

**TULSA METROPOLITAN AREA PLANNING COMMISSION
Meeting No. 2891**

**June 7, 2023, 1:00 PM
175 East 2nd Street, 2nd Level, One Technology Center
Tulsa City Council Chamber**

Members Present	Members Absent	Staff Present	Others Present
Carr	Bayles	Chapman	Jordan, COT
Covey	Humphrey	Foster	Silman, COT
Craddock		Miller	Skates, COT
Hood		Sawyer	Stephens, Jeff, Legal
Krug		Siers	VanValkenburgh, Legal
Shivel			
Walker			
Whitlock			
Zalk			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Tuesday June 6, 2023 at 11:41 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

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:
None

Director's Report:
Ms. Miller reported on City Council actions and other special projects. She stated the July 5, 2023 TMAPC meeting has been canceled.

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Minutes:

1. Minutes of May 17, 2023 Meeting No. 2890

Approval of the Minutes of **May 17, 2023 Meeting No. 2891**

TMAPC Action; 8 members present:

On **MOTION** of **SHIVEL**, the TMAPC voted 8-0-0 (Carr, Covey, Craddock, Hood, Krug, Shivel, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Bayles, Humphrey, Zalk, “absent”) to **APPROVE** the minutes of **May 17, 2023 Meeting No. 2891**

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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.

- 2. **PUD-636-C-2/ Z-5457-SP-5-a Lou Reynolds** (CD 2) Location: North and East of the northeast corner of West 81st Street and South Union Avenue requesting a **PUD Minor Amendment** to reallocate floor area and revise building and parking setbacks

STAFF RECOMMENDATION:

SECTION I: CONCEPT STATEMENT

PUD-636-C-2 and Z-5457-SP-5a and Minor Amendment

Amendment Request: PUD minor amendment reallocate floor area, and revise building and parking setbacks along new public street.

PUD-636-C was approved in 2014. Within that approval Development area “F” was allocated a maximum building floor area of 158,122 SF. This minor amendment will reallocate the maximum building floor area to permit a lot split (LS-21510) in this development area. This will create Lot 1C and Lot 1B. Each of these lots will have their own building floor area and building setbacks which can be found below. With approval of this minor amendment the lot split approval will follow splitting lot 1B into two different lots with their own development standards.

Lot 1C DEVELOPMENT STANDARDS:

NET LAND AREA: 6.26 AC

MAXIMUM BUILDING FLOOR AREA: 69,059 SF

MINIMUM BUILDING SETBACKS:

From the centerline of South Union Avenue	100 FT
From the centerline of South Tacoma West Avenue	80 FT
From the centerline of West 79th Street South	80 FT
From internal boundaries of the Project	10 FT

MINIMUM PARKING SETBACK:

From North boundary	10 FT
From South boundary	10 FT
From West boundary	10 FT
From East boundary	10 FT
From internal boundaries of the Project	5 FT

Lot 1D DEVELOPMENT STANDARDS

NET LAND AREA: 5.06 AC

MAXIMUM BUILDING FLOOR AREA: 73,563 SF

MINIMUM BUILDING SETBACKS:

From the centerline of West 81 st Street South	110 FT
From the centerline of South Union Avenue	100 FT
From the centerline of South Tacoma West Avenue	80 FT
From the centerline of West 79th Street South	80 FT
From the north boundary	17.5 FT
From internal boundaries of the Project	10 FT

MINIMUM PARKING SETBACK:

From North boundary	10 FT
From South boundary	10 FT
From West boundary	10 FT
From East boundary	10 FT
From internal boundaries of the Project	05 FT

Staff Comment: *This request is considered a Minor Amendment as outlined by Section 30.010.1.2.c(1)(9)(10) and by Section 25.040.E.5 of the City of Tulsa Zoning Code.*

“Adjustment of internal development area boundaries, provided the allocation of land to particular uses and the relationship of uses within the project are not substantially altered.”

“Lot splits that have been reviewed and approved in accordance with the subdivision and development regulations.”

“The planning commission is authorized to approve minor amendments to an approved development plan as long as substantial compliance is maintained with the approved development plan.”

Staff has reviewed the request and determined:

- 1) PUD-636-C-2 is consistent with the provisions for administration and procedures of a PUD in section 30.010-H.
- 2) PUD-636-C-2 and Z-5457-SP-5a does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-636-C and Z-5457-SP-5a.
- 3) All remaining development standards defined in PUD-636-C and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment reallocate floor area, and revise building and parking setbacks along new public street.

Legal Description for PUD-636-C-2/ Z-5457-SP-5-a:

A Tract of land being part of Lot 1 of NICKEL CREEK PHASE IV, and Addition to the City of Tulsa, Tulsa County, Oklahoma in part of the Southwest Quarter (SW/4) of Section Eleven (11), Township 18 North, Range 12 E of the Indian Meridian, being more particularly described as follows; COMMENCING at the most Southwest Corner of the Southwest Quarter (SW/4) of Section Eleven (11), Township Eighteen North (T18N), Range Twelve East (R12E) of the Indian Meridian, in said Nickel Creek Phase IV; Thence N01°15'01"W along the West line of said SW/4 a distance of 717.50 feet; Thence N 88°44'59" E a distance of 50 .00 feet to the POINT OF BEGINNING; Thence N01°15'01"W a distance of 716.58 feet; Thence S39°53'10"E a distance of 140.84 feet; Thence N88°59'27"E a distance of 24.53 feet; Thence S24°31'26"E a distance of 40.93 feet; Thence S11°17'28"W a distance of 23.99 feet; thence S28°06'59"E a distance of 125.85 feet; Thence S87°24'34"E a distance of 178.52 feet; Thence S34°54'22"E a distance of 91.07 feet; Thence N88°04'53"E a distance of 92.59 feet; Thence S17°35'07"E a distance of 53.99 feet; Thence S46°26'02"E a distance of 149.29 feet; Thence S30°17'17"E a distance of 90.89 feet; Thence S59°02'58"E a distance of 46.61 feet; Thence S47°26'30"W a distance of 230.40 feet; Thence N42°47'30"W a distance of 53.18 feet; Thence S88°55'33"W a distance of 116.10 feet; Thence S01°04'07"E a distance of 262.51 feet; Thence S22°34'47"E a distance of 32.13 feet; Thence S88°56'42"W a distance of 60.00 feet; Thence N33°35'26"W a distance of 21.92 feet; Thence N01°04'05"W a distance of 299.37 feet; Thence N45°03'43"W a distance of 35.36 feet; Thence S88°56'40"W a distance of 271.84 feet; Thence S43°50'50"W a distance of 35.30 feet to the POINT OF BEGINNING.

Containing 291,078.59 Sq. Ft. or 6.682 Acres, more or less.

TMAPC Action; 8 members present:

On **MOTION** of **WALKER**, the TMAPC voted 8-0-0 (Carr, Covey, Craddock, Hood, Krug, Shivel, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Bayles, Humphrey, Zalk, “absent”) to **APPROVE** Item 2 per staff recommendation.

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Mr. Zalk arrived at 1:16 PM.

PUBLIC HEARING-REZONING

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

- 3. Z-7681 Llon Clendenen** (CD 9) Location: East of the northeast corner of South Harvard Avenue and East 45th Street South requesting rezoning from **RS-1 to OL with an optional development plan** (Continued from November 2, 2022 and May 3, 2023)

STAFF RECOMMENDATION:

SECTION I: Z-7681

DEVELOPMENT CONCEPT: The applicant has requested rezoning a lot east of an existing dental office with the idea that office uses will be developed on this lot with specific design details being considered for new site development and included in the optional development plan.

DETAILED STAFF RECOMMENDATION:

OL zoning is consistent with the Mixed-Use Corridor land use designation and the Area of Growth and,

The uses permitted in an OL district are intended to facilitate the development and preservation of low-intensity office development uses and are intended to promote neighborhood employment uses and services and,

The development standards in the OL district and the submitted optional development plan provide adequate design and development standards for building size and parking design to help mitigate office expansion closer to the existing neighborhood and,

This site is at the eastern side of the Mixed-Use Corridor land use designation and the Area of Growth that recognizes appropriate infill development therefore,

Staff recommends approval of Z-7681 to rezone property from RS-1 to OL with the optional development plan standards outlined in Section II.

SECTION II: Z-7681 OPTIONAL DEVELOPMENT PLAN STANDARDS

The optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in an Office – Light (OL) 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:

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

- Natural Resource Preservation
- Utilities and Public Services Facility
 - Minor
- Wireless Communication Facility
 - Building or tower-mounted antenna

COMMERCIAL

- Financial Services
- Office
 - Business or professional office
 - Medical, dental or health practitioner office
- Parking, Non-accessory
- Studio, Artist, or Instructional Service

RESIDENTIAL BUILDING TYPES:

HOUSEHOLD LIVING

- Single Household
 - § Detached House
 - § Patio House
 - § Townhouse
 - § Mixed-Use Building

Two households on single lot

- Duplex
- Mixed-Use Building

Three or more households on single lot

- Multi-unit House
- Mixed-Use Building

Maximum Building Height: 25 feet

Maximum Building Floor Area: 4000 square feet

Setbacks:

Street Setback (E. 45th Street South) – 30 feet

Parking:

Parking is prohibited within the 30-foot street setback from East 45th Street South.

Window Placement:

Any east-facing windows must be designed with a windowsill height of 6 feet above finish floor elevation.

Signage:

No wall signs permitted on the east-facing wall of any building.

Illuminated signs are prohibited.

Freestanding signs are limited to 8 feet in height. Any freestanding sign must be a monument style sign.

Lighting:

No pole-mounted lights within 30' of adjacent R-zoned district.

No wall-mounted lighting permitted on the east-facing wall of any building.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: *Mixed-Use Corridor and the Area of Growth both support the idea of appropriate small infill development.*

Land Use Vision:

Land Use Plan map designation: Mixed-Use Corridor

A Mixed-Use Corridor is a plan category used in areas surrounding Tulsa's modern thoroughfares that pair high-capacity transportation facilities with housing, commercial, and employment uses. The streets usually have four or more travel lanes, and sometimes additional lanes dedicated for transit and bicycle use. The pedestrian realm includes sidewalks separated from traffic by street trees, medians, and parallel parking strips. Pedestrian crossings are designed so they are highly visible and make use of the shortest path across a street. Buildings along Mixed-Use Corridors include windows and storefronts along the sidewalk, with automobile parking generally located on the side or behind. Off the main travel route, land uses include multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods.

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: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary:

The site was originally zoned for detached single family dwelling. The home has been removed and gravel spread on a portion of the site. Large trees have been preserved and the site is gently sloping to the south toward a street with no curb and no visible underground drainage solution.

The image below is street view taken in March 2022 from the southwest corner of the subject property looking northeast.



Environmental Considerations: None that would affect site redevelopment.

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 45 th Street South	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	CS/PUD-351-A	Mixed-Use Corridor	Growth	Office
East	RS-1	Existing Neighborhood	Stability	Detached Single Family
West	OL	Mixed-Use Corridor	Growth	Office
South	RS-1	Mixed-Use Corridor	Growth	Detached Single Family

SECTION IV: Relevant Zoning History

History: Z-7681

Subject Property:

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

Surrounding Property:

BOA-22795 December 2019: The Board of Adjustment **approved** a *Variance* to permit two additional wall signs on the East elevation in an OL District with one street frontage, on property located at 4436 South Harvard Avenue East.

BOA-21811 December 2014: The Board of Adjustment **approved** a *Variance* to permit wall sign to exceed the permitted display surface area from 36 square feet to 39.5 square feet along East 44th Street; & a *Variance* to permit two signs to be erected per street frontage of a lot and to exceed the permitted display surface area from 32 square feet to 55.49 square feet along South Harvard Avenue, on property located at 4408 South Harvard Avenue.

BOA-21785 October 2014: The Board of Adjustment **approved** a *Variance* to increase the cubic content of a non-conforming structure & a *Variance* to allow a two-story building in an OL District & a *Variance* to reduce the setback from 100 feet to 65 feet from the centerline of South Harvard Avenue, on property located at 3305 East 45th Street.

BOA-20240 March 2006: The Board of Adjustment **denied** a *Special Exception* to permit a .40 Floor Area Ratio in an OL district; and a *Variance* to permit a 3-story building in an OL district, on property located at 4416 South Harvard.

BOA-18568 October 1999: The Board of Adjustment **approved** a *Variance* to permit maximum building height in OL zoned district from one-story to two-stories & a *Special Exception* to increase F.A.R. from .30 to .34, on property located at 4416 South Harvard.

BOA-17817 September 1997: The Board of Adjustment **approved** a *Special Exception* to permit the screening requirement along the E. property line, on property located at NE/c 45th Street & South Harvard.

BOA-14453 April 1987: The Board of Adjustment **approved** a *Variance* to permit setback from the centerline of South Harvard Avenue from 50' to 45' to allow for a sign, on property located at 4436 South Harvard.

BOA-13545 May 1985: The Board of Adjustment **approved** a *Special Exception* to permit a satellite dish to be used with an existing insurance office in an OL zoned district, on property located at 4412 South Harvard.

BOA-11092 July 1980: The Board of Adjustment **denied** a *Variance* to permit a 3' x 5' sign on a lot that has three other signs in an OL District, on property located at 4515 South Harvard Avenue.

BOA-11082 September 1980: The Board of Adjustment **approved** a *Special Exception* to permit .40 floor area ratio, and a building height of two stories in an OL District, on property located at 4520 S. Harvard Ave.

BOA-11058 June 1980: The Board of Adjustment **approved** a *Special Exception* to permit the screening requirement where existing physical features provide visual separation of uses (on the north and the west), on property located at 4412 South Avenue.

BOA-11036 May 1980: The Board of Adjustment **approved** a *Special Exception* to permit the screening requirements where an alternative screening will provide visual separation of uses, on property located at 4416 South Harvard Avenue.

BOA-10673 September 1979: The Board of Adjustment **approved** a *Variance* to permit the setback requirements from 100' to 99' from the centerline of Harvard Avenue, on property located at south and east of 45th street and Harvard Avenue.

BOA-10386 April 1979: The Board of Adjustment **approved** a *Special Exception* to permit a floor area ratio of .40 and a building height of two stories in an OL District, on property located at 4404-4427 South Harvard Avenue.

Z-5315 September 1979: All concurred in **approval** of a request for *rezoning* a tract of land from RS-1 to OL on property located 4503 S. Harvard Ave E.

Z-5246 April 1979: All concurred in **approval** of a request for *rezoning* a tract of land from RS-1 to OL on property located 4415 S. Harvard Ave E.

Z-5284 August 1979: All concurred in **approval** of a request for *rezoning* a tract of land from RS-1 to OL on property located 3305 East 45th St S.

Z-5094 April 1978: All concurred in **approval** of a request for *rezoning* a tract of land from OL & RS-1 to OL on property located 4503 S. Harvard Avenue E.

Z-5134 September 1978: All concurred in **approval** of a request for *rezoning* a tract of land from RS-1 to OL on property located 4436 S. Harvard Ave E.

Z-4969 April 1977: All concurred in **approval** of a request for *rezoning* a tract of land from RS-1 to OL on property located 4516 S. Jamestown Ave E.

Z-4817 November 1975: All concurred in **approval** of a request for *rezoning* a tract of land from RS-1 to OL on property located 4408 S. Harvard Avenue E.

Z-4721 October 1974: All concurred in **approval** of a request for *rezoning* a tract of land from RS-1 to OL on property located 4520 S. Harvard Avenue E.

Z-5284 August 1979: All concurred in **approval** of a request for *rezoning* a tract of land from RS-1 to OL on property located 3305 East 45th St S.

Applicant Comments:

Nathalie Cornett 2727, East 21st Street, Tulsa, OK

Ms. Cornett stated the applicant met with and engaged his neighbors as the Commission requested at the last meeting. She stated the applicant worked with Staff and his neighbor directly east to get the optional development plan put together to help address their concerns. Ms. Cornett stated the optional development sets some use restrictions by limiting the uses that would be allowed by special exception in OL districts. She stated it also establishes setbacks that are greater than what the OL would apply going from 10 up to a 30-foot setback which would more closely align with what the residential neighborhoods require. Ms. Cornett stated within those neighborhood setbacks parking is prohibited so that if there is parking on the lot it would be setback at least 30 feet and behind any new structures on the lot. She stated it prohibits lighting on the east side of the building and no signage on the site. Lastly the window heights on the residential side of the building would need to have a 6-foot sill height to allow natural light but not allow viewing outside. Ms. Cornett stated these development standards, in her opinion address those neighbor concerns and any potential adverse effects from a future office development, which is not planned for the immediate future, but would be somewhere down the line. She stated the Comprehensive Plan supports this and they request that the Planning Commission approve it as recommended by the Staff.

Interested Parties:

Eric Mosley 3324 East 45th Street, Tulsa, OK 74135

Mr. Mosley stated he opposes the zoning change. He stated as the applicant said there was some communication with the neighbors, but it was at the 11th hour again. He stated the applicant had almost six months to speak with neighbors and at the very end he finally started to reach out to them. Mr. Mosley stated how can the neighbors trust him if he is reaching out at such a late time in the process and then coming to them with all these different conceptual drawings. He asked can the Commission make sure that he actually follows through with everything. Mr. Mosley stated the applicant has spoken with the neighbor to the east, Mr. Aaron, and they had worked out their interest, and at first, he was obviously opposed but then after speaking with neighbors he started to get behind it, especially with a lot of the restrictions. He stated they were talking more about deed restrictions, which he is fine with because the applicants lack of communication but he is concerned that the applicant can then turn around and change those deed restrictions at a later date. Mr. Mosley stated his biggest concern is no curb cuts on 45th Street because that street is currently a pretty major cut through for people wanting to go 41st Street over to Harvard Avenue. He stated he has 2 small children and they do like to ride their bikes in the driveway and street, and he cannot allow that anymore because of the additional traffic. Mr. Mosley stated he is asking the Planning Commission to deny this application if the applicant wants to reapply at a later date with more information and more dialog, that is his right.

Ken Schafer 3312 East 45th Street Tulsa, OK 74135

Mr. Schafer stated he lives across the street from the subject property and has not been contacted at all about this proposed change. He stated he did not have the opportunity to come to the meeting that the applicant had at his office because he owns multiple businesses that he has to attend to during the evening. Mr. Schafer stated he heard that the applicant had given out plans, which was very nice, to all that came by. He stated his main concerns are traffic, and lighting on that side of the building. Mr. Schafer stated currently lighting on the applicants building has lit up his house and he has spent quite a bit of money on putting in new drapes and curtains to help keep out the lights at night. He stated all of this feels like a stall tactic to try to get them to just swallow what he is offering at the last minute, and he does not think it is fair to the residents in the area. Mr. Schafer stated he opposes the zoning change. But as stated earlier he is okay with the applicant filing a new application after coming up with a plan that the residents can all get behind. He stated they are seeing more and more encroachment coming into the neighborhood. He stated he has a full acre and half of it is zoned OL so what would stop him from putting in an office building there. Mr. Schafer stated he would not want to do that to his neighbors.

Ryan Herron 3323 East 45th St. Tulsa, OK 74135

Mr. Herron stated he is directly east of the subject property. He stated Mr. Mosley summed up a lot of the concerns that he has. Mr. Herron stated two weeks before the applicants 6-month continuance was up when the applicant reached out to the neighbors which was the purpose of that continuance. He stated that he had been working with the applicant. He stated they shook hands on my porch, they exchanged text messages on very detailed points. Mr. Herron stated unfortunately he thinks the plan comes up short. He stated there's certain things that zoning committees can do and cannot do as you know, and no dumpsters is not one of them. He stated curb cuts and waterflow not one of them. Mr. Herron stated they have to rely on a permit to control that and that can go a lot of different ways. He stated the plan can also be changed by variances later in time. Mr. Herron stated he currently has variances on his current building. He stated the applicant is a nice guy and they have had good conversations, but he does not feel comfortable with this plan. Mr. Herron stated he hired an attorney to write a deed in reliance on him saying that the only way that the neighborhood would support the application is deed restrictions. He asked that the Planning Commission put themselves in the residents' shoes. This is not just about the development plan of the City. There are a lot of houses in this neighborhood, and this affects our livelihoods and the values of our homes.

Mr. Covey asked specifically what Mr. Herron wanted in the plan. He stated he knows one is no curb cuts but what else.

Mr. Herron stated in the deed they had some prohibited uses. He stated the current application allows everything that is permitted in the OL district. Mr. Herron stated there are some uses that are not in line with what he and the applicant talked about. He stated there are some that the applicant did not plan to use so why put them in there. Mr. Herron stated dumpster removal is a huge one along with commercial screening and those are not in the staff report. There is nothing about curb cuts in the staff report.

Steve Caldwell 4250 S. Oswego Ave., Tulsa, OK 74135

Mr. Caldwell stated he is the current Neighborhood Association president. He stated there has been plenty of good faith effort over the last month between the neighbors and the applicant. He stated he has seen Mr. Herron reach out, but it is too bad that they have not met eye to eye on everything. He stated he would also like to reiterate some of the points that his neighbors have made. Mr. Caldwell stated the curb cuts are one, and the traffic in that neighborhood has picked up and they have a lot of children in the area. He stated he lived on 46th Street which is also in this neighborhood, and it became quite heavily trafficked, and it resulted in numerous near misses for children and others in the neighborhood. Pittsburg Avenue was the same way. He stated they do not need another 46th Street or Pittsburg Avenue coming into their neighborhood. Mr. Caldwell stated he is also concerned with flooding because the neighborhood has North Branch and Joe Creek running through it and they are going to need water detention. Flooding has happened in the area before.

Applicant Rebuttal:

Ms. Cornett stated the first concern she heard was curb cuts. She stated that currently this lot is a separate lot from the dentist or the orthodontist office that he owns. So, from an access standpoint, as the property is now to say no curb cuts would cut off access to this standalone lot and she thinks that is problematic. Ms. Cornett stated she thinks there is probably a willingness to combine these lots at which point that would be something they would maybe commit to, but just agree to have no curb cuts where there is currently a curb cut on this property would put them in a tricky situation with city permitting. She stated dumpsters are required to be screened by the zoning code with an opaque screening, fencing system or wall. Ms. Cornett stated currently there are no dumpsters on this property and right now the plan is to put additional parking for her client's existing business. She stated in order to do that they need to get the zoning changed to office light. If in the future a business is built, either an extension of the orthodontist's office or a new business, then dumpsters for that business would be required to be screened in accordance with the zoning code. Ms. Cornett stated finally, just with regard to private deed restrictions, she thinks the optional development plan addresses everything that it needs to do to make sure this does not have a negative impact on the neighbors. She stated any additional deed restrictions that two private parties want to negotiate between themselves has no true bearing on this plan. Ms. Cornett referred to page 3.10 of the agenda packet and the makeup of this strip of Harvard Avenue. She stated it is sort of a medical office row. There are dental offices and doctors' offices and other medical offices in this half mile strip. Ms. Cornett stated she struggles with the idea that this is encroaching into the neighborhood when you look at the aerial map, coupled with the Comprehensive Plan maps. She stated this is exactly what is intended for this piece of land, and it is consistent with a development pattern along Harvard Avenue. She stated the subject property does not go as deep into neighborhood as the rest of the office businesses along Harvard Avenue Ms. Cornett stated some are 3 lots deep.

Mr. Covey stated some speakers were asking for more time to negotiate with your client. He stated what he heard from Ms. Cornett is she would like a vote today because really the private deed restrictions do not have any bearing on the optional development plan which we are voting on today.

Ms. Cornett stated that is correct. She stated they are reviewing the documents that were sent over to us for those private restrictions, but it is just not happening on the same timeline that this is occurring. She stated it is not that they are not agreeing to work that out amongst neighbors.

TMAPC Comments:

Mr. Craddock stated in the optional development plan there is a building height of 25 feet and window height is six feet above the finished floor elevation on the east side.

Staff stated, "that is correct." It has to be six feet or above, the idea would be that it would be for lighting purposes.

Mr. Craddock asked in RS-1 what is the maximum height of a residential area.

Staff stated 35 feet.

Mr. Hood asked on the optional development plan distance setback for parking it was pushed back 30 feet is that from the residential lot line or the street or both.

Staff stated it would be from the property line so it would be measured like the setback off of the right-of-way.

Mr. Hood asked if this would also include screening.

Staff stated "yes", the code requires by default parking with commercial office uses a six-foot opaque fence, in addition to landscaping, a buffer of one tree every 25 feet along that common lot line.

Mr. Hood asked if that would be included in the 30-foot setback.

Staff stated "yes," if those uses were established on the lot. He stated the setback would reduce the height of that fence down to four feet in that 30-foot area. But within that 30 feet there would be no parking, no buildings, nothing would be allowed. Staff stated even though there would only be a four-foot fence there would also not be any development within that 30 feet.

Mr. Craddock stated the optional development plan is approved by the City Council and the ordinance is published becomes a law that the applicant will have to abide by. He stated if they do not there are consequences to that action.

Staff stated "yes," they are subject to a zoning clearance that is reviewed through the City of Tulsa. The reviewer will be reviewing anything on this site against these standards as if they were in the zoning code. He stated this would be the new applicable zoning to that lot.

Ms. Carr asked if the curb cuts were in the optional development plan.

Staff stated they were reluctant to put any sort of restriction on a curb cut for this lot, because they are looking at this lot as a standalone lot being rezoned to OL. He stated if the optional development plan said you cannot have a curb cut, they are theoretically forced to gain access through another property owner or through an easement somewhere else. He stated the neighbors did not want the driveway for an office building spitting out onto 45th Street and he understands that but if they look at the subject property as a standalone lot, not as an

extension of the adjacent lot that is on Harvard Avenue, they did not want to force them to have to obtain access through another lot or through another property. Staff stated similar justifications for why they do not have any restrictions about forcing dumpsters and trash onto another lot as well. He stated they do not want to say in the optional development plan that you cannot have a dumpster on this lot. Staff stated as a development this lot would have to have trash collection and dumpsters and so we do not want to say in the development plan that you cannot have a dumpster on this lot.

Ms. Carr stated it seems to her that the owner of the lot is trying to work with the neighbors. She stated she does see an effort there.

Mr. Zalk asked what the process was for lot combinations. He stated that seems like that is the most reasonable approach. Mr. Zalk stated if this is approved today that would remove all the leverage the neighbors to continue the discussion on deed restrictions.

Mr. Covey stated he would be voting to approve this application. He stated it is in line with the Land Use Plan, and it is in a Mixed-Use Corridor. Mr. Covey stated if you look at the zoning map OL is everywhere. He stated numerous concessions have been made by the applicant so he will be voting yes.

Mr. Shivel stated he agrees with Mr. Covey.

TMAPC Action; 9 members present:

On **MOTION** of **SHIVEL**, the TMAPC voted 8-0-1 (Carr, Covey, Craddock, Hood, Krug, Shivel, Walker, Whitlock, “aye”; no “nays”; Zalk, “abstaining”; Bayles, Humphrey, “absent”) to recommend **APPROVAL** of the OL zoning for Z-7681 with an optional development plan per staff recommendation.

Legal Description for Z-7681:

LT 12 BLK 1, VILLA GROVE HGTS NO 1, City of Tulsa, Tulsa County, State of Oklahoma

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4. **Z-7715 John Carmichael** (CD 2) Location: North of the northeast corner of West 81st Street South and South 28th West Avenue requesting rezoning from **RS-3 to AG-R**

STAFF RECOMMENDATION:

SECTION I: Z-7715

DEVELOPMENT CONCEPT: The applicant is proposing to rezone from RS-3 to AG-R. The property is currently being used as a single-family residence. Many of

the tracts near the subject property were a part of a group AG-R rezoning effort in The City of Tulsa zoning code requires that AG-R lots be a minimum of 1 acre and 150' wide. This rezoning would not put the subject property out of compliance as it meets the minimum requirements for AG-R.

DETAILED STAFF RECOMMENDATION:

Z-7715 is requesting AG-R zoning to allow for the applicant to utilize their property as intended. This tract is not a part of any overlay. AG-R zoning is consistent with the Existing Neighborhood designation.

AG-R zoning is consistent with this area as many surrounding properties are zoned AG-R. This is due to Z-7568 being approved in October 2020. This was a voluntary rezoning of multiple properties in this area to AG-R.

AG-R zoning is consistent with the surrounding properties as well as the Existing Neighborhood land use designation therefor,

Staff recommends approval of Z-7715 to rezone the subject tract from RS-3 to AG-R.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: *AG-R zoning is consistent with the Existing Neighborhood land use designation.*

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 include 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

Trail System Master Plan Considerations: None

Small Area Plan: Southwest Tulsa neighborhood Plan & West Highlands Tulsa Hills

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The subject property currently has a residential structure on it and is used as a residence.*

Environmental Considerations: None

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
S 28 th W Ave	None	50'	2

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG-R	Existing Neighborhood	Stability	Residential
East	AG-R	Existing Neighborhood	Stability	Residential
South	AG-R	Existing Neighborhood	Stability	Residential

West	RS-3	Existing Neighborhood	Stability	Residential
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SECTION III: Relevant Zoning History

History: Z-7715

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

Subject Property:

BOA-22446 June 2018: The Board of Adjustment **approved** a *Variance* to permit non-all-weather parking surface material and a *Variance* to allow a detached accessory structure to exceed 40% of the floor area of the principal residential structure, on property located at 8015 S. 28th Ave W.

Surrounding Property:

Z-7568 October 2020: All concurred in **approval** of a request for *rezoning* multiple tracts 137.38± acres of land from RS-3 to AG-R on property located (Multiple properties) N. of W. 86th St. S. & S. of W. 77th St. S. between S. 33rd W. Ave. & S. Union Ave.; NE/c of W. 77th St. S. & S. 33rd W. Ave.

BOA-22776 November 2019: The Board of Adjustment **approved** a *Variance* to permit allowable square footage for detached accessory buildings in the RS-3 District & a *Variance* to allow a detached accessory building to exceed one story or 18 feet in height, on property located at 2626 W. 79th Street S.

BOA-20256 March 2006: The Board of Adjustment **approved** a *Variance* to permit the maximum 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, on property located at 8025 S. 28th Ave W.

The applicant indicated his agreement with staff’s recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Carr, Covey, Craddock, Hood, Krug, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Bayles, Humphrey, “absent”) to recommend **APPROVAL** of the AG-R zoning for Z-7715 per staff recommendation.

Legal Description for Z-7715:

The Northwest Quarter of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (NE/4 SW/4 SE/4 SW/4) of Section Ten (10), Township

Eighteen (18) North, Range Twelve (12) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof.

* * * * *

5. **Z-7717 Mathew D Ward** (CD 2) Location: West of the northwest corner of West 57th Street South and South 41st West Avenue requesting rezoning from **RS-3 to RM-1**

STAFF RECOMMENDATION:

SECTION I: Z-7717

DEVELOPMENT CONCEPT: Rezone a single residential lot from RS-3 to RM-1 to permit the construction of a duplex.

DETAILED STAFF RECOMMENDATION:

The subject tract is currently zoned RS-3. The applicant is seeking to rezone the subject tract to RM-1 to permit the construction of a duplex. Duplexes are permitted by special exception in the RS-3 district; however, the size of the lot does not comply with the lot and building regulations that are required to support a duplex in the RS-3 district.

RM-1 zoning is consistent with the existing neighborhood designation and allows for a variety of residential buildings. The subject tract is also considered an area of growth. Due to the size of the lot, the maximum density permitted on the lot would be up to 3 apartments. The applicant has stated the intent to construct a duplex.

While there are no other RM-zoned properties in the immediate area, staff supports the request to rezone the site to RM-1 due to the nature of RM-1 being one of the lowest intensity multifamily zoning district and the lot size limiting the amount of density that could be developed on the tract.

Staff recommends approval of Z-7717 to rezone the tract from RS-3 to RM-1.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: RM-1 zoning is consistent with the existing neighborhood and area of growth designations of the Tulsa Comprehensive 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 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 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: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: There are vacant properties on all sides of the subject property. There are new single-family homes located on the east end of the block. South Haven Manor, a development of the Tulsa Housing Authority, is located east of South 41st West Avenue.

Environmental Considerations: None

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
West 57 th Street South	None	50'	2

Utilities:

The subject tract has municipal water available. According to City of Tulsa infrastructure atlases, the nearest sanitary sewer is located at the intersection of West 57th Street and South 41st West Avenue.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-3	Existing Neighborhood	Growth	Vacant
South	RS-3	Existing Neighborhood	Growth	Vacant
East	RS-3	Existing Neighborhood	Growth	Vacant
West	RS-3	Existing Neighborhood	Growth	Vacant

SECTION III: Relevant Zoning History

History: Z-7717

Subject Property:

ZONING ORDINANCE: Ordinance number 11821 dated June 26, 1970, established zoning for the subject property.

Surrounding Property:

BOA-14624 October 1987: The Board of Adjustment **approved** a *Special Exception* to permit a mobile home in a RS-3 zoned district and a *Variance* to permit the time regulation from 1 year to permanently, on property located at 4102 West 57th Street South.

BOA-11471 May 1981: The Board of Adjustment **approved** a *Special Exception* to permit a mobile home in an RS-3 District; and a *Variance* to permit the mobile home for more than one year, on property located at 4102 West 57th Street.

BOA-10377 April 1979: The Board of Adjustment **approved** a *Variance* to permit the setback requirements on a corner lot from 25' to 18' on the north and a *Variance* of 25' to 12' on the east, and request for permission to building across a lot line, on property located at 57th Street and 43rd West Avenue.

BOA-10353 March 1979: The Board of Adjustment **approved** a *Special Exception* to permit a mobile home in an RS-3 District on the SW corner of 57th Street and 41st West Avenue, on property located at SW corner of 57th Street and 41st West Avenue.

BOA-11006 May 1980: The Board of Adjustment **approved** a *Special Exception* to permit a mobile home in an RS-3 District, on property located at 4102 W. 57th Street.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Carr, Covey, Craddock, Hood, Krug, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Bayles, Humphrey, "absent") to recommend **APPROVAL** of the RM-1 zoning for Z-7717 per staff recommendation.

Legal Description for Z-7717:

LT 11 BLK 6, DOCTOR CARVER, City of Tulsa, Tulsa County, State of Oklahoma

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6. **Z-7720 Nathan Cross** (CD 6) Location: Northeast of the northeast corner of East 41st Street South and South 145th East Avenue requesting rezoning from RS-4 to RS-5

STAFF RECOMMENDATION:
SECTION I: Z-7720

DEVELOPMENT CONCEPT: The applicant has submitted a request to consider rezoning from RS-4 zoning which requires a minimum lot width of 50 feet and a minimum lot size of 5500 square feet to RS-5 zoning that requires a minimum lot width of 30 feet and minimum lot size of 3300 sq. ft.

DETAILED STAFF RECOMMENDATION:

Z-7720 requesting RS-5 zoning allows single family residential uses that are compatible with the surrounding properties and,

Lot and building regulations in a RS-5 district allow a greater density than the abutting RS-4 and RS-3 zoned properties; however, RS-5 zoning is consistent with the anticipated future development of the area and,

RS-5 zoning is consistent with the New Neighborhood land use designation of the Comprehensive Plan therefore,

Staff recommends approval of Z-7720 to rezone property from RS-4 to RS-5

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: RS-5 zoning is primarily used for a smaller lot single family residential use and is consistent with the New Neighborhood land use designation.

Land Use Vision:

Land Use Plan map designation: New Neighborhood

The New Neighborhood designation is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity and shall be paired with an existing or New Neighborhood or Town Center.

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 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: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The subject tract is undeveloped and is planned as a continuation of the Battle Creek subdivisions developed to the west.

Environmental Considerations: None.

Streets: The subject tract does not currently have any access to a public street. Development of this site will be dependent upon the completion of adjacent subdivision development and the extension of adequate public streets to serve the development. Residential streets are required to provide a 50-foot right-of-way dedication. Arrangement of streets will be reviewed, and recommendations will be made, when a preliminary plat of the subdivision is reviewed.

Utilities:

The subject tract will require extensions of municipal water and sewer in order to serve future subdivision development.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-3/AG	New Neighborhood	Growth	Vacant
East	RS-4	New Neighborhood	Growth	Vacant
West	RS-4	New Neighborhood	Growth	Vacant
South	RS-5	New Neighborhood	Growth	Vacant

SECTION III: Relevant Zoning History

History: Z-7720

ZONING ORDINANCE: Ordinance number 24424 dated August 16, 2020, established zoning for the subject property.

Subject Property:

Z-7553 August 16, 2020: All concurred in **approval** of a request for *rezoning* a 68.28± acre tract of land from RS-3 to RS-4 on property located East of the southeast corner of East 36th Street South and South 145th East Avenue.

Surrounding Property:

Z-7553 August 16, 2020: All concurred in **approval** of a request for *rezoning* a 68.28± acre tract of land from RS-3 to RS-4 on property located East of the southeast corner of East 36th Street South and South 145th East Avenue.

Z-7684 October 2022: All concurred in **approval** of a request for *rezoning* a 17.89± acre tract of land from RS-4 to RS-5 on property located Northeast of the northeast corner of South 152nd East Avenue and east 41st Street South.

Z-7577 December 2020: All concurred in **approval** of a request for *rezoning* a 27.62± acre tract of land from RS-3 to RS-4 on property located E. of the NE/c of 41st St. S and S. 145th E. Ave.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **SHIVEL**, the TMAPC voted 9-0-0 (Carr, Covey, Craddock, Hood, Krug, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Bayles, Humphrey, "absent") to recommend **APPROVAL** of the RS-5 zoning for Z-7720 per staff recommendation.

Legal Description for Z-7720:

A TRACT OF LAND THAT IS PART OF THE SOUTHEAST QUARTER (SE/4) OF SECTION TWENTY-TWO (22), TOWNSHIP NINETEEN (19) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SE/4; THENCE SOUTH 88°43'43" WEST AND ALONG THE NORTH LINE OF THE SE/4, FOR A DISTANCE OF 544.38 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 1°16'17" EAST AND PERPENDICULAR TO SAID NORTH LINE, FOR A DISTANCE OF 556.38 FEET; THENCE SOUTH 19°17'54" WEST FOR A DISTANCE OF 96.79 FEET; THENCE SOUTH 88°43'43" WEST AND PARALLEL TO THE NORTH LINE, FOR A DISTANCE OF 975.99 FEET; THENCE NORTH 1°16'17" WEST AND PERPENDICULAR TO THE NORTH LINE, FOR A DISTANCE OF 204.12 FEET; THENCE NORTH 16°57'51" EAST FOR A DISTANCE OF 76.73 FEET; THENCE SOUTH 88°43'43" WEST AND PARALLEL TO THE NORTH LINE, FOR A DISTANCE OF 801.50 FEET; THENCE NORTH 1°16'17" WEST AND PERPENDICULAR TO THE NORTH LINE, FOR A DISTANCE OF 118.00 FEET; THENCE SOUTH 88°43'43" WEST AND PARALLEL WITH THE NORTH LINE, FOR A DISTANCE OF 95.00 FEET; THENCE NORTH 1°16'17" WEST AND PERPENDICULAR TO THE NORTH LINE, FOR A DISTANCE OF 252.00 FEET TO A POINT ON THE NORTH LINE OF THE SE/4; THENCE NORTH 88°43'43" EAST AND ALONG THE NORTH LINE, FOR A DISTANCE OF 1882.49 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINING 962,665 SQUARE FEET OR 22.100 ACRES.

THE BEARINGS SHOWN HEREON ARE BASED UPON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE (3501), NORTH AMERICAN DATUM 1983 (NAD83); SAID BEARINGS ARE BASED LOCALLY UPON FIELD-OBSERVED TIES TO THE FOLLOWING MONUMENTS:

(1) FOUND 3/8" IRON PIN AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER (SE/4) CORNER OF SECTION 22;

(2) FOUND 3/8" IRON PIN WITH YELLOW PLASTIC CAP AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE/4) OF SECTION 22;

THE BEARING BETWEEN SAID MONUMENTS BEING NORTH 88°43'43" EAST.

* * * * *

7. Z-7721 Stuart McDaniel (CD 1) Location: Southwest corner of East Admiral Place and North Utica Avenue requesting rezoning from **CS and RM-2 to CH with an optional development plan**

STAFF RECOMMENDATION:
SECTION I: Z-7721

DEVELOPMENT CONCEPT: Applicant is seeking to redevelop the subject property into an apartment building. There is no current plan presented, but the applicant has stated a portion of the property fronting Utica Ave. may be reserved for commercial or office use. The applicant will seek to keep the existing structure on the southwest portion of the property which is currently a single-family detached house.

DETAILED STAFF RECOMMENDATION:

Staff recommends Approval of Z-7721 to rezone property from CS and RM-2 to CH with optional development plan standards included in Section II. The development plan was requested by staff to restrict some uses that may not be compatible with the proposed residential development on the site including Vehicle Sales and Service uses, Medical Marijuana related uses and Industrial Uses.

Staff is not supportive of restricting the property use solely for residential but does support a mixed-use concept that allows flexibility in the development of the site.

SECTION II OPTIONAL DEVELOPMENT PLAN STANDARDS:

The optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in the CH district with its supplemental regulations and accessory use provisions except as further refined below.

All uses categories, subcategories or specific uses and residential building types that are not listed in the following permitted uses categories are prohibited.

PERMITTED Use Categories, Subcategories and Specific uses:

Those uses marked with a * require a Special Exception approved in accordance with Sec. 70.120 of the Tulsa Zoning Code.

RESIDENTIAL Use Category:

Household Living Subcategory (if in allowed building type identified below):

Specific Use:

Single household

Two households on single lot

Three or more households on single lot

Group Living

Assisted living facility

Community group Home

Convent/ monastery/novitiate

Elderly/retirement center

Fraternity/Sorority

Homeless center *

Life care retirement center

Re-entry facility *

Residential Treatment center *

Rooming/ Boarding house

Shelter, emergency and protective *

Transitional Living Center*

PUBLIC, CIVIC, and INSTITUTIONAL Use Category:

College or University

Day Care

Government Service or Similar Function*

Hospital

Library or Cultural Exhibit

Natural Resource Preservation

Parks and Recreation

Postal Service*

Religious Assembly

School

Utilities and Public Service Facility

Minor

Wireless Communication Facility

Freestanding tower

Building or tower mounted antenna

COMMERCIAL Use Category:

Animal Service

Boarding or shelter

Grooming

Veterinary

Assembly and Entertainment (Gun Clubs, outdoor or indoor, are prohibited)

Other Indoor,

- Small (up to 250-person capacity)
- Large (>250-person capacity)*
- Other Outdoor*
- Broadcast or Recording Studio
- Commercial Service
 - Building Service
 - Business Support Service
 - Consumer Maintenance/Repair Service
 - Personal Improvement Service
 - Research Service
- Financial Service
 - Personal credit establishment
- Lodging
 - Bed & Breakfast
 - Short-term rental
 - Hotel / Motel
- Office
 - Business or professional office
 - Medical, dental or Health practitioner office
- Restaurants and Bars
 - Restaurant
 - Bar
 - Brewpub*
- 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

- Warehouse

AGRICULTURAL

- Community Garden
- Farm, market- or Community Supported

RESIDENTIAL BUILDING TYPES

- Single Household
 - Detached House*
 - Townhouse
 - Patio House*

Mixed-Use Building
Vertical Mixed-Use Building
Two Households on Single Lot
Duplex*
Mixed-Use Building
Vertical Mixed-Use Building
Three Households on Single Lot
Multi-unit House
Apartment/Condo
Mixed-Use Building
Vertical mixed-use building

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: *The proposed development as defined in section II above is consistent with the Employment land use designation of the comprehensive plan. Staff would not support restricting the uses to residential but supports the development plan as written that would allow for commercial activities.*

Land Use Vision:

Land Use Plan map designation: Employment

Employment areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity. Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

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.

Transportation Vision:

Major Street and Highway Plan: N. Utica Ave. is an Urban Arterial and considered a Multi-Modal Street. Future development should emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located 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.

Trail System Master Plan Considerations: None.

Small Area Plan: None.

Special District Considerations: The property is located inside both the RT 66 and NIO Zoning Overlays.

Historic Preservation Overlay: None.

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The property is made up of 8 separate blocks originally developed as a residential subdivision. The majority of the lots are currently vacant and the applicant is seeking to preserve the existing house located on lot 8.

Environmental Considerations: None.

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
E. Admiral Pl.	Not Classified	50-feet	2
N. Utica Ave.	Urban Arterial	70-feet	4

Utilities:

Municipal water and sewer are available on the subject tract.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RM-2	Employment	Growth	Residential
South	CH	Employment	Growth	Auto Service/ Retail sales
East	RM-1	Park and Open Space	Stability	Park
West	RM-2	Employment	Growth	Residential

SECTION IV: Relevant Zoning History

History: Z-7721

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

Subject 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.

BOA-14918 September 1988: The Board of Adjustment **approved** a *Special Exception* to permit a parking lot in an RM-2 zoned district, on property located at 1626 East Admiral Place.

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.

BOA-21665 January 2014: The Board of Adjustment **approved** a *Spacing verification* for a liquor store in the CH District from blood banks, plasma centers, day labor hiring centers, other liquor stores, bail bond offices and pawn shops, on property located at 12 N. Utica Ave East.

BOA-20990 October 2009: The Board of Adjustment **approved** a *Variance* to permit frontage required in the IM district from 200 ft. to 109.74 ft. to permit a lot split/combination, on property located at South of the SW/c of E. Archer St. and N. Utica Ave.

BOA-17101-A January 2013: The Board of Adjustment **approved** a *Modification to a previously approved site plan* (BOA-17101) to replace existing identification sign for Admiral Park, on property located at 29 N. Victor Avenue.

BOA-17101 June 1995: The Board of Adjustment **approved** a *Special Exception* to permit a public park in an RM-1 zoned district, on property located at --.

BOA-15666 June 1991: The Board of Adjustment **approved** a *Variance* to permit the required structure setback, as measured from the centerline of Utica Avenue, from 50' to 30', to permit additional parking spaces, on property located at 14 North Utica.

BOA-14368 January 1987: The Board of Adjustment **approved** a *Use Variance* to permit a produce warehouse in an RM-2 zoned district & a *Variance* of setback from the centerline of Admiral Place from 85' to 35' of Lot 1, and from 100' to 35' of Lot 2 for the construction of a building & a *Variance* of the setback from the abutting R District, on property located at 29 North Fulton.

BOA-14766 March 1988: The Board of Adjustment **approved** a *Variance* to permit the screening requirement to permit a screening fence off the property & a *Variance* of the Board approved 32' setback from the centerline of Utica Avenue to 30' to permit the relocation of a sign & a *request for approval of amended plot plan* from Board of Adjustment No.10694, on property located at Lots 21-24, Block 8, Lynch-Forsythe Addition.

BOA-10694 October 1979: The Board of Adjustment **approved** a *Variance* to permit the setback requirements from 50' to 32' from the centerline of Utica Avenue and from 50' to 34' from the centerline of Admiral Boulevard to permit the erection of two signs; and an *Special Exception* for a modification of the

screening requirements where the purpose of the screening cannot be achieved, on property located at NW corner of Admiral Boulevard and Utica Avenue.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Carr, Covey, Craddock, Hood, Krug, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Bayles, Humphrey, "absent") to recommend **APPROVAL** of the CH zoning with an optional development for Z-7721 per staff recommendation.

Legal Description for Z-7721:

N88 LTS 1 & 2 & ALL LTS 3 THRU 5 BLK 8; LT 6 BLK 8; LT 8 BLK 8; LT 7 BLK 8, LYNCH & FORSYTHE'S ADDN

* * * * *

Items 8 and 9 were presented together.

8. **Z-7722 Nathan Cross** (CD 2) Location: South and west of the southwest corner of East 91st Street South and South Harvard Avenue requesting rezoning from **RM-0 and RM-1 to OL (Related to PUD-306-L)**

STAFF RECOMMENDATION:

SECTION I: Z-7722

DEVELOPMENT CONCEPT: Applicant is seeking to prepare the site to be developed as small low-rise office buildings. There is no development plan associated with the rezoning request and standards would need to meet those of the OL District.

DETAILED STAFF RECOMMENDATION:

Staff recommends **Approval** Z-7722 to rezone property from RM-1 and RM-0 to OL.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The existing land use designation on the site of Neighborhood Center would support the rezoning to OL.

Land Use Vision:

Land Use Plan map designation: Neighborhood Center

Neighborhood Centers are small-scale, one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services. They can include apartments, condominiums, and townhouses, with small lot single family homes at the edges. These are pedestrian-oriented places served by transit, and visitors who drive can park once and walk to number of destinations.

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.

Transportation Vision:

Major Street and Highway Plan: Property has frontage on S. Harvard Ave. (Residential Collector) and E. 91st St. S.(Secondary Arterial). E. 91st St. considered a Multi-Modal Street. Future development should emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located 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. Appropriate rights-of-way appear to have been dedicated to serve those streets. Property will require recording of a subdivision plat or Subdivision Conformance Review prior to the issuance of building permits.

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 tract is currently vacant. Staff is unaware of any development that has occurred in the past on the subject property.

Environmental Considerations: A small portion of the property is located in any floodplain; staff does not believe it will significantly affect development on the site. There is an existing stormwater drainage channel to the West that is owned by the Homeowners Association connected the Woodside Village subdivisions.



(From City of Tulsa online Floodplain Map)

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
E. 91 st St.	Secondary Arterial	100-feet	4 that narrow to 2 lanes near the Western half of the property

S. Harvard Ave.	Residential Collector	60-feet	2
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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
South	RS-3/PUD-306-J	Existing Neighborhood	Stability	Religious Assembly
East	CS and AG	Neighborhood Center/Park and Open Space	Growth/Stability	Vacant with temporary plant and produce sales/Cemetery
North	RS-3	Existing Neighborhood	Stability	Single-family Residential
West	RM-1/PUD-306	Existing Neighborhood	Stability	Residential

SECTION III: Relevant Zoning History

History: Z-7722 Rel. PUD-306-L

ZONING ORDINANCE: Ordinance number 11832 dated June 26, 1970, established zoning for the subject property.

Subject Property:

BOA-21686 March 2014: The Board of Adjustment **approved** a *Special Exception* to permit tent sales (Use Unit 2) for produce and bedding plants in the CS district portion of subject property for 10 years & a Special Exception to permit gravel parking material & a Variance to increase the maximum number of days in a calendar year from 179 to 200 days for tent sales, on property located at 3212 East 91st Street S.

BOA-19764 February 2004: The Board of Adjustment **approved** a *Special Exception* to permit produce, bedding plants and Christmas tree sales (Use Unit 2) for a maximum of 179 days per year for 10 years; and a Special exception to allow gravel parking, on property located at SW/c E. 91st St. S. & S. Harvard Avenue.

BOA-18376 April 1999: The Board of Adjustment **approved** a *Special Exception* to permit temporary bedding plants, produce and Christmas tree sales from April 15, 1999, for 179 days per year for a period of five years, on property located at 3212 E. 91st St. S.

BOA-17672 April 1997: The Board of Adjustment **approved** a *Special Exception* to permit temporary produce & Christmas Tree sales from May 1, 1998, for 120 days & from Thanksgiving Day through Christmas day for 2 years and review conditions of previous approval of dust free all-weather surface granted 4/9/96 and seeking an extension of time to coincide with Special Exception, on property located at 3212 E. 91st Street.

BOA-17346 April 1996: The Board of Adjustment **approved** a *Special Exception* to permit a temporary tent for produce sales for 120 days beginning May 11 and Christmas tree sales from Thanksgiving Day through Christmas Day; both periods of sales to occur in 1996 and 1997, on property located at 3212 E. 91st Street.

BOA-16595 March 1994: The Board of Adjustment **approved** a *Special Exception* to permit a produce tent and Christmas tree sales for the years 1994 and 1995, on property located at 3212 E. 91st Street.

BOA-15331 February 1990: The Board of Adjustment **approved** a *Special Exception* to permit Christmas tree sale for a period of three years, and Special Exception to permit a landscaping business and wood lot in a CS zoned district, on property located at SW/c East 91st street and South Harvard Avenue.

BOA-14076 May 1986: The Board of Adjustment **approved** a *Variance* to permit an outdoor advertising sign outside of a freeway sign corridor, within 150' of a residential district to not be oriented to be primarily visible from the freeway to be supported by more than one post to be within 1200; of another outdoor advertising sign, on property located at south of the SE/c of 91st street and Harvard Avenue.

BOA-13992 April 1986: The Board of Adjustment **approved** a *Variance* to permit an outdoor advertising sign outside of a freeway sign corridor, within 150' of a residential district, to not be oriented to be primarily visible from the freeway, to be supported by more than one post, on property located at south of the SW/c of 91st and Harvard.

Surrounding Property:

Z-5787/PUD-306 February 1983: All concurred in **approval** of a request to rezone a 273.4± acre tract of land from RM-2, RM-1, RS-3, AG and FD to CS, RM-0, RM-1, RS-3 and FD and **approval** of a proposed *Planned Unit Development* for a combination of commercial, office, multifamily and single-

family uses, on property located Between 91st Street and 101st Street South, both sides of Delaware.

BOA-10998 May 1980: The Board of Adjustment **approved** a *Special Exception* to permit property for cemetery and related uses, on property located southeast of 91st Street and Harvard Avenue.

Applicant Comments:

Nathan Cross 2 West 2nd St. Ste. 700 Tulsa, OK 74103

Mr. Cross stated the subject property is currently zoned for lighter density multifamily. He stated his client wants to market the subject property as office to increase the potential uses. Mr. Cross stated he thinks it's important to note that as part of this request they are moving away from the apartment use. He stated there are still some creative housing options that are allowed, including live/work. Mr. Cross stated he thinks it is considerably less dense than what it could have been as an apartment use. He stated he has spoken with the neighbors including the HOA president. Mr. Cross stated the two concerns that he heard were that they do not want apartments and drainage issues. He stated he explained to the neighbors that apartments were not a part of this application, and the drainage issue was not a part of this application and would have to be addressed when a specific plan for this site is developed.

Mr. Whitlock stated he had a call from a resident in the area and wanted to disclose that. He stated the residents should be extremely happy with Mr. Cross's proposal because they did not want a multi-unit housing complex.

Interested Parties:

Stan Synar 9309 S Jamestown Avenue, Tulsa, OK 74137

Mr. Synar stated after speaking with staff he is good with the application.

Tracie Williamson 3248 E 93rd Street, Tulsa, OK 74137

Ms. Williamson stated she is the HOA President for the South Hampton neighborhood. She wanted to point out some unique factors for Planning Commission's consideration. Ms. Williamson stated without a plan they do not know how these types of things can be considered. She stated there is a public elementary school building located at 91st and Harvard Avenue and twice a day during the school year there is a lot of traffic, buses, children, parents, and she does not know what impact the subject change would have on this neighborhood. Ms. Williamson stated traffic tends to back up into the neighborhood area sometimes. She stated additionally, there is a pedestrian path that runs along the Turnpike, and they get a lot of bikers and walkers along Harvard Avenue to that pedestrian pathway. Ms. Williamson stated there are no shoulders or sidewalks along that road and would like Planning Commission to take that into

consideration. She stated this is a very small neighborhood on a dead-end road that people come into and they loop back out. Because of the dead end the neighborhood would anticipate that they are going to get all the turnaround people. Ms. Williamson stated she is neither objecting nor in support but just wanted those things considered.

Staff stated they would like to clarify to the public and the Planning Commissioners that apartments would be allowed by special exception but are not allowed by right. He stated if an application was made to the Board of Adjustment there would be notice and signage requirements.

TMAPC Action; 9 members present:

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Carr, Covey, Craddock, Hood, Krug, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Bayles, Humphrey, "absent") to recommend **APPROVAL** of the OL zoning for Z-7722 per staff recommendation.

Legal Description for Z-7722:

A TRACT OF LAND THAT IS PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION TWENTY (20), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACT BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NE/4; THENCE SOUTH 01°07'18" EAST ALONG THE EASTERLY LINE OF SAID NE/4 FOR 466.84 FEET; THENCE SOUTH 88°52'42" WEST, A DISTANCE OF 30.00 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF SOUTH HARVARD AVENUE AND THE POINT OF BEGINNING; THENCE SOUTH 01°07'18" EAST, PARALLEL WITH SAID EASTERLY LINE AND ALONG SAID WESTERLY RIGHT OF WAY OF SOUTH HARVARD AVENUE FOR A DISTANCE OF 196.08 FEET TO A POINT OF THE SOUTH LINE OF THE NE/4 NE/4 NE/4; THENCE SOUTH 88°39'11" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 887.35 FEET; THENCE NORTH 10°04'27" EAST, A DISTANCE OF 0.00 FEET TO A POINT ON A CURVE; THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 29°42'04", A RADIUS OF 366.26 FEET, A CHORD BEARING OF NORTH 24°55'29" EAST FOR A CHORD DISTANCE OF 187.74 FEET, FOR A ARC LENGTH OF 189.86 FEET; THENCE NORTH 39°46'31" EAST, A DISTANCE OF 111.31 FEET; THENCE NORTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE 17°14'52", A RADIUS OF 227.81 FEET, A CHORD BEARING OF NORTH 31°09'05" EAST FOR A CHORD DISTANCE OF 68.32 FEET, FOR A ARC LENGTH OF 68.58 FEET; THENCE NORTH 22°31'39" EAST, A DISTANCE OF 160.95 FEET; THENCE NORTH 01°06'32" WEST, A DISTANCE OF 155.32 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY FOR EAST 91st STREET SOUTH; THENCE NORTH 88°36'41" EAST PARALLEL WITH THE NORTHERLY LINE OF THE NE/4 AND ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR A DISTANCE OF 167.53 FEET; THENCE SOUTH 82°17'54" EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR A DISTANCE OF 27.06 FEET; THENCE SOUTH 01°07'18" EAST, A DISTANCE OF 412.43 FEET; THENCE NORTH 88°36'41" EAST, A DISTANCE OF 436.70 FEET

TO THE POINT OF BEGINNING, CONTAINING 263,173.50 SQUARE FEET OR 6.04 ACRES, MORE OR LESS.

* * * * *

9. **PUD-306-L Nathan Cross** (CD 2) Location: Location: South and west of the southwest corner of East 91st Street South and South Harvard Avenue requesting a **PUD Major Amendment** to allow for office development **(Related to Z-7722)**

STAFF RECOMMENDATION:

SECTION I: PUD-306-L

DEVELOPMENT CONCEPT: Applicant is seeking to prepare the site to be developed as small low-rise office buildings. Abandonment of the PUD on this site and rezoning to OL (Z-7722) in conjunction with the property to the east would need to meet the standards of the OL zoning district. The original PUD limited the subject property to single-family residential uses that adhere to the lot and area requirements of the RS-3 district.

DETAILED STAFF RECOMMENDATION:

Staff recommends **Approval** of PUD-306-L to abandon the PUD on the property. Staff recommendation is contingent upon the approval of Z-7722 which will rezone the site to OL.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The existing land use designation on the site of Neighborhood Center would support the abandonment of the PUD and the rezoning to OL. All street frontage for the site is derived from South Harvard Ave. and E. 91st St. through a commonly owned parcel on the east. There are no connections from the site to the existing established neighborhoods.

Land Use Vision:

Land Use Plan map designation: Neighborhood Center

Areas of Stability and Growth designation: Area of Growth

Transportation Vision:

Major Street and Highway Plan: Property is currently landlocked and access to South Harvard Avenue and E. 91st St. S. will require a combination to the neighborhood properties which are currently under the same ownership.

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 tract is currently vacant. It is surrounded by properties zoned for residential with an existing neighborhood to the east. The property zoned RM-0 to the east is included in the associated rezoning Z-7722 and is planned to be a part of the same office development.

Environmental Considerations: Property is not located in any floodplain. There is an existing stormwater drainage channel to the west that is owned by the Homeowners Association connected the Woodside Village subdivisions.

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
Property is currently landlocked.			

Utilities:

The subject tract does not have municipal water and sewer available currently but would have access to it once combined to the neighboring tract which is under the same ownership and included in the same rezoning case.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
West	RM-1/ PUD-306	Existing Neighborhood	Stability	Residential
South	RS-3/ PUD-306-J	Existing Neighborhood	Stability	Religious Assembly
East and North	RM-0	Neighborhood Center	Growth	Vacant

SECTION III: Relevant Zoning History

History: PUD-306-L Rel. Z-7722

ZONING ORDINANCE: Ordinance number 11832 dated June 26, 1970, established zoning for the subject property.

Subject Property:

BOA-21686 March 2014: The Board of Adjustment **approved** a *Special Exception* to permit tent sales (Use Unit 2) for produce and bedding plants in the CS district portion of subject property for 10 years & a Special Exception to permit gravel parking material & a Variance to increase the maximum number of days in a calendar year from 179 to 200 days for tent sales, on property located at 3212 East 91st Street S.

BOA-19764 February 2004: The Board of Adjustment **approved** a *Special Exception* to permit produce, bedding plants and Christmas tree sales (Use Unit 2) for a maximum of 179 days per year for 10 years; and a Special exception to allow gravel parking, on property located at SW/c E. 91st St. S. & S. Harvard Avenue.

BOA-18376 April 1999: The Board of Adjustment **approved** a *Special Exception* to permit temporary bedding plants, produce and Christmas tree sales from April 15, 1999, for 179 days per year for a period of five years, on property located at 3212 E. 91st St. S.

BOA-17672 April 1997: The Board of Adjustment **approved** a *Special Exception* to permit temporary produce & Christmas Tree sales from May 1, 1998, for 120 days & from Thanksgiving Day through Christmas day for 2 years and review conditions of previous approval of dust free all-weather surface granted 4/9/96 and seeking an extension of time to coincide with Special Exception, on property located at 3212 E. 91st Street.

BOA-17346 April 1996: The Board of Adjustment **approved** a *Special Exception* to permit a temporary tent for produce sales for 120 days beginning May 11 and Christmas tree sales from Thanksgiving Day through Christmas Day; both periods of sales to occur in 1996 and 1997, on property located at 3212 E. 91st Street.

BOA-16595 March 1994: The Board of Adjustment **approved** a *Special Exception* to permit a produce tent and Christmas tree sales for the years 1994 and 1995, on property located at 3212 E. 91st Street.

BOA-15331 February 1990: The Board of Adjustment **approved** a *Special Exception* to permit Christmas tree sale for a period of three years, and Special Exception to permit a landscaping business and wood lot in a CS zoned district, on property located at SW/c East 91st street and South Harvard Avenue.

BOA-14076 May 1986: The Board of Adjustment **approved** a *Variance* to permit an outdoor advertising sign outside of a freeway sign corridor, within 150' of a residential district to not be oriented to be primarily visible from the freeway to be supported by more than one post to be within 1200; of another outdoor advertising sign, on property located at south of the SE/c of 91st street and Harvard Avenue.

BOA-13992 April 1986: The Board of Adjustment **approved** a *Variance* to permit an outdoor advertising sign outside of a freeway sign corridor, within 150' of a residential district, to not be oriented to be primarily visible from the freeway, to be supported by more than one post, on property located at south of the SW/c of 91st and Harvard.

Surrounding Property:

Z-5787/PUD-306 February 1983: All concurred in **approval** of a request to rezone a 273.4± acre tract of land from-2, RM-1, RS-3, AG and FD to CS, RM-0, RM-1, RS-3 and FD and **approval** of a proposed *Planned Unit Development* for a combination of commercial, office, multifamily and single-family uses, on property located Between 91st Street and 101st Street South, both sides of Delaware.

BOA-10998 May 1980: The Board of Adjustment **approved** a *Special Exception* to permit property for cemetery and related uses, on property located southeast of 91st Street and Harvard Avenue.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Carr, Covey, Craddock, Hood, Krug, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Bayles, Humphrey, "absent") to **ABANDON** PUD-306-L per staff recommendation.

Legal Description for PUD-306-L:

A tract of land containing 1.3463 acres that is part of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (NW/4 NE/4 NE/4) of Section Twenty (20), Township Eighteen (18) North, Range Thirteen (13) East of the Indian Base and Meridian, in the City of Tulsa, Tulsa County, State of Oklahoma,

according to the U.S. Government Survey thereof, said tract of land being described as follows, to-wit:

Starting at the Northeast Corner of said Section 20; thence South 01°08'55" East along the Easterly line of Section 20 for 662.72 feet to a point, said point being the Southeast corner of the NE/4 NE/4 NE/4 of said Section 20; thence South 88°37'38" West along the Southerly line of the NE/4 NE/4 NE/4 for 661.20 feet to the "Point of Beginning" of said tract of land, said point being the Southeast corner of the NW/4 NE/4 NE/4 of said Section 20; thence North 01°08'12" West along the Easterly line of said NW/4 NE/4 NE/4 of said Section 20 for 456.94 feet; thence South 22°29'59" West for 160.95 feet to a point of curve; thence Southwesterly along a curve to the right, with a central angle of 17°14'52" and a radius of 227.81 feet, for 68.58 feet to a point of tangency; thence South 39°44'51" West along said tangency for 111.31 feet to a point of curve; thence Southwesterly and Southerly along a curve to the left, with a central angle of 29°41'22" and a radius of 366.26 feet, for 189.79 feet to a point on the Southerly line of the NW/4 NE/4 NE/4 of said Section 20; thence North 88°37'38" East along said Southerly line for 256.24 feet to the "Point of Beginning" of said tract of land;

* * * * *

**PUBLIC HEARING- SUBDIVISION AND DEVELOPMENT
REGULATIONS AMENDMENTS**

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

10.SR-2 – Consider various amendments to the Tulsa Metropolitan Area Subdivision and Development Regulations in the following sections: Article 1. Introductory Provisions, Section 1-080.3, Public Officials and Agencies; Article 5. Design and Improvements, Section 5-060.6, Right-of-Way Widths, and Table 5-2, Minimum Right-of-Way Widths for Streets Not Shown on Major Street and Highway Plan; Article 5. Design and Improvements, Section 5-130, Water Supply and Sewage Disposal, Section 5-130.1 City of Tulsa; Article 10. Review and Approval Procedures, Section 10-060, Lot Splits and Adjustments, Section 10-060.6 Review and Approval Criteria

STAFF RECOMMENDATION:

Item

Consider various amendments to the Tulsa Metropolitan Area Subdivision and Development Regulations in the following sections: Article 1. Introductory

Provisions, Section 1-080.3, Public Officials and Agencies; Article 5. Design and Improvements, Section 5-060.6, Right-of-Way Widths, and Table 5-2, Minimum Right-of-Way Widths for Streets Not Shown on Major Street and Highway Plan; Article 5. Design and Improvements, Section 5-130, Water Supply and Sewage Disposal, Section 5-130.1 City of Tulsa; Article 10. Review and Approval Procedures, Section 10-060, Lot Splits and Adjustments, Section 10-060.6 Review and Approval Criteria

Background

Since adoption of the Subdivision and Development Regulations in May of 2018, several items have been identified that require an amendment. These items include clean-up items and adjustments to reflect the City reorganization effective on July 1, 2023. Staff presented the proposed amendments at a March 22, 2023 TMAPC work session. Below is a general description of items included in this set of amendments.

- Section 1-080 City and County References
 - Updating the section related to “Public Officials and Agencies” to reflect recently announced organizational changes at the City of Tulsa and INCOG.
- Section 5-060.6 Right of Way Widths
 - Clarifying applicability of required right-of-way widths to streets both classified on the Major Street and Highway Plan and those that are not classified.
- Section 5-130 Water Supply and Sewage Disposal
 - Adding references to applicable ordinances related to the installation and requirements for sanitary sewer systems in the City of Tulsa.
- Section 10-060 Lot Splits and Adjustments
 - Correcting reference to water supply and sewage disposal regulations to include correct section number. Current regulations errantly refer to a section that does not exist.

The amendments proposed to the Tulsa Metropolitan Area Subdivision and Development Regulations are shown in ~~strike-through~~/underline in **Attachment I**.

Staff Recommendation

Approval of the proposed amendments to the Subdivision and Development Regulations as shown in the attachment to the staff report.

TMAPC Action; 9 members present:

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Carr, Covey, Craddock, Hood, Krug, Shivel, Walker, Whitlock, Zalk, “aye”; no “nays”; none “abstaining”; Bayles, Humphrey, “absent”) to **APPROVE** SR-2 as shown in Attachment I to the staff report to amend the Tulsa Metropolitan Area Subdivision and Development Regulations per staff recommendation.

OTHER BUSINESS

11. Commissioners' Comments

None

ADJOURN

TMAPC Action; 9 members present:

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Carr, Covey, Craddock, Hood, Krug, Shivel, Walker, Whitlock, Zalk, "aye"; no "nays"; none "abstaining"; Bayles, Humphrey, "absent") to **ADJOURN** TMAPC meeting of June 7, 2023, Meeting No. 2891.

ADJOURN

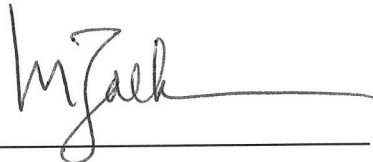
There being no further business, the Chair declared the meeting adjourned at 1:57 p.m.

Date Approved:

06-21-2023


Chair

ATTEST: _____



Aetinda Secretary