**TMAPC**

Tulsa Metropolitan Area Planning Commission

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### Case Number: Z-7533

### Hearing Date: March 4, 2020

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<table>
<thead>
<tr>
<th><strong>Case Report Prepared by:</strong></th>
<th><strong>Owner and Applicant Information:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwayne Wilkerson</td>
<td>Applicant: Christopher McHenry</td>
</tr>
<tr>
<td></td>
<td>Property Owners: Christopher McHenry; David E. Patrick &amp; Mary Ann Dannette Patrick</td>
</tr>
</tbody>
</table>

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**Location Map:**

*(shown with City Council Districts)*

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**Applicant Proposal:**

*Present Use:* Light Industrial

*Proposed Use:* Heavy Industrial

*Concept summary:*

*Tract Size:* 1.16 ± acres

*Location:* Southwest corner & Southeast corner of East Tecumseh Street North & North Irvington Avenue East

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**Zoning:**

*Existing Zoning:* CH

*Proposed Zoning:* IH with optional development plan

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**Comprehensive Plan:**

*Land Use Map:* Main Street

*Stability and Growth Map:* Area of Growth

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**Staff Recommendation:**

Staff recommends denial of IH zoning. Staff recommends approval of IM with an optional development plan as outlined in Section II

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**Staff Data:**

*TRS:* 0327

*CZM:* 30

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**City Council District:** 3

*Councilor Name:* Crista Patrick

**County Commission District:** 1

*Commissioner Name:* Stan Sallee
DEVELOPMENT CONCEPT: The applicant proposes to rezone CH property on the south side of East Tecumseh Street west of North Joplin Avenue. The site and surrounding properties are zoned CH. The existing businesses in the area are non-conforming industrial uses and have been operational for decades. The proposal is to expand an automotive parts and recycling facility. The business plan includes a smelter that can process aluminum from the automotive recycling process. The smelter will require additional approvals through the board of adjustment.

APPLICANTS CONCEPT STATEMENT:

We are requesting a zoning change for the following reasons. First, we need the zoning to get us in compliance for our current operations. Secondly, the increase to IH is in expectation of future expansions to the company.

The company currently buys automotive parts from salvaged and scrap yards. These are pre-used parts from end of life consumers. We also buy these parts from automotive shops throughout the greater Tulsa area. The company also buys vehicles in their complete form to obtains these parts as well. We currently separate these parts into two categories.

Category one: Parts that are needed for remanufacturing throughout the United States.
Category two: Parts that are not needed and then disassembled for the scrap metals they contain. These parts are processed in our mobile shredder, which separates the metal from the aluminum.

The future expansion of the business involves the purchase and operation of a secondary aluminum smelter, or "furnace". We plan to purchase a furnace and operate it at this location. We currently process 80 tons of aluminum a month. With the furnace, for the first 6 months we project to melt around 10 tons a month before ramping up production. After the first year, we could produce up to 160 tons per month. At first the production would be limited to one 8-hour shift, however that could be increased to two 8-hour shifts at full production. These hours of operation would begin at 6 am and finish no later than 10 pm. These hours could be adjusted and are not final nor currently working. They are just a projection as are the production amounts.

Automobiles are stored along the railroad tracks as are the motors to be shredded. However, the shredded aluminum is stored towards the road but not for an extended period of time. Less than three days.

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 Concept description:

DETAILED STAFF RECOMMENDATION:

The subject lot is located within a Main Street land use designation of the City of Tulsa Comprehensive plan. The site is not part of a small area plan that might provide additional guidance.
This request is not consistent with the uses and land use anticipated by the Main Street land use designation and;

The proposed allowable uses identified in Section II are compatible with existing surrounding proximate properties and;

The proposal is consistent with the anticipated future development patterns of the surrounding area, therefore;

Staff recommends denial of Z-7533 to rezone property from CH to IH however staff recommends approval of IM zoning the use limitations defined in the optional development plan provision outlined 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 an IM district with its supplemental regulations 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:

**PERMITTED USE CATEGORY**

A) PUBLIC, CIVIC, AND INSTITUTIONAL
   Safety Service
   Utilities and Public Service Facility (minor)
   Wireless Communication Facility
     Freestanding tower
     Building or tower-mounted antenna

B) COMMERCIAL
   Animal Service
     Boarding or shelter
     Grooming
     Veterinary
   Assembly and entertainment
     *Indoor gun club
   Commercial Service (includes all permitted specific uses)
   Financial Services (includes all permitted specific uses)
   Funeral or Mortuary Service
   Office (includes all permitted specific uses)
   Parking, Non-accessory
   Restaurants and Bars (includes all permitted specific uses)
   Retail Sales (includes all permitted specific uses)
   Self-Service Storage Facility
   Studio, Artist, or Instructional Service
   Trade School
   Vehicle Sales and Service (includes all permitted specific uses)

C) WHOLESALE, DISTRIBUTION AND STORAGE
   Equipment and Material Storage, Outdoor (Allowed use but prohibited on the north 75 feet of the subject lots)
Trucking and Transportation Terminal
Warehouse
Wholesale Sales and Distribution

D) INDUSTRIAL
*indicates uses that can be allowed through the special exception process
Low-impact Manufacturing and Industry
*High-impact manufacturing and industry but limited to a Junk or Salvage Yard subcategory as defined in Section 35.070-D and includes a smelter that can be used to process aluminum ingots from an on-site automotive recycling process.

E) Recycling
Consumer Material Drop-off Station
Consumer Material Processing

F) AGRICULTURAL
Community Garden
Farm, Market or Community-supported Horticulture Nursery

G) OTHER
Drive-in or Drive-through Facility (as a component of an allowed principal use)

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The subject lot is located within a Main Street land use designation and an Area of Growth as designated by the City of Tulsa Comprehensive Plan.

Land Use Vision:

Land Use Plan map designation: Main Street

Main Streets are Tulsa’s classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide, and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures.

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 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 Tecumseh Street is designated as a Residential Collector in the Major Street and Highway Plan

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 existing business on site buys automotive parts from salvaged and scrap yards. Those parts are separated for a remanufacturing process and some are sold for scrap metal.

Northeast corner looking southwest
Environmental Considerations: None except the possible environmental concerns from previous industrial business.

Streets:

<table>
<thead>
<tr>
<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
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<tbody>
<tr>
<td>East Tecumseh Street</td>
<td>Residential Collector</td>
<td>60 Feet</td>
<td>2</td>
</tr>
</tbody>
</table>

Utilities:
The subject tract has municipal water and sewer available.

Surrounding Properties:

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Zoning</th>
<th>Existing Land Use Designation</th>
<th>Area of Stability or Growth</th>
<th>Existing Use</th>
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</thead>
<tbody>
<tr>
<td>North</td>
<td>CH</td>
<td>Main Street</td>
<td>Growth</td>
<td>Commercial / Automotive Repair</td>
</tr>
<tr>
<td>South</td>
<td>CH</td>
<td>N/A</td>
<td>N/A</td>
<td>Railroad</td>
</tr>
<tr>
<td>East</td>
<td>CH</td>
<td>Main Street</td>
<td>Growth</td>
<td>Light Industrial</td>
</tr>
<tr>
<td>West</td>
<td>CH</td>
<td>Main Street</td>
<td>Growth</td>
<td>Single Family / Commercial</td>
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REvised 2/27/2020
SECTION IV: Relevant Zoning History

ZONING ORDINANCE: Ordinance number 11910 dated June 26, 1970 established zoning for the subject property.

Subject Property:  
No Relevant History.

Surrounding Property:  

BOA-11409 March 1981: The Board of Adjustment approved an Exception to permit a heat treating facility in a CH District, subject to no outside storage and all work being performed on the interior, the use of the type of furnace with the internal quench as described, and all environment controls pertaining to such an operation, on property located at 5916 East Tecumseh Avenue.

BOA-4694 June 1965: The Board of Adjustment approved a request to operate an automobile paint and body shop in conjunction with general auto repair shop in a U-3-E District, on property located at Lot 8, Block 15, Dawson Addition.

BOA-3789 February 1962: The Board of Adjustment approved a request for permission to operate a light industrial machine shop in a U-3-E District, on property located at Lots 1 & 2, Block 15, O.T. of Dawson.

2/5/2020 1:30 PM
Land Use Plan Categories

- Downtown
- Downtown Neighborhood
- Main Street
- Mixed-Use Corridor
- Regional Center
- Neighborhood Center
- Employment
- New Neighborhood
- Existing Neighborhood
- Park and Open Space
- Arkansas River Corridor

Z-7533
with Optional Development Plan
Growth and Stability
Area of Growth
Area of Stability

Z-7533
with Optional Development Plan
To: Michael McElroy

Date: June 26, 2019

Subject: Enquiry Permission to Conduct

Dear Mr. McElroy,

I am writing to inquire about the possibility of conducting research in your industrial facility. We are interested in studying the environmental impact of its processes and would appreciate the opportunity to discuss this with you further.

Please find attached our proposal outlining the scope of the research and the benefits it could offer to both parties involved.

Looking forward to your response.

Sincerely,

[Signature]

[Name]

[Position]

[Company Name]

[Contact Information]

P.S. I am enclosing a copy of this letter for your attention as well.

[End of Letter]