



Tulsa Metropolitan Area Planning Commission

Case Number: Z-7592

Hearing Date: January 20, 2021
(Moved from January 6, 2021 cancelled meeting)

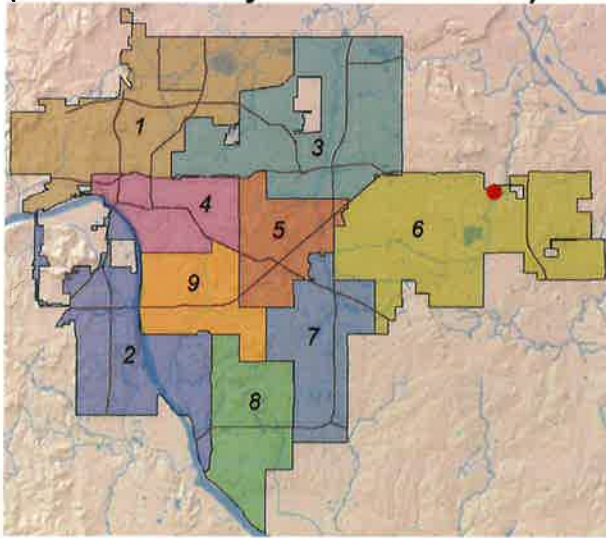
Case Report Prepared by:

Dwayne Wilkerson
Amended 1.20.2021 prior to planning commission meeting.

Owner and Applicant Information:

Applicant: Riverton Properties
Property Owner: Riverton Properties

Location Map:
(shown with City Council Districts)



Applicant Proposal:

Present Use: Medical Marijuana Grower Operation
Proposed Use: Medical Marijuana Grower Operation
Concept summary: The site was annexed into the City Limits of Tulsa with AG designation and has never been changed. The site appears to be used as a light industrial area.

Tract Size: 1 ± acres

Location: This site is in Wagoner County but in the City Limits of Tulsa and located North and East of the Northeast corner of East 11th Street South & South 193rd East Avenue on 6th street.

Zoning:

Existing Zoning: AG

Proposed Zoning: IH with an optional development plan

Comprehensive Plan:

Land Use Map: Employment

Stability and Growth Map: Area of Growth

Staff Recommendation:

Staff recommends approval of IH zoning but only with optional development plan outlined in Section II below.

Staff Data:

TRS: 9506
CZM: 40, 50

City Council District: 6

Councilor Name: Connie Dodson

Wagoner County Commission District: 1

Commissioner Name: James Hanning

12.1

SECTION I: Z-7592

DEVELOPMENT CONCEPT: Establish zoning for the site after the 2011 annexation.

In connection with the rezoning to the Industrial-Heavy District (IH District), the Applicant respectfully requests that pursuant to Section 70.040-B.2 of the Tulsa Zoning Code, the development of the Property be approved with the additional development limitations as follows:

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: Site Survey

DETAILED STAFF RECOMMENDATION:

The subject tract and surrounding properties are located within an Employment Land Use designation in the City of Tulsa Comprehensive plan. The site was annexed into the City of Tulsa with AG zoning and is not part of a small area plan that might provide additional guidance and,

The request for IH zoning along with normal supplemental regulations and limited uses identified in the optional development plan is consistent with the anticipated land use. Staff does not support IH zoning without the provisions of a development plan and,

Uses allowed in the proposed IH zoning district along with normal supplemental regulations and limited uses identified in the optional development plan is compatible with the surrounding proximate properties and,

The optional development plan outlined in section II below is consistent with the provisions of the Tulsa Zoning Code therefore,

Staff recommends Approval of Z-7592 to rezone property from AG to IH but only with the optional development plan outlined in Section II below.

SECTION II OPTIONAL DEVELOPMENT PLAN

The optional development plan standards will conform to the provisions of the Tulsa Zoning Code for development in an IH district with its supplemental regulations and Accessory Use provisions 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

* indicates specific uses that are only allowed through the special exception process.

A) RESIDENTIAL (see allowed residential building types below)

- Household Living
 - Single household

- Group Living
 - *Homeless center

13.2

- *Re-entry facility
- *Residential treatment center
- *Shelter, emergency and protective
- *Transitional living center

B) PUBLIC, CIVIC, AND INSTITUTIONAL

- *College or University
- *Day Care
- *Detention and Correctional Facility
- *Fraternal Organization
- *Governmental Service or Similar Functions
- *Hospital
- *Library or Cultural Exhibit
- *Parks and Recreation
- *Postal Services
- *Religious Assembly
- Safety Service
- *School
- Utilities and Public Service Facility (minor)
- *Utilities and Public Service Facility (major)
- Wireless Communication Facility (includes all specific uses)

C) COMMERCIAL

- Animal Service
 - Boarding or shelter
 - Grooming
 - Veterinary
- Assembly and entertainment
 - *Indoor gun club
 - *Other indoor
 - *(small; up to 250-person capacity)
 - *Other outdoor
- Broadcast or Recording Studio
- Commercial Service (includes all permitted specific uses)
- Financial Services (includes all permitted specific uses)
- Funeral or Mortuary Service
- Lodging
 - Short-term rental
 - Campgrounds and RV parks
 - *Hotel/motel
- Office (includes all permitted specific uses)
- Restaurants and Bars
 - Restaurant
 - *Bar
 - *Brewpub
- Retail Sales (includes all permitted specific uses)
- Self-service Storage Facility
- *Sexually Oriented Business Establishment
- Studio, Artist, or Instructional Service
- Trade School
- Vehicle Sales and Service (includes all permitted specific uses)

13.3

D) WHOLESALE, DISTRIBUTION AND STORAGE

Equipment & Materials Storage, Outdoor
Trucking and Transportation Terminal
Warehouse Wholesale Sales and Distribution

E) INDUSTRIAL

Low-impact Manufacturing & Industry
Moderate-impact Manufacturing & Industry
High-impact Manufacturing & Industry, but only for a High-Impact Medical Marijuana Processing Facility

F) RECYCLING

Consumer Material Drop-off Station
Consumer Material Processing

G) AGRICULTURAL

Animal Husbandry
Community Garden Farm, Market- or Community-supported
Horticulture Nursery

H) OTHER

Drive-in or Drive-through Facility (as a component of an allowed principal use)
Off-Premise Outdoor Advertising Sign

PERMITTED RESIDENTIAL BUILDING TYPES

Household Living

Single household

* Manufactured housing unit

~~* Mixed-use building~~

~~* Vertical mixed-use building~~

SECTION III: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Industrial zoning categories are generally consistent with Employment land use designation. The Tulsa Comprehensive plan does not provide clear guidance for locating heavy industrial uses. This small tract with the provisions of the optional development plan is consistent with the employment land use designation and consistent.

Land Use Vision:

Land Use Plan map designation: Employment

Employment areas contain office, warehousing, light manufacturing and high tech uses such as clean manufacturing or information technology. Sometimes big-box retail or warehouse retail clubs are found in these areas. These areas are distinguished from mixed-use centers in that they have few residences and typically have more extensive commercial activity.

Employment areas require access to major arterials or interstates. Those areas, with manufacturing and warehousing uses must be able to accommodate extensive truck traffic, and rail in some instances. Due to the special transportation requirements of these districts,

13.4

attention to design, screening and open space buffering is necessary when employment districts are near other districts that include moderate residential use.

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: None

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None except that property was annexed in 2001 as AG zoned property and has never been rezoned.

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS: The site has access from an undeveloped road right of way. Aerial photos illustrate a single-story commercial / industrial building with unimproved parking areas. The redevelopment of this site and rezoning will require the site to meet current zoning and development standards.

Staff Summary: *The property is occupied by a single underutilized building.*

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>
Un-named stub street with right of way connection to the cul-de-sac on East 6 th Street	None	50 feet	2 no curb and gutter or improved drainage system.
East 6 th Street	None	50 feet	2

13.5

Utilities:

The subject tract has municipal water service. Municipal sanitary sewer service is not available. The existing

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG	Employment	Growth	Contractor supply pipe yard and outdoor storage
East	AG	Employment	Growth	Unknown (single story metal building)
South	IH with optional development plan	Employment	Growth	industrial
West	AG	Employment	Growth	industrial

SECTION III: Relevant Zoning History

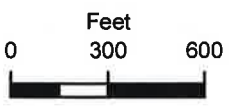
ZONING ORDINANCE: Ordinance number 20244 dated November 20, 2001 established zoning for the subject property.

No records could be found for the subject property or properties within 300 ft of the subject property other than the ordinance above which annexed this property (as well as many others into the City of Tulsa's corporate limits from Wagoner County).

Wagoner County was subsequently contacted to see if there were any records for this property prior to its annexation into the City of Tulsa. Staff was directed to the plats of the property: Port Area Industrial Park Plat (approved 1980) and Port Area Industrial Park Replat (approved 1984). Both plats list a restriction and/or limitation that states "All lots in the tract shall be known, described, and used as general commercial and industrial lots. Seeing as zoning was not established in Wagoner County until July of 1981, it would appear that the covenant or deed restriction listed on the plat to restrict the land to commercial general and industrial uses was not only used to regulate development, but continued to run with the land even though it may not have been enforceable due to the introduction of the new code. Additionally, as Wagoner County's original mylar zoning map shows the subject property and the surrounding subdivision as having AG zoning and the ordinance that annexed this land into the City of Tulsa's corporate limits indicated that all properties included in this ordinance were zoned AG and remained AG upon their annexation, it would appear that the land was never been re-zoned and is therefore non-conforming.

Surrounding Property:

Z-7567 August 2020: All concurred in **approval** of a request for *rezoning* a 1.08+ acre tract of land from AG to IH for industrial uses as permitted in an optional development plan, on property abutting the south boundary of Z-7592.



 Subject Tract

19-15 06

Z-7592 with Optional Development Plan

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

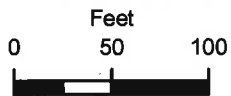
Aerial Photo Date: February 2018



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Subject Tract

19-15 06

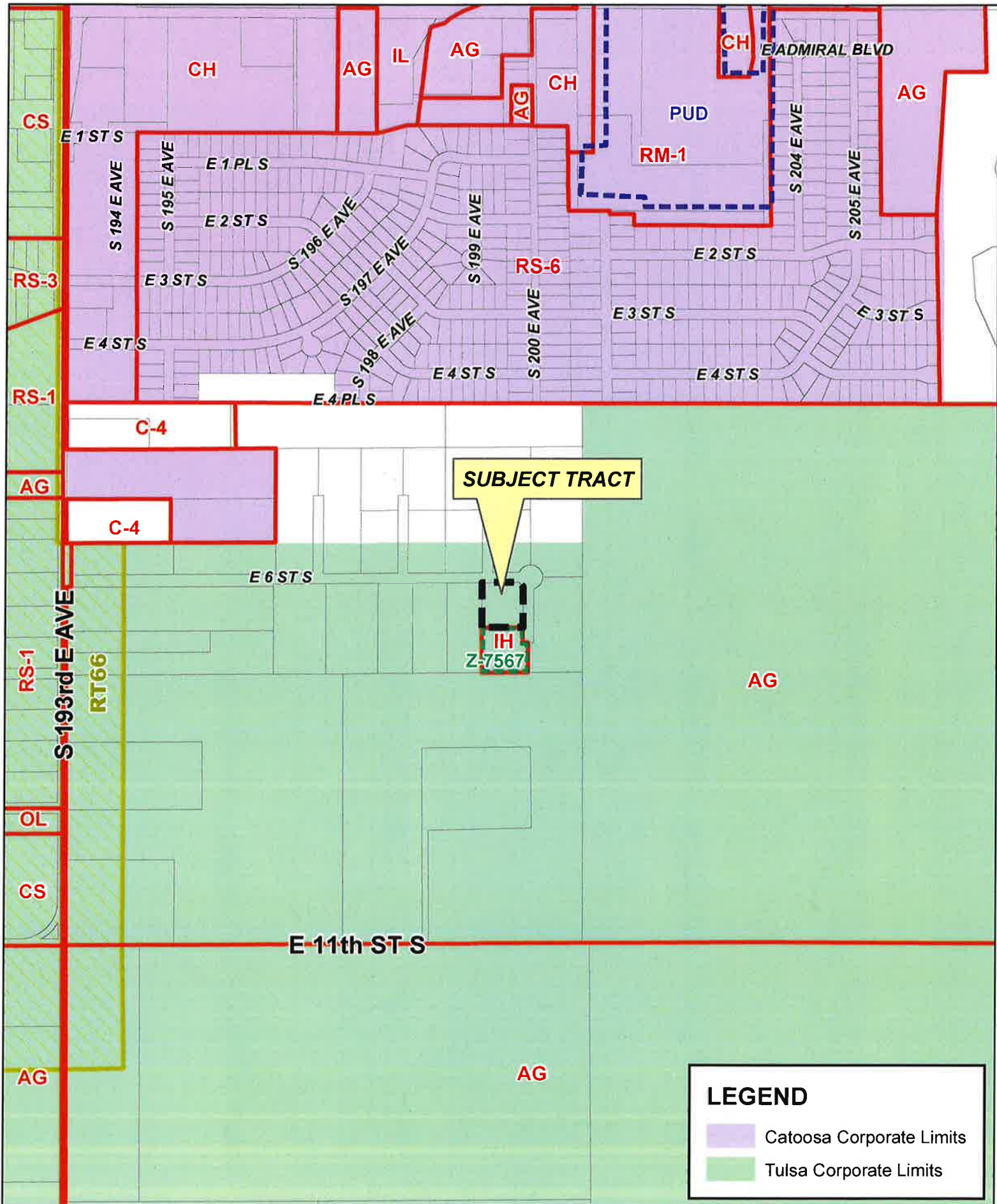
**Z-7592
with Optional
Development Plan**

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Aerial Photo Date: February 2018



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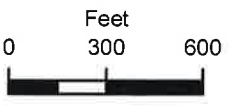


SUBJECT TRACT

**IH
Z-7567**

LEGEND

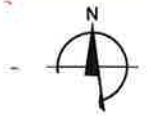
- Catoosa Corporate Limits
- Tulsa Corporate Limits

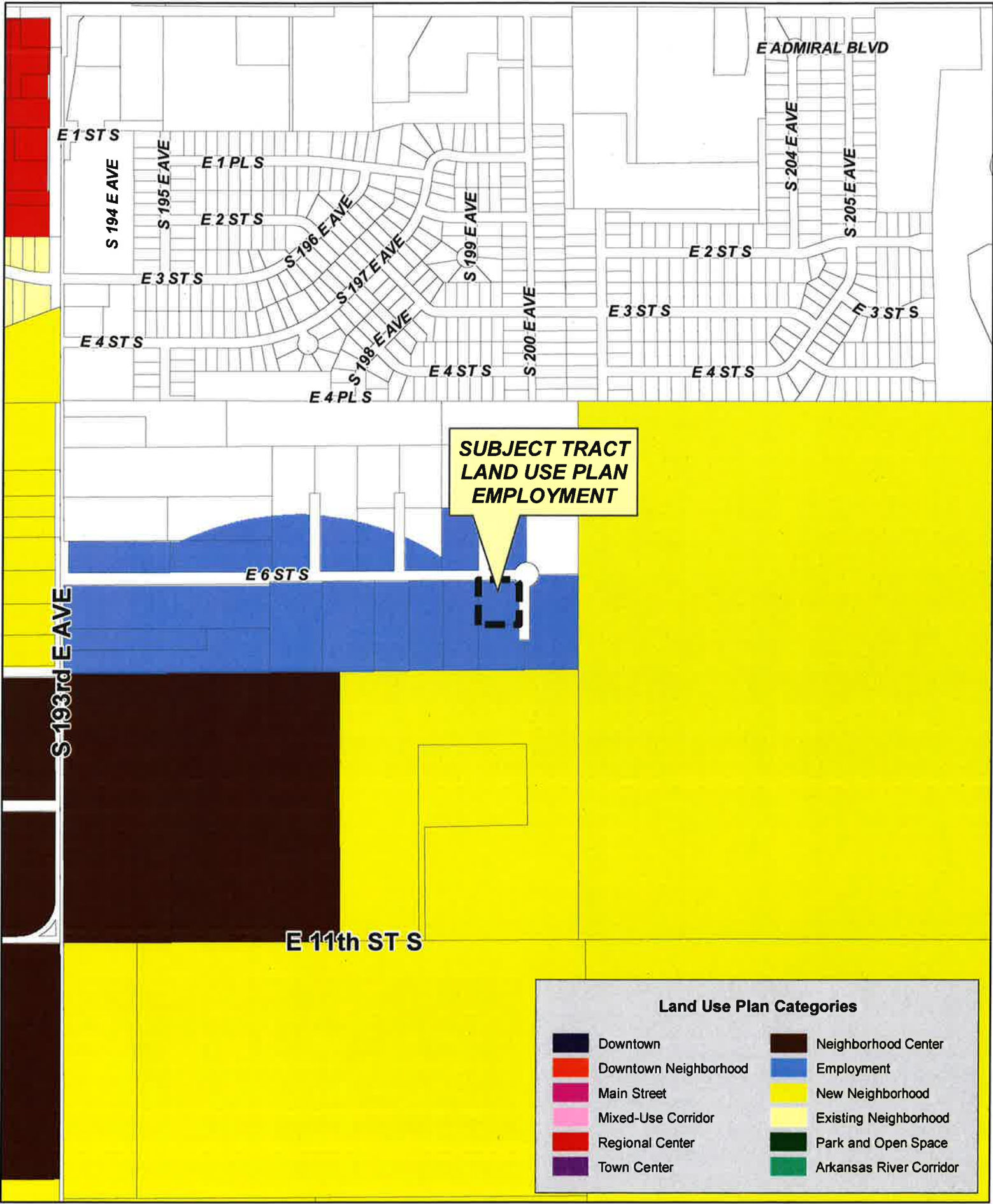


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**Z-7592
with Optional
Development Plan**

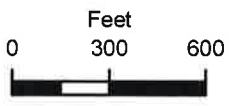
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**SUBJECT TRACT
LAND USE PLAN
EMPLOYMENT**

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

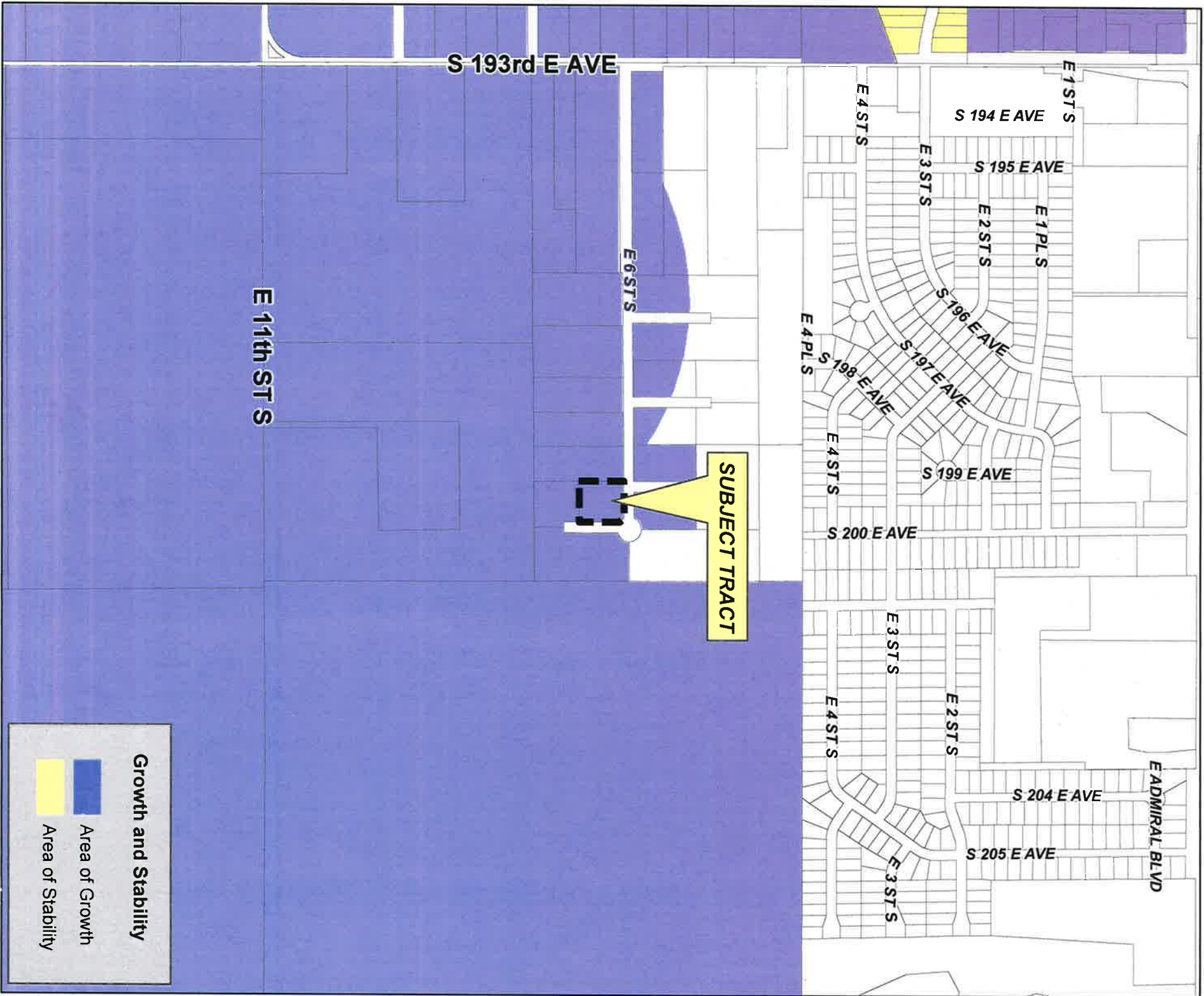


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**Z-7592
with Optional
Development Plan**

12-10





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Z-7592
with Optional
Development Plan

Growth and Stability

- Area of Growth
- Area of Stability



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