TMAPC
Tulsa Metropolitan Area
Planning Commission

Case Number: Z-7680 wih optional development plan

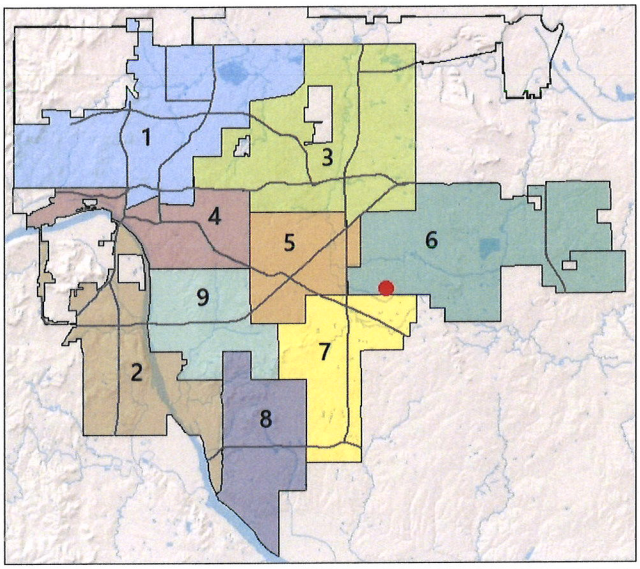
Hearing Date: October 19, 2022

Case Report Prepared by:

Dwayne Wilkerson

Owner and Applicant Information:
Applicant: Lou Reynolds
Property Owner: KEY PLUS PROPERTIES LLC

Location Map:
(shown with City Council Districts)



Applicant Proposal:

Present Use: Commercial Center

Proposed Use: Commercial Center

Concept summary: Rezone from CS to CH with optional development plan to support a wider variety of uses but prohibit uses not normally considered appropriate in a Neighborhood Center

Tract Size: 4.59 ± acres

Location: Northwest corner of East 41st Street and South 129th East Avenue

Zoning:

Existing Zoning: CS

Proposed Zoning: CH with optional development plan

Comprehensive Plan:

Land Use Map: Neighborhood Center

Stability and Growth Map: Area of Growth

Staff Recommendation:

Staff recommends approval.

Staff Data:

TRS: 9420
CZM: 49

City Council District: 6

Councilor Name: Connie Dodson

County Commission District: 1

Commissioner Name: Stan Sallee

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SECTION I: Z-7680

DEVELOPMENT CONCEPT:

The proposal is to rezone from CS to CH with optional development plan to support a wider variety of uses but prohibit uses not normally considered appropriate in a Neighborhood Center.

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: Original submittal

DETAILED STAFF RECOMMENDATION:

The CH district is primarily intended to accommodate high-intensity commercial and related uses primarily in the core area of the city and encourage use of properties and existing buildings along older commercial corridors and minimize encroachment and adverse land use impacts on stable residential neighborhoods.

CH zoning in this existing shopping center is not normally appropriate without a development plan limiting some objectionable uses however the CH district provides some advantages to allow additional redevelopment opportunities including reduced parking requirements and increased floor area allowances and,

The existing shopping center has experienced some growth and employment opportunities for uses not allowed in a CS district and are not allowed without a zoning change. The CH district with the development plan allows compatible uses that are consistent with the expected future development of the area and prohibits objectionable uses that are not normally included in a Neighborhood Center and

The optional development plan is consistent with the provisions of Section 70.040 of the Tulsa Zoning Code therefore,

Staff recommends Approval of Z-7680 to rezone property from CS to CH but only with the optional development plan as defined in Section II below.

SECTION II OPTIONAL DEVELOPMENT PLAN STANDARDS:

The optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in CH district with its supplemental regulations and accessory use provisions.

All uses categories, subcategories or specific uses and residential building types are allowed in a CH district except the following prohibited uses.

PROHIBITED USE CATEGORIES, SUBCATEGORIES AND SPECIFIC USES:

Self-Storage (May be allowed with approval of a special exception)

Vehicle Sales and Service are allowed except the following specific uses are prohibited:

Commercial Vehicle Repair/Maintenance
Truck Stop
Commercial Vehicle Sales and Rentals
Personal Vehicle Sales and Rentals
Vehicle Body and Paint Finishing Shop

All Wholesale, Distribution and Storage uses and subcategories

All Industrial uses and subcategories.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: *CH zoning with the optional development plan is only consistent with the expected development in a Neighborhood Center with the provisions outlined in the optional development plan.*

Land Use Vision:

***Land Use Plan map designation*:** Neighborhood Center
This land use designation should include 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 number of destinations.

***Areas of Stability and Growth designation*:** Area of Growth
An area of growth is a designation 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."

Transportation Vision:

***Major Street and Highway Plan*:**

East 41st Street South is considered a multi-modal corridor. Future development should 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 subject property was originally developed as a neighborhood shopping center with a wide variety of retail uses including offices, restaurants grocery story and a fueling station at the corner.*

Environmental Considerations: None that would affect site development with additional allowed uses.

Streets:

Existing Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 41st Street South	Secondary Arterial Classified as a multi modal corridor	100 feet	6 lanes, 2 westbound, 4 eastbound including turn lanes
South 129th East Avenue	Secondary Arterial	100 feet	6 lanes, 2 northbound, 4 southbound including turn lanes

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	CS	Neighborhood Center	Growth	Mixed Commercial uses including car wash, mini storage
East	CS	Existing Neighborhood	Growth	Multi family and
South	SR	Employment	Growth	Undeveloped
West	CS	Neighborhood Center	Growth	Commercial and mini storage

SECTION III: Relevant Zoning History

History: Z-7680

Subject Property:

ZONING ORDINANCE: **Z-4017 December 1971:** All concurred in **approval** of a request for *rezoning* a 153.90± acre tract of land from AG to RD, RS-3, RM-1, & CS on property located at the northwest corner of the intersection of 41st Street South and 129th East Avenue.

BOA-16631 April 1994: The Board of Adjustment **approved** a *Special Exception* to reduce the number of off-street parking spaces or to allow required parking on a lot other than the lot containing the principal use & a *Variance* of the all-weather surface requirement for parking, on property located at 12747 East 41st Street.

BOA-12814 October 1983: The Board of Adjustment **approved** a *Variance* to permit the erection of a free-standing canopy in conjunction with a gasoline service station in a CS zoned district, on property located at Northwest corner of east 41st street and 129th East Avenue.

Surrounding Property:

BOA-20124-A July 2009: The Board of Adjustment **approved** a *modification of the previously approved site plan*, on property located at 4019 South 127th East Avenue.

BOA-20124 August 2005: The Board of Adjustment **approved** an amendment to a previously approved plot plan (BOA-16712) to add an addition to the existing office building, on property located at 12752 East 49th Street South.

BOA-18101 July 1998: The Board of Adjustment **approved** a *Special Exception* to permit a mini-storage in a CS district and/or Special Exception for a mini-storage and a car wash in a CS district & a Variance of the required setback from the centerline of East 40th Street South from 50' to 26', on property located at Southwest corner East 40th Street South & 129th east Avenue.

BOA-17323 March 1996: The Board of Adjustment **approved** a *Special Exception* to permit a temporary tent for a 7-day period in July or August each year for five years to permit the Gatesway International Balloon Festival, on property located at Southwest corner of East 41st street and South 129th East Avenue.

PUD-221-E August 1996: All concurred in **approval** of a proposed *Planned Unit Development* amendment on a tract of land to add a Use Unit 4, 100' high monopole cellular telephone antennae tower to the permitted uses on a tract approximately 100' x 100' in size, immediately east of an existing apartment complex. Planned for residential uses and the area to the north, across 41st street contains duplexes and single-family homes on property located East of 129th East Avenue on the 41st street South.

BOA-17190 September 1995: The Board of Adjustment **approved** a *minor amendment to a previously approved site plan and request approval for "Building 14" to be built either 20' deep as currently shown on the approved site plan or at 25' deep as an option*, on property located at Southeast corner of 127th East Avenue and East 40th Street South.

BOA-17064 June 1995: The Board of Adjustment **approved** a *Special Exception* to permit a temporary tent for a period from August 1, 1995, through August 7, 1995, for the Gatesway Foundation to conduct the Gatesway International Balloon Festival, on property located at 4500 South 129th East Avenue.

BOA-17024 April 1995: The Board of Adjustment **approved** an amended site plan previously approved by BOA-16712, on property located at Southeast corner of 127th East Avenue & east 40th Street South.

BOA-17006 March 1995: The Board of Adjustment **denied** a *request for a minor special exception to amend a previously approved site plan (BOA-16712)*, on property located at Southeast corner of East 40th Street & South 127th East Avenue.

BOA-16789 September 1994: The Board of Adjustment **approved** an amended site plan approval, on property located at Lots 3 & 4, Block 1, Park Plaza Addition.

BOA-16712 June 1994: The Board of Adjustment **approved** a *Special Exception* to permit Use Unit 17 (mini Storage) in a CS District, & a *Special Exception* to permit a single-family residence to be used as a manager's residence & a *Variance* of the required setback from the centerline of South 127th East Avenue and 40th Street South & a *Variance* to permit open air storage or display of merchandise within 300' of the abutting R district, on property located at Southeast corner of 127th East Avenue and East 40th Street.

BOA-15631 March 1991: The Board of Adjustment **approved** a *Special Exception* to permit Use Unit 17 (mini-storage business) in a CS District & a *Special Exception* to permit a single-family dwelling to be used as a manager's residence in a CS District & a *Variance* of the required setback, as measured from the centerline of 127th East avenue, from 50' to 25' & a *Variance* of the required setback, as measured from the centerline of 40th Street south, from 50' to 25' & a *Variance* to permit open air storage or display of merchandise offered for sale within 300' of an adjoining R District, on property located at Southeast corner of 127th East Avenue and East 40th Street South.

BOA-8914 February 1976: The Board of Adjustment **approved** a *Special Exception* to permit a modification of the screening requirement where the purpose of screening requirement cannot be achieved in a CS District, on property located at North and West of 41st and 129th East Avenue.

Z-4017 December 1971: All concurred in **approval** of a request for *rezoning* a 153.90± acre tract of land from AG to RD, RS-3, RM-1, & CS on property located at the northwest corner of the intersection of 41st Street South and 129th East Avenue.

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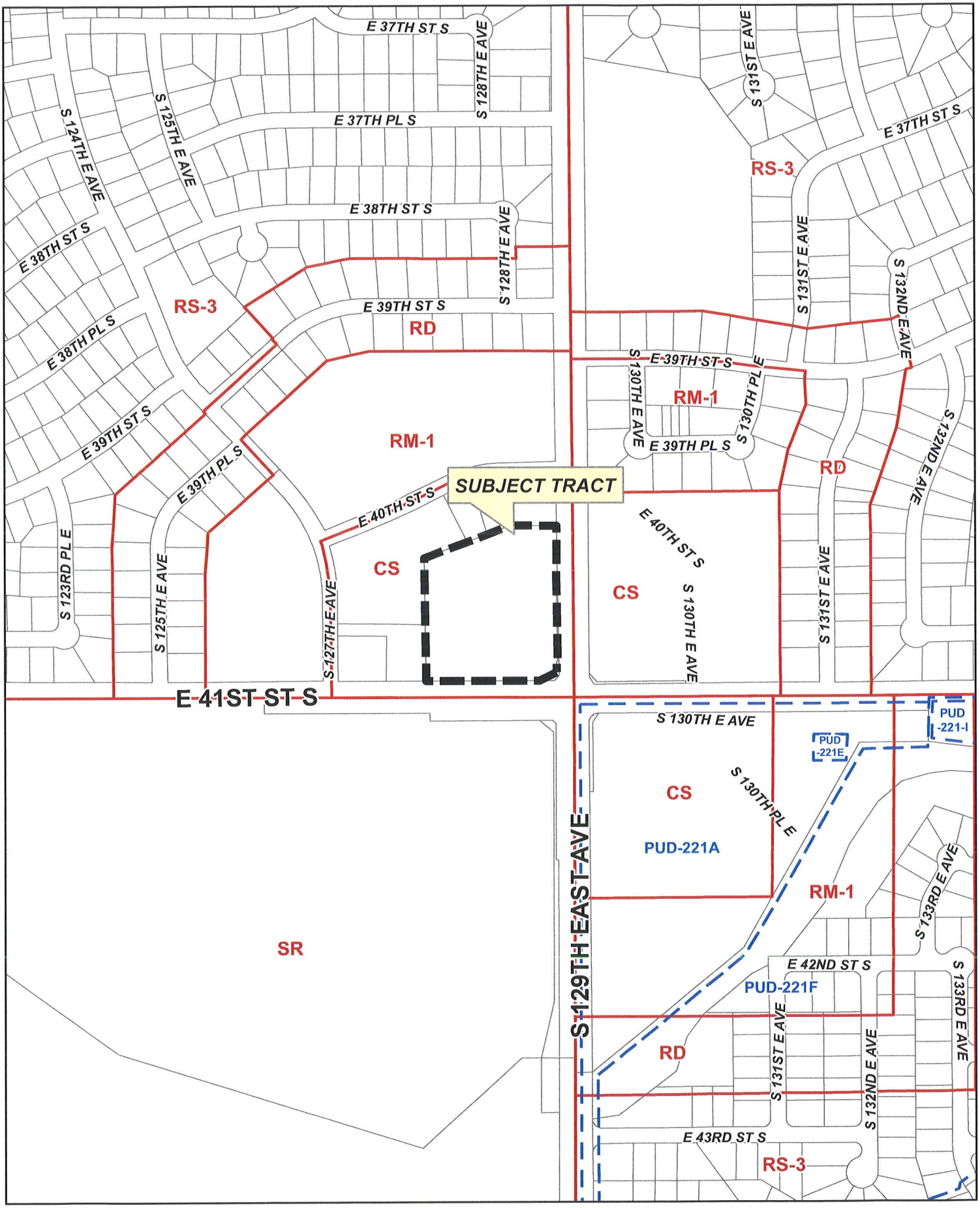

Feet
0 200 400

Z-7680

19-14 20

7.7

Feet
0 200 400

Subject Tract

Z-7680

19-14 20

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

Aerial Photo Date: 2020/2021

N

7.8

Feet
0 50 100

Subject Tract

Z-7680

19-14 20

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

Aerial Photo Date: 2020/2021

N

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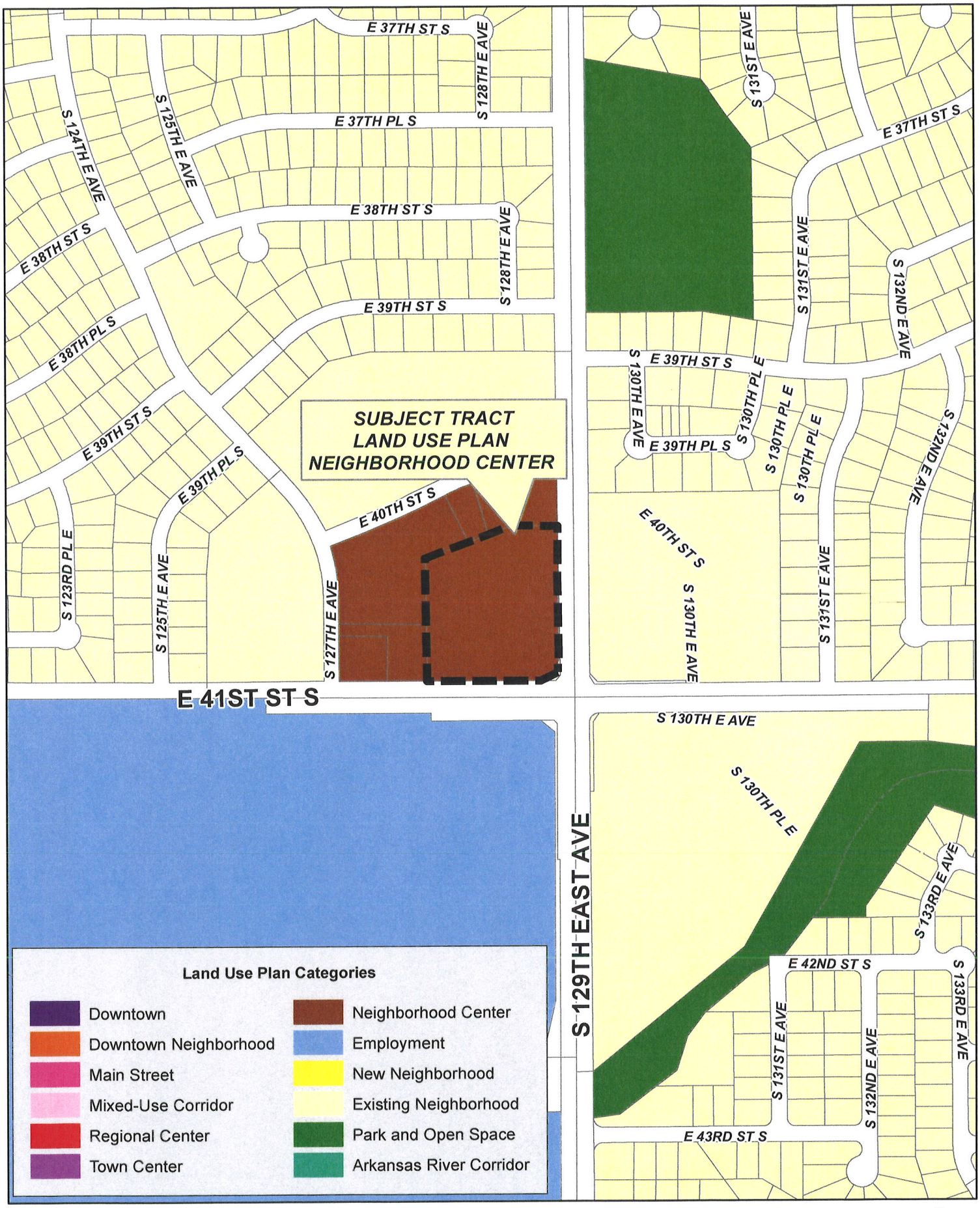

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19-14 20

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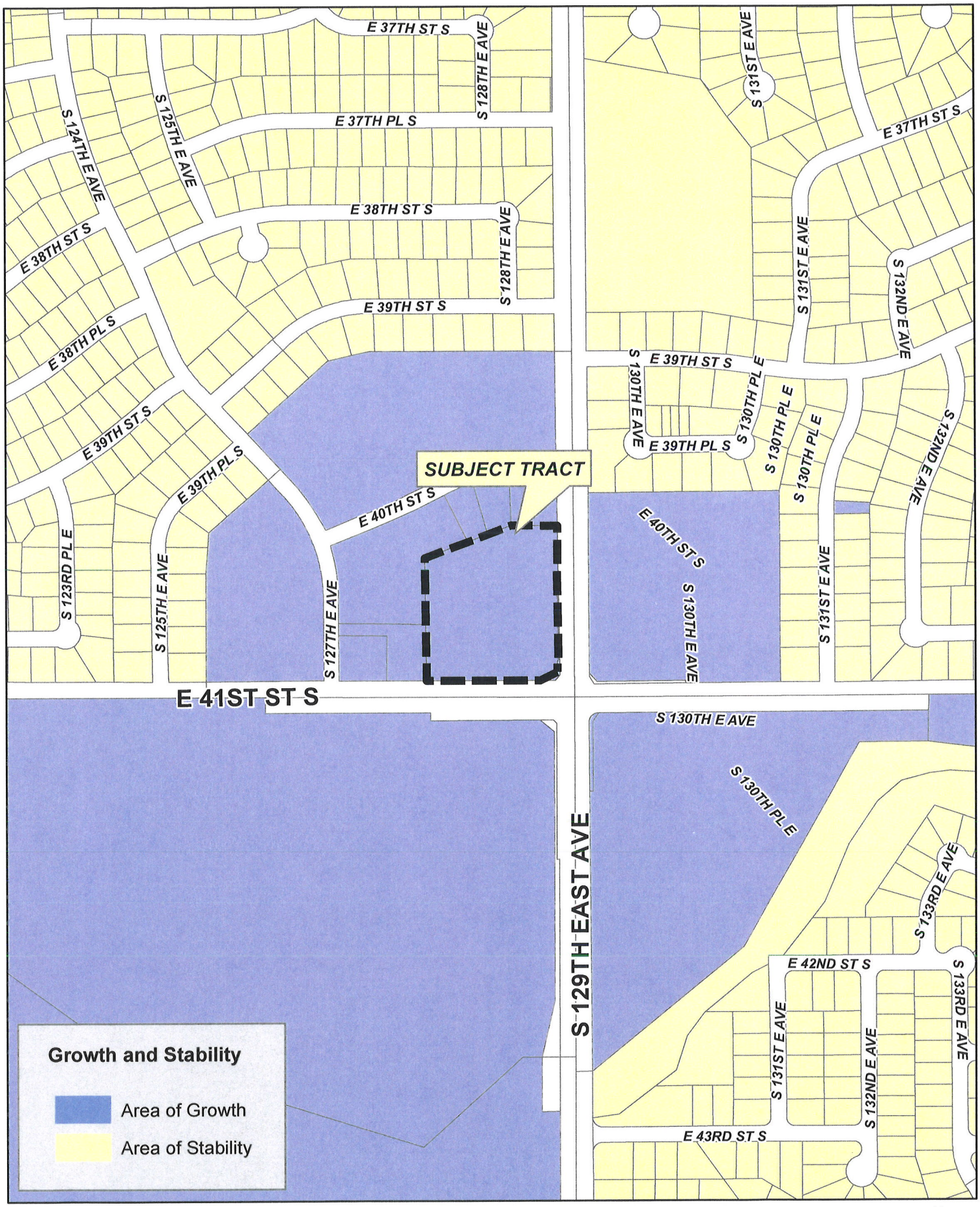

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APPLICANTS SUBMITTAL

OPTIONAL DEVELOPMENT PLAN

TMAPC Case No. Z-7680

October 19, 2022

In connection with the rezoning of the following described Property, to-wit:

See Exhibit "A" attached hereto.

to the Commercial-High District, the Applicant respectfully requests that pursuant to Section 40.04-B.2. of the Tulsa Zoning Code, the rezoning of the Property be approved with the additional development limitations set forth below.

1. Use. The Property may be used for all principal uses permitted as-of-right or special exception in the Commercial-High District, except:

Vehicle Sales and Service

Commercial Vehicle Repair/Maintenance
Truck Stop
Commercial Vehicle Sales and Rentals
Personal Vehicle Sales and Rentals
Vehicle Body and Paint Finishing Shop

Wholesale, Distribution and Storage

Industrial.