



Tulsa Metropolitan Area  
Planning Commission

Case Number: Z-7598

Hearing Date: March 17, 2021

Case Report Prepared by:

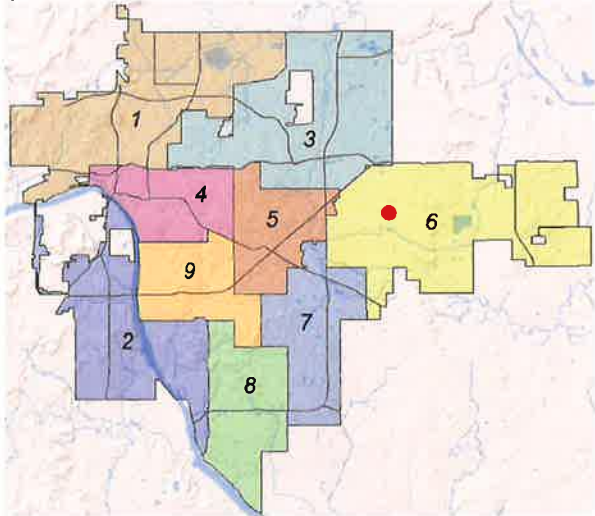
Dwayne Wilkerson

Owner and Applicant Information:

*Applicant:* Gregg Iser

*Property Owner:* Antonio & Eugenia Perez

Location Map:  
(shown with City Council Districts)



Applicant Proposal:

*Present Use:* Warehouse

*Proposed Use:* Uses allowed in a CG district but limited to those uses permitted in the development plan.

*Concept summary:* The first use identified by the applicant is a Horticulture Nursery.

*Tract Size:* 4 ± acres

*Location:* West of the Northwest corner of East 21st Street South & South 145th East Avenue

Zoning:

*Existing Zoning:* CS

*Proposed Zoning:* CG w/optional development plan

Comprehensive Plan:

*Land Use Map:* Regional Center

*Stability and Growth Map:* Area of Growth

Staff Recommendation:

**Staff recommends approval.**

Staff Data:

TRS: 9409

CZM: 39

City Council District: 6

*Councilor Name:* Connie Dodson

County Commission District: 1

*Commissioner Name:* Stan Sallee

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## **SECTION I: Z-7598**

### **APPLICANT DEVELOPMENT CONCEPT:**

The Subject Property consists of one parcel within the existing Eastland Plaza Development and is located at 14303 E. 21<sup>st</sup> Street in Tulsa. The property was developed and was operational as a Toys-R-Us store which went out of business at the time the company declared bankruptcy- largely in part due to the rising popularity of E-commerce and fading retail store structure.

In 2021, Applicant (“XXXSIVE LLC”) leased the Subject Property. In recent years, the trend in many cities around the country has been to repurpose otherwise vacant space to accommodate new uses that were otherwise not conceived at the time the facility was developed. In keeping with this trend, the applicant is seeking to expand the uses allowed on the subject property while maintaining the look and feel of the existing commercial development.

The development area consists of the vacant retail space formerly occupied by Toys-R-Us and associated parking area as illustrated on attached exhibits.

### **APPLICANT BASIS OF APPLICATION:**

The demand for CS retail properties have been severely declining over the past decade. In addition to this change in tenant demand, e-commerce has provided cheaper options for shopper/consumers. The combined effect of these two shifts has forced property owners to expand their thoughts about development on CS type properties.

The Applicant proposes a conversion from CS to CG with an optional development plan to repurpose the area and attract different types of tenant mix than originally contemplated. One of the recently available and rapidly growing use now available involves the legal cultivation of cannabis pursuant to the Tulsa Zoning Code.

### **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:**

Z-7598 requesting CG zoning with an optional development plan is consistent with the Regional Center land use designation of the Comprehensive Plan and;

CG zoning provides a variety of uses not previously allowed in the failed CS zoned district however the optional development plan limits objectionable uses and requires greater site design standards than would be required under CG zoning standards and;

Z-7598 with an optional development plan is consistent with the anticipated future land development opportunities. CG zoning without the optional development plan is injurious to the single-family residential area north of the site and;

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The optional development plan is consistent with the provision of the Tulsa Zoning Code therefore.

**Staff recommends Approval of Z-7598 to rezone property from CS to CG with the provisions of the optional development plan outlined in section II below.**

**SECTION II OPTIONAL DEVELOPMENT PLAN:**

The optional development plan standards will conform to the provisions of the City of Tulsa Zoning Code for development in an CG district with its supplemental regulations and Accessory Use provisions except as further refined below. All uses categories, subcategories or specific uses and residential building types that are not listed in the following permitted uses categories are prohibited:

**A) PUBLIC, CIVIC, AND INSTITUTIONAL**

- College or University
- Day Care
- Hospital
- Library or Cultural Exhibit
- Religious Assembly
- Safety Service
- School
- Utilities and Public Service Facility (minor)
- Wireless Communication Facility (includes all specific uses)

**C) COMMERCIAL**

- Animal Service
  - Boarding or shelter
  - Grooming
  - Veterinary
- Broadcast or Recording Studio
- Commercial Service (includes all permitted specific uses)
- Financial Services (includes all permitted specific uses)
- Funeral or Mortuary Service
- Lodging
  - Hotel/motel
- Office
  - Business or professional office
  - Medical, dental or health practitioner office
- Restaurants and Bars (Restaurant only)
- Retail Sales (includes all permitted specific uses)
- Studio, Artist, or Instructional Service
- Trade School Vehicle Sales and Service (includes all permitted specific uses)

**D) WHOLESALE, DISTRIBUTION AND STORAGE**

- Warehouse Wholesale Sales and Distribution

**E) AGRICULTURAL**

- Community Garden
- Farm, Market- or Community-supported
- Horticulture Nursery

## **SCREENING:**

In addition to the minimum standards of the Tulsa Zoning Code the following standards shall apply prior to receipt of any certificate of occupancy permit including interior remodel occupancy.

Install and maintain a screening fence with a minimum height of 6 feet and a maximum height of 8 feet along the entire north boundary of the subject property.

Masonry screening for dumpster enclosures and ground mounted mechanical equipment shall be installed and maintained as required by the Tulsa Zoning Code.

## **LANDSCAPING:**

In addition to the minimum standards of the Tulsa Zoning Code the following standards shall apply prior to receipt of any interior remodel occupancy.

Street trees as defined in the Tulsa Zoning code shall be installed and maintained as outlined below:

At least one large tree is required per 30 feet of street frontage. If large trees are not appropriate due to the presence of overhead lines, other obstructions, or site visibility considerations, as determined by the land use administrator, at least one small tree is required per 25 feet of street frontage. Street tree requirements may be satisfied by the installation of new trees or by the preservation of existing trees. The tree list prepared by the planning director (see 65.080-A2) identifies and classifies street trees by size.

Required street trees must be located on the subject property within 20 feet of the planned street right-of-way.

Spacing Street trees are not required to be evenly spaced, but the distance between street trees may not exceed 75 feet.

## **SECTION III: Supporting Documentation**

### **RELATIONSHIP TO THE COMPREHENSIVE PLAN:**

*Staff Summary: Repurposing of the existing center into a wider variety of uses is supported in the Regional Center land use vision of the Comprehensive Plan and is anticipated in the Comprehensive Plan. The uses allowed and additional provisions that will require a higher level of screening and landscape standards for future construction.*

### **Land Use Vision:**

*Land Use Plan map designation: Regional Center*

Regional Centers are mid-rise mixed-use areas for large-scale employment, retail, and civic or educational uses. These areas attract workers and visitors from around the region and are key transit hubs; station areas can include housing, retail, entertainment, and other amenities. Automobile parking is provided on-street and in shared lots. Most Regional Centers include a parking management district.

*Areas of Stability and Growth designation: Area of Growth*

The purpose of an Area 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 in 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: 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 property is part of a shopping center that has been abandon and repurposed with a small event center. The center is prime for redevelopment opportunities provided by the successful renovation of the old Eastland Mall south of 21<sup>st</sup> street.*

Environmental Considerations: None that would affect redevelopment.

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP RW</u>	<u>Exist. # Lanes</u>
East 21 <sup>st</sup> Street South	Primary Arterial with multi modal overlay	120 feet	4

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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	PUD-181 with underlying RS-3 and RD zoned property	Existing neighborhood	Stability	Single Family Residential
East	CS	Regional Center	Growth	Shopping Center
South	CS	Regional Center	Growth	Repurposed shopping center but mostly an office complex.
West	CG with optional development plan	Regional Center	Growth	Climate Controlled Self Storage

**SECTION III: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11812 dated June 26, 1970 established zoning for the subject property.

***Subject Property:***

**Z-7326/PUD-844 (Withdrawn April 2016):** A request to *rezone* a 20.75± acre tract of land from CS to CG a proposed *Planned Unit Development* for a mixed-use development on property located north and west of the northwest corner of East 21<sup>st</sup> Street and South 145<sup>th</sup> East Avenue was withdrawn by the applicant April 11, 2016.

**Z-7308/PUD-835 (Withdrawn September 2015):** A request to *rezone* a 20.75± acre tract of land from CS to CG a proposed *Planned Unit Development* for a mixed-use development on property located north and west of the northwest corner of East 21<sup>st</sup> Street and South 145<sup>th</sup> East Avenue was withdrawn by the applicant September 2<sup>nd</sup>, 2015.

***Surrounding Property:***

**BOA-23013 October 2020:** The Board of Adjustment **approved** a *Special Exception* to permit a Horticulture Nursery Use in the CG District, subject to conceptual plan 11.20 of the agenda packet, on property located at 14002 East 21<sup>st</sup> Street South.

**Z-7564 ODP August 2020:** All concurred in **approval** of a request for *rezoning* with an *Optional Development Plan* a 65.95± acre tract of land from CS/RM-1 to CG for commercial, on property located at the southwest corner of East 21<sup>st</sup> Street South and South 145<sup>th</sup> East Avenue.

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**Z-7347 ODP July 2016:** All concurred in **approval** of a request for *rezoning* with an *Optional Development Plan* a 7.44± acre tract of land from CS to CG for commercial/retail, on property located west of the northwest corner of East 21<sup>st</sup> Street South and South 145<sup>th</sup> East Avenue.

**BOA-20999 November 2009:** The Board of Adjustment **approved** a *Special Exception* to permit trade school use (Use Unit 15) in the CS district, with conditions for no outside storage or activity around the building and that they conform to the City of Tulsa building and fire codes, on property located at southwest corner of East 21<sup>st</sup> Street and South 145<sup>th</sup> East Avenue.

**BOA-17827 September 1997:** The Board of Adjustment **approved** a *Special Exception* to permit a trade-vocational school in a CS district, per plan submitted, on property located at 14002 East 21<sup>st</sup> Street.

**BOA-14834 May 1988:** The Board of Adjustment **approved** a *Special Exception* to allow for automotive and allied activities (tire storage) in a CS zoned district, subject to no outside storage, and subject to all activities being conducted inside the building, on property located at the northwest corner of 21<sup>st</sup> Street and South 145<sup>th</sup> East Avenue.

**PUD-181 April 1976:** All concurred in **approval** of a proposed *Planned Unit Development* on a 166± acre tract of land that is broken up into Development Areas, to allow for single-family, duplex, townhouses, and garden apartments, and clustered single-family residences, on property located north and west of East 21<sup>st</sup> Street and South 145<sup>th</sup> East Avenue.

**Z-4640 May 1974:** All concurred in **approval** of a request for *rezoning* a 10.49± acre tract of land from RM-1 to CS shopping center, on property located southwest corner of 21<sup>st</sup> Street and 145<sup>th</sup> East Avenue.

**BOA-08139 December 1973:** The Board of Adjustment **approved** an *Exception* to use the property for automotive and allied services, an operation not permitted by right in CS, on property located at southeast corner of East 21<sup>st</sup> Street and 137<sup>th</sup> East Avenue.

**Z-4375 May 1973:** All concurred in **approval** of a request for *rezoning* a 5± acre tract of land from AG to CS for commercial, on property located west of the northwest corner of 21<sup>st</sup> Street and 145<sup>th</sup> East Avenue.

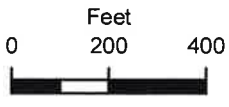
**Z-3821 December 1971:** All concurred in **approval** of a request for *rezoning* a 14.5± acre tract of land from AG to CS/RM-2 for furniture store, on property located north side of 21<sup>st</sup> Street, west of 145<sup>th</sup> East Avenue.

**BOA-06051 November 1968:** The Board of Adjustment **granted** an *Exception* to permit erecting a church in a U-1C district, on property located on the north side of 21<sup>st</sup> Street, ¼ mile west of 145<sup>th</sup> East Avenue.

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Subject Tract

19-14 09

# Z-7598 with Optional Development Plan

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

Aerial Photo Date: February 2018



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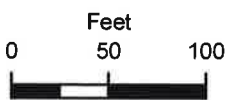


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Subject Tract

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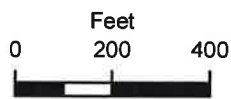
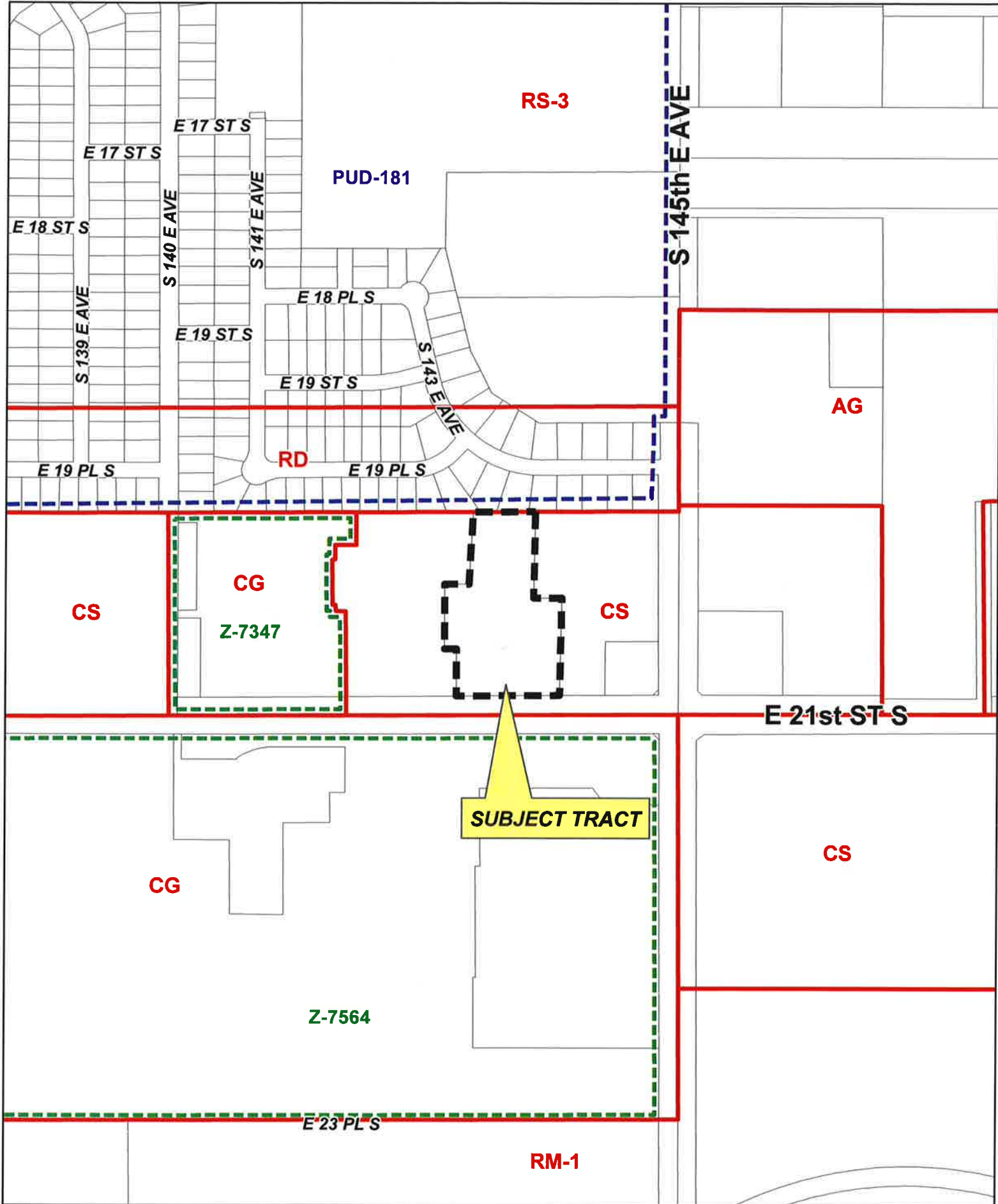
**Z-7598**  
**with Optional**  
**Development Plan**

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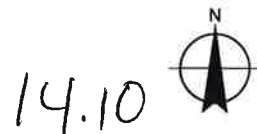
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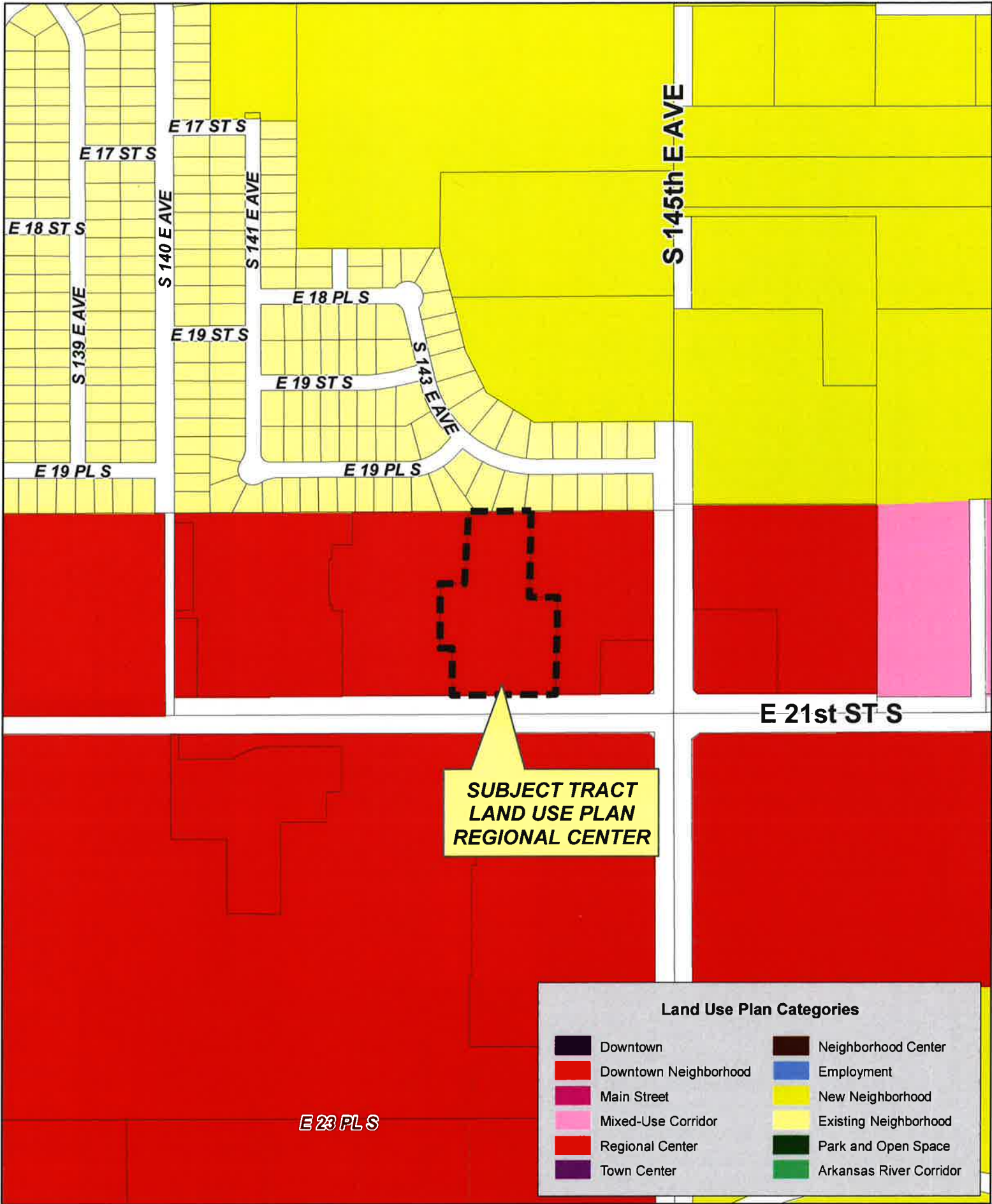


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**Z-7598**  
*with Optional  
 Development Plan*







**SUBJECT TRACT  
LAND USE PLAN  
REGIONAL CENTER**

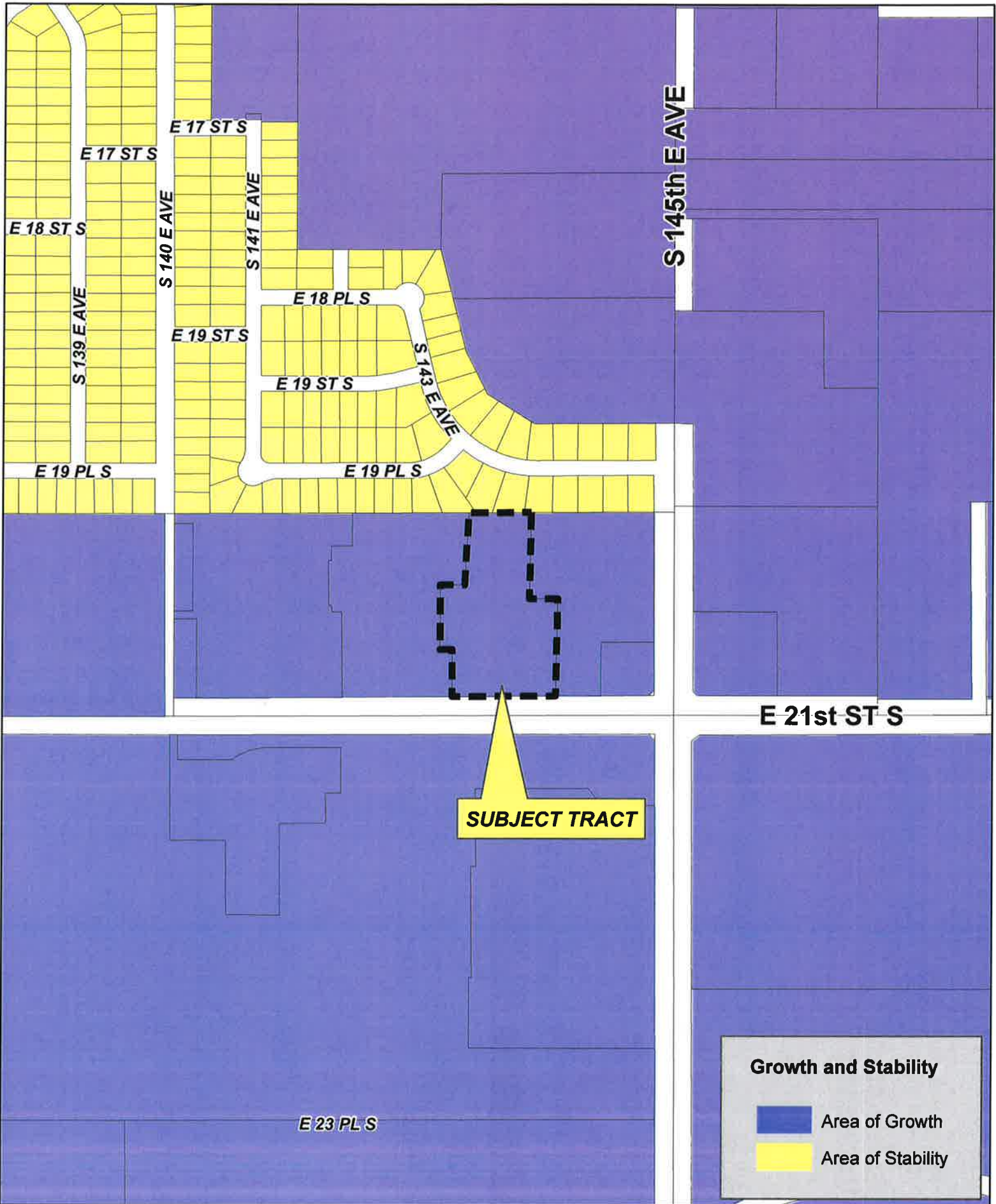


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**Z-7598  
with Optional  
Development Plan**

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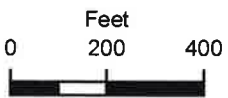




**SUBJECT TRACT**

**Growth and Stability**

- Area of Growth
- Area of Stability



19-14 09

**Z-7598**  
**with Optional**  
**Development Plan**

