



Tulsa Metropolitan Area Planning Commission

Case Number: Z-7573

Hearing Date: October 7, 2020

Case Report Prepared by:

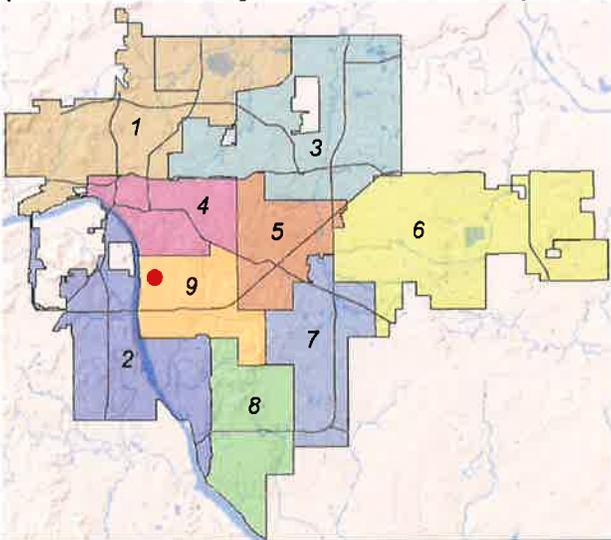
Dwayne Wilkerson

Owner and Applicant Information:

Applicant: City Council

Property Owner: The Park Church Of Christ

Location Map:
(shown with City Council Districts)



Applicant Proposal:

Present Use: Church

Proposed Use: Vertical Mixed-use

Concept summary: Repurpose existing church site for mixed use development.

Tract Size: 1.46 ± acres

Location: Southwest corner of East 38th Street South & South Peoria Avenue

Zoning:

Existing Zoning: RS-3 and CH

Proposed Zoning: MX1-P-65 and MX1-P-U

Comprehensive Plan:

Land Use Map: Main Street

Stability and Growth Map: Area of Growth

Staff Recommendation:

Staff recommends approval.

Staff Data:

TRS: 9224

CZM: 46

City Council District: 9

Councilor Name: Ben Kimbro

County Commission District: 2

Commissioner Name: Karen Keith

10-1

SECTION I: Z-7573

DEVELOPMENT CONCEPT: The applicant is requesting to rezone the subject property from RS-3 and CH to MX1-P-65 and MX1-P-U to allow a mixed-use development. The request is consistent with the Comprehensive Plan and with the City Council initiated rezoning along the bus rapid transit corridor.

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
Bus Rapid Transit Study zoning recommendations
Applicant Exhibits: None included

DETAILED STAFF RECOMMENDATION:

The requested zoning is consistent with the expected zoning and land use patterns along this section of the Bus Rapid Transit Study area and on the west side of Peoria. The height transitional standards and development requirements with MX zoning abutting residential areas provides adequate and predictable results for abutting residential properties and,

Establishing MX1-P (neighborhood mixed-use) zoning designation with a 65-foot maximum height on the west portion of the property provides use limitations and design standards that are consistent with the abutting Main Street designation and,

MX1-P building placement requirements will enhance the pedestrian nature of the abutting streets and establish a consistent corridor edge on South Peoria Avenue and,

MX1-P is the least intensive mixed-use zoning district defined in the code and provides appropriate design considerations for abutting adjacent residential uses and,

Staff recommends Approval of Z-7573 to rezone property from RS-3 and CH to MX1-P-65 on west portion of the site and MX1-P-U on the east part.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: MX1 is considered a Neighborhood Mixed-Use and is the least intensive MX-district in our code. The use is intended to accommodate small-scale retail, service and dining uses that serve nearby residential neighborhoods. The district allows a variety of residential uses and building types and is generally intended for application in areas designated by the Comprehensive Plan as Neighborhood Centers, Main Streets, and Mixed-Use Corridors. This section of Peoria has a Main Street land use designation. MX1 zoning with the P character zone and height limitations of 40 feet abutting residential uses (at the minimum setback) with a maximum of 65 feet on the west and unlimited height on the east are consistent with the expected development pattern along Peoria. Existing CH zoning is unlimited in height.

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Land Use Vision:

Land Use Plan map designation: Main Street

Main Streets are Tulsa's classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.

Areas of Stability and Growth designation: Area of Growth

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

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

Transportation Vision:

Major Street and Highway Plan: Main Street and Urban Arterial

Trail System Master Plan Considerations: None

Small Area Plan: Brookside Infill Design Recommendations

The Brookside Infill Design Recommendation primarily identifies design concepts in the street right of way and does not provide significant guidance for land use infill strategies. The Brookside Infill Development Design Recommendation plan and was adopted in 2002. The plan and has not been amended. This site is not directly affected by the concepts illustrated in that plan.

Special District Considerations: none except the provisions of the Brookside infill design recommendations and the Bus Rapid Transit Study.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is currently occupied with a single-family home, cell tower and two-story church building with surface parking. The church building is vacant.*

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Street View from northeast corner looking west



Street view from northwest corner looking north:



Street view from northwest corner looking southeast:



Environmental Considerations: None that would affect site redevelopment

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South Peoria (Frontage but no access)	Main Street and Urban Arterial	70 feet	5 (2 each direction with center turn lane)
38 th Street	None	50 feet	2
38 th Place and Alley	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	CH and RS=3	Main Street	Growth	Retail, office, and surface parking
East	CH	Main Street	Growth	Office, restaurant, retail office and surface parking
South	CH and RS-3	Main Street	Growth	Detached Single Family and drive-in restaurant
West	RS-3	Existing Neighborhood	Stability	Detached Single Family

Neighborhood Engagement:

The Tulsa Planning Office has mailed notices to property owners within 300 feet of the subject property, contracted a sign company to install a change of zoning notice sign, and published notice in the local newspaper. The planning office also has mapped current pending zoning cases in our website at tulsaplanning.org.

Staff is not aware of a formal neighborhood engagement process between the applicant and property owners however we are aware of phone conversations between property owners and the applicant.

During the Bus Rapid Transit System process land use recommendations and study with a broad public engagement process beginning as early as 2011. The land use recommendation was presented and adopted by the Planning Commission in 2017. The MX1-P zoning classification is consistent with the Land Use Recommendation in that plan.

The City Council adopted an incentive program to encourage MX zoning along this route. The current incentive ends in December 2021.

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11822 dated June 26, 1970 established zoning for the subject property.

Subject Property:

BOA-17260 December 1995: The Board of Adjustment **approved** a *Special Exception* to permit a 70' monopole tower used primarily to support antennas and the related operations building in an RS-3 zoned district, per plan submitted, on property located at 1132 East 38th Street.

BOA-02062 July 1949: The Board of Adjustment **granted** approval of a church, on property located W 150' of the N1/2 of the E1/2 of Track 1, Brockman's Sub.

Surrounding Property:

Z-7438 May 2018: All concurred in **approval** of a request for *rezoning* a 1.43± acre tract of land from CH/PK to MX1-P-U for park and future development, on property located at the southeast corner of South Peoria Avenue and East 37th Place South.

10.4

Z-7381 ODP August 2017: All concurred in **approval** of a request for *rezoning* a .2± acre tract of land from RS-3 to OL for office or packing, on property located west of the southwest corner of East 37th Place and South Peoria Avenue.

Z-7361 Withdraw February 2017: A request to *rezone* a .2± acre tract of land from RS-3 to PK for parking, on property located west of the southwest corner of South Peoria Avenue and East 37th Place was withdrawn February 15th, 2017 by the applicant.

Z-6886 April 2003: All concurred in **approval** of a request for *rezoning* a .165± acre tract of land from RS-3 to OL for a consulting office, on property located west of the northwest corner of East 39th Street South and South Peoria Avenue.

Z-6749 February 2000: All concurred in **approval** of a request for *rezoning* a .457± acre tract of land from RS-3/RM-1 to PK for parking, on property located east of South Peoria Avenue fronting East 37th Place and East 38th Street South.

Z-6597 August 1997: All concurred in **approval** of a request for *rezoning* a .19± acre tract of land from RS-3 to PK for parking, on property located west of the southwest corner of East 37th Place South and South Peoria Avenue.

PUD-535 June 1995: All concurred in **approval** of a proposed *Planned Unit Development* on a 4.5± acre tract of land for a movie rental store, on property located at the southwest corner of East 39th Street South and South Peoria Avenue.

PUD-491-A Abandonment February 1995: All concurred in **approval** of a proposed *Major Amendment to Abandon* PUD-491 on a 1.37± acre tract of land, on property located at the southwest corner of East 39th Street South and South Peoria.

PUD-491 July 1992: All concurred in **approval** of a proposed *Planned Unit Development* on a 1.37± acre tract of land for mini-storage, on property located southwest corner of South Peoria Avenue and East 39th Street.

BOA-14272 November 1986: The Board of Adjustment **approved** a *Special Exception* to allow a crematory associated with an existing funeral home in a CH district, per specifications submitted, per Health Department approval, on property located at the northeast corner of 39th Street and Peoria.

BOA-14111 July 1986: The Board of Adjustment made an **interpretation** that a measurement is taken in a straight line from the nearest portion of one structure to the nearest portion of another structure, which in this case measures a distance of 350' from the nearest church and not 558' as indicated by the applicant. The Board of Adjustment **denied** a *Variance* of the required 500' setback from a church for a sexually oriented business, **denied** a *Variance* to permit a sexually oriented business within 300' of a non-arterial street providing access to an R district, **withdrew** a *Variance* of the setback from 1,000' to 518' of another sexually oriented business, and **denied** a *Variance* to permit business within 300' of an R district, finding that the variance request for the setback from another sexually oriented business is no longer needed since the business in question has been ordered to close August 1, 1986 and that hardship was not demonstrated that would justify the granting of the remaining variances, on property located at 3819 South Peoria.

BOA-13577 May 1985: The Board of Adjustment **denied** a *Variance* of the 500' setback from a church, **denied** a *Variance* of the 300' setback from a non-arterial street which provides access to a residentially zoned district in a CH zoned district, finding that the application failed to demonstrate a hardship that would permit the operation of a club of this nature at this location, on property located at 3741 South Peoria.

BOA-09010 May 1976: The Board of Adjustment **approved** an *Exception* to erect a duplex, **approved** a *Variance* of the minimum lot area requirements from 9,000 sq. ft. to 8,494 sq. ft., and **approved** a *Variance* of the frontage requirements from 75' to 62', as presented per plot plan in an RS-3 district, on property located at 1128 East 37th Place.

BOA-07203 October 1971: The Board of Adjustment **approved** a *Variance* to permit operating an office in an RM-1 District for a period of 1 year, on property located at 1318-A East 38th Place.

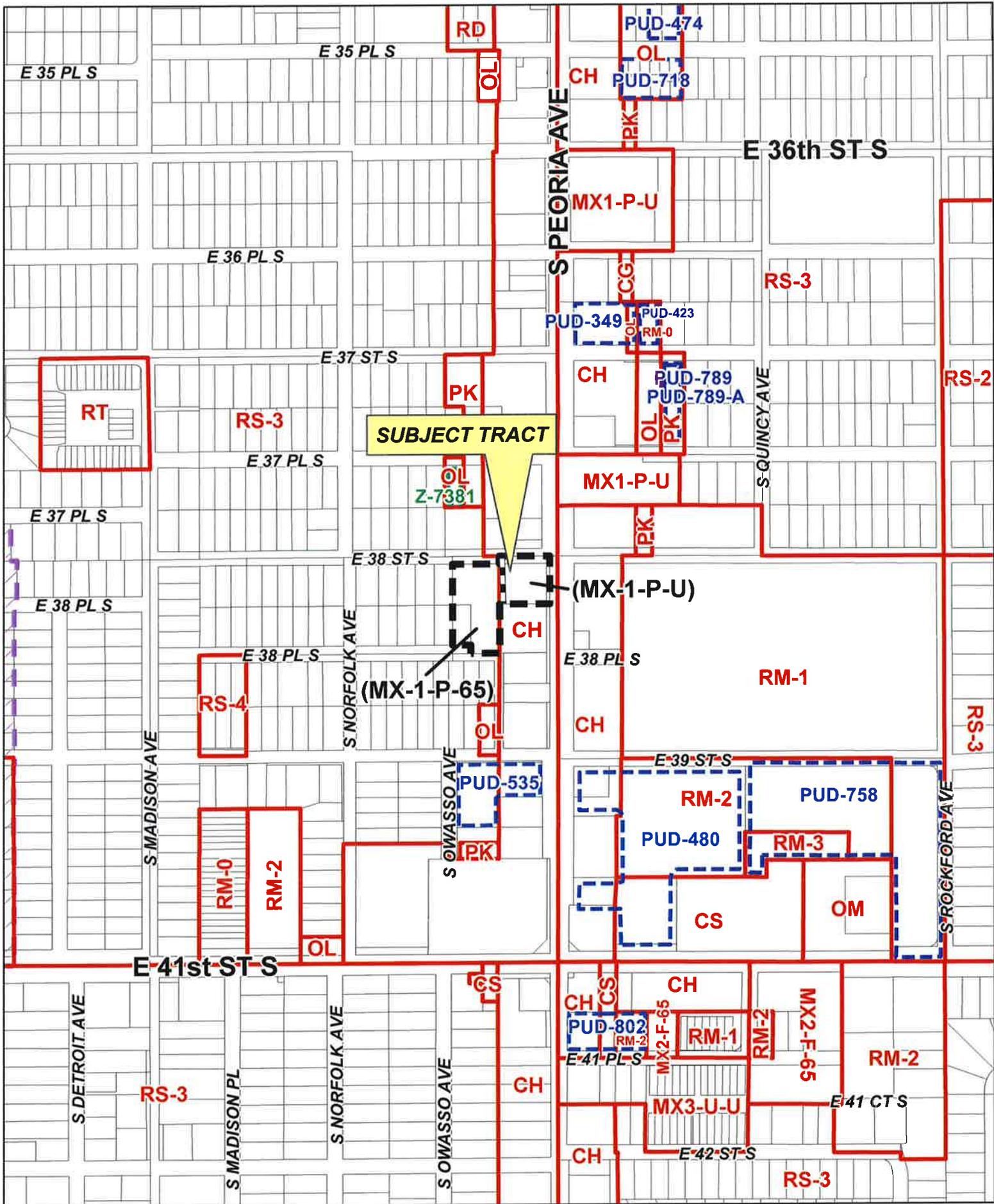
BOA-06729 October 1969: The Board of Adjustment **approved** a *Variance* to modify the Major Street setback requirements to permit placing service station pumps 47.5 ft from the centerline of Peoria Avenue, as well as a pole sign, subject to the execution of right-of-way removal agreement, on property located at 3820 South Peoria Avenue.

BOA-03103 October 1958: The Board of Adjustment **granted** permission to establish a beauty shop, on property located Lot 2, Block 4, South Brookside Addition.

BOA-02829 April 1956: The Board of Adjustment **granted** a request for permission to convert a dwelling into a duplex, on property located Lot 18 & the S 3' of Lot 1, Block 1, Newport Addition.

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SUBJECT TRACT

Z-7381

E 38 ST S

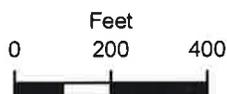
(MX-1-P-65)

(MX-1-P-U)

PUD-535

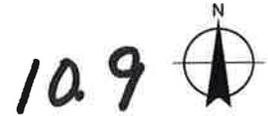
PUD-758

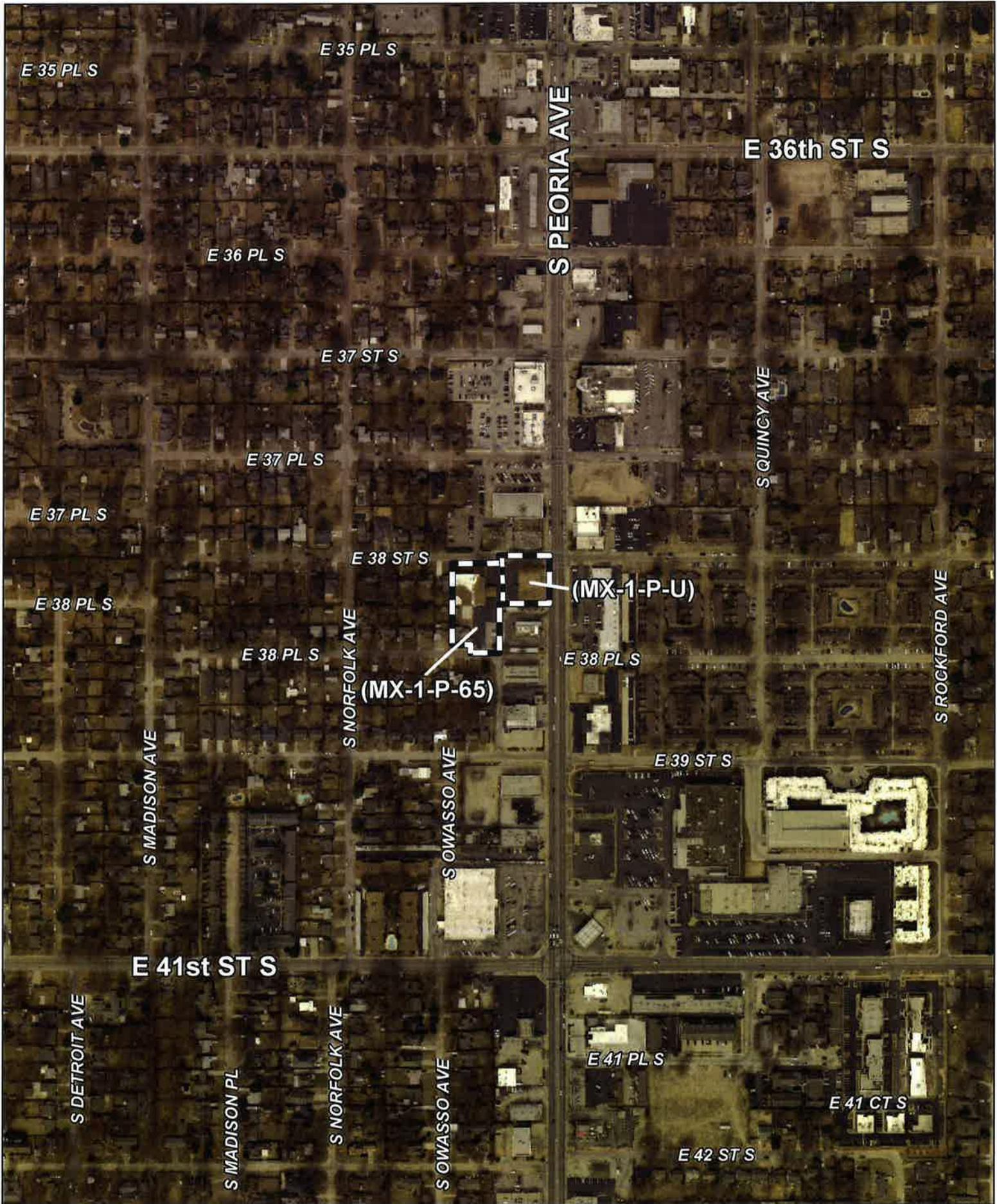
PUD-802



Z-7573

19-12 24





E 35 PL S

E 35 PL S

E 36th ST S

E 36 PL S

S PEORIA AVE

E 37 ST S

S QUINCY AVE

E 37 PL S

E 37 PL S

E 38 ST S

(MX-1-P-U)

E 38 PL S

E 38 PL S

S NORFOLK AVE

(MX-1-P-65)

E 38 PL S

S ROCKFORD AVE

S MADISON AVE

E 39 ST S

E 41st ST S

S OWASSO AVE

S DETROIT AVE

S MADISON PL

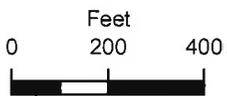
S NORFOLK AVE

S OWASSO AVE

E 41 PL S

E 41 CT S

E 42 ST S



Subject Tract

Z-7573

19-12 24

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

Aerial Photo Date: February 2018





E 37 PLS

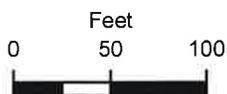
E 38 ST S

(MX-1-P-U)

(MX-1-P-65)

E 38 PLS

S PEORIA AVE



 Subject Tract

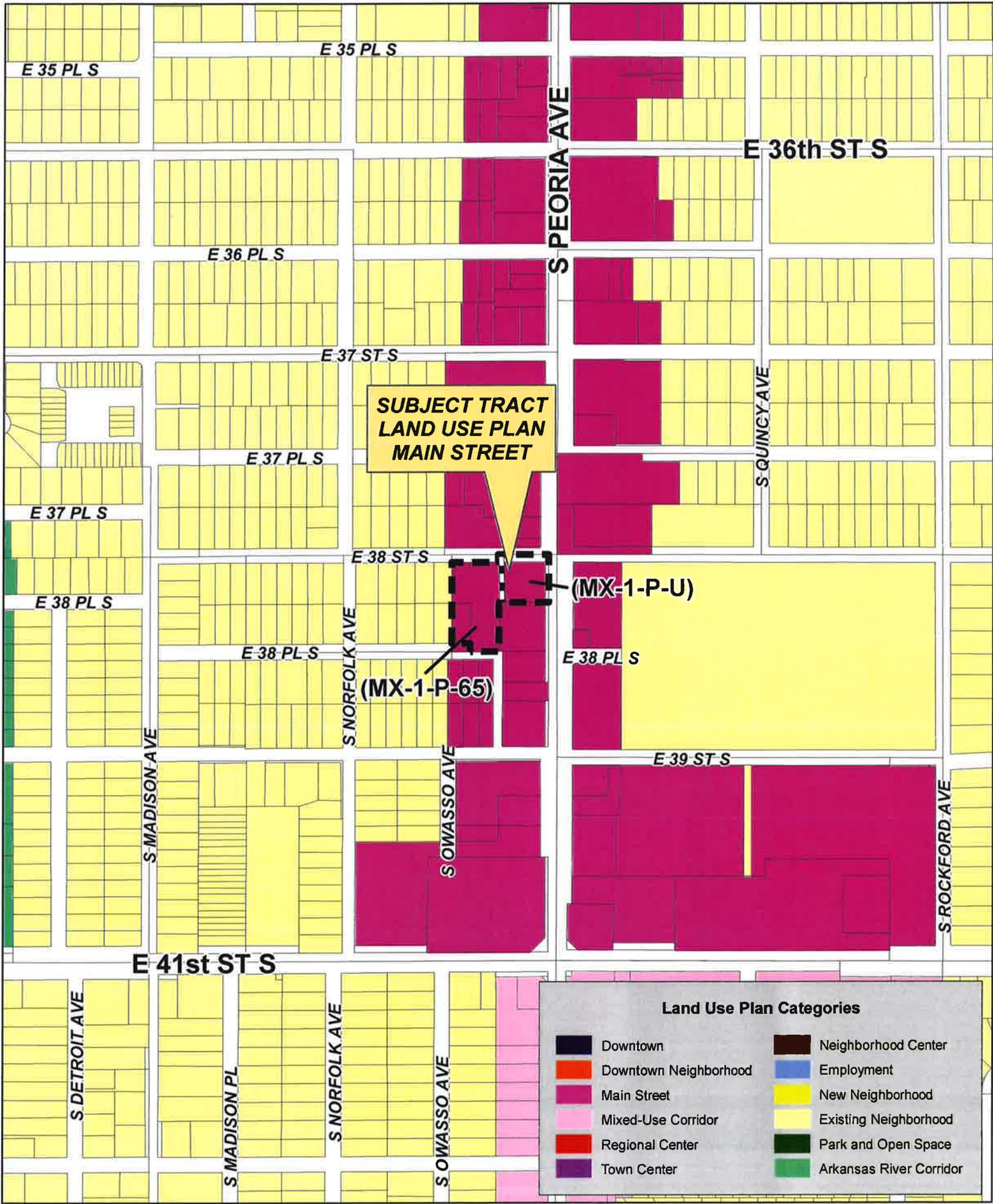
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19-12 24

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Aerial Photo Date: February 2018



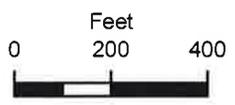


**SUBJECT TRACT
LAND USE PLAN
MAIN STREET**

(MX-1-P-65)

(MX-1-P-U)

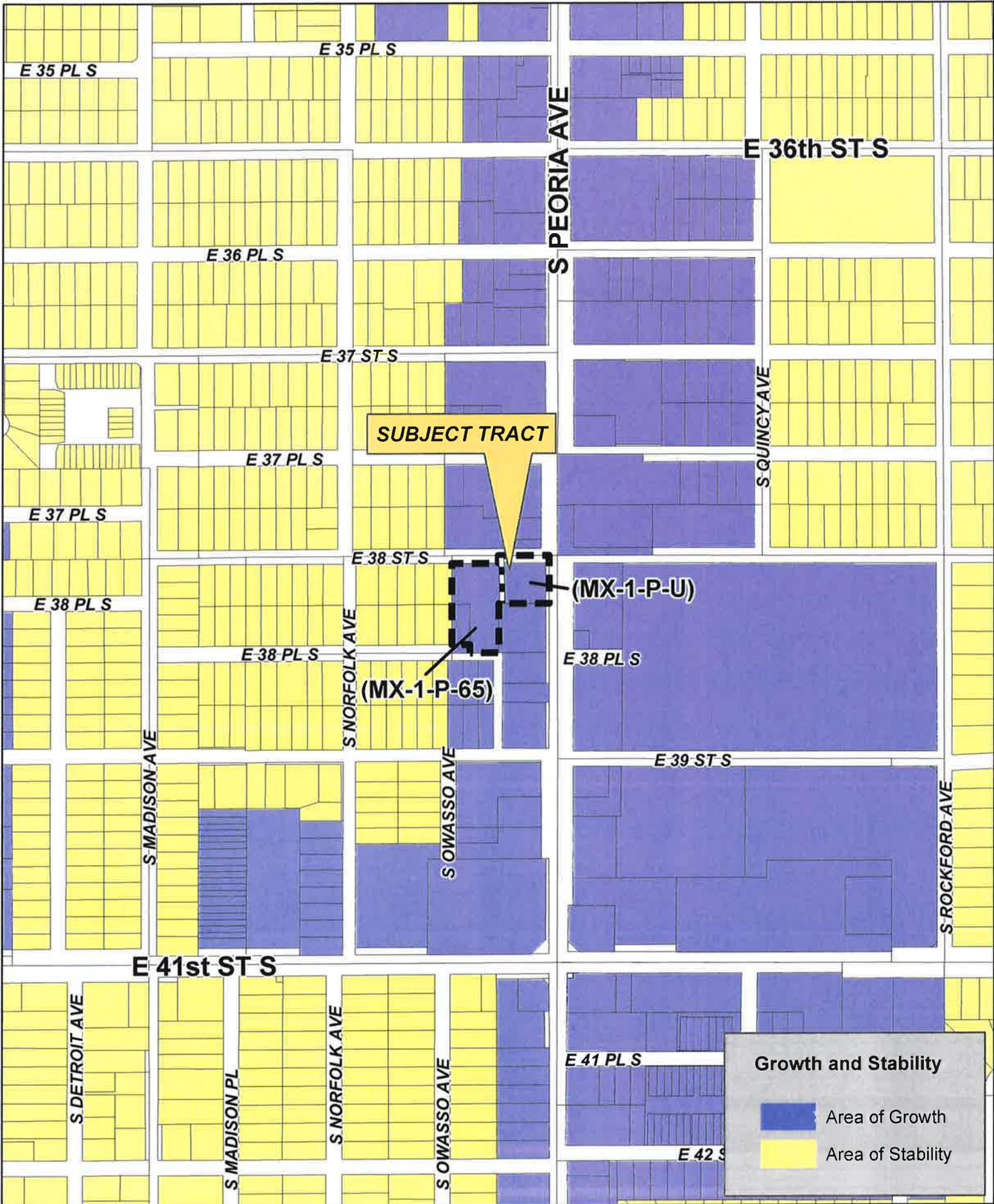
Land Use Plan Categories			
	Downtown		Neighborhood Center
	Downtown Neighborhood		Employment
	Main Street		New Neighborhood
	Mixed-Use Corridor		Existing Neighborhood
	Regional Center		Park and Open Space
	Town Center		Arkansas River Corridor



Z-7573

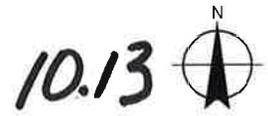
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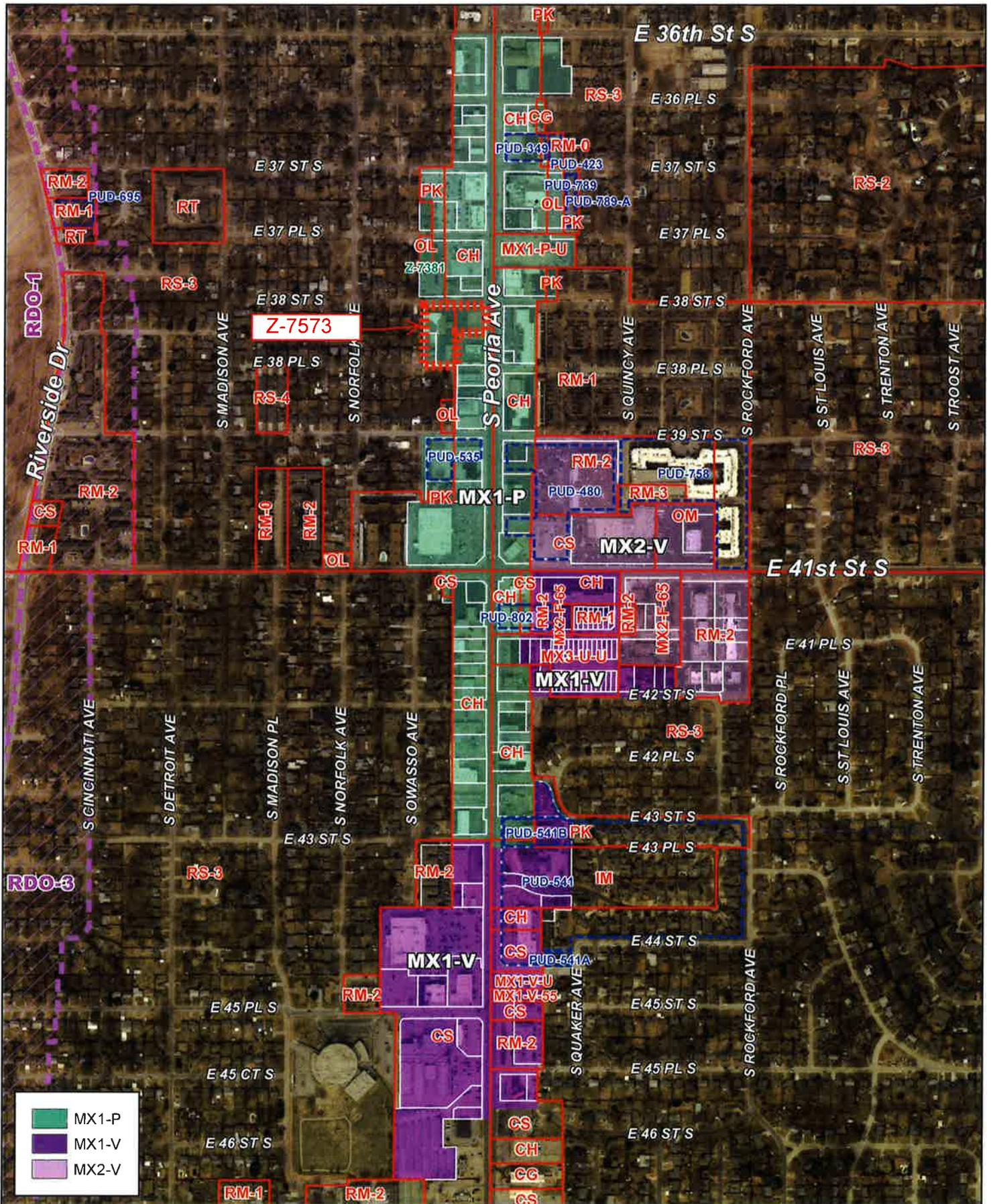




Z-7573

19-12 24





Note: Graphic overlays may not precisely align with physical features on the ground.
 Aerial Photo Date: February 2018
 Map Date: 2/10/2020

41st Street

Z-7573



10.14