

**TULSA METROPOLITAN AREA PLANNING COMMISSION  
Meeting No. 2895**

**August 2, 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>
Bayles	Covey	Foster	Jordan, COT
Carr	Zalk	Marlow-Fuson	Silman, COT
Craddock		Miller	Stephens, Jeff, Legal
Hood		Sawyer	
Humphrey		Siers	
Krug		Wallace	
Shivel			
Walker			
Whitlock			

The notice and agenda of said meeting were posted in the Office of the City Clerk, as well as in the Office of the County Clerk on Thursday July 27, 2023, at 10:42 p.m.

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:**

Acting Chair, Mr. Walker stated that Ms. VanValkenburgh has retired and will be missed.

**Director's Report:**

Ms. Miller reported on City Council actions and other special projects.

\* \* \* \* \*

## CONSENT AGENDA

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

NONE

DRAFT

## PUBLIC HEARING – REZONING

Items 1 and 9 were presented together.

1. **Z-7731 Nathan Cross** (CD 1) Location: South of the southwest corner of East 5<sup>th</sup> Street South and South Victor Avenue requesting rezoning from **RS-4 and IL to CG with an optional development plan (Related to CPA-105)** (Continued from July 19, 2023)

### **STAFF RECOMMENDATION:**

#### **SECTION I: Z-7731 with an optional development plan**

**DEVELOPMENT CONCEPT:** The applicant is proposing to rezone the subject property from RS-4 and IL to CG with an optional development plan to support an expansion of the existing commercial use located to the south. CPA-105 is associated with this application and requests a change in the land use designation for the north half of the property from “Neighborhood” to “Employment” to match the designation on the southern half of the subject property.

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

The subject property is currently adjacent to industrially zoned properties on the south and west with residentially zoned properties to the north and east. The subject property has two zoning districts, IL and RS-4 and the applicant is requesting to rezone the entire property to CG with an optional development plan outlined in Section II.

Rezoning to a commercial district will require an amendment to the Tulsa Comprehensive Plan land use map for the northern half of the subject property, currently designated as “Neighborhood”. The applicant has submitted an associated comprehensive plan amendment (CPA-105) to request a land use change to “Employment” to align with the existing designation on the southern half of the property.

The CG district is primarily intended to:

Accommodate established commercial uses, while providing protection to adjacent residential areas; and

Accommodate the grouping of compatible commercial and light industrial uses.

The CG zoning district and the optional development standards would provide a buffer between the existing neighborhood areas and the industrial areas to the south and west.

**Staff recommends approval of Z-7731 with the optional development plan outlined in Section II.**

**SECTION II: Z-7731 OPTIONAL DEVELOPMENT PLAN STANDARDS:**

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

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

**PERMITTED USE CATEGORIES:**

**RESIDENTIAL** (if in allowed building types identified below)

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

**PUBLIC, CIVIC, AND INSTITUTIONAL**

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

**COMMERCIAL**

- Animal Service
  - Grooming
  - Veterinary
- Assembly and Entertainment
  - Small (Up to 250-person capacity)
  - Large (>250-person capacity)\*
- Broadcast or Recording Studio
- Commercial Service
  - Building service
  - Business support service

- Consumer maintenance/repair service
- Personal improvement service

#### Financial Services

#### Office

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

#### Parking, Non-accessory

#### Restaurants and Bars

- Restaurant

#### Retail Sales

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

#### Self-service Storage Facility

#### Studio, Artist, or Instructional Service

### **VEHICLE SALES AND SERVICE (Must be conducted fully indoors)**

#### Personal vehicle repair and maintenance

### **WHOLESALE, DISTRIBUTION, & STORAGE**

#### Warehouse

#### Wholesale Sales and Distribution

### **INDUSTRIAL**

#### Low-impact Manufacturing and Industry\*

## **RESIDENTIAL BUILDING TYPES:**

### **HOUSEHOLD LIVING**

#### Single Household

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

#### Two households on single lot

- Duplex\*

- Mixed-Use Building
- Vertical Mixed-Use Building

Three or more households on single lot

- Mixed-Use Building
- Vertical Mixed-Use Building

#### **SITE DEVELOPMENT REQUIREMENTS:**

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

- a. A minimum 10' wide landscape buffer along the north property line including an F1 screen.
- b. No commercial overhead doors on north-facing walls.
- c. No building mounted illuminated signage on north or east facing walls.
- d. Freestanding signs are limited to a maximum height of 6 feet.
- e. Dynamic Displays are prohibited.

#### **SECTION III: Supporting Documentation**

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

**Staff Summary:** The south half of the subject property is currently designated as "Employment". CG zoning aligns with the recommendations of the "Employment" land use designation.

CPA-105 is associated with this application and seeks to amend the land use map for the northern half of the subject property from "Neighborhood" to "Employment" to align with the southern half.

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

**Existing Land Use: Employment, Neighborhood**

**Proposed Land Use (CPA-105): Employment**

The employment designation is intended to accommodate offices, warehousing and storage, manufacturing and assembly, and industrial processes. The "Industrial Site Suitability" map corresponds to the Employment land use designation and indicates where uses that are potentially incompatible with sensitive land uses are best suited to locate. This directs industrial uses to particular areas of the city while discouraging industrial in close proximity to Neighborhood areas.

Neighborhoods are “Mostly Residential Uses” which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access off a lower-order street separated from the arterial, then it would be considered Neighborhood.

**Transportation Vision:**

***Major Street and Highway Plan:*** South Victor Avenue is not classified by the Major Street and Highway Plan.

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

**Small Area Plan:** Kendall-Whittier Sector Plan

The Kendall-Whittier Sector Plan recognized the existence of light industrial areas adjacent to existing residential areas and recommended a balance to support existing industrial uses while establishing appropriate standards for neighborhood edges. The request to rezone from IL and RS-4 to CG with an optional development plan will align with the goals and recommendations of the sector plan.

**Special District Considerations:** None

**Historic Preservation Overlay:** None

**DESCRIPTION OF EXISTING CONDITIONS:**

**Staff Summary:** The lot is currently vacant. There are industrial uses to the south and west of the subject property and residential uses to the east and north.

**Streets:**

<b>Existing Access</b>	<b>MSHP Design</b>	<b>MSHP R/W</b>	<b>Exist. # Lanes</b>
South Victor Avenue	N/A	50'	2

**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:**

Location	Existing Zoning	Existing Land Use Designation	Existing Use
North	RS-4	Neighborhood	Single-Family Residential
South	IL	Employment	Industrial
East	RS-4	Neighborhood	Single-Family Residential
West	IL	Employment	Industrial

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

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

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

**Z-6414 November 1993:** All concurred in approval of a request for *rezoning* a 73± acre tract of land from RM-1 to RS-4 including the north half of the subject property. Ordinance No. 18064

#### **Discussion**

#### **Applicant Comments:**

**Nathan Cross** 2 West 2<sup>nd</sup> Street, STE 700 Tulsa, OK 74103

The applicant stated this application is a cleaning up of an existing issue of a split zoned lot. He stated the lot to the south and to the west is industrial, as well as across the street. The applicant stated part of the reason that this neighborhood developed this way is because of the railroad spur to the south of the development. He stated his client currently operates a private auto storage facility on the lot for their exotic cars and this is an attempt to bring all the zoning in line with the existing use for the purposes of expanding the building. He stated they are also being mindful about the impact on the surrounding area and agreeing with staff's proposed development standards that would limit impact on the neighbors.

#### **Interested Parties:**

**Eric Walker** 514 South Victor Avenue, Tulsa, OK

Mr. Walker stated he is a couple of doors down from the subject property. He stated he has not lived in the neighborhood very long. He stated his neighbor who is present to speak today told him construction on the site has already began and homeowners in the area had concerns about heavy construction vehicles coming down Victor Avenue. Mr. Walker stated he would like to know a little bit more about what the applicant is planning to do and to see if there's a way, they can access the site without too much added traffic on Victor Avenue.



He stated it looks like there's some access to the subject property from the west that the applicant could use.

**Julia Diaz** 512 South Victor Avenue, Tulsa, OK

Ms. Diaz stated this area is known as the Pearl District. She stated it is an area that is growing, and she is all for growth, but this neighborhood has a dead-end. Ms. Diaz stated her concern is the traffic on Victor Avenue and would like to see access to the subject property from another direction. She stated the remodel taking place currently has already had an impact on the neighbors. The heavy machinery is loud, and she works from home on the phone. Ms. Diaz stated there are other areas in the Pearl District that could be used and developed into what the applicant is proposing would be a better fit than the current location. She stated she has lived in the area for 30 years on the same street and it almost feels like a private neighborhood because it's a dead-end street, so you only see the neighbors that live there and to see the heavy construction equipment and the extra traffic going in and out is very impactful on the neighbors.

**Applicant Rebuttal:**

The applicant stated he understands all the concerns and appreciates them. He stated the subject lot is already half zoned industrial and they are asking to step down in intensity from the existing zoning. The applicant stated it is a vacant lot that's been mined and half of it is residential and half of it is industrial. He stated in the interest of making the lots all uniform they are trying to bring it in line with the use to the south. The applicant stated construction vehicle access is what it is anywhere in the community, and they can't do anything about that. He stated he is sure his client would agree to be mindful of neighbors but there's only one way in and out of this area because of the railroad right-of-way to the south. The applicant stated they are stepping down in intensity.

Mr. Craddock asked if the applicant had a site plan to show access.

The applicant stated the goal would be to potentially combine with the lot to the south and just extend the building. He stated in the development plan they agree to not have roll up doors anywhere but out on to Victor Avenue and they would not have parking on the north except that there was a required buffer zone and that may be used for a small amount of parking.

Mr. Craddock asked if the alleyway is a dedicated alleyway.

The applicant stated he didn't know the answer to that. He stated he has been to the site but doesn't know that you can see an alleyway there.

**TMAPC Comments:**

Mr. Craddock asked staff what the height limitation on the subject lot is.

Staff stated IL zoning doesn't come with a height limitation. He stated there are setbacks in place that might impact the ability of this small sliver section to be developed because it is adjacent to residential and there is a 75-foot setback in place that would really limit any ability to use this lot as it sits today. Staff stated as far as uses go, the CG district limits uses beyond what IL zoning does already in terms of no light industrial would be allowed except for by special exception, as well as some warehousing and other storage uses. The development plan associated with the CG limits those even further. He stated the request that's in front of Commissioners today actually even takes it a little bit further down in intensity.

Mr. Humphrey asked if the zoning is changed to CG would there be a height requirement on the building.

Staff stated CG does not have a height limitation but has a floor ratio in terms of how much building you can have on the site. He stated that limits the square footage overall for how much building can go there.

Mr. Humphrey asked what size building could go on the subject property.

The staff stated he believes the CG floor area ratio is like 75% so it would depend on the square footage of the lot and that would calculate out to allow you to determine how big the building can be. He stated in addition there would need to be parking on the lot as well and an additional buffer as well on the north side that requires screening and landscaping.

Mr. Humphrey stated he knows that the applicant is using the space for cars could they stack cars.

Staff stated the one condition in the development plan is that any sort of vehicle maintenance storage and things must be done indoors so it must be inside of the building. He stated no car repair outside or any equipment storage area outside is allowed. Those are all limited to inside the building.

**TMAPC Action; 9 members present:**

On **MOTION** of **SHIVEL**, the TMAPC voted 9-0-0 (Bayles, Carr, Craddock, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Covey, Zalk, "absent") to recommend **APPROVAL** of the CG zoning with the optional development plan for Z-7731 per staff recommendation.

**Legal Description for Z-7731:**

Lots Twelve (12), Thirteen (13), Fourteen (14) and Fifteen (15), ABDO'S ADDITION to the City of Tulsa, Tulsa County State of Oklahoma, according to the recorded plat thereof.

\* \* \* \* \*

Items 2 and 3 were presented together.

2. **Z-7729 Lou Reynolds** (CD 4) Location: Northwest corner of South Utica Avenue and East 13<sup>th</sup> Place South requesting rezoning from **RM-2/NIO to CS/NIO (Related to PUD-772-A)**

**STAFF RECOMMENDATION:**

**SECTION I: Z-7729**

**DEVELOPMENT CONCEPT:** Rezoning of the subject property from RM-2 to CS with a PUD major amendment to establish development standards for two development areas.

**DETAILED STAFF RECOMMENDATION:**

The applicant is proposing to rezone the subject tract from CS to RM-2 with a PUD Major Amendment to establish two separate development areas.

The development standards outlined in PUD-772-A are consistent with the “Regional Center” and “Neighborhood” land use designations of the City’s comprehensive plan by limiting commercial uses to the areas included within “Regional Center” and allowing only residential uses within the “Neighborhood” designation.

**Staff recommends approval of Z-7729 as outlined in Section I only with the approval of the associated PUD major amendment, PUD-772-A.**

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

**Staff Summary:** CS zoning is consistent with the “Regional Center” designation and, with the proposed development standards of PUD-772-A, consistent with the “Neighborhood” designation. Commercial uses will be limited to the eastern development area.

**Land Use Vision:**

***Land Use Plan map designation: Regional Center and Neighborhood***

Existing regional trip generators define the Regional Centers in contrast to Local Centers. These centers should be the most connected land use pockets outside of downtown for public transit access and high-capacity arterial streets. New regional trip generators should be permitted in the area with special consideration given to the transportation access and circulation. Regional trip

generators include universities, malls, large medical campuses, casinos, big-box shopping centers, and very large churches.

Neighborhoods are “Mostly Residential Uses” which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access off of a lower-order street separated from the arterial, then it would be considered Neighborhood.

**Transportation Vision:**

***Major Street and Highway Plan:*** South Utica Avenue is considered an Urban Arterial by the Major Street and Highway Plan. East 13<sup>th</sup> Place is considered a freeway access road. Both classifications are adequate to support the proposed uses of PUD-772-A. East 13<sup>th</sup> Street South is not classified by the Major Street and Highway Plan.

***Trail System Master Plan Considerations:*** East 13<sup>th</sup> Street South is designated for on-street bicycle lanes by the GO Plan. East 13<sup>th</sup> Place South is designated as a “Signed Route” by the GO Plan. Site development should consider bicycle access and parking to support the planned bicycle network adjacent to the site.

**Small Area Plan:** Utica Midtown Corridor Small Area Plan

The subject property is located within the Utica Midtown Corridor Small Area Plan. The proposed development areas included in PUD-772-A align with the recommendations of the small area plan for commercial development adjacent to South Utica Avenue with a transition to neighborhood development west of South Troost Avenue.

**Special District Considerations:** None

**Historic Preservation Overlay:** None

**DESCRIPTION OF EXISTING CONDITIONS:**

***Staff Summary:*** The subject property is currently vacant. There is an existing religious assembly and a medical facility north of the subject property. The site is adjacent to the Broken Arrow Expressway to the south. There are existing single-family residences to the west of the subject property.

**Environmental Considerations:** None

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Utica Avenue	Urban Arterial	70'	4
East 13 <sup>th</sup> Place South	Freeway	Variable	2
East 13 <sup>th</sup> Street South	None	50'	2
South Trenton Avenue	None	50'	2

**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:**

Location	Existing Zoning	Existing Land Use Designation	Existing Use
North	RM-2	Regional Center	Religious Assembly
East	RM-2	Regional Center	Vacant
South	N/A	None	Broken Arrow Expressway
West	RM-2	Neighborhood	Single-Family Residential

**SECTION III: Relevant Zoning History**

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

**PUD-772** – Ordinance number 22131 dated October 14, 2009 established PUD-772 on the subject property.

**Discussion**

**Applicant Comments:**

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

The applicant stated he represents Chick-Fil-A and they are requesting rezoning of the subject property. He stated the east half of this project is development area A and the west half is for the Hospitality House of Tulsa owned by Mandalay Bay and is development area A. The applicant stated he does not represent Hospitality House of Tulsa or Mandalay Bay but because this is all in one PUD and they want to get it right the first time the owners asked him to include both properties in the rezoning request. The applicant stated as a part of this application South Troost Avenue, which was closed about 14 years ago, will be reopened and that will reinstate the original street grid of this neighborhood. He

stated this will facilitate traffic flow and make it a better pedestrian friendly project as well. The applicant stated development area A is being rezoned to CS to pick up commercial uses within this PUD. The applicant stated the commercial uses would not apply west across Troost Avenue. He stated to the west of this property is OL zoning under the PUD and there is CH at 11<sup>th</sup> and Utica for Hillcrest Hospital. The applicant stated when this application was filed the Comprehensive Plan for this area recognized this area as a Regional Center and Downtown Neighborhood. The Comprehensive Plan was recently updated and now is Regional Center on the east part where the Chick-Fil-A will be located and calls for Neighborhood on the west. He stated this application complies with the new Comprehensive Plan. The applicant stated there was a neighborhood meeting on May 30 and invitations were sent out to everyone within 300 feet of the property. He stated it was a well attended meeting. The applicant stated there are sidewalks on all four sides of this project. He stated they will put sidewalks on the property to the north along the expressway service road and sidewalks along the west side. The applicant stated they tried to focus their landscaping where they have some activity levels. He stated there will be landscaping on the east and south boundary. He stated the ingress will be on South Troost Avenue and there won't be any on Utica Avenue or 13th Place. The applicant stated during their predevelopment meeting with the City of Tulsa, the Traffic Engineering group asked if the applicant would do a traffic impact analysis. He stated his client conducted a traffic impact analysis on this property and submitted it to traffic engineering and they are delighted with it.

Mr. Walker stated he thought the applicants' biggest challenge was orientation and the stack lanes. He asked how many cars could go in the stack lanes.

The applicant stated he thought he was at least 30.

**Interested Parties:**

**Stephen Lassman** 1920 East 13th Street Tulsa, OK

Mr. Lassman stated he lives a block east of the proposed project. He stated he has a question for clarification, he said staff mentioned that there would be access on 13th Street, Troost Avenue and 13th Place but he believes ODOT does not allow access onto 13th Place. Mr. Lassman stated he is on the Terrace Drive neighborhood board. He stated he believes that rezoning this lot for a Chick-Fil-A with large surface parking would be detrimental to both the surrounding neighborhoods and Tulsa as a whole. He stated this area is one of the denser populated areas of Tulsa adjacent to both Cherry Street and the up-and-coming Market District. The area is in high demand both commercially and residentially and is right across from a public park and two walkable residential neighborhoods. The applicant stated both the Peoria Avenue and planned 11th Street aero bus routes are near hers and it's close to downtown Tulsa. He stated traffic issues are at the forefront of his concern because this area currently has heavy traffic coming on and off the Broken Arrow Expressway and around the

hospital. Also, the drive through for Circ coffee has exacerbated highway traffic and has directly resulted in several wrecks coming on and off their lot and backing up customer traffic onto Utica Avenue, 14th Street and the highway access road. The applicant stated the 41<sup>st</sup> Street and Yale Avenue Chick fil location frequently has a drive through traffic wrapped around the restaurant which only avoids spilling out onto the main streets because it's located in the parking lot of a much larger shopping center. He stated at this proposed location, it seems clear that vehicle traffic will impact highway access at 13th Place, 13th Street and Utica Avenue itself. The applicant stated additionally 13th Street, which is the only access exit point for Chick-Fil-A exits on to a planned bike route This exit would be the only place for eastbound traffic to exit this restaurant. The applicant stated the Utica Midtown Corridor Small Area Plan created in 2013 with input from neighborhood residents calls for more street facing buildings along Utica Avenue to create a pleasant and safe walkable environment. He stated the plan also specifically calls out fast food drive throughs as the exact opposite of the preferred land use along this street, listing them at the bottom of the image preference survey conducted amongst neighborhood residents. He stated the Bike and Pedestrian Advocacy Committee walk audit performed last year along 11th Street and Utica Avenue corridors had neighbors and other community voices walk several blocks in each direction from the 11<sup>th</sup> and Utica intersection. The applicant stated participants noted the need for more street facing businesses, more crosswalks, and more destinations to walk to as well as the need for fewer curb cuts and a reduction in the amount of asphalt paving along stretches of sidewalks. He stated the recent Housing Solutions report highlighted the need for almost 13,000 new units of housing. Some time ago this lot was a mix of single and multifamily homes and to replace that former use with a single restaurant with surface parking would be a negative for housing stock in the city. The applicant stated just about every study or plan regarding this area in Tulsa advises against this type of development in favor of more contextual urban uses. He strongly urged the Planning Commission to think about the current needs and future needs of this neighborhood and consider alternative uses for a lot with such potential.

**Burlinda Radney** 2008 East 12<sup>th</sup> Place, Tulsa, OK

Ms. Radney stated for full disclosure she wears many hats in the community but is here as a resident, but she is also a Board Member of the Terrace Drive neighborhood. She stated some of the other boards she serves on are the Board of Adjustment and the Market District as well. She stated she also participated in the Small Area Plan and Planitulsa in 2013. Ms. Radney stated she strongly protests this application. She stated during the Small Area Plan process one of the things that they envisioned at the time was coming up with a mechanism that was appropriate for the north side and the south side of the neighborhood. Ms. Radney stated the neighborhood is bisected by the freeway and the boundaries run from Lewis Avenue to Utica Avenue and from 11th Street to 15th Street. She stated one of the things that both the north and south side neighborhoods have in common is that that they both have close adjacency to the hospital complexes,

and all those things that a hospital complex brings. Ms. Radney stated she believes that one of the reasons the City designated her neighborhood to be one of the first Small Areas Plans to be developed is that they have a heavy historically contentious relationship with those institutional stakeholders. She stated their plan vision, both on the south and the north side, was the ability for both neighborhoods to grow and prosper as well as the institutional neighborhoods. But more importantly, to address the commercial decay that was happening on the arterial streets. Ms. Radney stated at the time of this Small Area Plan they did not have the benefit of an ordinance. She stated one of the benefits of having a Comprehensive Plan and Small Area Plan is that it sends a strong signal to the marketplace about what direction the city wishes to move. Ms. Radney stated because they are bisected by the freeway 13th Place within the jurisdiction of ODOT is a one-way street. She stated it does serve residences that have driveways that feed onto that one-way street, but it is in fact a freeway on ramp and access lane. Ms. Radney stated the only way to access the proposed site specifically for the Chick-Fil-A would be to either take 13<sup>th</sup> Place or go through the neighborhood. She stated to get to this subject property from Utica Avenue you would be traveling north on Utica Avenue and make a left at 13<sup>th</sup> Street but currently there are no left turn signs that serve the Hillcrest complex. Ms. Radney respectfully asks the Planning Commission to consider the fact that when accessing the subject lot, there are one-way streets and medians that cannot be crossed, which means that traffic will be diverted through the neighborhood.

Mr. Craddock asked if Ms. Radney was satisfied with the Small Area Plan.

Ms. Radney stated "yes", she believes it has increased the home values in the neighborhood.

**Kimberley Norman** 2864 South Gary Avenue, Tulsa, Oklahoma 74114

Ms. Norman stated she is there representing the Forest Orchard Neighborhood. She stated the neighborhood boundaries are 11th Street to the Broken Arrow Expressway and Utica Avenue to Peoria Avenue. Ms. Norman stated the proposed zoning change being brought forth today is in their neighborhood. She stated in early 2012 she was asked by the City of Tulsa to sit on a citizen advisory team for the Utica Midtown Corridor North Plan. She stated the goal of this plan was to focus resources on areas where change was anticipated, desired and was dependent on stakeholder consensus. Ms. Norman stated the working group was comprised of residents, business owners, stakeholders, City personnel, as well as the respected urban design firm Barr and Associates who guided them through the process of creating their plan. She stated they spent 18 months on this process, volunteering their time for the betterment of the area. This culminated with a final plan being approved by the Tulsa City Council in December 2013. Ms. Norman stated within their final plan discussion they identified the top five weaknesses of this area during their SWOT analysis. She stated they were dilapidated building structures, absentee property owners, a



general lack of pride in the area, drug activity and a lack of new development. Ms. Norman stated the proposed developments on 13th and Utica addressed each of the potential weaknesses that the working group identified in a positive way. She stated the dilapidated structures that were on this site were demolished some time ago and that left vacant land. She stated the two proposed businesses will be owned or managed by local people and will immediately have visible pride with beautiful new structures, landscaping, routine maintenance, and lighting and will gain something that attracts the people that the neighbors want to attract to this area. Ms. Norman stated they also know from their work in the area that when deterring criminal activity, it is very important to have areas of higher density and to have people present. Criminals do not want to be around areas that have a lot of people watching them. She stated the working group identified 13th and Utica as an Area of Growth and as a Regional Center. They also identified 11th Street and Peoria Avenue as a focus for mixed use development. Ms. Norman stated they identified us as a Compact Neighborhood, which was uniquely positioned for great things soon. She stated she is proud to share that they are now 10 years out from that plan and that is exactly what they have seen happen. She stated the working group identified a need for a Ronald McDonald House and Hospitality House fits that model even more so because their reach is not just to patients with children that are hospitalized but also to families. Ms. Norman stated they sat down 10 years ago to plan the future of their neighborhood. They were told to dream big, and they did. She stated at the time it seemed a little ridiculous because there were so many challenges that they had to overcome in the area but today that future that they dreamed of is really happening.

**Tony Moore** 1135 South Victor Avenue, Tulsa, OK 74114

Ms. Moore stated she is CEO of Hospitality House of Tulsa. She stated that she has spent 35 years of her career in health care administration, Nonprofit Management and Health Care hospitality. Ms. Moore stated Tulsa receives over 25,000 patients a year who travel from at least 50 miles up to 800 miles away to access critical medical care here in Tulsa. Most of these patients are accompanied by family members or family caregivers, and they must be here to help the patient with communication to medical Staff and to make decisions on behalf of their patients. Ms. Moore stated well over half of those traveling patients and families that come in cannot afford the burdensome out-of-pocket expenses that accompany a medical crisis away from home. She stated 18 years ago, Tulsa decided to solve it by providing and opening the Hospitality House of Tulsa. This nonprofit organization provides lodging meals, local transportation, and access to laundry to help these folks as they focus on the health of their family members. She stated there is no charge for families to stay, but instead they offer suggested nightly donation that fits the family's financial situation. No one is turned away based on their inability to pay. Ms. Moore stated since 2017 the Board has been engaging a strategic plan to build a new Hospitality House but finding a location which is the right size and within 100 yards of a major healthcare facility has been a challenge. She stated they were offered an answer

by a Tulsa family who is offering this subject property at a bargain price. This is in conjunction with the sale to Chick-Fil-A, so these two projects are tied together. Without this zoning approval Hospitality House will not be able to move forward with meeting the needs of over 25,000 patients and caregivers.

**Applicant Rebuttal:**

The applicant stated this project is exactly what the Small Area Plan calls for and is an example of how to do it.

Mr. Craddock stated he thanks the applicant for his public outreach, which was very thorough.

Mr. Shivel stated he appreciates the number of attempts that have been made to develop this property. This is a good fit, and he is delighted to have seen how this has now evolved. He stated he will be supporting this application.

**TMAPC Action; 9 members present:**

On **MOTION** of **CRADDOCK**, the TMAPC voted 9-0-0 (Bayles, Carr, Craddock, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Covey, Zalk, “absent”) to recommend **APPROVAL** of the CS/NIO zoning for Z-7729 per staff recommendation.

**Legal Description for Z-7729:**

LOT ONE (1), BLOCK ONE (1), AND THE EAST 10 FEET OF VACATED ALLEY ADJOINING ON THE WEST, LAKE VIEW ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 82, LESS AND EXCEPT A STRIP, PIECE OR PARCEL OF LAND LYING IN LOT ONE (1), BLOCK ONE (1), LAKE VIEW ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, SAID PARCEL OF LAND BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE WEST 40 FEET ALONG THE NORTH BOUNDARY OF LOT 1; THENCE SOUTH 42°24'38" EAST A DISTANCE OF 32.40 FEET; THENCE SOUTH 0°04'13" EAST A DISTANCE OF 24.88 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 1; THENCE EAST ALONG THE SOUTH LINE A DISTANCE OF 20.04 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH ALONG THE EAST LINE OF SAID LOT 1 A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

AND

LOT TWO (2), BLOCK ONE (1), AND THE EAST 10 FEET OF VACATED ALLEY ADJOINING ON WEST, LAKE VIEW ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 82, LESS AND EXCEPT A STRIP, PIECE OR PARCEL

OF LAND LYING IN LOT 2, BLOCK 1, LAKE VIEW ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, SAID PARCEL OF LAND BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2; THENCE WEST ALONG THE NORTH LINE OF SAID LOT 2 A DISTANCE OF 20.04 FEET; THENCE S 0°04'13" EAST A DISTANCE OF 50.01 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 2; THENCE EAST ALONG SAID SOUTH LINE A DISTANCE OF 21.05 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE NORTH ALONG THE EAST LINE OF SAID LOT 2 A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

AND

LOT THREE (3), BLOCK ONE (1), AND THE EAST 10 FEET OF VACATED ALLEY ADJOINING ON WEST, LAKE VIEW ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE RECORDED PLAT NO. 82, LESS AND EXCEPT A STRIP, PIECE OR PARCEL OF LAND LYING IN LOT THREE (3), BLOCK ONE (1), LAKE VIEW ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, SAID PARCEL OF LAND BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 3; THENCE WEST ALONG THE NORTH LINE OF SAID LOT 3 A DISTANCE OF 21.05 FEET; THENCE SOUTH 0°04'13" EAST A DISTANCE OF 50.01 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 3; THENCE EAST ALONG SAID SOUTH LINE A DISTANCE OF 22.07 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE NORTH ALONG THE EAST LINE OF SAID LOT 3 A DISTANCE OF 50.00 FEET TO A POINT OF BEGINNING AND ALSO COVERING THE EAST 10 FEET OF THE VACATED ALLEY ADJACENT ON THE WEST.

AND

LOTS FOUR (4) AND FIVE (5), BLOCK ONE (1), AND THE EAST 10 FEET OF VACATED ALLEY ADJOINING ON WEST, LAKE VIEW ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE RECORDED PLAT NO. 82, LESS AND EXCEPT A STRIP, PIECE OR PARCEL OF LAND LYING IN LOTS FOUR (4) AND FIVE (5), BLOCK ONE (1), LAKE VIEW ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, SAID PARCEL OF LAND BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 4; THENCE WEST ALONG THE NORTH LINE OF SAID LOT 4 A DISTANCE OF 22.07 FEET;

THENCE SOUTH 0°04'13" EAST A DISTANCE OF 45.72 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 4; THENCE WEST ALONG THE SOUTH LINE A DISTANCE OF 11.50 FEET; THENCE SOUTH 01°37'37" WEST A DISTANCE OF 50.06 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 5; THENCE EAST ALONG SAID SOUTH LINE A DISTANCE OF 37.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 5, THENCE NORTH ALONG THE EAST LINE OF SAID LOT 5 AND LOT 4 A DISTANCE OF 95.71 FEET TO THE POINT OF BEGINNING.

AND

LOTS TWENTY (20), TWENTY-ONE (21), TWENTY-TWO (22), TWENTY-THREE (23) AND TWENTY-FOUR (24), BLOCK ONE (1), AND THE WEST TEN (10) FEET OF THE CLOSED ALLEY LYING EAST AND ADJACENT TO THE AFOREMENTIONED LOTS IN BLOCK ONE (1), LAKE VIEW ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

TRACT2

LOTS FOUR (4), THIRTEEN (13), FOURTEEN (14), FIFTEEN (15), SIXTEEN (16) AND SEVENTEEN (17), BLOCK EIGHT (8), FOREST PARK ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RE-AMENDED RECORDED PLAT NO. 49, AND THE WEST TEN (10) FEET OF THE CLOSED ALLEY LYING EAST AND ADJOINING SAID LOTS AND THE EAST TEN (10) FEET OF THE CLOSED TRENTON AVENUE LYING WEST AND ADJOINING SAID LOTS.

AND

LOTS ONE (1), TWO (2), THREE (3), FOUR(4) AND FIVE (5), BLOCK TWO (2), AND THE EAST TEN (10) FEET OF THE CLOSED ALLEY LYING WEST AND ADJACENT TO SAID LOTS IN BLOCK TWO (2), AND THE CLOSED SOUTH TROOST AVENUE LYING ADJACENT TO LOTS TWENTY (20) THROUGH TWENTY-FOUR (24), BLOCK ONE (1), AND LOTS ONE (1) THROUGH FIVE (5), BLOCK TWO (2), ALL IN LAKE VIEW ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

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3. **PUD-772-A Lou Reynolds** (CD 4) Location: Northwest corner of South Utica Avenue and East 13<sup>th</sup> Place South requesting a **PUD Major Amendment** to establish two development areas (**Related to Z-7729**) (Continued from July 19, 2023)

**STAFF RECOMMENDATION:**  
**SECTION I: PUD-772-A**

**DEVELOPMENT CONCEPT:** Major amendment to PUD-772 to establish development standards for two development areas. Development Area A will consist of commercial uses customarily found in the CS district. Development Area B will consist of residential and group living uses that would be consistent with the “Neighborhood” land use designation of the City’s comprehensive plan.

**DETAILED STAFF RECOMMENDATION:**

PUD-772-A is a major amendment to an existing planned unit development to divide the existing development area into two development areas and establish standards for development. Development Area A, which is adjacent to South Utica Avenue, will permit a range of commercial and residential uses which are consistent with the “Regional Center” designation of the City’s comprehensive plan. Development Area B will permit residential and group living uses that are consistent with the “Neighborhood” designation of the City’s comprehensive plan.

The major amendment application is related to a rezoning request to change the underlying zoning on the subject property from RM-2 to CS. The CS zoning district will permit the commercial uses desired for Development Area A while adjusting lot and building regulations to align with the desired use of Development Area B.

**Staff recommends approval of PUD-772-A with the development standards outlined in Section II below.**

**SECTION II: PUD-772-A DEVELOPMENT STANDARDS:**

Except as provided in the Development Standards below, the standards for development in the CS zoning district, with its supplemental regulations and accessory use provisions, shall apply.

GROSS LAND AREA OF PROJECT: 5.892  
AC

NET LAND AREA OF PROJECT: 3.582  
AC

**Development Area “A”  
(Tract 1)**

PERMITTED USE CATEGORIES:

RESIDENTIAL (IF IN ALLOWED BUILDING TYPE LISTED BELOW)

- Household Living
  - Single household
  - Two households on a single lot
  - Three or more households on a single lot
- Group Living
  - Assisted living facility
  - Community group home
  - Convent/monastery/novitiate
  - Elderly/retirement center
  - Life care retirement center
  - Residential treatment center
  - Rooming/boarding house
  - Shelter, emergency and protective
  - Transitional living center

PUBLIC, CIVIC, AND INSTITUTIONAL

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

COMMERCIAL

- Animal service
  - Grooming
  - Veterinary
- Broadcast or Recording Studio
- Commercial Service
  - Building service
  - Business support service
  - Consumer maintenance/repair service
  - Personal improvement service

Research service  
Financial Services (except personal credit establishment is prohibited)  
Funeral or Mortuary Service  
Lodging  
    Bed & Breakfast  
    Short-term rental  
    Hotel/motel  
Office  
    Business or professional office  
    Medical, dental or health practitioner office  
Parking, Non-accessory  
Restaurants and Bars  
    Restaurant  
    Bar  
Retail Sales  
    Building supplies and equipment  
    Consumer shopping goods  
    Convenience goods  
    Grocery Store  
Studio, Artist or Instructional Service  
Trade School  
Vehicle Sales and Service  
    Fueling station

AGRICULTURAL

Community Garden

OTHER

Drive-in or Drive-through Facility (as a component of an allowed principal use)  
Off-Premise Outdoor Advertising Sign

PERMITTED RESIDENTIAL BUILDING TYPES

Household living

Single household

    Detached House

    Townhouse

    Patio House

    Mixed-Use building

    Vertical mixed-use building

Two households on a single lot

    Mixed-use building

    Vertical-mixed use building

Three or more households on a single lot

    Multi-unit House

    Apartment/Condo

    Mixed-use building

Vertical-mixed use building

MAXIMUM BUILDING FLOOR AREA: 35,190 SF

MINIMUM BUILDING SETBACKS:

From South Utica Avenue	0 FT
From East 13 <sup>th</sup> Place	5 FT
From South Troost Avenue	10 FT
From East 13 <sup>th</sup> Street	10 FT

MINIMUM PARKING SETBACKS:

From North boundary	5 FT
From South boundary	5 FT
From West boundary	10 FT
From East boundary	5 FT

OFF-STREET PARKING:

Minimum parking ratios shall be as provided in Chapter 55 of the Tulsa Zoning Code for the applicable Use Category.

DRIVE-THROUGH:

Drive-through facilities, including drive-through signs, stacking lanes, trash receptacles, loudspeakers and service windows may be located on the street-facing side(s) of Development Area A.

SIGNS:

Signage shall conform to the provisions of the Tulsa Zoning Code in the CS District, except as provided below:

DRIVE-THROUGH SIGNS:

Drive-through signs and menu boards shall be set back a minimum of 7.5 feet from the southern boundary of Development Area A.

LIGHTING:

All pole mounted lights shall be limited to a maximum height of twenty (20) feet. Drive-through canopy lights and building mounted light fixtures shall be mounted no higher than fifteen (15) feet high and shall be shielded from adjacent residential properties and directed downward.



#### TRASH AND MECHANICAL EQUIPMENT AREAS:

All trash and mechanical equipment areas (excluding utility service transformers, pedestals or equipment provided by franchise utility providers) including building mounted, shall be screened from public view in such a manner that the same cannot be seen by a person standing on any part of the property line at ground level.

Dumpsters shall be screened from view from all street rights-of-way and R-zoned property. Dumpster screening shall be of masonry construction with steel frame doors. The doors shall be covered with appropriate covering containing a minimum of ninety-five percent (95%) opacity.

#### NO OUTSIDE STORAGE:

There shall be no outside storage or recycling material, trash, or similar materials outside of a screened receptacle, nor shall trucks or trailer trucks be parked unless they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage.

#### ACCESS AND CIRCULATION:

No vehicular access shall be permitted from Utica Avenue.

#### LANDSCAPED AREA:

A minimum of ten percent (10%) of the Net Land Area of Development Area A shall be improved as internal landscaped open space.

#### LANDSCAPING AND SCREENING DETAILS:

The Project landscaping and screening details will comply with the requirements of the Tulsa Zoning Code for street frontage and parking area landscape.

The landscape boundaries of Development Area A will be landscaped as shown on the Landscape and Screening Concept attached hereto as Exhibit "C".

### **Development Area "B" (Tract 2)**

#### PERMITTED USE CATEGORIES:

RESIDENTIAL (IF IN ALLOWED BUILDING TYPE LISTED BELOW)  
Household Living

- Single household
- Two households on a single lot
- Three or more households on a single lot
- Group Living
  - Assisted living facility
  - Community group home
  - Convent/monastery/novitiate
  - Elderly/retirement center
  - Life care retirement center
  - Residential treatment center
  - Rooming/boarding house
  - Shelter, emergency and protective
  - Transitional living center

PUBLIC, CIVIC, AND INSTITUTIONAL

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

COMMERCIAL

- Lodging
  - Bed & Breakfast
  - Short-term rental
- Office (All Office uses must be located in a permitted mixed-use or vertical mixed-use building type)
  - Business or professional office
  - Medical, dental or health practitioner office

AGRICULTURAL

- Community Garden

PERMITTED RESIDENTIAL BUILDING TYPES

- Household living
  - Single household
    - Detached House
    - Townhouse
    - Patio House

- Mixed-Use building
- Vertical mixed-use building
- Two households on a single lot
- Mixed-use building
- Vertical-mixed use building
- Three or more households on a single lot
- Multi-unit House
- Apartment/Condo
- Mixed-use building
- Vertical-mixed use building

**MAXIMUM BUILDING FLOOR AREA:**  
31,366 SF

**MINIMUM BUILDING SETBACKS:**

From East 13 <sup>th</sup> Place	5 FT
From South Troost Avenue	10 FT
From South Trenton Avenue	10 FT
From East 13 <sup>th</sup> Street	10 FT
From internal Development Area boundaries	0 FT
From Lot 1, Block 8, Forrest Park Addition	10 FT

**MINIMUM PARKING SETBACKS:**

From North boundary	5 FT
From South boundary	5 FT
From West boundary	10 FT
From East boundary	5 FT
From internal Development Area boundaries	5 FT
From Lot 1, Block 8, Forrest Park Addition	5 FT

**OFF-STREET PARKING:**

Minimum parking ratios shall be as provided in Chapter 55 of the Tulsa Zoning Code for the applicable Use Category.

**SIGNS:**

Signage shall conform to the provisions of the Tulsa Zoning Code in the CS District.

**LIGHTING:**

All pole mounted lights shall be limited to a maximum height of twenty (20) feet. Building mounted light fixtures shall be mounted no higher than fifteen (15) feet

high and shall be shielded from adjacent residential properties and directed downward.

#### TRASH AND MECHANICAL EQUIPMENT AREAS:

All trash and mechanical equipment areas (excluding utility service transformers, pedestals or equipment provided by franchise utility providers) including building mounted, shall be screened from public view in such a manner that the same cannot be seen by a person standing on any part of the property line at ground level.

Dumpsters shall be screened from view from all street rights-of-way and R-zoned property. Dumpster screening shall be of masonry construction with steel frame doors. The doors shall be covered with appropriate covering containing a minimum of ninety-five percent (95%) opacity.

#### NO OUTSIDE STORAGE:

There shall be no outside storage or recycling material, trash or similar materials outside of a screened receptacle, nor shall trucks or trailer trucks be parked unless they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage.

#### LANDSCAPING AND SCREENING DETAILS:

The Project landscaping and screening details will comply with the requirements of the Tulsa Zoning Code for street frontage and parking area landscape.

### **SECTION III: Supporting Documentation**

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

***Staff Summary:*** CS zoning is consistent with the “Regional Center” designation and, with the proposed development standards of PUD-772-A, consistent with the “Neighborhood” designation. Commercial uses will be limited to the eastern development area.

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

##### ***Land Use Plan map designation: Regional Center and Neighborhood***

Existing regional trip generators define the Regional Centers in contrast to Local Centers. These centers should be the most connected land use pockets outside of downtown for public transit access and high-capacity arterial streets. New regional trip generators should be permitted in the area with special consideration given to the transportation access and circulation. Regional trip

generators include universities, malls, large medical campuses, casinos, big-box shopping centers, and very large churches.

Neighborhoods are “Mostly Residential Uses” which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off of an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access off of a lower-order street separated from the arterial, then it would be considered Neighborhood.

**Transportation Vision:**

***Major Street and Highway Plan:*** South Utica Avenue is considered an Urban Arterial by the Major Street and Highway Plan. East 13<sup>th</sup> Place is considered a freeway access road. Both classifications are adequate to support the proposed uses of PUD-772-A. East 13<sup>th</sup> Street South is not classified by the Major Street and Highway Plan.

***Trail System Master Plan Considerations:*** East 13<sup>th</sup> Street South is designated for on-street bicycle lanes by the GO Plan. East 13<sup>th</sup> Place South is designated as a “Signed Route” by the GO Plan. Site development should consider bicycle access and parking to support the planned bicycle network adjacent to the site.

**Small Area Plan:** Utica Midtown Corridor Small Area Plan

The subject property is located within the Utica Midtown Corridor Small Area Plan. The proposed development areas included in PUD-772-A align with the recommendations of the small area plan for commercial development adjacent to South Utica Avenue with a transition to neighborhood development west of South Troost Avenue.

**Special District Considerations:** None

**Historic Preservation Overlay:** None

**DESCRIPTION OF EXISTING CONDITIONS:**

***Staff Summary:*** The subject property is currently vacant. There is an existing religious assembly and a medical facility north of the subject property. The site is adjacent to the Broken Arrow Expressway to the south. There are existing single-family residences to the west of the subject property.

**Environmental Considerations:** None

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Utica Avenue	Urban Arterial	70'	4
East 13 <sup>th</sup> Place South	Freeway	Variable	2
East 13 <sup>th</sup> Street South	None	50'	2
South Trenton Avenue	None	50'	2

**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:**

Location	Existing Zoning	Existing Land Use Designation	Existing Use
North	RM-2	Regional Center	Religious Assembly
East	RM-2	Regional Center	Vacant
South	N/A	None	Broken Arrow Expressway
West	RM-2	Neighborhood	Single-Family Residential

**SECTION III: Relevant Zoning History**

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

**PUD-772** – Ordinance number 22131 dated October 14, 2009 established PUD-772 on the subject property.

**TMAPC Action; 9 members present:**

On **MOTION** of **CRADDOCK**, the TMAPC voted 9-0-0 (Bayles, Carr, Craddock, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Covey, Zalk, “absent”) to recommend **APPROVAL** of the PUD Major Amendment to establish two development areas per staff recommendation.

**Legal Description for PUD-772-A:**

LOT ONE (1), BLOCK ONE (1), AND THE EAST 10 FEET OF VACATED ALLEY ADJOINING ON THE WEST, LAKE VIEW ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 82, LESS AND EXCEPT A STRIP, PIECE OR PARCEL OF LAND LYING IN LOT ONE (1), BLOCK ONE (1), LAKE VIEW ADDITION TO THE CITY

OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, SAID PARCEL OF LAND BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE WEST 40 FEET ALONG THE NORTH BOUNDARY OF LOT 1; THENCE SOUTH 42°24'38" EAST A DISTANCE OF 32.40 FEET; THENCE SOUTH 0°04'13" EAST A DISTANCE OF 24.88 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 1; THENCE EAST ALONG THE SOUTH LINE A DISTANCE OF 20.04 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH ALONG THE EAST LINE OF SAID LOT 1 A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

AND

LOT TWO (2), BLOCK ONE (1), AND THE EAST 10 FEET OF VACATED ALLEY ADJOINING ON WEST, LAKE VIEW ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT NO. 82, LESS AND EXCEPT A STRIP, PIECE OR PARCEL OF LAND LYING IN LOT 2, BLOCK 1, LAKE VIEW ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, SAID PARCEL OF LAND BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2; THENCE WEST ALONG THE NORTH LINE OF SAID LOT 2 A DISTANCE OF 20.04 FEET; THENCE S 0°04'13" EAST A DISTANCE OF 50.01 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 2; THENCE EAST ALONG SAID SOUTH LINE A DISTANCE OF 21.05 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE NORTH ALONG THE EAST LINE OF SAID LOT 2 A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

AND

LOT THREE (3), BLOCK ONE (1), AND THE EAST 10 FEET OF VACATED ALLEY ADJOINING ON WEST, LAKE VIEW ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE RECORDED PLAT NO. 82, LESS AND EXCEPT A STRIP, PIECE OR PARCEL OF LAND LYING IN LOT THREE (3), BLOCK ONE (1), LAKE VIEW ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, SAID PARCEL OF LAND BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 3; THENCE WEST ALONG THE NORTH LINE OF SAID LOT 3 A DISTANCE OF 21.05 FEET; THENCE SOUTH 0°04'13" EAST A DISTANCE OF 50.01 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 3; THENCE EAST ALONG SAID SOUTH LINE A DISTANCE OF 22.07 FEET TO THE SOUTHEAST CORNER OF SAID

LOT 3; THENCE NORTH ALONG THE EAST LINE OF SAID LOT 3 A DISTANCE OF 50.00 FEET TO A POINT OF BEGINNING AND ALSO COVERING THE EAST 10 FEET OF THE VACATED ALLEY ADJACENT ON THE WEST.

AND

LOTS FOUR (4) AND FIVE (5), BLOCK ONE (1), AND THE EAST 10 FEET OF VACATED ALLEY ADJOINING ON WEST, LAKE VIEW ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE RECORDED PLAT NO. 82, LESS AND EXCEPT A STRIP, PIECE OR PARCEL OF LAND LYING IN LOTS FOUR (4) AND FIVE (5), BLOCK ONE (1), LAKE VIEW ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, SAID PARCEL OF LAND BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 4; THENCE WEST ALONG THE NORTH LINE OF SAID LOT 4 A DISTANCE OF 22.07 FEET; THENCE SOUTH 0°04'13" EAST A DISTANCE OF 45.72 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 4; THENCE WEST ALONG THE SOUTH LINE A DISTANCE OF 11.50 FEET; THENCE SOUTH 01°37'37" WEST A DISTANCE OF 50.06 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 5; THENCE EAST ALONG SAID SOUTH LINE A DISTANCE OF 37.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 5, THENCE NORTH ALONG THE EAST LINE OF SAID LOT 5 AND LOT 4 A DISTANCE OF 95.71 FEET TO THE POINT OF BEGINNING.

AND

LOTS TWENTY (20), TWENTY-ONE (21), TWENTY-TWO (22), TWENTY-THREE (23) AND TWENTY-FOUR (24), BLOCK ONE (1), AND THE WEST TEN (10) FEET OF THE CLOSED ALLEY LYING EAST AND ADJACENT TO THE AFOREMENTIONED LOTS IN BLOCK ONE (1), LAKE VIEW ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

## TRACT2

LOTS FOUR (4), THIRTEEN (13), FOURTEEN (14), FIFTEEN (15), SIXTEEN (16) AND SEVENTEEN (17), BLOCK EIGHT (8), FOREST PARK ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RE-AMENDED RECORDED PLAT NO. 49, AND THE WEST TEN (10) FEET OF THE CLOSED ALLEY LYING EAST AND ADJOINING SAID LOTS AND THE EAST TEN (10) FEET OF THE CLOSED TRENTON AVENUE LYING WEST AND ADJOINING SAID LOTS.



AND  
LOTS ONE (1), TWO (2), THREE (3), FOUR(4) AND FIVE (5), BLOCK TWO (2),  
AND THE EAST TEN (10) FEET OF THE CLOSED ALLEY LYING WEST AND  
ADJACENT TO SAID LOTS IN BLOCK TWO (2), AND THE CLOSED SOUTH  
TROOST AVENUE LYING ADJACENT TO LOTS TWENTY (20) THROUGH  
TWENTY-FOUR (24), BLOCK ONE (1), AND LOTS ONE (1) THROUGH FIVE  
(5), BLOCK TWO (2), ALL IN LAKE VIEW ADDITION TO THE CITY OF TULSA,  
TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED  
PLAT THEREOF.

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DRAFT

4. **Z-7733 Abdul Ahlou** (CD 3) Location: Northeast corner of 11<sup>th</sup> Street South and South 129<sup>th</sup> East Avenue requesting rezoning from **CS and RS-2 to CG and CS with an optional development plan (Staff requests a continuance to August 16, 2023)**

**TMAPC Action; 9 members present:**

On **MOTION** of **SHIVEL**, the TMAPC voted 9-0-0 (Bayles, Carr, Craddock, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Covey, Zalk, “absent”) to **CONTINUE** Item 4 to August 16, 2023.

\*\*\*\*\*

DRAFT

Items 5 and 10 were presented together.

5. **Z-7734 Rey Bustos** (CD 6) Location: East of the southeast corner of East 11<sup>th</sup> Street South and South 161<sup>st</sup> East Avenue requesting rezoning from **AG to CG (Related to CPA-106)**

**STAFF RECOMMENDATION:**

**DEVELOPMENT CONCEPT:** The applicant originally submitted a rezoning to change the property from AG to CG with no optional development plan. This rezoning was to utilize the site for their cabinet shop. After the August 2nd planning commission and working with the neighborhood, they have submitted an optional development plan to limit specific uses allowed in the CG zoning district. The allowed uses can be found in section II of this staff report. This rezoning has a related comprehensive plan amendment to change the site to a Multiple Use land use designation.

**DETAILED STAFF RECOMMENDATION:**

The uses along with the lot and building regulations are consistent with the Tulsa Comprehensive Plan for a Multiple Use land use designation and,

The CG district is primarily intended to accommodate established commercial uses, while providing protection to adjacent residential area; and accommodate the grouping of compatible commercial and light industrial uses,

The applicants proposed use would be allowed by right in CG.

**Staff recommends Approval of Z-7734 to rezone the property from AG to CG with or without the optional development plan.**

**SECTION II: OPTIONAL DEVELOPMENT PLAN STANDARDS**

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

**PERMITTED USE CATEGORIES SUBCATEGORIES AND SPECIFIC USES:**

- RESIDENTIAL** (if in allowed residential building types identified below)  
Single household  
Two households on single lot  
3 or more households on single lot

**PUBLIC, CIVIC, AND INSTITUTIONAL**

Day Care  
Library or Cultural Exhibit  
Parks and Recreation  
Religious Assembly

**COMMERCIAL**

Animal Service  
Boarding or Shelter  
Grooming  
Veterinary  
Broadcast or Recording Studio  
Commercial Service  
Building service  
Business support service  
Consumer maintenance/repair service  
Personal improvement service  
Research Service  
Financial Services  
Office  
Business or professional office  
Medical, dental or health practitioner office  
Restaurants and Bars  
Restaurant  
Retail Sales  
Building supplies and equipment  
Consumer shopping goods  
Convenience goods  
Grocery store  
Small box discount store  
Self-service Storage Facility  
Studio, Artist, or Instructional Service  
Trade School

**WHOLESALE, DISTRIBUTION, & STORAGE**

Equipment & Materials Storage, Outdoor  
Warehouse  
Wholesale Sales and Distribution

**AGRICULTURAL**

Community Garden  
Farm, Market-or Community-supported

**RESIDENTIAL BUILDING TYPES:**

**HOUSEHOLD LIVING**

Single Household  
Mixed-Use Building

Vertical Mixed-Use Building  
Two households on single lot  
Mixed-Use Building  
Vertical Mixed-Use Building  
Three or more households on single lot  
Mixed-Use Building  
Vertical Mixed-Use Building

## **SECTION II: Supporting Documentation**

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

***Staff Summary:*** *The proposed use is consistent with the proposed Multiple Use land use designation.*

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

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

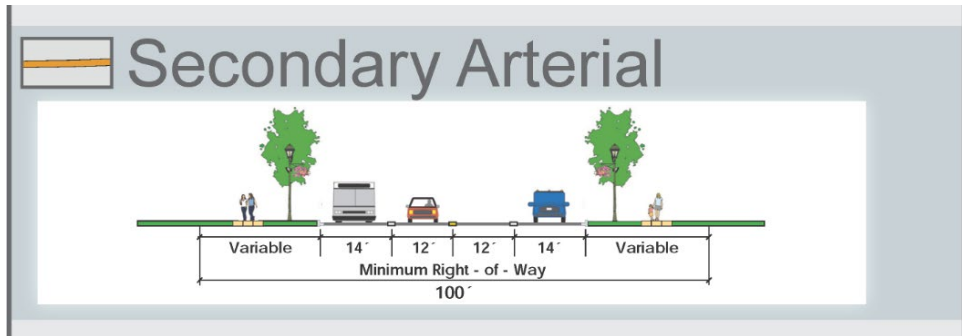
Neighborhoods are “Mostly Residential Uses” which includes detached, missing middle, and multidwelling unit housing types. Churches, schools, and other low-intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multidwelling unit housing that takes access off of an arterial is considered Multiple Use, Local Center, or Regional Center. If a multidwelling unit housing property takes access off of a lower order street separated from the arterial, then it would be considered Neighborhood.

***Proposed Land Use Plan map designation:*** Multiple Use

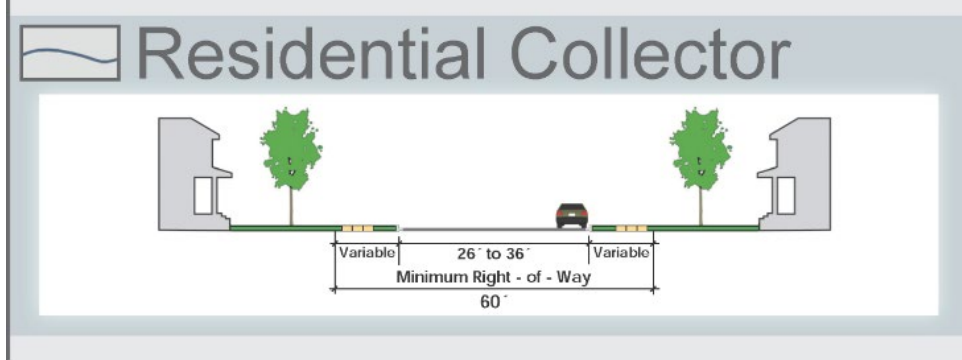
Multiple Use areas are “Mostly Commercial or Retail Uses” which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local Centers being more commonplace in newer parts of the city. For single properties that are commercial but surrounded by Neighborhood, Multiple Use is the preferred designation.

#### **Transportation Vision:**

***Major Street and Highway Plan:*** East 11<sup>th</sup> Street is classified as a Secondary Arterial Street.



South 169<sup>th</sup> East Avenue is classified as a Residential Collector.



**Trail System Master Plan Considerations:** None

**Small Area Plan:** None

**Special District Considerations:** None

**Historic Preservation Overlay:** None

**DESCRIPTION OF EXISTING CONDITIONS:**

**Staff Summary:** The subject property currently has a pole barn towards the south of the property. There is a single-family residence directly to the west, as well as to the North. The property to the East is currently being used for agricultural uses.

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 11 <sup>th</sup> Street	Secondary Arterial	100'	2
South 169 <sup>th</sup> East Avenue	Residential Collector	60'	2

**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:**

Location	Existing Zoning	Existing Land Use Designation	Existing Use
North	AG	Neighborhood	Single-family Residential
South	AG	Neighborhood	Raw Land
East	AG-R	Multiple Use	Agricultural Uses
West	AG	Neighborhood	Single Family Residential

**SECTION III: Relevant Zoning History**

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

**Discussion:**

Mr. Craddock asked what uses would be allowed in CG.

Staff stated CG allows for everything that CS allows for but also includes commercial sales, warehousing use, or outdoor materials and storage and that is why staff went in the direction of CG.

Mr. Craddock stated this change would allow a lot of uses. Mr. Craddock stated the only place he sees zoning that is close to this use is on the corners. He stated there are a lot of AG and RS in the area.

Staff stated just east of the subject lot the Multiple Use goes all the way to Lynn Lane and to the corners of Lynn Lane also. He stated the Land Use plan does encourage development along this corridor of 11th Street.

**Adolf Bustos** 13120 East 36th Street, Tulsa, OK 74134

Mr. Bustos stated they currently have a cabinet shop on Admiral Blvd and Garnett Road. He stated everything is kept indoors and they would not have cabinet materials outside. Mr. Bustos stated they will have a roundabout in the front section so that trucks will be able to come in and out from the front. He stated there already is a building on the property, but they are going to add a building in front to hide the back building. He stated the new building will be more modern.

**Bruce Denny** 905 South Lynn Lane Road, Tulsa, OK 74012

Mr. Denny stated he is with the Lynn Lane Neighborhood Association. He stated they are a four-square mile group starting at 11<sup>th</sup> Street and Lynn Lane and founded in 2000. Mr. Denny stated most of the neighbors would not have a problem with a cabinet shop. However, they are against CG zoning because it allows many other uses that would be highly objectionable to the area. He stated this area is mostly AG and AG-R ranch style homes with some larger RS-1 blocks. Mr. Denny stated straight CG zoning would allow sexually oriented businesses, bars, marijuana dispensaries, private clubs, drive-ins, junky car shops, apartment complexes, boarding houses, and reentry housing among other things. Mr. Denny stated on the plus side CG zoning would also permit horse boarding and grooming, a veterinarian's office, a library, a church, a park, a community garden, and a daycare center. He stated a cabinet shop, and a warehouse could also be permitted. Mr. Denny stated the Comprehensive Plan shows this area to be a New Neighborhood. He stated there is some multi-use close to the area. Mr. Denny stated he met with staff to discuss this project. He asked could TMAPC permit a variety of zoning with specific conditions applied to the property. What would be wrong with limiting this to a warehouse and or a cabinet shop or something similar with some quiet hours, limited traffic etc. Mr. Denny stated it sounds like that is what the applicant has in mind. He stated a development plan with specific conditions and limitations spelled out could make this a workable plan for everyone.

Mr. Denny and the applicant agreed to a continuance to work with staff on a development plan. This item was continued to August 16, 2023

**TMAPC Action; 9 members present:**

On **MOTION** of **CARR**, the TMAPC voted 9-0-0 (Bayles, Carr, Craddock, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Covey, Zalk, "absent") to **CONTINUE** Item 5 to August 16, 2023.

\* \* \* \* \*



Items 6 and 7 were presented together.

6. **PUD-488-A Stuart VanDeWiele, Hall Estill** (CD 9) Location: Northeast corner of East 33<sup>rd</sup> Street South and South Peoria Avenue requesting a **PUD Major Amendment** to abandon PUD-488 (**Related to Z-7735**)

**STAFF RECOMMENDATION:**

**SECTION I: PUD-488-A – Abandonment of PUD-488**

**DEVELOPMENT CONCEPT:** The applicant is proposing to abandon PUD-488 which was adopted in 1992 to accommodate the development of the existing banking facility. The abandonment is related to Z-7735 which requests to change the underlying zoning of the subject property from CH, OL, RS-3 to MX2-V-U with an optional development plan.

**DETAILED STAFF RECOMMENDATION:**

PUD-488 was adopted in 1992 and established development standards for the construction of the existing building on the subject property.

The applicant is requesting an abandonment of the existing PUD in order to accommodate a mixed-use development on the site. Development standards for the new development are outlined in the optional development plan included with Z-7735.

**Staff recommends approval of PUD-488-A to abandon PUD-488.**

**Staff recommendation is contingent upon the approval of the associated rezoning under Z-7735.**

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

**Staff Summary:** The entire subject property is designated as “Multiple Use” by the Comprehensive Plan land use map. The proposed MX2 district aligns with the recommendations of the “Multiple Use” land use designation.

**Land Use Vision:**

**Multiple Use**

Multiple Use areas are “Mostly Commercial or Retail Uses” which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local Centers being more commonplace in newer parts of the city. For single properties that are commercial but surrounded by Neighborhood, Multiple Use is the preferred designation.

**Transportation Vision:**

***Major Street and Highway Plan:*** South Peoria Avenue at this location is considered an Urban Arterial with a Main Street classification. Urban Arterials require a minimum of 70’ for right-of-way dedications. The anticipated use of Urban Arterials with Main Street designations are primary traffic ways with a high level of pedestrian infrastructure and traditional building patterns. The proposed MX district would align the land use with the main street classification found in the major street and highway plan.

***Trail System Master Plan Considerations:*** The GO Plan calls for an off-street shared use path along Crow Creek from South Peoria Avenue to the Arkansas River. The subject property should accommodate bicycle and pedestrian traffic through the implementation of sidewalks and bicycle facilities.

**Small Area Plan:** Brookside Infill Plan (2002)

**Special District Considerations:** None

**Historic Preservation Overlay:** None

**DESCRIPTION OF EXISTING CONDITIONS:**

**Staff Summary:** The site is currently an operational financial institution with parking and drive through lanes for bank services. The property is adjacent to Crow Creek on the north, residential uses to the east, and commercial uses within the Brookside corridor to the south and west.

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Peoria Avenue	Urban Arterial	70’	4
East 33 <sup>rd</sup> Street South	Residential	50’	2

**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:**

Location	Existing Zoning	Existing Land Use Designation	Existing Use
North	RS-3	Neighborhood	Crow Creek
South	CH	Multiple Use	Commercial/Restaurant
East	RS-3	Neighborhood	Single-Family Residential
West	CH/OMH	Multiple Use	Office/Coffee Shop

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11823 dated June 26, 1970, established zoning for the subject property.

**PUD-488:** Approved by TMAPC on April 22, 1992. Approved by City Council on June 4, 1992. Ordinance No. 17727, dated June 11, 1992.

**TMAPC Action; 9 members present:**

On **MOTION** of **CRADDOCK**, the TMAPC voted 9-0-0 (Bayles, Carr, Craddock, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Covey, Zalk, “absent”) to recommend **APPROVAL** of the PUD Major Amendment to abandon PUD-488-A per staff recommendation.

**Legal Description for PUD-488-A:**

**TRACT 1:** LOTS 1 AND 2, ROGERS RE-SUBDIVISION OF LOT ONE, BLOCK ONE, CEDAR HAVEN ADDITION, A SUBDIVISION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, LESS AND EXCEPT THE EAST 25 FEET OF SAID LOT 2

**TRACT 2:** LOTS 2, 3, 4, AND 5, BLOCK 1, CEDAR HAVEN, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF

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7. **Z-7735 Stuart VanDeWiele, Hall Estill** (CD 9) Location: Northeast corner of East 33<sup>rd</sup> Street South and South Peoria Avenue requesting rezoning from **OL, CH and RS-3 to MX2-V-U with an optional development plan (Related to PUD-488-A)**

**STAFF RECOMMENDATION:**

**SECTION I: Z-7735 with an optional development plan**

**DEVELOPMENT CONCEPT:** The applicant is proposing to rezone the subject property to MX2-V-U to allow for a mix of commercial and residential uses. The application includes an optional development plan that would establish standards for permitted uses, maximum building height, and landscaping.

**DETAILED STAFF RECOMMENDATION:**

The applicant is proposing a rezoning of the subject property from CH, OL, and RS-3 to MX2-V-U. The proposed zoning district by the applicant includes an unlimited height designation. Staff is supportive of the rezoning to MX2-V but recommends a reduction in the allowable height to align the zoning with the recommendations of the Brookside Infill Plan and ensure compatibility with the existing development pattern in the area.

Staff recommends MX2-V-65 with the optional development plan standards outlined in Section II below to limit the maximum building height to a maximum of 4 stories.

In addition to limitations on the building height, the optional development plan standards outlined in Section II will limit uses by prohibiting medical marijuana dispensaries and vehicle sales and service uses.

Finally, the optional development plan enhances the landscaping standards for the areas adjacent to residential neighborhoods to reduce the impact of the development on the neighborhood.

**Staff recommends approval of Z-7735 to rezone the property from CH, OL, RS-3 to MX2-V-65 with the optional development plan outlined in Section II.**

**SECTION II: Z-7735 OPTIONAL DEVELOPMENT PLAN STANDARDS:**

The optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in a MX-2-V-65 district with its supplemental regulations except as further refined below. All use categories, subcategories or specific uses and building types that are not listed in the following permitted list are prohibited.

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

**PERMITTED USE CATEGORIES:**

**RESIDENTIAL** (if in allowed building types identified below)

**PUBLIC, CIVIC, AND INSTITUTIONAL**

- College or University\*
- Day Care
- Fraternal Organization
- Governmental Service or Similar Functions\*
- Hospital\*
- Library or Cultural Exhibit
- Natural Resource Preservation
- Parks and Recreation
- Postal Services\*
- Religious Assembly
- Safety Service
- Utilities and Public Service Facility
  - Minor
  - Major\*
- Wireless Communication Facility
  - Freestanding Tower\*
  - Building or tower-mounted antenna

**COMMERCIAL**

- Animal Service
  - Grooming
  - Veterinary

**Assembly and Entertainment**

Indoor (Requires special exception approval if selling or serving alcoholic beverages and located on a lot within 150 feet of any residential zoning district other than R-zoned street right-of-way)

- Small (Up to 250-person capacity)
- Large (>250-person capacity)

## Outdoor\*

Broadcast of Recording Studio

Commercial Service

- Building service\*
- Business support service\*
- Consumer maintenance/repair service
- Personal improvement service
- Research service

Financial Services

Funeral or Mortuary Service

Lodging

- Bed & breakfast
- Short-term rental
- Hotel/motel

Marina

Office

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

Parking, Non-accessory\*

Restaurants and Bars

- Restaurant
- Bar (Requires special exception approval if selling or serving alcoholic beverages and located on a lot within 150 feet of any residential zoning district other than R-zoned street right-of-way)

Retail Sales

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

Studio, Artist, or Instructional Service

Trade School\*

## **RECYCLING**

Consumer Material Drop-off Station\*

## **AGRICULTURAL**

Community Garden

## **OTHER**

Drive-in or Drive-through Facility (as a component of an allowed use)\*

Oil or Gas Well\*

## **RESIDENTIAL BUILDING TYPES:**

### **HOUSEHOLD LIVING**

Two households on single lot

- Townhouses

Three or more households on single lot

- Apartments/Condos
- Townhouses
- Mixed-Use Building
- Vertical Mixed-Use Building

## **MAXIMUM BUILDING HEIGHT:**

The maximum allowable building height will be 65 feet as prescribed by MX2-V-65 with a maximum of 4 occupied stories. Parking structures are limited to one ground level parking area and one additional parking level with a maximum overall height of 20 feet.

## **LANDSCAPING:**

The area on the attached conceptual site plan designated as "Landscape Area A" shall contain eleven (11) trees (one (1) tree per twenty linear feet (20') of edge) which are (at the time of planting) not less than three inches (3") in caliper for deciduous or nine feet (9') in height for evergreen and spaced not more than thirty feet (30') apart. At least one-half ( $\frac{1}{2}$ ) of the required trees shall be evergreen.

The area on the attached conceptual site plan designated as "Landscape Area B" shall contain eleven (11) trees (one (1) tree per twenty linear feet (20') of edge) which are (at the time of planting) not less than three inches (3") in caliper for deciduous or nine feet (9') in height for evergreen and spaced not more than

thirty feet (30') apart. At least one-half (½) of the required trees shall be evergreen.

### **SECTION III: Supporting Documentation**

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

***Staff Summary:*** The entire subject property is designated as “Multiple Use” by the Comprehensive Plan land use map. The proposed MX2 district aligns with the recommendations of the “Multiple Use” land use designation by permitting a range of commercial and residential uses.

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

##### **Multiple Use**

Multiple Use areas are “Mostly Commercial or Retail Uses” which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local Centers being more commonplace in newer parts of the city. For single properties that are commercial but surrounded by Neighborhood, Multiple Use is the preferred designation.

#### **Transportation Vision:**

***Major Street and Highway Plan:*** South Peoria Avenue at this location is considered an Urban Arterial with a Main Street classification. Urban Arterials require a minimum of 70' for right-of-way dedications. The anticipated use of Urban Arterials with Main Street designations are primary traffic ways with a high level of pedestrian infrastructure and traditional building patterns. The proposed MX district would align the land use with the main street classification found in the major street and highway plan.

***Trail System Master Plan Considerations:*** The GO Plan calls for an off-street shared use path along Crow Creek from South Peoria Avenue to the Arkansas River. The subject property should accommodate bicycle and pedestrian traffic through the implementation of sidewalks and bicycle facilities.

**Small Area Plan:** Brookside Infill Development Design Recommendations (2002)

The subject property is located within the boundary of the Brookside Infill Development Design Recommendations adopted in May of 2002. The small area plan provides guidance for new infill development as it relates to scale and interaction with the public right-of-way. With the four-story height restriction



included in the optional development plan the MX2 district is in alignment with the recommendations of the small area plan.

**Special District Considerations:** None

**Historic Preservation Overlay:** None

**DESCRIPTION OF EXISTING CONDITIONS:**

**Staff Summary:** The site is currently an operational financial institution with parking and drive through lanes for bank services. The property is adjacent to Crow Creek on the north, residential uses to the east, and commercial uses within the Brookside corridor to the south and west.

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Peoria Avenue	Urban Arterial	70'	4
East 33 <sup>rd</sup> Street South	Residential	50'	2

**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:**

Location	Existing Zoning	Existing Land Use Designation	Existing Use
North	RS-3	Neighborhood	Crow Creek
South	CH	Multiple Use	Commercial/Restaurant
East	RS-3	Neighborhood	Single-Family Residential
West	CH/OMH	Multiple Use	Office/Coffee Shop

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11823 dated June 26, 1970, established zoning for the subject property.

**PUD-488:** Approved by TMAPC on April 22, 1992. Approved by City Council on June 4, 1992. Ordinance No. 17727, dated June 11, 1992.

**Discussion:**

**Applicant Comments:**

**Stuart Van De Wiele** 521 E 2<sup>nd</sup> Street STE 1200, Tulsa, OK 74120

The applicant stated he represents Fishless Desert, which is the developer of the subject property. He stated he would like to discuss some of the neighbors' concerns. The applicant stated the subject property is about 1.75 acres on the east side of Peoria Avenue and on the north end of Brookside. He stated as part of the acquisition but not a part of this application request is the parking lot that's directly across 33rd Street from the subject property. The applicant stated the project anticipates including a Bank of Oklahoma branch on the ground floor with an ATM drive through that will be underneath the parking deck. He stated there will also be retail, restaurant, and shopping on the ground floor. The applicant stated there will be 3 floors of residential and a ground level plus one parking deck in the rear that will contain approximately 142 parking spaces. He stated the current site plan would require 110 parking spaces per the Zoning Code. They are providing 30 more spaces than the code requires and that is not counting the 33 spots in the lot across 33rd Street. The applicant stated over the last couple of months he and his client have had a tremendous amount of community engagement. He stated they have met with three City Councilors and have held three neighborhood meetings, two were with smaller groups. He stated one meeting was with the residents of the cul-de-sac north of the subject lot. The applicant also stated a larger meeting with Brookside Neighborhood Association and a meeting with the Brookside Business Association of which they have a letter of support. The applicant stated in those meetings they heard three repeating concerns. He stated the height, parking, and traffic. In respect to the height, he wanted to point out that there are 3 other MX designations that have an unlimited height designation all in the same mile to the south as this project and several more up and down Brookside. The applicant stated after neighborhood engagement they brought the height of the proposed development down from unlimited and agreed to the 65-foot designation with an optional development plan that further limits that to 4 stories. As to parking, there are a lot of complaints about parking on Brookside, specifically on street parking in the neighborhood. He stated a few things to keep in mind is that on street parking is legal and it is a way of life in Tulsa. There are some streets that designate one side of the street to parking and there are people that ignore those signs. But that's not this project. The applicant stated overall they will have approximately 175 parking spaces and that is more than what they would be required to provide by code. He stated as to traffic, no one likes it, but a new Comprehensive Plan was approved back in May and adopted by the City Council at the end of June, and it includes a traffic map. The applicant stated the map in the Comprehensive Plan shows 31<sup>st</sup> Street to 41<sup>st</sup> Street on Peoria experiences 2500 to 5000 average vehicles per lane per day. He stated it goes on to say that these arterials have low levels of congestion and new development is unlikely to have a noticeable impact on traffic. The applicant stated with the revised zoning and the optional development plan this application is in compliance with the Brookside Infill plan. He stated he believes that this is a great fit for this project.

Mr. Walker stated there is parking in the back of the building and then there is a second deck of parking.

The applicant stated “yes,” there are 2 stories of parking. He stated he wants to point out that the optional development plan includes a call out for two landscape areas and both proposed areas are as wide or wider than what is currently there in the PUD. There is a larger number of trees and a larger caliber of trees.

Mr. Walker stated there is ingress and egress on the north end of Peoria Avenue which is about where the parking lot entrance would be and then there's a ramp on 33<sup>rd</sup> Street

The applicant stated effectively keeping the same access points as the site currently has.

Mr. Craddock asked if the ramp was just for residents.

The applicant stated the plan is for the upper deck to be for residents.

Mr. Craddock stated he wanted to commend the applicant for his community outreach on this project and the willingness to modify the plan based on the neighbors' concerns.

Ms. Bayles stated she agrees with Mr. Craddock and thinks the optional development plan that the applicant has voluntarily submitted, as well as the results of the neighborhood meetings, is very helpful to Planning Commission.

**Interested Parties:**

**Jody Rogers** 1318 East 32nd Place, Tulsa, OK 74105

Ms. Rogers stated the subject property borders the west side and the south side of her property. She stated she would like to thank the developers; they were very transparent with this redevelopment of the former Bank of Oklahoma. Ms. Rogers stated a few of the residents of her cul-de-sac on 32<sup>nd</sup> Place and a few of the residents on 33<sup>rd</sup> Street met, and they all sent letters with their concerns, which are the traffic, the parking, and the unique charm of Brookside. She stated the four stories just seems inappropriate. Ms. Rogers stated she opposes this current plan because it personally affects her property. She stated the plans are to build a four-story building and a two-story garage flanking the south and west side of her backyard. Ms. Rogers stated from what she understands this will be an 18 plus month build and she just had a 10 month build with the Crow Creek project. She stated that there were generators pumping water, trucks, and bulldozers in her front yard 24 hours, five and six days a week for 10 months. She stated now she will have this project for 18 months with the same noises from heavy equipment. Ms. Rogers stated she does not want to be surrounded by a parking garage.

**Shawn Linfoot** 4754 South Cincinnati Avenue, Tulsa, OK 74105

Mr. Linfoot stated he is a 30 year resident of Tulsa and architecture is his background. He stated he is currently an 18-year licensed Realtor in the City of Tulsa and wanted to echo the concerns of the neighborhoods. Mr. Linfoot stated he lives further South however, in his circle of friends when told about this potential project coming into that area, the first two things they said was that it was going to create a traffic nightmare and where is everyone going to park. He stated those are the biggest concerns. Mr. Linfoot stated if you go to the area on a Friday or Saturday night, patrons are using the subject property to park because there is nowhere else to park. He stated according to the Tulsa Zoning Code this project meets those requirements. Unfortunately, in the Tulsa Zoning Code, the first 5000 square feet of restaurant doesn't count, for the first 5000 square feet of bar it does not count, and for the first 5000 square feet of retail it does not count. Mr. Linfoot stated that is what will create the problems and the congestion. He stated that will be 17,000 square feet of retail, restaurant and bar that is not even considered in the parking lot ratio. Mr. Linfoot stated at four stories, you need much more parking than what's addressed the code. He stated the reality is if everyone in this room went down there to eat, there is nowhere to park, even with a two-story structure, there's not going to be adequate parking.

**Tim Clark Sr.** 4129 South Peoria, Tulsa, OK 74105

Mr. Clark stated he is a member of the Brookside Business Association and the Neighborhood Association. He stated the Brookside Business Association was very supportive of the project and the Brookside Neighborhood Association was very opposed to the project. Mr. Clark stated the reality is that we as a city have passed these zoning codes and he is befuddled why they get up and argue over what's going to go where when it is encouraged by the city to have MX zoning on Bus Rapid Transit route. He stated and as presented there are many tracts on Peoria Avenue that are CH without a height limitation. Mr. Clark stated they are very fortunate that applicants of this caliber are wanting to put a project on Peoria to enhance Peoria Avenue as well as the neighborhood. He stated the neighborhood fights these developments and they really help bolster the property values of both. Mr. Clark stated as a resident and as a Brookside Business Association member he supports the project and encourages the Planning Commission to approve the project.

**Ann Walker** 1334 East 32nd Place Tulsa, OK 74105

Ms. Walker stated she has lived on Brookside for 40 years. She stated she has seen a lot of changes on Brookside. Ms. Walker stated the main concern is parking and as another speaker stated the workers of these businesses, particularly the restaurants, are not considered in parking situations. She stated the applicant said they are adding parking spots, but the second tiered parking garage is for residents only. So, they are not adding any additional parking from her point of view. Ms. Walker stated 32<sup>nd</sup> Place is only two and a half cars wide and they cannot have parking on both sides of the street. She stated residents

have been blocked in for over two hours because of ignorant people parking on both sides of the street and emergency vehicles could not have gotten to them. Ms. Walker asked the Planning Commission to consider if they would like to live next door to this development.

**Applicants Rebuttal:**

The applicant stated the comments from speakers are largely what they heard at some of the neighborhood meetings. He stated the construction noise that was heard from the Crow Creek project with the generators that pump water is not the typical construction site. The applicant stated this project would probably go under construction in the middle of 2024 and be a 16-month building process. He stated there will be a landscape buffer with a six-to-eight-foot fence around that side of the property and the additional inclusion of trees, some of which are already there, but there will be new trees planted. The applicant stated Mr. Linfoot certainly wasn't intentionally excluded from the meeting they just didn't go two miles out from the project to invite neighbors. He stated he has covered the parking situation and traffic situation. The Comprehensive Plan is six weeks old, and it specifically addresses traffic in this mile and the impact of what new infill might look like.

**TMAPC Comments:**

Mr. Humprey asked who would enforce the issue with noise.

Staff stated the City of Tulsa has a noise ordinance that during certain hours if they exceed certain decibels off their lot residents can report this. He stated that he thinks the additional buffer and the wall that would be required between the development and the residential areas are going to help mitigate that during the off hours when maybe the nuisance ordinance was in effect.

Mr. Hood asked staff to explain the buffers within this project.

Staff stated in terms of the optional development plan, there are listed additional requirements for landscaping within the development. He stated this project has more robust and more specific landscaping requirements than most plans they see. Staff stated the area designated as landscape area A shall contain eleven trees, one tree per twenty linear feet of the edge which are, at the time of planting, not less than three inches in caliper for deciduous or nine feet in height for evergreen and spaced not more than thirty feet apart. He stated at least one-half (½) of the required trees shall be evergreen and it's a similar requirement for landscape area B. Staff stated in most cases a landscape plan for a project can be baby trees that meet the requirements of one tree per 25 feet but the applicant is actually specifying that they would have nine foot trees already installed with a three inch caliper, which is a little bit much more robust than what they have seen in some projects.

Mr. Whitlock stated the applicant has gone above and the minimum requirements.

Ms. Bayles stated not only robust, but these larger trees also provide a significant sound and light buffer between the project and the adjacent neighbors, and she commends the developer on that in particular.

Ms. Carr asked if the plan was modified after the neighborhood meetings and were the changes made based on neighborhood comments.

Staff stated “yes,” that he met with Stuart and the development team shortly after they had their neighborhood meeting last Monday to discuss what they had heard and what they found out in terms of the primary concerns. The height was something they thought was going to be an issue, so they were willing to come to the table and discuss an alternative after they heard from the neighborhood. He stated that is what ultimately led to a reduced overall height, and it was dropped down to 65 feet and incorporated the four-story maximum into the development plan.

**TMAPC Action; 9 members present:**

On **MOTION** of **CRADDOCK**, the TMAPC voted 9-0-0 (Bayles, Carr, Craddock, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Covey, Zalk, “absent”) to recommend **APPROVAL** of the MX2-V-65 zoning for Z-7735 per staff recommendation.

**Legal Description for Z-7735:**

**TRACT 1:** LOTS 1 AND 2, ROGERS RE-SUBDIVISION OF LOT ONE, BLOCK ONE, CEDAR HAVEN ADDITION, A SUBDIVISION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, LESS AND EXCEPT THE EAST 25 FEET OF SAID LOT 2  
**TRACT 2:** LOTS 2, 3, 4, AND 5, BLOCK 1, CEDAR HAVEN, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF

\*\*\*\*\*

Items 8 and 11 were presented together.

8. **Z-7736 Mark Capron, Wallace Design** (CD 4) Location: Northwest corner of South Quaker Avenue and East 13<sup>th</sup> Place South requesting rezoning from **RM-2 to CS (Related to CPA-107)**

**STAFF RECOMMENDATION:**

**SECTION I: Z-7736**

**DEVELOPMENT CONCEPT:** The applicant is proposing to rezone the property to CS to permit commercial uses and support the redevelopment of the adjacent property. This application has an associated comprehensive plan amendment requesting a change in the land use designation for the subject property from “Neighborhood” to “Multiple Use”.

**DETAILED STAFF RECOMMENDATION:**

The application is related to CPA-107 which proposes change the land use designation of the subject property from “Neighborhood” to “Multiple Use”.

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

CS zoning would align with the proposed land use designation of “Multiple Use” by allowing for a range of commercial and residential uses. CS is listed as the least intensive commercial zoning district.

**Staff recommends approval of Z-7736 to rezone the property from RM-2 to CS.**

**Staff recommendation is contingent upon the approval of CPA-107 to change the land use designation for the property to “Multiple Use”.**

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

**Staff Summary:** CPA-107 is associated with this application. The proposed amendment to the comprehensive plan land use map requests a change from “Neighborhood” to “Multiple Use”. The request for CS zoning would be consistent with the “Multiple Use” land use designation.

## **Land Use Vision:**

### **Existing Land Use: Neighborhood**

### **Proposed Land Use: Multiple Use**

Neighborhoods are “Mostly Residential Uses” which includes detached, missing middle, and multidwelling unit housing types. Churches, schools, and other low-intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multidwelling unit housing that takes access off of an arterial is considered Multiple Use, Local Center, or Regional Center. If a multidwelling unit housing property takes access off of a lower order street separated from the arterial, then it would be considered Neighborhood.

Multiple Use areas are “Mostly Commercial or Retail Uses” which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local Centers being more commonplace in newer parts of the city. For single properties that are commercial but surrounded by Neighborhood, Multiple Use is the preferred designation.

## **Transportation Vision:**

***Major Street and Highway Plan:*** East 13<sup>th</sup> Place is classified under the “Freeway” designation of the major street and highway plan due to it being utilized as an access road for the Broken Arrow Expressway. South Quaker Avenue is a residential street that is not classified by the major street and highway plan.

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

### **Small Area Plan:** Utica Midtown Corridor Small Area Plan

The subject property is located on the western edge of the Utica Midtown Corridor Small Area Plan which was adopted in 2013. The plan calls for commercial uses to the west of the subject property, adjacent to Peoria Avenue. The subject property is designated for multi-family residential which would be permitted in the requested CS district.



**Special District Considerations:** None

**Historic Preservation Overlay:** None

**DESCRIPTION OF EXISTING CONDITIONS:**

**Staff Summary:** There is an existing parking area located on the subject property that was approved by the Board of Adjustment in 1961. There are apartments to the north of the subject property and detached houses across South Quaker Avenue. The Peoria commercial corridor is located to the west and the Broken Arrow Expressway is located to the south.

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Quaker Avenue	None	50'	2
East 13 <sup>th</sup> Place South	Freeway	Variable	2 – One Way

**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:**

Location	Existing Zoning	Existing Land Use Designation	Existing Use
North	RM-2	Neighborhood	Apartments
South	N/A	N/A	Broken Arrow Expressway
East	RM-2	Neighborhood	Single-Family Residential
West	CH	Multiple Use	Commercial

**SECTION III: Relevant Zoning History**

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

**BOA-3613**, April 12, 1961 – The Board of Adjustment approved a request to establish off-street parking on the lot

**Discussion:**

**Applicant Comments:**

**Mark Capron, Wallace Design Collective** 123 Martin Luther King Jr. BLVD.

Mr. Capron stated this is fronting the Broken Arrow Expressway and it's appropriate to have stepped down zoning. He stated they needed to rezone to CS in order to have parking that would support the repurpose of the building adjacent to the subject property. Mr. Capron stated the subject property, and the pawn shop area has a public alley and to have parking that is off site they need commercial zoning. He stated they sent out letters to the neighborhood and heard back from a few interested parties. Mr. Capron stated one of the individuals was Kimberly Norman who was here speaking on one of the other projects. He stated she spoke favorably of this project.

**Andy Lightner** 6011 South Elwood, Tulsa, OK

Mr. Lightner stated he and his wife are the owners of 1306 and 1312 South Quaker which is a 10 unit building directly north of the subject property. He stated they sold the subject property at 1314 South Quaker to be redeveloped with the understanding that it would be a parking lot someday and that they would receive five parking places. He stated they were in favor of the development.

Ms. Bayles stated this is a location that she passed by for years having been a 40 plus resident and property owner in Swan Lake. She stated that she has watched for the last several years the pawn shop location remains idle. She stated in its idle state, it is not attractive, and it is attracting all the wrong kinds of people. Ms. Bayles stated this area deserves more and she thinks this will be a welcome addition to this neighborhood.

**TMAPC Action; 9 members present:**

On **MOTION** of **BAYLES**, the TMAPC voted 9-0-0 (Bayles, Carr, Craddock, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Covey, Zalk, "absent") to recommend **APPROVAL** of the CS zoning for Z-7736 per staff recommendation.

**Legal Description for Z-7736:**

LOTS 4, AND 5, BLOCK 1, BELLVIEW ADDITION TO TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

\* \* \* \* \*

## PUBLIC HEARING-COMPREHENSIVE PLAN AMENDMENTS

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

- 9. CPA-105 Nathan Cross** (CD 1) Location: South of the southwest corner of East 5<sup>th</sup> Street South and South Victor Avenue requesting to amend the Land Use Map designation from **Neighborhood** to **Employment (Related to Z-7731)** (Continued from July 19, 2023)

### **STAFF RECOMMENDATION:**

#### **TMAPC Staff Report CPA-105 Comprehensive Plan Amendment**

#### **Property Information and Land Use Request**

The applicant has submitted this proposed Comprehensive Plan amendment (CPA-105) with a concurrent rezoning request (Z-7731) to request a change in the Land Use designation for the northern half of the subject property from *Neighborhood* to *Employment*. The concurrent zoning request proposes a change from RS-4 and IL to CG with an optional development plan to permit an expansion of commercial uses.

#### **Background**

The proposed land use designation for this site is *Employment*. The south half of the subject property is already designated as *Employment*. The north half of the property, which is currently zoned RS-4, is designated as *Neighborhood*. The applicant would like to change the land use designation to apply *Employment* to the entire site.

The area consists of both industrial and residential properties. The subject property is zoned both RS-4 and IL.

The subject property is currently vacant. The applicant is proposing an expansion of the existing commercial uses located to the south while establishing development standards through an optional development plan to protect the neighborhood areas to the north and east.

**Existing Land Use Designation: *Neighborhood***

“Neighborhoods are “Mostly Residential Uses” which includes detached, missing middle, and multidwelling unit housing types. Churches, schools, and other low intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multidwelling unit housing that takes access off an arterial is considered Multiple Use, Local Center, or Regional Center. If a multidwelling unit housing property takes access off a lower order street separated from the arterial, then it would be considered Neighborhood.”

**Proposed Land Use and Growth Designation: *Employment***

“The employment designation is intended to accommodate offices, warehousing and storage, manufacturing and assembly, and industrial processes. The “Industrial Site Suitability” map corresponds to the Employment land use designation and indicates where uses that are potentially incompatible with sensitive land uses are best suited to locate. This directs industrial uses to particular areas of the city while discouraging industrial in close proximity to Neighborhood areas.”

**Zoning and Surrounding Uses**

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Existing Use</b>
North	RS-4	Neighborhood	Single-Family Residential
South	IL	Employment	Industrial
East	RS-4	Neighborhood	Single-Family Residential
West	IL	Employment	Industrial

**Applicant’s Justification**

As part of the amendment application, the applicant is asked to justify their amendment request. Specifically, they are asked to provide a written justification to address:

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

*“The property at issue in this request (the “Subject Property”) is part of a tract of non-residential properties located at the end of a dead-end street abutting a railroad right-of-way and, due to the proximity to the railroad, has been used for*

*non-residential purposes for a number of years. The Subject Property is abutted by a large district of industrially zoned property to the south and industrially zoned property to the west. This application is being submitted jointly with a rezoning request to rezone the Subject Property and an adjacent lot to the south "CG" to allow the applicant to utilize the Subject Property to expand a private auto storage facility and future museum.*

*The Subject Property is two small lots that have been vacant for a number of years and were combined at some point in the past. The Applicant believes that the current Comprehensive Plan designation of neighborhood was likely overlaid on the subject property because it was vacant at the time of the implementation of the comprehensive plan and that such a designation does not represent the true character of the area. Due to the industrial and commercial uses in the surrounding area that have always been in place and also have recently developed, the immediate proximity to other "Employment" designated property, and the relative size of the lot, the Applicant believes that applying "Employment" designation to the subject property fits with the overall spirit of the Comprehensive Plan"*

**Staff Summary & Recommendation**

The property under application is in a unique area made up of industrial properties, a railroad line, and existing residentially zoned properties. The proposal to change the land use designation from "Neighborhood" to "Employment" and the associated rezoning request would provide opportunities to buffer the neighborhood areas from the industrial area and railroad. A change in land use will align the designation with the historic use of the property.

Staff recommends **approval** of the *Employment land use* designation.

**TMAPC Action; 9 members present:**

On **MOTION** of **SHIVEL**, the TMAPC voted 9-0-0 (Bayles, Carr, Craddock, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Covey, Zalk, "absent") to **ADOPT** CPA-105 as an amendment to the Tulsa Comprehensive Plan per staff recommendation.

**Legal Description for CPA-105:**

Lots Twelve (12), Thirteen (13), Fourteen (14) and Fifteen (15), ABDO'S ADDITION to the City of Tulsa, Tulsa County State of Oklahoma, according to the recorded plat thereof.

\* \* \* \* \*

**10. CPA-106 Rey Bustos** (CD 6) Location: East of the southeast corner of East 11<sup>th</sup> Street South and South 161<sup>st</sup> East Avenue requesting to amend the Land Use Map designation from **Neighborhood** to **Multiple Use (Related to Z-7734)**

**STAFF RECOMMENDATION:**

**TMAPC Staff Report  
CPA-106  
Comprehensive Plan Amendment**

**Property Information and Land use Request**

The applicant has submitted this proposed Comprehensive Plan amendment (CPA-106) with a concurrent rezoning request (Z-7734) to request a change in the Land Use designation of the subject property from *Neighborhood* to *Multiple Use*. The concurrent zoning request proposes CG from AG for redevelopment of the subject tract that is initially planned as cabinet shop with some warehousing elements.

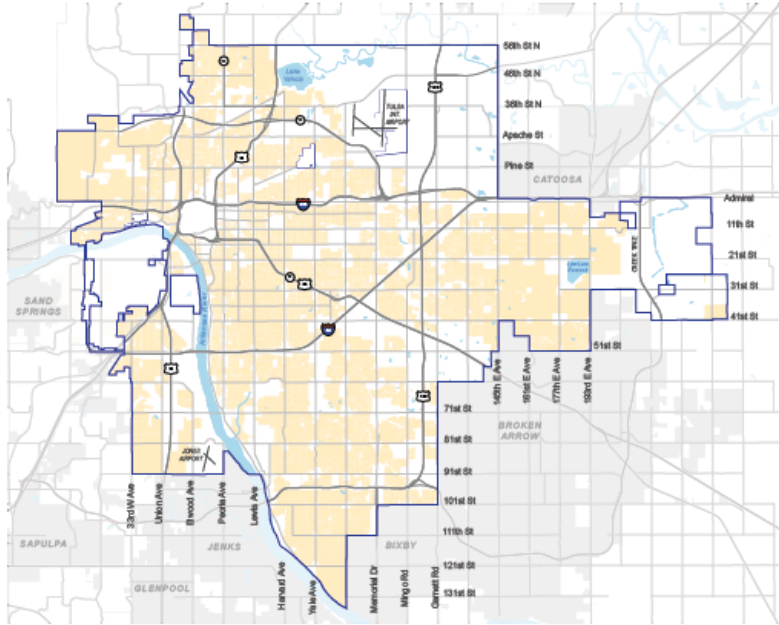
**Background**

The applicant used the existing building as storage for products before requesting the rezoning. Now as their business expands, they want to house their cabinet company at this site and get dedicated utilities to this site.

This property has Multiple Use land use designations directly to the east and Neighborhood designations to the north, south and west. If this was changed, it would be an extension of the already existing Multiple Use land use to the east.

The subject property currently has access onto East 11<sup>th</sup> Street which is identified as a secondary arterial in the City of Tulsa Major Street and Highway Plan.

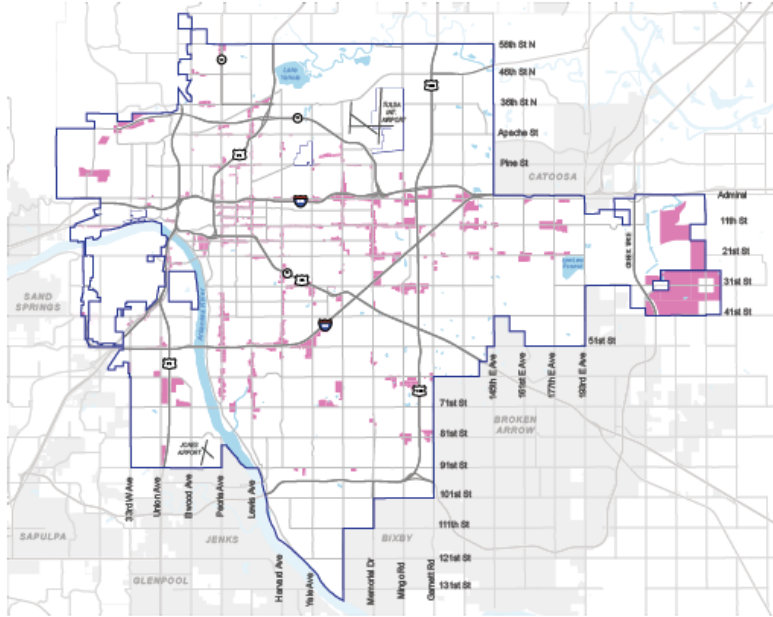
## Existing Land Use: *Neighborhood*



### **Neighborhood**

Neighborhoods are “Mostly Residential Uses” which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low-intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off of an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access off of a lower-order street separated from the arterial, then it would be considered Neighborhood.

**Proposed Land Use: Multiple Use**



**Multiple Use**

Multiple Use areas are “Mostly Commercial or Retail Uses” which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local Centers being more commonplace in newer parts of the city. For single properties that are commercial but surrounded by Neighborhood, Multiple Use is the preferred designation.

**Zoning and Surrounding Uses**

Location	Existing Zoning	Existing Land Use Designation	Existing Use
North	AG	Neighborhood	Single-family Residential
South	AG	Neighborhood	Vacant
East	AG-R	Multiple Use	Agricultural Uses
West	AG	Neighborhood	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;



“We wanted it as a future workplace, but after talking with other contractors they told us in order to add water, power, and gas it needed to be commercial, so we used it as storage but now that we need to expand our business, we need to change it to commercial in order to all the utilities.”

2. How changes have impacted the subject site to warrant the proposed amendment; and;

“These changes have already impacted the area, we already started cleaning up and trimming all throughout putting in a road path to allow access to the area with plans to expand our business such as expanding the building adding power, water, and gas.”

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

“If these changes come to happen, we plan on generating more jobs to the area. We already have so many people coming asking for a job with us bus because of our limited workspace we have to turn them away until we move over to this site. We think this would be great for the City of Tulsa to help a small business with over 20 years. It turns this mistreated land into a prosperous area for future businesses.”

**Staff Summary & Recommendation**

Multiple land use is located along East 11<sup>th</sup> Street to the east of the subject property. While those properties have not transitioned from their current zoning of primarily AG and AGR, this site will be the first to encourage development along this section of East 11<sup>th</sup> Street. Much of this portion of East 11<sup>th</sup> Street is vacant, with some single-family homes scattered throughout. This proposal is consistent with anticipated development in the area.

Staff recommends **approval** of the change to *Multiple Use*.

**TMAPC Action; 9 members present:**

On **MOTION** of **CARR**, the TMAPC voted 9-0-0 (Bayles, Carr, Craddock, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Covey, Zalk, “absent”) to **CONTINUE** Item 10 to August 16, 2023.

\* \* \* \* \*

**11. CPA-107 Mark Capron, Wallace Design** (CD 4) Location: Northwest corner of South Quaker Avenue and East 13<sup>th</sup> Place South requesting to amend the Land Use Map designation from **Neighborhood** to **Multiple Use (Related to Z-7736)**

**STAFF RECOMMENDATION:**

**TMAPC Staff Report  
CPA-107  
Comprehensive Plan Amendment**

**Property Information and Land Use Request**

The applicant has submitted this proposed Comprehensive Plan amendment (CPA-107) with a concurrent rezoning request (Z-7736) to request a change in the Land Use designation of the subject property from *Neighborhood* to *Multiple Use*. The concurrent zoning request proposes a change from RM-2 to CS to support redevelopment of the adjacent commercial property.

**Background**

The proposed land use designation for this site is *Multiple Use*. The subject property is currently located within a *Neighborhood* designation but is adjacent to *Multiple Use* properties located along South Peoria Avenue. The property under application is located on the south edge of the block and is adjacent to the Broken Arrow Expressway.

The applicant is proposing an expansion of commercial zoning and the *Multiple Use* land use designation to support redevelopment of the commercial property to the west. The property has been used as a parking lot since 1961 and has not been utilized as a residential property.

The area under application is located within the “Streetcar Era” which anticipates a mixture of neighborhood level commercial uses and residential uses. *Multiple Use* would align with the anticipated uses and development pattern of a streetcar era neighborhood.

**Existing Land Use Designation: *Neighborhood***

“Neighborhoods are “Mostly Residential Uses” which includes detached, missing middle, and multidwelling unit housing types. Churches, schools, and other low

intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multidwelling unit housing that takes access off an arterial is considered Multiple Use, Local Center, or Regional Center. If a multidwelling unit housing property takes access off a lower order street separated from the arterial, then it would be considered Neighborhood.”

**Proposed Land Use and Growth Designation: *Multiple Use***

Multiple Use areas are “Mostly Commercial or Retail Uses” which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local Centers being more commonplace in newer parts of the city. For single properties that are commercial but surrounded by Neighborhood, Multiple Use is the preferred designation.

**Zoning and Surrounding Uses**

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Existing Use</b>
North	RM-2	Neighborhood	Apartments
South	N/A	N/A	Broken Arrow Expressway
East	RM-2	Neighborhood	Single-Family Residential
West	CH	Multiple Use	Commercial

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

*“The developer seeks to repurpose the pawn shop building (zoned CH) on the northeast corner of East 13<sup>th</sup> Place and South Peoria Avenue, adjacent to the subject property. In order to provide parking to support the proposed redevelopment this application seeks to develop the subject property with a new*

*parking lot. The developer would like to maintain the opportunity to develop the property as residential.*

*The proposed redevelopment of the old pawn shop changes the intensity of the use of the area. Legitimate off-street parking will be needed in support of the redevelopment. If the needed parking is not provided, then patrons would be tempted to park in the surrounding streets.*

*East 13<sup>th</sup> Street serves as a service road to the Broken Arrow Expressway directly southeast of the inner dispersal loop. The properties adjacent to the subject lots are zoned commercial-heavy which the comprehensive plan designates as “Multiple Use”. The proposed designation of “Multiple Use” for the subject lots will allow rezoning to CS. This proposed rezoning will act as a step-down zoning and buffer to East 13<sup>th</sup> Place for the existing neighborhood.*

*With the existing conditions and the opportunity for redevelopment, the proposed comprehensive plan and zoning amendment will provide a more consistent and logical use pattern for the area.”*

### **Staff Summary & Recommendation**

The property under application is in a unique area between commercial properties, the Broken Arrow Expressway, and an existing residential neighborhood. The proposal to change the land use designation from “Neighborhood” to “Multiple Use” would provide opportunities to buffer the neighborhood areas from the commercial area and highway corridor. A change in land use will align the designation with the historic use of the property.

Staff recommends **approval** of the *Multiple Use* land use designation.

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

On **MOTION** of **BAYLES**, the TMAPC voted 9-0-0 (Bayles, Carr, Craddock, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Covey, Zalk, “absent”) to **ADOPT** CPA-107 as an amendment to the Tulsa Comprehensive Plan per staff recommendation.

### **Legal Description for CPA-107:**

LOTS 4, AND 5, BLOCK 1, BELLVIEW ADDITION TO TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

\* \* \* \* \*

## OTHER BUSINESS

### 12. Commissioners' Comments

DRAFT

**ADJOURN**

**TMAPC Action; 9 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Bayles, Carr, Craddock, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Covey, Zalk, “absent”) to **ADJOURN** TMAPC meeting of August 2, 2023, Meeting No. 2895.

**ADJOURN**

There being no further business, the Chair declared the meeting adjourned at 3:08 p.m.

Date Approved:

\_\_\_\_\_

\_\_\_\_\_

Chair

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

Secretary