

E 66th ST N

AG

AG

AG

SUBJECT TRACT

AG

IL

IM

N-MINGO-RD

IM

LEGEND

 Owasso Corporate Limits

AG



CBOA-2813

9.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 0406

CZM: 24

CASE NUMBER: CBOA-2813

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 05/19/2020 1:30 PM

APPLICANT: Tye Smith

ACTION REQUESTED: Variance of the required 75 foot setback from an abutting AG district to 10 feet in an IL district (Section 930, Table 2); Variance from the all-weather parking surface requirement (Section 1340.D).

LOCATION: 6235 N MINGO RD

ZONED: IL

Area: North Tulsa County

PRESENT USE: Vacant

TRACT SIZE: 6.25 acres

LEGAL DESCRIPTION: BEG SWC LT5 TH E330 N900 W259.43 S183.60 W70.60 S717.69 POB LESS W16.5 THEREOF FOR RD SEC 6 20 14 6.248ACS,

RELEVANT PREVIOUS ACTIONS:

Subject Property:

CZ-490 December 2019: All concurred in **approval** of a request for *rezoning* a 6.52+ acre tract of land from AG to IL on property located at 6235 North Mingo Road, the subject property.

Surrounding Property:

ANALYSIS OF SURROUNDING AREA: The subject tract abuts AG zoning to the north and east. It abuts IM zoning to the west and south. The surrounding area appears to be mainly agricultural in use.

STAFF COMMENTS:

The applicant is before the Board requesting a **Variance** of the required 75 foot setback from an abutting AG district to 10 feet in an IL district (Section 930, Table 2) and a **Variance** from the all-weather parking surface requirement (Section 1340.D).

Section 930, Table 2 requires a 75 ft setback from the boundary lines of an abutting AG district. The site plan submitted by the applicant shows a 10-foot setback from the abutting AG property to the north and east. The site will be used as a mini-storage unit and is allowed by right in the IL district.

The Code requires all parking surfaces be paved to maintain a minimum level of aesthetics, but more importantly to control air-borne particles like dust and to control the tracking of dirt and mud onto public streets. The applicant is requesting a **Variance** of the all-weather parking surface requirement (Section 1340.D).

9.2

The applicant submitted the following hardship: "This particular piece of property is located in an area that has traditionally been used as farmland and is in a rural area near Bird Creek that has been designated as a Qualified Opportunity Zone (QOZ). The area is a QOZ because it has been designated as an historically distressed community in need of economic incentives to encourage investors who would otherwise not choose to invest in the geographic area. Some may say it is a "rough" part of town. Applicant has formed a Qualified Opportunity Fund and wishes to build a boat and RV storage facility on the property to try to enhance the area but is uncertain whether the business will be successful due to its location. Applicant is concerned that this particular piece of property will not support the monthly fees that would need to be charged to renters if all-weather surfacing is required on this project that will span over 6 acres if completed. In addition, if a variance is not allowed for the 75 foot setback required between IL and AG, the number of rental units will be significantly reduced, thereby making the project unsuitable for this particular piece of property because the property will not generate enough rent to cover its cost of construction. The adjoining land to the north and east is located in an AG district and most of the property is in the flood plain, thereby making it unlikely that the property would ever be developed in a way that would be impacted by the storage buildings being 10 feet from the property line instead of 75 feet. The adjoining land to the north and east is owned by an LLC named Soonerhawk Properties, LLC. Soonerhawk Properties, LLC has no objection to these requests and joins in the requests."

If inclined to approve, the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the proposed accessory building is compatible with and non-injurious to the surrounding area.

Sample Motion:

"Move to _____ (approve/deny) a Variance of the required 75 foot setback from an abutting AG district to 10 feet in an IL district (Section 930, Table 2): Variance from the all-weather parking surface requirement (Section 1340.D).

Per the Conceptual Plan(s) shown on page(s) _____ of the agenda packet.

Subject to the following conditions, if any: _____.

Finding the hardship to be _____.

In granting a Variance, the Board must find that by reason of extraordinary or exceptional conditions or circumstances which are peculiar to the land, structure or building involved, the literal enforcement of the terms of the Code would result in unnecessary hardship; that such extraordinary or exceptional conditions or circumstances do not apply generally to other property in the same use district; and that the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit, and intent of the Code, or the Comprehensive Plan.

to bring the building all the way forward that would allow for double stack parking all the way along the backside of the property. The applicant stated there would be 3 exits, one on Gillette Street that separates the neighborhood property from the rest of the property. Another exit would be going westbound down 12th Street and of course the other exit would be off Lewis Avenue. The applicant stated the traffic pattern in the neighborhood puts most people going south bound to get on the highway.

TMAPC Action; 10 members present:

On **MOTION** of **REEDS**, TMAPC voted **10-0-0** (Covey, Doctor, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Shivel, "absent") to recommend **APPROVAL** of the MX1-U-45 zoning for Z-7491 per staff recommendation.

Legal Description Z-7491:

LOTS 2-4 BLOCK 7 TERRACE DRIVE ADDN AMD SUB B2,3 & 7 & PRT VAC RR R/W BEG 86.51SE MOST NLY NEC LT 4 BLK 7 TERRACE DRIVE ADDN TH SE53.61 N23 W12.75 NW15.89 NW12.52 POB SEC 7 19 13 .005AC

6. **CZ-490 Tye Smith** (County) Location: South of the southeast corner of North Mingo Road and East 66th Street North rezoning from **AG to IL**

STAFF RECOMMENDATION:

SECTION I: CZ-490

DEVELOPMENT CONCEPT: The applicant is proposing to rezone the subject property from AG to IL in order to permit a Boat and RV storage facility.

The subject property is located outside of a comprehensive plan area for Tulsa County or a local jurisdiction. The site is currently vacant agricultural land and is adjacent to IM (Industrial Moderate) zoned land along its western and southern boundaries. The proposed IL (Industrial Light) would be a less intense use, particularly with the proposed Boat and RV storage use intended for this property.

DETAILED STAFF RECOMMENDATION:

CZ-490 is non-injurious to surrounding proximate properties;

CZ-490 is consistent with the anticipated future development pattern of the surrounding property therefore;

Staff recommends Approval of CZ-490 to rezone property from AG to IL.

SECTION II: Supporting Documentation

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

Staff Summary: The site is located outside of Tulsa County Comprehensive Plans as well of those of neighboring jurisdictions.

Land Use Vision:

Land Use Plan map designation: N/A

Areas of Stability and Growth designation: N/A

Transportation Vision:

Major Street and Highway Plan: Mingo Road is designated as a Secondary Arterial

Trail System Master Plan Considerations: None

Small Area Plan: None

Special District Considerations: None

Historic Preservation Overlay: None

DESCRIPTION OF EXISTING CONDITIONS:

Staff Summary: The site is currently vacant agricultural land without existing structures.

Environmental Considerations: None

Streets:

<u>Exist. Access</u>	<u>MSHP Design</u>	<u>MSHP RW</u>	<u>Exist. # Lanes</u>
N Mingo Rd	Secondary Arterial	100 Feet	2

Utilities:

The subject tract has municipal water available. Sewer to be provided by a ODEQ septic system.

Surrounding Properties:

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
North	AG	N/A	N/A	Agricultural
South	IM	N/A	N/A	Agricultural
East	AG	N/A	N/A	Agricultural
West	IM	N/A	N/A	Agricultural

SECTION III: Relevant Zoning History

ZONING ORDINANCE: Resolution number 98254 dated September 15, 1980 established zoning for the subject property.

Subject Property: No relevant history

Surrounding Property:

CBOA-2603 October 2016: The Board of Adjustment **approved** a *special exception* to permit surface mining for top-soil and fill dirt (Use Unit 24) in the AG District, on property located east of the southeast corner of East 66th Street North & North Mingo Road East.

CBOA- 2427 March 2012: The Board of Adjustment **approved** a *Special Exception* to allow Use Unit 2 in an IM District to allow open air music festivals; and a *variance* from the requirement that parking (for special events) be on an all-weather surface; and the Board **denied** a *special exception* to permit Use Unit 19a in an IM district to allow a dance hall, on property located at the southeast corner of East 61st Street North & North Mingo Road.

CBOA-2380 July 2010: The Board **approved** a *Special Exception* to permit mining and dirt removal (Use Unit 24) in the AG district; located NE/c of E 66 St N and S Mingo Rd.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 10 members present:

On **MOTION** of **McARTOR**, TMAPC voted **10-0-0** (Covey, Doctor, Fothergill, Kimbrel, McArtor, Ray, Reeds, Ritchey, Van Cleave, Walker, "aye"; no "nays"; none "abstaining"; Shivel, "absent") to recommend **APPROVAL** of the IL zoning for CZ-490 per staff recommendation.

Legal Description CZ-490:

A tract of land being a part of Lot Five (5) of Section Six (6), Township Twenty (20) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, and being more particularly described as follows, to wit:

BEGINNING at the Southwest corner of Lot 5; THENCE North 88° 52' 20" East along the South line of Lot 5 a distance of 330.00 feet to a 1/2" iron pin; THENCE North 01° 15' 54" West 900.00 feet to a 1/2" iron pin; THENCE South 88° 44' 06" West 259.43 feet to a 1/2" iron pin on Right-of-Way line of Mingo Road; THENCE South a distance of 183.60 feet to a 1/2" iron pin; THENCE North 89° 34' 41" West 70.60 feet to a MAG nail on the West line of Lot 5; THENCE South 01° 15' 54" East 717.69 feet to the POINT OF BEGINNING.

7. **Z-7495 Will Keith** (CD 9) Location: East of the northeast corner of East Skelly Drive and South Utica Avenue rezoning from **OL to CS**

STAFF RECOMMENDATION:

SECTION I: Z-7495

APPLICANTS DEVELOPMENT CONCEPT:

Rezoning requested to allow a medical marijuana dispensary.

DETAILED STAFF RECOMMENDATION:

Z-7495 requesting CS zoning may be consistent with the Mixed-Use Corridor in certain areas where CS zoning has been integrated into a commercial district however in this instance all property on the north side of the I-44 from South Rockford to South Yorktown has been zoned RS-3, RM-2, OL or OM therefore uses allowed in a CS district are not consistent with the expected development pattern in the area and

E 66th ST N

N MINGO RD



Subject
Tract

CBOA-2813

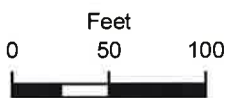
20-14 06

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

Aerial Photo Date: February 2018 9.8



N MINGO RD



Subject Tract

CBOA-2813

20-14 06

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

Aerial Photo Date: February 2018

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