

TULSA METROPOLITAN AREA PLANNING COMMISSION
Meeting No. 2898

September 20, 2023, 1:00 PM
175 East 2nd Street, 2nd Level, One Technology Center
Tulsa City Council Chamber

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

The notice and agenda of said meeting were posted in the Office of the City Clerk, as well as in the Office of the County Clerk on September 14, 2023, at 12:22 p.m.

After declaring a quorum present, Chair Covey called the meeting to order at 1:00 p.m.

Mr. Shivel read the opening statement and rules of conduct for the TMAPC meeting.

REPORTS:

Chairman's Report:
None

Director's Report:

Ms. Miller reported on City Council actions and other special projects. Ms. Miller stated the City Council initiated the 71st Street Corridor zoning district and abandoning PUD's along the corridor. She stated it is something the Planning Office has been working on for a while. Ms. Miller stated the Planning Commission heard the general concept at a work session last March. She stated about 800 notices were sent out to people in the

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boundary and within 300-foot of the boundary. Ms. Miller stated there will be a public meeting Monday September 25, 2023 at Union High School.

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Minutes:

1. Minutes of September 6, 2023 Meeting No. 2897

Approval of the Minutes of **September 6, 2023 Meeting No. 2897**

TMAPC Action; 7 members present:

On **MOTION** of **WALKER**, the TMAPC voted 7-0-0 (Covey, Craddock, Hood, Humphrey, Shivel, Walker, Zalk, “aye”; no “nays”; none “abstaining”; Carr, Bayles, Krug, Whitlock, “absent”) to **APPROVE** the minutes of **September 6, 2023 Meeting No. 2897**

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CONSENT AGENDA

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

2. **PUD-803-13 Tanner Consulting, LLC** (CD 8) Location: South of the Southeast corner of East 121st Street South and South Hudson Avenue requesting a **Minor Amendment** to amend the maximum driveway width within the street setback from 26 feet to 30 feet

STAFF RECOMMENDATION:

SECTION I: PUD-803-13 Minor Amendment

Amendment Request: Revise the PUD Development Standards to increase allowable driveway width in the street setback.

PUD-803 has a maximum front yard coverage of 40%. This was changed to 26 FT with minor amendment PUD-803-7. This minor amendment also allowed for smaller lots which was initially the plan. Phase V developed into a larger lot subdivision, so the applicant has requested that the minimum driveway width be increased to 30'.

Staff Comment: *This request is considered a Minor Amendment as outlined by Section 30.010.I.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-803-13 does not represent a significant departure from the approved development standards in the PUD and is considered a minor amendment to PUD-803.
- 2) All remaining development standards defined in PUD-803 and subsequent amendments shall remain in effect.

With considerations listed above, staff recommends **approval** of the minor amendment to PUD minor amendment to increase allowable driveway width from 26 FT to 30 FT in the street setback.

Legal Description for PUD-803-13:

All of "The Estates at the River V". a Subdivision within the City of Tulsa. Tulsa County.

TMAPC Action; 7 members present:

On **MOTION** of **WALKER**, the TMAPC voted 7-0-0 (Covey, Craddock, Hood, Humphrey, Shivel, Walker, Zalk, "aye"; no "nays"; none "abstaining"; Carr, Bayles, Krug, Whitlock, "absent") to **APPROVE** Item 2 per staff recommendation.

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Ms. Carr arrived at 1:07pm.

PUBLIC HEARING - REZONING

3. **Z-7732 Nathan Cross** (CD 1) Location: Southeast corner of West Cameron Street and North Boulder Avenue requesting rezoning from **IL to CBD**

STAFF RECOMMENDATION: **SECTION I: Z-7732**

DEVELOPMENT CONCEPT: Applicant is seeking rezoning of the property from IL to CBD to allow for greater commercial uses.

DETAILED STAFF RECOMMENDATION:

Staff recommends *approval* of CBD zoning on the site and finds that CBD conforms to the Comprehensive Plan.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Land Use Vision:

Downtown:

The area within the Inner Dispersal Loop (IDL) highway is generally understood to be the downtown area of Tulsa. This area has fewer development limitations than most areas of the city, and a high density of employment, residential, mixed-use, commercial, retail, and institutional uses. Land uses and transportation infrastructure in this area should be primarily pedestrian-oriented, with parking either on street, behind buildings, or in structured parking garages.

Transportation Vision:

Major Street and Highway Plan:

Both W. Cameron St. and N. Boulder Ave. are classified as “Commercial/CBD/Industrial Collectors” and the ultimate right-of-way is in place for the Major Street and Highway plan at this location.

Trail System Master Plan Considerations: None.

Development Era:

Downtown Era: Downtown Tulsa began as a small town that sprung up around the Frisco railroad. This is evident in the orientation of the street grid within downtown that is not aligned by compass directions, as the rest of the city is, but by the orientation of the railroad corridor. Throughout Tulsa's history, the downtown area has remained the primary location for intensive development, major employment uses, and tourism destinations. While the downtown area originally developed during the first few decades of Tulsa's existence, there are many more structures that were built during the 1970s and 1980s, corresponding to the clearing of city blocks during Urban Renewal and the fluctuations of the oil and gas industry. Over the decades, the infrastructure of downtown has been retrofit to accommodate commuter traffic, with the introduction of the Interstate Highway System, one-way streets, and large areas of surface parking. In recent years, however, there have been efforts to return the downtown to a more pedestrian and bicycle friendly condition by converting one-way streets to two-way streets, promoting infill development of underutilized blocks, and the enhancement of pedestrian and bicycle infrastructure.

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: Property is currently used a warehouse and is located inside the center of the Tulsa Arts District.

Environmental Considerations: None.

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
W. Cameron St.	Commercial/CBD/Industrial Collectors	80-feet	2 lanes w/ on street parking on the North Side.
N. Boulder Ave.	Commercial/CBD/Industrial Collectors	80-feet	2 lanes w/ on street parking on both sides and a bike lane on the West side.

Utilities: City utilities are available to the subject site.

Zoning and Surrounding Uses:

Location	Existing Zoning	Existing Land Use Designation	Existing Use
North	CBD	Downtown	Parking Lot.
West	CBD	Downtown	Warehouse.
South	CBD	Downtown	Bar
East	CBD	Downtown	Warehouse.

Relevant Zoning History:

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

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **WALKER**, the TMAPC voted 8-0-0 (Carr, Covey, Craddock, Hood, Humphrey, Shivel, Walker, Zalk, "aye"; no "nays"; none "abstaining"; Bayles, Krug, Whitlock, "absent") to recommend **APPROVAL** of the CBD zoning for Z-7732 per staff recommendation.

Legal Description for Z-7732:

The north seventy-five (75) feet of Lot Six (6) and all of Lot Seven (7), Block Twenty-nine (29), ORIGINAL TOWN, NOW CITY OF TULSA, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

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4. **Z-7733 Abdul Ahlou** (CD 3) Location: North of the northeast corner of 11th Street South and South 129th East Avenue requesting rezoning from **CS and RS-2 to CG with an optional development plan** (Continued from August 2 2023 and August 16, 2023)

STAFF RECOMMENDATION:

SECTION I: Z-7733

DEVELOPMENT CONCEPT: Z-7733 is a project planned for a single development area*. The overall site totals 6.81 acres. The site is located north of the northeast corner of East 11th Street and 129th E. Ave. The property is in the southwest quarter of the of Section 4, Township 19 North, Range 14 East, in Tulsa County, Oklahoma.

*The original application submitted included two development areas as shown in the exhibits provided by the applicant. What is referred to as Development Area A has been removed from the application and what is referred to as Development Area B remains.

DETAILED STAFF RECOMMENDATION:

Staff finds that the requested CG zoning to allow a Truck Terminal, Warehouse and Storage uses would not be compatible with recommendations in the Comprehensive Plan and Plan 66. Staff finds that CS zoning is supported by those documents and by the proposed change of the Comprehensive Plan to Multiple Use land use designation. The proposed Trucking and Transportation Terminal, Warehousing and Storage uses proposed by the applicant could be allowed by Special Exception inside the CS Zoning district but would not be allowed by right.

Staff recommends **Denial** of CG with an optional development plan but recommends **Approval** of CS without an optional development plan.

SECTION II: Z-7733 OPTIONAL DEVELOPMENT PLAN STANDARDS FOR CG

*(Recommended for
Denial):*

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 City of Tulsa Zoning Code.

PERMITTED USES: 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

Fraternal Organization*

Governmental Service or Similar Functions* Hospital

Library or Cultural Exhibit Natural Resource Preservation Parks and

Recreation

Postal Services*

Religious Assembly

Safety Service

School

Utilities and Public Service Facility

Minor

Major*

Wireless Communication Facility

Freestanding tower
Building or tower-mounted antenna

COMMERCIAL

Animal service
 Boarding or Shelter
 Grooming
 Veterinary
Assembly and Entertainment
 Indoor
 Small (Up to 250-person capacity)* (Special Exception only
 required if serving alcohol within 150-feet of a residential
 district)
 Large (Greater than 250-person capacity) *
Broadcast or Recording Studio
Commercial Service
 Building service
 Business support service
 Consumer maintenance/repair service
 Personal improvement service
 Research service*
Financial Services
Funeral or Mortuary Service
Lodging
 Bed & Breakfast
 Short-term rental
 Hotel/motel
Office
 Business or professional office
 Medical, dental or health practitioner office
 Plasma Center
Parking, Non-accessory
Restaurants and Bars
 Restaurant
 Bar * (Special Exception only required if serving alcohol within
 150-feet of a residential district)
 Brewpub
Retail Sales

- Building supplies and equipment
- Consumer shopping goods
- Convenience goods
- Grocery Store
- Small Box Discount Store
- Medical Marijuana Dispensary
- Studio, Artist or Instructional Service
- Trade School
- Vehicle Sales and Service
- Fueling station

WHOLESALE, DISTRIBUTION AND STORAGE

- Equip. & Materials Storage, Outdoor
- Trucking and Transportation Terminal
- Warehouse
- Wholesale Sales and Distribution

INDUSTRIAL

- Low-impact Manufacturing & Industry*

AGRICULTURAL

- Community Garden
- Farm, Market- or Community supported

OTHER

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

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

MINIMUM LOT WIDTH: 280-feet

MINIMUM LOT AREA: 250,000 square feet

MAXIMUM NUMBER LOTS: 4

MAXIMUM BUILDING HEIGHT: 35-feet

MINIMUM BUILDING SETBACKS (from the lot line):

From South 129 th E. Ave.	50-feet
Rear Yard	20-feet
Side Yard	20 feet

SECTION III: Supporting

Documentation RELATIONSHIP TO

THE COMPREHENSIVE PLAN:

Staff Summary: The Land Use Designation amendment on this site from Neighborhood/Multiple Use to Multiple (CPA-109) was recommended for approval by TMAPC on 8/16/2023. The Multiple Use land use coupled with the recommendation of Plan 66 would not support the rezoning of this property to support of trucking/ transportation terminal and warehousing and storage uses.

Land Use Vision:

Existing:

Multiple Use/ 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 in CPA-109:

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:

The property began to develop during the Late Automobile Era (1950-present):

In the late 1950s and early 1960s the suburbs grew at a tremendous rate in the Tulsa metropolitan area. It was at this time that surrounding communities, such as Broken Arrow, began to grow at a rapid pace. At this time, the City of Tulsa annexed more than 100 square miles, and neighborhood subdivisions began to proliferate from the core of the city toward the suburban communities.

Major Street and Highway Plan:

Both S. 129th and E. 11th Street are Secondary Arterials, and the ultimate right-of-way has been acquired on both streets.

Trail System Master Plan Considerations: None.

Small Area Plan: Plan 66 (December 2020)

The purpose of Plan 66 is as follows:

Highlight the historic significance of Route 66 in Tulsa by identifying elements that contribute to its past, present, and future legacy. Acknowledge past successes from project implementation along the corridor and promote future investment. Improve opportunities for visitors and Tulsa residents of all ages to explore along the Route. Develop strategies for supporting established businesses while encouraging further growth, and contribute to a diverse, sustainable economy. Support Route 66's potential to create a thriving tourism industry. Create recommendations for the built environment to assist with branding, marketing, mobility, public perception, preservation, and new conditions.

Included on the plan is Strategy 2.1 which is to encourage pedestrian-oriented development by implementing elements of the City's Complete Streets Policy and existing planning documents. The proposed development as outlined in the optional development plan would be in contradiction to the following actions:

- Action 2.1.1 Encourage development built up to the right-of-way to mirror historical built form and promote parking behind buildings.
- Action 2.1.2 Enhance the Route through higher density, infill, and mixed-use development.
- Action 2.1.3 Redevelop vacant or underutilized lots into green spaces and public use spaces where appropriate.
- Action 2.1.8 Adopt design standards for vehicle sales and service businesses.

The majority of the development would be limited to the Trucking and Transportation/ Warehousing use that is designed with little consideration for pedestrian infrastructure or for a mix of uses that would be built at or near the right-of-way.

Special District Considerations:

The southern portion of this site lies within the Route 66 Overlay. The purpose and intent of the Route 66 Overlay is to establish zoning regulations and incentives intended to ensure the enhancement, development, and revitalization of the authentic Route 66 through the promotion of historic and historically inspired signage, especially neon, along and adjacent to the two alignments of Route 66 in

Tulsa. The regulations are generally intended to guide the character of both public and private development as it occurs along Route 66.

Historic Preservation Overlay: None.

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The property is a vacant lot that sits near the intersection of two arterial streets. The subject property is surrounded by a variety of uses, some of which are conforming to the current zoning code. The subject property site is roughly a half mile from Interstate 44.

Environmental Considerations: None currently.

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
E. 11 th St.	Secondary Arterial	100-feet	2
129 th E. Ave.	Secondary Arterial	100-feet	4

Utilities:

The subject tract has municipal water and sewer available, though there is not sewer running the length of the property. Additional infrastructure may be needed along 129th East Avenue to support the proposed development.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Existing Use
North	RS-2	Neighborhood	Church
West	RS-2, CO, CS	Employment/ Multiple Use	al, HVAC Business, Landscaping Business, Vehicle Sales
South	CS	Multiple Use	Vacant
East	RS-2, CH	Neighborhood/ Multiple Use	Vacant

Relevant Zoning History:

ZONING ORDINANCE: Ordinance number 11817 dated June 26, 1970, established RS-2 and CS zoning for the subject property.

TMAPC Action; 8 members present:

On **MOTION** of **WALKER**, the TMAPC voted 8-0-0 (Carr, Covey, Craddock, Hood, Humphrey, Shivel, Walker, Zalk, "aye"; no "nays"; none "abstaining"; Bayles, Krug, Whitlock, "absent") to **CONTINUE** Item 4 to October 4, 2023.

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Items 5 and 11 were presented together.

5. **Z-7734 Rey Bustos** (CD 6) Location: East of the southeast corner of East 11th Street South and South 161st East Avenue requesting rezoning from **AG to CG with an optional development plan (Related to CPA-106)** (Continued from August 16, 2023)

STAFF RECOMMENDATION:
SECTION I: Z-7734

DEVELOPMENT CONCEPT: The applicant originally submitted a rezoning to change the property from AG to CG with no optional development plan. This rezoning was to utilize the site for their cabinet shop. After the August 2nd Planning Commission meeting and working with the neighborhood, the applicant submitted an optional development plan to limit specific uses allowed in the CG zoning district. The allowed uses can be found in section II of this staff report. This rezoning has a related Comprehensive Plan amendment to change the site to a Multiple Use land use designation.

DETAILED STAFF RECOMMENDATION:

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

The CG district is primarily intended to accommodate established commercial uses, while providing protection to adjacent residential area; and accommodate the grouping of compatible commercial and light industrial uses,

The applicants proposed use would be allowed by right in CG.

Staff recommends Approval of Z-7734 to rezone the property from AG to CG with or without the optional development plan.

SECTION II: OPTIONAL DEVELOPMENT PLAN STANDARDS

The development plan standards will conform to the provisions of the Tulsa Zoning Code for development in a Commercial Shopping (CG) district with its supplemental regulations except as further refined below. All use categories, subcategories or specific uses and building types that are not listed in the following permitted list are prohibited.

PERMITTED USE CATEGORIES SUBCATEGORIES AND SPECIFIC USES:

RESIDENTIAL (if in allowed residential building types identified below)

- Single household
- Two households on single lot
- Three or more households on single lot

PUBLIC, CIVIC, AND INSTITUTIONAL

- Day Care
- Library or Cultural Exhibit
- Parks and Recreation
- Religious Assembly

COMMERCIAL

- Animal Service
 - Boarding or Shelter
 - Grooming
 - Veterinary
- Broadcast or Recording Studio
- Commercial Service
 - Building service
 - Business support service
 - Consumer maintenance/repair service
 - Personal improvement service
 - Research Service
- Financial Services
- Office
 - Business or professional office
 - Medical, dental or health practitioner office
- Restaurants and Bars
 - Restaurant
- 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

- Equipment & Materials Storage, Outdoor

Warehouse
Wholesale Sales and Distribution

AGRICULTURAL

Community Garden
Farm, Market-or Community-supported

RESIDENTIAL BUILDING TYPES:

HOUSEHOLD LIVING

Single Household
 Mixed-Use Building
 Vertical Mixed-Use Building
Two households on single lot
 Mixed-Use Building
 Vertical Mixed-Use Building
Three or more households on single lot
 Mixed-Use Building
 Vertical Mixed-Use Building

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: *The proposed use is consistent with the proposed Multiple Use land use designation.*

Land Use Vision:

Land Use Plan map designation: Neighborhood

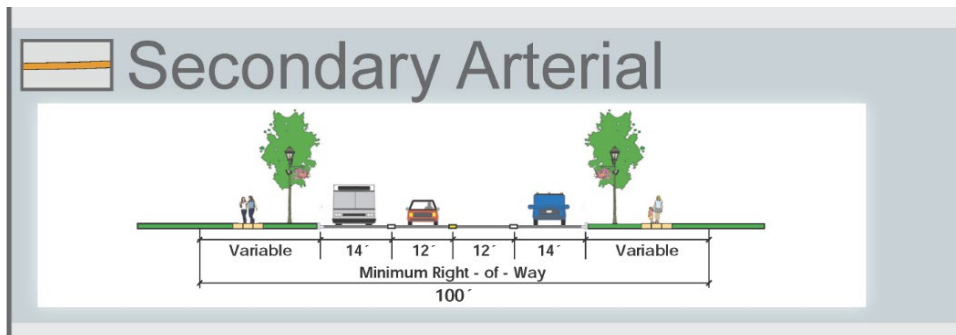
Neighborhoods are “Mostly Residential Uses” which includes detached, missing middle, and multidwelling unit housing types. Churches, schools, and other low-intensity uses that support residents’ daily needs are often acceptable, particularly for properties abutting Multiple Use, Local Center, or Regional 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

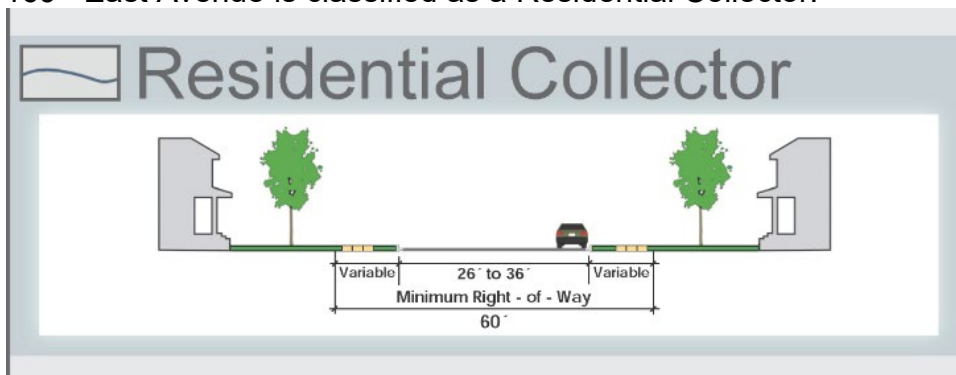
Multiple Use areas are “Mostly Commercial or Retail Uses” which include restaurants, shops, services, and smaller format employment uses. This land use designation is most common in areas of the city from earlier development patterns, with Local Centers being more commonplace in newer parts of the city.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

Transportation Vision:

Major Street and Highway Plan: East 11th Street is classified as a Secondary Arterial Street.



South 169th East Avenue is classified as a Residential Collector.



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 currently has a pole barn towards the south of the property. There is a single-family residence directly to the west, as well as to the north. The property to the east is currently being used for agricultural uses.

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 11 th Street	Secondary Arterial	100'	2
South 169 th East Avenue	Residential Collector	60'	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Existing Use
North	AG	Neighborhood	Single-family Residential
South	AG	Neighborhood	Vacant
East	AG-R	Multiple Use	Agricultural Uses
West	AG	Neighborhood	Single Family Residential

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11818 dated 1970, established zoning for the subject property.

TMAPC Comments:

Mr. Craddock asked if this application was a part of the Route 66 overlay district. Staff stated the Route 66 overlay allows for larger signs and for neon signs associated with commercial businesses. This application does not impact any of the uses or other items that are in the development plan. He stated the overlay also aligns with the Route 66 recommendations, but in relation to the actual regulations, all it does is touch on signage.

Interested Parties:

Bruce Denny 905 S Lynn Lane Road, Tulsa, OK 74108

Mr. Denny stated he was with the Lynn Lane Neighborhood Association that is a four-square mile area centered on 11th Street and Lynn Lane. The area is mostly AG with AG-R zoning with some RS-1 and RS-3 also. There are mostly large acreage homes and that is why most in the area moved there. He stated at the last Planning Commission meeting after his presentation and the concerns voiced by Commissioner Craddock, the applicant was given a continuance to add an optional development plan to his application to eliminate the objectionable things that could come with straight CG zoning. Mr. Denny stated their steering committee met and liked most of the limitations of the optional development plan. He stated the objectionable uses have been removed and he thanks the applicant for that. Mr. Denny stated they would also ask that Planning Commission eliminate restaurants and grocery stores because these services are already available on the Admiral and 193rd Street corner and the Hard Rock Casino and Catoosa Hills Shopping Center. He stated restaurants and hotels are only 2 1/2 miles away, complete with liquor stores and a marijuana dispensary. There is also a growing homeless population, sometimes what is perceived as growth comes with a certain amount of decay. Mr. Denny stated to plan for a solid and safe community, it takes vision and quite frankly, acknowledgement of planning that has failed. The Lynn Lane community wants to maintain the peace, livability, and safety of their neighborhood. He stated the proposed cabinet shop and office does not appear to be any kind of a problem with him or his neighbors. However, he asks that the Planning Commission be careful as they make their decisions for the citizens and the neighborhoods of Tulsa because you don't know what might come along next.

Applicant Comments:

Adolf Bustos 13120 East 36th Street, Tulsa, OK

Mr. Bustos stated he is speaking for his father. He stated this application is to move their cabinet shop to the subject property. Mr. Bustos stated under the proposed zoning if the Planning Commission finds some of the allowed uses objectionable the applicant supports removing them. He stated they just want the ability to build cabinets and anything else can be removed as the Planning Commission sees fit.

Mr. Covey asked if the applicant was okay with eliminating restaurants, bars, and grocery stores.

The applicant stated "yes."

Staff stated their recommendation for leaving those items in is to not set up a development plan that will only work for one user. He stated if this development does not work, they want there to be other options in the future for the site. Staff stated if the Planning Commission chose to remove those uses, they would not object.

TMAPC Comments:

Mr. Covey stated the applicant is adamant that he just wants to build a cabinet shop and he is fine with eliminating restaurants, bars, and grocery stores.

TMAPC Action; 8 members present:

On **MOTION** of **COVEY**, the TMAPC voted 8-0-0 (Carr, Covey, Craddock, Hood, Humphrey, Shivel, Walker, Zalk, “aye”; no “nays”; none “abstaining”; Bayles, Krug, Whitlock, “absent”) to recommend **APPROVAL** of the CG zoning with the optional development plan for Z-7734 per staff recommendation with the exception that in the permitted use category, Restaurants and Bars, subcategory Restaurants, are removed and in the Retail Sales category Grocery Stores are removed.

Legal Description for Z-7734:

The East One Hundred Sixty-Five (165) Feet of the Northeast Quarter of the Northeast Quarter of the Northwest Quarter (NE/4 NE/4 NW/4) of Section Eleven (11), Township Nineteen (19) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

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Items 6 and 7 were presented together.

6. **PUD-488-A Stuart VanDeWiele, Hall Estill** (CD 9) Location: Northeast corner of East 33rd Street South and South Peoria Avenue requesting a **PUD Major Amendment** to abandon PUD-488 (**Related to Z-7735**) (Originally heard August 2, 2023)

STAFF RECOMMENDATION:

SECTION I: PUD-488-A – Abandonment of PUD-488

This case was originally heard by TMAPC on August 2, 2023. Staff was notified by Tulsa World on August 16, 2023, that the required newspaper notice had not been published. New notices were required to comply with all notice requirements and the case was rescheduled for September 20, 2023.

TMAPC voted 9-0-0 to recommend approval of PUD-488-A on August 2, 2023. Minutes from the previous meeting are attached.

DEVELOPMENT CONCEPT: The applicant is proposing to abandon PUD-488 which was adopted in 1992 to accommodate the development of the existing banking facility. The abandonment is related to Z-7735 which requests to change the underlying zoning of the subject property from CH, OL, RS-3 to MX2-V-U with an optional development plan.

DETAILED STAFF RECOMMENDATION:

PUD-488 was adopted in 1992 and established development standards for the construction of the existing building on the subject property.

The applicant is requesting an abandonment of the existing PUD in order to accommodate a mixed-use development on the site. Development standards for the new development are outlined in the optional development plan included with Z-7735.

Staff recommends approval of PUD-488-A to abandon PUD-488.

Staff recommendation is contingent upon the approval of the associated rezoning under Z-7735.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The entire subject property is designated as “Multiple Use” by the Comprehensive Plan land use map. The proposed MX2 district aligns with the recommendations of the “Multiple Use” land use designation.

Land Use Vision:

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 Peoria Avenue at this location is considered an Urban Arterial with a Main Street classification. Urban Arterials require a minimum of 70’ for right-of-way dedications. The anticipated use of Urban Arterials with Main Street designations are primary traffic ways with a high level of pedestrian infrastructure and traditional building patterns. The proposed MX district would align the land use with the main street classification found in the major street and highway plan.

Trail System Master Plan Considerations: The GO Plan calls for an off-street shared use path along Crow Creek from South Peoria Avenue to the Arkansas River. The subject property should accommodate bicycle and pedestrian traffic through the implementation of sidewalks and bicycle facilities.

Small Area Plan: Brookside Infill Plan (2002)

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is currently an operational financial institution with parking and drive through lanes for bank services. The property is adjacent to Crow Creek on the north, residential uses to the east, and commercial uses within the Brookside corridor to the south and west.

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Peoria Avenue	Urban Arterial	70'	4
East 33 rd Street South	Residential	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	Crow Creek
South	CH	Multiple Use	Commercial/Restaurant
East	RS-3	Neighborhood	Single-Family Residential
West	CH/OMH	Multiple Use	Office/Coffee Shop

SECTION III: Relevant Zoning History

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

PUD-488: Approved by TMAPC on April 22, 1992. Approved by City Council on June 4, 1992. Ordinance No. 17727, dated June 11, 1992.

TMAPC Action; 8 members present:

On **MOTION** of **SHIVEL**, the TMAPC voted 8-0-0 (Carr, Covey, Craddock, Hood, Humphrey, Shivel, Walker, Zalk, “aye”; no “nays”; none “abstaining”; Bayles, Krug, Whitlock, “absent”) to recommend **APPROVAL** of the Major Amendment to abandon PUD-488 per staff recommendation.

Legal Description for PUD-488-A:

TRACT 1: LOTS 1 AND 2, ROGERS RE-SUBDIVISION OF LOT ONE, BLOCK ONE, CEDAR HAVEN ADDITION, A SUBDIVISION TO THE CITY OF TULSA, TULSA

COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT
THEREOF, LESS AND EXCEPT THE EAST 25 FEET OF SAID LOT 2

TRACT 2: LOTS 2, 3, 4, AND 5, BLOCK 1, CEDAR HAVEN, AN ADDITION TO THE
CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE
RECORDED PLAT THEREOF

* * * * *

7. **Z-7735 Stuart VanDeWiele, Hall Estill** (CD 9) Location: Northeast corner of East 33rd Street South and South Peoria Avenue requesting rezoning from **OL, CH and RS-3 to MX2-V-U with an optional development plan (Related to PUD-488-A)** (Originally heard August 2, 2023)

STAFF RECOMMENDATION:

SECTION I: Z-7735 with an optional development plan

This case was originally heard by TMAPC on August 2, 2023. Staff was notified by Tulsa World on August 16, 2023, that the required newspaper notice had not been published. New notices were required to comply with all notice requirements and the case was rescheduled for September 20, 2023.

TMAPC voted 9-0-0 to recommend approval of MX2-V-U with an optional development plan on August 2, 2023. Minutes from the previous meeting are attached.

DEVELOPMENT CONCEPT: The applicant is proposing to rezone the subject property to MX2-V-U to allow for a mix of commercial and residential uses. The application includes an optional development plan that would establish standards for permitted uses, maximum building height, and landscaping.

DETAILED STAFF RECOMMENDATION:

The applicant is proposing a rezoning of the subject property from CH, OL, and RS-3 to MX2-V-U. The proposed zoning district by the applicant includes an unlimited height designation. Staff is supportive of the rezoning to MX2-V but recommends a reduction in the allowable height to align the zoning with the recommendations of the Brookside Infill Plan and ensure compatibility with the existing development pattern in the area.

Staff recommends MX2-V-65 with the optional development plan standards outlined in Section II below to limit the maximum building height to a maximum of 4 stories.

In addition to limitations on the building height, the optional development plan standards outlined in Section II will limit uses by prohibiting medical marijuana dispensaries and vehicle sales and service uses.

Finally, the optional development plan enhances the landscaping standards for the areas adjacent to residential neighborhoods to reduce the impact of the development on the neighborhood.

Staff recommends approval of Z-7735 to rezone the property from CH, OL, RS-3 to MX2-V-65 with the optional development plan outlined in Section II.

SECTION II: Z-7735 OPTIONAL DEVELOPMENT PLAN STANDARDS:

The optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in a MX-2-V-65 district with its supplemental regulations except as further refined below. All use categories, subcategories or specific uses and building types that are not listed in the following permitted list are prohibited.

Uses with “*” require special exception approval by the City of Tulsa Board of Adjustment.

PERMITTED USE CATEGORIES:

RESIDENTIAL (if in allowed building types identified below)

PUBLIC, CIVIC, AND INSTITUTIONAL

College or University*

Day Care

Fraternal Organization

Governmental Service or Similar Functions*

Hospital*

Library or Cultural Exhibit

Natural Resource Preservation

Parks and Recreation

Postal Services*

Religious Assembly

Safety Service

Utilities and Public Service Facility

Minor

Major*

Wireless Communication Facility

Freestanding Tower*

Building or tower-mounted antenna

COMMERCIAL

Animal Service

- Grooming
- Veterinary

Assembly and Entertainment

Indoor (Requires special exception approval if selling or serving alcoholic beverages and located on a lot within 150 feet of any residential zoning district other than R-zoned street right-of-way)

- Small (Up to 250-person capacity)
 - Large (>250-person capacity)
- Outdoor*

Broadcast or Recording Studio

Commercial Service

- Building service*
- Business support service*
- Consumer maintenance/repair service
- Personal improvement service
- Research service

Financial Services

Funeral or Mortuary Service

Lodging

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

Marina

Office

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

Parking, Non-accessory*

Restaurants and Bars

- Restaurant
- Bar (Requires special exception approval if selling or serving alcoholic beverages and located on a lot within 150 feet of any residential zoning district other than R-zoned street right-of-way)

Retail Sales

- Building supplies and equipment*
- Consumer shopping goods
- Convenience goods
- Grocery store
- Small box discount store

Studio, Artist, or Instructional Service

Trade School*

RECYCLING

Consumer Material Drop-off Station*

AGRICULTURAL

Community Garden

OTHER

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

Oil or Gas Well*

RESIDENTIAL BUILDING TYPES:

HOUSEHOLD LIVING

Two households on single lot

- Townhouses
- Three or more households on single lot
- Apartments/Condos
- Townhouses
- Mixed-Use Building

- Vertical Mixed-Use Building

MAXIMUM BUILDING HEIGHT:

The maximum allowable building height will be 65 feet as prescribed by MX2-V-65 with a maximum of 4 occupied stories. Parking structures are limited to one ground level parking area and one additional parking level with a maximum overall height of 20 feet.

LANDSCAPING:

The area on the attached conceptual site plan designated as “Landscape Area A” shall contain eleven (11) trees (one (1) tree per twenty linear feet (20’) of edge) which are (at the time of planting) not less than three inches (3”) in caliper for deciduous or nine feet (9’) in height for evergreen and spaced not more than thirty feet (30’) apart. At least one-half (½) of the required trees shall be evergreen.

The area on the attached conceptual site plan designated as “Landscape Area B” shall contain eleven (11) trees (one (1) tree per twenty linear feet (20’) of edge) which are (at the time of planting) not less than three inches (3”) in caliper for deciduous or nine feet (9’) in height for evergreen and spaced not more than thirty feet (30’) apart. At least one-half (½) of the required trees shall be evergreen.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The entire subject property is designated as “Multiple Use” by the Comprehensive Plan land use map. The proposed MX2 district aligns with the recommendations of the “Multiple Use” land use designation by permitting a range of commercial and residential uses.

Land Use Vision:

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 Peoria Avenue at this location is considered an Urban Arterial with a Main Street classification. Urban Arterials require a minimum of 70' for right-of-way dedications. The anticipated use of Urban Arterials with Main Street designations are primary traffic ways with a high level of pedestrian infrastructure and traditional building patterns. The proposed MX district would align the land use with the main street classification found in the major street and highway plan.

Trail System Master Plan Considerations: The GO Plan calls for an off-street shared use path along Crow Creek from South Peoria Avenue to the Arkansas River. The subject property should accommodate bicycle and pedestrian traffic through the implementation of sidewalks and bicycle facilities.

Small Area Plan: Brookside Infill Development Design Recommendations (2002)

The subject property is located within the boundary of the Brookside Infill Development Design Recommendations adopted in May of 2002. The small area plan provides guidance for new infill development as it relates to scale and interaction with the public right-of-way. With the four-story height restriction included in the optional development plan the MX2 district is in alignment with the recommendations of the small area plan.

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is currently an operational financial institution with parking and drive through lanes for bank services. The property is adjacent to Crow Creek on the north, residential uses to the east, and commercial uses within the Brookside corridor to the south and west.

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Peoria Avenue	Urban Arterial	70'	4
East 33 rd Street South	Residential	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	Crow Creek
South	CH	Multiple Use	Commercial/Restaurant
East	RS-3	Neighborhood	Single-Family Residential
West	CH/OMH	Multiple Use	Office/Coffee Shop

SECTION III: Relevant Zoning History

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

PUD-488: Approved by TMAPC on April 22, 1992. Approved by City Council on June 4, 1992. Ordinance No. 17727, dated June 11, 1992.

Applicant Comments:

Stuart Van De Weile 521 E 2nd St. Suite 1200, Tulsa, 74120

Mr. Van De Weile stated he is an attorney representing his client Fishless Desert who is the developer of the project. He stated on August 2nd the Planning Commission approved this application and those minutes are in the packet. He stated this would be a 4-story building that the applicant has agreed to bring down from 5 stories, with an overall height of 65 feet. Mr. Van De Weile stated included on the ground floor of the project is a BOK branch with an ATM drive through in the back. There will be a parking garage, retail space, and restaurant space on the ground floor and then three stories of residential above that. He stated the parking structure in the rear is the ground floor plus one floor. Mr. Van De Weile stated based on this plan the zoning code requires that they provide 110 parking spaces, but they will provide significantly more than that. He stated they are also acquiring a parking lot on the south side of 33rd Street that has another 30-33 parking spaces. Mr. Van De Weile stated traffic is something that they have heard a lot about at neighborhood meetings and at the August 2nd, 2023 Planning Commission meeting. He asked Commissioners to look at the traffic map that's on page 7.46 of the agenda packet. Mr. Van De Weile stated the traffic map was a part of the new Comprehensive Plan that this Commission voted in favor of back in May 2023 and the City Council adopted in June 2023. He stated this section of Peoria Avenue experiences 2500 to 5000 vehicles per lane per day. He stated that is almost the lightest traffic count designations on the map. Mr. Van De Weile stated on page 7.47 of the agenda packet, it describes these arterials as having low levels of congestion and

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new development is unlikely to have a noticeable impact on traffic. He stated the Brookside Infill Plan supports this application. Mr. Van De Weile stated in conclusion, this plan works within the zoning code and the Comprehensive Plan. The applicant has gone above and beyond to include additional requirements in the optional development plan for landscape buffers, additional trees, et cetera and he asks that Planning Commission again approve this applicant and the related abandonment of PUD-488 as recommended by staff.

TMAPC Comments:

Mr. Walker asked if there was going to be an office.

Mr. Van De Weile stated if there is an office it will be on the first floor.

Mr. Covey asked if anything had changed in the application since the August 2nd meeting.

Mr. Van De Weile stated just the passage of time. He stated the plan had not changed.

Interested Parties:

Sean Linfoot 4754 S Cincinnati Avenue, Tulsa, OK 74105

Mr. Linfoot stated he is here today to ask that the Planning Commission deny the request for rezoning on these parcels of land based on the zoning code violations that he has found and a lack of a traffic impact study for this proposal. He stated in Section 40.050 regarding bars, which the applicant failed to mention that they have proposed a rooftop bar on this building, says the supplemental and regulations of this section apply to all bars except accessory use bars. Mr. Linfoot stated Section 40.050-a item states that bars are subject to separation distance requirements. He stated that number 3 says bars may not be located within 300 feet of any other bar or sexually oriented business establishment except in the CBD District. The required separation distance must be measured in a straight line between the nearest perimeter walls of the portions of the buildings occupied by the bar or sexually oriented business establishment. Mr. Linfoot stated within 300 feet of the subject property, there are three bars. He stated directly to the west is the Wildflower wine bar that is 91.4 feet away. He stated directly south is Another Round on Brookside bar, it is 157 feet away and then to the southwest is Churchill Cigar Bar, which is 295 feet away. Mr. Linfoot stated there are 3 violations just regarding spacing requirements. He stated Section 40.280 Parking Structures states that the supplemental use of regulations of this section applies only to parking structures located in mixed-use districts. Mr. Linfoot stated 40.280-A states the ground floor of parking structures must be screened from view of abutting public sidewalks by a liner building. The floor space within the liner building may be occupied by any principal use allowed in the district, except for parking. He stated on the south side of this parking

structure is a public sidewalk. Mr. Linfoot stated regarding traffic, he spoke with the City of Tulsa traffic operations manager and city traffic engineer regarding 33rd Street from Peoria Avenue going east to Utica Avenue. He stated this street currently has speed humps as a traffic calming device. Mr. Linfoot stated he asked about the studies that were done at the time they put those humps in place approximately 3 years ago and was told 2 traffic counters were installed for a period of 7 days. He stated one of the counters picked up 689 vehicles per day with an average speed of 30.6 mph and the other counter picked up an average of 985 vehicles per day with a 29.25 MPH average speed. The requirements to have speed humps on your street is a traffic count between 600 and 5,000. Mr. Linfoot stated this building does not take into consideration that based on the uses that they've proposed with the restaurant and retail on the 1st floor and apartments above is delivery vehicles and where they park. He stated there is no place provided.

David Porch 3177 S Rockford Drive, Tulsa, OK 74105

Mr. Porch stated his property directly abuts this proposed project to the north. He stated he commends the developers for meeting with the neighborhood and discussing this project and really trying to work things out with the residents. He stated the traffic congestion and parking are issues that the City needs to deal with because it's an ongoing problem and it's not going to go away. He stated it is not this developer's responsibility to take care of all the problems that are already there. Mr. Porch stated his primary concern is the scope of the proposed project and how it's going to change the livability of the Brookside neighborhood. He stated they were not against infill development in the area, but the scale of this project is really overwhelming compared to the other commercial properties in Brookside. Mr. Porch stated there is a similar situation on Cherry Street where a high rise building to be built in a very appealing retail area was allowed and now there is a bar and restaurant on the top where you can hear the music when you're in neighboring restaurants and other establishments. He stated it is so loud that they're having trouble renting the apartments in the building. Mr. Porch stated they would really hate something like that to happen in this area because this project is going to set the precedent for that whole commercial area. He stated there is not another structure between Crow Creek and 41st Street that is over two stories high, so this will change the character of this neighborhood and this retail area.

Joe Farris 1335 E 35th Place, Tulsa, OK 74105

Mr. Farris stated he downsized a few years ago and built a home in the Brookside area. Most concerning to him is the precedent. He stated If a 4-story building is approved in this area the next developer could want to go up higher. Mr. Farris stated Quincy Avenue is a cut through street to get from 41st Street to 36th Street. He stated they have tried to get speed humps because traffic at certain times of the day makes it hard to turn left. Mr. Farris stated he is not worried about the restaurant business but trying to leave

the parking area is going to become dangerous. He stated they understand traffic on Peoria Avenue and what it is like to live in the area and would like the Planning Commission to limit the proposed development to two stories. Mr. Farris stated with all due respect to Mr. Nelson 4 stories are too many.

Jody Rogers 1318 E 32nd Place, Tulsa, OK 74105

Ms. Rogers stated that she lives on the cul-de-sac directly behind the Bank of Oklahoma and she and the neighbors in the cul-de-sac are opposed to the proposed new zoning because of traffic, parking and ultimately the size of the proposed building isn't consistent with Brookside. She stated they just finished 10 months of Crow Creek construction rebuilding the bridge and the Creek and now will have to deal with 16 months, if not longer, of the construction of this building. Ms. Rogers stated with the proposed development she will have two stories of parking on the south side and the west side of her property. She asked what is wrong with the zoning now. Ms. Rogers asked the Planning Commission to deny this rezoning.

Brian Corbin 1343 E 33rd Street, Tulsa, OK 74105

Mr. Corbin stated he lives about 100 yards behind the Bank of America on 33rd Street. He stated he agrees with a lot of what the neighbors are saying. He stated his issue is with the traffic on Thursday, Friday, and Saturday night. Mr. Corbin stated cars are parked in front of everyone's homes and the next day there is trash and alcohol in the road. He stated the homeowners must clean the area up. Mr. Corbin stated maybe the City is willing to stop all traffic on 33rd to 36th from going east and west on Peoria Avenue. He stated in doing so Peoria Avenue becomes a walkable district for the people that live there, but you can't park there. This is like the Gathering Place streets or even St. John's Hospital where you must wind through the roads. Mr. Corbin stated he has no problem with the applicant, they are getting lumped in with some of the other Brookside issues that exist now and it's not fair to these developers.

John Grady 1045 E 34th Street, Tulsa, OK 74105

Mr. Grady stated he agrees with most of what has been said. He stated their street is also a cut through from Riverside to Peoria. Every time there's construction there are beer cans and people parking in front of their house. He stated they must go out and clean the area up every day. Mr. Grady stated Peoria Avenue is a dangerous street from a pedestrian standpoint. He stated as it stands, there are only a couple of stop lights, no speed bumps, the streets are terrible, and he can't count the number of times he has seen people almost hit by cars while trying to cross the street. Mr. Grady stated if more traffic is added to the equation, he thinks it is a recipe for disaster.

Applicant Rebuttal:

The applicant stated the concerns about setting a precedent and what might come to Brookside were addressed back in August. He stated the Planning Commission has approved and City Council has approved 3 or 4 MX zoning with unlimited height up and down Peoria Avenue at 36th Street and just a few blocks away. So, there is already unlimited height zoning coming, it has already been approved but he does not know when those developments will get off the ground. The applicant stated if you look at the zoning map, much of Brookside from 31st Street to 51st Street, which he thinks is the true definition of Brookside is zoned CH which has an unlimited height. He stated any property already zoned CH could come in and build something taller than one or two stories. The applicant stated as far as parking, this proposed development would be overparked from a parking count standpoint and that is not something that is typically seen anywhere, but certainly not in Brookside. The applicant stated most of what Mr. Linfoot presented is what he presented at the August meeting. A traffic impact analysis study is not required as part of a zoning application, but that is why he brought up the traffic study that the City adopted 3-4 months ago. He stated it shows Peoria ripe for this kind of development, and additional traffic's not going to impede development. The applicant stated as to the spacing issues that Mr. Linfoot mentioned was what was proposed in the original application, but all those spacing issues are permit issues and not zoning issues. He stated if someone wanted to come in and put a true standalone bar someplace, they would have to satisfy the spacing requirements through the permit department. The applicant stated he doesn't think that there's a current plan for a true standalone bar. He assumes that there would be accessory use as part of the restaurant but those don't carry the same spacing regulations.

Staff Comments:

Staff stated the applicant is correct the CH zoning that is very prevalent in Brookside is worth mentioning here when talking about a precedent. He stated from a zoning perspective there is an entire corridor of unlimited height allowances along Brookside already there today. He stated it may not have been taken advantage of yet but maybe in the future. Staff stated to say that this site would set a precedent for zoning regulations would not be correct because most of the corridor already has an unlimited height. He stated this application is already being limited to four stories and 65 feet, which is more of a restriction than all the other CH zoning in the area.

TMAPC Comments:

Mr. Covey stated he was not at the meeting in August when this was first heard but understands the height restriction argument but as both the applicant and staff have said there is CH all up and down Peoria Avenue. He stated Mr. Farris's argument is a good one, what is happening to Brookside will change. Mr. Covey stated it could very

well be done since there is CH zoning with no height restriction. He stated this application limits the height to 4 stories. Mr. Covey stated if you don't want the character of Brookside to change to something taller in the future, maybe there's some Business Association or something that could help with some type of an overlay restricting the height or something along that nature. He stated he really thinks it is in the neighborhood and the business owner's hands to get together come up with a solution. Mr. Covey stated that is outside Planning Commission's purview today, but more of a proactive thing for the neighbors and businesses to consider in the future.

Mr. Hood stated it is the specific lack of this type of development in the city that causes these traffic problems, the lack of places where people can live and walkable areas. He stated this is the first step towards the hope of more developments like this one that will attack the issue of traffic, so that those traffic issues will start going down. Mr. Hood stated from a formal standpoint, the building matching the underlying zoning of CH is within their right to build it as tall as they want. He stated the current garage right now is one and story under 35 feet. The main building itself is sitting on a piece of property that's currently zoned to be as tall as they want it to be. Mr. Hood stated with CH it is important for people who live in Brookside to understand that developers can come in and build 10 story buildings if they want. He stated if they can make the economics and the parking work.

TMAPC Action; 8 members present:

On **MOTION** of **SHIVEL**, the TMAPC voted 8-0-0 (Carr, Covey, Craddock, Hood, Humphrey, Shivel, Walker, Zalk, "aye"; no "nays"; none "abstaining"; Bayles, Krug, Whitlock, "absent") to recommend **APPROVAL** of the MX2-V-65 zoning with the optional development plan for Z-7735 per staff recommendation.

Legal Description for Z-7735:

TRACT 1: LOTS 1 AND 2, ROGERS RE-SUBDIVISION OF LOT ONE, BLOCK ONE, CEDAR HAVEN ADDITION, A SUBDIVISION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, LESS AND EXCEPT THE EAST 25 FEET OF SAID LOT 2

TRACT 2: LOTS 2, 3, 4, AND 5, BLOCK 1, CEDAR HAVEN, AN ADDITION TO THE CITY OF TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF

* * * * *

8. **Z-7736 Mark Capron, Wallace Design** (CD 4) Location: Northwest corner of South Quaker Avenue and East 13th Place South requesting rezoning from **RM-2 to CS (Related to CPA-107)** (Originally heard August 2, 2023)

STAFF RECOMMENDATION:
SECTION I: Z-7736

This case was originally heard by TMAPC on August 2, 2023. Staff was notified by Tulsa World on August 16, 2023, that the required newspaper notice had not been published. New notices were required to comply with all notice requirements and the case was rescheduled for September 20, 2023.

TMAPC voted 9-0-0 to recommend approval of CS zoning on August 2, 2023. Minutes from the previous meeting are attached.

DEVELOPMENT CONCEPT: The applicant is proposing to rezone the property to CS to permit commercial uses and support the redevelopment of the adjacent property.

TMAPC voted 9-0-0 to adopt a comprehensive plan amendment requesting a change in the land use designation for the subject property from “Neighborhood” to “Multiple Use” on August 2, 2023. The comprehensive plan amendment received all required notices and is awaiting resolution approval by the Tulsa City Council.

DETAILED STAFF RECOMMENDATION:

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

CS zoning would align with the proposed land use designation of “Multiple Use” by allowing for a range of commercial and residential uses. CS is listed as the least intensive commercial zoning district.

Staff recommends approval of Z-7736 to rezone the property from RM-2 to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: TMAPC voted 9-0-0 on August 2, 2023 to recommend approval of a proposed amendment to the comprehensive plan land use map from “Neighborhood” to “Multiple Use”. The request for CS zoning is consistent with the “Multiple Use” land use designation.

Land Use Vision:

Existing Land Use: Neighborhood

Proposed Land Use: Multiple Use

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.

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: East 13th Place is classified under the “Freeway” designation of the major street and highway plan due to it being utilized as an access road for the Broken Arrow Expressway. South Quaker Avenue is a residential street that is not classified by the major street and highway plan.

Trail System Master Plan Considerations: None.

Small Area Plan: Utica Midtown Corridor Small Area Plan

The subject property is located on the western edge of the Utica Midtown Corridor Small Area Plan which was adopted in 2013. The plan calls for commercial uses to the west

of the subject property, adjacent to Peoria Avenue. The subject property is designated for multi-family residential which would be permitted in the requested CS district.

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: There is an existing parking area located on the subject property that was approved by the Board of Adjustment in 1961. There are apartments to the north of the subject property and detached houses across South Quaker Avenue. The Peoria commercial corridor is located to the west and the Broken Arrow Expressway is located to the south.

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
South Quaker Avenue	None	50'	2
East 13 th Place South	Freeway	Variable	2 – One Way

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Existing Use
North	RM-2	Neighborhood	Apartments
South	N/A	N/A	Broken Arrow Expressway
East	RM-2	Neighborhood	Single-Family Residential
West	CH	Multiple Use	Commercial

SECTION III: Relevant Zoning History

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

BOA-3613, April 12, 1961 – The Board of Adjustment approved a request to establish off-street parking on the lot

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **WALKER**, the TMAPC voted 8-0-0 (Carr, Covey, Craddock, Hood, Humphrey, Shivel, Walker, Zalk, "aye"; no "nays"; none "abstaining"; Bayles, Krug, Whitlock, "absent") to recommend **APPROVAL** of the CS zoning for Z-7736 per staff recommendation.

Legal Description for Z-7736:

LOTS 4, AND 5, BLOCK 1, BELLVIEW ADDITION TO TULSA, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

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Items 9 and 12 were presented together.

9. **Z-7737 Deborah K. Palinskee** (CD 8) Location: North of the northeast corner of South Sheridan Road and East 78th Street South requesting rezoning from **RS-3 to OL (Related to CPA-108)** (Continued from September 6, 2023)

STAFF RECOMMENDATION:
SECTION I: Z-7737

DEVELOPMENT CONCEPT: Applicant is seeking rezoning of the property from RS-3 to OL to develop a low-intensity office park with the stated intent to place the eastern portion into a conservation easement.

DETAILED STAFF RECOMMENDATION:

The application is related to CPA-108 which proposes to change the land use designation from “Neighborhood” to “Multiple Use”. There is currently a creek that bisects the property making the west portion more favorable to development. The applicant has noted their intent to place the east portion of the property inside a conservation easement which would limit the development of that area. The proposed conservation easement is not considered by staff in their recommendation and the City of Tulsa does not have any mechanism to require it be put into a conservation easement.

Staff supports a change to Multiple Use and a rezoning to OL on the western portion of the property. The western portion of the lot has frontage on South Sheridan Road which is a secondary arterial. OL zoning would permit small-scale office uses that are consistent with existing uses along the Sheridan corridor including a day care, a nail salon, and a religious assembly. Staff has recommended denial of the rezoning to OL and land use change for the eastern 623.45-feet of property. The change for the eastern portion of the property would support commercial development interior to an established neighborhood. Allowed uses approved through zoning should remain residential in nature for the portion of the property that that far back into the neighborhood.

The OL district is primarily intended to facilitate the development and preservation of low-intensity office development and is compatible with a “Multiple Use” land use Designation. Residential zoning districts are primarily intended to create, maintain, and promote a variety of housing opportunities for individual households and to maintain and promote the desired physical character of existing and developing neighborhoods.

Maintaining the existing RS-3 Zoning on the property is consistent with the “Neighborhood” Land Use designation.

Staff recommends **approval** of OL on the West 646.29-feet and **denial** of OL zoning on the East 623.45-feet of the property, contingent on the approval of CPA-108 per staff recommendation to change the land use designation from “Neighborhood” to “Multiple Use” the Western portion of the property.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Staff is in support of the Comprehensive plan amendment to change the land use designation to “Multiple Use” on the West 646.29-feet of the property and denial of the of the Comprehensive plan amendment on the East 623.45-feet of the property.

Land Use Vision:

Existing:

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 in CPA-108:

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 Sheridan Road is designated as a Secondary Arterial Street and the ultimate right-of-way is in place for the Major Street and Highway plan at this location.

Trail System Master Plan Considerations: None.

Development Era:

Late Automobile Era: The properties surrounding the subject tract began to develop during the Late Automobile Era (1950-present): In the late 1950s and early 1960s the suburbs grew at a tremendous rate in the Tulsa metropolitan area. It was at this time that surrounding communities, such as Broken Arrow, began to grow at a rapid pace. At this time, the City of Tulsa annexed more than 100 square miles, and neighborhood subdivisions began to proliferate from the core of the city toward the suburban communities. This property was never included in a subdivision though the majority of the pretty in the square mile section of land have been platted.

Small Area Plan: None.

Special District Considerations: None.

Historic Preservation Overlay: None.

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The property contains a non-conforming beauty salon in the front of the property and single-family structures in the rear. The majority of the property is currently undeveloped and rich with mature trees. The Little Haikey Creek Tributary runs through the property and bisects the property leaving the rear portion accessible by a bridge. Property current has access to South Sheridan Road and is bounded by single family subdivision on three sides.

Environmental Considerations:

The eastern side of the property is cut-off from the Western portion by the Little Haikey Creek Tributary which makes development of the East side of the property considerably more challenging than development on the West Side. The property contains a roughly 36% tree canopy coverage which is evidenced from the aerial imagery provided in the staff report.



Taken from the City of Tulsa Floodplain Atlas

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
S. Sheridan Road	Secondary Arterial	100-feet	4 lanes

Utilities: City utilities are available to the subject site from S. Sheridan Road.

Zoning and Surrounding Uses:

Location	Existing Zoning	Existing Land Use Designation	Existing Use
North	AG and RS-3	Neighborhood	Single-family Residential Subdivision and Single large acre single family lot on the Sheridan frontage
West	RS-3 inside PUD-290	Neighborhood	Single-family Residential Subdivision
South	AG and RS-3	Neighborhood	Day care, Religious Assembly and Single-family Residential Subdivision
East	RS-3	Neighborhood	Single-family Residential Subdivision

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Relevant Zoning History:

ZONING ORDINANCE: Ordinance number 20779 dated February 6, 2004 established RS-3 zoning for the subject property. Previous ordinance number 11829 dated June 26th, 1970 established AG zoning on the subject property.

Board of Adjustment History:

BOA-8260:

On 05.16.74 the Board **approved** a daycare and pre-kindergarten school in the AG District.

BOA-14332:

On 01.08.87 the Board **approved** an appeal and reversed the code enforcement Officer decision finding a beauty salon was not a legally non-conforming use.

Applicant Comments:

Henry Penix PO Box 701320, Tulsa, OK 74170

Mr. Penix stated he obtained legal advice after the last meeting and believes they have come up with a good solution that they can live with. He stated they recommend pushing back the line a little further east to give the applicant a little more property for their Conservation Easement in the OL. He stated that would basically encompass the Creek and they can't build in the Creek. Mr. Penix proposed that the line gives them more benefit without any useful benefit because it is in the Creek.

Interested Parties:

Ron Wyatt 7605 S Sheridan Road, Tulsa, OK 74133

Mr. Wyatt stated he owns the 2.6 acres directly to the north of the proposed property. He stated that he has spoken to Mr. Pennix about his changes. He stated he was opposed originally to this application, but he does not believe it will harm anybody, and thinks Mr. Penix will be a good neighbor. Mr. Wyatt stated he thinks the applicant's current proposal is a great idea.

Anna Bowe 7612 S 69th East Place, Tulsa, OK 74133

Ms. Bowe stated in full disclosure, she is a beneficiary once this property sells, so she has a lot invested in this proposal. She stated in this day and age right now there is global climate situation that is out of control, and it is going to take little things like this to save the planet. Ms. Bowe stated she applauds the applicant for doing what he is planning on doing because not many people would do that. She stated she went over

the proposed new boundary plans before the meeting started and she is in 100% agreement with the change.

Staff Comments:

Staff stated their recommendation was aligning the zoning to where the floodplain in Creek began, and that aligned nicely with the neighborhood on the South and that is where they came up with the number in the original proposed conservation easement. He stated staff recommendations can't consider the idea of the conservation easement. Staff stated their recommendation still stands with what was originally presented and that's essentially to stop right before that Creek.

TMAPC Action; 8 members present:

On **MOTION** of **WALKER**, the TMAPC voted 8-0-0 (Carr, Covey, Craddock, Hood, Humphrey, Shivel, Walker, Zalk, "aye"; no "nays"; none "abstaining"; Bayles, Krug, Whitlock, "absent") to recommend **APPROVAL** of the OL zoning less and except the east 505.71 feet for Z-7737.

Legal Description for Z-7737:

A TRACT OF LAND THAT IS PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW/4 SW/4) OF SECTION ELEVEN (11), TOWNSHIP EIGHTEEN (18) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SW/4; THENCE SOUTH 01°21'30" EAST ALONG THE WEST LINE OF SAID SW/4 FOR 35.00 FEET; THENCE NORTH 88°52'25" EAST FOR 50.00 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SOUTH SHERIDAN ROAD SAID POINT BEING THE **POINT OF BEGINNING** OF SAID TRACT OF LAND; THENCE NORTH 88°43'00" EAST FOR 518.00 FEET; THENCE SOUTH 53°48'16" EAST FOR 164.19 FEET; THENCE NORTH 88°20'48" EAST FOR 64.40 FEET; THENCE SOUTH 01°10'57" EAST FOR 65.04 FEET; THENCE NORTH 88°39'27" EAST FOR 52.95 FEET; THENCE SOUTH 01°20'33" EAST FOR 196.93 FEET TO A POINT ON THE NORTH LINE OF SHERIDAN VALLEY ADDITION; THENCE SOUTH 88°47'05" WEST ALONG SAID NORTH LINE AND A WESTERLY EXTENSION THEREOF FOR 514.84 FEET; THENCE NORTH 01°46'00" WEST FOR 57.79 FEET; THENCE NORTH 54°32'59" WEST FOR 137.19 FEET; THENCE SOUTH 88°41'44" WEST FOR 140.16 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SOUTH SHERIDAN ROAD; THENCE NORTH 01°21'30" WEST ALONG SAID RIGHT OF WAY LINE FOR 221.00 FEET TO THE **POINT OF BEGINNING** OF SAID TRACT OF LAND.

SAID TRACT CONTAINING 5.147 ACRES, MORE OR LESS.

* * * * *

- 10. Z-7739 Mark Capron, Wallace Design** (CD 1) Location: Northeast corner and southeast corner of North Peoria Avenue and East 36th Street North requesting rezoning from **AG, MX1-U-U, MX2-U-U, MX2-V-65, MX3-V-45, and RM-1** to **MX1-U-U, MX2-U-U, MX2-V-65, MX3-F-65, MX3-F-65 and RM-1**

STAFF RECOMMENDATION:

SECTION I: Z-7739

DEVELOPMENT CONCEPT: Redevelopment of Comanche Park property and vacant property near the intersection of 36th street north at North Peoria Avenue. The new development proposes to replace the multifamily development and integrate new commercial and residential uses into the site. The MX zoning will require buildings closer to the street in a way that is consistent with the BRT transit study and the 36th Street North Small Area Plan. The southeast corner has been vacant and is proposed to be redeveloped with a mixed-use development including commercial uses and multi-family residential.

DETAILED STAFF RECOMMENDATION:

TMAPC recommended approval of MX zoning for the sites under application in February of 2020 under Z-7534. City Council adopted the rezoning request on April 1, 2020. Since that time, development plans have evolved and require adjustment to the previously selected zoning districts.

MX1-U-U , MX2-U-U, MX2-V-65, MX3-F-65, and RM-1 are consistent with the BRT land use recommendations in the area;

MX1-U-U, MX2-U-U, MX2-V-65, MX3-F-65, and RM-1 are consistent with the Regional Center Land Use Designation in the Tulsa Comprehensive Plan and the 36th Street North Small Area Plan,

Uses and development standards defined by MX1-U-U, MX2-U-U, MX2-V-65, MX3-F-65, and RM-1 are consistent with the expected development pattern for the proximate properties therefore

Staff recommends approval of Z-7739 to rezone property from AG, MX1-U-U, MX2-U-U, MX2-V-65, MX3-V-45, and RM-1 to MX1-U-U, MX2-U-U, MX2-V-65, MX3-F-65, and RM-1

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The proposed MX and R zoning is consistent with the Regional Center designation of the Tulsa Comprehensive Plan.

Land Use Vision:

Land Use Plan 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 high-capacity 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, big-box shopping centers, and very large churches.

Transportation Vision:

Major Street and Highway Plan: None

Trail System Master Plan Considerations: The site is approximately ¼ mile from the Osage Trail which is classified as a Bikeway and Multi-use trail west of the site.

Small Area Plan: The subject property is at the core of the 36th Street North Small Area Plan which was originally adopted in 2013 and amended in September 2016.

36th Street North Small Area Plan recommendations include land use priorities that are supported by this rezoning request.

The small area plan specifically identifies the property at or near Comanche Park that could be within walking distance of transportation to jobs and services throughout the metropolitan area. A community garden, northeast of the transit hub, would provide food and recreation opportunities locally.

Special District Considerations: This site is part of the Voluntary MX rezoning program for Peoria Avenue Bus Rapid Transit that was reauthorized by City Council in December 2021. The program expires in December 2023. The subject property is also included in the Healthy Neighborhood Overlay area.

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The subject property contained the Comanche Park Apartments on the north side of 36th Street North and is vacant on the south side of 36th Street North.

The subject property is served by the Tulsa Bus Rapid Transit System with stops on North Peoria for north and south bound routes.

Environmental Considerations: None that affect site redevelopment. The southeast corner of 36th Street North at North Peoria Avenue is heavily wooded. Redevelopment in a way that would save some of the existing tree canopy should be a consideration.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North Peoria Avenue (BRT Route)	Secondary Arterial with Multi-modal corridor designation	100 feet	4
East 36 th Street North	Secondary arterial	100 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Existing Use
North	AG	Regional Center	Vacant

East	RMH AG	Neighborhood (East of tract north of 36 th Street North) Regional Center (East of tract south of 36 th Street North)	Vacant
South	AG	Regional Center/Park and Open Space	Not developed
West	CS	Regional Center	Mix of commercial uses

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11802 dated June 26, 1970 and Ordinance number 11809 dated June 26, 1970 established zoning for the subject property.

Subject Property:

Z-7534 (Ordinance #24343): TMAPC recommended approval to rezone the subject property from CS, RM-1, and AG to MX-1-U-U, MX-2-V-65, MX-2-U-U, and MX-3-V-45 on February 19, 2020. City Council voted 9-0-0 to approve Z-7534 on April 1, 2020.

SA-3 (Ordinance #23910): TMAPC recommended denial of the special area overlay to regulate small box discount stores on March 21, 2018. City Council voted 5-2-0 to approve SA-3 on April 11, 2018.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **WALKER**, the TMAPC voted 8-0-0 (Carr, Covey, Craddock, Hood, Humphrey, Shivel, Walker, Zalk, "aye"; no "nays"; none "abstaining"; Bayles, Krug, Whitlock, "absent") to recommend **APPROVAL** of the MX1-U-U, MX2-U-U, MX2-V-65, MX3-F-65 and RM-1 zoning for Z-7739 per staff recommendation.

Legal Description for Z-7739:

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MX1-U-U

Legal Description

A TRACT OF LAND LYING IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW/4, NW/4) OF SECTION NINETEEN (19), TOWNSHIP TWENTY (20) 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, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO-WIT:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION NINETEEN (19); THENCE; N88°08'50"E FOR A DISTANCE OF 450.67 FEET; THENCE S01°11'29"E FOR A DISTANCE OF 109.44 FEET; THENCE S34°26'48"W FOR A DISTANCE OF 52.54 FEET; THENCE S01°09'41"E FOR A DISTANCE OF 280.37 FEET; THENCE S88°09'01"W FOR A DISTANCE OF 420.21 FEET TO A POINT ON THE WEST SECTION LINE OF SAID SECTION NINETEEN (19); THENCE N01°09'04"W AND ALONG THE WEST SECTION LINE OF SAID SECTION NINETEEN (19) FOR A DISTANCE OF 432.14 FEET TO **THE POINT OF BEGINNING**. SAID TRACT CONTAINING 4.26 ACRES, MORE OR LESS.

MX2-U-U

Legal Description

A TRACT OF LAND LYING IN BLOCK ONE (1) AND BLOCK TWO (2) COMANCHE PARK ADDITION, A SUBDIVISION IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW/4, SW/4) OF SECTION EIGHTEEN (18), TOWNSHIP TWENTY (20) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, ACCORDING TO THE RECORDED PLAT THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO-WIT:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION EIGHTEEN (18); THENCE, N01°10'30"W AND ALONG THE WEST LINE OF SAID SECTION EIGHTEEN (18) FOR A DISTANCE OF 750.84 FEET; THENCE N88°49'26"E FOR A DISTANCE OF 325.04 FEET; THENCE S01°10'32"E FOR A DISTANCE OF 357.06 FEET; THENCE N88°49'30"E FOR A DISTANCE OF 50.29 FEET TO THE BEGINNING OF A CURVE, THENCE ALONG SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 28°09'37", HAVING A RADIUS OF 50.92 FEET, A LENGTH OF 25.03 FEET AND WHOSE LONG CHORD BEARS S77°05'42"E FOR A DISTANCE OF 24.77 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENTIAL LINE. THENCE S66°24'31"E FOR A DISTANCE OF 35.69 FEET TO THE

BEGINNING OF A NON- TANGENTIAL CURVE, THENCE ALONG SAID CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 24°46'49", HAVING A RADIUS OF 200.00 FEET, A LENGTH OF 86.50 FEET AND WHOSE LONG CHORD BEARS S11°12'05"W FOR A DISTANCE OF 85.83 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENTIAL LINE. THENCE S01°12'25"E FOR A DISTANCE OF 284.09 FEET; THENCE S88°08'50"W FOR A DISTANCE OF 413.56 FEET TO THE **POINT OF BEGINNING**. SAID TRACT CONTAINING 6.39 ACRES, MORE OR LESS.

MX2-V-65

Legal Description

A TRACT OF LAND LYING **IN** BLOCK ONE (1), BLOCK TWO (2), AND BLOCK FIVE (5) COMANCHE PARK ADDITION, A SUBDIVISION IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW/4, SW/4) OF SECTION EIGHTEEN (18), TOWNSHIP TWENTY (20) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, ACCORDING TO THE RECORDED PLAT THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO-WIT:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION EIGHTEEN (18); THENCE, N88°08'50"E AND ALONG THE SOUTH LINE OF SAID SECTION EIGHTEEN (18) FOR A DISTANCE OF 413.56 FEET TO THE **POINT OF BEGINNING**; THENCE N01°12'35"W FOR A DISTANCE OF 238.33 FEET; THENCE N88°49'28"E FOR A DISTANCE OF 750.03 FEET; THENCE S01°21'19"E FOR A DISTANCE OF 229.46 FEET; THENCE S88°08'50"W FOR A DISTANCE OF 750.66 FEET TO THE **POINT OF BEGINNING**; SAID TRACT CONTAINING 4.03 ACRES, MORE OR LESS.

MX3-F-65

Legal Description

A TRACT OF LAND LYING IN BLOCK TWO (2), BLOCK THREE (3), BLOCK FOUR (4) AND BLOCK FIVE (5) COMANCHE PARK ADDITION, A SUBDIVISION IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW/4, SW/4) OF SECTION EIGHTEEN (18), TOWNSHIP TWENTY (20) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, ACCORDING TO THE RECORDED PLAT THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO-WIT:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION EIGHTEEN (18);
THENCE N01°10'30"W AND ALONG THE WEST LINE OF SAID SECTION EIGHTEEN (18)
FOR A DISTANCE OF 750.84 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUING
N01°10'30"W FOR A DISTANCE OF 571.79 FEET; THENCE N88°08'58"E FOR A DISTANCE OF
762.00 FEET; THENCE S01°51'02"E FOR A DISTANCE OF 150.20 FEET; THENCE
N88°50'11"E FOR A DISTANCE OF 269.06 FEET; THENCE S01°10'30"E FOR A DISTANCE OF
277.07 FEET; THENCE N88°44'20"E FOR A DISTANCE OF 128.56 FEET; THENCE
S01°21'19"E FOR A DISTANCE OF 661.26 FEET; THENCE S88°49'28"W FOR A DISTANCE
OF 750.03 FEET; THENCE N01°11'31"W FOR A DISTANCE OF 45.76 FEET TO THE
BEGINNING OF A CURVE; THENCE ALONG SAID CURVE TURNING TO THE RIGHT
THROUGH AN ANGLE OF 24°46'49", HAVING A RADIUS OF 200.00 FEET, A LENGTH OF
86.50 FEET AND WHOSE LONG CHORD BEARS N11°12'05"E FOR A DISTANCE OF 85.83
FEET TO A POINT OF INTERSECTION WITH A NON-TANGENTIAL LINE. THENCE
N66°24'31"W FOR A DISTANCE OF 35.69 FEET TO THE BEGINNING OF A CURVE; THENCE
ALONG SAID CURVE TURNING TO THE LEFT THROUGH AN ANGLE OF 28°09'37", HAVING
A RADIUS OF 50.92 FEET, A LENGTH OF 25.03 FEET; AND WHOSE LONG CHORD BEARS
N77°05'42"W FOR A DISTANCE OF 24.77 FEET TO A POINT OF INTERSECTION WITH A
NON-TANGENTIAL LINE. THENCE S88°49'30"W FOR A DISTANCE OF 50.29 FEET; THENCE
N01°10'32"W FOR A DISTANCE OF 357.06 FEET; THENCE S88°49'26"W FOR A DISTANCE
OF 325.04 FEET TO THE **POINT OF BEGINNING**; SAID TRACT CONTAINING 22.66 ACRES,
MORE OR LESS.

RM-1

Legal Description

A TRACT OF LAND LYING IN BLOCK FOUR (4) COMANCHE PARK ADDITION, A
SUBDIVISION IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW/4,
SW/4) OF SECTION EIGHTEEN (18), TOWNSHIP TWENTY (20) NORTH, RANGE THIRTEEN
(13) EAST OF THE INDIAN BASE AND MERIDIAN, ACCORDING TO THE RECORDED PLAT
THEREOF, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO-WIT:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION EIGHTEEN (18);
THENCE N01°10'30"W AND ALONG THE WEST LINE OF SAID SECTION EIGHTEEN (18)
FOR A DISTANCE OF 1322.63 FEET; THENCE N88°08'58"E FOR A DISTANCE OF 762.00

FEET; TO THE **POINT OF BEGINNING**; THENCE N88°08'58"E FOR A DISTANCE OF 398.06 FEET; THENCE S01°21'19"E FOR A DISTANCE OF 431.82 FEET; THENCE S88°44'20"W FOR A DISTANCE OF 128.56 FEET; THENCE N01°10'30"W FOR A DISTANCE OF 277.07 FEET; THENCE S88°50'11"W FOR A DISTANCE OF 269.06 FEET; THENCE N01°51'02"W FOR A DISTANCE OF 150.20 FEET TO THE **POINT OF BEGINNING**; SAID TRACT CONTAINING 2.21 ACRES, MORE OR LESS.

* * * * *

PUBLIC HEARING-COMPREHENSIVE PLAN AMENDMENTS

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

- 11. CPA-106 Rey Bustos** (CD 6) Location: East of the southeast corner of East 11th Street South and South 161st East Avenue requesting to amend the Land Use Map designation from **Neighborhood** to **Multiple Use (Related to Z-7734)** (Continued from August 16, 2023)

STAFF RECOMMENDATION:

TMAPC Staff Report CPA-106 Comprehensive Plan Amendment

Property Information and Land use Request

The applicant has submitted this proposed Comprehensive Plan amendment (CPA-106) with a concurrent rezoning request (Z-7734) to request a change in the Land Use designation of the subject property from *Neighborhood* to *Multiple Use*. The concurrent zoning request proposes CG with an optional development plan from AG for redevelopment of the subject tract that is initially planned as cabinet shop with some warehousing elements.

Background

The applicant used the existing building as storage for products before requesting the rezoning. Now as their business expands, they want to house their cabinet company at this site and get dedicated utilities to this site.

This property has *Multiple Use* land use designations directly to the east and *Neighborhood* designations to the north, south and west. If this was changed, it would be an extension of the already existing Multiple Use land use to the east.

The subject property currently has access onto East 11th Street which is identified as a secondary arterial in the City of Tulsa Major Street and Highway Plan.

Existing Land Use: *Neighborhood*

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As part of the amendment application, the applicant is asked to justify their amendment request. Specifically, they are asked to provide a written justification to address:

1. How conditions on the subject site have changed, as well as those on adjacent properties and immediate area;
“We wanted it as a future workplace, but after talking with other contractors they told us in order to add water, power, and gas it needed to be commercial, so we used it as storage but now that we need to expand our business, we need to change it to commercial in order to all the utilities.”
2. How changes have impacted the subject site to warrant the proposed amendment; and;
“These changes have already impacted the area, we already started cleaning up and trimming all throughout putting in a road path to allow access to the area with plans to expand our business such as expanding the building adding power, water, and gas.”
3. How the proposed change will enhance the surrounding area and the City of Tulsa.
“If these changes come to happen, we plan on generating more jobs to the area. We already have so many people coming asking for a job with us but because of our limited workspace we have to turn them away until we move over to this site. We think this would be great for the City of Tulsa to help a small business with over 20 years. It turns this mistreated land into a prosperous area for future businesses.”

Staff Summary & Recommendation

Multiple land use is located along East 11th Street to the east of the subject property. While those properties have not transitioned from their current zoning of primarily AG and AGR, this site will be the first to encourage development along this section of East 11th Street. Much of this portion of East 11th Street is vacant, with some single-family homes scattered throughout. This proposal is consistent with anticipated development in the area.

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

TMAPC Action; 8 members present:

On **MOTION** of **COVEY**, the TMAPC voted 8-0-0 (Carr, Covey, Craddock, Hood, Humphrey, Shivel, Walker, Zalk, “aye”; no “nays”; none “abstaining”; Bayles, Krug, Whitlock, “absent”) to **ADOPT** CPA-106 as an amendment to the Tulsa Comprehensive Plan per staff recommendation.

* * * * *

12. CPA-108 Deborah K. Palinskee (CD 8) Location: North of the northeast corner of South Sheridan Road and East 78th Street South requesting to amend the Land Use Map designation from **Neighborhood** to **Multiple Use (Related to Z-7737)** (Continued from September 6, 2023)

STAFF RECOMMENDATION:

**TMAPC Staff Report
CPA-108
Comprehensive Plan Amendment**

Property Information and Land Use Request

The applicant has submitted this proposed Comprehensive Plan amendment (CPA-108) with a concurrent rezoning request (Z-7737) to request a change in the Land Use designation of the subject property from *Neighborhood* to *Multiple Use* for the entirety of the site. The concurrent zoning request proposes a change from RS-3 to OL to support redevelopment of the subject property.

Background

The property contains a non-conforming beauty salon in the front of the property and single-family structures in the rear. The majority of the property is currently undeveloped and rich with mature trees. The Little Haikey Creek Tributary runs through the property and bisects the property leaving the rear portion accessible by a bridge. Property currently has access to South Sheridan Road and is bounded by single family subdivisions on three sides.

EXISTING LAND USE:

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. Neighborhood development in Future Growth areas should be well connected to the arterial network and setup with street stubs to accommodate future connectivity to surrounding subdivisions. Higher density is only preferred when adjacent to developed areas, e.g. “leapfrog” subdivisions should be low density to not strain public service distribution.

PROPOSED LAND USE IN CPA-109:

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. In general, commercial and retail uses in Future Growth areas should be located on arterial streets or on existing or planned streets that are easily accessed by the arterial street grid. Where development is occurring at the intersection of significant streets, local center is the preferred designation.

Zoning and Surrounding Uses

Location	Existing Zoning	Existing Land Use Designation	Existing Use
North	AG and RS-3	Neighborhood	Single-family Residential Subdivision and Single large acre single family lot on the Sheridan frontage
West	RS-3 inside PUD-290	Neighborhood	Single-family Residential Subdivision
South	AG and RS-3	Neighborhood	Day care, Religious Assembly and Single-family Residential Subdivision
East	RS-3	Neighborhood	Single-family Residential Subdivision

APPLICANT’S JUSTIFICATION

As part of the amendment application, the applicant is asked to justify their amendment request. Specifically, they are asked to provide a written justification to address:

4. How conditions on the subject site have changed, as well as those on adjacent properties and immediate area.
5. How changes have impacted the subject site to warrant the proposed amendment; and;
6. How the proposed change will enhance the surrounding area and the City of Tulsa.

How conditions have changed:

The site has not been developed. The surrounding area has developed around it. North and east of the site has developed into a residential neighborhood. South of the property is a church and a preschool. The property faces Sheridan. West of Sheridan is a regional detention pond and another residential neighborhood.

How those changes have impacted the property:

The way the properties around the site have developed makes it difficult to develop to meet the RS-3 zoning along with the presence of City of Tulsa Regulatory Floodplain on the site.

How the proposed change will enhance the area:

The easterly portion of this property is in the City of Tulsa Regulatory Floodplain will be in a conservation easement. This conservation easement ensures that it will not be developed. It will be left in its current condition or become a more natural area. The area near Sheridan will be developed into offices, possibly housing medical offices. This will enhance the area and bring needed office space to this area of Tulsa.

The office park coupled with leaving the floodplain and easterly part of the property as natural as possible would be an improvement to the area.

STAFF SUMMARY & RECOMMENDATION

Staff supports a change to Multiple Use on the western portion of the property. The western portion of the lot has frontage on South Sheridan Road which is a secondary arterial. Staff has recommended denial of the land use change for the eastern 623.45-feet of property. The change for the eastern portion of the property would support commercial development interior to an established neighborhood. Allowed uses

approved through zoning should remain residential in nature for the portion of the property that far back into the neighborhood.

There is currently a creek that bisects the property making the west portion more favorable to development. The applicant has noted their intent to place the east portion of the property inside a conservation easement which would limit the development of that area. The proposed conservation easement is not considered by staff in their recommendation and the City of Tulsa does not have any mechanism to require it be put into a conservation easement.

Staff recommends **approval** of *Multiple Use* land use designation on the West 646.29-feet of the property and recommends **denial** of Multiple Use land use designation on the East 623.45-feet.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 8 members present:

On **MOTION** of **WALKER**, the TMAPC voted 8-0-0 (Carr, Covey, Craddock, Hood, Humphrey, Shivel, Walker, Zalk, "aye"; no "nays"; none "abstaining"; Bayles, Krug, Whitlock, "absent") to **ADOPT** CPA-108, less and except the east 505.71 feet as an amendment to the Tulsa Comprehensive Plan.

PUBLIC HEARING - PLATS

13. **Jack Wills** (CD 7) Preliminary Plat, Location: North of the northwest corner of East 67th Street South and South 105th East Avenue

STAFF RECOMMENDATION:

Jack Wills - (CD 7)

North of the northwest corner of East 67th Street South and South 105th East Avenue

This plat consists of 1 lot, 1 block on 4.56 ± acres.

The Technical Advisory Committee (TAC) met on September 8, 2023 and provided the following conditions:

1. **Zoning:** The property is currently zoned CO with an adopted development plan CO-2. The proposed use and development for this site will require an amendment to the development plan. Final development plan standards must be incorporated into the final plat prior to approval. Development plan number will be required on the face of the plat.
2. **Addressing:** City of Tulsa addresses and street names must be assigned and affixed to the face of the final plat along with the address disclaimer.
3. **Transportation & Traffic:** Sidewalks and appropriate ADA compliant ramps are required along all street frontages adjacent to the property. Right-of-way permits will be required for driveways connecting to public streets. IDP approval is required prior to final plat approval. Label and dimension all street right-of-way adjacent to the site with either recording information or "dedicated by plat". Right-of-way dedications are required to comply with major street and highway plan.
4. **Sewer/Water:** Label and dimension all required or existing easements. Any required offsite easements are required to be recorded and recording information must be provided on the final plat. Internal lines that serve only this project should be made private.
5. **Engineering Graphics:** Submit subdivision control data sheet with final plat. Remove contours from final plat. Engineer CA number has expired. In the location map, include all platted boundaries and label all other property has unplatted. Under the basis of bearing heading include the coordinate system used. Graphically show all pins found or set that are associated with the plat. Graphically label the point of beginning on the face of the plat.

6. **Stormwater, Drainage, & Floodplain:** IDP approval for storm sewer improvements is required prior to final plat approval.
7. **Utilities: Telephone, Electric, Gas, Cable, Pipeline, Others:** All utilities indicated to serve the site must provide a release prior to final plat approval. Provide a Certificate of Records Search from the Oklahoma Corporation Commission to verify no oil & gas activity on the site.

Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the conditions provided by TAC and all other requirements of the Subdivision and Development Regulations. City of Tulsa release letter is required prior to final plat approval.

TMAPC Action; 8 members present:

On **MOTION** of **WALKER**, the TMAPC voted 8-0-0 (Carr, Covey, Craddock, Hood, Humphrey, Shivel, Walker, Zalk, “aye”; no “nays”; none “abstaining”; Bayles, Krug, Whitlock, “absent”) to **CONTINUE** Item 13 to October 4, 2023.

OTHER BUSINESS

14. Commissioners' Comments

None

ADJOURN

TMAPC Action; 8 members present:

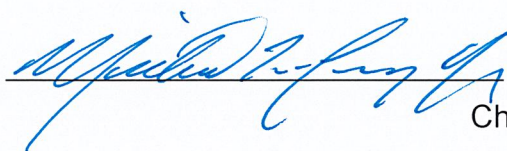
On **MOTION** of **WALKER**, the TMAPC voted 8-0-0 (Carr, Covey, Craddock, Hood, Humphrey, Shivel, Walker, Zalk, "aye"; no "nays"; none "abstaining"; Bayles, Krug, Whitlock, "absent") to **ADJOURN** TMAPC meeting of September 20, 2023, Meeting No. 2898.

ADJOURN

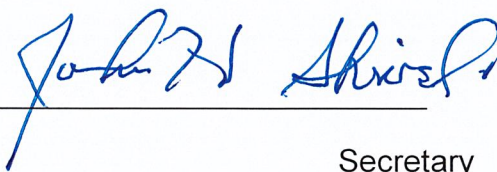
There being no further business, the Chair declared the meeting adjourned at 2:22 p.m.

Date Approved:

10-04-2023


Chair

ATTEST:


Secretary