

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
**Minutes of Meeting No. 2870**

Wednesday, July 20, 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>
Carr	Bayles	Craig	Silman, COT
Covey	Whitlock	Foster	VanValkenburgh, Legal
Craddock		Hoyt	Stephens, Jeff, Legal
Kimbrel		Miller	
Krug		Sawyer	
Reeds		Siers	
Shivel		Taylor	
Walker		Wilkerson	
Zalk			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Thursday July 14, 2022 at 4:49 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. Ms. Miller stated there will be a work session on August 17, 2022.

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## **Minutes:**

1. Minutes of July 6, 2022 Meeting No. 2869

Approval of the minutes of **July 6, 2022 Meeting No. 2869**

### **TMAPC Action; 9 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 8-0-1 (Carr, Covey, Craddock, Krug, Reeds, Shivel, Walker, Zalk, "aye"; no "nays"; Kimbrel, "abstaining"; Bayles, Whitlock, "absent") to **APPROVE** the minutes of July 6, 2022 Meeting No. 2869

2. Amend the minutes of May 18, 2022 Meeting No. 2866 to correct the legal of PUD-360-H (page 23)

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

### **TMAPC Action; 9 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 9-0-0 (Carr, Covey, Craddock, Kimbrel, Krug, Reeds, Shivel, Walker, Zalk, "aye"; no "nays"; none "abstaining"; Bayles, Whitlock, "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-592-B-1 Tom Newman** (CD 9) Location: North of the northeast corner of East 41<sup>st</sup> Street South and South Harvard Avenue requesting a **PUD Minor Amendment** to add Apartment/Condo as a permitted use

## **STAFF RECOMMENDATION:**

**SECTION I:** PUD-592-B-1 Minor Amendment

**Amendment Request:** Modify the PUD Development Standards to add apartment/condo to the allowable uses.

The current development standards for Development Area A of PUD-592-B allow Offices, video and sound recording studios and warehousing of equipment, materials and props accessory with the office use and off-street parking. The applicant is proposing to add Apartment/Condo to the allowable uses. The third floor of the existing building is a large, open space, in which the applicant wishes to add condos. Apartment/Condo is an allowable use by right within both of the underlying zoning classifications of the PUD, which are CS and CH.

Staff Comment: This request is considered a Minor Amendment as outlined by Section 30.010.1.2.c(15) of the City of Tulsa Zoning Code.

*“Changes in an approved use to another use may be permitted, provided the underlying zoning on the particular site within the PUD would otherwise permit such use as of right and the proposed use will not result in any increase of incompatibility with the present and future use of nearby properties..”*

Staff has reviewed the request and determined:

- 1) PUD-592-B-1 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-592-B.
- 2) All remaining development standards defined in PUD-592-B remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to modify the PUD Development Standards to add Apartment/Condo to the allowable uses

**Legal Description PUD-592-B-1:**

Lot 1, Block 1 Forty-First Place  
Development Area A

**TMAPC Action; 9 members present:**

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

**PUBLIC HEARING – REZONING**

Items 4 and 5 were withdrawn by applicant.

4. **CZ-533 Nathan Cross** (County) Location: Northeast corner of East 136<sup>th</sup> Street North and North Memorial Drive requesting rezoning from **AG to RE and PUD-862 (Withdrawn by applicant)**
5. **PUD-862 Nathan Cross** (County) Location: Northeast corner of East 136<sup>th</sup> Street North and North Memorial Drive requesting rezoning from **AG to RE and PUD-862 (Withdrawn by applicant)**

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Items 6 and 13 were presented together.

6. **Z-7659 Fayette Willis**(CD 1) Location: South of Gilcrease Expressway, east side of North Peoria Avenue and west of North Quaker Avenue requesting rezoning from **RS-3 to CS** (Related to CPA-97) (Continued from July 6, 2022)

**STAFF RECOMMENDATION:**

**SECTION I: Z-7659**

DEVELOPMENT CONCEPT: The applicant has submitted a rezoning application and a concurrent land use map amendment that if approved will support a redevelopment opportunity that covers 4 lots.

The subject property covers two of those lots. The remaining two lots are zoned CS and have frontage on North Peoria where commercial access will be provided.

**DETAILED STAFF RECOMMENDATION:**

Z-7659 requesting CS zoning is not consistent with the current land use map designation that calls this area an existing neighborhood however,

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 and the applicant has submitted a request for a land use map change to support a coordinated effort to provide neighborhood services at this location and,

The subject properties have been combined with the CS zoned property west of the subject tract with a plan for construction of a neighborhood office and retail development. With that lot combination and the concurrent request to change the land use map, staff supports the rezoning request for this specific site and,

Uses, building types and supplemental regulations allowed in a CS district are consistent with the expected development of the area, therefore

Staff recommends Approval of Z-7659 to rezone property from RS-3 to CS.

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

**Staff Summary:** *The request for CS zoning is not consistent with the land use designation of the comprehensive plan however the analysis of the area supports land use map modifications which could support a small-scale commercial development on this site.*

### **Land Use Vision:**

#### ***Existing Land Use Plan map designation: Existing Neighborhood***

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

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.

#### ***Proposed Land Use Plan map designation: Neighborhood Center***

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 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:***

##### **Multi-modal Corridor**

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

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

##### **Residential Collector: (28<sup>th</sup> Street North)**

The north boundary of the subject tract was established by the Winstead Addition Plat filed in 1946. That plat dedicated 25 feet of street right of way which anticipated construction of 28<sup>th</sup> Street north and a connection to North Peoria. The major street and highway plan illustrates a residential collector along that right of way alignment however a street has never been constructed and the north portion of the right of way has never been dedicated to the city.

##### ***Trail System Master Plan Considerations:***

The subject property abuts the Peoria Trail system which is a multi-use trail. The development of this site will provide access to the trail and create an opportunity for trail access into the neighborhood east of the subject property.

**Small Area Plan:** This site is in the Unity Heritage Neighborhoods Sector Plan. That Sector Plan was adopted in 2016 and states that there may be opportunities

for appropriately size and scale neighborhood retail throughout the district. With this general consideration staff supports a related land use plan change to include the subject tracts to Neighborhood Center and also change the two lots west of the subject tract to a Neighborhood Center.

**Special District Considerations:** This site is in the Healthy Neighborhood Overlay. That overlay provides spacing restrictions on small box discount stores. The existing small box discount store adjacent to this site will prohibit construction of another similar store on this property.

**Historic Preservation Overlay:** None

**DESCRIPTION OF EXISTING CONDITIONS:**

**Staff Summary:** *All four lots are undeveloped and wooded.*

***Street view from Northwest corner looking East.***



**Environmental Considerations:** None that would affect site redevelopment

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
North Peoria Avenue	Secondary Arterial with Multi Modal Corridor designation	100 feet	4 (2 each direction with center median)
North Quaker Street	None	50 feet	2
East 28 <sup>th</sup> Street North (undeveloped street right of way)	Residential Collector	60 feet	None

**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:**

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	CS	Regional Center	Growth	Small Box discount store and self-storage
East	RS-3	Existing Neighborhood	Growth	Single-family residential homes
South	RS-3	Existing Neighborhood	Growth	Single Family Residential
West	CH	Regional Center	Growth	Vacant

**SECTION III: Relevant Zoning History**

**History: Z-7659** Related to CPA-97

***SUBJECT PROPERTY:***

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

**LLA-426:** A Lot Line Adjustment was approved combining 2 adjoining lots and the subject property in April 2022. The western portion of that request were previously zoned CS. The eastern portion of that request is the subject property and are currently zoned RS-3.

***Surrounding Property:***

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

**BOA-22401 February 2018:** The Board of Adjustment approved a Special Exception to permit a self-storage facility in a CS District, on property located at 2817 North Peoria Avenue East.

**BOA-15448 July 1990:** The Board of Adjustment approved a Special Exception to permit a museum in an RS-3 zoned district & a Variance to permit the 25' setback from abutting properties to 0', on property located at 2715 N. Peoria Avenue East.

**BOA-12804 September 1983:** The Board of Adjustment approved a Variance to permit setback requirement from the centerline of Quincy Avenue from 50 to 40 feet to permit a residence in an RS-3 zoned district, on property located at South of the Southeast corner of 28<sup>th</sup> Street North and Quincy Avenue.

**Z-5825 July 1983:** All concurred in **approval** of a request for *rezoning* a tract of land from RS-3 to CS on property located Lots 1 and 2, Block 1 Winstead Addition.

**BOA-7227 November 1971:** The Board of Adjustment approved a Special Exception to permit using property for church use and parking & a Special Exception to modify the screening requirements & a Variance of one acre minimum in residential districts for church, on property located at 2740 North Quincy Avenue.

**TMAPC Comments:**

Ms. Kimbrel asked if the existing land use was Regional Center.

Staff stated the existing land use for the northwest corner is a Regional Center. He stated the only lot included in the Regional Center designation, south of 28th Street was a vacant lot in the northwest corner of the development area.

Ms. Kimbrel asked if the request was to change the land use to Neighborhood Center.

Staff stated "yes", the current Land Use Plan is Regional Center and Existing Neighborhood and that will all change to Neighborhood Center.

Ms. Kimbrel asked staff to explain the differences between Regional Center and Neighborhood Center.

Staff stated a regional center is anticipated to be something large scale such as a regional shopping center or regional employment. Examples are a Costco or a Target. He stated Neighborhood Center is more about small locally owned businesses. Staff stated the development in a Neighborhood Center is more appropriate for anything abutting the neighborhood, especially one that has pedestrian access and vehicular access from the neighborhood.

Ms. Kimbrel asked what zoning is typical of a Neighborhood Center.

Staff stated CS is the least intense zoning for commercial use and makes sense in a Neighborhood Center. He stated in a Regional Center CG or CH may be better and allows for a larger development.

Mr. Craddock asked what the impact would be on the residents who live on Quaker Avenue and East 28th Street North. He asked will it prohibit access to the neighborhood from the east.

Staff stated there will be screening requirements on the property that abuts the neighborhood. He stated the screening will cut off the access to the neighborhood.

**Interested Parties:**

**Joyce Brown** 570 East Queen Street, Tulsa, Oklahoma

Ms. Brown stated she represents the people in the community and they oppose the application. She stated the rezoning is significantly injurious to the neighborhood and detrimental to the public health and welfare of the community. Ms. Brown stated the age range of the community is from infancy to 92 years, there are Veterans, the disabled, Refugees, students, and hard working adults. She stated rezoning the subject properties to a Neighborhood Center increases the intensity of vehicles, pedestrians, homeless and panhandlers. Ms. Brown stated the subject property does not have secure access to streets and will require major modifications to the North Peoria multimodal corridor. She stated the subject property is designed for residential use not commercial, it was originally RS-3 and she doesn't believe commercial belongs in a residential area. Ms. Brown stated the neighborhood is concerned that if you change one area residential to commercial, it will continue to spread throughout the entire area. She stated the subject property is located on the eastside of Peoria Avenue and Peoria has an elevated center median. Ms. Brown stated northbound traffic is east of the median and southbound traffic is west of the median. She stated all vehicles entering Peoria from the subject property must turn right and make a U-turn to go southbound. This creates traffic congestion, increases motor vehicle accidents and at worst, the loss of human life. Ms. Brown stated the proposed development would require widening North Quaker Avenue due to the increasing

commercial traffic and availability of parking. She stated streetlights and a wastewater drainage system would also be needed. Ms. Brown stated these modifications are an unnecessary disruption of the community, loss of land from property owners, and wasted millions from taxpayers.

Ms. Kimbrel asked if Ms. Brown when she said she represents the neighborhood which people is she referring to.

Ms. Brown stated the names on the petition that she has submitted.

Ms. Kimbrel asked how the names and signatures were acquired.

Ms. Brown stated she acquired the signatures by talking to the individuals in the neighborhood and getting their opinion. She stated everyone signed the petition voluntarily.

Mr. Reeds asked if her objection was to the expansion of that property because the land was already CS and they can do whatever CS currently allows.

Ms. Brown stated "yes".

Mr. Reeds asked if she has had any conversations with the applicant.

Ms. Browns stated according to TMAPC's application the applicant is supposed to get with the neighborhood and the applicant did not do that. She stated, she personally does not feel obligated to contact the applicant.

Ms. Carr asked what the duplicate names on the petition mean.

Ms. Brown stated according to the Zoning Code in Chapter 70.03-G Protest Petition it indicates those who own lots.

**Applicant Comments:**

**Fayetta Willis** 1720 West Pine Place, Tulsa, OK

The applicant stated she will address some of the concerns. She stated there will be no connection to 28th Street or Quaker Avenue because there will be a screening fence around it per the Zoning Code. The applicant stated she didn't know about future plans to reconfigure Mohawk Boulevard and Peoria Avenue but there is already a traffic light and you can make legal U turns. She stated the other properties are already zoned to allow this use and she is asking that she property be changed so she can expand to offer better services for the community.

Ms. Kimbrel asked the applicant to talk about the types of benefits for the community and services she is anticipating offering.

The applicant stated if this is approved she will develop the property and rent out the retail spaces so she doesn't actually know what will be in the space. She stated it could be a restaurant, fast food, or retail. The applicant stated there is going to be a moratorium on dispensaries so that won't be possible in this space.

Mr. Reed asked if the applicant reached out to the neighborhood before applying for the zoning change.

The applicant stated, "no she did not".

Mr. Reeds asked if the applicant was told that part of the process was to send out a notice that you're going to change the Comprehensive Plan and zoning on the subject property.

The applicant stated she understood the process to be that there would be notices sent out to neighbors and that a sign would be placed on the subject property.

Mr. Zalk asked if the applicant owned other retail in Tulsa.

The applicant stated she owned other businesses but not retail.

Mr. Reeds asked besides the notices and signs what else was required of the applicant.

Staff stated the process that is done through the Tulsa Planning office includes yellow signs, the mailed notice to property owners within 300 feet of the subject property boundary, it is on the TMAPC website and it is published in the newspaper.

Mr. Reeds asked if there was any conversation about a development plan to limit specific uses.

Staff stated "no", in part because it was already a Regional Center and at the staff level they felt like the supplemental standards in the zoning code was adequate for any landscape requirements or use limitations where CS abuts residential. He stated the development plan added no value.

Mr. Craddock asked in the application is there a requirement or is there a suggestion for the applicant to meet with neighbors.

Staff stated there is a suggestion and many times it is a very strong suggestion but it is just a suggestion. He stated there is wording in the application to suggest it.

Ms. Kimbrel asked if Regional Center is considered more injurious than Neighborhood Center.

Staff stated he wouldn't say it was more injurious. He stated the subject property is very close to the Gilcrease Expressway interchange at Mohawk Boulevard and Peoria Avenue and Regional Centers are usually clustered around those high traffic corridors. He stated the idea is to put them where someone from anywhere in the city could access the use without going through the neighborhood. Staff stated the locations typically have been in transportation nodes to help attract people and businesses to those locations.

Mr. Craddock stated he likes the thought of getting some new facilities and commercial development but because of the elevation change, that acts as a natural buffer from the neighborhood, he thinks they need to keep the neighborhood intact as far as RS-3.

Mr. Reeds stated more commercial development is needed in this area and given the nature of the geography of the site and requirements of fencing and buffering from adjoining residential areas he doesn't see a significant impact on the neighborhood but instead sees it as something good.

Ms. Kimbrel stated she encourages opportunities for neighborhood engagement even though it's just a suggestion in the application she hopes that staff will encourage and help facilitate this particularly in disadvantaged neighborhoods. She stated the applicant spoke about what she understood the process to be but Ms. Kimbrel hopes some extra efforts could be done to get some legitimate community engagement because the area is tricky with commercial being so close to Residential.

Mr. Zalk stated he generally supports the development of commercial land and retail spaces in the community. He stated there has not been enough development that supports the community and the neighborhood and he would like to see more of it. Mr. Zalk stated he is concerned about the applicants lack of retail experience. But his hope is there will be attention given to retail tenant placement and not having multiple facilities being at odds with one another and making sure the right retail stores are chosen that does support the community.

**TMAPC Action; 9 members present:**

On **MOTION** of **REEDS**, the TMAPC voted 8-1-0(Carr, Covey, Kimbrel, Krug, Reeds, Shivel, Walker, Zalk, "aye"; Craddock, "nays"; none "abstaining"; Bayles, Whitlock, "absent") to recommend **APPROVAL** of the CS zoning for Z-7659 per staff recommendation.

**Legal Description for Z-7659:**

LT-24-BLK-1; LT-23-BLK-1, WINSTEAD ADDN, City of Tulsa, Tulsa County, State of Oklahoma

\* \* \* \* \*

Ms. Krug left the room at 1:56 pm and returned at 1:59 pm.

Items 7, 8 and 14 were presented together.

- 7. PUD-181-B Ashton Prickett** (CD 6) Location: North of the northwest corner of East 21<sup>st</sup> Street and South 145<sup>th</sup> East Avenue requesting a **PUD Abandonment** (Related to Z-7660 and CPA-98) (Continued from July 6, 2022)

**STAFF RECOMMENDATION:**  
**SECTION I: PUD-181-B**

**DEVELOPMENT CONCEPT:** PUD-181-B requests abandonment of a portion of PUD-181. There is a concurrent rezoning request (Z-7660) that includes a request to rezone the site from RS-3 & RD to CG with an optional development plan.

**DETAILED STAFF RECOMMENDATION:**

Staff recommends approval of PUD-181-B which will abandon a portion of PUD-181 for the subject site. Staff recommendation is contingent upon the approval of Z-7660 which will rezone the site to CG with an optional development plan and approval of CPA-98.

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The existing land use designation on the site of “New Neighborhood” would not support the rezoning to CG. The applicant has submitted a concurrent request to change the land use designation on the site from “New Neighborhood” to “Mixed-Use Corridor”. Staff is supportive of the request to amend the land use designation. All street frontage for the site is derived from South 145<sup>th</sup> East Avenue, a secondary arterial street. There are no connections from the site to the existing established neighborhoods.

**Land Use Vision:**

***Existing Land Use Plan map designation: New Neighborhood***

The **New Neighborhood** designation is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity and shall be paired with an existing or new Neighborhood or Town Center.

***Proposed Land Use Plan map designation: Mixed-Use Corridor***

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

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

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:* South 145<sup>th</sup> East Avenue is designated as a Primary Arterial and will require appropriate right-of-way dedication during subdivision plat or compliance review.

*Trail System Master Plan Considerations:* None

**Small Area Plan:** None

**Special District Considerations:** None

**Historic Preservation Overlay:** None

**DESCRIPTION OF EXISTING CONDITIONS:**

The subject tract is currently vacant. It is surrounded by properties zoned for residential with an existing neighborhood to the south and west. The tract north of this site is also vacant, as well as the sites across South 145<sup>th</sup> East Avenue.

**Environmental Considerations:** Portions of this site are impacted by the City of Tulsa Regulatory Floodplain. Floodplain areas will be required to be placed in overland drainage easements as part of the subdivision plat/compliance review

process. Development within the floodplain areas is restricted and subject to additional development requirements outlined in City of Tulsa Ordinances.

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
South 145 <sup>th</sup> East Avenue	Primary Arterial	120'	2

**Utilities:**

The subject tract has municipal water available along South 145<sup>th</sup> East Avenue. Sanitary Sewer service will be required to be extended to the subject site to accommodate development plans.

**Surrounding Properties:**

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-3/PUD-181	New Neighborhood	Growth	Vacant
South	RD/PUD-181	Existing Neighborhood	Stability	Single-Family Residential
East	AG	New Neighborhood	Growth	Vacant
West	RS-3/PUD-181	Existing Neighborhood	Stability	Single-Family Residential

**SECTION III: Relevant Zoning History**

**History: Z-7660 Rel. PUD-181-B**

***Subject Property:***

**ZONING ORDINANCE:** Ordinance number 11817 dated June 26, 1970, established zoning for the subject property.

**PUD-181 April 1976:** Ordinance number 13590 established PUD-181 for the subject property and surrounding properties.

***Surrounding Property:***

**BOA-23132 May 2021:** The Board of Adjustment **approved** a *Special Exception* to permit a medical marijuana growing operation, on property located at 14303 East 21<sup>st</sup> Street South.

**Z-7598 May 2021:** All concurred in **approval** of a request for *rezoning* a tract of land from CS to CG on property located West of the Northwest corner of East 21<sup>st</sup> street South & South 145<sup>th</sup> East Avenue.

**BOA-14689 December 1987:** The Board of Adjustment **approved** a *Special Exception* to permit a church and church related uses in an RS-3 zoned district, on property located at ¼ mile north of NE/c 145<sup>th</sup> East Avenue and 21<sup>st</sup> Street.

**BOA-14688 December 1987:** The Board of Adjustment **approved** a *Variance* to permit a detached accessory building to be in a side yard, on property located at 7804 South 28<sup>th</sup> West Avenue.

**Z-4841 December 1965:** All concurred in **approval** of a request for *rezoning* a tract of land from RS-1 & RS-3 to RS-3 on property located BEG NEC SE TH S876.26 W756.59 S249.74 W467.13 N1125.01 E1224.77 POB SEC 9 19 14 27.298ACS.

**PUD-181 March 1976:** All concurred in **approval** of a proposed *Planned Unit Development* on a 165.668± acre tract of land for on property located North and West of 21<sup>st</sup> street and 145<sup>th</sup> East Avenue.

**Z-4338 March 1973:** All concurred in **approval** of a request for *rezoning* a tract of land from RS-3 to CS on property located 14531 East 21<sup>st</sup> Street South.

**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 **SHIVEL**, the TMAPC voted 9-0-0(Carr, Covey, Craddock, Kimbrel, Krug, Reeds, Shivel, Walker, Zalk, "aye"; no "nays"; none "abstaining"; Bayles, Whitlock, "absent") to recommend **APPROVAL** of the PUD Abandonment for PUD-181-B per staff recommendation.

**Legal Description for PUD-181-B:**

**BEG 1283.23S NEC SE TH W718.53 SE178.23 SE153.83 SE182.2 E455 N408.23 POB SEC 9 19 14 6.00ACS, City of Tulsa, Tulsa County, State of Oklahoma**

\* \* \* \* \*

**8. Z-7660 Ashton Prickett (CD 6) Location: North of the northwest corner of East 21<sup>st</sup> Street and South 145<sup>th</sup> East Avenue requesting rezoning from **RD****

**and RS-3 to CG with an optional development plan** (Related to PUD-181-B and CPA-98) (Continued from July 6, 2022)

**STAFF RECOMMENDATION:**

**SECTION I: Z-7660**

**DEVELOPMENT CONCEPT:**

**DETAILED STAFF RECOMMENDATION:**

The applicant has requested to rezone the subject tract from RS-3/RD to CG with an optional development plan. Included with the application is an optional development plan that provides additional protections for the neighborhood areas adjacent to the site. The applicant has also requested an amendment to the land use map to change the land use designation from “New Neighborhood” to “Mixed-Use Corridor”. With the inclusion of the optional development plan standards, the CG zoning is consistent with the requested Mixed-Use Corridor land use recommendations of the Tulsa Comprehensive Plan.

**Staff recommends approval of Z-7660 to rezone property from RS-3 & RD to CG with an optional development plan with the abandonment of PUD-181 and approval of a land use map amendment to mixed-use corridor.**

**SECTION II: Z-7660 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

- Multi-Unit House
- Apartment/Condo
- 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 20' wide landscape buffer including an F1 screen along property lines adjacent to R zoning districts.
- b. Dynamic Displays are prohibited.

#### **RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

The existing land use designation on the site of "New Neighborhood" would not support the rezoning to CG. The applicant has submitted a concurrent request to change the land use designation on the site from "New Neighborhood" to "Mixed-Use Corridor". Staff is supportive of the request to amend the land use designation. All street frontage for the site is derived from South 145<sup>th</sup> East Avenue, a primary arterial street. There are no connections from the site to the existing established neighborhoods.

#### **Land Use Vision:**

##### ***Existing Land Use Plan map designation: New Neighborhood***

The **New Neighborhood** designation is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity and shall be paired with an existing or new Neighborhood or Town Center.

##### ***Proposed Land Use Plan map designation: Mixed-Use Corridor***

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

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

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:* South 145<sup>th</sup> East Avenue is designated as a Primary Arterial and will require appropriate right-of-way dedication during subdivision plat or compliance review.

*Trail System Master Plan Considerations:* None

**Small Area Plan:** None

**Special District Considerations:** None

**Historic Preservation Overlay:** None

**DESCRIPTION OF EXISTING CONDITIONS:**

The subject tract is currently vacant. It is surrounded by properties zoned for residential with an existing neighborhood to the south and west. The tract north of this site is also vacant, as well as the sites across South 145<sup>th</sup> East Avenue.

**Environmental Considerations:** Portions of this site are impacted by the City of Tulsa Regulatory Floodplain. Floodplain areas will be required to be placed in overland drainage easements as part of the subdivision plat/compliance review process. Development within the floodplain areas is restricted and subject to additional development requirements outlined in City of Tulsa Ordinances.

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
South 145 <sup>th</sup> East Avenue	Primary Arterial	120'	2

**Utilities:**

The subject tract has municipal water available along South 145<sup>th</sup> East Avenue. Sanitary Sewer service will be required to be extended to the subject site to accommodate development plans.

**Surrounding Properties:**

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-3/PUD-181	New Neighborhood	Growth	Vacant
South	RD/PUD-181	Existing Neighborhood	Stability	Single-Family Residential
East	AG	New Neighborhood	Growth	Vacant
West	RS-3/PUD-181	Existing Neighborhood	Stability	Single-Family Residential

**SECTION III: Relevant Zoning History**

**History: Z-7660 Rel. PUD-181-B**

***Subject Property:***

**ZONING ORDINANCE:** Ordinance number 11817 dated June 26, 1970, established zoning for the subject property.

**PUD-181 April 1976:** Ordinance number 13590 established PUD-181 for the subject property and surrounding properties.

***Surrounding Property:***

**BOA-23132 May 2021:** The Board of Adjustment **approved** a *Special Exception* to permit a medical marijuana growing operation, on property located at 14303 East 21<sup>st</sup> Street South.

**Z-7598 May 2021:** All concurred in **approval** of a request for *rezoning* a tract of land from CS to CG on property located West of the Northwest corner of East 21<sup>st</sup> street South & South 145<sup>th</sup> East Avenue.

**BOA-14689 December 1987:** The Board of Adjustment **approved** a *Special Exception* to permit a church and church related uses in an RS-3 zoned district, on property located at ¼ mile north of NE/c 145<sup>th</sup> East Avenue and 21<sup>st</sup> Street.

**BOA-14688 December 1987:** The Board of Adjustment **approved** a *Variance* to permit a detached accessory building to be in a side yard, on property located at 7804 South 28<sup>th</sup> West Avenue.

**Z-4841 December 1965:** All concurred in **approval** of a request for *rezoning* a tract of land from RS-1 & RS-3 to RS-3 on property located BEG NEC SE TH S876.26 W756.59 S249.74 W467.13 N1125.01 E1224.77 POB SEC 9 19 14 27.298ACS.

**PUD-181 March 1976:** All concurred in **approval** of a proposed *Planned Unit Development* on a 165.668± acre tract of land for on property located North and West of 21<sup>st</sup> street and 145<sup>th</sup> East Avenue.

**Z-4338 March 1973:** All concurred in **approval** of a request for *rezoning* a tract of land from RS-3 to CS on property located 14531 East 21<sup>st</sup> Street South

**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 **SHIVEL**, the TMAPC voted 9-0-0(Carr, Covey, Craddock, Kimbrel, Krug, Reeds, Shivel, Walker, Zalk, "aye"; no "nays"; none "abstaining"; Bayles, Whitlock, "absent") to recommend **APPROVAL** of the CG zoning with an optional development plan for Z-7660 per staff recommendation.

**Legal Description for Z-7660:**

**BEG 1283.23S NEC SE TH W718.53 SE178.23 SE153.83 SE182.2 E455 N408.23 POB SEC 9 19 14 6.00ACS, City of Tulsa, Tulsa County, State of Oklahoma**

\* \* \* \* \*

Mr. Walker left the room at 1:58 pm and returned at 2:03 pm.

- 9. Z-7665 Sharon Cole (CD 1) Location: Northeast corner of West Pine Street and North 24<sup>th</sup> West Avenue requesting rezoning from **RM-1 to CS with an optional development plan** (Related to CPA-100) (Continued from July 6, 2022)**

**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 will remove inconsistencies from the comprehensive plan and illustrate opportunities to redevelop the existing building on the site and support the existing RM-1 zoning designation and,

The existing zoning for the site was approved long before the current comprehensive plan effort and the current building was approved for office uses by a board of adjustment action in BOA-12957 in 1983. The board of adjustment approved the office use partially because of its consistency with the original development pattern established with the overall Gilcrease Hills Planned

Development area established by Community Development Plan #52 in 1968. That plan was abandoned in 1975 and redevelopment opportunities have been limited to multifamily residential uses and the office use. Rezoning the site with a development plan will help integrate the existing building and adjacent property into the fabric of the planned effort that was started in 1968 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 but only with the optional development plan outlined in section II below.

## **SECTION II: OPTIONAL DEVELOPMENT PLAN DEVELOPMENT PLAN STANDARDS**

The optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in CS 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, SUBCATEGORIES AND SPECIFIC USES:**

#### **Residential Use Category:**

Household Living (if in allowed residential building types listed below)

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

#### **Group Living:**

- Assisted Living Facility
- Community Group Home
- Convent/Monastery/Novitiate
- Elderly Retirement Center
- Life care retirement center

#### **Public, Civic and Institutional:**

- College or University
- Day Care
- Hospital
- Library or Cultural Exhibit
- Natural Resource Preservation

- Parks and Recreation
- Postal Services
- Religious Assembly
- Safety Service
- Religious Assembly
- School
  - Established on or before Jan. 1,1998
  - Others
- Utilities and Public Service Facility (Minor only)
- Wireless Communication Facility
  - Freestanding tower
  - Building or tower-mounted antenna

Commercial:

- Animal service
  - Grooming
  - Veterinary
- Assembly and Entertainment
  - Other indoor
    - Small up to 250 person capacity
    - (Small indoor use requires special exception approval if alcoholic beverages are sold or served, and the subject lot is located within 150 feet of any residential zoning district other than R-zoned street right-of-way)
  - Other outdoor
    - (Requires special exception approval).
- Broadcast or Recording Studio
- Commercial Service
  - Building service
  - Business support service
  - Personal improvement service
  - Research service
- Financial Services (except personal credit establishment is prohibited)
- Lodging
  - Bed and Breakfast
  - Short-term rental
- Office
  - Business or professional office
  - Medical, dental or health practitioner office
- Restaurants and Bars
  - Restaurant (The restaurant may only be included in the existing building.)

- Retail Sales
    - Consumer shopping goods
    - Convenience goods
  - Studio, Artist or Instructional Service
  - Trade School
- Agricultural
- Community Garden
  - Farm, Market- or Community-Supported

Residential building types

Household living

- Single household
  - Detached house (requires special exception approval)
  - 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
  - Apartment/Condo
  - Mixed-use building
  - Vertical-mixed use building

**SUPPLEMENTAL REGULATIONS FOR THE DEVELOPMENT PLAN.**

**Existing Building:**

The existing stone building must remain on site and may be remodeled and maintained as necessary for allowed uses. Rooftop dining and assembly areas are allowed. Demolition of the building is not allowed unless approved through the minor amended process defined in Section 70.040.I of the Tulsa zoning code.

**Building Height:**

Maximum building height shall not exceed 35 feet.

**Dumpster Screening:**

Dumpsters shall be set back at least twenty (20) feet from the north boundary of the Project and shall be locked and 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.

**Lighting:**

Lighting will be facing downwards and away from residential properties. All pole mounted lights shall be limited to a maximum height of 16 feet in parking areas and 8 feet in areas outside the parking lot and building.

**Signage:**

Signage shall conform to the provisions of the Tulsa Zoning Code for signage in a CS district with the Following additional restrictions:

1. One monument sign is allowed on the subject tract and that signage shall have a maximum height of 25 FT and a maximum display surface area of 100 square feet

\*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 shall not be closer than 125 feet from the north property line.
3. Illuminated wall signage is prohibited

**SECTION III: Support****Neighborhood Engagement:**

Applicant has lived in Gilcrease for almost 18 years and intends to remain long term. After seeing the subject property going into disrepair, being frequented by drug dealers and homeless people, she purchased it to secure, improve and to preserve the natural beauty of the property. The owners had not been able to sell the Property. She considered multiple options regarding the use of the Property and sought input from others, since she did not want to make that her primary residence. Applicant became passionate about turning the amazing existing structure into a Fine Dining Steakhouse. Others whom she spoke with, especially those active with the Gilcrease Museum supported the idea because of the loss of the Fine Dining facility there.

During the last two (2) years, the applicant has personally questioned support of the proposed use from many residents, property owners, administrators of adjacent properties, and professionals. The population of this informal questioning included, but was not limited to, those from: adjacent properties of all three areas (Gilcrease Hills, Holly Heights, and non-addition homeowners); areas of Gilcrease, North Tulsa, Downtown Tulsa, Tulsa, and those working at Downtown Tulsa; surrounding communities Pawhuska, Skiatook, Sand Springs, Berry Hill, Sapulpa, Broken Arrow, and Bixby. All were in support.

At the beginning of April 2022, the applicant's contact telephone number was posted at the entrance to the property. As a result, several neighbors called Applicant on the telephone, and discussed the plans. and were in support. Applicant has spoken with many who walked or have driven by the property, and those who have come onto the property questioning its use. They were supportive. Applicant also spoke with many who attended the yard sales in the

Spring of 2021 at the property that were publicly posted in the neighborhood and on the internet. They were supportive and encouraging. Applicant has spoken with the Director of the Gilcrease Museum. All of the forementioned people were supportive.

On July 5<sup>th</sup>, The Applicant met with approximately 50 members of the Gilcrease Homeowners' Association, City Councilor Vanessa Hall-Harper (Dist. 1), and the current and past Presidents of the HOA during a pre-scheduled meeting that was announced via email to the HOA members. Applicant showed a 3-minute video of the proposal for the Fine Dining Restaurant and fielded questions. At the meeting, there were approximately than ten (10) people who expressed negative concerns, with approximately three (3) who expressed disapproval. Some who had negative concerns have since voiced support.

At the July 6<sup>th</sup> TMAPC hearing, Applicant requested a continuance of the vote to address the concerns and to propose an optional development plan. A major concern was to prevent undesirable use for the neighborhood and safety. Certain plans to address concerns are listed above. Additionally, Applicant offers to exclude several uses from future development considerations. Some of those uses that will not be included in the development plan include:

- Medical Marijuana Dispensary,
- Funeral or Mortuary Service
- Fueling Center
- Grocery Store
- Small box discount store
- Plasma Center

July 13<sup>th</sup> a meeting was held in the Tulsa Planning Office at 1:00pm and included approximately 20 members of the surrounding neighborhood, property owners association representatives, the developer, and her architect along with representatives from the Tulsa Planning Office Staff. The development plan included in this staff report reflects some of the efforts of that meeting.

A meeting with members of the HOA and others was scheduled for the evening of July 13, 2022, with notice being sent by the HOA via its protocols. Applicant intends this Optional Development Plan to assist in the integration of the proposed zoning changes into the community.

July 19<sup>th</sup> a town hall meeting with the City Councilor and approximately 100 people attended and expressed their thoughts. The amendments included in the staff report reflect changes that came from that meeting.

#### **SECTION IV: 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.

The contours illustrated below are shown at 2 foot intervals.



**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
West Pine Street	Secondary Arterial	100 feet	2
North 24 <sup>th</sup> West Avenue	None	50 feet	2

**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:**

Location	Existing Zoning	Existing Land Use Designation	Area 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 IV: 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 24<sup>th</sup> 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 24<sup>th</sup> 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 24<sup>th</sup> 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 25<sup>th</sup> 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.

**TMAPC Comments:**

Mr. Covey asked if the subject property was currently in use.

Staff stated it has been vacant for several years.

Mr. Covey stated the property is currently zoned RM-1 but the Board of Adjustment approved a Special Exception in 1983 to allow office use on the entire tract of the property. He stated someone could scrape the current building and build back on the entire lot if they wanted to do so as long as it's office use.

Staff stated "yes".

Mr. Covey asked when the Comprehensive Plan was updated in 2010 how did the subject property with an RM-1 designation and a Special Exception for office get a Park land use designation.

Staff stated without scouring through hours and hours of minutes he does not have an explanation for how that happened.

Mr. Covey stated his guess is that citizens went to the planitulsa meetings and was asked what they wanted the property to be used for in the future and a lot of people said they would like it to be a park.

**Applicant Comments:**

**Sharon Cole** 1615 North 24th West Avenue, Tulsa, OK 74127

Ms. Cole stated she is an attorney. She stated she has lived in the Gilcrease Hills area for almost 18 years. Ms. Cole stated the property is in terrible disrepair but if you could go back in time and see it when it was first built, it was beautiful. She stated the building was designed by Leon Ragsdale who has passed away. Ms. Cole stated in 2017 the building was vandalized and was destroyed including cutting pipes. She stated there were homeless living in the building and people would dump trash there. Ms. Cole stated this property was built to be an informational center for potential buyers in the Gilcrease Hills subdivision. She stated after the intended use was not needed the developer purchased the building back from the Homeowner Association. Ms. Cole stated the property has been used in the past as a church and an event center. She stated the building was intended to be a gathering place. Ms. Cole stated the building needs to be shared. She stated It's too large for her it would be too expensive as it's a 12,000 square foot building. Ms. Cole stated it would make a great fine dining restaurant. She stated that she has spoken with people all over Tulsa who think this is a

great idea. Ms. Cole stated she had 4 meetings with the Gilcrease Hills Homeowners Association and a meeting at the Rudisill Library which included the Holly Heights area. She stated also present were people that didn't fall into any of the homeowners associations but lived in the Skyline Drive that is south. Ms. Cole stated some of the concerns that already exist is traffic and no sidewalks. She stated the original Planning Commission meeting was July 6, 2022 but after speaking with staff a continuance was approved to allow time to add an optional development plan to limit some uses. Ms. Cole respectfully requests that Planning Commission approve the rezoning and change in the Land Use designation.

Mr. Covey asked if the applicant currently owned the property and was the applicant going to be the developer.

Ms. Cole stated "yes".

Ms. Kimbrel asked if the applicant has other property that is a restaurant.

Ms. Cole stated, "no".

Ms. Kimbrel asked what issues the residents had that the applicant would address with this development.

Ms. Cole stated the crime issue. She stated with the building occupied there would be less crime in the neighborhood.

Ms. Carr asked what kind of experience the applicant had running a restaurant.

Ms. Cole stated she was not running the restaurant it would need to have professional people running it.

Mr. Craddock asked what the estimated sitting capacity was.

Ms. Cole stated 60 to 100.

**Interested Parties:**

**Norman Pullen** 1247 West Queen Street Tulsa, OK 74127

Mr. Pullen stated he opposes this application. He also questions if the applicant is rezoning for a restaurant because when asked who the target customers were at the Homeowners Association meeting last night Ms. Cole stated, everyone is the target customer. He stated for a high price or high value restaurant he didn't think everybody would be a target customer. Mr. Pullen stated places like Flemings or Mahogany you expect a certain demographic and there was no demographic identified when the applicant spoke. He stated he respects that the applicant does not have prior restaurant experience but if the applicant does not

know who her target customer is he wonders if there really is a business plan or if there is a financier who is going to put a half million dollars into the hands of a person who has no experience with handling business transactions such as this one. Mr. Pullen stated the other restaurants he mentioned has shopping and events near it. He stated he is not sure who lives in Broken Arrow, South Tulsa, Midtown, or Utica Square that would drive 12 to 15 miles out to North Tulsa to a fine dining restaurant.

Ms. Kimbrel asked Mr. Pullen how he would you like to see this site used.

Mr. Pullen stated Parks and Recreation. He thinks that is important.

**Florenda Roberts** 1622 North 23<sup>rd</sup> West Avenue, Tulsa, OK 74127

Ms. Roberts stated she is opposed to this project. She stated she lives in the townhouses that are due north of this proposed site and when she purchased her townhome 20 years ago the area was all a residential area. She stated she is opposed to changing this to a commercial site, which would bring in unwelcomed traffic and a lot of people that are not known to the community. Ms. Roberts stated she thinks it would take away from the community to have a restaurant on the subject property. She stated there are many other places that a fine dining restaurant could be developed. Ms. Roberts stated she loves her neighborhood and her neighbors and they do not want a restaurant as a neighbor.

Ms. Kimbrel asked Ms. Roberts how she would you like to see the site used.

Ms. Roberts stated park area would be fine, or maybe office buildings.

**Herman Motley** 2301 West Newton, Tulsa, OK 74127

Mr. Motley stated he has lived in Gilcrease Hills since 1973. He stated in the heyday of Gilcrease Hills there were walking trails and stables but obviously they deteriorate or wear down but it feels like it's coming back because things are being rebuilt. Mr. Motley stated the subject property is where he went to buy his house. He stated he signed his papers there and looked at all the plans. Mr. Motley stated the subject property was a very nice place back then but it's an eyesore to the community now. He stated the restaurant to him is a great thing to have in the area and he doesn't see a problem but his concern is that once the zoning changes to commercial and the restaurant doesn't open, because restaurants have a high failure right, what happens to that zoning. Mr. Motley stated he has no problem with the restaurant but wants some stipulations on the

zoning that says if the restaurant doesn't go well the zoning is reverted back to Parks or something other than commercial.

Ms. Carr asked what the structure that is on the property currently was used for.

Mr. Covey stated a visitor center to sell the homes in that area.

Ms. Carr stated but it is zoned residential.

Mr. Covey stated it is zoned residential but went before the Board of Adjustment in 1983 and got a Special Exception for Office Use on the entire area.

**Glenda Sisson** 2309 North Quannah, Tulsa, OK 74127

Ms. Sisson stated she has been a resident of Gilcrease Hills for 45 years. She stated she was not in favor of the zoning change. Ms. Sisson stated Gilcrease Hills is a developed community and they are very privileged to have a beautiful community with a lot of green belts. She stated they don't have any main streets going through neighborhoods and there is a resurgence of younger people moving back into the neighborhood. Ms. Sisson stated there are a lot of people walking the streets of their neighborhood and younger children are out riding their bikes. She stated they are 5 minutes from downtown where they have access to restaurants and entertainment so she also questions the feasibility and success of a restaurant in this particular area. Ms. Sisson stated if the Planning Commission decides to change the zoning as it relates in your planning guidelines, CS permits several different types of facilities. She stated those can be found in Table 15 of the Zoning Code and those facilities would certainly not be welcome in the neighborhood. Ms. Sisson stated they are a quiet community that enjoys their privacy and they would not want to be in a situation where other types of facilities could be built on this four acres of land. She stated she would like to see multifamily on this site. Ms. Sisson stated she believes Mr. Ragsdale wanted to develop it for more housing.

**Terry McGee** 1436 North Norfolk Avenue, Tulsa, OK 74110

Mr. McGee stated he helped facilitate the meeting last night at the Rudisill Library. He stated he owns the 5 lots east of the subject property. He stated he also built the condominiums that are to the west of the subject property. Mr. McGee stated he facilitated some of the planitulsa meetings in that quadrant of the city in 2010 and at that time the building was empty. He stated the property to the west is a reserve area and the elevation drop is like 50 feet to the bottom of the creek bed. Mr. McGee stated he intends to build five \$600,000 houses on the

5 lots that he owns and he is open to the idea of the restaurant. Mr. McGee stated he would like to see it remain RM-1 which could still be multifamily. He stated if it's going to be a restaurant let it be Ms. Coles but if not keep the zoning the same as it is now. Mr. McGee stated to answer Ms. Carr's question about what the feel of the project was at the neighborhood meeting, about a third wanted the restaurant, a third wanted to keep the current zoning, and a third wanted to allow the restaurant but limit it to that use only.

**Maria Portilloz** 1409 North Union Place, Tulsa, OK 74127

Ms. Portilloz stated she is in favor of the restaurant. She stated there are vandals and homeless that keep breaking into the property and destroying it. Ms. Portilloz stated she thinks it will be an awesome place to have dinner.

**Courtney Cooper** 1746 West Virgin Street, Tulsa, OK 74127

Ms. Cooper stated she opposes this application and does not want the zoning changed to allow commercial zoning. She stated she did not want to get into a situation where there could be a possible strip shopping center.

**Cedric (CJ) Hurlbut** 2143 North Vancouver Avenue, Tulsa, OK 74127

Mr. Hurlbut stated he is opposed to this application and agrees with all the previous speakers opposing this project. He stated the present zoning was by design and was in place for over 50 years since 1970. Mr. Hurlbut stated there are over 900 homes now in Gilcrease Hills and in 1984 he was drawn to the community for many reasons including most importantly, a desire to get away from commercial businesses. He stated he trusted that with zoning in place there would be no commercial businesses allowed that did not fit the existing zoning restrictions at that time. Mr. Hurlbut stated the community of Gilcrease Hills is still a peaceful residential only neighborhood without commercial properties nearby and changing the zoning on this one piece of property to commercial will destroy the trust that the residents had that they will always be able to enjoy the quietness, the peacefulness, and the serenity of living in Gilcrease Hills. He stated he requests that there be no changes from the existing zoning and that the current owner find a use that conforms to the present zoning with the building on the site or remove it.

**Rita McMullen** 2307 West Reading Street, Tulsa, OK 74127

Ms. McMullen stated she owns a townhome right behind the proposed development. She stated she opposes the zoning change and the land use change for the subject property. Ms. McMullen asked if the restaurant is allowed where will the delivery trucks park while unloading. She stated one of the

applicant's explanations is that she had considered coming right down their little street and these are the big trucks. Ms. McMullen stated she would like to see something done with the subject property. She stated she isn't trying to dash Ms. Cole's visions, but it doesn't align with what others in the neighborhood see would be successful at that corner. Ms. McMullen stated she would like to see some additional townhomes or something residential and not commercial. She stated she is afraid that if this venture fails, it leaves it open for anything in the CS designation. Ms. McMullen stated Ms. Cole's presentations, and she has gone to 2 or 3 of them now, are very wishy washy and she has stated that if she doesn't get the zoning for the restaurant she is going to turn it into a sober living home or some other type of group home. She stated so Ms. Coles has a plan A plan B, plan C, and with this changing to CS, the neighbors don't know what plan D, E and F could be if the restaurant fails. Ms. McMullen stated she respectfully asks that Planning Commission doesn't allow the zoning change and the amendment to the land use to occur.

**Kathy Hinkle** 1730 West Virginia Street, Tulsa OK, 74127

Ms. Hinkle stated she is the President of the Gilcrease Hills Homeowners Association. She stated it is a wonderful neighborhood and they are very involved. Ms. Hinkle stated there were over 100 people at the meeting last night at Rudisill Library. She stated Planning Commission has received several wonderful letters that have been written by some of the people heard from today who have done a lot of research and are very eloquent. Ms. Hinkle stated she is trying to be the President for everyone. She stated as another speaker pointed out Gilcrease Hills was one of the first planned communities in Oklahoma just northwest of downtown Tulsa, in a beautiful, forested area. Ms. Hinkle stated it has extensive greenbelt areas which planning now calls Parks and Open Space land use. She stated they are proud of their neighborhood's history of diversity and among their 10 villages and 944 homeowners are second going on third generations living in this community. Ms. Hinkle stated since by design many of these homes back up to greenbelts it may hold the record for concentration of cul-de-sacs in a single neighborhood. She stated one of the primary reasons people choose to live in this community is the peaceful natural setting but the tradeoff is the need to get into their cars, though they do have some hearty bicyclists, to drive somewhere for work, shopping, and fine dining. Ms. Hinkle stated though with the proliferation of restaurants of all persuasions in downtown Tulsa, including Greenwood and the Tulsa Arts District, that drive is greatly reduced. She stated but for the reason of the flavor of the neighborhood and natural setting, many residents are opposed to any kind of commercial activity within the neighborhood and others consider a fine dining restaurant acceptable

even desirable, but not anything else. Ms. Hinkle stated they do not want the zoning change but rather this property instead be granted an exemption to convert the building into a restaurant just like the Board of Adjustment in 1983 granted one for the architect to use it for his office. She stated there are residents who believe that it may not be feasible to develop this property without the benefit of CS zoning and that would only be acceptable if there is an agreement on what restrictions will be included in the development plan. Ms. Hinkle stated as of this morning, new revisions went into the development plan that many people have probably not even seen or had a chance to discuss. She stated last night at the three hour meeting at Rudisill library they heard from over 100 people and all these views were expressed. Ms. Hinkle stated at the end of the meeting they did take a straw vote in the last hour but some people had left. She stated the one thing they can all agree on is the current situation with the property remaining unoccupied as it has for several years is unacceptable because it's an eyesore and a neighborhood nuisance. Ms. Hinkle stated she would not say there was a strong consensus in that straw vote but it was about a third for the restaurant, and a third against the zoning change, and a third for the limiting the zoning to a restaurant only.

Ms. Kimbrel asked what Ms. Hinkle thought the best and highest use of this site was.

Ms. Hinkle stated she represents the neighborhood and that's what she is trying to do, but she does have her own opinion. She stated it is a unique property and that building is there under different circumstances. Ms. Hinkle stated she believes the applicant has a dream and a mission to share what is there in honor of Mr. Ragsdale and that won't happen with an office or even townhouses because there won't be people coming in to be inspired by what they have in that neighborhood. She stated her first choice would be, don't change the zoning but allow the restaurant with the Special Exception and if that was not possible then her second choice would be to allow the restaurant with restrictions under the optional development plan but that would have to be very strong restrictions, and that's something that the neighbors haven't had a final discussion about. Ms. Hinkle stated if right now, by magic, every homeowner could punch a button and vote, she thinks overwhelmingly they would be against having a restaurant there.

**Clotilde Hill** 903 West Ute Street, Tulsa, OK 74127

Ms. Hill stated she attended the meeting last night and voiced her opinion. She stated she is concerned with the traffic on Pine and Union Avenue. She stated there are too many accidents there because people don't stop at the stop sign

and if you put another large draw you're going to have more accidents. Ms. Hill stated she likes the quietness of the neighborhood and when driving around she knows people's cars and their faces. She said she may not stop and talk to them but she knows they belong in the neighborhood. She stated she doesn't want a lot of strangers running around in and out of the neighborhood during the day. Ms. Hill stated not many people would drive from South Tulsa to North Tulsa to eat or to do anything. She stated even repair people get out of there as fast as they can, so she doesn't see the clientele coming to the area that's going to support the kind of restaurant being proposed. She stated she asked the applicant asked about a business plan and she was evasive. Ms. Hill stated she doesn't want the zoning changed and the restaurant fails and end up with a Dollar Store.

Ms. Kimbrel asked what Ms. Hill thought the best and highest use of the subject property was.

Ms. Hill stated as an educator she would like to see something that relates to kids.

**Jane Cole** PO Box 1019, Bristow, OK 74010

Ms. Cole stated she is the applicants Mom. She stated she is a fairly new resident of the area and she moved to be close enough to care for her granddaughter if needed. She stated the applicant has property in the area and has lived in the area for 18 years so therefore has a significant investment in this neighborhood. Ms. Cole stated she hopes her daughter outlives her by a longshot but if something happens to the applicant, she will take over and continue this project and hopefully pass it on to her granddaughter. She stated their family has a long history of land use and ownership and she shares the applicants love for this piece of property. Ms. Cole stated it should be something that the neighborhood can be proud of and that is the mission of not only the applicant but the rest of the family that stands behind her.

**Clyde Moore** 2203 North Zenith Avenue, Tulsa, OK 74127

Mr. Moore stated he is the past President of the Homeowners Association and has lived in the area for almost 40 years. He stated this is actually his second home in the area. Mr. Moore stated his first home was just a mile south in the Skyline Ridge area but he visited this area before moving there and had dreams of living there after he graduated from college and got married. He stated he and his wife would go look at the lots and at the homes until they could finally afford to move there. Mr. Moore stated after moving to Gilcrease Hills they moved his

mother from Florida and she lived at Cloudcrest, the property just north of this proposed restaurant. He stated he is concerned about the traffic increasing and safety of the kids in the neighborhood. He stated he is also concerned about where the applicant might place the dumpsters to this restaurant. Mr. Moore stated he thinks the property should be either residential or park space. He stated he doesn't think that the applicant has really thought this all the way through and doesn't think it's a good fit for the community and he opposes.

**Applicant Rebuttal:**

The applicant stated how has this property changed and what is the impact that this proposal can do for the area and Tulsa in general is one of the questions on the justification. The applicant stated this property wasn't developed as residential and several people have mentioned that Mr. Ragsdale wanted to live there. She stated "no", he had a very nice home. The applicant stated Mr. Ragsdale wanted the subject property to be a place where people could come and gather. She stated the building was initially an information center and then it was an architectural office. The applicant stated it was a church with a little parsonage on the top floor. She stated there have been all kinds of events there and there have been problems in there. The applicant stated unfortunately there was the major break in and they just destroyed the building and she has been working on repairing it. She stated that is what has changed but also Tulsa has changed, the area has changed. The applicant stated she doesn't look at that area as a bad area, she has had numerous people tell her to call them when they fire up the grill. She stated her attorney colleagues are excited about it. The applicant stated this isn't designed to be your typical commercial property they have put quite a few restrictions in the application to address some of the neighbors' concerns, such as no small box discount store, no plasma center, no funeral home, and no dispensary. She stated she is certainly willing to engage in conversation.

Ms. Kimbrel asked if the applicant had researched or had any data that supports what she feels is the best and highest use of the site.

The applicant stated they have done independent research on the type of restaurant and what is necessary but doesn't have anything to present today. She stated but it's enough for her to stake her future and reputation on.

Ms. Kimbrel asked if the research was specifically about the feasibility of a restaurant.

The applicant stated she didn't pay a research group if that's what is being asked.

Ms. Kimbrel asked if the applicant spoke with any residents in Gilcrease Hills or Holly Heights, about their perceptions or what they would feel is a benefit to the community before you decided on the restaurant.

The applicant stated she discussed it with the school principal and with someone who was a health inspector, both in the neighborhood, and they both thought it was a great idea.

Ms. Kimbrel asked how the applicant was going to use the property if the application is not approved today.

The applicant stated she would seek HUD funding and make it available to women in recovery who are getting their children returned to them.

Mr. Reeds asked if the applicant doing other things besides the restaurant that would create more of a true Gilcrease center so that there was more than one use for people to drive to or walk to or ride their horse to or ride their bicycles to. He stated if approved this will have a big parking lot and asked if the applicant looked at doing a farmers' market. Mr. Reeds stated he thinks the approach needs to respect the legacy of the past and consider other things besides trying to hit one home run.

Mr. Covey asked if the applicant was going to own the property and develop it or sublet it to a restaurant group.

The applicant stated she will be part owner with a larger group.

Ms. Carr asked staff if the applicant's application is not approved, Is the property zoned for a women in recovery facility.

Staff stated there are some nuances in the zoning code that he can't be completely confident of but the short answer to that is that it is zoned RM-1 and all of those group homes and those kinds of things are typically allowed in that zoning classification along with many other multifamily type developments.

Mr. Covey stated he knows the answer to this question but will ask it for everyone else's benefit. He asked why the applicant does not just go to Board of

Adjustment to get a special exception to do just a restaurant on the site. He stated and the answer is because you can't do it with the underlying zoning.

Staff stated in response to the conversation about were there other considerations about what can be done on this site. He stated that was the essence of the development plan. Staff stated at the beginning level he didn't feel like CS zoning that only allowed a restaurant would not be helpful to the city or to the neighborhood for that matter, so the development plan has a fairly limited set of uses that would be allowed there. He stated those uses could be tightened up considerably, but he was reluctant to recommend approval of a development plan that only allowed a restaurant.

Ms. Kimbrel asked what the general process of the Tulsa Planning Office is to facilitate some type of community consensus or a plan or to give the community some documentation or pathway to figure out how to get what they desire from the institutions in their community.

Staff stated Ms. Kimbrel has asked that question before and as a result of that very specific question, staff has started to include more information about neighborhood engagement in the Staff reports and make it an important part of almost every zoning conversation that they have. He stated they have had upfront conversations with a large majority of the applicants about what the neighbors think. Staff stated because it is it does matter what the neighbors think and they knew this one would have a wide opinion of what makes sense on this piece of property. There was a neighborhood meeting held in the Planning Office, which is very unusual. He stated there has been neighborhood engagement outside of the office on multiple occasions. He thinks the best staff can do is to collect that information gathered from neighbors, and put it in a development plan that has some level of enforcement.

Ms. Kimbrel asked staff to confirm that in a CS grow houses are not allowed.

Staff stated that is correct.

Mr. Reeds stated the applicant did engage the neighborhood 4 or 5 times whether they liked the development or not, she tried. He stated the applicant has lived adjacent to Gilcrease Hills for 18 years and the site has really good buffer in terms of landscaping from the adjacent residential. He stated the housing next to the subject property is multifamily. Mr. Reeds stated he likes the fact that the applicant will partner with someone who knows about restaurants.

Ms. Kimbrel stated she is leaning towards not supporting this application primarily because she did not hear overwhelming support for this zoning change. She stated she felt the neighbors did not want the property vacant but were not comfortable supporting the application without a business plan. Ms. Kimbrel stated the applicant did not talk to residents until after the decision was made to do a restaurant and she would have liked to see more engagement, more exploratory more community consensus, more collaboration on how they could work together to really come up with something that could really benefit the community and provide the best and highest use for Gilcrease Hills and Holley Heights.

Ms. Carr stated she lived in Gilcrease Hills for several years growing up and it's a beautiful community and a jewel for Tulsa. She stated she is concerned because as the HOA President stated there is a lot of people that that she feels have not been able to weigh into this issue. Ms. Carr stated there is always going to be more people that will show up at the meetings and everything and she knows it's hard because how many meetings can they have. She stated the opportunity has been made and Ms. Cole has been holding meetings. Ms. Carr stated she would maybe like to see more people being able to have a little more time to weigh in on this decision given the fact there's 900 residents and maybe only about 100-150 have been able to take the opportunity to come and speak, so she would love it if they could give it a little more time.

Mr. Zalk stated like many of the people that spoke today he shares some of the skepticism about the viability of the restaurant. But he doesn't think that's really what's in question. He stated he thinks the question is whether the zoning change will be injurious to the neighborhood should the restaurant fail after the zoning has been changed on the property. Mr. Zalk stated he personally can't imagine a nice building that is now in disuse, being more injurious to the neighborhood than a currently vacant building from the 80s with a poorly maintained asphalt parking lot and a bunch of other unsightly things and as we heard, vagrants in and out of the building. He stated If anything, he thinks the restaurant would help showcase Gilcrease Hills as a vibrant community to people that otherwise wouldn't see it. Mr. Zalk stated he hears that people don't want commercial in the neighborhood, they don't want a failed business, but he thinks that the restaurant is much better than a vacant building that's been sitting there for 30 years.

Ms. Carr stated she would definitely go to a restaurant in Gilcrease Hills and thinks a lot of people would. She stated but what she is hearing is that some people don't want a restaurant at all, but she would definitely go to a restaurant for a good steak.

Mr. Covey stated he doesn't think it matters if the applicant has a business plan or not. He stated he doesn't think it matters if she's going to run it herself or not. Mr. Covey stated this is about the zoning and the map shows RM-1 and RS-3 zoning everywhere. He stated there is a little sliver of CS way off to the east. Mr. Covey stated the land use designation is currently Park and Open Space. He stated it's not commercial, it's not even residential, it's nothing. Mr. Covey stated if everyone came today in support of Ms. Cole and what she wanted to do and there was no opposition whatsoever he could be convinced into voting yes, but that's not what happened. He stated what happened today was the majority of speakers spoke in opposition to a zoning framework that he sees as all residential. Mr. Covey stated he will be voting no.

Mr. Reeds stated the existing underlying zoning because of the Board of Adjustment action is Office for the entire four and a half acres so it officially office.

Mr. Covey stated "yes". He stated if he lived in the area would he rather have a restaurant there or the alternative. He stated he didn't know what that alternative was so he might take the upscale restaurant.

Mr. Craddock stated he really likes this area and this is one of the tough applications that Planning Commission has to deal with. He stated there is a volume of neighbors that are for and against this rezoning. Mr. Craddock stated the Park and Open Space land designation on an existing structure is odd to him. He stated but its there and the facility has been used as an office, as a church, and as a commercial structure for decades and he likes the project so he will be voting to approve.

**TMAPC Action; 9 members present:**

On **MOTION** of **CRADDOCK**, the TMAPC voted 6-3-0(Craddock, Krug, Reeds, Shivel, Walker, Zalk, "aye"; Carr, Covey, Kimbrel, "nays"; none "abstaining"; Bayles, Whitlock, "absent") to recommend **APPROVAL** of the CS zoning with an optional development plan for Z-7665 per staff recommendation.

**Legal Description for Z-7665:**

A tract of land situated in the Northwest Quarter of the Southwest Quarter (NW/4 SW/4) of Section Twenty-seven (27), Township Twenty (20) North, Range

Twelve (12) East of the Indian Meridian, Osage County, Oklahoma, according to the U.S. Government Survey thereof, more particularly described as follows:

Commencing at the Southwest corner of said NW/4 SW/4; Thence S89°04'34"E along the South line thereof a distance of 737.43 feet; Thence N0°30'32"E a distance of 80 feet to the Point of Beginning; Thence continuing North 0°30'32"E a distance of 78.40 feet to a point of curvature to the left, said curve having a radius of 390 feet and a central angle of 33°54'02"; Thence along said curve a distance of 230.75 feet; Thence N33°23'30"W a distance of 157.28 feet; Thence N67°31'33"E a distance of 90.00 feet; Thence N21°15'49"E a distance of 109.32 feet; Thence N55°37'21"E a distance of 174.75 feet; Thence S86°42'01"E a distance of 59.42 feet; Thence S56°12'01"E a distance of 134.00 feet; Thence S3°12'01"E a distance of 150 feet; Thence S19°37'04"W a distance of 464.25 feet; Thence N89°04'34"W a distance of 140.00 feet to the Point of Beginning.

\* \* \* \* \*

**10.Z-7666 Tulsa City Council c/o Jonathan Belzley** (CD 4) Location: Southeast corner of East 10<sup>th</sup> Street and South Rockford Avenue requesting rezoning from **RS-4 to MX1-U-45**

**STAFF RECOMMENDATION:**  
**SECTION I: Z-7666**

**DEVELOPMENT CONCEPT:** Rezoning from RS-4 to Mixed Use Urban Character with a maximum height of 45 feet to allow a mixed-use building including residential on the upper floors and allowing commercial opportunities on the lower floor. The subject property is eligible to take advantage of the City of Tulsa Mixed-Use rezoning incentive program. The program is currently available in certain areas near the Bus Rapid Transit corridors until December 31, 2023.

**DETAILED STAFF RECOMMENDATION:**

The MX1, Neighborhood Mixed-use district is intended to accommodate small scale retail, service and dining uses that serve nearby residential neighborhoods. The district also allows a variety of residential uses and building types. MX1 zoning is generally intended for application in areas designated by the comprehensive plan as neighborhood centers, main streets, and mixed-use corridors. This site on the edge of the Main Street designation along East 11<sup>th</sup> street and consistent with the Downtown Neighborhood vision of the comprehensive plan and,

The Urban Character designation is generally intended to be applied in areas with height levels of walkability, but where a greater variety of building types are

present or desired, such as areas designated by the Comprehensive Plan as Neighborhood, Town, and Regional Centers and along some plan-designated Mixed-Use Corridors. The build-to-zone requires the buildings to be no further than 20 feet from the right-of-way. This character zone is consistent with the Downtown Neighborhood designation and is also consistent with the Neighborhood Infill Overlay and,

Increased density allowed by the MX1-U-45 designation is consistent goals of the Bus Rapid Transit Investment along Peoria and,

The Downtown Neighborhood district is consistent with goals and executive summary of the Pearl District Small Area Plan that was adopted in 2019 therefore,

Staff recommends Approval of Z-7666 to rezone property from RS-4 to MX1-U-45

## **SECTION II: Supporting Documentation**

### **RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

***Staff Summary:*** *The building types, uses and height are consistent with the goals of the Downton Neighborhood and the Pearl District Small Area Plan.*

### **Land Use Vision:**

#### ***Land Use Plan 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***

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

***Trail System Master Plan Considerations:*** None

**Small Area Plan:** Pearl District Small Area Plan was established in an area from Highway 75 to Utica in an east west direction and from Interstate Highway 244 south to East 11<sup>th</sup> Street. This plan supersedes the 2006 6<sup>th</sup> Street Infill Plan and was adopted in 2019. The plan recommended Downtown Neighborhood, Employment, Mixed-use Corridors and Main Street land use designations. Parks and Open space were recommended in areas where storm water management facilities were planned. At this time the status of the land acquisition for stormwater detention facilities is unknown.

**Special District Considerations:** This property is partially included in the Route 66 overlay that provides incentives for neon signage. This site is also included in the Neighborhood Infill Overlay that provides opportunities for infill development that allows small scale multifamily development and accessory dwelling units.

**Historic Preservation Overlay:** None

**DESCRIPTION OF EXISTING CONDITIONS:**

***Staff Summary:*** *The subject property is vacant, and the buildings have been removed.*

**Environmental Considerations:** The Elm Creek master drainage plan for the area will affect redevelopment efforts in the neighborhood but this site is not affected. The status of the planned stormwater detention facilities is unknown.

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Rockford Avenue	None	50 feet	2
East 10 <sup>th</sup> Street South	None	50 feet	2
Alley	None	None	1

**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:**

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-4	Downtown Neighborhood	Growth	Church
East	RS-4	Downtown Neighborhood	Growth	Residential
South	RS-4	Downtown Neighborhood	Growth	Residential
West	RS-4	Downtown Neighborhood	Growth	Residential and Vacant

**SECTION III: Relevant Zoning History**

**History: Z-7666**

**ZONING ORDINANCE:** Ordinance number 18449 dated May 11, 1995, established zoning for the subject property.

***Subject Property:***

**SA-5 August 2021:** All concurred in **approval** of the proposal is to apply supplemental NIO (Neighborhood Infill Overlay) zoning to Multiple properties located within certain neighborhoods adjacent to downtown. The goal of the proposed overlay is to encourage “missing middle” housing by allowing additional residential building types, 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.

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.

**SA-4 (Route 66 Overlay) June 2018:** All concurred in **approval** to apply supplemental zoning, RT66 (Route 66 Overlay), to multiple properties along South 193<sup>rd</sup> East Avenue, East 11<sup>th</sup> Street, South Mingo Road, East Admiral Boulevard, East Admiral Place, West 11<sup>th</sup> Street South, and Southwest Boulevard, on a portion of the subject property along Southwest Boulevard.

***Surrounding Property:***

**BOA-23272 February 2022:** The Board of Adjustment **approved** a *Variance* to permit increased permitted number of signs along E. 11<sup>th</sup> street to permit 1 freestanding sign and 5 roof signs & a Variance to allow roof signs within 30-feet of other roof signs, on property located at 1018 South Rockford Ave East.

**SA-5 August 2021:** All concurred in **approval** of the proposal is to apply supplemental NIO (Neighborhood Infill Overlay) zoning to Multiple properties located within certain neighborhoods adjacent to downtown. The goal of the proposed overlay is to encourage “missing middle” housing by allowing additional residential building types, 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.

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.

**SA-4 (Route 66 Overlay) June 2018:** All concurred in **approval** to apply supplemental zoning, RT66 (Route 66 Overlay), to multiple properties along South 193<sup>rd</sup> East Avenue, East 11<sup>th</sup> Street, South Mingo Road, East Admiral Boulevard, East Admiral Place, West 11<sup>th</sup> Street South, and Southwest Boulevard, on a portion of the subject property along Southwest Boulevard.

**Z-7442 July 2018:** All concurred in **approval** of a request for *rezoning* a 1.71± acre tract of land from OL to CH & MX1-P-U on property located East of the southeast corner of South Peoria Ave. & East 11th Street South.

**BOA-21645 October 2013:** The Board of Adjustment **approved** a *Special Exception* to permit required off-street parking to be located on a lot other than the lot containing the primary use to allow a restaurant, on property located at 1018 & 1019 South Rockford Avenue East. 1501, 1503 & 1505 East 11<sup>th</sup> Street South.

**BOA-23272 February 2022:** The Board of Adjustment **approved** a *Variance* to permit increased permitted number of signs along E. 11<sup>th</sup> street to permit 1 freestanding sign and 5 roof signs & a *Variance* to allow roof signs within 30-feet of other roof signs, on property located at 1018 South Rockford Ave East.

**BOA-9059 May 1976:** The Board of Adjustment **approved** a *Special Exception* to permit off-street parking in a Residential District abutting an Office District in an RM-2 District, on property located at 1011 South Quincy.

**BOA-3909 September 1962:** The Board of Adjustment **granted** permission to permit a house on Lot 1, Block 8, East Lynn Addition now occupied by dwelling on rear of lot in a U-2-B District, on property located at Lot 1, Block 8, East Lynn Addition.

**TMAPC Comments:**

Mr. Craddock stated he was concerned about the 45 foot height in a Downtown Neighborhood.

Staff stated by right in an RS-4 zoning district the height limitation is 35 feet. He stated in the MX zoning there is a 14 feet height requirement for the 1<sup>st</sup> floor and if there are a couple of floors on top of that 35 feet is not quite enough. Staff stated he doesn't think the proposed building will be close to 45 feet but there are some design standards in the MX zoning classification that would make it hard to stay under the 35 feet.

Mr. Craddock stated if this one is approved he worries that they will start moving more towards mixed use and away from single family.

Staff stated the Downtown Neighborhood concept talks about a variety of building types and 3 or 4 story buildings. He stated the idea presented in the Comprehensive Plan shows that they might not want every building to be that tall but that this could be more vertically developed area.

Mr. Reeds asked if this will be truly developed as a mixed use development with commercial and ground floor and then residences.

Staff stated he thought the applicant intends to have a live/work environment with an office on the ground floor, but there's a wide variety of uses and building types that are allowed here.

Mr. Reeds asked what the height of the church across the street was.

Staff stated he was not sure but if guessing he would say at least 40 feet.

Mr. Craddock asked what the parking requirement was for Mixed Use.

Staff stated in an MX zoning district the parking requirements are less than it would be if it were CS zoning. He stated generally speaking it is one car per dwelling unit or if it's less than 5000 square feet of commercial space, there's no parking requirements.

**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 8-1-0(Carr, Covey, Kimbrel, Krug, Reeds, Shivel, Walker, Zalk, "aye"; Craddock, "nays"; none "abstaining"; Bayles, Whitlock, "absent") to recommend **APPROVAL** of the MX1-U-45 zoning for Z-7666 per staff recommendation.

**Legal Description for Z-7666:**

**Lots 1 & 2, Block 7, East Lynn Addition, City of Tulsa**

\* \* \* \* \*

**11. Z-7667 Mark Capron** (CD 2) Location: Northwest corner of West 71<sup>st</sup> Street South and South Elwood Avenue requesting rezoning from **AG to CS**

**STAFF RECOMMENDATION:**

**SECTION I: Z-7667**

**APPLICANTS DEVELOPMENT CONCEPT:**

Rezoning from AG to CS for shopping center development.

**DETAILED STAFF RECOMMENDATION:**

Z-7667 request rezoning from AG to CS. 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. Uses permitted in the mixed-use corridor land use designation are consistent with the primary intentions of the CS district and,

The Major Street and Highway Plan anticipates expansion of Elwood Avenue that may be important as this corridor continues to develop, and

Supplemental regulations, and building types allowed in a CS district are consistent with the expected development pattern, therefore

Staff recommends Approval of Z-7667 to rezone property from AG to CS.

## **SECTION II: Supporting Documentation**

### **NEIGHBORHOOD ENGAGEMENT:**

The applicant has not provided information about neighborhood engagement.

### **RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

***Staff Summary:*** CS zoning is consistent with the mixed-use corridor land use designation and with the general goals established in the West Highlands small area plan. The proposal does not include any development design standards that might be beneficial to creating a destination location for users of the Turkey Mountain Urban Wilderness area.

### **Land Use Vision:** Mixed-Use Corridor

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

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

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.

**Transportation Vision:**

***Major Street and Highway Plan:*** Multi-Modal Corridor:

West 71<sup>st</sup> Street South is considered a multi-modal corridor. Future development should emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located in high intensity mixed-use commercial, retail, and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists because of landscaped medians and tree lawns. Multi-modal streets can have on-street parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses. Transit dedicated lanes, bicycle lanes, landscaping and sidewalk width are higher priorities than the number of travel lanes on this type of street. To complete the street, frontages are required that address the street and provide comfortable and safe refuge for pedestrians while accommodating vehicles with efficient circulation and consolidated-shared parking.

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

***Trail System Master Plan Considerations:*** None provided by the applicant. The site is adjacent to the trail network in the Turkey Mountain master plan area unfortunately there are not recommendations on adjacent properties in the master plan area and the small area plan is silent regarding site development considerations at this location.

**Small Area Plan:** West Highlands/Tulsa Hills Small Area Plan (Adopted 2014 and amended 2019)

The anticipated development is consistent with the West Highlands Small Area Plan and the Turkey Mountain master plan however some of the priorities outlined in the small area plan specific to this site are not required in this application.

- The subject property is located at the east edge of the plan area and is entirely included in the mixed-use corridor land use designation that supports commercial development. The anticipated development allowed in this designation will not guarantee opportunities to preserve existing vegetation except in the natural drainage and flood area on the west edge of the property.
- The plan encourages development of natural drainage areas where appropriate and includes natural stream be restoration and greenspace preservation.

**Special District Considerations:**

The subject property is adjacent to the study area outlined in the Turkey Mountain master planning effort. The development team has not provided design considerations beyond the minimum standards for development in a CS district.



**SUBJECT  
PROPERTY**

**Historic Preservation Overlay:** None

**DESCRIPTION OF EXISTING CONDITIONS:**

**Staff Summary:** The west boundary of the site is established along a tributary of Hagar Creek and is included in the Tulsa Regulatory Flood Plain. The site is vacant and heavily wooded.

**Environmental Considerations:** The water quality in Hager Creek will be affected by this development and staff supports keeping the stream channel in its natural condition.

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
West 71 <sup>st</sup> Street	Primary Arterial with Commuter Corridor designation	120 feet	5 lanes. Two each direction with center turn lane
South Elwood Avenue	Secondary Arterial	100 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 and RS-3	Mixed-use Corridor	Stability	Single Family Residential
East	AG	Parks and Open Space	Stability	Turkey Mountain Wilderness Area
South	CS/PUD-738	Vacant	Growth	Vacant
West	AG	Vacant and floodplain	Growth	Vacant

**SECTION III: Relevant Zoning History**

**History: Z-7667**

***Subject Property:***

**ZONING ORDINANCE:** Ordinance number 11827 dated June 26, 1970, established zoning for the subject property.

**BOA-10991 May 1980:** The Board of Adjustment **approved** a *Special Exception* to permit the cleanout and reworking of oil and gas wells in the vicinity, on property located at 71<sup>st</sup> Street and Elwood Avenue.

***Surrounding Property:***

**Z-7389 April 2017:** All concurred in **approval** of a request for *rezoning* a 2.54± acre tract of land from RS-3 to CS on property located.

**BOA-21248 March 2011:** The Board of Adjustment **approved** a *Special Exception* to permit a home occupation (window film application) within an existing building in an RS-3 district and a *Variance* to permit signs for the home occupation, on property located at 704 West 71<sup>st</sup> Street.

**Z-7286 November 2014:** All concurred in **approval** of a request for *rezoning* a 3.52± acre tract of land from RS-3 & AG to CS on property located Southeast corner of West 71<sup>st</sup> Street & South Jackson Avenue.

**BOA-8106 November 1973:** The Board of Adjustment **approved** a *Special Exception* to permit a mobile home in an RS-3 district, on property located at 6810 South Elwood Avenue.

**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(Carr, Covey, Craddock, Kimbrel, Krug, Reeds, Shivel, Walker, Zalk, "aye"; no "nays"; none "abstaining"; Bayles, Whitlock, "absent") to recommend **APPROVAL** of the CS zoning for Z-7667 per staff recommendation.

**Legal Description for Z-7667:**

A tract of land being a port of the Southeast Quarter of the Southeast Quarter (SE/4 SE/4) of Section 2, Township 18 North, Range 12 East, of the Indian Base and Meridian, City of Tulsa, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, said tract being described as follows: Beginning at the Southeast corner of the SE/4 of the SE/4; Thence South 89' 09'03 " West along the South line of the SE/4 of the SE/4 for 1118.70 feet; Thence North 01'20'23"West for 196.00 feet; Thence North 38'00'00" East for 45.00 feet; Thence North 01'20' 23" West for 215.00 feet; Thence North 45'00'00" East for 215.00 feet; Thence North 01'20'23" West for 128.00 feet; Thence North 62'13'43" East for 393.75 feet; Thence North 89'08'41" East parallel with and 417.40 feet South of the North line of the SE/4 of the SE/4 for 60.00 feet; Thence South 01' 20'23" East parallel with and 522.00 feet West of the East line of the SE/4 of the SE/4 for 208.70 feet; Thence North 89'08'41" East parallel with and 626.10 feet South of the North line of the SE/4 of the SE/4 for 522.02 feet to a point on the East line

of the SE/ 4 of the SE/ 4; Thence South 01' 20'23" East along the East lne of the SE/4 of the SE/4 for 693.47 feet to the Point of Beginning.

\* \* \* \* \*

## PUBLIC HEARING - PLATS

Item 12 was continued to August 3, 2022 per applicant's request.

**12. Settler's Hill** (CD 6) Preliminary Plat, Location: Southwest corner of East 31<sup>st</sup> Street South and South 177<sup>th</sup> East Avenue (**Applicant requests continuance to August 3, 2022**)

### **TMAPC Action; 9 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 9-0-0(Carr, Covey, Craddock, Kimbrel, Krug, Reeds, Shivel, Walker, Zalk, "aye"; no "nays"; none "abstaining"; Bayles, Whitlock, "absent") to **CONTINUE** Item 12 to August 3, 2022.

## PUBLIC HEARING - COMPREHENSIVE PLAN AMENDMENTS

**13. CPA-97 Fayette Willis**(CD 1) Location: South of Gilcrease Expressway, east side of North Peoria Avenue and west of North Quaker Avenue requesting to amend the Land Use Map designation from **Existing Neighborhood** to **Regional Center** (Related to Z-7659) (Continued from July 6, 2022)

### **STAFF RECOMMENDATION:**

#### **Property Information and Land use Request**

The subject property is 0.7± acres of land located south of the Gilcrease Expressway, on the east side of North Peoria Avenue and west of North Quaker Avenue. The applicant has submitted a Comprehensive Plan amendment request to amend the land use designation of the of the subject property from *Existing Neighborhood and Regional Center to Neighborhood Center*. This request is accompanied by a concurrent rezoning request (Z-7659), which proposes a zoning change from RS-3 to CS in order to accommodate convenience, neighborhood, subcommunity, community, and regional shopping centers providing a range of retail and personal service uses.

#### **Background**

The applicant submitted a concurrent rezoning application (Z-7659) from RS-3 to CS on the eastern 0.34± acre portion of the site to support development of a

commercial shopping use. This site and the immediate surrounding area were designated as an *Existing Neighborhood and Regional Center* when the Comprehensive Plan was adopted in 2010. This site is also in the Sector Plan, which was adopted in 2016.

The parcel subject to this Comprehensive Plan amendment request is located in north Tulsa in an area south of the Gilcrease Expressway and east of North Peoria Ave. Currently the property is vacant and undeveloped with a Dollar General store and self-service storage facility to the north, which is zoned CS, and a RS-3 single family residential neighborhood is located to the south and east. The area falls into the Healthy Neighborhoods Zoning Overlay. The purpose of the Healthy Neighborhoods overlay (HNO) is to modify and supplement regulations in a specified area where there is a desire for greater diversity in retail options and convenient access to fresh meats, fruits, and vegetables.

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

**Existing Land Use and Growth Designations: *Existing Neighborhood, Regional Center, Area of Growth***

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

*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.

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.”

**Proposed Land Use Designation: *Neighborhood Center***

The applicant is proposing the *Neighborhood Center land* use designation for the entirety of 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.

**Zoning and Surrounding Uses**

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

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
N	CS	Regional Center	Area of Growth	Small Box discount store and self-storage
S	RS-3	Existing Neighborhood	Area of Growth	Single-family Residential

E	RS-3	Existing Neighborhood	Area of Growth	Single-family Residential
W	RS-3	Regional Center	Area of Growth	Vacant

### **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:

*“To Whom It May Concern,*  
*I, Fayette M. Willis, the owner of 2800 N Peoria Ave, Lots 23 & 24 and 2800 N Quaker Ave Lots 1 & 2. I have had the lots combined into one official lot. The lots on 2800 N. Quaker are zoned residential lots. I would like the residential lots re-zoned to commercial lots to go along with the other lot combination, to be used as one commercial lot.*

*I plan to build retail spaces that will provide the residents in the surrounding neighborhood with more goods and services that are not afforded to them at this time. My retail space will offer opportunities for more jobs for individuals in the surrounding neighborhood. The residents in the area would not have to go far from home to get to work, especially if transportation is an issue. Entrepreneurs can acquire a retail spot for their businesses in north Tulsa rather than traveling to farther locations to rent a unit and providing economic growth in the area. Salons, restaurants, or office space can be opened closer to the surrounding neighborhood. Individuals would not have to travel to a further distance to get to those good and services.”*

### **Staff Summary & Recommendation**

The applicant is currently requesting a *Neighborhood Center* land use designation along the east side of North Peoria Avenue. The proposed expansion will increase an opportunity for mixed-use areas for small-scale employment, retail, dining, and services. The vision identified in Planitulsa encourages accommodating convenience, neighborhood, subcommunity, community, and regional shopping centers providing a range of retail and

personal service uses so future zoning designations should include CS districts to accomplish that goal.

The Unity Heritage Neighborhoods Sector Plan was adopted in 2016 and states that there may be opportunities for appropriately size and scale neighborhood retail throughout the district. This project area anticipated with this development is partially included in a *Regional Center* land use designation. Residents in the area spend roughly \$67 million annually, most of it outside of the area. While it is not expected that the full leakage amount could be translated into retail shops within the area, it does suggest there may be market opportunities for appropriately sized and scale neighborhood retail.

The proposed *Neighborhood Center* land use designation will increase an opportunity for a more significant mix of development opportunities in this area. A small strip commercial development could provide development opportunities and services for surrounding residents.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **REEDS**, the TMAPC voted 8-1-0(Carr, Covey, Kimbrel, Krug, Reeds, Shivel, Walker, Zalk, “aye”; Craddock, “nays”; none “abstaining”; Bayles, Whitlock, “absent”) to **ADOPT** CPA-97 as an amendment to the Tulsa Comprehensive Plan per staff recommendation.

**Legal Description for CPA-97:**

LT-24-BLK-1; LT-23-BLK-1, WINSTEAD ADDN, City of Tulsa, Tulsa County, State of Oklahoma

\* \* \* \* \*

**14. CPA-98 Ashton Prickett** (CD 6) Location: North of the northwest corner of East 21<sup>st</sup> Street and South 145<sup>th</sup> 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) (Continued from July 6, 2022)

**STAFF RECOMMENDATION:**

**Property Information and Land use Request**

The subject property is a 6-acre tract of land located north of the northwest corner of East 21st Street South and South 145th East Avenue. The applicant

has submitted a request to amend the land use designation on the of the subject property from *New Neighborhood* to *Mixed-Use Corridor*. This request is accompanied by two concurrent rezoning requests (Z-7660, PUD-181-B), which propose a change on the subject tract from RD, RS-3 and PUD-181-B to CG with an optional development plan in order to permit a mixture of businesses that will support commercial development along South 145th East Avenue.

## **Background**

The parcel subject to this Comprehensive Plan amendment request is located in east Tulsa and surrounded by development and vacant residential & agriculturally zoned land and both *Existing Neighborhood* and *New Neighborhood* land use designations. The *New Neighborhood* land use designation for the subject property was put in place with the adoption of the 2010 Tulsa Comprehensive Plan.

The Major Street and Highway Plan designates S. 145<sup>th</sup> East Avenue as a primary arterial street and East 21<sup>st</sup> Street South as a primary arterial as well as a multi-modal corridor, indicating that any future street improvements should follow the multi-modal street cross sections and will focus expanding travel choices for pedestrians, bicyclists, and transit users, making these choices attractive through design and proximity to mixed-use commercial, retail and residential areas with substantial pedestrian activity.

## **Existing Land Use and Growth Designations: *New Neighborhood* & *Area of Growth***

The *New Neighborhood* is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity and shall be paired with an *Existing* or *New Neighborhood* or *Town Center*.

## **Proposed Land Use Designation: *Mixed-Use Corridor***

*Mixed-Use Corridors* are Tulsa's modern thoroughfares that pair high-capacity transportation facilities with housing, commercial, and employment uses. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods. *Mixed-Use Corridors* usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path

across a street. Buildings along *Mixed-Use Corridors* include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind.

**Zoning and Surrounding Uses**

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
N	RS-3/PUD-181	New Neighborhood	Growth	Vacant
S	RD/PUD-181	Existing Neighborhood	Stability	Residential
E	AG	New Neighborhood	Growth	Vacant
W	RS-3/PUD-181	Existing Neighborhood	Stability	Residential

**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.

The applicant submitted the following responses:

- 1. *Conditions of the Subject Area:*  
*The current subject area is undeveloped land.*
- 2. *How do these changes impact the subject area?*  
*The subject area is part of PUD-181-B Development area "C" and was filed on November 7th, 1975,*  
*The proposed use of this area was to be RS3 and assigned as "garden style apartments" not to exceed 250 units.*

*This property has been undeveloped since its filing 46 years ago.*

*The surrounding lots of undeveloped land have the same common ownership as this undeveloped land.*

*The current planned change is to add a commercial structure to encompass professional services offices and warehouse space for those offices. Because this property has gone undeveloped for so long, there is an opportunity for development on land that might otherwise go undeveloped for many more years.*

*With this opportunity, the possibility for further development in the Eastgate corridor may arise on several other Parcels of land in the general area, creating more opportunity for additional neighborhoods, commercial spaces, and accessibility for the local community in the area in relation to the Land Use plan assigned by the City of Tulsa.*

*The level of traffic flow will not be as substantial as it would be if Garden Style apartments were introduced.*

3. *How the change will enhance the surrounding area and the City of Tulsa:  
The proposed use will increase accessibility for the local residents of the area, as well as offer potential for further development in the area in both the residential and commercial areas aligning with the City of Tulsa's growth plan.*

*The Eastgate corridor near 145th E Ave is primarily underdeveloped. With the opportunity for new development to start, this area could begin to see an increased presence of new development especially to the southeast.*

## **Staff Summary & Recommendation**

The applicant is currently requesting a change to *Mixed-Use Corridor* land use designation north of the northwest corner of East 21st Street South and South 145<sup>th</sup> East Avenue. The proposed use of the parcel will increase the opportunity for a more significant mix of development opportunities in this area where continued residential development is expected.

Using a portion of the *New Neighborhood* for a *Mixed-use Corridor* land designation will encourage commercial development which will have little impact on the surrounding neighborhoods due to the provisions in the optional development plan submitted with the concurrent rezoning request (Z-7660). The development plan hopes to establish a 20' landscape buffer and screening requirement around the perimeter of the property adjacent to residential districts. In addition to doing this, it will restrict certain uses allowed by CG zoning such as animal boarding, sexually oriented businesses, vehicle sales and service uses which would keep the traffic and noise pollution at a minimum. This ensures compatibility between existing neighborhoods and potential developments on the site.

Staff recommends **approval** of the Mixed-Use Corridor land use designation as requested by the applicant.

**TMAPC Action; 9 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 9-0-0(Carr, Covey, Craddock, Kimbrel, Krug, Reeds, Shivel, Walker, Zalk, “aye”; no “nays”; none “abstaining”; Bayles, Whitlock, “absent”) to **ADOPT** CPA-98 as an amendment to the Tulsa Comprehensive Plan per staff recommendation.

**Legal Description for CPA-98:**

BEG 1283.23S NEC SE TH W718.53 SE178.23 SE153.83 SE182.2 E455  
N408.23 POB SEC 9 19 14 6.00ACS, EASTLAND PARK, City of Tulsa, Tulsa  
County, State of Oklahoma

\* \* \* \* \*

**15. CPA-100 Sharon Cole**(CD 1) Location: Northeast corner of West Pine Street and North 24<sup>th</sup> West Avenue requesting to amend the Land Use Map designation from **Parks and Open Space** to **Neighborhood Center** (Related to Z-7665) (Continued from July 6, 2022)

**STAFF RECOMMENDATION:**

**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**

<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	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:

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.

*"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 3<sup>rd</sup> 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 nearby 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.

**TMAPC Action; 9 members present:**

On **MOTION** of **CRADDOCK**, the TMAPC voted 6-3-0(Craddock, Krug, Reeds, Shivel, Walker, Zalk, “aye”; Carr, Covey, Kimbrel, “nays”; none “abstaining”; Bayles, Whitlock, “absent”) to **ADOPT** CPA-100 as an amendment to the Tulsa Comprehensive Plan per staff recommendation.

**Legal Description for CPA-100:**

A tract of land situated in the Northwest Quarter of the Southwest Quarter (NW/4 SW/4) of Section Twenty-seven (27), Township Twenty (20) North, Range Twelve (12) East of the Indian Meridian, Osage County, Oklahoma, according to the U.S. Government Survey thereof, more particularly described as follows: Commencing at the Southwest corner of said NW/4 SW/4; Thence S89°04'34"E along the South line thereof a distance of 737.43 feet; Thence N0°30'32"E a distance of 80 feet to the Point of Beginning; Thence continuing North 0°30'32"E a distance of 78.40 feet to a point of curvature to the left, said curve having a radius of 390 feet and a central angle of 33°54'02"; Thence along said curve a distance of 230.75 feet; Thence N33°23'30"W a distance of 157.28 feet; Thence N67°31'33"E a distance of 90.00 feet; Thence N21°15'49"E a distance of 109.32 feet; Thence N55°37'21"E a distance of 174.75 feet; Thence S86°42'01"E a distance of 59.42 feet; Thence S56°12'01"E a distance of 134.00 feet; Thence S3°12'01"E a distance of 150 feet; Thence S1 9°37'04"W a distance of 464.25 feet; Thence N89°04'34"W a distance of 140.00 feet to the Point of Beginning.

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**OTHER BUSINESS**

**16. Commissioners' Comments**

None

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DRAFT

**ADJOURN**

**TMAPC Action; 9 members present:**

On **MOTION** of , the TMAPC voted 9-0-0(Carr, Covey, Craddock, Kimbrel, Krug, Reeds, Shivel, Walker, Zalk, “aye”; no “nays”; none “abstaining”; Bayles, Whitlock, “absent”) to **ADJOURN** TMAPC meeting of July 20, 2022, Meeting No. 2870.

**ADJOURN**

There being no further business, the Chair declared the meeting adjourned at 4:06 p.m.

Date Approved:

\_\_\_\_\_

\_\_\_\_\_

Chair

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

Secretary