

**TULSA METROPOLITAN AREA PLANNING COMMISSION  
Meeting No. 2887**

**April 5, 2023, 1:00 PM  
175 East 2nd Street, 2nd Level, One Technology Center  
Tulsa City Council Chamber**

<b>Members Present</b>	<b>Members Absent</b>	<b>Staff Present</b>	<b>Others Present</b>
Carr	Bayles	Anderson	Jordan, COT
Covey	Craddock	Banes	Silman, COT
Hood		Davis	Stephens, Jeff, Legal
Humphrey		Foster	VanValkenburgh, Legal
Krug		Hoyt	
Shivel		Miller	
Walker		Sawyer	
Whitlock		Siers	
Zalk		Wilkerson	

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Monday April 3, 2023, at 1:05 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 special projects.

\* \* \* \* \*

**Minutes:**

1. Minutes of March 22, 2023 Meeting No. 2886

Approval of the Minutes of **March 22, 2023 Meeting No. 2886**

**TMAPC Action; 9 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Carr, Covey, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Bayles, Craddock, “absent”) to **APPROVE** the minutes of **March 22, 2023 Meeting No. 2886**

\* \* \* \* \*

**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.

Review and possible approval, approval with modifications, denial, or deferral of the following:

**NONE**

**PUBLIC HEARING-REZONING**

Review and possible recommendation of approval, approval with modifications, denial, or deferral of the following:

Items 2 and 3 were presented together.

2. **CZ-541 STP Solutions, INC** (County) Location: North of the northwest corner of East 94<sup>th</sup> Street South and South 190<sup>th</sup> East Avenue requesting rezoning from **AG-R to RS** to permit a single-family residential subdivision (**Related to PUD-866**)

**STAFF RECOMMENDATION:**  
**SECTION I: CZ-541**

**DEVELOPMENT CONCEPT:** The applicant is requesting to rezone from AG-R to RS to permit single-family subdivisions. A PUD (PUD-866) is being concurrently proposed with this rezoning to establish the allowable use and the bulk and area requirements. The lots within the PUD area are intended to be a half-acre minimum in size. The proposal lies within the Level 1 - Rural Residential designation of the City of Broken Arrow Comprehensive Plan, which has been adopted as part of the Tulsa County Comprehensive Plan. This proposal, along with the accompanying PUD are compatible with this designation.

**DETAILED STAFF RECOMMENDATION:**

CZ-541 is non-injurious to surrounding proximate properties and consistent with the Tulsa County Comprehensive Plan;

CZ-541 is consistent with the anticipated future development pattern of the surrounding property therefore,

**Staff recommends Approval of CZ-541 to rezone property from AG-R to RS.**

**SECTION II: Supporting Documentation**

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary:* The site is located in the Fenceline of the City of Broken Arrow and is designated as Level 1 - Rural Residential. The City of Broken Arrow's Comprehensive Plan was adopted as part of the Tulsa County Comprehensive Plan on October 6, 2020. The City initiated the Broken Arrow Next Comprehensive Plan with a horizon year of 2040 to create a cohesive vision that will accommodate future growth and maintain the city's high quality of life. The Plan was adopted by the Broken Arrow City Council on August 6, 2019 (Resolution Number 1255). The vision for the Broken Arrow Next Comprehensive Plan reflects the ideas, needs, and desires of community leaders, staff, and citizens. A variety of engagement techniques were utilized to develop this collective vision throughout the plan's development. Specific methods used to gather input included the creation of a Steering Committee and Technical Advisory Task Force, stakeholder interviews, four public workshops, design charrette, and an online survey.

Land Use Vision:

*Land Use Plan map designation:* Level 1 - Rural Residential

Level 1 represents the lowest intensity of land use in Broken Arrow. It is used primarily in the non-urbanized areas of Broken Arrow or to reflect established areas

of very low-density residential development that may be expected to remain as an exception in urbanized areas. The principal uses in this level are either agriculturally related or single-family homes on large lots. A request for R-2, RS-2, or RS-3 zoning in the Level 1 may be in accordance with the Comprehensive Plan, provided the site for the rezoning request is located adjacent to an arterial street, or is part of an existing R-2, RS-2, R-3, or RS-3 area which is located adjacent to an arterial street. Due to the uses allowed in this level of intensity, areas designated as Level 1 should generally be kept free of significant vehicular traffic generators and noisy or polluting uses. In addition, special consideration should be given to the manner in which Level 1 uses abut the other levels of higher intensity.

*Areas of Stability and Growth designation:* N/A

Transportation Vision:

*Major Street and Highway Plan:* S 190<sup>th</sup> E Ave does not have a designation.

*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 subject site currently contains a single-family residence and agricultural land.*

Environmental Considerations: None

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
S 190 <sup>th</sup> E Ave	None	None	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

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

North	AG-R	Level 1 – Rural Residential	N/A	Single-Family / Agricultural
South	RE	Level 1 – Rural Residential	N/A	Single-Family / Agricultural
East	AG-R	Level 1 – Rural Residential	N/A	Single-Family / Agricultural
West	RE	Level 1 – Rural Residential	N/A	Single-Family / Agricultural

**SECTION III: Relevant Zoning History**

**History: CZ-541 Rel. PUD-866**

**ZONING ORDINANCE:** Resolution number 98254 dated September 15, 1980, established zoning for the subject property.

***Surrounding Property:***

**CBOA-1282 August 1994:** The Board of Adjustment **approved** a *Special Exception* to permit reduced minimum setback distance from oil and gas wells and related storage tanks to permit the construction of new dwelling unit, on property located at 9200 Block of South 187<sup>th</sup> East Avenue.

**CBOA-1073 March 1992:** The Board of Adjustment **approved** a *Variance* to permit a beauty shop in an AG-R zoned district & a *Variance* of the all-weather surface parking, on property located at 19122 East 91<sup>st</sup> Street South.

**BOA-7142 September 1971:** The Board of Adjustment **approved** a *Variance* for a modification of front footage requirements in an AG District to permit a lot split on property located at 18900 E. 91<sup>st</sup> St South.

Mr. Covey asked if Broken Arrow’s Rural Residential level one has a minimum lot size.

Staff stated “no”.

Mr. Covey stated looking at the staff report it seems everything that the applicant is doing is a minimum of half an acre.

Staff stated that is correct.

**Applicant Comments:**

**Terry Pollock** 9300 SW 63rd Street, STE 102, Bethany, Oklahoma

Mr. Pollack stated he represents STP Solutions. He stated he attempted to come up with a configuration that would get the lot sizes to half acre lots as required by this development. Mr. Pollack stated these lots do not have sanitary sewer physically available on the site so they configured the lots so there would be enough space for that. He stated approximately 25 to 30 square feet per lot is needed for the aerobic system in this rural area. He stated they have requested to make the right of way to offset the building lines to accommodate the units that the owner is proposing. Mr. Pollack stated there are a total of 12 lots, some of which are problematic due to their shape and size. He stated there is one 6-inch waterline that will need to be extended.

**Interested Parties:**

**Brian King** 9328 S 190<sup>th</sup> East Avenue, Tulsa, OK 74012

Mr. King stated he is the property owner directly south of the subject property and he opposes this rezoning. He stated this is a quiet neighborhood and there are only eight houses from the subject property to the end of the street and they all have multiple acre properties. Mr. King stated this development will ruin this tranquil rural setting. He stated if the residents had wanted a densely populated neighborhood, they would have purchased a property that met that definition. Mr. King stated another problem he sees is the developer will have to build up the pad to put in all these lots and that could cause a water drainage problem. He stated he is also concerned about emergency response because this is outside the City of Broken Arrow, so Tulsa County Sheriff Department has jurisdiction, and it sometimes takes them a while to respond. Mr. King stated he is also concerned about all the construction equipment tearing up the roads and the added traffic.

**Richard Lawson** 9221 S 190<sup>th</sup> East Avenue, Tulsa, OK 74012

Mr. Lawson stated he is directly east of the subject development and the most directly impacted by this change in zoning. He stated this case has practical and fundamental issues. The practical ones are drainage and that already exists with 1 lot that floods after heavy rains. Mr. Lawson stated all of the water from this development will come towards his house through the front door. He stated the existing fence would have to be taken down to build a roadway on his property, which has an easement but for what purpose. Mr. Lawson stated the fundamental issues that are more important are when entering the neighborhood, you can immediately recognize that it is a rural residential neighborhood with large lots reflecting the resident property owners desire for low density land use. He stated another distinction that should be recognized is the difference between a property owner and a resident property owner, which is a homeowner. Mr. Lawson asked who is impacted most by land use, a property owner, or a homeowner. He stated a desire for change initiated by existing homeowners in a neighborhood is one thing, but a desire for change initiated by a non-resident property owner speaks to a whole different desire. Who is to gain in this case, an improved quality of life for the existing residents who have significant investment and a livelihood that was depicted by what they purchased or financial gain for a property owner. Mr. Lawson

stated that just like a desire to change your personal life, the change that comes from within is always better and where it needs to start. He stated in this case, there is no desire for change from the current resident owners in fact there is quite the opposite. Mr. Lawson stated speaking on behalf of the resident owners their desire is to do what the zoning law and process state and that is to maintain and promote the desired physical character of the existing neighborhood. He stated in a neighborhood facing a desired change who would you want to involve at the onset of the discussion about that change. Mr. Lawson stated the Tulsa Planning website refers developers and others seeking to change the zoning to first talk to the neighbors who will be directly impacted by the change. He stated this did not occur. Mr. Lawson stated the first time they learned about this change was the legal posting on the property site and subsequent mailing. He stated government entities have integrity in their process and should recognize the rule of law to assure equal protection under the law regardless of socio-economic status or power. Mr. Lawson stated we want our police officers to have integrity because our lives depend on it. He stated he believes Commissioners have integrity and hopes that they as leaders will take that integrity in this process to heart and respectfully deny this application.

Ms. Krug left at 1:17PM and returned at 1:19PM.

**Larry Williamson** 9336 S 190<sup>th</sup> East Avenue, Tulsa, OK 74012

Mr Williamson stated this neighborhood is an established neighborhood that has existed for 60 years, and it has always been either two and a half acres or one and a quarter acres. He stated most of the people in the area are living there because they did not want to live somewhere that had a small lot. Mr Williamson stated most of the aerobic systems do not work right. He stated one of the homeowners had to dig a drainage system because of an aerobic system next door to him that malfunctioned or did not work properly. Mr Williamson stated he would like to point out that if you set the precedent to allow this to happen there is nothing to stop someone else from doing the same thing with their own property and that would cause flooding issues for everyone. He stated the ditch drainage works most of the time but sometimes it does not.

Ms. Carr asked what the speakers meant by police presence. She asked if they need more police because there will be more people in the neighborhood.

Mr Williamson stated the more people the more potential problems. He stated they have a lot of problems with four wheelers and motorcycles. He stated or someone setting up a hay bale for target practice and not realizing the bullet could travel a mile or so.

Mr. Walker asked staff what the related PUD was asking for and that they cannot already do by right with AG-R.

Staff stated private roads and reducing lot area from one acre down to half acre.

Mr. Covey stated the area to the south and the west is RE and asked what the minimum lot size for RE is.

Staff stated just above half an acre.

Mr. Pollock stated he cannot disagree with the fact that this changes the area and the environment. He stated that if the regulations and codes allow for this proposal then it should be approved. He stated he was asking because he is not from Tulsa and does not know. Mr. Pollock stated something with the neighbors could be worked out if that is possible. He stated he apologizes for not meeting with the neighbors before submitting the application. However, he does not believe that would have made any difference. He thinks they would have had the same comments and rightfully so. Mr. Pollock stated he cannot address the density issue that neighbors spoke about but in regard to the drainage problems. The County requires that the applicant cannot release more stormwater from the site than is being released currently. He stated they will have to do detention for the drainage issues. Mr. Pollock stated they have not worked out every nuance of that yet. He stated he has a plan on how it can be done but it must meet the review of the County Engineer. He stated in regard to the density he agrees with neighbors however, he is not the owner of the property and as several speakers mentioned it is all about money. Mr. Pollock stated the owner is not going to put only one house on the property because he could not make back the money he paid for the land. He stated his intention is to recuperate his investment on the property. Mr. Pollock stated he believes the owner would be willing to rethink the lot sizes, and maybe other ideas.

Mr. Walker stated he did not see on the conceptual plan where the detention would go. He asked if it was just a rendering.

Mr. Pollock stated the owner has requested that they put the detention in the bar ditches. Mr. Pollock stated his earlier plans were to have a physical detention pond somewhere at the lowest spot where the natural drainage would go.

**TMAPC Comments:**

Mr. Hood asked if under the Land Use map designation level one rural residential talks about the area of very low-density residential development that will be expected to remain as an exception to urbanized areas. He asked what the vision of Broken Arrow was from this study.

Staff stated it is a low density residential. He stated he has spoken with the City of Broken Arrow, and they are fine with this application, and they think that half-acre lots are compatible with their vision.

Mr Zalk stated he does not think, as one of the speakers said, that this is a matter of scruples. He did not think it is a matter of scruples or being unscrupulous and is



generally pro development, but this seems dramatically out of line with a characteristic of the neighborhood. Mr. Zalk stated to not have community meetings and engage the surrounding neighbors seems a bit short sighted.

Mr. Hood stated he agrees. He stated if you are proposing a change in the area the first thing that should be done is to talk to the neighbors in the surrounding area to let them know what is going on and get some input from them. Mr. Hood stated he is concerned because the applicant indicated that this is not the final design, and he would prefer to see a final design prior to changing the zoning.

Mr. Covey asked if the Plat would come before Planning Commission for approval.

Staff stated "yes".

Mr. Covey stated one of the speakers whose property was zoned RE and owns several acres said he could divide his property by right. Yet he is complaining about the neighbor to the North, who happens to be an AG-R and right now it is one acre, and they are seeking half-acre which that same gentleman could do. He stated there is half-acre all around the subject property to the west, to the southeast, and southwest of the South. Mr. Covey stated directly to the east and directly to the north is AG-R and that is where the one acre comes in with the City of Broken Arrow. The City of Broken Arrow has said this application is in line with their vision for level one. He stated the plat will come back to the Planning Commission for approval.

Mr. Humphrey stated he wants to understand the difference between RS and RE.

Staff stated RS lots and RE lots differ by the land area required per lot. He stated RE is much larger and RS is Residential Single Family like a typical neighborhood lot.

Mr. Humphrey stated he would be in favor of RE. He thinks it is setting a precedent for more density that he feels is not currently in the area.

Mr. Zalk asked if the applicant reconfigured the lots so that they were slightly larger, which he offered to do, could this be continued or if they were to reject it today would it be 6 months before the applicant could reapply.

Mr. Covey stated the options for the Planning Commission are to vote on the application today or continue it and allow this to be heard at a future meeting.

Mr. Zalk asked if Planning Commission were to continue this to allow the applicant to reduce the density a little bit and have a conversation with the neighbors to see if they can find a more appropriate or minimal solution for everybody in the neighborhood.

Staff stated the application could be continued to a certain date and then it would not need to be noticed again because the motion to continue to date is the notice. She stated just looking at the layout all the proposed lots are at least half-acre even though there is a driveway easement on that lot it does not reduce the size of that lot. Staff stated RS is 6900 square feet and RE is half an acre. She stated they are going to RS, and she is not sure why they did not ask to go to half-acre lots. But if the Planning Commission was so inclined to say that RE seems right that would not require another notice because that is going down in intensity from what they are asking.

Mr. Covey stated right now they are at half-acre lots with a PUD

Staff stated the current layout that the applicant has shown is half acre lots and RS is much smaller than that.

Mr. Covey stated when the final plat comes back to Planning Commission if they wanted to do something different, as long as they met the minimum half acre requirement, they could do that.

Staff stated “yes” as long as they meet the standards.

Staff stated the very basic concept is for private streets. He stated the private street idea also eliminates a requirement for frontage on a public street. Staff stated it is sort of a technical exercise to get rid of the frontage requirement on public street and to allow private streets. He stated then the PUD itself defines the lot size. He stated if approved for RE or RS it almost does not matter because the PUD requires that minimum.

Mr. Covey asked if the applicant would like a continuance to speak with his client and meet with the homeowners.

The applicant stated “yes.”

**TMAPC Action; 9 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 8-1-0 (Carr, Covey, Hood, Humphrey, Krug, Shivel, Walker, Zalk, “aye”; Whitlock, “nays”; none “abstaining”; Bayles, Craddock, “absent”) to **CONTINUE** Item 2 to May 3, 2023, 2023.

\* \* \* \* \*

- 3. PUD-866 STP Solutions, INC (County) Location: North of the northwest corner of East 94<sup>th</sup> Street South and South 190<sup>th</sup> East Avenue requesting **PUD-866** for a gated single family residential subdivision with private streets (**Related to CZ-541**)**

**STAFF RECOMMENDATION:**  
**SECTION I: PUD-866**

**DEVELOPMENT CONCEPT:** The applicant is requesting to rezone from AG-R to RS with a PUD overlay to permit a single-family subdivision. A rezoning is being concurrently proposed with this PUD (CZ-541). The proposed PUD will establish the allowable use as well as bulk and area requirements. The proposal lies within the Level 1 - Rural Residential designation of the City of Broken Arrow Comprehensive Plan, which has been adopted as part of the Tulsa County Comprehensive Plan. This proposal, along with the accompanying PUD are compatible with this designation.

The roadway layout shown in the applicant's exhibits is preliminary and subject to change. Layout will be determined during the platting process.

**DETAILED STAFF RECOMMENDATION:**

Uses allowed in PUD-866 are consistent with the Level 1- Rural Residential land use designation identified in the Tulsa County Comprehensive Land Use plan.

PUD-866 allows lots sizes and uses that are consistent with the anticipated future development pattern of the surrounding property;

PUD-866 is consistent with the provisions of the PUD chapter of the Tulsa County Zoning Code, therefore;

**Staff recommends Approval of PUD-866 to rezone property from AG-R to RS/PUD-866.**

**DEVELOPMENT STANDARDS:**

Minimum Lot Size:	0.5 acres
Maximum Building Height:	35 feet
Minimum Building Setback from side and rear lot lines:	10 feet
Permitted Uses:	Residential single-family. No non-residential uses shall be allowed.
Maximum Number of Dwelling Units:	12 (limited to 1 dwelling unit per ½ acre)

## **Vehicular & Pedestrian Circulation**

The proposed roadway will be a private road with a cul-de-sac to meet fire marshal requirements. The private roadway will be 24 foot wide, hard surfaced, without curbs and drainage will be provided for by bar ditches on each side of the roadway.

## **SCREENING AND LANDSCAPING**

Shall be in conformance with Tulsa County Zoning Code requirements.

## **SIGNS**

One ground sign at the entrance of the road and one sign at the west side of S. 190th Ave will be in place at the subdivision. The signs shall not exceed 10 feet in height and will have a maximum surface area of 40 square feet.

*All standards not established as a part of this PUD shall be per Tulsa County Zoning Code requirements for lots in an RS district.*

## **Homeowners Association**

A Homeowners Association (HOA) shall be required to be formed for the proposed subdivision to handle homeowner issues and maintenance of common areas.

## **SECTION II: Supporting Documentation**

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

*Staff Summary: The site is located in the Fenceline of the City of Broken Arrow and is designated as Level 1 - Rural Residential. The City of Broken Arrow's Comprehensive Plan was adopted as part of the Tulsa County Comprehensive Plan on October 6, 2020. The City initiated the Broken Arrow Next Comprehensive Plan with a horizon year of 2040 to create a cohesive vision that will accommodate future growth and maintain the city's high quality of life. The Plan was adopted by the Broken Arrow City Council on August 6, 2019 (Resolution Number 1255). The vision for the Broken Arrow Next Comprehensive Plan reflects the ideas, needs, and desires of community leaders, staff, and citizens. A variety of engagement techniques were utilized to develop this collective vision throughout the plan's development. Specific methods used to gather input included the creation of a Steering Committee and Technical Advisory Task Force, stakeholder interviews, four public workshops, design charrette, and an online survey.*

### **Land Use Vision:**

*Land Use Plan map designation: Level 1 - Rural Residential*

Level 1 represents the lowest intensity of land use in Broken Arrow. It is used primarily in the non-urbanized areas of Broken Arrow or to reflect established areas of very low-density residential development that may be expected to remain as an exception in urbanized areas. The principal uses in this level are either agriculturally related or single-family homes on large lots. A request for R-2, RS-2, or RS-3 zoning in the Level 1 may be in accordance with the Comprehensive Plan, provided the site for the rezoning request is located adjacent to an arterial street, or is part of an existing R-2, RS-2, R-3, or RS-3 area which is located adjacent to an arterial street. Due to the uses allowed in this level of intensity, areas designated as Level 1 should generally be kept free of significant vehicular traffic generators and noisy or polluting uses. In addition, special consideration should be given to the manner in which Level 1 uses about the other levels of higher intensity.

*Areas of Stability and Growth designation: N/A*

Transportation Vision:

*Major Street and Highway Plan: S 190<sup>th</sup> E Ave does not have a designation.*

*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 subject site currently contains a single-family residence and agricultural land.*

Environmental Considerations: None

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
S 190 <sup>th</sup> E Ave	None	None	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG-R	Level 1 – Rural Residential	N/A	Single-Family / Agricultural
South	RE	Level 1 – Rural Residential	N/A	Single-Family / Agricultural
East	AG-R	Level 1 – Rural Residential	N/A	Single-Family / Agricultural
West	RE	Level 1 – Rural Residential	N/A	Single-Family / Agricultural

**SECTION III: Relevant Zoning History**

**History: PUD-866 Rel. CZ-541**

**ZONING ORDINANCE:** Resolution number 98254 dated September 15, 1980, established zoning for the subject property.

***Surrounding Property:***

**CBOA-1282 August 1994:** The Board of Adjustment **approved** a *Special Exception* to permit reduced minimum setback distance from oil and gas wells and related storage tanks to permit the construction of new dwelling unit, on property located at 9200 Block of South 187<sup>th</sup> East Avenue.

**CBOA-1073 March 1992:** The Board of Adjustment **approved** a *Variance* to permit a beauty shop in an AG-R zoned district & a *Variance* of the all-weather surface parking, on property located at 19122 East 91<sup>st</sup> Street South.

**BOA-7142 September 1971:** The Board of Adjustment **approved** a *Variance* for a modification of front footage requirements in an AG District to permit a lot split on property located at 18900 E. 91<sup>st</sup> St South.

**TMAPC Action; 9 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 8-1-0 (Carr, Covey, Hood, Humphrey, Krug, Shivel, Walker, Zalk, “aye”; Whitlock, “nays”; none “abstaining”; Bayles, Craddock, “absent”) to **CONTINUE** Item 3 to May 3, 2023.

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Staff requested item 4 be continued to May 3, 2023.

4. **Z-7697 Blas Gaytan** (CD 1) Location: Southwest corner of West Pine Street and North Main Street requesting rezoning from **CH to RS-4**

**STAFF RECOMMENDATION:**  
**SECTION I: Z-7697**

**DEVELOPMENT CONCEPT:** Rezone the site to allow the utilization of the neighborhood infill overlay for a residential project. The Neighborhood Infill Overlay (NIO) establishes zoning regulations that are intended to promote the development of alternative infill housing in established neighborhoods. In this case the NIO would allow for the development of up to a 6-unit apartment in RS-4 zoning.

**DETAILED STAFF RECOMMENDATION:**

Z-7697 requesting rezoning to the RS-4 district is consistent with the recently adopted Neighborhood Infill Overlay and,

Uses and building types within the RS-4 district are consistent with the surrounding zoning pattern and,

RS-4 is consistent with the anticipated development considered in the Existing Neighborhood land use designation of the comprehensive plan and in the surrounding area therefore,

Staff recommends approval of Z-7697 to rezone property from CH/NIO to RS-4/NIO.

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

**Staff Summary:** RS-4 zoning is consistent with the Existing Neighborhood land use designation.

**Land Use Vision:**

***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.

**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.

**Transportation Vision:**

**Major Street and Highway Plan:** None that affect site redevelopment.

**Trail System Master Plan Considerations:** None

**Small Area Plan:** Unity Heritage Neighborhoods Sector Plan.

The Unity Heritage Plan was adopted in 2016 and adopted 8 goals and 58 implementation measures. About 45% of those implementation measures are complete or ongoing as of July 1, 2020.

Some of those goals include, enhancing the desirability of all neighborhoods in the planning area, preserving, and stabilizing the area's healthy neighborhoods, and transform and revitalize neighborhoods most impacted by vacancy or poor maintenance.

**Special District Considerations:**

Neighborhood Infill Overlay was approved this year is an important consideration for the expected development in the RS-4 district. The Neighborhood Infill overlay intends to promote the development of infill housing in already established neighborhoods.

The Unity Heritage Neighborhoods plan recognizes appropriate infill and suggest new building construction similar to the existing neighborhood scale and form.

**Historic Preservation Overlay:** None

**DESCRIPTION OF EXISTING CONDITIONS:**

**Staff Summary:** The property is currently vacant and directly on the corner of West Pine Street and North Main Street, see image below.





**Environmental Considerations:** None that would affect site development.

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
East Pine Street	Secondary Arterial	100'	4
North Main Street	Residential Collector	60'	2

**Utilities:** The subject tract has municipal water and sewer available.

**Surrounding Properties:**

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	CH/OL	Existing Neighborhood	Stability	Residential
East	CH/NIO	Existing Neighborhood	Stability	Vacant
South	RS-4/NIO	Existing Neighborhood	Stability	Residential
West	RS-4/NIO	Existing Neighborhood	Stability	Residential

## SECTION III: Relevant Zoning History

**History: Z-7697**

### ***Subject Property:***

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

**SA-5 (Neighborhood Infill Overlay) August 2021:** All concurred in **approval** of a request for a Special Area Overlay on multiple properties along the multiple properties located within certain neighborhoods adjacent to downtown to 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-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-20274 April 2006:** The Board of Adjustment **approved** a *Special Exception* to permit a single-family residential use in an OL and CH district, on property located at 1450-1448 North Main Street.

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

**SA-5 (Neighborhood Infill Overlay) August 2021:** All concurred in **approval** of a request for a Special Area Overlay on multiple properties along the multiple properties located within certain neighborhoods adjacent to downtown to 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.

**BOA-23121 May 2021:** The Board of Adjustment **approved** a *Variance* to permit to reduce the 10-foot side building setbacks from R districts in an OL district to permit a single-family home, on property located at 1508 North Main Street West.

**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-22408 April 2018:** The Board of Adjustment **approved** a *Special Exception* to permit a fence to exceed 4 feet in height in the front street setback, on property located at 1511 North Main Street East; 11 Pine Street North.

**BOA-20273 April 2006:** The Board of Adjustment **approved** a *Special Exception* to permit a single-family residence on an OL zoned property & a *Variance* of the setback from centerline of an arterial street from 100' to align with existing residential structure to the east or 65.6' & a *Variance* of one-story to allow two-story in OL, on property located at 110 E. Pine.

**BOA-19122 June 2001:** The Board of Adjustment **approved** a *Special Exception* to permit a single-family residence on an OL zoned property & a *Variance* of the setback from centerline of an arterial street from 100' to align with existing residential structure to the east or 65.6' & a *Variance* of one-story to allow two-story in OL, on property located at 110 E. Pine.

**BOA-16378 July 1993:** The Board of Adjustment **approved** a *Special Exception* to permit residential use in a CG and OL zoned district, on property located at 1441, 1507 and 1508 North Boston Avenue.

**BOA-14971 November 1988:** The Board of Adjustment **approved** a Minor *Variance* to permit a side yard setback from 10' to 8' to allow for an addition to an existing dwelling, on property located at 1439 North Boston Avenue.

**BOA-7503 June 1972:** The Board of Adjustment **approved** a *Variance* to permit modification of the side yard requirements in an RM-1 District to permit building single family residences with 5' side yards, on property located at 212 & 216 East King Street, 1427 North Boston Avenue & 1207 & 1209 North Main Street.

**TMAPC Action; 9 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 9-0-0 (Carr, Covey, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, Zalk, "aye"; no, "nays"; none "abstaining"; Bayles, Craddock, "absent") to **CONTINUE** Item 4 to May 3, 2023.

\* \* \* \* \*

Mr. Walker left at 1:49PM and returned at 1:52PM.

5. **Z-7698 Blas Gaytan** (CD 4) Location: East of the southeast corner of South Harvard Avenue and East 15th Street South requesting rezoning from **RS-3 to RM-2**

**STAFF RECOMMENDATION:**

**SECTION I: Z-7698**

**DEVELOPMENT CONCEPT:** Rezone entire site to RM-2 to permit the construction of apartments. There are currently tracts to the North zoned RM-2 that would be a part of the apartment proposal.

**DETAILED STAFF RECOMMENDATION:**

The subject tract is currently zoned RS-3. The applicant is seeking to rezone the subject tract to RM-2 and combine the lots north of the subject tract for a single multifamily development. RM-2 zoning is consistent with the Existing Neighborhood designation and allows for a variety of residential building types and,

The subject tract is located within the Existing Neighborhood and Area of Stability designations.

RM-2 zoning can be consistent with uses found on the edges of an Existing Neighborhood when the planned redevelopment contemplates combining lots in both Existing Neighborhood and Main Street Land use designations and,

RM-2 zoning is an appropriate transition between Main Street and Existing Neighborhood areas therefore,

Staff recommends approval of Z-7698 for rezoning the subject tract from RS-3 to RM-2.

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

***Staff Summary:*** *RM-2 zoning is consistent with the Existing neighborhood land use designation.*

**Land Use Vision:**

***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.*

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

*The areas of stability include 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.*

**Transportation Vision:**

**Major Street and Highway Plan:** None

**Trail System Master Plan Considerations:** None

**Small Area Plan:** None

**Special District Considerations:** None

**Historic Preservation Overlay:** None

**DESCRIPTION OF EXISTING CONDITIONS:**

**Staff Summary:** The subject property is currently vacant. The property to the north is zoned RM-2. The property to the north is a vacant lot.



**Environmental Considerations: None**

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Indianapolis Ave	None	50'	2

**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:**

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RM-2	Main Street	Growth	Vacant lot
East	RS-3	Existing Neighborhood	Stability	Single family homes
South	RS-3	Existing Neighborhood	Stability	Single family home
West	PUD-770/CS/RM-2/RS-3	Main Street	Growth	Convenience goods with fueling station

### SECTION III: Relevant Zoning History

**History: Z-7698**

***Subject Property:***

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

***Surrounding Property:***

**BOA-22806 November 2019:** The Board of Adjustment **approved** a *Special Exception* to permit a Low-impact Manufacturing and Industry uses in the CH District, on property located at 1502 South Harvard Avenue East.

**BOA-21382 May 2012:** The Board of Adjustment **approved** a *Variance* from extending 20 ft into the required front yard to 23 ft. & a *Special Exception* to permit carport in the required front yard in an RS-3 district & a *Variance* of required side yard setback from 5 ft to 2 ft., on property located at 1524 South Indianapolis Avenue East.

**PUD-770 May 2009:** All concurred in **approval** of a proposed *Planned Unit Development* on a 27,875± square feet tract of land for commercial uses on property located Southeast corner of East 15<sup>th</sup> Street and South Harvard Avenue.

**BOA-20201 February 2006:** The Board of Adjustment **approved** a *Variance* of the required number of parking spaces from 23 to 22 for office use, on property located at 1502 South Harvard Avenue.

**BOA-17601 January 1997:** The Board of Adjustment **approved** a *Special Exception* to permit used car sales in an CS district (to allow temporary storage & sale of cars purchased as part of estate), on property located at 1531 South Harvard.

**BOA-14923 September 1988:** The Board of Adjustment **approved** a *Variance* to permit setback from the centerline of Harvard Avenue from 50' to 37' to allow for a sign, on property located at SW/c 15<sup>th</sup> street and South Harvard Avenue.

**BOA-14095 June 1986:** The Board of Adjustment **approved** a *Special Exception* to permit the existing structured to be removed and reconstructed and to modify the parking requirements to permit the construction and uses of the proposed building and parking area (In the Alternative) & a *Variance* to permit the construction of the proposed building within 35' of the required 50' from centerline of east 15<sup>th</sup> Street & a *Variance* of the required off-street parking spaces for a Use Unit 14 containing 6,873 sq. ft. & a *Variance* to permit part of the required off-street parking spaces for the use, on property located at the SW/c of East 15<sup>th</sup> Street and South Harvard.

**BOA-13125 May 1984:** The Board of Adjustment **approved** a *Variance* to permit the rear yard setback from 20' to 5' to allow an addition to an existing dwelling in an RS-3 District under the provisions of section 1670, on property located at the SE corner of 15<sup>th</sup> street and South Indianapolis.

**BOA-11005 May 1980:** The Board of Adjustment **approved** a *Special Exception* to permit request for permission to operate a pawn shop in a CS district, on property located at 1531 South Harvard Avenue.

**BOA-6771 October 1970:** The Board of Adjustment **denied** a *Special Exception* to permit operating a children's nursery in an RS-3 district, on property located at 1503 South Indianapolis Avenue.

**Applicant Comments:**

**Mark Gawey** 2843 E 33<sup>rd</sup> Street, Tulsa, OK 74106

Mr. Gawey stated he represents the owner of the property. He stated his client owns the two lots to the north of the subject property that are already zoned RM-2, and he is trying to rezone this third lot and then do a lot combination. Mr. Gawey stated there is commercial to the west, a church and a parking lot to the north and 15th Street that is commercial as well. He stated to the east it is RS-3 and he believes those homes are rental properties. Mr. Gawey stated there are owners occupied homes to the south and a few days ago he walked the neighborhood to pass out fliers and speak with neighbors. He stated they do not have a site plan but if approved they would move the buildings further to the north as far away from the residential area as possible and the parking would be to the south to serve as a buffer.

**Interested Parties:**

**Heidi Wallace** 1538 S Indianapolis Avenue, Tulsa, OK 74112

Ms. Wallace stated she lives just to the south of this proposed development. She stated just as the Staff said the existing Land Use map shows this area as an Existing Neighborhood. She stated on the Growth and Stability map it is shown as stable. Ms. Wallace stated in the Tulsa Comprehensive Plan housing goal number 5 says, to encourage the use of infill only where appropriate and desired. She stated it also talks about existing residential neighborhoods will be preserved and that new infill should be in harmony with the character of the neighborhoods, and appropriate in form, rhythm, scale, and proportion. The Comprehensive Plan also states that zoning decisions should be consistent with the Comprehensive Plan goals and policies including protecting existing neighborhoods. Ms. Wallace stated this rezone is not in agreement with the Comprehensive Plan because it is not appropriate or desired for this existing stable neighborhood context. The rezone would allow the following developments that are currently not allowed under the RS-3 zoning and we would have no right as neighborhood residents to object to them in the future. Three or more households on a single lot, assisted living facility, community group home, convent or monastery, retirement center, fraternity or sorority rooming or boarding house, an apartment or condo and a mixed-use



building. It also reduces their setback at the property line on the street frontage to only 10 feet instead of the setback that the current zoning requires. She stated by proposing 10 motel style residences on this lot if they are allowed to rezone and combine the lots that increases the number of residences on the street by 58%. Ms. Wallace stated by the street she means between 15<sup>th</sup> Street and 16<sup>th</sup> Street on Indianapolis. She stated per code they are required to have 13 parking spaces for this 10-unit development, and they are only showing 10 and one of those is the accessible space. Ms. Wallace stated they are not currently showing any interior parking lot landscaping and the code states the interior parking lot landscaping governs if the applicant needs to lose those spaces. She stated the current parking only allows parking on one side of the street and most of the time it is full based on current residence uses. Ms. Wallace stated even though a portion of this overall proposed development is already RM-2 the size of that lot would only allow something to go in that is more in line with the character of the neighborhood. She stated they do have duplexes in the neighborhood, and some are zoned RM-2, and some are allowed through a Special Exception. Ms. Wallace stated it is not that they do not want any RM-2 but if you set the precedent by letting them move that down another block eating into what currently is a single-family residential homes or by Special Exception. A duplex is not in line with the character of what exists currently in the neighborhood. She stated if a duplex is desired on that lot, it can be done by a Special Exception. Ms. Wallace stated it is not that they do not want multifamily uses, but this apartment is in no way appropriate for the context of a stable area across from and next to existing single-family homes. She stated it was mentioned some of them are renters, but she does not think that matters because a renter that moved into a quiet single-family neighborhood should not have to look at something across the street like this apartment complex that honestly looks like an exterior walk-up motel. Ms. Wallace stated as mentioned already most of the RM-2 allowed uses would also not be appropriate for this single family stable Existing Neighborhood context. She stated the staff report has that RM-2 is an appropriate transition from Main Street and Existing Neighborhood but there's already RM-2 at the end of the block so they do not need an RM-2 transition when the commercial is around the corner, and it already has a block wall fence behind it, so they do not need a buffer from that existing commercial use. Ms. Wallace stated something across 15<sup>th</sup> Street seems like a stretch because that is a divided street with landscaping in the middle so when walking down the street, you are not really impacted by those parking lots and commercial areas across four lanes of traffic and the median on 15<sup>th</sup> Street. She stated they received notice about this application late and the link was not active, so she had to contact INCOG to get that link activated. There was no sign and there was no attempt at neighborhood contact.

**Barbara Nottingham** 1634 S Indianapolis Avenue, Tulsa, OK 74112

Ms. Nottingham stated she agrees with everything the last speaker said. She stated the subject property is a block and a half from her house. She stated she has lived in this area since 1972. Ms. Nottingham stated there used to be two duplexes on the subject lot and one of them blew up and the other was torn down. Ms.

Nottingham stated this neighborhood is a good, quaint, nice, wonderful neighborhood and to stick something like this development, that is not a duplex, on those lots is disheartening. She stated as a neighbor who would greatly be affected by this rezoning, she is asking the Planning Commission to deny this application. Ms. Nottingham stated they trying to save their neighborhood. She stated they welcome duplexes and there is plenty of room for them but not for an apartment complex.

**Lynn Powell** 1533 S Indianapolis Avenue, Tulsa, OK 74112

Ms. Powell stated she lives a half block from the subject property. She stated when she saw the rezoning sign go up, she called the phone number on the sign and was told the applicant was rezoning for a duplex which already exists in this neighborhood, so she did not have a problem with a duplex. Ms. Powell stated this neighborhood is extremely small. It is 4 streets between the Tulsa County Fairgrounds and Harvard Avenue and from 15<sup>th</sup> Street to 21<sup>st</sup> Street. She stated she learned later that she was not given the correct information and that was upsetting because she knew that a developer was trying to put multiple townhomes in at 19th and Jamestown. Ms. Powell stated she found out on Monday that this was going to be apartments. This development and the one on Jamestown are changing the little quiet neighborhood that she has lived in for so long. She stated the wrong information was given out with the notification, so this is not being handled properly at all. Ms. Powell stated she was home on Monday and is home most days after retiring but no one knocked on her door. She is asking the Planning Commission to delay or deny this application.

**Applicant Rebuttal:**

Mr. Gawey stated he appreciates the feedback from the adjacent landowners. He stated he did not walk the entire block but did walk the immediate houses around the subject property. Mr. Gawey stated the structures, whatever shape they are, would be compatible with the neighborhood and would enhance the neighborhood. He stated he would request that the Planning Commission refer to the detailed Staff recommendation for acceptance.

Mr. Whitlock asked if the applicant had any documentation of leaving information for the residents to call you with questions when you walked the neighborhood.

He stated he put business cards in mailboxes.

**TMAPC Comments:**

Mr. Zalk asked if there was a requirement for 13 parking spaces.

Staff stated they were not sure of the exact parking requirement; it varies on the bedroom unit. He stated two-bedroom units require more parking spaces. He stated permitting has to approve the parking requirement.

**TMAPC Action; 9 members present:**

On **MOTION** of **SHIVEL**, the TMAPC voted 7-2-0 (Carr, Humphrey, Krug, Shivel, Walker, Whitlock, Zalk, “aye”; Covey, Hood, “nays”; none “abstaining”; Bayles, Craddock, “absent”) to recommend **APPROVAL** of the RM-2 zoning for Z-7698 per staff recommendation.

**Legal Description for Z-7698:**

Z-7698

LT 18 LESS W29 BLK 1, SUNRISE TERRACE ADDN, SUNRISE TERRACE AMD RESUB L1-3 & 18-20 B1 SUNRISE TERRACE, City of Tulsa, Tulsa County, State of Oklahoma

\* \* \* \* \*

- 6. **Z-7699 JKR Properties** (CD 4) Location: Southwest corner of East 4<sup>th</sup> Place South and South Yale Avenue requesting rezoning from **OL to CS**

**STAFF RECOMMENDATION:**

**SECTION I: Z-7699**

**DEVELOPMENT CONCEPT:**

Change zoning to allow uses that may be more consistent with a Neighborhood Center land use designation and to support redevelopment of the existing property that is zoned OL. The fueling station and convenience store has been considered a nonconforming use since before 1969.

**DETAILED STAFF RECOMMENDATION:**

CS zoning district and supplemental regulations allowed are consistent with a Neighborhood Center land use designation in the Tulsa Comprehensive Plan.

Staff recommends Approval of Z-7699 to rezone property from OL to CS as requested by the applicant. Staff supports the possible rezoning of the site from OL to CS knowing that additional requirements for development in Tulsa may end up with a site that is still not developable as planned by the applicant.

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: The site is very small and has been a nonconforming use for decades with OL zoning. The requested CS zoning on this site can provide a small-scale version of a Neighborhood Center.*

Land Use Vision:

*Land Use Plan map designation:*

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 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: South Yale Avenue is considered a multimodal 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*

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary:

*The site is vacant and has previously been used as a single-story convenience store and a fueling station. OL zoning prohibits both uses. In 1969 a gas station was recognized as a non-conforming use during a board of adjustment case. Neither the Planning Commission Staff or the applicant has determined if this is still a nonconforming use. The site may have lost its non-conforming status as outlined in Section 80.040-E.3 of the Tulsa Zoning Code. That section of the code clarifies that if the non-conforming use of a building is discontinued for 36 consecutive months or for 36 months during any 4-year period, the nonconforming use may not be re-established.*

*The site has multiple Board of Adjustment cases that have been heard with setback variances approved and canopy variances denied. Planned right-of-way for 50 feet width on Yale Ave. would not allow new gas canopy or building expansion on this site.*

*The Subdivision and Development Regulations will require subdivision compliance and approximately 25 feet of additional right-of-way will be required along South Yale Avenue during that process. The acquisition of planned right-of-way will take away most of the parking on the lot and the*

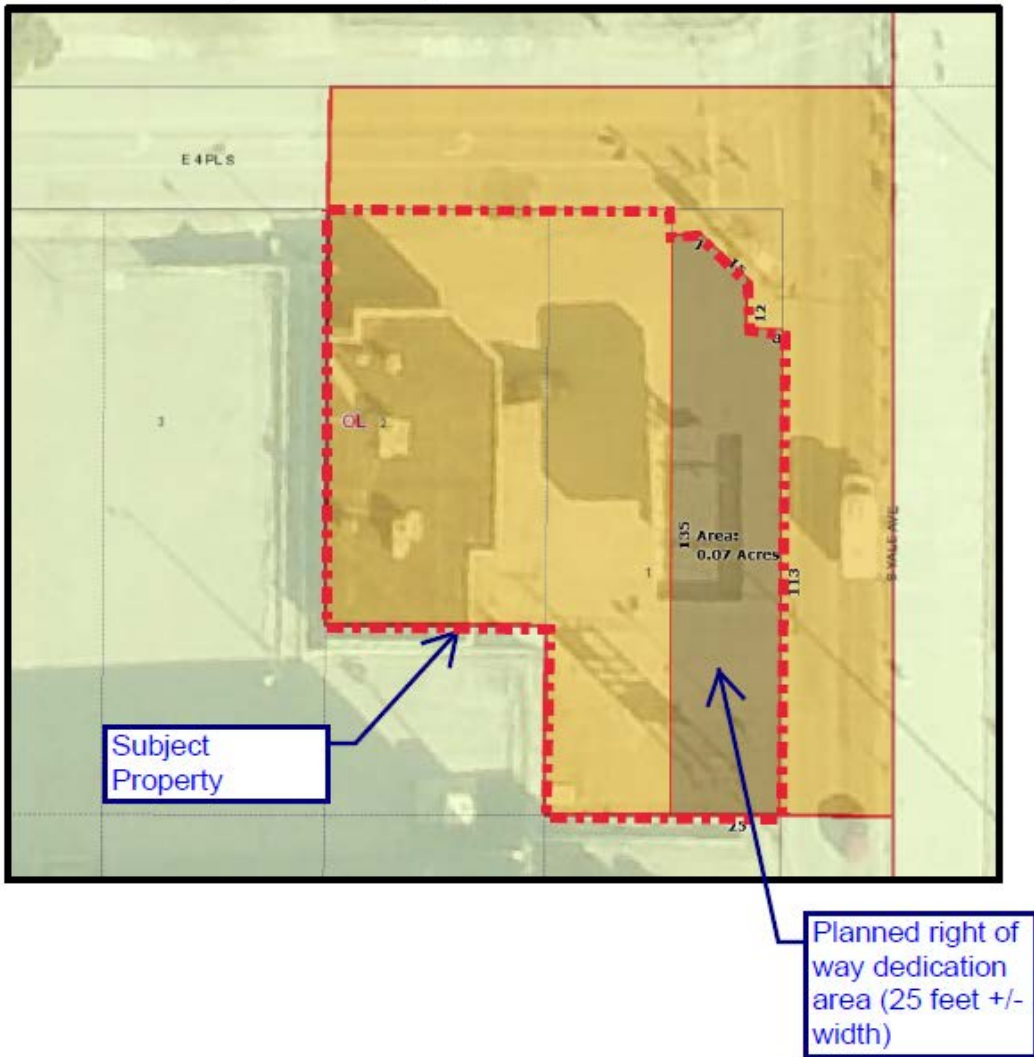
*existing canopy will need to be removed. Those requirements make redevelopment on this site more challenging.*

*Current OL zoning would allow many uses including all office uses identified in our code, single family residential, short-term rental in the lodging category, artist and instructional services and three or more households on a single lot with a mixed-use building.*

*Street view looking southwest from the northeast corner of the site:*



Illustration showing additional right of way requirement during the subdivision compliance review process



Environmental Considerations: None that would affect site redevelopment.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 4 <sup>th</sup> Place South	Residential Collector	60 feet minimum required as a minimum and the existing right of way is 60 feet.	3 lanes One lane each direction with east bound left

				turn lane
South Avenue	Yale	Secondary arterial with Multi modal corridor designation	100 feet minimum. Existing right of way measures approximately 60 feet with approximately 25 feet west of the section line in S. Yale.	4 lanes From the center of the street

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-3	Existing Neighborhood	Stability	Single Family Homes
East	RS-2	Existing Neighborhood	Stability	Single Family Homes
South	RS-3	Existing Neighborhood	Growth	Church / food pantry
West	RS-4	Existing Neighborhood	Growth	Church

**SECTION III: Relevant Zoning History**

**History: Z-7699**

**ZONING ORDINANCE:** Ordinance number 11815 dated June 26, 1970 & Ordinance number 14402 dated March 23, 1979, established zoning for the subject property.

***Subject Property:***

**Z-7615 January 2022:** All concurred in **denied** of a request for *rezoning* a 0.28+ acre tract of land from OL to CG on property located Southwest corner of East 4<sup>th</sup> Place south & South Yale Avenue.

**BOA-14804 April 1988:** The Board of Adjustment **approved** a *Variance* to permit setback from the centerline of south Yale from 60' to 30' to allow for a business sign, on property located at SW/c 4<sup>th</sup> Place and Yale Avenue.



**BOA-12940 January 1984:** The Board of Adjustment **denied** a *Variance* to permit the setback requirement from 60' to 27' for a gasoline canopy in an OL District under the provisions of Section 1670, on property located at the SW corner of 4<sup>th</sup> Place and Yale Avenue.

**BOA-11585 August 1981:** The Board of Adjustment **denied** a *Variance* to permit the setback requirements from 60' to 27' from the centerline of Yale Avenue to permit the erection of service station canopies in an OL District, on property located at 4752 East 4<sup>th</sup> Place.

**BOA-10432 November 1980:** The Board of Adjustment **approved** a *Variance* to permit the setback requirements from 55' to 44.33' from the centerline of 4<sup>th</sup> Place, on property located at Lot 1, & the North 95.7' of Lot 2, Block 1, Kendall View Addn.

**Z-5224 March 1979:** All concurred in **approval** of a request for *rezoning* a tract of land from RS-3 to OL on property located Lot 1 & the North 95.7 feet of Lot 2 Block 1 Kendall View Addn.

**BOA-6236 August 1974:** The Board of Adjustment **approved** a *Variance* to permit replacing a sign for a nonconforming service station (Not less than 60' from the centerline of Yale Avenue), on property located at 4752 East 4<sup>th</sup> Place.

#### **Surrounding Property:**

**BOA-23497 February 2023:** The Board of Adjustment **approved** a *Special Exception* to permit a Day Care Use in the RS-2 District & a *Variance* to reduce the 12,000 square-foot minimum lot width for *Special Exception* uses in the RS-2 District & a *Variance* to reduce the 25-foot setback for non-residential *Special Exception* uses from R-zoned lots, on property located at 4905 East 4<sup>th</sup> Place.

**BOA-23158 July 2021:** The Board of Adjustment **approved** a *Variance* to permit a dynamic display sign within 20 feet of the driving surface of East 4<sup>th</sup> Place & a *Special Exception* to allow a dynamic display sign in an RS-3 District for a Religious Assembly Use and to be located within 200 feet of a Residential District, on property located at 4739 East 5<sup>th</sup> Street South.

**BOA-14656 November 1987:** The Board of Adjustment **approved** a *Variance* to permit the setback from the centerline of Yale Avenue from 60' to 30' to allow a gasoline island canopy, on property located at SW/c of 4<sup>th</sup> Place and Yale Avenue.

**BOA-6746 September 1970:** The Board of Adjustment **denied** a *Special Exception* to permit operating a children's day nursery in an RS-2 District, on property located at 4<sup>th</sup> street and Yale Avenue.

#### **Applicant Comments:**

Mr. Covey stated because this application has a unique background he wanted to verify when this came before the Planning Commission previously the applicant was asking for rezoning from OL to CG. He stated Staff recommended denial of CG, but approval of CS. Mr. Covey stated Planning Commission approved CS unanimously and then it went to City Council. He stated the City Council agreed with the Planning Commission and approved the CS. Mr. Covey stated three months later the City Council unanimously rescinded their approval of CS.

Staff stated, "that is correct."

Mr. Covey asked if the Planning Commission should take into consideration what the City Council does when looking at a piece of property.

Staff stated Staff cannot tell them what to do. He stated staff does their review and makes recommendations based on that review.

**Applicant Comments:**

**Kelvin Ross** 2035 East 54th Street North, Tulsa, Oklahoma

Mr. Ross stated he represents JKR properties. He stated they recently purchased the subject property and want to redevelop it. Mr. Ross stated the building is covered with graffiti and has been vandalized. He stated they have installed cameras on the building hoping it will help. He stated with the current zoning OL the rent that they need back is too high, so they want to rezone to CS to develop and make a better profit.

Mr. Covey asked what the applicant wanted to do with the subject property.

Mr. Ross stated to remodel it and lease it to a five- or 10-year tenant.

Mr. Covey stated so there is no plan currently for what kind of use. He asked if the intent was a gas station.

He stated "no" that is not the intent, the gas tanks have been removed from the property.

Mr. Covey asked if he was aware that the prior owner had sought to rezone it.

Mr. Ross stated that he was at the Planning Commission with the previous owner and that he had a contract on the subject property. He stated the City Council had issues with the prior owner because he owns properties all over Tulsa and he does not take care of it. Mr. Ross stated that is why they took it over.

Ms. Carr asked if it was possible to have more than one business there or if it was too small.

Mr. Ross stated it will depend on what the business is.

**Interested Parties:**

**Thomas Martin** 550 S Zurich Avenue, Tulsa, OK 74112

Mr. Martin stated he lives a block from the subject property. He stated he thought an applicant had to wait a year to reapply if denied by the Planning Commission.

Mr. Covey stated the previous application was before the Planning Commission in August of 2021. He stated so it has been over a year.

Mr. Martin stated this is a very small property and it has been non-conforming for years in its use, and then it went vacant and lost its use. Mr. Martin stated all sides of 4th Place and Yale Avenue from 11th to Admiral Place is mainly single family with a little RM-2 residences. He stated there is no commercial property along Yale Avenue from 11th Street to Admiral Place, with one non-conforming which is the subject property. He stated Commercial Shopping is something different to him than Office Light. Mr. Martin stated with Office Light he thinks of Doctors, Lawyers and Real Estate Agents who do not have traffic in and out and can fit into a residential area much more easily than Commercial Shopping.

Mr. Covey asked if Mr. Martin would prefer that it just stay in the dilapidated state that it is in.

Mr. Martin stated he would prefer it to stay like it is versus a Marijuana dispensary or a smoke shop. He stated he was not sure what the current zoning request was.

Mr. Covey stated its CS.

Mr. Martin stated so it could be almost any kind of sales. He stated he would rather it sit vacant. He stated the traffic in and out of the neighborhood at that corner is awful.

**Patricia Martin** 550 S Zurich Avenue, Tulsa, OK 74112

Ms. Martin stated the subject property is an eyesore. She stated she used to patronize the old business and watched it deteriorate because the previous owners did not take care of anything. Ms. Martin stated her concern is the high price the previous owner wants to sell the property for does not allow for new property owners to make a living off that property without doing things that are out of character of the neighborhood. She stated she does not object to what the applicant just proposed other than the fact that traffic at Yale Avenue is impossible. Ms. Martin stated they want something that keeps the residential character of the neighborhood without distorting it by the businesses there. She stated they do not want a massage parlor, Marijuana dispensary, liquor shop or smoke shop. Those uses are not conducive to the family aspect of the neighborhood. from both sides.

Ms. Martin stated the neighborhood is going to be watching to see what goes on this corner and that it does not impact their quality of life.

Mr. Walker asked if Ms. Martin would be okay with a Dry Cleaners in the subject building.

Ms. Martin stated the parking lot of the subject property has large concrete pillars where the gas pumps were located so the parking lot has to go around those. She stated a Dry Cleaners would be fine. She stated she would prefer Office Light.

**Darryl DeBorde** 4739 East 5<sup>th</sup> Street, Tulsa, OK 74112

Mr. DeBorde stated he is the Pastor of Braden Park Baptist Church adjacent to the subject property. He stated he has been dealing with this property for 50 years. This property was originally zoned office light back in the 30s and 40s. Mr. DeBorde stated a mom-and-pop gas station was put on the corner with a variance. He stated later on the GIT-N-Go company inquired about the property and he worked with them to put in a very viable operation. Mr. DeBorde stated in those days the property was larger. It had been reduced in size because of the expansion of Yale Avenue and 4<sup>th</sup> Place. When the contract expired, they decided it was no longer viable. Mr. DeBorde stated it sat vacant for a long time and then was purchased by the previous owner who applied for rezoning in 2021. He stated it is his understanding that the current applicant is the gentleman that was working last year on this property with the announced goal that there would be a dispensary put on this property. Mr. DeBorde stated we do not need a dispensary. The south wall of their property is 60 feet from the sanctuary wall of the church property. His office is at that corner. He stated there is an incredible number of car accidents at that corner. Mr. DeBorde stated they have the same arguments they had a year ago. It is a dangerous intersection. The building is too small, and the property is too small for a viable commercial property. He stated a Laundromat was on this property in the 30's and the City shut it down. Mr. DeBorde stated they have sought to work with the owner for six years about absentee ownership. He stated this is all about profit rather than neighborhood. Mr. DeBorde stated two things have changed is the Daycare Center which is now putting younger families coming into that intersection on that corner and Will Rogers School, the crown jewel of our neighborhood. He stated last year there were 1500 students coming through the neighborhood. This year there are 1800 students, many of whom are young drivers. Mr. DeBorde stated this corner could be put to some very nice uses with professional Office or Nonprofit or another low traffic use. He stated they oppose it vigorously both Brighton Park Baptist Church and Monty Los Rios, who is their sister church. Mr. DeBorde stated they have worked with this property and the owners, but this last six years of constant neglect have made graffiti worse, and it is now encroaching on church property. He stated he opposes it, and they oppose it as a community. The Turner Park neighborhood opposes it. White City neighborhood opposes it, and they continue to oppose the development of this into a commercial where inappropriate businesses would be free to come and use that property.

**Brian Travis Eslick** 5727 E 7<sup>th</sup> Street, Tulsa, OK 74112

Mr. Eslick stated the history of the CS, OL is what has been talked about here today. He stated he thinks that there was very little knowledge about what was going on at first and that is why they almost missed this meeting. He stated it is hard to get here at 1:00 in the afternoon and he knows a lot of people who were going to be here thought it was going to be hosted on Zoom like it had previously been. Mr. Eslick stated it does not seem like the property was sold but transferred into an LLC. So, if JKR properties is the current owner, they believe that at the time of the rezoning in 2021 they were the dispensary trying to get the rezoning. He stated there was a Master Plan for the Turner Park neighborhood that took a year to complete. The analysis combines Turner Park and White City Neighborhood to create a Neighborhood District. Mr. Eslick stated these 2 neighborhoods work together. He stated at the time of the plan it was recommended that the subject property remain OL zoned and if they could remove the Special Exception, which has been removed, and to put RS zoning on the subject property. Mr. Eslick stated this property if it remains Office Light would be perfect for an insurance office or some sort of low intensity with the hours of operations being limited to 8-5. That is the characteristic of the neighborhood to have low intensity uses. He stated office type business would be desirable for the neighborhood.

Mr. Whitlock left at 2:36pm and returned at 2:38pm

**Paul Murad** PO Box 52603, Tulsa, OK 74152

Mr. Murad stated he was not planning to speak at all. He stated he is an applicant on another item on the agenda. Mr. Murad stated this item is very close to a property that he owns by 4th Place. He stated that they have owned the property for a couple of years and has an excellent Property Management Company that helps them manage that property. Mr. Murad stated this corner, and this vacant space has been a real eyesore to the neighborhood and decreases property values. He stated real estate is what he has done for almost 20 years. He studies development, zoning, and planning but not to the extent that some have. Mr. Murad stated what this property needs is an owner that is focused on getting it occupied, focused on fixing the property and focused on getting the right tenants in place. He stated vacancy creates vagrancy and this application is an example of that. Mr. Murad stated any activity on this corner would be better than what it is now or what it has been for six years or longer. He stated as property owners in the neighborhood they need to welcome this development and this change. Mr. Murad stated he is impressed with the applicant whom he sat next to for less than 10 minutes while waiting for his application to be heard. He stated he was impressed with his courage and bravery by taking on this big project that is not going to be easy because of the condition that it is in. It will require a lot of capital and investment. Mr. Murad stated he hopes all the neighbors will welcome him with open arms because of the money that he is willing to invest.

**Applicant Rebuttal:**

Mr. Ross stated they are invested in the property and want to develop the property. He stated he has a quote on the parking lot and in order for them to get the property up and going they need tenants, and this rezoning is the best way to go.

Mr. Covey asked if this is going to be a dispensary as several speakers have suggested.

Mr. Ross stated "no", not right now. He stated they have 2 potential tenants and neither of them are dispensaries. He stated they we are going to take a couple more applications.

Mr. Covey stated so you cannot say it is not going to be a dispensary.

Mr. Ross stated he is not sure yet. He is an investor, and they will get the property up and running.

Mr. Covey asked if the optional development plan could be used to get the CS zoning but limiting the uses as an option.

Staff stated it is an option and it was something that staff talked about last time and this time, but it is such a small site that the only thing that they can really do is limit uses and it just did not seem like the right path forward at Staff level.

Mr. Covey stated with the neighbors concerned about the dispensary aspect of this could something be done with an optional development plan.

Mr. Covey stated he voted for this application last time and as he looks at it today, he wonders how he did that. He stated he is torn on this. It was a gas station for 40-50 years and that was a non-conforming use but, in his mind, it was already some type of CS use. Mr. Covey stated as he looks at the map, he does not see CS zoning anywhere close to the vicinity. He stated if the applicant would be willing to consider an optional development plan which would guarantee the neighbors that the uses that they do not want to see are taken out he thinks that could be a win for both sides. But he does not know if the applicant is willing to do that.

Mr. Whitlock stated here is an investor wanting to come in and improve the property. He stated it looks like a lot of people have scared potential owners and the development of this property over the years and what is there now is what you are going to get. Mr. Whitlock asked do they want to continue to have what is there now.

Mr. Covey stated the property is in complete disrepair.

Mr. Zalk stated he agrees. He stated you can speculate about various uses, but what you can be certain of is it has been for at least six years, and it will continue

likely to be a dilapidated scraping and building without intervention towards some development.

Ms. Carr stated it would be great if the Planning Commission could consider approving the CS but omit the dispensary use if that is a possibility. She stated she agrees that no one wants a vacant building.

Ms. Krug stated she agrees. She stated the building the way it is now not beneficial to the neighborhood, but she understands where the neighbors are coming from but also thinks there are a lot of neighborhood serving commercial uses that could be really nice there. With some restrictions Ms. Krug would see that as a win.

Mr. Hood stated he agrees. He drives by this corner every day and wonders how awesome it would be to have a little neighborhood store right there on the corner where he could walk down the street to. Mr. Hood stated on the other hand, it has been one graffiti bomb after another for six or seven years so he can absolutely see the neighbors wanting some valuable commercial uses in that space and not wanting a dispensary there.

Mr. Humphrey asked the applicant what his projection that he would need to make per square foot if he were going to rent it out.

The applicant stated he has not broken it down per square foot but is looking for \$2500 a month.

Mr. Covey asked if he the applicant would be interested in continuing the application to the next meeting and working with staff on an optional development plan limiting the dispensary use.

The applicant stated he does not want to limit the uses because of the investment he has in the property.

Mr. Covey stated he has no idea how the vote will go today but if he needed more time to think about the optional development plan, he could ask for a continuance.

The applicant stated that is what he wanted to do because he has a business partner, and he would like to discuss it with them.

**TMAPC Action; 9 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Carr, Covey, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, Zalk, "aye"; no, "nays"; none "abstaining"; Bayles, Craddock, "absent") to **CONTINUE** Item 6 to April 19, 2023.

\* \* \* \* \*

Mr. Humphrey left at 2:56pm and returned at 2:58pm.

7. **Z-7700 Raul Cisneros** (CD 4) Location: East of the northeast corner of South Harvard Avenue and East 19th Street South requesting rezoning from **RS-3 to RT**

**STAFF RECOMMENDATION:**  
**SECTION I: Z-7700**

**DEVELOPMENT CONCEPT:** The applicant has submitted conceptual plans that represent a proposed townhome development in a neighborhood near an arterial street and elementary school. The concept is not regulatory but the rezoning for RT would allow appropriate infill opportunities for a wider variety of housing types.

**DETAILED STAFF RECOMMENDATION:**

The uses along with the lot and building regulations defined in the RT zoning district are consistent with the Tulsa comprehensive plan for an existing neighborhood land use designation and,

All of the surrounding property owners are zoned RS-3 and only allow detached single homes. RT zoning supports a wider variety residential building types including detached homes, patio homes and townhouses that provide housing opportunities in an area that is one block from an elementary school and,

Z-7700 is not part of a small area plan so there is no additional guidance beyond the existing neighborhood land use designation. The existing neighborhood designation recognized opportunities for small-scale infill opportunities. The residential character illustrated by the applicant is consistent with those opportunities therefore,

**Staff recommends Approval of Z-7700 to rezone property from RS-3 to RT.**

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

**Staff Summary:** Uses and building types allowed in the RT district are consistent with the goals outlined in the Existing Neighborhood and the Area of Stability.

**Land Use Vision:**

***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.

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

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:** None

**Special District Considerations:** None

**Historic Preservation Overlay:** None

**DESCRIPTION OF EXISTING CONDITIONS:**

**Staff Summary:** *The existing site is an empty lot. The original lot orientation faced South Jamestown Avenue. The proposed townhouse development will face East 19<sup>th</sup> Street.*

**Environmental Considerations:**

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 19 <sup>th</sup> Street South	None	50 feet	2
Jamestown	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	Existing Neighborhood	Stability	Empty lot
East	RS-3	Existing Neighborhood	Stability	Detached single family home
South	RS-3	Existing Neighborhood	Stability	Detached single family home
West	RS-3	Existing Neighborhood	Stability	Detached single family home

**SECTION III: Relevant Zoning History**

**History: Z-7700**

***Subject Property:***

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

***Surrounding Property:***

**BOA-23326 April 2022:** The Board of Adjustment **approved** a *Special Exception* to permit a Dynamic display sign in a Residential District containing a School Use, on property located at 1727 South Harvard Ave.

**BOA-15797 August 1991:** The Board of Adjustment **approved** a *Variance* to permit the 45' setback from the centerline of 19<sup>th</sup> Street to 35' to permit an addition to an existing garage, on property located at 1747 South Knoxville.

**BOA-12700 July 1983:** The Board of Adjustment **approved** a *Special Exception* to permit community services, cultural, and recreation to allow a children's day care center in an existing school in an RS-3 zoned district, on property located at the SE corner of 17<sup>th</sup> Street and Harvard Avenue.

Ms. Krug left at 3:10pm and returned at 3:12pm.

**Applicant Comments:**

**Jose Gomez** 1746 S Jamestown Ave, Tulsa, OK 74112

Mr. Gomez stated he is the owner of Marcela Homes. He stated he is not like most Builders that come in, build, sell, make money then leave. He stated he has a passion for this. Mr. Gomez stated he lives in the neighborhood and his daughter goes to school in the neighborhood. He stated he tries to build houses in the neighborhood where there are empty lots in Midtown. He stated during an open house for one of the homes he built he met his neighbors. Mr. Gomez stated the homes in this neighborhood were built in the 1930s and in 2020 you cannot have the same type of supplies, so the home was built using modern materials with different designers and architecture. He stated one of the comments on the previous house was that he should build something that conforms with the neighborhood. Mr. Gomez stated during a meeting they had lots of opinions by the neighbors saying that the rezoning was bringing the property values down. He stated they are actually bringing them up. The house he last sold is the highest home sold in the last 7 years. Mr. Gomez stated they sold it for \$215 square foot versus other houses in the neighborhood selling for \$180 square foot. He stated as far as the traffic issue that some will speak about, whether he builds it or not will not change. Mr. Gomez stated the neighbors also mentioned crime. He stated he wanted to build townhomes and the neighbors were under the impression that he was going to rent them, but they are going to build and sell them as individual homes. Mr. Gomez stated right now he is trying to get the zoning and then they will see what will fit on the lot.

Ms. Carr asked if the open house was a meeting with the neighbors.

Mr. Gomez stated "no". He built a house next door to the subject lot about 6 months ago. He stated there was an open house for that home that neighbors attended. Mr. Gomez stated he explained to the neighbors that he was going to build townhomes on the subject property which was next door to the open house. He stated he does not see why the neighbors would want that deteriorated house that the homeless people destroy versus something brand new that helps the community. Mr. Gomez stated there is a lot of RM-2 already in the neighborhood.

**Interested Parties:**

**Julie Alexander** 1919 S Jamestown Ave, Tulsa, OK 74112

Ms. Alexander stated she lives 4 houses down from the proposed development. She stated she opposes the rezoning and believes it is an unnecessary intrusion

into the center of their very small neighborhood. Ms. Alexander stated she has lived in her house since 2010. She stated the subject lot is very small. Ms. Alexander stated she is not a NIMBY. She understands the need for development, infill, and density but this application only addresses density and nothing else. She stated they care about the character of their neighborhood. Ms. Alexander stated she has a letter from the homeowner who bought the house next door to the subject lot, and she is concerned about this development because when she bought her house, she was told that a single-family home was going on the subject lot. She stated and that is what the neighbors want, single family homes. Ms. Alexander stated they are going to seek a character overlay much like they have in the Renaissance neighborhood to maintain the character and dignity of the neighborhood. She stated there is a house to the north of the applicants newly built house that is sitting empty, and, in the summertime, you cannot see the house because of the overgrown trees and bushes. She stated the City has never done anything about it. Ms. Alexander stated she has spoken to the owner of that property several times and they are not interested in selling. She stated they do not have homeless people living in their neighborhood and they do not have crime in the neighborhood. Ms. Alexander stated she is here to ask Planning Commission to consider that this is not appropriate for this 100-year-old neighborhood.

**Barbara Nottingham** 1634 S Indianapolis Ave, Tulsa, OK 74112

Ms. Nottingham stated the subject lot is zoned RS-3 for single family dwellings. She stated the applicant wants to change the zoning to RT which only then would allow a group of townhomes to be built on the subject lot. Ms. Nottingham stated this would be in the center of their 100-year-old neighborhood. She stated her home was built in the late 1920s and she has been there since 1972. Ms. Nottingham stated when they bought the property what they lived about it was the size of the neighborhood and the location. She stated this neighborhood is 4 blocks. Ms. Nottingham stated she has read the letters from the homeowners, and they are all opposed to the zoning change. She stated she has read the staff report on this item also and it makes her very afraid of Staff recommendations. From what she has read she wonders if any of the Staff has ventured to their neighborhood and drove up and down all four of their streets in order to make the right recommendation in this rezoning. Ms. Nottingham stated the staff report states the applicant proposes 4 townhouses, to which the residents have said is wrong for this small neighborhood. She stated the report says the rezoning that would be necessary would allow appropriate infill opportunities for a wider variety of housing types. Ms. Nottingham stated the homeowners have no choice but to be afraid of what could happen if this zoning change is approved. She stated it would not be beneficial for this neighborhood. Ms. Nottingham stated this area is zoned RS-3 for a reason. She stated they welcome anyone who would like to build a home similar to the homes that exist in our neighborhood. She stated without anyone knowing, the very large house next to the subject lot and built by the applicant does not in any way fit in this neighborhood. Ms. Nottingham stated this is the builder's fault, not the nice couple who purchased it. She stated they do not need any more homes built by the

applicant requesting the zoning change. Ms. Nottingham stated the subject lot is vacant and there is no reason why a single-family home cannot be built with a design that fits the neighborhood. She stated they have a small quaint neighborhood that should stay as designed years ago. This zoning change is a detriment to the neighborhood and should be denied.

**Kathy Call** 1925 S Jamestown Ave, Tulsa, OK 74112

Ms. Call stated she owns the property next door to the subject lot. She stated there are very invested homeowners in this neighborhood that are passionate about this neighborhood. Ms. Call stated there have been several things that have happened in this neighborhood over the course of time that have been surprising, not the least of which is the pile of duplexes at 21st and Jamestown. She stated that, being said, the precedent of putting in anything other than what is already there scares the residents because anybody could buy property and throw up another four or five or 10 duplexes as is being proposed on 15th Street. Ms. Call stated she owns 2 houses in the area and those that own, and value homeownership, have a good quality of life. She stated she worked for INCOG a while ago and worked in zoning. Ms. Call stated her job was very tedious but very educational. She stated there are a lot of people in a lot of neighborhoods in town, but definitely this one, that value the investment that they made.

**Applicant Rebuttal:**

The applicant stated he thinks the word townhomes scares the neighbors but when he refers to this specific plan it is actually a single-family townhome. He stated there is a lot of RM-2 in the area and if he requested RM-2 he could do the exact same thing as the proposed plan. The applicant stated the townhomes are not like your typical duplex or townhome, they are going to be sold individually to families. He stated it is not an apartment.

**TMAPC Comments:**

Ms. Carr asked if there can only be 2 units as a duplex.

Staff stated RM-2 is actually multifamily residential. He stated there are density requirements based on what the land supports. Staff stated RT is a townhome and they are individually on their own lots. He stated after they are platted, they are split up and sold as individual sold lots. He stated they see townhomes as the step between single family and multifamily.

Ms. Carr stated the big difference between an RT and the RS is just how much spacing you need.

Staff stated "yes", townhome lots can be much smaller than a lot for an individual single family.

Ms. Carr asked if you could have a duplex on RS-3 with a Special Exception.

Staff stated “yes”.

Mr. Covey stated there is a lot of RS-3 surrounding the subject property that has single family homes and it seems like these townhouses are in the middle of this single-family neighborhood.

Mr. Humphrey stated he feels the same way because it is in the middle of the neighborhood not on a corner. He stated he thinks it should somewhat conform to the neighborhood.

Ms. Carr stated she does not think this will increase crime but feels that this does not belong in the middle of the neighborhood.

Mr. Covey stated if this was located on of the perimeter of the neighborhood, he would be more inclined to support it. He stated once it goes in the middle what is next. Mr. Covey stated there could be more RT applications. He stated he does not want to necessarily destroy the character of the neighborhood.

**TMAPC Action; 9 members present:**

On **MOTION** of **ZALK**, the TMAPC voted 4-5-0 (Krug, Walker, Whitlock, Zalk, “aye”; Carr, Covey, Hood, Humphrey, Shivel “nays”; none “abstaining”; Bayles, Craddock, “absent”) to **APPROVE** Z-7700, resulting in a denial.

\* \* \* \* \*

8. **Z-7701 Hector Julio Ramirez** (CD 3) Location: North of the northeast corner of South Sheridan Road and East 4th Place South requesting rezoning from **RS-3 to CS**

**STAFF RECOMMENDATION:**  
**SECTION I: Z-7701**

**DEVELOPMENT CONCEPT:** The applicant wishes to re-zone the existing RS-3 property to CS to increase available lease options. Per the applicant there is not an intended user in mind for the property, but they would like the opportunity to lease the property to commercial users.

**DETAILED STAFF RECOMMENDATION:**

The applicant’s request for CS as outlined in case Z-7701 is consistent with the general provisions of the Comprehensive Plan that recognize the importance of small scale development and re-use of existing buildings.

The strip of Sheridan in between E. 11<sup>th</sup> St. and E. Admiral Pl. is populated with a mix of uses, that include churches, residential, day cares, vehicle sales, medical marijuana dispensaries, pharmacies, restaurants, and retail. Per zoning code the existing property would be prohibited from conversion into a medical marijuana dispensary based on spacing requirement from the existing dispensaries.

CS Zoning includes a district-wide prohibition on the outdoor storage and display of merchandise within 300-feet of residential development:

**15.040-A Outdoor Storage and Display**

In the CS district, outdoor storage, including storage of recyclable materials, and outdoor merchandise display is prohibited within 300 feet of an abutting R or AG-R district.

Staff would not recommend any more intensity of zoning that would allow by right additional Vehicle sales, Outdoor Display, or Industrial uses.

Because of the facts present above staff recommends **Approval** of Z-7701 to rezone property from RS-3 to CS.

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

**Staff Summary:** The rezoning is consistent with the Mixed-use corridor land use designation.

**Land Use Vision:**

***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.

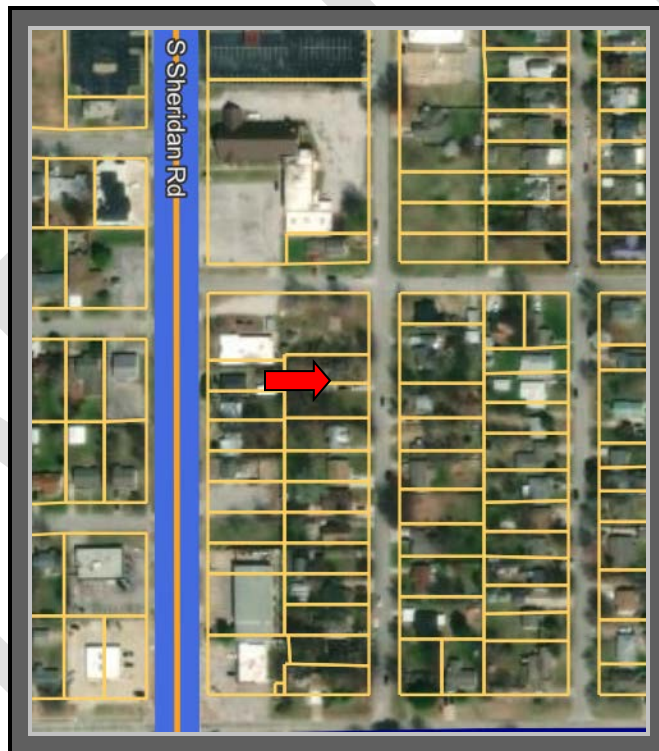
***Areas of Stability and Growth designation: Area of Growth***

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. 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:*** Property fronts S. Sheridan Rd which is classified as a Secondary Arterial Street. The ultimate right-of-way of S. Sheridan has been previously dedicated, and sidewalks are in place.

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



**Small Area Plan:** None.

**Special District Considerations:** None.

**Historic Preservation Overlay:** None.



**DESCRIPTION OF EXISTING CONDITIONS:**

**Staff Summary:** Property is currently a vacant single-family residential lot occupied by a vacant detached house and two accessory buildings.



*(Image taken from google.com street view. Capture date: January 2023)*

**Environmental Considerations:** Parking on site does not appear to meet City of Tulsa all weather surfacing requirements. Future development on site will need to incorporate dustless, all-weather surfacing requirements for parking. Generally uses allowed by right in the CS district should have minimal if any environmental effects.

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
S. Sheridan Rd.	Secondary arterial	100-feet	4

**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 of the Subject property	RS-3	Mixed-use Corridor	Growth	Day Care
South of the Subject property	RS-3	Mixed-use Corridor	Growth	Residential
West of the Subject property across Sheridan	OL	Mixed-use Corridor	Growth	Vacant Office building
East of the Subject property	RS-3	Existing Neighborhood	Stability	Residential

**SECTION III: Relevant Zoning History**

**History: Z-7701**

***Subject Property:***

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

**BOA-15065 February 1989:** The Board of Adjustment **approved** a *Variance* to permit the required 85' setback from the centerline of South Sheridan Road to 76', on property located at 415 South Sheridan Road.

***Surrounding Property:***

**BOA-22740 September 2019:** The Board of Adjustment **approved** a *Verification* of the 1,000 spacing requirements for a medical marijuana dispensary from another medical marijuana dispensary, on property located at 432 South Sheridan Road East.

**PUD-633-A April 2019:** All concurred in **withdrawal** of a proposed *Planned Unit Development* on a 0.29± acre tract of land for on property located South of the Southeast corner of South Sheridan Road and east 4<sup>th</sup> Street South.

**BOA-21716 May 2014:** The Board of Adjustment **approved** a *Special Exception* to permit Automobile Sales in a CS District, on property located at 439 South Sheridan.

**BOA-21763 August 2014:** The Board of Adjustment **approved** a *Variance* to permit outdoor display of merchandise for sale within 300 ft. of an adjoining R district for automobile sales, on property located at 439 South Sheridan.

**PUD-633 June 2000:** All concurred in **approval** of a proposed *Planned Unit Development* on a 0.48± acre tract of land for office, commercial and automotive uses on property located South of Southeast corner of East 4<sup>th</sup> street South and South Sheridan Road.

**Z-6566 December 1996:** All concurred in **approval** of a request for *rezoning* a tract of land from RS-3 to OL on property located 423 South Sheridan Road East.

**BOA-17805 April 1998:** The Board of Adjustment **approved** a *Special Exception* to permit an existing auto body repair shop in a CS district & a *Special Exception* to allow an auto paint shop in a CS district & **STRIKE** the request for a *Variance* of the 150' setback requirement from an R district to 0 feet, on property located at 439 South Sheridan Road.

**BOA-17748 June 1997:** The Board of Adjustment **denied** a *Special Exception* to permit auto sales in a CS district & a *Variance* of required 300' from R district for open air storage or display of merchandise offered for sale & a *Variance* of off-street parking requirements for a catering business from 5 to 4, on property located at 432 South Sheridan Road.

**BOA-16997 March 1995:** The Board of Adjustment **denied** a *Variance* to permit setback from 100' to 85' to permit the enclosure of an existing canopy on a proposed restaurant, on property located at 432 South Sheridan.

**BOA-14084 May 1986:** The Board of Adjustment **denied** a *Special Exception* to permit an auto repair/salvage garage in a CS district & a *Variance* of the required 100' setback from the centerline of Sheridan to 65' to allow construction of repair garage, on property located at the NW/c of Sheridan and 4<sup>th</sup> Terrace.

**BOA-13082 April 1984:** The Board of Adjustment **approved** a *Special Exception* to permit retail tire center in a CS district under the provisions of Section 1680, on property located at north of the NE corner of East 5<sup>th</sup> Street and South Sheridan Road.

**BOA-12633 June 1983:** The Board of Adjustment **approved** a *Variance* to permit parking other than on lot of use; & a *Special Exception* for modification of screening wall or fence requirements; & a *Variance* to expand structure to line up with existing nonconforming west wall; & a *Variance* of the setback from an abutting R district from 10' to 5' to line up with an existing structure, on property located at 316 South Sheridan Road.

**Z-5483 February 1981:** All concurred in **approval** of a request for *rezoning* a tract of land from RS-3 to OL on property located 427 South Sheridan Road East.

**BOA-11262 November 1980:** The Board of Adjustment **approved** a *Special Exception* to permit Use Unit 15 (retail sales of manufacturing equipment such as lathes, drill presses, etc.) in a CS district, on property located at Lots 16, 17 and 18, Block G, Crest View Estates Addition.

**BOA-10818 December 1979:** The Board of Adjustment **approved** a *Special Exception* to permit off-street parking for church uses, on property located at the NE corner of 4<sup>th</sup> street and 66<sup>th</sup> East Avenue.

**Z-4684 April 1975:** All concurred in **approval** of a request for *rezoning* a tract of land from RS-3 to CS on property located Lot 1 Block 1 Sheridan Heights Addition.

**BOA-8628 June 1975:** The Board of Adjustment **approved** a *Special Exception* to permit a car wash in a CS District, on property located at north and east of 4<sup>th</sup> Place and Sheridan Road.

**Z-4709 October 1974:** All concurred in **approval** of a request for *rezoning* a tract of land from RS-3 to OL on property located Lot 1 Block 4 Sheridan Heights Addition.

**BOA-7898 May 1973:** The Board of Adjustment **approved** a *Special Exception* to permit children's nursery in an RS-3 District, on property located at the SE corner of 4<sup>th</sup> Street and Sheridan Road.

**BOA-7843 March 1973:** The Board of Adjustment **approved** a *Minor Variance* to permit a modification of rear yard requirements from 20' to 16' in an RD District, on property located at the northeast corner of 66<sup>th</sup> east Avenue and 4<sup>th</sup> Street.

**Z-4067 May 1972:** All concurred in **approval** of a request for *rezoning* a tract of land from RS-3 to CS on property located 6339 East 4<sup>th</sup> Ter St.

**Z-4093 May 1972:** All concurred in **approval** of a request for *rezoning* a tract of land from RS-3 to RD on property located Lot 13 & 14 Block E of Crest View Estate Addition.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Carr, Covey, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, Zalk, “aye”; no, “nays”; none “abstaining”; Bayles, Craddock, “absent”) to recommend **APPROVAL** of the CS zoning for Z-7701 per staff recommendation.

**Legal Description for Z-7701:**

Z-7701  
Legal Description  
N1/2 FT LT 23 & ALL LT 24 BLK G, CREST VIEW ESTATES, City of Tulsa, Tulsa County,  
State of Oklahoma

\* \* \* \* \*

9. **Z-7702 Lou Reynolds** (CD 1) Location: South of the southeast corner of West Fairview Street and North Cheyenne Avenue requesting rezoning from **RM-1 to CH**

**STAFF RECOMMENDATION:**  
**SECTION I: Z-7702**

**DEVELOPMENT CONCEPT:** Rezone the site to allow a wide variety of uses including a restaurant and all other uses in the CH district.

**DETAILED STAFF RECOMMENDATION:**

The applicant requested CH zoning on a tract that is included in the Neighborhood Infill Overlay and the Healthy Neighborhood Overlay. Additionally, the subject tract is included in the Unity Heritage Neighborhoods Plan. Tulsa Comprehensive Plan identifies the area as a Downtown Neighborhood and,

The Downtown Neighborhood land use designation anticipates a wide variety of uses that would fit the context of the abutting CS and CH properties and,

CH zoning does not require the minimum lot and area standards that are common in all residential districts and CH zoning without a development plan allows more development options similar to expected redevelopment in the surrounding commercially zoned areas and,

The proposed repurposing of an existing structure is consistent with the goals of the Unity Heritage Neighborhoods Plan therefore,

Staff recommends Approval of Z-7702 to rezone property from RM-1 (in Neighborhood Infill Overlay area) to CH (in Neighborhood infill Overlay area).

## **SECTION II: Supporting Documentation**

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

#### **Staff Summary:**

The City of Tulsa Comprehensive Plan identifies this area as a Downtown Neighborhood.

The Unity Heritage Neighborhoods Plan also designates the surrounding properties to the south as Downtown Neighborhood and includes a variety of uses, such as retail and restaurants oriented towards students, faculty and residents, open space, research offices, a hotel, and housing that provides a transition to existing neighborhoods.

#### **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:** Unity Heritage Neighborhoods Plan

**Special District Considerations:** None

**Historic Preservation Overlay:** None

**DESCRIPTION OF EXISTING CONDITIONS:**

**Staff Summary:** Single family residential structure

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

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
North Cheyenne	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	RM-1	Downtown Neighborhood	Growth	Vacant lot
East	CH	Downtown Neighborhood	Growth	Vacant lot
South	CBD	Downtown Neighborhood	Growth	Vacant lot
West	CS	Downtown Neighborhood	Growth	Governmental service (election board)

**SECTION III: Relevant Zoning History**

**History: Z-7702**

***Subject Property:***

**ZONING ORDINANCE:** Ordinance number 11814 dated June 26, 1970, established zoning for the subject property.

**SA-5 (Neighborhood Infill Overlay) August 2021:** All concurred in **approval** of a request for a Special Area Overlay on multiple properties along the multiple properties located within certain neighborhoods adjacent to downtown to 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-3 April 2018:** All concurred in **approval** at city council 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). The overlay provides spacing restrictions for small box discount stores.

***Surrounding Property:***

**SA-5 (Neighborhood Infill Overlay) August 2021:** All concurred in **approval** of a request for a Special Area Overlay on multiple properties along the multiple properties located within certain neighborhoods adjacent to downtown to 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-3 April 2018:** All concurred in **approval** at city council (TMPAC recommended **denial**) to apply supplemental zoning, HNO (Healthy Neighborhoods Overlay), to multiple properties within the plan area boundaries of Greenwood Heritage Neighborhoods Sector Plan (also known as the Unity Heritage Neighborhoods Plan), 36th Street North Corridor Small Area Plan, and The Crutchfield Neighborhood Revitalization Master Plan (related to ZCA-7).



**Z-7563 October 2020:** All concurred in **approval** of a request for *rezoning* a 0.07+ acre tract of land from RM-1 & RS-4 to CH w/ Optional Development Plan on property located East of the Northeast corner of West Fairview Street & North Denver Avenue.

**BOA-21012 December 2009:** The Board of Adjustment **approved** a *Verification* of the spacing requirement to permit a digital outdoor advertising sign of 1,200 ft. from another outdoor advertising sign facing the same traveled way, on property located at 526 North Main Avenue.

**BOA-20728 June 2008:** The Board of Adjustment **approved** a *Verification* of the spacing requirement to permit a digital outdoor advertising sign of 1,200 ft. from another outdoor advertising sign on the same side of the highway, on property located at 526 North Main Ave West.

**BOA-18954 December 2000:** The Board of Adjustment **approved** a *Variance* to permit required 20' front yard to 8' front yard & a *Variance* from required 20' rear yard to rear yard, on property located at 601 – 617 North Cheyenne.

**BOA-17350 May 1996:** The Board of Adjustment **denied** a *Special Exception* to permit a Transitional Living Center in a CH zoned district, on property located at 523 Boulder.

**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, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, Zalk, "aye"; no, "nays"; none "abstaining"; Bayles, Craddock, "absent") to recommend **APPROVAL** of the CH zoning for Z-7702 per staff recommendation.

**Legal Description for Z-7702:**

Z-7702

Legal Description

N.50-LT-5-BLK-10; S. 50 LT 5 BLK 10, NORTH TULSA, City of Tulsa, Tulsa County, State of Oklahoma

\* \* \* \* \*

Items 10 and 13 were presented together.

**10. Z-7704 Tim Terral (CD 8) Location: North of the northwest corner of East 111<sup>th</sup> Street South and South Sheridan Road requesting rezoning from **AG to RS-2 with an optional development plan (Related to Tracy Estates preliminary plat)****

**STAFF RECOMMENDATION:**  
**SECTION I: Z-7704**

**DEVELOPMENT CONCEPT:**

Tracy Estates is a proposed large lot, single-family residential development submitted as an Optional Development Plan (ODP), with a proposed underlying zoning of RS-2 (Residential Single-Family 2), pursuant to the provisions of Section 70.40 of the Tulsa Zoning Code. The site consists of ±5.03 acres located on the west side of South Sheridan Road, at East 109<sup>th</sup> Street South. The project has approximately 330 linear feet of frontage on South Sheridan Road. The site is bounded on the north by “The Gates at Forest Park” residential subdivision (PUD-627/RS-1), to the west by “Tradition, Blocks 8 - 11” residential subdivision (PUD-741/RS-2) and to the south by undeveloped Agriculture (AG) zoned land.

The site is characterized by moderately sloping terrain that generally slopes from the west to the east and south, away from the existing residential subdivisions, and is covered in large masses of mature trees. The maintenance of these existing trees is one of the main goals in this development, they are a very important and valuable asset and amenity to the site. There is no 100-year floodplain located on the project site.

The proposed Tracy Estates ODP will consist of 6 single-family detached homesites with a minimum lot size of 22,500 sf, which corresponds to the RE (Residential Single-Family Estate) zoning district. The proposed underlying RS-2 zoning is to allow for a slightly less restrictive front building setback of 30 feet and a slightly more restrictive interior side yard of 10 feet/10feet, per the RS-2 standards, otherwise this development will adhere to the RE zoning Bulk and Area requirements. The ODP will also allow for the use of an internal, gated private street system.

A homeowners’ association will be established at Tracy Estates for the maintenance of the gated, private street system, landscaped entry, perimeter fencing and any common areas.

**DETAILED STAFF RECOMMENDATION:**

Z-7704 requesting RS-2 with a private street zoning allows single family residential uses that are compatible with the existing surrounding properties and,

Lot and building regulations identified in the provisions of the optional development plan require larger lot sizes than minimum RS-2 requirements. The lot sizes identified in the optional development plan are consistent with the anticipated future development pattern of the surrounding property and,

The optional development standards defined in Section II is consistent with the development plan standards defined in the Tulsa Zoning Code and,

Lot and building regulations in Z-7704 are consistent with the New Neighborhood land use designation of the Comprehensive Plan therefore,

Staff recommends Approval of Z-7704 to rezone property from AG to RS-2 with the provisions outlined in the optional development plan defined below.

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

### GENERAL PROVISIONS:

1. All uses, supplemental regulations, residential building types, lot and building regulations, and other relevant regulations shall conform with the provision of the Tulsa Zoning Code for development in an RS-2 zoning district except as outlined in in the optional development plan.
2. The entire optional development plan may be served by private streets.

### PERMITTED USES:

Uses permitted by right in the RS-2 Zoning District.

Permitted Uses: Uses permitted by right in the RS-2 Zoning District.

### LOT AND BUILDNG STANDARDS:

Minimum Lot Size 22,500 sq. ft.

Minimum Lot Width 150 feet

Minimum Building Setbacks:

-Street Setbacks

Arterial 35 feet (from planned right of way)

Private Streets 30 feet (from reserve area)

- Rear Yard 25 feet

- Interior Side Yards 10 ft. / 10 ft.

Maximum Building Height 35 feet\*

\* Architectural decorative features such as chimneys and cupolas, may extend to a maximum height of 45 feet. However, no habitable portion of any dwelling may exceed the 35-foot height limitation.

Minimum Open Space Per Lot 12,000 SF

PRIVATE STREETS AND MAINTENANCE OBLIGATIONS FOR COMMON AREAS AND IMPROVEMENTS:

1. All lots within the subdivision shall include direct vehicular access to either a public street or a private street. All private streets shall be in a reserve area as defined on the face of the final plat.
2. All operations and maintenance responsibilities for improvements in reserve areas shall be assigned to the Homeowners Association. The reserve area language in the plat shall include provisions that provide common use and benefit of the owners of the residential lots, their guest, and invitees for providing vehicular and pedestrian access to and from the various residential lots and to and from public streets.
3. Provisions shall be made to allow access to the City of Tulsa, the United States Postal Service, private parcel delivery services, public utility providing service to the subdivision and to any refuse collection service which provides service within the subdivision the right to enter and traverse the private street and to operate thereon service, emergency and allow government vehicles including, but not limited to, police and fire vehicles and equipment.
4. Private streets and sidewalks abutting private streets shall be constructed to meet or exceed the City of Tulsa Engineering standards for minor residential streets and must satisfy the provisions of the Tulsa Metropolitan Area Subdivision and Development Regulations.
5. Private streets intersecting with public streets must have a vehicular turn around area before any entrance gate that allows a complete turnaround completely outside the street right of way of the intersecting public streets. A building permit is required prior to subdivision entrance features that may include gates, walls, security systems, lighting, and access controls.

Entrance features must be reviewed and approved by the technical advisory committee before building permit approval and installation.

**PLATTING REQUIREMENT:**

A final plat meeting or exceeding the minimum standards of the City of Tulsa shall be filed at the Tulsa County Courthouse prior to receipt of any residential building permit.

**SECTION III: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: The Comprehensive Plan recognizes this site as a new neighborhood. RS-2 zoning is a compatible use in the New Neighborhood designation.*

*Land Use Plan map designation: New Neighborhood*

“The New Neighborhood residential building block is comprised of a plan category by the same name. It is intended for new communities to develop 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.”

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

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

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are close proximity to or abutting an arterial street, major employment and industrial areas, or areas of the city with an abundance of vacant land. Also, several of the Areas of Growth are in or near downtown. Areas of Growth provide Tulsa with the opportunity to focus growth in a way that benefits the City as a whole. Development in these areas will provide housing choice and excellent access to efficient forms of transportation including walking, biking, transit, and the automobile.”

Transportation Vision:

*Major Street and Highway Plan:*

South Sheridan Road is considered a secondary arterial. The planned right of way will be a minimum width of 100 feet. A minimum right-of-way width of 50 feet is required on the west side of the section line. The long-range plan for a secondary arterial street includes 4 lanes of vehicular traffic.

*Trail System Master Plan Considerations:* None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: none

**DESCRIPTION OF EXISTING CONDITIONS:**

**Staff Summary:** *The site is wooded and isolated from abutting properties. No street connectivity is available for this site, so this is an appropriate location for a private street subdivision.*

**Environmental Considerations:** None that would affect site development.

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Sheridan Road	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	RS-2 / PUD 627	Existing Neighborhood	Stability	Single family residential

East	RS-1 / PUD 646	Existing Neighborhood	Stability	Single family residential
South	AG	New Neighborhood	Growth	Single family residential
West	RS-2 / PUD 741-B	Existing Neighborhood	Growth	Single family residential

**SECTION III: Relevant Zoning History**

**History: Z-7704 w/ ODP**

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

***Subject Property:***

**BOA-17569 November 1996:** The Board of Adjustment **denied** a *Special Exception* to permit a 110' cellular tower in an AG district, on property located at 10910 South Sheridan Road.

***Surrounding Property:***

**PUD-741 August 2007:** All concurred in **approval** of a proposed *Planned Unit Development* on a 60± acre tract of land for single-family Residential on property located West of the northwest corner of 11<sup>th</sup> Street South and South Sheridan.

**PUD-627 March 2000:** All concurred in **approval** of a proposed *Planned Unit Development* on a 10± acre tract of land for 25 single-family dwellings on property located Southwest corner of East 108<sup>th</sup> Street South and South Sheridan Road.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 9-0-0 (Carr, Covey, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, Zalk, "aye"; no, "nays"; none "abstaining"; Bayles, Craddock, "absent") to recommend **APPROVAL** of the RS-2 zoning for Z-7704 per staff recommendation.

**Legal Description for Z-7704:**

**TRACY ESTATES**  
**REZONING AND OPTIONAL DEVELOPMENT PLAN**  
 Legal Description

The N/2 of the NE/4 of the SE/4 of the SE/4 of Section 27, Township 18 North, Range 13 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described as follows:

Beginning at the northeast corner of said SE/4 of the SE/4;

Thence S 01°02'24" E, along the east line of said SE/4 of the SE/4, a distance of 330.08 feet;

Thence S 88°49'35" W, a distance of 663.61 feet, to a point on the east line of "Tradition, Blocks 8-11", a subdivision to the City of Tulsa, Tulsa County, State of Oklahoma, according to Plat No. 6449, as filed in the office of the Tulsa County Clerk;

Thence N 01°03'59" W, along said east line, a distance of 330.12 feet to a point on the south line of "The Gates at Forest Park", a subdivision to the City of Tulsa, Tulsa County, State of Oklahoma, according to Plat No. 5487, as filed in the office of the Tulsa County Clerk;

Thence N 88°49'46" E, along said south line, a distance of 663.76 feet to the "Point of Beginning".

Said tract contains 219,081 square feet, or 5.0294 acres.

The non-astronomic bearings shown hereon are based upon a bearing of S 01'02'24" E along the East line of the SE/4 of Section 27, T-18-N, R-13-E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof.

\* \* \* \* \*

Items 11 and 12 were presented together but voted on separately.

Mr. Zalk recused himself on items 11 and 12.

**11. Z-7703 Paul Murad** (CD 3) Location: Southwest corner of East Admiral Court and North Delaware Avenue requesting rezoning from **RS-3 to MX2-U-35 (Related to CPA-101)**

**STAFF RECOMMENDATION:**  
**SECTION I: Z-7703**

**DEVELOPMENT CONCEPT:** Rezoning and Comprehensive Plan Amendment to support new development opportunities that are allowed in a MX2-U district with a maximum building height of 35 feet.



## **DETAILED STAFF RECOMMENDATION:**

Z-7703 is a request to rezone a tract of land from RS-3 to MX2-U-35. MX2 mixed use district is intended to accommodate retail service, entertainment and employment uses that may serve many surrounding neighborhoods. This district also allows a variety of residential uses and building types. The rezoning of this property to MX2 is to accommodate a food truck park, an “Outdoor Assembly and Entertainment” use and,

The Urban character designation is generally intended to be applied in areas with high levels of walkability, but where a greater variety of building types are present or desired, such as in areas designated by the comprehensive plan as Neighborhood, Town, and Regional Centers and along some plan-designated Mixed-Use Corridors and,

This property is in an area designated by the comprehensive plan as an Existing Neighborhood; however, it is adjacent to a Mixed-Use Corridor directly to the south along Admiral Place. Furthermore, Delaware Avenue connects residential multi-family to the north and the University of Tulsa to the south via an underpass of I-244 and intersects Admiral Place. This intersection of a transportation corridor and a commercial corridor in an Area of Growth could serve as a neighborhood center for the housing districts north and south of I-244 and,

The size of the subject property will limit parking availability, but the neighborhood is served with existing sidewalk infrastructure supporting a walkable community. More small-scale infill projects like this could further reduce reliance on autos for common trips as both the University of Tulsa and the multi-family district are within approximately 1/3 of a mile therefore,

Staff recommends Approval of Z-7703 to rezone property from RS-3 to MX2-U-35 along with the land use designation change from Existing Neighborhood to Mixed Use Corridor.

## **SECTION II: Supporting Documentation**

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

***Staff Summary:*** *The uses and supplemental regulations defined in the MX2 zoning district are not consistent with the Existing Neighborhood land use designation however the applicant has submitted a Comprehensive Plan Amendment [CPA-101] to change the site to a Mixed-Use Corridor. That land use plan designation is common in the area an abuts the south boundary of the subject tract.*

*The Urban “U” character designation allows Townhouse or Apartment/condo residential uses. The existing structure is a single-family residential building*

*that fits within the Existing Neighborhood use designation; however, future development would not be limited to a compatible single-family structure.*

### **Land Use Vision:**

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

The Existing Residential 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.

#### ***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: Residential Collector***

Delaware Avenue along the subject property's east side is considered a Residential Collector by the Major Street and Highway Plan. However, just to the south of Admiral Place Delaware Avenue is considered an Urban Arterial.

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

#### **Small Area Plan: Kendal-Whittier Sector Plan**

The Kendal Wittier sector plan was adopted in November 2016 and designated this area as a low density residential Existing Neighborhood. The plan recognized possible encroachments into the Existing Neighborhood areas with goals recommend redevelopment of vacant or dilapidated residential lots adjacent to mixed use corridors to accommodate larger projects. The related comprehensive plan amendment will help accomplish those goals.

**Special District Considerations:**

All but the northernmost portion of the subject property is within the Route 66 Overlay. The overlay establishes zoning regulations and incentives intended to ensure the enhancement, development, and revitalization of the authentic Route 66 through the promotion of historic and historically inspired signage, especially neon, along and adjacent to the two alignments of Route 66 in Tulsa. The regulations are generally intended to guide the character of both public and private development as it occurs along Route 66.

**Historic Preservation Overlay:**

**DESCRIPTION OF EXISTING CONDITIONS:**

***Staff Summary:** The subject property includes a single-family detached house on the north of the property and a paved area covering most of the remaining property to the south with both access to Delaware Avenue to the east and the QuikTrip parking lot to the south.*

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

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
North Delaware Avenue	Residential Collector	60 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	Existing Neighborhood	Growth	Single-family Detached House
East	RS-3	Existing Neighborhood	Growth	Single-family Detached House

South	CS	Mixed-Use Corridor	Growth	Convenience Store
West	RS-3	Existing Neighborhood	Growth	Single-family Detached House

**SECTION III: Relevant Zoning History**

***Subject Property:***

**History: Z-7703**

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

***Subject Property:***

**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.

**BOA-17369 May 1996:** The Board of Adjustment **approved** a *Special Exception* to permit a fence in the required front yard to exceed 4 feet in height to 8 feet & a *Variance* of the Home Occupation Guidelines to permit a sign which is visible from outside the lot, on property located at 2<sup>nd</sup> house East of 2744 east Admiral Ct.

**BOA-13504 March 1985:** The Board of Adjustment **approved** a *Special Exception* to permit home occupation to allow a law office in an RS-3 zoned district, on property located at the SW corner of Admiral court and Delaware.

**BOA-10156 October 1978:** The Board of Adjustment **approved** a *Special Exception* to permit off-street parking to be used in conjunction with a Quik Trip Store on adjoining property, on property located at SW corner of Admiral Court and Delaware Avenue.

***Surrounding Property:***

**BOA-21893 May 2015:** The Board of Adjustment **approved** a *Special Exception* to permit automotive and allied activities in the CS District & a *Variance* to permit outside storage and display of merchandise for sale within 300 feet of an adjoining R District, on property located at 2805 East Admiral Place North.

**BOA-20629 January 2008:** The Board of Adjustment **approved** a *Special Exception* to permit automotive and allied activities in a CS district & a *Variance* to

permit outside storage and display of merchandise for sale within 300 ft. of an adjoining R district, on property located at 2805 East Admiral Place North.

**BOA-15508 September 1990:** The Board of Adjustment **approved** a *Special Exception* to permit a kennel to allow more than 3 dogs as a home occupation with no commercial activity, on property located at 52 North Delaware.

**BOA-14843 June 1988:** The Board of Adjustment **approved** a *Variance* to permit two flashing signs less than 200' from an R District; a flashing sign less than 20' from the driving surface Admiral Place; a flashing sign less than 50' from the driving surface of a signalized intersection and a sign to be located within 40' of an R District all in a CS zoned district, on property located at NW/c Delaware Avenue and Admiral Place.

**BOA-8486 February 1975:** The Board of Adjustment **approved** a *Special Exception* to permit an automotive brake and service shop in a CS District, on property located at the northwest corner of Admiral Place and Delaware Avenue.

**BOA-6839 December 1970:** The Board of Adjustment **approved** a *Special Exception* to permit the existing hedge on the East side of property to remain in lieu of screening wall specifications, on property located at 2805 east Admiral Place.

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 8-0-1 (Carr, Covey, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, "aye"; no, "nays"; Zalk, "recused"; Bayles, Craddock, "absent") to recommend **APPROVAL** of the MX2-U-35 zoning for Z-7703 per staff recommendation.

**Legal Description for Z-7703:**

Z-7703

Legal Description

LT 1, OZARKA PLACE, City of Tulsa, Tulsa County, State of Oklahoma

### **PUBLIC HEARING-COMPREHENSIVE PLAN AMENDMENTS**

Review and possible adoption, adoption with modifications, denial, or deferral of the following:

**12. CPA-101 Paul Murad** (CD 3) Location: Southwest corner of East Admiral Court and North Delaware Avenue requesting to amend the Land Use Map designation from Existing Neighborhood to Mixed Use Corridor (**Related to Z-7703**)

**STAFF RECOMMENDATION:**

**TMAPC Staff Report  
CPA-101  
Comprehensive Plan Amendment**

**Property Information and Land use Request**

The applicant has submitted this proposed Comprehensive Plan amendment (CPA-101) with a concurrent rezoning request (Z-7703) to request a change in the Land Use designation of the subject property from *Existing Neighborhood* to *Mixed-Use Corridor*. The concurrent zoning request proposes MX2-U-35 from RS-3 for redevelopment of the subject tract that is initially planned as a small food truck court and includes a mixed-use building redevelopment.

**Background**

The Land Use and Area of Stability or Growth designations for the subject property have been in place since the adoption of the 2010 Tulsa Comprehensive Plan. At this time, the subject property was assigned a Land Use designation of *Existing Neighborhood* and an Area of Stability/Growth designation of *Area of Growth*. The property is also located within the Route 66 Special Area Overlay. The primary purpose of the Route 66 Overlay is to revitalize Route 66 through the promotion of historic and historically inspired signage, particularly neon signs. Since the Route 66 Overlay pertains primarily to signage and not land use recommendations, the 2010 Tulsa Comprehensive Plan solely provides guidance regarding land use for this area.

The subject property is located a half mile to the north of the University of Tulsa and directly northeast of a QuikTrip convenience store and fueling station. The developer's intent is to increase walkability and provide an amenity to the Kendall Whittier neighborhood by developing the rear of the property into a small food truck lot with courtyard. The parcels abutting the subject property to the north are currently zoned RS-3 with an *Existing Neighborhood land use designation*, as well as an *Area of Growth*. The parcel abutting the subject property to the south is zoned CS and carries a *Mixed-Use Corridor* land use designation, as well as an *Area of Growth* designation.

The subject tract is included in the Kendal-Whittier sector plan that was adopted in 2016. The area is designated as a low density residential Existing Neighborhood however the plan recognized possible encroachments into the Existing Neighborhood areas with goals that recommend redevelopment of vacant or

dilapidated residential lots adjacent to mixed-use corridors and encourages redevelopment opportunities of Admiral Place corridor.

**Existing Land Use and Growth Designations**

An *Existing Neighborhood* land use designation was assigned at the time of the adoption of the Tulsa Comprehensive Plan in 2010:

“The Existing Residential 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.”

**Proposed Land Use and Growth Designations (Tulsa Comprehensive Plan)**

The applicant is proposing the *Mixed-Use Corridor* land use designation for the subject property:

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

**Zoning and Surrounding Uses**

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-3	Existing Neighborhood	Area of Growth	Single-family Residential
South	CS	Mixed-Use	Area of Growth	Gas Station

		Corridor		
East	RS-3	Existing Neighborhood	Area of Growth	Single-family Residential
West	RS-3	Existing Neighborhood	Area of Growth	Single-family 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:

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.

*“We are writing this letter regarding the Rezoning and Comprehensive Plan Amendment request to develop a Neighborhood Mixed-use Project (MX-2) on a 7,65A square feet lot at 52 N Delaware Avenue, Tulsa, Oklahoma 74110.*

*The property is located in a Residential zone (RS-3), on the fringe of Commercial zone (CS), and mostly covered by the RT 66 Overlay Zone due to Interstate 244 running parallel less than 300 feet from the rear property line. The property is also located one block south of the residential multi-family zoning.*

*The area has seen an increased traffic and activity of the commercial zoning strip alongside Interstate 244 and, increased housing demands seen in the residential and multi-family zoned areas north of the property. Our proposal would seek to develop the rear of the property into a small food truck lot with a small courtyard and change the zoning to MX-2. The lot is currently split with a home located at the front of the property with a paved asphalt lot seamlessly connected with the lot of the QuikTrip next door. The current use of the rear yard is an appendage to QT gas station's parking lot. The gas station not only abuts this property but lends itself to through traffic. By improving the rear lot to an MX-2, the lot would be able to provide an amenity to the adjacent Kendall Whittier neighborhood and to the working community located in the nearby commercial zones. By adding mobile food trucks and courtyards to eat, it would not only increase economic growth, but align with the values of walkability and inclusion within the neighborhood. This would not be a micro-mall, or commercial park, but a relief from the main streets with close vicinity to residential communities. The residential neighborhood in this area is also*



*troubled with abandoned homes which in turn, has allowed for transient and criminal activities within the community. This change would improve the ever-growing changes of residential areas and provide a safer, vibrant, and more engaged community.*

*This proposal does not aim to target or alter the make-up of a residential zone, nor do we seek to alter its guiding principles found in municipals codes and city planning. The development of this lot would not hinder housing opportunities, nor challenge the physical character of the neighborhood. As a result, we believe this will promote more housing opportunities as people want to be near walkable places and dining. This property is already situated on the line of both commercial and residential zones, and we request this approval for the development to better improve the area and Kendall Whittier community, which we believe will in turn improve the City of Tulsa.*

*We appreciate your help and support for this development in the City of Tulsa.”*

### **Staff Summary & Recommendation**

The applicant is requesting a *Mixed-Use Corridor* land use designation. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate single family neighborhoods.

The Kendal-Whittier Sector Plan recognized that this type of corridor expansion could be beneficial to the community and encouraged the redevelopment of Admiral Place at this location.

The applicant is requesting an amendment to the Comprehensive Plan, from *Existing Neighborhood* to *Mixed-Use Corridor*, and has submitted a concurrent request to rezone the property from Residential Single-family 3 (RS-3) to Community Mixed-use (MX2-U-35). If approved, the proposed rezoning would allow for the utilization of this currently underutilized property as a food truck park, and ultimately allow redevelopment of the existing home/office building site. The applicant hopes will “provide an amenity to the Kendall Whittier neighborhood.”

The area has experienced an increase in traffic and is “troubled by abandoned homes,” which has led to “transient and criminal activities within the community.” The applicant states that this development “aligns with the values of walkability and inclusion within the neighborhood.” These positive changes are expected to

encourage further developments in the area and support the amendment to the Comprehensive Plan from *Existing Neighborhood* to *Mixed-Use Corridor*.

Staff recommends **approval** of the *Mixed-Use Corridor* designation.

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

**TMAPC Action; 9 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 8-0-1 (Carr, Covey, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, “aye”; no, “nays”; Zalk, “recused”; Bayles, Craddock, “absent”) to **ADOPT** CPA-101 as an amendment to the Tulsa Comprehensive Plan per staff recommendation.

**PUBLIC HEARING-PLATS**

Review and possible approval, approval with modifications, denial, or deferral of the following:

**13. Tracy Estates** (CD 8) Preliminary Plat, Location: North of the northwest corner of East 111<sup>th</sup> Street South and South Sheridan Road (**Related to Z-7704**)

**STAFF RECOMMENDATION:**

**PRELIMINARY SUBDIVISION PLAT**

**Tracy Estates** - (CD 8)

North of the northwest corner of East 111<sup>th</sup> Street South and South Sheridan Road

This plat consists of 6 lots, 1 block on 5.03 ± acres.

The Technical Advisory Committee (TAC) met on March 16, 2023 and provided the following conditions:

- 1. Zoning:** The property is currently zoned AG. A concurrent rezoning application (Z-7704) has been submitted to rezone the property to RS-2 with and optional development plan. The rezoning and development plan must be approved and adopted prior to final plat approval. Final development plan standards must be included in the deed of dedication and a reference to the development plan number must be added to the face of the plat.
- 2. Addressing:** City of Tulsa addresses and street names must be assigned and affixed to the face of the final plat along with the address disclaimer.
- 3. Transportation & Traffic:** IDP approval is required for construction of private streets. Proposed private street and gated entry is required to comply with Section 5-060.8 of the Subdivision and Development Regulations. Sidewalks and ADA compliant ramps are required on both sides of all private residential streets and along South Sheridan Road.

4. **Sewer/Water:** IDP approval for sewer and water main extension is required prior to final plat approval. Label and dimension all required or existing easements. Any required offsite easements are required to be recorded and recording information must be provided on the final plat.
5. **Engineering Graphics:** Submit subdivision control data sheet with final plat. Remove contours from final plat submittal. Update the location map with all platted boundaries and labels. Label all other areas as unplatted. Graphically show all pins found or set that are associated with the plat.
6. **Fire:** Private streets and entry must comply with IFC 2018 Section D103.5.
7. **Stormwater, Drainage, & Floodplain:** IDP approval for storm sewer improvements is required prior to final plat approval. No floodplain comments.
8. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

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

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

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

**TMAPC Action; 9 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 9-0-0 (Carr, Covey, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, Zalk, "aye"; no, "nays"; none "abstaining"; Bayles, Craddock, "absent") to **APPROVE** the Preliminary Subdivision Plat for Tracy Estates per staff recommendation.

**OTHER BUSINESS**

**14. Commissioners' Comments**

**ADJOURN**

**MAPC Action; 9 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 9-0-0 (Carr, Covey, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, Zalk, “aye”; no, “nays”; none “abstaining”; Bayles, Craddock, “absent”) to **ADJOURN** TMAPC meeting of April 5, 2023, Meeting No. 2887.

**ADJOURN**

There being no further business, the Chair declared the meeting adjourned at 3:49 p.m.

Date Approved:

\_\_\_\_\_

\_\_\_\_\_

Chair

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

Secretary