



Tulsa Metropolitan Area
Planning Commission

Case Number: CZ-480

Hearing Date: November 7, 2018

Case Report Prepared by:

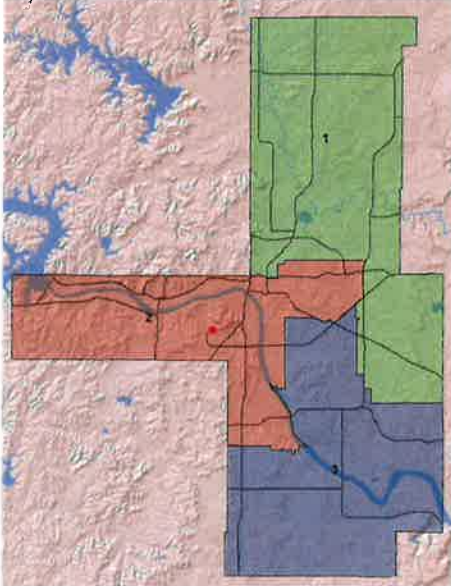
Jay Hoyt

Owner and Applicant Information:

Applicant: Mark Harper

Property Owner: CODY/MORGAN LLC

**Location Map:
(shown with County Commission Districts)**



Applicant Proposal:

Present Use: vacant

Proposed Use: industrial uses

Concept summary: Rezone from CS to IH to permit industrial uses

Tract Size: 1.53 ± acres

Location: Northwest corner of West 41st Street South & South 49th West Avenue

Zoning:

Existing Zoning: CS

Proposed Zoning: IH

Comprehensive Plan:

Land Use Map: N/A

Stability and Growth Map: N/A

Staff Recommendation:

Staff recommends denial.

Staff Data:

TRS: 9220

CZM: 45

Atlas: n/a

County Commission District: 2

Commissioner Name: Karen Keith

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SECTION I: CZ-480

DEVELOPMENT CONCEPT: To rezone the subject property from CS to IH in order to permit industrial uses on the site.

EXHIBITS:

- INCOG Case map
- INCOG Aerial (small scale)
- INCOG Aerial (large scale)

DETAILED STAFF RECOMMENDATION:

The site has single-family residential lots immediately to the north and west as well as to the northeast across S 49th W Ave. These sites could be negatively impacted by IH uses that would be allowed on this site, if approved. There do not appear to be any other IH intensity uses in the immediate area.

If approved, a screening wall or fence would be required along the lot lines in common with abutting R zoned districts.

IH zoning could be injurious to the existing proximate properties and;

IH zoning is not consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends Denial of CZ-480 to rezone property from CS to IH.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: This area is outside of the City of Tulsa Comprehensive Plan area. The site is located within the Tulsa County District 9 Plan, which designates this site as Medium Density Corridor and does not anticipate IH zoning.

This site is within the study area for the Berryhill Small Area planning process that should be complete in January 2019. The preliminary findings from that process indicate that industrial uses should be limited to areas south and west of this site. The current, CS, zoning classification would be compatible with the preliminary findings which seem to promote low-density, commercial development along W 41st St S, between S 61st W Ave and S 47th W Ave.

Land Use Vision:

Land Use Plan map designation: N/A

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: Both W 41st St S and S 49th W Ave are Secondary Arterials

Trail System Master Plan Considerations: None

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Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: *The site is currently vacant land.*

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP RW</u>	<u>Exist. # Lanes</u>
W 41 st St S	Secondary Arterial	100 Feet	2

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	RS	N/A	N/A	Single-Family
South	CS	N/A	N/A	Vacant
East	CS	N/A	N/A	Commercial
West	RS	N/A	N/A	Single-Family

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 13788 dated February 4, 1977, established zoning for the subject property.

Subject Property:

CBOA-1100 August 1992: The Board of Adjustment **approved** a *special exception* to permit a flea market in a CS zoned district; and a *variance* of the all-weather surface parking, on property located at the northwest corner of West 41st Street South and South 49th West Avenue.

Z-4946 February 1977: All concurred in **approval** of a request for *rezoning* a 1.52± acre tract of land from RS-1 to CS on property located at the northwest corner of West 41st Street South and South 49th West Avenue. (Ordinance #13788 which amended 11821 dated June 26, 1970.)

Surrounding Property:

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CBOA-2612 January 2017: The Board of Adjustment **approved** a *special exception* to allow auto repair and service in a CS district; and a *variance* of the screening requirement along the north lot line, on property located at the northeast corner of West 41st Street South and South 49th West Avenue.

CBOA-2352 November 2009: The Board of Adjustment **approved** a *special exception* to permit a church use (Use Unit 5) in an IL district (Section 910), on property located at 5010 West 41st Street South, west of the southwest corner of West 41st Street South and South 49th West Avenue.

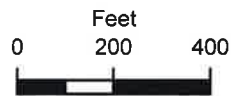
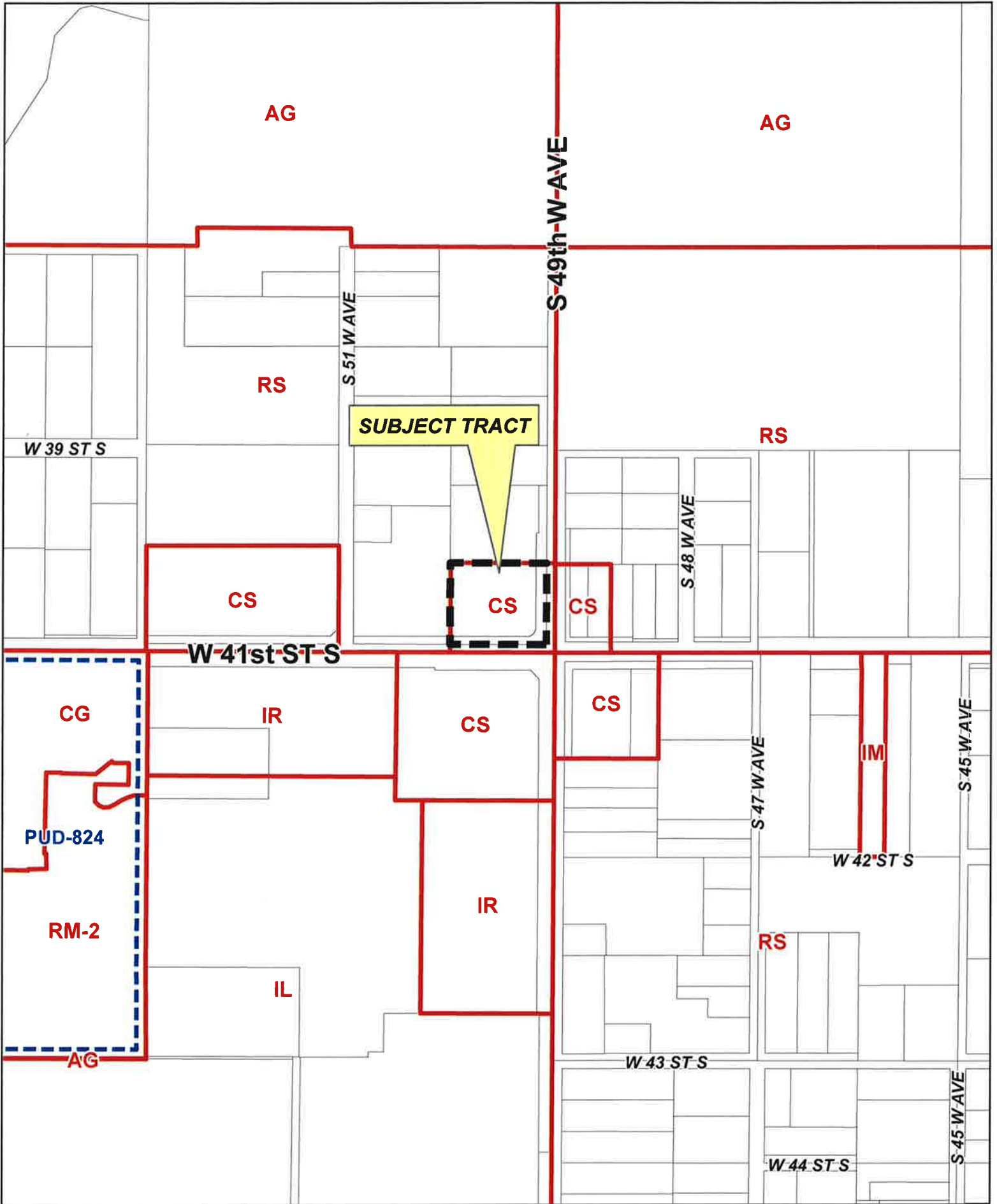
CBOA-2090 April 2004: The Board of Adjustment **approved** a *special exception* to permit an electrical contracting business in the CS district and **denied** a *special exception* to allow a gravel parking lot, on property located at the southeast corner of West 41st Street South and South 49th West Avenue.

CZ-327 August 2003: All concurred in **approval** of a request for *rezoning* a 13.53± acre tract of land from IR to IL for future light industrial uses on property located south and west of the southwest corner of West 41st Street South and South 49th West Avenue.

CZ-162 January 1988: All concurred in **approval** of a request for *rezoning* a 40± acre tract of land from AG to CS/IR/IL for commercial and light industrial, on property located on the southwest corner of W. 41st St. and S. 49th W. Ave.

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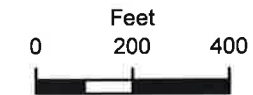


CZ-480

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 Subject Tract

CZ-480

19-12 20

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

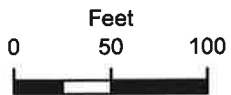
Aerial Photo Date: February 2018





W 41st ST S

S 49th W AVE



Subject Tract

CZ-480

19-12 20

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

Aerial Photo Date: February 2018

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