



Tulsa Metropolitan Area
Planning Commission

Case Number: Z-7607
(related to Kaiser North Industrial Park)

Hearing Date: May 19, 2021

Case Report Prepared by:

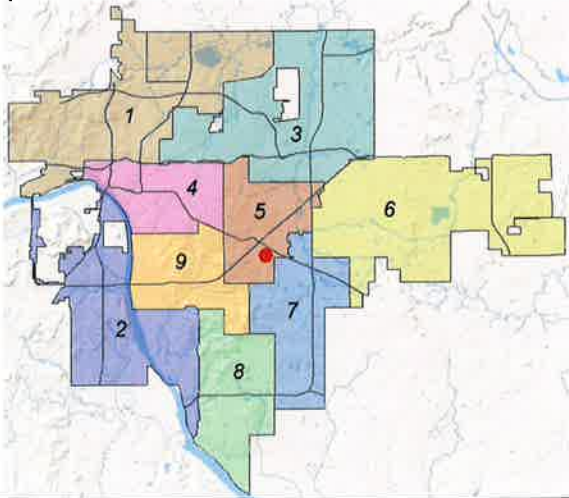
Dwayne Wilkerson

Owner and Applicant Information:

Applicant: Jim Beach

Property Owner: Bolick Enterprises, LLC

Location Map:
(shown with City Council Districts)



Applicant Proposal:

Present Use: Vacant

Proposed Use: Private Street Industrial Park

Concept summary: Develop the property into small industrial use lots with access from a private street.

Tract Size: 17.35 ± acres

Location: North of the Northwest corner of East 41st Street South & South 79th East Avenue

Zoning:

Existing Zoning: IL

Proposed Zoning: IL with an optional development plan for a private street.

Comprehensive Plan:

Land Use Map: Employment

Stability and Growth Map: Area of Growth

Staff Recommendation:

Staff recommends approval with the provisions of the optional development plan.

Staff Data:

TRS: 9323
CZM: 48

City Council District: 5

Councilor Name: Mykey Arthrell

County Commission District: 3

Commissioner Name: Ron Peters

6.1

SECTION I: Z-7607

APPLICANTS DEVELOPMENT CONCEPT:

Kaiser North Industrial Park is being developed on an undeveloped tract, zoned IL. It is proposed to have eleven lots in two blocks with one reserve area for stormwater detention and one for the private street. The subdivision contains approximately 17.3 acres. The reserve contains approximately 0.86 acres. The lots vary in size and average approximately 1.2 acres each.

All lots will be accessed from a private cul-de-sac connecting to South 79th East Avenue at the eastern edge of the site. The street will be pavement will be 26 feet wide with curb and gutter. The private street aligns with East 40th Street from South 79th East Avenue, east to Memorial Drive.

There is a continuous area of City of Tulsa Regulatory Floodway in an Overland Drainage Easement extending along the entire north and west boundaries of the property. Abutting the site to the south is an active MK&O Railroad. There are no opportunities to continue the street beyond boundaries of this property.

The current zoning is IL and will not be changed. The uses proposed are allowed by right in the IL District. The project will meet the bulk and area standards of the IL District as well as required landscaping, lighting, and other requirements of the Tulsa Zoning Code.

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: Preliminary Plat

DETAILED STAFF RECOMMENDATION:

Z-7607 is requesting IL with the optional development plan as outlined in Section II is consistent with the Regional Center land use designation of the Tulsa comprehensive plan and,

The uses allowed in an IL district are consistent with the surrounding property owners.

All supplemental regulations, lot and building regulations and building types in this zoning district are consistent with the expected development pattern in the area therefore,

Staff recommends Approval of Z-7607 to rezone property from IL to IL with an optional development plan to allow private streets and allow lots without frontage on a public street.

SECTION II: OPTIONAL DEVELOPMENT PLAN STANDARDS:

GENERAL PROVISIONS:

1. All district use regulations, supplemental regulations, building types, lot and building regulations, along with other relevant regulations shall conform with the provision of the Tulsa Zoning Code for development in an IL zoning district except that lots are not required to have public street frontage.

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PRIVATE STREETS AND MAINTENANCE OBLIGATIONS FOR COMMON AREAS AND IMPROVEMENTS:

1. All lots within the subdivision shall include direct vehicular access to a private street. All private streets shall be included in a reserve area or mutual access easement as defined on the face of the final plat. The reserve area or easement shall include provisions that provide common use and benefit of the owners of the lots, their guest and invitees for providing vehicular and pedestrian access to and from the various residential lots and to and from public streets.
2. All operations and maintenance responsibilities for improvements in reserve areas shall be assigned to a Property Owners Association. Such obligation must be provided for in the plat. Each property owner, by acceptance of a deed to a property within the development, will be deemed to have agreed to be a member of the property owner's association and be subject to assessments for maintenance of the common areas and public or private improvements.
3. Provisions shall be made to allow access to the City of Tulsa, the United States Postal Service, private parcel delivery services, public utility providing service to the subdivision and to any refuse collection service which provides service within the subdivision the right to enter and traverse the private street and to operate thereon all service, emergency and allow government vehicles including, but not limited to, police and fire vehicles and equipment.
5. Private streets and sidewalks abutting private streets shall be constructed to meet or exceed the City of Tulsa Engineering standards for minor residential streets and must satisfy the provisions of the Tulsa Metropolitan Area Subdivision and Development Regulations.
6. Private streets intersecting with public streets must have a vehicular turn around area before any entrance gate that allows a complete turnaround completely outside the street right of way of the intersecting public streets. Gate designs, security systems and access controls must be reviewed and approved by the technical advisory committee before installation.

MINIMUM BUILDING SETBACKS FROM PRIVATE STREETS:

1. No building shall be located closer than 20 feet from the lot line abutting the reserve area for the private street.

LANDSCAPING:

- 1) All landscaping shall conform with or exceed the landscape standards of the Tulsa Zoning Code at the time a building permit for new building construction is submitted. Additionally, the following standards shall apply to street yard landscaping which shall be provided along the mutual access drive as follows:
 - i) A landscape strip with a minimum width of 12 feet from the edge of pavement shall be established and maintained as a landscaped area.
 - ii) Within that landscape strip trees classified as large trees shall be installed and maintained with a maximum spacing of one tree for each 50 linear feet along both sides of the private street.

PLATTING REQUIREMENT:

A final plat meeting or exceeding the minimum standards of the City of Tulsa shall be filed at the Tulsa County Courthouse prior to receipt of any commercial building permit.

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SECTION III: SUPPORTING DOCUMENTATION

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: This request is consistent with the Employment land use designation in the comprehensive plan. Generally, the comprehensive plan is not supportive of private street development without street connectivity options on the perimeter however in this instance the property abutting the site has been developed and the property is isolated. Staff supports private street development in this location.

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, 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: This property will only have access to S. 76th East Avenue and is land locked from access to the south because of a railroad line and all surrounding properties have been previously developed without stub streets.

Trail System Master Plan Considerations: None

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Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: This site is vacant and surrounded by previously developed property and abuts a rail line on the south.

Environmental Considerations: This site was previously developed as an industrial site and has been through a remediation process. The north and east sides of the site is surrounded by significant open drainage and the west and south is limited by a railroad spur. These physical constraints support the idea of a private street network. This site does not have any other vehicular access opportunities except South 79th East Avenue.

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP R/W</u>	<u>Exist. # Lanes</u>
South 79 th East Avenue	None	50 feet	2

Utilities:

The subject tract has municipal water and sewer available.

Surrounding Properties:

<u>Location</u>	<u>Existing Zoning</u>	<u>Existing Land Use Designation</u>	<u>Area of Stability or Growth</u>	<u>Existing Use</u>
North	IL	Employment	Growth	Industrial/warehousing
East	IL	Employment	Growth	Industrial/warehousing
South	IL and IM	Employment	Growth	Industrial/warehousing
West	IL	Employment	Growth	Industrial/warehousing

SECTION IV: RELEVANT ZONING HISTORY

ZONING ORDINANCE: Ordinance number 11824 dated June 26, 1970 established zoning for the subject property.

Subject Property:

BOA-16742 August 1994: The Board of Adjustment **approved** a *Special Exception* to permit a Halloween outreach from the second week of October through November 15 annually and a *Special Exception* to permit a tent, per plan submitted, subject to the tent being at the same location and being the same size as the previously approved plan, finding the extended days of operation for the temporary use will not be detrimental to the area, on property located at 7727 East 41st Street South. This request includes the eastern most portion of the subject property and the neighboring property to the south of this piece.

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BOA-16477 October 1993: The Board of Adjustment **approved** a *Minor Special Exception* to permit for an amended site plan approval-Use Unit 5, per amended site plan, subject to the tent being temporarily located on the lot from October 12, 1993 to November 14, 1993, finding the temporary use will not be detrimental to the area, on property located at 7727 East 41st Street South. This request includes the eastern most portion of the subject property and the neighboring property to the south of this piece.

BOA-16464 October 1993: The Board of Adjustment **denied** a *Special Exception* to permit Use Unit 19 (Halloween Spook House) as an accessory use to church use due to the fact the applicant failed to appear before the Board, on property located at 7727 East 41st Street South. This request includes the eastern most portion of the subject property and the neighboring property to the south of this piece.

BOA-16146 September 1992: The Board of Adjustment **approved** a *Special Exception* to permit church use in an IL zoned district, subject to the plan submitted and subject to the hours of operation (music concerts to conclude at midnight) and events as submitted by the applicant in this meeting, on property located at 7727 East 41st Street South. This request includes the eastern most portion of the subject property and the neighboring property to the south of this piece.

BOA-14832 May 1988: The Board of Adjustment **approved** a *Special Exception* to allow for a Use Unit 14 (Shopping Goods and Services) in an IL zoned district, finding that there are numerous retail uses in the area, on property located at 7727 East 41st Street. This request includes the eastern most portion of the subject property and the neighboring property to the south of this piece.

BOA-14576 August 1987: The Board of Adjustment **denied** a *Special Exception* to allow a ballroom and related uses in an IL zoned district, finding that the granting of the request would be detrimental to the area, on property located at 7727 East 41st Street. This request includes the eastern most portion of the subject property and the neighboring property to the south of this piece.

BOA-03958 November 1962: The Board of Adjustment **approved** a *request* for a modification of setback requirements in a U-4-A District, on property located on part of the SE, SE, of Section 23-19-13. This request includes the eastern most portion of the subject property and the neighboring property to the south of this piece.

Surrounding Property:

BOA-22729 December 2019: The Board of Adjustment **approved** a *Special Exception* to permit a Large Commercial Assembly and Entertainment use (more than 250-person capacity) in an IL District to permit expansion of an existing gymnastics facility, subject to conceptual plan 4.6 of the agenda packet and no competitions occurring on the site, on property located at 7020 East 38th Street South.

BOA-16530 December 1993: The Board of Adjustment **approved** a *Special Exception* to permit a children's museum in an IL zoned district, on property located at 7704 East 38th Street.

BOA-16076 August 1992: The Board of Adjustment **approved** a *Special Exception* to permit Use Unit 14, or in alternative, a *Special Exception* to permit a sexually oriented business in an Industrial District, subject to days and hours of operation being Monday through Thursday,

C. C.

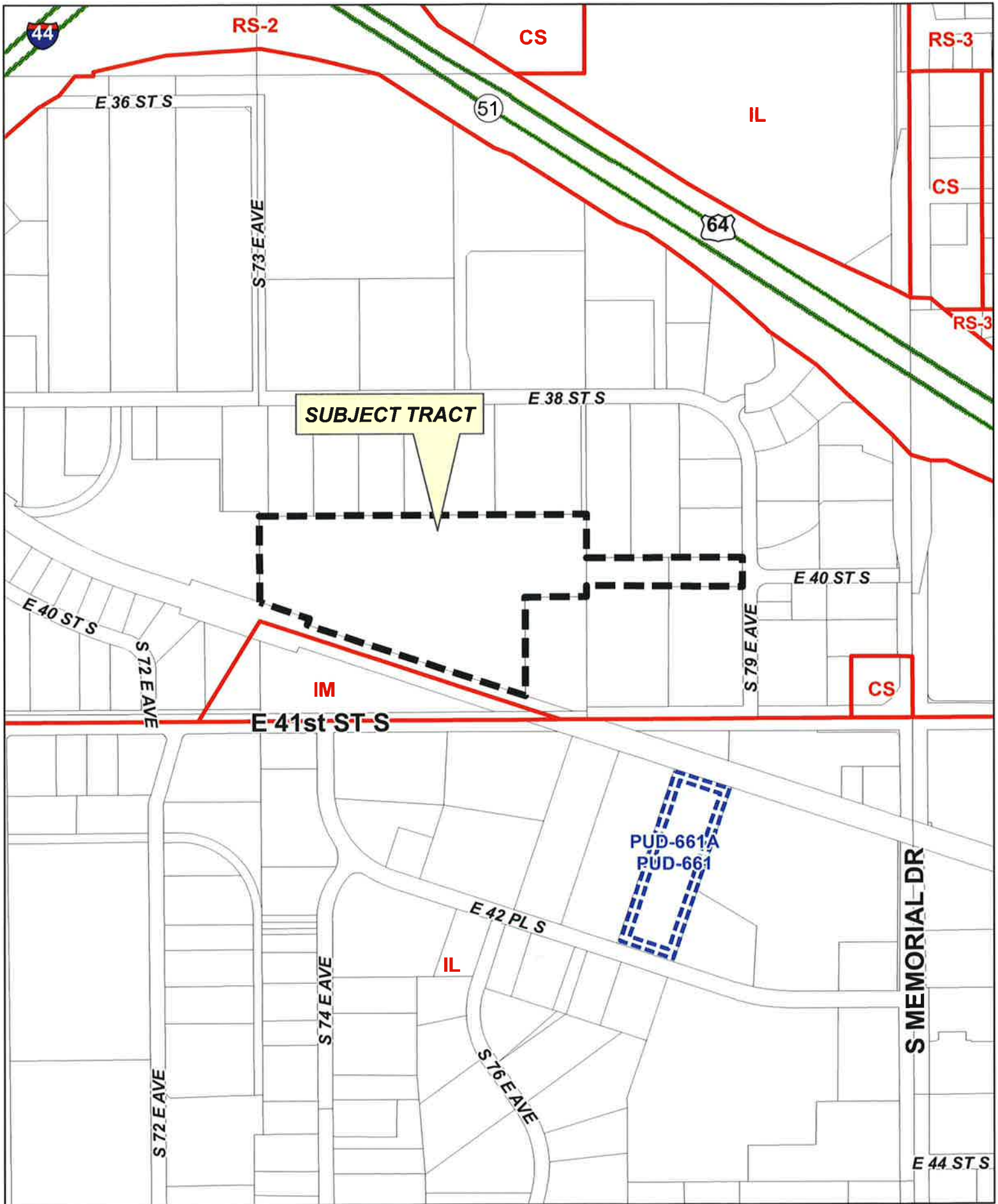
10:00am to 10:00pm, Friday through Saturday 10:00am to midnight, and Sunday 1:00 pm to 10:00pm, subject to the business prohibiting, and strictly enforcing, admittance of all individuals under 18 years of age, all movies displayed, rented, or sold must be of a character acceptable for general distribution over public air waves, that no form of entertainment of any nature be permitted on the site, and all products for sale, display, or rental within the operation will not involve children or depict acts of violence against women, on property located at 7925 East 41st Street.

BOA-11051 June 1980: The Board of Adjustment **approved** an *Exception* to operate the Oklahoma School of Gymnastics, Tulsa World of Gymnastics, and Tulsa Twisters Trampoline & Tumbling, on property located at 7246 East 38th Street.

BOA-08343 September 1974: The Board of Adjustment **approved** an *Exception* to use property for Use Units 12, 13, and 14 and a *Variance* to use property for a ballroom (Use Unit 19) in an IL District, on property located at 7901 East 41st Street.

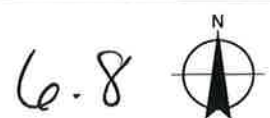
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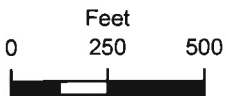
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Z-7607
with Optional
Development Plan





 Subject Tract

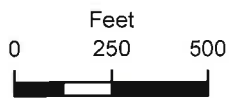
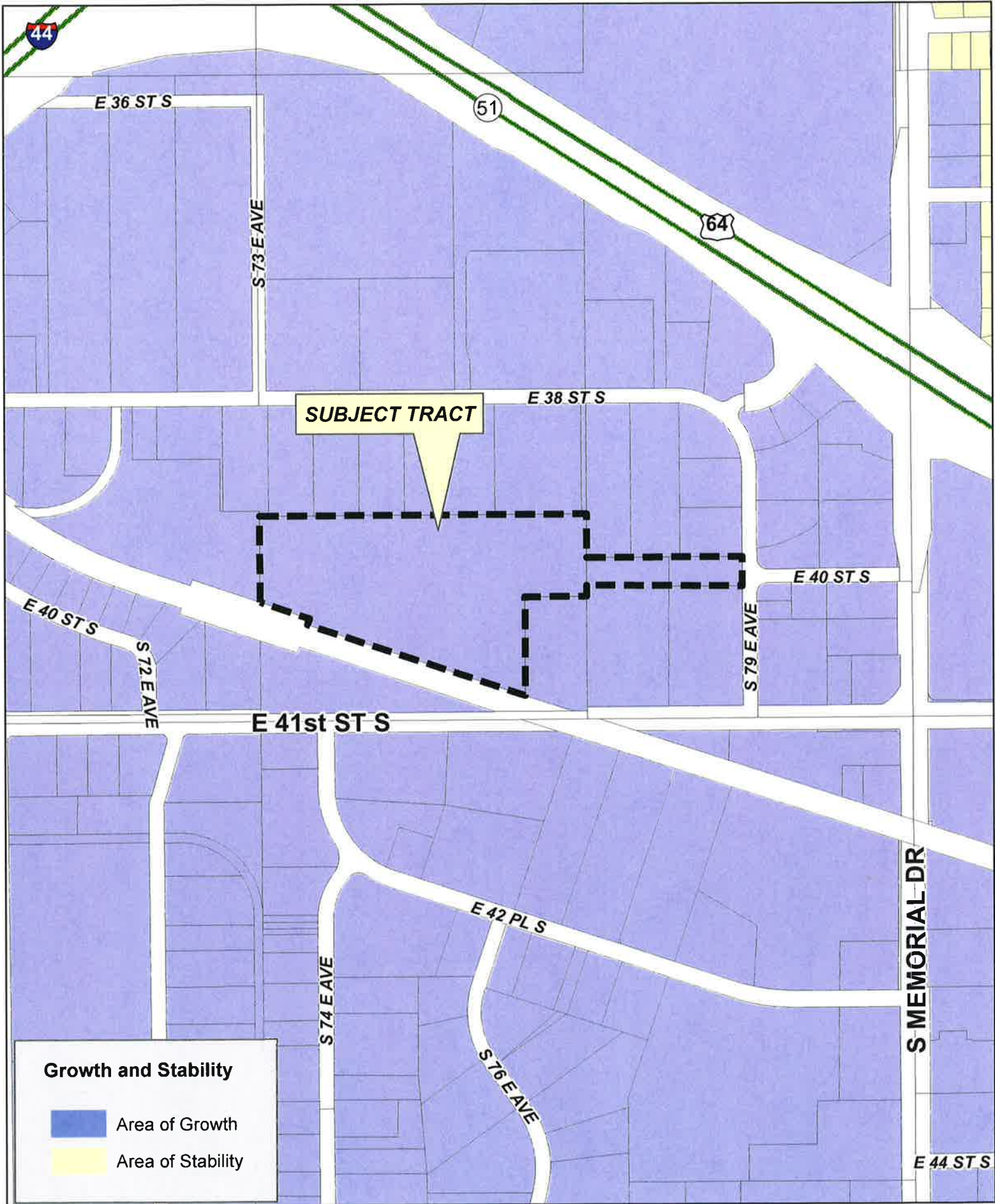
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Z-7607 with Optional Development Plan

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

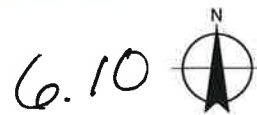
Aerial Photo Date: February 2018

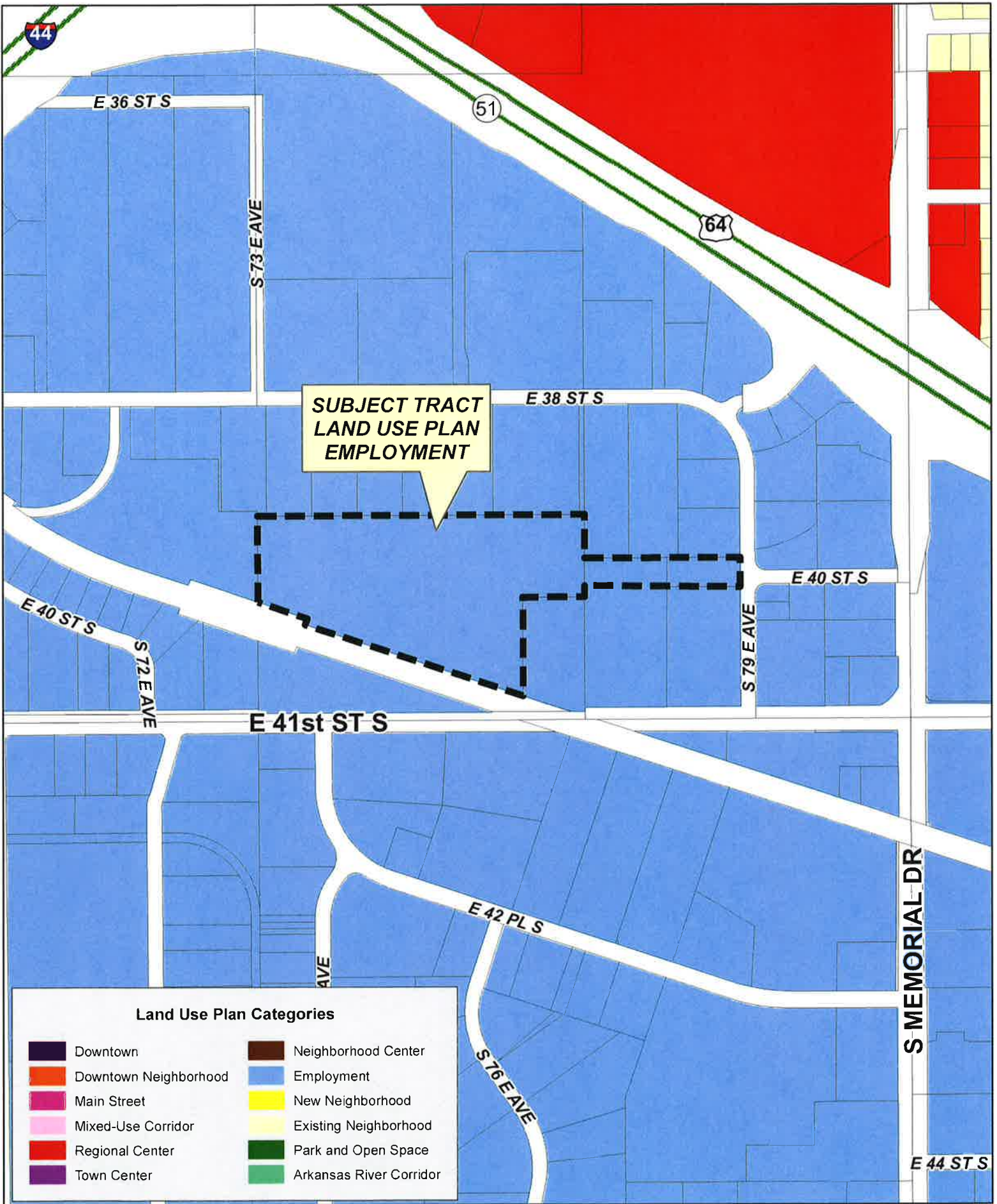




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