



Tulsa Metropolitan Area
Planning Commission

Case Number: Z-7699

Hearing Date: April 5th, 2023

Case Report Prepared by:

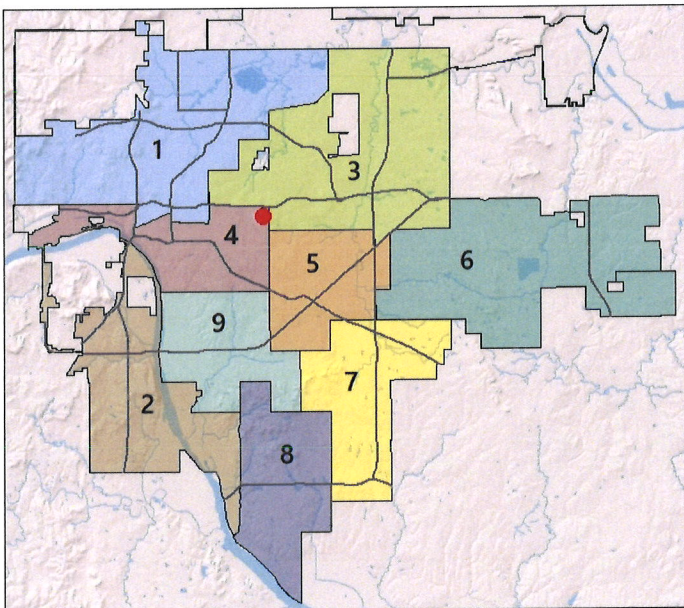
Kendal Davis

Owner and Applicant Information:

Applicant: Jamesha Ross

Property Owner: Jamesha Ross

Location Map:
(shown with City Council Districts)



Applicant Proposal:

Present Use: Vacant gas station/convenience store

Proposed Use: All uses allowed in CS zoning.

Concept summary: Change zoning to allow uses that may be more consistent with a neighborhood center land use designation and to support redevelopment of the existing property that is zoned OL with a non-conforming use.

Tract Size: 0.28 ± acres

Location: Southwest corner of East 4th Place South & South Yale Avenue

Zoning:

Existing Zoning: OL

Proposed Zoning: CS

Comprehensive Plan:

Land Use Map: Neighborhood Center

Stability and Growth Map: Area of Growth

Staff Recommendation:

Staff recommends approval

Staff Data:

TRS: 9304

CZM: 37

City Council District: 4

Councilor Name: Laura Bellis

County Commission District: 2

Commissioner Name: Karen Keith

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SECTION I: Z-7699

DEVELOPMENT CONCEPT:

Change zoning to allow uses that may be more consistent with a Neighborhood Center land use designation and to support redevelopment of the existing property that is zoned OL. The fueling station and convenience store has been considered a nonconforming use since before 1969.

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

DETAILED STAFF RECOMMENDATION:

CS zoning district and supplemental regulations allowed are consistent with a Neighborhood Center land use designation in the Tulsa Comprehensive Plan.

Staff recommends Approval of Z-7699 to rezone property from OL to CS as requested by the applicant. Staff supports the possible rezoning of the site from OL to CS knowing that additional requirements for development in Tulsa may end up with a site that is still not developable as planned by the applicant.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is very small and has been a nonconforming use for decades with OL zoning. The requested CS zoning on this site can provide a small-scale version of a Neighborhood Center.

Land Use Vision:

Land Use Plan map designation:

Neighborhood Centers: 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:

Multi Modal Corridor: South Yale Avenue is considered a multimodal 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 site is vacant and has previously been used as a single-story convenience store and a fueling station. OL zoning prohibits both uses. In 1969 a gas station was recognized as a non-conforming use during a board of adjustment case. Neither the Planning Commission Staff or the applicant has determined if this is still a nonconforming use. The site may have lost its non-conforming status as outlined in Section 80.040-E.3 of the Tulsa Zoning Code. That section of the code clarifies that if the non-conforming use of a building is discontinued for 36 consecutive

months or for 36 months during any 4-year period, the nonconforming use may not be re-established.

The site has multiple Board of Adjustment cases that have been heard with setback variances approved and canopy variances denied. Planned right-of-way for 50 feet width on Yale Ave. would not allow new gas canopy or building expansion on this site.

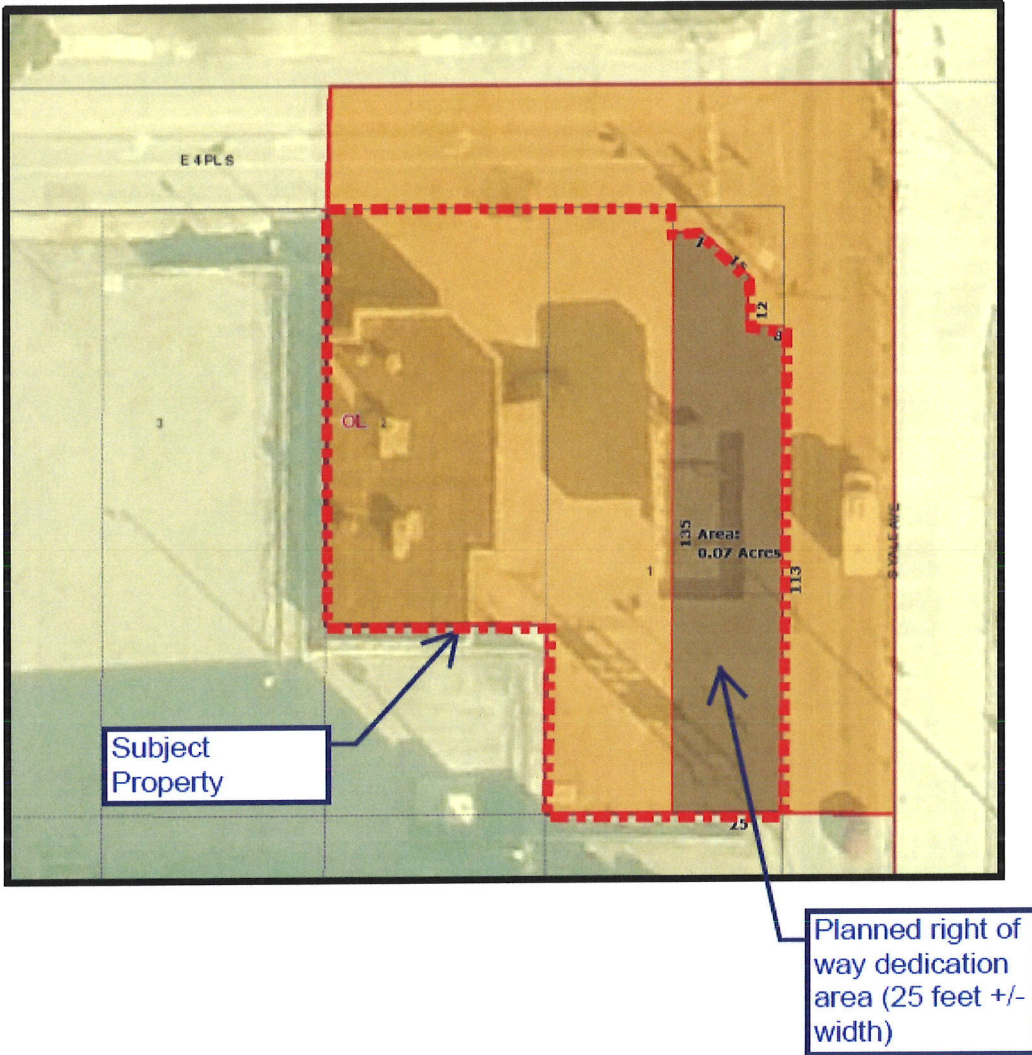
The Subdivision and Development Regulations will require subdivision compliance and approximately 25 feet of additional right-of-way will be required along South Yale Avenue during that process. The acquisition of planned right-of-way will take away most of the parking on the lot and the existing canopy will need to be removed. Those requirements make redevelopment on this site more challenging.

Current OL zoning would allow many uses including all office uses identified in our code, single family residential, short-term rental in the lodging category, artist and instructional services and three or more households on a single lot with a mixed-use building.

Street view looking southwest from the northeast corner of the site:



Illustration showing additional right of way requirement during the subdivision compliance review process



Environmental Considerations: None that would affect site redevelopment.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
East 4 th Place South	Residential Collector	60 feet minimum required as a minimum and the existing right of way is 60 feet.	3 lanes One lane each direction with east bound left turn lane
South Yale Avenue	Secondary arterial with Multi modal corridor designation	100 feet minimum. Existing right of way measures approximately 60 feet with approximately 25 feet west of the section line in S. Yale.	4 lanes From the center of the street

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-3	Existing Neighborhood	Stability	Single Family Homes
East	RS-2	Existing Neighborhood	Stability	Single Family Homes
South	RS-3	Existing Neighborhood	Growth	Church / food pantry
West	RS-4	Existing Neighborhood	Growth	Church

SECTION III: Relevant Zoning History

History: Z-7699

ZONING ORDINANCE: Ordinance number 11815 dated June 26, 1970, established zoning for the subject property.

Subject Property:

Z-7615 January 2022: All concurred in **denied** of a request for *rezoning* a 0.28± acre tract of land from OL to CG on property located Southwest corner of East 4th Place south & South Yale Avenue.

BOA-14804 April 1988: The Board of Adjustment **approved** a *Variance* to permit setback from the centerline of south Yale from 60' to 30' to allow for a business sign, on property located at SW/c 4th Place and Yale Avenue.

BOA-12940 January 1984: The Board of Adjustment **denied** a *Variance* to permit the setback requirement from 60' to 27' for a gasoline canopy in an OL District under the provisions of Section 1670, on property located at the SW corner of 4th Place and Yale Avenue.

BOA-11585 August 1981: The Board of Adjustment **denied** a *Variance* to permit the setback requirements from 60' to 27' from the centerline of Yale Avenue to permit the erection of service station canopies in an OL District, on property located at 4752 East 4th Place.

BOA-10432 November 1980: The Board of Adjustment **approved** a *Variance* to permit the setback requirements from 55' to 44.33' from the centerline of 4th Place, on property located at Lot 1, & the North 95.7' of Lot 2, Block 1, Kendall View Addn.

Z-5224 March 1979: All concurred in **approval** of a request for *rezoning* a tract of land from RS-3 to OL on property located Lot 1 & the North 95.7 feet of Lot 2 Block 1 Kendall View Addn.

BOA-6236 August 1974: The Board of Adjustment **approved** a *Variance* to permit replacing a sign for a nonconforming service station (Not less than 60' from the centerline of Yale Avenue), on property located at 4752 East 4th Place.

Surrounding Property:

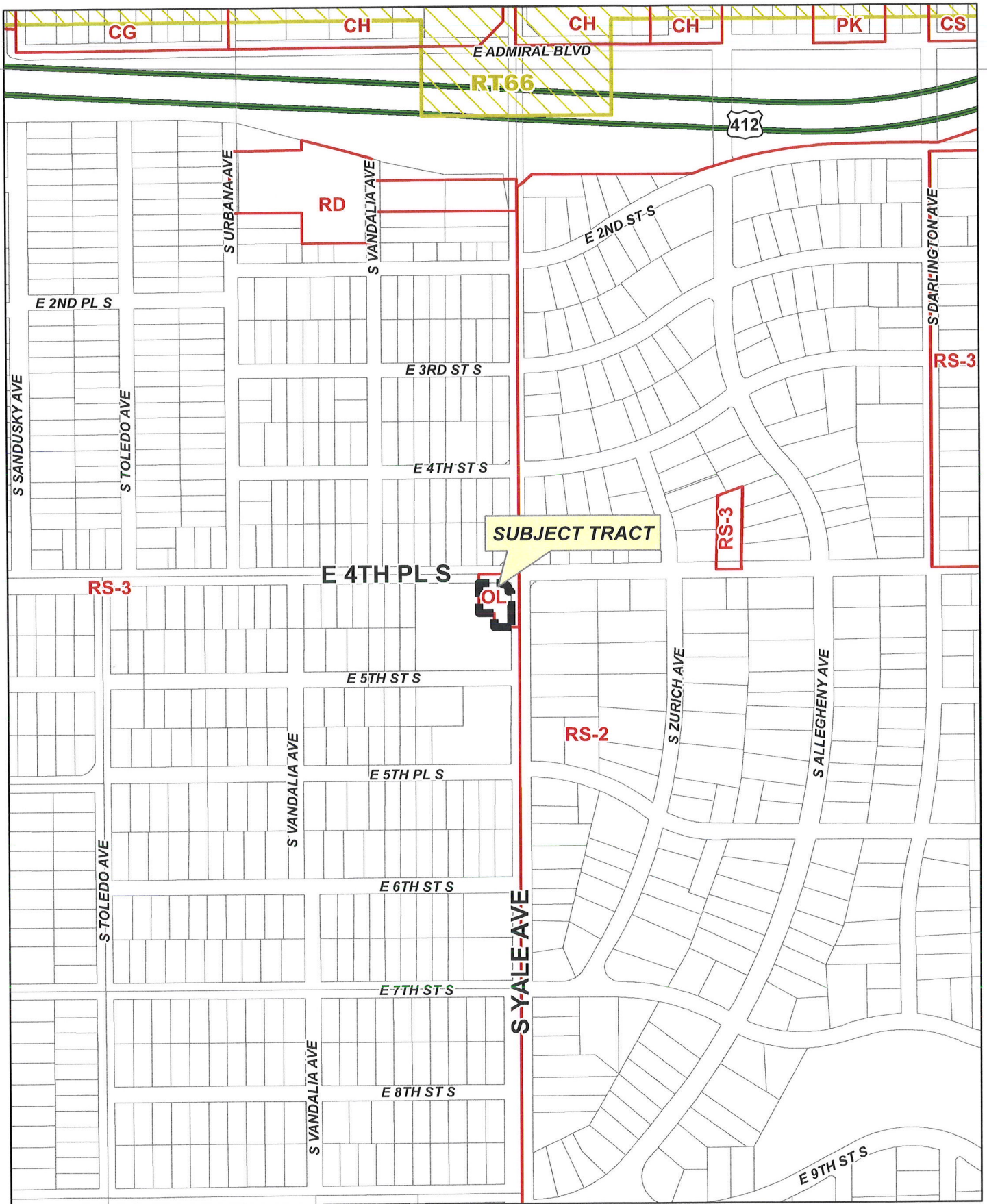
BOA-23497 February 2023: The Board of Adjustment **approved** a *Special Exception* to permit a Day Care Use in the RS-2 District & a *Variance* to reduce the 12,000 square-foot minimum lot width for *Special Exception* uses in the RS-2 District & a *Variance* to reduce the 25-foot setback for non-residential *Special Exception* uses from R-zoned lots, on property located at 4905 East 4th Place.

BOA-23158 July 2021: The Board of Adjustment **approved** a *Variance* to permit a dynamic display sign within 20 feet of the driving surface of East 4th Place & a *Special Exception* to allow a dynamic display sign in an RS-3 District for a Religious Assembly Use and to be located within 200 feet of a Residential District, on property located at 4739 East 5th Street South.

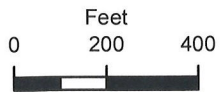
BOA-14656 November 1987: The Board of Adjustment **approved** a *Variance* to permit the setback from the centerline of Yale Avenue from 60' to 30' to allow a gasoline island canopy, on property located at SW/c of 4th Place and Yale Avenue.

BOA-6746 September 1970: The Board of Adjustment **denied** a *Special Exception* to permit operating a children's day nursery in an RS-2 District, on property located at 4th street and Yale Avenue.

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SUBJECT TRACT



Z-7699

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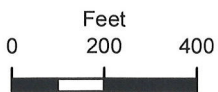
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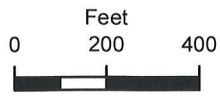
SUBJECT TRACT

Z-7699

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Subject
Tract

Z-7699

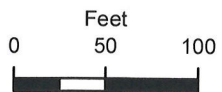
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Aerial Photo Date: 2020/2021



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Subject
Tract

Z-7699

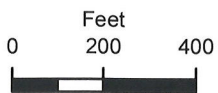
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Aerial Photo Date: 2020/2021



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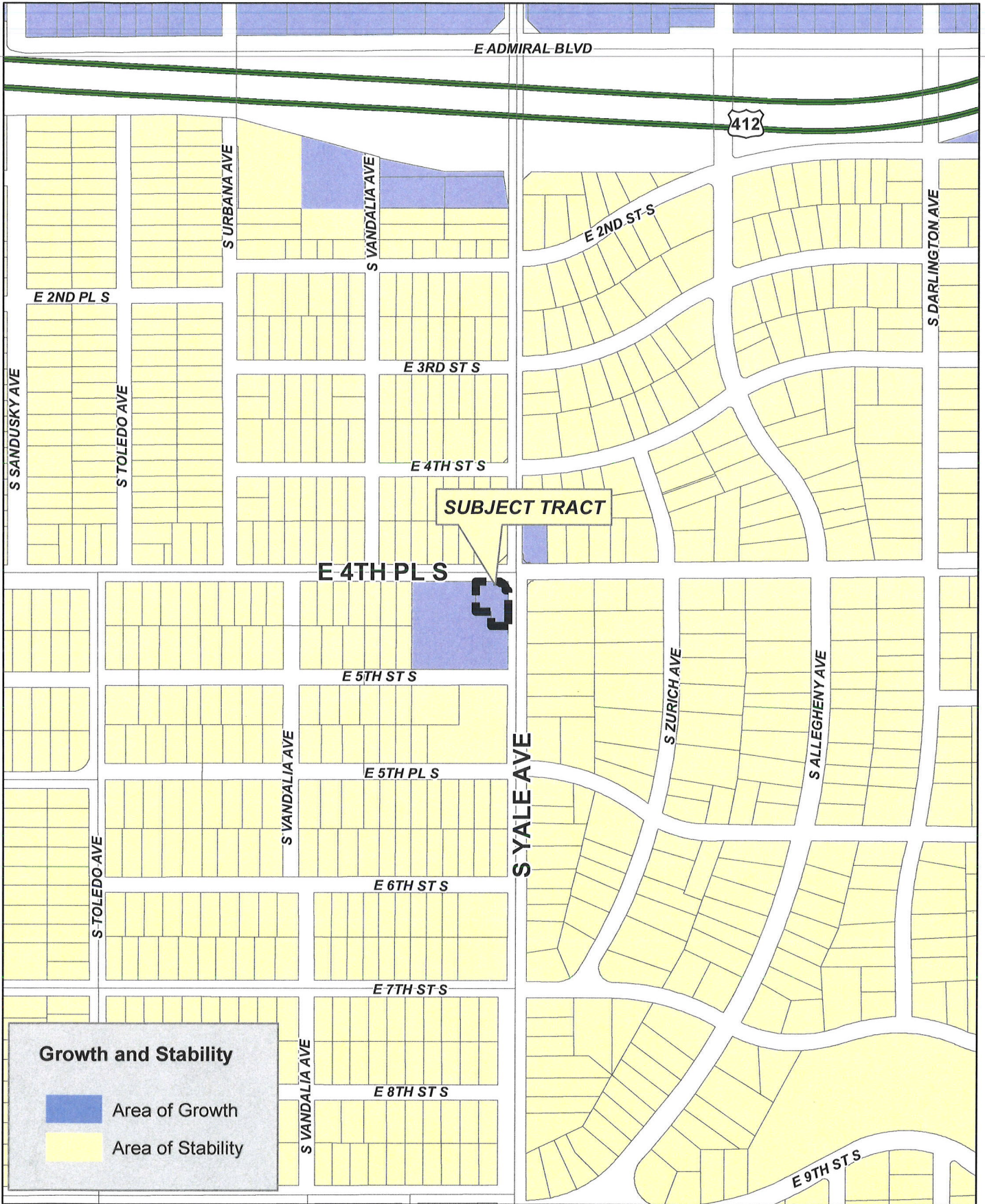


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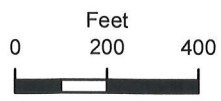


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Growth and Stability

- Area of Growth
- Area of Stability



Z-7699

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