

Case Number: CZ-545
Hearing Date: May 17th, 2023

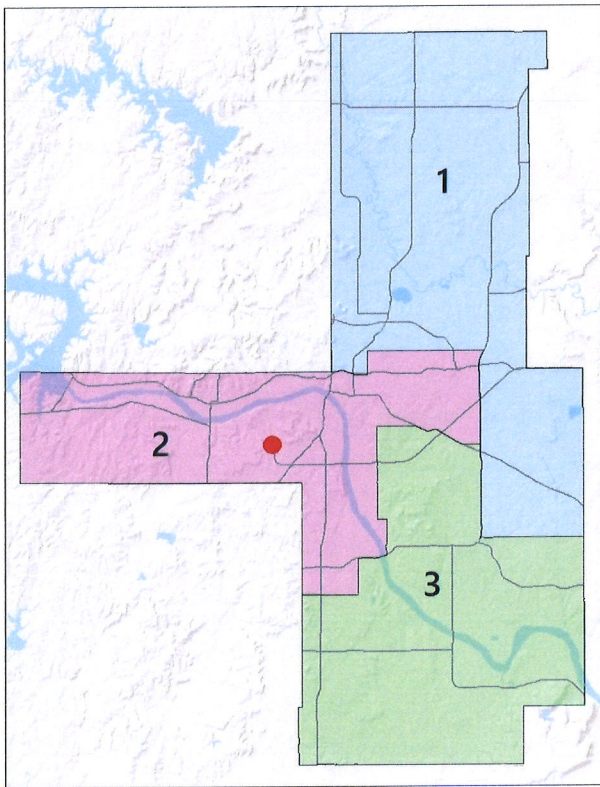
Case Report Prepared by:

Jay Hoyt

Owner and Applicant Information:

Applicant: Berryhill Baptist Church
Property Owner: BERRYHILL BAPTIST CHURCH INC

Location Map:
(shown with County Commission Districts)



Applicant Proposal:

Present Use: AG/Church
Proposed Use: Commerical
Concept summary: Rezone from AG to CS to permit commercial uses
Tract Size: 6.85 ± acres
Location: Northeast corner of West 41st Street South and South 61st West Avenue

Zoning:

Existing Zoning: AG
Proposed Zoning: CS

Comprehensive Plan:

Land Use Map: Neighborhood Center
Stability and Growth Map: N/A

Staff Recommendation:

Staff recommends approval.

Staff Data:

TRS: 9220
CZM: 45

County Commission District: 2

Commissioner Name: Karen Keith

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SECTION I: CZ-545

DEVELOPMENT CONCEPT: The applicant has requested to rezone from AG to CS to permit commercial uses on the subject lot. Currently the site contains Berryhill Baptist Church, which will remain on the lot. The applicant intends to permit retail development on the portion of the lot that does not contain the church. The site is located within the Neighborhood Center designation of the City of Tulsa Comprehensive Plan, which has been adopted as part of the Tulsa County Comprehensive Plan. This proposal would be compatible with this designation.

EXHIBITS:

INCOG Case map
INCOG Aerial
Comprehensive Plan Land Use Map

DETAILED STAFF RECOMMENDATION:

CZ-545 is non-injurious to surrounding proximate properties and consistent with the Tulsa County Comprehensive Plan,

CZ-545 is consistent with the anticipated future development pattern of the surrounding property therefore,

Staff recommends Approval of CZ-545 to rezone property from AG to CS.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

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

Land Use Vision:

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

Neighborhood Centers are small-scale, one to three story mixed-use areas intended to serve nearby neighborhoods with retail, dining, and services. They can include apartments, condominiums, and townhouses, with small lot single family homes at the edges. These are pedestrian-oriented places served by transit, and visitors who drive can park once and walk to a number of destinations.

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: W 41st St S is designated as a Primary Arterial. S 61st W Ave is designated as a Residential Collector.

Trail System Master Plan Considerations: The GO Plan shows a sidewalk gap along W 41st St S.

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Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site currently contains Berryhill Baptist Church and the surrounding associated property.*

Environmental Considerations: None

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
W 41 st St S	Primary Arterial	120 Feet	4
S 61 st W Ave	Residential Collector	60 Feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS	Existing Neighborhood	N/A	Single-Family Residential
South	RS/AG	Neighborhood Center	N/A	Fire Department/Single-Family Residential
East	OL/CS/PUD-566	Neighborhood Center	N/A	Commercial
West	RS	Existing Neighborhood/Neighborhood Center	N/A	Single-Family Residential

SECTION III: Relevant Zoning History

History: CZ-545

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

Subject Property:

BOA-7959 July 1973: The Board of Adjustment **approved** a *Special Exception* to permit a church in an AG district, on property located northeast of 40th Street and 60th west Avenue.

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

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

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

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

CBOA-846 September 1988: The Board of Adjustment **approved** a *Special Exception* to permit a day care center in an existing church in an AG zoned district, on property located at 6035 West 40th Street.

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

Surrounding Property:

PUD-566-B July 2017: All concurred in **approval** of a proposed *Planned Unit Development* on a 9± acre tract of land, on property located Northwest corner of West 41st Street and South 57th West Avenue.

PUD-566-A May 2012: All concurred in **approval** of a proposed *Planned Unit Development* on a 11.69± acre tract of land, on property located Northwest corner of West 41st street and South 57th West Avenue.

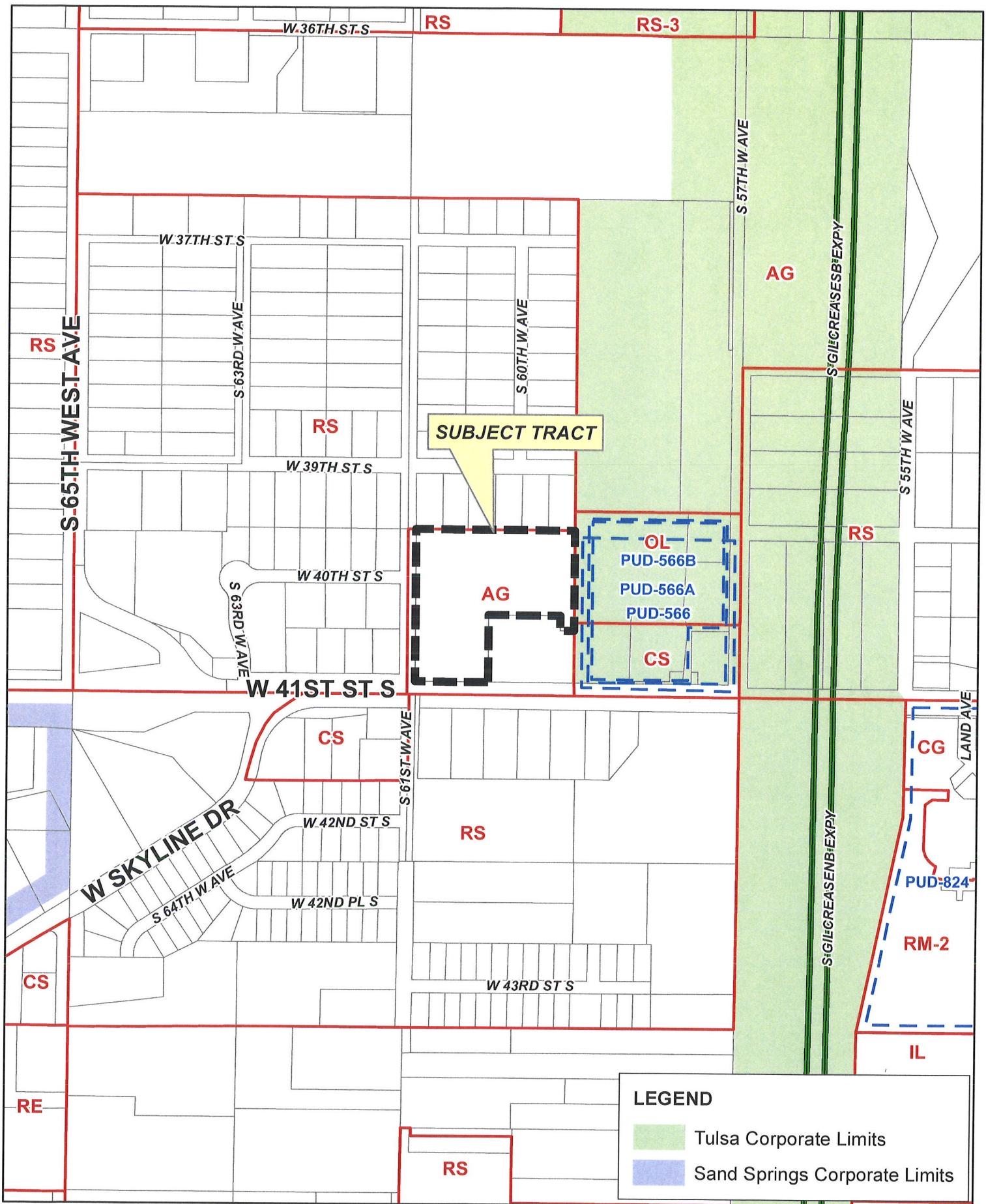
PUD-566 December 1997: All concurred in **approval** of a proposed *Planned Unit Development* on a 10.1± acre tract of land, on property located Northwest corner of West 41st Street South and South 57 West Avenue.

CBOA-2330 May 2009: The Board of Adjustment **denied** a *Variance* to permit maximum permitted floor area for a detached accessory building in an RS district from 750 sq. ft. to 1500 sq. ft, on property located at 3765 S. 61st Ave.

CBOA-2303 August 2008: The Board of Adjustment **approved** a *Variance* to permit the maximum floor area permitted for detached accessory buildings located in an RS district from 750 sq. ft. to 1,360 sq. ft., on property located at 6026 W. 39th Street South.

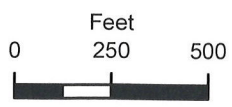
CBOA-1320 January 1995: The Board of Adjustment **approved** a *Variance* to permit maximum 750 sq. ft. for a detached accessory building, on property located at 6110 West 41st Street South.

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LEGEND

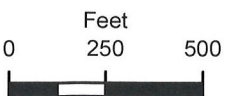
- Tulsa Corporate Limits
- Sand Springs Corporate Limits



CZ-545

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Subject Tract

CZ-545

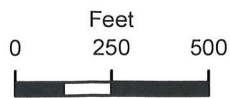
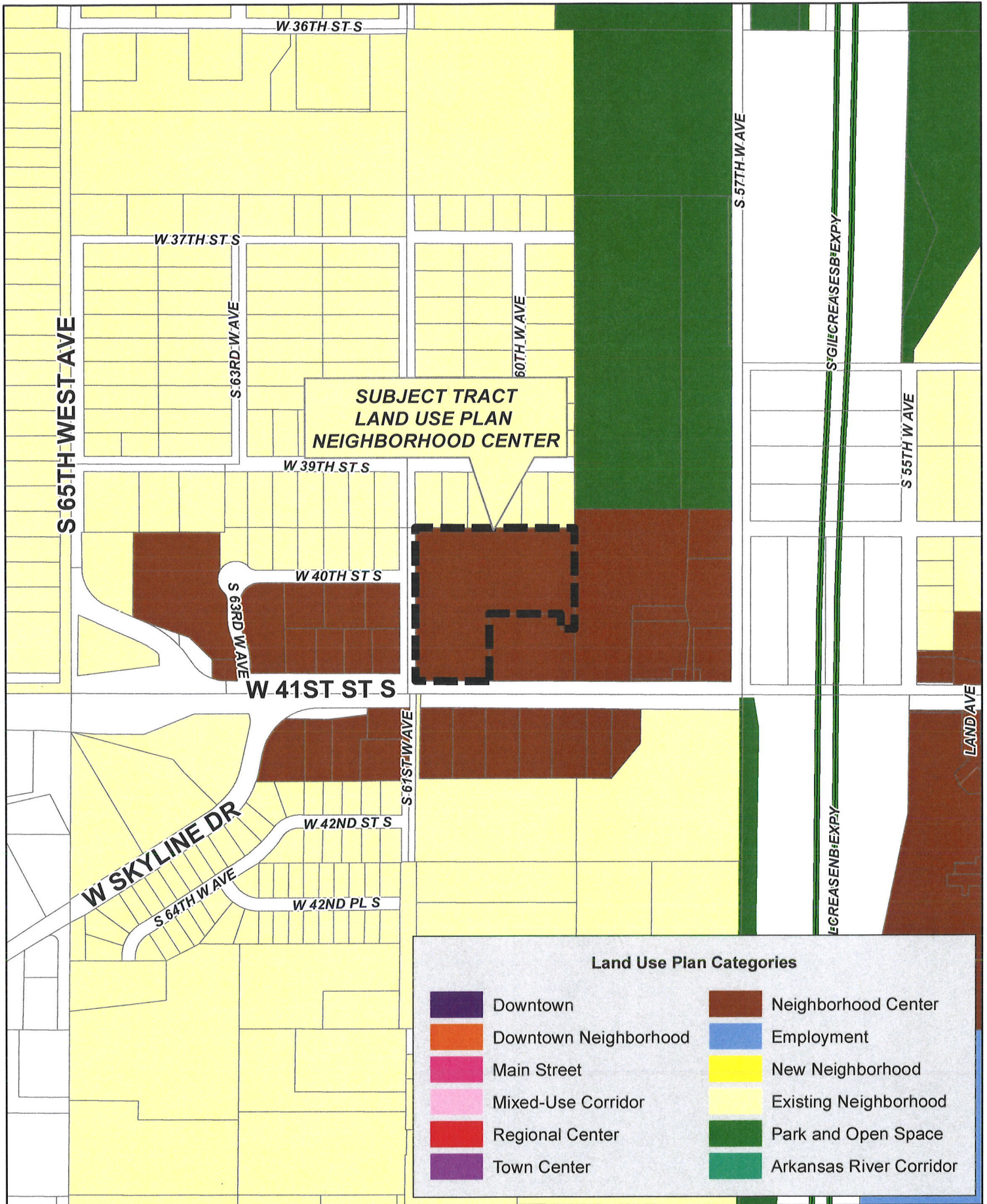
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Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: 2020/2021

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