

**TULSA METROPOLITAN AREA PLANNING COMMISSION**  
**Meeting No. 2894**

**July 19, 2023, 1:00 PM**  
**175 East 2nd Street, 2nd Level, One Technology Center**  
**Tulsa City Council Chamber**

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

The notice and agenda of said meeting were posted on Monday July 19, 2023 at 2:48 p.m., 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 1:03 p.m.

Mr. Walker 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.

\* \* \* \* \*

**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.**

1. **PUD-221-A-3 Deborah Broome** (CD 7) Location: Northwest corner of East 46<sup>th</sup> Street South and South 134<sup>th</sup> East Avenue requesting a **PUD Minor Amendment** to increase allowable driveway width in the street setback.

**STAFF RECOMMENDATION:**

**SECTION I:** PUD-221-A-3 Minor Amendment

**Amendment Request:** Revise the PUD Development Standards to clarify the allowable driveway width within the street setback.

PUD 221 was approved in 1979 and is silent regarding driveway widths. The 1979 zoning code provided guidance that allowed up to 34% of the front yard to be used for parking but did not limit width.

The current zoning code says driveways in RS zoned lots with street frontage of 75'+ feet cannot exceed 50% of the lot frontage or 30 ft of driveway width in within the street setback and 27' within the right of way, whichever is less. The applicant is proposing a new driveway on 134<sup>th</sup> East Avenue that is 33.5' wide within the right of way and 33.5' in the street setback. Staff supports allowing 34' maximum driveway width within the street setback and the right of way to allow the proposed drive.

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

*"Changes in structure heights, building setbacks, yards, driveway coverage measured by width, square footage or percentage of the yard, open spaces, building coverage and lot widths or frontages, provided the approved PUD development plan, the approved PUD standards and the character of the development are not substantially altered."*

Staff has reviewed the request and determined:

1. PUD-221-A-3 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-221-A.
2. All remaining development standards defined in PUD-221-A and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the PUD minor amendment to increase allowable driveway width in the street setback.

**Legal Description for PUD-221-A-3:**

LT 10 BLK 4, Quail Ridge Subdivision, City of Tulsa, Tulsa County, State of Oklahoma

\* \* \* \* \*

2. **PUD-579-B-3/Z-6333-SP-4c Ronald G. Tracy** (CD 7) Location: Northwest corner of Highway 169 and East 81<sup>st</sup> Street South requesting a **PUD Minor Amendment** to change the minimum lot width requirement from 150' to 90' to allow for a lot of split, and establish development standards for the newly created lots.

**STAFF RECOMMENDATION:**

**SECTION I: CONCEPT STATEMENT**

PUD-579-B-3 and Z-6333-SP-4c and Minor Amendment

Amendment Request: PUD minor amendment to lower the minimum lot width requirement from 150' to 90' to allow for a lot split.

Amendment PUD-579-B was approved in 2006 and established development standards for Lot 4 Block 1 of the Tall Grass Subdivision. The applicant has submitted a lot split to divide a part of the lot into two parcels, the north tract being .79 acres and the south tract being 2.29 acres. The lot split proposed would put the north tract out of compliance with the development standards of PUD-579-B. To correct this the applicant has requested that the PUD be amended to allow for the lot width of these lots be 90'. The area included in this minor amendment will be designated as development area D.

**DEVELOPMENT AREA D STANDARDS**

NET LAND AREA: 3.08 AC

PERMITTED USES:  
Those allowed in PUD-579-B.

MAXIMUM BUILDING HEIGHT:  
Hotels and Motels 120 FT

Multi-Family Dwellings, other dwellings, offices and other uses as permitted by Development Standards for Area B of PUD-579-A.

MINIMUM BUILDING SETBACKS:

From North boundary abutting Dev Area B	10 FT
From the South Common boundary with lots 1-3, Block 1 (Dev Area C)	20 FT
From South 101 <sup>st</sup> East Ave	75 FT
From East boundary of Mingo Valley Expressway r-o-w	50 FT
From internal boundaries of the Dev area D	10 FT
<b>MINIMUM LOT WIDTH:</b>	<b>90 FT</b>
MAXIMUM BUILDING FLOOR AREA RATIO PER LOT:	.75
MAXIMUM LAND COVERAGE PER LOT:	30%

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-579-B-3 is consistent with the provisions for administration and procedures of a PUD in section 30.010-H.
2. PUD-579-B-3 and Z-6333-SP-4c does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-579-B-3 and Z-6333-SP-4c.
3. All remaining development standards defined in PUD-579-B and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to change the minimum lot width requirement from 150' to 90' to allow for a lot split, and establish development standards for the newly created lots.

**Legal Description for PUD-579-B-3/Z-6333-SP-4c:**

**Legal Description( Parent Tract)**

A PART OF LOT FOUR ( 4) , BLOCK ONE (1), TALL GRASS, AN ADDITION To" THE CITY OF TULSA, BEGIN A SUBDIVISION OF PAR OF THE EAST HALF OF THE SOUTHWEST QUARTER (E/ 2 SW/4) OF SECTION SEVEN (7), TOWNSHIP EIGHTEEN (18) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY.STATE OF OKLAHOMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO- WIT

BEGINNING AT THE SOUTHWEST CORNER OF SAJO LOT FOUR (4); THENCE ALONG A CURVE, SAID CURVE BEING ALONG THE WEST LINE OF SAID LOT FOUR (4) TO THE RJGRT HAVING A RADIUS OF 300.00 FEET, A LENGTH OF 231.69 FEET, A CHORD DISTANCE OF 225.98 FEET WITH A CHORD BEARING N38°39'10"E; THENCE AROUND A CURVE TO THE LEFT SAID CURVE BEING ALONG THE WEST LINE OF SAID LOT FOUR (4) WITH A RADIUS OF 410 .00 FEET, A LENGTH OF 229.88 FEET, A CHORD DISTANCE OF 226.88 FEET WITH A CHORD BEARING N44°42'56"E; THENCE N28°39 " 11 "E AND ALONG THE WEST LINE OF SAID LOT FOUR (4) FOR A DISTANCE OF 60.18 FEET; THENCE S61°20'49" EAST FOR A DISTANCE OF 270.26 FEET TO A POINT ON THE EAST LINE OF SAID LOT FOUR ( 4); THENCE SOUTH 00°45 ' 44" EAST AND ALONG THE EAST LINE OF SAID LOT FOUR (4) FOR A DISTANCE OF 92.58 FEET; THENCE S89°03'33"W FOR A DISTANCE OF 36.35 FEET; THENCE S01°10'53"E AND ALONG TH EAST LINE OF SAID LOT FOUR (4) FOR A DISTANCE OF 159.00 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT FOUR (4) FOR A DISTANCE OF 535.06 FEET TO THE POINT OF BEGINNING

**TMAPC Action; 9 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Bayles, Carr, Covey, Craddock, Hood, Humphrey, Krug, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Shivel, Zalk, "absent") to **APPROVE** Items 1 and 2 per staff recommendation.

**PUBLIC HEARING - REZONING**

3. **Z-7730 Ryan Strode** (CD 2) Location: Northeast corner of Highway 75 and West 41st Street South requesting rezoning from **CS and IL to IL (Staff requests a continuance to August 16, 2023)**

**TMAPC Action; 9 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 9-0-0 (Bayles, Carr, Covey, Craddock, Hood, Humphrey, Krug, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Shivel, Zalk, “absent”) to **CONTINUE** Item 3 to August 16, 2023.

\* \* \* \* \*

4. **CZ-547 Ronald D. & Gary D. Richardson** (County) Location: Southeast corner of West 41<sup>st</sup> Street South and South 61<sup>st</sup> West Ave requesting rezoning from **RS to CS**

**STAFF RECOMMENDATION:**  
**SECTION I: CZ-547**

**DEVELOPMENT CONCEPT:** The applicant has requested to rezone from RS to CS to permit commercial use on the subject lot. Currently the site contains a vacant single-family home. The applicant intends to permit commercial development on the lot. The applicant did not specify the type of commercial development intended at this time. The site is located within the Neighborhood Center designation of the City of Tulsa Comprehensive Plan, which has been adopted as part of the Tulsa County Comprehensive Plan. This proposal would be compatible with this designation.

**DETAILED STAFF RECOMMENDATION:**

CZ-547 is non-injurious to surrounding proximate properties and consistent with the Tulsa County Comprehensive Plan,

CZ-547 is consistent with the anticipated future development pattern of the surrounding property therefore,

**Staff recommends Approval of CZ-547 to rezone property from RS to CS.**

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

**Staff Summary:** *The site is located within the Neighborhood Center land use designation of the Tulsa County Comprehensive Plan as identified in the Unincorporated Tulsa County Land Use Designations (Berryhill) portion of the Comprehensive Plan which was adopted as part of the Tulsa County Comprehensive Plan on January 14, 2019.*

**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 a number of destinations.

**Transportation Vision:**

***Major Street and Highway Plan:*** W 41<sup>st</sup> St S is designated as a Primary Arterial.

***Trail System Master Plan Considerations:*** The GO Plan shows a sidewalk gap along W 41<sup>st</sup> St S.

**Special District Considerations:** None

**Historic Preservation Overlay:** None

**DESCRIPTION OF EXISTING CONDITIONS:**

**Staff Summary:** *The site currently contains single family home and the surrounding associated property.*

**Environmental Considerations:** None

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
W 41 <sup>st</sup> St S	Primary Arterial	120 Feet	4

**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	AG (CS pending BOCC approval)	Neighborhood Center	N/A	Church
South	RS	Existing Neighborhood	N/A	Single-Family Residential
East	RS	Neighborhood Center	N/A	Single-Family Residential
West	CS	Neighborhood Center	N/A	Commercial

**SECTION III: Relevant Zoning History**



## **History: CZ-547**

**ZONING ORDINANCE:** Resolution number 98254 dated September 15, 1980, established zoning for the subject property.

### ***Subject Property:***

**CZ-545 Withdrawn May 2023:** Request to rezone a 6.85+ acre tract of land from AG to CS on property located NE/c of W. 41<sup>st</sup> Street South & South 61<sup>st</sup> W. Ave., was withdrawn.

### ***Surrounding Property:***

**CBOA-2752 May 2019:** The Board of Adjustment **approved** a *Modification* to permit a previously approved Special Exception (CBOA-2752) to extend the time limitation to permit fireworks stand in an AG district and a Variance from the all-weather parking surface requirement, on property located at 6035 West 40<sup>th</sup> Street South.

**CBOA-2500 May 2014:** The Board of Adjustment **approved** a *Special Exception* to permit fireworks stand (Use Unit 2) in an AG district for a time period from June 15<sup>th</sup> to July 5<sup>th</sup> and December 15<sup>th</sup> to January 1<sup>st</sup>, on property located at 6035 West 40<sup>th</sup> Street South.

**CBOA-2104 April 2004:** The Board of Adjustment **approved** a *Variance* to permit street frontage from 150' to 88.80' and 135.67' to permit a lot-split, on property located at 6130 West 41<sup>st</sup> Street.

**CBOA-2027 January 2003:** The Board of Adjustment **approved** a *Special Exception* to permit a previous condition of approval of a home school facility in an RS district to allow the proposed building to be larger than approved, on property located at South of SE/c West 41<sup>st</sup> Street & 61<sup>st</sup> West Avenue.

**CBOA-2015 November 2002:** The Board of Adjustment **approved** a *Special Exception* to permit a home school facility in a RS district, on property located at South of SE/c West 41<sup>st</sup> Street and South 61<sup>st</sup> Avenue.

**CBOA-2021 January 2003:** The Board of Adjustment **approved** a *Special Exception* to permit auto repair and retail tire and accessory sales in a CS zoned district, on property located at 4110 S. 61<sup>st</sup> W. Ave.

**CBOA-1989 July 2002:** The Board of Adjustment **approved** a *Special Exception* to permit a car wash in a CS district, on property located at W. 41<sup>st</sup> Street & 63<sup>rd</sup> W. Ave.

**CBOA-1830 April 2001:** The Board of Adjustment **approved** a *Special Exception* to permit a 220' monopole wireless telephone transmission tower in AG zoned area within 242' of property zoned RS and OL, on property located at 6035 W. 40<sup>th</sup> Street.

**CBOA-1397 January 1996:** The Board of Adjustment **approved** a *Special Exception* to permit church use day care and gymnasium on a ten-acre tract in an AG zoned district, on property located at 6035 West 40<sup>th</sup> Street.

**CBOA-1320 January 1995:** The Board of Adjustment **approved** a *Variance* to permit the maximum 750 sq. ft. for a detached accessory building, on property located at 6110 W. 41<sup>st</sup> Street.

**CBOA-846 October 1988:** The Board of Adjustment **approved** a *Special Exception* to permit a daycare center in an existing church in an AG zoned district, on property located at 6033 West 40<sup>th</sup> Street.

**CBOA-518 November 1984:** The Board of Adjustment **approved** a *Special Exception* to permit a daycare center with sign, at an existing church building in an AG zoned district, under the provision of Section 1680, on property located at Northeast of 40<sup>th</sup> Street and west 60<sup>th</sup> Avenue.

## **DISCUSSION**

### **TMAPC Comments:**

Ms. Bayles asked staff to tell her what consideration has been made for the adjacent properties that are zoned residential for either some kind of buffer, or transition space from RS to CS.

Staff stated that depending on the type of use they pick, they may or may not be required to build a screening fence. It varies depending on use. There are setbacks and other requirements they would have to maintain to assure that they are not going to adversely affect neighboring properties.

### **Applicant Comments:**

**Walker Davidson**, 4333 South 69th West Avenue, Tulsa, Oklahoma, 74107.

Mr. Davidson stated he is the real estate agent selling the property. He stated that there is someone who wants to put in a coffee shop and needs CS zoning.

### **Interested Parties:**

**Wendell Drake**, 4401 South 51st West Avenue, Tulsa, Oklahoma, 74107.

Mr. Drake stated he does not want this change because of stormwater runoff in that area. He stated that he has lived there for 33 years and every time the County has made an improvement, they promise they will do something about the water run-off.

Mr. Drake stated that several buildings have been built, and each time the County said they were going to take care of the problem and so far, the issue has

not been fixed. He stated that when 41st Street was widened to four lanes that was supposed to take care of the problem. Mr. Drake stated that his property takes the brunt of the water runoff. He stated that when the Gilcrease Expressway was built, water was supposed to be diverted from his property, but it has gotten worse. Mr. Drake said since the four-lane road was built it has flooded at least three times in the past six years.

Mr. Drake asserted that the added development in the area has contributed to the flooding. He stated until the Turnpike Authority or the County can figure out who needs to correct that problem, he is against this application. Mr. Drake stated that everyone is making money off the properties in the area, but it keeps costing him money.

**Tommy Wagner**, 4199 South 61st West Avenue, Tulsa, Oklahoma, 74107. Mr. Wagner stated that he was against this application because his property abuts the subject property. He stated that as the previous speaker said, they deal with a lot of water runoff from all the commercial properties around them, which comes directly onto their property, including trash. He stated the property is agricultural, with chickens and horses and other livestock, and the trash washes into his ponds and drains into the Arkansas River along with the antifreeze and everything else that comes from the nearby mechanic shop.

Mr. Covey asked if Mr. Wagner said his land was zoned AG.

Mr. Wagner stated that he has paperwork showing that his property is zoned AG.

Mr. Covey stated that according to the zoning map it is zoned residential. He stated all the smaller lots to the west and to the east of the subject property are going to be Multiple Use according to the Land Use Map.

Mr. Wagner stated that he has a big pond and that he must fish out debris in the pond every day because trash is flowing from the watershed from all the commercial properties.

Mr. Wagner stated that they were told that they wanted to try to do something to correct these issues when the turnpike was proposed, but no-one ever got back with them.

**Applicant's Rebuttal:**

Mr. Davidson stated that he did not know of anybody wanting to put storage units on the land and he believes all they are going to do is remove that house and build a coffee shop.

**TMAPC Comments:**

Mr. Covey asked staff if he had any response regarding why Mr. Wagner thinks his property is zoned AG, but the information in the agenda packet shows that it is residential.

Staff stated that according to their records and the assessor's records, it is residential. They may use it for AG purposes, but it is zoned residential.

Mr. Wagner stated that he had papers to show that his property was zoned AG since he grows hay for his horses.

Mr. Covey asked if County Engineering had reviewed this project yet.

Staff stated once an application is approved at the Planning Commission, it will be required to go through the platting process and that is when county engineering reviews it. Staff stated at that point they will look at the water runoff.

Mr. Humphrey stated that he supported the application since it would go to engineering after approval.

Ms. Bayles stated that she drove to this site and has some of the same concerns as the residents about having commercial property adjacent to them without any type of buffer between residential and commercial property. She stated that she was not comfortable making the decision for that one lot to go commercial with the remaining lots remaining residential and/or agriculture.

**TMAPC Action: 9 members present:**

On **MOTION** of **WALKER**, TMAPC voted 5-4-0 (Covey, Walker, Whitlock, Craddock, Humphrey, "ayes"; Bayles, Carr, Hood, Krug, "nays"; none "abstaining"; Shivel, Zalk, "absent") to recommend **APPROVAL** of the CS zoning for CZ-547 per staff recommendation.

**Legal description for CZ-547:**

BEG 40E NWC NW NE NW TH E132 S330.84 W132 N330.83 POB LESS N50  
FOR RD SEC 29 19 12 .851AC

\* \* \* \* \*

5. **CZ-548 Theron Martin** (County) Location: East of the Southeast corner of East 116<sup>th</sup> Street North and North Garnett Road requesting rezoning from **AG** to **CG**

**STAFF RECOMMENDATION:**  
**SECTION I: CZ-548**

**DEVELOPMENT CONCEPT:** The applicant has requested to rezone from AG to CG to permit commercial use on the subject lot. Currently the site contains a vacant single-family home. The applicant intends to permit commercial development on the lot. The applicant has stated he is considering self-storage at this location but did not have a definite plan other than commercial development intended at this time. The site is located within the Commercial designation of the City of Owasso Comprehensive Plan, which has been adopted as part of the Tulsa County Comprehensive Plan. This proposal would be compatible with this designation.

Staff has spoken with the City of Owasso regarding the proposed rezoning and stated that they do not have any objections and that the proposal is compatible with the land use designation.

**DETAILED STAFF RECOMMENDATION:**

CZ-548 is non-injurious to surrounding proximate properties and consistent with the Tulsa County Comprehensive Plan,

CZ-548 is consistent with the anticipated future development pattern of the surrounding property therefore,

**Staff recommends Approval of CZ-548 to rezone property from AG to CG.**

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: The subject property is located within the fence line of Owasso. The Tulsa County Comprehensive Land Use Plan (adopted July 2019) and the Owasso Comprehensive Plan (adopted in 2014 and amended in 2016 and 2018) designates the land use as Commercial.*

**Land Use Vision:**

***Land Use Plan map designation: Commercial***

The Commercial Land Use District represents areas of retail trade and services. Typically, these areas are located around nodes of arterial street intersections or in some cases, at intersections of collectors and arterials. Commercial Districts can also be found in corridors that have an established commercial use pattern, such as the Smith Farm area, or highly visible areas, such as along US-169, SH-20, and 116th St. N. west of US-169. The Commercial District includes uses that range from small neighborhood convenience shopping areas, single free-standing buildings, big box retailers, restaurants, automotive services centers, and other similar retail uses.

**Transportation Vision:**

***Major Street and Highway Plan:*** E 116<sup>th</sup> St N is designated as a Primary Arterial.

***Trail System Master Plan Considerations:*** The GO Plan recommends a bike lane along E 116<sup>th</sup> St N.

**Special District Considerations:** None

**Historic Preservation Overlay:** None

**DESCRIPTION OF EXISTING CONDITIONS:**

**Staff Summary:** *The site currently contains a single-family residence.*

**Environmental Considerations:** None

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
E 116 <sup>th</sup> St N	Primary Arterial	120 Feet	4

**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	AG/CS	Commercial	N/A	Vacant/Commercial

South	AG	Commercial	N/A	Vacant
East	AG	Commercial	N/A	Single-Family Residential
West	AG	Commercial	N/A	Commercial

### SECTION III: Relevant Zoning History

#### History: CZ-548

**ZONING ORDINANCE:** Resolution number 98254 dated September 15, 1980, established zoning for the subject property.

#### ***Subject Property:***

**CBOA-2688 October 2018:** The Board of Adjustment **denied** a *Special Exception* to permit fireworks stand (Use Unit 2) in an AG district, on property located at 11508 East 116<sup>th</sup> Street North.

#### ***Surrounding Property:***

**CZ-445 March 2016:** All concurred in **withdrawal** of a request for *rezoning* a 0.52+ acre tract of land from AG to CG on property located E. of NE/c N. Garnett Rd. & E. 116<sup>th</sup> St. N.

**CBOA-2517 October 2014:** The Board of Adjustment **approved** a *Special Exception* to permit a temporary firework's stand (Use Unit 2) in an AG district, on property located at 11400 East 116<sup>th</sup> Street North.

**CBOA-2464 May 2013:** The Board of Adjustment **approved** a *Special Exception* to permit a firework's stand (Use Unit 2) in an AG district, on property located at 11400 East 116<sup>th</sup> Street North.

**CBOA-2221 July 2006:** The Board of Adjustment **denied** a *Special Exception* to permit (Use Unit 15) a fencing company in a CS district; & a Variance of the screening requirement abutting an R district, on property located at 11425 East 116<sup>th</sup> street North.

**CBOA-1045 October 1991:** The Board of Adjustment **denied** a *Special Exception* to permit a resale shop with outdoor storage, on property located at 11409 north 113<sup>th</sup> East 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, Bayles, Hood, Humphrey, Krug, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Shivel, Zalk, “absent”) to recommend **APPROVAL** of the CG zoning for CZ-548 per staff recommendation.

**Legal Description for CZ 548:**

BEG 663.80W & 60S NWC NW TH E285.2 S540 W285.20 N540 POB SEC 8 21  
14 3.82ACS, HOPE CHAPEL, City of Tulsa, Tulsa County, State of Oklahoma

\* \* \* \* \*



6. **Z-7718 Gary Conroy** (CD 5) Location: North of the northwest corner of South Garnett Road and East 31st Street South requesting rezoning from **RS-3 and CS to CS**

**STAFF RECOMMENDATION:**  
**SECTION I: Z-7718**

**DEVELOPMENT CONCEPT:** The applicant has a goal to convert the existing church into an assembly and entertainment use. That use is currently not allowed in the existing RS-3 zoning. In order to achieve what they are wanting to do they must rezone to CS to support their proposed use. This would be permitted if it stays under a 250-person occupancy. If it exceeds this, they will have to seek a special exception at the Board of Adjustment.

**DETAILED STAFF RECOMMENDATION:**

The uses along with the lot and building regulations are consistent with the Tulsa Comprehensive Plan for a Local Center land use designation and,

CS zoning is primarily intended to accommodate convenience, neighborhood, subcommunity, community, and regional shopping centers providing a range of retail and personal service uses.

The applicants proposed use would be allowed by right in CS, as long as it remains within the small entertainment and assembly use category.

**Staff recommends approval of Z-7718 to rezone the property from RS-3 & CS to CS.**

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

**Staff Summary:** Uses and building types allowed in the CS district are consistent with the goals outlined in the Local Center land use designation.

**Land Use Vision:**

***Land Use Plan map designation: Local Center***

Local Centers serve the daily needs of those in the surrounding neighborhoods. This designation implies that the center generally does not serve an area beyond the nearby neighborhoods. Typical uses include commercial, or retail uses that serve the daily needs of nearby residents. In order to introduce a regional trip generator, the entire local center designation should be amended to be Regional

Center with significant input from all affected properties and nearby neighborhoods.

**Transportation Vision:**

***Major Street and Highway Plan:*** Secondary Arterial

***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 current use on the site is a church, facing South Garnett Road. The applicant's intent is that the church be converted to a small entertainment and assembly use.*

**Environmental Considerations:** None

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Garnett Road	Secondary Arterial	100'	5

**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:**

Location	Existing Zoning	Existing Land Use Designation	Existing Use
North	RS-3	Neighborhood	Single Family Housing
East	OL	Local Center	Office Buildings
South	CS	Local Center	Stores
West	RS-3	Neighborhood	Single Family Housing

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11817 dated June 26<sup>th</sup>,1970, established zoning for the subject property.

**TMAPC Comments:**

Ms. Carr asked if alcohol would be allowed.

Staff stated the applicant would need to seek a Special Exception from the Board of Adjustment.

**Applicant Comments:**

**Gary Conroy** 2930 S Garnett Rd. Tulsa, OK

The applicant stated the intent is to bless the community with a place that they could have events or to use for recreation. It would be a place for all ages. Some of the uses could be for weddings, a place for senior citizens where they can gather and perhaps do some dancing and where children could have easter egg hunts. The applicant stated they felt that one of the concerns of the neighbors may be noise, so they did a noise study. He stated the decimal meter cannot exceed 85 decibels at the property line and their reading was way below that. He stated they also sent out a letter and went door to door to the neighbors and asked them to attend an open house. The applicant stated Saturday at 1:00 o'clock the music will be turned up loud and he asked neighbors to stick their heads out the door and listen to see if they could hear anything because they don't want to be a bad neighbor. He stated they then asked them to the facility at 1:30 for refreshments to ask questions. The applicant stated they only had one neighbor show up and that neighbor stated they did not hear the music at their house. That same neighbor had concerns about security and the applicant explained that there would be security at the events.

**Interested Parties:**

**Keith Jones** PO Box 1173, Owasso OK

Mr. Jones stated he represents the Community Baptist Church across the street from the subject property and they have been told that the intent is for a high-end wedding venue at this location. He stated a high-end wedding venue takes a lot of money to make it profitable. Mr. Jones stated the applicant paid over 1.6 million for this property and he cannot see a wedding venue in this location making a profit. He stated what happens when it doesn't make a profit and they have bought 4.8 acres, they turn it into a shopping center with a liquor store. He stated he knows it is not this committee's responsibility to approve a liquor license but the first thing that happens if it's a high-end wedding venue there is champagne and noise and that is one of his concerns. He stated that a church, if it doesn't make a profit a year from now, will be raised and something else built.

The applicant stated the property has 5.5 acres and the purchase price is 1.4 million and they have had business professionals evaluate the cost and they have evaluated the Community. The applicant stated he has lived in Tulsa for 30 plus years. He stated it is not their intent to cause any trouble in this matter.

Mr. Whitlock asked if the subject property was currently being used for anything.

The applicant stated that it currently is a church that has conducted wedding also,

The applicant stated that currently across the street there is a liquor store that already exists and all that property around it is currently commercial. He stated It would not make sense to demolish a building that could be resold as a church to put a strip center.

Mr. Whitlock stated he will be voting for this application. He stated it's a great vision for what this facility could be and also addresses a need for appropriate meeting space not only for weddings, but conferences and any other special events.

**TMAPC Action; 9 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Carr, Covey, Craddock, Bayles, Hood, Humphrey, Krug, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Shivel, Zalk, "absent") to recommend **APPROVAL** of the CS zoning for Z-7718 per staff recommendation.

**Legal Description for Z-7718:**

All that part of the Southeast Quarter (SE/4) of Section Eighteen (18) Township Nineteen (19) North, Range Fourteen (14) East, Tulsa County, State of Oklahoma being more particularly described as follows, to-wit:

Beginning at a point in the East boundary of said SE/4, said point being 120.00 feet south of the Southeast Corner of Valley Glen, an addition in Tulsa County, State of Oklahoma according to the recorded plat thereof; thence due West and parallel to and 120.00 feet South at the South boundary of said Valley Glen Addition, a distance of 483.09 feet; thence due South 590.83 feet to a point in the Northwesterly boundary of Lot 1 Block 1, of Valley Glen Center, an addition in Tulsa County; thence North 59 0 00' 00" East along the Northwesterly boundary of said Lot 1, Block 1, a distance of 19.34 feet to a point of curve of said Northeasterly boundary; thence North 59 00' 00" East along the projection of said Northwesterly boundary, a distance of 113.33 feet; thence due East and parallel to the South boundary of said SE/4 a distance of 368.50 feet to a point in the East boundary of said SE/4, 500 feet. North of the Southeast corner thereof; thence North 0 0 05' 45" East along the East boundary of said SE/4 a distance of 522.50 feet to the point of beginning, containing 5.88 acres, more or less.

\* \* \* \* \*

7. **Z-7726 Tim Waltherbach** (CD 4) Location: Northwest corner of North Santa Fe Avenue and West Newton Street requesting rezoning from **RS-3 to RM-2**

**STAFF RECOMMENDATION:**  
**SECTION I: Z-7726**

**DEVELOPMENT CONCEPT:**

**DETAILED STAFF RECOMMENDATION:**

The subject property is currently zoned RS-3. The applicant is seeking to rezone the property to RM-2 to permit the construction of townhouses. RM-2 zoning is consistent with the Neighborhood designation of the City's comprehensive plan and allows for a variety of residential building types.

The subject property is located along West Newton Street which serves as the "Residential Collector" street for surrounding neighborhood. Collector streets require wider right-of-way in anticipation of higher traffic areas and serve as appropriate locations for higher density infill projects.

Immediately west of the subject site, there have been two recent approvals for duplex developments. There is also an existing multi-unit housing development located on the north side of West Newton Street one block west of the subject tract.

**Staff recommends approval of Z-7726 as outlined in Section I above.**

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

**Staff Summary:** RM-2 zoning is consistent with the "Neighborhood" land use designation of the City's comprehensive plan which calls for the addition of appropriate infill projects including the addition of multi-unit housing developments.

**Land Use Vision:**

**Land Use Plan map designation: Neighborhood**

Neighborhoods are "Mostly Residential Uses" which includes detached, missing middle, and multidwelling unit housing types. Churches, schools, and other low-intensity uses that support residents' daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multidwelling unit housing that takes access off of an arterial is considered Multiple Use, Local Center, or Regional Center. If a multidwelling unit

housing property takes access off of a lowerorder street separated from the arterial, then it would be considered Neighborhood.

**Transportation Vision:**

***Major Street and Highway Plan:*** The Tulsa Major Street and Highway Plan designates West Newton Street as a Residential Collector. Residential Collectors are anticipated as higher traffic corridors through neighborhood areas that require wider rights-of-way. Residential Collectors are appropriate locations for multi-unit housing developments within existing neighborhood areas.

***Trail System Master Plan Considerations:*** None adjacent to the subject property; however North Union Avenue, two blocks to the west, is planned as a signed bicycle route in the City's GO Plan. Connecting appropriate residential development to bicycle facilities is a priority of both the GO Plan and the City's Comprehensive Plan.

**Small Area Plan:** None

**Special District Considerations:** None

**Historic Preservation Overlay:** None

**DESCRIPTION OF EXISTING CONDITIONS:**

**Staff Summary:** The subject property is currently vacant. It is roughly 1 acre in size. There are existing single-family detached houses to the west and north. There are two newly approved duplexes to the west and an existing multi-unit housing development one block west. The applicant is proposing the construction of townhouses on the subject property.

**Environmental Considerations:** None that would impact site development.

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
North Santa Fe Avenue	None	50'	2
West Newton Street	Residential Collector	60'	2

**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:**

Location	Existing Zoning	Existing Land Use	Existing Use
----------	-----------------	-------------------	--------------

		<b>Designation</b>	
North	RS-3	Neighborhood	Single-Family Residential
East	RS-3	Neighborhood	Single-Family Residential
South	RS-3	Neighborhood	Single-Family Residential
West	RS-3	Neighborhood	Duplexes

### **SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11917 dated September 1, 1970, established zoning for the subject property.

**The applicant was not present.**

**There were no interested parties wishing to speak.**

On **MOTION** of **WALKER**, the TMAPC voted 8-0-1 (Carr, Covey, Craddock, Bayles, Hood, Krug, Walker, Whitlock, “aye”; no “nays”; Humphrey “abstaining”; Shivel, Zalk, “absent”) to recommend **APPROVAL** of the RM-2 zoning for Z-7726 per staff recommendation.

#### **Legal Description for Z-7726:**

The East Half (E/2) of Lot Two (2), Block Six (6), Lombard Subdivision, an addition to the City of Tulsa, Osage County, State of Oklahoma

\* \* \* \* \*

8. **Z-7727 Bell Land Use, LLC** (CD 4) Location: South of the southeast corner of East 21<sup>st</sup> Street South and South Harvard Avenue requesting rezoning from **OM and RS-3 to RM-2**

**STAFF RECOMMENDATION:**  
**SECTION I: Z-7727**

**DEVELOPMENT CONCEPT:** The applicant is proposing to rezone the subject property from OM & RS-3 to RM-2 to permit use of the existing building as apartments. RM-2 zoning would permit the development of apartments on the site either in the existing building or as a redevelopment of the property. The existing structure is currently used as the Tulsa Center for Behavioral Health. There are existing apartments, zoned RM-2, to the south of the subject property.

**DETAILED STAFF RECOMMENDATION:**

The applicant is proposing to rezone a 6.6-acre site from OM & RS-3 to RM-2 to permit a redevelopment of the existing structure as apartments. The property is currently used as the Tulsa Center for Behavioral Health.

The subject property is located on South Harvard Avenue which is considered a secondary arterial under the adopted Major Street and Highway Plan. Secondary arterials include many of the City's main thoroughfares and can support higher density development and larger traffic volumes.

There are existing apartments to the immediate south of the subject property, located within existing RM-2 zoning.

RM-2 zoning is consistent with the Multiple Use land use designation of the City of Tulsa Comprehensive Plan and would allow for a variety of residential housing types.

**Staff recommends approval of Z-7727 as outlined in Section I above.**

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

**Staff Summary:** The subject property is located within the "Multiple Use" land use designation of the City's Comprehensive Plan. Prior to the adoption of the 2023 plan update, the property was designated as a "Town Center". The requested RM-2 zoning is consistent with the Multiple Use land use designation.



### **Land Use Vision:**

#### ***Land Use Plan map designation: Multiple Use***

Multiple Use areas are “Mostly Commercial or Retail Uses” which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local Centers being more commonplace in newer parts of the city. For single properties that are commercial but surrounded by Neighborhood, Multiple Use is the preferred designation.

### **Transportation Vision:**

***Major Street and Highway Plan:*** South Harvard Avenue is designated as a secondary arterial on the Tulsa Major Street and Highway Plan.

***Trail System Master Plan Considerations:*** The City’s GO Plan recommends a bike corridor along South Harvard Avenue in this location. East 25<sup>th</sup> Street, which is adjacent to the site on the south, is recommended as a signed bicycle route. The planned/existing bicycle infrastructure adjacent to the site would support the proposal for new multi-unit residential development.

**Small Area Plan:** None

**Special District Considerations:** None

**Historic Preservation Overlay:** None

### **DESCRIPTION OF EXISTING CONDITIONS:**

**Staff Summary:** The site is currently the location of the Tulsa Center for Behavioral Health operated by the State of Oklahoma. There are single-family residential neighborhoods to the east and north of the subject property with additional single-family residential across South Harvard Avenue. There are apartments to the south across East 25<sup>th</sup> Street South. The proposal is to use the existing buildings as apartments. RM-2 zoning would permit apartments on the site either in the existing structure or as a part of any redevelopment.

**Environmental Considerations:** None

### **Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Harvard Avenue	Secondary Arterial	100’	4
East 25 <sup>th</sup> Street South	None	50’	2

**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:**

Location	Existing Zoning	Existing Land Use Designation	Existing Use
North	RS-3	Neighborhood	Single-Family Residential
East	RS-3	Neighborhood	Single-Family Residential
South	RM-2	Neighborhood/Multiple Use	Apartments
West	RS-3	Neighborhood	Single-Family Residential

**SECTION III: Relevant Zoning History**

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

**TMAPC Comments:**

Mr. Craddock asked if the egress on 24<sup>th</sup> Street and Knoxville Avenue a legal access point.

Staff stated he did not know if it was permitted but there is existing access to Knoxville Avenue.

Mr. Craddock asked if staff had any knowledge if access into the neighborhood to the north or the east would be allowed.

Staff stated nothing about the zoning would restrict that, however if the project is rezoned it would trigger a requirement to replat. He stated as a part of any platting process staff would be looking at access for the site and a restriction on access could be added to neighborhood streets.

**Applicant Comments:**

**Robert Bell** 101 East Aquarium Place, Jenks OK

Mr. Bell stated the existing mental health facility currently located on this property is moving to South Tulsa. He stated the current building was built in 1965 and is on its last leg. Mr. Bell stated the building is a preexisting non-conforming use and property has never been platted. He stated he believes the design of the new facility will put all traffic onto Harvard Avenue. Mr. Bell stated he met with the neighbors at a community meeting last week and went to an HOA meeting last night. He stated he has talked to him on the phone and knows what their issues

are. Mr. Bell stated this area is designated by the Comprehensive Plan as a Town Center and there are not a lot of uses that fit this property. He stated it could go commercial but that creates more traffic density and characteristics. Mr. Bell stated there are a lot of commercial within a quarter mile of this property but it's not conducive for commercial and he doesn't think the neighbors want commercial at this location. He stated RM-2 is the highest and best use to get rid of the blight that's currently there.

Mr. Hood asked when the applicant met with the neighbors.

The applicant stated last Thursday night he had a community meeting with them at the Catholic Church and last night he met with the HOA.

Mr. Humphrey asked what the applicant's relationship with the current owner is.

### **Interested Parties:**

**Brett Long** 3140 East 22nd Street, Tulsa, OK 74114

Mr. Long stated he lives in Florence Park South and that is Florence Park South, west of Harvard Avenue. He stated Florence Park South is an amazing area, it's like going back in time. He stated he realizes time can't stand still but some things that concern him about this development is the traffic already at Harvard Avenue and the Broken Arrow Expressway is tough and adding more apartments into this location is a concern. Mr. Long stated the Harvard Terrace Apartments which seems like a large complex very close to that location and he did some research and within two miles there are 11 other apartment complexes as well. He stated it seems like the area is really apartment complex heavy and he thinks that the added traffic to the area should be a concern as well.

**John Connor** 3548 East 21st Place, Tulsa, OK 74114

Mr. Carter stated it's not that they are going to stop the rezoning, they would like more data provided. He stated it will be a hard decision for Commissioners to make also with limited data. Mr. Carter stated some of that data would be like a feasibility study for the economics from the developer themselves and an infrastructure study. He stated he doesn't know if that is something that the city wants the developer to do or is that something that the developer expects the city to do or is that part of the whole holistic plan. Mr. Carter stated he is also concerned about electrical issues and sewer issues. He asked if the main sewer line could support however many households this development would be. Mr. Carter stated they already have stormwater issues. He stated underneath the BA Expressway if it rains it floods. He stated there is low water pressure and asked if the city could do anything about that. Mr. Carter stated another issue outside of here is the Fire Department access. He stated Jamestown Avenue is a dead-end road and will probably need to be opened. He stated if he read the ordinances right, if you put multifamily apartments in that area there will need to be a couple of more exits and entries. Mr. Carter stated he is not trying to stop this development but would like a continuation until the applicant provides more data.

**Nora Lowe** 2250 South Oswego Place, Tulsa, OK 74114

Ms. Lowe stated she is a new resident of the neighborhood. She stated she grew up in Tulsa and has just moved back after 30 years and she is so proud of what Tulsa has become. She stated that she was at the meeting last night and the applicant spoke about the development. She stated her objection is with 25<sup>th</sup> Street. There is no way that they are going to put 750 to 1000 people living on that 6.6 acres without opening another road or traffic is going to turn around and go back. Ms. Lowe stated everything else that she had concerns about previous speakers have covered but she asks that the Planning Commission not approve this but delay it until the studies are done.

**J Lee Badaraco** 3522 East 22nd Street, Tulsa, OK 74114

Mr. Badaraco stated his background is in architect, a land planner. He stated in development, traffic has always been a problem for his clients and that was one of the first things they would analyze. Mr. Badaraco stated they asked at last night's meeting if there had been a recent traffic analysis of the area. He stated any successful development needs to understand the traffic in and around the site. Mr. Badaraco stated the traffic is difficult in this area. He stated it is hard to get Harvard Avenue and go south to the commercial businesses. Mr. Badaraco stated there are a lot of ways to correct that and for anybody to do any kind of proper planning to build a multifamily development they need to understand how to do that. Mr. Badaraco stated nobody is anti-development, but they want to see the development in relationship to the whole community. He stated a site's not going to be successful without a lot of planning by the city traffic planners.

**Margie Murphy-McNutt** 3707 East 23rd Street, Tulsa, OK 74114

Ms. Murphy-McNutt stated she has lived in her house for 10 years. She stated she walks her dog in the neighborhood and 23<sup>rd</sup> Street has insane traffic on it right now. Ms. Murphy-McNutt stated she did conduct a traffic study with Jeremy Stalley from the City of Tulsa. She stated they have been back and forth on that for going on two years now. Ms. Murphy-McNutt stated It did meet approval for excessive speed and traffic as it is currently and if extra residents are added this only gets worse.

Mr. Craddock asked what the impact of the hospitals was when they were fully operational.

Ms. Murphy-McNutt stated it wasn't troublesome. She stated it is all the growth that has gone into that neighborhood already that has kicked it up. She stated there is the Tulsa State Fair. This is a major cut through between Harvard Avenue and Yale Avenue already. Ms. Murphy-McNutt stated she never had a problem growing up around that hospital.

**Carol Kominsky** 2120 South Jamestown, Tulsa, OK 74114

Ms. Kominsky stated she has lived in the area for 24 years and would like to add that when Tulsa University has an event you cannot get out onto Harvard Avenue or 21st Street. She stated the traffic is unbelievable when there are events at the Fairgrounds and there are a lot of older adults in the neighborhood and sometimes you just sit there to turn and often you just turn around and go back home.

**David Kessock** 2125 South Urbana, Tulsa, OK 74114

Mr. Kessock stated he uses Harvard Avenue all the time and would personally like to see more public-private operation on the subject property just because the traffic is horrendous. He stated another traffic light would be needed in this area if this development goes in and that would be four lights in a matter of a half a mile. He stated the roads are like a minefield also.

**Applicants Rebuttal:**

The applicant stated when he heard the concerns of the neighborhood, he did some research. He stated Harvard Avenue at the subject property has about 6000 cars a day less than a mile east and a mile south where those intersections which are 20,000 and 21,000 cars a day. The applicant stated that the average number of cars that a four-lane road such as this is designed for is 1100 cars per hour, per lane. He stated he wants to do the studies and to hire architects and bring this to the City of Tulsa but before that can happen the zoning needs to be in place. The applicant stated they will work with the neighbors to make sure that they are well informed. He stated he can guarantee that the development itself will be sustained properly and won't be a detriment to the area.

Mr. Covey asked staff regarding feasibility studies the Planning Commission does not take the economics of a project into account.

Staff stated, "that is correct."

Mr. Covey stated when the staff is giving a recommendation, whether the business is successful or a failure, that does not play into that recommendation.

Staff stated they want to make sure that whatever is being proposed aligns with the Comprehensive Plan from a land use standpoint. He stated obviously they don't want to see projects that would fail, and he doesn't think a feasibility study would hurt in a public forum to provide people with more information, but it's not at all a requirement to make the application.

Mr. Covey stated traffic studies are not required at this stage.

Staff stated, "that is correct." He stated Planning Commission hears this often. It's almost a chicken and egg issue where a developer wants assurance that he can do his specific use before he pays engineers, traffic engineers, architects, and designers to come in and do the development prep for the site. So, at the next

level, which would be again the platting process of a new development, the applicant presents plans to the city for how many units they're wanting to do, and all the infrastructure related to the site would then be reviewed in conjunction with that proposed development. He stated at the moment, it's really hard to make a statement about whether water, sewer and drainage is adequate because there's not an understanding of what the plan is, and that's what the neighborhood is concerned about, but it should be known that before anything would be permitted and constructed on a site like this those reviews are conducted by the City of Tulsa. Staff stated the runoff is reviewed to ensure it's not going to increase and exacerbate a problem. All the infrastructure will be reviewed to make sure it is adequate, and traffic studies can be done to ensure safety along public streets. He stated recently they have had projects that have had requirements to improve traffic signalization, turn lanes, etc. on the public streets due to the impact their project would have on that area or on that specific section of road. Staff stated these things are looked at and this happens after the zoning level once those designers get involved and begin to put plans to paper as to what they want to do on the site.

Ms. Carr stated that is why the City of Tulsa has pretty robust permitting standards. She stated it is possible that a project can be abandoned after it gets through this phase because the developer doesn't want to pay for everything that is required.

Staff stated, "that is true", sometimes developers get hit with requirements for infrastructure that become infeasible and that is why staff are always very clear they are talking about making a zoning change. He stated the applicant may have a proposal that they want to do but when we are talking about the zoning map and making an amendment to that map they have to be mindful that other projects may happen if the project that's being presented today doesn't work out or for some reason goes away the zoning has been changed on this site, so someone may come in and do something with that zoning district. Staff stated it is always easier to look at what's imminent, but what staff is trying to anticipate is if RM-2 is appropriate here, and if it is, would we permit a project that meets all those other requirements at that time.

Mr. Walker asked if the forthcoming technical review and detail site plan is the data that the speakers are asking for.

Staff stated because this isn't in any kind of development plan, they are not dealing with a detailed site plan that comes through the Planning Office. He stated if the zoning was changed to RM-2 they would be working directly with Development Services and the permit center. Staff stated the plat would be reviewed by staff as well as Development Services including those that work in infrastructure, the traffic engineers, Fire Marshal and everyone that would typically look at development items would look at that plat and that is where they would begin to talk about access limitations like Commissioner Craddock asked

about but also what the needed infrastructure would be for the site that we're posing.

Ms. Krug stated the concerns that the neighbors have that staff is saying would be reviewed during the platting process, would neighbors have an opportunity to have input into that process.

Staff stated for the subdivision preliminary plat process staff notifies adjacent neighbors, it's not as robust as the notification process for a zoning application.

Ms. Krug stated the way she is thinking about it is that the hospital is not going to be there, so it would be vacant or dilapidated and fall down. So, the question then becomes what does this site become. She stated it seems like the concern is more with the later process, the platting process, rather than actual having an apartments. Ms. Krug stated in her mind, that's making her lean towards approving it because those other issues would be addressed later, as opposed to it becoming a vacant or dilapidated space.

Ms. Carr stated there is an apartment complex nearby and that makes sense that this is an apartment complex.

Mr. Covey stated he is in support because there is RM-2 to the south and RS-3 around it. He stated as staff eloquently said feasibility, stormwater and traffic are not in the Planning Commission's purview. All of that comes at a later stage. Mr. Covey stated their sole job is does this fit within the Comprehensive Plan and in his opinion it does.

**TMAPC Action; 9 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Carr, Covey, Craddock, Bayles, Hood, Humphrey, Krug, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Shivel, Zalk, "absent") to recommend **APPROVAL** of the RM-2 zoning for Z-7727 per staff recommendation.

**Legal Description for Z-7727:**

A tract of land that is part of the South Half (S/2) of the Northwest Quarter (NW/4) of Section Sixteen (16), Township Nineteen (19) North, Range Thirteen (13) East of the Indian Base and Meridian, City of Tulsa, Tulsa County, State of Oklahoma, according to the U.S. Government survey thereof, being more particularly described as follows, to-wit:

Commencing at the Northwest corner of said S/2 of the NW/4; thence S 89°57'24" E along the Northerly line thereof for 50.00 feet to a point on the Easterly right-of-way line of South Harvard Avenue and the "Point of Beginning" of said tract of land, Thence South 406.16 feet, East 77 feet, Southeast 70.65 feet, Southeast 64.72 feet, Northeast 51.66 feet, East 130 feet, Southeast 35.45

feet, Southeast 56 feet, East 29 feet, South 168 feet, East 132.12 feet, North 628.50 feet, West 618.50 feet to the point of beginning, being 6.60 acres.

\* \* \* \* \*



9. **Z-7728 Justin Debruin** (CD 4) Location: West of the southwest corner of East 21<sup>st</sup> Street South and South Yale Avenue requesting rezoning from **RS-3** to **CS**

**STAFF RECOMMENDATION:**  
**SECTION I: Z-7728**

**DEVELOPMENT CONCEPT:**

**DETAILED STAFF RECOMMENDATION:**

The subject property includes half of a vacated right-of-way formerly dedicated as East 21<sup>st</sup> Place South by the Mayo Meadow Extended subdivision plat. Following vacation of the right-of-way, the property previously included was conveyed to the property owner of Lot 1 Block 1, Mayo Meadow Extended. The Mayo Meadow Extended subdivision was filed in January of 1953, zoning was applied to the property in 1970.

The CS zoning is consistent with the surrounding zoning pattern.

CS zoning is consistent with the Regional Center land use designation.

**Staff recommends approval of Z-7728 to rezone property from RS-3 to CS.**

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

**Staff Summary:** CS zoning is consistent with the Regional Center land use designation of the City's Comprehensive Plan.

**Land Use Vision:**

***Land Use Plan map designation:*** Regional Center

Existing regional trip generators define the Regional Centers in contrast to Local Centers. These centers should be the most connected land use pockets outside of downtown for public transit access and highcapacity arterial streets. New regional trip generators should be permitted in the area with special consideration given to the transportation access and circulation. Regional trip generators include universities, malls, large medical campuses, casinos, bigbox shopping centers, and very large churches.

**Transportation Vision:**

**Major Street and Highway Plan:** East 21<sup>st</sup> Street South is designated as a secondary arterial by the Major Street and Highway Plan. Secondary arterials are considered main thoroughfares which anticipate high traffic volume and larger right-of-way widths.

**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 area under application is a minor portion of a larger commercial tract located at the southwest corner of East 21<sup>st</sup> Street South and South Yale Avenue. The area was included in a previously dedicated right-of-way that has since been vacated. There are commercial developments to the north and east of the larger subject property with single-family residential development to the south and west.

**Environmental Considerations:** None related to the area under application.

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 21 <sup>st</sup> Street South	Secondary Arterial	100'	4
South Vandalia Avenue	None	60'	2

**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:**

Location	Existing Zoning	Existing Land Use Designation	Existing Use
North	CS	Regional Center	Vacant
East	CS	Regional Center	Commercial/Retail
South	RS-3	Neighborhood	Single-Family Residential
West	RS-3	Neighborhood	Single-Family Residential

**SECTION III: Relevant Zoning History**

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

Mr. Craddock asked if the subject property will still have setbacks away from their property line.

Staff stated they will still have the residential applicable CS setback, everything that would have been required to be setback along the south side of those properties will be applicable on the north side as well if that CS is approved. He asked stated what would the setback be.

Staff stated he believes it is a 10-foot setback.

**David Kessock** 2125 South Urbana, Tulsa, OK 74114

Mr. Kessock stated he has been self-employed for 20 years and is pro development and smart development. He stated on the application the applicant is trying to put an entry-exit in a development. He stated the owner needs to work on getting better entryways. He asked if there was going to be a light put in or are people going to go all the way down Pittsburg and turn at the Driller statue. Mr. Kessock stated he ran three retail food businesses here in Tulsa and Bixby. He stated a coffee shop is going to take in about eight to \$9,000 a week in sales to break even. He stated that's \$10 a shot and that's going to be 100-120 cars a day. Mr. Kessock stated he is opposed to this application because he does not want the traffic to come into the neighborhood or the noise and the garbage.

**Mike Thedford, Wallace Design Collective** 123 N MLK Jr. BLVD., Tulsa, OK 74103

The applicant stated as in the previous case, engineering has yet to take place at this stage in the process. He stated he would ask to really look at what makes sense here, it is a remnant that he believes was fully intended to be included when it was zoned in the first place. The applicant stated as far as the access he can only speculate but would venture to say that it is not going to be the primary access that it might be secondary if it is used for access. He stated he doesn't know if a site plan has been submitted for review at this point but knows the use, which is a coffee shop that is adjacent to a Taco Bell.

Mr. Covey stated this item is sort of like the prior case where it is not at the development review process yet and the access points are not known yet.

The applicant stated he looked at this application about six months ago about the feasibility of whether or not even needed to be rezoned, but obviously for commercial use, you want to maximize, and this is part of that ownership. So, the owner is going to own and use that property for CS purposes.

Mr. Craddock asked if the applicant was aware of any mutual access parking easements in the rest of the shopping center.

The applicant stated he knows there are some existing, there is an access to the east of the primary tract to the north. And there's one access point along the north boundary that will need to be improved.

**TMAPC Action; 9 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Carr, Covey, Craddock, Bayles, Hood, Humphrey, Krug, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Shivel, Zalk, "absent") to recommend **APPROVAL** of the CS zoning for Z-7728 per staff recommendation.

**Legal Description for Z-7728:**

A TRACT OF LAND LYING IN THE NORTH HALF (1/2) OF THE NORTHEAST QUARTER (NE/4) OF SECTION SIXTEEN (16), TOWNSHIP NINETEEN (19) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, BEING A PART OF MAYO MEADOW EXTENDED, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHERNMOST NORTHWEST CORNER OF BLOCK ONE (1) OF SAID MAYO MEADOW EXTENDED; THENCE SOUTH 00°00'38" ALONG THE WEST LINE OF SAID BLOCK ONE (1) A DISTANCE OF 137.80 FEET TO THE NORTH RIGHT-OF-WAY LINE OF 21ST PLACE, SAID POINT BEING THE POINT OF BEGINNING; THENCE NORTH 89°53'41" EAST A DISTANCE OF 135.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF 21ST PLACE; THENCE S 00°00'38" WEST A DISTANCE OF 60.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF 21ST PLACE; THENCE SOUTH 89°53'41" WEST A DISTANCE OF 135.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF VANDALIA AVENUE; THENCE NORTH 00°00'38" EAST A DISTANCE OF 60.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF 21ST PLACE TO THE POINT OF BEGINNING

\* \* \* \* \*

Items 10 and 11 were continued. Ms. Carr abstained on both items.

**10. Z-7729 Lou Reynolds** (CD 4) Location: Northwest corner of South Utica Avenue and East 13<sup>th</sup> Place South requesting rezoning from **RM-2/NIO to CS/NIO (Related to PUD-772-A)**

**STAFF RECOMMENDATION:**  
**SECTION I: Z-7729**

**DEVELOPMENT CONCEPT:** Rezoning of the subject property from RM-2 to CS with a PUD major amendment to establish development standards for two development areas.

**DETAILED STAFF RECOMMENDATION:**

The applicant is proposing to rezone the subject tract from CS to RM-2 with a PUD Major Amendment to establish two separate development areas.

The development standards outlined in PUD-772-A are consistent with the “Regional Center” and “Neighborhood” land use designations of the City’s comprehensive plan by limiting commercial uses to the areas included within “Regional Center” and allowing only residential uses within the “Neighborhood” designation.

**Staff recommends approval of Z-7729 as outlined in Section I only with the approval of the associated PUD major amendment, PUD-772-A.**

**SECTION II: Supporting Documentation**

**RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

**Staff Summary:** CS zoning is consistent with the “Regional Center” designation and, with the proposed development standards of PUD-772-A, consistent with the “Neighborhood” designation. Commercial uses will be limited to the eastern development area.

**Land Use Vision:**

***Land Use Plan map designation: Regional Center and Neighborhood***

Existing regional trip generators define the Regional Centers in contrast to Local Centers. These centers should be the most connected land use pockets outside of downtown for public transit access and highcapacity arterial streets. New regional trip generators should be permitted in the area with special consideration given to the transportation access and circulation. Regional trip

generators include universities, malls, large medical campuses, casinos, bigbox shopping centers, and very large churches.

Neighborhoods are “Mostly Residential Uses” which includes detached, missing middle, and multidwelling unit housing types. Churches, schools, and other low intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multidwelling unit housing that takes access off of an arterial is considered Multiple Use, Local Center, or Regional Center. If a multidwelling unit housing property takes access off of a lowerorder street separated from the arterial, then it would be considered Neighborhood.

**Transportation Vision:**

***Major Street and Highway Plan:*** South Utica Avenue is considered an Urban Arterial by the Major Street and Highway Plan. East 13<sup>th</sup> Place is considered a freeway access road. Both classifications are adequate to support the proposed uses of PUD-772-A. East 13<sup>th</sup> Street South is not classified by the Major Street and Highway Plan.

***Trail System Master Plan Considerations:*** East 13<sup>th</sup> Street South is designated for on-street bicycle lanes by the GO Plan. East 13<sup>th</sup> Place South is designated as a “Signed Route” by the GO Plan. Site development should consider bicycle access and parking to support the planned bicycle network adjacent to the site.

**Small Area Plan:** Utica Midtown Corridor Small Area Plan

The subject property is located within the Utica Midtown Corridor Small Area Plan. The proposed development areas included in PUD-772-A align with the recommendations of the small area plan for commercial development adjacent to South Utica Avenue with a transition to neighborhood development west of South Troost Avenue.

**Special District Considerations:** None

**Historic Preservation Overlay:** None

**DESCRIPTION OF EXISTING CONDITIONS:**

***Staff Summary:*** The subject property is currently vacant. There is an existing religious assembly and a medical facility north of the subject property. The site is adjacent to the Broken Arrow Expressway to the south. There are existing single-family residences to the west of the subject property.

**Environmental Considerations:** None

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Utica Avenue	Urban Arterial	70'	4
East 13 <sup>th</sup> Place South	Freeway	Variable	2
East 13 <sup>th</sup> Street South	None	50'	2
South Trenton Avenue	None	50'	2

**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:**

Location	Existing Zoning	Existing Land Use Designation	Existing Use
North	RM-2	Regional Center	Religious Assembly
East	RM-2	Regional Center	Vacant
South	N/A	None	Broken Arrow Expressway
West	RM-2	Neighborhood	Single-Family Residential

**SECTION III: Relevant Zoning History**

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

**PUD-772** – Ordinance number 22131 dated October 14, 2009 established PUD-772 on the subject property.

All interested parties agreed to the continuation.

**TMAPC Action; 9 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 8-0-1 (Bayles, Carr, Covey, Craddock, Hood, Humphrey, Krug, Walker, Whitlock, “aye”; no “nays”; Carr, “abstaining”; Shivel, Zalk, “absent”) to **CONTINUE** Item 10 to August 2, 2023.

\* \* \* \* \*

**11. PUD-772-A Lou Reynolds** (CD 4) Location: Northwest corner of South Utica Avenue and East 13<sup>th</sup> Place South requesting a **PUD Major Amendment** to establish two development areas **(Related to Z-7729)**

**STAFF RECOMMENDATION:**  
**SECTION I: PUD-772-A**

**DEVELOPMENT CONCEPT:** Major amendment to PUD-772 to establish development standards for two development areas. Development Area A will consist of commercial uses customarily found in the CS district. Development Area B will consist of residential and group living uses that would be consistent with the “Neighborhood” land use designation of the City’s comprehensive plan.

**DETAILED STAFF RECOMMENDATION:**

PUD-772-A is a major amendment to an existing planned unit development to divide the existing development area into two development areas and establish standards for development. Development Area A, which is adjacent to South Utica Avenue, will permit a range of commercial and residential uses which are consistent with the “Regional Center” designation of the City’s comprehensive plan. Development Area B will permit residential and group living uses that are consistent with the “Neighborhood” designation of the City’s comprehensive plan.

The major amendment application is related to a rezoning request to change the underlying zoning on the subject property from RM-2 to CS. The CS zoning district will permit the commercial uses desired for Development Area A while adjusting lot and building regulations to align with the desired use of Development Area B.

**Staff recommends approval of PUD-772-A with the development standards outlined in Section II below.**

**SECTION II: PUD-772-A DEVELOPMENT STANDARDS:**

GROSS LAND AREA OF PROJECT: 5.892  
AC

NET LAND AREA OF PROJECT: 3.582  
AC

**Development Area “A”  
(Tract 1)**

PERMITTED USE CATEGORIES:



RESIDENTIAL (IF IN ALLOWED BUILDING TYPE LISTED BELOW)

Household Living

Single household

Two households on a single lot

Three or more households on a single lot

Group Living

Assisted living facility

Community group home

Convent/monastery/novitiate

Elderly/retirement center

Life care retirement center

Residential treatment center

Rooming/boarding house

Shelter, emergency and protective

Transitional living center

PUBLIC, CIVIC, AND INSTITUTIONAL

College or University

Day Care

Governmental Service or Similar Functions

Hospital

Library or Cultural Exhibit

Parks and Recreation

Religious Assembly

Safety Service

Religious Assembly

School

Utilities and Public Service Facility

Minor

Wireless Communication Facility

Freestanding tower

Building or tower-mounted antenna

COMMERCIAL

Animal service

Grooming

Veterinary

Broadcast or Recording Studio

Commercial Service

Building service

Business support service

Consumer maintenance/repair service

Personal improvement service

Research service

Financial Services (except personal credit establishment is prohibited)

Funeral or Mortuary Service

Lodging

Bed & Breakfast

Short-term rental

Hotel/motel

Office

Business or professional office

Medical, dental or health practitioner office

Parking, Non-accessory

Restaurants and Bars

Restaurant

Bar

Retail Sales

Building supplies and equipment

Consumer shopping goods

Convenience goods

Grocery Store

Studio, Artist or Instructional Service

Trade School

Vehicle Sales and Service

Fueling station

AGRICULTURAL

Community Garden

OTHER

Drive-in or Drive-through Facility (as a component of an allowed principal use)

Off-Premise Outdoor Advertising Sign

## PERMITTED RESIDENTIAL BUILDING TYPES

Household living

Single household

Detached House

Townhouse

Patio House

Mixed-Use building

Vertical mixed-use building

Two households on a single lot

Mixed-use building

Vertical-mixed use building

Three or more households on a single lot

Multi-unit House

Apartment/Condo

Mixed-use building

Vertical-mixed use building

MAXIMUM BUILDING FLOOR AREA: 35,190 SF

MINIMUM BUILDING SETBACKS:

From South Utica Avenue	0 FT
From East 13 <sup>th</sup> Place	5 FT
From South Troost Avenue	10 FT
From East 13 <sup>th</sup> Street	10 FT

MINIMUM PARKING SETBACKS:

From North boundary	5 FT
From South boundary	5 FT
From West boundary	10 FT
From East boundary	5 FT

OFF-STREET PARKING:

Minimum parking ratios shall be as provided in Chapter 55 of the Tulsa Zoning Code for the applicable Use Category.

DRIVE-THROUGH:

Drive-through facilities, including drive-through signs, stacking lanes, trash receptacles, loudspeakers and service windows may be located on the street-facing side(s) of Development Area A.

SIGNS:

Signage shall conform to the provisions of the Tulsa Zoning Code in the CS District, except as provided below:

DRIVE-THROUGH SIGNS:

Drive-through signs and menu boards shall be set back a minimum of 7.5 feet from the southern boundary of Development Area A.

LIGHTING:

All pole mounted lights shall be limited to a maximum height of twenty (20) feet. Drive-through canopy lights and building mounted light fixtures shall be mounted no higher than fifteen (15) feet high and shall be shielded from adjacent residential properties and directed downward.

TRASH AND MECHANICAL EQUIPMENT AREAS:

All trash and mechanical equipment areas (excluding utility service transformers, pedestals or equipment provided by franchise utility providers) including building mounted, shall be screened from public view in such a manner that the same cannot be seen by a person standing on any part of the property line at ground level.

Dumpsters shall be screened from view from all street rights-of-way and R-zoned property. Dumpster screening shall be of masonry construction with steel frame doors. The doors shall be covered with appropriate covering containing a minimum of ninety-five percent (95%) opacity.

#### NO OUTSIDE STORAGE:

There shall be no outside storage or recycling material, trash or similar materials outside of a screened receptacle, nor shall trucks or trailer trucks be parked unless they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage.

#### ACCESS AND CIRCULATION:

No vehicular access shall be permitted from Utica Avenue.

#### LANDSCAPED AREA:

A minimum of ten percent (10%) of the Net Land Area of Development Area A shall be improved as internal landscaped open space.

#### LANDSCAPING AND SCREENING DETAILS:

The Project landscaping and screening details will comply with the requirements of the Tulsa Zoning Code for street frontage and parking area landscape.

The landscape boundaries of Development Area A will be landscaped as shown on the Landscape and Screening Concept attached hereto as Exhibit "C".

### **Development Area "B" (Tract 2)**

#### PERMITTED USE CATEGORIES:

RESIDENTIAL (IF IN ALLOWED BUILDING TYPE LISTED BELOW)

Household Living

Single household

Two households on a single lot

Three or more households on a single lot

Group Living

- Assisted living facility
- Community group home
- Convent/monastery/novitiate
- Elderly/retirement center
- Life care retirement center
- Residential treatment center
- Rooming/boarding house
- Shelter, emergency and protective
- Transitional living center

PUBLIC, CIVIC, AND INSTITUTIONAL

- College or University

Day Care

- Governmental Service or Similar Functions
- Hospital
- Library or Cultural Exhibit
- Parks and Recreation
- Religious Assembly

Safety Service

- School
- Utilities and Public Service Facility
  - Minor
- Wireless Communication Facility
  - Building or tower-mounted antenna

COMMERCIAL

Lodging

- Bed & Breakfast
- Short-term rental
- Hotel/motel

Office

- Business or professional office
- Medical, dental or health practitioner office

AGRICULTURAL

- Community Garden

PERMITTED RESIDENTIAL BUILDING TYPES

Household living

- Single household
  - Detached House
  - Townhouse
  - Patio House
  - Mixed-Use building
  - Vertical mixed-use building

- Two households on a single lot
  - Mixed-use building
  - Vertical-mixed use building
- Three or more households on a single lot
  - Multi-unit House
  - Apartment/Condo
  - Mixed-use building
  - Vertical-mixed use building

**MAXIMUM BUILDING FLOOR AREA:**

31,366 SF

**MINIMUM BUILDING SETBACKS:**

From East 13 <sup>th</sup> Place	5 FT
From South Troost Avenue	10 FT
From South Trenton Avenue	10 FT
From East 13 <sup>th</sup> Street	10 FT
From internal Development Area boundaries	0 FT
From Lot 1, Block 8, Forrest Park Addition	10 FT

**MINIMUM PARKING SETBACKS:**

From North boundary	5 FT
From South boundary	5 FT
From West boundary	10 FT
From East boundary	5 FT
From internal Development Area boundaries	5 FT
From Lot 1, Block 8, Forrest Park Addition	5 FT

**OFF-STREET PARKING:**

Minimum parking ratios shall be as provided in Chapter 55 of the Tulsa Zoning Code for the applicable Use Category.

**SIGNS:**

Signage shall conform to the provisions of the Tulsa Zoning Code in the CS District.

**LIGHTING:**

All pole mounted lights shall be limited to a maximum height of twenty (20) feet. Building mounted light fixtures shall be mounted no higher than fifteen (15) feet

high and shall be shielded from adjacent residential properties and directed downward.

#### TRASH AND MECHANICAL EQUIPMENT AREAS:

All trash and mechanical equipment areas (excluding utility service transformers, pedestals or equipment provided by franchise utility providers) including building mounted, shall be screened from public view in such a manner that the same cannot be seen by a person standing on any part of the property line at ground level.

Dumpsters shall be screened from view from all street rights-of-way and R-zoned property. Dumpster screening shall be of masonry construction with steel frame doors. The doors shall be covered with appropriate covering containing a minimum of ninety-five percent (95%) opacity.

#### NO OUTSIDE STORAGE:

There shall be no outside storage or recycling material, trash or similar materials outside of a screened receptacle, nor shall trucks or trailer trucks be parked unless they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage.

#### LANDSCAPING AND SCREENING DETAILS:

The Project landscaping and screening details will comply with the requirements of the Tulsa Zoning Code for street frontage and parking area landscape.

### **SECTION III: Supporting Documentation**

#### **RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

**Staff Summary:** CS zoning is consistent with the “Regional Center” designation and, with the proposed development standards of PUD-772-A, consistent with the “Neighborhood” designation. Commercial uses will be limited to the eastern development area.

#### **Land Use Vision:**

##### ***Land Use Plan map designation: Regional Center and Neighborhood***

Existing regional trip generators define the Regional Centers in contrast to Local Centers. These centers should be the most connected land use pockets outside of downtown for public transit access and highcapacity arterial streets. New

regional trip generators should be permitted in the area with special consideration given to the transportation access and circulation. Regional trip generators include universities, malls, large medical campuses, casinos, bigbox shopping centers, and very large churches.

Neighborhoods are “Mostly Residential Uses” which includes detached, missing middle, and multidwelling unit housing types. Churches, schools, and other low intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multidwelling unit housing that takes access off of an arterial is considered Multiple Use, Local Center, or Regional Center. If a multidwelling unit housing property takes access off of a lowerorder street separated from the arterial, then it would be considered Neighborhood.

### **Transportation Vision:**

***Major Street and Highway Plan:*** South Utica Avenue is considered an Urban Arterial by the Major Street and Highway Plan. East 13<sup>th</sup> Place is considered a freeway access road. Both classifications are adequate to support the proposed uses of PUD-772-A. East 13<sup>th</sup> Street South is not classified by the Major Street and Highway Plan.

***Trail System Master Plan Considerations:*** East 13<sup>th</sup> Street South is designated for on-street bicycle lanes by the GO Plan. East 13<sup>th</sup> Place South is designated as a “Signed Route” by the GO Plan. Site development should consider bicycle access and parking to support the planned bicycle network adjacent to the site.

### **Small Area Plan:** Utica Midtown Corridor Small Area Plan

The subject property is located within the Utica Midtown Corridor Small Area Plan. The proposed development areas included in PUD-772-A align with the recommendations of the small area plan for commercial development adjacent to South Utica Avenue with a transition to neighborhood development west of South Troost Avenue.

### **Special District Considerations:** None

### **Historic Preservation Overlay:** None

### **DESCRIPTION OF EXISTING CONDITIONS:**

***Staff Summary:*** The subject property is currently vacant. There is an existing religious assembly and a medical facility north of the subject property. The site is adjacent to the Broken Arrow Expressway to the south. There are existing single-family residences to the west of the subject property.



**Environmental Considerations:** None

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Utica Avenue	Urban Arterial	70'	4
East 13 <sup>th</sup> Place South	Freeway	Variable	2
East 13 <sup>th</sup> Street South	None	50'	2
South Trenton Avenue	None	50'	2

**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:**

Location	Existing Zoning	Existing Land Use Designation	Existing Use
North	RM-2	Regional Center	Religious Assembly
East	RM-2	Regional Center	Vacant
South	N/A	None	Broken Arrow Expressway
West	RM-2	Neighborhood	Single-Family Residential

**SECTION III: Relevant Zoning History**

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

**PUD-772** – Ordinance number 22131 dated October 14, 2009 established PUD-772 on the subject property.

**TMAPC Action; 9 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 8-0-1 (Bayles, Covey, Craddock, Hood, Humphrey, Krug, Walker, Whitlock, “aye”; no “nays”; Carr, “abstaining”; Shivel, Zalk, “absent”) to **CONTINUE** Item 11 to August 2, 2023.

\* \* \* \* \*

Items 12 and 14 were presented together.

**12. Z-7725 Paloma Jonsson (CD 5) Location: South of the southeast corner of South Memorial Drive and East 23<sup>rd</sup> Street South requesting rezoning from RS-3 to CS with an optional development plan (Related to CPA-104)**

**STAFF RECOMMENDATION:**  
**SECTION I: Z-7725**

**DEVELOPMENT CONCEPT:** The applicant is requesting to rezone property to CS to allow for a mixed-use development accommodating a vertical mixed-use building. An optional development plan is proposed to limit some uses near the surrounding residential development and limit the height of new buildings. An associated Comprehensive Plan amendment seeks to change the land use designation from Neighborhood to Multiple Use.

**DETAILED STAFF RECOMMENDATION:**

Staff recommends Approval of Z-7725 to rezone property from RS-3 to CS with the development plan standards included in Section II. The development plan restricts some uses that may not be compatible with the surrounding residential district including Vehicles Sales and Service Uses, Marijuana related uses and Drive-through facilities. Additionally, a height recommendation of 35-feet is recommended due to the topography of the property which sits higher than the surrounding residential property.

**SECTION II:**

**DEVELOPMENT STANDARDS:**

The standards will conform to the provisions of the Tulsa Zoning Code for development in the CS 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.

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

PERMITTED Use Categories, Subcategories and Specific uses:

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)

Indoor:

- Small (up to 250-person capacity) \* (Special Exception only required if serving alcohol within 150-feet of a residential district, see Sec. 15.020, Table 15-2 Table note [4])

Broadcast or Recording Studio

Commercial Service

- Building Service\*
- Business Support Service
- Consumer Maintenance/Repair Service
- Personal Improvement 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 \* (Special Exception only required if serving alcohol within 150-feet of a residential district, see Sec. 15.020, Table 15-2 Table note [4])
- 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

## **SUPPLEMENTAL LOT AND AREA REQUIREMENTS:**

The property will meet the lot and Area Requirements of the CS District except as further restricted below.

**Maximum Building Height:** 35-feet

**ACCESS:** Ingress and egress to the property will be limited to S. Memorial. Vehicular access onto S. 82nd E. Ave. is prohibited.

## **SECTION III:**

### **RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

**Staff Summary:** The proposed development as defined in section II above is consistent with the proposed Multiple Use land use designation.

### **Land Use Vision:**

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

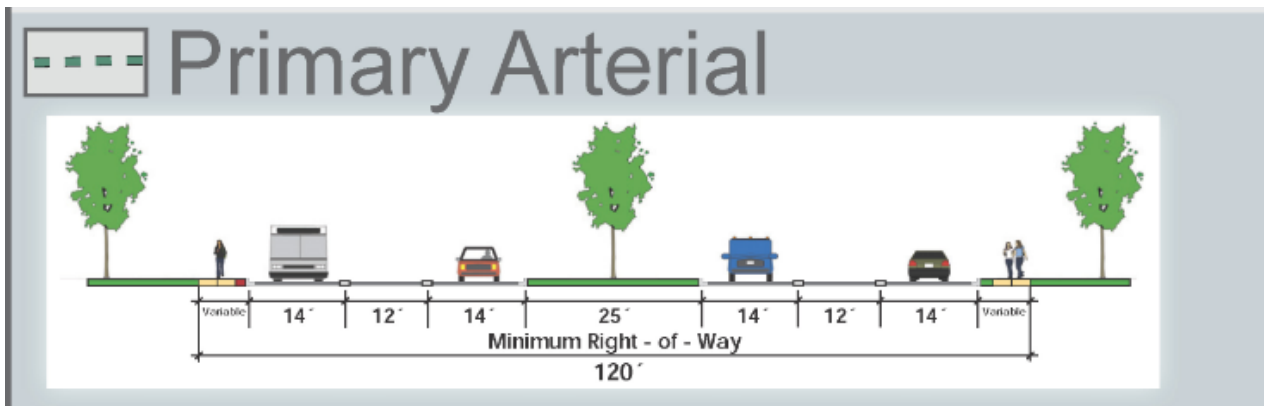
Neighborhoods are “Mostly Residential Uses” which includes detached, missing middle, and multidwelling unit housing types. Churches, schools, and other low-intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multidwelling unit housing that takes access off of an arterial is considered Multiple Use, Local Center, or Regional Center. If a multidwelling unit housing property takes access off of a lower order street separated from the arterial, then it would be considered Neighborhood.

***Proposed Land Use Plan map designation:*** Multiple Use

Multiple Use areas are “Mostly Commercial or Retail Uses” which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local Centers being more commonplace in newer parts of the city. For single properties that are commercial but surrounded by Neighborhood, Multiple Use is the preferred designation.

### **Transportation Vision:**

***Major Street and Highway Plan:*** S. Memorial Drive is classified as a Primary Arterial Street and designated a Commuter Corridor. S. 82<sup>nd</sup> E. Ave. is not a classified Street.



***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 property is adjacent to a residential subdivision and formerly contained a single-family home, staff is unsure when the home was demolished, though it appears that it has been vacant for at least a decade.

The property currently has frontage on two streets including S. Memorial Drive which is a Primary Arterial street on the City of Tulsa Major Street and Highway plan. The other street is the dead end of S. 82<sup>nd</sup> E. Ave. that currently lacks a curb-cut onto the street. The property is surrounded by Neighborhood land use designation though the use of the northern property is a medical office.



Image used from Google Street view taken of the subject property from S. 82<sup>nd</sup> E. Ave. The elevation change between residential property and the subject property is shown here, as evidenced from the retaining wall along S. 82<sup>nd</sup> E. Ave.

**Environmental Considerations:** None.

**Streets:**

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
S. Memorial Dr.	Primary Arterial	120-feet	4 lanes
S. 82 <sup>nd</sup> E. Ave.	Not Classified	50-feet	2 non-divided lanes

**Utilities:**

The subject tract has municipal water and sewer available.

**Surrounding Properties:**

Location	Existing Zoning	Existing Land Use Designation	Existing Use
North	RS-3	Neighborhood	Medical Office

South and East	RS-3	Neighborhood	Single-family Residential
West	RS-1	Neighborhood	Single-family Residential

### SECTION III: Relevant Zoning History

**ZONING ORDINANCE:** Ordinance number 11816 dated June 26<sup>th</sup>, 1970 established zoning for the subject property.

#### ***Subject Property:***

**BOA-6816;** On 11.05.70 the Board **approved** an Exception to permit the operation of the Day Care Nursery on the subject property in the existing vacant house.

#### **TMAPC Comments:**

Mr. Covey asked if the plan was for the east side of Memorial Drive to go commercial.

Staff stated one factor to consider is the subject property was platted around by subdivisions and this is the remainder. He stated this has been vacant property for a long time and has not served much use. Most residential lots would not want their access on Memorial Drive and there is an access restriction onto the cul-de-sac that is why staff is recommending approval.

**The applicant indicated her agreement with staff's recommendation.**

**There were no interested parties wishing to speak.**

#### **TMAPC Action; 9 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 6-3-0 (Carr, Covey, Hood, Humphrey, Krug, Walker, "aye"; Bayles, Craddock, Whitlock "nays"; none "abstaining"; Shivel, Zalk, "absent") to recommend **APPROVAL** of the CS zoning for Z-7725 per staff recommendation.

#### **Legal Description for Z-7725:**

BEG 50E NWC SW NW E148 S83 W148 N83 POB SEC 13 19 13 AND BEG 50E & 83S NWC SW NW E148 S53.04 CRV TO LEFT 61.79 W104.17 N83 City of Tulsa, Tulsa County, State of Oklahoma

\* \* \* \* \*



**13. Z-7731 Nathan Cross** (CD 1) Location: South of the southwest corner of East 5<sup>th</sup> Street South and South Victor Avenue requesting rezoning from **RS-4 and IL to CG with an optional development plan (Related to CPA-105)** (Staff requests a continuance to August 2, 2023)

**TMAPC Action; 9 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 9-0-0 (Bayles, Carr, Covey, Craddock, Hood, Humphrey, Krug, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Shivel, Zalk, “absent”) to **CONTINUE** Item 13 to August 2, 2023.

## **PUBLIC HEARING-COMPREHENSIVE PLAN AMENDMENTS**

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

- 14. CPA-104 Paloma Jonsson** (CD 5) Location: South of the southeast corner of South Memorial Drive and East 23<sup>rd</sup> Street South requesting to amend the Land Use Map designation from **Existing Neighborhood** to **Multiple Use** (Related to Z-7725)

### **STAFF RECOMMENDATION:**

#### **TMAPC STAFF REPORT CPA-104 COMPREHENSIVE PLAN AMENDMENT**

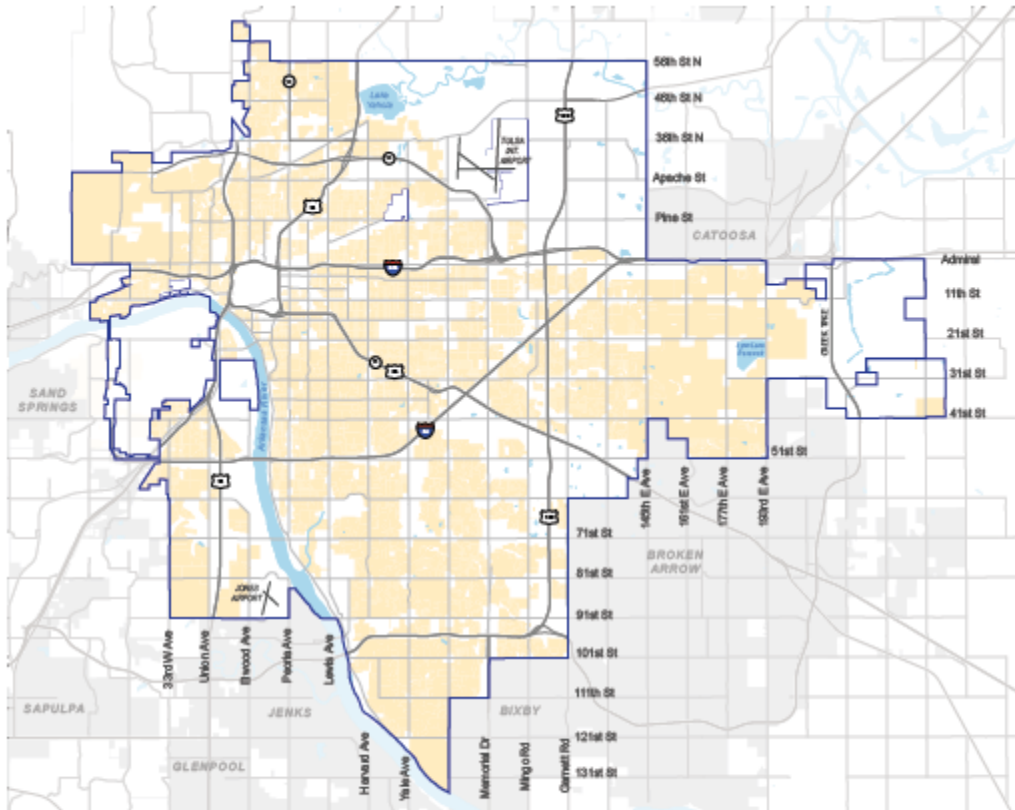
#### **Property information and Land Use request:**

The applicant has submitted this proposed Comprehensive Plan amendment (CPA-104) with a concurrent rezoning request (Z-7725) to request a change in the land use designation of the subject property from Neighborhood to Multiple Use. The concurrent zoning request proposes a change from RS-3 to CS with an optional development plan for redevelopment of the subject tract as a mixed-use development accommodating a vertical mixed-use building.

**Background:** The land use designation recognized that this property is adjacent to a residential subdivision and formerly contained a single-family home, staff is unsure when the home was demolished, though it appears it has been vacant for at least a decade.

The property currently has frontage on two streets including S. Memorial Drive which is a Primary Arterial street in the City of Tulsa Major Street and Highway Plan. The other street is the dead end of S. 82<sup>nd</sup> E. Ave. that currently lacks a curb-cut onto the street. The property is surrounded by Neighborhood land use designation though the use of the northern property is a medical office.

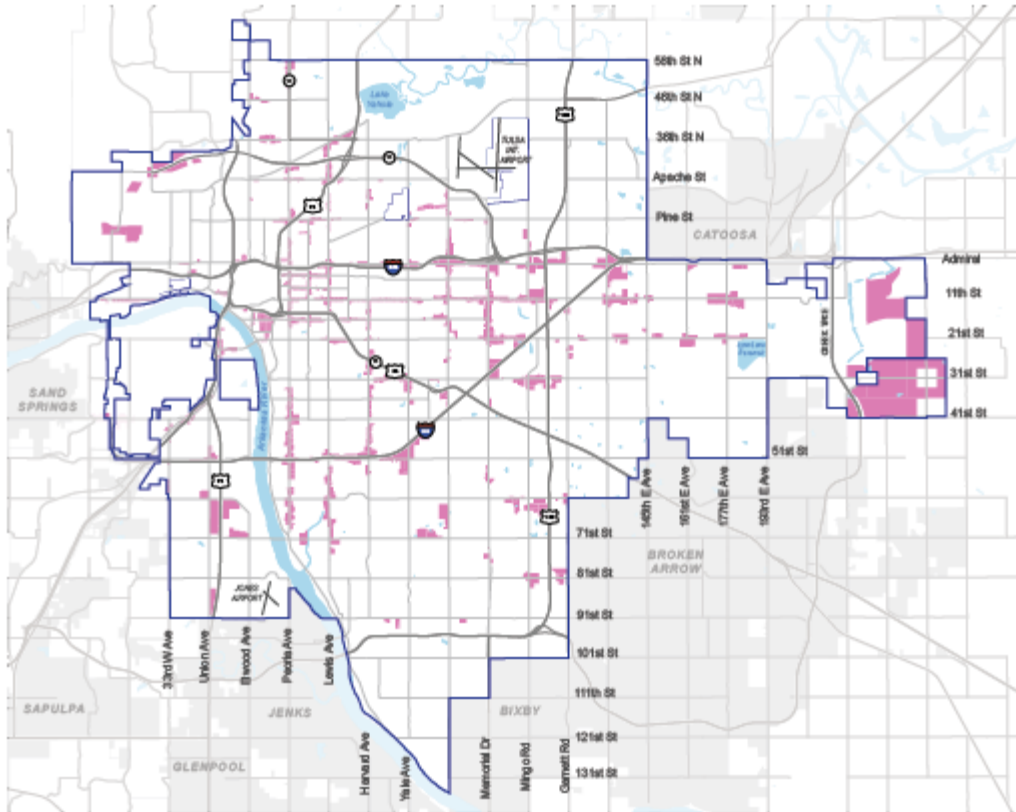
**Existing Land Use:** *Neighborhood*



## Neighborhood

Neighborhoods are “Mostly Residential Uses” which includes detached, missing middle, and multi-dwelling unit housing types. Churches, schools, and other low-intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional Center land use areas. Multi-dwelling unit housing that takes access off of an arterial is considered Multiple Use, Local Center, or Regional Center. If a multi-dwelling unit housing property takes access off of a lower-order street separated from the arterial, then it would be considered Neighborhood.

**Proposed Land Use:** *Multiple Use*



### Multiple Use

Multiple Use areas are “Mostly Commercial or Retail Uses” which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local Centers being more commonplace in newer parts of the city. For single properties that are commercial but surrounded by Neighborhood, Multiple Use is the preferred designation.

### Surrounding Zoning and Land Uses:

Location	Existing Zoning	Existing Land Use Designation	Existing Use
North	RS-3	Neighborhood	Medical Office
South and East	RS-3	Neighborhood	Single-family Residential
West	RS-1	Neighborhood	Single-family Residential

**Applicant's Justification:**

**How conditions of the subject area and its surrounding properties have changed.**

Property is currently vacant, the previous residential house has been demolished and there has been little demand for single family residences fronting Memorial Drive. Memorial Drive is an arterial street that can accommodate the development.

**How those changes have impacted the subject area to warrant the proposed amendment.**

Currently the subject property is vacant land and previous to the current property owner the subject tract was poorly maintained. The current property is in the process of being cleaned up to prepare for future development, but the property still has access to the neighborhood which the property owner wishes to close. This has been to the detriment and eye sore of the neighborhood.

**How the proposed change will enhance the surrounding area and the City of Tulsa.**

The change will attract an attractive and vibrant mixed-use development that will serve as a complement to the residential neighborhood it abuts.

**Staff Summary and Recommendation:**

The subject property is unique in that it is surrounded by platted subdivisions, but it was not platted along with them. As evidenced by the length of time the property has sat vacant, a Neighborhood land use designation is no longer appropriate for this small, isolated single-family zoned property.

Staff recommends **approval** of the Multiple Use land use designation.

**TMAPC Action; 9 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 6-3-0 (Bayles, Carr, Covey, Craddock, Hood, Humphrey, Krug, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Shivel, Zalk, "absent") to **ADOPT** CPA-104 as an amendment to the Tulsa Comprehensive Plan per staff recommendation.

**Legal Description for CPA-104:**

BEG 50E NWC SW NW E148 S83 W148 N83 POB SEC 13 19 13 AND BEG 50E & 83S NWC SW NW E148 S53.04 CRV TO LEFT 61.79 W104.17 N83 City of Tulsa, Tulsa County, State of Oklahoma

\* \* \* \* \*

**15. CPA-105 Nathan Cross** (CD 1) Location: South of the southwest corner of East 5<sup>th</sup> Street South and South Victor Avenue requesting to amend the Land Use Map designation from **Existing Neighborhood** to **Employment** (Related to Z-7731) (Staff requests a continuance to August 2, 2023)

**TMAPC Action; 9 members present:**

On **MOTION** of **COVEY**, the TMAPC voted 9-0-0 (Bayles, Carr, Covey, Craddock, Hood, Humphrey, Krug, Walker, Whitlock, “aye”; no “nays”; none “abstaining”; Shivel, Zalk, “absent”) to **CONTINUE** Item 15 to August 2, 2023.

\* \* \* \* \*

## PUBLIC HEARING - PLATS

**16. Cooper Valley Estates** (County) Minor Subdivision Plat, Location: South and West of East 181<sup>st</sup> Street South and South Memorial Drive

### **STAFF RECOMMENDATION:**

South and west of East 181<sup>st</sup> Street South and South Memorial Drive

This plat consists of 10 lots, 1 block on 76.96 ± acres.

The Technical Advisory Committee (TAC) met on July 6, 2023, and provided the following comments:

1. **Zoning:** Proposed lots conform to the requirements of the AG district. Planning Services will provide comments prior to the final plat release.
2. **Addressing:** Addresses provided by INCOG must be shown on face of the final plat.
3. **Transportation & Traffic:** Limits of no access not required on final plat per Tulsa County Engineering. Show MAE on the plat.
4. **Sewer/Water:** On-site sewage disposal. Water service to be provided by Rural Water District #6. Any improvements to existing water lines must be approved through the RWD.
5. **Stormwater, Drainage, & Floodplain:** Approved as submitted.
6. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All release letters have been received. Oil & Gas certificate was submitted.

Staff recommends **APPROVAL** of the minor subdivision plat subject to the conditions provided by TAC and the requirements of the Subdivisions Regulations.

The site is located at 81st Street South and South Memorial Drive. The plat consists of 10 lots and one block on 76.96 acres. The Technical Advisory Committee met on July 6, and wrote the comments that are enumerated in your packet. And then with those comments considered staff recommend approval of the minor subdivision plat subject to the conditions provided by TAC and the requirements of the subdivision regulations.

**The applicant indicated his agreement with the staff's recommendation.**

**There were no interested parties wishing to speak.**

### **TMAPC Action; 9 members present:**

On **MOTION** of **CRADDOCK**, the TMAPC voted 9-0-0 (Bayles, Carr, Covey, Craddock, Hood, Humphrey, Krug, Walker, Whitlock, "aye"; no "nays"; none

“abstaining”; Shivel, Zalk, “absent”) to **APPROVE** the Preliminary Subdivision Plat for Cooper Valley Estates per staff recommendation.

## **OTHER BUSINESS**

### **17. Commissioners' Comments**

None



## ADJOURN

### **TMAPC Action; 9 members present:**

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0 (Bayles, Carr, Covey, Craddock, Hood, Humphrey, Krug, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Shivel, Zalk, "absent") to **ADJOURN** TMAPC meeting of July 19, 2023, Meeting No. 2894.

## ADJOURN

There being no further business, the Chair declared the meeting adjourned at 2:37 p.m.

Date Approved:

08-16-2023

  
Chair

ATTEST:   
Secretary