TMAPC
Tulsa Metropolitan Area
Planning Commission

Case Number: Z-7686

Hearing Date: December 7, 2022

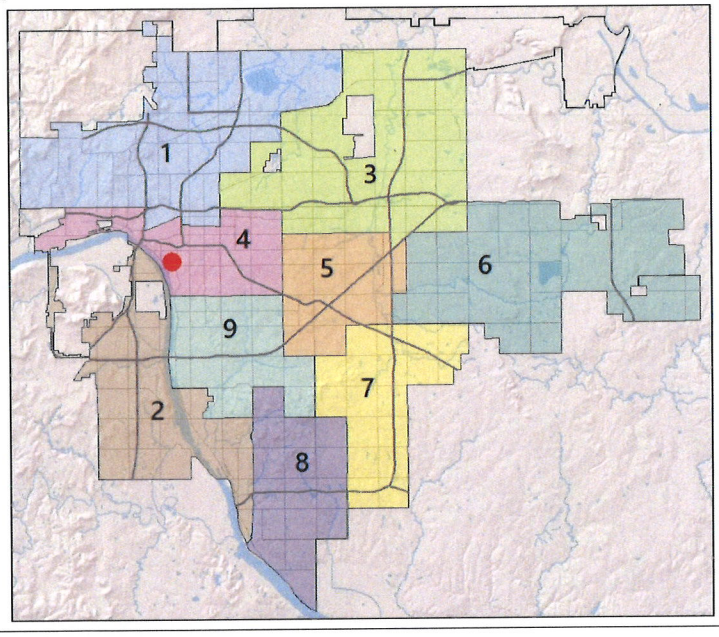
Case Report Prepared by:

Dwayne Wilkerson

Owner and Applicant Information:
Applicant: Mark Gorman

Property Owner: David P Sharp Revocable Trust

Location Map:
(shown with City Council Districts)



Applicant Proposal:

Present Use: None

Proposed Use: Retail/Coffee/Dog Park

Concept summary: Rezoning to support new development opportunities as may be allowed in a MX2-V-35 zoning district.

Tract Size: 0.47 ± acres

Location: South of the southeast corner of E. 18th Street and S. Boston Avenue

Zoning:

Existing Zoning: RM-2

Proposed Zoning: MX2-V-35

Comprehensive Plan:

Land Use Map: Downtown Neighborhood

Stability and Growth Map: Area of Growth

Staff Recommendation:

Staff recommends approval.

Staff Data:

TRS: 9212
CZM: 36

City Council District: 4

Councilor Name: Laura Bellis

County Commission District: 2

Commissioner Name: Karen Keith

9.1

SECTION I: Z-7686

DEVELOPMENT CONCEPT: Rezoning to support new development opportunities that are allowed in a MX2-V zoning district with a maximum building height of 35 feet.

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: None included

DETAILED STAFF RECOMMENDATION:

Z-7686 request rezoning a tract of land from RM-2 to MX2-V-35. MX2 mixed use district is intended to accommodate retail service, entertainment and employment uses that may serve many surrounding neighborhoods. This district allows a variety of residential uses and building types that are consistent with the existing development pattern in the surrounding neighborhood and,

The variable character designation is generally intended to be applied in auto-oriented areas where a transition to greater level of walkability is underway or desired. The regulations allow greater flexibility in the siting of buildings and parking areas which can be used for landscape, streetscape elements or limited amounts of parking that is appropriate on this property adjacent to residential uses on the south and CH zoning on the north and,

The supplemental regulations for uses, building placement and building design in a MX2-V-35 district provide adequate standards to minimize any adverse land use impact on adjoining residential properties therefore,

Staff recommends Approval of Z-7686 to rezone property from RM-2 to MX2-V-35.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: *The uses and supplemental regulations defined in the MX2 zoning district are consistent with the Downtown Neighborhood land use designation. Boston Avenue is one of the primary connectors to the Central Business District*

The Variable "V" character designation allows building types and placement that are consistent with the Downtown Neighborhood land use designation.

Land Use Vision:

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

Downtown Neighborhoods are located outside but are tightly integrated with the Downtown Core. These areas are comprised of university and higher educational campuses and their attendant housing and retail districts, former warehousing and manufacturing areas that are evolving into areas where people both live and work, and medium- to high-rise mixed use residential areas. Downtown Neighborhoods are primarily pedestrian-oriented and are well connected to the Downtown Core via local transit. They feature parks and open space, typically at the neighborhood scale.

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

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

Transportation Vision:

***Major Street and Highway Plan*:** None

***Trail System Master Plan Considerations*:** This site abuts the Midland Valley Trail system. That trail connects to the Central Business District and connects to Gathering Place and the River Parks trail system. Future development should consider taking advantage of the trail system as an amenity and encourage trail users to enter and exit commercial development. Site plan and building placement should limit vehicular conflicts with the trail and encourage pedestrian and bicycle connectivity.

Small Area Plan: None

Special District Considerations: This subject property is near the southeast corner of the Neighborhood Infill Overlay. The overlay provides development opportunities for residential infill in the near downtown neighborhoods and the overlay allows for a variety of residential housing types in a manner that is compatible, in mass and scale, with the character of surrounding properties. The regulations are also intended to promote housing types that accommodate households of varying sizes and income levels and provide for a more efficient use of residential land. MX2-V-35 districts are exempt from the provisions of the overlay.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

> ***Staff Summary:*** The subject property includes a log cabin style building, open space and surface parking. All of the lots are adjacent to the trail system and South Boston Avenue.

Environmental Considerations: None that would affect site redevelopment.

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Boston Avenue	None	50 feet	2
Midland Valley Trail	none	none	Multipurpose trail system

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

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RM-2	Downtown Neighborhood	Growth	Surface Parking
East	RM-2	Park and open space	Stability	Midland Valley Trail
South	RM-2	Downtown Neighborhood	Growth	Townhouses
West	OL and OM	Downtown Neighborhood	Growth	Surface parking for banking and church uses

SECTION III: Relevant Zoning History

Subject Property:

History: Z-7686

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

Z-7676 September 2022: All concurred in **denial** of a request for *rezoning* a 1± acre tract of land from RM-2 to CH on property located South of the Southeast corner East 18th street South & South Boston Avenue.

SA-5 (Neighborhood Infill Overlay) August 2021: All concurred in **approval** of a request for a Special Area Overlay on multiple properties along the multiple properties located within certain neighborhoods adjacent to downtown to establishes zoning regulations that are intended to promote the development of alternative infill housing in established neighborhoods. The overlay allows for a variety of residential housing types in a manner that is compatible, in mass and scale, with the character of surrounding properties. The regulations are also intended to promote housing types that accommodate households of varying sizes and income levels and provide for a more efficient use of residential land and available public infrastructure.

BOA-18547 November 1999: The Board of Adjustment **approved** an *appeal from determination of City of Tulsa Zoning Official* that concrete grass paver blocks do not constitute "all-weather material", as defined by the provisions of Section 1800 of the

Zoning code; request for interpretation that such material does constitute "all-weather material" permitted for use in surfacing off-street parking areas in residentially zoned districts in the alternative, & a *Variance* from the requirement that an unenclosed off street parking area be surfaced with an all-weather material, to permit the use of concrete grass paver blocks in a residentially zoned district on property located at 1907 S. Boston Ave.

BOA-18156 August 1998: The Board of Adjustment **approved** a *Special Exception* to permit the use of the subject property for offices & a *Variance* from the requirement for the location of off-street parking spaces on the lot containing the use for which such parking spaces are provided & a *Variance* of the setback requirement for parking spaces from the centerline of the abutting street & *Variance* of the requirement for a screening wall or fence along the lot lines in common with the abutting R District, on
property located at 1903-1907 S. Boston Ave.

BOA-17037 May 1995: The Board of Adjustment **approved** a *Special Exception* to permit a physical therapy office in an RM-2 District & a Special Exception to modify the screening requirement, on property located at 1829 S. Boston Ave.

BOA-17037 May 1995: The Board of Adjustment **approved** a *Special Exception* to permit a physical therapy office in an RM-2 District & a Special Exception to modify the screening requirement, on property located at 1829 S. Boston Ave.

BOA-16699 April 1993: The Board of Adjustment **approved** a *Special Exception* to permit required parking on a lot other than the lot containing the principal use, & a *Special Exception* to permit parking in an RM District, on property located at 1817-1825 South Boston Ave.

BOA-4800 October 1965: The Board of Adjustment **grants** permission to establish off- street parking, on property located at Lot 20, Block 2, Boston Addition.

BOA-3811 May 1962: The Board of Adjustment **grants** permission to establish off-street parking, on property located at Lot 6, Block 3, Seig Addition

Surrounding Property:

SA-5 (Neighborhood Infill Overlay) August 2021: All concurred in **approval** of a request for a Special Area Overlay on multiple properties along the multiple properties located within certain neighborhoods adjacent to downtown to establishes zoning regulations that are intended to promote the development of alternative infill housing in established neighborhoods. The overlay allows for a variety of residential housing types in a manner that is compatible, in mass and scale, with the character of surrounding properties. The regulations are also intended to promote housing types that accommodate households of varying sizes and income levels and provide for a more efficient use of residential land and available public infrastructure.

Z-7626 December 2021: All concurred in **approval** of a request for *rezoning* a .41± acre tract of land from RM-2 & OL to MX1-U-45 with optional development plan on property located Southwest corner of East 18th Street South & South Cincinnati Avenue.

BOA-22208 February 2017: The Board of Adjustment **approved** a *Special Exception* to permit Low-Impact Manufacturing and Industry in the CH district to permit a microbrewery, on property located at 108 East 18th Street South.

BOA-21539 February 2013: The Board of Adjustment **approved** a *Special Exception* to permit a trapeze, on property located at 1918 South Boston Avenue East.

BOA-21327 September 2011: The Board of Adjustment **approved** a *Variance* to permit the parking requirements for a school in an RM-2 District & a *Variance* of building setback from an R District for a Special Exception use from 25' to 12', on property located at 1920 South Cincinnati.

BOA-20911 May 2009: The Board of Adjustment **approved** a *Variance* to permit the parking requirement to permit commercial uses within an existing building in a CH district, on property located at 118 East 18th Street.

BOA-19915 September 2004: The Board of Adjustment **approved** a *Variance* to permit 300 feet spacing from another Adult Entertainment Establishment; & a *Special Exception* to permit required parking on a lot other than that containing the use, on property located at 1747 South Boston Avenue East.

BOA-18164 September 1998: The Board of Adjustment **approved** a *Special Exception* to permit an adult entertainment establishment within 150' of an R District & a *Variance* to permit an adult entertainment establishment within 300' of another adult entertainment establishment & a *Variance* to permit parking on a lot other than lot on which Use Unit 1212 (a) is located, on property located at 112 & 116 East 18th Street.

BOA-16558 January 1994: The Board of Adjustment **approved** a *Special Exception* to permit school use in an RS-3 zoned district, on property located at 541 South 43rd W. Ave.

BOA-16292 April 1993: The Board of Adjustment **approved** a *Variance* to permit the required setback from the centerline of East 18th street from 35' to 32' to permit an existing sign, on property located at 112 East 18th Street.

BOA-15422 April 1990: The Board of Adjustment **approved** a *Variance* to permit required parking spaces to be, on property located at 112 East 18th Street.

BOA-13388 November 1884: The Board of Adjustment **approved** a *Variance* to permit the number of parking spaces for a private club from 24 to 5 in a CG zoned district & a *Variance* to permit off-site parking for a private club in a CG zoned district, on property located at on the Northwest and Northeast corners of 18th and Boston Avenue.

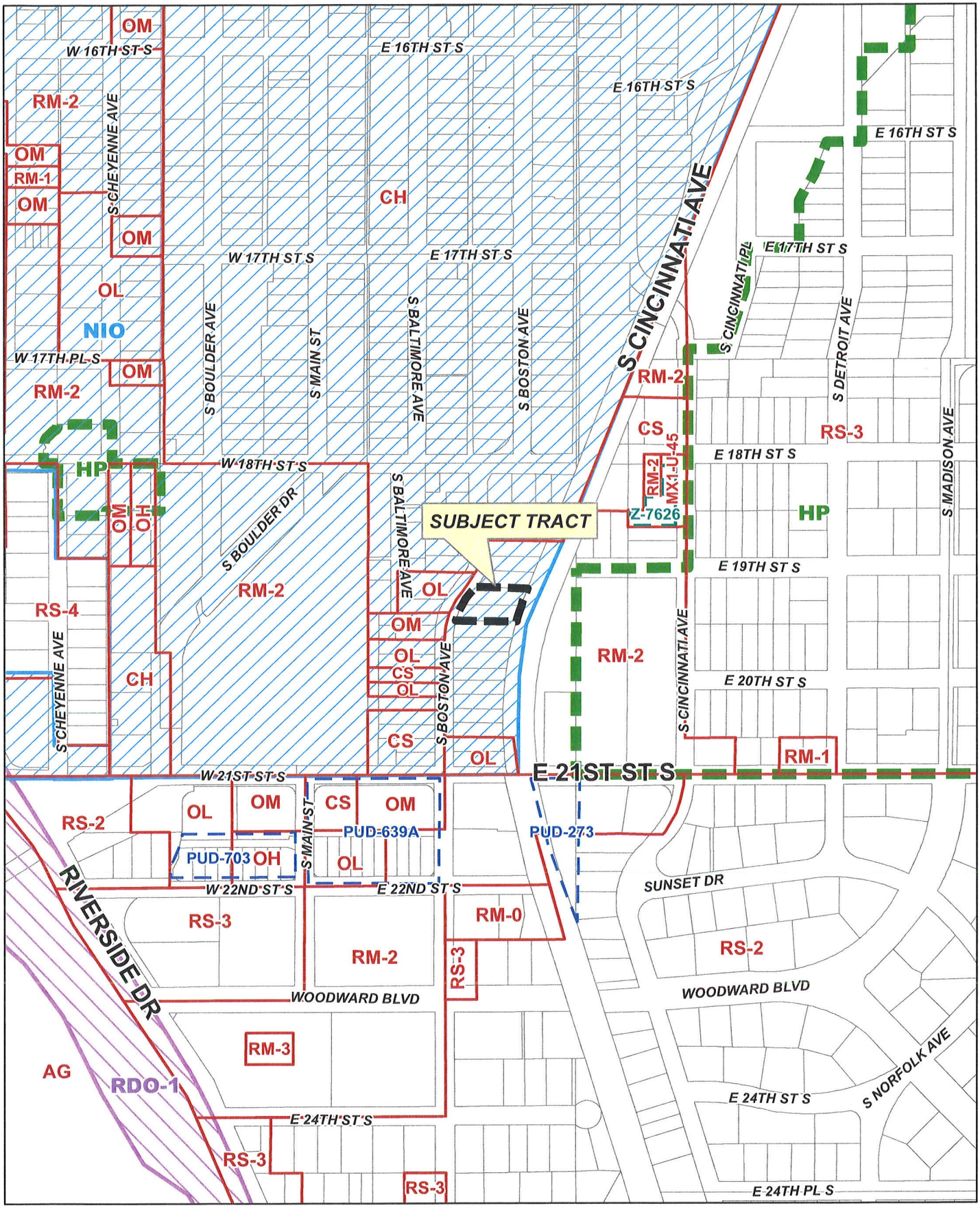
BOA-12875 November 1983: The Board of Adjustment **approved** a *Special Exception* to permit office use in an RM-2 zoned district & a *Variance* of the screening requirement on the south side; & a *Variance* of lot coverage from 50% to 60%, & a *Variance* of lot frontage from 50' to 45' & a *Variance* of the parking requirements from 11 to 9 spaces & a *Variance* of the minimum side yard requirement from abutting residential districts from 10' to 1.8 and 6.2' in an RM-2 zoned district, on property located at North of the Northeast corner of East 21st Street South and South Boston Avenue.

BOA-12760 August 1983: The Board of Adjustment **approved** a *Special Exception* to permit office use in an RM-2 zoned district & a *Special Exception* to waive the screening requirements from abutting residential district & a *Variance* of the setback requirement from abutting residential district from 10' to 4.22' & a *Variance* & a *Variance* of the required all-weather parking surface requirement, on property located at 123rd East 21st Street.

BOA-11854 March 1982: The Board of Adjustment **approved** a *Special Exception* to permit office use in an RM-2 District & a *Variance* of the screening requirement when abutting an R district, on property located at 1921 South Boston Avenue.

BOA-11728 December 1981: The Board of Adjustment **approved** a *Special Exception* to permit offices in an RM-2 District, on property located at 1921 South Boston Avenue.

BOA-4781 September 1965: The Board of Adjustment **granted** permission to replace residential garage in rear yard on a U-3-B District, on property located at Lot 20, Block 1, Boston Addition.



Z-7686

19-12 12

9.8

Feet
0 200 400

Subject Tract

Z-7686

19-12 12

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

Aerial Photo Date: 2020/2021

N

9.9

Feet
0 50 100

Subject Tract

Z-7686

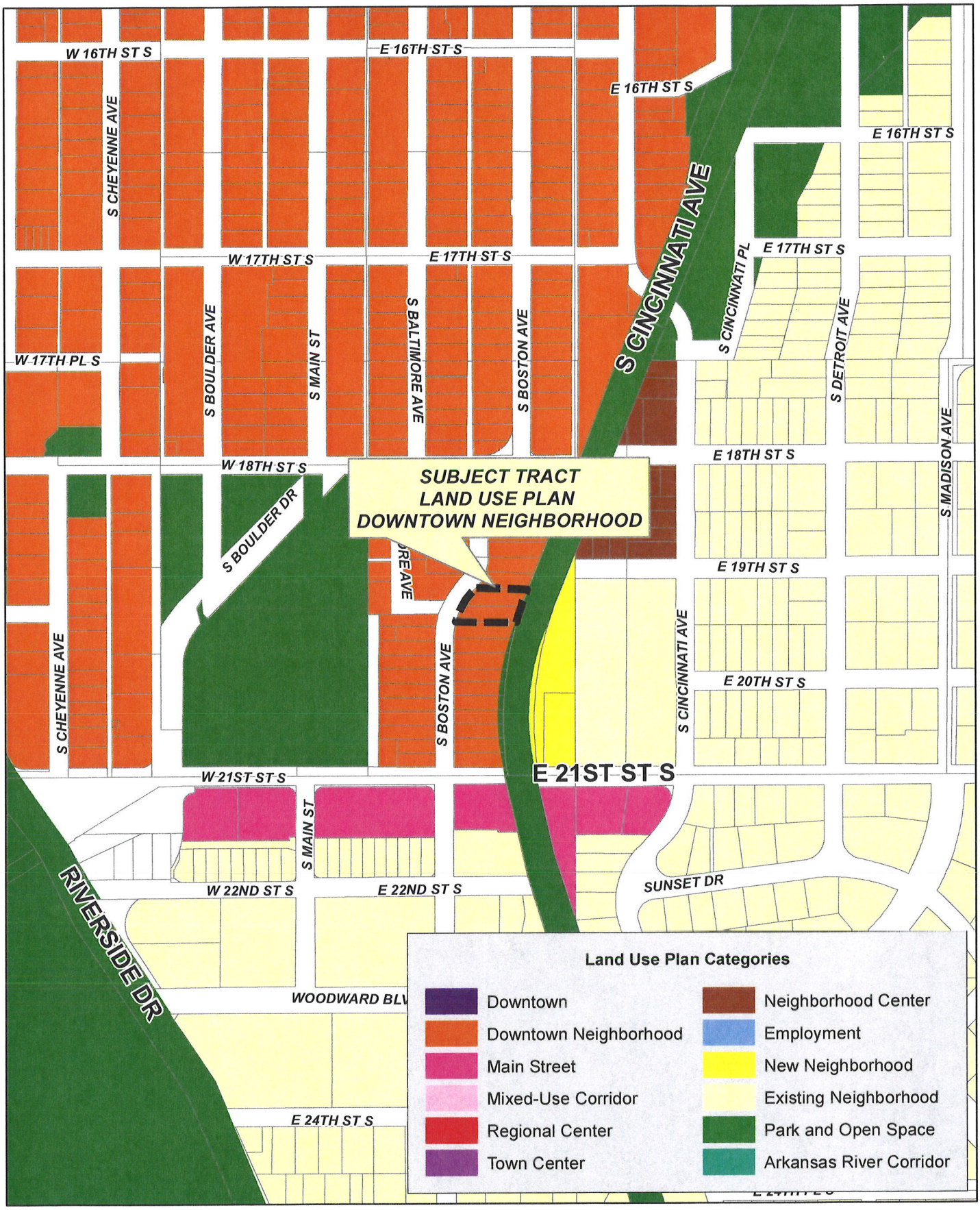
19-12 12

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

Aerial Photo Date: 2020/2021

N

9.10



Z-7686

19-12 12

9.11

Z-7686

19-12 12

9-12