**Case Report Prepared by:**
Dwayne Wilkerson

**Owner and Applicant Information:**
*Applicant:* James Spoon
*Property Owner:* TR B DRUGS INC

**Applicant Proposal:**
*Present Use:* Pharmacy
*Proposed Use:* General retail
*Concept summary:* Rezoning for CS zoning is supported by the Tulsa Comprehensive Plan.
*Tract Size:* 0.45 ± acres
*Location:* South of the Southwest corner of East 34th Street South & South Yale Avenue

**Zoning:**
*Existing Zoning:* OL
*Proposed Zoning:* CS

**Comprehensive Plan:**
*Land Use Map:* Mixed-Use Corridor
*Stability and Growth Map:* Area of Growth

**Staff Recommendation:**
*Staff recommends approval.*

**Staff Data:**
*TRS:* 9321
*CZM:* 47

**City Council District:** 9
*Councilor Name:* Ben Kimbro

**County Commission District:** 3
*Commissioner Name:* Ron Peters
SECTION I: Z-7536

DEVELOPMENT CONCEPT: The applicant has requested rezoning from OL to CS without a development plan to allow all uses and supplemental regulations in a CS district.

EXHIBITS:
- INCOG Case map
- INCOG Aerial (small scale)
- INCOG Aerial (large scale)
- Tulsa Comprehensive Plan Land Use Map
- Tulsa Comprehensive Plan Areas of Stability and Growth Map

Applicant Exhibits:
None provided

DETAILED STAFF RECOMMENDATION:

Z-7536 requesting CS zoning is consistent with the Mixed-Use Corridor land use designation and,

Uses allowed in a CS district are consistent with the existing development in this area properties and,

Uses and development requirements that are defined in a CS district are compatible with the abutting multi-family residential property west of the site and will define the south edge of the mixed-use corridor land use designation at this location on South Yale therefore,

Staff recommends Approval of Z-7536 to rezone property from OL to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: CS request is consistent with the uses normally associated with the Mixed Use Corridor.

Land Use Vision:

Land Use Plan map designation: Mixed-Use Corridor

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

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

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

Transportation Vision:

Major Street and Highway Plan: South Yale is classified as a Primary Arterial with a Multi Modal Corridor designation.

Multi-modal streets emphasize plenty of travel choices such as pedestrian, bicycle and transit use. Multimodal streets are located in high intensity mixed-use commercial, retail and residential areas with substantial pedestrian activity. These streets are attractive for pedestrians and bicyclists because of landscaped medians and tree lawns. Multi-modal streets can have on-street parking and wide sidewalks depending on the type and intensity of adjacent commercial land uses. Transit dedicated lanes, bicycle lanes, landscaping and sidewalk width are higher priorities than the number of travel lanes on this type of street. To complete the street, frontages are required that address the street and provide comfortable and safe refuge for pedestrians while accommodating vehicles with efficient circulation and consolidated-shared parking.

Streets on the Transportation Vision that indicate a transit improvement should use the multi-modal street cross sections and priority elements during roadway planning and design.

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXisting CONDITIONS:

Staff Summary: The site was a single use building with a pharmacy. The building is empty and is be repurposed for commercial uses as allowed in a CS district.

See the following page for a street view image from South Yale looking west.
Environmental Considerations: None that would affect site redevelopment.

Streets:

<table>
<thead>
<tr>
<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Yale Avenue</td>
<td>Primary Arterial</td>
<td>120 feet</td>
<td>4 with protected left turn lane</td>
</tr>
<tr>
<td>East 34th Street South</td>
<td>Not Classified</td>
<td>50 feet</td>
<td>2</td>
</tr>
</tbody>
</table>

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning</th>
<th>Existing Land Use Designation</th>
<th>Area of Stability or Growth</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>CS</td>
<td>Mixed Use Corridor</td>
<td>Growth</td>
<td>Commercial building</td>
</tr>
<tr>
<td>East</td>
<td>RM-1</td>
<td>Mixed Use Corridor</td>
<td>Growth</td>
<td>Retail</td>
</tr>
</tbody>
</table>
SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number Ordinance No. 11823 dated June 26, 1970 established zoning for the subject property.

Subject Property:

BOA-16610 March 1994: The Board of Adjustment approved a Variance of the required setback from the centerline of South Yale Avenue from 60' to 50' to permit a ground sign, per plan submitted, finding that numerous existing signs in the area have been set at 50' and the sign will be in the parking lot if installed at the required setback, on property located at 3404 South Yale Avenue.

BOA-16550 January 1994: The Board of Adjustment approved a Variance of the maximum square footage permitted for a sign from 32 sq ft to 72 sq ft (total all signs) to permit two wall signs and one ground sign, subject to the ground sign, which will be shared by other tenants, being installed on Yale Avenue frontage and being limited to 36 sq ft and one wall sign being permitted on the portion of the building facing 34th Street and one on the portion facing Yale Avenue (a total of 36 sq ft for both wall signs) for a total of 72 sq ft of display surface area for all 3 signs, subject to any other signs being removed, on property located at 3404 South Yale Avenue.

BOA-15004 December 1988: The Board of Adjustment approved a Variance to allow for a 16 sq ft awning sign in an OL district, per sign plan submitted, subject to all existing signs being removed from the property finding that the proposed awning sign will contain approximately the same square footage as the existing sign and that the corner lot location with frontage on two streets would allow the business to have two wall signs by right, on property located at 3404 South Yale Avenue.

BOA-14717 January 1988: The Board of Adjustment denied a Variance of the size of a business sign from 32 sq ft to 86 sq ft., finding that the applicant failed to demonstrate a hardship that would justify the granting of the amount of the variance request, on property located at 3404 South Yale Avenue.

BOA-03910 October 1962: The Board of Adjustment approved a request for permission to erect a sign approximately 4' x 8' in size in a U-3-B district, on property located on Lots 1 & 2, Block 2.

Surrounding Property:

PUD-514-A October 2006: All concurred in approval of a proposed Major Amendment to PUD on a 1.89+ acre tract of land for a cell tower, on property located 3259 South Yale Avenue.

BOA-16899 December 1994: The Board of Adjustment denied a Special Exception to permit automobile sales in a CS zoned district, on property located at 3310 South Yale Avenue.

PUD-514 July 1994: All concurred in approval of a proposed Planned Unit Development on a 3.5+ acre tract of land for retail, on property located 3259 South Yale Avenue.
Z-5880/ PUD-340 November 1983: All concurred in approval of a request for rezoning a 2.5+ acre tract of land from RM-1 to CS and approval a proposed Planned Unit Development on .93+ acre tract of land for a hotel, on property located north of the northwest corner of 11th Street and South Garnett Road.

Z-5726/PUD-291 August 1982: All concurred in approval of a request to rezone a .52+ acre tract of land from RS-3/RS-2 to RM-1 for an office building and denial of a proposed Planned Unit Development on .77+ acre tract of land for small light office park, on property located 3400 South Yale Avenue.

BOA-10662 August 1979: The Board of Adjustment approved an Exception to permit vehicle repair in a CS district and a Variance of the setback requirements from 110' to 91' from the centerline of Yale Avenue, per plot plan submitted, based on the representations as presented by the applicant, no outside work or storage, the use to be confined to the tune-up of engines and oil changes, on property located at the northwest corner of 34th Street and Yale Avenue.

BOA-09949 May 1978: The Board of Adjustment approved an Exception to operate a rental outlet for U-Haul Trucks and trailers as presented, subject to the hours of operation from 7:00 am to 7:00 pm, 6 days a week, and on Sundays from 9:00 am to 5:00pm, one sign of constant lighting 7'x12' or 84 sq ft in display surface area to be erected on Yale Avenue, a fence along the east property line to be agreed to by the 2 abutting property owners to be filed with the Board of Adjustment, the maximum number of trucks be ten trucks and no more than eighteen trailers, that they do not block the view of traffic along Yale or 33rd Street, and that a 7' fence be erected along the south property line, on property located at 3303 South Yale Avenue.
Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018
Land Use Plan Categories

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

Z-7536
19-13 21
Growth and Stability

Area of Growth
Area of Stability

Z-7536
19-13 21
7.11
My name is George M. Perry III. I own property in close proximity to the subject property. My property address is: 4817 - 4828 East 35th Ct. Tulsa, OK. My home address is: 1124 East 19th St., Tulsa, OK.

Due to a prior engagement I am unable to attend the rezoning meeting scheduled for the applicant (MR. James Spoon) on February 19, 2020. I am in favor of his zoning request of a change from OL to CS provided that any adult oriented businesses, liquor stores and/or CBD businesses be prohibited.

Sincerely,
George Perry