

SUBJECT TRACT

LEGEND

Owasso Corporate Limits



CBOA-2852

3.1



**TULSA COUNTY BOARD OF ADJUSTMENT
CASE REPORT**

TRS: 1408

CASE NUMBER: CBOA-2852

CZM: 12

CASE REPORT PREPARED BY: Robi Jones

HEARING DATE: 10/20/2020 1:30 PM

APPLICANT: Chad Ramsey

ACTION REQUESTED: Special Exception to permit Use Unit 3, Agriculture (Section 1203), for a Horticulture Nursery in an (AG-R) Agriculture - Residential District (Section 310, Table 1)

LOCATION: 11326 N 123 AV E

ZONED: AG-R

FENCELINE: Owasso

PRESENT USE: Residential

TRACT SIZE: 3.58 acres

LEGAL DESCRIPTION: N/2 OF S/2 SW NW NE & N/2 N/2 NW SW NE LESS E30 THEREOF FOR RD SEC 8 21 14 3.580ACS, REMINGTON PLACE

RELEVANT PREVIOUS ACTIONS: None relevant

ANALYSIS OF SURROUNDING AREA: The subject tract abuts AG-R zoned properties with residential uses to the north, east, and south. The property to the west appears to have a residential use.

STAFF COMMENTS:

The applicant is before the Board requesting a Special Exception to permit Use Unit 3, Agriculture (Section 1203), for a Horticulture Nursery in an (AG-R) Agriculture - Residential District (Section 310, Table 1)

A Special Exception is required as the proposed Agricultural Use (Use Unit 3) is a use which is not permitted by right in the AG-R district because of potential adverse effects, but which if controlled in the particular instance as to its relationship to the area and to the general welfare, may be permitted. The proposed use must be found to be compatible with the surrounding area.

The site plan provided by the applicant, shows a 60' x 50' grow area in the rear of the property. The grow area will consist of 8 8' x 40' shipping containers and 1 8' x 20' shipping container. Staff spoke with the County Permit Center about the use of shipping containers and learned that they can be used for growing medical marijuana.

The applicant has provided the following statement (a hardship is not required for a special exception):

1. "The current zoning (AG-R) is impeding the ability of the owner to utilize the property in a manner that is required to be zoned (AG) by Tulsa county; by definition as stated in the current Tulsa County zoning codes, the owner's property meets requirements of AG zoning.

2. The applicant's property is 3.58 acres, which is very similar to at least 10 properties on or near 121st in between Garnett and 129th East Ave that are zoned AG that wouldn't have the same restrictions applied to those properties.
3. The proposed site wouldn't draw any attention to the property or affect any nearby property owners. Proposed sight wouldn't appear any different than several properties containing structures near the applicant's property."

The parcel is located in the fenceline of Owasso and is included in their Comprehensive Plan as well as the Tulsa County Comprehensive Land Use Plan. The plans call for a Transitional land use designation which can be viewed on the attached Land Use Map. The Owasso Comprehensive Plan was adopted in 2014 and then amended in 2016 and 2018. The Tulsa County Comprehensive Land Use Plan was adopted July 2019. The Transitional Designation is described below:

The Transitional Land Use District represents a transition zone from single-family residential development to non-residential development. Typical uses found in the transitional use zone include attached housing (e.g. duplexes, apartments, townhouses) and office uses. This district would not be suitable for multiple story office buildings if adjacent to single-family neighborhoods. Office areas within this district would include planned office complexes and single use office facilities.

Transitional zones generally act as a buffer between higher intensity uses such as commercial and lower intensity uses such as single-family residential. Additionally, there is normally a connection to an arterial street from the Transitional District. Transitional Districts can also be integrated with planned unit developments as part of a larger neighborhood master plan.

If inclined to approve the Board may consider any condition it deems necessary and reasonably related to the request to ensure that the current and future use of the subject lot is compatible with the surrounding area.

Sample Motion:

"Move to _____ (approve/deny) Special Exception to permit Use Unit 3, Agriculture (Section 1203), for a Horticulture Nursery in an (AG-R) Agriculture - Residential District (Section 310, Table 1)

Approved per conceptual plan on page _____ of the agenda packet.

Subject to the following conditions (including time limitation, if any): _____.

Finding the Special Exception will be in harmony with the spirit and intent of the Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.



Looking south from N. 123rd E. Ave. - entrance to the subject property.



Looking north from entrance of the subject property on N. 123rd E. Ave.



Looking west toward subject property from N. 123rd E. Ave.



Looking slightly southwest into subject property from N. 123rd E. Ave.



Subject Tract

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

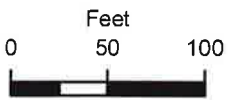
Aerial Photo Date: February 2018

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N 123 E AVE



Subject Tract

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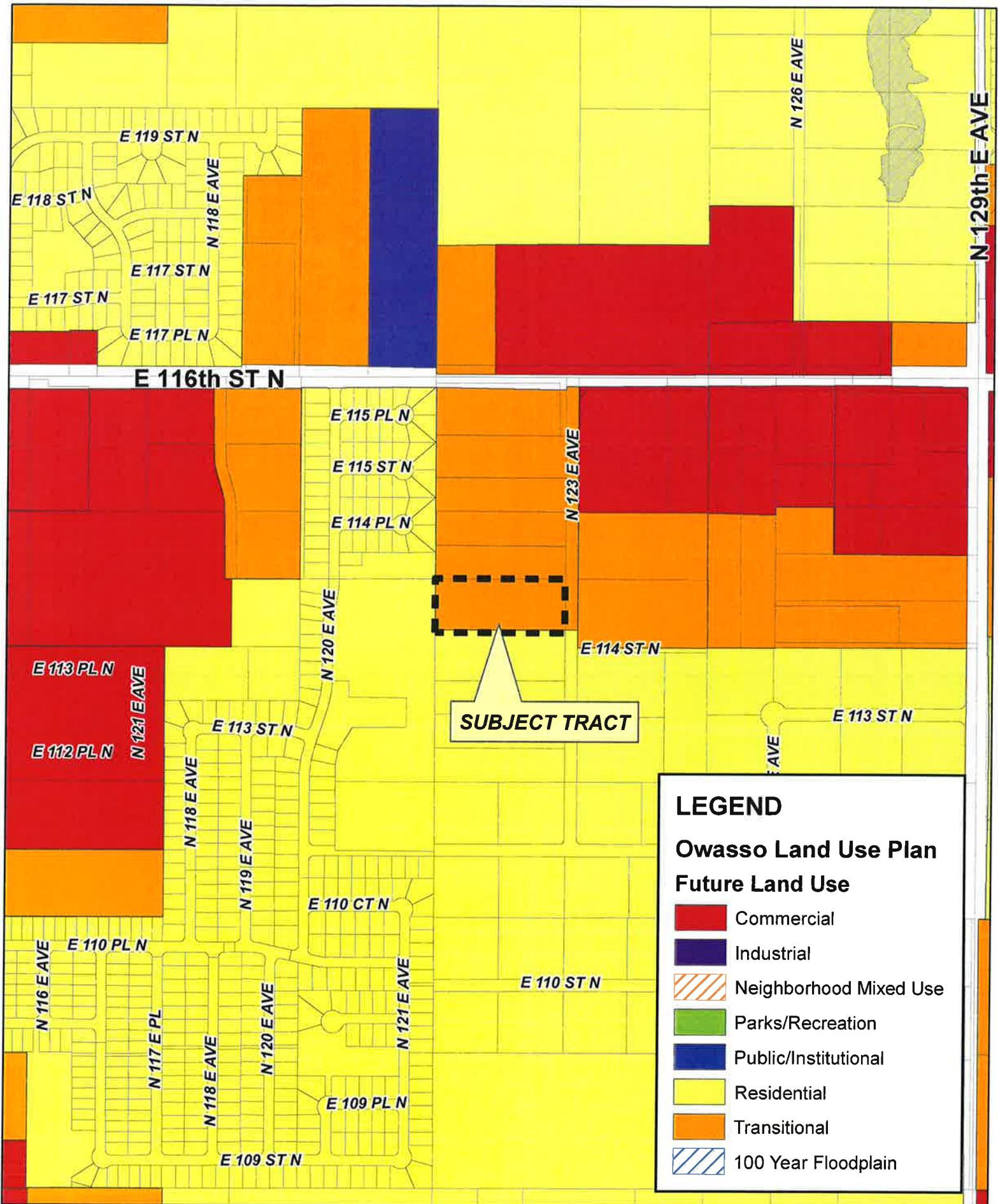
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Aerial Photo Date: February 2018

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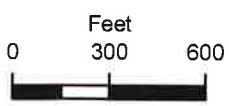




LEGEND

**Owasso Land Use Plan
Future Land Use**

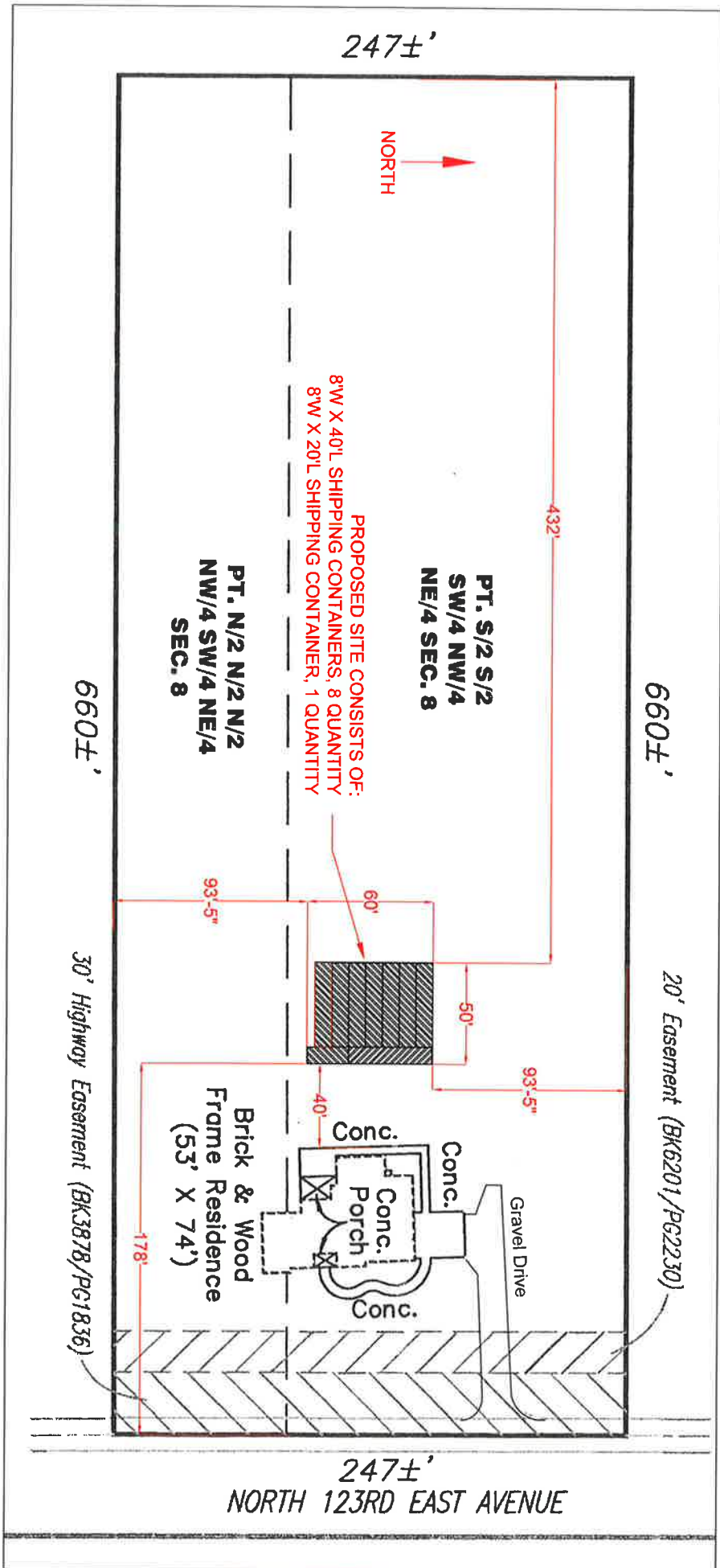
- Commercial
- Industrial
- Neighborhood Mixed Use
- Parks/Recreation
- Public/Institutional
- Residential
- Transitional
- 100 Year Floodplain



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