



**Tulsa Metropolitan Area
Planning Commission**

Z-7767 Staff Report (Revised 5/31/24)

Hearing Date: June 5, 2024
Prepared by: Nathan Foster
nathanfoster@cityoftulsa.org
918-596-7609

Owner and Applicant Information

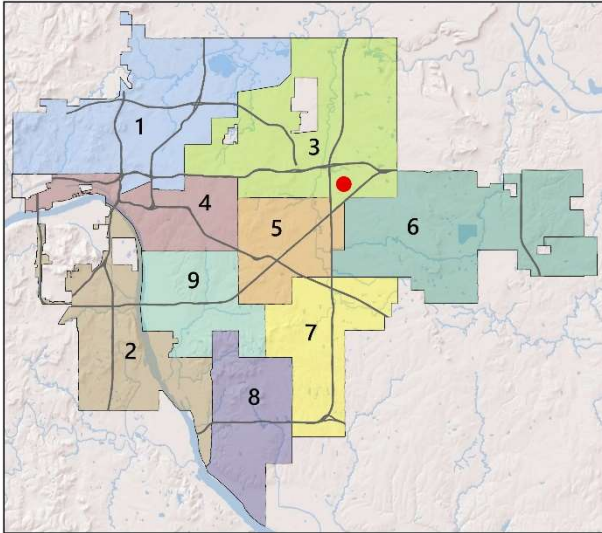
Applicant: Joseph A. McCormick
Property Owner: Elwood Holdings, LLC

Property Location

West of the northwest corner of East 11th Street South
and South Garnett Road
Tract Size: ±11.7 acres

Location within the City of Tulsa

(shown with City Council districts)



Elected Representatives

City Council: District 3, Crista Patrick
County Commission: District 1, Stan Sallee

Public Notice Required

Newspaper Notice – min. 20 days in advance
Mailed Notice to 300’ radius – min. 20 days in advance
Posted Sign – min. 20 days in advance

Staff Recommendation

Staff recommends approval of the rezoning subject to the standards outlined in the optional development plan.

Request Summary

Rezone subject properties CS and RS-3 to CG with an optional development plan to permit a landscaping business with pool sales.

Case was continued from May 1, 2024

Zoning

Existing Zoning:
Commercial – Shopping (CS)
Residential Single-Family 3 (RS-3)
Existing Overlays: RT66 Overlay
Proposed Zoning: Commercial – General (CG) with an optional development plan

Use

Current Use: Landscaping Business
Proposed Use: Landscaping Business and Pool Sales

Comprehensive Plan Considerations

Land Use

Land Use Plan: Employment
Small Area Plans: Plan 66
Development Era: Late Automobile

Transportation

Major Street & Highway Plan: Secondary Arterial
planitulsa Street Type: Multi-Modal Corridor
Transit: BRT Route
Existing Bike/Ped Facilities: On-Street Bike Lanes

Planned Bike/Ped Facilities: None

Environment

Flood Area: FEMA Floodplain
Tree Canopy Coverage: 30-50%
Parks & Open Space: N/A

Detailed Staff Recommendation

The applicant is proposing to rezone the subject property from CS and RS-3 to CG with an optional development plan to align the underlying zoning regulations with the current use of the property.

The property was granted a use variance in 1979 to permit sales and service of Ditch Witch equipment in the RS-3 district. Commercial uses have been present on the property since that time.

Because the original use variance was conditioned with a requirement that it only applied to sales and service of Ditch Witch equipment, the commercial uses operating the site today are not in compliance with the original approval or the existing zoning. The City of Tulsa does not permit use variances through the Board of Adjustment anymore so a rezoning is required to bring the commercial uses into compliance with the zoning code.

The proposed CG zoning aligns with the Employment land use designation of the Tulsa Comprehensive Plan; however, the size of the lot and the proximity to existing residential neighbors has prompted staff to recommend the inclusion of an optional development plan in order to limit uses and establish screening standards for the residential neighbors.

With consideration given to the factors listed herein, staff recommends **approval** of the application only with the optional development plan standards outlined below.

Z-7767 Development Standards

Z-7767 shall allow only the uses identified below, along with the customary accessory uses, and subject to the supplemental regulations of the Tulsa Zoning Code. Uses identified below are permitted by right.

Uses that cannot be reasonably interpreted to fall within a permitted use, as stated in Section 35.020-E of the Tulsa Zoning Code are prohibited.

Permitted Use Categories, Subcategories, and Specific Uses:

RESIDENTIAL Use Category

Household Living Subcategory (if in allowed building types identified below):

Three or more households on single lot

Apartment/Condo

Mixed-Use Building

Vertical Mixed-Use Building

PUBLIC, CIVIC, AND INSTITUTIONAL Use Category

College or University

Day Care (All specific uses)

Hospital

Library or Cultural Exhibit

Natural Resource Preservation

Parks and Recreation

Religious Assembly

Safety Service

School

Utilities and Public Service Facility

Minor

Wireless Communication Facility (All specific uses)

COMMERCIAL Use Category

Animal Service (All specific uses)

Broadcast or Recording Studio

Commercial Service, limited to specific uses below

Building service
 Business support service
 Consumer maintenance/repair service
 Personal improvement service
 Financial Services, excluding Personal Credit Establishment
 Funeral or Mortuary Service
 Lodging
 Hotel/motel
 Office, limited to specific uses below
 Business or professional office
 Medical, dental or health practitioner office
 Parking, Non,accessory
 Restaurants and Bars, limited to specific uses below
 Restaurant
 Retail Sales, excluding medical marijuana dispensary
 Studio, Artist or Instructional Service
 Trade School
 Vehicle Sales and Service, limited to specific uses below
 Commercial Vehicle Repair and Maintenance
 Personal Vehicle Repair and Maintenance
 WHOLESAL, DISTRIBUTION & STORAGE Use Category
 Equipment and Materials Storage, Outdoor
 Warehouse
 [Wholesale Sales and Distribution](#)
 RECYCLING
 Consumer Material Drop-off Station
 AGRICULTURAL
 Community Garden
 Farm, Market-, or Community-supported

Lot and Building Regulations:

Property located within Z-7767 will be subject to the lot and building regulations for the CG district, as defined in the Tulsa Zoning Code.

Parking:

Parking requirements within Z-7767 will be the minimum parking ratios for specific use categories in the CG District as outlined in Chapter 55 of the Tulsa Zoning Code. All parking constructed on site shall conform to the design standards outlined in Chapter 55 of the Tulsa Zoning Code.

Landscaping and Screening:

Landscaping and screening for the project shall conform to the requirements identified in Chapter 65 of the Tulsa Zoning Code and the supplemental regulations for specific use categories. An F1 screening fence must be installed along all shared property boundaries between commercial uses and adjacent R-zoned properties prior to any permit issuance on the subject property.

Signs:

Signage for the project shall conform to the sign regulations identified in Chapter 60 of the Tulsa Zoning Code.

Lighting:

Lighting for the project shall conform to the lighting requirements identified in Chapter 67 of the Tulsa Zoning Code.

Comprehensive Plan Considerations

Land Use Plan

The subject property is designated as Employment. Employment is intended to accommodate offices, warehousing and storage, manufacturing and assembly, and industrial processes. The Industrial Site Suitability map corresponds to the Employment land use designation and indicates where uses that are potentially incompatible with sensitive land uses are best suited to locate. This directs industrial uses to particular areas of the city while discouraging industrial in close proximity to Neighborhood areas.

Surrounding Properties:

| <u>Location</u> | <u>Existing Zoning/Overlay</u> | <u>Existing Land Use Designation</u> | <u>Existing Use</u> |
|-----------------|--------------------------------|--------------------------------------|---|
| North | RS-3 | Neighborhood/Employment | Residential/Vacant |
| East | RM-1 | Local Center/Employment | Religious Assembly/Fraternal Organization |
| South | RM-1 | Neighborhood | Multifamily Residential |
| West | CS/RS-3 | Employment/Neighborhood | Commercial/Residential |

Small Area Plans

The subject properties are located within the Plan 66, Route 66 Master Plan area. The plan encourages commercial uses along the Route and supports changes that will bring commercial properties into compliance with modernized code standards. The rezoning and the associated development plan will apply new zoning code requirements to an existing commercial use which will result in improved landscaping, screening, and building standards that are currently not applicable.

Development Era

The subject property is in an area developed during the Late Automobile Era (1950s-present), which has grown since the mainstreaming of automobile-centric lifestyles, with a high degree of separation between residential and nonresidential uses, and low levels of street connectivity. In these areas, transportation is nearly exclusively concentrated on the mile-by-mile arterial grid, and major streets are often both transportation corridors and destination corridors, which can lead to traffic congestion. Nonresidential uses are predominantly located at the intersections of major arterial streets. Priorities in these areas include commercial revitalization, placemaking, community gathering opportunities, conservation of natural areas, a high degree of privacy, one-stop shopping, and commuting routes.

Transportation

Major Street & Highway Plan: East 11th Street South is designated as a secondary arterial.

Comprehensive Plan Street Designation: East 11th Street is designated as a multi-modal corridor by the Tulsa Comprehensive Plan. Multi-modal streets support commercial and residential development along major arterial streets. These streets align with the recommendations for on-street bicycle infrastructure establish in the 2015 GO Plan, and they should be evaluated for feasibility with regard to the reallocation of street space for bicycle facilities.

Transit: East 11th Street South is planned as a future alignment for bus rapid transit service.

Existing Bike/Ped Facilities: On-street bike lanes are present along East 11th Street.

Planned Bike/Ped Facilities: None.

Environmental Considerations

Flood Area: The subject property contains FEMA and City of Tulsa Regulatory Floodplain. Development in floodplain areas is required to comply with all City of Tulsa ordinances.

Tree Canopy Coverage: Tree canopy in the area is 30%. Significant effort should be given to the preservation of mature stands of trees. Tree canopy removal should be minimized, and replacement of trees that need removing should be encouraged.

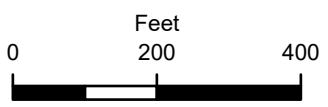
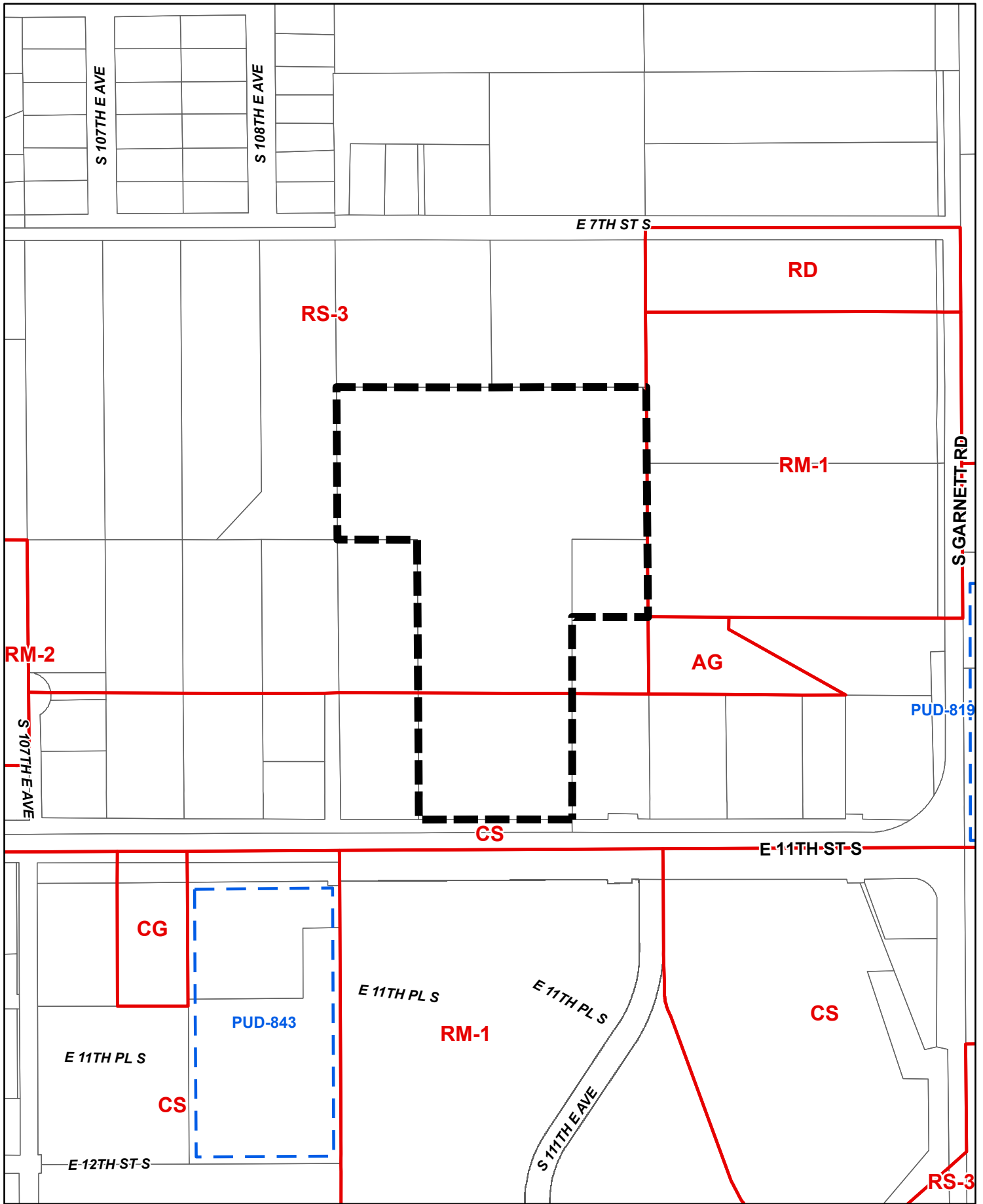
Parks & Open Space: N/A

Zoning History

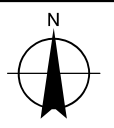
Ordinance 11817, dated June 26, 1970, established zoning for the subject property.

Exhibits

- Case map
- Aerial (small scale)
- Aerial (large scale)
- Tulsa Comprehensive Plan Land Use Map



Z-7767





S 107TH AVE

S 108TH AVE

E 7TH ST S

S GARNETT RD

S 107TH AVE

E 11TH ST S

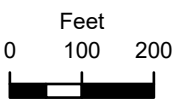
E 11TH PL S

E 11TH PL S

E 11TH PL S

E 12TH ST S

S 11TH AVE

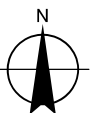


Subject Tract

Z-7767

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

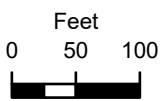
Aerial Photo Date: 2021





E 11TH ST S

S 11TH AVE

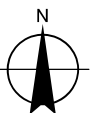


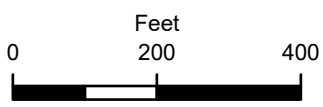
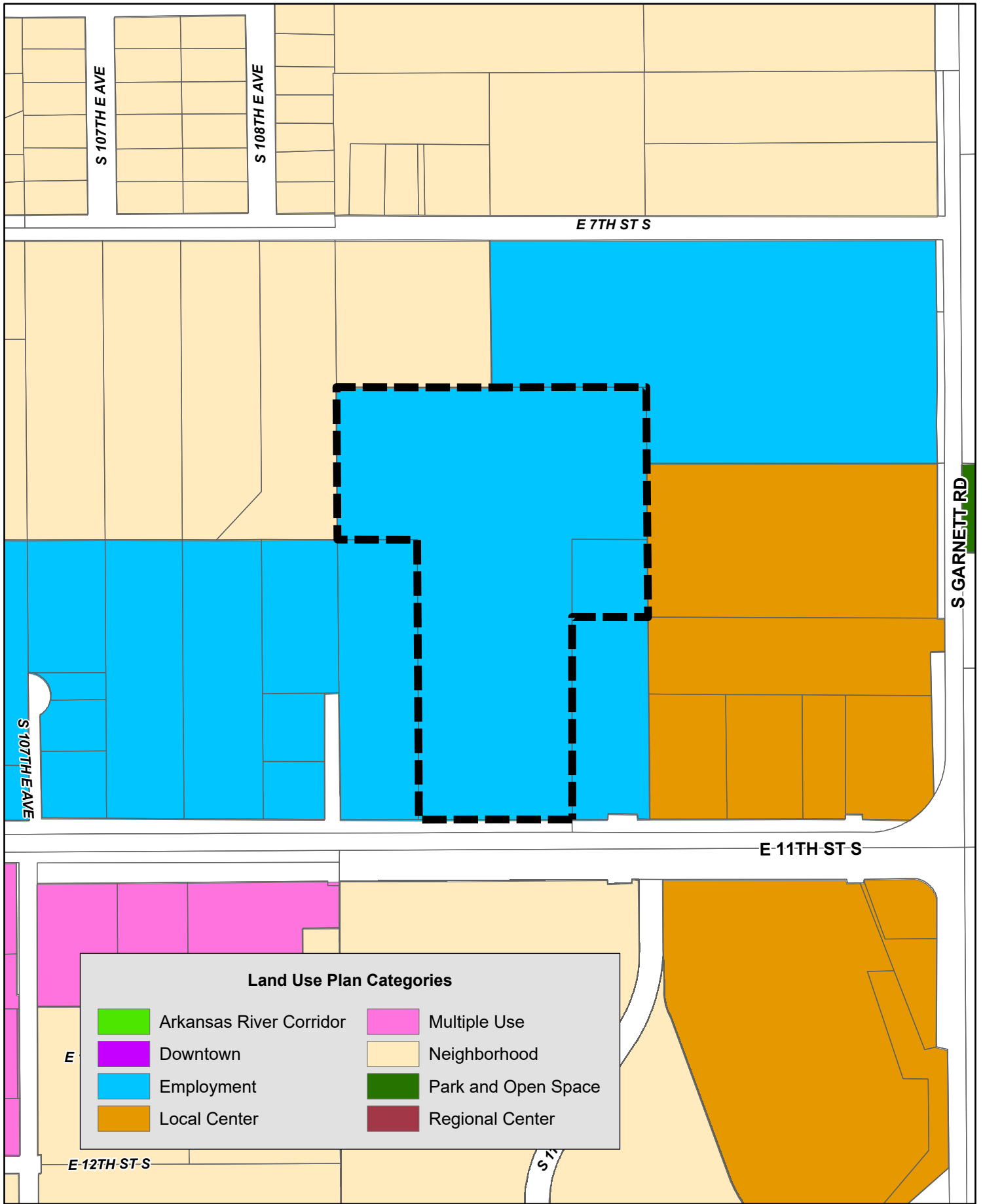
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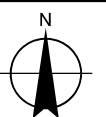
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Aerial Photo Date: 2021





Z-7767

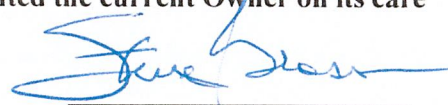


SECTION III: NEIGHBOR COMMUNICATIONS:

In late February, 2024, I, Steve Gross, Manager of ELWOOD HOLDINGS, LLC, the owner of the subject property, personally contacted the neighbors located within 300 feet of the subject property, located at 10901 East 11th Street, and explained this rezoning application, and the proposed use. The neighbors contacted were:

| Name | Address |
|---|--|
| Diaz Auto Sales, LLC (Jorge Garcia) | 10883 E. 11 th St. Tulsa, OK 74128 |
| Bob Hutchinson | 10818 E. 7 th Tulsa, OK 74128 |
| Moose Lodge 862 (Gary Landers) President | 11106 E. 7 th Tulsa, OK 74128 |
| Jim Penuel | 1102 S. 111 th E. Ave Tulsa, OK 74128 |
| Daniel Briggs | 1104 S. 111 th E. Ave Tulsa, OK 74128 |
| Vacant | 1106 S. 111 th E. Ave Tulsa, OK 74128 |
| Victoria Smith | 1108 S. 111 th E. Ave Tulsa, OK 74128 |
| Lenora Lucas | 11023 E. 11 th Place Tulsa, OK 74128 |
| Crystal Dake | 11015 E. 11 th Place Tulsa, OK 74128 |
| Rental-Empty | 11007 E. 11 th Place Tulsa, OK 74128 |
| Don Pringle | 10923 E. 11 th Place Tulsa, OK 74128 |
| David Rickman | 10901 E. 11 th Place Tulsa, OK 74128 |

I asked for any feedback or concerns of the neighbors. None of the neighbors objected to the rezoning application and several neighbors complimented the current Owner on its care and maintenance of the property.



Steve Gross