

Case Number: CZ-547

Hearing Date: July 19th, 2023
(Revised 7/13/2023)

Case Report Prepared by:

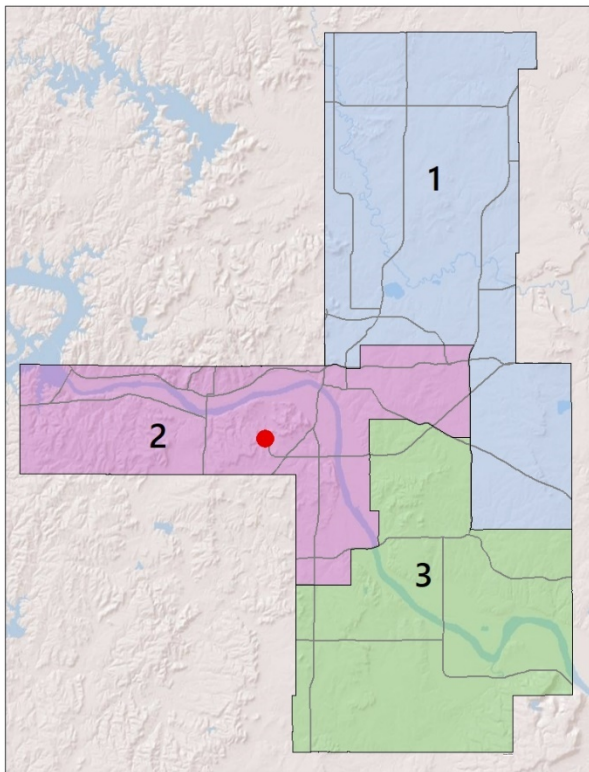
Jay Hoyt

Owner and Applicant Information:

Applicant: Ronald D. & Gary D. Richardson

Property Owner: RICHARDSON, RONALD D & GARY D

Location Map:
(shown with County Commission Districts)



Applicant Proposal:

Present Use: RS

Proposed Use: Commercial

Concept summary: Rezone from RS to CS to permit commercial development.

Tract Size: 0.85 ± acres

Location: Southeast corner of West 41st St South & South 61st West Ave

Zoning:

Existing Zoning: RS

Proposed Zoning: CS

Comprehensive Plan:

Land Use Map: Neighborhood Center

Staff Recommendation:

Staff recommends approval.

Staff Data:

TRS: 9229
CZM: 45

County Commission District: 2

Commissioner Name: Karen Keith

SECTION I: CZ-547

DEVELOPMENT CONCEPT: The applicant has requested to rezone from RS to CS to permit commercial uses on the subject lot. Currently the site contains a vacant single-family home. The applicant intends to permit commercial development on the lot. The applicant did not specify the type of commercial development intended at this time. 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
- INCOG Aerial (enlarged)
- Comprehensive Plan Land Use Map

DETAILED STAFF RECOMMENDATION:

CZ-547 is non-injurious to surrounding proximate properties and consistent with the Tulsa County Comprehensive Plan,

CZ-547 is consistent with the anticipated future development pattern of the surrounding property therefore,

Staff recommends Approval of CZ-547 to rezone property from RS 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.

Transportation Vision:

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

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

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 |

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 | AG (CS pending BOCC approval) | Neighborhood Center | N/A | Church |
| South | RS | Existing Neighborhood | N/A | Single-Family Residential |
| East | RS | Neighborhood Center | N/A | Single-Family Residential |
| West | CS | Neighborhood Center | N/A | Commercial |

SECTION III: Relevant Zoning History

History: CZ-547

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

Subject Property:

CZ-545 Withdrawn May 2023: Request to rezone a 6.85± acre tract of land from AG to CS on property located NE/c of W. 41st Street South & South 61st W. Ave., was withdrawn.

Surrounding Property:

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-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-2104 April 2004: The Board of Adjustment **approved** a *Variance* to permit street frontage from 150' to 88.80' and 135.67' to permit a lot-split, on property located at 6130 West 41st Street.

CBOA-2027 January 2003: The Board of Adjustment **approved** a *Special Exception* to permit a previous condition of approval of a home school facility in an RS district to allow the proposed building to be larger than approved, on property located at South of SE/c West 41st Street & 61st West Avenue.

CBOA-2015 November 2002: The Board of Adjustment **approved** a *Special Exception* to permit a home school facility in a RS district, on property located at South of SE/c West 41st Street and South 61st Avenue.

CBOA-2021 January 2003: The Board of Adjustment **approved** a *Special Exception* to permit auto repair and retail tire and accessory sales in a CS zoned district, on property located at 4110 S. 61st W. Ave.

CBOA-1989 July 2002: The Board of Adjustment **approved** a *Special Exception* to permit a car wash in a CS district, on property located at W. 41st Street & 63rd W. Ave.

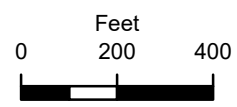
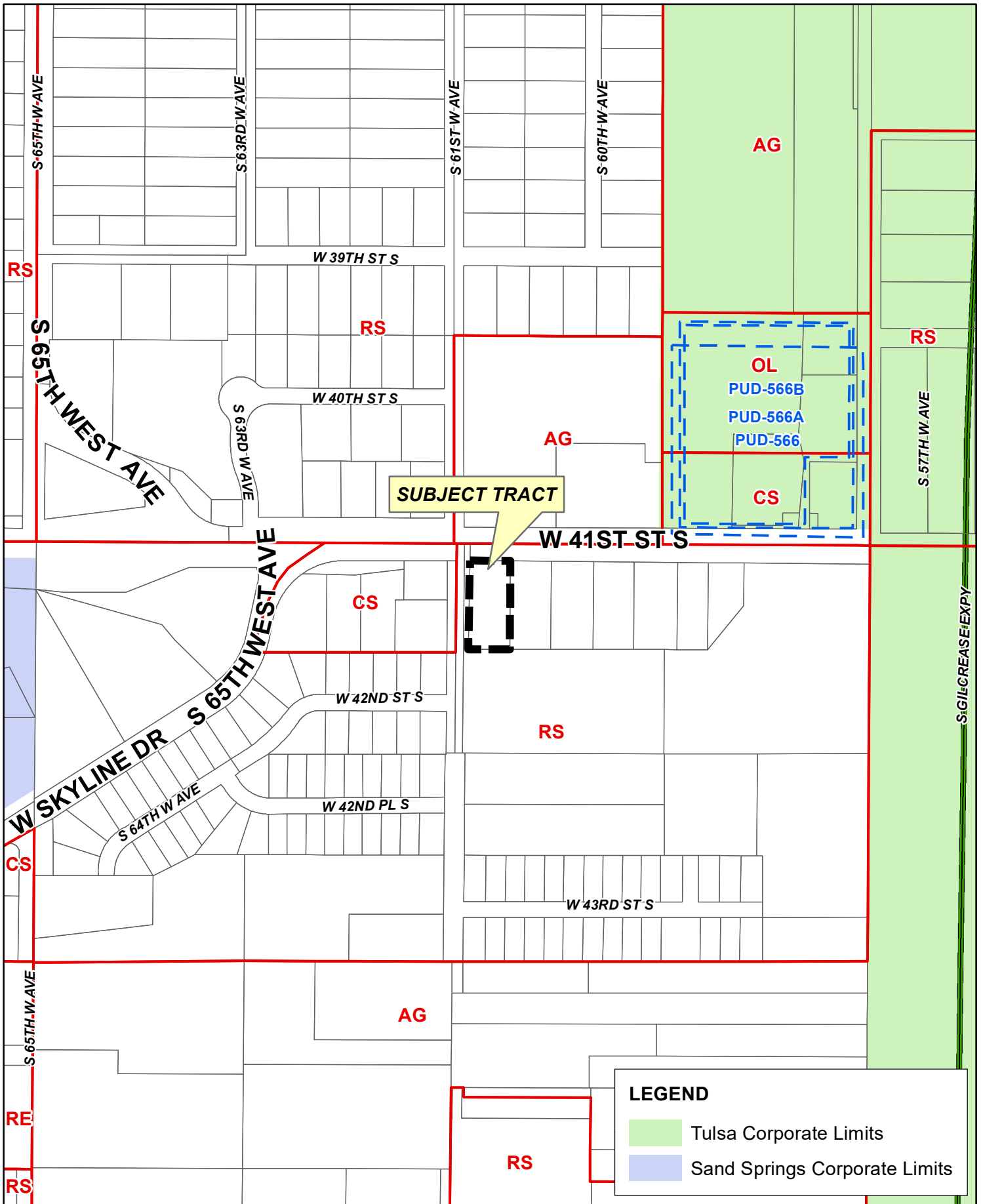
CBOA-1830 April 2001: The Board of Adjustment **approved** a *Special Exception* to permit a 220' monopole wireless telephone transmission tower in AG zoned area within 242' of property zoned RS and OL, on property located at 6035 W. 40th Street.

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

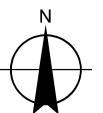
CBOA-846 October 1988: The Board of Adjustment **approved** a *Special Exception* to permit a daycare center in an existing church in an AG zoned district, on property located at 6033 West 40th Street.

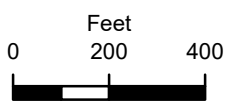
CBOA-518 November 1984: The Board of Adjustment **approved** a *Special Exception* to permit a daycare center with sign, at an existing church building in an AG zoned district, under the provision of Section 1680, on property located at Northeast of 40th Street and west 60th Avenue.



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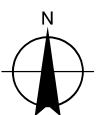
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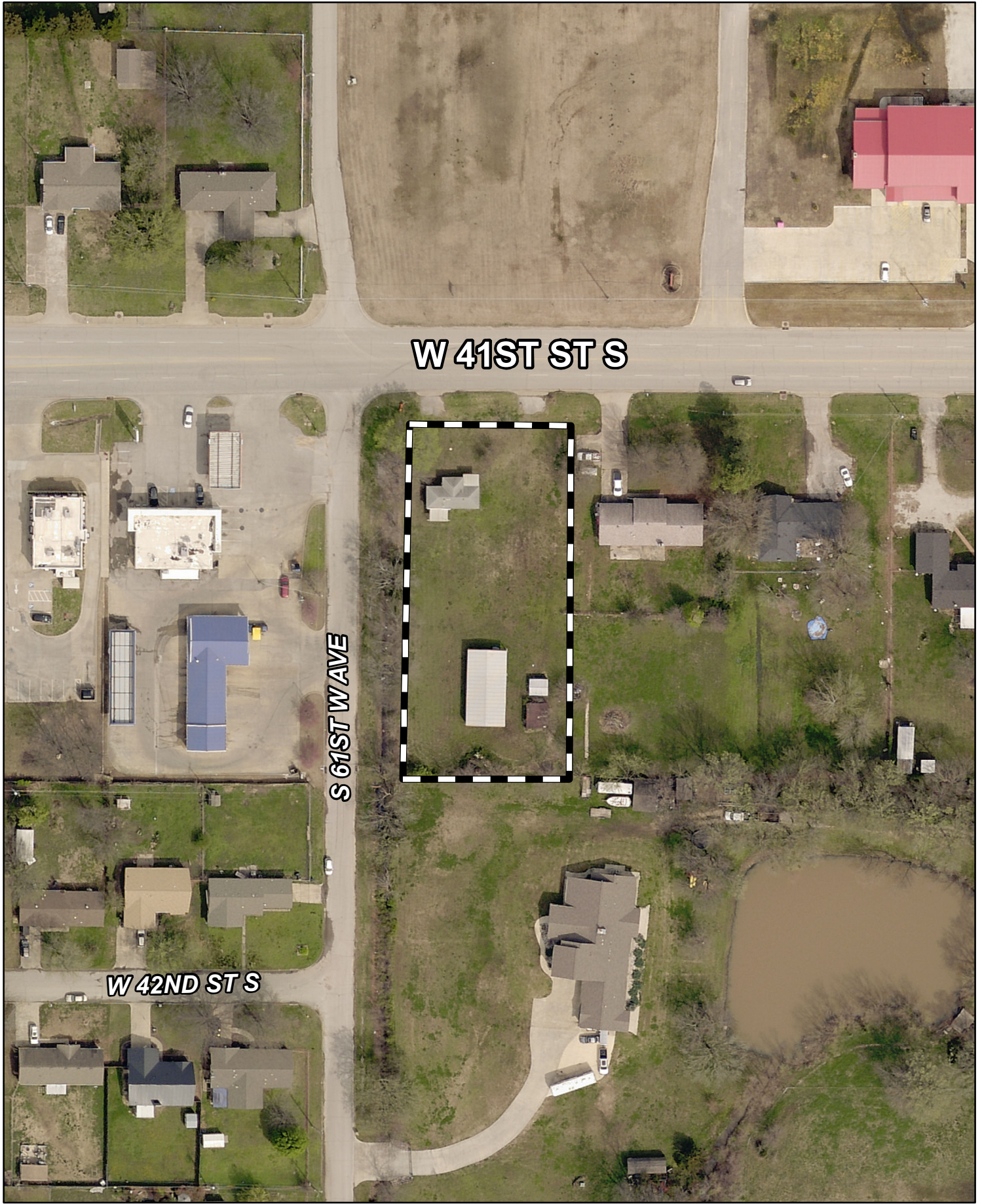




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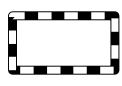
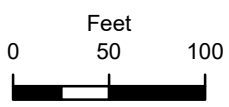




W 41ST ST S

S 61ST WAVE

W 42ND ST S



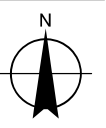
Subject Tract

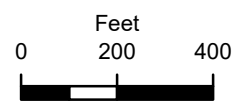
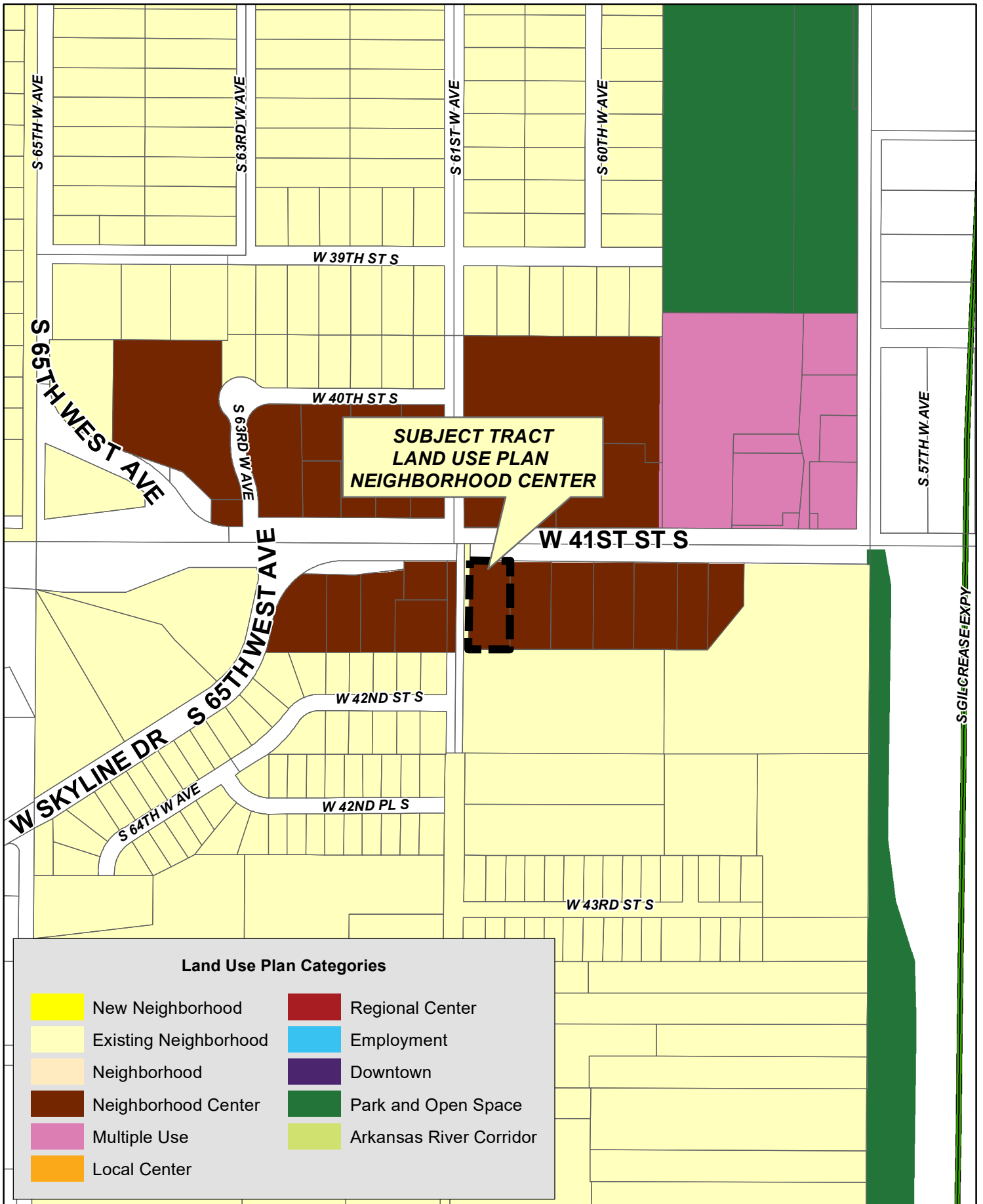
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Note: Graphic overlays may not precisely align with physical features on the ground.

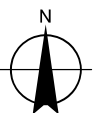
Aerial Photo Date: 2021





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S:GILCREASE/EXPY