it feels like an important component of that Regional Center but not part of the campus itself.

Mr. Covey asked if TU has taken a position on this effort.

Staff stated he had not heard anything from TU but the applicant is online and he has had some conversations with them.

Mr. Covey asked if this is approved what happens when the Catholic Church wants to do the same thing.

Staff stated one of the concepts we talked with the applicant about early on is that there are churches, just like this all over the city that were built for small neighborhood gatherings and the development plans that we put in place here could very easily set a standard for how we might repurpose existing facilities around the city. He stated he believes this particular organization owns 60 properties around the city that are very similar to this one. Staff stated that is why a straight zoning application did not make sense and that the development plan was very important.

Applicant Comments:

The applicant stated staff was very helpful working through this process. He stated this project is incredibly positive for the church and has led to a 180 degree turn in the church's confidence and a positive impact on the community and they are very excited about it. He stated it is one of the things they need to do in order to move forward. The applicant stated they have met with TU and they have no objections with the plan. He stated they have had a long standing partnership with TU because they are on campus and see students every day.

Mr. Blair asked what the intent is for the parcel north of 4th Place.

The applicant stated the parcel north is primarily used by University School, it has an extra playground and during the pandemic a temporary fence was put up to allow them to use that more easily. He stated in the future it is going to be used for event space rental for art festivals or fairs. He stated they do not really know exactly what kind of events will go in there yet but it must be community positive.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **REEDS**, TMAPC voted **10-0-0** (Adams, Blair, Covey, Craddock, Kimbrel, McArtor, Reeds, Shivel, Van Cleave, Whitlock, "aye"; no "nays"; none

“abstaining”; Walker, “absent”) to recommend **APPROVAL** of the OMH zoning with an optional development plan for Z-7608 per staff recommendation.

Legal Description Z-7608:

LTS 1 THRU 12 & VAC ALLEY BLK 3; LTS 29 THRU 31 BLK 1, COLLEGE ADDN

OTHER BUSINESS

11. Commissioners' Comments

Mr. Covey stated the next meeting Commissioners will be asked to vote on whether to continue remote meetings for applicants and members of the public.

ADJOURN

TMAPC Action; 10 members present:

On **MOTION** of **COVEY**, TMAPC voted **10-0-0** (Adams, Blair, Covey, Craddock, Kimbrel, McArtor, Reeds, Shivel, Van Cleave, Whitlock, “aye”; no “nays”; none “abstaining”; Walker, “absent”) to **ADJOURN** TMAPC meeting of June 2, 2021, Meeting No. 2843.


ADJOURN

There being no further business, the Chair declared the meeting adjourned at 2:18 p.m.

Date Approved:

06-16-2021


Chairman

ATTEST: 

Secretary