



Tulsa Metropolitan Area  
Planning Commission

**Case Number:** CPA-85  
**Comprehensive Plan Amendment**  
(related to Z-7520)

**Hearing Date:** December 18, 2019

**Case Report Prepared by:**

Jani Werten

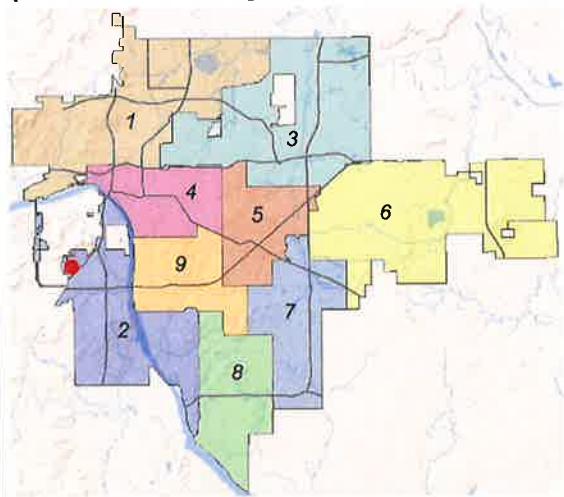
**Owner and Applicant Information:**

Applicant: Tyler Collier

Property Owner: Cliff Mordhorst & Dan Mordhorst  
Trust

**Location Map:**

(shown with City Council Districts)



**Applicant Proposal:**

Land Use Map change from ***Existing Neighborhood*** to ***Employment***

Tract Size: ± .23 acres

Location: West of the southwest corner of West 42nd Place South & South 34th West Avenue

**Comprehensive Plan:**

**Land Use Map**

Existing: *Existing Neighborhood*

Proposed: *Employment*

**Stability and Growth Map**

Existing: *Area of Growth*

**Zoning**

Existing Zoning: RS-3

Proposed Zoning: CS

**Staff Recommendation:**

Staff recommends **approval** of the *Employment* land use designation as submitted by the applicant.

**City Council District: 2**

Councilor Name: Jeannie Cue

**County Commission District: 2**

Commissioner Name: Karen Keith

**TMAPC Staff Report**  
**CPA-85**  
**Comprehensive Plan Amendment**

**Property Information and Land use Request**

The applicant has submitted this proposed Comprehensive Plan amendment (CPA-85) and a concurrent rezoning application (Z-7520) to request a change in the Land Use designation from *Existing Neighborhood* to *Employment*, as well as rezone from RS-3 to CS in order to permit an existing non-conforming medical marijuana dispensary on a .23± acre property, located west of the southwest corner of West 42nd Place South & South 34th West Avenue.

**Background**

As the subject area is located in southwest Tulsa, it falls within the bounds of the Southwest Tulsa Neighborhood Plan. Adopted in May of 2009, this small area plan was created to assist and progress the revitalization of this area, presenting a vision, needs, and goals for the area. With these goals, the small area plan attempts to improve existing housing stock, revitalize underdeveloped areas, and increase accessibility to amenities, goods, and services through the implementation of sidewalks and business practices to attract retail and grocery stores to the area. It should be noted that while this plan presents a vision, needs, and goals for the southwest Tulsa area, the plan does not make any clear or specific land use recommendations to aid in achieving these goals, nor this particular area in which the subject property is located. Instead, it focuses on presenting proposed capital improvement projects along Route 66, Southwest Boulevard, OSU campus, as well as the Cherry creek and Mooser creek trail system.

The Land Use and Area of Stability or Growth designations for the subject property were made in 2010 with the adoption of the 2010 Tulsa Comprehensive Plan. At this time, the subject property was assigned a Land Use designation of *Existing Neighborhood* and an Area of Stability or Growth designation of *Area of Growth*. As there are no land use recommendations offered by the Southwest Tulsa Neighborhood Plan and there are no other plans that cover this area, the 2010 Tulsa Comprehensive Plan solely provides guidance regarding land use for this area.

The parcels abutting the subject property in all cardinal directions are currently zoned RS-3 with parcels abutting the subject property from North and West carrying a Land Use and Area of Growth or Stability designation of *Existing Neighborhood* and *Area of Stability*, and parcels from South and East carrying a Land Use and Area of Growth or Stability designation of *Employment* and *Area of Growth*. The parcels abutting the subject property to the North and West are currently being utilized for Single-Family residential homes, while the parcels abutting the subject property from the East and South are currently being utilized for a post office. Directly abutting this post office to the East is a CS and IL District that are currently being used for a neighborhood convenience shopping center and an industrial warehouse/ gas station and convenience store. These districts share an *Employment* and *Area of Growth* Land Use and Area of Growth or Stability designation with the abutting post office.

## **Existing Land Use and Growth Designations**

An *Existing Neighborhood* land use designation was assigned to the area subject to the amendment request at the time of the adoption of the Tulsa Comprehensive Plan in 2010:

"The Existing Residential 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."

When the new Tulsa Comprehensive Plan was developed and adopted in 2010, the subject tract was designated as an *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."

## **Proposed Land Use Designation (Tulsa Comprehensive Plan)**

The applicant is proposing *Employment* land use designation on the subject site.

"Employment Areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity.

Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts, attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use."

## Zoning and Surrounding Uses

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-3	Existing Neighborhood	Area of Stability	Single-Family Residential
South	RS-3	Employment	Area of Growth	Post Office
East	RS-3	Employment	Area of Growth	Post Office
West	RS-3	Existing Neighborhood	Area of Stability	Single-Family Residential

## 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:

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

The applicant provided the following answers to the above questions below:

*"To whom concerned:*

*The property has never changed. It has always hosted commercial businesses. Prior to us, it was a laundromat and a mechanic shop. The post office is located right next to the property and the other side of the post office is commercially zoned property. The land use was employment. I believe the original owners of the property opted out of paying the proper fees for that lot to be zoned correctly. I was approved for a license and waited for OBN number approval before opening. We were the first dispensary to open and actively give back to the community. This is our first run at a business, and we hope to become a business like QT.*

*The subject area is being provided with more tax revenue, and provides a regulated and safer approach for patients to obtain medical grade product from licensed entities, instead of the black market. Additionally, I am from the area and want to give back to my community. I would like to get better established and begin a fundraising effort to redo the reed park community center. I served in the National Guard and would like to give other veterans another option for treatment of PTSD. I am currently a 3rd Year medical student, and would like to return to the area on completion of residency. We have had two schools shutdown in the area, and the area needs new development.*

*The business will continue to provide community support by hosting ongoing food and school supplies drives, and additionally developing other avenues of giving back to the community, while increasing tax revenue on a previously dead commercial property and dead commercial area."*

## **Staff Summary & Recommendation**

The applicant is proposing to change the land use designation from Existing Neighborhood to Employment on the subject property in order to permit an existing medical marijuana dispensary.

The subject property is an RS-3 zoned lot with a Land Use designation of *Existing Neighborhood* and a Growth and Stability designation of *Area of Growth*. All areas abutting the parcel are zoned RS-3, with parcels directly abutting the subject property from the north and west designated as *Existing Neighborhood* and *Area of Stability*, while parcels directly abutting the subject property from the south and east designated as *Employment* and *Area of Growth* as of 2010 when the Comprehensive Plan was adopted. The parcels abutting the subject property to the North and West are currently being utilized for Single-Family residential homes, while the parcels abutting the subject property from the East and South are currently being utilized for a post office.

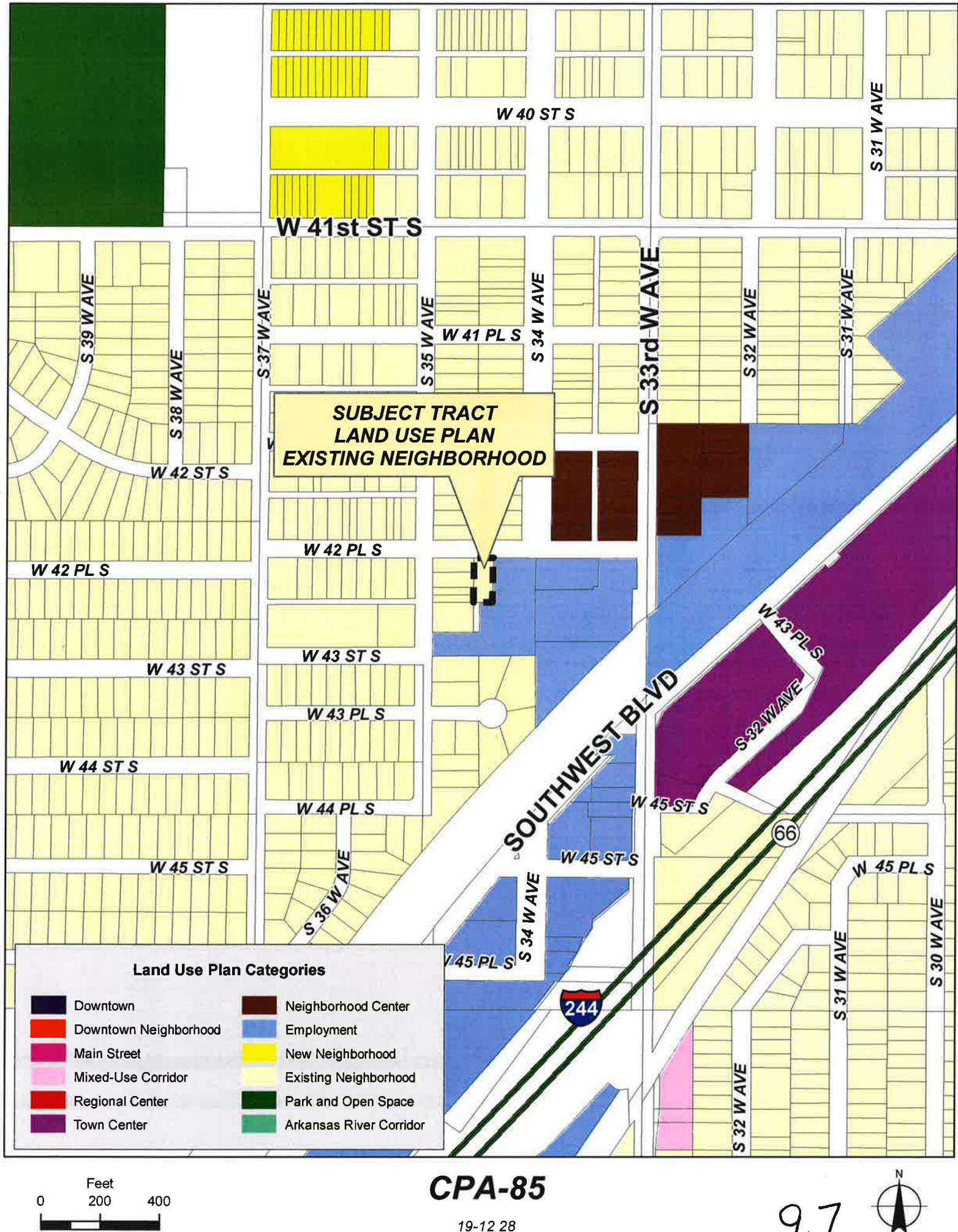
While there may be concerns that changes in land use designations will destabilize existing residential uses on adjacent properties, in examining the history of the subject property and the surrounding area, it is unlikely that this will occur. From a service garage to a non-conforming grocery store, non-conforming laundromat, non-conforming mechanic shop, and now a medical marijuana dispensary, this property has a long history of commercial uses dating back to the 1940s when the existing structure on this property was originally built. Additionally, there are other properties in the surrounding area that were established in the 1920-30s that were later rezoned in the 1960-70s to allow their uses and become compliant. Given how long ago these uses were established and how they have altered the character of the area, the subject property and its utilization as a commercial property is an established part of the neighborhood's fabric that would be unlikely to change regardless of whether CS zoning for this property was approved or not.

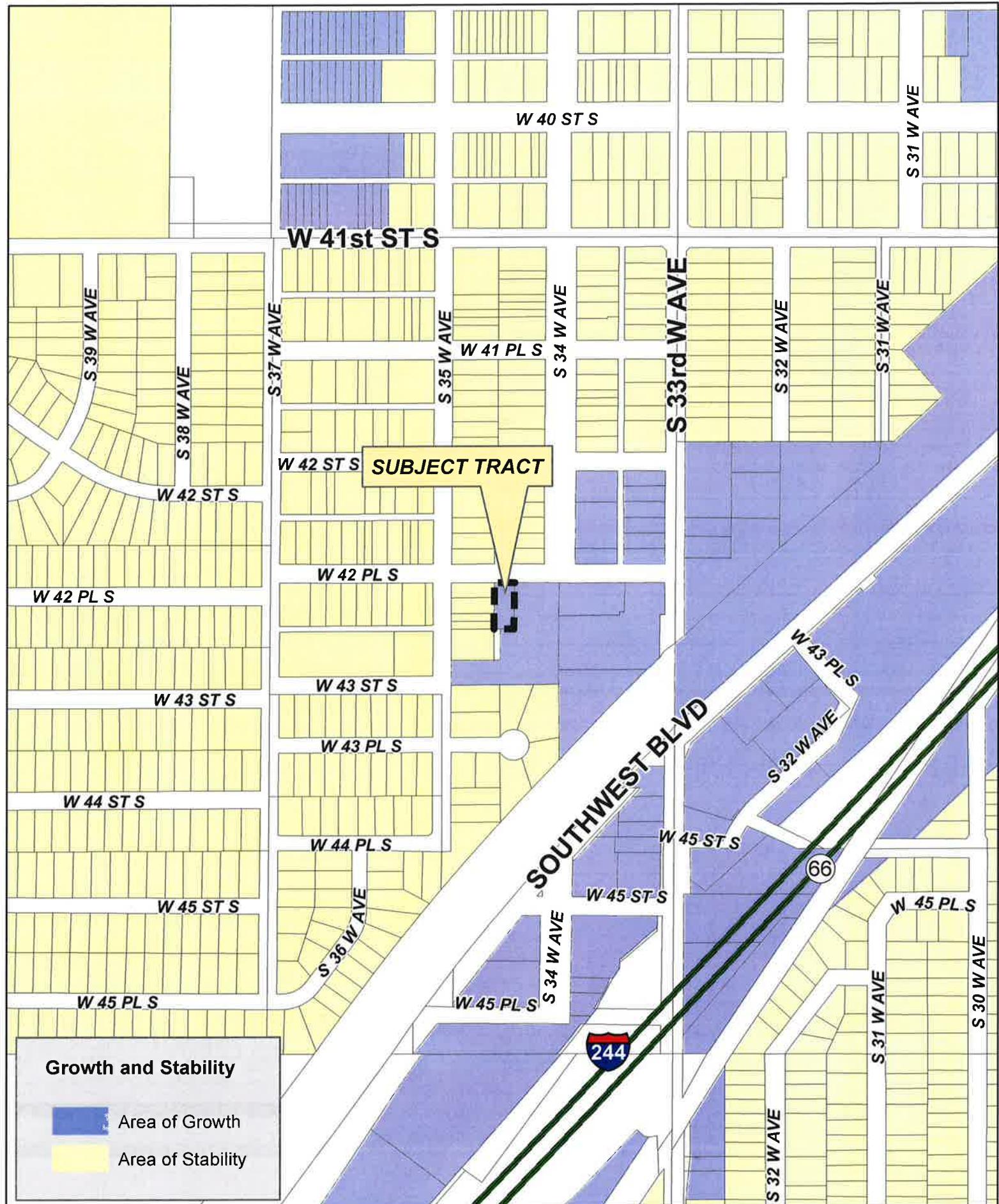
The subject property's established history and character as a commercially utilized property not only conflicts with the property's land use designation of *Existing Neighborhood*, but also makes it fundamentally more similar in character to the commercial and industrial zoned parcels around it that carry an *Employment* and *Area of Growth* designation than the established neighborhood. While the subject property may not exactly match the description in the 2010 Tulsa Comprehensive Plan of what an *Employment* Land Use designation consists of, the subject property shares more similarities with the *Employment* Land Use than other Land Use designations outlined by the Comprehensive Plan, it has access to major roadways such as South 33<sup>rd</sup> West Ave (Urban Arterial) and Southwest Boulevard (Multi-Modal Corridor/Secondary Arterial), and is a direct neighbor to properties with long established uses that are considered *Employment* and have both an *Employment* and *Area of Growth* designation.

Additionally, the concurrent rezoning request will trigger landscaping and screening requirements between the subject property and the existing residential to the west, as well as parking requirements that will help to shield residence from the commercial use and help to preserve the neighborhood.

Being that the subject property has been utilized for non-conforming commercial purposes since the 1940s, is located next to a post office with commercial and industrial uses to the east, and shares an *Area of Growth* designation with these parcels to the east, Staff finds that a land use designation of *Employment* would be more appropriate than *Existing Neighborhood* and in-line with the character of the neighborhood.

Staff recommends approval of the *Employment* land use designation as submitted by the applicant.





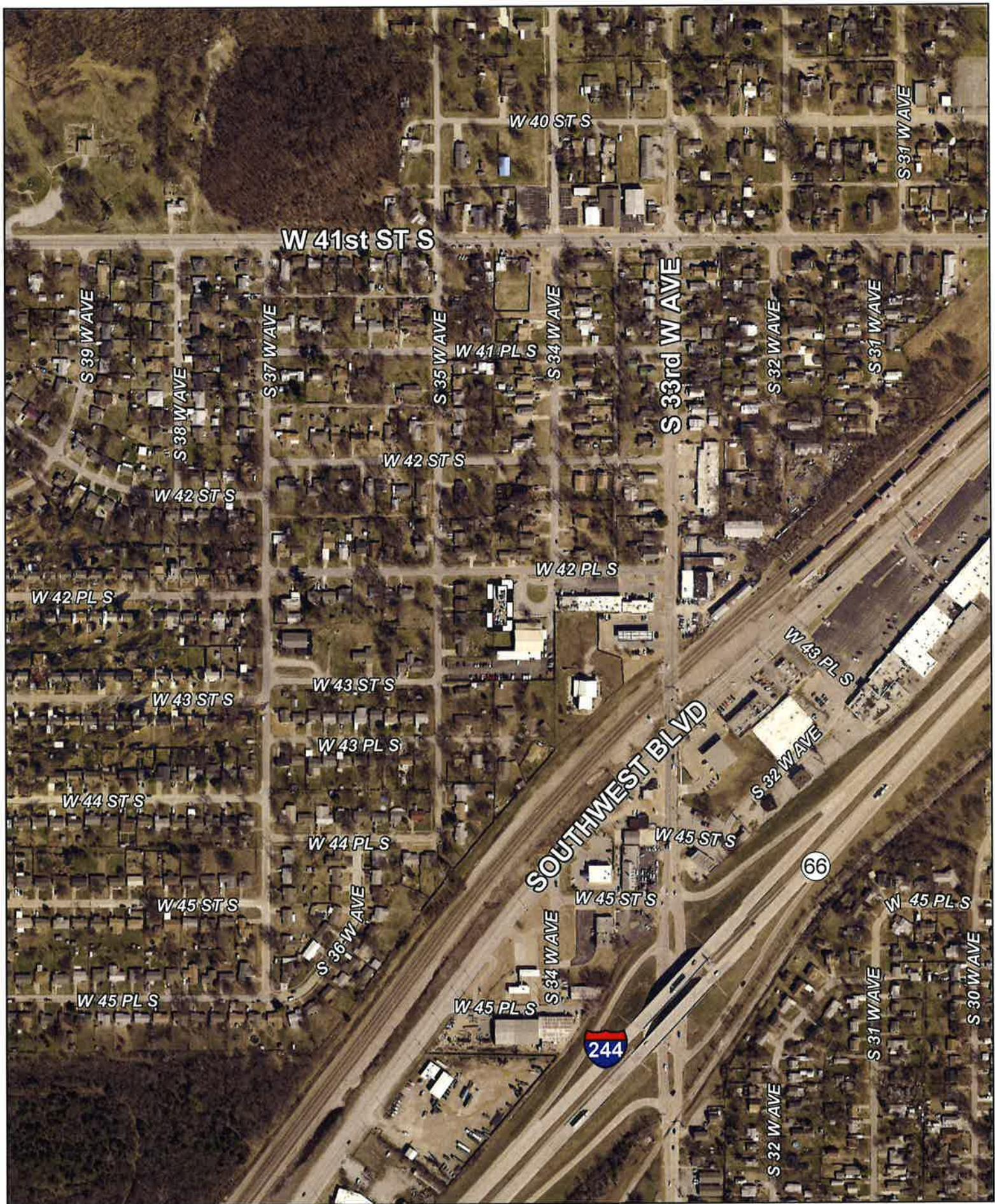
**CPA-85**

19-12 28

9.8



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0 Feet  
200 400



Subject  
Tract

**CPA-85**

19-12 28

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

Aerial Photo Date: February 2018

9.9



