



Tulsa Metropolitan Area Planning Commission

**Case Number: Z-7604**

**Hearing Date: August 4, 2021**

July 7<sup>th</sup> applicant continuance request to August 4<sup>th</sup> for additional time to prepare development plan

June 2<sup>nd</sup> applicant continuance request to July 7<sup>th</sup> for optional development plan preparation.

Original hearing date May 19<sup>th</sup> staff request continuance to June 2<sup>nd</sup>.

**Case Report Prepared by:**

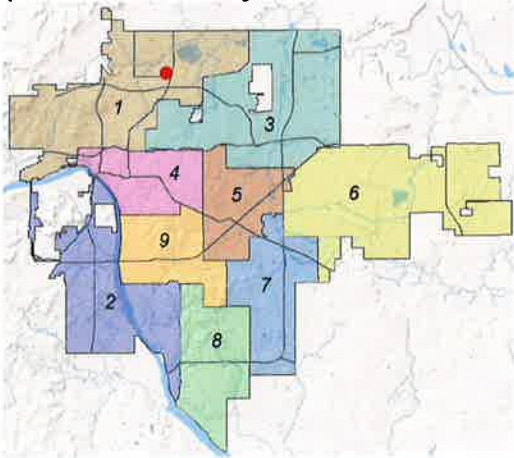
Dwayne Wilkerson

**Owner and Applicant Information:**

*Applicant:* Charles Onyechi

*Property Owner:* Same

**Location Map:  
(shown with City Council Districts)**



**Applicant Proposal:**

*Present Use:* Commercial Shopping

*Proposed Use:* Industrial Light

*Concept summary:* Rezone existing site to support horticulture nursery use.

*Tract Size:* 0.13 ± acres

*Location:* East of the Southeast corner of Mohawk Boulevard & North Columbia Avenue

**Zoning:**

*Existing Zoning:* CS

*Proposed Zoning:*  
Request: IL with optional development plan

**Comprehensive Plan:**

*Land Use Map:* Mixed-Use Corridor

*Stability and Growth Map:* Area of Growth

**Staff Recommendation:**

Staff recommends approval of IL zoning but only with the development plan outlined in section II of this staff report.

The applicant anticipated uses on this site will require City of Tulsa Board of Adjustment approval for a special exception for a horticulture nursery and low impact manufacturing.

**Staff Data:**

TRS: 0317  
CZM: 22

**City Council District: 1**

*Councilor Name:* Vanessa Hall-Harper

**County Commission District: 1**

*Commissioner Name:* Stan Sallee

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## SECTION I: Z-7604

### APPLICANTS DEVELOPMENT CONCEPT:

- Repurpose the existing building.
- Industrial uses will be prohibited except those allowed by the City of Tulsa Board of Adjustment for light manufacturing facilities necessary for production of medical marijuana edibles using medical marijuana components processed elsewhere and a horticulture nursery.
- The repurposed building and site will conform to the provisions of the CG zoning district.
- Rezoning this site will require conformance with the Subdivision and Development Regulations if zoning is approved.
- The Subject Property was purchased and developed by the previous landlord and used as a mechanic workshop (service garage) from 2016 until recently.
- In 2020, the Applicant, Cinosweatz LLC, purchased the Subject Property. In recent years, the trend in many cities around the country, including Tulsa, has been to repurpose otherwise vacant buildings to retail, commercial, and industrial spaces to accommodate new uses that were otherwise not conceived of at the time many of these buildings were originally developed. In keeping with this trend, the Applicant is seeking to expand the uses allowed on the Subject Property while maintaining the look and feel of a commercial style building/development. a detailed sight pan is attached as Exhibit.
- The Development Plan area measures 5,576 sq. feet (0.13 acres) with address as 2726 E Mohawk BV N, Tulsa. The intent of this Application is to expand the uses allowed in this structure to give the Applicant more flexibility using this building for growing and manufacturing marijuana plants for uses in the community and sale in dispensaries across the city. No exterior changes to the structure are planned other than painting and signage

#### **Current Use:**

- The Development Plan area is a mechanic area and is a vacant garage due to the decline in demand for mechanic and service garages in the neighborhood, the current restrictions on use on the subject property under the current restrictions on use on the subject property under the current CS zoning. The development plan area has been vacant for more than 10 years.

#### **Basis of Application:**

- As discussed above, the demand for the shopping center district, the Zoning type (CS) has changed drastically in the last decade. Around the City of Tulsa and nationwide, strip center developments are facing decreased demand. In addition to this change in tenant demand, e-commerce has forced many former brick and mortar retail operations out of business. As such, there are fewer potential tenants. The combined effect of these two shifts, has forced property owners to think differently about development of strip center malls.
- Much like another business owner's successful conversion of the storage buildings next to the properties owned by the Applicant, the Applicant would like to repurpose the Subject Property into a development that is more directed at attracting a different type of

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use than the original zoning and platting of the Barrett and Evans Subdivision. The Applicant believes that the proposed rezoning and Optional Development Plan will operate to allow a more diversified mixed use that would potentially drive much higher occupancy at the Subject Property and give the Applicant additional rent roll income with which to make further improvements. In Addition, the Applicant and is a resident in this part of town and would like to see more growth in the area, adding more jobs to the community, thereby improving the lifestyle of members of the community.

- Further, the Applicant believes the proposed rezoning will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

#### **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:  
Concept Site plan

#### **DETAILED STAFF RECOMMENDATION:**

The IL district is primarily intended to accommodate established commercial uses, while providing protection to adjacent residential area accommodate the grouping of compatible commercial and light industrial uses. The applicant requested IL zoning with the application associated with Z-7604 but setback limitations in an IL district on a very small site may create an unusable site. Future building permit applications may require board of adjustment variances to remove the 75-foot setback requirements from abutting residential districts. Many uses allowed in an IL district are not compatible with the expected land use development in the area however staff supports IL zoning with optional development plan allowing certain uses and supplemental regulations that are consistent with a Mixed-Use Land Use designation in the Tulsa Comprehensive Plan and,

IL zoning with use limitations identified in the development plan along with supplemental regulations in the zoning code are consistent with expected future development patterns in the area and,

The zoning code does not allow a development plan to reduce setback standards however the uses identified in the development plan outlined in Section II below are consistent with the provisions of the Tulsa Zoning code therefore,

Staff recommends Approval of Z-7604 to rezone property from CS to IL with the optional development plan standards outlined in Section II.

#### **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 CATEGORIES

### **PUBLIC, CIVIC AND INSTITUTIONAL**

- Safety Service
- Utilities and Public Service Facility
  - Minor
- Wireless Communication Facility
  - Freestanding tower
  - Building or tower-mounted antenna

### **COMMERCIAL**

#### **Animal service**

- Boarding or shelter
- Grooming
- Veterinary

#### **Broadcast or Recording Studio**

#### **Commercial Service**

- Building service
- Business support service
- Consumer maintenance/repair service
- Personal improvement service
- Research service

#### **Financial Services** including personal credit establishment

#### **Lodging**

- Campgrounds and RV parks
- Hotel/motel

#### **Office**

- Business or professional office
- Medical, dental or health practitioner office
- Plasma center

#### **Restaurants and Bars**

- Restaurant

#### **Retail Sales**

- Building supplies and equipment
- Consumer shopping goods
- Convenience goods
- Grocery Store
- Small Box Discount Store
- Medical Marijuana Dispensary

#### **Self-service Storage Facility**

#### **Studio, Artist, or Instructional Service**

#### **Trade School**

#### **Vehicle Service (sales not allowed)**

- Commercial vehicle repair / maintenance
- Fueling station
- Personal vehicle repair / maintenance
- Vehicle part and supply sales
- Vehicle body and paint finishing shop

### **WHOLESALE, DISTRIBUTION. & STORAGE**

- Wholesale Sales and Distribution

### **INDUSTRIAL**

- Low-impact Manufacturing & Industry but limited to production of medical marijuana edibles using medical marijuana components processed elsewhere.

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## **AGRICULTURAL**

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

## **OTHER**

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

### **SECTION III: Supporting Documentation**

#### RELATIONSHIP TO THE COMPREHENSIVE PLAN:

*Staff Summary:* IL zoning can be expected in some mixed-use corridor land use designation areas in certain circumstances. This site is very small and abuts residential properties on the southeast corner of the site which may create setback limitations identified in our code which could require Board of Adjustment approval of a variance from setback standards for industrial uses.

#### 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:* None except the residential collector designation.

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*Trail System Master Plan Considerations: None*

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

*Staff Summary: An existing building will remain on site and that building is expected to be converted to a agriculture grow operation.*



Environmental Considerations: None that affect site re-development.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
Mohawk Blvd	Residential Collector	60 feet	2

Utilities:

The subject tract has municipal water and sewer available.

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Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-3	New Neighborhood	Growth	Residential
East	CS and RS-3	Mixed Use Corridor	Growth	Vacant
South	CS and RS-3	Mixed Use Corridor	Growth	Automotive sales, service and possibly salvage.
West	CS	Mixed Use Corridor	Growth	Automotive Sales and Service

**SECTION IV: Relevant Zoning History**

**ZONING ORDINANCE:** Ordinance number 11802 dated June 26, 1970 established zoning for the subject property.

***Subject Property:***

No Relevant History.

***Surrounding Property:***

**BOA-23058 January 2021:** The Board of Adjustment **approved** a *Special Exception* to permit Moderate-Impact Medical Marijuana processing in the IL District, subject to a conceptual plan presented at the Board meeting. The site is located at 2623 East 36<sup>th</sup> Street North.

**Z-7307 August 2015:** All concurred in **approval** of a request for *rezoning* a 11.21+ acre tract of land from RMH to AG for agricultural use, on property located north of East Mohawk Boulevard between North Birmingham Avenue and North Columbia Avenue.

**BOA-20847 February 2009:** The Board of Adjustment **approved** a *Special Exception* to permit a manufactured home in the RS-3 district and a *Special Exception* to permit the manufactured home in the RS-3 district for a period of thirty years, subject to the home being set on a permanent foundation, according to manufacturing specifications with tie downs and tying into all existing utilities, there will be a rock or brick wainscot covering the concrete block around the perimeter, a porch will be constructed on the front utilizing a pitched roof and this porch shall be as noted on the plan received today, there shall be a concrete or asphalt driveway from Mohawk Boulevard to the manufactured home with parking for at least two automobiles either stacked or singularly, before this home is set the concrete fence shall be removed or brought back to no more than 4 ft in height, and all debris and clutter particularly along Mohawk Boulevard including the remains of ranch and rail fencing shall be removed, on property located at 2711 East Mohawk Boulevard.

**BOA-17617 January 1997:** The Board of Adjustment **approved** a *Special Exception* to permit an existing nursing home in accordance with as-built survey and in accordance with non-conforming status of initial construction and previous Board permitting expansions as it pertains to setbacks and landscaping, and a *Special Exception* to modify screening requirements, per plan submitted, on property located at the northeast corner of 36<sup>th</sup> Street North and Columbia.

**BOA-15083 March 1989:** The Board of Adjustment **approved** a *Special Exception* to allow or the expansion of an existing nursing home in an RS-3 District and to approve a *Variance* of the

lot frontage from 50' to 37' to allow for a lot split, per plot plan submitted, finding that the 37' of land fronting Columbia Avenue was purchased by the owner to allow the existing building to be located within his ownership and maintain a reasonable setback, on property located at the northeast corner of 36<sup>th</sup> Street North and North Columbia Avenue.

**BOA-13177 June 1984:** The Board of Adjustment **approved** a *Special Exception* to permit Use Unit 17 in a CS district under the provisions of Section 1680, a *Variance* of the required screening from an abutting R district, and a *Variance* to permit open air storage or display within 300' of an adjoining R district, subject to it being restricted to auto sales only, and subject to any lighting that is erected being directed inward onto the property, on property located at east of the southeast corner of Columbia Avenue and Mohawk Boulevard.

**BOA-12089 July 1982:** The Board of Adjustment **approved** a *Variance* to waive the screening requirement so long as the ownership remains with this applicant, a *Variance* of the parking requirements and that the applicant will asphalt two (2) parking spaces, and a *Variance* of the frontage requirements from 50' to 20', on property located at 3839 North Columbia Avenue.

**Z-4804 November 1977:** All concurred in **approval** of a request for *rezoning* a 4± acre tract of land from RD to CG for a garage, on property located north of Mohawk Boulevard on North Columbia Avenue.

**Z-4670 January 1975:** All concurred in **approval** of a request for *rezoning* a .5± acre tract of land from RS-3 to CS for a plumbing shop, on property located north of the northeast corner of 36<sup>th</sup> Street North and Columbia Avenue.

**BOA-06562 February 1970:** The Board of Adjustment **approved** CDP No. 79, under the provisions of Section 18, on property located at the northwest corner of Columbia Avenue and Mohawk Boulevard, subject to the following conditions:

1. That a shrubbery screen along the North and East Boundaries of the project be a condition of approval.
2. That the CDP text and plot plan be conditions of approval.
3. That no commercial uses be permitted within the project excepting the customary management office recreational facilities, laundry, and vending services, to be located in the recreation and service area so designated on the plot plan.
4. That a subdivision plat be approved and filed of record in the County Clerk's office before any building permits are issued.
5. That a free-standing sign be permitted along Mohawk Boulevard to identify the park, a maximum of 15 feet in height and 48 square feet in area (6x8) and no flashing lights.

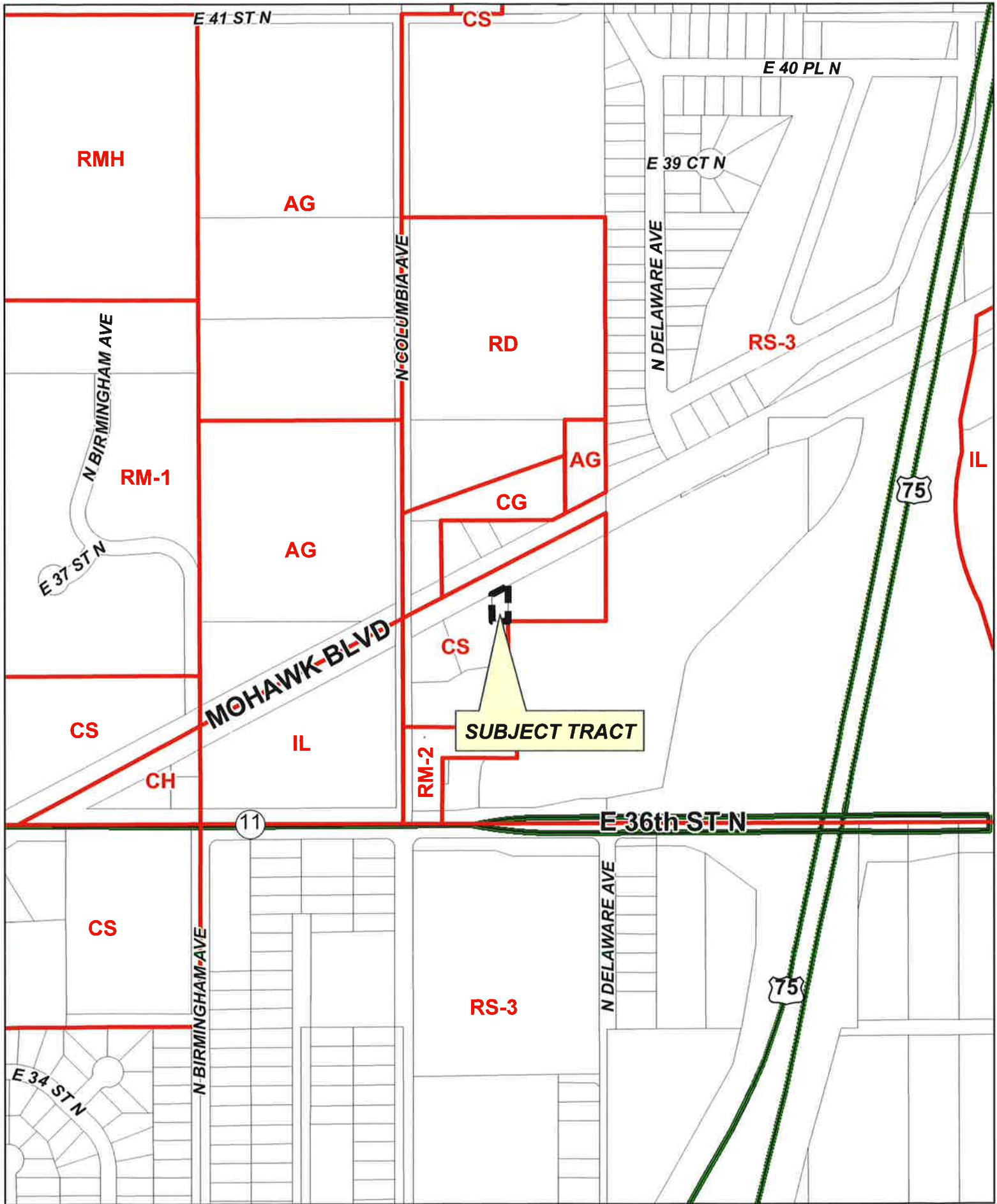
CDP No. 79 has since been expired, pursuant to Section 204 of the 1970 zoning code.

**BOA-05195 September 1966:** The Board of Adjustment **granted** permission to erect an accessory building to be used as a laundry building for Black's Nursing Home in a U-2-B district, on property located on the west 106 feet of the east half of Lot 8, Barrett-Evans Subdivision.

**BOA-02873 September 1956:** The Board of Adjustment **granted** permission to operate a nursing home, on property located on the west 106 feet of the east half of Lot 8, Barrett-Evans Subdivision.

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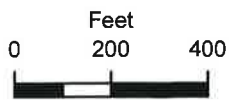




20-13 17

**Z-7604**  
with Optional  
Development Plan





Subject  
Tract

20-13 17

# Z-7604 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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N COLUMBIA AVE

MOHAWK BLVD

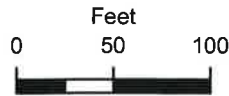
**Z-7604**

**with Optional  
Development Plan**

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

Aerial Photo Date: February 2011

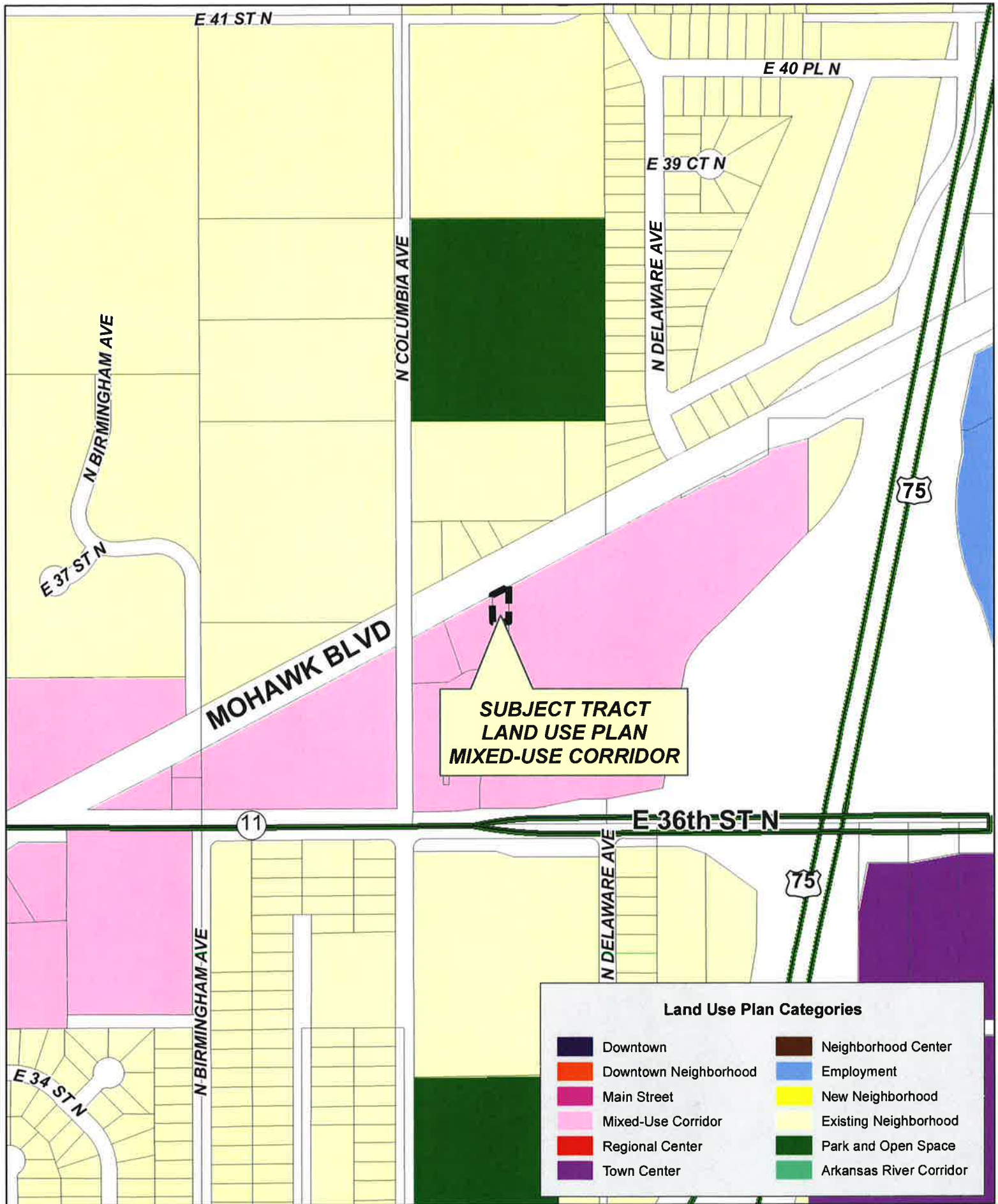
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 Subject Tract

20-13 17

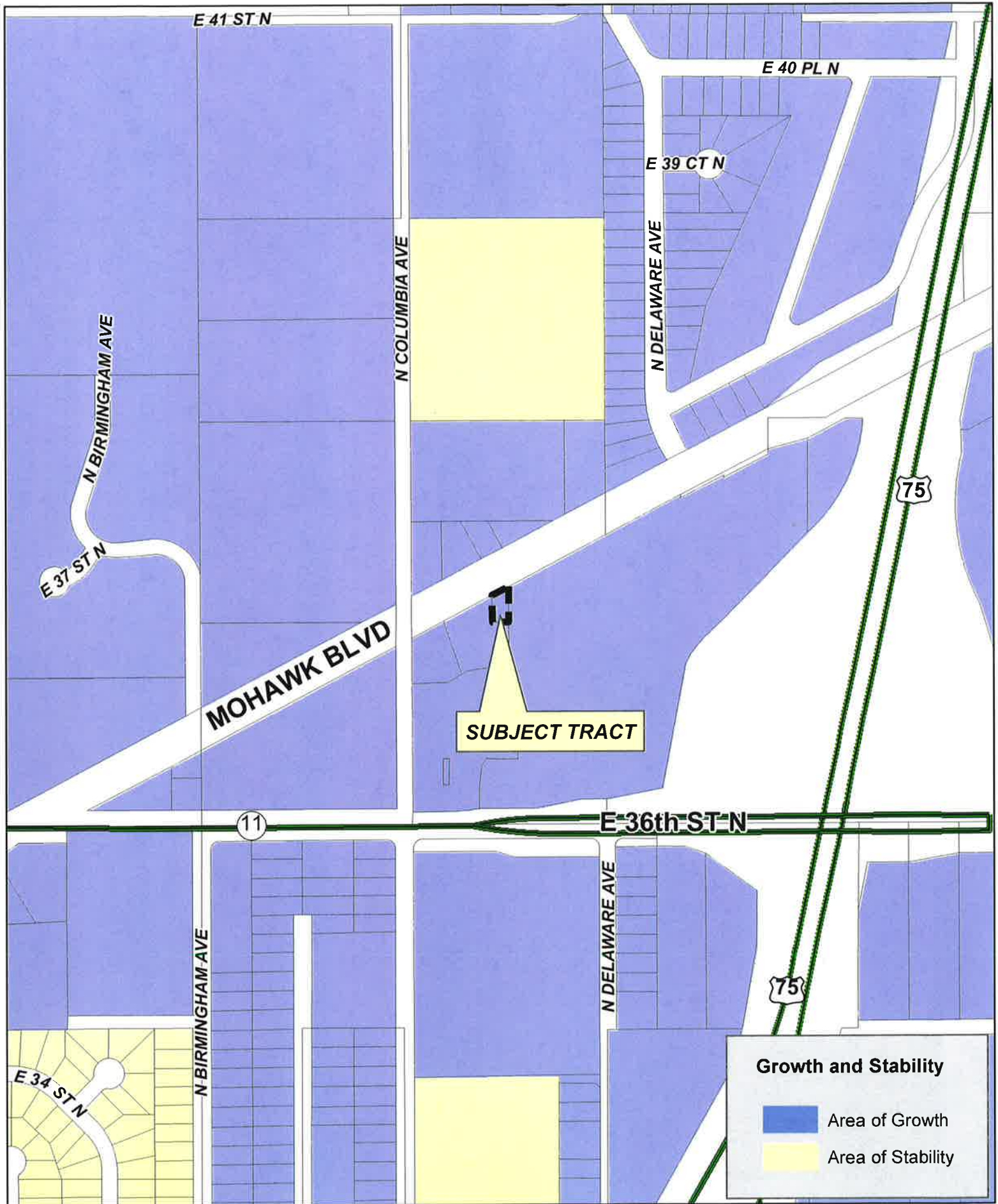




20-13 17

**Z-7604**  
**with Optional**  
**Development Plan**





20-13 17

**Z-7604**  
*with Optional*  
**Development Plan**





TULSA, OK  
 (918) 588-8343  
 WWW.RCJDESIGNS.COM

CONSULTANT

PROJECT

CINOSWEATZ  
 GROUP LLC

PROJECT # 21166

2726 MOHAWK BLVD  
 TULSA, OK 74110

REVISIONS

NO. Description Date

PROJECT PATH

SITE PLAN

SHEET DATE

07.01.2021

SHEET NAME

SITE PLAN

SHEET NUMBER

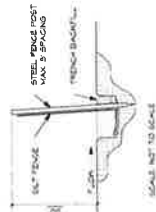
SP

**SUBJECT DISCLAIMER**

THIS SITE PLAN IS A DESIGN AND NOT A CONSTRUCTION DOCUMENT. THE CLIENT SHALL BE RESPONSIBLE FOR THE OBTAINMENT OF ALL NECESSARY PERMITS AND FOR THE ACCURACY OF ALL INFORMATION PROVIDED TO THE CONSULTANT. THE CONSULTANT SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS SITE PLAN.

**SILT FENCE DETAIL**

- STEEL POSTS TO PROVIDE SUPPORT FOR THE SILT FENCE SHALL BE INSTALLED ON A SUBSTANTIALLY FLAT SURFACE TO PROVIDE ADEQUATE SUPPORT.
- THE TOP OF THE SILT FENCE SHALL BE AT LEAST 3 INCHES ABOVE THE FINISH GRADE AND PERPENDICULAR TO THE LINE OF FLOW.
- THE TRENCH SHOULD BE A MINIMUM OF 6 INCHES DEEP AND 3 TO 4 INCHES WIDE. THE TRENCH SHOULD BE LOCATED IN THE TRENCH AND SHOULD BE BACKFILLED WITH SOIL.
- SILT FENCES SHOULD BE SECURELY FASTENED TO EACH STEEL SUPPORT POST OR TO MOVA WIRE, WHICH IS IN TURN ATTACHED TO THE STEEL AND BACKFILLED WITH SOIL.
- NO TRENCHES SHALL BE REQUIRED FOR REPAIR OR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED.
- SILT FENCES SHALL BE REMOVED WHEN THEY HAVE SERVED THEIR PURPOSE SO AS NOT TO BLOCK OR IMPERE STORY FLOORS OR DRAINAGE.
- SEMENT TREATED BY THIS PRACTICE SHALL BE DISPOSED OF IN AN APPROPRIATE MANNER THAT WILL NOT CONTRIBUTE TO ADDITIONAL POLLUTION.
- ACCUMULATED SOIL SHALL BE REMOVED WHEN IT REACHES A DEPTH OF 6 INCHES AND DISPOSED OF IN AN APPROVED SOIL SITE OR AS NEEDED ABOVE.



**PROJECT INFORMATION**

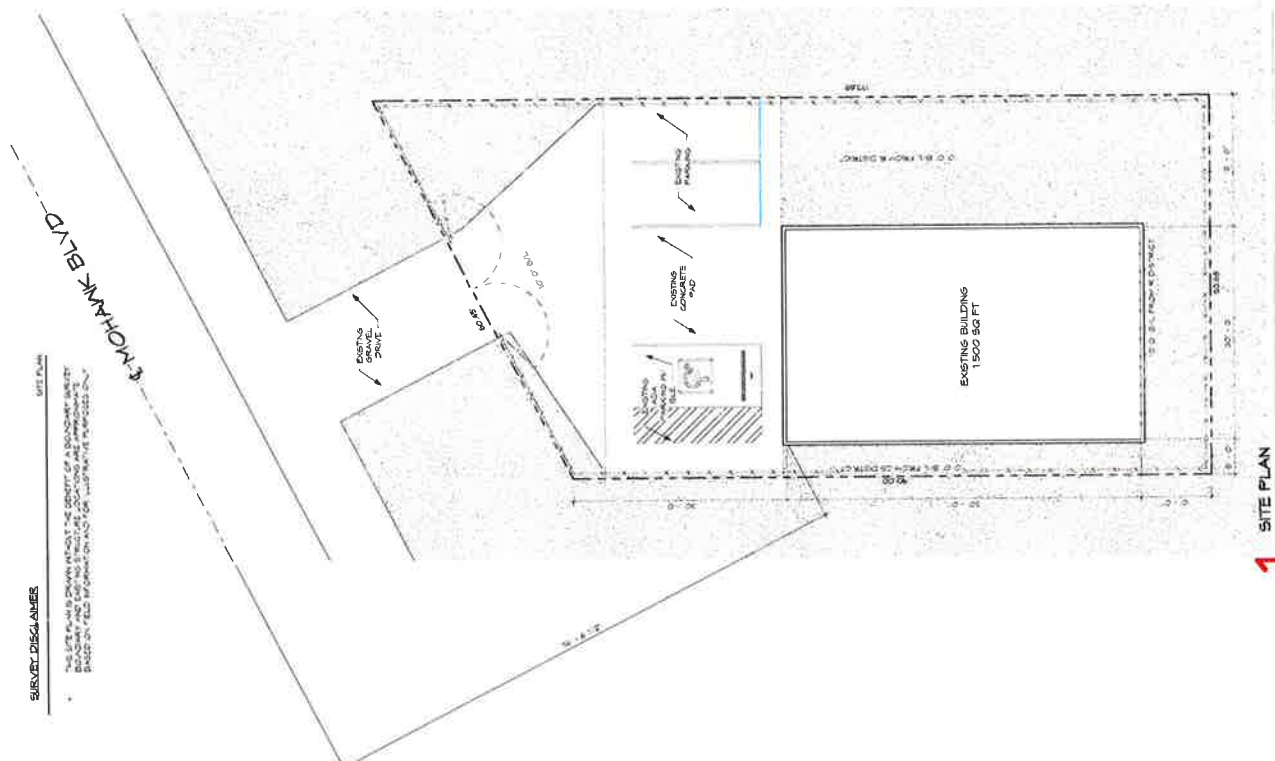
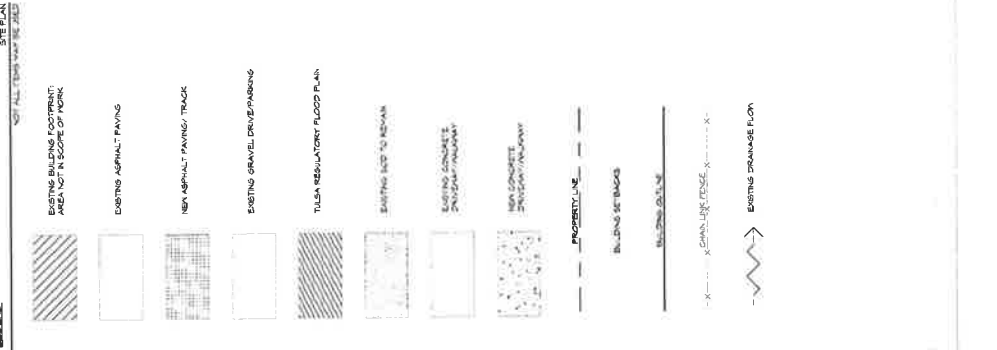
**LEGAL DESCRIPTION**  
 SECTION BARRETT LEVINS SUB  
 LEGAL 2660 2600 N.W. 25 TH. 405.66 AND NEV. 60 AS 8171.08 FOR 1.75  
 SECTION 11 TOWNSHIP 20 RANGE 10

**GENERAL INFORMATION**  
 ACRES: 0.5374 SQ FT  
 CONCRETE PAD: 30' X 30' FT

**EXISTING/NEW AREA**  
 TOTAL EXISTING AREA: 3,641 SQ FT  
 EXISTING OPEN/PAVED AREA: 3,641 SQ FT  
 INCREASE IN IMPERVIOUS AREA: 0 SQ FT

**REGULATIONS**  
 OS-NH OPEN SPACE REQD: 300 SQ FT  
 OPEN SPACE PROVIDED: 300 SQ FT

**LEGEND**



**1 SITE PLAN**  
 1/8" = 1'-0"

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