



Tulsa Metropolitan Area Planning Commission

**Case Number:** Z-7569

**Hearing Date:** September 2, 2020

**Case Report Prepared by:**

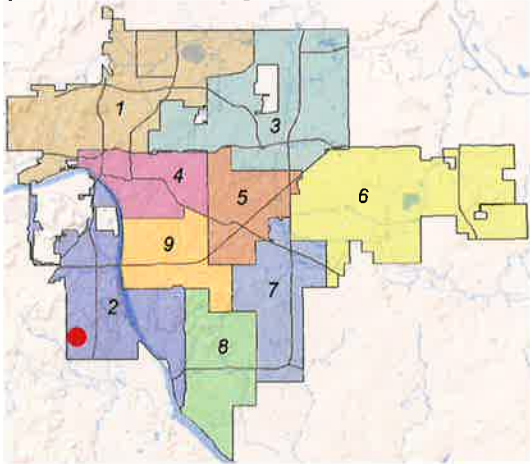
Dwayne Wilkerson

**Owner and Applicant Information:**

*Applicant:* Tulsa City Council

*Property Owner:* Multiple

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



**Applicant Proposal:**

*Present Use:* Single-family Residential

*Proposed Use:* Single-family Residential

*Concept summary:* This group of zoning request is part of the City Council initiated program to allow AG-R rezoning at no charge to interested property owners in the West Highlands/Tulsa Hills Small Area Plan.

*Tract Size:* 25.82 ± acres

*Location:* Multiple properties North of West 81st Street South & South of West 78th Street South between South 33rd West Avenue & South Union Avenue; South of the Southeast corner of West 81st Street South & South 33rd West Avenue

**Zoning:**

*Existing Zoning:* RS-3

*Proposed Zoning:* AG-R

**Comprehensive Plan:**

*Land Use Map:* Existing Neighborhood

*Stability and Growth Map:* Area of Stability

**Staff Data:**

TRS: 8210

CZM: 51

**Staff Recommendation:**

**Staff recommends approval.**

**City Council District:** 2

*Councilor Name:* Jeannie Cue

**County Commission District:** 2

*Commissioner Name:* Karen Keith

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## SECTION I: Z-7569

**DEVELOPMENT CONCEPT:** This is the third group of zoning request is part of the City Council initiated program to allow AG-R rezoning at no charge to interested property owners in the West Highlands/Tulsa Hills Small Area Plan.

### 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

### **DETAILED STAFF RECOMMENDATION:**

Z-7569 requests AG-R zoning. The parcels will include single households in a detached house. Single family residential uses in this location are consistent with the Existing Neighborhood land use designation in the Comprehensive Plan and in the West Highlands/Tulsa Hills Small Area Plan and,

One of the goals of the West Highlands/Tulsa Hills Small Area Plan included AG-R zoning as an option for rural residential uses recommended by the West Highlands/Tulsa Hills Small Area Plan and,

AG-R zoning is consistent with the provisions identified in an Area of Stability as outlined in the Tulsa Comprehensive Plan, and is consistent with the large lot neighborhood character expected in the small area plan and,

AG-R zoning allows a lot density that is consistent with the existing and expected land use pattern in the area north of West 81<sup>st</sup> Street South and west of South Union Avenue. A much greater lot density is allowed in this area and was established in 1970 without sanitary sewer availability. The existing zoning in those areas would allow property to be developed with RS-3 lots with a minimum of 6900 square feet when connected to a sanitary sewer system. The City of Tulsa has recently completed sanitary sewer construction south of this site that would allow much greater density on property that is currently zoned RS-3 and,

City Council has initiated a voluntary rezoning program for property owners to rezone properties in this area to AG-R at no cost, this request is part of that program. The lot setbacks and building regulations of properties included in this AG-R request meet or exceed the standards defined in the Tulsa Zoning Code therefore,

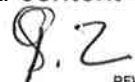
Staff recommends **Approval** of Z-7569 to rezone properties from RS-3 to AG-R.

## **SECTION II: Supporting Documentation**

### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary: The property owners have taken advantage of voluntarily rezoning opportunities for their parcels to AG-R to establish neighborhood stability for large lots consistent with the West Highlands/Tulsa Hills Small Area Plan.*

*Within the West Highlands/Tulsa Hills Small Area Plan a development concept illustrates a single family residential development with a variety of lot sizes, greenspace wildlife corridor for local fauna and a perimeter greenspace buffer that summarize the goals for a context sensitive*



*neighborhood. Without using an optional development plan or recommending a larger-lot zoning designation staff does not have any regulatory method to support the visioning concepts illustrated in the plan.*

#### Land Use Vision:

*Land Use Plan map designation: Existing Neighborhood*

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

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

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

#### Transportation Vision:

*Major Street and Highway Plan:*

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

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

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

#### Small Area Plan: West Highlands Small Area Plan (Adopted 2014)

The recommendations of the small area plan include many references to supporting residential single family uses within a rural context and a rural residential zoning use. Revisions to the Tulsa Zoning Code have implemented those concepts within the AG-R zoning that was added to the code in 2019.

Special District Considerations: None except those design considerations recommended in the West Highlands/Tulsa Hills Small Area Plan.

Historic Preservation Overlay: There are no historic preservation overlays that require consideration in this area.

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary:* All the parcels included in this application are one acre or larger and are currently zoned RS-3.

Environmental Considerations: None that would affect rezoning considerations for a larger lot.

Streets: Much of this property was subdivided without street infrastructure decades ago. Some street right of way has been dedicated to the City but no street improvements have ever been constructed and some private drives appear to be in the street right of way.

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South 33 <sup>rd</sup> West Avenue	Secondary Arterial	100 ft.	2 lanes
South 30 <sup>th</sup> West Avenue	None	50 ft.	2 lanes and some unimproved
South 28 <sup>th</sup> West Avenue	None	50 ft.	2 lanes
South 23 <sup>rd</sup> West Avenue	None	50 ft.	2 lanes and some unimproved
South Waco Avenue	None	50 ft.	2 lanes and some unimproved
West 81 <sup>st</sup> Street South	Secondary Arterial	100 ft.	2 lanes

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<u>Location</u>	<u>Existing Zoning</u>	<u>Existing Land Use Designation</u>	<u>Area of Stability or Growth</u>	<u>Existing Use</u>
North	RS-3	Existing Neighborhood	Stability	Single Family
South	RS-3/AG	Existing Neighborhood	Stability	Single Family
East	RS-3/AG	Existing Neighborhood	Stability	Single Family
West	RS-3	Existing Neighborhood	Stability	Single Family

**SECTION III: Relevant Zoning History**

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

***Subject Property:***

No Relevant History.

***Surrounding Property:***

**Z-7568 Approved by TMAPC August 5<sup>th</sup>, 2020:** A request to rezone 137.38± acres of land from AG to AG-R for Single-family residential as a part of Phase III of the AG-R rezoning program initiated by City Council, on multiple properties located north of West 86th Street South & South of West 77th Street South between South 33rd West Avenue & South Union Avenue, and northeast corner of West 77th Street South & South 33rd West Avenue

**Z-7558 Transmitted July 6<sup>th</sup>, 2020:** A request to rezone 32.62± acres of land from AG to AG-R for Single-family residential as a part of Phase I & Phase II of the AG-R rezoning program initiated by City Council was approved by TMAPC June 17th, 2020 on properties located north of the northwest corner of West 81<sup>st</sup> Street South and South Union Avenue.

**Z-7549 Transmitted May 27<sup>th</sup>, 2020:** A request to *rezone* a 3.7± acre tract of land from AG to AG-R for Single-family Residential was approved by TMAPC May 6<sup>th</sup>, 2020 and transmitted to City Council for property located at the southeast corner of West 81<sup>st</sup> Street South and South 33<sup>rd</sup> West Avenue.

**Z-7471 ODP July 2019:** All concurred in **denial** of a request for *rezoning* a 14.69± acre tract of land from AG to RS-1 for Single-family residential, on property located east of the southeast corner of West 81<sup>st</sup> Street South and South 33<sup>rd</sup> West Avenue.

**Z-7446 ODP July 2018:** All concurred in **denial** of a request for *rezoning* a 14.69± acre tract of land from AG to RS-1 for Single-family residential, on property located east of the southeast corner of West 81<sup>st</sup> Street South and South 33<sup>rd</sup> West Avenue.

**Z-7421 ODP February 2018:** All concurred in **denial** of a request for *rezoning* a 15± acre tract of land from AG to RS-2 for Single-family residential, on property located east of the southeast corner of West 81<sup>st</sup> Street South and South 33<sup>rd</sup> West Avenue.

**BOA-22587 February 2019:** The Board of Adjustment **approved** a *Variance* to allow a 50'-0" x 80'-0" detached accessory single-story structure to exceed 500 square feet or 40% of the floor area of the principal structure, to be increased from 2,400 square feet to 4,000 square feet, subject to conceptual plan 8.22 of the agenda packet, finding the hardship to be the large lot and vertical gain or loss of the subject property, on property located at 7615 South 26<sup>th</sup> West Avenue.

**BOA-20256 May 2006:** The Board of Adjustment **approved** a *Variance* of the maximum permitted size of an accessory building in an RS-3 District and a *Variance* of the maximum height of the top plate for an accessory building from 10 ft to 12 ft, subject to there being no commercial activities, no living quarters, the existing buildings are removed, and the total square footage of the accessory buildings does not exceed 1,500 sq. ft., finding the hardship to be the large lot size, on property located at 8025 South 28<sup>th</sup> Avenue West.

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**BOA-17934 February 1998:** The Board of Adjustment **denied** a *Variance* to allow 2 dwelling units on one lot of record, a *Special Exception* to allow a manufactured home in an RS-3 zoned district, and a *Variance* of the one year time limit to allow the manufactured home permanently, noting that no hardship was stated, on property located at 2951 West 81<sup>st</sup> Street.

**BOA-16885 December 1994:** The Board of Adjustment **approved** a *Variance* of the maximum 750 sq. ft. for a detached accessory, per plan submitted, subject to a maximum of two accessory buildings on the property containing a total of 1999 sq. ft., no bathing or cooking facilities being installed and no commercial use, finding that the tract is large and approval won't be a detriment, on property located at 2627 West 79<sup>th</sup> Street.

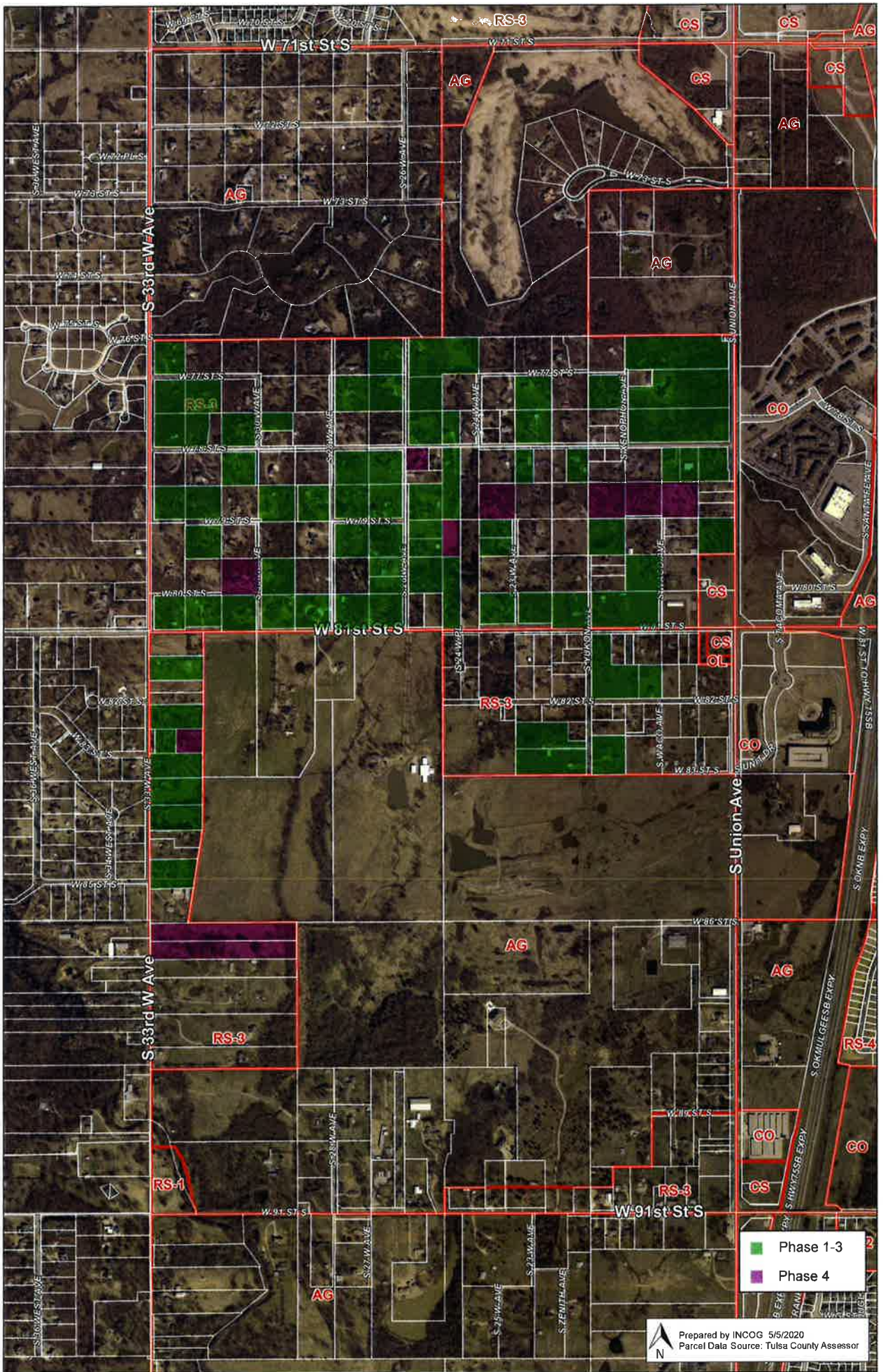
**BOA-16223 December 1992:** The Board of Adjustment **approved** a *Variance* of the maximum square footage allowed for a detached accessory building from 750 sq. ft. to 2281 sq. ft., per plan submitted, subject to no commercial use of the building, finding that the tract is large enough to accommodate the proposed structure and there are other buildings in the residential area that are similar in size, on property located at 2509 West 79<sup>th</sup> Street.

**BOA-15954 February 1992:** The Board of Adjustment **denied** a *Special Exception* to permit a community group home in an RS-3 zoned district, on property located at 3011 West 80<sup>th</sup> Street.

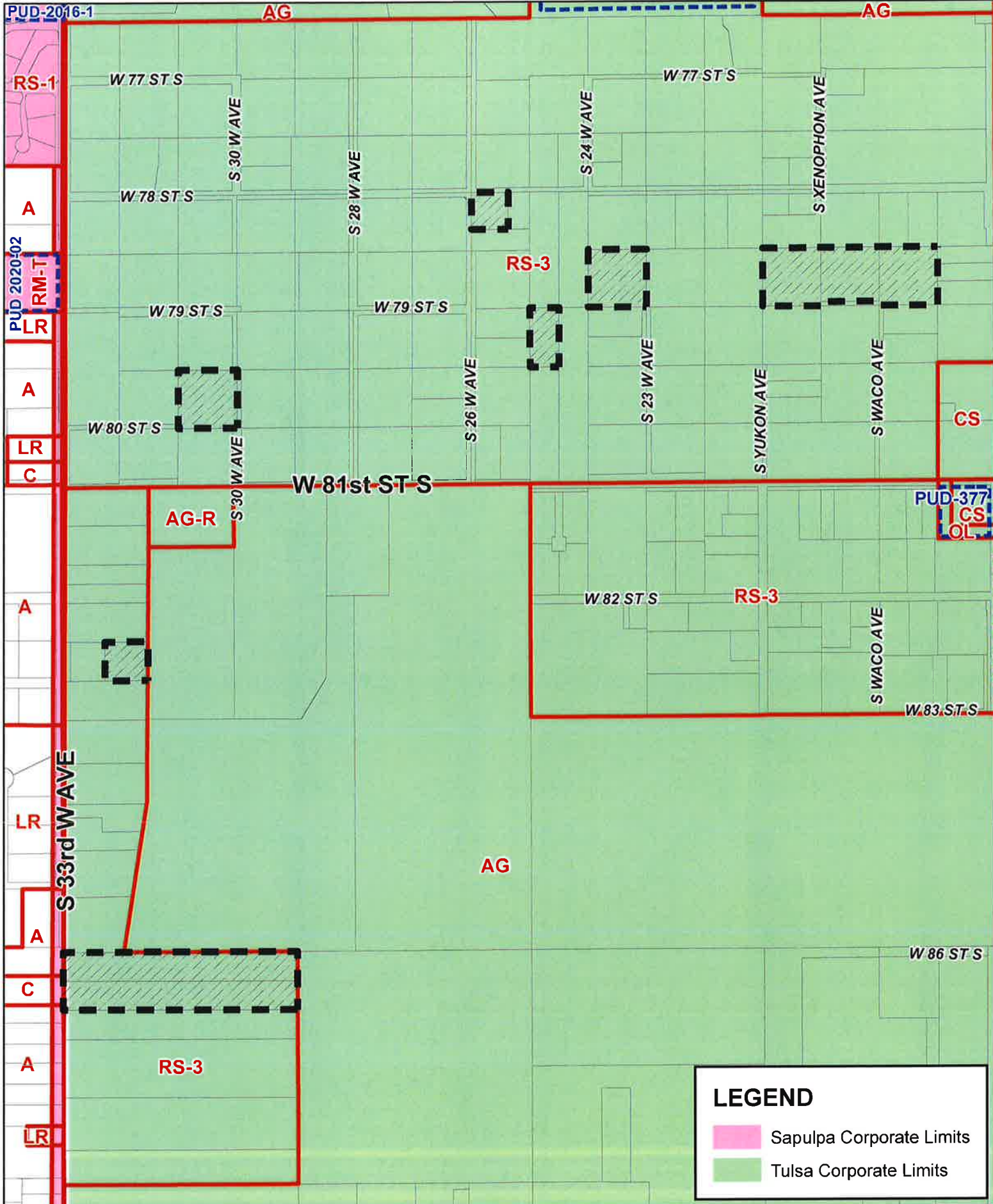
**BOA-15604 December 1990:** The Board of Adjustment **approved** a *Special Exception* to permit a wedding flower business as a home occupation, subject to Home Occupation Guidelines and hours of operation being from 9:00 a.m. to 7:00 p.m., on property located at 1712 West 78<sup>th</sup> Street.

9/2/2020 1:00 PM

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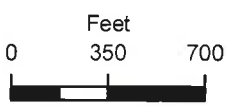
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**Z-7569**

18-12 10 &  
18-12 15





Subject Tract

**Z-7569**

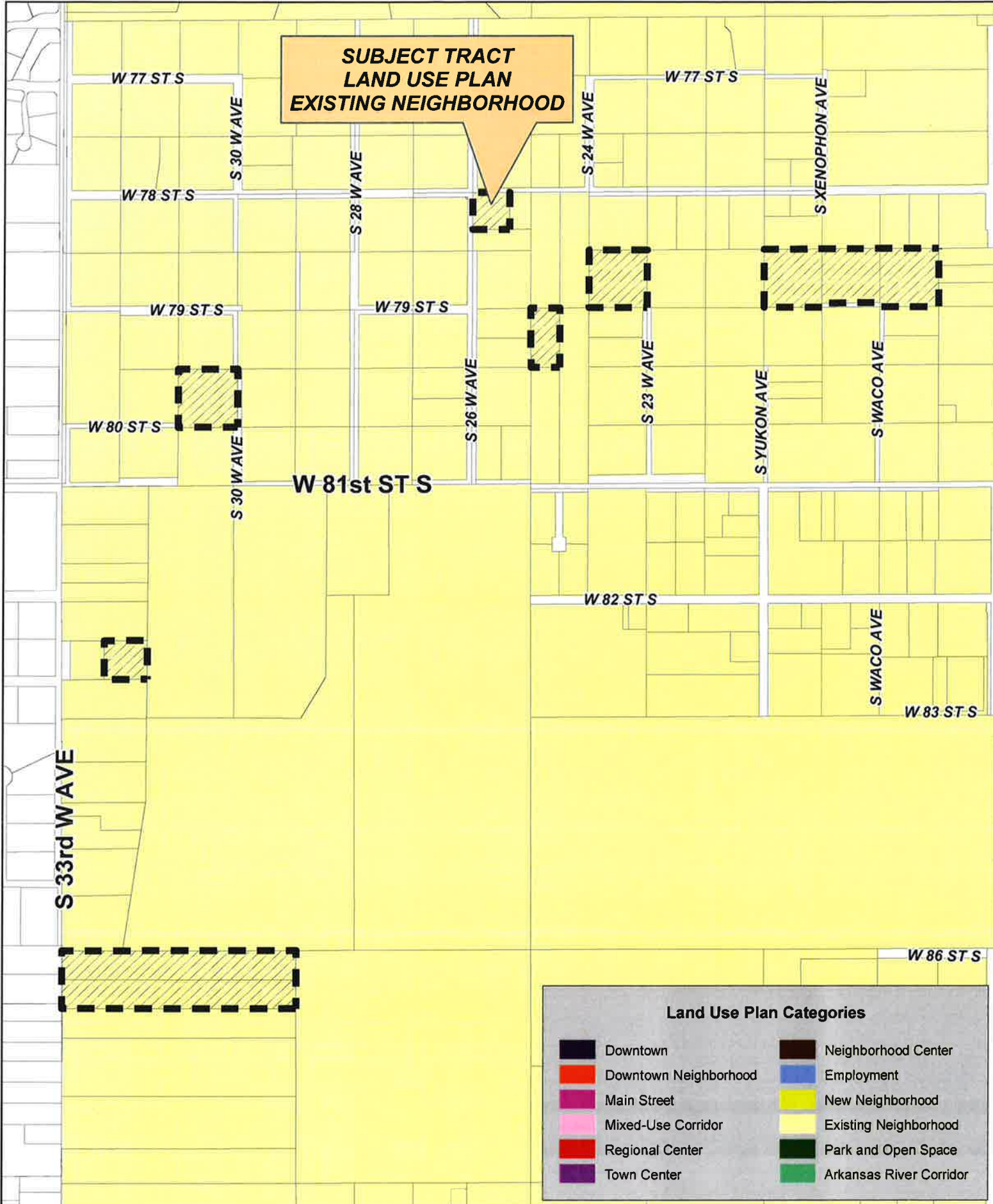
18-12 10 &  
18-12 15

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

Aerial Photo Date: February 2018



**SUBJECT TRACT  
LAND USE PLAN  
EXISTING NEIGHBORHOOD**



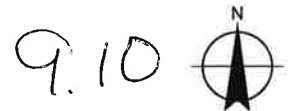
**Land Use Plan Categories**

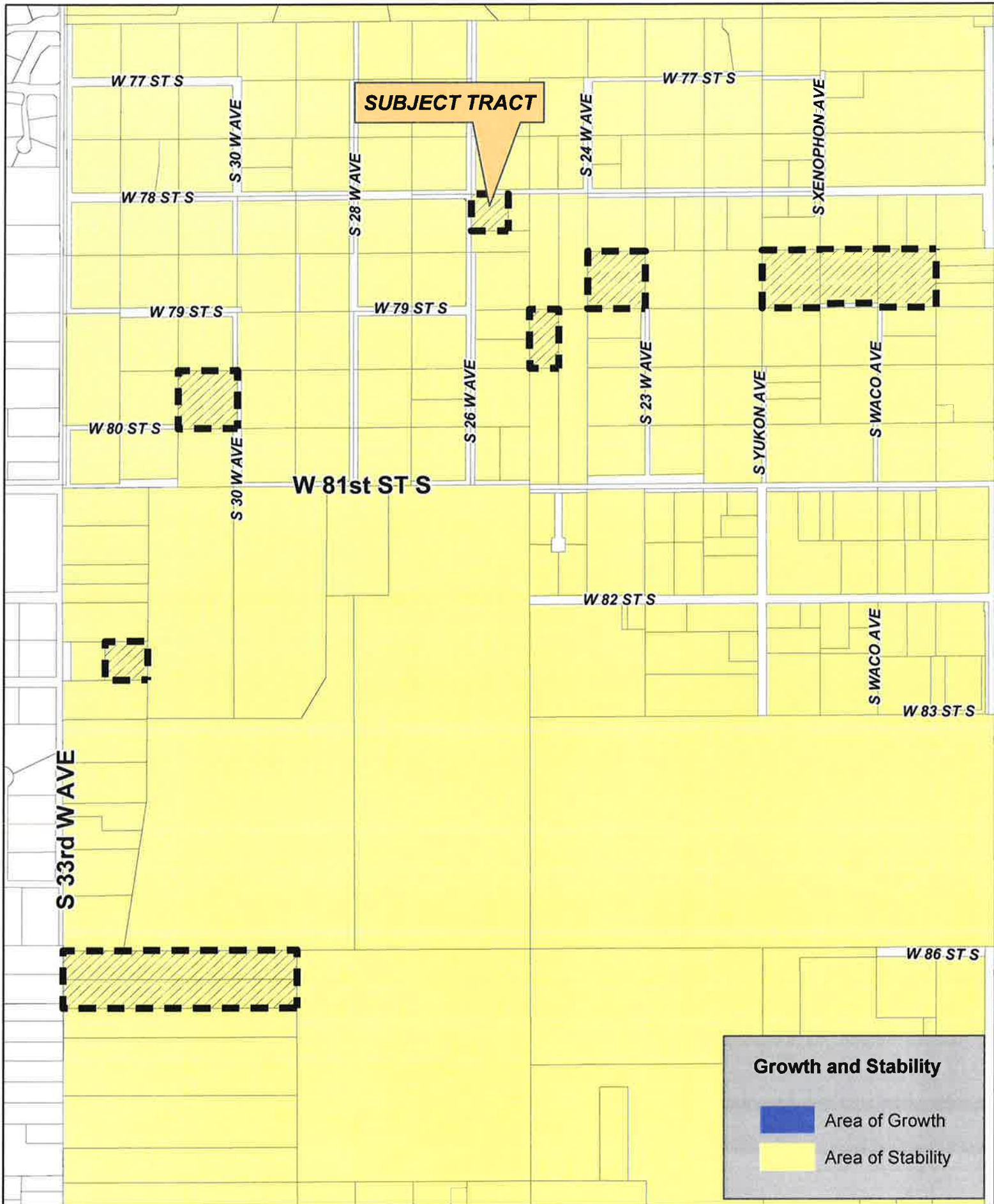
 Downtown	 Neighborhood Center
 Downtown Neighborhood	 Employment
 Main Street	 New Neighborhood
 Mixed-Use Corridor	 Existing Neighborhood
 Regional Center	 Park and Open Space
 Town Center	 Arkansas River Corridor



**Z-7569**

18-12 10 &  
18-12 15





**SUBJECT TRACT**

**Growth and Stability**

- Area of Growth
- Area of Stability



**Z-7569**

18-12 10 &  
18-12 15

