



Tulsa Metropolitan Area  
Planning Commission

**Case Number: Z-7606**

**Hearing Date: June 2, 2021**

Staff requested continuance May 19<sup>th</sup> to June 2<sup>nd</sup>

**Case Report Prepared by:**

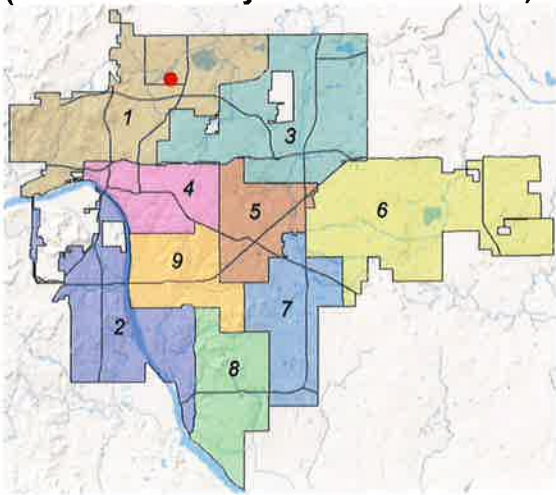
Dwayne Wilkerson

**Owner and Applicant Information:**

*Applicant:* Mike Thedford

*Property Owner:* MBROS Real Estate LLC

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



**Applicant Proposal:**

*Present Use:* Vacant

*Proposed Use:* Auto salvage expansion

*Concept summary:* Rezone non-conforming automobile salvage operation and rezone to allow expansion of the existing business. Provide new business opportunities for future redevelopment.

*Tract Size:* 7.22 ± acres

*Location:* North of the Northeast corner of East 36<sup>th</sup> Street North & North Lewis Avenue

**Zoning:**

*Existing Zoning:* CS

*Proposed Zoning:* IH with an optional development plan

**Comprehensive Plan:**

*Land Use Map:* Mixed-Use Corridor

*Stability and Growth Map:* Area of Growth

**Staff Recommendation:**

**IH zoning without a development plan is not supported by staff; however staff recommends approval of Z-7606 as outlined in the development plan defined in Section II.**

**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-7606**

### **DEVELOPMENT CONCEPT:**

In connection with the rezoning to the Industrial-Heavy District (IH District), the Applicant 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 as identified in Section II in the following staff report.

The development plan has been prepared anticipating long term redevelopment opportunities on this site and has included many use opportunities that are consistent with the expected long-term impacts of recent public and private investments and redevelopment strategies that are expected in this area of Tulsa. The development plan allows for expansion of the existing salvage business but also requires significant improvements to the existing facility and will improve the visual quality and operational standards of the existing business. The underlying residential zoning is unlikely at this location. One of the major goals of this zoning request is to remove zoning limitations that will help incentivize future redevelopment opportunities in this area.

As a continued effort to improve the land use development of this area the abutting street right of way east of this site will be closed and vacated removing the city ownership maintenance responsibilities. Any pavement in the old right of way will be removed as part of that closure process.

### **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 plan with inset details

### **DETAILED STAFF RECOMMENDATION:**

The subject tract is included in a Mixed-Use Corridor land use designation in the Tulsa Comprehensive Plan. The uses allowed in an IH district are not normally associated with that land use. The Comprehensive Plan is not clear on where IH uses should be included or if they should be allowed inside the City. Normally, industrial uses are included in Employment land use designation in the City of Tulsa Comprehensive Plan and,

The existing salvage operation has been operational for decades and was a non-conforming use when the Comprehensive Plan was prepared in 2010. Staff has prepared an industrial site suitability study and has determined that this site and proposed expansion can be integrated into this neighborhood. The development plan will require improvements to the existing facility, supporting future use opportunities and limit industrial uses specific to the existing business. Staff concludes that the rezoning request with the development plan standards are suitable at this location 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 provision of the update to the City of Tulsa Comprehensive Plan anticipated within the coming year and,

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

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

Staff recommends Approval of Z-7606 to rezone property from RS-3 and CS to IH but only with the development plan outlined in Section II.

## **SECTION II: 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 identified in the Zoning Code.

#### **A) PUBLIC, CIVIC, AND INSTITUTIONAL**

- College or University
- Fraternal Organization
- Natural Resource Preservation
- \*Religious Assembly
- Safety Service
- \*School
- 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)
- Funeral or Mortuary Service
- Office
  - Business or professional office
  - Medical, dental or health practitioner office
- 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)

#### **C) WHOLESALE, DISTRIBUTION AND STORAGE**

- Equipment & Materials Storage, Outdoor
- Warehouse Wholesale Sales and Distribution

#### **D) INDUSTRIAL**

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Low-impact Manufacturing & Industry  
Junk or Salvage Yard (limited to automobile salvage operations).

**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)

**Redevelopment requirements on existing facility:**

As illustrated on attached exhibit the parking area north of the mini storage shall be improved as follows:

- 1) All of the gravel or paved parking area in the street right of way on North Lewis adjacent to Z-7606 will be removed, graded, covered with topsoil and sod by January 1, 2022. The existing driveways installed by the City of Tulsa in the recent street improvements are exempt from that requirement.
- 2) All the existing parking area on private property east of the right of way line on North Lewis as illustrated on the concept plans will be paved and landscape meeting or exceeding Zoning Code Standards will be completed by July 1, 2022.
- 3) Screening along east boundary of development plan boundary shall be provided in a 20-foot-wide vegetative buffer established and maintained along the entire east boundary of the development plan area and shall meet or exceed the F1 screening standards identified in the Zoning Code. The screen shall be completed by July 1, 2022.

**SECTION III: Supporting Documentation**

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: Staff in the Tulsa Planning Office prepared an Industrial Site Suitability analysis in collaboration with the City of Tulsa Mayor's Office of Economic Development and others at INCOG. The industrial Site Suitability Analysis provides guidance for expected changes in the pending update to the City of Tulsa Comprehensive Plan update.

Industrial Site Suitability Analysis:

This site meets the following industrial site suitability criteria:

1. Proximity to existing infrastructure
  - a. The site is near two major highways, within less than a mile of access to Highway 75 and the Gilcrease Expressway.
  - b. The site is located within a 10-minute drive of Tulsa International Airport.
  - c. The site is located within a 20-minute drive of the Tulsa Port of Catoosa.
2. Needed Investment
  - a. The site is well served by the arterial street network, being near the intersection of N. Lewis Ave. and N. 36<sup>th</sup> St. E., both of which carry less than 2,500 vehicles per lane per day, indicating significant capacity to accommodate new development. There is no additional investment needed in arterial access.

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- b. Portions of the site are within ½-mile of the South Kansas and Oklahoma Railroad. This represents an easy connection to existing infrastructure, and short line expansion would be relatively affordable compared to many locations in Tulsa.
  - c. The site is served by Route 410 of the Tulsa Transit system. There is no need to extend service to the site.
  - d. The site is served with all City utilities, and there is no need to extend service to the site.
- 3. Incentives
  - a. This property falls within an Opportunity Zone.
  - b. This property falls within a New Market Tax Credit area.
- 4. Site Constraints
  - a. The site is free of extreme slope.
  - b. The site is free of exposed bedrock.
  - c. The site is adjacent to a residential housing use, Mohawk Manor to the east.

Given all these criteria, this site is designated as “Most Suitable” for industrial uses contingent on mitigation efforts between the property and the adjacent residential housing development. Conversations with the Tulsa Housing Authority and residents of Mohawk Manor should occur to ensure that expansion efforts are balanced with sensitivity to existing residents.

#### Current 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





Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The property along the east side of N. Lewis Ave., near the intersection with E. 36<sup>th</sup> St. N. is an existing auto salvage operation on multiple parcels zoned for single family residential uses and has been in place for decades. The uses to the north and south on Lewis include other salvage facilities and self-storage. Southwest of the subject property is the Mohawk-Peoria Industrial Park site, a major investment of industrial employment lands. To the east is a Tulsa Housing Authority complex, Mohawk Manor. This is the most significant residential use in the surrounding area, and industrial activity should be screened for light, noise, and other intrusive elements. It is not uncommon for properties designated *Employment* to abut sites designated *Existing Neighborhood* in Tulsa.

This site's current use is more consistent with the *Employment* land use designation than with the *Mixed-Use Corridor* land use vision. With the introduction of the Mohawk-Peoria Industrial Park and its associated TIF district it is reasonable to consider this area as an extension of that land use and will continue to be an employment area. In the same way that the *Employment*-designated Mohawk-Peoria Industrial Park abuts *Existing Neighborhood* designations, so can this site with proper screening and development considerations.

Environmental Considerations: Site contamination is heavily regulated through the state regulatory authority for salvage operations. Additional screening and operational standards are an important part of integrating this business adjacent to neighborhoods.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
North Lewis Avenue	Secondary Arterial	100 feet	5 lanes transitioning to 3 lanes with 2 bike lanes and center turn lane
East 36 <sup>th</sup> Street North	Secondary Arterial	100 feet	3 lanes transitioning to two lanes
Unimproved Street right of way (east boundary)	None	50 feet	1 lane gravel (to be closed and vacated)

Utilities:

The subject tract has municipal water and sewer available.

### Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	RS-3	Mixed-Use Corridor	Growth	Non-conforming use (heavy equipment parts)
East	RM-1 and CS	Existing Neighborhood and Mixed-Use Corridor	Growth	Multi-family and undeveloped land
South	CS	Mixed-Use Corridor	Growth	Undeveloped and non-conforming auto body shop
West	AG and CS	New Neighborhood and Mixed-Use Corridor.	Growth	Self-Storage and Undeveloped west side of North Lewis

### **NEIGHBORHOOD ENGAGEMENT:**

The applicant has met with the Phoenix neighborhood. Staff has not received input from those meetings.

### **SECTION IV: Relevant Zoning History**

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

### ***Subject Property:***

**BOA-19583-A May 2010:** The Board of Adjustment **approved** a *Modification* of a previous approval to eliminate the condition of a screening fence around the property with the condition the Board accepts the two portions of fence on the north and south screening the west; no salvage, pieces, parts or cars be parked in front of the building, per plan submitted, finding that this modification is in compliance with the original approval of the City Board of Adjustment in Case No. 20033, on property located at 3901 North Lewis Avenue East.

**BOA-20033 May 2005:** The Board of Adjustment **approved** a *Special Exception* for approval of an amended site plan previously approved May 27, 2003 (BOA-19583), for a building 60' x 160', on property located at 3901 North Lewis Avenue East.

**BOA-19583 May 2003:** The Board of Adjustment **approved** a *Special Exception* to allow rebuilding a structure containing a non-conforming use, per plan, with conditions for a screening fence on all four sides, minimum 8' height, consistent construction, with a pleasing appearance to the surrounding properties, on property located at 3901 N. Lewis.

**BOA-18718 May 2000:** The Board of Adjustment **approved** a *Special Exception* to permit auto sales in a CS district, for a period of five years, a *Variance* to permit open air-storage or display of merchandise offered for sale within 300' of an adjoining R district, a *Variance* of required all-weather surface for off-street parking, a *Variance* of off-street parking setback from the centerline of abutting street within 50' of an R district, and a *Special Exception* to modify screening fence requirement from an abutting R district, with condition that fence be immediately constructed on the east property line and that if the sue on the north property line changes from a salvage yard that at that point a screening fence be provided on the north

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property line, all approvals being for a period of five years, finding the hardship to be that this has been a legal non-conforming use as a salvage yard, on property located at 3813 N. Lewis.

**BOA-18152 September 1998:** The Board of Adjustment **approved** a *Variance* to allow a residential treatment center and medical care facility in a CS-zoned district, on property located north of the northeast corner of East 36<sup>th</sup> Street North and North Lewis Avenue. This includes a part of the northern portion of the subject property and some surrounding properties to the west.

**BOA-16804 September 1994:** The Board of Adjustment **approved** a *Special Exception* to remove the required screening fence, subject to screening being required if Atlanta Avenue is ever improved, finding that a screening fence would be of no advantage, due to the topography of the land abutting the east boundary of the tract and a similar request was approved on another lot in the area, on property located at 3901 North Lewis Avenue.

**BOA-16626 April 1994:** The Board of Adjustment **approved** a *Special Exception* to modify the screening requirement along the entire southern boundary adjacent to the auto salvage, waiving screening along the entire eastern boundary and the east 300' of the northern boundary as long as the earthen berm remains in place, waiving the screening along the balance of the north boundary extending west to the back of the northwestern-most building, provided this portion between the berm and the northwestern building is screened by planting cedar trees closely together to provide a continuous living screen, and waiving the screening along the entire western boundary provided that cedar trees are planted closely together to provide a continuous living screen between these two existing buildings on the front of the property, except for the existing driveway, subject to equipment displayed between Lewis Avenue and the cedar tree buffer is limited to rolling stock and operable customary and accessory equipment, which is to be attached to the rolling equipment, such as box blades, trenching equipment, etc.; and the Board withdrew an appeal of the decision of the Code Enforcement Officer that the use is a salvage yard, as requested by the applicant of the subject property, on property located at 3935 N. Lewis.

### ***Surrounding Property:***

**SA-3 April 2018 :** All concurred in **approval** at city council (TMPAC recommended **denial**) to apply supplemental zoning, HNO (Healthy Neighborhoods Overlay), to multiple properties within the plan area boundaries of Greenwood Heritage Neighborhoods Sector Plan (also known as the Unity Heritage Neighborhoods Plan), 36<sup>th</sup> Street North Corridor Small Area Plan, and The Crutchfield Neighborhood Revitalization Master Plan (related to ZCA-7).

**Z-7367 ODP February 2017:** All concurred in **approval** of a request for *rezoning* a 115± acre tract of land from AG/RS-3/RMH/CS/CH to IM with an optional development plan for an employment center, on property located east of the southeast corner of East 36<sup>th</sup> Street North and North Lewis Avenue.

**BOA-21770 September 2014:** The Board of Adjustment **approved** a *Special Exception* to permit auto sales and car/truck rental in the CS District, subject to all driving and parking surfaces be an all-weather surface and the approval is “as built” except for the paving, on property located at 2455 East 36<sup>th</sup> Street North.

**BOA-19344 April 2002:** The Board of Adjustment **approved** a *Special Exception* to permit a mini-storage in a CS district, per plan, with the condition that there be no outside storage, on property located at 3737 N. Lewis.

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**BOA-14574 August 1987:** The Board of Adjustment **approved** a *Use Variance* to allow for a mobile home in a CS zoned district, finding that there are multiple zoning classifications in the area and that the use will not be detrimental to the area, on property located at 2405 East Mohawk Boulevard.

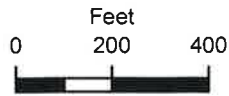
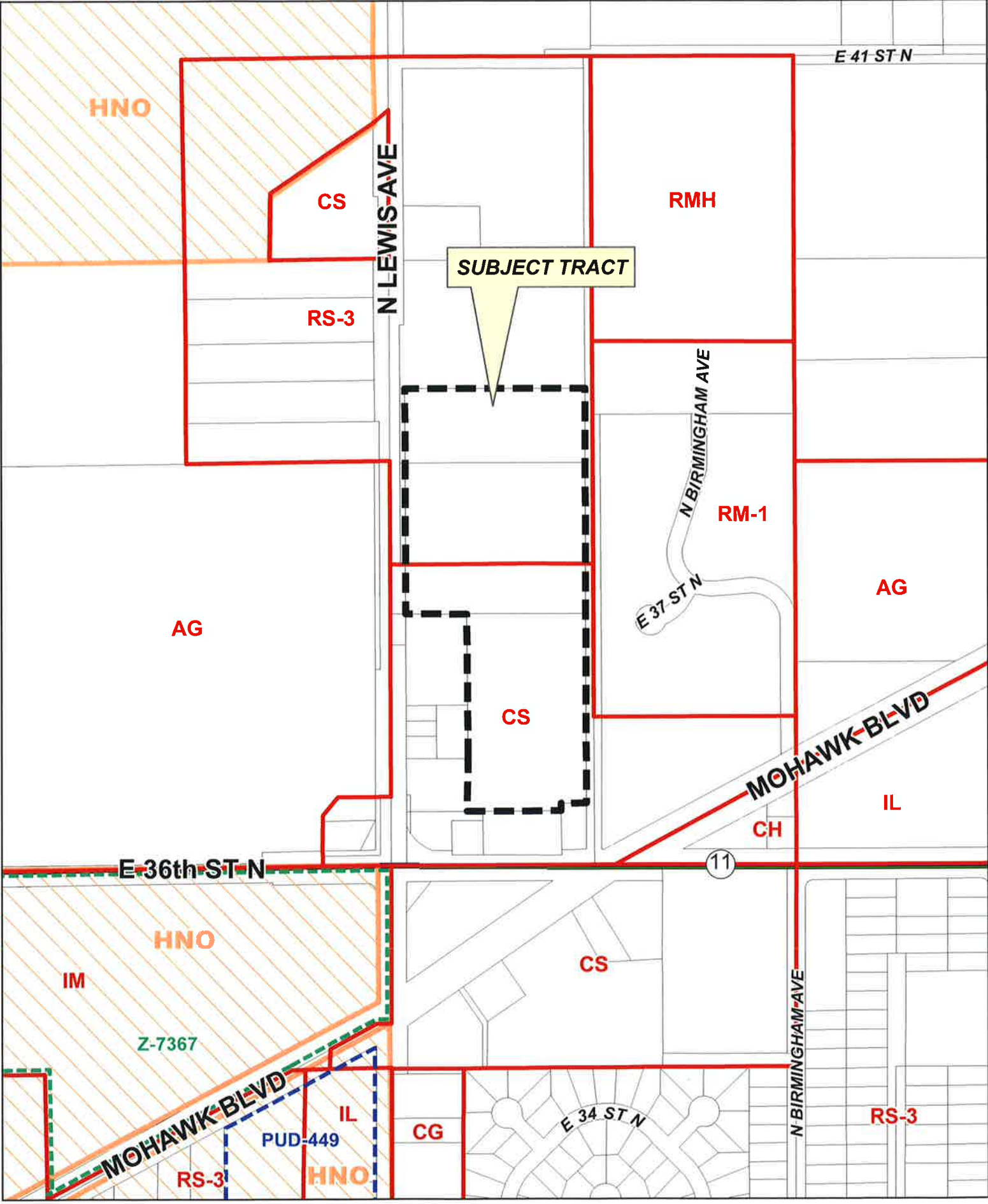
**BOA-13736 September 1985:** The Board of Adjustment **approved** a *Variance* to allow for an existing machine shop in a CS zoned district and to allow for expansion of use, under the provisions of Section 1670, per plot plan submitted, finding a hardship imposed on the applicant by the multiple zoning in the area, on property located at 3637 North Lewis.

**BOA-13178 June 1984:** The Board of Adjustment **approved** a *Special Exception* to permit used automobile sales including pickups up to ¾ ton on the west 300ft abutting Lewis Avenue of the property located north of the northeast corner of 36<sup>th</sup> Street North Atlanta.

**BOA-10325 February 1979:** The Board of Adjustment **approved** a *Special Exception* to operate a cabinet shop in a CS District, per plans submitted, on property located at 3707 North Lewis Avenue.

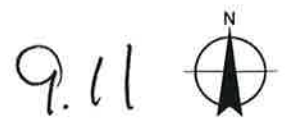
**Z-4740 January 1975:** All concurred in **approval** of a request for *rezoning* a 13.5± acre tract of land from RM-1 to RMH for a mobile home subdivision, on property located on the southeast corner of 41<sup>st</sup> Street North and North Atlanta Avenue.

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**Z-7606**  
**with Optional**  
**Development Plan**







E 41 ST N

N LEWIS AVE

N BIRMINGHAM AVE

E 37 ST N

MOHAWK BLVD

E 36th ST N

11

N BIRMINGHAM AVE

E 34 ST N

MOHAWK BLVD

0 200 400  
Feet



Subject  
Tract

20-13 17

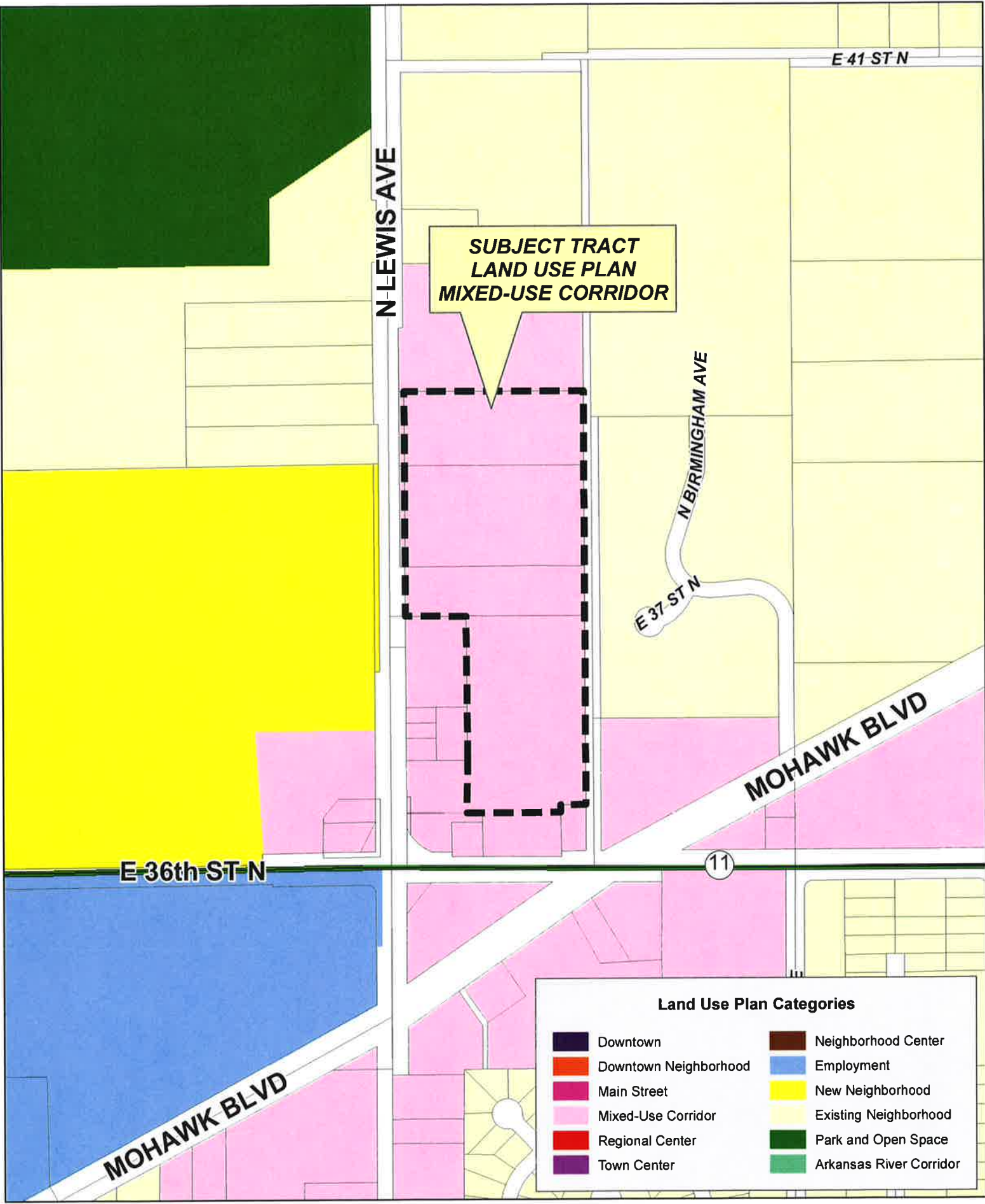
**Z-7606**  
**with Optional**  
**Development Plan**

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

Aerial Photo Date: February 2018







**SUBJECT TRACT  
LAND USE PLAN  
MIXED-USE CORRIDOR**


**Land Use Plan Categories**

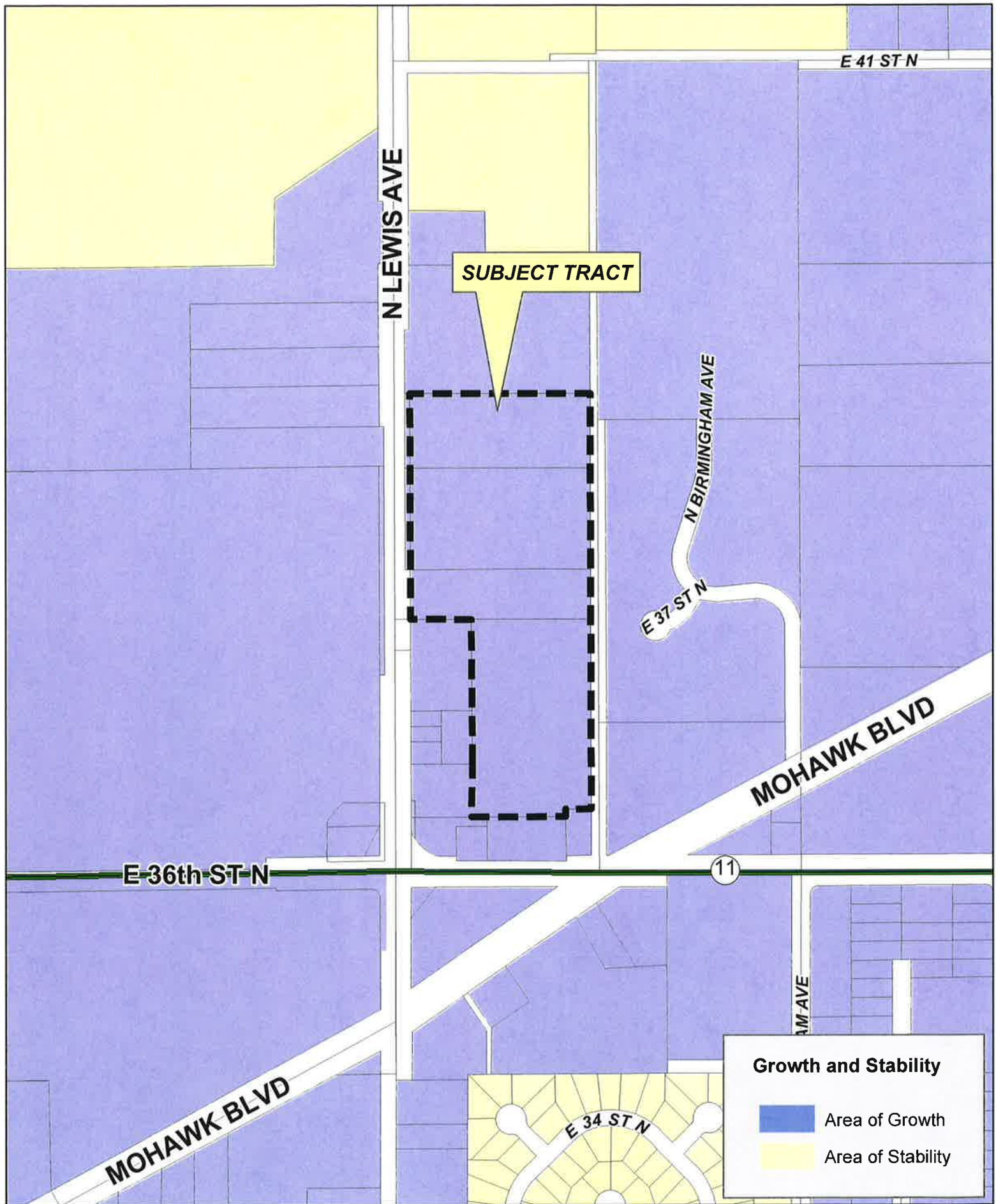
- |   |   |
|---|---|
|  Downtown              |  Neighborhood Center     |
|  Downtown Neighborhood |  Employment              |
|  Main Street           |  New Neighborhood        |
|  Mixed-Use Corridor    |  Existing Neighborhood   |
|  Regional Center       |  Park and Open Space     |
|  Town Center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

Feet  
0 200 400

20-13 17

**Z-7606**  
**with Optional**  
**Development Plan**

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**SUBJECT TRACT**

E 41 ST N

N LEWIS AVE

N BIRMINGHAM AVE

E 37 ST N

MOHAWK BLVD

E 36th ST N

11

AM AVE

E 34 ST N

**Growth and Stability**

- Area of Growth
- Area of Stability



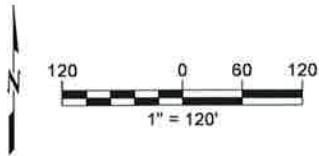
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**Z-7606**  
**with Optional**  
**Development Plan**

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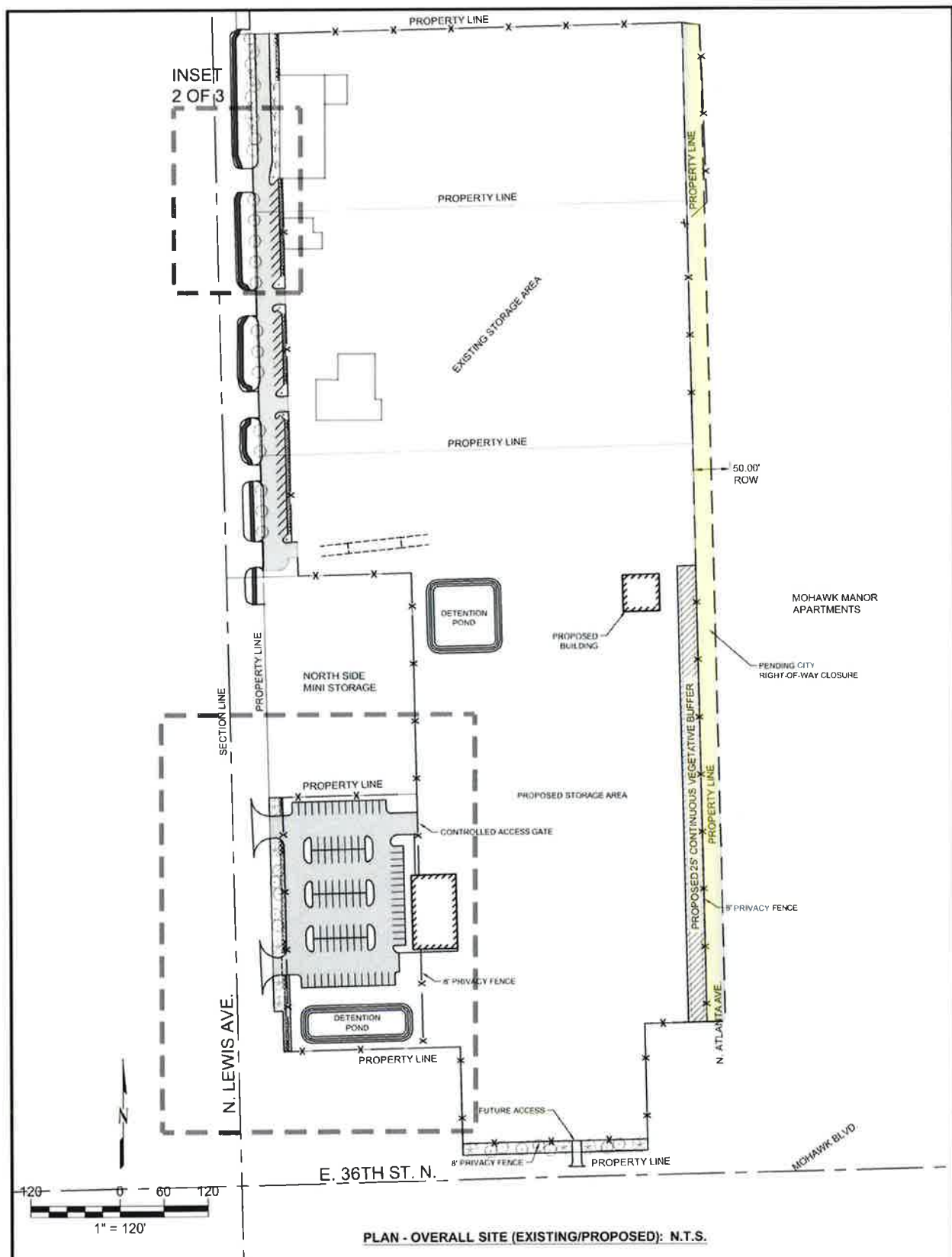
MIDWEST <sup>IM</sup>  
AUTO SALVAGE

#### ZONING EXHIBIT

REV.	DESCRIPTION	DATE
REV0	REV0DESC	REV0DATE
REV1	REV1DESC	REV1DATE
REV2	REV2DESC	REV2DATE

9.15



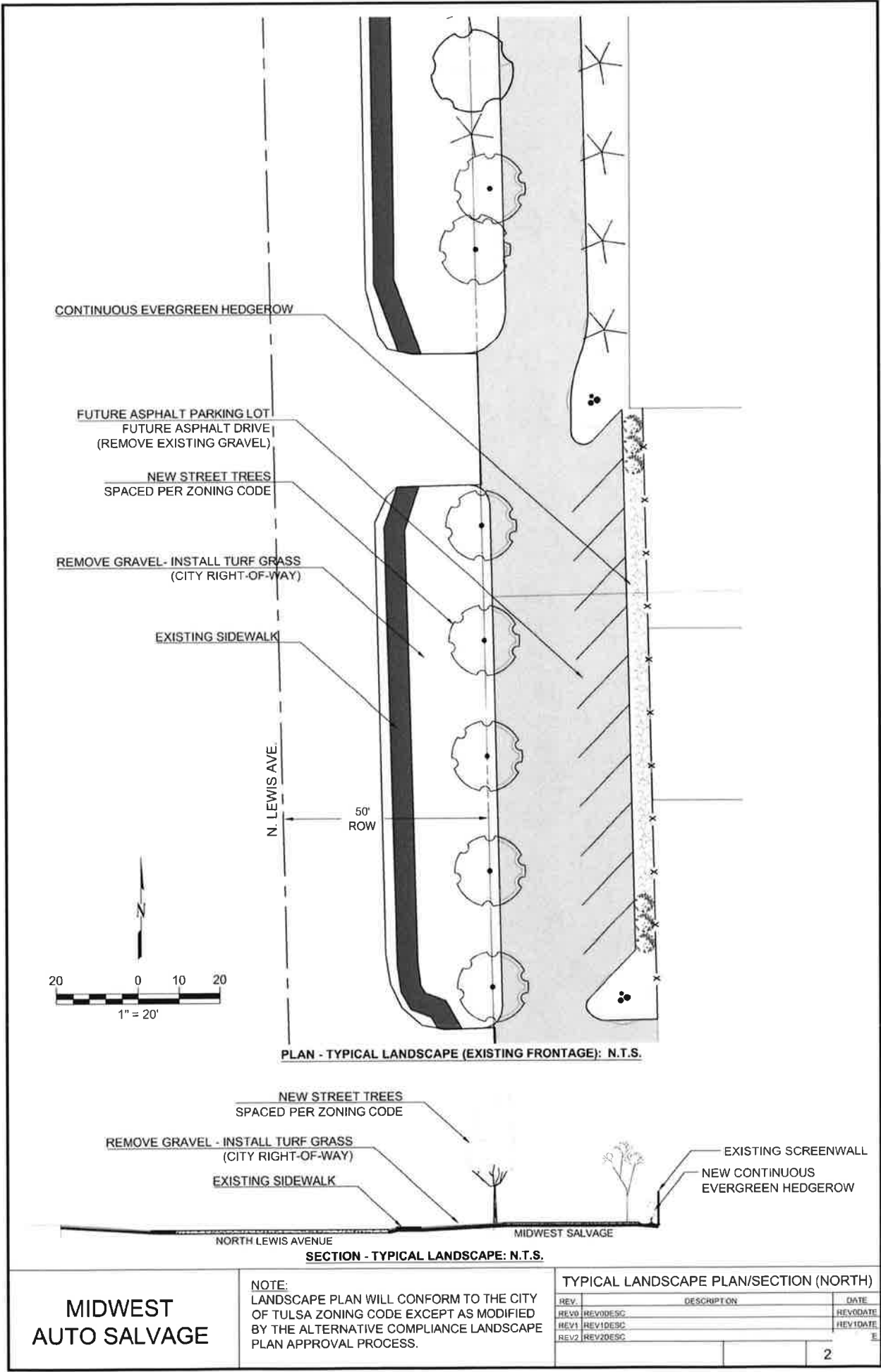


MIDWEST  
AUTO SALVAGE

# CONCEPTUAL SITE PLAN

REV.	DESCRIPTION	DATE
REV0	REV0DESC	REV0DATE
REV1	REV1DESC	REV1DATE
REV2	REV2DESC	REV2DATE

9.16



9.17