

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
**Minutes of Meeting No. 2858**

Wednesday, January 19, 2022, 1:00 p.m.  
City Council Chamber  
One Technology Center – 175 E. 2nd Street, 2nd Floor

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Bayles	Kimbrel	Foster	Jordan, COT
Blair	Reeds	Hoyt	Silman, COT
Covey	Walker	Miller	VanValkenburgh, Legal
Craddock		Sawyer	
Krug		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 January 13, 2022 at 2:44 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:**

Mr. Covey welcomed Luisa Krug to the Planning Commission.

**Director’s Report:**

Ms. Miller reported on City Council and Board of County Commissioner actions and other special projects. Ms. Miller stated there will be a work session on February 16, 2022 that will include the latest Zoning Code Amendments which are refinements to the Neighborhood Infill Overlay. Ms. Miller stated staff would also like to share Neighborhood Health Assessments with Commissioners, as well as a planitulsa update.

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**Minutes:**

1. Minutes of January 5, 2022 Meeting No. 2857

Approval of the minutes of **January 5, 2022 Meeting No. 2857**

**TMAPC Action; 8 members present:**

On **MOTION** of **CRADDOCK**, the TMAPC voted 8-0-0 (Bayles, Blair, Covey, Craddock, Krug, Shivel, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Kimbrel, Reeds, Walker, "absent") to **APPROVE** the minutes of January 5, 2022 Meeting No. 2857

2. Revise the minutes of September 2, 2020 Meeting No. 2825

**TMAPC Action; 8 members present:**

On **MOTION** of **CRADDOCK**, the TMAPC voted 6-0-2 (Blair, Covey, Craddock, Shivel, Whitlock, Zalk, "aye"; no "nays"; Bayles, Krug, "abstaining"; Kimbrel, Reeds, Walker, "absent") to **APPROVE** the revised minutes of September 2, 2020 Meeting No. 2825

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**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.**

**NONE**

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**PUBLIC HEARING-REZONING**

Item 3 was withdrawn by applicant.

3. **Z-7636 King Architectural Solutions, Matt King** (CD 1) Location: Northeast corner of East Apache Street and North Peoria Avenue requesting rezoning from **CH to OL (withdrawn by applicant)**

\* \* \* \* \*

4. **PUD-498-E Hall Estill, Stuart Van De Wiele** (CD 7) Location: Southwest of the southwest corner of East 71st Street South and South 101st East Avenue requesting a **PUD Major Amendment** to permit indoor vehicle sales and reduce parking requirements (Related to Z-7635)

**STAFF RECOMMENDATION:**

**SECTION I: PUD-498-E**

**DEVELOPMENT CONCEPT:** The applicant is proposing a Major Amendment to the PUD in conjunction with rezoning from OMH to CH to permit indoor car sales.

The current development standards for the PUD limit the uses to Mini-Storage, excluding outdoor storage and uses permitted by right in a CS district, except Use Unit 12a – Adult Entertainment Establishments and dance halls are prohibited. The applicant proposes to add Personal Vehicle Sales and Rentals, Commercial Vehicle Sales and Rentals along with accessory uses customary thereto to the allowable uses for the subject lot. All sales and displays of merchandise shall occur indoor and no outdoor displays of merchandise are permitted.

Currently the parking requirements for the site are per the City of Tulsa Zoning Code that existed at the time of the establishment of the PUD. The applicant is proposing that the parking requirement for all uses be reduced to 15 spaces for the subject property.

**DETAILED STAFF RECOMMENDATION:**

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

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

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

**Staff recommends Approval of PUD-498-E to add Personal Vehicle Sales and Rentals, Commercial Vehicle Sales and Rentals along with accessory uses customary thereto and to reduce the required number of parking spaces to 15 for all uses.**

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

Staff Summary: The site is designated as Regional Center in the City of Tulsa Comprehensive Plan

Land Use Vision:

*Land Use Plan map designation:* Regional Center

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

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

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

Transportation Vision:

*Major Street and Highway Plan:* E 73<sup>rd</sup> St S is classified as a Residential Collector.

*Trail System Master Plan Considerations:* None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site currently contains a vacant retail building.

Environmental Considerations: None

Streets:

<u>Existing Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
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E 73 <sup>rd</sup> St S	Residential Collector	60 Feet	2
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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	OMH/PUD-498-D	Regional Center	Growth	Restaurant
South	CO/PUD-498-B	Existing Neighborhood	Growth	Hotel
East	CS/RM-2/PUD-521	Regional Center	Growth	Shopping Center
West	CS/OM/PUD-498	Regional Center	Growth	Retail

**SECTION III: Relevant Zoning History**

**History: Z-7635/PUD-498-E**

Ordinance number 24582 dated March 28, 2021, established the current zoning for the subject property.

***Subject Property:***

**Z-7593/PUD-498-D March 2021:** All concurred in **approval** of a request for *rezoning* a 3.09-acre tract of land from OM/CS/PUD-498 to OMH/PUD-498-D and **approval** of a proposed *Planned Unit Development* for commercial development on property located West of the Southwest corner of east 71<sup>st</sup> Street South & South 101<sup>st</sup> East Avenue.

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

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

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

***Surrounding Property:***

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

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

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

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

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

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

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

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **WHITLOCK**, the TMAPC voted 8-0-0 (Bayles, Blair, Covey, Craddock, Krug, Shivel, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Kimbrel, Reeds, Walker, "absent") to recommend **APPROVAL** of PUD-498-E per staff recommendation.

**Legal Description PUD-498-E:**

A TRACT OF LAND THAT IS A PART OF LOT ONE (1), BLOCK (1), "BABY SUPERSTORE", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE RECORDED PLAT THEREOF (PLAT #5110), SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT ONE(1) THENCE SOUTH 00°09'58" WEST, AND ALONG THE WEST LINE OF SAID LOT ONE (1), A DISTANCE OF 270.88 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 89°46'13" EAST FOR A DISTANCE OF 221.00 FEET TO A POINT ON THE EAST LINE OF SAID LOT ONE (1); THENCE SOUTH 00°09'58" WEST AND ALONG SAID EAST LINE FOR A DISTANCE OF 339.20 FEET TO A POINT BEING THE SOUTHEAST CORNER OF SAID BLOCK ONE (1); THENCE NORTH 90°00'00" WEST AND ALONG THE SOUTH LINE OF SAID LOT ONE (1) A DISTANCE OF 221.00 FEET TO A POINT BEING THE SOUTHWEST CORNER OF SAID LOT ONE (1); THENCE NORTH 00°09'58" EAST AND ALONG THE WEST LINE OF SAID LOT ONE (1) A DISTANCE OF 340.09 FEET TO THE POINT OF BEGINNING.

\* \* \* \* \*

- 5. Z-7635 Hall Estill, Stuart Van De Wiele (CD 7) Location: Southwest of the southwest corner of East 71st Street South and South 101st East Avenue requesting rezoning from **OMH to CH** to permit indoor vehicle sales(Related to PUD-498-E)**

**STAFF RECOMMENDATION:**

**SECTION I: Z-7635**

**DEVELOPMENT CONCEPT:** The applicant is proposing to rezone the subject lot from OMH to CH to permit indoor car sales in conjunction with a Major Amendment to the PUD.

The site is located in the Regional Center designation of the City of Tulsa Comprehensive Plan. The proposed CH zoning and proposed use of the subject lot would be compatible with this designation. The rezoning to CH is required so that the underlying zoning of the site would allow the proposed use to be added via the proposed Major Amendment.

#### **DETAILED STAFF RECOMMENDATION:**

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

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

Uses allowed by CH zoning are non-injurious to proximate properties therefore,

**Staff recommends Approval of Z-7635 to rezone property from OMH to CH but only with the related provisions of PUD-498-E.**

#### **SECTION II: Supporting Documentation**

##### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The site is designated as Regional Center in the City of Tulsa Comprehensive Plan.*

##### Land Use Vision:

*Land Use Plan map designation: Regional Center*

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

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

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

##### Transportation Vision:



*Major Street and Highway Plan:* E 73<sup>rd</sup> St S is classified as a Residential Collector.

*Trail System Master Plan Considerations:* None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The site currently contains a vacant retail building.*

Environmental Considerations: None

Streets:

<u>Existing Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
E 73 <sup>rd</sup> St S	Residential Collector	60 Feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	OMH/PUD-498-D	Regional Center	Growth	Restaurant
South	CO/PUD-498-B	Existing Neighborhood	Growth	Hotel
East	CS/RM-2/PUD-521	Regional Center	Growth	Shopping Center
West	CS/OM/PUD-498	Regional Center	Growth	Retail

**SECTION III: Relevant Zoning History**

**History: Z-7635/PUD-498-E**

Ordinance number 24582 dated March 28, 2021, established the current zoning for the subject property.

***Subject Property:***

**Z-7593/PUD-498-D March 2021:** All concurred in **approval** of a request for *rezoning* a 3.09-acre tract of land from OM/CS/PUD-498 to OMH/PUD-498-D and **approval** of a proposed *Planned Unit Development* for commercial development on property located West of the Southwest corner of east 71<sup>st</sup> Street South & South 101<sup>st</sup> East Avenue.

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

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

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

***Surrounding Property:***

**PUD-498-B/Z-6714-SP-1a February 2001:** All concurred in **approval** of a proposed *Major Amendment* to PUD and *Minor Amendment* to CO on a 1.24± acre tract of land to

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **WHITLOCK**, the TMAPC voted 8-0-0 (Bayles, Blair, Covey, Craddock, Krug, Shivel, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Kimbrel, Reeds, Walker, "absent") to recommend **APPROVAL** of the CH zoning for Z-7635 per staff recommendation.

**Legal Description Z-7635:**

A TRACT OF LAND THAT IS A PART OF LOT ONE (1), BLOCK (1), "BABY SUPERSTORE", AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE RECORDED PLAT THEREOF (PLAT #5110). SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT ONE(1) THENCE SOUTH 00°09'58" WEST, AND ALONG THE WEST LINE OF SAID LOT ONE (1), A DISTANCE OF 270.88 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 89°46'13" EAST FOR A DISTANCE OF 221.00 FEET TO A POINT ON THE EAST LINE OF SAID LOT ONE (1); THENCE SOUTH 00°09'58" WEST AND ALONG SAID EAST LINE FOR A DISTANCE OF 339.20 FEET TO A POINT BEING THE SOUTHEAST CORNER OF SAID BLOCK ONE (1); THENCE NORTH 90°00'00" WEST AND ALONG THE SOUTH LINE OF SAID LOT ONE (1) A DISTANCE OF 221.00 FEET TO A POINT BEING THE SOUTHWEST CORNER OF SAID LOT ONE (1); THENCE NORTH 00°09'58" EAST AND ALONG THE WEST LINE OF SAID LOT ONE (1) A DISTANCE OF 340.09 FEET TO THE POINT OF BEGINNING.

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Mr. Whitlock stated he would recuse himself on item 6.

- 6. PUD-267-A Lou Reynolds** (CD 8) Location: Southeast corner of South Sheridan Road and East 101st Street South requesting a **PUD Major Amendment** to add Bar and Small Indoor Assembly and Entertainment serving alcoholic beverages to allowable uses

**STAFF RECOMMENDATION:**  
**SECTION I: PUD-267-A**

**DEVELOPMENT CONCEPT:** The applicant is proposing to add Bar and Small Indoor Assembly and Entertainment serving alcoholic beverages to the permitted uses within PUD-267. The current development standards of the PUD limit uses to uses permitted by as a matter of right in the CS – Commercial Shopping Center district, except that multifamily dwellings and bars, taverns and private clubs having as their principal activity the dispensing and consumption of alcoholic beverages shall not be permitted. This major amendment would serve to revise those requirements to Uses permitted as a matter of right in the CS – Commercial Shopping Center district and Bar and Assembly and Entertainment (Small Indoor) selling and serving alcoholic beverages Shall be permitted by right. Multifamily dwellings shall not be permitted.

The location of a bar would be restricted and would not be allowed in the east 125 feet of the PUD, provided however that the foregoing shall not prohibit beer and wine sales as an accessory use to a business such as a restaurant, spa, salon, or barber shop, etc.

**DETAILED STAFF RECOMMENDATION:**

PUD-267-A is consistent with the Neighborhood Center vision of the Tulsa Comprehensive Plan and,

PUD-267-A is consistent with the expected development of surrounding properties and,

All remaining development standards defined in PUD-267 and subsequent amendments shall remain in effect, therefore,

**Staff recommends Approval of PUD-267-A to revise the permitted uses to add Bar and Small Indoor Assembly and Entertainment serving alcoholic beverages and to prohibit bars in the east 125 feet of the PUD.**

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The site is located within the Neighborhood Center designation of the City of Tulsa Comprehensive Plan.*

#### Land Use Vision:

*Land Use Plan map designation:* Neighborhood Center

Neighborhood Centers are small-scale, one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services. They can include apartments, condominiums, and townhouses, with small lot single family homes at the edges. These are pedestrian-oriented places served by transit, and visitors who drive can park once and walk to number of destinations.

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

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

#### Transportation Vision:

*Major Street and Highway Plan:* S Sheridan Rd and E 101<sup>st</sup> St S are designated as Secondary Arterials

*Trail System Master Plan Considerations:* The GO Plan designates S Sheridan Rd and E 101<sup>st</sup> St S as having a sidewalk gap along the frontages of the property. It also designated a recommended Bike Corridor along both streets.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The site currently contains an existing shopping center*

Environmental Considerations: None

Streets:

<u>Existing Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
S Sheridan Rd	Secondary Arterial	100 Feet	2
E 101 <sup>st</sup> St S	Secondary Arterial	100 Feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	CS/RM-1	Neighborhood Center	Growth	Bank/Multifamily
South	RS-3	Existing Neighborhood	Stability	Single Family
East	RS-3	Existing Neighborhood	Stability	Single Family
West	CS/RM-1	Neighborhood Center	Growth	Commercial

**SECTION III: Relevant Zoning History**

**History: PUD-267-A**

**ZONING ORDINANCE:** Ordinance number 11833 dated June 26, 1970, established zoning for the subject property.

***Subject Property:***

**BOA-22863 March 2020:** The Board of Adjustment **approved** a **Verification** of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary, on property located at 10121 south Sheridan Road East—**Tenant Space: 6528 East 101<sup>st</sup> Street South, Suite G & H.**

**BOA-22731 September 2019:** The Board of Adjustment **approved** a **Verification** of the 1,000-foot spacing requirement for a medical marijuana dispensary from another medical marijuana dispensary on property located at 10125 South Sheridan Road East, Suite A.

**BOA-22161 November 2016:** The Board of Adjustment **approved** a **Verification** of the spacing requirement for liquor stores of 300 feet from plasma centers, day labor hiring centers, bail bonds offices, pawn shops and other liquor stores, on property located at 6514 East 101<sup>st</sup> Street South, Suites A1, B, & C.

**PUD-267 November 1981:** All concurred in **approval** of a proposed *Planned Unit Development* on a 10± acre tract of land for on property located Southeast corner of East 101<sup>st</sup> Street and South Sheridan Road.

***Surrounding Property:***

**BOA-21371 January 2012:** The Board of Adjustment **approved** a *Special Exception* to permit previously approved site plan (BOA-19784); & **approved** a *Special Exception* to permit Utility/Communications facility in an RS-3 district; & **approval** of a *Variance of the landscape requirements*, on property located at 10310 South Sheridan Road.

**BOA-21045 March 2010:** The Board of Adjustment **approved** a *Variance* to permit the maximum aggregate display surface area for wall signs within a PUD from 2 sq. ft. per lineal foot of building wall to 3 sq. ft. per lineal foot of building wall to permit additional signs on an existing building, on property located at 10106 South Sheridan Road.

**BOA-19940 November 2004:** The Board of Adjustment **approved** a *Special Exception* to vary the height of a bell tower from 52.5 ft to 106 ft & **approve** a *Variance* to vary the building height from 52.5 ft to 64.0 ft, on property located at 10310 South Sheridan Road.

**BOA-19784 March 2004:** The Board of Adjustment **approved** a *Special Exception* to approve a change in a previous site plan. & a *Variance* of no parking permitted within a require front yard, on property located at 10310 South Sheridan Road.

**BOA-19235 December 2001:** The Board of Adjustment **approved** an amended site plan to add a 40' x 40' x 12' storage building on property located at 10310 South Sheridan Road.

**BOA-16474 October 1993:** The Board of Adjustment **approved** a *Variance* to permit the maximum 3000 SF for a dry-cleaning establishment, on property located at SW/c of E. 101<sup>st</sup> Street and South Sheridan.

**BOA-16457 October 1993:** The Board of Adjustment **approved** a *Variance* to permit the number of required off-street parking from 429 to 403 & a *Variance* of

the parking standards to permit parking area to be provided in accord with standards of 1303.A.2. which become effective January 1, 1994, on property located at NE/c of East 101<sup>st</sup> St. South and South Sheridan Road.

**BOA-14497 July 1987:** The Board of Adjustment **approved** a *Special Exception* to permit the expansion of an existing church use, on property located at 10310 South Sheridan Road.

**BOA-9182 August 1976:** The Board of Adjustment **approved** a *Special Exception* to permit property for church use in an RS-3 District, on property located at South and West of 101<sup>st</sup> Street and Sheridan Road.

**PUD-339 August 1983:** All concurred in **approval** of a proposed *Planned Unit Development* on a 10+ acre tract of land for on property located North side of East 101<sup>st</sup> Street South and East side of Sheridan Road.

**Z-4978 June 1977:** All concurred in **approval** of a request for *rezoning* a tract of land from AG to RS-3 on property located 10011 South Sheridan Road.

**Z-4716 February 1975:** All concurred in **approval** of a request for *rezoning* a tract of land from AG to CS on property located 10011 South Sheridan Road.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Comments:**

Mr. Craddock asked why the staff recommendation was to prohibit bars in the east 125 feet of the PUD.

Staff stated the applicant had a public meeting with some of the neighbors and property owners in the area and that restriction was a result of that meeting.

Mr. Craddock asked if a use has ever been that specific when limiting it within an area.

Staff stated there are past PUD's that are that specific.

**Applicant Comments:**

**Lou Reynolds** 2727 East 21st Street, Suite 200 Tulsa, OK 74114

The applicant stated his client owns the Village Shopping Center at the southeast corner of a 101st Street and South Sheridan. He stated the subject property is about an eight acre tract of land with improvements in three buildings. The applicant stated on page 6.8 of the agenda packet it shows the eight acre tract with CS zoning and around the corner there is multifamily zoning which was a typical PUD for 1981. He stated this PUD has unusual setbacks. The applicant stated the setbacks along the east and south boundary are unusually far from the residential property to the south. He stated the south boundary setback is 55 feet and 100 feet and the east boundary is a 50 foot setback that's actually built to 55 feet. Mr. Reynolds stated that development pattern isn't seen much anymore and

has not been seen in the last 30 or so years. He stated a neighborhood meeting was held and they also sent out letters to neighbors. Mr. Reynolds stated there was about 16 people at the meeting and one of the comments that came out of that meeting was to restrict along that east boundary to prevent the east building from being used for a bar. He stated that's what the neighbors asked them to do and the applicant didn't have a problem with that restriction.

Mr. Craddock stated he assumes this type of past setbacks was done by negotiation with the neighbors or the Planning Commission at the time. This proposal makes it better for the neighborhood because the buildings are further away from the residence.

**Interested Parties:**

**Sam Roop** 10533 South 71st East Avenue, Tulsa, OK

Mr. Roop stated he objects to a Major Amendment. He stated normally by right this would not be allowed. Mr. Roop stated this proposal is for a bar with entertainment and that usually means amplifiers will be present. He stated if you don't live in that particular neighborhood, you won't understand the way sound carries there. Mr. Roop stated the adjacent neighbors are RS-3 but in that square mile there are RS-2 neighbors and RE size homes. He stated normally this neighborhood is very quiet and he doesn't believe that this development is in character of this particular neighborhood. Mr. Roop stated if Planning Commission does approve this application he would request the sound requirements for this particular PUD be tightened up. He stated for this particular use the normal decibel is 65 DB and he would ask for 43 DB. Mr. Roop stated his reasoning for that is according to Yale University, a normal suburban neighborhoods ambient noise is 40 DB but this isn't a suburban area they have deer in this area so he proposes 43 DB which would only be a little bit above normal ambient. He stated most of the activities of a bar with entertainment are going to occur at night after nine o'clock so he would request that Planning Commission make it a requirement to soundproof the interior to at least 43 DB which would be reasonable for this neighborhood.

The applicant stated he wanted to reiterate the existing setbacks, existing buildings, and mention these are masonry buildings. He stated he doesn't think there's an issue for soundproofing. He stated the vast majority of the people that showed up at the meeting to discuss this project supported it.

Mr. Craddock asked if there were other similar establishments within that same corridor.

The applicant stated "yes", across the street, there is a Louie's Bar and Grill but it is a standalone building. He stated they do a good business and there's not been any issues.



Mr. Zalk asked when you say that the neighbors were in support, where they actively in support or did they just not have a problem with it.

The applicant stated some were actively in support and some decided they could accept it.

Mr. Zalk asked how they expressed their support.

The applicant stated they are happy to have a bar in the area and think it's a benefit that they can walk to it.

**TMAPC Action; 8 members present:**

On **MOTION** of **CRADDOCK**, the TMAPC voted 7-0-1 (Bayles, Blair, Covey, Craddock, Krug, Shivel, Zalk, "aye"; no "nays"; none "abstaining"; Whitlock, "recusal" ; Kimbrel, Reeds, Walker, "absent") to recommend **APPROVAL** of the PUD Major Amendment for PUD-267-A per staff recommendation.

**Legal Description for PUD-267-A:**

LT 1 BLK 1, VILLAGE SOUTH

\* \* \* \* \*

Items 7 and 8 were presented together.

- 7. PUD-360-G Paras Chharbra** (CD 8) Location: West of the northwest corner of East 91st Street South and South 79th East Avenue requesting a **PUD Major Amendment** to permit a Medical Marijuana dispensary and Retail Sales Uses (Related to Z-7637)

**STAFF RECOMMENDATION:**

**SECTION I: PUD-360-G**

**DEVELOPMENT CONCEPT:** The applicant is proposing a Major Amendment to the PUD in conjunction with rezoning from RM-0/CS to CS to add Medical Marijuana Dispensary and Retail Sales uses to the permitted uses within Development Area 2-B of the PUD.

The current permitted uses for Development Area 2-B are those as permitted in the CS district, except within the west 200 feet which shall be restricted to Use Units 11 – Offices, Studios and Support Services and Use Unit 14 – Shopping Goods and Services, which the proposed Medical Marijuana Dispensary and some uses included in the Retail Sales uses of the current zoning code would not fall under. The proposed amendment would allow the previously approved uses as well as Medical Marijuana Dispensary use and those included in the Retail Sales use within 200 feet of the western boundary within Development Area 2-B.

## **DETAILED STAFF RECOMMENDATION:**

PUD-360-G is consistent with the Town Center vision of the Tulsa Comprehensive Plan and,

PUD-360-G is consistent with the expected development of surrounding properties and,

All remaining development standards defined in PUD-360 and subsequent amendments shall remain in effect, therefore,

**Staff recommends Approval of PUD-360-G to add Medical Marijuana Dispensary and Retail Sales uses to the permitted uses of Development Area 2-B.**

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The site is designated as Town Center in the City of Tulsa Comprehensive Plan*

#### Land Use Vision:

*Land Use Plan map designation: Town Center*

Town Centers are medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

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

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

Transportation Vision:

*Major Street and Highway Plan:* E 91<sup>st</sup> St S is designated as a Secondary Arterial

*Trail System Master Plan Considerations:* A bike lane is suggested along E 91<sup>st</sup> St S. A sidewalk gap is shown to exist along the E 91<sup>st</sup> St S frontage.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary:* The site currently contains a retail shopping center

Environmental Considerations: None

Streets:

<u>Existing Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
E 91 <sup>st</sup> St S	Secondary Arterial	100 Feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	RM-0/CS/PUD-360-E	Town Center	Growth	Commercial
South	CO/CS/PUD-405	Town Center	Growth	Auto Dealership
East	CS/PUD-360-E	Town Center	Growth	Bank
West	RS-3/PUD-215	Existing Neighborhood	Stability	Single Family

**SECTION III: Relevant Zoning History**

**History: Z-7637 Rel. PUD-360-G**

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

***Surrounding Property:***

**PUD-360-F January 2018:** All concurred in **approval** of a proposed *Major Amendment* to PUD on a 3.17± acre tract of land for on property located Northwest of the Northwest corner of East 91<sup>st</sup> Street South & South Memorial Drive.

**BOA-20895 April 2009:** The Board of Adjustment **approved** a Verification to permit the spacing requirement for an adult entertainment establishment from a church, school, park, and another adult entertainment establishment (Section 1212. a.C.3); a *Variance* of the spacing requirement for an Adult Entertainment Establishment of 50 ft. from an R district (Section 1212.aC.3. a); & a *Special Exception* to permit a wine bar in the existing commercial center, on property located at 8922 South Memorial Drive, Suite C-3.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **SHIVEL**, the TMAPC voted 8-0-0 (Bayles, Blair, Covey, Craddock, Krug, Shivel, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Kimbrel, Reeds, Walker, "absent") to recommend **APPROVAL** of the PUD Major Amendment for PUD-360-G per staff recommendation.

**Legal Description for PUD-360-G:**

Blocks 1 and 2, 91<sup>st</sup> and Memorial Plaza A Addition

\* \* \* \* \*

8. **Z-7637 Paras Chharbra** (CD 8) Location: West of the northwest corner of East 91st Street South and South 79th East Avenue requesting rezoning from **RM-0 and CS to CS** to permit a Medical Marijuana dispensary and Retail Sales Uses (Related to PUD-360-G)

**STAFF RECOMMENDATION:**

**SECTION I: Z-7637**

**DEVELOPMENT CONCEPT:** The applicant is proposing to rezone the subject lot from RM-0/CS to CS in conjunction with a Major Amendment to the PUD to

permit a Medical Marijuana Dispensary as well as Retail Sales uses in Development Area 2-B.

The site is located in the Town Center designation of the City of Tulsa Comprehensive Plan. The proposed CS zoning and addition of uses would be compatible with this designation. The rezoning to CS is required so that the underlying zoning of the site would allow the proposed uses to be added via the proposed Major Amendment.

**DETAILED STAFF RECOMMENDATION:**

Requested CS zoning is consistent with the Town Center vision of the Tulsa Comprehensive Plan and,

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

Uses allowed by CS zoning are non-injurious to proximate properties therefore,

**Staff recommends Approval of Z-7637 to rezone property from RM-0 and CS to CS.**

**SECTION II: Supporting Documentation**

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The site is designated as Town Center in the City of Tulsa Comprehensive Plan.*

Land Use Vision:

*Land Use Plan map designation: Town Center*

Town Centers are medium-scale, one to five story mixed-use areas intended to serve a larger area of neighborhoods than Neighborhood Centers, with retail, dining, and services and employment. They can include apartments, condominiums, and townhouses with small lot single family homes at the edges. A Town Center also may contain offices that employ nearby residents. Town centers also serve as the main transit hub for surrounding neighborhoods and can include plazas and squares for markets and events. These are pedestrian-oriented centers designed so visitors can park once and walk to number of destinations.

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

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

Transportation Vision:

*Major Street and Highway Plan:* E 91<sup>st</sup> St S is designated as a Secondary Arterial.

*Trail System Master Plan Considerations:* A bike lane is suggested along E 91<sup>st</sup> St S. A sidewalk gap is shown to exist along the E 91<sup>st</sup> St S frontage.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary:* The site currently contains a retail shopping center.

Environmental Considerations: None

Streets:

<u>Existing Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
E 91 <sup>st</sup> St S	Secondary Arterial	100 Feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	RM-0/CS/PUD-360-E	Town Center	Growth	Commercial
South	CO/CS/PUD-405	Town Center	Growth	Auto Dealership
East	CS/PUD-360-E	Town Center	Growth	Bank
West	RS-3/PUD-215	Existing Neighborhood	Stability	Single Family

### **SECTION III: Relevant Zoning History**

**History: Z-7637 Rel. PUD-360-G**

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

#### ***Surrounding Property:***

**PUD-360-F January 2018:** All concurred in **approval** of a proposed *Major Amendment* to PUD on a 3.17± acre tract of land for on property located Northwest of the Northwest corner of East 91<sup>st</sup> Street South & South Memorial Drive.

**BOA-20895 April 2009:** The Board of Adjustment **approved** a Verification to permit the spacing requirement for an adult entertainment establishment from a church, school, park, and another adult entertainment establishment (Section 1212. a.C.3); a *Variance* of the spacing requirement for an Adult Entertainment Establishment of 50 ft. from an R district (Section 1212.aC.3. a); & a *Special Exception* to permit a wine bar in the existing commercial center, on property located at 8922 South Memorial Drive, Suite C-3.

#### **TMAPC Comments:**

Mr. Craddock asked if staff knew the frontage on the subject lot.

Staff stated “no”.

Mr. Craddock stated he was curious where the 200 foot Retail Sales use boundary would be.

Staff stated it was approximately the west quarter of the building.

#### **Applicant Comments:**

**Ryan Kuzmic** 1602 South Main Street, Tulsa OK 74119

Mr. Kuzmic stated he agreed with staff recommendation. He stated he was the Zoning director for Viridian Legal Services and they represent the applicant The Bodega Boys. Mr. Kuzmic stated this was a shopping center that was created in 1970 and a PUD was imposed around 1989. He stated since 1989 there has been six major amendments approved on the subject property. Mr. Kuzmic stated he thought it fair to say that probably all six or certainly most of those six major amendments since that time have basically been expanding that use to what would basically be a uniform CS. He stated on page 7.10 of the agenda packet it shows the way that this plat has been cut into different sections and different sections have been affected differently. Mr. Kuzmic stated Brook Bar and Grill which serves alcohol and Billy Sims are both in the building and are open until about nine o'clock each night. He stated his client's normal operating

hours would be 10am to 9pm. Mr. Kuzmic stated his clients have another store that has been open about a year on Lewis Avenue with no issues. He stated another store was approved on Sheridan Road that has not opened yet. Mr. Kuzmic stated in his opinion he believes the City's preference may be that this entire shopping center be rezoned to CS because of the way that it has developed over time.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **SHIVEL**, the TMAPC voted 8-0-0 (Bayles, Blair, Covey, Craddock, Krug, Shivel, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Kimbrel, Reeds, Walker, "absent") to recommend **APPROVAL** of the CS zoning for Z-7637 per staff recommendation.

**Legal Description for Z-7637:**

PRT LT 2 BEG SWC LT 2 TH N225 E331.34 CRV LF 57.82 S158.33 W47.77 S10 W273.90 POB BLK 1, HOMELAND NO 0102

\* \* \* \* \*

Items 9 and 10 were presented together.

- 9. PUD-470-B William Hoey** (CD 7) Location: Southeast corner of East 66th Street South and South Memorial Drive requesting a **PUD Abandonment for PUD-470-B** to permit a convenience store with fuel sales (Related to Z-7638 and Kum & Go 2362 Preliminary Plat)

**STAFF RECOMMENDATION:**

**SECTION I: PUD-470-B**

**DEVELOPMENT CONCEPT:** The applicant is proposing to abandon PUD-470, in conjunction with rezoning the lot from OM/AG to CS to permit a convenience store with fuel sales. The proposed use would be allowable by right in the CS district if the zoning is approved. A major amendment is required whenever a PUD or portion of a PUD is proposed to be abandoned. This proposal would abandon a portion of PUD-470, with the remainder of PUD-470, located south of the subject lot to remain.

**DETAILED STAFF RECOMMENDATION:**

PUD-470-B is consistent with the Regional Center vision of the Tulsa Comprehensive Plan and,



PUD-470-B is consistent with the expected development of surrounding properties and,

All remaining development standards defined in PUD-470 and subsequent amendments shall remain in effect for the portions of the PUD not being abandoned, therefore,

**Staff recommends Approval of PUD-470-B to abandon the PUD as proposed.**

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

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

#### Land Use Vision:

*Land Use Plan map designation: Regional Center*

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

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

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

#### Transportation Vision:

*Major Street and Highway Plan: E 66<sup>th</sup> St S is designated as a Residential Collector. S Memorial Drive is designated as a Primary Arterial.*

*Trail System Master Plan Considerations: A signed bike route is suggested along E 66<sup>th</sup> St S. A sidewalk gap is shown to exist along the S Memorial Dr frontage.*

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

**DESCRIPTION OF EXISTING CONDITIONS:**

*Staff Summary: The site is currently vacant. A former restaurant was located on the subject lot but has subsequently been demolished.*

Environmental Considerations: None

Streets:

<u>Existing Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
E 66 <sup>th</sup> St S	Residential Collector	60 Feet	4

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area Stability or Growth</b>	<b>Existing Use</b>
North	OM/AG/PUD-186	Existing Neighborhood	Stability	Drainage/Single Family
South	CS/AG/PUD-470-A	Regional Center	Growth	Commercial
East	OM/CS/PUD-309-A	Regional Center	Growth	Commercial
West	AG/CS/PUD-379-C	Regional Center	Growth	Commercial

**SECTION III: Relevant Zoning History**

**History: Z-7638 Rel. PUD-470-B**

**ZONING ORDINANCE:** Ordinance number 11829 dated June 26,1970, established zoning for the subject property.

***Surrounding Property:***

**Z-7402 August 2017:** All concurred in **approval** of a request for a *rezoning* on a 21.15± acre tract of land for on property located South of the southwest corner of East 66<sup>th</sup> Street South and South Memorial Drive.

**Z-7291 March 2015:** All concurred in **approval** of a request for *rezoning* a 4.5± acre tract of land from AG, OM & CS to CS on property located Northeast corner of East 68<sup>th</sup> Street and South Memorial Drive.

**BOA-20936 July 2009:** The Board of Adjustment **approved** a *Variance* to permit the required parking requirement for a mixed-use commercial building in a PK district & a *Special Exception* to permit an Adult Entertainment Establishment (bar) on a lot within 150 ft. of an R zoned land (Section 701); and 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, church, and another Adult Entertainment Establishment (bar) in the existing commercial building in the PK district/PUD, on property located at 6612 South Memorial Drive.

**BOA-20452 March 2007:** The Board of Adjustment **approved** a *Variance* to permit the parking requirement from 448 to 391, on property located at 6612 South Memorial Drive East.

**PUD-470-A March 2015:** All concurred in **approval** of a proposed *Major Amendment* to PUD on a 4.5± acre tract of land for on property located Northeast corner of East 68<sup>th</sup> Street and South Memorial Drive.

**PUD-379-D August 2017:** All concurred in **approval** of a proposed *Major Amendment* to PUD on a 21.15± acre tract of land for on property located South of the southwest corner of South Memorial Drive and East 66<sup>th</sup> Street.

**BOA-16719 March 1994:** The Board of Adjustment **approved** a *Variance* to permit the permitted signage, on property located at Northeast corner East 68<sup>th</sup> Street and South Memorial Drive.

**Z-6320/PUD-470 October 1991:** All concurred in **approval** of a request to rezone a 6.23± acre tract of land from AG & OM to CS and **approval** of a proposed *Planned Unit Development* for Special District 3 Commercial Complex, on property located Northeast corner of 68<sup>th</sup> Street and South Memorial Drive.

**Z-6011/PUD-379:** All concurred in **approval** of a request to rezone a 32± acre tract of land from AG, RS-3, OL & CS to CS & RM-2 and **approval** of a proposed *Planned Unit Development* for Medium Intensity, on property located South of the SW corner of 66<sup>th</sup> Street and Memorial Drive.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **WHITLOCK**, the TMAPC voted 8-0-0 (Bayles, Blair, Covey, Craddock, Krug, Shivel, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Kimbrel, Reeds, Walker, “absent”) to recommend **APPROVAL** of the PUD Abandonment for PUD-470-B per staff recommendation.

**Legal Description for PUD-470-B:**

N200 LT 1 BLK 3, Woodland Hills Mall

\*\*\*\*\*

**10. Z-7638 William Hoey** (CD 7) Location: Southeast corner of East 66th Street South and South Memorial Drive requesting rezoning from **OM and AG to CS** to permit a convenience store with fuel sales (Related to PUD-470-B and Kum & Go 2362 Preliminary Plat)

**STAFF RECOMMENDATION:**

**SECTION I: Z-7638**

**DEVELOPMENT CONCEPT:** The applicant is proposing to rezone the subject lot from OM and AG to CS and, concurrently, abandon PUD-470 in order to permit a convenience store with fuel sales. The subject lot is proposed to be developed as a Kum and Go location. The proposed use would be allowed by right within CS zoning and would be compatible with the Regional Center designation of the City of Tulsa Comprehensive Plan.

**DETAILED STAFF RECOMMENDATION:**

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

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

Uses allowed by CS zoning are non-injurious to proximate properties therefore,

**Staff recommends Approval of Z-7638 to rezone property from OM/AG to CS.**

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

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

Land Use Vision:

*Land Use Plan map designation:* Regional Center

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

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

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

Transportation Vision:

*Major Street and Highway Plan:* E 66<sup>th</sup> St S is designated as a Residential Collector. S Memorial Drive is designated as a Primary Arterial.

*Trail System Master Plan Considerations:* A signed bike route is suggested along E 66<sup>th</sup> St S. A sidewalk gap is shown to exist along the S Memorial Dr frontage.

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: The site is currently vacant. A former restaurant was located on the subject lot, but has subsequently been demolished.*

Environmental Considerations: None

Streets:

<u>Existing Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
E 66 <sup>th</sup> St S	Residential Collector	60 Feet	4

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area Stability or Growth</b>	<b>Existing Use</b>
North	OM/AG/PUD-186	Existing Neighborhood	Stability	Drainage/Single Family
South	CS/AG/PUD-470-A	Regional Center	Growth	Commercial
East	OM/CS/PUD-309-A	Regional Center	Growth	Commercial
West	AG/CS/PUD-379-C	Regional Center	Growth	Commercial

**SECTION III: Relevant Zoning History**

**History: Z-7638 Rel. PUD-470-B**

**ZONING ORDINANCE:** Ordinance number 11829 dated June 26,1970, established zoning for the subject property.

***Surrounding Property:***

**Z-7402 August 2017:** All concurred in **approval** of a request for a *rezoning* on a 21.15± acre tract of land for on property located South of the southwest corner of East 66<sup>th</sup> Street South and South Memorial Drive.

**Z-7291 March 2015:** All concurred in **approval** of a request for *rezoning* a 4.5± acre tract of land from AG, OM & CS to CS on property located Northeast corner of East 68<sup>th</sup> Street and South Memorial Drive.

**BOA-20936 July 2009:** The Board of Adjustment **approved** a *Variance* to permit the required parking requirement for a mixed-use commercial building in a PK district & a *Special Exception* to permit an Adult Entertainment Establishment (bar) on a lot within 150 ft. of an R zoned land (Section 701); and 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, church, and another Adult Entertainment Establishment (bar) in the existing commercial building in the PK district/PUD, on property located at 6612 South Memorial Drive.

**BOA-20452 March 2007:** The Board of Adjustment **approved** a *Variance* to permit the parking requirement from 448 to 391, on property located at 6612 South Memorial Drive East.

**PUD-470-A March 2015:** All concurred in **approval** of a proposed *Major Amendment* to PUD on a 4.5± acre tract of land for on property located Northeast corner of East 68<sup>th</sup> Street and South Memorial Drive.

**PUD-379-D August 2017:** All concurred in **approval** of a proposed *Major Amendment* to PUD on a 21.15± acre tract of land for on property located South of the southwest corner of South Memorial Drive and East 66<sup>th</sup> Street.

**BOA-16719 March 1994:** The Board of Adjustment **approved** a *Variance* to permit the permitted signage, on property located at Northeast corner East 68<sup>th</sup> Street and South Memorial Drive.

**Z-6320/PUD-470 October 1991:** All concurred in **approval** of a request to rezone a 6.23± acre tract of land from AG & OM to CS and **approval** of a proposed *Planned Unit Development* for Special District 3 Commercial Complex, on property located Northeast corner of 68<sup>th</sup> Street and South Memorial Drive.

**Z-6011/PUD-379:** All concurred in **approval** of a request to rezone a 32± acre tract of land from AG, RS-3, OL & CS to CS & RM-2 and **approval** of a proposed *Planned Unit Development* for Medium Intensity, on property located South of the SW corner of 66<sup>th</sup> Street and Memorial Drive.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **WHITLOCK**, the TMAPC voted 8-0-0 (Bayles, Blair, Covey, Craddock, Krug, Shivel, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Kimbrel, Reeds, Walker, "absent") to recommend **APPROVAL** of the CS zoning for Z-7638 per staff recommendation.

**Legal Description for Z-7638:**

N200 LT 1 BLK 3, Woodland Hills Mall

## PUBLIC HEARING-PLATS

- 11. Kum & Go 2362** (CD 7) Preliminary Plat, Location: Southeast corner of East 66<sup>th</sup> Street South and South Memorial Drive (Related to PUD-470-B and Z-7524)

### **STAFF RECOMMENDATION:**

#### **Kum & Go 2362** - (CD 7)

Southeast corner of East 66<sup>th</sup> Street South and South Memorial Drive

This plat consists of 1 lot, 1 block on 1.36 ± acres.

The Technical Advisory Committee (TAC) met on January 6, 2022 and provided the following conditions:

1. **Zoning:** Property is currently zoned OL with a Planned Unit Development (PUD-470). There is a pending rezoning request (Z-7524) and associated PUD Major amendment (PUD-470-B) to rezone the property to CS (Commercial – Shopping) and remove it from the PUD. Rezoning must be approved and effective prior to final plat approval.
2. **Addressing:** City of Tulsa addresses and street names must be assigned and affixed to the face of the final plat.
3. **Transportation & Traffic:** Sidewalks, ADA ramps, and driveways require approval of a right-of-way permit by the City of Tulsa. Update limits of no access and access areas of the plat to reflect final approved locations. Label and dimension all right-of-way areas with recording information or indicate dedications being made by plat.
4. **Sewer/Water:** Site is served by an existing City of Tulsa sanitary sewer and water. Provide book and page for existing water line easement.
6. **Engineering Graphics:** Submit a subdivision control data sheet with the final plat. Add “State of” before Oklahoma in the plat subtitle. Add contact information and CA number for project engineer and surveyor. In the location map, label all platted boundaries in the section and label all other property as “unplatted”. Label the plat location as “project location” or “site”. Under the basis of bearing information, include the coordinate system used. Provide a bearing angle shown on the face of the plat. Graphically label the point of beginning (POB) on the face of the plat. Add signature block for City officials.
8. **Stormwater, Drainage, & Floodplain:** If stormwater system improvements are required, IDP must be approved prior to approval of a final plat. Closure of existing storm sewer easement must be processed and approved through the City of Tulsa Utility Coordination Department.



9. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:**  
All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the conditions provided by TAC and all other requirements of the Subdivision and Development Regulations. Final plat release from the City of Tulsa is required prior to final plat approval.

**The applicant indicated his agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

**TMAPC Action; 8 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 8-0-0 (Bayles, Blair, Covey, Craddock, Krug, Shivel, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Kimbrel, Reeds, Walker, "absent") to **APPROVE** the Preliminary Subdivision Plat for Kum & Go 2362 per staff recommendation.

## **COMPREHENSIVE PLAN CONFORMANCE**

12. TMAPC consideration of adoption of Resolution No. 2858:1035 finding the **Route 66 Bus Rapid Transit (BRT) Land Use Framework** in conformance with the Tulsa Comprehensive Plan

### **STAFF RECOMMENDATION:**

#### **Item**

TMAPC consideration of adoption of Resolution No. 2858:1035 finding the Route 66 Bus Rapid Transit (BRT) Land Use Framework in conformance with the Tulsa Comprehensive Plan

#### **Background**

The Tulsa Planning Office completed a land use study for land surrounding future transit station areas located along the Route 66 BRT corridor. The study evaluated the properties along the length of 11th Street between S. Peoria Ave. and S. Garnett Rd., along S. Garnett Rd. between 11th Street and 21st Street, and 21st Street between S. Garnett Rd. and 145th E. Ave. and recommends land use and zoning changes that can maximize economic development activity. The study addresses which land uses provide the most successful outcomes for private properties that border the BRT alignment.

Tulsa Planning Office staff presented an update on the land use study at an August 18, 2021 work session of the Planning Commission. The Route 66 Bus Rapid Transit (BRT) Land Use Framework (see attached) is considered a functional plan and falls under the category of “other types of plans, studies and initiatives” in the TMAPC Policies and Procedures, which requires that the plan be reviewed for conformance with the Tulsa Comprehensive Plan. Following this action, the City Council will be asked to concur with the finding of conformance.

### **Comprehensive Plan Conformance**

The Tulsa Comprehensive Plan (PlaniTulsa) contains priorities, goals and policies supporting a variety of transportation options (including bus rapid transit) and the need to create walkable, higher density development within walking distance of transit (see attached for Comprehensive Plan references). The Route 66 Bus Rapid Transit (BRT) Land Use Framework contains specific land use and zoning recommendations designed to achieve these concepts outlined in the Comprehensive Plan. The land use framework will provide guidance as public improvements are made and private properties develop along the Route 66 BRT corridor. The land use recommendations for mixed use development, specifically through utilization of the mixed-use zoning tool in the City of Tulsa Zoning Code, will implement the Comprehensive Plan’s direction on transit-oriented development. Staff finds that based on the above, the Route 66 Bus Rapid Transit (BRT) Land Use Framework is in conformance with the Tulsa Comprehensive Plan.

### **Staff Recommendation**

Adopt a resolution finding the Route 66 Bus Rapid Transit (BRT) Land Use Framework in conformance with the Tulsa Comprehensive Plan.

**There were no interested parties wishing to speak.**

### **TMAPC Comments:**

Mr. Zalk asked if there were any objections from local businesses.

Staff stated “no” the framework sets up the rezoning program, which is voluntary, so staff would be promoting it and encouraging people to pursue it.

Mr. Shivel stated he is delighted to see the progress on this it will be great for the city.

Ms. Bayles stated she would like to applaud the other incentives as well. This is something that every business owner should and could be taking advantage of to improve that district along the 11th Street corridor.

**TMAPC Action; 8 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 8-0-0 (Bayles, Blair, Covey, Craddock, Krug, Shivel, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Kimbrel, Reeds, Walker, “absent”) to **ADOPT** Resolution No. 2858:1035 finding the Route 66 Bus Rapid Transit (BRT) Land Use Framework in conformance with the Tulsa Comprehensive Plan.

**OTHER BUSINESS**

**13. Commissioners' Comments**

**NONE**

DRAFT

**ADJOURN**

**TMAPC Action; 8 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 8-0-0 (Bayles, Blair, Covey, Craddock, Krug, Shivel, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Kimbrel, Reeds, Walker, “absent”) to **ADJOURN** TMAPC meeting of January 19, 2022, Meeting No. 2858.

**ADJOURN**

There being no further business, the Chair declared the meeting adjourned at 1:37 p.m.

Date Approved:

\_\_\_\_\_

\_\_\_\_\_

Chair

ATTEST: \_\_\_\_\_

Secretary