Case Number: Z-7580

Hearing Date: November 4, 2020

Case Report Prepared by:
Dwayne Wilkerson

Owner and Applicant Information:
Applicant: Mark Bahlinger
Property Owner: Jesus Barraza and Anilu Castillo De Barraza

Location Map:
(shown with City Council Districts)

Applicant Proposal:
Present Use: Vacant
Proposed Use: Restaurant

Concept summary: Redevelop site abutting 21st Street north of the drainage channel.

Tract Size: 0.69 ± acres
Location: Southwest corner of East 21st Street South & South 120th East Avenue

Zoning:
Existing Zoning: RD
Proposed Zoning: CS

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

Staff Recommendation:
Staff recommends approval for CS zoning of the north 220 feet of the subject property where the property included in the Mixed-Use Corridor land use designation.

The south portion of the request is not consistent with the Comprehensive Plan therefore we recommend denial of that portion of the site.

Staff Data:
TRS: 9417
CZM: 39

City Council District: 6
Councilor Name: Connie Dodson

County Commission District: 1
Commissioner Name: Stan Sallee

REVISED 10/28/2020
SECTION I: Z-7580

DEVELOPMENT CONCEPT:

The applicant has submitted a rezoning request to allow commercial development at the Southwest corner of East 21st Street and South 122nd East Avenue.

EXHIBITS:

- INCOG Case map
- INCOG Aerial (small scale)
- INCOG Aerial (large scale)
- Tulsa Comprehensive Plan Land Use Map
- Tulsa Comprehensive Plan Areas of Stability and Growth Map
- Applicant Exhibits: None included

DETAILED STAFF RECOMMENDATION:

The applicant has requested CS zoning for the entire parcel. The north 220 feet of the site is consistent with the Tulsa Comprehensive Plan and,

The existing Neighborhood Land use designation on the south portion does not support CS zoning and,

Uses allowed in a CS zoning district are consistent with the anticipated uses along the Multi Modal Corridor and,

The site is environmentally challenging however it is our understanding that development in the Tulsa Regulatory Flood Plain can be designed in a way that will not adversely affect surrounding property owners therefore,

Staff recommends Approval of Z-7580 to rezone the north 220 feet of the subject property from RD to CS.

Staff recommends denial of the request for the remainder of the property south of that line.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The north 220 feet of the property is included in the Mixed-Use Corridor and the uses allowed in a CS district are consistent with the vision of that land use designation. The Major street and highway plan recognizes the importance of commercial uses along a Multimodal corridor.

Land Use Vision:

Land Use Plan map designation: Mixed-Use Corridor and Existing Neighborhood

The north 220 feet is included in 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.

The south portion of the tract is included in the Existing Neighborhood category is intended to preserve and enhance Tulsa's existing single-family neighborhoods. Development activities in these areas should be limited to the rehabilitation, improvement or replacement of existing homes, and small-scale infill projects, as permitted through clear and objective setback, height, and other development standards of the zoning code. In cooperation with the existing community, the city should make improvements to sidewalks, bicycle routes, and transit so residents can better access parks, schools, churches, and other civic amenities.

Areas of Stability and Growth designation: Area of Growth

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

Areas of Growth are found throughout Tulsa. These areas have many different characteristics but some of the more common traits are 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: Multi Modal Corridor

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 is undeveloped and east of a small box discount store. West of a communications company minor utility. The property is included in the Tulsa Regulatory Floodplain for Tupelo Creek. New Building construction for the uses allowed in a CS district will require careful engineering analysis prior to site development.

Street View from northeast looking southwest:

Environmental Considerations: The site appears to be included in the Tupelo Creek, City of Tulsa regulatory floodplain. The creek area is generally wooded and in a natural condition at this location. The developer will be encouraged to keep the wooded character of the area on both sides of the creek and significant engineering analysis will be required prior to issuing a building permit.

Streets:

<table>
<thead>
<tr>
<th>Exist. Access</th>
<th>MSHP Designation</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
</tr>
</thead>
<tbody>
<tr>
<td>East 21st Street South</td>
<td>Primary Arterial</td>
<td>Primary Arterial</td>
<td>2 lanes each direction with center median and turn lane.</td>
</tr>
<tr>
<td>South 120th East Avenue</td>
<td>None</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>RS-3</td>
<td>Existing Neighborhood</td>
<td>Stability</td>
<td>Single family residential</td>
</tr>
<tr>
<td>East</td>
<td>RD</td>
<td>Mixed use corridor and existing neighborhood</td>
<td>Growth</td>
<td>Communications company minor utility facility</td>
</tr>
<tr>
<td>South</td>
<td>RS-3</td>
<td>Existing Neighborhood</td>
<td>Growth</td>
<td>Single family and multifamily</td>
</tr>
<tr>
<td>West</td>
<td>RM-1, PUD-800/CS</td>
<td>Mixed use corridor and existing neighborhood</td>
<td>Growth</td>
<td>Multifamily and small box discount store</td>
</tr>
</tbody>
</table>

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11817 dated June 26, 1970 established zoning for the subject property.

**Subject Property:**

**BOA-17534 October 1996:** The Board of Adjustment approved a Special Exception to permit a telecommunications building in an RD district, subject to the building meeting the required 35' setback and the approval of the Department of Public Works relating to stormwater runoff, on property located East 21st Street and South 120th East Avenue.

**Surrounding Property:**

**Z-7239/PUD-800 August 2013:** All concurred in approval of a request to rezone a 1.97+ acre tract of land from OL to OL/CS and approval of a proposed Planned Unit Development for Use Unit 13 (Convenience Goods and Services) and Use Unit 14 (Shopping Goods and Services), on property located west of the southwest corner of East 21st Street and South 120th East Avenue.

**BOA-20053 June 2005:** The Board of Adjustment upheld the determination of a neighborhood building inspector that a taxi/limousine business is not a use by right in a residential district and deny the appeal, on property located 11911 East 22nd Place South.

**BOA-19395 July 2002:** The Board of Adjustment approved a Special Exception to permit a cable television utility facility in an RD district, per plan, with conditions there be no communications tower on the site, no storage of vehicles, any lighting would be shielded away from the neighborhood, limit approval to the north 215' of the site, and a generator will operate only during emergencies and at such times needed to keep it operational, on property located at 2115 South 120th East Avenue.

**BOA-17441 July 1996:** The Board of Adjustment approved a Special Exception to allow church uses in a RD district, subject to the applicant returning with a detailed site plan for approval meeting the code, a letter from Development Services of the City of Tulsa indicating the property can be developed.

7.5
in the manner the applicant proposes on the detailed site plan, on property located at the southeast corner of South 120th East Avenue and East 21st Street South.

**BOA-09084 July 1976:** The Board of Adjustment **approved** an *Exception* to operate a children's nursery, subject to the drainage plans being approved by the City Engineer prior to the issuance of any building permits, and to the conceptual plot plan, in an RD District, on property located southeast of 120th East Avenue and 21st Street.

**BOA-07788 March 1973:** The Board of Adjustment **denied** an *Exception* to operate a children's nursery, on property located at the northwest corner of 120th East Avenue and 21st Street.

**Z-4251 September 1972:** All concurred in **approval** of a request for **rezoning** a 7.2+ acre tract of land from RM-1/RS-3 to RD/OL for duplexes and offices, on property located east of the southeast corner of 21st Street and Garnett Road.

**BOA-04243 December 1963:** The Board of Adjustment **granted** a request for permission to construct and operate a public school in a U-1-B District, on property located on the W1/2, SW1/4, SE1/4, of Section 8, Township 19 North, Range 14 East, Tulsa County, Oklahoma.

11/4/2020 1:00 PM
Subject Tract Z-7580

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

Aerial Photo Date: February 2018
Staff Recommends approval of CS zoning for the North 220 feet of the subject property.