



Tulsa Metropolitan Area
Planning Commission

Case Number: Z-7601

Hearing Date: April 21, 2021

Case Report Prepared by:

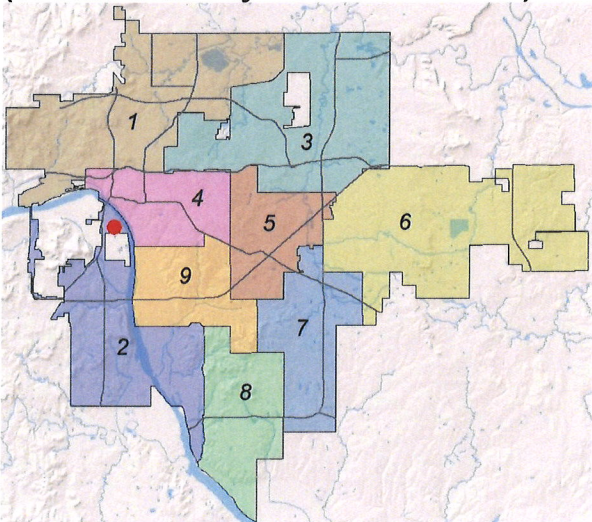
Dwayne Wilkerson

Owner and Applicant Information:

Applicant: Matthew Boyd

Property Owner: Tom & Viv Holdings LLC

Location Map:
(shown with City Council Districts)



Applicant Proposal:

Present Use: Medical Marijuana Dispensary

Proposed Use: Dispensary & Low-Impact Medical Marijuana Processing

Concept summary: Rezone from CS to CH to expand allowed uses.

Tract Size: 0.92 ± acres

Location: West of the Southwest corner of West 23rd Street South and South Jackson Avenue

Zoning:

Existing Zoning: CS

Proposed Zoning: CH

Comprehensive Plan:

Land Use Map: Mixed-Use Corridor

Stability and Growth Map: Area of Growth

Staff Recommendation:

Staff recommends approval.

Staff Data:

TRS: 9214

CZM: 36

City Council District: 2

Councilor Name: Jeannie Cue

County Commission District: 2

Commissioner Name: Karen Keith

7.1

SECTION I: Z-7601

DEVELOPMENT CONCEPT: Rezone from CS to CH to expand allowable uses and expand maximum floor area opportunities.

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 Provided

DETAILED STAFF RECOMMENDATION:

Z-7601 requesting CH zoning allows uses and building types that are consistent with the Mixed-Use land use designation.

The Eugene Fields small area plan was adopted in 2013 and recognized that this site is part of a Mixed-Use Corridor. Uses allowed in a CH district are consistent with that vision.

Uses allowed in an CH district are consistent with the expected development pattern of the surrounding properties.

The Area of Growth anticipates redevelopment opportunities and CH zoning supports uses that are included in that concept therefore,

Staff recommends Approval of Z-7601 to rezone property from CS to CH.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Uses and building placement supported in a CH district are consistent with the expected development pattern in the area and consistent with the development.

Land Use Vision:

Land Use Plan map designation: Mixed-Use Corridor

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.

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 close 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:

The Major Street and Highway Plan illustrates this site as an urban arterial street with a multi modal corridor designation. The cross section for an urban arterial / multi-modal street cross includes two lanes with no center turn lane, bike lanes and 11-foot-wide sidewalks and street trees on one side.

The small area plan recommendation for W. 23rd is not consistent and includes 4 lanes with no bike lane and no center turn lane.

Trail System Master Plan Considerations: None

Small Area Plan: Eugene Field Small Area Plan

This site is near the center of the Eugene Field Small Area plan and is one of the few commercial development opportunities in the area and is illustrated in the plan between two Urban Renewal Housing properties. The plan was effective May 2013. Significant redevelopment has started on the north side of E. 23rd Street directly across the street from the subject property.

The plan has specific recommendations for increasing the commercial development opportunities, encouraging building placement closer to the street, installing trees along the street and generally improving the pedestrian experience along West 23rd Street South.

The small area plan recommends removing the center turn lane on West 23rd Street South widening sidewalks and installing street trees.

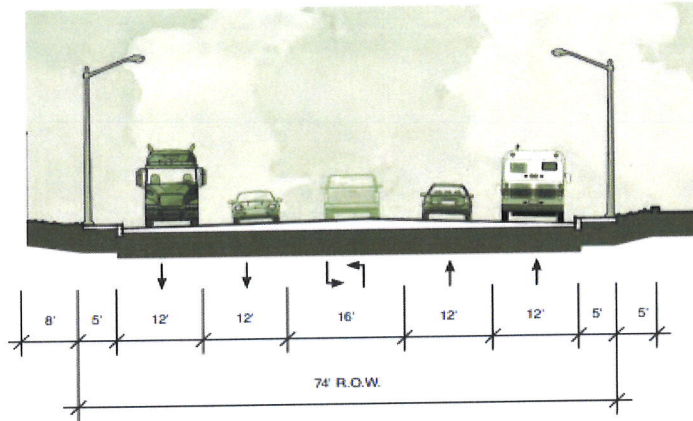
Several recommendations were provided in the plan. One of the recommendations specific to this site is to “clearly define the character of West 23rd Street as the neighborhood commercial center, encouraging retail and neighborhood services to locate along this corridor.”

Street Cross Sections shown on the following page are part of the Eugene Fields Small Area Plan:

7.3

West 23rd Street

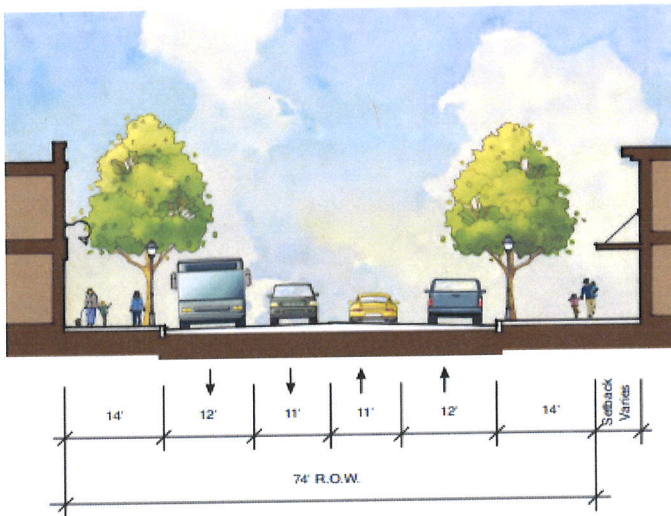
EXISTING CONDITIONS



PROPOSED IMPROVEMENTS

- » Eliminate central turn lane
- » Narrow lanes to improve pedestrian crossings
- » Provide a 14-foot sidewalk on both sides to facilitate commercial activity
- » Traffic light at South Nogales Avenue

PROPOSED CONDITIONS



Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: This rezoning request is part of the existing shopping center. The street view is from the north boundary looking south.



Environmental Considerations: None that would affect CH zoning decisions.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
West 23 rd Street South	Urban Arterial	70 feet	5 Two lanes each direction with median and left turn lanes.

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<u>Location</u>	<u>Existing Zoning</u>	<u>Existing Land Use Designation</u>	<u>Area of Stability or Growth</u>	<u>Existing Use</u>
North	MX1-U-55	Mixed-Use Corridor	Growth	Multifamily re-development (Aerial photos illustrate buildings that have been removed. New construction is in process)
East	CS	Mixed-Use Corridor	Growth	Shopping center
South	RM-2	New Neighborhood	Growth	Multifamily
West	CS	Mixed-Use Corridor	Growth	Shopping Center

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11814 dated June 26, 1970 established zoning for the subject property.

Subject Property:

BOA-19950 January 2005: The Board of Adjustment **approved** a *Variance* of required parking for a church located in a shopping center in a CS district from 185 spaces to 84 spaces, finding the times the church would need parking spaces, Sundays and Wednesdays would be when most of the tenants would be closed and to tie the approval to the space known as 734 West 23rd Street, containing approximately 4,087 sq. ft., on property located at 734 West 23rd Street South.

BOA-08361 September 1974: The Board of Adjustment **approved** an *Exception* to construct, maintain, and permit use of an auto wash facility, subject to the submission of building plans to the TURA board for its approval, reaffirming the minutes of April 6, 1972 in regard to the landscape being provided in lieu of the screening fence between the CS and the RM-2 to the south, in a CS District, on property located at 726 West 23rd Street.

BOA-08054 September 1973: The Board of Adjustment **approved** a *Minor Variance* for a waiver of major street setback requirements from 60' to 40' from the centerline of 23rd Street to permit the erection of a pole sign, subject to the customary removal contract, and that the sign not hang over the right of way in a CS District on property located at 724 West 23rd Street.

BOA-07399 April 1972: The Board of Adjustment **approved** an *Exception* to modify the screening wall requirements on the south side between apartments and shopping center in a CS District, subject to approval of the landscaping plan by the Tulsa Urban Renewal Authority and the housing project (Riverview Village, Inc.), on property located at 704 West 23rd Street.

Surrounding Property:

BOA-22788 November 2019: The Board of Adjustment **approved** the request for a *Variance* to reduce the required Transparency Percentages for a building façade in a MX-1-U District; *Variance* of the required minimum parking ratios for an Apartment/Condo in an MX-1-U District, subject to conceptual plans 21.8-21.14 of the agenda packet, finding the hardship to be the uniqueness of the property as well as the intended for residential use, subject to the reduction in transparency from 20% to 10% be only applicable to residential buildings and the parking be based on one off street parking space per unit, on property located north of West 23rd Street South and South of West 21st Street South between Southwest Boulevard and South Jackson Avenue.

Z-7494/PUD-796-A Abandonment September 2019: All concurred in **approval** of a request for *rezoning* a 41.1+ acre tract of land from RM-1/RM-2/CS/CH to MX1-U-55 and *Major Amendment* to Abandon PUD-796 for a mixed-use development, on property located southeast corner of Southwest Boulevard and West 21st Street South.

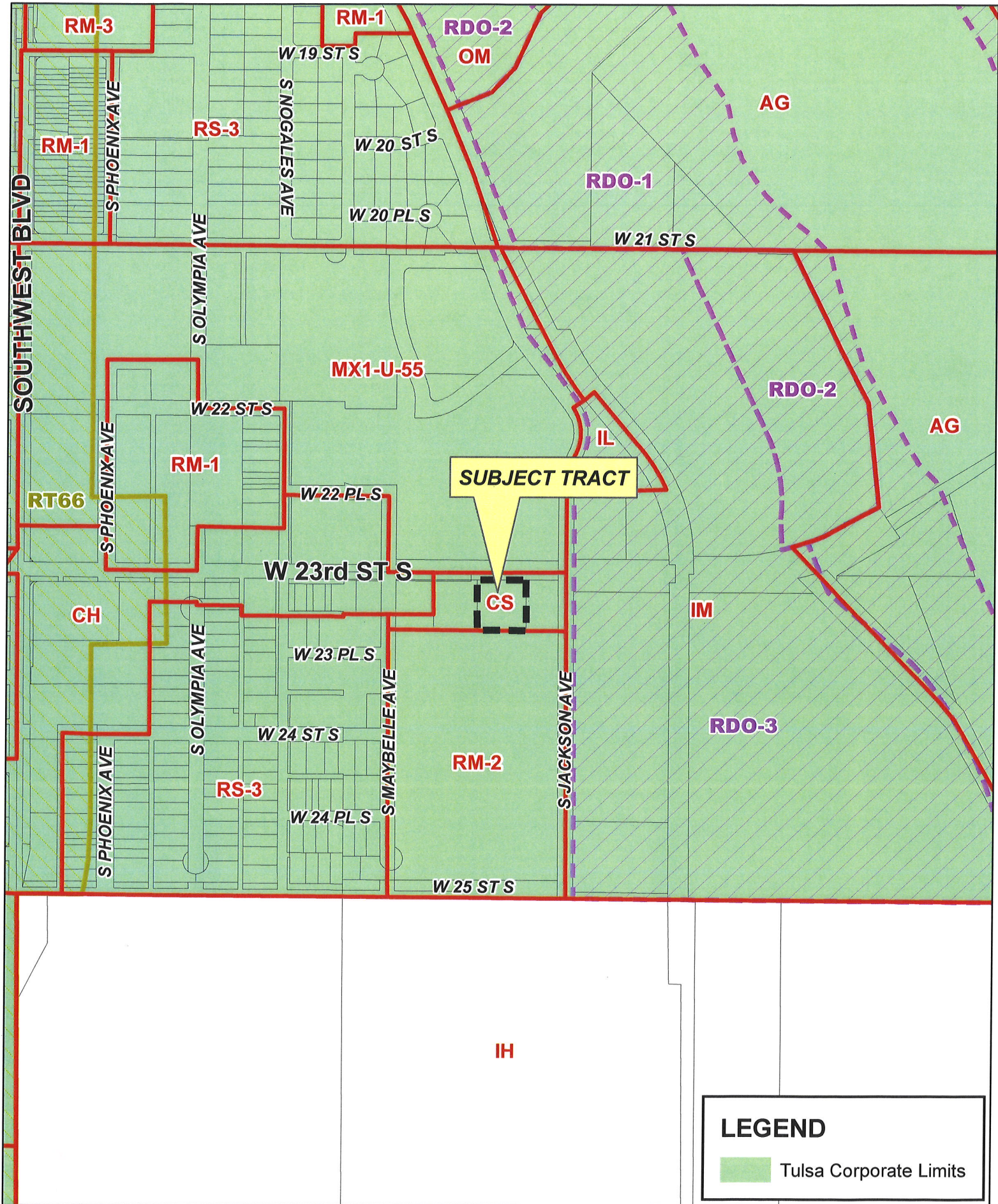
SA-1 September 2016: All concurred in **approval** of a request for a Special Area Overlay on multiple properties along the Arkansas River extending from W. 11th St. S. to E. 121st St. S., to establish the River Design Overlay as a supplemental zoning, RDO-1, RDO-2, or RDO-3 and regulations to govern the form, function, design and use of the properties located within the boundaries of the River Design Overlay District. The regulations are generally intended to maintain and promote the Arkansas River corridor as a valuable asset to the city and region in terms of economic development and quality of life.

BOA-19632 August 2003: The Board of Adjustment **approved** a *Special Exception* to allow the screening fence to be moved, per plan, on property located at south of the southeast corner of West 23rd Street and South Maybelle.

BOA-09047 June 1976: The Board of Adjustment **approved** an *Exception* to modify the screening requirements where an alternative screening will provide visual separation of uses, subject to an agreement between the property owners being made a part of the record, in a CS District, on property located at 704-818, inclusive, West 23rd Street.

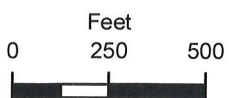
BOA-07055 June 1971: The Board of Adjustment **approved** a *Variance* to modify the parking requirements in an RM-2 District from 388 spaces to 345 spaces, on property located at 2316 South Jackson Avenue.

BOA-06807 November 1970: The Board of Adjustment **approved** a *Variance* under the provision of Section 1470.1, to permit more than 40 units on 1 lot (as evidenced by plans previously approved by the Planning Commission and City Commission), on property located between 22nd Street and 26th Street, between Southwest boulevard and Jackson Avenue.



LEGEND

Tulsa Corporate Limits



Z-7601

19-12 14



SOUTHWEST BLVD

S PHOENIX AVE

W 19 ST S

S NOGALES AVE

W 20 ST S

W 20 PL S

W 21 ST S

S OLYMPIA AVE

W 22 ST S

W 22 PL S

W 23rd ST S

W 23 PL S

W 24 ST S

W 24 PL S

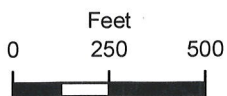
S MAYBELLE AVE

S JACKSON AVE

W 25 ST S

S PHOENIX AVE

S OLYMPIA AVE



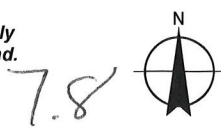
Subject
Tract

Z-7601

19-12 14

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

Aerial Photo Date: February 2018





W 23rd ST S

S JACKSON AVE

0 50 100
Feet



Subject
Tract

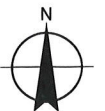
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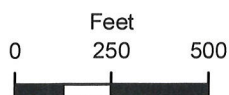
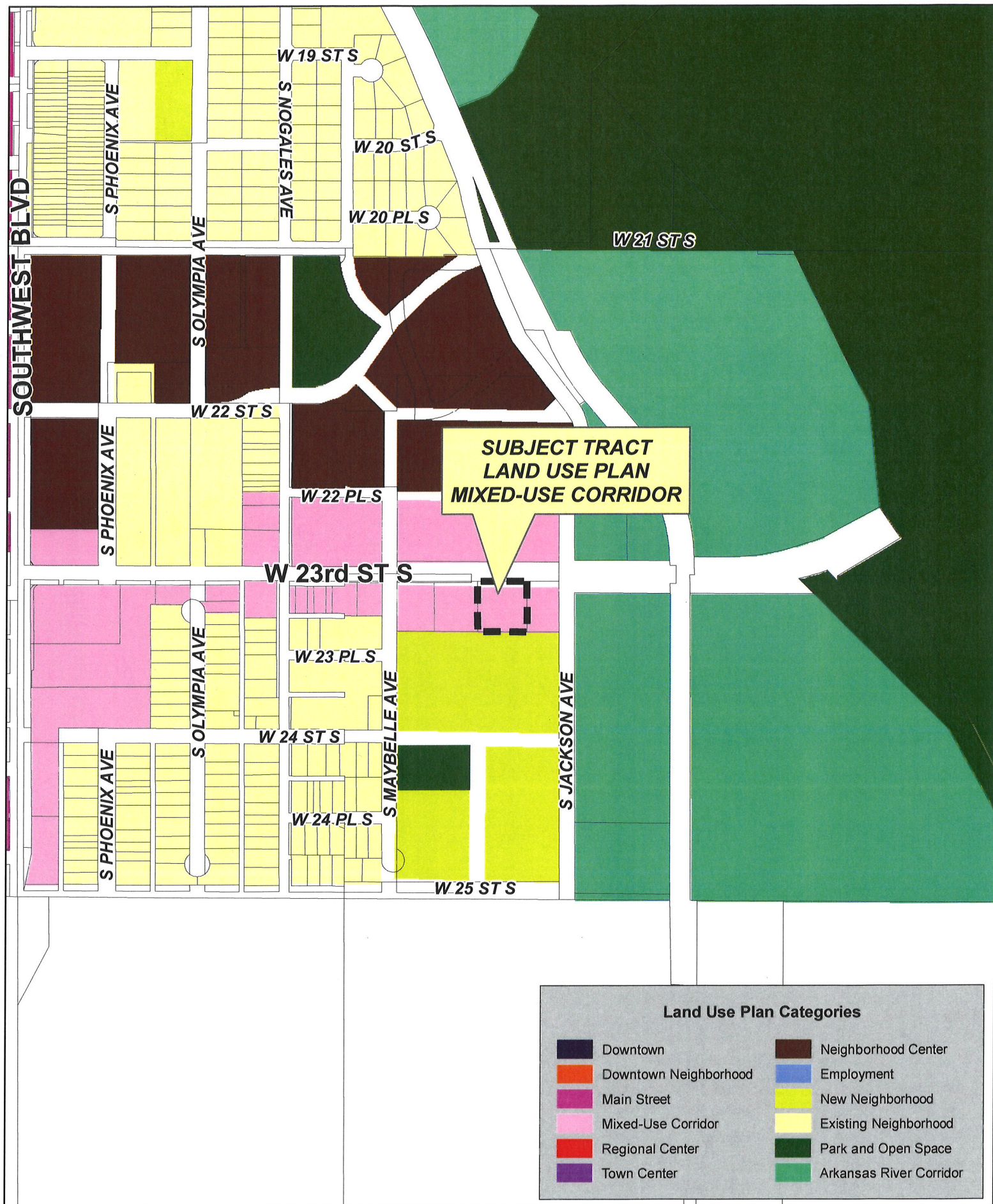
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Aerial Photo Date: February 2018

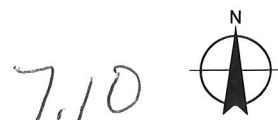
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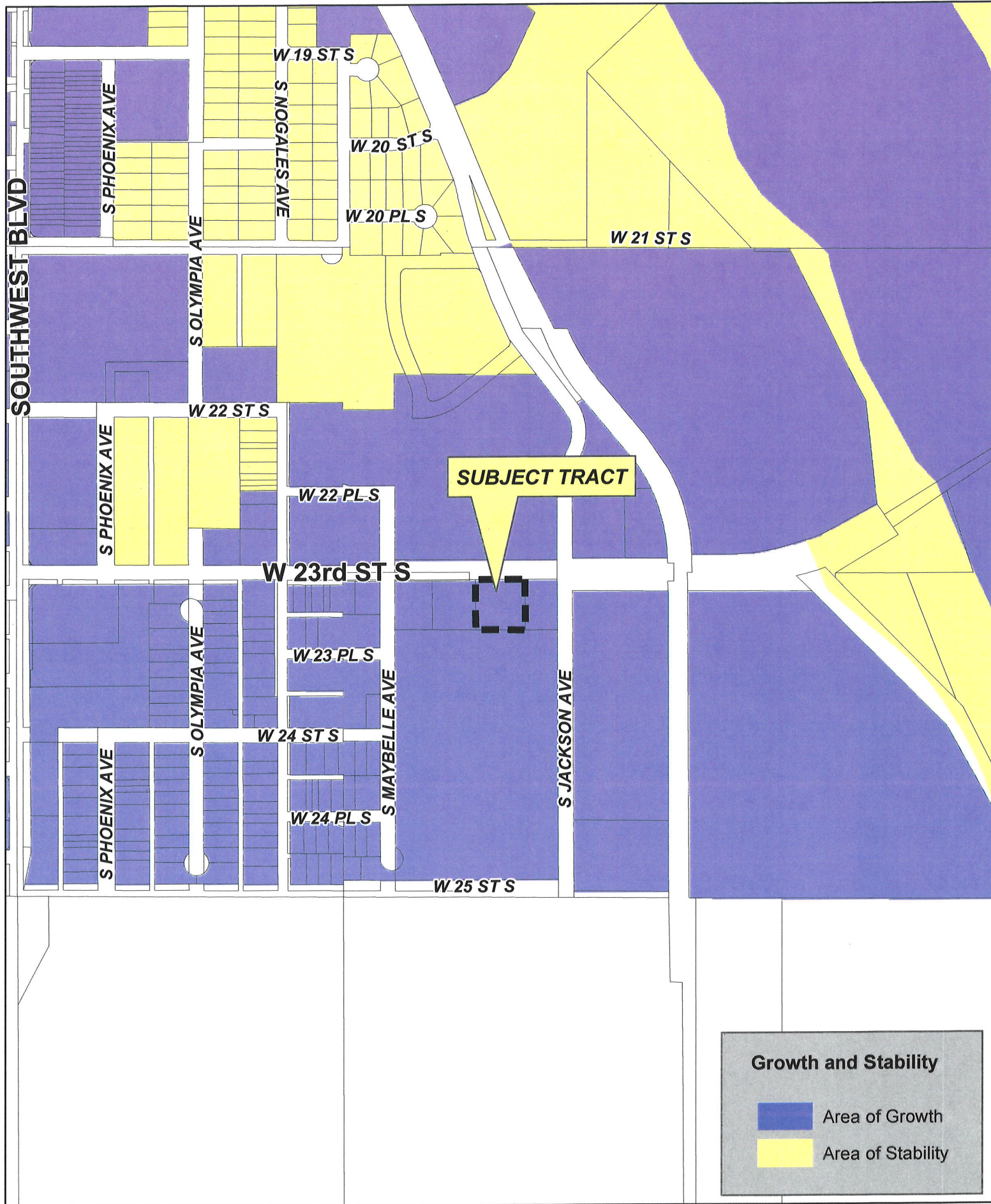




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