

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 2869

Wednesday, July 6, 2022, 1:00 p.m.
City Council Chamber
One Technology Center – 175 E. 2nd Street, 2nd Floor

| Members Present | Members Absent | Staff Present | Others Present |
|------------------------|-----------------------|----------------------|-----------------------|
| Bayles | Carr | Foster | Jordan, COT |
| Covey | Kimbrel | Hoyt | Skates, COT |
| Craddock | | Miller | VanValkenburgh, Legal |
| Krug | | Sawyer | |
| Reeds | | Siers | |
| Shivel | | Wilkerson | |
| Walker | | | |
| Whitlock | | | |
| Zalk | | | |

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday June 30, 2022 at 4:07 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Covey called the meeting to order at 1:00 p.m.

Mr. Shivel 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 reminded Commissioners there would be a work session August 17, 2022.

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Minutes:

1. Minutes of June 15, 2022 Meeting No. 2868

Approval of the minutes of **June 15, 2022 Meeting No. 2868**

TMAPC Action; 9 members present:

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0(Bayles, Covey, Craddock, Krug, Reeds, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Carr, Kimbrel, “absent”) to **APPROVE** the minutes of June 15, 2022 Meeting No. 2868

2. Minutes of May 18, 2022 Meeting No. 2866

Approval of the minutes of **May 18, 2022 Meeting No. 2866**

TMAPC Action; 9 members present:

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0(Bayles, Covey, Craddock, Krug, Reeds, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Carr, Kimbrel, “absent”) to **APPROVE** the minutes of May 18, 2022 Meeting No. 2866

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.

3. **PUD-215-17 Nick Puma** (CD 8) Location: North of the northwest corner of East 91st Street South and South 72nd East Avenue requesting a **PUD Minor Amendment** to increase allowable driveway width in the street setback and right-of-way

STAFF RECOMMENDATION:

SECTION I: PUD-215-17 Minor Amendment

Amendment Request: Revise the PUD Development Standards to increase the allowable driveway width within the street setback and the street right-of-way.

Currently driveways in RS zoned lots with a width of 75+ feet cannot exceed 50% of the lot frontage or 27 ft of driveway width in the right-of-way and 30 ft within the street setback, whichever is less. The applicant is proposing to construct a drive that is 36 ft in width in the street setback and the street right-of-way. The subject lot is a corner lot and has approximately 260 ft of total frontage. This would bring the total requested drive width to 14% of the total frontage.

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, driveway coverage measured by width, square footage or percentage of the yard, open spaces, building coverage and lot widths or frontages, provided the approved PUD development plan, the approved PUD standards and the character of the development are not substantially altered.”

Staff has reviewed the request and determined:

- 1) PUD-215-17 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-215.
- 2) All remaining development standards defined in PUD-215 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to increase the total allowable driveway width to 36 ft in both the street setback and the right-of-way.

Legal Description for PUD-215-17:

Lot 17, Block 16 & South Half of Reserve 'C' of Chimney Hills Estates Blocks 8-17

4. **PUD-527-B-6 W. Scott Aneshansley** (CD 8) Location: East of the southeast corner of South Yale Avenue and East 118th Place South requesting a **PUD Minor Amendment** to decrease the rear setback from 20 feet to 11 feet

STAFF RECOMMENDATION:

SECTION I: PUD-527-B-6 Minor Amendment

Amendment Request: Revise the PUD Development Standards to reduce the rear setback from 20 ft to 11 ft.

Currently the development standards of the PUD require a rear setback of 20 ft for the subject lot for the construction of a new single-family residence. There is an existing utility easement 11 ft in width at the rear of the property. The plat for the property also shows a 11 ft building line at this location as well. This proposed reduction in the rear setback from 20 ft to 11 ft would align with what the plat for the property shows and be outside of the 11 ft utility 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, driveway coverage measured by width, square footage or percentage of the yard, open spaces, building coverage and lot widths or frontages, provided the approved PUD development plan, the approved PUD

standards and the character of the development are not substantially altered.”

Staff has reviewed the request and determined:

- 1) PUD-527-B-6 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-527-B.
- 2) All remaining development standards defined in PUD-527-B and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to reduce the rear setback from 20 ft to 11 ft.

Legal Description for PUD-527-B-6:

Lot 11 Block 3, The Villas of Tuscany, City of Tulsa

TMAPC Action; 9 members present:

On **MOTION** of **COVEY**, the TMAPC voted 9-0-0 (Bayles, Covey, Craddock, Krug, Reeds, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Carr, Kimbrel, “absent”) to **APPROVE** items 3 and 4 per staff recommendation.

PUBLIC HEARING - PLATS

5. **The Meadows I Amended** (County) Minor Subdivision Plat, Location: Northeast corner of East 106th Street North and North Memorial Drive

STAFF RECOMMENDATION:

The Meadows I Amended - (County)

Northeast corner of East 106th Street North and North Memorial Drive

This plat consists of 46 lots, 5 blocks on 45.98 ± acres.

The Technical Advisory Committee (TAC) met on June 16, 2022 and provided the following comments:

1. **Zoning:** Approved as submitted.
2. **Addressing:** Approved as submitted.
3. **Transportation & Traffic:** Approved as submitted.

4. **Sewer/Water:** On-site sewage disposal requires approval by Oklahoma Department of Environmental Quality. ODEQ signature required on final plat.
5. **Stormwater, Drainage, & Floodplain:** Approved as submitted.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All release letters have been received. Oil & Gas certificate was submitted.

Plat was released by the Tulsa County Engineer on June 23, 2022. Staff recommends **APPROVAL** of the minor subdivision plat.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0(Bayles, Covey, Craddock, Krug, Reeds, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Carr, Kimbrel, "absent") to **APPROVE** the Minor Subdivision Plat for The Meadows I Amended per staff recommendation.

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PUBLIC HEARING - REZONING

6. **Z-7657 Bobby Bromley** (CD 3) Location: West of the southwest corner of East 7th Street South and South Sheridan Road requesting rezoning from **RS-3 and RM-2 to RM-2**

STAFF RECOMMENDATION:

SECTION I: Z-7657

DEVELOPMENT CONCEPT:

Rezone entire site to RM-2 to permit the construction of apartments. RM-2 zoning currently covers a portion of the subject tract. Tracts to the east and south are zoned entirely RM-2.

DETAILED STAFF RECOMMENDATION:

The subject tract currently consists of two zoning designations (RS-3 and RM-2). The applicant is seeking to rezone the entire tract to RM-2 to allow the development of apartments. RM-2 zoning is consistent with the Mixed-Use Corridor land use designation and allows for a variety of residential building types.

The subject tract is located on the edge of the Mixed-Use Corridor and Area of Growth designations. RM-2 zoning serves as an appropriate transition between Mixed-Use Corridors and Existing Neighborhood areas.

Staff recommends approval of Z-7657 as outlined in Section I above.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The uses and building types permitted by the RM-2 district are consistent with the recommendations of the mixed-use corridor at this location.

Land Use Vision:

Land Use Plan: 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: 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 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: None

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Environmental Considerations:

The entire property is included within the City of Tulsa Regulatory Floodplain for Upper Mill Creek. New development located within regulatory floodplain area is required to comply with all City of Tulsa development criteria.

Streets:

| Existing Access | MSHP Design | MSHP R/W | Exist. # Lanes |
|-----------------------------|--------------------|----------|----------------|
| East 7 th Street | Residential Street | 50' | 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 | Stability | Residential |
| East | RM-2 | Mixed-Use Corridor | Growth | Residential |
| South | RM-2 | Mixed-Use Corridor | Growth | Residential |
| West | RS-3 | Existing Neighborhood | Stability | Residential |

SECTION III: Relevant Zoning History

History: Z-7657

ZONING ORDINANCE: Ordinance number 11816 dated June 26, 1970, established zoning for the subject property.

Surrounding Property:

BOA-22784 November 2019: The Board of Adjustment **Denied** a *Variance* to permit 1,000 ft. spacing for a dispensary, on property located at 814 S. Sheridan Road East.

BOA-22424 March 2018: The Board of Adjustment **approved** a *Special Exception* to permit a commercial vehicle sales & rental use and a Personal vehicle sales & rental use in a CS district, on property located at 804 South Sheridan Road East.

BOA-22249 July 2017: The Board of Adjustment **approved** a *Variance* to permit outdoor storage and outside display of merchandise within 300 feet of the abutting R District, on property located at 708 South Sheridan Road East.

BOA-22001 November 2015: The Board of Adjustment **approved** a *Special Exception* to permit car sales in the CS district & a *Variance* to allow outside display of merchandise within 300 feet of the R District, on property located at 708 South Sheridan Road East.

BOA-15780 August 1991: The Board of Adjustment **Denied** an appeal from the decision of the Code Enforcement officer that the existing use is a sexually-oriented business, on property located at 814 South Sheridan.

BOA-15844 October 1991: The Board of Adjustment **Denied** an appeal from the decision of the Code Enforcement officer that the existing use is a sexually-oriented business, on property located at 814 South Sheridan.

BOA-14754 April 1988: The Board of Adjustment **Denied** an appeal from the decision of the Building Inspector in denying the Issuance of a zoning clearance permit for a bookstore on property located at 814 S. Sheridan Road.

BOA-14228 November 1986: The Board of Adjustment **Denied** a *Variance* to permit an existing sexually oriented adult bookstore which may be within 1,000 of another sexually oriented business, within 500' of a church, school, or public or private park, and is within 300' of a residential district, on property located at 812-814 South Sheridan.

BOA-11821 March 1982: The Board of Adjustment **Denied** a *Variance* to permit the setback from Sheridan Road from 100' to 92', on property located at 822 South Sheridan Road.

BOA-9617 August 1977: The Board of Adjustment **approved** a *Special Exception* to permit a vocational school in air-conditioning and refrigeration and electrician training in a CS District, on property located at 708 South Sheridan Road.

BOA-7881 January 1973: The Board of Adjustment **approved** a *Variance* to permit more than 40 units on one lot & a Variance to build across lot lines in an RM-2 District, on property located at Northwest of 9th Street and Sheridan Road.

BOA-5524 August 1967: The Board of Adjustment **approved** a *Variance* to permit erection of a sign 20 feet high and 44 feet from the centerline of Sheridan in a U-3A district, on property located at 814 South Sheridan.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0(Bayles, Covey, Craddock, Krug, Reeds, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Carr, Kimbrel, "absent") to recommend **APPROVAL** of the RM-2 zoning for Z-7657 per staff recommendation.

Legal Description for Z-7657:

The North One Hundred Ninety-four (194) feet of Lot Nine (9), Block Eight (8), RESUBDIVISION of a part of GLEN HAVEN and a part of AMENDED GLEN HAVEN, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

Physical Address: 6316 East 7th Street, Tulsa, OK 74112

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- Z-7659 Fayette Willis**(CD 1) Location: North of the northwest corner of East 26th Place North and North Quaker Avenue requesting rezoning from **RS-3 to CS** (Related to CPA-97) (**Staff requests a continuance to July 20, 2022**)

Staff requested a continuance to July 20, 2022

TMAPC Action; 9 members present:

On **MOTION** of **COVEY**, the TMAPC voted 9-0-0(Bayles, Covey, Craddock, Krug, Reeds, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Carr, Kimbrel, "absent") to **CONTINUE** Item Z-7659 to July 20, 2022.

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8. **PUD-181-B Ashton Prickett** (CD 6) Location: North of the northwest corner of East 21st Street and South 145th East Avenue requesting a **PUD Abandonment** (Related to Z-7660 and CPA-97) (**Staff requests a continuance to July 20, 2022**)

Staff requested a continuance to July 20, 2022

TMAPC Action; 9 members present:

On **MOTION** of **COVEY**, the TMAPC voted 9-0-0(Bayles, Covey, Craddock, Krug, Reeds, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Carr, Kimbrel, “absent”) to **CONTINUE** Item PUD-181-B to July 20, 2022.

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9. **Z-7660 Ashton Prickett** (CD 6) Location: North of the northwest corner of East 21st Street and South 145th East Avenue requesting rezoning from **RD and RS-3 to CG** (Related to PUD-181-B and CPA-97) (**Staff requests a continuance to July 20, 2022**)

Staff requested a continuance to July 20, 2022

TMAPC Action; 9 members present:

On **MOTION** of **COVEY**, the TMAPC voted 9-0-0(Bayles, Covey, Craddock, Krug, Reeds, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Carr, Kimbrel, “absent”) to **CONTINUE** Item Z-7660 to July 20, 2022.

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10. **Z-7661 Dani Fields**(CD 1) Location: North of the northwest corner of East 6th Street South and South Quaker Avenue requesting rezoning from **IM to CH** (Related to CPA-99)

Items 10 and 19 were presented together.

STAFF RECOMMENDATION:

SECTION I: Z-7661

DEVELOPMENT CONCEPT: The applicant has preliminary plans for redevelopment of several lots abutting the subject property that are zoned CH. The subject properties are zoned IM and are part of the redevelopment area that is being assembled. IM zoning prohibits residential development, and the rezoning is requested to match the adjacent properties and support mixed use development.

DETAILED STAFF RECOMMENDATION:

Z-7661 is requesting CH zoning which allows some uses that are not consistent with the expected development in the area however the abutting properties east and south of the subject tract are zoned CH and it is anticipated with this application several properties will be combined and the rezoning will support redevelopment of the site in a way that is consistent with the proposed Downtown Neighborhood land use designation for the site and,

The CH district is primarily intended to accommodate high-intensity commercial and related uses primarily in the core area of the city; encourage use of properties and existing buildings along older commercial corridors; and minimize encroachment and adverse land use impacts on stable residential neighborhoods. CH zoning allows uses and building types as anticipated in the Pearl District Small Area Plan and,

Uses and building types allowed in the CH district are compatible with the bus rapid transit study which recommended MX1-P on properties abutting this site on the west and south. The uses and building placement requirements of the rezoning request are consistent with the Bus Rapid Transit System study and its land use recommendations and,

CH zoning is consistent with the proposed Downtown Neighborhood land use vision in the Tulsa Comprehensive Plan and,

The supplemental regulations outlined in the zoning code are compatible with the existing development pattern in the area therefore,

Staff recommends Approval of Z-7661 to rezone property from IM to CH.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: *The Employment land use designation of the subject property does not support mixed use development and the current zoning prohibits residential development. The applicant has submitted a concurrent request to change the land use designation on the site from Employment to Downtown Neighborhood. Staff supports the request, and the rezoning will help establish this as a mixed use development with residential uses included.*

Land Use Vision:

Existing 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.

Proposed Land Use map designation: Downtown Neighborhood

Downtown Neighborhoods are located outside but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium- to high-rise mixed use residential areas. Downtown Neighborhoods are primarily pedestrian-oriented and are well connected to the Downtown Core via local transit. They feature parks and open space, typically at the neighborhood scale.

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 subject property is not affected by the Major Street and Highway plan however this site is adjacent to the Bus Rapid transit Corridor on East 6th and on South Peoria. Those properties were recommended to be MX-1-P

Trail System Master Plan Considerations: None

Small Area Plan: Pearl District Small Area Plan

The small area plan was updated July 3rd, 2019. The land use designations are Mixed Use Corridor and Downtown neighborhood. The priorities of the small area plan and some of the redevelopment goals of that plan include:

Priority 1: Stabilize and revitalize existing residential areas, promote homeownership and housing affordability, and increase housing choice.

Priority 2: Promote development that retains existing businesses and increases employment, mixed-use, commercial, and retail opportunities. Some of the land use development goals of the small area plan are outlined below:

Goal 6: Revitalize and redevelop vacant properties

Goal 7: Provide more retail, dining, and entertainment options

Goal 8: Encourage higher density development in transit rich areas

Goal 9: Improve commercial transportation access

Goal 10: Ensure adequate parking supply using shared parking approach in the Pearl District.

Action Items:

10.1 Work with businesses to develop a shared parking approach to provide adequate parking as corridors redevelop.

10.2 Identify potential sites for off-street shared parking lots, especially within walking distance to major destinations and Aero BRT transit station areas.

10.3 Create a public/private parking strategy that includes a centrally located parking structure.

10.4 Explore the use of alleys for private parking, as feasible.

Priority 3: Increase safety and security throughout the district.

Priority 4: Improve targeted infrastructure to support health and wellness and catalyze development.

Special District Considerations: This site is included in the Neighborhood Infill Overlay area which provides additional opportunities for properties for properties zoned RS-3 thru RM-3. The overlay establishes zoning regulations that are intended to promote the development of alternative infill housing in established neighborhoods. The existing and proposed zoning for this site is not affected by the overlay.

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The subject property is a gravel parking lot and dilapidated residential structure. This site abuts property facing 6th Street that has transformed 1920s style commercial buildings into a retail and office area along 6th Street.

*STREET VIEW FROM SOUTHWEST LOOKING NORTHWEST
Refer to next page*



STREET VIEW FROM NORTHEAST LOOKING SOUTHWEST



Environmental Considerations: Development of this site will require careful integration of a new structure into existing buildings and infrastructure. Significant utility relocations and stormwater management detail will be required during the design and construction process.

Streets:

| Existing Access | MSHP Design | MSHP R/W | Exist. # Lanes |
|------------------|-------------|----------|----------------|
| South Quaker Ave | 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 | IM | Employment | Growth | Surface Parking |
| East | IM | Employment | Growth | Vacant and office |
| South | CH | Downtown Neighborhood | Growth | Commercial and surface parking |
| West | CH and IM | Mixed-Use Corridor | Growth | Automotive repair |

SECTION III: Relevant Zoning History

History: Z-7661

Subject Property:

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

Neighborhood Infill Overlay (NIO) SA-5 November 2021: The goal of the proposed overlay-is to encourage "missing middle" housing by allowing additional residential building type, decreasing the parking requirement' allowing accessory dwelling units (ADU's) by-right, and reducing the minimum lot and building regulations. The overlay would apply only to RS-3 thru RM-3 zoned lots within the proposed boundary.

NIO Purpose and Intent the Neighborhood Infill Overlay (NIO) establishes zoning regulations that are intended to promote the development of alternative infill housing in established neighborhoods. The overlay allows for a variety of residential housing types in a manner that is compatible, in mass and scale, with the character of surrounding properties. The regulations are also intended to promote housing types that accommodate households of varying sizes and income levels and provide for a more efficient use of residential land and available public infrastructure.

Surrounding Property:

BOA-21758 July 2014: The Board of Adjustment **approved** a *Variance* to permit parking requirements to 0, for uses permitted by right in a CH District *Or in the alternative:* a *Variance* of the parking requirement from 16 spaces to 0 spaces to permit a boxing gym for, on property located at 1338 East 6th Street South.

BOA-21579 June 2013: The Board of Adjustment **approved** a *Variance* to permit parking spaces from 38 spaces to 0 spaces in a CH District for a mixed-use building with restaurant and residential uses, on property located at 607, 613, and 615 South Quaker East, 1328 133, and 1338 East 6th Street South.

BOA-21192-A February 2013: The Board of Adjustment **approved** a *Verification* of the spacing requirement for an Adult Entertainment Establishment (bar) of 50 feet from an R district and 300 feet from a public park, school, or church; & a *Variance* of the spacing requirement for an Adult Entertainment Establishment (bar) from another Adult Entertainment Establishment (bar) from another adult Entertainment Establishment; & a *Variance* of the parking requirement from 22 parking spaces to 0 parking spaces for a bar for space known as 1323 East 6th Street South, 8 parking spaces to 0 parking spaces for offices, and 24 parking spaces to 0 parking spaces for a restaurant for building known as 1319 East 6th street South, on property located at 1319 East 6th Street South and Tenant Space known as 1323 East 6th Street South.

BOA-21192 December 2010: The Board of Adjustment **approved** a *Verification* of the spacing requirement for an Adult Entertainment establishment of 50 ft. from an R district and 300 ft. from a public park, school, or church; & a *Variance* of the spacing requirement for an Adult Entertainment establishment from another Adult Entertainment Establishment & a *Variance* of the parking requirement from 23 parking spaces, on property located at –1323 East 6th Street.

BOA-14233 October 1986: The Board of Adjustment **Denied** a *Special Exception* to permit a children’s nursery in an IM zoned district, on property located at the SW/c of Quaker Avenue and 5th Place.

BOA-14028 April 1986: The Board of Adjustment **approved** a *Variance* to permit an efficiency dwelling in a garage associated with a non-conforming residence & a *Variance* to allow 2 dwelling units per lot of record, on property located at 548 South Quaker.

The applicant indicated her agreement with staff’s recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **REEDS**, the TMAPC voted 9-0-0(Bayles, Covey, Craddock, Krug, Reeds, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Carr, Kimbrel, “absent”) to recommend **APPROVAL** of the CH zoning for Z-7661 per staff recommendation.

Legal Description for Z-7661:

TRACT 4:THE SOUTH FORTY-SIX (46) FEET OF LOT TWO (2), AND THE NORTH FOUR (4) FEET OF LOT THREE (3) IN BLOCK EIGHT (8), IN FACTORY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, AND THAT PORTION OF THE NORTHWEST QUARTER (NW/4) OF THE SOUTHWEST FRACTIONAL QUARTER (SW/4) (OTHERWISE KNOWN AS LOT 10) OF SECTION SIX (6), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST, ADJOINING THE FIRST DESIGNATED TRACT ON THE WEST, BOTH TRACTS MORE PARTICULARLY DESCRIBED AS A WHOLE AS FOLLOWS, TO-WIT:BEGINNING AT A POINT FOUR (4) FEET SOUTH AND SIXTY-SIX (66) FEET WEST OF THE NORTHEAST CORNER OF LOT THREE (3), BLOCK EIGHT (8), FACTORY ADDITION TO THE CITY OF TULSA WHICH POINT OF BEGINNING IS TWO HUNDRED FORTY (240) FEET EAST OF THE WEST SECTION LINE OF SAID SECTION SIX (6); THENCE WEST FROM SAID POINT OF BEGINNING SIXTY-FOUR (64) FEET; THENCE NORTH FIFTY (50) FEET; THENCE EAST ONE HUNDRED THIRTY (130) FEET TO A POINT FOUR (4) FEET SOUTH OF THE NORTHEAST CORNER OF LOT TWO (2) OF SAID BLOCK EIGHT (8), FACTORY ADDITION: THENCE SOUTH ALONG THE EAST LINE OF SAID LOT TWO (2) A DISTANCE OF FIFTY (50) FEET TO A POINT FOUR (4) FEET SOUTH OF THE NORTHEAST CORNER OF LOT THREE (3) OF SAID BLOCK EIGHT (8); THENCE WEST SIXTY-SIX (66) FEET TO POINT OF BEGINNING.

TRACT 5: PART OF LOTS THREE (3) AND FOUR (4), BLOCK EIGHT (8), FACTORY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST BOUNDARY LINE OF LOT THREE (3) A DISTANCE OF FOUR (4) FEET SOUTH OF THE NORTHEAST CORNER THEREOF; THENCE WEST PARALLEL WITH THE NORTH BOUNDARY LINE OF SAID LOT THREE (3) A DISTANCE OF NINETY-SEVEN AND THREE TENTHS (97.3) FEET TO THE WEST BOUNDARY LINE OF LOT THREE (3); THENCE SOUTH ALONG WEST BOUNDARY LINE OF SAID LOTS THREE (3) AND FOUR (4) A DISTANCE OF FIFTY (50) FEET TO A POINT FOUR (4) FEET SOUTH OF THE NORTHWEST CORNER OF LOT FOUR (4); THENCE EAST PARALLEL WITH THE NORTH BOUNDARY LINE OF LOT FOUR (4) A DISTANCE OF NINETY-SEVEN AND THREE TENTHS (97.3) FEET TO A POINT ON THE EAST BOUNDARY LINE OF LOT FOUR (4) AND FOUR (4) FEET SOUTH OF THE NORTHEAST CORNER THEREOF; THENCE NORTH ALONG THE EAST BOUNDARY LINE OF LOTS THREE (3) AND FOUR (4) TO THE POINT OF BEGINNING. AND A TRACT OF LAND ADJOINING THE ABOVE DESCRIBED LAND ON THE WEST DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING FOUR (4) FEET SOUTH OF THE SOUTHWEST CORNER OF LOT THREE (3); THENCE WEST A DISTANCE OF THIRTY-TWO AND SEVEN TENTHS (32.7) FEET; THENCE NORTH A DISTANCE OF FIFTY (50) FEET; THENCE EAST A DISTANCE OF THIRTY-TWO AND SEVEN TENTHS (32.7)

FEET; THENCE SOUTH A DISTANCE OF FIFTY (50) FEET TO THE POINT OF BEGINNING.

TRACT 7: THE SOUTH FORTY-SIX (46) FEET OF LOT ONE (1) AND THE NORTH FOUR (4) FEET OF LOT TWO (2), BLOCK EIGHT (8), FACTORY ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF; ALSO A TRACT ADJOINING THE ABOVE DESCRIBED LOTS ON THE WEST DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 4 FEET SOUTH OF THE SOUTHWEST CORNER OF LOT 1 IN SAID BLOCK 8, THENCE WEST A DISTANCE OF 64 FEET; THENCE NORTH 50 FEET; THENCE EAST 64 FEET; THENCE SOUTH A DISTANCE OF 50 FEET TO THE POINT OF BEGINNING. AND THE ALLEY ADJACENT OF THE ABOVE DESCRIBED TRACTS

* * * * *

11. Z-7662 Dani Fields(CD 2) Location: West side of Riverside Parkway (South Delaware Avenue) near the intersection of East 106th Street South requesting rezoning from **AG to CS**

STAFF RECOMMENDATION:
SECTION I: Z-7662

DEVELOPMENT CONCEPT: Rezone the subject property located inside the Arkansas River Corridor and also part of the River Design Overlay, RDO-2 district. The CS zoning request is proposed for all the allowed uses and as regulated in the RDO-2 district.

DETAILED STAFF RECOMMENDATION:

Z-7662 is requesting a zoning change from AG to CS. Z-7662 is included in the River Design Overlay (RDO) where use limitations in RDO-2 district will prevent uses that may be objectionable along the Arkansas River and,

This district requires additional landscaping, provides flexibility for reduced parking requirements, and provides guidance on building placement, design standards and orientations that are important to the vision contemplated in the Arkansas River land use designation and,

The CS district is primarily intended to accommodate convenience, neighborhood, subcommunity, community, and regional shopping centers providing a range of retail and personal service uses which are consistent with the expected future development in this area west of Riverside Parkway and,

Uses and building types allowed in the CS district are compatible with the Riverside Parkway transportation vision and will support the idea of creating a vibrant and active river facing development and,

The supplemental regulations outlined in the zoning code for CS district development in the RDO-2 district are compatible with the existing development pattern in the area therefore,

Staff recommends Approval of Z-7662 to rezone property from AG to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: *The RDO-2 District requirements in the zoning code along with the provisions of the CS zoning district are consistent with the Arkansas River Corridor land use designation in the Comprehensive plan. This site will also support development that is consistent with the continuation of the River Trail plan identified in the GO plan and is consistent with the anticipated development pattern along the Riverside Parkway.*

Land Use Vision:

Existing Land Use Plan map designation: Arkansas River Corridor

The Arkansas River Corridor is located along the Arkansas River and scenic roadways running parallel and adjacent to the river. The Arkansas River Corridor is comprised of a mix of uses - residential, commercial, recreation and entertainment – that are well connected and primarily designed for the pedestrian. Visitors from outside the surrounding neighborhoods can access the corridor by all modes of transportation.

This Corridor is characterized by a set of design standards that support and enhance the Arkansas River Corridor as a lively people-oriented destination. The Corridor connects nodes of high-quality development with parks and open spaces. The natural habitat and unique environmental qualities are amenities and are respected and integrated as development and redevelopment occur. The future development of this Corridor is intended to complement the residential character of adjacent thriving neighborhoods by providing appropriate transitions and connections to the Arkansas River.

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: This site is adjacent to the Arkansas River which anticipates a multi-use trail system near the top of the riverbank. This site will gain vehicular access from Riverside Parkway.

Trail System Master Plan Considerations: The trail system expansion planned along the top bank of the Arkansas river will be located in the buffer area between the top of the riverbank and the development of the site. An easement will be required for the trail system during the subdivision compliance process. The applicant will work with the Tulsa Planning Office to determine the trail alignment with the site plan and the trail easement will be established during the subdivision compliance process. The applicant should anticipate an easement with width not less than 25 feet but is advised that a greater width could be required to satisfy detailed design considerations

Small Area Plan: This site is not in a small area plan however several studies and planning efforts have been prepared over the last 20 years. None of those studies have been included in the comprehensive small plan area efforts for the city. All of the plans recognize the importance of appropriate development along the river including low water dam projects, trail system expansion and commercial, mixed-use, residential zones and development of key development areas along the river.

Special District Considerations: This site is an important part of the development of the Arkansas River as an active destination location for Tulsa.

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The subject property is partially in the 100-year flood plain area from the Arkansas River and detailed flood plain management will affect site development opportunities.*

Environmental Considerations: Development of this site will require careful integration of a new structures into an environmentally sensitive area that is impacted by a floodplain and possible eagle habitat.

Streets:

| Existing Access | MSHP Design | MSHP R/W | Exist. # Lanes |
|-------------------|-------------|----------|----------------|
| Riverside Parkway | Parkway | 150 feet | 2 |

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

| Location | Existing Zoning | Existing Land Use Designation | Area of Stability or Growth | Existing Use |
|----------|-----------------|-------------------------------|-----------------------------|-------------------------------|
| North | AG | Arkansas River Corridor | Growth | Vacant |
| East | AG | Park and Open Space | Stability | Soccer Field |
| South | AG and RT | Arkansas River Corridor | Growth | Tennis Club and plant nursery |
| West | None | None | None | Arkansas River |

SECTION III: Relevant Zoning History

History: Z-7662

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

Subject Property:

SA-1 September 2016: All concurred in **approval** of 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 and regulations to govern the form, function, design and use of the 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.

BOA-17146 September 2015: The Board of Adjustment **denied** a *Special Exception* to permit an outdoor recreation facility (3 ball diamonds with lights concession stand, rest rooms and accessory uses), on property located at 10510 South Delaware Avenue.

BOA-7615 September 1972: The Board of Adjustment **approved** a *Special Exception* to permit a member-owned tennis club with the following facilities: 14 outdoor tennis courts, 7 indoor tennis courts, swimming pool, locker rooms, sauna baths, mixed grills, and lounge in an AG District, on property located at 111th Street and South Delaware Avenue.

Surrounding Property:

SA-1 September 2016: All concurred in **approval** of 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 and regulations to govern the form, function, design and use of the 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.

Applicant requested a continuance to August 3, 2022.

All interested parties support the continuance.

Interested Parties:

Cherrie Stunkard 10717 Riverside Parkway Tulsa, OK 74137

TMAPC Action; 9 members present:

On **MOTION** of **COVEY**, the TMAPC voted 9-0-0(Bayles, Covey, Craddock, Krug, Reeds, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Carr, Kimbrel, “absent”) to **CONTINUE** Item Z-7662 to August 3, 2022.

* * * * *

Items 12, 13 and 14 were presented together.

12. PUD-349-A Lou Reynolds(CD 9) Location: Northeast corner of East 37th Street South and South Peoria Avenue requesting a **PUD Abandonment** (Related to Z-7663 and PUD-423-A)

STAFF RECOMMENDATION:

SECTION I: PUD-349-A Abandonment

DEVELOPMENT CONCEPT: PUD 349-A request abandonment of the entirety of PUD 349. The concurrent zoning case Z-7663 includes a request to CH with an optional development plan.

DETAILED STAFF RECOMMENDATION:

Staff recommends Approval of PUD-349-A which will abandon all of PUD-349 but only with the approval of Z-7633 that will rezone the site to CH with an optional development plan.

SECTION II: Supporting Documentation

Neighborhood Engagement:

The applicant has provided evidence of neighborhood meetings and has received a letter of support from the Brookside Business Owners association that documentation is included in Z-7663.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: *CH zoning with the optional development plan standards included are consistent with the Main Street land use vision outlined in the Tulsa Comprehensive Plan.*

Land Use Vision:

Land Use Plan map designation: Main Street

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

Areas of Stability and Growth designation: Area of Growth

An area of growth is a designation 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.”

Small Area Plan:

This site is included in the Brookside Infill Development Design Recommendation plan and was adopted in 2002. The plan has not been amended. This site is not directly affected by the concepts illustrated in that plan except that the boundary of the commercial growth is illustrated and includes the subject property.

Special District Considerations: There are no special districts that require consideration in this area.

Historic Preservation Overlay: There are no historic preservation overlays that require consideration in this area.

DESCRIPTION OF EXISTING CONDITIONS: (Referencing Z-7663)

Staff Summary: *The site is occupied with a vacant 2 story commercial building and surface parking.*

Street view from northwest corner looking southeast



Street view from southeast corner looking northwest



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

Streets: (referencing Z-7663)

| Existing Access | MSHP Design | MSHP R/W | Exist. # Lanes |
|------------------------------------|---------------------------------------|-----------------|--|
| South Peoria Avenue | Main Street and Urban Arterial | 70 feet | 4 (2 each direction with center turn lane) |
| East 37 th Street South | None | 50 feet | 2 |

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties: (referencing Z-7663)

| Location | Existing Zoning | Existing Land Use Designation | Area of Stability or Growth | Existing Use |
|-----------------|------------------------|--------------------------------------|------------------------------------|---------------------|
| | | | | |

| | | | | |
|---|-------------------------|---------------------------|--------|-----------------------------|
| North | CH, CG and RS-2 | Main Street | Growth | Commercial and Multi Family |
| East | RM-O with PUD-423 | Main Street | Growth | Vacant |
| South on the south side of East 37 th Street | CH, OL, PK with PUD 789 | Main Street | Growth | TV studio |
| West on the west side of Peoria | CH | Main Street across Peoria | Growth | Commercial |

SECTION III: Relevant Zoning History

History: PUD-349-A Related to Z-7663

Subject Property:

PUD-349 March 1984: All concurred in **approval** of a proposed *Planned Unit Development* on a tract of land for on property located 3647 South Peoria Ave East with ordinance number 15962. The underlying zoning pattern included CH and OL districts which were established in 1970 with ordinance no 11825 dated June 26, 1970.

BOA-14762 March 1988: The Board of Adjustment **approved** a *Variance* to permit setback from 37th Street from 50' to 36' to allow for an addition to an existing building and a variance of the floor area ratio to allow for a 13,962 sq. ft. building & a Variance of parking spaces from 54 to 39, on property located at 3649 South Peoria Avenue.

Surrounding Property:

ZONING ORDINANCE: Ordinance number 16776 dated February 17, 1987, established RM-O zoning for the subject property that is also included in Z-7663.

PUD-423 February 1987: All concurred in **approval** of a proposed *Planned Unit Development* on a tract of land for on property located on Lot 5, Block 1, Lee Dell Addition and is included in Z-7663.

Z-7478 April 2019: All concurred in **approval** of a request for *rezoning* a 2.14± acre tract of land from RS-3 & CH to MX1-P-U on property located 3615 S. Peoria Ave.

BOA-21490 October 2012: The Board of Adjustment **approved** a *Variance* to permit the parking requirement from 15 spaces to 8 spaces to permit a restaurant, on property located at 3629 South Peoria Avenue East.

BOA-20767 August 2008: The Board of Adjustment **approved** a *Variance* to permit required parking to permit restaurant use in an existing commercial building in a CH district, on property located at Northeast corner of South Peoria Avenue and East 37th Place.

BOA-20767-A May 2009: The Board of Adjustment **approved** a *Amendment* to a previously approved site plan, on property located at 3723 South Peoria Avenue East.

BOA-20767-B February 2010: The Board of Adjustment **approved** a *Variance* to permit the parking requirement and an amendment to a previously approved plan; both to permit an outdoor customer seating area in addition to an existing restaurant use in the CH district, on property located at 3723 S. Peoria Ave.

BOA-20631 January 2008: The Board of Adjustment **approved** a *Variance* to permit an outdoor advertising sign outside a freeway corridor; & a *Variance* of the maximum permitted display surface area from 140.5 to 447 sq. ft. & a *Variance* to permit an outdoor advertising sign within a required parking space; all to permit a replacement outdoor advertising sign, on property located at 3629 S. Peoria Ave.

BOA-15472 July 1990: The Board of Adjustment **approved** a *Minor Variance* to permit the minimum setback requirement measured from the centerline of Peoria from 50' to 36' to permit replacement of an existing sign, on property located at 3646 South Peoria.

PUD-423 February 1987: All concurred in **approval** of a proposed *Planned Unit Development* on a .2± acre tract of land for on property located North side of 37th Street & East of Peoria.

BOA-11588 September 1981: The Board of Adjustment **approved** a *Special Exception* to permit a Heli-Port on the roof top of a building in a CH District, on property located at 3701 South Peoria Avenue.

Z-5253 July 1979: All concurred in **approval** of a request for *rezoning* a tract of land from CH & RS-3 to CG on property located 1316 E. 36th Street.

BOA-10078 September 1978: The Board of Adjustment **approved** a *Special Exception* to permit a duplex in an RS-3 District, on property located at 1329 East 37th Street.

BOA-7951 June 1973: The Board of Adjustment **approved** a *Special Exception* to permit use property for a Bible Study group in an RS-3 District, on property located at 1326 East 37th Street.

BOA-7107 August 1971: The Board of Adjustment **approved** a *Special Exception* to permit operating a nursery school in an RS-3 District, on property located at 1326 East 37th Street.

BOA-6400 August 1969: The Board of Adjustment **approved** a *Special Exception* to permit establishing off-street parking for church use in a U-1C district, on property located at Lot 6, Block 1, Peoria Addition.

BOA-6177 March 1969: The Board of Adjustment **approved** a *Variance* to permit a wood working shop, on property located at 3714 South Peoria Avenue.

BOA-5445 May 1967: The Board of Adjustment **approved** a *Variance* to permit setback requirements on a major street to permit erection of a sign 38 feet from the centerline of Peoria Avenue, on property located at 3702 S. Peoria Avenue.

TMAPC Action; 9 members present:

On **MOTION** of **SHIVEL**, the TMAPC voted 7-2-0(Bayles, Covey, Craddock, Shivel, Walker, Whitlock, Zalk, “aye”; Krug, Reeds, “nays”; none “abstaining”; Carr, Kimbrel, “absent”) to recommend **ABANDONMENT** of PUD-349-A per staff recommendation.

Legal Description for PUD-349-A:

LT 6 BLK 1, LEE DELL ADDN, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

13. PUD-423-A Lou Reynolds(CD 9) Location: East of the northeast corner of East 37th Street South and South Peoria Avenue requesting a **PUD Abandonment** (Related to Z-7663 and PUD-349-A)

STAFF RECOMMENDATION:

SECTION I: PUD-423-A (Abandonment)

DEVELOPMENT CONCEPT: PUD 423-A request abandonment of the entirety of PUD 423. The concurrent zoning case Z-7663 includes a request to CH with an optional development plan.

DETAILED STAFF RECOMMENDATION:

Staff recommends Approval of PUD-423-A which will abandon all of PUD-423 but only with the approval of Z-7633 that will rezone the site to CH with an optional development plan.

SECTION II: Supporting Documentation

Neighborhood Engagement:

The applicant has provided evidence of neighborhood meetings and has received a letter of support from the Brookside Business Owners association that documentation is included in Z-7663.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: *CH zoning with the optional development plan standards included are consistent with the Main Street land use vision outlined in the Tulsa Comprehensive Plan.*

Land Use Vision:***Land Use Plan map designation: Main Street***

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

Areas of Stability and Growth designation: Area of Growth

An area of growth is a designation 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.”

Small Area Plan:

This site is included in the Brookside Infill Development Design Recommendation plan and was adopted in 2002. The plan has not been amended. This site is not

directly affected by the concepts illustrated in that plan except that the boundary of the commercial growth is illustrated and includes the subject property.

Special District Considerations: There are no special districts that require consideration in this area.

Historic Preservation Overlay: There are no historic preservation overlays that require consideration in this area.

DESCRIPTION OF EXISTING CONDITIONS: (Referencing Z-7663)

Staff Summary: *The site is occupied with a vacant 2 story commercial building and surface parking.*

Street view from northwest corner looking southeast



Street view from southeast corner looking northwest



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

Streets: (referencing Z-7663)

| Existing Access | MSHP Design | MSHP R/W | Exist. # Lanes |
|------------------------------------|---------------------------------------|-----------------|--|
| South Peoria Avenue | Main Street and Urban Arterial | 70 feet | 4 (2 each direction with center turn lane) |
| East 37 th Street South | None | 50 feet | 2 |

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties: (referencing Z-7663)

| Location | Existing Zoning | Existing Land Use Designation | Area of Stability or Growth | Existing Use |
|---|-------------------------|--------------------------------------|------------------------------------|-----------------------------|
| North | CH, CG and RS-2 | Main Street | Growth | Commercial and Multi Family |
| East | RS-2 | Existing Neighborhood | Growth | Duplex |
| South on the south side of East 37 th Street | CH, OL, PK with PUD 789 | Main Street | Growth | TV studio |
| West on the west side of Peoria | CH | Main Street across Peoria | Growth | Commercial |

SECTION III: Relevant Zoning History

History: PUD-423-A Related to Z-7663

Subject Property:

ZONING ORDINANCE: Ordinance number 16776 dated February 17, 1987, established RM-O zoning for the subject property.

PUD-423 February 1987: All concurred in **approval** of a proposed *Planned Unit Development* on a tract of land for on property located on Lot 5, Block 1, Lee Dell Addition.

BOA-14762 March 1988: The Board of Adjustment **approved** a *Variance* to permit setback from 37th Street from 50' to 36' to allow for an addition to an existing building and a variance of the floor area ratio to allow for a 13,962 sq. ft. building & a Variance of parking spaces from 54 to 39, on property located at 3649 South Peoria Avenue.

TMAPC Action; 9 members present:

On **MOTION** of **SHIVEL**, the TMAPC voted 7-2-0(Bayles, Covey, Craddock, Shivel, Walker, Whitlock, Zalk, "aye"; Krug, Reeds, "nays"; none "abstaining"; Carr, Kimbrel, "absent") to recommend **ABANDONMENT** of PUD-423-A per staff recommendation.

Legal Description for PUD-423-A:

LT 5 BLK 1, LEE DELL ADDN, City of Tulsa, Tulsa County, State of Oklahoma

14.Z-7663 Lou Reynolds(CD 9) Location: Northeast corner of East 37th Street South and South Peoria Avenue requesting rezoning from **CH, RM-0, and OL to CH with an optional development plan** (Related to PUD-349-A and PUD-423-A)

STAFF RECOMMENDATION:

APPLICANTS DEVELOPMENT CONCEPT:

The Project that is the subject of this Application is comprised of two (2) lots located at the northeast corner of East 37th Street South and South Peoria Avenue. The corner lot (Lot 6, Block 1, Lee Dell Addition) is currently zoned CH/OL/PUD-349 ("Lot 6"). The adjacent lot to the east (Lot 5, Block 1, Lee Dell Addition) is currently zoned RM-0/PUD-423 ("Lot 5").

The Applicant has filed this Application to: (i) rezone the Project to Commercial Heavy District ("CH"), (ii) impose Development Standards on the Project with an Optional Development Plan, (iii) abandon PUD-349, (iv) abandon PUD-423, (v) release the Restrictive Covenants Agreement recorded as a part of PUD-349, and (vi) release the Restrictive Covenants Agreement recorded as a part of PUD-423.

In the early 1960's, Lot 6 was a Shakey's Pizza Parlor and later became the Best Electric & Hardware. In 1983, Lot 6 was zoned CH/OL/PUD-349 to allow for the construction of a two-story addition to the existing structure within the OL zoned portion of Lot 6. In 2020, Best Electric & Hardware closed and Lot 6 has been vacant since then.

In 1986, Lot 5 was zoned RM-0/PUD-423 to allow Lot 5 to be developed as a triplex. Such triplex was never constructed and the Applicant believes that Lot 5 has been vacant since the mid-1980's.

The Applicant desires to rezone the Project to CH and abandon PUD-349 and PUD-423 in order to construct a Raising Cane's restaurant on the Property. A Conceptual Site Plan of the Project is attached hereto as Exhibit "A-1". As shown on the Conceptual Site Plan, the Project will enhance walkability, provide an outdoor dining area, and establish the transition between the commercial development along Brookside and the residential development to the east thereof.

The Applicant proposes to subject the Project to an Optional Development Plan to ensure the transition between the commercial zoning along Peoria Avenue

and the residential zoning to the east thereof is in place. Except as provided in the Optional Development Plan, all other standards of CH shall apply.

DETAILED STAFF RECOMMENDATION:

Uses and development standards in the CH zoning district is consistent with the Main Street Land Use Designation and,

The development plan standards included are consistent with the optional development plan provisions of the Tulsa Zoning Code and,

Neighborhood engagement has been an important part of this process and the applicant has provided letters of support and documentation of the outreach process and,

Building placement requirements will enhance the pedestrian nature of South Peoria and East 37th Street South and,

CH zoning with the development standards outlined in section II of the following staff report provides appropriate design considerations for abutting adjacent residential uses are consistent with the Brookside Infill Plan and,

This zoning designation, the development standards outlined in Section II allows future redevelopment that increasing the walkability and access from the neighborhood to goods and services, and protecting neighborhoods from objectionable uses therefore,

Staff recommends Approval of Z-7663 to rezone property from to CH but only with the provisions of the development plan outlined in Section II and only with the abandonment of PUD-423 & PUD-349 on the site.

SECTION II: Z-7663 OPTIONAL DEVELOPMENT PLAN STANDARDS:

The optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in CH 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 CATEGORIES

RESIDENTIAL

Household Living (if allowed in following building types)

Single households (townhome development only)

Two households on a single lot

Three or more households on a single lot

PUBLIC, CIVIC AND INSTITUTIONAL

- College or University
- Day Care
- Hospital
- Library or Cultural Exhibit
- Parks and Recreation
- Religious Assembly
- Safety Service
- Religious Assembly
- School
- Utilities and Public Service Facility
 - Minor
- Wireless Communication Facility
 - Freestanding tower
 - Building or tower-mounted antenna

COMMERCIAL

- Animal service
 - Grooming
 - Veterinary
- Broadcast or Recording Studio
- Commercial Service
 - Building service
 - Business support service
 - Consumer maintenance/repair service
 - Personal improvement service
 - Research service
- Financial Services (except personal credit establishment is prohibited)
- Funeral or Mortuary Service
- Lodging
 - Bed and Breakfast
 - Short-term rental
 - Hotel/motel
- Office
 - Business or professional office
 - Medical, dental or health practitioner office
- Restaurants and Bars
 - Restaurant
 - Bar
- Retail Sales
 - Building supplies and equipment
 - Consumer shopping goods
 - Convenience goods
 - Grocery Store
 - Medical Marijuana Dispensary

Studio, Artist or Instructional Service
Trade School

OTHER

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

RESIDENTIAL BUILDING TYPES

Household living

- Single household
 - Townhouse
 - Mixed-Use building
 - Vertical mixed-use building
- Two households on a single lot
 - Mixed-use building
 - Vertical-mixed use building
- Three or more households on a single lot
 - Mixed-use building
 - Vertical-mixed use building

Maximum Building Height:

- Within 40 feet of the East boundary: Not to exceed 35 FT
- Greater than 40 feet from the East boundary: None

Minimum Building Setbacks:

- From North boundary: 0 FT
- From East boundary: 20 FT
- From South boundary (East 37th Street): 0 Ft

Build to Zone on South Peoria:

- Minimum building setback 10 feet from planned right of way
- Maximum building setback 50 feet from planned right of way

Parking and any vehicular use areas are prohibited between the building and the planned right of way line

25% or more of the build-to-zone along South Peoria must be occupied by a building.

Building Materials:

Building materials shall be masonry, stucco, glass, or wood. Building accents may include steel or other painted or coated metal.

Landscaping and Screening Requirements:

In addition to the provisions of the landscape standards in the Tulsa Zoning Code the following shall apply:

1. A landscape buffer with a minimum width of ten (10) foot landscape shall be located along the east boundary of the Project. Inside that landscape buffer trees that are classified as large trees in the plant list for the City of Tulsa will be planted with a maximum spacing of 25 feet along the length of that property line.
2. Except as provided in Section 65.060-C.2.c, a masonry screening wall with a minimum height of six (6) feet high or higher shall be located along the east boundary of the Project and along the east 90 feet of the north boundary of the Project. The wall shall be painted or finished with the same material on both sides.

Dumpster Screening:

Dumpsters shall be set back at least fifty (50) feet from the east boundary of the Project and shall be screened from view from all street rights-of-way and R-zoned property. Dumpster screening shall be of masonry construction with steel frame doors. The doors shall be covered with appropriate covering containing a minimum of ninety-five percent (95%) opacity.

Roof-Mounted HVAC:

Mechanical equipment will be roof-mounted and screened so as not to be visible from ground level at the property boundary.

Lighting:

1. No freestanding pole light fixtures shall be installed closer than one hundred (100) feet from the east boundary of the Project. All pole mounted lights shall be limited to a maximum height of 16 feet; provided, however, pole mounted lighting up to twenty (20) feet are permitted with a photometric study meeting the standards of Section 65.090-C.3.
2. Drive-through canopy lights shall be at least thirty (30) feet from the east boundary of the Project and shall be directed downward.
3. Building mounted light fixtures shall be mounted no higher than twenty (20) feet high and shall be shielded from adjacent residential properties and directed downward.

Signage:

Signage shall conform to the provisions of the Tulsa Zoning Code with the Following additional restrictions:

1. One (1) freestanding sign shall be allowed along Peoria Avenue with a maximum height of 25 FT and a maximum display surface area of 100 SF*.

*A dynamic display is permitted to be mounted on the freestanding sign but shall not exceed 48 SF of display surface area (in addition to the 100 SF permitted above) and shall otherwise comply with the provisions of the Tulsa Zoning Code.

2. The freestanding sign shall be monument style signage and will not be allowed further than 50 feet from the Peoria planned right of way.

Wall Signs:

1. Wall signs shall comply with the provisions of the Tulsa Zoning Code for signs in a CH District except as follows.
2. Illuminated and dynamic display wall signs are prohibited on any east facing wall.
3. Illuminated and dynamic display wall signage is prohibited on any south facing wall when located within 100 feet from the east boundary of the subject tract.
4. Illuminated and dynamic display wall signage is prohibited on any north facing wall when located within 100 feet from the east boundary of the subject tract.

Pedestrian Crossing Signs:

Subject to the approval of the City of Tulsa, the Applicant will install two (2) electric pedestrian-activated lighted crossing signs in the right-of-way on both sides of South Peoria Avenue on the north side of East 37th Street.

SECTION III: Supporting Documentation

Neighborhood Engagement:

The applicant has provided evidence of neighborhood meetings and has received a letter of support from the Brookside Business Owners association.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: CH zoning with the optional development plan standards included are consistent with the Main Street vision outlined in the Tulsa Comprehensive Plan.

Land Use Vision:

Land Use Plan map designation: Main Street

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

Areas of Stability and Growth designation: Area of Growth

An area of growth is a designation 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 except the proximity to the trail system along Riverside Drive which is easily accessed less than ½ mile from this site.

Small Area Plan:

This site is included in the Brookside Infill Development Design Recommendation plan and was adopted in 2002. The plan and has not been amended. This site is not directly affected by the concepts illustrated in that plan except that the boundary of the commercial growth is illustrated and includes the subject property

Special District Considerations: There are no special districts that require consideration in this area.

Historic Preservation Overlay: There are no historic preservation overlays that require consideration in this area.

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is occupied with a vacant 2 story commercial building and surface parking.*

Street view from northwest corner looking southeast



Street view from southeast corner looking northwest



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

Streets:

| Existing Access | MSHP Design | MSHP R/W | Exist. # Lanes |
|------------------------------------|---------------------------------------|-----------------|--|
| South Peoria Avenue | Main Street and Urban Arterial | 70 feet | 4 (2 each direction with center turn lane) |
| East 37 th Street South | 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 | CH, CG and RS-2 | Main Street | Growth | Commercial and Multi Family |
| East | RS-2 | Existing Neighborhood | Growth | Duplex |
| South on the south side of East 37 th Street | CH, OL, PK with PUD 789 | Main Street | Growth | TV studio |
| West on the west side of Peoria | CH | Main Street across Peoria | Growth | Commercial |

SECTION III: Relevant Zoning History

History: Z-7663

related to PUD-423-A and PUD-349-A

Subject Property:

ZONING ORDINANCE: Ordinance number 15962 dated March 2nd, 1984, established zoning for the subject property.

PUD-349 March 1984: All concurred in **approval** of a proposed *Planned Unit Development* on a tract of land for on property located 3647 South Peoria Ave East.

BOA-14762 March 1988: The Board of Adjustment **approved** a *Variance* to permit setback from 37th Street from 50' to 36' to allow for an addition to an existing building and a variance of the floor area ratio to allow for a 13,962 sq. ft. building & a Variance of parking spaces from 54 to 39, on property located at 3649 South Peoria Avenue.

Surrounding Property:

Z-7478 April 2019: All concurred in **approval** of a request for *rezoning* a 2.14± acre tract of land from RS-3 & CH to MX1-P-U on property located 3615 S. Peoria Ave.

BOA-21490 October 2012: The Board of Adjustment **approved** a *Variance* to permit the parking requirement from 15 spaces to 8 spaces to permit a restaurant, on property located at 3629 South Peoria Avenue East.

BOA-20767 August 2008: The Board of Adjustment **approved** a *Variance* to permit required parking to permit restaurant use in an existing commercial building in a CH district, on property located at Northeast corner of South Peoria Avenue and East 37th Place.

BOA-20767-A May 2009: The Board of Adjustment **approved** a *Amendment* to a previously approved site plan, on property located at 3723 South Peoria Avenue East.

BOA-20767-B February 2010: The Board of Adjustment **approved** a *Variance* to permit the parking requirement and an amendment to a previously approved plan; both to permit an outdoor customer seating area in addition to an existing restaurant use in the CH district, on property located at 3723 S. Peoria Ave.

BOA-20631 January 2008: The Board of Adjustment **approved** a *Variance* to permit an outdoor advertising sign outside a freeway corridor; & a *Variance* of the maximum permitted display surface area from 140.5 to 447 sq. ft. & a *Variance* to permit an outdoor advertising sign within a required parking space; all to permit a replacement outdoor advertising sign, on property located at 3629 S. Peoria Ave.

BOA-15472 July 1990: The Board of Adjustment **approved** a *Minor Variance* to permit the minimum setback requirement measured from the centerline of Peoria from 50' to 36' to permit replacement of an existing sign, on property located at 3646 South Peoria.

PUD-423 February 1987: All concurred in **approval** of a proposed *Planned Unit Development* on a .2± acre tract of land for on property located North side of 37th Street & East of Peoria.

BOA-11588 September 1981: The Board of Adjustment **approved** a *Special Exception* to permit a Heli-Port on the roof top of a building in a CH District, on property located at 3701 South Peoria Avenue.

Z-5253 July 1979: All concurred in **approval** of a request for *rezoning* a tract of land from CH & RS-3 to CG on property located 1316 E. 36th Street.

BOA-10078 September 1978: The Board of Adjustment **approved** a *Special Exception* to permit a duplex in an RS-3 District, on property located at 1329 East 37th Street.

BOA-7951 June 1973: The Board of Adjustment **approved** a *Special Exception* to permit use property for a Bible Study group in an RS-3 District, on property located at 1326 East 37th Street.

BOA-7107 August 1971: The Board of Adjustment **approved** a *Special Exception* to permit operating a nursery school in an RS-3 District, on property located at 1326 East 37th Street.

BOA-6400 August 1969: The Board of Adjustment **approved** a *Special Exception* to permit establishing off-street parking for church use in a U-1C district, on property located at Lot 6, Block 1, Peoria Addition.

BOA-6177 March 1969: The Board of Adjustment **approved** a *Variance* to permit a wood working shop, on property located at 3714 South Peoria Avenue.

BOA-5445 May 1967: The Board of Adjustment **approved** a *Variance* to permit setback requirements on a major street to permit erection of a sign 38 feet from the centerline of Peoria Avenue, on property located at 3702 S. Peoria Avenue.

Mr. Reeds stated he does not think this is the best use for the subject property. He stated he realizes there are drive throughs between 41st and 51st on Peoria but in the Brookside area is this the best use for this land.

Staff stated he does not have anything he can work with to say this does not fit in this area.

Mr. Reeds stated from an architectural standpoint and a City standpoint this does not fit the way Brookside is developed. Mr. Reeds stated he will not support it.

Mr. Walker asked if there were 2 drive through lanes on the north side of the building.

Staff stated "yes."

Applicant Comments:

Lou Reynolds 2727 East 21st Street, Tulsa, OK 74114

Mr. Reynolds stated he represents Raising Canes Incorporated. He stated the subject lot is less than an acre and was home to Best Hardware. Mr. Reynolds stated the zoning for the lot east of Best Hardware was amended to allow a two story warehouse building. He stated behind the warehouse there is a vacant lot that was zoned for a triplex back in 1987 that was never built. Mr. Reynolds stated there were several neighborhood meetings at the Brookside Collective Building which is 2 blocks from the subject lots. He stated the neighbors to the north and east of the subject property support this application. Mr. Reynolds stated this application is consistent with both the Comprehensive Plan and the Brookside Infill Plan and is in an Area of Growth. He stated they had significant outreach before filing this case. Mr. Reynolds stated April 6th, 2022 the applicant and his client attended the Brookside Business Association's regular monthly meeting to speak to 25 people in attendance and the Business Association was uniformly supportive of this idea. He stated on May 10, 2022 he and an associate knocked on the doors of everyone up and down 37th Street and there were several people that were in support of this application. Mr. Reynolds stated another meeting was held on May 24, 2022 and again had very good attendance. He stated the biggest thing in all of the discussions was a slip through lane between the project and Peoria Avenue and since that meeting they have removed the slip

through lane and moved the entire building to the west towards Peoria Avenue. Mr. Reynolds stated there is landscaping between the patio and the street. He stated it will have garage door type doors on the outside wall of the building the patio area can be opened up in nice weather and really draw people in. Mr. Reynolds stated in the optional development plan they have agreed, if the City will permit it, to pay for and install pedestrian activated traffic control devices as part of a privately financed public improvement project in the city's IDP process. He stated the applicant will build those to City standards and in effect give those to the City. Mr. Reynolds stated there is nothing like this in Tulsa. He stated this project is recommended for approval by Staff.

Mr. Reeds asked if there was any talk about pulling the building into the corner respecting the street wall on both sides.

Mr. Reynolds stated they eliminated the slip lane at the front and brought the building to the street and added a that patio that they believe is a very functional thing. He stated there is not a patio in front of any Raising Canes in town and this is not a typical suburban design for this restaurant.

Mr. Reeds stated there is a lot of concrete. He stated this isn't a place that you would want to walk to, it is a place you are going to drive to,

Mr. Reynolds stated they believe that 20 to 30% of their business is going to be walk ups and they think it will be a fairly good part of this business.

Mr. Whitlock stated Raising Canes puts out a quality product and they always take care of their facilities and goes beyond with everything he has seen.

Interested Parties:

Robert Montgomery 6800 Bishop Road, Plano, TX 75024

Mr. Montgomery stated he manages all development for Raising Canes. He stated they held the Neighborhood Association meeting and the Business Association meeting and the changes that were made are from those two meetings. Mr. Montgomery stated the Neighborhood Association wanted a more pedestrian oriented patio that was closer to the street so they removed the slip lane from in front of the building. He stated the lane in the front was really meant for residents to be able to spin around and go out the backside into the neighborhood and not have to exit on to Peoria. Mr. Montgomery stated no one puts the money into the buildings that Raising Canes does. He stated they spend about \$800 per square foot on their buildings. Mr. Montgomery stated there will be a brick wall on the east side and the owners of Zoe's asked if they would extend the wall down their side also on the north side. He stated he thinks the Zoning Code says 90 feet but they are going 120 feet. Mr. Montgomery stated his company wants to do things correct. He stated the dumpster enclosing will be brick with metal gates that are locked. Mr. Montgomery stated Raising Canes is a part of the community, this will be the 8th restaurant in the area and 6 are in the metro area.

Mr. Walker asked if there was any opposition at the meetings that the applicant held.

Mr. Montgomery stated there was no one opposing at the Business Association meeting. He stated at the Neighborhood Association meeting the questions were about the dumpster and concerns about people getting into the dumpster. Mr. Montgomery stated there was a

concern about the patio. He stated they do not serve alcohol. Their drive through stays open until 3am because they understand that there are Police Officers, Nurses, Doctors, and First Responders that work night shifts and they want a place to go and eat.

Ms. Krug stated with the drive through she would not walk here.

Mr. Craddock stated he used to live in the neighborhood for several years and he would have definitely walked to this restaurant on the way to Leon's or back.

Tim S. Clark Sr. 4129 South Peoria STE. 201 Tulsa OK 74105

Mr. Clark stated he is a longtime Brookside resident and business owner. He stated he is the President of the Brookside Business Association (BBA) and they looked at this project with a pretty wide eye concern for traffic on Peoria Avenue. Mr. Clark stated as a developer, he looks at that there is a considerable investment in the property. He stated he hears comments by some people in the public eye that they want something different in there but that property has been on the market now for 3 years, a lot of people looked at it but passed. Mr. Clark stated this is the tenant that is chosen to step up to the plate. He stated he does not think it is wise as a City or TMAPC to micromanage the zoning. Mr. Clark stated just because it is not our brand he does not think they should have the choice to force someone out. He thinks this is a good project. Mr. Clark stated Raising Canes has a long history of taking care of their properties, their philanthropy is unbelievable. He stated local schools and churches will benefit because they will get behind all those activities. Mr. Clark stated as a business owner and the president of BBA he supports this project and thinks it would be a good addition to Brookside.

Lori Stem 1128 East 35th Street Tulsa, OK 74105

Ms. Stem stated she is not opposed to having a restaurant in this location she is just opposed to Raising Canes restaurant. She stated she is opposed to the noise pollution from the cars driving in and out of the neighborhood from 10am until 3am. The delivery trucks that will be there all hours of the day. The trash trucks come from 7am until 9am. Ms. Stem stated There will be a loudspeaker for people to drive through till 3am. She stated you will hear starting at 10am for 3 or 4 blocks "can I take your order." Ms. Stem stated she has lived in an area like that and it is just nuts. She stated the air pollution and the cars that are idling up and down, spewing exhausts in the neighborhood. Ms. Stem stated the windows are going to be closed but it is still going to be able to seep into the houses all up and down 37th Street. She stated another concern is light pollution, and asked if the signs are going to be on just while they are open at night or are they going to be on 24/7. Then there are the lights from the cars going up and down 37th Street. Ms. Stem stated there is a bagel place 128 yards away from the subject property and on the weekends this causes a bottleneck where people cannot move around on Peoria. She asked how many people are walking in and out of the neighborhood at 3am. She does not think this is good for the neighborhood at all. Ms. Stem stated she went to the Raising Canes on Yale on Sunday, July 3 at 6:17pm and it took her 9 minutes and 49 seconds to get through the drive through. She stated think of all that exhaust from waiting in the drive through. Ms. Stem stated she went door to door and talked to 50-60 people and 99% of the people she talked to were opposed to this restaurant. She thinks that this is just not the right restaurant to be on Brookside.

Mr. Reeds asked if Ms. Stem attended the neighborhood meeting.

Ms. Stem stated she went to the April 4th 2022 meeting that she heard about on the Next Door app. She stated she was told that only certain people were invited to that meeting. Ms. Stem stated she walked out of the April 4th meeting early because she was appalled because it was so anti everything that she was all about.

Carol Klenda 1419 East 37th Street Tulsa, OK 74105

Ms. Klenda stated she lives on 37th Street and built a beautiful home. She stated Best Hardware was a quiet local business that closed at 6pm and this will be closing at 3am. Ms. Klenda stated the bagel place which is next to this already creates a bottleneck that you can barely get through. She stated they moved to Brookside for the walkability to go to these local restaurants and little businesses that are all local and they like supporting them. Ms. Klenda stated that is what she thinks Brookside is about. She stated she grew up going down to Brookside and is a member of the Brookside Neighborhood Association and she did not know about any meeting. Ms. Klenda stated she heard so many rumors about the businesses that were going to buy the subject property and then the yellow sign for a zoning meeting was put up. She stated she reached out to her City Councilor Jayme Fowler to say she did not think this was the best use for that property. Ms. Klenda stated she doesn't think it is consistent with the zoning that has already been there. She stated she is not opposed to a restaurant being there.

Norma Harris 1416 East 37th Street Tulsa, Ok 74105

Ms. Harris stated she just found out about this TMAPC meeting when the yellow sign went up and that was just two weeks ago. She stated she has never eaten at Raising Canes and has no idea what the restaurant is because she only supports local. Ms. Harris stated she usually eats at local restaurants and shops local at businesses on Peoria Avenue. She stated she is most upset about the driveway opening onto 37th Street, which means people being backed up trying to get into the restaurant parking area. Ms. Harris stated 37th is a quiet street and now there will be 3am traffic and people who have been partying down on the other side of 36th Street will come to their street and get food and hang out. She stated she feels like she was blindsided, not knowing about this meeting. Ms. Harris stated she has never protested anything but this is her home and her street and the last thing she wants is a fast food restaurant with cars driving in and out at all hours of the day. She stated what she perceives the subject property to be is something that is more consistent with all the other shops on Peoria, whether it is local shops or retail. Ms. Harris stated the fast food restaurants belongs on the south side of 41st. She stated she has a big investment on that street and feels that this development might affect her property values.

Mr. Reeds asked if this is approved will she walk her grandchildren there.

Ms. Harris stated she had never eaten there and does not know if she would or not. She stated if she did she would drive up and not walk. Ms. Harris stated no-one knocked on her door as the applicant has stated and she lives right behind the subject property.

Darlene Irons 1420 East 37th Street, Tulsa, OK 74105

Ms. Irons stated the address is her 2nd residence that she was a resident of Austin Texas. She stated she is opposed to this project because she does not want the smell of fried chicken wafting down her street. Ms. Irons stated she does not want the squealing tires of traffic, people walking up and down the street. She stated she walks her dog twice a day around the neighborhood and is not interested in seeing what kind of cars are sitting at the

corner of Peoria and 37th. Ms. Irons stated she finds this project very discouraging. She bought her house in July of 2021 and would not have bought it if she had seen there was a drive thru at the end of the street.

TMAPC Comments:

Mr. Craddock asked what the time period was from the time the sign goes up to the meeting.

Staff stated those big yellow signs are put up 20 days before the meeting.

Mr. Craddock asked if it had the date of the meeting and all the information.

Staff stated "yes," there would have been 2 signs. He stated there would have been one on Peoria and one on 37th Street.

Mr. Craddock asked if the door knocking is something that Staff does or is that something that is above and beyond.

Staff stated they work with a sign company to put up the yellow signs. Staff sends out mailings to property owners within 300 feet of the subject property and they put it a notice in the newspaper. Staff stated the information is also posted on the TMAPC website.

Ms. Krug stated staff mentioned there was not a plan that they could fall back on that would exclude something like this. She asked if the BRT Land Use framework said anything about drive throughs or this sort of thing in that area.

Staff stated the whole idea of the BRT system was to increase the density. He stated part of this area was part of the recommendation for Mixed-Use Land Uses but that was just an opt in. He stated it did not really give any guidance.

Applicant Rebuttal:

Mr. Reynolds stated his client went over and above with the door knocking. He stated several people that spoke are members of the Brookside Business Association and were given notice by the Association. He stated some do not own property within 300 feet so they did not receive a mailed letter inviting them to the neighborhood meeting. Mr. Reynolds stated they did lots of outreach, more than ordinary, just because they wanted to be as proactive as they could. He stated the Zoning Code requires 20 and they have 28 parking spaces not counting the circle through lane so there is not an issue about traffic backing up into street. Mr. Reynolds stated they have the wrap around lane to minimize the impact to property owners. He stated they are across the street from QuikTrip and its open 24/7. Mr. Reynolds stated every business owner except for a bar can be open 24/7, the hours really do not have anything to do with it and he is surprised they hear things like that. He stated they exceed the code on parking standards and some of their landscaping and design standards and he respectfully requests Planning Commission approve this as recommended for approval by the Staff.

Mr. Craddock asked if the Channel 2 driveway to the south of this property will match the driveway of the proposed development.

Mr. Reynolds stated "yes."

Mr. Walker asked what happens with the 37th Street entrance if the drive is full of cars.

Mr. Montgomery stated if they have a grand opening they can cone that drive off and dual stack in the middle pass through lane.

Mr. Reeds asked how tall the canopy was.

Mr. Montgomery stated 12 feet.

Mr. Reeds asked if the canopy would help abate the sound.

Mr. Montgomery stated they can turn the sound down.

Mr. Reeds asked if this project could be done without the drive on 37th Street.

Mr. Montgomery stated he could not agree to that at this point without going back to his design department.

Mr. Reeds stated he was not asking him to agree to it just asking if he thought it would work.

Mr. Montgomery stated it could work but people who live in that neighborhood will want to go out that drive to avoid Peoria.

Mr. Reeds stated he believes there will be significant issues and collisions at that location.

Mr Montgomery stated he would respectfully disagree.

Mr. Reeds stated he has done 200 fast food places. He stated for Wendy's and Arby's and this could work quite easily.

Mr. Montgomery stated he has done 1500 restaurants for Chili's and Macaroni Grill. He stated they like to have two options because if the street gets torn up because the City needs to work on something there would be an alternate option.

Mr. Reeds stated they are respecting the car more than people and that is what he disagrees with.

Mr. Craddock stated he has lived in the area and he is surprised that Peoria has not had more traffic calming devices like Cherry Street so he commends the applicant for wanting to help with that process and hopes that helps kick off some other traffic calming devices. He stated he also thinks the CH zoning will help minimize the impact. Mr. Craddock stated he knows it is a drive through and that is the biggest issue people have but how Raising Canes has tried to mitigate those issues is commendable. He stated he thinks they will be a very good partner in development not only to the neighbors but with Code issues also.

Mr. Zalk stated sometime back the Tulsa World announced the Ross Group putting in Parkline which is \$70 million dollar project north of this development at 36th and Peoria. He stated they are doing 198 multifamily units that is 6 stories tall. Mr. Zalk stated It is 336 parking spaces with 25,000 square feet of retail and restaurant. He stated he does not think

that this Raising Canes is going to affect traffic and parking the way that development will. He stated it will dramatically impact the neighborhood and its already zoned MX so there is no way to stop it. Mr. Zalk stated he agrees that this is the highest and best use for the subject property. He stated they purchased the lot and they are the ones that put their money behind it.

Mr. Whitlock stated he would have to concur. He stated their facilities are first rate and the community support in the school districts all around the city with band programs and arts programs they are a true community partner and he wishes everyone would do that.

Ms. Krug stated she is very conflicted because she loves Raising Canes but she also wants Peoria to be more urban. She stated it feels like we are being very reactive about what we want Brookside to look like and thinks that there is a way to be more proactive about what we want Brookside to look like,

Mr. Reeds stated Brookside was known as the restless ribbon for a reason. He stated it is very comfortable, low scale walkable restaurants and nice shops. Mr. Reeds stated every amenity you can think of you can walk to as opposed to what is being presented today. He stated he knows that the car is important and he loves Raising Canes but his objection is not to the building, their product, or their company, they are good to the communities with which they are involved. Mr. Reeds stated his objection is to the layout of this whole project and he does not think they have tried hard enough to make this work for a Brookside site.

Mr. Shivel stated he has heard the pluses and minuses but everything he has heard to this point he recommends approval for this.

TMAPC Action; 9 members present:

On **MOTION** of **SHIVEL**, the TMAPC voted 7-2-0(Bayles, Covey, Craddock, Shivel, Walker, Whitlock, Zalk, “aye”; Krug, Reeds, “nays”; none “abstaining”; Carr, Kimbrel, “absent”) to recommend **APPROVAL** of the CH zoning with an optional development plan for Z-7663 per staff recommendation.

Legal Description for Z-7663:

LT 5 & 6 BLK 1, LEE DELL ADDN, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

15. Z-7664 Brian Letzig(CD 6) Location: East of the Southeast corner of East Admiral Place and South 161st East Avenue requesting rezoning from **RS-1 to **CG with an optional development plan****

STAFF RECOMMENDATION:

SECTION I: Z-7664

DEVELOPMENT CONCEPT:

DETAILED STAFF RECOMMENDATION:

The applicant has requested to rezone the subject tract from RS-1 to CG with an optional development plan. Included with the application is an optional development plan that provides additional protections for the neighborhood west and south of the subject tract. With the inclusion of the optional development plan standards, the CG zoning is consistent with the Mixed-Use Corridor land use recommendations of the Tulsa Comprehensive Plan.

Staff recommends approval of Z-7664 to rezone property from RS-1 to CG with an optional development plan.

SECTION II: Z-7664 OPTIONAL DEVELOPMENT PLAN STANDARDS:

The optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in a Commercial General (CG) district with its supplemental regulations except as further refined below. All use categories, subcategories or specific uses and building types that are not listed in the following permitted list are prohibited.

Uses with “*” require special exception approval by the City of Tulsa Board of Adjustment.

PERMITTED USE CATEGORIES:

RESIDENTIAL (if in allowed building types identified below)

- Single household
- Two households on single lot
- Three or more households on single lot

PUBLIC, CIVIC, AND INSTITUTIONAL

- Day Care
- Library or Cultural Exhibit
- Natural Resource Preservation
- Parks and Recreation
- Religious Assembly

COMMERCIAL

- Animal Service
 - Grooming
 - Veterinary
- Commercial Service
 - Building service
 - Business support service
 - Consumer maintenance/repair service

- Personal improvement service

Financial Services

Office

- Business or professional office
- Medical, dental or health practitioner office

Restaurants and Bars

- Restaurant

Retail Sales

- Building supplies and equipment
- Consumer shopping goods
- Convenience goods
- Grocery store
- Small box discount store

Self-service Storage Facility

Studio, Artist, or Instructional Service

WHOLESALE, DISTRIBUTION, & STORAGE

Equipment & Materials Storage, Outdoor

Warehouse

Wholesale Sales and Distribution

RESIDENTIAL BUILDING TYPES:

HOUSEHOLD LIVING

Single Household

- § Detached House*
- § Townhouse
- § Mixed-Use Building
- § Vertical Mixed-Use Building

Two households on single lot

- Duplex*
- Mixed-Use Building
- Vertical Mixed-Use Building

Three or more households on single lot

- Mixed-Use Building
- Vertical Mixed-Use Building

SITE DEVELOPMENT REQUIREMENTS:

Construction and Lot Development will conform to the CG regulations as described in the Tulsa Zoning Code, with the following additional requirements:

- a. A minimum 10' wide landscape buffer for a length of 250' along the West property line measured from centerline of Admiral Place including an F1 screen.
- b. A minimum 30' wide landscape buffer along the remainder of the West property line and along the entirety of the South and East property line including an F1 screen.
 - i. Future lot splits will not require this landscape buffer requirement on newly created interior lot lines but will still be required on the original perimeter property lines.
- c. No commercial overhead doors facing West within 100' of the west property line.
 - i. If future development is residential single family garage doors would be allowed.
- d. No commercial overhead doors facing South within 100' of the south property line.
 - i. If future development is residential single family garage doors would be allowed.
- e. No dumpsters located within 150' measured from the West and South property line.
 - i. If future development is residential single family trash cans would be allowed.
- f. No building mounted illuminated signage facing West within 100' of the west property line
- g. No building mounted illuminated signage facing South within 100' of the South property line.
- h. Dynamic Displays are prohibited.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The CG zoning request is consistent with the Mixed-Use Corridor land use designation. The optional development plan provides protections for the existing neighborhood adjacent to the subject site.

Land Use Vision:

Land Use Plan: 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: 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 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: East Admiral Place is 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:

Streets:

| Existing Access | MSHP Design | MSHP R/W | Exist. # Lanes |
|--------------------|--------------------|----------|----------------|
| East Admiral Place | Secondary Arterial | 100' | 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 | IL | Employment | Growth | Industrial |
| East | RS-1 | Mixed-Use Corridor | Growth | Religious Assembly |
| South | RS-3 | Existing Neighborhood | Stability | Residential |
| West | RS-3 | Existing Neighborhood | Stability | Residential |

SECTION III: Relevant Zoning History

History: Z-7664

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

Surrounding Property:

BOA-21021 January 2010: The Board of Adjustment **approved** a *Special Exception* to permit a hotel/resort use in the IL district, on property located at 16901 East Admiral Place.

BOA-19407 July 2002: The Board of Adjustment **approved** a *Variance* to permit front yard from 50' to 40' to permit a garage & a *Variance* to permit a detached accessory building in the front yard & a *Variance* of required side yard from 5' to 0' to permit a carport in an RS-3 district, on property located at 1343 E. 20th Street.

BOA-19704 November 2003: The Board of Adjustment **approved** a *Variance* to permit a detached accessory building to extend into the front yard setback & a *Variance* of required 15' side yard to 0' to permit a carport & a *Variance* to permit parking of an RV within the required front and side yards, on property located at 105 S. 169th East Ave.

BOA-18546 October 1999: The Board of Adjustment **approved** a *Variance* to permit all landscape requirements, on property located at 16709 East Admiral Place North.

BOA-18544 October 1999: The Board of Adjustment **approved** a *Variance* to permit minimum frontage requirement of 150' to 25' to permit a lot-split, on property located at 16901 East Admiral Place.

BOA-15234 September 1989: The Board of Adjustment **approved** a *Variance* to permit the required 20 parking spaces to 6 & a Variance of the required dust free all-weather surface to permit unpaved parking area, on property located at 16711 East Admiral Place.

BOA-14693 December 1987: The Board of Adjustment **approved** a *Variance* to permit for a mobile home on an IL zoned property for security purposes, on property located at 16901 East Admiral Place.

BOA-12071 July 1982: The Board of Adjustment **approved** a *Variance* to permit frontage requirements in an IL District from 150' to 125' to permit a lot-split, on property located at 16709 East Admiral Place.

Z-4919 January 1977: All concurred in **approval** of a request for *rezoning* a tract of land from RS-1 to IL on property located 16719 East Admiral PI North.

BOA-8090 October 1973: The Board of Adjustment **approved** a *Special Exception* to permit a children's day care center in an RS-1 District, on property located at 16920 E. Admiral Place Street.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **COVEY**, the TMAPC voted 9-0-0(Bayles, Covey, Craddock, Krug, Reeds, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Carr, Kimbrel, "absent") to recommend **APPROVAL** of the CG zoning with an optional development plan for Z-7664 per staff recommendation.

Legal Description for Z-7664:

E330 OF LT 6 SEC 2 19 14 5AC, ROSE DEW ADDN, City of Tulsa, Tulsa County, State of Oklahoma

* * * * *

16. Z-7665 Sharon Cole (CD 1) Location: Northeast corner of West Pine Street and North 24th West Avenue requesting rezoning from **RM-1 to CS** (Related to CPA-100)

STAFF RECOMMENDATION:

SECTION I: Z-7665

APPLICANTS DEVELOPMENT CONCEPT:

This 4.11 acres wooded lot was the first lot to be developed in this area of Gilcrease in 1975. This half-wooded lot crowns the high western end of Pine Street that is

around the corner from the Gilcrease Museum. The top of the 12,000 square foot building provides a majestic view of downtown, that must be one of the best views of Northern and Downtown Tulsa, that just has to be shared.

The applicant is requesting to amend the Comprehensive Plan from Parks and Open Space to Neighborhood Center. The proposed rezoning will allow this underutilized property to be developed as a restaurant. The applicant stated that “Many in the neighborhood expressed desire to see change and improvement to the deteriorated property.” The property itself is unique as it is not a part of the PUD located to the north or the PUD located to the east. Since the property is not located within that PUD, a rezoning request is needed for the applicants intended use. The subject property is close to West Pine Street which is designated as a secondary arterial on the Major Street and Highway Plan, which supports the Neighborhood Center designation.

DETAILED STAFF RECOMMENDATION:

CS zoning as requested by the applicant for Z-7665 is not consistent with the current land use designation of the site however,

CS zoning designation is primarily intended to accommodate convenience, neighborhood, subcommunity, community, and regional shopping centers providing a range of retail and personal service uses and,

The proposed zoning map amendment is being considered in conjunction with a Comprehensive Plan amendment changing the land use map from Parks and Open Space to Neighborhood Center. Staff supports the Comprehensive Plan amendment that provide an opportunity to redevelop the existing building on the site. It is not clear how this facility was established by the existing AG zoning but it was consistent with the original development pattern established with the overall Gilcrease Hills Planned Development area and,

This site has been used for commercial and special event purposes supporting the Gilcrease neighborhood since it was constructed in 1975 and rezoning the site to support commercial re-development will establish opportunities for retail development consistent with the surrounding property therefore,

Staff recommends Approval of Z-7665 to rezone property from RM-1 to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: *CS zoning is not consistent with the existing land use maps however staff supports the proposed Neighborhood Center land use designation and the rezoning request from RM-1 to CS.*

Land Use Vision:

Existing Land Use Plan map designation: Park and Open Space

This building block designates Tulsa's Park and open space assets. These are areas to be protected and promoted through the targeted investments, public-private partnerships, and policy changes identified in the Parks, Trails, and Open Space chapter. Zoning and other enforcement mechanisms will assure that recommendations are implemented. No park and/or open space exists alone: they should be understood as forming a network, connected by green infrastructure, a transportation system, and a trail system. Parks and open space should be connected with nearby institutions, such as schools or hospitals, if possible.

This designation includes neighborhood-serving parks, golf courses, and other public recreation areas. Amenities at these park facilities can include playgrounds, pools, nature trails, ball fields, and recreation centers. With the exception of private golf establishments, these areas are meant to be publicly used and widely accessible, and infrastructure investments should ensure as much. Local parks are typically surrounded by existing neighborhoods and are designated areas of stability.

Destination and cultural parks

These areas include Turkey Mountain Urban Wilderness Area, Woodward Park, RiverParks, the Gathering Place, Mohawk Park & Zoo, LaFortune Park and similar places. These parks offer a range of amenities over a large, contiguous area. Amenities at these parks include not only outdoor facilities, but also events spaces, museums, club houses, zoos, and park-complementing retail and service establishments which do not egregiously encroach into protected natural areas. These parks draw visitors from around the metro area, and have the highest tourism potential. Ensuring public access (and appropriate infrastructure investments) is a major facet of planning for these establishments. Destination and cultural parks are large scale, dynamic parks that draw residents and visitors from the region and may be designated as an area of growth.

Local parks

This designation includes neighborhood-serving parks, golf courses, and other public recreation areas. Amenities at these park facilities can include playgrounds, pools, nature trails, ball fields, and recreation centers. With the exception of private golf establishments, these areas are meant to be publicly used and widely accessible, and infrastructure investments should ensure as much. Local parks are typically surrounded by existing neighborhoods and are designated areas of stability.

Open space

Open spaces are the protected areas where development is inappropriate, and where the natural character of the environment improves the quality of life for city residents. These include environmentally sensitive areas (e.g., floodplains or steep contours) where construction and utility service would have negative effect on the city's natural systems. Open space tends to have limited access points and is not used for recreation purposes. Development in environmentally sensitive areas is uncharacteristic and rare and should only occur following extensive study which shows that development will have no demonstrably negative effect. Open space also includes cemeteries, hazardous waste sites, and other similar areas without development and where future land development and utility service is inappropriate. Parcels in the city meeting this description of open space are designated as areas of stability.

Proposed Land Use Plan map designation: Neighborhood Center

Neighborhood Centers: This land use designation should include 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 Stability

The Areas of Stability includes approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

Proposed Areas of Stability and Growth designation: Area of Growth

An area of growth is a designation 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 except the secondary arterial designation for West Pine Street.

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 existing site was developed as an assembly and event center and sales office for the Gilcrease Hills development that surrounds the property.*

Street view from the northwest corner looking east



Parking lot view from the South looking North



Environmental Considerations: It should be noted that the site is part of the Cross Timbers ecoregion defined by the United States Environmental Protection Agency. This ecoregion stretches across all of central Oklahoma, and it is likely that some of the trees on this site are part of the same old growth forest that is recognized nearby in the Keystone Ancient Forest. The vegetation and terrain are unique to the Tulsa Metropolitan Area.

Streets:

| Existing Access | MSHP Design | MSHP R/W | Exist. # Lanes |
|------------------------------------|--------------------|-----------------|-----------------------|
| West Pine Street | Secondary Arterial | 100 feet | 2 |
| North 24 th West Avenue | None | None | 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 | Parks and Open Space | Area of Stability | Open Space |
| South | RS-3 | Existing Neighborhood | Area of Stability | Single-family Residential |
| East | RM-1/PUD-232 | Existing Neighborhood | Area of Stability | Single-family Residential |
| West | RM-1/PUD-167 | Existing Neighborhood | Area of Stability | Townhomes |

SECTION III: Relevant Zoning History

History: Z-7665

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

Subject Property:

BOA-17239 December 1995: The Board of Adjustment **approved** a *Variance* to permit the maximum structure height from 35' to 39' to permit modifications to an existing structure, on property located at 1615 North 24th West Avenue.

BOA-12951 December 1983: The Board of Adjustment **approved** a *Special Exception* to permit office use, less and except funeral homes, prescription pharmacy and transportation ticket office in an RM-1 zoned district & *Variance* to permit a one-story building height to three stories in an RM-1 zoned district, on property located at NE corner of North 24th West Avenue and West Pine Street.

BOA-12910 December 1983: The Board of Adjustment **approved** to reverse the building inspector's decision regarding conformity of an existing business (architectural firm) in an RM-1 zoned district, on property located at Ne corner of North 24th West Avenue and West Pine St.

Surrounding Property:

BOA-7518 June 1972: The Board of Adjustment **approved** a *Variance* to permit to permit erecting 103 dwelling units on one lot in an RM-1 District, on property located at Northwest Corner of Pine Street and Union Avenue.

PUD-167 December 1974: All concurred in **approval** of a proposed *Planned Unit Development* on a 6± acre tract of land for on property located North and East of NE/c North 25th West Ave. and West Pine.

PUD-232-B September 1993: All concurred in **approval** of a proposed *Planned Unit Development* on a tract of land for on property located Northwest corner of W. Pine Street and N. Union Avenue.

Applicant requested a continuance to July 20, 2022 to collaborate with staff on an optional development plan.

TMAPC Action; 9 members present:

On **MOTION** of **COVEY**, the TMAPC voted 9-0-0(Bayles, Covey, Craddock, Krug, Reeds, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Carr, Kimbrel, “absent”) to **CONTINUE** Item Z-7665 to July 20, 2022.

PUBLIC HEARING - COMPREHENSIVE PLAN AMENDMENTS

17. CPA-97 Fayette Willis(CD 1) Location: North of the northwest corner of East 26th Place North and North Quaker Avenue requesting to amend the Land Use Map designation from **Existing Neighborhood** to **Regional Center** (Related to Z-7659) **(Staff requests a continuance to July 20, 2022)**

TMAPC Action; 9 members present:

On **MOTION** of **COVEY**, the TMAPC voted 9-0-0(Bayles, Covey, Craddock, Krug, Reeds, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Carr, Kimbrel, “absent”) to **CONTINUE** Item CPA-97 to July 20, 2022.

* * * * *

18. CPA-98 Ashton Prickett (CD 6) Location: North of the northwest corner of East 21st Street and South 145th East Avenue requesting to amend the Land Use Map designation from **Existing Neighborhood** and **New Neighborhood** to **Mixed-Use Corridor** (Related to Z-7660 and PUD-181-B) **(Staff requests a continuance to July 20, 2022)**

TMAPC Action; 9 members present:

On **MOTION** of **COVEY**, the TMAPC voted 9-0-0(Bayles, Covey, Craddock, Krug, Reeds, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Carr, Kimbrel, “absent”) to **CONTINUE** Item CPA-98 to July 20, 2022.

* * * * *

19. CPA-99 Dani Fields(CD 1) Location: North of the northwest corner of East 6th Street South and South Quaker Avenue requesting to amend the Land Use Map designation from **Employment** to **Downtown Neighborhood** (Related to Z-7661)

STAFF RECOMMENDATION:

**TMAPC Staff Report
CPA-99
Comprehensive Plan Amendment**

Property Information and Land use Request

The subject property is a 0.45-acre, unplatted tract of land located north of the northwest corner of East 6th Street South and South Quaker Avenue. The applicant has submitted the following Comprehensive Plan amendment request to amend the land use designation of the of the subject property from *Employment* to *Downtown Neighborhood*. This request is accompanied by a concurrent re-zoning request (Z-7661), which proposes a zoning change on the subject tract from IM to CH in order to permit a mixture of multifamily residential and commercial uses.

Background

The parcels subject to this Comprehensive Plan amendment request are located in the Pearl District near the major arterial of Peoria Ave and within the Neighborhood Infill Overlay. The subject parcels are surrounded by a mixture of commercial, office, and surface parking uses. The property to the north is zoned IM with a surface parking lot with an Employment designation. Similarly, the property to the south is zoned IM, but has an office use and vacant area. The property to the west abuts Peoria Ave. and has a land use designation of Mixed-Use Corridor and is zoned CH, occupied by a commercial use and surface parking. The property to the east has a land use designation of Downtown Neighborhood, CH and IM zoning, and is occupied by an automotive repair use. Upon adoption of the 2010 Comprehensive Plan, the land use designation for this property was Downtown Neighborhood; however, the land use designation for the subject property and abutting parcels was changed to Employment in the 2019 adoption of the Pearl District Small Area Plan.

The parcels fall within the Neighborhood Infill Overlay (NIO), and the goal of the overlay is to encourage "missing middle" housing by allowing additional residential building type, decreasing the parking requirement' allowing accessory dwelling units (ADU's) by-right, and

reducing the minimum lot and building regulations. The overlay would apply only to RS-3 thru RM-3 zoned lots within the proposed boundary.

Properties along bus rapid transit (BRT) lines in Tulsa have been recommended for the development of transit-oriented development (TOD) as identified in the Peoria Ave. BRT Land Use Framework and the Route 66 BRT Land Use Framework that were both found in conformance with the comprehensive plan by TMAPC, and the subject property in this application will be joined with parcels along Peoria Ave. where BRT service exists today.

Existing Land Use and Growth Designations

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

“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.”

Proposed Land Use Designation (Tulsa Comprehensive Plan)

The applicant is proposing the *Downtown Neighborhood land* use designation for the entirety of the subject property:

Zoning and Surrounding Uses

| Location | Existing Zoning | Existing Land Use Designation | Area of Stability or Growth | Existing Use |
|----------|-----------------|-------------------------------|-----------------------------|--------------------------------|
| N | IM | Employment | Growth | Surface Parking |
| S | IM | Employment | Growth | Vacant and Office |
| E | CH | Downtown Neighborhood | Growth | Commercial and Surface Parking |
| W | CH and IM | Mixed-Use Corridor | Growth | Automotive Repair |

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.

The applicant submitted the following responses:

1. How will conditions of the subject area and it surrounding properties have changed?

- *The area is changing from an employment area to a downtown neighborhood allowing for multi-family, retail and other businesses to open up in the area. This change is directly south of the parcels and moving north to the parcels addressed here. Changing these parcels will allow for them to be developed similarly to surrounding properties and progress as the area develops.*

2. How those changes have impacted the subject area to warrant the proposed amendment.

- *The current use of the property would be better suited as a multi-family/retail area due to other properties in the area having a land use designation of Downtown Neighborhood.*

3. How the proposed change will enhance the surrounding area and the City of Tulsa.

- *If zoning is approved, the changes will improve the aesthetics of the area and draw in residents and businesses to the area allowing room for downtown growth in multi-family spaces, retail, etc. New business and new residents in the area will benefit the city in multiple ways.*

Staff Summary & Recommendation

The applicant is requesting to change the land use designation of the property in order to align it with the connecting property to the west to accommodate a multi-family residential and commercial development. These uses would be peculiar on properties designated Employment, and given the residential nature of the proposed use, Downtown Neighborhood is a more appropriate designation. This change will not make the subject property inconsistent with other surrounding properties as the property to the east is presently designated as Downtown Neighborhood.

Additionally, though the Neighborhood Infill Overlay (NIO) affects only properties with residential zoning, the goal of the NIO is to increase the amount of available housing within its boundaries in order to achieve the goals of the City of Tulsa Affordable Housing Strategy and the City of Tulsa Downtown and Surrounding Neighborhoods Housing Study and Strategy. This proposal is consistent with that goal and is compatible with the existing surrounding zoning and land use designations.

Finally, given the proximity to the Peoria Ave. BRT route, multi-family residential and commercial uses help to achieve a more transit-oriented development pattern in this area that can enhance the utility of the BRT route, and provide alternative transportation options for future potential residents and visitors.

Staff recommends **approval** of the Downtown Neighborhood land use designation as requested by the applicant.

The applicant indicated her agreement with staff’s recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **REEDS**, the TMAPC voted 9-0-0(Bayles, Covey, Craddock, Krug, Reeds, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Carr, Kimbrel, “absent”) to **ADOPT** CPA-99 as an amendment to the Tulsa Comprehensive Plan per staff recommendation.

* * * * *

20. CPA-100 Sharon Cole(CD 1) Location: Northeast corner of West Pine Street and North 24th West Avenue requesting to amend the Land Use Map designation from **Parks and Open Space** to **Neighborhood Center** (Related to Z-7665)

STAFF RECOMMENDATION:

**TMAPC Staff Report
CPA-100
Comprehensive Plan Amendment**

Property Information and Land use Request

The applicant has submitted this proposed Comprehensive Plan amendment (CPA-100) with a concurrent rezoning request (Z-7665) to request a change in both the

Land Use and the Growth and Stability designation of the subject property from *Parks and Open Space* to *Neighborhood Center* and *Area of Stability* to *Area of Growth*. The concurrent zoning request proposes CS from RM-1 for a restaurant.

Background

The Land Use and Area of Stability or Growth designations for the subject property were made in 2010 with the adoption of the 2010 Tulsa Comprehensive Plan. At this time, the subject property was assigned a Land Use designation of *Parks and Open Space* and an Area of Stability or Growth designation of *Area of Stability*. 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.

The subject property is located just east of the Gilcrease Museum and was previously the Gilcrease information center. The intent of the proposed development is to remodel the current building and construct a steak house restaurant. The parcels abutting the subject property to the northwest are currently zoned RM-1/PUD-167 carrying a Land Use Map designation of *Existing Neighborhood*, as well as an Area of Growth and Stability Map designation of *Area of Stability*. These parcels contain townhomes to the north. The parcel abutting the subject property to the north and the east is zoned RS-3 and carries a *Parks and Open Space* Land Use designation, as well as an *Area of Stability* designation.

Existing Land Use and Growth Designations

A *Parks and Open Space* 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:

“These are areas to be protected and promoted through the targeted investments, public private partnerships, and policy changes identified in the Parks, Trails, and Open Space chapter. Zoning and other enforcement mechanisms will assure that recommendations are implemented. No park and/or open space exists alone: they should be understood as forming a network, connected by green infrastructure, a transportation system, and a trail system. Parks and open space should be connected with nearby institutions, such as schools or hospitals, if possible.”

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

“The Areas of Stability includes approximately 75% of the city’s total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while

accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.”

Proposed Land Use and Growth Designations (Tulsa Comprehensive Plan)

The applicant is proposing the *Neighborhood Center* land use designation for the subject property:

“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.”

The applicant is also proposing the *Area of Growth*, growth designation for the subject property:

“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.”

Zoning and Surrounding Uses

| Location | Existing Zoning | Existing Land Use Designation | Area of Stability or Growth | Existing Use |
|----------|-----------------|-------------------------------|-----------------------------|---------------------------|
| North | RS-3 | Parks and Open Space | Area of Stability | Open Space |
| South | RS-3 | Existing Neighborhood | Area of Stability | Single-family Residential |
| East | RM-1/PUD-232 | Existing Neighborhood | Area of Stability | Single-family Residential |
| West | RM-1/PUD-167 | Existing Neighborhood | Area of Stability | Townhomes |

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:

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

"This amazing 4.11 acres wooded lot was the first lot to be developed in this area of Gilcrease in 1975. This half-wooded lot crowns the high western end of Pine Street that is around the corner from the Gilcrease Museum. The top of the 12,000 square foot building provides a majestic view of downtown, that must be one of the best views of Northern and Downtown Tulsa, that just has to be shared. The building was built as the Gilcrease Informational Center, and was zoned as residential multifamily, with a Land Use designation as Parks and Open Spaces. Growth and changes in Tulsa, North Tulsa, Downtown Tulsa and Gilcrease, welcome a neighborhood center land use for an upper end steakhouse providing fine dining and entertainment. Built as the Gilcrease informational center, it remains an architectural amazement, featuring a spacious open interior, with a suspended second floor, an almost all window 3rd floor room and balcony providing one of the best views of the North Tulsa and Downtown Tulsa areas, and an even more spectacular rooftop view. The lot and view is peaceful. The view and peaceful wooded surroundings are too amazing to keep private and would love to share with the community and the world as a gem in the crown of the Gilcrease and North Tulsa areas, complimenting the new phase of Gilcrease Museum around the corner. It is something to make the neighborhood proud. For many years, the building was being used as the architectural offices of the original owner, architect and builder, D. Leon Ragsdale, now deceased, who assisted in the design and development of the area. It fell into

disrepair after being vandalized. Homeless and drug addicts have wreaked havoc over the last few years, living in the woods, repeatedly breaking into the building, and damaging the one-time neighborhood attraction. The new owner, even for more than a year while under contract for sale, has cleaned up the litter and debris from the homeless and drug addicts living in the woods and those invading the building, even defending herself at gunpoint, and has defended the building and property for safety and to better the location. Many in the neighborhood express desire to see change and improvement to the deteriorated property. The proposal is to open an upper end steak house restaurant, with a unique elegant experience, with much of the dining area being outside in patio type areas. The proposal would increase the outside usage by approximately 2000 square feet of new outside, open and screened/glassed areas. Large patios will be added to the front and rear of the building and a roof top seating area will be created. This will significantly expand the use and function of open space areas, keeping in mind previous designation, but welcoming and sharing it as a neighborhood center. Attractive landscaping will improve the overall look and feel of the property, increasing neighborhood appeal. Lovely decorative rock and iron fencing will divert the look of the present black top 70 space parking lot that already exists in the front of the property. Creative landscaping will enhance usability of walk paths, with bridges and seating, creating a peaceful experience and exposure to nature. Tulsa is becoming a world class city and is growing and changing rapidly. Many exciting new developments have been and are occurring in the Gilcrease, North Tulsa, and Downtown Tulsa areas and in Tulsa in general. The new belt way and near-by Route 66 will bring increased awareness and access to the area. The massive renovation project of the Gilcrease Museum around the corner, and lack of continuation of its fine dining restaurant, create a need for a new unique fine dining experience. Downtown Tulsa, just across the highway, is bursting at the seams and heading this way. Our vision aligns with the changes, seeking to add value as a world class facility, honoring the past, present and future for Tulsa and local community. The proposal gives area residents a fine dining and entertainment option close to home and will attract other Tulsans and out of town guests to the lush hills of Gilcrease. It adds area appeal with the beautiful gardens and will complement the renovated Gilcrease Museum around the corner, providing service for its patrons, and exposure to the Museum for patrons of the restaurant. It will attract visitors into the area, generating interest and revenue into the community. As wonderful food and a beautiful experience do, patrons will develop a psychological tie to Tulsa and the community, creating a basis to return and remain. Further impact in the community is the support of women rising out of and remaining free from abuse, addiction, criminal activity, and for those coming out of foster care (in loving memory of Applicant's daughter). The applicant founded a women's homes association in the community to provide safety and support for women in their journey of a better life for themselves and their children. She envisions the new use of the property as a vehicle to support the women with funding and jobs. Amending the Land Use designation will enable the property to be rezoned to enable the beautiful transformation. Even without the amendment, the property will be put to good use and rented as a women's sober living home or male drug diversion program. The applicant has visited with numerous close and

adjacent neighbors living in the area concerning the proposal. All have responded warmly with excitement and encouragement as a welcomed change.”

Staff Summary & Recommendation

The applicant is currently requesting a *Neighborhood Center* land use designation and an *Area of Growth*. Neighborhood Centers 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 Growth 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. Additionally, 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.

The Comprehensive Plan outlines the following criteria that was used to previously identify areas of growth that can be used to identify new *Areas of Growth*:

- Underutilized land, especially surface parking lots or vacant buildings downtown or along corridors
- Areas already undergoing positive change which is expected to continue
- Areas adjacent to transit and around transit stations, existing and planned
- Areas along corridors with frequent bus service that can accommodate development on underutilized land
- Locations where appropriate infill development will promote shorter and less frequent auto trips
- Areas with special opportunities such as where major public or private investments are planned

The applicant is requesting to amend the Comprehensive Plan from *Parks and Open Space* to *Neighborhood Center*. They have submitted a concurrent request to rezone the property from Residential Multi-Family (RM-1) to Commercial Shopping (CS). If approved, the proposed rezoning will allow this currently underutilized property to be utilized as a restaurant. The applicant stated that “Many in the neighborhood expressed desire to see change and improvement to the deteriorated property.”. The property itself is unique as it is not a part of the PUD located to the north or the PUD located to the east.

The subject property is close to West Pine Street which is designated as a secondary arterial on the Major Street and Highway Plan, which supports the Neighborhood Center designation. With the Go Plan’s designation of this stretch of West Pine Street as a Bike Lane and the subject property’s proximity to West Pine

Street as a Multi-Modal Corridor, the *Neighborhood Center* land use designation and *Area of Growth* designation is an appropriate fit for this property.

There are several positive changes occurring near this property which includes the renovation of the Gilcrease Museum, the future improvements to North Gilcrease Museum Road, and the mountain bike trails being built just west of the Gilcrease Museum. These positive changes will encourage other developments to occur in the area and support the amendment to the Comprehensive Plan from *Parks and Open Space* to *Neighborhood Center*.

Staff recommends **approval** of the *Neighborhood Center* and *Area of Growth* designations.

Applicant requested a continuance to July 20, 2022.

TMAPC Action; 9 members present:

On **MOTION** of **REEDS**, the TMAPC voted 9-0-0(Bayles, Covey, Craddock, Krug, Reeds, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Carr, Kimbrel, “absent”) to **CONTINUE** Item CPA-100 to July 20, 2022.

* * * * *

OTHER BUSINESS

21. Commissioners' Comments

None

* * * * *

ADJOURN

TMAPC Action; 9 members present:

On **MOTION** of **COVEY**, the TMAPC voted 9-0-0(Bayles, Covey, Craddock, Krug, Reeds, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Carr, Kimbrel, "absent") to **ADJOURN** TMAPC meeting of July 6, 2022, Meeting No. 2869.

ADJOURN

There being no further business, the Chair declared the meeting adjourned at 2:27 p.m.

Date Approved:

07-20-2022


Chair

ATTEST: 

Secretary