



Board of Adjustment

**Staff Report
Case BOA-23634**

Hearing Date: January 23, 2024
Prepared by: Austin Chapman
achapman@cityoftulsa.org
918-596-7597

Owner and Applicant Information

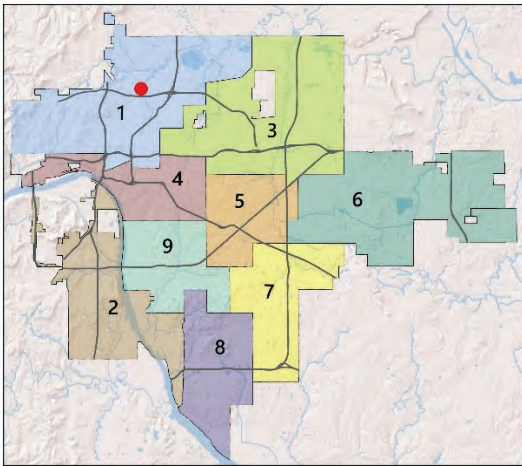
Applicant: Mark Capron
Property Owner: Tulsa Housing Authority

Property Location

Address or descriptive location
Tract Size: ±32.18 acres

Location within the City of Tulsa

(shown with City Council districts)



Elected Representatives

City Council: District 1, Vanessa Hall-Harper

Public Notice Required

Newspaper Notice – min. 10 days in advance
Mailed Notice to 300’ radius – min. 10 days in advance

Request Summary

Variance to increase the Build-to-Zone from a 20-foot maximum to a 30-foot maximum along E. 36th St. N. in the MX-2-U District (Sec. 10.030-C, Table 10-5); Variance to increase the Build-to-Zone from a 20-foot maximum to a 35-foot maximum along N. Peoria Ave. in the MX2-U District (Sec. 10.030-C, Table 10-5); Variance to eliminate the Build-to-Zone requirement along North Quaker in the MX2-U District (Sec. 10.030-C, Table 10-5); Variance to reduce the Build-to-Zone Percentage from 50% to 40% in the MX2-V District (Sec. 10.030-D, Table 10-6); Special Exception to reduce the required parking ratio for Apartment/ Condo uses in the MX District (Sec. 55.050-K); Variance to reduce the transparency percentages to 15% in the MX- U and F Districts (Sections 10.030-C/E, Table 10-5/7)

Zoning

Zoning District: MX2-V-65, MX2-U-U, MX3-F-65, RM-1
Zoning Overlays: None.

Comprehensive Plan Considerations

Land Use

Land Use Plan: Regional Center
Small Area Plans: 36th Street North
Development Era: Early Automobile

Transportation

Major Street & Highway Plan: Secondary Arterials
planitulsa Street Type: Multi-Modal Corridors
Transit: BRT Route
Existing Bike/Ped Facilities: Sidewalks exist along frontages.
Planned Bike/Ped Facilities: None.

Environment

Flood Area: City of Tulsa Regulatory Floodplain
Tree Canopy Coverage: 10-20%
Parks & Open Space: N/A

Staff Analysis

The applicant is proposing Variance to increase the Build-to-Zone from a 20-foot maximum to a 30-foot maximum along E. 36th St. N. in the MX-2-U District (Sec. 10.030-C, Table 10-5); Variance to increase the Build-to-Zone from a 20-foot maximum to a 35-foot maximum along N. Peoria Ave. in the MX2-U District (Sec. 10.030-C, Table 10-5); Variance to eliminate the Build-to-Zone requirement along North Quaker in the MX2-U District (Sec. 10.030-C, Table 10-5); Variance to reduce the Build-to-Zone Percentage from 50% to 40% in the MX2-V District (Sec. 10.030-D, Table 10-6); Special Exception to reduce the required parking ratio for Apartment/ Condo uses in the MX District (Sec. 55.050-K); Variance to reduce the transparency percentages to 15% in the MX- U and F Districts (Sections 10.030-C/E, Table 10-5/7)

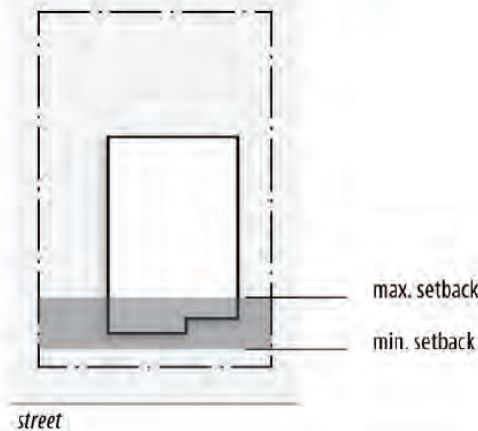
Summaries of the applicant’s request is included in their exhibits.

Build to Zoned are defined as follows:

Section 90.110 Build-to-Zone

90.110-A The build-to-zone is the area on the lot where all or a portion of the street-facing building façade must be located, established as a minimum and maximum setback range, measured in accordance with the setback measurement provisions of [90.090-A](#).

Figure 90-16: Build-to-Zone



Applicant is seeking to reduce their parking requirement per Sec. 55.050-K, their requested ratio is 1 parking spot per dwelling unit.

55.050-K Alternative Compliance

The motor vehicle parking ratios of this chapter are not intended to prevent development and redevelopment or to make development and redevelopment economically impractical. In order to allow for flexibility in addressing the actual expected parking demand of specific uses, alternative compliance parking ratios may be approved through the special exception procedures of [Section 70.120](#) only if:

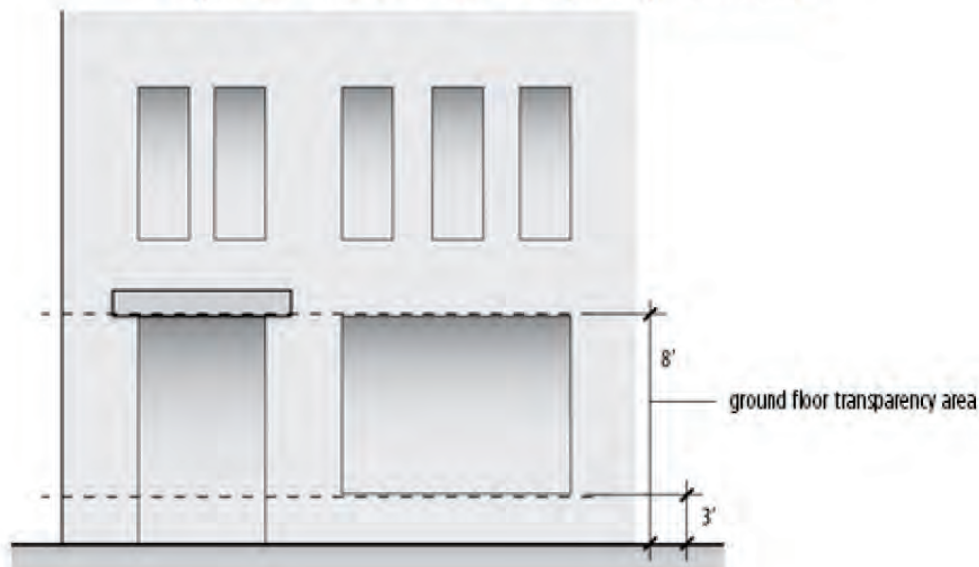
1. The board of adjustment determines that the other allowed parking reduction alternatives of [Section 55.050](#) are infeasible or do not apply; and
2. The board of adjustment determines that the reduced parking ratios proposed are not likely to cause material adverse impacts on traffic circulation and safety or on the general welfare of property owners and residents in the surrounding area.

Transparency per the zoning code is defined as follows:

Section 90.140 Transparency

90.140-A Transparency regulations govern the percentage of a street-facing building façade that must be covered by transparent elements (e.g., transparent windows and doors). Such transparent elements shall be designed and maintained to provide views into and out of the building, and shall not be permanently obstructed by fixed elements, such as signage, shelving, furniture, etc.

Figure 90-17: Ground Floor Transparency Measurement



Relevant Case History

- Z-7739, Date: 11/01/2023, Ordinance Rezoning Land from AG, MX1-U-U, MX2-U-U, MX2-V-65, MX3-V-45 and RM-1 to MX1-U-U, MX2-U-U, MX2-V-65, MX3-F-65 and RM-1 for property located northeast and southeast of East 36th Street North and North Peoria Avenue, requested by City Council c/o Tulsa Housing Authority and Mark Capron of Wallace Design Collective, Property Owner: Housing Authority of the City of Tulsa.

Statement of Hardship

Please see attached exhibit provided by the applicant.

Comprehensive Plan Considerations

Land Use Plan

The subject property is designated as a Regional Center. Existing regional trip generators define the Regional Centers in contrast to Local Centers. These centers should be the most connected land use pockets outside of downtown for public transit access and high-capacity arterial streets. New regional trip generators should be permitted in the area with special consideration given to the transportation access and circulation. Regional trip generators include universities, malls, large medical campuses, casinos, big-box shopping centers, and very large churches.

Surrounding Properties:

<u>Location</u>	<u>Existing Zoning/Overlay</u>	<u>Existing Land Use Designation</u>	<u>Existing Use</u>
North	AG	Regional Center	Vacant
East	CS	Regional Center	Multiple uses.
South	MX-1-U/ AG	Regional Center/ Parks and Opens Space	Vacant. Mixed-use project is proposed.
West	RMH(RS-5 Rezoning in process)	Neighborhood	Vacant.

Small Area Plans

The subject properties are included in the 36th Street North Small Area Plan. The plan recommends The City of Tulsa work with the Tulsa Housing Authority on efforts to improve Comanche park and the surrounding areas.

Development Era

The subject property is located in an area developed during the early automobile era described as the time from the 1930's to the 1950's. As automobile use began to supplant the use of streetcars in cities across the country, the pattern of urban development changed. From the time of the Great Depression, through World War 2, and prior to the development of the Interstate Highway System, Tulsa's land use pattern became more centered around the mile-by-mile grid of major streets that follows the boundaries of the township and range system. During this time period, Tulsa saw some of the fastest growth that has occurred in the city's history, consistent with population growth across the United States. Detached house neighborhoods with a variety of architectural styles proliferated through the area, and a relatively low level of redevelopment has occurred over time as compared to the Downtown Era and the Streetcar Era.

Transportation

Major Street & Highway Plan: North Peoria and 36th street North are both classified as Secondary Arterial Streets. The Comprehensive Plan finds this intersection as having minimal traffic (less than 2,500 Average Annual Daily Traffic (AADT) per lane). These arterials have significant excess capacity and very low congestion levels. These arterials are likely suitable for reallocation of space for other transportation modes. New development is very unlikely to have a noticeable impact on traffic.

Comprehensive Plan Street Designation: Multi-modal streets support commercial and residential development along major arterial streets. These streets align with the recommendations for on-street bicycle infrastructure established in the 2015 GO Plan, and they should be evaluated for feasibility with regard to the reallocation of street space for bicycle facilities.

Transit: Property is along the Peoria Bus Rapid Transit line.

Existing Bike/Ped Facilities: Sidewalks exist along frontages.

Planned Bike/Ped Facilities: None.

Environmental Considerations

Flood Area: The subject property does contain a minimal amount of City of Tulsa regulatory floodplain on the Southern portion of the property.

Tree Canopy Coverage: Tree canopy in the area is between 10 and 20%. For areas with this range of tree canopy, preserving the limited existing canopy should be encouraged, as well as measures to increase the canopy through landscaping. Street-lining trees in particular should be encouraged to spread the benefit of the tree canopy to the pedestrian realm.

Parks & Open Space: N/A.

Sample Motion

Special Exception:

I move to approve or deny a Special Exception to allow Special Exception to reduce the required parking ratio for Apartment/ Condo uses in the MX District (Sec. 55.050-K);

- per the conceptual plan(s) shown on page(s) _____ of the agenda packet.
- subject to the following conditions (including time limitation, if any): _____.

The Board finds that the requested Special Exception will be in harmony with the spirit and intent of the Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Variance:

I move to approve or deny a Variance to increase the Build-to-Zone from a 20-foot maximum to a 30-foot maximum along E. 36th St. N. in the MX-2-U District (Sec. 10.030-C, Table 10-5); Variance to increase the Build-to-Zone from a 20-foot maximum to a 35-foot maximum along N. Peoria Ave. in the MX2-U District (Sec. 10.030-C, Table 10-5); Variance to eliminate the Build-to-Zone requirement along North Quaker in the MX2-U District (Sec. 10.030-C, Table 10-5); Variance to reduce the Build-to-Zone Percentage from 50% to 40% in the MX2-V District (Sec. 10.030-D, Table 10-6); Variance to reduce the transparency percentages to 15% in the MX-U and F Districts (Sections 10.030-C/E, Table 10-5/7)

- per the conceptual plan(s) shown on page(s) _____ of the agenda packet.
- subject to the following conditions (including time limitation, if any): _____.

The board finds the hardship to be _____.

In granting the Variance, the Board finds that the following facts, favorable to the property owner, have been established:

- a. That the physical surroundings, shape, or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties for the property owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject zoning code provision is not necessary to achieve the provision’s intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of this zoning code or the comprehensive plan.

Property Description

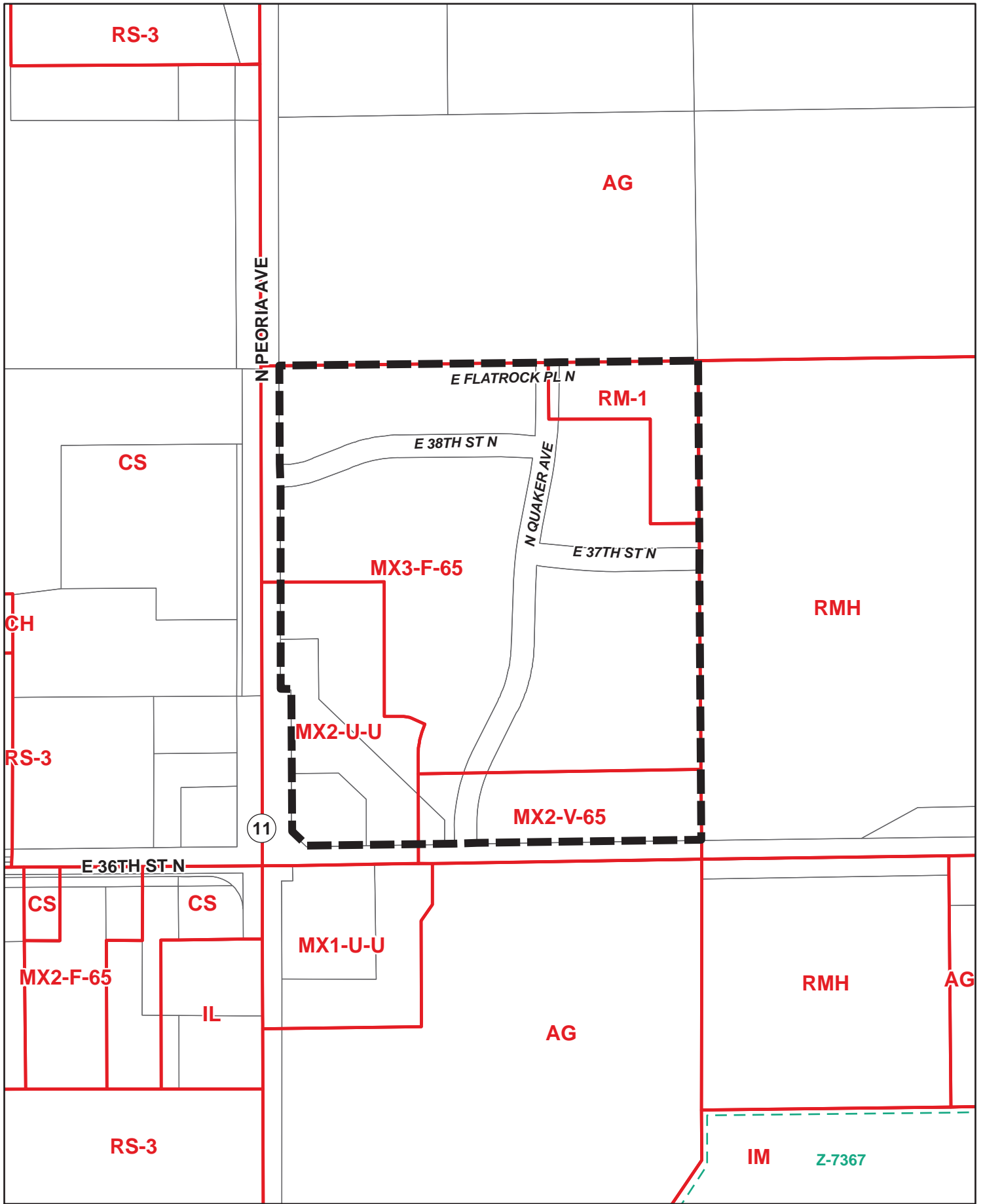
A TRACT OF LAND IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW/4 SW/4) OF SECTION EIGHTEEN (18), TOWNSHIP TWENTY (20) NORTH, RANGE THIRTEEN (13) EAST OF THE IN DIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 18; THENCE N88°08'50"E FOR A DISTANCE OF 1164.22 FEET; THENCE N01°21'19"W FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N01°21'19"W FOR A DISTANCE OF 1272.54 FEET; THENCE S88°08'58"W FOR A DISTANCE OF 1110.06 FEET; THENCE S01°10'30"E FOR A DISTANCE OF 852.26 FEET; THENCE N88°49'30"E FOR A DISTANCE OF 30.00 FEET; THENCE S01°10'30"E FOR A DISTANCE OF 379.99 FEET; THENCE S46°10'30"E FOR A DISTANCE OF 55.93 FEET; THENCE N88°08'50"E FOR A DISTANCE OF 1044.51 FEET TO THE POINT OF BEGINNING. AREA CONTAINING 32.18 ACRES, MORE OR LESS.

LEGAL DESCRIPTION WAS PREPARED ON APRIL 2ND, 2020 BY CLIFF BENNETT, PLS #1815 WITH THE BEARINGS BASED ON THE SOUTH LINE OF SECTION 18, TOWNSHIP 20 NORTH, RANGE 13 EAST, TULSA COUNTY AS BEING N88°08'50"E.

Exhibits

- Case map
- Aerial (large scale)
- Tulsa Comprehensive Plan Land Use
- Map Exhibits from applicant



BOA-23634

12.8





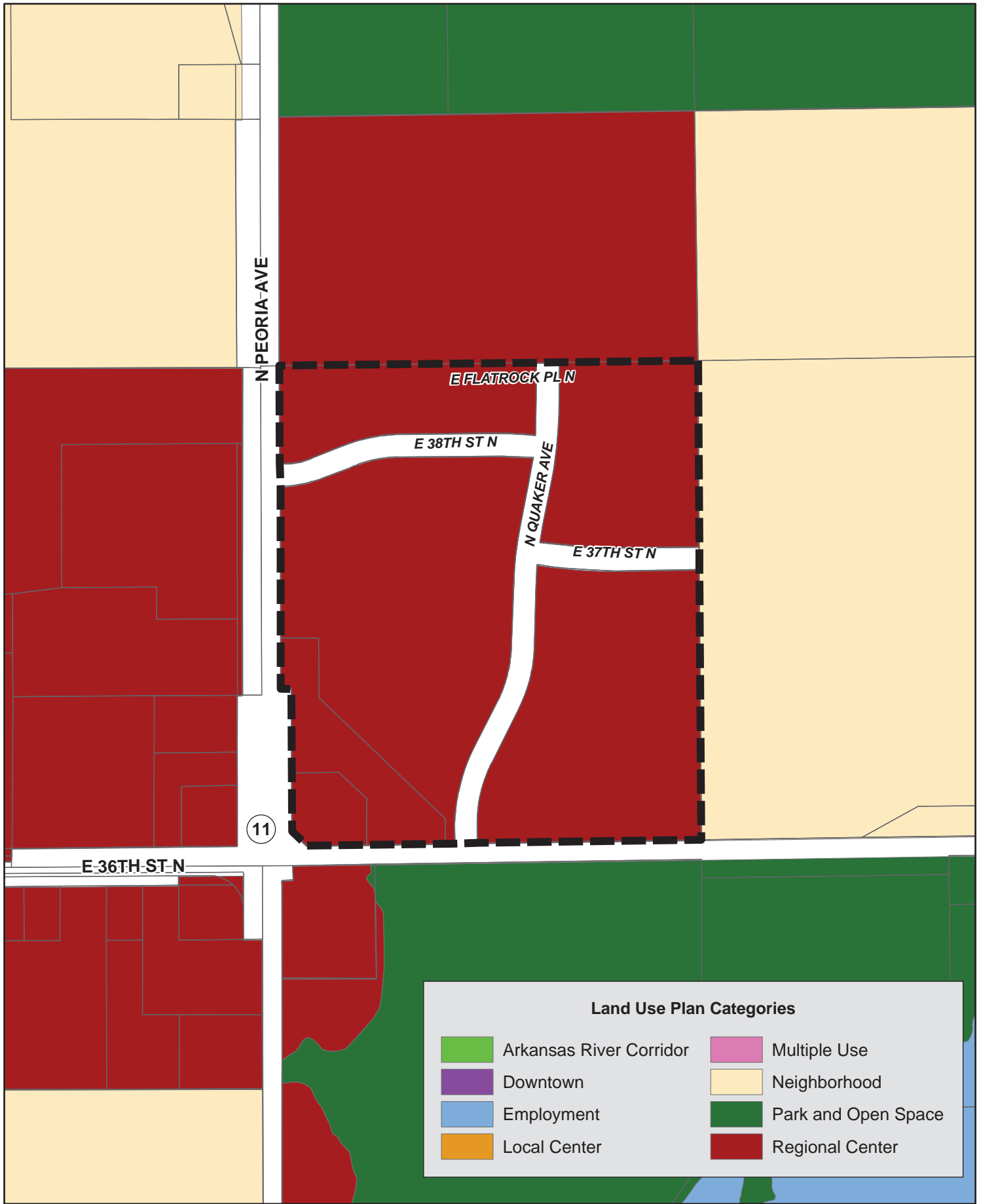
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







Note: Graphic overlays may not precisely align with physical features on the ground.

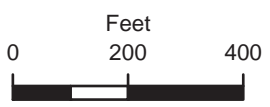
Aerial Photo Date: 2020/2021

12.9





Land Use Plan Categories			
	Arkansas River Corridor		Multiple Use
	Downtown		Neighborhood
	Employment		Park and Open Space
	Local Center		Regional Center



BOA-23634



12.10



December 21, 2023

Austin Chapman
Tulsa Planning Office
175 E 2nd Street, Suite 480
Tulsa, OK 74103-3227

Re: 36N - Comanche Park
Board of Adjustment Narrative

Dear Mr. Chapman,

In order to provide a more perfect housing community we respectfully request the following variances:

Build-to-Zone - Table 10-5

A. Phase 2 – Lot 1

Request: Increase BTZ on E. 36th St. N. from 0 to 20' to 0 to 30'

Hardship: Corner clip on the northeast corner of East 36th North and North Peoria Ave. prohibits the building from be moved further south. If building is moves east that it will not align with the building to the north that is set by excessive ROW dedication for the surface drainage east of N. of Peoria Ave.

B. Phase 2 – Lot 1

Request: Eliminate BTZ requirement on North Quaker Avenue.

Hardship: Design of block has concentrated building development to be fronting arterial streets.

C. Phase 4 – Lot 1

Request: Increase BTZ on N. Peoria Ave. from 0 to 20' to 0 to 35'

Hardship: Site plan design aligns buildings along North Peoria Ave. Jog in right-of-way necessitate variance to fulfill codes original intent.

D. Phase 2 – Lot 2

Request: Reduce BTZ percentage to 40%

Hardship: Building type does not lend itself to a long slender layout.

Parking

E. Entire Project – Phase 2—7

Request: Reduce Parking Ratio to 1 space per Unit.

Hardship: THA residence have a lower than typical car ownership ratio. Residence of the development also have access to mass transit (BRT). A substantial amount street provided although not included in requested reduction.

Transparency

F. Phases 3—7

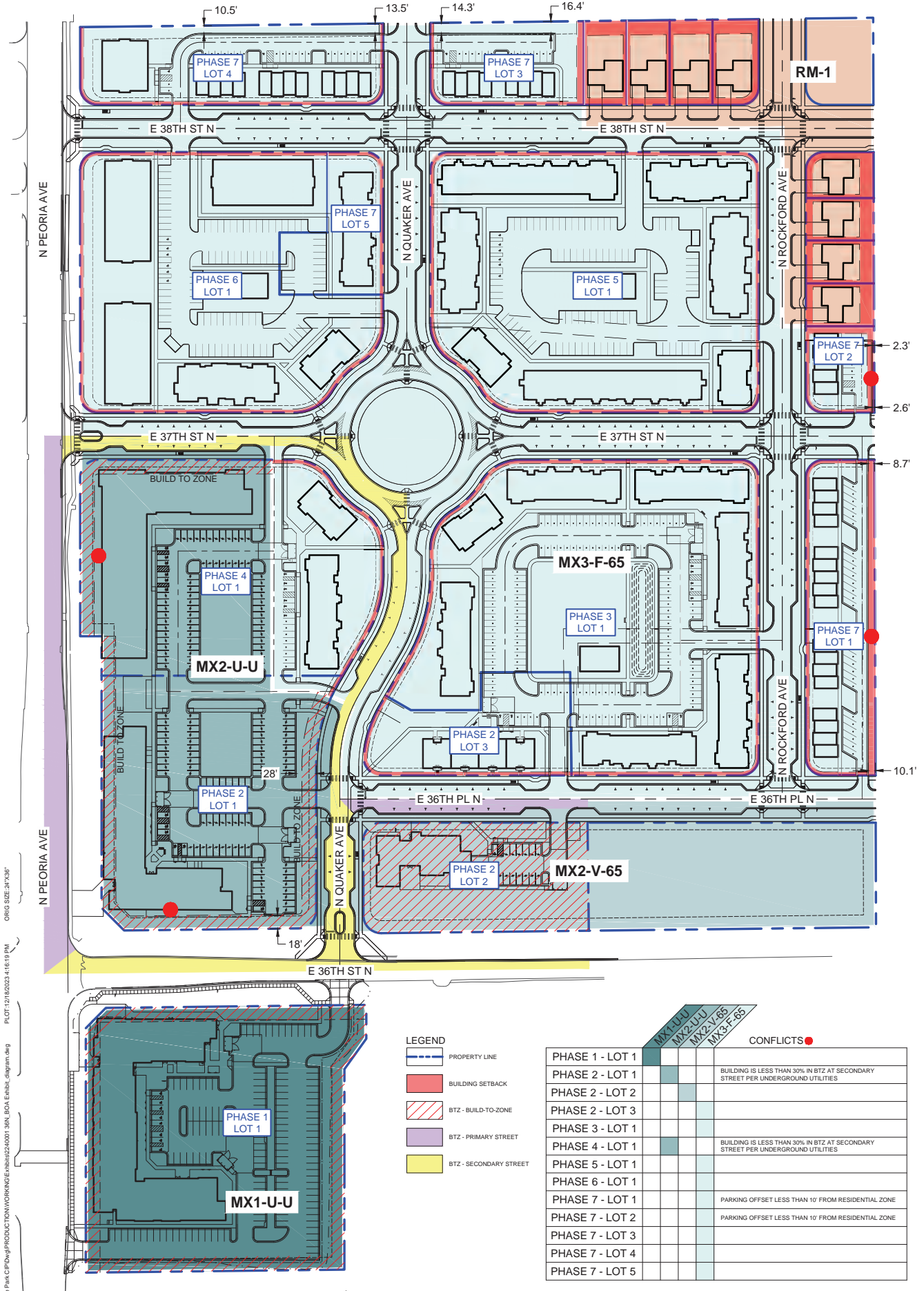
Request: Variance for Transparency from 20% to 15% of total building of apartment buildings.

Hardship: Higher transparency does not lend itself to Garden apartment architecture.

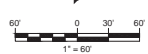
Sincerely,



Mark B. Capron, PLA, APA
Wallace Design Collective
Justin.debruin@wallace.design



ORIG SIZE: 24'X36'
 PLOT: 12/18/2023 4:16:19 PM
 wallace design collective, inc.
 121 north main street, suite 100
 tulsa, oklahoma 74103
 918.584.5888
 oklahoma.ca1460
 eip - 6-30-23



- LEGEND**
- PROPERTY LINE
 - BUILDING SETBACK
 - BTZ - BUILD-TO-ZONE
 - BTZ - PRIMARY STREET
 - BTZ - SECONDARY STREET

	MX1-U-U	MX2-U-U	MX2-V-65	MX3-F-65	CONFLICTS ●
PHASE 1 - LOT 1					
PHASE 2 - LOT 1					BUILDING IS LESS THAN 30% IN BTZ AT SECONDARY STREET PER UNDERGROUND UTILITIES.
PHASE 2 - LOT 2					
PHASE 2 - LOT 3					
PHASE 3 - LOT 1					
PHASE 4 - LOT 1					BUILDING IS LESS THAN 30% IN BTZ AT SECONDARY STREET PER UNDERGROUND UTILITIES.
PHASE 5 - LOT 1					
PHASE 6 - LOT 1					
PHASE 7 - LOT 1					PARKING OFFSET LESS THAN 10' FROM RESIDENTIAL ZONE
PHASE 7 - LOT 2					PARKING OFFSET LESS THAN 10' FROM RESIDENTIAL ZONE
PHASE 7 - LOT 3					
PHASE 7 - LOT 4					
PHASE 7 - LOT 5					

Board of Adjustment Exhibit
 36N - Tulsa Housing Authority
 December 21, 2023