| **TMAPC**  
| Tulsa Metropolitan Area Planning Commission |
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| **Case Report Prepared by:** | **Owner and Applicant Information:** |
| Dwayne Wilkerson | **Applicant and Appliance Information:** |
| **Case Number:** Z-7535 | **Applicant:** Bob Stinchcomb |
| **Hearing Date:** February 19th, 2020 | **Property Owner:** NHRG LLC |
| **Location Map:**  
(shown with City Council Districts) | **Staff Recommendation:** |
| ![Location Map](image) | **Staff recommends approval with the use limitations identified in Section II.** |
| **Applicant Proposal:** | **City Council District:** 5 |
| **Present Use:** Vacant Commercial | **Councilor Name:** Cass Fahler |
| **Proposed Use:** Medical Marijuana Growing Facility | **County Commission District:** 1 |
| **Concept summary:** Zoning change request from CS to IL with optional development plan. The applicant has plans to repurpose an existing building for an indoor horticulture nursery. The optional development plan limits uses. No additional site development restrictions have been included. | **Commissioner Name:** Stan Sallee |
| **Tract Size:** 0.42 ± acres | **Staff Data:** |
| **Location:** Northwest corner of East 12th Street South & South 107th East Avenue | **TRS:** 9407 |
| **Zoning:** | **CZM:** 39 |
| **Existing Zoning:** CS | **City Council District:** 5 |
| **Proposed Zoning:** IL with optional development plan | **Councilor Name:** Cass Fahler |
| **Comprehensive Plan:** | **County Commission District:** 1 |
| **Land Use Map:** Mixed-Use Corridor | **Commissioner Name:** Stan Sallee |
| **Stability and Growth Map:** Area of Growth | **Staff Data:** |

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REVIEWED 2/13/2020
SECTION I: Z-7535

DEVELOPMENT CONCEPT: Repurpose a vacant building that was used for a rock-climbing training and recreational facility. The optional development plan does not provide additional development limitations other than the use limitations in Section II.

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:
  Building remodel interior sketch and existing site plan.

DETAILED STAFF RECOMMENDATION:

The Mixed-Use Corridor land use designation does not encourage light manufacturing or warehouse uses and,

The surrounding property has been developed with standards and uses allowed in a CS district and a variety of special exceptions that allow light industrial uses in a CS district and,

The architectural style of the development in this area is similar to many light industrial development areas and the proposed zoning change with the provisions of the optional development plan is consistent with the Mixed-Use Corridor land use designation for the area therefore,

Staff recommends approval of Z-7535 to rezone property from CS to IL with the optional development plan standards 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 IL 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
   Utilities and Public Service Facility (minor)
   Wireless Communication Facility (includes all specific uses)

B) COMMERCIAL
   Animal Service
   Boarding or shelter
   Grooming
   Veterinary
   Broadcast or Recording Studio
   Commercial Service (includes all permitted specific uses)
   Financial Services (includes all permitted specific uses)
   Office (includes all permitted specific uses)
Parking, Non-accessory
Restaurants and Bars
   Restaurant
Retail Sales (includes all permitted specific uses)
Studio, Artist, or Instructional Service
Trade School
Vehicle Sales and Service (includes all permitted specific uses)

D) INDUSTRIAL
   Low Impact Manufacturing and Industry but only for a Low-Impact medical Marijuana Processing Facility use

F) AGRICULTURAL
   Horticulture Nursery but limited to indoor growing operations.

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

   Staff Summary: The uses outlined in Section II are consistent with the Mixed-Use Corridor land use designation.

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 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:* No special street designations have been assigned along any of the abutting streets.

*Trail System Master Plan Considerations:* As a part of the GO Plan, the part of East 11th Street South that connects with South 107th East Avenue is designated as a Bike Route with painted Bike lane, though the cross streets that give access to the subject property do not carry a trail and/or route designation.

Small Area Plan: There are no small area plans that require consideration in this area.

Special District Considerations: There are no special districts that require consideration in this area.

Historic Preservation Overlay: There are no historic preservation overlays that require consideration in this area.

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary:* The existing site will not significantly change. An existing single-story building will be repurposed.

Street view from southeast looking northwest:

Environmental Considerations: There are no environmental considerations that would affect site redevelopment.
Streets:

<table>
<thead>
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<th>Exist. Access</th>
<th>MSHP Design</th>
<th>MSHP R/W</th>
<th>Exist. # Lanes</th>
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<td>2</td>
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<tr>
<td>South 107th East Avenue</td>
<td>Undesignated</td>
<td>50 feet</td>
<td>2</td>
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</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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<tbody>
<tr>
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<td>CS</td>
<td>Mixed-Use Corridor</td>
<td>Area of Growth</td>
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<td>South</td>
<td>CS</td>
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<td>Mobile Home Park/Accurate Fire Equipment Company</td>
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<td>CS</td>
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<td>Area of Growth</td>
<td>A&amp;A Mini Storage</td>
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</tbody>
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SECTION IV: Relevant Zoning History

Staff Summary:

Of the Special Exceptions that have been granted for and around the subject property, most are now permitted by right in a CS district, although all of these previously approved uses (excluding the variance to allow a mobile home park in a CS district) are allowed by right in all other commercial and industrial zoning districts. These uses include: Self-service Storage facilities, Wholesale and distribution, Personal Vehicle Sales and Rentals, Building Services, Building Supplies and Equipment, Personal Vehicle Repair and Maintenance, Warehouses, Convenience goods, and Fueling Station. While the proposed zoning of IL would be limited to the of growing medical marijuana and uses that would be allowed in a commercial district, this use is classified Horticulture Nursery, which is limited strictly to Industrial zoning districts and Agriculture.

One of the key differences between commercial and industrial zoned districts is the allowance of light industry uses (such as manufacturing, horticultural nurseries, etc.) that would not be permitted in commercial. Though it could be argued that this area looks like an industrial district due to most of the uses permitted in CS also being permitted in industrial districts, it should be noted that the Special Exceptions that were granted were for activities that would have been permitted by right in CG and there has not been any action taken to rezone or request a Special Exception for any uses more intensive than what would be permitted in a commercially zoned district until now.

Commercial and Industrial districts have very different and distinct characteristics. According to our code, a CS district is “primarily intended to accommodate convenience, neighborhood, subcommunity, community, and regional shopping centers by providing a range of retail and personal service uses” and an IL district is “primarily intended to provide areas suitable for manufacturing, wholesaling, warehousing, and other industrial activities that have few if any adverse land use or environmental impacts”. Additionally, the subject property and surrounding properties within 300’ ft carry a land use designation of Mixed-Use Corridor. As outlined by the City of Tulsa’s Comprehensive Plan, Mixed-Use Corridors are described as “modern thoroughfares that pair high capacity transportation facilities with
housing, commercial, and employment uses" and land uses such as "multifamily housing, small lot, and townhouse developments, which step down intensities to integrate with single family neighborhoods." By rezoning to IL, the land use intensity would effectively step up, which directly in conflict with the vision for this area set forth by the City of Tulsa's Comprehensive Plan.

IL has a fundamentally different character to CS as a result of the additional, higher intensity uses that it allows that do not complement the spirit and character of this neighborhood in terms of zoning or land use.

**ZONING ORDINANCE:** Ordinance number 11812 dated June 26, 1970 established zoning for the subject property.

**Subject Property:**

**BOA-10285 January 1979:** The Board of Adjustment approved an Exception to permit Use Unit 15 in a CS District, subject to the building being a tilt-up concrete panel construction, earth-tone in color, and for warehousing and office combination, on property located at the northwest corner of 12th Street and 107th East Avenue.

**Surrounding Property:**

**PUD-843 February 2016:** All concurred in approval of a proposed Planned Unit Development on a 4.37± acre tract of land for commercial, on property located west of the southwest corner of East 11th Street and South Garnett Road.

**BOA-21889 May 2015:** The Board of Adjustment approved a Special Exception to permit Use Unit 15 (other trades & services), Use Unit 16 (mini-storage) in a CS District (Section 701), on the condition that all the Use Units referred both in 15, 16, 12, and 14 are referenced in the letter from Tanner Consulting dated May 26th, 2015, on property located at 10880 East 11th Street.

**BOA-20871 February 2009:** The Board of Adjustment approved a Special Exception to allow the sale of manufactured homes in a CS-zoned district within a mobile home park, on property located at 1211 South 107th Avenue East.

**BOA-18957 January 2001:** The Board of Adjustment approved a Special Exception to allow RV and trailer sales in a CS zoned district and a Variance of the required all-weather surface parking to allow gravel parking for a period not to exceed one year from the date of the hearing, on property located at 10740 East 11th Street.

**BOA-18668 March 2000:** The Board of Adjustment approved a Special Exception allow electrical contractor business (Use Unit 15) in a CS district, on property located 1136 South 107th East Avenue.
BOA-13911 January 1986: The Board of Adjustment approved a Special Exception to allow a retail, building material sales business with minor wholesaling in a CS district, per plot plan submitted, on property located on the southeast corner of 11th Street and 107th East Avenue.

BOA-13804 October 1985: The Board of Adjustment approved a Special Exception to allow automobile sales in a CS zoned district, subject to a maximum of 12 cars being parked on the northeast portion of the subject lot and said cars being parked no further south than the southern boundary of the restaurant, on property located at 10724 East 11th Street.

BOA-12703 July 1983: The Board of Adjustment approved an Exception for storage and office space for electrical contractors in a CS zoned district, under provisions of Section 1680, with the condition that there be no outside storage at all, on property located at the southeast corner of 107th East Avenue and 11th Street.

BOA-11875 April 1982: The Board of Adjustment approved a Variance to allow a mobile home park in a CS District and a Variance of the setback from the west property line from 50' to 30' from 107th East Avenue, with a solid screening fence to be erected on the north property line, on property located at the northeast corner of 12th Street and 107th East Avenue.

BOA-11028 May 1980: The Board of Adjustment approved an Exception to permit automobile repair in a CS District, subject to the insertion in the lease that the property not be used for junk or salvage automobiles or any outside work or repair and that the Board be furnished a copy of the lease for the file, on property located at 10532 East 12th Street.

BOA-10798 November 1979: The Board of Adjustment approved an Exception to permit mini-storage buildings in a CS District and approved an Exception to remove the screening requirement where existing physical features provide visual separation of uses, per plot plan submitted, with the units painted earth tones, on property located at southeast of 11th Street and Mingo Valley.

BOA-10265 December 1978: The Board of Adjustment approved an Exception to use the property for Use Unit 15, other trades and services, per plot plan submitted, for an office-warehouse, on property located southwest of 12th Street and 107th East Avenue.

BOA-10264 December 1978: The Board of Adjustment approved an Exception to permit Use Unit 15, other trades and services, the site to be used for warehousing and offices as presented, with the stipulation that the applicant return to the Board with his final plans prior to the issuance of a building permit, on property located at the southeast corner of 12th Street and Mingo Valley Expressway.

BOA-10208 November 1978: The Board of Adjustment approved an Exception to permit Use Unit 15 (other trades and services) in a CS District and a Variance, of the setback requirements from 25' to 0' on the south, per plot plan submitted, on property located south and east of 11th Street and Mingo Valley Expressway.

BOA-07774 February 1973: The Board of Adjustment found that a florist operation is permitted by right in a CS District and found the warehousing (storage) and wholesale activities to be accessory to the principal retail operation and permitted the use, on property located at 12th Street and Mingo Valley Expressway.
BOA-07212 November 1971: The Board of Adjustment approved an Exception to permit operating a sales and service of travel trailers (camping trailers) and articles incidental to recreation and camping activities, on property located at 10884 East 11th Street.

2/19/2020 1:00 PM
SUBJECT TRACT
LAND USE PLAN
MIXED-USE CORRIDOR

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-7535
with Optional
Development Plan

0 200 400
19-14 07
Dear Planning Commission,

We, John and Paula Szalay, are the owners of Park East Community which is a family oriented manufactured home community. Adjacent to our park is a large apartment complex called The Crossings at Oak Park (formerly known as Sierra Point); this complex has gone downhill to the point that their residents repeatedly do a lot of stealing (cars, bikes, etc.) and vandalism (break house windows, etc.) in our community. The troublemakers even go to the surrounding properties and cause chaos. It is so bad that we put a security fence along our property line between us and the Dollar General store because the residents of The Crossings at Oak Park are stealing from the store and then running through our park and hiding in our residents yards. This privacy fence was put up to avert those troublemakers but the fence cost our community in excess of $30,000 dollars. There is a lot of trouble (vandalism, thievery and shootings) coming from The Crossings at Oak Park and their management is unable to control it.

Therefore with that being said, even though we are for free enterprise, the type of business being requested for that location is a very poor choice. To put a marijuana facility close to a troubled area is just asking for break-ins and a good possibility of armed robbery — hopefully no one gets killed. There was a deadly shooting at The Crossing at Oak Park last fall and the body laid out on their lawn next to our fence for two hours. You can check the police records to verify this information.

With all that being considered, we do NOT want the medical marijuana growing facility approved in our area. It is a safety issue for everyone especially the many children that live in our community.

Sincerely,

John & Paula Szalay
(owners of Park East)