



Tulsa Metropolitan Area  
Planning Commission

**Case Number:** Z-7563 ODP

**Hearing Date:** August 5<sup>th</sup>, 2020

**Case Report Prepared by:**

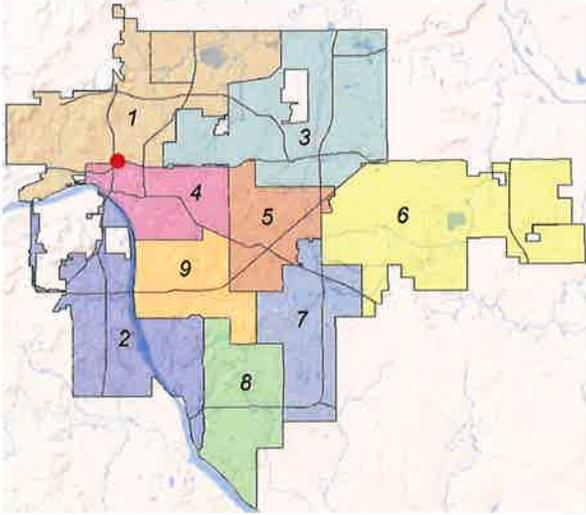
Dwayne Wilkerson

**Owner and Applicant Information:**

*Applicant:* Jeff Weaver

*Property Owner:* WEAVER, JEFF

**Location Map:**  
(shown with City Council Districts)



**Applicant Proposal:**

*Present Use:* Vacant

*Proposed Use:* Single family and possibly vertical mixed use only allowing home occupations.

*Concept summary:* Rezone a very small lot with two zoning designations non-conforming lot for a residential use.

*Tract Size:* 0.07 ± acres

*Location:* East of the Northeast corner of West Fairview Street & North Denver Avenue

**Zoning:**

*Existing Zoning:* RM-1/RS-4/HP

*Proposed Zoning:* CH/HP with an optional development plan

**Comprehensive Plan:**

*Land Use Map:* Existing Neighborhood

*Stability and Growth Map:* Area of Stability

**Staff Recommendation:**

**Staff recommends approval but only with the provisions of the optional development plan in Section II.**

**Staff Data:**

TRS: 9202  
CZM: 28, 36

**City Council District: 1**

*Councilor Name:* Vanessa Hall-Harper

**County Commission District: 1**

*Commissioner Name:* Stan Sallee

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## SECTION I: Z-7563

**DEVELOPMENT CONCEPT:** The applicant is requesting to rezone his property from RM-1 and RS-4 in an HP district to CH in an HP district with an optional development plan for a “live-work,” or vertical mixed-use building limited to typical home occupations..

### EXHIBITS:

- INCOG Case map
- INCOG Aerial (small scale)
- INCOG Aerial (large scale)
- Tulsa Comprehensive Plan Land Use Map
- Tulsa Comprehensive Plan Areas of Stability and Growth Map
- Applicant Exhibits:

### **DETAILED STAFF RECOMMENDATION:**

The applicant has requested CH zoning on this very unusual site that is being developed with private deed restrictions from the Tulsa Development Authority(TDA). The provisions of the optional development plan appear to be consistent with the TDA goals for this site and,

The Tulsa Comprehensive Plan land-use designation of Existing Neighborhood may not seem to point to a vertical mixed-use development as an obvious housing option however the site's proximity to land designated as Downtown Neighborhood, its peculiar size, as well as it's orientation (running perpendicular to Fairview, instead of parallel like the single-family detached homes behind it) this could be an appropriate use for land that would otherwise remain vacant and,

The lot is non-conforming in every residential and MX zoning district and is further complicated that the lot is currently divided by two zoning districts. The lot is only 2,953 sq. ft. and 50ft wide, when looking through the minimum lot and area requirements of all residential, office, and commercial zoning districts, there are no building options (other than a town house) that this lot would nicely meet. CH zoning with the development plan allows more residential building options by allowing a mixed-use, vertical mixed use, town house, or apartment/ condo by right and a single-family detached house or multi-unit house by special exception and,

CH zoning does not require the minimum lot and area standards that are common in all residential and MX districts. CH zoning without a development plan allows more development options and there may be properties in the surrounding area that is also zoned CH, it is acknowledged that this zoning district does permit many heavier uses that could be harmful to an established neighborhood, and have therefore been subsequently removed from the list of permitted uses in the optional development plan below and,

In terms of the its orientation, this site runs perpendicularly to the West Fairview Avenue (as opposed to the single-family residential home behind it that run parallel) making the site more close in character to the apartment building to the west than the single family detached home to the east. This characteristic, in combination with its proximity to the properties classified as Downtown Neighborhood to the South and their goal of having a mix of commercial, living, and open space, create an opportunity to place a buffer or transition between the Brady Heights Neighborhood and West Fairview Avenue/ the commercial uses to the south therefore,

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**Staff recommends Approval of Z-7563 to rezone property from RM-1 and RS-4 in a HP district to CH in a HP district but only with the provisions of the optional development plan outlined in Section II.**

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

Z-7563 with the optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in a CH zoning district and its supplemental regulations except as further refined below. All uses categories, subcategories, or specific uses outside of the permitted uses defined below are prohibited.

### PERMITTED USE CATEGORIES:

Residential (this use category allows all Type 1 and Type II home occupations)

- a. Household Living
  - i. Single Household
  - ii. Two households on a single lot
  - iii. Three or more households on a single lot

Lodging

- a. Bed & Breakfast
- b. Short-term rental

### PERMITTED RESIDENTIAL BUILDING TYPES:

- A. Household Living
  - a. Single household
    - i. Townhouse
    - ii. Patio House
    - iii. Mixed-use building
    - iv. Vertical mixed-use building
  - b. Two households on a single lot
    - i. Duplex
    - ii. Mixed-use building
    - iii. Vertical mixed-use building
  - c. Three or more households on a single lot
    - i. Multi-unit House
    - ii. Apartment/condo
    - iii. Mixed-use building
    - iv. Vertical mixed-use building

### BUILDING AND ARCHITECTURE REQUIRMENTS:

- a. Buildings shall not exceed 3 stories and will not exceed 45 feet height as measured from the finished floor elevation of the first floor.
- b. Historic Preservation Commission must approve plans prior to receipt of a building permit approval.

### LIGHTING, SIGNAGE, & TASH DISPOSAL REQUIREMENTS:

Lighting:

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Pole mounted lighting is prohibited. All building mounted lighting shall not exceed 16 feet in height and must be pointed down and away from abutting residential properties.

**Signage:**

All signage is prohibited except one wall mounted or projecting sign for home occupations may be allowed on the south façade of the building and the display surface area may not exceeding 16 square feet. All illuminated signs are prohibited.

**Trash Disposal**

Dumpsters will not be allowed. Residential style trash bins as provided by the City of Tulsa shall be used and, except on the day of trash pickup, the bins shall be stored so they are not visible from West Fairview Street.

**SECTION III: Supporting Documentation**

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary:

The City of Tulsa Comprehensive Plan and the Unity Heritage Neighborhood Plan have included this site in the existing neighborhood land use designation.

The Unity Heritage Neighborhood Plan identifies this property as New & Existing Neighborhood with a medium density residential. While these areas generally include detached single-family houses representative of the traditional neighborhood pattern (fairly consistent lot sizes, mostly single-story homes), the Unity Heritage Neighborhood Plan describes medium density residential areas as potentially including small townhouses or apartment buildings that are well integrated with the character of the neighborhood in terms of scale and form.

In line again with the City of Tulsa Comprehensive Plan, the Unity Heritage Neighborhood Plan also designates the properties to the south of the site (bound by the Brady Heights neighborhood, 1-244, Emerson Elementary School, and OSU-Tulsa), as Downtown Neighborhood and includes a variety of uses, such as retail and restaurants oriented towards students, faculty and residents, open space, research offices, a hotel, and housing that provides a transition to existing neighborhoods.

Land Use Vision:

*Land Use Plan map designation:* Existing Neighborhood

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

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

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The Areas of Stability includes approximately 75% of the city's total parcels. Existing residential neighborhoods, where change is expected to be minimal, make up a large proportion of the Areas of Stability. The ideal for the Areas of Stability is to identify and maintain the valued character of an area while accommodating the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects. The concept of stability and growth is specifically designed to enhance the unique qualities of older neighborhoods that are looking for new ways to preserve their character and quality of life.

Transportation Vision:

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

*Trail System Master Plan Considerations:* None that affect site redevelopment.

Small Area Plan: Unity Heritage Neighborhood Sector Plan

Special District Considerations: There are no special districts that require consideration in this area.

Historic Preservation Overlay: This site is on the south border of the Brady Heights historic preservation overlay. In addition to the development plan and zoning code this will requires plan approval at the Tulsa Preservation Commission prior to receipt of a building permit.

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary:

*The subject property is vacant with single-family detached homes to the north and east, apartments to the west, and the Tulsa County Election Board to the south.*

STREET VIEW FROM SOUTHWEST CORNER LOOKING NORTHEAST:



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**STREET VIEW LOOKING SOUTH:**



Environmental Considerations: There are no environmental considerations that would affect this site's development.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
W. Fairview St.	Residential Collector	60 ft	2 lanes

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<b>Location</b>	<b>Existing Zoning</b>	<b>Existing Land Use Designation</b>	<b>Area of Stability or Growth</b>	<b>Existing Use</b>
North	RS-4	Existing Neighborhood	Area of Stability	Single-family detached house
South	CS	Downtown Neighborhood	Area of Growth	Tulsa County Election Board
East	RS-4/RM-1	Existing Neighborhood	Area of Stability	Single-family detached house
West	RM-1	Existing Neighborhood	Area of Stability	Apartments

**SECTION III: Relevant Zoning History**

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**ZONING ORDINANCE:** Ordinance number 11918 dated September 1, 1970 & 11814 dated June 26, 1970 established zoning for the subject property.

***Subject Property:***

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

***Surrounding Property:***

**BOA-22317 September 2017**: The Board of Adjustment **approved** a *Variance* to reduce the front setback of Tract A from 20 feet to 12.6 feet, a *Variance* to reduce the rear setback of Tract A from 20 feet to 3.3 feet, a *Variance* of the minimum open space per unit from 2,500 square feet to 1,501 square feet for Tract A, a *Variance* of the lot area and lot area per dwelling unit requirement from 5,500 square feet to 2,722 square feet for Tract A to permit a lot-split, subject to conceptual plan 13.12, finding the hardship to be the age of the area being well over 100 years old and this approval would clean up a non-conformity within the area, on property located at 630 North Cheyenne West.

**Z-6887 April 2003**: All concurred in **approval** of a request for *rezoning* a .37± acre tract of land from CS to RS-4 for residential, on property located at the northwest corner of West Golden and North Denver Avenue.

**BOA-18861 September 2000**: The Board of Adjustment **approved** a *Variance* of land area per dwelling unit to permit on Tract B from 6,750 square feet to 4,938 square feet, a *Variance* of livability space on Tract B from 2,500 square feet to 2,173 square feet, a *Variance* of required minimum lot area on Tract A from 5,500 square feet to 5,131 square feet, a *Variance* of the required minimum lot area on Tract B from 5,500 square feet to 3,138 square feet, a *Variance* of required setback from West Golden from 20' to 12', and a *Variance* of the required rear yard from 20' to 3.4', conditioned that permission of the Historic Preservation Society be obtained before removing the garage, finding the hardship to be that this is improving a non-conforming condition, on property located at the southwest corner of West Golden and Cheyenne Avenue.

**Z-6723 December 1999**: All concurred in **approval** of a request for *rezoning* a 57.06± acre tract of land from RS-3/RS-4/CS to RS-3/RS-4/CS/HP to establish a Historic Preservation Overlay District, on properties located in the Brady Heights Neighborhood, bounded by the alley west of Denver Avenue to the alley East of North Cheyenne Avenue, with a northern boundary of West Marshall Street and southern boundary of West Fairview Street.

**BOA-18548 October 1999**: The Board of Adjustment **approved** a *Special Exception* to allow wedding receptions, special events, and neighborhood functions in an RS-4 district, subject to an Occupancy Permit and the applicant meeting the off-street parking requirements on-site, on property located at 620 North Denver Avenue.

**BOA-04356 April 1964**: The Board of Adjustment **approved** a request for a modification of percentage of lot coverage in a U-3-D District to build a store on Lots 1 & 2 that will exceed 50% of the lot coverage and utilize the remaining lots for parking, counting all the lots for the

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purpose of meeting the 50% coverage clause, on property located on Lot 1-2, 6-7 & N. 50ft of Lot 5, Block 9 North Tulsa Addition.

**BOA-02155 July 1950:** The Board of Adjustment **approved** a *Variance* of the building line along Fairview Street to permit the erection of an addition to the existing church building beyond the established building line, on property located on Lots 1-2, Block 8, North Tulsa Addition.

**BOA-01594 June 1943:** The Board of Adjustment **approved** a request to make provisions to convert a dwelling into 6-unit apartment, instead of the previously approved 4-unit apartment, on property located 620 North Denver Avenue.

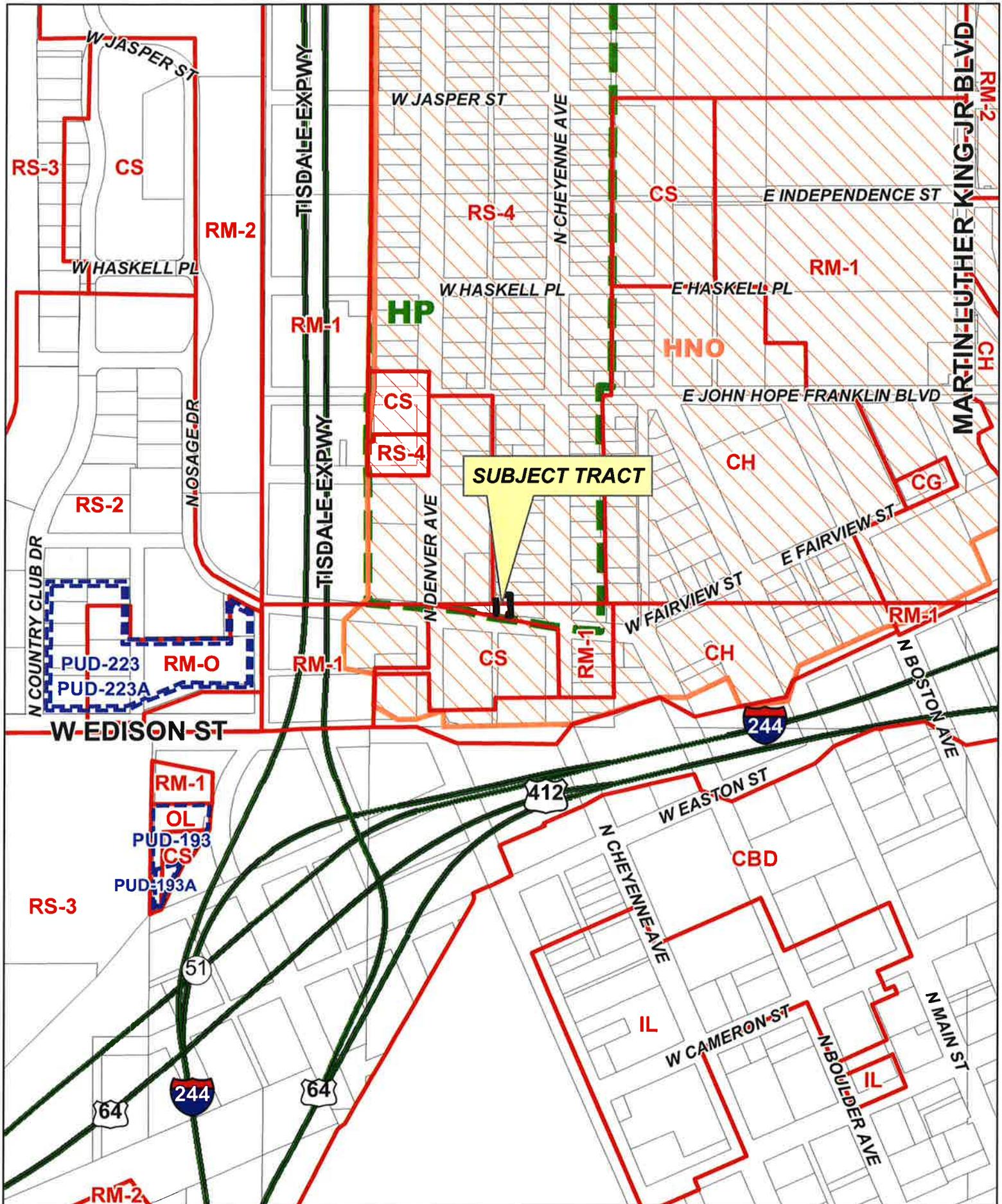
**BOA-01545 March 1943:** The Board of Adjustment **approved** a request to convert a dwelling a 4-unit apartment, on property located 620 North Denver Avenue.

**BOA-01268 January 1939:** The Board of Adjustment **approved** a request to utilize the following property for church uses: N-91.4' of Lot 1, N-91.4' of Lot 2, Block 8, North Tulsa Addition.

**BOA-01260 December 1938:** The Board of Adjustment **approved** a request to utilize the following property for church uses: N-135' of Lots 1 & 2, Block 7, North Tulsa Addition.

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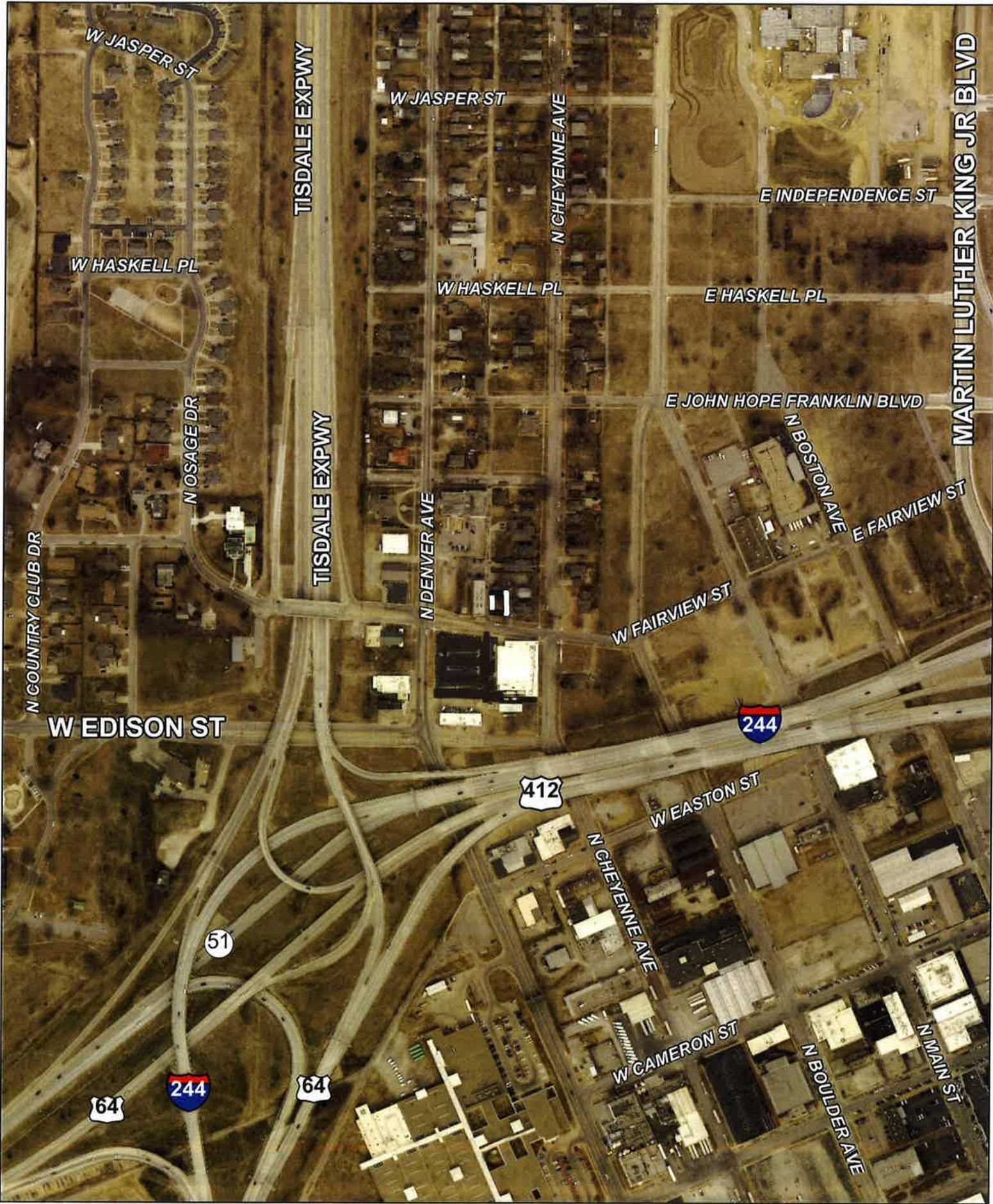


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**Z-7563**  
*with Optional  
 Development Plan*

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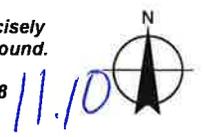
 Subject Tract

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# Z-7563 with Optional Development Plan

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

Aerial Photo Date: February 2018



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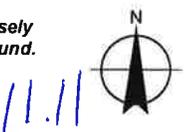
Subject Tract

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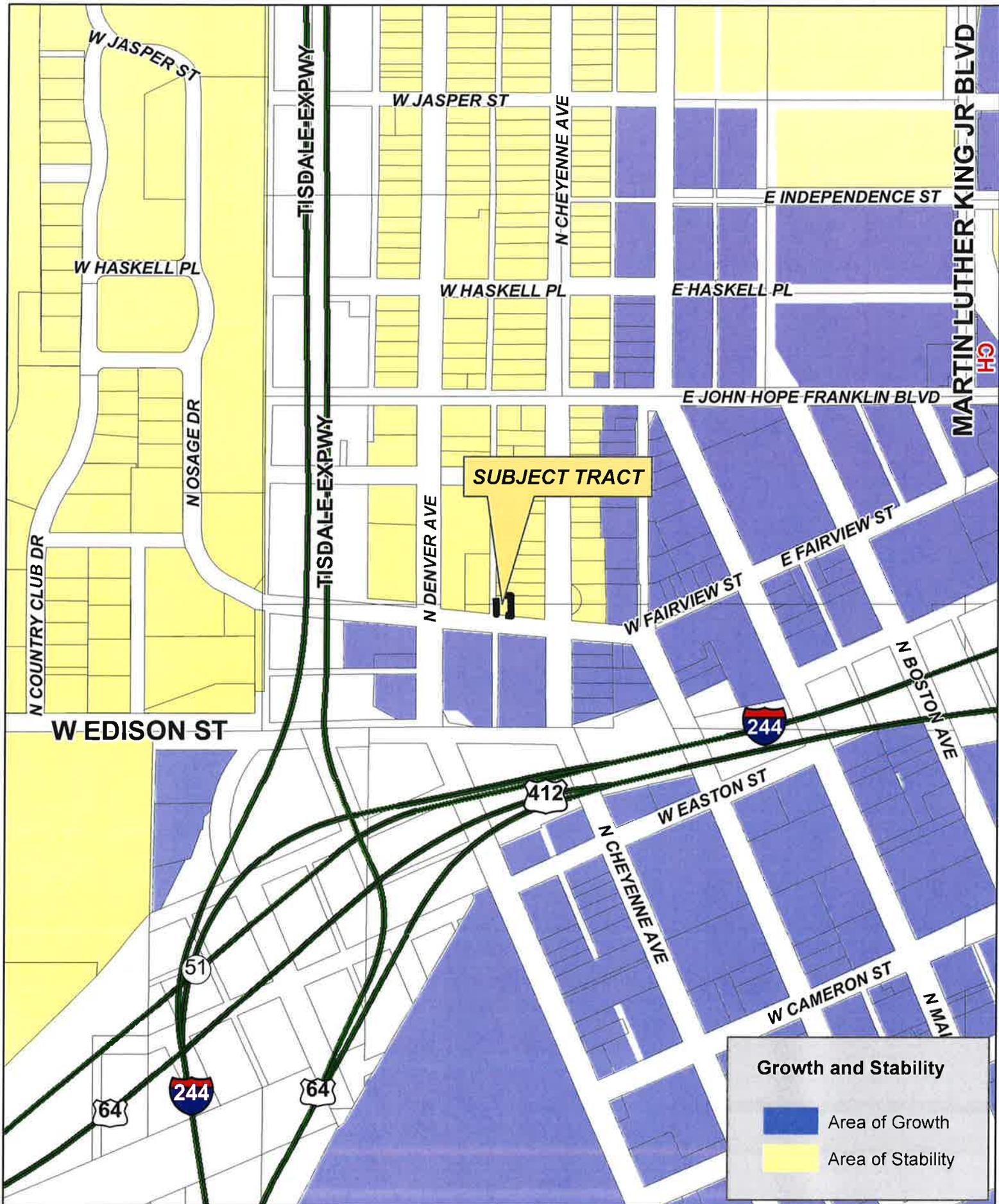
# Z-7563 with Optional Development Plan

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Aerial Photo Date: February 2018







**Z-7563**  
*with Optional*  
**Development Plan**



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